

ALASKA DEPARTMENT OF FISH AND GAME

**STAFF COMMENTS
ON SUBSISTENCE, PERSONAL USE, SPORT, GUIDED SPORT,
AND COMMERCIAL FINFISH REGULATORY PROPOSALS**

**FOR THE
UPPER COOK INLET AREA**

**ALASKA BOARD OF FISHERIES MEETING
ANCHORAGE, ALASKA**

JANUARY 17 – 29, 2005



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Fisheries meeting, January 17-29, 2005 in Anchorage, Alaska and are prepared to assist the public and Board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final Department positions will be formulated after review of written and oral testimony presented to the Board.

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Summary of Department Positions on 2005 UCI proposals.

Proposal #	Dept. Position	Issue
133	O	Implement experimental fisheries using different fishing methods and means for salmon, herring and groundfish in Cook Inlet.
134	N	Create a new commercial smelt fishery in Northern Cook Inlet with dip nets as legal gear.
135	N	Create a new commercial smelt fishery in Northern Cook Inlet with dip nets as legal gear.
136	N	Create a new commercial smelt fishery in Northern Cook Inlet with dip nets as legal gear.
137	N	Create a new commercial smelt fishery in Northern Cook Inlet under the authority of a commissioner's permit.
138	S	Include the Kalgin Island Subdistrict in the Central District Herring Recovery Management Plan.
139	N	Increase the allowable fishing time in the Upper Subdistrict.
140	N	Revise the BEG and OEG in the Kasilof River/Tustumena Lake.
141	N	Manage the Kasilof River for MSY and established goals.
142	S	Between July 20 and 31, allow commercial harvest of sockeye if inriver projections are more than 600,000 and king salmon escapement goals are met.
143	O	Manage the fishery by setting fishing dates and times based on tide and weather.
144	S/N	Eliminate mandatory restrictions such as limiting extra fishing time and window closures.
145	N	Provide for a single inriver goal range of 600,00 to 900,000 sockeye for the Kenai River.
146	N	Define closure of sockeye fishery to reduce incidental catch of coho salmon.
147	O/N	Require windows provisions to be followed even if escapement exceeds upper end of optimum escapement goal.
148	NA	Reduce Kenai River sockeye salmon escapement goal range to 450,000 – 750,000.
149	N	Restrict nonresidents before restricting residents.
150	N	Direct the department to manage within established BEG goal range.
151	O/N	Manage the fisheries based on BEGs rather than OEGs.
152	N	Remove reference to opening set gillnet fishery before drift gillnet fishery for product quality.
153	N	Establish one inriver sonar goal with one guideline harvest level above the sonar for Kenai sockeye.
154	N	Change the OEG range from 500,00-1,000,000 to 500,000-800,000.
155	N	Give the department flexibility to manage for chum salmon yields at a variety of run strengths.
156	O	Direct the department to manage for the lower end of the OEG range in years following high escapements.
157	N	Direct the department to manage for escapement goals first.
158	N	Allocate 50 percent of Russian River sockeye to commercial fishery.
159	S	Delete the provisions for inseason restriction on late-run sockeye into the Russian River.
160	N	Extend the coho fishery to nonguided sport fishing for residents only to Nov. 30 each year.
161	S	Remove word "conservation" in Kenai River Coho Salmon Conservation Management Plan.
162	N	Modify the Kenai River Coho Salmon Conservation Management Plan.
163	N	Open fishery to nonguided sport fishing from Oct. 1 through Oct. 31.
164	N	Remove restrictions in the coho plan; return to pre-1999 regulations.
165	N	Extend the coho season to Oct. 31.
166	O	Extend coho salmon season in a portion of the Kenai River.
167	N	Eliminate season dates and allow department to use EO authority.
168	N	Reinstate the harvest of coho salmon by the public and drift boat guide only from July 1 to Dec 31.
169	N	Repeal the restrictions on commercial fishing after August 7 for coho conservation.
170	N	Modify coho regulations that restrict fishing time.
171	N	Repeal the coho conservation plan; allow management by EO.
172	N	Remove coho fishing time restrictions for the drift fleet.
173	O/N	Redefine Kasilof boundary to reduce bycatch headed toward the Kenai River.
174	O	Clarify language for closed waters around the terminus of Big River.
175	N	Repeal window/mandatory corridor restriction for drift fleet in the Northern District.
176	N	Close fishery by EO to prevent overescapement and waste.
177	N	Change scheduled days for regular periods for the Central District.
178	N	Remove the regular period restrictions for drift fleet in the Northern District.
179	N	Change scheduled days for regular periods for the Central District.
180	N	Alternate fishing periods between gillnetters and driftnetters.

Proposal #	Dept. Position	Issue
181	O/N	Close all waters of Cook Inlet north of the Kenai River to all commercial fishing.
182	N	Establish inriver OEG in Northern Cook Inlet to include Knik Arm, Turnagain Arm, and Susitna drainage.
183	N	Allow commercial fishing to continue on Mondays and Thursdays until closed by EO.
184	N	Extend Northern District fishing time to 12 hours instead of six.
185	N	Increase Northern District chinook fishing time.
186	O/N	Alter Northern District fishing times due to climatic weather changes.
187	N	Allow more fishing time in the area one mile south of Theodore River to the Susitna River.
188	N	Repeal selected restrictions in the Northern District Management.
189	N	Allow three 12-hour periods per week in the Central District.
190	N	Open the Central District on June 25 and close Sept. 1; allow three 12-hour periods per week; reinstate salmon spotting; increase drift gear to 200 fathoms; and allow monofilament web.
191	S/N	Repeal the limitations on extra fishing time, mandatory closed windows, closed areas.
192	N	Manage for a Yentna River sockeye salmon OEG of 60,000 to 100,000.
193	N	Open the Big River sockeye fishery May 1 and allow operation of two gillnets at one time.
194	N	Remove some restrictions on the drift fleet in the Northern District.
195	N	Allow drift gillnet fishing in the Central District to fish until December 31.
196	N	Provide a new OEG for the Yentna River in the Northern District.
197	N	Allow drift gillnet fishing in the Chinitna Bay Subdistrict through September 15.
198	N	In the Northern District, remove the restriction to one regular period between July 9 and July 15 for the driftnet fleet.
199	N	Change seasons dates and area to increase opportunity for the drift fleet to harvest king salmon in the Northern District.
200	N	Open commercial salmon fishing the first Monday in the third week of June.
201	N	Allow the Kenai and East Foreland Sections of the Upper Subdistrict to open July 4 or first regular period thereafter.
202	N	Allow the Kenai and East Foreland Sections of the Upper Subdistrict to open July 5 or the first regular period thereafter.
203	O	Allow the department to postpone or defer a regular fishing period based on impending storms.
204	N	Allow an eight-hour period on regular fishing days between Aug. 7 and Aug. 15 to harvest surplus pinks and sockeye.
205	O	Redefine boundary line of the Kenai and Kasilof sections.
206	O/N	Move Packers Creek closed water marker to the pre-1999 location.
207	O/N	Move Packers Creek closed water marker to the pre-1999 location.
208	O/N	Move Packers Creek closed water marker to one mile from the creek.
209	O/N	Move Packers Creek closed water marker to one mile from the creek.
210	O/N	Move the boundaries at Packers Creek to northern corner of homestead.
211	N	Open the Central District on June 15 and close on August 20.
212	N	Delete gear restrictions in the Northern District.
213	N	Continue to allow single-strand nylon gillnet web in Cook Inlet.
214	N	Allow use of monofilament gillnet.
215	N	Allow use of troll gear for salmon and other bycatch.
216	N	Allow permit holder to use a fyke net.
217	N	In Kenai and Kasilof sections of the Upper Subdistrict, a set gillnet may not be more than 29 meshes in depth.
218	N	Create a purse seine coop in the Kenai and Kasilof Rivers.
219	N	Increase amount and length of set gillnets allowed.
220	O	Report commercially- and sport-caught chinook by the same standard.
221	N	Allow the formation of setnet coops including up to ten permits.
222	O	Allow drift nets to go partially dry and remain a legal gillnet.
223	N	Permit the use of an aircraft to assist drift gillnet fishermen in the Central District.
224	N	Allow use of drift gillnet 60 meshes in depth rather than 45 meshes in depth.
225	N	Omit requirement of set netters to register before each fishing season.
226	N	Omit requirement for set netters to purchase and use buoy stickers to identify gear.
227	N	Establish 56/44 harvest rates as a goal in Upper Cook Inlet Salmon Management Plan.
228	N	Allow more fishing time in the Northern District.
229	N	Allow formation of coops.
230	N	Create an early season fishery in the Kalgin Island Subdistrict.

Proposal #	Dept. Position	Issue
231	N	Return management plan to pre-1999.
232	O	Develop a catch and effort reporting system in UCI fisheries.
233	N	Allow additional fishing time during regular periods to follow quality handling guidelines set out in Cook Inlet salmon branding program.
234	N	Remove the hour and time limitations and provide direction to manage for inriver goals.
235	N	Repeal the Upper Cook Inlet Salmon Management Plan.
236	N	Provide direction to the department on sharing the burden of conservation.
237	N	Remove time and hour limitations in the management plans.
238	N	Manage salmon stocks for high quality commercial uses from June 20 through August 20.
239	N	Remove regulations that limit the commissioner's EO authority.
240	N	Identify coho salmon as a consumptive use stock for harvest as a food resource in Northern Cook Inlet.
241	N	Identify coho salmon as a consumptive use stock for harvest as a food resource in the Cook Inlet Area.
242	N	Manage for maximum sustained yield of major salmon stocks; permit use of EOs to promote management flexibility.
243	N	Modify fishing periods and areas to improve quality and stabilize industry.
244	N	Remove sunset clause in management plan.
245	N	Standardize closed waters definitions along the West Side of Cook Inlet.
246	N	Allow the harvest of pink salmon bound for the Kenai River and other tributaries of Cook Inlet.
247	N	Manage the harvest of pink salmon by use of EO authority.
248	O	Prohibit fishing in spawning areas when spawning fish are present.
249	O	Prohibit fishing in tributaries and mainstem spawning areas when spawning fish are present.
250	N	Decrease annual limits for nonresident anglers.
251	N	Require all anglers to display their license in clear view while fishing.
252	NA	Increase the opportunity to harvest pike.
253	NA	Create a management plan for guided sport fishing.
254	N	Commercial guides can only guide three days per week.
255	NA	Require fishing guides to complete a freshwater logbook.
256	N	Require guides to register to operate in an area.
257	NA	Require derbies to occur only in saltwater on surplus or enhanced stocks.
258	O	Prohibit catch-and-release fishing when there is a conservation concern.
258	S	Amend existing wild trout regulations to conform to the statewide standards.
259	S	Make uniform the rainbow trout bag and possession limits.
260	NA	Make uniform the rainbow trout bag and possession limits.
261	NA	Make uniform the rainbow trout and Dolly Varden bag and possession limits.
262	NA	Make uniform the rainbow trout and Dolly Varden seasons, and bag and possession limits.
263	O	Make uniform the rainbow trout and Dolly Varden regulations below Skilak Lake.
264	NA	Establish a special management area for Dolly Varden.
265	NA	Make uniform Dolly Varden bag and possession limits.
266	S	Make uniform Dolly Varden seasons, bag and possession limits.
267	NA	Modify Dolly Varden season to protect rainbow trout spawning beds.
268	O	Close the outlet of Skilak Lake to fishing.
269	O	Prohibit multiple hooks in all waters within ½ mile radius of the outlet of Skilak Lake.
270	N	Remove bait restrictions upstream from Killey River and downstream from Skilak Lake.
271	N	Prohibit fishing from an anchored vessel near the outlet of Skilak Lake.
272	S	Change the legal hook gap to 3/8 inch or less in the upper Kenai River.
273	O	Close the Russian River to fishing between 10 p.m. and 6 a.m.
274	O	Close the Russian River to fishing between 11 p.m. and 6 a.m.
275	O	Establish a closed fishing zone within the Russian River Sanctuary.
276	N	Prohibit fishing from a motorized vessel on the Kenai River.
277	N	Prohibit fishing from a motorized vessel on the Kenai River on Mondays, Wednesdays and Fridays during the king salmon season.
278	N	Prohibit fishing from a motorized vessel between Skilak Lake and the Soldotna Bridge on Wednesdays during the king salmon season.
279	NA	Allow fishing from vessels equipped with 50 horsepower four-stroke motors.

Proposal #	Dept. Position	Issue
280	N	Prohibit nonresidents from fishing from a boat for king salmon downstream from Skilak Lake.
281	N	Allow nonresidents to fish from a boat for king salmon.
282	N	Allow nonresidents to fish from a boat for king salmon and restrict the time when fishing from a guided vessel is allowed.
283	N	Develop allocations between guided/nonguided and resident/nonresident anglers.
284	O	Extend time and area of early-run king salmon slot limit.
285	O	Allow bait in the early-run king salmon fishery when the projected escapement is in the upper half of the BEG range.
286	O	Increase the length limit of jack king salmon to 28 inches or less; set new bag and possession limits.
287	S	Prohibit fishing for jack salmon in waters closed to large salmon.
288	O/N	Prohibit the use of bait above the Soldotna Bridge until August 31.
289	N	Open the Kenai River Keys area to bank fishing.
290	O/N	Extend seasonally closed waters until the end of king salmon season.
291	O/N	Increase seasonally closed waters area from Third Hole to the Upper Killey River.
292	N	Open sanctuary areas to fishing for species other than king salmon.
293	O/N	Close the area between the Upper Killey River to Skilak Lake to fishing for king salmon.
294	O	Close the area between the Upper Killey River to Skilak Lake to fishing for sockeye salmon during August.
295	N	Increase the coho bag and possession limit to three fish; open fishing for king and coho salmon Aug. 1-3 for unguided, resident anglers.
296	O	Close sport fishing on the Kenai River from 11 p.m. to 6 a.m.
297	O	Allow children to fish for "mud fish."
298	O	Prohibit nonresidents from exporting more than 125 pounds of fish.
299	N	Apply guided fishing requirements to rented and leased boats.
300	N	Apply guided fishing requirements to rented and leased boats.
301	N	Prohibit guide boats from interfering with unguided anglers prior to 6 a.m.
302	N	Prohibit guide boats from being underway on the river prior to 6 a.m.
303	N	Prohibit guide boats from being on the river between 5:50 a.m. and 6:10 p.m.
304	N	Restrict guided anglers to drift boats only on Mondays and Tuesdays in 2004, add another day each year until 2009; restrict the hours when fishing from a guided vessel is allowed.
305	N	Prohibit fishing from a guided vessel on Sundays, Mondays, or Wednesdays during the king salmon season.
306	O/N	Allow residents to fish from a guided vessel on Sundays and Mondays during the king salmon season and on Mondays in August.
307	N	Designate one day per week during late-run king salmon fishery for guided anglers only.
308	N	Allow guided fishing seven days per week, and limit individual guides to operating only five days per week.
309	N	Allow guided vessels to carry five clients.
310	NA	Require commercial operators to complete a freshwater logbook.
311	NA	Require fishing guides to report their daily harvest.
312	S	Allow the harvest of naturally produced early-run king salmon.
313	S	Allow the harvest of naturally produced early-run king salmon.
314	S	Allow the harvest of naturally produced early-run king salmon.
315	NA	Increase the annual limit of hatchery fish.
316	N	Close the Kasilof River to guiding when the Kenai River is closed to guiding.
317	N	Prohibit guide boats and guided angling on Sundays and Mondays during the king salmon season.
318	N	Prohibit fishing from a guided motorized vessel.
319	N	Prohibit fishing from a motorized vessel downstream of the Sterling Highway Bridge.
320	NA	Modify the guide requirement to display registration numbers.
321	N	Limit dip nets to a maximum mesh size of three inches.
322	N	Limit dip nets to a maximum mesh size of three inches.
323	N	Limit dip nets to a maximum mesh size of 2 ½ inches.
324	O	Allow rod and reel as a personal use gear type.
325	NA	Create a personal use management plan for Upper Cook Inlet.
326	N	Restrict season and fishing times of the dip net fishery.
327	N	Reduce household bag limit based on household size.
328	N	Reduce household bag limit.
329	N	Reduce household bag limit and establish a maximum percentage of harvest allowed from the Kenai River.

Proposal #	Dept. Position	Issue
330	N	Extend the season into August when only pink salmon may be retained and establish a percentage of harvest that must be Kenai River pink salmon.
331	O	Allow for the harvest of flounder.
332	N	Prohibit the use of guide boats in the personal use fisheries.
333	N	Prohibit the use of guide boats in the personal use fisheries.
334	N	Prohibit the use of guide boats in the personal use fisheries.
335	NA	Allow the use of small, hand-drift gillnets for the harvest of hooligan in the Kenai River.
336	S	Add to the list of sensitive riparian habitat areas that are closed seasonally to fishing on the Kenai River.
337	O	Add to the list of sensitive riparian habitat areas that are closed seasonally to fishing on the Kenai River and post those areas as no-wake zones.
338	O	Require the BEG goals for maximum sustained yield be followed.
339	O	Open a portion of Alexander Creek to catch-and-release only fishing.
340	O	Close the Alexander Creek drainage to king salmon fishing.
341	O	Close the mouth of Alexander Creek to king salmon fishing.
342	O	Create a Deshka River King Salmon Management Plan.
343	O	Create a Deshka River King Salmon Management Plan.
344	S	Allow the use of bait earlier in the Deshka River drainage.
345	S	Allow the use of bait earlier in the Deshka River drainage.
346	N	Extend the king salmon fishing season in the Deshka River.
347	O	Reduce season and hours of all fisheries on the eastside of the Susitna River drainage.
348	O	Reduce season of all fisheries of the Susitna and Little Susitna River drainages.
349	O	Reduce season of all fisheries in the Susitna River drainage upstream of the Parks Highway Bridge.
350	S	Extend king salmon fishing season and clarify open season dates for streams along the Parks Highway.
351	N	Increase the waters of the Kashwitna River drainage open to king salmon fishing.
352	O	Amend the king salmon season in Unit 2 of the Susitna River drainage.
353	O	Expand the season that multiple hooks are allowed in Unit 2 of the Susitna River drainage.
354	S	Expand the season that multiple hooks are allowed in the Lake Creek drainage.
355	O/N	Reduce bag and possession limit of sockeye salmon and prohibit guided fishing on weekends in the Larson Creek drainage.
356	O/N	Reduce bag and possession limit of sockeye salmon, prohibit guided fishing on weekends, and eliminate the 1000 foot fishing restriction from the mouth of Larson Creek drainage.
357	O	Allow catch-and-release king salmon fishing in eastside Susitna River streams.
358	O	Limit the king salmon season in the Chulitna River.
359	O	Increase waters open to king salmon fishing in the Chulitna River.
360	N	Allow the use of bow and arrow to harvest sockeye salmon in Crescent Lake.
361	S	Prohibit fishing for jack salmon in waters closed to large salmon.
362	S	Clarify bag and possession limit of jack salmon.
363	O/N	Increase the bag limit for coho salmon to three in Cook Inlet streams.
364	O/N	Increase the bag limit for salmon, other than king salmon, in Cook Inlet streams.
365	O/N	Increase the bag limit for salmon, other than king salmon, in Westside Susitna drainages.
366	O/N	Reduce the bag limit for coho salmon from the Susitna River drainage south to and including Chinitna Bay.
367	O/N	Increase the bag limit for salmon, other than king salmon, in Susitna River drainage and Knik Arm fresh waters.
368	O/N	Modify bag limit for coho salmon in the Little Susitna River.
369	O	Prohibit the use of bait in the Little Susitna River.
370	O	Prohibit the use of treble hooks while fishing for coho salmon in the Susitna River drainage south to and including Chinitna Bay.
371	O	Restrict season of all fisheries in the Little Susitna River drainage.
372	O	Prohibit fishing in all flowing waters of the Palmer/Wasilla zone.
373	S	Open the Eklutna Tailrace to fishing for king salmon 20 inches or greater in length.
374	S	Open the Eklutna Tailrace to fishing for king salmon 20 inches or greater in length.
375	S/N	Create "Kids Only Fishing Days" on Campbell Creek.
376	S	Amend existing wild trout regulations to conform to statewide standards.
377	S	Increase the annual limits for rainbow trout in Susitna – West Cook Inlet stocked lakes.
378	S	Increase the annual limits for rainbow trout in Susitna – West Cook Inlet stocked lakes.

Proposal #	Dept. Position	Issue
379	O	Prohibit retention of rainbow trout in Lake Creek and Little Lake Creek.
380	O	Require single hook and prohibit the use of bait on Lake Creek.
381	O	Increase the fishing season for Bodenbug Creek and repeal the rainbow trout/steelhead regulation.
382	S	Repeal the Matanuska River the rainbow trout/steelhead regulation.
383	O	Modify hook requirements in fly-fishing only waters.
384	N	Prohibit retention of grayling in the Prairie Creek drainage.
385	O	Allow the use of gillnets to harvest northern pike.
386	O	Allow a harvest of king salmon on the Theodore River.
387	O	Prohibit the retention of king salmon in the Chuitna River on Mondays, Wednesdays, and Fridays.
388	O	Prohibit filleting of fish within ½ mile of Wolverine Creek confluence.
389	N	Designate a portion of Silver Salmon Creek as fly-fishing only waters.

N = Neutral S= Support O = Oppose NA = No Action

S/N = Support but Neutral on Allocative Aspects

O/N = Oppose but Neutral on Allocative Aspects

COOK INLET

Experimental Fisheries (1 Proposal)

PROPOSAL 133, PAGE 106, 5 AAC 21.3xx Experimental methods and means for Salmon, herring and groundfish.

WHAT WOULD THE PROPOSALS DO?

This proposal would establish a governmental board or body to develop and allow new experimental fishing gear types to be used in Cook Inlet commercial fisheries.

WHAT ARE THE CURRENT REGULATIONS?

Currently experimental gear permits or experimental fisheries permits are available through a commissioner's permit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

A governmental body would be created to allow the development of experimental fishing gear and likely new gear types may be created.

BACKGROUND:

There never has been any such body for gear development in Alaska and there has been little effort to experiment or make changes until recently.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal. An experimental permit is already available through the Commissioner of the Department of Fish and Game.

COST ANALYSIS:

The department has no way to evaluate the cost of such a proposal.

Smelt (4 Proposals)

PROPOSAL 134, 135, 136, and 137 Page 106, 5 AAC 21.XXX. COOK INLET SMELT FISHERY.

WHAT WOULD THESE PROPOSALS DO?

These proposals would reopen a commercial smelt fishery with dip nets in Upper Cook Inlet near the Susitna River with a harvest cap of 100 or 150 tons, except that proposal 137 would have the department establish the allowable harvest.

WHAT ARE THE CURRENT REGULATIONS?

Commercial fishing for smelt is currently closed in all of Cook Inlet. Personal use fishing is allowed in salt water from April 1 to May 31 and in freshwater from April 1 through June 15. Smelt may be taken by dip net in most areas of Cook Inlet. There are no bag or possession limits.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The commercial smelt fishery would be reopened with dip nets only with a harvest cap of 100 or 150 tons from the Chuitna River to the Little Susitna River from May 1 to June 30.

BACKGROUND:

Prior to adoption of the forage fish policy, the entire Upper Cook Inlet area was open to smelt fishing from October 1 to June 1. Reported harvests in this fishery ranged from 300 pounds in 1978 to 100,000 pounds in 1999, the last year of the fishery. Almost any method and gear type was legal, however, for several years there was some confusion regarding the legal gear leading interested fishermen to believe that gillnets were the only legal gear. Because primary markets required undamaged fish for bait or marine mammal food this harvest method was unacceptable. In 1998, after the regulation was clarified and dip nets allowed, harvests increased to 19,000 pounds in 1998 and 100,000 pounds in 1999. All harvests occurred in salt water near the Susitna River. While no quantitative assessment of the Susitna River smelt stocks has been conducted, anecdotal information indicates that total annual biomass would be estimated at thousands of tons.

The department, as part of its statewide forage fish policy, recommended that smelt fishing be allowed only in the General Subdistrict of the Northern District, harvesting smelt (eulachon) at a very low harvest rate with dip nets only. This Northern District fishery would target Susitna River smelt stocks. In deliberation leading to adoption of 5 AAC 39.212. Forage Fish Management Plan, the department recommended that active forage fish fisheries be allowed to take place in a tightly controlled and closely monitored manner through the use of a Commissioner's Permit, while not allowing any "new" fisheries to begin. The intent was to allow the active low-level fisheries to continue but prevent them from growing without limit, which could potentially damage the resource and lead to unrealistic expectations and industry overcapitalization. The harvest in this fishery would be maintained at a low level; previous BOF action was to close the entire commercial smelt fishery with the adoption of the forage fish policy.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this proposal. The department believes that a harvestable surplus of these smelt stocks exists. Because of the dip net gear type there are few if any allocative impacts to other users. The department recommended in 1998 that the harvest cap be set at 50-100 tons until a rough assessment of stock strength could be made.

COST ANALYSIS:

The department does not believe that approval of the proposal would result in an additional direct cost for a private person to participate in this fishery.

Herring (2 Proposals)

PROPOSAL 138 Page 109, 5 AAC 27.409. CENTRAL DISTRICT HERRING RECOVERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would open the Kalgin Island Subdistrict to herring fishing.

WHAT ARE THE CURRENT REGULATIONS?

Commercial herring fishing is currently open for two 30-hour periods per week, beginning on Mondays and Thursdays from April 20 to May 31. There are three open areas in the Central District; the Upper Subdistrict with a guideline harvest range of 0-40 tons, Western Subdistrict with a guideline harvest range of 0-50 tons, and the Chinitna Bay Subdistrict with a guideline harvest range 0-40 tons.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal is adopted, the Kalgin Island Subdistrict would be open along with the other three areas. There would be some increase in harvests of herring, however, there would likely be a very minimal increase in effort.

BACKGROUND:

In 1993, all herring fisheries in Upper Cook Inlet were closed to rebuild stocks. The commercial fishery prior to 1993 operated 7 days a week, with as many as 374 permits issued each year reaching a peak harvest of 482 tons. Fishing was allowed in both the Central and Northern Districts. The open season was from April 15 to June 30. In 1998, the department reopened a limited commercial fishery along the eastside of Cook Inlet allowing only 2 days per week by emergency order from April 20 to May 20. In 1999, the department submitted several proposals to restructure this fishery to reduce the effort, harvest and intensity of the harvest. These proposals were amended and adopted as the Central District Herring Recovery Management Plan. The fishing season under this plan is from April 20 until May 20 with two 30-hour fishing periods per week. The first 600 feet from mean high tide is closed to reduce the incidental harvest of salmon and Dolly Varden. The restriction of mesh size to between 2.125 and 2.5 inches in the commercial fishery effectively eliminates any significant harvest of salmon. The 600-foot closure from mean high tide further reduces the likelihood of any incidental harvest of salmon or char. The aim of this management plan was to reduce the harvest and participation in this fishery, to stabilize the fishing effort and harvest to a consistent, sustainable level. When this plan was enacted, the Northern District as well as the Kustatan and Kalgin Island subdistricts were closed because harvests in these areas were not ongoing at that time.

DEPARTMENT COMMENTS:

The department **SUPPORTS** reopening these traditional fishing areas at levels that are sustainable. Given that harvest data is lacking for this specific area, a harvest cap of 20 tons would be appropriate until further assessments are made.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 139, Page109, 5 AAC 27.409. CENTRAL DISTRICT HERRING RECOVERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would change the two 30 hour fishing periods to one longer 108-hour period each week from 6:00 a.m. on Monday to 6:00 p.m. on Friday.

WHAT ARE THE CURRENT REGULATIONS?

Commercial herring fishing is open by emergency order only. Two 30-hour periods per week are allowed beginning on Mondays and Thursdays from April 20 to May 31. There are three open areas in the Central District; the Upper Subdistrict with a guideline harvest range of 0-40 tons, Western Subdistrict with a guideline harvest range of 0-50 tons, and the Chinitna Bay Subdistrict with a guideline harvest range 0-40 tons.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal is adopted the fishing periods would increase by 48 hours each week for easier fishing and a likely increase in participation and harvest. The current harvest caps would remain in effect. Annual harvest has ranged from 4 to 20 short tons over the last 7 years in the existing set net herring fishery.

BACKGROUND:

Beginning in 1993 all herring fisheries in Upper Cook Inlet were closed to rebuild stocks. The commercial fishery, prior to 1993, operated 7 days a week, with as many as 374 permits issued each year reaching a peak harvest of 482 tons. Fishing was allowed in both the Central and Northern Districts. The open season was from April 15 to June 30. In 1998, the department reopened the commercial fishery along the eastside of Cook Inlet with a more conservative approach, allowing only 2 days per week by emergency order from April 20 to May 20. In 1999, the department submitted several proposals to restructure this fishery to reduce the effort, harvest and harvest rate. These proposals were amended and adopted as the Central District Herring Recovery Management Plan. The fishing season, under this plan, is from April 20 until May 20 with two 30-hour fishing periods per week. The first 600 feet from mean high tide is closed to reduce the incidental harvest of salmon and Dolly Varden. The restriction of mesh size between 2.125 and 2.5 inches in the commercial fishery effectively eliminates any significant harvest of salmon. The 600-foot closure from mean high tide further reduces the likelihood of any incidental harvest of salmon or char. The aim of this management plan was to reduce the harvest and participation in this fishery to stabilize the fishing effort and harvest to a consistent, sustainable level. The effect of the reduced fishing time was even greater than desired because of the strong, unpredictable weather patterns in the spring of the year.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. The increased fishing period would not adversely affect the department's ability to manage the fisheries based on the guideline harvest levels. It may aid in stabilizing effort and harvests to a level we are able to monitor and control.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

Kasilof River Salmon Management Plan (2 Proposals)

PROPOSAL 140. PAGE 110. 5 AAC 21.365. KASILOF RIVER SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to revise the Kasilof River Salmon Management Plan because supplemental production of sockeye salmon in this system is ending as a result of a court order.

WHAT ARE THE CURRENT REGULATIONS?

The current regulation, 5 AAC 21.365. KASILOF RIVER SOCKEYE SALMON MANAGEMENT PLAN provides direction to the department in the management of the the harvest of Kasilof River sockeye salmon. It establishes the opening of the season, the conditions under which extra fishing time may be provided in the commercial fishery, and the conditions under which the Kasilof River Special Harvest Area, an area at the mouth of the Kasilof River may open. It also specifies how the personal use and guided sport fisheries will operate and that achieving the lower end of the Kenai River sockeye escapement goal takes priority over exceeding the upper end of the Kasilof River sockeye salmon escapement goal.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The author appears to believe that the end of supplemental production requires changes to the current management plan and the current escapement goals, because of biological concerns. The proposal adds new allocative considerations, or increased consideration for existing allocations in the calculation of the OEG, such as increased personal use and sport fisheries and the needs for wildlife. These are primarily allocative issues not biological issues. The current BEG of 150,000 to 250,000 reflects what the department believes is the proper escapement of wild, naturally spawning sockeye salmon into this system. It does not include any number of hatchery fish for supplementation. Fifty thousand fish were added to the upper end of the BEG of 250,000 sockeye in 2002 in recognition that staying below the upper end of the BEG for Kasilof sockeye was less of a priority than achieving the lower end of the Kenai River escapement goal and that this priority would sometimes prevent the amount of commercial fishing necessary to constrain sockeye escapements into the Kasilof River below 250,000 fish.

BACKGROUND:

The Kasilof River Sockeye Salmon Management Plan was first adopted following the 1985 season due to escapement in excess of 500,000 sockeye salmon. Until 2002 it's sole function was to address the harvest within the special harvest area when the

escapement exceeded 275,000 sockeye salmon. In 2002 many other provisions were added including the OEG. The stocking of fry into this system has been stopped after 2004 as a result of a court decision from the Ninth Circuit Court of Appeals. Prior to this decision approximately 6 million fry had been planted annually. Prior to 1988 as many as 17 million fry were planted into Tustumena Lake, however this stocking level was reduced to 6 million beginning in 1988. This hatchery production contributed approximately 10 percent in recent years to the return on average.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** regarding the allocation aspects of this proposal, but does not believe the need exists to revisit the Kasilof River Salmon Management Plan to address biological or conservation issues. The department recently reviewed the BEG for Kasilof River sockeye salmon and believes that there would be no purpose served by revisiting this issue. The BEG and OEG reflect escapements above the majority of fishing activity or inriver harvests. The major sockeye harvest in-river is the dip net fishery that is approximately 8 miles down river. The sockeye sport fishery harvests approximately 5,000 sockeye, which has little impact on the actual escapement.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 141. PAGE 111. 5 AAC 21.365. KASILOF RIVER SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to specify that the BEG of 150,000 to 250,000 is the primary management objective rather than the OEG currently contained in the plan, and that restrictions in regulation, especially with respect to Kenai River stocks, should be removed from regulations covering Kasilof Sockeye.

WHAT ARE THE CURRENT REGULATIONS?

The current regulation, 5 AAC 21.365. KASILOF RIVER SOCKEYE SALMON MANAGEMENT PLAN, governs the harvest of Kasilof River sockeye salmon in the Kasilof Section and also in the Kasilof River Special Harvest Area, an area at the mouth of the Kasilof River that may open when the spawning escapement is in excess of 275,000 fish. It also establishes the OEG of 150,000 to 300,000 sockeye salmon in the Kasilof River. Discussions at the time the OEG was created indicated that the upper limit of 300,000 was to allow for the management of the lower end of the Kenai River inriver goal during years with poor Kenai sockeye returns.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were passed, the department would manage the Kasilof Section for the Kasilof River BEG of 150,000 to 250,000 sockeye salmon. The mandatory closed periods of 48 hours per week prior to July 8 and those contained in the Kenai River Sockeye Salmon Management Plan after July 8 of 24, 36 or 48 hours depending on run

strength to the Kenai River, would not be in effect. In addition, hourly limitations of 48 hours of additional time prior to July 8 and either 24, 48 or 60 hours after July 8 would not apply in order to manage for the escapement goal to the Kasilof River.

BACKGROUND:

The Kasilof River Sockeye Salmon Management Plan was first adopted following the 1985 season due to escapement in excess of 500,000 sockeye salmon. Until 2002, it's sole function was to address the harvest within the special harvest area when the escapement exceeded 275,000 sockeye salmon. In 2002, many other provisions were added including the OEG. The OEG was instituted to encompass the range of escapements that had been occurring due to management issues in the Kenai River. In addition, restrictions on additional fishing time and mandatory closed periods were added to the plan, which in many years can lead to large numbers of sockeye surplus to escapement needs within this system. The department reviewed the BEG for Kasilof River sockeye in 2004.

DEPARTMENT COMMENTS:

The department is NEUTRAL on this allocative proposal. The department does want to bring to the board's attention to the conflict that exists during larger runs, between efforts to maintain escapements within the OEG or BEG ranges and the mandatory closed periods and hourly limitations on emergency order authority. These regulations make it very difficult, and perhaps impossible, for the department to prevent escapements from exceeding the upper end of the range.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Kenai River Late-Run King Salmon Management Plan (1 Proposal)

PROPOSAL 142. PAGE 112. 5 AAC 21.359(c)(5). KENAI RIVER LATE-RUN KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal amends the Kenai River Late-Run King Salmon Management Plan to specify that from July 20 through July 31, if the projected in-river return of late-run Kenai River sockeye salmon exceeds 600,000 and the late run king escapement goal will be met there will be no restrictions to the Upper Subdistrict set gillnet fishery once these provisions are assured.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 21.359(c)(2) specifies that between July 20 and July 31, if the in-river return of late-run Kenai River king salmon is less than 40,000 fish and the harvest by the sport fishery is projected to result in an escapement below 17,800 (the lower end of the BEG

range) the sport fishery may be restricted. 5 AAC 21.359(c)(4) specifies that if the sport fishery is closed, the commercial set gillnet fishery in the Upper Subdistrict will also be closed. This regulation was used in combination with the sockeye plan 5 AAC 21.360, prior to 2002. In 2002, these plans were changed so that this proposal no longer has the intended effect of removing the restrictions on the Upper Subdistrict set gillnets that now reside in 5 AAC 21.360.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were passed as written and section (c)(5) were deleted, the Upper Subdistrict set gillnet fishery would not be restricted if the in-river return of late-run Kenai River sockeye salmon exceeds the upper end of the in-river goal range of 1,100,000 sockeye and the late run king salmon escapement goal exceeds the upper end of the goal of 35,700. In effect there would be no change as the provisions this proposal seeks to address really are in 5 AAC 21.360, namely the E.O. hour restrictions and mandatory closed periods per week. The language contained in (c)(5) has been rendered meaningless by changes made to these plans in 2002.

BACKGROUND:

These provisions were added to the Kenai River Late-Run King Salmon Management Plan in 1999 and were moved and revised in 2002. Because the restrictions were moved out of this plan, this provision is no longer pertinent.

DEPARTMENT COMMENTS:

The department **SUPPORTS** deleting section (c)(5) in its entirety as a housekeeping measure. The Kenai River Late Run King Plan requires/recommends/directs the department to enact other closures and restrictions in the event that conservation is necessary when the lower end (17,800) of the king salmon escapement goal is in question.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Kenai River Late-Run Sockeye Salmon Management Plan (15 Proposals)

PROPOSAL 143, PAGE 112, 5 AAC 21.320 WEEKLY FISHING PERIODS.

WHAT WOULD THE PROPOSAL DO?

Allow the area management biologist in Upper Cook Inlet to set fishing dates and times based on weather and tide conditions.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations establish Mondays and Thursdays as regular periods in UCI with specific starting and ending dates. Fishing times are from 7:00 a.m. to 7:00 p.m. during the regular season with additional time given to harvest abundant stocks and restrictions to protect weak stocks. During additional fishing periods fishing time is often structured around tides to maximize harvests in the areas expected to produce the highest catches.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

It is dependent on the actual language that is used as the proposal isn't specific enough to address the effects. If the BOF allows changes to fishing schedules based on weather or tides, the department would likely end up in a series of discussions on what the tide and weather conditions are on each section of beach and how safe conditions are.

BACKGROUND:

Prior to 1996 the department managed the entire inlet for escapements and escapement goals with instructions in regulation on which stocks to minimize harvest, namely Susitna coho, Kenai coho and Kenai King salmon. In 2000, restrictions were placed in regulation that limit the amount of additional time that can be given in the Kalgin Island and Upper Subdistrict set gillnet fisheries and also in the drift gillnet fishery. In prior years, when there were high winds or poor tides, fishermen could elect not to fish knowing that there would likely be additional fishing time to offset a large-scale lack of effort on a given period. Since additional time is now limited, this no longer is the case and a day missed is not made up with fishing time later in the season. In addition, because of the length of east side beach (approximately 50 miles) and the tide patterns varying between inside and outside nets, there is not enough additional fishing time available to get all gear in and out on a slack tide. Instead, we try to center the slack tide window in the area of beach we are trying to target with the additional time. Typically, early in the season the southern beaches benefit and later in the season, the northern beaches benefit. Offshore sets never partake in the benefit to the same degree as inside sets.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal on the basis that it would diminish orderliness in the fishery.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 144. PAGE 113. 5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

Remove restrictions within the plan that restrict the department's emergency order authority to manage for the escapement goals.

WHAT ARE THE CURRENT REGULATIONS?

The east-side set gillnet fishery is managed in three sections, the Kasilof, Kenai and East Forelands Sections. These three sections are combined into the Upper Subdistrict. In the Kasilof Salmon Management Plan, the department is directed to manage for an OEG of 150,000 to 300,000. From June 25 to July 8, the Kasilof Section is allowed up to 48 hours per week in addition to the regular Monday and Thursday 12-hour regular periods. There are also mandatory closed periods of 48 hours per week. Beginning July 8, this fishery is managed in concert with the Kenai and East Forelands Sections. Within the Kenai River Late Run Sockeye Salmon Management Plan beginning July 8 there are hourly restrictions on the maximum additional fishing time within the Upper Subdistrict set gillnet fishery depending on run strength to the Kenai River. For runs of less than 2 million, there are hourly restrictions of no more than 24 hours of additional fishing time per week. For runs between 2 and 4 million there is a limit on additional time of no more than 36 hours per week and there is a mandatory closed period of 48 hours per week. For runs of over 4 million there is a limit on additional time of no more than 60 hours per week and a mandatory closed period of 36 hours per week. . In addition, section (e) and (f) add restrictions on drift fishing time that prohibit additional fishing time outside of the Kenai and Kasilof Sections as well as restricted time and areas for a pink salmon fishery the first Monday, Wednesday and Friday periods after the closure of the regular season on August 9. There are further restrictions in the Kenai River Coho Salmon Conservation Management Plan which closes the Upper Subdistrict on August 7 and limit additional time in August to no more than a single 24-hour additional fishing period. In the Northern District Salmon Management Plan, three regular drift gillnet periods are restricted to the Kenai and Kasilof Sections and in certain run conditions additional areas of the Central District may also be opened by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

This proposal is fairly broad in its scope and seeks to remove all restrictions to emergency order authority and mandatory closed periods. If this proposal were adopted as written the various restrictions to the departments emergency order authority would be deleted from regulation. In years of abundant sockeye returns there would be additional fishing in the drift fishery and Upper Subdistrict set gillnet fishery to manage for escapement goals. Many of these management actions would likely occur when sockeye are concentrated along the east-side beaches. It is likely there would be changes to harvest patterns, which would increase sockeye harvests to achieve the escapement goal.

If these regulations were amended in this fashion the department would manage for the various escapement goals as established in the various management plans without any direction from the board on specific management measures intended to allocate the harvest among the various users. The board and public need to understand this approach results in user group allocations becoming incidental to management directed at achieving a certain level of escapement in each system with a goal.

BACKGROUND:

The first restrictions on additional time in the Upper Subdistrict were put in place in 1999. At that time we had a mandatory 24-hour closed period on Fridays, often called a “window”. In addition, there was a second 24-hour window if the in-river chinook

fishery was restricted. In 1996, a limit on additional fishing time of no more than a single extra period per week was put in place in the Kalgin Island Subdistrict in the Packers Creek Sockeye Salmon Management Plan. Also in 1996, restrictions were implemented in the Northern District set gillnet fishery; additional time, other than regular periods, was prohibited after August 15, and two regular periods were restricted to the Kenai and Kasilof Sections for the drift fishery in the Northern District Salmon Management Plan. A third regular drift gillnet period after July 25 was restricted in 1999 to the Kenai and Kasilof Sections. In 2002, additional fishing time in the Upper Subdistrict set gillnet fishery was limited to either 36, 48 or 60 hours of additional time per week and a mandatory closed period of 24, 36 or 48 hours depending on run strength was implemented. For runs of less than 2 million the number of additional hours is restricted to no more than 24 hours of additional fishing time per week. For runs between 2 and 4 million there is a limit on additional time of no more than 36 hours per week and there is a mandatory closed period of 48 hours per week. For runs of over 4 million there is a limit on additional time of no more than 60 hours per week and a mandatory closed period of 36 hours per week. In years of below average returns, early returns or returns that are weaker than forecast, these restrictions also lead to more aggressive management actions due to the tendency to “front-load” the harvest and may contribute to not meeting the lower bounds of the escapement goal without possible long-term commercial and sport fishing restrictions or closures later in the season.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal. The department **SUPPORTS** discussions on difficulties of achieving in-river escapement targets for Yentna, Kasilof, and Kenai sockeye salmon in years of high Kasilof and/or Kenai sockeye abundance.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 145. PAGE 113. 5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

This proposal is likely intended to be taken in conjunction with proposal 144 and seeks to return the Kenai River escapement goal to a single inriver goal range of 600,000 to 900,000 sockeye counted by sonar at river mile 19. In addition, it would remove any restrictions within the plans that limit the department’s emergency order authority to manage for these escapement goals. (see proposal 144 comments above) It would also raise the sport fish bag limit to six fish and allow dip netting 24-hours per day once the in-river return of 600,000 is achieved.

WHAT ARE THE CURRENT REGULATIONS?

The department has an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners. The board has established a regulatory OEG of 500,000 to 1,000,000 for this run. At run strengths less than 2 million, the department is directed to manage for an in-river return goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river return goal of 750,000 to 950,000 sockeye salmon past the sonar counter at river mile 19. At run strengths greater than 4 million, the department is directed to manage for an in-river return goal of 850,000 to 1.1 million sockeye salmon past the sonar counter at river mile 19. The recreational fishery had a bag limit of 3 sockeye until 1996 when it was increased to 6 sockeye. Prior to 1996, the bag limit was increased to six only when the upper end of the goal was exceeded. In 2002, the bag limit was returned to three sockeye until the total Kenai River sockeye salmon return was projected to exceed 2 million fish and the final spawning escapement was projected to exceed 500,000, at which time it would increase to six fish by emergency order. The current dip net fishery was established in 1996 and was open 24 hours per day beginning July 10. In 2002, it was altered to open daily from 6:00 a.m. until 11:00 p.m. beginning July 10. Once the total Kenai River sockeye salmon return is projected to exceed 2 million fish and the final spawning escapement was projected to exceed 500,000 fish, the fishery opens 24 hours per day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted the current inriver goals be changed to 600,000 to 900,000 to reflect the new goal; the resulting spawning escapement would be the same as the current SEG for the Kenai River of 500,000 to 800,000 sockeye after recreational harvest above the sonar site is subtracted from the in-river goal. In addition, if adopted with proposal 144, all restrictions and mandatory closed periods would be eliminated. However, the department would still have the other management plans such as the Kasilof River Salmon Management Plan and the Northern District Salmon Management Plan with restrictions on time and area to follow while managing for these escapement or in-river goals. Adoption of this proposal would reduce the complexity of the Kenai River Late Run Sockeye Salmon Management Plan by removing the three tiers of goals and restrictions and replacing them with a single goal with no mandated restrictions on additional fishing time in regulation. The department would manage for the escapement goals as established in the various management plans in regulation and seek to evenly distribute these escapements within the goal ranges as directed in the Sustainable Salmon Fisheries Management Plan (SSFMP). In addition, since the OEG and BEG would likely be the same or nearly so the OEG could be eliminated with little effect and simplify the plan even more.

BACKGROUND:

The department adopted a BEG of 500,000 to 800,000 for the Kenai River late-run sockeye salmon in 1999. This goal was reviewed and changed to an SEG, maintaining the range of 500,000 to 800,000 sockeye in 2004. The board established the current OEG of 500,000 to 1 million for late-run Kenai River sockeye salmon and the various tiers of goals for the different run strengths in 1999. Since these goals were established in 1999 the department has achieved the OEG in 5 of 6 years, achieved the BEG in 2 of 6 years

with 2 years under the BEG and two above and have exceeded the in-river goal in 3 of 6 years in the Kenai River. Since 2002, the in-river goal has been exceeded in all three years in the Kenai River and in 2 of three years in the Kasilof River.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 146. PAGE 114. 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN AND .5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to close the Upper Subdistrict set gillnet fishery on July 31 and change all fishing periods in August to additional periods. These periods would open only by emergency order only when the conditions in 5 AAC21.357(c)(3) have been met. Since there is no provision in 5 AAC21.357(c)(3) to open these periods, the season would close on July 31. In addition, the following provisions would be added to 5 AAC 21.360 to define what “minimize” Kenai River coho harvests in the commercial fishery. As written, the coho harvest is increasing when the harvest of sockeye salmon is less than a ratio of 20:1 sockeye to coho the last three days of July. Sockeye salmon harvests would be defined as “declining” when daily percentage of sockeye was less than 3 percent of the total sockeye harvest for the season up to that date. Since there is no provision to alter the July 31 closure date, the season would still close on July 31.

WHAT ARE THE CURRENT REGULATIONS?

The Kenai River Coho Salmon Conservation Management Plan specifies that there shall not be any additional commercial fishing time given based on the run strength of coho salmon; extra fishing time beyond the normal two twelve-hour periods per week is limited to a single period, not to exceed 24 hours, from August 1 through August 7; the Upper Subdistrict set gillnet season ends August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The effect of adopting this proposal would be to close the Upper Subdistrict set gillnet fishery on July 31. Any periods that may occur in August would be limited to three noncontiguous 12-hour periods. It is not clear if the season would ever extend past July 31 as written, and if so, it would still reduce the August component of the fishery by 12 hours per week. This would make it more difficult for the department to achieve the sockeye escapement goal in the Kenai and Kasilof Rivers.

BACKGROUND:

The Kenai River Coho Salmon Conservation Plan was first passed in 1997 when the department concluded that harvests of this stock could be at levels that were not sustainable. At that time, the Upper Subdistrict closing date changed from August 15 to a single period on or after August 10. In effect, this reduced the regular period schedule in the set gillnet fishery by a single period in most years. In 2000, as a result of another petition, this season closing date was further restricted to August 7. Additional time in the Upper Subdistrict set gillnet fishery was limited to a single 24-hour period from August 1 to August 7.

In 1997, when the department submitted a proposal to restrict Kenai River coho harvests, we had 4 years of smolt data for the Kenai River. That data showed a decline in smolt numbers and increasing adult harvests. Since that time, the concern expressed in 1997 has abated with excellent returns and escapements the last 4-5 years, even from the apparently low escapements of 1997 and 1999.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 147. PAGE 115. 5 AAC 21.360. KENAI RIVER LATE-RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

This proposal would establish the provisions of section (c) of the Kenai River Late-Run Sockeye Salmon Management Plan as being the primary management objective regardless of the actual sockeye sonar count. Within section (c), there are three tiers of hourly restrictions on additional fishing time and mandatory closed periods depending on the run strength to the Kenai River. If passed, this proposal would change the plan to state that the hourly restrictions on commercial fishing time and mandatory closed periods take precedence over the sockeye salmon escapement level.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations base management actions on preseason forecasts and inseason evaluations of the total Kenai River late-run sockeye salmon return. At run strengths less than 2 million, the department is directed to manage for an in-river return goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. Additional fishing time in the Upper Subdistrict set gillnet fishery is limited to 24 hours of additional time per week. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river return goal of 750,000 to 950,000 sockeye salmon past the sonar counter at river mile 19. Additional time in the Upper Subdistrict is limited to 36 hours per week with a mandatory continuous 48-hour closed period. At run strengths greater than 4 million, the department is directed to manage for an in-river return goal of 850,000 to 1.1

million sockeye salmon past the sonar counter at river mile 19. Additional time in the Upper Subdistrict is limited to 60 hours per week with a mandatory continuous 36-hour closed period.

WHAT WOULD BE THE EFFECT IF THE PROPOSALS ARE ADOPTED?

The department would manage the Upper Subdistrict set gillnet fishery to the maximum time allowed within the plans based on run strength to the Kenai River and would also implement the mandatory closed periods each week regardless of escapement levels. The department would lose its ability to manage most runs to meet the established OEG, in-river goal and BEG for sockeye salmon in the Kenai and Kasilof Rivers.

BACKGROUND:

Large returns of sockeye salmon bound for the Kenai River have been common since the early 1980s. Continuous fishing for many consecutive days have been allowed in an attempt to harvest the large surpluses of Kenai River bound sockeye salmon. Since 1996, the season length of the commercial fishery has decreased with the Kenai and East Forelands Sections beginning July 8, drift gillnet fishing ending August 9, and all Upper Subdistrict set gillnet fishing ending August 7. From August 1 to August 7, the Upper Subdistrict set gillnet fishery is allowed only one 24-hour additional period. When the set gillnet fishery was prosecuted in a normal fashion prior to these restrictions and without the earlier closing date, roughly 10 percent (range 2-27%) of the escapement has come in August. Since the season was shortened from August 15 to August 7 with, at most, a single 24-hour fishing period, this August percentage is likely to increase and become more of an issue with regards to escapement goals.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal but is **OPPOSED** to this proposal on the biological issues it raises with regards to harvesting evenly throughout the run and management for escapement goals. Such a regulation change would lead to situations where the escapements far exceed established escapement objectives in many run scenarios and would seem to violate the Sustainable Salmon Fisheries Policy. The department would lose its ability to manage most runs to meet the established OEG, in-river goal and BEG for sockeye salmon in the Kenai and Kasilof Rivers.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 148. PAGE 116. 5 AAC 21.360. KENAI RIVER LATE-RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would eliminate the optimal escapement goal (OEG) for Kenai River late-run sockeye salmon and base the inriver return goal on a biological escapement goal (BEG) of 450,000 to 750,000 sockeye salmon.

WHAT ARE THE CURRENT REGULATIONS?

The department has adopted an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners. The board has established a regulatory OEG of 500,000 to 1,000,000 for this run. At run strengths less than 2 million, the department is directed to manage for an in-river return goal of 600,000 to 850,000 sockeye salmon past the sonar at river mile 19. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river return goal of 750,000 to 950,000 sockeye salmon past the sonar at river mile 19. At run strengths greater than 4 million, the department is directed to manage for an in-river return goal of 850,000 to 1.1 million sockeye salmon past the sonar at river mile 19.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The current in-river sonar goals would change to reflect the new OEG goal of 450,000 to 750,000 sockeye salmon; although not stated in the proposal, but based on past practice, the in-river goal would change to 550,000 to 850,000 sockeye salmon at river mile 19 to allow for recreational harvest upstream. Reducing the lower end of the escapement goal would impact the returns of less than 2 million. Reducing the upper end of the escapement goal range by 200,000-300,000 sockeye salmon would primarily effect run strengths in excess of 2 million. The practical effect of adopting this proposal would be minimal without changes to other regulations removing the restrictions on the commercial fishery in the Central District.

BACKGROUND:

The department adopted the current SEG in 2004; the board adopted the current inriver goals and OEG for late-run Kenai River sockeye salmon in 1999. The current SEG is 500,000 to 800,000 sockeye escapement into the Kenai River. The BOF also established an OEG of 500,000 to 1-million sockeye salmon for this system. There are three tiers of in-river sonar goals that are the primary management goal inseason. For runs to the Kenai River of under 2 million, the fisheries are managed for a sonar goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. For runs of 2 to 4 million, the goals become 750,000 to 950,000. Above 4 million, the goals become 850,000 to 1.1 million sockeye. When in-river harvests are removed from this sonar count, the result should be within the OEG and may be within the BEG ranges.

DEPARTMENT COMMENTS:

The department recommends **NO ACTION** on this allocative proposal. The department establishes BEGs, SEGs and SETs while the board adopts OEGs and inriver goals.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 149. PAGE 116. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to have the nonresident user restricted before the resident user when allocating the burden of conservation.

WHAT ARE THE CURRENT REGULATIONS?

The regulation specifies that the burden of conservation be shared among all users in proportion to their respective harvest of the stock of concern.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Restrictions would be placed on the nonresident user first to see if the desired level of conservation resulted, then if further conservation were necessary, the resident user would be restricted.

BACKGROUND:

To date residents and non-residents have been treated the same when conservation restrictions were implemented. Non-residents are required to pay more for licenses and permits to participate in most fisheries. Non-residents are excluded from personal use and subsistence fisheries.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 150. PAGE 117. 5 AAC 21.360. KENAI RIVER LATE-RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to clarify that the BEG of 500,000 to 800,000 spawners is the primary target for management of the Kenai River late-run sockeye salmon.

WHAT ARE THE CURRENT REGULATIONS?

The department has recently adopted an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners. The board has established a regulatory OEG of 500,000 to 1,000,000 for this stock. At run strengths less than 2 million, the department is directed to manage for an in-river goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river goal of 750,000 to 950,000 sockeye salmon past the sonar counter at river mile 19. At run strengths greater than 4 million, the department is

directed to manage for an in-river goal of 850,000 to 1.1 million sockeye salmon past the sonar counter at river mile 19.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The current in-river sonar goals would change to reflect the change in management objective to the BEG of 500,000 to 800,000 sockeye salmon. At the lower end of the escapement goal, for returns of less than 2 million, there would be no real change in management. Reducing the upper end of the escapement goal range by 200,000 sockeye salmon would primarily effect run strengths in excess of 2 million. For returns of this size when the goal was being achieved or exceeded, the regulatory restrictions on additional fishing time and mandatory closed periods would be a secondary objective that would not be implemented.

BACKGROUND:

The department established the current SEG in 2004; the board adopted the current inriver goals and OEG for late-run Kenai River sockeye salmon in 1999. The current SEG is 500,000 to 800,000 sockeye escapement into the Kenai River. The established an OEG is 500,000 to 1-million sockeye for this system. There are also three tiers of in-river sonar goals that are the primary management goal inseason. In runs to the Kenai River of under 2 million the fisheries are managed for an in-river sonar goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. In runs of 2 to 4 million the goals become 750,000 to 950,000. Above 4 million the goals become 850,000 to 1.1 million sockeye. When in-river harvests are removed from this sonar count the result should be within the OEG and may be within the BEG ranges.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. It is unclear if this proposal would eliminate the current OEG or provide that in general the department should manage for the SEG.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 151. PAGE 118. 5 AAC 21.360. KENAI RIVER LATE-RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would eliminate the requirement to minimize the harvest of Northern District coho, Kenai late run king and Kenai River coho stocks. In addition, it would eliminate the OEG and replace it with the BEG of 400,000 to 700,000 that existed from 1987 to 1999. It would also eliminate the hourly restrictions and mandatory closed periods. This proposal would also have the department manage for the midpoint of the BEG range of 550,000 sockeye.

WHAT ARE THE CURRENT REGULATIONS?

The department has adopted an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners. The board has established a regulatory OEG of 500,000 to 1,000,000 for this stock. At run strengths less than 2 million, the department is directed to manage for an in-river goal of 600,000 to 850,000 sockeye salmon past the sonar at river mile 19. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river goal of 750,000 to 950,000 sockeye salmon past the sonar at river mile 19. At run strengths greater than 4 million, the department is directed to manage for an in-river goal of 850,000 to 1.1 million sockeye salmon past the sonar at river mile 19.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The current in-river sonar goals would change to reflect the change in management objective to the “BEG” of 400,000 to 700,000 sockeye salmon. In all run sizes the department would manage for a sockeye salmon escapement of 400,000 to 700,000 spawners and try and hit the middle of this range, which is 550,000 fish. This is in general what our management philosophy was prior to implementation of the SSFMP and abundance based goals that are currently in effect..

BACKGROUND:

The department established the current SEG in 2004; the board adopted the inriver goals and OEG for late-run Kenai River sockeye salmon in 1999. The current SEG is 500,000 to 800,000 sockeye escapement into the Kenai River. The established OEG is 500,000 to 1-million sockeye for this system. There are also three tiers of in-river sonar goals that are the primary management goal inseason. In runs to the Kenai River of under 2 million the fisheries are managed for an in-river sonar goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. In runs of 2 to 4 million the goals become 750,000 to 950,000. Above 4 million the goals become 850,000 to 1.1 million sockeye. When in-river harvests are removed from this sonar count the result should be within the OEG and may be within the BEG ranges.

DEPARTMENT COMMENTS:

The department NEUTRAL on the allocative aspects of this proposal, but is **OPPOSED** to this proposal for biological reasons. If the Board changes the in-river goal, in-river harvests should be added to the sonar count in order to meet the escapement goal of 500,000 to 800,000.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 152. PAGE 119. 5 AAC 21.360. KENAI RIVER LATE-RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would eliminate the provision in regulation on separation of gear types for product quality. Specifically the following wording would be deleted “if these fisheries are managed independently for product quality, the set gillnet fishery will be opened before the drift gillnet fishery to reduce the effect on the in-river fisheries”.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations contain the wording mentioned above and allow the department to manage the drift gillnet fishery independent of the Upper Subdistrict set gillnet fishery to enhance product quality and for other management and conservation purposes. If these fisheries are managed independently for product quality the set gillnet fishery will fish first to reduce the effect on in-river fisheries.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Because of all the problems inherent in this style of management it is very unlikely that the gear types will ever be managed independently for product quality considerations. The department often manages these two fisheries independently under current regulations due to the restrictions in the set gillnet fishery and the drift fishery is closed during hours of darkness when the set gillnet fishery may remain open. In effect there would be little change if this proposal is passed as this provision is not likely to be used by the department.

BACKGROUND:

The specified wording was added in 2002 with minimal discussion. The idea came out of public testimony and the committee process and was passed as regulation. There are many aspects of the use of this regulation that need to be addressed prior to its usage.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 153. PAGE 119. 5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN and AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to return the Kenai River escapement goal to a single goal range with an in-river harvest added to the sonar goal. In addition, it would remove the various tiers of regulations that are within the two plans and have a single tier of management actions.

WHAT ARE THE CURRENT REGULATIONS?

The department adopted an SEG for late-run Kenai River sockeye salmon of 500,000 to 800,000 spawners in 2004. The board has established a regulatory OEG of 500,000 to

1,000,000 for this stock. At run strengths less than 2 million, the department is directed to manage for an in-river goal of 600,000 to 850,000 sockeye salmon past the sonar at river mile 19. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river goal of 750,000 to 950,000 sockeye salmon past the sonar at river mile 19. At run strengths greater than 4 million, the department is directed to manage for an in-river goal of 850,000 to 1.1 million sockeye salmon past the sonar at river mile 19. The bag limit for the recreational fishery was 3 sockeye until 1996 when it was increased to 6 sockeye. Prior to 1996, the bag limit was increased to six only when the upper end of the goal was exceeded. In 2002, the bag limit was returned to three sockeye until the total Kenai River sockeye salmon return was projected to exceed 2 million and the final spawning escapement projected to exceed 500,000 when it would increase to six fish by emergency order. The dip net fishery was established in 1996 and was open 24 hours per day beginning July 10. In 2002, it was altered to open daily from 6:00 a.m. until 11:00 p.m. beginning July 10. Once the total Kenai River sockeye salmon return was projected to exceed 2 million and the final spawning escapement projected to exceed 500,000 fish, the dipnet fishery may be opened 24 hours per day. In the Northern District Salmon Management Plan, there are restrictions on drift periods that are adjusted based the size of the sockeye salmon return to the Kenai River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department would manage for the escapement goals as established in the various management plans in regulation and seek to evenly distribute these escapements evenly within the goal ranges as directed in the SSFMP. The tiers within the management plans would be changed to reflect a single goal and the plan would become less complex. Because the proposal does not specify a specific inriver sonar goal range it is difficult to predict the effects of this change, however the plan would likely become simpler, more predictable and more understandable. Removing the various restrictions on the commercial fishery that are intended to pass fish through the commercial fishery results in user group allocations becoming incidental to management directed at achieving a certain level of escapement in each system with a goal.

