

**PROPOSAL 160 - 5 AAC 57.121. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.** Prohibit the use of bait in the late-run Kenai river king salmon fishery until escapement goals have been met, as follows:

Kenai River – Lower Kenai River Mainstem and Skilak Lake

Change; under METHODS AND MEANS

Gear restrictions:

- From the mouth of the Kenai River to ADF&G regulatory marker at Skilak Lake:
- January 1 – **July 31** [ June 30 ]
- Only one unbaited, single-hook lure is allowed

Delete; The rest of this section dealing with bait and unbaited requirements through July 31.

**What is the issue you would like the board to address and why?** The use of bait should be prohibited in the “Late Run” Kenai River Chinook fishery until the “Department” has determined escapement goals will be met. Historically the run has started with bait and if restrictions are needed bait is prohibited later in the season (although in recent years bait has been prohibited at the beginning of the late run season). The last time the season started with bait on July 1 was in 2011.

By starting the season with bait and restricting later on the harvest is disproportionately directed toward the early segment of the “Late Run” as they are vulnerable to harvest for a longer period of time. The most important justification to start the season with “no bait” is to protect “Early Run” stocks that are still moving through the lower part of the drainage in early July and are vulnerable to harvest.

Bait is already prohibited at the beginning of the “Early Run” which has been totally closed to fishing in recent years. Starting the late run with bait places additional impact on these stocks that are at historical low levels and is not a sound fishery management practice. Even if early run stocks recover and bait is allowed during the season by Emergency Order, the late run should begin without the use of bait to reduce harvest at the end of the early run. Additionally, starting the season without bait and liberalizing if warranted would provide consistency in regulation along

with predictability to local anglers, businesses and the guide industry. It is far less disruptive when an ongoing fishery is liberalized compared to when it is restricted.

The intent of this proposal is to remove mandatory dates to go to bait, during the King salmon season, and allow the department the flexibility to liberalize to bait based on scientific evaluation of run strength and run timing.

**PROPOSED BY:** Kenai Area Fisherman’s Coalition (HQ-F16-024)  
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**PROPOSAL 161 - 5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.** Start the Kenai River king salmon sport fisheries as unbaited, single-hook, artificial lure, no retention, as follows:

I recommend a "step up" management philosophy whereas the sport fishery starts with a very conservative single-hook, no bait Catch and Release fishery that (1) provides opportunity but (2) ensures maximum sustainability. According to ADF&G data, specifically the 1991 Terry Bendock study on Hook and Release Mortality, the LR Kenai King survival rate was 94.1%,. Bear in mind that this study was conducted with multiple hooks, bait, and increased handling times (stress) thus it is fair to say that present H&R survival rates would be considerably better, although there is no hard data to support this claim. Still, the translation is that hook and release fishing, which is presently very underutilized by ADF&G, is a highly effective management tool that maximizes opportunity yet minimizes harvest. For this reason, STARTING our sport fishery with this conservative management should be a given. Then, step up, with "harvest" allowed if/when the run shapes up well. Then, should the resource allow it, "bait" could be added, increasing opportunity more.

**What is the issue you would like the board to address and why?** The issue I would like the BOF to address is ADF&G's lack of a Kenai river king salmon management plan "step up" policy that puts conservation and sustainability of the resource at the forefront yet still allows for some reasonable amount of sport fish opportunity when possible. Presently, backwards logic during the Late Run is utilized: the KR late run sport fishery opens with full harvest, on a fishery that we do not know run strength. Nobody knows if it is going to make escapement, yet harvest is allowed. thus, hundreds if not thousands of LR kings are taken BEFORE before managers can assess the health of the return. consequently, the sport fishery is often stepped-down abruptly or even suddenly closed, creating for one a very unpredictable fishery but more importantly, creating a scenario where jeopardizing the sustainability of the run becomes more probable since reaching the escapement goal after the fact becomes difficult or impossible. Basically, we can't go back and UN-kill what has already been killed. While I fully understand the Politics of the Sport vs. Commercial fisheries and the implications of restricting/liberalizing one particular fishery, the health of the Kenai King runs most be put as Priority ONE or declines will continue.

**PROPOSED BY:** Greg Brush (EF-F16-059)  
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**PROPOSAL 162 - 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**  
Establish an Optimum Escapement Goal for Kenai River late-run king salmon, as follows:

Establish an Optimum Escapement Goal (OEG) of 15,000 – 40,000. The corresponding change in management plan language would be:

(b) The department shall manage the late run of Kenai River king salmon to achieve **an optimal** [A SUSTAINABLE] escapement goal of 15,000 – **40,000** [30,000] king salmon...

