

PROPOSAL 99 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Amend management plan to remove all restrictions and manage the commercial set gillnet fishery to harvest surplus Kasilof River sockeye salmon, as follows:

5 AAC 21.365. Kasilof River Salmon Management Plan (a) This management plan governs the harvest of Kasilof River salmon excess to spawning escapement needs. It is the intent of the Board of Fisheries that Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. Openings in the areas historically fished must be consistent with escapement objectives for upper Cook Inlet salmon and with the Upper Cook Inlet Salmon Management Plan (5 AAC 21.363).

...

(c) The commercial set gillnet fishery in the Kasilof Section shall be managed as follows:

(1) fishing will be opened as described in 5 AAC 21.310(b)(2) for regular weekly fishing periods, as specified in 5 AAC 21.320;

...

(3) beginning July 8, in the set gillnet fishery in the Kasilof Section, the commissioner may, by emergency order, limit fishing during the regular weekly periods and any extra fishing periods to those waters within one-half mile of shore, if the set gillnet fishery in the Kenai and East Forelands Sections are not open for the fishing period

(d) The personal use fishery will be managed as specified in 5 AAC 77.540(b) and (c).

(f) After July 24 the commissioner may, by emergency order, open the Kasilof River Special Harvest Area (KRSHA) to the taking of salmon by gillnets when it is projected that the Kasilof River sockeye salmon escapement will exceed 365,000 fish. It is the intent of the Board of Fisheries (board) that the KRSHA should rarely, if ever, be opened under this subsection and only for conservation reasons. Before the commissioner opens the KRSHA, it is the board's intent that additional fishing time be allowed in the remainder of the Kasilof Section. The Kasilof River Special Harvest Area is defined as those waters within one and one-half miles of the navigational light located on the south bank of the Kasilof River, excluding waters of the Kasilof River upstream of ADF&G regulatory markers located near the terminus of the river and waters open to set gillnetting under 5 AAC 21.330(b)(3)(C)(ii) and (iii). The following apply within the special harvest area when it is open:

(1) set gillnets may be operated only within 1,800 feet of the mean high tide mark;

(2) a set gillnet may not exceed 35 fathoms in length;

(3) drift gillnets may not be operated in waters within 1,800 feet of the mean high tide mark;

(4) no more than 50 fathoms of drift gillnet may be used to take salmon;

(5) a permit holder may not use more than one gillnet to take salmon at any time;

(6) a person may not operate a gillnet outside the special harvest area when operating a gillnet in the special harvest area;

(7) there is no minimum distance between gear, except that a gillnet may not be set or operated within 600 feet of a set gillnet located outside of the special harvest area; and

(8) a vessel may not have more than 200 fathoms of drift gillnet or 105 fathoms of set gillnet on board.

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

(h) For the purposes of this section, “week” means a calendar week, a period of seven consecutive days beginning at 12:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

What is the issue you would like the board to address and why? This plan is far too complex and has many unnecessary restrictions and conflicting objectives. Since managing for the **escapement goal is all that is necessary and puts the health of the fish above all else**, the remainder of the language is arbitrary and unnecessary and preventing the department from achieving the proper escapement level. The hourly limitations in the set gillnet fishery are unnecessary since the department is going to manage for the same escapement goal regardless, which is what 5 AAC 21.363 (e) directs them to do anyway. Additionally the Supreme Court just ruled that once the season starts the department should ignore the plans and manage for the escapement goals for all stocks. Windows or mandatory closed periods are not only unnecessary, they lead to huge over escapements which are likely unconstitutional and contrary to the Boards mandate to conserve and develop. This plan will work much better if you allow the department to do their job with minimal guidelines. Since 2008 when 21.363 (e) was added to prevent overescapements in the Kasilof River they have continued. This has lead to gross unharvested surpluses and a waste of millions of sockeye as well as other stocks like pink salmon all for no real benefit. The board does not have the authority to continue to waste these fish under the guise of "Conservation and development".