BACKGROUND:

The department established the current SEG in 2004; the board adopted inriver goals and OEG for late-run Kenai River sockeye salmon in 1999. The current SEG is 500,000 to 800,000 sockeye escapement into the Kenai River. The established OEG is 500,000 to 1-million sockeye for this system. There are also three tiers of in-river sonar goals that are the primary management goal inseason. In runs to the Kenai River of under 2 million the fisheries are managed for an in-river sonar goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. In runs of 2 to 4 million the goals become 750,000 to 950,000. Above 4 million the goals become 850,000 to 1.1 million sockeye. When in-river harvests are removed from this sonar count the result should be within the OEG and may be within the BEG ranges.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 154. PAGE 120. 5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to return the Kenai River escapement goal to a single goal range with the BEG of 500,000 to 800,000 being the primary management target. It would also delete the three tiers of management actions in section (c) of the plan and replace the three in-river goals with a single sonar goal of 650,000 to 950,000 sockeye salmon.

WHAT ARE THE CURRENT REGULATIONS?

The department established an SEG for late-run Kenai River sockeye salmon at 500,000 to 800,000 spawners in 2004. The board has adopted a regulatory OEG of 500,000 to 1,000,000 for this run. Under section (c) of the Kenai River Late Run Sockeye Salmon Management Plan at run strengths of less than 2 million, the department is directed to manage for an in-river goal of 600,000 to 850,000 sockeye salmon past the sonar at river mile 19. At run strengths of 2 million to 4 million, the department is directed to manage for an in-river goal of 750,000 to 950,000 sockeye salmon past the sonar at river mile 19. At run strengths greater than 4 million, the department is directed to manage for an in-river goal of 850,000 to 1.1 million sockeye salmon past the sonar at river mile 19. The bag limit in the recreational fishery was 3 sockeye until 1996 when it was increased to 6 sockeye. Prior to 1996, the bag limit was increased to six only when the upper end of the goal was exceeded. In 2002, the bag limit was returned to three sockeye until the total Kenai sockeye salmon return was projected to exceed 2 million and the final spawning escapement projected to exceed 500,000 fish, when it would increase to six fish by emergency order. The dip net fishery was established in 1996 and was open 24 hours per day beginning July 10. In 2002, it was altered to open daily from 6:00 a.m. until 11:00 p.m. beginning July 10. Once the total Kenai sockeye salmon return was projected to exceed 2 million and the final spawning escapement was projected to exceed 500,000 fish, the dipnet fishery may be opened 24 hours per day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Adoption of this proposal would make the Kenai River Late Run Sockeye Salmon Management Plan less complex by removing the three tiers of goals and replacing them with a single goal. It would delete the OEG of 500,000 to 1 million and establish the BEG range of 500,000 to 800,000 as the desired escapement. It would also add an in-river harvest to that sonar goal of 150,000 at the lower and upper ends of this range. The department would manage for the sonar goal range and seek to distribute actual escapements evenly within the BEG goal ranges as directed in the SSFMP.

BACKGROUND:

The department established the current SEG in 2004; the board adopted inriver goals and the OEG for late-run Kenai River sockeye salmon in 1999. The current SEG is 500,000 to 800,000 sockeye escapement into the Kenai River. The established OEG is 500,000 to 1-million sockeye for this system. There are also three tiers of in-river sonar goals that are the primary management goal inseason. In runs to the Kenai River of under 2 million the fisheries are managed for a sonar goal of 600,000 to 850,000 sockeye salmon past the sonar counter at river mile 19. In runs of 2 to 4 million the goals become 750,000 to 950,000. Above 4 million the goals become 850,000 to 1.1 million sockeye. When in-river harvests are removed from this sonar count the result should be within the OEG and may be within the BEG ranges.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 155. PAGE 121. 5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN and AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to remove the following two sections from regulation, 5AAC 21.360

(e) The board recognizes that major chum salmon stocks in Cook Inlet are currently below historic levels. Chum salmon stocks in upper Cook Inlet are bound primarily for the Northern District and are not harvested to an appreciable degree in the Kasilof and Kenai Sections of the Upper Subdistrict. To employ a precautionary approach to chum salmon management, no additional fishing periods shall be given to the drift gillnet fishery outside the Kasilof and Kenai Sections of the Upper Subdistrict until significant harvestable surpluses of chum salmon are available.

And 5AAC 21.358(i) The Board of Fisheries (board) recognizes that major chum salmon stocks in Cook Inlet are currently below historic levels. Chum salmon stocks in the upper Cook Inlet Area are bound primarily for the Northern District and are not harvested to an appreciable degree in the Kenai and Kasilof Sections of the Upper Subdistrict. To employ a precautionary approach to chum salmon management, no additional fishing periods shall be provided to the drift gillnet fishery outside the Kenai and Kasilof Sections of the Upper Subdistrict, except as provided in this management plan.

WHAT ARE THE CURRENT REGULATIONS?

As written above.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Adoption of this proposal would allow the department to manage the drift gillnet fleet as necessary to achieve the various management objectives in UCI. In general, the exercise of additional drift periods district wide is used infrequently. With the decrease in the numbers of drift gillnet permit holders participating in the fishery, this practice could increase to the degree necessary to manage for escapement goals which might otherwise be exceeded.

BACKGROUND:

These provisions were added to regulation in 1996 in the Northern District Salmon Management Plan and in 1999 in the Kenai River Sockeye Salmon Management Plan. Under the Kenai Sockeye Plan the drift fishery is allowed additional time when significant harvestable surpluses exist, however under the Northern District Salmon Management Plan these periods are prohibited. In 1986, a very large flood occurred in South Central Alaska, which had detrimental effects on many of the areas salmon stocks. Pink and chum stocks were especially affected to a level that returns after 1986 were much smaller. Beginning in the middle 1990's significant improvements in chum returns was noticed. There are few reliable chum salmon escapement counts in UCI. The primary evaluation tool used in Cook Inlet was commercial catches. These catches reflected significantly poorer harvests occurring in the various fisheries. However due to changes in regulations and fishing patterns these decreases were likely grossly over estimating the problem. In 2002, the department conducted a tagging study to estimate the total return of pink, chum and coho salmon returning to Cook Inlet. The results of that study indicate that the chum return in 2002 was over 3 million and the commercial fishery harvest was approximately 6 percent.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 156. PAGE 121. 5 AAC 21.360. KENAI RIVER LATE RUN SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would add a new section to the Kenai River Late-Run Management Plan directing the department to manage the late-run Kenai River sockeye salmon return to achieve an even distribution of escapements in the range of 500,000 to 800,000 fish. In addition, because of the greater risk of consecutive large escapements on the long-term production capacity of the Kenai River system, the board directs the department to manage toward the lower end of the BEG range in a year following a large escapement (greater than 800,000 spawners). "This goal will take priority over the other escapement objectives listed in 5 AAC 21.360."

WHAT ARE THE CURRENT REGULATIONS?

The current regulation directs the department to manage for an OEG of 500,000 to one million sockeye salmon. The department is further directed to distribute the escapement of sockeye salmon evenly within the OEG range, in proportion to the size of the run. In addition, based on run strength, the plan has three tiers of sockeye salmon inriver goals to manage for: 600,000 to 850,000 for runs under 2 million; 750,000 to 950,000 for runs >2

million but <4 million; and 850,000 to 1.1 million for runs > 4 million. These provisions were added to the Kenai River Sockeye Salmon Management Plan in 1999.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Adoption of this proposal would direct the department to manage for the lower end of the escapement goal range once the upper end of the current BEG (800,000 spawners) range is exceeded in the previous year.

BACKGROUND:

The department recently established the late-run sockeye salmon SEG of 500,000 to 800,000 spawners for the Kenai River in 2004. The board adopted the current OEG and multiple tiers of inriver goals depending on run strength of late-run Kenai River sockeye salmon in 1999.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal as written. Given the existing restrictions on potential management actions contained in the current array of management plans, the department does not feel that the level of precision exists to manage within the narrow bounds set by this proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 157. Page 123 - 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan; and 5 AAC 21.363. Upper Cook Inlet Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO?

Amend these regulations to clarify that the department should manage for escapement goals for the various stocks first and foremost, and then secondarily manage for the other aspects of the regulations such as hourly limitations or allocations. It would also direct the department to open fisheries with emergency orders once the escapement goals are projected to be met.

WHAT ARE THE CURRENT REGULATIONS?

The current regulation directs the department to manage for an OEG of 500,000 to one million sockeye salmon. The department is further directed to distribute the escapement of sockeye salmon evenly within the OEG range, in proportion to the size of the run. In addition, based on run strength, the plan has three tiers of inriver sonar goals to manage for: 600,000 to 850,000 for runs under 2 million; 750,000 to 950,000 for runs >2 million but <4 million; and 850,000 to 1.1 million for runs > 4 million. The department also has to manage for these goals with no more than 24 hours of additional fishing time over the 2 regular 12-hour weekly fishing periods in the Upper Subdistrict set gillnet fishery for runs under 2 million to the Kenai River. For runs between 2 to 4 million, the department is limited to no more than 36 hours of additional time but must close this fishery for 48

consecutive hours each week. In returns of over 4 million, the department has no more than 60 hours of additional time and a 36-hour mandatory closed period. Most of these provisions were added to the Kenai River Late Run Sockeye Salmon Management Plan in 1999 and 2002.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Adoption of this proposal would direct the department to manage for the escapement goals for the various stocks as a priority, then secondarily manage for the other aspects of the regulations such as hourly limitations or allocations. In essence, the restrictions currently in regulation with regards to hourly limits and mandatory closed periods each week would not be implemented if the escapement goal range were not going to be achieved.

BACKGROUND:

In 1996, the first regulatory restrictions were added to the Northern District Salmon Management Plan to restrict a single regular period in the drift gillnet fishery. At the same time, the prohibition on additional time outside of the Kenai and Kasilof Sections was added. In 1999, a second restriction was added to the drift gillnet fishery and a 24-hour closed period was mandated in the Kenai and East Forelands Sections set gillnet fishery to occur on Fridays. A second mandatory 24-hour closure was included if the recreational Chinook salmon fishery was restricted in-river. As a result of an emergency petition, a special BOF meeting in 2000 was convened and the August component of the set gillnet fishery was further limited to a single additional fishing period not to exceed 24 hours in duration with an August 7 closure date. In 2002, the three tiers of restrictions that currently exist was put in regulation.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Russian River Sockeye Salmon Management Plan (2 Proposals)

PROPOSAL 158. Page 124. - 5 AAC 21.361. Russian River Sockeye Salmon Management Plan. Amend this regulation as follows:

WHAT WOULD THE PROPOSAL DO?

The early Russian River sockeye will be managed so 50 percent is allocated to the commercial fishery.

WHAT ARE THE CURRENT REGULATIONS?

Current season opening dates are June 25 in the drift gillnet fishery; for set gillnets in the Upper Subdistrict, the season opens June 25 in the Kasilof Section and July 8 in the Kenai and East Forelands Sections. These opening dates preclude the harvest of appreciable numbers of early Russian River sockeye salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The commercial season would open earlier in order to harvest 50 percent of early Russian River sockeye salmon. The proposal is not specific as to what time frame is desired or which fisheries would participate. In order to achieve the objective stated in this proposal, these fisheries would need to open possibly as early as May 20. A corresponding increase in incidental early-run Kenai River king salmon harvest would occur. The level of the king salmon harvest is difficult to assess without a specific opening date.

BACKGROUND:

In the 1960's, the commercial season opened as early as May 20. Since 1978, the earliest opening date for these two fisheries has been June 25.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 159. Page 124. - 5 AAC 21.361. Russian River Sockeye Salmon Management Plan

WHAT WOULD THE PROPOSAL DO?

Amend this regulation by deleting paragraph (e) which states: "(e) When the department determines that late Russian River system sockeye salmon stocks comprise the majority of the Kenai River sockeye salmon run, the department shall place appropriate restrictions on the various fisheries to protect the remaining Kenai River system sockeye salmon escapement."

WHAT ARE THE CURRENT REGULATIONS?

Current regulations are stated above.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

There would be no substantive change other than the regulation would be a little simpler.

BACKGROUND:

This regulation was first passed in 1980. At that time the lower end of the escapement goal to the Kenai River was 350,000. This regulation was passed to insure that more Kenai River stocks would be available to spawn in low years to the Kenai River when it

appeared that Russian River stocks were the majority of the fish present. To date it has not and is likely never to be implemented.

DEPARTMENT COMMENTS:

The department **SUPPORTS** removing parts of regulations that are not used.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Kenai River Coho Salmon Management Plan (13 Proposals)

PROPOSALS 160, 161, 163, 165, and 168, PAGES 125-131. 5AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN; AND 5AAC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? Proposal 160 would establish a coho salmon sport fishery in the Kenai River for residents-only from October 1 through November 30.

Proposal 161 would delete “Conservation” from the title of the current management plan.

Proposal 163 would establish a coho salmon sport fishery in the Kenai River for non-guided anglers only from October 1 through October 31.

Proposal 165 would establish a coho salmon sport fishery in the Kenai River for all anglers from October 1 through October 31.

Proposal 168 would establish a coho salmon sport fishery in the Kenai River from July 1 through December 31. In addition, this proposal would restrict guided angling activity to drift boat use only throughout the season.

WHAT ARE THE CURRENT REGULATIONS: The fishing season for Kenai River coho salmon is July 1 – July 31 and August 4 – September 30. The bag and possession limit for coho salmon 16 inches or longer is 2 fish, except in the Russian River, which is restricted to one fish. After retaining a bag limit of 2 coho salmon 16 inches or longer from the Kenai River, a person may not fish in the Kenai River downstream from the Upper Killey River on that same day. The use of bait is prohibited from August 1-3 between the Kenai River mouth and the Sterling Highway bridge at Soldotna, from August 1 – December 31 upstream from the Upper Killey River, and from October 1 – December 31 between the Kenai River mouth and the Upper Killey River mouth.

From July 31 through September 30, guides may not sport fish while a client is present or within the guide’s control or responsibility. The maximum number of fishing rods

operated may not exceed the number of clients on board the vessel. Downstream from the confluence of the Moose and Kenai rivers, fishing from a guide vessel is prohibited on Mondays. Upstream from the confluence of the Moose and Kenai rivers, fishing for coho salmon from a guide vessel is prohibited on Mondays. Any coho salmon caught must be released immediately.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED?

Extending the coho season for an additional month would increase fishing opportunity by 33% and increase exploitation of Kenai River coho salmon by approximately 2%. The department has very little information to determine the effect of extending the coho salmon season into November and December. Given limited daylight, cold temperatures, low water, and unfavorable river conditions, the increased exploitation beyond October may be less than 1% and most likely it would be immeasurable.

BACKGROUND: The Kenai River Coho Salmon Management Plan was first adopted in 1996 in response to decline of Kenai River smolt abundance and increased harvest of returning adults. A special Board of Fisheries meeting was convened in 1997 through a petition submitted by the department based on high Kenai River coho salmon harvests beginning in 1993 and 1994, which were thought to be unsustainable and declining Moose River (Kenai River tributary) smolt counts. As a result of that meeting, restrictions affecting all users were put into regulation to conserve Kenai River coho salmon. Additional restrictive regulations were added to the plan from 1997-99. These regulations were an attempt to reduce the total harvest of Kenai River coho salmon by 20% from combined sport and commercial users and originally had a sunset clause of December 2002 and included:

1. The Kenai River coho salmon sport fishing season was established from July 1 – September 30.
2. Guides could not sport fish when guiding clients.

In 2000, a special Board of Fisheries meeting was convened through a petition submitted by the Governor based on low abundance of coho salmon throughout Cook Inlet. As a result of this meeting, more restrictions were put in place to conserve both Kenai River and Northern District coho salmon. The restrictions placed on the Kenai River coho salmon sport fishery from the 2000 board meeting included:

1. The bag and possession limit was reduced from 3 fish to 2 fish Cook Inlet-wide (excepting West Side Cook Inlet and terminal fisheries targeting hatchery fish). Anglers in the Kenai River must stop fishing for all species below the outlet of Skilak Lake for the remainder of the day after retaining a daily bag limit of 2 coho salmon.
2. Closing the Kenai River downstream of Skilak Lake from August 1-3 for coho salmon fishing.
3. Bait was prohibited in the Kenai River from October 1 to June 30.

The net result of the management plan on the Kenai River sport fishery is the overall reduction of coho harvest. Currently the department does not manage the Kenai River

coho salmon sport fishery in season based upon escapement as no escapement goal has been established.

Though the department does not conduct creel surveys on the Kenai River during October, historic State Wide Harvest Survey data combined with creel and commercial fishing harvest data suggests to total exploitation rate on the Kenai River coho salmon is around 40-44%. If the sport fishing season was extended through the month of October, staff estimated from historic data that the total exploitation rate for all of the UCI coho salmon fisheries would be increased by a few percentage points (up to about 42-46%). The factors considered when determining the additional coho salmon exploitation rate through October included historic exploitation data, State Wide Harvest Survey, Kenai River Coho Salmon research project inseason results, dwindling day light hours, deterioration weather conditions, and the fact that the vast majority of anglers/guides have finished fishing for the season.

Information on the stock status of Kenai River coho salmon is detailed a report to the Board of Fisheries, *Upper Cook Inlet Coho Salmon Stock Status Report* (Lafferty and Hasbrouck, *in prep.*).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. All user groups made sacrifices to allow for more conservative management of coho stocks in 1997 and 2000. Preliminary information gathered from ongoing research programs on the Kenai River indicate that coho stocks returning to the Kenai River have averaged nearly 120,000 fish since 1999 with harvests averaging just over 65,000 fish. Overall exploitation rates for Kenai River coho salmon have ranged from 36% to 46% total harvest during the past three years. Research findings from studies conducted in Southeast Alaska with trans-boundary coho salmon stocks has indicated that an overall exploitation rate of 61% is sustainable over the long-term. Late season harvests of Kenai River coho salmon in September have averaged approximately 25% of the total harvest. However, the harvest of coho salmon in October, November and December are generally expected to be considerably lower given the low abundance of returning coho salmon at that time of year and the combination of poor weather, low water and unfavorable river conditions which would tend to limit angler effort.

The department **SUPPORTS** proposal 161. Removing the word “Conservation” from the title of the management plan is appropriate given the most current stock status information available for Kenai River and Cook Inlet coho salmon stocks.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 162. Page 126. - 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

Amend 5 AAC 21.357 as follows:

(a)(1) delete the last sentence [ADDITIONAL FISHING PERIODS SHALL NOT BE PROVIDED AT ANY TIME BASED ON THE ABUNDANCE OF KENAI RIVER COHO SALMON.]

(a)(3) delete: [FROM AUGUST 1 THROUGH AUGUST 7, THE KENAI, KASILOF, AND EAST FORELANDS SECTIONS SET GILLNET FISHERIES ARE RESTRICTED TO THE REGULARLY SCHEDULED FISHING PERIODS AS DESCRIBED IN 5 AAC 21.320, EXCEPT THAT THE COMMISSIONER MAY OPEN, BY EMERGENCY ORDER, ONE ADDITIONAL FISHING PERIOD NOT TO EXCEED 24 HOURS.]

(b) delete: [NOTWITHSTANDING 5 AAC 21.310 AND 5 AAC 21.320, IN THE SET GILLNET FISHERY IN THE UPPER SUBDISTRICT OF THE CENTRAL DISTRICT THE SEASON SHALL CLOSE AFTER AUGUST 7].

(c)(4) the daily bag and possession limit for coho salmon 16 inches or more in lengths is **three** [TWO] fish.

Amend 5 AAC 21.310

(2)(B)(iii) through (v) Replace [AUGUST 7] with **August 15**.

(2)(B)(vi) delete: [FOR SET GILLNETS IN THE KASILOF, KENAI, AND EAST FORELAND SECTIONS, FISHING IS RESTRICTED TO REGULAR PERIODS FROM AUGUST 1 THROUGH AUGUST 7, EXCEPT FOR ONE ADDITIONAL PERIOD NOT TO EXCEED 24 HOURS TO BE OPENED AND CLOSED BY EMERGENCY ORDER].

WHAT ARE THE CURRENT REGULATIONS?

Current regulations are stated above.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, most restrictions passed at the special meetings in 1997 and 2000 would be eliminated; the regulations would return to what they were in 1996, prior to any of these conservation measures being implemented.

BACKGROUND:

In 1997, as a result of a department petition covering Kenai River coho salmon, there were restrictions put in place to reduce coho harvests by 15 percent due to a declining trend in coho abundance and increasing harvests. These restrictions were to close the Upper Subdistrict set gillnet fishery with one regular period after August 10 instead of two. Recreational fishery restrictions included: no fishing while guiding; season closing date on the Kenai River was set at September 30, and no coho fishing on Mondays after July 31. In addition, the Personal Use dip net fishery was closed on August 1, 5 days early. In 2000, as a result of another petition, there were additional restrictions put in place in many areas of Cook Inlet. The Upper Subdistrict set gillnet fishery was closed on August 7 with the limitation that only one 24-hour additional fishing period by

emergency order could occur from August 1-7. In the sport fishery, the first 3 days of August were closed to coho fishing and the bag limit was reduced to two fish daily.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 164. Page 129. - 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

Remove restrictions from out-of-cycle meeting and return regulations to pre-1999 regulations. The following sections of 5 AAC 21.357 would be removed as a result of passage of this proposal.

(a)(1) delete the last sentence [ADDITIONAL FISHING PERIODS SHALL NOT BE PROVIDED AT ANY TIME BASED ON THE ABUNDANCE OF KENAI RIVER COHO SALMON.]

(a)(3) delete: [FROM AUGUST 1 THROUGH AUGUST 7, THE KENAI, KASILOF, AND EAST FORELANDS SECTIONS SET GILLNET FISHERIES ARE RESTRICTED TO THE REGULARLY SCHEDULED FISHING PERIODS AS DESCRIBED IN 5 AAC 21.320, EXCEPT THAT THE COMMISSIONER MAY OPEN, BY EMERGENCY ORDER, ONE ADDITIONAL FISHING PERIOD NOT TO EXCEED 24 HOURS.]

(b) delete: [NOTWITHSTANDING 5 AAC 21.310 AND 5 AAC 21.320, IN THE SET GILLNET FISHERY IN THE UPPER SUBDISTRICT OF THE CENTRAL DISTRICT THE SEASON SHALL CLOSE AFTER AUGUST 7].

(c)(4) the daily bag and possession limit for coho salmon 16 inches or more in lengths is **three** [TWO] fish.

Amend 5 AAC 21.310

(2)(B)(iii) through (v) Replace [AUGUST 7] with **August 15**.

(2)(B)(vi) delete: [FOR SET GILLNETS IN THE KASILOF, KENAI, AND EAST FORELAND SECTIONS, FISHING IS RESTRICTED TO REGULAR PERIODS FROM AUGUST 1 THROUGH AUGUST 7, EXCEPT FOR ONE ADDITIONAL PERIOD NOT TO EXCEED 24 HOURS TO BE OPENED AND CLOSED BY EMERGENCY ORDER].

WHAT ARE THE CURRENT REGULATIONS?

Current regulations are stated above. These regulations were crafted at the 2002 special BOF meeting that was the result of a petition. There were also restrictions to fisheries for Kenai River coho that were the result of a petition in 1997. The 1997 regulatory restrictions would remain.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, most of the restrictions stated above would be eliminated. These restrictions were adopted in 2000; those passed in 1997 would remain. Regulations would therefore return to the season ending date in the Upper Subdistrict set gillnet fishery would be after a single regular period on or after August 10. In addition the sport fishery would close on October 1 and guides would be prohibited from fishing while guiding. An increase in the harvest of Kenai River coho salmon would occur.

BACKGROUND:

In 1997, as a result of a department petition covering Kenai River coho salmon, there were restrictions put in place to reduce coho harvests by 15 percent due to a declining trend in coho abundance and increasing harvests. These restrictions were to close the Upper Subdistrict set gillnet fishery with only one regular period after August 10 instead of two. Restrictions in the recreational fishery included: no fishing while guiding; season closing date on the Kenai River was set at September 30, and no coho fishing on Mondays after July 31. In addition the Personal Use dip net fishery was closed on August 1, 5 days early. In 2000, as a result of another petition, there were additional restrictions put in place in many areas of Cook Inlet. The Upper Subdistrict set gillnet fishery was closed on August 7 with the limitation that only one 24-hour additional fishing period by emergency order could occur from August 1-7. In the sport fishery, the first 3 days of August were closed to coho fishing and the bag limit was reduced to two fish daily.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 166, PAGES 129. 5AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? This proposal would amend the current Kenai River Coho Salmon Conservation Management Plan by extending the sport fishing season for coho salmon in the Kenai River upstream of Jim's Landing through November 15.

WHAT ARE THE CURRENT REGULATIONS: The current regulations which are addressed by these proposals can be found in 5AAC 21.357. Presently, the management

plan provides for sport fishing in the Kenai River from July 1 through September 30. The daily bag and possession limit for coho salmon 16 inches and greater is 2 fish, excepting the Russian River which is restricted to one fish.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, some undetermined increase in effort and harvest of coho salmon by anglers is expected if the Kenai River coho salmon season were extended in the Kenai River upstream of Jim's Landing through November 15. Average harvest of coho salmon in this area of the Kenai River; excluding the Russian River, has been around 8% of the total harvest of coho salmon in the Kenai River since 1981.

BACKGROUND: All user groups made sacrifices to allow for more conservative management of coho stocks in 1997 and 2000. Preliminary information gathered from ongoing research programs on the Kenai River indicate that coho stocks returning to the Kenai River have averaged nearly 120,000 fish since 1999 with harvests averaging just over 65,000 fish. Overall exploitation rates for Kenai River coho salmon have ranged from 36% to 46% total harvest during the past three years. Research findings from studies conducted in Southeast Alaska with trans-boundary coho salmon stocks has indicated that an overall exploitation rate of 61% is sustainable over the long-term. Late season harvests of Kenai River coho salmon in September have averaged approximately 25% of the total harvest. However, the harvest of coho salmon in October, November and December are generally expected to be considerably lower given the low abundance of returning coho salmon at that time of year and the combination of poor weather, low water and unfavorable river conditions which would tend to limit angler effort.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. If this proposal were adopted, that area in the Kenai River upstream of Jim's Landing would be the only location in the entire Kenai River watershed where anglers could harvest coho salmon from October 1 through November 15. This area of the Kenai River supports the largest resident species fishery on the Kenai Peninsula for rainbow trout and Dolly Varden. The development of a targeted coho fishery in this area during the late fall, early winter could have negative impacts upon the resident species in this part of the Kenai River. Exploitation of Russian River bound coho salmon may also be increased with the advent of an extended coho sport fishery in this location. The department continues to support conservative management of Russian River coho stocks and would not support increased harvest of Russian River bound coho salmon.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 167. Page 130. - 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN AND 5 AAC 21.358 NORTHERN DISTRICT SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

Amend the above management plans so that the commercial salmon season closes by emergency order instead of fixed dates.

WHAT ARE THE CURRENT REGULATIONS?

The commercial set gillnet season in the Upper Subdistrict closes on August 7 and the drift gillnet fishery closes on August 9. In the remainder of the inlet, the season closes by E.O. or December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted these two areas would be like the remainder of the inlet and close on December 31 or by E.O. An increase in harvest of Kenai River coho salmon would occur.

BACKGROUND:

In 1978, when the Upper Cook Inlet Salmon Management Plan was adopted, the drift fishery had a season ending date of December 31. After August 15, the area within five miles of the Kenai Peninsula shoreline was closed to drifting. In 1992, that was changed to drift gillnetting only being allowed in the area within one mile of shore on the west-side of Cook Inlet after August 15. In 1999, a season closing date of August 9 was adopted. In the Upper Subdistrict, the season closed on August 15 from 1978 until 1997 when it was changed to one period after August 10. In 2000, that closing date was changed to August 7.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 169. Page 131. - 5 AAC 21.310(2)(B). Fishing seasons; and 5 AAC 21.357. Kenai River Coho Salmon Conservation Management Plan.

WHAT WOULD THE PROPOSAL DO?

Repeal the regulations which close or restrict the commercial fleets from fishing; in August through September; after August 7 and August 9 for the taking of coho.

WHAT ARE THE CURRENT REGULATIONS?

Under current regulations, the commercial set gillnet season in the Upper Subdistrict closes on August 7 and the drift gillnet fishery closes on August 9. In the remainder of the inlet, the season closes by E.O. or December 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, these two areas would be like the remainder of the inlet and close on December 31 or by E.O. Coho salmon returns would be managed based on

the run strength to the inlet as a whole. An increase in the harvest of Kenai River coho salmon would occur.

BACKGROUND:

In 1978, when the Upper Cook Inlet Salmon Management Plan was adopted, the drift fishery had a season ending date of December 31. After August 15, the area within five miles of the Kenai Peninsula shoreline was closed to drifting. In 1992, that was changed to drift gillnetting only being allowed in the area within one mile of shore on the west-side of Cook Inlet after August 15. In 1999, a season closing date of August 9 was adopted. In the Upper Subdistrict, the season closed on August 15 from 1978 until 1997 when it was changed to one period after August 10. In 2000, that closing date was changed to August 7.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 170. Page 132. - 5 AAC 21.357. Kenai River Coho Salmon Conservation Management Plan; 5 AAC 21.358. Northern District Salmon Management Plan; 5 AAC 21.360. Kenai River Late-Run Sockeye Management Plan; and 5 AAC 21.363. Upper Cook Inlet Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO?

Repeal portions of 5 AAC 21.357, 21.358, 21.360, and 21.363

WHAT ARE THE CURRENT REGULATIONS? Under current regulations the ESSN fishery closes on August 7 and is restricted to no more than one additional 24-hour period over the two regularly scheduled weekly fishing periods in August. The drift gillnet fishery closes on August 9 and has three regular period restrictions, one July 9 to 15 and two in the later half of July. The Northern District set gillnets are restricted to two nets instead of three from the August 1-10, and no additional time can be given after August 15. In the sport fishery, the bag limit is two coho everywhere, except on the west-side from the from the West Forelands south to Chinitna Bay and in the Russian River where the limit is one. In addition, in the Kenai River, guides can't fish while guiding clients, the first three days of August are closed to sport fishing for coho and the season closes September 30. The Personal Use dip net fishery in the Kenai River closes on July 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

It depends on what provisions are repealed, however, if all restrictions to all fisheries are repealed, regulations would revert to 1996 and coho returns would be managed based on the run strength to the inlet as a whole. An increase in the harvest of Kenai River coho salmon would occur.

BACKGROUND: Since 1996, many coho restrictions have been put in place in sport, commercial and personal use fisheries. At the regular Board meeting in 1996, a single regular drift period was restricted to the Kenai and Kasilof Sections to lower Northern District bound coho harvests. In 1997, as a result of a department petition covering Kenai River coho salmon, there were restrictions put in place to reduce coho harvests by 15 percent in all fisheries due to what the department perceived as a declining trend in coho abundance and increasing harvests. These restrictions include a reduction to the Upper Subdistrict set gillnet fishery to one regular period after August 10 instead of two. The “minimize” language in the Kenai River Coho Plan was changed from “minimize Kenai Peninsula coho” to “minimize Kenai River Coho”. In the Northern District Plan, the “minimize” language was also changed from “minimize Susitna River coho” to “minimize Northern District coho”. Restrictions in the recreational fishery included no fishing by guides while guiding, the season closing date on the Kenai River was set at September 30 and no coho fishing on Mondays after July 31. In addition, the Personal Use dip net fishery was closed on July 31, 5 days early. In 2000, as a result of another petition, there were additional restrictions put in place in many areas of Cook Inlet. The Upper Subdistrict set gillnet fishery was closed on August 7 with a limit of one 24-hour additional fishing period by emergency order to occur from August 1-7. In the sport fishery, the first 3 days of August were closed to coho fishing and the bag limit was reduced to two fish daily in most of Upper Cook Inlet except on the west-side from the from the West Forelands south to Chinitna Bay.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. The department supports discussion on coho management in Upper Cook Inlet and this proposal could serve as a vehicle to foster that discussion.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 171. Page 132. - 5 AAC 21.357. Kenai River Coho Salmon Conservation Management Plan.

WHAT WOULD THE PROPOSAL DO?

Repeal the Upper Cook Inlet Coho Salmon Management Plan (5 AAC 21.357).

WHAT ARE THE CURRENT REGULATIONS? Under current regulations the ESSN fishery closes on August 7 and is restricted to no more than one additional 24-hour fishing period in August. In the sport fishery, the bag limit is two coho except in the Russian River where the limit is one. In addition, for the Kenai River, guides can’t fish while guiding clients, the first three days of August are closed to sport fishing for coho and the season closes September 30. In addition, the Personal Use dip net fishery in the Kenai River closes on July 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

It depends on what provisions are repealed, however, if all restrictions to all fisheries are repealed, regulations would revert to 1996 and coho returns would be managed based on the run strength to the inlet as a whole. An increase in harvest of Kenai River coho salmon would occur.

BACKGROUND: In 1997, as a result of a department petition covering Kenai River coho salmon, there were restrictions put in place to reduce coho harvests by 15 percent in all fisheries due to what the department perceived as a declining trend in coho abundance and increasing harvests. These restrictions included a reduction to the Upper Subdistrict set gillnet fishery by one regular period after August 10 instead of two. The “minimize” language in the Kenai River Coho Plan was changed from “minimize Kenai Peninsula coho” to “minimize Kenai River coho” harvests. In 2000, as a result of another petition there were additional restrictions put in place. The Upper Subdistrict set gillnet fishery was closed on August 7 with a limit of one 24-hour additional fishing period by emergency order to occur from August 1-7. In the sport fishery, the first 3 days of August were closed to coho fishing and the bag limit was reduced to two fish daily.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. The department supports discussion on coho management in Upper Cook Inlet and this proposal could serve as a vehicle to foster that discussion.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 172. PAGE 133. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow drift gillnet fishermen to fish regular periods within one mile of the western shore of the Central District throughout the month of August and would allow Chinitna Bay to be opened to drift gillnet fishing and to be closed by emergency order.

WHAT ARE THE CURRENT REGULATIONS?

All drift gillnet fishing in the Central District closes August 9th. Currently, set gillnets are allowed in Chinitna Bay during regular periods. Chinitna Bay is open to drift gillnets and seines by Emergency Order only. Since drifting closes August 9, this effectively eliminates the drift fishery. Seining could open by Emergency Order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The drift fishery in August would return to the pre-1996 management scenario of a few boats fishing each regular period through the end of August. There would be increased harvest of west-side coho, pink and chum stocks and some late run sockeye as well.

BACKGROUND:

During the 1980s, drift gillnet fishing was allowed district wide until August 15, after which, drift gillnets could not be fished within five miles of the Kenai Peninsula shoreline. In years when the drift gillnet fleet fished in this area, the average harvest was 20,000 coho, 10,000 chum and 30,000 pink salmon in even years. In 1992, the Board limited drift gillnet fishing after August 15 to within one mile of the western shore of Cook Inlet. In 1999, as part of the Northern District Coho Salmon Management Plan, the Board closed all drift gillnet fishing on August 9th in order to minimize the harvest of Susitna River coho salmon and further limit the commercial harvest of coho bound for freshwater streams and rivers of the Northern District.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

COMMERCIAL SALMON FISHING

Seasons, Weekly fishing periods, Boundaries (39 Proposals)

PROPOSAL 173. PAGE 134. 5 AAC 21.200(b)(2)(B)&(C). FISHING DISTRICTS, SUBDISTRICTS AND SECTIONS.

WHAT WOULD THE PROPOSAL DO?

This proposal would reduce the size of the Kasilof Section by moving the northern boundary south within ½ mile of the northern shore of the mouth of the Kasilof River.

WHAT ARE THE CURRENT REGULATIONS?

The Kasilof Section extends approximately 4 miles further north than what this proposal seeks.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Moving the northern boundary south would reduce the fishing power of the Kasilof Section and likely result in: 1) increased fishing time in the remainder of the section, 2) a reallocation of harvest to nets south of the Kasilof River mouth, and 3) significantly increased escapement in years of northerly entry patterns. It would also increase the size of the Kenai Section and therefore include a large section of beach where the primary stock harvested would not be of Kenai origin.

BACKGROUND:

The current Kasilof Section boundary has been in effect since approximately 1985. Prior to that, the demarcation line was on another site farther north on Kalifonsky Beach that resulted in more conflicts than the current site location. These conflicts were due to having adjacent permit holders managed for different rivers.

DEPARTMENT COMMENTS:

The department is NEUTRAL on the allocative aspects of this proposal, however **OPPOSES** moving the northern boundary of the Kasilof Section to the mouth of the Kasilof River. It would decrease rather than improve the department's ability to manage for published escapement goals for the Kasilof stock. It would essentially open a 4-mile section of beach to set gillnetting when targeting Kenai stocks while the majority of the harvest would be Kasilof bound fish.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 174 - 5 AAC 21.350(b). Closed waters; and 5 AAC 21.368(f). Big River Sockeye Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO?

This proposal would amend the terminus at Big River from the current low water terminus to a high water terminus.

WHAT ARE THE CURRENT REGULATIONS?

With few exceptions, the closed waters of a stream are measured from the terminus which is defined as a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water. For Big River, the one statute mile closure is from mean lower low water.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, the closed waters at the terminus of Big River would be measured from high water and would therefore be much smaller.

BACKGROUND:

This closed waters description has been effect since at least 1924.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal redescribing the closed waters at Big River to a high water terminus. The board may want ABWE personnel to discuss the enforcement implications of the proposed change.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 175. PAGE 135. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the management restrictions of the drift gillnet fishery and allow management of the fishery to occur through emergency order.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations require the department to restrict the drift gillnet fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. In addition, two more regular period restrictions are required to occur on two consecutive regular periods between July 16 and 31 to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

All regulatory restrictions of the drift fishery would be eliminated and the fisheries would be restricted or closed only by emergency order to meet escapement goals. This would return the flexibility of the department's Emergency Order Authority to what it was prior to 1996. The department would manage the drift gillnet fishery to achieve specific escapement goals in UCI. The department would make restrictions it warrants necessary by emergency order to time and area as needed to achieve these goals.

BACKGROUND:

The first restrictions on additional time in the Upper Subdistrict were put in place in 1999. At that time, we had a 24-hour closed period on Fridays often called a "window". In addition, there was a second 24-hour window if the in-river chinook fishery was restricted. In 1996, limits on additional fishing time, to no more than a single extra period per week was put in place in the Kalgin Island Subdistrict in the Packers Creek Sockeye Salmon Management Plan. Also in 1996, restrictions were implemented in the Northern District set gillnet fishery; additional time other than regular periods was prohibited after August 15 and two regular periods were restricted to the Kenai and Kasilof Sections for the drift fishery in the Northern District Salmon Management Plan. A third drift gillnet regular period after July 25 was restricted in 1999 to the Kenai and Kasilof Sections. In 2002, additional fishing time in the Upper Subdistrict set gillnet fishery was limited to either 36, 48 or 60 hours of additional time per week and a mandatory closed period of 24, 36 or 48 hours depending on run strength was implemented. For runs of less than 2 million, the number of additional hours is restricted to no more than 24 hours of additional fishing time per week. For runs between 2 and 4 million, there is a limit on additional time of no more than 36 hours per week and there is a mandatory closed period of 48 hours per week. For runs of over 4 million, there is a

limit on additional time of no more than 60 hours per week and a mandatory closed period of 36 hours per week.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 176 - 5 AAC 21.310. Fishing seasons; and 5 AAC 21.320. Weekly fishing periods.

WHAT WOULD THE PROPOSAL DO?

This proposal would eliminate the season closure dates of August 9 in the drift fishery and August 7 in the Upper Subdistrict set gillnet fishery. It would allow management of the fishery to occur through emergency order to close the season or close on December 31 if no emergency order is written.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations close the drift fishery on August 9 and the Upper Subdistrict set gillnets on August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were passed the drift gillnet fishery and Upper Subdistrict set gillnet fishery would return to a season closure date of December 31 unless closed by emergency order. The department would close by emergency order when circumstances warrant.

BACKGROUND:

In 1978, when the Upper Cook Inlet Salmon Management Plan was adopted, the drift fishery had a season ending date of December 31. After August 15, the area within five miles of the Kenai Peninsula shoreline was closed to drift gillnets. In 1992 that was changed to only allowing drift gillnetting in the area within one mile of shore on the west-side of Cook Inlet after August 15. In 1999, a season closing date of August 9 was adopted. In the Upper Subdistrict set gillnet fishery, the season closed on August 15 beginning in 1978. In 1997, the season closure was changed to one period after August 10; in 2000, that closing date was changed to August 7.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 177 - 5 AAC 21.320(a)(2). Weekly fishing periods.

WHAT WOULD THE PROPOSAL DO?

This proposal would change the regular period schedule to either Mondays and Fridays or Sundays and Thursdays

WHAT ARE THE CURRENT REGULATIONS?

Current regulations are for regular periods on Mondays and Thursdays. Regular periods begin at 7:00 a.m. and close at 7:00 p.m.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The regular weekly fishing schedule would change to either two regular 12-hour periods on Sunday and Thursday or Monday and Friday each week. Changing the regular weekly fishing periods may actually aid in moving more fish to the rivers on the weekend. Since the regular period schedule was changed in 1999 and especially with the mandatory closed periods adopted in 2002, the tendency to fish on the weekend has increased. Since 2002, nearly every Friday and Saturday has been open for some portion of the day in the Upper Subdistrict set gillnet and drift gillnet fisheries throughout July. Sunday and Thursday would eliminate many users especially in the drift gillnet fishery.

BACKGROUND:

Prior to 1996, the regular periods were on Mondays and Fridays. In 1999, the weekly schedule was changed to Mondays and Thursdays to accommodate a 24-hour closed period or window on Fridays to allow additional fish into the Kenai River for the weekend. Because of poor sockeye returns in 2000 and 2001, the Friday windows were never really tested. In 2002, the Friday window was removed and a mandatory weekly closed period of either 36 or 48 hours, depending on run strength was substituted. There are two times, either Tuesday and Wednesday or Friday and Saturday, to implement these closed periods. The additional time required to be closed is also likely to allow large numbers of sockeye into the river. If this occurs, a very aggressive fishing schedule is therefore required to maintain escapements near the escapement goals as established. Because of the new fixed length mandatory closed period, the set gillnet fishery in the Upper Subdistrict is more likely to fish additional time on weekends which serves to inflame tensions with recreational and personal use user groups.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal but supports the discussion of alternatives to the current fishing days coupled with closed periods.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 178. PAGE 137. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the management restrictions of the Northern District set gillnet fishery, the drift gillnet fishery and allow management of the fishery to occur through emergency order. Also, if restrictions are necessary, the department should try and make north/south closures instead of total closures.

WHAT ARE THE CURRENT REGULATIONS?

The department currently restricts the drift gillnet fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. Two more regular period restrictions are required to occur on two consecutive periods between July 16 and 31; to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island. In the Northern District set gillnet fishery, the fishery is restricted to 2 set gillnets instead of three from August 1-10 with no additional periods after August 15.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department would make restrictions it warrants necessary by emergency order. All regulatory restrictions of the drift fishery would be eliminated and the fisheries would be restricted or closed only by emergency order to meet escapement goals. Some drift restrictions would still be implemented. In the Northern District, the set gillnet restriction from August 1-10 would be eliminated and the department would manage additional time as warranted, however, since coho are likely to be the majority of the catch after August 15, there is little chance of additional time.

BACKGROUND:

The department instituted the use of the “three mile corridor” in 1978 in order to allow the harvest of Kenai and Kasilof bound sockeye salmon while reducing the harvest rate on Northern District bound fish. After a period of experimentation, the department determined that in most years, the most effective time to implement such a restriction in the drift gillnet fishery was between the 10th and 15th of July. The department implemented this restriction by emergency order based on the best available information regarding run timing and run strength. In 1999, the restriction was placed into regulation in the Northern District Salmon Management Plan and fixed in time between the dates of July 9th through July 15th. The board first adopted the Northern District Coho Salmon Management Plan in 1996 to minimize harvest of Susitna River coho salmon and further limit the commercial harvest of coho bound for freshwater streams and rivers of the Northern District. Under this plan, the drift gillnet fishery was limited to the Kenai and Kasilof Sections of the Upper Subdistrict on the first regular fishing period after July 25th. A second restricted period in late July was added in 1999 so that the drift gillnet fishery is restricted for one regular fishing period on, or immediately before, July 25th and the first regular fishing period after July 25th. In 2002, this was modified to two consecutive restrictions between July 16 and July 31. Most fish south of Kalgin Island during these late July periods are not likely Northern District fish.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 179, PAGE 137, Fishing seasons; 5 AAC 21.356. Cook Inlet Pink Salmon Management Plan; and 5 AAC 21.357. Kenai River Coho Salmon Conservation Management Plan.

WHAT WOULD THE PROPOSAL DO?

This proposal would close the fishery for set gillnets in the Kasilof, Kenai, and East Forelands sections on August 15th. It also wants additional time on even years but does not state whether that is after August 15 or within that season.

WHAT ARE THE CURRENT REGULATIONS?

The set gillnet fishery in these areas closes on August 7th unless closed earlier by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The fishing season in Kenai, Kasilof and East Forelands Sections would be extended by at least 8 days. In addition, the prohibition on additional time during the first 7 days of August would be removed. The average harvest during the period from August 1st to August 7th for all of these areas is 123,000 sockeye, 1,260 chinook, 15,000 coho, 55,000 pinks, and 1,000 chums. The average harvest during the period from August 7th to August 15th for all of these areas is 31,000 sockeye, 350 chinook, 11,800 coho, 90,000 pinks, and 500 chums.

BACKGROUND:

Set net fisheries in these areas closed on August 15th from 1978 through 1996. In 1997, the date was changed to the period on or after August 10th and in 2000, the date was fixed at August 7th due to a decline in the Kenai coho salmon runs.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 180, Page 138, - 5 AAC 21.320(a)(2) and (b)(1). Weekly fishing periods.

WHAT WOULD THE PROPOSAL DO?

This proposal would separate gear during regular periods.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations are for both drift and set gillnet gear in Upper Cook Inlet that regular periods are on Mondays and Thursdays from 7:00 a.m. to 7:00 p.m.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, set gillnets would have regular periods on Sunday and Wednesday, from 7:00 a.m. to 7:00 p.m., and drift gillnets would have regular periods on Monday and Thursday, from 7:00 a.m. to 7:00 p.m..

BACKGROUND:

Regular periods have always occurred with both gear types fishing concurrently. In 2002, this concept was first introduced to the board and was put into regulation by E.O. for product quality. To date, it has not been used for product quality.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this potentially allocative proposal. Because of the allocative conflicts that may result, the board would need to give specific instructions on how it desires this to be applied, particularly in the case of closures.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 181, Page 140, 5 AAC 21.310. Fishing seasons; and 5 AAC 21.350. Closed waters.

WHAT WOULD THE PROPOSAL DO?

This proposal would close commercial fishing in all of Cook Inlet north of the Kenai River.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations allow commercial fishing north as far as Point McKenzie. This would close approximately 50 miles of Cook Inlet to fishing and displace over 150 permits.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The most productive sites in Cook Inlet just north of the Kenai River would be eliminated and the Northern District would be closed in its entirety. In most years it would make managing for the Kenai River escapement goals very difficult if not impossible. In the

Northern District there would effectively be no management for most of the salmon stocks.

BACKGROUND:

These areas have been open to commercial fishing since the late 1800's in Cook Inlet.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal but is **OPPOSED** to this as a conservation measure because of the problems it will cause in the remainder of Cook Inlet fisheries. Fisheries are typically structured with a mobile gear group and a stationary gear group. Since statehood this has functioned very well. Elimination of the set gillnet fishery would be very problematic in this area.

COST ANALYSIS:

The department believes that approval of this proposal will result in substantial additional direct cost for those permit holders forced to relocate.

PROPOSAL 182. PAGE 140. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal asks the board to establish an optimal escapement goal for Yentna River sockeye salmon that is 150,000 to 180,000 fish.

WHAT ARE THE CURRENT REGULATIONS?

The Northern District Salmon Management Plan directs the department to manage the Northern District commercial salmon fisheries based on the abundance of Yentna River sockeye salmon and the Yentna River escapement goal. The current sustainable escapement goal (SEG), set by the department, is 90,000 to 160,000 sockeye salmon as measured at the Yentna River sonar site. Following a review of available data in 2004, the Upper Cook Inlet escapement goal review committee has recommended no change. There is no optimal escapement goal or in-river return goal at this time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Increasing the Yentna River sockeye salmon escapement by 20,000 to 60,000 fish would mean that approximately 40,000 to 120,000 additional sockeye salmon would enter the Susitna River and an additional 40,000 to 120,000 sockeye salmon would enter other river systems in the Northern District. Commercial fisheries in the Northern and Central Districts of Cook Inlet would be managed in a manner that reduces the harvest of Northern District bound stocks by 80,000 to 240,000 sockeye salmon. The actions necessary to do this would also result in a reduction of harvest for other northern bound stocks such as coho salmon, chum salmon, and pink salmon.

Relatively few of the additional sockeye, pink, and chum salmon entering the Susitna drainage would be harvested in-river since little sport fishing occurs for those species above the Yentna River sonar site, or in the remainder of the Susitna River.

BACKGROUND:

Sockeye salmon bound for the Yentna River move through Upper Cook Inlet during July. They are mixed with salmon of all species bound for Northern District as well as Central District streams. The department has used a number of management measures to reduce the harvest rate on fish bound for the Northern District, such as closures in the Central District drift gillnet fishery and the Northern District set gillnet fishery. It is likely that meeting an OEG of the magnitude requested would require additional closure of 2-3 periods in the Central District drift gillnet fishery in July as well as numerous periods in the Northern District set gillnet fishery in mid to late July to ensure that the fish actually make it to the river. These additional closures would still not guarantee achievement of the increased escapement goal. The sockeye salmon escapement in the Yentna River has exceeded the current range of 90,000 to 160,000 sockeye 1 year, been in the range 1 year, and been under 3 of the last 5 years. Current sport harvests from the Susitna River average 17,000 chinook, 27,000 coho, 4,700 sockeye, 11,500 pink and 4,100 chum.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the proposal due to its allocative nature. Under the Policy For Management Of Sustainable Salmon Fisheries, the board may set an optimal escapement goal as long as it is sustainable. Closure of two to three additional drift periods will eliminate the department's ability to assess run strength using the OTF project and will pass many additional fish to the Kenai and Kasilof Rivers that would likely result in large deviations from the goals in these two rivers.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 183, Page 141, 5 AAC 21.310. Fishing seasons;

WHAT WOULD THE PROPOSAL DO?

This proposal would eliminate the season closure dates of August 9 in the drift fishery and August 7 in the Upper Subdistrict set gillnet fishery. It would allow management of the fishery to occur through emergency order to close the season or close on December 31 if no emergency order is written.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations close the drift fishery on August 9 and the Upper Subdistrict set gillnets on August 7. The remainder of the Inlet has a closing date of December 31 unless closed by emergency order.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

In prior years when this was the case the drift fleet effort began to wane by mid August and generally was over by the middle to the end of September. In the Upper Subdistrict a similar pattern is likely with the sites near Ninilchik quitting first and the end of fishing progressing north as August continues. In most years there would be little effort by late August and nearly all fishing would end by mid September when the processors typically close. The department would close by emergency order when circumstances warranted.

BACKGROUND:

In 1978, when the Upper Cook Inlet Salmon Management Plan was adopted, the drift fishery had a season ending date of December 31. After August 15, the area within five miles of the Kenai Peninsula shoreline was closed to drift gillnets. In 1992, that was changed to only allowing drift gillnetting within one mile of shore on the west-side of Cook Inlet after August 15. In 1999, a season closing date of August 9 was adopted. In the Upper Subdistrict set gillnet fishery, the season closed on August 15 from 1978. In 1997, the season closure was changed to one period after August 10. In 2000, that closing date was changed to August 7 due to a decline in Kenai River coho salmon runs.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 184. PAGE 141. 5 AAC 21.366. NORTHERN DISTRICT KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the Northern District King Salmon Management Plan by adding 6 hours to the fishing period per week.

WHAT ARE THE CURRENT REGULATIONS?

Fishing periods are from 7:00 a.m. to 1:00 p.m. on Mondays during this fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The likely effect of this proposal would be increased chinook harvests.

BACKGROUND:

The Northern District King Salmon Management Plan was first adopted in 1986. Gear is reduced to one 35 fathom net rather than three; minimum distance between nets is extended to 1,200 feet rather than 600 feet; fishing time is reduced to 6 hours per week rather than 24 hours; and no permit holder may set a net seaward of another permit holder. The maximum harvest is 12,500 chinook salmon and the season ends June 24th. In 2002, a limit of 3 periods was put in place and the fishery opened on Mondays after May 25 instead of June 1. During the 1990s, when chinook runs were at lower levels,

likely due to the flood in 1986, the fishery was limited to one or two periods by E.O. Since that time, as stocks have rebounded, the fishery has been open for all scheduled periods. Restrictions to fishing around the Theodore and Chuitna Rivers were implemented in 1997 in response to low escapements in those streams. This area is now open for a single period. Escapement goals have been changed to a range and have been consistently met or exceeded in recent years. Recent harvests have been less than 2000 kings salmon, far below the harvest cap.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 185. PAGE 142. 5 AAC 21.366. NORTHERN DISTRICT KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the Northern District King Salmon Management Plan to remove the three period limit that currently exists.

WHAT ARE THE CURRENT REGULATIONS?

The season currently opens for three periods only on May 25th, except that when May 25 falls within a closed period, the season opens the next following open Monday period. Fishing periods are from 7:00 a.m. to 1:00 p.m. on Mondays.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The fishery will open on the first Monday after May 25 and remain open for Monday periods until June 24.

BACKGROUND:

The Northern District King Salmon Management Plan was first adopted in 1986. Gear is reduced to one 35 fathom net rather than three; minimum distance between nets is extended to 1,200 feet rather than 600 feet; fishing time is reduced to 6 hours per week rather than 24 hours; and no permit holder may set a net seaward of another permit holder. The maximum harvest is 12,500 chinook salmon and the season ends June 24th. In 2002, a limit of 3 periods was put in place and the fishery opened on Mondays after May 25 instead of June 1. During the 1990s, when chinook runs were at lower levels, likely due to the flood in 1986, the fishery was limited to one or two periods by E.O. Since that time, as stocks have rebounded, the fishery has been open for all scheduled periods. Restrictions to fishing around the Theodore and Chuitna Rivers were implemented in 1997 in response to low escapements in those streams. This area is now open for a single period. Escapement goals have been changed to a range and have been

consistently met or exceeded in recent years. Recent harvests have been less than 2000 king salmon, far below the harvest cap.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 186. PAGE 142. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the Northern District Salmon Management Plan to open the General Subdistrict on Wednesday or Saturday following a wind in excess of 20 miles per hour that eliminates fishing for 2/3 of the permits who delivered the previous two periods.

WHAT ARE THE CURRENT REGULATIONS?

There currently is no such provision in regulation. If winds or other reasons exist that people cannot fish an additional period could be given if escapements warranted. Given recent returns to this area it is not that likely that additional time will be given.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Regulations would direct the department to open a 12-hour period if winds in excess of 20 miles per hour eliminate the participation of 2/3 of the participants in the General Subdistrict of the Northern District.

BACKGROUND:

The General Subdistrict of the Northern District has been blown off during numerous fishing periods over the last 10 years. Achieving escapement objectives to the Yentna River is difficult particularly in recent years due to the lag time from the drift gillnet fishery in the Central District to the enumeration site at the Yentna Rive; this additional time may mean additional closures/restrictions in the Northern District or Central District drift fishery if Yentna River sockeye salmon escapements are lagging.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal but is **OPPOSED** to the concept of the proposal as written. Reporting problems inseason may make this proposal very difficult to implement. Under current regulations if escapements warrant extra fishing time we would give that time, if escapement did not warrant the additional time they would not get it.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 187. PAGE 142. 5 AAC 21.366. NORTHERN DISTRICT KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the Northern District King Salmon Management Plan to allow additional fishing time by removing the single period limit that currently exists in the area from the Theodore River to the Susitna River.

WHAT ARE THE CURRENT REGULATIONS?

The season currently opens May 25th until June 24 with a three period limit for most of the area, except the area 1 mile south of the Theodore River to the Susitna River is open for the second period only. The fishing period is from 7:00 a.m. to 1:00 p.m. on the second Monday.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The fishery will open on the first Monday after May 25 and fish during the other Monday periods with the remainder of the Northern District.

BACKGROUND:

The Northern District King Salmon Management Plan was first adopted in 1986. Gear is reduced to one 35 fathom net rather than three; minimum distance between nets is extended to 1,200 feet rather than 600 feet; fishing time is reduced to 6 hours per week rather than 24 hours; and no permit holder may set a net seaward of another permit holder. The maximum harvest is 12,500 chinook salmon and the season ends June 24th. In 2002, a limit of 3 periods was put in place and the fishery opened on Mondays after May 25 instead of June 1. During the 1990s, when chinook runs were at lower levels, likely due to the flood in 1986, the fishery was limited to one or two periods by E.O. Since that time, as stocks have rebounded, the fishery has been open for all scheduled periods. Restrictions to fishing around the Theodore and Chuitna Rivers were implemented in 1997 in response to low escapements in those streams. This area is now open for a single period. Escapement goals have been changed to a range and have been consistently met or exceeded in recent years. Recent harvests have been less than 2000 kings salmon, far below the harvest cap.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 188. PAGE 143. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the management restrictions of the drift gillnet fishery in this plan with the exception of the July 9-15 restriction to the Kenai and Kasilof Sections. It would also allow drift gillnet openings to occur for pinks and chums.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations require the department to restrict the drift fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. In addition, two more regular period restrictions are required to occur on two consecutive periods between July 16 and 31 to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island. In addition, there is no additional fishing time to be given to harvest pink or chum salmon other than what is in this plan or the Pink Salmon Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The restrictions currently in regulation for the regular periods after July 16 would be eliminated. In addition, there would be no restriction on additional fishing time when stocks were abundant. The department would make restrictions or add additional time to harvest abundant stocks as necessary by emergency order.

BACKGROUND:

In 1996, two regular periods were restricted to the Kenai and Kasilof Sections for the drift fishery in the Northern District Salmon Management Plan. The first was from July 9-15 and a second was added immediately after July 25. A third regular drift gillnet period on or before July 25 was restricted in 1999 to the Kenai and Kasilof Sections. In 2002, this was changed to two consecutive periods from July 16 to July 31 are restricted to the Kenai and Kasilof Sections or under certain conditions to a portion of the Central District below Kalgin Island.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 189. PAGE 144. 5 AAC 21.320. (b)(1) Weekly fishing periods.

WHAT WOULD THE PROPOSAL DO?

This proposal would add a third 12-hour regular period per week to the drift fishery.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations establish 2 regular periods per week on Mondays and Thursdays, 7:00 a.m. to 7:00 p.m., from June 25 to August 9. In addition, three of these periods are restricted in some form by management plans.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The drift fleet would have three 12-hour fishing periods per week unless it became necessary for conservation purposes to close one or more of them. It is likely that the drift fleet would increase their harvest and set gillnets may lose some portion of their harvest.

BACKGROUND:

The regular period schedule has been two 12-hour periods per week since 1970. At that time, the periods after July 15 were 16 hours per day. From 1970 to 1999, regular periods were on Mondays and Fridays and from 2000 to present they have been on Mondays and Thursdays. Two periods per week has traditionally been the regular period schedule that needed the fewest emergency order adjustments during the season.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 190. PAGE 146. 5 AAC 21.310. Fishing seasons; 5 AAC 21.320. Weekly fishing periods; 5 AAC 21.358. Northern District Management Plan; 5 AAC 21.378. Prohibition on the use of aircraft; and 5 AAC 21.331. Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO?

This proposal would change the season closing date from August 9 to September 1, add a third 12-hour regular period per week to the drift fishery and stagger set gillnet periods on the other two days. It would, in an alternative scenario, allow permit stacking, allow additional drift and set net time as warranted, remove mandatory drift restrictions, allow spotter planes, allow single filament gillnet web and increase the length of a drift gillnet to 200 fathoms.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations establish a season closing date of August 9, two regular periods per week on Mondays and Thursdays for both set and drift gillnet, 150 fathoms of drift gillnet web, three of these regular drift periods are restricted in some form and spotter planes are banned. A statewide regulation establishes gillnet web in Cook Inlet must contain 30 filaments of equal diameter or it must contain at least 6 filaments measuring at least .20 millimeters in diameter.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The regulations stated above would be adopted and the drift fleet would likely be more effective during most seasons. In all likelihood, restrictions by E.O. would be necessary in some years to get Northern District bound sockeye stocks through the Central District fishery.

