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JAN 16 2014

BOARDS
ANCHORAGE

PROPOSAL #307 Upper Yentna subsistence salmon.

2014 BOF COOK INLET meeting;

Tom Payton's public comment:

The first issue with this fishery is that the original proposal for it from the Community was for a subsistence fishery with a much wider geographical area, about 40 miles of river compared to the 5 we now have, a much more liberal time period, open 24 hours a day all week, and a larger bag limit that allowed King salmon. In **1996** the **BOF** converted the subsistence proposal into a personal use proposal and passed it with a personal use bag limit. It has been a subsistence fishery since **1997**, and should remain as such. But this tiny subsistence fishery is working now with a personal use bag limit without any reason for doing so.

In the **Division of Subsistence** reports from the **1980s** for the **Upper Yentna**, King Salmon was found to make up the largest portion of resident salmon uses in the area. The reason for this was because of the easily caught Kings with hook and line. This is not the case now though with depleted stocks of Kings in this area, and the restrictions imposed on hook and line resident fishermen. Residents are unable to harvest the amounts of salmon from this area that they have relied upon. (more on page 2)

p182



Page 2: Tom Payton Comment:

Alaska residents have been restricted more than enough in this area.

It is time to recognize that this subsistence fishery is important, and needs to be not only protected, but enhanced for the benefit of Alaska's residents as the **State Constitution** requires.

The request in **#307** to expand this fishery by a small increment makes sense at this time, and the only problem I see is that I should have asked for an increase in the bag limit, and also asked for a King Salmon Subsistence fishery.

My advice to the **BOF** on this issue, pass it.

Thomas Payton
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P282



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199



PC 452
1 of 40



FWS/OSM 14002.GP

JAN 17 2014

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Mr. Karl Johnstone, Chair
Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811-5526

JAN 17 2014

**BOARDS
ANCHORAGE**

Dear Chairman Johnstone:

The Alaska Board of Fisheries will consider 236 proposals, among other issues, at its Upper Cook Inlet Area Finfish meeting beginning January 31, 2014.

The U.S. Fish and Wildlife Service, Office of Subsistence Management, working with other Federal agencies, reviewed the proposals and developed the enclosed preliminary comments on proposals which may have an effect on Federal subsistence users and fisheries in the Upper Cook Inlet area. We may wish to comment on other proposals if issues arise during the meeting which may have an effect on Federal subsistence users and fisheries.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with the Board and the Alaska Department of Fish and Game on these issues.

Sincerely,

Eugene R. Peltola, Jr.
Assistant Regional Director, OSM

Enclosure

cc:	Cora Campbell, ADF&G	Glenn Haight, ADF&G, Juneau
	Tim Towarak, Chair, FSB	Drew Crawford, ADF&G, Anchorage
	Lisa Olson, ADF&G, Anchorage	David Jenkins, Acting Fisheries Chief, OSM
	Hazel Nelson, ADF&G, Anchorage	Jennifer Yuhas, ADF&G, Fairbanks
	Jeff Regnart, ADF&G, Anchorage	Interagency Staff Committee
	Charles Swanton, ADF&G, Juneau	Administrative Record

**TAKE PRIDE
IN AMERICA**



Department of Transportation

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January 17, 2012

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JAN 17 2012

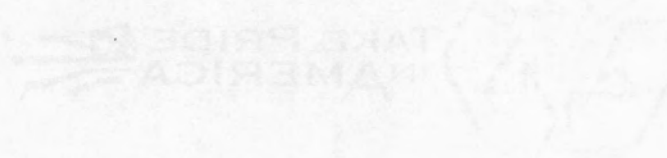
The Alaska Department of Transportation (ADOT) is pleased to announce that the Anchorage Metropolitan Area (AMA) has been selected as one of the first three metropolitan areas in the United States to receive a grant from the U.S. Department of Transportation's (USDOT) Metropolitan Planning Organization (MPO) program. This grant will support the development of a Metropolitan Transportation Plan (MTP) for the AMA, which is a key component of the federal transportation planning process. The MTP will provide a long-term vision for the region's transportation system and will be used to guide the development of future transportation projects. The grant will be used to support the development of the MTP, including the collection and analysis of data, the development of a vision statement, and the development of a transportation plan. The grant will also be used to support the development of a Metropolitan Transportation Council (MTC), which is a key component of the federal transportation planning process. The MTC will be responsible for the development and implementation of the MTP. The grant will be used to support the development of the MTP, including the collection and analysis of data, the development of a vision statement, and the development of a transportation plan. The grant will also be used to support the development of a Metropolitan Transportation Council (MTC), which is a key component of the federal transportation planning process. The MTC will be responsible for the development and implementation of the MTP.

[Handwritten signature]

Director, Anchorage Metropolitan Area

ADOT
2012
January 17, 2012

ADOT
2012
January 17, 2012





**FEDERAL STAFF COMMENTS ON
ALASKA BOARD OF FISHERIES PROPOSALS
for the
UPPER COOK INLET MANAGEMENT AREA**

**State of Alaska
Board of Fisheries Meeting
January 31- February 13, 2014
Anchorage, Alaska**



Table of Contents

<u>Proposal</u>	<u>Page Number</u>
Proposal 147	2
Proposal 169	4
Proposals 47, 48, and 49	6
Proposals 50, 52, and 200	10
Proposals 54 and 183	15
Proposals 190, 191, 192, 193, 194, and 196	20
Proposals 195 and 250	23
Proposal 199	26
Proposals 237, 238, and 239	29
Proposals 240 and 241	30
Proposal 242	32
Proposal 245	35
Proposal 246	36

Federal Comments

The following comments address these proposals only as they affect Federally-qualified subsistence users and resource conservation.

Proposal 147 amends the management plan to reduce sport fish bag limit to two coho salmon in all sport fisheries on the west side of Cook Inlet and restrict drift gillnet fishing to the Expanded Kenai and Expanded Kasilof sections, if sport fishing for coho salmon is restricted or closed in the Little Susitna River.

Current State Regulation:

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

(a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions. The department shall manage the Central District commercial drift gillnet fishery as follows

5 AAC 62.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the West Cook Inlet Area salmon, other than king salmon,



- (A) 16 inches or greater in length may be taken only from January 1 – September 30; bag limit is three fish per day, and six in possession; if retention of coho salmon is allowed under this chapter, a coho salmon 16 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing the fish;
- (B) less than 16 inches in length may be taken only from January 1 – September 30; bag and possession limit is 10 fish; if retention of coho salmon is allowed under this chapter, a coho salmon 16 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing the fish;

Current Federal Regulation:

§ _____ 100.27 Subsistence taking of fish.

(e)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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.

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

Impact to Federal subsistence users/fisheries: Yes. Federal subsistence harvest bag and possession limits for coho salmon for waters under Federal subsistence fisheries jurisdiction in the West Cook Inlet Area default to State of Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified by Federal regulation. If this proposal is adopted the relatively small number of Federal subsistence users participating in the Cook Inlet Federal subsistence fisheries with a rod and reel would lose the opportunity to harvest a third coho salmon.

If this proposal is adopted, Federal subsistence fishermen could be unnecessarily restricted. The Federal inseason manager could submit a Special Action request to the Federal Subsistence Board (FSB) to temporarily change Federal regulations (effective for a maximum of 60 days) to increase the daily bag limit to three coho salmon to allow for continued use of the fisheries resources if it is determined the increased harvest limit would not result in conservation concerns. However, a proposal would need to be submitted to the FSB to permanently raise the daily bag limit for the Federal subsistence fisheries.

Federal position/recommended action: Oppose. Federal Subsistence Management Program staff support conservation of the resource through establishing harvest limits which allow for the take of harvestable surplus without risking over exploitation to the salmon stocks in West Cook Inlet. The Federal Subsistence Management Program would support reducing harvest limits in the Federal subsistence fisheries if Alaska Department of Fish and Game (ADF&G) determines such restrictions are necessary for the conservation of the West Cook Inlet coho salmon



populations. The Federal Subsistence Management Program is willing to work with the ADF&G to determine if sport fishing harvest limits affect the viability and reproductive potential of the fish populations.

Proposal 169 seeks to increase the Kenai River sockeye salmon bag and possession limit to six fish when commercial fishing is opened by emergency order (EO) after July 1, as follows:

Sport fish daily bag and possession limit for sockeye salmon in the Kenai River below Skilak Lake shall increase to six sockeye salmon when the Department of Fish and Game issues the first emergency order for additional commercial fishing time in the Upper Cook Inlet gillnet salmon fishery after July 1st. Only two of these six salmon can be coho salmon.

Current State Regulation:

5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan.

