

**Submitted by Board Member John Jensen, prepared by the Alaska Department of Fish and Game<sup>i</sup>.**

January 17, 2023

Substitute language for proposal 84:

Repeal and readopt Yukon Area subsistence fishery lawful gear and gear specifications, as follows:

**5 AAC 01.220. Lawful gear and gear specifications.**

5 AAC 01.220 is amended to read:

**(a) Salmon may be taken only by set and drift gillnet, dip net as defined in 5 AAC 05.362 (k)(1)(A), beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225 - 5 AAC 01.249.**

**(1) in District 4, salmon may be taken by drift gillnets that are not more than 25 fathoms in length, unless closed by emergency order;**

**(2) in Districts 5 and 6, salmon may not be taken for subsistence purposes by drift gillnets.**

**(b) Unless otherwise specified in this section, fish other than salmon and halibut may be taken only by gillnet, dip net as defined in 5 AAC 05.362 (k)(1)(A), beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, fyke net, jigging gear, spear, longline, lead, or eel stick;**

**(c) The following restrictions apply to subsistence fishing:**

**(1) a gillnet may not exceed seven and one-half inch mesh size;**

**(2) the aggregate length of set gillnets in use by an individual may not exceed 150 fathoms;**

**(3) each drift gillnet in use by an individual may not exceed 50 fathoms in length;**

**(4) in Subdistrict 5-C, between the Waldron Creek ADF&G regulatory marker and Hess Creek, a single set gillnet in use may not exceed 25 fathoms in length;**

(5) subsistence set gillnets and fishwheels may not be operated within 200 feet of another gillnet or fishwheel except as follows:

(A) at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," subsistence fishing gear may be set within 200 feet of other operating commercial or subsistence fishing gear;

(B) in District 4, from Old Paradise Village upstream to a point four miles upstream from Anvik, there is no minimum distance requirement between fish wheels;

(C) a person may operate a beach seine, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, lead, or eel stick within 200 feet of another person operating subsistence fishing gear.

(6) subsistence fishermen may operate one or more subsistence fishing gears at the same time;

(7) a person may not subsistence fish while commercial or personal use fishing at the same time;

(8) a gillnet may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream; a stationary fishing device may not obstruct more than one-half the width of any salmon stream and any channel or side channel of a salmon stream, except that in Racetrack Slough off of the Koyukuk River and in the sloughs of the Huslia River drainage, from when each river is free of ice through June 15, the offshore end of a set gillnet may not be closer than 20 feet from the opposite bank, unless closed by emergency order;

(9) in that portion of Beaver Creek, not included in the nonsubsistence area specified in 5 AAC 99.015(a)(4), gillnet mesh size may not exceed four inches;

(10) in Birch Creek, gillnet mesh size may not exceed four inches;

(11) in the South Fork of the Koyukuk River drainage upstream from the mouth of the Jim River, and in the Middle Fork of the Koyukuk River drainage upstream from the mouth of the North Fork, gillnet gear may be used only from August 20 through June 30 and a gillnet mesh size may not exceed three and one-half inches; a subsistence permit is required as specified in 5 AAC 01.230(b)(9);

(12) during the subsistence fishing closures specified in 5 AAC 01.210(b), all salmon gillnets with a mesh size greater than four inches must be removed from the water and fish wheels may not be operated;

(13) a beach seine may not be constructed of monofilament web and may not exceed

(A) 150 fathoms in length;

(B) 100 meshes in depth;

(C) a mesh size of four inches stretched measure.

(14) coinciding with the migratory timing of the fall chum salmon run, a person may not take fish with a gillnet that has a mesh size greater than six inches through October 30, unless altered by emergency order.

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

(1) all salmon must be immediately released to the water alive unless retention is allowed by emergency order;

(2) a gillnet used to take fish

(A) must be of either four-inch or less mesh, four and three-quarter inch or less mesh, five and one-half inch or less mesh, six-inch or less mesh, or seven and one-half inch mesh;

(B) for a gillnet as specified in 5 AAC (d)(2)(A) may not exceed the length specified by the commissioner in the emergency order and the gillnet may be specified for operation as a set or drift gillnet; if specified, no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(3) for fish wheels; the operator must closely attend the fish wheel while it is in operation, and all salmon must be immediately released to the water alive and must bypass any livebox unless retention is allowed by emergency order;

(4) dip nets may be used; however, all salmon caught with a dip net must be released to the water alive unless retention is allowed by emergency order;

(5) a beach seine may be used; however, all salmon caught with a beach seine must be released to the water alive unless retention is allowed by emergency order.

