

Upper Subdistrict Set and Drift Gillnet (24 proposals)

Fishing Seasons (11 proposals)

PROPOSAL 175

5 AAC 21.310. Fishing seasons.

Allow commercial fishing with set gillnets in the North Kalifonsky Beach area starting July 1, as follows:

ON July 1, until the Kenai Section set net fishery opens by regulation, NKB may open for regular periods and up to 24 emergency hours per week. Gillnets will be allowed within 600 ft of mean high tide.

Gillnets must be no more than 29 meshes in depth and mesh size will not be larger than 4 ¾ in.

What is the issue you would like the board to address and why? The issue here is lack of traditional and historic harvest of Kasilof River stocks on North Kalifornsky Beach (NKB), statistical area 244-32.

ADF&G staff has stated that Kasilof stocks are predominately "beach orientated". The ESSN fishery catches 58% of the Kasilof harvest, while the Drift fleet harvests 27%.

NKB since before Statehood was a traditional and historic harvester of Kasilof sockeye. With management changes that went into place in 1999, the opportunity to harvest Kasilof stocks was greatly diminished for NKB.

At the 2017 BOF meeting, the BOF by regulation put in a fishery to fish NKB within 600 ft of mean high tide (MHT), fishing up to 29 beach nets. In 2018 this directed Kasilof stock fishery was fished July 19 and 21. Genetics from these two days showed that over 50% of the harvest was of Kasilof origin.

If the NKB fishery was to start on July 1, with gear restrictions, the Kasilof component would be considerably higher. A 2009 report from ADF&G- Genetic Stock Identification of Upper Cook Inlet Sockeye Salmon Harvest, showed that the harvest of Kenai and Kasilof sockeye on ALL NKB was close to a 50/50 split between the two stocks (page 52). This study was taken from samples of the entire NKB section, from the MHT out to 9000 ft. If samples were taken only from nets fishing 600 ft of MHT, with restricted gear, Kasilof stocks would be considerably higher.

From 1999 the Kasilof River sockeye salmon has exceeded its BEG, 17 out of 20 years. ADF&G data from 2008-2015, showed in the Kasilof section setnet fishery, two ocean and younger age classes (smaller fish) comprise 33% of the harvest. While at the same time, these two ocean and younger age classes make up 61% of the Kasilof River escapement. In the Kasilof River Special Harvest Area (KRSHA) data showed 73% of the harvest is comprised of two ocean and younger age classes, in certain years.

This proposal would help many ways. It would help keep the Kasilof from exceeding its BEG, OEG, and thus staying out of the KRSHA.

Using restricted gear, 4 ¾ in mesh size or smaller will target the smaller age class fish that make up the 61% of the Kasilof River escapement.

Additionally a study done by KINTAMA, Chinook and Sockeye Salmon Migration Patterns in Cook Inlet (author David Welch), a few years backed showed that tagged King Salmon off the Kenai River swam at an average depth of 16 ft. A traditional 45 mesh deep set net fishes about 18 ft deep at slack tide. A 29 mesh deep net at slack tide fishes about 12 ft deep. King salmon off the Kenai River swim in deep water off shore, rarely in shallow water closer to the beach.

Fishing this restricted gear will target abundant Kasilof stocks and will greatly reduce the harvest of any Kenai River King Salmon.

It is the intent of this proposal that this NKB fishery may open on July 1, even if that date does not fall on a regular scheduled period.

PROPOSED BY: Gary Hollier (HQ-F19-010)

PROPOSAL 176

5 AAC 21.310. Fishing Seasons.

Allow commercial fishing with set gillnets in the North Kalifonsky Beach area starting July 8, as follows:

5 AAC 21.310. (ii)

.....south of the Kenai River mouth at 60 degrees 30.49'N .lat; **this 600 ft fishery on 244-32 may open July 8, regardless if it is a regular scheduled period.**

What is the issue you would like the board to address and why? At the 2017 BOF, the BOF passed amended proposal 136. This proposal asked to may open North Kalifornsky Beach (NKB), which is statistical area 244-32, on July 8. This fishery could occur if the Kasilof section was fishing on or after the July 8 date. As the original proposer of 136, that was my intent.

The BOF passed amended 136, but there was no discussion, if 244-32 could open prior to a regular period, on or after July 8. Without clear direction from the BOF, ADF&G interpreted that this fishery could not start until the first regular scheduled period on or after July 8. In 2017, the first regular scheduled period was Monday July 9. The Kasilof section fished Sunday July 8. NKB was excluded from fishing on July 8, due to uncertainty of intent form the BOF.

This proposal is asking for the BOF to give ADF&G the authority to open 244-32 on or after July 8, if any portion of the Kasilof section is fishing, regardless if July 8 is a regular scheduled period.

PROPOSED BY: Gary Hollier (EF-F19-038)

PROPOSAL 177

5 AAC 21.310. Fishing seasons.

Open the North Kalifornsky Beach set gillnet fishery with the Kasilof section and limit the fishery to within 600 feet of the mean high tide, as follows:

5 AAC 21.310(b)(2)(C)(i) and (ii)

I propose allowing the set gillnet fishery in the North Kalifornsky Beach (NKB) area within 600 feet of the mean high tide mark to be managed like it was part of the Kasilof Section. Previous genetic stock identification data shows that the harvest of Kasilof River sockeye salmon can be quite high in this statistical area (244-32). By limiting the fishery to within 600 feet of the mean high tide mark, there would be very minimal impact on Kenai River king salmon, while allowing additional harvest of Kasilof River sockeye salmon.