(h) Subject to the requirement of achieving the lower end of the optimal escapement goal, the department shall manage the sport fishery on the Kenai River, except that portion of the Kenai River from its confluence with the Russian River to an ADF&G regulatory marker located 1,800 yards downstream, as follows:

(2) the bag and possession limit for the sport fishery is three sockeye salmon, unless the department determines that the abundance of late-run sockeye salmon exceeds 2,300,000 fish, at which time the commissioner may, by emergency order, increase the bag and possession limit as the commissioner determines to be appropriate; and

Current Federal Regulation:

§ _____ 100.27 Subsistence taking of fish.

(e)(10)(D) Residents of Hope, Cooper Landing, and Ninilchik may take only sockeye salmon through a dip net and a rod and reel fishery at one specified site on the Russian River, and sockeye, late-run Chinook, coho, and pink salmon through a dip net/rod and reel fishery at two specified sites on the Kenai River below Skilak Lake and as provided in this section. For Ninilchik residents, salmon taken in the Kasilof River Federal subsistence fish wheel, and dip net/rod and reel fishery will be included as part of each household's annual limit for the Kenai and Russian Rivers' dip net and rod and reel fishery. For both Kenai River fishing sites below Skilak Lake, incidentally caught fish may be retained for subsistence uses, except for early-run Chinook salmon (unless otherwise provided for), rainbow trout 18 inches or longer, and Dolly Varden 18 inches or longer, which must be released. For the Russian River fishing site, incidentally caught fish may be retained for subsistence uses, except for early- and late-run Chinook salmon, coho salmon, rainbow trout, and Dolly Varden, which must be released. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries



manager upon leaving the fishing site, and permits must be returned to the manager by the due date listed on the permit. Chum salmon that are retained are to be included within the annual limit for sockeye salmon. Only residents of Cooper Landing, Hope, and Ninilchik may retain incidentally caught resident species.

(i) For sockeye salmon—annual total harvest limit of 4,000 (including any retained chum salmon); annual household limits of 25 for each permit holder and 5 additional for each household member;

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

(5) For other salmon 16 inches and longer, the combined daily harvest and possession limits are six per day and six in possession, of which no more than four per day and four in possession may be coho salmon, except for the Sanctuary Area and Russian River, for which no more than two per day and two in possession may be coho salmon

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

Impact to Federal subsistence users/fisheries: Yes. Though adoption of this proposal will not impact the Federal subsistence sockeye salmon fishery harvest limits, adoption may impact harvest opportunity and success rates of Federal subsistence users if the Kenai River sockeye salmon sport fishery daily bag limit is raised during years of weak salmon returns. Additional harvest resulting from increased sport fishery harvest limits below Skilak Lake could reduce the numbers of sockeye salmon available to Federal subsistence users fishing upstream, including the Russian River, thus potentially making their efforts less efficient.

Federal position/recommended action: Neutral. Though this proposal appears to be allocative in nature, the Federal Subsistence Management Program staff support conservation of the resource through establishing sustainable harvest limits for all users as determined by the ADF&G. The Federal Subsistence Management Program would support harvest limit modifications if ADF&G determines sport fishing harvest limits negatively affect the viability



and reproductive potential of the fish populations and changes are warranted necessary for the conservation of spawning fish populations.

Proposals 47, 48, and 49 request restricting various Cook Inlet sport fisheries to the use of some combination of barbless, single, or unbaited hooks or establishing criteria to designate waters in Cook Inlet where only the use of unbaited, barbless circle-hooks are allowed. Proposal 47 requests prohibiting the use of barbed hooks while sport fishing for salmon in the freshwaters of Cook Inlet. Proposal 48 requests all waters managed under catch-and-release regulations for salmon be restricted to use of a single, unbaited, barbless hook. Proposal 49 requests establishing criteria to designate waters in Cook Inlet where only single, unbaited, barbless circle-hooks area allowed in the sport fishery.

Current State Regulation:

5 AAC 56.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai Peninsula Area; 5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area; 5 AAC 59.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Anchorage Bowl Drainages Area; 5 AAC 60.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Knik Arm Drainages Area; 5 AAC 61.110. General provisions for seasons, bag, possession, and size limits, and methods and means for the Susitna River Drainage Area; and 5 AAC 62.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the West Cook Inlet Area. 5 AAC 75.023. Gear for single-hook waters.

The Alaska Fish and Game Laws and Regulations do not define a hook, circle hook, or barbless hook.

Current Federal Regulation:

Federal subsistence regulations do not define a hook, circle hook, or barbless hook.

§100.14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part.

Cook Inlet Area

§ 100.27 Subsistence taking of fish.

(e)(10)(ii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit (as may be modified by this section). For all



fish that must be marked and recorded on a permit in this section, they must be marked and recorded prior to leaving the fishing site. The fishing site includes the particular Federal public waters and/or adjacent shoreline from which the fish were harvested.

(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(A) Residents of Ninilchik may take sockeye, Chinook, coho, and pink salmon through a dip net and a rod and reel fishery on the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to a marker on the river approximately 2.8 miles below the Tustumena Lake boat ramp. Residents using rod and reel gear may fish with up to two baited single or treble hooks. Other species incidentally caught during the dip net and rod and reel fishery may be retained for subsistence uses, including up to 200 rainbow/steelhead trout taken through August 15. After 200 rainbow/steelhead trout have been taken in this fishery or after August 15, all rainbow/steelhead trout must be released unless otherwise provided for in this section. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries manager upon leaving the fishing site.

(1) Fishing for sockeye and Chinook salmon will be allowed June 16-August 15.

(2) Fishing for coho and pink salmon will be allowed June 16-October 31.

(4) Each household may harvest their annual sockeye, Chinook, coho, or pink salmon limits in one or more days, and each household member may fish with a dip net or a rod and reel during this time. Salmon taken in the Kenai River system dip net and rod and reel fishery will be included as part of each household's annual limit for the Kasilof River.

(B) In addition to the dip net and rod and reel fishery on the upper mainstem of the Kasilof River described under paragraph (e)(10)(iv)(A) of this section, residents of Ninilchik may also take coho and pink salmon through a rod and reel fishery in Tustumena Lake. Before leaving the fishing site, all retained salmon must be recorded on the permit and marked by removing the dorsal fin. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these species under Alaska sport fishing regulations (5 AAC 56), except for the following methods and means, and harvest and possession limits:

(1) Fishing will be allowed with up to two baited single or treble hooks.

(D) Residents of Hope, Cooper Landing, and Ninilchik may take only sockeye salmon through a dip net and a rod and reel fishery at one specified site on the Russian River, and sockeye, late-run Chinook, coho, and pink salmon through a dip net/rod and reel fishery at



two specified sites on the Kenai River below Skilak Lake and as provided in this section. For Ninilchik residents, salmon taken in the Kasilof River Federal subsistence fish wheel, and dip net/rod and reel fishery will be included as part of each household's annual limit for the Kenai and Russian Rivers' dip net and rod and reel fishery. For both Kenai River fishing sites below Skilak Lake, incidentally caught fish may be retained for subsistence uses, except for early-run Chinook salmon (unless otherwise provided for), rainbow trout 18 inches or longer, and Dolly Varden 18 inches or longer, which must be released. For the Russian River fishing site, incidentally caught fish may be retained for subsistence uses, except for early- and late-run Chinook salmon, coho salmon, rainbow trout, and Dolly Varden, which must be released. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries manager upon leaving the fishing site, and permits must be returned to the manager by the due date listed on the permit. Chum salmon that are retained are to be included within the annual limit for sockeye salmon. Only residents of Cooper Landing, Hope, and Ninilchik may retain incidentally caught resident species.

(1) The household dip net and rod and reel gear fishery is limited to three sites:

(i) 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-August 31. Seasonal riverbank closures and motor boat restrictions are the same as those listed in State of Alaska fishing regulations (5 AAC 56 and 5 AAC 57 and 5 AAC 77.540).

(ii) 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-August 31. Seasonal riverbank closures and motor boat restrictions are the same as those listed in State of Alaska fishing regulations (5 AAC 56, 5 AAC 57, and 5 AAC 77.540).

(iii) At the Russian River Falls site, dip netting is allowed from a Federal regulatory marker near the upstream end of the fish ladder at Russian River Falls downstream to a Federal regulatory marker approximately 600 yards below Russian River Falls. Residents using rod and reel gear at this fishery site may not fish with bait at any time.

(3) Each household may harvest their annual sockeye, late-run Chinook, coho, or pink salmon limits in one or more days, and each household member may fish with a dip net or rod and reel during this time. Salmon taken in the Kenai River system dip net and rod and reel fishery by Ninilchik households will be included as part of those household's annual limits for the Kasilof River.



(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

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

(2) For early-run Chinook salmon less than 46 inches or 55 inches or longer, daily harvest and possession limits are two per day and two in possession.

(3) For late-run Chinook salmon 20 inches and longer, daily harvest and possession limits are two per day and two in possession.

(4) Annual harvest limits for any combination of early- and late-run Chinook salmon are four for each permit holder.

