

PROPOSAL 277

5 AAC 29.112. Management of chum salmon troll fishery.

Add the Crawfish Inlet Terminal Harvest Area and West Crawfish Inlet to waters that may be opened to a hatchery chum salmon troll fishery, as follows:

5 AAC 29.112(b)(3) and (4) are added to read:

(b)(3) in waters of the Crawfish Inlet Terminal Harvest Area south of 56°47.14' N. lat. in Cedar Pass, northeast of a line from 56°43.83' N. lat., 135°16.13' W. long. to 56°43.49' N. lat., 135°15.50' W. long. in Middle Channel, and north of a line from 56°43.01' N. lat., 135°12.93' W. long. to 56°43.25' N. lat., 135°12.18' W. long. in Walker Channel.

(b)(4) in the portions of West Crawfish Inlet, sub-district 113-32; as determined by the department for conservation management reasons.

What is the issue you would like the board to address and why? The Crawfish Inlet chum salmon program has a specific terminal harvest area defined in 5 AAC 33.380 (THA established January 2018) for troll which does not include West Crawfish Inlet (3 miles distant connected by Cedar Pass). The expectation in 2017 was the chum salmon would return to Crawfish Inlet through the islets and waterways leading into the inlet. In the summer of 2018, it was learned that most of the chum salmon entered Crawfish Inlet via West Crawfish Inlet. Furthermore, the chum salmon held in West Crawfish Inlet for days before migrating to their release location. This provided an outstanding opportunity for trollers in 2018 when they caught 250,000 chum salmon primarily in West Crawfish Inlet. In 2019, again the chum salmon flooded into West Crawfish Inlet in early August and trollers began harvesting chum salmon in good numbers for two days until the 'coho salmon closure' precluded them from fishing in West Crawfish Inlet.

Much like the Deep Inlet chum salmon fishery, the chum salmon hold in Sitka Sound and Eastern Channel during sunny dry periods where the trollers fish on large schools prior to the chum salmon moving into Deep Inlet. Similarly, Eastern Channel has a provision for troll harvest during the coho salmon troll closure. There is precedent for this request in 5 AAC 29.112.

The Northern Southeast Regional Aquaculture Association (NSRAA) designated the Crawfish Inlet chum salmon program to be managed for Troll priority from 2017-2025, in effect allowing six days of trolling and one day for purse seine gear mop-up fishery. Priority was given to trollers due to the significant troll imbalance, vis-à-vis the Southeast Allocation Plan (5 AAC 33.364). It was unforeseen that the chum salmon would not go directly to the terminal area, but rather stall in West Crawfish Inlet during their migration to their terminal release site. In 2019 a second unforeseen event was the department coho salmon troll closure coinciding with hundreds of thousands of chum salmon schooling in West Crawfish Inlet.

Trollers will lose fishing opportunity during troll coho salmon closures and the SE Enhanced Alaska Allocation imbalance will worsen, with trollers being even further below their allocation range. If there is no provision for trollers to harvest during the coho salmon closure, these chum salmon will eventually move to Crawfish Inlet and be caught by seine or troll. However, it is important to note that once the chum salmon enter the terminal area the trollers are less effective at harvesting them, and therefore more chum salmon will be caught by the seine fleet.

PROPOSED BY: Northern Southeast Regional Aquaculture Association (Formerly ACR 1)

PROPOSAL 279

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

Allow two Bristol Bay drift gillnet CFEC permit holders to fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear when the Naknek River Special Harvest Area is open, as follows:

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. (a) Two Bristol Bay drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear under this section, except

- (1) in the Togiak District;
- (2) in a special harvest area;
- [(3) IN THE BRISTOL BAY AREA WHEN THE NAKNEK RIVER SPECIAL HARVEST AREA IS OPEN UNDER 5 AAC 06.360.]

What is the issue you would like the board to address and why? This proposal seeks to allow the continued use of dual drift gillnet permit operations in Bristol Bay when the Naknek River Special Harvest Area is open. When this regulation was adopted the growth and importance of dual-permit drift gillnet operations was unforeseen and many of the concerns over movement of dual-permit operations into the Nushagak District, when 5 AAC 06.333 was adopted, are no longer present. In 2019, over 40% of CFEC drift gillnet permit holders were involved in dual-permit operations and dual-permit operations have become integral to the Bristol Bay salmon fishery. Preseason, when many dual-permit operations are formed, it is impossible for permit holders to know if the NRSHA will be opened. Elimination of dual-permit operations inseason results in increased cost to the fleet, reduced efficiency, and reduced harvest efficiency.