BACKGROUND:

The drift gillnet season was open until December 31 until 1996; however, beginning in 1978 after August 15, the area within 5 miles of the Kenai Peninsula was closed to drifting. In 1992, the drift fleet was open only on the west-side within one mile of shore after August 15. In 1999, the season closing date of August 9 was adopted. The regular period schedule has been two 12-hour periods per week since 1970. At that time the periods after July 15 were 16 hours per day. From 1970 to 1999, regular periods were on Mondays and Fridays and since then they have been on Mondays and Thursdays. Spotter planes were banned in 1996. The legal length of drift gillnets has been 150 fathoms since before statehood.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 191. PAGE 148. 5 AAC 21.XXX COOK INLET SALMON MANAGEMENT PLANS

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the management restrictions of the drift and set gillnet fisheries and allow management of the fishery to occur through emergency order.

WHAT ARE THE CURRENT REGULATIONS?

The restrictions within the Kenai River Late Run Sockeye Salmon Management Plan include in section (c): hourly restrictions on additional periods within the Upper Subdistrict set gillnet fishery of 24, 36 or 60 hours and mandatory closed periods per week of 24, 36 or 48 hours. In sections (e) and (f), there are restrictions on drift fishing time outside of the Kenai and Kasilof Sections as well as restricted time and areas for a pink salmon fishery. There are further restrictions within the Kasilof River salmon Management Plan that require a weekly 48 hour closed period prior to July 8 for set gillnets and only allow 48 hours of additional fishing time per week over the regularly scheduled weekly fishing periods. In the Northern District Salmon Management Plan, regulations require the department to restrict the drift fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. Two more regular period restrictions are required to occur on two consecutive periods between July 16 and 31 to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island. From August 1 to August 10, the Northern District set gillnet fishery is restricted to two nets instead of three. There are prohibitions on additional time for drift gillnetting to conserve chum and coho salmon. In the Kenai River Coho Salmon Management Plan,

there are restrictions on additional fishing time of no more than a single 24 hours of additional time between August 1 and the season closing date of August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

All regulatory restrictions on the commercial fishery would be eliminated and the fisheries would be restricted or closed only by emergency order to meet escapement goals. The department would make restrictions to regular periods as necessary by emergency order and allow additional fishing time to harvest abundant stocks as necessary.

BACKGROUND:

In 1996, limits on additional fishing time were put in place in the Kalgin Island Subdistrict in the Packers Creek Sockeye Salmon Management Plan. Also in 1996, restrictions were implemented in the Northern District set gillnet fishery, additional drift gillnet fishing time was limited and two regular periods were restricted for the drift fishery in the Northern District Salmon Management Plan. A third regular drift period was restricted in 1999. The first restrictions on additional time in the Upper Subdistrict were put in place in 1999. At that time, we had a 24-hour closed period on Fridays. There was a second 24-hour closure if the in-river chinook fishery was restricted. In 2002, additional fishing time in the Upper Subdistrict set gillnet fishery was limited to either 24, 48 or 60 hours per week and a mandatory closed period of 24, 36 or 48 hours was also implemented. In years of below average returns or returns that are weaker than forecast, these restrictions lead to a more aggressive fishing pattern and may contribute to not meeting the lower bounds of the escapement goal without long term commercial and sport closures.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. The department **SUPPORTS** discussions on the difficulties of achieving inriver escapement targets for Yentna, Kasilof, and Kenai River sockeye salmon in years of high Kasilof and/or Kenai sockeye abundance.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 192. PAGE 149. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to establish an optimal escapement goal for Yentna River sockeye salmon that is 60,000 to 100,000 fish.

WHAT ARE THE CURRENT REGULATIONS?

The Northern District Salmon Management Plan directs the department to manage Northern District salmon stocks based on the abundance of Yentna River sockeye salmon and the escapement goal for the Yentna River. The current sustainable escapement goal (SEG), set by the department, is 90,000 to 160,000 sockeye salmon as measured at the Yentna River sonar site. Following a review of available data in 2004, the Upper Cook Inlet escapement goal review committee has recommended no change. There is no optimal escapement goal or in-river return goal at this time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Decreasing the Yentna River sockeye salmon escapement by 30,000 to 60,000 fish would mean that potentially 60,000 to 120,000 fewer sockeye salmon would enter the Susitna River and an additional 60,000 to 120,000 fewer sockeye salmon would enter other river systems in the remainder of the Northern District. Commercial fisheries in the Northern and Central Districts of Cook Inlet would still be managed with the restrictions contained in the 5 AAC 21.358. Northern District Salmon Management Plan, however the additional 60,000 to 120,000 sockeye would be available for potential harvest. It would not likely change fishing patterns much at lower run strengths, other than potentially reducing the need for some restrictions to these fisheries. It may allow additional fishing time in the Northern District set gillnet fishery sooner in above average returns.

BACKGROUND:

Sockeye salmon bound for the Yentna River move through Upper Cook Inlet during July. They are mixed with salmon of all species bound for the Northern District as well as Central District streams. The department has used a number of management measures to reduce harvest rates on these fish, such as closures in the Central District drift gillnet fishery and the Northern District set gillnet fishery. Lowering this goal by establishing an OEG of 60-100,000 would negate the need for many of these restrictions. The sockeye salmon escapement in the Yentna River has exceeded the current range of 90,000 to 160,000 sockeye 1 year, been in the range 1 year, and been under 3 of the last 5 years.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. Under the Policy For Management Of Sustainable Salmon Fisheries, the board may set an optimal escapement goal different from the SEG set by the department.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 193. PAGE 149. 5 AAC 21.368. Big River Sockeye Salmon Management Plan.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to allow drift gillnetting in the Big River fishery with an opening date of May 1, allowing two nets instead of one and raising the chinook salmon harvest

cap to 1,500. It also proposes a maximum exploitation rate on the sockeye salmon stocks taken during this fishery.

WHAT ARE THE CURRENT REGULATIONS?

This fishery is currently open to set gillnets only. Each permit holder is allowed a single gillnet on Mondays, Wednesdays and Fridays from June 1 to June 24. The current harvest cap for chinook is 1,000.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Harvests of chinook and sockeye would likely increase. It is hard to predict how many drift gillnet permit holders would participate in this small scale fishery.

BACKGROUND:

The Big River king fishery was started in 1989. Since area registration began in 1992, effort has been fairly small in the 6 –15 permit range. Harvests have averaged 450 chinook and 5,300 sockeye each year.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. The department lacks necessary information to manage for an exploitation rate.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 194. PAGE 150 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

This proposal would make the restrictions for regular drift periods optional at the departments discretion. It would also delete the restrictions in section (f) and (i), which are the chum salmon restrictions, and changes both the date and the area of the drift gillnet restrictions for the two periods in the later half of July. It also changes the season closing date to August 15 and deletes the stated priority of achieving the lower end of the Yentna River sockeye salmon escapement goal over not exceeding the upper end of the Kenai River escapement goal.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations require the department to restrict the drift fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. Two more regular period restrictions are required to occur on two consecutive periods between July 16 and 31 to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island. There is a stated priority of achieving the lower end of the Yentna River sockeye salmon escapement goal over not exceeding the upper end of the Kenai River escapement goal.

There is no additional fishing time to be given to harvest pink or chum salmon other than what is in this plan or the Pink Salmon Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, the restrictions currently in regulation for regular periods would be optional. If adopted, the July 9-15 restriction would change from the Kenai and Kasilof Sections to the area south of the south tip of Kalgin Island. For the two remaining restrictions, the time frame would change to July 25 to August 15 and the areas would be south of the Blanchard Line or roughly the north tip of Kalgin Island. In addition, the department could allow additional fishing time in the Central District to harvest abundant stocks. The department would make restrictions or add additional time to harvest abundant stocks as necessary by emergency order.

BACKGROUND:

In 1996, two regular periods were restricted to the Kenai and Kasilof Sections for the drift fishery in the Northern District Salmon Management Plan. At the same time, additional time outside of the Kenai and Kasilof Sections was restricted to conserve chum salmon. The first was from July 9-15 and a second was added immediately after July 25. A third drift gillnet regular period on or before July 25 was restricted in 1999 to the Kenai and Kasilof Sections. In 2002, this was changed to two consecutive periods between July 16 and July 31 restricted to the Kenai and Kasilof Sections or under certain conditions to a portion of the Central District below Kalgin Island.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 195. Page 152. – 5. AAC 21.310(2)(B) FISHING SEASONS

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the season closing date of August 9 and allow the fishery to close on December 31 or by Emergency Order.

WHAT ARE THE CURRENT REGULATIONS?

Under current regulations, the commercial drift fleet closes on August 9. In the remainder of the inlet, the season closes by E.O. or December 31, except set gillnets in the Upper Subdistrict close on August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were passed, the drift gillnet fishery would return to a season closure date of December 31 unless closed by emergency order. The department would close by

emergency order when circumstances warrant. An increase in coho salmon harvest is likely to occur.

BACKGROUND:

In 1978, when the Upper Cook Inlet Salmon Management Plan was adopted, the drift fishery had a season ending date of December 31. After August 15, the area within five miles of the Kenai Peninsula shoreline was closed to drift gillnets. In 1992, that was changed to only allowing drift gillnetting within one mile of shore on the west-side of Cook Inlet after August 15. In 1999, a season closing date of August 9 was adopted.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 196. PAGE 153. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks an optimal escapement goal for Yentna River sockeye salmon that is 60,000 to 160,000 fish, or to close sportfishing for sockeye salmon on the Susitna River for all years.

WHAT ARE THE CURRENT REGULATIONS?

The Northern District Salmon Management Plan directs the department to manage Northern District salmon stocks based on the abundance of Yentna River sockeye salmon and the escapement goal for the Yentna River. The current sustainable escapement goal (SEG), set by the department, is 90,000 to 160,000 sockeye salmon as measured at the Yentna River sonar site. There is no optimal escapement goal or in-river return goal at this time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Decreasing the Yentna River sockeye salmon escapement goal range by 30,000 fish would mean that potentially 60,000 fewer sockeye salmon would enter the Susitna River and an additional 60,000 fewer sockeye salmon would enter other river systems in the remainder of the Northern District in some years. Commercial fisheries in the Northern and Central Districts of Cook Inlet would be managed in a manner to meet this new goal. With current run strengths, it would not likely change fishing patterns to an appreciable degree; however, it would reduce the need for restrictions to these fisheries at low run strengths. The second option sought by the proposal, if the first option isn't taken, is to close sportfishing for sockeye salmon on the Susitna River.

BACKGROUND:

Sockeye salmon bound for the Yentna River move through Upper Cook Inlet during July. They are mixed with salmon of all species bound for Northern District as well as Central District streams. The department has used a number of management measures to reduce the harvest rate on these fish, such as closures in the Central District drift gillnet fishery and the Northern District set gillnet fishery. Lowering this goal by establishing an OEG of 60,000-160,000 would negate the need for some of these restrictions. Following a review of available data in 2004, the Upper Cook Inlet escapement goal review committee has recommended no change

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. Under the Policy For Management Of Sustainable Salmon Fisheries, the Board may set an optimal escapement goal different from the SEG set by the department.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 197. Page 154. – 5. AAC 21.310(2)(B) FISHING SEASONS

WHAT WOULD THE PROPOSAL DO?

This proposal would modify the season closing date for the drift gillnet fishery of August 9 to allow the fishery in Chinitna Bay to close on September 15.

WHAT ARE THE CURRENT REGULATIONS?

The commercial drift gillnet fishery in the Central District (which includes Chinitna Bay Subdistrict) closes on August 9. In the remainder of the inlet, the season closes by E.O. or December 31, except set gillnets in the Upper Subdistrict close on August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, the drift fishery would close August 9; except in Chinitna Bay, where it would close September 15. In many years, there would be a small scale chum fishery when escapements allowed and harvests would include coho salmon from local stocks.

BACKGROUND:

Prior to the timeframe this proposal addresses, the drift fishery had a season ending date of December 31 and the Chinitna Bay drift gillnet fishery occurred in years when the chum salmon escapements to the bay were achieved.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 198. PAGE 154 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the management restrictions of the drift gillnet fishery from July 9-15.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations require the department to restrict the drift fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. Regular drift periods are from 7:00 a.m. to 7:00 p.m. on Mondays and Thursdays from June 25 through August 9.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, the regular period from July 9-15 would likely still be restricted in some fashion. This restriction is needed to aid in passing Yentna River sockeye salmon through the Central District fisheries. In recent years, with reduced processing capacity, this restriction has led to a large drift harvest on the period following the restriction, which has led to quality problems for the processing industry. The department would experiment over the next few years seeking a better alternative to achieve the same reduction to the Yentna sockeye exploitation without the negative impacts to the processing industry.

BACKGROUND:

Restrictions of the drift fishery from July 9-15 would be eliminated and the fisheries would be restricted or closed only by emergency order to meet escapement goals. Drift gillnet restrictions would still be implemented by Emergency Order.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 199. PAGE 156. 5 AAC 21.366. NORTHERN DISTRICT KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the Northern District King Salmon Management Plan to allow drift gillnets to participate.

WHAT ARE THE CURRENT REGULATIONS?

The season currently opens May 25th, except the area 1 mile south of the Theodore River to the Susitna River, which is open for the second period only. Set gillnets are the only legal gear and the fishery has a cap of 12,500 chinook. Fishing periods are on Mondays only from 7:00 a.m. to 1:00 p.m. Only a single set gillnet is allowed.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The fishery would open to drift gillnets also. It is likely that some increase in chinook harvest would occur, however it is unknown how much participation there would be.

BACKGROUND:

Commercial fishing with set gillnets for king salmon in the Northern District opened June 1st from 1986 until 2002 when the board changed it to the first Monday after May 25. The fishery closes June 24th. Fishing occurs only on Mondays from 7:00 am to 1:00 p.m. In the past, when the fishery opened on June 1, there were years when four open periods occurred. In 2002, when the board changed the season starting date, they also put a three period limit on the fishery with the exception of the area from 1 mile south of the Theodore River to the Susitna River, which is open for the second period only. This area has been open for a single period only beginning in 1996, due to king salmon returning at lower levels resulting from the 1986 flood. Since the restriction was implemented, the king returns have improved. Drift gillnets have not been allowed in the Northern District in recent history.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 200. Page 156. – 5. AAC 21.310(2)(B) FISHING SEASONS

WHAT WOULD THE PROPOSAL DO?

This proposal would modify the season opening date of June 25 to the Monday in the third week of June. Although not specifically stated, the opening date would presumably apply to both set and drift gillnet fisheries.

WHAT ARE THE CURRENT REGULATIONS?

UCI opens to both drift and set gillnets in most areas for regular Monday and Thursday periods from 7:00 a.m. to 7:00 p.m. beginning June 25.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, the drift fishery would open earlier with a nominal increase in harvest. Depending on how the third week of June is interpreted, the season opening could be as early as June 13 or as late as June 20.

BACKGROUND:

The drift fishery and most of the set gillnet areas' opening date has been June 25 since 1973. Prior to that it opened as early as May 23 in 1960.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. The department would prefer to set a specific opening date to eliminate any confusion.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 201. Page 157. – 5. AAC 21.310(2)(B) FISHING SEASONS

WHAT WOULD THE PROPOSAL DO?

This proposal would modify the season opening date for Kenai and East Forelands Sections set gillnets to July 4 from July 8.

WHAT ARE THE CURRENT REGULATIONS?

Under current regulations the commercial set gillnet fishery in the Kenai and East Forelands Sections opens for regular Monday and Thursday periods on July 8.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted, the fishery would open 1-2 periods earlier, with a corresponding increase in sockeye and incidental king salmon harvest.

BACKGROUND:

From 1978 to 1996, this area opened on July 1. In 1996, the season was delayed until July 8.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 202. Page 157. – 5. AAC 21.310(2)(B) FISHING SEASONS

WHAT WOULD THE PROPOSAL DO?

This proposal would modify the season opening date for the Kenai and East Forelands Section set gillnets to July 5 from July 8.

WHAT ARE THE CURRENT REGULATIONS?

Under current regulations the commercial set gillnet fishery in the Kenai and East Forelands Sections opens for regular Monday and Thursday periods on July 8.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted the fishery would open 1 period earlier with a nominal increase in sockeye and incidental king salmon harvest.

BACKGROUND:

From 1978 to 1996, this area opened on July 1. In 1997, the season was delayed until July 8.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 203. PAGE 158. 5 AAC 21.320. WEEKLY FISHING PERIODS.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the weekly fishing schedule to postpone regular periods in the event that winds of 20 miles per hour or more are forecast.

WHAT ARE THE CURRENT REGULATIONS?

There is no such provision in regulation. Because of limits on available fishing time in the drift fishery in the Central District and for set gillnets in the Upper Subdistrict, permit holders often feel compelled to fish if the period is open since it can not be compensated for later with additional time.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Regulations would direct the department to open a 12-hour period if these criteria were met. Since the deferral could be by statistical areas the department would be checking weather on a continual basis. Additionally, since the fish often move with the winds, escapements would likely be pronounced with large peaks during some of these periods. This would tend to exacerbate the problems we are currently having managing the Upper Subdistrict.

BACKGROUND:

In prior years when the wind blew, it was common to give additional fishing time to compensate for the lack of harvest on the fishing period that was blown out. Since the restrictions on additional fishing time are now in place in the Upper Subdistrict, this practice is not likely to occur. We do tend to try and allow for additional time at the end of a period if there are significant weather, tide and fish considerations.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal. The Cook Inlet area is very large and winds are not consistent throughout the area. There are no dependable weather stations for reporting by statistical areas. Also forecasts are often wrong.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 204. PAGE 158. 5 AAC 21.320. WEEKLY FISHING PERIODS.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to allow 8-hour periods on regular fishing days in the eastside set gillnet fishery from August 7 to August 15.

WHAT ARE THE CURRENT REGULATIONS?

The entire east-side set net fishery closes on August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Two to three additional 8 hour periods in the eastside set gillnet fishery would occur over what is currently allowed. Additional harvest of sockeye, coho, chinook and pink salmon would occur.

BACKGROUND:

From 1978 to 1997, the season closing date in the Upper Subdistrict was August 15. In 1997, as a result of a petition to conserve Kenai River coho salmon, the season closing date was changed to a single period after August 10. In 2000, that was changed to a fixed closing date of August 7.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 205. PAGE 158. 5 AAC 21.200(b)(2). Fishing districts, subdistricts, and sections.

WHAT WOULD THE PROPOSAL DO?

This proposal would redraw the offshore boundary of the Kenai and Kasilof Sections. The new line would be a straight line drawn from Colliers Dock to the Clam Gulch tower.

WHAT ARE THE CURRENT REGULATIONS?

The offshore boundary is a set of way points established by GPS. Prior to 1996, the Kenai and Kasilof Sections were not in regulation, but the drift fleet was often confined in an area known as the “corridor”. The corridor was basically a three-mile radar line from the mean high tide mark on the Kenai Peninsula. Fishing was open from this line to shore. Because of problems with enforcement, this line was changed to a series of GPS points in 1996.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The offshore boundary would be expanded in several locations out to the east rip rendering it less effective for the purpose of conserving Northern District bound stocks in many years. In the east rip, mixed stocks of fish would be harvested. The purpose of this restricted area is to concentrate the drift effort on specific stocks, generally Kenai, and reduce the harvest of northern bound stocks.

BACKGROUND:

Over the years since 1978, a variety of lines have been used to restrict the drift gillnet fishing area to conserve primarily northern bound stocks from excessive harvest. For several years, this proposed line was in use, then a radar line of varying distance from shore was used and since 1996, the current line using GPS waypoints has been employed.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal; staff would invite comment from ABWE representatives regarding enforceability of proposed boundary.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 206, 207, 208, 209 & 210. PAGE 160-162. 5 AAC 21.350(b)(6). Closed Waters.

WHAT WOULD THE PROPOSAL DO?

These proposals would return the language for closed waters to what it was prior to 1999. In effect the closed waters would be from the stream terminus measured at mean lower low water and extend one statute mile from that terminus.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations are for markers set at one statute mile from the terminus of Packers Creek with an exclusion to allow 6 set gillnet sites that would otherwise be in closed waters.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The area in dispute which contains six set gillnet sites would be closed to commercial fishing.

BACKGROUND:

Under state regulations a stream terminus is defined as a line drawn between the exposed tideland banks of any salmon stream at mean lower low water. Following that regulation, the current north marker is located approximately 2/3 of a mile from the stream terminus instead of 1 mile. It is unlikely that this marker was actually moved however. In 1951 there was a legal dispute over a trap location at this site. In 1951, the federal regulations stated the marker was measured from the terminus at high tide. There are two issues with this trap location. First the trap markers were different than set gillnet markers so it is unlikely that these were in identical locations. Second if you measured along the beach at high tide, the current marker location would be approximately 1 mile from the stream. In 1998 or 1999, the department along with an enforcement agent went to this location and moved the marker to the location this proposal seeks. In 1999, the BOF was apprised of all the issues with this marker location and decided to allow these 6 set gillnet locations to be fished. Since then, there has been a state shore fisheries lease granted for these locations. Current escapements into Packers Creek are likely in excess of escapement goal requirements.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal, but is **OPPOSED** to the overall loss of fishing opportunity without some benefit to either the system or users.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 211. Page 162. – 5. AAC 21.310(2)(B) FISHING SEASONS

WHAT WOULD THE PROPOSAL DO?

This proposal would modify the drift gillnet season to open on June 15 and close on August 20.

WHAT ARE THE CURRENT REGULATIONS?

The commercial drift gillnet season opens on June 25 and closes on August 9.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If this proposal were adopted the drift gillnet fishery would open on June 15 and close on August 20. Early in the season there would be a small number of boats participating harvesting early run sockeye stocks. Late in the season a small number of boats would continue to fish for late run sockeye, pinks, chum and coho stocks.

BACKGROUND:

In 1978 when the Upper Cook Inlet Salmon Management Plan was adopted the drift fishery had a season opening date of June 25 and ending date of December 31. After August 15 the area within five miles of the Kenai Peninsula shoreline was closed to drifting. In 1992 that was changed to after August 15 the only open area was within one mile of shore on the west-side of Cook Inlet. In 1999 a season closing date of August 9 was adopted.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Gear, Registration, and Reporting (15 Proposals)

PROPOSAL 212. PAGE 163 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO?

This proposal would rescind the management restrictions of the set gillnet fishery from August 1-10.

WHAT ARE THE CURRENT REGULATIONS?

Regulations passed as a result of a petition in 2000 require the department to restrict the Northern District set gillnet fishery to two set gillnets instead of three from August 1-10 to conserve coho salmon bound for Northern District streams.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The fishery would be allowed to return to the normal compliment of 3 nets totaling 105 fathoms in aggregate length from August 1-10. The remainder of the season from June 25 to December 31 outside of this time period gear regulation would remain as is currently at three set gillnets. There would be a small increase in coho harvests.

BACKGROUND:

In 2000, just after the regular Cook Inlet meeting, a petition to address poor coho returns was accepted by the BOF. As a result of that meeting, many restrictions were put in place that are no longer needed to conserve coho salmon.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on the allocative aspects of this proposal. The department supports a discussion on coho management in Upper Cook Inlet and this proposal could serve as a vehicle to foster this discussion. In 2000 when the petition to restrict all fisheries was debated, data showed a decline in coho numbers and what appeared to be

increasing adult harvests. Since that time the concern expressed in 1997 and 2000 has been abated with excellent returns and escapements the last 4-5 years.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 213. PAGE 164. 5 AAC 21.331. Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO?

Allow single filament gillnet web for a drift gillnet until December of 2007. This proposal should address 5 AAC 39. 250 instead of 5 AAC 21.331.

WHAT ARE THE CURRENT REGULATIONS?

Gillnet web in Alaska must contain 30 filaments of equal diameter or it must contain at least 6 filaments measuring at least .20 millimeters in diameter.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Single strand or mono-filament nets would be allowed on a trial basis until the next BOF cycle.

BACKGROUND:

In the process of preparing these comments, the department contacted Seattle Marine and Fishing Supply Company and Jovanovich Supply, two commercial fishing net suppliers with a long history of selling gillnets in Alaska and the Pacific Northwest. They supplied some of the background information contained in this section of the staff comments.

Monofilament gillnets are used to harvest salmon in Puget Sound, the Columbia River, and California. Neither Alaska nor British Columbia allows them to be used to harvest salmon. Monofilament web is used in the Alaska herring gillnet fisheries.

There appear to be four questions bearing on the consideration of this proposal. The first is cost; the reason given by the author for submitting the proposal. Prices vary for Alaska gillnet web, but monofilament appears to be at least 30% cheaper than currently legal Alaska multifilament web.

The second issue is relative fish catching effectiveness. We have submitted to the board a study that sought to evaluate the effectiveness of four types of gillnets, including monofilament, in catching salmon. This study was conducted by the department in Southeast Alaska during 1987.

This study is certainly not conclusive, but it did show a general increase in catch efficiency for pink salmon associated with a decrease in the number of filaments. It also showed that six strand and monofilament web increased the harvest of chum and coho

salmon taken in clear water, but not in turbid water. Finally, no significant differences were found for sockeye salmon.

The opinions of the representatives of Seattle Marine and Jovanovich Supply were that the difference in efficiency between monofilament and the current Alaska legal multifilament were relatively insignificant.

The third issue regards dropouts. These are salmon that escape, either alive or dead, from gillnets after having been entangled. It was the personal view of both representatives of the two gear suppliers that monofilament gear can be expected to have a higher drop out rate, especially in rough weather, than multifilament gear. We were unable to find any studies comparing the drop out rate for monofilament gillnet web compared to the current multifilament web.

A fourth issue is the relative biodegradability of the different types of nets. This concern is associated with abandoned or lost nets and their continued ability to kill fish. According to the representatives with whom we spoke, monofilament nets and the current multifilament nets in use in Alaska are manufactured with the same material. They would not expect to see any significant differences in rate of decay between the current legal nets in Alaska and monofilament nets.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this proposal. If this proposal was to pass and the department acquired evidence that monofilament gear had increased harvesting efficiency of gillnets in specific fisheries, the department would adjust time or area in those fisheries, as necessary, to maintain escapements or stay within allocations set by the board.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 214. PAGE 164. 5 AAC 21.331. Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow up to 1/3 of a drift gillnet to be single filament gillnet web in Cook Inlet. This proposal should address 5 AAC 39. 250 instead of 5 AAC 21.331.

WHAT ARE THE CURRENT REGULATIONS?

Gillnet web in Alaska must contain 30 filaments of equal diameter or it must contain at least 6 filaments measuring at least .20 millimeters in diameter.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Up to 50 fathoms of a 150-fathom net could be composed of single strand or monofilament web.

BACKGROUND:

In the process of preparing these comments, the department contacted Seattle Marine and Fishing Supply Company and Jovanovich Supply, two commercial fishing net suppliers with a long history of selling gillnets in Alaska and the Pacific Northwest. They supplied some of the background information contained in this section of the staff comments.

Monofilament gillnets are used to harvest salmon in Puget Sound, the Columbia River, and California. Neither Alaska nor British Columbia allows them to be used to harvest salmon. Monofilament web is used in the Alaska herring gillnet fisheries.

There appear to be four questions bearing on the consideration of this proposal. The first is cost; the reason given by the author for submitting the proposal. Prices vary for Alaska gillnet web, but monofilament appears to be at least 30% cheaper than currently legal Alaska multifilament web.

The second issue is relative fish catching effectiveness. We have submitted to the board a study that sought to evaluate the effectiveness of four types of gillnets, including monofilament, in catching salmon. This study was conducted by the department in Southeast Alaska during 1987.

This study is certainly not conclusive, but it did show a general increase in catch efficiency for pink salmon associated with a decrease in the number of filaments. It also showed that six strand and monofilament web increased the harvest of chum and coho salmon taken in clear water, but not in turbid water. Finally, no significant differences were found for sockeye salmon.

The opinions of the representatives of Seattle Marine and Jovanovich Supply were that the difference in efficiency between monofilament and the current Alaska legal multifilament were relatively insignificant.

The third issue regards dropouts. These are salmon that escape, either alive or dead, from gillnets after having been entangled. It was the personal view of both representatives of the two gear suppliers that monofilament gear can be expected to have a higher drop out rate, especially in rough weather, than multifilament gear. We were unable to find any studies comparing the rate of drop out of monofilament gillnet web compared to the current Alaska legal multifilament web.

A fourth issue is the relative biodegradability of the different types of nets. This concern is associated with abandoned or lost nets and their continued ability to kill fish. According to the representatives with whom we spoke, monofilament nets and the current multifilament nets in use in Alaska are manufactured with the same material. They would not expect to see any significant differences in rate of decay between the current legal nets in Alaska and monofilament nets.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this proposal. If this proposal was to pass and the department acquired evidence that monofilament gear had increased harvesting efficiency of gillnets in specific fisheries, the department would adjust time or area in those fisheries, as necessary, to maintain escapements or stay within allocations set by the board.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 215. PAGE 165. 5 AAC 21.330. Gear.

WHAT WOULD THE PROPOSAL DO?

This proposal would change legal gear in Cook Inlet to include troll gear.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations allow the use of seines and set and drift gillnets.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

People could fish using troll gear for salmon and other bycatch.

BACKGROUND:

Since statehood, legal gear for salmon has been seine, and gillnet only.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal, but would point out that the salmon resources in Upper Cook Inlet should be considered fully utilized. Authorization of a new troll fishery in this area may also require approval by the Pacific Salmon Commission, if Chinook salmon from rivers in British Columbia or the Pacific Northwest were susceptible to harvest in the Upper Cook Inlet area.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 216. PAGE 166. 5 AAC 21.330. Gear.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow set gillnet gear to be substituted with a fyke net. A fyke net is defined in regulation, 5AAC 39.105 as a fixed, funneling (Fyke) device used to entrap fish.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations allow the use of seines and set and drift gillnets. Set gillnets are up to 35 fathoms long with up to 105 fathoms in the aggregate per permit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

People could fish using a fyke net for salmon. There is no data to predict the success of this venture.

BACKGROUND:

Since statehood, legal gear for salmon in UCI has been seine, and gillnet only. Seining is allowed in Chinitna Bay only, and only by Emergency Order. Gillnets are either set gillnets or drift gillnets.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 217. PAGE 166. 5 AAC 21.331(d). Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO?

This proposal amends depth of legal gear in the Kenai and Kasilof sections of the Upper Subdistrict for set gillnets to 29 meshes in depth.

WHAT ARE THE CURRENT REGULATIONS?

The current regulation allows for 45 mesh depth nets in Cook Inlet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Adoption of the 29 mesh maximum depth would tend to reallocate fish from the outer nets to the nets closer to shore.

BACKGROUND:

The current depth restriction of 45 meshes has been in effect since at least 1980 and likely since statehood. The department has attempted to study the effects of net depth on catch by species. A preliminary study to look into vertical distribution of the catch by species was conducted in 1996. The report generated from this study concludes “**Results from this study were to provide the basis for recommending and designing future studies. It was not designed to directly suggest potential management or regulatory actions.**” The main drawback of this study is the way the catch was recorded into either the upper 2/3 or the lower 1/3 of the net. Had the study recorded which 1/3 or smaller increment of the net each fish was caught in, it would likely have resulted in a conclusion that both the lower and upper 1/3 of the net catch less fish and that most fish are caught near the middle, both vertically and horizontally. This will occur no matter how many meshes are used due to the net bending (bagging) with the current. The difference in

harvest rates between sockeye and chinook salmon caught in the lower 1/3 is 25 percent for sockeye and 36 percent for chinook. The range however is from 11 percent to 52 percent for sockeye and from 7 percent to 65 percent for chinook. Another problem is that roughly 80 percent of the “sets” did not have a chinook salmon; applying the average could have the opposite effect from what is desired. Finally, all study sets were restricted to approximately 4-5 miles on either side of the Kenai River. The Kasilof Section may have vastly different results from a restriction of this nature. Due to the high level of measurement error, limited sampling, low number of chinook observed, limited area of study and use of voluntary sites, there is a high level of uncertainty in the outcome of setting the maximum depth at 29 meshes, especially outside of the study area.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. There is inadequate data to predict the effects of a depth restriction to 29 meshes. The effect of such a change could decrease rather than improve the department’s ability to manage for published escapement goals.

COST ANALYSIS:

The department believes that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery. Over 1200 set gillnets would have to be cut down.

PROPOSAL 218. PAGE 167. 5 AAC 21.3XX. Cook Inlet cooperative purse seine salmon fishery.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow a cooperative purse seine salmon fishery in the lower portions of the Kenai and Kasilof Rivers.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations allow the use of set and drift gillnets outside of closed waters at the mouths of these rivers. There has not been a commercial fishery inside of the mouth of the Kenai River since statehood. Closed waters was reduced to markers placed just outside of the river in 1988.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department cannot predict the effect of this fishery. The lower portions of both of these rivers are relatively small and shallow and with the tides experienced in Cook Inlet, the actual workable fishing time around slack tides may be fairly short. In addition, during many stages of the tide exchange there are many other users boating in this area. The chance for conflicts is fairly high; there is likely to be some mortality associated with the release of non-target species.

BACKGROUND:

Since statehood there has been no such fishery in Cook Inlet.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal but very concerned with developing another user in what is certainly a fully allocated fishery.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 219. PAGE 170. 5 AAC 21.331(d). Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO?

This proposal would double the allowable number and the aggregate length of a set gillnet to eight gillnets with an aggregate length of 210 fathoms.

WHAT ARE THE CURRENT REGULATIONS?

A person may not operate more than four set gillnets with an aggregate length of 105 fathoms in Cook Inlet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED? The set gillnet fishery may become more effective during some portions of the season, in which case, less fishing time would be necessary. It is doubtful if sufficient room exists in the Upper Subdistrict to accommodate this gear liberalization.

BACKGROUND:

The legal aggregate length of set gillnets has been 105 fathoms since before statehood. With the exception of Fire Island, the legal limit has been four nets per permit in all other areas of Upper Cook Inlet since before statehood.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 220. PAGE 170. 5 AAC 21.355. REPORTING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO?

Commercially caught chinook salmon would be reported on ADF&G fish tickets according to whether they are less than or greater than 20 inches in length.

WHAT ARE THE CURRENT REGULATIONS?

Salmon landings are reported to the department on ADF&G fish tickets by species, number, and poundage. Commercial fishermen are also required to report on the fish

ticket the number of salmon by species, taken but not sold. There is no requirement to report catches by size of fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Processors would be required to separate chinook salmon according to size, less than or greater than 20 inches, and report the number, and presumably the weight, for each category. Currently there are types of fish tickets with spaces that already allow this on a voluntary basis.

BACKGROUND:

Under Cook Inlet Sport Fishing regulations, there is a seasonal limit of 5 king salmon 20 inches or greater in length. Anglers who harvest king salmon 20 inches or greater in length must immediately record their harvest on the back of their fishing license or on a harvest record card. The limit for king salmon less than 20 inches is 10 per day. Commercial harvests must be reported on a fish ticket at time of sale with number and pounds of kings harvested. In addition any salmon retained for personnel use must also be recorded on the fish ticket.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal. The department collects more accurate data on the size, weight, and age composition of the commercial catch. Using the available catch sampling information, the department can estimate the proportion of the commercial catch above or below any given size, not just 20 inches. The additional data suggested here would provide little, if any, additional information of value and would be an additional burden on processors to collect.

COST ANALYSIS:

The department does believe that approval of this proposal would result in an additional direct cost for a private person (Processors) to participate in this fishery.

PROPOSAL 221. PAGE 171. 5 AAC 21.3XX. Cook Inlet cooperative set gillnet salmon fishery.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow a cooperative set gillnet fishery where up to ten permits may be fished in a cooperative fashion.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations require each permit holder to be present while fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Set gillnet cooperatives would be legal. It is doubtful if there would be an increase in gear or harvesting capacity. In many cases it would legitimize large family type operations that already fish in a similar fashion.

BACKGROUND:

Since statehood there have been no regulations for this practice in Cook Inlet.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this social proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 222. PAGE 171. 5 AAC 21.331 (a). Gillnet specifications and operations.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow a drift gillnet to go partially dry during fishing without being illegal.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations state “no person may operate a drift gillnet that has been intentionally set, staked, anchored or otherwise fixed”. If a net goes dry, the permit holder must take some action to get the net free or they could be cited.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Drift gillnets could go dry during some portion of the tide even if done intentionally, further blurring the difference between a drift and set gillnet.

BACKGROUND:

The issue of drift gillnets going dry or being anchored “un-intentionally” is a reoccurring problem especially in the fall when coho fishing. This is also a major problem from an enforcement perspective; a substantial amount of ABWE manpower and personnel costs have gone into enforcing the definition of a drift gillnet.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal because it would lead to drift gillnets becoming anchored or intentionally fixed as a common practice. Comments from ABWE representatives are an integral part of deliberation on this proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 223. PAGE 172. 5 AAC 21.378. Prohibition on the use of aircraft.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow spotter planes to be used during commercial fishing periods.

WHAT ARE THE CURRENT REGULATIONS?

A person may not use or employ an aircraft to locate salmon for the commercial taking of salmon or to direct commercial fishing operations in the Central and Northern Districts of the Cook Inlet Area, one hour before, during, and one hour after a commercial salmon fishing period.”

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The use of aircraft to “spot” salmon would be allowed. The effects on the increase in efficiency are not documented but it is likely that some drift gillnet fishermen would again use a spotter to increase their portion of the harvest.

BACKGROUND:

Spotter planes were banned in 1996.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 224. PAGE 172. 5 AAC 21.331. Gillnet specifications and operations (c).

WHAT WOULD THE PROPOSAL DO?

This proposal would increase the depth of a drift gillnet to 60 meshes.

WHAT ARE THE CURRENT REGULATIONS?

The depth of a drift gillnet may not be more than 45 meshes currently.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The drift gillnet fleet would be allowed to use 60 mesh deep gillnets and would likely be more effective during most fishing periods by holding more fish.

BACKGROUND:

The legal depth of drift gillnets in Upper Cook Inlet has been 45 meshes since before statehood.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery

PROPOSAL 225. PAGE 173. 5 AAC 21.345. REGISTRATION.

WHAT WOULD THE PROPOSAL DO?

This proposal would delete the requirement to register for one of three management areas in Cook Inlet. It would allow set gillnet fishermen to move between areas.

WHAT ARE THE CURRENT REGULATIONS?

Currently, set gillnet fishermen must register for one of three areas – Upper Subdistrict, the Northern District, or the Greater Cook Inlet Area. Once registering for an area, they cannot fish in any of the other areas during that season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Set gillnet fishermen could fish in multiple areas during a season. This would potentially allow a fisherman to move to another area where fishing was better, or to extend their season by fishing the early or late time periods in another area.

BACKGROUND:

Area registration for set gillnets went into effect in 1993 in order to prevent fishermen from moving into “hot” fishing areas at the peak of the season and then returning to their original area for the remainder of the season. At the time it was implemented, it was aimed primarily at reducing the influx of set gillnets into the Upper Subdistrict or Upper Subdistrict fishermen into the Northern District king and Big River sockeye fisheries.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 226. PAGE 174. 5 AAC 21.334(c). IDENTIFICATION OF GEAR.

WHAT WOULD THE PROPOSAL DO?

This proposal would repeal the requirement to identify set net buoys, using department issued identification tags, in the Upper Subdistrict set gillnet fishery.

WHAT ARE THE CURRENT REGULATIONS?

Upper Subdistrict set gillnet fishermen are required to register and obtain buoy identification stickers which must be placed on a “trailer” buoy attached to the set gillnet. Fishermen fishing 3 nets of 35 fathoms length may receive three identification stickers while those fishing four nets of less than 30 fathoms in length may obtain four stickers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

There would be no way of identifying how many gillnets a person was fishing without a complete census of all Upper Subdistrict gillnets. This would make it more difficult to enforce the area registration requirement as well as the limits on gear.

BACKGROUND:

Buoy sticker requirements were instituted in 1993 to help enforcement of the legal limit of gear in the Upper Subdistrict. Prior to this requirement, there was the perception that some people were fishing more nets than legally allowed. This program was requested by the fishermen. The department charges for the tags to cover the cost of the program.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this proposal; comment from ABWE representatives would be pertinent to deliberation on this proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Upper Cook Inlet Salmon Management Plan (17 Proposals)

PROPOSAL 227. PAGE 174. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would set out an allocation scheme for sockeye of 56 % for drifters and 44 % for set gillnets.

WHAT ARE THE CURRENT REGULATIONS?

Currently there is no set allocation between gear types for any species.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

There would be an allocation target for set and drift gillnets for salmon harvests, however, the allocation target would be secondary to all the other management objectives already in regulation.

BACKGROUND:

There has never been a set allocation in regulation in the Cook Inlet Area. The average harvest over the years is about equal to the figures requested in this proposal.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal, but doubts that the allocations could be effectively achieved most years.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 228. PAGE 175. 5 AAC 21.366(2). NORTHERN DISTRICT KING SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to liberalize the Northern District King Salmon Management Plan so that the commercial set gillnet fishery is allowed to harvest the “cap” of 12,500 kings granted to this fishery when the plan was first written.

WHAT ARE THE CURRENT REGULATIONS?

The commercial season opens on Monday’s beginning on May 25th. Commercial periods occur every Monday for three fishing periods except in the area from one mile south of the Theodore River to the Susitna River is open for the second period only. The maximum allowable catch is 12,500 chinook salmon. Recent harvests have been well below the harvest cap averaging less than 2,000.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

This proposal would allow more fishing time to try and achieve harvests near the harvest cap of 12,500.

BACKGROUND:

The Northern District King Salmon Management Plan was first adopted in 1986. Gear is reduced to one 35 fathom net rather than three; minimum distance between nets is extended to 1,200 feet rather than the usual 600 feet, fishing time is reduced to 6 hours per week rather than 24 hours, and no permit holder may set a net seaward of another permit holder. The maximum harvest is 12,500 king salmon and the season ends after three periods or June 24th. During the 1990s, when king salmon runs were weak, the fishery was limited to one or two periods. Since that time as stocks have rebounded, the fishery has been open for 3-4 periods. Some restrictions in the sport fishery remain, including a season closure date for the west side of June 30 instead of July 13. Sport fishing is allowed from 6:00 am to 11:00 pm daily and no bait unless allowed by Emergency Order. These restrictions are unlikely to change. In addition the Lewis River remains closed and the Theodore River remains catch and release only for king salmon. There have been liberalizations recently in the king salmon recreational fishery in the Susitna River by emergency order.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 229. PAGE 176. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would allow a cooperative commercial fishery with harvest caps on bycatch. There would be longer openings for the coop with a reduction in boats and gear.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations require each permit holder to be present while fishing and there are no provisions for coops.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Proposal is not specific enough to evaluate. However the assumption that by reducing gear and boats and increasing time to alter a bycatch is likely not to work to an appreciable degree.

BACKGROUND:

Since statehood there have been no regulations for this practice in Cook Inlet.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal, however it is not likely to produce the intended results.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 230. PAGE 176. 5 AAC 21.3XX. KALGIN ISLAND SOCKEYE SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would establish a fishery in the Kalgin Island Subdistrict from June 1- June 24.

WHAT ARE THE CURRENT REGULATIONS?

This area currently opens on June 25.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

A fishery similar to the Big River fishery would be created. This fishery would likely harvest early run sockeye and possibly king salmon stocks.

BACKGROUND:

The Upper Cook Inlet area general opening date has been as early as May 23 back in the 1960's. Through the 1970's, it moved into early June and then to June 25 approximately 30 years ago. There is an early portion of the Packers Lake sockeye run that would be present during this time frame; other stocks could also be present.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this proposal; as written, the proposal does not pose any risk to stocks because of the conservative gear restrictions.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 231. PAGE 177. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would readopt the Upper Cook Inlet Management Plan that was in regulation prior to 1999. In essence that would return the plan to 1996 regulations. The primary change this would make is to return the language: “prior to July 1, stocks moving through Cook Inlet will be managed primarily for recreational purposes; from July 1 to August 15, for commercial purposes; and after August 15, for recreational purposes.

WHAT ARE THE CURRENT REGULATIONS?

The Upper Cook Inlet Plan has now been changed to give direction to the Board in their deliberations and the instructions that were in this plan for the department and public to follow are now in contained in 17 different “step down” management plans.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Regulations for the Upper Cook Inlet Salmon Management Plan would return to what was codified in 1996 and 1997. There would be little impact from that change alone, since the escapement goals would still be the primary management objective for the Kenai, Kasilof, Yentna and Crescent Rivers. Effects of this change depend on what else were to change in regulation as a result. The 17 “step down” management plans would need to be changed to coincide with the proposed change.

BACKGROUND:

The Upper Cook Inlet Salmon Management Plan was first passed in 1978. From 1978 until 1996, it remained relatively unchanged. In 1999, much of the language of the plan was removed from the “umbrella” plan as it was known and either placed in step down plans or deleted. The plan, prior to 1999, served to instruct the board, the department and the public in the overall allocation of the Upper Cook Inlet salmon stocks and provided a framework under which the step down plans could reside. In 1999, much of this overall framework was lost and some confusion results from the focus on a single plan without the knowledge that there are other equally important plans that also impinge on the management of particular fisheries and stocks concurrently. See Alaska Board of Fisheries Findings 99-191-FB.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 232. PAGE 177. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

Require the department to develop, monitor and utilize measures of effort in the Upper Cook Inlet commercial fishery.

WHAT ARE THE CURRENT REGULATIONS?

At the time of sale, each fisherman must record on a fish ticket the name or number of the vessel from which the catch was taken, date of landing, vessel number, number and pounds of each species, and the statistical area where taken. In addition, a commercial salmon fisherman shall, at the time of landing, report on an ADF&G fish ticket the number of salmon, by species taken but not sold. This information is required to be reported to the department by noon of the day following the fishing period and the fish ticket must be turned into the department office within 7 days.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

This proposal is not specific enough to evaluate.

BACKGROUND:

The department, in the last 20 years, has conducted numerous studies on the harvest patterns of the set gillnet fishery in the Upper Subdistrict. In 1999, additional statistical areas were added to try and differentiate harvests, particularly chinook harvests, on a smaller scale. The benefit of this data collection to the management of the east-side set gillnet fishery has been minimal at best. The information needs the department has with respect to management of this fishery are met by current data collection methods.

DEPARTMENT COMMENTS:

The department is **OPPOSED** to this proposal requiring collection of more precise effort and catch data in a small portion of a particular management area. The current data collected in this fishery is comparable to any collected statewide and is adequate for management of this fishery.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 233. PAGE 178. 5 AAC 21.320(a)(2). WEEKLY FISHING PERIODS.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to amend the weekly fishing schedule to add hours to regular periods to allow for a slack tide to get gear out of the water to improve quality.

WHAT ARE THE CURRENT REGULATIONS?

There currently is no such provision in regulation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department could add up to 3 hours to the end of a regular period to allow for a better tide to pull set gillnet gear. Presumably this time would not count against the additional time allowed in regulation. In certain tide, wind and fish conditions the additional time would be allowed harvesting some level more of sockeye, chinook and other salmon.

BACKGROUND:

Prior to the restrictions added to regulation in 2002, it was common to add a few hours to a regular period to maximize harvests and quality if sockeye salmon escapements were at desired levels and relatively good numbers of sockeye were being harvested. With the hourly restrictions in place, it is done infrequently by emergency order and only if there are strong catches occurring late in the week.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 234. PAGE 179. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would direct the department to manage for escapement goals first and restrictions secondarily.

WHAT ARE THE CURRENT REGULATIONS?

The restrictions within the Kenai River Late Run Sockeye Salmon Management Plan include in section (c) hourly restrictions on additional periods within the Upper Subdistrict set gillnet fishery of 24, 36 or 60 hours and mandatory closed periods per week of 36 or 48 hours. In section (e) and (f), there are restrictions on drift gillnet fishing time outside of the Kenai and Kasilof Sections as well as restricted time and areas for a pink salmon fishery. There are further restrictions within the Kasilof River Salmon Management Plan, that require a weekly 48 hour closed period prior to July 8 for set gillnets and only allow 48 hours of additional time per week. In the Northern District Salmon Management Plan, regulations require the department to restrict the drift gillnet fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. Two more consecutive regular drift gillnet period restrictions are required between July 16 and 31 to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island. From August 1 to August 10, the Northern District set gillnets are restricted to two nets instead of three. There are prohibitions on additional time for drift

gillnetting to conserve chum and coho salmon. In the Kenai River Coho Salmon Management Plan, there are restrictions on additional fishing time of no more than a single 24 hours of additional time from August 1 to August 7.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The escapement goals for the various stocks and species in the Inlet would be the primary management objective for the department. All the regulatory restrictions of the commercial fishery would be followed to the degree that achievement of the escapement goals allowed.

BACKGROUND:

In 1996, limits on additional fishing time were put in place in the Kalgin Island Subdistrict in the Packers Creek Sockeye Salmon Management Plan. Also in 1996, restrictions were implemented in the Northern District set gillnet fishery; additional time was limited and two regular periods were restricted for the drift gillnet fishery within the Northern District Salmon Management Plan. A third regular drift gillnet period was restricted in 1999. The first restrictions on additional time in the Upper Subdistrict were put in place in 1999. At that time, we had a 24-hour closed period on Fridays. There was a second 24-hour window if the in-river chinook fishery was restricted. In 2002, additional fishing time in the Upper Subdistrict set gillnet fishery was limited to either 24, 48 or 60 hours of additional time per week and a mandatory closed period of 36 or 48 hours was implemented. In years of moderate sockeye run strength, the various regulatory restrictions contribute to the department's inability to manage sockeye salmon and other salmon stocks for established escapement objectives. In years of below average returns or returns that are weaker than forecast, these restrictions lead to a more aggressive fishing pattern and may contribute to not meeting the lower bounds of the escapement goal without long term commercial and possibly sport closures.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 235. PAGE 177. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would repeal the plans that are currently in effect and readopt the Upper Cook Inlet Management Plan and other plans that were in regulation prior to 1999. In essence that would return the plans to 1996 regulations. The primary change this would make is to return the language: "prior to July 1, stocks moving through Cook Inlet will be managed primarily for recreational purposes; from July 1 to August 15, for commercial purposes, and after August 15, for recreational purposes.

WHAT ARE THE CURRENT REGULATIONS?

The Upper Cook Inlet Plan has now been changed to give direction to the Board in their deliberations and the instructions that were in this plan for the department and public to follow are now in step down plans.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Regulations for the Upper Cook Inlet Salmon Management Plan would return to what was codified in 1996 and 1997. There would be little impact from that change alone, since the escapement goals would still be the primary management objective for the Kenai, Kasilof, Yentna and Crescent Rivers.

BACKGROUND:

The Upper Cook Inlet Salmon Management Plan was first passed in 1978. From 1978 until 1996 it remained relatively unchanged. In 1999 much of the language of the plan was removed from the “umbrella” plan as it was known and either placed in step down plans or deleted. The plan prior to 1999 served to instruct the Board, the department and the public in the overall allocation of the Upper Cook Inlet Salmon stocks and provided a framework for the step down plans to reside under. In 1999 much of this overall framework was lost and some confusion in the public results from the focus on a single plan without the knowledge that there are other equally important plans that also impinge of the management of particular fisheries and stocks concurrently. See Alaska Board of Fisheries Findings 99-191-FB.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 236. PAGE 180 5 AAC 21.363(a). UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to define the sharing of the burden of conservation. If the commercial fishery in an area is closed for two consecutive regular commercial fishing periods, all other users would be closed until conservation was no longer necessary.

WHAT ARE THE CURRENT REGULATIONS?

There currently is no such burden sharing in regulation. The current regulation in the Upper Cook Inlet Plan has the following two provisions;

(5) in the absence of a specific management plan, it is the intent of the board that salmon be harvested in the fisheries that have historically harvested them, according to the methods, means, times and locations of those fisheries;

(6) consistent with 5 AAC 39.220(b), it is the intent of the board that, in the absence of a specific management plan, where there are known conservation problems, the burden of conservation shall, to the extent practicable, be shared among all user groups in close proportion to their respective harvest on the stock of concern.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The burden of conservation would be shared by requiring closures to other user groups whenever there is a two period closure in the commercial fishery.

BACKGROUND:

The Upper Cook Inlet Salmon Management Plan was first passed in 1978. From 1978 until 1996 it remained relatively unchanged. In 1999, the language stated above was added, until then there was no instruction on the sharing of the burden of conservation.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 237. PAGE 181. 5 AAC 21.363(a). UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

This proposal would make the in-river escapement goals the primary management objective for the department and the restrictions or other allocative mechanisms would be a secondary objective. It would further clarify that the commissioner is expected to exercise his E.O. authority to manage for these goals.

WHAT ARE THE CURRENT REGULATIONS?

The current regulations direct the department in the Kasilof River Salmon Management Plan to manage for an OEG of 150,000 to 300,000 sockeye salmon. Prior to July 8, the department is to manage the Kasilof Section with no more than 24 hours of E.O. additional fishing time and a mandatory 48-hour closed period per week. In the Kenai River, the department is to manage for an OEG of 500,000 to one million sockeye salmon. The department is further directed to distribute the escapement of sockeye salmon evenly within the OEG range, in proportion to the size of the run. In addition, based on run strength, the plan has three tiers of inriver goals to manage for: 600,000 to 850,000 for under 2 million runs; 750,000 to 950,000 for runs >2 million but <4 million; and 850,000 to 1.1 million for runs > 4 million. The department also has to manage for these goals with no more than 24 hours of additional fishing time in the Upper Subdistrict set gillnet fishery for sockeye runs under 2 million to the Kenai River. For runs of between 2 to 4 million, the department is limited to no more than 36 hours of additional time but must close this fishery for 48 consecutive hours. For runs of over 4 million, the department has 60 hours of additional time and a mandatory 36- hour closed period. Most of these provisions were added to regulation in 1999 and 2002 in the Kenai River

Late Run Sockeye Salmon Management Plan. In addition, there are several other management plans in the remainder of the Inlet with escapement goals in conjunction with other management restrictions.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If passed, the department would manage for the various escapement goals first and if possible implement the other aspects of the regulation. This may tend to decrease salmon surplus to escapement needs in-river during large returns and otherwise make managing for escapement goals more predictable.

BACKGROUND:

The first restrictions on additional time in the Upper Subdistrict were put in place in 1999. At that time, we had a 24-hour closed period on Fridays. There was a second mandatory 24-hour closure if the in-river chinook fishery was restricted. In 1996, limits on additional fishing time were put in place in the Kalgin Island Subdistrict within the Packers Creek Sockeye Salmon Management Plan. Also in 1996, restrictions were implemented in the Northern District set gillnet fishery; additional time was limited and two regular periods were restricted for the drift gillnet fishery within the Northern District Salmon Management Plan. A third regular drift gillnet period was restricted in 1999. In 2002, additional fishing time in the Upper Subdistrict set gillnet fishery was limited to either 24, 48 or 60 hours of additional time per week and a mandatory closed period of 24, 36 or 48 hours was also implemented. In years of moderate sockeye run strength, the various regulatory restrictions contribute to the department's inability to manage sockeye salmon and other salmon stocks for established escapement objectives. In years of below average returns, early returns or returns that are weaker than forecast, these restrictions lead to a more aggressive fishing pattern and may contribute to not meeting the lower bounds of the escapement goal without commercial and possibly sport fishing restrictions or closures. See Alaska Board of Fisheries Findings 99-191-FB.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 238. PAGE 182. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would add the following language to the plan: "the period from June 20 to August 20, the stocks moving into Cook Inlet would be managed primarily for commercial purposes."

WHAT ARE THE CURRENT REGULATIONS?

The Upper Cook Inlet Plan now gives direction to the board in their deliberations; the instructions that were in this plan for the department and public to follow are now in 17 different step down management plans.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

Regulations for the Upper Cook Inlet Salmon Management Plan would return to what was codified in 1996 and 1997. The primary change this would make is to add the language that from June 20 to August 20 stocks moving through Cook Inlet will be managed primarily for commercial purposes. The regulations in 1996 actually stated that from July 1 to August 15, stocks moving through Cook Inlet would be managed primarily for commercial purposes. With the current escapement goals in place on the Kenai, Kasilof, Yentna and Crescent Rivers, the overall effect on the UCI fishery would be minimal.

BACKGROUND:

The Upper Cook Inlet Salmon Management Plan was first passed in 1978. From 1978 until 1996 it remained relatively unchanged. In 1999, much of the language of the plan was removed from the “umbrella” plan as it was known, and either placed in step down plans or deleted. The plan prior to 1999 served to instruct the Board, the department and the public in the overall allocation of the Upper Cook Inlet Salmon stocks and provided a framework under which the step down plans could reside. The primary management directive that was in regulation from 1978 to 1999 was prior to July 1, stocks moving through Cook Inlet will be managed primarily for recreational purposes, from July 1 to August 15, primarily for commercial purposes, and after August 15, primarily for recreational purposes.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 239. PAGE 183. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

Remove restrictions within the plans that restrict the departments emergency order authority.

WHAT ARE THE CURRENT REGULATIONS?

The Kenai River Late Run Sockeye Salmon Management Plan include in section (c) hourly restrictions on additional periods within the Upper Subdistrict set gillnet fishery of 24, 36 or 60 hours and mandatory closed periods per week of 24, 36 or 48 hours. In section (e) and (f), there are restrictions on drift fishing time outside of the Kenai and

Kasilof Sections as well as restricted time and areas for a pink salmon fishery. There are further restrictions within the Kasilof River salmon Management Plan, The Kenai River Coho Salmon Conservation Management Plan and the Northern District Salmon Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department would manage for the escapement goals as established in the various management plans. The department may also allow additional time in some fisheries to harvest other abundant stocks, which would then lower the numbers escaping into various rivers by some degree.

BACKGROUND:

The first restrictions on additional time over the two regularly scheduled weekly periods in the Upper Subdistrict were put in place in 1999. At that time, we had a 24-hour closed period on Fridays. There was a second 24-hour window if the in-river chinook fishery was restricted. In 1996, limits on additional fishing time were put in place in the Kalgin Island Subdistrict in the Packers Creek Sockeye Salmon Management Plan. Also in 1996, restrictions were implemented in the Northern District set gillnet fishery, additional time was limited and two regular periods were restricted for the drift fishery in the Northern District Salmon Management Plan. A third regular drift period was restricted in 1999. In 2002, additional fishing time in the Upper Subdistrict set gillnet fishery was limited to either 24, 48 or 60 hours of additional time per week and a mandatory closed period of 24, 36 or 48 hours was implemented. Since passage of these restrictions in 2002, the inriver goal for the Kenai River was exceeded all three years, and in the Kasilof River, the escapement goal was exceeded in two out of three years. In years of moderate sockeye run strength, the various restrictions may contribute to the department's inability to manage sockeye salmon and other salmon stocks for established escapement objectives. In years of below average returns, early returns or returns that are weaker than forecast, these restrictions may lead a more aggressive fishing pattern early in the season and may contribute to not meeting the lower bounds of the escapement goal without commercial and possibly sport fishing restrictions or closures.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 240 & 241. PAGE 183. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

This proposal would identify coho as a "consumptive use" stock.

WHAT ARE THE CURRENT REGULATIONS?

There are no current regulations that provide for establishment of coho as a consumptive use stock.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department would manage for the escapement goals as established in the various management plans with coho as a consumptive use stock.

BACKGROUND:

In 2000, coho restrictions were put in place for all users in Upper Cook Inlet. Since the restrictions were put in place, coho salmon returns have been at high levels with harvests increasing even with the restrictions in place.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 242. PAGE 185. 5 AAC 21.363. UPPER COOK INLET SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

This proposal would direct the department to manage the Upper Cook Inlet salmon fisheries using reliable science, for maximum sustained yield of the major salmon stocks that have biological escapement goals and for sustained yield of other salmon stocks. The season will close by emergency order. The season will open by emergency order no later than June 20.

WHAT ARE THE CURRENT REGULATIONS?

The department manages the Upper Cook Inlet Area for either MSY, SY or OY, depending on the area and goals involved. For stocks without an escapement objective, the department strives to manage for sustained yield, however, there are not escapement enumeration projects in place for the majority of the stocks. In most of Upper Cook Inlet, the season opens on June 25, the exceptions to this general opening date are the early, directed fisheries conducted under management plans for sockeye in the Big River area and for king salmon in the Northern District. In addition, the Western Subdistrict opens on June 16 and the Kenai and East Forelands Sections open on July 8. For most of Upper Cook Inlet, the season closes on December 31 or by Emergency Order. The exceptions to this are the Upper Subdistrict set gillnet fishery, which closes on August 7, and the drift gillnet fishery that closes on August 9.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

The department would manage for the escapement goals as established in the various management plans and would open and close the season by emergency order.

Commercial fishers would likely harvest additional salmon early and late in the season and during large returns also.

BACKGROUND:

The department has traditionally managed for escapement goals in Upper Cook Inlet. There have been some adjustments to these goals over the years to try and maximize yield particularly from the sockeye salmon stocks. Prior to 1978, the season opening date varied between May 23 and June 25 for most of the fisheries in UCI. In 1978, the general season opening was established at June 25 for most of the inlet except the Western Subdistrict and the Upper Subdistrict. The Western Subdistrict opened on June 16, and beginning after 1983, the Upper Subdistrict season opening date was July 1. In 1997, the Kenai and East Forelands Sections season opening date was changed to July 8. In 2002, the Kasilof Section season opening date was returned to June 25. Since 1978, the season closed for the Upper Subdistrict on August 15; in 1997, the closure changed to one period after August 10, and then in 2000, to August 7. Prior to 1992, the drift gillnet fishery closed within five miles of the Kenai Peninsula shore on August 15; in 1992, that was changed to drifting only being allowed within 1 mile of the western shore after August 15. In 1999, the season closure date of August 9 was adopted for the drift fishery. See Alaska Board of Fisheries Findings 99-191-FB.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 243. PAGE 185. 5 AAC 21.358. Weekly fishing periods.