(5) For other salmon 16 inches and longer, the combined daily harvest and possession limits are six per day and six in possession, of which no more than four per day and four in possession may be coho salmon, except for the Sanctuary Area and Russian River, for which no more than two per day and two in possession may be coho salmon.

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

Impact to Federal subsistence users/fisheries: Yes. General Cook Inlet area-wide Federal subsistence fisheries methods and means regulations are the same for taking of fish under State of Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57), unless specifically modified in Federal Regulation.

Federal regulations for several of the Cook Inlet Area Federal subsistence salmon fisheries supersede State of Alaska sport fishing regulations by authorizing use of rod and reel and up to 2 baited single or treble hooks during specified season dates and area.

If one or a combination of these proposals are adopted, Federally qualified subsistence users participating in the general Federal subsistence fisheries of the Cook Inlet Area would be limited to single, barbless, barbless circle hooks, or no bait depending upon which combination of proposals are adopted. Barbless hooks are used to minimize injury to fish in catch-and-release sport fisheries, and are not as effective as barbed hooks in retaining fish for harvest. In general,



use of single hooks or prohibiting the use of bait has been used to both reduce angler efficiency and reduce mortality of targeted or incidentally hooked fish. Requiring the use of barbless hooks, barbless circle hooks, single hooks only, or prohibiting the use of bait by Federally-qualified subsistence users would limit their ability to efficiently harvest fish. Efficient harvest of wild renewable resources is one of the principles of subsistence use.

If any or all of these proposals are adopted, the Federal inseason manager could request that the FSB issue a Special Action to temporarily change Federal regulations (effective for a maximum of 60 days) to adjust method and means for Federally-qualified subsistence users to allow the continued use of multiple barbed hooks with bait. However, a proposal would need to be submitted to the FSB to allow the continued use of existing methods and means for all Cook Inlet Area Federal subsistence salmon fisheries for the entire season.

Federal position/recommended action: Oppose. Adoption of any proposals which restrict State managed fisheries to the use of single, barbless hooks, barbless circle hooks, or use of bait may restrict some Federal subsistence fisheries methods and means.

Federal Subsistence Management Program staff support conservation of the resource but adoption of these proposals appears to be unnecessary for all of the Federal subsistence salmon fisheries in the Cook Inlet Area with few exceptions where single hook and bait restrictions are necessary for conservation. If proposals to restrict sport fisheries methods and means as described are adopted, the action would create a divergence between Federal and State regulations which would increase regulatory complexity and enforcement concerns. However, if adopted a proposal could be submitted to the Federal Subsistence Board to allowed continued use of currently existing methods and means by Federally-qualified subsistence users.

Proposal 50, 52, and 200 request prohibiting catch-and-release fishing of coho, Chinook, or all salmon in portions of the Cook Inlet Area. Proposal 50 requests prohibiting catch-and-release of coho salmon and Proposal 52 requests prohibiting catch and release of all salmon in all fresh waters of Cook Inlet. Proposal 200 requests prohibiting catch-and-release of Chinook salmon in the Kenai River. The following comments will address the Cook Inlet Area Federal subsistence rod and reel fisheries only as the proponents reference catch and release mortality studies for hook and line and do not reference fish wheel or dip nets release.

Current State Regulation:

5 AAC 56.XXX. New Section; 5 AAC 57.XXX. New Section; 5 AAC 59.XXX. New Section; 5 AAC 60.XXX. New Section; 5 AAC 61.XXX. New Section; and 5 AAC 62.XXX. New Section.

Current Federal Regulation:

Cook Inlet Area

§ 100.27 *Subsistence taking of fish.*



(e)(10)(ii) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit (as may be modified by this section). For all fish that must be marked and recorded on a permit in this section, they must be marked and recorded prior to leaving the fishing site. The fishing site includes the particular Federal public waters and/or adjacent shoreline from which the fish were harvested.

(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(A) Residents of Ninilchik may take sockeye, Chinook, coho, and pink salmon through a dip net and a rod and reel fishery on the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to a marker on the river approximately 2.8 miles below the Tustumena Lake boat ramp. Residents using rod and reel gear may fish with up to two baited single or treble hooks. Other species incidentally caught during the dip net and rod and reel fishery may be retained for subsistence uses, including up to 200 rainbow/steelhead trout taken through August 15. After 200 rainbow/steelhead trout have been taken in this fishery or after August 15, all rainbow/steelhead trout must be released unless otherwise provided for in this section. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries manager upon leaving the fishing site.

(1) Fishing for sockeye and Chinook salmon will be allowed June 16-August 15.

(2) Fishing for coho and pink salmon will be allowed June 16-October 31.

(4) Each household may harvest their annual sockeye, Chinook, coho, or pink salmon limits in one or more days, and each household member may fish with a dip net or a rod and reel during this time. Salmon taken in the Kenai River system dip net and rod and reel fishery will be included as part of each household's annual limit for the Kasilof River.

(B) In addition to the dip net and rod and reel fishery on the upper mainstem of the Kasilof River described under paragraph (e)(10)(iv)(A) of this section, residents of Ninilchik may also take coho and pink salmon through a rod and reel fishery in Tustumena Lake. Before leaving the fishing site, all retained salmon must be recorded on the permit and marked by removing the dorsal fin. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these species under Alaska sport fishing regulations (5 AAC 56), except for the following methods and means, and harvest and possession limits:

(1) Fishing will be allowed with up to two baited single or treble hooks.



(D) Residents of Hope, Cooper Landing, and Ninilchik may take only sockeye salmon through a dip net and a rod and reel fishery at one specified site on the Russian River, and sockeye, late-run Chinook, coho, and pink salmon through a dip net/rod and reel fishery at two specified sites on the Kenai River below Skilak Lake and as provided in this section. For Ninilchik residents, salmon taken in the Kasilof River Federal subsistence fish wheel, and dip net/rod and reel fishery will be included as part of each household's annual limit for the Kenai and Russian Rivers' dip net and rod and reel fishery. For both Kenai River fishing sites below Skilak Lake, incidentally caught fish may be retained for subsistence uses, except for early-run Chinook salmon (unless otherwise provided for), rainbow trout 18 inches or longer, and Dolly Varden 18 inches or longer, which must be released. For the Russian River fishing site, incidentally caught fish may be retained for subsistence uses, except for early- and late-run Chinook salmon, coho salmon, rainbow trout, and Dolly Varden, which must be released. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries manager upon leaving the fishing site, and permits must be returned to the manager by the due date listed on the permit. Chum salmon that are retained are to be included within the annual limit for sockeye salmon. Only residents of Cooper Landing, Hope, and Ninilchik may retain incidentally caught resident species.

(1) The household dip net and rod and reel gear fishery is limited to three sites:

(i) 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-August 31. Seasonal riverbank closures and motor boat restrictions are the same as those listed in State of Alaska fishing regulations (5 AAC 56 and 5 AAC 57 and 5 AAC 77.540).

(ii) 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-August 31. Seasonal riverbank closures and motor boat restrictions are the same as those listed in State of Alaska fishing regulations (5 AAC 56, 5 AAC 57, and 5 AAC 77.540).

(iii) At the Russian River Falls site, dip netting is allowed from a Federal regulatory marker near the upstream end of the fish ladder at Russian River Falls downstream to a Federal regulatory marker approximately 600 yards below Russian River Falls. Residents using rod and reel gear at this fishery site may not fish with bait at any time.

(3) Each household may harvest their annual sockeye, late-run Chinook, coho, or pink salmon limits in one or more days, and each household member may fish with a dip net or rod and reel during this time. Salmon taken in the Kenai River system dip net and rod and



reel fishery by Ninilchik households will be included as part of those household's annual limits for the Kasilof River.

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

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

(2) For early-run Chinook salmon less than 46 inches or 55 inches or longer, daily harvest and possession limits are two per day and two in possession.

(3) For late-run Chinook salmon 20 inches and longer, daily harvest and possession limits are two per day and two in possession.

(4) Annual harvest limits for any combination of early- and late-run Chinook salmon are four for each permit holder.

(5) For other salmon 16 inches and longer, the combined daily harvest and possession limits are six per day and six in possession, of which no more than four per day and four in possession may be coho salmon, except for the Sanctuary Area and Russian River, for which no more than two per day and two in possession may be coho salmon.

Regional Federal Subsistence Regulation Differences

Regional differences exist for Federal subsistence fisheries management. The Federal Subsistence Southeast Regional Advisory Council supported regulations requiring users to retain Federally regulated fish species caught while using rod and reel with bait to reduce catch and release mortality rates. Once the daily, seasonal, or annual harvest limit for that species is met, the Federal subsistence user may no longer fish with bait. Additionally, for streams with steelhead, once the daily or annual limit of steelhead is met, Federal subsistence users may no longer fish with bait for any species. For conservation purposes (e.g. steelhead or high use fisheries), certain Federal subsistence fisheries in Southeast Alaska have bait use prohibitions to assist live release of landed catch.