Higher in-river runs produce tremendous sport fishery benefits with no significant impact on future production or yield for escapements up to 40,000. The proposed upper goal of 40,000 includes the historical average escapement and maintains high production and yield according the Department’s recent escapement goal analysis. Returns from all historical escapements below 40,000 exceeded replacement and produced substantial yields. There was no significant correlation with returns for escapements between 22,500 and 40,000.

**What is the issue you would like the board to address and why?** Kings are designated primarily for sport fish use and sport fisheries are optimum at when kings are abundant. However, the top end of the new SEG for Kenai late-run king salmon (15,000 - 30,000) is less than the historical average escapement (37,000). Management to reduce in-river runs of Kenai kings at higher run sizes would inappropriately reduce sport fishery opportunity. When escapements are projected to exceed the upper end of the SEG but still fall within the range of historical average, no management action in addition to the normal fishing regulatory regime should be taken to further reduce the escapement.

**PROPOSED BY:** Kenai River Sportfishing Association (HQ-F16-071)  
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**PROPOSAL 163 - 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**  
Prohibit bait on runs less than 22,000 and eliminate 12-hour fishing period restriction, as follows:

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

...

- (c) In the sport fishery,
  - (1) if the sustainable escapement goal is projected to be exceeded, the commissioner may, by emergency order, **open the fishery to the use of bait, and** extend the sport fishing season up to seven days during the first week of August;

...

(e) From July 1 through July 31, if the projected inriver run of late-run king salmon is less than 22,500 fish, in order to achieve the sustainable escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

- (1) in the Kenai River sport fishery,
  - [(A) THE USE OF BAIT IS PROHIBITED; OR]

~~(A)~~~~(B)~~ the [USE OF BAIT AND] retention of king salmon is [ARE] prohibited, and only one unbaited, barbless, single-hook, artificial lure, as described in 5 AAC 57.121(1)(J), may be used when sport fishing for king salmon;

(2) [IN THE KENAI RIVER PERSONAL USE FISHERY, IF THE USE OF BAIT OR RETENTION OF KING SALMON IS PROHIBITED IN THE KENAI RIVER SPORT FISHERY UNDER (1) OF THIS SUBSECTION,] the retention of king salmon is prohibited in the personal use fishery;

(3) in the Upper Subdistrict set gillnet commercial fishery, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), based on the abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,

(A) if the retention of king salmon [USE OF BAIT] is prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 36 hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets operated may also be restricted to either

(i) three set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

(ii) two set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or one set gillnet that is not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

[~~(B)~~ IF THE USE OF BAIT AND THE RETENTION OF KING SALMON ARE PROHIBITED IN THE KENAI RIVER SPORT FISHERY UNDER ~~(L)~~(B) OF THIS SUBSECTION, COMMERCIAL FISHING PERIODS ARE OPEN FOR NO MORE THAN 12 HOURS PER WEEK, WITH A 36-HOUR CONTINUOUS CLOSURE PER WEEK BEGINNING BETWEEN 7:00 P.M. THURSDAY AND 7:00 A.M. FRIDAY.]

**What is the issue you would like the board to address and why?** Currently, the Kenai Late Run King plan allows for the use of bait in the inriver sport fishery anytime the inriver run of King Salmon is above 22,500, or the midpoint of the escapement goal. Any time bait is not allowed, severe restrictions are placed on other fisheries out of interest for parity. This proposal seeks to establish no bait as the “normal” setting for the inriver fishery, allowing for bait to be used as a liberalization when runs are expected to exceed escapement. It also seeks to eliminate the 12 hour restrictions placed on the setnet fishery, as 12 hours is not practical for managing escapements into 2 rivers over 80 miles of beach.

We feel this change will help ensure adequate passage of Kenai Late Run Kings into the Kenai River, and will make Kenai Late Run Sport regulations consistent with Kenai Early Run sport regulations by allowing the use of bait when escapements are projected to be exceeded. It will also help to ensure adequate opportunity in the sport, personal use, and commercial fisheries while giving ADFG the flexibility to make yield tradeoff decisions in our mixed-stock fisheries.