PROPOSED BY: Debra Blossom (HQ-F16-110)

PROPOSAL 100 – 5 AAC 21.310. Fishing seasons. Open the commercial set gillnet fishery in the Kasilof Section as early as June 20 if the department estimates 50,000 sockeye salmon will be in the Kasilof River before June 25, as follows:

Amend (b)(2)(C)(i): If the department estimates that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner **shall** [MAY] immediately, by emergency order, open the fishery...

What is the issue you would like the board to address and why? If the department estimates that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20 the commissioner may immediately, by emergency order, open the fishery.

However somehow conflict between department divisions has occurred and stalls the implementation. Including not “immediately” implementing opening somehow over Kenai early-

run king salmon when 0 or perhaps 2 would be caught but cause historical sockeye escapement rates before July 8 and increased the likelihood that the department will not manage within the BEG range based on run timing and run strength.

PROPOSED BY: Jeff Beaudoin (HQ-F16-093)

PROPOSAL 101 – 5 AAC 21.365. **Kasilof River Salmon Management Plan.** Allow commercial fishing with set gillnets within 600 feet of shore in the Kasilof Section, with fishing time occurring 600 feet or less offshore not subject to the hourly restrictions in the *Kenai River Late-Run Sockeye Salmon Management Plan*, as follows:

5 AAC 21.365 (c) (3) ...If the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River **late run sockeye and king salmon** escapement goal(s), the commissioner may, in an emergency order under this paragraph, further restrict fishing to within 600 ft of the **mean** high tide mark in the Kasilof section[;](.) **Hours allowed under this provision will not be subject to the restrictions in 5 AAC 21.359 (e) (3) (A) and will be adhere to the requirements in (f) of this section.**

What is the issue you would like the board to address and why? Under the restrictions mandated in 5 AAC 21.359 (e) (3) (A) the use of the 600ft area in lieu of the KRSHA terminal area would appear to be outside of the policies and directives in the Kasilof River Salmon Management Plan. We believe that the 600ft zone should be part of the KRSHA plan and that the hours used should not be counted against the hourly restrictions in place for the entire ESSN fishery. If used on a regular basis, control of the escapement of Kasilof bound sockeye could be of considerable benefit to escapement goals and objectives without violating policies described in (a) of this regulation. ...It is the intent of the Board of Fisheries that the Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. ...Further use of the Kasilof Terminal area has created a "new" fishery where 10% of the participants harvest 90% of the sockeye. These few have established locations on the boundaries that are nets tied together, end to end, all the way out to the 1200 ft limit. Strong armed tactics, intimidation and outright piracy keep these locations in but a few hands. The 600 ft limit offers the traditional fishers to operate from their headquarter sites. Very few Kenai bound kings were caught when this concept was utilized in 2015 yet many Kasilof bound sockeyes were harvested.

PROPOSED BY: Paul Shadura, spokesperson for South K-Beach Independent Fishermen's Association (SOKI) (EF-F16-167)

PROPOSAL 102 – 5 AAC 21.365. **Kasilof River Salmon Management Plan.** Amend management plan to allow commercial fishing with set gillnet gear in the Kasilof Section within one-half mile of shore and eliminate the provision allowing commercial fishing with set gillnet gear only within 600 feet of shore in the Kasilof Section, as follows:

Amend and delete (c) (3) after [“if the commissioner determines that further restrictions are necessary to aid in achieving the lower end of the Kenai River escapement goal, the commissioner may, in an emergency order under this paragraph, further restrict fishing to within 600 feet of the high tide mark in the Kasilof Section.”]

Amend (c) (4) that if the KRSHA opens, it shall be in conjunction with opening at the least one-half mile from shore in the Kasilof Section.

What is the issue you would like the board to address and why? The issue is the 600 ft. opening provision in the Kasilof plan. Direct EO abuse and use of the 600 ft provision that was outside the intent of the Board over one-half mile openings in the Kasilof Section.

The provision in the current plan is attached to a management objective, the commissioner can open to 600 ft and further restrict area waters normally open in order to meet the minimum Kenai late-run sockeye goal if necessary.

