



## Alaska Outdoor Council

PO Box 73902  
 Fairbanks, AK 99707-3902  
 (907) 455-4AOC (4262)  
 aoc@alaska.net  
 www.alaskaoutdoorcouncil.org

January 18, 2008

BOF Comments  
 Alaska Department of Fish and Game  
 Boards Support Section  
 P.O. Box 115526  
 Juneau, AK 99811-5526  
 Fax: 907-465-6094

RE: UPPER COOK INLET FINFISH

Chairmen Mel Morris,

RECEIVED

JAN 18 2008

BOARDS

The Alaska Outdoor Council (AOC) appreciates the opportunity to submit written comments on proposed regulatory changes regarding fisheries management of finfish for Upper Cook Inlet. AOC is a statewide umbrella organization with a combined membership of over 10,000 Alaskans who hunt, trap, fish, and access public lands and waters to obtain wildfood resources and for outdoor recreation.

AOC, and its parent organization the Alaska Territorial Sportsmen, have publicly participated in the Alaska Boards of Fisheries and the legislative process regarding conservation and allocation of fisheries resources since statehood. AOC has generally supported the boards past practices of following the Department of Fish & Game (department) lead regarding adoption of proposals necessary to assure sustained yield management of fisheries resources.

A number of Upper Cook Inlet (UCI) proposals pertaining to the suite of plans that govern the management of UCI salmon bring up major concerns regarding board deliberations dealing with the socio-economic allocation criteria, AS 16.05.251 (e), passed into statute by the legislature in 1986. Significant increases in the population of in-river anglers and the proliferation of the recreational sport fish industry in the Cook Inlet drainage deserve the consideration and board action consistent with the intent of the legislature when they passed fisheries allocation criteria into law.

RECEIVED TIME JAN. 18. 4:47PM

1/4

COMMENT #

28

AOC written comments UCI Finfish, 2008

page 2

**Proposal #114: Support.** The suite of plans governing salmon stock management for UCI are complex and confusing enough, do to competing objectives, without having being out of sequence in regulations. Adoption of this proposal should be considered clerical and would result clearer understanding of the issue by the public.

**Proposal #117: Support.** Counting hatchery fish in UCI as part of board adopted escapement goals confounds the intent of attempting to manage wild salmon stocks on the sustained yield bases. The importance of wild salmon stocks in UCI to the economy of the state is well documented and a factor in the allocation criteria of AS 16.05.251(e)(5). Fisheries for enhanced runs may result in over-harvest of wild runs which could result in declining escapement for wild salmon if escapement counts do not reflect actual counts of wild salmon stocks.

**Proposal#128: Oppose.** The Upper Cook Inlet Salmon Management Plan makes it clear that the need for sustainable fisheries for all salmon stocks and salmon species throughout the Cook Inlet basin is to be considered when the board adopts specific management plans; 5 AAC 21.363(a)(3)(A). A sustainable escapement goal (SEG) for salmon species provides for the sustained yield management that this proposal is trying to achieve.

What this proposal fails to acknowledge is 5 AAC 21.363(a)(4)(A) the need to allocate the harvestable surplus among commercial, sport, guided sport and personal use fisheries. The board is required to give consideration and professional scrutiny to the socio-economic criteria pressed on it by statute, AS 16.05.251(e). The three goals of this proposal: industry revitalization, improved quality, and stable supply of fish as it relates to the drift net commercial fisheries in Cook Inlet does not consider the allocation criteria factors as they relate to the other uses of the fishery.

The State Constitution; Article VIII, Sections 3, 4, and 15, is clear that the State should protect the fishery resource and provide for its development to benefit all the people of the state. The board as an extension of the legislature is obligated by Article VIII, Section 2, to provide for the maximum benefit of its people, not just for the drift net commercial fisheries. Current Cook Inlet demographics requires that all factors in statute regarding the economic and social objectives outlined in AS 16.05.251(e) be considered by the board during deliberations on UCI fisheries allocation.

RECEIVED TIME JAN. 18. 4:47PM

2/4

COMMENT #

28

AOC written comments UCI Finfish, 2008

page 3

**Proposal#135: Oppose.** The board should reject this proposals for similar reasons stated for proposal #128 regarding the increase in angler population in the Northern District and the proliferation of the recreational sport fish industry. In-river salmon anglers in the Northern District of Cook Inlet are a growing benefit to the state economy as well as to current Alaskans who obtain their wild fish harvest from the Susitna valley drainages. Current studies on the economic significance of sport fishing in the Northern District of UCI will not be available to the board until the fall of 2008 but the overview presented to the board by ADF&G Sport Fish Division should be considered during deliberation.

Achievement of the lower end of the OEG or SEG for sockeye runs on the Yentna River should remain the highest priority for the Northern District Salmon Management Plan until the sustainability of wild salmon runs in Susitna River Drainages have been assured.

**Proposal#165: Support.** Coho in-river fisheries on the west side of UCI are of benefit to Alaskan anglers and the sport fish industry.

**Proposal#206: Support.** Any time bag limits can be reduced as opposed to complete in-river fishing closures it would be less disruptive to Alaskans as well as the recreational sport fishing industry.

**Proposal#215: Support.** Personal use salmon fisheries in UCI should have the opportunity to reap the rewards of abundant salmon returns whenever escapement goals are assured.

**Proposal#265: Support.** Board adopted regulations need to be enforceable in order to evaluate their effectiveness on conservation issues.

**Proposal#292: Support.** Impaired water quality on the lower Kenai River has been attributed to inefficient boat motors this is clearly a conservation issue. All motors on the lower Kenai River should be required to meet expectable hydrocarbon discharge standards by a specified effective date

RECEIVED TIME JAN. 18. 4:47PM

3/4

COMMENT #


28

AOC written comments UCI Finfish, 2008

page 4

AOC membership is grateful to Board of Fisheries members for their commitment to Alaska's fisheries regulation process. AOC staff and board members will be available during the February 1-12, 2008 Upper Cook Inlet Finfish meeting to answer questions from the board on specific proposals and to participate on committees if called upon to do so.

Regards,



Rod Arno  
Executive Director, Alaska Outdoor Council  
(907) 841-6849

RECEIVED TIME JAN. 18. 4:47PM

4/4

COMMENT #

28

**Comments for Board of Fisheries Meetings February 1-12, 2008, Anchorage****Proposal #133-137 I Oppose all these proposals**

These proposals all want commercial uses to be the only use considered when making decisions about salmon stocks in Cook Inlet. Kind of narrow-minded, don't you think?

RECEIVED

**Proposal #138 I Support this proposal**

JAN 18 2008

This has to be done to achieve healthy Northern District salmon stocks, some ~~BOF rules~~ should be placed on the Stock of concern (yield basis) list immediately. This Northern District Salmon Management Plan was put in place by the Board of Fisheries after much deliberation and sound thinking. This plan has been Internationally recognized as a sound management plan, and one to imitate, not remove, as was done at the last BOF meetings on Cook Inlet.

As a lifelong Alaskan, an owner of a cabin on the Kenai River for forty years, and a recent AC member, I was appalled at the dramatic decline in salmon stocks in the Northern District. What was even more appalling than this decline, was the shock of listening to the total disregard for this decline by Cook Inlet Commercial Fisheries Managers.