**PROPOSED BY:** Kenai Peninsula Fishermen's Association (HQ-F16-077)  
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**PROPOSAL 164 - 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**  
Repeals and readopts the *Kenai River Late-Run King Salmon Management Plan*, as follows:

(REPEAL AND READOPT 5 AAC 21.359)

5 AAC 21.359. Kenai River Late-Run Mainstem 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.

(b) The department shall manage the late run Mainstem stock of Kenai River king salmon to achieve a sustainable escapement goal of 12,000-27,000 king salmon beginning June 23 as described in this section.

(c) In the sport fishery, notwithstanding 5 AAC 57.120-5AAC 57.123

(1) from June 23 through July 31 only that portion of the Kenai River downstream of the river mile 14 sonar counter is open for King salmon fishing;

(2) from June 23 through July 31, a person may not use more than one single hook in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

(3) that portion of the Kenai River downstream from the river mile 14 sonar counter is open to unguided sport fishing from nonmotorized vessel on Mondays in July; for purposes of this paragraph, a nonmotorized vessel is one that does not have a motor on board.

(d) If the projected late-run king salmon escapement is less than 12,000 king salmon, the department shall

(1) close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Cape Douglas to the taking of king salmon;

(2) close the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula Shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and

(3) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

(e) The provisions of this section do not apply to provisions of the Kasilof River Salmon Management Plan contained in 5 AAC 21.365(f) that pertain to the Kasilof Special Harvest Area.

(f) The department will, to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modifications of this plan.

(g) The commissioner may department from provisions of the management plan under this section as provided in 5 AAC 21.363(e)

**What is the issue you would like the board to address and why?** In 1988 when the first management plan for Kenai River Late-run Kings was made the Department did not have the genetics technology they have now. July first was erroneously set as the demarcation of early and late-run king salmon (McKinley 2013). We now know that setting the escapement goals based on run timing was incorrect and that the goals should have been set based on biology (Reimer 2016) as Tributary (prior to June 22) and Mainstem ( after June 22). Because of this error the Tributary stocks have been getting shorted by the counting of 20 to 30 percent of the escapement actually being of mainstem origin. In addition McKinley found that over 50 percent of the harvest from July 1 to July 15 above the Soldotna Bridge is actually Tributary stocks which are erroneously subtracted from the mainstem escapement. This means that the escapement of tributary bound stocks is much reduced from what the Department has been reporting. Because of this and the prosecution of the fishery, tributary stocks bound for Beaver Creek, Soldotna Creek, Slikok Creek and Juneau Creek are gone or going to extinction from overharvest.

Additionally the Department found that the sonar counts from 1986 to 2011 (26 years) were not correct and recreated them using a Bayesian model of unknown performance. In 2012 ADF&G began counting with DIDSON sonar which was supposed to be the solution, but by 2013 a CIP was submitted to replace DIDSON with AIERS because of insurmountable problems with the DIDSON counts (Swanton 2013). This CIP included funding for 2 years of SSART (mark/Recap) which was supposed to assess this new counting technology, reports of this study were to be completed by the spring of 2014 and 2015. Reports from the in-river gillnetting, in-river creel and SSART projects mention the bias and errors associated with these programs as well as the statewide harvest survey which are used with the mixture model to determine a daily sonar count. When the escapement from the weirs operated by FWS and the age/sex composition are compared to the sonar count at either location, river mile 8.6 or 14 it is quite obvious that the sonar counts are well below the estimates produced by the weirs, mark/recapture or by the SSART method. The same is true when you compare the age/sex composition from the weirs to the numbers produced from the netting program. While we are still waiting for the Assessment Reports from the 1.8 million dollar CIP from 2013 which are already 1-2 years late, we are left with fisheries with many restrictions which are not necessary or productive. The department has been counting the first 7 days of the late-run as early-run stocks, misallocating the upriver harvest to the late run when much of it is really early run stocks. In addition the netting program is biased and does not catch anything near a representative sample of age 1.1 or 1.2 age Chinook. And by underestimating the number of small fish in the escapement they are overestimating the number of older age fish by a significant but unknown proportion. Additionally when the department did the run reconstruction they added an additional 3000 fish to the upper and lower escapement goal which is unnecessary, allocative, and outside of their discretion. These fish should be taken off the escapement goal as unnecessary. Because of all of these unsolved problems the department has allowed the fisheries harvesting late-run mainstem stocks to be over restricted and placed the early-run tributary stocks in jeopardy. Additionally when the department did the run reconstruction they failed to utilize the in-river genetics which could significantly alter the escapement goals of both tributary and mainstem stocks.

