

## **PROPOSAL 175**

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

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

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

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

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

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

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

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

(a) **repealed** / / [AN OWNER OF A BUSINESS SHALL OBTAIN A CURRENT ANNUAL SALT WATER SPORT FISHING OPERATOR LICENSE FROM THE DEPARTMENT BEFORE THE BUSINESS CONDUCTS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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) reporting the violation.

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

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

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

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

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

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

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

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

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

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

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

(f) In this section, "logbook" includes

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

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

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

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

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

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

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

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

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

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

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

(43) “sport fishing services”

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

(B) does not include

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

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

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

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

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

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

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

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

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

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## **PROPOSAL 176**

### **5 AAC 47.055. Southeast Alaska King Salmon Management Plan.**

Align regulations within the Southeast Alaska King Salmon Management Plan with the provisions of the new 2019-2028 Pacific Salmon Treaty annex, as follows:

**5 AAC 47.055. Southeast Alaska King Salmon Management Plan.** (a) The commissioner shall establish, by emergency order, the king salmon sport fish bag and possession limits and all other necessary management measures based on the **Southeast Alaska Winter Troll CPUE**. [THE PRESEASON KING SALMON ABUNDANCE INDEX DETERMINED BY THE CHINOOK TECHNICAL COMMITTEE OF THE PACIFIC SALMON COMMISSION.] The bag and possession limits and other management measures established by the commissioner will remain in effect until **January 31 of the following year**. [DECEMBER 31]. [FOR THE FOLLOWING YEAR, UNTIL THAT YEAR'S PRESEASON ABUNDANCE INDEX BECOMES AVAILABLE, THE BAG AND POSSESSION LIMITS AND OTHER MANAGEMENT MEASURES WILL BE BASED ON THE PRIOR YEAR'S PRESEASON ABUNDANCE INDEX.] If the new **Southeast Alaska Winter Troll CPUE** [PRESEASON KING SALMON ABUNDANCE INDEX] is not available by **February** [MAY] 1, the bag and possession limits and other management measures for the remainder of the year will be based on the prior year's **Southeast Alaska Winter Troll CPUE** [PRESEASON ABUNDANCE INDEX], unless superseded by emergency order.

(b) The objectives of the management plan under this section are to

- (1) manage the sport fishery to attain an average harvest of 20 percent of the annual harvest ceiling specified by the Pacific Salmon Commission, after the subtraction of the commercial net allocation specified in 5 AAC 29.060 from the harvest ceiling;
- (2) allow uninterrupted sport fishing in salt waters for king salmon, while not exceeding the sport fishery harvest ceiling;
- (3) minimize regulatory restrictions on resident anglers; and
- (4) provide stability to the sport fishery by eliminating inseason regulatory changes, except those necessary for conservation purposes.

(c) **When the Southeast Alaska Winter Troll CPUE is equal to or greater than 20.5, which is equivalent to a king salmon abundance index greater than 2.2, the sport fishery harvest limit will be set at 69,000 treaty king salmon, the commissioner may, by emergency order, implement the following management measures:**

**(1) a resident bag limit of three king salmon, 28 inches or greater in length;**

**(2) a nonresident bag limit of two king salmon, 28 inches or greater in length, in May and one king salmon, 28 inches or greater in length, for the remainder of the year; a nonresident annual limit of five king salmon, 28 inches or greater in length.**

**(3) from October 1 through March 31, a sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon;**

[WHEN THE KING SALMON ABUNDANCE INDEX IS GREATER THAN 2.0, THE COMMISSIONER MAY, BY EMERGENCY ORDER, IMPLEMENT THE FOLLOWING MANAGEMENT MEASURES:

- (1) FROM OCTOBER 1 THROUGH MARCH 31, A SPORT FISH ANGLER MAY USE TWO RODS WHEN FISHING FOR KING SALMON; A PERSON USING TWO RODS UNDER THIS PARAGRAPH MAY ONLY RETAIN SALMON;

(2) A RESIDENT BAG LIMIT OF THREE KING SALMON, 28 INCHES OR GREATER IN LENGTH;

(3) A NONRESIDENT BAG LIMIT OF TWO KING SALMON IN MAY AND JUNE AND ONE KING SALMON FOR THE REMAINDER OF THE YEAR; A NONRESIDENT ANNUAL LIMIT OF SIX KING SALMON, 28 INCHES OR GREATER IN LENGTH.]