Last week I attended the meeting of the Mat-Valley Fish & Game Advisory Committee, which was also attended by the Cook Inlet Commercial Fisheries Area Management Biologist, and several other ADF&G biologists. The Area Biologist's answers to questions about area salmon stocks were ridiculous to say the least. He says we have an "appropriate level of escapement" and to expect fewer fish next year because he plans to manage the same way - although we have not had enough fish in Fish Creek in ten years to have a personal use opening, we had a complete closure on sockeye last year throughout the Valley, and the Yentna did not make its minimum escapement again last year - that was an appropriate level. He calls those who express their concern about not getting enough fish for their personal use "whiners," and does it in a public meeting? He told (the new Su Valley Advisory Committee) how he will get around any BOF regulations so he can manage as he sees fit. He blames the BOF for tying his hands and being the reason for the shortcomings in escapements.

My request to you is to move him from this position and put in someone who can at least give us reasonable answers to our questions. I realize you cannot do that, so my real request is to really "tie his hands" so he has no choice but to let Northern District fish pass and at least protect the stocks. I think that is the first mandate of the BOF - protect the stocks. This biologist will not do it by his own admission.

Although this Area Biologist says he doesn't know how to let more fish pass, the retired (and current biologists) I've asked say it is not that hard, just do not open the area south or west of Kalgin Island in the first two weeks of July. We know that there is not an overescapement threat to Kenai River, since there is always the three-mile corridor to scoop up pretty much all the fish if that is needed. In reality, we know the drift fleet is not even needed to stop fish from overcrowding the Kenai River, as the 1989 season showed when the beach set nets alone caught all the sockeye necessary to protect the Kenai from overescapement. The BOF can't manage the fish in-season, and the ADF&G knows how, but the current manager won't. The BOF has to take a precautionary stance ("when faced with uncertainty, use caution...") and limit the commercial openings by regulation to make sure stocks are at least healthy.

The ADF&G is not doing their job to manage all the salmon stocks to be healthy. Is the Northern District still considered to be the "Sacrificial Lamb..." as stated in print twenty years ago? I request that you put back the entire pre-2005 Northern District Salmon Management Plan and also add whatever additional limits so the ADF&G cannot continue reducing the Northern District salmon stocks.

-Tony Russ, 376-6474

RECEIVED TIME JAN. 18. 4:45PM

COMMENT #

29

Jim,  
Comments for the UCI board meeting.  
Thank you,  
Audrey Stephens  
UCIDA Office Manager

RECEIVED  
JAN 18 2008  
BOARDS

1/27

COMMENT #

30

## Principals

1. Escapement Goal Management MSY
2. Adaptive Fish Management
3. Legal and Enforceable
4. Change for Cause

## Consideration

1. Loss of habitat
2. Science Based
3. Safety

## Upper Cook Inlet – General

---

- 74. Aircraft neutral
- 75. Aircraft neutral
- 76. Blanchard Line – Less .2 NM (Safety) oppose
- 77. Kenai / Kasilof section redefined (No need) KRSA oppose
- 78. Open South side Chinitna Bay (Allocative) support
- 114. Reorder plans – umbrella plan first neutral
- 115. Return to 1995 plans (1990 Regs) support
- 116. Personal use / Sport – Priority (KSRA) oppose
  - not legal
  - should be a restructuring proposal
  - cause serious harm to Alaska
- 124. Revise mgt plans by species oppose
- 125. +/- 3 million – in-river allocations – 2 permits support  
2 permits / drift boat
- 278. Unintentional hooking oppose

2/27

COMMENT # 30

## Coho – General

---

- 79. Later dates – Kasilof section – Aug 10-15  
Earlier dates – Kenai E. Forelands  
- changed to July 1-Aug 15 support
- 87. Sockeye – Coho mgt 1% to 5% (KRSA) oppose
- 92. Repeal Kenai River Coho mgt plan support
- 165. Repeal West Side Coho mgt plan (KRSA) oppose  
- Sunset Clause
- 279. Increase Coho bag limits (2 to 3 bag / possession) oppose
- 280. Increase Coho bag limits (2 to 3 bag / possession) oppose
- 281. Increase Coho bag limits (2 to 3 bag / possession) oppose
- 282. Extend Coho season to Nov. 30 support

### Points

1. Coho are not a conservation issue
2. Coho total exploitation rate is ~ 30%
3. Additional Coho harvests can occur up to 70%
4. Additional allocations in proportion to current harvests  
– both Sport and Commercial
5. Extending the season late in fall when water levels are low and boat wakes are increasing bank erosion.

3/27

COMMENT# 30



## Seasons – Sockeye

### Kenai E. Forelands

- 80. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support
- 81. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support
- 82. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support
- 83. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support
- 84. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support
- 85. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support
- 86. Set Net Fisheries close by EO support
- 87. Clarify transition between sockeye & coho mgmt oppose
- 88. Kenai E. Forelands – July 1 [8] → Aug 15 [10] support

### Drift Fishery

- 89. Close Drift Fishery by E.O. support
- 91. Repeal July 17 & 26 restrictions  
appeal to 353 A-B-C get rid of support
- 93. Kasilof opening – 50,000-25,000 for Set Net support
- 94. Set Net opening – June 15  
open drift support

### Points

1. Earlier opening are warranted
2. Economic necessity
3. Crew & gear training and testing
4. Close all commercial fishing by E.O. (guidelines acceptable)
5. Adaptive management – abundance based
6. Escapement goal – MSY management

4/27

COMMENT# 30

## Dates – Seasons – Drift

---

- 90. Mon-Thurs to Mon-Wed-Fri (Escapement Goal Mgt.) support
- 95. Mon-Thurs to Mon-Wed-Fri (Escapement Goal Mgt.) support
- 96. Mon-Thurs to Mon-Wed-Fri (Escapement Goal Mgt.) support
- 97. Mon-Thurs to Mon-Wed-Fri (Escapement Goal Mgt.)  
two day a week unrestricted support
- 98. 1.5 miles to 2 miles E. shore (KPFA)  
expands corridor oppose
- 99. 1.5 miles to 2 miles E. shore (KPFA)  
expands corridor oppose
- 162. Delete CD Drift Fishery mgt plan (Esc. goals – adaptive) support
- 163. Restrict Drift areas – buffer areas (ND Set Net) oppose
- 164. Clarify August periods, with restrictions (July 16 to Aug 10 – Drift – No Comm. EO restriction) oppose

## Points

1. Return to traditional fishery
2. Provides for M-W-F patterns – economic benefit for Southcentral
3. Keep corridor as currently described
4. Provide for in-season adaptive abundance-based management

5/27

COMMENT# 30

## Kings – Set Net

---

- 100. Tuxedni – 1000 kings – 35 fathoms (area added) support
- 101. Tuxedni – 2000 kings – 35 fathoms (area added) support

