



United States Department of the Interior  
Office of Subsistence Management  
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Anchorage, Alaska 99503-6199

IN REPLY REFER TO:  
OSM.24016

FEB 06 2024

John Wood, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Chair Wood:

The Office of Subsistence Management (OSM), working with other Federal agencies, has reviewed the 181 proposals being considered at the Upper Cook Inlet Finfish meeting from February 23 – March 7, 2024. The attached comments from OSM regard proposals that are likely to impact federally qualified subsistence users or associated fisheries resources within Federal subsistence management jurisdiction.

Other proposals being considered during this meeting may also affect Federal subsistence fisheries and users. Most of these other proposals involve fisheries that are outside of Federal jurisdiction and some of them involve areas of overlapping State and Federal jurisdiction. Adoption of these proposals may impact resources returning to Federal public waters that rural Alaskans rely on for the opportunity to continue subsistence activities. OSM may wish to comment on other items that impact federally qualified subsistence users.

We appreciate the opportunity to provide input on these important regulatory matters and look forward to working with the Alaska Board of Fisheries and the Alaska Department of Fish and Game on these issues. Please contact George Pappas, State Subsistence Liaison, 907-786-3822 or [george\\_pappas@fws.gov](mailto:george_pappas@fws.gov), with any questions you may have concerning this material.

Sincerely,

Anee Howard  
Acting Assistant Regional Director

Enclosure

cc: Federal Subsistence Board  
Interagency Staff Committee  
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game  
Art Nelson, Exec Director, Alaska Department of Fish and Game  
Mark Burch, Assistant Director, Alaska Department of Fish and Game  
Administrative Record

**COMMENTS TO THE  
ALASKA BOARD OF FISHERIES**

**Upper Cook Inlet Finfish Meeting  
February 23–March 7, 2024  
Anchorage, Alaska**

**Office of Subsistence Management (OSM)**

**PROPOSALS 86, 165, 166, 167, 178, 179, 180, 181**

**Proposal 86** - Prohibit bait in the Kenai River through Oct 31 if the king salmon sport fishery is closed by EO.

**Proposal 165** - Allow sport fishing in the Kenai River with only one unbaited, single-hook, artificial lure from January – July.

**Proposals 166** - Expand time and area waters of the Kenai River are limited to only one unbaited, single-hook, artificial lure and redefine “artificial fly”.

**Proposal 167** - Expand time and area in waters of the Kenai River that are limited to only one unbaited, single-hook, artificial lure.

**Proposal 178** - Reduce the season for the Kenai River Coho Salmon sport fishery.

**Proposal 179** - Close additional flowing waters of the Upper Section Kenai River Drainage Area from the Sterling Highway bridge at the outlet of Kenai Lake, downstream to Sterling Highway Mile 53 Bridge to sport fishing from January 1 – June 10.

**Proposal 180** - Close waters of the Kenai River from the Sterling Highway Bridge at Mile 53 upstream to Kenai Lake to sport fishing from January 1 – April 1.

**Proposal 181** - Close waters of the Lower Section Kenai River from an ADF&G regulatory marker located approximately one mile upstream from the mouth of the Lower Killey River upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake from January 1 – June 10.

**Current Federal Regulations:****50 CFR §100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.***(a) Definitions*

\* \* \*

*Hook means a single shanked fishhook with a single eye constructed with one or more points with or without barbs. A hook without a “barb” means the hook is manufactured without a barb or the barb has been completely removed or compressed so that barb is in complete contact with the shaft of the hook.*

\* \* \*

*Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole. In either case, bait or an artificial fly or lure is used as terminal tackle. This definition does not include the use of rod and reel gear for snagging.*

\* \* \*

**50 CFR §100.27 Subsistence taking of fish.**

\* \* \*

*(b) Methods, means, and general restrictions – Subsistence taking of fish*

*(1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by regulations in this section), you may use the following legal types of gear for subsistence fishing:*

\* \* \*

*(xix) A rod and reel; and*

\* \* \*

**50 CFR §100.27(e)(10) Subsistence taking of fish. Cook Inlet Area**

*(i) General area regulations.*

\* \* \*

*(L) Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein or by issuance of a Federal special action.*

\* \* \*

*(iii) Seasons, harvest limits, and methods and means for Kenai River fisheries.*

\* \* \*

*(A) Kenai River dip net or rod and reel; salmon.*

\* \* \*

*(2) You may take sockeye, Chinook, coho, and pink salmon through a dip net or rod and reel fishery at two specified sites on the Kenai River below Skilak Lake and as provided in this section.*

*(i) For both Kenai River fishing sites below Skilak Lake, incidentally caught fish may be retained for subsistence uses, except for Chinook salmon prior to July 16 (unless otherwise provided for in this section), rainbow trout 18 inches or longer, and Dolly Varden 18 inches or longer, which must be released.*

*(ii) At the Kenai River Moose Range Meadows site, dip netting is allowed only from a boat from a Federal regulatory marker on the Kenai River at about river mile 29 downstream approximately 2.5 miles to another marker on the Kenai River at about river mile 26.5. Residents using rod and reel gear at this fishery site may fish from boats or from shore with up to two baited single or treble hooks June 15 through August 31.*

