

**PROPOSAL 86**

**5 AAC 01.220. Lawful gear and gear specifications.**

Allow subsistence fishing for non-salmon fish with hook and line gear in District 4 of the Yukon Area, as follows:

Allow hook and line gear to be used to catch subsistence non-salmonid fish in the Kaltag, Nulato, and Old Village (or Rodo) River year-round.

We were told that in the regulation book that the winter subsistence exception for hook and line is for all of District 4 but we did not want to speak for the entire district, and these three rivers are important to us and the ones that the people of this area fish with this gear.

**What is the issue you would like the board to address and why?** The Middle Yukon AC had thought that due to actions on a proposal that they had submitted a long time ago, that it was legal to fish with hook and line for subsistence year round for non-salmonid species in the Kaltag, Nulato and Old Village (or Rodo) Rivers. The people of this area commonly subsistence fish for trout, sheefish, and dollys year-round with gear that they have on hand, including hook and line, and are unaware that this is restricted gear between May 15- September 21. We do not consider this activity sports fishing and find it odd that it would be considered subsistence in the winter but sport in the summer.

**PROPOSED BY:** Middle Yukon Fish and Game Advisory Committee (EF-F18-105)

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## **PROPOSAL 87**

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

Allow subsistence fishing for salmon with drift gillnets in the entire Yukon River, as follows:

Allow subsistence driftnet fishing in those areas of the Yukon River currently not allowed. All districts allowed to subsistence driftnet. ADF&G management claims to be able to effectively manage for the current situation where approx. 90% of the commercial and about 50% of the subsistence king salmon are harvested using drift gillnets on a non-restricted year. If that is so it should be reasonable to manage for a small amount of driftnet fishing more. Many fishermen on the Yukon have long standing set net or fishwheel sites and this would probably only be used by fishermen with poor sites or no sites and younger, new fishermen.

**What is the issue you would like the board to address and why?** Drift Gillnetting: Drift gillnetting is a fishing method that does not need ownership of a set net eddy or fish wheel site. Each Board of Fisheries cycle some District or sub district applies for this right basing their need on a number of reasons mostly related to crowding and/or gas costs to travel far from home areas. Over the years some are chosen and some are denied. Currently because of the piecemeal and political nature of much of the allocation of this right to driftnet for so long we have arrived at a place where the majority of it is allowed in the heaviest areas of commercial fishing (for commercial and subsistence fishing) and in districts with the easiest ability to catch fish already, due to an earlier crack at catching the migrating fish. Ironically, you have most of the best areas to catch Chinook and chum having been given the right to driftnet and most of the poorest areas to catch them being denied the right. An extreme example of this is the lower districts of the Yukon versus the Koyukuk River drainage or the Yukon Flats district. A decent set net spot in the Koyukuk drainage might produce say six Chinook for the entire season or even less according to Huslia fishermen at a past YR DFA meeting. Koyukuk River fishermen and the Yukon Flats fishermen (Ft Yukon Area) are not allowed to drift net. Presently management of our allowable fishing gear types has no rhyme or reason to it. When one hour of fishing a season in one of these driftnet districts can produce more and bigger fish than a non-driftnet district can get if allowed to fish seven days a week all season then we have a situation that is totally unfair and impossible to insure any degree of equitable distribution of fish to meet subsistence needs, especially in years of poor runs. Lastly subsistence gear use abilities should take priority over commercial. This is clearly not taking place.

Note: At the last BOF cycle TRM AC submitted a fishing gear fairness proposal similar to this one. We felt we had gained a fair degree of Board member support for it then. During deliberation a sympathetic board member asked ADF&G managers if he voted for this how much of an impact it would have on fisher's harvest. The reply from an ADF&G manager was that there were 150+ commercial fishing permits in District 5 alone. Our AC had to sit there not being able to speak up while the board member and others clearly felt that was way too much impact and then voted the proposal down. All this knowing that even in the heyday of our best commercial fishing in the past only a tiny fraction of those permits were ever fished and knowing that this was a subsistence proposal not a commercial one. We bring this up in case this happens again.

