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ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON
COMMERCIAL, PERSONAL USE, SPORT, AND SUBSISTENCE
REGULATORY PROPOSALS
COMMITTEE OF THE WHOLE–GROUPS 1–4
FOR

STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES

ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA

March 10–13, 2023

Regional Information Report No. 5J23-03

The following staff comments were prepared by the Alaska Department of Fish and Game (department) for use at the Alaska Board of Fisheries (board) meeting, March 10-13, 2023, in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Acronyms and Abbreviations

The following acronyms and abbreviations, and others approved for the Système International d'Unités (SI), are used without definition in the following reports by the Divisions of Commercial Fisheries, Sport Fish, and Subsistence: All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figure or figure captions.

Weights and measures (metric)

centimeter	cm
deciliter	dL
gram	g
hectare	ha
kilogram	kg
kilometer	km
liter	L
meter	m
milliliter	mL
millimeter	mm

Weights and measures (English)

cubic feet per second	ft^3/s
foot	ft
gallon	gal
inch	in
mile	mi
nautical mile	nmi
ounce	oz
pound	lb
quart	qt
yard	yd

Time and temperature

day	d
degrees Celsius	°C
degrees Fahrenheit	°F
degrees kelvin	K
hour	h
minute	min
second	s

Physics and chemistry

all atomic symbols	
alternating current	AC
ampere	A
calorie	cal
direct current	DC
hertz	Hz
horsepower	hp
hydrogen ion activity (negative log of)	pH
parts per million	ppm
parts per thousand	ppt, ‰
volts	V
watts	W

General

Alaska Administrative Code	AAC
all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.
all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.
at	@
compass directions:	
east	E
north	N
south	S
west	W
copyright	©
corporate suffixes:	
Company	Co.
Corporation	Corp.
Incorporated	Inc.
Limited	Ltd.
District of Columbia	D.C.
et alii (and others)	et al.
et cetera (and so forth)	etc.
exempli gratia (for example)	e.g.
Federal Information Code	FIC
id est (that is)	i.e.
latitude or longitude	lat or long
monetary symbols (U.S.)	$, ¢
months (tables and figures): first three letters	Jan,...,Dec
registered trademark	®
trademark	™
United States (adjective)	U.S.
United States of America (noun)	USA
U.S.C.	United States Code
U.S. state	use two-letter abbreviations (e.g., AK, WA)

Acronyms

Acceptable Biological Catch	ABC
Alaska Board of Fisheries	board
Alaska Department of Fish and Game	department /ADF&G
Amount Necessary for Subsistence	ANS
Alaska Wildlife Troopers	AWT
Biological Escapement Goal	BEG
Central Gulf of Alaska	CGOA
Coded Wire Tag	CWT
Commercial Fisheries Entry Commission	CFEC
Cook Inlet Aquaculture Association	CIAA
Customary and Traditional	C&T
Department of Natural Resources	DNR
Demersal Shelf Rockfish	DSR
Emergency Order	EO
Guideline Harvest Level	GHL
Gulf of Alaska	GOA
Global Positioning System	GPS
Individual Fishing Quota	IFQ
Local Area Management Plan	LAMP
Lower Cook Inlet	LCI
Mean Low Water	MLW
Mean Lower Low Water	MLLW
No Data	ND
National Marine Fisheries Service	NMFS
National Oceanic and Atmospheric Administration	NOAA
Nick Dudiak Fishing Lagoon	NDFL
North Pacific Fishery Management Council	NPFMC
Optimum Escapement Goal	OEG
Pelagic Shelf Rockfish	PSR
Prince William Sound	PWS
Prior Notice of Landing	PNOL
Private Nonprofit Salmon Hatchery	PNP
River Mile	RM
Special Harvest Area	SHA
Sustainable Escapement Goal	SEG
Trail Lakes Hatchery	TLH
Upper Cook Inlet	UCI
Western Gulf of Alaska	WGOA

REGIONAL INFORMATION REPORT 5J23-03

ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON COMMERCIAL, PERSONAL USE, SPORT, AND SUBSISTENCE REGULATORY PROPOSALS COMMITTEE OF THE WHOLE–GROUPS 1–4 FOR

STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES

ALASKA BOARD OF FISHERIES MEETING ANCHORAGE, ALASKA

March 10–13, 2023

by
Alaska Department of Fish and Game

Alaska Department of Fish and Game
Division of Sport Fish, Research and Technical Services
333 Raspberry Road, Anchorage, AK 99518–1565

February 2023

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on commercial, personal use, sport, and subsistence regulatory proposals for Statewide Finfish and Supplemental Issues. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, March 10–13, 2023, in Anchorage, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change, as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Keywords: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department), staff comments, regulatory proposals, fisheries, commercial, personal use, subsistence, sport, guide, salmon, king salmon, coho salmon, rockfish, king crab

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SUMMARY OF DEPARTMENT POSITIONS ON REGULATORY PROPOSALS FOR STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES; ANCHORAGE, MARCH 10–13, 2023.

Proposal No.	Department Position	Issue
Group 1: Nushagak River King Salmon Action Plan (3 proposals)		
11	N/S/O	Nushagak River King Salmon Action Plan.
12	N/S/O	Nushagak River King Salmon Action Plan.
13	N	Nushagak River King Salmon Action Plan.
Group 2: Gear/Methods and Means (6 proposals)		
82	S	Modify the dates sinking of gillnets is allowed in the Yukon Area
87	S	Define eel stick.
153	S	Define escape mechanisms for collapsible 'slinky' groundfish pots.
154	NA	Allow the use of purse seine drums
155	S	Allow a person using a spear or speargun to take fish while swimming at the water's surface.
156	S	Prohibit the use of felt soled wading footwear while personal use fishing in freshwater
Group 3: Commercial Fishery Registration, Closed Waters, Groundfish Policy (5 proposals)		
157	N	Allow a person holding CFEC permits for multiple salmon net areas to commercial fish for salmon in more than one net area per year
158	N	Allow a person holding CFEC permits for multiple salmon net areas to commercial fish for salmon in more than one net area per year
159	O	Close commercial fishing for a given species within one-fourth of a mile of any area closed to sport fishing for that species.
160	O	Require surrender of proceeds gained from the sale of wild king salmon caught in hatchery terminal harvest areas.
161	S	Create and establish Alaska Board of Fisheries policy regarding the management of groundfish fishery resources in waters of Alaska.
Group 4: Sport Fisheries, Personal Use and Subsistence Fishery Guiding, Personal Use Limits, Invasive Species (8 proposals)		
162	S	Allow the Kenai River Special Management Area -DNR decal to serve as proof of ADF&G sport fishing guide vessel registration.
163	O	Prohibit guiding in personal use finfish fisheries.
164	N	Establish registration and reporting requirements for personal use guides and transporters.
165	N	Prohibit compensation for guide services in subsistence fisheries.
166	O	Establish a statewide bag limit for personal use finfish fisheries.
167	O	Require inseason reporting of subsistence and personal use salmon harvest within 5 days of harvest.
168	S	Extend emergency order authority to allow restrictions of sport fisheries in contaminated waters.
169	S	Amend the list of banned invasive species.

N = Neutral; S = Support; O = Oppose; NA = No Action; WS = Withdrawn Support

COMMITTEE OF THE WHOLE—GROUP 1: NUSHAGAK RIVER KING SALMON ACTION PLAN (3 PROPOSALS)

PROPOSAL 11 – Make numerous amendments to the Nushagak-Mulchatna King Salmon Management Plan.

5 AAC. 06.361. Nushagak-Mulchatna King Salmon Management Plan and 5 AAC 67.022. Special Provisions for Season, Bag, Possession, and Size Limits, and Methods and Means in the Bristol Bay Area.

PROPOSED BY: Nushagak Mulchatna King Salmon Committee.

WHAT WOULD THE PROPOSAL DO? This would amend the Nushagak–Mulchatna King Salmon Management Plan; specific changes are summarized hereafter using numbering from the proposal. (1) Adds new purpose language to section (a) of the plan. (2) Adds new triggers based on forecast and inseason run size of Wood and Nushagak Rivers sockeye salmon. (3) Mandates the department conduct a test fishery before all commercial openings from June 1 through June 30. (4) Clarifies and modifies the Wood River sockeye salmon escapement trigger for the opening of commercial fishing in the Nushagak District; creates a Nushagak River sockeye salmon trigger for opening commercial fishing in the Nushagak District; and repeals section (e)(1) of the current plan that would conflict with the new proposed language. (5) Adds language regarding directed king salmon openings. (6) and (7) Restricts limits for king salmon in the sport fishery by specifying that only one of the four fish annual limit for king salmon 20 inches or greater in length may be 28 inches or greater in length. The proposal would stipulate a liberalization of bag limits by waiving the new annual limit of one king salmon 28 inch or greater in length when projecting over 95,000 fish inriver. Catch-and-release with a bait prohibition would replace closures as the most restrictive management action in the sport fishery. (8) Makes restrictions to the subsistence fishery discretionary.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan

(a) The purpose of this management plan is to ensure biological spawning escapement requirements of king salmon into the Nushagak-Mulchatna river systems. It is the intent of the Alaska Board of Fisheries (board) that Nushagak-Mulchatna king salmon be harvested in the fisheries that have historically harvested them. This management plan provides guidelines to the department in an effort to preclude allocation conflicts between the various users of this resource. The department shall manage Nushagak-Mulchatna king salmon stocks in a conservative manner consistent with sustained yield principles and the subsistence priority.