5 AAC 21.310 (b)(2)(C)(i) and (ii) are amended to read

(i) Kasilof Section **and that portion of the Kenai Section north of the latitude of the Blanchard Line at 60° 27.10' N. lat., and south of the latitude of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat. and within 600 feet of the mean high tide mark;** from June 25 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however if the department estimates that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner may immediately, by emergency order, open the fishery; from August 11 through August 15, the fishery is open for regular periods only;

(ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11 through August 15, the fishery is open for regular periods only; [ON OR AFTER JULY 8, WHEN THE KASILOF SECTION IS OPEN TO COMMERCIAL FISHING WITH SET GILLNETS AND THE KENAI AND EAST FORELANDS SECTIONS ARE CLOSED TO COMMERCIAL FISHING WITH SET GILLNETS, COMMERCIAL FISHING WITH SET GILLNETS MAY BE ALLOWED WITHIN 600 FEET OF THE MEAN HIGH TIDE MARK IN THAT PORTION OF THE KENAI SECTION NORTH OF THE LATITUDE OF THE BLANCHARD LINE AT 60° 27.10' N. LAT., AND SOUTH OF THE LATITUDE OF THE ADF&G REGULATORY MARKER LOCATED SOUTH OF THE KENAI RIVER MOUTH AT 60° 30.49' N. LAT.:]

What is the issue you would like the board to address and why? Sonar counts of sockeye salmon escapement in the Kasilof River have shown that the BEG for this system has been exceeded in 17 of the past 20 years (BEG = 150,000-250,000 from 1999-2010; 160,000-340,000 from 2011-2018). This not only represents significant foregone harvest opportunity, but it leads to an increased likelihood of smaller future yields. ADF&G has set a BEG on this system, which is the most scientifically defensible goal the department sets. Something needs to be done to allow more harvest on this stock so that the BEG can be met more frequently.

PROPOSED BY: Chris Every

(HQ-F19-023)

PROPOSAL 178

5 AAC 21.310. Fishing seasons.

Permanently close drift gillnetting in the Upper Subdistrict within one mile of mean high tide north of the Kenai River and within one and one-half miles of mean high tide south of the Kenai River, as follows:

A permanent boundary line from one and one-half miles of mean high tide mark of the Kenai Peninsula Shoreline in the area of the Kenai and Kasilof sections of the Upper Subdistrict south of the Kenai River, and a one mile of the mean high tide mark of the Kenai Peninsula shoreline in that area of the Kenai and East Forelands Sections of the Upper Subdistrict north of the Kenai River will protect any open waters that may be created by a fleet reduction.

5 AAC 21.310. Fishing seasons

3) Central District, for drift gillnet: from the third Monday in June or June 19, whichever is later, until closed by emergency order, except that fishing with drift gillnets may not occur within

(A) two miles of the mean high tide mark on the eastern side of the Upper Sub-district until those locations have opened for fishing with set gillnets;

(B) one and one-half miles of the mean high tide mark of the Kenai Peninsula shoreline

(i) in that area of the Kenai and Kasilof Sections of the Upper Subdistrict south of the Kenai River, [IF FISHING WITH SET GILLNETS IN THAT AREA IS CLOSED] ***Remove***

(ii) the Anchor Point Section, if fishing with drift gillnets is open in the Anchor Point Section under 5 AAC 21.353;

(C) one mile of the mean high tide mark of the Kenai Peninsula shoreline in that area of the Kenai and East Forelands Sections of the Upper Subdistrict north of the Kenai River, [IF FISHING WITH SET GILL NETS IN THAT AREA IS CLOSED] ***Remove***

What is the issue you would like the board to address and why? Eastside setnetters are actively working with the Alaska Legislature for a voluntary fleet reduction through a fairly compensated buyback of permits and locations. We are striving to create a more economically viable and sustainable set net fishery, by reducing the number of Upper Cook Inlet setnet permits on the Eastside by 45% and with a gear reduction of about 600 nets. With permanently closed waters we will allow more fish for in-river users while providing opportunity for harvest by user groups.

Current regulations allow a drift gillnet boat to come within 600 feet of a setnet if the setnets are open to fishing. There is a one and one-half mile boundary line in the Kenai and Kasilof section south of the Kenai River and a one mile boundary line in the Kenai and East Forelands Sections north of the Kenai river that Drift gillnet boats must remain outside of ONLY if fishing with the setnets is closed.

With a 45% permit reduction there will be more open water that a drift gillnetter could potentially have room to come in and fish while set nets are open. A migration of drifters inside the one and one-half mile boundary line would defeat the effort Eastside setnetters have made to allow more sockeye and kings to get to the Kenai and Kasilof Rivers.

PROPOSED BY: Ken Coleman

(EF-F19-081)

PROPOSAL 179

5 AAC 21.310. Fishing seasons.

Extend the commercial salmon fishery season closing date in the Kenai and East Forelands Sections August 15 – September 15, as follows:

Kenai and East Forelands sections season dates from July 8 to September 15, unless closed earlier by emergency order. (August 15)

What is the issue you would like the board to address and why? Kenai and East Forelands Sections season dates from July 8 to August 15

Change the closing date to September 15th, unless closed earlier by emergency order. This will give the biologists the flexibility to manage a late run salmon without an arbitrary, inflexible deadline.