**PROPOSED BY:** Tanana Rampart Manley and Fairbanks Fish and Game Advisory Committees  
(EF-F18-047)

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**PROPOSAL 88**

**5 AAC 01.220. Lawful gear and gear specifications.**

Require fish wheels to be closely attended during times of conservation for any species, as follows:

Fishwheels must be manned at all times when any catch and release of King salmon or other species is required in an executed fishery. There is to be no livebox holding and release of restricted species required to be not kept, river wide. Restricted species are defined as ones for which a biological concern exists in an area for them and no harvest is allowed. (Recent example would be the King Salmon and area being Yukon River.) (Note: This was written as to not interfere with more sound fish wheel release practices being considered and/or used at present by management such as live chute releasing of King salmon which does not use any live box holding methods.) The Tanana Rampart Manley Fish and Game Advisory Committee (TRM) supported this proposal submission unanimously.

**What is the issue you would like the board to address and why?** Fishwheel Liveboxes: TRM is concerned about present regulations allowing and further attempts to increase fish wheels as a legal means of targeting one species (such as chum salmon) while releasing another species (such as King salmon). Many of the methods of holding, release and equipment used are being portrayed as non-harmful ways of dealing with bycatch. TRM members come from an area of high fish wheel use and many are very familiar with the number of studies (mostly USFWS in this area) done on fish wheel live box holding and general fish wheel operation and how it affects caught and released fish. We feel these issues have been sufficiently neglected in management and BOF actions in the past, despite the literature presented to them and concerns voiced to management, and at YRDFA and BOF meetings, that a regulation against it needs to be clearly on the books.

Note: This exact proposal was submitted at the last BOF cycle. It had what seemed to be much board support especially when the studies associated with liveboxes were discussed. The night before deliberation ADF&G changed the wording of the discussed proposal to essentially allow for what we were proposing against and the BOF passed their changed proposal – I believe not realizing what had been done. We had to sit there and accept it unable to speak.

**PROPOSED BY:** Tanana Rampart Manley Fish and Game Advisory Committee (EF-F18-048)

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## **PROPOSAL 89**

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

Allow retention of king salmon for subsistence purposes, by emergency order, during times of king salmon conservation in the Yukon Area, as follows:

The below changes to the 5 AAC 01.220 (n) (2), (3) and (4) will provide the department with a tool that would allow a relatively small harvest of king salmon when selective harvest commercial and subsistence fisheries are prosecuted. Current regulations stipulate that ALL king salmon must be released to the water alive when using these selective harvest gear types. However, the below changes to the regulation will provide the department the emergency order authority to allow some king salmon harvest, when warranted. Note that this EO authority can be implemented on a period by period basis.

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

(n) Notwithstanding the provisions of (d), (e)(2), and (f)(2) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which one or more of the following gear limitations may be implemented:

(2) for fish wheels:

(A) **unless altered by emergency order**, a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation; the operator must closely attend the fish wheel while it is in operation, and all king salmon must be immediately released to the water alive from the livebox **unless retention of king salmon for subsistence purposes is allowed by emergency order**;

(B) repealed 5/22/2016;

(C) **unless altered by emergency order**, a person may operate a fish wheel without a livebox only if

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all king salmon caught to the water alive **unless retention of king salmon for subsistence purposes is allowed by emergency order**;

(3) dip nets may be used; however, all king salmon caught with a dip net must be released to the water alive **unless retention of king salmon for subsistence purposes is allowed by emergency order**;

(4) a beach seine may be used; however, all king salmon caught with a beach seine must be released to the water alive **unless retention of king salmon for subsistence purposes is allowed by emergency order**.

**What is the issue you would like the board to address and why?** Currently, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which fish wheels, dipnets and beach seines may be used to harvest salmon. However, the regulation also currently stipulates that all king salmon caught must be released to the water alive. We believe that when king salmon runs are

large enough to provide for a limited or full subsistence harvests and the selective gear types are still being used, king salmon caught in fishwheel, dipnet, and beach seine fisheries under this regulation, 5 AAC 01.220 (n) (2), (3), and (4) be allowed to be retained for subsistence purposes. We also believe that the retention of king salmon in these fisheries could be surgically regulated by emergency order authority, in other words, the department may or may not allow the retention of king salmon for subsistence purposes on a period by period basis within each district or subdistrict fishery.