(b) The department shall manage the commercial and sport fisheries in the Nushagak District as follows:

(1) to achieve an inriver goal of 95,000 king salmon present in the Nushagak River upstream from the department sonar counter; the inriver goal provides for

(A) a biological escapement goal of 55,000–120,000 fish;

(B) reasonable opportunity for subsistence harvest of king salmon; and

(C) a king salmon sport fishery guideline harvest level of 5,000 fish, 20 inches or greater in length;

(2) in order to maintain a natural representation of age classes in the escapement, the department shall attempt to schedule commercial openings to provide pulses of fish into the river that have not been subject to harvest by commercial gear;

(3) the department may close the commercial drift or set gillnet fishery if the harvest in the directed commercial king salmon fishery for either gear group is more than two sockeye salmon for every one king salmon.

(c) If the total inriver king salmon return in the Nushagak River is projected to exceed 95,000 fish, the guideline harvest level described in (b)(1)(C) of this section does not apply.

(d) If the spawning escapement of king salmon in the Nushagak River is projected to be more than 55,000 fish and the projected inriver return is less than 95,000 fish, the commissioner

(1) shall close, by emergency order, the directed king salmon commercial fishery in the Nushagak District; during a closure under this paragraph, the use of a commercial gillnet with webbing larger than five and one-half inches in another commercial salmon fishery is prohibited;

(2) repealed 5/31/2019;

(3) repealed 5/31/2019;

(e) If the spawning escapement of king salmon in the Nushagak River is projected to be less than 55,000 fish, the commissioner

(1) shall close, by emergency order, the sockeye salmon commercial fishery in the Nushagak District until the projected sockeye salmon escapement into the Wood River exceeds 100,000 fish;

(2) shall close, by emergency order, the sport fishery in the Nushagak River to the taking of salmon and prohibit the use of bait for fishing for all species of fish until the end of the king salmon season specified in **5 AAC 67.020** and **5 AAC 67.022(g)**; and

(3) shall establish, by emergency order, fishing periods during which the time or area is reduced for the inriver king salmon subsistence fishery in the Nushagak River.

Bristol Bay Area King Salmon Sport Fishing Regulations:

Season: May 1–July 31

Annual limit of five king salmon 20 inches or longer in Bristol Bay salt and fresh waters. Of these five total king salmon, no more than four may be harvested from the Nushagak/Mulchatna River drainage. Harvest record required.

King salmon removed from the water must be retained. Any king salmon removed from the freshwater drainages of Bristol Bay from Cape Menshikof to Cape Newenham must be retained and becomes part of the bag limit of the person originally hooking it. If you intend to release a king salmon, you may not remove it from the water before releasing.

In waters of the Nushagak/Mulchatna river drainage open to fishing for king salmon:

King salmon limits:

20 inches or longer:

Bag and possession limit of two fish, only one over 28 inches.

After taking a bag limit of king salmon 20 inches or longer from the Nushagak/Mulchatna River drainage, you may only use one unbaited, single-hook, artificial lures or flies in the Nushagak/Mulchatna River drainage for the remainder of the day.

Less than 20 inches:

Bag and possession limit of five fish.

From its confluence with the Iowithla River, upstream to Harris Creek including the Iowithla River:

May 1–July 24: Open to fishing for king salmon.

Upstream from its confluence with Harris Creek:

Closed year-round to fishing for king salmon.

Only one unbaited, single hook, artificial lures may be used year-round.

Under 5 AAC 01.336, there is a positive C&T finding for all finfish combined throughout the Bristol Bay Area, and an ANS of 157,000–172,171 salmon in the Bristol Bay Area, including 55,000–65,000 Kvichak River drainage sockeye salmon; this finding does not include salmon stocks in the Alagnak River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Section 1 would add goal and objective language to the plan to better explain the purpose of the plan.

In Section 2, a 4-million sockeye salmon Nushagak River trigger would have resulted in the department managing for the lower end of the escapement goal range 80% of the time in the last 20 years and 85% of the time since enumeration with sonar began in 1980. An 8-million sockeye salmon Wood River trigger would have resulted in managing for the lower end of the escapement goal range 51 out of the last 58 years. In some years, these triggers would mandate the department manage the sockeye salmon fishery much more aggressively than current management. This would likely make it more difficult to achieve king and chum salmon escapement goals.

Section 3 would require the department to conduct a test fishery in the Nushagak District prior to all commercial openings through June 30. This would likely limit the department's ability to effectively manage the commercial fishery because it would take several hours to conduct and assess results of a test fishery, thereby delaying inseason management actions.

Section 4 would provide more clarity to the department and users on the implementation of the Wood River 100,000 sockeye salmon escapement trigger. This would also modify the trigger based on the forecasted run strength for Wood River sockeye salmon such that if the forecast was over 8-million sockeye salmon, the trigger would be 300,000 sockeye salmon. This would also set a trigger for the start of commercial fishing based on Nushagak River sockeye salmon forecast and

escapement. These sockeye salmon triggers would provide concinnity between king salmon protection with sockeye salmon escapement goals.

In Section 5, adding language to the plan about a directed commercial king salmon fishery has no effect because this is already within the department's authority.

The effect of Sections 6 and 7 on sport harvest may be a shift in the composition of harvested fish with fewer fish over 28 inches being harvested; however, overall sport harvest numbers would likely not change significantly. Effort levels in the sport fishery would likely not change as a result of this proposal.

Section 8 would remove the requirement that the department must restrict the subsistence fishery under certain conditions and would specify allowable restrictions.

BACKGROUND:

Salmon abundances have varied within and among stocks and species since the *Nushagak Mulchatna King Salmon Management Plan* was originally adopted by the board in 1992. Total abundance of king salmon has varied, as has sockeye salmon abundance. The relative abundance of sockeye salmon between the Nushagak and Wood systems has also varied. For the most part during this time, the weak stock in the system was Nushagak River sockeye salmon whereas in recent years the Nushagak River king salmon stock has been weak. The department recommended that Nushagak River king salmon be identified as a Stock of Management Concern at the October 2022 work session. All this variation among and between stocks adds management complexity to the mixed stock fisheries of the Nushagak District.

Historically, the Wood River sockeye salmon run outproduced the Nushagak River sockeye salmon run on the order of 3:1, creating the potential to overharvest the weaker Nushagak River stock during increased fishing pressure on the stronger Wood River stock. To alleviate this problem, the board repurposed the Wood River Special Harvest Area (WRSHA) to protect Nushagak River sockeye salmon in 1997 (the WRSHA had been created previously to protect Nushagak River coho salmon while providing opportunity to harvest Wood River sockeye salmon). During the late 1990s and early 2000s, the WRSHA was then used many times as intended, protecting Nushagak River sockeye salmon. Nushagak king salmon had very strong returns in the early 2000s, and there were several years with directed commercial king salmon openings. In the second half of the 2000s, Nushagak sockeye salmon increased in abundance, but Nushagak king salmon abundance declined. For most of the 2010s, both Nushagak sockeye and king salmon returns were fair to good. As recently as 2018, the inriver goal of 95,000 king salmon was achieved. Starting in 2017, Wood and Nushagak River sockeye salmon stocks started producing record high returns. The Nushagak District sockeye salmon run record was set in 2017 at 20.0 million fish, then broken again in 2018 at 33.8 million fish. The 12.7 million total sockeye salmon return of 2020 is the lowest return since 2017 but would rank as the third largest return ever when compared to all years before 2017.

During this same period, king salmon runs have been below average both statewide and to the Nushagak River. In the Nushagak River, 2018 was a strong year, but all other years since 2017 have ranged from poor to fair.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. There are some sections of the proposal, however, which the department **SUPPORTS** because they would clarify the plan and likely improve fisheries management. There are also sections the department **OPPOSES** because they would increase regulatory complexity without providing any additional fishery management benefit.

