

JB ACR 1

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.

77.591. Copper River Personal Use Dip Net Salmon Fishery Management Plan.

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.

This is an ACR for the Joint Boards. This is an error in the regulatory process. The action the BOF has taken on the CPF was not in compliance with AS 16.05.258(c) and 5 AAC 96.910(2). The BOF did not meet jointly with the BOG to discuss the possibility of a CPF non-subsistence area. The statute states the joint boards “shall” identify by regulation.... And the regulation states the BOF and the BOG acting jointly. We propose the Joint Boards add the CPF area to the agenda.

Is the area described in regulation as the CPF a non-subsistence area?

WHAT SOLUTION DO YOU PREFER?

The BOF has created a non-subsistence area without the BOG acting jointly with the BOF. One of those areas is the Chitina sub district personal use dip net fishery (CPF).

The CPF does not allow a subsistence take/opportunity within the CPF described area that has no subsistence priority. The BOF does not make subsistence regulations within the CPF described area.

AS 16.05.258(c) states; “The boards, acting jointly, shall identify by regulation the boundaries of non-subsistence areas”. 5 AAC 96.910(2) also defines what a joint board is and states: "joint board means the Board of Fisheries and the Board of Game acting jointly.” The CPF is not found in 5 AAC 99.015 Joint Board non-subsistence areas. We feel the BOF did not comply with the statute. Also 5 AAC 99.016 Activities permitted in a non-subsistence area, describes the CPF as a non-subsistence area. Again, because no subsistence opportunity exists in the CPF described area, it is a non-subsistence area.

CPF area may be the only place in the state that lies outside a recognized non-subsistence area (99.015) and does not allow a subsistence opportunity. Other personal use fisheries that lie outside a non-subsistence area allow subsistence opportunity. An example of this is in the personal use fishery in the Naknek River. 5 AAC 77.285. Naknek River Personal Use Sockeye Salmon Fishery Management Plan

(a) The department shall allow the taking of salmon by dip nets and gillnets in the Naknek River from its terminus upstream to ADF&G regulatory markers located near Savonski from when the department has estimated that 900,000 sockeye salmon are in the river through July 25.

(b) During the open season, salmon may be taken by dip nets seven days per week and by gillnets during open subsistence salmon fishing periods for the Naknek River.

SUBMITTED BY: Fairbanks Fish and Game Advisory Committee