Many other restrictions were put in place in the commercial fishery which are unwarranted and lead to excessive over-escapements which ADF&G seems unable to address either

with a proposal or in-season actions. In 2014 the BOF put in place 29 mesh restrictions which the department advised against. After the meeting ADF&G sent a letter to the journal publishing this "study", why they didn't do something more reasonable prior to its use and publication is odd at best. The Bethe study which first suggested this ridiculous 29 mesh restriction failed to mention that the 29 mesh nets in his study caught significantly more kings than the 45 mesh nets. This is nothing but a veiled reallocation from offshore nets to the beach nets near the river where most kings are likely caught. To institute a projection of 22,500 king salmon in-river run or else restrictions are possible is again ridiculous. In 2015 ADF&G managed on a forecast which was 50 percent in error which caused them to put in place restrictions which were unnecessary for all users all the way until July 25. Even though the projection from July 1 on was for an in-river run much in excess of 22,500. Of course on August 1 they again went off the reservation and put in restrictions which caused yet another Unconstitutional and unsustainable over-escapement. The department is unable to function with such complexities and the plan needs to be simplified. The fish must come first which means that the escapement goals are all that should be important, not just for kings but for sockeye too.

**PROPOSED BY:** Dan Ducker

(HQ-F16-112)

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**PROPOSAL 165 - 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Decrease the trigger for management actions on Kenai River late-run king salmon from 22,500 to 16,500, as follows:

I would like to see (f) be deleted from the plan, but I don't think this will happen, therefore:

To err on the side of conservation, I would like the 22,500 number of projected king salmon escapement lowered to 16,500 in this regulation (f).

The regulation would read something like this:

(f) From August 1 through August 15, if the projected escapement of king salmon into the Kenai River is at least **15,000, but less than 16,500** [ 16,500, but less than 22,500], notwithstanding ...

**What is the issue you would like the board to address and why?** In the Kenai River Late-Run King Salmon Management Plan (KRLRKSMP) the sustainable escapement goal (SEG) is 15,000-30,000 king salmon. The mid point of the SEG is 22,500 king salmon. From August 1 through August 15 if the projected escapement of king salmon into the Kenai River is less than 22,500, the Upper Subdistrict set gillnet fishery can fish no more than 36 hours.

22,500 kings is far to liberal. There is no biological reason or data, that can justify for this number. 22,500 puts unnecessary restrictions on the ESSN fishery. In the Kenai-East Forelands sections, where in some years up to 25% of their harvest can occur in August, the current regulation is very devastating.

If 15,000 is the minimum goal, and the minimum escapement goal is projected, why are there any time restrictions put on the set net fleet?

**PROPOSED BY:** Gary L. Hollier (EF-F16-015)  
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**PROPOSAL 166 - 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.**  
Modify season dates and area for Kenai River late-run king salmon management, as follows:

Add to Kenai River – Lower Kenai River Mainstem and Skilak Lake

King Salmon

- **Kenai River mouth upstream to RM 13.8 (Sonar Site)**

**July 1 – July 7: 1 per day , 1 in possession**

Change:

Kenai River mouth upstream to 300 yards below Slikok Creek:

- **July 8 – July 31: 1 per day, 1 in possession**

[JULY 1 – JULY31: 1 PER DAY, 1 IN POSSESSION]

300 yards below Slikok Creek upstream to Skilak Lake:

- **January 1 – June 30** [JANUARY 1 – JULY 14]
- **July 8 – July 14** [JANUARY 1 – JULY 14)

**What is the issue you would like the board to address and why?** The current season dates and area for the Kenai king late run (LR) provide inadequate protection for late returning early run (ER) fish , which are still present when the LR opens on July 1. We propose limiting the Chinook fishery to downstream from the sonar counter at RM 13.8 from July 1 through July 7. This proposal would also offer some protection for early returning LR kings, as well as main stem spawners that spawn above the new king counter at mile 13.8.

Pass through king fisheries have successfully occurred on nearly all of the Kenai Peninsula king rivers for the past 30 plus years. The Anchor, Deep Creek, and Ninilchik Rivers are only open on select weekends for the lower (approximate) two miles. The Kasilof River is closed above the bridge, at mile (approximate) eight. The Kenai River, which receives the most intense pressure of all king rivers in Alaska, is open on regular years up to the outlet of Skilak Lake, about fifty miles upriver. Almost all spawning of main stem kings occurs in the lower fifty miles.

