

Yukon Subsistence and Personal Use Fisheries (7 proposals)

PROPOSAL 79

5 AAC 01.220. Lawful gear and gear specifications.

Allow hook and line attached to a rod or pole when subsistence fishing upstream of the Nulato River mouth, to and including the Koyukuk River drainage up to the closed waters of the Koyukuk and the subsistence permit area, as follows:

(k) A person may use a hook and line attached to a rod or pole when subsistence fishing only (1) in the waters between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea and those of the Yukon River drainage downstream from the mouth of and including the Koyukuk River drainage up to and below the closed waters of the Koyukuk, and the subsistence permit area of the South Fork and Middle Fork Koyukuk. or (2) through the ice.

What is the issue you would like the board to address and why? The Koyukuk River Advisory Committee would like to include hook and line gear to the waters of the Yukon River upstream of the Nulato River mouth, to and including the Koyukuk River drainage up to the closed waters of the Koyukuk, and the subsistence permit area of the South Fork and Middle Fork Koyukuk.

PROPOSED BY: Koyukuk River Fish & Game Advisory Committee (HQ-F21-001)

PROPOSAL 80

5 AAC 01.237. Subsistence Limits for Chinook Salmon on the Yukon River.

Restrict subsistence king salmon harvest in the middle and upper Yukon River, as follows:

Regulate the number of Chinook Salmon that may be harvested under the definition of subsistence on the middle and upper Yukon River in Alaska until such time the Alaska Department of Fish and Game and the US Fish and Wildlife Service can provide factual data on the numbers of Chinook Salmon that make it to spawning grounds, are harvested under subsistence and listen to the people who know and witness others harvesting Chinook Salmon for sales under “Customary Trade.”

What is the issue you would like the board to address and why? Stakeholders on the mouth of the Yukon River (Y-1, Y-2 and Y-3) in Alaska have depended on Chinook Salmon commercial sales during the months of June and July to maintain their subsistence way of life since the early 1900’s. In the 1960’s the Alaska Department of Fish and Game began putting time constraint regulations on the harvesting season and limiting the number of salmon that can be harvested, this began the downward trend of our traditional commercial fishery also known as our subsistence utilization for our food security (using our commercial trade with canneries to live throughout the winters by buying needed supplies to gather, harvest and create/trade items such as arts and crafts, fur pelts, and other sought after items to maintain our healthy way of life).

The issue now is that the harvesting of Chinook Salmon has been moved by regulation to the Middle and Upper Yukon River under the definition of “Subsistence.” There are many Chinook Salmon unaccounted for (60 to 100 thousand in some years) and the Alaska Department of Fish

and Game collaborating with the United States Fish and Wildlife Service fail to identify where these salmon are going. Yet, in social media one sees many Chinook Salmon drying on racks and in smoke houses on the banks of the middle and upper Yukon River. I also know and have seen sales of this finished product throughout the winters. When addressed at the Federal level, I am continually told that this is allowed under "Customary Trade." All my years as a Traditional Commercial Salmon Fisherman on the mouth of the mighty Yukon River and those before me know for a fact that "Customary Trade" meant trading ones product for other products and not for money. This definition needs to be corrected.

Under ANILCA the Secretary of Interior wanted to include the commercial Chinook Salmon Fishery as subsistence since it was 100% utilized by local indigenous Peoples and strictly for maintaining their subsistence way of life..

PROPOSED BY: John H. Lamont (HQ-F21-003)

PROPOSAL 81

5AAC 01.220 (n) (3) (4) Lawful gear and gear specifications.

Implement a Yukon River drainage subsistence salmon permit to allow retention of king salmon less than 24 inches in length with an annual limit 10 fish during times of king salmon conservation, as follows:

Allow limited retention of (24 inch and under) Chinook in a subsistence chum opener with dipnets and/or manned fishwheel on the Yukon River under emergency order per the following:

5AAC 01.220 (n) (3) (4) Lawful gear and gear specifications add section (5)

(1) Starting in the 2023 fishing season, during times when the commissioner determines it is necessary for the conservation of king salmon, the commissioner may, by emergency order, require that in the Yukon River drainage, king salmon may be taken only under the authority of a subsistence fishing permit with the following conditions:

(A) annual limit of 10 king salmon under 24 inch in fork length (tip of nose to tail fork) caught in a dipnet or manned fishwheel only

(B) the commissioner may, by emergency order, implement one or more of the gear limitations specified in 5 AAC 01.220 (n) (2) and n (3) for fishing under the permit;

(C) permit holders must complete and return permits, including daily records of king salmon harvested, each year by October 31;

(D) once the annual limit is reached, additional king salmon may not be taken except in compliance with all applicable regulations and emergency orders;

(E) only one small king subsistence permit may be issued to a household each year;

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What is the issue you would like the board to address and why? Retention of Chinook (king) salmon is normally not permitted during summer chum subsistence openers when Chinook salmon conservation management is applied on the Yukon River. Under 5 AAC 01.220 (n) (3) (4) Lawful gear and gear specifications, the ADF&G commissioner may allow, by emergency order, Chinook retention utilizing specific gear types. Adding a section (n) (5) to allow retention of Chinook salmon 24inches and under while utilizing only dipnets or manned fishwheels will focus on the retention of small king salmon only.

There are multiple needs for subsistence fishermen as well as fish in years of extreme low abundance. With the continued downward trajectory of Chinook salmon in size and run strength and the periodic crashes of summer and fall chum salmon, the pressure for food security is immense.

When there is an allowable chum opener for subsistence with a gear type restriction to dipnets and manned fishwheels, the retention of small Chinook salmon under 24 inches (60.9cm / approximately 6 pounds) caught in a dipnet or manned fishwheel should be allowed.

The theory is that these undersized kings do not substantively contribute to ASL (age-sexlength) spawning aggregate in a time when focus is on increasing size genetics. Further, a very limited harvest of undersized kings utilizing only dipnets and manned fishwheels as a gear type will allow easy measurement of a fish from nose to fork in tail, allowing bigger fish to be released unharmed from a net or fishwheel live box.

However, recognizing that small (jack) male salmon can contribute to increased abundance, this recommendation should be tied to estimated spawning abundance in both Alaskan and Canadian Chinook stock.

PROPOSED BY: Fairbanks Advisory Committee Fisheries Sub-Committee (HQ-F22-039)

PROPOSAL 82

5 AAC 39.250. Gillnet specifications and operations.

Modify the dates sinking of gillnets is allowed in the Yukon Area from October 1 to April 30, as follows *(To be heard at the Arctic / Yukon / Kuskokwim meeting and deliberated during the Statewide Finfish and Supplemental Issues meeting):*

5 AAC 39.250(d) is amended to read:

...

(d) The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this subsection does not apply in the Arctic-Kotzebue Area (5 AAC 03.100), the Norton Sound-Port Clarence Area (5 AAC 04.100), the Yukon Area (5 AAC 05.100) **from October 1 to April 30,** the Kuskokwim Area (5 AAC 07.100), and the Kodiak Area (5 AAC 18.100).

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What is the issue you would like the board to address and why? This proposal would modify the dates when gillnets are allowed to be fished without the float line on the surface of the water in the Yukon Area. During salmon seasons, from May 1 to September 30, the float line and floats must be floating on the surface. Submerged gillnets are less visible and may be difficult to observe if fishing illegally during closed periods. Allowing a gillnet to be in a fishing condition with floats not visible on the surface of the water is a navigation hazard.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-062)

PROPOSAL 83

5 AAC 77.171. Lawful gear for personal use finfish fishing.

After August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches in the Yukon Area Personal Use Salmon Fishery, as follows:

5 AAC 77.171(a) is amended to read:

...

(a) In Subdistrict 6-C, finfish may be taken for personal use only by set gillnets and fish wheels as follows:

(1) a person may not operate more than one type of gear at the same time for commercial, personal use, and subsistence purposes;

(2) the aggregate length of a set gillnet may not exceed 150 fathoms;

(3) a person may not set or operate personal use fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear;

(4) a gillnet or fish wheel may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream;

(5) a household may not operate more than one fish wheel; [.]

(6) after August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches.

...

