



Alaska Department of Fish and Game

Board of Fisheries

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ALASKA BOARD OF FISHERIES

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Upper Cook Inlet Finfish 2020 Meeting

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ALASKA BOARD OF FISHERIES
Findings regarding regulatory action taken to address salmon
stocks of concern in the Upper Cook Inlet Area

2011-266-FB
March 26, 2011

During its October 13–14, 2010 Alaska Board of Fisheries (board) work session, the board heard reports from the Alaska Department of Fish and Game (department) on escapement goals set by the department for Cook Inlet salmon fisheries. The board also heard department recommendations on Stock of Concern status and concurred with them.

Susitna River Sockeye Salmon: Yield Concern (established 2008)

Chuitna River King Salmon: Management Concern (established 2011)

Theodore River King Salmon: Management Concern (established 2011)

Lewis River King Salmon: Management Concern (established 2011)

Willow and Goose Creeks King Salmon: Yield Concern (established 2011)

Alexander Creek King Salmon: Management Concern (established 2011)

The department developed action plans for each of these stocks for public and board review for the February 22–March 5, 2011 Upper Cook Inlet Finfish meeting held in Anchorage, consistent with the board's *Policy for Management of Sustainable Salmon Fisheries* (5 AAC 39.222).

The department developed action plans, identifying management and research activities that could be implemented in response to the various stocks of concern that had been identified. Also included were a number of regulatory options for the board's consideration for conservation purposes. Following a review of these options, and after taking public comment, the board took four specific measures to address the management and yield concerns identified by the department. The purpose of this board finding is to identify those specific regulatory actions taken to address the stock of concern issues raised with the understanding that future board action(s) could be taken when the stock of concern levels abated. The following regulatory actions were taken during the February 22–March 5, 2011 meeting.

Susitna River Sockeye Salmon (Yield Concern)

The board specified in the *Central District Gillnet Fishery Management Plan* (5 AAC 21.353) that from July 9–15, fishing during the first regular period is restricted to the expanded Kenai and expanded Kasilof sections. Previously, fishing during this time frame was restricted to the regular Kenai and Kasilof sections and Drift Gillnet Area 1. The board specified that additional fishing time between the first restricted period and the second regular period during this time frame may be allowed in the expanded and/or the current Kenai and expanded Kasilof sections. The board also added a limitation that fishing during the second regular fishing period is restricted to the Kenai and Kasilof sections and Drift Gillnet Area 1. The board adopted these measures to allow the passage of more sockeye salmon to the northern portions of Cook Inlet.

Chuitna River King (Management Concern)

Theodore River King (Management Concern)

Lewis River King (Management Concern)

The board increased closed specific commercial fishing areas described in the *Northern District King Salmon Management Plan* (5 AAC 21.366) to fishing for king salmon if sport fishing for king salmon in the Chuitna River is closed. The increased areas closed from the Wood Chip Dock (61° 2.559' N, 151° 14.356' W) north to the Susitna River. The board also prescribed sport fishing closures for the taking of king salmon in the Chuitna, Lewis, Beluga, and Theodore River drainages, including closures to catch and release. The board adopted these measures to allow the passage of more king salmon to spawning locations.

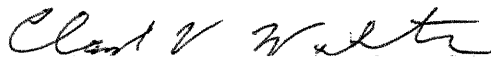
Willow and Goose Creeks King Salmon (Yield Concern)

The board removed from 5 AAC 61.114 (*Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 2 of the Susitna River Drainage Area*) the final weekend from streams in Unit 2 of the Susitna River drainage area for fishing. The board also specified that in waters open to sport fishing for king salmon in Unit 2, that from May 15 to July 13 sport fishing for any finfish species is closed from 11:00 p.m. to 6:00 a.m. Additionally, in the Goose Creek drainage, sport fishing was closed for king salmon, and upstream of the Parks Highway only one unbaited, single-hook artificial lure may be used. (Note: this was already in regulation and the board just acknowledged it. The regulatory language written regarding gear above the highway was necessary because Goose Creek had to get pulled out of a combined section and inserted as a stand-alone.) The board adopted these measures to allow the passage of more king salmon to spawning locations.

