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Chatanika Northern Pike Subsistence (2 proposals)

PROPOSAL 63

5 AAC 01.244. Minto Flats Northern Pike Management Plan.

Establish an annual bag limit of 20 northern pike and modify daily bag limit of fish greater than 30 inches in the Chatanika Harvest Area subsistence fishery, as follows:

5 AAC 01.244. Minto Flats Northern Pike Management Plan.

2 (B) There is no daily or annual bag limit, except that in the area described in (G) of this paragraph, the daily harvest limit per permit is 10 fish only one [TWO] of which may be 30 inches or greater in length, and the possession limit per permit is 20 fish only two [FOUR] of which may be 30 inches or greater in length, **and the annual bag limit is 20 fish only two of which may be 30 inches or greater in length;**

What is the issue you would like the board to address and why? The Chatanika River Winter subsistence Northern Pike fishery (CHA) harvests a significant number of Northern Pike from the Minto Flats complex. Fish harvest is biased heavily towards large females (fish > 30 inches), which provide a disproportionate contribution of eggs to the population (Gutierrez and Tyers 2020). In addition, the number of fish harvested in the CHA has led to restrictions in the sport fisheries during 2007, 2008, 2016, and 2021 (Gleason and Estensen 2018). Anecdotal reports from local cabin-owners suggests that fishing pressure has increased during the winter subsistence fisheries due to greater accessibility via snowmachine, and the likelihood of catching large pike has decreased in recent years. Increased selective harvest in the CHA has reduced the quality of sport fishing in the Minto Flats complex, yet sport fisheries pay the price for this selective harvest in the form of fishery restrictions and reduced likelihood of trophy fish. Additionally, excessive selective harvest can reduce the long-term resilience of a fishery, and the current harvest levels may not remain sustainable under future conditions (e.g., different water levels).

Gleason, C., and J. Estensen. 2018. An overview of Minto Flats northern pike subsistence and sport fisheries: a report to the Board of Fisheries. Alaska Department of Fish and Game, Special Publication No. 18-20, Anchorage.

Gutierrez, L., and M. Tyers. 2020. Investigations of length and sex in northern pike subsistence harvest from the Chatanika Harvest Area. Alaska Department of Fish and Game, Fishery Data Series No. 20-31, Anchorage.

PROPOSED BY: Will Samuel (HQ-F22-042)

PROPOSAL 64

5 AAC 01.244. Minto Flats Northern Pike Management Plan.

Modify the daily bag limit to require retention of the first 10 fish caught and length limit for northern pike in the Chatanika Harvest Area subsistence fishery, as follows:

I recommend the that the size restriction is done away with and replaced with the regulation stating: "Daily limit 10 pike, the first 10 fish over 24" must be kept; possession limit 20 pike."

What is the issue you would like the board to address and why? I would like the board to address the size restriction of only keeping 2 pike over 30 inches for the Tolovana River drainage pike subsistence fishery.

My family can usually afford to make this 60 mile roundtrip journey once a year in the late winter or early spring. While the days are longer it is still usually still very cold and time is not a luxury we have on the river. Having to release fish because they exceed 30" after we already have two of this size is burdensome and restricts my families ability to harvest this important source of food.

PROPOSED BY: Ben Dobrovlny (EF-F22-042)

Tanana Drainage Sport Fisheries (10 proposals)

PROPOSAL 65

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Require retention of sport caught salmon, if removed from the water, in the Tanana River Area, as follows:

(b) Except as otherwise specified in (c) and (d) of this section, the following are the general bag, possession, and size limits and means for finfish in the waters of the Tanana River Area:

(1) king salmon 20 inches or greater in length: the bag and possession limit is one fish, **as follows; (A) in all waters, a king salmon that is removed from the water must be retained and becomes part of the bag limit of the person that originally hooked the fish; a person may not remove a king salmon from the water before releasing the fish;**

(2) salmon, other than king salmon: the bag and possession limit is three fish, with no size limit **as follows;**

(A) in all waters, a salmon, including a king salmon as specified in (1)(A) of this subsection, that is removed from the water must be retained and becomes part of the bag limit of the person that originally hooked the fish; a person may not remove a salmon from the water before releasing the fish;

What is the issue you would like the board to address and why? During the past several years, runs of Chinook, coho, and chum salmon throughout the Yukon and Tanana drainages have not met escapement goals, resulting in subsistence and sport fishing closures. The sport fishing community that enjoys fishing for salmon species for food and recreation, and also enjoys catching other fish species such as Arctic grayling that benefit from the marine-derived nutrients provided by healthy salmon runs, wishes to contribute towards minimizing stress and mortality of salmon species that can be caused through catch-and-release angling. Scientific studies have shown that removing fish from the water, thereby depriving them of oxygen, is the main cause of catch-and-release stress and mortality. Therefore, it is proposed that regulations be adopted throughout the Tanana drainage in which anglers may not remove a salmon from the water if they are not retaining it as part of their bag limit. Similar regulations are in place in the Susitna River drainage of Southcentral Alaska for Chinook and coho salmon, with the goal to minimize catch-and-release stress on these popular and important food fishes. If this regulation is adopted, sport fishermen can

do their part to facilitate the rehabilitation of salmon stocks in the Yukon and Tanana River drainages. This will help ensure that subsistence fishers regain food security associated with catching salmon, and will enhance opportunities for sport fishers to catch salmon into the future, for sustenance and for recreation.

PROPOSED BY: Midnight Sun Fly Casters (HQ-F22-001)

PROPOSAL 66

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Allow a catch-and-release fishery for northern pike in Harding Lake, as follows:

Allow catch and release fishing for Northern Pike in Harding Lake.

Proposed regulatory language

(c)(13)(A) in Harding Lake, northern pike may be taken by catch-and-release fishing only [SPORT FISHING FOR NORTHERN PIKE IS CLOSED].

What is the issue you would like the board to address and why? Sportfishing for northern pike is closed in Harding Lake. If nothing is changed, the restrictions will continue to deny anglers opportunity to catch-and-release northern pike in Harding Lake.

Sportfishing for northern Pike (Esox Lucius) has been closed to fishing since 2000 due to declining abundance during the 1990s. These restrictions did not lead to an increase in abundance of northern pike. Northern pike abundance in Harding Lake is a function of available spawning and rearing habitat, and the population abundance reaches equilibrium (carrying capacity) at each water level. The water level in Harding Lake is nearly 4 feet higher than in 2012 and there have been substantial increases in spawning and rearing habitat. Recent surveys of northern pike population indicate recruitment of young northern pike has increased. A catch-and-release fishery will be sustainable at all lake levels.

PROPOSED BY: Fairbanks Advisory Committee Fisheries Sub-Committee (HQ-F22-036)

PROPOSAL 67

5 AAC 74.030. Methods, means, and general provisions – Finfish

Prohibit retention of northern pike caught on set lines in the Tanana River drainage, as follows:

(c) A spear or bow and arrow may be used to take suckers and burbot. Unless prohibited in 5 AAC 74.010, northern pike and whitefish, except sheefish, may be speared by a person who is completely submerged at any time, and, from September 1 through April 30, may be taken by spear or bow and arrow.

(d) Retention of pike caught on set lines is prohibited in lakes and flowing waters of the Tanana River drainage.

What is the issue you would like the board to address and why? Confusion has arisen among anglers in the Tanana River drainage as to whether northern pike caught on set lines may be targeted and/or retained. Multiple in-person and social media arguments and discussion in the last several years observed by members of the Midnight Sun Fly Casters have illuminated that the regulations booklet does not clearly state whether pike caught on burbot setlines may be retained. When members of the Midnight Sun Fly Casters have discussed the specifics and the intent of regulations for set lines with officials, Alaska State Troopers and Fisheries Management Biologists have indicated that pike cannot be targeted and retained, as this gear type is intended only for capture of burbot. The ambiguity in the regulations has led to multiple observations of anglers retaining pike caught on set lines, because they were unable to interpret the regulations. Therefore, we propose a clearer statement be included in the regulations that will minimize angler confusion and honor the intent of set line regulations, so that northern pike are not targeted/retained and their populations are not depleted to the detriment of other sport anglers.

PROPOSED BY: Midnight Sun Fly Casters (HQ-F22-003)

PROPOSAL 68

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Repeal setline prohibition and bag and possession limit for burbot in T Lake, as follows:

5 AAC 74.010 (22) is amended to read:

(22) **repealed** //. [IN “T” LAKE, THE BAG AND POSSESSION LIMIT FOR BURBOT IS TWO FISH, WITH NO SIZE LIMIT;]

5 AAC 74.010 (d)(1)(F) is amended to read:

(d)(1)(F) **repealed** //. [“T” LAKE; AND;]

5 AAC 74.010(d)(17) is amended to read:

(d)(17) **repealed** //. [IN “T” LAKE, THE USE OF SET LINES IS PROHIBITED;]

What is the issue you would like the board to address and why? The current regulation for burbot in T lake is two fish with no size limit and is unnecessarily restrictive compared to the more accessible lakes for burbot that receive higher pressure and are less restrictive. Changing the regulations to the general regulations of 5 fish per day, no size limit, and use of setlines would reduce regulatory complexity. T Lake is a remote lake only accessible by light aircraft and fishing generally occurs for northern pike.

