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ALASKA DEPARTMENT OF FISH AND GAME

STAFF COMMENTS ON
LOWER COOK INLET
REGULATORY PROPOSALS
COMMITTEE OF THE WHOLE–GROUPS 1–4
FOR

LOWER COOK INLET FINFISH

ALASKA BOARD OF FISHERIES MEETING
HOMER, ALASKA

November 28 – December 1, 2023

Regional Information Report No. 5J23-06

The following staff comments were prepared by the Alaska Department of Fish and Game (department) for use at the Alaska Board of Fisheries (board) meeting, November 28– December 1, 2023, in Homer, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Acronyms and Abbreviations

The following acronyms and abbreviations, and others approved for the Système International d'Unités (SI), are used without definition in the following reports by the Divisions of Commercial Fisheries, Sport Fish, and Subsistence: All others, including deviations from definitions listed below, are noted in the text at first mention, as well as in the titles or footnotes of tables, and in figures or figure captions.

Weights and measures (metric)

centimeter	cm
deciliter	dL
gram	g
hectare	ha
kilogram	kg
kilometer	km
liter	L
meter	m
milliliter	mL
millimeter	mm

Weights and measures (English)

cubic feet per second	ft^3/s
foot	ft
gallon	gal
inch	in
mile	mi
nautical mile	nmi
ounce	oz
pound	lb
quart	qt
yard	yd

Time and temperature

day	d
degrees Celsius	°C
degrees Fahrenheit	°F
degrees kelvin	K
hour	h
minute	min
second	s

Physics and chemistry

all atomic symbols	
alternating current	AC
ampere	A
calorie	cal
direct current	DC
hertz	Hz
horsepower	hp
hydrogen ion activity (negative log of)	pH
parts per million	ppm
parts per thousand	ppt, ‰
volts	V
watts	W

General

Alaska Administrative Code	AAC
all commonly accepted abbreviations	e.g., Mr., Mrs., AM, PM, etc.
all commonly accepted professional titles	e.g., Dr., Ph.D., R.N., etc.
at	@
compass directions:	
east	E
north	N
south	S
west	W
copyright	©
corporate suffixes:	
Company	Co.
Corporation	Corp.
Incorporated	Inc.
Limited	Ltd.
District of Columbia	D.C.
et alii (and others)	et al.
et cetera (and so forth)	etc.
exempli gratia (for example)	e.g.
Federal Information Code	FIC
id est (that is)	i.e.
latitude or longitude	lat or long
monetary symbols (U.S.)	$, ¢
months (tables and figures): first three letters	Jan,...,Dec
registered trademark	®
trademark	™
United States (adjective)	U.S.
United States of America (noun)	USA
U.S.C.	United States Code
U.S. state	use two-letter abbreviations (e.g., AK, WA)

Acronyms

Acceptable Biological Catch	ABC
Alaska Board of Fisheries	board
Alaska Department of Fish and Game	department /ADF&G
Amount Necessary for Subsistence	ANS
Alaska Wildlife Troopers	AWT
Biological Escapement Goal	BEG
Central Gulf of Alaska	CGOA
Coded Wire Tag	CWT
Commercial Fisheries Entry Commission	CFEC
Cook Inlet Aquaculture Association	CIAA
Customary and Traditional	C&T
Department of Natural Resources	DNR
Demersal Shelf Rockfish	DSR
Emergency Order	EO
Guideline Harvest Level	GHL
Gulf of Alaska	GOA
Global Positioning System	GPS
Individual Fishing Quota	IFQ
Local Area Management Plan	LAMP
Lower Cook Inlet	LCI
Mean Low Water	MLW
Mean Lower Low Water	MLLW
No Data	ND
National Marine Fisheries Service	NMFS
National Oceanic and Atmospheric Administration	NOAA
Nick Dudiak Fishing Lagoon	NDFL
North Pacific Fishery Management Council	NPFMC
Optimum Escapement Goal	OEG
Pelagic Shelf Rockfish	PSR
Prince William Sound	PWS
Prior Notice of Landing	PNOL
Private Nonprofit Salmon Hatchery	PNP
River Mile	RM
Special Harvest Area	SHA
Sustainable Escapement Goal	SEG
Trail Lakes Hatchery	TLH
Upper Cook Inlet	UCI
Western Gulf of Alaska	WGOA

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STAFF COMMENTS ON REGULATORY PROPOSALS COMMITTEE OF THE WHOLE–GROUPS 1–4 FOR

LOWER COOK INLET FINFISH

ALASKA BOARD OF FISHERIES MEETING HOMER, ALASKA

November 28 – December 1, 2023

by
Alaska Department of Fish and Game

Alaska Department of Fish and Game
Division of Sport Fish, Research and Technical Services
333 Raspberry Road, Anchorage, AK 99518–1565

November 2023

ABSTRACT

This document contains Alaska Department of Fish and Game (department) staff comments on regulatory proposals for Lower Cook Inlet finfish. These comments were prepared by the department for use at the Alaska Board of Fisheries meeting, November 28–December 1, 2023, in Homer, Alaska. The comments are forwarded to assist the public and board. The comments contained herein should be considered preliminary and subject to change as new information becomes available. Final department positions will be formulated after review of written and oral public testimony presented to the board.

Keywords: Alaska Board of Fisheries (board), Alaska Department of Fish and Game (department) staff comments, finfish, salmon, herring, groundfish, management, management plan, regulatory proposal, inriver, subsistence, personal use, sport, guided sport, commercial fisheries, biological escapement goal (BEG), sustainable escapement goal (SEG), optimal escapement goal (OEG), stock of concern (SOC)

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Summary of department positions on regulatory proposals for Lower Cook Inlet finfish issues; Homer, November 28–December 1, 2023

Proposal No.	Department Position	Issue
GROUP 1: KING SALMON SPORT FISHERIES (17 proposals)		
1	S	Amend the *Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan*
2	O	Amend the *Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan*
3	O/N	Amend the management plans for the Upper Cook Inlet Summer and Kenai River late-run king salmon fisheries
4	O/N	Redefine the boundaries of the Upper Cook Inlet Area.
5	S	Allow fishing from shore in the marine waters adjacent to Ninilchik River and Deep Creek year-round
6	S	Create a management plan and establish a guideline harvest level for the lower Cook Inlet summer salt water king salmon sport fishery
7	S/N	Prohibit snagging and spear fishing for king salmon in Seldovia Harbor and Lagoon until June 24.
8	O	Prohibit snagging in Seldovia Bay
9	S/N	Review management options in the *Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan*
10	N/S	Modify king salmon limits in the Cook Inlet Winter Salt Water King Salmon Sport Fishery.
11	O	Allow Alaska resident anglers to use two rods for salmon
12	O	Modify the *North Gulf Coast King Salmon Sport Fishery Management Plan*
13	S	Create a management plan for the Anchor River, Deep Creek, and Ninilchik River king salmon sport fisheries
14	S	Modify the Ninilchik River hatchery king salmon limits and season.
15	S	Extend the area open to hatchery king salmon on the Ninilchik River
16	S	Expand the boundary of the Ninilchik River Youth-Only fishery.
17	S	Expand the boundary of the Ninilchik River Youth-Only fishery.
COMMITTEE OF THE WHOLE GROUP 2: GROUNDFISH (11 proposals)		
18	S	Modify rockfish bag and possession limits.
19	N	Reduce rockfish limits in Cook Inlet - Resurrection Bay.
20	O	Reduce Lower Cook Inlet rockfish sport limits
21	O	Reduce Lower Cook Inlet rockfish sport limits.
22	O	Establish a sport fishing closure for rockfish in Cook Inlet from June 1 to July 31.
23	S	Reduce Lower Cook Inlet lingcod sport limits
24	O	Remove limits for spiny dogfish in Cook Inlet waters
25	N	Reduce Cook Inlet commercial and sport rockfish harvest limits
26	N	Reduce Cook Inlet commercial and sport lingcod harvest
27	N	Open Cook Inlet commercial sablefish season earlier.

Summary of department positions (continued)

Proposal No.	Department Position	Issue
28	N	Change gear group allocation in the *Cook Inlet Pacific Cod Management Plan*
COMMITTEE OF THE WHOLE GROUP 3: Other Salmon, Trout, Herring (15 proposals)		
29	O/N	Prohibit use of helicopters to transport anglers to select Cook Inlet waters
30	S	Add provisions to allow for subsistence harvest on herring spawn on kelp.
31	S	Extend the China Poot personal use fishery season dates.
32	O	Move the China Poot personal use dip net regulations under the *Cook Inlet Personal Use Fishery Management Plan.*
33	N	Redefine the Kachemak Bay personal use dip net fishery area.
34	O	Create a *Kamhishak Bay Purse Seine Fishery Management Plan.*
35	O	Create a *Kachemak Bay Wild Fish Priority Management Plan.*
36	O	Amend the *Tutka Bay Lagoon Salmon Hatchery Management Plan*.
37	N	Modify legal gear in the *Trail Lakes Salmon Hatchery Management Plan.*
38	N	Modify legal gear in Lower Cook Inlet special harvest areas.
39	S	Amend the list of waters closed to commercial fishing in Cook Inlet.
40	O	Amend waters closed to commercial fishing for salmon.
41	S/O	Close a portion of Tutka Bay to commercial fishing for salmon.
42	N	Readopt the *Bear Lake Management Plan.*
43	O	Amend Basic Management Plans
COMMITTEE OF THE WHOLE GROUP 4: Bristol Bay and Southeast Alaska salmon (4 proposals)		
256	S	Repeal the no bait regulation and all the use of non-roe bait for salmon, other than king salmon.
257	S	Amend the *Southeast Alaska King Salmon Management Plan* to align with new methods to set catch limits adopted by the Pacific Salmon Commission
258	O	Amend the *Southeast King Salmon Management Plan* to align with changes adopted by the Pacific Salmon Commission to maintain the troll and sport fishery allocations
259	N	Manage the Southeast Alaska king salmon sport fishery to not exceed the annual sport fishery harvest allocation

N = Neutral; S = Support; O = Oppose; NA = No Action; WS = Withdrawn Support

COMMITTEE OF THE WHOLE—GROUP 1: KING SALMON SPORT FISHERIES (17 PROPOSALS)

PROPOSAL 1 – 5 AAC 58.055. Amend the *Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan*

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would create preseason and inseason management actions for the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery based on Anchor and Kenai Rivers' preseason forecasts and inseason projections.

WHAT ARE THE CURRENT REGULATIONS? The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* encompasses all salt waters north of the latitude of Bluff Point (59°40.00′N) (Figure 1-1). This management plan is effective April 1 through August 31, requires anglers to stop fishing for king (Chinook) salmon for the day after harvesting a king salmon 20 inches or longer, and prohibits guides and crewmembers from sport fishing when clients are present or within guide's control or responsibility. This plan also closes all sport fishing within one mile of shore around the mouths of the lower Kenai Peninsula roadside streams from April 1 through July 15 except from shore for three 3-day weekends in June in the Ninilchik area.

Management plans that impact Cook Inlet salt water king salmon fisheries are:

- *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* (5 AAC 58.055)
  - North of Bluff Point
  - April – August
  - GHL 8,000 king salmon
- *Cook Inlet Winter Salt Water King Salmon Management Plan* (5 AAC 58.060)
  - Cook Inlet wide
  - September – March
  - GHL 4,500 king salmon
- *Kenai River and Kasilof River Early-run King Salmon Management Plan* (5 AAC57.160)
  - prescribes management actions in fresh waters of Kenai and Kasilof rivers to achieve established escapement goals
  - January – June
- *Kenai River Late-run King Salmon Management Plan* (5 AAC 21.359)
  - directs salt water sport fishery and the Kenai River sport fishery closures based on projections to achieve established escapement goal
  - June 20 – August 15

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide the board the opportunity to create regulatory structure for preseason and inseason management actions for the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery for early-run Cook Inlet king salmon stocks. It would also align management of this fishery with freshwater fisheries outlined in the *Kenai River and Kasilof River Early-run King Salmon Management Plan* and would specify an effective date for late-run restrictions. This proposal

would reduce king salmon harvest in the Upper Cook Inlet Summer Salt Water King Salmon Fishery in years with preseason forecasts and inseason projection estimates below the lower end of the escapement goals.

BACKGROUND: In 1996, the board adopted the *Upper Cook Inlet Salt Water Early-run King Salmon Management Plan* to stabilize a growing king salmon fishery on a mixture of Cook Inlet stocks in nearshore salt waters. The board extended the plan to include late-run stocks in 2016 and all salt waters north of Bluff Point in 2019. These early-run stocks include the Lower Kenai Peninsula roadside streams (Anchor River, Deep Creek, and Ninilchik River), Kenai and Kasilof Rivers, and Northern Cook Inlet stocks, and the late-run stocks include Kenai and Kasilof Rivers. The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* has a guideline harvest level of 8,000 king salmon, but there are no management actions outlined in the plan. The *Kenai River Late-run King Salmon Management Plan,* which begins June 20, specifies that this saltwater sport fishery and the Kenai River sport fishery will be closed if the projected late-run Kenai River king salmon escapement is less than 15,000 king salmon 75 cm mid-eye to tail fork and longer.

The harvest in the summer saltwater fishery in its peak years (1986-2001) averaged approximately 7,000 king salmon annually, but in the last three years has declined to an average of less than 2,000 fish (Table 1-1). Lower harvests are due to restrictions and closures in salt waters to protect Kenai Peninsula king salmon stocks and lower abundance of local king salmon stocks in Cook Inlet in recent years. From 2014 through 2018, the department conducted a Cook Inlet marine sport harvest assessment program to identify the harvest contribution by genetic reporting groups for this fishery. On average, Cook Inlet stocks made up 17% of the annual fishery harvest, which resulted in annual harvests of approximately 300 to 700 Cook Inlet king salmon.

In combination with restrictions to freshwater king salmon sport fisheries within Cook Inlet, the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery has been restricted or closed by emergency order in 12 of the last 15 years since 2009. For early-run stocks, these restrictions have been based on the king salmon escapement monitoring in the Anchor and Kenai Rivers. Based on king salmon run timing to the lower Kenai Peninsula roadside streams, these actions have been effective through July 15. Preseason restrictions generally reduced the annual limit of king salmon 20” or longer from five fish to two fish. Inseason restrictions closed king salmon sport fishing within one mile of shore where Cook Inlet stocks are most likely to be harvested. The late-run portion of this fishery has been managed with the stipulations in the *Kenai River Late-run King Salmon Management Plan,* which has closed the fishery annually from 2020 through 2022. In 2023, this fishery was closed preseason from May 15 through July 31 to reduce the harvest of early-run and late-run stocks.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. In years of low abundance of Cook Inlet king salmon stocks, the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery should be restricted to reduce the harvest of Cook Inlet stocks. By specifying management actions in the plan, the public and the board have the opportunity to provide input on the fishery structure. This fishery will also be reviewed with the development of a Kenai River late-run king salmon stock of concern action plan.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

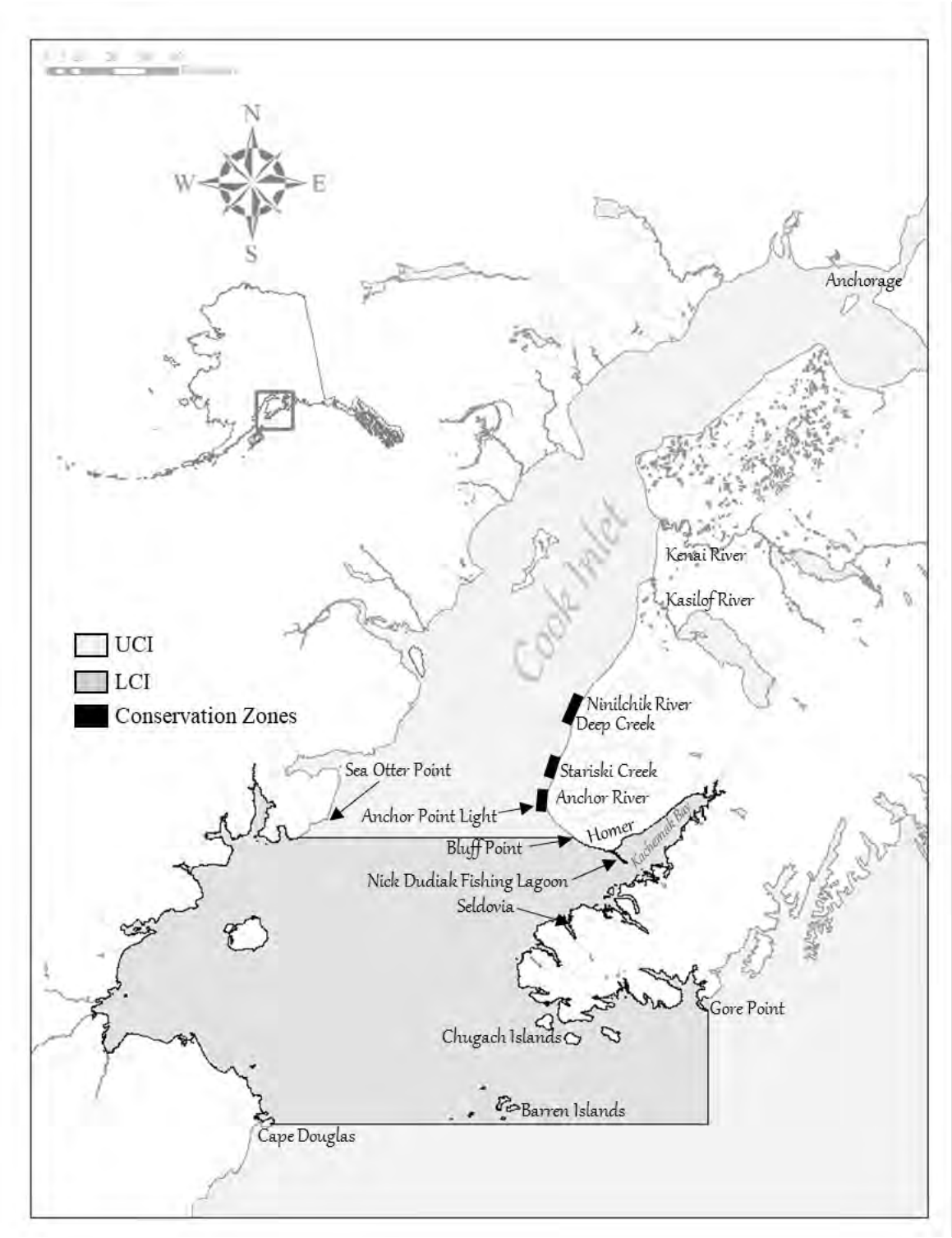

Figure 1-1.–Map of Lower and Upper Cook Inlet salt waters associated with king salmon sport fishing regulations including the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan.*

Table 1-1.–King salmon sport harvest by fishery and user group in Upper and Lower Cook Inlet salt waters, 2002–2022.

	Lower Cook Inlet Management Area											
	UCI Summer			LCI Summer			Winter			Total MA[a]		
Year	Charter	Unguided	Total	Charter	Unguided	Total	Charter	Unguided	Total	Charter	Unguided	Overall total
2002	1,970	1,825	3,795	1,520	1,990	3,510	204	1,219	1,423	3,694	8,116	11,810
2003	2,326	1,916	4,242	1,732	2,498	4,230	289	1,515	1,804	4,347	10,409	14,756
2004	3,024	2,395	5,419	3,515	2,420	5,935	419	1,650	2,069	6,958	10,766	17,724
2005	2,371	2,415	4,786	3,861	3,331	7,192	412	2,546	2,958	6,644	12,160	18,804
2006	3,323	2,610	5,933	3,055	2,943	5,998	169	1,346	1,515	6,547	9,821	16,368
2007	2,786	2,026	4,812	1,736	1,923	3,659	404	1,607	2,011	4,926	7,630	12,556
2008	1,742	912	2,654	1,285	1,749	3,034	336	1,356	1,692	3,363	5,199	8,562
2009	645	1,026	1,671	808	1,481	2,289	310	1,386	1,696	1,763	4,783	6,546
2010	731	1,580	2,311	2,580	1,673	4,253	789	1,770	2,559	4,100	6,034	10,134
2011	1,308	1,746	3,054	1,718	1,806	3,524	441	1,559	2,000	3,467	5,817	9,284
2012	581	827	1,408	1,817	1,514	3,331	330	1,749	2,079	2,728	4,162	6,890
2013	1,438	1,099	2,537	3,180	2,630	5,810	638	1,773	2,411	5,256	5,766	11,022
2014	1,160	1,379	2,539	2,964	2,095	5,059	438	2,735	3,173	4,562	7,427	11,989
2015	2,282	1,904	4,186	3,594	4,472	8,066	902	4,277	5,179	6,778	12,737	19,515
2016	1,962	1,801	3,763	5,335	4,533	9,868	344	4,762	5,106	7,641	12,364	20,005
2017	1,862	1,294	3,156	5,059	3,628	8,687	903	3,615	4,518	7,824	9,614	17,438
2018	1,436	1,541	2,977	3,318	3,500	6,818	1,341	6,503	7,844	6,095	12,062	18,157
2019	1,586	645	2,231	4,246	2,589	6,835	1,667	3,656	5,323	7,499	8,151	15,650
2020	592	1,188	1,780	4,756	2,319	7,075	1,795	3,540	5,335	7,143	8,002	15,145
2021	1,315	464	1,779	7,471	3,544	11,015	1,455	3,128	4,583	10,241	8,100	18,341
2022	1,490	897	2,387	4,534	3,853	8,387	1,520	3,422	4,942	7,544	9,224	16,768
Averages												
1986–2001	4,507	2,569	7,076	–	–	–	–	–	–	4,222	9,581	13,804
2002–2013	1,854	1,664	3,485	2,234	2,163	4,397	510	2,433	2,943	5,100	8,522	12,038
2014–2018	1,740	1,584	3,324	4,054	3,646	7,700	786	4,378	5,164	6,580	10,841	17,421
2019–2022	1,246	799	2,044	5,252	3,076	8,328	1,609	3,437	5,046	8,107	8,369	16,476

[a] The total management area harvest contains harvest from other locations including the Nick Dudiak Fishing Lagoon on the Homer Spit and shoreline fishing in Upper Cook Inlet, and is not just the sum of the summer and winter fisheries.

PROPOSAL 2 – 5 AAC 58.055. Amend the *Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan*

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan

PROPOSED BY: Mel Erickson.

WHAT WOULD THE PROPOSAL DO? For the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery, this would prevent preseason management actions, create a management action based on inseason projections for the Kenai and Anchor Rivers, and would establish a seasonal limit of two king salmon.

WHAT ARE THE CURRENT REGULATIONS? The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* encompasses all salt waters north of the latitude of Bluff Point (59°40.00'N) (Figure 1-1). This management plan is effective April 1 through August 31, requires anglers to stop fishing for king salmon for the day after harvesting a king salmon 20 inches or longer, and prohibits guides and crewmembers from sport fishing when clients are present or within guide's control or responsibility. This plan also closes all sport fishing within one mile of shore around the mouths of the lower Kenai Peninsula roadside streams from April 1 through July 15 except from shore for three 3-day weekends in June in the Ninilchik area.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would prohibit the department from taking any management actions for the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery until sonar counts are available for the Kenai and Anchor Rivers, which may increase harvest of Cook Inlet king salmon by an unknown amount.

BACKGROUND: In 1996, the board adopted the *Upper Cook Inlet Salt Water Early-run King Salmon Management Plan* with the intention of stabilizing a growing king salmon fishery on a mixture of fully utilized Cook Inlet stocks in the nearshore salt waters. The board extended the plan to include late-run stocks in 2016 and all salt waters north of Bluff Point in 2019. The early-run stocks include the Lower Kenai Peninsula roadside streams (Anchor River, Deep Creek and Ninilchik River), Kenai and Kasilof Rivers, and Northern Cook Inlet stocks and late-run stocks include Kenai and Kasilof Rivers. The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* has a guideline harvest level of 8,000 king salmon, but there are no management actions outlined in the plan. The *Kenai River Late-run King Salmon Management Plan*, which begins June 20, specifies that this salt water sport fishery and the Kenai River sport fishery will be closed if the projected late-run Kenai River king salmon escapement is less than 15,000 king salmon 75 cm mid-eye to tail fork and longer.

The harvest in the summer saltwater fishery in its peak years (1986-2001) averaged approximately 7,000 king salmon annually, but in the last three years has declined to an average of less than 2,000 fish (Table 1-1). Lower harvests are due to restrictions and closures in salt waters to protect Kenai Peninsula king salmon stocks and lower abundance of local king salmon stocks in Cook Inlet in recent years. From 2014 through 2018, the department conducted a Cook Inlet marine sport harvest assessment program to identify the harvest contribution by genetic reporting groups for this fishery. On average, Cook Inlet stocks comprised 17% of the annual fishery harvest, which resulted in annual harvests of approximately 300 to 700 Cook Inlet king salmon.

King salmon escapement monitoring on the Anchor and Kenai Rivers begins in mid-May. On both rivers, the first king salmon are typically counted in mid- to late-May, with inseason management actions typically taken the first or second week of June.

In combination with restrictions to freshwater king salmon sport fisheries within Cook Inlet, the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery has been restricted or closed by emergency order in 12 of the last 15 years since 2009. For early-run stocks, these restrictions have been based on the king salmon escapement monitoring in the Anchor and Kenai Rivers. Based on king salmon run timing to the lower Kenai Peninsula roadside streams, these actions have been effective through July 15. Preseason restrictions generally reduced the annual limit of king salmon 20" or longer from five fish to two fish. Inseason restrictions closed king salmon sport fishing within one mile of shore where Cook Inlet stocks are most likely to be harvested. The late-run portion of this fishery has been managed with the stipulations in the *Kenai River Late-run King Salmon Management Plan,* which has closed the fishery annually from 2020 through 2022. In 2023, this fishery was closed preseason from May 15 through July 31 to reduce the harvest of early-run and late-run stocks.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. In years of low abundance of Cook Inlet king salmon, using both preseason and inseason management actions for this fishery provides more protection for these stocks as they migrate through Cook Inlet salt waters. A large portion of these early-run stocks would likely have migrated through these waters by the time inriver counts allowed for inseason management actions to be made. The department has submitted Proposal 1 to provide regulatory structure for preseason and inseason restrictions for this fishery. This fishery will also be reviewed with the development of a Kenai River late-run king salmon stock of concern action plan.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 3 – 5 AAC 58.0555 AND AAC 21.359. Amend the management plans for the Upper Cook Inlet Summer and Kenai River late-run king salmon fisheries

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan and 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan

PROPOSED BY: Mel Erickson.

WHAT WOULD THE PROPOSAL DO? This would create a paired management action for the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery with the commercial Upper Subdistrict set gillnet fishery that stipulates if the commercial fishery is open, the sport fishery will be open from Anchor Point to Deep Creek in July.

WHAT ARE THE CURRENT REGULATIONS? The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* encompasses all salt waters north of the latitude of Bluff Point (59°40.00'N) (Figure 1-1). This management plan is effective April 1 through August 31, requires anglers to stop fishing for king salmon for the day after harvesting a king salmon 20 inches or longer, and prohibits guides and crewmembers from sport fishing when clients are present or within guide's control or responsibility. This plan also closes all sport fishing within one mile of shore around the mouths of the lower Kenai Peninsula roadside streams from April 1 through July 15, except from shore for three 3-day weekends in June in the Ninilchik area.

The *Kenai River Late-Run King Salmon Management Plan* is effective June 20 through August 15 and stipulates that if the projected late-run king salmon escapement is less than 15,000 king salmon 75 cm mid-eye to tail fork or longer, the department shall

1) close the sport fisheries in the Kenai River and in salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;
2) close the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and
3) close the commercial set gillnet in the Upper Subdistrict of the Central District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? In some years when the Upper subdistrict set gillnet fishery is open, this would provide more sport fishing opportunity for early- and late-run king salmon stocks in years of low abundance of early-run stocks. It is likely to increase the harvest by an unknown but assumed small amount.

BACKGROUND: In 1996, the board adopted the *Upper Cook Inlet Salt Water Early-run King Salmon Management Plan* with the intention of stabilizing a growing king salmon fishery on a mixture of fully utilized Cook Inlet stocks in the nearshore salt waters. The board extended the plan to include late-run stocks in 2016 and all salt waters north of Bluff Point in 2019. These early-run stocks include the Lower Kenai Peninsula roadside streams (Anchor River, Deep Creek and Ninilchik River), Kenai and Kasilof Rivers, and Northern Cook Inlet stocks and late-run stocks include Kenai and Kasilof Rivers. The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* has a guideline harvest level of 8,000 king salmon, but there are no management actions outlined in the plan. The *Kenai River Late-run King Salmon Management Plan*, which

begins June 20, specifies that this saltwater sport fishery and the Kenai River sport fishery will be closed if the projected late-run Kenai River king salmon escapement is less than 15,000 king salmon 75 cm mid-eye to tail fork and longer.

The harvest in the summer saltwater fishery in its peak years (1986-2001) averaged approximately 7,000 king salmon annually, but in the last three years has declined to an average of less than 2,000 fish (Table 1-1). Lower harvests are due to restrictions and closures in salt waters to protect Kenai Peninsula king salmon stocks and lower abundance of local king salmon stocks in Cook Inlet in recent years. From 2014 through 2018, the department conducted a Cook Inlet marine sport harvest assessment program to identify the harvest contribution by genetic reporting groups for this fishery. On average, Cook Inlet stocks comprised 17% of the annual fishery harvest, which resulted in annual harvests of approximately 300 to 700 Cook Inlet king salmon.

In combination with restrictions to freshwater king salmon sport fisheries within Cook Inlet, the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery has been restricted or closed by emergency order in 12 of the last 15 years since 2009. For early-run stocks, these restrictions have been based on the king salmon escapement monitoring in the Anchor and Kenai Rivers. Based on king salmon run timing to the lower Kenai Peninsula roadside streams, these actions have been effective through July 15. Preseason restrictions generally reduced the annual limit of king salmon 20" or longer from five fish to two fish. Inseason restrictions closed king salmon sport fishing within one mile of shore where Cook Inlet stocks are most likely to be harvested. The late-run portion of this fishery has been managed with the stipulations in the *Kenai River Late-run King Salmon Management Plan*, which has closed the fishery annually from 2020 through 2022. In 2023, this fishery was closed preseason from May 15 through July 31 to reduce the harvest of early-run and late-run stocks. The reduced annual king salmon harvest in this saltwater fishery in recent years is likely due to a combination of these restrictions and poor runs of Cook Inlet king salmon.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal and is **NEUTRAL** on any allocative aspects. Allowing fishing in July from Anchor Point to Deep Creek salt waters may increase the harvest of late-run king salmon and other lower Kenai Peninsula roadside streams stocks. It is unclear if the intention of this proposal was to allow fishing in the first two weeks of July in the conservation zones that are closed to all sport fishing. Currently, the *Kenai River Late-Run King Salmon Management Plan* only has management actions that would close king salmon sport fishing in Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery and commercial Eastside Setnet Fishery simultaneously. Given the Kenai River late-run king salmon stock of concern designation, this fishery will also be reviewed with the development of an action plan.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 4 – 5 AAC 58.055. Redefine the boundaries of the Upper Cook Inlet Area

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan

PROPOSED BY: Mel Erickson.

WHAT WOULD THE PROPOSAL DO? This would move the regulatory boundary in Cook Inlet salt waters for king salmon sport fisheries from the latitude of Bluff Point to a line from Anchor Point to Sea Otter Point.

WHAT ARE THE CURRENT REGULATIONS? From April 1 through August 31, all salt waters north of the latitude of Bluff Point (59°40.00'N) (Figure 1-1) are included in the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* and the king salmon bag and possession limit is one fish any size. From April 1 through August 31, in Cook Inlet salt waters south of the latitude of Bluff Point (59°40.00'N), the king salmon bag and possession limits are two fish any size. During this time, king salmon 20" or greater in length harvested in Cook Inlet salt waters are included in the Cook Inlet annual limit of five.

The *Kenai River Late-Run King Salmon Management Plan* is effective June 20 through August 15 and stipulates that if the projected late-run king salmon escapement is less than 15,000 king salmon 75 cm mid-eye to tail fork or longer, the department shall

1) close the sport fisheries in the Kenai River and in salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;
2) close the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and
3) close the commercial set gillnet in the Upper Subdistrict of the Central District.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would remove an approximately seven statute mile area between Bluff Point and Anchor Point from the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* and would increase the king salmon bag and possession limits in that area from one to two king salmon from April 1 through August 31. This would likely increase king salmon harvest of both Cook Inlet and nonlocal stocks by an unknown small amount. It would also provide a more identifiable landmark for this boundary.

BACKGROUND: In Cook Inlet salt waters along the Kenai Peninsula, the Bluff Point to Anchor Point area is a popular location for anglers to troll for king salmon year-round. In a typical fishing trip, anglers will routinely fish both north and south of the latitude of Bluff Point. Based on sport harvest assessment projects in Cook Inlet salt waters, Cook Inlet stocks are most likely to be harvested north of Anchor Point and within one mile of shore in May through July. In the area from Anchor Point south to Bluff Point and greater than one mile from shore, nonlocal feeder king salmon comprise most of the harvest, but based on maturity a small percentage (10% or less) are Cook Inlet stocks. Based on genetic mixed stock analyses from 2014 through 2018, on average 97% of the king salmon harvested south of Bluff Point are nonlocal stocks.