(e) For the purposes of this section, a "livebox" is a submerged container that is attached to a fish wheel and that will keep fish caught by the fish wheel alive.

(f) Northern pike may not be taken with gillnets in the waters of the Tolovana River drainage from October 15 through April 14.

(g) Halibut may be taken only by a single hand-held line with no more than three hooks attached.

(h) A person may use a hook and line attached to a rod or pole when subsistence fishing only

(1) in the waters between the latitude of Point Romanof and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea and those of the Yukon River drainage; excluding the areas described in 5 AAC 01.225, Koyukuk River subsistence permit area described in 5 AAC 01.230(b)(9), Tanana River drainage, Birch Creek upstream of the Steese Highway Bridge, and Dall River drainage or

(2) through the ice.

(i) In District 4, from September 21 through May 15, jigging gear may be used from shore ice.

[(a) SALMON MAY BE TAKEN ONLY BY GILLNET, DIP NET, BEACH SEINE, A HOOK AND LINE ATTACHED TO A ROD OR POLE, HANDLINE, OR FISH WHEEL, SUBJECT TO THE RESTRICTIONS SET OUT IN THIS SECTION, 5 AAC 01.210, AND 5 AAC 01.225 - 5 AAC 01.249.

(b) REPEALED 5/15/93.

(c) REPEALED 5/11/85.

(d) IN DISTRICT 4, COMMERCIAL FISHERMEN MAY NOT TAKE SALMON FOR SUBSISTENCE PURPOSES DURING THE COMMERCIAL SALMON FISHING SEASON BY GILLNETS LARGER THAN SIX-INCH MESH AFTER A DATE SPECIFIED BY EMERGENCY ORDER ISSUED BETWEEN JULY 10 AND JULY 31.

(e) IN DISTRICTS 5 AND 6, SALMON MAY NOT BE TAKEN FOR SUBSISTENCE PURPOSES BY DRIFT GILLNETS; IN DISTRICT 4, SALMON MAY BE TAKEN BY DRIFT GILLNETS THAT ARE NOT MORE THAN 25 FATHOMS IN LENGTH, UNLESS CLOSED BY EMERGENCY ORDER.

(f) UNLESS OTHERWISE SPECIFIED IN THIS SECTION, FISH OTHER THAN SALMON AND HALIBUT MAY BE TAKEN ONLY BY SET GILLNET, DRIFT GILLNET, BEACH SEINE, FISH WHEEL, LONGLINE, FYKE NET, DIP NET, JIGGING GEAR, SPEAR, A HOOK AND LINE ATTACHED TO A ROD OR POLE, HANDLINE, OR LEAD, SUBJECT TO THE FOLLOWING RESTRICTIONS, WHICH ALSO APPLY TO SUBSISTENCE SALMON FISHING:

(1) A COMMERCIAL FISHERMAN MAY NOT OPERATE MORE THAN ONE TYPE OF GEAR AT THE SAME TIME, FOR COMMERCIAL, PERSONAL USE, AND SUBSISTENCE PURPOSES;

(2) THE AGGREGATE LENGTH OF SET GILLNET IN USE BY AN INDIVIDUAL MAY NOT EXCEED 150 FATHOMS AND EACH DRIFT GILLNET IN USE BY AN INDIVIDUAL MAY NOT EXCEED 50 FATHOMS IN LENGTH; IN SUBDISTRICT 5-C, BETWEEN THE WALDRON CREEK ADF&G REGULATORY MARKER AND HESS CREEK, A SINGLE SET GILLNET IN USE MAY NOT EXCEED 25 FATHOMS IN LENGTH;

(3) IN DISTRICTS 4, 5, AND 6, SUBSISTENCE FISHING GEAR MAY NOT BE SET WITHIN 200 FEET OF OTHER OPERATING COMMERCIAL, PERSONAL USE, OR SUBSISTENCE FISHING GEAR, EXCEPT AS FOLLOWS:

(A) AT THE SITE APPROXIMATELY ONE MILE UPSTREAM FROM RUBY ON THE SOUTH BANK OF THE YUKON RIVER BETWEEN ADF&G REGULATORY MARKERS CONTAINING THE AREA KNOWN LOCALLY AS THE "SLIDE," SUBSISTENCE FISHING GEAR MAY BE SET WITHIN 200 FEET OF OTHER OPERATING COMMERCIAL OR SUBSISTENCE FISHING GEAR;

(B) IN DISTRICT 4, FROM OLD PARADISE VILLAGE UPSTREAM TO A POINT FOUR MILES UPSTREAM FROM ANVIK, THERE IS NO MINIMUM DISTANCE REQUIREMENT BETWEEN FISH WHEELS;

