

Submitted by the Alaska Department of Fish and Game by request of Board Member Kluberton

February 5, 2014

Substitute regulatory language for Proposal 209

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan. (a) The purposes of this management plan are to ensure an adequate escapement of late-run king salmon into the Kenai River system and to provide management guidelines to the department. The department shall manage the late-run Kenai River king salmon stocks primarily for sport and guided sport uses in order to provide the sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency or inriver restrictions.

(b) The department shall manage the late run of Kenai River king salmon to achieve a sustainable escapement goal of 15,000 – 30,000 king salmon, as follows:

(1) in the sport fishery,

(A) if the sustainable escapement goal is projected to be exceeded, the commissioner may, by emergency order, extend the sport fishing season up to seven days during the first week of August;

(B) from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from Skilak Lake;

(2) in the sport fishery, that portion of the Kenai River downstream from Skilak Lake is open to unguided sport fishing from a non-motorized vessel on Mondays in July; for purposes of this section a non-motorized vessel is one that does not have a motor on board;

(3) from July 1 through July 31, if the projected inriver return of late-run king salmon is less than 22,500 fish, in order to achieve the sustainable escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order,

(A) establish periods in the sport fishery during which

(i) the use of bait is prohibited; or

(ii) the retention of king salmon is prohibited; if the retention of king salmon is prohibited in the Kenai River, the commercial set gillnet fishery in the Upper Subdistrict is restricted to no more than 12 hours of fishing time per week, with a 36-hour continuous closure as described in 5 AAC 21.360(c)(2)(C);

(iii) when the use of bait is prohibited the commissioner may

(A) prohibit the retention of king salmon in the personal use fishery;

(B) notwithstanding the provisions of 5 AAC 21.360(c), open fishing periods in the commercial set gillnet fishery in the Upper Subdistrict, based on the abundance of sockeye salmon returning to the Kenai and Kasilof rivers, for no more than 36 hours per week, with a 36-hour continuous closure as described in 5 AAC 21.360(c)(2)(C), during which

(i) the number of set gillnets may be restricted to either three set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; or

(ii) the number of set gillnets may be restricted to either two set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or one set gillnet that is not more than 35 fathoms in length and 45 meshes in depth;

(iii) set gillnets used that are 29 meshes in depth must be marked as specified by the department;

(4) from August 1 – August 15, if the projected escapement of king salmon into the Kenai River is at least 16,500, but less than 22,500 fish, notwithstanding the provisions of 5 AAC 21.360(c), the commissioner may open, by emergency order, the commercial set gillnet fishery in the Upper Subdistrict to no more than 24 hours fishing time;

(5) if the projected late-run king salmon escapement [INRIVER RETURN] is less than 15,000 king salmon, the department shall

(A) close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(B) close the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and

(C) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

(c) Repealed / /2014 [FROM JULY 20 THROUGH JULY 31,

(1) REPEALED 6/22/2002;

(2) IF THE PROJECTED INRIVER RETURN OF LATE-RUN KING SALMON IS LESS THAN 40,000 FISH AND THE INRIVER SPORT FISHERY HARVEST IS PROJECTED TO RESULT IN AN ESCAPEMENT BELOW 15,000 KING SALMON, THE DEPARTMENT MAY RESTRICT THE INRIVER SPORT FISHERY;

(3) REPEALED 6/22/2002;

(4) IF THE INRIVER SPORT FISHERY IS CLOSED UNDER (2) OF THIS SUBSECTION, THE COMMERCIAL SET GILLNET FISHERY IN THE UPPER SUBDISTRICT SHALL BE CLOSED;

(5) REPEALED 6/11/2005.]

(d) Repealed 6/22/2002.

(e) Consistent with the purposes of this management plan and 5 AAC 21.360, if the projected inriver return of king salmon is less than 40,000 fish, the department may not reduce the closed waters at the mouth of the Kenai River described in 5 AAC 21.350(b).

(f) The provisions of the Kasilof River Salmon Management Plan (5 AAC 21.365) are exempt from the provisions of this section.

(g) The department will, to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modification of this plan.

(h) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e). (Eff. 6/10/89, Register 110; em am 4/30/91 – 5/30/91, Register 118 [not printed]; am 7/21/91, Register 119; am 5/31/96, Register 138; am 5/14/97, Register 142; am 2/25/98, Register 145; am 6/13/99, Register 150; am 6/22/2002, Register 162; am 6/30/2002, Register 162; am 6/11/2005, Register 174; am 6/4/2008, Register 186; am 6/1/2013, Register 206)