

STATEWIDE FINFISH AND SUPPLEMENTAL ISSUES

(24 PROPOSALS)

Subsistence Fisheries (1 proposal)

PROPOSAL 162

5 AAC 01.010. Methods, means, and general provisions.

Prohibit commercial transport services in subsistence fisheries, as follows:

5 AAC 01.010(XX). Methods, means, and general provisions. (XX1)

Subsistence fishing transportation services are prohibited.

(XX2) For the purposes of this subsection, “subsistence fishing transportation services” means to provide transportation services for compensation, or with the intent to receive compensation, to a subsistence fisherman to take or attempt to take fish by transporting a subsistence fisherman to take fish from a vessel or to a location where subsistence fishing activities occur by accompanying or physically transporting the subsistence fisherman during any part of a subsistence fishing trip.

What is the issue you would like the board to address and why? Prohibit commercial transportation services in state subsistence fisheries in addition to existing prohibition of subsistence fishing guide services in state subsistence fisheries.

Increasing uses of commercial transportation services in state subsistence fisheries is inconsistent with customary and traditional patterns of harvest and use of salmon.

Commercial transportation services is counter to the statutory definition of “subsistence uses,” which means, “the noncommercial, customary and traditional uses of wild, renewable resources...for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, “family” means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis” (AS 16.05.940(34)).

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Text

PROPOSED BY: Ahtna Intertribal Resource Commission

(EF-F26-152)

Commercial Fisheries (14 proposals)

Groundfish gear and closed waters (8 proposals)

PROPOSAL 11

5 AAC 28.650. Closed waters in Bering Sea-Aleutian Islands Area.

Close state waters to commercial groundfish fishing with trawl gear west of 170° W. longitude, as follows:

(d)All waters of Alaska west of 170° W. long. are closed to commercial groundfish fishing with nonpelagic and pelagic trawl gear.

(Boards Support note: this proposal will be heard and public testimony will be taken at both the AK Pen/AI/BS/Chignik Pacific cod and AK Pen/AI/Chignik finfish meetings and will be deliberated at the AK Pen/AI/Chignik finfish meeting)

What is the issue you would like the board to address and why? We are concerned about increased factory trawl activity in Aleutian Islands golden king crab habitat and the associated impacts to the resource. Several traditional golden king crab fishing areas have been overrun by large trawlers and there is additional concern about their operations in areas where female and juvenile crab tend to concentrate.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Proposal created on behalf of the F/V Alaska Trojan

PROPOSED BY: Linda Kozak

(EF-F26-025)

PROPOSAL 163

5 AAC 39.105. Types of legal gear.

Define all trawl gear operated inside state waters as non-pelagic and develop new performance and monitoring standards to allow state-waters pelagic trawling to occur on a case-by-case basis, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

Redefining pelagic trawls in Alaska state waters as mobile bottom contact gear would align the gear type's definition with its current operation, which includes frequent seafloor contact. This adjustment would clarify enforcement and require pelagic trawls to avoid areas closed to bottom trawling until it can be reliably proven that the trawls operate only in the midwater, as intended.

Proposed amendment to 5 AAC 39.105:

Redefinition of Pelagic Trawl Gear in State Waters.

For the purposes of state water fisheries management, any trawl gear deployed in state waters shall be presumed to be mobile bottom contact gear unless the operator can demonstrate, through Department-approved monitoring methods, that the gear operates entirely within the water column without seafloor contact.

The Alaska Department of Fish and Game shall develop:

- A process for gear operators to apply for midwater trawl status using real-time monitoring, sensors, or other compliance verification systems;
- Standards for what constitutes acceptable proof of midwater operation;
- A public list of verified midwater trawl vessels.

Vessels not verified shall be subject to all regulations and area closures applicable to bottom contact gear. Failure to comply with this regulation may result in enforcement action, including fines or loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? There is increasing concern that the use of pelagic trawl gear in Alaska State waters does not comply with its intended midwater operation. This highlights several important regulatory and environmental issues. Pelagic trawls and seafloor contact limitations are clearly defined within Alaska regulations, 5 AAC 39.105: *Types of legal gear, is a trawl where the net, or the trawl doors or other trawl-spreading device, do not operate in contact with the seabed, and which does not have attached to it any protective device, such as chafing gear, rollers, or bobbins, that would make it suitable for fishing in contact with the seabed.*

However, reports from the North Pacific Fishery Management Council Fishing Effects Model document and testimony from trawl fleet representatives affirm that these trawls regularly operate well outside of this definition. We believe this results in known frequent seafloor contact, habitat damage, and an increased threat to the sustainability of critical fisheries such as crab, salmon, and halibut.