However, the Commissioner’s EO were repeatedly used to “reduce Kasilof River sockeye escapements.” Including, one opening to within 600 ft. to reduce both Kasilof River sockeye escapement and conserve Kenai late-run king salmon when the Department projected the Kenai late-run king salmon in-river goal was well over 22,500 fish during the EO order dated July 21, 2015 and when the in-river run projection was above 28,800 fish

In fact, the one half-mile opening caught six times the number of sockeye and less Kenai late-run king salmon. In fact, the Kasilof escapement goal was exceeded and repeatedly occurred over the last 5 years. Clearly, in the past the Department only utilized one-half mile openings and consistent with the BOF intent within the KRSHA states: Before the commissioner opens the KRSHA, it is the Boards intent that additional fishing time be allowed in the remainder of the Kasilof Section first”....

And, clearly under (c) (4) after July 8, if the Kasilof Section set gillnet fishery is restricted to within first one-half mile of shore, the commissioner may open the KRSHA... However this directive was abused as an EO half-mile opening occurred well after the KRSHA being opened.

PROPOSED BY: Dan Ducker (HQ-F16-100)

PROPOSAL 103 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Add a 24-hour no fishing window on Tuesday in the Kasilof Section through July 7 and adopt mandatory no fishing windows in the Kasilof River Special Harvest Area after July 7, as follows:

Provide adequate protection of Kasilof king escapement by increased use of no-fishing windows in the Kasilof area set gillnet fishery:

- a. Through July 7, bolster windows protection in Kasilof salmon management plan adding a fixed 24 hr. on Tuesday (in addition to the current 36 hour window at the end of the week).

b. After July 7, adopt mandatory windows for the Kasilof River Special Harvest Area the same as those found in the Kenai River late-run sockeye management plan.

What is the issue you would like the board to address and why? Current plans do not provide adequate protection for Kasilof late-run kings particularly during years of large Kasilof sockeye returns. Precautionary king protection measures are necessary in the absence of escapement monitoring and goals for the Kasilof River.

Recent research and genetic analysis of east side set net harvest has shown that the Kasilof River supports a substantial population of late-run king salmon. King populations throughout UCI are suffering from a period of record low returns. Current management fails to protect escapement of Kasilof late-run kings because run strength is not assessed and escapement goals have not been identified.

After July 7 the “windows” provisions of the Kenai River Late-Run Sockeye Salmon Management Plan apply to the Kasilof section and provide significant protection to both Kenai and Kasilof kings. However, windows protections are reduced between June 25 and July 7 when the set net fishery in the Kasilof section is regulated by the Kasilof River Salmon Management Plan. After July 7, Kenai plan windows do not currently apply to the Kasilof River Special Harvest Area which is being fished intensively in recent years. Harvest of Kasilof kings in the KRSHA counteracts benefits of district-wide limitations on set net fishing time.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F16-072)

PROPOSAL 104 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Reduce the closed fishing period or “window” and increase additional fishing time with set gillnet gear in the Kasilof Section prior to July 9, as follows:

1/ Reduce the closed fishery period from 36 hours (Friday window) to a minimum 24 hours prior to July 9th and increase the allowable EO fishing time from 48 to 63 hours. ‘This would provide the department the ability to manage for the Kasilof River sockeye salmon BEG prior to Kenai River sockeye salmon stocks entering the fishery.’

2/ ‘Beginning July 9, the set gillnet fishery in the Kasilof Section is managed in concert with the Kenai ad East Forelands sections. The date of July 9 may be too early to manage the Kasilof River sockeye salmon stock based on Kenai River sockeye salmon run strength. Begin managing the Kasilof River in concert with the Kenai and East Forelands sections July 15th instead of July 9. This would provide additional time to harvest Kasilof River sockeye salmon prior to the arrival of the majority of the Kenai River sockeye salmon entering the fishery.’

3/ ‘Provide an additional 24 hours of fishing time within one-half mile in the Kasilof Section after July 8. Currently, after July 15th, if the department determines that the Kenai River late-run sockeye salmon run strength is less than 2,300,000 and the 390,000 optimal escapement goal for the Kasilof River sockeye salmon may be exceeded, the commissioner may, by emergency order, open fishing for an additional 24 hours per week in the Kasilof Section within one-half mile of

shore and as specified in 5 AAC 21.360 (c). Note: “this date and the additional time may not be sufficient to harvest Kasilof sockeye.”