PROPOSED BY: Upper Tanana Fortymile Advisory Committee (HQ-F21-002)

PROPOSAL 69

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Restrict the sport fishing season for Arctic grayling in the lower Chena River, as follows:

(3) in the Chena River and its tributaries, including Chena Slough (Badger Slough),

(C) Sport Fishing for arctic grayling, in the Chena River and its tributaries, including Chena Slough (Badger Slough), downstream from an ADF&G regulatory marker located 300 feet downstream from the Chena River flood control structure, is closed from April 1 through May 15.

What is the issue you would like the board to address and why? With the increased population growth in the Fairbanks and North Pole areas stemming from the military expansions of Fort Wainwright and Eielson Air Force Base, there has been increase and pronounced early-season sportfishing pressure on Arctic Grayling in the lower Chena River and its tributaries, including Chena Slough (Badger Slough). This is, in large part, due to these being the first and only ice-free waters in the regions during this time of year.

Over the past 25 years of fishing these waters, I have notice more anglers using treble hooks (although illegal), and increasingly poor landing and releasing technique with arctic grayling. This has resulted in my witnessing scores of injured, mangled and dead arctic grayling while fishing on the lower Chena River and its tributaries, including Chena Slough (Badger Slough) during late-April and early-May each year. Very often, my UAF sportfishing classes have been witness to these conditions as well.

Although these waters are regulated as Catch-and-Release for arctic grayling, if a limited closure is not instituted during the time the arctic grayling are preparing to spawn, and until other Interior waters are ice-free, this population will be at high risk for future sustainability.

PROPOSED BY: Shann Paul Jones (EF-F21-011)

PROPOSAL 70

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Allow harvest of Arctic grayling in the lower Chena River from June 1 to March 31, as follows:

Allow retention of one Arctic grayling on the lower Chena River, downstream of Moose Creek Dam (300' downstream of Chena Food control project) June 1 – March 31.

Proposed regulatory language

(c)(3)(B)(i)(ii) in the Chena River and its tributaries, including Chena Slough (Badger Slough), Arctic grayling may be taken by catch-and-release fishing only, except that a person [UNDER 16 YEARS OF AGE] may retain Arctic grayling in the Chena River downstream from the Chena River flood control structure from **June 1 through March 31** [DURING A

DESIGNATED YOUTH SPORT FISHERY;.THE DESIGNATED YOUTH SPORT FISHERY FOR ARCTIC GRAYLING OCCURS DURING THE EIGHT DESIGNATED YOUTH FISHING DAYS, WHICH OCCUR ON FOUR CONSECUTIVE SATURDAYS AND SUNDAYS BEGINNING THE THIRD SATURDAY IN JUNE]; bag and possession limit of one fish, no size limit

What is the issue you would like the board to address and why? The Chena River Arctic grayling fishery has been catch-and-release since 1991 (except since 2019 a youth only bag limit of 1 fish in the lower river downstream of Moose Creek dam 4 weekends each year). If nothing is changed, the restrictions will continue to deny anglers opportunity to harvest Arctic grayling in the Chena River.

The Chena River, the fishery has been catch-and-release for 30 years and the population is stable with numerous larger and older fish distributed throughout the upper drainage. While many of these large fish spawn in the lower river in May, they generally migrate upriver for the summer. A limited harvest fishery (1 fish daily bag limit, June 1 – March 31) in the lower river (below Moose Creek dam) would allow harvest on the younger (3-6 years old), smaller grayling. Larger, older (7-25 years old) Arctic grayling will be in the upper river where catchand- release fishing will continue to be allowed. This proposal would protect larger, older fish while allowing some harvest opportunity in the lower river.

A current study will describe the spring spawner abundance and their migrations upstream after spawning. The data from the study is expected to show that A) the Chena River has a healthy population of Arctic grayling and B) the older, larger fish move upstream beyond the proposed limited harvest fishery. The level of fishing effort on the Chena River for Arctic grayling has the potential to impact the abundance and size composition of the population if harvest is allowed throughout the drainage and year-round. However, this proposal will allow a sustainable harvest in the lower river during below the dam, and still preserve the current population characteristics in the upper river..

PROPOSED BY: Fairbanks Advisory Committee Fisheries Sub-Committee (HQ-F22-037)

PROPOSAL 71

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Remove the size limit for lake trout in Fielding Lake, as follows:

In Fielding Lake, allow retention of one lake trout of any size.

Proposed regulatory language

(c)(9)(B) in Fielding Lake, lake trout may be taken only from October 1 through August 31, with a bag and possession limit of one fish [, WHICH MUST BE 26 INCHES OR GREATER IN LENGTH; ALL LAKE TROUT CAUGHT THAT ARE LESS THAN 26 INCHES IN LENGTH MUST BE RELEASED IMMEDIATELY]

What is the issue you would like the board to address and why? In Fielding Lake, the current regulation allows harvest of 1 lake trout over 26 inches in total length. If nothing is changed, the restrictions will continue to deny anglers opportunity to harvest lake trout less than 26 inches.

The length limit concentrates fishing on the oldest and largest fish, which reduces the number of bigger fish available to anglers, prevents anglers from retaining a “foul-hooked” fish, and denies anglers the opportunity to choose the size of lake trout to harvest. Many anglers have stated that they would like to keep a dinner sized lake trout (14-20 inches), rather than a lake trout >26 inches.

Based on staff comments presented in 2019, ADF&G stated that the 26-in length limit results in a sustainable yield of 78 fish. Based on the department’s angler surveys, harvest have been well below this level. Removal of the length limit would allow a total annual harvest or yield of 202 lake trout. The length limit is unnecessarily restrictive. Similar removals of the length limit did not increased harvests in the Copper River lakes such as Paxson, Summit, Louise, Crosswind, and Susitna Lake.

PROPOSED BY: Fairbanks Advisory Committee Fisheries Sub-Committee (HQ-F22-038)

PROPOSAL 72

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River Area.

Allow for catch-and-release fishing in Bathing Beauty Pond, Bear Lake, Moose Lake, Polaris Lake, Piledriver Slough, and Moose Creek, as follows:

5 AAC 74.010(c)(17) is amended to read:

(17) in Piledriver Slough and its tributaries **and in the Moose Creek drainage, finfish species** [UPSTREAM FROM ITS CONFLUENCE WITH MOOSE CREEK, ARCTIC GRAYLING] may be taken by catch-and-release fishing only;

5 AAC 74.010(c) is amended by adding a new paragraph to read:

(33) in Bathing Beauty Pond, Bear Lake, Moose Lake, and Polaris Lake, finfish species may be taken by catch-and-release fishing only;

5 AAC 74.010(d)(13) is amended to read:

(d) In the Tanana River Management Area, the following special provisions to methods and means apply:

...

(13) in Piledriver Slough **and in the Moose Creek drainage** [UPSTREAM OF ITS CONFLUENCE WITH MOOSE CREEK], only one unbaited, single-hook, artificial lure may be used;

What is the issue you would like the board to address and why? In 2019, the board provided the department emergency order authority to restrict stocked waters to catch-and-release fishing when potentially unsafe levels of per- and polyfluoroalkyl substances (PFAS) were detected in the water or fish tissue. Bathing Beauty Pond, Bear Lake, Moose Lake, Polaris Lake, Piledriver Slough, and Moose Creek are within or immediately adjacent to ground water plumes contaminated with PFAS, and this contamination will likely persist for an extended period. This proposal modifies the bag and possession limits for these lakes to catch-and-release only out of an abundance of caution.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-056)

PROPOSAL 73

5 AAC 74.010. Seasons, bag, possession, and size limits, and methods and means for the Tanana River.

Update the Tanana River Area stocked waters regulations, as follows:

5 AAC 74.010 (c)(29) is amended to read:

(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) and (b) of this section for the Tanana River Area:

...