PROPOSED BY: Karen McGahan

(HQ-F19-012)

PROPOSAL 180

5 AAC 21.310. Fishing seasons.

Allow regular weekly fishing periods after August 15 in the Upper Subdistrict sockeye salmon set gillnet fishery based on abundance, as follows:

5 AAC 21.310(a)(2)(C)(i) and (ii) will be amended to read:

- (i) Kasilof Section: from June 25 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however if the department estimates that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner may immediately, by emergency order, open the fishery; from August 11 through August 15, the fishery is open for regular periods only; **the fishery may be extended beyond August 15 for regular periods only, if the Kasilof River sockeye salmon BEG has been exceeded and sockeye salmon escapement is still being enumerated by the department; subparagraph (iii) does not apply to fishing time beyond August 15;**
- (ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11 through August 15, the fishery is open for regular periods only; on or after July 8, when the Kasilof Section is open to commercial fishing with set gillnets and the Kenai and East Forelands Sections are closed to commercial fishing with set gillnets, commercial fishing with set gillnets may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the latitude of the Blanchard Line at 60° 27.10' N. lat., and south of the latitude of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.; **the fishery may be extended beyond**

August 15 for regular periods only, if the Kenai River sockeye salmon inriver goal has been exceeded and sockeye salmon passage is still being enumerated by the department; subparagraph (iii) does not apply to fishing time beyond August 15;

What is the issue you would like the board to address and why? In the preamble to the Kenai River Late-Run Sockeye Salmon Management Plan (5 AAC 21.360), it states that the department shall manage the Kenai River late-run sockeye salmon stocks primarily for commercial uses based on abundance. The Kasilof River Salmon Management Plan (5 AAC 21.365) states that it is the intent of the Board of Fisheries that Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. Both of these plans provide provisions for ADF&G to follow to meet these mandates. However, per 5 AAC 21.310, the Upper Subdistrict set gillnet (ESSN) fishery closes on or before August 15, even if sockeye salmon escapement objectives have been exceeded. In the past 10 years (2009-2018), both the inriver goal in the Kenai River and the BEG in the Kasilof River were exceeded in 8 out of 10 years. This proposal seeks to allow additional fishing time for the ESSN fishery past the August 15 “hard” closing date in years when sockeye salmon escapement objectives in the Kenai and Kasilof rivers have been exceeded in order to meet board intent for harvesting these stocks.

I propose that in years where the upper end of the sockeye salmon inriver goal has been exceeded (for the appropriate management tier) in the Kenai River or when the BEG has been exceeded in the Kasilof River that the ESSN fishery will remain open for regular Monday and Thursday 12-hour fishing periods after August 15 until the Kenai or Kasilof river sockeye salmon sonar projects cease enumeration activities. Specifically, this is what I propose. If the Kenai River sockeye salmon inriver goal has been exceeded, the Kenai and East Foreland sections set gillnet fishery will remain open for regular 12-hour Monday/Thursday fishing periods beyond August 15 until the Kenai River sockeye salmon sonar project ceases enumeration. If the Kasilof River sockeye salmon BEG has been exceeded, the Kasilof Section set gillnet fishery will remain open for regular 12-hour Monday/Thursday fishing periods beyond August 15 until the Kasilof River sockeye salmon sonar project ceases enumeration. If sonar enumeration ceases in either river prior to August 15, then there will be no extension to the fishing season, even if escapement objectives have been exceeded.

PROPOSED BY: Chris Every (HQ-F19-019)

PROPOSAL 181

5 AAC 21.310. Fishing seasons.

Delay all Upper Cook Inlet set and Central District drift gillnet commercial fishing opening dates, as follows:

Drift Gillnet Fishery: **June 27** [June 22].

All remaining set gillnet fisheries, except the Upper Subdistrict: **July 1** [June 25].

Upper Subdistrict Set Gillnet Fishery: **July 1** [June 25] for the Kasilof Section (that portion south

of the Blanchard Line), unless opened earlier by EO (based on an inriver estimate of 50,000 Kasilof River sockeye salmon before the **July 1** [June 25] opener), but will not open before June 25 [20]. The Kenai and East Forelands Sections (that portion of the Upper Subdistrict north of the Blanchard Line) may open on or after **July 15** [July 8]. All Sections of the Upper Subdistrict will close for the season on or before August 15.

What is the issue you would like the board to address and why? The upper Kenai River has suffered a steady decline in salmon return numbers. This disturbing trend has been observed by all user groups on the upper Kenai River. Upper Kenai River salmon return to Cook Inlet and the Kenai River earlier than lower river spawners. Commercial fishing opener dates contribute to the commercial scale harvest of these earlier arriving fish.

PROPOSED BY: Mike Adams (HQ-F19-051)

PROPOSAL 182

5 AAC 21.310. Fishing seasons.

Open the Kasilof Section commercial set gillnet fishery June 20 instead of June 25, as follows:

5 AAC 21.310 would be amended to read:

(b) Salmon may be taken only as follows:

(2) Central District, for set gillnet:

(C) Upper Subdistrict:

(i) Kasilof Section: from June **20** [25] through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; **from June 20 through June 24, the fishery is open for regular fishing periods only**, however, if the department estimates that 50,000 sockeye salmon are in the Kasilof River [BEFORE JUNE 25, BUT ON OR AFTER] **between June 20 and June 24**, [JUNE 20], the commissioner may immediately, by emergency order, open the fishery; from August 11 through August 15, the fishery is open for regular periods only;

What is the issue you would like the board to address and why? The Kasilof Section set gillnet fishery opens by regulation on or after June 25, unless 50,000 sockeye salmon are estimated to be in the Kasilof River prior to June 25 which allows the department to open the fishery by emergency order, but no earlier than June 20. Drift gillnetting opens by regulation on the first regular period on or after June 19. This proposal seeks to open the Kasilof Section set gillnet fishery for regular Monday/Thursday fishing periods on or after June 20, while retaining the 50,000 fish trigger that would allow extra fishing time by emergency order. For example, if the season opened on Monday, June 20, and the department estimated that 50,000 sockeye salmon were in the Kasilof River on Wednesday, June 22, they could use emergency order time to fish that day. The primary reason for this request is that the Kasilof River sockeye salmon BEG has been exceeded in 16 of the last 20 years (1999-2018). Having an earlier opening with the Kasilof Section set gillnet fishery would provide the department with an additional timed opening in order to meet the BEG goal.