Catch and Release Issue Related Federal Subsistence Fishery Regulations for Southeast Alaska

§ _____ 100.27 Subsistence taking of fish.

(e)(13) Southeastern Alaska Area. The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(iv) In areas where use of rod and reel is allowed, you may use artificial fly, lure, or bait when fishing with rod and reel, unless restricted by Federal permit. If you use bait, you must retain all Federally regulated fish species caught, and they apply to your applicable daily, seasonal, and annual harvest limits for that species.

(A) For streams with steelhead, once your daily, seasonal, or annual limit of steelhead is harvested, you may no longer fish with bait for any species.

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

Impact to Federal subsistence users/fisheries: Yes. Adoption of any of these proposals as written would prohibit Federal subsistence users from releasing non-targeted salmon, salmon not fit for human consumption, or salmon prohibited to retention because Federal regulations default to State of Alaska regulations if Federal regulations are not established for a fisheries or specific aspect of the fishery such as mandatory retention of salmon as proposed. If any of these proposals are adopted, Federal subsistence users would be required to retain salmon landed potentially forcing users to adjust how they process the harvest.

Federal position/recommended action: Oppose 50, 52, and 200. Adopting any of these proposals would place undue burdens on Federal subsistence users. Subsistence users in the Cook Inlet Area are currently allowed to release non-targeted salmon. Subsistence fishermen target and utilize returning salmon in different fresh water spawning phases as different phases are targeted for different uses. Requiring Federal subsistence users to retain salmon in a phase or condition not targeted is an unnecessary burden.

Additionally, conservation concerns and enforcement complexities could result from adoption of proposals 52 or 200 if a Federal subsistence user is required to retain, for example, a Kenai River early-run Chinook salmon that is within the slot-limit length.

Federal Subsistence Management Program staff could support specific fishery area and season catch and release restrictions if ADF&G determines such restrictions are necessary for conservation purposes. The Federal Subsistence Management Program and other USFWS staff are willing to work with the ADF&G to determine if the catch and release of salmon in the Cook Inlet Area fisheries result in conservation concerns.

If this proposal is adopted, the Federal inseason manager could issue a Special Action to temporarily change Federal regulations (effective for a maximum of 60 days) to allow for the



release of fish caught in the Federal subsistence fisheries because the FSB has not established a specific regulation for the identified fisheries which govern mandatory retention of caught fish. However, a proposal would need to be submitted to the FSB to further allow Federal subsistence users to release fish the user chooses not to retain.

Proposal 54 and 183 request prohibiting sport fishing in major spawning areas where spawning fish are present or within 50% of identified salmon spawning areas in all Upper Cook Inlet salmon waters. Proposal 54 requests total closure of sport fishing when spawning fish are present and Proposal 183 requests closure of 50% of identified spawning areas.

Current State Regulation:

5 AAC 56.XXX. New Section; 5 AAC 57.XXX. New Section; 5 AAC 59.XXX. New Section; 5 AAC 60.XXX. New Section; 5 AAC 61.XXX. New Section; and 5 AAC 62.XXX. New Section.

Current Federal Regulation:

§ _____ 100.27 Subsistence taking of fish.

(e)(10) Cook Inlet Area. The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58°51.10' N. Lat.) and a line extending south from Cape Fairfield (148°50.25' W. Long.).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area. If you take rainbow/steelhead trout incidentally in subsistence net fisheries, you may retain them for subsistence purposes, unless otherwise prohibited or provided for in this section. With jigging gear through the ice or rod and reel gear in open waters there is an annual limit of two rainbow/steelhead trout 20 inches or longer, taken from Kenai Peninsula fresh waters.

(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(A) Residents of Ninilchik may take sockeye, Chinook, coho, and pink salmon through a dip net and a rod and reel fishery on the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to a marker on the river approximately 2.8 miles below the Tustumena Lake boat ramp. Residents using rod and reel gear may fish with up to two baited single or treble hooks. Other species incidentally caught during the dip net and rod and reel fishery may be retained for subsistence uses, including up to 200 rainbow/steelhead trout taken through August 15. After 200



rainbow/steelhead trout have been taken in this fishery or after August 15, all rainbow/steelhead trout must be released unless otherwise provided for in this section. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries manager upon leaving the fishing site.

(1) Fishing for sockeye and Chinook salmon will be allowed June 16-August 15.

(2) Fishing for coho and pink salmon will be allowed June 16-October 31.

(B) In addition to the dip net and rod and reel fishery on the upper mainstem of the Kasilof River described under paragraph (e)(10)(iv)(A) of this section, residents of Ninilchik may also take coho and pink salmon through a rod and reel fishery in Tustumena Lake. Before leaving the fishing site, all retained salmon must be recorded on the permit and marked by removing the dorsal fin. Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these species under Alaska sport fishing regulations (5 AAC 56), except for the following methods and means, and harvest and possession limits:

(C) Resident fish species including lake trout, rainbow/steelhead trout, and Dolly Varden/Arctic char may be harvested in Federally managed waters of the Kasilof River drainage. Resident fish species harvested in the Kasilof River drainage under the conditions of a Federal subsistence permit must be marked by removing the dorsal fin immediately after harvest and recorded on the permit prior to leaving the fishing site.

(1) Lake trout may be harvested with rod and reel gear the entire year. For fish 20 inches or longer, daily harvest and possession limits are four per day and four in possession. For fish less than 20 inches, daily harvest and possession limits are 15 per day and 15 in possession.

(2) Dolly Varden/Arctic char may be harvested with rod and reel gear the entire year. In flowing waters, daily harvest and possession limits are four per day and four in possession. In lakes and ponds, daily harvest and possession limits are 10 fish per day and 10 in possession.

(3) Rainbow trout may be harvested with rod and reel gear the entire year for fish less than 20 inches in length. In flowing waters, daily harvest and possession limits are two per day and two in possession. In lakes and ponds, daily harvest and possession limits are five per day and five in possession.



(D) Residents of Hope, Cooper Landing, and Ninilchik may take only sockeye salmon through a dip net and a rod and reel fishery at one specified site on the Russian River, and sockeye, late-run Chinook, coho, and pink salmon through a dip net/rod and reel fishery at two specified sites on the Kenai River below Skilak Lake and as provided in this section. For Ninilchik residents, salmon taken in the Kasilof River Federal subsistence fish wheel, and dip net/rod and reel fishery will be included as part of each household's annual limit for the Kenai and Russian Rivers' dip net and rod and reel fishery. For both Kenai River fishing sites below Skilak Lake, incidentally caught fish may be retained for subsistence uses, except for early-run Chinook salmon (unless otherwise provided for), rainbow trout 18 inches or longer, and Dolly Varden 18 inches or longer, which must be released. For the Russian River fishing site, incidentally caught fish may be retained for subsistence uses, except for early- and late-run Chinook salmon, coho salmon, rainbow trout, and Dolly Varden, which must be released. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Harvests must be reported within 72 hours to the Federal fisheries manager upon leaving the fishing site, and permits must be returned to the manager by the due date listed on the permit. Chum salmon that are retained are to be included within the annual limit for sockeye salmon. Only residents of Cooper Landing, Hope, and Ninilchik may retain incidentally caught resident species.

(1) The household dip net and rod and reel gear fishery is limited to three sites:

(i) 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-August 31. Seasonal riverbank closures and motor boat restrictions are the same as those listed in State of Alaska fishing regulations (5 AAC 56 and 5 AAC 57 and 5 AAC 77.540).

(ii) 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-August 31. Seasonal riverbank closures and motor boat restrictions are the same as those listed in State of Alaska fishing regulations (5 AAC 56, 5 AAC 57, and 5 AAC 77.540).



(iii) At the Russian River Falls site, dip netting is allowed from a Federal regulatory marker near the upstream end of the fish ladder at Russian River Falls downstream to a Federal regulatory marker approximately 600 yards below Russian River Falls. Residents using rod and reel gear at this fishery site may not fish with bait at any time.

(2) Fishing seasons are as follows:

(i) For sockeye salmon at all fishery sites: June 15-August 15;

(ii) For late-run Chinook, pink, and coho salmon at both Kenai River fishery sites only: July 16-September 30; and

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

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

(F) For Federally managed waters of the Kenai River and its tributaries below Skilak Lake outlet at river mile 50, residents of Cooper Landing, Hope, and Ninilchik may take resident fish species including lake trout, rainbow trout, and Dolly Varden/Arctic char with jigging gear through the ice or rod and reel gear in open waters. Resident fish species harvested in the Kenai River drainage under the conditions of a Federal subsistence permit must be marked by removal of the dorsal fin immediately after harvest and recorded on the permit prior to leaving the fishing site. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:



(G) For Federally managed waters of the upper Kenai River and its tributaries above Skilak Lake outlet at river mile 50, residents of Cooper Landing, Hope, and Ninilchik may take resident fish species including lake trout, rainbow trout, and Dolly Varden/Arctic char with jigging gear through the ice or rod and reel gear in open waters. Resident fish species harvested in the Kenai River drainage under the conditions of a Federal subsistence permit must be marked by removal of the dorsal fin immediately after harvest and recorded on the permit prior to leaving the fishing site. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), 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/fisheries: Yes. Subsistence harvest regulations for species, seasons, harvest and possession limits, and method and means default to State of Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified by Federal regulation. If either proposal is adopted, the relatively small number of Federal subsistence users participating in the Cook Inlet Federal subsistence fisheries with a rod and reel would lose the opportunity to fish for all species of fish when one species is spawning in the vicinity.

