

| FP09-02 Executive Summary | |
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| General Description | Proposal FP09-02 would prevent Federal subsistence users from accumulating (combining) Federal subsistence harvest limits with State sport fishing harvest limits in the Southeastern Alaska Area. Action on this proposal will address the accumulation of harvest limits component of proposal FP09-03. <i>Submitted by the Alaska Department of Fish and Game</i> |
| Proposed Regulation | § __.27(i)(13) <i>Southeastern Alaska Area.</i> (vii) You may not accumulate annual Federal subsistence harvest limits authorized for the Southeastern Alaska Area with daily or annual harvest limits authorized under State of Alaska sport fishing regulations. |
| Southeast Regional Council Recommendation | Oppose |
| Interagency Staff Committee Comments | See comments following the analysis. |
| ADF&G Comments | Support with modification |
| Written Public Comments | None |

**REGIONAL ADVISORY COUNCIL RECOMMENDATION
FP09-02**

SOUTHEAST REGIONAL ADVISORY COUNCIL

Oppose Proposal FP09-02. The Council determined that this proposal would be an unnecessary restriction on subsistence uses. It is the opinion of the Council that the focus of this proposal is to restrict harvest opportunities for only rural residents. No evidence was presented to show that the restrictions contained within this proposal are necessary for conservation. Current State and Federal steelhead regulations provide for the continuation of subsistence use and conservation of steelhead. The Council does not think it necessary or appropriate to link regulations for Federal subsistence steelhead fisheries with harvest limits specified in State regulations. The Council agrees that subsistence fishermen should not be prevented from participating in sport fishing.

STAFF ANALYSIS FP09-02

ISSUES

Proposal FP09-02, submitted by the Alaska Department of Fish and Game (ADF&G), would prevent Federal subsistence users from accumulating (combining) Federal subsistence harvest limits with State sport fishing harvest limits in the Southeastern Alaska Area. Action on this proposal will address the accumulation of harvest limits component of proposal FP09-03.

DISCUSSION

The proponent believes that the current Federal regulations are not clear and can be misinterpreted to allow combining the harvest limits other than annual limits for Federal subsistence fisheries with harvest limits for State sport fisheries. The result is unnecessary exposure of subsistence or sport fish users to enforcement actions and an increased potential for developing conservation concerns. The proposal justification references the steelhead fishery, which is of primary interest to the proponent. The proposed regulation change would include in the Southeastern Alaska Area regulation a prohibition of the accumulation of Federal subsistence harvest limits with any daily or annual sport fishing harvest limits.

The only freshwater State sport fishery with an annual harvest limit in Southeast Alaska is the steelhead fishery.

The only Federal subsistence fisheries with annual limits in the Southeastern Alaska Area are: the subsistence salmon fishery on the mainstem of the Stikine River, the Southeast Area general steelhead fishery (except Prince of Wales) and seventeen locations specified on permits for the subsistence sockeye salmon fisheries. There are two subsistence steelhead fisheries (Winter POW, Spring POW) with seasonal harvest limits. The Statewide Federal regulation does not allow the accumulation of Federal subsistence harvest limits with State of Alaska harvest limits. In the Southeast Alaska Area, that regulation is further modified by specifying: (1) once a subsistence annual limit is taken, a person may subsequently participate in a State authorized sport fishery and (2) a person cannot possess subsistence-taken and sport-taken salmon at the same time.¹

The general steelhead fishery in the Southeastern Area is regulated through annual harvest limits by the Federal program. There are also State sport-fishing daily and annual harvest limits for steelhead. The proponent states that linking a Federal subsistence fishery for steelhead with a steelhead sport fishery, by allowing the accumulation of harvest limits is confusing, difficult to manage, may lead to conservation issues, and should not be allowed.

Existing Federal Regulation

*§ ____.27(i)(13). Southeastern Alaska Area
(vii) You may accumulate annual Federal subsistence harvest limits authorized for the Southeastern Alaska Area with harvest limits authorized under State of Alaska sport fishing regulations.*

¹ In the Prince William Sound Area subsistence harvest limits may be accumulated with sport harvest limits as long as they are not taken on the same day, except in the Copper River above Haley Creek where only salmon harvest limits may be accumulated with sport harvest limits.