What is the issue you would like the board to address and why? This proposal would require gillnet mesh to be six inches or less in the personal use salmon fishery during the fall season in Subdistrict 6-C of the Tanana River drainage. This would make the use of gillnets six inch or less mesh size uniform between commercial, subsistence, and personal use fisheries. The department

submitted a similar proposal for subsistence fishing during fall season within the Yukon Area. The smaller mesh sizes are already commonly used and would allow for greater protections for late-arriving king salmon and reduce directed harvest on larger, older fall chum salmon that make up a smaller portion of the population.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-064)

PROPOSAL 84

5 AAC 01.220. Lawful gear and gear specifications.

Repeal and readopt Yukon Area subsistence fishery lawful gear and gear specifications, as follows:

5 AAC 01.220 is amended to read:

(a) Salmon may be taken only by set and drift gillnet, dip net as defined in 5 AAC 05.362 (k)(1)(A), beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225 - 5 AAC 01.249.

(1) in District 4, salmon may be taken by drift gillnets that are not more than 25 fathoms in length, unless closed by emergency order;

(2) in Districts 5 and 6, salmon may not be taken for subsistence purposes by drift gillnets.

(b) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by gillnet, dip net as defined in 5 AAC 05.362 (k)(1)(A), beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, fyke net, jigging gear, spear, handline, lead, or eel stick;

(c) The following restrictions apply to subsistence fishing:

(1) a gillnet may not exceed seven and one-half inch mesh size;

(2) the aggregate length of set gillnets in use by an individual may not exceed 150 fathoms;

(3) each drift gillnet in use by an individual may not exceed 50 fathoms in length;

(4) in Subdistrict 5-C, between the Waldron Creek ADF&G regulatory marker and Hess Creek, a single set gillnet in use may not exceed 25 fathoms in length;

(5) subsistence set gillnets and fishwheels may not be operated within 200 feet of another gillnet or fishwheel except as follows:

(A) at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," subsistence fishing gear may be set within 200 feet of other operating commercial or subsistence fishing gear;

(B) in District 4, from Old Paradise Village upstream to a point four miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(C) a person may operate a beach seine, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, lead, or eel stick within 200 feet of another person operating subsistence fishing gear.

(6) subsistence fishermen may operate one or more subsistence fishing gears at the same time;

(7) a person may not subsistence fish while commercial or personal use fishing at the same time;

(8) a gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream; a stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream, except that in Racetrack Slough off of the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of a set gillnet may not be closer than 20 feet from the opposite bank, unless closed by emergency order;

(9) in that portion of Beaver Creek, not included in the nonsubsistence area specified in 5 AAC 99.015(a)(4), gillnet mesh size may not exceed four inches;

(10) in Birch Creek, gillnet mesh size may not exceed four inches;

(11) in the South Fork of the Koyukuk River drainage upstream from the mouth of the Jim River, and in the Middle Fork of the Koyukuk River drainage upstream from the mouth of the North Fork, gillnet gear may be used only from August 20 through June 30 and a gillnet mesh size may not exceed three and one-half inches; a subsistence permit is required as specified in 5 AAC 01.230(b)(9);

(12) during the subsistence fishing closures specified in 5 AAC 01.210(b), all salmon gillnets with a mesh size greater than four inches must be removed from the water and fish wheels may not be operated;

(13) a beach seine may not be constructed of monofilament web and may not exceed

(A) 150 fathoms in length;

(B) 100 meshes in depth;

(C) a mesh size of four inches stretched measure.

(14) coinciding with the migratory timing of the fall chum salmon run, a person may not take fish with a gillnet that has a mesh size greater than six inches through October 30, unless altered by emergency order.

(d) Notwithstanding any other provisions of this section, during times when the commissioner determines it is necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season on any portion of the Yukon Area and immediately reopen the season in that area during which one or more of the following gear limitations may be implemented:

(1) all salmon must be immediately released to the water alive unless retention is allowed by emergency order;

(2) a gillnet used to take fish

(A) must be of either four-inch or less mesh, four and three-quarter inch or less mesh, six-inch or less mesh, or seven and one-half inch mesh;

(B) for a gillnet of four-inch or less mesh or four and three-quarter inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) for a gillnet of six-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(D) for a gillnet of seven and one-half inch mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(3) for fish wheels; the operator must closely attend the fish wheel while it is in operation, and all salmon must be immediately released to the water alive and must bypass any livebox unless retention is allowed by emergency order;

(4) dip nets may be used; however, all salmon caught with a dip net must be released to the water alive unless retention is allowed by emergency order;

(5) a beach seine may be used; however, all salmon caught with a beach seine must be released to the water alive unless retention is allowed by emergency order.