If either proposal is adopted as written, half to most of the Cook Inlet Area fresh waters fisheries utilized by federal subsistence fishermen could be unnecessarily restricted. The Federal inseason manager could submit a Special Action request to the FSB asking them to temporarily change Federal regulations (effective for a maximum of 60 days) to open the Federal subsistence fisheries to allow for continued use of the fisheries resources if it is determined the activities would not result in conservation concerns. However, a proposal could be submitted to the FSB to establish seasons and areas to reopen the Federal subsistence fisheries in areas closed by State of Alaska regulation.

Federal position/recommended action: Oppose. Federal Subsistence Management Program staff support conservation of the resource through area and season closures as determined by the ADF&G. The Federal Subsistence Management Program would support more specific area and season closures if ADF&G determines such restrictions are necessary for the conservation of spawning fish populations. The Federal Subsistence Management Program and other USFWS staff are willing to work with the ADF&G to determine if sport fishing activities in waters containing spawning fish negatively affect the viability and reproductive potential of the fish populations.

The Federal land management agencies would support cooperative investigations and assisting ADF&G research efforts to identify spawning areas in waters flowing through Federal public lands.

If adopted a proposal could be submitted to the Federal Subsistence Board to permit fishing for Federally-qualified subsistence users as currently allowed.



Proposals 190, 191, 192, 193, 194, and 196 request modifications to the Kenai River early-run Chinook salmon slot limit established for conservation of five-ocean Chinook salmon. Proposal 190 requests modification of management of Kenai River early-run Chinook salmon including the elimination of the slot limit as liberalization during strong Chinook salmon returns. Proposal 191 requests repealing the slot limit to increase opportunity. Proposal 192 requests expanding the slot limit by lowering the lower bounds of the slot limit from 46-55 inches to 42-55 inches in length. Proposal 193 requests lengthening the slot limit season by two weeks to end on July 31, and expanding the slot limit from by reducing the lower bounds of the slot limit from 46-55 inches to 42-55 inches in length. Proposal 194 requests restricting sport harvest of both early and late-run Kenai River Chinook salmon to less than 42 inches in length. Proposal 196 requests extending the early-run Chinook salmon regulations through July 9, which effectively reduces the early run slot limit in the Federal subsistence fishery by five days by ending on July 9 instead of July 14.

Current State Regulations:

5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area and 5 AAC 57.160. Kenai River and Kasilof River Early-run King Salmon Management Plan.

(2) king salmon 20 inches or greater in length, as follows:

(A) may be taken only from January 1 - July 31, in the Kenai River from its mouth upstream to the outlet of Skilak Lake and in the Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, with a bag and possession limit of one fish, as follows:

(i) from January 1 - June 30, from its mouth upstream to the outlet of Skilak Lake, and from July 1 - July 14, from the Soldotna Bridge upstream to the outlet of Skilak Lake and in Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, only king salmon that are less than 46 inches in length or 55 inches or greater in length may be retained;

(iii) a king salmon 55 inches or greater in length taken from the Kenai River from January 1 - July 31 must be sealed as specified in 5 AAC 57.160;

Current Federal Regulations:

§ _____100.27 Subsistence taking of fish.

(e)(10)(iv)(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod



and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

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

(2) For early-run Chinook salmon less than 46 inches or 55 inches or longer, daily harvest and possession limits are two per day and two in possession.

(3) For late-run Chinook salmon 20 inches and longer, daily harvest and possession limits are two per day and two in possession.

Current USFWS Refuge Federal Regulations:

16 USC Ch. 9 Fish and Wildlife Service; 16 USC Ch. 23. National Wilderness Preservation System; 16 USC Ch. 38. Fishery Conservation and Management; 16 USC Ch.49. Fish and Wildlife Conservation; 16 USC Ch. 51. Alaska National Interest Lands Conservation.

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

Impact to Federal subsistence users/fisheries: Yes. There are specific Federal regulations for the Chinook salmon fishery in the Kenai River, including a 46-55 inch slot harvest limit. The Federal subsistence fishery early-run slot limit season dates of January 1 through July 14 default to State of Alaska regulations which govern the sport fishery from the Sterling Highway Bridge in Soldotna upriver to the outlet of Skilak Lake. Federal subsistence regulations for Chinook salmon harvested with either a dip net or by rod and reel from July 15 – August 31 currently do not include a slot limit.

If either proposal 190 or 191 is adopted, the slot size limit for Chinook salmon harvested in the Kenai River from January 1-July 14 would be eliminated from State sport fishing regulations entirely. However, slot limits would remain in effect for Federal subsistence rod and reel fisheries during the early run. This would create a divergence between Federal and State regulations that would increase regulatory complexity and enforcement concerns, and would also make Federal subsistence regulations more restrictive than State sport fishing regulations. A proposal could be submitted to the FSB to eliminate or modify the slot harvest limits currently in Federal subsistence fishing regulations, if warranted.

If either proposal 192 or 193 is adopted, the January 1 - July 14 minimum length of the Kenai River Chinook salmon sport fishery slot limit would be lowered to 42 inches down from 46



inches. However, the current 46-55 inch slot limits would remain in effect for Federal subsistence rod and reel fisheries because the slot limit is in Federal regulation resulting in the Federal subsistence fishery being more liberal than the sport fishery. Additionally, if proposal 193 is adopted as written, the slot limit for the Kenai River Chinook salmon sport fishery would be extended through July 31 which would, by default, extend the slot limit for the Federal subsistence fishery from July 15 through July 31, effectively creating a fishery more restrictive than in current Federal regulation. Adoption of proposals 192 or 193 would create a divergence between Federal and State regulations, and increase regulatory complexity and enforcement concerns. If either proposal 192 or 193 is adopted, a proposal could be submitted to the FSB if parallel Federal regulations are warranted.

If proposal 194 is adopted, the Federal subsistence fishery for early-run Chinook would not be impacted because Federal regulations allow for the harvest of Chinook salmon between less than 46 or greater than 55 inches in length. Adoption of proposal 194 would adversely impact the Federal subsistence fishery for late-run Chinook because Federally-qualified users would be restricted to harvesting Chinook salmon under 42 inches in length. Currently a size limit for late-run Chinook salmon does not exist in Federal regulation; thus, if a size limit is adopted, Federal regulation would default to the proposed 42" maximum length limit.

If proposal 196 is adopted, the Federal subsistence fishery for Kenai River early-run Chinook salmon would be liberalized by five days because Federally-qualified users could retain any salmon caught instead of being limited by the current early-run slot limit. The proponent's intent is not clear and the proposal may have been written to address the sport fishery below the Soldotna Bridge where the early-run slot limit ends June 30. This proposal also requests modifying the management of the Kasilof River early-run Chinook salmon fisheries. The Federal subsistence fisheries do not target Kasilof River early-run Chinook salmon because the run is bound for Crooked Creek; the area where this fishery takes place is not under Federal subsistence fisheries jurisdiction.

Federal position/recommended action: Oppose 190, 191, 192, 193, 194, and 196. Federal Subsistence Management Program staff support and promote conservation of the resource. The FSB adopted the current slot harvest limit regulations for resource conservation as advised by Federal staff and based largely on information provided by the State.

Slot limit harvest restrictions were adopted by the Alaska Board of Fisheries in February of 2002, revised in 2003 and 2008, and later adopted by the FSB. These regulations are meant to protect larger, older Chinook salmon returning to the Kenai River during the early run, and were adopted in response to the observed decline in the number of larger Chinook salmon in this run. Elimination of the slot limit could increase effort from anglers that normally target late run fish and result in an increased harvest of larger and older early-run Chinook salmon. Therefore, adoption of proposals 190, 191, or 196 would likely result in a lower quality of escapement, with fewer of these larger Chinook salmon reaching the spawning grounds to reproduce and pass on their desirable genetic traits. Eliminating or reducing the slot limit could also result in the need to raise the overall spawning escapement goal and increase the possibility of fishery closures.