The absence of seafloor contact monitoring and regulatory enforcement mechanisms limiting such contact exacerbates the problem, allowing noncompliant practices to persist unaddressed. This undermines the integrity of the state's sustainable fisheries management, its commitment to protecting marine habitats, and the long-standing regulation around pelagic trawl use in Alaska state waters.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance (EF-F26-120)

PROPOSAL 164

5 AAC 39.105. Types of legal gear.

Establish bottom contact monitoring requirements for pelagic trawl gear operated inside state waters, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

All vessels using pelagic trawl gear in state waters must participate in a mandatory monitoring program, which includes seafloor contact sensors.

In coordination with the Alaska Board of Fisheries, the Alaska Department of Fish and Game (ADF&G) shall establish a compliance verification system to confirm that pelagic trawl gear is not in contact with the seafloor.

Proposed amendment to 5 AAC 39.105:

Monitoring Requirements for Pelagic Trawl Gear.

All vessels using pelagic trawl gear in Alaska state waters must be equipped with a Department-approved seafloor contact detection system capable of recording and verifying gear behavior in relation to the seafloor.

The Alaska Department of Fish and Game (ADF&G) shall:

- Approve appropriate sensor technology or electronic monitoring systems that can detect bottom contact by trawl doors, nets, or other components;
- Define data submission and retention requirements;
- Require real-time or near-real-time data access to support compliance enforcement;
- Provide technical assistance and a grace period for gear modification, with full enforcement beginning no later than [specific date].

Vessels not equipped with verified monitoring systems shall be classified as bottom contact trawl operations and subject to all relevant restrictions. Failure to comply with this regulation may result in enforcement action, including fines or loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? The current definition of pelagic trawl gear in 5 AAC 39.105 prohibits seafloor contact, yet there is no requirement for gear-mounted sensors or other monitoring systems that can verify whether vessels comply with this regulation. As a result, vessels may routinely make contact with the seafloor without consequence.

This lack of accountability poses a serious risk to sensitive benthic habitats and undermines Alaska's reputation for sustainable fisheries management. It also creates an uneven playing field, where law-abiding fishermen who avoid bottom contact may be at a disadvantage compared to others who ignore the regulation.

Introducing mandatory seafloor sensing technology would close this gap, provide transparency, and enable managers to verify compliance with midwater gear restrictions.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance

(EF-F26-118)

PROPOSAL 165

5 AAC 39.105. Types of legal gear.

Establish salmon excluder requirements for all pelagic trawl gear operated inside state waters, as follows:

We recognize that pelagic trawl fisheries are part of Alaska's seafood economy. Our goal is to improve the enforcement and accountability of existing regulations and ensure that this gear type can operate responsibly as part of Alaska's sustainable fisheries.

Proposed amendment to 5 AAC 39.105:

Add new section:

(c)Salmon Excluder Requirement.

All pelagic trawl gear used in the commercial harvest of groundfish within Alaska state waters must be equipped with an approved salmon excluder device that has been tested and verified to reduce salmon bycatch effectively.

The Alaska Department of Fish and Game shall:

- Establish performance-based criteria for excluder devices;
- Maintain a list of approved excluders based on field testing and scientific review;
- Implement a phased compliance timeline and outreach strategy to ensure industry adaptation.

Failure to comply with this regulation may result in enforcement action, including fines or loss of fishing privileges in state waters.

What is the issue you would like the board to address and why? The current regulatory definition of pelagic trawl gear under 5 AAC 39.105 does not include specific bycatch mitigation measures, particularly for salmon bycatch. This omission allows midwater, or pelagic, trawl fisheries in state waters to operate without standardized and enforceable protections for salmon stocks, some of which are in decline or listed under conservation concern.

Evidence from National Marine Fisheries Service (NMFS), North Pacific Fishery Management Council (NPFMC), and stakeholder observations indicate that pelagic trawl gear often comes into contact with the seafloor and operates in mixed-species zones where salmon are present. Without mandatory salmon excluders, these operations pose a direct risk to salmon populations, many of which are crucial to subsistence, sport, and commercial fisheries, and central to Alaska's culture and food security.

A recent example of this was the required early closure of the Gulf of Alaska (GOA) pollock fishery after it reached its prohibited species cap of Chinook salmon. Mandated use of salmon excluders in state waters would further work to avoid interactions with prohibited species.

Requiring salmon excluders will promote sustainability and reduce bycatch and is an approach already under consideration at the NPFMC in both the BSAI and GOA under Exempted Fishing Permits.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal was developed in concert with the members and supporters of the Alaska Healthy Habitat Alliance.

