

**Alaska Board of Fisheries**  
**November 28-December 4, 2018 | Dillingham, Alaska**  
**Bristol Bay Proposals**

**PROPOSAL 18**

**5 AAC 01.310. Fishing seasons and periods.**

Repeal limits to subsistence fishing periods in the Nushagak District, as follows:

The new regulation would say 5 AAC 01.310 (d) Repealed

**What is the issue you would like the board to address and why?** Repeal 5 AAC 01.310 (d).

" (d) In the Nushagak District, in all waters upstream of a line from a point approximately two miles south of Bradford Point at 58\_E58.63' N. lat., 158\_E33.62' W. long. to Nushagak Point at 58\_E56.79' N. lat., 158\_E29.53' W. long., to a point at Red Bluff on the west shore of the Wood River at 59\_E09.58' N. lat., 158\_E32.36' W. long., and to Lewis Point on the north shore on the Nushagak River at 58\_E59.46' N. lat., 158\_E05.57' W. long., from 9:00 a.m. July 2 through 9:00 a.m. July 17, salmon may be taken only from (1) 9:00 a.m. Monday to 9:00 a.m. Tuesday; (2) 9:00 a.m. Wednesday to 9:00 a.m. Thursday; and (3) 9:00 a.m. Saturday to 9:00 a.m. Sunday. "

There is no conservation concern to restrict subsistence access.

**PROPOSED BY:** Nushagak Fish and Game Advisory Committee (HQ-F18-055)

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**PROPOSAL 19**

**5 AAC 01.320. Lawful gear and gear specifications.**

Allow subsistence fishing for salmon with dipnets near Dillingham, as follows:

Allow subsistence harvest with dip nets in waters in the vicinity of Dillingham.

This gear type would be added to the subsistence permit and require harvest reporting just like other gear types. Permit must be in possession during active fishing. The definition of legal dip net gear shall be the same as for the rest of the state: 5 AAC 39.105(d)(24)

Use should be limited to close to Dillingham:

Suggested boundary: The waters and both sides of the Nushagak River from Lewis Point down stream to the upper boundary of the commercial fishing district and; the waters and both sides of the Wood River from Red Bluff down stream to its confluence with the Nushagak River. These boundaries should eliminate or minimize any potential conflicts with sport angling in the area.

Season would be the same as for all salmon subsistence fishing in the area (or preferably May 1 to September 30).

Interference with set subsistence, commercial, sport or other dip net gear may need to be discouraged in some manner. Possibly prohibit dip netting within 25 feet of a set net, 10 feet of other dip net fishers.

Limit harvest to salmon only.

**What is the issue you would like the board to address and why?** I would like to allow subsistence salmon fishing with dip nets to be legal gear near Dillingham. Currently subsistence salmon fishing in the Nushagak /Wood River area in the vicinity of Dillingham does not allow dip nets as legal gear. Set net gear is expensive and requires considerable effort and space to deploy as well as having the potential for very large catches. Dip nets would be less expensive, easier to operate, and for those who do not desire large catches, it would be easier to limit their take. Dip nets would allow sorting of the catch and releasing alive those fish not desired such as pink and chum salmon or spawned or damaged fish. Sorting is of particular interest in years of very large pink or chum runs. I suspect that set nets result in quite a few chums and pinks killed and wasted in some years.

**PROPOSED BY:** Dan Dunaway (HQ-F18-038)

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**PROPOSAL 20**

**5 AAC 01.320. Lawful gear and gear specifications.**

Allow use of drift gillnets not more than 10 fathoms in length for subsistence salmon fishing in the Wood and Nushagak Rivers near Dillingham, as follows:

Allow the use of drift nets of not more than 10 fathoms for subsistence salmon fishing in the Wood and Nushagak Rivers in the vicinity of Dillingham - but not in the commercial district, not upstream of a point in the Nushagak River and not upstream of Red Bluff in the Wood River (and reduce sport / subsistence conflicts, navigational issues with other boats and brush tangles).

Suggested boundaries and language:

Lawful Gear and Specifications: new language in

5AAC 01.320 (b)

.....

(7) in the Nushagak District from a point approximately two miles south of Bradford Point at 58\_E58.63' N. lat., 158\_E33.62' W. long. to a point at Red Bluff on the west shore of Wood River at 59\_E09.58' N. lat., 158\_E32.36' W. long., and upstream in the Nushagak River to Black Point subsistence fishing may be conducted with a drift gill net.

.....

Drift netting would spread out effort reducing controversies, require less preparation and allow fishers to quickly catch the fish needed. The nature of drifting would require operators to be "on-the-net" while its fishing - avoiding some of the problems with set nets.

Boundaries are selected to reduce avoid conflicts with other vessel traffic, sport fisheries etc. Some language may be needed to address proximity to set subsistence nets. Contingency language for addressing subsistence fishing in the Wood River when the commercial fishery is opened in the Wood River Special Harvest Area.

**What is the issue you would like the board to address and why?** Existing regulatory language that may apply:

5 AAC 01.320:

....

(b) Outside the boundaries of any district, salmon may only be taken by set gillnet, except that salmon may also be taken as follows:

.....

(c) Except as specified in (b) of this section, the maximum lengths for gillnets and beach seines used to take salmon are as follows:

(1) set gillnets may not exceed 10 fathoms in length in

(A) the Naknek, Egegik, and Ugashik Rivers;

(B) the Nushagak District during the emergency order subsistence openings described in 5 AAC 01.310(b);

(C) all waters of Nushagak Bay upstream of a line from a point approximately two miles south of Bradford Point at 58\_E58.63' N. lat., 158\_E33.62' W. long. to Snag Point at 59\_E03.18' N. lat., 158\_E25.59' W. long.;

(D) repealed 5/31/98;

(2) in the remaining waters of the Wood River and Nushagak River not described in (c)(1)(C) of this section, set gillnets may not exceed 25 fathoms in length;

.....

Currently subsistence salmon fishing in Nushagak Bay near Dillingham is only allowed with the use of set gillnets. Available sites for subsistence nets is very limited in the Dillingham area and competition for space can be very aggressive and sometimes contentious. Instances of unauthorized "borrowing" or even misuse of sites and gear such as anchors and running lines and stakes causes controversy every year. In addition it is a lot of time consuming work to set up a good set net site requiring anchors, lines, stakes or other on shore anchor points. Access to some sites is often limited by tide levels or weather making them harder to access and much harder to deploy, pick or to inactivate the gear.

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**PROPOSAL 21**

**5 AAC 01.320. Lawful gear and gear specifications.**

Allow subsistence fishing with hook and line attached to rod or pole in Six Mile Lake, as follows:

5 AAC 01.320. Lawful gear and gear specifications.

(b) **(8) by hook and line attached to a rod or a pole in Six Mile Lake and within 1/2 mile of the outlet, as specified in (1) of this section**

(1) Subsistence fishing by the use of a hook and line attached to a rod or pole is prohibited, except

**(1) when fishing through the ice**

**(2) when fishing by hook and line attached to a rod or a pole in Six Mile Lake and within 1/2 mile of the outlet, the following provisions apply:**

**(a) limits as specified in 5 AAC 67.020**

**(b) permits as specified in 5 AAC 01.330**

**(c) a person may not sport fish for salmon and take salmon under a subsistence permit on the same day.**

**What is the issue you would like the board to address and why?** There isn't opportunity to harvest fish from the beach for subsistence with a fishing pole during periods of subsistence fishing.

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**PROPOSAL 22**

**5 AAC 01.310. Fishing seasons and periods.**

Allow subsistence fishing for salmon in the Egegik District at any time from May 1 through September 30, as follows:

5 AAC 01.310 Fishing seasons and periods

(a) Unless restricted in this section and 5 AAC 01.325, or unless restricted under the terms of a subsistence fishing permit, fish, other than rainbow trout, may be taken at any time in the Bristol Bay Area.

(b) IN EGEKIK COMMERCIAL SALMON DISTRICT, SUBSISTENCE FISHING FOR FISH, INCLUDING SALMON, IS ALLOWED AT ANY TIME, UNLESS CLOSED OR RESTRICTED BY EMERGENCY ORDER. FROM MAY 1 THRU SEPTEMBER 30.

**What is the issue you would like the board to address and why?** Current regulations restrict subsistence fishing for salmon in the Bristol Bay Area, particularly the Egegik Salmon District, and do not allow ample opportunity for subsistence fishers to harvest enough salmon for their

home use. This proposal would allow subsistence fishing for salmon in the Egegik Salmon District at all times, unless closed by emergency order.

Subsistence is the priority consumptive use of the resource. However, current regulations severely restrict subsistence fishing opportunity in commercial salmon districts during the months when salmon are most abundant: (b) From June 1 through September 30, within the waters of a commercial salmon district, salmon may be taken only during open commercial fishing periods. We believe this level of subsistence fishing does not provide reasonable opportunity for Alaskan residents to meet their subsistence needs, particularly in the Egegik Salmon District. Residents who either live or have fish camps adjacent to waters of the Egegik Salmon District must travel upriver by boat, beyond the upper District boundaries, to subsistence fish for salmon when commercial fishing is closed. Resident subsistence fishers are displaced by this regulation and are no longer able to fish in their traditional fishing locations, except during commercial fishing periods. My Mother and Father moved to this location on the beach in 1947-and I am still there-same location. However during commercial fishing periods, competition with commercial fishers is extreme and this competition severely hampers their opportunity to harvest fish for subsistence. The subsistence fisher should not be in direct competition with the commercial fishers. The subsistence fishery should be treated as a PRIORITY fishery.

\* As written in the ADFG Subsistence Regulation- Alaska state law directs the Board of Fisheries to provide a reasonable opportunity for subsistence users FIRST, BEFORE providing for other uses of any harvestable surplus of a fish or game population [ AS 16.05.258 (b)] This is often referred to as the "subsistence preference " or sometimes the " subsistence priority." While it's true that subsistence fishers have the option of traveling upriver beyond the commercial salmon district boundaries to subsistence fish when commercial fishing is closed within the district, traveling by boat is hazardous, because of numerous sandbars in the river, and is also extremely time consuming. Additionally, the upriver fishing locations are not traditional locations for subsistence fishing. Even the Elders of the City of Egegik fish on their local beach in front of town-they do not boat up to the end of the district. Subsistence fishers should be able to fish in their traditional fishing grounds unimpeded by competition from commercial fishers. Because of the consumptive priority designation of subsistence, subsistence fishing should be given the Priority. Currently, it is not. We are not asking to change the commercial fishing schedule, we are requesting that subsistence fishing be allowed before, during, and after commercial fishing periods within commercial salmon district waters. The relatively small amount of subsistence sockeye salmon taken within this District, less than 1,000 fish in several surveys, should not warrant such extreme current restrictions on subsistence fishing.

If nothing is done, subsistence fishers who wish to fish their traditional fishing grounds within the Egegik commercial salmon district must compete with commercial fishers for their subsistence. One viable alternative would be to allow subsistence fishing at anytime throughout Bristol Bay, by repealing 5 AAC 01.3109 (b). This would prioritize the subsistence fishery over the commercial fishery in all commercial salmon fishing districts by allowing subsistence fishing for fish at any time in the Bristol Bay Area, as stipulated in 5 AAC 01.3109 (a). We believe that this may be the proper approach but we are hesitant to propose an Area-wide proposal since we are only concerned with our subsistence in the Egegik Salmon District. We understand that enforcement may be a problem with subsistence-caught salmon being sold commercially if this proposal is passed. In the

Egegik District we have State Troopers stationed on the North Shore, having access to 4x4 truck-4 wheeler-boats-airplanes and helicopter. They are very visible-and jog in the evenings. But we are not opposed to marking subsistence caught salmon some way- caudal lobe (one of the fins) cut to identify subsistence caught salmon from commercial caught salmon.

**PROPOSED BY:** Eddie Clark

(EF-F18-036)

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**PROPOSAL 23**

**5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.**

Clarify that the holder of two drift gillnet limited entry permits may operate up to 150 fathoms of drift gillnet gear, as follows:

*New language:*

**(h) A person who holds two Bristol Bay drift gillnet CFEC permits may not operate both permits concurrently, on the same vessel, in a “D” configuration. A permit holder may only operate up to 150 fathoms of drift gillnet gear using a single CFEC permit and may not employ a second CFEC permit held by the same individual to operate additional drift gillnet gear.**

**What is the issue you would like the board to address and why?** Additional clarity to existing regulation is requested for the circumstances in which one vessel utilizing a “D” configuration is able to operate 200 fathoms of drift gillnet gear under section 5 AAC 06.333. By adding to existing regulations as proposed, the role of single and ownership of two Bristol Bay drift gillnet permits will be clarified and fully outlined for the fleet.

The Bristol Bay Drift Fleet has taken measures through the Board of Fisheries to create a “D” permit configuration which has achieved lasting benefits to both captains and permit holders, and added a measure of gear reduction. Allowing single owner permit stacking would erode the benefits of the “D” configuration, especially to existing crew, “D” permit holders, and new entrants into the fishery.

An SO3T permit has a value which goes up and down directly in line with the economic health of the fishery. Allowing single owner permit stacking would change this relationship, raise permit values, create barriers to entry, and eventually result in an undue consolidation of the fleet.

The Board of Fisheries has taken up the issue of permit stacking for a decade’s worth of meetings, expending several days of discussion each meeting, while consistently arriving at the same decision. Regardless, every cycle new proposals are put in and the Board is required to consider them. An addition to the existing regulation which allowed for 200 fathoms of gear allocated to a vessel is needed to clarify that this benefit cannot be achieved by a single permit holder.

When the Alaska Legislature created the allowance for an individual to own two permits in 2006 they explicitly included language disallowing extra gear. It was made clear this was done as a gear

reduction effort. The move to allow an individual to own two permits was done in conjunction with a Southeast buyback program and was not intended to allow an individual to fish more gear.

**PROPOSED BY:** Katherine Carscallen, Susie Jenkins-Brito, Bronson Brito, Mark Schwantes, Robert Heyano, Patricia Treydte, Reba Temple (EF-F18-109)

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**PROPOSAL 24**

**5 AAC 06.331. Gillnet specifications and operations, and 5 AAC 06.333. Requirement and specification for use of 200 fathoms of drift gillnet in Bristol Bay.**

Allow the holder of either two set gillnet or two drift gillnet limited entry permits to operate more gear than the holder of a single limited entry permit, as follows:

The ability to stack and own 2 permits, fish together on one vessel for Drift Net Fishers and 2 permits for Set Net Fishers.

**What is the issue you would like the board to address and why?** The ability to stack own and fish two (2) limited entry permits in one name for either Drift or Set Gill net fishing. This would help the fishery towards the optimum number of fishers and boats previously identified. This would reduce risk for vessel owners who fish 2 permits already who have to have 2 permit holders on the vessel. This will give the vessel owner and permit holder all of the responsibility. This would give all Fishers the chance to operate with 2 permits or maintain 1 permit. Cook Inlet has approved stacking of permits in a single name.

**PROPOSED BY:** Bruce Skolnick (EF-F18-017)

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**PROPOSAL 25**

**5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.**

Allow an individual holding two drift gillnet limited entry permits to operate up to 200 fathoms of drift gillnet gear, as follows:

Adopt and allow one person owning two permits the extra compliment of gear up the 50 fathoms, equaling a total of 200 fathoms per vessel.