Sections that would clarify the Plan or otherwise improve fishery management, that the department **SUPPORTS**:

- Section 1, because it seeks to define specific management objectives of the plan
- Section 4, because it seeks to clarify projected escapement language, and sets and modifies triggers based on forecasts (contingent upon further discussion of trigger numbers)
- Sections 6 and 7, which have some aspects that clarify language
- Section 8, because it provides management flexibility for the subsistence fishery

Sections that would complicate the regulations without benefiting management, that the department **OPPOSES**:

- Section 2, because it reduces management flexibility and does not add any authority not already found in 5 AAC 06.355 (d)(1)
- Section 3, because it is impractical to conduct a test fishery before every commercial opening and because it is also outside the board's authority to require the department to spend funds on a program
- Section 5, because the department already has the authority to consider directed commercial king salmon openings, and the additional language may result in less conservative king salmon management in some situations

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal may result in an additional cost to the department if the department is required to conduct test fisheries.

PROPOSAL 12 – Make several changes to the management plan to reduce commercial king salmon harvest and increase sockeye salmon harvest.

5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.

PROPOSED BY: Nicholas Dowie, Michael Jackson, Frank Woods.

WHAT WOULD THE PROPOSAL DO? This would restrict mesh size in the Nushagak District to 4.75 inches or smaller until July 1, adjust the Wood River trigger, and add a sockeye salmon escapement trigger in the Nushagak River for opening the commercial salmon fishery.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 06.331. Gillnet specifications and operations

(a) Gillnet mesh size restrictions are as follows:

(1) gillnet mesh size may not exceed five and one-half inches during periods established by emergency order for the protection of king salmon and in the Naknek-Kvichak and Ugashik Districts from June 1 through July 22;

(2) gillnet mesh size may not be less than five and three-eighths inches during periods established by emergency order for the protection of pink salmon;

(3) gillnet mesh size may not exceed four and three-quarters inches during periods established by emergency order for the protection of sockeye and coho salmon;

5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan

(e) If the spawning escapement of king salmon in the Nushagak River is projected to be less than 55,000 fish, the commissioner

(1) shall close, by emergency order, the sockeye salmon commercial fishery in the Nushagak District until the projected sockeye salmon escapement into the Wood River exceeds 100,000 fish;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would likely reduce commercial harvest of king salmon by an unknown amount. This may also increase harvest of king, sockeye, and chum salmon in years of poor king salmon abundance by implementing a sockeye salmon escapement trigger in the Nushagak River, which is lower than what the department has been using in recent years of low king salmon abundance.

BACKGROUND: Salmon abundances have varied within and among stocks and species since the *Nushagak Mulchatna King Salmon Management Plan* was originally adopted by the board in 1992. Total abundance of king salmon has varied, as has sockeye salmon abundance. The relative abundance of sockeye salmon between the Nushagak and Wood systems has also varied. For the most part during this time the weak stock in the system was Nushagak River sockeye salmon whereas in recent years, Nushagak River king salmon have been weak. The department recommended that Nushagak River king salmon be identified as a Stock of Management Concern

at the October 2022 work session. All this variation among and between stocks adds management complexity to the mixed stock fisheries of the Nushagak District.

Historically, the Wood River sockeye salmon run outproduced the Nushagak River sockeye salmon run on the order of 3:1, creating the potential to overharvest the weaker Nushagak River stock during increased fishing pressure on the stronger Wood River stock. To alleviate this problem, the board repurposed the Wood River Special Harvest Area (WRSHA) to protect Nushagak River sockeye salmon in 1997 (the WRSHA had been created previously to protect Nushagak River coho salmon while providing opportunity to harvest Wood River sockeye salmon). During the late 1990s and early 2000s, the WRSHA was then used many times as intended, protecting Nushagak River sockeye salmon. Nushagak king salmon had very strong returns in the early 2000s, and there were several years with directed commercial king salmon openings. In the second half of the 2000s, Nushagak sockeye salmon increased in abundance, but Nushagak king salmon abundance declined. For most of the 2010s both Nushagak sockeye and king salmon returns were fair to good. As recently as 2018, the inriver goal of 95,000 king salmon was achieved. Starting in 2017, Wood and Nushagak River sockeye salmon stocks started producing record high returns. The Nushagak District sockeye salmon run record was set in 2017 at 20.0 million fish, then broken again in 2018 at 33.8 million fish. The 12.7 million total sockeye salmon return of 2020 is the lowest return since 2017 but would rank as the third largest return ever when compared to all years before 2017.

During this same period king salmon runs have been below average both statewide and to the Nushagak River. In the Nushagak River, 2018 was a strong year but all other years since 2017 have ranged from poor to fair.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal related to changing mesh size. The department **SUPPORTS** updating and clarifying the management plan but **OPPOSES** the Wood and Nushagak River sockeye salmon trigger numbers proposed here because they would result in more aggressive management than recently practiced.

COST ANALYSIS: Approval of this proposal could result in an additional direct cost for a private person to participate in this fishery if they needed to buy smaller mesh gear. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 13 – Structure fishing periods in the Nushagak District so that pulses of king salmon, not subjected to commercial fishing pressure, may enter the Nushagak River.

5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.

PROPOSED BY: Brian Kraft.

WHAT WOULD THE PROPOSAL DO? This would require that, from June 1 through July 10, commercial sockeye salmon openings in the Nushagak District not be allowed more than one hour before high tide and must close at least 4 hours before the next high tide.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan

(d) To achieve the allocations specified in (b) of this section, consistent with the management principles of **5 AAC 06.355** and other applicable provisions of this chapter, the commissioner

(1) may open, by emergency order, concurrent fishing periods and set gillnet only fishing periods at approximately two and one-half to three hours before high water, except that when a tide is greater than 18 feet, openings will begin at least three hours before high water; set and drift gillnet fishing periods may be established at different times to obtain the set and drift gillnet sockeye salmon allocations specified in (b) of this section or at other times consistent with **5 AAC 06.355**;

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This may allow additional pulses of king salmon into the Nushagak River drainage. This would also reduce the department's ability to control sockeye salmon escapement during certain periods, would severely limit the department's ability to manage for allocation goals and thus have differential effects on gear groups, and would reduce ability to provide harvest opportunity based on inseason information.

BACKGROUND: The department manages the Nushagak District commercial salmon fishery to achieve inriver, escapement, and allocation goals. To do this, commercial openings are scheduled based on several factors, including the gear type, time, area, fleet size, and weather. Set gillnet openings are scheduled based on the *Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan* (5 AAC 06.367). This plan requires set gillnet openings begin two and one-half to three hours before high tide if the tide is less than 18 feet and more than three hours before high tide if the tide is greater than 18 feet. This requirement is a compromise between set gillnet users. It allows the truck-based fleet that fishes at Ekuk Beach to get on and off the beach around the tide. It also allows the skiff-based fleet to have water to access and operate their skiffs. There are no criteria for when drift openings must occur, but the practice has been to start drift openings at least one hour before high tide and fish until low tide depending on opening duration. If an opening is longer than seven hours, the additional fishing time is added

to the front end of the opening. This is done to prevent a line fishery from occurring on the next flood. In some cases, the department will make longer openings to accommodate inclement weather conditions. The set gillnet fleet typically goes to continuous fishing once the drift gillnet fleet is opening twice a day for the foreseeable future in order to control sockeye salmon escapement. The Nushagak District is 35 miles long; based on what we know about king salmon travel times, 4 hours is not sufficient for newly arrived king salmon to transit the district without being exposed to commercial fishing gear.

For most of the 2010s, both Nushagak River sockeye and king salmon returns were fair to good. In 2018, Nushagak king salmon escapement was above the 95,000 inriver goal. Starting in 2017, Wood and Nushagak River sockeye salmon stocks began producing unprecedentedly large returns. The total sockeye salmon run record for the Nushagak District of 15.7 million fish, set in 2006, was shattered in 2017 with a total run of 20.0 million and shattered again in 2018 with a total run of 33.8 million. The 12.7 million total sockeye salmon return of 2020 is the lowest return since 2017 and would rank as the third largest return ever when compared to all years before 2017. There were also huge runs in 2021 and 2022; the 2021 run at 28 million was the second largest run on record until the 2022 run surpassed it at 30 million. The Wood River sockeye salmon escapement has exceeded the upper end of the goal range every year since 2017, and the Nushagak River sockeye salmon escapement has exceeded the upper end of the escapement goal range every year except 2019.

During this same period, Nushagak River king salmon and king salmon statewide have been producing below average returns. In the Nushagak River, 2018 was a strong year but all other years since 2017 have been poor to fair. The department recommended that Nushagak River king salmon be identified as a Stock of Management Concern at the October 2022 work session.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

COMMITTEE OF THE WHOLE—GROUP 2: GEAR/METHODS AND MEANS (6 PROPOSALS)

PROPOSAL 82 – 5 AAC 39.250. Gillnet specifications and operations.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Modify the dates sinking of gillnets is allowed in the Yukon Area from October 1 to April 30.

