

STATEWIDE FINFISH PROPOSALS

PROPOSAL 164 - 5 AAC 01.030. Unlawful Possession of Subsistence Finfish. Revise unlawful possession of subsistence finfish as follows:

Amend 5 AAC 01.030 by adding paragraph (d): Subsistence Sockeye and Chinook Salmon (Commonly referred to as Home Packs)

- (1) Home Packs shall have no monetary value and can not be sold to any business or individual.
- (2) Home Packs may be bartered for other subsistence foods.
- (3) Only one Home Pack shall be authorized per family of two or more.
- (4) ADF&G issued permits for Home Packs shall be required at no cost to the receiving family.
- (5) Only three proxy permits shall be authorized per commercial fishing vessel
- (6) Home Packs shall be limited to a total of 40 salmon of which only two can be Chinook Salmon.
- (7) Commercially caught salmon and salmon caught for subsistence shall not occupy the same storage or processing areas.

ISSUE: (1) To adopt better controls for Alaskan Salmon fisheries. (2) To monitor and enforce the potential illegal sale of subsistence caught Sockeye and Chinook Salmon caught with commercial fishing gear and (3) To put a limit on the amount of Sockeye and Chinook Salmon allowed per household.

WHAT WILL HAPPEN IF NOTHING IS DONE? Potential overfishing of the Chinook and Sockeye fisheries.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? This proposal will help reduce the demand on the highly prized Chinook salmon and offers ADF&G and Wildlife Conservation Troopers more authority to monitor, conserve, and regulate Alaskan salmon fisheries.

WHO IS LIKELY TO BENEFIT? All Alaskan residents including subsistence users.

WHO IS LIKELY TO SUFFER? Only those who do or intend to sell subsistence salmon in the black market.

OTHER SOLUTIONS CONSIDERED? No other solutions will work that won't have a negative impact on subsistence users.

PROPOSED BY: Fairbanks AC

(HQ-09F-092)

PROPOSAL 165 - 5 AAC 77.xxx. New Section. Delay opening personal use fishery until escapement goal is met as follows:

Personal use dipnetting will only begin after the biological escapement goal for a stream is met.

ISSUE: Personal use dipnetting has, by the default of the Board, been given priority over all other fishing. There never has been a proposal before the Board giving this priority and allowing the public to comment on it.

WHAT WILL HAPPEN IF NOTHING IS DONE? In times of low returns sport and commercial fishing will be curtailed or closed because dipnetters have taken too many fish before the escapement goal is met. Personal use should only begin after the biological escapement goal has been met. Sport and commercial fishing was here long before there ever was a personal use fishery. No priority was ever given for personal use in statute or regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Businesses and guides who depend on sport fishing. Commercial fishermen who depend on fishing for their livelihood as stated in Article VIII, Section 15 of the State Constitution.

WHO IS LIKELY TO SUFFER? Those who think that their own living schedules should dictate the opening of dipnetting.

OTHER SOLUTIONS CONSIDERED? Change the bag limit of dipnetters to the daily sport fish bag limit. The board already denied this.

PROPOSED BY: Steve Vanek (HQ-09F-111)

PROPOSAL 166 - 5 AAC 77.010. Methods, means and general restrictions. Eliminate requirement of having a sport fishing license to fish in personal use fisheries as follows:

(a) Finfish, shellfish, and aquatic plants may be taken for personal use only by [A HOLDER OF A VALID RESIDENT ALASKA SPORT FISHING LICENSE OR BY] an Alaskan resident. [EXEMPT FROM LICENSING UNDER AS.16.05.400.]

ISSUE: This requirement is only in board regulation and has never been authorized by the Alaska Legislature as required by law. Under 5 AAC 77.001 personal use is defined as not being sport fishing, so it should not require a sport license.

WHAT WILL HAPPEN IF NOTHING IS DONE? The Board does not have the authority to require a sport fish license, so it is not enforceable in court.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Personal use fishermen.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? I have submitted a petition also.

PROPOSED BY: Ken Tarbox (SC-09F-017)

PROPOSAL 167 - 5 AAC 39.105. Types of legal gear. Modify definition of mechanical jigging machine as follows:

(d)(25) a mechanical jigging machine is a device that deploys a line with lures or baited hooks, and retrieves that line and lures or hooks with electrical, hydraulic, or mechanically powered assistance; a mechanical jigging machine allows the line with lures or hooks to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with a mechanical jigging machine and may not be anchored or operated off the vessel.

ISSUE: The definition of mechanical jigging machine is not clear on whether baited hooks are allowed.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued misunderstanding over baiting of jig hooks.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? The public and agencies will benefit from clear and consistent regulatory language.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-09F-125)

PROPOSAL 168 - 5 AAC 39.117. Vessel Length; bulbous bow. Repeal the length limit on salmon seine vessels in Alaska as follows:

The preferred solution is for the Board to repeal the length limit on salmon seine vessels in Alaska.

ISSUE: The board adoption of excluding the “bulbous bow’ from the length measurement of a salmon purse seine vessel is real progress. It should now repeal the 58’ limit on the length of vessel in the salmon purse seine fishery.

WHAT WILL HAPPEN IF NOTHING IS DONE? Alaska purse seine salmon vessels will continue to be vessels that are inefficient. The vessels now being built have length to width ratios that, even with a bulbous bow, will consume more fuel then needed. The length law does not stop capacity increases because everyone just adds width and depth as a way to make the vessel capacity greater for the fishery. This length restriction produces inefficient vessels.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, a larger length boat would allow fishermen to explore ways to add value to Alaska salmon. Some Alaska salmon purse seiners may want to process their catch at sea and the present 58’ limit makes that almost impossible.

WHO IS LIKELY TO BENEFIT? The Alaska purse seine fishermen who wish to pioneer ideas of efficiency in vessel operation and those wishing to develop Alaska salmon, value added products. Others will keep informed of the new ideas and they can copy those that are successful. This helps all.

WHO IS LIKELY TO SUFFER? Of course proposals of this nature have some degree of opposition. Often times the arguments against are largely due to a personal opinion or position. These arguments will be discussed in a following document giving more detail of the proposal.