**What is the issue you would like the board to address and why?** Under the current regulation 5 AAC 06.333, the option of "permit stacking" is only allowed for two separate permit holders. I recommend the Alaska Board of Fisheries amend the current regulation under 5 AAC 06.333 to include individuals owning two Bristol Bay Salmon drift permits the same access of "permit stacking" as two separate permit holders.

Under the current regulation, two Bristol Bay drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate 200 fathoms of drift gillnet gear. In 2002, the Alaska Legislature passed House Bill 286, amending Alaska Statute 16.43.140 (c). This law allows individuals the ability to concurrently hold two salmon limited entry permits in the same permit

fishery. House 46 Bill 251 provided the Alaska Board of Fisheries the authority to grant fishing privileges to the second permit held by an individual, otherwise known as permit stacking.

**PROPOSED BY:** Abe Williams (EF-F18-039)  
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**PROPOSAL 26**

**5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.**

Allow the owner of two drift gillnet limited entry permits to operate 200 fathoms of drift gillnet gear from a single vessel, as follows:

This proposal would allow the owner of two Bristol Bay drift gillnet permits to fish and operate 200 fathoms of drift gillnet gear from a single vessel.

**What is the issue you would like the board to address and why?** Currently, the full benefit of permit stacking (“D” Permits) is not being realized. We will fall short of the potential improvement in quality and reduction of vessels (Optimum Number Study). Bristol Bay drift permit holders and crews will benefit because there will be fewer vessels and less gear per permit giving more opportunity for the remaining vessels and fishermen.

**PROPOSED BY:** Kurt Johnson (HQ-F18-048)  
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**PROPOSAL 27**

**5 AAC 06.331. Gillnet specifications and operations.**

Allow the holder of two set gillnet limited entry permits in the Naknek-Kvichak, Egegik, and Ugashik districts to operate 100 fathoms of set gillnet gear, as follows:

5 AAC 06.331 (U). Gillnet specifications and operations.  
(U) In the Naknek-Kvichak, Egegik, and Ugashik districts, a CFEC permit holder who holds two Bristol Bay set gill net permits may stack those permits and operate additional set net gear as described in this subsection. The CFEC permit holder may not operate more than four set gillnets. A single set gillnet may not exceed 50 fathoms in length, and the aggregate length of the set gillnets operated by the CFEC permit holder may not exceed 100 fathoms. The buoys must be marked as specified in 5 AAC 06.334 and 5 AAC 39.280 with both of the CFEC permit holders’ five-digit permit numbers followed by the letter “S.” All identifiers must be displayed in a manner that is plainly visible, unobscured, and in a color that contrasts with the background.

**What is the issue you would like the board to address and why?** Setnet operations in the Naknek-Kvichak, Egegik and Ugashik districts are predominantly multigenerational family operations. Over time, in order to maintain economic viability, two or more permits have been purchased and operated in these operations. Over time, as parents age and aren't consistently physically able to work the sites every year or as children grow up and need to miss a summer due to college, one or more permit holders may be unable to fish every season. The ability to stack setnet permits would enable these longtime family fishing operations to maintain economic

sustainability and remove the risk and expense of potentially losing the permit by transfer outside of the family to a crew member. For the most part, these permits are not going to be sold outside of the family operation because their value to these families is in the ability to pass them along to the next generation and not in their resale value. There isn't a legitimate justification for disallowing the stacked use of permits in a family operation since disallowing them isn't going to result in more permits being available for purchase in the public marketplace. Or by allowing stacking the permits value would raise significantly-that didn't happen. And now as stacking is permitted by only the one user group. After researching why the West side of the bay doesn't like set gillnet stacking-it sounds like one person has abused the situation-one person.

**PROPOSED BY:** Eddie Clark

(EF-F18-032)

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**PROPOSAL 28**

**5 AAC 06.331. Gillnet specifications and operations.**

Allow commercial fishing for salmon, with set net gear only, within the section of the Kvichak River that borders Levelock Village land, as follows:

**5 AAC 06.331. Gillnet specifications and operations**

**(new) within the Kvichak Section, along the west bank of the Kvichak River adjacent to the land of the village of Levelock, from the southern point, 59.10321 N, 156.8661 W to the northern point, 59.11478 N, 156.85106 W, near Levelock Creek.**

**(A) set gillnet gear may be operated only as follows:**

**(1) a set gillnet may not exceed 25 fathoms in length;**

**(2) a set gillnet may not be set or operated within 300 feet of another set gillnet;**

**(4) a set gillnet must be operated in a substantially straight line perpendicular to the nearest bank of the Kvichak River;**

**(5) all gear and equipment associated with set gillnet fishing in this area must be removed from the water when it is not being used to fish in this area;**

**(B) Sockeye salmon harvested within this area shall be tallied against the 8% set net allocation for the Kvichak Section.**

**(2) a CFEC permit holder may not use more than one gillnet to take salmon at any one time.**

**What is the issue you would like the board to address and why?** Allow for the commercial harvest of salmon, with set net gear only, within the section of the Kvichak River that borders Levelock Village land.

This proposal area includes only the west bank of the Kvichak River from (59.10321 N, 156.8661 W), near the south end of the town, to the northern banks of Levelock, near Levelock Creek (59.11478 N, 156.85106 W). This area would provide up to 16 commercially regulated set net sites, each separated by a distance of 300 feet from each other. We consider this proposal a logical scenario because it is based on the harvesting salmon that have escaped the traditional fisheries in the Naknek-Kvichak District and are also in excess of subsistence needs and targeted escapement requirements. If this proposal is accepted, it would provide opportunities for new fishers or retired

fishers, to establish or reestablish themselves as Bristol Bay commercial fishermen and it would tend to bring commercial fishing permits back to Alaska residents.

Additionally, residents could participate in this fishery without a massive outlay of resources because they would not need a fully planned operation as to boats and motors. The community and the fish processing plant can work with the fisherman/participants by letting them use the machinery/equipment, supplies, ice machine, etc. This community and fish-processing plant support would be available to assist all the commercial fishers participating in this fishery and the fishery in the Alagnak River Special Harvest Area. This relationship amongst the community, Levelock fish-processing plant, and fisherman would benefit all involved and contribute to a viable, self-sustaining community.

The processing plant in Levelock will provide services with buying the fisherman's harvest, and provide them with profitable returns. We will have economic growth and a re-established workforce in Bristol Bay area. We plan to expand our plant soon with adequate freezer equipment. Currently, we have the capacity to process up to 12,000 pounds of fish per day with the freezing system we have now. However, we plan to increase our capacity of processing and freezing up to 35,000 lbs. per day. We have other projects like IKURA Salmon Roe projects that's coming in the near future. In addition to providing a viable fishery to residents, this proposal would also provide new opportunities to residents to obtain a commercial fishing permit and fish in their traditional fishing locations. Our long-term goal is to achieve sustainability of a fish processing plant that will provide employment and much needed income to the residents in the area. We are especially focused at the youth and elders. We believe that through employment at our plant and fishery, we are instilling in them responsibility, ambition, and a way of life, a sense of worth and value. Our plans for the plant and the nearby fisheries are for the long term. But first and foremost, we would value this proposed fishery to harvest fish for a profitable commercial fishing grounds.

We respectfully request the Alaska Board of Fisheries, to pass this proposal. It would allow fisherman alternative routes to harvest salmon, which are excess to the Kvichak River targeted escapement goal and have escaped the traditional Naknek- Kvichak District commercial fisheries. The results of the passage of this proposal would also provide added benefits such as providing employment opportunities to residents in the area, as well as, facilitating the transfer of commercial fishing permit buy backs from nonresidents to the residents of Bristol Bay Alaska.

Another option for the BOF to consider is to make this section, as described above, a special harvest area.

**PROPOSED BY:** Levelock Village Council (HQ-F18-049)

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**PROPOSAL 29**

**5 AAC 06.331. Gillnet specifications and operations.**

Establish mesh size restrictions for the conservation of king salmon in the Naknek-Kvichak and Ugashik Districts, as follows:

5 AAC 06.331 is amended to read:

...

(a)(1) gillnet mesh size may not exceed five and one-half inches during periods established by emergency order for the protection of king salmon; **in the Naknek-Kvichak and Ugashik districts gillnet mesh size also may not exceed five and one-half inches from June 1 through July 22;**

...

**What is the issue you would like the board to address and why?** These gillnet mesh size restrictions have been implemented using emergency order authority every fishing season since the early 1990s in the Naknek-Kvichak District and since about 2008 in the Ugashik District. The Alaska Department of Fish and Game plans to continue to use these mesh size restrictions for the protection of king salmon. This would codify long standing management practice and eliminate the repetitive use of emergency orders to establish mesh size restrictions.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-020)  
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**PROPOSAL 30**

**5 AAC 06.341. Vessel specifications and operations.**

Increase the maximum length for drift gillnet vessels from 32 feet in overall length to 42 feet in overall length, as follows:

This proposal is to strike the number 32 and replace it with 42 in the first paragraph of the referenced code section.

**What is the issue you would like the board to address and why?** The 32 foot vessel length restriction must be changed. This issue addresses the issue of quality output, safety, and financial viability of Bristol Bay gillnet vessel owners. 32 feet of vessel length is not enough to meet modern standards required by the seafood industry. PRODUCT QUALITY requires robust refrigeration equipment for any cooling system used on a vessel. To achieve this larger chillers are need, and the power to run them efficiently is a generator. SAFETY at sea is a prime consideration for the maritime community. A larger, more stable work platform will keep fishers more efficient workers and lessen injuries related to slips, trips, and falls. A larger vessel can also accommodate bulwarks and hand rails to ensure a physical barrier to falling overboard. FINANCIAL EFFICIENCY is needed to afford maximum profitability - especially to watershed residents - who can use a larger vessel to more safely fish the other bounty of other species in Bristol Bay. As it is financially ridiculous to double down on old, legacy 32 foot gillnetters, the Bristol Bay fleets must recapitalize on a platform that has durable value, is safer for the crew, and has value beyond the salmon season. With the evolution of 'stacked' permits, the limit makes even less sense. Stacked boats have more gear and handle more fish, and effectively every argument presented is 33% stronger. If this regulation **is not** changed, fishermen will be forced to cram more and more required equipment into the already cramped 32 foot platform. It is a fact that the fleet is become increasingly "square" with each new generation of vessels. This investment can now easily cost more than \$500,000 and

other than meeting the Bristol Bay length requirement, the vessel is comparatively worthless in any other fishery. That is an egregious waste of money.

**PROPOSED BY:** Mark Smith

(EF-F18-073)

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**PROPOSAL 31**

**5 AAC 06.370. Registration and reregistration.**

Delay implementation of the 48-hour district transfer notification period until the third Saturday in June, as follows:

A fisher that would like to train new crew and test their equipment would drop their card. That fisher would have until the third Saturday @ 9am in June to transfer into purgatory. Purgatory meaning that state of nowhere, just as if you haven't drop your card. Third Saturday 2018 is the 16 of June. Understanding that this date will change when the Saturday a week later. This would take the stress out training your crew and testing your equipment.

**What is the issue you would like the board to address and why?** Dropping your blue card in early June, when a drift fisher wants to fish that person has to drop their blue card in the river district that they're not sure they really want to fish. Then having to wait 48 hours when they want to change fishing districts. Having new crew, wanting to test your fishing gear, new drum, engine etc.,etc. Egegik, Ugashik and Togiak have no mechanics and is very expensive to fly one down. Nushagak is in Chinook protection and doesn't have early opening, those drift fishers would have to travel to Eastside districts to train new crew and test fishing gear. Before the main salmon run arrives, Port Moller test data isn't out yet and other tools to make the right decision in picking a starting fishing district.

**PROPOSED BY:** Darryl Pope

(EF-F18-052)

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**PROPOSAL 32**

**5 AAC 06.320. Fishing Periods.**

Extend duration of late-season fishing periods in the Naknek-Kvichak, Egegik, and Ugashik Districts, as follows:

...

(c) In the Naknek-Kvichak, Egegik, and Ugashik Districts,

(2) after 9:00 a.m. July 17, salmon may be taken from 9:00 a.m. Monday **through 9:00 p.m. Sunday**, except as specified for the . . .

**What is the issue you would like the board to address and why?** Minimal fishing time after the regulatory period reduces opportunity to maximize the use of the fall fishery resource for the following reasons:

1. Fishermen/crewmembers cannot justify staying operational for 4 days of fishing time each week.
2. Processors cannot commit to maintaining personnel and equipment in an operational state when product is only available for 4 days/week.

In addition to the loss of opportunity to fishermen and processors, there is a concomitant loss of control and information in the escapement of late run salmon.

**PROPOSED BY:** Bill Hill

(EF-F18-007)

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**PROPOSAL 33**

**5 AAC 06.330. Gear, and XX.XXX. New section.**

Allow the use of beach weirs in commercial salmon fishing in Bristol Bay, as follows:

5 AAC 06.332

(a) Set beach weirs and their holding pens must be operated 400' away from any other set gill net, beach weir or boundary line.

(b) Weirs are defined as a fixed net or fence system not more than 300' in length and should be operated perpendicular to the shore.

(c) The weir should be constructed of mesh size not larger than 3 inches and be no deeper than 12 feet.

(f) The seaward end of the weir must be not more than 600 feet from the 18 foot mean high waterline.

(e) When fishing periods are closed weirs must be left open to allow fish to pass through without entanglement.

(f) Holding pens for the weir must not go dry with any fish in them, and all weirs must be outfitted with an emergency release door on the down current side of at least 4 feet by 4 feet to let fish out quickly should need arise.

(g) All regulations pertaining to the allocation, opening periods, and districts for set gill nets shall also apply to set beach weirs.

**What is the issue you would like the board to address and why?** Allow for a new gear group called a beach weir. Alaska salmon are under increased pressure to compete on quality with new salmon farming methods that result in near picture-perfect grocery store presentation. Bristol Bay's gill nets are an effective way of catching fish by a large fleet of small boats, but salmon harvested with gill nets don't yield a high enough quality product to compete in today's market place. It was fine when salmon was all being salted or canned but not when it is sold "fresh frozen" behind glass cases at the grocery store. A beach weir could be a way of harvesting fish with minimal bruising or net marks, non-target species like Kings could be released, and fishermen would never have to go over their processor imposed limits. The new method isn't meant to increase a fisherman's harvest volume just their quality.

Weir permits can be obtained by trading in two valid set net permits. Make this a provisional article lasting two years in order to evaluate its ability to effectively improve quality without disproportionately affecting catch volumes, and to give the stake holders opportunity to repeal it easily if it is found to be disliked. By requiring 400' between a weir and the nearest set net it would require two neighboring set net lease holders to collaborate in order to operate a weir, and the extra space would provide more access to fish for neighboring fishermen.

**PROPOSED BY:** Russell Phelps and Reid Ten Kley

(EF-F18-107)

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**PROPOSAL 34**

**5 AAC 06.350. Closed waters.**

Reduce closed waters in the Naknek-Kvichak District, as follows:

I know the board just adjusted this boundary at the special March 8th 2016 meeting to accommodate for some erosion on this beach. It was because of all this closer examination of the marker which led me to realize the problem noted below. Had I noticed sooner I would have asked for accommodation at that 2016 meeting. If you do this my neighbors to the North (five sites) have agreed to move north this distance and amend their DNR leases to resolve this problem.