WHAT ARE THE CURRENT REGULATIONS? The current regulations allow float line and floats on gillnets to be submerged year-round during open fishing periods in the Yukon Area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would require gillnets to have visible float line and floats on the surface of the water in the Yukon Area between May 1 and September 30 for subsistence, personal use, and commercial fishing.

BACKGROUND: The majority of Yukon Area salmon fishers use gillnets with visible float line and floats on the surface of the water, but a small proportion of fishers submerge the float line and floats to fish deeper and reduce the amount of driftwood caught. When submerged, the net is typically fished as an unattended setnet. During winter, most gillnetters submerge gillnets to either fish under the ice or to prevent ice from damaging the net.

Department and enforcement staff rely on boat and aerial surveys for monitoring of fishers and gear in the expansive Yukon Area. Visible float lines and floats assist in determining fishing effort and location and help enforcement to identify illegal activities such as fishing during closed periods or when gillnets obstruct more than one-half the channel width.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. In the Yukon Area, float lines and floats that are visible on the water surface between May 1 and September 30 are beneficial for boater safety, salmon stock management, and enforcement. Fully submerged gillnets will still be allowed during winter fisheries.

COST ANALYSIS: Adoption of this proposal is not expected to result in an additional direct cost for fishers. Approval of this proposal is not expected to result in an additional cost to the department.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes; the board has made a positive customary and traditional use finding for (1) king, summer chum, fall chum, coho, and pink salmon in the Yukon Area; (2) freshwater fish species, including sheefish, whitefish, lamprey,

burbot, sucker, grayling, pike, and char; (3) herring and herring roe, within 20 miles of the coast between the terminus of the Black River and the westernmost point of the Naskonat Peninsula; and (4) all finfish other than salmon and herring, in the salt waters of the Yukon Area (5 AAC 01.236 (a)).

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence use? Per 5 AAC 01.236 (b), the amounts reasonably necessary for subsistence for salmon are:

   (1) king salmon: 45,500–66,704;
   (2) summer chum salmon: 83,500–142,192;
   (3) fall chum salmon: 89,500–167,900;
   (4) coho salmon: 20,500–51,980;
   (5) pink salmon: 2,100–9,700.

   While not in regulation, in 1997, the board found that 133,000–2,850,000 pounds of freshwater fishes was the amount reasonably necessary for subsistence uses in the Yukon Area.

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 87 – 5 AAC 39.105. Types of legal gear.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Establish a definition of an eel stick.

WHAT ARE THE CURRENT REGULATIONS? Eel sticks are not included as allowable gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Eel sticks would become allowable legal fishing gear for subsistence and would be recognized as a commercial fishing gear type for lamprey. It is unlikely that eel sticks will substantially change the quantity of lamprey harvested.

BACKGROUND: Eel sticks (i.e., "eel rakes") have been historically used for the subsistence and commercial harvest of lamprey. An eel stick is typically 6 to 10 feet long and several inches wide; the lower 2–4 feet are drilled with holes that are fitted with nails or pegs; and the end of the eel stick may also be notched and angled. The eel stick is swept through water in narrow channels cut through river ice. When a lamprey is encountered, the lamprey bends around the pole and rests on the nails, pegs, or notches. The stick is swept out of the water and the lamprey are deposited on the ice, where they freeze in the open air.

Lamprey harvest occurs in late fall and winter in the Yukon Area from District 1 up though Grayling in District 4. Lamprey have been a traditional subsistence food with highly variable annual harvests in communities in Districts 2–4. There is an experimental commercial fishery for lamprey that has occurred from 2003 to present.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal to be consistent with current and traditional fishery practices and to provide for social and economic benefits that might otherwise be forgone.

COST ANALYSIS: Adoption of this proposal is not expected to result in additional costs for a private person to participate in this fishery. Because eel sticks are easy to manufacture with local supplies, it may lower the cost of entering the subsistence and commercial fishery. Approval of this proposal is not expected to result in an additional cost to the department.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes, the board has made a positive customary and traditional use finding for lamprey (5 AAC 01.236(a)(2)).
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4 What amount is reasonably necessary for subsistence use? There is currently no ANS for lamprey.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 153 – 5 AAC 39.145. Escape mechanism for shellfish and bottomfish pots.

PROPOSED BY: Alaska Wildlife Troopers.

WHAT WOULD THE PROPOSAL DO? This would define escape mechanisms for collapsible 'slinky' groundfish pots.

WHAT ARE THE CURRENT REGULATIONS? Escape mechanisms are required for groundfish pots where the sidewall, which may include the tunnel, must contain an opening equal to or exceeding 18 inches in length, secured with biodegradable twine no larger than 30 thread, knotted at each end only, and the opening must be within six inches of the bottom of the pot and parallel with it.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would establish and define escape mechanisms for collapsible 'slinky' groundfish pots, providing clarity for users and enforcement on proper rigging for this gear type.

BACKGROUND: Collapsible 'slinky' pots are a recent innovative gear type used in the commercial federal individual fishing quota (IFQ) and state sablefish fisheries to help mitigate loss of catch due to whale depredation. Collapsible pots are lightweight, making them easier and safer to deploy than traditional pot gear; they also use less deck-space. Because of these positive attributes, vessel operators have rapidly adopted this new gear type. Collapsible pots are cylindrical, composed of a helical spring frame, with tunnel entrances on each end and with no true bottom resulting in their ability to roll, making current escape mechanisms difficult to comply with and enforce (Figure 153-1).

In 2022, the North Pacific Fishery Management Council (NPFMC) approved a motion that revised regulations to allow the use of biodegradable twine in the door latch or pot tunnel of a collapsible pot. Furthermore, the NPFMC clarified that in order to meet requirements in the federal IFQ sablefish fishery, the escape mechanism must be 18 inches in length and sewn into the mesh covering the frame of the cylinder-shaped pot on the curved surface of the pot, not on a tunnel end, and that wrapping the door closure of a pot with biodegradable twine does not meet the regulatory definition of a biodegradable escape mechanism for any type of pot.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal and, if adopted, recommends that language remain consistent with federal sablefish IFQ fishery escape mechanism requirements for collapsible pots to avoid regulatory confusion and ensure compliance and enforceability.

COST ANALYSIS: Approval of this proposal is expected to result in an additional direct cost for a private person to participate in this fishery if pot gear must be modified to comply with new regulations. Approval of this proposal is not expected to result in an additional direct cost for the department.

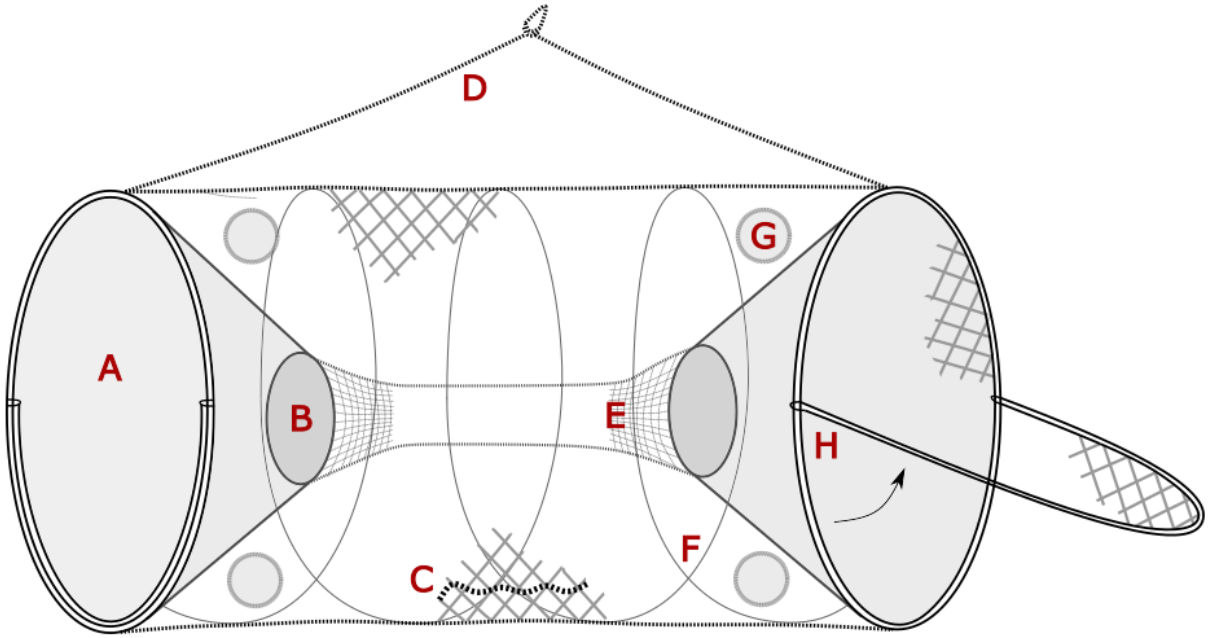

Figure 153-1.–Diagram of a collapsible ‘slinky’ pot and components. A = pot end (composed of a closed helical spring). B = tunnel opening / tunnel entrance (rigid/hard = stainless steel welded rings or rigid plastic, flexible/soft = pliable stainless-steel cord coated with soft plastic, which allows the tunnel opening to elongate in one direction for halibut). C = bio twine/escape panel. D = bridle. E = fine mesh tunnel entrance (aka “sock tunnel”). F = slinky/spring coil, which serves as the frame of the pot and also allows it to collapse. G = escape ring (note that there are four escape rings in this diagram). H = door hinge (note that there are doors on both pot ends). Courtesy of Jane Sullivan, Alaska Fishery Science Center.