(e) For the purposes of this section, a "livebox" is a submerged container that is attached to a fish wheel and that will keep fish caught by the fish wheel alive.

(f) Northern pike may not be taken with gillnets in the waters of the Tolovana River drainage from October 15 through April 14.

(g) Halibut may be taken only by a single hand-held line with no more than three hooks attached.

(h) A person may use a hook and line attached to a rod or pole when subsistence fishing only

(1) in the waters between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea and those of the Yukon River drainage downstream from the mouth of the Nulato River, and in the Nulato River drainage; or

(2) through the ice.

(i) In District 4, from September 21 through May 15, jigging gear may be used from shore ice.

[(a) SALMON MAY BE TAKEN ONLY BY GILLNET, DIP NET, BEACH SEINE, A HOOK AND LINE ATTACHED TO A ROD OR POLE, HANDLINE, OR FISH WHEEL, SUBJECT TO THE RESTRICTIONS SET OUT IN THIS SECTION, 5 AAC 01.210, AND 5 AAC 01.225 - 5 AAC 01.249.

(b) REPEALED 5/15/93.

(c) REPEALED 5/11/85.

(d) IN DISTRICT 4, COMMERCIAL FISHERMEN MAY NOT TAKE SALMON FOR SUBSISTENCE PURPOSES DURING THE COMMERCIAL SALMON FISHING SEASON BY GILLNETS LARGER THAN SIX-INCH MESH AFTER A DATE SPECIFIED BY EMERGENCY ORDER ISSUED BETWEEN JULY 10 AND JULY 31.

(e) IN DISTRICTS 5 AND 6, SALMON MAY NOT BE TAKEN FOR SUBSISTENCE PURPOSES BY DRIFT GILLNETS; IN DISTRICT 4, SALMON MAY BE TAKEN BY DRIFT GILLNETS THAT ARE NOT MORE THAN 25 FATHOMS IN LENGTH, UNLESS CLOSED BY EMERGENCY ORDER.

(f) UNLESS OTHERWISE SPECIFIED IN THIS SECTION, FISH OTHER THAN SALMON AND HALIBUT MAY BE TAKEN ONLY BY SET GILLNET, DRIFT GILLNET, BEACH SEINE, FISH WHEEL, LONGLINE, FYKE NET, DIP NET, JIGGING GEAR, SPEAR, A HOOK AND LINE ATTACHED TO A ROD OR POLE, HANDLINE, OR LEAD, SUBJECT TO THE FOLLOWING RESTRICTIONS, WHICH ALSO APPLY TO SUBSISTENCE SALMON FISHING:

(1) A COMMERCIAL FISHERMAN MAY NOT OPERATE MORE THAN ONE TYPE OF GEAR AT THE SAME TIME, FOR COMMERCIAL, PERSONAL USE, AND SUBSISTENCE PURPOSES;

(2) THE AGGREGATE LENGTH OF SET GILLNET IN USE BY AN INDIVIDUAL MAY NOT EXCEED 150 FATHOMS AND EACH DRIFT GILLNET IN USE BY AN INDIVIDUAL MAY NOT EXCEED 50 FATHOMS IN LENGTH; IN SUBDISTRICT 5-C, BETWEEN THE WALDRON CREEK ADF&G REGULATORY MARKER AND HESS CREEK, A SINGLE SET GILLNET IN USE MAY NOT EXCEED 25 FATHOMS IN LENGTH;

(3) IN DISTRICTS 4, 5, AND 6, SUBSISTENCE FISHING GEAR MAY NOT BE SET WITHIN 200 FEET OF OTHER OPERATING COMMERCIAL, PERSONAL USE, OR SUBSISTENCE FISHING GEAR, EXCEPT AS FOLLOWS:

(A) AT THE SITE APPROXIMATELY ONE MILE UPSTREAM FROM RUBY ON THE SOUTH BANK OF THE YUKON RIVER BETWEEN ADF&G REGULATORY MARKERS CONTAINING THE AREA KNOWN LOCALLY AS THE "SLIDE," SUBSISTENCE FISHING GEAR MAY BE SET WITHIN 200 FEET OF OTHER OPERATING COMMERCIAL OR SUBSISTENCE FISHING GEAR;

