

Personal Use/Sport/Subsistence

Subsistence

PROPOSAL 125

5 AAC 01.730. Subsistence fishing permits.

Clarify language for subsistence take of coho and king salmon, as follows:

5 AAC 01.730

(b) Permits will not be issued for the taking of coho salmon from the Taku River and Stikine River drainages, [OR FOR KING SALMON]. [HOWEVER] **K**ing or coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes as described in (j) of this section.

What is the issue you would like the board to address and why? Regulation does not apply to Yakutat area.

PROPOSED BY: Southeast Subsistence Regional Advisory Council (HQ-F20-112)

The lead-in language for proposal 125 was corrected on 10/7/2020.

PROPOSAL 126

5 AAC 01.670. Lawful gear and gear specifications.
Repeal net tending requirement in Yakutat Bay, as follows:

We recommend that the new regulation be repealed and restored to its original regulation. There was no data produced to back the need for the change in the regulation which is now in effect. We strongly feel it was all based on speculation.

What is the issue you would like the board to address and why? The new regulation (5 AAC 01.670) that went into effect in 2018 that requires subsistence users to attend their net at all times.

Reasons:

This new regulation was proposed in 2017 and implemented on behalf of Yakutat in 2018 by the Fish and Game Advisory Committee without any public notices for comments because of poor networking or posting notices. Because of this, the regulation only reflects the view of a few.

The subsistence fisheries are targeted and hampered. This regulation specifically targets one group of users, bay subsistence fisheries, but they abolish this new regulation with the opening of the commercial set net fishery. There is no regulation that hampers the commercial fishermen in this way.

State law requires that subsistence is a high priority. With this new regulation, many families are hampered in acquiring their subsistence King Salmon.

Most people who subsistence fish check their nets periodically over the course of the day instead of sitting on their nets because most are at work. There are a few who leave it out too long without checking it, but it is a very small fraction of all who subsistence fish for Chinooks, and the majority should not be penalized for those few.

There is no data collected that shows this regulation would help save any salmon or how much salmon is taken by marine mammals such as the sea lions or seal. As many know, the troll fishermen lose their kings to sea lions off their hooks, and the commercial fishermen lose their kings to the seals and sea lions on a daily basis, but the subsistence users are the only ones targeted by this regulation.

PROPOSED BY: Yak-Tat Kwaan, Inc. (HQ-F20-127)

PROPOSAL 127

5 AAC 01.670. Lawful gear and specifications.
Repeal net tending requirement in Yakutat Bay, as follows:

Repeal the new restrictions that require subsistence fishers to be at the set net site at all times. Most subsistence fishers place their nets close to their homes where they can leave a skiff anchored close to the net and attend it regularly during the day.

Repeal the new restrictions (5 AAC 01.670) and manage subsistence fishing the same as commercial fishing, by requiring fishers to be at the set gillnet **site** at all times.

What is the issue you would like the board to address and why? Proposal to repeal new restrictions requiring subsistence salmon fishing permit holder to attend set net gillnets, at all times, in Yakutat Bay.

The new restrictions in Yakutat Bay require subsistence users to attend gill nets at all times, in April and May, has almost completely eliminated the spring king harvest for subsistence users. Subsistence fishers catch on average less than 1 fish per day with most coming over night. Fishers cannot reasonably sit on nets all day and all night to catch less than 1 fish.

The Yakutat Tlingit Tribe believes the Board of Fisheries did not consider or expect this change in regulations to almost eliminate subsistence harvest of spring Kings. The Kings harvested in April and May are one of the most important subsistence foods taken by local residents.

This loss of spring Kings to our tribal members fails to provide the priority for subsistence the law requires. While subsistence users suffer the loss on average of 200 Kings annually, a newly established troll fishery is harvesting the same fish on a 1,000 fish quota, and the commercial set gill net fishery is not required to attend nets at all times, even though fish are much more abundant during the fishery. They are only required to be at the set net site. This is no way to provide a priority for subsistence.

Most tribal members were not aware that these restrictions were being considered. The local Fish and Game Advisory Committee did a poor job informing the public on such an important proposal. The committee failed to adequately inform the public.

If this problem is not solved: Our tribal members and other subsistence users will continue to be denied one of the most important subsistence foods harvested by this community. The subsistence lifestyle treasured by this community will forever be damaged.

PROPOSED BY: Yakutat Tlingit Tribe (EF-F20-101, HQ-F20-128)

PROPOSAL 128

5 AAC 01.720. Lawful gear and gear specifications.

Allow use of set gillnets in all Southeast Alaska area subsistence salmon fisheries, as follows:

Fish may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted under the terms of a subsistence fishing permit and except as follows:

- (1) in District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;
- (2) a set gillnet **[MAY NOT BE]** used to take salmon **may only be anchored or fixed at one end** except;
 - (A) the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge; and

(B) District 5 in Shipley Bay, not more than 100 yards from the terminus of Shipley Creek;

What is the issue you would like the board to address and why? The intent of the proposal is to allow subsistence users to use set gillnets when harvesting salmon. The proposed regulation allows set gillnets to be anchored only at one end, which has the effect of requiring nets to be closely attended. The current regulation prohibiting set gillnets is unnecessarily restrictive, as subsistence users should be allowed to use the most efficient legal gear type available to them. In particular, allowing the use of set gillnets will allow people to fish alone more effectively. Managers will still be able to use permit restrictions to address issues at specific sites.

PROPOSED BY: Southeast Subsistence Regional Advisory Council (HQ-F20-110)

PROPOSAL 129

5 AAC 01.725. Waters closed to subsistence fishing and 5 AAC 01.745. Subsistence bag and possession limits; annual limits.

