

Bristol Bay RAC Alaska Board of Fisheries Proposal 78.

The Council met in Dillingham, AK October 28-29, 2015 and discussed Proposal 78 as submitted by the Council. During its discussion of the proposal, the Council formed a committee to clarify the intent and scope of the proposal.

The Bristol Bay Economic Development Corporation has a regional Fisheries Committee to review BOF fisheries proposals for its region, and, in conjunction with the BBNA, reviewed the Alaska BOF proposal affecting the Bristol Bay region and provided its comments. The BBEDC's consultant provided its recommended regulatory language for the Council to consider. The proposed recommended language is a product of Proposal 78 as submitted to the Alaska BOF. The BBEDC consultant provided a regulatory language for the Council to consider;

Suggested language:

5 AAC 01.320. Lawful gear and gear specifications

(b) Outside the boundaries of any district, salmon may only be taken by set gillnet, except that salmon may also be taken as follows:

(2) from August 30 through **December 31** [SEPTEMBER 30], by spear, dip net, [AND] gillnet **and beach seine** along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River as marked by ADF&G regulatory markers;

(3) from **August 30** [AUGUST 15] through **December 31** [September 15], by spear, dip net, [AND] gillnet, **and beach seine** at Johnny's Lake on the northwestern side of Naknek Lake;

(4) **from August 30 through December 31, by spear, dip net, gillnet, and beach seine at the outlet of Idavians Creek on the North side of Naknek Lake**

(5) from **September 18** [October 1] through **December 31** [November 15], by spear, dip net, [AND] **beach seine, and** gillnet at the mouth of Brooks River at Naknek Lake;

The Committee reported to the Council and provided its recommendation on Proposal 78. The Committee recommended to the Council, through written comments to the BOF, on Proposal 78 to adopt the suggested recommended language.

The Council moved to adopt the Committees' recommendation. The Council also requested that the BOF consider limiting the beach seines to no more than 25 fathoms.

In 1996 Congress passed §1035 of the Omnibus Parks and Public Lands Management Act of 1996. §1035, which authorizes a specified type of traditional fishing in Katmai National Park and Preserve. This is the only fishery allowed in the National Park system for traditional fishing for red fish and is not allowed anywhere else in the Park system. This requirement is limited to Katmai National Park by special park regulations (36 CFR 13.66(b)J). Existing fishing regulations must conform to the statutory fishing authorization of the Act.

Under the Katmai National Park and Preserve Special regulations, traditional redbfish fishery will be set by the Alaska Department of Fish and Game as posted in the annual Subsistence and Personal Use Statewide Fishing Regulations booklet.

Special Regulations-Specific Park Areas in Alaska

Background

In 1996 congress passed §1035 of the Omnibus Parks and Public Lands Management Act of 1996. §1035, which authorizes a specified type of traditional fishing in Katmai National Park and Preserve, reads as follows:

Sec. 1035. Regulations of Fishing in Certain Waters of Alaska.

(a) In General. -Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage shall be permitted, subject to reasonable regulations established by the Secretary of the Interior, to continue their traditional fishery for red fish within Katmai National Park (the national park and national preserve redesignated, established, and expanded under section 202(2) of the Alaska National Intrest Lands Conservation Act (16 U.S.C. 410hh-1).

(b) Red Fish Defined. -For the purposes of subsection (a), the term "red fish" means spawned-out sockeye salmon that has no significant commercial value.

(c) Title. -No provision of this section shall be construed to invalidate or validate or in any other way affect any claim by the State of Alaska to title to any or all submerged lands, nor shall any actions taken pursuant to or in accordance with this Act operate under any provision or principle of the law to bar the State of Alaska from asserting at any time its claim of title to any or all of the submerged lands.

(d) Jurisdiction. -Nothing in this section nor in any actions taken pursuant to this section shall be construed as expanding or diminishing Federal or State jurisdiction, responsibility, interest, or rights in management, regulation, or control over waters of the State of Alaska or submerged lands under any provision of Federal or State law.

Traditional fishing for red fish in and near the park by the local residents of the communities of King Salmon, Naknek, and South Naknek, is done under State law using a variety of fishing gear such as spear, dip net, and gill net. Also, the bag and possession limit for such fishing under State law is generally more liberal than for other types of non-commercial fishing. However, park fishing regulations are more restrictive. For example, Park Service regulations that apply generally to all parks restrict fishing in fresh water to hook and line [see 36 CFR 2.3(d)]. This requirement is further limited at Katmai National Park and Preserve by a special park regulation (36 CFR 13.66(b)J allowing fishing only with artificial lures. In certain locations in the park the fishing bag and possession limit are also more restrictive than allowed under State law. For these reasons it is necessary to conform existing park fishing regulations to the new statutory fishing authorization of the Act.

KATMAI NATIONAL PARK AND PRESERVE SPECIAL REGULATIONS

13.1204 Traditional redfish fishery: conditions established by the Superintendent Seasons and methods for the take of redfish (spawned-out sockeye salmon that have no significant commercial value) under this regulation will be set by the Alaska Department of Fish and Game as posted in the annual Subsistence and Personal Use Statewide Fishing Regulations booklet.

The take of redfish under this regulation is not considered subsistence use by the National Park Service. Only individuals that are local residents who are descendants of Katmai residents who lived in the Naknek Lake and river drainage are allowed to take redfish under this regulation.

The Superintendent will develop and maintain a list of individuals who are "Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage..." In developing and maintaining the list the Superintendent will:

- Consult with and review records provided by June 1st each year by the Naknek Native Village Council, South Naknek Village Council and King Salmon Tribe Council.
- Consider other information and documents provided by individuals and entities relevant to where an individual's ancestors resided and whether the individual is currently a local resident. Factors to be considered in determining whether an individual is a local resident may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska Department of Fish and Game, driver's license, and tax returns, and the location of registration to vote.