(B) IN DISTRICT 4, FROM OLD PARADISE VILLAGE UPSTREAM TO A POINT FOUR MILES UPSTREAM FROM ANVIK, THERE IS NO MINIMUM DISTANCE REQUIREMENT BETWEEN FISH WHEELS;

(C) A PERSON MAY OPERATE A DIP NET WITHIN 200 FEET OF ANOTHER PERSON OPERATING A DIP NET;

(4) A GILLNET MAY NOT OBSTRUCT MORE THAN ONE-HALF THE WIDTH OF ANY FISH STREAM AND ANY CHANNEL OR SIDE CHANNEL OF A FISH STREAM; A STATIONARY FISHING DEVICE MAY NOT OBSTRUCT MORE THAN ONE-HALF THE WIDTH OF ANY SALMON STREAM AND ANY CHANNEL OR SIDE CHANNEL OF A SALMON STREAM, EXCEPT THAT IN RACETRACK SLOUGH OFF OF THE KOYUKUK RIVER AND IN THE SLOUGHS OF THE HUSLIA RIVER DRAINAGE, FROM WHEN EACH RIVER IS FREE OF ICE THROUGH JUNE 15, THE OFFSHORE END OF A SET GILLNET MAY NOT BE CLOSER THAN 20 FEET FROM THE OPPOSITE BANK, UNLESS CLOSED BY EMERGENCY ORDER;

(5) DURING THE COMMERCIAL SALMON FISHING SEASON, WITHIN THE YUKON RIVER AND THE TANANA RIVER BELOW THE CONFLUENCE OF THE WOOD RIVER, DRIFT GILLNETS AND FISH WHEELS MAY BE USED ONLY DURING OPEN SUBSISTENCE SALMON FISHING PERIODS;

(6) IN THAT PORTION OF BEAVER CREEK, NOT INCLUDED IN THE NONSUBSISTENCE AREA SPECIFIED IN 5 AAC 99.015(a)(4), GILLNET MESH SIZE MAY NOT EXCEED THREE INCHES;

(7) IN BIRCH CREEK, GILLNET MESH SIZE MAY NOT EXCEED THREE INCHES;

(8) IN THE SOUTH FORK OF THE KOYUKUK RIVER DRAINAGE UPSTREAM FROM THE MOUTH OF THE JIM RIVER, AND IN THE MIDDLE FORK OF THE KOYUKUK RIVER DRAINAGE UPSTREAM FROM THE MOUTH OF THE NORTH FORK, GILLNET GEAR MAY BE USED ONLY FROM AUGUST 20 THROUGH JUNE 30 AND A GILLNET MESH SIZE MAY NOT EXCEED THREE AND ONE-HALF INCHES; A SUBSISTENCE PERMIT IS REQUIRED AS SPECIFIED IN 5 AAC 01.230(b)(9);

(9) DURING THE SUBSISTENCE FISHING CLOSURES SPECIFIED IN 5 AAC 01.210(b), ALL SALMON GILLNETS WITH A MESH SIZE GREATER THAN FOUR INCHES MUST BE REMOVED FROM THE WATER AND FISH WHEELS MAY NOT BE OPERATED;

(10) A BEACH SEINE MAY NOT BE CONSTRUCTED OF MONOFILAMENT WEB AND MAY NOT EXCEED

(A) 150 FATHOMS IN LENGTH;

(B) 100 MESHES IN DEPTH;

(C) A MESH SIZE OF FOUR INCHES STRETCHED MEASURE.

(g) REPEALED 6/10/98.

(h) PIKE MAY NOT BE TAKEN WITH GILLNETS IN THE WATERS OF THE TOLOVANA RIVER DRAINAGE FROM OCTOBER 15 THROUGH APRIL 14.

(i) HALIBUT MAY BE TAKEN ONLY BY A SINGLE HAND-HELD LINE WITH NO MORE THAN THREE HOOKS ATTACHED.

(j) REPEALED 6/17/98.