WHAT WOULD THE PROPOSAL DO?

This proposal would direct the department to manage for the established escapement goals first. In the drift gillnet fishery: it would add a third 12 hour regular period per week to the drift fishery; it would also remove the restriction in regulation to the Kenai and Kasilof Sections on July 9-15. It would repeal the following sections of 5 AAC 21.360: (e), (f), (i) of the Kenai River Late Run Sockeye Salmon Management Plan, repeal AAC 21.365(b) Kasilof Salmon Management Plan, modify 5 AAC 21.358(a): “The department shall manage the chum, pink, and sockeye salmon stocks for commercial uses in order to provide commercial fisherman with an economic yield from the harvest of these salmon resources based on abundance.”, modify 5 AAC 21.358(b) by deleting: [ACHIEVEMENT OF THE LOWER END OF THE YENTNA RIVER ESCAPEMENT GOAL SHALL TAKE PRIORITY OVER NOT EXCEEDING THE UPPER END OF THE KENAI RIVER ESCAPEMENT GOAL.] and it would repeal the following sections of 5 AAC 21.358: (e)(2), (f), (g), (i), (j) of the Northern District Salmon Management Plan.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations direct the department to manage for the escapement goals to the various rivers in UCI but place further limitations on additional fishing time and dictate mandatory closed periods in the east-side set gillnet fishery of 24, 36 or 48 hours. They also contain a weekly fishing schedule of 2 regular 12-hour periods per week on Mondays and Thursdays from June 25 to August 9 for the drift gillnet fishery. Current regulations require the department to restrict the drift gillnet fishery to the Kenai and Kasilof Sections for a regular period between July 9 and 15. In addition, two more regular period restrictions are required to occur on two consecutive regular drift gillnet periods between July 16 and 31 to either the Kenai and Kasilof Sections and/or the Central District south of Kalgin Island. There is no additional drift gillnet fishing time to be given to harvest pink or chum salmon other than what is in this plan or the Pink Salmon Management Plan.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If adopted this proposal would clarify that the escapement goals are the primary management objective to manage the various fisheries. It would also allow the drift fleet to have three 12-hour fishing periods per week unless it became necessary for conservation purposes to close one or more of them. It would remove the restrictions to the various fisheries and direct the department to manage pink, chum and sockeye stocks for commercial yields based on abundance. In essence, this would restore the fisheries management programs in UCI to levels prior to 1996. The major change with respect to the plans would be that the current escapement goals are much higher in the Kenai River. This proposal would provide the direction to manage for these escapement goals; it could lead to more frequent escapements in the Yentna River below the SEG range.

BACKGROUND:

The regular period schedule has been two 12-hour periods per week since 1970. At that time the periods after July 15 were 16 hours per day. From 1970 to 1999 regular periods were on Mondays and Fridays and since then they have been on Mondays and Thursdays. The first regular period restrictions to the drift gillnet fishery were put in regulation beginning in 1996. The other restrictions contained within the step-down plans began to materialize after 1996.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Upper Cook Inlet Pink Salmon Management Plan (4 Proposals)

PROPOSALS 244. PAGE 191. 5 AAC 21.356(c). COOK INLET PINK SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSALS DO?

This proposal would reauthorize the Cook Inlet Pink Salmon Management Plan that sunsetted on December 31, 2004.

WHAT ARE THE CURRENT REGULATIONS?

Regulations allowed for a drift gillnet pink salmon fishery for three periods in even years only. The regulations stipulated condition of the stocks that may be impacted and describes the open area and legal gear. This management plan ceased to be in effect as of December 31, 2004.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If adopted, the pink salmon management plan would be made permanent in regulation.

BACKGROUND:

This plan was formulated and put in regulation in 2002 to allow the harvest of abundant pink salmon stocks. These stocks were returning on even years but were unharvested in large part because of restrictions on fishing time and seasons in the two fisheries that are the primary harvesters of this stock, the drift fleet and east-side set gillnet fishery. Most of these restrictions were put in place to conserve coho salmon bound for the Northern District and the Kenai River. Since the restrictions were put in place, coho returns have been at high levels.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. This management plan, however, does not afford any real possibility of harvesting significant numbers of pink salmon. The time, area and gear specified in the plan are not very effective.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 245. PAGE 192. AAC 21.350(a). Closed Waters.

WHAT WOULD THE PROPOSAL DO?

This proposal would change the closed waters description for the Kustatan and Drift Rivers Sections to be 1 mile from mean lower, low water. The stream terminus for most streams in Alaska is measured from mean lower, low water.

WHAT ARE THE CURRENT REGULATIONS?

Current regulations delineate the closed waters as being measured at one statute mile from the terminus of the Kustatan and Drift Rivers at mean high tide. There are also two other provisions that were added in this area that close the area within 500 yards of any

anadromous stream at mean high tide, and also closing within 900 feet of the stream bed or channel at any stage of the tide.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

This regulatory closed waters description was changed in 1992 to address a problem that was occurring on the west-side when drift gill-netters were fishing for coho in the fall of the year. If these changes are made, the prior problems will reoccur.

BACKGROUND:

Under state regulations, a stream terminus is defined as a line drawn between the exposed tideland banks of any salmon stream at mean lower low water. Because of the extensive tide flats in this area, which may stretch for miles, the BOF, in 1992, changed the closed waters definition for this area to address the difficulty that the commercial fleet and Fish and Wildlife Protection was having with the previous definition of closed waters in this area. First, because there is no effective closed waters at high tide as the terminus is more than a mile away; secondly, it was unclear where the terminus was during most tidal stages. In 1992, the change from low water to a high water closure was the solution the board adopted.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal, but favors a workable closed waters definition for these two rivers. Discussion in the committee process between permit holders and ABWE personnel may be productive on this proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 246. PAGE 193. 5 AAC 21.356. COOK INLET PINK SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would create a management plan to provide for and direct the department to manage for a pink salmon harvest for stocks bound to the Kenai River as well as other rivers in Cook Inlet.

WHAT ARE THE CURRENT REGULATIONS?

Regulations provided for a directed pink salmon harvest by drift gillnets only, and only in an area delineated along the eastern side of the Central District. This management plan ceased to be in effect as of December 31, 2004. In the Kenai River Late Run Sockeye Salmon Management Plan and in the Northern District Salmon Management Plan, all other directed pink salmon fisheries are eliminated except for the drift gillnet fishery mentioned above. The regulations that sunsetted allowed for a drift gillnet pink salmon fishery for three periods in even years only. The regulations stipulated three conditions that must be met: a healthy pink salmon return, coho escapements are adequate to sustain

the harvest and sport and guided sport fisheries will have a reasonable opportunity to harvest coho salmon over the entire season as measured by the frequency of in-river restrictions. This plan also described the open area and legal gear requirements to participate.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If passed as written, the department would open pink salmon fisheries when stock strength indicated a harvestable surplus. There would be an increase in sockeye, pink, chum and coho harvests similar to what existed prior to 1996. During the timeframe that this fishery would take place, there is a significant reduction in commercial effort.

BACKGROUND:

Pink and chum stocks have largely been harvested in Cook Inlet during the directed sockeye fishery with limited additional time directed at either of these species. Prior to 1986, a very large flood occurred that lowered production of both of these stocks in most of south central Alaska. Beginning in the mid to late 1990's, slight improvements in these salmon stocks materialized, and by 2000, very large returns of pink salmon were occurring. These large returns continued in 2002 and 2004.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal. In even years there are significant numbers of pink salmon surplus to escapement needs that are available for harvesting.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 247. PAGE 1945 AAC 21.356. COOK INLET PINK SALMON MANAGEMENT PLAN, AND 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal would direct the department to manage for a pink salmon harvest using emergency order authority.

WHAT ARE THE CURRENT REGULATIONS?

Regulations provided for a directed pink salmon harvest by drift gillnets only, and only in an area delineated along the eastern side of the Central District. This management plan ceased to be in effect December 31, 2004. In the Kenai River Sockeye Salmon Management Plan and in the Northern District Salmon Management Plan, all other directed pink salmon fisheries are eliminated except for the drift gillnet fishery mentioned above. The regulations that sunsetted allowed for a drift gillnet pink salmon fishery for three periods in even years only. The regulations stipulated three conditions that must be met, healthy pink salmon returns, coho salmon escapements are adequate to sustain the

harvest and that sport and guided sport fisheries will have a reasonable opportunity to harvest coho over the entire season as measured by the frequency of in-river restrictions. This plan also described the open area and legal gear requirements to participate.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

If passed as written, the department would open pink salmon fisheries when stock strength indicated a harvestable surplus. There would be an increase in sockeye, pink, chum and coho stocks similar to what existed in 1996. During the timeframe that these stocks would be present there is a significant reduction in commercial effort.

BACKGROUND: Pink and chum stocks have largely been harvested in Cook Inlet during the directed sockeye fishery with limited additional time directed at either of these species. In 1986, a very large flood occurred that lowered production of both of these stocks in most of south central Alaska. Beginning in the mid to late 1990's, slight improvements in these salmon stocks materialized, and by 2000, very large returns of pink salmon were occurring. These large returns continued in 2002 and 2004.

DEPARTMENT COMMENTS:

The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Sport Fishing - Kenai Peninsula and Northern Cook Inlet (11 Proposals)

PROPOSALS 248 AND 249, PAGES 194-195. 5 AAC 56.050 WATERS CLOSED TO SPORT FISHING; AND 5 AAC 61.050 WATERS CLOSED TO SPORT FISHING.

WHAT WOULD THE PROPOSAL DO? Proposal 248 would prohibit sport fishing in any major spawning beds identified by the department when salmon are spawning.

Proposal 249 would close sport fishing in tributaries and major river systems when salmon are spawning. The department would classify the major spawning area and the time salmon are spawning to determine time and area closures.

WHAT ARE THE CURRENT REGULATIONS? There are many sport fishing regulations to protect fish on spawning grounds, everything from complete closures during spawning seasons to specific time and area closures by species. However, there are also spawning areas where anglers are allowed to participate in sport fishing activities.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, these proposals would prohibit sport fishing in most Cook Inlet fresh waters.

BACKGROUND: The POLICY FOR STATEWIDE SALMON ESCAPEMENT GOALS (5AAC 39.223) and the POLICY FOR THE MANAGEMENT OF SUSTAINABLE SALMON FISHERIES (5AAC 39.222), along with a myriad of management plans and regulatory strategies, are designed to protect and manage fisheries on a sustainable basis. These policies and management plans recognize species composition, migratory run timing, and the importance of fish habitat and spawning areas. Through the Board of Fisheries process, policies and management plans continue to be written and revised to reflect the board's position on fisheries related issues and managing on a sustainable basis.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. There are existing sport fishing regulations to protect fish on the spawning grounds as deemed necessary on a case-by-case basis. Such regulations range from complete closures during spawning seasons to specific time and area closures by species. These proposals are overly broad and pose significant ramifications to existing sport fisheries with little defined benefit. Adoption of these proposals would unduly restrict all sport fishers and could have a negative impact on local economies. Ramifications of these proposals could be as severe as eliminating nearly all sport fishing opportunities in the freshwaters of Cook Inlet when spawning salmon are present. In addition, there is no definition of "major spawning areas". This is a very subjective term and would need to be defined by the board.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 250, PAGE 195. 5AAC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE); 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; 5AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE COOK INLET-RESURRECTION BAY SALTWATER AREA; 5AAC 58.024. HARVEST RECORD REQUIRED; ANNUAL LIMITS; AND 5AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA-WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would establish an annual harvest limit of salmon for nonresident anglers in Upper Cook Inlet. Nonresident anglers would be limited to a total annual limit of two king salmon 20 inches or longer, six sockeye salmon, four coho salmon, twenty pink salmon and six chum salmon.

WHAT ARE THE CURRENT REGULATIONS? There are no differing annual harvest limits between residents and nonresident anglers in Upper Cook Inlet. A total annual limit of five king salmon 20 inches or longer may be taken from fresh waters of Cook Inlet north of the latitude of Point Adam, and from salt waters of Cook Inlet, except that fish harvested in Cook Inlet salt water south of Bluff Point from October 1 – March 31 are not included in the limit.

In the Kenai River, the annual limit for king salmon 20 inches or greater is two fish. No more than two king salmon 20 inches or longer may be taken each year from the Anchor River and Deep Creek combined. No more than three king salmon 20 inches or longer may be taken each year from the Kasilof River. There are no annual harvest limits for any other species of salmon in Upper Cook Inlet.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, nonresident anglers would be denied fishing opportunities and subsequently nonresident angling effort and license purchases would likely be reduced. Sport fishing businesses and local economies would likely be impacted as a result.

BACKGROUND: The average annual harvest (2001-2003) of king salmon in the Cook Inlet area for a nonresident angler is 1.2, compared to the harvest of 1.1 for resident anglers. Average coho harvest is 3.5 for nonresidents and 3.5 for residents, sockeye harvest is 4.3 for nonresidents and 4.3 for residents, chum harvest is 1.7 for nonresidents and 1.7 for residents and pink harvest is 2.8 for nonresidents and 2.1 for residents. These estimates are based on results of the Statewide Harvest Survey. Because this survey samples households and not anglers per se, harvest is assumed evenly distributed among all members of household of size two or more.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. However, this proposal would unduly reduce or restrict a large portion of the angling public from participating in sport fishing. It is likely that the harvest by nonresident anglers have had little impact on past management actions in the Upper Cook Inlet sport fisheries. Many fisheries over the past several years have been liberalized, providing a harvestable surplus for all users. Similar proposals have previously been considered and rejected by the board.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 251, PAGE 196. 5AAC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE); 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; 5AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL

PROVISIONS FOR THE COOK INLET-RESURRECTION BAY SALTWATER AREA; AND 5AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA-WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would require all anglers fishing Cook Inlet waters to display their fishing license in clear view while fishing.

WHAT ARE THE CURRENT REGULATIONS? All anglers are required to have their fishing license in possession while fishing but they do not have to display or make visible their license while fishing. All persons engaged in sport fishing or in possession of fish must show their sport fishing licenses, Harvest Records and special permits or stamps to any local representative of the department or to any peace officer of the state upon his request.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, there may be an increase in the number of lost and replaced licenses as people devise methods to securely display their licenses in weatherproof holders. This may increase the workload for enforcement personnel who would be tasked to issue citations and educate the public.

BACKGROUND: Anglers have been required to have their fishing licenses in possession while they are fishing since the adoption of license requirements after statehood in 1959.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department does not currently recognize an increase in the number of license violations as a result of anglers failing to either purchase a license or purchasing a less expensive category license. The department of Public Safety holds that consistency is a key to public compliance with regulations. Public confusion could result if the license stipulations for Cook Inlet required external display of licenses and a different color license than other nonresidents in other parts of the state.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 252, PAGE 197. 5AAC 56.035. METHODS; MEANS, AND GENERAL PROVISIONS—FINFISH; AND 5AAC 61.030. METHODS; MEANS, AND GENERAL PROVISIONS—FINFISH.

WHAT WOULD THE PROPOSAL DO? This proposal would require that the department review and update a listing of freshwater lakes in Upper Cook Inlet where the department has identified the presence of invasive northern pike.

WHAT ARE THE CURRENT REGULATIONS? Except in Alexander Lake, northern pike may be taken by spear, sport fishing gear, ice fishing gear, or by bow and arrow.

When fishing through the ice for northern pike, anglers may use two hooks on a single line, provided that both hooks are attached to one single piece of bait.

In the following lakes, sport fishing through the ice for northern pike is allowed using 5 lines, provided that: 1) standard ice fishing gear is used, 2) the fishing gear is closely attended, and 3) all other species of fish caught are released immediately.

Northern Cook Inlet: Figure Eight, Sucker, Flathorn, Lower Vern, Upper Vern, Lockwood, Whiskey, Hewitt, Donkey, Threemile/Tukhallah, Trapper, Trail, Neil, and Kroto lakes, No Name/Cabin Lake, and lakes of the Nancy Lake Recreation Area (except Nancy Lake).

Kenai Peninsula: Mackey Lakes, Tote Road Lakes, and Derks, Sevena, Cisca and Union lakes.

Except in Alexander Lake, there is no bag or possession limit for northern pike.

In Alexander Lake, the following daily limits apply to northern pike:

Less than 22 inches long – no bag limit

22 inches to 30 inches long – No Retention

Longer than 30 inches – 1 per day/1 in possession

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be no effect if this proposal were adopted since the department already maintains a list of waters containing northern pike and submits proposals to the board when necessary or feasible to liberalize methods and means for sport harvest of northern pike.

BACKGROUND: Northern pike are not indigenous to the Upper Cook Inlet area. They were illegally introduced into the Northern Cook Inlet Area during the early 1950s and into the Soldotna Creek drainage in the mid-1970s. Since its introduction, northern pike have been reported in more than 100 lakes and more than a dozen tributaries of the Susitna River.

The management objective for this fishery is to maximize harvest opportunity without negatively impacting other resident species. In systems where the bycatch of resident species (such as rainbow trout, lake trout, or Dolly Varden) would be minimal, sport fish methods and means for northern pike have been liberalized.

In addition to programs within each management area, the department also has an invasive species program to monitor and control further introduction and spread of invasive species. Toward this end the department has developed an "Aquatic Nuisance Species (ANS) Management Plan" This plan focuses on non-indigenous aquatic nuisance species that have been or could be introduced into Alaska waters. The emphasis of this management plan is on preventing introductions and identifying and responding to the highest invasive threats.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** on this proposal. The department annually updates a list of waters containing northern pike as we identify new pike waters and submits proposals to the board when necessary or feasible to liberalize methods and means for sport harvest of northern pike.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 253, 255, 310, AND 311, PAGES 197-198 AND 241. 5 AAC 56.036 KENAI RIVER GUIDING AND GUIDED FISHING REQUIRMENTS; AND 5 AAC 61.036 FRESHWATER GUIDING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? Proposal 253 would create a management plan for guided sport fishing in Cook Inlet. Proposals 255, 310 and 311 would require guides to maintain a logbook and report daily catch, harvest and angler effort for freshwater fisheries of the Kenai River and/or Cook Inlet.

WHAT ARE THE CURRENT REGULATIONS? At the November 2004 Lower Cook Inlet Board of Fisheries meeting, the board adopted regulations to implement new statutes governing sport fish guide licenses and reporting requirements. All sport fishing guide business owners and sport fishing guides are required to be licensed through the department. All guided fishing trips on both salt and fresh waters are required to be reported in a logbook and submitted to the department annually.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Proposal 253 does not specify the stipulations of a management plan addressing guides therefore the effect of such a plan if adopted is unknown.

Proposals 255, 310, and 311 duplicate the requirements of the statewide freshwater guide legislation contained in regulations adopted by the board at the November 2004 Lower Cook Inlet Board of Fisheries meeting.

BACKGROUND: On May 11, 2004 the Alaska Legislature adopted a bill (HB 452) that established licensing requirements for sport fishing guide business owners and sport fishing guides on a statewide basis. This bill also established reporting requirements (logbooks) for all guided fishing trips on both salt and fresh waters, and mandated that all vessels used in these guided fishing trips be registered with the department. At the November 2004 Lower Cook Inlet Board of Fisheries meeting the board adopted regulations in Title 5 of the Alaska Administrative Code to reflect the provisions of HB 452. All guides operating in Alaska are now required to license with the department and all guides operating in saltwater and freshwater are now required to maintain a logbook.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** on these proposals based upon the actions the board took at its November 2004 Lower Cook Inlet meeting. It appears that the primary intent of proposal 253 may be satisfied by these recent board actions.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 254, PAGE 198. 5 AAC 56.036 KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS; AND 5 AAC 61.036 FRESHWATER GUIDING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? This proposal would restrict guided operations to only three days per week.

WHAT ARE THE CURRENT REGULATIONS? Guides may not sport fish in all fresh waters of the West Cook Inlet area, Kasilof River, Anchorage Bowl area, Knik Arm area, and Susitna River drainages, in waters open to fishing for king salmon 20 inches or longer while a client is present or within the guide's control or responsibility, unless the guide is providing assistance to a client with a disability as defined in the Americans with Disabilities Act. Also, guides may not sport fish in the salt waters of the Early Run King Salmon Special Harvest Area, those marine waters south of the latitude of the mouth of the Ninilchik River to the latitude of Bluff Point and within 1 mile of shore.

On the Kenai River:

During July, a vessel used for guided sport fishing on the Kenai River may not carry more than five persons, including the fishing guide, clients, and other passengers.

Downstream from the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31, and on any Monday in July, except that a person may fish from a registered guide vessel during the last two Sundays in May under the terms of a permit issued by the commissioner, for approved charitable nonprofit organizations or for educational public service activities.

During June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. Beginning in 2000, from May 1 through July 31, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m.

From July 31 or the end of the king salmon season, whichever is later, through September 30, sport fishing from a vessel that is registered with the Department of Natural Resources, division of parks, as a guide vessel is restricted as follows:

(A) a person who is a guide may not sport fish while a client is present or is within the guide's control or responsibility, except when guiding a client with a disability as defined in 5 AAC 61.036;

(B) the maximum number of fishing rods that may be operated may not exceed the number of clients on board the vessel;

(C) downstream from the confluence of the Moose and Kenai Rivers, sport fishing on Mondays is prohibited;

(D) upstream from the confluence of the Moose and Kenai Rivers, sport fishing for coho salmon on Mondays is prohibited; any coho salmon caught must be released immediately without further harm.

In the Kenai River Special Management Area, 1 mile below the Warren Ames Bridge (river mile 4), up to and including Kenai Lake, from May 15 to September 30 a guide or the guide's employees may not fish from a registered guide vessel while the vessel is being used for guiding activities.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted this proposal would reduce the harvest of all guided anglers and likely increase crowding on the days remaining for guided angling. Sport fishing businesses, guides, and local economies would be negatively impacted.

BACKGROUND: About 1,300-guide businesses are operating in Southcentral Alaska. In some fisheries, guided anglers make up more than 50% of the sport harvest with nonresident anglers comprising a significant proportion of the overall guided harvest. In other fisheries the guided nonresident harvest contributes little to the overall harvest. Nonetheless, nonresident anglers comprise a significant proportion of the guided sport harvest in many fisheries in Cook Inlet-Resurrection Bay. As an example, for the years 1996-2000, guided nonresidents averaged 45% of the Kenai River early-run king salmon harvest (guided residents 10%, unguided residents 27%, and unguided nonresidents 18%). Guides and guide businesses provide an essential service to nonresident anglers who visit the state and do not have the means, equipment or knowledge to fish the area's waters.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on proposal 254 as it is allocative in nature. This proposal would reduce the harvest of all guided anglers in Cook Inlet by allowing fewer days of fishing with guides.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 256, PAGE 199. 5 AAC 56.036 KENAI RIVER GUIDING AND GUIDED FISHING REQUIRMENTS; AND 5 AAC 61.036 FRESHWATER GUIDING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? Proposal 256 would require sport fishing guides that operate in the freshwaters of Cook Inlet to register for specific fishing locations for the fishing season. Sport fishing guides would be required to give a 48-hour notice prior to changing areas.

WHAT ARE THE CURRENT REGULATIONS? The department does not require guides to register for specific fishing locations. Guides are allowed to operate in all Cook Inlet waters. State regulations require that all commercial activities conducted within a unit of the state park system require, in advance, a permit issued by the Division of Parks and Outdoor Recreation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would likely concentrate guides in the most desirable fishing locations and increase conflicts in these congested locations. As such, this proposal would likely reduce or impact the angling public that utilizes guides. This proposal would also require that the department establish exclusive guide areas throughout Cook Inlet and administer a program to monitor and enforce compliance. Such a program would require additional funding and staffing.

BACKGROUND: About 1,300-guide businesses are operating in Southcentral Alaska. In some fisheries, guided anglers make up more than 50% of the sport harvest with nonresident anglers comprising a significant proportion of the overall guided harvest. In other fisheries the guided nonresident harvest contributes little to the overall harvest. Nonetheless, nonresident anglers comprise a significant proportion of the guided sport harvest in many fisheries in Cook Inlet-Resurrection Bay. Guides and guide businesses provide an essential service to the nonresident anglers who visit the state and do not have the means, equipment or knowledge to fish the area's waters.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department has very little specific data on fresh water guiding activities anywhere in the state. Adoption of reporting requirements at the November 2004 Lower Cook Inlet board meeting will begin to provide the board with more detailed information on the harvest and effort of guided sport fish anglers with which to make decisions regarding proposals such as this.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 257, PAGE 200. 5 AAC 56.022 WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE); AND 5AAC 58.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE COOK INLET-RESURRECTION BAY SALTWATER AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit all Kenai Peninsula freshwater sport fishing derbies that take place in Kenai Peninsula Area. The proposal would require derbies to take place in salt water and target only stocks that have a harvestable surplus, or that are enhanced.

WHAT ARE THE CURRENT REGULATIONS? Derbies are defined in AS 16.05.940 (13) DEFINITIONS as "*fish derby*" means a contest in which prizes are awarded for catching fish. There are two types of sport fishing derbies in Alaska: authorized and unauthorized. Authorized derbies are those permitted by the department (AS 16.05.662) to sell fish entered in the derby. Authorized derbies must file a report with the

department. Unauthorized derbies go unmonitored and a report to the department is not required.

All sport-fishing derbies require a permit from the Department of Commerce and Economic Development, Division of Occupational Licensing and Games of Chance.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? There would be no effect on derbies if this proposal were adopted because the board does not have the power to permit or prohibit fishing derbies.

BACKGROUND: The Department of Revenue, not the board or the Commissioner, has the power to permit or prohibit fishing derbies under AS 05.15.100. The Commissioner has the limited power to permit the sale of fish from a derby and the board retains all its power to regulate time, area, methods and means regardless of whether a derby exists.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** this proposal. The board has deliberated on many proposals similar to these in past meetings. The board can indirectly regulate derbies through time, area, methods and means, and bag and possession limit adjustments that apply to all participants in the fishery. However, the board does not have the authority to directly and specifically regulate fishing derbies.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 23, PAGE 17. 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN; 5 AAC 56.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE); 5 AAC 56.023. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; 5 AAC 56.070. KENAI RIVER AND KASILOF RIVER EARLY-RUN KING SALMON CONSERVATION MANAGEMENT PLAN; 5 AAC 58.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR COOK INLET – RESURRECTION BAY SALTWATER AREA; 5 AAC 61.022. WATERS, SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA; 5 AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS – FINFISH.

WHAT WOULD THE PROPOSALS DO? This proposal would not allow a catch and release fishery to occur when a conservation concern exists.

WHAT ARE THE CURRENT REGULATIONS? No regulation currently addresses the issue of a catch and release fishery occurring on a system where a conservation concern exists.

WHAT WOULD BE THE EFFECT IF THESE PROPOSALS ARE ADOPTED? If this proposal were adopted, anglers would lose fishing opportunity on fisheries currently open to catch and release.

BACKGROUND: In 2000, the BOF adopted a Policy for the Management of Sustainable Salmon Fisheries (SSFP), 5 AAC 39.222. A ‘conservation concern’, as described in this policy, means a concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a salmon stock above a Sustained Escapement Threshold (SET); a conservation concern is more severe than a management concern. In this plan, the BOF in consultation with the department will decide if a conservation concern exists for a salmon stock and if so the BOF will amend or develop new fisheries management plans to address these concerns. This policy lays out the steps the department will take to address a conservation concern; steps will be taken to minimize harvest and overall impacts to salmon populations that are considered to be a conservation concern. These steps may include everything from wide ranging, severe restrictions on all user groups, to minor in-river restrictions that may or may not only impact one user group. These restrictions could and would likely include not allowing catch and release fishing until such times as the stock of concern rebuilds to a sustainable level.

For fish species other than salmon, catch and release may be allowed where stocks are insufficient to support a harvest.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Catch and release is a viable technique to provide fishing opportunity while protecting stocks that cannot sustain directed harvest. The department agrees that reductions in harvest potential, including a prohibition of catch and release fishing, should enter into any discussion of a “stock of conservation concern” as defined by the Sustainable Salmon Fisheries Policy. The board previously considered this proposal at the November 2004 Lower Cook Inlet meeting and voted unanimously against it.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

SPORT FISHING - KENAI PENINSULA

Kenai River Resident Species (15 Proposals)

PROPOSALS 258, 259, 260, 261, AND 262, PAGES 201-205. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; AND 5AAC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? These proposals would streamline bag and possession limits and season dates for rainbow trout in the Kenai River, Kasilof River, and Swanson River drainages. These proposals generally seek to provide a slightly more conservative rainbow trout harvest strategy in the lower Kenai River from its mouth upstream to the Moose River by reducing the size of fish that would be available for harvest. However, these proposals would also provide a slightly more liberal rainbow trout fishery upstream of Skilak Lake to the outlet of Kenai Lake by allowing a harvest fishery in waters that are currently managed as a catch-and-release-only fishery.

Several proposals also address limits for Dolly Varden. Staff comments pertaining to limits and seasons for Dolly Varden are addressed under proposals 265 – 267.

Proposal 258 was submitted as a placeholder by the department to provide the board with an opportunity to review the current wild trout regulations for the Northern Kenai Peninsula Area and, if practical, to modify, simplify and provide for consistency with the recently adopted Statewide Management Standards for Wild Trout as described in 5AAC 75.220.

Proposal 259 would establish a bag and possession limit for rainbow trout in the mainstem Kenai River from its mouth upstream to Kenai Lake of one fish less than 18 inches in length.

Proposal 260 would establish the following bag and possession limits and seasons for rainbow trout:

- 1) in the flowing waters of the Kenai River drainage below Skilak Lake including the Kenai River; one fish less than 18 inches in length.
- 2) in the flowing waters of the Kenai River drainage above Skilak Lake upstream to Kenai Lake; one fish less than 16 inches in length. Open season from June 11 – May 1.
- 3) in unstocked lakes and ponds within the Kenai River drainage; two fish, only one fish 20 inches or longer.

Proposal 261 would establish a bag and possession limit for rainbow trout and Dolly Varden in the flowing waters of the Kenai River from the Warren Ames Bridge upstream to the outlet of Skilak Lake of one fish of each species, 18 inches or less in length.

Proposal 262 would establish a bag and possession limit in the flowing waters of the Kenai River drainage from its mouth upstream to the outlet of Skilak Lake of one rainbow trout less than 18 inches in length and two Dolly Varden less than 18 inches in length. Open season from June 15 – April 14. Additionally, this proposal would establish the following dates for specific methods;

- 1) August 1 – September 30; only one unbaited, single hook, artificial lure allowed in the Kenai River from the Upper Killey River upstream to the outlet of Skilak Lake.

- 2) October 1 – April 14; only one unbaited, single hook, artificial lure allowed in the Kenai River from its mouth upstream to the outlet of Skilak Lake.

WHAT ARE THE CURRENT REGULATIONS? In flowing waters, the general bag limit and possession limit varies from catch and release only fishing, to five fish per day. Daily size limits vary from no limit, to no retention of fish 18 inches or greater in length, to only one that may be over 20 inches in length. There is an annual limit of two fish 20 inches or greater in length, and a harvest record is required. To protect spawning fish, most flowing waters are closed to rainbow/steelhead trout fishing from April 15 - June 14, but seasonal closures differ in certain areas of the Kenai River drainage.

In lakes and ponds, the current regulations are also inconsistent with the statewide management standard. The general bag limit and possession limit is five fish per day, of which only one may be over 20 inches in length, although this may vary. There is an annual limit of two fish 20 inches or greater in length, and a harvest record is required. Lakes and ponds are open from January 1 to December 31.

Season, bag and possession limits for rainbow/steelhead trout include the following:

- 1) In the lower Kenai River tributaries between the mouth and Skilak Lake (does not include the mainstem Kenai River, or Skilak Lake):
 - a) in flowing waters: two per day/two in possession, of which only one may be over 20 inches in length; Exception in the Moose River drainage - five per day/five in possession, of which only one may be over 20 inches in length;
 - b) in lakes and ponds: open entire year; five per day/five in possession, of which only one may be over 20 inches in length;
- 2) In the upper Kenai River tributaries between Skilak Lake and Kenai Lake (does not include the Russian River, the mainstem Kenai River, or Skilak Lake):
 - a) in flowing waters: no retention;
 - b) in lakes and ponds: open entire year; five per day/five in possession, of which only one may be over 20 inches in length;
- 3) In the Kenai Lake drainages (including Kenai Lake and all other lakes of the Kenai Lake drainage, and all flowing waters tributary to Kenai Lake):
 - a) in flowing waters: no retention;
 - b) in unstocked lakes from April 15 – October 31: two per day/two in possession, of which only one may be over 20 inches in length;
 - c) in unstocked lakes from November 1 – April 14: five per day/five in possession, of which only one may be over 20 inches in length;
- 4) In the lower Kenai River mainstem and Skilak Lake:
 - a) from mouth of Kenai River upstream to the Moose River: one per day/one in possession; no size limit; open June 15 – April 14;
 - b) from the Moose River upstream to Skilak Lake: one per day/one in possession, must be less than 18 inches in length; open June 15 – December 31;
 - c) Skilak Lake: one per day/one in possession; no size limit; open June 15 – April 14;
- 5) In the upper Kenai River mainstem upstream from Skilak Lake to the Sterling Highway bridge at the outlet of Kenai Lake (excluding the Russian River drainage):

- a) catch and release fishing only; rainbow/steelhead trout caught must be released immediately and returned to the water unharmed; ; open June 11 – May 1;
- 6) In the Russian River drainage:
 - a) downstream of the outlet of Lower Russian Lake: no retention;
 - b) upstream of the outlet of Lower Russian Lake: two per day/two in possession, of which only one may be over 20 inches in length;
 - c) Upper and Lower Russian Lakes: two per day/two in possession, of which only one may be over 20 inches in length; open June 15 – April 14;
- 7) In the Kasilof River drainage, all rainbow/steelhead trout caught must be released immediately; a person may not remove a rainbow/steelhead trout from the water.
- 8) In the Swanson River drainage, the bag and possession limit for rainbow/steelhead trout is five fish, of which only one per day may be 20 inches or greater in length.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, the primary effect of these proposals would be to simplify regulations and reduce public confusion. Given the current harvest philosophy of the majority of anglers, it is quite possible that slightly reducing the harvest opportunity for rainbow trout in the lower Kenai River and liberalizing the bag and possession limit for rainbow trout in the upper Kenai River, may not appreciably change the overall exploitation of the stocks.

BACKGROUND: Regulations for the management of rainbow trout and Dolly Varden in the Northern Kenai Peninsula Management Area (NKPMA) have been noteworthy for the series of incremental changes that have occurred during the past 10-15 years. Many of these regulation changes were focused upon specific areas of the Kenai River. Over time, these regulations have contributed to a system of complex and often conflicting measures that have not always served the public or the resource well. During this BOF cycle, the department, at the urging of the public, has sought public recommendations to modify the present codified regulations in order to resolve inconsistencies and develop a concise order of regulations that recognize important biological and social implications. These various proposals have been brought forward for discussion during the Board of Fisheries process with a desire to provide for more consistent and easier to understand regulations that addresses the biological and social considerations of managing the rainbow trout and Dolly Varden resources of the NKPMA.

Statewide Harvest Survey (SWHS) information gathered from the Kenai River downstream from Skilak Lake to Cook Inlet demonstrate that most anglers currently release the majority of the rainbow trout that are caught. In that area of the Kenai River with no size restriction, average harvest during the past 5 years has been only 10% of the catch. In that area of the Kenai River that allows retention of fish 18 inches or less, the 5-year harvest trend has been less than 4% of the total catch. Research information indicates that approximately 25% of rainbow trout female spawners are 18 inches or less. Establishing a size limit of 18 inches therefore, protects approximately 75% of the spawning female Rainbow trout from possible harvest. Spawning female rainbow trout 16 inches or less comprise only about 5% of the total female spawning component. Size restrictions that prohibit the harvest of rainbow trout less than 16 inches would potentially exclude approximately 95% of the spawning female rainbow trout.

Slightly more than 50% of the total population of rainbow trout in the upper Kenai River were noted to be 16 inches and less. Size increments in the population indicated that only 10% of the total population is 20 inches or larger. Therefore, excluding a high percentage of the total population or a high percentage of the spawning female segment of the rainbow trout population would generally focus upon the smaller sized fish.

DEPARTMENT COMMENTS: The department **SUPPORTS** a consistent regulatory structure that ensures the necessary biological factors of historical size composition and stock levels will be maintained.

The department recommends the following regulatory structure for rainbow trout bag and possession limits in the Kenai River drainage:

In flowing waters: One fish per day less than 18 inches in length.

In lakes and ponds: Two fish, of which only one may be 20 inches or greater in length.

In stocked lakes and ponds: Five fish, of which only one may be 20 inches or greater in length.

The department recommends the Kasilof River drainage remain catch and release for rainbow/steelhead trout. All rainbow/steelhead trout must be released immediately and a person may not remove a rainbow/steelhead trout from the water.

The department recommends the rainbow trout bag and possession limits in the Swanson River drainage remain unchanged; five fish, of which only one may be 20 inches or greater in length.

The department recommends the general open season for flowing waters be aligned in most areas to June 11 – May 1. Lakes and ponds would generally be open all year.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Recommended amended language: (added text is underlined; deleted text is CAPITALIZED and in **bold**)

5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

(a)(5) rainbow/steelhead trout;

(A) no annual limit; **[ARE SUBJECT TO AN ANNUAL LIMIT OF TWO FISH 20 INCHES OR GREATER IN LENGTH, AND A HARVEST RECORD IS REQUIRED AS SPECIFIED IN 5 AAC 56.024]**

(B) may be taken from June 11 – May 1 **[JUNE 15 – APRIL 14]**, in flowing waters of the Kenai River drainage from its mouth upstream to its confluence with the Moose River, except the Moose River drainage; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in

- length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [NO SIZE LIMIT];
- (C) may be taken from June 11 – May 1 [JUNE 15 – APRIL 14], in the Moose River drainage; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [FIVE FISH; NO SIZE LIMIT];
- (D) may be taken from June 11 – May 1 [JUNE 15 – DECEMBER 31], in the Kenai River from its confluence with the Moose River upstream to the ADF&G regulatory marker at the outlet of Skilak Lake; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately;
- (E) may be taken from June 11 – May 1 [JUNE 15 – APRIL 14], in waters of Skilak Lake, except waters within one-half mile radius of the Kenai River inlet; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [NO SIZE LIMIT];
- (F) may be taken from June 11 – May 1, in flowing waters of the Kenai River drainage upstream of Skilak Lake, including Skilak Lake within one-half mile radius of the Kenai River inlet and including flowing waters of the Kenai Lake drainage; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [CATCH AND RELEASE FISHING ONLY; RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY AND RETURNED TO THE WATER UNHARMED];
- (G) may be taken from January 1 – December 31, in the lakes and ponds of the Kenai River drainage, from its mouth upstream to the outlet of Kenai Lake, except stocked lakes; bag and possession limit of two [FIVE] fish, of which only one may be 20 inches or greater in length, and an annual limit of two fish 20 inches or greater in length and a harvest record is required as specified in 5 AAC 56.024;
- (H) may be taken in Kenai Lake and lakes tributary to Kenai Lake, excluding stocked lakes, from June 11 – May 1, bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately;
- (i) **[FROM APRIL 15 – OCTOBER 31; BAG AND POSSESSION LIMIT OF TWO FISH, OF WHICH ONLY ONE MAY BE 20 INCHES OR GREATER IN LENGTH;]**
- (ii) **[FROM NOVEMBER 1 – APRIL 14; BAG AND POSSESSION LIMIT OF FIVE, OF WHICH ONLY ONE MAY BE 20 INCHES OR GREATER IN LENGTH;]**
- (c)(7) in the waters of the Moose River drainage, the bag and possession limit for rainbow trout is two [FIVE] fish, of which only one may be 20 inches or greater in length;

- (d)(1)(D) from June 11 – May 1 [**JUNE 15 – APRIL 14**], flowing waters of the Russian River drainage upstream at least 100 yards from its confluence with the Kenai River, excluding Upper Russian (Goat) Creek;
- (G) from June 11 [**JUNE 15**] – August 20, the waters of the Russian River from its mouth upstream to an ADF&G marker located approximately 600 yards downstream from the falls are open to sport fishing for sockeye salmon;
- (H) from June 11 [**JUNE 15**] – July 31, and from September 1 – May 1 [**APRIL 14**], the Upper Russian (Goat) Creek upstream from an ADF&G regulatory marker located approximately 300 yards from its confluence with Upper Russian Lake;
- (4)(C) the Russian River from its confluence with the Kenai River, upstream to an ADF&G regulatory marker located 600 yards downstream from the falls, from June 11 [**JUNE 15**] – August 20, is fly-fishing only water;
- (e)(1) Kenai Lake from the Sterling Highway Bridge at the outlet, upstream to ADF&G regulatory markers located approximately one-quarter mile upstream, is open to sport fishing from June 11 – May 1 [**APRIL 14**];
- (2) in Kenai Lake within one-quarter mile of the Sterling Highway Bridge at the outlet
 - (B) bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [**RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY, AND RETURNED TO THE WATER UNHARMED**];
- (3) in flowing waters of the Kenai Lake drainage, rainbow/steelhead bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [**RAINBOW/STEELHEAD TROUT MAY NOT BE RETAINED; RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY, AND RETURNED TO THE WATER UNHARMED**];
- (5) in waters of Kenai Lake within one-quarter mile radius of all inlet streams, rainbow/steelhead bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [**RAINBOW/STEELHEAD TROUT MAY NOT BE RETAINED; RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY, AND RETURNED TO THE WATER UNHARMED**];
- (6) Crescent Creek drainage;
 - (A) is open to sport fishing from July 1 – May 1 [**APRIL 14**],
 - (C) In Crescent Lake,
 - (i) from July 1 – May 1 [**NOVEMBER 1 - APRIL 14**], the bag and possession limit for rainbow/steelhead trout is two [**FIVE**] fish, of which only one may be 20 inches or greater in length;
 - (ii) [**FROM JULY 1 – OCTOBER 31, THE BAG AND POSSESSION LIMIT FOR RAINBOW/STEELHEAD TROUT IS TWO FISH, OF WHICH ONLY ONE MAY BE 20 INCHES OR GREATER IN LENGTH;**]

- (D) from July 1 – May 1 [APRIL 14], the Crescent Creek drainage, except Crescent Lake, is open to sport fishing for rainbow/steelhead trout; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [IS OPEN TO CATCH AND RELEASE FISHING FOR RAINBOW/STEELHEAD TROUT; RAINBOW/STEELHEAD TROUT MAY NOT BE RETAINED; RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY, AND RETURNED TO THE WATER UNHARMED];
- (7) Quartz Creek drainage, excluding Crescent Creek;
 - (C) open to sport fishing from its mouth to the upstream side of the Sterling Highway Bridge, from June 11 – May 1 [APRIL 14], except for salmon as specified in (B) of this paragraph;
 - (D) from June 11—September 14, and from November 1 – May 1 [APRIL 14], upstream of the Sterling Highway Bridge (including Devils Creek, Johns Creek, Jerome Creek, Summit Creek, and Slate Creek) is open to sport fishing, except for salmon as specified in (B) of this paragraph;
 - (F) rainbow/steelhead bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [RAINBOW/STEELHEAD TROUT MAY NOT BE RETAINED; RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY, AND RETURNED TO THE WATER UNHARMED];
- (8) Snow River drainage;
 - (C) the South Fork of the Snow River is open to sport fishing from June 11 – September 14, and from November 1 – May 1 [APRIL 14], except salmon as specified in (B) of this paragraph;
 - (D) the remainder of the Snow River drainage is open to sport fishing from June 11 – May 1, except for salmon as specified in (B) of this paragraph;
 - (F) rainbow/steelhead bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; rainbow/steelhead trout caught that are 18 inches or greater in length must be released immediately [RAINBOW/STEELHEAD TROUT MAY NOT BE RETAINED; RAINBOW/STEELHEAD TROUT CAUGHT MUST BE RELEASED IMMEDIATELY, AND RETURNED TO THE WATER UNHARMED];

PROPOSAL 263, PAGE 207. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would remove all seasonally closed waters in the mainstem Kenai River below the outlet of Skilak Lake.

WHAT ARE THE CURRENT REGULATIONS? The following waters of the Kenai River are closed to sport fishing, as follows:

(A) from April 15 - June 14, the flowing waters of Soldotna Creek downstream from an ADF&G regulatory marker located approximately 100 feet upstream from its confluence with the Kenai River;

(B) from January 1 - July 14, that portion of the Kenai River from an ADF&G regulatory marker located approximately one mile downstream from the mouth of the Funny River, upstream to an ADF&G regulatory marker located approximately 200 yards upstream from the mouth of the Funny River;

(C) from June 25 - July 14, that portion of the Kenai River from an ADF&G regulatory marker located approximately three-quarters of a mile downstream from the mouth of the Lower Killey River, upstream to an ADF&G regulatory marker located approximately one-half mile upstream from the mouth of the Lower Killey River;

(D) from January 1 - June 14, that portion of the Kenai River from the mouth of the Upper Killey River, upstream to the outlet of Skilak Lake;

(C) from January 1 - July 14, the waters in that portion of the Kenai River from an ADF&G regulatory marker located approximately 300 yards downstream from the mouth of Slikok Creek, upstream to an ADF&G regulatory marker approximately 100 yards upstream from the mouth of Slikok Creek is closed to taking king salmon 20 inches or greater in length;

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, the harvest of early-run king salmon bound for tributary streams would likely increase. Increased harvest of these species may result in more frequent management actions implemented by the department during the early-run king salmon season.

BACKGROUND: The seasonal closures for specific locations and defined time periods in the mainstem Kenai River were established by the board to protect rainbow trout and Dolly Varden as well as king salmon bound for tributary streams. The Board of Fisheries adopted a department proposal to establish sanctuary areas surrounding the confluence locations of Slikok Creek and Funny River during the 1992 meeting. These areas were established to protect returning early-run king salmon. These no-fishing zones were expanded to encompass additional river area and provide further protection for holding king salmon in 1996 by the BOF. Also during the 1996 meeting, the board increased the number of sanctuary areas with the inclusion of the Killey River confluence area. The Killey River area further reduces the harvest of early-run king salmon that utilize the major tributaries of the Kenai River to spawn. These areas are closed to all fishing until July 15th when the majority of king salmon have migrated from the mainstem Kenai River into the tributary waters. The Killey River closure area was expanded by the board in 2002 to include the middle fork of the Killey River. The expansion added nearly a half-mile of river to the no fishing zone. Research efforts conducted by the Department of Fish and Game and the U.S. Fish and Wildlife Service demonstrate that both Rainbow trout and Dolly Varden utilize these tributary areas during the timeframe that fishing is restricted. Therefore, the current management framework provides additional protection to these species as well as king salmon.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Many of these closed areas were established by the board to reduce exploitation of resident species

during periods of spawning or were closed by the board to protect early-run king salmon milling in these areas prior to moving into the tributaries. Rainbow trout, Dolly Varden and early-run king salmon, which are afforded additional protection that these areas provide, would be exposed to additional harvest pressure.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 264, 265, 266, AND 267, PAGES 207-210. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; AND 5AAC 56.XXX. KENAI RIVER WATERSHED DOLLY VARDEN SPECIAL MANAGEMENT AREA. .

WHAT WOULD THE PROPOSAL DO? These proposals would streamline bag and possession limits and season dates for Dolly Varden on the Kenai River.

Proposal 264 would establish a Special Management Area for Dolly Varden in the Kenai River drainage as outlined in 5AAC 56.014. Within the special management area the following bag and possession limits for Dolly Varden would apply:

- 1) in the flowing waters of the Kenai River drainage below Skilak Lake including the Kenai River; one fish less than 18 inches in length.
- 2) in the flowing waters of the Kenai River drainage above Skilak Lake upstream to Kenai Lake; one fish less than 16 inches in length.
- 3) in unstocked lakes and ponds within the Kenai River drainage; two fish, only one fish 20 inches or longer.

Proposal 265 would establish a bag and possession limit for Dolly Varden in the mainstem Kenai River from its mouth upstream to Kenai Lake of one fish less than 18 inches in length.

Proposal 266 would establish a bag and possession limit for Dolly Varden in the mainstem Kenai River from its mouth upstream to Kenai Lake of one fish less than 18 inches in length; and a bag and possession limit in lakes and ponds within the Kenai River drainage of two fish, of which only one fish may be 20 inches or greater. The proposal would also modify season dates to more closely align with rainbow trout season dates.

Proposal 267 would amend the regulations regarding the seasonally closed waters boundary and season dates for Dolly Varden in the mainstem Kenai River from Cook Inlet to the Moose River and from the Moose River to the outlet of Skilak Lake.

WHAT ARE THE CURRENT REGULATIONS? Season, bag and possession limits for Arctic char/Dolly Varden include the following:

(A) may be taken from January 1 - December 31, in flowing waters from its mouth upstream to the mouth of the upper Killey River, except the Moose River drainage above the Sterling Highway Bridge; bag and possession limit of two fish; no size limit;

(B) may be taken from June 15 - April 14, in the flowing waters of the Moose River drainage upstream of the Sterling Highway Bridge; bag and possession limit of two fish; no size limit;

(C) may be taken from January 1 - December 31, in the lakes and ponds of the Kenai River drainage from its mouth upstream to Skilak Lake outlet; bag and possession limit of five fish; no size limit;

(D) may be taken from January 1 - December 31, in flowing waters from the mouth of the Upper Killey River upstream to Skilak Lake, and the waters of Skilak Lake, except the waters within one - half mile radius of the Kenai River inlet; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic char/Dolly Varden caught that are 18 inches or greater in length must be released immediately;

(E) may be taken from June 11 - May 1, in all flowing waters of the Kenai River drainage from the waters of Skilak Lake within one-half mile radius of the Kenai River inlet, upstream to Kenai Lake, including the flowing waters of the Kenai Lake drainage; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length, Arctic char/Dolly Varden caught that are 18 inches or greater in length must be released immediately;

(F) may be taken from January 1 - December 31, in Hidden Lake and the lakes and ponds of the Kenai River drainage upstream from the Kenai River inlet into Skilak Lake, including Kenai Lake; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic char/Dolly Varden caught that are 18 inches or greater in length must be released immediately.

WHAT WOULD THE EFFECT BE IF THESE PROPOSALS WERE ADOPTED? If adopted, the primary effect of these proposals would be to simplify regulations and reduce public confusion. Given the current harvest philosophy of the majority of anglers, it is quite possible that slightly reducing the harvest opportunity for Dolly Varden in the lower Kenai River may not appreciably change the overall exploitation of the stocks.

Adoption of proposal 264 would contribute to simplifying regulations within the Kenai River drainage. However, a less complex approach towards simplifying regulations with the establishment of a uniform bag and possession limit while maintaining seasonally closed waters for the protection of other species would accomplish the same goal as establishing a Special Management Area for Dolly Varden in the Kenai River drainage.

If proposal 267 were adopted, those waters in the Kenai River upstream of Moose River to the outlet of Skilak Lake would be closed to fishing for Dolly Varden from January 1

through June 14. This proposal would align the current closure for rainbow trout in that area of the Kenai River with the additional prohibition against fishing for Dolly Varden as well. This would reduce the available fishing opportunity for Dolly Varden in that area of the Kenai River from current, 12 months per year to 7 ½ months annually.

BACKGROUND: Regulations for the management of rainbow trout and Dolly Varden in the Northern Kenai Peninsula Management Area (NKPMA) have been noteworthy for the series of incremental changes that have occurred during the past 10-15 years. Many of these regulation changes were focused upon specific areas of the Kenai River. Over time, these regulations have contributed to a system of complex and often conflicting measures that have not always served the public or the resource well. During this BOF cycle, the department, at the urging of the public, has sought public recommendations to modify the present codified regulations in order to resolve inconsistencies and develop a concise order of regulations that recognize important biological and social implications. These various proposals have been brought forward for discussion during the Board of Fisheries process with a desire to provide for more consistent and easier to understand regulations that addresses the biological and social considerations of managing the rainbow trout and Dolly Varden resources of the NKPMA.

Current research illustrates that approximately 30% of Dolly Varden female spawners are less than 18 inches. The proportion of female spawners less than 20 inches is nearly 70%. Within the two inch zone between 18 and 20 inches is situated approximately 40% of the spawning female Dolly Varden. Length distributions for captured Dolly Varden indicate that 85% of all DV are less than 20 inches and 70% are less than 18 inches. Providing for an 18 inch harvest cutoff protects twice as many female spawners as the 20 inch limit; 15% of the total population versus 7.5%, recognizing that 50% of the total population are females.

DEPARTMENT COMMENTS: The department **SUPPORTS** a consistent regulatory structure that ensures the necessary biological factors of historical size composition and stock levels will be maintained. The department is **NEUTRAL** on proposal 264 regarding establishing a Special Management Area for Dolly Varden, but believes the intent of the proposal can be accomplished by amending current Dolly Varden bag limits and seasons.

The department recommends the following regulatory structure for rainbow trout bag and possession limits in the Kenai River drainage:

In flowing waters: One fish per day less than 18 inches in length.

In lakes and ponds: Two fish, of which only one may be 20 inches or greater in length.

The department recommends aligning the rainbow trout and Dolly Varden general open season for flowing waters in most areas to June 11 – May 1. Lakes and ponds would generally be open all year.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Recommended amended language: (added text is underlined; deleted text is CAPITALIZED and **bolded**)

5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

(a)(4) Arctic Char/Dolly Varden

- (A) may be taken from June 11 – May 1 [**JANUARY 1 – DECEMBER 31**], in flowing waters from its mouth upstream to the mouth of the upper Killey River, except the Moose River drainage above the Sterling Highway Bridge; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic Char/Dolly Varden caught that are 18 inches or greater in length must be released immediately [**TWO FISH; NO SIZE LIMIT**];
- (B) may be taken from June 11 – May 1 [**JUNE 15 – APRIL 14**], in the flowing waters of the Moose River drainage upstream of the Sterling Highway Bridge; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic Char/Dolly Varden caught that are 18 inches or greater in length must be released immediately [**TWO FISH; NO SIZE LIMIT**];
- (C) may be taken from January 1 - December 31, in the lakes and ponds of the Kenai River drainage from its mouth upstream to Skilak Lake outlet; bag and possession limit of two fish, of which only one may be 20 inches or greater in length [**FIVE FISH; NO SIZE LIMIT**];
- (D) may be taken from June 11 – May 1 [**JANUARY 1 – DECEMBER 31**], in flowing waters from the mouth of the Upper Killey River upstream to Skilak Lake, and the waters of Skilak Lake, except the waters within one - half mile radius of the Kenai River inlet; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic char/Dolly Varden caught that are 18 inches or greater in length must be released immediately;
- (E) may be taken from June 11 - May 1, in all flowing waters of the Kenai River drainage from the waters of Skilak Lake within one-half mile radius of the Kenai River inlet, upstream to Kenai Lake, including the flowing waters of the Kenai Lake drainage; bag and possession limit of one fish less than 18 inches in length; no retention of fish 18 inches or greater in length, Arctic char/Dolly Varden caught that are 18 inches or greater in length must be released immediately;
- (F) may be taken from January 1 - December 31, in Hidden Lake and the lakes and ponds of the Kenai River drainage upstream from the Kenai River inlet into Skilak Lake, including Kenai Lake; bag and possession limit of one fish less

than 18 inches in length; no retention of fish 18 inches or greater in length; Arctic char/Dolly Varden caught that are 18 inches or greater in length must be released immediately;

(d)(1)(C) from June 11 – September , 14 and from November 1 – May 1 [**APRIL 14**] Cooper Creek;

PROPOSALS 268, AND 269, PAGE 211. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? Proposal 268 would close those waters of the Kenai River within a half-mile of the outlet of Skilak Lake to all fishing.

Proposal 269 would define the outlet of Skilak Lake as those waters within a half-mile radius of the outlet of Skilak Lake.

WHAT ARE THE CURRENT REGULATIONS? The outlet of Skilak Lake is not defined in regulation, but the department does post regulatory markers at this location.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? These proposals would define and close those waters within a half-mile radius of the outlet of Skilak to all fishing. ((What? Skilak Lake? Do you mean Kenai Lake? Fishing is not CLOSED at the outlet of Kenai Lake. In fact, it is a very popular catch and release area for RBT fishermen. The same applies to the outlet waters of the Kenai River within a half mile of the inlet to Skilak Lake – no retention of RBT but it is a popular catch and release location for anglers hiking from Hidden Lake trail or floating.)) Fishing for king salmon 20 inches or greater in length would be closed within the half-mile radius defining the outlet of Skilak Lake. This proposal would also alter seasons, bag and possession limits, and methods and means within the half-mile stretch of river for Dolly Varden, Lake Trout, sockeye salmon and coho salmon currently available to fishermen in this area of the Kenai River drainage.

BACKGROUND: Current regulations for the outlet and inlet waters of the major lakes in the Northern Kenai Peninsula Management Area allow for harvest of most salmon species as well as resident species. Seasonal closures or catch and release fishing may apply depending on the lake area or species under consideration.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The proposed regulation would unnecessarily restrict fishing opportunity with little or no biological justification.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 270, PAGE 212. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of bait in the mainstem Kenai River from the upper Killey River to the outlet of Skilak Lake during August 1 through December 31 and the mainstem Kenai River from Cook Inlet to the outlet of Skilak Lake from October 1 through December 31.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing gear restrictions from August 1 - August 3, in the Kenai River from its mouth upstream to the Sterling Highway Bridge at Soldotna, only unbaited artificial lures may be used; from August 1 - December 31, in the Kenai River from the mouth of the Upper Killey River upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, only one unbaited, single-hook, artificial lure may be used; from October 1 - December 31, in the Kenai River from its mouth upstream to the mouth of the upper Killey River, only unbaited artificial lures may be used.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted by the board the use of bait would be allowed in the Kenai River from the mouth at Cook Inlet extending upstream to the outlet of Skilak Lake from July 1 through December 31, excepting the bait restriction during August 1-3 below the Soldotna bridge. Such a regulatory change would most likely increase the overall catch and harvest of Rainbow trout, Dolly Varden and coho salmon in the Kenai River. In addition, the current prohibition against retaining and/or fishing for coho salmon in the Kenai River during August 1-3 would be unenforceable given the likely confusion regarding fishing for other species while using bait above the Soldotna bridge.

BACKGROUND: Beginning in 1987, in the Kenai River downstream from the outlet of Skilak Lake to its confluence with the Moose River, the use of bait was prohibited from November 1 – May 31. In 1989, the bait restriction in that same section of river changed to January 1 – June 30 and November 1 – December 31.

In 1997, the bait restriction was modified again to prohibit the use of bait from October 1 – June 30 in the Kenai River downstream from the outlet of Skilak Lake, unless provided for by emergency order. This change by the board was in response to concerns the department had that increased harvest levels of coho salmon and decreased coho salmon smolt production may result in harvest rates that were not sustainable. The bait restriction was just one of many actions taken by the board at that time to reduce the overall exploitation of Kenai River coho salmon.

In 2002, the bait restriction was further refined to prohibit its use from August 1 – December 31 in the Kenai River from the Upper Killey River upstream to the outlet of Skilak Lake, and from October 1 – December 31 in the Kenai River from its mouth upstream to the outlet of Skilak Lake.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. Although there is a long history of restricting the use of bait for fishing in Kenai River, particularly from the outlet of Skilak Lake to the confluence of the Moose and Killey rivers, current information indicates that there is a healthy population of rainbow trout and Dolly Varden in this area of the Kenai River. In addition, coho salmon harvest levels have stabilized through a combination of harvest reduction measures adopted by the BOF for both commercial and sport coho salmon fishermen. Since the 2002 BOF meeting, the department has now compiled five years of data from various Kenai River coho salmon assessment projects including; escapement estimates, total return, total exploitation, and smolt abundance. These data indicate stable exploitation rates (36% to 46% total exploitation), and escapement levels 7 to 10 times larger than 1999. At the time of the 2002 BOF meeting, the department only had two seasons of data (1999 & 2000). Allowing the use of bait in the mainstem Kenai River from the upper Killey River to the outlet of Skilak Lake during August 1 through December 31 and the mainstem Kenai River from Cook Inlet to the outlet of Skilak Lake from October 1 through December 31 may not present biological or conservation concerns.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 271, PAGE 213. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would close those waters in the mainstem Kenai River at approximately river-mile 47 between the upper and lower boundary signs delineating the swan sanctuary to all fishing from an anchored boat during the period June 15-December 31.

WHAT ARE THE CURRENT REGULATIONS? Fishing from an anchored vessel is allowed during this time period. However, under Title 11 of the Alaska Administration Code (11 AAC 20.862. Boating Methods), there is a Department of Natural Resources regulation that states:

(b) A person may not anchor a boat in the Kenai River Special Management Area in a manner obstructing a primary traffic channel or drift fishing channel of any section of the river between May 15 and July 31.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted this proposal would restrict boat anglers who fish while anchored in that area of the Kenai River extending upstream from approximately river mile 47 to river mile 50 near the outlet of Skilak Lake from using an anchor while fishing. Hunters, other boat users and non-fishing anglers would still be allowed to anchor in this area of the Kenai River.