In 1990, the board first established Bluff Point as a boundary to divide Cook Inlet salt waters, reducing bag and possession limits to one king salmon north of the boundary and leaving the king salmon bag and possession limits south of the boundary. Additionally in 1990, the board used Bluff Point as a southern boundary in the *Kenai River Late-Run King Salmon Management Plan.* Cook Inlet saltwater king salmon sport fisheries area and season have been refined over time by the board, but in 2013 and 2016 the board failed to adopt public proposals to modify the Bluff Point boundary to Anchor Point.

In combination with restrictions to freshwater king salmon sport fisheries within Cook Inlet, the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery has been restricted or closed by emergency order in 12 of the last 15 years since 2009. For early-run stocks, these restrictions have been based on the king salmon escapement monitoring in the Anchor and Kenai Rivers. Based on king salmon run timing to the lower Kenai Peninsula roadside streams, these actions have been effective through July 15. Preseason restrictions generally reduced the annual limit of king salmon 20" or longer from five fish to two fish. Inseason restrictions closed king salmon sport fishing within one mile of shore where Cook Inlet stocks are most likely to be harvested. The late-run portion of this fishery has been managed with the stipulations in the *Kenai River Late-run King Salmon Management Plan*, which has closed the fishery annually from 2020 through 2022. In 2023, this fishery was closed preseason from May 15 through July 31 to reduce the harvest of early-run and late-run stocks. Also in 2023, the king salmon bag limit south of Bluff Point was reduced preseason from two to one fish.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal and is **NEUTRAL** on any allocative aspects. The department supports using a more recognizable landmark for boundaries where possible, but potential increased king salmon harvest in this area is not advisable during years of low productivity of Cook Inlet stocks. This fishery will also be reviewed with the development of a Kenai River late-run king salmon stock of concern action plan.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 5 – 5 AAC 58.055. Allow fishing from shore in the marine waters adjacent to Ninilchik River and Deep Creek year-round

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan

PROPOSED BY: John Bithos.

WHAT WOULD THE PROPOSAL DO? This would allow sport fishing from shore for all species in the Ninilchik area conservation zone closure area, except within 200 yards of the stream mouths, from April 1 through July 15.

WHAT ARE THE CURRENT REGULATIONS? The *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* consists of all salt waters north of the latitude of Bluff Point (59°40.00'N) (Figure 1-1). This management plan is effective April 1 through August 31 and closes all sport fishing within one mile of shore around the mouths (conservation zones) of the lower Kenai Peninsula roadside streams from April 1 through July 15 except from shore for three 3-day weekends in June in the Ninilchik area. In this area, sport fishing is open for the remainder of the year. The Ninilchik area conservation zone includes waters from one mile north of the mouth of the Ninilchik River (60°03.99'N) to two miles south of the mouth of Deep Creek (60°00.68'N) and within one mile of shore.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide more sport fishing opportunity for surf fishing in the Ninilchik area. It may also reduce regulatory complexity by simplifying the regulations to allow surf fishing year-round in the Ninilchik area but would create a secondary boundary within the conservation zone specific to fishing from shore. It would further separate the sport fishing regulations between the Ninilchik area conservation zone and the Stariski Creek and Anchor River conservation zones, which do not allow any fishing from shore. Sport fishing for king salmon could continue to be closed by EO.

BACKGROUND: Seasonal sport fishing closures around the mouths (conservation zones) of the lower Kenai Peninsula roadside streams have been used to restrict the harvest of early-run king salmon stocks since statehood and have been modified by the board over the years. With the adoption of the *Upper Cook Inlet Salt Water Early-run King Salmon Management Plan* in 1996, the seasonal closures were effective to all sport fishing from April 1 through June 30. In 2010, the board adopted a proposal to allow fishing from shore in the Ninilchik area conservation zone on the three 3-day weekends when the Ninilchik River was open to sport fishing. In 2016, the board adopted a department proposal to extend the effective dates of the conservation zones through July 15 due to the progressively later run timing of king salmon into the Anchor River. In recent years, more than 50% of the total king salmon escapement in the Anchor River has been counted after June.

Surf fishing along the western shore of the Kenai Peninsula has grown in popularity in recent years, but overall comprises a small percentage of effort (less than 5% annually) and harvest of halibut (less than 1%) for Upper Cook Inlet salt waters. Most of the surf fishing effort is directed towards groundfish species and occurs from Clam Gulch to Whiskey Gulch.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal to provide more sport fishing opportunity for a growing shore-based fishery. There is increased surf fishing effort for groundfish along the Kenai Peninsula and current regulations limit opportunity at the road accessible locations. The current regulations associated with the conservation closure areas around the stream mouths are complex and inconsistent between zones. The department suggests two options for the board to consider: 1) adopt the proposal as is, or 2) allow fishing from shore for species other than king salmon in all three conservation zones, which would reduce regulatory complexity between the zones. Both options would require establishing a new boundary immediately surrounding the stream mouths.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

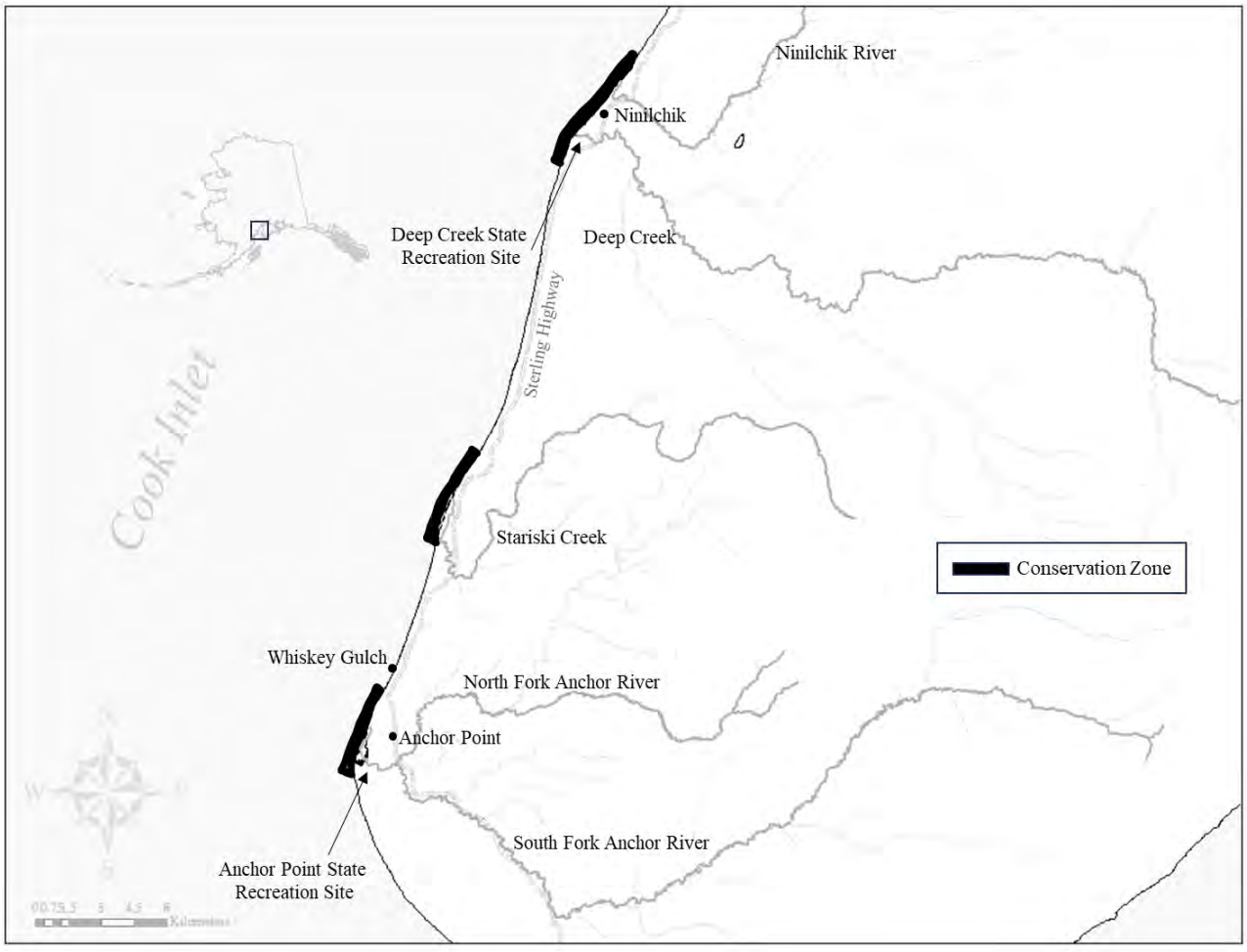

Figure 5-1.–Map of the seasonal conservation zones surrounding the lower Kenai Peninsula roadside stream mouths.

PROPOSAL 6 – 5 AAC 58.XXX. Create a management plan and establish a guideline harvest level for the lower Cook Inlet summer salt water king salmon sport fishery

5 AAC 58.XXX. New Section

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would create a management plan and establish a guideline harvest level for the Lower Cook Inlet summer salt water king salmon fishery.

WHAT ARE THE CURRENT REGULATIONS? From April 1 through August 31, in Lower Cook Inlet salt waters south of Bluff Point (Figure 6-1), the king salmon bag and possession limit is two king salmon of any size. Harvested king salmon 20 inches or longer must be recorded and count as part of the Cook Inlet annual limit of five.

Management plans that impact Cook Inlet salt water king salmon fisheries are:

- *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* (5 AAC 58.055)
    - North of Bluff Point
    - April – August
    - GHL 8,000 king salmon
- *Cook Inlet Winter Salt Water King Salmon Management Plan* (5 AAC 58.060)
    - Cook Inlet wide
    - September – March
    - GHL 4,500 king salmon
- *Kenai River and Kasilof River Early-run King Salmon Management Plan* (5 AAC 57.160)
    - prescribes management actions in fresh waters of Kenai and Kasilof rivers to achieve established escapement goals
    - January – June
- *Kenai River Late-run King Salmon Management Plan* (5 AAC 21.359)
    - directs salt water sport fishery and the Kenai River sport fishery closures based on projections to achieve established escapement goal
    - June 20 – August 15

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide the board the opportunity to create more regulatory structure for the king salmon sport fishery in lower Cook Inlet during the summer period and identify an appropriate harvest level for this mixed stock fishery.

BACKGROUND: Cook Inlet salt waters support a diversity of year-round king salmon sport fishing opportunities and are currently structured into three boat-based fisheries. From September through March, king salmon sport fishing in all of Cook Inlet salt waters are managed with the *Cook Inlet Winter Salt Water King Salmon Management Plan* and a guideline harvest level of 4,500 king salmon. During the summer period (April through August), when local Cook Inlet stocks are present, north of the latitude of Bluff Point the king salmon sport fishery is managed with the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* and a guideline

harvest level of 8,000 king salmon. During the summer period, south of Bluff Point king salmon sport fishing is managed with sport fishing regulations outlined for the Cook Inlet-Resurrection Bay Saltwater Area and there is no guideline harvest level.

From 2002 through 2013, the king salmon harvest in Lower Cook Inlet during the summer period averaged approximately 4,400 fish, which was about 37% of the total king salmon harvest in Cook Inlet salt waters (Table 6-1). During this period, approximately 49% of the harvest was by unguided anglers. Since 2014, king salmon harvest in this fishery has increased 81% to an average annual harvest of 7,964 fish. From these two time periods, king salmon harvest increased by 51% for charter anglers and 36% for unguided anglers.

In combination with freshwater king salmon sport fishing restrictions, the Upper Cook Inlet Summer Fishery has been restricted or closed by emergency order 12 of the last 15 years, but no restrictions were made to the Lower Cook Inlet fishery until 2023. These decisions were based on the results of genetic mixed-stock analyses on the sport king salmon harvest in the Cook Inlet saltwater fisheries from 2014 through 2018. The results found that although Cook Inlet stocks were prevalent in the harvest in Upper Cook Inlet Summer Fishery, on average 3% of the king salmon harvest in the Lower Cook Inlet Summer Fishery was Cook Inlet stocks. In 2023, the department closed most freshwater king salmon sport fisheries in Cook Inlet and the Upper Cook Inlet Salt Water Summer Fishery by preseason emergency order due to recent poor runs of Cook Inlet stocks and preseason forecasts for Deshka, Anchor, and Kenai Rivers that were below their respective escapement goals. Given these restrictions, the department also reduced the bag and possession limits from two to one king salmon south of Bluff Point from May 15 through July 31 when Cook Inlet stocks were most likely to be harvested in these waters.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** the creation of regulatory framework to direct management of this fishery. The king salmon harvest in Lower Cook Inlet during the summer period has shown an increasing harvest trend. Based on the guidelines outlined in the *Policy for the management of mixed stock salmon fisheries* (5 AAC 39.220) and the overall declines of king salmon stocks from Cook Inlet and throughout the Pacific Northwest, creating regulations and harvest level for this mixed stocked fishery is appropriate. The department recommends that if the board adopts a GHL for this fishery it also provides direction to the department on management actions to stay below the GHL.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

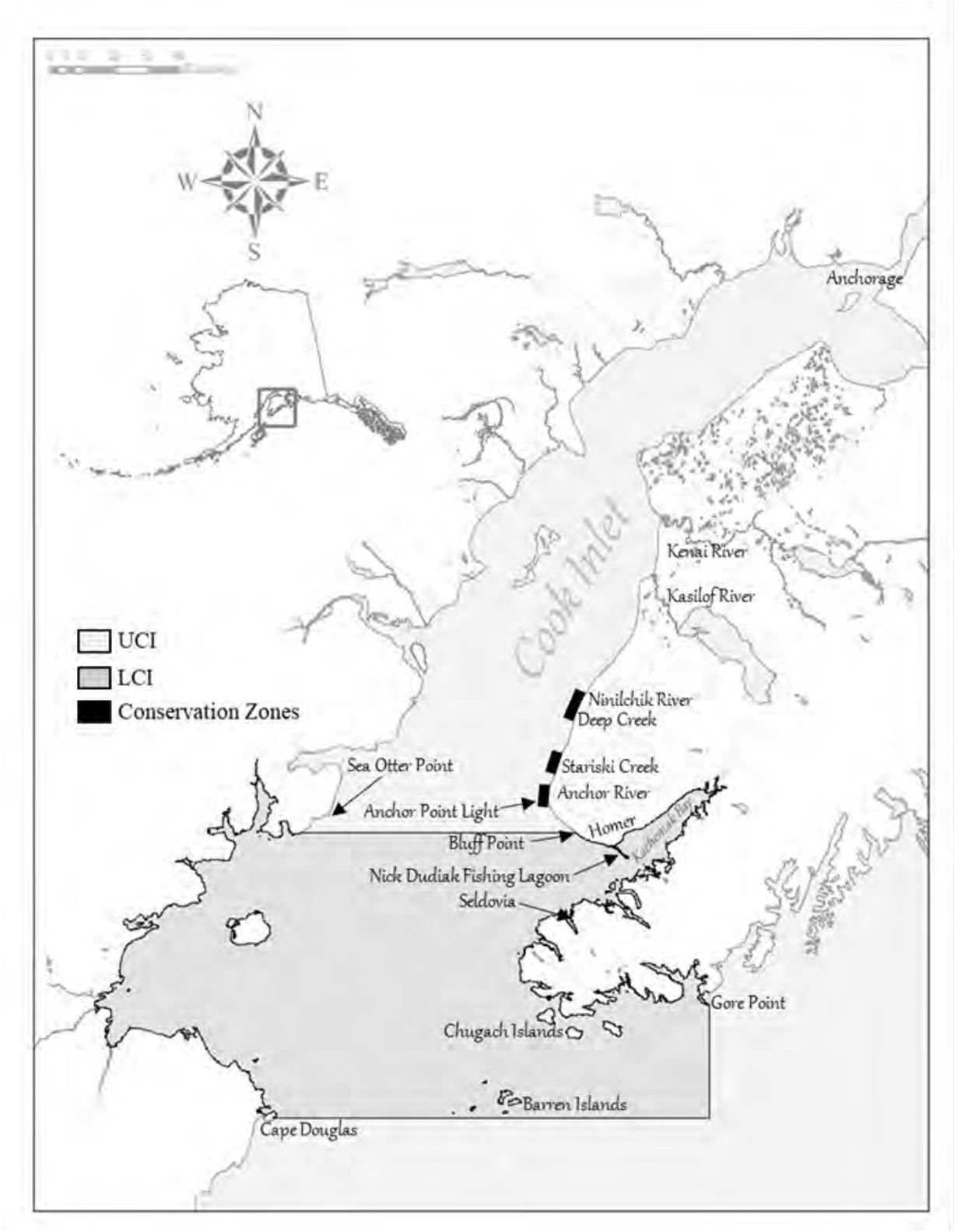

Figure 6-1.–Map of Lower and Upper Cook Inlet salt waters associated with king salmon sport fishing regulations including the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan.*

Table 6-1.–King salmon sport harvest by fishery and user group in Upper and Lower Cook Inlet salt waters, 2002–2022.

	Lower Cook Inlet Management Area											
	UCI Summer			LCI Summer			Winter			Total MA[a]		
Year	Charter	Unguided	Total	Charter	Unguided	Total	Charter	Unguided	Total	Charter	Unguided	Overall total
2002	1,970	1,825	3,795	1,520	1,990	3,510	204	1,219	1,423	3,694	8,116	11,810
2003	2,326	1,916	4,242	1,732	2,498	4,230	289	1,515	1,804	4,347	10,409	14,756
2004	3,024	2,395	5,419	3,515	2,420	5,935	419	1,650	2,069	6,958	10,766	17,724
2005	2,371	2,415	4,786	3,861	3,331	7,192	412	2,546	2,958	6,644	12,160	18,804
2006	3,323	2,610	5,933	3,055	2,943	5,998	169	1,346	1,515	6,547	9,821	16,368
2007	2,786	2,026	4,812	1,736	1,923	3,659	404	1,607	2,011	4,926	7,630	12,556
2008	1,742	912	2,654	1,285	1,749	3,034	336	1,356	1,692	3,363	5,199	8,562
2009	645	1,026	1,671	808	1,481	2,289	310	1,386	1,696	1,763	4,783	6,546
2010	731	1,580	2,311	2,580	1,673	4,253	789	1,770	2,559	4,100	6,034	10,134
2011	1,308	1,746	3,054	1,718	1,806	3,524	441	1,559	2,000	3,467	5,817	9,284
2012	581	827	1,408	1,817	1,514	3,331	330	1,749	2,079	2,728	4,162	6,890
2013	1,438	1,099	2,537	3,180	2,630	5,810	638	1,773	2,411	5,256	5,766	11,022
2014	1,160	1,379	2,539	2,964	2,095	5,059	438	2,735	3,173	4,562	7,427	11,989
2015	2,282	1,904	4,186	3,594	4,472	8,066	902	4,277	5,179	6,778	12,737	19,515
2016	1,962	1,801	3,763	5,335	4,533	9,868	344	4,762	5,106	7,641	12,364	20,005
2017	1,862	1,294	3,156	5,059	3,628	8,687	903	3,615	4,518	7,824	9,614	17,438
2018	1,436	1,541	2,977	3,318	3,500	6,818	1,341	6,503	7,844	6,095	12,062	18,157
2019	1,586	645	2,231	4,246	2,589	6,835	1,667	3,656	5,323	7,499	8,151	15,650
2020	592	1,188	1,780	4,756	2,319	7,075	1,795	3,540	5,335	7,143	8,002	15,145
2021	1,315	464	1,779	7,471	3,544	11,015	1,455	3,128	4,583	10,241	8,100	18,341
2022	1,490	897	2,387	4,534	3,853	8,387	1,520	3,422	4,942	7,544	9,224	16,768
Averages												
1986–2001	4,507	2,569	7,076	–	–	–	–	–	–	4,222	9,581	13,804
2002–2013	1,854	1,664	3,485	2,234	2,163	4,397	510	2,433	2,943	5,100	8,522	12,038
2014–2018	1,740	1,584	3,324	4,054	3,646	7,700	786	4,378	5,164	6,580	10,841	17,421
2019–2022	1,246	799	2,044	5,252	3,076	8,328	1,609	3,437	5,046	8,107	8,369	16,476

[a] The total management area harvest contains harvest from other locations including the Nick Dudiak Fishing Lagoon on the Homer Spit and shoreline fishing in Upper Cook Inlet, and is not just the sum of the summer and winter fisheries.

PROPOSAL 7 – 5 AAC 58.030. Prohibit snagging and spear fishing for king salmon in Seldovia Harbor and Lagoon until June 24

5 AAC 58.030. Methods, means, and general provisions - Finfish

PROPOSED BY: Thomas Dunagan.

WHAT WOULD THE PROPOSAL DO? This would prohibit snagging and spearfishing in the Seldovia Harbor and Seldovia Lagoon until June 24.

WHAT ARE THE CURRENT REGULATIONS? Both snagging and spearfishing are allowed year-round in Cook Inlet salt waters south of the latitude of Bluff Point excluding the Nick Dudiak Fishing Lagoon on the Homer Spit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would prohibit snagging and spearfishing until later in the king salmon run at the Seldovia terminal king salmon sport fishery. The waters of this fishery would need to be defined, and it would add some regulatory complexity to the enhanced terminal king salmon fisheries in Lower Cook Inlet salt waters.

BACKGROUND: Hatchery king salmon have been stocked annually in Seldovia since the late 1980s. This stocking program primarily supports shore and boat-based sport fishing opportunities within the Seldovia Slough and Lagoon (Figure 7-1). No king salmon harvest estimates are available for this fishery but based on the stocking level and return to other enhanced king salmon locations in Cook Inlet, the annual harvest likely ranges from 200-500 king salmon. These king salmon are also likely harvested at an unknown amount in mixed-stocked fisheries including the Seldovia set gillnet subsistence fishery, commercial set net fishery in Seldovia Bay, and to a lesser extent, the boat-based sport troll fishery in Kachemak Bay.

Sport fishing snagging regulations in Cook Inlet salt waters have been refined over time by the board and structured to prevent anglers from targeting returning sockeye salmon in Upper Cook Inlet and to prevent anglers from targeting enhanced king salmon in Kachemak Bay. Historically, snagging has been prohibited year-round in Upper Cook Inlet, in Kachemak Bay from January 1 through June 23, and in the Nick Dudiak Fishing Lagoon on the Homer Spit unless opened by emergency order. At the 2019 LCI Finfish board meeting, the board adopted a department proposal to simplify these snagging regulations but as an unintended consequence, snagging was allowed year-round in the Seldovia Slough and Lagoon.

At the 2023 Statewide Finfish meeting, the board adopted a department proposal to modify the definition of spearfishing to allow users to be floating at the surface instead of completely submerged.

DEPARTMENT COMMENTS: The department **SUPPORTS** prohibiting snagging to correct the unintended regulatory effect from the last board cycle. The department is **NEUTRAL** on any allocative aspects between users. Given that this location is a terminal fishery targeting hatchery salmon, there are no biological concerns with the harvest of these king salmon. There may be some

social concerns with spearfishing in these waters since anglers are concentrated in relatively small areas when targeting king salmon.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

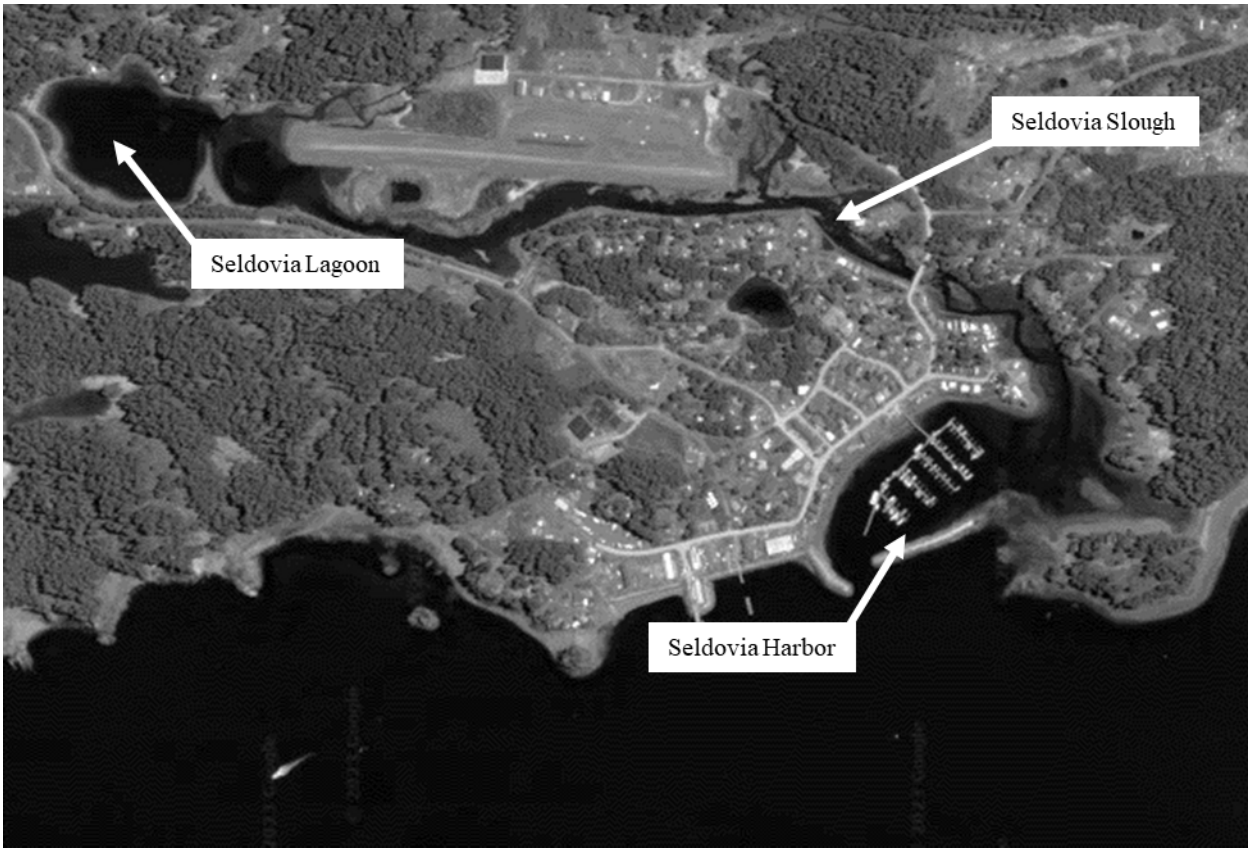

Figure 7-1. –Aerial view of the Seldovia Harbor and Slough area.

PROPOSAL 8 – 5 AAC 58.030. Prohibit snagging in Seldovia Bay

5 AAC 58.030. Methods, means, and general provisions - Finfish

PROPOSED BY: Seldovia Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This would prohibit snagging in the Seldovia Harbor and Seldovia Lagoon areas from January 1 through June 15 and would define the waters of the Seldovia king salmon terminal sport fishery.

WHAT ARE THE CURRENT REGULATIONS? Snagging is allowed year-round in Cook Inlet salt waters south of the latitude of Bluff Point, excluding the Nick Dudiak Fishing Lagoon on the Homer Spit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would prohibit snagging until the middle of the king salmon run at the Seldovia terminal king salmon sport fishery. It would add some regulatory complexity to the enhanced terminal king salmon fisheries in Lower Cook Inlet salt waters.

BACKGROUND: Hatchery king salmon have been stocked annually in Seldovia since the late 1980s. This stocking program primarily supports shore and boat-based sport fishing opportunities within the Seldovia Slough and Lagoon (Figure 7-1). No king salmon harvest estimates are available for this fishery but based on the stocking level and return to other enhanced king salmon locations in Cook Inlet, the annual harvest likely ranges from 200-500 king salmon. These king salmon are also likely harvested at an unknown amount in mixed-stocked fisheries including the Seldovia set gillnet subsistence fishery, commercial set net fishery in Seldovia Bay, and to a lesser extent, the boat-based sport troll fishery in Kachemak Bay.

Sport fishing snagging regulations in Cook Inlet salt waters have been refined over time by the board and structured to prevent anglers from targeting returning sockeye salmon in Upper Cook Inlet and to prevent anglers from targeting enhanced king salmon in Kachemak Bay. Historically, snagging has been prohibited year-round in Upper Cook Inlet, in Kachemak Bay from January 1 through June 23, and in the Nick Dudiak Fishing Lagoon on the Homer Spit unless opened by emergency order. At the 2019 LCI Finfish board meeting, the board adopted a department proposal to simplify these snagging regulations but as an unintended consequence, snagging was allowed year-round in the Seldovia Slough and Lagoon. At the 2023 Statewide Finfish meeting, the board adopted a department proposal to modify the definition of spearfishing to allow users to be floating at the surface instead of completely submerged.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. This proposal is seeking to prohibit snagging until June 16, which is likely near the midpoint of the king salmon run. The department would prefer a later opening date to snagging as suggested in Proposal 7 or to open snagging by emergency order similar to the Nick Dudiak Fishing Lagoon.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 9 – 5 AAC 58.060. Review management options in the *Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan*

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This provides the board an opportunity to review the management options in the *Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan*.

WHAT ARE THE CURRENT REGULATIONS? The Cook Inlet Winter Salt Water King Salmon Sport Fishery occurs throughout Cook Inlet salt waters from September 1 through March 31, the bag and possession limits are two king salmon any size, there is no annual limit, and there is a GHL of 4,500 king salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? If the board chooses to take action with this proposal, it will require additional language to modify the management plan.

BACKGROUND: Cook Inlet salt waters support a diversity of year-round king salmon sport fishing opportunities. During the winter period (September through March), anglers troll for king salmon primarily in the nearshore waters of Kachemak Bay. Both marine weather and boat size may limit participation during the winter period and angler success fluctuates depending on the prevalence of king salmon.

In 2001, the board adopted a proposal creating an annual limit of five king salmon for all Cook Inlet salt waters during the winter period. The board cited increasing effort and harvest and unknown stock composition of the king salmon harvest as reasons for the regulatory change with the intent to slow future growth of the winter fishery. Public opposition prompted the board to form a Local Area Management Plan (LAMP) committee to develop a regulatory alternative to the annual limit regulation. As a result, in 2002, the *Cook Inlet Winter Salt Water King Salmon Management Plan* was created by the board and the king salmon annual limit regulation was removed. The plan included the Cook Inlet waters south of Bluff Point from October 1 through March 31 and a Guideline Harvest Level of 3,000 king salmon. In 2016, the board adopted a department proposal to modify the area to include all Cook Inlet salt waters and include the month of September in the fishery. As a result, the board increased the GHL to 4,500 king salmon. In 2019, the board failed to adopt a public proposal to establish an annual limit for the winter fishery and did not provide the department any management actions to stay within the GHL.

From 2002 through 2013, the winter fishery average annual harvest was approximately 2,000 king salmon and has increased to an average of over 5,100 fish and annually exceeded the GHL since 2014 (Figure 9-1). From 2014 through 2018, the department conducted a Cook Inlet marine sport harvest assessment program to identify the harvest contribution by genetic groups for the Cook Inlet saltwater king salmon sport fisheries. In the winter fishery, Cook Inlet stocks were either absent or harvested at an undetectable low level in all years. The origins of king salmon from stocks outside of Cook Inlet are likely a mixture of wild and hatchery stocks from throughout the

Pacific Northwest. From 2002 through 2018, approximately 18% of the king salmon harvest was by guided anglers. In recent years, that number has increased to 32%.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department brings this and similar plans before the board on a regular basis to review the elements of the plan and provide updates on management effectiveness. The king salmon harvest in the winter fishery has exceeded the GHL for nine consecutive years and the trend will likely continue. The board may consider modifying the GHL for this fishery or provide the department direction on management actions, to stay below the GHL, similar to other fisheries where a GHL is in place. Potential actions include reducing the bag limit, creating an annual limit, creating a size restriction, or other regulations (Table 9-1). Since 2015, the annual king salmon harvests have remained fairly stable with an increasing proportion taken by guided anglers. Given the mixed-stocked composition of king salmon harvest in the winter fishery, the department is **NEUTRAL** on the allocative aspects.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 9-1.–Potential Management Actions to reduce the king salmon harvest and stay within the GHL of the Cook Inlet Winter Salt Water King Salmon Sport Fishery.