Proposed Federal Regulation

§ __.27(i)(13) Southeastern Alaska Area.

(vii) You may **not** accumulate ~~annual~~ Federal subsistence harvest limits authorized for the Southeastern Alaska Area with **daily or annual** harvest limits authorized under State of Alaska sport fishing regulations.

Other Relevant Federal Regulations

§ __.25(c)(1) Harvest limits authorized by this section and harvest limits established in State regulations may not be accumulated.

§ __.25(c)(3) A harvest limit applies to the number of fish, wildlife, or shellfish that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

§ __.27(a)(2) Applicability. You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative, except as modified by regulations in § __.27(i). This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section you may not, after that, take any additional fish of that species under any other harvest limit specified for a State season.

§ __.27(e)(3) Fishing permits and reports. If a subsistence fishing permit is required by this section the following permit conditions apply unless otherwise specified in this section:

(i) You may not take more fish for subsistence use than the limits set out in the permit;

§ __.27(i)(11) Prince William Sound Area.

(i)(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.

(i)(B) You may accumulate harvest limits of salmon authorized for the Copper River drainage upstream from Haley Creek with harvest limits for salmon authorized under State of Alaska sport fishing regulations.

§ __.27(i)(13). Southeastern Alaska Area

(xi) You may not possess subsistence-taken and sport-taken salmon on the same day.

(xviii) Unless otherwise specified in this § 100.27(i)(13), you may take steelhead under the terms of a subsistence fishing permit. The open season is January 1 through May 31. The daily household harvest and possession limit is one with an annual household limit of two. You may only use a dip net, gaff, handline, spear, or rod and reel. The permit conditions and systems

to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xix) You may take steelhead trout on Prince of Wales and Kosciusko Islands under the terms of Federal subsistence fishing permits. You must obtain a separate permit for the winter and spring seasons.

(A) The winter season is December 1 through the last day of February, with a harvest limit of two fish per household. You may use only a dip net, handline, spear, or rod and reel. The winter season may be closed when the harvest level cap of 100 steelhead for Prince of Wales/Kosciusko Islands has been reached. You must return your winter season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(B) The spring season is March 1 through May 31, with a harvest limit of five fish per household. You may use only a dip net, handline, spear, or rod and reel. The spring season may be closed prior to May 31 if the harvest quota of 600 fish minus the number of steelhead harvested in the winter subsistence steelhead fishery is reached. You must return your spring season permit within 15 days of the close of the season and before receiving another permit for a Prince of Wales/Kosciusko steelhead subsistence fishery. The permit conditions and systems to receive special protection will be determined by the local Federal fisheries manager in consultation with ADF&G.

(xx) In addition to the requirement for a Federal subsistence fishing permit, the following restrictions for the harvest of Dolly Varden, brook trout, grayling, cutthroat, and rainbow trout apply:

(A) the daily household harvest and possession limit is 20 Dolly Varden; there is no closed season or size limit;

(B) The daily household harvest and possession limit is 20 brook trout; there is no closed season or size limit;

(C) The daily household harvest and possession limit is 20 grayling; there is no closed season or size limit;

(D) The daily household harvest limit is 6 and the household possession limit is 12 cutthroat trout in combination; there is no closed season or size limit;

Existing State Regulation

There are two relevant State regulations:

5 AAC 01.745(b) No person may possess subsistence-taken and sport-taken salmon on the same day.

5 AAC 77.682(e) No person may possess personal use-taken and sport-taken salmon on the same day.

5 AAC 47.022 General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of the Southeast Alaska Area.

(b) In the fresh waters east of the longitude of Cape Fairweather:

(4) steelhead may be taken from January 1–December 31; Bag limit of 1 fish; Possession limit of two fish; must be 36 inches or greater in length; Annual limit of two fish; A harvest record is required as specified in 5AAC 47.024(C)

For Southeast Alaska, there is a prohibition against possessing salmon in the sport fishery on the same day as possessing salmon harvested in either the personal use or subsistence fisheries. In Southeast Alaska, there is no directed personal use or subsistence fishery for steelhead, Dolly Varden, brook trout, grayling, cutthroat or rainbow trout; however, all fish taken incidentally under the terms of a personal use or subsistence permit for salmon may be legally retained.

