

PROPOSAL 125

5 AAC 01.730. Subsistence fishing permits.

Clarify language for subsistence take of coho and king salmon, as follows:

5 AAC 01.730

(b) Permits will not be issued for the taking of coho salmon from the Taku River and Stikine River drainages, [OR FOR KING SALMON]. [HOWEVER] **K**ing or coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes as described in (j) of this section.

What is the issue you would like the board to address and why? Regulation does not apply to Yakutat area.

PROPOSED BY: Southeast Subsistence Regional Advisory Council

(HQ-F20-112)

The lead-in language for proposal 125 was corrected on 10/7/2020.

PROPOSAL 126

5 AAC 01.670. Lawful gear and gear specifications.

Repeal net tending requirement in Yakutat Bay, as follows:

We recommend that the new regulation be repealed and restored to its original regulation. There was no data produced to back the need for the change in the regulation which is now in effect. We strongly feel it was all based on speculation.

What is the issue you would like the board to address and why? The new regulation (5 AAC 01.670) that went into effect in 2018 that requires subsistence users to attend their net at all times.

Reasons:

This new regulation was proposed in 2017 and implemented on behalf of Yakutat in 2018 by the Fish and Game Advisory Committee without any public notices for comments because of poor networking or posting notices. Because of this, the regulation only reflects the view of a few.

The subsistence fisheries are targeted and hampered. This regulation specifically targets one group of users, bay subsistence fisheries, but they abolish this new regulation with the opening of the commercial set net fishery. There is no regulation that hampers the commercial fishermen in this way.

State law requires that subsistence is a high priority. With this new regulation, many families are hampered in acquiring their subsistence King Salmon.

Most people who subsistence fish check their nets periodically over the course of the day instead of sitting on their nets because most are at work. There are a few who leave it out too long without checking it, but it is a very small fraction of all who subsistence fish for Chinooks, and the majority should not be penalized for those few.

There is no data collected that shows this regulation would help save any salmon or how much salmon is taken by marine mammals such as the sea lions or seal. As many know, the troll fishermen lose their kings to sea lions off their hooks, and the commercial fishermen lose their kings to the seals and sea lions on a daily basis, but the subsistence users are the only ones targeted by this regulation.

PROPOSED BY: Yak-Tat Kwaan, Inc.

(HQ-F20-127)

PROPOSAL 127

5 AAC 01.670. Lawful gear and specifications.

Repeal net tending requirement in Yakutat Bay, as follows:

Repeal the new restrictions that require subsistence fishers to be at the set net site at all times. Most subsistence fishers place their nets close to their homes where they can leave a skiff anchored close to the net and attend it regularly during the day.

Repeal the new restrictions (5 AAC 01.670) and manage subsistence fishing the same as commercial fishing, by requiring fishers to be at the set gillnet **site** at all times.

What is the issue you would like the board to address and why? Proposal to repeal new restrictions requiring subsistence salmon fishing permit holder to attend set net gillnets, at all times, in Yakutat Bay.

The new restrictions in Yakutat Bay require subsistence users to attend gill nets at all times, in April and May, has almost completely eliminated the spring king harvest for subsistence users. Subsistence fishers catch on average less than 1 fish per day with most coming over night. Fishers cannot reasonably sit on nets all day and all night to catch less than 1 fish.

The Yakutat Tlingit Tribe believes the Board of Fisheries did not consider or expect this change in regulations to almost eliminate subsistence harvest of spring Kings. The Kings harvested in April and May are one of the most important subsistence foods taken by local residents.

This loss of spring Kings to our tribal members fails to provide the priority for subsistence the law requires. While subsistence users suffer the loss on average of 200 Kings annually, a newly established troll fishery is harvesting the same fish on a 1,000 fish quota, and the commercial set gill net fishery is not required to attend nets at all times, even though fish are much more abundant during the fishery. They are only required to be at the set net site. This is no way to provide a priority for subsistence.

Most tribal members were not aware that these restrictions were being considered. The local Fish and Game Advisory Committee did a poor job informing the public on such an important proposal. The committee failed to adequately inform the public.