Potential Management Actions	
Reduce bag from 2 to 1 fish	more restrictive
Create annual limit	
Implement size restriction ≥ 28"	
Implement size restriction ≥ 20"	
Prohibit captain and crew from retaining king salmon while clients are on board	less restrictive

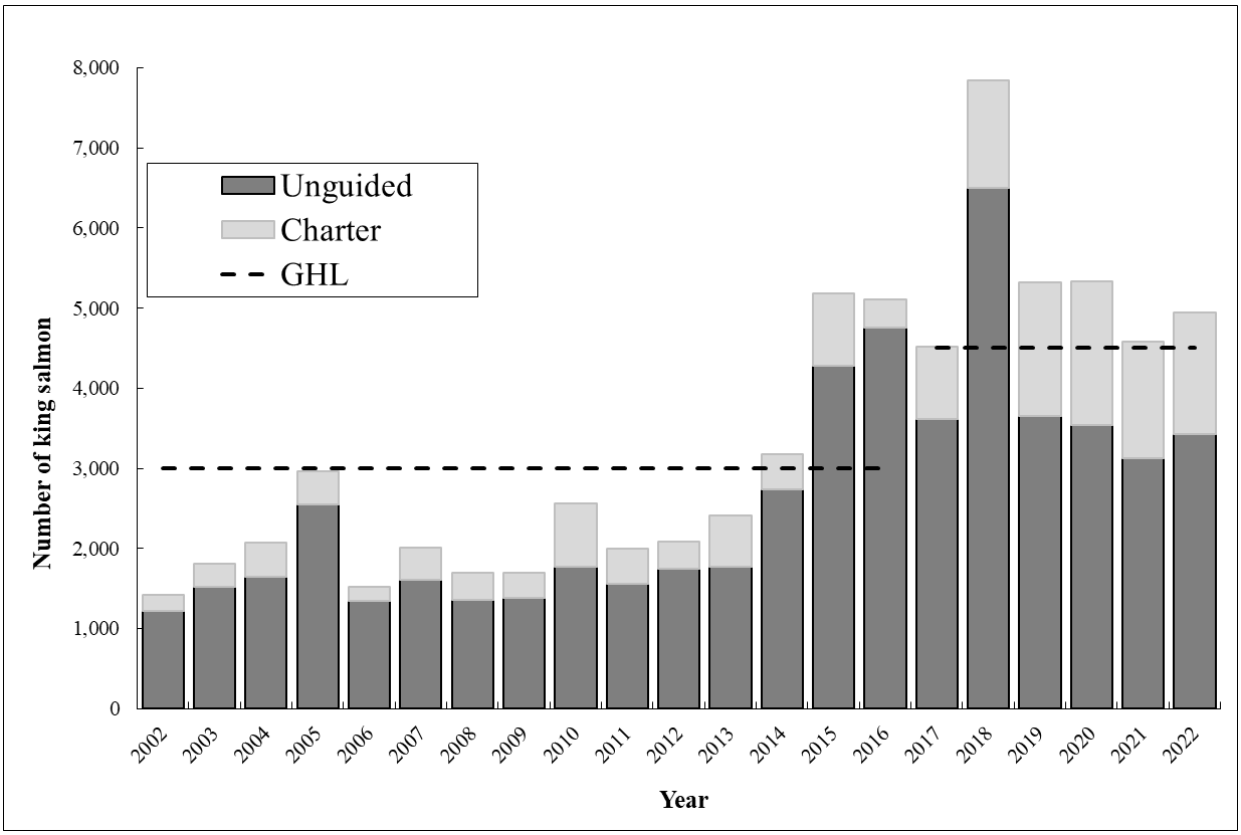

Figure 9-1.–King salmon harvest by unguided and charter anglers as compared to the GHL in the Cook Inlet winter salt water king salmon sport fishery, 2002–2022.

PROPOSAL 10 – 5 AAC 58.060. Modify king salmon limits in the Cook Inlet Winter Salt Water King Salmon Sport Fishery

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan

PROPOSED BY: Homer Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This would increase the king salmon possession limit from two to four fish and establish a king salmon annual harvest limit of 10 king salmon for the Cook Inlet Winter Salt Water King Salmon Sport Fishery.

WHAT ARE THE CURRENT REGULATIONS? The Cook Inlet Winter Salt Water King Salmon Sport Fishery occurs throughout Cook Inlet salt waters from September 1 through March 31, the bag and possession limits are two king salmon any size, there is no annual limit, and there is a GHL of 4,500 king salmon.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Increasing the possession limit from two to four king salmon is not likely to increase harvest or provide more opportunity. Implementing an annual limit for the winter fishery will likely reduce the king salmon harvest by an unknown amount.

BACKGROUND: Cook Inlet salt waters support a diversity of year-round king salmon sport fishing opportunities. During the winter period (September through March), anglers troll for king salmon primarily in the nearshore waters of Kachemak Bay. Both marine weather and boat size may limit participation during the winter period and angler success fluctuates depending on the prevalence of king salmon.

In 2001, the board adopted a proposal creating an annual limit of five king salmon for all Cook Inlet salt waters during the winter period. The board cited increasing effort and harvest and unknown stock composition of the king salmon harvest as reasons for the regulatory change with the intent to slow future growth of the winter fishery. Public opposition prompted the board to form a Local Area Management Plan (LAMP) committee to develop regulatory alternative to the annual limit regulation. As a result, in 2002, the *Cook Inlet Winter Salt Water King Salmon Management Plan* was created by the board and the king salmon annual limit regulation was removed. The plan included the Cook Inlet waters south of Bluff Point from October 1 through March 31 and a Guideline Harvest Level of 3,000 king salmon. In 2016, the board adopted a department proposal to modify the area to include all Cook Inlet salt waters and include the month of September in the fishery. As a result, the board increased the GHL to 4,500 king salmon. In 2019, the board failed to adopt a public proposal to establish an annual limit for the winter fishery and did not provide the department any management actions to stay within the GHL.

From 2002 through 2013, the winter fishery average annual harvest was approximately 2,000 king salmon and has increased to an average of over 5,100 fish and annually exceeded the GHL since 2014 (Figure 9-1). From 2014 through 2018, the department conducted a Cook Inlet marine sport harvest assessment program to identify the harvest contribution by genetic groups for the Cook Inlet saltwater king salmon sport fisheries. In the winter fishery, Cook Inlet stocks were either absent or harvested at an undetectable low level in all years. The origins of king salmon from

stocks outside of Cook Inlet are likely a mixture of wild and hatchery stocks from throughout the Pacific Northwest. From 2002 through 2018, approximately 18% of the king salmon harvest was by guided anglers. In recent years, that number has increased to 32%.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. However, the department **SUPPORTS** the board establishing additional guidance regulations to assist the department in not exceeding the GHL. The department submitted Proposal 9 for the board to review management actions of the *Cook Inlet Winter Salt Water King Salmon Management Plan.* Implementing an annual limit for king salmon in the winter fishery will reduce the harvest by an unknown amount. Assessing the effectiveness for unguided anglers would not currently be possible without mandatory reporting or creel sampling. It would make Cook Inlet salt waters the only salt waters in Southcentral Alaska with an annual limit during the winter period. It is assumed that most anglers do not harvest more than 10 king salmon annually in this fishery, but it is likely some lower Kenai Peninsula resident anglers that consistently participate in this fishery would be affected by this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 11 – 5 AAC 58.060. Allow Alaska resident anglers to use two rods for salmon

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan

PROPOSED BY: Dan Miotke.

WHAT WOULD THE PROPOSAL DO? This would allow resident anglers to use two rods when fishing for king salmon in Cook Inlet salt waters from October 1 through March 31.

WHAT ARE THE CURRENT REGULATIONS? Cook Inlet salt waters adhere to the statewide sport fishing methods and means which only allows anglers to use a closely attended single line.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would likely increase harvest by an unknown small amount. It would add some regulatory complexity to the winter fishery. It may reduce the harvest of other species caught while trolling for king salmon because anglers would be required to release them.

BACKGROUND: Cook Inlet salt waters support a diversity of year-round king salmon sport fishing opportunities. During the winter period (September through March), anglers troll for king salmon primarily in the nearshore waters of Kachemak Bay. Both marine weather and boat size may limit participation during the winter period and angler success fluctuates depending on the prevalence of king salmon.

From 2002 through 2013, the winter fishery average annual harvest was approximately 2,000 king salmon and has increased to an average of over 5,100 fish since 2014. From 2002 through 2013, the harvest remained within the GHL but has exceeded it annually since 2014 (Figure 9-1). This harvest increase has been attributed to an increased abundance of nonlocal stocks and favorable marine weather throughout the winter. From 2002 through 2018, approximately 18% of the king salmon harvest was by guided anglers. In recent years, that number has increased to 32%.

The *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) directs the department to establish bag, possession, annual limits, and other management measures for the king salmon sport fishery in Southeast Alaska. The management plan contains seven management tiers which correspond to the annual allocation of king salmon to the sport fishery with opportunity increasing as allocation increases. Under some allocation levels all anglers may use two rods in the winter fishery (October-March) when fishing for king salmon. In other allocation levels only Alaska resident anglers may use two rods during the winter fishery. In years of low allocation sport fishing gear is limited to the standard statewide definition of only one line per angler.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Although this proposal is not likely to significantly increase the king salmon harvest in the winter fishery, it has exceeded the GHL for the last nine consecutive years. It also adds regulatory complexity between seasons within Cook Inlet salt waters and between Cook Inlet and other Southcentral Alaska salt waters.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 12 – 5 AAC 58.065. Modify the *North Gulf Coast King Salmon Sport Fishery Management Plan*

5 AAC 58.065. North Gulf Coast King Salmon Sport Fishery Management Plan

PROPOSED BY: Homer Charter Association.

WHAT WOULD THE PROPOSAL DO? This would seasonally change the bag and possession limit for king salmon and establish an annual limit for king salmon 20 inches or greater for a portion of the year, in the North Gulf Coast Management Area (NGCMA). From May 15–July 31 the bag and possession limit would be one fish, no size limit and from August 1–May 14 the bag and possession limit would be two fish, no size limit. There would be an annual limit of five king salmon, 20 inches or longer, from April 1–August 31. King salmon that are removed from the water would become part of the bag and possession limit of the person who originally hooked it, and king salmon removed from the water could not be released.

WHAT ARE THE CURRENT REGULATIONS? The *North Gulf Coast King Salmon Sport Fishery Management Plan* (5 AAC 58.065) prescribes king salmon sport fishing regulations inside and outside of the Resurrection Bay Terminal Harvest Area (THA: Figure 12-1). Outside of the Resurrection Bay THA, from January 1 – December 31, the bag and possession limit for king salmon is one fish, with no size limit. Within the Resurrection Bay THA, the bag and possession limits are:

- From May 1 – August 31, the bag and possession limit for king salmon is two fish with no size or annual limit.
- From September 1 – April 30, the bag and possession limit for king salmon is one fish with no size or annual limit.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The overall effect on king salmon harvest for the NGCMA is unknown. This proposal would align king salmon regulations in the NGCMA by removing the king salmon salt water special regulations for the Resurrection Bay THA. However, in the outer portion of the NGCMA there may be an increase in harvest outside of the timeframe there is an annual limit and inside the THA there may be a decrease in harvest, with the reduced bag and possession limit and the implementation of an annual limit for a portion of the year.

BACKGROUND: In 2001, the board adopted the *North Gulf Coast King Salmon Sport Fishery Management Plan* and defined the Resurrection Bay THA as the area inside of a line drawn from Cape Aialik to Cape Resurrection to allow anglers additional harvest opportunity on stocked king salmon in the THA, while reducing harvest pressure outside of the THA. Prior to 2001, the king salmon bag and possession limit had been two fish, with no size limit. The bag and possession limit in the Resurrection Bay THA remained at two fish while the area outside of the THA in the NGCMA was reduced to 1 fish.

There are no sizeable wild runs of king salmon in the Resurrection Bay drainage. The department began stocking king salmon in Resurrection Bay to provide opportunities for harvest by sport anglers. The Resurrection Bay THA area was first stocked with king salmon in 1976 until it was temporarily discontinued in 1979. The king salmon stocking program in the THA was resumed in

1983 and king salmon have been stocked annually ever since. On average (2018–2022), approximately 300,000 king salmon smolt are raised by the William Jack Hernandez Sport Fish hatchery and stocked annually in the Seward Lagoon. Since 2002, harvest of king salmon in the NGCMA has averaged 5,200 fish (range: 1,461 to 6,625) with the highest harvest occurring in recent years (2019–2021). There is no stock composition information available for king salmon marine harvest in the NGCMA, including in the THA. However, during the summer months (May–July), king salmon harvest in the THA is presumed to be primarily composed of hatchery-produced king salmon.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Outside of the Resurrection Bay THA the bag and possession limit of one king salmon, year-round, is relatively conservative when compared to adjacent management areas (Lower Cook Inlet- south of Bluff Point, Prince William Sound, and the Resurrection Bay THA). The proposal would reduce opportunities for anglers to harvest king salmon in the Resurrection Bay THA during the peak months when hatchery-produced king salmon are returning.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 12-1.–King salmon sport harvest by user group in the North Gulf Coast Management Area salt waters, 2002–2022.

	King Salmon Harvest									
	Boat									
	Charter		Unguided		Total		Shore		Total	
Year	Catch	Harvest	Catch	Harvest	Catch	Harvest	Catch	Harvest	Catch	Harvest
2002	1,509	982	1,853	1,247	3,362	2,229	1,503	1,151	4,865	3,380
2003	1,581	862	2,025	1,186	3,606	2,048	854	744	4,460	2,792
2004	1,402	865	3,611	1,744	5,013	2,609	841	693	5,854	3,302
2005	3,142	1,179	2,864	1,151	6,006	2,330	484	438	6,490	2,768
2006	1,924	1,064	3,866	1,999	5,790	3,063	370	325	6,160	3,388
2007	2,703	1,366	2,191	1,576	4,894	2,942	645	580	5,539	3,522
2008	1,667	793	1,473	731	3,140	1,524	362	310	3,502	1,834
2009	1,597	910	2,106	1,045	3,703	1,955	26	26	3,729	1,981
2010	2,454	1,209	2,237	1,320	4,691	2,529	460	128	5,151	2,657
2011	2,052	1,165	1,784	1,172	3,836	2,337	82	82	3,918	2,419
2012	1,502	966	1,109	482	2,611	1,448	27	13	2,638	1,461
2013	2,344	1,473	2,432	1,182	4,776	2,655	129	108	4,905	2,763
2014	1,988	1,368	1,733	910	3,721	2,278	433	315	4,154	2,593
2015	3,282	2,283	1,792	1,034	5,074	3,317	538	433	5,612	3,750
2016	2,308	1,603	1,500	735	3,808	2,338	243	203	4,051	2,541
2017	3,228	1,973	2,746	1,551	5,974	3,524	166	166	6,140	3,690
2018	2,728	2,148	4,367	1,899	7,095	4,047	495	413	7,590	4,460
2019	4,365	2,674	3,384	1,402	7,749	4,076	358	340	8,107	4,416
2020	2,463	1,921	2,534	1,700	4,997	3,621	1,078	1,036	6,075	4,657
2021	4,169	3,249	7,204	3,231	11,373	6,480	188	145	11,561	6,625
2022	3,539	2,653	3,433	1,779	6,972	4,432	131	131	7,103	4,563
Averages										
2002–2018	2,201	1,306	2,335	1,233	4,535	2,540	450	360	4,986	2,900
2019–2022	3,634	2,624	4,139	2,028	7,773	4,652	439	413	8,212	5,065

Table 12-2.–King salmon sport bag and possession limits current and proposed, North Gulf Coast Management Area.

	Current		Proposed
	Resurrection Bay - THA	North Gulf Coast	North Gulf Coast
Sept - March	1	1	2
April	1	1	2
May 1-14	2	1	2
May 15 - July 31	2	1	1
August	2	1	2

Note: The gray area is when an annual limit would apply.

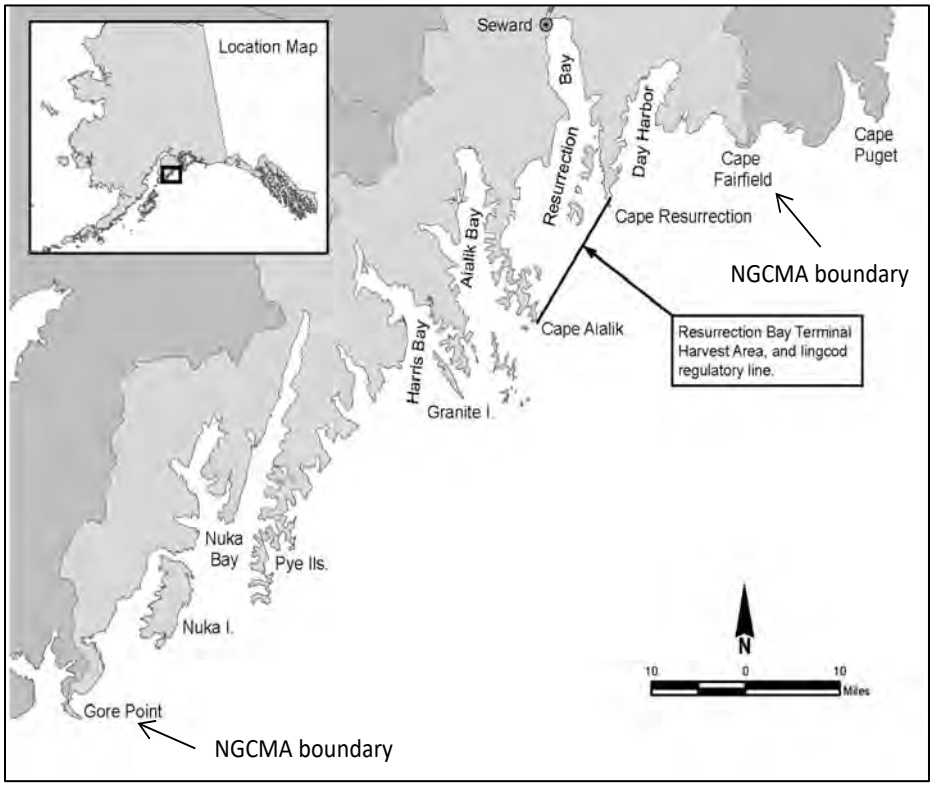

Figure 12-1.–Map of the North Gulf Coast Management Area and Resurrection Bay Terminal Harvest Area.

PROPOSAL 13 – 5 AAC 56.XXX. Create a management plan for the Anchor River, Deep Creek, and Ninilchik River king salmon sport fisheries

5 AAC 56.XXX. New Section

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would create a management plan for the Anchor River, Deep Creek, and Ninilchik River king salmon sport fisheries based on preseason forecasts and inseason projections.

WHAT ARE THE CURRENT REGULATIONS? The Anchor River, Deep Creek, and Ninilchik River sport fisheries are open for three 3-day weekends beginning Memorial Day weekend. The Anchor River is open for two additional 3-day weekends and five Wednesdays. The Ninilchik River has a hatchery only fishery that opens continuously beginning June 16 and a youth-only fishery that occurs the second Wednesday after Memorial Day. The open area is limited to the lower two miles on all three streams. The use of bait and treble hooks are allowed in regulation. The Cook Inlet annual limit of five fish applies to king salmon greater than 20″ harvested in these streams. Only two of the five may come from the Anchor River and Deep Creek combined.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide the board opportunity to create regulatory structure for preseason and inseason management actions for the king salmon sport fisheries in the Anchor River, Deep Creek, and Ninilchik River. It would provide run size forecasts and escapement projection thresholds to open the fisheries, implement gear restrictions, and allow harvest.

BACKGROUND: The lower Kenai Peninsula roadside stream king salmon sport fisheries (in the Anchor and Ninilchik Rivers, and Deep Creek) are road-accessible shore-based fisheries that typically provide some of the first freshwater sport fishing opportunity for king salmon in the spring within Cook Inlet. These roadside stream king salmon fisheries are conservatively managed through stream specific restrictions in regulation that limit the season, area, bag and possession limits, and annual limits. The Ninilchik River has been supplemented with hatchery king salmon since the late 1980s. Sport fishery regulations for the Ninilchik River have provided additional harvest opportunity for hatchery king salmon.

The Anchor River has the largest king salmon run of the three streams and since 2000 has comprised approximately 41% of the annual harvest between the three streams (Table 13-1). Effort, harvest and catch have all declined over time. Historical effort on all three streams averaged 56,300 angler-days (for all species) but has declined to a recent average of 12,000 angler-days. King salmon harvest has followed the same declining trend, from a historical average of 4,000 fish annually, to a recent average of 750 fish (Table 13-1). These declines are associated with smaller runs and EO restrictions and closures in 12 of the last 15 years. In some recent years, the Ninilchik River harvest and effort trends have seen improvement over the general downturn due to the increased returns of hatchery-produced king salmon and additional sport fishing opportunity.

King salmon escapement monitoring in the lower Kenai Peninsula roadside streams has progressed from aerial survey indexes toward full enumeration through sonar and weirs. In the 1990s, aerial

surveys were first discontinued on the Ninilchik River in favor of using the broodstock collection weir to monitor escapement. Since 2019, an additional weir has been operated just above the sport fishery area on the Ninilchik River to enumerate the full wild and hatchery king salmon escapement. Aerial surveys on the Anchor River continued through the mid-2000s before transitioning escapement monitoring to a combination of sonar and weir. Aerial surveys have still been used on Deep Creek to monitor escapement, although weirs have also been operated at times. On average, the Deep Creek king salmon run is 60-80% of the size of the Anchor River run. The Ninilchik River wild king salmon run is typically 30% of the size of the Anchor River run. Generally, all three wild king salmon stocks have followed the same trends in productivity within a year.

The king salmon fisheries in the lower Kenai Peninsula roadside streams are managed to achieve separate SEGs established for the wild stocks. Escapement goals were first established for these three stocks in 1993 and have been refined over time with improved monitoring. Since establishing the escapement goal, the Anchor River has gone through several periods of low productivity during which the escapement goal was either not met or met by a small margin. Since 2008, the Anchor River stock has not met its SEG in eight years. Both Deep Creek and the Ninilchik River have more consistently met their goals, missing it three times in each system since 2000. The Anchor River inseason escapement projection has been used for management of all three streams since the mid-2000s. Since 2016, the Anchor River forecast has been performing well and has been used for preseason management of all three streams (Figure 13-1). Since 2021, an inseason projection for the Ninilchik River wild and hatchery king salmon escapements has also been used for those stocks.

The Ninilchik River is supplemented with hatchery king salmon, which adds an additional level of complexity to management of the fishery. Although the stream has been supplemented since 1988, since 2015 the stocking level has been 150,000 smolt annually, which has provided a run of approximately 2,000 to 3,000 hatchery fish annually. This run of hatchery fish has provided a consistent sport harvest opportunity, sufficient numbers of fish to make broodstock collection goals, and in most years has produced an excess of hatchery fish beyond broodstock collection needs. Since 2019, the department has liberalized the hatchery king salmon fishery.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. It is likely that in years of low abundance of king salmon stocks in lower Kenai Peninsula roadside streams, the fisheries will continue to require pre- and inseason management actions. By specifying the management actions in the plan, the public and the board will have the opportunity to provide input on the fishery structure based on run sizes. Separating the management actions for the hatchery king salmon fishery on the Ninilchik River will provide consistent sport fishing opportunity while protecting wild king salmon stocks through periods of low productivity.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 13-1.–King salmon harvest and catch and total annual effort estimates for the lower Kenai Peninsula roadside streams, 2000–2022.

	Anchor River			Deep Creek			Ninilchik River			All streams		
	Angler-	King salmon		Angler-	King salmon		Angler-	King salmon		Angler-	King salmon	
Year	days	Harvest	Catch	days	Harvest	Catch	days	Harvest	Catch	days	Harvest	Catch
2000	22,971	1,730	5,200	12,174	937	2,903	12,432	1,782	4,648	47,577	4,449	12,751
2001	19,195	889	2,415	7,834	593	1,380	10,602	1,399	3,014	37,631	2,881	6,809
2002	19,245	1,047	4,103	8,925	507	2,551	9,572	830	2,180	37,742	2,384	8,834
2003	17,520	1,011	4,311	8,959	775	2,121	9,843	1,452	4,205	36,322	3,238	10,637
2004	20,452	1,561	5,561	10,575	823	2,727	10,500	1,240	2,961	41,527	3,624	11,249
2005	20,079	1,432	5,028	10,182	642	1,791	9,003	1,342	2,042	39,264	3,416	8,861
2006	17,065	1,394	4,638	7,128	451	1,829	9,620	1,329	3,004	33,813	3,174	9,471
2007	34,390	2,081	9,792	9,382	628	2,493	10,211	1,575	4,774	53,983	4,284	17,059
2008	26,182	1,486	3,245	9,332	602	2,600	8,158	976	2,090	43,672	3,064	7,935
2009	22,057	737	2,296	8,367	124	767	7,687	203	560	38,111	1,064	3,623
2010	16,740	364	889	7,160	249	808	5,296	358	1,371	29,196	971	3,068
2011	9,131	573	1,227	3,537	251	894	2,292	258	678	14,960	1,082	2,799
2012	8,234	38	189	4,037	33	156	2,995	16	75	15,266	87	420
2013	11,173	97	423	2,003	130	439	1,232	103	122	14,408	330	984
2014	10,481	203	926	5,494	101	807	4,306	182	1,432	20,281	486	3,165
2015	13,850	344	1,159	4,498	294	441	2,162	69	563	20,510	707	2,163
2016	12,699	1,384	4,232	4,730	424	850	3,166	673	1,578	20,595	2,481	6,660
2017	11,685	845	2,888	3,978	322	849	3,081	253	988	18,744	1,420	4,725
2018	6,540	40	304	2,741	37	37	812	37	71	10,093	114	412
2019	7,722	151	575	2,796	105	528	1,950	116	465	12,468	372	1,568
2020	8,640	364	570	4,217	373	567	2,565	1,283	2,149	15,422	2,020	3,286
2021	4,803	0	104	2,284	10	10	3,301	399	780	10,388	409	894
2022	4,698	0	47	1,995	0	19	3,319	206	843	10,012	206	909
Averages												
1977-1999	27,926	1,306	4,585	14,085	994	3,323	14,237	1,789	5,948	56,249	4,089	13,856
2000-2018	16,826	908	3,096	6,897	417	1,392	6,472	741	1,913	30,194	2,066	6,401
2019-2022	6,466	129	324	2,823	122	281	2,784	501	1,059	12,073	752	1,664

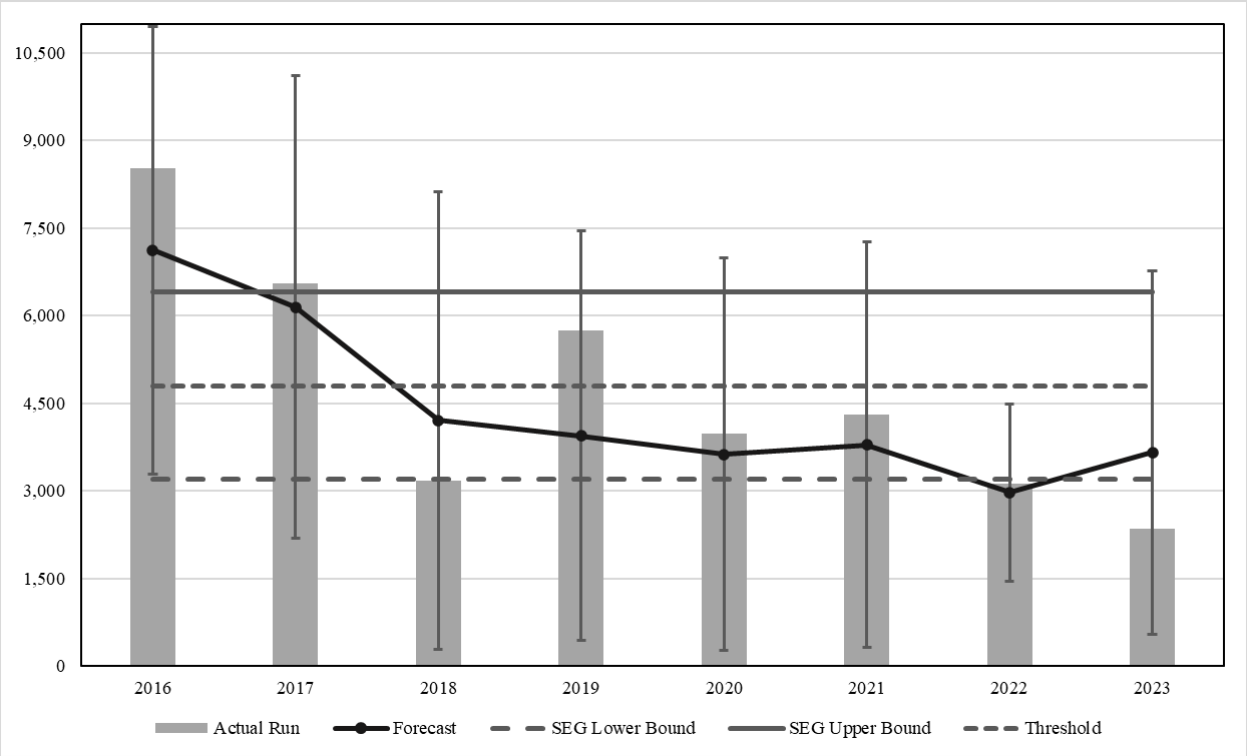

Figure 13-1.–Anchor River king salmon forecasts, actual run, and the proposed updated SEG with the middle threshold that would open the fishery to harvest, 2016–2023.

PROPOSAL 14 – 5 AAC 56.122. Modify the Ninilchik River hatchery king salmon limits and season

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would increase the bag limit for king salmon on the Ninilchik River from one to two per day, of which only one may be naturally produced. It would also shorten the hatchery king salmon season to end July 15 instead of October 31.

WHAT ARE THE CURRENT REGULATIONS? The Ninilchik River opens from the mouth to the ADF&G regulatory marker located approximately two miles upstream (Figure 14-1) to king salmon fishing for three 3-day weekends beginning Memorial Day weekend and one natural-produced or hatchery (identified by missing adipose fin) king salmon 20 inches or longer may be retained. On the second Wednesday after Memorial Day, the Ninilchik River is open from the mouth to the Sterling Highway Bridge to youth age 15 and under and one naturally produced or hatchery king salmon of any size may be retained. From June 16 through October 31, the Ninilchik River opens from the mouth to the ADF&G regulatory marker located approximately two miles upstream and only hatchery king salmon may be retained. A person who retains a king salmon 20 inches or longer may not sport fish in the Ninilchik River, Anchor River, or Deep Creek for the rest of the day.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would increase opportunity to harvest hatchery king salmon and reduce the escapement of hatchery king salmon in the Ninilchik River. During the three 3-day weekend fisheries and youth only fishery, the harvest and incidental catch-and-release mortality of hatchery-produced king salmon would also likely increase by an unknown amount.

BACKGROUND: King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers, which adds an additional level of complexity to the management of the sport fishery. This stock annually supports a freshwater sport fishery, supplies the broodstock needed to stock back into the Ninilchik River and to support stocking in Kachemak Bay terminal saltwater fisheries, and contributes to the saltwater sport fishery in Cook Inlet.

The Ninilchik River sport fishery has been liberalized, through EO and the board process, to maximize the harvest of hatchery king salmon. This has been primarily through additional fishing days, increased bag limits, and in some years removing the annual limit for hatchery king salmon. During years of low runs of hatchery king salmon (2010–2015), the department restricted the fishery to achieve the king salmon escapement and broodstock goals. In 2013, the board reduced the bag and possession limit to one king salmon (wild or hatchery prior to July 1, hatchery-only July 1–October 31). In 2016, the board failed to adopt a public proposal to increase the king salmon bag limit back to two king salmon.

In 2015, the annual hatchery king salmon stocking level for the Ninilchik River was increased from 50,000 smolt to 150,000 to provide sufficient numbers of hatchery king salmon for broodstock collection, additional harvest opportunities, and to buffer the harvest of naturally produced king salmon during years of poor runs. Since 2019, the first year that all four age classes of hatchery king salmon returned from the increased stocking size, the Ninilchik River king salmon sport fishery has been restricted to only allow the retention of hatchery fish. Although the harvest and effort in the Ninilchik River king salmon sport fishery remain below the peak pre-2008 numbers, the recent trends have improved. In some recent years, the Ninilchik River king salmon fishery has provided 64-100% of the annual king salmon harvest from the lower Kenai Peninsula roadside streams (Table 13-1). This increase in harvest and effort can be attributed to improved returns of hatchery king salmon and liberalizations by the board and by EO since 2015 to increase harvest opportunity for hatchery king salmon. Beginning in 2020, the department has annually liberalized the hatchery fishery by EO by removing the annual limit on hatchery fish and/or increasing the bag limit to two.

Since 2001, the Ninilchik River escapement of naturally produced king salmon has been assessed at the broodstock collection weir (Figure 14-1). The SEG has been modified over time to include additional weir operation dates and has been met in most years with the exception of 2003, 2009, 2022, and 2023. Although hatchery fish are not counted towards the SEG, hatchery king salmon have been in the escapement (Figure 14-2).

Since 2019, 900 to 3,000 hatchery king salmon have escaped the fishery annually, despite liberalizations by EO to encourage the harvest of hatchery fish. The number of hatchery king salmon that have also reached the broodstock collection weir annually has been in excess of the number needed for broodstock. To reduce the potential impacts of hatchery fish onto the productivity of the wild stock, excess hatchery fish have been removed from the escapement during broodstock collection since 2013. In recent years, the number of fish removed has ranged from 300 to 1,800.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The increased returns of hatchery king salmon in recent years have provided a surplus of leftover fish after the sport fishery and broodstock collection. Maximizing harvest of hatchery king salmon will also minimize the contribution of hatchery fish to the escapement. Shortening the hatchery-only fishery to end July 15 is not expected to reduce any harvest opportunity.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

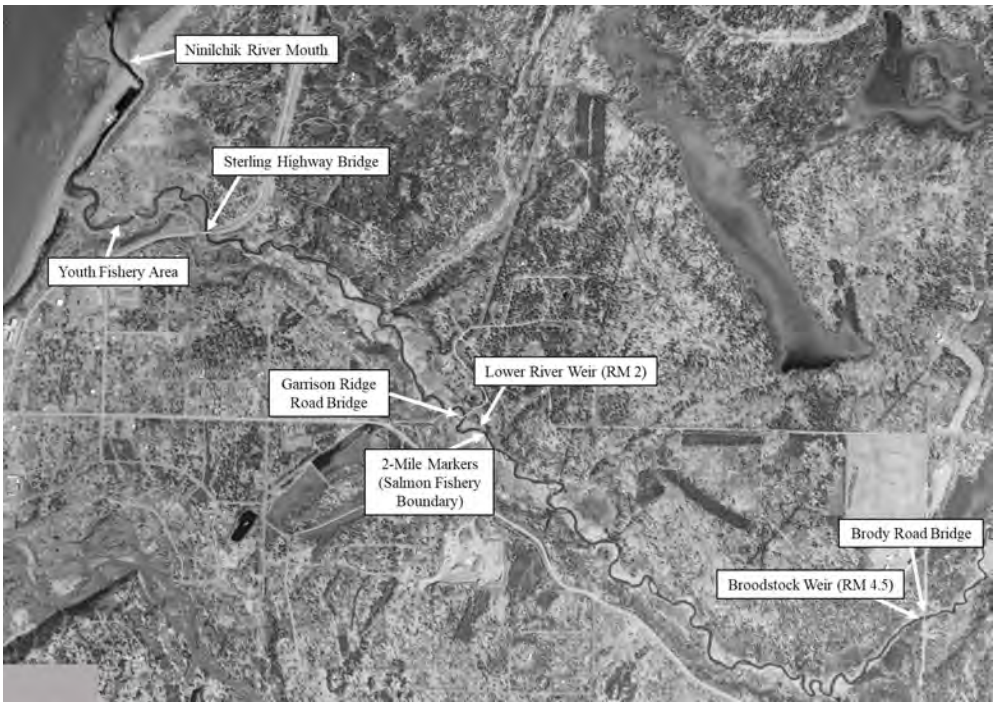

Figure 14-1.–Ninilchik River king salmon sport fishery and escapement monitoring locations and landmarks.

