

PROPOSAL 78 – 5 AAC 01.320. Lawful gear and gear specifications. Change the boundaries, methods of harvest, and seasons for subsistence harvests of sockeye salmon in the Naknek River drainage, as follows:

5 AAC 01.320 is amended to read:

From August 30 through **DECEMBER 31** by spear, dipnet, gillnet, **AND BEACH SEINE**. Along a 100 yard length of shoreline near the outlet of Naknek River as marked by ADF&G regulatory markers; at Johnny’s Lake on the Northwestern side of Naknek Lake; at the outlet of Idavians Creek on the North side of Naknek Lake; at the mouth of Brooks River from September 18 through December 31.

What is the issue you would like the board to address and why? Allow for beach seining to release non-targeted finfish species. Idavians Creek is a traditional location used by local residents. (At the mouth of Brooks River by spear, dipnet, gillnet, and beach seine from September 18 through December 31.) Separate season for Brooks River. Extend season to Dec 31 for said descriptions and include beach seine as additional method to harvest spawned out sockeye. The proposed seasons and methods will be in line with traditionally practiced subsistence practices of local residents.

The 2014 forecast for Bristol Bay sockeye for the Naknek River portion is estimated to be 3.35 million and escapement at 1.10 million into the Naknek River drainage. Forecast for harvest is estimated at 2.25 million. The Naknek River portion estimate does not account for the South Peninsula.

Spawned out sockeye have traditionally been harvested for personal (subsistence) use by the Katmai descendants. Harvest of spawned-out salmon occurs when the commercial/sport fishing season are inactive. It makes fall red fish (spawned out salmon) available to traditional and cultural descendants of Naknek Lake and its river drainages for all Naknek Lake and River descendants.

The methods, dates, and places do not reflect the proper access to our traditional and cultural foods. The harvest of spawned-out sockeye salmon has no significant commercial value, but is a traditional food source for local residents.

Title 36 CFR, Part 13. Alaska regulations. Katmai National Park and Preserve Special Regulations 13.1204 allows for a traditional redbird fishery for “Local residents who are descendants of Katmai residents who lived in the Naknek Lake and River Drainage...” Seasons and methods for the take of redbird will be set by the Alaska Department of Fish and Game in the annual Subsistence and Personal Use Statewide Fishing Regulations booklet.

Our people, (rural residents of King Salmon, Naknek, South Naknek) traditionally had access to their traditional foods (subsistence resources) in Naknek Lake and its surrounding drainages. The

current dates in regulation will not allow access to traditional food supply (resources) traditionally practiced by local traditional tribes.

PROPOSED BY: Bristol Bay Subsistence Regional Advisory Council (EF-C15-008)

PROPOSAL 79 – 5 AAC 01.310. Fishing seasons and periods. Eliminate subsistence fishing period for the Naknek, Egegik, and Ugashik Rivers to allow subsistence salmon fishery to occur any time, as follows:

Open it up seven days a week so people don't have to come down river when it's blowing hard, though in-river it can get quite rough at Paul's Creek and Savonoski Crossing. Also for the convenience of doing fish when we have time not just two times a week. Over the past three years, biologists have Emergency Ordered this to open it up seven days a week. If the escapement should be in trouble it could always be cut back. The run to the Naknek River has been very strong. We enjoy being able to fish at our pace.

What is the issue you would like the board to address and why? I would like to change from the 9:00 a.m. June 23 to the 9:00 a.m. July 17 openers on Tuesday 9:00 a.m. to Wednesday 9:00 a.m. and Saturday 9:00 a.m. to Sunday 9:00 a.m. for safety concerns and convenience

PROPOSED BY: William Regan Jr. (EF-C15-035)

PROPOSAL 80 – 5 AAC 01.310. Fishing seasons and periods. Re-describe the subsistence fishing area in the Nushagak District that is restricted to three days per week by removing references to regulatory markers, as follows:

5 AAC 01.310(d) is amended to read:

(d) In the Nushagak District, in all waters upstream of a line **from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long. and Nushagak Point at 58° 56.79' N. lat., 158° 29.53' W. long. to a point at Red Bluff on the west shore of the Wood River at 59° 09.58' N. lat., 158° 32.36' W. long., and to** [BETWEEN AN ADF&G REGULATORY MARKER LOCATED TWO STATUTE MILES SOUTH OF BRADFORD POINT AND AN ADF&G REGULATORY MARKER LOCATED ON NUSHAGAK POINT TO AN ADF&G REGULATORY MARKER LOCATED AT RED BLUFF ON THE WEST SHORE OF THE WOOD RIVER, AND TO AN ADF&G REGULATORY MARKER LOCATED AT] Lewis Point on the north shore on the Nushagak River **at 58° 59.46' N. lat., 158° 05.57' W. long.**, from 9:00 a.m. July 2 through 9:00 a.m. July 17, salmon may be taken only from

- (1) 9:00 a.m. Monday to 9:00 a.m. Tuesday;
- (2) 9:00 a.m. Wednesday to 9:00 a.m. Thursday; and
- (3) 9:00 a.m. Saturday to 9:00 a.m. Sunday.

What is the issue you would like the board to address and why? Remove reference to department regulatory markers from the description of fishing seasons and periods. The department has switched to latitude and longitude coordinates to define areas and no longer maintains regulatory markers. Removing references to regulatory markers that are no longer maintained will help clarify the regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-065)

PROPOSAL 81 – 5 AAC 01.320. Lawful gear and gear specifications. Define subsistence fishing boundaries so that the 10 fathom net restriction applies to Dillingham beaches and the 25 fathom net length restriction applies elsewhere, and remove reference to department regulatory markers, as follows:

5 AAC 01.320(b) – (d) are amended to read:

(b) Outside the boundaries of any district, salmon may only be taken by set gillnet, except that salmon may also be taken as follows:

(1) in the Togiak River,

(A) excluding its tributaries, by spear;

(B) between the mouth of the river and upstream approximately two miles to **a line across the river from XX° XX' N. lat., XX° XX' W. long. to XX° XX' N. lat., XX° XX' W. long.** [THE ADF&G REGULATORY MARKERS], by a drift gillnet that is not more than 10 fathoms in length;

(2) from August 30 through September 30, by spear, dip net, and gillnet along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River **between a line from XX° XX' N. lat., XX° XX' W. long and XX° XX' N. lat., XX° XX' W. long.** [AS MARKED BY ADF&G REGULATORY MARKERS];

...

(c) Except as specified in (b) of this section, the maximum lengths for gillnets and beach seines used to take salmon are as follows:

(1) set gillnets may not exceed 10 fathoms in length in

(A) the Naknek, Egegik, and Ugashik Rivers;

(B) the Nushagak District during the emergency order subsistence openings described in 5 AAC 01.310(b);

(C) all waters **of Nushagak Bay upstream of a line from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long. to Snag Point at 59° 03.18' N. lat., 158° 25.59' W. long.** [ENCLOSED BY A LINE FROM AN ADF&G REGULATORY MARKER LOCATED TWO STATUTE MILES SOUTH OF BRADFORD POINT TO AN ADF&G REGULATORY MARKER LOCATED AT NUSHAGAK POINT TO AN ADF&G REGULATORY MARKER LOCATED AT SNAG POINT];

(2) in the **remaining waters of the Wood River and Nushagak River not described in (c)(1)(C) of this section** [REMAINING WATERS OF THE AREA, INCLUDING THE WATERS OF THE WOOD RIVER AND NUSHAGAK RIVER THAT ARE UPSTREAM OF A LINE FROM AN ADF&G REGULATORY MARKER LOCATED AT NUSHAGAK

POINT TO AN ADF&G REGULATORY MARKER LOCATED AT SNAG POINT], set gillnets may not exceed 25 fathoms in length;

(3) beach seines may not exceed 25 fathoms in length.

(d) No part of a set gillnet may be operated within 300 feet of any part of another set gillnet, except that

(1) in the Nushagak District from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long. to a point [AN ADF&G REGULATORY MARKER LOCATED TWO STATUTE MILES BELOW BRADFORD POINT TO AN ADF&G REGULATORY MARKER LOCATED] at Red Bluff on the west shore of Wood River at 59° 09.58' N. lat., 158° 32.36' W. long., no part of a set gillnet may be operated within 100 feet of any part of another set gillnet;

...

What is the issue you would like the board to address and why? Remove reference to department regulatory markers from the description of the lawful gear and gear specifications section. The department has switched to latitude and longitude coordinates to define areas and no longer maintains regulatory markers. Removing references to regulatory markers that are no longer maintained will help clarify the regulations.