PROPOSED BY: The Alaska Healthy Habitat Alliance

(EF-F26-119)

PROPOSAL 166

5 AAC 39.105. Types of legal gear.

Amend statewide definition of a mechanical jigging machine, as follows:

5 AAC 39.105 Types of legal gear (d)(25)

(25)a mechanical jigging machine is a device **having a drum, spool, or reel measuring no more than 15 inches outside diameter by 7 inches inside width** that deploys a line with lures or baited hooks and retrieves that line with electrical, hydraulic, or mechanically powered assistance; a mechanical jigging machine allows the line to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with a mechanical jigging machine; the mechanical jigging machine may not be anchored or operated unattached from the vessel;

What is the issue you would like the board to address and why? Some cod jig fishermen using other (ill defined) gear types to harvest cod have caused the cod jig season to close prematurely and spread the catch unfairly among users. The use of longline gear inside and outside of State of Alaska jurisdiction are the primary means of unfair and illegal harvesting of cod during the state waters jig season. A better jig gear definition is needed so that longline reels aren't used for "jigging."

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. In consultation with other jig fishermen, ADFG management, and Alaska Wildlife Troopers.

PROPOSED BY: David Kubiak

(EF-F26-072)

PROPOSAL 167

5 AAC 28.050. Lawful gear for groundfish.

Prohibit vessels from having other groundfish gear or equipment onboard while participating in a groundfish fishery using mechanical jigging machines or hand troll gear, as follows:

In the statewide jig fishery, vessels registered to jig fish may only carry mechanical jigging machines and hand troll gear. Long line gear, reels, drums, and slinky pots are prohibited on board while prosecuting the fishery, traveling to or from the fishing grounds or offloading jig cod harvest.

What is the issue you would like the board to address and why? Compelling circumstantial evidence suggests that vessels registered and prosecuting the Kodiak area state water jig fishery are using additional groundfish gear such as longline gear and slinky pots. Delivery patterns and offload volumes between vessels only carrying jig gear vs. vessels that have longline and slinky pots on board, in addition to jig gear, indicate that nefarious and illegal behavior is occurring. Boats with snap-on longline reels onboard, in addition to jig gear, have been observed delivering fish with intact snaps and hooks still attached to the fish..

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. The proposal was developed by jig fishermen who did extensive outreach to the jig fleet. The jig fleet also consulted with Kodiak area managers and Alaska state troopers.

PROPOSED BY: Alaska Jig Association

(EF-F26-162)

PROPOSAL 168

5 AAC 28.050. Lawful gear for groundfish.

Prohibit vessels from having more than one groundfish gear type onboard when participating in a state-managed groundfish fishery.

5 AAC 28.050 Lawful gear for groundfish

(a) Unless otherwise provided or restricted by specific groundfish regulations in this chapter, groundfish may be taken only by trawls, hand troll gear, seines, mechanical jigging machines, dinglebar troll gear, longlines, or pots, except that

(1) king and Tanner crab pots as described in 5 AAC 34.050(2) and 5 AAC 35.050(2) may not be used to take groundfish;

(2) repealed 5/31/98.

(b) a vessel may not possess onboard more than one lawful gear type for harvesting groundfish while actively fishing in a groundfish fishery

(c)[B] All commercial longline or skate gear buoys, or kegs and buoys for groundfish pots, must be marked as follows:

What is the issue you would like the board to address and why? With smaller GHL's of Pacific Cod in recent years, and lower dock prices for cod, individuals who rely heavily on the jig fishery to provide operating income prior to the summer salmon season are finding their season's cut drastically short by operators who utilize longline equipment and slinky pots to harvest cod from the jig sector allocation. There is currently no regulation that prohibits a vessel from having jig machines, longline equipment, and pot gear all on board, and this would provide a meaningful regulation that enforcement could use to ensure a fishery is prosecuted by the user group the sector allocation was intended for.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. I developed this proposal on my own.

PROPOSED BY: Nate Rose

(EF-F26-175)

PROPOSAL 169

5 AAC. 39.105 Types of legal gear.

Create a definition of groundfish coil spring or 'slinky pot', as follows:

5 AAC 39.105(d)(11) is amended to read:

(11) a pot is a

(A) portable structure designed and constructed to capture and retain fish and shellfish alive in the water; **or**

(B) a collapsible pot, commonly known as a slinky pot, is a coil spring pot with non- rigid mesh and a collapsible frame, with no more than two tunnel eye openings on opposing sides.