While we believe that the current regulation is necessary when the king salmon stocks are critically low, such that every king salmon in the run is needed to spawn, we also believe that when king salmon runs are large enough to provide for some or a full subsistence harvest, the retention of king salmon for subsistence purposes from the selective gear types fisheries maybe warranted and, if necessary, would provide a much slower-paced harvest of king salmon used for subsistence purposes. King salmon runs have recently recovered so that king salmon can be and are being taken for subsistence purposes. However, replacing the selective harvest fisheries with gillnet fisheries may not be appropriate at this time because of the relatively large number of king salmon that may be incidentally harvested in some gillnet fisheries, especially in the Lower Yukon Area. King salmon caught in gillnets can always be retained. However, because of the relatively small catch and the intrinsic inefficiency of catching king salmon in the selective harvest fisheries, we believe that the retention of king salmon for subsistence purposes in these fisheries will not substantially affect the overall run size, subsistence fisheries farther upriver, and the escapement on the spawning grounds. Because the retention of king salmon in these fisheries would only be allowed through emergency order, it would provide the department with a tool to allow some king salmon harvest commensurate with the run size and the targeted king salmon subsistence harvest.

Because of the current king salmon run sizes returning to the Yukon River, there is currently no reason why king salmon should not be retained from the dipnet and beach seine fisheries for subsistence purposes if there are surplus fish in excess of spawning requirements. This would give the department a surgical tool to allow retention of king salmon in these selective harvest fisheries period by period.

Note that the interim king salmon escapement goal (IMEG) for the Yukon River in Canada is 42,500 to 55,000 king salmon. The upper end of the IMEG has been exceeded every year since 2013. The recorded escapement has been: 63,327 in 2014; 82,674 in 2015; 68,798 in 2016; and ~69,000 in 2017. Escapements to the Alaskan portion of the drainage have also been good. These escapements indicate that there are surplus king salmon in far excess of escapement requirements. Subsistence fishers should have the opportunity to harvest some of these excess fish and commercial fishers should have the opportunity to retain these caught salmon for subsistence purposes.

We believe that the subsistence fishers of the Yukon River drainage need not be restricted as they were during critically low king salmon runs. One method to allow subsistence fishers to have the opportunity to take what they need is to allow the retention of king salmon caught in selective harvest fisheries.

Releasing salmon back into the river has been difficult for the people of the Yukon because people living along the river depend on the river for food. Releasing king salmon that have been caught is contrary to their culture. When the runs were critically low, fishers had to be convinced that their efforts were needed to help in king salmon conservation. They were told that every king salmon was needed on the spawning grounds. Now, it may be extremely more difficult for fishers to live release the king salmon back into the river knowing that the runs can provide for a limited, if not a full, subsistence fishery. If this proposal is not adopted, fishers on the Yukon will continue to release king salmon alive back into the water, but the rational for live releasing these fish back into the river is no longer valid.

**PROPOSED BY:** John A. Lamont

(HQ-F18-045)

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**PROPOSAL 90**

**5 AAC 01.210. Fishing seasons and periods.**

Reduce the amount of time prior to opening of the commercial fishing season in Districts 1-3 and Subdistrict 4-A of the Yukon Area when subsistence fishing for salmon is prohibited, as follows:

**5 AAC 01.210. Fishing seasons and periods**

(e) In Districts 1, 2, and 3, excluding the Innoko River drainage, **and Subdistrict 4A, excluding the Koyukuk River drainage**, salmon may not be taken for subsistence during the 24 **SIX** hours immediately before the opening of the commercial salmon fishing season.

**What is the issue you would like the board to address and why?** These closures do not prevent people from selling into the commercial fishery Chinook Salmon that they take in the subsistence fishery because only a few Yukon subsistence fishermen do this. There are always going to be a few bad actors, we know who they are, they have been fined before, and this regulation has not stopped them. This regulation is burdensome on subsistence fishermen without any benefit.

**PROPOSED BY:** Alissa Nadine Rogers

(HQ-F18-060)

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**PROPOSAL 91**

**5 AAC 01.210. Fishing seasons and periods.**

Reduce the amount of time prior to opening of each commercial fishing period in Districts 1-3 of the Yukon Area when subsistence fishing for salmon is prohibited, as follows:

Delete the regulation.