*(iii) At the Kenai River mile 48 site, dip netting is allowed while either standing in the river or from a boat, from Federal regulatory markers on both sides of the Kenai River at about river mile 48 (approximately 2 miles below the outlet of Skilak Lake) downstream approximately 2.5 miles to a marker on the Kenai River at about river mile 45.5. Residents using rod and reel gear at this fishery site may fish from boats or from shore with up to two baited single or treble hooks June 15 through August 31.*

*(3) Fishing seasons are as follows:*

Table 8 to Paragraph (e)(10)

Species	Size	Location
Sockeye salmon	June 15–August 15	All three sites
Chinook salmon	July 16–September 30	Kenai River sites only
Pink salmon	July 16–September 30	Kenai River sites only
Coho salmon	July 16–September 30	Kenai River sites only

*(C) Kenai River rod and reel only: salmon.*

*(1) For federally managed waters of the Kenai River and its tributaries, you may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage.*

*(2) Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these salmon species under State of Alaska fishing regulations (5 AAC 56, 5 AAC 57 and 5 AAC 77.540), except for the following harvest and possession limits:*

Table 10 to Paragraph (e)(10)

Species	Size	Limits
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Chinook salmon– (January 1 through July 15)	Less than 46 inches or 55 inches and longer	2 per day and 2 in possession.
Chinook salmon– (July 16 through August 31)	20 inches and longer	2 per day and 2 in possession.
All other salmon	16 inches and longer	6 per day and 6 in possession, of which no more than 4 per day and 4 in possession may be Coho salmon, except for the Sanctuary Area and Russian River where no more than 2 per day and 2 in possession may be Coho salmon.

\* \* \*

*(i) In the Kenai River below Skilak Lake, fishing is allowed with up to two baited single or treble hooks June 15 through August 31.*

\* \* \*

*(D) Kenai River and tributaries under ice jigging and rod and reel; resident species.*

*(1) For federally managed waters of the Kenai River and its tributaries below Skilak Lake outlet at river mile 50, you may take resident fish species including lake trout, rainbow trout, and Dolly Varden or Arctic char with jigging gear through the ice or rod and reel gear in open waters. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under State of Alaska fishing regulations (5 AAC 56, 5 AAC 57, and 5 AAC 77.540), except for the following harvest and possession limits:*

\* \* \*

*(2) For federally managed waters of the upper Kenai River and its tributaries above Skilak Lake outlet at river mile 50, you may take resident fish species including lake trout, rainbow trout, and Dolly Varden or Arctic char with jigging gear through the ice or rod and reel gear in open waters. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these resident species under*

*Alaska fishing regulations (5 AAC 56, 5 AAC 57, 5 AAC 77.540), except for the following harvest and possession limits:*

**Is a similar issue being addressed by the Federal Subsistence Board?** No

**Impact to Federal subsistence users/fish:** Federal subsistence fishing seasons, areas, and methods and means sometimes default to State of Alaska sport fishing regulations. Adopting any of these proposals would aid in the conservation of species but would limit opportunity for Federally qualified subsistence users to some degree because of this coupling of Federal and State regulations.

**Federal Position/Recommended Action:** OSM is **Neutral** on these proposals

**Rationale:** OSM supports measures to decrease mortality of populations during times of conservation concern. However, adopting any of these proposals would limit opportunity for federally qualified subsistence users because Federal subsistence regulations sometimes default to State sport fishing regulations. OSM is neutral because the Federal in-season manager could issue short-term special actions to restore Federal subsistence opportunity if necessary for the continuation of subsistence uses. Federal subsistence fisheries proposals could also be submitted during a future cycle to decouple Federal subsistence regulations from State sport fishing regulations, thereby permanently restoring Federal subsistence opportunity.

#### **PROPOSAL 147**

**5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.**

Modify the Kenai River king salmon annual limit.

**Current Federal Regulations:** See comment above on proposals 86, 165, 166, 167, 178, 179, 180, 181

**Is a similar issue being addressed by the Federal Subsistence Board?** No

**Impact to Federal subsistence users/fish:** Federal subsistence harvest limits will not be impacted were this proposal adopted. This proposal may help conserve Chinook Salmon and increase future harvest opportunity by federally qualified subsistence users. The reproductive potential of female Chinook Salmon is positively related to body size (Quinn 2005). Therefore, higher escapement of large-bodied female Chinook Salmon may increase the reproductive success of this population, which in turn, may increase the number of Chinook Salmon available for harvest by federally qualified subsistence users during future runs.

**Federal Position/Recommended Action:** OSM **Supports** Proposal 147

**Rationale:** OSM supports measures to reduce harvest during times of conservation concern. This proposal may increase future harvest opportunity for federally qualified subsistence users while also

helping to conserve Kenai River Chinook Salmon. Adopting this proposal is unlikely to negatively affect federally qualified subsistence users because Federal harvest limits for this species would be unchanged.

Literature Cited: Quinn, T. P. 2005. The behavior and ecology of Pacific salmon and trout. University of Washington Press, Seattle.