(C) A PERSON MAY OPERATE A DIP NET WITHIN 200 FEET OF ANOTHER PERSON OPERATING A DIP NET;

(4) A GILLNET MAY NOT OBSTRUCT MORE THAN ONE-HALF THE WIDTH OF ANY FISH STREAM AND ANY CHANNEL OR SIDE CHANNEL OF A FISH STREAM; A STATIONARY FISHING DEVICE MAY NOT OBSTRUCT MORE THAN ONE-HALF THE WIDTH OF ANY SALMON STREAM AND ANY CHANNEL OR SIDE CHANNEL OF A SALMON STREAM, EXCEPT THAT IN RACETRACK SLOUGH OFF OF THE KOYUKUK RIVER AND IN THE SLOUGHS OF THE HUSLIA RIVER DRAINAGE, FROM WHEN EACH RIVER IS FREE OF ICE THROUGH JUNE 15, THE OFFSHORE END OF A SET GILLNET MAY NOT BE CLOSER THAN 20 FEET FROM THE OPPOSITE BANK, UNLESS CLOSED BY EMERGENCY ORDER;

(5) DURING THE COMMERCIAL SALMON FISHING SEASON, WITHIN THE YUKON RIVER AND THE TANANA RIVER BELOW THE CONFLUENCE OF THE WOOD RIVER, DRIFT GILLNETS AND FISH WHEELS MAY BE USED ONLY DURING OPEN SUBSISTENCE SALMON FISHING PERIODS;

(6) IN THAT PORTION OF BEAVER CREEK, NOT INCLUDED IN THE NONSUBSISTENCE AREA SPECIFIED IN 5 AAC 99.015(a)(4), GILLNET MESH SIZE MAY NOT EXCEED THREE INCHES;

(7) IN BIRCH CREEK, GILLNET MESH SIZE MAY NOT EXCEED THREE INCHES;

(8) IN THE SOUTH FORK OF THE KOYUKUK RIVER DRAINAGE UPSTREAM FROM THE MOUTH OF THE JIM RIVER, AND IN THE MIDDLE FORK OF THE KOYUKUK RIVER DRAINAGE UPSTREAM FROM THE MOUTH OF THE NORTH FORK, GILLNET GEAR MAY BE USED ONLY FROM AUGUST 20 THROUGH JUNE 30 AND A GILLNET MESH SIZE MAY NOT EXCEED THREE AND ONE-HALF INCHES; A SUBSISTENCE PERMIT IS REQUIRED AS SPECIFIED IN 5 AAC 01.230(b)(9);

(9) DURING THE SUBSISTENCE FISHING CLOSURES SPECIFIED IN 5 AAC 01.210(b), ALL SALMON GILLNETS WITH A MESH SIZE GREATER THAN FOUR INCHES MUST BE REMOVED FROM THE WATER AND FISH WHEELS MAY NOT BE OPERATED;

(10) A BEACH SEINE MAY NOT BE CONSTRUCTED OF MONOFILAMENT WEB AND MAY NOT EXCEED

(A) 150 FATHOMS IN LENGTH;

(B) 100 MESHERS IN DEPTH;

(C) A MESH SIZE OF FOUR INCHES STRETCHED MEASURE.

(g) REPEALED 6/10/98.

(h) PIKE MAY NOT BE TAKEN WITH GILLNETS IN THE WATERS OF THE TOLOVANA RIVER DRAINAGE FROM OCTOBER 15 THROUGH APRIL 14.

(i) HALIBUT MAY BE TAKEN ONLY BY A SINGLE HAND-HELD LINE WITH NO MORE THAN THREE HOOKS ATTACHED.

(j) REPEALED 6/17/98.

(k) A PERSON MAY USE A HOOK AND LINE ATTACHED TO A ROD OR POLE WHEN SUBSISTENCE FISHING ONLY

(1) IN THE WATERS BETWEEN THE LATITUDE OF POINT ROMANOF AND THE LATITUDE OF THE WESTERNMOST POINT OF THE NASKONAT PENINSULA, INCLUDING THOSE WATERS DRAINING INTO THE BERING SEA AND THOSE OF THE YUKON RIVER DRAINAGE DOWNSTREAM FROM THE MOUTH OF THE NULATO RIVER, AND IN THE NULATO RIVER DRAINAGE; OR

(2) THROUGH THE ICE.

(l) IN DISTRICT 4, FROM SEPTEMBER 21 THROUGH MAY 15, JIGGING GEAR MAY BE USED FROM SHORE ICE.

