

Submitted by KPFA, as a supplement to RC 146 prepared by the Alaska Department of Fish and Game for Board Member John Wood.

Commentary by KPFA is in red.

Replacement language is in blue.

Suggested Removals are highlighted in yellow.

February 29, 2024

Language for Kenai River late-run king salmon stock of concern action plan: **Description:**

Subsection (a)-Intent from RC 90 Subsection (b)-

Intent from RC 90 Subsection (c)-Intent from RC 90

Subsection (d)-Intent from RC 90 that also removes language in (d)(2) and (d)(3) of RC 90

Subsection (e)-Intent is from RC 90

Subsection (f)- Intent is from RC 96 with modified language requested after RC 96 was submitted with option from RC 90 in italics.

Subsection (g)-Intent is from RC 96 Subsection (h)- Intent is from RC 96 Subsection (i)- Intent is from

RC 90 and 96 Subsection (j)- Intent is from RC 90 Subsection (k)- Intent is from RC 90 Subsection (l)-

Intent is from RC 90 Subsection (m)- Authored by the department

Language identified with an (X) indicates choices to be determined.

Italicized Bold Underline language is from RC 90 Bold Underline language is from RC 96

Language that is not bold, underlined or italicized was modified by the department *5 AAC 21.XXX. Kenai River Late-Run King Salmon stock of concern management plan. (a). The purpose of this management plan is to provide management tools and guidelines to the department for the management of Upper Cook Inlet salmon fisheries, while Kenai River late-run king salmon are listed as a stock of management concern, that will result in the sustained yield of king salmon stocks large enough to meet optimal escapement goals, while allowing for harvest opportunity in the subsistence, personal use, sport, and commercial sockeye salmon fisheries. The provisions in this plan will be in effect between June 20 — August 15 and until the stock of management concern designation is removed by the Board of Fisheries. It is the intent of the board that the designation will be in effect until the lower bound of the optimal escapement goal is met or exceeded for three consecutive years, or is met in four out of six consecutive years and is expected to be met in future years.*

(b) *The department shall manage the late run of Kenai River king salmon to achieve an optimal escapement goal (OEG) of 15,000 - 30,000 large king salmon. Achieving the lower end of the Kenai River late-run king salmon OEG shall take priority over not exceeding the upper end of the escapement and inriver goal ranges for Kenai and Kasilof River sockeye salmon.*

(X) if preseason restrictions are issued for the late-run Kenai River king salmon sport fishery, then all Upper Subdistrict set gillnet fisheries are restricted;

(c) *In the Kenai River sport fishery, from July 1 — July 31*

(1) the use of bait is prohibited in the Kenai River downstream from an ADFG regulatory marker located at the outlet of Skilak Lake.

(2) only one unbaited single hook artificial lure may be used in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

(3) that portion of the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake is open to unguided sport fishing from a nonmotorized vessel on Mondays; for purposes of this paragraph, a “nonmotorized” vessel is one that does not have a motor on board.

(d) If the projected late-run king salmon escapement is less than 15,000 large king salmon, the department shall close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(e) In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(1) in the Kenai River sport fishery,

(A) retention of king salmon 34 inches or greater in length as defined in 5 AAC 75.995(a) is prohibited; or

(B) retention of king salmon is prohibited;

(2) in the Kenai River personal use fisheries, retention of king salmon is prohibited; a Kasilof River personal use set gillnet may not exceed 10 fathoms in length, four and three quarter inches in mesh size, and 15 meshes in depth. It seems utterly impractical to put specialized gear on a PU fishery that would require everyone to buy new gear.

(f) The Upper **Supdistrict** **Subdistrict** commercial fishery shall be managed as follows:

(1) in the Kasilof Section from June 20 - June 30 if the Kenai River late-run king salmon preseason projection, accounting for anticipated harvests and projection error, is within 13,500 - 15,000 large fish the Upper Subdistrict set gillnet fishery shall: There is absolutely no precedent for including a responsibility to estimate error in projections for management decisions. This is not included in any plan, anywhere, for very good reasons. Error ranges are a measure of uncertainty in estimates and the point data arrived at is the best available metric for management that we have to work at. Adding this level of subjectivity into a plan makes it entirely unworkable. Even removing anticipated harvests in the regulatory language is unprecedented, although it is understood that in practice this has often been done.