Other Related Proposals

Proposal FP09-03 requests a prohibition in the Southeastern Alaska Area on accumulation of annual limits of steelhead under Federal and State regulations for the Southeastern Alaska Area. Action on this proposal will address the accumulation of harvest limits portion of Proposal FP09-03.

Extent of Federal Public Waters

All fresh waters within the exterior boundaries of the Tongass National Forest are considered Federal public waters for the purposes of Federal Subsistence Fisheries management. For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 50 CFR 100.3.

Customary and Traditional Use Determinations

All Customary and Traditional Use Determinations for Southeastern Alaska apply and are listed in Appendix A of the analysis for proposal FP09-03.

Regulatory History

Regulations allowing for a Federal steelhead fishery were effective beginning 2003 for the subsistence fishery on Prince of Wales Island. Kosciusko Island was added in 2004. The seasonal harvest limits are two steelhead taken between December 1 and February 28/29 and five steelhead taken between March 1 and May 31. In 2004, the Board rejected Proposal FP04-34, which would require fin clipping of subsistence taken trout and char and prohibit the accumulation of Federal subsistence and State sport fishing limits for trout and char. No discussion occurred by the Board over this proposal as it had been placed as a consent agenda item following the Council meeting (FSB 2003). The Board adopted a subsistence steelhead fishery for the remainder of the Southeastern Alaska Area in 2005. The annual steelhead harvest limit was two fish. The Board also adopted Proposal FP05-21, which allowed Federally qualified users to harvest fish under sport fishing regulations after taking the annual subsistence harvest limit for that species under Federal subsistence fisheries regulations. The intent of the final regulatory language was to prohibit the accumulation of harvest limits in the Federal subsistence fishery with harvest limits in State personal use and State subsistence fisheries while allowing a subsistence fisherman to continue to participate in the State sport fisheries for steelhead and sockeye salmon (FSB 2005).

Biological Background

Prior to 1994, under sport fishing regulations, the State allowed the use of bait and specified a daily harvest limit with no size restrictions. Population declines of steelhead were evident. In 1994, the Alaska Board of Fisheries enacted conservative regulations for the sport and commercial fisheries for steelhead in Southeast Alaska. Steelhead populations have increased after the State implemented these more restrictive

measures. Brook trout and grayling have been introduced and are available in a few locations. Currently, salmon, trout, Dolly Varden, grayling, and steelhead stocks are generally healthy in the Southeastern Alaska Area.

Harvest History

Fish are and have historically been an important resource to the Area's sport, commercial, personal use and subsistence fisheries. Large numbers of salmon and trout are harvested each year on a sustainable basis (**Table 1**).

Table 1. Average Harvest, Southeast Alaska 2002–2007

| | Chinook | Chum | Coho | Trout | Dolly Varden | Pink | Sockeye | Steelhead |
|-------------------------|---------|-----------|-----------|-------|-----------------|------------|-----------|-----------|
| Federal Subsistence | 24 | 16 | 210 | 26 | 26 | 115 | 379 | 32 |
| State PU-Subsistence | 174 | 1,136 | 616 | 0 | 0 | 1,561 | 36,004 | 0 |
| Sport Fishery | 82,731 | 16,411 | 309,913 | 4,826 | 15,513 | 79,648 | 20,347 | 151 |
| Commercial | 424,167 | 9,963,167 | 2,663,833 | 0 | 0 | 43,149,667 | 1,536,000 | 167 |

Note: Sport Fishery does not include 2007 data.

Data source is State of Alaska on-line data for sport and commercial harvest reports, Alex database for state personal use and subsistence harvest and Federal subsistence database for Federal subsistence harvests.

www.sf.adfg.state.ak.us/statewide/ParticipationAndHarvest/main.cfm

<http://www.cf.adfg.state.ak.us/geninfo/finfish/salmon/catchval/blusheet/07exvesl.php>

Effects of the Proposal

Prohibiting the sport-harvest of fish once the subsistence annual harvest is taken would prevent Federal subsistence users from subsequently harvesting steelhead in the Southeast Alaska Area (excluding Prince of Wales Island) steelhead fishery and sockeye salmon in 17 specific streams throughout the Southeastern Alaska Area. These are the only fisheries where there is an annual limit in Federal subsistence fishing regulations and an opportunity for continued sport fishing. The two steelhead fisheries on Prince of Wales Island (Winter Prince of Wales, Spring Prince of Wales) have seasonal harvest limits, not annual harvest limits. Although there are annual limits in the Stikine River, Federal regulations restrict subsistence fishing to the mainstem of the river and close the clear-water tributaries, where sport fishing may occur.