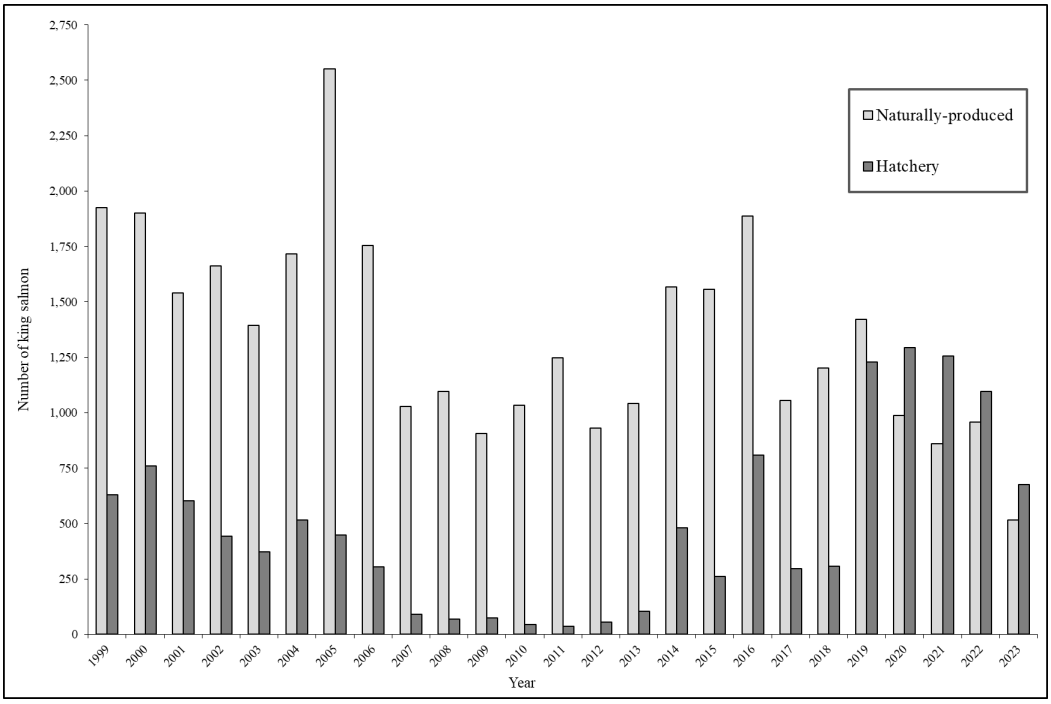

Figure 14-2.–Ninilchik River wild and hatchery king salmon escapement counts above the sport fishery area and after broodstock collection removals, 1999–2023.

PROPOSAL 15 – 5 AAC 56.122. Extend the area open to hatchery king salmon on the Ninilchik River

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area

PROPOSED BY: Jim Stubbs.

WHAT WOULD THE PROPOSAL DO? This would allow fishing for hatchery king salmon on the Ninilchik River between the 2-mile markers and the broodstock collection weir, near river mile 4.5, from June 16 through July 15 and August 1 through October 31 with gear restricted to single-hook, no bait.

WHAT ARE THE CURRENT REGULATIONS? The Ninilchik River opens from the mouth to the ADF&G regulatory marker located approximately two miles upstream (Figure 14-1) to king salmon fishing for three 3-day weekends beginning Memorial Day weekend and one naturally produced or hatchery (identified by missing adipose fin) king salmon 20 inches or longer may be retained. On the second Wednesday after Memorial Day, the Ninilchik River is open from the mouth to the Sterling Highway Bridge to youth age 15 and under and one naturally produced or hatchery king salmon of any size may be retained. From June 16 through October 31, the Ninilchik River opens from the mouth to the ADF&G regulatory marker located approximately two miles upstream and only hatchery king salmon may be retained. Bait and treble hooks are allowed.

On August 1, the area upstream of the 2-mile markers (Figure 14-1) opens to sport fishing through October 31. No salmon fishing is allowed. Gear is restricted to one unbaited, single-hook, artificial lure.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide additional harvest opportunity for hatchery king salmon and reduce the number of hatchery king salmon in the escapement and that need to be removed in excess of broodstock needs. The catch-and-release mortality of naturally produced king salmon would also increase by an unknown amount. It would increase regulatory complexity by restricting legal gear in an approximately 2.5 mile long section of river below the broodstock collection weir and by allowing fishing for some salmon species to occur upstream of the 2-mile markers.

BACKGROUND: King salmon have been stocked in the Ninilchik River since 1988 to provide additional harvest opportunity for sport anglers, which adds an additional level of complexity to the management of the sport fishery. This stock annually supports a freshwater sport fishery, supplies the broodstock needed to stock back into the Ninilchik River and to support stocking in Kachemak Bay terminal saltwater fisheries, and contributes to the saltwater sport fishery in Cook Inlet.

Despite efforts to remove the hatchery king salmon that were in excess of broodstock collection goals, since 2019, the king salmon escapement above the broodstock collection weir has been on average 48% hatchery fish. The percentage of hatchery fish counted at the lower river weir that reach the broodstock collection weir has ranged from 68-99%, leaving between 12 and 616

hatchery king salmon between the weirs where they could not be captured for broodstock collection or removal.

Salmon fishing has been restricted to the lower 2 miles of the lower Kenai Peninsula roadside streams since mid-1970s in order to protect salmon spawning. The upstream section of the river opens August 1 through October 31 to fishing for steelhead and Dolly Varden and no salmon fishing is allowed. In 2019, the board adopted a proposal to restrict the use of bait and multiple hooks in the upstream sections in order to align the area restriction with gear restrictions intended to protect spawning king salmon and steelhead. Access to the section of stream between the 2-mile markers and the broodstock weir is limited to Brody Road Bridge, Garrison Ridge Road bridge, or private property (Figure 14-1).

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. The department supports additional sport fishing opportunity for hatchery king salmon in the Ninilchik River to reduce their contribution to the escapement and to reduce the number that reaches the broodstock weir in excess of broodstock needs. However, due to weak runs of naturally produced king salmon, the department would prefer a more conservative season than what is proposed, such as a three-day weekend beginning the last Saturday in June, to minimize the impact to naturally produced king salmon. To reduce regulatory complexity, the department is also supportive of maintaining the same gear regulations in effect for the lower 2-mile section of the fishery.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSALS 16 AND 17 – 5 AAC 56.122. Expand the boundary of the Ninilchik River Youth-Only fishery

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area

PROPOSED BY: Jim Stubbs (Proposal 16) and Seth Anderson (Proposal 17).

WHAT WOULD THE PROPOSAL DO? This would expand the area open to fishing for the youth-only fishery from the Ninilchik River mouth to the ADF&G markers located 2 miles upstream.

WHAT ARE THE CURRENT REGULATIONS? The Ninilchik River is open on the second Wednesday after Memorial Day, from 6 a.m. to 9:59 p.m., from the mouth to the Sterling Highway Bridge to youth age 15 and under (Figure 14-1). One naturally produced or hatchery king salmon of any size may be retained.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The area open to sport fishing for youth anglers would increase to the lower 2-mile section of the Ninilchik River (Figure 14-1). This would increase the harvest of king salmon and would provide more area for youth to fish. It would align the youth-only fishery area with the area open in other king salmon fisheries.

BACKGROUND: In 2016, the board modified a public proposal to create a one-day youth-only fishery in the lower one-mile section of the Ninilchik River (Figure 14-1). The effort in this youth-only fishery has grown consistently since its inception in 2017. The fishery is confined to the section from the Sterling Highway Bridge downstream to the mouth. Although this section is the most road-accessible, there are a limited number of sport fishing locations. The youth-only fishery has been managed in unison by pre- and inseason EOs with the regulatory weekend fishery and the continuous hatchery only fishery. This includes both restrictions towards naturally produced fish and liberalizations to provide more harvest opportunity for hatchery fish in 6 of the 7 years since its inception.

DEPARTMENT COMMENTS: The department **SUPPORTS** these proposals. The department is supportive of additional sport fishing opportunities for youth anglers and of simplifying regulatory complexity by aligning the youth-only fishery open area with the area open for the regular king salmon sport fishery. There are no sustainability issues with the proposed increase in open area. In recent years, there has been a surplus of hatchery king salmon available for harvest.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

COMMITTEE OF THE WHOLE—GROUP 2: GROUNDFISH (11 PROPOSALS)

PROPOSAL 18 – 5 AAC 58.022. Modify rockfish bag and possession limits

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would reduce the rockfish limits in the Cook Inlet – Resurrection Bay and North Gulf Coast saltwater areas to a bag and possession limit of three pelagic rockfish and a bag and possession limit of one nonpelagic rockfish.

WHAT ARE THE CURRENT REGULATIONS? In Cook Inlet salt waters, rockfish bag limit is five fish and ten in possession of which only one per day and two in possession may be nonpelagic rockfish. In the North Gulf Coast area salt waters, rockfish bag limit is four fish and eight in possession of which only one per day and two in possession may be nonpelagic rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce the rockfish sport harvest by up to 27% in Cook Inlet and 12% in North Gulf Coast. It would also provide additional regulatory structure for sport fish management of pelagic and nonpelagic rockfish assemblages and align the rockfish bag and possession limits in Cook Inlet and North Gulf Coast saltwater areas. It may also increase effort towards other species such as king salmon and lingcod and the possession limit reduction would further reduce the harvest by anglers on multi-day trips.

BACKGROUND: Pelagic and nonpelagic rockfish support sport, commercial, and subsistence fisheries in the sport fish Cook Inlet-Resurrection Bay Saltwater Area (Figure 18-1). In the Cook Inlet area, rockfish are found primarily nearshore along Bluff Point and from the Seldovia area to outside of Cook Inlet along the Gulf of Alaska coast to Gore Point and in the Barren Islands. Pelagic rockfish account for the vast majority of the harvest within Cook Inlet and both pelagic and nonpelagic rockfish are found along the outer coast and in the Barren Islands. In the North Gulf Coast area, rockfish are widely distributed along the nearshore from Gore Point to Cape Fairfield with the greatest portion of harvest occurring in Resurrection Bay and the nearby Chiswell Islands. Similar to Cook Inlet, pelagic rockfish are the dominant assemblage harvested in the North Gulf Coast area. There are no rockfish sport fisheries management plans, but the *Cook Inlet Rockfish Management Plan* (5 AAC 28.365) outlines regulations for the commercial fisheries and has a 150,000 lb GHL for all rockfish species combined. The board has found that 750-1,350 rockfish is the amount reasonably necessary for subsistence (ANS) in the area outside of the Anchorage/ Mat-Su /Kenai Peninsula nonsubsistence use area.

Sport rockfish regulations in Cook Inlet and North Gulf Coast have not changed substantially since 1989 when the bag and possession limits were established at five rockfish per day and 10 in possession. In 1995, it was added that only one rockfish per day, and two in possession could be nonpelagic. In 2008, the bag and possession limit in the North Gulf Coast (including Resurrection Bay) was reduced to four rockfish per day and eight in possession. In 2020, the mandatory use of deepwater release mechanism was implemented statewide. Until recently, there had been no

formal rockfish stock assessment work conducted by the department in this area. Through the Statewide Rockfish Initiative (SRI), preliminary work towards a formal stock assessment model for black rockfish in these management areas is being developed and indicate a declining stock status. For rockfish sport fishery assessment, the department currently uses the following: 1) annual guided and unguided harvest estimated by the Statewide Harvest Survey (SWHS), 2) guided effort and harvest by individual anglers and by statistical area as reported in charter logbooks, 3) species or assemblage harvest compositions through dockside port sampling, and 4) age, length, and sex compositions of the harvest estimated through dockside port sampling.

Historically, rockfish were not targeted in Cook Inlet sport fisheries but were caught incidentally when trolling for salmon and when fishing for other groundfish on the outer coast. Historically, annual rockfish harvests ranged from approximately 2,000 to 10,000 fish and then increased to an average of approximately 17,000 from 2006 through 2013. In 2014, the North Pacific Fishery Management Council implemented a Catch Sharing Plan (CSP) that allocated Pacific halibut between commercial and guided sport fisheries and included annual preseason management measures to keep the guided sport fishery within its allocation. As a result, guided sport effort began shifting towards other species such as rockfish and the harvest of rockfish increased substantially. On average, the total rockfish harvest was over 50,000 fish annually, from 2019 to 2022, which was over a 200% increase from the 2006–2013 period. The majority (~70%) of these annual harvests have been black rockfish by guided anglers. In both 2021 and 2022, there were approximately 13,000 guided anglers that harvested at least one rockfish and of those, over 50% harvested a bag limit. With these increased harvest trends, there have also been declines detected in black rockfish size and age demographics from port sampling data. The harvest of black rockfish has been comprised of a large percentage (67-90%) of juveniles, which has resulted in a 13-18% reduction in average length of harvest compared to previous years. These trends suggest that current harvest levels may be reducing the proportions of larger, older fish that are an important component of spawning population.

In the North Gulf Coast, rockfish have been consistently caught while sport fishing for other groundfish, primarily Pacific halibut. From 1986 through 2005, rockfish harvest averaged approximately 28,200 fish and then increased to an average of approximately 36,500 from 2006 through 2013 (Table 18-1). Annual rockfish harvest increased to an average of 44,600 fish during the period (2014–2018) immediately following the implementation of the CSP. Most recently (2019–2022), annual rockfish harvest has averaged almost 61,000 fish with the highest harvest of 75,300 occurring in 2022. The latest average corresponds to an increase of 116% from the pre-2005 harvest and a 66% increase from the 2006–2013 period. From 2019–2022, there were approximately 13,400 guided anglers that harvested at least one rockfish annually and of those, approximately 61% harvested a bag limit. A four-fish bag limit composed entirely of pelagic rockfish was the most common creel (39%). Since 2001, much of the annual rockfish harvest was comprised of black rockfish (~71% and ~66% for guided and unguided anglers, respectively). Similar to Cook Inlet in recent years, there have also been declines in the biological compositions of the North Gulf Coast black rockfish harvest with decreases of approximately 21% and 10% for average age and length, respectively.

In 2023, NOAA Fisheries issued the most restrictive charter regulations since the CSP began, which closed halibut fishing on all Tuesdays from June 20 through August 15 and Wednesdays

for the entire season in regulatory area 3A, which includes Cook Inlet and North Gulf Coast salt waters. Given this reduction in the guided halibut season and the changes in rockfish harvest and biological trends, the department issued an emergency order to reduce the rockfish bag limit to three fish in both Cook Inlet and North Gulf Coast areas.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. Increasing sport effort and harvest trends with shifts towards younger, smaller rockfish in both sport fish areas suggest a change in population structure and that current harvest levels may not be sustainable. Given the large percentage of guided anglers that harvest a full bag limit of rockfish, reducing the bag and possession limits may be an effective harvest reduction if effort stabilizes. Providing separate limits for pelagic and nonpelagic rockfish will provide more regulatory structure for managing rockfish sport fisheries.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 18-1.–Sport rockfish harvest by user in the Cook Inlet-Resurrection Bay Saltwater Area, 2006–2022.

Rockfish harvest in the Cook Inlet-Resurrection Bay Saltwater Area						
	Cook Inlet			North Gulf Coast		
Year	Unguided	Charter	Total	Unguided	Charter	Total
2006	4,203	5,392	9,595	22,606	17,118	39,724
2007	6,708	7,672	14,380	22,280	18,817	41,097
2008	4,071	7,210	11,281	22,305	20,621	42,926
2009	8,014	9,471	17,485	22,369	15,307	37,676
2010	7,957	12,881	20,838	17,886	18,625	36,511
2011	6,526	13,409	19,935	13,127	19,973	33,100
2012	6,900	12,787	19,687	7,856	19,775	27,631
2013	5,907	14,121	20,028	12,276	21,297	33,573
2014	6,921	16,305	23,226	16,059	25,461	41,520
2015	8,895	19,552	28,447	14,442	32,652	47,094
2016	9,176	25,042	34,218	14,427	42,141	56,568
2017	6,773	24,828	31,601	10,227	22,281	32,508
2018	14,408	28,890	43,298	10,840	34,260	45,100
2019	16,013	39,718	55,731	21,408	40,908	62,316
2020	10,154	25,900	36,054	10,419	27,259	37,678
2021	12,008	47,660	59,668	18,800	49,796	68,596
2022	16,582	46,457	63,039	17,133	53,463	70,596
Averages						
1986-2005	3,266	3,267	6,533	15,828	12,348	28,176
2006-2013	6,286	10,368	16,654	17,588	18,942	36,530
2014-2018	9,235	22,923	32,158	13,199	31,359	44,558
2019-2022	13,689	39,934	53,623	16,940	42,857	59,797

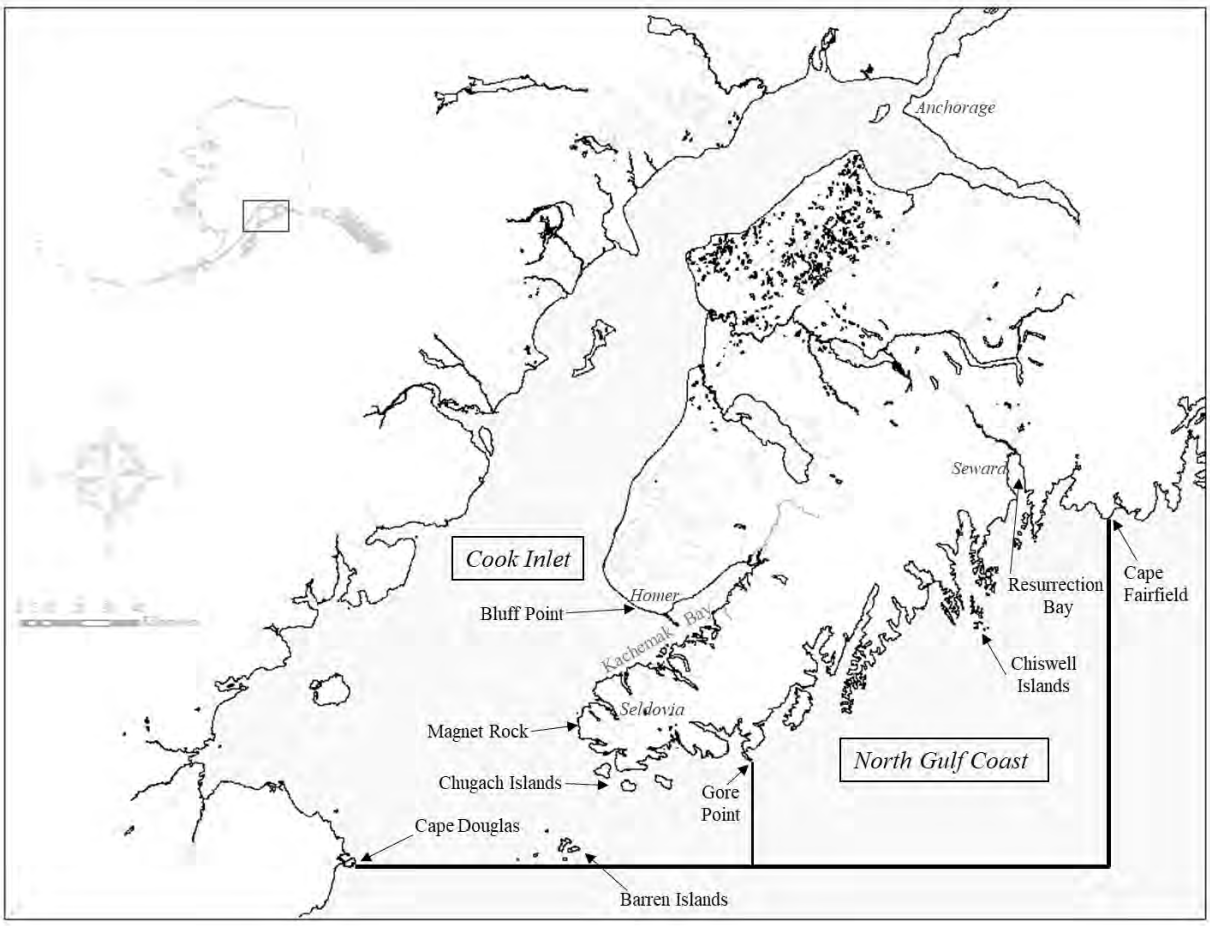

Figure 18-1.–The sport fish management areas within the Cook Inlet–Resurrection Bay Saltwater Area.

PROPOSAL 19 – 5 AAC 58.022. Reduce rockfish limits in Cook Inlet–Resurrection Bay

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Homer Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This would decrease the rockfish limits in the Cook Inlet and North Gulf Coast saltwater areas to a bag limit of three fish and six in possession.

WHAT ARE THE CURRENT REGULATIONS? In Cook Inlet salt waters, rockfish bag limit is five fish and ten in possession of which only one per day and two in possession may be nonpelagic rockfish. In the North Gulf Coast salt waters, rockfish bag limit is four fish and eight in possession of which only one per day and two in possession may be nonpelagic rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce the rockfish sport harvest by up to 33% in Cook Inlet and 19% in North Gulf Coast. It would also align the rockfish bag and possession limits in Cook Inlet and Resurrection Bay saltwater areas. It may also increase effort towards other species such as king salmon and lingcod.

BACKGROUND: Please refer to comments on Proposal 18 for background information.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The department submitted and supports Proposal 18 to reduce the rockfish bag and possession limits. This proposal would likely reduce harvest by an additional 6% in Cook Inlet and 7% in North Gulf Coast compared to Proposal 18. This proposal is the same bag and possession limits used in emergency order issued in 2023. This proposal does not provide regulatory structure to manage pelagic and nonpelagic rockfish assemblages separately. This proposal would also maintain a possession limit of two bag limits that would allow anglers to harvest additional rockfish on multi-day trips.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSALS 20 AND 21 – 5 AAC 58.022. Reduce Lower Cook Inlet rockfish sport limits

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Homer Charter Association (Proposal 20) and Alaska Charter Association (Proposal 21).

WHAT WOULD THE PROPOSAL DO? This would reduce the rockfish limits in the Cook Inlet salt waters to a bag limit of four fish and eight in possession.

WHAT ARE THE CURRENT REGULATIONS? In Cook Inlet salt waters, rockfish bag limit is five fish and 10 in possession of which only one per day and two in possession may be nonpelagic rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce the rockfish sport harvest by up to 16% in Cook Inlet. It would also align the rockfish bag and possession limits in Cook Inlet and Resurrection Bay saltwater areas. It may also increase effort towards other species such as king salmon and lingcod.

BACKGROUND: Please refer to comments on Proposal 18 for background information.

DEPARTMENT COMMENTS: The department **OPPOSES** these proposals. The department submitted and supports Proposal 18 to reduce the rockfish bag and possession limits. This proposal would not likely reduce the rockfish harvest sufficiently, which may not be sustainable.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 22 – 5 AAC 58.022. Establish a sport fishing closure for rockfish in Cook Inlet from June 1 to July 31

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Garrett Lambert.

WHAT WOULD THE PROPOSAL DO? This would close Cook Inlet salt waters north of the latitude of Magnet Rock to the harvest of rockfish from June 1 through July 31.

WHAT ARE THE CURRENT REGULATIONS? In all of Cook Inlet salt waters, rockfish may be harvested year-round with bag limit is five fish and 10 in possession of which only one per day and two in possession may be nonpelagic rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce the guided rockfish sport harvest by 15-20% in Cook Inlet. It may be more restrictive for unguided anglers or guided anglers that are not capable of traveling large distances to the outer coast. With no change in effort, the effect of this proposed area and seasonal closure would be a harvest reduction of 7,000- 8,000 rockfish by guided anglers. Anglers may shift their effort towards other species such king salmon or other groundfish when fishing in these waters from June through July. It would add regulatory complexity by creating a closed seasonal boundary within Cook Inlet salt waters.

BACKGROUND: Pelagic and nonpelagic rockfish support sport, commercial, and subsistence fisheries in the sport fish Cook Inlet-Resurrection Bay Saltwater Area (Figure 18-1). In the Cook Inlet area, rockfish are found primarily nearshore along Bluff Point and from the Seldovia area to outside of Cook Inlet along the Gulf of Alaska coast to Gore Point and in the Barren Islands. Pelagic rockfish comprise the vast majority of the harvest within Cook Inlet and both pelagic and nonpelagic rockfish are found along the outer coast and in the Barren Islands.

Based on charter logbook data, most (74% on average) of the guided rockfish harvest in Cook Inlet salt waters occurs in the waters along the outer coast from the Chugach Islands to Gore Point and Barren Islands area. Approximately 20-33% of the annual guided rockfish harvest occurs north of the latitude of Magnet Rock. Most rockfish are harvested from June through August, and on average June and July account for 63% of the total annual harvest.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. The department submitted and supports Proposal 18 to reduce the rockfish bag and possession limits. This proposal would create regulatory complexity by having differing bag limits between areas within Cook Inlet salt waters and differing bag limits by season in waters north of the latitude of Magnet Rock.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 23 – 5 AAC 58.022. Reduce Lower Cook Inlet lingcod sport limits

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Homer Charter Association.

WHAT WOULD THE PROPOSAL DO? This would reduce the lingcod bag limit from two to one fish in Cook Inlet salt waters.

WHAT ARE THE CURRENT REGULATIONS? In Cook Inlet salt waters, lingcod may be taken only from July 1 through December 31; there is a bag and possession limit of two fish, and the minimum size is 35 inches in length (28 inches with the head removed). Anglers may gaff only legal-sized lingcod that they harvest during the open season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would reduce both guided and unguided angler lingcod harvest in Cook Inlet salt waters. Assuming no change in effort, guided and unguided harvest may be reduced by 15-21%. Anglers may shift effort and harvest towards salmon, rockfish, or other groundfish. The lower bag limit simplifies regulations by aligning lingcod bag limits in North Gulf Coast and Prince William Sound salt waters, but the possession limit would remain higher than the other areas.

BACKGROUND: In Cook Inlet salt waters, lingcod are common along the outer Kenai Peninsula from Gore Point to the Chugach Islands and around the Barren Islands (Figure 18-1). Although adult lingcod can be found to depths of 1,200 feet, they more typically inhabit nearshore rocky reefs from 30 to 300 feet in depth. In Cook Inlet salt waters, anglers rarely exclusively target lingcod and most are harvested in July and August during combination trips for other species to the outer coast that require traveling large distances in large vessels.

In 1992, lacking a comprehensive stock assessment program, the board adopted a suite of regulatory measures for the Cook Inlet–Resurrection Bay Saltwater Area as a precautionary approach for management of the sport lingcod fishery. These included a minimum size limit of 35 inches total length to allow fish to spawn prior to being harvested, and a closed season of January 1 through June 30 to protect spawners and nest-guarding males. In 2013 and 2019, the board failed to adopt public proposals to reduce the lingcod bag limit in Cook Inlet salt waters.

There is no lingcod abundance assessment for Cook Inlet. However, the department assesses the lingcod sport fishery using the following: 1) annual guided and unguided harvest estimated by the Statewide Harvest Survey (SWHS), 2) guided effort and harvest by individual anglers and by statistical area as reported in charter logbooks, and 3) age, length, and sex compositions of the harvest estimated through dockside port sampling.

In Cook Inlet, sport lingcod harvest peaked from the mid-2000s through 2013 with an average annual harvest of approximately 4,700 fish (Table 23-1). Harvest declined from 2014 through 2018 but has been increasing by 300-400 fish annually since 2019. An analysis of logbook harvest data at the trip level through 2022 indicates that, assuming recent levels of effort and success, a one-fish bag limit would be expected to reduce lingcod charter harvest by about 15–21%, or about

130–350 fish. These data suggest that in recent years, on average 24% of guided anglers that harvest a lingcod, harvest a bag limit of two lingcod.

In Cook Inlet, sport lingcod harvest average length has remained fairly consistent since 1993 but up to 12% reduction in size has occurred in some recent years. The harvest continues to be composed of a broad range of age classes (7–20 years), but fewer older age classes have been detected in recent years. Although abundance of lingcod is not estimated, current harvest rates appear to be sustainable.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Although lingcod harvests have remained fairly stable since the implementation of the halibut Catch Sharing Plan in 2014 and generally comprise a diversity of size and age classes, a more conservative approach may be warranted given the restrictions to other sport fisheries in Cook Inlet salt waters. Aligning Cook Inlet bag and possession limits with North Gulf Coast and Prince Willam Sound salt waters also simplifies regulations.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 23-1.–Sport lingcod harvest by user in Cook Inlet salt waters, 2006–2022.

	Cook Inlet Sport Fish MA		
	Lingcod harvest- numbers		
Year	Charter	Unguided	Total
2006	2,239	503	2,742
2007	4,166	1,287	5,453
2008	4,589	1,036	5,625
2009	3,758	1,654	5,412
2010	3,387	990	4,377
2011	4,695	1,932	6,627
2012	2,661	1,170	3,831
2013	2,963	1,063	4,026
2014	1,631	482	2,113
2015	874	383	1,257
2016	656	260	916
2017	861	192	1,053
2018	638	271	909
2019	827	216	1,043
2020	882	554	1,436
2021	1,389	356	1,745
2022	1,470	667	2,137
Averages			
2006-2013	3,557	1,205	4,762
2014-2018	932	317	1,249
2019-2022	1,142	447	1,589

PROPOSAL 24 – 5 AAC 58.022. Remove limits for spiny dogfish in Cook Inlet waters

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Dwight Kramer.

WHAT WOULD THE PROPOSAL DO? This would remove the bag and possession limits for spiny dogfish in Cook Inlet salt waters.

WHAT ARE THE CURRENT REGULATIONS? Spiny dogfish are included in the statewide *Sport Shark Fishery Management Plan* (5 AAC 75.012), with bag and possession limits of five fish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would eliminate the bag and possession limits for spiny dogfish, which would allow them to be used as bait under statewide regulations (5 AAC 75.026) that allow sport-caught species of fish with no seasonal or harvest limits to be used as bait. Harvest is not likely to increase but it may increase the wasting of these fish.

BACKGROUND: Spiny dogfish are a highly migratory, long-lived, and slow to mature species that require long recovery times when stocks are overexploited. Large and abrupt increases in spiny dogfish populations are unlikely because of their low reproductive rate. At times, spiny dogfish can be regionally or locally abundant and pose a nuisance to anglers targeting other species such as halibut.

The *Sport Shark Fishery Management Plan* (5 AAC 75.012) was adopted by the board in 1998 and included all sharks including spiny dogfish. The intention of the plan was to provide sport fishery provisions to provide sustained yield of sharks given the lack of stock status information and the potential for overharvest. In 2010, the board adopted a public proposal to separate spiny dogfish from the statewide shark limits, which created a bag and possession of five spiny dogfish and removed spiny dogfish from the shark annual limit statewide. In 2013, the board adopted a department proposal to update area regulations to the statewide regulations for spiny dogfish.

There is limited fishery information on the catch and harvest of spiny dogfish in Cook Inlet. Spiny dogfish are not a specified species within the SWHS, so catch and harvest information is limited to all sharks. In the last decade, the catch of sharks in Cook Inlet has ranged from approximately 2,700 to 11,000 annually and the harvest has averaged 280 sharks (based on SWHS). The Southcentral regional port sampling program conducts angler interviews and surveys the number of spiny dogfish caught and harvested. Based on interviews conducted in Homer harbor and at the tractor launch facilities in upper Cook Inlet, 99% of the spiny dogfish caught are released.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Currently, very few of the spiny dogfish that are caught are harvested. Although, these fish are considered a nuisance by some sport anglers, they are a sensitive species that are capable of being overexploited and

maintaining current limits provides enough harvest opportunity within the provisions of the statewide *Sport Shark Fishery Management Plan*.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 25 – 5 AAC 28.365 AND 5 AAC 58.022. Reduce Cook Inlet commercial and sport rockfish harvest limits

5 AAC 28.365. Cook Inlet Rockfish Management Plan and 5 AAC 58.022 Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Thomas Hagberg.

