

Alaska Board of Fisheries Committee Summary

COMMITTEE C

Kenai River Resident Species, Guides, Boundaries, and Habitat January 31 – February 13, 2014

Board Committee Members:

1. Fritz Johnson, *Chair
2. Sue Jeffrey
3. Orville Huntington

Alaska Department of Fish and Game Staff Members:

1. Tom Brookover – Deputy Director, Sport Fish
2. Jim Hasbrouck – Regional Supervisor, Sport Fish
3. Robert Begich – Area Management Biologist, Sport Fish
4. Tim McKinley – Area Research Biologist, Sport Fish
5. Jason Pawluk – Assistant Area Management Biologist, Sport Fish

Alaska Wildlife Troopers

1. Captain Burke Waldron

Alaska Department of Law

1. Mike Mitchell

Advisory Committee Members:

1. Monte Roberts – Kenai/Soldotna AC
2. George Heim – Cooper Landing AC
3. John McCombs – Central Peninsula AC
4. Jim Stubbs – Anchorage AC
5. Robert Purpura – Seldovia AC

Public Panel Members:

1. Rickey Gease – Kenai River Sport Fishing Association
2. Dwight Kramer – Kenai Area Fisherman's Coalition
3. J. C. Powell
4. Will Faulkner

5. Steve McClure – Kenai River Professional Guides Association
6. Andy Szczesny – Kenai River Professional Guides Association
7. Gary Chamberlin
8. Richard Peterson
9. Kevin Delaney – Kenai River Sport Fishing Association
10. Robert Williams – Kenai Peninsula Fisherman’s Association
11. Todd Smith – Kenai Peninsula Fisherman’s Association

Federal Subsistence Representative:

1. George Pappas

The Committee met February 9, 2014 at 10:30 a.m.–12:15 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: (22 total) 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 266, 267, 268, 229, 230, 231, 232, 233, 234, 235, 236.

PROPOSAL 252 - 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area and 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. Open rainbow trout fishing year-round in the Kenai River downstream of an ADF&G marker located upstream of the Lower Killey River, and increase rainbow trout spawning closure area below the Upper Killey River by approximately three-quarters of a river mile.

Comment Summary:

Department: Under this proposal rainbow trout fishing below the lower marker would be open year-round.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support proposal because it increases the size of the closed area that protects spawning rainbow trout and provides more fishing opportunity below the marker.
- Below the proposed lower boundary marker fish are not as visible due to water clarity changes and this area does not lend itself to “sight” fishing.
- Support because fishing mortality on spawning rainbow trout is 41%.
- Support because users were fishing for rainbows under the guise of fishing for other species and proposal will help with enforcement.
- Raise the bag limit to harvest larger rainbow trout. Large trout eat more salmon smolt and department doesn’t know how rainbow trout predation affects salmon populations, and king salmon abundance is a concern.

Public Panel Recommendation: Consensus to support.

PROPOSAL 253 - 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area and 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. Open rainbow trout fishing year-round in the Kenai River downstream of an ADF&G marker located upstream of the lower Killey River, and increase the rainbow trout spawning closure area located above the Upper Killey River.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Proposer stated proposal will be withdrawn.

Public Panel Recommendation: No recommendation.

PROPOSAL 254 - 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area and 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. Allow fishing for trout on the Kenai River below Moose River using bait beginning June 1 and restrict gear.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: Need a definition for a Colorado hook; rod and line weights are unenforceable.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support because this proposal could reduce trout predation on salmon eggs and juveniles.
- Oppose as proposal would be difficult to enforce, currently bait is not used during this time and area. Do not want to introduce bait in June.
- It is not good to use bait in a catch and release fishery.
- Oppose because egg imitations are so good bait is not needed.
- Proposal adds complexity and is unenforceable.

Public Panel Recommendation: No consensus.

PROPOSAL 255 - 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 and 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. Move Hidden Lake Creek and Hidden Lake special provisions from the Lower Section management area to the Middle Section management area.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments: None.

Public Panel Recommendation: Consensus to support.

PROPOSAL 256 - 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. Reduce spawning closure period on Crescent Lake/Crescent Creek.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments: None.

Public Panel Recommendation: Consensus to support.

PROPOSAL 257 - 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. Create a spawning closure period on Bench Lake and Bench Creek for Arctic grayling.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support voiced from four AC's present during discussion.

Public Panel Recommendation: Consensus to support.

PROPOSAL 258 - 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. Remove liberal gear limits of five lines allowed while fishing through ice on Stormy Lake for northern pike.

Comment Summary:

Department: Emergency order will prohibit char retention for near future. Invasive Elodea found in the lake has resulted in Alaska State Parks closing the boat launch (use of boats prohibited).

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support department's invasive pike eradication efforts at Stormy Lake.
- Support proposal but need additional restrictions on Arctic char fishing to promote rebuilding the char population.
- Support proposal because we need protection for Stormy Lake native fish.
- Support proposal and appreciate department's pike eradication efforts.