**(d) When the Southeast Alaska Winter Troll CPUE is less than 20.5 to 8.7, which is equivalent to a king salmon abundance index of 2.2 to greater than 1.8, the sport fishery harvest limit will be set at 61,900 treaty king salmon and the commissioner may, by emergency order, implement the following management measures:**

**(1) a resident bag limit of three king salmon, 28 inches or greater in length;**

**(2) a nonresident bag limit of one king salmon; a nonresident annual limit of four king salmon, 28 inches or greater in length;**

**(3) from October 1 through March 31, a sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon;**

[WHEN THE KING SALMON ABUNDANCE INDEX IS 1.76 TO 2.0, THE COMMISSIONER MAY, BY EMERGENCY ORDER, IMPLEMENT THE FOLLOWING MANAGEMENT MEASURES:

(1) FROM OCTOBER 1 THROUGH MARCH 31, A SPORT FISH ANGLER MAY USE TWO RODS WHEN FISHING FOR KING SALMON; A PERSON USING TWO RODS UNDER THIS PARAGRAPH MAY ONLY RETAIN SALMON;

(2) A RESIDENT BAG LIMIT OF THREE KING SALMON;

(3) A NONRESIDENT BAG LIMIT OF TWO KING SALMON IN MAY AND ONE KING SALMON FOR THE REMAINDER OF THE YEAR; A NONRESIDENT ANNUAL LIMIT OF FIVE TO SIX KING SALMON, 28 INCHES OR GREATER IN LENGTH, ESTABLISHED BY EMERGENCY ORDER. ]

**(e) When the Southeast Alaska Winter Troll CPUE is less than 8.7 to 6.0, which is equivalent to a king salmon abundance index of 1.8 to greater than 1.5, the sport fishery harvest limit will be set at 49,300 treaty king salmon and the commissioner may, by emergency order, implement the following management measures:**

**(1) a resident bag limit of two king salmon, 28 inches or greater in length;**

**(2) a nonresident bag limit of one king salmon; a nonresident annual limit of three king salmon, 28 inches or greater in length;**

**(3) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.**

[WHEN THE KING SALMON ABUNDANCE INDEX IS 1.51 TO 1.75, THE COMMISSIONER MAY, BY EMERGENCY ORDER, IMPLEMENT THE FOLLOWING MANAGEMENT MEASURES:

(1) FROM OCTOBER 1 THROUGH MARCH 31, A SPORT FISH ANGLER MAY USE TWO RODS WHEN FISHING FOR KING SALMON; A PERSON USING TWO RODS UNDER THIS PARAGRAPH MAY ONLY RETAIN SALMON;

(2) A RESIDENT BAG LIMIT OF THREE KING SALMON;

(3) A NONRESIDENT BAG LIMIT OF TWO KING SALMON IN MAY AND ONE KING SALMON FOR THE REMAINDER OF THE YEAR; A NONRESIDENT ANNUAL LIMIT OF FOUR TO FIVE KING SALMON, 28 INCHES OR GREATER IN LENGTH, ESTABLISHED BY EMERGENCY ORDER.]

**(f) When the Southeast Alaska Winter Troll CPUE is less than 6.0 to 3.8, which is equivalent to a king salmon abundance index of 1.5 to greater than 1.2, the sport fishery harvest limit will be set at 37,900 treaty king salmon and the commissioner may, by emergency order, implement the following management measures:**

**(1) a bag limit of one king salmon, 28 inches or greater in length;**

**(2) from January 1 through June 15, a nonresident annual harvest limit is three king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by a nonresident from January 1 through June 15 will apply towards the three fish annual limit;**

**(3) from June 16 through December 31, a nonresident annual harvest limit is one king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by a nonresident from January 1 through June 15 will apply towards the one fish annual limit;**

**(4) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon;**

[WHEN THE KING SALMON ABUNDANCE INDEX IS GREATER THAN 1.2 AND LESS THAN OR EQUAL TO 1.5, THE COMMISSIONER SHALL, BY EMERGENCY ORDER, IMPLEMENT THE FOLLOWING MANAGEMENT MEASURES:

(1) A RESIDENT BAG LIMIT OF TWO KING SALMON;

(2) A NONRESIDENT BAG LIMIT OF ONE KING SALMON;

(3) A NONRESIDENT ANNUAL LIMIT OF THREE KING SALMON, 28 INCHES OR GREATER IN LENGTH;

(4) FROM OCTOBER 1 THROUGH MARCH 31, A RESIDENT SPORT FISH ANGLER MAY USE TWO RODS WHEN FISHING FOR KING SALMON; A PERSON USING TWO RODS UNDER THIS PARAGRAPH MAY ONLY RETAIN SALMON.]