PROPOSED BY: Jeff Beaudoin (HQ-F19-116)

PROPOSAL 183

5 AAC 21.310. Fishing seasons.

Extend the Upper Subdistrict commercial set gillnet season to August 20, as follows:

Extend the Upper Subdistrict Set Gillnet season to Aug 20.

5 AAC 21.310(b)(2)(C)

...

(i) Kasilof Section: from June 25 through August **20**, unless closed earlier by emergency order under (iii) of this subparagraph; ...

(ii) Kenai and East Forelands Sections: from July 8 through August **20**, unless closed earlier by emergency order under (iii) of this paragraph; ...

What is the issue you would like the board to address and why? 2017 and 2018 saw extremely late run timings for both Kasilof and Kenai River sockeye. To the extent where in 2017, an opening was given outside the management plan on Aug 15; and in 2018 an opening was seriously considered as late as Aug 23rd. Particularly in light of concerns over Kenai River Late-Run Chinook and allocations to other user groups during July, it seems likely that set gill-net harvest may continue to be disproportionately weighted to after Aug 1. Extending the season in order to give managers more flexibility at allowing some opportunity after escapement situations have made themselves clear seems appropriate. Particularly since we have 5 AAC 23.310(b)(2)(C)(iii), the so called ‘1% rule’ already in place to insure an early closure if there are insufficient sockeye in the district.

PROPOSED BY: Joseph Person

(HQ-F19-118)

PROPOSAL 184

5 AAC 21.320. Weekly fishing periods.

Open extra commercial fishing periods at a set time of 7 a.m. in the Upper Subdistrict set net fishery, as follows:

ESSN commercial fishing openings shall start at 7 AM during the month of July.

(i) when the decision to fish is made by ADF&G the calendar day before an opening, 7 AM will be the start time.

(ii) When there is a decision to fish by ADF&G the day of the opening, the starting time is at their discretion.

What is the issue you would like the board to address and why? The ESSN fishing opening time should be set at 7 o’clock am. Set nets along the beach have a specific time of the tide that is best fishing for the nets. By switching the start times to 5 AM, 6 AM, 8 AM, 9 AM, 10 AM, 11 AM the department is allocating Fish by the use of the commercial opening start time. Recently in my stat area start times seem to be two hours before low tide, which is a very nonproductive time of the tide. This is a very productive time for a different stat area. If the start time was 7 o'clock throughout the summer when openings are given, productive and nonproductive times of the tide

would be more equally shared, rather than one stat area fishing their sweet spot opening after opening. To my knowledge there is no scientific data to support this allocative process.

PROPOSED BY: Chris Every (HQ-F19-022)

PROPOSAL 185

5 AAC 21.310. Fishing seasons.

Open the Kasilof Section set gillnet fishery June 20 instead of June 25 provided an estimated 20,000 sockeye salmon are in the Kasilof River, as follows:

Open the Kasilof section set gillnet fishery on June 20, however if less than 20,000 fish are estimated to be in the river on any opening before June 25 than that opening shall be closed by emergency order.

5 AAC 21.310(b)(2)(C)

...

(i) Kasilof Section: from June **20** through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however if the department estimates that **fewer than 20,000 sockeye salmon are in the Kasilof River on any day before June 25 on which an opening would occur than that opening shall be closed by emergency order;** from August 11 through August 15, the fishery is open for regular periods only;

What is the issue you would like the board to address and why? For many years there have been issues with over escaping the Kasilof River Sockeye goal. The reduction from the current escapement goal proposed by the department will increase the difficulty of successfully meeting the range even further. The primary obstacle to managers meeting this goal has been the inherent 'mixed stock' nature of the targeted Kasilof section fisheries. Currently the Kasilof Section set gillnet fishery opens on the 25th of June with possible openings as early as the 20th dependent upon a trigger of 50,000 fish in the river. This fishing time in June is by far the most focused of the entire season, with extremely minimal impacts on any other stocks besides Kasilof Sockeye, consequently it seems evident that the easiest way to increase Kasilof harvest while minimizing impact on other stocks would be to conservatively increase fishing time very early in the season.

The current trigger of 50,000 fish has clearly been insufficient at providing enough of this early season fishing time to allow managers to maintain escapements within the desired range. The lower range of this goal is exceedingly unlikely to ever be missed due to the severe restrictions placed on fishing in July to protect both chinook and sockeye stocks in the Kenai River and the continued escapement in the upper range and in excess of the goal have harmed returns as evidenced by the department's new escapement recommendations. Harvesting surplus Kasilof salmon early in the season is beneficial from many angles. It increases value of the fishery as prices are higher, eliminates impact on other stocks present later in the season, and it reduces pressure on managers to open the Kasilof section in July when all fishing time given is highly contentious.

PROPOSED BY: Joseph Person (HQ-F19-119)

One-Percent Rule (11 proposals)

PROPOSAL 186

5 AAC 21.310. Fishing seasons; and 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Eliminate the one percent rule in both Upper Subdistrict set and Central District drift gillnet fisheries, as follows:

Eliminate the 1% rule from the management plans and manage on abundance using the most reliable science available.