Modify closed waters and remove coho salmon annual limit for the Klawock River, as follows:

Allow for customary & traditional harvest of Coho to also occur beyond the Klawock River bridge to the Klawock River estuary from August 15-September 30. Change annual harvest of forty (40) Coho annually to twenty (20) Coho per day per resident.

Draft Regulatory Language:

Waters closed to subsistence fishing. (a) Salmon may not be taken for subsistence purposes in:
(1) the Klawock River drainage upstream of the Klawock River Bridge; except for subsistence caught Coho from August 15-September 30. Daily limit shall be twenty (20) coho with no annual limit.

What is the issue you would like the board to address and why? Hatchery coho have become abundant on the Klawock River.

Coho harvest has a boundary that doesn't meet the needs of customary & traditional harvesting for rural residents. Restricting harvest of abundant hatchery Coho.

PROPOSED BY: Klawock Fish and Game Advisory Committee (HQ-F20-056)

PROPOSAL 130

5 AAC 01.710. Fishing seasons.

Modify fishing times and locations for subsistence salmon fishery in the Klawock River and Lake, as follows:

From July 10 through July 31 annually, sockeye salmon may be taken in the waters of Klawock Harbor enclosed by a line from the northernmost tip of Klawock Island at 55° 33.47' N. lat., 133°

05.96' W. long., the Klawock River, and Klawock Lake only from 12:01 am Monday until 11:59 pm Friday.

What is the issue you would like the board to address and why? Harvest dates for wild stock sockeye on the Klawock River. Rural residents are having difficulties with annual harvest of sockeye in the Klawock River because of low wild stock escapement. Past sockeye harvesting started in June in the 1990's. By 2000's, effective harvesting occurred later in the harvest season. Having our starting and ending dates from Monday-Friday will also help with customary & traditional harvest of sockeye and increase food security. This will also relieve stress on initial run of wild stock sockeye in the Klawock River.

PROPOSED BY: Klawock Fish and Game Advisory Committee (HQ-F20-055)

PROPOSAL 131

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan. Modify fishing area and add hand purse seine as legal gear for the Redoubt Bay and Lake subsistence salmon fishery, as follows:

Allow the use of beach and hand purse seines within approximately 100 yards from the base of the falls when the projected total escapement is greater than 40,000 fish.

5 AAC 01.760 (e)The following provisions apply to the department issuance of community harvest permits for the Redoubt Bay community harvest area described as the waters of Redoubt Bay that are [SOUTH OF 56° 54.71' N. LAT. AND WEST OF 135° 18.88' W. LONG] **north (seaward) of a line approximately 100 yards from the base of the falls as marked by ADF&G regulatory markers.**

5 AAC 01.760 (e)(6) for the purposes of this section, the legal gear for harvest under a community harvest permit are a beach seine, **hand purse seine**, dip net, gaff, spear, and a hook and line attached to a rod or pole.

What is the issue you would like the board to address and why? Large sockeye returns to Redoubt Lake over the last several years have triggered the issuance of a community harvest permit for the harvest of Redoubt sockeye. Unfortunately, three harvest attempts in the last two years has only netted two sockeye. The waters open to the use of a community harvest permit are at the mouth of the bay and a significant distance from the effluent waters of Redoubt Lake.

What would happen if nothing is changed? Continued underutilization of the resource due to lost harvest opportunities for the Sitka Tribe.

What are other solutions you considered? Why did you reject them? This is a unique situation that can only be addressed through the adjustment of legal fishing boundaries and the allowance of additional gear types.

PROPOSED BY: Sitka Tribe of Alaska

(HQ-F20-094)

PROPOSAL 132

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.

Prohibit the use of spears in Redoubt Bay and Lake subsistence fishery from June 21 to August 1, as follows:

No person may remain immersed in either salt or fresh water between the falls side of the snagging boundary and the weir at Redoubt Lake during subsistence harvest June 21—August 1.

What is the issue you would like the board to address and why? Snorkelers with spear guns have been swimming in the small (South) pool below the falls during the Redoubt Lake sockeye run. They panic the fish, scattering them in the way a seal does when it comes in hunting, but for a much longer time, since the snorkelers are in there continuously for an hour or so. After a seal incursion, the fish do not resume moving up to the falls for half an hour. It's the same after a snorkeler swims in the pool, unless another snorkeler decides to enter. For an hour, fishing is impossible.

While snorkelers are in the pool, they ruin dipnetting because the fish are scattered and panicked; they ruin rod fishing both by panicking the fish and by interfering with casting; and they interfere with boats moving in to drop off dipnetters on the south shore. In short, snorkelers ruin fishing for every subsistence harvester.

As a matter of observation over five years, snorkelers do not catch fish either reliably or in any noticeable quantity. Swimming with a spear gun was not contemplated under the permitted gear technique of taking fish with a spear. In fact, a spear gun is not a permitted method of harvest, according to the subsistence definition of a spear: the projectile is not "operated by hand" any more than a crossbow bolt is.

Spear fishing with a spear gun can be dangerous to fishers, observers, and personnel monitoring the fishery. I have seen a subsistence fisher find himself on the wrong end of a cocked, loaded spear gun wielded by a clueless snorkeler.

PROPOSED BY: Floyd Tomkins

(EF-F20-006)

PROPOSAL 133

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.