BACKGROUND: Current DNR regulations stipulate that no one may anchor a boat such that it obstructs the primary traffic channel from mid-May through July. U.S. Coast Guard regulations for inland waterways also state that obstruction of the navigable channel is prohibited for reasons of safety. Nonetheless, during the past several years members of the fishing public using this area of the river have complained of conflicting uses by powerboat and anchoring, drift boat fishermen.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. This proposal addresses a social issue between competing uses of the river or a potential safety issue with no biological concerns that require board action.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 272, PAGE 213. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would require that only a single hook with a gap between the shank and point of 3/8 inch or less may be used in those waters within a 1/2 mile radius of the Kenai River inlet at Skilak Lake extending upstream, including the flowing waters of the Russian River, to those waters within a 1/4 mile upstream of the Sterling Highway Bridge at the outlet of Kenai Lake.

WHAT ARE THE CURRENT REGULATIONS? The following are localized additions and exceptions to the seasons, bag, possession, and size limits, and special provisions set out in (a) and (b) of this section for the Kenai River drainage, including the waters of Skilak Lake within a one-half mile radius of the Kenai River inlet, upstream to the Sterling Highway Bridge at the outlet of Kenai Lake:

- (4) the following gear restrictions apply;
- (A) in flowing waters, only one unbaited, single-hook, artificial lure may be used;
- (B) in the Russian River drainage, including Upper and Lower Russian lakes, only one unbaited, single-hook, artificial lure may be used;
- (C) the Russian River from its confluence with the Kenai River, upstream to an ADF&G regulatory marker located 600 yards downstream from the falls, from June 15 - August 20, is fly-fishing-only water;
- (D) the Russian River sanctuary area, which consists of waters up stream from ADF&G regulatory markers located just downstream of the ferry crossing on the Kenai River, to ADF&G regulatory markers located approximately 300 yards upstream of the public boat launch at Sportsman's Landing, including the waters around the upstream end of the island near the Russian River mouth, and the Russian River from its mouth upstream 100 yards to ADF&G regulatory markers, from July 15 - August 20, is fly-fishing-only waters;

(E) that portion of the Kenai River from an ADF&G regulatory marker located below the Ferry Crossing on the Kenai River downstream to the power line crossing from June 11 - August 20, is fly-fishing-only water;

(e) The following are localized additions and exceptions to the seasons, and the bag, possession, and size limits, and special provisions set out in (a) and (b) of this section for the Kenai River drainage upstream of the Sterling Highway Bridge at the outlet of Kenai Lake, including Kenai Lake and all streams and lakes that flow into Kenai Lake:

(2) in Kenai Lake within one-quarter mile of the Sterling Highway Bridge at the outlet

(A) only one unbaited, single-hook, artificial lure may be used;

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? This proposed regulation would help to simplify the existing regulations and provide that area of the Kenai River with more uniform regulations. Anglers will be more likely to comply with less confusing, more consistent regulations. Enforcement problems created when there are adjacent waters governed by different hook-size regulations will be reduced. In addition, the use of smaller hook-sizes can also have the beneficial effect of reducing the types of hooking injuries caused when releasing fish.

BACKGROUND: Existing regulations for the Kenai River vary from single-hook only, multiple hooks allowed and fly-fishing-only areas which are constrained to a hook-size of 3/8ths of an inch or less between the point and shank. Depending upon the time of year as well as location in the drainage, the regulations for methods and means i.e., hook size can differ from the Statewide regulation for single-hook waters of 1/2 inch or less to the smaller hook-size requirement for fly-fishing-only waters. Statewide hook-size for multiple hooks is also held to no more than a 1/2 inch gap between the point and shank and applies to terminal gear in the Kenai River when and where such tackle is allowed.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Current method and means regulations for this area of the Kenai River are complex and difficult for many fishermen to understand and comply with. This regulation would help to simplify and make regulations more consistent within this area of the Kenai River.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Russian River (3 Proposals)

PROPOSALS 273 AND 274, PAGES 214-215. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? These proposals would prohibit fishing in the waters of the Russian River and Russian River Sanctuary area from 10:00 p.m. to 6:00 a.m. or from 11:00 p.m. until 6:00 a.m..

WHAT ARE THE CURRENT REGULATIONS? This fishery is managed under provisions of the Russian River Sockeye Salmon Management Plan (5 AAC 21.361). This management plan was adopted to ensure that adequate sockeye salmon escapement, as determined by the department, in the Russian River system is maintained and to provide management guidelines for the department in an effort to preclude allocation conflicts between various users of this resource.

Early and late Russian River system sockeye salmon are discrete stocks with established escapement goals. Because of this, these stocks are managed by the department as a separate entity without regard to Kenai River system sockeye salmon run size, except as specified in 5 AAC 21.361. If the department cannot project that a minimum spawning escapement of 33,000 late-run sockeye will be achieved in the Russian River upstream of the department's counting weir at the outlet of Lower Russian Lake, the commissioner shall, by emergency order, modify the Kenai River drainage sport and personal use fisheries as required to achieve the escapement goal by utilizing the following options, selected at the discretion of the commissioner:

- (1) reduction of bag and possession limits to two or one sockeye salmon in the Kenai and Russian Rivers fly-fishing only waters described in 5 AAC 56.023(c) and (d);
- (2) a prohibition on sockeye salmon fishing in the Kenai and Russian Rivers fly-fishing only waters upstream from the ferry crossing on the Kenai River;
- (3) a prohibition on sockeye salmon fishing in all waters of the Kenai and Russian Rivers fly-fishing only waters;
- (4) a prohibition on sockeye salmon fishing from the confluence of the Kenai and Russian Rivers downstream to and including Skilak Lake.

It is the intent of the board that the department utilize, to the extent practicable, the least restrictive of the individual or combined options to achieve the escapement goal. It is also the board's intent that the department utilize, to the extent practicable, the options to avoid the necessity for complete closures by initiating early, less restrictive options, as opposed to later, more restrictive actions.

Unless modified by emergency order, from July 15 - April 30, the Russian River Sanctuary, including waters upstream from ADF&G regulatory markers located just downstream of the ferry crossing on the Kenai River to ADF&G regulatory markers located approximately 300 yards upstream of the public boat launch at Sportsman's Landing (including the waters around the upstream end of the island near the Russian River mouth) and the Russian River from its mouth upstream 100 yards to ADF&G regulatory markers is open to sport fishing, except sockeye salmon may be taken only from July 15 - August 20.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, effort, catch and harvest would be reduced by some undetermined amount. Angling opportunity would be reduced by approximately 30%.

BACKGROUND: The Russian River opens to sport fishing on June 15 and the Russian River Sanctuary opens July 15 unless modified by emergency order. Once the sport fishery is opened, available fishing may continue twenty-four hours per day seven days per week. This sport fishery attracts a large number of anglers from around the world. For most of the fishing season, the campgrounds and parking lots located near the fishery are normally filled to capacity for long periods of time.

The primary intent of these proposals is to reduce bear-human conflicts in the proximity of the Russian River and Russian River Sanctuary. During the past 10 years there have been in excess of two million visitors to the Russian River area. During that time, there have been two maulings, with no human fatalities. In 2003, the department closed the Russian River, the Russian River Sanctuary, and the mainstem Kenai River from the powerline crossing upstream to the ferry crossing to sport fishing from 11:00 p.m. to 5:59 a.m. for 5 nights because of a unique situation in which a sport angler was severely mauled and in response to a separate incident where a brown bear sow was killed in defense of life and property (DLP). The sow's three cubs were also destroyed as a result of that incident. Because of these circumstances, the department closed the sport fishery. While the population of brown bears on the Kenai Peninsula is stable or increasing, the loss of four bears in one location was a significant increase in the number of bears killed to protect life and property during 2003.

Since 1958 there have been approximately a 100 DLPs over the entire Kenai Peninsula area. The Division of Wildlife Conservation has cancelled several brown bear hunts during past years as a response to high numbers of DLPs. During 2004, Wildlife Conservation allowed a brown bear registration permit hunt to be conducted on the Kenai Peninsula.

The Russian River early-run sockeye salmon escapement goal range is 14,000-37,000 fish. From 1985-2004, the upper escapement goal has been exceeded nine times (45%) and the mid-point of the escapement goal range has been exceeded a total of eighteen times (90%) during this period. The Russian River late-run sockeye salmon escapement goal range is 33,000-121,000 fish. From 1985-2004, the upper escapement goal has been exceeded five times (25%) and the mid-point of the escapement goal range has been exceeded a total of ten times (50%) during this period. Since 1988, the early run has been restricted three times and the late run six times to achieve escapement goals.

Currently, other sport fisheries in Alaska have nighttime closures. These fisheries include fisheries in the Anchorage and Matanuska/Susitna valley areas. The Anchorage and Matanuska/Susitna valley nighttime closures were for enforcement purposes and/or to slow/reduce the harvest of salmon.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The department recognizes that fishing in Alaska poses an inherent risk of encountering wildlife. Closing all or a portion of the Russian River or Russian River Sanctuary during the normal open season to sockeye salmon anglers is not necessary to ensure that the Russian River spawning escapement goals are achieved. Fisheries management actions, including opening the Russian River Sanctuary and liberalizing the bag and possession limits, have been taken to provide additional opportunity for sport anglers to harvest surplus fish.

Currently, a Kenai Peninsula Bear Committee has been formed and tasked with devising strategies to reduce negative bear-human events. The committee is comprised of staff from multiple resource agencies as well as national, non-profit conservation organizations and local government and native organizations. The committee has met several times with future meetings scheduled. Conclusions or plans to address issues such as negative bear-human interaction in the vicinity of the Russian River have not been produced to date. However, efforts to coordinate educational and outreach efforts is ongoing.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 275, PAGE 217. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would close the confluence of the Russian and Kenai rivers to sport fishing from an ADF&G marker located 50 yards downstream of the confluence of the Russian and Kenai rivers and extending upstream 50 yards into the Russian River from May 2 through August 20. This permanent no fishing zone would be within the Russian River Sanctuary Area.

WHAT ARE THE CURRENT REGULATIONS? The Russian River Sanctuary is open to sport fishing for sockeye salmon by regulation from July 15 until August 20. If the escapement goals for the Russian River early-run sockeye salmon are met or projected to be met, the Russian River Sanctuary may be opened earlier by emergency order.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? A large amount of angling effort now occurs at the confluence of the Kenai and Russian Rivers. This proposal would restrict angling opportunity on a blanket approach, in the interests of facilitating the movement of sockeye salmon from the sanctuary area into the Russian River. This proposal would reduce the likelihood that angling activity might discourage sockeye salmon from moving into the mouth of the Russian River, particularly during periods of low water.

BACKGROUND: The Kenai/Russian River Sanctuary was established in the 1960's to assure that sockeye salmon pre-spawners staging below and within the confluence of the Kenai and Russian River's, would be undisturbed in order to provide for spawning escapement. Early-run sockeye salmon typically congregate at the confluence of the Russian and Kenai Rivers for about 2 weeks prior to moving into the clear waters of the Russian River. Early-run fish staging below the confluence congregate in very large numbers making them highly visible and vulnerable to anglers. In the absence of the sanctuary area, staging sockeye salmon would be subject to intense exploitation and spawning patterns would be disrupted. Late-run migration through this area is more rapid and increased protection is generally not required. Since 1988, the early run has been restricted only three times to achieve escapement goals. Escapement goals were achieved every year since 1988. There are no conservation issues that require the permanent angling closures described by this proposal.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Closing all or a portion of the sanctuary area, during the normal open season, to sockeye salmon anglers is not necessary to ensure that spawning escapement goals are achieved. While anglers crowding the confluence area may influence the migration of sockeye salmon at times into the Russian River, it appears that overall salmon abundance plays a greater role in distribution of fish within the Russian River.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Kenai River (23 Proposals)

PROPOSALS 276, 277 AND 278, PAGES 218-219. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? Proposal 276 would prohibit sport fishing from a motorized boat on the Kenai River. Proposal 276 proposes to make the Kenai River "drift only" until a boat wake study is completed.

Proposal 277 would prohibit sport fishing from a motorized boat on the Kenai River, downstream from the outlet of Skilak Lake to the mouth of the river on Mondays, Wednesdays, and Fridays in May, June, and July with the exception of Memorial Day.

Proposal 278 would prohibit sport fishing from a motorized boat on the Kenai River, downstream from the outlet of Skilak Lake to the Soldotna Bride on Wednesdays.

WHAT ARE THE CURRENT REGULATIONS? Downstream of Skilak Lake, no one may fish from an ADNR-Parks registered guide vessel on any Sunday during May, June and July; no one may fish from *any* vessel on Mondays (except Memorial Day) during

May and June; and no one may fish from an ADNR-Parks registered guide vessel or a motorized vessel on Mondays in July.

Alaska State Parks Boating Regulation - No one may operate a boat on the Kenai River with an outboard motor or combination of outboard motors having a total prop shaft rating greater than 35 HP.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted these proposals would restrict angling from motorized boats by setting aside specific areas of the Kenai River, days of the week, portions of the fishing season, or the entire year, for fishing from non-motorized boats (drift boats) only. Any of these proposals would reduce the level of participation in Kenai River sport fisheries, especially the early and late-run king salmon fisheries. Conflicts related to river user crowding, angler competition, and quality of the angling experience would be reduced – at the expense of angling opportunity for a large portion of the Kenai River angling public. Adoption of one or more of these proposals would necessarily include an analysis of the cumulative and conflicting effects of adding boat-fishing regulations to those currently in place.

BACKGROUND: An impressive number of seasonal and river-reach-specific boat fishing restrictions have been implemented over the past 20 years that address many of the issues described in these proposals. Prior to the 2002 season, fishing on Mondays in May and June was prohibited from any vessel. In February 2002, the board allowed fishing on Mondays from unguided non-motorized vessels. These proposals are asking for additional relief from bank erosion and pollution.

DNR and the Army Corps of Engineers have completed the first year of a two-year study to better understand the relationship between boat hull design, engine horsepower, weight loading and the size and speed of the wake generated by the configurations of these variables. While the study has not yet been finalized, preliminary results illustrate that specific power to weight ratios and hull configurations produced smaller wakes than other configurations. These initial results may provide a better means of reducing boat generated erosion on the Kenai River. Nonetheless, until the final phase of the study has been completed and a better understanding of the rate of human induced erosion and the role that erosion plays in the productivity of the Kenai River, it is too early recommend changes to specific power and hull configurations.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. Although the implementation of these proposals would have the effect of reducing effort and harvest, and may contribute to a less active or chaotic sport fishery, any short-term reductions will likely be offset during future seasons as anglers adapt to the new management constraints. The intent of proposal 276 is to reduce river crowding. However, this approach is allocative in nature. The other stated objective for the three proposals, reduce riverbank habitat degradation, is the focus of ongoing research. It would be pre-mature to recommend sweeping management changes before completion of these research efforts.

COST ANALYSIS: The department does believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 279, PAGE 219. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would allow for fishing on the Kenai River from boats with 50 horsepower four stroke outboard motors.

WHAT ARE THE CURRENT REGULATIONS? Department of Natural Resources regulations limit the rating of an outboard motor on a vessel used for sport fishing to 35 horse power in identified sections of the Kenai River. Current regulations do not specify the number of engine strokes per combustion cycle.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would have an undetermined effect on bank erosion and fish habitat from boat wakes. Recent studies have illustrated that four stroke outboard motors are generally more efficient and produce less exhaust emissions than older two stroke outboards. Advancement in two stroke outboard motor technologies has reduced the disparity between two and four stroke motor emissions.

BACKGROUND: The Kenai River Comprehensive Management Plan was developed by the Department of Natural Resources (DNR) in 1986 forming the basis for the management actions and management of state lands and waters within the Kenai River Special Management Area and other state land within the planning boundaries of this management plan. This management plan was revised in 1997. The management plan restricted the total horsepower rating for outboard motors used on the Kenai River to 50 horsepower in 1986. DNR regulations were passed prior to the summer of 1987 further reducing the maximum horsepower rating for outboard motors on the Kenai River to 35 horsepower. Establishing the 35 horsepower outboard motor limit was in response to the growth of the sport fishery on the Kenai River and issues involving safety, crowding, and bank erosion due to vessel wakes. The DNR regulation restricting the use of outboards to 35 horsepower or less on the Kenai River remains in effect for that portion of the river from the Warren Ames bridge upstream to just above river mile 47.

DNR and the Army Corps of Engineers have completed the first year of a two-year study to better understand the relationship between boat hull design, engine horsepower, weight loading and the size and speed of the wake generated by the configurations of these variables. While the study has not yet been finalized, preliminary results illustrate that specific power to weight ratios and hull configurations produced smaller wakes than other configurations. These initial results may provide a better means of reducing boat generated erosion on the Kenai River. Nonetheless, until the final phase of the study has been completed and a better understanding of the rate of human induced erosion and the

role that erosion plays in the productivity of the Kenai River, it is too early to recommend changes to specific power and hull configurations.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** on this proposal. Board action to increase horsepower in the Kenai River Special Management Area would be ineffective because operators would still have to comply with the parks regulation. This proposal would need to be submitted to the Department of Natural Resources State Parks Division for consideration. The proposal would then be reviewed by the Kenai River Special Management Area Advisory Board and a recommendation may then be made to the Commissioner of DNR to consider such regulation changes.

COST ANALYSIS: The department does believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery if they choose to use a 50 hp motor instead of the motor they now have. The additional costs would be associated with an initial or replacement purchase of a 50 horse power four stroke outboard motor or retuning a 50/35 horse power detuned outboard motor up to a 50 horse power rating.

PROPOSALS 280, 281, AND 282, PAGES 220-221. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? Proposals 280, 281, and 282 would remove regulations that restrict nonresident anglers from fishing from a boat on the Kenai River between the hours of 6:00 a.m. and 6:00 p.m. during May and June.

Proposal 280 would also restrict nonresident angler sport fishing from a boat on the Kenai River downstream from Skilak Lake on Sundays during May, June, and July.

Proposal 282 additionally seeks to reduce the time when guides can fish from 6:00 a.m. to 6:00 p.m. to 8:00 a.m. to 4:00 p.m. all year.

WHAT ARE THE CURRENT REGULATIONS? From May 1 – June 30, downstream from the outlet of Skilak Lake, a nonresident may sport fish from a vessel for king salmon only from 6:00 a.m. until 6:00 p.m. The board adopted this regulation in 2003 during an out of cycle meeting to address the Kenai River Early-run King salmon management plan.

During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth

of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? These proposals would increase an unguided, nonresident angler's opportunity to fish from a boat for king salmon during May and June by 35 to 50 percent. Catch and harvest by nonresident anglers would likely increase by an undetermined amount as a result of this increased opportunity.

In addition, if proposal 282 were adopted, the daily hours open to sport fishing from a registered guide vessel would decrease from 12 hours to 8 hours. If proposal 282 was adopted, the catch and harvest by guided anglers would likely decrease by an undetermined amount at a result of a decreased opportunity.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only, imposed time and date closures for all guided and unguided boat anglers, and imposed time and date closures for nonresident anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers and resident and nonresident anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.). Since the early 1980's, guides have been prohibited from sport fishing while clients were present. Subsequent meetings have resulted in further restrictions placed upon guides and the guided angler.

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

In 2003, the BOF adopted regulation that prohibited nonresident anglers from fishing from a boat in the Kenai River during May and June between the hours of 6:00 p.m. and 6:00 a.m. This regulation was adopted to effectively allocate more opportunity to resident anglers targeting early-run king salmon in the Kenai River. This reallocation eliminated

competition between nonresidents and resident anglers during the hours of 6:00 p.m. and 6:00 a.m. during the months of May and June.

During the 2003 season, resident anglers harvested 38% of the total Kenai River king salmon sport fish harvest and accounted for 40% of the total effort. Nonresident anglers harvested 62% of the total 2003 Kenai River king salmon sport fish harvest and accounted for 60% of the total effort. Recent averages (2001-2003) indicate that resident anglers harvested 38% of the total Kenai River king salmon sport fish harvest and accounted for 44% of the total effort. These averages also indicate that nonresident anglers harvested 62% of the total Kenai River king salmon sport fish harvest accounting for 56% of the total effort.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. The issue of restricting the access for non-residents or guided anglers to state fishery resources is a matter of resource allocation.

COST ANALYSIS: The department does not believe that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 283, PAGE. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal requests the board to develop a set of management goals to address resource allocation and angling opportunity between guided and unguided anglers and resident and nonresident anglers for the Kenai River king salmon sport fishery. The proposal includes a “menu” of potential actions that the Board of Fisheries could investigate.

WHAT ARE THE CURRENT REGULATIONS? From May 1 – June 30, downstream from the outlet of Skilak Lake, a nonresident may sport fish from a vessel for king salmon only from 6:00 a.m. until 6:00 p.m.

During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

A total annual limit of 2 king salmon 20 inches or longer may be taken from may be taken from the Kenai River. Anglers who keep a king salmon 20 inches or longer, from

the Kenai River must immediately record that harvest. A king salmon 20 inches or longer removed from the water must be retained and becomes a part of the bag limit of the person originally hooking it. There are no differing limits between resident and nonresident anglers or guided and unguided anglers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would decrease the allocation of Kenai River king salmon for nonresident and guided anglers and increase the allocation for resident and unguided anglers.

BACKGROUND: The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers and more recently between resident and nonresident anglers within the Kenai River king salmon sport fishery. These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively.

During the 2003 season, resident anglers harvested 38% of the total Kenai River king salmon sport fish harvest and accounted for 40% of the total effort. Nonresident anglers harvested 62% of the total 2003 Kenai River king salmon sport fish harvest and accounted for 60% of the total effort. Recent averages (2001-2003) indicate that resident anglers harvested 38% of the total Kenai River king salmon sport fish harvest and accounted for 44% of the total effort. These averages also indicate that nonresident anglers harvested 62% of the total Kenai River king salmon sport fish harvest accounting for 56% of the total effort.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The issue of restricting the access for non-residents or guided anglers to state fishery resources is a matter of resource allocation.

COST ANALYSIS: The department does not believe that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 284, PAGE 225, 5 ACC 56.070. KENAI RIVER AND KASILOF RIVER EARLY-RUN KING SALMON MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal would prohibit the retention of king salmon measuring 44 inches or greater and less than 55 inches in length in all areas open to king salmon fishing in the Kenai River downstream from the outlet of Skilak Lake. Any king salmon within this non-retention slot-limit may not be removed from the water and must be released unharmed.

WHAT ARE THE CURRENT REGULATIONS? In waters open to king salmon sport fishing, early-run regulations allow for the harvest of 10 king salmon less than 20 inches per day and harvest of one king salmon per day 20 inches or greater in length and less than 44 inches or 55 inches or greater in length. Any king salmon caught that is 44 inches or longer but less than 55 inches must be released unharmed. The non-retention slot-limit is in effect from January 1 through June 30 in the Kenai River from the mouth upstream to the Soldotna Bridge and from January 1 through July 14 for those waters of the Kenai River from the Soldotna Bridge upstream to the outlet of Skilak Lake.

Late-run regulations are in effect from July 1 – July 31, below the Soldotna Bridge, and from July 15-July 31 upstream of the Soldotna bridge. In waters open to king salmon sport fishing, daily bag limits are 10 king salmon per day less than 20 inches in length and one king salmon per day 20 inches or greater in length.

There is an annual limit of 2 king salmon greater than 20 inches from the Kenai River. King salmon larger than 20 inches must be recorded on the back of the angler's fishing license. Any king salmon harvested in the Kenai River that is 55 inches or larger must be sealed by an authorized representative of the department within 3 days after harvest.

WHAT WOULD THE EFFECT BE IF THIS PROPOSAL WERE ADOPTED? This proposal would extend the non-retention slot limit through July 31, the regulatory end of the late-run king salmon fishery. Historical length data collected from the recreational harvest and the department's in-river netting project indicate that approximately 45% of the returning late-run king salmon stocks would be excluded from possible harvest under this proposal. Harvest pressure would shift to fish less than 44 inches. Historical, biological data illustrate that late-run king salmon less than 44 inches are predominately ocean-age 3 and younger. Late-run king salmon 55 inches or greater comprise only slightly more than 2% of the return and are nearly all ocean age-5 or older.

BACKGROUND: Prior to 2002, there was no non-retention slot limit in the Kenai River king salmon sport fishery. However, the department, in concert with the public, recognized a decline in larger, older-aged king salmon returning to the Kenai River during the early-run. Based upon these concerns, the department recommended that the board adopt a size-restricted harvest strategy for the Kenai River early-run king salmon sport fishery. The slot limit allows approximately 73% of the returning early-run stocks to be available for harvest under the size-limit restrictions adopted by the board during the February 2002 meeting while at the same time protecting more than 87% of the ocean age-5 fish. The exact cause for the decline in older king salmon during the early-run is not clearly understood. However, based upon data from the sport fishery and the inriver netting program, current opinion holds that the harvest of king salmon in the sport fishery

is not likely to be the determining factor in the shift towards younger fish in the return. Nonetheless, harvest pressure or selective exploitation of larger fish is the only factor that can be directly influenced by fishery managers. Therefore, at the department's urging, the board adopted a slot-limit harvest restriction in 2002 to protect the larger, older king salmon returning to the Kenai River during the early-run as a precautionary response to observed changes within the returning stocks.

Age-class declines and a reduction in larger, older king salmon returning to the Kenai River during the late-run is not, at present, a biological concern for the department. Data from the sport fishery and the inriver netting program, indicates that the age-class and size composition of the late-run is relatively stable and within the bounds experienced during the past 19 years.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The Kenai River late-run king salmon stocks have met or exceeded the BEG every year since 1986. Harvest opportunity for king salmon would be significantly reduced during the Kenai River late-run sport fishery under this proposal. Exploitation rates for smaller-sized, younger-aged king salmon would likely be increased to high levels, as anglers would be constrained to target little more than half of the returning stocks. The department has not documented an overall decline in late-run abundance nor has current research information indicated a shift in late-run king salmon age-class composition or size distribution that would support the need for the regulatory changes that this proposal requests.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 285, PAGE 226. 5 ACC 56.070. KENAI RIVER AND KASILOF RIVER EARLY-RUN KING SALMON CONSERVATION MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal would allow the use of bait by anglers in the Kenai River early-run king salmon sport fishery when the department projects that the escapement of early-run king salmon will exceed the mid-point of the biological escapement goal (BEG).

WHAT ARE THE CURRENT REGULATIONS? If the spawning escapement (Kenai River early-run king salmon) is projected to exceed the upper end of the biological escapement goal, the commissioner shall, by emergency order, liberalize the sport fishery downstream from the outlet of Skilak Lake, by allowing for the use of bait to achieve the biological escapement goal; only king salmon less than 44 inches in length or 55 inches or greater in length may be retained.

WHAT WOULD THE EFFECT BE IF THIS PROPOSAL WERE ADOPTED? Anglers would likely be allowed to use bait earlier and more frequent during the early-run of Kenai River king salmon. During years of bait use, the in-river exploitation rate by

anglers targeting early-run king salmon would likely increase by some undetermined amount with additional harvest as well as some increase in fish mortality related to catch and release fishing.

BACKGROUND: The Kenai River early-run king salmon fishery is a very intensively managed recreational fishery. Management plans have been conservatively structured to constrain the ability of the angling public to harvest early-run stocks at sustainable levels while still providing for fishing opportunity. Nonetheless, past seasons have established exploitation rates exceeding 60%. During the past 16 years, with the sport fishery managed within the framework of a BOF adopted management plan, it has been necessary to utilize in-season restrictions during 7 of those years in order to ensure that the final spawning escapement goals were achieved.

Since 1999, the BEG range for the Kenai River early-run king salmon has been 7,200-14,400 fish. Beginning in the 2005 season, the department will adopt a new BEG range of 4,000 to 9,000 early-run king salmon. This will likely result in fewer restrictions to the early-run king salmon fishery and will possibly lead to the increased likelihood that the use of bait would be allowed.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The Kenai River and Kasilof River Early-Run King Salmon Management Plan directs the department to liberalize the fishery with bait when it is projected that the spawning escapement will exceed the established BEG range. Directing the department to liberalize the early-run king salmon sport fishery when escapement projections are at the midpoint of the escapement goal is, by default, a lowering of the upper BEG limit and does not recognize all factors necessary to establish a formal BEG range. Liberalizing the early-run king salmon sport fishery through actions such as allowing the use of bait, is a fisheries management tool utilized to ensure the total spawning escapement falls within the established BEG range.

COST ANALYSIS: The department does not believe that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 286, PAGE 226. 5 ACC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would establish a new bag limit for king salmon on the Kenai River. Anglers would be allowed to retain fish less than 28 inches in length and greater than 20 inches in length. Anglers would be limited to one fish per day with no annual limit. King salmon harvested between 20 and 28 inches in length would be exempt from reporting requirements.

WHAT ARE THE CURRENT REGULATIONS? In the Kenai River, the annual harvest limit is two king salmon 20 inches in length or more. King salmon 20 inches or more in length that are removed from the water must be retained and recorded on the back of the

angler's fishing license. Anglers may retain up to ten king salmon less than 20 inches in length per day from the Kenai River all year except in areas closed to king salmon fishing.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would likely increase the exploitation of Kenai River king salmon. Increased harvests may then increase the likelihood of in-season restrictions. King salmon less than 20 inches in length are almost 100% male fish. King salmon less than 28 inches include females, therefore affecting the reproductive potential of the stocks.

BACKGROUND: Prior to 1999, no more than five king salmon 16" or more in length could be harvested from Cook Inlet fresh and salt waters annually, of which no more than two could be taken from the Kenai River. Harvested king salmon 16" or greater in length had to be recorded on the back of an angler's fishing license. Harvest and recording requirements were changed by the BOF at the 1999 UCI meeting to apply to king salmon 20" or more in length in all Cook Inlet waters.

Fish less than 28 inches are detected by the king salmon sonar project. The sonar data are subjected to a number of diagnostics, including range and target strength filters, to try and remove smaller fish that are primarily sockeye salmon, from the final estimates. The target strength filter does not eliminate fish based upon the exact size of the fish. Rather, the filter removes fish based upon a probability that certain sized fish are more likely to be excluded given a minimum target strength. Age composition of the king salmon return is estimated from the inriver test-netting program. Final estimates of the age composition of the king salmon return to the Kenai River for 2004 will not be completed until early 2005. However, preliminary data indicates that the 2004 season had an above average percentage of age-1.2 king salmon in the overall return. Comparatively, the percentage of age-1.2 king salmon in the 2002 (12%) and 2003 (17%) returns to the Kenai River are also slightly above the 16-year average (10%).

Stock composition data collected from the department's inriver test netting program from 1986-1999 indicates that an average of 2.5% of all Kenai River king salmon sampled were less than 28" in length. From 2000-2004 the average all Kenai River king salmon sampled were less than 28" in length increased to 12.9%. Data collected by the department indicates that 1.5% of Kenai River king salmon under 28" in length are female.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Harvest opportunity for one ocean "jack" king salmon was increased by the board 5 years ago, when the board raised the minimum length for the recording requirement, from 16" to 20". This proposal may change the prosecution of Kenai River king salmon fisheries by requiring a reduction of angling and harvest opportunity for king salmon over 28 inches to ensure adequate spawning escapement.

COST ANALYSIS: The department does not believe that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 287, PAGE 227. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; AND 5 AAC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? This proposal would close waters to fishing for king salmon less than 20 inches in length and other salmon less than 16 inches in length where existing regulations already prohibit fishing for salmon which are greater than those lengths.

WHAT ARE THE CURRENT REGULATIONS? In waters closed to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length, anglers are allowed to fish for king salmon less than 20 inch in length and other salmon less than 16 inches in length (jack salmon).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Waters closed to fishing for salmon would be closed to fishing for all salmon regardless of size. Anglers would not be able to catch and release large salmon in waters closed to salmon fishing under the guise of fishing for small “jack” salmon. Closed water restrictions would be more enforceable.

BACKGROUND: Areas closed to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length are intended to protect spawning fish while allowing the harvest of smaller 1-ocean jack salmon. While creating harvest opportunity, the regulation renders salmon closures unenforceable because anglers have targeted large king salmon claiming they are fishing for jacks. Enforcement personnel can do little to protect the resource in these cases.

DEPARTMENT COMMENTS: The department and ABWE **SUPPORT** this staff proposal. Waters are typically closed to salmon fishing because there is no harvestable surplus of large salmon in the system or to protect spawning salmon. Allowing anglers to harvest jacks in waters closed to other salmon creates an illegal, but unenforceable catch and release fishery. The board adopted this same proposal for Lower Cook Inlet waters at the November 2004 meeting.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 288, PAGE 228. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the use of bait when sport fishing in the Kenai River above the Soldotna River Bridge until August 31.

WHAT ARE THE CURRENT REGULATIONS? Regulations allow for the use of bait while sport fishing in the mainstem of the Kenai River from its mouth upstream to the outlet of Skilak Lake, except in fly-fishing-only areas and as follows:

January 1 – June 30, bait is prohibited.

October 1 – December 31 between the Kenai River mouth and the Upper Killey River mouth, bait is prohibited.

August 1 – December 31 in the mainstem of the Kenai River upstream from the Upper Killey River, bait is prohibited.

August 1 – 3 between the Kenai River mouth and the Sterling Highway bridge at Soldotna, bait is prohibited.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, angler success targeting king salmon, rainbow trout, and Dolly Varden upstream of the Soldotna bridge would likely decrease by some unknown amount. Using bait while fishing for king salmon, rainbow trout, and Dolly Varden is a successful means of catching and harvesting fish.

BACKGROUND: Bait has traditionally been used to increase angler success. Regulations restricting anglers from using bait are utilized as a management tool to decrease angler success when angler pressure and effort levels are greater than what the targeted fish stocks can support on a sustained yield basis.

The sport fishery targeting early run Kenai River king salmon is managed to allow for a spawning escapement of 7,200 – 14,400 fish. The sport fishery is managed to provide anglers the opportunity to harvest king salmon surplus to the escapement goals. Inseason angler harvest estimates are generated and used to determine if the fishery should be restricted or liberalized depending upon the available harvestable surplus above escapement requirements.

The sport fishery targeting rainbow trout and Dolly Varden in the identified portion of the Kenai River had grown in recent years. These sport fisheries are tightly regulated to maintain viable stock populations that can sustain these fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on social and allocative aspects of this proposal and **OPPOSES** the fisheries management practice of reducing angler success rates in a sport fishery without biological justification. Anglers sport fishing with bait below the Soldotna River Bridge are likely to be more successful than anglers restricted from using bait above the Soldotna River Bridge. Some anglers prefer not to use bait while sport fishing for various reasons while others credit their success to the use of bait. Although the adoption of this proposal would have the effect of reducing angler success and harvest, the department does not believe it is necessary to install a seasonal restriction at this time. The department prefers the flexibility to manage the fisheries in response to annual fluctuation in run strengths.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 289, PAGE 229. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would allow sport fishing with fly rods only from shore on the north bank during the seasonal closure from June 25 – July 14 in the area surrounding the confluence off Lower Killey River and the Kenai River otherwise known as the Kenai Keys.

WHAT ARE THE CURRENT REGULATIONS? From June 15 through July 14, that portion of the Kenai River from an ADF&G regulatory marker located approximately three-quarters of a mile downstream of the mouth of the Lower Killey River, upstream to an ADF&G regulatory marker located approximately one-half mile upstream from the mouth of the Killey River is closed to all sport fishing. This closed area includes the area known as the Kenai Keys.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, anglers would be allowed to fish in an area currently closed to all sport fishing. Anglers would be restricted to fishing with fly fishing tackle only, similar to the current fly-fishing-only fishery that takes place in the Russian River sport fishery. The resulting sport fishery would be similar to the existing seasonal restrictions in place for the confluence of Slikok Creek and the Kenai River.

If a fly-fishing-only fishery is established in this area, the department expects some undetermined amount of new effort and harvest of species other than king salmon would occur. The department would expect that sockeye salmon would make up the vast majority of catch and harvest in this area from June 15 through July 14. The sockeye salmon harvested in this proposed fishery would be primarily early-run sockeye salmon bound for the Russian River system.

BACKGROUND: The seasonal closure of all sport fishing in the river reach known as the Kenai Keys was implemented in 1997 to protect king salmon staging at the mouth of the Lower Killey River before entering the Killey River to spawn. In closing this area, bank anglers historically targeting sockeye salmon, rainbow trout, and Dolly Varden were displaced. This proposal requests that shore anglers, displaced by the closure established to protect king salmon, be allowed to sport fish with fly fishing gear only and only from the north bank of the Kenai River. The north bank area is accessible by boat or from private property locations. Many of the properties have boardwalks or steps to access the river and the river area itself is gravel bottomed with a gradual slope extending out to the main channel. Therefore, this area can generally provide for expanded fishing opportunity with minimal disruption to the adjacent riparian habitat areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** this proposal. The department expects shore anglers using fly fishing tackle could inadvertently catch a negligible number of king salmon staging in the area of the Kenai Keys. Reopening this area to fly-fishing-only from the north bank of the Kenai River for fish species other than king salmon would not present a biological concern to the department. In addition, fisheries with gear and area restrictions to protect king salmon currently exist elsewhere in the Kenai River. Reopening this area in a restricted manner could provide for additional angler opportunity.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 290 AND 291, PAGES 229-230. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? Proposal 290 would extend the closure dates for waters adjacent to the Funny River, Killey River and Slikok Creek to the end of the king salmon season or July 31, which ever is later.

Proposal 291 would extend the existing lower Killey River seasonal closed area upstream approximately 1.5 river miles to the downstream edge of the Upper Killey River. The proposed area closure would more than double the current seasonally closed waters encompassing the confluence of the lower Killey River and the Kenai River.

WHAT ARE THE CURRENT REGULATIONS? The Kenai River, from ADF&G markers about 300 yards downstream of the mouth of Slikok Creek, upstream to ADF&G markers about 100 yards upstream from the mouth of Slikok Creek, is a fly-fishing-only water and is closed to king salmon fishing and fishing from boats January 1 through July 14.

The Kenai River, from ADF&G regulatory markers, upstream to ADF&G regulatory markers about 200 yards upstream from the mouth of the Funny River, is closed to all fishing from January 1 through July 14.

The Kenai River from an ADF&G regulatory marker $\frac{3}{4}$ of a mile downstream of the mouth of the Lower Killey River, upstream to an ADF&G marker about $\frac{1}{2}$ mile upstream from the mouth of the Lower Killey River, is closed to all fishing from June 25 through July 14.

The Kenai River, from the mouth of the Upper Killey River upstream to an ADF&G marker at the outlet of Skilak Lake, is closed to all fishing January 1 – June 14.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? Proposal 290 would reduce fishing opportunity for king salmon in those waters adjacent to Slikok Creek, Funny River and the Killey River. These measures would decrease the harvest of Kenai River king by some unknown amount.

Proposal 291 would reduce the available fishing opportunity for anglers in those waters adjacent to the Killey River by extending the boundary line for closed waters upstream of the confluence of the Lower Killey River and the Kenai River. This change in the closed waters boundary would remove approximately 1½ miles of river area that is currently available to fishing for all species. This measure would decrease the harvest of Kenai River king salmon rainbow trout, Dolly Varden, and sockeye salmon by some unknown amount.

BACKGROUND: The Kenai River early-run king salmon fishery is a very intensive sport fishery. Management plans have been conservatively structured to constrain the ability of the angling public to harvest early-run stocks at sustainable levels while still providing for fishing opportunity. Exploitation rates during past seasons have exceeded 60%. As a result, the department has been required to utilize in-season restrictions to the fishery during 6 of the past 18 seasons in order to ensure that the final spawning escapement goals were achieved.

The Board of Fisheries adopted the seasonally closed-water regulations which restricted the confluence areas of Slikok Creek, Funny River and the Killey River to fishing at the request of the department during the November 1996 meeting. Information gathered during several tagging and radio-telemetry studies conducted by the department and other resource agencies indicate that early-run king salmon primarily spawn in the larger tributaries of the Kenai River, such as the Funny and Killey rivers. However, early-run king salmon are also known to spawn in other smaller tributaries such as Benjamin Creek, Slikok Creek, Quartz Creek, and Grant Creek. Moreover, a percentage of early-run fish have also been found spawning in various reaches of the mainstem.

These same telemetry studies found that early-run king salmon can hold in confluence areas or the mainstem for some time into July before ascending tributaries to spawn. By July 15, 95% of Killey River spawners have left the mainstem holding areas for spawning areas. Similarly, by July 16, 95% of Funny River spawners have left the mainstem holding areas for spawning areas. All early-run spawners have ascended these larger tributaries by July 21. Conversely, it can take up until July 29 for 100% of Slikok Creek spawners to leave mainstem holding areas for spawning areas. Early-run king salmon may take from 4 to 38 days to migrate past the Soldotna bridge and in general all early-run king salmon destined for spawning area (tributaries and mainstem) upstream of the Soldotna bridge have migrated past the bridge by July 19. Regardless of final location, spawning of all early-run king salmon is thought to peak in mid to late July.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals as a conservation measure and is **NEUTRAL** on the social aspects of this proposal. These proposals would further reduce angling opportunity in specific tributary locations of the

Kenai River that are at present very conservatively managed. Current regulations provide adequate seasonal protection of those stocks that are holding in the tributary confluence areas prior to the fish leaving the mainstem and entering the tributaries to spawn. Further restricting the already limited fishing opportunities for these stocks is not biologically justified. It has been brought to the department attention that segments of the angling population do not prefer to sport fish in areas of know concentrations of salmon that can be deeply watermarked.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 292, PAGE 230. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would allow sport fishing from shore using single hook artificial lure in the seasonally closed waters sanctuaries near Slikok Creek, Funny River, Moose River, and the Lower Killey River. The proposal would also prohibit the retention of king salmon in these areas.

WHAT ARE THE CURRENT REGULATIONS? The Kenai River, from ADF&G markers about 300 yards downstream of the mouth of Slikok Creek, upstream to ADF&G markers about 100 yards upstream from the mouth of Slikok Creek, is a fly-fishing-only water and is closed to king salmon fishing and fishing from boats January 1 through July 14.

The Kenai River, from ADF&G regulatory markers, upstream to ADF&G regulatory markers about 200 yards upstream from the mouth of the Funny River, is closed to all fishing from January 1 through July 14.

The Kenai River from an ADF&G regulatory marker $\frac{3}{4}$ of a mile downstream of the mouth of the Lower Killey River, upstream to an ADF&G marker about $\frac{1}{2}$ mile upstream from the mouth of the Lower Killey River, is closed to all fishing from June 25 through July 14.

The Kenai River, from the mouth of the Upper Killey River upstream to an ADF&G marker at the outlet of Skilak Lake, is closed to all fishing January 1 – June 14.

The Kenai River within a 100-yard radius of the mouth of the Moose River, and the Moose River upstream to the upstream edge of the Sterling Highway Bridge; is closed to fishing from a boat from May 15 until the end of the king salmon season or July 31, whichever is later.

There are also seasonal bank closures from July 1 – August 15 within the Funny River and Moose River sanctuaries.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? This proposal would allow fishermen to catch and harvest fish other than king salmon with the use of a single hook artificial lure in the seasonally closed waters of the Kenai River as identified by the proposal. Angling would not be allowed from a boat. This proposal would likely increase the angling effort and harvest of sockeye salmon, rainbow trout, and Dolly Varden by some unknown amount.

BACKGROUND: The Kenai River early-run king salmon fishery is a very intensive sport fishery. Management plans have been conservatively structured to constrain the ability of the angling public to harvest early-run stocks at sustainable levels while still providing for fishing opportunity. Exploitation rates during past seasons have exceeded 60%. As a result, the department has been required to utilize in-season restrictions to the fishery during 6 of the past 19 seasons in order to ensure that the final spawning escapement goals were achieved.

The Board of Fisheries adopted the seasonally closed-water regulations which restricted the confluence areas of Slikok Creek, Funny River and the Killey River to fishing at the request of the department during the November 1996 meeting. Information gathered during several tagging and radio-telemetry studies conducted by the department and other resource agencies indicate that early-run king salmon primarily spawn in the larger tributaries of the Kenai River, such as the Funny and Killey rivers. However, early-run king salmon are also known to spawn in other smaller tributaries such as Benjamin Creek, Slikok Creek, Quartz Creek, and Grant Creek. Moreover, a percentage of early-run fish have also been found spawning in various reaches of the mainstem.

These same telemetry studies found that early-run king salmon can hold in confluence areas or the mainstem for some time into July before ascending tributaries to spawn. By July 15, 95% of Killey River spawners have left the mainstem holding areas for spawning areas. Similarly, by July 16, 95% of Funny River spawners have left the mainstem holding areas for spawning areas. All early-run spawners have ascended these larger tributaries by July 21. Conversely, it can take up until July 29 for 100% of Slikok Creek spawners to leave mainstem holding areas for spawning areas. Early-run king salmon may take from 4 to 38 days to migrate past the Soldotna bridge and in general all early-run king salmon destined for spawning area (tributaries and mainstem) upstream of the Soldotna bridge have migrated past the bridge by July 19. Regardless of final location, spawning of all early-run king salmon is thought to peak in mid to late July.

The evolution of regulations affecting the confluence of Slikok Creek was the result of a series of attempts to protect milling king salmon. In 1992, sport fishing in the confluence of Slikok Creek and the Kenai River was not restricted and it was determined that the localized harvest rates and effort were too great for the Slikok Creek king salmon stock to support. In response, restrictive regulations were adopted which prohibited king salmon fishing in this area for the 1993-1996 fishing seasons. During this time period, some anglers continued to target king salmon under the guise of targeting other fish species. In reaction to this illegal activity, the confluence was seasonally closed to all fishing activity

in 1997. Due to the loss of opportunity to sport fish for fish other than king salmon, regulations were adopted which prohibited fishing from a boat and restricted the fishing in this area to fly-fishing-only though the areas remained closed to fishing for king salmon. The regulations protecting king salmon in the area while providing opportunity to target other fish species with fly-fishing-only tackle has been well received and remain in effect currently.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. If these areas are opened, the department recommends that anglers only be allowed to use a single-hook artificial fly-fishing-only tackle, anglers be prohibited from fishing for king salmon, and anglers not be allowed to fish from a boat. Seasonal bank closures within the Funny River and Moose River sanctuaries may need to be extended to align with any new open fishing seasons.

The department has recognized the loss of fishing opportunity for targeting fish other than king salmon in the seasonally closed areas as the result of actions taken by the board to protect king salmon in these areas. Proposals to allow sport fishing within the identified seasonally closed waters using single hook artificial lures have not been supported by the department in the past as king salmon can be, at times, easily caught with artificial lures. Establishing a shore based fly-fishing-only sport fisheries in the identified seasonally closed waters for fish other than king salmon would protect king salmon while allowing anglers the opportunity to target other species of fish. Restricting the legal gear type to fly fishing tackle reduces the department's concerns regarding anglers targeting king salmon in the identified waters under the guise of fishing for other species of fish.

Opening these seasonally closed areas to fly-fishing-only for fish other than king salmon will likely help reduce some crowding conditions on other sections of the Kenai River.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 293, PAGE 231. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit all sport fishing for king salmon in that portion of Kenai River from the confluence of the Upper Killey River upstream to the outlet of Skilak Lake.

WHAT ARE THE CURRENT REGULATIONS? This section of the Kenai River is open to sport fishing for king salmon from January 1 – July 31. The use of bait is prohibited from January 1 – June 30, and from August 1 – December 31 only one unbaited, single hook artificial lure is allowed in this part of the Kenai River.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted this proposal would eliminate king salmon sport fishing opportunity in that portion of the Kenai River from the Upper Killey River to the outlet of Skilak Lake. This measure would decrease the harvest of king salmon by some unknown amount. Adoption of this proposal may have demographic, distribution, and economic implications on anglers who chose to fish for king salmon in the identified portion of the Kenai River. This proposal will increase the likelihood that anglers displaced by the closure of this portion of the Kenai River will choose to fish in other locations of the river adding to the already crowded sport fisheries in the other areas of the Kenai River.

BACKGROUND: The Kenai River late-run king salmon stocks have met or exceeded the BEG every year since 1986 with average escapements numbering more than 29,000 fish. Overall exploitation of late-run stocks has averaged approximately 47% from 1986 to present. The majority of the total inriver harvest occurs downstream of the Soldotna bridge. Harvest downstream of the Soldotna bridge has averaged approximately 80% of the total inriver harvest since 1986. Average harvest upstream of the Soldotna bridge has numbered just over 2,000 fish since 1986 or slightly more than 20% of the total harvest.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as a conservation measure and is **NEUTRAL** on the social aspects of this proposal. Additional area restrictions to this fishery are not necessary to manage the fishery for sustained yield. The department utilizes inseason time, area, and gear restrictions to ensure the escapement goals are met.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 294, PAGE 232. 5 AAC 56.023. SEASONS, BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit sport fishing for sockeye salmon in the Kenai River from the outlet of Skilak Lake downstream to the confluence of the Upper Killey River during the month of August.

WHAT ARE THE CURRENT REGULATIONS? This section of the Kenai River is open the entire year to sport fishing for sockeye salmon. The use of bait is prohibited from January 1 – June 30, and from August 1 – December 31 only one unbaited, single hook artificial lure is allowed.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? This proposal would eliminate angler opportunity during the month of August resulting in some undetermined amount of foregone effort, catch, and harvest. Anglers targeting rainbow trout, Dolly Varden, sockeye and coho salmon within the identified four miles of the Kenai River would be displaced and anglers would be required to fish elsewhere.

Some undetermined amount of fish mortality associated with harvest and catch and release injuries would be eliminated if this proposal were adopted. Displaced anglers who chose to fish in other sections of the Kenai River during the month of August would increase crowding conditions of the existing fisheries they would join.

BACKGROUND: The area identified in this proposal contains excellent substrate for spawning sockeye salmon and a large portion of the late-run Kenai River sockeye salmon have been documented spawning in this portion of the river. The sport fishery harvest component of the late-run sockeye salmon into the Kenai River is accounted for through established Optimum Escapement Goals (OEG). The late-run Kenai River sockeye salmon OEG allows for a specified number of sockeye salmon to enter the river that are in excess to the spawning requirements to maintain sustainable yields for the fisheries that target these stocks.

The total amount of sockeye salmon harvest by anglers in this fishery, which takes place in the identified portion of the Kenai River, are provided for through the data collected by the Statewide Harvest Survey annually produced by ADF&G. The commercial and sport fisheries targeting the late-run Kenai River sockeye salmon are managed to prevent over harvest of the stocks.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The board has set an OEG for the late-run Kenai River sockeye salmon that allows for the taking of sockeye salmon by in river anglers. Eliminating all sport fishing in this portion of the Kenai River during the month of August is not necessary for biologically sound fishery management practices. The resulting loss of angler opportunity through the adoption of this proposal is not biologically justified.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 295, PAGE 232. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; AND 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN.

WHAT WOULD THESE PROPOSALS DO? This proposal would increase the daily sport fishing bag limit for coho salmon in the Kenai River to three fish per day. The proposal also requests that the Kenai River would be open to sport fishing for residents only for coho salmon from August 1–3.

The proposal would also allow the department to extend the king salmon season for unguided resident anglers only for the first seven days of August, if the Kenai River king salmon late-run escapement goal of 35,700 fish is projected to be exceeded.

WHAT ARE THE CURRENT REGULATIONS? The fishing season for Kenai River coho salmon is July 1 – July 31 and August 4 – September 30. The bag and possession limit for coho salmon 16 inches or longer is 2 fish, except in the Russian River, which is restricted to one fish. After retaining a bag limit of 2 coho salmon 16 inches or longer from the Kenai River, a person may not fish in the Kenai River downstream from the Upper Killey River on that same day. The use of bait is prohibited from August 1-3 between the Kenai River mouth and the Sterling Highway bridge at Soldotna, from August 1 – December 31 upstream from the Upper Killey River, and from October 1 – December 31 between the Kenai River mouth and the Upper Killey River mouth.

From July 31 through September 30, guides may not sport fish while a client is present or within the guide's control or responsibility. The maximum number of fishing rods operated may not exceed the number of clients on board the vessel. Downstream from the confluence of the Moose and Kenai rivers, fishing from a guide vessel is prohibited on Mondays. Upstream from the confluence of the Moose and Kenai rivers, fishing for coho salmon from a guide vessel is prohibited on Mondays. Any coho salmon caught must be released immediately.

The Kenai River is closed to sport fishing for king salmon after July 31.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, the overall exploitation rate on the Kenai River coho salmon run by anglers would increase by some undetermined amount with an increase in the bag limit from the current two fish over 16" in length per day to three coho salmon over 16" in length per day.

If adopted, the Kenai River coho salmon sport fishing season would be open from August 1 to August 3 for resident anglers only. The total sport fish harvest of coho salmon by resident and resident guided anglers during the first three days of August is expected to comprise a minor percentage of the total seasonal harvest. Some undetermined amount of increased effort by resident and guided resident anglers would be expected given that the fishery is currently closed at this time. Mortality associated with an increase in angler harvest and catch and release fishing should be expected to increase as well. Regulations prohibiting anglers from fishing from a guide boat on Mondays during the month of August would affect guided anglers in the years 2005, 2009, 2010, and 2011 as Mondays fall within the dates of August 1-3.

Some undetermined increase of effort and harvest of king salmon by unguided resident anglers is expected if the Kenai River king salmon season is extended beyond the current season ending date of July 31. The proposal is unclear as to whether the request is for a three or seven day extension of the king salmon sport fishing season. Any extension would only take place if the department can project that the upper end of the Kenai River late-run king salmon escapement goal of 35,700 fish would be exceeded. Mortality associated with increased angler harvest and catch and release losses can be expected to increase as well.

BACKGROUND: The Kenai River Coho Salmon Management Plan was first adopted in 1996 in response to decline of Kenai River smolt abundance and increased harvest of returning adults. A special Board of Fisheries meeting was convened in 1997 through a petition submitted by the department based on high Kenai River coho salmon harvests beginning in 1993 and 1994, which were thought to be unsustainable and declining Moose River (Kenai River tributary) smolt counts. As a result of that meeting, restrictions affecting all users were put into regulation to conserve Kenai River coho salmon. Additional restrictive regulations were added to the plan from 1997-99. These regulations were an attempt to reduce the total harvest of Kenai River coho salmon by 20% from combined sport and commercial users and originally had a sunset clause of December 2002 and included:

1. The Kenai River coho salmon sport fishing season was established from July 1 – September 30.
2. Guides could not sport fish when guiding clients.

In 2000, a special Board of Fisheries meeting was convened through a petition submitted by the Governor based on low abundance of coho salmon throughout Cook Inlet. As a result of this meeting, more restrictions were put in place to conserve both Kenai River and Northern District coho salmon. The restrictions placed on the Kenai River coho salmon sport fishery from regulations adopted in 2000 included:

1. The bag and possession limit was reduced from 3 fish to 2 fish Cook Inlet-wide (excepting West Side Cook Inlet and terminal fisheries targeting hatchery fish). Anglers in the Kenai River must stop fishing for all species below the outlet of Skilak Lake for the remainder of the day after retaining a daily bag limit of 2 coho salmon.
2. Closing the Kenai River downstream of Skilak Lake from August 1-3 for coho salmon fishing.
3. Bait was prohibited in the Kenai River from October 1 to June 30.

The department manages the Kenai River coho salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency of inriver restrictions, while ensuring an adequate escapement of coho salmon into Kenai River.

The net result of the management plan on the Kenai River sport fishery is the overall reduction of coho harvest. Currently the department does not manage the Kenai River coho salmon sport fishery in season based upon escapement as no escapement goal has been established.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The Kenai River Coho Salmon Conservation Management Plan was adopted in 2000 by the BOF to address concerns regarding low abundance of coho salmon stocks in Upper Cook Inlet. All user groups made sacrifices to allow for more conservative management of the coho stocks in 1997 and 2000. Preliminary information gathered from

ongoing research programs on the Kenai River indicate that coho stocks returning to the Kenai River have averaged nearly 120,000 fish since 1999 with harvests averaging just over 65,000 fish. Overall exploitation rates for Kenai River coho salmon have ranged from 36% to 46% total harvest during the past three years. Research findings from studies conducted in Southeast Alaska with trans-boundary coho salmon stocks has indicated that an overall exploitation rate of 61% is sustainable over the long-term. Late season harvests of Kenai River coho salmon in September have averaged approximately 25% of the total harvest. However, the harvest of coho salmon in October, November and December are generally expected to be considerably lower given the low abundance of returning coho salmon at that time of year and the combination of poor weather, low water and unfavorable river conditions which would tend to limit angler effort.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 296, PAGE 233. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit fishing in the Kenai River from 11:00 p.m. to 6:00 a.m. all year. The primary intent of proposal 296 is to reduce or eliminate illegal fishing activities along the Kenai River at night. The proposal indicates that the gradual reduction of enforcement activities along the Kenai River coupled with the continual growth of the sport fishery has lead to more illegal fishing activities during nighttime hours.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing in the Kenai River is allowed 24-hours a day for unguided, resident anglers. From May 1 – June 30, downstream from the outlet of Skilak Lake, a nonresident may sport fish from a vessel for king salmon only from 6:00 a.m. until 6:00 p.m.

During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the sport fishery in the Kenai River were closed to sport fishing at night as proposed, angling effort, harvest and catch would be reduced by some undetermined amount. Daily angling opportunity would be reduced by 30 percent. The reduced opportunity would likely increase congestion during the remaining open hours.

BACKGROUND: During the salmon runs, one can expect to find anglers fishing twenty-four hours each day somewhere along the Kenai River. Regulations prohibiting anglers from sport fishing at night along the entire Kenai River have not been adopted to date.

In addition to the closed fishing times for nonresidents and guided anglers, one nighttime sport fishery closure was enacted through the department's E.O. authority. This nighttime closure included the waters of the Russian River and the fly-fishing-only waters of the Russian River. This closure was enacted after an angler was mauled by a bear near the Russian River. This E.O. lasted for five days, closing this area from 11:00 p.m. to 6:00 a.m. daily.

Currently, several other sport fisheries in Alaska have nighttime closures. These fisheries include fisheries in the Anchorage and Matanuska/Susitna valley areas. The Anchorage and Matanuska/Susitna valley nighttime closures were for enforcement purposes and/or to slow/reduce the harvest of salmon. A 10:00 p.m. to 7:00 a.m. nighttime closure of the National Parks Service bear-viewing platform located on the Brooks River was developed to prevent human-bear interactions at night. This closure was developed because the addressed area is heavily utilized by feeding bears at night. The area closed at night include the bear viewing platform and riparian habitat 100 yards upriver and downriver of the Brooks River falls. An ADF&G weir is located at the falls and all sport fishing is prohibited while the weir is operational for 100 yards both upstream and downstream from the weir by regulation.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal as a conservation measure. Closing the entire Kenai River at night, during the normal open season to sport fishing, is not necessary to ensure that the Kenai River spawning escapement goals are achieved. This proposal addresses an objective that is social in nature, i.e. anglers choosing to fish illegally during the nighttime under the cover of darkness. Illegal sport fishing activities at night could be decreased with increased enforcement activities. Increasing enforcement activities along the Kenai River is the responsibility of the Alaska Bureau of Wildlife Enforcement, Department of Natural Resources Division of Parks Enforcement, US Forrest Service Enforcement officers, and the US Fish and Wildlife Kenai Wildlife Refuge Enforcement officers, and ADF&G

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 297, PAGE 233. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would allow children under the age of 12 to sport fish for the various species of sculpin ("mud fish") in the Kenai River with a single hook and bait (single egg) within six feet of shoreline.

WHAT ARE THE CURRENT REGULATIONS? Finfish not specified in regulation may be taken all year and there are no bag, possession, or size limits established. The catch and harvest of sculpin in the Kenai River is allowed regardless of angler age.

Regulations addressing sport fishing with a single hook using bait in the Kenai River vary by section of the Kenai River and by time of year. The use of bait is allowed from the mouth of the Kenai River upstream to the outlet of Skilak Lake except in fly-fishing-only areas as follows:

- From January 1 through June 30, only one unbaited, single-hook, artificial lure may be used in the Kenai River. (single hook no bait)
- From August 1 through August 3, from the mouth of the Kenai River upstream to the Sterling Highway Bridge at Soldotna, only unbaited artificial lures may be used. (multiple hook no bait)
- From August 1 through December 31, from the mouth of the Upper Killey River upstream to the outlet of Skilak Lake, only unbaited, single-hook artificial lure may be used. (single hook no bait)
- From October 1 through December 31, from the mouth of the Kenai River upstream to the mouth of the Killey River, only unbaited artificial lures may be used. (multiple hook no bait)
- From January 1 through July 14, that portion of the Kenai River near the mouth of Slikok Creek as identified by ADF&G markers, is restricted to fly fishing only. (single fly, no bait)
- From May 15 through August 15, the Moose River from its confluence with the Kenai River upstream to the Sterling Highway Bridge, and the waters within 100-yard radius of the Moose River are restricted to fly fishing only. (single fly no bait)

There are no regulations that restrict anglers of any age to the use of no more than six feet of fishing line or restrict the use of a single egg on a single hook.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, children under twelve years of age could use a single hook with bait with a maximum of six feet of fishing line to catch and harvest various species of sculpin in areas currently closed to using bait or in fly-fishing-only areas. An undetermined amount of sculpin would be caught and or harvested. It is uncertain whether this proposal would impact the number of sculpin caught or kept from the Kenai River.

BACKGROUND: No regulations exist which identify and are specific to sport fishing for sculpin. The department does not assess sculpin stocks but few are thought to be kept. Sculpin are not commonly eaten by anglers.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. While the department supports providing opportunity to kids and youth fishing events, current regulations provide ample opportunity to target sculpin in the Kenai River from its mouth upstream to the outlet of Skilak Lake with bait using a single hook independent of the length of fishing line an angler uses or the age of the angler.