Alexander Creek King Salmon (Management Concern)

The board removed size and bag limits on northern pike taken from Alexander Lake as specified in 5 AAC 61.112 (*Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for Unit 1 of the Susitna River Drainage Area*) and allowed the use of spear and bow and arrow for northern pike on Alexander Lake as specified in 5 AAC 61.110 (*General provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Susitna River Drainage Area*). The board also removed restrictions on the disposal of pike caught in the Susitna River drainage (Chapter 61) and the West Cook Inlet Area (Chapter 62), except that it did specify that pike caught may not be released alive back into the water. The board adopted these measures in hope of reducing overall number of pike feeding on king salmon smolt.

ADOPTED this 26th day of March, 2011



Vince Webster, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

ALASKA BOARD OF FISHERIES
Finding on Upper Cook Inlet Salmon Management Plan

2008-259-FB

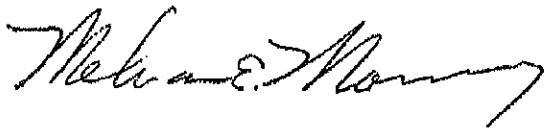
At its 12 day February 2008 Upper Cook Inlet Finfish meeting the Board of Fisheries considered numerous changes to the Upper Cook Inlet Salmon Management Plan. The Board heard public testimony, considered written public comments submitted before and during the meeting, considered reports of committee meetings where public panels presented additional information to the committees, and considered the application of the Board's Sustainable Salmon Management Policy, 5 AAC 39.222, to current and proposed regulations for Upper Cook Inlet Salmon fisheries. The Board adopted a number of revisions to subplans but determined that only minor adjustments were needed in the umbrella Upper Cook Inlet Management Plan which applies to all plans.

In the "umbrella plan" the Board determined that some additional guidance to the department was needed regarding the prioritization of conflicting plan goals and objectives, and that achievement of established escapement goals should be the primary management objective. The Board felt that it was important to avoid undue restrictions on the Department's discretion in order to allow the Department to attempt to meet management objectives. The Board recognizes the importance that management windows have to sport and personal use fisheries, and that the Department will adhere to its management plans, including the use of windows in most circumstances, however it realizes that the management plans contain conflicting objectives and prescriptions, and that flexibility is needed to allow the Department to balance these factors as well as to respond to in season variables that cannot be fully anticipated by the Board. Therefore the Board renewed its prior determination that nothing in the plans is intended to limit the Commissioner's emergency order authority under AS 16.05.060.

It is the Board's understanding that in attempting to meet its primary management objectives, the Department will manage for the appropriate inriver escapement goals first and attempt to distribute the escapements over time as appropriate.

Where departures from commercial fishing plans are necessary to attempt stay within escapement goal ranges, it is the Board's understanding that the Department will generally try to stay as close as practicable to plan guidelines, first attempting to use additional emergency order hours; second using reductions or elimination of discretionary closures, and finally, if appropriate and other measures are inadequate, reducing or eliminating prescriptive closures. However, nothing in the umbrella or individual plans or this finding is intended to limit the department to these options, to require the use of these options, or to limit the order of application of options.

ADOPTED this 8th day of March, 2008

A handwritten signature in cursive script, appearing to read "Mel Morris", written in black ink.

Mel Morris, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

**ALASKA BOARD OF FISHERIES
2002-212-FB**

EARLY RUN KENAI RIVER KING SALMON MANAGEMENT PLAN

Proposal 293 and related proposals (289, 290, 291, 292, 294, 295, 297 and 323) were reviewed both in board committee and extensively by the full Board of Fisheries in deliberations. The committee report, RC 80, devoted three pages to the discussion of the pros and cons relative to this proposal.

The board, in deliberations, considered several staff and board-generated RCs (120, 132 and 136) which contained various options for the board's consideration. In addition, the board reviewed and discussed several publicly generated RCs (92, 93, 96, 103, 106, 115, 117 and 123) dealing with the pros and cons of the fishery. Finally, individual board members had numerous discussions with the stakeholders. In short, the board was fully informed on the issues surrounding this suite of proposals.

