

Staff Comments for Proposal 242

Submitted by the Alaska Department of Fish and Game

April 24, 2018



PROPOSAL 242 – 5AAC 30.350. Closed waters.

PROPOSED BY: Alaska Board of Fisheries.

WHAT WOULD THE PROPOSAL DO? This would establish waters closed to commercial fishing upstream of Alaska Department of Fish and Game (department) regulatory markers located approximately three-quarters of a mile downstream from Duck Camp Island in the Tsiu River. In the Tsivat River this proposal would establish closed waters to commercial fishing upstream of department markers located approximately one-half mile upstream from the confluence of the Tsiu/Tsivat rivers.

WHAT ARE THE CURRENT REGULATIONS? In the Tsivat River, salmon may not be taken upstream of department regulatory markers located approximately at the mid-point between the river terminus and the outlet of the easternmost lake of the Tsivat River drainage. In the Tsiu River, salmon may not be taken upstream of department regulatory markers located approximately one-half mile downstream from Duck Camp Island.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This will close waters to commercial fishing necessary to protect salmon for escapement needs while providing adequate area for the traditional commercial set gillnet fishery to occur. The department has moved the regulatory markers to the proposed location for the last five years and there has been no conflict between the user groups. This does not change the amount of area open to the sport fishery.

BACKGROUND: Tsiu/Tsivat River drainage is part of the Yakataga District that encompasses waters between Cape Suckling to Icy Cape. In the Yakataga District, commercial fishing opening and closing dates are established by emergency order (5 AAC 30.310). Historically, the department has opened the Tsiu River fishery after escapements of approximately 2,500-3,000 coho salmon have been observed above the commercial fishing regulatory markers. This typically occurs around the third week in August. Weekly fishing periods are two 24-hour periods; from 9:00 a.m. Sunday through 9:00 a.m. Monday and from 9:00 a.m. Tuesday through 9:00 a.m. Wednesday (5 AAC 30.320(1)). The fishery continues to open for two 24-hour periods until such time the biological escapement goal (BEG) range of 10,000 – 29,000 coho salmon has been achieved. Aerial surveys are conducted weekly to monitor escapement and assure the escapement goal is met. Once the BEG is met, extra fishing time is provided to harvest fish surplus to escapement needs. Extra fishing time may be warranted if fishing effort is low. The area is remote, and fish must be flown to Yakutat for processing at a high expense. Due to the access limitations, fishing generally occurs only when the weather is good enough to fly fish to market. To an extent, an attempt is made to schedule openings around the weather to prevent waste issues.

Due to either extremely low water levels or major geological changes in the Tsiu and Tsivat rivers, the regulatory markers have been moved to ensure adequate escapement before opening the commercial fishery. In 2010 and 2012, weather was abnormally dry and water levels became extremely low, preventing fish from making it past the markers and onto the spawning grounds in the Tsiu River. The markers were moved approximately 1.5 miles downriver to allow for a fishery while protecting approximately 10,000 coho salmon. As water levels rose, fish moved upriver, and

markers were moved back to the location established by regulation. In 2012, a similar situation took place and the regulatory markers had to be moved.

In 2013, dramatic geological changes occurred altering existing channels and creating new channels which altered coho salmon migratory patterns in both the Tsiu and Tsivat rivers. The marker locations were no longer applicable, and the department moved the regulatory markers on both rivers, by emergency order, to the proposed location and has done so for the last four years to compensate for the new migration route and to protect salmon for escapement needs. The department has not heard concerns over the proposed marker location and is unaware of user group conflicts that resulted from movement of the markers. Since this major geological change in the river, commercial fishing effort has substantially declined because there are fewer areas to fish. Recently, reduced availability of air transportation has also restricted the fishery due to limited hauling capacity.

The department submitted Proposal 165 for the 2018 Alaska Board of Fisheries (board) Southeast and Yakutat Finfish meeting. The intent of the proposal was to update the closed waters area description for the Tsiu/Tsivat rivers, which had been rendered ineffective by geographical changes in the river's channeling. The board adopted RC 331, an amended version of Proposal 165, that moved closed waters markers significantly downstream of the proposed location, to a location that provided little fishable water for the set gillnet fishery.

At the Statewide Dungeness Crab and Miscellaneous Shellfish Meeting in March 2018, the board created Proposal 242 that is identical to Proposal 165.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The department uses regulatory markers to establish closed waters necessary to protect fish for escapement needs and generally not to segregate user groups. The current regulation allows commercial fishing in only the lower half of the river. The lower half of the river is not an effective area for set gillnets because it is shallow, with fast moving slurries of sand and water. Historically, the commercial harvest has come from the upper portion of the river where the deeper water and fishing holes were present. The current marker location will not allow for a viable commercial fishery. Moving markers upstream, to the location previously established by the department, protects spawning coho salmon and provides opportunity for the commercial set gillnet fishery without changing the amount of area available to the sport fishery.

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.