

**PROPOSAL 135**

**5 AAC 77.682. Personal use salmon fishery.**

Allow permits to be issued for the personal use taking of king and coho salmon, as follows:

5AAC 77.682(c) [THE DEPARTMENT SHALL NOT ISSUE A PERMIT FOR THE TAKING OF KING OR COHO SALMON, BUT] King and coho salmon taken incidentally by gear operated under terms of a personal use permit for other salmon are legally taken and possessed for personal use purposes.

**What is the issue you would like the board to address and why?** Delete the first phrase in this regulation that prohibits issuance of personal use permits for taking of King and Coho salmon. This regulation is contrary...

- to statute AS16.05.251(d) which requires "fair and reasonable" personal use fishing opportunities.
- to regulation 5AAC 77.001 which describes the intention of the personal use fishing category to provide "efficient" harvesting of fish for personal use by residents who are precluded from participating in subsistence fisheries.
- to 5AAC 77.001(b) which states a personal use fishery will be allowed when..... "in the broad public interest".
- to AG opinion which supports 5AAC 77.001 and AS16.05.251 and "Legislative History", which states the legislative intent to "require" the board to provide "fair and reasonable" opportunity for personal use fishing. See e.g. 1985 House J. 584-585, 920-921, 1230-1231(letters of intent) secs, 3. 11. ch.52 SLA 1986.
- to the intent and spirit of both the Legislature and the Board of Fisheries.
- Also, this regulation inhibits even considering king and coho for personal use fisheries.

**PROPOSED BY:** Michael Fox

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