Based upon the information provided, the board finds as follows:

- 1) There has been a long term and well recognized decline in the presence of large, five ocean king salmon in the early run Kenai sport fishery. The board's primary goal is to provide protection for these large and unique salmon.
- 2) Under the current management plan, the fishery has been changed in season in most years since the current plan's inception.
- 3) There is a significant guided sport effort in this fishery. The guides need a level of stability in the fishery in order to market the fishery to their clients, both resident and nonresident. Stability has been lacking in this fishery over the past several years.
- 4) There is a significant nonguided sport effort by mostly resident anglers. These fishers prefer to harvest these king salmon, although they, like all others familiar with the fishery, are anxious to protect the large five-ocean chinook.

Based on these findings, the board adopted proposal 293 as amended (RC 136) in an effort to balance all of these resource and stakeholder concerns.

Adopted: 2/20/02
Anchorage, Alaska


Ed Dersham, Chair

Vote: 7-0

ALASKA BOARD OF FISHERIES**FINDING FOR THE SKWENTNA RIVER
PERSONAL USE SALMON FISHERY**

At its meeting in Anchorage, Alaska in February 1996, the Alaska Board of Fisheries (board) after having received reports, both oral and written, from the staff and having received testimony, both oral and written, from members of the public, discussed several proposals which, if adopted, would have provided form subsistence salmon fishing opportunity in the Susitna and Yentna river drainages. The board after much deliberation adopted 5 AAC 77.526 (Skwentna River Personal Use Salmon Fishery) to provide increased opportunity for the personal use of salmon in the Yentna River drainage.

In December 1988, the board applied the eight criteria defined in 5 AAC 99.010(b), the Joint Boards of Fisheries and Game subsistence procedures, and determined that salmon stocks of the Yentna and Skwentna rivers do not support customary and traditional uses. During the deliberations in February 1996, the board again discussed the merits of addressing the eight criteria. After discussion, the board adopted a motion to reaffirm the December 1988 finding. The board decided it would be more appropriate to provide for increased salmon harvest potential through personal use harvest regulations. The board decided establishing a fish wheel fishery in this area had merit, therefore through standards established for personal use fisheries, adopted 5 AAC 77.526 (Skwentna River Personal Use Salmon Fishery).

Several factors contributed to the board's decision to establish a personal use salmon fishery in the Yentna River near the confluence of the Skwentna River. Information the board received from public testimony and the Mt. Yenlo Advisory Committee indicated there was a need by area residents to harvest fish for personal consumption in this area. Information provided by the department staff indicated that a fishery utilizing fish wheels that operated three days per week with 16-hour fishing days between July 15 and July 31 would not jeopardize sustained yield of the fishery resources. The board established daily reporting requirements and a 2,500 salmon harvest cap to further ensure the development of a sustainable and orderly fishery. Through discussion with the staff, the board recognized that the number of fish wheels operating in the area would be limited because of the limited number of sites in the four mile area open to fish wheel operation. The board understood that in most cases several households would utilize a single fish wheel. Household harvest limits were established at levels consistent with other Cook Inlet personal use fisheries. Established regulations provide that a household can only participate in the Upper Cook Inlet Personal Use Salmon Fishery or the Skwentna River Personal Use Salmon Fishery during a given season, not both fisheries.

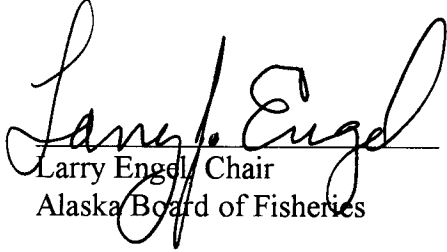
Previously
(97-05-FB)
97-170-FB

The board noted that it would be a good idea to re-evaluate this management plan during the next board cycle to ensure that the fishery is not jeopardizing the sustained yield of salmon stocks and that it is being conducted in an orderly manner.