## Points

1. Drift fleet should be allowed to participate in fishery

6/27

COMMENT# 30

## Gear – Drift/Set

---

### Monofilament

- 102. 50 fathom monofilament to 150 fathoms support
- 103. 50 fathom monofilament to 150 fathoms support
- 104. Outlaw monofilament oppose
- 105. 150 fathoms to 200 fathoms – drift support
- 106. 45 mesh to 60 mesh deep – drift only support
- 107. Drift – 2 permit holders – 150 to 200 fathoms support
- 108. Set Net – 105 fathoms to 140 fathoms  
3 to 4 nets per permit oppose
- 109. Set Net – 3 strand gillnet webbing oppose
- \*\*110. Live fish harvester no action
- 111. Set Nets – 600 ft from high tide oppose
- 112. Set Net – 48 hour notice to change location no action
- 113. UCI & Kodiak – one registration no action

### Points

1. Proposals 110, 111, 112 and 113 defer all these to a restructuring working group
2. Allow greater use of monofilament – economic issues

7/27

COMMENT# 30

## Escapement Goals – UCI

---

- 117. Escapement Goal mgt. - do not count hatchery fish                      oppose
- 118. Return to 1995 escapement goals      (1990)                                      support
- 126. Commissioner's E.O. authority    support
- 127. Commissioner's E.O. – escapement goals                                      support
- 128. Commissioner's E.O. – escapement goals                                      support
- 129. Commissioner's E.O. – escapement goals                                      support
- 130. Escapement goals priority    support
- 131. Escapement goals priority    support
- 132. Exceed escapement goals    oppose  
    (Compounds escapement goal management)
- 133. Commercial priority (Quality, economic issues)                                      support
- 160. CD Plan – Manage for escapement goals                                      support

### Points

1. Manage for escapement goals and economic returns  
Priority: BEG's  
          SEG's
2. Describe the sport / PU allocations directly
3. Avoid in-river and OEG escapement goals
4. Don't regulate as to interfere with commissioner's E.O. authority

8/27

COMMENT# 30

**Northern District – Yentna – Susitna**

- 119. Conservation Corridor oppose
- 120. Chum stock of concern oppose
- 121. OEG – Yentna – 105 to 195,000 oppose
- 122. OEG – Yentna – 105 to 195,000 oppose
- 123. Eliminate Fish Creek stocking support
- 134. Amend NDSM plan support
- 135. Eliminate Coho discussion / restrictions support
- 136. Manage for commercial users support
- 137. Repeal Coho language support
- 138. Reinstate pre-2005 Coho restrictions oppose
- 139. Close commercial fishing – Alexander Creek oppose
- 140. Clarify – reinstate Yentna/Kenai escapement goals oppose
- 141. Larger sockeye escapements to ND oppose
- 142. Additional Coho fishing – ND support
- 143. Yentna/Kenai - limit ND commercial users oppose

9/27

COMMENT# 30

**Northern District – Yentna – Susitna**

- 144. ND Comfish vs. CD Drift oppose
- 145. ND Comfish vs. CD Drift oppose
- 146. ND king commercial expansion – for Drifters support
- 147. ND king commercial expansion – for Drifters support
- 148. 6 to 8 inch gillnet – kings – ND support
- 149. ND king commercial expansion support
- 150. ND king commercial expansion support
- 151. ND – king drift gillnetting support
- 342. Increase Coho limits from 2 to 3 oppose
- 343. Delay use of bait until after Sept. 15 oppose

Points

1. Kings – May/June – additional harvests inside current allocation of 12,000 kings
2. Additional coho harvests by ND and CD, current exploitation at ~ 30%  
- can go up to 70% harvests
3. ND stocks abundant, more than escapement goals
4. ND sockeye escapement goals need formal review
5. Additional harvest on chums and pinks – economic benefit to Southcentral
6. No conservation corridor – economic issues, economic hardship
7. No conservation corridor – not needed to meet escapement goals

10/27

COMMENT# 30

## Big River sockeye management

- 152. Earlier sockeye fishing support

## Pink Salmon Plan

---

- 153. Reinstate pink plan area oppose
- 154. Additional pink days support
- 155. Allow Set Nets to harvest pinks support
- 156. Allow Set Nets to harvest pinks support
- 157. Make pinks economically viable support
- 158. Set Net pink harvest support
- 159. Delete pink management plan support

## Points

1. Pinks can and will be harvested – need appropriate time and area opportunities  
– economic benefit to Southcentral Alaska
2. Provide for meaningful pink harvests by both Drift and Set Net
3. Current plans do not provide for significant harvests.

11/27

COMMENT# 30



## Kasilof River

- 166. Achieve in-river goals – eliminate windows (Confounds Escapement Goal Management) support
- 167. Remove most of plan-windows-SHA (Special Harvest Area) support
- 168. Delete most of Kasilof River management plan (Not adaptive in-season management) support
- 169. Increase OEG – move Blanchard Line (Historic – confounds escapement goal management) oppose
- 170. KSHA – open Kasilof section with SHA support
- 171. Move sport regulations to SF regs. support
- 172. KSHA – rarely used wording support
- 173. Limit use of KRSHA support
- 174. Eliminate KRSHA support
- 175. King window / corridor (Confounds esc. goal mgt.) oppose
- 176. King window / corridor (Confounds esc. goal mgt.) oppose
- 177. Manage for escapement goals support
- 178. New OEG – 175,000 to 350,000 (Not Biologically or Scientifically warranted) oppose
- 179. New OEG – 200,000 to 350,000 (Not Biologically or Scientifically warranted) oppose
- 180. Repeal management plan (Keep Escapement Goals – rest of plan unnecessary) support

12/27

MENT# 30

### Special Harvest Area

- 181. Set / Drift – 1200 / 1200 oppose
- 182. Additional time – 600 ft oppose
- 183. Limit Difters - .5 mile oppose
- 184. Set / Drift – 3,000 / 3,000 oppose
- 185. Expand – redefine SHA oppose
- 186. Set / Drift – 1,200 / 1,200 oppose

### Points

1. Rarely use KRSHA, poor quality fish, poor economic return on fish

### Kasilof River

- 229. No power boats above Old Kasilof Landing support

### Points

1. Retain current sockeye escapement goal of 150,000-250,000 – economic issue
2. Delete OEG – very little harvest above sonar counter
3. Retain Blanchard Line location
4. Delete windows – Not esc goal mgt or in-season adaptive mgt
5. Provide for adaptive abundance management

13/27

COMMENT# 30

## Kasilof Kings

- 225. Increase harvest of natural kings – sport oppose
- 226. Oppose harvest of hatchery kings oppose
- 227. Prohibit Catch & Release support
- 228. Sterling Hwy to Tustumena Lake Sanctuary support
- 231. Closed area – Kasilof River  
Sterling Hwy to Slackwater support
- 232. Allow motorboats on Kasilof River oppose
- 233. Anchor boats in Kasilof River oppose
- 234. Bag possession – 3 to 6, 12, 24 sockeye oppose