(29) in stocked waters, the bag, possession, and size limit for rainbow trout, Arctic char/Dolly Varden, landlocked salmon, Arctic grayling, and **lake trout** is 10 of all stocked species combined, of which no more than **two fish may be lake trout and only one of the 10** fish may be 18 inches or greater in length; for the purposes of this paragraph, "stocked waters" include Backdown Lake, Ballaine Lake, [BATHING BEAUTY POND, BEAR LAKE (EIELSON AIR FORCE BASE)], Big "D" Pond, Birch Lake, Bluff Cabin Lake, Bolio Lake, Brodie Lake, Bullwinkle Lake, [CATHERS LAKE], Chena Lake, Chet Lake, CHSR 25.0 Mile Pit, CHSR 30.0 Mile Pit, CHSR 45.5 Mile Pit, CHSR 47.9 Mile Pit, CHSR 56.0 Mile Pit, Coal Mine Road #5, Craig Lake, Cushman Lake, Dick's Pond, Doc Lake, Donna Lake, Donnelly Lake, Dune Lake, Forrest Lake, Four Mile Lake, Fourteen Mile Lake, Geskakmina Lake, Ghost Lake, Grayling Lake (Eielson Air Force Base), Hidden Lake (Eielson Air Force Base), Hidden Lake (Tetlin NWR), **Horseshoe Lake**, "J" Lake, Jan Lake, Johnson Pit #2, Kenna Lake, Ken's Pond, Koole Lake, Last Lake, Lisa Lake, Little Donna Lake, Little Harding, Little Lost Lake, Lost Lake, Lundgren Pond, Manchu Lake, Mark Lake, Monte Lake, Monterey Lake, [MOOSE LAKE (EIELSON AIR FORCE BASE)], Mosquito Creek Lake, Mullins Pit, Nenana City Pond, Nickel Lake, Nordale #2, North Chena Pond, North Pole Pond, North Twin Lake, Olnes Pond, Otto Lake, Parks 261 Pond, **Parks 285 Pond**, Paul's Pond, [POLARIS LAKE], **Pyrite Pond**, Quartz Lake, Rangeview Lake, Rapids Lake, Richardson Hwy. 28 Mile Pit, Richardson Hwy. 31 Mile Pit, Richardson Hwy. 81 Mile Pit, **Sansing Pond**, Shaw Pond, Sheefish Lake, Sirlin Drive Pond, South Twin Lake, [STEESE HWY. 28.8 MILE PIT], Steese Hwy. 29.5 Mile Pit, Steese Hwy. 31.6 Mile Pit, Steese Hwy. 33.5 Mile Pit, Steese Hwy. 34.6 Mile Pit, Steese Hwy. 35.8

Mile Pit, Steese Hwy. 36.6 Mile Pit, Stringer Rd. Pond, Triangle Lake, Wainwright #6, **Weigh Station #1, Weigh Station #2**, Weasel Lake, West Iksgiza Lake, Z Pit (Chena Floodway);

...

What is the issue you would like the board to address and why? In conjunction with the Alaska Board of Fisheries cycle, the department reviews the stocked waters in each management area. Stocked waters are removed from the stocking plan and corresponding regulations due to a loss of public access, poor fish growth or survival, insufficient fishing effort, or contamination. In 2020 lake trout were added back into the stocking plan and this proposal includes that species in the bag, possession, and size limit. As new waters are identified, and stocked fish species are added and included in the stocking plan they are added to the regulations. The proposed language will update the Tanana River Area stocked waters regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-057)

PROPOSAL 74

5 AAC 74.065. Tanana River Area Stocked Waters Management Plan

Update the Tanana River Area Stocked Waters Management Plan, as follows:

5 AAC 74.065 is amended to read:

(d) Regional management approach. Under the regional management approach, stocked waters will be managed so that there will be a reasonable expectation of high catch rates and harvesting a daily bag limit. The bag and possession limit is 10 fish in combination of all stocked species, **of which only two fish may be lake trout**, and only one of those **10 fish in combination**, [FISH] may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

(e) Conservative management approach. Under the conservative management approach, stocked waters will be managed so that there will be a reasonable expectation to catch a daily bag limit with a reasonable chance of catching fish 18 inches or greater in length. The bag and possession limit is five fish in combination of all stocked species, **of which only two fish may be lake trout**, and only one of those **five fish in combination**, [FISH] may be 18 inches or greater in length. The fishing season is open year round and bait may be used.

...

What is the issue you would like the board to address and why? In 2020 the department added lake trout into the stocking program. Under current regulations for stocked waters lake trout are not included. Under the Regional management approach, which is the least restrictive of the management approaches, the regulations are 10 fish in combination of all stocked species only one of which may be 18 inches or greater in length. The Conservative management approach is the moderately restrictive management approach, and the regulations are five fish in combination of all stocked species only one of which may be 18 inches or greater in length. To remain consistent with general

regulations for lake trout in the Tanana Management Area, it is recommended that the stocked lake trout be added to the “stocked species” designation and have a bag and possession limit of two fish.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-058)

Norton Sound Sport Fisheries (1 proposal)

PROPOSAL 75

5 AAC 70.011. Seasons and bag, possession, annual, and size limits for the Northwestern Area.

Modify Arctic grayling bag, possession, and length limits in the Northwestern Area, as follows:

5 AAC 70.011(c)(3)(E) is amended to read:

(3) in Northern Norton Sound, which is described as all waters draining into Norton Sound from Cape Darby to Cape Prince of Wales on the Seward Peninsula, except Salmon Lake, the bag and possession limit for

(E) Arctic grayling is two [FIVE] fish, with no size limit [OF WHICH ONLY ONE FISH MAY BE 15 INCHES OR GREATER IN LENGTH];

5 AAC 70.011(c)(4) is amended to read:

(4) in the Pilgrim River drainage, including Salmon Lake, the bag and possession limit for Arctic grayling is one [TWO] fish, with no size limit [OF WHICH ONLY ONE FISH MAY BE 15 INCHES OR GREATER IN LENGTH];

5 AAC 70.011(7)(B) is amended to read:

(7) in the Snake River drainage,

...
(B) the bag and possession limit for Arctic grayling is one [TWO] fish, with no size limit [OF WHICH ONLY ONE FISH MAY BE 15 INCHES OR GREATER IN LENGTH];

What is the issue you would like the board to address and why? Stock assessment of several Northern Norton Sound Arctic grayling populations indicated abundances within established index areas to be well above desired management threshold levels. The current 15-in length limit was a conservative management measure used to protect larger fish from overexploitation because the Arctic grayling abundances within the index areas are predominately composed of fish >15 inches; this is the size most caught by anglers. Since 2010, estimates of annual fishing effort and harvest in the sport fishery have declined substantially and the conservative regulations are no longer needed. Eliminating the 15-in minimum size limit for harvest and maintaining the five fish bag and possession limit, with no size limit, may result in unsustainable harvest, but a bag limit of two fish, with no size limit, would be sustainable and allow anglers to harvest more large fish. In the Pilgrim and Snake Rivers, smaller population sizes and presence of multiple roadside access points

put Arctic grayling stocks at a higher risk of overharvest than in the larger or more remote rivers. Reducing the bag limit from two fish (only one fish ≥ 15 inches) to one fish (no size limit) would allow for harvest and not alter the size structure of the Arctic grayling populations in the Pilgrim and Snake Rivers.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-054)

Kotzebue Commercial Fisheries (1 proposal)

PROPOSAL 76

5 AAC 03.331. Gillnet specifications and operations.

Allow Kotzebue commercial salmon fishermen to leave their set gillnet gear unattended during commercial fishing periods, as follows:

5 AAC 03.XXX In the Kotzebue District a CFEC permit holder must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period; present during any and all working of fishing gear and harvesting of fish from the gear; present at the end of the commercial fishing period to terminate operation of the gear. The CFEC permit holder must also be present when fish caught by that permit holder's gear are being sold to a licensed buyer. The CFEC permit holder (including crew) may leave their net and any fishing gear during the fishing period for reasons including to sell fish, acquire needed supplies or perform other duties, but the permit holder will remain responsible for their gear during any absence from the gear.

What is the issue you would like the board to address and why? I've commercial fished for salmon in Kotzebue Sound for 47 years--starting a few years before Limited Entry came along. During those many seasons fishermen consistently and customarily let their nets (gear) to go back to their tents, camps, homes, or wherever to eat, rest, get gas, harvest food, dry meat, gather wood, work on other projects, etc. between working their gear and picking fish. This is a small fishery, and at times a "slow" salmon fishery, mostly fished by local residents, many who are related to each other and integral to the community. Recently--this past summer season--a new trooper began citing fishermen for "leaving" their nets. Fishermen were outraged and confused at why they were being ticketed for what we've basically always done, what we need to be able to do to make this fishery viable. I've talked with the ADFG area fish biologist and the above mentioned trooper who both assisted me in writing this, and also with the local Fish Board President and other fishermen and Copper River Seafoods and our other buyers, who are all in agreement that a small change would help clarify and improve this situation and bring regulations in alignment with actual practices here.

PROPOSED BY: Seth Kantner (EF-F21-008)

Norton Sound Commercial Fisheries (2 proposals)

PROPOSAL 77

5 AAC 04.362. Guideline harvest range for Port Clarence District.

Establish an optimal escapement goal of 7,000-12,000 sockeye salmon for the Salmon Lake drainage within the Port Clarence District, as follows:

This is a fertilized lake with the most complete salmon enumeration and out migration data of the return in the AYK Region. This regulation should convert to a management plan, perhaps with an OEG of 7,000 -12,000 sockeye salmon, assuming continued fertilization. Because the weir is well above the commercial district and there are chum salmon present there, the subsistence fishery will be the primary harvest mechanism. Managers could use the escapement counts to project final escapement, and thereby make determinations to liberalize or restrict harvest as appropriate.

What is the issue you would like the board to address and why? New analysis of the carrying capacity of the rearing habitat, Salmon Lake, has determined optimal sockeye salmon escapements for Salmon Lake Drainage should be in the 7,000 to 12,000 range with a point estimate of 10,000. Return per spawner falls below 1:1 above 12,000. The current regulation sets the upper limit at 30,000 salmon, well above the recent analysis.