At Sitka, Alaska

Date: January 31, 1997

Approved: (7/0/0/0) (Yes/No/Absent/Abstain)


Larry Engel, Chair
Alaska Board of Fisheries

96-160-FB

Alaska Board of Fisheries

DELEGATION OF AUTHORITY REGARDING AUTHORITY TO CLOSE RIPARIAN
HABITAT AREAS IN THE FRESH WATERS OF UPPER COOK INLET

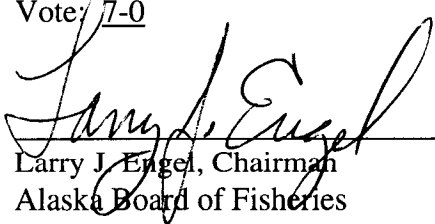
(Finding # 96-FB-04)

In accordance with AS 16.05.270, the Alaska Board of Fisheries delegates to the commissioner of the Alaska Department of Fish and Game the authority to adopt and make permanent changes in 5 AAC 56 and 5 AAC 61 and any other appropriate regulations to close riparian habitat areas along the fresh waters of Upper Cook Inlet if the Commissioner determines that in-river fisheries are likely to result in riparian habitat loss which could negatively affect the fishery resources of the fresh waters of Upper Cook Inlet. Only public lands are covered under this delegation. If the rationale for the action taken under this delegation changes, the commissioner may use emergency order authority contained in the Riparian Fishery Management Plans in 5 AAC 56 and 5 AAC 61 to reopen the fishery based on the criteria specified in this plan.

The board also delegates authority to the commissioner to make necessary administrative changes to any appropriate regulations in Title 5 of the Alaska Administrative Code, if the changes in regulations under this delegation creates any conflicts with existing regulations.

Adopted: February 26, 1996
Anchorage, Alaska

Vote: 7-0



Larry J. Engel, Chairman
Alaska Board of Fisheries

FINDINGS OF THE ALASKA BOARD OF FISHERIES

Regarding Upper Cook Inlet

District Set Gillnet Registration

(Previously Finding #93-03-FB)

During the Alaska Board of Fisheries public meeting held in Anchorage on November 8-20, 1992, the board considered department reports, oral and written public testimony, advisory committee reports, and deliberated and took action on a number of proposals to address conservation, development and allocation concerns of Upper Cook Inlet salmon stocks. Action on proposal 363 specifically dealt with conservation and development (allocation) concerns of salmon stocks in the Northern District of Cook Inlet. The action taken on proposal 363 incorporates the information provided by department staff, public comment, advisory board comment, and board deliberations on previous proposals dealing with similar issues in Cook Inlet.

To address the conservation and allocation concerns, the board adopted regulations that divide Cook Inlet into three registration areas; Northern District, Eastern Subdistrict of the Central District, and the remainder of Cook Inlet. Cook Inlet set gillnetters are required to choose only one of the three areas in which to fish in any one year. The board believes that these yearly exclusive registration regulations are necessary to serve the orderly conservation and development goals and stabilize the fisheries. In support of the regulations the board finds:

(Page 1 of 7)

I. CONSERVATION CONCERNS

The Board of Fisheries finds that there are conservation concerns regarding:

- 1) Yetna River sockeye salmon, which in five of the last seven years have not reached their escapement goal range of 100,000 to 150,000 fish.
- 2) Knik Arm coho salmon, which the Department post-season stream surveys indicate escapement levels to be far below observed levels of previous years which were considered normal.
- 3) Theodore, Lewis and Chuit River chinook salmon, which the Department stream surveys both in-season and post-season indicate escapement levels below average and far below observed levels of prior years.

These conservation concerns were repeatedly addressed throughout the Upper Cook Inlet portion of the meeting by Department staff, Advisory Committees, and oral and written public testimony.

The board has concerns that the projected poor sockeye returns to the Kenai River system in 1994 and 1995 will result in increased movement of setnetters and further impact these stressed stocks.

II. ACTIONS TAKEN TO PROTECT COOK INLET SALMON STOCKS

Some of the actions taken at this meeting to further protect salmon stocks in Cook Inlet are summarized as follows:

The Upper Cook Inlet Management Plan was modified to minimize Northern District king salmon harvest and coho salmon harvest after August 15. The Big River Sockeye Salmon Management Plan was reviewed by a committee comprised of Department staff and members of the public and the board further restricted harvest as recommended by the committee. Fishing time was reduced for Kalgin Island Subdistrict sockeye fishery. Restrictions were placed on the drift gillnet fishery after August 15 to protect Kenai River coho salmon. The board reduced salmon bag and possession limits and created a yearly limit of five king salmon in Northern District streams as well as restricting the use of bait in the sport fishery.

