

PROPOSAL 191 – 5 AAC 05.XXX. New Section.

PROPOSED BY: Alaska Board of Fisheries.

WHAT WOULD THE PROPOSAL DO? Construction specifications for fish wheels used in the subsistence fishery would be established, while the Yukon River fall chum salmon are listed as a stock of concern. Also, components of the Yukon River fall chum salmon action plan would be placed into regulation as a stock of concern management plan, which includes delisting criteria and references to multiple existing regulations such as the *Yukon River Drainage Fall Chum Salmon Management Plan*, *Yukon Management Area educational fishing permit for customary and traditional harvest of salmon*, and the *Sustainable Salmon Fisheries Policy*.

WHAT ARE THE CURRENT REGULATIONS? Management of shared fishery stocks on the Yukon River mainstem is conducted on a collaborative basis as described the Yukon River Salmon Agreement (YRSA), Chapter 8 of the Pacific Salmon Treaty which includes Canadian-origin chum salmon.

Currently there is not a stock of concern management plan for Yukon River fall chum salmon in regulation. However, the *Yukon River Drainage Fall Chum Salmon Management Plan* (5 AAC 01.249) and *Tanana River Salmon Management Plan* (5 AAC 05.367) provides the department with guidelines for management of the fall chum salmon subsistence, personal use, and commercial fisheries. Additionally, the gear and gear specification regulations found in 5 AAC 01.220, provide numerous tools for the department to implement within the subsistence fishery. The newly established *Yukon Management Area educational fishing permit for customary and traditional harvest of salmon* (5 AAC 93.212) provides limited harvest opportunity during times when specific salmon species harvest cannot be reasonably accommodated.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fish wheels being used in the subsistence fishery would need to be constructed in a fish friendly manner and survival of live-released fall chum salmon will increase. This includes basket sides and bottoms consisting of soft mesh material similar to that of seine web, and with a slide or chute with a smooth bottom, and with closed cell foam-lined sides.

BACKGROUND: The current regulations and management plans have been developed and refined over the past 2 decades. The commissioner may take additional actions by emergency order (EO) authority to limit time and area based on pre-season and in-season indicators of abundance. Due to the recent historically low abundances, directed fall chum salmon fishing in the subsistence fishery has been closed since mid-way through the 2020 fall season. There has not been a directed fall chum salmon commercial fishery since 2019, and the sport fishery has been closed. Despite the closures in all fisheries, the drainagewide goal of 300,000–600,000 fall chum salmon, has not been achieved since 2019. Border passage objectives for the Canadian mainstem (70,000–104,000 fish) and Fishing Branch River (22,000–49,000 fish), established by YRSA and Yukon River Panel process, have not been achieved since 2019. This points toward a decline in overall production in this stock. Beginning in 2025, the department implemented a new cultural and educational permit program within the Yukon River. This provides a limited harvest of salmon during times of conservation and is intended to preserve specific customary and traditional

harvests. The new regulation also formalizes issuance of permits to harvest salmon for funeral and memorial purposes for all salmon species. These permits may continue to be issued until returns are large enough to provide for subsistence opportunity.

DEPARTMENT COMMENTS: The department **SUPPORTS** the addition of fish friendly fish wheel gear specifications because they would help minimize injury and stress to fall chum salmon that must be released alive, which could facilitate additional harvest opportunity for surplus coho salmon. The department **OPPOSES** the remainder of this proposal because the management components are currently found in either the subsistence regulations under 5 AAC 01.220, *Yukon River Drainage Fall Chum Salmon Management Plan* (5 AAC 01.249), *Yukon Management Area educational fishing permit for customary and traditional harvest of salmon* (5 AAC 93.212), or exercised through the department's EO authority. Delisting criteria is typically not placed into regulation and is found within the published Action Plan report. Also, placing the delisting criteria is complicated by the Yukon River Salmon Treaty and the 7-Year Agreement, which potentially trump state regulations. Adoption of this proposal as written may also conflict with Administrative Order No. 360, as much of the plan duplicates existing regulations.

COST ANALYSIS: Adoption of this proposal will result in additional direct cost for a private person to participate in this fishery because users would need to update their fish wheels to meet the new specifications.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? Small portions of the salmon populations in the Yukon River drainage occur within the Fairbanks Nonsubsistence Area.
2. Is the stock customarily and traditionally taken or used for subsistence? The Board of Fisheries has found that king, summer chum, fall chum, coho, and pink salmon are customarily and traditionally taken for subsistence in the Yukon Area (5 AAC 01.236(1)).
3. Can a portion of the stock be harvested consistent with sustained yield? Under the current management plan, harvest may be allowed if the drainagewide escapement goal of 300,000 fall chum salmon is met.
4. What amount is reasonably necessary for subsistence use? The amount of fall chum salmon necessary for subsistence is 89,500 to 167,900 fish (5 AAC 01.236(b)(3)).
5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.
6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.