PROPOSED BY: Charlie Lean (EF-F22-047)

PROPOSAL 78

5 AAC 27.910. Fishing seasons and periods for Bering Sea-Kotzebue Area.

Modify the start and end dates of the herring sac-roe, and food and bait fishing seasons, as follows:

5 AAC 27.910 (b)(1)-(2) and (4) are amended to read:

...

(b) In the Norton Sound District, herring may be taken only as follows:

(1) from May 15 through **November 15** [JUNE 30 (SAC-ROE SEASON)] and only during periods established by emergency order;

(2) in Subdistricts 1 - 6, from **May 15** [JULY 1] through November 15 (**sac-roe or** food and bait season);

(3) repealed 5/11/85;

(4) in Subdistrict 7, from **May 15** [JUNE 15] through November 15 (**sac-roe or** food and bait season):

...

What is the issue you would like the board to address and why? This proposal would modify the date in regulation when a herring food and bait fishery can occur in Norton Sound. After 2013 there has been no buyer interest in a Norton Sound sac roe herring fishery. By regulation that fishery can occur from May 15 through June 30. Beginning in 2014 the department has opened the herring fishery continuously during the sac roe season and a local buyer has purchased an average of 50 tons a year to sell as bait. This proposal would align in regulation with what has been occurring since 2014 in the herring fishery.

Yukon Subsistence and Personal Use Fisheries (7 proposals)

PROPOSAL 79

5 AAC 01.220. Lawful gear and gear specifications.

Allow hook and line attached to a rod or pole when subsistence fishing upstream of the Nulato River mouth, to and including the Koyukuk River drainage up to the closed waters of the Koyukuk and the subsistence permit area, as follows:

(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 and including the Koyukuk River drainage up to and below the closed waters of the Koyukuk, and the subsistence permit area of the South Fork and Middle Fork Koyukuk. or (2) through the ice.

What is the issue you would like the board to address and why? The Koyukuk River Advisory Committee would like to include hook and line gear to the waters of the Yukon River upstream of the Nulato River mouth, to and including the Koyukuk River drainage up to the closed waters of the Koyukuk, and the subsistence permit area of the South Fork and Middle Fork Koyukuk.

PROPOSAL 80

5 AAC 01.237. Subsistence Limits for Chinook Salmon on the Yukon River.

Restrict subsistence king salmon harvest in the middle and upper Yukon River, as follows:

Regulate the number of Chinook Salmon that may be harvested under the definition of subsistence on the middle and upper Yukon River in Alaska until such time the Alaska Department of Fish and Game and the US Fish and Wildlife Service can provide factual data on the numbers of Chinook Salmon that make it to spawning grounds, are harvested under subsistence and listen to the people who know and witness others harvesting Chinook Salmon for sales under “Customary Trade.”

What is the issue you would like the board to address and why? Stakeholders on the mouth of the Yukon River (Y-1, Y-2 and Y-3) in Alaska have depended on Chinook Salmon commercial sales during the months of June and July to maintain their subsistence way of life since the early 1900’s. In the 1960’s the Alaska Department of Fish and Game began putting time constraint regulations on the harvesting season and limiting the number of salmon that can be harvested, this began the downward trend of our traditional commercial fishery also known as our subsistence utilization for our food security (using our commercial trade with canneries to live throughout the winters by buying needed supplies to gather, harvest and create/trade items such as arts and crafts, fur pelts, and other sought after items to maintain our healthy way of life).

The issue now is that the harvesting of Chinook Salmon has been moved by regulation to the Middle and Upper Yukon River under the definition of “Subsistence.” There are many Chinook Salmon unaccounted for (60 to 100 thousand in some years) and the Alaska Department of Fish and Game collaborating with the United States Fish and Wildlife Service fail to identify where these salmon are going. Yet, in social media one sees many Chinook Salmon drying on racks and in smoke houses on the banks of the middle and upper Yukon River. I also know and have seen sales of this finished product throughout the winters. When addressed at the Federal level, I am continually told that this is allowed under “Customary Trade.” All my years as a Traditional Commercial Salmon Fisherman on the mouth of the mighty Yukon River and those before me know for a fact that “Customary Trade” meant trading ones product for other products and not for money. This definition needs to be corrected.

Under ANILCA the Secretary of Interior wanted to include the commercial Chinook Salmon Fishery as subsistence since it was 100% utilized by local indigenous Peoples and strictly for maintaining their subsistence way of life..

PROPOSED BY: John H. Lamont (HQ-F21-003)

PROPOSAL 81

5AAC 01.220 (n) (3) (4) Lawful gear and gear specifications.

Implement a Yukon River drainage subsistence salmon permit to allow retention of king salmon less than 24 inches in length with an annual limit 10 fish during times of king salmon conservation, as follows:

Allow limited retention of (24 inch and under) Chinook in a subsistence chum opener with dipnets and/or manned fishwheel on the Yukon River under emergency order per the following:

5AAC 01.220 (n) (3) (4) Lawful gear and gear specifications add section (5)

(1) Starting in the 2023 fishing season, during times when the commissioner determines it is necessary for the conservation of king salmon, the commissioner may, by emergency order, require that in the Yukon River drainage, king salmon may be taken only under the authority of a subsistence fishing permit with the following conditions:

(A) annual limit of 10 king salmon under 24 inch in fork length (tip of nose to tail fork) caught in a dipnet or manned fishwheel only

(B) the commissioner may, by emergency order, implement one or more of the gear limitations specified in 5 AAC 01.220 (n) (2) and n (3) for fishing under the permit;

(C) permit holders must complete and return permits, including daily records of king salmon harvested, each year by October 31;

(D) once the annual limit is reached, additional king salmon may not be taken except in

compliance with all applicable regulations and emergency orders;

(E) only one small king subsistence permit may be issued to a household each year;

...

What is the issue you would like the board to address and why? Retention of Chinook (king) salmon is normally not permitted during summer chum subsistence openers when Chinook salmon conservation management is applied on the Yukon River. Under 5 AAC 01.220 (n) (3) (4) Lawful gear and gear specifications, the ADF&G commissioner may allow, by emergency order, Chinook retention utilizing specific gear types. Adding a section (n) (5) to allow retention of Chinook salmon 24 inches and under while utilizing only dipnets or manned fishwheels will focus on the retention of small king salmon only.

There are multiple needs for subsistence fishermen as well as fish in years of extreme low abundance. With the continued downward trajectory of Chinook salmon in size and run strength and the periodic crashes of summer and fall chum salmon, the pressure for food security is immense.

When there is an allowable chum opener for subsistence with a gear type restriction to dipnets and manned fishwheels, the retention of small Chinook salmon under 24 inches (60.9cm / approximately 6 pounds) caught in a dipnet or manned fishwheel should be allowed.

The theory is that these undersized kings do not substantively contribute to ASL (age-sexlength) spawning aggregate in a time when focus is on increasing size genetics. Further, a very limited harvest of undersized kings utilizing only dipnets and manned fishwheels as a gear type will allow easy measurement of a fish from nose to fork in tail, allowing bigger fish to be released unharmed from a net or fishwheel live box.

However, recognizing that small (jack) male salmon can contribute to increased abundance, this recommendation should be tied to estimated spawning abundance in both Alaskan and Canadian Chinook stock.

PROPOSED BY: Fairbanks Advisory Committee Fisheries Sub-Committee (HQ-F22-039)

PROPOSAL 82

5 AAC 39.250. Gillnet specifications and operations.

Modify the dates sinking of gillnets is allowed in the Yukon Area from October 1 to April 30, as follows (*To be heard at the Arctic / Yukon / Kuskokwim meeting and deliberated during the Statewide Finfish and Supplemental Issues meeting*):

5 AAC 39.250(d) is amended to read:

...

(d) The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink. The restriction of this

subsection does not apply in the Arctic-Kotzebue Area (5 AAC 03.100), the Norton Sound-Port Clarence Area (5 AAC 04.100), the Yukon Area (5 AAC 05.100) **from October 1 to April 30**, the Kuskokwim Area (5 AAC 07.100), and the Kodiak Area (5 AAC 18.100).

...

What is the issue you would like the board to address and why? This proposal would modify the dates when gillnets are allowed to be fished without the float line on the surface of the water in the Yukon Area. During salmon seasons, from May 1 to September 30, the float line and floats must be floating on the surface. Submerged gillnets are less visible and may be difficult to observe if fishing illegally during closed periods. Allowing a gillnet to be in a fishing condition with floats not visible on the surface of the water is a navigation hazard.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-062)

PROPOSAL 83

5 AAC 77.171. Lawful gear for personal use finfish fishing.

After August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches in the Yukon Area Personal Use Salmon Fishery, as follows:

5 AAC 77.171(a) is amended to read:

...

(a) In Subdistrict 6-C, finfish may be taken for personal use only by set gillnets and fish wheels as follows:

(1) a person 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 a set gillnet may not exceed 150 fathoms;

(3) a person may not set or operate personal use fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear;

(4) a gillnet or fish wheel may not obstruct more than one-half the width of any fish stream and any channel or side channel of a fish stream;

(5) a household may not operate more than one fish wheel; [.]