What is the issue you would like the board to address and why? The 1 % rule doesn't work and only creates harm to the fishing industry, communities and the resource. Since its inception there has been millions of salmon gone unharvested and countless systems being over-escaped. There are not conservation concerns with coho. In fact they are returning in record numbers. Kenai sockeye salmon are consistently returning at a higher rate in August and the 1% has prevented their harvest along with forgoing harvest of vast numbers of chum and pink salmon in August.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F19-103)

PROPOSAL 187

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Eliminate the one percent rule in the Central District drift gillnet fishery and create mandatory area restrictions based on escapement goals, as follows:

5 AAC 21.353(e) From **July 24** [AUGUST 1] through August **31** [15], there are no mandatory area restrictions to regular fishing periods, **except that if the department projects that the lower end of either the Kasilof or Kenai sockeye escapement goals will not be achieved, then the drift gillnet fishery will be restricted to Areas 1 and 3.** [EXCEPT THAT IF THE UPPER SUBDISTRICT SET GILLNET FISHERY IS CLOSED UNDER 5 AAC 21.310(b)(2)(C)(iii), OR THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL DRIFT GILLNET SOCKEYE SALMON HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE DRIFT GILLNET FISHERY, REGULAR PERIODS WILL BE RESTRICTED TO DRIFT GILLNET AREAS 3 AND 4.] In this subsection, "fishing period" means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.

What is the issue you would like the board to address and why? This would modify both of the 1% rules. Currently, the drift fleet has 2 (two) 1% rules. This proposal eliminates both; the 1% rule associated with the set net fleet and the 1% rule associated with the drift fleet in-season harvest. By early August, the drift fleet is around 200 active fishing vessels. By the second week in August, the drift fleet is around 100 active fishing vessels. It is unfair to expect a small portion of the fleet to have a Catch Per Unit of Effort (CPUE) based upon the entire drift fleet. There are surplus stocks of sockeye, chum and pink salmon available for harvest.

The Kenai River Late-Run sockeye salmon sonar passage rates changed to an August entry pattern from 1979 to 2018. In the 1980-1989 time frame, the August entry pattern past the sonar for Kenai River Late-Run Sockeye Salmon was 7%. In the 2010-2018 time frame, 32% of these sockeye entered in August. In 2006 and in 2018, 57% of the sockeye went past the river mile 19.5 sonar counter in August. In the 2014-2018 timeframe, on average 46%, or 637,585 sockeye, went by the sonar site in August. This August component is rarely harvested by any user group.

In 2018, the Kenai River Late-Run Sockeye run had a return failure of both the 1.3 and 2.3 age classes. We ask the Board of Fish and ADF&G to examine and discuss with the stakeholders what appropriate management measures are needed regarding this increasing August component. These adjusted management measures might include:

1. An increased harvest on this component in late July.
2. An increased harvest on this component in August.

August Component Comments:

1. Definite trend towards larger percentage and number of the August sockeye component
2. This August component percentage and numbers started with the 1987, 1988 and 1989 runs
3. In 1987, 1988 and 1989, it was the first time more than 2.2+ , 1.3 and 2.3 million sockeye passed the River Mile (RM) 19.5 sonar counter
4. Since 1987, there have been 26 out of 32 years that the number of sockeye has exceeded one million
5. Beginning in 1987, the Kenai River Late-Run Sockeye escapement goals have all been above 400,000 – 700,000 Bendix, or 600,000 to 1,000,000 DIDSON units
6. Since the 1987, 1988 and 1989 runs, harvests and yields have continued to decline
7. Older 1.3 (5), 2.2 (5), and 2.3 (6) age classes have declined
8. In 2018, the 1.3 (5) and 2.3 (6) age classes were missing as compared to the forecast
9. In the last 5 years (2014-2018), the adult returns were smaller in length and weight at age
10. The age structure of the returns and runs has changed
11. Spawning success has decreased as successive spawning occurs at the same locations
12. Structure of fry ages 0 and 1 (fall fry), age 1 fall fry numbers have increased

Additionally, the percentage of age 1 fall fry has increased significantly

Kenai River Sockeye Salmon Sonar Passage Data, 1979-2018

Year Total Run August August % Last Day

| | | | | |
|------|-----------|---------|-----|--------|
| 1979 | 412,979 | 17,114 | 4% | 14-Aug |
| 1980 | 667,470 | 24,327 | 4% | 4-Sep |
| 1981 | 575,847 | 8,645 | 2% | 2-Aug |
| 1982 | 809,174 | 19,572 | 2% | 4-Aug |
| 1983 | 866,453 | 92,614 | 11% | 12-Aug |
| 1984 | 481,470 | 18,600 | 4% | 8-Aug |
| 1985 | 680,897 | 33,626 | 5% | 11-Aug |
| 1986 | 645,906 | 0 | 0% | 31-Jul |
| 1987 | 2,245,610 | 369,780 | 16% | 15-Aug |
| 1988 | 1,356,958 | 138,245 | 10% | 9-Aug |
| 1989 | 2,295,575 | 317,624 | 14% | 15-Aug |
| 1990 | 950,357 | 125,523 | 13% | 7-Aug |

1991 954,841 146,377 15% 12-Aug
1992 1,429,867 217,960 15% 13-Aug
1993 1,134,923 205,617 18% 13-Aug
1994 1,412,050 662,379 47% 23-Aug
1995 884,922 167,066 19% 14-Aug
1996 1,129,274 212,699 19% 12-Aug

PROPOSED BY: United Cook Inlet Drift Association (HQ-F19-075)

PROPOSAL 188

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Eliminate the drift gillnet one-percent rule, as follows:

Repeal the one-percent rule. Allow regular fishing periods. Let people end their fishing seasons when they feel it's not worth fishing any more.