5 AAC 06.350(b)(1) is amended to read:

(b) The following locations in the Naknek-Kvichak District are closed to the taking of salmon:

(1) those waters northeast of a line from a point near Graveyard Point at [58°52'4.55"N LAT 157° 0'53.39"W. LONG] to a point on the northwest shore of Kvichak Bay at 58° 53.37' N lat., 157° 04.26' W. long.;

I think the Lat Long coordinate provided will be correct but please have your departmental GIS person verify.

**What is the issue you would like the board to address and why?** In 1989 DNR issued shore fisheries lease ADL224517 accidentally too close to ADL 26113 (See SFDI 1333). This is about 35' too close at the inner end of our net. I would ask the board to move the Kvichak district boundary enough so that we can amend our leases with DNR so that the inner ends of both nets are appropriately spaced.

**PROPOSED BY:** Reid Ten Kley

(EF-F18-095)

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**PROPOSAL 35**

**5 AAC 06.350. Closed Waters.**

Reduce closed waters in the Naknek-Kvichak District near Graveyard Creek, as follows:

My solution is to move the temporary markers which are still temporary and place them further up at the actual mouth of Graveyard Creek taking in account for much erosion and continued erosion where I will continue to move my sight further back in my line each year as necessary. The last Board proceedings claimed that if this location could have been determined they would have been able to restore my fishing rights. I plea to all members of the Board to end my hardship and vote for a solution or remedy to avoid any further hardship to be endured. I plan to provide measurements, photographs of Graveyard Creek.

**What is the issue you would like the board to address and why?** My proposal is made requesting all Board Members to vote to restore my fishing right(s) at Graveyard Point inside

Graveyard Creek located in the Naknek Kvichak District of Bristol Bay. I respectfully request the legal right be restored to fish again. So I can return to my historical location and simply resume fishing as a set netter this coming up season without further delay or hardship to me or my family in 2019. Without my fishing site(s) I will have nothing to show for my children to inherit the family business after fishing for over 40 plus years, essentially my entire life. My family is part of a fishing legacy spanning over 60 years. Where for decades we have shared with others, life as commercial fisherman, where we once all knew one another. A place where my last name Grossi was synonymous with Graveyard Point as were other family's (our friends and neighbors) who were there since the beginning with us. We are now the second and third generation handing down the family tradition to our children our mother and father's grandchildren are now ready to learn the business as well and carry the tradition forward as it should be for all of us who choose this way of life. With the passing of my personal proposal an injustice will be repaired which occurred without any advance notice several years ago causing great hardship just days prior to fishing being opened in our district. This occurred when ADFG placed temporary markers at the beginning of the season across the creek creating a (boundary line) which did not permit me to fish any longer behind the newly established point, without breaking the law. I was told by Alaska Troopers that if I fished in closed waters I would forfeit my catch and my vessel and equipment would be seized leaving me no other avenue other than finding relief with the Board of Fisheries proposal process which I have had to find my way. My family and I have fished in Graveyard Creek free of any legal issues regarding regulatory laws and we have fished uncontested for decades. We have been seen harvesting salmon year after year. I have never been issued any citation nor have I received any demerit points ever in my life or career and my presence is well documented. I plan to provide all necessary documentation to substantiate all of my claims made in this proposal.

Allowing me to return fishing to the only place I have ever fished since a child of 2 years in the skiff with my mother, father and brother is why I'm here again 4 years later. The transcript is evidence the members then gave great consideration and wanted to support the return but fell short to details which I will remedy with the documentation to receive the same support and return my grandfathered rights to me.

My father won our legal proceedings to make me (Agostino Grossi) the youngest Limited Entry Set Net Permit Holder in the State of Alaska. The documentation is irrefutable and the evidence overwhelming as to the place I have historically fished night and day for over 40 years including family members before me.

**PROPOSED BY:** Agostino Grossi (EF-F18-111)

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**PROPOSAL 36**

**5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan.**

Repeal conditions that must be met prior to allowing commercial fishing for salmon in the Alagnak River Special Harvest Area, as follows:

5 AAC 06.373 is amended to read:

(a) The goal of this management plan is to allow the harvest of surplus Alagnak River sockeye salmon stocks in the Alagnak River Special Harvest Area **while conserving Kvichak River sockeye salmon.**

...

(c) Salmon may be taken in the ARSHA under this section only during fishing periods established by emergency order. [THE COMMISSIONER MAY OPEN, BY EMERGENCY ORDER, THE ARSHA ONLY AFTER THE ALAGNAK RIVER SOCKEYE SALMON SUSTAINABLE ESCAPEMENT GOAL HAS BEEN MET AND IF THE ALAGNAK RIVER KING SALMON SUSTAINABLE ESCAPEMENT GOAL WAS MET IN THE PREVIOUS YEAR.]

...

**What is the issue you would like the board to address and why?** The *Alagnak River Sockeye Salmon Special Harvest Area Management Plan* (plan) was originally adopted in 2005 to provide opportunity to harvest surplus Alagnak River sockeye salmon while conserving Kvichak River sockeye salmon. The plan as currently written allows for fishing periods in the Alagnak River Special Harvest Area (ARSHA) concurrently with fishing periods in the Naknek-Kvichak District if the Alagnak River sockeye salmon sustainable escapement goal has been met and the Alagnak River king salmon sustainable escapement goal was met in the previous year. The Alagnak River king salmon sustainable escapement goal is based on post season aerial survey counts. The department has determined this method of escapement monitoring, on this river, does not provide reliable escapement estimates and is recommending discontinuing the king salmon escapement goal. The department does not have a viable method to assess king salmon escapements in the Alagnak River and therefore is unable to meet one of the conditions necessary to allow commercial fishing in ARSHA.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F18-017)  
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**PROPOSAL 37**

**5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan, and 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

Manage the Naknek and Kvichak sections independent of each other based on the harvestable surplus within each section and establish section-specific harvest allocation criteria so that 84% of each section’s harvest is allocated to the drift gillnet fleet and 16% of the section’s harvest is allocated to the set gillnet fleet, as follows:

Manage the Naknek and Kvichak Section independent of each other based on the harvestable surplus within each section. Additionally, establish a section-specific harvest allocation criteria so that 84% of each section’s harvest is allocated to the drift gillnet fleet and 16% of the section’s harvest is allocated to the set gillnet fleet.

**5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan**

(a) The purpose of this management plan is to establish the allocation of sockeye salmon between the commercial set and drift gillnet fisheries within **each section, the Naknek Section and the Kvichak Section, of** the Naknek-Kvichak District and to establish management measures for the department to achieve the **gear-specific** allocation **within each section**.

(b) Consistent with 5 AAC 06.355 and other applicable provisions of this chapter, the department shall manage the **Naknek and Kvichak Sections** [NAKNEK-KVICHAK DISTRICT] set and drift gillnet fisheries the during the fishing periods specified in 5 AAC 06.320(c)(1) to achieve biological escapement goals into the Kvichak and Naknek River systems and to distribute the **drainage-specific** harvestable surplus of sockeye salmon to the **respective section** drift and set gillnet fisheries as follows:

(1) **Naknek Section** [DRIFT GILLNET – 84 PERCENT]

**(A) drift gillnet fishery – 84 percent of the harvestable surplus in the Naknek Section;**

**and**

**(B) set net fishery—16 percent of the harvestable surplus in the Naknek Section; and**

(2) **Kvichak Section** [DRIFT GILLNET – 84 PERCENT]

**(A) drift gillnet fishery – 84 percent of the harvestable surplus in the Kvichak Section;**

**and**

**(B) set net fishery—16 percent of the harvestable surplus in the Kvichak Section;**

**[SET GILLNET – 16 PERCENT AS FOLLOWS; SET GILLNET - 16 PERCENT AS FOLLOWS:**

**(A) KVICHAK SECTION SET GILLNET FISHERY –EIGHT PERCENT; AND**

**(B) NAKNEK SECTION SET GILLNET FISHERY – EIGHT PERCENT;]**

**5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan**

(b) It is the intent of the Board of Fisheries (board) that Bristol Bay sockeye salmon be harvested in the traditional harvest locations and that historical sockeye salmon catches be allocated between drift and set gillnet fisheries by district **or section**. To achieve this allocation, the department shall manage, to the extent practicable, the commercial sockeye salmon fisheries to achieve the allocation percentages established in 5 AAC 06.364 (Naknek-Kvichak District), 5 AAC 06.365 (Egegik District), 5 AAC 06.366 (Ugashik District), and 5 AAC 06.367 (Nushagak District).

**What is the issue you would like the board to address and why?** We believe that changes in the Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan are warranted to assure, or set, appropriate harvest allocations for the separate drift fleets within the Naknek and Kvichak Sections. Because the drift gillnet fishery allocation is managed on a district-wide basis, we believe that there are some harvest allocation problems between the section-specific drift gillnet fleet. We believe that each drift gillnet fishery, in each section, should be allocated either:

a) a set proportion of the district-wide harvestable surplus; or

b) a set proportion of the harvestable surplus within each section.

Note that the set gillnet fleet is allocated a set percentage, 16%, of the district harvest, with 8% of that allocation distributed to each set net gillnet fleet in each section. The drift allocation is based on the district harvest with no distribution specified by section.

We recommend managing each section independently b), based on the harvestable surplus within each section.

Currently, the Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan apportions the 84% of the total District harvest to the drift gillnet fleet and 16% of the total District harvest to the set gillnet fleet. The plan then distributes the set gillnet allocation evenly between the two sections, or 8% to each section. Note, however, that there is no section distribution plan for the District drift gillnet harvest allocation. This means that one section could harvest a much higher percentage of the total drift gillnet allocation than the other, while the set gillnet harvest allocation is divided equally. Under this plan an extreme management scenario would allow the entire drift gillnet allocation to be taken, in one section, say the Naknek Section, with no drift gillnet harvest and only 8% of the set net harvest allocation coming from the other section, the Kvichak Section. This is not fair to the drifters in the Kvichak Section. Because the productivity of the Naknek and Kvichak Rivers may vary, the majority of the harvest within the Kvichak Section may come from the set gillnet fleet when runs are low. The drift gillnet fleet would be disenfranchised from the Kvichak Section fishery.

We believe that a much fairer scheme would be to manage each section independently, based on the harvestable surplus of sockeye salmon within each section. We believe that the total harvest in each section should be distributed between the gear types at an 84% drift and 16% set gillnet allocation. We propose that the allocation strategy in each section be the same, with the drift fleet allocated 84% of the harvestable surplus with each section and the set gillnet fleet allocated 16% in each section. In this way, each section shall be managed for the specific drainage escapement targets with the surplus fish in each section going to each gear type under the allocation of 84% drift and 16% set gillnet. Even when there is a small surplus or a large surplus in each section, the allocation criteria would still apply to each section.

**PROPOSED BY:** Mark Angasan

(HQ-F18-050)

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### **PROPOSAL 38**

#### **5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**

Repeal provisions to open the Wood River Special Harvest Area when the escapement of sockeye salmon into the Wood River exceeds 1,100,000 fish and the escapement is projected to exceed 1,400,000 fish, as follows:

[(3) WHEN THE ESCAPEMENT OF SOCKEYE SALMON INTO THE WOOD RIVER EXCEEDS 1,100,000 FISH AND THE ESCAPEMENT IS PROJECTED TO EXCEED 1,400,000 FISH;]

[(5) WHEN THE WOOD RIVER SPECIAL HARVEST AREA IS OPEN UNDER (C)(3) OF THIS SECTION, THE WOOD RIVER SPECIAL HARVEST AREA WILL BE ONLY OPEN FOR THE GEAR GROUP THAT IS BEHIND IN THE ALLOCATION SPECIFIED IN 5 AAC 06.367 (B) FOR THE NUSHAGAK DISTRICT.]

**What is the issue you would like the board to address and why?** Eliminate the opening of Wood River Special Harvest Area to the harvest of surplus sockeye in absence of conservation concerns for Nushagak River sockeye or Nushagak River Coho. Allowing commercial fishing under 5 ACC 06.358 (c)(3) does not follow the intent of the Board of Fish which is, "that salmon harvested in the Nushagak District should be harvested in the fisheries that have historically harvested them, including the methods, means, and locations of those fisheries, using the best biological management techniques and practices." Puts additional harvest pressure on the Muklung River king salmon, places extended closures on Wood River salmon subsistence users, does not follow the Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Allocation Plan.

**PROPOSED BY:** Robert Heyano (HQ-F18-016)  
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**PROPOSAL 39**

**5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**  
Open the Wood River Special Harvest Area to both set and drift gillnet gear after July 17, as follows:

(5) when the Wood River Special Harvest Area is open under (c)(3) of this section, the Wood River Special Harvest Area will be **open to both gear groups regardless to allocation after July 17th when allocation goes away everywhere as in** 5 AAC 06.367(b) for the Nushagak District.  
(e) The commercial salmon fishery in the Wood River Special Harvest Area may be opened only during closures of the subsistence salmon fisheries within the Wood River Special Harvest Area.

**What is the issue you would like the board to address and why?** (5) when the Wood River Special Harvest Area is open under (c)(3) of this section, the Wood River Special Harvest Area will be [ONLY OPEN FOR THE GEAR GROUP THAT IS BEHIND IN THE ALLOCATION SPECIFIED IN] 5 AAC 06.367(b) for the Nushagak District. (e) The commercial salmon fishery in the Wood River Special Harvest Area may be opened only during closures of the subsistence salmon fisheries within the Wood River Special Harvest Area.

If allocation truly goes away after July 17th then it should go away in the Wood River Special Harvest Area as well.

**PROPOSED BY:** Nushagak Fish and Game Advisory Committee (HQ-F18-057)  
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**PROPOSAL 40**

**5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**  
Establish a drawing system for use of the four furthest downriver set gillnet sites in the Wood River Special Harvest Area, as follows:

We recommend that a lottery system be developed for the first four downriver setnet sites in the Wood River Special Harvest Area. Each setnet permit holder can enter the lottery to fish a tide or opening at one of four setnet sites. If a permit holder is the winner of the lottery, he/she can fish

that designated site for that designated tide/opening. This solution would be simple, fair, established well ahead of time and easy to enforce.

Draft language:

5 AAC 06.358 (d) (1) (E) For the first two downriver setnet sites on the east and west sides of the WRSWA, a lottery draw will be held before the area is opened to any commercial setnet fishing. Any Nushagak/Igushik setnet permit holder may enter the lottery. If successful, the permit holder will be assigned one of the four sites and specific opening to fish. If that permit holder declines their designated turn, the option is lost and goes to the next permit holder in the lottery draw.

**What is the issue you would like the board to address and why?** Under 5 AAC 06.358, the Wood River Special Harvest Area may be opened by the Alaska Department of Fish and Game by emergency order when conditions meet a number of circumstances outlined in sections 1-5. However, fishing sites for setnets are on a first-net-in-the-water basis during these openings. The first two downriver sites on both the east and west sides of the river are extremely productive given the nature of the salmon passage, and catch drops off substantially at sites going upriver. As a result, the vast majority of the harvest is shared by only four permit holders.

Given that the Nushagak/Igushik areas have a significant number of setnetters, many of whom participate in the Wood River Special Harvest Area openings, it makes sense to establish a mechanism for more permit holders to gain value from the Wood River openings in a fair and orderly manner. If this regulation is not adopted, many setnetters will not benefit from the harvest in the Wood River.

Another solution would be to lease these setnet sites similar to how this is done in the main district, but since the WRSWA is opened only intermittently, it seems burdensome to use this option and it does not open up the harvest to more setnetters as the process outlined here does.

