

PROPOSAL 195 - 5 AAC 77.540 Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Remove the commissioner's emergency order authority to extend the Kenai River personal use fishery hours, as follows:

5 AAC 77.540 (c)(1)(A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.;

What is the issue you would like the board to address and why? Eliminate the Commissioner's authority to extend, by emergency order, the personal use fishery to 24 hours per day on the Kenai River.

The City of Kenai undertakes a substantial effort to respond to the personal use fishery, most of which takes place on or over the uplands, tidelands, and submerged lands owned by the City of Kenai. A component of the City's efforts to respond to the personal use fishery includes utilizing heavy equipment to rake fish-waste from tidelands, and to service beach-located solid waste dumpsters, during the period that the fishery is closed, 11PM - 6AM. There are inherent safety conflicts between personal use fishery participants and the operation of heavy equipment in a confined area during a dark period of the night/morning, during 24 hour openings of the fishery.

PROPOSED BY: Rick Koch - City of Kenai (EF-F16-106)

PROPOSAL 196 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Prohibit dip nets from being attached to a vessel, as follows:

Dip nets operated from a boat may not in any way be physically attached to the boat. They must be operated by hand.

What is the issue you would like the board to address and why? Clarify hand operated dip net. Stop dip nets being turned into trawl nets. The definition of a trawl net is "a bag shaped net towed through the water to capture fish..." The dip net regulation states "the frame (of a dip net must be attached to a single rigid handle and Operated by Hand. When it is attached to a boat it is not being operated by hand.

PROPOSED BY: Steve Vanek (EF-F16-082)

PROPOSAL 197 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Prohibit dipnetting from a vessel that is not anchored in the Kenai and Kasilof river personal use fisheries, as follows:

In the Kenai and Kasilof Rivers boats carrying personal use dip netters must be anchored, Otherwise they are trawling.

What is the issue you would like the board to address and why? Stop trawl fishing with PU dip nets in the Kenai and Kasilof Rivers. The definition of a trawl is "a bag shaped net towed through the water to capture fish..." This is how dip netting on the rivers is done. Trawl fishing results in a higher mortality for king salmon. King salmon released from a trawl are more likely to die because they are tangled in the gill net of a dip net. This also gives an unfair advantage over beach dip netting.

PROPOSED BY: Steve Vanek (EF-F16-084)

PROPOSAL 198 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Prohibit webbing in personal use dip nets that exceeds 2.5 inch stretched measure, as follows:

No portion of the bag of a personal use dip net may be constructed of webbing that exceeds a stretched measurement of 2.5 inches.

What is the issue you would like the board to address and why? The use of gill nets in the PU dipnet fishery in the Kenai and Kasilof fisheries. The majority of responders opposed gill nets in these rivers. 4.5 inch mesh size is a gill net. The Board of Fish sanctions the use of gill nets in these rivers. Many people oppose this. The dip net should have the same size mesh as a landing net.

PROPOSED BY: Steve Vanek (EF-F16-085)

PROPOSAL 199 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Prohibit dipnetting on the Kasilof River from a vessel with a motor on board greater than 10 horsepower, as follows:

5AAC77.540 (c) Salmon may be taken by dipnet
(2)In the Kasilof river as follows

(D) A person may not dip net fish from a vessel that has on board a motor that is more than 10 horsepower, and a motor may be used only between the mouth of the Kasilof River and Trujillo's Landing.

What is the issue you would like the board to address and why? The increased use of powerboats for dipnetting on the Kasilof river, which has traditionally been a drift fishing river. Alaska DNR is constructing a large new parking lot at the Kasilof river mouth, and DNR Parks has purchased the Trujillo drift boat pull-out site - and adjacent lot, and plans to construct a full launch and parking lot. The Kasilof river has sport fishing regulations limiting the use of powerboats, however there are currently no general limitations as to boat size, horsepower, or 2/4 stroke for anything other than rod/reel fishing. This regulation would implement similar limitations on powerboat use for both sport and PU fishing, protecting habitat and preserving the quiet nature of the Kasilof river fishery.

PROPOSED BY: Kenai / Soldotna Fish and Game Advisory Committee (HQ-F16-080)

PROPOSAL 200 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Amend the number of king salmon that may be retained in the Upper Cook Inlet personal use fishery to 10 king salmon under 20 inches, as follows:

5 AAC 77.540 Upper Cook Inlet Personal Use Salmon Fishery Management Plan (c) (1) (B) the annual limit is as specified in 5 AAC 77.525, except that only **10** [ONE] king salmon **under 20 inches** may be retained per household.

What is the issue you would like the board to address and why? The Kenai River Personal Use (PU) fishery has been at times restricted from the harvesting of king salmon for conservation reasons. The current language allows a one king retention. There are very few restrictions for the harvesting of up to 10 kings less than 20 inches in salt and fresh waters of the state. PU fishers need consistency in there regulations. This proposal would allow up to 10 kings under 20 inches to be retained under most management plans. This proposal would apply an intensive management objective in culling the jack king from the genetic pool. In addition, defining the size of kings for retention would aid in conservation and sustainable yields.