(6) after August 15, a person may not take salmon with a gillnet that has a mesh size greater than six inches.

...

What is the issue you would like the board to address and why? This proposal would require gillnet mesh to be six inches or less in the personal use salmon fishery during the fall season in Subdistrict 6-C of the Tanana River drainage. This would make the use of gillnets six inch or less mesh size uniform between commercial, subsistence, and personal use fisheries. The department submitted a similar proposal for subsistence fishing during fall season within the Yukon Area. The smaller mesh sizes are already commonly used and would allow for greater protections for late-arriving king salmon and reduce directed harvest on larger, older fall chum salmon that make up a smaller portion of the population.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-064)

PROPOSAL 84

5 AAC 01.220. Lawful gear and gear specifications.

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

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, handline, 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, six-inch or less mesh, or seven and one-half inch mesh;

(B) for a gillnet of four-inch or less mesh or four and three-quarter inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(C) for a gillnet of six-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(D) for a gillnet of seven and one-half inch mesh, may not exceed the length specified by the commissioner in the emergency order and the gillnet may only be operated as a set gillnet; 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 downstream from the mouth of the Nulato River, and in the Nulato 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 MESHES 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.]

What is the issue you would like the board to address and why? Regulations for lawful gear and gear specifications in the Yukon Area have been modified many times in the past and need to be revised for clarity and to reflect current practices. Proposed changes address the updated restriction on the maximum mesh size allowed in the Yukon Area (gillnets of seven and one-half inches) and

remove outdated instances of eight-inch or larger mesh gillnets. Additions align with current or longstanding fishing practices or are necessary for sustainability of salmon populations and an orderly fishery. New additions to regulations include: adding eel stick to legal subsistence fishing gear; clarifying dip net operation; relaxing minimum distance between subsistence gear with low harvest potential and maintaining 200 feet between set gillnets and fish wheels; applying seven and one-half mesh size to all gillnet fishing during the year, not just for salmon fishing; reducing the maximum mesh size to six-inch or less gillnets for the fall chum and coho salmon season; relaxing the maximum mesh size to four-inch or less gillnets portions of Beaver and Birch Creek; and specifying four inch or less mesh size gillnet operation during times of conservation.

The Yukon Area currently has several management actions available for the protection of king or chum salmon, while still being able to provide harvest opportunity on more abundant salmon species that have overlapping run timings. The department needs greater flexibility to be able to provide subsistence harvest opportunity on abundant salmon species while providing protections to less abundant salmon species. This proposal also establishes alternative and aligned gears during times of salmon conservation and allows the department to specify which species may be retained from selective gear types. This will allow for a more adaptive management strategy benefitting subsistence users.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-065)

PROPOSAL 85

5 AAC 77.171. Lawful gear for personal use finfish fishing.

Modify Yukon Area Personal Use Salmon Fishery specifications for selective gear types and gillnet mesh size during times of salmon conservation, as follows:

5 AAC 77.171 is amended to read:

...

(b) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of [CHUM] salmon, **other than king salmon**, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be four-~~inches~~ or less [IN] mesh [SIZE] or **seven and one-half inch** [EIGHT INCHES OR GREATER] in mesh size;

(B) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and **the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(C) that is **seven and one-half inch** [EIGHT INCHES OR GREATER] in mesh size, may not exceed the length and depth specified by the commissioner; **and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(2) for fish wheels:

(A) the operator must closely attend the fish wheel while it is in operation, and all [CHUM] salmon, **other than king salmon,** must be immediately released to the water alive and must bypass any livebox, unless retention is allowed by emergency order;

(B) repealed 6/28/2019;

(C) repealed 6/28/2019;

(3) dip nets may be used, however all [CHUM] salmon, **other than king salmon,** caught must be released to the water alive, **unless retention is allowed by emergency order;** notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

(c) Notwithstanding (a) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner may, by emergency order, close the Yukon Area Subdistrict 6-C personal use salmon fishing season and immediately reopen the season during which the following gear limitations apply:

(1) a gillnet used to take salmon

(A) must be six inches or less in mesh size; **and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;**

(B) may not exceed the length and depth specified by the commissioner;

(C) that is four inches or less in mesh size, may not exceed the length and depth specified by the commissioner; and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(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 6/28/2019;

(C) repealed 6/28/2019;

(3) dip nets may be used, however all king salmon caught must be released to the water alive; notwithstanding (a)(3) of this section, a person may operate a dip net within 200 feet of another person operating a dip net.

...

What is the issue you would like the board to address and why? The Yukon Area currently has several management options available for the protection of king or chum salmon, while still being able to provide harvest opportunity on more abundant salmon species that have overlapping run timings. The department needs greater flexibility to be able to provide harvest opportunity in the personal use fishery on abundant salmon species while providing protections to less abundant salmon species. This proposal would establish alternative options and aligned gears during times of salmon conservation and allow the department to specify which species may be retained from selective gear types. This will allow for a more adaptive management strategy benefitting participants in the personal use fishery. Additionally, this proposal removes the option for gillnets with eight-inch or greater mesh and amends the maximum mesh size to seven and one-half or inch less mesh size.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-063)

Yukon Sport Fisheries (1 proposals)

PROPOSAL 86

5 AAC 73.010. Seasons, bag, possession, and size limits, and methods and means for the Yukon River Area.

Require retention of sport caught salmon, if removed from the water, in the Yukon River Area, as follows:

- (d) In the Yukon River Area, the following special provisions to methods and means apply:
- (1) in the Dall River and Little Dall River drainages,
 - (A) only unbaited, single-hook, artificial lures may be used;
 - (B) the use of set lines is prohibited;
 - (2) from April 1 through May 31, in the Nome Creek drainage of Beaver Creek, only unbaited, single-hook, artificial lures may be used;
 - (3) in all waters, any salmon that is removed from the water must be retained and becomes part of the bag limit of the person that originally hooked the fish; a person may not remove a salmon from the water before releasing the fish.

What is the issue you would like the board to address and why? During the past several years, runs of Chinook, coho, and chum salmon throughout the Yukon drainage have not met escapement goals, resulting in subsistence and sport fishing closures. The sport fishing community that enjoys fishing for salmon species for food and recreation, and also enjoys catching other fish species such as Arctic grayling that benefit from the marine-derived nutrients provided by healthy salmon runs, wishes to contribute towards minimizing stress and mortality of salmon species that can be caused through catch-and-release angling. Scientific studies have shown that removing fish from the water, thereby depriving them of oxygen, is the main cause of catch-and-release stress and mortality. Therefore, it is proposed that regulations be adopted throughout the Yukon drainage in which anglers may not remove a salmon from the water if they are not retaining it as part of their

bag limit. Similar regulations are in place in the Susitna River drainage of Southcentral Alaska for Chinook and coho salmon, with the goal to minimize catch-and-release stress on these popular and important food fishes. If this regulation is adopted, sport fishermen can do their part to facilitate the rehabilitation of salmon stocks in the Yukon River drainage. This will help ensure that subsistence fishers regain food security associated with catching salmon, and will enhance opportunities for sport fishers to catch salmon into the future, for sustenance and for recreation.

PROPOSED BY: Midnight Sun Flycasters (HQ-F22-002)

Yukon Commercial Fisheries (3 proposals)

PROPOSAL 87

5 AAC 39.105. Types of legal gear.

Define eel stick, as follows *(To be heard at the Arctic / Yukon / Kuskokwim meeting and deliberated during the Statewide Finfish and Supplemental Issues meeting):*

5 AAC 39.105(d) is amended to read:

...

(30) a cast net is a circular net with a mesh size of no more than one and one-half inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved;[.]

(31) an eel stick consists of a single straight or bent pole, equipped with notches or projecting tines, used through the ice to take lamprey.

...

What is the issue you would like the board to address and why? This would add eel sticks as a legal gear for commercial and subsistence fishing. An additional department proposal was submitted to add this as a legal gear type for subsistence fishing. The commercial fishery for Arctic lamprey (eels) operates under a commissioner's permit that allows commercial permit holders to use dip nets and eel sticks; however the eel stick is not included in regulations. Statewide provisions (5 AAC 01.010 (1)) for subsistence gear would refer to and include this addition. Eel sticks are traditionally used in Districts 2, 3 and 4 for harvesting Arctic lamprey for commercial and subsistence purposes through the ice. Eel sticks are described in Subsistence Division Technical Paper No. 289 (<http://www.adfg.alaska.gov/techpap/tp289.pdf>)

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-059)

PROPOSAL 88

5 AAC 05.331. Gillnet specifications and operations.

Repeal and replace Yukon Area commercial salmon fishing gear specifications, as follows:

5 AAC 05.331 is amended to read:

(a) Set gillnet gear may not exceed 150 fathoms in aggregate length;

(b) Drift gillnet gear may not exceed 50 fathoms in length;

(c) Salmon may be taken only with gillnets of six-inch or smaller mesh during periods established by emergency order.

(d) No gillnet gear may be operated in a manner to obstruct more than one-half the width of any waterway. In the intertidal zone, this restriction applies at all stages of the tide.