(Editor note: Complete coordinates were not available at the deadline for proposals and will be available prior to the meeting.)

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-066)

PROPOSAL 82 – 5 AAC 01.336. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses. Establish and adopt amounts reasonably necessary for subsistence uses for herring spawn on kelp in waters of the Togiak District, as follows:

5 AAC 01.336(b) is amended by adding a new paragraph to read:

(b) The board finds that

(3) X,XXX – X,XXX pounds of herring spawn on kelp in the waters of the Togiak District as described in 5 AAC 27.805(a) are reasonably necessary for subsistence uses in the Bristol Bay Area.

What is the issue you would like the board to address and why? In 5 AAC 01.336 there are two customary and traditional use findings, one for all finfish and one for herring spawn on kelp in the Togiak District (5 AAC 01.336(a)). The board has adopted amounts reasonably necessary for subsistence for salmon and finfish other than salmon. There are no specific findings for the amounts reasonably necessary for subsistence for herring spawn on kelp. Recent data collected in the area includes comprehensive surveys in Togiak, Aleknagik, and Manokotak for the 2008 study

year and Dillingham for the 2010 study year. The department conducted directed herring spawn on kelp harvest assessment surveys in the Togiak District to document the harvest, use, and sharing patterns associated with this unique finfish resource annually from 2011 to 2015.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-003)

PROPOSAL 83 – 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Allow the traditional harvest of whitefish and non-salmon subsistence fish in specific waters of the Newhalen River, as follows:

5 AAC 67.022 (k) is amended to read:

5 AAC 67.022

...

(k) In the fresh waters of the Bristol Bay Area where the use of bait is not allowed as described in **5 AAC 01.325(c)**, **(only including the Newhalen River from Mile 1 to 22)**, a person may not apply to fishing gear or place in the water any substance for the purpose of attracting fish by scent, including

- (1) fish eggs in any form;
- (2) natural or preserved animal, fish, fish oil, shellfish, or insect parts;
- (3) natural or processed vegetable matter; and
- (4) natural or synthetic chemicals.

What is the issue you would like the board to address and why? The current “no chumming” regulation could potentially result in citations for Alaska residents who harvest whitefish and other non-salmon species under sport fishing regulations at traditional fish camps where salmon are processed that are harvested under subsistence regulations. This issue is specific to the area of the upper Newhalen River from River Mile 22 extending into Six Mile Lake, the Lake Clark drainage, and Lake Iliamna where the majority of subsistence salmon fishers process their harvest shore side, keeping their fish in the water to keep their catch cool during processing.

Persons sport fishing (using a rod-and-reel) at a subsistence camp, while there are fish parts in the water, are essentially violating the “no chumming” regulation and could be cited by the Alaska State Troopers for a sport-fishing violation. This situation often occurs when subsistence harvesters are targeting whitefish that are likely attracted to the scent of the sockeye salmon being stored submerged in fresh waters for processing or their parts returned to the water after processing which were harvested under subsistence regulations. Often these are children who are fishing with rod and reel while their parents clean fish nearby.

The Nondalton Tribal Council would like the Alaska Board of Fisheries to recognize this customary and traditional way of harvesting whitefish and other non-salmon species in the areas

included in this proposal, by exempting this method of harvest from being considered “chumming.”

PROPOSED BY: Nondalton Tribal Council (EF-C15-115)

PROPOSAL 84 – 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Establish non-retention king salmon sport fishing in the Big Creek drainage of the Naknek River drainage, as follows:

5 AAC 67.022(d)(11) is amended to read:

(11) the Big Creek drainage [, INCLUDING WATERS WITHIN A ONE-QUARTER MILE RADIUS OF ITS CONFLUENCE WITH THE NAKNEK RIVER] is closed to **the retention of all** [SPORT FISHING FOR] king salmon year round.

What is the issue you would like the board to address and why? Big Creek is the only portion of the Naknek drainage that is realistically available to fly fish for king salmon. All other waters of the drainage are too large, fast and deep to allow access by fly fishermen. King Salmon Creek and Paul’s Creek were closed to all fishing for king salmon many years ago and Big Creek was the only alternate left for fly fishermen to use as a location to fly fish for kings. By closing this creek it has totally eliminated the possibility for fly fishermen wanting to fish for king salmon in the Naknek drainage. In addition it has unintentionally displaced the gear fishery that has historically occurred in front of the mouth of the creek. By implementing the regulation to include the phrase "within 1/4 mile radius of its confluence with the Naknek River" it disrupted a fishery that has been in use for generations, for no biological reason.