What is the issue you would like the board to address and why? Currently, statewide groundfish regulations do not have a definition of groundfish coil pots commonly known as slinky pots. This is a relatively new gear type that has become more common in groundfish fisheries. These pots are collapsible, easy to handle and stack, and have low bycatch of nontarget species. Regulations exist defining escape openings and marking requirements for these pots but the terms groundfish coil spring and ‘slinky pot’ are not defined in regulation.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Text

PROPOSED BY: Alaska Department of Fish and Game (HQ-F26-024)

PROPOSAL 170

5 AAC 40.XXX New Regulation.

Reduce the permitted egg take level of each hatchery permit containing pink and chum salmon by 25% of the current permitted capacity for those species, as follows:

What is the issue you would like the board to address and why? Currently, 30 salmon hatcheries are operating in the state. Twenty-seven facilities are operated by private nonprofit (PNP) corporations, which are funded primarily from the sale of a portion of hatchery returns. Of these, 11 are state owned and operated by PNPs on the state’s behalf at no cost to the state. Non-PNP operated hatcheries include two sport fish hatcheries operated by the state and one hatchery operated by the Metlakatla Indian Community under federal regulation.ⁱ Most of these hatcheries have been operating since the Alaska Hatchery Act was adopted in 1974, authorizing private non-profit corporations to own and operate salmon hatcheries to supplement wild salmon stocks and support fisheries.

The regulatory intent in the Act was to also protect wild salmon stocks. The Alaska Hatchery Act establishing the PNP Hatchery system was adopted in 1974. “Section 1. INTENT. It is the intent of this Act to authorize the private ownership of salmon hatcheries by qualified nonprofit corporations for the purpose of contributing, by artificial means, to the rehabilitation of the state’s depleted and depressed salmon fishery. The program shall be operated without adversely affecting natural stocks of fish in the state and under a policy of management which allows reasonable segregation of returning hatchery-reared salmon from naturally occurring stocks.” However, during the 50 years since the implementation of PNP hatcheries, there has been virtually no environmental review or cost-benefit analysis of the impacts of hatcheries and very limited oversight by Alaska Board of Fisheries.

State of Alaska law (Policy for management of sustainable salmon fisheries – 5 AAC 39.222) mandates that hatcheries shall operate without adversely affecting natural stocks of fish.

Assessing that impact is the Board of Fish responsibility. However, except for a 1977 authority given to the Board of Fisheries for salmon broodstock releases under a hatchery permit, there was no annual Board oversight on hatcheries between 1974 and 1999. In 1999, the first Board of Fish hatchery committee was established. The committee did not meet until 2001 but only for two years to establish protocols. Between 2003-2018 there were no Board hatchery meetings. In 2018, the Board adopted the Committee of the Whole (entire Board) which met for a full day since, except

2021 due to Covid. This means that for most of the 49 years of the PNP hatchery program, there was no public review or Board of Fish oversight.

With the severe and escalating decline of wild salmon stocks in both average size and abundance, there is ample peer-reviewed scientific evidence that hatchery salmon negatively impact wild salmon in many significant ways. For several years, different groups have been submitting proposals for hatchery egg take reduction as one of the responses to protect wild salmon. All those proposals were refused on the basis of lack of conclusive evidence that there is a correlative relationship to detrimental impacts of hatchery production in wild stocks through competition for forage food and straying.

However, there is over-whelming evidence of negative impacts with very little corresponding evidence to the opposite. “Hatcheries have long produced salmonids for fisheries and mitigation, though their widespread use is increasingly controversial because of potential impacts to wild salmonids. We conducted a global literature search of peer-reviewed publications (1970–2021) evaluating how hatchery salmonids affected wild salmonids, developed a publicly available database, and synthesized results. Two hundred six publications met our search criteria, with 83% reporting adverse/minimally adverse effects on wild salmonids. Adverse genetic effects on diversity were most common, followed by effects on productivity and abundance via ecological and genetic processes. Few publications (3%) reported beneficial hatchery effects on wild salmonids, nearly all from intensive recovery programs used to bolster highly depleted wild populations. Our review suggests hatcheries commonly have adverse impacts on wild salmonids in freshwater and marine environments.”ⁱⁱⁱ Since this synthesis was published in 2023, even more hatchery-impact papers have emerged.

While the Alaska Board of Fisheries has limited authority to provide injunctive relief on this issue, they can reduce hatchery egg take permitting levels. This is the only venue open to public proposals and the only recourse for the general public to debate or contest hatchery practices.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee Jeff Lucas, Chair
(EF-F26-137)

PROPOSAL 171

5 AAC 40. XXX New Regulation.

Amend Prince William Sound hatchery permits to reduce pink salmon egg take capacity, as follows:

Require changes in Prince William Sound Pink Salmon hatchery production sufficient to reduce straying into Lower Cook Inlet streams to levels specified in the Prince William Sound/Copper River Comprehensive Salmon Plan.