(m) NOTWITHSTANDING THE PROVISIONS OF (d), (e)(2), AND (f)(2) OF THIS SECTION, DURING TIMES WHEN THE COMMISSIONER DETERMINES THAT IT IS NECESSARY FOR THE CONSERVATION OF CHUM SALMON, THE COMMISSIONER MAY, BY EMERGENCY ORDER, CLOSE THE FISHING SEASON IN THE YUKON AREA AND IMMEDIATELY REOPEN THE SEASON IN THAT AREA DURING WHICH ONE OR MORE OF THE FOLLOWING GEAR LIMITATIONS MAY BE IMPLEMENTED:

(1) A GILLNET USED TO TAKE FISH

(A) MUST BE OF FOUR-INCH OR LESS MESH OR EIGHT-INCH OR GREATER MESH;

(B) FOR A GILLNET OF FOUR-INCH OR LESS MESH, MAY NOT EXCEED THE LENGTH SPECIFIED BY THE COMMISSIONER IN THE EMERGENCY ORDER;

(C) FOR A GILLNET OF EIGHT-INCH OR GREATER MESH, MAY NOT EXCEED THE LENGTH SPECIFIED IN (f) OF THIS SECTION;

(2) FOR FISH WHEELS:

(A) THE OPERATOR MUST CLOSELY ATTEND THE FISH WHEEL WHILE IT IS IN OPERATION, AND ALL CHUM SALMON MUST BE IMMEDIATELY RELEASED TO THE WATER ALIVE AND MUST BYPASS ANY LIVEBOX UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER;

(B) REPEALED 5/22/2016;

(C) REPEALED 6/17/2001;

(D) REPEALED 6/28/2019;

(3) DIP NETS MAY BE USED; HOWEVER, ALL CHUM SALMON CAUGHT WITH A DIP NET MUST BE RELEASED TO THE WATER ALIVE UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER.

(n) NOTWITHSTANDING THE PROVISIONS OF (d), (e)(2), AND (f)(2) OF THIS SECTION, DURING TIMES WHEN THE COMMISSIONER DETERMINES THAT IT IS NECESSARY FOR THE CONSERVATION OF KING SALMON, THE COMMISSIONER MAY, BY EMERGENCY ORDER, CLOSE THE FISHING SEASON IN THE YUKON AREA AND IMMEDIATELY REOPEN THE SEASON IN THAT AREA DURING WHICH ONE OR MORE OF THE FOLLOWING GEAR LIMITATIONS MAY BE IMPLEMENTED:

(1) A GILLNET USED TO TAKE FISH

(A) MUST BE OF SIX-INCH OR LESS MESH;

(B) MAY NOT EXCEED THE LENGTH AND DEPTH SPECIFIED BY THE COMMISSIONER IN THE EMERGENCY ORDER;

(2) FOR FISH WHEELS:

(A) THE OPERATOR MUST CLOSELY ATTEND THE FISH WHEEL WHILE IT IS IN OPERATION, AND ALL KING SALMON MUST BE IMMEDIATELY RELEASED TO THE WATER ALIVE AND MUST BYPASS ANY LIVEBOX UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER;

(B) REPEALED 5/22/2016;

(C) REPEALED 6/28/2019;

(3) DIP NETS MAY BE USED; HOWEVER, ALL KING SALMON CAUGHT WITH A DIP NET MUST BE RELEASED TO THE WATER ALIVE UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER;

(4) A BEACH SEINE MAY BE USED; HOWEVER, ALL KING SALMON CAUGHT WITH A BEACH SEINE MUST BE RELEASED TO THE WATER ALIVE UNLESS RETENTION IS ALLOWED BY EMERGENCY ORDER.

(o) FOR THE PURPOSES OF THIS SECTION, A "LIVEBOX" IS A SUBMERGED CONTAINER THAT IS ATTACHED TO A FISH WHEEL AND THAT WILL KEEP FISH CAUGHT BY THE FISH WHEEL ALIVE.

(p) IN THE YUKON AREA, NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION THAT ALLOWS A PERSON TO TAKE SALMON WITH A GILLNET THAT HAS A MESH SIZE GREATER THAN SEVEN AND ONE-HALF INCHES, A PERSON MAY NOT TAKE SALMON WITH A GILLNET THAT HAS A MESH SIZE GREATER THAN SEVEN AND ONE-HALF INCHES.]

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<sup>i</sup> Preparation of draft substitute language at the request of a Board member does not imply ADF&G support. The Department will state its position on the language during deliberation.