III. MANAGEMENT ACTIONS ADDRESSED FOR PROTECTING NORTHERN DISTRICT STOCKS.

1) During the meeting the Department staff reported the current management actions that it takes to minimize the catch of Northern District salmon stocks as they move through Cook Inlet. Time and area closures primarily to the drift gillnet fleet were utilized to the extent possible to minimize effort at the time and in the areas when and where Northern District salmon stocks are known to exist.

2) The difficulty of managing Cook Inlet salmon stocks as a whole while attempting to manage individual systems within Cook Inlet was explained. While certain Northern District stocks are being managed to reach minimum escapement goals, other Cook Inlet stocks are being managed to prevent overescapement. The staff explained the decision process and the effects of management decisions as they apply individually to each respective system, and to Cook Inlet as a whole.

3) It was further explained that the projected poor returns of sockeye salmon to the Kenai River for 1994 and 1995 based on weak smolt outmigration will likely result in increased mobile setnetting by Cook Inlet setnetters to target salmon stocks at peak fishing periods in areas of Cook Inlet.

4) In order to address the conservation concerns of the specific salmon stocks in the Northern District and to provide for a more orderly fishery to occur and to prevent movement of setnetters from the Eastside and Westside fisheries to move to the Northern District after they have already fished other districts, the board created three registration areas and restricted setnetters to fishing only one of the areas in any one year. Setnetters may choose the area they wish to fish each year. Once they land fish in one Cook Inlet registration area, they may not setnet in either of the other two Cook Inlet registration areas in the same year. The regulation does not prevent movement within the registration area chosen.

5) Without exclusive registration areas in Cook Inlet, the amount of effort on stocks in the

Northern District will increase during years of poor returns to other areas of Cook Inlet. The board considered that because of projected poor sockeye returns to the Kenai River during 1994 and 1995, more setnetters might choose to fish in the Northern District than would when returns to other Cook Inlet systems are at recent higher than normal levels. The registration areas will eliminate setnetter from fishing the lower beaches and then moving to fish the Northern District beaches during the same year. This will stabilize the setnet fishery in Cook Inlet.

6) The board considered the allocation criteria and found as follows:

#1. The set gillnet fisheries in all areas of Cook Inlet historically did not move from site to site. Movement of setnetters in-season is a relatively recent occurrence. The movement tends to follow fish migration and timing from Lower Cook Inlet to the Northern District. The area registration regulations will stabilize the fishery, minimize gear conflict at certain historical fishing sites and will allow management decisions to be made based on more stable participation and reflect the historic prosecution of the fishery.

#2. The setnet fisheries in all areas of Cook Inlet are beneficial to the setnetters who use them and to the economy of the area. The board did not find the characteristics of the setnetters in any area of Cook Inlet to be significantly different from any others. The exclusive registration area regulation will not effect the economic value of the fisheries or the character of users.

#3. None of the setnet areas is more important than others to providing residents opportunity for personal consumption. The registration areas will not affect this opportunity, especially with personal use and sport fishing opportunities available in Cook Inlet.

#4. Alternative fisheries have been available to all setnetters equally in that they all have had the choice to stay in one district or to move to others. Those setnetters who have recently moved from site to site have availed themselves of more alternative resources than those who have used only one area during a season. The registration area regulation will not prevent setnetters from accessing alternative resources within the registration area they choose in any particular year. It will also have no affect on any other commercial gear type.

#5. All setnet fisheries in Cook Inlet have equal importance to the economy of the state. The board's action is not expected to have any negative affect on the economic value of the fisheries.

#6. The ability to fish more than one area in a season gives a competitive advantage to those setnetter who move, and against those who historically do not move in-season. The board's action should stabilize the fishery and equalize the advantage throughout the fishery.

#7. The board's action will have no affect on recreational opportunities.

V. BOUNDARIES OF EXCLUSIVE REGISTRATION DISTRICTS (attached)

VI. REGULATION (attached)



Tom Elias, Chairman
Alaska Board of Fisheries

Approved: Anchorage, Alaska - February 9, 1993
Vote: 6-0-1 absent