

Submitted by the Alaska Department of Fish and Game at the request of Board Member Israel Payton

January 17, 2019

Substitute language for proposal 88:

5 AAC 01.220. Lawful gear and gear specifications.

(m) Notwithstanding the provisions of (d),(e)(2), and (f)(2) of this section, during times when the commissioner determines that it is necessary for the conservation of chum salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which one or more of the following gear limitations may be implemented:

...

(2) for fish wheels:

(A) [A FISH WHEEL USED TO TAKE FISH MUST BE EQUIPPED WITH A LIVEBOX THAT IS CONSTRUCTED SO THAT IT CONTAINS NO LESS THAN 45 CUBIC FEET OF WATER VOLUME WHILE IT IS IN OPERATION;] the operator must closely attend the fish wheel while it is in operation, and all chum salmon must be immediately released from the wheel to the water alive and must bypass any livebox [FROM THE LIVEBOX] unless retention is allowed by emergency order;

...

[(D) A PERSON MAY OPERATE A FISH WHEEL WITHOUT A LIVEBOX IF

(i) THE FISH WHEEL IS EQUIPPED WITH A CHUTE THAT RETURNS FISH CAPTURED BY THE FISH WHEEL TO THE WATER ALIVE;

(ii) THE PERSON CLOSELY ATTENDS THE FISH WHEEL WHILE IT IS IN OPERATION; AND

(iii) THE PERSON RETURNS ALL CHUM SALMON CAUGHT TO THE WATER ALIVE; AND]

(n) Notwithstanding the provisions of (d), (e)(2), and (f)(2) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which one or more of the following gear

limitations may be implemented:

...

(2) for fish wheels:

(A) [A FISH WHEEL USED TO TAKE FISH MUST BE EQUIPPED WITH A LIVEBOX THAT IS CONSTRUCTED SO THAT IT CONTAINS NO LESS THAN 45 CUBIC FEET OF WATER VOLUME WHILE IT IS IN OPERATION;] the operator must closely attend the fish wheel while it is in operation, and all king salmon must be immediately released **from the wheel** to the water alive **and must bypass any livebox** [FROM THE LIVEBOX] **unless retention is allowed by emergency order**;

(B) repealed 5/22/2016;

[(C) A PERSON MAY OPERATE A FISH WHEEL WITHOUT A LIVEBOX ONLY IF

(i) THE FISH WHEEL IS EQUIPPED WITH A CHUTE THAT RETURNS FISH CAPTURED BY THE FISH WHEEL TO THE WATER ALIVE;

(ii) THE PERSON CLOSELY ATTENDS THE FISH WHEEL WHILE IT IS IN OPERATION; AND

(iii) THE PERSON RETURNS ALL KING SALMON CAUGHT TO THE WATER ALIVE;]

5 AAC 77.171. Lawful gear for personal use finfish fishing. (a) In Subdistrict 6-C, finfish may be taken for personal use only by set gillnets and fish wheels as follows:

...

(2) for fish wheels:

(A) [A FISH WHEEL USED TO TAKE SALMON MUST BE EQUIPPED WITH A LIVEBOX THAT IS CONSTRUCTED SO THAT IT CONTAINS NO LESS THAN 45 CUBIC FEET OF WATER VOLUME WHILE IT IS IN OPERATION] **the operator must closely attend the fish wheel while it is in operation, and all chum salmon must be immediately released from the wheel to the**

water alive and must bypass any livebox; unless retention is allowed by emergency order;

[(B) THE LIVEBOX OF A FISH WHEEL MUST BE CHECKED AT LEAST ONCE EVERY SIX HOURS WHILE THE FISH WHEEL IS IN OPERATION, AND ALL CHUM SALMON CAUGHT IN THE LIVEBOX MUST BE RETURNED TO THE WATER ALIVE;

(C) A PERSON MAY OPERATE A FISH WHEEL WITHOUT A LIVEBOX ONLY IF

(i) THE FISH WHEEL IS EQUIPPED WITH A CHUTE THAT RETURNS FISH CAPTURED BY THE FISH WHEEL TO THE WATER ALIVE;

(ii) THE PERSON CLOSELY ATTENDS THE FISH WHEEL WHILE IT IS IN OPERATION; AND

(iii) THE PERSON RETURNS ALL CHUM SALMON CAUGHT TO THE WATER ALIVE;]

...

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

...

(2) for fish wheels:

(A) [a fish wheel used to take salmon must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation] **the operator must closely attend the fish wheel while it is in operation, and all king salmon must be immediately released from the wheel to the water alive and must bypass any livebox; unless retention is allowed by emergency order;**

[(B) THE LIVEBOX OF A FISH WHEEL MUST BE CHECKED AT LEAST ONCE EVERY SIX HOURS WHILE THE FISH WHEEL IS IN OPERATION, AND ALL KING SALMON CAUGHT IN THE LIVEBOX MUST BE RETURNED TO THE WATER UNHARMED;

(C) PERSON MAY OPERATE A FISH WHEEL WITHOUT A LIVEBOX ONLY IF

(i) THE FISH WHEEL IS EQUIPPED WITH A CHUTE THAT RETURNS FISH CAPTURED BY THE FISH WHEEL TO THE WATER ALIVE;

(ii) THE PERSON CLOSELY ATTENDS THE FISH WHEEL WHILE IT IS IN OPERATION; AND

(iii) THE PERSON RETURNS ALL KING SALMON CAUGHT TO THE WATER ALIVE;]