PROPOSAL 154 – 5 AAC 39.155. Seine drums unlawful.

PROPOSED BY: Jason Burke.

WHAT WOULD THE PROPOSAL DO? Allow a drum or reel upon which a seine net can be coiled or rolled to be mounted aboard a seine vessel.

WHAT ARE THE CURRENT REGULATIONS? In accordance with AS 16.10.120, taking fish with use of a drum or reel around which a purse seine may be coiled, rolled, or looped is unlawful. The board has also adopted a similar prohibition on use of seine drums or reels (5 AAC 39.155). A drum or reel may be used on a skiff to deploy and retrieve a purse seine lead that is temporarily attached to the purse seine.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Purse seines can be deployed and retrieved with a drum or reel from a vessel using fewer crew members than a vessel using a power block to retrieve the net because the need to neatly stack the purse seine on deck is eliminated by use of the drum. Safety onboard a purse seine drum-equipped vessel may be improved over a power block-equipped vessel because there is no chance of objects caught in the purse seine falling onto the crew, although there are safety concerns inherent to drum seine operations as well. Drum equipped-vessels may be able to operate more efficiently than power block-equipped vessels in certain fishing scenarios.

BACKGROUND: Use of drums or reels in Alaska purse seine fisheries has been unlawful since 1959. When AS 16.10.120. *Use of drum or reel in operation of purse seine* became law, drum purse seine operations were considered much more efficient than power block purse seine operations and the prohibition on drum purse seining was intended to help rebuild Alaska's depleted salmon stocks. Purse seine efficiency has increased significantly in recent years through changes in net material, larger vessels with more horsepower, more powerful hydraulics, fishing techniques, and technology. No direct comparisons between efficiency and resultant catch rates of hauling a net with a drum compared to a power block in Alaska fisheries have been made.

DEPARTMENT COMMENTS: The department recommends the board **TAKE NO ACTION** on this proposal because, under Alaska statute, taking fish with use of a drum or reel around which a purse seine may be coiled, rolled, or looped is unlawful.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 155 – 5 AAC 75.028. Use of underwater spear and speargun.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Add provisions for a sport angler to use a spear or speargun, when swimming at the surface, to take fish in salt water.

WHAT ARE THE CURRENT REGULATIONS? A spear or speargun may be used to take fish while completely submerged in salt water if the spear or speargun is not tipped with an explosive charge (5 AAC 75.028).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Sport anglers would be permitted to use a spear or speargun to take fish in salt water while swimming at the surface in addition to the current regulation, which allows these gear types to be used when completely submerged in salt water. The frequency that spears or spear guns are used in the saltwater sport fishery may increase, but with limited or no impact on overall sport harvest. There may be an increase in conflicts between sport users in areas where both spears or spear guns and hook and line gear are used. Enforcement would be simplified because a determination of whether an angler was completely submerged when the fish was taken (i.e., speared) would not be required.

BACKGROUND: In saltwater sport fisheries, spears and spearguns are a relatively uncommon gear type but are used by anglers to harvest salmon, halibut, lingcod, rockfish, and other saltwater species. Saltwater anglers use both scuba and snorkeling gear while spearfishing and fishing in protected bays and offshore locations. Spearfishing anglers must adhere to sport fishing regulations including bag, possession, size limits, annual limits, seasons and closed waters, or other conservation measures. Harvest estimates are not available by gear type; however, observations by department staff suggest spearfishing has relatively low participation across Alaska.

Spearfishing while snorkeling requires the angler to dive to be completely submerged, limiting the time fish can be pursued. Because it is difficult to be completely submerged in shallow waters, current regulations effectively prevent spearfishing while snorkeling in shallow bays or other areas where some fish species tend to congregate, particularly salmon. Adoption of this proposal would allow anglers to use spears or spearguns more effectively while swimming at the surface. In the proposed regulatory language, the term *swimming* is used to indicate that an angler may not be standing in shallow water or be in contact with the bottom or substrate. A spearfishing angler could be in contact with the bottom or substrate only when completely submerged.

In estuaries, the boundary between salt water and fresh water is a line between the extremities of the banks of creeks, streams, and rivers at mean low tide or at a point to be determined and marked by the department, 5 AAC 75.995(10) and (24).

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The addition of spearfishing while swimming at the surface is not expected to result in any conservation concerns.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 156 – 5 AAC 77.010. Methods, means, and general restrictions.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Prohibit the use of felt-soled wading footwear while personal use fishing in fresh water.

WHAT ARE THE CURRENT REGULATIONS? There is no prohibition of felt-soled footgear while participating in personal use fisheries in the fresh waters of Alaska. Felt-soled footgear is prohibited while sport fishing and hunting in the fresh waters of Alaska.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Alaskan residents could not participate in freshwater personal use fisheries while wearing felt-soled footgear. It would be consistent with freshwater sport fishing regulations and eliminate a primary vector for transferring invasive species.

BACKGROUND: The board prohibited the use of felt-soled footgear when sport fishing in 2010 as a precaution against spreading of invasive aquatic species. Invasive species potentially spread by felt-soled wading shoes can include zebra mussel, didymo or rock snot algae, spiny waterflea, VHS disease, whirling disease spores, faucet snails, and New Zealand mud snails.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Extending the precaution to freshwater personal use fisheries would be consistent with previous action and prevent personal use fishery participants from unknowingly spreading these species retained in felt soles of wading footgear.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for a private person to participate in this fishery if they need to purchase alternative wading footwear. Approval of this proposal is not expected to result in an additional cost to the department.

COMMITTEE OF THE WHOLE—GROUP 3: COMMERCIAL FISHERY REGISTRATION, CLOSED WATERS, GROUNDFISH POLICY (5 PROPOSALS)

PROPOSALS 157 and 158 – 5 AAC 39.115. Designation of salmon net registration area.

PROPOSED BY: Matthew Kinney (Proposal 157), Hayden Linscheid (Proposal 158).

WHAT WOULD THE PROPOSALS DO? These would repeal or modify regulations requiring fishermen who hold salmon net permits for more than one area to annually designate a single area where they intend to fish. Proposal 157 would allow holders of any CFEC salmon limited entry net permits to register and use any combination of those permits each year, while Proposal 158 would allow a CFEC limited entry Bristol Bay drift or set gillnet permit holder to also register the use of a CFEC limited entry salmon net permit in any other area of the state.

WHAT ARE THE CURRENT REGULATIONS? Alaska salmon fishermen have been required to choose a single net area to fish since well before statehood. The board has continued this requirement under 5 AAC 39.115 for permit holders and 5 AAC 39.120 for vessels. CFEC has complementary regulations which help administer the board regulations.

In practice, permit holders designate the area where they intend to fish on a form provided by CFEC. Permit holders are issued a permit card only for the area they designate, regardless of how many salmon permits they hold. To remain valid, all salmon permits must be renewed annually, but no permit cards are issued for the registration areas that are not designated to be fished by the permit holder.

CFEC regulations allow permit holders to redesignate an administrative area and receive a substitute permit, provided the permit holder has not yet fished the permit that was first designated.

WHAT WOULD BE THE EFFECT IF THE PROPOSALS WERE ADOPTED? Eliminating exclusive salmon net registration areas may increase economic benefits by being able to fish in more than one area in a year. This action could encourage consolidation of statewide fishing operations and might reduce total overhead costs if fewer individuals participate. However, 5 AAC 39.120 also restricts salmon vessels from participating in more than one area in a year. If these proposals were adopted, persons fishing more than one salmon permit would still be required to fish on separate vessels in each respective area, which could increase costs to those permit holders.

Although limited entry places a cap on the total number of units of gear that can be fished at any one time, participation varies across years and within the seasons because some permits remain latent (unfished). Removing the existing regulation could increase effort and competition by bringing marginal or latent permits into the fishery. Moreover, buyers of additional permits could increase demand for entry permits, with the potential of raising permit prices. Additionally, some

salmon management areas are regulated by district registration requirements. It is possible the intent of these regulations could be undermined by the flexibility these proposals seek.

