

Personal Use & Subsistence (4 proposals)

PROPOSAL 30

5 AAC 01.570. Lawful gear and gear specifications.

Add provisions to allow for subsistence harvest of herring spawn on kelp as follows:

5 AAC 01.570 is amended to read:

(g) Herring, excluding herring spawn, may be taken only with gillnets. Gillnets used to take herring may not exceed 50 feet in length and two inches in mesh size.

...

(x) Herring spawn on kelp may be taken only by a hand-held unpowered blade-cutting device. Kelp blades, or other aquatic plant species, must be cut at least four inches above the stipe (stem).

What is the issue you would like the board to address and why? This proposal addresses lack of clarity in regulations about the subsistence harvest of herring spawn outside of the Anchorage nonsubsistence area in Lower Cook Inlet. The current C&T finding at 5 AAC 01.566(a)(4) includes herring “in any stage of its life cycle” as defined in the statewide definition of fish. Statewide regulations state that finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations. Under Cook Inlet subsistence regulations, the only existing gear specification for herring stipulates that herring may only be taken with gillnets (5 AAC 01.570(g)). The proposed amendment to 5 AAC 01.570(g) would clarify that herring spawn is not restricted to harvest by gillnet and would specify harvest methods for herring spawn while protecting attached aquatic plants. This would not restrict harvest of herring spawn on other substrate.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-016)

PROPOSAL 31

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Extend the China Poot personal use fishery season dates as follows:

Season date June 15th to Aug. 15th

What is the issue you would like the board to address and why? The China Poot Creek Personal use dipnet season has become out of sync with fish return in recent years. Salmon are returning to the system sooner and turning in the pools before the fishery opens. Additionally, opportunity is lost at the end of the season as the run often continues after the season is closed.

PROPOSED BY: Jennifer Bando (EF-F23-024)

PROPOSAL 32

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan and 5 AAC 77.545 Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Move the China Poot personal use dip net regulations under the Upper Cook Inlet Personal Use Fishery Management Plan as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

(a) Salmon may be taken for personal use under this section only under a personal use permit issued under 5 AAC 77.015 and 5 AAC 77.525; in addition to the requirements under 5 AAC 77.015, a person

(1) shall, before a permit may be issued, show the person's resident sport fish license, or proof, satisfactory to the department, that the person is exempt from licensing under AS 16.05.400; the person's sport fish license number shall be recorded on the permit;

(2) shall record all fish harvested on the permit immediately upon harvesting the fish; for the purpose of this paragraph, "immediately" means before concealing the salmon from plain view or transporting the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat;

(3) shall return the permit to the department by the date specified on the permit.

(b) Salmon may be taken with a set gillnet in the Central District as follows:

(1) from June 15 through June 24;

(2) fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(3) repealed 6/22/2002;

(4) salmon may be taken only from ADF&G regulatory markers located at the mouth of the Kasilof River to ADF&G commercial fishing regulatory markers located approximately one mile from the mouth on either side of the Kasilof River; fishing is prohibited beyond one mile from the mean high tide mark and is also prohibited within the flowing waters or over the streambed or channel of the Kasilof River at any stage of the tide;

(5) salmon may be taken only by set gillnets as follows:

(A) a set gillnet may not exceed 10 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(B) no part of a set gillnet may be operated within 100 feet of another set gillnet;

(C) a person may not operate more than one set gillnet; the permit holder shall attend the set gillnet at all times when it is being used to take fish;

(D) only one set gillnet may be operated per household;

(6) the annual limit is as specified in 5 AAC 77.525.

(c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:

(1) in the Kenai River, as follows:

(A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than 2,300,000 fish;

(B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than 20 inches in

length, may be retained per household; king salmon less than 20 inches in length may be retained under this subparagraph notwithstanding 5 AAC 21.359(e)(2);

(C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufactured as a direct fuel injection motor;

(D) from shore:

(i) from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore; and

(ii) from the south shore only, from the upstream side of the Kenai Landing dock upstream to the downstream side of the Warren Ames Bridge;

(2) in the Kasilof River, as follows:

(A) from June 25 through August 7, 24 hours per day;

(B) the annual limit is as specified in 5 AAC 77.525, except that king salmon may not be retained and any king salmon caught must be released immediately and returned to the water unharmed;

(C) from a line between ADF&G regulatory markers outside the terminus of the river on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.

(d) Salmon may be taken by dip net in Fish Creek only as follows:

(1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from July 15 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than 35,000 fish; fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(2) the annual limit is as specified in 5 AAC 77.525, except that no king salmon may be retained and any king salmon caught must be returned to the water unharmed;

(3) from a boat or shore, in those waters upstream from ADF&G regulatory markers located on both sides of the terminus of Fish Creek, to ADF&G regulatory markers located approximately one-quarter mile upstream from Knik-Goose Bay Road.

(e) Repealed 6/22/2002.

(f) A person may retain flounder incidentally caught when fishing for salmon in the Cook Inlet Area under this section. A person may retain up to 10 flounder under this subsection per year and must record those flounder retained by the person on that person's permit specified in (a) of this section.