## Points

1. Support 228 – good idea – no fishing from boats – Sterling Hwy to Slackwater

14/27

COMMENT# 30

**Kenai Sockeyes**

- 187. OEG – 400-700,000, +/- 3 million support
- 188. OEG – 400-700,000, +/- 3 million support
- 189. SEG – 500-800,000, below RM 19 – 600-900,000 support
- 190. SEG – 500-800,000, below RM 19 – 600-900,000 support
- 191. EG – 500-800,000, below RM 19 – 600-900,000 support
- 192. OEG – 500-1,000,000, delete 3 tiers support
- 193. Increase sport harvest oppose
- 194. Spawn EG 400-700,000 support
- 195. Remove restrictions, use Commissioner E.O.'s  
- In-season, adaptive based management support
- 196. Spawn EG – 400-700,000 support
- 197. Spawn EG – 400-700,000 – delete tiers support
- 198. Spawn EG – 400-700,000 – delete minimize coho support
- 199. Manage for 500-800,000 SEG  
- In-river goal 600,000-900,000 – RM 19 support
- 200. Remove windows support
- 201. Escapement 450-750,000 support

15/27

COMMENT# 30

## Kenai Sockeyes

- 202. KRSA windows – bad for esc goal mgt oppose
- 203. KRSA 1-12 hour fishing period – Monday only oppose
- 204. Delete king, coho mitigations  
- Restricts in-season, Comm. EO authority support
- 205. Equal sport / commercial  
- Not in keeping with M/S Act oppose
- 206. In-river below 650,000 – reduce bag limits to 1 fish  
- Not needed, sportfishing never closes oppose
- 207. > 4 million bag / possession – 12 sockeyes oppose
- 208. KRSA - > 4 million bag / possession – 18 sockeyes oppose
- 209. Kenai Special Harvest area open oppose

## Points

1. Escapement goal 400,000-700,000 past river mile 19 sonar
2. Apply adaptive abundance-based management – remove windows
3. Establish PU harvests based on sockeye abundance and run size
4. Establish sport harvests below and above river mile 19 sonar site
5. Delete OEG – unnecessary
6. Prefer biological escapement goals
7. PU fishery should target other than sockeyes

## Russian River Sockeye

- 210. 50% of return to commercial users support

16/27

COMMENT#\_30

## Personal Use – Kenai River Late-Run Sockeyes

- 211. Open PU after 450,000 escapement past RM 19 support
- 212. Close PU until lower escapement goal is met support
- 213. PU to share conservation burden support
- 214. Lost day added to end of PU fishery  
- Awkward and unnecessary – Comm. EO oppose
- 215. Above 850,000 ES – 25 to 50 – 10 to 15  
- Annual limits increased oppose
- 216. If river exceeds EG increase – area and bag limits oppose
- 217. Reduce PU to 5 per person, up to 25 per household, max support
- 218. No more that 50% harvest PU from Kenai support
- 219. PU from 25 to 15 per h-o-h, 10 to 5 each additional support
- 220. PU mesh size max 2.5 inches  
- Gillnet causes mortality support
- 221. Prohibit 2-stroke motors in PU  
- Water pollution problem support
- 222. Prohibit 2-stroke motors in PU  
- Water pollution problem support
- 223. Prohibit 2-stroke motors in PU  
- Water pollution problem support
- 224. PU allow rod and reel oppose
- 230. No PU from power vessels  
- In slack tide water areas support

17/27

COMMENT# 36

Points

1. PU fishery harvests must be abundance-based
2. Must reduce hydrocarbon levels in lower river, Kenai, Kasilof
3. PU Fishery "net and keep" or use smaller webbing to allow sorting of fish
4. Close until health and sanitation facilities are provided
5. PU fishery target other species – coho, pinks

18/27

COMMENT# 30

## Kenai Kings

- 255. Increase Jack King harvest support
- 256. Increase Jack King harvest support
- 257. Increase Jack King harvest support
- 258. Increase Jack King harvest support
- 259. Retain hatchery kings in Kenai oppose
- 260. Retain hatchery kings in Kenai support
- 261. Eliminate slot limit – early run – Kenai kings oppose
- 262. Eliminate slot limit – early run – Kenai kings oppose
- 263. Modify slot limit – kings – Jan 1 - July 31 support
- 264. Extend slot limit – early run kings to July 14 support
- 265. No filleting of salmon – Jan.1 – July 14 support
- 266. No bait – Moose to Skilak – thru June 30  
- Kenai Professional Guides support
- 267. Earlier use of bait – May 1 or June 1  
- Mel Erickson oppose
- 268. Increase size of sanctuaries  
- on small returns support
- 269. Increase size of sanctuaries  
- on small returns support

19/27

COMMENT# 30



## Kenai Kings

- 270. Jan 1 – Aug 7 season, escapement goal warranted  
- Run timing oppose
- 271. July 31 to Aug 10 oppose
- 272. Escapement goal to 35,000 oppose
- 273. Special provisions – > 17,500, Drift / Set Net  
- Provisions support
- 274. Deletions & time/area provisions  
- Adaptive in-season management support
- 275. Non-resident limit on kings – Illegal – M/S support
- 276. Limit non-residents – Illegal – M/S support
- 277. Limit non-residents – Illegal – M/S support
- 297. 48-hour king window  
– pulses of fish for spawning purposes support
- 298. Limit non-residents – Illegal – M/S support
- 299. Open Kenai River below Soldotna bridge oppose

## Points

1. Large 50" kings rarely occur, selective harvesting by sport fishery
2. King fishery should be below Soldotna bridge for guides
3. No more catch and release fishing
4. Sport harvest should not result in commercial closures
5. Extend seasons – Escapement goal related

20/27

COMMENT# 30

## Kenai River – General

- 283. Add Thursday as Drift day support
- 284. Add one drift-only day support
- 285. Additional drift-only day support
- 286. One additional non-guide day support
- 287. Add one drift-only day support
- 288. Add additional drift-only days support
- 289. Add additional drift-only days support
- 290. Drift only no action
- 291. 4-stroke or 2-stroke direct fuel injection motor support
- 292. 4-stroke or 2-stroke direct fuel injection motor support
- 293. 4-stroke or 2-stroke direct fuel injection motor support
- 294. Regulate motorized use support
- 295. Reduce hydrocarbons support
- 296. Reduce hydrocarbons support
- 300. Require powerboat course oppose
- 301. No motorized vessels on Upper Kenai support

### Points

1. Reduce hydrocarbons in the Kenai River
2. Additional Drift-only day

21/27

COMMENT# 30

## Kenai River Guiding

- 302. Limited entry for guides oppose-legal
- 303. Guides 6:00-6:00 to 7:00-7:00 no action
- 304. Guides 6:00-6:00, 7:00-7:00 support
- 305. Guides 6:00-6:00, 8:00-8:00 oppose
- 306. Guides 10-minute rule oppose
- 307. Prohibit guides on river ½ hour prior to opening no action
- 308. Day & time limits on guides support
- 309. No guides on Thursdays in June and July support
- 310. No guides on the River on Sundays support  
- No registered guides or guide boats on the River on Sundays
- 311. No guides on the River on Sundays support  
- No registered guides or guide boats on the River on Sundays
- 312. No guides on the River on non-guided hours/days support
- 313. One client or group per day support
- 314. One client or group per day support
- 315. One trip on Kenai or Kasilof per day support
- 316. One trip anywhere in UCI per day support