It is unknown if highly mobile fleets would develop in which holders of multiple permits would move from one registration area to the next to capitalize on each individual return, but since salmon fishing opportunity is based on escapement, adoption of these proposals would not disrupt the department's ability to meet escapement goals. It is possible that fishing time could be reduced if latent permits are brought back into the fishery and effort increases in a given registration area.

BACKGROUND: Most salmon permit holders have permits for only one registration area (Table 157-1).

As far back as the 1980s the board has addressed proposals similar to proposals 157 and 158. In 2007, Proposal 226 would have repealed the exclusive salmon net area restrictions for permit holders and vessels. The proposal received mixed testimony and failed. At the 2008 Kodiak Finfish meeting, the board took up Proposal 113, which would have provided an exception to the area registration requirements to allow a single vessel to fish in both the Cook Inlet and Kodiak salmon areas in the same year. Action on Proposal 113 was deferred to the Upper Cook Inlet Finfish meeting and the proposal was not adopted. In 2016 the board considered Proposal 212 seeking to repeal 5 AAC 39.115 or modify it to exempt drift gillnet permit holders from single area registration. This proposal failed with little support.

In 2013, Proposal 223 was adopted and added clarifying language to 5 AAC 39.120(c)(4)(A)(ii), which now specifies the period when a vessel must not have been used prior to reregistering for a new area.

The Alaska Legislature addressed the topic of exclusive salmon registration areas in 2004 with House Bill 415, which would have superseded the board's regulation by authorizing in statute the ability for persons to hold permits and fish in more than one salmon net registration area in a year. HB 415 received mixed testimony and did not move out of the House Fisheries committee. Some of the testimony in the legislative hearings raised the question as to whether legislation was necessary or appropriate, given that the board already had the authority to maintain, change, or do away with the existing registration requirements.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these proposals because they are unlikely to impede the department's ability to manage for escapement goals or sustained yield. However, the department is concerned about additional regulations that would make it more difficult for a person to acquire a permit and enter a new fishery by creating additional competition and demand for available permits. If these proposals are adopted, CFEC regulations would likely need to be revised through a separate CFEC proceeding.

COST ANALYSIS: Approval of these proposals is not expected to result in an additional direct cost for a private person to participate in fisheries. Approval of these proposals is not expected to result in an additional cost to the department.

Table 157-1. – Number of individuals who hold one or more permits in salmon net fisheries.

Permits Held	Number of Individuals	Number of Permits	Percentage of Permits Held
4 Permits	1	4	0.0%
3 Permits	22	66	0.8%
2 Permits	240	480	5.6%
1 Permit	7,958	7,958	93.5%
Total	**8,221**	**8,508**	**100.0%**

Figures reflect permit holdings at year-end 2021. Troll and fishwheel permits not included.

PROPOSAL 159 – 5 AAC 39.XXX New Section.

PROPOSED BY: Abe Horschel.

WHAT WOULD THE PROPOSAL DO? Close commercial fishing for a given species in any waters within one-fourth mile of an area closed to sport or personal use fishing for that species.

WHAT ARE THE CURRENT REGULATIONS? Time and area of commercial fishery openings is based on species abundance, estimates of harvestable surplus, and regulations adopted by the Alaska Board of Fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Commercial fishing opportunity and harvest would be reduced by an unknown amount. Regulatory and enforcement complexity would be increased.

This would likely conflict with certain regulations previously adopted by the board: for example, the sport fishery for king crab is closed in Southeast Alaska, but commercial and personal use fisheries occur under regulations adopted by the board. If this proposal is adopted, it would effectively preempt regulations currently allowing a commercial king crab fishery in Southeast Alaska. Similarly, all fresh waters of Southeast Alaska (outside the Yakutat area) are closed to sport fishing for king salmon regardless of run size or king salmon abundance. Adoption of this proposal would close all waters within one-fourth mile of any freshwater stream in Southeast Alaska to commercial fishing for king salmon.

BACKGROUND: Commercial fishing time and area is regulated through emergency order (EO) authority and regulations adopted by the board. Fishing time is authorized by EO when a harvestable surplus is estimated to be available. Closed waters are specified by EO or regulation to ensure escapement or other spawning needs are being met. In areas where gear conflicts or allocation concerns have arisen the board has adopted regulations to address them.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This proposal would unnecessarily restrict commercial fishing opportunity and would increase enforcement complexity. The department prefers the board address specific areas where allocation concerns arise on a case-by-case basis, rather than adopt a statewide regulation.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 160 – 5 AAC 39.XXX New Section.

PROPOSED BY: Abe Horschel.

WHAT WOULD THE PROPOSAL DO? Require surrender of proceeds gained from sale of wild king salmon caught in hatchery terminal harvest areas to the state.

WHAT ARE THE CURRENT REGULATIONS? Terminal and special harvest areas are areas chosen to provide reasonable segregation between wild and hatchery stocks (AS 16.10.420) resulting in no significant impact to wild stocks. Commercial fishing time in hatchery Terminal Harvest Areas (THA) is provided under regulations adopted by the board and emergency order (EO) authority, based on excess hatchery-produced salmon available for harvest after accounting for hatchery broodstock and cost recovery needs. In THAs where no hatchery-produced king salmon return and during times of the year before and after the hatchery-produced king salmon return, king salmon under 28 inches in length from tip of snout to tip of tail may be retained, but not sold by purse seine gear and may not be retained by troll gear.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Hatchery and wild king salmon cannot be distinguished visually, and the harvest of wild king salmon would likely not decrease. King salmon are produced by hatcheries in Alaska, Canada, and the southern U.S. and not all hatchery-produced king salmon are marked with an adipose fin clip and easily identifiable; regardless, some wild king salmon are also marked with an adipose fin clip so this mark alone would not be absolute in distinguishing between hatchery and wild king salmon. Since known portions of hatchery-produced king salmon are marked with an adipose fin clip and tagged with a coded wire tag (CWT), catches can be sampled to generate hatchery contribution estimates for specific THAs. Other methods can be used to help identify hatchery-origin fish in THA catches; however, it is not possible to determine if a king salmon is from a hatchery or the wild simply based on visual marks or other characteristics.

BACKGROUND: Fishing for king salmon in THAs provides important opportunity to harvest hatchery-produced king salmon that are supplemental to hatchery broodstock and cost recovery needs. By concentrating fishing opportunities in THAs, harvests of wild stocks are inherently minimized as effort in non-THA areas having higher proportions of wild stocks is reduced. In Southeast Alaska, the department samples the harvests of king salmon in the THAs for CWTs to generate Alaska hatchery contribution estimates. Table 160-1 shows the proportions of Alaska hatchery and non-Alaska hatchery king salmon harvested in THAs. The non-Alaska hatchery component includes wild king salmon from Alaska, Canada, or the southern U.S., as well as other hatchery stocks in Canada and the southern U.S. In general, the harvest of non-Alaska hatchery-produced king salmon in THAs is very small and there is no exact means to visually identify hatchery or wild origin at this time.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This proposal would likely not reduce the harvest of wild king salmon in THAs. If there is a conservation concern with harvest of wild king salmon in THAs, the department can use EO authority in time, area, mesh

restrictions, and retention to limit the harvest of wild king salmon. This proposal would be largely unenforceable because wild king salmon cannot be readily distinguishable from hatchery-produced king salmon.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 160-1.–Southeast Alaska Common Property Terminal Harvest Area Harvest, 2013–2022.

Year	Alaska Hatchery	Other Hatchery	Unknown[1]	Total
Proportions of Alaska Hatchery, Other Hatchery and Unknown Stocks in SEAK THAs				
2013	0.796	0.003	0.201	1.000
2014	0.709	0.002	0.289	1.000
2015	0.898	0.002	0.100	1.000
2016	0.900	0.037	0.064	1.000
2017	0.691	0.009	0.300	1.000
2018	0.680	0.007	0.313	1.000
2019	0.678	0.006	0.316	1.000
2020	0.729	0.013	0.258	1.000
2021	0.690	0.020	0.291	1.000
2022	0.795	0.014	0.192	1.000
Average	0.756	0.011	0.232	1.000
Numbers of Alaska Hatchery, Other Hatchery and Unknown Stocks in SEAK THAs				
2013	28,179	106	7,124	35,410
2014	18,377	41	7,485	25,903
2015	26,404	71	2,945	29,420
2016	12,914	524	911	14,349
2017	11,598	146	5,034	16,777
2018	19,998	218	9,216	29,432
2019	17,355	159	8,099	25,612
2020	18,489	325	6,545	25,358
2021	17,627	514	7,425	25,566
2022	20,330	345	4,918	25,593
Average	19,127	245	5,970	25,342

PROPOSAL 161 - 5 AAC 28.XXX. New section.

PROPOSED BY: Alaska Fisheries Development Foundation.

WHAT WOULD THE PROPOSAL DO? This would create and establish Alaska Board of Fisheries policy regarding the management of groundfish fishery resources in waters of Alaska, similar to 5 AAC 28.089. *Guiding Principles for Groundfish Fishery Regulations,* which were repealed in 2013.