**PROPOSED BY:** Paula Cullenberg and Peter Crimp (EF-F18-038)

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**PROPOSAL 41**

**5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.**

Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for king salmon conservation, as follows:

**Nush Chinook Option 1**

When the Nushagak Chinook run is not meeting minimums and the Sport Fishing user group has in season Emergency Orders for stepping down (example: no bait, catch and release, or closures), then the Commercial fishery must also participate in the conservation effort for protecting the Chinook run. The ComFish Department shall not open the Nushagak district to more than 12 hours time total of commercial drift and set fishing in a 24 hour period when the Department has issued EO's restricting the sport fishing user group. The department can break the 12 hours up into two 6 hour openers or any other combination as long as the open commercial fishing time does not total more than 12 hours in a 24 hour period. Additionally, the Department shall not run two 12 hour

openers back to back--meaning there can not be a 12 hour opener starting at 12:00 Noon and ending at Mid-night and then another opener starting at 12:00 Midnight and running to 12:00 Noon. The Drift and Set user group openings do not have to be at the same time periods. However, the total for each group cannot exceed 12 hours each when the Sport Fish EO's are in place. Thus, Drift could be open for 12 straight hours from 1:00 AM to 1:00 PM and Set could be open from 3:00 AM to 9:00 AM and again from 4:00 PM to 10:00 PM. The definition of a 24 hour period would start at 12:00 Midnight and end at 11:59 PM on that same day. Once the Sport Fish biologist removes all EO's restricting effort of the Sport Fishing user group in the district the Commercial openings can go back to as directed by the ComFish Biologist with no time restrictions.

**What is the issue you would like the board to address and why?** The burden of conservation of the Nushagak Chinook Salmon run is 100% on the shoulders of the Sport Fishing industry. There are efforts made by Com Fish with mesh sizing that try to eliminate the by-catch of Chinook when targeting sockeye but there is still a large enough by-catch that it has an impact on the fishery. Sport Fish is not trying to prevent the Com Fish industry from catching sockeye and making a living. The impact on the number of Chinook making it in river is immediately diminished when commercial openers happen. This is not intended by the Com Fisher, but it happens. We need help in preserving the Nushagak Chinook run. When the Chinook run falls below acceptable escapement numbers, the sport fishery is restricted or potentially closed, yet com fish openings remain aggressive. The commercial fishery in the Nushagak district, although targeting sockeye, certainly has a by-catch or interception of Chinook bound for the Nushagak. At low estimates of 3 Chinook intercepted per vessel in a 12 hour opener and 400 vessels in the district we are talking about 1,200 Chinook. Many times the district is open for 23.5 or 24 hour periods thus hitting both tides and intercepting double that amount per day--2,400 Chinook in our example. That equates to 16,800 Chinook harvested via by-catch in one 7 day period. The Board is encouraged to take preventive measures to ensure that the Nushagak Chinook run survives.

**PROPOSED BY:** Brian Kraft (EF-F18-067)  
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**PROPOSAL 42**

**5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.**

Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for king salmon conservation, as follows:

Nush Chinook Option #2

When the Sport Fishing user group has had effort reduced by in-season EO's that restrict the group (ex: no bait, catch and release, closures, etc) Com Fish Biologist shall not permit Commercial Fishing, Drift or Set, on two consecutive high tides. Once the EO's are in force and restrictions applied to the Sport Fishing user group and the Com Fishers have fished a high tide, the district shall close to all commercial fishing 4 hours prior to the next published high tide at Clark's Point. The district can reopen 4 hours after that published high tide at Clark's Point.

**What is the issue you would like the board to address and why?** The burden of conservation of the Nushagak Chinook Salmon run is 100% on the shoulders of the Sport Fishing industry.

There are efforts made by Com Fish with mesh sizing that try to eliminate the by-catch of Chinook when targeting sockeye but there is still a large enough by-catch that it has an impact on the fishery. Sport Fish is not trying to prevent the Com Fish industry from catching sockeye and making a living. The impact on the number of Chinook making it in river is immediately diminished when commercial openers happen. This is not intended by the Com Fisher, but it happens. We need help in preserving the Nushagak Chinook run. When the Chinook run falls below acceptable escapement numbers, the sport fishery is restricted or potentially closed, yet com fish openings remain aggressive. The commercial fishery in the Nushagak district, although targeting sockeye, certainly has a by-catch or interception of Chinook bound for the Nushagak. At low estimates of 3 Chinook intercepted per vessel in a 12 hour opener and 400 vessels in the district we are talking about 1,200 Chinook. Many times the district is open for 23.5 or 24 hour periods thus hitting both tides and intercepting double that amount per day--2,400 Chinook in our example. That equates to 16,800 Chinook harvested via by-catch in one 7 day period. The Board is encouraged to take preventive measures to ensure that the Nushagak Chinook run survives.

**PROPOSED BY:** Brian Kraft (EF-F18-068)  
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**PROPOSAL 43**

**5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan**

Establish subdistricts in the Nushagak District, as follows:

In this case of lagging Chinooks and over abundance Sockeye run. My Solution would be to divide Nushagak into two different sections, lower and upper section, just for emergency order fishing periods in the early parts of Sockeye season to take some harvest out of an abundant Sockeye run.

Not knowing the lat/lon numbers, i was thinking maybe the from church south of EKUK to markers at the snake river following the Igushik section boundaries. ADFG can make that decision if they agree with my thought.

There needs to be some kind of tool to take some early Sockeye in the Nushagak system when there is an abundance.

**What is the issue you would like the board to address and why?** Due to the protection of the Nushagak King salmon. 2017 salmon season found the late run kings lagging to enter the upper Nushagak river into the Portage creek drainage. At the same time millions of Wood river and Nushagak were entering Nushagak commercial fishing district. ADFG waited for oncoming storm to help push those king salmon on their way to their spawning grounds. At the same time those on time sockeye came into the district unharvested into their river of origin, leading to over escapement and loss of income in the fishery.

**PROPOSED BY:** Darryl Pope (EF-F18-050)  
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**PROPOSAL 44**

**5 AAC 27.865. Bristol Bay Herring Management Plan.**

Allow any remaining unharvested Togiak District herring spawn-on-kelp allocation to be reallocated to the Togiak District sac roe herring fishery, as follows:

5AAC 27.865 (b)(4) would be amended by striking "50 percent of" in the last line of the section to read "..., the commissioner may reallocate the remainder to the Togiak District herring fishery;".

**What is the issue you would like the board to address and why** Forgone harvest of Togiak herring. The 1,500 short ton set aside for the Togiak District herring spawn-on-kelp fishery has gone unharvested in recent years due to the lack of viable markets for the product available from Togiak Bay. The present regulation states that "if the actual harvest is less than the herring spawn-on-kelp guideline harvest level, the commissioner may reallocate 50% of the remainder to the Togiak District herring fishery;". Allowing for reallocation of the whole amount to the Togiak District herring fishery would allow for fuller utilization of the harvestable herring biomass within the Bristol Bay Management Area.

**PROPOSED BY:** Charles Treinen

(EF-F18-096)

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**PROPOSAL 45**

**5 AAC 27.865. Bristol Bay Herring Management Plan.**

Allow unharvested Togiak District sac roe gillnet allocation to be reallocated to the Dutch Harbor food and bait herring fishery, as follows:

Amend the Bristol Bay Herring Management Plan and Bering Sea Fishery Management Plan to transfer historically unharvested herring from the Togiak District Sac Roe gillnet allocation to the Dutch Harbor Food and Bait allocation in a multi-year tiered transition. Establish a growth limit for this transition by placing a cap on the total Dutch Harbor allocation. The regulation could read as follows:

“In years when the Togiak Sac Roe gillnet fleet harvests 50% or less of their allocation, 10% of the unharvested herring initially allocated to the Togiak gillnet fleet will be transferred in equivalent to the Dutch Harbor Food and Bait fishery, effective during the Dutch Harbor herring season in the same year. This annual transfer provision will continue until the total Dutch Harbor allocation reaches 12%.”

Example Calculation: In 2017, the unharvested Togiak gillnet allocation equaled 5,455 tons of stranded herring. 10% of this is 545.5 tons, or 2.2% of the total available to Togiak and Dutch Harbor fleets combined, after the spawn-on-kelp is deducted. Under the transition provision described, the Dutch Harbor Food and Bait fishery allocation for 2017 would be changed from 7% to 9.2% of the remaining allowable harvest. The 2018 allocation for Dutch Harbor would then start at 9.2%. Should the board choose to address it, the Togiak Sac Roe sector split could shift to reflect a maintained Togiak Sac Roe seine allocation, and a reduced Togiak Sac Roe gillnet allocation.

**What is the issue you would like the board to address and why?** Lack of effort within the Togiak gillnet fleet has consistently stranded fish that could otherwise be harvested for the benefit of fishery, community and state economies. While the exploitation rate for the Togiak herring resource is set at 20% of the biomass, the 20-year average actual harvest including all sectors has been 17.5%. This equates to an average of 2.5%, or approximately 3,350 tons, of stranded fish in the water every year for the past two decades. The Togiak gillnet fleet specifically harvested at an average rate of 29% below GHF between 2006 and 2015. That is an average of 2,180 tons below GHF. The fleet harvested 80 tons of 8,635 in 2016. In 2017 they harvested 1,428 of 6,883, leaving 5,455 tons of stranded fish.

The Dutch Harbor food and bait fishery, however, is a fully utilized sector of this fishery, providing a high economic value to the region and an important bait resource to local fishermen using pot and longline gear in Western Alaska. A redistribution of historically unharvested herring to an Alaskan fleet prepared to capture its value and maximize it through other Alaskan fleets meets the needs of the Sustained Yield principle established by Section 8 of the Alaska Constitution. A graduated transition plan using a percentage-based adjustment over multiple years allows for a careful transition of a portion of unharvested quota, while respecting the fluctuation of run sizes and the ongoing participation of active user groups.

**PROPOSED BY:** Dan Veerhusen (EF-F18-102)

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**PROPOSAL 46**

**5 AAC 27.865. Bristol Bay Herring Management Plan.**

Increase the amount of harvestable surplus Togiak herring allocated to the purse seine fleet from 70 percent to 88 percent, as follows:

(5) after the herring spawn-on-kelp harvest and the Dutch Harbor food and bait fishery have been subtracted, the remaining harvestable surplus is allocated to the Togiak District herring fishery; the department shall manage for a removal of 12 PERCENT [30 percent] of that surplus by the gillnet fleet and 88 PERCENT [70 percent] by the purse seine fleet.

**What is the issue you would like the board to address and why?** Gillnet participation in the Togiak Herring fishery has changed substantially since the current allocation was adopted by the Board of Fisheries. The reduced gillnet effort has resulted in large amounts of surplus Togiak Herring not being harvested in the Togiak Herring Fishery.

**PROPOSED BY:** Robert Heyano (HQ-F18-015)

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**PROPOSAL 47**

**5 AAC XX.XXX. New section.**

Adopt the *Southwest Alaska Rainbow Trout Management Plan*, as follows:

Adopt the Southwest Alaska Rainbow Trout Management Plan into regulation.

**What is the issue you would like the board to address and why?** The Southwest Alaska Rainbow Trout Management Plan has become a widely respected document in fisheries across Alaska and the United States. It was originally developed for use by the Alaska Department Fish and Game in the Bristol Bay rainbow trout fisheries and specifically the Naknek and Kvichak rivers. It came out of many years of documented study of the rainbow trout populations and many hours of research and has been used numerous times by the department to establish rules and regulations in the rainbow trout fisheries of the region. It should be added to the regulations so it can be acknowledged as a tool for biologists to use when needed.

**PROPOSED BY:** Nanci Morris Lyon (HQ-F18-052)

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**PROPOSAL 48**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Modify the sport fishing season in the Naknek River drainage, as follows:

5 AAC 67.022(d)(4)(B)

My solution to this issue is to close the river to fishing April 1st instead of April 8th.

**What is the issue you would like the board to address and why?** The issue I would like the board to address concerns the closing date of the spring fishing season on the Naknek river. Specifically the area from the marker at lakecamp to the marker at rapidscamp.

I believe that these rainbow trout should be protected at all costs and that the closing date of April 8th is way too late into the spawning season to be fishing for these trout. These rainbows should be allowed to spawn uninterrupted and unharassed and if we can ensure that they have more time to spawn without being hooked and handled we should.

**PROPOSED BY:** Jason Lazore (EF-F18-011)

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**PROPOSAL 49**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Prohibit retention of rainbow trout by nonresident sport anglers in a portion of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Naknek River Drainage:

Rainbow Trout Limits:

-Upstream from ADF&G markers located ½ mile above Rapids Camp to ADF&G markers at Trefon’s cabin at the outlet of Naknek Lake and to include Naknek Lake:

**Closed to the harvest of rainbow trout year round for non-residents. Catch and release only.**

**What is the issue you would like the board to address and why?** The rainbow trout population on the Naknek River is undergoing excessive and unsustainable fishing effort. This is causing increased hook mortality and reduction of quality of experience. Hook mortality on catch and release rainbows has grown incrementally as a result of unsustainable commercial effort which is primarily non-resident based. This has resulted in a biological problem which needs to be addressed. The proposed regulatory changes are not arbitrary. They are based on historical knowledge of the Naknek River sport fishery by not only conservation-oriented guides, but also local residents who have had enough of loss of opportunity and abuse of the fishery resource.

Unlike other major rivers in the Bristol Bay region, the Naknek River is only 34 miles long from its mouth to Naknek Lake. Only ½ of this affords good fishing opportunity for salmon and freshwater species. The portion of the River as described under current regulation “upstream from the ADF&G regulatory markers located ½ mile upstream from Rapids Camp to ADF&G markers at Trefon’s Cabin at the outlet of Naknek Lake” has undergone a dramatic and unsustainable level of effort for both the quality of experience (all species) and biological health of Rainbow Trout stocks.

**What would happen if nothing is changed?** The health and future of our rainbow population would continue to be jeopardized, not allowing future generations of anglers the opportunity to catch and release beautiful, healthy and pristine rainbows that this watershed has always been known for. The economic viability for conservation-oriented guides will be eliminated.

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-087)  
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**PROPOSAL 50**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Prohibit guiding on the Naknek River drainage during spring from the marker at Lake Camp downstream to the marker at Rapids Camp, as follows:

Amend 5 AAC 67.022(d)

My solution to this issue would be to completely ban guiding on the Naknek during the Spring from the marker at lake camp to the marker at rapids camp. Protecting these fish and their spawn should be of the utmost importance.

**What is the issue you would like the board to address and why?** The issue I would like the board to address is the issue of Spring guiding on the Naknek river, specifically the area from lakecamp from the marker at Trefons cabin to the marker at rapidscamp.

I firmly believe that there should be a no guiding policy on the Naknek river during the spring spawning period. These trout in the Naknek are overly pursued from the opener on June 8th until the lodges leave mid October or early November. With so much pressure put on this fishery, I believe it is time to implement a no guiding policy during the spring spawn. One only has to look on the many social media sites in the spring to observe what is being done to these rainbows on this river.

These magnificent fish are spawning. It is a time when these fish should be completely left alone unharrassed and allowed to spawn uninterrupted. Not only is it unethical to fish for spawning rainbows it should be against the law.