If this problem is not solved: Our tribal members and other subsistence users will continue to be denied one of the most important subsistence foods harvested by this community. The subsistence lifestyle treasured by this community will forever be damaged.

PROPOSED BY: Yakutat Tlingit Tribe

(EF-F20-101, HQ-F20-128)

PROPOSAL 128

5 AAC 01.720. Lawful gear and gear specifications.

Allow use of set gillnets in all Southeast Alaska area subsistence salmon fisheries, as follows:

Fish may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted under the terms of a subsistence fishing permit and except as follows:

- (1) in District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;
- (2) a set gillnet **[MAY NOT BE]** used to take salmon **may only be anchored or fixed at one end** except;
 - (A) the mainstream and side channels, but not the tributaries, of the Chilkat River from the terminus to one mile upstream of Wells Bridge; and
 - (B) District 5 in Shipley Bay, not more than 100 yards from the terminus of Shipley Creek;

What is the issue you would like the board to address and why? The intent of the proposal is to allow subsistence users to use set gillnets when harvesting salmon. The proposed regulation allows set gillnets to be anchored only at one end, which has the effect of requiring nets to be closely attended. The current regulation prohibiting set gillnets is unnecessarily restrictive, as subsistence users should be allowed to use the most efficient legal gear type available to them. In particular, allowing the use of set gillnets will allow people to fish alone more effectively. Managers will still be able to use permit restrictions to address issues at specific sites.

PROPOSED BY: Southeast Subsistence Regional Advisory Council (HQ-F20-110)

PROPOSAL 129

5 AAC 01.725. Waters closed to subsistence fishing and 5 AAC 01.745. Subsistence bag and possession limits; annual limits.

Modify closed waters and remove coho salmon annual limit for the Klawock River, as follows:

Allow for customary & traditional harvest of Coho to also occur beyond the Klawock River bridge to the Klawock River estuary from August 15-September 30. Change annual harvest of forty (40) Coho annually to twenty (20) Coho per day per resident.

Draft Regulatory Language:

Waters closed to subsistence fishing. (a) Salmon may not be taken for subsistence purposes in:
(1) the Klawock River drainage upstream of the Klawock River Bridge; except for subsistence caught Coho from August 15-September 30. Daily limit shall be twenty (20) coho with no annual limit.

What is the issue you would like the board to address and why? Hatchery coho have become abundant on the Klawock River.

Coho harvest has a boundary that doesn't meet the needs of customary & traditional harvesting for rural residents. Restricting harvest of abundant hatchery Coho.

PROPOSED BY: Klawock Fish and Game Advisory Committee (HQ-F20-056)

PROPOSAL 130

5 AAC 01.710. Fishing seasons.

Modify fishing times and locations for subsistence salmon fishery in the Klawock River and Lake, as follows:

From July 10 through July 31 annually, sockeye salmon may be taken in the waters of Klawock Harbor enclosed by a line from the northernmost tip of Klawock Island at 55° 33.47' N. lat., 133° 05.96' W. long., the Klawock River, and Klawock Lake only from 12:01 am Monday until 11:59 pm Friday.

What is the issue you would like the board to address and why? Harvest dates for wild stock sockeye on the Klawock River. Rural residents are having difficulties with annual harvest of sockeye in the Klawock River because of low wild stock escapement. Past sockeye harvesting started in June in the 1990's. By 2000's, effective harvesting occurred later in the harvest season. Having our starting and ending dates from Monday-Friday will also help with customary & traditional harvest of sockeye and increase food security. This will also relieve stress on initial run of wild stock sockeye in the Klawock River.

PROPOSED BY: Klawock Fish and Game Advisory Committee

(HQ-F20-055)

PROPOSAL 131

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.

Modify fishing area and add hand purse seine as legal gear for the Redoubt Bay and Lake subsistence salmon fishery, as follows:

Allow the use of beach and hand purse seines within approximately 100 yards from the base of the falls when the projected total escapement is greater than 40,000 fish.