This wording would allow for fly fishermen to access the creek for catch and release fishing only, it would allow for the gear fishery to return to historic use and still protect the king salmon in the drainage. Again, there was no biological concern for the creek when this regulation was implemented. This change will still show an abundance of caution for the king salmon fishery in the Naknek drainage while no longer displacing a user group and restoring a fishery that was and is not identified as being a problem for the resource or any social reason in the main stem of the Naknek River.

PROPOSED BY: Nanci Morris Lyon (EF-C15-062)

PROPOSAL 85 – 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Redefine the sport fishing boundary description for non-retention of king salmon in the Big Creek drainage, as follows:

5 AAC 67.022(d)(11) is amended to read:

(11) the Big Creek drainage, including waters **from the confluence of Big Creek with the Naknek River** [WITHIN A ONE-QUARTER MILE RADIUS OF ITS CONFLUENCE WITH THE NAKNEK RIVER:];

Closed all year round to all king salmon fishing.

What is the issue you would like the board to address and why? This area boundary correction reflects the intent of the regulation proposal when it was originally made. The current radius boundary interrupts fishing lanes in the main stem of the river and serves no conservation purpose.

PROPOSED BY: Joe Klutsch (HQ-F15-076)

PROPOSAL 86 – 5 AAC 67.020. Bag limits, possession limits, annual limits, and size limits for Bristol Bay. Implement a mail-in requirement for all king salmon harvest tickets in Bristol Bay sport fisheries, as follows:

This proposal would require anglers to record their harvest (and catch?) data on a department provided mail-in harvest ticket much like that for big game hunting in Alaska. The cards must be returned to ADF&G at the end of the Chinook salmon season in Bristol Bay.

What is the issue you would like the board to address and why? To address concerns for chinook (king) salmon catch and harvest data and to make more efficient use of the current requirement to record Chinook salmon harvests in the Bristol Bay sport fisheries. Numerous Bristol Bay residents express concern and doubt regarding the timeliness and accuracy of current methods for assessing the sport harvest and catch of area Chinook salmon. The Statewide Harvest Survey (SWHS) results are delayed by up to two years and are not trusted by many. Guided angler data is sent to ADF&G weekly. Other than the SWHS there is no in-season data collected on non-guided anglers unless an expensive onsite angler survey is conducted. ADF&G cannot survey all waters every season.

Bristol Bay area sport anglers of all ages are already required to record their Chinook salmon harvests on their license or on a special report card.

It is expected the data from these cards could be used by ADF&G to refine their assessment of harvest (and catch?) of Bristol Bay Chinook salmon.

PROPOSED BY: Nushagak Fish and Game Advisory Committee (HQ-F15-071)

PROPOSAL 87 – 5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay area. Eliminate the use of egg-simulating lures in rainbow trout fishing, as follows:

5 AAC 67.022(d) is amended to read:

Only unbaited, single-hook artificial lures excluding plastic, rubber, neoprene, fiber, or any other material that simulates a fish egg or egg cluster may be used year round.

What is the issue you would like the board to address and why? Hook injury and mortality due to the use of egg simulator lures is causing excessive harm to rainbow trout populations catch and release techniques attempted by inexperienced fishermen are generally not effective especially younger age class fish. This would constitute a conservation measure.

PROPOSED BY: Joe Klutsch (HQ-F15-075)

PROPOSAL 88 – 5 AAC 27.832. Seine specifications and operations for Bristol Bay Area. Change the regulatory description for herring purse seine and hand purse seine, as follows:

5 AAC 27.832(a)(2) is amended to read:

(a) A herring purse seine or hand purse seine

...

(2) may not be more than **630** [625] meshes in depth [, OF WHICH NO MORE THAN 600 MESHES MAY HAVE A MESH SIZE LARGER THAN ONE AND ONE-HALF INCHES].

What is the issue you would like the board to address and why? Before 1998, gear specifications and operations for both herring gillnet and seine gear appeared in 5 AAC 27.831. At that time the provision was worded as follows:

(d) A herring purse seine or hand purse seine may not exceed 100 fathoms in length and not more than 625 meshes in depth, of which 600 meshes may not have a mesh size larger than one and one-half inches.