22/27

COMMENT# 30

## Kenai River Guiding

- 317. Either Kenai or Kasilof River registration support
- 318. One trip on Kenai or Kasilof per day support
- 319. Can't fish Kasilof if Kenai is closed support
- 320. No guides on Kasilof River on Mondays support
- 321. Allow guiding on Mondays oppose
- 322. Allow guiding on Mondays oppose
- 323. Allow drift guiding on Mondays oppose
- 324. Guide boats – 5 to 6 clients max. oppose
- 325. One day guided only oppose
- 326. 7 guided fishing days – 5 days only per guide oppose
- 327. Open Sundays on Kasilof to guiding oppose
- 328. No guide fishing with clients present support
- 329. Un-registering guide vessels oppose

### Points

1. Guides have and are pushing the Alaskan public off the river
2. Most guide clients are non-residents
3. One trip per day
4. No guide fishing with clients
5. No guides or boats on the River on closed days

23/27

COMMENT# 30

## Mat-Su Guiding

- 330. Reduce open periods - Alexander Creek support
- 331. Close Alexander Creek for 4 years  
- Science based – OK support
- 332. Close Alexander Creek for 3-4 years  
- Science based – OK support
- 333. Close Alexander Creek for a few years  
- Science based – OK support
- 334. Close Alexander Creek for a few years  
- Science based – OK support
- 335. 24 hour fishing – Unit 1 – Susitna oppose
- 336. Bait in Unit 1 – Susitna oppose
- 337. King bag limit – 1 to 2 per day  
- Comm. EO, in-season abundance based oppose
- 338. 24 hour in Deshka oppose
- 339. Extend king season downstream from weir oppose
- 340. Unit 2 – Expand king season oppose
- 341. Unit 2 – Multiple hooks for kings oppose

## Points

1. Mat-Su guiding is a new and developing fishery; control the growth of guiding in the Mat-Su as per policy
2. Oppose any expansion of the guiding industry at expense of Kenai Peninsula Commercial Fishing Community

24/27

COMMENT# 30

## Chuitna River

- 344. Close sport fishing support

## Little Susitna

- 345. Prohibit baits year-round support
- 346. Allow bait for kings July 1-13 oppose
- 347. HP restrictions – Houston to Cook Inlet support

## Eklutna Trail Race

- 348. Expand fishing area no action

## Big Lake

- 349. Use bait in Big Lake no action
- 350. Burbot closure & bag limits no action
- 351. Burbot bag limits no action

25/27

COMMENT# 30

## Northern Pike

- 352. Expand harvests of support
- 353. Expand harvest of pike in Shell Lake support
- 354. Allow up to 12 lines for northern pike in UCI support
- 355. Expand harvest of pike in UCI support

## Points

1. Pike harvest – 365 / 7 / 24, any means, no bag limit

## PU in UCI

- 356. Establish PU in all UCI streams  
- change bag / possession limit to sport fish oppose
- 357. Limit harvest of hooligan no action
- 358. Open PU fishery near Beluga no action

26/27

COMMENT# 30

## No Comment

- 235. Rainbows
- 236. Rainbows
- 237. Rainbows
- 238. Rainbows
- 239. Rainbows
- 240. Rainbows
- 241. Rainbows
- 242. Rainbows and Dolly Varden
- 243. Single Hook
- 244. Barbless hooks
- 245. Barbless hooks - < #6 hooks
- 246. No anchoring below Skilak Lake
- 247. No size restrictions on Dolly Varden
- 248. Dolly Varden
- 249. Rainbow – Hidden Lake
- 250. Increase Pike harvests
- 251. Increase Pike harvests
- 252. Increase Pike harvests
- 253. Cable crossing provisions
- 254. Youth fishing

27/27

COMMENT#

30





# United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
Office of Subsistence Management  
3601 C Street, Suite 1030  
Anchorage, Alaska 99503

JAN 11 2008

FWS/OSM/Regulatory Proposals

Mr. Mel Morris, Chairman  
Alaska Department of Fish and Game  
Board of Fisheries  
1255 West 8<sup>th</sup> Street  
P.O. Box 25526  
Juneau, Alaska 99802-5526

Dear Chairman Morris:

At its upcoming meeting scheduled to begin February 1, 2008, the Alaska Board of Fisheries will deliberate 2007/2008 regulatory proposals that address Upper Cook Inlet commercial, sport, and personal use finfish fisheries. We understand that the Board will be considering approximately 285 proposals at this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management, working with other Federal agencies, has reviewed these proposals and developed preliminary comments on proposals which may have an impact on Federally qualified subsistence users and Federal subsistence fisheries in this area. Our comments are enclosed.

Currently, Federal regulations for subsistence fishing with rod and reel in Federal public waters in the Cook Inlet area, unless otherwise specified by harvest permit or specifically addressed by Federal subsistence regulations are the same as State regulations for sport fishing. So long as the relevant Federal regulations are the same as Alaska sport fishing regulations, by reference, changes to the sport fishing regulations would have the same effect on Federal subsistence opportunity. Your Board will address several sport fishing proposals requesting changes to area, bag/slot limits and methods and means, which if adopted could limit Federal subsistence fishing opportunities. We may wish to comment further on specific proposals if issues arise during the meeting which may have an impact on Federal subsistence users and fisheries.

1 of 21

COMMENT# 31

Mr. Mel Morris, Chairman

2

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues.

Sincerely,



Peter J. Probasco  
Assistant Regional Director

cc Denby S. Lloyd, ADF&G  
Michael Fleagle, Chair FSB  
John Hilsinger, ADF&G, Anchorage  
Charles Swanton, ADF&G, Juneau  
Elizabeth Andrews, ADF&G, Juneau  
Rob Bentz, ADF&G, Juneau  
James Hasbrouck ADF&G Anchorage  
Patti Nelson, ADF&G, Juneau  
Jeff Regnart, ADF&G, Anchorage  
Tina Cunning, ADF&G, Anchorage  
Jim Fall, ADF&G, Anchorage  
George Pappas, ADF&G, Anchorage  
Jim Marcotte, ADF&G, Juneau  
Interagency Staff Committee  
Federal Subsistence Board

2 of 21

COMMENT# 31

**FEDERAL STAFF COMMENTS ON  
ALASKA BOARD OF FISHERIES PROPOSALS  
for the  
UPPER COOK INLET MANAGEMENT AREA**

**State of Alaska  
Board of Fisheries Meeting  
February 1, 2008  
Anchorage, Alaska**

## Table of Contents

<u>Proposal</u>	<u>Page Number</u>
Proposal 228	2
Proposal 236	3
Proposal 238	4
Proposal 239	5
Proposal 240	6
Proposal 243	7
Proposal 244	8
Proposal 245	9
Proposal 247	10
Proposal 248	11
Proposals 261, 262,	13
Proposal 263	14
Proposal 265	16
Proposal 267	17
Proposal 282	18

### Federal Comments

The following comments address these proposals only as they affect Federally qualified subsistence users and resource conservation.

Proposal 228 requests that a portion of the Kasilof River be designated as a king salmon spawning sanctuary.