(g) In the Beluga River, salmon may be taken by dip net only as follows:

(1) salmon, other than king salmon, may be taken only by a person 60 years of age or older; a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of that person under 5 AAC 77.016 and AS 16.05.405;

(2) from July 10 through August 31, the fishery is open 24 hours per day from an ADF&G regulatory marker located approximately one-quarter mile upstream of the Beluga River Bridge, downstream to an ADF&G regulatory marker located approximately one mile below the bridge;

(3) the annual limit is as specified in 5 AAC 77.525, except that within the total annual limit one king salmon may be retained per household;

(4) the commissioner will close, by emergency order, the fishery when 500 salmon, other than king salmon, have been harvested;

(5) a permit holder for this fishery shall report weekly to the department as specified in the permit.

(h) Salmon may be taken by dip net in the Susitna River, only as follows:

(1) from July 10 through July 31, Wednesday 6:00 a.m. to 11 p.m., Saturday 6 a.m. to 11:00 p.m.; the department may alter the time, or area of, or close the fishery, based on salmon abundance; the commissioner may, by emergency order, extend the personal use fishery through August 31 if the department projects that both sockeye and coho abundance will be above the upper end of all Susitna River escapement goals for sockeye and coho salmon;

(2) between ADF&G regulatory markers located approximately one mile downstream from Susitna Station downstream to ADF&G regulatory markers located near the northern tip of Bell Island/ Alexander Creek cutoff;

(3) the annual limit, as specified in 5 AAC 77.525, except that no king salmon may be retained, and any king salmon caught must not be removed from the water and must be returned to the water immediately; a northern pike caught may not be released back into the water alive as specified in 5 AAC 61.110(a)(8);

(4) a permit holder for this fishery shall report to the department as specified in the permit conditions.

(i) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken only as follows:

(1) by dip net from July 1 through August 7, with a bag and possession limit of six fish. King, pink, chum, and coho salmon may not be retained or possessed. All king, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed.; the annual limit, as specified in 5 AAC 77.525;

(2) A person may not possess salmon taken under this section unless both tips (lobes) of the tail fin have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat.

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Repealed

[(a) IN CHINA POOT CREEK, UPSTREAM FROM ADF&G REGULATORY MARKERS, SOCKEYE SALMON MAY BE TAKEN BY DIP NET FROM JULY 1 THROUGH AUGUST 7, WITH A BAG AND POSSESSION LIMIT OF SIX FISH. KING, PINK, CHUM, AND COHO SALMON MAY NOT BE RETAINED OR POSSESSED. ALL KING, PINK, CHUM, AND COHO SALMON CAUGHT MUST BE RELEASED IMMEDIATELY AND RETURNED TO THE WATER UNHARMED.

(b) A PERSON MAY NOT POSSESS SALMON TAKEN UNDER THIS SECTION UNLESS BOTH TIPS (LOBES) OF THE TAIL FIN HAVE BEEN COMPLETELY REMOVED FROM THE SALMON BEFORE THE PERSON CONCEALS THE SALMON FROM PLAIN VIEW OR TRANSPORTS THE SALMON FROM THE

(1) SHORELINE OR STREAMBANK ADJACENT TO WATERS OPEN TO PERSONAL USE FISHING WHERE THE SALMON WERE REMOVED FROM THE WATER WHEN FISHING FROM SHORE; OR

(2) WATERS OPEN TO PERSONAL USE FISHING WHEN FISHING FROM A BOAT.]

What is the issue you would like the board to address and why? Move the China Poot Creek dip net fishery regulations and place them within the Upper Cook Inlet Personal Use Fishery Management Plan regulations. This would make the China Poot dip net fishery a part of the UCI personal use fishery which would require participants to obtain the UCI PU dip net permit. This would provide a means to collect harvest and effort information on the China Poot fishery without undue expense to the department. The bag and possession limit of six sockeye salmon would remain, but the China Poot fishery would now be subject to the household limit that applies to all the UCI personal use fisheries.

PROPOSED BY: Tom Vania

(HQ-F23-051)

PROPOSAL 33

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Redefine the Kachemak Bay Personal Use Dip Net Fishery area as follows:

This fishery was developed with the intent to provide a harvest opportunity for commercial use. It has become marginally profitable as a commercial fishery, but it is relied on by local residents as an important food source obtained through personal use dip netting. It has become even more important due to the closure of King salmon fishing in local streams and areas of salt water.

Due to the high number of participants, in a very confined space, it has become a public safety and resource allocation issue. Snagging is permitted, by residents and non-residents, in a narrow arm of the bay to the mouth of the stream. Since dip netting is closed to non-residents, they commonly wade across areas of shallow brackish water and form a snagging picket line. Salmon are prevented from moving into the freshwater where they can be harvested by the dip netters.

Additional snaggers are lined up on steep rocky banks trying to intercept the fish. Dip netters must move to and from the freshwater past a gauntlet of lead weighted treble snag hooks. Many of these folks are novice fishers, focused on the fish, and not the dip netters that are trying to pass behind them on the steep slippery banks.

Much of this issue could be resolved by moving the snag line markers away from the stream mouth, by an additional 300 ft from their present position.

What is the issue you would like the board to address and why?

Resolve a user conflict:

The popularity of the China Poot red salmon terminal fishery has grown tremendously over the years. The stocking program began in 1976 by ADF&G. It continues today by Cook Inlet Aquaculture.

PROPOSED BY: Doug Van Patten

(HQ-F23-098)