PROPOSED BY: Paul A. Shadura II (EF-F16-155)

PROPOSAL 201 – 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Amend the area open to dipnetting from shore in the Kenai River personal use dip net fishery, as follows:

5 AAC 77.540(c)(1)(D) is amended to read:

(c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:

(1) in the Kenai River, as follows:

...

(D) from shore, in the area from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river **to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore** [UPSTREAM TO THE DOWNSTREAM SIDE OF THE WARREN AMES BRIDGE, EXCEPT DIPNETTING IS CLOSED ON THE NORTH SHORE FROM AN ADF&G REGULATORY MARKER LOCATED BELOW THE END OF MAIN STREET, UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED NEAR THE KENAI CITY DOCK];

What is the issue you would like the board to address and why? To implement existing personal use dip net boundary regulations near the mouth of the Kenai River, Alaska Department of Fish and Game (department) markers are placed on the shore line at the base of the north shore bluff below the end of Main Street, which is a short distance upstream of the Kenai River - No Name Creek confluence. Markers are frequently lost in tidal currents or removed by participants who fish above No Name Creek. Designating a natural/physical feature instead of a department marker will create a permanent marker to clarify the upstream boundary of the personal use dip net fishery. Participation in the shore-based personal use fishery in the area just downstream of the Warren Ames Bridge has increased. Use occurs on both the north and south shores. On the south shore, access is supported by the Kenai Flats Day Use Area operated by the Alaska Department of Natural Resources, Division of Parks and Outdoor Recreation (DNR-DPOR) which is designed with 32 vehicle parking stalls. On the north shore, no designated parking is available. Participants in the dip net fishery access this section of river by crossing over, as well as fishing from, and staging equipment on, vegetated tide lands. Use of these lands for personal use fishing has increased to the extent that the number of vehicles at the Kenai River Flats Day Use Area parking area may often exceed capacity for the 22-day fishery. Often vehicles are parked in the right of way along both sides of the roadway, on both sides of the Warren Ames Bridge. Impact to the vegetated tide lands has not been assessed; however, it is evident that dip net fishing from the vegetated tide lands downstream of the Warren Ames Bridge may be negatively impacting the riparian habitat in the lower Kenai River.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F16-153)

PROPOSAL 202 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Extend the Cook Inlet personal use dip net fisheries to the 2nd Sunday of August, as follows:

By extending the "Personal" use Dip Net fishing to the 2ed Sunday of August it would allow A better safer use of the Cook Inlet and river salmon fisheries.

What is the issue you would like the board to address and why? Safer dip net fishing.

PROPOSED BY: Ronald Jordan (EF-F16-031)

PROPOSAL 203 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Extend season and liberalize the bag limit in the Kenai River personal use fishery when the sonar estimate is projected to exceed 1.2 million sockeye salmon, as follows:

When the Kenai River sockeye salmon escapement can be projected to exceed 1,200,000 fish, the Commissioner may open, by emergency order, the Kenai River personal use dip net season through August 10, and the Kenai River personal use limit may be increased by 10 salmon. During August all king salmon must be immediately released.

What is the issue you would like the board to address and why? Allow personal use dip netting during August when the Kenai River sonar count is projected to exceeds 1,200,000 sockeye salmon. This allows all Alaskan residents longer opportunity to harvest their personal use fish during times of large abundance. It also provides an additional tool for keeping Kenai River sockeye salmon spawning escapements within the escapement goal range. Harvest of all species except king salmon should be allowed. This would give anglers a choice of dip netting or sport fishing. Dip netting is a valued opportunity to those who are poor at or don't have the time for lining sockeye. If there is enough salmon to have emergency commercial fishing, there is also enough salmon to allow additional dip netting opportunity for all Alaskans.

PROPOSED BY: Alaska Outdoor Council (EF-F16-101)

PROPOSAL 204 - 5 AAC 77.540 Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Extend the boundary of the Kenai River personal use dip net boat fishery upstream to Cunningham Park, as follows:

Extend the Kenai River personal use boat fishery farther upstream (to Cunningham Park).

What is the issue you would like the board to address and why? Provide additional area for personal use fishing from a boat.

Currently, little sport fishing occurs below Cunningham Park without bait with current low participation. The king sport fishery in this area is only viable in years when water conditions just right. This area is within the Kenai River Special Management Area, where boat motors while fishing are restricted to 50 hp or less. Extending the PU boat fishery up to Cunningham Park would provide additional area for boats with the hp restriction to fish and reduce congestion in the area from the Kenai City Dock up to the KRSMA boundary at RM 4.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F16-069)

PROPOSAL 205 - 5 AAC 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Allow shore-based personal use dipnetting in the Kenai River upstream to Skilak Lake, as follows:

In that portion of the Kenai River from a regulatory marker located at the outlet of Skilak Lake downstream to the downstream side of the Warren Ames Bridge when the bag and possession limit in the sport fishery for late-run sockeye salmon is increased from 3 to 6 fish, 5 AAC 77.540 (c)(1) would be amended such that, the department may, by emergency order, allow personal use fishing with a dip net as follows:

1. Only on private land from a previously approved shoreline habitat protective structure.
2. A permit must be acquired from the Kenai River Center attesting to the authenticity of the habitat protective structure; and
3. The permit must be displayed at all times that personal use dip net fishing is taking place.