PROPOSED BY: Robert Heyano

(Formerly ACR 8)

PROPOSAL 280

5 AAC 01.270. Lawful gear and gear specifications and operation; and 5 AAC 07.365 Kuskokwim River Salmon Management Plan.

Allow use of set gillnets with 6” mesh to harvest salmon other than king salmon and other non-salmon fish species on the Kuskokwim River for subsistence purposes during times of king salmon conservation, as follows:

5 AAC 01.270 (n)(1)(B). Lawful gear and gear specifications and operation.

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which one or more of the following gear limitations may be implemented:

(1) for gillnets;

(B) a gillnet mesh size may not exceed six [FOUR] inches and the gillnet may only be operated as a set gillnet; [NO PART OF A SET GILLNET MAY BE MORE THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK;]

5 AAC 07.365 (c)(2)(C) and (c)(3)(C)). Kuskokwim River Salmon Management Plan.

(c) In the king salmon fishery,

(2) when the projected escapement of king salmon is within the drainagewide escapement goal range, the commissioner shall open and close fishing periods, by emergency order, as follows:

(C) notwithstanding (c)(2)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with six-inch [FOUR-INCH] or smaller mesh gillnets; the gillnet may only be operated as a set gillnet [AND NO PART OF THE SET GILLNET MAY BE MORE THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK];

(3) when the projected escapement of king salmon exceeds the drainagewide escapement goal range,

(C) notwithstanding (c)(3)(A) of this section, before June 12 the commissioner shall open, by emergency order, at least one subsistence fishing period per week with six-inch [FOUR-INCH] or smaller mesh gillnets; the gillnet may only be operated as a set gillnet [AND NO PART OF THE SET GILLNET MAY BE MORE THAN 100 FEET FROM THE ORDINARY HIGH WATER MARK];

What is the issue you would like the board to address and why? Since 2010, the Kuskokwim River has experienced poor king salmon runs. Total run estimates for Kuskokwim River king salmon in 2012, 2013, and 2014 are the 3 lowest on record. From 2010 through 2013 most tributary escapement goals were not achieved and the Kuskokwim River drainagewide sustainable escapement goal established in 2013 was not achieved that year. Beginning in 2014, a very conservative management approach has been employed on the Kuskokwim River, which has led to most tributary escapement goals being achieved. In addition, drainagewide escapement levels have been near the upper end of the established escapement goal of 65,000–120,000 king salmon since 2015. The preliminary 2019 king salmon return was average, the total run was approximately 230,000, the spawning escapement was estimated to be 180,000, the drainagewide sustainable

escapement goal was exceeded, and all tributary goals were met or exceeded. Communications from Kuskokwim River residents indicate most subsistence needs for king salmon were met.

Up to 4-inch mesh gillnets not exceeding 60 ft in length have been allowed during times of king salmon conservation by emergency order as an opportunity for subsistence fishermen to harvest species of fish other than salmon (e.g., sheefish, whitefish, burbot, and northern pike). It was observed that subsistence fishermen were setting 4-inch mesh gillnets and targeting king salmon with this gear. This was a direct conflict with the intent of this fishing opportunity. In response, the board addressed this issue at their March 2015 meeting and adopted regulations to provide the department with the ability to specify that during times of conservation, 4-inch mesh gillnets could only be operated as set gillnets and no part of the gillnet may be more than 100 ft from the ordinary high-water mark.

The Kuskokwim Subsistence Salmon Panel was established by the board in October 2014 to seek public input on how to ensure an equitable distribution of subsistence salmon resources throughout the Kuskokwim River drainage and potential tools for equitable distribution in times of low abundance. The panel met in Bethel in January and August of 2015 to discuss and develop options for consideration by the board. Subsequently, in January 2016, the board met in Fairbanks to consider proposals concerning the Arctic-Yukon-Kuskokwim areas. An early season king salmon subsistence fishing closure, like the approach taken in 2014 and 2015, was suggested and agreed to by a group of Kuskokwim River residents who were in attendance. The board passed language that would annually suspend directed subsistence fishing for king salmon in the Kuskokwim River until after June 11. The intent of this closure was to distribute fish throughout the drainage for equitable harvest opportunity. Consequently, the closure also conserves fish for escapement purposes. In 2017, the board provided the department with additional guidance by directing the department to provide at least 1 subsistence fishing opportunity per week with 4-inch or less mesh set gillnets during the closure. This allows subsistence fishermen the opportunity to harvest species other than salmon during the regulated early season closure.