(e) In Districts 1 - 3, gillnets with

(1) greater than six-inch mesh may not be more than 45 meshes in depth;

(2) six-inch or smaller mesh may not be more than 50 meshes in depth.

(f) In Districts 4 - 6, gillnets with

(1) greater than six-inch mesh may not be more than 60 meshes in depth;

(2) six-inch or smaller mesh may not be more than 70 meshes in depth.

(g) Notwithstanding any other provision of this section, during times when the commissioner determines it to be necessary for the conservation of a salmon species, the commissioner, by emergency order, may close the fishing season in Districts 1 - 6 and immediately reopen the season during which a person may take salmon with a gillnet that has a mesh size of seven and one-half inches.

(h) Notwithstanding any other provision of this section, in Districts 1 - 3, 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 and immediately reopen the season during which a person may take salmon only with a gillnet that has a mesh size of five and one-half inches or less and that is not more than 30 meshes in depth.

(i) Notwithstanding any other provision of this section and in provisions 5 AAC 01.249 and 5 AAC 05.359-5 AAC 05.369, during times when the commissioner determines that it is necessary for the conservation of a salmon species, the commissioner may, by emergency order, close the fishing season and immediately reopen the season specifying the area in which one or more of the following gears may be allowed;

(1) all salmon species caught by the gear types specified by the commissioner must be released to the water alive unless retention is allowed by the emergency order;

(A) for fish wheels (5 AAC 05.333): the operator must closely attend the fish wheel while it is in operation, and all salmon species specified for release must bypass any livebox;

(B) dip nets may be used as described in 5AAC 05.362(k)(1)(A);

(C) a beach seine may be used as described in 5AAC 05.362(k)(1)(B).

[(a) A PERSON MAY NOT OPERATE

(1) SET GILLNET GEAR THAT EXCEEDS 150 FATHOMS IN AGGREGATE LENGTH;

(2) DRIFT GILLNET GEAR THAT EXCEEDS 50 FATHOMS IN LENGTH.

(b) IN DISTRICTS 1 AND 2, SALMON MAY BE TAKEN ONLY WITH GILLNETS OF SIX-INCH OR SMALLER MESH DURING PERIODS ESTABLISHED BY EMERGENCY ORDER.

(c) IN DISTRICT 3, SALMON MAY BE TAKEN ONLY WITH GILLNETS OF SIX-INCH OR SMALLER MESH DURING PERIODS ESTABLISHED BY EMERGENCY ORDER.

(d) IN DISTRICTS 4 AND 6, SALMON MAY BE TAKEN ONLY WITH GILLNETS OF SIX-INCH OR SMALLER MESH DURING PERIODS ESTABLISHED BY EMERGENCY ORDER.

(e) NO GILLNET GEAR MAY BE OPERATED IN A MANNER TO OBSTRUCT MORE THAN ONE-HALF THE WIDTH OF ANY WATERWAY. IN THE INTERTIDAL ZONE, THIS RESTRICTION APPLIES AT ALL STAGES OF THE TIDE.

(f) IN DISTRICTS 4 - 6, GILLNETS WITH

(1) GREATER THAN SIX-INCH MESH MAY NOT BE MORE THAN 60 MESHES IN DEPTH;

(2) SIX-INCH OR SMALLER MESH MAY NOT BE MORE THAN 70 MESHES IN DEPTH.

(g) IN DISTRICTS 1 - 3, GILLNETS WITH

(1) GREATER THAN SIX-INCH MESH MAY NOT BE MORE THAN 45 MESHES IN DEPTH;

(2) SIX-INCH OR SMALLER MESH MAY NOT BE MORE THAN 50 MESHES IN DEPTH.

(h) NOTWITHSTANDING (b) - (d) OF THIS SECTION, DURING TIMES WHEN THE COMMISSIONER DETERMINES IT TO BE NECESSARY FOR THE CONSERVATION OF CHUM SALMON, THE COMMISSIONER, BY EMERGENCY ORDER, MAY CLOSE THE FISHING SEASON IN DISTRICTS 1 - 6 AND IMMEDIATELY REOPEN THE SEASON DURING WHICH A PERSON MAY NOT TAKE SALMON WITH A GILLNET THAT HAS A MESH SIZE OF LESS THAN EIGHT INCHES.

(i) 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.

(j) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, IN DISTRICTS 1 - 3, 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 AND IMMEDIATELY REOPEN THE SEASON DURING WHICH A PERSON MAY TAKE SALMON ONLY WITH A GILLNET THAT HAS A MESH SIZE OF FIVE AND ONE-HALF INCHES OR LESS AND THAT IS NOT MORE THAN 30 MESHES IN DEPTH.]

What is the issue you would like the board to address and why? Current commercial gillnet specifications and operation requirements in the Yukon Area contain inconsistencies and do not provide for selective gear options that allows for the harvest or live release of all salmon species. These changes include aligning District 5 with all other Yukon districts to include a maximum mesh size of six-inch gillnets and removes outdated instances of eight-inch or larger mesh gillnets in the Yukon Area. Additionally, selective gear used during times of conservation of salmon species is stated in the individual salmon management plans for chum and king salmon; however, the department would like the ability to use these live-release gears for all salmon species to harvest abundant salmon species that have overlapping run timings. Stating conservation gear regulations in this commercial section simplifies the regulations and will allow for a more adaptive management strategy benefitting commercial users.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-060)

PROPOSAL 89

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan.

Modify Yukon Area commercial dip net gear operations in the commercial fishery to include a single rigid handle with a single line attached, as follows:

5 AAC 05.362.(k)(1)(A) is amended to read:

...

(A) up to four dip nets; notwithstanding 5 AAC 39.105(d)(24), for the purposes of this subparagraph, a dip net is a bag-shaped net supported on all sides by a rigid frame in which no portion of the bag is constructed of webbing that exceeds a stretched measurement of four and one-half inches and the frame is attached to a single rigid handle **or a single rigid handle with a single line attached** and **be** operated by hand; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; for a dip net with

...

What is the issue you would like the board to address and why? This proposal would specify that dip nets must be operated by a handle, and that a single line may be attached to the handle. The current definition of dip net operation does not reflect the practice of attaching a single line to a dip net handle. This method of dip net operation has created confusion and difficulty for enforcement personnel. Clarifying dip net operation would provide enforcement and local fishers with a clear definition of gear type operation.

Kuskokwim Subsistence Fisheries (4 proposals)

PROPOSAL 90

5AAC 01.280. Subsistence fishing permits.

Create a Tier II subsistence king salmon fishery in the Kuskokwim River, as follows:

Kuskokwim River Chinook salmon Tier II Permit Description and the Issue it addresses:

Tier II permit system – ANS has not been met, and likely will not be in the near future, current management practices are not providing what many consider a “reasonable opportunity” for all subsistence uses including the opportunity to harvest other species that do not have a conservation concerns. A Tier II system would limit the pool of qualified applicants to the Kuskokwim area.

Permit annual allocation – Based on some portion of the forecasted surplus, but not intended to meet all subsistence needs or ANS. A minimal allocation would allow for the maximum number of qualified users to obtain a permit and fish when and how it best meets their needs. The total permit allocations would be deducted from the projected harvestable surplus pre-season.

Household Permit with Proxy fishing allowed – Individual households would be responsible for managing their own permit and may collaborate with other permit holders to share and pool resources, in part restoring traditional practices.

Permit allows retention of other species and Chinook 20 inches or less do not count toward permit allocation – Provides opportunity to meet subsistence needs with other species, and may improve the quality of escapement. Jack (3 year old) Chinook typically make up less than 2% of the total return. These fish could also be deducted from the forecasted surplus pre-season.

Tier II permit dates – June 12th – June 24th; this period protects early run headwater stocks and June 24th is around the median date of run timing for all subareas near Bethel. By June 24th approximately a third of the chum salmon run has passed Bethel, and less than a quarter of the sockeye salmon run. Bethel and the surrounding Villages account for approximately 80% of the total Chinook harvest. This permitted fishing period could provide 12 days of uninterrupted fishing opportunity (for all species) to permit holders in the early part of the season without significantly compromising conservations objectives.

Tier I fishery opener – If at some point after the Tier II closure date and the in-season run assessment suggest additional (beyond the Tier II allocation) fish are available for harvest the Department can use emergency authorities to allow for additional harvest opportunity under a Tier I system using time, area, gear management actions.

Proposed regulatory language:

5 AAC 01.280 Subsistence fishing permits.

[FISH MAY BE TAKEN FOR SUBSISTENCE PURPOSES WITHOUT A SUBSISTENCE FISHING PERMIT]

Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

In times of king salmon conservation, the commissioners may, by emergency order, close the subsistence fishery and immediately reopen the fishery with the following provisions. In the Kuskokwim River drainage, king salmon may only be taken by a Household subsistence fishing permit. A king salmon subsistence fishing permit may be issued to Households who demonstrate a subsistence pattern of use for king salmon as described in the Tier II fishery framework as outlined in AS 16.05.258 (b)(a);

Season dates for Household permits are June 12th through June 24th ;

Annual permit limits will be determined based on a percentage of annual forecasted surplus king salmon, and the number of permit applications received.