What is the issue you would like the board to address and why? High levels of straying by Prince William Sound hatchery pink salmon have been identified in Lower Cook Inlet streams (Otis et al. 2018. Observations of Pink Salmon hatchery proportions in selected Lower Cook Inlet escapements, 2016-2017. Alaska Department of Fish and Game Special Publication 18-11). PWS hatchery contributions averaged 22% in 17 LCI streams sampled in 2014-2018. Combined contributions of LCI and PWS hatchery fish averaged 34%.

High stray rates reduce wild pink salmon productivity due to low relative reproductive success of hatchery fish recently identified by the Alaska Hatchery Research Project. High stray rates violate criteria in the *Prince William Sound/Copper River Comprehensive Salmon Plan* specifying that the proportion of hatchery salmon straying into wild-stock streams must remain below 2% of the wild-stock escapement over the long term.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Not applicable

PROPOSED BY: Kenai River Sportfishing Association (EF-F26-009)

PROPOSAL 172

5 AAC 40.XXX New Regulation.

Board generated regulation that places a moratorium on pink and chum hatchery production.

Adopt a Hatchery salmon policy establishing a moratorium on any increase in egg take of Pink Salmon and Chum Salmon for the purposes of artificial production in the waters of Alaska relative to permitted levels as of 2025.

The moratorium would remain in effect until repeal or revision by the Board based on considerations that might include:

- 1) resolution of uncertainty in the science regarding hatchery-wild effects,
- 2) comprehensive hatchery policy guidelines for acceptable levels of hatchery straying; hatchery sanctuary areas for protection of genetic legacy salmon populations; criteria for identification and evaluation of remote hatchery release sites; criteria for new releases of hatchery salmon in areas where they do not currently occur; escapement goal assessments in enhanced wild salmon population; and ecosystem interactions with hatchery fish.
- 3) the availability of updated Regional Comprehensive plans that reflect current programs and comprehensive hatchery policies.
- 4) results of any independent scientific review of Alaska hatchery research findings, policies and programs that might occur.

A moratorium would call a time out on any further hatchery expansion in light of significant concerns and uncertainty in negative effects of current programs. This pause would allow time for the Alaska hatchery study time to complete its work and for current information to be incorporated into policy and practice.

This action endorses and codifies an informal policy decision by the Commissioner to not permit increased egg take for pink salmon hatchery production as reported in RC240 of the 2024 Upper Cook Inlet Board of Fisheries meeting. Without Board action, this informal policy could be set aside by a future Commissioner without regard for the current scientific information on hatchery effects.

This action is within Board authority as per AAC 16.05.251 (9) “prohibiting and regulating the live capture, possession, transport, or release of native or exotic fish or their eggs” and AAC 16.10.440 (b) “the Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation...the terms of the permit relating to the source and number of salmon eggs...”

What is the issue you would like the board to address and why? New information produced by the Alaska Hatchery Research Project and recent publications in the peer-reviewed scientific literature have identified a high potential for significant negative impacts of Alaska salmon hatchery programs on wild salmon stocks and the marine ecosystem. Hatchery Pink and Chum salmon have been observed to stray widely into Prince William Sound, Southeast Alaska and Lower Cook Inlet wild salmon streams. Wild Pink Salmon productivity may be reduced by low relative reproductive success of hatchery fish.

Significant changes in marine ecosystems have also been associated with large numbers of Pink Salmon including hatchery fish. Ecosystem impacts of large-scale hatchery in Alaska may have contributed to widespread declines in productivity of Chinook and Chum salmon in many areas of Alaska.

The *Policy for the Management of Sustainable Salmon Fisheries* directs that wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts [5 AAC 39.222(c)(1)(D)] and artificial propagation shall be managed conservatively with a precautionary approach in the face of uncertainty [5 AAC 39.222(c)(5)(A)].

While enhancement activities are guided by a variety of Department policies, guidelines and processes, many of these have not been updated based on current scientific information and a comprehensive salmon hatchery policy does not exist. Regional Comprehensive Salmon Enhancement Plans [5 AAC 40.340] are out of date and current programs may be inconsistent with the available plans.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Not applicable

PROPOSED BY: Kenai River Sportfishing Association

(EF-F26-007)

PROPOSAL 173

5 AAC 39.291. Boundary markers..

Provide emergency order authority to define fishing boundaries when regulatory markers are lost, destroyed or otherwise absent, as follows:

5 AAC 39.291 is amended to read, as follows:

The department may post a boundary described in regulation by an appropriate marker. The marker must be placed as close as possible to the location specified in the applicable regulation. Where markers have been lost or destroyed, the boundary is as specified in the applicable regulation[.] **or by emergency order.**

What is the issue you would like the board to address and why? The same fishing boundaries are often set by emergency order year after year and regulatory markers are frequently used to determine these boundaries. Regulatory markers can be destroyed by weather or wildlife or in some cases removed without authorization. In addition, many current boundaries defined by regulation or by emergency order use precise points identified by global positioning system coordinates obtained by global information system software, forgoing the need to ensure regulatory markers are in place for every fishery opening.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F26-028)

PROPOSAL 174

5 AAC 39.260. Seine specifications and operations.

Allow the engine of a purse seine vessel or skiff to be shut off when the purse seine is deployed, as follows:

Under seine specifications and operations I would delete (I) During the operation of a purse seine, the propulsion engines of the seiner or skiff assisting the operation, must be running and the vessel must be controlling configuration of the purse seine.