Telemetry data shows that in some years, up to 40-50% of the ER main stem spawners are still below the Soldotna bridge on July 1. Most of these fish move above the Soldotna bridge by July 10, so this would provide a measure of protection to these main stem ER spawners, who are the most noticeable missing component of our recent ER king escapements. Essentially, all kings above the king counter at mile 13.8 on July 1 are ER fish. Fishing above the counter on July 1 makes no sense, especially when looking at all of the conservation measures that we have seen with the ER over the past several years.

**PROPOSED BY:** Kenai Area Fisherman’s Coalition (HQ-F16-010)

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**PROPOSAL 167 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Close the Kenai River personal use fishery when the late-run king salmon sport fishery is closed, as follows:

The personal use dip net fishery in the Kenai River is paired with the LR king salmon sport fishery. If the LR king salmon sport fishery in the Kenai River is completely closed then the personal Use dip net fishery in the Kenai River is completely closed.

**What is the issue you would like the board to address and why?** Dip netters should have paired restrictions with the sport fishery for LR king salmon in the Kenai River. The mortality for king salmon tangled in the gill net of a PU dip net and then released has not been determined. Using the precautionary principle, if the LR king salmon sport fishery in the Kenai River is completely closed then the PU dip net fishery is completely closed.

**PROPOSED BY:** Steve Vanek (EF-F16-083)

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**PROPOSAL 168 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Remove restrictions to the Kenai River sport and personal use fisheries and the Upper Subdistrict commercial set gillnet fishery in July and August, as follows:

Repeal 5 AAC 21.359 (e) and (f)

**What is the issue you would like the board to address and why?** Delete provisions (e) and (f) from the Kenai River Late-Run King Salmon Management Plan.

The current provisions in 5 AAC 21.359(e) and (f), which were adopted in 2014, have essentially created an optimal escapement goal (OEG) for Kenai River late-run king salmon bore disproportionately by the Upper Subdistrict set gillnet fishery. For example, the current management plan places the entire burden of conservation for this stock in August solely on the set gillnet fishery.

The sustainable escapement goal (SEG) for Kenai River late-run king salmon is 15,000–30,000 fish. The current management plan states that from July 1 through July 30, both the commercial fishery and the inriver sport fishery are managed to the same objectives. Specifically, if the Kenai

River king salmon inriver run exceeds 22,500 fish, both fisheries are prosecuted without restrictions; however, if the inriver run is projected to be less than 22,500 fish, restrictions to both fisheries are required. Beginning August 1, however, the inriver sport fishery for king salmon closes and the management target for king salmon switches from achieving a projected inriver run of 22,500 fish to achieving a projected escapement of 16,500 to 22,500 fish. The restrictions triggered by being below a projected escapement of 22,500 fish falls exclusively on the Upper Subdistrict set gillnet fishery. To change a management target from a projected inriver run to a projected escapement objective, and then to have that higher burden of conservation fall completely on one user group, is highly unusual and even draconian in nature.

The late-run of Kenai River king salmon has never failed to meet its minimum escapement objective since enumeration began in 1986. Furthermore, the upper end of the escapement goal has been exceeded in 15 of 28 years. This proposal simply advocates for the department to do what they have already shown they will, that is, use their emergency order authority to adjust harvest rates of the sport and commercial fisheries on Kenai River late-run king salmon in order to meet the SEG for this stock. Mandated restrictions on the Upper Subdistrict set gillnet fishery in order to achieve the mid-point of the SEG for Kenai River king salmon puts management of the sockeye salmon fishery in jeopardy. In the past 10 years (2006-2015), the Kenai River sockeye salmon inriver goal has been exceeded 7 times, while the Kasilof River sockeye salmon BEG has been exceeded 9 times. This proposal seeks some balance in managing these two very important stocks of fish. Why is managing to the mid-point of the escapement goal for king salmon more important than not exceeding the upper end of sockeye salmon management objectives? This proposal seeks to provide ADF&G with more flexibility to allow for the harvest of surplus sockeye salmon while still achieving the SEG for late-run Kenai River king salmon.