**5 AAC 01.210. Fishing seasons and periods**

(e)(1) in Districts 1, 2, and 3,

(A) after the opening of the commercial salmon fishing season through July 15, salmon may not be taken for subsistence for [18] six hours immediately before, during, and for [12] six hours after each commercial salmon fishing period;

(B) after July 15, salmon may not be taken for subsistence for [12] six hours immediately before, during, and for [12] six hours after each commercial salmon fishing period;

**What is the issue you would like the board to address and why?** If the Board does not get rid of these regulations as requested in my proposal 90 I'm asking the Board to consider this proposal, which reduces closures before and after commercial fishing periods. These closures do not prevent people from selling into the commercial fishery Chinook Salmon that they take in the subsistence fishery because only a few Yukon subsistence fishermen do this. There are always going to be a few bad actors, we know who they are, they have been fined before, and this regulation has not stopped them. This regulation is burdensome on subsistence fishermen without any benefit.

**PROPOSED BY:** Alissa Nadine Rogers

(HQ-F18-062)

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## **PROPOSAL 92**

### **5 AAC 01.220. Lawful gear and gear specifications; and 5 AAC 05.331. Gillnet specifications and operations.**

Restrict gillnet mesh size to a maximum of 6 inches in Districts 4, 5, and 6 subsistence and commercial salmon fisheries, as follows:

Restrict gillnet mesh to a maximum of 6 inches in Districts 4, 5 and 6 for subsistence and commercial.

**What is the issue you would like the board to address and why?** ~6" mesh maximum: Large mesh net fishing has had a detrimental effect on the stock composition and quality of escapements for Yukon River Chinook salmon and targets the larger and female Chinook salmon. There continues to be poor returns of Yukon River salmon since 1998. This has led to conservation concerns on the spawning grounds. Many of these returns have not allowed subsistence users a reasonable opportunity to meet their subsistence salmon needs. The use of the larger gillnets has changed, and will continue to change the composition of the Chinook stocks harvested. Fishermen in Canada and the U.S. Yukon River have repeatedly noted that the returning Chinook salmon are getting smaller and conservation measures are needed to protect the larger fish that in turn protects the genetic variability and loss of the older age classes of the Yukon River Chinook salmon stocks. Despite some better numbers of Chinook salmon in the last few years there is little data at all able to indicate scientifically where our decline in the older age classes of Chinook has been heading. Ocean abundance of juvenile king salmon has been proving to be one of our best indicators and that is predicting lower runs for 2019 and 2020. The use of the current 7 1/2" gillnets is targeting the largest Chinook left in any significant number in the Yukon River. These are the fish with the best potential to bring back the larger fish with the most eggs and therefore the run sizes of past years. 6" nets still catch some large fish but does not target them near to the same extent as 7 1/2" does. The differences in catches in the two net sizes are readily apparent for all to see.

Some lower river District 1, 2 and 3 representatives have not expressed support for this proposal for themselves but have stated they would back the upper districts in getting this passed for themselves. Our AC has gotten support from most representatives of Districts 4, 5, and 6 talked to so far. Having it apply to all districts was rejected due to lack of support. Nets in the 7" range were considered in past Board cycles however a number of reasons were discovered why they were not suitable.

1. A USFWS study (An Investigation of the Potential Effects of Selective Exploitation on the Demography and Productivity of Yukon River Chinook Salmon, Bromaghin, Nielson, and Hard) showed 7.5" mesh to be ineffective at reversing declining size trends and can actually contribute to the problem.

2. Current ongoing mesh size studies by ADF&G and anecdotal info from fishermen river wide show nets of the 7" range actually catching more fish and more lbs of Chinook than the more normally used 8-9" nets and the smaller 6" range nets. Fishermen in the upper river commonly are reporting most Chinook going through the larger nets. This is clearly because of the lack of the larger fish at present. Targeting the next available largest Chinook age class with 7" range nets will only further damage the run.

