

ALASKA BOARD OF FISHERIES FINDINGS
SUBSISTENCE REGULATIONS FOR THE 1985 FISHING SEASON
#85-111-FB

The Alaska Board of Fisheries, meeting in Anchorage, Alaska on March 26, 1985, finds that the Alaska Supreme Court decision in Madison v. Alaska Department of Fish and Game will require a revision of certain subsistence, personal use, sport, and commercial fishing regulations. However, the board finds insufficient time exists before the smelt, herring, bottomfish, shellfish, and salmon seasons to allow for an orderly, comprehensive review of all regulations which may be impacted, considering the need to provide an adequate opportunity for public comment and review. Therefore, to ensure an orderly process allowing the opportunity for all members of the public to participate in the review process, and implement the court's decision in Madison in the interim, the board requests that the commissioner take the following actions:

- 1) Authorize by emergency regulation, access by all Alaska residents to existing Tyonek, Port Graham, and English Bay subsistence fisheries. Existing bag and possession limits, time, gear, area regulations, and overall guideline harvest will not be changed for the 1985 season. The board finds that such regulations promote an orderly harvest which will reasonably satisfy anticipated subsistence uses. Modification of these regulations at this time is not in the best interest of the public given the inadequate opportunity for public comment, and uncertainty about 1985 participation levels.
- 2) During 1985, continue the following presently authorized personal use fisheries in Cook Inlet as personal use fisheries:

The spring Kasilof River salmon gill net fishery, the Kasilof and Kenai River, China Poot, and Bear Creek sockeye salmon dipnet fisheries, and the shellfish, herring, and smelt fisheries.

The board cannot reasonably modify or eliminate these fisheries without an opportunity for public comment, which is not possible under the present time frame.

- 3) Change the Kenai River fall coho set gill net personal use fishery by emergency regulation to a subsistence fishery, as required by Madison, and manage it under the regulations used during the 1981 season, except the current reporting requirements will apply. Any Alaska resident may participate in this fishery.

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- 4) Change the Kachemak Bay coho salmon set gill net personal use fishery, by emergency regulation, to a subsistence fishery, as required by Madison, and manage it under the regulations developed for the court ordered fishery. Any Alaska resident may participate in this fishery.
- 5) Allow, by emergency regulation, access by all Alaska residents to the Iliamna/Lake Clark, Naknek River, and Angoon subsistence salmon fisheries. The bag and possession, time, area, gear, and overall harvest guidelines of each of these fisheries shall remain as described in the existing regulations. The board finds that such regulations are necessary to conduct an orderly fishery and to provide a reasonable opportunity for subsistence needs. Modification of these regulations at this time is not in the best interest of the public given the inadequate opportunity for public comment. During 1985, continue the Naknek River personal use fishery.
- 6) By emergency regulation, combine the Copper River subsistence and personal use salmon fisheries into a subsistence fishery. Retaining the existing regulations as to bag and possession limits, time, area, gear, and overall harvest guidelines, with regulations that now apply to the personal use fishery applying to the dip net fishery, and those that now apply to the subsistence fishery applying to the fishwheel fishery. The board finds these regulations to be necessary to conduct an orderly fishery and to provide a reasonable opportunity for subsistence needs. Further, the overall harvest guidelines, bag limits, and areas represent the different historical harvest patterns for each gear type. The dip net portion of this guideline represents a total harvest which was not taken during the 1984 season. The harvest lid is necessary to manage the downriver commercial salmon drift gill net fishery to ensure escapement for reproductive needs and the upriver subsistence fishery. The bag and possession limits, while different for dipnetters and fishwheel fishermen, were developed by the board after extensive public testimony and information demonstrating that the differing bag limits reflected historical use by each group. Any Alaska resident may participate in either the fishwheel or the dipnet fishery.

The board hereby calls for proposals from the public on all subsistence and personal use regulations to be considered at the 1985 fall/winter finfish meeting. Any petitions concerning subsistence, personal use, or associated sport and commercial fisheries will be accepted and scheduled for the 1985 fall/winter board meeting. The board will consider all

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proposals to establish, eliminate or modify any or all subsistence or personal use regulations and any changes in commercial or sport fishery regulations required by such regulations.

Ron Jolin

Ron Jolin, Chairman
Alaska Board of Fisheries

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Anchorage, Alaska

VOTE: 4/0