Though the proposal does not specify what type of “egg” children could use, the department assumes the author means salmon eggs. The majority of fish species found in

the Kenai River are attracted to salmon eggs, as salmon eggs are a significant contributor to the aquatic food chain of the Kenai River. The department would expect some undetermined amount of incidental bycatch of species other than sculpin by anglers using salmon eggs as bait within six feet of the shoreline in areas currently closed or closed to the use of bait to protect those species.

The department does not expect adoption of this proposal to cause enforcement concerns in that children under 16 years of age are not required to possess a sport fishing license. Waste of sculpin might increase as more are discarded rather than released alive.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 298, PAGE 234. 5 ACC 56.024. HARVEST RECORD REQUIRED; ANNUAL LIMITS.

WHAT WOULD THE PROPOSAL DO? This proposal would establish an annual limit of 125 pounds of fish per nonresident angler that could be exported from the state of Alaska.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations that limit the export of pounds of fish harvested in the Cook Inlet sport fisheries per angler do not exist in current regulation. Regulations require anglers to record the harvest of king salmon, rainbow trout, and sharks on the back on an angler's sport fishing license for sport fisheries that have established annual limits. These regulations do not differentiate between resident and nonresident anglers. Anglers are required to record date, species, and location of harvest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, nonresident anglers would be limited to exporting a total of 125 pounds of sport caught fish harvested in Cook Inlet. Adoption of this regulation could significantly reduce the nonresident harvest component of fish retained from the sport fisheries that take place in the fresh and saltwater of Cook Inlet.

A mechanism for enforcing such a limit would have to be established. An elaborate means of inspecting nonresident angler harvest would have to be developed which could include establishing check stations on major roads, border crossing stations, airports, freight shipping agencies, etc., where sport caught fish could leave the state. A determination of which agency or group of agencies that would be responsible for enforcing this limit would have to be determined.

BACKGROUND: The average annual harvest (2001-2003) of king salmon in the Cook Inlet area for a nonresident angler is 1.2, compared to the harvest of 1.1 for resident anglers. Average coho harvest is 3.5 for nonresidents and 3.5 for residents, sockeye harvest is 4.3 for nonresidents and 4.3 for residents, chum harvest is 1.7 for nonresidents

and 1.7 for residents and pink harvest is 2.8 for nonresidents and 2.1 for residents. These estimates are based on results of the Statewide Harvest Survey. Because this survey samples households and not anglers per se, harvest is assumed evenly distributed among all members of household of size two or more.

DEPARTMENT COMMENTS: The department and ABWE **OPPOSE** this proposal. This proposal would unduly reduce or restrict a large portion of the angling public from participating in sport fishing. It is likely that the harvest by nonresident anglers have had little impact on past management actions in the Upper Cook Inlet sport fisheries. Many fisheries over the past several years have been liberalized, providing a harvestable surplus for all users.

Enforcement personnel are overburdened at present. Extensive logistical concerns, needed additional enforcement personnel and the requirement to construct a new statewide record keeping system integrating all shipping sources make this proposal virtually unenforceable. Additionally, a numerous legal loopholes exist with the present sparse wording of the proposal that would allow persons to circumvent the intended purpose with ease.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Kenai River Guides (13 Proposals)

PROPOSALS 299 AND 300, PAGES 234-235. 5 AAC 56.036. KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS; 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? Proposal 299 would classify rental boats in the same regulatory category as registered guide boats.

Proposal 300 would restrict the use of rental boats on the Kenai River to only those hours of each day and days of the week currently available to guides and guided anglers.

WHAT ARE THE CURRENT REGULATIONS? Regulations do not restrict the use of rental boats to the same time and days provided for guide vessel operation. The regulations concerning time and day restrictions for guided and unguided anglers on the Kenai River are:

From May 1 – June 30, downstream from the outlet of Skilak Lake, a nonresident may sport fish from a vessel for king salmon only from 6:00 a.m. until 6:00 p.m. The board adopted this regulation in 2003 during an out of cycle meeting to address the Kenai River Early-run King salmon management plan.

During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted these proposals would require anglers and operators using rental boats would to adhere to the same regulations that apply to guide boats. This regulation would reduce the amount of available fishing opportunity for resident and non-resident anglers who utilize rental boats to sport fish on the Kenai River by 50% on Tuesdays – Saturdays, and 100% on Sundays and Mondays. Such a measure would likely decrease the total fishing effort for and harvest of Kenai River salmon stocks and resident species (Dolly Varden, rainbow trout) by some unknown amount.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.).

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted

for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. This proposal is an allocative issue between non-guided resident and non-resident anglers who use rental boats on the Kenai River and guides and guided anglers. Rental boats would not be subject to the recently adopted regulations regarding guide licensing and reporting requirements.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 301, 302, AND 303, PAGES 235- 237. 5AAC 56.036. KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? Proposal 301 would prohibit guide boats on the Kenai River from interfering or restricting, in any manner, unguided anglers ability to fish as desired before 6:00 a.m. during May, June, and July.

Proposals 302 and 303 would restrict guided boats from being underway or present on the Kenai River prior to the daily starting hour for guided fishing of 6:00 a.m. These proposals were submitted to prevent guided boats from stationing in fishing holes to hold a spot until the legal time to fish. Proposal 302 requests that guided boats not be underway on the Kenai River prior to 6:00 a.m. on days opened to fishing from a guided boat. Proposal 303 request that guided boats no be underway on the Kenai River from 6:10 p.m. until 5:50 a.m. daily.

WHAT ARE THE CURRENT REGULATIONS? During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m.

There is a DNR regulation for the Kenai River Special Management Area (11 AAC 20.862 (b)) which states: “A person may not anchor a boat in the Kenai River Special Management Area in a manner obstructing a primary traffic channel or drift fishing channel of any section of the river between May 15 and July 31.”

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, it would be reasonable to expect a reduction in time fished by guided boat anglers and a reduction in total guided angler catch and harvest. Many guiding operations could realize a reduction of one or more hours of fishing time per day. Currently, some guided vessels travel over 30 minutes from boat launches, lodges etc. to transport guided anglers to and from the fishing grounds on the Kenai River. Proposals 301 and 303 may present some enforcement problems.

BACKGROUND: Since 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict angling harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. These proposals address the allocative issues of angler crowding, fishing aesthetics, and competition between guided and unguided anglers for fishing opportunity.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 304, PAGE 238. 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISION FOR THE KENAI RIVER DRAINAGE; 5AAC 56.036 KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? This proposal incrementally eliminate the use of motorized vessels for guided anglers, ultimately requiring guides to use drift boats 7 days per week by 2009. Beginning in 2005, a guided boat angler may sport fish only from a non-motorized vessel on Mondays and Tuesdays. In 2006, guided boat anglers would be required to fish from non-motorized vessels for a total of three days per week. Additional drift boat only days for guided boat clients would added one per year until the fishery becomes drift boat only for guided boat anglers seven days per week. In addition, this proposal requests a reduction in daily hours guides could guide from a vessel from 6:00 a.m. through 6:00 p.m. to 8:00 a.m. through 4:00 p.m.

WHAT ARE THE CURRENT REGULATIONS? During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, guided anglers would be prohibited from fishing from a motorized vessel an increasing number of days per week through incrementally creating a drift boat only fishery for guided anglers on the Kenai River over a period of five years (i.e. two drift

boat only days in 2005, three in 2006, and eventually seven days per week in 2009). The proposal would also allow guided angling on Mondays, a day that is currently only open to sport fishing from an unguided, non-motorized vessel.

The transformation of the Kenai River guided sport fishery to a drift boat only sport fishery could significantly change to the fishery, local economy, habitat degradation rates, guide demographics, exploitation rates, allocations among anglers, to mention a few impacts.

These proposals would increase an unguided, nonresident angler's opportunity to fish from a boat for king salmon during May and June by 35 to 50 percent. Catch and harvest by nonresident anglers would likely increase by an undetermined amount as a result of this increased opportunity. This proposal would also provide four additional hours of fishing time free of guided angling competition for unguided anglers. Guided angling opportunity would decrease by 33 percent and would likely reduce king salmon harvest in the Kenai River even if unguided angling effort replaced the reduced guided effort. Guided anglers account for a higher proportion of the king salmon catch than do unguided anglers.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.).

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

Regulations were established in 1985 that prohibited all sport fishing from a boat on the Kenai River on Mondays. This regulation prohibited both guided and unguided anglers. This regulation was relaxed in 1999 when fishing from a non-motorized boat in the Kenai

River for unguided anglers was permitted. This regulation provided additional opportunity for unguided anglers to sport fish in the Kenai River in a drift boat only fishery. The popularity of this fishery has modestly grown in recent years.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal that addresses the allocative issues of angler crowding, fishing aesthetics, and competition between guided and unguided anglers.

COST ANALYSIS: The department does believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. Anglers who currently fish from a motorized boat who do not own a drift boat and associated gear may need to purchase a drift boat and associated gear if this proposal is adopted to participate in the fishery from a boat.

PROPOSAL 305, PAGE 238. 5 AAC 56.036. KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit sport fishing from a registered guide vessel on the Kenai River downstream of Skilak Lake on Wednesdays during May, June, and July, except for Memorial Day.

WHAT ARE THE CURRENT REGULATIONS? During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would add another day to the two existing days sport fishing from a registered vessel is prohibited during May, June, and July. Restricting guided anglers from fishing on Wednesdays from a boat would reduce guided boat angler opportunity by 20% on the Kenai River. This reduction could translate to an economic loss of 20% to guides who historically guided clients on Wednesdays and would likely reduce the overall guided boat angler salmon harvest by some undetermined amount.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.).

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively.

The early-run king salmon fishery averages approximately 107,500 angler hours annually and has a total return ranging from 9,000 to 27,000 fish since 1986. The late-run king salmon fishery is larger than the early-run, averaging approximately 217,000 angler hours annually and having a total return ranging from 41,000 to 79,000 fish. A smaller run size, poor water conditions, and no bait allowed contributes to reducing the issues related to crowding in the early-run. In an effort to achieve spawning escapement goals, the department has implemented in-season restrictions to the early-run sport fishery during 7 of the past 19 seasons and 3 of the past 19 seasons during the late-run. During the last 19 seasons, the department liberalized the early-run sport fishery 6 seasons and liberalized the late run 7 seasons.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal that addresses the allocative issues of angler crowding, fishing aesthetics, and competition between guided and unguided anglers.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 306, PAGE 239. 5 AAC 56.036. KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? This proposal would allow residents to fish from a registered guide vessel on the Kenai River on Sundays and Mondays during May June and July and on Mondays in August.

WHAT ARE THE CURRENT REGULATIONS? During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

A person with a disability, or the personal representative of a person with a disability, may submit an application on a form available from the department for an exemption from a method and means requirement specified in 5 AAC 47 – 75. The department shall issue a special authorization in writing that grants the requested exemption or alternative exemption, if it determines that the exemption would provide a person with a disability with meaningful access to the program, service, or benefit in question, and meets the standard set out in this section. In granting the exemption, the department may include any conditions it determines are reasonable to conform the exemption to existing conservation and management objectives. In considering whether to grant the exemption, the department may consider, among other factors, whether the exemption would fundamentally alter a program, service, or benefit of the department; place an undue administrative burden or expense on the department; have an unreasonable impact on the conservation, development, or utilization of fish; or constitute an unreasonable risk to public health or safety. The department may require a sport fisherman who receives an exemption under this section to be accompanied by another licensed or permitted sport fisherman. The department will not authorize an exemption under this section if the regulation does not substantially prohibit the person from meaningful access to the program, service or benefit; the authorization would allow an exemption or modification to seasons or bag limits; or the Board of Fisheries has previously reviewed and acted on the same request for accommodation.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would allow residents to fish from registered guide vessels 7 days a week. This measure would likely increase the amount of guided fishing participation and increase the subsequent guided harvest of Kenai River king salmon stocks and other fish species by an unknown number. This measure would also eliminate previous board

actions taken to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.). For the 1989-1999 seasons, the board established operating hours for guides of 6:00 a.m. to 6:00 p.m. consistently for June and July. Since the early 1980's, guides have been prohibited from sport fishing while clients were present. Subsequent meetings have resulted in further restrictions placed upon guides and the guided angler.

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively. In an effort to achieve spawning escapement goals, the department has implemented in-season restrictions to the early-run sport fishery during 6 of the past 19 seasons and 5 of the past 19 seasons during the late-run.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal and **OPPOSES** any significant increase in early-run king salmon harvest that would result from this proposal. The resulting harvest levels during the early-run king salmon sport fishery may jeopardize the department's ability to provide for the necessary spawning escapement and result in more frequent disruptions to the recreational fishery due to in-season management actions.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 307, PAGE 239. 5 AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE.

WHAT WOULD THE PROPOSAL DO? This proposal would establish one day a week during the Kenai River king salmon late-run to guided anglers only.

WHAT ARE THE CURRENT REGULATIONS? During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would establish a “guided angler only day” which would eliminate all other unguided sport fishing activities on the Kenai River below Skilak Lake. The proposal did not differentiate between shore anglers or boat anglers. In addition, if the proposal were adopted, unguided angler harvest and effort would be eliminated during one unspecified day per week and guided angler harvest and effort could increase an undetermined amount due to the decreased competition with unguided anglers fishing on the “guided anglers only” day. The proposal also did not specify if guided angling would be restricted to the current 6:00 a.m. to 6:00 p.m. operating hours.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport

fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.).

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal that addresses the allocative issues of angler crowding, fishing aesthetics, and competition between guided and unguided anglers. Proposal 307 does not specify whether or not unguided anglers fishing from shore would be restricted on the “guided clients only day” on the Kenai River.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 308. PAGE 240. 5 AAC 56.036. KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS; 5AAC 56.023. SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI RIVER DRAINAGE; AND 5 AAC 21.357. KENAI RIVER COHO SALMON CONSERVATION MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? This proposal would allow sport fishing from a registered guide vessel seven days per week, although any individual sport fishing guide would only be able to operate five days per week. Guides would be required to submit daily activity reports as a tracking mechanism.

WHAT ARE THE CURRENT REGULATIONS? During May, June and July, sport fishing from a registered guide vessel downstream of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. In addition, downstream of the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31

On any Monday in May through July, except for Memorial Day, a person may not fish from a boat in the portion of the Kenai River from the outlet of Skilak Lake to the mouth of the river, except that unguided sport fishing from a non-motorized vessel is allowed on Mondays in May through July.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? This proposal could possibly distribute the total available fishing opportunity for guided boat anglers in the Kenai River and allow guides to individually select a five-day period within each week during which they could provide sport fishing guide services to anglers on the Kenai River. In addition, guides would be required to submit a daily activities report. If adopted, this proposal would not increase the total guided boat angler effort during May, June and July because guides are currently limited to guiding clients for five days per week, but it would eliminate the two days each week that are available to anglers to fish without the presence of sport fishing guide activities.

BACKGROUND: The Kenai River king salmon recreational fisheries are heavily exploited. Past seasons have evidenced exploitation rates in the recreational harvest exceeding 60% during the early-run and the average total exploitation rate, including commercial harvest, for the late-run is approximately 47%. As a result, the board has adopted management plans structured to constrain the harvest of these king salmon stocks to sustainable levels while still providing for fishing opportunity. The management guidelines that the board has adopted through the years have closed specific areas of the river to all fishing, restricted certain areas of the river to shore fishing only and imposed time and date closures for all guided and unguided boat anglers. In addition, the board has continued to address the harvest disparity that exists between guided and unguided anglers within the Kenai River king salmon sport fishery.

To create more parity between guided and unguided harvest and effort, the board placed daily time restrictions on guided anglers. Beginning in 1985, during June and July, sport fishing from registered guide vessels has been permitted only from 6:00 a.m. to 6:00 p.m. (except for the years 1986 – 1988 when during July the time was 7:00 a.m. to 7:00 p.m.). For the 1989-1999 seasons, the board established operating hours for guides of 6:00 a.m. to 6:00 p.m. consistently for June and July. Since the early 1980's, guides have been prohibited from sport fishing while clients were present. Subsequent meetings have resulted in further restrictions placed upon guides and the guided angler.

In 2000, the daily time restrictions were extended to include the month of May. Guided anglers are also restricted from fishing on the Kenai River, downstream of Skilak Lake, from a registered guide vessel on Sundays or Mondays in May through July (except Memorial Day). These regulations are intended to restrict sport harvest of king salmon by reducing guided angling effort, provide non-guided anglers with hours free of competition with guided anglers and control angler congestion on the Kenai River.

During the 2003 season, guided anglers harvested 68% of the early-run while maintaining 60% of the total effort. Guided anglers took 55% of the late-run harvest and accounted for 44% of the total effort. Historically (1999-2003 averages), guided anglers harvested 78% of the early-run and 58% of the late-run while comprising 64% and 46% of the total effort, respectively.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Freshwater guides are now required to complete a logbook documenting their daily activities as a part of the recently adopted guide licensing program.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 309, PAGE 240. 5 AAC 56.036. KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS.

WHAT WOULD THE PROPOSAL DO? This proposal would repeal the restriction requiring guides to have no more than 4 clients or no more than 5 people total, in a registered guide vessel all year.

WHAT ARE THE CURRENT REGULATIONS: During July, a vessel used for guided sport fishing on the Kenai River may not carry more than five persons, including the fishing guide, clients, and other passengers.

Department of Natural Resources regulations prohibit a person from operating a motor powered boat on waters of the Kenai River Special Management Area, except for Kenai and Skilak Lakes, with more than six persons on board, including the operator, unless authorized by the director under a permit issued under 11 AAC 18. This regulation is not specific to sport fishing guides.

WHAT WOULD THE EFFECT BE IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would increase the total number of people allowed in a registered guide vessel to 6 persons, including clients, the guide or other passengers all year. Should the additional person be a paying client, engaged in fishing for king salmon, the total guided fishing effort for king salmon in July could potentially increase by approximately 20%. Such an increase in effort would also likely increase the total guided harvest of late-run Kenai River king salmon during July by some unknown number in the future. In addition, if this proposal was adopted, the total number of guide boats on the Kenai River during July may be reduced by an unknown amount because more guided anglers will be enabled to fish with less guide boats.

BACKGROUND: Regulations were adopted by the Board of Fisheries in 2000 limiting the total number occupants in guide vessel registered with ADNR Parks to no more than 5 persons, including the guide, clients and other passengers during the month of July.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. This proposal seeks to increase harvest potential of guides and guided clients fishing from vessels registered to fish in the Kenai River.

COST ANALYSIS: The department does not believe that adoption of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Kasilof River (9 Proposals)

PROPOSALS 312, 313 AND 314, PAGES 242-243. 5 AAC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? These proposals would allow the harvest of naturally produced early-run king salmon in the Kasilof River from January 1 – June 30.

Proposal 312, would allow naturally produced king salmon to be retained only on weekends and the Monday following those weekends, and would allow an annual limit of five of which only three may be naturally produced king salmon. Only one of these three naturally produced king salmon may be harvested prior to July 1.

Proposal 313, would allow a limited harvest of Crooked Creek early-run naturally produced king salmon thru changes to the annual limit. If adopted, the Kasilof king salmon annual limit would be 5 fish 20 inches or longer. Prior to July 1, only one of which may be a naturally produced fish, and up to three naturally produced fish may be taken on or after July 1.

Proposal 314, would allow an annual limit of three king salmon from Kasilof River, only two of which could be harvested from January 1 – June 30 (one of those must be a hatchery fish), The bag limit from January 1 – July 31 would be one per day/one in possession.

WHAT ARE THE CURRENT REGULATIONS? A person may not sport fish from a registered guide vessel on the Kasilof River on Sunday during the month of July. The season for king salmon 20 inches or greater in length is open from January 1 through July 31 downstream of the Sterling Highway Bridge and from January 1 through June 30 upstream of the Sterling Highway Bridge, with a bag and possession limit of one fish, 20 inches or greater in length. After taking and retaining a king salmon 20 inches or greater in length, a person may not sport fish for king salmon in any water open to sport fishing for king salmon on that same day. From January 1 through June 30, only hatchery king salmon may be retained; there is an annual limit of three king salmon and a harvest record is required. A hatchery king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish; for the purposes of this paragraph, “hatchery king salmon” is a king salmon with a clipped adipose fin as evidenced by a healed fin clip scar where the adipose fin is normally located. From January 1 through July 31, a person may not sport fish from a vessel that has a motor on board that is more than 10 horsepower; from January 1 through July 31, a motor may be used only between the mouth of the Kasilof the day; a person

may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? All three proposals would liberalize the fishery by allowing a limited harvest of naturally produced king salmon and would: 1) increase the harvest of natural produced king salmon, 2) likely increase angler participation, 3) reduce the numbers of naturally produced king salmon in the spawning escapement, and 4) possibly result in an increase of hatchery-produced king salmon in the spawning escapement in excess of escapement needs by decreasing the harvest of hatchery fish.

BACKGROUND: Early-run Kasilof River king salmon originate primarily from Crooked Creek, a Kasilof River tributary. The department annually enumerates the escapement and estimates the age, sex and length composition of naturally and hatchery produced king salmon returning to the Kasilof River at a weir located above the area open to fishing at the Crooked Creek facility. At the weir the department also collects naturally produced king salmon broodstock for egg-takes to enhance the early-run return. Approximately 250 returning adult fish are utilized and the resulting smolt production is returned to Crooked Creek. Hatchery-produced kings that reach the weir are considered to be in excess of escapement needs. Additionally, a creel survey was conducted during the early-run fishery during 2003 and 2004 to estimate catch of all kings and harvest of early-run hatchery fish.

The retention of naturally produced early-run king salmon from the Kasilof River was first prohibited by E.O. on June 12, 2002 because of increased angler participation due to the closure of nearby Kenai River and concern for not meeting the escapement goal. In 2003, the Board of Fisheries passed the current regulations prohibiting retention of naturally produced fish.

Natural spawning escapement in Crooked Creek upstream from the hatchery from 1994-1996 ranged from 640-764; with the total return ranging from 9,812-10,343. Prior to 1998, the number of fish allowed past the weir to spawn was held at approximately 700 fish. Beginning in 1998, the number of fish allowed upstream of the weir to spawn was increased to approximately 2,700 king salmon. This action was taken to evaluate the potential returns from naturally-spawning king salmon as a means of compensating for a proposed reduction in stocking levels from 210,000 smolts to 105,000 smolts beginning in 2000. The reduction of stocking levels was in response to significant numbers of straying Crooked Creek early-run hatchery fish in to Slikok Creek, a tributary of the Kenai River.

The current SEG, set in 2001, is a range of 650 to 1,700 naturally produced fish. The numbers of naturally produced fish in the escapement have been within the range for eleven years, below the range four years and exceeded the range six years. The 2004 return was the first year we have seen a return from the recent increased naturally produced escapement levels. Although we have only seen one return from the increased escapement levels, it appears that increased levels of natural spawning are likely

compensating for reduced stocking levels and that the natural production can likely sustain some level of harvest. During 2002 through 2004 seasons when harvest was prosecuted on hatchery-produced fish only, the escapement of naturally produced fish exceeded the lower end of the SEG range by 300 – 1,900 fish, while the escapement of hatchery fish increased the last two years (1,115 – 2,160) showing there is still a surplus of hatchery king salmon. During 2003 and 2004, the upper end of the SEG range (1,700 spawners) of naturally produced fish was exceeded by 854 and 456 fish respectively.

From 1996-2001, an average of 6,500 early run kings were harvested in Kasilof River. During 2002 and 2003, a total of 4,791 and 3,078 early-run king salmon were harvested in the Kasilof River respectively. Due to the design of the SWHS, the department does not have the ability to separate out angler effort by run for the Kasilof River king salmon sport fisheries prior to 2003. During 2003 and 2004, a creel survey was conducted for the Kasilof River early-run king salmon sport fishery. This creel survey data, in combination with the SWHS information, will allow for the department to determine angler effort for all species during the early and late runs, the number of natural king salmon caught and released, and the total number of hatchery king salmon caught or harvested by anglers. The 2003 and 2004 creel survey/SWHS analysis is not yet available at the time of this publication. During 1996-2002, anglers expended an average of 36,200 angler days effort sport fishing in the Kasilof river. During 2003, anglers expended 35,200 angler days sport fishing in the Kasilof River.

DEPARTMENT COMMENTS: The department **SUPPORTS** liberalizing the early-run Kasilof River king salmon fishery to allow for a limited harvest of naturally produced king salmon and increase the opportunity to harvest surplus hatchery fish. The department recognizes that the present regulations prohibiting the harvest naturally produced fish as well as the bag and seasonal limit regulations may be overly restrictive. However, due to the limited number of years of returning adults from the increased levels of natural spawning, the department recommends a cautious incremental approach be taken in changing the current regulatory structure. The department opposes allowing retention of naturally produced kings 24 hours per day, 7 days a week in the early run.

Since the time the department submitted proposal 312, we have determined that an annual limit that is different between hatchery fish and naturally produced fish is not an option we would support at this time since the 2005 sport fishing licenses have already been printed. Without clear instructions on the back of the sport fishing license on how to accurately meet the reporting requirement, it would likely lead to a high rate of noncompliance.

The department is open to discussion within the Upper Cook Inlet board committee process to develop recommendations that would allow for a limited harvest of naturally produced king salmon in the early-run and increase the opportunity to harvest surplus hatchery fish. These discussions should include increasing the daily bag limit of hatchery fish, eliminating the annual limit of hatchery fish, allowing anglers to continue fishing for king salmon after retaining a king salmon, allowing the retention of naturally produced king salmon, and days when retention of naturally produced king salmon are allowed.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 315, PAGE 244. 5 ACC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? This proposal would increase the annual limit of Kasilof River king salmon from three to five adipose-clipped hatchery fish and would allow anglers to continue to fish for king salmon after retention of an adipose-clipped hatchery fish.

WHAT ARE THE CURRENT REGULATIONS? A person may not sport fish from a registered guide vessel on the Kasilof River on Sunday during the month of July. The season for king salmon 20 inches or greater in length is open from January 1 through July 31 downstream of the Sterling Highway Bridge and from January 1 through June 30 upstream of the Sterling Highway Bridge, with a bag and possession limit of one fish. After taking and retaining a king salmon 20 inches or greater in length, a person may not sport fish for king salmon in any water open to sport fishing for king salmon on that same day. From January 1 through June 30, only hatchery king salmon may be retained; there is an annual limit of three king salmon and a harvest record is required. A hatchery king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish; for the purposes of this paragraph, “hatchery king salmon” is a king salmon with a clipped adipose fin as evidenced by a healed fin clip scar where the adipose fin is normally located. From January 1 through July 31, a person may not sport fish from a vessel that has a motor on board that is more than 10 horsepower; from January 1 through July 31, a motor may be used only between the mouth of the Kasilof the day; a person may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would increase the harvest of hatchery-produced king salmon and decrease the spawning escapement to some unknown degree. If adopted, anglers would be allowed to continue fishing after harvesting a king salmon potentially increasing crowding conditions in this fishery. If adopted, anglers who have filled their daily bag limit would be more likely to continue fishing effectively reducing the number of anglers cycling through this fishery. Adoption of this proposal would likely increase the difficulty of enforcing regulations which disallow “party” fishing where multiple anglers continue to harvest fish until the total number of fish harvested equals the combined bag limit of the anglers in the party.

BACKGROUND: Early-run Kasilof River king salmon originate primarily from Crooked Creek, a Kasilof River tributary. The department annually enumerates the escapement

and estimates the age, sex and length composition of naturally and hatchery produced king salmon returning to the Kasilof River at a weir located above the area open to fishing at the Crooked Creek facility. At the weir the department also collects naturally produced king salmon broodstock for egg-takes to enhance the early-run return. Approximately 250 returning adult fish are utilized and the resulting smolt production is returned to Crooked Creek. Hatchery-produced kings that reach the weir are considered to be in excess of escapement needs. Additionally, a creel survey was conducted during the early-run fishery during 2003 and 2004 to estimate catch of all kings and harvest of early-run hatchery fish.

The retention of naturally produced early-run king salmon from the Kasilof River was first prohibited by E.O. on June 12, 2002 because of increased angler participation due to the closure of nearby Kenai River and to make the in the early-run fishery and concern for not meeting the escapement goal.. During In 2003, the Board of Fisheries passed the current regulations prohibiting retention of naturally produced fish.

Natural spawning escapement in Crooked Creek upstream from the hatchery from 1994-1996 ranged from 640–764; with the total return ranging from 9,812-10,343. Prior to 1998, the number of fish allowed past the weir to spawn was held at approximately 700 fish. Beginning in 1998, the number of fish allowed upstream of the weir to spawn was increased to approximately 2,700 king salmon. This action was taken to evaluate the potential returns from naturally-spawning king salmon as a means of compensating for a proposed reduction in stocking levels from 210,000 smolts to 105,000 smolts beginning in 2000. The reduction of stocking levels was in response to significant numbers of straying Crooked Creek early-run hatchery fish in to Slikok Creek, a tributary of the Kenai River.

The current SEG, set in 2001, is a range of 650 to 1,700 naturally-produced fish. The numbers of naturally produced fish in the escapement have been within the range for eleven years, below the range four years and exceeded the range six years. The 2004 return was the first year we have seen a return from the recent increased naturally-produced escapement levels. Although we have only seen one return from the increased escapement levels, it appears that increased levels of natural spawning are likely compensating for reduced stocking levels and that the natural production can likely sustain some level of harvest. During 2002 through 2004 seasons when harvest was prosecuted on hatchery-produced fish only, the escapement of naturally produced fish exceeded the lower end of the SEG range by 300 – 1,900 fish, while the escapement of hatchery fish increased the last two years (1,115 – 2,160) showing there is still a surplus of hatchery king salmon. During 2003 and 2004, the upper end of the SEG range (1,700 spawners) of naturally produced fish was exceeded by 854 and 456 fish respectively.

From 1996-2001, an average of 6,500 early run kings were harvested in Kasilof River. During 2002 and 2003, a total of 4,791 and 3,078 early-run king salmon were harvested in the Kasilof River respectively. Due to the design of the SWHS, the department does not have the ability to separate out angler effort by run for the Kasilof River king salmon sport fisheries prior to 2003. During 2003 and 2004, a creel survey was conducted for the

Kasilof River early-run king salmon sport fishery. This creel survey data, in combination with the SWHS information, will allow for the department to determine angler effort for all species during the early and late runs, the number of natural king salmon caught and released, and the total number of hatchery king salmon caught or harvested by anglers. The 2003 and 2004 information is not yet available at the time of this publication. During 1996-2002, anglers expended an average of 36,200 angler days effort sport fishing in the Kasilof river. During 2003, anglers expended 35,200 angler days sport fishing in the Kasilof River.

DEPARTMENT COMMENTS: While the department **SUPPORTS** increasing opportunity to harvest surplus hatchery king salmon on the Kasilof River, we also support limited harvest opportunities for naturally produced early run king salmon. We recommend **NO ACTION** be taken on this proposal.

This proposal would likely result in an increase in the harvest of hatchery-produced king salmon in this fishery. This proposal would reduce the numbers of hatchery-produced king salmon escapement into Crooked Creek. The current regulations for bag and possession limits for the Kasilof River provide for the harvest of three hatchery-produced king salmon. The department recognizes that the present bag and seasonal limit of hatchery-produced king salmon may be overly restrictive.

Differing annual limits for hatchery and naturally produced fish are unenforceable, would create regulatory complexity, and not able to be implemented until 2006 since the 2005 licenses are already printed.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 316 AND 317, PAGES 244-245. 5 ACC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? Proposal 316 would require the Kasilof River to be closed to guiding when the Kenai River is closed to guiding. Proposal 317 would prohibit guide boats or guided anglers on Sundays and Mondays during May through July.

WHAT ARE THE CURRENT REGULATIONS? A person may not sport fish from a registered guide vessel on the Kasilof River on Sunday during the month of July. The season for king salmon 20 inches or greater in length is open from January 1 through July 31 downstream of the Sterling Highway Bridge and from January 1 through June 30 upstream of the Sterling Highway Bridge, with a bag and possession limit of one fish. After taking and retaining a king salmon 20 inches or greater in length, a person may not sport fish for king salmon in any water open to sport fishing for king salmon on that same

day. From January 1 through June 30, only hatchery king salmon may be retained; there is an annual limit of three king salmon and a harvest record is required. A hatchery king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish; for the purposes of this paragraph, "hatchery king salmon" is a king salmon with a clipped adipose fin as evidenced by a healed fin clip scar where the adipose fin is normally located. From January 1 through July 31, a person may not sport fish from a vessel that has a motor on board that is more than 10 horsepower; from January 1 through July 31, a motor may be used only between the mouth of the Kasilof the day; a person may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? These proposals would decrease guided angler participation and harvest of Kasilof River king salmon and likely increase the early-run escapement into Crooked Creek. The current restriction on guided activity on Sundays in July would be expanded to the entire king salmon season and Mondays would be added. This would decrease guided angling opportunity by 24% during the king salmon season.

BACKGROUND: The Kasilof River supports a substantial guided angler early run king salmon fishery and a small late run sport fishery. River guides operate on both the Kenai and Kasilof Rivers. The department's limited information indicates that, during the days that the Kenai River is closed by regulation to fishing from a registered guide vessel, there is an increase in guided fishing pressure on the Kasilof River. Proposal 316 requests that all guiding activities on the Kasilof River be prohibited when they are prohibited on the Kenai River. This would include prohibiting guiding activities on the same days, which exist in current regulation for the Kenai River, in addition to other unforeseen closures. This proposal differs from proposal 317 by including the possibility of prohibiting guided activities on the Kasilof River when the Kenai River is closed inseason through Emergency Order authority. For example, the 2002 sport fishery targeting Kenai River early-run king salmon was closed inseason due to a weak return. During this fishery closure, the Kasilof River experienced an increase of guided and unguided efforts because the Kasilof River was the nearest opportunity for anglers to harvest king salmon. Adoption of proposal 316 would prevent such a spill over of effort when the Kenai River is closed inseason.

Proposal 317 addresses the adoption of the current regulations, which prohibit fishing from a registered guide boat in the Kenai River on certain days of the week during the king salmon runs, into the Kasilof River sport fishery regulations. On those days when angling is prohibited by regulation from a registered guide vessel in the Kenai River, the amount of guided angler effort on the Kasilof River increases as guides take clients to the nearest open king salmon sport fishery. Proposal 317 speaks to prohibiting guided angling activities on the Kasilof River by establishing certain days of the week, identical to current regulations for the Kenai River, which would prohibit guiding activities on specified days.

From 1999-2001, unguided anglers caught an average of 12,680 (66% of total sport catch) king salmon from the Kasilof River and harvested an average of 4,890 (54% of total sport harvest) of these fish caught. Guided anglers caught an average of 6,540 (34% of total sport catch) king salmon from the Kasilof River harvesting an average of 4,120 (46% of total sport harvest) of these fish caught during this same period. From 1999-2001, unguided anglers expended an average of 32,500 (77% of total effort) angler days fishing in the Kasilof River whereas guided anglers expended an average of 9,500 (23% of total effort) angler days of effort during this period.

During 2002 and 2003, unguided anglers caught a total of 11,410 (67% of total sport catch) and 11,530 (67% of total sport catch) Kasilof River king salmon and harvested 2,400 (46% of total harvest) and 2,080 (49% of total harvest) king salmon, respectively. During 2002 and 2003, unguided anglers expended 25,990(74% of total effort) and 23,550 (77% of total effort) angler days fishing in the Kasilof River respectively.

During 2002 and 2003, guided anglers caught a total of 5,700 (33% of total sport catch) and 5,810 (33% of total sport catch) Kasilof River king salmon and harvested 2,780 (54% of total harvest) and 2,130 (51% of total harvest) king salmon, respectively. Guided anglers expended 9,010 (26% of total effort) and 7,000(23% of total effort) angler days fishing in the Kasilof River respectively.

Due to the design of the SWHS, the department does not have the ability to separate out angler effort by run for the Kasilof River king salmon sport fisheries prior to 2003. During 2003 and 2004, a creel survey was conducted for the Kasilof River early-run king salmon sport fishery. This creel survey data, in combination with the SWHS information, allows for the department to determine angler effort for the early and late runs, number of natural king salmon caught and released, and the total number of hatchery king salmon caught or harvested by anglers. The 2003 and 2004 information is not yet available at the time of this publication. During 1996-2002, anglers expended an average of 36,200 angler days per year effort sport fishing in the Kasilof River. During 2003, anglers expended 35,200 angler days sport fishing in the Kasilof River.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 318 AND 319, PAGES 245-246. 5 ACC 56.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE KENAI PENINSULA AREA (EXCLUDING THE KENAI RIVER DRAINAGE).

WHAT WOULD THE PROPOSAL DO? These proposals address changes in guided/sport fishing regulations in the Kasilof River.

Proposal 318: Guided anglers would not be allowed to fish from a motorized boat in the Kasilof River, however, keep the 10 horsepower allowance downstream of Trujillo's Landing.

Proposal 319: Sport fishing from a motorized boat downstream of the Sterling Highway Bridge would not be allowed at any time.

WHAT ARE THE CURRENT REGULATIONS? The season for king salmon 20 inches or greater in length is open from January 1 through July 31 downstream of the Sterling Highway Bridge and from January 1 through June 30 upstream of the Sterling Highway Bridge, with a bag and possession limit of one fish. From January 1 through July 31, a person may not sport fish from a vessel that has a motor on board that is more than 10 horsepower; from January 1 through July 31, a motor may be used only between the mouth of the Kasilof the day; a person may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If proposal 318 were adopted, guided angler opportunity, catch, and harvest during the Kasilof River coho salmon sport fishery would be reduced by some undetermined amount.

Proposal 319 would prohibit both guided and nonguided fishing opportunity below the Sterling Highway Bridge. Currently, adoption of this proposal would impact nonguided anglers more than guided anglers in that few guides operate motorized vessels below the Sterling Highway Bridge at any time and the preferred method of guiding anglers is from a drift boat in this section of the Kasilof River.

BACKGROUND: The department does not have data showing that sport fishing from a motorized vessel would or would not increase user conflict, harvest, guided pressure, or displace non-motorized anglers.

The Kasilof River guided angler coho sport fishery begins in August and continues through the month of September. Participation in this fishery is limited and the 1999-2003 average guided angler catch and harvest of 2,060 and 1,690 coho salmon respectively. From 1999-2003, the unguided angler averaged a catch and harvest of 3,360 and 2,200 coho salmon respectively. Though creel surveys are not conducted in the Kasilof River during the coho salmon fishery, catch and harvest information is collected from the SWHS. Information separating out angling activity by motorized boats and non-motorized boats participating in the Kasilof River coho salmon sport fishery is not available. Antidotal information suggests this fishery predominantly is comprised of unguided anglers using both motorized and non-motorized boats. Additional antidotal information suggests that the composition of the unguided anglers participating in this fishery contains a large number of "local resident" anglers.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 320, PAGE 246. 5 ACC 21.365. KASILOF RIVER SALMON MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal would allow each guide boat to display either its CFEC vessel license triangle or its ADF&G registration numbers plainly and legibly instead of requiring the guide boat to display both sets of numbers.

WHAT ARE THE CURRENT REGULATIONS? Sport fishing guide vessels are no longer required to be licensed with CFEC.

Each vessel must also have the current State of Alaska Boat Registration Number, obtained from the Alaska Department of Administration, Division of Motor Vehicles, or the current U.S. Coast Guard Vessel Documentation Number.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would have no effect due to the recent board actions taken at the November 2004 Lower Cook Inlet board meeting that added a new section pertaining to sport fishing guide vessel registration requirements.

BACKGROUND: At the November 2004 Lower Cook Inlet board meeting the established licensing, reporting, vessel registration requirements for sport fishing guide businesses and guides statewide. The board adopted detailed language that describes how these regulations will be implemented by the department. This action enabled the board to implement new statutes created by the legislature during the 2004 session.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** be taken on this proposal. Since this proposal was submitted the provision this proposal was seeking to amend has been repealed.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Personal Use (15 Proposals)

PROPOSALS 321, 322, AND 323, PAGES 247-248. 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? Proposals 321 and 322 would establish a maximum mesh size of 3-inches for dip nets in the personal use fisheries in Cook Inlet. Proposal 323 would establish a maximum mesh size of 2.5-inches for dip nets in the personal use fisheries in Cook Inlet, and the web cannot be constructed of gillnet material.

WHAT ARE THE CURRENT REGULATIONS? Dip nets are legal gear as defined under the statewide general provisions of 5 AAC 39.105 (d) (24). **TYPES OF LEGAL GEAR.** A dip net is a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? if adopted, a reduction in mesh size from the current 4.5 inches may result in fewer sockeye salmon harvested in the personal use dipnet fisheries. The elimination of gillnet material from dip nets could reduce the overall harvest efficiency of individual fishermen and there may be some unknown decline in harvest. Personal use fishermen may require more time to obtain the same amount of fish they desire to harvest.

BACKGROUND: Prior to 1988, there were no restrictions regarding mesh size that could be used in a dip net. In 1988, the board adopted the current statewide regulation limiting mesh size to a maximum of 4.5 inches. This regulation was in response to staff and public observation indicating more fish were “gilled” than “dipped” when larger mesh was used. At that time, the board agreed that smaller mesh should be used to ensure that the fish were dipped. There is no restriction on the material that can be used to form the dip net bag.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. Decreased harvest is an allocative issue rather than a biological issue. The regulation which stipulates the maximum mesh size allowed for use with a ‘dip net’ is a statewide provision under 5 AAC 39.105 and would need to be addressed statewide in order to ensure regulatory consistency. A uniform statewide standard is easier to enforce. ABWE reports that abuse of net size is minimal and only a few cases of gear violations are cited in the personal use fisheries.

COST ANALYSIS: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery. Persons participating in this fishery would be required to change the type of webbing of their dip nets to meet new regulation specifications if the current webbing does not meet the newly adopted requirements.

PROPOSAL 324, PAGE 248. 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THIS PROPOSAL DO? This proposal would allow for the use of a fishing rod and reel as a legal means of harvesting salmon in the Cook Inlet Personal Use salmon fisheries.

WHAT ARE THE CURRENT REGULATIONS? The Upper Cook Inlet personal use salmon fishery management plan allows for the use of set nets or dipnets. The use of a fishing rod and fishing reel in the Upper Cook Inlet personal use salmon fisheries is not allowed. Statewide provisions do not allow the use of a fishing rod and fishing reel as a legal gear type harvesting fish in a personal use salmon fishery.

WHAT WOULD THE EFFECT BE IF THIS PROPOSAL WERE ADOPTED? If adopted, this proposal will cause gear conflicts between personal use fishermen using dipnets or setnets and those using a fishing rod while attempting to harvest fish in the same area. This proposal does not request an expansion of the areas open to personal use fishing. Therefore, personal use fishermen using a fishing rod would be required to harvest fish in the same area that dipnetters and setnetters currently utilize. The overall harvest efficiency of individual fishermen will decrease with the change in gear-types and there will be some unknown decline in the total harvest in the personal use salmon fisheries if current participants switch from using dipnets and setnets to a fishing rod and reel. Enforcement of regulations will also become more complicated with the introduction of a new gear-type to the personal use fisheries.

BACKGROUND: Open seasons, bag limits, types of legal gear and areas open to fishing are addressed within the regulatory framework established by the Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Currently, there are three locations in Upper Cook Inlet that are open to personal use fishing with either a set gillnet or a dipnet. Those areas are the Kasilof River and Kenai River on the Kenai Peninsula and Fish Creek in the Matanuska-Susitna borough. The designated areas that are open to personal use fishing in these three locations are all within the terminus areas of the specific river mouth and Cook Inlet. Legal fishing gear is restricted to a dipnet in the Kenai River and Fish Creek fisheries and either a set-gillnet or a dipnet in the Kasilof River, depending on the season. Annual limits are established at 25 salmon per head of household with an additional 10 fish per season per additional member of a household. A family of four could harvest 65 salmon per year. King salmon may not be retained in the Kasilof River dipnet fishery or the Fish Creek dipnet fishery. Only 1 king salmon may be retained in the Kenai River dipnet fishery.

The proposal expresses concerns about Alaska resident sport fishermen not having the ability to harvest enough fish per year if fishery restrictions are implemented due to an undetermined reason. Current sport fishing bag limits provide the opportunity to harvest salmon on a daily basis when salmon, that are surplus to biological escapement needs, are available. Presently, there is not an annual limit on sockeye, coho, pink, and chum salmon in the Upper Cook Inlet sport fisheries. Therefore, current regulations provide

ample opportunity for sport fishermen to harvest more fish per year with a rod and reel than is available in the Upper Cook inlet personal use dipnet or setnet salmon fisheries.

The proposal also makes references to the subsistence fisheries in other parts of Alaska. Currently, the dipnet and setnet personal use salmon fisheries in Cook Inlet are not recognized as subsistence fisheries. Subsistence fisheries regulations are therefore, not applicable to the Cook Inlet personal use fisheries.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Current Upper Cook Inlet personal use salmon fisheries successfully provide the means and methods required to harvest salmon for personal use. Introducing a less efficient gear type into a fishery designed for greater harvest efficiency will compromise the intent of the fishery and the public's recognition of the purpose of a personal use fishery. The introduction of a gear type that will conflict with the existing harvest methods is not supported by ADF&G. The areas in which personal use salmon fisheries occur in Upper Cook Inlet are not conducive to harvest of sockeye salmon with a fishing rod and reel.

COST ANALYSIS: The department believes that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 325, PAGE 249. 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN

WHAT WOULD THE PROPOSAL DO? This proposal would amend the personal use management plan for Upper Cook Inlet to link management of the fishery to abundance of targeted stock. The plan would also be amended to provide the department with the authority to open new personal use fisheries by emergency order inseason based upon abundance.

WHAT ARE THE CURRENT REGULATIONS? The Upper Cook Inlet Personal Use Salmon Fishery Management Plan (5 AAC 77.540) already exists. This management plan defines permit and reporting requirements, seasons, areas, annual limits, and target levels at which some fisheries may be opened or liberalized.

The total annual limit for each personal use salmon fishing permit is 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder. Only one personal use salmon fishing permit may be issued to each household per year.

Subject to the requirement of achieving the lower end of the optimal escapement goal, the department shall provide for a personal use dip net fishery in the lower Kenai River. In the Kenai River salmon may be taken by dip net from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m. The commissioner may extend, by emergency order, the personal use fishery to 24-hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than two million.

In the Kasilof River salmon may be taken by dip net from June 25 through August 7, 24-hours per day. Salmon may be taken with a set gillnet in a designated area at the mouth of the Kasilof River from June 15 through June 24, daily from 6:00 a.m. to 11:00 p.m.

In Fish Creek, the commissioner will open, by emergency order the personal use dip net fishery from July 10 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be above the upper end of the escapement goal of 70,000 fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? A management plan for the Upper Cook Inlet personal use salmon fisheries currently exists. If adopted, management plan for the Upper Cook Inlet personal use salmon fisheries would be clarified to link management actions to levels of abundance. In addition, this proposal may provide additional opportunity for residents of the state to harvest salmon under personal use regulations.

BACKGROUND: Personal use and subsistence fisheries have been an integral component of Alaska's fisheries management policies for decades. The Board of Fisheries approved the current personal use management plan in 1995. The permitting system currently in use for the Kenai and Kasilof rivers personal use dip net fisheries were developed and initiated in 1996. Since 1996, one permit is issued for all four Upper Cook Inlet personal use salmon fisheries (Kenai River dip net, Kasilof River dip net, Kasilof River gill net, and Fish Creek dip net). Both the Kenai and Kasilof rivers personal use dip net fishery seasons were opened for a total of 27 days per year from July 10 through August 5. These fisheries were open 24 hours per day.

At the 1996 BOF meetings, a 22 day fishing season was established for the Kenai River personal use dip net fishery which opened by regulation on July 10 through July 31 for 24-hours per day. The household annual limit was 25 salmon for the head of the household and 10 additional salmon per member of the household of which only one king salmon could be retained per household. The regulations adopted by the board established a personal use dip net fishery that had season dates, which were independent of the abundance of returning salmon, and was not tied to the fisheries management plans for other user groups. The department possessed the ability to close or liberalize this fishery by emergency order depending upon escapement rates of sockeye salmon into the Kenai River. During 1998, an unexpectedly weak Kenai River sockeye salmon late run required an inseason emergency closure of the personal use fishery to achieve escapement goals.

Regulations governing the Kasilof River personal use dip net fishery did not change from 1996-2001. The methods, means, limits, and seasons remained the same.

New regulations were adopted by the board for the 2002 Kenai River personal use dip net fishery. These new regulations included restricting personal use fishing to the daily hours of 7:00 a.m. to 11:00 p.m. until the department could project that the total Kenai River

sockeye salmon late run would exceed 2.0 million fish. When the department could project inseason that the late-run sockeye salmon would exceed 2.0 million fish, the daily hours the Kenai River personal use dip net fishery could be liberalized to 24 hours per day until the season closed on July 31. The daily hours of the Kenai River personal use dip net fisheries were liberalized inseason during 2002, 2003, and 2004 due to sockeye salmon runs that were projected to be greater than 2.0 million fish.

New regulations were adopted by the board for the 2002 Kasilof Rivers personal use dip net fishery that extended the fishing season up to 44 days per year. This personal use fishery is opened 24 hours per day. Beginning in 2002, the new season dates for this fishery were from June 25 through August 7. This fishery was liberalized through extending the boundaries of the fishery during the 2004 season. The boundaries were moved for dip netting from shore up to the Sterling Highway Bridge and for dip netting from boats up to Trujillo's Landing. This was done in response to the unexpected strength of the Kasilof River sockeye salmon run which exceeded escapement goals.

The intent of the proposal, as clarified through discussions with the author of this proposal, is to amend the current management plan by linking management actions to levels of abundance, and to provide the department with the authority to open new personal use fisheries by emergency order inseason based upon abundance.

The author is suggesting the personal use fisheries open with a conservative harvest level that may be adjusted inseason as abundance information becomes available. The existing management plan provides clear direction to the department for liberalizing time and area of the fishery and general direction for restricting the fishery based upon meeting established escapement goals.

The second intent of the proposal; to provide the department with the authority to open new personal use fisheries by emergency order inseason based upon abundance; is already provided by statute where the commissioner, when circumstances require, may open or close seasons or areas on fish by means of emergency orders.

DEPARTMENT COMMENTS: The department recommends **NO ACTION** on this proposal because a functioning management plan is currently in regulation. Although the author of this proposal may be seeking to add clarity or specifics to the management plan, amending the current management plan could have significant allocative impacts.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 326, 327, 328, AND 329, PAGES 249-251. 5 AAC 77.525. PERSONAL USE SALMON FISHERY; AND 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? Proposal 326 would establish an opening season date of July 15 for the personal use dip net fishery. The proposal would also establish daily fishing periods from 7:00 a.m. – 7:00 p.m.

Proposal 327 would set an annual harvest limit for the personal use salmon fishery of 35 salmon for households of five or more persons, and an annual limit of 25 salmon for households with less than five people.

Proposal 328 would reduce the personal use annual limit from 25 salmon for the head of household and 10 salmon for each member of the household to 15 salmon for the head of household and 5 salmon for each member of the household.

Proposal 329 would reduce the personal use dip net annual limit from 25 salmon for the head of household to 20 salmon for the head of household. The proposal would also stipulate that no more than 50% of the personal use annual limit be taken from the Kenai River.

WHAT ARE THE CURRENT REGULATIONS? Personal use salmon fisheries are open only to residents of the state. In Cook Inlet, only one personal use salmon permit may be issued to each household per year. The total annual limit for each personal use salmon fishing permit is 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder.

In the Kenai River salmon may be taken by dip net from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m. The commissioner may extend, by emergency order, the personal use fishery to 24-hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than two million. Only one king salmon may be retained from the Kenai River dip net fishery.

In the Kasilof River salmon may be taken by dip net from June 25 through August 7, 24-hours per day. Salmon may be taken with a set gillnet in a designated area at the mouth of the Kasilof River from June 15 through June 24, daily from 6:00 a.m. to 11:00 p.m.

In Fish Creek, the commissioner will open, by emergency order the personal use dip net fishery from July 10 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be above the upper end of the escapement goal of 70,000 fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Assuming proposal 326 is directed at the Kenai River personal use dip net fishery, if adopted, the proposal would reduce the season by 5 days and reduce the daily fishing periods by 5 hours. This would result in a 45% reduction of harvest opportunity.

If adopted, proposal 327 would reduce the annual limit for households of five or more persons from a minimum of 65 salmon to maximum of 35 salmon. A minimum potential harvest reduction of 48%. The larger the family, the greater the reduction would be. For a

household of less than five persons, the proposal would reduce the annual limit by as much as 30 salmon. A maximum potential harvest reduction of 55%. The smaller the family the less the reduction would be.

If adopted, proposal 328 would reduce the annual limit for the head of each household by 10 salmon and by 5 salmon for each member of a household, reducing the potential harvest of each household by a minimum of 40%.

If adopted, proposal 329 would reduce the annual limit for the head of each household from 25 salmon to 20 salmon and allow for a maximum of 50% of the annual limit be taken from the Kenai River, reducing the total harvest of Kenai River salmon by an undetermined amount. This proposal would reduce the harvest of salmon in the Kenai River personal use dip net fishery and increase the harvest of salmon in other personal use fisheries by an undetermined amount.

BACKGROUND: The upper Cook Inlet personal use salmon fisheries are managed by the department under the terms of the Upper Cook Inlet Personal Use Salmon Fishery Management Plan (5 AAC 77.540). This plan provides for a personal use salmon gillnet fishery at the mouth of Kasilof River and salmon dip net fisheries in the Kenai and Kasilof rivers and Fish Creek in northern Cook Inlet. This plan was in effect for the 1981 season and was later adopted as regulation by the board in 1982. The plan has undergone several amendments since that time.

Prior to 1996, the gillnet and dip net fisheries at both the Kenai and Kasilof rivers did not always occur each year. These dip net fisheries were set to open when a specified sonar count was achieved. During years when the sonar count was not achieved, the dip net fishery scheduled for either the Kenai or Kasilof did not occur. Average harvest (prior to 1996) during the years the fishery occurred was about 25,000 sockeye in the Kenai River and nearly 14,000 fish in the Kasilof River.

Beginning with the 1996 season, the board established a season of July 10 - August 5 (later amended to July 31) for the dip net fishery in the Kenai River. The dip net season for the Kasilof River was July 10 through August 5 and the gillnet fishery began on June 21, with an established harvest cap of 5,000 to 10,000 fish and season closure by Emergency Order when the harvest was projected to achieve the upper limit. Establishing a season provided predictability to these fisheries.

During the February 1999 Board of Fisheries meeting, the board elected to provide for an increased harvest range in the Kasilof River set gillnet fishery of 10,000-20,000 fish and established the opening date of June 16th. These incremental changes to the personal use fisheries in upper Cook Inlet have resulted in an overall increase in participation and harvest. The 1999-2003 average harvest of nearly 163,000 sockeye salmon in the Kenai River is nearly a seven-fold increase from the 1987-1995 average of slightly less than 23,000 fish.

The total number of pink salmon harvested in the 2003 Kenai River personal use dip net fishery was 1,647 fish. The 1996-2003 average pink salmon harvest from this fishery was 1,977 fish. This average was influenced by the 2002 harvest of 5,662 pink salmon. From 1996-2003, the pink salmon harvest in the Kenai River personal use dip net fishery averaged approximately 1% of the total harvest for all salmon species combined.

A similar personal use dip net fishery takes place in the Copper River. The annual limits for a personal use salmon fishing permit is 15 salmon for a household of one person and 30 salmon for a household of two or more persons, of which not more than one may be a king salmon.

The Kenai River personal use dip net fishery was closed inseason by emergency order in 1998 due to a weak return of late-run sockeye salmon to the Kenai River. From 1999-2001, the Kenai River personal use dip net fishery was not liberalized or restricted due to the average strengths of the sockeye salmon runs. The Kenai River personal use dip net fishery was liberalized annually during the 2002-2004 seasons. The fishery was liberalized by increasing the daily hours the fishery is open and was the result of the above average returns of sockeye salmon during those years.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 330, PAGE 252. 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the closing date of the Kenai River personal use dip net salmon fishery from July 31 to August 20. This proposal would also require the annual household personal use harvest in the Kenai River consist of 25% pink salmon on even years (i.e. 2006, 2008...). In addition, the proposal seeks to limit harvest in the personal use dip net salmon fishery in the Kenai River during the month of August to the retention of pink salmon only.

WHAT ARE THE CURRENT REGULATIONS? Personal use salmon fisheries are open only to residents of the state. In Cook Inlet, only one personal use salmon permit may be issued to each household per year. The total annual limit for each personal use salmon fishing permit is 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder.

In the Kenai River salmon may be taken by dip net from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m. The commissioner may extend, by emergency order, the personal use fishery to 24-hours per day if the department

determines that the abundance of the Kenai River late-run sockeye salmon is greater than two million. Only one king salmon may be retained from the Kenai River dip net fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would extend the personal use dipnet salmon fishery in the Kenai River by an additional 20 days, but those days would be limited to the harvest of pink salmon. If adopted, personal use fisherman may see a decrease in the annual allowable limit of sockeye salmon in even years. In even years, personal use fishermen who want only sockeye salmon and who harvest their annual limit will be forced to fish outside the Kenai River.

BACKGROUND: The upper Cook Inlet personal use salmon fisheries are managed by the department under the terms of the Upper Cook Inlet Personal Use Salmon Fishery Management Plan (5 AAC 77.540). This plan provides for a personal use salmon gillnet fishery at the mouth of Kasilof River and salmon dip net fisheries in the Kenai and Kasilof rivers and Fish Creek in northern Cook Inlet. This plan was in effect for the 1981 season and was later adopted as regulation by the board in 1982. The plan has undergone several amendments since that time.

Prior to 1996, the gillnet and dip net fisheries at both the Kenai and Kasilof Rivers did not always occur each year. These fisheries were set to open when a specified sonar count was achieved. During years when the sonar count was not achieved, the dip net fishery scheduled for either the Kenai or Kasilof did not occur. Average harvest (prior to 1996) during the years the fishery occurred was about 25,000 sockeye in the Kenai River and nearly 14,000 fish in the Kasilof River.

Beginning with the 1996 season, the board established a season of July 10 - August 5 (later amended to July 31) for the dip net fishery in the Kenai River. The dip net season for the Kasilof River was July 10 through August 5 and the gillnet fishery began on June 21, with an established harvest cap of 5,000 to 10,000 fish and season closure by Emergency Order when the harvest was projected to achieve the upper limit. Establishing a season provided predictability to these fisheries.

During the February 1999 Board of Fisheries meeting, the board elected to provide for an increased harvest range in the Kasilof River set gillnet fishery of 10,000-20,000 fish and established the opening date of June 16th. These incremental changes to the personal use fisheries in upper Cook Inlet have resulted in an overall increase in participation and harvest. The 1999-2003 average harvest of nearly 163,000 sockeye salmon in the Kenai River is nearly a seven-fold increase from the 1987-1995 average of slightly less than 23,000 fish.

The total number of pink salmon harvested in the 2003 Kenai River personal use dip net fishery was 1,647 fish. The 1996-2003 average pink salmon harvest from this fishery was 1,977 fish. This average was influenced by the 2002 harvest of 5,662 pink salmon. From 1996-2003, the pink salmon harvest in the Kenai River personal use dip net fishery averaged approximately 1% of the total harvest for all salmon species combined.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The department does have concerns regarding the enforceability of requiring that a percentage of the annual personal use salmon fishery harvest be comprised of a specific species. If this proposal is adopted, dipnetters would be forced to retain other salmon species if the dipnetter harvests sockeye salmon. The department has concerns about extending the season until August 20. By mid-August, the migration rate of coho salmon returning to the Kenai River is increasing. The proposal states only pink salmon could be retained during the month of August indicating that all coho salmon incidentally caught must be released. The Kenai River personal use dip net fishery takes place near the mouth of the river where coho salmon are most susceptible to handling mortality. Fisheries targeting the coho salmon return to the Kenai River have had conservative measures established through the Board of Fisheries incorporated in the fisheries management plans.

The Department of Public Safety believes that requiring a percentage of the annual personal use harvest for individuals consist of 25% pink salmon is essentially unenforceable. The proposal would allow dipnetters to harvest any combination of sockeye salmon and pink salmon on any given day so long as the annual total of pink salmon reached 25% of the individuals take. This would require extensive follow-up by enforcement personnel after the season, has the potential of placing the majority of the fishing public in violation, and gives the troopers no usable tools on the grounds during the fishery to ensure compliance.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 331, PAGE 253. 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? This proposal would allow retention of “flounder” incidentally caught with dip nets in the Kenai River personal use dip net salmon fishery.

WHAT ARE THE CURRENT REGULATIONS? The Kenai River personal use dip net fishery only allows for the retention of salmon. Sport fishing for flounder is open the entire year and there is no bag or possession limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, an undetermined amount of flounder caught incidentally in the Kenai River personal use dip net salmon fishery will be retained.

BACKGROUND: ADF&G studies have identified at least three species of flounders that spend some part of their life cycle in the Kenai River. These species include rex and rock sole and starry flounder. These species have not been studied in the Kenai River.

During the Kenai River personal use dip net salmon fishery, dipnetters commonly catch flounders and other bottomfish in their dip nets while targeting salmon. Dipnetters must release these bottomfish caught in the dip net fishery.