**PROPOSED BY:** Jason Lazore

(EF-F18-010)

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**PROPOSAL 51**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Establish a limited guide permit system between September 10 and October 20 in a portion of the Naknek River, as follows:

Limited permit fishery, from September 10 through October 20, from the marker located at Rapids Camp up stream to the marker located at Trefons cabin on the Naknek river. Any user who hosts guests and would like access to the upper Naknek river must acquire a registration permit. No user, entity or LLC can hold more than 2 permits unless they have more than 12 guests at a single time, no single guide operator may hold more than 1 permit. Any entity or user may hold 3 permits if they have a guest capacity of more than 12.

For initial issuance no more than 2 permits per entity maybe awarded until it is shown there are permits left available. Each permit allows no more than 3 anglers per boat. Actual permits will be required to be obtained by any commercial, business or private entities that use the river to host trips. Local residents will be excluded from this requirement, provided they are not taking guests, other than family members, fishing. There will be a total of 14 permits issued, the criteria for issuance will be based upon 1) physical location of the entity or individuals base of operations to the fishery 2) Alaska residency 3) recent years and number of years of documented use during September 10 through October 20 4) entity or individuals record of compliance with all rules and regulations of the state of Alaska. Each factor will have a possibility of 10 points and the higher the points the higher placement to receive a permit(s) Points shall be awarded to applicants based on each of these factors. The closer an individual or entity’s base of operations is to King Salmon on the Naknek river the more points to be awarded. For every 10 miles of distance a base of operations is from the Naknek river the applicant has 1 point deducted. If the entity or individual is a full time, permanent Alaska resident, 10 points will be awarded; non-resident applicants will receive no points. The longer use of the Naknek river during September 10 through October 20 through ADF&G log book records, the more points shall be awarded, if an applicant has proven use of the upper Naknek River since the inception of the logbook program they will receive 10 points, for every year usage is not recorded a point will be deducted. If the Entity or individual has a clean record of abiding by the rules and regulations of the State of Alaska, they will receive 10 points, for every recorded and convicted violation of an entity or individual a point will be deducted. If there are more than 14 qualified applicants scoring the maximum allotted points for the issuance of these permits, the permits will be drawn out of the hat until all 14 are filled. If there are not 14 applicants for these permits, the stipulation for a maximum of 2 permits per entity will be waived and applicants can hold a maximum of 3 permits for 5 years at which time the permittees will be re-evaluated. If there are still permits left over, they will be held in suspension until a

qualified applicant applies to request them. These permits will not be transferable to another user, when an entity goes out of business or is no longer an active user for one or more years, the permits will once again be available for users to obtain with the same guide lines as outlined above. The permits will remain in the hands of the individual or entity to which they were awarded and will be evaluated once every five years and once again awarded as specified above with priority given to users who originally had permits issued to themselves or an entity that had a permit(s) issued to them, for re-issuance. The permits will be priced at a cost to cover the costs of the state to issue and maintain the program as determined by the states offices, these costs will be assessed yearly and non-payment will be considered non-compliance and the permit will go back to the state and be available to a new or existing user.

**What is the issue you would like the board to address and why?** Participation in the Naknek River, late fall, rainbow trout fishery has increased to the point of discomfort by all users from overcrowding on the water. The portion of river that is involved in this fishery is relatively short in length and quite limited in accessibility for anglers. This has significantly affected the quality of the experience anglers enjoy while fishing the upper Naknek river. The constitution of the state of Alaska protects quality as well as quantity in fisheries and this issue directly relates to the quality of experience available on the river since there are no current stock concerns for the rainbow fishery and there may not be for many years as this is primarily a catch and release fishery.

**PROPOSED BY:** Nanci Morris Lyon (HQ-F18-051)  
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**PROPOSAL 52**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Limit the number of clients a sport fishing guide or sport fishing guide business may have while targeting trout in a portion of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Commercial entities (Lodges, guide services, businesses including LLC's, rental boat operators, fishing clubs) are limited to four guests/anglers at any given time to fish for trout. Guests may fish for other species, or fly out to other creeks, but on the Naknek, only four guests at one time can fish for rainbow trout. Each commercial operator will have four badges (similar to the Brooks River guide badge), issued by Fish and Game. These badges are to be worn by each person fishing one rod, for trout. Badges can be rotated or transferred to other guests of the same operation during the day. They must be visible on the arm, so this regulation can be easily enforced. Non-compliance can result in a fine for both the angler and the commercial entity to which the badge was assigned. Badges are not transferrable. Commercial entities are prohibited from using LLCs, in attempts to justify more than 4 badges. Dolly Varden, Arctic Char and Arctic Grayling occupy similar habit to trout, are equally affected and therefore included in this regulation.

**Naknek River Drainage:**

Upstream from ADF&G markers located ½ mile above Rapids Camp to ADF&G markers at Trefon's cabin at the outlet of Naknek Lake:

June 8 – October 31: **Each commercial entity will have four badges, one per angler, to sport fish for Rainbow Trout, Dolly Varden, Arctic Char and Arctic Grayling. Badges must be worn on the arm of the angler and visible at all times.**

**What is the issue you would like the board to address and why?** Sport fishing pressure on the Naknek River trout fishery has skyrocketed to the point of unsustainability. Once a river where local guides and residents could enjoy catching the world’s largest trout, it is now a river overrun by guided, transported self-guided, boat rentals and fishing clubs. The number of sport fishing guide registrations has nearly doubled from 45 in 2005 to 86 in 2016. Data has not been officially accumulated for 2017, but we anticipate the guide registrations to be well over 90. This is almost a 100% increase in guide pressure on the Naknek River in the last seven years. Approximately 5 miles long, the upper portion of the Naknek offers about 14 spots anglers can fish for trout. The capacity for each spot, to ensure quality of experience, is 2-4 anglers. Currently, there are multiple boats in each spot, many with 4 – 6 anglers in each boat. This compounds pressure on the resource, effecting younger trout the most. Age classes of smaller trout are underrepresented, forecasting a dramatic decline in larger fish in the future. Equally critical is the quality of experience. Increased pressure is creating a competitive, hostile and even dangerous environment. Inexperienced, and often unlicensed boat drivers are running the river without bearing in mind rules of road and basic etiquette. With guide licenses so easy to acquire, professionalism is lacking. Guests are being dropped off to wade in areas with heavy current, with no boat nearby in case of emergency. This is a slippery slope. *If left unchecked, such pressure is threatening three things of tremendous value: the health of a world-renowned trout fishery, the quality of experience for all user groups, and a way of life for locals.*

The majority of pressure is by out of state commercial entities who, over the last seven years, have lost sight of or have no consideration of the sustainability of this fishery. The focus has shifted from quality of experience, to quantity of money. These low quality, high volume operations, wreak havoc on our resource and leave our state. Left unchecked without regulation, these revenue-generating businesses will be copied, thriving on the misconception that Alaska is a limitless resource. Similar to a virus, the more these operations succeed; the more they squeeze out smaller sustainable businesses, which market for low volume and high-quality experience for ALL user groups. Guests, who have been fishing the Naknek every year for 15 years, are not returning. Locals can no longer go out on a Sunday and find a place to fish. Future stewardship of this river rests in the hands of younger generations in the community. If they are not able to experience the resource, they will not be inclined to protect it. Currently, there are many taking, but not enough giving back. This imbalance is not sustainable and must be managed.

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-088)

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**PROPOSAL 53**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Establish guide permits in a section of the Naknek River drainage, as follows:

Commercial operations that provide guides and/or boats to trout fishermen from ADF&G markers located ½ mile above Rapids Camp to ADF&G markers at Trefon's cabin at the outlet of Naknek Lake must register with ADF&G to prove their acknowledgment of the need to conserve this resource and enjoy it responsibly. This registration should result in a permit to qualified entities and shall apply to Dolly Varden, Arctic Char and Arctic Grayling, in addition to Rainbow Trout. This permit shall apply year round excluding the spring closure, which should remain in effect. See more detail below:

This permit should contain language stating that all clients shall be briefed on the proper techniques for catching and handling the trout, respecting the river banks/waters and observing river etiquette. For guided operations, the permit shall acknowledge that businesses will not send clients out without licensed/certified guides (including coast guard licensure). For unguided boat rentals, the proprietor will be required to issue operators' certificates to individual clients who prove their boatmanship. Liability for any infraction or accident will be borne by both the business and the individual operating the boat. (Really, I don't think commercial boat rentals should be allowed for this section of the river at all!!)

Between June 8- December 31, this permit shall stipulate that commercial entities will only allow four guests at any time to fish for trout within the aforementioned section of the Naknek River. Each successfully permitted commercial operator will have 4 certificates issued by Fish and Game that will be carried by the persons fishing for trout in this section of the river. Certificates can be transferred to other guests of the same operation during the day but only 4 people total can fish at a time. Between January 1-April 8, only 2 certificates may be used at any one time. Non-compliance will result in a fine for both the angler and the commercial entity. Certificates are not transferrable to other operations. Certificates shall be issued to a "parent company" and subsidiaries will not be issued additional certificates.

This overall permit and the individual certificates must be applied for each calendar year.

**What is the issue you would like the board to address and why?** I'm an Alaska resident and I've been fishing the Naknek River for rainbow trout for over 17 years. During that time the sport fishing pressure on the trout fishery has absolutely exploded, especially since 2010. On this remote river where locals and lodge-goers alike could historically expect to enjoy epic fishing in September and October in relative solitude, it is now nearly impossible to find even a speck of space on the riverbank to pull over and fish. I used to fish the river in September with ease and no feeling of over crowding, now I've been pushing my short trips back later and later every year to avoid the massive increase in guided trips that are now extending deep into October. The river is only approximately 5 miles long, and offers about 12-15 legitimate spots for trout fishing. These spots are now stacked with people during all daylight hours for nearly 2 months. That's simply too much fishing pressure on this fragile resource. Anglers are primarily targeting the large trophy class rainbow trout for which the river is famous, but the use of relatively large hooks and heavy gear will likely result in higher mortality rate for the smaller fish that are considered "bycatch" by most fishermen. This fact coupled with the unavoidable mortality of large fish due to long fights and picture taking is a double-edged sword that will likely result in an overall decrease in the numbers of large fish and the quality of the fishery overall. Fish with hooking scars were once rare and now it's common.

A major factor in this over fishing is the lodges' ever increasing focus on volume and money. First, this leads to a high percentage of inexperienced and often unlicensed guides, as well as, do-it-yourself operations that put people and fish in great danger. These do-it-yourself operations are the worst offenders. This river is dangerous and unguided fishermen likely don't understand the true power of the river or the fragility of these large trout. Second, many of the new outfitters are out of state commercial businesses who don't understand or have lost sight of the sustainability of this fishery. Now that fly fishing has become a fad and social media and reality tv has put us on the map in a big way, the world has become smaller and people are flocking to Alaska. The number of hungry anglers wanting to notch a trophy rainbow will continue to increase exponentially and these businesspeople will cash in as quickly as possible until the resource is depleted. It's human nature. One need only look to the rivers on the road system, such as the Kenai, to see what can happen when fishing pressure is allowed to explode, unchecked. I've all but quit fishing the Kenai for trout, as it's become combat fishing in every way.... even worse than the famous combat sockeye fishery. This Naknek resource is NOT limitless.

The other effect of this sad exploitation is that the small, sustainable local guides are being pushed out of the market to some extent. I've personally know perennial guests, who have been fishing the Naknek for years, that have given up due to the rodeo that this fishery has become. Likewise, locals can't really go out and find a reasonable spot to fish in peace until late October.

Luckily the fishing on the Naknek is still fantastic and we are fortunate to have the opportunity to save it. Preservation will rely on combining the full might of the local stewards and regulatory agencies to implement a meaningful management plan NOW. It has to happen now.

**PROPOSED BY:** Dan Kirsch (EF-F18-015)  
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**PROPOSAL 54**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Limit the hours guides or clients can fish on a section of the Naknek River, as follows:

I suggest as a resolution to this problem, a regulated fishing time that guides and clients are allotted to be on the river fishing from lake camp to rapids camp. This allotted time could start at 8am and end at 6pm. After 6pm no guides or clients will be allowed to trout fish from that area.

This would allow time for residents to enjoy the fishing on an uncrowded river and would also give the trout a much needed break from the constant traffic and pressure.

**What is the issue you would like the board to address and why?** An issue I would like the board to address concerns the hours guides and clients are spending on the upper river of the Naknek trout fishing. Specifically the area from the marker at lake camp to the marker downriver at rapids camp.

From the opener June 8th until well into October, the number of guides and clients trout fishing has exploded in the past few years. Being that the trout fishing mainly occurs in the upper part of the river, this is a very small area and is overrun with guides and clients pretty much all season long from the early hours in the morning until late in the evenings.

Guides are sent out early in the morning to secure spots for the lodges clients who arrive after having breakfast. Guides are left on the river to occupy spots while the clients are brought back to the lodge for lunch and then returned to fish spots secured by the guides "holding" the area for them on the river. When the clients are headed in for the day, now it's the guides time to fish. They drop the clients off and head right back out.

I am all for people fishing this river and enjoying its trout but over the last few years this river has become grossly overrun with guides and clients. Venturing upriver after work or on the weekend for people that live here and want to enjoy the rainbow fishing usually results in a wasted trip being that the spots on the river are all occupied by lodges. I myself live here to enjoy what the area has to offer and I'm letting you know that the upper river is and has been out of control for some time now. Something must be done not only to protect this valuable resource but to allow the people that live here to enjoy as well.

**PROPOSED BY:** Jason Lazore

(EF-F18-012)

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**PROPOSAL 55**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Limit the days guides or clients can fish on a section of the Naknek River, as follows:

5 AAC 67.022(d)(4)

My proposed solution to this problem us as follows:

No guiding on Sundays or Thursdays. This will mean no clients without guides, no dropping clients off unguided and no lodge guides on the river. The area affected by this would be the area at Lake Camp from the marker at Trefons Cabin to the marker at Rapids Camp.

I believe that it is time to implement such a regulation on the Naknek because it has become obscenely abused and overused by lodges and guides and time should be allotted for folks and families that live here and deserve their time on a river that used to be a place to relax and unwind.

**What is the issue you would like the board to address and why?** The issue I would like the board to address concerns the extreme overabundance of guides and clients fishing on the Naknek River for rainbow trout.

In the past 20 plus years of living in King Salmon fishing the Naknek river for rainbow trout, Lately I have witnessed the extreme overabundance of guides and clients trout fishing on the Naknek River. Gone are the days of going "upriver" after work or on the weekend to fish and relax.

This river is mobbed by guides and their clients starting on the opener June 8th, going well onto October and sometimes November. Gone also is the etiquette on this river. When you are lucky enough to find a spot to fish upriver it usually comes with a consequence being that you will be fishing in a non stop wake zone because of all of the boats going up and down the river - boats carrying 4 to 6 fisherman apiece.

The other consequence that I have witnessed and personally experienced multiple times last fall is the complete and utter lack of etiquette from multiple guides from the multiple lodges that are fishing clients on the river. From having boats float right through the water I am fishing , to having guides drop clients off less than 20 yards below me while fishing - the etiquette has totally disappeared on the river. If you so desire to leave at the earliest hours of the morning to secure a spot - don't bother. You will only find yourself upriver going to each spot only to find a guide waiting there for the lodge to bring clients upriver to the spots that their guides are "holding."

It is very sad what has happened to this trout fishery over the last few years. I am so thankful that I got to enjoy this fishery long ago when there was only a small handful of locals that fished during the fall time and even during the summer when you could go up to the rapids after work and relax. I do not oppose change but I do oppose the abuse of such a beautiful resource that many locals cannot even enjoy anymore.