**(g) When the Southeast Alaska Winter Troll CPUE is less than 3.8 to 2.6, which is equivalent to a king salmon abundance index of 1.2 to greater than 1.0, the sport fishery harvest limit will be set at 25,800 treaty king salmon and the commissioner may, by emergency order, implement the following management measures:**

**(1) a resident bag limit of one king salmon except from July 1 through July 31 resident anglers may not retain king salmon.**

**(2) a nonresident bag limit of one king salmon except from July 1 through July 31 nonresident anglers may not retain king salmon.**

**(3) from January 1 through June 15, a nonresident annual harvest limit is three king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length;**

**(4) from June 16 through December 31, a nonresident annual harvest limit is one king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by a nonresident from January 1 through June 15 will apply towards the one fish annual limit;**

[WHEN THE KING SALMON ABUNDANCE INDEX IS LESS THAN OR EQUAL TO 1.2, THE COMMISSIONER SHALL, BY EMERGENCY ORDER, IMPLEMENT THE FOLLOWING MANAGEMENT MEASURES:

- (1) A BAG LIMIT OF ONE KING SALMON;
- (2) FROM JANUARY 1 THROUGH JUNE 30, A NONRESIDENT'S HARVEST LIMIT IS THREE KING SALMON, 28 INCHES OR GREATER IN LENGTH;
- (3) FROM JULY 1 THROUGH JULY 15, A NONRESIDENT'S HARVEST LIMIT IS TWO KING SALMON, 28 INCHES OR GREATER IN LENGTH, AND ANY KING SALMON 28 INCHES OR GREATER IN LENGTH HARVESTED BY THE NONRESIDENT FROM JANUARY 1 THROUGH JUNE 30 WILL APPLY TOWARD THE TWO FISH HARVEST LIMIT;
- (4) FROM JULY 16 THROUGH DECEMBER 31, A NONRESIDENT'S HARVEST LIMIT IS ONE KING SALMON, 28 INCHES OR GREATER IN LENGTH, AND ANY KING SALMON 28 INCHES OR GREATER IN LENGTH HARVESTED BY THE NONRESIDENT FROM JANUARY 1 THROUGH JULY 15 WILL APPLY TOWARD THE ONE FISH HARVEST LIMIT;
- (5) FROM OCTOBER 1 THROUGH MARCH 31, A RESIDENT SPORT FISH ANGLER MAY USE TWO RODS WHEN FISHING FOR KING SALMON; A PERSON USING TWO RODS UNDER THIS PARAGRAPH MAY ONLY RETAIN SALMON;]

**(h) When the Southeast Alaska Winter Troll CPUE is less than 2.6 to 2.0, which is equivalent to a king salmon abundance index of 1.0 to 0.875, the sport fishery harvest limit will be set at 20,600 treaty king salmon and the commissioner may, by emergency order, implement the following management measures:**

- (1) a resident bag limit of one king salmon except from July 1 through August 15 resident anglers may not retain king salmon.**
- (2) a nonresident bag limit of one king salmon except from July 1 through August 15 nonresident anglers may not retain king salmon.**
- (3) from January 1 through June 15, a nonresident annual harvest limit is two king salmon, 28 inches or greater in length;**
- (4) from June 16 through December 31, a nonresident annual harvest limit is one king salmon, 28 inches or greater in length, and any king salmon 28 inches or greater in length harvested by a nonresident from January 1 through June 15 will apply towards the one fish annual limit;**

[IN ADDITION TO THE PROVISIONS OF (G) OF THIS SECTION, WHEN THE KING SALMON ABUNDANCE INDEX IS LESS THAN OR EQUAL TO 1.1, THE COMMISSIONER SHALL, BY EMERGENCY ORDER, IMPLEMENT THE FOLLOWING MANAGEMENT MEASURES:

- (1) A RESIDENT BAG AND POSSESSION LIMIT OF ONE KING SALMON, 28 INCHES OR GREATER IN LENGTH;
- (2) FROM MAY 1 THROUGH JUNE 30, A NONRESIDENT ANNUAL HARVEST LIMIT IS THREE KING SALMON, 28 INCHES OR GREATER IN LENGTH, AND ANY KING SALMON 28 INCHES OR GREATER IN LENGTH HARVESTED BY A NONRESIDENT FROM JANUARY 1 THROUGH JUNE 30 WILL APPLY TOWARDS THE THREE FISH ANNUAL LIMIT;

(3) FROM JULY 1 THROUGH DECEMBER 31, A NONRESIDENT ANNUAL HARVEST LIMIT IS ONE KING SALMON, 28 INCHES OR GREATER IN LENGTH, AND ANY KING SALMON 28 INCHES OR GREATER IN LENGTH HARVESTED BY A NONRESIDENT FROM JANUARY 1 THROUGH JUNE 30 WILL APPLY TOWARDS THE ONE FISH ANNUAL LIMIT;

(4) FROM OCTOBER 1 THROUGH MARCH 31, A RESIDENT SPORT FISH ANGLER MAY USE TWO RODS WHEN FISHING FOR KING SALMON; A PERSON USING TWO RODS UNDER THIS PARAGRAPH MAY ONLY RETAIN SALMON;]

(i) In addition the provisions specified in (g) and (h) of this section, when **the Southeast Alaska Winter Troll CPUE is less than 2.0, which is equivalent to a king salmon abundance index of less than 0.875, the all gear catch limit will be set at the commissions determination,** [KING SALMON ABUNDANCE INDEX IS LESS THAN 1.0,] the commissioner may, by emergency order, [SPECIFY FISHING TIMES DURING WHICH THE RETENTION OF KING SALMON LESS THAN 48 INCHES IN LENGTH IS PROHIBITED BY NONRESIDENT ANGLERS. THE COMMISSIONER MAY ALSO INDEPENDENTLY, BY EMERGENCY ORDER,] implement nonretention periods or other restrictions for resident anglers to obtain 20 percent of the harvest reduction from resident anglers and 80 percent from nonresident anglers. [FISHING TIMES OF NONRETENTION WILL BE ESTABLISHED ON A REGULAR BASIS BETWEEN JULY 16 AND JULY 31, AS NEEDED, AND WILL BE ESTABLISHED ON NONCONSECUTIVE DAYS WHEN POSSIBLE. IF THE ENTIRE PERIOD OF JULY 16 THROUGH JULY 31 IS ESTABLISHED AS A FISHING TIME OF NONRETENTION AND ADDITIONAL CLOSURES ARE NECESSARY, ADDITIONAL FISHING TIMES OF NONRETENTION WILL BE SIMILARLY ESTABLISHED BETWEEN JULY 1 AND JULY 15.]

(j) The commissioner may adopt regulations that establish reporting requirements necessary to obtain the information required to implement the management plan under this section.

(k) The commissioner may, by emergency order, establish that the nonresident harvest and annual limits for king salmon under this section do not apply in a hatchery terminal harvest area.

**What is the issue you would like the board to address and why?** The *Southeast Alaska King Salmon Management Plan* (SEAKKSMP; 5 AAC 47.055) triggers sport fishery management actions to maintain harvest within the sport fishery harvest limit allocation. In August 2018, the Pacific Salmon Commission reached agreement to renew various fishery arrangements under the Pacific Salmon Treaty (PST) for the next ten years (2019-2028). One significant change is the creation of seven harvest limit tiers that replace the existing harvest limit ranges and result in a one to seven percent reduction in the existing harvest limit of king salmon in the Southeast Alaska fisheries. Since the renewed 2019-2028 PST agreement reduces the harvest limit at specified abundance indices, managing the sport fishery under the current plan would likely cause the sport fishery to exceed its allocation more often and by a greater amount.

**PROPOSED BY:** Alaska Department of Fish and Game (Formerly ACR #9)

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## **PROPOSAL 178**

### **5 AAC 01.220. Lawful gear and gear specification.**

Allow chum salmon to be taken by drift gillnets after August 2 in Yukon River Subdistrict 4-A downstream from the mouth of Stink Creek, as follows:

5 AAC 01.220(e)(2) is amended to read:

...