Increasing the Kenai River early-run Chinook salmon slot limit by expanding the slot limit length by four inches to 42-55 inches through adoption of Proposals 192 and part of 193 would not impact Federal Subsistence fisheries regulations. If proposal 193 is adopted, the slot limit season length would be extended an additional two weeks by default. The Federal Subsistence Management Program historically has deferred to the ADF&G's established slot limit but would support modifications to the slot limit if warranted for conservation or continuance of subsistence uses when new information becomes available.

The Federal Subsistence Management Program would support modifications to the slot limit if new information is made available supporting changing the slot limit fish size or season length. The USFWS Kenai Fisheries Office has collected Kenai River Tributary escapement data for the last several years which has been shared with ADF&G. This new information was not available at the time the BOF adopted the current slot limit. This new information may assist ADF&G, the USFWS and the U.S. Forest Service (USFS) to determine the impacts of the current slot limit on the early run stocks which spawn on Federal public lands as measured by the weirs installed on the Funny and Killey rivers and also potentially from Quartz Creek (USFS). The USFWS looks forward to continuing cooperation investigating this issue and requests to be included in formal review of available data to determine if the Kenai River early-run Chinook salmon slot limit requires modification for conservation purposes.

If any of the above proposals are adopted, it may be necessary to submit a proposal to the FSB to modify Federal subsistence fisheries regulations.

Proposals 195 and 250 requests prohibiting retention of female Chinook salmon greater than 33 inches in length in the Kenai and Kasilof rivers sport fisheries. Proposal 195 addresses both the Kenai and Kasilof rivers while proposal 250 addresses the Kasilof River only.

Current State Regulations:

5 AAC 57.120. General provisions for seasons, bag, possession, and size limits, and methods and means for the Kenai River Drainage Area; 5 AAC 57.121. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area; and 5 AAC 57.160. Kenai River and Kasilof River Early-run King Salmon Management Plan.

(2) king salmon 20 inches or greater in length, as follows:

(A) may be taken only from January 1 - July 31, in the Kenai River from its mouth upstream to the outlet of Skilak Lake and in the Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, with a bag and possession limit of one fish, as follows:

(i) from January 1 - June 30, from its mouth upstream to the outlet of Skilak Lake, and from July 1 - July 14, from the Soldotna Bridge upstream



to the outlet of Skilak Lake and in Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, only king salmon that are less than 46 inches in length or 55 inches or greater in length may be retained;

(iii) a king salmon 55 inches or greater in length taken from the Kenai River from January 1 - July 31 must be sealed as specified in 5 AAC 57.160;

5 AAC 57.160. Kenai River and Kasilof River Early-run King Salmon Management Plan (d)(2)(A) prohibit the retention of king salmon less than 55 inches in length, except king salmon less than 20 inches in length, downstream from the outlet of Skilak Lake through June 30, and require that upstream from the Soldotna Bridge to the outlet of Skilak Lake and in the Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, from July 1 through July 14, only one unbaited, single-hook, artificial lure may be used and only king salmon less than

*(i) 46 inches in length and 55 inches or greater in length may be retained;
or*

*(ii) 20 inches in length and 55 inches or greater in length may be retained;
or*

(3) if the spawning escapement is projected to fall within the optimal escapement goal, the commissioner shall, by emergency order, liberalize the sport fishery downstream from the outlet of Skilak Lake, by allowing the use of bait if the department projects that the total harvest under a liberalized sport fishery will not reduce the spawning escapement below the optimal escapement goal; only king salmon less than 46 inches in length or 55 inches or greater in length may be retained;

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

(8) Kasilof River drainage, excluding Crooked Creek and Tustumena Lake and its tributaries:

(A) king salmon 20 inches or greater in length may be taken from January 1 - June 30, upstream of Sterling Highway Bridge, and from January 1 - July 31, downstream of the Sterling Highway Bridge; bag and possession limit of one fish; annual limit of five king salmon 20 inches or greater in length; a harvest record is required as specified in 5 AAC 56.124; from January 1 - June 30,

(i) the bag and possession limit for king salmon 20 inches or greater in length is two fish, of which only one fish may be a naturally-produced king salmon; a king salmon 20 inches or greater in length that is removed from the water must be



retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

(ii) a naturally-produced king salmon may be retained on Tuesdays, Thursdays, and Saturdays only; a naturally-produced king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish; the commissioner may, by emergency order, increase the days for retention of naturally-produced king salmon;

(B) the following special provisions apply in that portion downstream of the Sterling Highway Bridge:

(i) from July 1 - July 31, the bag and possession limit for king salmon 20 inches or greater in length is one fish; a king salmon 20 inches or greater in length that is removed from the water must be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a king salmon from the water before releasing the fish;

Current Federal Regulations:

§ ____ 100.27 Subsistence taking of fish.

(e)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(1) Fishing for sockeye and Chinook salmon will be allowed June 16-August 15.

(ii) For Chinook salmon—annual harvest limit of 500; annual household limit of 10 for each permit holder and 2 additional for each household member;

(e)(10)(iv)(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

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

(2) For early-run Chinook salmon less than 46 inches or 55 inches or longer, daily harvest and possession limits are two per day and two in possession.

(3) For late-run Chinook salmon 20 inches and longer, daily harvest and possession limits are two per day and two in possession.

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

Impact to Federal subsistence users/fisheries: Yes. If proposal 195 is adopted, Federally-qualified subsistence users targeting Kenai River late-run and Kasilof River early-run and late-run Chinook salmon would have their harvest opportunity unnecessarily restricted by prohibiting the retention of female Chinook salmon greater than 33 inches in length. Adoption of proposal 250 would unnecessarily restrict Federally-qualified subsistence users targeting Kasilof River early-run and late-run Chinook salmon. Kenai River late-run and Kasilof River early-run and late-run Chinook salmon Federal subsistence fisheries do not have size or sex based harvest limits, thus Federal subsistence fisheries regulation for these fisheries would default to sport fishing regulations. Adoption of proposal 195 will not impact the Federal subsistence Kenai River early-run Chinook salmon fishery because Federal regulation allows the harvest of all Chinook salmon less than 46 inches in length or greater than 55 inches in length.

Federal position/recommended action: Neutral on portion of proposal 195 addressing Kenai River early-run. Oppose portion of proposal 195 addressing Kenai River Late run and oppose proposal 250. Federal Subsistence Management Program staff support conservation of the resource and would support these proposals if the Alaska Board of Fisheries and ADF&G determines that adopting either proposal is necessary for the conservation of Kenai or Kasilof rivers Chinook salmon. However, unless a conservation concern exists, adoption of either proposal could unnecessarily reduce harvest opportunity for Federally qualified subsistence users to harvest late-run Kenai River female Chinook salmon over 33 inches in length and both early and late-run Kasilof River female Chinook salmon over 33" in length.

Proposal 199 requests allowance for catch-and-release fishing for Kenai River Chinook salmon when runs are projected to be below escapement goals.

Current State Regulations:

5AAC 57.160. Kenai River and Kasilof River Early-run King Salmon Management Plan

(b) The department shall manage the Kenai River early-run king salmon sport and guided sport fisheries to achieve the optimal escapement goal, to provide reasonable

harvest opportunities over the entire run, and to ensure the age and size composition of the harvest closely approximates the age and size composition of the run.

(d) In the Kenai River,

(2) if the spawning escapement is projected to be less than the lower end of the optimal escapement goal, the commissioner shall, by emergency order, restrict as necessary the taking of king salmon in the sport and guided sport fisheries in the Kenai River to achieve the optimal escapement goal using one of the following methods:

(A) prohibit the retention of king salmon less than 55 inches in length, except king salmon less than 20 inches in length, downstream from the outlet of Skilak Lake through June 30, and require that upstream from the Soldotna Bridge to the outlet of Skilak Lake and in the Moose River from its confluence with the Kenai River upstream to the northernmost edge of the Sterling Highway Bridge, from July 1 through July 14, only one unbaited, single-hook, artificial lure may be used and only king salmon less than

(i) 46 inches in length and 55 inches or greater in length may be retained; or

(ii) 20 inches in length and 55 inches or greater in length may be retained; or

(B) close the sport and guided sport fisheries to the taking of king salmon in the Kenai River

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan

(a) The purposes of this management plan are to ensure an adequate escapement of late-run king salmon into the Kenai River system and to provide management guidelines to the department. The department shall manage the late-run Kenai River king salmon stocks primarily for sport and guided sport uses in order to provide the sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency or inriver restrictions.

(b) The department shall manage the late run of Kenai River king salmon to achieve a sustainable escapement goal of 15,000 - 30,000 king salmon, as follows:

(3) if the projected inriver return is less than 15,000 king salmon, the department shall

(A) 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;

(c) From July 20 through July 31,



(2) if the projected inriver return of late-run king salmon is less than 40,000 fish and the inriver sport fishery harvest is projected to result in an escapement below 15,000 king salmon, the department may restrict the inriver sport fishery;

Current Federal Regulations:

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

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

(2) For early-run Chinook salmon less than 46 inches or 55 inches or longer, daily harvest and possession limits are two per day and two in possession.