The application period for community and household permits is [MONTH AND DAY] through [MONTH AND DAY] annually;

Only one subsistence fishing permit will be issued to each household annually;

Proxy fishing by a subsistence permit holder for another Household permit holder is allowed;

Individual households permit holders are only eligible to be listed on only one subsistence fishing permit for proxy fishing annually;

All species caught while fishing for king salmon must be retained;

Fish caught during open fishing periods do not count toward the annual household permit allocation;

King salmon 20 inches or less do not count toward the annual household permit allocation;

Permit must be in possession while fishing or transporting fish;

All fish harvested must be recorded on the permit, in ink, before concealing the fish from plain view or transporting the fish from the fishing site; for the purposes of this paragraph, “fishing site” means the location where the fish is removed from the water and becomes part of the permit holder’s annual allocation;

Permits must be returned or harvest reported when fishing is completed or by the date specified on the permit;

Permits must be returned to the department no later than [Month and Day], or a permit for the following year may be denied as provided in 5 AAC 01.015;

This regulation expires January 1st, 2026.

What is the issue you would like the board to address and why? Since 2009 Kuskokwim River Chinook salmon returns have been severely depressed and are showing little to no sign of returning to their historic averages, this despite meeting escapement goals and objectives in most of those years. As a consequence, and in an effort to rebuild the Chinook run subsistence harvest has been significantly reduced to meet the established drainage-wide Sustainable Escapement Goal of 65,000-120,000 fish. The established ANS for Chinook salmon on the Kuskokwim is 67,200 - 109,800 fish, which has not been met for a decade, see figure below.

The fishing opportunity that has been provided uses time, area and gear restriction. The majority of the harvest has been taken by providing short open periods for drift gill net fishing once or twice a week and then closing the river to all drift fishing until the next opening. This all or none strategy is basically the same employed for commercial fishing, and while it may be effective at meeting conservation goals and providing what could be considered “reasonable” opportunity, it is not one that aligns with traditional and cultural practices.

Public testimony over the last decade of restricted fishing has been filled with reports of; crowded or “combat” fishing conditions, difficult drying conditions later in the season leading to spoilage, personal conflicts with scheduled openings, poor weather, abandonment of fish camps, theft of unattended fish on drying racks, bears and flies, etc., the list goes on. While it is unlikely that returns will recover in the near future that could support sufficient harvest levels to achieve ANS, an opportunity to address these other concerns and ease the burden on subsistence fishers is to establish a Kuskokwim River Chinook salmon permit system as outlined in this proposal.

Because of the allocative nature of this proposal only the Alaska BOF has the authority to establish such a permit system, much like the BOF proposed in 2016 in proposal 276, which was tabled.

PROPOSED BY: Central Kuskokwim Advisory Committee (EF-F22-015)

PROPOSAL 91

5 AAC 01.270. Lawful gear and gear specifications and operation.

Modify Kuskokwim Area lawful gear and gear specifications and operation to provide greater opportunity to harvest salmon other than king salmon, during times of salmon conservation, as follows:

5 AAC 01.270(m) is amended to read:

...

(m) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of [CHUM] salmon **other than king salmon**, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which the following gear limitations apply:

(1) a gillnet used to take fish

(A) must be of seven and one-half inch or greater mesh or four-inch or less 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 seven and one-half inch or greater mesh, may not exceed the length specified **by the commissioner in the emergency order** [IN (b) AND (j) OF THIS SECTION];

(D) mesh size may not exceed six inches;

(E) for a gillnet of six-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order;

(F) mesh size must be seven and one-half inch or greater mesh and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(G) mesh size may not exceed four inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(H) mesh size may not exceed six inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(2) for fish wheels:

(A) **except as provided in (B) of this paragraph,** a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation; **the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation and all salmon other than king salmon that are specified by the commissioner that are in the livebox must be returned alive to the water** ;

(B) **a person may operate a fish wheel without a livebox only if**

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all salmon specified by the commissioner caught to the water alive [THE LIVEBOX OF A FISH WHEEL MUST BE CHECKED AT LEAST ONCE EVERY 12 HOURS WHILE THE FISH WHEEL IS IN OPERATION, AND ALL CHUM SALMON IN THE LIVEBOX MUST BE RETURNED ALIVE TO THE WATER];

(C) repealed 6/17/2001;

(3) beach seine gear: any [CHUM] salmon **specified by the commissioner** taken in beach seine gear must be returned alive to the water;[.]

(4) for dip nets: a person may fish for salmon with a dip net, as defined in 07.365(e)(11)(A), and all salmon specified by the commissioner caught in a dip net must be released immediately and returned alive to the water.

What is the issue you would like the board to address and why? The Kuskokwim Area currently has several management actions available for the protection of king salmon, while still being able to provide harvest opportunity on more abundant salmon species that have overlapping run timings. The number of management actions available for chum salmon conservation is inadequate and non-existent for sockeye or coho salmon. Furthermore, current regulations are not aligned with specific gear operation for chum and king salmon. For example, restrictions on fish wheel operations are not aligned between king and chum salmon. This creates serious confusion when conservative management actions are needed for both king and chum salmon simultaneously to meet escapement goals. The department needs greater flexibility to be able to provide subsistence harvest opportunity on abundant salmon species while providing protections to less abundant salmon species. This proposal would establish fishing gear alternatives and align gears during times of chum, sockeye, or coho salmon conservation which would allow for a more adaptive management strategy benefitting subsistence fishery users.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-052)

PROPOSAL 92

5 AAC 01.260. Fishing seasons and periods and 5 AAC 01.275. Waters closed to subsistence fishing.

Increase subsistence opportunity before, during, and after commercial fishing periods set by emergency order, as follows:

5 AAC 01.260(c) is amended to read:

...

(c) In Districts 4 and 5, salmon may be taken at any time, except that **the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 4 or 5 and reopen those waters to commercial fishing.** [FROM JUNE 1 THROUGH SEPTEMBER 8, SALMON MAY NOT BE TAKEN FOR 16 HOURS BEFORE, DURING,

AND SIX HOURS AFTER EACH COMMERCIAL SALMON FISHING PERIOD IN EACH DISTRICT].

...

5 AAC 01.275(b)-(d) are amended to read:

...

(b) The **commissioner may, by emergency order, close the** Goodnews River [IS CLOSED] to the subsistence taking of fish by nets east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

(c) The **commissioner may, by emergency order, close the** Kanektok River [IS CLOSED] to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

(d) The **commissioner may, by emergency order, close the** Arolik River [IS CLOSED] to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

...

What is the issue you would like the board to address and why? Subsistence fishing closures surrounding commercial salmon fishing openings have been in place in the Kuskokwim Management Area since at least the early 1980s. The primary justification for such closures was to discourage the commercial sale of subsistence caught fish. Subsistence fishing closure times in all Kuskokwim Area commercial fishing districts have ranged from 24 to 16 hours before a commercial opening, during the commercial opening, and typically 6 hours after the opening. Between the mid-1990s and early 2000s, for Kuskokwim River commercial fishing Districts 1 and 2, exact closure times were removed from regulation in favor of closed subsistence fishing periods being announced through emergency order. Currently, in Kuskokwim Bay commercial fishing Districts 4 and 5 and the Goodnews, Kanektok, and Arolik rivers, subsistence closure times remain at 16 hours before, during, and 6 hours after a commercial fishing period. This proposal seeks to align Districts 4 and 5 and the Goodnews, Kanektok, and Arolik rivers subsistence closure regulations with that of Districts 1 and 2.

Participation during the 2020 and 2021 commercial fishery in Districts 4 and 5 was smallest on record due to processing capacity and COVID-19 restrictions. During a year of low or high commercial participation and when escapement goals are expected to be met, the department needs greater flexibility in scheduling subsistence closures times around commercial openers. Establishing closure times through emergency order for Districts 4 and 5 would allow for a more adaptive management strategy benefitting fishery users.

PROPOSAL 93

5 AAC 01.275. Waters closed to subsistence fishing; 5 AAC 71.010. Seasons and bag, possession, annual, and size limits for the Kuskokwim - Goodnews Area.

Close the Buckstock River between June 14 and September 1 to all fishing, as follows:

Close the Buckstock River upstream of a point (-159.219607, 61.342717) between June 14th and September 1st to all fishing.

The purpose of the closure is to protect spawning salmon during low flow periods (discharges below 400 cfs.) when chum salmon are present and actively spawning

5 AAC 01.275. Waters closed to subsistence fishing

(a) Repealed 4/15/81.

(b) The Goodnews River is closed to the subsistence taking of fish by nets east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before, during, and six hours after each open commercial salmon fishing period.

(c) The Kanektok River is closed to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(d) The Arolik River is closed to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(e) The Buckstock River is closed to subsistence fishing upstream of ADF&G regulatory marker placed near its upper most confluence with the Aniak River between June 14th and September 1st.