OTHER SOLUTIONS CONSIDERED? I submitted a proposal similar to this last year. Some board members viewed the proposal as a statewide issue which is why I am re-submitting it as such. I still feel that it will be better dealt with on an area by area basis (i.e. Southeast only) and have not rejected that option.

PROPOSED BY: Darrell Kapp (HQ-09F-028)

PROPOSAL 169 - 5 AAC 39.205. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries. Amend criteria for the allocation of fishery resources as follows:

Define to the public why the BOF and the State of Alaska can deny an individual or group of individuals’ reasonable opportunity to harvest a state managed resource.

ISSUE: Current regulation addresses AS 16.05.251(e) There is no regulation guideline for evaluating these criteria. The BOF members are relegated to giving their opinion rather than stating facts as they are relevant to the proposal or action being taken. It was not the intent that the BOF pick and choose which allocation criteria that are to be applied but that they should all be weighed equally. Memorandum November 19, 2008, From: DOL: Fair and reasonable opportunity. Regulations adopted for the purposes set forth in AS 16.05.251(a), consistent with sustained yield and the subsistence law, must also “provide a fair and reasonable opportunity for

the taking of a fishery resources by personal use, sport and commercial fishermen.” (AS 16.05.251(d)) That requirement, however, does not prevent the Board from allocating resources among user groups, The Board may make a particular species in a particular area available to one user group without making the same species or area available to another user group. (See Kenai Peninsula Fisherman’s Coop. Ass’n v. State, 628 P. 2d 897, 904 (Alaska 1981)) If there is any question as to whether action on a proposal could deprive a user group of a “fair and reasonable opportunity” Board members should discuss this issue and provide their reasoning as to whether the proposal would provide such opportunity.

WHAT WILL HAPPEN IF NOTHING IS DONE? Definition of “reasonable opportunity” exists in the subsistence regulations. “reasonable opportunity” means an opportunity “that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.” AS 16.05.258(f) These terms will have two meanings in regulation and policy. There is no guidelines to determining and to define state or justify in writing why one group or individual can be denied access to one resource over another.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? Exclusive fisheries.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Kenai Peninsula Fisherman’s Association (HQ-09F-168)

PROPOSAL 170 - 5 AAC 39.222. Policy for the management of sustainable salmon fisheries.
Clarify regulations establishing escapement goals as follows:

(c) (2) (B) salmon escapement goals, whether sustainable escapement goals, biological escapement goals, optimal escapement goals, or in-river run goals, should be established in a manner consistent with sustained yield; unless otherwise directed, the department will manage Alaska’s salmon fisheries, to the extent possible, for maximum sustained yield, **no other types of goals are authorized and all escapement goals will be expressed as a range, except for SET which will be established as in (f) (30) of this section;**

ISSUE: Clarify for the department and the public that the types of goals established in this regulation are all inclusive and that new goal types must go through the public Board process before they are implemented. In a memorandum dated January 15, 2008 the department responded to a complaint raised over the establishment of an SEG threshold for the Anchor River documenting 33 Sustainable Escapement Goal thresholds which are confusing at a minimum and cite the Department of Law opinion that they can set goal types other than the goals in the policy for the

management of sustainable salmon fisheries. These goals should be redone in cycle during the next three years.

WHAT WILL HAPPEN IF NOTHING IS DONE? The department will continue to establish new goal types whenever they desire circumventing the boards regulations and the public process.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone, because the regulation is clear and does not allow the department to come up with other types of goals that have allocative impacts that are never discussed in public meetings.

WHO IS LIKELY TO SUFFER? The department personnel who choose not to manage certain stocks as directed, prime example is Anchor River Chinook where the data exists to set a BEG, however the department has decided they don't want to manage the fishery. So they set an SEG threshold even though the regulation clearly states that "(36) "sustainable escapement goal" or "(SEG)" means a level of escapement, indicated by an index or an escapement estimate, that is known to provide for sustained yield over a 5 to 10 year period, used in situations where a BEG cannot be estimated due to the absence of a stock specific catch estimate; the SEG is the primary management objective for the escapement, unless an optimal escapement or in-river run goal has been adopted by the board, and will be developed from the best available biological information; the SEG will be determined by the department and will be stated as a range that takes into account data uncertainty; the department will seek to maintain escapements within the bounds of the SEG."

OTHER SOLUTIONS CONSIDERED? Tried discussing this with the department but was basically left with go to court if you don't like it.

PROPOSED BY: Ken Tarbox (SC-09F-015)

PROPOSAL 171 - 5 AAC 39.223. Policy for statewide salmon escapement goals. Clarify escapement goals and establish ranges as follows:

- (a) The Department of Fish and Game (department) and the Board of Fisheries (board) are charged with the duty to conserve and develop Alaska's salmon fisheries on the sustained yield principle. Therefore, the establishment of salmon escapement goals is the responsibility of both the board and the department working collaboratively. The purpose of this policy is to establish the concepts, criteria, and procedures for establishing and modifying salmon escapement goals and to establish a process that facilitates public review of allocative issues associated with escapement goals. **The department will only set BEG, SEG, and SET type escapement goals as provided in this policy and in 5AAC 39.222. Both BEG and SEG type goals will be established as a range as set forth in 5 AAC 39.222. The Board only, will set OEG and in-river type escapement goals which will be expressed as a range as set forth in 5AAC**

39.222. No other types of goals are authorized until approved in this Board's process.

- (b) The board recognizes the department's responsibility to
- (1) document existing salmon escapement goals for all salmon stocks that are currently managed for an escapement goal;
 - (2) establish biological escapement goals (BEG) for salmon stocks for which the department can reliably enumerate salmon escapement levels, as well as total annual returns;
 - (3) establish sustainable escapement goals (SEG) for salmon stocks for which the department can reliably estimate escapement levels when there is not sufficient information to enumerate total annual returns and the range of escapements that are used to develop a BEG;
 - (4) establish sustained escapement thresholds (SET) as provided in 5AAC 39.222 (Policy for the Management of Sustainable Salmon Fisheries);
 - (5) establish escapement goals for aggregates of individual spawning populations with similar productivity and vulnerability to fisheries and for salmon stocks managed as units;
 - (6) review an existing, or propose a new BEG, SEG, and SET on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals;
 - (7) prepare a scientific analysis with supporting data whenever a new BEG, SEG, or SET, or a modification to an existing BEG, SEG, or SET is proposed and, in its discretion, to conduct independent peer reviews of its BEG, SEG, and SET analyses;
 - (8) notify the public whenever a new BEG, SEG, or SET is established or an existing BEG, SEG, or SET is modified;
 - (9) whenever allocative impacts arise from any management actions necessary to achieve a new or modified BEG, SEG, or SET, report to the board on a schedule that conforms, to the extent practicable, to the board's regular cycle of consideration of area regulatory proposals so that it can address allocation issues.