What is the issue you would like the board to address and why? The so-called one-percent rule for sockeye is causing problems very detrimental to the Cook Inlet commercial fisheries. Great opportunities are being lost as surplus fish are going unharvested and not being utilized in our local and state economies. Local canneries must close their buying operations early due to lack of access to these fish. Local fishermen could be extending their seasons a few more weeks, thereby adding to the area's economy. At times, the pink, chum, and coho runs are very abundant, sometimes being the largest wild runs in the whole state, and they are always valuable. Also, often there are late pulses of sockeye that could be harvested by those fishermen who choose to keep working the season.

Adding jobs and value to our economic base is always a good thing, especially now with our state's recession and high unemployment, and especially when the resource is there and not being utilized.

PROPOSED BY: Teague Vanek (EF-F19-008)

PROPOSAL 189

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Eliminate the one-percent rule in the Central District drift gillnet fishery, as follows:

The one percent rule is a failed re-allocation and will no longer be used.

What is the issue you would like the board to address and why? Eliminate the one percent rule. If this problem is not solved, continued foregone harvestable surplus is wasted. The waste is unacceptable. Consumers and fishermen will benefit and no one is likely to suffer. In the last two years, 57 percent of sockeye entered the Kenai River after August 1st.

PROPOSED BY: John McCombs (HQ-F19-032)

PROPOSAL 190

5 AAC 21.310. Fishing seasons.

Eliminate the one percent rule in the Upper Subdistrict set gillnet fishery, as follows:

ELIMINATE 5 AAC 21.310 c (iii) (WILL CLOSE AUGUST 15, UNLESS CLOSED EARLIER BY EMERGENCY ORDER AFTER AUGUST 7, IF THE DEPARTMENT DETERMINES THAT LESS THAN 1% OF THE SEASON'S TOTAL SOCKEYE HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR 2 CONSECUTIVE FISHING PERIODS IN THE COMBINED KENAI AND EAST FORELAND SECTIONS, OR SEPARATELY IN THE KASILOF SECTION.)

What is the issue you would like the board to address and why? The 1% Rule

Eliminate the One Percent Rule which has no basis in science. The 2nd standard in the 10 National Standards in the Magnuson/Stevens Act reads: "Measures shall be based upon the best scientific information available". The One Percent Rule does not meet this standard.

Also, by Alaska Statute, the Commissioner of Fish and Game is charged to manage the fisheries for the "well being of the people of the state, consistent with the sustained yield principle".

The One Percent Rule does not fit with the Commissioner's duty by statute.

PROPOSED BY: Karen McGahan (HQ-F19-014)

PROPOSAL 191

5 AAC 21.310. Fishing seasons.

Eliminate the one percent rule in the Upper Subdistrict set gillnet fishery, as follows:

In order to more effectively manage the Upper Subdistrict set gillnet fishery to meet sockeye salmon escapement objectives in the Kenai and Kasilof rivers, I propose eliminating 5 AAC 21.310(b)(2)(C)(iii) from the Fishing Seasons regulation.

[(III) KENAI, KASILOF, AND EAST FORELANDS SECTIONS: IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS, AND SEPARATELY IN THE KASILOF SECTION, THE SEASON WILL CLOSE AUGUST 15, UNLESS CLOSED EARLIER BY EMERGENCY ORDER AFTER AUGUST 7, IF THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON’S TOTAL SOCKEYE HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS, OR SEPARATELY IN THE KASILOF SECTION; FROM AUGUST 11 THROUGH AUGUST 15, THE FISHERY IS OPEN FOR REGULAR FISHING PERIODS ONLY; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH, “FISHING PERIOD” MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FROM 12:01 A.M. UNTIL 11:59 P.M.;

What is the issue you would like the board to address and why? The Kenai and Kasilof river sockeye salmon escapement objectives are more often exceeded than they are met. Limiting the Upper Subdistrict set gillnet fishery to regular fishing periods only from August 11-15 and having an arbitrary 1% rule that further limits the primary harvester of Kenai and Kasilof sockeye salmon in August is punitive and foolish. I would like to see 5 AAC 21.310(b)(2)(C)(iii) removed from the Fishing Seasons regulation. This would mean that the Upper Subdistrict set gillnet fishery would be managed with the same provisions in August that they are in July. The department would use whatever hours they have based on the Kenai run-size tier to meet sockeye salmon escapement objectives in these two rivers. The closing date for the fishery would not change, it still would be August 15.

PROPOSED BY: Chris Every (HQ-F19-015)

PROPOSAL 192

5 AAC 21.310. Fishing seasons.

Amend the one percent rule in the Upper Subdistrict set gillnet fishery to apply starting July 31 instead of August 7, as follows:

We recommend moving the date back to July 31 to read:

5 AAC 21.310 (2) (C.) (iii.) Kenai, Kasilof, and East Forelands Sections: in the combined Kenai and East Forelands Sections, and separately in the Kasilof Section, the season will close August 15, unless closed by emergency order after **July 31**, if the department determines that less than one percent of the season’s total sockeye harvest has been taken per fishing period for two consecutive fishing periods in the combined Kenai and East Forelands Sections, or separately in the Kasilof Section; from August 11 through August 15, the fishery is open for regular fishing periods only; for purposes of this sub-subparagraph, “fishing period” means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.;

What is the issue you would like the board to address and why? During the last Board cycle, the implementation date for the Upper Cook Inlet 1% rule applying to the fishing seasons for Upper Cook Inlet Kenai, Kasilof & East Forelands sections was changed from August 1 to August 7.