(k) A PERSON MAY USE A HOOK AND LINE ATTACHED TO A ROD OR POLE WHEN SUBSISTENCE FISHING ONLY

(1) IN THE WATERS BETWEEN THE LATITUDE OF POINT ROMANOF AND THE LATITUDE OF THE WESTERNMOST POINT OF THE NASKONAT PENINSULA, INCLUDING THOSE WATERS DRAINING INTO THE BERING SEA AND THOSE OF THE YUKON RIVER DRAINAGE DOWNSTREAM FROM THE MOUTH OF THE NULATO RIVER, AND IN THE NULATO RIVER DRAINAGE; OR

(2) THROUGH THE ICE.

(l) IN DISTRICT 4, FROM SEPTEMBER 21 THROUGH MAY 15, JIGGING GEAR MAY BE USED FROM SHORE ICE.

(m) NOTWITHSTANDING THE PROVISIONS OF (d), (e)(2), AND (f)(2) OF THIS SECTION, DURING TIMES WHEN THE COMMISSIONER DETERMINES THAT IT IS NECESSARY FOR THE CONSERVATION OF CHUM SALMON, THE COMMISSIONER MAY, BY EMERGENCY ORDER, CLOSE THE FISHING SEASON IN THE YUKON AREA AND IMMEDIATELY REOPEN THE SEASON IN THAT AREA DURING WHICH ONE OR MORE OF THE FOLLOWING GEAR LIMITATIONS MAY BE IMPLEMENTED:

(1) A GILLNET USED TO TAKE FISH

(A) MUST BE OF FOUR-INCH OR LESS MESH OR EIGHT-INCH OR GREATER MESH;

(B) FOR A GILLNET OF FOUR-INCH OR LESS MESH, MAY NOT EXCEED THE LENGTH SPECIFIED BY THE COMMISSIONER IN THE EMERGENCY ORDER;

(C) FOR A GILLNET OF EIGHT-INCH OR GREATER MESH, MAY NOT EXCEED THE LENGTH SPECIFIED IN (f) OF THIS SECTION;

(2) FOR FISH WHEELS:

(A) THE OPERATOR MUST CLOSELY ATTEND THE FISH WHEEL WHILE IT IS IN OPERATION, AND ALL CHUM SALMON MUST BE IMMEDIATELY RELEASED TO THE WATER ALIVE AND MUST BYPASS ANY LIVEBOX UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER;

(B) REPEALED 5/22/2016;

(C) REPEALED 6/17/2001;

(D) REPEALED 6/28/2019;

(3) DIP NETS MAY BE USED; HOWEVER, ALL CHUM SALMON CAUGHT WITH A DIP NET MUST BE RELEASED TO THE WATER ALIVE UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER.

(n) NOTWITHSTANDING THE PROVISIONS OF (d), (e)(2), AND (f)(2) OF THIS SECTION, DURING TIMES WHEN THE COMMISSIONER DETERMINES THAT IT IS NECESSARY FOR THE CONSERVATION OF KING SALMON, THE COMMISSIONER MAY, BY EMERGENCY ORDER, CLOSE THE FISHING SEASON IN THE YUKON AREA AND IMMEDIATELY REOPEN THE SEASON IN THAT AREA DURING WHICH ONE OR MORE OF THE FOLLOWING GEAR LIMITATIONS MAY BE IMPLEMENTED:

(1) A GILLNET USED TO TAKE FISH

(A) MUST BE OF SIX-INCH OR LESS MESH;

(B) MAY NOT EXCEED THE LENGTH AND DEPTH SPECIFIED BY THE COMMISSIONER IN THE EMERGENCY ORDER;

(2) FOR FISH WHEELS:

(A) THE OPERATOR MUST CLOSELY ATTEND THE FISH WHEEL WHILE IT IS IN OPERATION, AND ALL KING SALMON MUST BE IMMEDIATELY RELEASED TO THE WATER ALIVE AND MUST BYPASS ANY LIVEBOX UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER;

(B) REPEALED 5/22/2016;

(C) REPEALED 6/28/2019;

(3) DIP NETS MAY BE USED; HOWEVER, ALL KING SALMON CAUGHT WITH A DIP NET MUST BE RELEASED TO THE WATER ALIVE UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER;

(4) A BEACH SEINE MAY BE USED; HOWEVER, ALL KING SALMON CAUGHT WITH A BEACH SEINE MUST BE RELEASED TO THE WATER ALIVE UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER.