**PROPOSED BY:** Joel Doner (EF-F16-103)  
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**PROPOSAL 169 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**  
Remove restrictions to the Kenai River sport and personal use fisheries and the Upper Subdistrict commercial set gillnet fishery in July and August, as follows:

- 5 AAC 21.359
- (e) [DELETE]
- (f) [DELETE]

**What is the issue you would like the board to address and why?** Current Late Run Kenai River King Salmon Plan does not work. The restrictions in place are to static and will not allow any flexibility to managers. The question of pairing is not fundamentally possible in a fisheries with

so many different moving parts. SOKI is committed in modifying the language to address glaring inequities. We especially challenge the restriction to mesh size. The ADF&G has challenged the study that board members accepted as being valid science and the author continues to submit bad science that is bias and contrived.

**PROPOSED BY:** Paul Shadura, spokesperson for South K-Beach Independent Fishermen’s Association (SOKI) (EF-F16-172)

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**PROPOSAL 170 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Reconsider “paired” restrictions to the Kenai River sport and personal use fisheries and the Upper Subdistrict commercial set gillnet fishery, as follows:

The Board should reconsider the “parity” issue to encourage: in-river reduced hours to one-third of time available per week, harvest by age in proportion to the run, harvest age 1.1 and 1.2 king salmon under 30 inches in length in the same proportion as ESSN fishery (50% of harvest), and forego all sockeye salmon fishing opportunity when the ESSN hours are restricted when going to no bait, and fairly compensated the commercial fisheries time on lost benefit and yield recruitment declines and offset the reallocation of sockeye salmon during the month of July with a comparable commercial fishery that is presently unavailable in order to be allocatively neutral.

**What is the issue you would like the board to address and why?** Provisions within the Kenai late-run king salmon management under the premise of parity unduly restricts the commercial fisheries and severely contains the ability and duties of the department to manage for established sockeye salmon escapement goals within the UCI mixed socks fisheries.

However, in-river directed sport fisheries are normally managed with bait and no bait provisions.

Disrupting two major sockeye salmon plans that already contained conservation and development and coupled to a parity based provisions plan – that exceeds the minimum spawning goal on a king salmon stock in a directed fishery. An indiscriminate application of fisheries management of state fishery resources. And, inconsistent with the policy for the management of mixed-stock fisheries over the sustained yields of sockeye salmon stocks with defined BEG and SEG escapement goal ranges.

**PROPOSED BY:** Brandie Ware (HQ-F16-095)

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**PROPOSAL 171 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Remove the commercial set gillnet fishery in the Kasilof Section from “paired” restrictions in the *Kenai River Late-Run King Salmon Management Plan*, as follows:

Amend (h) to include the Kasilof Section within the Kasilof River Salmon Management Plan and KRSHA.

**What is the issue you would like the board to address and why?** The inability of the Department to manage and distribute escapements evenly within the Kasilof river sockeye salmon escapement goal. The Kasilof Section should not be coupled to 21.359 plan as the incidental harvest of Kenai bound late-run king salmon is minimal. The genetic harvest data in the Kasilof Section supports the minimal harvest levels per opening, per net CPUE in-season, by CPUE on age composition stratified in July and before July 8<sup>th</sup>, and after July 31.

268 - 283 permits operate in the Kasilof Section and the Kenai Section 164 permits. The net ratio is 1.71:1 and harvest ratio is 1:7 with the CPUE per net harvest levels in July. For example in July when comparing both Kasilof Section to Kenai Section the Kasilof Section harvests less than one-fourth that of Kenai Section average per opening: 67 vs. 309. In addition, significant numbers of 1.1 (12 – 14 inches in length) male king salmon within the Kasilof Section harvest that are not counted by sonar. During the entire opened fishing season from June 22<sup>nd</sup> through August 10<sup>th</sup> 2015 fishing with 28 days, the average per net harvest of Kenai river late-run king salmon was only 1.4 kings per net per entire “season” with 1.1 jacks adjusted for.

In all likelihood, the Kasilof Section harvest level on Kenai late-run king salmon for ages 1.2 or above is comparable or less than the Lower Sport Marine king salmon fishery.

**PROPOSED BY:** Jeff Goodman (HQ-F16-098)  
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**PROPOSAL 172 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.** Remove “paired” restrictions in the Kenai River sport and personal use fisheries and the Upper Subdistrict commercial set gillnet fishery, as follows:

Paired restrictions are not necessary in times of abundance. In times of shortage, managers can make in-season adjustments. We have many capable biologists on staff.

**What is the issue you would like the board to address and why?** Eliminate paired restrictions (ESSN and In-River fishery). The only similarity in these fisheries is the mutual antagonism which paired restrictions have only enhanced. This in 2014 was a board-generated allocation proposal.