#### **Current State Regulation:**

**5 AAC 56.122 Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area.**

*(8) Kasilof River drainage, excluding Crooked Creek and Tustumena Lake and its tributaries:*

*(A) king salmon 20 inches or greater in length may be taken from January 1-June 30, upstream of the Sterling Highway Bridge...*

**Current Federal Regulation:**

**Kasilof Salmon**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof River drainage:*

*(A) Residents of Ninilchik may take sockeye, Chinook, coho, and pink salmon through a dip net and rod and reel fishery on the upper mainstem of the Kasilof River from Federal regulatory markers on both sides of the river below the outlet of Tustumena Lake downstream to markers on both sides of the river at Silver Salmon Rapids. ...*

*(1) Fishing for sockeye and Chinook salmon will be allowed from June 16 through August 15.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Possibly, depending on the intent of the proposal. If creating a "spawning sanctuary" means to prohibit all fishing in a designated portion of the river then adoption of this proposal could directly impact Federally qualified subsistence users. The Federal subsistence fishery for late-run Chinook salmon, as well as other salmon and resident species, occurs in this area.

**Federal Position/Recommended Action:** Oppose. The Federal subsistence fishery for late run king salmon occurs in this area, and the State sport fishery is closed to the taking of Chinook salmon from July 1 through December 31, upstream of the Sterling Highway Bridge to provide protection for spawning Chinook salmon. Federal Subsistence Management Program staff support conservation of the resource but this proposal appears to be unnecessary and contrary to a Federal subsistence priority, when sport fishermen are allowed to harvest Kasilof River late run Chinook salmon below the bridge.

**Proposal 236** requests an increase in the rainbow trout bag limits for the Kenai River drainage lakes and ponds.

**Current State Regulation:**

**5 AAC 57.120(6)(E). General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area**

(E) may be taken from January 1 - December 31, in stocked lakes and ponds of the Kenai River and Kenai Lake drainage; bag and possession limit of five fish, of which only one

may be 20 inches or greater in length; for the purpose of this subparagraph, "stocked lakes and ponds" means Aurora Lake, Barbara Lake, Cabin Lake, Carter Lake, Cecille Lake, Chugach Estates Lake, Douglas Lake, Elephant Lake, Island Lake, Longmere Lake, Loon Lake, Rainbow Lake, Scout Lake, Sport Lake, Thetis Lake, Tirmore Lake, and Vagt Lake;

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless otherwise prohibited or provided in this paragraph \_\_.27(i)(10).*

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(F)(3) ... In lakes and ponds, daily bag and possession limits are 2 per day and 2 in possession of which only 1 fish 20 inches or longer may be harvested daily.*

*There is annual limit of 2 rainbow/steelhead trout 20 inches or longer.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** No direct impact is anticipated. However, if this proposal is adopted the State sport fishing bag and possession limits in lakes and ponds would be greater than Federal subsistence daily harvest limits for rainbow trout in lakes and ponds.

**Federal Position/Recommended Action:** Neutral. However, when the Federal Subsistence Board adopted the regulations for this fishery, it retained State sport fishing bag and possession limits because of conservation concerns for rainbow trout stocks in the Kenai River drainage. Federal Subsistence Management Program staff does not believe increasing the bag limit for rainbow trout would create a conservation concern in stocked lakes, but do have concerns for doing so in natural (non-stocked) lakes. If adopted, any person or group could submit a proposal to the Federal Subsistence Board to align Federal daily harvest limits for rainbow trout in lakes and ponds with State sport fishing regulations.

**Proposal 238** requests an increase in the rainbow trout spawning closure area from the outlet of Skilak Lake to the Upper Killey River to include Dolly Varden.

**Current State Regulation:**

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

**Current Federal Regulation:**

§ \_\_.27(i)(10)(iv) *You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. ...*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. Seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted the relatively small number of Federal subsistence users participating in this fishery would lose the opportunity to fish for Dolly Varden in this area prior to June 11.

**Federal Position/Recommended Action:** Support. Federal Subsistence Management Program staff support conservation of the resource and this request if ADF&G determines that adopting this proposal is necessary for the conservation of spawning rainbow trout. If this proposal is adopted, any person or group could submit a proposal to the Federal Subsistence Board requesting it adopt specific regulations permitting Federal subsistence fishing prior to June 11 for Dolly Varden in this area.

**Proposal 239** requests a change to the beginning date of the rainbow trout spawning closure from May 1 to May 15 and retention of the ending date of June 11.

**Current State Regulation:**

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

**Current Federal Regulation:**

§ \_\_.27(i)(10)(i) *Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless otherwise prohibited or provided in this paragraph \_\_.27(i)(10).*

§ \_\_\_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein.

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. Seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted, the relatively small number of Federally qualified subsistence users fishing with rod and reel gear would be provided an additional 14 days to fish for rainbow trout in the waters of the Kenai River upstream from Skilak Lake.

**Federal Position/Recommended Action:** Oppose. The current closure dates were adopted by the Federal and State Boards to protect spawning rainbow trout and should be retained.

**Proposal 240** requests sport fishing be prohibited during the rainbow trout spawning closure (May 1 through June 15).

**Current State Regulation:**

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

**Current Federal Regulation:**

\_\_\_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein.

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. Seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted, Federally qualified subsistence users would lose the opportunity to fish for rainbow trout, other resident species and salmon, downstream from Skilak Lake from May 1 through June 15 and for salmon in the Russian River from June 11 through June 14.



**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. However, unless a conservation concern exists, this proposal would unnecessarily reduce the harvest opportunity for Federally qualified subsistence users to fish for rainbow trout, other resident species and salmon.

**Proposal 243** requests only single, barbless hooks be used in the flowing waters of the Kenai River upstream of the Lower Killey River from August 21-June 10.

**Current State Regulation:**

**5 AAC 57.122 Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area; and 5 AAC 57.123 Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Upper Section of the Kenai River Drainage Area.**

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(E)(1) In the Kenai River below Skilak Lake, fishing will be allowed with up to 2 baited single or treble hooks from June 16 through August 31.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. There are specific Federal regulations for this fishery which allows for up to 2 baited single or treble hooks from June 16-August 31. However, outside of those dates, seasons, harvest and possession limits, and method and means for take are the same as those for the taking of these species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted, Federally qualified subsistence users would be limited to single, barbless hooks from September 1 through June 10. This would reduce the ability of Federally qualified subsistence users to efficiently harvest coho salmon after August 21 and Dolly Varden prior to June 10.

**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. However, unless a conservation concern exists, this proposal unnecessarily reduces the efficiency and harvest opportunity of Federally qualified subsistence users fishing in this area during this time period.

**Proposal 244** requests anglers targeting rainbow trout or Dolly Varden in the Kenai River use barbless hooks or hooks with pinched barbs, with a hook gap no greater than 3/8 inches.

**Current State Regulation:**

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

*(5) Arctic char/Dolly Varden*

*(6) rainbow/steelhead trout*

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(E)(1) In the Kenai River below Skilak Lake, fishing will be allowed with up to 2 baited single or treble hooks from June 16 through August 31.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. There are specific Federal regulations for this fishery which allows for up to 2 baited single or treble hooks from June 16-August 31. However, outside of those dates, seasons, harvest and possession limits, and method and means for take are the same as those for the taking of these species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57). If this proposal is adopted, Federally qualified subsistence users would be limited to a single, 3/8 inch barbless hook from September 1 through June 15. This would reduce the ability of Federally qualified subsistence users to efficiently harvest coho salmon after September 1 and Dolly Varden prior to June 16. If adopted, this proposal would be difficult to enforce since anglers could claim they were targeting species other than rainbow trout and Dolly Varden (e.g., lake trout or salmon).