(o) FOR THE PURPOSES OF THIS SECTION, A "LIVEBOX" IS A SUBMERGED CONTAINER THAT IS ATTACHED TO A FISH WHEEL AND THAT WILL KEEP FISH CAUGHT BY THE FISH WHEEL ALIVE.

(p) IN THE YUKON AREA, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION THAT ALLOWS A PERSON TO TAKE SALMON WITH A GILLNET THAT HAS A MESH SIZE GREATER THAN SEVEN AND ONE-HALF INCHES, A PERSON MAY NOT TAKE SALMON WITH A GILLNET THAT HAS A MESH SIZE GREATER THAN SEVEN AND ONE-HALF INCHES.]

What is the issue you would like the board to address and why? Regulations for lawful gear and gear specifications in the Yukon Area have been modified many times in the past and need to be revised for clarity and to reflect current practices. Proposed changes address the updated restriction on the maximum mesh size allowed in the Yukon Area (gillnets of seven and one-half inches) and remove outdated instances of eight-inch or larger mesh gillnets. Additions align with current or longstanding fishing practices or are necessary for sustainability of salmon populations and an orderly fishery. New additions to regulations include: adding eel stick to legal subsistence fishing gear; clarifying dip net operation; relaxing minimum distance between subsistence gear with low harvest potential and maintaining 200 feet between set gillnets and fish wheels; applying seven and one-half mesh size to all gillnet fishing during the year, not just for salmon fishing; reducing the maximum mesh size to six-inch or less gillnets for the fall chum and coho salmon season; relaxing the maximum mesh size to four-inch or less gillnets portions of Beaver and Birch Creek; and specifying four inch or less mesh size gillnet operation during times of conservation.

The Yukon Area currently has several management actions available for the protection of king or chum salmon, while still being able to provide harvest opportunity on more abundant salmon species that have overlapping run timings. The department needs greater flexibility to be able to provide subsistence harvest opportunity on abundant salmon species while providing protections to less abundant salmon species. This proposal also establishes alternative and aligned gears during times of salmon conservation and allows the department to specify which species may be retained from selective gear types. This will allow for a more adaptive management strategy benefitting subsistence users.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-065)

PROPOSAL 85

5 AAC 77.171. Lawful gear for personal use finfish fishing.

Modify Yukon Area Personal Use Salmon Fishery specifications for selective gear types and gillnet mesh size during times of salmon conservation, as follows:

5 AAC 77.171 is amended to read:

...

(b) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of [CHUM] salmon, **other than king salmon**, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be four-inches or less [IN] mesh [SIZE] or **seven and one-half inch** [EIGHT INCHES OR GREATER] in mesh size;

(B) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and **the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(C) that is **seven and one-half inch** [EIGHT INCHES OR GREATER] in mesh size, may not exceed the length and depth specified by the commissioner; **and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(2) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation, and all [CHUM] salmon, **other than king salmon**, must be immediately released to the water alive and must bypass any livebox, unless retention is allowed by emergency order;

(B) repealed 6/28/2019;
(C) repealed 6/28/2019;

(3) dip nets may be used, however all [CHUM] salmon, **other than king salmon,** caught must be released to the water alive, **unless retention is allowed by emergency order;** notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

(c) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be six inches or less in mesh size; **and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(B) may not exceed the length and depth specified by the commissioner;

(C) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(2) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation, and all king salmon must be immediately released to the water alive and must bypass any livebox, unless retention is allowed by emergency order;

(B) repealed 6/28/2019;
(C) repealed 6/28/2019;

(3) dip nets may be used, however all king salmon caught must be released to the water alive; notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

...

What is the issue you would like the board to address and why? The Yukon Area currently has several management options available for the protection of king or chum salmon, while still being able to provide harvest opportunity on more abundant salmon species that have overlapping run timings. The department needs greater flexibility to be able to provide harvest opportunity in the personal use fishery on abundant salmon species while providing protections to less abundant salmon species. This proposal would establish alternative options and aligned gears during times of salmon conservation and allow the department to specify which species may be retained from selective gear types. This will allow for a more adaptive management strategy benefitting participants in the

personal use fishery. Additionally, this proposal removes the option for gillnets with eight-inch or greater mesh and amends the maximum mesh size to seven and one-half or inch less mesh size.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F22-063)
