

PROPOSAL 282

5 AAC 75.003. Emergency order authority.

Extend emergency order authority to restrict stocked waters to no retention in times of low hatchery production or stocked waters contamination, as follows:

5 AAC 75.003 is amended to read:

(5) In stocked waters, if waters become contaminated or during times of low hatchery output, the commissioner may, by emergency order, modify methods and means, reduce bag limits, or institute a catch-and-release fishing only fishery.

What is the issue you would like the board to address and why? The department emergency order authority does not allow stocked waters to be restricted to no retention (catch-and-release) in times of low hatchery production or if stocked waters become contaminated. The only option the department has under current emergency order authority is to close the lake and not provide sport fishing opportunity.

In 2019, per- and polyfluoroalkyl substances (PFOS/PFAS) above the federal health advisory levels were detected in stocked waters in the Fairbanks area and two stocked lakes were closed to sport fishing as a precautionary measure due to potential health concerns. While consumption of fish contaminated with PFOS/PFAS may not be advisable, these fisheries could have remained open under catch-and-release fishing only regulations and still provided sport fishing opportunity with an adequately informed public. These lakes have been removed from the Statewide Stocking Plan, but there remain stocked fish in the lakes that could provide sport fishing opportunity. Similar situations may arise with other contaminants, either due to direct spills or indirectly through groundwater contamination.

Secondarily, both Division of Sport Fish hatcheries are producing sufficient stocking products at this time, but if brood stock numbers decline for some reason or other production issues occur, having the authority to reduce bag limits to provide sport fishing opportunity when lower stocking levels are required allows the department some ability to continue to provide diverse fishing opportunities and take pressure off wild fish stocks.

PROPOSED BY: Alaska Department of Fish and Game

(Formerly ACR 12)