5 AAC 01.760 (e)The following provisions apply to the department issuance of community harvest permits for the Redoubt Bay community harvest area described as the waters of Redoubt Bay that are [SOUTH OF 56° 54.71' N. LAT. AND WEST OF 135° 18.88' W. LONG] **north (seaward) of a line approximately 100 yards from the base of the falls as marked by ADF&G regulatory markers.**

5 AAC 01.760 (e)(6) for the purposes of this section, the legal gear for harvest under a community harvest permit are a beach seine, **hand purse seine**, dip net, gaff, spear, and a hook and line attached to a rod or pole.

What is the issue you would like the board to address and why? Large sockeye returns to Redoubt Lake over the last several years have triggered the issuance of a community harvest permit for the harvest of Redoubt sockeye. Unfortunately, three harvest attempts in the last two years has only netted two sockeye. The waters open to the use of a community harvest permit are at the mouth of the bay and a significant distance from the effluent waters of Redoubt Lake.

What would happen if nothing is changed? Continued underutilization of the resource due to lost harvest opportunities for the Sitka Tribe.

What are other solutions you considered? Why did you reject them? This is a unique situation that can only be addressed through the adjustment of legal fishing boundaries and the allowance of additional gear types.

PROPOSED BY: Sitka Tribe of Alaska

(HQ-F20-094)

PROPOSAL 132

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.

Prohibit the use of spears in Redoubt Bay and Lake subsistence fishery from June 21 to August 1, as follows:

No person may remain immersed in either salt or fresh water between the falls side of the snagging boundary and the weir at Redoubt Lake during subsistence harvest June 21—August 1.

What is the issue you would like the board to address and why? Snorkelers with spear guns have been swimming in the small (South) pool below the falls during the Redoubt Lake sockeye run. They panic the fish, scattering them in the way a seal does when it comes in hunting, but for a much longer time, since the snorkelers are in there continuously for an hour or so. After a seal incursion, the fish do not resume moving up to the falls for half an hour. It's the same after a snorkeler swims in the pool, unless another snorkeler decides to enter. For an hour, fishing is impossible.

While snorkelers are in the pool, they ruin dipnetting because the fish are scattered and panicked; they ruin rod fishing both by panicking the fish and by interfering with casting; and they interfere with boats moving in to drop off dipnetters on the south shore. In short, snorkelers ruin fishing for every subsistence harvester.

As a matter of observation over five years, snorkelers do not catch fish either reliably or in any noticeable quantity. Swimming with a spear gun was not contemplated under the permitted gear technique of taking fish with a spear. In fact, a spear gun is not a permitted method of harvest, according to the subsistence definition of a spear: the projectile is not "operated by hand" any more than a crossbow bolt is.

Spear fishing with a spear gun can be dangerous to fishers, observers, and personnel monitoring the fishery. I have seen a subsistence fisher find himself on the wrong end of a cocked, loaded spear gun wielded by a clueless snorkeler.

PROPOSED BY: Floyd Tomkins

(EF-F20-006)

PROPOSAL 133

5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.

Allow the use of seine and gillnet gear in the waters of Redoubt Bay that are open to commercial salmon fishing, as follows:

5 AAC 01.760(b)(1)(B) is amended to read:

(B) by gaff, spear, dip net, **seine, gillnet,** and a hook and line attached to a rod or pole;

What is the issue you would like the board to address and why? There are two conflicting regulations concerning the use of seine and gillnet gear in the Redoubt Bay subsistence salmon fishery. 5 AAC 01.720(a)(1) *Lawful gear and gear specifications* states that in Redoubt Bay, seine and gillnet gear may not be used in waters closed to commercial salmon fishing. This regulation suggests that these subsistence gear types may be used in Redoubt Bay up to the commercial regulatory closed waters listed in regulation. However, regulatory language in 5 AAC 01.760 *Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan* does not allow for the use of seine and gillnet gear in the waters of Redoubt Bay south of 56°54.71' N. lat., which includes waters open to commercial salmon fishing. The suggested regulatory language would provide clarity to department staff for the use of seine and gillnet gear in the Redoubt Bay subsistence salmon fishery.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F20-155)