Other area and statewide salmon personal use fishery regulations do not allow for the retention of other species besides salmon.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. As with most estuarine waters in Alaska, many species of fish utilize the brackish waters of the Kenai River during some stage of their life. Little is know about the importance of estuaries to the variety of species documented in the Kenai River. Allowing the harvest of flounder in the personal use fishery would have an undetermined impact on these populations. The department cannot predict what the potential total flounder harvest, by species, will be if this fishery if allowed.

In recent years, the personal use dip net salmon fishery in the Kenai River harvests over 200,000 salmon per year and is increasing. Dipnetter participation is also increasing. Participation in this fishery in recent years has ranged from 10,000-15,000 household permits fished. The department recognizes the potential for large harvests of flounders if retention were allowed.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 332, 333, AND 334, PAGES 253-254. 5 AAC 77.525 PERSONAL USE SALMON FISHERY; 5 AAC 77.527 PERSONAL USE SMELT FISHERY; 5 AAC 56.036 KENAI RIVER GUIDING AND GUIDED FISHING REQUIREMENTS; 5 AAC 56.037 FRESHWATER GUIDING REQUIREMENTS; 5 AAC 61.036. FRESHWATER GUIDING REQUIREMENTS; AND 5 AAC 77.540. UPPER COOK INLET PERSONAL USE SALMON FISHERY MANAGEMENT PLAN

[Editor's note: This proposal is erroneously referenced in the Proposal Book as dealing with 5 AAC 77.527 PERSONAL USE HERRING FISHERY; and 5 AAC 28.036 SALTWATER CHARTERING REQUIREMENTS]

WHAT WOULD THE PROPOSAL DO? These proposals would prohibit the use of a sport fish guide boat or sport fish guide services in the personal use fisheries of Cook Inlet.

WHAT ARE THE CURRENT REGULATIONS? Regulations allow for (1) using a registered guide boat to participate in either the personal use set-gillnet fisheries or dip-net fisheries, or (2) providing fishing guide services to resident fishermen who desire to employ guides while participating in either the set-gillnet or dip-net personal use fisheries. In Upper Cook Inlet, there are personal use dip net fisheries in the Kasilof

River, Kenai River and Fish Creek, and a personal use set gillnet fishery at the Kasilof River mouth.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, licensed guides would no longer be able to use a registered guide boat to hold, carry, or transport fishermen, gear or fish or provide fishing guide services to personal use fishermen in Cook Inlet. This may shift some personal use effort from vessels to the shore-based fisheries and would prevent a guide from using his registered guide boat to fish for his own personal use salmon.

BACKGROUND: The upper Cook Inlet personal use salmon fisheries are managed by the department under the terms of the Upper Cook Inlet Personal Use Salmon Fishery Management Plan (5 AAC 77.540). This plan provides for a personal use salmon gillnet fishery at the mouth of Kasilof River and salmon dip net fisheries in the Kenai and Kasilof rivers and Fish Creek in northern Cook Inlet. This plan was in effect for the 1981 season and was later adopted as regulation by the board in 1982. The plan has undergone several amendments since that time.

Prior to 1996, the gillnet and dip net fisheries at both the Kenai and Kasilof Rivers did not always occur each year. These fisheries were set to open when a specified sonar count was achieved. During years when the sonar count was not achieved, the dip net fishery scheduled for either the Kenai or Kasilof did not occur. Average harvest (prior to 1996) during the years the fishery occurred was about 25,000 sockeye in the Kenai River and nearly 14,000 fish in the Kasilof River.

Beginning with the 1996 season, the board established a season of July 10 - August 5 (later amended to July 31) for the dip net fishery in the Kenai River. The dip net season for the Kasilof River was July 10 through August 5 and the gillnet fishery began on June 21, with an established harvest cap of 5,000 to 10,000 fish and season closure by Emergency Order when the harvest was projected to achieve the upper limit. Establishing a season provided predictability to these fisheries.

During the February 1999 Board of Fisheries meeting, the board elected to provide for an increased harvest range in the Kasilof River set gillnet fishery of 10,000-20,000 fish and established the opening date of June 16th. These incremental changes to the personal use fisheries in upper Cook Inlet have resulted in an overall increase in participation and harvest. The 1999-2003 average harvest of nearly 163,000 sockeye salmon in the Kenai River is nearly a seven-fold increase from the 1987-1995 average of slightly less than 23,000 fish.

The department estimates the total harvest and effort for the individual personal use fisheries from completed personal use permits which participants are required to fill out and return after the season has ended. However, the department does not currently estimate harvest or effort by guides or guided fishermen in Cook Inlet personal use fisheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these allocative proposals. Restricting guides, the use of guide boats or guide services in the personal use fisheries of Cook Inlet may reduce the harvest of sockeye salmon by some unknown number. Reduced harvest in this fishery is an allocative issue between personal use, commercial, and sport user groups.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 335, PAGE 254. 5 AAC 77.527. PERSONAL USE SMELT FISHERY.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of small hand-drift gillnets or dip nets for personal use harvest of smelt in the Kenai River. In addition the proposal would make the area in the Kenai River open to the personal use dip net salmon fishery be the same for the smelt fishery.

WHAT ARE THE CURRENT REGULATIONS? Smelt (hooligan) may be taken for personal use in Cook Inlet. In the personal use taking of smelt 1) there are no bag limits, 2) smelt may be taken (A) in saltwater from April 1 through May 31; (B) in fresh water from April 1 through June 15; (C) with dip nets, and; (D) with a drift gillnet only from April through May 31, as follows: (i) a drift gillnet may be used only in the Kenai River downstream of an ADF&G regulatory marker at Cunningham Park; (ii) a drift gillnet may not be more than 20 feet in length, four feet in depth, and one and one-half inches in mesh size; and (iii) a drift gillnet must be attended by the person operating the gillnet at all times that the net is fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The use of drift gillnets and dip nets are legal gear for the personal use take of smelt in the Kenai River. If adopted, this proposal would reduce the area in the Kenai River open to personal use fishing for smelt with a gillnet from waters of the Kenai River downstream of an ADF&G regulatory marker at Cunningham Park to the waters of the Kenai River downstream of the Warren Ames Bridge. .

BACKGROUND: Prior to 1999, smelt could be legally taken for personal use with 1) gillnets in saltwater, except for Turnagain Arm east of a line from Point Possession to Point Campbell; 2) drift gillnets in the Kenai River downstream of Beaver Creek only from the opening of the smelt season through May 31. Legal gillnets could not exceed 20 feet in length and two inches in mesh size, and each gillnet had to be attended by the fisherman at all times when it was being used to take fish. The Board of Fisheries amended this regulation in March, 1999 to prohibit gillnets for personal use smelt fishing throughout Cook Inlet, including drift gillnets in the Kenai River. The board's action was in response to proposals by the department and the public to protect Cook Inlet forage fish stocks by limiting the use of gillnets in commercial and personal use smelt fisheries. The department proposal recommended restricting commercial smelt fishing to dip netting. The public proposal recommended eliminating all gillnetting for smelt in Cook

Inlet. The written record of the March 1999 meeting indicated that the use of small drift gillnets in the Kenai River personal use smelt fishery was not specifically discussed before the board approved the amendment.

During the November 2001 Lower Cook Inlet Board of Fisheries Meetings, the board readopted regulations which allowed for the harvest of smelt with a drift gill net in the Kenai River downstream from Cunningham Park for the personal use smelt fishery. Cunningham Park was chosen as the upper boundary to limit conflicts between gear types with sport fishers.

COMMENTS: The department recommends **NO ACTION** be taken on this proposal. The personal use smelt fishery in the Kenai River currently allows for the use of drift gillnets.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Riparian Habitat (2 Proposals)

PROPOSALS 336 AND 337, PAGES 255-256. 5 AAC 56.065. RIPARIAN HABITAT FISHERY MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO? Proposal 336 is a housekeeping proposal that would place into regulation the closure of riparian habitat areas that are currently closed to bank fishing annually by E.O.

Proposal 337 would require the department to identify and close areas of riverbank to bank fishing that are highly susceptible to bank erosion and to post these areas as no wake zones.

WHAT ARE THE CURRENT REGULATIONS? The department has regulatory authority to close state, federal, or municipal riparian habitats to angling, if that activity is likely to result in damage to riparian habitats that could negatively affect the fishery resources of the Kenai River (Riparian Habitat Fishery Management Plan, 5 AAC 56.065). Currently, there are 24 Kenai River riparian habitat locations that are listed in regulation as closed to all bank fishing from July 1, through August 15. Riparian habitat is defined as all areas within 10 feet onshore as well as offshore in either direction from the Kenai River waterline.

The board has requested that the department continue to monitor use and impacts to Kenai River riparian habitat areas and report those findings during the triennially scheduled Cook Inlet regulatory meetings. The board has also asked that the department utilize, to the extent practicable, the most appropriate assessment methodologies in order to measure and quantify any changes in the riparian habitat areas of the Kenai River due

to noncommercial fishing activities (Kenai River Sockeye Salmon Management Plan, 5 AAC 21.360).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, this proposal would remove the need for the department to write inseason emergency orders to close the specified riverbanks to bank fishing based upon the recognition that these areas are sensitive habitat or the need to comply with stipulations of EVOS land purchases. Adoption of this proposal would also make necessary corrections that accurately reflect the proper locations of several existing bank closures.

Proposal 337 does not specify the stream(s) that it is targeting. If the proposal was adopted for river systems of Upper Cook Inlet, the department would be required to implement a broad based assessment of riparian habitat areas within the various river systems of Upper Cook Inlet that support shore angling. Such studies would be necessary in order to develop quantifiable evaluation criteria for “highly susceptible erosion” sites. Criteria such as topography, soil types, plant community or successional stages, localized hydrology as well as other environmental variables would need to be evaluated at various sites with significant ongoing erosion. This effort would be necessary in order to establish a standard by which other locations could be ranked. Shoreline areas that have been ranked under a standardized protocol could therefore be proactively managed with closed sections and posted with signs indicating a no wake zone. An assessment program of this magnitude implemented in the many river systems of Upper Cook Inlet that support shore angling would be cost prohibitive.

If proposal 337 was directed at the Kenai River and adopted, the department would be required to identify and close all riverbank areas that are utilized by shore anglers which have been recognized as sensitive to bank erosion. Extensive information of this kind does not currently exist. However, a shore angler impact study conducted by the department (1997-2001, 2004) would provide some of the necessary assessment information required to evaluate the Kenai River shoreline. In addition to previous evaluation research, an ongoing study using aerial photogrammetry technology to assess Kenai River habitat and bank position changes may provide a more complete assessment technology for the evaluation of erosional forces in the Kenai River.

If proposal 337 were adopted the department would be required to post signs at all bank closure areas to include signs for “no boat wake” zones. The department annually posts signs delineating the currently established bank closures on the Kenai River. There would be an increase in cost with increased sites. However, posting and maintaining signs on all river systems in upper Cook Inlet would be cost prohibitive.

BACKGROUND: The board adopted the Riparian Habitat Fishery Management Plan, 5 AAC 56.065, into regulation in 1996. This plan applies to the riparian habitats of Upper Cook Inlet. The plan provides that the Board of Fisheries will consider as part of its deliberations the impacts to upper Cook Inlet riparian habitat when those impacts are related to recreational fishing. It further provides that the Commissioner may close riparian areas to fishing if a recreational fishery is likely to negatively impact these

shoreline zones and result in habitat loss. The Commissioner may re-open riparian areas to fishing when mitigating actions have been implemented that will preclude future loss of habitat. Since the adoption of the Riparian Habitat Fishery Management Plan, the department has closed more than 15 miles of Kenai River shoreline to angling based upon staff and public review of twenty-four specific areas along the Kenai River that were being negatively impacted by fishing activities.

There are two areas recommended for opening to sport fishing. The land between river miles 9.7 and 9.9 is now privately owned and shore angling is permitted. The other riparian habitat between river miles 18.8 and 18.9 is a gravel-faced bank where anglers access the area via boat. There is minimal use of the upper bank with anglers primarily fishing from the tow of the bank, causing minimal damage. This closure was an error back in 1996 and the department has never enforced the closure.

There are five areas recommended for closure. The areas between river miles 13.2-13.5, 17.5-17.6, and 23.8-24.2 were acquired through an Exxon Valdez Oil Spill (EVOS) purchase with the stipulation that these areas be placed in a conservation status. The area between river miles 18.9-19.6 is a very sensitive habitat with highly erosive bank soils. Angler use has accelerated bank erosion in localized spots within this area. The land area between river miles 45.8-46.3 is managed by the Kenai National Wildlife Refuge and has been closed to bank angling.

DEPARTMENT COMMENTS: The department **SUPPORTS** the staff proposal 336. This proposal is primarily regulatory “house keeping”, making current regulations more accurate and removing the need to issue inseason emergency orders to close riverbanks to bank fishing.

The department **OPPOSES** proposal 337. The department supports efforts to better understand and quantify impacts to riparian habitat and taking actions to protect and restore habitats. Creation of a “one-size-fits-all” ranking criterion for riparian habitat areas within multiple river systems in upper Cook Inlet would likely result in a cumbersome and inaccurate evaluation model. Implementing regulatory measures such as proactive closure of shoreline areas under such a model could result in unjustifiably restrictive access to Cook Inlet’s fishing resources. Posting and maintaining signs on all river systems in upper Cook Inlet would be cost prohibitive. Specific to the Kenai River, past and ongoing research may provide necessary information to improve the current “bank closure” program. The department recognizes that the establishment of no wake zones in river systems of upper Cook Inlet would be problematic and difficult for the various agencies to enforce.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

The department discovered several errors in the language of its original proposal and offers the following recommended amended language: (added text is underlined; deleted text is in **bold**)

5 AAC 56.065. Riparian Habitat Fishery Management Plan. Amend this regulation to provide the following:

(d) From July 1 through August 15, the following Kenai River riparian habitats are closed to all fishing, except fishing from a boat that is located more than 10 feet from shore and not connected to the shore or any riparian habitat:

(6) on the north bank of the Kenai River, between ADF&G regulatory markers located at river mile 18.9 and at river mile 19.6 [18.8];

(7) at the Soldotna Airport property, on the south bank of the Kenai River, between ADF&G regulatory markers located at river mile 22.7 [2.7] and river mile 23.5;

(8) on the south bank of the Kenai River, between ADF&G regulatory markers located at river mile 29.0 and river mile 29.5 [9.5];

(15) on the south bank of the Kenai River, near river mile 82.0 at the outlet of Kenai Lake, from an ADF&G regulatory marker located at the Sterling Highway bridge to an ADF&G regulatory marker located approximately 1,000 feet downstream;

(17) [ON THE NORTH BANK OF THE KENAI RIVER, BETWEEN ADF&G REGULATORY MARKERS LOCATED AT RIVER MILE 9.7 AND RIVER MILE 9.9;]

(25) on the north bank of the Kenai River, between ADF&G regulatory markers located at river mile 13.2 and river mile 13.5;

(26) on the west bank of the Kenai River, between ADF&G regulatory markers located at river mile 17.5 and river mile 17.6; and

(27) on the south bank of the Kenai River, between ADF&G regulatory markers located at river mile 23.8 and river mile 24.2.

(28) on the north bank of the Kenai River, between ADF&G regulatory markers located at river mile 45.8 and river mile 46.3.

SPORT FISHING – NORTHERN COOK INLET

Northern District Salmon Management Plan (1 Proposal)

PROPOSAL 338. PAGE 257. 5 AAC 21.358. NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

WHAT WOULD THE PROPOSAL DO?

This proposal seeks to specify that the BEG's for the various Chinook, sockeye, coho, pink and chum stocks be followed or be the primary management objective.

WHAT ARE THE CURRENT REGULATIONS?

Currently there are no regulations specific to BEG's in the Northern District plan. The only mention of an escapement is with respect to the Yentna River escapement goal, which is an SEG.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL IS ADOPTED?

It is likely that there would be no significant change as written. The department currently manages for escapement goals wherever possible. This goal is an SEG because of problems with establishing reliable harvest estimates.

BACKGROUND:

Prior to 1986, the escapement goal for this area was measured in the mainstem Susitna River. Beginning in 1978, the goal was 100,000 sockeye in the Susitna River at Sunshine Station. Because of flooding, this site became unusable. The sonar was moved to the Yentna River in 1986. The goal range was established at 100,000-150,000 based on a relationship that was determined when the two projects were run concurrently. In 2002, the escapement goal in the Yentna River was changed to an SEG of 90,000-160,000.

DEPARTMENT COMMENTS:

The department is OPPOSED to the requirement of mandatory BEG management. There are data needs and circumstances that cannot always be met given the nature of the area and different users.

COST ANALYSIS:

The department does not believe that approval of this proposal would result in an additional direct cost for a private person to participate in this fishery.

Susitna River (32 Proposals)

PROPOSAL 339, PAGE 257. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA – WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would open a portion of Alexander Creek to catch and release fishing for king salmon.

WHAT ARE THE CURRENT REGULATIONS? King salmon fishing is allowed from January 1 through June 30 from the mouth of Alexander Creek upstream to ADF&G markers 400 yards upstream of Trail Creek (approximately seven river miles), the remainder of the drainage is closed to sport fishing for king salmon. The bag and

possession limit is one king salmon 20 inches or greater in length with an annual limit of five which must be recorded on a harvest record. No bait is allowed and fishing is allowed only between the hours of 6:00 a.m. and 11:00 p.m. from May 15 through June 30. After taking a king salmon 20 inches or greater in length a person may not fish for king salmon on that same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Some undefined portion of Alexander Creek upstream of Trail Creek, which is currently closed to king salmon fishing, would be open to catch and release fishing resulting in an increase in both overall effort and catch and release related mortality. The majority of spawning in Alexander Creek occurs above Trail Creek in the mainstem and Sucker Creek.

BACKGROUND: It is speculated that Alexander Creek lost some of its productive king salmon rearing area as a result of pike predation. In the mid 1980s to late 1990s, 1,000-2,500 fish spawned in the mainstem of Alexander Creek. Upstream of Sucker Creek in 2001, only a few hundred were observed, decreasing further in 2002-2004 to less than 100. Prior to 1985 an additional 500 – 1,200 fish spawned above Alexander Lake; now few if any are observed in this section. Alexander Creek above Sucker Creek is a slow, meandering, weedy stream with myriads of backwater oxbows and shallow, interconnecting lakes that create ideal pike spawning and rearing habitat. Northern pike are prolific in this reach of the creek. It is likely that northern pike played a large roll in reducing king salmon numbers in this system.

Due to low escapements of king salmon to NCI waters in the early 1990s the board took action to reduce the sport harvest of king salmon for all NCI streams. In addition to area-wide restrictions (no bait, institution of no-fishing hours), Alexander Creek was closed to king salmon fishing upstream of Trail Creek in 1995. Poor king salmon escapements in 1995 and 1996 prompted the board to take further action in 1997 on Alexander Creek, which shortened the season by moving the ending date from July 13th to June 30th. Since 2000, harvest and escapement have stabilized, maintaining escapements at the lower end of the SEG range.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Given Alexander Creek's history of maintaining escapements at the low end of the Sustainable Escapement Goal (SEG) range, along with suspected northern pike predation of juvenile king salmon above Sucker Creek, the department does not support any regulations that would increase fishing effort or mortality for king salmon on Alexander Creek. The present regulatory scheme appears to provide a stable fishery that is sustainable.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 340 AND 341, PAGE 258. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA – WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Proposal 340 would close the entire Alexander Creek drainage to king salmon fishing for some undefined period of time. Proposal 341 would close some undefined area around the mouth of Alexander Creek to king salmon fishing until the escapement was within the SEG range.

WHAT ARE THE CURRENT REGULATIONS? King salmon fishing is allowed from January 1 through June 30 from the mouth of Alexander Creek upstream to ADF&G markers 400 yards upstream of Trail Creek (approximately seven river miles), the remainder of the drainage is closed to sport fishing for king salmon. The bag and possession limit is one king salmon 20 inches or greater in length with an annual limit of five which must be recorded on a harvest record. No bait is allowed and fishing is allowed only between the hours of 6:00 a.m. and 11:00 p.m. from May 15 through June 30. After taking a king salmon 20 inches or greater in length a person may not fish for king salmon on that same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Harvest opportunity in Alexander Creek would be eliminated for some undefined period of time or some undefined area at the mouth of Alexander Creek. King salmon that are currently harvested would be available for spawning escapement.

BACKGROUND: Due to low escapements of king salmon to NCI waters in the early 1990s the board took action to reduce the sport harvest of king salmon for all NCI streams. In addition to area wide restrictions (no bait, institution of no-fishing hours), Alexander Creek was closed to king salmon fishing upstream of Trail Creek in 1995. Poor king salmon escapements in 1995 and 1996 prompted the board to take further action in 1997, which shortened the season by moving the ending date from July 13 to June 30. These actions have resulted in a stable harvest and escapement within the SEG range. Since 1995, Alexander Creek escapement has fallen within its SEG range seven of the ten years, narrowly missing the low point of the range in 2002 and 2003.

The SWHS estimates the average harvest of king salmon for Alexander Creek in 2000–2003 is approximately 2,000 with an aerial escapement average of 2,000 during the same time period. The present regulatory scheme appears to provide a stable fishery that is sustainable.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. There is no biological reason to further limit harvest of king salmon on Alexander Creek. Given Alexander Creek's recent history of maintaining a stable harvest and escapements within the SEG range the department does not support any regulations that would decrease the present level of harvest on Alexander Creek.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 342 AND 343, PAGES 259-260. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA – WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? These proposals are identical and would create a Deshka River king salmon management plan.

WHAT ARE THE CURRENT REGULATIONS? The Deshka River is open to king salmon fishing January 1 through July 13 from the mouth upstream 17 miles and all waters within a ½ mile radius of its confluence with the Susitna River. The remainder of the drainage is closed to king salmon fishing. In the area open to king fishing; no bait is allowed January 1 through June 7, beginning June 8 through July 13 bait is allowed, fishing is allowed only between the hours of 6:00 a.m. and 11:00 p.m. The bag and possession limit for kings 20 inches or greater in length is one per day with an annual limit of five, for which a harvest record is required. After retaining a king salmon 20 inches or greater in length a person may not fish for king salmon on that same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Inseason management of the Deshka River king salmon sport fishery would be tied to Deshka River weir fish counts. Weir counts would provide triggers for specific inseason regulation changes including bag limits, length of the fishing day and the use of bait.

BACKGROUND: The Deshka River was closed to chinook fishing June 17, 1994 by E.O. in response to consistently poor runs since 1991. In October 1994 the board closed the Deshka River to king salmon fishing, prohibited bait in all flowing waters of Northern Cook Inlet, and restricted the hours open to king fishing in 7-day-a-week fisheries to the hours of 6:00 a.m. to 11:00 p.m.

The Deshka River remained closed to king fishing during the 1995 and 1996 seasons and was opened again on June 21, 1997 by emergency order after over 25,000 kings passed through the weir at river mile 7, ensuring achievement of the escapement goal. This opening provided king fishing only in the lower two miles of the river through July 13 between the hours of 6:00 a.m. and 11:00 p.m. Approximately 200 king salmon were harvested during this fishery.

The Deshka River opened to king fishing in 1998 as a result of a petition submitted by the public. The season occurred from January 1 through July 13 with a bag and possession limit of one and a seasonal limit of two. The lower five miles of the river were open to king fishing and no bait was allowed. There was an estimated harvest of 3,400 kings.

Since 1998 the area open to king salmon fishing has been expanded to the lower 17 miles and bait is allowed beginning June 8th by regulation. The annual limit of two has been eliminated and the Cook Inlet-wide limit of five now applies. The average estimated annual harvest for 1999-2003 is 5,300 king salmon.

A weir has been operated on the Deshka River since 1995, which has provided king salmon run timing and escapement information. Weir passage since 1995 has ranged from 10,000 to 58,000 kings and averaged 31,000. These counts represents the majority of the king salmon that return to the Deshka River, however, in some years floods have created water conditions that make it impossible to count all fish escaping past the weir. Also, installation of the weir in late May is dependant on water levels and may be delayed as much as two weeks in years with high spring runoff levels. The biological escapement goal (BEG) has been set at 13,000-28,000 king salmon. Since 1998, the year in which the river was reopened to king fishing, escapement has exceeded the upper end of the BEG range each year despite inseason management actions to liberalize the fishery.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The department is reluctant to build regulations that require in-season decisions based on data collected from the Deshka River weir because of uncertainty in maintaining an operable weir throughout the season. A regulatory management plan would add unnecessary complexity to regulations that already provide the department with the tools necessary to manage the fishery. The department supports establishing an earlier bait opening for this system as recommended in other proposals before the board at this meeting.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 344 AND 345, PAGE 262. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Proposal 344 would open the first two miles of the Deshka River drainage to bait fishing for king salmon on May 15th, which would be approximately three weeks earlier than the current regulations allow. The remainder of the drainage open to king salmon fishing would open up to bait on June 1st, about a week earlier than the current regulation.

Proposal 345 would provide for an earlier bait opening (May 15th) when fishing that portion of the Deshka River open to king salmon fishing (the first 17 miles), which would be approximately three weeks earlier than the current regulations allow.

WHAT ARE THE CURRENT REGULATIONS? The first 17 miles of the Deshka River are open to sport fishing for king salmon from January 1 through July 13, bait is allowed from June 8 through July 13.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, an additional 1,000 king salmon would likely be harvested from the Deshka River. Proposal 345 would also increase the catch and release mortality on rainbow trout by some small but unknown number.

BACKGROUND: The Deshka River was closed to chinook fishing June 17, 1994 by E.O. in response to consistently poor runs since 1991. In October 1994, the board closed the Deshka River to king salmon fishing, prohibited bait in all flowing waters of Northern Cook Inlet and restricted the hours open to king fishing in 7-day-a-week fisheries to the hours of 6:00 a.m. to 11:00 p.m.

The Deshka River remained closed to king fishing during the 1995 and 1996 seasons and was opened again on June 21, 1997 by emergency order after over 25,000 kings passed through the weir at river mile 7, ensuring achievement of the escapement goal. This opening provided king fishing only in the lower two miles of the river through July 13 between the hours of 6:00 a.m. and 11:00 p.m. Approximately 200 king salmon were harvest during this fishery.

The Deshka River opened to king fishing in 1998 as a result of a petition submitted by the public. The season occurred from January 1 through July 13 with a bag and possession limit of one and a seasonal limit of two. The lower five miles of the river were open to king fishing and no bait was allowed. There was an estimated harvest of 3,400 kings.

Since 1998 the area open to king salmon fishing has been expanded to the lower 17 miles and bait is allowed beginning June 8th by regulation. The annual limit of two has been eliminated and the Cook Inlet limit of five now applies. The average estimated annual harvest for 1999-2003 is 5,300 king salmon.

A weir has been operated on the Deshka River since 1995, which has provided king salmon run timing and escapement information. Weir passage since 1995 has ranged from 10,000 to 58,000 kings and averaged 31,000. These counts represents the majority of the king salmon that return to the Deshka River, however, in some years floods have created water conditions that make it impossible to count all fish escaping past the weir. Also, installation of the weir in late is May dependant on water levels and may be delayed as much as two weeks in years with exceptional spring runoff levels. The biological escapement goal (BEG) has been set at 13,000-28,000 king salmon. Since 1998, the year in which the river was reopened to king fishing, escapement has exceeded the upper end of the BEG range each year.

Currently, the department conducts aerial escapement surveys on 24 of the major king salmon streams in the Northern Cook Inlet area; survey dates usually commence on or about July 15 and continue through August 10. Survey dates were select based on the amount of king salmon spawning activity that is occurring during that time frame. The king salmon sport fishery closes for all Northern Cook Inlet (NCI) streams on or prior to July 13. This closure date was selected primarily because that is the time when significant spawning activity starts to occur. Additionally, most of the king salmon harvested during that time of the year are considered unpalatable by most area anglers due to the coloration and texture of flesh.

Deshka River rainbow trout stocks are currently managed on a conservative yield basis 5AAC 75.222, Policy for the Management of Sustainable Wild Trout Fisheries, with much of this drainage (about half) closed to the retention of rainbow trout. Harvest and catch information from the Deshka River indicates that Deshka River rainbow trout appear to be in high abundance. Statewide Harvest Survey estimates indicate that only about 5% of the rainbow trout caught in this system are retained.

DEPARTMENT COMMENTS: The department **SUPPORTS** an earlier bait fishery for king salmon on the Deshka River. Increasing the number of days that the Deshka River would be open to using bait for king salmon would likely increase the overall harvest by one or two thousand fish, which would likely still maintain king salmon escapements within or above the escapement goal range. Proposal 344 is somewhat more restrictive than 345 in that only the first two miles of the Deshka would be open to bait on May 15th, with the remainder of the system going to bait on June 1. The intention of proposal 344 to delay liberalizing the bait fishery upstream of the lower two miles of river was to prevent increased catch and release related mortality associated with the use of bait on spawning rainbow trout. On the Deshka River more than 95% of the sport fishing effort from May 15 through June 1 occurs within the lower two miles of the river, so it is likely that by restricting anglers from using bait in the remainder of the drainage open to king salmon fishing would have little effect on overall catch and release related mortality of rainbow trout.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 346, PAGES 263. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the king salmon season on the Deshka River downstream of the department weir located at River mile 17, from July 13 to July 31, if king salmon escapement through the weir exceeds 20, 500 fish by July 10.

WHAT ARE THE CURRENT REGULATIONS? The first 17 miles of the Deshka River are open to sport fishing for king salmon from January 1 through July 13.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If adopted, it is likely that a few hundred additional fish would be harvested, given that most of the Deshka River king salmon are of poor quality after July 13 due to physiological and morphological changes associated with spawning, and are no longer desired as table fare.

BACKGROUND: The Deshka River was closed to chinook fishing June 17, 1994 by E.O. in response to consistently poor runs since 1991. In October 1994, the board closed

the Deshka River to king salmon fishing, prohibited bait in all flowing waters of Northern Cook Inlet and restricted the hours open to king fishing in 7-day-a-week fisheries to the hours of 6:00 a.m. to 11:00 p.m.

The Deshka River remained closed to king fishing during the 1995 and 1996 seasons and was opened again on June 21, 1997 by emergency order after over 25,000 kings passed through the weir at river mile 7, ensuring achievement of the escapement goal. This opening provided king fishing only in the lower two miles of the river through July 13 between the hours of 6:00 a.m. and 11:00 p.m. Approximately 200 king salmon were harvest during this fishery.

The Deshka River opened to king fishing in 1998 as a result of a petition submitted by the public. The season occurred from January 1 through July 13 with a bag and possession limit of one and a seasonal limit of two. The lower five miles of the river were open to king fishing and no bait was allowed. There was an estimated harvest of 3,400 kings.

Since 1998 the area open to king salmon fishing has been expanded to the lower 17 miles and bait is allowed beginning June 8th by regulation. The annual limit of two has been eliminated and the Cook Inlet limit of five now applies. The average estimated annual harvest for 1999-2003 is 5,300 king salmon.

A weir has been operated on the Deshka River since 1995, which has provided king salmon run timing and escapement information. Weir passage since 1995 has ranged from 10,000 to 58,000 kings and averaged 31,000. These counts represents the majority of the king salmon that return to the Deshka River, however, in some years floods have created water conditions that make it impossible to count all fish escaping past the weir. Also, installation of the weir in late is May dependant on water levels and may be delayed as much as two weeks in years with exceptional spring runoff levels. The biological escapement goal (BEG) has been set at 13,000-28,000 king salmon. Since 1998, the year in which the river was reopened to king fishing, escapement has exceeded the upper end of the BEG range each year.

Currently, the department conducts aerial escapement surveys on 24 of the major king salmon streams in the Northern Cook Inlet area; survey dates usually commence on or about July 15 and continue through August 10. Survey dates were select based on the amount of king salmon spawning activity that is occurring during that time frame. The king salmon sport fishery closes for all Northern Cook Inlet (NCI) streams on or prior to July 13. This closure date was selected primarily because that is the time when significant spawning activity starts to occur. Additionally, most of the king salmon harvested during that time of the year are considered unpalatable by most area anglers due to the coloration and texture of flesh.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department believes this is a social issue. The department does agree that the increased

harvest of Deshka River kings resulting from the adoption of this proposal would be relatively inconsequential to the overall escapement of Deshka River king salmon.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 347, PAGE 264. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? If this proposal were adopted it would close sport fishing on eastside Susitna River streams from April 15 through June 31 and only allow fishing between the hours of 6:00 a.m. and 6:00 p.m. during the open season.

WHAT ARE THE CURRENT REGULATIONS? The eastside Susitna River tributaries or portions of these tributaries are open to sport fishing on a year-round basis. There are also season closures to protect spawning fish and/or limit harvest

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would unduly deny anglers sport-fishing opportunities for king salmon, smelt, Dolly Varden, whitefish, rainbow trout and burbot in eastside Susitna River tributaries from April 15 through June 31 and severely restrict fishing opportunity for other salmon and resident fish species for the remainder of the year.

BACKGROUND: This proposal seems to address the social problem of over crowding rather than a biological problem such as overexploitation of a particular fish stock. The author also seems concerned about angler induced habitat damage to the stream banks. Currently the eastside Susitna River tributaries support approximately 120,000 angler days of sport fishing effort. Departmental aerial surveys, stream walks, and weir counts, in concert with harvest and catch estimates generated from the department's Statewide Harvest Survey (SWHS), indicate that salmon and resident fish populations from these streams are in high abundance. It is true that during the king salmon season overcrowding may be an issue to some anglers, but the vast majority of anglers do not seem to have a problem fishing under crowded conditions. Though there is some evidence of angler induced habitat damage (i.e., bank erosion), this damage is generally confined to the mouths of these streams where the bulk of the fishing occurs, with little if any habitat damage occurring at upstream locations, where virtually all of the salmon and resident fish rearing and spawning occurs. Two of the most heavily fished areas, the mouth of Willow Creek and the LSPUF area have ongoing projects to restore damaged banks.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This proposal seeks to severely reduce sport-fishing opportunities for eastside Susitna River tributaries that are adequately protected by existing regulations promulgated to ensure sustained yield for eastside Susitna River tributaries. Adoption of this proposal would unnecessarily restrict sport fishers that utilize these eastside tributaries and negatively impact local

economies that depend on the sport fish industry. Current regulations appear to be very effective in providing management for sustainable yield of the fisheries resource within the eastside Susitna River tributaries.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 348, PAGE 264. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? If this proposal were adopted it would close sport fishing on both the Susitna River and Little Susitna river upstream of river mile (RM) 35, including all tributaries, lakes and ponds, for ten months of the year, from April 1 through February 2. This would include the entire open water period. Open season would be from February 2 through April 1(late winter).

WHAT ARE THE CURRENT REGULATIONS? There are regulations to protect fish on the spawning grounds as deemed necessary on a case by case basis. Such regulations range from complete closures during spawning seasons to specific time and area closures by species. However in most of the major spawning areas anglers are allowed to participate in sport fishing activities.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would unnecessarily restrict anglers from fishing tens of thousands of river miles and hundreds of lakes and ponds within the proposed area for ten months of the year. Adoption of this proposal would significantly reduce sport fishing opportunity in many fresh waters for unknown gains in spawning abundance and have severe consequences to both local and regional economies, particularly those business that depend on the sport fishing industry for their livelihood.

BACKGROUND: The POLICY FOR STATEWIDE SALMON ESCAPEMENT GOALS (5AAC 39.223) and the POLICY FOR THE MANAGEMENT OF SUSTAINABLE SALMON FISHERIES (5AAC 39.222), along with many other management plans and regulatory strategies, are designed to protect and manage fisheries on a sustainable basis. These policies and management plans acknowledge species composition, migratory timing of salmon, habit protection, and location of spawning areas. Collectively, the proposal area supports approximately 250,000 angler days of sport fishing effort. Department aerial surveys, weir counts, foot surveys and statewide harvest survey estimates, in concert with catch information from area guides and anglers, indicate both resident fish and salmon stocks on these streams are at sustainable levels.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. There is no biological justification to eliminate sport fishing opportunities throughout most of the Northern Cook Inlet Management Area for ten months of the year to protect spawning

areas that are already adequately protected with a range of restrictions from complete closures during spawning seasons to time and area closures by species.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 349, PAGE 265. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? If this proposal were adopted it would close eastside Susitna River tributaries upstream of the Parks Highway to sport fishing for ten months of the year, from April 1 through February 2.

WHAT ARE THE CURRENT REGULATIONS? There are regulations to protect fish on the spawning grounds as deemed necessary on a case by case basis. Such regulations range from complete closures during spawning seasons to specific time and area closures by species.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would unnecessarily restrict anglers from fishing upper eastside Susitna River tributaries for ten months of the year for some unknown gains in spawning abundance. In addition, local economies that are dependant on the sport fishing industries could suffer economic hardships.

BACKGROUND: The POLICY FOR STATEWIDE SALMON ESCAPEMENT GOALS (5AAC 39.223) and the POLICY FOR THE MANAGEMENT OF SUSTAINABLE SALMON FISHERIES (5AAC 39.222), along with many other management plans and regulatory strategies, are designed to protect and manage fisheries on a sustainable basis. These policies and management plans acknowledge species composition, migratory timing of salmon, habit protection, and location of spawning areas. Collectively these eastside tributaries support approximately 120,000 angler days of sport fishing effort. Department aerial surveys weir counts, foot surveys, and statewide harvest survey estimates, in concert with catch information from area anglers and guides, indicate both resident fish and salmon stocks for these systems are at sustainable levels.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. There is no biological justification to eliminate sport fishing opportunities upstream of the Parks Highway Bridge for eastside Susitna River tributaries that are already adequately protected with a range of restrictions from complete closures during spawning seasons to time and area closures by species.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 350 AND 352. PAGES 265-267. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Proposal 350 would allow harvest of king salmon on the Parks Highway (Unit 2) and East Fork Chulitna River (Unit 6) streams for an additional three-day weekend. In addition, this proposal would clarify the regulatory language that describes the start date of the weekend openings. Specifically, the streams that would be extended an additional three-day weekend are: Birch, Caswell, Goose, Grey's, Little Willow, Montana, Rabideux, Sheep, Sunshine, and Trapper creeks, Kashwitna River, and the East Fork of the Chulitna River.

Proposal 352 would allow king salmon fishing on Parks Highway streams each Saturday-Monday following the third Monday in June, through July 13.

WHAT ARE THE CURRENT REGULATIONS? From January 1 through the third Monday in June and on Saturday, Sunday and Monday for two consecutive weeks starting on the fourth Saturday in June, the Susitna River from its confluence with the Deshka River to its confluence with the Talkeetna River is open to sport fishing for king salmon 20 inches or greater in length. The bag and possession limit is one with an annual limit of five. No bait is allowed.

In the East Fork Chulitna River drainage including all waters within one quarter mile radius of its confluence with the East Fork and West Fork and including the Middle Fork and the first quarter mile only of Honolulu Creek, king salmon may be retained from January 1 through the third Monday in June and on Saturday, Sunday and Monday for two consecutive weeks starting on the fourth Saturday in June. The bag and possession limit is one with an annual limit of five. No bait is allowed. The remainder of the days from the third Monday in June through July 13 catch and release for king salmon is allowed. Only one unbaited, single hook, artificial lure is allowed January 1 through July 13.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The department would no longer have to issue an emergency order extending the king salmon season every year.

By changing the regulatory language an error that has caused confusion in the past would be corrected.

BACKGROUND: The king salmon season has been extended by E.O. for several eastside Susitna River streams (Unit 2 and Unit 6 of the Susitna River drainage) for 12 of the 14 years beginning in 1990 and has been extended annually since 1995. The streams in which seasons have been extended have varied yearly from including only Willow Creek to including all Unit 2 streams (Birch, Caswell, Goose, Grey's, Little Willow, Montana, Rabideux, Sheep, Sunshine, and Trapper creeks, and the Kashwitna River)

along with the East Fork of the Chulitna River in Unit 6. Extending the season for Unit 2 and Unit 6 king salmon fisheries by an additional three-day weekend in regulation would provide consistency for the fishery and eliminate the need to issue a late season E.O. annually.

The present regulatory language describing the open season creates a situation in which the fishery is interrupted with a weekend closure during the middle of the season in some years. During these years an E.O. has to be issued correcting the situation. This causes a great deal of confusion with the public.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** Proposal 350. With this change in regulation the department will no longer need to issue an E.O. to extend these fisheries. Adding an extra weekend for these streams will still provide for sustained yield of these stocks. The public will no longer be left to guess whether or not fishing will be allowed during the affected time until only a few days before. Proposal 352 is similar to proposal 350, but would result in four additional weekends every five years.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 351, PAGE 266. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Adoption of proposal 351 would increase the area open to king salmon fishing in the Kashwitna River to include upstream of the Parks Highway bridge to the Alaska Railroad bridge, a distance of approximately one mile. The resulting total area open to king salmon fishing in the Kashwitna River would include all waters within a quarter of a mile of its confluence with the Susitna River upstream to the Alaska Railroad Bridge.

WHAT ARE THE CURRENT REGULATIONS? The Kashwitna River is open to fishing for king salmon 20 inches or greater in length from its mouth upstream to the Parks Highway bridge from January 1 through the third Monday in June and on the following two three-day weekends (Saturday, Sunday and Monday). No bait is allowed. The bag and possession limit is one with an annual limit of five, for which a harvest record is required.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL WERE ADOPTED? This proposal would increase the area open to king salmon fishing by approximately one mile, thereby increasing the harvest by a small number. The additional harvest is expected to be less than 50 king salmon.

BACKGROUND: The Kashwitna River is a glacial tributary to the Susitna River and the mainstem is too turbid to monitor king salmon escapement by aerial survey. However, aerial surveys of the king salmon escapement to the North Fork of the Kashwitna River, a major clearwater tributary to the Kashwitna River, have been conducted since 1979. Although no escapement goal has been established for this drainage, escapement counts in the North Fork Kashwitna River are conducted and have averaged about 650 fish during the past 10 years. The proportion of the total escapement represented by the North Fork of the Kashwitna River is unknown but it is thought to be small. King salmon harvests from the Kashwitna River have averaged less than 100 during the past 10 years. Access to this area is from the state owned Susitna Landing boat launch at the mouth of Kashwitna River. The majority of the land surrounding the river is privately owned.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The majority of the land surrounding the proposed area is privately owned and access to this stretch of river would primarily be by riverboat from the mouth or foot access from the highway right-of-way (ROW) or section line easements. Because the preponderance of property in this proposed section of the creek is under of private ownership, bank anglers would be restricted to fishing either in the creek, from the highway ROW, within the section line easements, or within the mean high water mark. Boat anglers would have access to this entire section of river. Fishing in this section of river is already allowed for salmon other than king salmon and resident fish populations.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 353, PAGE 268. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, SIZE LIMITS; AND SPECIAL PROVISIONS FOR SUSITNA-WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the amount of days that treble hooks would be allowed on the Parks highway streams by two weeks, from the current date of June 1 to May 15.

WHAT ARE THE CURRENT REGULATIONS? Only unbaited, **single hook**, artificial lures are allowed from September 1 through June 1.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow those anglers fishing for king salmon prior to June 1 to use lures of standard manufacture (treble hooks). Very few additional king salmon would be harvested if this proposal were adopted, and there may be some small but immeasurable increase in catch related mortality on rainbow trout.

BACKGROUND: The regulation that restricted the Parks highway streams (Unit 2) to unbaited, single hook, artificial lures from September 1 through May 31 was adopted by the board during the 1996 meeting. The board adopted this proposal to reduce the catch

and release related mortality that is associated with hooking injuries on pre-spawning and post-spawning rainbow trout caused by using treble hooks. The required use of single hooks to facilitate fish release has been used by the department to reduce hooking mortality on rainbow trout and other species. Parks Highway streams have been long recognized not only for the number of trout they produce but also for producing an abundance of fish over 20 inches. Several of these streams, Montana and Willow creeks and the North Fork of the Kashwitna River, were further recognized for their unique characteristics and were given special status by the board as a special Management Area for Rainbow Trout 5 AAC 61.025. Proposal 353 was submitted primarily so king salmon fisherman could use lures of standard manufacture (i.e. store bought lures with treble hooks) prior to June 1 when fishing the Parks Highway streams for king salmon. It is true that converting a lure from a treble hook lure to a single hook lure may cause minor inconvenience to some anglers, however, it only takes a few minutes to complete the change.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Very few king salmon are present and/or caught in the Parks Highway streams prior to June 1. Much of the angling effort that occurs on these streams prior to June 1 is primarily directed towards fishing for rainbow trout during a period when retention is not allowed. Rainbow trout pass through these areas on their way upstream to spawn in large numbers during this time period. The department supports the use of single hooks to facilitate fish release in fisheries that are primarily catch and release.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 354, PAGE 268. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, SIZE LIMITS; AND SPECIAL PROVISIONS FOR SUSITNA-WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would extend the amount of time that treble hooks would be allowed on Lake Creek by one day, from the current date of May 16 to May 15.

WHAT ARE THE CURRENT REGULATIONS? Only unbaited, **single hook**, artificial lures are allowed from August 16 through May 15.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would allow those anglers fishing for king salmon on Lake Creek to use lures of standard manufacture (treble hooks) one day earlier. Given that very few anglers actually fish Lake Creek prior to May 15, it is highly unlikely that there would be any increase in catch related mortality on rainbow trout, should the single hook regulation be rolled back a day.

BACKGROUND: In waters of the West Susitna River drainage, which includes Lake Creek, a fishing hours restriction goes into effect during the king salmon season commencing on May 15. In the Lake Creek drainage you are only allowed to use a single hook, artificial lure through May 15 and then on May 16 anglers may revert to using lures of standard manufacture (treble hook). This is a difference of one 24-hour period for the two, time-initiated, regulatory restrictions. The single hook regulation on Lake Creek was adopted by the board in 1993 to reduce hook and release related mortality associated with using treble hooks. This regulation was placed into effect prior to the board initiation of the fishing day regulation for king salmon (adopted by the board in 1995), which commences one day earlier. Very few if any king salmon are available at Lake Creek prior to May 15, so consequently little if any sport fishing effort occurs prior to this date. However, because these two regulations occur within a day of each other there appears to be confusion by some area anglers.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal for consistency purposes since there is only a one-day discrepancy between the two initiated regulatory actions. The department considers this a housekeeping proposal.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 355 PAGE 269. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would reduce the daily limit of sockeye salmon from 3 fish per day to one fish per day in Larson Creek (Talkeetna River drainage) and not allow guided fishing on the weekends.

WHAT ARE THE CURRENT REGULATIONS? The Larson Creek drainage is closed to salmon fishing upstream of a marker located ¼ mile upstream of its confluence with the Talkeetna River. The bag and possession limit for sockeye salmon over 16 inches is three fish. Guide fishing is allowed seven days per week.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted it would reduce angler effort and reduce the harvest of sockeye salmon by 50 % or more.

BACKGROUND: Larson Creek, a tributary of the Talkeetna River, is one of the most popular sockeye salmon fisheries in the Mat –Su Valley area. During the 2001 board meeting, the board adopted a proposal to close a portion of Larson Creek (Talkeetna River drainage) and Larson Lake to fishing for sockeye salmon. This was done in an effort to stop the illegal snagging that occurs on Larson Creek upstream of the mouth and eliminate the harvest and harassment of sockeye salmon on the spawning grounds in Larson Lake.

Sockeye salmon returns to this system on average are about 32,000 fish. The average sport harvest of sockeye salmon in the Talkeetna River is approximately 4,000 fish, of which approximately two-thirds can be attributed to Larson Creek. Nearly all of the sport fishing effort takes place within a quarter mile radius of its confluence with the Talkeetna River. Currently there is very little guided effort on this system; however, much of the effort can be attributed to charter drop-offs.

DEPARTMENT COMMENTS: The department **OPPOSES** a reduction in the bag and possession limit and is **NEUTRAL** on the allocative aspect of this proposal that would limit guided fishing to five days a week. This system received additional protection during the 2001 board meeting when all but the lower ¼ mile of this system was closed to fishing for sockeye salmon. The current harvest levels appear to be sustainable.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 356, PAGE 269. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Salmon fishing (except king salmon) would be allowed in the entire Larson Creek drainage. The sockeye salmon bag and possession limit would be reduced to one fish and guided fishing would be allowed on Monday through Friday only.

WHAT ARE THE CURRENT REGULATIONS? The Larson Creek drainage is closed to salmon fishing upstream of a marker located ¼ mile upstream of its confluence with the Talkeetna River. The bag and possession limit for sockeye salmon over 16 inches is three fish. Guided fishing is allowed seven days per week.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? By allowing sockeye salmon fishing in the entire drainage, the illegal snagging and harassment on the spawning grounds that occurred before the ¼ mile closure was initiated would again be a problem. Decreasing the possession limit to one sockeye would reduce the harvest, allowing more fish to reach the spawning grounds. It's not known if limiting guided fishing to Monday through Friday would decrease the fishing effort on weekends.

BACKGROUND: Larson Creek, a tributary of the Talkeetna River, is one of the most popular sockeye salmon fisheries in the Mat –Su area. Sockeye salmon returns to this system average about 32,000 fish. About 95 % of the sport fishing effort takes place within a quarter mile radius of its confluence with the Talkeetna River. Larson Creek is a short, very narrow system, which has a few deep-water pools where salmon tend to hold in

high densities prior to migrating into Larson Lake. Larson Creek is easy to fish using legal and illegal fishing gear.

Nearly all of the sockeye salmon in this system spawn in Larson Lake. Improved access and increased shoreline development have dramatically increased recreational use to Larsen Lake. Generally, when sockeye salmon reach the lake they are no longer of palatable quality and are an easy target for molesting or harassment, as the fish tend to school at or near the shoreline prior to and during spawning.

The Statewide Harvest Survey (SWHS) average harvest estimate for the entire Talkeetna River drainage in 1997-2002 equals approximately 4,000 fish. Larson Creek sockeye salmon harvest is believed to account for about 2/3 of this harvest. Currently there is very little guided effort on this system; however, much of the effort can be attributed to charter drop-offs. The sockeye salmon spawning population in Larson Lake indicates that the return to Larson Lake has been sustaining this level of harvest in recent years.

DEPARTMENT COMMENTS: The department **OPPOSES** opening additional area in Larson Creek to fishing and is **NEUTRAL** on the allocative aspect of this proposal that would limit guided fishing to five days a week. The Palmer office of the Department of Fish and Game and the Department of Public Safety received numerous calls concerning the poaching and harassment problems that occurred in Larson Creek prior to the initiation of the ¼ mile closure upstream of the mouth and in Larson Lake. Opening the entire drainage could allow this problem to return. The return of sockeye salmon to the Larson Creeks drainage has been stable in recent years. Reducing the harvest is not necessary to sustain the spawning population.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 357, PAGE 270. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would open a portion of Prairie Creek or other eastside Susitna River streams to catch and release for king salmon.

WHAT ARE THE CURRENT REGULATIONS? The Talkeetna River drainage is open to king salmon fishing January 1 through July 13 with the exception of Prairie Creek and Larson Creek, which are closed to fishing for king salmon, and Clear Creek, which is open for the first two miles only. Eastside Susitna River streams are open to king salmon fishing January 1 through the third Monday in June and the next two consecutive three-day weekends (Saturday through Monday). The bag and possession limit is one king salmon with an annual limit of five. No bait is allowed. Prairie Creek was closed to king salmon fishing beginning in the 1995 season. The Prairie Creek drainage has been established as a special management area for rainbow trout. Only single-hook, unbaited,

artificial lures may be used and the retention of rainbow trout is prohibited. Grayling, lake trout, sockeye salmon and coho salmon are also present in the drainage.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would lead to catch-and-release related mortality on king salmon by some unknown number. Opening closed portions of eastside Susitna River streams to catch and release king salmon fishing would create a difficult enforcement situation as the area is large and easily accessed, and the enforcement staff is very limited.

BACKGROUND: Prairie Creek is a remote stream and can only be accessed by either fixed-wing aircraft on floats or by helicopter. Prairie Creek is the furthest upstream king salmon producing tributary in the Talkeetna River drainage. There are several private land holdings along Stephan Lake including one lodge. The Knik Native Association is the primary landowner along Prairie Creek. Various kayak and rafting parties initiate float trips into the Talkeetna River drainage from Stephan Lake. This creek is only 10 miles long with king salmon spawning occurring throughout its entirety. The mortality rates associated with catch-and-release fishing are approximately 5-10%. Past angler participation and the catch and harvest of fish in this drainage has been fairly low, the sport catch of king salmon from this system was only about 250 –500 per year prior to 1995 when harvest was allowed. However, remote fishing utilizing helicopter charter services is becoming increasingly popular among anglers. In the Chuitna River (West Cook Inlet), as many as 60 fishermen per day access the river via helicopters. Because Prairie Creek is less remote than the Chuitna River, it is expected that effort for this system would likely be higher and catch and release related mortality could be substantial. King salmon do not arrive into the Prairie Creek drainage until July during most years and are very near spawning at arrival; allowing fishing on salmon at this stage is inadvisable.

Eastside Susitna River streams in general are closed to king salmon fishing above the Parks Highway or above ½ mile upstream of their confluence with the Susitna River, with the exception of Clear Creek, which is open for the first two miles above its mouth. Allowing catch and release fishing in these closed areas would make protection of these stocks difficult due to easy access, the large area and limited enforcement staff.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. King salmon generally do not arrive until July during most years in the reaches of proposed streams, and when they arrive they are ready to spawn or nearly so. Allowing catch and release fishing in these closed areas would make protection of these stocks difficult due to easy access, the large area and limited enforcement staff.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 358, PAGE 270. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Allow retention of king salmon for additional days beginning the first weekend following the third Monday in June in the East Fork of the Chulitna River, including the Middle Fork and the first ¼ mile of Honolulu Creek and all waters within a ¼ mile radius of both the East Fork and West Fork confluences of the Chulitna River.

WHAT ARE THE CURRENT REGULATIONS? The East Fork of the Chulitna River (which includes the Middle Fork), the first ¼ mile of Honolulu Creek and all waters within a ¼ mile radius of both the East Fork and West Fork confluences of the Chulitna River, are open to the retention of king salmon January 1st through the third Monday in June and the following two three-day weekends, Saturday through Monday. The bag and possession limit is one king salmon with an annual limit of five. No bait is allowed. The remainder of time it is open to catch and release for king salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Presently the annual harvest of king salmon, estimated by the SWHS is less the 100 fish. Increasing the number of days retention is allowed is expected to increase harvest by little. Chulitna River king salmon are of poor quality after July, due to physiological and morphological changes associated with spawning and are no longer desired as table fare. The adoption of this proposal would provide only a small increased harvest opportunity in the late part of the king season following the closure of many other Susitna River roadside fisheries.

BACKGROUND: The East Fork is the largest producer of king salmon in the Chulitna River drainage and is the most northern king fishery in the NCI area. It is accessible by road approximately 100 miles north of the other major NCI king salmon fisheries, with the major access at Parks Highway crossings at mile 185 and 190. During the February 1999 board meeting, additional king salmon fishing opportunity was opened in the road accessible eastside Susitna River streams. This change allowed king salmon fishing in the East Fork of the Chulitna River January 1 through the third Monday in June and the following two three-day weekends. The SWHS estimate of angler-days of effort averages approximately 200 from 1995 through 2003. The Chulitna River has a sustainable escapement goal (SEG) range of 1,800-5,100 king salmon. Escapement counts in the past 10 years ranged from 2,162-9,002.

King salmon generally don't start arriving in the Chulitna River until late June to early July, and are at or very near spawning condition upon arrival. Sport fish harvest of king salmon is generally low for this system, because upon arrival king salmon are already of poor quality due to physiological and morphological changes associated with advanced maturity. For the most part, the fish from the Chulitna River are generally not kept for table fare.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. King salmon generally do not arrive at this system until they are already in an advanced state of maturity, for this reason under the existing regulation few anglers retain king salmon from this system.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 359, PAGE 271. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA –WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? From the mouth of the Chulitna River to the confluence of the East and West Forks, open the Chulitna River and all tributaries within ¼ mile radius of their confluence with the Chulitna River to king salmon fishing.

WHAT ARE THE CURRENT REGULATIONS? The East Fork of the Chulitna River (which includes the Middle Fork), the first ¼ mile of Honolulu Creek and all waters within a ¼ mile radius of both the East Fork and West Fork confluences of the Chulitna River are open to king salmon fishing January 1 through July 13. The retention of king salmon is allowed January 1st through the third Monday in June and the following two three-day weekends, Saturday through Monday. The bag and possession limit is one king salmon with an annual limit of five. Only unbaited, single hook, artificial lures are allowed. The remainder of time the East Fork is open to catch and release for king salmon. The remainder of the Chulitna River drainage is closed to king salmon fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? King salmon fishing would be allowed in a section of the Chulitna River that has several small tributaries supporting small returns of king salmon, none of which are routinely monitored. Allowing a harvest at the confluences of these streams has the potential to deplete these small populations.

BACKGROUND: In the Chulitna River, the East Fork is the largest producer of king salmon and is the most northern king fishery in the NCI area. It is accessible by road north of the other major NCI king salmon fisheries, with the major access at Parks Highway crossings. During 2002 board meetings, additional Chinook salmon harvest opportunity was opened in the East Fork Chulitna River. This change allowed king salmon fishing in the East Fork January 1 through July 13.

King salmon don't arrive in the East Fork until the end of June, which makes them available for harvest in the East Fork for a limited time. The SWHS estimate of angler-days of effort averaged approximately 200 from 1995 through 2003, with a harvest of less than 100 fish. The Chulitna River has a SEG range of 1,800-5,100 king salmon. Escapement counts in the past 10 years ranged from 2,162-9,002.

In 2004, aerial surveys were conducted on Chulitna River tributaries below the confluence of the East and West Forks. This survey showed small numbers of king salmon (from 20 to a few hundred) present in several of these streams.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Recent escapement surveys indicate king salmon escapements are small in mainstem Chulitna River tributaries. Allowing a harvest at the confluences of these streams has the potential to deplete these small populations.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 360, PAGE 272. 5AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS - FINFISH.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the use of bow and arrow as a legal method of taking sockeye salmon in Crescent Lake (West Cook Inlet area).

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow for the harvest of sockeye salmon with traditional sport fishing gear (rod and reel).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would increase the harvest of sockeye salmon in Crescent Lake by some small but unknown number.

BACKGROUND: Crescent River drainage is a remote fishery on the West side of Cook Inlet accessed only by float equipped aircraft. There is one lodge in the area and some chartered drop off fishing at Crescent Lake. Users believe that angler effort has been increasing in recent years. The only department data on sockeye salmon for this system comes from the statewide harvest survey (SWHS) and the Crescent River sonar operated by the Commercial Fish Division. Sonar counts for Crescent River sockeye salmon have averaged about 65,000 for the past ten years with an escapement goal range of 25,000 to 50,000 fish. Estimated sockeye salmon sport harvests from Crescent Lake range from 30 to 200 per year. Current sockeye salmon regulations for Crescent Lake are fairly consistent with other regulatory areas.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department sees this proposal as more of a social issue rather than one of a biological nature. Given the large escapement to this system in the past ten years and the low level of sport harvest for Crescent Lake sockeyes, there would be no biological issues with liberalizing sport fish methods and means as far as maintaining sustainability of the sockeye salmon resource. However, when sockeye salmon reach the lake they are on their spawning grounds.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 361, PAGE 272. 5 AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS - FINFISH.

WHAT WOULD THE PROPOSAL DO? This proposal would close waters to fishing for king salmon less than 20 inches in length and other salmon less than 16 inches in length where existing regulations already prohibit fishing for salmon which are greater than those lengths.

WHAT ARE THE CURRENT REGULATIONS? In waters closed to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length, anglers are allowed to fish for king salmon less than 20 inch in length and other salmon less than 16 inches in length (jack salmon).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Waters closed to fishing for salmon would be closed to fishing for all salmon regardless of size. Anglers would not be able to catch and release large salmon in waters closed to salmon fishing under the guise of fishing for small “jack” salmon. Closed water restrictions would be more enforceable.

BACKGROUND: Areas closed to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length are intended to protect spawning fish while allowing the harvest of smaller 1-ocean jack salmon. While creating harvest opportunity, the regulation renders large salmon closures unenforceable because anglers have targeted large king salmon claiming they are fishing for jacks. Enforcement personnel can do little to protect the resource in these cases.

DEPARTMENT COMMENTS: The department and ABWE **SUPPORT** this staff proposal. Waters are typically closed to salmon fishing because there is no harvestable surplus of large salmon in the system or to protect spawning salmon. Allowing anglers to harvest jacks in waters closed to other salmon creates an illegal, but unenforceable catch and release fishery. The board adopted this same proposal for Lower Cook Inlet waters at the November 2004 meeting.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 362, PAGE 273. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal is housekeeping and would correct regulatory changes that occurred with specific board action when formatting modifications were made to the Alaska Administrative Code. This proposal would correct the following: the bag and possession limit for salmon, other than king salmon, less than 16 inches in length; the use of bait in the flowing water between the Susitna River and West Foreland; and prohibiting anglers from fishing in waters open to salmon fishing that same day after harvesting a limit of salmon.

WHAT ARE THE CURRENT REGULATIONS?

1. Currently, in the West Cook Inlet (between Cape Douglas and the Susitna River), Knik Arm, and the Anchorage areas, anglers are allowed take keep 10 king salmon less than 20 inches in length and 10 of each of the four other salmon species less than 16 inches in length for a total of 50 fish.
2. In drainages between the Susitna River and West Forelands, bait is currently not allowed.
3. In Wasilla Creek, after catching a limit of salmon, anglers are not allowed to continue to fish on Wasilla Creek for the remainder of that day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would not change how these fisheries are prosecuted. The proposed changes are implemented annually by emergency order.