Allow the use of seine and gillnet gear in the waters of Redoubt Bay that are open to commercial salmon fishing, as follows:

5 AAC 01.760(b)(1)(B) is amended to read:

(B) by gaff, spear, dip net, **seine, gillnet,** and a hook and line attached to a rod or pole;

What is the issue you would like the board to address and why? There are two conflicting regulations concerning the use of seine and gillnet gear in the Redoubt Bay subsistence salmon fishery. 5 AAC 01.720(a)(1) *Lawful gear and gear specifications* states that in Redoubt Bay, seine and gillnet gear may not be used in waters closed to commercial salmon fishing. This regulation suggests that these subsistence gear types may be used in Redoubt Bay up to the commercial regulatory closed waters listed in regulation. However, regulatory language in 5 AAC 01.760 *Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan* does not allow for the use of seine and gillnet gear in the waters of Redoubt Bay south of 56°54.71' N. lat., which includes waters open to commercial salmon fishing. The suggested regulatory language would provide clarity to department staff for the use of seine and gillnet gear in the Redoubt Bay subsistence salmon fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-155)

Personal Use

PROPOSAL 134

5 AAC 77.699. Prohibitions.

Prohibit obstructing more than half of the stream, creek, or river when personal use fishing, as follows:

5 AAC 77.699 (d) Prohibitions – Cannot obstruct more than ½ of the fish way:

(d) A person cannot obstruct more than ½ of a stream, creek, river, bay, or fish passageway with a beach seine, gillnet, or other man-made object.

What is the issue you would like the board to address and why? In the past on Prince of Wales Island, personal use or subsistence salmon fishermen would obstruct large percentages of streams, rivers, or bays with personal use nets. There were no regulations preventing such actions. Concerned residents notified ADF&G commercial fish of the common practice and the lack of a regulation preventing a person from stretching a net across a stream. Other areas of the state have regulations preventing a person from obstructing more than half of a fish stream.

ADF&G commercial fish listed “A person cannot obstruct more than ½ of a stream, creek, river, bay, or fish passageway with a beach seine or gillnet” as a condition of a personal use /subsistence salmon permit. Adding this condition as a regulation to personal use and subsistence administration code will ensure in future years, the condition is not removed. Southeast Alaska has several small streams with small runs of desired salmon species. The only suggested change to the condition if passed into regulation is the addition of a man-made object. People have been observed using vessels such as a barge or sport boats in addition to their nets to capture the maximum amount of fish as they can.

PROPOSED BY: East Prince of Wales Fish and Game Advisory Committee (EF-F20-096)

PROPOSAL 135

5 AAC 77.682. Personal use salmon fishery.

Allow permits to be issued for the personal use taking of king and coho salmon, as follows:

5AAC 77.682(c) [THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR THE TAKING OF KING OR COHO SALMON, BUT] King and coho salmon taken incidentally by gear operated under terms of a personal use permit for other salmon are legally taken and possessed for personal use purposes.

What is the issue you would like the board to address and why? Delete the first phrase in this regulation that prohibits issuance of personal use permits for taking of King and Coho salmon. This regulation is contrary...

- to statute AS16.05.251(d) which requires "fair and reasonable" personal use fishing opportunities.
- to regulation 5AAC 77.001 which describes the intention of the personal use fishing category to provide "efficient" harvesting of fish for personal use by residents who are precluded from participating in subsistence fisheries.
- to 5AAC 77.001(b) which states a personal use fishery will be allowed when..... "in the broad public interest".
- to AG opinion which supports 5AAC 77.001 and AS16.05.251 and "Legislative History", which states the legislative intent to "require" the board to provide "fair and reasonable" opportunity for personal use fishing. See e.g. 1985 House J. 584-585, 920-921, 1230-1231(letters of intent) secs, 3. 11. ch.52 SLA 1986.
- to the intent and spirit of both the Legislature and the Board of Fisheries.
- Also, this regulation inhibits even considering king and coho for personal use fisheries.

PROPOSED BY: Michael Fox

(EF-F20-026)

PROPOSAL 136

5 AAC 77.682. Personal use salmon fishery.

Include commercial harvested salmon to fish that may not be possessed on the same day sport or personal use salmon are taken, as follows:

No person may possess personal use-taken and sport taken **or commercial taken salmon** on the same day.

What is the issue you would like the board to address and why? To help prevent personal use fishing as a method of illegal commercial fishing.

PROPOSED BY: Michael Fox

(EF-F20-024)

PROPOSAL 137

5 AAC 77.682. Personal use salmon fishery.

Prohibit personal use proxy permits at Sweetheart Creek, as follows:

The use of proxies for the sweetheart creek personal use fishery is not permitted.

What is the issue you would like the board to address and why? It is not uncommon for some participants in the Sweetheart Creek Personal Use fishery to fish a proxy along in addition to their personal limit. The issue is there are limited spots to successfully harvest fish along Sweetheart Creek. Fishery participants with proxy permits -- especially groups in possession of multiple proxy permits -- naturally take more time to fill their proxy permits and thereby limit access by other people wishing to participate in the fishery.

The limit of 25 for Sweetheart Creek was established arbitrarily using the justification of "fairness", as noted in the findings document 2016-281-FB.

Allowing the use of proxies is contrary to the justification of fairness used to set the limit of 25, as it makes it more difficult for some fishery participants to access productive spots along the creek if other participants are in those spots for extended periods of time while essentially filling two (2) limits.

I understand that some members of the community benefit from these proxy fish, but given there is no annual harvest limit, they could simply have people who would normally fish proxies for them return to the creek to harvest another limit.