(c) In recognition of its joint responsibilities, and in consultation with the department, the board will

- (1) take regulatory actions as may be necessary to address allocation issues arising from implementation of a new or modified BEG, SEG, and SET;
- (2) during its regulatory process, review a BEG, SEG, or SET determined by the department and, with the assistance of the department, determine the appropriateness of establishing an optimal escapement goal (OEG); the board will provide an explanation of the reasons for establishing an OEG and provide, to the extent practicable, and with the assistance of the department, an estimate of expected differences in yield of any salmon stock, relative to maximum sustained yield, resulting from implementation of an OEG.

(d) Unless the context requires otherwise, the terms used in this section have the same meaning given those terms in 5AAC 39.222 (f).

ISSUE: Clarify that the Board and Department will only set the types of goals outlined in this policy and in 5AAC 39.222 and that all goals except SET's will be established as a range. Further than the department and board will adhere to the management principles contained within these two regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? New ad hoc types of goals will be established circumventing these two policies and the public process. If the department and board don't want to follow these regulations, they should be repealed.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone, because the regulation is clear and does not allow the department to come up with other types of goals that have allocative impacts that are never discussed in public meetings.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Ken Tarbox

(SC-09F-016)

PROPOSAL 172 - 5 AAC 39.222. Policy for the management of sustainable salmon fisheries; and 5 AAC 39.223. Policy for statewide salmon escapement goals. Provide definition for escapement goal threshold as follows:

Define "sustainable escapement goal threshold"

We believe that this subject should be vetted in the public process and discussed by the Board, Department and public. Committee's have been formed to discuss this issue in the past with no recommendations determined. The department has adopted this strategy and developed this goal with out public acceptance. The department and Board should define and determine the proper area to place this within the SSFP and should further define and report the known and unknown effects to further returns, harvests in the system where this "new" goal would apply.

ISSUE: Current policy language in regulation does not define SEG-T. DOL states "The fact that SEG Thresholds are not expressly defined in 5 AAC 39.222 (SSFP) does not mean the department cannot use them for escapement goal purposes. There is nothing in the SSFP that mandates that the department only manage according to defined escapement goals. " Current language in the EGP does not require the BOF to be involved with any ADF&G decision to establish and manage goals that are not defined in the SSFP. DOL states "Nor is there any provision in 5 AAC 39.223 (EGP) that mandates management of salmon escapement only to the goals defined in the SSFP. Rather , in the EGP, the Board simply "recognizes the department's responsibility to " establish escapement goals, it does not mandate any particular action."

WHAT WILL HAPPEN IF NOTHING IS DONE? The Board, Department and the public will not be coordinated on this change in management actions and policy changes. The public will not know what to expect form future returns. The public needs to thourally understand the difference between managing for MSY and or an SEGT. An SEG is defined in the SSFP 39.222(f)(36). An

SET is defined in SSFP 39.222(f)(39). One term discusses a range and the other talk about a “point” where...below which the ability of the salmon stock to sustain itself is jeopardized;...further it is defined as lower than the lower bound of the SEG. This is confusing to all that read this meld of terms. The department should be well advised by the Board and the public in proposals, testimony and committee on the ramifications in managing a stock with limited knowledge of how this will affect future returns.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, users may better plan for utilization.

WHO IS LIKELY TO BENEFIT? All users because it will define management objectives.

WHO IS LIKELY TO SUFFER? Department personnel who will be required to take a more active role in evaluating actual returning, rearing and outmigration population.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Kenai Peninsula Fishermen’s Association (HQ-09F-156)

PROPOSAL 173 - 5 AAC 28.086. Management Plan for Parallel Groundfish Fisheries.
Amend this regulation to read:

5 AAC 28.086. Management Plan for Parallel Groundfish Fisheries. (a) Notwithstanding the provisions of this chapter, or management measures stated in a global emergency order issued by the commissioner at the beginning of a parallel groundfish fishery season, the commissioner may open and close, by emergency order, fishing seasons during which area closures, gear restrictions, vessel size limits, reporting, monitoring, and enforcement requirements may be imposed as the commissioner determines reasonably necessary to correspond with federal fishery management measures.

(b) For the purposes of this chapter, except as otherwise specified, "parallel groundfish fishery" means **a fishery** [THE PACIFIC COD, WALLEYE POLLOCK, AND ATKA MACKEREL FISHERIES] in state waters opened by the commissioner, under emergency order authority, to correspond with the times, area, and unless otherwise specified, the gear of a federal season in adjacent federal waters.

ISSUE: Parallel groundfish fisheries are conducted by adopting federal rules via emergency order into state waters. This proposal will provide regulatory authority for establishing all parallel groundfish fisheries except as otherwise provided in regulation. The proposed regulation would authorize management measures for parallel fisheries purposes and species other than those provided for under Steller sea lion protection regulations.

WHAT WILL HAPPEN IF NOTHING IS DONE? Regulatory authority for parallel groundfish fisheries will be missing.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS

PRODUCED BE IMPROVED? Unknown.

WHO IS LIKELY TO BENEFIT? The public, fishery managers, and law enforcement.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game (HQ-09F-129)

PROPOSAL 174 - 5 AAC 28.050. Lawful gear for groundfish. Amend lawful gear for groundfish as follows:

Gillnet fishing will be allowed to fish for Pacific cod in state waters again, modeled after the Norwegian fishery.

ISSUE: Expanding the state water Pacific cod fishery to include gillnet fishing for small boat fishing. This fishery will be modeled after the Norwegian fishery. Each vessel will be restricted to a total of 200 fathoms of gear.