WHAT WOULD THE PROPOSAL DO? This would reduce the commercial rockfish guideline harvest level (GHL) and sport harvest of black rockfish in Cook Inlet by an unknown amount.

WHAT ARE THE CURRENT REGULATIONS? Current elements of the *Cook Inlet Rockfish Management Plan* for commercial fishing (5 AAC 28.365) include GHL of 150,000 lb for all rockfish species (bycatch and directed harvest combined), mandatory retention of all rockfish, and 5-day trip limits of 4,000 lb for the North Gulf District and 1,000 lb for the Cook Inlet District. Also Cook Inlet has a directed fishery for pelagic shelf rockfish (PSR) which includes black, dusky, dark, yellowtail, widow, and blue rockfish. The season opens on July 1 and closes December 31 unless closed earlier by emergency order (EO); legal gear is mechanical jigging machines and hand troll. Other requirements include registration, log sheets, and 6-hour prior notice of landing (PNOL). Rockfish bycatch limits are established by regulation under 5 AAC 28.365 for other groundfish and halibut fisheries and referenced in annual emergency order.

In Cook Inlet salt waters, the sport fish rockfish bag limit is five fish and ten in possession of which only one per day and two in possession may be nonpelagic rockfish. In the North Gulf Coast area salt waters, rockfish bag limit is four fish and eight in possession of which only one per day and two in possession may be nonpelagic rockfish.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The commercial rockfish GHL in Cook Inlet would be reduced by an unknown amount. Sport fishing opportunity for black rockfish in Cook Inlet would be reduced by an unknown amount.

BACKGROUND: Please refer to Proposal 18 for background on sport fishery for black rockfish.

In the Cook Inlet Area (Figure 25-1), rockfish were not actively managed in commercial fisheries prior to 1993, directed fishing was open all year. The board adopted the first rockfish management plan in 1993 to restrict some of the harvest and to begin to discourage unlimited fishing on the demersal shelf species (DSR), specifically yelloweye rockfish. In 1997, the *Cook Inlet Rockfish Management Plan* was altered with more restrictions and a GHL for all rockfish, directed and bycatch combined, of 150,000 lb. In 1998, the State of Alaska accepted management authority of black and blue rockfish in adjacent federal (EEZ) waters. In 2005, there were more changes to the plan, only allowing directed fishing for PSR species and establishing bycatch percentages of rockfish to other groundfish fisheries. In addition, proceeds of rockfish overages began to be surrendered to the State to deter fishing in areas with high rockfish densities. Mandatory retention of rockfish and logbooks were also elements of this updated plan.

The Cook Inlet Area is divided into the Cook Inlet District (more inside, protected area) and the North Gulf Coast District (NGC, exposed, outer coast) (Figure 25-2). Most of the harvest of

rockfish occurs in the NGC; the last four years, an average of 96% of the rockfish have come from NGC. For the past 4 years, the harvest of rockfish in the Cook Inlet Area has changed from being dominated by the PSR assemblage to being dominated by the DSR complex. Commercial harvest has remained below the 150,000 lb GHL and ranged from 39,458 lb (2020) to 66,156 lb (2019), with an average harvest of 51,569 lb (Table 25-1).

For the past 3 years, 2020 through 2022, PSR harvest has been below 20,300 lb, with the lowest harvest since 2012 of 13,000 lb (2022). DSR has been proportionally more of the total rockfish harvest with an increase during this period (Table 25-1). DSR harvest was 30,123 lb in 2021 and 33,719 lb in 2022, 58% and 69% of the total rockfish harvest, respectively.

Black rockfish have dominated the PSR harvest ranging from 76% (2019) to 93% (2022) of that assemblage. Black rockfish harvest averaged ~18,000 lb between 2019 and 2022. Dusky and dark rockfish combined comprised 20% of the directed harvest in 2019, the highest proportion seen since 2010 (Table 25-1). Yelloweye rockfish dominates the DSR harvest, with an average harvest of 24,058 lb between 2019 and 2022 (87% of DSR harvest, Table 25-1). This yelloweye rockfish is harvested as bycatch only, mostly in longline fisheries.

In the directed PSR fishery, between 2019 and 2022, participation averaged 9 vessels for 21 landings with a harvest ranging from ~12,000 lb to ~33,000 lb, averaging ~20,000 lb. Black rockfish dominated the PSR species that are harvested in the directed commercial fishery; between 2019 and 2022, 80% to 95% of the rockfish caught were black rockfish. Success has been lower in the last 5 years, measured by average harvest per trip, ranging from 690 lb per trip to 1,200 lb per trip, average of 960 lb per trip (Table 25-1).

Black rockfish in the Cook Inlet Area are harvested by both the commercial and sport sectors but the majority of this harvest comes from sport fisheries (Table 25-3). The last 2 years, the total black rockfish harvest has seen high levels, 338,730 lb (2021) and 364,708 lb (2022), due to large sport fishery harvest increases. Between 2006 and 2022, the sport fishery harvest has ranged between 74 and 98% of the total (sport and commercial combined) black rockfish harvest.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects of this proposal. The department has growing concerns about the status of Central Gulf of Alaska rockfish stocks and recent increasing harvest trends similar to what was experienced in Southeast Alaska. The department supports restrictive management measures to conserve Central Gulf of Alaska rockfish stocks.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional direct cost for the department.

Table 25-1.–Commercial harvest of rockfish in Cook Inlet Area, by assemblage with percent total harvest, and harvest of yelloweye and black rockfish, 1988–2022.

	Demersal shelf rockfish (DSR)			Pelagic shelf rockfish (PSR)[a]			Slope[b]		
Year	Yelloweye (lb)	DSR (lb)	Percent of total (lb)	Black (lb)	PSR (lb)	Percent of total (lb)	Slope (lb)	Percent of total (lb)	Total (lb)
1988	5,536	5,536	4%	86,113	86,113	57%	59,436	39%	151,086
1989	9,582	10,376	46%	10,406	10,747	47%	1,639	7%	22,762
1990	1,124	1,252	4%	217	21,379	71%	7,577	25%	30,209
1991	4,170	7,217	3%	120,956	189,656	85%	26,392	12%	223,265
1992	52,921	126,726	38%	55,904	193,680	58%	14,772	4%	335,178
1993	22,969	27,802	39%	30,207	37,201	53%	5,814	8%	70,817
1994	28,733	35,074	17%	137,881	157,783	77%	12,704	6%	205,561
1995	35,337	37,812	14%	202,124	226,737	83%	9,992	4%	274,541
1996	29,090	38,999	32%	71,251	75,100	62%	7,376	6%	121,476
1997	45,347	49,809	27%	115,509	118,806	65%	14,417	8%	183,032
1998	22,828	24,268	30%	44,095	45,361	56%	10,692	13%	80,321
1999	40,238	46,129	53%	31,229	32,298	37%	9,225	11%	87,652
2000	22,526	24,229	15%	126,440	127,021	80%	8,159	5%	159,409
2001	25,760	26,894	23%	82,467	83,608	72%	5,821	5%	116,323
2002	35,252	36,140	32%	71,832	72,439	65%	2,929	3%	111,508
2003	44,434	44,808	31%	95,194	96,367	68%	1,554	1%	142,729
2004	32,494	32,817	28%	84,663	84,883	72%	389	0%	118,089
2005	16,237	16,454	25%	46,522	46,741	72%	1,950	3%	65,145
2006	13,143	13,298	48%	12,950	12,972	46%	1,664	6%	27,935
2007	14,872	15,264	60%	5,573	5,695	22%	4,434	17%	25,394
2008	17,378	17,817	59%	6,135	6,209	21%	5,943	20%	29,968
2009	17,272	18,607	60%	3,064	3,154	10%	9,434	30%	31,195
2010	23,937	24,406	46%	22,367	22,843	43%	5,365	10%	52,615
2011	19,388	20,164	29%	43,890	45,366	66%	3,000	4%	68,530
2012	21,154	29,585	63%	12,190	12,788	27%	4,414	9%	46,787

-continued-

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	Demersal shelf rockfish (DSR)			Pelagic shelf rockfish (PSR)[a]			Slope[b]		
Year	Yelloweye (lb)	DSR (lb)	Percent of total (lb)	Black (lb)	PSR (lb)	Percent of total (lb)	Slope (lb)	Percent of total (lb)	Total (lb)
2013	20,733	25,472	36%	36,463	38,875	55%	6,413	9%	70,759
2014	15,381	18,730	31%	36,725	39,254	65%	2,854	5%	60,839
2015	25,678	54,052	38%	75,089	82,401	59%	4,366	3%	140,819
2016	31,964	48,367	34%	75,083	89,913	62%	6,088	4%	144,368
2017	35,057	46,645	40%	58,505	64,319	55%	5,786	5%	116,750
2018	16,887	20,114	34%	32,017	35,589	60%	3,394	6%	59,097
2019	26,112	29,770	45%	26,254	34,705	52%	1,682	3%	66,156
2020	17,574	18,259	46%	18,657	20,270	51%	929	2%	39,458
2021	23,729	30,123	58%	14,413	18,528	36%	3,443	7%	52,094
2022	28,816	33,719	69%	12,044	13,017	27%	1,833	4%	48,569
Average									
2019–2022	24,058	27,968	55%	17,842	21,630	42%	1,972	4%	51,569
2013–2022	24,193	32,525	43%	38,525	43,687	52%	3,679	5%	79,891
1988–2022	24,104	30,192	36%	54,412	64,338	55%	7,768	9%	102,298

Note: Harvest is reported in round pounds and includes discards at sea.

[a] Beginning in 1998 includes black rockfish from federal waters and beginning in 2008 includes dark rockfish from federal waters.

[b] Includes thornyhead rockfish.

Table 25-2.–Harvest and effort by district of Cook Inlet Area commercial rockfish, including black and dark rockfish from federal waters, 1988–2022.

			Harvest (lb)			
Year	Vessels	Landings	Cook Inlet	North Gulf	Federal	Total[abc]
1988	41	94	2,859	148,227		151,086
1989	11	29	0	22,762		22,762
1990	31	40	401	29,807		30,209
1991	62	158	272	222,993		223,265
1992	120	377	1,029	334,149		335,178
1993	76	201	2,641	68,177		70,817
1994	69	199	110	205,451		205,561
1995	110	302	4,190	270,351		274,541
1996	118	301	700	120,777		121,476
1997	122	340	3,269	179,763		183,032
1998	110	311	[c]	72,887	[c]	80,321
1999	95	285	0	86,007	1,645	87,652
2000	94	243	0	133,431	25,978	159,409
2001	76	166	[c]	109,175	[c]	116,323
2002	68	162	[c]	106,638	[c]	111,508
2003	64	137	[c]	142,207	[c]	142,729
2004	60	114	246	117,843	0	118,089
2005	50	125	[c]	64,950	[c]	65,145
2006	56	112	556	27,379	0	27,935
2007	45	119	105	24,950	338	25,394
2008	49	114	86	29,785	97	29,968
2009	57	136	317	30,842	36	31,195
2010	52	112	52	52,057	506	52,615
2011	50	121	1,148	67,340	42	68,530
2012	50	143	169	46,570	48	46,787
2013	57	171	200	66,581	3,978	70,759
2014	56	130	271	60,503	65	60,839
2015	55	213	239	139,119	1,461	140,819
2016	75	228	436	142,747	1,185	144,368
2017	57	179	984	114,578	1,189	116,750
2018	49	107	2,200	55,422	1,474	59,097
2019	55	213	2,197	63,941	[c]	66,138
2020	33	74	2,236	37,200	[c]	39,436
2021	58	116	3,137	48,755	202	52,094
2022	60	135	1,153	47,358	[c]	48,511
Avg. 2019–2022	52	135	2,181	49,314	202	51,545

[a] Includes reported at-sea discards.

[b] Data combined from ADF&G Neptune and Venus fish ticket software applications.

[c] Confidential data.

Table 25-3.–Commercial and sport harvest of black rockfish in the Cook Inlet Area from 2006–2022.

	Harvest (lb)			
Year	Sport	Commercial	Total	Sport %
2006	159,210	12,889	172,099	93%
2007	207,728	5,573	213,301	97%
2008	198,070	6,135	204,205	97%
2009	171,739	3,064	174,804	98%
2010	168,176	22,367	190,543	88%
2011	150,870	43,890	194,761	77%
2012	146,497	12,190	158,687	92%
2013	167,997	36,463	204,460	82%
2014	208,238	36,725	244,963	85%
2015	211,228	75,089	286,318	74%
2016	266,077	75,083	341,160	78%
2017	176,390	58,505	234,895	75%
2018	213,447	32,017	245,464	87%
2019	269,635	26,254	295,889	91%
2020	174,426	18,657	193,083	90%
2021	324,317	14,413	338,730	96%
2022	352,664	12,044	364,708	97%
Average				
2006–2013	151,385	17,821	169,206	89%
2014–2018	215,076	55,484	270,560	79%
2019–2022	280,260	17,842	298,103	94%

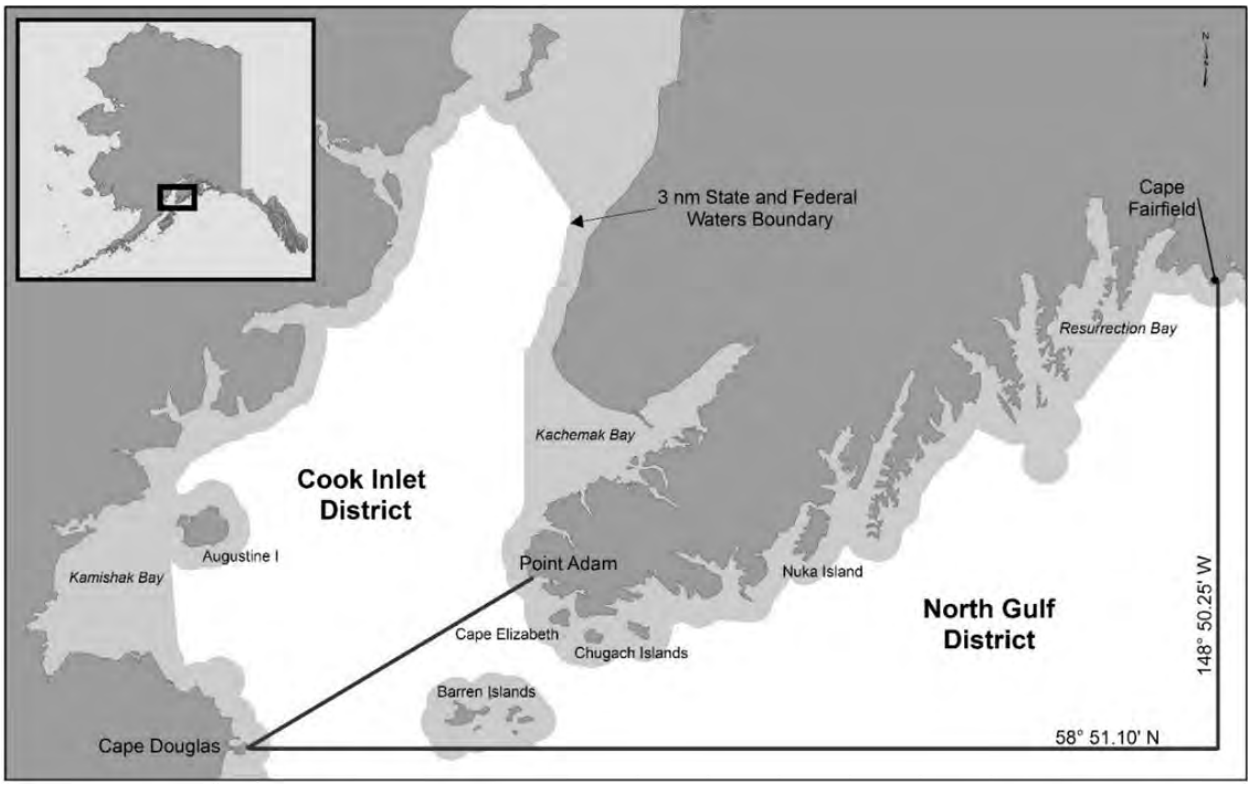

Figure 25-1.–Cook Inlet Area groundfish management districts.

PROPOSAL 26 – 5 AAC 28.3XX AND 5 AAC 58.022. Reduce Cook Inlet commercial and sport lingcod harvest

5 AAC 28.3XX New Section and 5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet–Resurrection Bay Saltwater Area

PROPOSED BY: Thomas Hagberg.

WHAT WOULD THE PROPOSAL DO? This would reduce the commercial lingcod guideline harvest level (GHL) and sport harvest of lingcod in Cook Inlet by an unknown amount.

WHAT ARE THE CURRENT REGULATIONS? The Cook Inlet (CI) directed commercial lingcod fishery opens on July 1 (5 AAC 28.310 (b)) with a registration requirement for a vessel to participate (5 AAC 28.020 (a)); the season ends December 31 by regulation or by emergency order (EO) if the guideline harvest level (GHL) is achieved. Lawful gear for the directed fishery includes mechanical jigging machines and hand troll gear (collectively referred to as jig gear); mechanical jigging gear can only have 5 lines with no more than 30 hooks per line (5 AAC 28.330 (g) and (i)). Lingcod may be retained as bycatch, including by other legal gear types, up to 20% by weight of directed species on board the vessel (set by EO) after July 1. To be retained, lingcod must measure at least 35 inches from the tip of the snout to the tip of the tail (5 AAC 28.370 (a)). There is also a prior notice of landing (PNOL, 5AAC 28.371 (b)) requirement.

In Cook Inlet salt waters, lingcod may be taken only from July 1 through December 31; there is a bag and possession limit of two fish, and the minimum size is 35 inches in length (28 inches with the head removed). Anglers may gaff only legal-sized lingcod that they harvest during the open season.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The commercial lingcod GHL in Cook Inlet would be reduced by an unknown amount. Sport fishing opportunity for lingcod in Cook Inlet would be reduced by an unknown amount.

BACKGROUND: Please refer to Proposal 23 for background information on the sport lingcod fishery.

In the Central Region, the State of Alaska first exercised its management authority for commercially harvested lingcod in the Economic Exclusions Zone (EEZ) in 1995 (Figure 26-1). In 1993, the board adopted regulatory lingcod season dates of July 1 to December 31 and a minimum size requirement of 35 inches overall or 28 inches measured from the front of the dorsal fin to the tip of the tail. The season dates closed lingcod fishing during the first half of the year to protect spawning and nest-guarding lingcod at a time when they are particularly vulnerable to capture. The minimum legal size was intended to allow sexually mature lingcod to spawn in at least 2 successive years prior to being subjected to harvest removal. From 1997 until 2002, the commercial lingcod fishery was managed for a 35,000 lb GHL that was established in 1997 as 50% of the recent 5-year harvest. The department adopted this conservative approach due to a lack of lingcod abundance and biomass information. Directed fishing for lingcod was restricted to jig gear (mechanical or hand troll) beginning in 1999. Emergency orders are established for bycatch

in the beginning of each year, lingcod may be retained as bycatch to other directed fisheries at a 20% level during the open season.

In 2002, the department increased the allowable harvest to 52,500 lb, or 75% of the average harvest during the period 1992 through 1996. This increase in the GHL was consistent with the approach applied by North Pacific Fisheries Management Council Groundfish Plan Teams for groundfish stocks in federal waters.

In the Cook Inlet Area, lingcod may be retained commercially after July 1 as bycatch to other groundfish fisheries or by directed jig fishing. Harvest levels are closely monitored to stay within the GHL (Table 26-1). Lingcod harvests have been some of the highest recorded since 2017 with all years above 40,000 lb, with the exception of 2021 (10,568 lb). For the past 4 years, the lingcod effort was between 20 (2019) and 29 (2022) vessels and landings ranging from 37 (2019) to 50 (2022). Since 2019, 84 to 97% of lingcod harvest occurred in state waters. The North Gulf District, which supports active commercial and recreational lingcod fisheries, has historically accounted for virtually all of the harvest. Lingcod harvest from the Cook Inlet District continues to be low (Figure 25-1).

From 2006-2022 the proportion of total Cook Inlet lingcod harvest has varied between commercial and sport fisheries with the sport fishery consistently accounting for more than 50% of the harvest. Between 2007 and 2015, the sport fishery proportion of lingcod harvest ranged from 86 to 97%. From 2015 to 2022, the sport fishery sector took less, between 52 and 82% of the harvest. Total lingcod harvest was the highest from 2006 to 2013, from 5,937 fish (2012) to 11,573 fish (2008). From 2014 to 2022, the total harvest ranged from 2,624 fish (2016) to 5,199 (2022).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional direct cost for the department.

Table 26-1.–Commercial lingcod harvest and effort by gear type from the combined Cook Inlet Area, with harvest from state and federal waters, 1988–2022.

			Harvest (lb)				
Year	Vessels	Landings	Jig/Troll	Other gear [a]	State waters	Federal waters	Total [b]
1988	16	37	6,512	18,436	18,362	6,586	24,948
1989	10	20	399	2,495	1,833	1,060	2,894
1990	22	22	1,306	5,463	2,496	4,272	6,769
1991	31	96	57,691	4,492	59,196	2,987	62,183
1992	84	192	6,998	35,220	24,660	17,558	42,218
1993	18	64	86,724	646	7,627	79,743	87,370
1994	14	30	56,505	331	21,782	35,054	56,836
1995	43	72	72,489	4,687	44,314	32,862	77,176
1996	39	58	47,986	11,310	29,461	29,835	59,296
1997	34	49	17,572	14,575	30,948	1,199	32,147
1998	23	41	27,284	13,955	39,781	1,458	41,239
1999	41	66	10,741	17,421	19,841	8,320	28,162
2000	41	72	29,488	4,029	26,524	6,992	33,517
2001	33	73	29,472	11,321	30,184	10,609	40,793
2002	33	64	16,383	3,794	18,664	1,513	20,177
2003	29	64	23,124	4,030	24,864	2,290	27,154
2004	30	63	31,009	5,635	35,632	1,012	36,644
2005	28	55	13,328	7,465	18,075	2,718	20,793
2006	28	55	11,679	45,899	19,495	38,083	57,578
2007	50	90	22,536	24,556	32,695	14,385	47,080
2008	33	66	26,966	17,066	36,781	7,251	44,032
2009	37	70	5,571	13,609	13,116	6,064	19,180
2010	31	53	13,298	8,669	17,312	4,655	21,966
2011	30	46	2,283	6,912	7,306	3,136	9,195
2012	31	44	1,609	7,886	5,617	3,878	9,494
2013	37	22	8,790	3,220	9,868	2,142	12,010
2014	27	37	7,535	2,686	8,833	1,388	10,221
2015	26	51	2,747	3,995	3,494	3,248	6,742
2016	31	63	19,605	3,787	20,776	2,616	23,393
2017	24	55	44,933	3,808	46,381	2,359	48,740
2018	27	59	43,326	6,153	37,724	11,755	49,479
2019	20	37	44,444	7,982	48,701	3,725	52,426
2020	24	40	48,351	4,077	50,780	1,648	52,428
2021	24	42	10,568	7,632	15,372	2,828	18,200
2022	29	50	40,173	7,075	42,326	4,922	47,248
Average							
2006-2013	35	56	11,592	15,977	17,774	9,949	27,567
2014-2018	27	53	23,629	4,086	23,442	4,273	27,715
2019-2022	24	42	35,884	6,692	39,295	3,281	42,576

[a] Other gear includes longline, pot, trawl, or salmon gillnet.

[b] Does not include reported at-sea discards.

Table 26-2.–Sport and commercial harvest of lingcod harvest in Cook Inlet Management Area (split into North Gulf Coast and Lower Cook Inlet sport fishery management areas).

	Lower Cook Inlet Sportfish MA (# of fish)		North Gulf Coast Sportfish MA (# of fish)		Cook Inlet (Area H) Commercial MA (# of fish)			
Year	Sport	Commercial	Sport	Commercial	Sport	Commercial	Total	Sport %
2006	2,742	29	2,813	1,750	5,555	1,779	7,334	76%
2007	5,453	321	3,431	1,152	8,884	1,473	10,357	86%
2008	5,625	903	4,533	512	10,159	1,415	11,573	88%
2009	5,412	167	3,327	421	8,739	587	9,326	94%
2010	4,377	502	2,206	410	6,584	913	7,496	88%
2011	6,627	54	2,250	239	8,878	293	9,171	97%
2012	3,831	60	1,812	234	5,643	294	5,937	95%
2013	4,026	134	2,674	193	6,699	326	7,026	95%
2014	2,113	56	1,337	249	3,450	305	3,755	92%
2015	1,257	40	1,342	158	2,599	198	2,797	93%
2016	916	142	872	694	1,788	836	2,624	68%
2017	1,053	325	945	1,116	1,998	1,441	3,439	58%
2018	909	459	1,044	1,317	1,952	1,775	3,727	52%
2019	1,043	432	1,124	1,208	2,168	1,640	3,807	57%
2020	1,436	219	1,050	1,566	2,486	1,785	4,271	58%
2021	1,745	82	1,452	623	3,198	705	3,902	82%
2022	2,130	148	1,283	1,639	3,413	1,786	5,199	66%
Averages								
2006–2013	4,762	271	2,881	614	7,643	885	8,528	90%
2014–2018	1,249	204	1,108	707	2,357	911	3,268	72%
2019–2022	1,589	220	1,227	1,259	2,816	1,479	4,295	66%

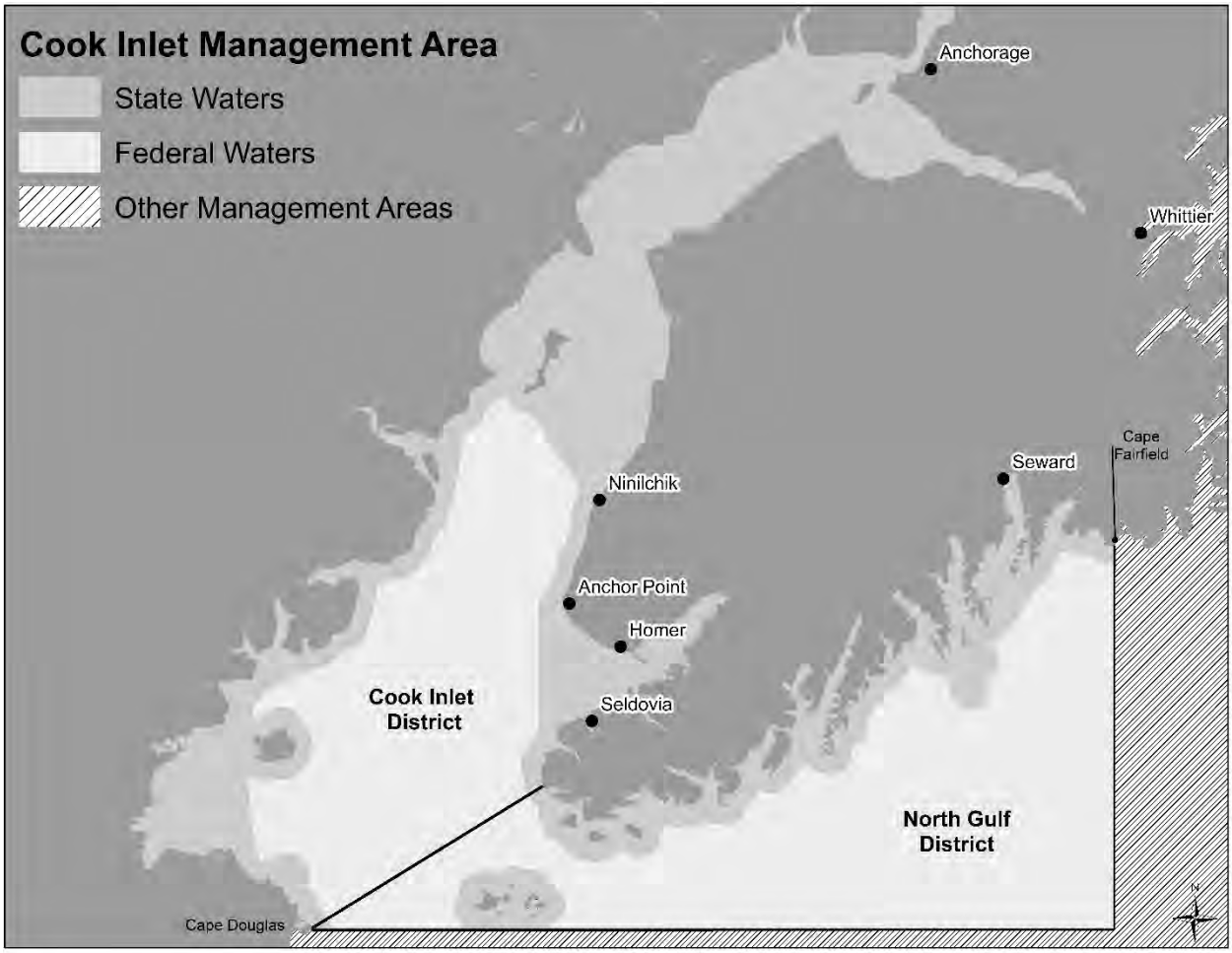

Figure 26-1.–Cook Inlet Management Area boundaries including federal EEZ waters.

PROPOSAL 27 – 5AAC 28.310. Open Cook Inlet commercial sablefish season earlier

5AAC 28.310. Fishing Seasons for Cook Inlet Area

PROPOSED BY: Randy Arsenault

WHAT WOULD THE PROPOSAL DO? This would change the season start date for the Cook Inlet commercial sablefish fishery from July 15 to April 15.

WHAT ARE THE CURRENT REGULATIONS? Current regulations for the Cook Inlet Area state-waters sablefish fishery include these requirements (5 AAC 28.360): registration, 6-hour prior notice of landing (PNOL), mandatory log sheet, and a trip limit of 3,000 lb (round weight) of sablefish in 2 consecutive days. The season opens July 15 and closes December 31 (5 AAC 28.310) unless closed earlier by EO. Allowable gear includes longline, pot, and jig gear. Pot gear may be connected by a line in the fishery with no more than 15 groundfish pots attached to the same line ((5 AAC 28.330(c)). Sablefish may only be retained during an open directed sablefish fishery on board a vessel that is registered to participate in the Cook Inlet Area sablefish fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would increase the Cook Inlet commercial sablefish season length by 3 months.

BACKGROUND: The Cook Inlet Area sablefish fishery historically opened and closed on dates concurrent with the sablefish season in adjacent federal waters (Table 27-1). Following implementation of the federal sablefish IFQ program in 1995, the Cook Inlet Area sablefish fishery became one of only 2 open-access sablefish fisheries in the state. Beginning in 1995, the Cook Inlet Area fishery opened concurrently with the IFQ sablefish fishery on March 15, and closed by EO based upon harvest and catch rates.

In response to public complaints of harvest being misreported from adjacent federal waters, and testimony suggesting improved sablefish catch rates in nearshore waters later in the year, a public proposal to change the sablefish season opening date to July 15 was considered by the board in 1998. Harvest information from 1988 to 1998 indicated the majority of harvest occurred during May and June, supporting the increased catch rate claims discussed at the November 1998 board meeting. The board adopted the proposal to change the opening date to July 15, implemented in 2000.

Longline is the primary gear type used in this fishery; however, due to increasing whale depredation statewide, use of pot gear has increased. The board adopted a regulation in 2016 allowing groundfish pots used in the Cook Inlet Area sablefish fishery to be attached to a line, with the stipulation that there may be no more than 15 pots on each line and a buoy is required to be attached to each end of the line to mark the location of the gear.

Two other regulations were implemented in 2016: one clarified the requirements of log sheets in the fishery and the other added a 6-hour PNOL for vessels delivering sablefish from Cook Inlet Area. Both of these regulations aid management of the fishery. Log sheets allow the department to track the effort throughout the fishery and the PNOL allows the department enough time to

deploy staff to collect biological information from sablefish deliveries as well as aid in enforcement.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. There has been little participation in the fishery and there no conservation concerns associated with a longer season.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional direct cost for the department.

Table 27-1.–Harvest and effort from the Cook Inlet Area commercial sablefish fishery, 1988–2022.

Year	Vessels	Landings	Harvest (lb)	GHL (lb)	Average lb/landing
1988	37	86	136,260		1,566
1989	4	5	2,996		599
1990	22	24	8,480		339
1991	25	33	103,597		3,139
1992	79	103	126,852		1,208
1993	36	52	95,016		1,827
1994	39	56	45,008		790
1995	33	45	22,551		501
1996	25	79	81,067		1,013
1997	39	97	125,349	72,000	1,279
1998	29	57	69,689	72,000	1,223
1999	23	40	76,741	63,400	1,842
2000	16	31	103,662	67,000	3,207
2001	21	32	133,435	67,000	4,170
2002	23	26	108,966	67,000	4,158
2003	14	14	122,098	75,000	8,721
2004	17	17	82,836	87,000	4,873
2005	10	37	84,023	86,000	2,271
2006	16	41	88,695	76,000	2,163
2007	10	36	76,889	74,000	2,136
2008	12	43	68,852	66,000	1,636
2009	13	66	55,263	59,880	837
2010	9	44	55,899	53,733	1,270
2011	10	39	57,350	56,473	1,471
2012	12	49	67,452	69,000	1,377
2013	8	44	42,287	66,000	961
2014	5	29	50,703	56,000	1,748
2015	4	34	31,780	55,500	935
2016	6	35	47,241	48,000	1,350
2017	8	36	37,068	54,000	1,030
2018	7	20	24,779	62,000	1,239
2019	2	12	20,561	62,000	1,713
2020	0	0	0	76,800	0
2021	[b]	[b]	[b]	96,000	[b]
2022	[b]	[b]	[b]	118,700	[b]

[a] Does not include reported at-sea discards.