(A) Shall open for three eight hour periods per week that shall begin approximately 2 hours **before high** after low tide based on Seldovia tide tables; The three 8 hour openings proposed were for the entire range of June 20-June30 and the entire point of this fishery is to fish an 8 hour opening centered on high tide. That is, the target is an opener starting 2 hours after low tide slack.

(B) Shall be restricted to one net per permit not more than 35 fathoms and 29 meshes in depth;

(C) shall report all king salmon retained and released on an ADFG fish ticket;

(D) shall release all live, viable king salmon;

(E) fishery openings shall be based around tides described in the Seldovia District Tide Tables as follows: Ninilchik River Mouth to Kasilof River Mouth (Stat Areas 244-21, 244-22), Kasilof River Mouth to Kenai River Mouth (Stat Areas 244-31);

(F) shall close for one continuous 36 48-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday; We are agreeing to expand the mandatory window throughout the entire action plan in a concession to RC 90 and other proposals to that effect.

Alternates from RC 90

(X) if retention of king salmon greater than 34 inches in length as defined in 5 AAC 75.995(a) are prohibited

in the Kenai River sport fishery under (e)(1)(A) of this section, commercial fishing periods are open for no more than 24 hours per week, with a 48- hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday; the operation of setnets by a CFEC permit holder shall be restricted to not more than two set gillnets per permit;

(XX)if retention of king salmon prohibited in the Kenai River sport fishery under (e)(1)(B) of this subsection, commercial fishing periods are open for no more than 16 hours per week, with a 48-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday; the operation of setnets by a CFEC permit holder shall be restricted to not more than one set gillnet per permit;

These above options from RC 90 were written to be in place for forecasts/projections above 15,000. They are inserted into a section laying out a limited fishery for between 13,500-15,000). Finally the language is confusing as what is desired is restriction to one net per permit. These options should be moved into the section later in the plan dealing with opportunity above 15,000.

(2) commercial fisheries shall be closed in the Upper Subdistrict from July 1 - July 14;

This is the closure window for king passage offered in RC 96 during the limited fishery proposed for 13,500-15,000.

(3) if the Kenai River late-run king salmon preseason projection, accounting for anticipated harvests, projection error and in season run strength is between 13,500-15,000 large king salmon, in the Kasilof, Kenai and East Foreland Sections for the set gillnet fishery from July 15-July 27 the department shall Again, there is no room in a management plan for attempting to further estimate projection error. It is already accounted for. Next, July 15th is too early for in season run strength projections to be used so preseason forecast must still be used until we are far enough into the run to use in season projections.

(A) Shall open for four eight hour periods per week that shall begin approximately 2 hours before high after low tide based on Seldovia tide; Again RC96 only asked for 4 openings on abundance through this entire July 15-July27 period and the purposes of this fishery are to be targeted on 8 hours centered on high tide, which has them beginning 2 hours after low tide.

(B) Shall be restricted to one net per permit not more than 35 fathoms and 29 meshes in depth;

(C) shall report all king salmon retained and released on an ADFG fish ticket;

(D) shall release all live, viable king salmon;

(E) fishery openings will be based around tides described in the Seldovia District Tide Tables as follows: Ninilchik River Mouth to Kasilof River Mouth (Stat Areas 244-21, 244-22), Kasilof River Mouth to Kenai River Mouth (Stat Areas 244-31, 244-32), Kenai River Mouth to Boulder Point (Stat Areas 244-41, 244-42);

(F) closed for one continuous 36 48-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(4) in the Kasilof, Kenai and East Foreland Sections, from July 28- August 15 if the Kenai River late-run king salmon in season projection is within 13,500-15,000 large fish, in the set gillnet fishery in the Upper Subdistrict of the Central District the Department may

(A) Shall open for two eight hour periods per week that shall begin approximately 2 hours before high after low tide based on Seldovia tide tables; Again RC96 only prescribed two openings in this entire window and it requires correcting to proper opening time avoiding low tide.

in depth; (B) Shall be restricted to one net per permit not more than 35 fathoms and 29 meshes

ADFG fish ticket; (C) shall report all king salmon retained and released on an

(D) shall release all live viable king salmon;

(E) fishery openings will be based around tides described in the Seldovia District Tide Tables as follows: Ninilchik River Mouth to Kasilof River Mouth (Stat Areas 244-21, 244-22), Kasilof River Mouth to Kenai River Mouth (Stat Areas 244-31, 244-32), Kenai River Mouth to Boulder Point (Stat Areas 244-41, 244-42);

(F) closed for one continuous 36 48-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(X) beginning August 1, Upper Subdistrict set sillnet commercial fishing periods are open for no more than 8 hours per week;

This from RC90 was not part of the proposed plan for a limited fishery between 13,500-15,000.