**PROPOSED BY:** John McCombs (HQ-F16-086)  
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**PROPOSAL 173 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.** Decrease the projected inriver run goal of late-run king salmon to 19,000 fish and remove the Upper Subdistrict commercial set gillnet fishery from “paired” restrictions, as follows:

(c) amend From July 1 through July 31, if the projected inriver run of late-run king salmon is less than 19,000 [22,000], in order to achieve the sustainable escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, **under AS 16.05.060 use this authority to achieve established salmon escapement goals described and directed under (j).** Delete [establishing fishing seasons as follows]; delete : (e) (3) (A), (e) (3) (A) (i), (ii); (e) (B).

(f) repeal (delete)

**What is the issue you would like the board to address and why?** Difficulty in the management of large runs of sockeye salmon due to inability of ADFG to distribute escapements evenly within the SEG and BEG sockeye salmon ranges established by the Department and Board. Yield / Recruitment - lost harvest and future lost benefit on Kasilof sockeye salmon and Kenai River late-run sockeye estimated at over 5 million sockeye salmon within the last five years.

The 2014 (2015 in-season) Kenai late run chinook projected inriver goal of 22,500 from July 1 – July 31 does not “benefit Cook Inlet fisheries.” The 7500 chinook ‘allocation’ above the minimum goal was subjectively written that impeded commercial fisheries management. The projected mid-point of the Kenai River late-run king salmon changed from July 20<sup>th</sup> to July 28<sup>th</sup> while the directed in-river sport fishery closes July 31. However, the mid-point on Kenai late-run sockeye salmon is July 23<sup>rd</sup> and July 14<sup>th</sup> for Kasilof River sockeye salmon escapements.

Kenai late-run Chinook salmon SEG goal of 15,000 – 30,000 included 3,000 fish above the 90% MSY range of 12,000 – 27,000 in the escapement goal review (run reconstruction / Fleischman and McKinley 2013). Yet, ‘sustained yield is maximized between 15,000 – 19,000 spawners’. Escapement of 15,000 represent returns (R) of 50,060 with Sustained Yield (SY) of 35,060. Escapement of 19,000 represents return (R) of 55,670 with Sustained Yield (SY) of 36,670, “Conservation” includes the ‘full utilization’ of salmon harvest levels and incorporates 90% MSY rule under escapement goals. Overfishing (OF) definitional standards – less than 80% MSY (9,600 escapements) produces 29,000 Sustained Yields (SY) with median returns of 38,000.

Furthermore, from August 1 through August 15<sup>th</sup> when the minimum goal of 15,000 been met – instead, a capricious spawning goal of 22,000 now in effect with closure times on the commercial eastside sockeye salmon fishery if between 16,500 – 22,000 is estimated by July 31 even when the directed inriver sport fishery normally is ended. There is no other escapement goal within the state that operates this way. In fact, by default directs commercial fishery managers to manage for an escapement goal of 22,000 instead of in-river goal during the month of July. Instead, Chinook goals elsewhere are stated by the Department as “achieved when the minimum goal is met within the escapement goal range (SEG, BEG, or SET).”

**PROPOSED BY:** Jeff Beaudoin (HQ-F16-104)

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*(Proposal 174 was submitted by two proposers. The proposal and justification for each proposer is listed below.)*

**PROPOSAL 174 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Remove provisions (e)(3)(A)(i) and (ii) that restrict the number and/or depth of commercial set gillnets fished by a Commercial Fisheries Entry Commission limited entry permit holder in the Upper Subdistrict if the use of bait is prohibited in the Kenai River sport fishery, as follows:

- (A) If the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this section, commercial fishing periods are open for no more than 36 hours per week, with a



**PROPOSAL 175 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Clarify the length and depth of set gillnets that may be used in the Upper Subdistrict commercial salmon fishery, if the use of bait is prohibited in the Kenai River sport fishery, as follows:

A change of wording along the following lines.

5 AAC 21.359 (e)(3)(A)

(i) [THREE SET GILLNETS THAT ARE EACH NOT MORE THAN 35 FATHOMS IN LENGTH] **up to four set gillnets that are each not more than 35 fathoms in length with more than 105 fathoms in the aggregate and 29 meshes in depth or two set gillnets that are each not more than 35 fathoms in length** and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or ...

Alternatively as some have thought the above confusing

(i) [THREE SET GILLNETS THAT ARE EACH NOT MORE THAN 35 FATHOMS IN LENGTH AND] **a full complement of gear with a maximum** 29 meshes in depth or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth;...