(3) For late-run Chinook salmon 20 inches and longer, daily harvest and possession limits are two per day and two in possession.

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

Impact to Federal subsistence users/fisheries: Yes. If this proposal is adopted, future Federal subsistence fisheries for Kenai River Chinook salmon may be jeopardized. Authorizing a source of mortality, such as the mortality resulting from the proposed catch and release sport fishery, during years when the Chinook salmon returns are so weak that the escapement goals are projected not to be met, is not sound fisheries management. Additionally, knowingly allowing such activities on Federal public lands would not be legal under Federal Subsistence fisheries or Refuge regulations.

Federal position/recommended action: Oppose. Authorizing a source of mortality on the Kenai River early or late-run Chinook salmon return during years when the escapement goals are not projected to be met will likely impact the continuance of subsistence uses by Federally-qualified subsistence users and will likely result in immediate and future conservation concerns.

If this proposal is adopted, Federal inseason managers have Special Action authority to temporarily close the waters subject to Federal jurisdiction to non-Federally qualified or all fishermen based on conservation concerns. Federal inseason managers utilized their Special



Action authority to close the Federal subsistence fisheries in 2012 and 2013 in response to conservation concerns generated by low returns of Chinook salmon to the Kenai River.

Proposals 237, 238, and 239 request one additional drift boat-only day on the Kenai River. Proposals 237 and 238 request the additional drift boat-only day be assigned to Thursday while Proposal 239 request on extra day per week and does not specify which day of the week.

Current State Regulations:

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area

Unless otherwise specified by an emergency order issued under AS 16.05.060 , the following are the special provisions and localized exceptions to the general seasons, bag, possession, and size limits, and methods and means set out in 5 AAC 57.120 and 5 AAC 75 for the Lower Section of the Kenai River Drainage Area:

(3) a person may not sport fish from a boat

(A) on any Monday in May, June, and July, except Memorial Day, in that portion of the Kenai River from the Sterling Highway Bridge upstream to the outlet of Skilak Lake, except that unguided sport fishing from a nonmotorized vessel is allowed on Mondays in May, June, and July as described in 5 AAC 21.359(b) (2); for the purposes of this subparagraph, "nonmotorized vessel" is a vessel that does not have a motor on board;

Other Relevant State Regulations:

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan

(B) from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from Skilak Lake;

(2) in the sport fishery, that portion of the Kenai River downstream from Skilak Lake is open to unguided sport fishing from a nonmotorized vessel on Mondays in July; for purposes of this section a nonmotorized vessel is one that does not have a motor on board;

Current Federal Regulations:

§ _____ .27(i)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages



(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), 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/fisheries. Yes. Seasons, harvest and possession limits, and methods and means for take are the same as for taking of those species under Alaska sport fishing regulations (5AAC 56 and 5AAC 57) unless specifically modified in Federal regulations. If any of these proposals are adopted, the Kenai River would be closed to Federally-qualified subsistence users and State sport anglers an additional day each week unless they fish from a drift boat or shore. This would reduce fishing opportunities for Federally-qualified subsistence users who do not own or have access to a drift boat. Additionally, access to and participation in the Kenai River Federal subsistence dipnet fisheries at river mile 48 and at Moose Range Meadows would be severely restricted or eliminated as both require motorized vessels as a platform for efficient dipnetting. The Federal inseason manager could submit a Special Action request to the FSB to temporarily change Federal regulations (effective for a maximum of 60 days) to adjust methods and means for Federally-qualified subsistence users to provide additional fishing opportunity to Federally-qualified subsistence users.

Federal position/recommended action: Oppose, unless there is a conservation issue. Federal Subsistence Management Program staff support conservation of the resource. However, these proposals appear to address a social issue (crowding) rather than a biological issue. Unless a conservation concern exists, adoption of these proposals would unnecessarily reduce harvest opportunities for Federally-qualified subsistence users who do not have access to drift boats to fish within Federal public waters of the Kenai River.

If any of the above proposals are adopted, a proposal could be submitted to the FSB to modify Federal subsistence fisheries regulations to allow fishing from other-than-drift boats on the listed days.

Proposals 240 and 241 request prohibiting fishing from a vessel in the Kenai River downstream of Skilak Lake on Mondays from May–July or daily from 10:00 PM to 4:00 AM also from May–July. Proposal 240 requests Monday closures and Proposal 241 request nightly closures.



Current State Regulations:

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area

Unless otherwise specified by an emergency order issued under AS 16.05.060 , the following are the special provisions and localized exceptions to the general seasons, bag, possession, and size limits, and methods and means set out in 5 AAC 57.120 and 5 AAC 75 for the Lower Section of the Kenai River Drainage Area:

(3) a person may not sport fish from a boat

(A) on any Monday in May, June, and July, except Memorial Day, in that portion of the Kenai River from the Sterling Highway Bridge upstream to the outlet of Skilak Lake, except that unguided sport fishing from a nonmotorized vessel is allowed on Mondays in May, June, and July as described in 5 AAC 21.359(b) (2); for the purposes of this subparagraph, "nonmotorized vessel" is a vessel that does not have a motor on board;

Other Relevant State Regulations:

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan

(B) from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from Skilak Lake;

(2) in the sport fishery, that portion of the Kenai River downstream from Skilak Lake is open to unguided sport fishing from a nonmotorized vessel on Mondays in July; for purposes of this section a nonmotorized vessel is one that does not have a motor on board;

Current Federal Regulations:

§_____.27(i)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in



paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

§811. (a) *The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.*

(b) *Notwithstanding any other provision of this Act or other law the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.*

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

Impact to Federal subsistence users/fisheries. Yes. Seasons, harvest and possession limits, and methods and means for take are the same as for taking of those species under Alaska sport fishing regulations (5AAC 56 and 5AAC 57) unless specifically modified in Federal regulations. If either proposal is adopted, the Kenai River would be closed to Federally-qualified subsistence users who choose to fish from a boat on Mondays or at night from May–July. This would reduce fishing opportunities for Federally-qualified subsistence users who fish from boats. Additionally, access to and participation in the Kenai River Federal subsistence dipnet fisheries at river mile 48 and at Moose Range Meadows would be severely restricted or eliminated as both require motorized vessels as a platform for efficient dipnetting. The Federal inseason manager could submit a Special Action request to the FSB to temporarily change Federal regulations (effective for a maximum of 60 days) to adjust methods and means to provide additional fishing opportunity to Federally-qualified subsistence users.

Federal position/recommended action: Oppose. The Alaska National Interest Lands Conservation Act ensures Federal subsistence users have reasonable access to subsistence resources on Federal public lands subject to reasonable regulations. If ADF&G and the Alaska Board of Fisheries determine limiting vessel access to the Kenai River fishery resources is necessary for conservation purposes, the Federal Subsistence Management Program could support some form of restriction. Adoption of these proposals would unnecessarily reduce harvest opportunities for Federally-qualified subsistence users who have access to boats to fish within Federal public waters of the Kenai River at night or on Mondays in May – July.

If either proposal is adopted, a proposal could be submitted to the FSB to modify Federal subsistence fisheries regulations to allow fishing during the proposed closure periods.

Proposal 242 requests restricting outboard motor use on the Kenai River to 10 horsepower or less.



Current State Regulations:

The Kenai River Watershed is located within the Kenai River Special Management Area and outboard motor usage is governed by the State of Alaska Department of Natural Resources regulations.

11 AAC 20.860. Boat motor use

(a) Except as prohibited by 11 AAC 20.865, and subject to the limitations and restrictions set out in this section, the operation of a boat by the use of a boat motor is allowed in the Kenai River Special Management Area.

(b) On or after January 1, 2008, a person may not operate a boat in the Kenai River Special Management Area by use of a motor or combination of motors with a total propshaft horsepower rating greater than 50 horsepower. These horsepower rating limitations do not apply to the following:

(1) the operation of a boat on Kenai Lake, on Skilak Lake, and on the Kenai River between the Kenai Lake Bridge and river mile 80.7;

(c) On or after January 1, 2008, a person may not operate a boat in the Kenai River Special Management Area by the use of a motor that has been altered or disguised with respect to the manufacturer's propshaft horsepower rating, manufacturer cowling decals, or the model or serial numbers to produce more than 50 propshaft horsepower.

(e) On or after January 1, 2008, but before January 1, 2013, a person may not operate a boat in the Kenai River Special Management Area by the use of a motor as follows:

(1) with a total propshaft horsepower rating greater than 35 horsepower, unless the motor is a four-stroke motor or a direct fuel injection two-stroke motor, as described in Attachment A of the Department of Natural Resources, Division of Parks and Outdoor Recreation, Director's Decision on Reduction of Hydrocarbon Pollution from Motorized Boats on the Kenai River, signed November 16, 2006, and adopted by reference;

(2) during the month of July, unless the motor is a four-stroke motor or a direct fuel injection two-stroke motor, as described in Attachment A of the Department of Natural Resources, Division of Parks and Outdoor Recreation, Director's Decision on Reduction of Hydrocarbon Pollution from Motorized Boats on the Kenai River, signed November 16, 2006, and adopted by reference;

Current Federal Regulations:

§ _____.27(i)(10)(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), except for the following harvest and possession limits:

§811. (a) The Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on the public lands.