One of the current Federal regulations for the Southeastern Area (§___ .27(i)(13)(xi)) prevents the possession of salmon taken in the subsistence fishery and the sport fishery on the same day. This regulation was carried forward from existing State regulations. Since the State does not have subsistence fisheries for species other than salmon in Southeast, the regulation makes good sense for State fisheries. However, the regulation is not inclusive enough for the Federal program since there are subsistence fisheries for steelhead, trout, Dolly Varden, brook trout and grayling.

If Federal regulations can be interpreted by some as allowing the accumulation of daily harvest or possession limits in the Federal subsistence and State sport, subsistence or personal use fisheries, then action by the Board to address this issue is appropriate.

There are then two separate questions that will need discussion:

1. Is it the intent of the Board to allow the accumulation of daily/possession Federal subsistence harvest limits with daily/possession harvest limits in the State subsistence, personal use or sport fishery harvest limits?
2. Is it the intent of the Board to allow the accumulation of annual or seasonal harvest limits in the Federal subsistence fishery with annual, or daily/possession harvest limits in the State sport fishery?

Changes to provide clarity to current Federal regulations are appropriate to clearly describe decisions made by the Board.

OSM CONCLUSION

Support Proposal FP09-02 with modification, to allow the accumulation of Federal annual or seasonal harvest limits with State sport fishing harvest limits as long as they are not possessed at the same time.

§ ____.27(i)(13) *Southeastern Alaska Area.*

*(vii) You may **not** accumulate ~~annual~~ Federal subsistence harvest limits authorized for the Southeastern Alaska Area with **any** harvest limits authorized under **any** State of Alaska ~~sport~~ fishery fishing with the following exception. Annual or seasonal Federal subsistence harvest limits may be accumulated with State sport fishing harvest limits provided that accumulation of harvest limits does not occur during the same day.*

In order for the Federal regulations to have a rational basis and continue on a parallel track with State regulations, the following change to another relevant regulation must be made.

*(xi) You may not possess subsistence-taken and sport-taken salmon, **steelhead, Dolly Varden, brook trout, grayling, cutthroat, and rainbow trout** on the same day.*

Justification

Recommended actions are to:

1. Prohibit the accumulation of Federal Subsistence harvest limits with any harvest limit in the State subsistence or personal use fisheries.
2. Prohibit the accumulation of Federal Subsistence harvest limits with the daily or possession limits in the State sport fishery.
3. Allow the accumulation of annual or seasonal Federal subsistence harvest limits with State sport fishery harvest limits, providing they are not possessed on the same day.

Modifying current Federal regulations as recommended will clarify the intent of rules controlling the accumulation of harvest limits under Federal and State authorized fisheries in the Southeastern Alaska Area. Although the modified proposal contains redundant language already contained within Sections __. 25(c)(1) and 27(a)(2), the nature of the exception is more clearly described if the general restriction is included to provide context. The suggested modification allows a qualified subsistence user to participate in the State's sport fishery in addition to harvesting either an annual or seasonal Federal subsistence harvest limit. The Board has previously determined that Federal subsistence steelhead regulations are conservative and sustainable.

Federal subsistence and State subsistence and personal use regulations are designed to allow the full harvest limit to the respective users. Accumulating or combining those limits is not appropriate and

could result in conservation issues. Based on previous Board actions, it was not the intent to allow the accumulation of Federal subsistence harvests with the daily or possession limits allowable in the State subsistence, personal use and sport fisheries. The suggested language clearly states that a Federal subsistence user cannot possess fish taken under subsistence regulations with fish taken under any State authorized fishery. A subsistence user can harvest fish in the State sport fishery on a different day once the subsistence taken fish are no longer in possession.

LITERATURE CITED

FSB. 2003. Transcripts of Federal Subsistence Board proceedings, December 9, 2003. Anchorage, AK.