WHAT WILL HAPPEN IF NOTHING IS DONE? The small boat fleet are unable to fish for Pacific cod economically. This would encourage them and provide for more economically based fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? The small boats, 58 feet and under, that are fishing with pots. Eliminates bycatch since these nets will be off the bottom.

WHO IS LIKELY TO BENEFIT? All small boats in the area.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Stanley Mack (HQ-09F-027)

PROPOSAL 175 - 5 AAC 75.xxx. New section. Establish bag limit for sablefish as follows:

For resident anglers: sablefish may be taken from January 1 through December 31: daily bag limit of 2, 4 in possession, and no annual limit; for nonresident anglers: sablefish may be taken from January 1 through December 31: daily bag limit of 2, 4 in possession and an annual limit of 4 fish.

ISSUE: There is no bag or possession limit for blackcod (sablefish), a highly valuable commercial species in a period of statewide decline. Without a bag limit, the sport take is

unlimited and this is not appropriate for a high value, long-lived species. Other similar species (yelloweye rockfish, lingcod, halibut, king salmon & shark) have restrictive daily and/or annual bag limits where ever they are in high demand.

WHAT WILL HAPPEN IF NOTHING IS DONE? A new charter fishery is developing for this species that is already fully utilized and sensitive to overharvest. The use of electric reels and jigging machines, historically understood to be prohibited, but recently declared legal tackle allows efficient access to deep water species. These fish have previously been insulated from sport fish harvest and are species of great longevity. Even with a ban on electric reels for sport fishing it is appropriate to set limits for sport harvest of blackcod.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? The resource will benefit as uncontrolled development of a new fishery will not occur and commercial fishermen will benefit as they will have some protection from the potential from unlimited growth in the charter sector. Sport anglers also benefit by having access to a species and reasonable limits to protect future access.

WHO IS LIKELY TO SUFFER? Commercial charter operations that marketing high-volume blackcod sport fishing trips.

OTHER SOLUTIONS CONSIDERED? A one fish bag limit which is also an appropriate limit. A 2 fish annual limit. The Board passed a 2 fish per day sablefish limit in Southeast in February 2009.

PROPOSED BY: Sitka AC (HQ-09F-046)

PROPOSAL 176 - 5 AAC 75.xxx. New Section. Increase bag limit for spiny dogfish as follows:

Make a more reasonable possession/daily limit of the Spiny Dog Fish, such as 5 fish per day, with a combined limit of 10 per year.

ISSUE: I would like to see the spiny dog fish taken off the category as a shark. It should be listed in a category by itself, and a more liberal daily limit.

WHAT WILL HAPPEN IF NOTHING IS DONE? Fisherman who like to eat the spiny dog fish will not be allowed to take but one fisher per year and this is not fair.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? At the current time, I do not see any anglers keeping this fish, as it is considered a shark and it must be placed on your license soon as caught, and therefore people do not keep them and they are getting over populated.

WHO IS LIKELY TO BENEFIT? Any angler who chooses to catch and keep the spiny dog fish, will be allowed to do so, with out having to write on the license the information at the time of harvest, as is now required on shark harvest. I enjoy eating the spiny dog fish but I am only allowed one per year. I travel from Oklahoma to Alaska each year to fish and I would like to harvest more than one.

WHO IS LIKELY TO SUFFER? No one will suffer if adopted.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Thomas E. Pitts (HQ-09F-006)

Note, this proposals was generated by the Board of Fisheries during the February 2009 Southeast Finfish meeting and scheduled for consideration at the March 2010 Statewide finfish meeting for possible consideration as a statewide proposal.

PROPOSAL 177 - 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 bag limit for thornyhead rockfish as follows:

Shortspined and longspined thornyhead rockfish may be taken from January 1 - December 31; bag and possession limit of one fish.

ISSUE: Currently there is no bag or possession limit on these long lived species of rockfish. The board seeks to establish bag and possession limits that provide for a reasonable level of angling opportunity and harvest while at the same time provide for protection against high levels of harvest that could be harmful to the health of stocks.

Shortspines (*Sebastolobus alascanus*) are one of the longest-lived fishes in the world and can live up to 80-100 years. Female longspined thorneyheads (*Sebastolobus altivelis*) mature by 25 years and can live up to 45 years.

WHAT WILL HAPPEN IF NOTHING IS DONE? Harvest amounts could exceed biologically justified levels and cause stock depletion in localized areas or in broader regions.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? All fishermen will benefit from having harvest levels maintained at sustainable levels.

WHO IS LIKELY TO SUFFER? Perhaps it could adversely affect those few fishermen who harvest these species in considerable numbers.

OTHER SOLUTIONS CONSIDERED? Establish limits for all rockfish, but this proposal is specific to shortspined and longspined thornyhead rockfish. Also the board could consider an annual limit, but the daily bag and possession limit is thought to provide an effective safeguard.

The board may consider establishing a thornyhead rockfish bag limit as a statewide regulation.

PROPOSED BY: Alaska Board of Fisheries (HQ-09F-173)

PROPOSAL 178 - 5AAC 75.003. Emergency order authority. Clarify emergency order authority as follows:

The commissioner may, by emergency order, change bag and possession limits and annual limits and alter methods and means in sport fisheries. These changes may not reduce the allocation of harvest among other user groups. An emergency order may not supersede **provisions for increasing or decreasing** bag and possession limits or **changing** methods and means established in regulatory management plans established by the Board of Fisheries. The commissioner will use emergency order authority to manage sport fishing opportunity in the following circumstances:

PROBLEM: The emergency order authority provision is internally inconsistent. The introductory paragraph, read in isolation, would seem to prohibit changing a bag limit or method and means anytime that a specific bag limit or method and means is stated in a regulation designated as a management plan. However, the provisions that follow the introductory paragraph, in (1) and (2), indicate that the commissioner may modify the bag limits to manage for escapement goals. Both subsections (1)(A) and (2)(A) are triggered by escapement goals in management plans, clearly indicating that fisheries with management plans would be subject to changes. A literal reading of the initial paragraph would prohibit the department from changing bag and possession limits to achieve escapement goals and instead, would require more drastic actions such as total closures.

The department believes that these internal inconsistencies can be resolved by interpreting the introductory paragraph to only prohibit modification to bag and possession limits or methods and means under this section when there are explicit provisions in the management plan for increasing or decreasing a bag limit or changing a methods and means.