WHAT ARE THE CURRENT REGULATIONS? There is no overarching policy statement or set of defined objectives specific to groundfish fisheries in waters of Alaska: rather, direction on how these fisheries are to be managed is provided throughout Alaska statute and administrative code. Because each groundfish fishery is unique the board and department have favored fishery-specific regulatory development over broad, statewide policy statements.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide guidance for the board and public on factors considered by the board when deliberating changes to groundfish fishery regulations in waters of Alaska. This proposal would not impact the way groundfish fisheries are managed but may improve transparency in how changes to groundfish regulations are evaluated by the board.

BACKGROUND: The board adopted 5 AAC 28.089. *Guiding Principles for Groundfish Fishery Regulations* in 1997, at a time when groundfish fisheries were expanding in waters of Alaska. This regulation contained eight principles the board would consider, to the extent practicable, when taking regulatory action on groundfish fisheries. These principles did not apply in several management areas (Eastern Gulf of Alaska, Prince William Sound, Kodiak, and Chignik areas) where groundfish fishery management plans had already been adopted by the board, thereby creating an inconsistency in how groundfish proposals would be deliberated across the state. As groundfish fisheries matured and management plans were refined it became apparent that the guiding principles were no longer necessary because key elements of the principles were either codified in other regulations or already being considered by the board when deliberating groundfish fishery proposals. In 2013 the board repealed the guiding principles to promote regulatory simplicity and reduce duplicative regulations. A transcript of deliberations repealing the guiding principles will be provided as a record copy during the board's 2023 Statewide meeting.

Most Alaska commercial fisheries carry sustainability certifications issued by the Marine Stewardship Council (MSC) and/or Responsible Fisheries Management (RFM), which many U.S. and global markets require to purchase Alaska seafood. Both certifications for Pacific cod currently carry a condition related to the lack of written, fishery-specific objectives for the state waters Pacific cod fisheries. The RFM certification also carries this condition for the state waters walleye pollock fishery in Prince William Sound. If these conditions are not addressed, sustainability certification is likely to be removed for these state waters fisheries in the next

assessment cycle. The department participated in audits of these fisheries by MSC and RFM and worked with stakeholders in drafting this proposal to satisfy sustainability certification conditions.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Although the department does not believe this proposal is necessary to carry out its sustained yield mandate, the department recognizes the importance of third-party sustainability certification to the fishing industry in maximizing value derived from Alaska's fishery resources.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional direct cost for the department.

COMMITTEE OF THE WHOLE—GROUP 4: SPORT FISHERIES, PERSONAL USE AND SUBSISTENCE FISHERY GUIDING, PERSONAL USE LIMITS, INVASIVE SPECIES (8 PROPOSALS)

PROPOSAL 162 – 5 AAC 75.077. Sport fishing guide vessel registration requirements.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Allow the Department of Natural Resources (DNR) registration decal to serve as proof of ADF&G sport fishing guide vessel registration in the Kenai River Special Management Area (KRSMA).

WHAT ARE THE CURRENT REGULATIONS? A person may not engage in sport fishing guide services from a vessel in the KRSMA unless the vessel is registered and displays an ADF&G sport fishing guide vessel decal with a current annual sticker issued by the department.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would reduce redundancy for guides operating in waters of the KRSMA because they would no longer be required to display two vessel stickers issued by different agencies to provide proof of registration.

BACKGROUND: Alaska statute and statewide sport fishing regulations require a sticker be displayed on a vessel providing sport fishing services. The statute (AS 16.05.395. *Sport fishing vessel registration*) specifically requires "proof of registration" with ADF&G clearly visible on the vessel while the vessel is used to provide sport fishing services. The regulation (5 AAC 75.077. *Sport fishing guide vessel registration requirements*) requires that guides display "a sport fishing guide vessel decal with a current annual sticker issued by the department".

DNR regulations require that guides operating in the KRSMA are in compliance with ADF&G regulations prior to receiving the KRSMA sticker, which includes a requirement that guides and their vessels are annually registered with ADF&G. Therefore, the DNR current year renewal sticker could be displayed as proof of current ADF&G registration.

DNR regulation currently references a statute that is repealed and 5 AAC 75.077 requires the current annual sticker "issued by the department". DNR and ADF&G staff are coordinating actions to address the redundancy of requiring two vessel stickers that provide proof of registration. ADF&G, by submitting this proposal, and, if it passes, DNR will replace the reference to the repealed statute with 5 AAC 75.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 163 – 5 AAC 77.XXX. New section.

PROPOSED BY: Patrick McCormick.

WHAT WOULD THE PROPOSAL DO? Prohibit guide services in personal use finfish fisheries.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that prohibit a person from providing outfitting, transporting, and guide services to Alaska residents participating in personal use fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would reduce participation in personal use fisheries by Alaska residents who rely on guides to provide access to their fisheries resources. It would likely reduce participation and harvest by an unknown amount. Economic impacts would include eliminating small businesses who offer guide services to personal use participants.

BACKGROUND: Personal use fisheries were created by the board in 1982 in response to enactment of the state's subsistence priority law that changed the definition of subsistence and precluded some individuals from participating in fisheries to provide for their personal use. Finfish may only be taken for personal use by a holder of a valid resident Alaska sport fishing license or an Alaska resident exempt from a license requirement.

There are personal use finfish fisheries statewide on species from eulachon (hooligan) to salmon. The fisheries utilize a variety of gear types on common property fish stocks with a harvestable surplus. It is legal to take shellfish in a personal use fishery from a guided vessel as long as it is taken with gear deployed and retrieved by the Alaska resident and the gear has been marked with their name and address, as specified in 5 AAC. 77.010(d).

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Allowing guide services on stocks with a harvestable surplus provides options for Alaskans to access their fisheries resources and small business opportunity.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 164 – 5 AAC 77.XXX. New Section.

PROPOSED BY: Patrick McCormick.

WHAT WOULD THE PROPOSAL DO? Establish registration and reporting requirements for personal use guides and transporters.

WHAT ARE THE CURRENT REGULATIONS? There are no requirements for registration or harvest reporting for businesses that provide outfitting, transporting, and guide services to Alaska residents participating in personal use fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Businesses providing guide and transporting services in personal use fisheries would need to register with the department. A program similar to the saltwater logbook program would need to be created to allow guides and transporters to report harvest and effort of all finfish and shellfish taken by their clients.

BACKGROUND: Personal use fisheries were created by the board in 1982 in response to enactment of the state's subsistence priority law that changed the definition of subsistence and precluded some individuals from participating in fisheries to provide for their personal use. Finfish may only be taken for personal use by a holder of a valid resident Alaska sport fishing license or an Alaska resident exempt from licensing.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal will result in an additional cost to the department to implement a personal use guiding registration and reporting program. The Department does not have funding identified for this activity and would need to seek additional money before it could be implemented. Transport and guide businesses may incur a registration fee if imposed.

PROPOSAL 165 – 5 AAC 01.XXX. and 5 AAC 02.XXX. New Sections.

PROPOSED BY: Patrick McCormick.

WHAT WOULD THE PROPOSAL DO? Prohibit guide services in subsistence fisheries.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that prohibit a person from providing outfitting, transporting, and guide services to Alaska residents participating in subsistence fisheries, except in the Glennallen Subdistrict of the Prince William Sound Area where providing subsistence fishing guide services is prohibited (5 AAC 01.620(l)). There is no statewide regulatory definition of subsistence fishery guide services.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This may better align subsistence fisheries with the intent of the statutory definition of subsistence uses being noncommercial uses. In subsistence fisheries that have high participation, this may also reduce competition. This would reduce participation in subsistence fisheries by Alaska residents who rely on guide services to provide fishery resource access and assistance in the harvesting process, primarily subsistence fisheries for salmon. This would likely reduce participation and harvest by an unknown amount. Economic impacts include eliminating small businesses offering guide services to subsistence users.

BACKGROUND: Alaska residents participate in subsistence fisheries for numerous shellfish and finfish species statewide. Subsistence fisheries are critical for food security and preservation of traditional food gathering practices. Subsistence fishery participants employ guide services in some fisheries, primarily subsistence salmon fisheries. The department does not track the number of guides operating in subsistence fisheries, but the number is believed to be small.

In March 2022, the board discussed generating a proposal to define subsistence fishery guide services to be considered at a later meeting but opted not to.

Under AS 16.05.940 (34), subsistence uses means the noncommercial, customary and traditional uses of wild renewable resources.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. Allowing guide services to participate in subsistence fisheries provides an option for Alaskans to access fishery resources and generates small business opportunity. However, it is business opportunity on a fishery that by statute should be noncommercial. Also, it is the board's authority to determine if a use is customary and traditional. While this proposal is not specific to a particular fishery, the board may wish to consider whether adoption of this proposal reduces reasonable opportunity to harvest fish and shellfish for subsistence purposes.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 166 – 5 AAC 77.015. Personal use fishing permits and reports and display of personal use fish.