This has the potential for additional commercial fishing periods after the sockeye numbers have dropped, signifying the end of the run. As a result, the commercial fishery has extended opportunity to harvest Kenai River bound coho salmon that is has been prioritized for sport fish per 5 AAC 57.170.

Kenai coho are highly exploited and we would like to see the board err to the side of sport-fish priority as laid out in the management plan.

PROPOSED BY: Kenai River Professional Guide Association (HQ-F19-071)

PROPOSAL 193

5 AAC 21.310. Fishing seasons.

Amend the one percent rule to a three percent rule beginning August 1 in Cook Inlet Area subdistricts, as follows:

Cook Inlet Commercial Fishing - Beginning August 1 if the set gillnet fleet harvests less than 3% of their total sockeye salmon harvest for two consecutive fishing periods in any subdistrict set gillnet fishing will be closed for that subdistrict.

Beginning August 1 if the drift gillnet fleet harvests less than 3% of their total sockeye salmon harvest for two consecutive fishing periods in any subdistrict drift gillnet fishing will be closed for that subdistrict.

What is the issue you would like the board to address and why? Cook Inlet Coho Salmon are designated as a sport fish but continued manipulation of the one percent rule has resulted in a commercial harvest priority of these designated sport fish.

PROPOSED BY: Mike Adams (HQ-F19-055)

PROPOSAL 194

5 AAC 21.310. Fishing seasons; and 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Amend the one percent rule to a three percent rule for both Upper Subdistrict set and Central District drift gillnet fisheries, as follows:

Cook Inlet Commercial Fishing - Beginning August 1 if the set gillnet fleet harvests less than 3% of their total sockeye salmon harvest for two consecutive fishing periods in any subdistrict set gillnet fishing will be closed for that subdistrict.

Beginning August 1 if the drift gillnet fleet harvests less than 3% of their total sockeye salmon harvest for two consecutive fishing periods in any subdistrict drift gillnet fishing will be closed for that subdistrict.

What is the issue you would like the board to address and why? Cook Inlet Coho Salmon are designated as a sport fish but continued manipulation of the one percent rule has resulted in a commercial harvest priority of these designated sport fish.

PROPOSED BY: Cooper Landing Fish and Game Advisory Committee (HQ-F19-106)

PROPOSAL 195

5 AAC 21.310. Fishing seasons.

Amend the Upper Subdistrict set gillnet one percent rule to a two percent rule beginning July 31 instead of August 7, as follows:

- (2) Central District, for set gillnet:
 - (C) Upper Subdistrict:

(iii) Kenai, Kasilof, and East Forelands Sections: in the combined Kenai and East Forelands Sections, and separately in the Kasilof Section, the season will close August 15, unless closed earlier by emergency order after **July 31** [AUGUST 7], if the department determines that less than **two** [ONE] percent of the season's total sockeye harvest has been taken per fishing period for two consecutive fishing periods in the combined Kenai and East Forelands Sections, or separately in the Kasilof Section; from August 11 through August 15, the fishery is open for regular fishing periods only; for purposes of this sub-subparagraph, "fishing period" means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.;

What is the issue you would like the board to address and why? Current regulations do not clearly define the closure of the sockeye salmon fishery when harvest of sockeye shows a trend of sharp decline and incidental catches of coho are increasing. Without clear definition it is difficult, if not impossible, for the department to manage the upper Cook Inlet commercial salmon fisheries to minimize the incidental take of Kenai River Coho salmon stocks. Current dates identified in the management plan do not adequately address the period prior to August 7. In addition, the one percent standard does not effectively anticipate the demise of the sockeye run – a higher standard is more appropriate.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F19-124)

PROPOSAL 196

5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan; and 5 AAC 21.365. Kasilof River Salmon Management Plan.

Remove mandatory closed fishing periods or "windows" in the Upper Subdistrict set gillnet fisheries, as follows:

Eliminate windows from all management plans.

What is the issue you would like the board to address and why? Mandatory windows don't work. It is unreasonable allocation. They prevent the managers from harvesting the surplus salmon and create over escapement.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F19-105)

Regulatory Alignment (2 proposals)

PROPOSAL 197

5 AAC 21.200. Fishing districts, subdistricts, and sections; and 5 AAC 21.330. Gear.

Provide waypoint locations for landmark names and modify waypoint locations in Chinitna Bay, as follows:

5 AAC 21.200 is amended to read:

...

(b) Central District:

...

(6) Chinitna Bay Subdistrict: all waters in Chinitna Bay west of a line from Spring Point at 59° 52.70' N. lat.; 152° 48.45' W. long. to Sea Otter Point at 59° 50.04' N. lat.; 153° 01.25' W. long.

5 AAC 21.330 is amended to read:

...

(b) Set gillnets may be used only in the following locations:

...

(3) Central District: set gillnets may be used only in the following locations:

...

(vii) along the north side of Chinitna Bay from 59° 53.18' N. lat., 153° W. long., [59° 53.17' N. LAT., 153° W. LONG] to 59° 51.64' N. lat.; 153° 08.35' W. long. [59° 51.52' N. LAT., 153° 08.17' W. LONG.] and only within 2,500 feet of the mean high tide mark;

(c) Drift gillnets may be used only in the Central District, except that in the Chinitna Bay Subdistrict drift gillnets may be used only east of a line from the crane on the south shore at 59° 49.91' N. lat.; 153° 05.47' W. long. [59° 50.07' N. LAT., 153° 05.10' W. LONG.], to the ADF&G regulatory marker on Glacier Spit at 59° 51.67' N. lat., 153° 07.92' W. long. [59° 51.72' N. LAT., 153° 07.84' W. LONG.]