(2) in Subdistricts 4-A downstream from the mouth of Stink Creek,

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; **and**

**(C) chum salmon may be taken by drift gillnets after August 2.**

...

**What is the issue you would like the board to address and why?** Though drift gillnets have not been legal gear in the upper Yukon River Area since 1976, they have historically been an important gear type for subsistence salmon fishing. Fishermen report having to travel downriver to District 3 to subsistence fish for salmon with drift gillnet gear. Though they can harvest salmon with drift gillnet gear much more efficiently than with set gillnet gear, traveling long distances to do so can be cost prohibitive for some. Subsistence fishermen from many communities have informed the department about the loss of suitable set gillnet fishing sites due to bank erosion causing changes to the efficacy or loss of the eddies where fish congregate. This has led to increased competition in Subdistrict 4-A for viable set gillnet sites.

King salmon returns on the Yukon River have been low the past 5 years and fishermen have been supplementing reduced subsistence king salmon harvests with other species of salmon that are more abundant and having a harvestable surplus. This regulation change would allow subsistence fishermen to harvest a biologically allowable surplus of fall chum salmon moving through Subdistrict 4-A below Stink Creek after August 2 and would align subsistence drift gillnet regulations within Yukon River District 4.

Regulatory changes at the Statewide Alaska Board of Fisheries (board) meeting in March of 2018 allowed the department to open subsistence salmon fishing with drift gillnets, by emergency order, in Yukon River Subdistricts 4-B and 4-C so subsistence fishermen could more effectively harvest abundant summer and fall chum salmon in order to supplement low king salmon harvests. The board's decision was based on limited stationary gear fishing locations in this area of the river, and that drift gillnets would allow fishermen to capitalize on the surplus of summer and fall chum salmon better than set gillnets. Limiting salmon fishing to stationary gear alone has resulted in fishermen not having reasonable opportunity to meet their subsistence salmon needs.

Also, at the recent Alaska Board of Fisheries Emergency Petition Meeting held in Anchorage on July 17, 2018, on a vote of 7-0, the board found an emergency based on the Native Villages of Grayling, Anvik, Shageluk, and Holy Cross's petition to allow subsistence harvest of chum salmon with drift gillnets after August 2 in Subdistrict 4-A below Stink Creek on the Yukon River.

**PROPOSED BY:** Alaska Board of Fisheries

(BGP)

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**Proposal 177**

**5 AAC 33.380. District 13: Crawfish Inlet Terminal Harvest Area Management Plan.**

Add purse seine and drift gillnet as allowed gear types in the Crawfish Inlet Terminal Harvest Area (THA), as follows:

5 AAC 33.380. District 13: Crawfish Inlet Terminal Harvest Area Salmon Management Plan is amended to read:

(a) This management plan provides for the harvest of hatchery-produced king and chum salmon in the Crawfish Inlet Terminal Harvest Area by the troll, **purse seine, and drift gillnet fisheries** [FLEET].

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall, by emergency order, open and close the Crawfish Inlet Terminal Harvest Area to provide for the harvest of hatchery-produced king and chum salmon by troll, **purse seine, and drift gillnet** gear.

...

**What is the issue you would like the board to address and why?** At the January 2018 Alaska Board of Fisheries (board) meeting in Sitka, Alaska the board adopted a proposal to create a new enhanced salmon fishery Terminal Harvest Area (THA) in Crawfish Inlet. The Crawfish Inlet THA management plan only provides common property fishing opportunities for king and chum salmon to vessels using troll gear. In 2018, the chum salmon return to Crawfish Inlet was over five times greater than expected and it became necessary to open the THA for common property fisheries to vessels using purse seine gear to harvest the surplus; drift gillnet gear was not allowed during these openings because Crawfish Inlet is not a traditional drift gillnet area. The 2019 chum salmon return to Crawfish Inlet is expected to be larger than in 2018 and this has generated interest from Northern Southeast Regional Aquaculture Association and drift gillnet permit holders in modifying the Crawfish Inlet THA management plan specifically allowing both drift gillnet and purse seine gear types as well as troll gear to participate in common property fisheries within the THA.

**PROPOSED BY:** Alaska Board of Fisheries

(BGP)

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