Public Panel Recommendation: Consensus to support.

PROPOSAL 259 - 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan; 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; 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area; and 5 AAC 57.160. Kenai River and Kasilof River Early-run King Salmon Management Plan. From May 1 to July 31, limit hours allowed for boat anglers; limit guides to 10 starts per week; and clarify department emergency order (EO) authority.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: A system would have to be established to track guided fishing days for enforcement purposes.

Federal Subsistence Representative: None.

Public Panel Comments:

- Proposer will withdraw proposal, would like to have this discussion in the future.
- Complex and too hard to enforce.
- Against any proposal that would restrict unguided anglers.
- The Kasilof River has a limit of 10 starts per week per guide and this has resulted in increased fishing pressure there.

Public Panel Recommendation: No recommendation.

PROPOSAL 260 - 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area. Allow guided fishing on the Kenai River seven days per week, but guides can only operate during five days of their choosing.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: A system would have to be established to track guided fishing days for enforcement purposes.

Federal Subsistence Representative: None.

Public Panel Comments:

- Oppose because it would be difficult to enforce; guides could just hire another guide to fish additional days.
- Oppose this entire suite of proposals because there is no specific management objective (i.e., harvest or participation objectives).

Public Panel Recommendation: Consensus to oppose.

PROPOSAL 261 - 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area. Allow five anglers to fish from a registered guide vessel on the Kenai River during the month on July.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: Neutral on the allocative aspect of the proposal but the age restriction (at least one angler 18 years old or younger). For example, anglers <16 years old do not need a sport fishing license therefore making their age difficult to determine.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support because the maximum angler number is inconsistent between nonguided and guided boats. Proposal will have a limited impact on guided angler effort. With a family group of five anglers, the 5th angler currently requires a second boat.
- Oppose but would support if the age of 5th angler is under 13 years old.
- Opposed to anything that adds to boat weight and resultant increased boat wake habitat damage.

Public Panel Recommendation: No consensus.

PROPOSAL 262 - 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area. Prohibit sport fishing from a registered guide vessel downstream from the outlet of Kenai Lake on Sundays and Mondays.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Oppose because it is already a limited fishery and is fast growing.
- Does not affect crowding issue.
- Oppose (see comments in RC 225). Multiple agencies already regulate guiding in this area and there are closures in some areas.
- It is a non-motorized fishery and offers a different angling perspective.
- Takes away 25% of guided business.
- This area is already highly regulated.

Public Panel Recommendation: No consensus.

PROPOSAL 266 - 5 AAC 56.140. Kasilof River guiding and guided fishing requirements and 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area. Prohibit a registered guide who guides on the Kenai River from guiding on the Kasilof River when the Kenai River is closed to guide fishing on Sundays and Mondays.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Oppose because Kenai River king abundance is low therefore taking clients to other areas is important.
- Oppose, however the ADF&G Crooked Creek facility needs repairing to aid in future fishery enhancement.
- Support since Kasilof king stocks are possibly worse off than Kenai River kings. Bank anglers at "People Hole" no longer catch many kings because guided boats crowd the area.
- Support because 100 of the over 300 Kenai River guides fish both the Kenai and Kasilof rivers but commercial set netters can't move around like guided boats.
- Consider the unintended consequence of this proposal which is more guides fishing the Kasilof River and there are already many guides fishing there.
- Oppose, don't own a drift boat but want opportunity to harvest a king from the Kasilof River. It is ok to kill kings in this fishery because the run is enhanced.
- Department does not count Kasilof River kings, so department has limited data on them.
- Ability to switch rivers was needed in the past for young guides. Adopting a one-fish bag limit would reduce crowding issues.

Public Panel Recommendation: No consensus.

PROPOSAL 267 - 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area. Limit the number of guides on the Kenai River to 200.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Kings are at low abundance. Need to cap the fishery and it is best to do this while the number of guides is at a low level. Proposal is a talking point.
- Pending legislation, if approved, would establish a Fishing Guide Services Board. Currently, Kenai River guides must attend a guide academy.
- Most guides support this proposal.
- Guide industry supports guide limits; needs legislative action.
- Support because there are too many guides on the river.
- Need to have all anglers (guided and unguided) with the same opportunity for access. Private boating is the fastest growing segment of fishery. Guides will be pushed into other areas.
- A study was recently completed (Whittaker 2010) that may aid DNR in pursuing limits on guides.

Public Panel Recommendation: No consensus.

PROPOSAL 268 - 5 AAC 57.XXX. New Section and 5 AAC 21.XXX. New Section. Placeholder proposal to allow stakeholders, department, and board to discuss proposed regulatory action based on results of 2012 Kenai River Freshwater Logbook data.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Department needs to update logbook data quickly for public use and inseason management. Department currently uses inseason ESSN data to assess the run.
- Pending legislation, if approved, would promote electronic data reporting and speed up data availability.
- Commercial fishers can report commercial catch data electronically.
- Oppose because the process of having placeholder proposals has not worked out well in the past.
- There could be enforcement issues if logbook reporting goes electronic because it is not practical. Logbooks won't work as an inseason fishery management tool.
- Commercial shrimpers in Alaska have to electronically log harvests and record harvest in a logbook.
- Allow reporting of ESSN harvest electronically (cell phone, etc.).
- Management is based on information; the more information the better.