What is the issue you would like the board to address and why? There is not enough access being made available to the shore based Personal Use Dip Net fishery in the Kenai River during years of exceptionally large runs of late-run sockeye salmon. During years when the SEG for Kenai River late-run sockeye salmon is assured the Department may increase the bag limit in the sport fishery from 3 to 6 fish. In addition if the Department determines that the abundance of Kenai River late-run sockeye salmon is greater than 2,300,000 fish they may extend by emergency order, the personal use fishery in the Kenai River from 17 to 24 hours per day. At the same time, the Commercial fishery is fishing the maximum number of hours allowed unless under restriction due to the conservation of late-run king salmon. Under these circumstances, the sonar count of these fish often exceeds the upper bound of the in-river goal leaving significant numbers of these fish, which are already in the river, above the current geographic boundaries of the personal use fishery and in excess of the capacity of the sport fishery are available for harvest.

Shore based dipnetting along the Kenai River is currently restricted to areas below the Warren Ames Bridge. Opening up shore based dipnetting to property owners along the Kenai River who have fish habitat friendly structures on their property would allow those property owners to partake in the dipnet fishery from fish habitat friendly structures to protect bank habitat, and reduce crowding in the current areas on the Kenai where dipnetting is allowed.

PROPOSED BY: South Central Alaska Dipnetters Association (SCADA) (HQ-F16-074)

PROPOSAL 206 - 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Create an area upstream of the Kenai River personal use fishery where recording and fin clip requirements are waived for fish that have not been off loaded, as follows:

From the downstream edge of the Warren Ames bridge upstream 300 yards to the department markers located on shore you are not required to record fish on your permit and you are not required to clip the tail fins unless fish are unloaded from your vessel.

What is the issue you would like the board to address and why? I would like to talk about the Warren Ames Bridge area during dipnetting season on the Kenai River. Current regulations state

that the downstream edge of the bridge is the current boundary for the legal dipnetting area both from shore and boat. Any boater driving upriver that passes under the bridge with personal use caught fish without marking his personal use permit or clipping tail fins is in violation and could be ticketed. I am proposing a 300 hundred yard buffer exception to this area upstream of the bridge that would allow you to retain fish that have not been marked on your permit and the tail fins have not been clipped as long as no fish are removed from the vessel.

The Warren Ames Bridge area is a high use zone with the adjacent State Park Day Use Parking Area on the south side of the river off Bridge Access Road. Often times the parking lot is completely full and hundreds of people starting on the downstream side of the bridge line the shoreline during dipnetting season. Many boaters also use this area for a variety of important reasons picking up/dropping off passengers, using the bathrooms in the parking lot, unloading fish, getting needed supplies (gas, extra supplies, lunch, dealing with equipment breakdowns), and lastly many boaters use this area as a rest area in between tides or when fishing is slow. Due to the presence of shore based dipnetters it is impossible for boaters to pull into shore within the legal dipnetting zone within reasonable distance to the parking lot area without causing a major conflict between the 2 user groups. Most boaters choose to come to shore on the upstream side of the bridge where there are no shore based dipnetters in doing so they avoid conflicts and it is much more safer for everybody in the area.

However the problem is everytime you dirve under the bridge to be legal you need to have all your fish marked and permit marked even if you are just going to be there for a few minutes to use the bathroom or pick something or someone up. A boater may use this area several times a day with no intent of offloading fish and/or being done fishing for the day. I have witnessed Law Enforcement deal with this issue many times and it puts the Officer in a position of to use discretion or not: should he follow the letter of law and cite individuals or does he believe there was no intent to break the law and let the boater go with a verbal warning. We all know that the resource and fishery is stressed to the max with public access and use concerns; with safety the number one goal. By allow a buffer zone upsteam of the bridge for boaters to access without marking their permits and fish, unless fish are offloaded from the vessel, will reduce conflict, make the river safer, make it less burdensome for participants in the boat based fishery, and make it easier for law enforcement officers to enforce the true intent of the law and not cite those that never intended to break the law by just picking someone up or using the bathroom.

PROPOSED BY: Jon Madison (EF-F16-009)

PROPOSAL 207 – 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan. Amend the boundary description language for the area open to dipnetting in the Kasilof River personal use salmon fishery, as follows:

5 AAC 77.540(c)(2)(C) is amended to read:

(c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:

...

(2) in the Kasilof River, as follows:

...
(C) from **a line across the** [ADF&G REGULATORY MARKERS LOCATED ON THE COOK INLET BEACHES] outside **of** the terminus of the river **beginning from an ADF&G regulatory marker on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long. to an ADF&G regulatory marker on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long.** upstream for a distance of one mile.

What is the issue you would like the board to address and why? The seaward boundary outside of the terminus of the Kasilof River is not clearly defined as a straight line between two Alaska Department of Fish and Game markers. As a consequence personal use dip net fishery participants may unknowingly dip net in waters closed to personal use fishing during lower stages of the tide because the seaward boundary as currently defined is difficult to enforce.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F16-154)