PROPOSED BY: Darin Gilman.

WHAT WOULD THE PROPOSAL DO? Establish a statewide limit for personal use (PU) dipnet salmon fisheries.

WHAT ARE THE CURRENT REGULATIONS? PU salmon permits are issued for specific fisheries like the Kachemak Bay coho salmon gillnet fishery or the Chitina Subdistrict, or for larger geographic areas. The Upper Cook Inlet PU Permit covers PU fisheries on the Kenai, Kasilof, and Susitna Rivers, and Fish Creek. In Southeast, a household permit is issued for the region and each PU fishery listed has its own limit. An Alaska resident may harvest up to the annual household limit for multiple permits legally issued.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Alaskan families who fill a household limit on one PU dipnet salmon permit would not be able to participate in other PU dipnet salmon fisheries that year. This may lead to some unknown decrease in PU dipnet salmon harvest. A person could harvest PU salmon in multiple PU dipnet fisheries each year provided harvest did not exceed the statewide bag limit.

It would also require the department to develop a statewide PU finfish database to track harvest by households across all PU salmon fisheries.

BACKGROUND: Personal use fisheries were created by the board in 1982 in response to enactment of the state's subsistence priority law that changed the definition of subsistence and precluded some individuals from participating in fisheries to provide for their personal use. Salmon may only be taken for personal use by a holder of a valid resident Alaska sport fishing license or an Alaska resident exempt from licensing.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. It would unnecessarily restrict Alaskans' ability to participate in PU fisheries, potentially restrict harvest of available surplus production, and require a new reporting method for the permit holder and the department.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal will result in an additional cost to the department to implement a new statewide PU reporting system. The Department does not have funding identified for this activity and would need to seek additional money before it could be implemented.

PROPOSAL 167 – 5 AAC 01.015. Subsistence fishing permits and reports. and 5 ACC 77.015. Personal use fishing permits and reports and display of personal use fish.

PROPOSED BY: Cordova District Fishermen United.

WHAT WOULD THE PROPOSAL DO? Require harvest reporting by participants in subsistence and personal use salmon fisheries within 5 days of harvest.

WHAT ARE THE CURRENT REGULATIONS? Harvest reporting is required for subsistence and personal use fisheries where a permit is required. The majority of subsistence fisheries in Alaska do not require a permit, however. In fisheries where inseason harvest reporting is needed, the department can require more frequent reporting as a permit stipulation. Depending on the fishery, permit holders may report harvests online, by phone, or by returning the permit by mail or in person to an ADF&G office.

WHAT WOULD BE THE EFFECTS IF THE PROPOSAL IS ADOPTED? The department would have to modify its current reporting system to account for more frequent reporting. Additional staff may be required to compile effort and harvest data. Additional enforcement effort would be needed to ensure compliance. An appeals process may need to be developed if a subsistence fisherman fails to report and their reasonable opportunity for success in harvesting salmon for subsistence uses has been restricted.

BACKGROUND: All permitted personal use fisheries have reporting requirements at the end of the fishery season. For example, the Chitina Subdistrict and Upper Cook Inlet personal use fisheries (the two largest personal use fisheries in the state with 30,000 – 50,000 household permits issued annually) require effort and harvest to be reported within two weeks after their seasons close. Reporting of harvest for subsistence salmon fisheries is stipulated by the permit, if a permit is required. If the return of subsistence harvest information is necessary for management and conservation purposes, the department will conduct household surveys postseason. Inseason harvest information from subsistence and personal use is not generally needed for management purposes. Rather, historical harvest and effort patterns when combined with run-strength information is sufficient to ensure sustainable inseason management. The department may gather inseason harvest information by onsite surveys when needed, and the department may require a permit holder to report harvests more frequently.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. A regulatory requirement of mandatory reporting within 5 days of harvest for personal use and subsistence fisheries is unnecessary. The department already has the authority under 5 AAC 01.015 and 5 AAC 77.015 to require this level of reporting in areas where subsistence and personal use fishing permits are issued. The department currently does not require this frequent of reporting for inseason management. An additional burden would be placed on users, the requirement would be challenging to enforce, and this would place significant additional budgetary and administrative burdens on the department.

COST ANALYSIS: Approval of this proposal may result in an additional direct cost for a private person to participate in these fisheries if travel is required to report daily harvests. Approval of this proposal is expected to result in an additional direct cost for the department through implementation and administration of an inseason 5-day harvest reporting system.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? Some salmon stocks pass through nonsubsistence areas, and some are taken within nonsubsistence areas. The majority of salmon stocks, however, occur outside nonsubsistence areas.
2. Is the stock customarily and traditionally taken or used for subsistence? Yes. The board has made many positive customary and traditional use findings for salmon stocks outside nonsubsistence areas.
3. Can a portion of the stock be harvested consistent with sustained yield? Yes.
4. What amount is reasonably necessary for subsistence use? The board has made many findings of amounts reasonably necessary for subsistence for salmon stocks throughout the state.
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 168 – 5 AAC 75.003. Emergency order authority.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Provide emergency order (EO) authority to allow restrictions of sport fisheries in all contaminated waters.

WHAT ARE THE CURRENT REGULATIONS? In all stocked waters that become contaminated, the commissioner may, by EO, modify methods and means, reduce bag limits, or institute a catch-and-release only fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Current EO authority allows the department to close sport fisheries in waters that become contaminated as a precautionary measure. For stocked waters that have been contaminated, current EO authority allows the department to maintain fishing opportunity under appropriate harvest restrictions for an adequately informed public.

BACKGROUND: Per- and polyfluoroalkyl substances (PFOS/PFAS) above the federal advisory levels were first detected in stocked waters in the Fairbanks area in April 2019, and in response these waters were closed by EO as a precautionary measure due to potential health concerns. These lakes were no longer stocked after this time. In December 2019, the board amended the department's EO authority to restrict stocked waters to catch-and-release fishing, modify methods and means, or reduce bag limits where contaminated substances have been identified or strongly suspected. This action allowed the department to provide fishing opportunities on fish that may still remain after stocking was terminated.

However, this EO authority did not apply to all waters. Contaminates, such as PFOS/PFAS typically infiltrate groundwater and pollute down-gradient surface waters, flowing and non-flowing. Currently the commissioner does not have the authority to provide fishing opportunity on wild fish populations in contaminated waters that have not been stocked. Given the persistence of contaminates such as PFOS/PFAS in ground water and heightened awareness, additional contaminated waters will be identified in the future and actions will need to be taken to protect public health.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 169 – 5 AAC 41.075. Classification of banned invasive species.

Amend the list of banned invasive species.

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Creates two classifications for banned invasive species, allowing the possession (when deceased) and consumption of some invasive species. Eighteen additions are recommended for inclusion on the list of banned invasive species.

WHAT ARE THE CURRENT REGULATIONS? Banned invasive species are listed within 5 AAC 41.075(c), and in the proposal. No part of a banned invasive species may be possessed, imported, propagated, transported, released, purchased, or sold at any life stage. Criteria for the board to consider when classifying a nonnative species as a banned invasive species is provided in 5 AAC 41.075(b) and in this proposal.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Banned invasive species would be split into two categories: Class A and Class B. Possession of Class A species would remain prohibited at all life stages except when transporting to a department official, when under the direction of a department official, or under the provisions of an Aquatic Resources Permit. Class B species could be possessed but only when deceased, allowing anglers to harvest, transport, and consume Class B species. Eighteen additions would be made to the list of banned invasive species.

BACKGROUND: In 2021, regulations specific to banned invasive species were adopted through the Alaska Board of Fisheries' delegation of authority under AS 16.05.270 through board finding 2015-275-FB. In some Alaskan water bodies, invasive species have established populations and fisheries have developed targeting and harvesting those species. For example, a signal crayfish fishery has developed on the Buskin Lake and River in Kodiak. Potential fisheries on banned invasive species are not legal because current regulation does not allow their possession at any life stage.

Since 2015, several nonnative species not previously included in the banned invasive species list have been discovered in Alaska (largemouth bass, fathead minnows, and muskellunge). The department recommends adding these species and other fish, mollusk, and crustacean species which could survive in Alaska waters and have the potential to be detrimental if introduced. These nonnative species can be classified as banned invasive species by the board and in consultation with the department, considering criteria outlined in 5 AAC 41.075(b).

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. This proposal attempts to balance the need to protect Alaskan waters and indigenous species from banned invasive species, while also providing the legal framework to provide harvest opportunity for select banned species. This action would also allow the legal possession and import of edible portions of Class B species which may have been sport caught in other states.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.