[b] Confidential.

PROPOSAL 28 – 5AAC 28.367. Change gear group allocation in the *Cook Inlet Pacific Cod Management Plan*

5 AAC 28.367. Cook Inlet Pacific Cod Management Plan

PROPOSED BY: Dia Kuzmin

WHAT WOULD THE PROPOSAL DO? This would allocate Pacific cod state waters jig quota that is not harvested to fishers using pot gear after July 15. It would also allow retention of all Pacific cod caught during the Cook Inlet sablefish fishery by fishers using pot gear.

WHAT ARE THE CURRENT REGULATIONS? Current regulations for the Cook Inlet Area Pacific cod state-waters fishing season include (5 AAC 28.367): exclusive area registration, guideline harvest level (GHL) calculated as 3.75% of the Central Gulf of Alaska (CGOA) estimated total allowable harvest, and no more than 60 pots per vessel with a buoy tag requirement, or up to 5 mechanical jigging machines with a maximum of 30 hooks per line. The state waters GHL is allocated 85% to pot gear and 15% to jig gear and there is a harvest cap of 25% of the GHL on vessels longer than 58 feet and fishing pot gear. If the jig allocation is not achieved by September 1, the remainder of the allocation becomes available to all legal gear. Also, gear limits and the exclusive area registration requirement may be relaxed after October 30 if the department considers the action necessary to achieve the GHL. In terms of bycatch, if a Pacific cod fishery is open in a registration area (specific to gear), participants in other groundfish fisheries with the same gear type can retain all of the Pacific cod that is caught. Otherwise, the Pacific cod bycatch limit is 20% of the targeted groundfish harvest.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would likely increase harvest of Pacific cod in Cook Inlet and increase the proportion of harvest taken by fishermen using pot gear.

BACKGROUND: Since adoption in 1997, the Cook Inlet Area state-waters Pacific cod season, which was designed to provide additional Pacific cod fishing opportunities to local vessels using pot and jig gear, has been modified numerous times.

At a special 2011 Pacific cod board meeting, the board amended area specific Pacific cod management plans to coordinate with new federal gear sector allocations implemented in 2012. These regulatory changes allowed staggered parallel and state-waters seasons by gear type in order to coordinate with the now staggered federal Pacific cod seasons. The board also adopted new allocations for the Cook Inlet Area GHL of 85% for pot gear and 15% for jig gear, with a step-up provision when the jig allocation would increase by 5% the following year, if 90% of the jig allocation was achieved in a given year, up to a maximum of 25%. Additionally, the board eliminated the May 1 to June 15 pot closure.

Pacific cod abundance in the Gulf of Alaska and surrounding areas experienced a drastic decline in 2018, which resulted in a 77% reduction in GHLs. In the Cook Inlet Area, the state-waters GHL was reduced from over 3.6 million lb in 2017 to 671,141 lb in 2018 (Table 28-1). This reduction was attributed to an ocean condition called the "warm blob," a marine heat wave that negatively affected some marine species, including Pacific cod. Pacific cod is an ectotherm, meaning that

temperature directly affects its metabolism. These warmer water temperatures occurred between 2014 and 2016; this was an unusual event due to the magnitude of the temperature increase.

In the state-waters fishery, pot and jig seasons open 24 hours after the close of the parallel season for each respective gear type. The GHL is allocated 85% to vessels using pot gear and 15% to jig gear. The state-waters Pacific cod fishery GHL is calculated as 3.75% of the federal CGOA ABC and ranged between 454,513 lb (2020) and 1,632,964 lb (2022) (Table 3) in the past 4 years. Vessels using jig gear have taken less than 4% of their allocation between 2019 and 2022. The overall GHL has not been achieved since 2011. Vessels using pot gear harvested the pot gear allocation all 4 of these years (Table 28-1).

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional direct cost for the department.

Table 28-1.–Harvest (lb) by gear type in the commercial State-waters Pacific cod fishery in the Cook Inlet Area, 1997–2022.

	Jig Gear [a]			Pot Gear			Harvest (lb) [bc]		
Year	Vessels	Landings	Harvest (lb)[b]	Vessels	Landings	Harvest (lb)[b]	Total	% of GHL	GHL (lb)
1997	46	233	561,947	10	136	276,966	838,913	33%	2,549,646
1998	29	123	188,209	13	183	542,260	730,469	30%	2,434,565
1999	14	51	127,229	24	278	1,390,678	1,517,907	58%	2,637,445
2000	5	12	13,885	17	319	1,135,903	1,149,788	53%	2,160,255
2001	5	13	19,428	9	196	875,923	895,351	47%	1,917,195
2002	6	15	18,163	9	306	1,310,684	1,328,847	85%	1,571,455
2003	15	160	429,684	10	140	1,023,854	1,453,538	101%	1,438,516
2004	18	120	326,298	12	170	1,785,386	2,111,684	89%	2,367,765
2005	8	28	90,734	10	205	2,227,417	2,318,151	85%	2,737,893
2006	d	d	d	11	148	1,476,115	1,476,115	47%	3,131,088
2007	4	7	5,545	13	145	1,436,804	1,442,349	46%	3,131,088
2008	3	7	14,456	13	227	2,379,085	2,393,541	76%	3,133,403
2009	9	41	138,960	13	181	2,393,574	2,532,535	97%	2,606,393
2010	6	20	48,754	9	128	3,074,871	3,123,626	77%	4,054,466
2011	31	203	498,185	10	156	3,902,154	4,400,339	99%	4,449,911
2012	27	137	192,847	13	155	4,043,548	4,236,395	90%	4,707,420
2013	0	0	0	13	154	2,754,265	2,754,265	68%	4,074,804
2014	0	0	0	9	121	3,018,318	3,018,318	69%	4,389,955
2015	7	31	70,639	11	134	3,256,063	3,326,701	66%	5,069,530
2016	7	19	55,673	14	126	2,869,970	2,925,643	72%	4,076,788
2017	0	0	0	13	96	1,636,864	1,636,864	45%	3,652,504
2018	d	d	d	8	46	558,828	558,828	83%	671,141
2019	3	4	2,868	7	55	570,706	573,575	90%	633,857
2020	3	11	18,169	5	25	404,109	422,279	93%	454,513
2021	0	0	0	5	40	943,839	943,839	84%	1,128,987
2022	0	0	0	7	40	1,377,474	1,377,474	84%	1,632,964
Average									
2019–2022[e]	2	4	5,259	6	40	824,032	829,292	88%	962,580
2013–2022[e]	2	7	16,372	9	84	1,739,044	1,753,779	75%	2,578,504
1988–-2022[e]	10	51	117,570	11	150	1,794,833	1,903,359	72%	2,723,598

[a] Includes mechanical jig and hand troll gear.

[b] Harvest is reported in round pounds, includes discards at sea.

[c] Total harvest does not include confidential data.

[d] Confidential data due to limited number of participants.

[e] Confidential data not included in averages.

COMMITTEE OF THE WHOLE—GROUP 3: OTHER SALMON, TROUT, HERRING (15 PROPOSALS)

PROPOSAL 29 – 5AAC 56.122. Prohibit use of helicopters to transport anglers to select Cook Inlet waters

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area

PROPOSED BY: Patrick McCormick and Ryan Pallister.

WHAT WOULD THE PROPOSAL DO? This would prohibit the use of helicopters to transport anglers to the lower Kenai Peninsula roadside streams (Anchor River, Stariski Creek, Deep Creek, Ninilchik River) and Kasilof River.

WHAT ARE THE CURRENT REGULATIONS? There are no restrictions on the use of helicopters for sport fishing on the lower Kenai Peninsula roadside streams or Kasilof River.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? It would reduce sport fishing effort and catch of steelhead and Dolly Varden in the proposed streams by an unknown amount. Anglers accessing fishing locations via helicopter may shift their effort towards other more remote locations in Cook Inlet with steelhead, such as Kamishak Bay streams. This may improve the quality of the angling experience for those steelhead anglers who access fishing locations by walking.

BACKGROUND: In recent years, helicopters have been used by anglers to reach the upper sections of the lower Kenai Peninsula streams. These sections open on August 1 and anglers are primarily using helicopter transport to target steelhead. The use of helicopters is most prevalent in the Deep Creek drainage, where there is very little public land access and no road access in the upstream section. Anglers also access this section by foot, using the stream channel below ordinary high water.

The steelhead sport fishery on the lower Kenai Peninsula roadside streams has been conservatively managed due to small run sizes, limited information for stock assessment, and popularity of the fishery. The retention of steelhead has been prohibited since 1990 and sport fishing for all species is closed from November 1 through late-May the following year. Sport fishing for steelhead on the Kasilof River is open year-round and retention is prohibited. From 1990–2018, the annual steelhead catch estimate for all lower Kenai Peninsula roadside streams was 5,500 (Table 29-1). In recent years (2019–2022), the total annual average catch was 1,900. Some of the decline in catch can be attributed to an overall decline in sport fishing effort on the lower Kenai Peninsula streams.

Steelhead abundance has been monitored periodically on the lower Kenai Peninsula streams and primarily on the Anchor River. The location of the Anchor River weir and fall storms compromising monitoring have precluded full counts in almost all years. The fall escapement counts and spring kelt counts on the Anchor and Ninilchik Rivers indicate that the run sizes on these streams vary from a few hundred fish to a few thousand.

Helicopters are used throughout Alaska to provide anglers access to difficult to reach locations. Over time, the board has both prohibited and repealed the prohibitions on the use of helicopters to transport sport anglers and sport caught fish statewide and in specific drainages. Currently, the use of helicopters to transport anglers and sport caught fish is prohibited in the Kvichak and Alagnak Rivers in Bristol Bay. Some remote locations within Cook Inlet where anglers use helicopters for access include tributaries of Kamishak Bay in West Cook Inlet and Talachulitna River and Lake Creek in the Susitna River drainage.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal since it limits sport fishing in difficult to reach locations. The department does not support restricting sport fishing opportunities when there are no biological or sustainability concerns. The department is **NEUTRAL** on any allocative or social aspects between guided and unguided anglers.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 29-1.–Steelhead catch estimates in the lower Kenai Peninsula roadside streams, 2000–2022.

	Steelhead catch				
Year	Anchor River	Stariski Creek	Deep Creek	Ninilchik River	All streams
2000	8,693	329	1,805	760	11,587
2001	3,045	51	627	283	4,006
2002	3,501	203	954	468	5,126
2003	3,409	46	2,456	952	6,863
2004	3,710	39	4,365	400	8,514
2005	2,524	106	1,355	934	4,919
2006	4,513	13	1,234	563	6,323
2007	8,365	23	2,668	725	11,781
2008	8,733	195	3,672	1,465	14,065
2009	4,119	113	1,463	1,181	6,876
2010	2,018	21	1,043	360	3,442
2011	401	19	122	53	595
2012	1,833	34	681	169	2,717
2013	2,246	38	515	100	2,899
2014	3,621	9	932	309	4,871
2015	2,892	33	728	336	3,989
2016	2,516	220	386	145	3,267
2017	3,010		952	183	4,145
2018	2,052		822	1,089	3,963
2019	1,368		334	235	1,937
2020	1,943	88	1,125	201	3,357
2021	260		201	219	680
2022	857		196	86	1,139
Average					
1989–1999	3,455	81	863	527	4,911
2000–2018	3,747	88	1,409	551	5,787
2019–2022	1,107	88	464	185	1,778

PROPOSAL 30 – 5 AAC 01.570. Add provisions to allow for subsistence harvest on herring spawn on kelp

5 AAC 01.570. Lawful gear and gear specifications

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would clarify existing regulations on the subsistence harvest of herring spawn outside of the nonsubsistence area in Lower Cook Inlet and specify harvest methods for herring spawn on kelp.

WHAT ARE THE CURRENT REGULATIONS? There is a positive customary and traditional use finding for herring, which includes herring "in any stage of its life cycle" as defined in the statewide definition of fish (5 AAC 01.566(a)(4)). Statewide regulations state that finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations (5 AAC 01.005). Current Cook Inlet subsistence regulations allow the harvest of herring using gillnets without mentioning the harvest of herring spawn.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The subsistence harvest of herring spawn would be clearly allowed for in regulation, and harvesting herring spawn on kelp for subsistence would be limited to methods that protect aquatic plant species.

BACKGROUND: The subsistence harvest of herring spawn has occurred for thousands of years in Cook Inlet. Herring spawn is harvested on a variety of substrates, including kelp and spruce boughs. To harvest spawn on kelp, harvesters go into the intertidal zone at low tide and cut or remove attached aquatic plants onto which herring have deposited eggs and spawn. To harvest from spruce boughs, harvesters set weighted spruce boughs at low tide for herring to lay eggs on during the next tidal flood. There are no existing regulations limiting the harvest of herring spawn, but there is an existing regulation limiting the harvest of herring to gillnets. This has created confusion for members of the public about whether they are allowed to harvest herring spawn under subsistence regulations.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

SUBSISTENCE REGULATION REVIEW:

1. Is this stock in a nonsubsistence area? No.

2. Is this stock customarily and traditionally taken or used for subsistence? The board has determined under 5 AAC 01.566 (a)(4) that herring in those portions of the Cook Inlet Area that are outside the boundaries of the nonsubsistence area described in 5 AAC 99.015(a)(3) are customarily and traditionally taken or used for subsistence.

3. Can a portion of the stock be harvested consistent with sustained yield? Yes.

4. What amount is reasonably necessary for subsistence uses? The board has not established an ANS range for this stock.

5. Do the regulations provide a reasonable opportunity for subsistence uses? This is a board determination.

6. Is it necessary to reduce or eliminate other uses to provide a reasonable opportunity for subsistence uses? This is a board determination.

PROPOSAL 31 – 5 AAC 77.545. Extend the China Poot personal use fishery season dates

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan

PROPOSED BY: Jennifer Bando.

WHAT WOULD THE PROPOSAL DO? This would extend the China Poot personal use dipnet fishery season open date from July 1 to June 15, and the closure date from August 7 to August 15.

WHAT ARE THE CURRENT REGULATIONS? The China Poot personal use dipnet fishery is open July 1 through August 7. The bag limit for an individual is six sockeye salmon and there is no annual limit. No other species may be retained.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would provide more opportunity to harvest stocked sockeye salmon from this terminal fishery by providing 23 additional days to the season. This proposal would prevent the wastage of sockeye salmon in China Poot Creek. The fishery season would be more aligned with the run timing of sockeye salmon to China Poot Creek. There would be an unknown increase in the number of pink salmon incidentally caught and released.

BACKGROUND: Leisure Lake, at the headwaters of China Poot Creek, has been stocked with sockeye salmon since 1976. The program was initiated by the department but has been continued by Cook Inlet Aquaculture Association (CIAA). Stocking is used to supplement commercial harvest in Kachemak Bay and support cost recovery operations for CIAA. The sockeye salmon broodstock used to stock China Poot has changed over time, and the run timing of returning China Poot sockeye salmon has changed along with the different broodstocks. The current season for this personal use fishery was established by the board in 1995 during a period with a broodstock with later run timing.

In recent years, sockeye salmon begin arriving to the China Poot Bay in mid-June. Sport anglers begin targeting the sockeye salmon by snagging from boats in various locations within China Poot Bay and from shore near the mouth of China Poot Creek. Up to a thousand sockeye salmon have been staged in the creek when the personal use fishery opened on July 1. There are no other species present in the creek in June.

The department has periodically issued emergency orders to extend the dipnet season when surplus sockeye salmon are leftover in the creek near the end of the season. In recent years when the fishery has been extended, there have been 500–1,000 sockeye salmon left in the creek at the end of the regular season. This season extension has occurred by EO in 2017, 2021, and 2023.

Pink salmon begin to arrive to China Poot Creek in early to mid-August. Although some are incidentally caught and released by dipnetters, most interception of pink salmon likely occurs by snagging in the saltwater sport fishery. China Poot Creek supports a small pink salmon run, though there is limited habitat for salmon spawning in the 200-yard section between the barrier falls and the intertidal. China Poot Creek pink salmon have had a SEG of 2,500 to 6,300 that has not been

met since 2015 but will be a part of the Southern District aggregate pink salmon SEG starting in 2024.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal. Extension of the season prior to the current dates would provide more opportunity for residents to harvest sockeye salmon in this fishery and prevent the wastage of fish left in the creek. The extension of the season by an additional week has been done by emergency order and is unlikely to affect the Southern District aggregate pink salmon SEG to be met because the harvest of pink salmon is prohibited in the fishery.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 32 – 5 AAC 77.545. Move the China Poot personal use dip net regulations under the *Cook Inlet Personal Use Fishery Management Plan*

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan

PROPOSED BY: Tom Vania.

WHAT WOULD THE PROPOSAL DO? Require an Upper Cook Inlet personal use permit to participate in the China Poot personal use dip net fishery by moving the *Kachemak Bay Personal Use Dip Net Fishery Management Plan* (5 AAC 77.545) under the *Upper Cook Inlet Personal Use Fishery Management Plan* (5 AAC 77.540). It implements an annual household limit by reference under 5 AAC 77.525.

WHAT ARE THE CURRENT REGULATIONS? The China Poot personal use dip net fishery is managed under the *Kachemak Bay Personal Use Dip Net Fishery Management Plan*. The terminal stocked fishery is located in China Poot Creek, the season is July 1 through August 7, and the bag limit for an individual is six sockeye salmon, there is no annual limit. A permit is not required in the China Poot personal use dip net fishery.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would require China Poot personal use dip net fishery participants to obtain the Upper Cook Inlet personal use permit. It would provide Cook Inlet Aquaculture Association (CIAA) and the department better harvest information on this enhanced run. It would prevent participants from also participating in the coho salmon personal use set gillnet fishery in Kachemak Bay. This would change the current individual bag limit for the China Poot personal use fishery to a household bag and annual limit and may reduce the overall harvest by an unknown amount. It would add regulatory complexity, as the China Poot fishery would be the only personal use fishery within the *Upper Cook Inlet Personal Use Fishery Management Plan* that has a separate bag and possession limit rather than just an annual household limit.

BACKGROUND: Leisure Lake, at the headwaters of China Poot Creek, has been stocked with sockeye salmon since 1976. The program was initiated by the department but has been continued by CIAA. Stocking is used to supplement commercial harvest in Kachemak Bay and support cost recovery operations for CIAA. Sockeye salmon that escape the commercial fishery and cost recovery are harvested by sport anglers in salt water and in the freshwater personal use fishery, which occurs along 200 yards of China Poot Creek between the intertidal area and the barrier falls.

A permit was required for this fishery from 1979 through 1982. In 1983, the Statewide Harvest Survey (SWHS) was expanded to include this harvest and the permit requirements were subsequently discontinued. However, the department ceased producing China Poot personal use harvest estimates from 1995 through 2021. The SWHS estimates for China Poot personal use harvest will be available beginning with the 2022 reporting year.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Moving the *Kachemak Bay Personal Use Dip Net Fishery Management Plan* under the *Upper Cook Inlet Personal Use Fishery Management Plan* would require users to obtain a permit that is not necessary for the management of the fisheries associated with this enhanced run in a terminal

fishery area. The personal use harvest in China Poot Creek occurs after a commercial fishery and CIAA cost recovery operations and the harvest information is unnecessary to manage or enforce the fishery. The SWHS estimates have been made available beginning with the 2022 reporting year. It would also limit a household to harvesting a total of 6 fish per day. Additionally, it would prevent participants from also participating in the Kachemak Bay coho salmon set gillnet personal use fishery because you cannot obtain that permit and the Upper Cook Inlet personal use permit within the same year.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal would result in an additional cost to the department to collect additional permit information.

PROPOSAL 33 – 5 AAC 77.545. Redefine the Kachemak Bay personal use dip net fishery area

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan

PROPOSED BY: Doug Van Patten.

WHAT WOULD THE PROPOSAL DO? Expand the area open to dipnetting in the China Poot Creek area by moving the markers delineating fresh and salt waters 300 feet further out from their current position.

WHAT ARE THE CURRENT REGULATIONS? The current markers delineate the boundary where the personal use fishery may occur in China Poot Creek (Figure 33-1). The personal use fishery is located in the fresh waters of China Poot Creek, the season is July 1 through August 7, and the bag and possession limit for an individual is six sockeye salmon. No other species may be retained.

The sport fishery in salt waters has a bag limit of six sockeye salmon. Individuals can simultaneously possess a bag limit of personal use sockeye salmon and a bag limit of sport caught sockeye salmon. Sockeye salmon harvested in the personal use fishery must be marked by clipping both lobes of the tail fin.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would expand the area open to dipnetting and reduce the area open to snagging. Participants could potentially dipnet from a boat at high tide. It would be more difficult for participants to obtain a limit of sport caught fish in addition to a limit of personal use caught fish, which would reduce the sport harvest.

BACKGROUND: Leisure Lake, at the headwaters of China Poot Creek, has been stocked with sockeye salmon since 1976. The program was initiated by the department but has been continued by Cook Inlet Aquaculture Association (CIAA). Stocking is used to supplement commercial harvest in Kachemak Bay and support cost recovery operations for CIAA. Sockeye salmon that escape the commercial fishery and cost recovery are harvested by sport anglers in salt water and in the freshwater personal use fishery, which occurs along 200 yards of China Poot Creek between the intertidal area and the barrier falls.

Sport anglers target sockeye salmon in China Poot salt waters by snagging them. The most effective location to snag is a 200-yard section beginning at the signs delineating fresh and salt waters out towards China Poot Bay (Figure 33-1). Anglers also snag sockeye salmon from boats in other locations in China Poot Bay.

Pink salmon begin to arrive to China Poot Creek in early to mid-August. Although some are incidentally caught and released by dipnetters, most interception of pink salmon likely occurs by snagging in the saltwater sport fishery. China Poot Creek supports a small pink salmon run, though there is limited habitat for salmon spawning in the 200-yard section between the barrier falls and the intertidal. China Poot Creek pink salmon have an SEG of 2,500 to 6,300 that has not been met since 2015 but will be a part of the Southern District aggregate pink salmon SEG starting in 2024.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on the allocative aspects between sport and personal use fisheries. The department has no concerns with the location of this long-standing boundary. Moving the markers that delineate the fresh and salt waters of China Poot Creek and Bay would expand the area open to dipnetting and reduce the area open to snagging in salt waters. Given that these fisheries occur in a terminal area with no access to spawning, there are no conservation concerns with the sockeye salmon harvest.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

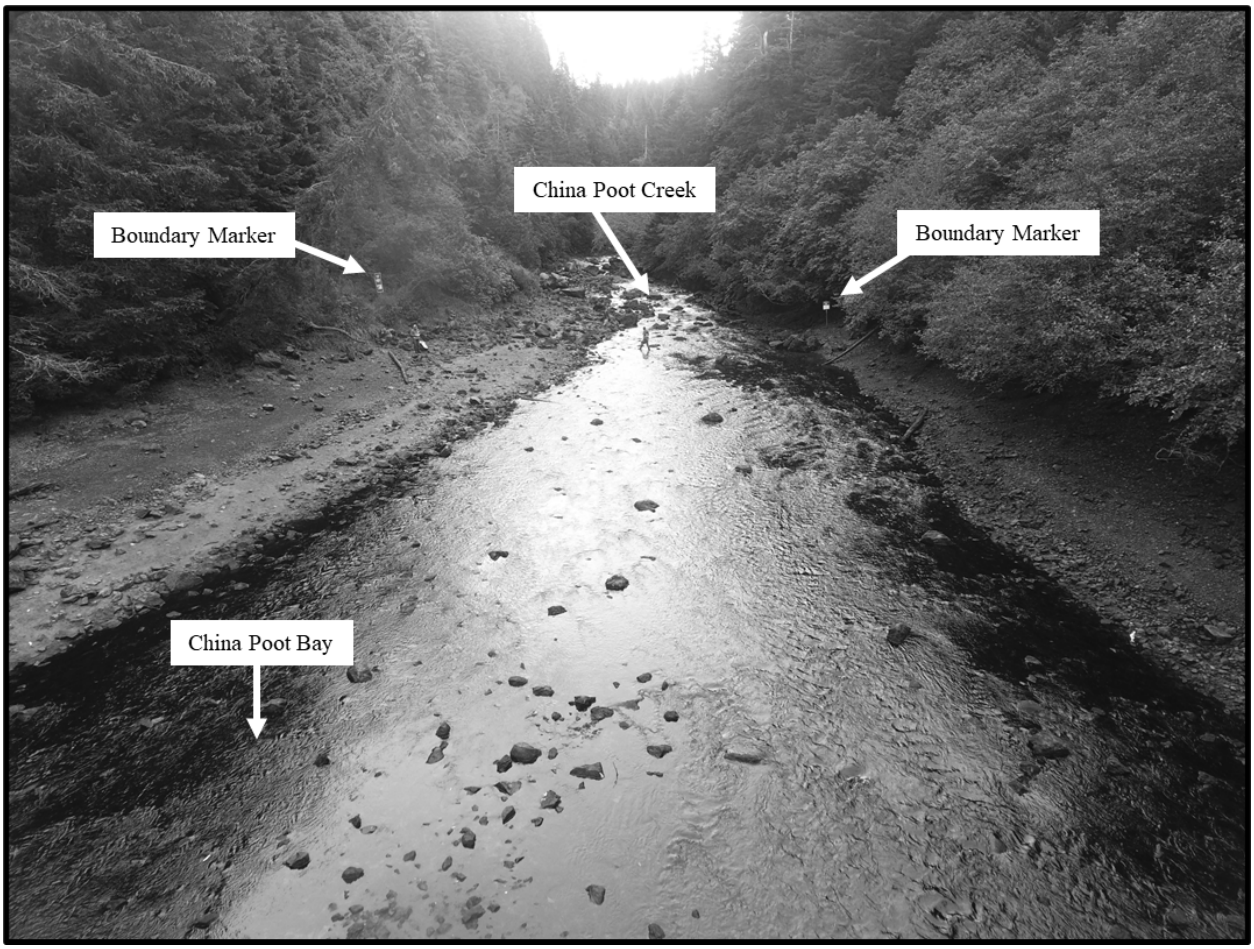

Figure 33-1.–The mouth of China Poot Creek at low tide and the markers delineating the boundary of the personal use fishery.

PROPOSAL 34 – 5 AAC 21.XXX. Create a *Kamhishak Bay Purse Seine Fishery Management Plan*

5 AAC 21.XXX. New Section

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This would create a Kamishak Bay purse seine salmon fishery management plan that would be duplicative of existing regulations and policies.

WHAT ARE THE CURRENT REGULATIONS? The *McNeil-Mikfik Lagoon Management Plan* directs the department in management of a portion of the Kamishak District (Figure 34-1).

This plan directs the department to minimize fishery activity in McNeil Lagoon which could attract brown bears. The McNeil River Chum Salmon Stock of Concern Action Plan, adopted in 2016, directs the department to close the Kamishak and Paint River subdistricts to salmon fishing.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal contains only a statement or intent and not specific management measures, therefore it would not change how the Kamishak Bay salmon fisheries are prosecuted.

BACKGROUND: Participation in the Kamishak District commercial salmon fishery began declining in the early 1990s and 5 or fewer permit holders have fished there in recent years (Table 34-1). This reduction in effort is due primarily to a declining active seine fleet size in Lower Cook Inlet overall and logistics of prosecuting a commercial salmon fishery in this remote area.

DEPARTMENT COMMENTS: The department is **OPPOSED to** this proposal. The *Policy for the Management of Mixed Stock Salmon Fisheries* and the *Policy for the Management of Sustainable Salmon Fisheries* provide the department with appropriate guidance on achieving the metrics sought in this proposal. McNeil River chum salmon has been designated as a Stock of Management Concern with an associated action plan specific to achieving established escapement goals.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

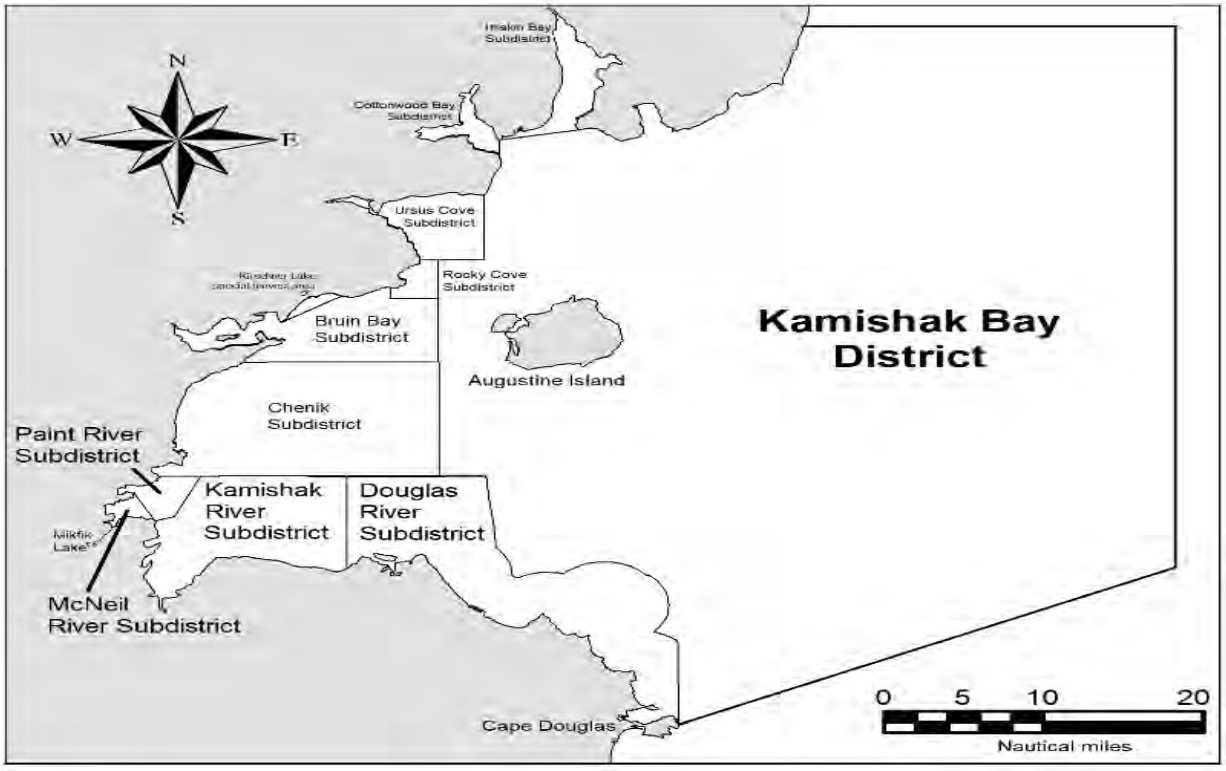

Figure 34-1.–Map of Kamishak Bay Subdistrict showing McNeil Subdistrict and surrounding area.

Table 34-1.–Kamishak Bay District commercial salmon harvest, 1985–2023.

Year	Permit holders fishing	King salmon	Sockeye salmon	Coho salmon	Pink salmon	Chum salmon
1985	10	6	78,076	2,024	194	8,139
1986	25	14	146,496	9,935	423,774	61,670
1987	32	7	123,663	8,079	72,686	110,565
1988	38	33	186,011	4,471	64,468	220,579
1989	20	3	46,395	4	256,669	7,809
1990	30	12	96,397	26	2,448	3,597
1991	33	17	127,579	2,337	47,478	7,849
1992	23	39	60,078	1,488	2,594	20,051
1993	14	4	59,745	3	4,205	600
1994	8	0	18,509	1,897	33	14
1995	7	2	31,077	6,084	169,039	10,300
1996	<3	–	–	–	–	–
1997	3	0	5,608	0	0	3
1998	4	0	8,112	0	414	20
1999	6	0	29,409	0	325	23
2000	10	1	10,245	7	6,173	66,069
2001	7	2	9,972	9	131	84,766
2002	5	0	1,429	52	438,352	34,604
2003	<3	–	–	–	–	–
2004	6	0	35,285	5,367	12,969	177,395
2005	8	0	50,018	92	5,787	83,943
2006	5	0	38,267	24,269	77,833	56,496
2007	4	0	169,509	4	4,959	37
2008	11	2	171,924	20	26,397	73,209
2009	9	0	65,763	0	132,414	36,574
2010	9	10	5,612	573	2,432	70,782
2011	10	0	99,288	0	1,050	3,850
2012	6	0	55,255	0	61	2,425
2013	5	0	33,154	0	314	2,357
2014	8	0	12,137	0	44,227	4,449
2015	<3	–	–	–	–	–
2016	5	0	18,220	581	350	10,984
2017	7	0	102,810	185	254,440	34,275
2018	7	0	33,699	9,077	5,226	8,298
2019	7	0	59,069	3,349	59,008	31,629
2020	<3	–	–	–	–	–
2021	5	0	71,883	24	62,598	4,443
2022	<3	–	–	–	–	–
2023	<3	–	–	–	–	–

Note: Harvest is confidential (en dash) in years where fewer than three permit holders reported deliveries.

PROPOSAL 35 – 5 AAC 21.XXX. Create a *Kachemak Bay Wild Fish Priority Management Plan*

5 AAC 21.XXX. New Section

PROPOSED BY: Nancy Hillstrand.

WHAT WOULD THE PROPOSAL DO? This would create a Kachemak Bay wild fish priority management plan that would be duplicative of existing regulations and policies.