PROPOSED BY: Nicholas Orr (EF-F20-029)

PROPOSAL 138

5 AAC 77.682. Personal use salmon fishery.

Create salmon personal use fisheries in marine waters of the Juneau Management Area, as follows:

Require ADF&G to issue personal use permits for "efficient" harvest of sockeye salmon in the marine waters of the Juneau Area.

What is the issue you would like the board to address and why? Currently there is very little opportunity for personal use harvest of sockeye in the Juneau area. Statute (AS16.05.251) requires a fair and reasonable opportunity to personal use fish. Legislative intent is to provide fair and reasonable opportunity to personal use fish. The intent of the personal use fishing category is to provide "efficient" harvest by residents (5AAC 77.001).

Regulation 5AAC 77.682 says ...

(a) Salmon may only be taken under the authority of a personal use fishing permit.

(h) Salmon may be taken at any time except...(1) as may be restricted under the terms of a personal use fishing permit.

Yet; contrary to Legislative Intent, and the underlying intent of the creation of the personal use fishing category; ADF&G does not provide "fair and reasonable" or "efficient" harvest opportunities in the Juneau area.

PROPOSED BY: Michael Fox (EF-F20-054)

PROPOSAL 139

5 AAC 77.682. Personal use salmon fishery.

Modify where personal use fishing can occur in the Taku River to include all of Section 11-B and remove dates when the fishery can occur, as follows:

The proposed solution is to provide ADF&G management with the authority (under 5 AAC 77.682) to issue personal use permits for harvest of Taku River sockeye salmon using gillnet gear in marine waters of District 111. Permits would limit the time and area so as to eliminate conflicts with commercial fishing and address specific stock concerns. The simplest solution would be to repeal 5 AAC 77.682 (h)(3) [(3) IN THE TAKU RIVER DRAINAGE, SOCKEYE SALMON MAY BE TAKEN ONLY IN WATERS FROM THE TAKU RIVER LODGE UPSTREAM TO THE UNITED STATES/CANADA BORDER AND ONLY FROM JULY 1 THROUGH JULY 31.] and replace 5 AAC 77.682 (n)(1) with **sockeye salmon may be taken for personal use in section 11B under conditions specified in a household personal use permit** [SOCKEYE SALMON MAY NOT BE TAKEN FOR PERSONAL USE], and except that in the following waters sockeye salmon may be taken with the following possession and annual limits:

What is the issue you would like the board to address and why? The accessibility, availability, and quality of personal use sockeye salmon for Juneau fishermen in District 111 is severely limited, resulting in the inability of many Juneau residents to realize a fair and reasonable opportunity to harvest sockeye salmon, contributes to over-escapement of Taku River sockeye salmon, and reduces the justification for current catch-sharing agreements between Alaska and Canada. Personal use fishing is currently limited to the upper U. S. section of the Taku River (above Taku River Lodge to the Canadian Border) and Sweetheart Creek, a small creek approximately 37 miles from Juneau. The opportunity to harvest returning salmon is seriously limited by weather, equipment needs, and competition with other users. Unharvested fish in the marine waters contribute to over-escapement (2015-2017 escapements averaged 168% of the upper escapement goal), failure to achieve maximum sustained yield, and possible detrimental impacts on production. And the inability to harvest U. S. allowable catch limits (the commercial gillnet fishery only caught a 2015-2017 average of 53% of the U. S. allowable catch) could result in catch sharing agreements being reexamined in future U.S./Canada negotiations.

PROPOSED BY: John Clark (HQ-F20-042)

PROPOSAL 140

5 AAC 77.682. Personal use salmon fishery.

Add section 11-B as a personal use salmon fishing area when the area is closed to the commercial drift gillnet fishery, as follows:

(C) Taku Inlet - Commercial Fishing District 11B during periods closed to commercial fishing: the possession and annual limit are as specified in (f) of this section.

What is the issue you would like the board to address and why? Provide Juneau area residents with a fair and reasonable opportunity to personal use fish for sockeye salmon. As required by statute AS16.05.251(d) and pursuant to the underlying purpose of the board's creation of the personal use fishing category to allow efficient harvesting of fish by individuals who were precluded from participating in subsistence fisheries. (ref. AG opinion dated 3/21/96 #663-96-0266).

PROPOSED BY: Mike Fox (EF-F20-021)

PROPOSAL 141

5 AAC 77.682. Personal use salmon fishery.

Add section 11-B as a personal use salmon fishing area when the area is closed to the commercial drift gillnet fishery, as follows:

5AAC 77.682(h) Salmon may be taken anytime except

(4) in commercial fishing district 11B, sockeye salmon may be taken only during periods closed to commercial fishing.

What is the issue you would like the board to address and why? Provide Juneau area residents a fair and reasonable opportunity to personal use fish for sockeye salmon. And, to provide a personal use sockeye fishery in marine waters.

Juneau Residents are precluded from Federal subsistence fisheries, and the State has designated Juneau area waters as non-subsistence.

5AAC 77.001 states the intent of the personal use category is to provide "efficient" harvesting by residents precluded from subsistence fisheries. AS16.05.251(d) requires "fair and reasonable" personal use opportunities. Legislative Intent is to "require" the Board of Fish to provide "fair and reasonable" opportunity for personal use fishing. See e.g. 1985 House J.584-585, 920-921, 1230-1231 (letters of intent) secs, 3. 11. ch.52 SLA 1986.