FSB. 2005. Transcripts of Federal Subsistence Board proceedings, January 12, 2005. Anchorage, AK.

INTERAGENCY STAFF COMMITTEE COMMENTS FP09-02

The Interagency Staff Committee (ISC) found the staff analysis for Proposal FP09-02 to be a thorough and accurate evaluation of the proposal. The ISC discussed two substantive issues regarding FP09-02. The first issue was whether the primary intent of the proposal was simply to provide clarity to the current Federal subsistence regulations regarding accumulation of limits or, if the proposal was simultaneously intended to change regulations to address an imminent fishery conservation issue. There was agreement that users will benefit from having the Board provide clear, unambiguous regulatory language regarding harvest accumulation. However, contrary to the proponent's views, the general perception among the committee members was that current levels of use by Federally qualified subsistence users is very low and has not created any fish resource conservation problems. The proponent's position is that diminutive fish stocks, primarily the steelhead population(s), may be put at risk of overexploitation by Federally qualified subsistence users accumulating federal subsistence harvest limits and state sport harvest limits. ISC members felt the proposal addresses a perceived potential for creating conservation problems, but it is not responding to conservation problems that currently exist.

The second issue discussed by the ISC concerned the modifications in OSM's conclusion. Some ISC members questioned whether there was an actual need for section §__.27(i)(13) (xi), which deals with same day possession of subsistence-taken and sport-taken fish. Because of the OSM's modified wording in §__.27(i)(13) (vii) which would restrict accumulation of limits, some ISC members felt the new language could legitimately be removed from the modified proposed language without compromising the enforceability of section (vii).

The Southeast Regional Advisory Council opposed the original proposal as submitted by the State of Alaska and did not vote on the modified language put forth in the OSM analysis. Nevertheless, there was some discussion by the ISC that section (xi), as modified, was potentially being viewed as too restrictive towards Federally qualified subsistence users and not simply a modification of an existing regulation. The ISC agreed that Federal subsistence regulations were designed to allow subsistence users to meet subsistence needs without having to accumulate State and Federal harvest limits, and that participation in subsistence activities should not preclude an individual from engaging in lawful sport fishing at a future time.

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Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

FP09-02 Accumulation of Harvest Limits in Southeast Alaska

Introduction: Proposal FP09-02 requests a clarification of the federal prohibition against accumulating annual and daily federal subsistence harvest limits with State of Alaska (State) sport fishing harvest limits in Southeast Alaska. Current federal subsistence regulations for the Southeast Region could be misinterpreted to allow accumulation of federal annual subsistence limits and State sport fishing limits. Current federal language which allows accumulation of annual harvest limits should be revised to clearly prohibit harvest from the same stock or species in a sport fishery once the user has reached the permitted federal subsistence daily or annual harvest limit.

Background: During the recent Southeast Regional Advisory Council meeting, Forest Service staff reminded the Council of federal subsistence program legal counsel advice that the federal subsistence harvest limits should be set high enough to meet the subsistence user's needs (where there is no conservation concern) without having to accumulate federal and State harvest limits. The federal subsistence program has no authority to regulate State sport fishing except to close federal lands to nonsubsistence use, and the Federal Board should not attempt to rely on accumulation of State sport fishing limits to provide the federal subsistence priority.

Impact on Subsistence Users: Adoption of this proposal should have little or no effect on federal subsistence uses because it would not prevent a federal subsistence user from sport fishing on a different day after filling their federal daily/annual limit as long as a sport fishing annual limit does not exist in that fishery. Southeast regional federal subsistence regulations already prohibit federal subsistence users from possessing federal subsistence and sport-taken salmon on the same day, effectively prohibiting accumulation of daily harvest limits for salmon. State sport fishing regulations already prohibit possession of more than the sport fishing harvest limit while sport fishing. Other than eliminating a source of confusion, adoption of this proposal would only impact nonsalmon federal subsistence fishers who desire to transfer possession of their catch and then accumulate harvest limits of federal subsistence and State fisheries.

Enforcement Issues: Adoption of this proposal will reduce the likelihood of State enforcement actions being taken against federal subsistence users who might otherwise incorrectly believe that they can possess and/or harvest additional fish in a State fishery the same day after filling their federal limit. The lack of clarity in current federal regulations may impair enforceability of the federal prohibitions on accumulation while also putting federal subsistence fishers at risk of being cited under State enforcement regulations. These unclear regulations and enforcement risks create concerns where effective daily limits are needed for effective management and conservation.