What is the issue you would like the board to address and why? When fishing is slow or the fish are spooky, the requirement to have your engines running is unnecessary. Sometimes you just want to hang on your gear or be quiet to encourage fish to pass into the set. The requirement seems 1)unnecessary and 2)a waste of fuel

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Conversations with other fishermen

PROPOSED BY: Rob Nelson

(EF-F26-029)

Dipnet gear definition (1 proposal)

PROPOSAL 175

5 AAC 39.105. Types of legal gear.

Modify dipnet mesh-size and configuration, as follow:

5 AAC 39.105. Types of legal gear.

(d)(24) 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 3.5 [4.5] inches; the frame must be attached to a single rigid handle and be operated by hand **without the addition of a rope attached to the handle and boat to extend the reach of the dip net into the water beyond the length of the rigid handle;**

What is the issue you would like the board to address and why? Local observations of catch-and-release mortality of Chinook salmon release from dip nets necessitates minimizing incidental mortality associated with selective dip net fishing in both subsistence, personal use, and commercial salmon fisheries.

We encourage the board to reduce the allowable stretched mesh size of dip net webbing from 4.5 inches to 3.0 inches statewide and require the rigid handle to be operated by hand without the addition of a rope attached to the handle and tied to the boat to extend the reach of the dip net into the water column beyond the length of the rigid handle.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Ahtna Intertribal Resource Commission

(EF-F26-151)

Sport Fisheries (9 proposals)

Bag and annual limits (5 proposals)

PROPOSAL 176

5 AAC 75.XXX. New sectionRegulatory Language here.

Allow anglers fishing from the same vessel to pool bag and possession limits , as follows:

Proposed Amendment to 5 AAC 75.0XX – Saltwater Vessel Bag Limit

(a) Saltwater Vessel Bag Limit. In salt waters and onboard any vessel (Including those which meets the registration requirements of 5 AAC 75.07), any species of finfish, including halibut, may be taken by individuals which hold a valid Alaska sport fishing license or are otherwise exempt from licensing requirements in individual bag and season limits under 5 AAC 47 - 5 AAC 74, and may be taken as a part of a bag limit which is cumulative for all individuals onboard the vessel who hold an Alaska sport fishing license or are otherwise exempt from licensing requirements.

- (1) For purposes of this section, no individual may retain any finfish for which they have retained their seasonal limit under 5 AAC 47 – 5 AAC 74.
- (2) For purposes of this section, no individual may possess finfish greater than the number allowed for the water on which they are fishing.
- (3) For purposes of this section, on any vessel which meets the registration requirements of 5 AAC 75.07, any finfish harvested under 5 AAC 47 – 5 AAC 74 by crew must be labeled or identified as crew fish.
- (4) For purposes of this section, on any vessel which meets the registration requirements of 5 AAC 75.07, crew are prohibited from giving all or part of their individual limit of finfish harvested under 5 AAC 47 – 5 AAC 74 to any passenger during or after a trip.

What is the issue you would like the board to address and why? Cumulative bag limits for all licensed or otherwise exempt individuals on board vessels fishing in salt waters. Cumulative bag limits will reduce release mortality on all species, reduce fuel consumption, and increase food security of Alaska residents and nonresidents fishing off of saltwater vessels. Further, cumulative bag limits will simplify enforcement while having no effect on regulations for recording of catch and discard.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Yes. South East Alaska Guide's Organization (SEAGO), and local saltwater anglers in Homer, Alaska.

PROPOSED BY: Brian Ritchie, Homer Charter Association (EF-F26-160)

PROPOSAL 177

5 AAC 75.XXX. New Section.

Allow anglers fishing from the same vessel to pool bag and possession limits, as follows:

Proposed Amendment to 5 AAC 75.0XX – Marine Fishing Vessel Bag Limit

- (a)** As a group, individuals fishing on marine waters holding a valid Alaska sport fishing license or otherwise exempt from licensing requirements may **take*** the total legal limit of fish equal to the cumulative daily bag or possession limit for all licensed or exempt individuals present.