And;

5 AAC 71.010. Seasons and bag, possession, annual, and size limits for the Kuskokwim - Goodnews Area.

(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the

What is the issue you would like the board to address and why? The Aniak River and its tributaries support one of the largest sport and subsistence fisheries in the Kuskokwim Area. One of its major tributaries is the Buckstock River located about 40 miles up the Aniak River. It is a popular destination for people from all over the area and the world to frequent, either on their own

or through guided fishing operations. The Aniak and Buckstock Rivers supports all five species of pacific salmon and provides world class rainbow trout, and Dolly Varden fishing opportunities.

Chum salmon returns to the Aniak River are a shadow of what they were just decades ago, and recent years returns have only served to cause further concerns. Local residents have long recognized the important role the Buckstock River plays in providing spawning habitat for all salmon, but particularly for chum salmon. Local residents have made it a point to minimize disturbance of spawning fish on the Buckstock by avoiding the area during low water periods.

With increased use and the availability of small jet powered boats access to the spawning areas has become less difficult. The spawning areas are often sought out by fishermen because of the presence large numbers of rainbow trout feeding on fugitive eggs floating just downstream of actively spawning fish.

The Buckstock is intercepted by several side channels of the Aniak River in its lower reaches. At about 1.5 miles upstream of its main confluence with the Aniak the river the Buckstock River changes dramatically. The river above this point can be characterized as; a low gradient (1-2%), highly mobile gravel bedded, clear ground water fed stream, averaging around 25 ft. in width and 0.5 – 2.0 ft. in depth at average to low flows, making it ideal spawning habitat for summer chum salmon. These stream conditions extend upstream for miles and can be accessible by small jet boat or easily waded.

Boating and even wading the Buckstock under summer low flow conditions causes' significant disturbance by displacing spawning fish and potential egg mortality in the redds as eggs are dislodged and then preyed on, or ruptured by boat pressure waves or by foot traffic.

The AC recognizes that the BOF does not make regulations regarding access or boat use, but that they can regulate the reason for accessing such a vulnerable area, i.e. to fish. Ample opportunity to fish still exists in the lower 1.5 miles of the Buckstock and the entire Aniak River drainage. By seasonally closing the upper Buckstock River the BOF would be in affect create a sanctuary area to protect spawning salmon during low water periods, something local people have been practicing, and trying to encourage for many years.

PROPOSED BY: Central Kuskokwim Fish and Game Advisory Committee (HQ-F22-006)

Kuskokwim Sport Fisheries (1 proposals)

PROPOSAL 94

5 AAC 71.010 (New)

Close sport fishing for chum salmon to nonresidents in the Kanektok River from June 1 to July 15, as follows:

Sportfishing for chum salmon by nonresidents is closed from June 1 – July 15.

What is the issue you would like the board to address and why? Chum salmon throughout western coastal Alaska are in serious decline with the poorest returns on record and escapement

goals through the AYK region largely not being met. The Native Village of Kwinhagak seeks to close nonresident sportfishing for chum salmon in the Kanektok river drainage from June 1-July 15.

PROPOSED BY: Native Village of Kwinhagak (HQ-F22-024)

Kuskokwim Commercial Fisheries (3 proposals)

PROPOSAL 95

5 AAC 07.365. Kuskokwim River Salmon Management Plan.

When a federal special action or emergency special action is in effect under ANILCA Title VIII the Alaska Department of Fish and Game would not provide set gillnet fishing periods prior to June 12 when the projected escapement is within the drainagewide escapement goal range, as follows:

Amend 5 AAC 07.365(c)(2)(C) as follows:

(C) notwithstanding (c)(2)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with four-inch or smaller mesh gillnets, **unless the federal government has exercised its authority under ANILCA Title VIII to manage subsistence salmon fishing to ensure a priority for federal subsistence users**; the gillnet may only be operated as a set gillnet and no part of the set gillnet may be more than 100 feet from the ordinary high water mark;

What is the issue you would like the board to address and why? Revise Kuskokwim River Salmon Management Plan to clarify management authority relative to ANILCA Title VIII. Conservation concerns regarding Kuskokwim River Chinook salmon and chum salmon require the application of precautionary management principles. When the Federal Subsistence Management Program assumes management of Kuskokwim River salmon stocks within federal waters, it is important to ensure that political tensions between the State of Alaska and the Federal Subsistence Management Program do not compromise sustainable management principles. Previously, ADF&G has justified violating federal closures to subsistence salmon gillnet fishing in the Kuskokwim River by opening subsistence fishing opportunities to all Alaska residents stating that the Kuskokwim River Salmon Management Plan requires them to do so.

PROPOSED BY: Kuskokwim River Inter-Tribal Fish Commission (EF-F22-066)

PROPOSAL 96

5 AAC 07.365. (c)(2)(A) Kuskokwim River Salmon Management Plan.

When a federal special action or emergency special action is in effect under ANILCA Title VIII the Alaska Department of Fish and Game would not provide directed king salmon fishing periods after June 11 when the projected escapement is within the drainagewide escapement goal range, as follows:

(A) the commissioner shall close, by emergency order, the commercial, sport, and subsistence king salmon fisheries, and after June 11, to the extent practicable, the commissioner shall open, by emergency order, at least one fishing period per week for a directed subsistence king salmon fishery to provide harvest opportunity on surplus king salmon in excess of escapement needs, **unless the federal government has exercised its authority under ANILCA Title VIII to manage subsistence salmon fishing to ensure a priority for federal subsistence users;**

What is the issue you would like the board to address and why? Revise Kuskokwim River Salmon Management Plan to clarify management authority relative to ANILCA Title VIII. Conservation concerns regarding Kuskokwim River Chinook salmon and chum salmon require the application of precautionary management principles. When the Federal Subsistence Management Program assumes management of Kuskokwim River salmon stocks within federal waters, it is important to ensure that political tensions between the State of Alaska and the Federal Subsistence Management Program do not compromise sustainable management principles. Previously, ADF&G has justified violating federal closures to subsistence salmon gillnet fishing in the Kuskokwim River by opening subsistence fishing opportunities to all Alaska residents stating that the Kuskokwim River Salmon Management Plan requires them to do so.

PROPOSED BY: Kuskokwim River Inter-Tribal Fish Commission (EF-F22-067)

PROPOSAL 97

5 AAC 07.365. Kuskokwim River Salmon Management Plan and 5 AAC 01.270. Lawful gear and gear specifications and operation.

Establish times when a commercial gillnet permit holder in Kuskokwim Area may use dip net and beach seine gear to commercially harvest salmon and standardize Kuskokwim Area dipnet lawful gear specifications and operation, as follows:

5 AAC 07.365(e) is amended by adding a new paragraph to read:

(e) In the commercial fishery,
...

(11) during times when the commissioner determines that it is necessary for the conservation of salmon, the commissioner may, by emergency order, close the commercial gillnet fishing season and immediately reopen a fishing season during which

(A) notwithstanding 5 AAC 07.331, a permit holder may fish with

(i) up to four dip nets; for purposes of this section, a dip net is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5

inches; the frame must be attached to a single rigid handle or a single rigid handle with a single line attached and be operated by hand;

(ii) beach seine gear that;

(1) may not be constructed of monofilament web and may not exceed

(2) may be up to 50 fathoms in length;

(3) may be up to 100 meshes in depth;

(4) have a mesh size of three and one-half inches stretched measure; and

(B) all salmon specified by the commissioner caught in dip net and beach seine gear must be released immediately and returned to the water unharmed.

...

5 AAC 01.270(a) is amended to read:

...

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, dip net **as defined in 5 AAC 07.365(e)(11)(A)**, or fish wheel subject to the restrictions set out in this section and 5 AAC 01.275, except that salmon may also be taken by spear in the Holitna River drainage, Kanektok River drainage, Arolik River drainage, and the drainage of Goodnews Bay.

...

5 AAC 01.270(n)(4) is amended to read:

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which one or more of the following gear limitations may be implemented:

...

(4) for dip nets: a person may fish for salmon with a dip net, as defined in **5 AAC 07.365(e)(11)(A)** [5 AAC 39.105], and all king salmon caught in a dip net must be released immediately and returned alive to the water.

...

What is the issue you would like the board to address and why? Gillnet is the only gear type currently available to harvest salmon in all Kuskokwim Area commercial fishing districts. Salmon species returning to the Kuskokwim Area have highly overlapping run timings. These overlapping

run timings complicate commercial fisheries management in years where conservation actions to achieve escapement goals are needed for one species but there is a surplus above escapement and subsistence needs for another species. Currently, harvestable surplus goes unharvested due to overlapping run timing with less abundant salmon species. Allowing the use of dip nets and beach seines in time of conservation has been shown to be an effective management tool for lower Yukon Area salmon fisheries. This proposal could allow Kuskokwim Area commercial fishermen additional opportunity to harvest surplus salmon by authorizing the use of gear types that could allow for the release of less abundant salmon alive during times of salmon conservation to achieve escapement goals.

This proposal also clarifies a dip net operation method that is used by both subsistence and commercial fishers in the Yukon and Kuskokwim areas. The current definition of dip net operation does not reflect the practice of attaching a single line to a dip net handle. This method of dip net operation has created confusion and difficulty for enforcement personnel. Clarifying dip net operations would provide enforcement and local fishers with a clear definition of gear type operation.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-051)