Public Panel Recommendation: No consensus.

PROPOSAL 229 - 5 AAC 57.106. Description of Kenai River Drainage Area Sections.

Modify description of the Lower Section of the Kenai River to denote the mouth of the Kenai River.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: Prefer GPS markers for enforcement but appreciate any clearly defined marker; prefer not to use markers based on tide level.

Federal Subsistence Representative: None.

Public Panel Comments:

- Opposed because other rivers are defined by mean low water line.
- Concern that setnetters may be affected by this proposal and it may affect Coast Guard "Rules of the Road" in the river mouth area.
- Support proposal.
- Opposed, suggest coordinates be used.

Public Panel Recommendation: No consensus.

PROPOSAL 230 - 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area; 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; 5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area; and 5 AAC 57.160. Kenai River and Kasilof River Early-run King Salmon Management Plan. Add a reference to an ADF&G regulatory marker at the outlet of Skilak Lake.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: Reference comments on proposal 229 that prefer visible markers for enforcement.

Federal Subsistence Representative: None.

Public Panel Comments:

- Amend to have GPS coordinates define markers.

Public Panel Recommendation: Consensus to support.

PROPOSAL 231 - 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area and 5 AAC 57.160. Kenai River and Kasilof River Early-run King salmon Management Plan methods and means for the Lower Section of the Kenai River Drainage Area. Remove a small section of water in the Moose River open to king salmon fishing.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- The proposal removes a small area of river bank to the public for king fishing and it will also directly impact one sport fishing lodge within the proposed area.

Public Panel Recommendation: Consensus to support.

PROPOSAL 232 - 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. Modify the boundary for prohibiting sport fishing from a boat around the Moose River.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments: None.

Public Panel Recommendation: Consensus to support.

PROPOSAL 233 - 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. Prohibit sport fishing within the Soldotna Centennial Campground boat launch.

Comment Summary:

Department: City of Soldotna went to a Kenai River Special Management Area (KRSMA) meeting wherein KRSMA suggested the city address their desired boat launch closure by submitting a proposal to the board.

Department of Law: None.

Department of Public Safety: There is no definition for a “lagoon”; prefer markers be used to delineate boundary of closure.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support due to safety issue. City can enforce city law but not state laws, so proposal will address this issue and allow state enforcement.
- Would provide an orderly fishery where people launch boats.
- Currently other boat launches on the river are closed to fishing.

Public Panel Recommendation: Consensus to support.

PROPOSAL 234 - 5 AAC 57.180. Riparian Habitat Fishery Management Plan for the Kenai River Drainage Area. Establish a new Kenai River riparian habitat area closed to fishing July 1–August 15.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments: None.

Public Panel Recommendation: Consensus to support.

PROPOSAL 235 - 5 AAC 56.180. Riparian Habitat Fishery Management Plan for the Kenai Peninsula Area; 5 AAC 57.180. Riparian Habitat Fishery Management Plan for the Kenai River Drainage Area; 5 AAC 59.180. Riparian Habitat Fishery Management Plan for the Anchorage Bowl Drainages Area; 5 AAC 60.180. Riparian Habitat Fishery Management Plan for the Knik Arm Drainages Area; 5 AAC 61.180. Riparian Habitat Fishery Management Plan for the Susitna River Drainage Area; 5 AAC 62.180. Riparian Habitat Fishery Management Plan for the West Cook Inlet Area; and 5 AAC 77.5XX. New Section. Require the department to conduct habitat assessments on Upper Cook Inlet rivers related to sport and personal use fisheries.

Comment Summary:

Department: None.

Department of Law: The board has no “administrative, budgeting, or fiscal powers” that would require the department to administer this proposal (AS 16.05.241).

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Federal funding was provided to fund habitat studies but some of these studies were not published. Habitat concerns are not being addressed.
- The Kenai River inriver sockeye harvest has grown rapidly both in the sport and PU fisheries which are perhaps the most habitat destructive fisheries. Encourage department to do habitat work.
- 20 organizations on the Kenai Peninsula are involved with habitat projects. The National Fish Habitat Partnership is conducting a Kenai River drainage habitat assessment. Many property owners are active in conserving habitat. Restoration and access projects are ongoing and expensive, such as the Russian River and Bings Landing habitat work.

Public Panel Recommendation: No consensus.

PROPOSAL 236 - 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Require submission of findings and proposals if the Kenai River riparian habitat assessment demonstrates a loss of riparian habitat.

Comment Summary:

Department: None.

Department of Law: None.

Department of Public Safety: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Several groups voiced support of this proposal.
- Proposal is a placeholder for habitat related talking points.

Public Panel Recommendation: No consensus.