PROPOSED BY: Michael Fox (EF-F20-027)

PROPOSAL 142

5 AAC 77.678. Personal use smelt fishery.

Establish bag and possession limits and lawful gear for smelt fishing in the Ketchikan area, as follows:

5 AAC 77.678 Smelt may be taken for personal use at any time **in Ketchikan District**
(1) The daily and possession limit is 50 pounds per individual

(2) Allowed gear: dip nets and throw nets
Proxy fishing allowed on behalf of qualified fishing permit holders

What is the issue you would like the board to address and why? Firstly, the Ketchikan Indian Community Tribal Government (KIC) strongly supports the Customary and Traditional Use designation for ooligan on the Unuk River. Secondly, KIC does not support a commercial ooligan fishery in Ketchikan Management Area and would like it stricken from the fishing regulations. Thirdly, KIC supports the following proposal that would support limited access to harvestable ooligan resources until such a time as native fishing rights are fully and adequately addressed.

The Department of Fish and Game has been closing the eulachon (ooligan) fishery on the Unuk River and elsewhere in Ketchikan District since 2005. This has been a customary and traditional use area for indigenous people in the region and a source of subsistence and trade. Ooligan as the native peoples call this small anadromous fish have been eaten fresh smoked and been converted to ooligan grease. This cultural practice has been all but eliminated for over a decade and elders have been deprived of this subsistence resource and young people have not been exposed to harvesting, eating and preparing ooligan an important part of their cultural heritage. The eulachon population levels on the Unuk River and elsewhere in SE Alaska are not accurately known due to insufficient monitoring. Allowing fishing with adequate harvest reporting would provide additional information not currently being collected on population trends, and can be used to adaptively manage the fishery based on creel census and the additional catch per unit effort information rather than taking the very conservation approach of annually closing the fishery altogether. If ooligan are present in numbers that warrant the effort and expense of harvesting small amounts for personal use the ADFG should allow for this culturally significant fishery. Due to a very narrow harvest window coupled with the challenges of getting to the Unuk River and other known spawning areas; the unpredictability of eulachon timing; and variation in spawning locations it is expected any personal-use harvest impacts would be minimal, even without a bag limit. With the addition of a bag limit coupled with the traditional ecological knowledge and reverence for fisheries resource possessed by tribal fisherman whom are the primary user of this resources, population levels should not be significantly impacted. In addition, fish found in isolated tide pools can and should be collected, to avoid wanton waste of trapped fish. Also, a liberal proxy fishing policy should be allowed since most tribal members in the region do not have the ability to access the ooligan resources due to distance from population centers. There is a high cost of travel associated with fishing for ooligan in locations such as the Unuk River; a small bag limit makes such travel unfeasible.

PROPOSED BY: Ketchikan Indian Community (HQ-F20-053)

Sport

PROPOSAL 143

5 AAC 47.XXX. New section.

Require inseason reporting of nonresident sport fish harvest, as follows:

All non-resident sport fishermen in the Southeast and Yakutat Areas (fresh and saltwater) shall complete and submit a logbook of all fish and shellfish harvested. Harvest shall be documented in

the logbook before leaving each fishing site. Logbooks shall be returned to the Alaska Department of Fish and Game by December 31 (or whatever date is appropriate) each year.

It is recommended that this regulation be evaluated after 6 years of harvest data has been gathered and analyzed to determine if the perceived increase in competition or use exists. If there are no documented problems then the regulation should be removed.

What is the issue you would like the board to address and why? The Southeast Alaska Subsistence Regional Advisory Council (Council) believes that the harvest of fish by non-resident sport anglers has increased in the Southeast and Yakutat Areas, while subsistence users have been subject to increasing regulation and restrictions and are experiencing a more difficult time competing for and harvesting fish and shellfish.

The only method to account for non-resident sport harvest is by a statewide mail survey. Other than major sport fisheries, response rates are too low to accurately assess if non-resident harvest is contributing to localized depletion of resources or if the competition with subsistence users is increasing.

The Council also believes that unguided non-resident sport fishermen are taking multiple daily harvest limits. The Council believes harvest limits for unguided non-residents are not enforced and are unaccounted, since non-resident unguided fishermen do not have to record their harvest, except for species with an annual limit, before leaving the fishing site; unlike subsistence fishermen.

Presently, recording species with an annual limit is only an enforcement tool. It does not contribute to harvest accounting since there is no requirement to submit the harvest record to ADF&G.

PROPOSED BY: Southeast Subsistence Regional Advisory Council (HQ-F20-111)

PROPOSAL 144

5 AAC 47.XXX. New section.

Establish a logbook program for rental vessels used in Southeast Alaska sport fisheries, as follows:

We propose the Board of Fisheries enact a new regulation (provided below) that will require catch records of all rented recreational vessels that engage in sportfishing activities. We are specifically proposing Halibut catch data be gathered with this new regulation, but we support catch data gathering for any other species that would provide valuable management information to the Department. We also feel it is vital to require the Department to share any data gathered under this new regulation with the appropriate departments of the IPHC, NPFMC and NOAA on an annual basis.

5 AAC 47.XXX New Section: Sport fishing **rental vessel angler and operator** reporting requirements.

(a) A sport fishing **rental vessel angler and/or operator** shall obtain and complete a State of Alaska, Department of Fish and Game, Division of Sport Fish, Saltwater **rental vessel operator and angler** Logbook and Vessel Registration, adopted by reference if operating in salt water;

- (b) A logbook requires information necessary for the management and conservation of fishery resources and regulation of the **rental vessel** sport fishing industry, including:
- (1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing **rental vessel** services in salt water;
 - (2) the locations where the sport fishing **rental vessel** services were provided;
 - (3) the effort, catch, and harvest of sport fish by persons who are clients, of a business that conducts sport fishing **rental vessel** services;
 - (4) the name, address, telephone number and residency status of each **rental vessel angler**; and (5) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the **rental vessel** sport fishing industry.
- (c) A **rental vessel operator and/or a rental vessel angler shall** complete a logbook in the manner and at the location specified in the logbook and present the logbook for inspection as required in 5 AAC 75.075.
- (d) A person may not make a false entry in the logbook required in (a) of this section.
- (e) The operator of a business that rents a vessel covered by this section is responsible for reporting logbook information and returning the completed logbook of each sport fishing **rental vessel angler** by the business to the department in the manner and time frame specified in the logbook.