WHAT WILL HAPPEN IF NOTHING IS DONE? There will continue to be uncertainty from the public in the department's interpretation of the emergency order authority regulation.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public and agencies benefit from clear and consistent regulatory language.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Another solution would be to modify individual management plans as each management area comes before the Board during the three-year meeting cycle.

PROPOSED BY: Alaska Department of Fish and Game (HQ-09F-146)

PROPOSAL 179 - 5 AAC 75.003. Emergency order authority. Clarify the emergency order authority as follows:

The commissioner may, by emergency order, change bag and possession limits and annual limits and alter methods and means in sport fisheries. These changes may not reduce the allocation of harvest among other user groups. An emergency order may not supersede bag and possession limits or methods and means established in regulatory management plans established by the Board of Fisheries. The commissioner will use emergency order authority to manage sport fishing opportunity in the following circumstances:

(1) The commissioner or his authorized designee [MAY] **will close if necessary** or decrease sport fish bag and possession limits and restrict methods and means of harvest by emergency order **in order to achieve established escapement goals** [WHEN] **in the following way:**

(A) **If** the total escapement of a species of anadromous fish is projected to be less than the escapement goal [FOR THAT SPECIES LISTED IN A MANAGEMENT PLAN THAT HAVE BEEN ADOPTED BY THE BOARD OF FISHERIES OR] established by the department **and board, the department will close the sport fishery or reduce the bag and possession limits by emergency order to ensure the escapement goal will be achieved. When it is necessary to close the sport fishery it will be closed to fishing for that species.**

(B) if the recreational harvest must be [CURTAILED] **eliminated or reduced** in any fishery for conservation reasons, the department may issue a “catch and release” only emergency order **only if the escapement goal will be achieved and then only** when the estimated hooking mortality is not projected to reduce the population of fish below the number required for spawning escapement or, in the case of resident species, below the level required for maintenance of the desired age and size distribution of the population; “catch and release” as a tool to address conservation under this section shall be labeled “conservation catch and release” to differentiate from catch and release regulations adopted by the Board of Fisheries for special management to create diversity in sport fisheries.

ISSUE: The department continues to use “closed to retention” and reduces bag limits instead of closing the fishery when the escapement goal will not be achieved and changes bag limits that are in management plans which is not legal. This proposal seeks to clarify the regulation.

WHAT WILL HAPPEN IF NOTHING IS DONE? Continued confusion and illegal emergency orders.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Everyone.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Ken Tarbox

(SC-09F-014)

PROPOSAL 180 - 5 AAC 75.020. Sport fishing gear. Define electric fishing reels as follows:

(a) Unless otherwise provided in 5 AAC 47 - 5 AAC 75, sport fishing may only be conducted by the use of a single line having attached to it not more than one plug, spoon, spinner, or series of spinners, or two flies, or two hooks. The line must be closely attended.

(1) Power assisted fishing reels may not be used unless:

(A) the power assisted fishing reel is mounted on a fishing rod by means of a reel seat, and;

(B) the power assisted fishing reel assembly, motor, gearbox, fishing line, attached power cord, and any other reel attachments weigh no more than 15 pounds total when detached from the fishing rod.

(C) For the purposes of this sub-section;

(i) “power assisted fishing reel” means a reel used to deploy and retrieve a sport fishing line that is operated or assisted by any electric, hydraulic, or other mechanical power source other than by hand cranking a handle attached to the reel;

(ii) “fishing rod” means a tapered, flexible rod typically used for sport fishing, equipped with a hand grip and a line guide system that guides the line from the reel to the tip of the rod, upon which is mounted a fishing reel used to deploy and retrieve the sport fishing line;

(iii) “reel seat” means an attachment mechanism that holds the fishing reel to the rod using locking threaded rings, sliding bands, or other attachment devices and is designed to allow the reel to be readily detached from the fishing rod.

ISSUE: In 2007 attention was drawn to the legality of powered reels in the sport fishery in Southeast Alaska. The Department of Law reviewed the situation and found that current statutes and regulations are sufficiently broad to allow the use of powered reels in the sport fishery. Then various proposals, pro and con, expanded discussions before the Alaska Board of Fisheries meetings in Prince William Sound and Southeast Alaska concerning the use of powered reels. The board did not take actions in local areas and directed the department to submit a proposal as a starting point to deal with this topic on a statewide basis. The language above was designed to start at some middle ground by allowing pole mounted power reels currently being used by some in the sport fishery and excluding the use of commercial jigging machines.

WHAT WILL HAPPEN IF NOTHING IS DONE? The use of all powered reels, including gunnel mounted commercial level jigging machines and power troll gear, will be allowed in the sport fishery.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? Sport fishermen wishing to use pole mounted powered fishing reels and persons wishing to prohibit the use of commercial fishing devices in the sport fishery.

WHO IS LIKELY TO SUFFER? Persons wishing to use commercial jigging machines or other commercial fishing gear in the sport fishery.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game at the request of the Board of Fisheries (HQ-09F-148)

Note, this proposal was previously considered by the board during the February 2009 meeting. It was tabled to the March 2010 Statewide Finfish meeting for possible adoption as a statewide regulation.

PROPOSAL 181 - 5 AAC 75.995. Definitions. Clarify definition of fishing rod and electric reel as follows:

A fishing rod is a tapering, often jointed rod, equipped with a hand grip and multiple line guides, upon which is mounted a hand powered, or electric reel used to deploy and retrieve the (trolling) fishing line.

ISSUE: This proposal addresses the problem of defining legal fishing gear. A definition of “fishing rod” is needed in the sport regulations to facilitate enforcement by Fish and Wildlife Protection.

WHAT WILL HAPPEN IF NOTHING IS DONE? If this problem is not solved, enforcement will continue to have problems in enforcing gear types – i.e., fishing rods, gurdies, downriggers, etc.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? Enforcement.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None

PROPOSED BY: Mike Bethers

(HQ-09F-025)

PROPOSAL 182 - 5 AAC 75.xxx. New Section. Prohibit the use of electric reels as follows:

5 AAC xx.xxx. Statewide methods, means, and general provisions – Finfish. Power assisted retrieval of sport fish (including the use of an electric reel) is prohibited in Alaska except, the following anglers may use an electric reel attached to a fishing rod to fish: i. anglers that have in their possession a copy of an approved official certification of disability form a government agency (i.e. declared disabled by the Federal Social Security Administration, the State Department of Worker’s Claims, the United States Railroad Retirement Board, The Teacher Retirement system, any state or country Department of Motor Vehicles of the United States office of Personnel Management);

ISSUE: Prohibit the use of electric (power-retrieved) sport fishing reels except for handicapped anglers. There has been recent increased in the use of electric reels and commercial jigging machines to harvest sablefish, deep water rockfish, and deep water halibut.