**PROPOSED BY:** Jason Lazore

(EF-F18-013)

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**PROPOSAL 56**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Prohibit chumming by guides and other commercial users in portions of the Naknek River drainage sport fishery, as follows:

5 AAC 67.022 (d) (XXX).

**Naknek River Drainage:**

**All waters of the Naknek River watershed closed to chumming including the Naknek River main stem, Pauls Creek, King Salmon Creek, Smelt Creek and Big Creek, and all of Naknek Lake and its tributaries. Applies to guided, self-guided, boat rentals, and those transported by commercial entities.**

**What is the issue you would like the board to address and why?** We would like to address the issue of “chumming” on the Naknek River and its tributaries. Cleaning your daily catch and disposing of the entrails is one thing but targeting a species in an attempt to increase an angler’s odds is both unnatural and defies all avenues of fair chase for sport fish. Any attempt to lure fish to a designated area by chumming should not be allowed. We must not alter our fish’s natural predatory instincts on the Naknek River. The Naknek River has been an artificial lure or fly only river for many years since the elimination of bait. Chumming is in many ways like using bait to target fish, especially rainbow trout, which are easily lured in by fish entrails and eggs.

**What will happen if nothing is done?** If nothing is done the rainbow trout of the Naknek will suffer the most. This river is world renown as a premier destination for wild rainbows, and

chumming should have no part in that. The mortality rate of these fragile fish will go up, because they are more prone to swallow hooks or flies when they are lured in by chumming, especially with eggs. Chumming with salmon eggs frequently causes rainbow trout to go into feeding frenzies, and the fish become far less cautious, increasing the likelihood of them taking an artificial lure, and swallowing it, getting it caught in their gills eye or some other part that could prove fatal. Fish in certain areas may even become accustomed to being fed. The regulation would help ensure healthy populations of rainbow trout in the future.

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-081)  
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**PROPOSAL 57**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Prohibit the use of certain sport fishing tackle in a section of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Naknek River Drainage:

Upstream from ADF&G markers located ½ mile above Rapids Camp to ADF&G markers at Trefon’s cabin at the outlet of Naknek Lake:

**Closed to the use of all salmon egg imitation patterns, including all hard and soft beads, glo bugs, spin and glows and any other stand alone egg imitation, unless the egg imitation is a fixed part of a fly or lure longer than 1 inch in length (for example egg sucking leeches).**

**What is the issue you would like the board to address and why?** During the past 5-10 years we have witnessed our rainbow population being directly impacted by the use of beads. We are beginning to see an alarming trend of missing age classes of our smaller rainbows. The bead technique while being very effective, is having an extremely harmful impact on the health of the rainbows being released. A popular practice is to peg the bead a couple of inches up the line above the bait hook. The trout see this drifting by and attempt to swallow the bead but inadvertently miss and get the trailing bait hook in the eye, under the chin, etc. We are now seeing so many dead and injured trout that is directly impacting the behavior of our eagle population in the Rapids Camp area on the Naknek River.

**What would happen if nothing is changed?** The health and future of our rainbow population would continue to be jeopardized, not allowing future generations of anglers the opportunity to catch and release beautiful, healthy and pristine rainbows that this watershed has always been known for.

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-080)  
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**PROPOSAL 58**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Close sport fishing for king salmon in a portion of the Naknek River drainage, as follows:

**5 AAC 67.022(d)(11).**

King salmon fishing is closed on the Naknek River from “Painter Bob’s Cabin” upstream to the ADF&G marker at “Trefon’s Cabin” near the mouth of Naknek Lake and on all major creek tributaries draining into the Naknek River, including Big Creek, King Salmon Creek, and Pauls Creek. (These are all areas where king salmon actively spawn). In these closed areas, king salmon may not be targeted at all, and if they are accidentally hooked while targeting other species, must NOT be removed from the water and will be released immediately.

**Naknek River Drainage:**

**-Naknek River main stem**

**King Salmon: Closed year round to all king salmon fishing from Painter Bob’s Cabin” upstream to the ADF&G marker at “Trefon’s Cabin” near the mouth of Naknek Lake.**

**-Big Creek – upstream of its confluence with the Naknek River to its headwaters.**

**King Salmon: Closed year round to all king salmon fishing**

**-King Salmon Creek – upstream from the ADF&G markers at the confluence of the Naknek River to its headwaters**

**King Salmon: Closed year round to all king salmon fishing**

**-Pauls Creek - upstream of its confluence with the Naknek River to its headwaters.**

**King Salmon: Closed year round to all king salmon fishing**

**What is the issue you would like the board to address and why?** Over the years the Naknek River has seen a drastic increase in the number of guided sport fisherman. At the same time, we have seen a notable decrease in the numbers of king salmon in our river. Recognizing this decrease, ADF&G has already closed fishing of king salmon in certain areas, including the mouth of King Salmon Creek to the King Salmon Creek Bridge, and the mouth of Pauls Creek up past the Pauls Creek Bridge. However, this does not stop anglers from fishing the remaining portions of the tributaries king salmon actively spawn.

Currently the upper Naknek River, above the first ADF&G marker located half mile upstream above Rapids Camp, is open to catch and release king fishing. These areas are fished very hard, and it takes a significant toll on the kings when they are most vulnerable. Even catch and release fishing while kings are near or at their spawning stage results in high mortality rates. Anglers end up removing the fish from the water to release them, which is in violation of the law, either because of the difficulty of releasing one of these big powerful fish, or to take pictures. This can easily result in the death of the fish. We are not able to enforce catch and release king fishing and evidence of this is shown on numerous lodge social media sites, web sites, brochures, tv shows and promotional material.

It can be argued that the Naknek River is no longer a premier destination for king fishing, as it once was. Once king salmon reach the spawning grounds, the point at which they are most

exhausted from their long journey home and therefore the most vulnerable, they should be left alone to spawn, and ensure a viable fishery in future years

**What will happen if nothing is done?** If nothing is done we risk the health of the world famous Naknek River king run. Future generations will not be able to enjoy our salmon for which the area is world famous for. The Naknek River will cease to be a premier destination for sport fishermen. Local subsistence users who depend on king salmon for an important food source may also suffer. **IF THESE CHANGES ARE NOT IMPLEMENTED WE WILL CONTINUE TO SEE A DECLINE IN OUR OVERALL KING SALMON RETURNS.** The added pressure of sport fishermen catching king salmon on their spawning grounds will in no way help the future of the Naknek River's once great king run.

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-086)  
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**PROPOSAL 59**

**5 AAC 67.022 Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Close waters to king salmon sport fishing in a section of the Naknek River drainage, as follows:

I would suggest a full closure for all king salmon fishing at the following locations/times:

Close the Naknek River to all king fishing from "Painter Bob's Cabin" upstream to the ADF&G marker at "Trefon's Cabin" near the mouth of Naknek Lake at all times.

Close the area of the Naknek main channel within ¼ mile of the projected mouth of Big Creek to king fishing after July 15. Even buoys (similar to King Salmon Creek) may not suffice. I believe Kings actively spawn in the Naknek River itself in the area between Crystal Creek Lodge and the outlet of the "Slide" or "Bluff" hole. I witnessed people back bouncing with spin and glows at this location in mid to late July and pulling red kings out by the dozens, while traditional back-trolling with wiggle warts or quick fish was much less effective. That tells me many kings are preparing to spawn there in the Naknek and not moving up stream from that location.

Continue the closure of the area adjacent to King Salmon Creek via buoys.

Ensure the area in and adjacent to Paul's Creek is closed.

Obviously king salmon fishing should be closed within all tributaries to the Naknek River.

In these closed areas, king salmon may not be targeted at all, and if they are accidentally hooked while targeting other species, they must NOT be removed from the water and shall be released immediately.

I'd recommend decreasing the Naknek specific king salmon bag limit to 2 kings annually, at least for Alaska non-residents.

Although it would be difficult to enforce, a limit to ‘rods in the water’ per day per lodge would help the pressure, as well.

**What is the issue you would like the board to address and why?** I have been guiding/fishing on the Naknek since 2001. I realize this is a relatively short time, but over that time, I’ve noticed a significant increase in sport fishing pressure on every level. Regarding the king salmon species, I’ve seen the number of large fish decrease and the runs become more volatile over the years. The longest tenured local fishermen who respect the fishery the most tend to stick to the traditional locations and techniques, but more and more people are pursuing the kings closer to their spawning areas and the addition of more and more inexperienced guides/lodges and do-it-yourself outfitters has exacerbated this situation. I believe commercial fishing is the main threat to the future of our king run, but commercial fishing coupled with irresponsible and excessive sport fishing is a nail in their coffin. Assuming this board does not deal with the commercial side, I believe the addition of sport fishing regulations to control the location, harvest and volume of sport fishing “rods in the water” would help delay the further decline of the fishery.

IF NOTHING IS DONE WE WILL CONTINUE TO SEE A DECLINE IN OUR OVERALL KING SALMON RETURNS. Like the Kenai, Susitna and many other Alaskan rivers, the Naknek River will cease to be a premier destination for sport fishermen. Local subsistence users who depend on king salmon for an important food source may also suffer.

**PROPOSED BY:** Dan Kirsch

(EF-F18-016)

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### **PROPOSAL 60**

#### **5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Create a rod limit for nonresident anglers sport fishing for salmon on a portion of the Naknek River, as follows:

#### **SOCKEYE SALMON AND SILVER SALMON LIMITS**

In all waters upstream from ADF&G regulatory marker located ½ mile upstream of Rapids Camp, including all waters within ¼ mile of all lake inlet and outlet streams:

**8 rod limit per day at any one time for salmon (sockeye and silver salmon) for commercial business entity: Lodges, Transporters, Boat Rentals, and fishing clubs. LLC’s are considered one business entity. Rod Limit allocations are non transferable or salable. Applies to non residents only**

**These restrictions apply upstream from ADF&G markers located ½ mile above Rapids Camp to ADF&G markers at Trefon’s Cabin at the outlet of Naknek Lake including all waters within ¼ mile of all lake inlet and outlet streams:**

**What is the issue you would like the board to address and why?** The level of effort on the Naknek River between the ADF&G marker above Rapids Camp and the ADF&G marker at

Trefon’s Cabin above Lake Camp has increased so dramatically in the last 10 years that the quality of experience for which this river was once famous has been lost. Fishing for Sockeye and Silver Salmon, has been reduced to a “combat fishery.”

1. Conflicts among users are so great that local residents find it almost impossible to find a decent location to fish with their families (including kids) due to overcrowding and lack of ethics. This excessive pressure is primarily from high volume lodge operations nearly all of which are owned and operated by people who do not live in Alaska, let alone the area.
2. The quality of experience which the Naknek River was once famous for has been lost. This is an allocation of opportunity which needs to be addressed.
3. There is no spatial distribution of effort due to the sheer volume of nonresident clients utilizing large scale lodge operations.
4. The proposed regulatory changes are not arbitrary. They are based on historical knowledge of the Naknek River sport fishery by not only conservation orientated guides, but also by local residents who have had enough of loss of opportunity and abuse the fishery resource.

**What would happen if nothing is changed?** The quality of experience will continue to diminish for all user groups. Conflicts among users will continue to increase.

**What are other solutions you considered?** Time and area closures for guided, transported, boat and equipment rental commercial entities – i.e. limit days of operation. *This is not necessary if recommended proposals which would regulate the scale of effort are adopted.*

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-090)  
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**PROPOSAL 61**

**5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.**

Prohibit blocking access to sport fishing locations in the Naknek River, as follows:

5 AAC 67.022 (d) (XXX).

**-Naknek River Main Stem**

**The staking out or marking of areas along the Naknek River using boats, guides or lodge employees or other individuals, ice chests, buckets, fishing gear, etc for the purpose of holding a fishing hole or zone for fishermen not yet present is not allowed.**

**What is the issue you would like the board to address and why?** We would like to address the issue of so called “pilot” boats being used to hold or stake out fishing zones or holes until fishermen or clients arrive. It has become common in recent years during the peak fishing times, most notably during the height of the red salmon run, to see a boat or multiple boats from a given lodge with just the driver holding a prime fishing spot on the bank of the river until another boat or boats from the lodge can bring the groups of clients up to fish. This prevents other fishermen from getting to these sought-after fishing locations first. They also lay out 5 gallon buckets and ice chests to make the impression that somebody is fishing there. In doing this, one or two boat drivers from a lodge can hold down and entire section of river bank until clients arrive.

**What will happen if nothing is done?** If nothing is done quality of experience for all anglers, both guided and local residents, will continue to suffer. Access to prime fishing zones will be greatly restricted.

**PROPOSED BY:** Naknek/Kvichak Fish and Game Advisory Committee (EF-F18-085)  
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**PROPOSAL 62**

**5 AAC 67.020. General provisions for seasons and bag, possession, annual, and size limits for the Bristol Bay Area.**

All sport-caught fish removed from the water in all freshwater drainages of the Bristol Bay Area must be retained, as follows:

**5 AAC 72.XXX**

**It is illegal to completely remove sport caught fish in the freshwaters of Southwest Alaska from the water (stream, river, lake, slough etc.) unless the fish is TO BE HARVESTED.**

**What is the issue you would like the board to address and why?** The removal of non-harvestable fish from the water for catch and release (to be referred as c&r henceforth) purposes. Documented c&r studies for salmonids in fresh water removed during the c&r process have a mortality increase exponentially greater than those fish not removed from the water for release (72% mortality @ 60 seconds air exposure) (Ferguson and Tufts 1992).

The common practice of hook removal as well as photographing a catch for whatever purpose has historically involved removal of the non-harvestable fish from its environment (the water). During this period, piscatorial stress hormones are released in greater quantities and O2 levels drop (Dauwalter 2014). This causes increased stress (shock) and greater recover time for the salmonid to return to its homeostatic wellbeing. The incomplete removal (lessened air exposure) of a salmonid from the water allows the fish to stay in its environment and be released while maintaining the lowest possible c&r mortality rate (Cooke and Suski 2005).

The State of Alaska has adopted a regulation for removal of non-harvestable king salmon from the water (5AAC 67.020 (1)(C)). The same regulation should be applied to all sportfish in the Southwest Alaska region.

The State of Washington has adopted a regulation for non-removal of salmon, steelhead and bull trout/ dolly varden from the water. (WAC 220.310.100).

Obviously, there is irrefutable proof that the removal of salmonids from the water for whatever purpose increases c&r mortality. This subsequently decreases population size and could allow ecosystems to become unnaturally unbalanced.

I would like to see this regulation adopted for the 2019 Southwest Alaska Regulations. I would not oppose the regulation to be adopted state wide.

**PROPOSED BY:** Daniel Herrig (HQ-F18-039)  
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## **PROPOSAL 175**

**5 AAC 47.090. George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.; 5 AAC 47.091. Nakwasina Sound superexclusive guided sport ecotourism Dungeness crab fishery.; 5 AAC 75.075. Sport fishing services and sport fishing guide services; salt water license and fresh water registration requirements; regulation of activities.; 5 AAC 75.076. Sport fishing guide and operator reporting requirements.; 5 AAC 75.085. Guided sport ecotourism requirements.; and 5 AAC 75.995. Definitions.**

Align regulations for sport fishing services and sport fishing guide services in fresh and salt waters and update guide registration and reporting regulations, as follows:

5 AAC 47.090, 5 AAC 47.091, 5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.085, and 5 AAC 75.995 are amended to read:

### **5 AAC 47.090. George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.**

(o) In this section, "sport fishing operator" means an owner of a business that conducts sport fishing services as a **registered**[LICENSED SALT WATER] sport fishing operator under 5 AAC 75.075.