**PROPOSED BY:** Tanana Rampart Manley and Fairbanks Fish and Game Advisory Committees  
(EF-F18-045)

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**PROPOSAL 93**

**5 AAC 01.240. Marking and use of subsistence-taken salmon.**

Repeal the requirement to remove the tips of the tail fin of subsistence-taken salmon in Districts 1 – 3 of the Yukon Area, as follows:

Delete the regulation

~~5 AAC 01.240. Marking and use of subsistence taken salmon~~

~~(e) In Districts 1 – 3, from June 1 through July 15, a person may not possess king salmon taken for subsistence uses unless both tips (lobes) of the tail fin have been removed before the person conceals the salmon from plain view or transfers the salmon from the fishing site. A person may not sell or purchase salmon from which both tips (lobes) of the tail fin have been removed.~~

**What is the issue you would like the board to address and why?** Fin-clipping does not prevent people from selling into the commercial fishery Chinook Salmon that they take in the subsistence fishery because only a few Yukon subsistence fishermen do this. There are always going to be a few bad actors, we know who they are, they have been fined before, and this regulation has not stopped them. This regulation is burdensome on subsistence fishermen without any benefit.

**PROPOSED BY:** Alissa Nadine Rogers

(HQ-F18-059)

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**PROPOSAL 94**

**5 AAC 01.2XX. New section.**

Allow the taking of the first king salmon entering the Yukon River for religious and ceremonial use, as follows:

Allow the taking of the first king salmon entering Yukon River for religious and ceremonial use.

**What is the issue you would like the board to address and why?** To all Yukon Yupik people an exemption to harvest first king salmon entering Yukon River for religious and ceremonial use. Currently it is a violation to do so during times of conservation or protecting first or second king salmon pulses. These closures often impose criminal or other penalties that pressure, compel, or even eliminate the religious practice.

**PROPOSED BY:** Stanley Pete

(HQ-F18-075)

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**PROPOSAL 95**

**5 AAC 01.220. Lawful gear and gear specifications.**

In the Yukon River between the marker at Waldron Creek and Hess Creek, require a minimum distance of 300 feet between units of set gillnet gear and limit the amount of net gear that may be deployed in an eddy to 350 feet, as follows:

Between Waldron Creek marker and Hess Creek, all set net gear should be 300 feet apart, and there should be no more than 350 feet of net allowed in an eddy.

**What is the issue you would like the board to address and why?** Increased public participation and access to the Yukon River at the Haul Rd Bridge. Changing the current regulation will help eliminate user conflict due to easy public access. Especially in times of conservation, the current regulations do not fit the area due to the easy public access and increased pressure on this fishery.

**PROPOSED BY:** Randy Mayo

(EF-F18-019)

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**PROPOSAL 96**

**5 AAC 01.210. Fishing seasons and periods.**

Allow subsistence fishing for fall chum salmon in District 5 without time restrictions if commercial fishing for fall chum salmon is open in other Yukon River districts, as follows:

5 AAC 01.210(d)(2)

...

In District 5 once the fall chum run is determined healthy enough to have commercial openings on it in other districts then no subsistence restrictions on days open should be placed on it. It is to be open 7 days a week unless a biological concern arises at which time fishing will be restricted or stop.

Issues of subsistence and commercial opening conflicts have never been a problem in this area but sometimes are a problem for other districts so for that reason we ask for this in District 5 only and will let others propose as they choose. Also we are only trying to increase opportunity in situations where it would not be detrimental to any species, so any concerns that the BOF or management would have over this proposal, TRM would be happy to adjust the proposal wording to meet those concerns.

**What is the issue you would like the board to address and why?** 7 Day Fall Chum Fishing: Fall chum salmon fishing in this area comes late in summer. The weather is cooling and often the rains start making drying of fish difficult if not impossible on many days. Over the years we have tried to point out to management that the current reduced subsistence schedules of 4 days or 5 days a week that we find ourselves in, often do not coincide with days able to put up fish. This is especially true at the beginning of the run where the best people quality fish are found. For example we have documented times where fishers have waited almost an entire open period of fishing only to have the sun come out on the closed days. Fall season is too short and lately because of the king crisis it has become too important to lose opportunity.

TRM has repeatedly been told by some at ADF&G that while the proposal has merit and they try to open the season as soon as possible to 7 days they want to maintain the flexibility to open and close as they wish. At the last BOF meeting the State's own lawyer had to contradict ADF&G management by stating that no matter what, they always have the ability to shut down fishing if necessary. We are simply trying to get it into regulation so we are not at the mercy of different managers with different opinions on when we should be allowed to go to 7 day a week fishing once the run is being fished on commercially.

**PROPOSED BY:** Tanana Rampart Manley and Fairbanks Fish and Game Advisory Committees  
(EF-F18-046)

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