WHAT WILL HAPPEN IF NOTHING IS DONE? The use of electric reels and jigging machines will allow efficient access to deep water species, which have previously been insulated from sport fish harvest, and are species of great longevity. This gear is not ‘sporting’ but is designed for efficient commercial harvest of deep water species.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? N/A

WHO IS LIKELY TO BENEFIT? The resource and commercial fishermen who have long targeted deep water species.

WHO IS LIKELY TO SUFFER? Commercial charter operations that have bought electric reels.

OTHER SOLUTIONS CONSIDERED? Age exceptions but this opened up too many enforcement issues with other anglers on board.

PROPOSED BY: Sitka AC

(HQ-09F-047)

PROPOSAL 183 - 5 AAC 75.xxx. New Section. Prohibit use of electric reels as follows:

Add a new restriction to the method and means sections that reads: "The use of power to retrieve fish while sport fishing is prohibited except that an electric reel may be used provided that the angler has in possession a certificate from the Department of Fish and Game stating that the specific model of reel being used does not provide the user any advantage over a typical able-bodied angler using conventional tackle."

The Board shall direct the department staff to determine and publish appropriate limits for the current draw (amps & volts), retrieval speed, battery life, etc. for electric reels that do not exceed the capability of a typical able-bodied angler using conventional tackle prior to issuing any such certificates.

ISSUE: Sport fishing regulations do not currently provide any restrictions on the use of powered reels. Hydraulic troll gurdies, commercial electric jigging machines, and electric downriggers with the leader tied directly to the cannonball (even without a separate rod and release mechanism) are all currently legal sport tackle per a recent legal finding.

WHAT WILL HAPPEN IF NOTHING IS DONE? Some people will take advantage of this lack of regulation to "sport fish" using tackle that is overly effective and not sporting. This gives these anglers an unfair advantage over those using traditional tackle. Some charter guides will feel pressure to purchase such gear for their client's use or risk seeing those clients hire another skipper that uses commercial gear.

High-powered electric and hydraulic reels are a very effective harvest means of harvesting deep water groundfish like shorttraker and roughey rockfish, thornyheads, blackcod and large halibut. Significant sport use of such gear for these species will greatly increase sport harvest rates and effort which would require significant changes to the way that these species are managed. The department's historical data would no longer be a useful predictor of harvest.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? By eliminating any advantage for a typical angler to want to an electric reel, the department will be able to continue to utilize past catch records to predict future harvests, thus enabling more precise management of fishery resources.

WHO IS LIKELY TO BENEFIT? All users of the resource benefit from better management. The charter operators using traditional sport tackle will benefit from the continuing image of Alaska as a prime sport fishing destination, not degraded by the association with unsporting tackle. Also the same operators will not have to be politically associated with or compete (on the marketplace and on the water) with other charter outfits that concentrate on producing high volume catches at the expense of sport fishing ethics. Local sport fishermen who can't afford to don't want to use high-power commercial tackle to sport fish will also benefit from reduced competition on the water.

WHO IS LIKELY TO SUFFER? Charter clients that want to catch more fish than they can eat so that they can sell it back home will suffer if the highly-effective commercial tackle is not permitted. The charter operators that are marketing to this sort of client may also suffer.

OTHER SOLUTIONS CONSIDERED? I considered an out-right ban on electric reels, but was convinced that certain disabled individuals would not be able to fish otherwise. I also considered attempting to develop the specific limits of amperage, retrieval speed, battery capacity, etc myself, but figured that the department had more resources to consult with other experts in the field of human physiology and the department is also in the position to be perceived as neutral. I didn't want this proposal to get hung up on a discussion of whether any particular specification

that I proposed was appropriate. Any specification-based restriction that does not require pre-certification would be difficult to enforce because it would require enforcement personnel to determine in the field whether or not a particular reel met the specification. A restriction based on the configuration or appearance of the reel and or rod would only provide a superficial limitation as there are very powerful "normal-looking" reels intended for commercial tuna fishing available.

This proposal is intended to work alone or in conjunction with other proposals that would place restrictions on which anglers may use electric reels. By getting rid of any advantage that an able-bodied angler would gain from using an electric reel, the issue that an angler that was not permitted to use an electric reel might be tempted to use one if it was available is eliminated.

PROPOSED BY: Tad Fujioka (HQ-09F-048)

PROPOSAL 184 - 5 AAC 75.xxx. New Section. Prohibit the use of felt soled wading boots as follows:

Use of footgear with soles of felt, or other absorbent fiber material, is prohibited while wading in freshwater streams in Alaska as of January 1, 2011.

This same proposal will be implemented in Southeast Alaska and should be implemented on a statewide basis.

ISSUE: Felt soled wading boots have been identified as a primary vector for transferring invasive species such as Whirling Disease, didymo (rock snot), mud snails and zebra mussels that have devastated fisheries elsewhere.

We would like to reduce the likelihood that these problems will be spread by fishermen within the state, or by visitors that may unknowingly bring or spread these species retained in moist felt soles of wading boots and waders.

WHAT WILL HAPPEN IF NOTHING IS DONE? Given the ever-growing number of locations being infected with invasive species it is simply a matter of time before Alaska will be subject to similar outbreaks. In fact, didymo or rock snot has already been detected in two streams near Juneau.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes, by essentially ruling out one means of invasive species transmission, this proposal will help to maintain our fisheries at current levels or higher and will help ensure that State funds can be used to improve those fisheries rather than being used to fight invasive species outbreaks.

WHO IS LIKELY TO BENEFIT? All users of Alaska fish resources will benefit from a better-protected fishery. Fishing equipment retailers will see increased revenues.