### **5 AAC 47.091 Nakwasina Sound superexclusive guided sport ecotourism Dungeness crab fishery.**

(m) In this section, "sport fishing operator" means an owner of a business that conducts sport fishing services as a **registered** [LICENSED SALT WATER] sport fishing operator under 5 AAC 75.075.

### **5 AAC 75.075. Sport fishing services and sport fishing guide services; [SALT WATER LICENSE AND FRESH WATER ]registration requirements; regulation of activities.**

(a) **repealed** / / / [AN OWNER OF A BUSINESS SHALL OBTAIN A CURRENT ANNUAL SALT WATER SPORT FISHING OPERATOR LICENSE FROM THE DEPARTMENT BEFORE THE BUSINESS CONDUCTS SALTWATER SPORT FISHING SERVICES. TO MEET THE LICENSING REQUIREMENTS OF THIS SECTION, THE OWNER SHALL COMPLETE AND SUBMIT TO THE DEPARTMENT A SALT WATER SPORT FISHING OPERATOR LICENSE APPLICATION FORM PROVIDED BY THE DEPARTMENT ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340(A). THE FOLLOWING INFORMATION REGARDING THE BUSINESS CONDUCTING SPORT FISHING SERVICES MUST BE PROVIDED ON THE FORM:

- (1) THE NAME AND MAILING ADDRESS OF THE OWNER;
- (2) THE NAME OF THE BUSINESS;
- (3) THE ALASKA BUSINESS LICENSE NUMBER, ISSUED UNDER 12 AAC 12, AND EXPIRATION DATE OF THE BUSINESS LICENSE;
- (4) THE BUSINESS'S INSURANCE POLICY NUMBER, WITH THE INSURANCE COMPANY NAME AND EXPIRATION DATE, OF THE POLICY THAT MEETS THE INSURANCE REQUIREMENTS OF AS 16.40.261;

(5) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.261].

(b) ~~repealed~~ / / [A PERSON SHALL OBTAIN A CURRENT ANNUAL SALT WATER SPORT FISHING GUIDE LICENSE FROM THE DEPARTMENT BEFORE THE PERSON CONDUCTS SALT WATER SPORT FISHING GUIDE SERVICES. TO MEET THE LICENSING REQUIREMENTS OF THIS SECTION, A PERSON SHALL COMPLETE AND SUBMIT TO THE DEPARTMENT A SALT WATER SPORT FISHING GUIDE LICENSE APPLICATION FORM PROVIDED BY THE DEPARTMENT ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340(A). THE FOLLOWING INFORMATION REGARDING THE APPLICANT MUST BE PROVIDED ON THE FORM:

- (1) THE NAME AND MAILING ADDRESS OF THE APPLICANT;
- (2) THE APPLICANT'S
  - (A) DECLARATION
    - (I) OF CITIZENSHIP IN THE UNITED STATES, CANADA, OR MEXICO; OR
    - (II) THAT THE APPLICANT IS A RESIDENT ALIEN;
  - (B) CURRENT FIRST AID CERTIFICATION;
  - (C) CURRENT ALASKA SPORT FISHING LICENSE NUMBER;
- (3) IF OPERATING A VESSEL, THE APPLICANT'S CURRENT UNITED STATES COAST GUARD LICENSE INFORMATION;
- (4) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.271].

(c) ~~repealed~~ / / [WHILE PROVIDING SALT WATER SPORT FISHING GUIDE SERVICES, A PERSON SHALL HAVE READILY AVAILABLE FOR INSPECTION AND SHALL DISPLAY UPON REQUEST OF A REPRESENTATIVE OF THE DEPARTMENT OR A PEACE OFFICER OF THE STATE, AND WHILE PROVIDING SALT WATER SPORT FISHING GUIDE SERVICES OR WHILE ON NAVIGABLE FRESH WATER WITHIN SIX HOURS AFTER PROVIDING SUCH SERVICES ON SALT WATER, A PERSON SHALL HAVE READILY AVAILABLE FOR INSPECTION AND SHALL DISPLAY UPON REQUEST OF A LAW ENFORCEMENT REPRESENTATIVE OF THE NATIONAL MARINE FISHERIES SERVICE OR A REPRESENTATIVE OF THE UNITED STATES COAST GUARD, THE FOLLOWING:

- (1) THE PERSON'S CURRENT
  - (A) SALT WATER SPORT FISHING GUIDE LICENSE; AND
  - (B) APPLICABLE LOGBOOKS AS REQUIRED IN 5 AAC 75.076;
- (2) A COPY OF THE CURRENT SALT WATER SPORT FISHING OPERATOR LICENSE OF THE PERSON'S EMPLOYER OR THE PERSON;
- (3) THE PERSON'S CURRENT SPORT FISHING LICENSE, HARVEST RECORDS, TAGS, STAMPS, OR PERMITS THAT ARE REQUIRED TO ENGAGE IN THE SPORT FISHERY FOR WHICH THE SALT WATER SPORT FISHING GUIDE SERVICES ARE PROVIDED;
- (4) AN IDENTIFICATION CARD ISSUED TO THE PERSON BY A STATE OR FEDERAL AGENCY THAT BEARS A PHOTOGRAPH OF THE PERSON;

(5) IF ON A VESSEL, THE SPORT FISHING LICENSE, HARVEST RECORDS, TAGS, STAMPS, OR PERMITS OF EACH CLIENT ON BOARD THE VESSEL].

(d) repealed / / [NOTWITHSTANDING SUBSECTIONS (E) AND (F) OF THIS SECTION, A HOLDER OF A CURRENT SALT WATER SPORT FISHING OPERATOR LICENSE MAY CONDUCT SPORT FISHING SERVICES IN FRESH WATER, AND A HOLDER OF A CURRENT SALT WATER SPORT FISHING GUIDE LICENSE MAY PROVIDE SPORT FISHING GUIDE SERVICES IN FRESH WATER, PROVIDED THE OPERATOR AND GUIDE COMPLY WITH THE REPORTING REQUIREMENTS IN 5 AAC 75.076 FOR OPERATING IN FRESH WATER];

(e) An owner of a business shall register with the department before the business conducts sport fishing services[ IN FRESH WATER]. To meet the registration requirements of this section, the owner shall complete and submit to the department a current annual [FRESH WATER ]sport fishing operator registration form provided by the department. The following information regarding the business conducting sport fishing services must be provided on the form:

- (1) the name and permanent mailing address of the owner;
- (2) the name of the business.

(f) A person shall register with the department before the person conducts sport fishing guide services[ IN FRESH WATER]. To meet the registration requirements of this section, a person shall complete and submit to the department a current annual [FRESH WATER ]sport fishing guide registration form provided by the department. The following information regarding the applicant must be provided on the form:

- (1) the applicant's name and permanent mailing address;
- (2) the applicant's current Alaska sport fishing license number.

(g) While providing sport fishing guide services[ IN FRESH WATER], a person shall have readily available for inspection and shall display upon request of a representative of the department or a peace officer of the state, **and while on salt water or navigable fresh water within six hours after being on salt water a law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard,** the following:

- (1) the person's current
  - (A) [FRESH WATER ]sport fishing guide registration form validated by the department[ OR SALT WATER SPORT FISHING GUIDE LICENSE]; and
  - (B) applicable logbooks as required in 5 AAC 75.076;
- (2) a copy of the current [FRESH WATER ]sport fishing operator registration form validated by the department of the person's employer or the person, or **if the sport fishing guide is also a sport fishing operator, the guide's current sport fishing operator registration form** [A COPY OF THE CURRENT SALT WATER SPORT FISHING OPERATOR LICENSE OF THE PERSON'S EMPLOYER OR THE PERSON];
- (3) the person's current sport fishing license, harvest records, tags, stamps, or permits that are required to engage in the sport fishery for which the sport fishing guide services are provided;
- (4) an identification card issued to the person by a state or federal agency that bears a photograph of the person.

**(5) if on a vessel that provides sport fishing guide services in salt water, the sport fishing license and harvest record of each client on board the vessel.**

(h) A person who provides sport fishing guide services or a licensed or registered sport fishing operator may not

(1) aid in the commission of a violation of AS 16.05 — AS 16.40 or a regulation adopted under AS 16.05 — AS 16.40 by an angler who is a client of the person or operator; or

(2) permit the commission by an angler who is a client of the person or operator of a violation of AS 16.05 — 16.40 or a regulation adopted under AS 16.05 — 16.40 that the sport fishing guide knows or reasonably believes is being or will be committed without

(A) attempting to prevent it, short of using force; and

(B) reporting the violation.

**5 AAC 75.076. Sport fishing guide and operator reporting requirements.** (a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, **2019**[2017] *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in salt water;

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, **2019**[2017] *Freshwater Sport Fish Guide Logbook and Vessel Registration*, adopted by reference, if operating in fresh water.

(b) A logbook requires information necessary for the management and conservation of fishery resources and regulation of the guided sport fishing industry, including

(1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing guide services in fresh or salt water;

(2) the locations where the sport fishing guide services were provided;

(3) the effort, catch, and harvest of sport fish by persons who are clients, owners, or employees of a business that conducts sport fishing services or by a person who provides sport fishing guide services; and

(4) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the guided sport fishing industry.

(c) A sport fishing guide shall complete a logbook in the manner and at the location specified in the logbook and present the guide's logbook for inspection as required in 5 AAC 75.075.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(e) The holder of a [SALT WATER ]sport fishing operator [LICENSE OR FRESH WATER SPORT FISHING OPERATOR ]registration issued under 5 AAC 75.075 shall return the completed logbook of each sport fishing guide employed by the business to the department in the manner and time frame specified in the logbook.

(f) In this section, "logbook" includes

(1) a department issued paper copy booklet for recording guided sport fishing trip information;  
or

(2) a department issued eLogBook software program for electronic recording of guided sport fishing trip information.

(g) a sport fishing guide may comply with subsection (a) of this section by obtaining and completing an eLogbook.

**5 AAC 75.085. Guided sport ecotourism requirements.** Except as otherwise provided, guided sport ecotourism fishing may occur only as follows:

(1) a person conducting guided sport ecotourism fishing shall obtain an annual [SALT WATER ]sport fishing operator **registration**[LICENSE] as specified in 5 AAC 75.075;

(2) a person holding a valid [SALT WATER ]sport fishing guide **registration**[LICENSE] must be present at all times when gear or fish are being handled;

(3) a person on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license;

(4) all requirements of the applicable sport fishery apply except that all participants must comply with rules relating to nonresidents regardless of residency;

(5) unless otherwise permitted, all fish taken must be immediately released unharmed;

(6) a [SALT WATER ]sport fishing operator or [SALT WATER ]sport fishing guide must comply with applicable requirements for their industry.

**5 AAC 75.995. Definitions.** (a) In addition to the definitions set out in AS 16.05.940, in 5 AAC 47 — 5 AAC 75,

(43) “sport fishing services”

(A) means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip;

(B) does not include

(i) an activity for which a [SALT WATER SPORT FISHING GUIDE LICENSE OR FRESH WATER ]sport fishing guide registration is required; or

(ii) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator;

(52) **repealed** / / [“SALT WATER SPORT FISHING GUIDE” HAS THE MEANING GIVEN IN AS 16.40.300];

(53) **repealed** / / [“SALT WATER SPORT FISHING GUIDE SERVICES” HAS THE MEANING GIVEN IN AS 16.40.300];

(54) **repealed** / / [“SALT WATER SPORT FISHING SERVICES” HAS THE MEANING GIVEN IN AS 16.40.261(F)].

**What is the issue you would like the board to address and why?** During the 2016 session the Alaska Legislature passed HB 41, which reestablished sport fishing business and guide license

requirements for salt water guides and operators (only). These statutes (AS 16.40.261 – 16.40.300) are set to repeal January 1, 2019 and there was no legislation during the last session to extend the saltwater guide license requirements. As a result, effective January 1, 2019, the current saltwater sport fishing business and guide regulations will conflict with statute. After the statute’s sunset, the board will no longer have the authority to require licensing of salt water sport fish guides and operators, or other requirements including insurance, business license, or first aid certification.

The department has operated a program to register (1998 – 2004, 2015 – 2016) and/or license (2005 – 2014) both sport fishing guides and operators, administer sport fishing salt (since 1998) and fresh (since 2005) water guide logbooks, and register sport fishing guide vessels (since 2005). With the expiration of statutes specific to salt water sport fishing services and salt water sport fishing operator and guide licenses, amendments to the existing regulations are necessary.

**PROPOSED BY:** Alaska Department of Fish and Game (Formerly ACR #11)

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## **PROPOSAL 174**

**5 AAC 06.100. Description of area.; 5 AAC 06.200. Fishing districts and sections.; 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.; 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.; and 5 AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan.**

Clarify that sockeye salmon special harvest areas (SHA) in Bristol Bay are within the Bristol Bay Area as defined in 5AAC 06.100, that SHAs are within fishing districts and sections defined in 5AAC 06.200, and clarify board intent regarding set gillnet specifications and operations within the SHA management plans, as follows:

5 AAC 06.100; 5 AAC 06.200; 5 AAC 06.358; 5 AAC 06.360, and 5 AAC 06.373 are amended to read:

**5 AAC 06.100. Description of Area.** The Bristol Bay Area includes all waters of Alaska in Bristol Bay, **including drainages**, east of a line from Cape Newenham at 58° 38.88' N. lat., 162° 10.51' W. long. to Cape Menshikof at 57° 28.34' N. lat., 157° 55.84' W. long.

**5 AAC 06.200. Fishing districts and sections.** (a) Nushagak District: all waters of Nushagak Bay, **including drainages**, north of a line from a point at Nichols Hills at 58° 33.77' N. lat., 158° 46.57' W. long. to Etolin Point at 58° 39.37' N. lat., 158° 19.31' W. long.

(b) Naknek-Kvichak District: all waters of Kvichak Bay, **including drainages**, north and east of a line from 58° 43.73' N. lat., 157° 42.71' W. long. to 58° 36.77' N. lat., 157° 15.82' W. long.

**5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**

**(f) placeholder for additional regulatory language specifying what parts of 06.331 apply.**

**5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.**

**(i) placeholder for additional regulatory language specifying what parts of 06.331 apply.**

**5 AAC 06.373 Alagnak River Sockeye Salmon Special Harvest Area Management Plan.**

**(h) placeholder for additional regulatory language specifying what parts of 06.331 apply.**

**What is the issue you would like the board to address and why?** During the 2018 Bristol Bay commercial salmon fishery, the Naknek River Sockeye Salmon Special Harvest Area (NRSHA) was opened by emergency order for the first time since 2007. As fishermen, Alaska Wildlife Troopers, and Fish and Game prepared for the first fishing period, several regulatory questions

arose. Initially, the questions related to specifications and operation of set gillnets in NRSHA and other special harvest areas (SHAs) in Bristol Bay. The questions included but were not limited to: Can one CFEC permit holder operate a set gillnet seaward or off shore from another CFEC permit holder. Also, which set gillnet anchoring device regulations apply to SHAs, and, must a set gillnet be set on an area of beach that at mean low tide is connected by exposed land?

