

## **PROPOSAL 190 – 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 king salmon are listed as a stock of concern. Also, components of the Yukon River king 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 and policies such as the *Yukon River King 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 in the Yukon River Salmon Agreement (YRSA), Chapter 8 of the Pacific Salmon Treaty, which includes Canadian-origin king salmon. Additionally, the 7-year agreement between the Department of Fisheries and Oceans Canada and the department was adopted in 2024, and specifies further management guidance of the mainstem Yukon River king salmon fisheries through 2030.

Currently there is not a stock of concern management plan for Yukon River king salmon in regulation. However, there is a *Yukon River King Salmon Management Plan* (5 AAC 05.360) which provides the department with guidelines for management of the king salmon subsistence 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. Lastly, the *Yukon River Summer Chum Salmon Management Plan* (5 AAC 05.362) dictates guidance for commercial fishing on surplus summer chum salmon with live release gear types, while king salmon are a species of concern.

**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, consistent with specifications found in 5 AAC 05.362 (j)(1–2). 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 king salmon management plan and other gear regulations have been developed and refined over the past 2 decades, while this stock has been listed as a stock of yield concern. The commissioner may take additional actions using emergency order (EO) authority to limit time and area based on preseason and inseason indicators of abundance. In 2024, Canada and Alaska implemented a rebuilding target (i.e., a border passage goal) of 71,000 Canadian-origin king salmon in the 7-Year Agreement. This states that the directed king salmon commercial, sport, and personal use fisheries will be closed regardless of run size and the directed king salmon subsistence fishery in the mainstem Yukon River will be closed unless this target is projected to be met. Current management practices have employed these regulations during the historically low run sizes in recent years. Directed king salmon fishing in the subsistence fishery has been closed

since mid-way through the 2020 season. There has not been a directed king salmon commercial fishery since 2008, and the sport fishery has been closed preseason since 2019. Despite the closures in all fisheries, escapement goals have not been achieved since 2019. As a component of the 7-Year Agreement, beginning in 2025 the department implemented a new cultural and educational permit program within the Yukon River. This provides for 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 king salmon that must be released alive, which could facilitate additional harvest opportunity for surplus chum 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 King Salmon Management Plan* (5 AAC 05.360), *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, because 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 7-Year Agreement, nay directed king salmon subsistence fishery in the mainstem Yukon River will be closed unless border passage is projected to be 71,000 king salmon.
4. What amount is reasonably necessary for subsistence use? The amount of king salmon necessary for subsistence is 45,500–66,704 fish (5 AAC 01.236(b)(1)).
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.