WHAT ARE THE CURRENT REGULATIONS? The department manages salmon fisheries statewide to meet established escapement goals and management objectives adopted by the Alaska Board of Fisheries. These management actions are underpinned by the *Policy for the management of sustainable salmon fisheries*. There are no management plans in place that are specific to Kachemak Bay other than the three hatchery management plans for the three LCI hatcheries. All of these facilities release salmon into Kachemak Bay.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This proposal contains only a statement or intent and not specific management measures, therefore it would not change how the Kachemak Bay salmon fisheries are prosecuted.

BACKGROUND: 5 AAC 39.222. *Policy for the management of sustainable salmon fisheries* was developed and adopted by the board in 2000 with the intent of providing clear guidelines for the department to implement consistent practices and policies in managing salmon fisheries across the State of Alaska, including Kachemak Bay. There are two gear types used to prosecute commercial salmon fisheries in Kachemak Bay. These are purse seines and set gillnets. Harvest and effort in the set gillnet fishery have remained generally steady in recent years (Table 35-1) while effort in the purse seine fishery has declined (Table 35-2). Hatchery releases of sockeye salmon into Kachemak Bay have remained steady over the past several decades. Releases of pink salmon have fluctuated over the past 40 years. Releases increased in the early 1990s after (Cook Inlet Aquaculture Association (CIAA) assumed management of the Tutka Bay facility, and then ceased for a period from 2005–2011 due to salmon market instability. Pink salmon production at the Tutka Bay Hatchery resumed in 2012 (Tables 35-3).

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. There is already regulatory framework in place providing guidance to the department concerning management of both wild and hatchery-produced salmon. The *Policy for the Management of Mixed Stock Salmon Fisheries* and the *Policy for the Management of Sustainable Salmon Fisheries* provide the department with appropriate guidance on achieving the metrics sought in this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 35-1.–Kachemak Bay (Southern District) commercial set gillnet harvest, 1985–2023.

Year	Permit holders fishing	King salmon	Sockeye salmon	Coho salmon	Pink salmon	Chum salmon
1985	34	924	23,163	3,908	22,898	4,217
1986	34	745	21,807	2,827	14,244	2,426
1987	29	653	28,209	2,025	9,224	2,419
1988	27	1,145	14,758	2,819	29,268	4,423
1989	23	1,281	13,970	4,792	16,210	1,877
1990	20	1,361	15,863	1,046	12,646	1,938
1991	20	842	20,525	5,011	3,954	1,577
1992	20	1,288	17,002	848	15,958	1,687
1993	17	1,089	14,791	3,088	12,008	2,591
1994	16	1,103	14,004	1,073	23,621	2,419
1995	23	2,078	19,406	3,564	41,654	3,958
1996	24	1,060	69,357	5,784	14,813	2,792
1997	25	1,136	59,412	4,475	64,162	4,166
1998	24	952	26,131	1,057	24,403	3,754
1999	20	1,491	27,646	1,374	5,348	4,335
2000	24	1,019	26,503	621	21,845	5,214
2001	18	865	28,503	1,811	13,393	3,487
2002	24	1,513	46,832	2,393	6,841	4,684
2003	24	881	81,724	2,291	8,075	4,998
2004	19	1,402	16,125	1,174	843	1,238
2005	17	532	15,748	1,943	462	1,334
2006	22	589	14,357	2,499	12,360	2,032
2007	16	440	29,074	1,692	3	1,437
2008	18	148	26,858	606	1,924	1,400
2009	19	84	38,255	982	2,159	2,283
2010	21	31	14,794	175	3,106	1,506
2011	21	102	22,844	106	3,130	1,973
2012	15	90	10,323	94	10,628	958
2013	19	250	38,393	3,616	1,961	2,698
2014	19	330	33,090	521	3,549	5,372
2015	24	812	36,219	3,519	27,825	11,567
2016	23	766	19,542	858	22,077	2,165
2017	24	471	37,202	9,542	44,025	7,962
2018	24	196	15,259	3,175	56,709	4,258
2019	22	362	29,381	2,960	6,423	3,930
2020	23	420	12,507	2,813	35,160	1,918
2021	21	233	13,123	1,282	3,500	2,252
2022	24	189	26,855	774	8,793	2,986
2023	20	196	19,555	610	5,892	2,489

Table 35-2.–Kachemak Bay (Southern District) Commercial purse seine salmon harvest, 1985–2023.

Year	Permit holders fishing	King salmon	Sockeye salmon	Coho salmon	Pink salmon	Chum salmon
1985	37	49	60,890	350	496,000	1,292
1986	43	31	15,031	268	528,277	3,134
1987	38	505	61,453	138	81,298	2,611
1988	49	510	90,544	168	823,114	3,319
1989	57	608	84,082	1,875	971,278	1,264
1990	56	185	66,549	506	148,198	495
1991	50	556	142,560	4,388	148,143	357
1992	53	564	82,455	429	125,106	193
1993	42	1,073	131,367	1,341	271,303	197
1994	25	126	47,494	299	612,724	211
1995	39	211	132,892	1,593	1,220,316	572
1996	29	126	269,553	3,795	10,293	719
1997	19	126	121,184	1,122	160,595	92
1998	35	118	143,350	1,186	498,090	201
1999	37	269	198,862	1,388	242,003	289
2000	29	165	78,072	147	4,515	125
2001	19	121	99,866	895	107,967	293
2002	19	40	121,054	1,376	5,342	122
2003	21	301	394,923	3,117	47,913	732
2004	19	256	21,621	267	2,273	138
2005	23	85	66,375	816	32,201	422
2006	16	47	52,189	627	3,446	168
2007	13	27	61,193	1,710	10,394	127
2008	13	40	62,675	720	4,941	66
2009	0	0	0	0	0	0
2010	0	0	0	0	0	0
2011	5	29	9,945	24	512	16
2012	11	39	6,396	44	175,770	439
2013	12	140	28,032	1,902	33,288	265
2014	16	18	23,191	269	58,890	3,360
2015	15	59	54,903	1,059	141,906	1,450
2016	19	152	47,562	191	46,290	172
2017	17	189	62,855	3,505	361,822	3,892
2018	20	178	59,129	1,869	475,425	1,169
2019	22	182	50,652	3,088	23,005	311
2020	15	158	68,851	537	121,739	1,075
2021	14	44	74,969	1,773	41,904	380
2022	9	74	82,124	184	5,770	308
2023	10	59	75,191	225	542,544	381

Table 35-3.–Sockeye and pink salmon releases from Tutka and Pt. Graham hatcheries into Kachemak Bay (Southern District) 1975–2023.

Year	Sockeye salmon	Pink salmon
1975	0	50,916
1976	8,862	0
1977	91,347	318,280
1978	83,422	4,820,937
1979	0	9,243,717
1980	532,650	6,245,103
1981	1,094,713	9,759,144
1982	1,527,876	15,070,927
1983	2,113,239	14,730,794
1984	2,110,000	18,142,463
1985	2,018,000	23,537,000
1986	2,250,303	26,234,600
1987	2,022,000	7,981,500
1988	2,883,000	15,336,385
1989	3,000,000	36,651,810
1990	4,355,347	30,293,547
1991	3,639,828	30,255,000
1992	3,435,280	33,760,487
1993	3,755,692	48,700,000
1994	830,159	62,395,000
1995	2,693,000	63,358,000
1996	2,887,134	111,469,975
1997	3,444,000	89,918,000
1998	3,095,000	90,000,000
1999	1,736,848	64,749,362
2000	3,862,057	66,263,596
2001	89,000	126,635,207
2002	3,526,300	105,971,985
2003	4,481,647	125,167,000
2004	2,512,616	84,247,031
2005	4,109,000	26,567,983
2006	1,362,060	13,883,682
2007	3,869,800	13,282,049
2008	3,943,000	0
2009	2,824,000	0
2010	3,631,000	0
2011	3,144,200	0
2012	3,898,300	11,246,399
2013	4,074,000	18,603,000
2014	3,384,500	51,298,000
2015	2,395,700	13,449,300
2016	531,625	12,744,277
2017	2,663,000	60,305,211
2018	3,279,000	70,890,000
2019	2,805,000	95,725,388
2020	903,963	33,633,092
2021	1,687,437	94,289,844
2022	3,261,118	57,065,441
2023	2,473,940	21,017,854

PROPOSAL 36 – 5 AAC 21.372. Amend the *Tutka Bay Lagoon Salmon Hatchery Management Plan*

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This would require that at least 50% of the returning adult pink salmon produced by Tutka Bay Lagoon hatchery be harvested in common property fisheries.

WHAT ARE THE CURRENT REGULATIONS? The *Tutka Bay Lagoon Salmon Hatchery Management Plan* has no requirement mandating that a percent of their salmon return be harvested in common property fisheries. The *Tutka Bay Lagoon Salmon Hatchery Management Plan* specifies that the department shall work with the hatchery operator to manage returns to hatchery special harvest areas to provide for common property fisheries as well as achieve hatchery broodstock and cost recovery goals. Regulations specify that the commissioner may liberalize or restrict sport fisheries based on broodstock goal attainment. The plan also identifies the hatchery special harvest areas for this facility, as well as the gear and seasons that apply to hatchery harvests in those areas.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Fewer salmon would be harvested for hatchery cost recovery and more salmon would be available for harvest in common property fisheries. This could destabilize CIAA''s operations and result in fewer salmon being released by CIAA in the future, as well as reduce the number of release locations and reduce the number of salmon available to common property fisheries in Lower Cook Inlet.

BACKGROUND: Cost recovery goals and activities are described in the Tutka Bay Lagoon Hatchery Annual Management Plan (AMP). The AMP is developed by the hatchery operator and approved by the department. The department works with the hatchery operator to employ management strategies within waters of the Tutka Bay SHA, as well as other hatchery subdistricts listed in 5 AAC 21.372 *Tutka Bay Lagoon Salmon Hatchery Management Plan* that ensure achievement of broodstock and cost recovery goals for Cook Inlet Aquaculture Association, as well as to allow for orderly common property fishery opportunity to harvest fish surplus to hatchery needs. Reduction in common property fishery opportunity in hatchery subdistricts is sometimes necessary to ensure broodstock and cost recovery objectives are met in a timely and orderly manner. Cost recovery harvests an average of 80.9% of pink salmon annual production and 37.7% of sockeye salmon annual production (Table 36-1). Hatchery produced pink salmon returning to the Tutka Bay Lagoon Hatchery are consistently harvested by seine and set gillnet permit holders outside of the special harvest area (SHA). From 2013–2017 the department investigated the proportions of hatchery marked salmon in Southern District commercial harvests. Samples taken from purse seine caught fish outside of the SHA found hatchery fish harvest proportions ranging from 6 to 89% (average 51%) for pink salmon and 5 to 97% (average 48%) for sockeye salmon. Samples from gillnet harvested fish ranged from 25 to 31% (average 28%) for pink salmon, and 0 to 47% (average 19%) for sockeye salmon (Otis, Hollowell 2023).

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. There are currently policies and regulations in place providing authority for hatchery operators to determine cost recovery goals. These goals are reviewed and approved by the department annually and described in the AMP. Once salmon enter the hatchery SHA they are no longer subject to common use and no longer exclusively available to the common property fishery.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 36-1.–Commercial and cost recovery harvests of pink and sockeye salmon in the Southern District excluding the Port Graham Subdistrict, 1985–2023.

	Sockeye salmon - Tutka Subdistrict, China Poot Subdistrict (n-salmon)				Pink salmon - Tutka Subdistrict (n-salmon)			
Year	Common property harvest	Cost recovery harvest	Total commercial harvest	Percent cost recovery	Common property harvest	Cost recovery harvest	Total commercial harvest	Percent cost recovery
1985	14,886	0	14,886	0.0%	491,181	0	491,181	0.0%
1986	16,340	0	16,340	0.0%	400,150	0	400,150	0.0%
1987	14,659	0	14,659	0.0%	56,465	0	56,465	0.0%
1988	76,450	0	76,450	0.0%	723,929	0	723,929	0.0%
1989	49,256	0	49,256	0.0%	632,147	0	632,147	0.0%
1990	57,822	0	57,822	0.0%	20,183	17,243	37,426	46.1%
1991	95,972	7,139	103,111	6.9%	14,691	101,837	116,528	87.4%
1992	64,890	7,336	72,226	10.2%	41,642	275,897	317,539	86.9%
1993	68,227	5,266	73,493	7.2%	128,347	409,431	537,778	76.1%
1994	35,826	2,494	38,320	6.5%	498,436	953,231	1,451,667	65.7%
1995	97,719	6,437	104,156	6.2%	1,212,342	1,213,322	2,425,664	50.0%
1996	130,889	12,138	143,027	8.5%	6,941	420,411	427,352	98.4%
1997	51,958	0	51,958	0.0%	130,406	2,375,653	2,506,059	94.8%
1998	69,634	19,294	88,928	21.7%	504,764	792,542	1,297,306	61.1%
1999	108,538	16,227	124,765	13.0%	222,228	857,902	1,080,130	79.4%
2000	31,288	14,634	45,922	31.9%	8,580	1,043,705	1,052,285	99.2%
2001	60,176	21,484	81,660	26.3%	109,682	421,408	531,090	79.3%
2002	44,801	9,272	54,073	17.1%	4,825	703,205	708,030	99.3%
2003	217,866	35,559	253,425	14.0%	5,074	507,215	512,289	99.0%
2004	19,673	4,473	24,146	18.5%	1,523	1,175,326	1,176,849	99.9%
2005	46,595	22,050	68,645	32.1%	4,789	1,631,806	1,636,595	99.7%
2006	47,002	14,205	61,207	23.2%	11,223	0	11,223	0.0%
2007	39,124	2,878	42,002	6.9%	3	0	3	0.0%
2008	47,691	14,604	62,295	23.4%	1,924	377	2,301	16.4%
2009	9,203	11,584	20,787	55.7%	2,139	0	2,139	0.0%
2010	6,324	39,094	45,418	86.1%	2,536	161	2,697	6.0%
2011	13,286	7,836	21,122	37.1%	2,394	5	2,399	0.2%
2012	8,236	17,756	25,992	68.3%	4,681	171	4,852	3.5%
2013	27,392	9,707	37,099	26.2%	866	48,017	48,883	98.2%
2014	29,466	30,404	59,870	50.8%	11,004	32	11,036	0.3%
2015	56,233	32,455	88,688	36.6%	111,957	2,087,024	2,198,981	94.9%
2016	25,756	29,145	54,901	53.1%	51,403	25,305	76,708	33.0%
2017	46,910	37,638	84,548	44.5%	291,902	110,152	402,054	27.4%
2018	47,010	68,979	115,989	59.5%	187,540	939,967	1,127,507	83.4%
2019	47,845	12,586	60,431	20.8%	8,826	179,639	188,465	95.3%
2020	61,917	15,850	77,767	20.4%	134,362	635,184	769,546	82.5%
2021	70,164	35,069	105,233	33.3%	34,968	303,169	338,137	89.7%
2022	81,595	26,121	107,716	24.2%	6,715	49,896	56,611	88.1%
2023	77,867	40,913	118,780	34.4%	538,037	1,517,992	2,056,029	73.8%
10-year average	54,476	32,916	87,392	37.7%	137,671	584,836	722,507	80.9%

PROPOSALS 37 AND 38 – 5 AAC 21.373 AND 5 AAC 21.330. Modify legal gear in the *Trail Lakes Salmon Hatchery Management Plan*; Modify legal gear in Lower Cook Inlet special harvest areas

5 AAC 21.373. Trail Lakes Salmon Hatchery Management Plan and 5 AAC 21.330. Gear.

PROPOSED BY: Homer Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? Allow gillnet gear to be used in Lower Cook Inlet hatchery special harvest areas.

WHAT ARE THE CURRENT REGULATIONS? There are management plans for the Trail Lakes 5 AAC 21.373, Tutka Bay Lagoon 5 AAC 21.372, and Port Graham 5 AAC 21.377 hatcheries. Purse seines, hand purse seines, beach seines, and weirs are the only gear types permitted to harvest salmon for cost recovery at these facilities, however the plans authorize the commissioner to authorize the commissioner to modify gear types by emergency order. The commissioner has broad authority to regulate harvest of salmon in SHAs by emergency order (5 AAC 40.005) and specific authority to authorize lawful gear for cost recovery either through the hatchery permit or by regulation (5 AAC 40.007).

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Drift gillnet gear would be permitted to harvest salmon for cost recovery in hatchery special harvest areas in Cook Inlet. Anyone with a boat and gillnet gear could be hired by the processor that receives the cost recovery contract, and they could harvest salmon for cost recovery within the SHA. Given the lower operating and gear costs associated with gillnet fishing, there may be more people interested and capable of harvesting cost recovery fish. This could increase the number of boats available to the processor conducting cost recovery. In addition, some of the areas in SHAs may be more conducive to harvesting using gillnet rather than seine gear. Use of gillnets may increase conflicts between user groups in waters open to common use.

BACKGROUND: The only gear permitted to harvest salmon for cost recovery at private non-profit hatcheries in Cook Inlet is purse seines, hand purse seines, beach seines, and weirs. However, from 1991–2001, set gillnet gear was used by CIAA to harvest sockeye salmon for cost recovery. In recent years the number of active purse seine permit holders has dwindled from an average of 32 permits from 1991–2010, to a recent 10-year average of 17 permits from 2014–2023. Of the dozen or so purse seine permit holders that have fished in Registration Area H in recent years, only three or four have consistently participated in cost recovery fisheries (Table 37-1). In many of those years, during July and August, it has been challenging to persuade permit holders to stop fishing more lucrative common property fisheries targeting sockeye salmon returns to Chenik and McCarty Fjord, as well as chum and pink salmon returns to Port Dick, as well as Rocky and Windy Bays, and participate in cost recovery fisheries in SHAs.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this proposal. The commissioner already has emergency order authority to authorize gear types for cost recovery harvest in SHAs. The department supports efficient and timely harvest of cost recovery and broodstock salmon as well as hatchery-produced salmon that are surplus to hatchery escapement needs. There are no allocative concerns.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 37-1.–Number of participants (boats) contracted by processors to harvest cost recovery salmon in Lower Cook Inlet, 1990–2023.

	Resurrection Bay		Tutka Bay			China Poot SHA		Kirschner Lake SHA	
Year	Boats	Sockeye salmon harvest	Boats	Sockeye salmon harvest	Pink salmon harvest	Boats	Sockeye salmon harvest	Boats	Sockeye salmon harvest
1990	0	0	0	0	17,243	0	0	0	0
1992	0	0	0	0	275,897	3	7,336	0	0
1994	0	0	1	8	953,231	1	3,025	1	16,787
1995	0	0	1	3	1,213,322	4	12,497	1	5,350
1996	0	0	1	74	420,411	5	14,235	1	13,511
1997	0	0	0	0	2,375,653	0	0	1	6,125
1998	0	0	0	0	770,683	5	20,579	1	19,390
1999	0	0	1	88	857,902	7	16,188	2	17,504
2000	1	14,050	1	896	1,043,705	6	18,103	2	21,391
2001	0	0	1	5	421,408	5	27,037	2	29,740
2002	0	0	0	0	703,205	1	29,517	1	32,492
2003	0	0	1	3	507,215	7	35,557	1	38,741
2004	0	0	0	0	1,175,326	3	12,991	2	16,372
2005	3	5,999	0	0	1,631,806	6	29,737	2	14,969
2006	2	4,004	0	0	0	5	23,283	2	26,310
2007	1	1,716	0	0	0	4	22,586	2	27,719
2008	6	29,338	1	14,604	0	2	1,907	1	11,588
2009	4	104,775	1	11,584	0	1	205	5	18,771
2010	2	18,759	4	38,087	0	3	1,007	4	8,858
2011	5	146,032	2	7,836	0	0	0	0	0
2012	3	82,292	3	17,756	0	3	11,938	1	1,260
2013	2	41,410	2	9,707	48,017	1	8,755	1	8,288
2014	3	112,143	2	30,404	32	0	0	1	16,555
2015	4	57,017	1	32,455	2,087,024	0	0	1	23,571
2016	3	41,350	3	18,570	25,305	3	10,575	2	44,765
2017	3	24,257	3	34,709	110,152	2	2,929	2	24,001
2018	3	129,444	5	62,389	939,967	3	6,590	2	11,536
2019	4	82,685	4	10,596	179,639	2	1,990	3	18,698
2020	3	59,085	3	15,775	635,184	1	75	1	20,189
2021	3	28,953	4	35,069	303,169	0	0	1	16,439
2022	1	45,089	3	26,121	49,896	0	0	1	21,809
2023	2	74,759	4	13,216	1,451,092	4	27,697	1	31,348

PROPOSAL 39 – 5 AAC 21.350. Amend the list of waters closed to commercial fishing in Cook Inlet

5 AAC 21.350. Closed Waters

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would update *Closed Waters* 5 AAC 21.350 to include waters that were closed by markers but not defined in regulation.

WHAT ARE THE CURRENT REGULATIONS? *Closed Waters* 5 AAC 21.350 describes waters closed to commercial fishing for salmon in Lower Cook Inlet. This regulation does not describe several areas closed to commercial fishing for salmon in LCI which were closed in the past by markers.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Adoption of this proposal would help clarify and more accurately define waters closed ro commercial fishing for salmon in LCI.

BACKGROUND: At the December 2013 board meeting, Proposal 80, which was submitted by the department and adopted by the board, removed specific references to salmon regulatory markers and replaced many of those with global positioning system (GPS) coordinates. Additionally, some markers had been deployed historically which defined either closed waters or identified anadromous streams but were not specified in regulation. The 2013 proposal sought to identify and define some of those markers in regulation using GPS coordinates. Those markers which the proposal did not seek to replace with specific GPS coordinates would then default to general closed waters regulations as defined in 5 AAC 39.290 where in general commercial salmon gear was prohibited to be used within 500 yards of the exposed headland banks of an anadromous stream at the present stage of the tide. Given the remote location of most of these markers, combined with their exposure to the elements, the department did not remove many of these markers. This proposal seeks to establish regulatory closed waters in areas where physical regulatory markers have been placed in the past.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 40 – 5 AAC 21.350. Amend waters closed to commercial fishing for salmon

5 AAC 21.350. Closed Waters

PROPOSED BY: Paul Roth.

WHAT WOULD THE PROPOSAL DO? This would create seven new regulatory closed waters areas for commercial salmon fishing in LCI.

WHAT ARE THE CURRENT REGULATIONS? Of the seven proposed areas, only the one proposed for China Poot Bay is listed in current regulation 5 AAC 21.350.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would liberalize fishing in all areas except Rocky Cove where the proposed closed water lines approximately match those proposed by the department Proposal 39. All other proposed waters in this proposal would allow fishing above the exposed headland banks on most tides.

BACKGROUND: Currently in Lower Cook Inlet, closed waters are defined either specifically in 5 AAC 21.350, or generally in 5 AAC 39.290. Waters closed to commercial salmon fishing under these regulations are established as a tool to facilitate sustainable management. Closed waters provide areas where salmon that have not yet entered streams are protected from harvest.

DEPARTMENT COMMENTS: The department is **OPPOSED** to this proposal. This proposal would allow commercial fishing in areas that are closed under general closed waters regulations 5 AAC 39.290 or 5 AAC 21.350. Proposal 39 submitted by the department would establish regulatory closed waters in most of the areas identified in this proposal. The closed waters specified in Proposal 39 are in accordance with general closed waters regulations 5 AAC 39.290.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 41 – 5 AAC 21.350. Close a portion of Tutka Bay to commercial fishing for salmon

5 AAC 21.350. Closed Waters

PROPOSED BY: Pioneer Alaskan Fisheries Inc.

WHAT WOULD THE PROPOSAL DO? This would create a regulatory closed waters area in Tutka Bay.

WHAT ARE THE CURRENT REGULATIONS? There are no regulatory closed waters areas in Tutka Bay as described in 5 AAC 21.350.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would create a regulatory closed waters area at the head end of Tutka Bay thereby reducing commercial salmon fishing opportunity.

BACKGROUND: Prior to 2014, there were regulatory markers at the head of Tutka Bay that closed the end of this bay to commercial fishing and this area was defined as closed waters in 5 AAC 21.350(d)(4). Department Proposal 39 would create a closed waters area at the back of Tutka Bay similar to the pre-2014 regulatory closed waters area.

DEPARTMENT COMMENTS: The department **SUPPORTS** the concept of establishing a closed waters area at the head of Tutka Bay but is **OPPOSED** to the location and configuration of the demarcation used in this proposal. Although the line proposed by Pioneer Alaska Fisheries defines an area similar to that defined by the department proposal, the department proposed line is perpendicular to the shoreline, and is approximately what the historical line was as defined using markers. The Pioneer Alaskan Fisheries line is oblique to the shoreline and will be problematic for permit holders and AWT to confidently identify.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

PROPOSAL 42 – 5 AAC 21.373. Readopt the *Bear Lake Management Plan*

5 AAC 21.373. Trail Lakes Hatchery Sockeye Salmon Management Plan

PROPOSED BY: Diane M. Dubuc.

WHAT WOULD THE PROPOSAL DO? Replace the *Trail Lakes Hatchery Sockeye Salmon Management Plan* with the *Bear Lake Management Plan* that was repealed in 2009.

WHAT ARE THE CURRENT REGULATIONS? Currently, the plan associated with this facility is the *Trail Lakes Hatchery Salmon Hatchery Management Plan.*

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? Cook Inlet Aquaculture's cost recovery opportunity would be greatly reduced. All sockeye salmon stocking programs outside of Resurrection Bay currently managed by the Trail Lakes Hatchery would most likely end due to lack of funding. Language in the *Bear Lake Management Plan* proposed here specifies that the department manage for a 50/50 split of returning Resurrection Bay sockeye salmon between the commercial seine fleet and Cook Inlet Aquaculture Association cost recovery.

BACKGROUND: Cook Inlet Aquaculture Association has two sockeye salmon broodstocks, Bear Lake stock and English Bay stock. Bear Lake stock is used for releases in Resurrection Bay and Bear Lake. In 2022, harvest efforts at Resurrection Bay provided 62% of sockeye salmon cost recovery. The remaining sockeye salmon cost recovery occurred from Tutka Bay and Kirschner Lake returns. The recent 10-year average cost recovery harvest from Resurrection Bay was 95.4% of the total commercial harvest. This compares to the recent 10-year average cost recovery harvest from the Tutka Subdistrict, the China Poot and Neptune Bay subdistricts, and the Kirschner Lake SHA which was 49.1% of the overall commercial harvest for those areas combined (Table 42-1). The *Bear Lake Management Plan* (5 AAC 21.375, repealed 2009) first appeared in regulation in 1989. The primary goals at that time were to ensure that sockeye salmon in Bear Lake would not impact coho returns and that commercial fisheries targeting sockeye would not impact recreational fisheries in the area. Beginning in 2006, the management plan stipulated that half of the harvestable surplus of the sockeye salmon return be allocated to the commercial seine fleet, and half to the Trail Lakes Hatchery for cost recovery. In 2009, the *Bear Lake Management Plan* appeared in regulation as having been repealed. In 2009, the *Trail Lakes Hatchery Sockeye Salmon Management Plan* appeared in regulation. Many aspects of the *Bear Lake Management Plan* were included in the *Trail Lakes Hatchery Sockeye Salmon Management Plan*. Those aspects primarily concerned management of Bear Lake sockeye salmon in a manner that would not negatively impact coho salmon returns to that lake or have negative impacts on noncommercial fisheries in Resurrection Bay. Not included in this new section was any mention of a 50/50 split of the harvestable surplus as before. The final section of *Trail Lakes Hatchery Sockeye Salmon Management Plan* (5 AAC 21.373(f)) stated that "the provisions of this section do not apply after May 1, 2011." This section remained in the *Trail Lakes Hatchery Sockeye Salmon Management Plan* until it was repealed in the 2014 regulations. At that time other Cook Inlet hatchery management plans were updated to make them more consistent with other Region 2 private non-profit hatcheries.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

Table 42.1.–Commercial common property and cost recovery harvests of sockeye salmon in Resurrection Bay compared with Kachemak Bay and Kirschner Lake hatchery returns, 1985–2023.

	Resurrection Bay North Subdistrict				Tutka Subdistrict, China Poot and Neptune Bay subdistricts plus Bruin Bay Subdistrict			
Year	Commercial common property harvest	Cost recovery harvest	Total commercial harvest	Percent cost recovery	Commercial common property harvest	Cost recovery harvest	Total commercial harvest	Percent cost recovery
1985	24,311	0	24,311	0.0%	14,886	0	14,886	0.0%
1986	3,055	0	3,055	0.0%	16,342	0	16,342	0.0%
1987	3,687	0	3,687	0.0%	14,659	0	14,659	0.0%
1988	20,253	0	20,253	0.0%	76,450	0	76,450	0.0%
1989	8,538	0	8,538	0.0%	49,446	0	49,446	0.0%
1990	7,682	0	7,682	0.0%	72,287	0	72,287	0.0%
1991	4,703	0	4,703	0.0%	138,626	7,139	145,765	4.9%
1992	432	0	432	0.0%	104,933	7,336	112,269	6.5%
1993	171	1,653	1,824	90.6%	104,549	8,592	113,141	7.6%
1994	1,610	8,051	9,661	83.3%	50,291	19,281	69,572	27.7%
1995	25,626	20,930	46,556	45.0%	106,491	11,787	118,278	10.0%
1996	37,013	7,738	44,751	17.3%	148,982	25,649	174,631	14.7%
1997	11,044	22,739	33,783	67.3%	54,800	6,125	60,925	10.1%
1998	9,797	34,477	44,274	77.9%	77,746	38,684	116,430	33.2%
1999	22,682	112,623	135,305	83.2%	130,794	33,731	164,525	20.5%
2000	19,193	31,216	50,409	61.9%	41,524	36,025	77,549	46.5%
2001	2,629	3,837	6,466	59.3%	69,374	51,224	120,598	42.5%
2002	14,647	1,940	16,587	11.7%	44,801	41,764	86,565	48.2%
2003	7,341	2,713	10,054	27.0%	229,537	74,300	303,837	24.5%
2004	16,645	0	16,645	0.0%	19,673	20,845	40,518	51.4%
2005	19,307	36,352	55,659	65.3%	46,595	37,019	83,614	44.3%
2006	32,393	33,871	66,264	51.1%	71,132	40,515	111,647	36.3%
2007	15,407	8,186	23,593	34.7%	46,849	30,597	77,446	39.5%
2008	57,060	32,835	89,895	36.5%	47,691	26,192	73,883	35.5%
2009	0	136,687	136,687	100.0%	9,203	30,355	39,558	76.7%
2010	0	21,267	21,267	100.0%	6,324	47,952	54,276	88.3%
2011	56,111	150,436	206,547	72.8%	26,018	7,836	33,854	23.1%
2012	0	83,609	83,609	100.0%	8,236	19,016	27,252	69.8%
2013	0	43,443	43,443	100.0%	27,392	17,995	45,387	39.6%
2014	5,306	126,071	131,377	96.0%	32,534	46,959	79,493	59.1%
2015	4,633	92,776	97,409	95.2%	56,233	56,026	112,259	49.9%
2016	2,505	102,776	105,281	97.6%	31,649	73,910	105,559	70.0%
2017	0	25,914	25,914	100.0%	50,262	61,639	111,901	55.1%
2018	22,310	158,427	180,737	87.7%	52,712	80,515	133,227	60.4%
2019	4,307	124,100	128,407	96.6%	52,669	31,284	83,953	37.3%
2020	1,833	62,414	64,247	97.1%	64,315	36,039	100,354	35.9%
2021	2,872	52,437	55,309	94.8%	78,051	51,508	129,559	39.8%
2022	0	79,639	79,639	100.0%	81,595	47,930	129,525	37.0%
2023	226	87,039	87,265	99.7%	77,867	72,261	150,128	48.1%
10-year average	5,499	91,159	95,559	95.4%	57,789	55,807	113,596	49.1%

PROPOSAL 43 – 5 AAC 40.820. Amend Basic Management Plans

5 AAC 40.820. Basic Management Plans

PROPOSED BY: Fairbanks Fish and Game Advisory Committee.

WHAT WOULD THE PROPOSAL DO? This would cap Lower Cook Inlet management area hatchery permitted pink salmon egg take level at 58.75 million eggs.

WHAT ARE THE CURRENT REGULATIONS? Private nonprofit (PNP) hatchery egg take levels are not set in regulation, rather they are specified on permits issued by the department. The board may, after the issuance of a permit by the commissioner, amend by regulation, the terms of the permit relating to the source and number of salmon eggs, the harvest of fish by hatchery operators, and the specific locations designated by the department for harvest. The board may not adopt any regulations or take any action regarding the issuance or denial of any permits required in AS 16.10.400 — 16.10.470 (AS 16.10.440).

Primary authority over issuance of hatchery permits and regulations of hatchery operations is vested in the commissioner and department. There are several interrelated statutory authorities relating to hatchery production levels (AS 16.10.400-16.10.430).

Each salmon enhancement region has a Comprehensive Salmon Enhancement Plan that outlines production goals by species and time (AS 16.10.375; 5 AAC 40.340-370).

PNP hatcheries operate under 4 permitting documents issued by the department: *PNP hatchery permit*, *basic management plan* (BMP), *fish transport permits* (FTP), and *annual management plans* (AMP). Each of these documents are approved by the commissioner.

The *PNP hatchery permit* (AS 16.10.400–16.10.470) authorizes operation of the hatchery and specifies the species, egg source (stock), egg numbers, release location(s), release numbers, and other conditions. Hatchery permits remain in effect unless relinquished by the permit holder or revoked by the commissioner.