**(Alaska Statute 16.05.940(35)- "taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game."*

What is the issue you would like the board to address and why? Current Alaska sport fishing regulations restrict daily bag limits to individual anglers. This presents challenges to groups that are required to manage their catches separately, regardless of ability, age, or circumstance. Where sportfishing in Alaska serves both as a food source and recreation and is often done in groups with differing skills, physical capabilities, and recreational fishing goals, anglers should be allowed to pool their daily bag and possession limits.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Southeast Alaska Guides Organization (EF-F26-167)

PROPOSAL 178

5 AAC 75.995. Definitions.

Modify the definition of bag limit, as follows:

(4)"bag limit" means the maximum legal take of fish per person per day, in the area in which the person is fishing, even if part or all of the fish are immediately preserved; a fish when landed and not immediately released becomes a part of the bag limit of **any person taking part in the catch** [THE PERSON ORIGINALLY HOOKING IT];

What is the issue you would like the board to address and why? Current regulations make it hard to assist anglers who need it. For example, if I take a rod out of the rod holder and pass it to someone, or crank the handle to set the hook before another angler takes over- the fish becomes part of my bag limit. If I already have a limit of that species, the fish must be released regardless of whether the angler who fought it has a limit, thus causing higher release mortality- especially with King salmon and Demersal rock fish. I believe that under the current regulation many fisherman are unintentionally breaking the law.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. I have discussed this with numerous sport fisherman and charter captains as well as the local Advisory Committee.

PROPOSED BY: Lucas Bastian (EF-F26-059)

PROPOSAL 179

5 AAC 75.XXX. New Section.

Establish a statewide annual limit for king salmon of 10 fish, as follows:

Establish a Statewide annual limit of 10 Chinook Salmon larger than 20 inches. All retained Chinook salmon greater than 20 inches must be recorded immediately.

This regulation shall not be interpreted to increase any regional or local bag, possession, or annual limit, but rather to limit anglers taking more than 10 chinook salmon by combining regional limits or by fishing in areas without an annual limit.

What is the issue you would like the board to address and why? The state of Alaska is experiencing significant chinook salmon declines. Currently, most of the state has been closed to king salmon fishing in-river, either by emergency order or regulation change. Ocean fisheries, such as the winter king salmon fishery in Homer, remain as the few holdouts for chinook sport fisheries, but they also need to take a more conservative approach than they currently do.

I am proposing a statewide restriction that does not target one specific area, with the recognition that this is a coastwide issue. Additionally, the proposed limit is still far more liberal than any in-river sport fishery I am aware of. This is to account for the combined factors of mixed stock fisheries and lower chance of spawning for ocean stocks.

In my discussions with ADF&G biologists, a primary drawback for a statewide limit was affecting allocations in the Southeast regions that are part of the Pacific Salmon Treaty. Although I think it is more fair for the limit to apply to the whole state, if the board views the inclusion of Southeast Alaska as a significant drawback, I would welcome an amendment to include only those state waters not covered under the Pacific Salmon Treaty.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. This proposal has been discussed extensively with Department staff from the Douglas, Juneau, Homer, and Anchorage offices, and has been modified to better reflect those management areas, while preserving the intent of the proposal.

PROPOSED BY: Paul Warta

(EF-F26-079)

Possession requirements (1 proposal)

PROPOSAL 180

5 AAC 75.XXX. New Section.

Establish a statewide annual limit for king salmon of five fish, as follows:

Except as provided for under E.O. authority, there is an annual Statewide sport limit of 5 Chinook salmon, January 1 – December 31 each year within all salt and fresh waters areas of Alaska. All retained Chinook will be reported on an e-reporting Application or annually submit the required Sport Fishing Annual Harvest Record to ADF&G.

What is the issue you would like the board to address and why? Place an annual statewide sport fish limit on chinook salmon and develop an e-reporting Application or annually submit the required Sport Fishing Annual Harvest Record to ADF&G.

Justification: Along the Pacific coast of North America, there are only a few naturally spawning Chinook salmon rivers that are not having difficulty meeting their minimum escapement goals. Chinook salmon from these rivers play a critical role in a healthy ecosystem from the Mexican border to the Arctic. Young and growing chinook salmon are a calorically high value food source and serve as an important prey to predatory fish, marine mammals, and fishermen before returning to their home stream to spawn. By not protecting and maintaining chinook stocks that are not considered local, additional stress is placed on local Alaskan stocks as non-local chinook stocks decline. Furthermore, unrestricted winter chinook harvests on feeders still impact our local Alaskan “Stocks of Concern” when their GOA abundance is approximately ¼ of the harvest. The adequate management of this declining resource requires ADF&G to develop a comprehensive method to assess impacts to these stocks through catch and effort assessment via analysis of Harvest Records.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. I have spent many hours discussing this issue with Sport, Subsistence and Commercial users at numerous fishery meetings during the past two years.

