(Proposal 94 was submitted by two proposers. The proposal and justification for each proposer is listed below.)

<u>PROPOSAL 94</u> – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Remove the one-percent rule, as referenced to both the set and drift gillnet fisheries, from the Drift Gillnet Management Plan, as follows:

5AAC 21.353(e) Central District Drift Gillnet Fishery Management Plan

(e) From August 1 through August 15, there are no mandatory time or area restrictions to regular fishing periods. [, EXCEPT THAT IF THE UPPER SUBDISTRICT SET GILLNET FISHERY IS CLOSED UNDER 5 AAC 21.310(B)(2)(C)(III), OR THE DEPARETMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL DRIFT GILLNET SOCKEYE SALMON HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE DRIFT GILLNET FISHERY, REGULAR FISHING PERIODS WILL BE RESTRICTED TO DRIFT GILLNET AREAS 3 AND 4. IN THIS SUBSECTION, "FISHING PERIOD" MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FROM 12:01 A.M. UNTIL 11:59 P.M.]

What is the issue you would like the board to address and why? 5AAC 21.353(e)

In 2014 the BOF adopted the one percent rule on the drift gillnet fishery. The adoption of the one percent rule has no scientific or biological support. It is not used statewide and was strictly an arbitrarily and capriciously implemented allocation regulation. It is a backdoor approach by some special interest groups to close the commercial fishery in the first week of August. The current regulation failed to address the lost harvest of surplus salmon stocks in August and the impossibility of managers to manage for the escapement goals. In 2015 the UCI sockeye run was the latest on record. The Kenai River sockeye escapement was over two million. The Kenai and Kasilof Rivers received twice their biological escapement goals for sockeye. All sockeye and coho escapement goals were met with many systems grossly over-escaped. The surplus salmon were not harvested by anybody. The August chum and pinks runs are virtually un-harvested. August can have pink returns in the millions, but this regulation prevents their harvest. This is not sustainable. An example of how ludicrous this regulation is: Thirty local commercial drifters are fishing the two regular weekly12 hour periods on Monday, August 3rd and again on Thursday, August 6th . The salmon escapement goals are met or exceeded for all salmon species. The coho run is excellent and it is an even pink year with 20 million pinks predicted to return. There are no conservation concerns. The only concern is gross over-escapement. The thirty fishermen had their best fishing days on sockeye on August 3rd and 6th. Because there were only thirty of them fishing, besides the fact that they had large catches of surplus sockeye, their total combined catch was less than one percent of the entire drift fleet's combined season harvest of sockeye for two consecutive regular periods after July 31st, so by the current regulation their season is closed except for a small sliver along the west shore, 35 miles away and few fish. If they had a caught a boat load of surplus chums or pinks they would also be closed. The current regulation pretty much guarantees the drift closure and the inability to monetize the surplus salmon. The passing of the rule failed to address the lower number of fishermen participating in harvesting the salmon runs in August by both the

commercial and in-river sports fishery. This lower participation level provides effective protection for escapement needs and for in-river user to have a reasonable opportunity. The lost opportunity and harvest denied to the fewer local commercial participants are significant, unnecessary and wasteful, not only to them but to the processors, workers, support businesses, communities economy and the State treasury.

The current regulation is in violation of 5AAC 39.222. Policy for the management of sustainable salmon fisheries, State fisheries policy, Article 8 of the Constitution and the Magnuson Stevens Act all of which require sustained yield and science based management.

This proposal does not limit the commissioner's use of emergency order authority under AS 16.05.060 to achieve established escapement goals for the management plans as the primary management objective.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (EF-F16-165)

What is the issue you would like the board to address and why? Currently, regular fishing periods in the drift gillnet fishery can be restricted to Drift Gillnet Areas 3&4 in August based on the application of what is commonly referred to as the one-percent rule. This rule states that from August 1–15, in the Upper Cook Inlet(UCI) drift gillnet fishery, if less than one percent of the season's total drift gillnet sockeye salmon harvest has been taken per fishing period for two consecutive periods, regular fishing periods are to be restricted to Drift Areas 3&4. The drift gillnet one-percent restriction was first adopted into regulation in 2014 and is found in 5 AAC 21.353(e) *Central District Drift Gillnet Fishery Management Plan*. Additionally, if the Upper Subdistrict set gillnet fishery is closed in August under its own version of the one-percent rule, regular periods in the drift gillnet fishery are to be restricted to Drift Areas 3&4.