(g) When preseason forecasts or inseason projections, accounting for anticipated harvests, projection error and in season run strength of Kenai River large late-run king salmon escapements are above the OEG of 15,000 large king salmon, the Upper Subdistrict set gillnet commercial fishery may be opened within respective seasons as defined in 5 AAC 21.310(b)(C)(i) - (iii) with restrictive gear, as described in this section between June 20 and August 15.

The above does not seem to be a core component of either RC 90 or RC 96. It is unnecessary and appears to be covered by the descriptions of the fishery above 15,000 in RC 90. Upon discussion this block was originally inserted solely to establish that general fishery regulations such as season dates and gear rules applied, but it does not seem necessary.

The following components are largely from RC90 and are no longer part of the proposed limited fishery that we tried to construct for the range of 13,500-15,000. The following options are for a fishery ABOVE 15,000.

(h) If the Kenai River late-run king salmon are projected to exceed an escapement of 15,000 large fish, but the inriver fishery is closed then while under the Stock of Concern Action Plan and to support rebuilding the Kenai River King Salmon stocks, the use of bait and retention of king salmon is prohibited in the Kenai River sport fishery. in the commercial setnet fishery in the Upper Subdistrict, the department shall:

This was part of RC96, but as a result of discussion since submission we (KPFA) are happy to remove it and leave sport fish management above 15,000 to RC90.

(A) open for three two eight hour periods per week that shall begin approximately 2 hours before high after low tide based on Seldovia tide tables;

(B) be restricted to two one nets per permit that are each not more than 35 fathoms and 29 meshes in depth;

We were requested to clarify our intent for what would happen in the case of where we had a pre-season forecast or an in season projection of over 15,000 fish, but the river was still closed to all fishing. We are suggesting a VERY slight liberalization of the proposed below 13,500 fishery to two eight hour openings, one net per permit, per week centered around high tide and avoiding low tide slack that would be in effect June 20th-

Aug 15th for EXACTLY the scenario when the projection was above 15,000 but the in-river fishery was closed. Upon opening of the in-river fishery of any sort we would go to the proposed pairings in RC 90.

(C) shall report all king salmon retained and released on an ADFG fish ticket;

(D) shall release all live, viable king salmon;

(E) fishery openings shall be based around tides described in the Seldovia District Tide Tables as follows: Ninilchik River Mouth to Kasilof River Mouth (Stat Areas 244-21, 244-22), Kasilof River Mouth to Kenai River Mouth (Stat Areas 244-31);

(F) shall close for one continuous 36-hour period per week beginning between 7:00p.m. Thursday and 7:00 a.m. Friday;

(i) In addition to other provisions in this section

(1) fishing in the Upper Subdistrict set gillnet commercial fishing shall occur in a manner that avoids fishing around low slack and is more likely to keep nets off the bottom. No more than eight hours of fishing may occur on any day and all openings shall start no earlier than 5:00 a.m. and end no later than midnight;

(2) each setnet operated by a CFEC permit holder shall be restricted to not more than 35 fathoms in length, 105 fathoms in aggregate length, and 15 RC 90) /29 (RC 96) meshes in depth;

We have removed all mention of 15 mesh gear options, due to a lack of interest from all groups in this restriction.

(3) commercial fishing periods are open for no more than 32/24 hours per week, with a 36 (RC 90)/48(RC 96)-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday. The operation of setnets by a CFEC permit holder may be restricted to not more than two/three set gillnets;

(4) in the Upper Subdistrict drift sillnet gillnet commercial fishery, no fishing may occur within two miles from the Kenai Peninsula shoreline.

(k) The Kasilof River Special Harvest Area identified in 5 AAC 21.365(f) shall remain closed for the duration of this plan.

(l) The department will, to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. The department is requested to report those findings to the board and submit proposals to the board for appropriate modification of this plan.

(m) In this section a “large king salmon” or “large fish” is defined as a king salmon 75 cm mid eye to tail fork and longer.