What is the issue you would like the board to address and why? In recent years, there has been a large increase in the number of businesses in southeast Alaska that rent sportfishing vessels to primarily non-residents, who utilize this arrangement to qualify for more liberal “non-guided” bag limits for halibut. The Sitka Fish and Game Advisory Committee has received estimates that between 300 and 500 of these rental vessels are now operating in southeast Alaska. We believe these anglers, that are part of this new and growing user group, are responsible for a very significant harvest of sportfish (specifically halibut) that is currently not being taken into account by the IPHC, NPFMC, NOAA or the Alaska Department of Fish and Game (the Department) in their resource management responsibilities. There is currently no log keeping requirement for these vessels/anglers and, since the majority of these rented vessels operate from private docks or remote lodges, their harvest data is not captured by the Department’s creel census efforts. We realize that halibut are managed by the IPHC, NPFMC and NOAA versus the state. We also realize that the federal government regulates “guided” versus “non-guided” anglers separately whereas the state routinely establishes different sport fishing bag limits for “residents” versus “non-residents”. This definitely creates some potential jurisdictional issues for what we want to accomplish which is “quantify the harvest of sport fish by non-resident anglers fishing from rented vessels. While the Department may or may not have the authority to regulate catch of halibut, we believe they do have the authority to require catch reporting, similar to the reporting requirements for Sport Fishing guide and operators (5 AAC 75.076). The NPFMC took up this topic in 2017, 2018 and 2019 and, while agreeing on the need to get information on how many un-guided rental vessels are in operation and how many Halibut they are harvesting, they have so far failed to take any action. We respectfully submit that it is time for the Board of Fisheries to take a leadership role in this matter and establish new regulations to start gathering the needed management data.

PROPOSED BY: Sitka Fish and Game Advisory Committee (HQ-F20-083)

PROPOSAL 145

5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area. and 5 AAC 47.022. General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of the Southeast Alaska Area.

Establish nonresident bag, possession, and annual limits for coho and sockeye salmon in the fresh and salt waters of the Southeast Alaska Area, as follows:

5 AAC 47.020:

. . . the following are the general provisions for the seasons and bag, possession, annual, and size limits that apply to sport fishing for finfish and shellfish in the salt waters of the Southeast Alaska Area:

(1) king salmon: may be taken from January 1 - December 31; must be 28 inches or greater in length; the commissioner shall establish bag, possession, and annual limits, by emergency order, as specified in 5 AAC 47.055; a harvest record is required for a nonresident as specified in 5 AAC 75.006;

(2) Coho salmon: may be taken from January 1–December 31 as follows:

(A) resident: 16 inches or greater in length; bag limit of six fish; possession limit of 12 fish

(B) nonresident: 16 inches or greater in length; bag limit of four fish; possession limit of eight fish; and an annual limit of sixteen fish; a harvest record is required for a nonresident as specified in 5 AAC 75.006

(3) sockeye salmon: may be taken from January 1 - December 31 as follows:

(A) resident: 16 inches or greater in length; bag limit of six fish; possession limit of 12 fish

(B) nonresident: 16 inches or greater in length; bag limit of four fish; possession limit of eight fish; and an annual limit of sixteen fish; a harvest record is required for a nonresident as specified in 5 AAC 75.006

(4) salmon, **other than king salmon, coho salmon, and sockeye salmon**: may be taken from January 1 - December 31; no annual limit; no size limit; bag and possession limits, as follows:

(A) 16 inches or greater in length; bag limit of six fish per species; possession limit of 12 fish per species;

5 AAC 47.022:

. . . this section contains the general provisions for the seasons and bag, possession, annual, and size limits that apply to sport fishing for finfish in the fresh waters in Southeast Alaska Area.

(b) In the fresh waters east of the longitude of Cape Fairweather:

(1) king salmon: sport fishing for king salmon is closed;

(2) coho salmon: may be taken from January 1 –December 31 as follows:

(A) resident:

(i) 16 inches or greater in length; bag limit of six fish; possession limit of 12 fish;

(ii) Less than 16 inches in length: bag and possession limit of 10 fish in

combination;

(B) nonresident:

(i) bag limit of four fish; possession limit of eight fish; and an annual limit of sixteen fish; a harvest record is required for a nonresident as specified in 5 AAC 75.006

(3) sockeye salmon: may be taken from January 1-December 31 as follows:

(A) resident:

(i) 16 inches or greater in length; bag limit of six fish; possession limit of 12 fish;

(ii) Less than 16 inches in length; bag and possession limit of 10 fish in combination;

(B) nonresident: bag limit of four fish; possession limit of eight fish; and an annual limit of sixteen fish; a harvest record is required for a nonresident as specified in 5 AAC 75.006

(4) salmon, other than king, coho, and sockeye salmon: may be taken from January 1-December 31; no annual limit, no size limit; bag and possession limits, as follows:

(A) 16 inches or greater in length; bag limit of six fish per species; possession limit of 12 fish per species;

(B) less than 16 inches in length; bag and possession limit of 10 fish in combination;

What is the issue you would like the board to address and why? The Council recognizes that coho and sockeye salmon are the primary species targeted by subsistence users. Under the current general regulations, non-resident sport fisherman may take six coho and sockeye salmon per day, every day of the season. In contrast, an entire household of subsistence users typically may only harvest an annual limit of 20-50 fish from each of a limited number of sites. The proposed changes would put a ceiling on the annual harvest of each species by non-residents that is roughly comparable to the limits placed on subsistence households. The Council believes that the proposed limits on non-resident harvest are adequate to allow ample sport fishing opportunity for visitors, while preventing excessive non-resident sport harvest of species important to subsistence users.