Jurisdiction Issues: Many streams in Southeast Alaska flow through non-federal land. The State disputes many of the federal reserved water right claims in Southeast Alaska. The State also disputes application of federal subsistence regulations in numerous streams and rivers that are not within federal lands. Detailed maps are needed of lands where federal jurisdiction is

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claimed, and the basis of each claim should be explained. In addition, fishers need to be provided copies of these detailed maps and warned that the State will enforce its regulations on fishers standing on nonfederal land.

Opportunity Provided by State: Personal use fisheries are generally established for areas which are considered non-rural or non-subsistence areas by State of Alaska regulation although they may extend into other areas. Personal use fisheries are differentiated from commercial fisheries because the sale of personal use harvest is not appropriate or permissible under State law. Personal use fisheries are differentiated from subsistence fisheries because the personal use is not customary and traditional use and is not prioritized. Furthermore, the personal use fisheries are differentiated from the sport fisheries because the gear types used for personal use fisheries are usually different from that historically associated with sport fishing. Statewide sport fishing regulations (5 AAC 75.010) prohibit a person engaged in sport fishing from possessing more than the limit of fish allowed for the water on which the person is sport fishing. The State also explicitly prohibits possessing sport and personal use caught salmon (5 AAC 77.682 (e)) or sport and subsistence caught salmon (5 AAC 01.730) on the same day.

Conservation Issues: Adoption of this proposal may protect fish populations from over-exploitation by preventing development of conservation concerns due to excessive harvest that could occur in federal subsistence fisheries if users are allowed to accumulate daily and seasonal harvests from both the federal subsistence and State fisheries. The Department, through the Alaska Board of Fisheries, has invested decades into developing conservative fisheries management plans, sustainable exploitation rates, and time-proven fishery regulations which establish daily and annual limits ranging from sweeping regional limits and gear restrictions applicable to specific sections of river tributaries. The evolution of each conservative fishing regulation is either based upon historic and scientific data or, where such data are not available, is based upon the best information available, including long term average harvest information which indicates levels of harvest of a fish stock with a high probability of being sustainable.

The Department has conservation concerns regarding daily and/or annual accumulation limits between the State and federal subsistence fisheries. These concerns revolve around the potential for over-exploitation of diminutive stocks in small systems by allowing federal subsistence users to accumulate daily harvest limits from a single fishing hole on a small stream on a single day. An example is a federal subsistence user fishing for cutthroat trout in a high use area harvesting the daily bag limit of 10 trout or one steelhead trout, then transferring possession and continuing to fish under sport fishing regulations to harvest another daily limit.

Other Issues: Proposals FP09-02 and 09-03 contain language which is similar in intent but different in scope and specificity. FP09-02 was submitted to clarify regional accumulation regulations in Southeast Alaska. A portion of FP09-03 was submitted to address accumulation of harvest limits between federal subsistence fisheries and State sport fisheries for steelhead trout only in Southeast Alaska.

State of Alaska fisheries in Southeast Alaska do not allow possession of both sport and subsistence or sport and personal use harvested salmon on the same day. The State sport, subsistence, and personal use fishery structure precludes exceeding more than one harvest limit

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by targeting a single stock with the same gear under separate fishery regulations. The personal use and subsistence fisheries are normally in different areas and require different gear types, and the prohibition on possessing more than the sport fish limit while sport fishing acts as a significant barrier to accumulating limits across fisheries.

This proposal is not intended to prohibit federal subsistence users from filling their annual or seasonal harvest limit on one day and sport-fishing for the same stock with legal sport-fishing gear and with a sport-fishing license on a different day as long as the user has not achieved the annual State harvest limit for the year.

A cooperative evaluation by federal and State staff of the proposal's language, confusion evident at the Southeast Regional Advisory Council meeting, and subsequent consultation with the Interagency Staff Committee resulted in Office of Subsistence Management proposing a modification that satisfactorily resolves the lack of clarity in the existing federal regulations, which was the basis for the State's proposal.

Recommendation: Support the modification proposed by Office of Subsistence Management.