WHO IS LIKELY TO SUFFER? Given the opportunity to phase-out use of felt soles over two full fishing seasons, we do not believe current users of felt soles will suffer. The benefits to our fisheries far exceed the incremental cost of replacing felt-soled waders or boots.

OTHER SOLUTIONS CONSIDERED? Ban wading - not practical. Require bleach treatment of felt soles-not enforceable and brings other concerns in areas of significant use.

PROPOSED BY: Trout Unlimited (HQ-09F-049)

PROPOSAL 185 - 5 AAC 75.028. Use of underwater spear. (repeal and readopt). Clarify definition of underwater spear as follows:

In salt water, a spear or speargun may be used to take fish, subject to applicable seasons and bag limits, by a person who is completely submerged; the use of a shaft tipped with an explosive charge, commonly known as a bangstick or powerhead, is prohibited in fresh and salt water.

5AAC 75.995. Definitions.

(XX) “spear” means a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish, and which is operated by hand; a spear also includes a Hawaiian sling or pole spear which is a shaft propelled by a single loop of elastic material and is not equipped with a mechanical release or trigger.

(XX) “speargun” means a device designed to propel a spear through the water by means of elastic bands, compressed gas, or other mechanical propulsion to take fish; and is equipped with a mechanical release or trigger .

ISSUE: For many years there has been public confusion about the use of spearguns for sport fishing. Current language in 5 AAC 75.028 authorizes the use of “spears” to take fish by persons completely submerged in salt water. However, the term “spear” is not currently defined in 5AAC 75. There have been disputes over the years whether or not this includes spear guns, “bang sticks,” or pole spears. The new language defines needed terms and clearly describes what may and may not be used. These terms are generated to align with the current interpretation by department managers and Wildlife Troopers who enforce the regulations. Adoption of the new language will clarify an issue that has been vague for many years.

WHAT WILL HAPPEN IF NOTHING IS DONE? The public, management, and enforcement personnel will continue to have difficulty determining how the use of spearguns may be applied in sport fishing.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The public, department managers, and enforcement personnel who need clearly defined regulations to guide sport fishing activities by persons desiring to use spear guns.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game at the request of the Board of Fisheries
(HQ-09F-147)

Note, this proposal was previously considered by the board during the December 2008 meeting. It was scheduled for the March 2010 Statewide Finfish meeting for possible adoption.

PROPOSAL 186 - 5 AAC 75.028. Use of underwater spear. Allow the use of underwater spear as follows:

In salt water, spears or spear guns may be used to take fish, subject to applicable seasons and bag limits, by persons who are completely submerged.”

ISSUE: Including the use of spear guns, along with spears, as acceptable forms of sport fishing. At present most divers don't know that spear guns are not a legal form of sport fishing in Alaska, so many of them are using spear guns and breaking the law. Spear guns are much easier to use and safer. Attempting to take larger fish, such as halibut or larger lingcod, with a pole spear may be more dangerous than with a spear gun, as the energy lever of a pole spear is extremely low due to a lower likelihood of making a quick kill. Even with a spear gun, spear fishing is probably the most difficult form of sport fishing, and fewer fish are taken per fisherman than any other form of the sport.

WHAT WILL HAPPEN IF NOTHING IS DONE? If the current regulation is enforced, fewer fish will be taken, divers may be cited for fishing illegally, and spear fishing will continue to be more dangerous.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No.

WHO IS LIKELY TO BENEFIT? The small numbers of divers who spearfish in Alaska.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Make divers aware of the current regulation and then enforce it. This would decrease the very small number of fish taken by divers.

PROPOSED BY: Howard Teas (HQ-09F-013)

PROPOSAL 187 - 5 AAC 75.038. Authorization for methods and means disability exemptions. Allow the use of bait by disabled anglers as follows:

Statewide: a use of bait provision for all species of salmon with proof of handicap/disability (on person).

ISSUE: Allow the use of bait, statewide, for all species of salmon for people mentally and or physically handicapped/disabled. The reason for this is that many of these individuals can reel a fish in, but are unable to cast.

WHAT WILL HAPPEN IF NOTHING IS DONE? The world is not going to split in two if nothing is done. However, there are a lot of handicapped/disabled fisherpersons whom this will benefit and allow them to more fully enjoy Alaska’s outdoors.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?

WHO IS LIKELY TO BENEFIT? Handicapped/disabled people.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Gus Lamoureux (HQ-09F-004)

PROPOSAL 188 - 5 AAC 75.067. Limitations for halibut; 5 AAC 75.995(20). Definitions; and 5 AAC 75.070(b). Possession of sport-caught halibut. Modify sport fishing regulations for halibut as follows:

Modify 5 AAC 75.067: **Notwithstanding any other provision in 5 AAC 47 – 5 AAC 75, a** [A] person may not take or possess halibut for sport or guided sport purposes in a manner inconsistent with the regulations of the International Pacific Halibut Commission or the National Marine Fisheries Service.

Modify 5 AAC 75.995(20): “possession limit” means the maximum number of unpreserved fish, **except halibut,** a person may have in his possession;

Repeal 5 AAC 75.070(b): [UNTIL BROUGHT TO SHORE AND OFFLOADED, NO PERSON MAY FILLET, MUTILATE, OR OTHERWISE DISFIGURE A HALIBUT IN ANY MANNER THAT PREVENTS THE DETERMINATION OF THE NUMBER OF FISH CAUGHT OR POSSESSED.]

ISSUE: Halibut are managed by the federal government under an international treaty. All regulations pertaining to halibut must be adopted by federal agencies. The State of Alaska can not have regulations for halibut unless they mirror existing federal regulations.

Federal regulations, especially those for guided sport anglers, have been modified frequently by federal agencies in recent years to stay within harvest limits adopted by the North Pacific Fisheries Management Council. The changes recommended in this proposal will make state halibut regulations consistent with federal regulations and ensure that future federal changes are mirrored in state regulations. Each time the federal regulations are changed the state regulations become inconsistent and incorrect, leading to confusion and citations for fishermen.

WHAT WILL HAPPEN IF NOTHING IS DONE? Inconsistencies between federal and state halibut regulations will continue and possibly increase in the future.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? NA

WHO IS LIKELY TO BENEFIT? Anglers in all sport fishing user groups who will only have one set of regulations to adhere to.