Answers to the specifications and operations questions depend in part on whether the SHAs are within commercial fishing districts and sections. It is currently unclear whether the SHAs are within the area, districts or sections. Currently, 5 AAC 06.100 and 5 AAC 06.200 define the Bristol Bay areas and districts for commercial fisheries. These definitions do not include drainages of Bristol Bay, and therefore do not include the SHAs in the Naknek, Alagnak and Wood rivers. By adding drainages to the area descriptions, making it clear that SHAs are within adjacent commercial districts and sections, and defining in the specific management plans which specifications and operations regulations apply to the SHAs, clear direction would be provided for commercial fishing operations.

**PROPOSED BY:** Alaska Board of Fisheries

(BGP)

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## **PROPOSAL 175**

**5 AAC 47.090. George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.; 5 AAC 47.091. Nakwasina Sound superexclusive guided sport ecotourism Dungeness crab fishery.; 5 AAC 75.075. Sport fishing services and sport fishing guide services; salt water license and fresh water registration requirements; regulation of activities.; 5 AAC 75.076. Sport fishing guide and operator reporting requirements.; 5 AAC 75.085. Guided sport ecotourism requirements.; and 5 AAC 75.995. Definitions.**

Align regulations for sport fishing services and sport fishing guide services in fresh and salt waters and update guide registration and reporting regulations, as follows:

5 AAC 47.090, 5 AAC 47.091, 5 AAC 75.075, 5 AAC 75.076, 5 AAC 75.085, and 5 AAC 75.995 are amended to read:

### **5 AAC 47.090. George Inlet superexclusive guided sport ecotourism Dungeness crab fishery.**

(o) In this section, "sport fishing operator" means an owner of a business that conducts sport fishing services as a **registered**[LICENSED SALT WATER] sport fishing operator under 5 AAC 75.075.

### **5 AAC 47.091 Nakwasina Sound superexclusive guided sport ecotourism Dungeness crab fishery.**

(m) In this section, "sport fishing operator" means an owner of a business that conducts sport fishing services as a **registered** [LICENSED SALT WATER] sport fishing operator under 5 AAC 75.075.

### **5 AAC 75.075. Sport fishing services and sport fishing guide services; [SALT WATER LICENSE AND FRESH WATER ]registration requirements; regulation of activities.**

(a) **repealed** / / / [AN OWNER OF A BUSINESS SHALL OBTAIN A CURRENT ANNUAL SALT WATER SPORT FISHING OPERATOR LICENSE FROM THE DEPARTMENT BEFORE THE BUSINESS CONDUCTS SALTWATER SPORT FISHING SERVICES. TO MEET THE LICENSING REQUIREMENTS OF THIS SECTION, THE OWNER SHALL COMPLETE AND SUBMIT TO THE DEPARTMENT A SALT WATER SPORT FISHING OPERATOR LICENSE APPLICATION FORM PROVIDED BY THE DEPARTMENT ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340(A). THE FOLLOWING INFORMATION REGARDING THE BUSINESS CONDUCTING SPORT FISHING SERVICES MUST BE PROVIDED ON THE FORM:

- (1) THE NAME AND MAILING ADDRESS OF THE OWNER;
- (2) THE NAME OF THE BUSINESS;
- (3) THE ALASKA BUSINESS LICENSE NUMBER, ISSUED UNDER 12 AAC 12, AND EXPIRATION DATE OF THE BUSINESS LICENSE;
- (4) THE BUSINESS'S INSURANCE POLICY NUMBER, WITH THE INSURANCE COMPANY NAME AND EXPIRATION DATE, OF THE POLICY THAT MEETS THE INSURANCE REQUIREMENTS OF AS 16.40.261;

(5) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.261].

(b) ~~repealed~~ / / [A PERSON SHALL OBTAIN A CURRENT ANNUAL SALT WATER SPORT FISHING GUIDE LICENSE FROM THE DEPARTMENT BEFORE THE PERSON CONDUCTS SALT WATER SPORT FISHING GUIDE SERVICES. TO MEET THE LICENSING REQUIREMENTS OF THIS SECTION, A PERSON SHALL COMPLETE AND SUBMIT TO THE DEPARTMENT A SALT WATER SPORT FISHING GUIDE LICENSE APPLICATION FORM PROVIDED BY THE DEPARTMENT ALONG WITH THE APPLICABLE FEE PRESCRIBED IN AS 16.05.340(A). THE FOLLOWING INFORMATION REGARDING THE APPLICANT MUST BE PROVIDED ON THE FORM:

- (1) THE NAME AND MAILING ADDRESS OF THE APPLICANT;
- (2) THE APPLICANT'S
  - (A) DECLARATION
    - (I) OF CITIZENSHIP IN THE UNITED STATES, CANADA, OR MEXICO; OR
    - (II) THAT THE APPLICANT IS A RESIDENT ALIEN;
  - (B) CURRENT FIRST AID CERTIFICATION;
  - (C) CURRENT ALASKA SPORT FISHING LICENSE NUMBER;
- (3) IF OPERATING A VESSEL, THE APPLICANT'S CURRENT UNITED STATES COAST GUARD LICENSE INFORMATION;
- (4) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT ON THE LICENSE APPLICATION FORM TO VERIFY THAT THE APPLICANT MEETS THE REQUIREMENTS OF AS 16.40.271].

(c) ~~repealed~~ / / [WHILE PROVIDING SALT WATER SPORT FISHING GUIDE SERVICES, A PERSON SHALL HAVE READILY AVAILABLE FOR INSPECTION AND SHALL DISPLAY UPON REQUEST OF A REPRESENTATIVE OF THE DEPARTMENT OR A PEACE OFFICER OF THE STATE, AND WHILE PROVIDING SALT WATER SPORT FISHING GUIDE SERVICES OR WHILE ON NAVIGABLE FRESH WATER WITHIN SIX HOURS AFTER PROVIDING SUCH SERVICES ON SALT WATER, A PERSON SHALL HAVE READILY AVAILABLE FOR INSPECTION AND SHALL DISPLAY UPON REQUEST OF A LAW ENFORCEMENT REPRESENTATIVE OF THE NATIONAL MARINE FISHERIES SERVICE OR A REPRESENTATIVE OF THE UNITED STATES COAST GUARD, THE FOLLOWING:

- (1) THE PERSON'S CURRENT
  - (A) SALT WATER SPORT FISHING GUIDE LICENSE; AND
  - (B) APPLICABLE LOGBOOKS AS REQUIRED IN 5 AAC 75.076;
- (2) A COPY OF THE CURRENT SALT WATER SPORT FISHING OPERATOR LICENSE OF THE PERSON'S EMPLOYER OR THE PERSON;
- (3) THE PERSON'S CURRENT SPORT FISHING LICENSE, HARVEST RECORDS, TAGS, STAMPS, OR PERMITS THAT ARE REQUIRED TO ENGAGE IN THE SPORT FISHERY FOR WHICH THE SALT WATER SPORT FISHING GUIDE SERVICES ARE PROVIDED;
- (4) AN IDENTIFICATION CARD ISSUED TO THE PERSON BY A STATE OR FEDERAL AGENCY THAT BEARS A PHOTOGRAPH OF THE PERSON;

(5) IF ON A VESSEL, THE SPORT FISHING LICENSE, HARVEST RECORDS, TAGS, STAMPS, OR PERMITS OF EACH CLIENT ON BOARD THE VESSEL].

(d) repealed / / [NOTWITHSTANDING SUBSECTIONS (E) AND (F) OF THIS SECTION, A HOLDER OF A CURRENT SALT WATER SPORT FISHING OPERATOR LICENSE MAY CONDUCT SPORT FISHING SERVICES IN FRESH WATER, AND A HOLDER OF A CURRENT SALT WATER SPORT FISHING GUIDE LICENSE MAY PROVIDE SPORT FISHING GUIDE SERVICES IN FRESH WATER, PROVIDED THE OPERATOR AND GUIDE COMPLY WITH THE REPORTING REQUIREMENTS IN 5 AAC 75.076 FOR OPERATING IN FRESH WATER];

(e) An owner of a business shall register with the department before the business conducts sport fishing services[ IN FRESH WATER]. To meet the registration requirements of this section, the owner shall complete and submit to the department a current annual [FRESH WATER ]sport fishing operator registration form provided by the department. The following information regarding the business conducting sport fishing services must be provided on the form:

- (1) the name and permanent mailing address of the owner;
- (2) the name of the business.

(f) A person shall register with the department before the person conducts sport fishing guide services[ IN FRESH WATER]. To meet the registration requirements of this section, a person shall complete and submit to the department a current annual [FRESH WATER ]sport fishing guide registration form provided by the department. The following information regarding the applicant must be provided on the form:

- (1) the applicant's name and permanent mailing address;
- (2) the applicant's current Alaska sport fishing license number.

(g) While providing sport fishing guide services[ IN FRESH WATER], a person shall have readily available for inspection and shall display upon request of a representative of the department or a peace officer of the state, **and while on salt water or navigable fresh water within six hours after being on salt water a law enforcement representative of the National Marine Fisheries Service or a representative of the United States Coast Guard,** the following:

- (1) the person's current
  - (A) [FRESH WATER ]sport fishing guide registration form validated by the department[ OR SALT WATER SPORT FISHING GUIDE LICENSE]; and
  - (B) applicable logbooks as required in 5 AAC 75.076;
- (2) a copy of the current [FRESH WATER ]sport fishing operator registration form validated by the department of the person's employer or the person, or **if the sport fishing guide is also a sport fishing operator, the guide's current sport fishing operator registration form** [A COPY OF THE CURRENT SALT WATER SPORT FISHING OPERATOR LICENSE OF THE PERSON'S EMPLOYER OR THE PERSON];
- (3) the person's current sport fishing license, harvest records, tags, stamps, or permits that are required to engage in the sport fishery for which the sport fishing guide services are provided;
- (4) an identification card issued to the person by a state or federal agency that bears a photograph of the person.

**(5) if on a vessel that provides sport fishing guide services in salt water, the sport fishing license and harvest record of each client on board the vessel.**

(h) A person who provides sport fishing guide services or a licensed or registered sport fishing operator may not

(1) aid in the commission of a violation of AS 16.05 — AS 16.40 or a regulation adopted under AS 16.05 — AS 16.40 by an angler who is a client of the person or operator; or

(2) permit the commission by an angler who is a client of the person or operator of a violation of AS 16.05 — 16.40 or a regulation adopted under AS 16.05 — 16.40 that the sport fishing guide knows or reasonably believes is being or will be committed without

(A) attempting to prevent it, short of using force; and

(B) reporting the violation.

**5 AAC 75.076. Sport fishing guide and operator reporting requirements.** (a) A sport fishing guide shall obtain and complete a

(1) State of Alaska, Department of Fish and Game, Division of Sport Fish, **2019**[2017] *Saltwater Charter Logbook and Vessel Registration*, adopted by reference, if operating in salt water;

(2) State of Alaska, Department of Fish and Game, Division of Sport Fish, **2019**[2017] *Freshwater Sport Fish Guide Logbook and Vessel Registration*, adopted by reference, if operating in fresh water.

(b) A logbook requires information necessary for the management and conservation of fishery resources and regulation of the guided sport fishing industry, including

(1) the division of motor vehicles boat registration number, issued under 2 AAC 70, or United States Coast Guard documentation number, of the vessels that are used to provide sport fishing guide services in fresh or salt water;

(2) the locations where the sport fishing guide services were provided;

(3) the effort, catch, and harvest of sport fish by persons who are clients, owners, or employees of a business that conducts sport fishing services or by a person who provides sport fishing guide services; and

(4) any other information the department determines is necessary for the management and conservation of the fishery resource or the regulation of the guided sport fishing industry.

(c) A sport fishing guide shall complete a logbook in the manner and at the location specified in the logbook and present the guide's logbook for inspection as required in 5 AAC 75.075.

(d) A person may not make a false entry in the logbook required in (a) of this section.

(e) The holder of a [SALT WATER ]sport fishing operator [LICENSE OR FRESH WATER SPORT FISHING OPERATOR ]registration issued under 5 AAC 75.075 shall return the completed logbook of each sport fishing guide employed by the business to the department in the manner and time frame specified in the logbook.

(f) In this section, "logbook" includes

(1) a department issued paper copy booklet for recording guided sport fishing trip information;  
or

(2) a department issued eLogBook software program for electronic recording of guided sport fishing trip information.

(g) a sport fishing guide may comply with subsection (a) of this section by obtaining and completing an eLogbook.

**5 AAC 75.085. Guided sport ecotourism requirements.** Except as otherwise provided, guided sport ecotourism fishing may occur only as follows:

(1) a person conducting guided sport ecotourism fishing shall obtain an annual [SALT WATER ]sport fishing operator **registration**[LICENSE] as specified in 5 AAC 75.075;

(2) a person holding a valid [SALT WATER ]sport fishing guide **registration**[LICENSE] must be present at all times when gear or fish are being handled;

(3) a person on board a vessel engaged in ecotourism fishing may handle gear or fish only if the person is a holder of a sport fishing license;

(4) all requirements of the applicable sport fishery apply except that all participants must comply with rules relating to nonresidents regardless of residency;

(5) unless otherwise permitted, all fish taken must be immediately released unharmed;

(6) a [SALT WATER ]sport fishing operator or [SALT WATER ]sport fishing guide must comply with applicable requirements for their industry.

**5 AAC 75.995. Definitions.** (a) In addition to the definitions set out in AS 16.05.940, in 5 AAC 47 — 5 AAC 75,

(43) “sport fishing services”

(A) means the indirect provision of assistance, for compensation or with the intent to receive compensation, to a person engaged in sport fishing in taking or attempting to take fish or shellfish by a business that employs a sport fishing guide to provide sport fishing guide services to the person during any portion of a sport fishing trip;

(B) does not include

(i) an activity for which a [SALT WATER SPORT FISHING GUIDE LICENSE OR FRESH WATER ]sport fishing guide registration is required; or

(ii) booking and other ancillary services provided by a tour broker or agent to a sport fishing services operator;

(52) **repealed** / / [“SALT WATER SPORT FISHING GUIDE” HAS THE MEANING GIVEN IN AS 16.40.300];

(53) **repealed** / / [“SALT WATER SPORT FISHING GUIDE SERVICES” HAS THE MEANING GIVEN IN AS 16.40.300];

(54) **repealed** / / [“SALT WATER SPORT FISHING SERVICES” HAS THE MEANING GIVEN IN AS 16.40.261(F)].

**What is the issue you would like the board to address and why?** During the 2016 session the Alaska Legislature passed HB 41, which reestablished sport fishing business and guide license

requirements for salt water guides and operators (only). These statutes (AS 16.40.261 – 16.40.300) are set to repeal January 1, 2019 and there was no legislation during the last session to extend the saltwater guide license requirements. As a result, effective January 1, 2019, the current saltwater sport fishing business and guide regulations will conflict with statute. After the statute’s sunset, the board will no longer have the authority to require licensing of salt water sport fish guides and operators, or other requirements including insurance, business license, or first aid certification.

The department has operated a program to register (1998 – 2004, 2015 – 2016) and/or license (2005 – 2014) both sport fishing guides and operators, administer sport fishing salt (since 1998) and fresh (since 2005) water guide logbooks, and register sport fishing guide vessels (since 2005). With the expiration of statutes specific to salt water sport fishing services and salt water sport fishing operator and guide licenses, amendments to the existing regulations are necessary.

**PROPOSED BY:** Alaska Department of Fish and Game (Formerly ACR #11)

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