

PROPOSAL 164 - 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.
Repeals and readopts the *Kenai River Late-Run King Salmon Management Plan*, as follows:

(REPEAL AND READOPT 5 AAC 21.359)

5 AAC 21.359. Kenai River Late-Run Mainstem 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.

(b) The department shall manage the late run Mainstem stock of Kenai River king salmon to achieve a sustainable escapement goal of 12,000-27,000 king salmon beginning June 23 as described in this section.

(c) In the sport fishery, notwithstanding 5 AAC 57.120-5AAC 57.123

(1) from June 23 through July 31 only that portion of the Kenai River downstream of the river mile 14 sonar counter is open for King salmon fishing;

(2) from June 23 through July 31, a person may not use more than one single hook in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

(3) that portion of the Kenai River downstream from the river mile 14 sonar counter is open to unguided sport fishing from nonmotorized vessel on Mondays in July; for purposes of this paragraph, a nonmotorized vessel is one that does not have a motor on board.

(d) If the projected late-run king salmon escapement is less than 12,000 king salmon, the department shall

(1) close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Cape Douglas to the taking of king salmon;

(2) 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

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

(e) The provisions of this section do not apply to provisions of the Kasilof River Salmon Management Plan contained in 5 AAC 21.365(f) that pertain to the Kasilof Special Harvest Area.

(f) 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 modifications of this plan.

(g) The commissioner may department from provisions of the management plan under this section as provided in 5 AAC 21.363(e)

What is the issue you would like the board to address and why? In 1988 when the first management plan for Kenai River Late-run Kings was made the Department did not have the genetics technology they have now. July first was erroneously set as the demarcation of early and late-run king salmon (McKinley 2013). We now know that setting the escapement goals based on run timing was incorrect and that the goals should have been set based on biology (Reimer 2016) as Tributary (prior to June 22) and Mainstem (after June 22). Because of this error the Tributary stocks have been getting shorted by the counting of 20 to 30 percent of the escapement actually being of mainstem origin. In addition McKinley found that over 50 percent of the harvest from July 1 to July 15 above the Soldotna Bridge is actually Tributary stocks

which are erroneously subtracted from the mainstem escapement. This means that the escapement of tributary bound stocks is much reduced from what the Department has been reporting. Because of this and the prosecution of the fishery, tributary stocks bound for Beaver Creek, Soldotna Creek, Slikok Creek and Juneau Creek are gone or going to extinction from overharvest.

Additionally the Department found that the sonar counts from 1986 to 2011 (26 years) were not correct and recreated them using a Bayesian model of unknown performance. In 2012 ADF&G began counting with DIDSON sonar which was supposed to be the solution, but by 2013 a CIP was submitted to replace DIDSON with AIERS because of insurmountable problems with the DIDSON counts (Swanton 2013). This CIP included funding for 2 years of SSART (mark/Recap) which was supposed to assess this new counting technology, reports of this study were to be completed by the spring of 2014 and 2015. Reports from the in-river gillnetting, in-river creel and SSART projects mention the bias and errors associated with these programs as well as the statewide harvest survey which are used with the mixture model to determine a daily sonar count. When the escapement from the weirs operated by FWS and the age/sex composition are compared to the sonar count at either location, river mile 8.6 or 14 it is quite obvious that the sonar counts are well below the estimates produced by the weirs, mark/recapture or by the SSART method. The same is true when you compare the age/sex composition from the weirs to the numbers produced from the netting program. While we are still waiting for the Assessment Reports from the 1.8 million dollar CIP from 2013 which are already 1-2 years late, we are left with fisheries with many restrictions which are not necessary or productive. The department has been counting the first 7 days of the late-run as early-run stocks, misallocating the upriver harvest to the late run when much of it is really early run stocks. In addition the netting program is biased and does not catch anything near a representative sample of age 1.1 or 1.2 age Chinook. And by underestimating the number of small fish in the escapement they are overestimating the number of older age fish by a significant but unknown proportion. Additionally when the department did the run reconstruction they added an additional 3000 fish to the upper and lower escapement goal which is unnecessary, allocative, and outside of their discretion. These fish should be taken off the escapement goal as unnecessary. Because of all of these unsolved problems the department has allowed the fisheries harvesting late-run mainstem stocks to be over restricted and placed the early-run tributary stocks in jeopardy. Additionally when the department did the run reconstruction they failed to utilize the in-river genetics which could significantly alter the escapement goals of both tributary and mainstem stocks.

Many other restrictions were put in place in the commercial fishery which are unwarranted and lead to excessive over-escapements which ADF&G seems unable to address either with a proposal or in-season actions. In 2014 the BOF put in place 29 mesh restrictions which the department advised against. After the meeting ADF&G sent a letter to the journal publishing this "study", why they didn't do something more reasonable prior to its use and publication is odd at best. The Bethe study which first suggested this ridiculous 29 mesh restriction failed to mention that the 29 mesh nets in his study caught significantly more kings than the 45 mesh nets. This is nothing but a veiled reallocation from offshore nets to the beach nets near the river where most kings are likely caught. To institute a projection of 22,500 king salmon in-river run or else restrictions are possible is again ridiculous. In 2015 ADF&G managed on a forecast which was 50 percent in error which caused them to put in place restrictions which

were unnecessary for all users all the way until July 25. Even though the projection from July 1 on was for an in-river run much in excess of 22,500. Of course on August 1 they again went off the reservation and put in restrictions which caused yet another Unconstitutional and unsustainable over-escapement. The department is unable to function with such complexities and the plan needs to be simplified. The fish must come first which means that the escapement goals are all that should be important, not just for kings but for sockeye too.

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