**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. However, unless a conservation concern exists, this proposal would unnecessarily reduce the efficiency and harvest opportunity of Federally qualified subsistence users fishing in this area during this time period. In addition, it would be a challenge for enforcement officers to determine what species fishers were targeting.

**Proposal 245** requests gear restrictions for harvesting rainbow trout and Dolly Varden in a portion of the Kenai River.

**Current State Regulation:**

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

*(5) Arctic char/Dolly Varden*

*(6) rainbow/steelhead trout*

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(E)(1) In the Kenai River below Skilak Lake, fishing will be allowed with up to 2 baited single or treble hooks from June 16 through August 31.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. There are specific Federal regulations for this fishery that allow Federally qualified subsistence users to fish with up to 2 baited single or treble hooks from June 16-August 31. However, outside of those dates, seasons, harvest and possession limits, and method and means for take are the same as those for the taking of these species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted, Federally qualified subsistence users targeting rainbow trout or Dolly Varden would be limited to single, barbless hooks no larger than size 6 when fishing for rainbow trout and Dolly Varden from September 1 through June 15 in the Kenai River above its intersection with the Moose River. This would reduce the ability of Federally qualified subsistence users to efficiently harvest coho salmon after August 31 and Dolly Varden prior to June 16. If adopted, this proposal would be difficult to enforce since anglers could claim they were targeting species other than rainbow trout and Dolly Varden (e.g., lake trout or salmon).

**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. However, unless a conservation concern exists, this proposal would unnecessarily reduce the efficiency and harvest opportunity of Federally qualified subsistence users fishing in this area during this time period. In addition, it would be a challenge for enforcement officers to determine what species fishers were targeting.

**Proposal 247** requests elimination of the size restriction for Dolly Varden harvested in the Kenai River.

**Current State Regulation:**

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

*(5) Arctic char/Dolly Varden*

*(A) January 1-December 31, in all flowing waters upstream from the mouth of the Kenai River upstream to Skilak Lake, and the waters of Skilak Lake, except the waters within a one-half mile radius of the Kenai River inlet; bag and possession limit of one limit of one fish less than 18 inches in length; Arctic char/Dolly Varden 18 inches or greater in length may not be retained; Arctic char/Dolly Varden 18 inches or greater in length must be released immediately;*

*(C) June 11-May 1, in all flowing waters from the waters of Skilak Lake within a 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 limit of one fish less than 16 inches in length; Arctic char/Dolly Varden 16 inches or greater in length may not be retained; Arctic char/Dolly Varden 16 inches or greater in length must be released immediately;*

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(F) For Federally managed waters of the Kenai River and its tributaries below Skilak Lake outlet at river mile 50; residents of Hope and Cooper Landing may take resident fish species including lake trout, rainbow trout, and Dolly Varden/Arctic char with jigging gear through the ice or rod and reel gear in open waters. Resident fish species harvested in the Kenai River drainage under the conditions of a Federal subsistence fishing permit must be marked by removal of the dorsal fin immediately after harvest and recorded on the permit prior to leaving the fishing site. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under Alaska fishing regulations (5 AAC 56 and 5 AAC 57), except for the following bag and possession limits:*

*(2) In flowing waters, daily bag and possession limits for Dolly Varden/Arctic char less than 18 inches in length are 1 per day and 1 in possession...*

*(G) For Federally managed waters of the upper Kenai River and its tributaries above Skilak Lake outlet at river mile 50; residents of Hope and Cooper Landing may take resident fish species including lake trout, rainbow trout, and Dolly Varden/Arctic char with jigging gear through the ice or rod and reel gear in open waters. Resident fish species harvested in the Kenai River drainage under the conditions of a Federal subsistence fishing permit must be marked by removal of the dorsal fin immediately after harvest and recorded on the permit prior to leaving the fishing site. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under Alaska fishing regulations (5 AAC 56 and 5 AAC 57), except for the following bag and possession limits:*

*(2) In flowing waters, daily bag and possession limits for Dolly Varden/Arctic char less than 16 inches in length are 1 per day and 1 in possession. ...*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries.** Yes If this proposal is adopted, it would create a divergence between Federal and State regulations that would increase regulatory complexity and enforcement concerns. Also Federal subsistence regulations for Dolly Varden would be more restrictive than State sport fishing regulations.

**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. The Federal Subsistence Board adopted the current regulations allowing the daily harvest of one Dolly Varden 18 inches or less in the lower Kenai River and 16 inches or less in the upper Kenai River for resource conservation as advised by Federal staff and based on information provided by the State. Current size restrictions apply to both Federal subsistence and State sport fishing users and are intended to limit the harvest of Dolly Varden in the spawning population.

**Proposal 248** requests an increase in the bag and possession limit for Arctic char in Cooper Lake from 2 per day/2 in possession to 5 per day/5 in possession, only 1 of which may be 20 inches or longer.

**Current State Regulation:**

**5 AAC 57.122 Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area;**

**Current Federal Regulation:**

§ \_\_.27(i)(10)(iv) *You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(G) For Federally managed waters of the upper Kenai River and its tributaries above Skilak Lake outlet at river mile 50; residents of Hope and Cooper Landing may take resident fish species including lake trout, rainbow trout, and Dolly Varden/Arctic char with jigging gear through the ice or rod and reel gear in open waters. Resident fish species harvested in the Kenai River drainage under the conditions of a Federal subsistence fishing permit must be marked by removal of the dorsal fin immediately after harvest and recorded on the permit prior to leaving the fishing site. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under Alaska fishing regulations (5 AAC 56 and 5 AAC 57), except for the following bag and possession limits:*

*(2)... In lakes and ponds, daily bag and possession limits are 2 per day and 2 in possession. Only 1 of these fish can be 20 inches or longer.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries.** Yes. If this proposal is adopted it would create a divergence between Federal and State regulations that would increase regulatory complexity and enforcement concerns. Also, Federal subsistence daily harvest limits for Arctic char in Cooper Lake would be more restrictive than State sport fishing bag limits.

**Federal Position/Recommended Action:** Neutral. Federal Subsistence Management Program staff support conservation of the resource. However, available data indicate a relatively high density of Arctic char in Cooper Lake compared to other lakes in the Kenai Peninsula area (e.g. Swanson lakes), and suggest an increase in harvest limits could be achieved without damage to the resource.

**Proposals 261 and 262** request elimination of the Kenai River early-run king salmon slot size limit.

**Current State Regulation:**

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

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

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

*(A) may be taken only from January 1 - July 31, in the Kenai River from its mouth upstream to the outlet of Skilak Lake and in the Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, with a bag and possession limit of one fish, as follows:*

*(i) from January 1 - June 30, from its mouth upstream to the outlet of Skilak Lake, and from July 1 - July 14, from the Soldotna Bridge upstream to the outlet of Skilak Lake and in Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, only king salmon that are less than 44 inches in length or 55 inches or greater in length may be retained;*

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (i)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing their dorsal fin. Permits must be returned to the Federal fisheries manager at the end of the fishing season. Incidental caught fish, other than salmon, are subject to regulations found in paragraphs (i)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means for take are the same as for the taking of these*

*species under Alaska fishing regulations (5 AAC 56 and 5 AAC 57), except for the following bag and possession limits:*

- (2) For early-run Chinook salmon less than 44 inches or 55 inches or longer, daily bag and possession limits are 2 per day and 2 in possession.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. If this proposal is adopted the slot size limit for early-run Chinook salmon in the Kenai River would be eliminated from State regulations but remain in Federal subsistence regulations. This would create a divergence between Federal and State regulations that would increase regulatory complexity and enforcement concerns.

