

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)

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**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)  
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**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)  
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**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 1<sup>st</sup>.

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

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**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)  
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**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)  
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**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)  
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**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)  
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**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)  
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**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)  
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