The *basic management plan* (BMP; 5 AAC 40.820) is an addendum to the PNP hatchery permit to include a facility development schedule and specifies the stocks for broodstock development, maximum number of eggs of each species that a facility can incubate, and the authorized release locations, among other conditions.

PNP hatchery permits and BMPs are available for public input through a public hearing that includes an oral and written comment period prior to a determination by the commissioner. The permit and BMP may be amended by the permit holder through a *permit alteration request* (PAR; 5 AAC 40.850). Requested changes are reviewed by the Regional Planning Team (RPT) that allows for public participation and are reviewed by department staff. PARs are sent to the commissioner for consideration of approval.

A *fish transport permit* (FTP; 5 AAC 41.001–41.060) is required for egg collection, transport, and release of live fish. An FTP authorizes specific activities described in the hatchery permit and management plans including broodstock source, gamete collection, and release site, and are

consistent with the previously approved guiding documents for the program, such as the PNP hatchery permit. FTP applications are reviewed by the department fish pathologist, fish geneticist, regional resource development biologist, and other department staff as delegated by the commissioner. Reviewers ensure activities described in the FTP are consistent with department policies and may suggest conditions for the FTP. Reviewers recommend approval or provide concerns, and final consideration of approval is made by the commissioner. FTPs are issued for a fixed period. When an FTP is renewed or amended, the FTP application goes through the same review process as the original FTP. Continual review of hatchery activities provides an ongoing assessment of all hatchery projects over time.

An *annual management plan* (AMP; 5 AAC 40.840) outlines operation for the current year and is written cooperatively between department regional and PNP hatchery staff in a process that is coordinated by the PNP Hatchery Program Coordinator. Typically, AMPs include the current year's egg-take goals, juvenile releases, remaining fish inventory, expected adult returns, harvest management plans, FTPs required or in place, production strategies, and evaluation plans. AMPs must be consistent with the PNP Hatchery Permit. Final consideration of the plan is made by the commissioner.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? At current (2022) egg take levels this would not impact the number of pink salmon eggs taken in Cook Inlet. In 2000, pink salmon hatcheries in Cook Inlet were permitted to take up to 235 million pink salmon eggs (Table 43-1). An egg take cap of 25% of this level results in a cap of 58.75 million pink salmon eggs. Cook Inlet Aquaculture Association (CIAA) took 30.38 million pink salmon eggs in 2022. Since 2013, the average annual pink salmon egg take in Cook Inlet is 77.2 million eggs. This would reduce CIAA's, or any future hatchery operator in Cook Inlet's, ability to expand pink salmon egg take number up to the level permitted by the department. This is not likely to result in improved productivity of western Alaska or Cook Inlet salmon stocks.

BACKGROUND: Pink salmon are produced at two facilities in Cook Inlet: Port Graham (PGH) and Tutka Bay Lagoon (TBLH) hatcheries.

TBLH, located in Tutka Bay near Homer, was constructed by the department in 1976. TBLH was initially permitted to release pink and chum salmon, but sockeye salmon have also been produced there. In 1991, the department contracted with CIAA to operate TBLH, and in 1994 CIAA took over operations and was issued PNP permit #32 with the state retaining ownership of the facility. TBLH has been permitted to take 125 million pink salmon eggs annually since 1996. Since 2013, TBLH has taken an average of 63.2 million pink salmon eggs annually (Table 43-1).

PGH is located in the village of Port Graham about 30 miles southwest of Homer. In 1992, Port Graham Hatchery Corporation (PGHC) was issued PNP Permit #33 to operate PGH. PGHC was permitted to take 110 million pink salmon eggs annually. In 2014, PGHC relinquished their PNP Permit and a new PNP permit (#46) was issued to CIAA to operate PGH. Since 2014, CIAA has been permitted to take 125 million pink salmon eggs. Since 2014 (9 years of operation under PNP Permit #46), PGH has taken an average of 15.5 million pink salmon eggs annually.

The board's authority over hatchery production has previously been outlined by the Alaska Department of Law in an informal Attorney General Opinion (Nov. 6, 1997; 661-98-0127). The

informal attorney general opinion notes the board "may exercise indirect authority over hatchery production by regulating the harvest of hatchery release fish in the common use fishery," by regulating "hatchery broodstock and cost recovery harvests," and by regulatory action "amending those portions of hatchery permits relating to the source and number of salmon eggs, hatchery harvests, and designation of special harvest areas." The opinion also noted that "Board action that effectively revokes or prevents the issuance of a hatchery permit is probably not authorized."

Excerpt from the Dept. of Law Memo on Authority of the Board of Fisheries Over Private Nonprofit Hatchery Production (1997) (page 12):

> Given (1) the detailed statutory scheme granting specific authority to the department over nearly every aspect of the permitting and operation of nonprofit hatcheries, (2) the more general statutory authority of the Board over the harvest of fishery resources, and (3) by contrast, the limitations imposed upon the specific statutory authority of the Board over hatchery permits by the amendment to AS 16.10.440(b) in 1979, we conclude the following. Though the Board may effectively amend hatchery permits by regulation in a manner that affects hatchery fish production, we do not believe the Board may either (1) adopt regulations that effectively veto or override a fundamental department policy decision regarding whether to authorize the operation of a particular hatchery or (2) adopt regulations preventing the department from exercising its authority to permit a hatchery operation. We believe that Board actions falling into either of these two categories would risk being viewed by a court as constructing an impermissible impediment to the department's role as the primary government agency responsible for the regulation of hatcheries. In particular, such actions would risk being deemed incompatible with the limitations imposed by the 1979 amendment to AS 16.05.440(b).
>
> A recent decision by the Alaska Supreme Court supports this view. In Peninsula Marketing Ass'n v. Rosier, 890 P.2d 567, 573 (Alaska 1995), the court held that in absence of specific statutory authority for the commissioner to issue emergency orders concerning a question previously considered by the Board, the commissioner could not effectively veto a decision by the Board for which there was specific statutory authority. The court ruled that "[i]nferring a broad veto power would make superfluous the detailed provisions dividing power and authority within the Department" and effectively eviscerate the powers explicitly granted to the Board. *Id*. Similarly, to read the limited grant of authority to the Board over hatcheries set out in AS 16.10.440(b) to permit the Board to effectively veto fundamental policy decisions by the department for which there is specific statutory authority would upset the balance of the statutory scheme chosen by the legislature.
>
> Additional reasons support that conclusion. As previously noted, the Board "may not adopt any regulations or take any action regarding the *issuance* or *denial* of any permits required under AS 16.10.400-16.10.470." AS 16.10.440(b) (emphasis added). We believe that a Board regulation that so drastically amends a hatchery permit to render the hatchery's operation impracticable might be viewed by a court to be an impermissible action by the Board ″regarding the issuance or denial . . . of a permit.″ *See* AS 16.10.440(b). In other words, a Board amendment that puts a hatchery out of operation might be construed as an effective revocation or denial of a hatchery permit, an action that is expressly prohibited

by AS 16.10.440(b). Similarly, Board regulations prohibiting the establishment of a hatchery in a particular area deemed by a court as an action by the Board regarding the issuance of a permit and, therefore, unlawful under AS 16.10.440(b). [1]

The Commissioner directed that he would not allow for any increase in the permitted number of pink and chum salmon eggs that could be taken by hatchery operators. This directive has been in place since 2019 and there has not been an increase in permitted numbers of pink or chum salmon eggs allowed to be taken.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Hatchery egg take levels are established through an iterative process involving department staff and stakeholders. Hatchery operations are permitted in a way that minimizes impact on wild salmon stocks and the commissioner can amend a permit if conservation concerns arise related to hatchery production. If there is a compelling reason to amend terms of a hatchery permit, the amendment should be based on analysis of data and there should be clear evidence the amendment will have a positive impact on wild salmon stocks. No evidence has been presented in this proposal to support the proposed reduction in permitted pink salmon egg take level.

If the board were to adopt this proposal there would need to be discussion of how to apportion the egg take cap between Cook Inlet hatcheries since egg take capacity is set on permits for specific hatchery facilities, not the PNP corporation.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal will not result in an additional cost for the department.

[1] We realize that without additional clarification from the legislature the parameters of permissible Board regulations remain somewhat murky. However, we believe that the more significantly a particular Board regulation restricts the effective functioning of a hatchery in a way that is incompatible with a departmental decision to permit the hatchery's operation, the greater is the risk that the Board regulation may be invalidated by a reviewing court.

Source: https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2019-2020/hc/law.pdf

Table 43-1.–Pink salmon egg take and fry release information for Cook Inlet hatcheries, 1975–2022.

Year	Tutka Bay Lagoon Hatchery Pink Salmon				Port Graham Hatchery Pink Salmon				Total Pink Salmon		
	PNP egg capactiy	PNP operator	Egg take	Fry released (brood year)	PNP egg capactiy	PNP operator	Egg take	Fry released (brood year)	PNP egg capactiy	Egg take	Fry released (brood year)
1975	N/A	N/A	3,000,000	250,000	N/A	N/A	0	0	N/A	3,000,000	250,000
1976	N/A	N/A	10,400,000	318,280	N/A	N/A	0	0	N/A	10,400,000	318,280
1977	N/A	N/A	7,100,000	4,820,937	N/A	N/A	0	0	N/A	7,100,000	4,820,937
1978	N/A	N/A	12,658,000	9,243,717	N/A	N/A	0	0	N/A	12,658,000	9,243,717
1979	N/A	N/A	10,643,000	6,795,244	N/A	N/A	0	0	N/A	10,643,000	6,795,244
1980	N/A	N/A	15,856,000	10,268,753	N/A	N/A	0	0	N/A	15,856,000	10,268,753
1981	N/A	N/A	19,916,000	15,475,435	N/A	N/A	0	0	N/A	19,916,000	15,475,435
1982	N/A	N/A	18,997,000	15,232,750	N/A	N/A	0	0	N/A	18,997,000	15,232,750
1983	N/A	N/A	26,800,000	18,142,463	N/A	N/A	0	0	N/A	26,800,000	18,142,463
1984	N/A	N/A	29,500,000	23,537,000	N/A	N/A	0	0	N/A	29,500,000	23,537,000
1985	N/A	N/A	32,300,000	26,234,600	N/A	N/A	0	0	N/A	32,300,000	26,234,600
1986	N/A	N/A	31,500,000	8,240,700	N/A	N/A	0	0	N/A	31,500,000	8,240,700
1987	N/A	N/A	19,500,000	15,589,360	N/A	N/A	0	0	N/A	19,500,000	15,589,360
1988	N/A	N/A	46,000,000	36,977,190	N/A	N/A	0	0	N/A	46,000,000	36,977,190
1989	N/A	N/A	43,335,000	36,684,662	N/A	N/A	0	0	N/A	43,335,000	36,684,662
1990	N/A	N/A	50,000,000	30,000,000	N/A	N/A	300,000	255,000	N/A	50,300,000	30,255,000
1991	N/A	N/A	37,350,000	31,950,000	N/A	N/A	3200000[a]	1,810,487	N/A	40,550,000	33,760,487
1992	N/A	N/A	60,000,000	48,700,000	110,000,000	PGHC	0	0	110,000,000	60,000,000	48,700,000
1993	N/A	N/A	77,000,000	61,100,000	110,000,000	PGHC	2,039,000	1,295,000	110,000,000	79,039,000	62,395,000
1994	125,000,000	CIAA	89,200,000	63,000,000	110,000,000	PGHC	526,000	358,000	235,000,000	89,726,000	63,358,000
1995	125,000,000	CIAA	125,600,000	105,000,000	110,000,000	PGHC	7,807,808	6,469,975	235,000,000	133,407,808	111,469,975
1996	125,000,000	CIAA	116,000,000	89,000,000	110,000,000	PGHC	1,501,672	918,000	235,000,000	117,501,672	89,918,000
1997	125,000,000	CIAA	117,400,000	90,000,000	110,000,000	PGHC	15,489,306	0[b]	235,000,000	132,889,306	90,000,000
1998	125,000,000	CIAA	129,000,000	60,132,000	110,000,000	PGHC	16,161,000	4,617,362	235,000,000	145,161,000	64,749,362
1999	125,000,000	CIAA	114,091,000	65,120,870	110,000,000	PGHC	1,462,185	1,142,726	235,000,000	115,553,185	66,263,596
2000	125,000,000	CIAA	130,291,000[c]	99,336,410	110,000,000	PGHC	33,652,000	27,298,797	235,000,000	163,943,000	126,635,207
2001	125,000,000	CIAA	136,632,615[c]	99,371,000	110,000,000	PGHC	11,040,034	6,600,985	235,000,000	147,672,649	105,971,985

-continued-

Table 43-1.–Page 2 of 2.

Year	Tutka Bay Lagoon Hatchery Pink Salmon				Port Graham Hatchery Pink Salmon				Total Pink Salmon		
	PNP egg capactiy	PNP operator	Egg take	Fry released (brood year)	PNP egg capactiy	PNP operator	Egg take	Fry released (brood year)	PNP egg capactiy	Egg take	Fry released (brood year)
2002	125,000,000	CIAA	124,847,819	67,967,000	110,000,000	PGHC	77,361,665	57,200,000	235,000,000	202,209,484	125,167,000
2003	125,000,000	CIAA	73,196,000	47,964,360	110,000,000	PGHC	57,326,017	36,282,671	235,000,000	130,522,017	84,247,031
2004	125,000,000	CIAA	0	0	110,000,000	PGHC	56,451,661	26,567,983	235,000,000	56,451,661	26,567,983
2005	125,000,000	CIAA	0	0	110,000,000	PGHC	25,183,199	13,863,682	235,000,000	25,183,199	13,863,682
2006	125,000,000	CIAA	0	0	110,000,000	PGHC	20,500,000	13,282,049	235,000,000	20,500,000	13,282,049
2007	125,000,000	CIAA	0	0	110,000,000	PGHC	0	0	235,000,000	0	0
2008	125,000,000	CIAA	0	0	110,000,000	PGHC	0	0	235,000,000	0	0
2009	125,000,000	CIAA	0	0	110,000,000	PGHC	0	0	235,000,000	0	0
2010	125,000,000	CIAA	0	0	110,000,000	PGHC	0	0	235,000,000	0	0
2011	125,000,000	CIAA	14,596,062	11,246,399	110,000,000	PGHC	0	0	235,000,000	14,596,062	11,246,399
2012	125,000,000	CIAA	21,770,000	18,603,000	110,000,000	PGHC	0	0	235,000,000	21,770,000	18,603,000
2013	125,000,000	CIAA	80,417,000	51,298,000	110,000,000	PGHC	0	0	235,000,000	80,417,000	51,298,000
2014	125,000,000	CIAA	14,862,656	12,274,240	125,000,000	CIAA	3,195,600	2,200,060	250,000,000	18,058,256	14,474,300
2015	125,000,000	CIAA	29,125,813	11,433,515	125,000,000	CIAA	2,247,953	1,310,762	250,000,000	31,373,766	12,744,277
2016	125,000,000	CIAA	64,813,289	54,245,411	125,000,000	CIAA	9,076,353	6,059,757	250,000,000	73,889,642	60,305,168
2017	125,000,000	CIAA	123,548,148	50,040,000	125,000,000	CIAA	36,661,527	21,155,000	250,000,000	160,209,675	71,195,000
2018	125,000,000	CIAA	122,144,501	85,580,538	125,000,000	CIAA	18,385,026	10,144,850	250,000,000	140,529,527	95,725,388
2019	125,000,000	CIAA	39,187,425	27,684,949	125,000,000	CIAA	7,814,197	5,948,143	250,000,000	47,001,622	33,633,092
2020	125,000,000	CIAA	87,140,083	71,907,183	125,000,000	CIAA	34,853,545	22,382,661	250,000,000	121,993,628	94,289,844
2021	125,000,000	CIAA	61,987,400	55,092,122	125,000,000	CIAA	6,081,714	1,973,319	250,000,000	68,069,114	57,065,441
2022	125,000,000	CIAA	9,202,835	8,031,496[d]	125,000,000	CIAA	21,179,087	Not available[e]	250,000,000	30,381,922	Not available[e]

Note: CIAA = Cook Inlet Aquaculture Association and PGHC = Port Graham Hatchery Corporation.

[a] Eggs collected under an ADF&G scientific permit (F-91-053).

[b] All eggs destroyed in a fire.

[c] Excess eggs discarded (7,977,000 eggs in 2000; 2,248,615 in 2001).

[d] Number released is preliminary.

[e] Number released will be available in December 2023.

COMMITTEE OF THE WHOLE—GROUP 4: BRISTOL BAY AND SOUTHEAST ALASKA SALMON (4 PROPOSALS)

PROPOSAL 256 – 5 AAC 67.022. Allow the use of bait, except roe, for fish species other than king salmon in the Togiak River drainage

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? This would allow for the use of bait, except roe, for fish species other than king salmon in the Togiak River drainage.

WHAT ARE THE CURRENT REGULATIONS? Only unbaited, single-hook artificial lures or flies may be used. The bag and possession limit for king salmon less than 20 inches in length is 10 fish. Any king salmon 20 inches or greater in length must be released immediately. Sport fishing for king salmon in the Togiak River drainage is prohibited upstream of the confluence of Gechiak Creek.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? This would likely increase catch rates and possibly harvest of all fish species by an unknown amount. It may also increase catch-and-release mortality by an unknown amount. The board would need to define "roe" in regulation.

BACKGROUND: The Togiak River drainage has historically been managed under general regulations for Bristol Bay. At the 2022 Bristol Bay Finfish meeting the board adopted an amended proposal that created the language found in 5 AAC 67.022 (l) with the intent to conserve king salmon in the Togiak River drainage. An unintended effect of this regulation was the year-round prohibition on the use of bait for all fish species. There are currently no conservation concerns regarding the use of bait for species other than king salmon in the Togiak River. The Naknek River is the only other drainage in Bristol Bay that has a seasonal bait prohibition in place. This bait prohibition begins on March 1 and goes through November 14 to protect both king and coho salmon as well as rainbow trout. This is meant to allow for increased catch rates and harvest opportunity for local watershed residents with the use of bait for resident species in the winter and spring. Run timing for king salmon in the Togiak River is typically from the middle of June through late July. King salmon spawning activity is protected by a season closure after July 31 and migration is protected by an area closure above Gechiak Creek during the open fishing season. The frequency of use of bait other than roe prior to the prohibition on the use of bait in the Togiak River drainage in 2023 is unknown.

DEPARTMENT COMMENTS: The department **SUPPORTS** this proposal with modification. This proposal would increase sport fishing opportunity to fish with bait for species other than king salmon but would add regulatory complexity. The department recommends prohibiting the use of bait from May 1 to July 31, downstream of Gechiak Creek and from May 1 to August 31, in the remainder of the Togiak River drainage to conserve king salmon and allow anglers to use bait, including roe, for the remainder of the year to target other salmon and fish species. There are no

biological or conservation concerns related specifically to the use of bait for species other than king salmon in the Togiak River drainage.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in additional direct cost for the department.

PROPOSAL 257 – 5 AAC 47.055. Repeal the no bait regulation and all the use of non-roe bait for salmon, other than king salmon

5 AAC 47.055. Southeast Alaska King Salmon Management Plan

PROPOSED BY: Alaska Department of Fish and Game.

WHAT WOULD THE PROPOSAL DO? Language within the *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) would be updated to align with changes to the method of calculating the Southeast Alaska (SEAK) all-gear catch limit under the Pacific Salmon Treaty.

WHAT ARE THE CURRENT REGULATIONS? The *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) directs the department to establish bag, possession, annual limits, and other management measures for the king salmon sport fishery in SEAK. The seven management tiers described within the management plan correspond to the annual allocation of king salmon to the sport fishery with opportunity increasing as allocation increases. The current language of the management plan references the now outdated "winter troll CPUE" and "king salmon abundance index" as the criteria for implementing a management tier.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The outdated references within the *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) would be replaced with the corresponding allocation range for the sport fishery as determined by *Allocation of king salmon in the Southeastern Alaska Yakutat Area* (5 AAC 29.060). This will align the management plan with the changes made by the Pacific Salmon Commission (PSC) and make it more robust to any future changes without modifying allocative components of the management plan.

BACKGROUND: Each spring the Alaska all-gear catch limit is calculated in accordance with the terms and provisions of the Pacific Salmon Treaty (PST) and defines the number of Treaty king salmon that may be harvested in SEAK, with some exclusions for Alaska hatchery-produced king salmon harvest. The SEAK all-gear catch limit is then allocated domestically according to *Allocation of king salmon in the Southeast Alaska-Yakutat Area*. In February 2023, the Pacific Salmon Commission adopted a new method of calculating the SEAK all-gear catch limit which no longer relies solely on the "winter troll CPUE" currently referenced in the *Southeast Alaska King Salmon Management Plan* as the metric used to establish a management tier.

This proposed change is to replace the references to the "winter troll CPUE" and "abundance index" with the corresponding sport fish allocation of the PST all-gear catch limit (Table 257-1).

The board last adopted changes to the *Southeast Alaska King Salmon Management Plan* and the *Allocation of king salmon in the Southeastern Alaska-Yakutat Area* during the March 2022 Southeast Alaska Finfish and Shellfish meeting.

DEPARTMENT COMMENTS: The department submitted and **SUPPORTS** this proposal. The department will be providing an RC with substitute language for proposal 257 for the revised allocation amounts presented in Table 257-1.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

Table 257-1.–Pacific Salmon Commission determined all-gear catch limit tiers and corresponding sport fish management tiers as described in 5 AAC 47.055.

Tier	CPUE-based Tier	AI-based tier	Catch-based tier	Catch limit	Sport catch-based tier
1	Less than 2.0	Less than 0.895	Less than 105,500	Commission determination	Less than 19,381
2	2.0 to less than 2.6	Between 0.895 and 1.03	Between 105,500 and 121,379	111,833	Between 19,381 and 22,327
3	2.6 to less than 3.8	Between 1.035 and 1.24	Between 121,380 and 185,899	140,323	Between 22,328 and 34,302
4	3.8 to less than 6.0	Between 1.245 and 1.55	Between 185,900 and 231,059	205,165	Between 34,303 and 42,684
5	6.0 to less than 8.7	Between 1.555 and 1.87	Between 231,060 and 299,679	266,585	Between 42,685 and 55,420
6	8.7 to less than 20.5	Between 1.875 and 2.28	Between 299,680 and 372,921	334,465	Between 55,421 and 69,014
7	20.5 and greater	Greater than 2.28	Greater than 372,921	372,921	Greater than 69,014

PROPOSAL 258 – 5 AAC 47.055. Amend the ***Southeast King Salmon Management Plan*** to align with new methods to set catch limits adopted by the Pacific Salmon Commission

5 AAC 47.055. Southeast Alaska King Salmon Management Plan

PROPOSED BY: Tad Fujioka.

WHAT WOULD THE PROPOSAL DO? This would modify the *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) by creating 17 management tiers which would align with the 17 possible outcomes associated with the implementation of the new method of calculating the Southeast Alaska (SEAK) all-gear catch limit adopted by the Pacific Salmon Commission (PSC) in February 2023.

WHAT ARE THE CURRENT REGULATIONS? The *Southeast Alaska King Salmon Management Plan* directs the department to establish bag, possession, annual limits, and other management measures for the king salmon sport fishery in Southeast Alaska. The management plan contains seven management tiers which correspond to the annual allocation of king salmon to the sport fishery with opportunity increasing as allocation increases.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The existing management tiers within the *Southeast Alaska King Salmon Management Plan* would be modified and an additional 10 management tiers added. A suite of management actions would need to be defined for each management tier, presumably establishing management actions which could be expected to achieve the annual sport fish allocation at that tier.

BACKGROUND: The annual SEAK all-gear catch limit is calculated according to the terms and conditions of the PSC. Domestic allocation is then determined for each Southeast Alaska fishery according to *Allocation of king salmon in the Southeastern Alaska-Yakutat Area* (5 AAC 29.060). The current *Southeast Alaska King Salmon Management Plan* contains 7 management tiers which were established when the PSC used a tier structure that had 7 possible outcomes for the SEAK all-gear catch limit. While there are 7 tiers defined within the *Southeast Alaska King Salmon Management Plan* tiers 4(f) and 5(e) as well as 6(d) and 7(c) are identical. Thus, there are 5 possible suites of management actions for the sport fishery. In February 2023, the PSC adopted a new method of calculating the SEAK all-gear catch limit and a new tier structure which now results in 17 possible allocations of king salmon to Alaska fisheries. In this 17-tier structure, the top and bottom tiers are nearly identical to the top and bottom tiers of the outdated 7-tier structure. The middle 5 tiers of the old method have been subdivided into 15 tiers in the new method. This results in a similar allocation range to SEAK fisheries but at finer resolution between tiers.

In the current structure of the *Southeast Alaska King Salmon Management Plan* there is no need to match the number of sport fish management tiers with the number of tiers the PSC uses to determine the Alaska all-gear catch limit. The management actions defined for each management tier within the *Southeast Alaska King Salmon Management Plan* are not designed to achieve the annual allocation to the sport fishery in any given year but is intended to achieve the sport allocation on average, over the course of years. It is expected that the sport fishery will be over allocation in low abundance tiers and under allocation at high abundance tiers. Domestic allocation

determined by *Allocation of king salmon in the Southeastern Alaska Yakutat Area* (5 AAC 29.060) has remained unaffected by recent changes by the PSC.

The difference in sport allocation between each tier of the 17-tier structure, ranges between 815 and 6,476 king salmon. Developing sport fish management actions for small allocation changes between tiers is not practical. The interannual variation in sport harvest due to changes in king salmon abundance and sport fishing effort are within some of these ranges and are out of control of the department.

The board last adopted changes to the *Southeast Alaska King Salmon Management Plan* in March of 2022.

DEPARTMENT COMMENTS: The department **OPPOSES** this proposal. Establishing 17 sport fish management tiers increases regulatory complexity and is not necessary to meet international obligations. The sport fishery has limited ability to develop prescribed management actions that effectively manage for small changes in allocation.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.

PROPOSAL 259 – 5 AAC 47.055. Amend the *Southeast Alaska King Salmon Management Plan* to align with changes adopted by the Pacific Salmon Commission to maintain the troll and sport fishery allocations

5 AAC 47.055. Southeast Alaska King Salmon Management Plan

PROPOSED BY: David Richey and Monique Wilkinson.

WHAT WOULD THE PROPOSAL DO? This would modify the *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) by directing the department to use inseason management to avoid exceeding the annual allocation to the sport fishery.

WHAT ARE THE CURRENT REGULATIONS? The *Southeast Alaska King Salmon Management Plan* directs the department to establish bag, possession, annual limits, and other management measures for the king salmon sport fishery in Southeast Alaska (SEAK). The management plan contains seven management tiers which correspond to the annual allocation of king salmon to the sport fishery with opportunity increasing as allocation increases. The current structure of the management plan establishes sport fish management actions at the beginning of the season and does not require the department to use inseason management to either; reduce opportunity to avoid exceeding the sport fish allocation or increase opportunity to achieve the sport fish allocation.

WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED? The sport fishery would be managed with inseason changes to avoid exceeding the annual sport fish allocation as determined by *Allocation of king salmon in the Southeastern Alaska Yakutat Area* (5 AAC 29.060). Several components of the *Southeast Alaska King Salmon Management Plan* would need to be revised as the current plan is contradictory to the use of inseason management.

BACKGROUND:

In August 2018, the Pacific Salmon Treaty (PST) was renegotiated for the next 10-year period (2019–2028). One significant change in the PST was the use of the early winter troll CPUE model instead of the abundance index derived from the Pacific Salmon Commission's (PSC) king salmon model. As a result, the *Southeast Alaska King Salmon Management Plan* required revision to align the prescribed management actions with the newly adopted CPUE model and 7-tier structure. Another significant change in the PST at that time was the addition of a payback provision requiring that any overage of SEAK's all-gear catch limit be subtracted from SEAK's all-gear catch limit the following year. Prior to implementation of the payback provision, the preceding iteration of *Southeast Alaska King Salmon Management Plan* (2009-2018) did not use inseason changes for allocative purposes. Inseason changes were used for conservation purposes and to provide opportunity for Alaska hatchery produced king salmon. In January 2019, the board took up Proposal 176 (previously Agenda Change Request 9) to modify *Southeast Alaska King Salmon Management Plan* to align with provisions of the renegotiated treaty. Understanding that it would be best to address the plan during the 2021 Southeast Alaska and Yakutat board meeting but that immediate action was needed, the board modified three sections of the plan that would most likely cover the anticipated abundance indices occurring in 2019 and 2020. For these three management tiers within the plan, the board added language directing the department to use inseason management to avoid exceeding the sport allocation while also providing a priority for resident

anglers. Inseason management was effectively used in the sport fishery to avoid exceeding the annual sport allocation in the 2019–2021 seasons. Inseason actions resulted in 2 changes in 2019 (including a nonretention period), 4 changes in 2020 (progressively increasing opportunity), and 2 changes in 2021 (progressively decreasing opportunity including a nonretention period). The board completed its work to align the *Southeast Alaska King Salmon Management Plan* and *Allocation of king salmon in the Southeastern Alaska Yakutat Area* with the renegotiated PST (2019–2028) during the March 2022 Southeast Alaska and Yakutat Finfish and shellfish meeting.

During this meeting the board adopted changes to the *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) and *Allocation of king salmon in the Southeastern Alaska Yakutat Area* (5 AAC 29.060). The fundamentals of the current management plan are summarized below:

- The management plan relies on the give and take of allocation between the sport fishery and the commercial troll fishery to provide for stable sport fishing regulations while not exceeding the SEAK's all-gear catch limit. Under this plan the sport fishery is expected to be over allocation in years when the Alaska all-gear catch limit is low and under allocation in years when the SEAK's all-gear catch limit is high. The commercial troll fishery may receive increments or decrements in allocation if the sport fishery is under or over its allocation. The commissioner may reallocate in season after consideration of the PST obligations and with consideration for any unutilized allocation remaining in other fisheries. The objective of the plan is to achieve the sport allocation on average, over the course of years.
- Sport fish management actions are established at the beginning of the season and inseason changes are not made to keep the sport fishery within its allocation or opportunity increased to achieve the allocation. Adjustments may be made in season for conservation purposes. This provides stability to the sport fishery.
- The domestic allocation between fisheries was not changed (80% troll/20% sport after subtracting the commercial net fisheries allocation).
- The department shall manage the resident sport fishery so that there are no closures for residents, unless the commissioner determines that additional harvest reduction to the resident bag limits is necessary to comply with the PST.
- Bag, possession, and annual limits were modified for nonresident anglers by reducing opportunity in the upper management tiers while increasing opportunity in the lowest management tiers. This compromise was designed to preserve a minimal opportunity for nonresident anglers in low abundance years while increasing the likelihood of unused sport allocation in high abundance years that could be harvested by the commercial troll fleet.
- This management plan will sunset in March 2025, which will require the board to review and reestablish the management plan during the next Southeast Alaska Finfish meeting in March 2025.
- Associated with these changes to 5 AAC 47.055, the board also adopted changes to *Allocation of king salmon in the Southeast Alaska-Yakutat Area* (5 AAC 29.060) which allowed any projected unused balance in sport allocation to be harvested by the commercial troll fishery. Additionally, to be in compliance with PST, the board clarified in 5 AAC 29.060 that if an overage of the Alaska all-gear catch limit occurs one year, in the next year the Alaska all-gear catch is reduced by that amount and the remaining

allocation will be allocated between gear groups according to *Allocation of king salmon in the Southeast Alaska-Yakutat Area* (5 AAC 29.060).

During the March 2022 board meeting, RC 178 was prepared as substitute language for Proposal 82 after cooperation between the Alaska Trollers Association, Southeast Alaska Guides Organization and Territorial Sportsmen, Incorporated. This substitute language addressed modifications to the *Southeast Alaska King Salmon Management Plan* (5 AAC 47.055) and *Allocation of king salmon in the Southeast Alaska-Yakutat Area* (5 AAC 29.060). Within RC 178 the language described in the objectives of the management plan under 5 AAC 47.055(b)(2) was not updated. Immediately after the meeting this omission was corrected before advancing the draft regulatory language to be signed by the Lieutenant Governor. The language within 5 AAC 47.055(b) at the time RC 178 was drafted was:

(2) allow uninterrupted sport fishing in salt waters for king salmon, while not exceeding the sport fishery harvest ceiling;

The words "sport fishery" were removed to read:

(2) allow uninterrupted sport fishing in salt waters for king salmon, while not exceeding the harvest ceiling;

Within RC 178 the language that the board inserted in 2019, directing the department to use inseason management to avoid exceeding the annual sport allocation under 3 management tiers was removed. Based on the adopted language of RC 178 and the verbal record during the 2022 meeting, the department's application of the current management plan is that the sport fishery will not be managed inseason to avoid exceeding the annual allocation to the sport fishery. This arrangement relies on the give and take of allocation between the sport fishery and the commercial troll fishery in order to avoid exceeding the SEAK all-gear catch limit on an annual basis. In the two seasons this management plan has been in place, the sport fishery was under allocation by 15,112 during 2022 and preliminary harvest estimates indicated the sport fishery was over allocation by 17,107 in 2023.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. The use of inseason management to achieve an allocation target requires the department to continually project the end of season harvest and adjust regulations accordingly. This creates an unstable regulatory environment where frequent changes to sport fishing regulations may be required including nonretention periods. Harvest projections are subject to statistical variance requiring the department to manage conservatively to avoid exceeding the annual allocation.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional cost to the department.