WHO IS LIKELY TO SUFFER? Unknown.

OTHER SOLUTIONS CONSIDERED? None.

PROPOSED BY: Alaska Department of Fish and Game. (HQ-09F-150)

PROPOSAL 189 - 5 AAC 75.075. Sport fishing services and sport fishing guide services; license requirements; regulations of activities. Require a client-guide agreement for each client on a sport fishing charter trip as follows:

Require a client – guide agreement between the fishing party and the licensed fishing guide performing the service.

ISSUE: Many times, guided fishing trips are booked by businesses who are not licensed fishing guides and then sub-contracted out without the knowledge of the party booking the trip and they have no idea who will actually perform their guided fishing trip. Clients should know at the time of booking that they will be fishing with a licensed guide and the details and experience level of the guide that will be fishing their group.

WHAT WILL HAPPEN IF NOTHING IS DONE? Clients will continue to be unaware that the guide business that they booked with will not be the guide that will actually perform the service, resulting in a bait and switch where the client is paying much more for their trip than what the fishing guide charges or with a very inexperienced guide.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. This would increase the quality of the fishing trip many anglers consider a trip of a lifetime.

WHO IS LIKELY TO BENEFIT? Guided anglers and licensed fishing guides.

WHO IS LIKELY TO SUFFER? Unlicensed fishing guides and booking agents that could no longer jack up the price of fishing charters above the retail price what the guide performing the service charges. Could still make a commission based on the retail price of the licensed guide performing the trip.

OTHER SOLUTIONS CONSIDERED? Only allow licensed guides to sell fishing trips.

PROPOSED BY: Mel Erickson (SC-09F-019)

PROPOSAL 190 - 5 AAC 75.003. Emergency order authority. Allow crew members to retain fish when clients are onboard as follows:

Charter crewmembers are unguided anglers and therefore their catch is not recorded under guided anglers. The number of lines in the water cannot exceed the number of paying clients on board.

ISSUE: The current regulation allows the commissioner to limit charter vessel crewmembers from retaining fish while clients are on board. This regulations discriminates against specific citizens based on their profession and should be repealed. Justification for closure is triggered when guideline harvest levels are projected to exceed the GHF for guided anglers for any species. Since the charter crew can only retain fish by expending personal resources in the form of fuel and equipment or by chartering under a guide, this regulation is requiring that some but not all citizens must expend personal resources outside of any commercial endeavor to harvest Alaska's resources. This regulation discriminates between Alaskan residents who provide a service to the public to gather Alaska's resource for personal consumption and those who gather Alaska's resource for personal profit. Commercial fisherman and crew, can retain or sell their catch for personal consumption or profit without expending additional resources to harvest fish for personal use. The regulation discriminates among users involved in commercial endeavors. This regulation requires that a particular user group must obtain personal use fish by personal means only and cannot be harvested during a commercial operation as a fringe benefit.

WHAT WILL HAPPEN IF NOTHING IS DONE? Charter crewmembers will be continue to be discriminated against and not allowed to retain fish.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No, eliminates discrimination against Alaskan citizens.

WHO IS LIKELY TO BENEFIT? Charter crewmembers who can retain fish without expending additional resources or giving up a day's wage in order to catch personal use

resources. What becomes of the resource is up to the angler's discretion, as long as it is not wasted, bartered, or sold.

WHO IS LIKELY TO SUFFER? Nobody.

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: Matanuska Valley Advisory Committee (SC-09F-001)

PROPOSAL 191 - 5 AAC 75.995. Definitions. Define official time for sport fisheries as follows:

Define official time for fisheries regulated by time.

ISSUE: For fisheries that are regulated by time, there is no definition of "official time". Is it GPS Time? Cell phone time? Time of the watch of the enforcement officer? Time of the watch of the witness that observed somebody fishing before or after regulation time? In many fishing tournaments throughout the world regulated by time, GPS time is considered official time, as all GPS's will display the same time.

WHAT WILL HAPPEN IF NOTHING IS DONE? Not all watches on anglers fishing are set the same. Some are 5 – 10 minutes fast or slow, resulting in citations issued based on the time of the watch of the witness. Citations have been issued in the past for fishing as little as 5 minutes before or after permitted time. An official time needs to be established.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Will help prevent citations being issued when no offense was committed and only based on a witness whose watch was faster or slower than another angler's watch.

WHO IS LIKELY TO BENEFIT? Everybody, including enforcement officers and the court system.

WHO IS LIKELY TO SUFFER? No one.

OTHER SOLUTIONS CONSIDERED? Don't regulate fisheries by time.

PROPOSED BY: Mel Erickson (SC-09F-020)

PROPOSAL 192 - 5 AAC 75.995(1). Definitions. Establish a definition of "artificial fly" as follows:

An elaboration the definition of "common methods known as flying tying." Suggest the definition allude to the fact that the "materials and chemicals designed and produces" for flies must be physically tied or affixed onto the hook proper, utilizing a material different that the

fishing line attached to the fly. Another option would be to address that is not acceptable such as yarn (any material) in an egg loop or anything affixed to the hook or above the hook without the application of a tying thread.

ISSUE: The definition of “Artificial Fly.” Specifically the portion of the definition that says “Common methods known as fly tying.”

WHAT WILL HAPPEN IF NOTHING IS DONE? Those of us attempting to follow established regulations may inadvertently end up in contradiction with an Alaska State Trooper who believes that “Yarn inserted through an egg loop” is not a common method know as fly tying. This method is very common and sometimes folks even knot the yarn directly onto or above the hook thinking they are tying flies. The arbitrariness of the definition needs to be removed.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? If one believes there is a correlation to the time spent in advance producing or procuring an authorized fly and the expected treatment of the resource then yes. Those that properly prepare for fishing outings are more likely to treat the resource well.

WHO IS LIKELY TO BENEFIT? Those of us that do our best to follow regulations and those selling flies.

WHO IS LIKELY TO SUFFER? Those that do not take sufficient time to thoroughly understand regulations.

OTHER SOLUTIONS CONSIDERED? I support whatever direction ADF&G supports as long as the average fly fisher person can understand the definition of “artificial fly.”

PROPOSED BY: Mark Sisinyak (HQ-09F-005)