What is the issue you would like the board to address and why? This proposal seeks to reduce regulatory confusion by including waypoint locations for landmark names and to correct erroneous waypoint locations in Chinitna Bay.

5 AAC 21.200(b)(6) describes Chinitna Bay as all waters west of a line from Spring Point to Sea Otter Point; however, there are no waypoints listed for either of these landmarks, which can lead to confusion.

Set gillnetting is open only on the north side of Chinitna Bay between two waypoints listed in 5 AAC 21.330(b)(3)(vii). However, one of these waypoints is approximately 900 feet offshore. Furthermore, 5 AAC 21.220(c) states that drift gillnets may be used only east of a line from the crane on the south shore defined by a waypoint that is more than 150 feet offshore and more than 1,600 feet from where remnants of the crane are currently located.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-175)

PROPOSAL 198

5 AAC 21.330. Gear; and 5 AAC 21.350. Closed waters.

Amend waypoint descriptions and provide coordinates for landmark names, as follows:

5 AAC 21.330 and 5 AAC 21.350 are amended to read:

5 AAC 21.330. Gear.

...

(b) set gillnets may be used only in the following locations:

(2) Northern District: set gillnets may be used only in the following areas:

(A) those waters along the north and west coast from Point MacKenzie **61° 14.29' N. lat., 149° 59.20' W. long.** [61° 14.33' N. LAT., 149° 59.17' W. LONG] to the southern boundary of the district on the west shore at 60° 46.39' N. lat., except for closed waters listed in 5 AAC 21.350;

(B) waters along the west coast of Fire Island from North Point **61° 10.33' N lat., 150° 09.58' W long.** to West Point **61° 07.56' N. lat., 150° 16.93' W. long;**

5 AAC 21.350. Closed waters.

...

(c) Northern District

(2) Turnagain Arm and Knik Arm: east of a line from Pt. Possession **61° 02.28' N. lat, 150° 23.48' W. long** [61° 02.35'N. LAT, 150° 23.64' W. LONG], to the site of [THE OLD] West Point light **61° 07.56' N. lat., 150° 16.93' W. long** on Fire Island, along the eastern shore of Fire Island **to a point offshore located at 61° 14.14' N. lat., 149° 59.07' W. long.** to North Point **61° 10.33' N lat., 150° 09.58' W long.,** to **Point MacKenzie 61° 14.29' N. lat., 149° 59.20' W. long.** [61° 14.64' N. LAT., 149°59.55' W. LONG.]

What is the issue you would like the board to address and why? There are at least five issues this proposal seeks to remedy.

The first issue to be resolved is to address the differing waypoint coordinates listed for Point MacKenzie in 5 AAC 21.330 and 5 AAC 21.350. Shore fishery lease locations are often based on current department regulatory language. Depending upon which coordinates are used, either two or seven current shore fishery lease set gillnet sites are out of compliance with current regulations. Even if the coordinates in 5 AAC 21.330 are used as the location for Point MacKenzie, there are two shore fishery lease set gillnet sites out of compliance. The two shore fishery lease sites affected by these differing waypoints were first obtained in 1965 and in 1986. This proposal seeks to establish one waypoint location for Point MacKenzie in both 5 AAC 21.330 and 5 AAC 21.350. The new waypoint for Point MacKenzie was chosen from the United States Geological Survey Geographic Names Information System (GNIS) database as follows: 61° 14.29' N. lat., 149° 59.20' W. long.

Second, in order to bring all existing shore fishery lease sites into compliance with the 5 AAC 21.350 description for both Turnagain and Knik arms, a new offshore waypoint has been proposed linking Point MacKenzie to North Point on Fire Island. While this new waypoint slightly expands waters open to commercial fishing, it is very likely no additional set gillnets will be fished here due to the very strong tides in this area and due to existing shore fishery lease sites. The new offshore waypoint will be 61° 14.14' N. lat., 149° 59.07' W. long.

Third, "North Point" on Fire Island is referenced in both 5 AAC 21.330 and 5 AAC 21.350 regulations, but no coordinates are provided in either. It is recommended that all references to "North Point" on Fire Island in 5 AAC 21 be updated to include 61° 10.33' N. lat., 150° 09.58' W. long. as the location of "North Point" on Fire Island.

The fourth issue addressed by this proposal is the differing landmark names listed for the same locations on the south end of Fire Island that are referenced in 5 AAC 21.330 and 5 AAC 21.350. Descriptions in 5 AAC 21.330 use the name “West Point,” while descriptions in 5 AAC 21.350 use the name “Old West Point Light.” In order to bring existing shore fishery lease sites into compliance with these regulations, this proposal suggests using the waypoint location for “West Point Light,” as listed in the GNIS database, for all references to “West Point,” or “West Point Light.” This waypoint would be 61° 07.56' N. lat., 150° 16.93' W. long.

Finally, in 5 AAC 21.350, the waypoint listed for Point Possession is currently offshore by more than 300 feet. This proposal suggests an updated waypoint location that is onshore, eliminating confusion for where this boundary intersects with the beach. The suggested coordinates for “Point Possession” were determined using the GNIS database, and are 61° 02.28' N. lat., 150° 22.48' W. long.

This proposal will allow the board to align current set gillnet shore fishery lease sites with 5 AAC 21.330 and 5 AAC 21.350 as well as provide waypoint descriptions for landmark names that are now confusing for both fishermen and the Department of Public Safety.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-176)