In 1998, when the seine specifications and operations were moved into their own section under 5 AAC 27.832, the text was changed to read as it currently reads in 5 AAC 27.832(a):

(a) A herring purse seine or hand purse seine

(1) may not exceed 100 fathoms in length; and

(2) may not be more than 625 meshes in depth, of which no more than 600 meshes may have a mesh size larger than one and one-half inches.

This changed the regulation from allowing a net to have no more than 25 meshes over one and one-half inches to allowing 600 meshes to be over one and one-half inches. The regulation appears to have changed inadvertently during the editing process. This proposal would correct this error and incorporate industry practices in building purse seines. Industry practices use 200.5 mesh strips to construct the base net. This net is then attached at the top and bottom to cork and lead lines with additional meshes. The number of meshes used at the top and bottom varies but can total 25. So to allow for the additional half meshes in the base strips it seemed appropriate to

change the total number of meshes to 630. The industry standard is for a mesh size of one and one-half inches.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-008)

PROPOSAL 89 – 5 AAC 27.865. Bristol Bay Herring Management Plan. Delete references to sac roe in the Bristol Bay Herring Management Plan, as follows:

5 AAC 27.865 is amended to read:

5 ACC 27.865(b)(7) Delete the words [SAC ROE]

5 AAC 27.865(b)(8) Delete the words [SAC ROE]

What is the issue you would like the board to address and why? Delete all reference to sac roe in the Bristol Bay Herring Management Plan. With continuing weak markets for sac roe herring, the highest level of product quality could be other uses of herring than the roe. By removing the reference to "sac roe" could allow development of other product forms leading to new markets thus increasing the value of Togiak herring.

PROPOSED BY: Robert Heyano (HQ-F15-039)

PROPOSAL 90 – 5 AAC 27.865. Bristol Bay Herring Management Plan. Change the management plan to allow the department to waive the catch allocation requirement for gillnet and purse seine fleets, as follows:

5 AAC 27.865 is amended to read:

5 AAC 27.865

(b)(8) After the spawn-on-kelp harvest and the Dutch Harbor food and bait fishery have been subtracted, the remaining harvestable surplus is allocated to the sac roe fishery. The department **may** [SHALL] manage for a removal of 30 percent of that surplus by the gillnet fleet and 70 percent by the purse seine fleet. To maintain those percentages inseason, the commissioner **may** [SHALL] make adjustments to fishing periods and fishing areas by emergency order. After the gillnet and purse seine fleet have harvested at least 50 percent of each gear group's allocation, the commissioner may allow either fleet to harvest its remaining allocation without further restrictions.

What is the issue you would like the board to address and why? Delete the words "shall" and replace with "may". The current low prices being paid for sac roe herring has resulted in a significant reduction in gillnet effort. Requiring the commissioner to manage for the 70/30

harvest of at least 50% of each gear's allocation places additional unnecessary financial risks for all participants in a marginal profitable fishery in the best of conditions.

PROPOSED BY: Robert Heyano (HQ-F15-040)

PROPOSAL 91 – 5 AAC 27.850. Closed waters in Bristol Bay Area. Redefine the description of closed waters for the Togiak herring fishery by deleting references to department regulatory markers, as follows:

5 AAC 27.850 is amended to read:

5 AAC 27.850. Closed waters in Bristol Bay Area. (a) Metervik Bay is closed to herring fishing north of a line from **a point at** [AN ADF&G REGULATORY MARKER AT] 58° 49.10' N. lat., 159° 47.25' W. long. to **a point at** [AN ADF&G REGULATORY MARKER AT] 58° 49.97' N. lat., 159° 45.75' W. long. This closure does not apply to the taking of herring spawn on kelp.

(b) Ungalikthluk Bay is closed to the taking of herring north of a line from [AN ADF&G REGULATORY MARKER AT] Rocky Point **at 58° 53.25' N. lat., 160° 14.25' W. long. to a point** [(58° 53.25' N. LAT., 160° 14.25' W. LONG. TO AN ADF&G REGULATORY MARKER] at 58° 51.90' N. lat., 160° 09.75' W. long. This closure does not apply to the taking of herring spawn on kelp.

What is the issue you would like the board to address and why? Remove reference to department regulatory markers from the description of closed waters. The department has switched to latitude and longitude coordinates to define open and closed areas and no longer maintains regulatory markers. Removing references to regulatory markers that are no longer maintained will help clarify the regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-004)