PROPOSED BY: Southeast Subsistence Regional Advisory Council (HQ-F20-109)

PROPOSAL 146

5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area.

Establish nonresident bag and possession limits for coho, sockeye, chum, and pink salmon in salt waters of the Southeast Alaska Area, as follows:

Salt water

Coho, chum, pink, and sockeye salmon

16 inches or longer: 5 of each species per day, 10 of each species in possession for nonresidents.

What is the issue you would like the board to address and why? The Ketchikan Indian Community Tribal Government believes it is necessary to take action to prioritize the needs of tribal citizens that have existed in southeast Alaska since time immemorial. Now more than ever

subsistence and personal use fishermen need these resources to sustain themselves in the face of financial instability. One way to help insure the needs of tribal citizens are met is to reduce the harvest of coho, chum, pink, and sockeye salmon by nonresident sports fishermen.

PROPOSED BY: Ketchikan Indian Community (HQ-F20-048)

PROPOSAL 147

5 AAC 47.022. General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of the Southeast Alaska Area.

Establish nonresident bag and possession limits for coho salmon in the fresh waters east of the longitude of Cape Fairweather, as follows:

Freshwater

Coho salmon

Between Cape Fairweather and Dixon Entrance

16 inches or longer: 5 of each species per day, 10 of each species in possession for nonresidents.

What is the issue you would like the board to address and why? The Ketchikan Indian Community Tribal Government believes it is necessary to take action to prioritize the needs of tribal citizens that have existed in southeast Alaska since time immemorial. Now more than ever subsistence and personal use fishermen need these resources to sustain themselves in the face of financial instability. One way to help insure the needs of tribal citizens are met is to reduce the harvest of coho salmon by nonresident sports fishermen.

PROPOSED BY: Ketchikan Indian Community (HQ-F20-049)

PROPOSAL 148

5 AAC 47.022. General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of the Southeast Alaska Area.

Establish nonresident bag and possession limits for sockeye, chum, and pink salmon in fresh waters of the Southeast Alaska Area, as follows:

Freshwater

Chum, pink, and sockeye salmon

16 inches or longer: 5 of each species per day, 10 of each species in possession for nonresidents.

What is the issue you would like the board to address and why? The Ketchikan Indian Community Tribal Government believes it is necessary to take action to prioritize the needs of tribal citizens that have existed in southeast Alaska since time immemorial. Now more than ever subsistence and personal use fishermen need these resources to sustain themselves in the face of financial instability. One way to help insure the needs of tribal citizens are met is to reduce the harvest of coho, chum, pink, and sockeye salmon by nonresident sports fishermen.

PROPOSAL 149

5 AAC 47.021. Special provisions for seasons, bag, possession, annual, and size limits, and methods and means for the salt waters of the Southeast Alaska Area.

Reduce saltwater coho salmon bag and possession limit in Puget Cove to two fish, as follows:

5 AAC 47.021(b)(5) is added:

(b) in the Yakutat vicinity;

(5) in all waters of Puget Cove, shoreward of the boundary defined by a line between 59°33'52.79"N lat. 139° 43'51.65"W long., and 59°33'49.92"N lat. 139°42'56.06"W long., the bag and possession limit for coho salmon 16 inches or greater in length is two fish.

What is the issue you would like the board to address and why?

Coho salmon staging in the nearshore salt waters of the Puget Cove lagoon area experience high levels of sport fishing pressure. This area is easily accessible from the Yakutat road system via several trails and is also adjacent to a sport fishing lodge and the Yakutat small boat harbor. Anglers targeting coho salmon in Puget Cove fish from the shoreline and from small boats.

Current coho salmon sport fishing regulations for this area are the general Southeast saltwater bag and possession limits of six fish per day, twelve in possession. A reduction of the bag and possession limit to two coho salmon would align sport fishing regulations in this lagoon area with other similar lagoons in the Yakutat area (Village Lagoon and Ankau Lagoon) that are easily accessible and receive higher levels of sport fishing pressure.

PROPOSAL 150

5 AAC 47.023. Special provisions for seasons, bag, possession, annual, and size limits, and methods and means for the fresh waters of the Southeast Alaska Area.

Repeal rainbow trout size limits in Crystal, Glacier, and Moraine lakes, as follows:

5 AAC 47.023(e)(1)(C) is amended to read:

(C) in [GLACIER LAKE, MORAINÉ LAKE, AND] Montana Creek, including McGinnis Creek, only unbaited, artificial lures may be used;
and,

5 AAC 47.023(e)(1)(N) is added to read:

(N) in Crystal Lake, Glacier Lake and Moraine Lake,

(i) the bag and possession limit for rainbow trout is five fish; no size limit;

(ii) the bag and possession limit for cutthroat trout is two fish; must be no less than 14 inches and no greater than 22 inches.

What is the issue you would like the board to address and why?