BACKGROUND: In the 1997-1998 edition of the Alaska Fish And Game Laws and Regulations Annotated, the bag and possession limit for salmon other than king salmon, less than 16 inches in length was 10 fish. In the 1998-1999 edition, the bag and possession limit for salmon other than king salmon, less than 16 inches in length was changed to 10 of each species with no specific board action. This change only occurred for the Susitna – West Cook Inlet area making it inconsistent with all other areas in the state. During 2002, the codified regulations were reformatted from a matrix to a text format. During the reformatting process, some of the codified regulations were inadvertently changed. These proposed regulations were all previously adopted by the board based on their merit.

DEPARTMENT COMMENTS: The department **SUPPORTS** this staff proposal. The department considers this a housekeeping proposal. These regulations were inadvertently changed when the Fish and Game Codified Regulations were switched from a matrix format to the present format.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 363, 364, 365, AND 367, PAGES 274-277. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? These proposals would increase the coho salmon bag limit from two per day to three per day for the Susitna River and Knik Arm drainages with the possible exception of Alexander Creek, which would retain a two coho bag limit.

WHAT ARE THE CURRENT REGULATIONS? Current regulations allow a daily bag limit of 2 coho salmon in the Susitna River and Knik Arm drainages, except in hatchery-enhanced Eklutna Tailrace, where the bag and possession limit is three coho. In eastside Susitna River tributaries anglers are allowed two coho salmon in possession. The possession limit is four coho for Westside Susitna River tributaries. The possession limit for coho salmon in Knik Arm drainages is two fish, except in the Eklutna Tailrace, where it is three fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? An increase in the bag and or possession limits of coho salmon for the entire Susitna River and Knik Arm drainages would increase overall harvest of Northern Cook Inlet (NCI) coho salmon. Information from the department sonar on the Yentna River, weir information from the Deshka and Little Susitna rivers, and anecdotal information from anglers and guides confirm that coho returns have been above average the past several seasons. Given escapement information for the past several years from the department's sonar project on the Yentna River, coupled with coho salmon weir counts on the Deshka River and low angler participation in comparison to road accessible areas, increasing bag limits from two fish per day to three fish per day for Westside Susitna River, and West Cook Inlet streams would likely not increase the harvest above sustainable levels. However, increasing the coho bag limit in streams that are road-accessible, within close proximity to major populations centers, and receive much higher angler use, may increase the harvest above a sustainable level on years with low returns.

BACKGROUND: Poor returns of coho salmon to Upper Cook Inlet in 1997 and 1999, in concert with not meeting escapement objectives, prompted the board to reduce the sport fisheries on select Knik Arm and Susitna River streams to allow more coho salmon on the spawning grounds. In 2000, the board conducted a special out-of-cycle session to address Cook Inlet coho salmon. Because of the wide decline in coho salmon abundance, restrictive action was taken on a wide geographic range (i.e., Anchorage, Kenai, Susitna River, Knik Arm, and parts of West Cook Inlet). As a result, coho salmon restrictions were placed on both sport and commercial fisheries throughout most of the Upper Cook Inlet area. In the sport fishery, coho salmon limits were reduced from three fish per day to two fish per day, and "where allowed" possession limits were reduced from six to four, while in other cases possession limits were equal to the bag limit. In addition to these restrictions, the board took action to close Wasilla Creek to salmon fishing. Commercial restrictions consisted of reducing time and net length and number in selected areas as described in 5AAC 21.358 NORTHERN DISTRICT SALMON MANAGEMENT PLAN.

Escapement into the Little Susitna River in 2000 through 2002 ranged from approximately 11,000 to 48,000 fish. The SEG range is 10,100-17,700. The Little Susitna River weir count has proven to be an indicator of run strength for the Knik Arm

drainages. Yentna River sonar counts and Deshka River weir counts also indicated strong coho returns in 2000 through 2002 for the Susitna River drainage.

In 2002 the board reinstated the coho fishery in Wasilla Creek and increased the possession limit on westside Susitna River streams from two fish to four fish.

In those high angler use systems that had extremely low coho salmon returns for 1997-1999 (Knik Arm and eastside Susitna River streams), restrictions were necessary to sustain spawning populations. However, in those systems, such as the westside Susitna River streams, that experience relatively low angler use and that had good to above average returns, restrictions implemented in 2000 may not have been necessary. In recent years (2003, 2004), coho salmon returns to the NCI area have been good, with high to record numbers of fish returning to many NCI systems. Only a portion of these high returns can be attributed to restrictions imposed on the Central District commercial drift fleet. It is likely that these strong returns were related to good in-stream survival and favorable marine conditions. Some NCI areas could support an increase in harvest, such as the westside Susitna River and West Cook Inlet streams. Others, such as eastside Susitna River tributaries and Knik Arms systems, which are road accessible and receive high angler use, may not be able to sustain an increase in harvest during years with low or mediocre returns. For example, in 1999 sport harvests of coho salmon for the Little Susitna River and Cottonwood, Fish and Jim creeks were 8,964, 537, 233 and 2,612, respectively, while escapements objectives were only met for one of these four systems despite in-season restrictions. In the case of the Little Susitna River in 1999, sport harvest was nearly three times the escapement.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on these proposals or portions of these proposals, which increase bag limits for coho salmon in the westside Susitna River, and the West Cook Inlet drainages, as increasing bag limits for coho would be allocative between users. The department is **OPPOSED** to increasing the bag limits for high use areas such as the eastside Susitna River tributaries and the Knik Arm drainage streams including the Little Susitna River and Jim, Wasilla, Fish and Cottonwood creeks.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 366, PAGE 276. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? If adopted this proposal would reduce the bag limit for coho salmon from three per day to two per day in West Cook Inlet streams between the Susitna River and Chinitna Bay.

WHAT ARE THE CURRENT REGULATIONS? In flowing waters, open season for coho salmon is January 1 through September 30. In drainages between the Susitna River and the West Foreland the limits for coho salmon are 2 per day and 4 in possession. In drainages between the West Foreland and Cape Douglas the limits for salmon (other than king salmon) 16 inches or greater in length are 3 per day and 6 in possession, of which all may be coho salmon. A person who takes a bag limit of coho salmon 16 inches or more in length in the West Cook Inlet waters may not fish for any species in West Cook Inlet waters for the remainder of that day.

Upstream portions of Clearwater Creek and Shelter Creek are closed to all fishing year round. Silver Salmon Creek within ½ mile of Silver Salmon Lake and Silver Salmon Lake are closed to salmon fishing (over 16 inches) year round.

In flowing waters from the West Foreland south to the latitude of the southern tip of Chisik Island only unbaited, artificial lures are allowed September 1 through May 15. In flowing waters from latitude of the southern tip of Chisik Island to Cape Douglas only unbaited, artificial lures are allowed July 15 through May 15.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal would decrease the daily limit of coho salmon from three to two, resulting in a small but unknown decrease in the overall harvest in West Cook Inlet streams from the West Forelands to Chinitna Bay. A decrease in angler effort by some small but unknown number may also occur simply because, given the choice, most anglers would rather participate in a fishery where they could harvest three fish rather than two.

BACKGROUND: The department has little information regarding the status of coho stocks returning to the West Cook Inlet area. Coho salmon return to numerous small systems throughout the area, making stock assessment of all drainages virtually impossible. The majority of the harvest occurs in the Kustatan River (previous 5 year average of approximately 4,000) and Silver Salmon Creek (previous 5 year average of approximately 1,400), with harvests of a few to a few hundred occurring in some of the smaller streams. Harvest estimates from the SWHS indicate relatively stable harvests for the previous five years. Additionally, commercial fishing effort directed at West Cook Inlet coho has declined.

DEPARTMENT COMMENTS: The department **NEUTRAL** on the allocative aspect of this proposal and is **OPPOSED** to decreasing the bag limit as a conservation measure. The current harvest level appears to be sustainable.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 368, PAGE 277. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would require that after a person has caught a bag limit of coho salmon (no catch and release allowed) 16 inches or greater in length from the Little Susitna River downstream of the Little Susitna Public Use Facility (LSPUF) located at river mile 28, they may not sport fish for any species of fish during that same day in waters of the Little Susitna River. In addition, this proposal would also increase the daily bag limit of coho salmon from two fish per day to three fish per day when 4,500 coho salmon have passed through the Little Susitna River weir and the projected escapement is 18,000 or more.

WHAT ARE THE CURRENT REGULATIONS? The bag limit for coho salmon on the Little Susitna River is two per day. A person, after harvesting a bag limit of salmon 16 inches or greater in length from the Little Susitna River downstream of the ADF&G regulatory marker located at river mile 32.5, may not sport fish for any species of fish that same day in waters open to sport fishing for salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted it would reduce catch and release mortality of coho salmon in the lower Little Susitna River by an unknown number. In addition this proposal would also increase the harvest of coho salmon during the tail end of the run in some years, by some small but unknown number.

BACKGROUND: In 1993 the department conducted a coho salmon hook and release mortality study in the lower reaches of the Little Susitna River. This study was prompted by anglers concerns over dead or dying coho salmon observed in the lower river. Results from this study showed a much higher mortality rate (69%) than initially anticipated . Under the current regulation, you must quit fishing once you have harvested your limit of salmon, however an angler may continue to catch and release as long as they have not retained a bag limit. The average annual harvest of coho salmon from the Little Susitna River is about 14,000 fish, with an additional 6,000 fish being released. If half of these coho salmon are released (3,000) in the lower river, and 69% of those die, mortality could be as high as 2,000 fish. On years of poor coho salmon returns, this mortality could be significant in terms of attaining desired escapement levels.

The department of Fish and Game operates a fish counting weir on the Little Susitna River at River Mile 70, located approximately one mile upstream of the Parks Highway Bridge to count coho salmon. Because the weir is located so far upstream, it is of little utility as an inseason tool for sport fish management. The 25th percentile of the coho salmon return does not even pass through the weir until August 27, when most of the sport fishing effort has already dwindled, and nearly all of the harvest has already taken place. This proposal seeks to increase the daily bag limit of coho salmon from two fish per day to three fish per day when 4,500 coho salmon have passed through the Little Susitna River weir and the projected escapement is 18,000 or more. Under 5AAC.003(2)(A), the commissioner or designee can only increase sport fish bag limits when the total escapement of a species of fish is expected to exceed the upper limits of the escapement goal. If this proposal were in regulation over the past ten years, it would

have allowed additional sport fishing opportunity in six of those years, only three of which would have had coho salmon escapements that would have exceeded the upper end of the goal.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the portion of this proposal that would require an angler to retain a coho salmon once it is hooked and brought to the boat, and regardless of whether the angler intended to retain the fish, it would count against his daily bag limit. The department does; however, support the concept of this proposal reducing sport fish induced mortality on coho salmon in the lower Little Susitna River. It also recognizes the inherent difficulties involved in enforcing this type of regulation. Adoption of this proposal would force Alaska Bureau of Wildlife Enforcement officers to make judgment calls on what constitutes a fish being caught. The department is **OPPOSED** to the portion of this proposal that would increase bag limits on coho salmon in the Little Susitna River once 4,500 fish have passed through the weir and escapement projection exceeds 18,000 fish. Due to the weir location, trigger points resulting from the adoption of this proposal would not liberalize harvest opportunities until the last few days in August or early September, when most of the sport fishing effort has already subsided and nearly all of the harvest has already occurred. If this regulation were in effect over the past decade it would have only met the criteria under 5AAC75.003 Emergency Order Authority for liberalizing a fishery in three of the past ten years.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 369, PAGE 279. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would restrict anglers from using bait on the Little Susitna River.

WHAT ARE THE CURRENT REGULATIONS? On the Little Susitna River, from the mouth upstream to the Parks Highway (River Mile 70), only unbaited artificial lures are allowed October 1-August 5. Fishing with bait is allowed Aug 6 – September 30. Upstream of the Parks Highway, single-hook unbaited artificial lures are required the entire year. A person that takes a bag limit of salmon 16 inches or longer from the little Susitna River downstream of the ADF&G marker at river mile 32.5, may not fish for any species of fish in the Little Susitna River that same day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted, sport harvest of coho salmon would be reduced significantly from August 6 through September 30. Catch and release related mortality would decrease by a small but unknown number.

BACKGROUND: Past research shows that anglers using bait to fish for coho salmon in the lower Little Susitna River, at or near the estuary, experience very high catch and release related mortalities (about 69%). This elevated catch and release mortality rate generally occurs on dime bright coho salmon immediately upon entering freshwater. It generally takes a coho salmon one or two days to become freshwater hardened after entering streams from a marine environment, and once these fish become freshwater hardened, mortality rates of released fish drops off significantly. In response to high catch and release mortality rates for Little Susitna River coho salmon, the board adopted a proposal for the lower river that prohibits any catch and release fishing for salmon once you have retained a daily bag limit.

In 2000, the board conducted a special out-of-cycle session to address Cook Inlet coho salmon. As a result, coho salmon restrictions were placed on both sport and commercial fisheries through out most of the Upper Cook Inlet area (including the Little Susitna River). In the sport fishery, coho salmon limits were reduced from 3 fish per day to two fish per day. In recent years (2000, 2004), coho salmon returns to the Little Susitna River have been strong. Escapements into this system have reached record returns, nearly doubling the upper end of the escapement goal range (10,100-17,700) for three of the past five years.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Given the recent strong returns of coho salmon to the Little Susitna River, in concert with bag limit and catch and release restriction already imposed by the board, the department does not feel it necessary at this time to place a bait prohibition on the Little Susitna River.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 370, PAGE 280. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the use of bait when fishing for coho salmon in freshwaters of West Cook Inlet from the Susitna River south, to and including Chinitna Bay.

WHAT ARE THE CURRENT REGULATIONS? There are three different regulations governing the use of bait in the Wet Cook Inlet Area (waters between the Susitna River and Cape Douglas). However, in all three areas, once you have retained a bag limit of coho salmon you may no longer sport fish for any species of finfish during that same day.

1. In drainages between the Susitna River and the West Foreland: in flowing waters, only unbaited, artificial lures are allowed. The reason bait is not allowed in this area is because there was a mistake made when the codified regulations were changed from a matrix style to the current format. This regulation should read; bait is allowed from July 14 through August 31;

2. In drainages from the West Foreland south to the latitude of the southern tip of Chisik Island, from September 1 – May 15, in flowing waters, only unbaited, artificial lures may be used;
3. In drainages south of the latitude of the southern tip of Chisik Island to the latitude of Cape Douglas, in flowing waters, from July 15 – May 15, only unbaited, artificial lures may be used.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the proposal were adopted:

1. In drainages between the Susitna River and the West Foreland, sport harvest of coho salmon would be reduced significantly. Catch and release related mortality would decrease by a small but unknown number;
2. In drainages from the West Foreland, south to the latitude of the southern tip of Chisik Island sport harvest of coho salmon would be reduced significantly. Catch and release related mortality would decrease by a small but unknown number;
3. In drainages south of the latitude of the southern tip of Chisik Island to the latitude of Cape Douglas bait is already prohibited during the coho salmon fishery. There may however be a small reduction in sport catch of resident fish species.

BACKGROUND: In response to low returns of coho salmon to many Cook Inlet area streams during the late 1990's, the board conducted a special out-of-cycle session in 2000 to address the Cook Inlet coho salmon issue. As a result, coho salmon restrictions were placed on both sport and commercial fisheries throughout most of the Cook Inlet area, including parts of West Cook Inlet. Department weir, sonar and foot survey information indicate returns of coho salmon to Cook Inlet waters have been strong in recent years (2000-2004) with some streams producing record high returns. Additional catch information from area anglers, guides and commercial operators, coupled with department offshore test net fisheries (OTF) data, lend further credence to recent strong coho returns. West Cook inlet streams are remote (fly in only) and receive a considerably lower amount of fishing pressure than high use, road accessible systems, so it is therefore likely, that sport fishing exploitation is very low in comparison.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Given the strong returns of coho salmon to the Cook Inlet area in recent years, coupled with the low amount of angling pressure and low exploitation that occurs on West Cook Inlet streams, it is not necessary at this time to initiate bait restriction for this area.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

Knik Arm (5 Proposals)

PROPOSAL 371, PAGE 280. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would close the Little Susitna River drainage upstream of River Mile 35 to all sport fishing from April 1 through February 2. This proposed closure would affect approximately 50% of the river currently open to salmon fishing and 85 miles of river open to fishing for resident species.

WHAT ARE THE CURRENT REGULATIONS? The Little Susitna River is open to salmon fishing from its mouth to the Parks Highway Bridge, located at river mile 70. The entire river is open year-round to sport fishing for resident fish species.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, it would eliminate sport fishing opportunities for salmon on 50 % of the waters that are currently open to fishing for salmon and nearly 80% of the waters currently open to fishing for resident fish species.

BACKGROUND: This proposal was written to protect fish on the spawning grounds. The department has a fish counting weir located at RM 70, which is located approximately 1 mile upstream of the Parks Highway. Approximately 90 to 95% of the salmon in this system, spawn upstream of the department weir site. The remainder of the spawning is in the smaller tributaries, lakes, and mainstem channel downstream of the Parks Highway Bridge. The area upstream of the Parks Highway Bridge, that encompasses the majority of the spawning areas for this system, is already closed to salmon fishing.

Department weir counts and aerial surveys indicate that salmon returns to the a Little Susitna River in recent years have been strong with record returns of coho salmon in two of the past five years. King salmon escapements have been well within the desired escapement goal range of 900-1,800 since 1992. Sport fishing effort appears to be stable.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Department weir counts and aerial surveys indicate that salmon returns to the Little Susitna River are strong, exceeding the upper range of the escapement goal in three of the last five years. Currently 90 to 95% of the salmon spawning grounds in the Little Susitna River are already closed to salmon fishing. Sport fishing effort is currently stable. There is no biological reason to further restrict fishing opportunities in the Little Susitna River at this time.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 372, PAGE 281. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would close all sport fishing for the entire year in flowing waters of the Palmer-Wasilla Zone. It would also close more than 60 lakes in the Palmer-Wasilla Zone to all fishing for 10 months of the year.

WHAT ARE THE CURRENT REGULATIONS? From June 15 –April 14, the flowing waters of the Palmer-Wasilla Zone (excluding the Little Susitna River downstream of the Parks Highway Bridge, which is open year round) are open to sport fishing. Lakes are open on a year round basis with a daily bag limit of 2 rainbow trout per/day, only one of which can be 20 inches or greater in length. For Cottonwood, Wasilla and Fish creeks salmon fishing is restricted by date, area and time, salmon fishing is restricted to the lower few miles of these streams to weekends only between the hours of 6:00 a.m. and 6:00 p.m.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If this proposal were adopted, it would eliminate sport-fishing opportunities for salmon and resident fish species in some of the most popular sport fishing streams in the Mat-Su Valley (Cottonwood Creek, Wasilla Creek and Fish Creeks). In addition, this proposal would also eliminate lake fishing opportunities in nearly 60 area lakes for 10 months a year, eliminating fishing opportunities during the entire open water period. The adoption of this proposal would have a profound effect on the area's economy by eliminating or redirecting approximately 50,000 angler days of sport fishing effort to other areas.

BACKGROUND: The author of this proposal suggests that all sport fish species in the Palmer-Wasilla Zone are in decline, when, quite the opposite is true. Department weir counts and foot surveys indicate that coho salmon returns to the waters of the Palmer-Wasilla Zone are strong. Streams in the Palmer-Wasilla Zone are already under one of the most conservative management regimes in the entire Cook Inlet area. These streams are totally closed to sport fishing during the rainbow trout spawning season and salmon fishing is restricted to the very lower reaches for two, twelve-hour periods per week. Nearly the entire expanse of the spawning grounds for salmon on these systems is already closed to salmon fishing. Bag limits are conservative as well, with only two coho salmon allowed per day.

All of the approximately 60 lakes containing wild fish populations within the Palmer-Wasilla Zone are already managed on a conservative yield basis in accordance with the newly adopted policy for the management of sustainable wild trout fisheries, 5AAC 75.222. Sport angler catch trend information reported in the Statewide Harvest Survey indicates that resident fish populations may be increasing, with anglers releasing 75% of their catch.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Salmon returns to the streams within the Palmer-Wasilla Zone have been strong in the past five

years. Lake populations of resident fish appear to be strong as well. Recreational fishing opportunities on the streams and lakes within this zone are already being managed very conservatively. Spawning areas for most resident fish species and salmon are already protected. Sport fishing effort is currently stable. There is no biological reason to further restrict fishing opportunities in the in the Palmer-Wasilla Zone at this time.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 373 AND 374, PAGE 281-282. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? Adoption of these proposals would open the Eklutna Tailrace to sport fishing for king salmon 20 inches or greater in length from January 1 through December 31. Proposal 373 would restrict king salmon fishing to the tailrace and all waters within ½ mile radius of it confluence. Once an angler harvests a king salmon 20 inches or greater in length he would no longer be allowed to fish in this area during the same day. Proposal 374 would allow fishing for king salmon in the Eklutna tailrace and all waters of the Knik River downstream to the Knik River mouth.

WHAT ARE THE CURRENT REGULATIONS? Currently, fishing for king salmon 20 inches and greater in length in the Knik River drainage, which includes the Eklutna Tailrace is closed.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If either of these proposal were adopted it would create an addition 20,000 angler-days of sport fishing effort on hatchery produced king salmon, provide new fishing opportunities within close proximity to Alaska's major population centers (Anchorage, Eagle River, Palmer and Wasilla), and divert angling pressure from the area's wild king salmon stocks. Because proposal 374 proposes a larger area open to king salmon fishing, there may be some interception of wild king salmon from the Knik Rivers

BACKGROUND: The department began stocking king salmon into the Eklutna tailrace in 2001. This king salmon stocking program was initiated with the primary goals of reducing sport fishing pressure on the area's wild king salmon stocks, lessening angler congestion on other streams, and creating new king salmon fishing opportunities in close proximity to Alaska's major population centers. The Eklutna tailrace is man made; therefore, wild stock concerns and angler-induced habitat degradation are not expected to be an issue. Because of the Tailrace's proximity to urban areas, and the fact that king salmon are the most popular sport fish in Alaska, it is expected that this stocking program could easily generate between 10,000 and 20,000 angler-days of effort. With the projected increase in use, the department has already begun improving and expanding angler access at this site.

The first return of hatchery produced king salmon to the tailrace was in 2003, and because they were all one-ocean fish, few if any were greater than 20 inch in length. By regulation anglers were allowed to harvest them. However, the 2004 return comprised both one and two-ocean fish, many of which were in excess of 28 inches. In order to harvest all hatchery fish an Emergency Order was issued allowing the harvest of king salmon greater than 20 inches in length. By 2006, it is expected that all age classes will be returning to this site, with some fish weighing in excess of 40 pounds. This will be a terminal fishery and all returning king salmon will be available for harvest. Once all age classes are present, it is expected that at least 4,000 king salmon will be available for harvest at the Eklutna tailrace annually.

DEPARTMENT COMMENTS: The department **SUPPORTS** the staff proposal 373 and the portion of 374 that would open Eklutna tailrace to fishing for hatchery produced king salmon. However, it **OPPOSES** opening additional Knik Arm waters downstream of the Tailrace identified in proposal 374. There are several small wild king salmon stocks within the Knik River drainage. By extending the area open to king salmon fishing to the lower Knik River, it is likely that more of these wild king salmon would be harvested incidentally than if fishing were restricted to the smaller area identified in proposal 373. This would be contrary to the main objective of this stocking program, which is to reduce angling pressure on the area's wild stocks.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 375, PAGE 283. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA – WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would open the waters of Campbell Creek between Diamond Boulevard and the Old Seward Highway to fishing for king salmon to anglers under 16 years of age beginning at 6:00 am and ending no later than 10:00 pm daily on the last weekend of June. The limit would be: king salmon 20 inches or greater in length, one per day, one in possession; king salmon less than 20 inches in length, 10 per day, 10 in possession. Youth anglers must possess a harvest card and record any king salmon 20 inches or greater in length immediately upon harvesting the fish. After taking a king salmon 20 inches or greater in length, the angler harvesting the fish may not fish for any species that same day in waters open to king salmon sport fishing

WHAT ARE THE CURRENT REGULATIONS? Campbell Creek is open year-round to fishing for king salmon less than 20 inches in length and other salmon less than 16 inches; and to fishing for coho salmon 16 inches or longer from July 25 through October 1. It is closed to all other salmon fishing.

WHAT WOULD BE THE EFFECT IF THIS PROPOSAL WERE ADOPTED?

Adoption of this proposal would create a small king salmon fishery on Campbell Creek for anglers under 16 years of age for two days in late June.

BACKGROUND: In 2004, the legislature passed HB 98 giving the Board of Fisheries the authority to create youth only fisheries. Although Campbell Creek has been closed to fishing for king salmon since statehood it has been open to fishing for other salmon and supports an average annual harvest of 1,500 hatchery released coho salmon (1993-2002). Campbell Creek king salmon runs cannot support a harvest by an unrestricted number of anglers. A sustainable escapement goal (SEG) of 50-700 king salmon has been established for Campbell Creek. The average Campbell Creek escapement of 800 king salmon (1994-2003) has been within or above the SEG for the past twenty years (1994-2003).

DEPARTMENT COMMENTS: The department **SUPPORTS** providing opportunity for youths to fish on Campbell Creek and is **NEUTRAL** on the allocative aspects of this proposal. Creating a youth only king salmon fishery on the specified waters of Campbell Creek would allow for a minimal, regulated harvest on a small harvestable surplus of fish. The proposed section of creek follows a bike trail and provides a safe, easy access for kids and a manageable area in which to conduct a fishery.

Historic king salmon escapements indicate the stock can sustain a small harvest and still meet the SEG. Creating a fishery limited by time, area, and the number of anglers eligible to participate would create opportunity while conserving wild stocks, help meet the demand for a variety of recreational fishing experiences, and help educate Alaskans of all ages about stewardship of Alaska's fisheries resources. The suggested bag limits and recording requirements are consistent with other king salmon fisheries in the area.

At the Lower Cook Inlet BOF meeting in November, 2004 two similar proposals were passed establishing youth only fisheries at First Lake in Seward and the Homer Spit fishing hole. The board addressed the constitutional provision that assures fish to the people for "common use" by discussing issues such as crowding and competition with adults that are addressed in this proposal, and decided the regulation recognizes that concern without unduly restricting other users.

COST ANALYSIS: The department does not believe that approval of this proposal will result in an additional direct cost for a private person to participate in this fishery.

Resident Species (10 Proposals)

PROPOSAL 376, PAGE 284. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal is intended to serve as a placeholder, providing the board an opportunity to review and decide if they want to retain existing wild trout regulations in this Northern Cook Inlet Area or modify regulations to conform to the newly adopted Statewide Management Standards for Wild Trout. Depending upon what the board decided to do, regulations would become more or less restrictive.

WHAT ARE THE CURRENT REGULATIONS?

The current rainbow/steelhead trout regulations for the Susitna – West Cook Inlet Area are as follows:

In flowing waters, the general bag limit and possession limit is two fish per day, of which only one may be over 20 inches in length. There is an annual limit of two fish 20 inches or greater in length, and a harvest record is required. Flowing waters are open from June 15 to April 14. To protect spawning fish, most flowing waters are closed to rainbow/steelhead trout fishing from April 15 - June 14.

In lakes and ponds, the current regulations are consistent with the statewide management standard. The general bag limit and possession limit is two fish per day, of which only one may be over 20 inches in length. There is an annual limit of two fish 20 inches or greater in length, and a harvest record is required. Lakes and ponds are open from January 1 to December 31.

There are currently 12 rivers or portions thereof, and three lakes where catch and release regulation have been initiated through the board process in the Northern Cook Inlet Area.

Exceptions to the general season, bag and possession limits for rainbow/steelhead trout include the following:

In the Willow Creek drainage upstream of the Parks Highway Bridge from June 15 – April 14, the rainbow/steelhead trout bag and possession limit is one fish less than 16 inches in length; from April 15 – June 14, rainbow/steelhead may not be retained; rainbow/steelhead trout caught must be released immediately and returned to the water unharmed.

In the Special Trophy Management Area for Rainbow Trout that applies to that portion of the Susitna River drainage upstream of its confluence with the Talkeetna River to Devils Canyon, excluding the Chulitna River drainage, from June 15-April 14 in flowing waters, the bag and possession limit for rainbow/steelhead trout is one fish per day 20 inches or greater in length.

In the Lake Creek drainage from an ADF&G regulatory marker located 100 yards upstream of its mouth to an ADF&G regulatory marker located one-quarter mile upstream of Bulchitna Lake, the bag and possession limit is consistent with the statewide management standards, however,

the seasonal closure from August 16 – June 14 differs from the rest of the Susitna Area.

In the Campbell Creek drainage downstream of the forks near Piper Street, the bag and possession limit for rainbow/steelhead trout is five fish, of which only one per day may be 20 inches or greater in length (stocked streams should not be effected by new policy).

In the Chester Creek drainage, the bag and possession limit for rainbow/steelhead trout is five fish, of which only one per day may be 20 inches or greater in length (stocked waters should not be effected by new policy).

In the Ship Creek drainage, from ADF&G regulatory markers located 100 feet upstream of the Chugach Power Plant dam to the upstream side of Reeve Boulevard Bridge, rainbow/steelhead trout may not be retained; rainbow/steelhead trout caught must be released immediately and returned to the water unharmed (stocked streams should not be effected by new policy).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the statewide standard for wild trout/steelhead regulations were adopted, the most significant change would be a slight increase in harvest for the Upper Susitna River, and Willow and Lake creeks, and a slight decrease in rainbow trout harvested in the Anchorage Bowl area.

BACKGROUND: In March 2003, the board adopted Statewide Management Standards for Wild Trout (5 AAC 75.220). Conservative harvest limits of two trout per day, only one 20 inches or greater in length, with an annual limit of two trout 20 inches or greater in length, were recommended in the plan as a statewide provision unless circumstances exist where harvest limits can be increased or should be decreased. Current bag, possession, and size limits for wild rainbow/steelhead trout in the Susitna – West Cook Inlet Area are not wholly consistent with the conservative harvest limits outlined in the statewide management standards described in 5 AAC 75.220

NCI rainbow/steelhead regulations have evolved over three decades. The first catch and release regulation was initiated in 1977 on the Talachulitna River, since then numerous other system within the area went to catch and release as well. In 1982 the daily bag limit for rainbow trout was reduced from 10 fish per day to 5 fish per day, and further reduced in 1987 to 2 per day, which continues to be in effect today. An annual bag limit of two rainbow trout 20 inches or greater in length and a bait restriction (September 1 through December 31) were imposed in 1987. In 1993 this bait restriction was further extended though May 15 to protect spawning fish. In 1995 the bait restriction was increased all the way through July 15. In 1987, flowing waters of the Upper Susitna River were designate as a trophy rainbow trout area. Catch and release regulations were established on most of the Lake Creek drainage in 1989, with further bait restriction

going into effect in 1993. Willow Creek went to catch and release in 1997 and that regulation was relaxed in 1999 to allow a harvest of one fish per day 16 inches or less in length upstream of the Parks Highway Bridge. Currently, NCI rainbow trout populations appear to be strong. Only about 3% to 5% of the wild rainbow trout caught are kept, with a large portion of the kept fish likely mortally hooked fish that even die-hard catch and release fishermen have a difficult time releasing. It is likely that regulatory changes directed at rainbow trout over the past 27 years, in concert with changing angler attitudes and ethics, have been the major factors in restoring wild rainbow populations to historic high levels.

DEPARTMENT COMMENTS: The department **SUPPORTS** a review of existing wild trout regulations. The department recommends **continuing** with existing regulations on Willow and Lake creeks and the Upper Susitna River. Trout regulations with the Special Management Areas for Rainbow Trout are exempted in the statewide standard regulations. Much time and effort was already expended by the board, the public, and community organizations to promulgate these regulations and they have proven to be very effective in providing for a strong, sustainable rainbow trout resource. If current regulations are maintained, they will differ only slightly from the statewide management standards.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 377 AND 378, PAGE 286. 5 AAC 61.024. HARVEST RECORD REQUIRED; ANNUAL LIMITS; AND 5 ACC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THESE PROPOSALS DO? Proposal 377 would increase the annual limit of rainbow trout over 20 inches in length from two to five in stocked lakes of the Susitna River and Knik Arm drainages.

Proposal 378 would increase the bag limit of rainbow trout over 20 inches in length from one to two and increase the annual limit of rainbow trout over 20 inches in length from two to ten in stocked lakes.

WHAT ARE THE CURRENT REGULATIONS? The limits for rainbow trout in stocked lakes is five per day/five in possession, only one of which may be 20 inches or longer. There is an annual harvest limit of two rainbow trout 20 inches or longer. These fish must be recorded on the space provided on the back of the sport fishing license or harvest card.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Increasing the bag limit and annual limit of rainbow trout over 20 inches in length per day from stocked lakes in the Northern Cook Inlet Management Area (NCIMA) would

increase the overall harvest of fish over 20 inches in stocked lakes as well as smaller fish as anglers may continue fishing in order to harvest the second fish over 20 inches by some unknown amount. Angler effort may also increase.

BACKGROUND: There are currently over 80 lakes in the NCIMA that are stocked on an annual or biennial basis. In most cases, stocked lakes represent new fisheries, because game fish were not present before stocking occurred. These stocked lakes benefit anglers and recreational support industries by providing diverse, year-round fishing opportunities and by diverting angling pressure from natural stocks. With many streams allowing no retention of rainbow trout, anglers would be very limited in the choices of where they can fish and retain a rainbow without the many stocked lakes. The majority of the stocked lakes are in the Knik Arm Management Unit, with the remainder in the Eastside Susitna Management Unit. Approximately 600,000 rainbow trout are released into these lakes annually. Rainbow trout stocked in these lakes do not successfully spawn and live from four to six years if they are not harvested.

Statewide Harvest Survey estimates indicate approximately 30,000 angler-days of participation annually in stocked lakes, the majority of which contain rainbow trout. During 1997-2002, rainbow trout catch and harvest averaged approximately 58,000 and 15,000 fish, respectively. It typically takes a stocked rainbow trout 4 or 5 years to attain a length of 20 inches, depending upon the productivity of the lake and the size at which it was stocked. Typically, a rainbow trout 20 inches or greater in length would be in its last or second to last year of life.

DEPARTMENT COMMENTS: The department **SUPPORTS** an increase in the annual limit of stocked lake rainbow trout over 20 inches in length from two to five and retaining the current daily bag limit of one. There are relatively few opportunities available for the retention of rainbow trout over 20 inches in NCI. Increasing the annual limit for stocked lakes would provide more opportunity to harvest large rainbow trout while giving anglers an alternative to fishing on wild trout systems. In addition, fish in the over 20-inch category are typically in the fourth or fifth year of a five year life span and do not have the opportunity to spawn. If they are not harvested they are lost to the fishery by natural mortality. Angler effort directed at rainbow trout has been steadily increasing along with the population of the Anchorage and Mat-Su areas. Without the alternative stocked lakes provide, effort on wild systems would increase dramatically.

Allowing a harvest of two rainbow trout over 20 inches per day could have a large impact on an individual lake. Retaining the one per day limit would spread the total annual harvest of five over a larger number of lakes and minimize the impact on any individual lake.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSALS 379 AND 380, PAGES 287-288. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA; AND 5 AAC 61.025 SPECIAL MANAGEMENT AREAS FOR RAINBOW TROUT.

WHAT WOULD THE PROPOSAL DO? Proposal 379 would prohibit the retention of rainbow trout in the Lake Creek drainage upstream of a marker 100 yards upstream of its confluence with the Yentna River. Only one, unbaited, single-hook would be allowed year-round. In addition, after taking a king salmon 20 inches or greater in length, a person may not fish for king salmon anywhere on that same day.

Proposal 380 would require unbaited, single-hook year-round in the entire Lake Creek drainage. This proposal would also create a Rainbow Trout Management Plan for Lake Creek.

WHAT ARE THE CURRENT REGULATIONS? Only the lower three miles of Lake Creek are open to harvest of rainbow trout. From its mouth to an ADF&G marker located 100 yards upstream and all waters within a ½ mile radius of its confluence with the Yentna River, no retention of rainbow trout is allowed April 15 through June 14; June 15 through April 14 the bag limit is two per day/two in possession only one fish 20 inches or greater in length. From September 1 through July 13, only unbaited, artificial lures are allowed in flowing waters.

From an ADF&G marker located 100 yards upstream of the mouth to an ADF&G marker located ¼ mile upstream of Bulchitna Lake, no retention of rainbow trout is allowed April 15 through June 14; June 15 through April 14 the bag limit is two per day/two in possession only one fish 20 inches or greater in length. Only unbaited, single-hook, artificial lures are allowed in flowing waters.

Upstream of an ADF&G marker located ¼ mile upstream of Bulchitna Lake retention of rainbow trout is prohibited year-round. Only unbaited, single-hook, artificial lures are allowed in flowing waters.

In McDougal Slough waters, no retention of rainbow trout is allowed April 15 through June 14; June 15 through April 14 the bag limit is two per day/two in possession only one fish 20 inches or greater in length. From September 1 through July 13, only unbaited artificial lures are allowed in flowing waters.

There is an annual limit of 2 rainbow trout 20 inches or greater in length in Northern Cook Inlet, which includes the entire Yentna River drainage including Lake Creek.

After taking and retaining a king salmon 20 inches or greater in length, a person may not fish for king salmon on that same day. Most of the streams in the Yentna drainage prohibit anglers from continuing to fish for king salmon on the same day once a bag limit of king salmon twenty inches or greater has been retained.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Only unbaited, single hook and no retention of rainbow trout would be allowed in an approximately three-mile stretch of Lake Creek, in which multiple hooks and retention of rainbow trout are presently allowed. This may reduce the release mortality and the harvest of Lake Creek rainbow trout by some small but unknown number. The department's Statewide Harvest Survey data indicates that the average catch and harvest of rainbow trout by sport fisherman on Lake Creek for the past five years has been 13,857 and 479 fish respectively. Also, limiting anglers to single hooks may reduce the success of king salmon anglers, which can presently use multiple hooks in this stretch of the river.

If the retention of rainbow trout is prohibited and unbaited, single hook, artificial lures are required in the entire Lake Creek drainage year round, it would reduce the harvest of Lake Creek rainbow trout by some small but unknown number. Very few rainbow trout are kept in the Lake Creek drainage, in the past five years, harvest of rainbow trout averaged about 3.5 percent of the overall catch, and ranged from 2.3 percent in 2001 when 7,739 fish were caught and 183 were retained to 4.1 percent in 1999 when 15,310 fish were caught and 640 were retained. It is likely that a large portion of the rainbow trout that are retained are mortally hooked and anglers retain them instead of returning a dead or mortally hooked fish back to the water. Although this proposal would reduce overall reported harvest of Lake Creek rainbow trout by some unknown number, it may do little to reduce overall rainbow trout mortality.

The proposed regulation stipulating that after taking and retaining a king salmon 20 inches or greater in length, a person may not fish for king salmon on that same day is already in effect for the Lake Creek drainage.

BACKGROUND: In 1989, the Lake Creek drainage upstream of a marker ¼ mile upstream of Bulchitna Lake became a special management area for rainbow trout. Regulations allowed only catch and release and unbaited, single-hook, artificial lures. In 1991, following board action, bait was prohibited August 15 through December 31 from a marker 100 yards upstream of the mouth to the marker ¼ mile upstream of Bulchitna Lake. Following additional board action in 1993, catch and release of rainbow trout was expanded to all flowing waters from August 15 through May 15, upstream from a marker located approximately 100 yards upstream from the mouth to a marker approximately ¼ mile upstream of Bulchitna Lake. Additionally, in 1995 a regulation prohibiting bait in the entire Susitna River drainage September 1 through July 13 was adopted.

The Statewide Harvest Survey (SWHS) indicates catch and harvest averaged approximately 11,000 and 500 fish, respectively, for the years 1997–2003. These estimates indicate less than 5% of the fish caught are retained. A significant portion of this harvest occurs during the chinook fishery, where single hooks are not required, and the coho fishery, where bait is allowed, both of which increase hooking mortality and result in retention of the rainbow trout caught.

In 1997 the board took action in West–Susitna drainage waters which include Lake Creek, to prohibit anglers from fishing for king salmon on that same day, once they have retained a bag limit of king salmon twenty inches or greater in length.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. There has been no recent evaluation of Lake Creek rainbow trout stocks, however, the SWHS indicates a minimal harvest during recent years. The current regulations appear sufficient to maintain the historical size and age composition and stock levels of rainbow trout in Lake Creek. Given that the harvest is made up of anglers keeping mortally hooked fish while salmon fishing, combined with some intentional harvest, it is likely that this proposal, if adopted, would do little to increase the overall rainbow trout population in this system. The king salmon restriction already exists for the Lake Creek drainage.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 381, PAGE 288. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would open the Bodenbug Creek drainage, including all waters within 100-yard radius of its confluence with the Knik River to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length from November 1 through June 30. In addition, it would remove the harvest restriction language for rainbow trout from April 15 – June 14 in the Knik River drainage

WHAT ARE THE CURRENT REGULATIONS? Currently the Knik River, which includes the mouth of Bodenbug Creek, is closed to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length. In the Knik River drainage, rainbow trout may not be retained from April 15 through June 14.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Very small discrete stocks of Knik River king salmon would be intercepted by sport fishers at the mouth of Bodenbug Creek. Other salmon are generally not present during the proposed opening so little opportunity would be created to harvest them.

The Knik River drainage has no known rainbow trout populations. Adoption of this proposal would eliminate unnecessary regulations from the Fish and Game Codifieds.

BACKGROUND: Bodenbug Creek is a very small clearwater tributary of the Knik River, which can be easily waded. The fisheries resources of Bodenbug Creek are comprised of small returns of sockeye, chum and coho salmon along with a small resident population of Dolly Varden. Because of this system’s size and easy accessibility,

coupled with its small andromous fish populations, it has been closed to sport fishing for salmon for nearly a half a century.

Streams flowing into the Knik River are generally steep gradient, high velocity, sterile systems, consequently king salmon stocks in these tributaries are generally very small and fragile. By allowing a fishery to occur at Bodenburg Creek, small reported king salmon stocks destined for other small Knik River tributaries such as Friday, Metal, Hunter and Jim creeks would be targeted jeopardizing the sustainability of these stocks.

The regulations restricting harvest of rainbow trout on the Knik River is likely the result of a blanket proposal that was submitted and needlessly applied to the Knik River. Currently, there are no known rainbow trout populations that inhabit the Knik River drainage.

DEPARTMENT COMMENTS: The department **OPPOSES** the portion of this proposal that allows for a sport fishery to occur at the mouth of Bodenburg Creek. There are no king salmon in the Bodenburg Creek drainage. The adoption of this proposal in its entirety would allow a sport harvest on small fragile Knik River king salmon stocks. The department **SUPPORTS** the portion of this proposal that would eliminate the spring rainbow trout harvest restriction in the Knik River drainage, as there are no know rainbow trout populations present, and therefore, adoption of this proposal would remove unnecessary language from the ADF&G codified regulations.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 382, PAGE 289. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would eliminate the September 1 through May 15 bait restriction. It would also remove the harvest restriction language for rainbow trout from April 15 – June 14 in the Matanuska River drainage.

WHAT ARE THE CURRENT REGULATIONS? In the Matanuska River drainage, the use of bait is prohibited during September 1 through May 15 and rainbow trout may not be retained from April 15 through June 14.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would remove unnecessary language from the sport fish regulations. Existing regulations were adopted to protect rainbow trout, however, this system has very few rainbow trout and those that are present are likely sterile stocked rainbow trout that have out migrated from some of the areas stocked lakes or are already protected by regulation (Bonnie and Wolverine lakes).

BACKGROUND: The regulations restricting bait and harvest of rainbow trout on the Matanuska River are more than likely the result of a blanket proposal that was submitted and needlessly applied to the Matanuska River. The few rainbow trout present in the Matanuska River drainage are likely strays from past department stocking programs. The two lakes systems within the Matanuska drainage that do support self-sustaining rainbow trout populations (Wolverine Lake and Bonnie Lake) are already protected by regulations.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The department considers this a housekeeping proposal that seeks to remove unnecessary language from the ADF&G codified regulations.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 383, PAGE 290. 5 AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS- FINFISH.

WHAT WOULD THE PROPOSAL DO? In the Northern Cook Inlet Management Area (NCIMA) fly-fishing-only waters, barbless, single-hook flies would be required and the use of dropper (two flies on the same tippet) would be allowed.

WHAT ARE THE CURRENT REGULATIONS? In waters designated as fly-fishing-only waters (5AAC 75.024), sport fishing is permitted only as follows:

- (1) With not more than one unweighted, single hook fly with a gap between point and shank three-eighths inch or less;
- (2) Weights may only be used 18 inches or more above the fly.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? From the way this proposal was written, it appears that the author's intention is to reduce catch and release related mortality on rainbow trout by not allowing barbed hooks. Given that Wolverine Creek, in the Big River Lakes system, is the only area designated fly-fishing-only in the NCIMA, and there are no rainbow trout present in this system, it appears that this proposal would do little to benefit the author's perceived intent.

BACKGROUND: In March 2003 the board adopted the Statewide Management Standards for Wild Trout (5 AAC 75.220). Conservative statewide harvest limits of two trout per day, only one 20 inches or greater in length, with an annual limit of two trout 20 inches or greater in length were recommended unless circumstances exist where harvest limits can be increased or should be decreased.

NCIMA rainbow/steelhead regulations have evolved over three decades. The first catch and release regulation for rainbow trout in the NCI area was created in 1977 (Talachulitna River). Since then numerous major rainbow trout producing systems have become catch and release as well. Daily bag limits for rainbow trout were reduced from

10 fish per day in 1981 to 5 fish per day in 1982 and further reduced in 1987 to two fish, which continues to be in effect today. An annual bag limit of two rainbow trout 20 inches or greater in length was imposed in 1987 along with a bait restriction (September 1 through December 31). This bait restriction was further extended in 1993 to May 15 to protect spawning fish. In 1995 the bait restriction was extended through July 13. In 2002 the board adopted a proposal to restrict the number of hooks allowed in single hook waters from two single hooks to one single hook. Currently NCI rainbow trout populations appear to be strong, with only 3% to 5% of the rainbow trout caught being kept. A large portion of those rainbow trout that are harvested are likely mortally hooked fish that would likely die if released back into the water. It is likely that the culmination of regulations that have evolved over the past three decades in concert with changing angler ethics and attitudes has been the primary factors in restoring wild rainbow population at or near historic high levels.

Hooking mortality has been related more to the use of bait than the size and number of points of the hook used. Bait use increases hooking of fish in vital areas and therefore mortality. Barbless hooks can ease release of fish hooked but their use does not clearly relate to fish survival. Hooking location is more critical to the survival of hooked fish.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. It is likely that the author of this proposal meant to include all single-hook waters and not just the more restrictive fly-fishing-only waters. The board, the public, community organizations and department personal have expended much time over the past years to promulgate regulations that safeguard our wild rainbow trout resources on a sustainable basis. Additional restrictions in either fly-fishing-only waters or single-hook waters are not necessary at this time.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 384, PAGE 290. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would prohibit the retention of Arctic grayling in the Prairie Creek drainage.

WHAT ARE THE CURRENT REGULATIONS? In the Prairie Creek drainage, Arctic grayling may be taken from January 1 – December 31. The bag and possession limit is two fish; no size limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Few if any Arctic grayling have been caught in Prairie Creek in the past five years. Adoption of this proposal would reduce the harvest of Arctic grayling by a small but unknown number.

BACKGROUND: Prairie Creek is a remote tributary of the Talkeetna River system and can only be accessed via floatplane or by helicopter. Conversations with long time area residents, users, and past department management staff indicate Prairie Creek once provided good Arctic grayling fishing, however, this no longer appears to be the case. In response to dwindling Arctic grayling abundance, the board took action in 1997 reducing the bag limit for Arctic grayling in Prairie Creek from five to two. In the past five years, sporadic catch information along with numerous reports from area residents suggests that Arctic grayling abundance in Prairie Creek may still be declining.

DEPARTMENT COMMENTS: The department is **NEUTAL** on this proposal. The department recognizes that there is concern from the public regarding Prairie Creek grayling. However, the data available to support this proposal is currently lacking.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 385, PAGE 291. 5 AAC 61.030. METHODS, MEANS, AND GENERAL PROVISIONS- FINFISH.

WHAT WOULD THE PROPOSAL DO? This proposal would make it legal to harvest northern pike using gillnets in lakes where it was determined that northern pike make up more than fifty percent of the lake fish population.

WHAT ARE THE CURRENT REGULATIONS? A gillnet is not a legal sport fishing gear for harvesting northern pike. In select Northern Cook Inlet Lakes anglers may use five lines or bows and arrows for taking pike.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Northern pike populations would likely be reduced in lakes department staff identified as having fifty percent of the population made up of northern pike. There would also be incidental catches of waterfowl, including loons and eagles, other fish species (resident and anadromous) and furbearers (muskrat, mink, beaver and otter).

BACKGROUND: The introduction of northern pike to the Cook Inlet (CI) area is thought to have occurred in the early 1950s. Through natural migration and illegal introductions they are now found in hundreds of lakes, ponds and streams in the Mat-Su, Kenai, West Cook Inlet and Anchorage areas. Prior to 1989 there was no bag or possession limit for northern pike. In 1989 the board adopted a proposal to establish a bag limit of 10 per day 10 in possession. In 1996 the board liberalized regulations for northern pike in the Northern Cook Inlet area eliminating the bag limit. Additional action legalized the use of five lines in select Northern Cook Inlet lakes. In 1998 the board adopted a proposal to allow anglers to use bows and arrows for taking pike.

Northern pike are known for their voracious appetites and will feed on anything they come in contact with. Habitat requirements for pike are fairly specific: shallow lakes, or lakes with shallow bays, supporting abundant weedy vegetation. Slow moving streams containing numerous side sloughs and large amounts of aquatic vegetation are also ideal for northern pike. Many of the shallow lakes and ponds and at least four of the slow-moving, weedy shallow water tributaries in the Susitna River drainage that once supported native rainbow trout, Arctic grayling and salmon populations now contain only pike. It is likely that northern pike played a major role in the demise of these native species.

The department supports northern pike management strategies that will reduce northern pike abundance in waters where they continue to prey upon native fish populations. The management strategy of allowing anglers to keep every pike they catch and allowing five lines when fishing through the ice on select lakes has increased the catch and harvest of northern pike, however, nearly all of the increased participation occurs on lakes that contain only pike. Gill nets are an effective method of reducing pike populations in some areas, however, they are non discriminate by species. Allowing anglers to utilize gillnets could reduce non-target fish and wildlife populations.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Though the department does agree with the concept of reducing northern pike populations, this proposal's adoption would require that the department make a determination of fish species abundance in a designated lake prior to allowing a gillnet fishery to occur. The department does not have the personnel or the funding available to initiate a project of this magnitude. In addition, the department would likely be required to monitor this gillnet fishery to reduce the incidental bycatch of other wildlife and fish species. The department has an invasive species policy that provides the department with direction and actions for reducing or eliminating invasive pike populations. This plan call for public input in assisting the department with addressing and identifying issues related to invasive pike populations and allows for public participation in reducing invasive pike population through the liberalization of pike sport fishing regulations but does not address the use of gillnets in area lakes and streams.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

West Cook Inlet (4 Proposals)

PROPOSAL 386, PAGE 291. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would allow the retention of king salmon in the Theodore River downstream of the road crossing at approximately river

mile 4 on Thursdays and Fridays during the king salmon season. The bag and possession limit would be one king salmon with an annual limit of two.

WHAT ARE THE CURRENT REGULATIONS? The entire Theodore River drainage is open to catch-and-release fishing for king salmon 20 inches or greater in length from January 1 through June 30. No retention is allowed. Only one unbaited single hook, artificial lure is allowed January 1 through July 13.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The expected harvest of king salmon on the Theodore River could exceed 500 fish if retention were allowed two days a week with a two fish annual limit.

BACKGROUND: The Theodore River and other West Cook Inlet streams are primarily remote in nature and access is limited to fly-in only. Escapement levels in West Cook Inlet streams (Theodore, Lewis and Chuitna rivers) dropped to all time lows in the late 1980s and early 1990s. These low returns were perceived to be the result of major flooding that occurred in 1986. Beginning in the early 1990s various emergency orders were issued limiting the harvest of king salmon. In 1997 the board closed the Theodore River to king salmon fishing, along with other West Cook Inlet streams. After showing an improvement in escapement numbers the river was reopened to allow only catch and release fishing in 1999. Prior to 1997 the estimated sport harvest and catch of king salmon for the Theodore River averaged 500 and 1,200 fish, respectively, with an average annual effort of 2,700 angler days. The Theodore River currently receives about 1,406 angler days of effort per year. Since 1997, the Theodore River has met its sustainable escapement goal range of 500-1,700 king salmon for all years except 2004, when it failed to reach the low end by only 9 fish.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The Theodore River is a small clear water system and is accessible to area residents including guides and charter operators by both private aircraft and air charter service from Anchorage and Kenai. The majority of sport fishing for king salmon in the area occurs on the larger Chuitna River where retention is allowed. However, water levels in this system routinely become high and cloudy rendering it unfishable during much of the season. When this occurs, anglers that fish the Chuitna River often move to the Theodore River to fish. In recent years helicopter fishing has become a much more popular activity in West Cook Inlet waters, in that larger sized helicopters now stationed out of Kenai are able to transport a large number of clients shorter distances whereby reducing charter fares significantly. Additionally, in recent years a new sport-fishing lodge opened in close proximity to the Theodore River. This migration of effort from the Chuitna River combined with an expected increase in angler effort due to increased helicopter fishing opportunities, the operation of a new sport fishing lodge and allowing a harvest of one fish may create an increase in the exploitation rate that would interfere with the ability to manage for sustained yield.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 387, PAGE 292. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? During the king salmon season in the Chuitna River, retention of king salmon would be prohibited on Mondays, Wednesdays, and Fridays. Retention would be allowed during the remaining four days per week.

WHAT ARE THE CURRENT REGULATIONS? The Chuitna River is open to the harvest of king salmon 20 inches or greater in length from January 1 through June 30, downstream of the cable crossing, with a bag limit of one fish per day, while upstream of the cable crossing king salmon 20 inches or greater in length may not be retained. There is an annual limit of five king salmon over 20 inches or greater in length. From May 15 through June 30 bait is prohibited and fishing is allowed only between the hours of 6:00 a.m. and 11:00 p.m.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The total annual harvest may be reduced by a small amount, but anglers interested in harvesting fish could still schedule their trip for days when harvest is allowed. This would likely concentrate anglers wishing to harvest fish into the remaining four days. It is also possible there would be a slight decrease in the overall effort as a few anglers wanting to harvest a king salmon may no longer fish at the Chuitna River.

BACKGROUND: West Cook Inlet (WCI) streams are primarily remote in nature and access is limited to fly-in only. The Chuitna River is the most popular of the WCI streams, with approximately 3,000 angler days expended annually between 1999-2003. Sport harvest and catch of king salmon for the same period averaged about 550 and 2,200 fish, respectively.

Escapement levels in WCI streams (Lewis, Theodore, and Chuitna rivers) dropped to all time lows in the late 1980s and early 1990s. These low returns were perceived to be the result of a major flooding event that occurred in 1986. Chuitna River escapement numbers recovered in the mid-90s and since 1996 the Chuitna River has met or exceeded its sustainable escapement goal range of 1,200-2,900 king salmon for all years except 2001 when the escapement was 50 fish below the low end of the range.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The system has sustained its present level of harvest and there appears to be no indication that this level of harvest will not be sustainable in the future. By eliminating retention of king salmon three days per week, effort by anglers wishing to harvest a king will be concentrated into the remaining four days, resulting in a more crowded fishery during those days.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 388, PAGE 292. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION, AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA - WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? The proposal would create a management plan that would make it illegal to clean or fillet fish from June 1 through August 31 within a ½ mile of the Wolverine Creek confluence.

WHAT ARE THE CURRENT REGULATIONS? There are no regulations or management plans that restrict anglers from cleaning or filleting fish within ½ mile radius of Wolverine Creek. However, there are guidelines adopted by the department and site users to manage recreational use at Wolverine Creek. One of these guidelines recommends users do not clean or fillet a fish within one mile of the outlet of Wolverine Creek .

The regulation, 5 AAC 92.320. FEEDING OF GAME. prohibits a person from intentionally feeding a bear or negligently leaving garbage in a manner that attracts these animals.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Compliance with the current guidelines for cleaning fish at Wolverine Creek appears to be working well; therefore, this proposal may have little or no impact on current fish cleaning practices at Wolverine Creek. However, if the board adopts this restriction, it would provide enforcement officers with a less demanding regulation for citing a violator, should an infraction of this nature occur.

BACKGROUND: Wolverine Creek, a tributary to Big River Lakes in the Redoubt Bay Critical Habitat Area (RBCHA), is located approximately 80 miles southwest of Anchorage on the west side of Cook Inlet and can only be accessed via float-equipped aircraft. . The abundance of salmon during early to mid summer attracts both bears and people to a small cove joining the lake and creek. In the past ten years, demand for sport fishing and bear viewing has increased significantly, from approximately 500 users in 1993 to over 9,055 in 2003. As recreational use at Wolverine Creek increased so have conflicts among visitors and between bears and visitors including food conditioning of bears and public safety.

In November of 2002, the department convened the Wolverine Creek Management Committee (WCMC) in an effort to alleviate user conflicts and safety concerns and better manage this site. The WCMC was tasked with assisting the department to develop and implement a set of management guidelines for this site. The committee is a peer-selected group representing all the major user groups that utilize this system including; fishing guides, bear viewing guides, recreational users, air charter business owners, and area

lodges. Fourteen guidelines were developed to assure the continued use of the site for sport fishing and wildlife viewing and to provide for visitor safety. One of the guidelines addresses cleaning fish as follows:

Cleaning fish on shore is not recommended. All fish remains should be deposited in deep water. Do not clean fish or place fish remains in the waters or on the shoreline within one mile of the outlet of Wolverine Creek.

Seasonal staff has been stationed in the area between mid-June and late July to stop food conditioning of bears, minimize displacement of feeding bears, and reduce adverse effects of visitors on wildlife habitat. On-site staff interacts with guides and visitors and serve as informational and educational resources for the continued public use and enjoyment of the area. In addition they have monitored boat and aircraft use of the area and encouraged guides and visitors to comply with management guidelines. These guidelines are also self-enforced by users with peer pressure as the primary vehicle for compliance and appear to be working well. As a result of the department's presence, and with the cooperation of many users, there has been progress in minimizing negative impacts to bears and habitat.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Although the department has the option of pursuing regulations to preserve and protect the resources of RBCHA, AS 16.20.625, the agency prefers to continue to work with the users of the Wolverine Creek area to cooperatively develop and implement voluntary management guidelines. These guidelines have provided management actions aimed at maintaining fish and wildlife populations and their habitat, as well as maintaining public access and opportunities for fishing, hunting, trapping, wildlife viewing, photography, and general recreation in a high quality environment. The department does realize that if in the future, angler attitudes change and non-compliance with the guidelines become problematic, it may be necessary to adopt regulations so that bears do not become food conditioned and become a public safety issue. The department also realizes that the adoption of this proposal could set a precedent and promote fish cleaning restrictions in areas where they are not presently needed.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 389, PAGE 293. 5 AAC 61.022. WATERS; SEASONS; BAG, POSSESSION AND SIZE LIMITS; AND SPECIAL PROVISIONS FOR THE SUSITNA – WEST COOK INLET AREA.

WHAT WOULD THE PROPOSAL DO? This proposal would designate a 3/8 mile corridor of Silver Salmon Creek as a fly-fishing only area.

WHAT ARE THE CURRENT REGULATIONS? Silver Salmon Creek within ½ mile of Silver Salmon Lake and Silver Salmon Lake are closed year-round to fishing for king salmon 20 inches or greater in length and other salmon 16 inches or greater in length.

In the remainder of Silver Salmon Creek, the open season for coho salmon is January 1 through September 30. The bag limit for salmon, other than king salmon, 16 inches or greater in length is 3 per day and 6 in possession, of which all may be coho salmon. A person who takes a bag limit of coho salmon 16 inches or more in length in the West Cook Inlet waters may not fish for any species in West Cook Inlet waters for the remainder of that day. Only unbaited, artificial lures are allowed July 15 through May 15.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Within a 3/8-mile reach of Silver Salmon Creek, anglers could fish with not more than one unweighted, single-hook fly with a gap between point and shank of 3/8 inch or less. Weights could be used only 18 inches or more ahead of the fly. Anglers that wished to fish with lures could not fish in this section of Silver Salmon Creek.

BACKGROUND: Silver Salmon Creek is located on the west side of Cook Inlet on the mainland approximately 8 miles south of the southern tip of Chisik Island. The stream is most commonly accessed by plane from across Cook Inlet. Regularly scheduled flights from Soldotna land on the beach adjacent to the creek during the summer months. The stream is fished primarily for silver salmon in August and early September. An average of 1,000 angler days were spent catching 3,500 silvers of which 1,300 were kept annually from 1999 through 2003. Harvest estimates from the SWHS are relatively stable. Approximately three lodges support sport fishing and bear viewing activities in the area.

Silver salmon are counted incidentally during aerial fix-wing surveys for chum salmon in late August. The average count is 2,750 silver salmon with a range of 630 to 6,900.

DEPARTMENT COMMENTS: The department is **NEUTRAL** regarding this allocative proposal.

COST ANALYSIS: The department does not believe that approval of this proposal may result in an additional direct cost for a private person to participate in this fishery.