Six-inch mesh set gillnets would allow an additional gear type to implement for subsistence fisheries when king salmon abundance is forecast to provide harvestable surplus, but inseason run strength is unknown. Set gillnets with 6-inch or smaller mesh could be used to provide harvest opportunity for salmon (other than king salmon) early in the season when conservation measures are necessary to protect king salmon and run abundance is uncertain. This gear type would harvest king salmon at an intermediate rate between 4-inch mesh set gillnets and directed king salmon gear.

PROPOSED BY: Organized Village of Kwethluk (Formerly ACR 9)

PROPOSAL 281

5 AAC 75.022. Freshwater sport fishing.

Prohibit fishing in fresh water with live earthworms in the genus *Lumbricus*, as follows:

5 AAC 75.022. Freshwater sport fishing.

(a) Unless otherwise provided in 5 AAC 47 – 5 AAC 75, a person may not fish in fresh water with

- 1) fixed or weighted hooks and lures, except those of standard manufacture;
- 2) multiple hooks with gap between point and shank larger than one-half inch;
- 3) a spear;
- 4) an arrow;[.]
- 5) **live earthworms in the genus *Lumbricus*.**

What is the issue you would like the board to address and why? Nonnative European earthworms, particularly species in the genus *Lumbricus* (for example, Nightcrawlers), have caused substantial damage to natural areas where they have been introduced in northern North America, causing loss of soil surface layers, reductions in native plant and animal species, and increases in nonnative weeds (see <http://greatlakeswormwatch.org/forest/index.html>). This same pattern is already taking place in some places in Southcentral Alaska where *Lumbricus* earthworms have been introduced.

Other northern states have recognized invasive earthworms as a serious problem and enacted laws to restrict their spread. In Minnesota it is illegal to release nonnative species including exotic earthworms under Minnesota Statutes 84D.06 (see Minnesota DNR's information on this topic at <https://www.dnr.state.rn.us/invasives/terrestrialanimals/earthworms/index.html>). Under Wisconsin's invasive species rule (Wis. Adm. Code ch. NR 40), exotic earthworms of the genus *Amyntas* are classified as restricted species, making it illegal to transport, transfer, or introduce these worms in Wisconsin (See Wisconsin DNR's fact sheet on *Amyntas* earthworms at <https://dnr.wi.gov/topic/Invasives/fact/jumpingWorm/index.html>). As with Minnesota and Wisconsin, Alaska is vulnerable to invasion by nonnative earthworms, but in Alaska these worms have not yet been spread to most of the state.

One of the main ways that *Lumbricus* earthworms are moved to previously *Lumbricus*-free areas in Alaska is through their use as live bait and dumping of unused bait. These worms do not disperse much on their own. If they are not moved by people then it will take them hundreds to thousands of years, if ever, to spread to areas of Alaska currently free of these worms. If this proposed change is not adopted, then *Lumbricus* worms will continue to be brought to new areas in Alaska, where they will substantially alter natural systems.

Alternative species of earthworms are readily available that could be used as fishing bait in Alaska with far less risk to Alaska's natural systems. Examples of safer alternatives include *Bimastos rubidus*, an earthworm species native to Alaska, and the popular vermicomposting worms *Eisenia andrei* and *Eisenia fetida*, which are not cold tolerant.

PROPOSED BY: Matt Bowser

(Formerly ACR 11)

PROPOSAL 284

5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.

Amend the size limit for Kenai River early-run king salmon from 36 inches to 34 inches to be consistent with the size limit in the *Kenai River Late-Run King Salmon Management Plan*, as follows:

(a) Unless otherwise specified in 5 AAC 57.121 -5 AAC 57.123 or by an emergency order issued under AS 16.05.060, the following are the general seasons, bag, possession, annual, and size limits, and methods and means that apply to sport fishing for finfish in the Kenai River Drainage Area:

....

(2) king salmon 20 inches or greater in length, as follows:

(A) may be taken only from January 1 – July 31, in the Kenai River from its mouth upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, with a bag and possession limit of one fish, as follows:

(i) from January 1 – June 30, from its mouth upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, and from July 1 – July 31, from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of the Slikok Creek upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, only king salmon that are less than 34 [36] inches in length as measured from tip of snout to tip of tail may be retained;

What is the issue you would like the board to address and why? Provisions added to the *Kenai River Late-Run King Salmon Management Plan* by the board at the February Upper Cook Inlet meeting included an option for the department to allow harvest of king salmon less than 34 inches. Amending the language referenced in the early-run plan would add regulatory consistency between early and late runs. This length is also consistent with the size separation for the “large fish” escapement goal measured at the king salmon sonar project.

PROPOSED BY:

Alaska Board of Fisheries

(formerly BGP #2 adopted at the 2020 Upper Cook Inlet Finfish meeting)