Slot limit harvest restrictions were adopted by the Alaska Board of Fisheries, in February of 2002 and later by the Federal Subsistence Board, to protect larger, older Chinook salmon returning to the Kenai River during the early run, as a precaution to observed decline in the number of larger fish. Elimination of the slot limit could increase effort from anglers normally targeting late run fish and result in an increased harvest of larger older aged early run Chinook salmon, which would no longer be protected. Therefore, adoption of this proposal would likely result in a lower quality of escapement, with fewer of these larger fish reaching the spawning grounds to reproduce and pass on their desirable genetic traits.

**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. The Federal Subsistence Board adopted the current slot limit regulations for resource conservation as advised by Federal staff based largely on information provided by the State.

**Proposal 263** requests the slot limit on Kenai River early-run king salmon be extended from July 14 to July 31 from the Soldotna Bridge upstream to the outlet of Skilak Lake.

**Current State Regulation:**

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

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

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



*(i) from January 1 - June 30, from its mouth upstream to the outlet of Skilak Lake, and from July 1 - July 14, from the Soldotna Bridge upstream to the outlet of Skilak Lake and in Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, only king salmon that are less than 44 inches in length or 55 inches or greater in length may be retained;*

**Current Federal Regulation:**

*§ .27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (i)(10)(iv)(D) of this section), residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing their dorsal fin. Permits must be returned to the Federal fisheries manager at the end of the fishing season. Incidental caught fish, other than salmon, are subject to regulations found in paragraphs (i)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means for take are the same as for the taking of these species under Alaska fishing regulations (5 AAC 56 and 5 AAC 57), except for the following bag and possession limits:*

*(2) For early-run Chinook salmon less than 44 inches or 55 inches or longer, daily bag and possession limits are 2 per day and 2 in possession.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. Seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted, the slot harvest limit for early-run Chinook salmon in a portion of the Kenai River would be extended from July 14 to July 31 for both State sport and Federal subsistence fishing. This would reduce fishing opportunities for Federally qualified subsistence users.

**Federal Position/Recommended Action:** Oppose. Federal Subsistence Management Program staff support conservation of the resource. However slot limit regulations were adopted to protect early-run Chinook salmon (harvested through July 14), so extending the slot size limit requirement through July 31 would unnecessarily restrict fishing

opportunity on predominately late-run Chinook salmon, for which there are currently no conservation concerns.

**Proposal 265** requests that a king salmon harvested from January 1-July 14, not be filleted, headed, mutilated, or otherwise disfigured until it is removed from the fishing site.

**Current State Regulation:**

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

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

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

*(A) may be taken only from January 1 - July 31, in the Kenai River from its mouth upstream to the outlet of Skilak Lake and in the Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, with a bag and possession limit of one fish, as follows:*

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (i)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing their dorsal fin. ...*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.**

**Impact to Federal subsistence users/fisheries:** Yes. Seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted Federally qualified subsistence users harvesting Chinook salmon from January 1-July 14 under Federal regulations in Federal public waters, would not be permitted to fillet, head, mutilate, or otherwise disfigure the fish until it is removed from the fishing site.

**Federal Position/Recommended Action:** Support. Federal Subsistence Management Program staff support conservation of the resource. The intent of this proposal is to enable enforcement officers to accurately determine the size of harvested early-run Chinook salmon so that they can enforce the slot size limit.

**Proposal 267** requests that bait be allowed in the early-run Kenai River king salmon fishery, starting May 1 or June 1.

**Current State Regulation:**

**5 AAC 57.121. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area**

Unless otherwise specified by an emergency order issued under AS 16.05.060, the following are the special provisions and localized exceptions to the general seasons, bag, possession, and size limits, and methods and means set out in 5 AAC 57.120 and 5 AAC 75 for the Lower Section of the Kenai River Drainage Area:

(1) sport fishing gear restrictions:

(A) from January 1 - June 30, in the Kenai River, only one unbaited single-hook, artificial lure may be used;

**Current Federal Regulation:**

*§ \_\_\_\_ .27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kenai River drainage:*

*(B)(1) In the Kenai River below Skilak Lake, fishing will be allowed with up to 2 baited single or treble hooks from June 15 through August 31.*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. There are specific Federal regulations for this fishery that allow for up to 2 baited single or treble hooks to be used downstream from Skilak Lake from June 15-August 31. Outside of those dates, seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal is adopted, Federally qualified subsistence users would probably be able to more effectively harvest early-run Chinook salmon. This could also increase the incidental harvest of rainbow trout.

**Federal Position/Recommended Action:** Oppose. The Federal Subsistence Board adopted the June 15 starting date due to conservation concerns for rainbow trout as advised by Federal staff based largely on information provided by the State. Also, the early return of Chinook salmon to the Kenai River is much smaller than the late-run and requires a more conservative approach to management. The early-run Chinook fishery is better managed using a bait restriction until adequate numbers of fish enter the river and then the bait restrictions can be lifted by in-season action.

**Proposal 282** requests the coho salmon season be extended from July 1-October 31 to July 1-November 30 on the lower Kenai River mainstem and Skilak Lake.

**Current State Regulation:**

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

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

*(4) salmon, other than king salmon,*

*(A) 16 inches or greater in length, as follows:*

*(ii) coho salmon may be taken only from July 1 - October 31; a person, after taking and retaining two coho salmon 16 inches or greater in length from the Kenai River, may continue to sport fish only from the Soldotna Bridge upstream to the ADF&G regulatory markers at the outlet of Skilak Lake;*

**Current Federal Regulation:**

*§ \_\_.27(i)(10)(iv) You may only take salmon, Dolly Varden, trout, and char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under*

*Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein.  
Additionally for Federally managed waters of the Kenai River drainage:*

*(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (i)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing their dorsal fin. Permits must be returned to the Federal fisheries manager at the end of the fishing season. Incidental caught fish, other than salmon, are subject to regulations found in paragraphs (i)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means for take are the same as for the taking of these species under Alaska fishing regulations (5 AAC 56 and 5 AAC 57), except for the following bag and possession limits: ...*

**Is a similar issue being addressed by the Federal Subsistence Board (FSB)?** No.

**Impact to Federal subsistence users/fisheries:** Yes. Seasons, harvest and possession limits, and method and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. If this proposal, is adopted Federally qualified subsistence users fishing with rod and reel would be allowed an additional month to harvest coho salmon.

**Federal Position/Recommended Action:** Neutral. Federal Subsistence Management Program staff support conservation of the resource, and would defer to the Alaska Board of Fisheries and the Alaska Department of Fish and Game to evaluate whether extending the coho salmon fishing season an additional month for both State sport and Federal subsistence users could adversely impact the coho salmon population.