(b) Notwithstanding any other provision of this Act or other law the Secretary shall permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation.

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

Impact to Federal subsistence users/fisheries: Yes. Federal subsistence methods and means, including motor boat restrictions, for take of fish in the Kenai River are the same as for the taking of fish under State of Alaska fishing regulations. The State of Alaska Department of Natural Resources State Parks Division regulations govern outboard horsepower limits within the Kenai River Special Management Area for all users. Adoption of this proposal would restrict the size of an outboard on Federal subsistence users' boats potentially resulting in underpowered and potentially dangerous situations. Adoption of this proposal could result in significant cost burdens to Federal subsistence users who may be required to purchase a 10 horsepower outboard motor and potentially a smaller boat to safely match the lower power output of the smaller motor.

Federal position/recommended action: Oppose. This proposal appears to address social issues (crowding and quality of experience) and biological issues (disturbing spawning salmon). Adoption of this proposal for the purpose of addressing social issues would unnecessarily reduce harvest opportunities for Federally-qualified subsistence users who have access to boats possessing greater than 10 horsepower motors to fish within Federal public waters of the Kenai River. The Alaska National Interest Land Conservation Act ensures Federal subsistence users have reasonable access to subsistence resources on Federal public lands subject to reasonable regulations.



Federal Subsistence Management Program staff support conservation of the resource. If ADF&G and the Alaska Board of Fisheries determine establishing a 10 horsepower motor limit for accessing the Kenai River fishery resources is necessary for conservation purposes, the Federal Subsistence Management Program could support some form of restriction.

If the proposal is adopted, a proposal could be submitted to the FSB to modify Federal subsistence fisheries regulations to allow usage of motors greater than 10 horsepower.

Proposal 245 requests prohibiting sport fishing for salmon above the power lines on the Russian River. These comments are based upon the assumption that the referenced “power lines” cross the Russian River about 1.25 miles upriver of the confluence with the Kenai River.

Current State Regulations:

5 AAC 57.122. Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area.

Unless otherwise specified by an emergency order issued under AS 16.05.060 , the following are special provisions and localized exceptions to the general seasons, bag, possession, and size limits, and methods and means set out in 5 AAC 57.120 and 5 AAC 75 for the Middle Section of the Kenai River Drainage Area:

(1) the following waters of the Middle Section of Kenai River drainage are open to sport fishing, only as follows:

(F) from June 11 - August 20, the waters of the Russian River from its mouth upstream to an ADF&G regulatory marker located approximately 600 yards downstream from the falls are open to sport fishing for sockeye salmon;

Current Federal Regulations:

§_____.27(i)(10)(iv) (G) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (e)(10)(iv)(D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (e)(10)(iv)(F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), 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/fisheries: Yes. Seasons, harvest and possession limits, and methods and means for take are the same as for taking of those species under Alaska sport fishing regulations (5AAC 56 and 5AAC 57) unless specifically modified in Federal regulations. If this proposal is adopted, the Federal subsistence rod and reel fishery for sockeye in the Russian River above the “power lines” and below the Federal subsistence Russian River Falls dip net fishery would be closed to Federally qualified subsistence users if the season for State managed sport fishery for sockeye salmon in the affected area is closed. This would reduce fishing opportunities for Federally-qualified subsistence users who choose to fish this portion of Federal public waters. The Federal inseason manager could submit a Special Action request to the FSB to temporarily change Federal regulations (effective for a maximum of 60 days) to re-open this portion of the Federal subsistence rod and reel fishery to provide additional fishing opportunity to Federally-qualified subsistence users. A proposal would need to be submitted to the FSB to permanently re-open this area.

Federal position/recommended action: Oppose. Federal Subsistence Management Program staff support conservation of the resource. However, these proposals appear to address a social issue rather than a biological issue. Unless a conservation concern exists, this proposal would unnecessarily reduce harvest opportunities for Federally-qualified subsistence users who choose to fish for sockeye salmon in the Russian River above the “power lines”.

If this proposal is adopted, a proposal could be submitted to the FSB to modify Federal subsistence fisheries regulations to allow Federally-qualified subsistence user to fish in this proposed closure area.

Proposal 246 requests prohibiting the use of barbed hooks when sport fishing in the Middle Section of the Kenai River Drainage, including the Russian River.

Current State Regulations:

5 AAC 57.122. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area
Unless otherwise specified by an emergency order issued under AS 16.05.060 , the following are special provisions and localized exceptions to the general seasons, bag, possession, and size limits, and methods and means set out in 5 AAC 57.120 and 5 AAC 75 for the Middle Section of the Kenai River Drainage Area:

(1) the following waters of the Middle Section of Kenai River drainage are open to sport fishing, only as follows:



(C) from June 11 - May 1, flowing waters of the Russian River drainage upstream of a point approximately 100 yards from its confluence with the Kenai River, excluding Upper Russian (Goat) Creek, only one single hook with a gap between point and shank of three-eighths inch or less may be used;

(4) the following sport fishing gear restrictions apply:

(A) in flowing waters, only one unbaited, single-hook, artificial lure, with a gap between point and shank of three-eighths inch or less, may be used;

(B) in the Russian River drainage, including Upper and Lower Russian Lakes, only one unbaited, single-hook, artificial lure, with a gap between point and shank of three-eighths inch or less, may be used;

(C) the Russian River from its confluence with the Kenai River, upstream to an ADF&G regulatory marker located approximately 600 yards downstream from the falls, from June 11 - August 20, is fly-fishing-only water;

(C) the Russian River sanctuary area, which consists of waters upstream from ADF&G regulatory markers located just downstream of the ferry crossing on the Kenai River, to ADF&G regulatory markers located approximately 300 yards upstream of the public boat launch at Sportsman's Landing, including the waters around the upstream end of the island near the Russian River mouth, and the Russian River from its mouth upstream 100 yards to ADF&G regulatory markers, from July 15 - August 20, is fly-fishing-only waters;

(E) that portion of the Kenai River from an ADF&G regulatory marker located below the Ferry Crossing on the Kenai River downstream to the power line crossing from June 11 - August 20, is fly-fishing-only water;

Current Federal Regulation:

The Alaska National Interest Lands Conservation Act does not define a hook or barbless hook.

§___ 100.14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part.

Kenai River Drainage

§___.27(i)(10)(iv) You may only take salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. 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. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(E) For Federally managed waters of the Kenai River and its tributaries, in addition to the dip net and rod and reel fisheries on the Kenai and Russian rivers described under paragraph (i) (10) (iv) (D) of this section, residents of Hope, Cooper Landing, and Ninilchik may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage. Before leaving the fishing site, all retained fish must be recorded on the permit and marked by removing the dorsal fin. Permits must be returned to the Federal fisheries manager by the due date listed on the permit. Incidentally caught fish, other than salmon, are subject to regulations found in paragraphs (i) (10) (iv) (F) and (G) of this section. Seasons, areas (including seasonal riverbank closures), harvest and possession limits, and methods and means (including motor boat restrictions) 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 77.54), 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/fisheries: Yes. Seasons, harvest and possession limits, and method 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 specifically modified in Federal regulations. If this proposal is adopted, Federally qualified subsistence users fishing in the Middle Section of the Kenai River and Russian River would be limited to single, barbless hooks. Barbless hooks are used to minimize injury to fish in catch-and-release sport fisheries, and are not as effective as barbed hooks in retaining fish for harvest. Requiring the use of barbless hooks by Federally qualified subsistence users would limit their ability to efficiently harvest fish.

If this proposal is adopted, the Federal inseason manager could submit a Special Action request to the FSB to temporarily change Federal regulations (effective for a maximum of 60 days) to adjust method and means for Federally-qualified subsistence users. However, a proposal would need to be submitted to the FSB to permanently allow the use of barbed hooks in the area identified by this proposal.

Federal position/recommended action: Oppose. Federal Subsistence Management Program staff support conservation of the resource but adoption of this proposal appears not to be necessary and a burden on Federal subsistence fishermen. However, unless a conservation concern exists, this proposal unnecessarily reduces the efficiency and harvest opportunity of Federally-qualified subsistence users fishing in this area. Adoption of this proposal restrict State managed sport fisheries to the use of a barbless hook would restrict Federal subsistence fisheries methods and means by default.

If the proposal is adopted, a proposal could be submitted to the FSB to modify Federal subsistence fisheries regulations to allow fishing with barbed hooks in this area.