In 2012 the department, in cooperation with the DIPAC hatchery, began stocking catchable-sized king salmon in Crystal, Glacier and Moraine lakes to provide additional sport fishing opportunity on the Juneau road system. However, in 2019 the stocking was changed to catchable sterile triploid rainbow trout ranging in size from 8 to 10 inches. In order to provide additional harvest opportunity for these stocked rainbow trout the Juneau area roadside length limit of 14 inch minimum and 22 inch maximum needs to be removed for rainbow trout in these lakes.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-160)

PROPOSAL 151

5 AAC 47.023. Special provisions for season, bag, possession, annual, and size limits, and methods and means for the fresh waters of the Southeast Alaska Area.

Prohibit guided sport fishing on the Salmon River near Gustavus, as follows:

Stop guided fishing on the Salmon River in Gustavus.

What is the issue you would like the board to address and why? I feel there needs to be a stop put on guided fishing on the Salmon River in Gustavus Alaska.

With the last numbers counted being 2000 in 2010 on Coho it doesn't seem to have the numbers to sustain impact like that of guided sport fishing! There has been a huge increase in sport fisherman being guided on the Salmon River.in the past few years. I feel the Salmon River in Gustavus is a local subsistence fishery!

PROPOSED BY: Steve Petty (EF-F20-128)

PROPOSAL 152

5 AAC 47.023. Special provisions for season, bag, possession, annual, and size limits, and methods and means for the fresh waters of the Southeast Alaska Area.

Close sport fishing in a section of 108 Creek, as follows:

5 AAC 47.023(k)(1)(C) In 108 Creek, sport fishing is closed 300 feet upstream of the upper falls to 300 feet downstream of the lower falls.

What is the issue you would like the board to address and why? The residents of Whale Pass have seen a greater presence of un-guided non-resident sport fishing anglers fishing 108 Creek at the falls. These anglers will fish and catch a limit of salmon. They will continue to fish and practice catch and release for the remainder of the day. The anglers do not take into account the increased rate of mortality on the fish which are attempting to navigate up the falls to the spawning grounds. Closing a small area at the falls will decrease the morality of the fish attempting to navigate their way upstream. Sport fishermen flood the area below the falls because the salmon are pooled up prior to them attempting to navigate their way up the falls. With closing the area, sport fishermen still have plenty of areas to fish 108 Creek.

PROPOSED BY: East Prince of Wales Fish and Game Advisory Committee (EF-F20-087)

PROPOSAL 153

5 AAC 47.023. Special provisions for season, bag, possession, annual, and size limits, and methods and means for the fresh waters of the Southeast Alaska Area.

Close sport fishing in a section of Log Jam Creek, as follows:

Special provisions for fresh waters – Log Jam

5 AAC 47.023(k)(8)(E) In Log Jam Creek, sport fishing is closed 300 feet upstream of the upper falls to 300 feet downstream of the lower falls.;

What is the issue you would like the board to address and why? The residents of Coffman Cove have seen a greater presence of un-guided non-resident sport fishing anglers fishing at Log Jam Creek at the falls. These anglers will fish and catch a limit of salmon. They will continue to fish and practice catch and release for the remainder of the day. The anglers do not take in account of the rate of increased mortality on the fish which are attempting to navigate up the falls to the spawning grounds. Closing a small area at the falls will decrease the morality of the fish attempting to navigate their way upstream. Sport fishermen flood the area below the falls because the salmon are pooled up prior to them attempting to navigate their way up the falls. With closing the area, sport fishermen still have plenty of areas to fish Log Jam creek.

PROPOSED BY: The East Prince of Wales Fish and Game Advisory Committee (EF-F20-088)

PROPOSAL 154

5 AAC 47.030. Methods, means, and general provisions – Finfish.

Allow the use of bow and arrow in Southeast Alaska sport fisheries, as follows:

Make bow fishing legal in all waters.

What is the issue you would like the board to address and why? Bow fishing. There are no regulations on it yet which makes it illegal. I personally believe if you can snag then bow fishing is a must. It is more ethical and almost no chance of an injured fish getting away.

PROPOSED BY: George Lewis (EF-F20-002)

PROPOSAL 155

5 AAC 47.036. Prohibitions.

Prohibit the removal of salmon from the water when nonretention regulations apply and prohibit the use of a multiple hook in Southeast Alaska sport fisheries, as follows:

- 1. It is prohibited to remove from either freshwater or saltwater a salmon for unhooking, if it is unlawful to retain such a salmon by a sport fisher.** (In simple terms this prohibits removing a salmon from the water for dehooking and releasing; it reduces handling stress, therefore).
- 2. It is prohibited to use multiple hooks when sport fishing for any species of fish in either freshwater or saltwater, where a multiple hook is one with two or more points with or without barbs extending from a common shaft.** (In simple terms this makes treble hooks illegal throughout Southeast Alaska for all sportfishing).

Restrictions 1 and 2 go together because it is so difficult to unhook a treble-hooked shaker in the water if hooked by two or more barbs of a treble hook. Doing so with a single hook is easy with a commonly used, relatively undamaging method. The Washington Department of Fish and Wildlife enforces precisely these two regulations to reduce hooking and handling mortality of released salmon, and describes the undamaging release technique in easy detail in their regulation pamphlets.

What is the issue you would like the board to address and why? The critical status of Chinook Salmon that contribute to Southeast Alaska sport, commercial, and subsistence fisheries; specifically the incidental mortality rate of Chinook Salmon that must be legally released from sport gear due to non-retention or size limit restrictions. These two related restrictions would reduce that incidental mortality rate.

PROPOSED BY: Stephen Mathews

(EF-F20-025)