Because the current regulation fails to take into account the decrease in participation in the drift fishery in August or variances in run timing, it can result in a significant loss of harvest opportunity for those fishermen that remain active in the fishery. The 2015 UCI sockeye salmon run was the latest on record with the midpoint of the run occurring on July 25th.

The Kenai River late-run sockeye have exceeded the inriver goal for 7 of the last 10 years and the Kasilof River sockeye have exceeded the BEG for 9 of the last 10 years. Regarding concerns for northern bound coho salmon, the Little Susitna River coho salmon escapement goal has been met or exceeded in 21 out of 26 years (81%) since 1990, even with an active drift gillnet fishery in August. See Table 1 below.

Both Kenai River and northern Cook Inlet coho salmon are afforded protection by the decreased participation in August in the Central District drift fishery. The one-percent rule needlessly prevents drift gillnet fishermen from harvesting surplus sockeye salmon in August. Coho salmon escapement goals have been met or exceeded in the Little Susitna River over 80% of the time, even when the drift fishery was allowed full participation in August. Therefore, in order to provide for a reasonable opportunity to harvest surplus sockeye salmon, this proposal seeks to remove the

one percent rules that can unnecessarily restrict drift fishing in August. This proposal does not affect the ability of ADF&G to use its emergency order authority to restrict or close drift gillnetting in those years when coho salmon runs are weak.

Table 1. Little Susitna River coho salmon escapement, 1988-2015

Year	Sport	Sport	Weir	Escapement Goal		Goal	Exceeded	Amount
	Catch	Harvest*	Count	Lower	Upper	Met/Missed/	Amount	below goal
						Exceeded		
1988		28,647	21,437					
1989 ¹		24,726	15,855					
1990		9,739	15,511	7,500		Exceeded	8,011	
1991		24,149	39,241	7,500		Exceeded	31,741	
1992		23,439	21,182	7,500		Exceeded	13,682	
1993		35,313	34,822	7,500		Exceeded	27,322	
1994		23,830	28,948	7,500		Exceeded	21,448	
1995 ²		17,442	12,266	7,500		Exceeded	4,766	
1996 ³	22,996	20,171	15,803	7,500		Exceeded	8,303	
1997	11,560	7,756	9,894	7,500		Exceeded	2,394	
1998	18,621	14,469	15,159	7,500		Exceeded	7,659	
1999	11,990	8,864	3,017	9,600	19,200	Missed		6,583
2000	31,517	20,357	15,436	9,600	19,200	Met		
2001	24,636	17,071	30,587	9,600	19,200	Exceeded	11,387	
2002	30,582	19,278	47,938	10,100	17,700	Exceeded	30,238	
2003	21,649	13,672	10,877	10,100	17,700	Met		
2004	24,981	15,307	40,199	10,100	17,700	Met	22,499	
2005	13,447	10,203	16,839	10,100	17,700	Exceeded		
2006 4	20,558	12,399	8,786	10,100	17,700	Met		
2007	14,895	11,089	17,573	10,100	17,700	Met		
2008	18,618	13,498	18,485	10,100	17,700	Exceeded	785	
2009	11,283	8,346	9,523	10,100	17,700	Missed		577
2010	12,811	10,662	9,214	10,100	17,700	Missed		886
2011	3,835	2,452	4,826	10,100	17,700	Missed		5,274
2012 5	2,114	1,681	6,779	10,100	17,700	Missed		3,321
2013	6,670	5,229	13,583	10,100	17,700	Met		
2014	8,663	6,922	24,211	10,100	17,700	Exceeded	6,511	
2015			12,421	10,100	17,700	Met		
							196,746	16,641
* Sport "harvest" averages about 70% of sport "catch".								
¹ Exxon oil spill year, no drift gillnetting in Cook Inlet.								
² Hatchery stocking program ended (began in 1982)								
³ The weir was moved from river mile 32.5 to river mile 71								
⁴ Weir washed out, escapement goal is believed to have been met or exceeded								
⁵ The weir was moved back to river mile 32.5								

PROPOSED BY: United Cook Inlet Drift Association

(HQ-F16-003)