PROPOSED BY: Earl Krygier

(EF-F26-076)

Sport fishing gear (2 proposals)

PROPOSAL 181

5 AAC 75.020. Sport fishing gear.

Align regulatory and statutory language for sport fishing gear, as follows:

5 AAC 75.020(a) is amended to read:

...

5 AAC 75.020. Sport fishing gear. (a) Unless otherwise provided in 5 AAC 47 - 5 AAC 75, sport fishing may only be conducted by the use of a closely attended single line, **held in hand or attached to a fishing pole or rod**, having attached to it not more than

- (1) one plug;
- (2) one spoon;
- (3) one spinner or series of spinners;
- (4) two artificial flies; or
- (5) two hooks.

What is the issue you would like the board to address and why? Current language in 5 AAC 75.020(a) does not align with the statutory definition of sport fishing found in AS 16.05.940(31) *“sport fishing” means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries.* This has caused confusion amongst the public and staff when asked what legal sport fishing gear is. In recent years, more questions have come from the public interested in fishing with a hook or lure attached to a line that is attached to a radio-controlled boat, drone, or downrigger. The current regulatory language (not the statutory language) is published in the sport fishing regulation summaries and implies that that activity would be legal under regulations, but not statute. Aligning the regulation with the statute would provide regulatory consistency and reduce confusion.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F26-027)

PROPOSAL 182

5 AAC 75.XXX. New Section.

Establish bow fishing as lawful sport fishing gear for species without a bag or possession limit, as follows:

Establish bow fishing as a legal method and means for species in freshwater without a bag or possession limit.

What is the issue you would like the board to address and why? Bowfishing opportunities are varied across Alaska. I would like to see the opportunity broadened to include all freshwater species without a bag/possession limit. This would also allow any invasive species to be immediately targeted by individuals while bowfishing, without further regulation needed. In the South-Central region I would expect northern pike, whitefish, suckers, and blackfish to be the

primary targets. Of these, whitefish and suckers currently have little demand, and this would provide an effective means of targeting these species that are harder to entice with normal gear.

This opportunity would come with a risk of non-target species being taken by accident or by intentional disregard of the regulations. However, I do not believe the risk is significantly higher than other methods and means, as bowfishing requires visualization of the fish, potentially reducing the impact on non-target species compared to rod and reel fishing.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. Discussed with ADFG biologists in the Anchorage, Dillingham, and Palmer offices.

PROPOSED BY: Paul Warta

(EF-F26-080)

PROPOSAL 183

5 AAC 75.XXX New Section.

Amend regulations requiring conditions of fish available to inspection while in possession, as follows:

5 AAC 75 is amended by adding a new section:

...

5 AAC 75.XXX. Finfish evidence of size and identity.

Until a finfish has been processed or prepared for human consumption, a person may not mutilate or otherwise disfigure it in a manner that would prevent the determination of species or the determination of length of fish. Species which can be used as bait are exempt from this requirement.

What is the issue you would like the board to address and why? Maintaining an angler's harvest in a condition so the department or enforcement officer can verify species identification and length, when applicable, is important to the department and enforcement. Maintaining identifiable features helps law enforcement perform routine tasks and aids the department when biological information is required.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Alaska Department of Fish and Game

(EF-F26-025)

Definitions (1 proposal)

PROPOSAL 184

5 AAC 75.995. Definitions

Align the sport fish definition of rockfish with the statewide definition, as follows:

5 AC 75.995(22) is amended to read:

...

(22) “rockfish” means all fish of the genus *Sebastes*, including pelagic **shelf, demersal shelf, and slope** rockfish [AND NONPELAGIC ROCKFISH] **as defined in 5 AAC 39.975;**

(46) “nonpelagic rockfish” includes all rockfish species in the genus *Sebastes* that are not defined as pelagic rockfish **as defined in 5 AAC 39.975;**

[(47) “PELAGIC ROCKFISH” INCLUDES THE FOLLOWING *SEBASTES* SPECIES: (A-F)]

What is the issue you would like the board to address and why? This would modify the sport fish definition of rockfish by adding reference to the rockfish species assemblages defined in statewide commercial and personal use fisheries definitions. Historically, the sport fishery has been managed with two rockfish species assemblages “pelagic rockfish” and “nonpelagic rockfish,” in some instances (Southeast Alaska) the sport fishery is now managed with distinctive regulations for each of the three species groups “pelagic shelf,” “demersal shelf,” and “slope.” This clarification in the definitions aligns the definition of rockfish species assemblages within and across all fisheries.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F26-026)