Both are functionally the exact same as "a full complement of gear" is described elsewhere

**What is the issue you would like the board to address and why?** When the King Salmon Conservation Plan was introduced at the 2014 BOF meeting, I believe it was the original intent of the regulation in question to allow for fishing a full complement of 29 mesh deep nets during the first tier of "step-downs". This is generally three 35 fathom gillnets as listed. However, there are provisions elsewhere in the regulations for breaking your gear group into "shorter nets".

5 AAC 21.331

(d) A set gillnet may not be longer than 35 fathoms in length... ...A person may not operate more than four set gillnets with more than 105 fathoms of set gillnet in the aggregate...

There are fishermen in the Cook Inlet East Side set net fishery that utilize this option to fish four "short" nets rather than three 35 fathom nets. In the case where the king salmon management plan is instituted in this fashion, as was done in 2014, they were forced to take a further 25% gear reduction even when fishing "shallow" 29 mesh deep nets and fish only three of their "short" nets. This was pretty clearly unintended when the board action was taken and is merely the result of poor wording of the RC/proposal that produced the new regulation and a reluctance to tamper with it further. It appears unavoidable that in the further step-downs of the plan (the ones that actually reduce the number of nets) "short" net users will take a larger restriction than those who fish standard 35 fathom nets and I am willing to accept this being a consequence of choosing to break your gear up this way, but in the initial tier that exists solely to incentivize fishing shallow nets for king salmon conservation it seems appropriate that they be able to fish a full complement of gear like everyone else when making the sacrifice of fishing 29 mesh deep nets.

**PROPOSED BY:** Joseph Person

(EF-F16-075)

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**PROPOSAL 176 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Allow commercial set gillnet fishing periods in the Kenai and Kasilof sections to be managed separately, with regard to “paired” restrictions, if the use of bait is prohibited in the Kenai River sport fishery, as follows:

5 AAC 21.359 (e) (3) (A) if the use of bait is prohibited in the Kenai River sport fishery under (1) (A) of this subsection, commercial fishing periods **in the Kenai and Kasilof sections may be managed independently based on abundance and** are open for no more than 36 hours per week **within each section**, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets operated may also be restricted to either

**What is the issue you would like the board to address and why?** 5 AAC 21.363 Upper Cook Inlet Management Plan (a) (3) in adopting the specific management plans described in (2) of the subsection the board will consider: (a) (3) (C) the various needs and demands of the user groups of the salmon resources of upper Cook Inlet: We have attempted several times in three years to get this slight requested modification in place. This would be a major improvement and an opportunity for maintaining a economically viable ESSN fishery in times of hourly restrictions. A modified plan that will maximize true abundance while still remaining in a very restrictive management plan. The current regulation does nothing for managing 49.85 statute miles of beach in a productive manner.

**PROPOSED BY:** Paul Shadura, spokesperson for South K-Beach Independent Fishermen’s Association (SOKI) (EF-F16-168)

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**PROPOSAL 177 – 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.**

Allow commercial fishing periods in the Kasilof and Kenai/East Forelands sections to be opened separately, with regard to “paired” restrictions, if the use of bait is prohibited in the Kenai River sport fishery, as follows:

A) If the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this section, commercial fishing periods are open for no more than 36 hours per week in the combined Kenai/East Foreland Section or separately in the Kasilof Section, with a 36 hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday, during which the number of set gillnets operated may also be restricted to either (i), or (ii)

**What is the issue you would like the board to address and why?** Decouple The Kenai/East Foreland Section from the Kasilof Section in regards to 36 hour limit for fishing under 5 AAC 21.359. Allow each section to be managed independently so that when one section is open it does not count towards the other section’s 36 hour limit. In order to manage to existing escapement objectives in both the Kenai and Kasilof rivers, ADFG should have more flexibility to fish the 36 hours independently in each section. There are approximately 35 miles of beach in the Kasilof Section and 25 miles of beach in the Kenai/E. Foreland sections. Localized concentrations of fish in the 60 miles of beach can occur, but if one section of beach is opened to harvest this abundance,

the hours used count toward the 36 hour allotment for the entire beach. Allowing ADF&G to independently use the 36 hours in each beach will make meeting the objective of maximizing sockeye salmon harvest more effective, and thus, more efficient

**PROPOSED BY:** Anchorage Fish and Game Advisory Committee (EF-F16-047)

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