What is the issue you would like the board to address and why? The KRSHA and Kasilof escapement. It is in conflict with the BOF intent to harvest salmon in fisheries that have historically harvested them) including the methods, means, times, and locations of those fisheries.

Created fisheries conflicts, quality of the resource lowered, and lowers the economic benefit (ex-vessel price) within the fisheries.

“Fishing time allocated in the current management plan prior to July 9 is not sufficient to harvest excess fish (two regular periods plus up to 48 hours of additional EO time. The window closure has been problematic during that period of time large passage rates have occurred. These two factors have kept the department from being able to manage for the escapement goal.”

PROPOSED BY: Mark Ducker (HQ-F16-101)

PROPOSAL 105 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Allow commercial fishing with set gillnet gear in the North Kalifonsky Beach statistical area (NKB - stat area 244-32) when the upper end of the Kasilof sockeye salmon escapement goal range is projected to be exceeded, as follows:

Direct the department to allow fishing in the N-K-Beach stat area when the department projects the Kasilof red salmon may exceed the upper limit and the need for extra fishing time to harvest the abundance is needed.

This may happen as early as June 25th. Net restrictions, shore nets, 1/4 mile, 1/2 mile, and even 4 3/4 inch or smaller web could be required during the extra time to target Kasilof reds.

What is the issue you would like the board to address and why?

Allow and direct the department to manage by stat-area when needed.

Example: When the department projects that the Kasilof red escapement will exceed the upper escapement limit.

Extra fishing time has been allowed from Blanchard Line and south.

Which includes:

Nililchick (stat-area 244-21) , Coho (stat-area 244-22), and South K-Beach (stat-area 244-31).

The department is opening drift and set net areas 10, 15, 20, and 25 miles south of the Kasilof River.

Instead of leaving out North K-Beach (stat-area 244-32) which is located 4 to 9 miles north of the Kasilof River. It makes sense to include North-K-Beach to harvest the abundance due to it's close proximity to the Kasilof.

PROPOSED BY: Chris Every

(EF-F16-109)

PROPOSAL 106 - 5 AAC 21.365. Kasilof River Salmon Management Plan. Replace the optimum escapement goal with the sustainable escapement goal for Kasilof River sockeye salmon, as follows:

5 AAC 21365. Kasilof River Sockeye Salmon Management Plan. 5 AAC 21365. Kasilof River Salmon Management Plan

(a) This management plan governs the harvest of Kasilof River salmon excess to spawning escapement needs of **160,000 to 340,000 sockeye.** It is the intent of the Board of Fisheries that Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. Openings in the areas historically fished must be consistent with escapement objectives for upper Cook Inlet salmon and with the Upper Cook Inlet Salmon Management Plan (5 AAC 21.363).

[(b) ACHIEVING THE LOWER END OF THE KENAI RIVER SOCKEYE SALMON ESCAPEMENT GOAL SHALL TAKE PRIORITY OVER NOT EXCEEDING THE UPPER END OF THE KASILOF RIVER OPTIMAL ESCAPEMENT GOAL RANGE OF 160,000 - 390,000 SOCKEYE SALMON.]

What is the issue you would like the board to address and why? Repeal the Kasilof River sockeye Optimum Escapement Goal (OEG)

The purpose of a salmon escapement goal is to both ensure sustainability and maximize the yield or harvest. State policy requires that escapement goals must be scientifically defensible.

Escapement goals should be established utilizing the best biological information and empirical data relating to production capacity and carrying capacity. Escapement goals should be periodically reviewed and adjusted to compensate for changing ecological factors. When escapement goals are exceeded or escapement goals are set too high, salmon populations are put at risk by exceeding the carrying capacity of the habitat. *"Over-escapement, in general, is not sustainable..."* ADF&G (SP No. 07-17). Repeated escapements over the top end of a BEG or SEG are not sustainable. Escapements that are too large will produce oscillating returns, low return per spawner rates and other density-dependent effects. The extreme variability of returns on large escapements puts at risk both the sustainability of future runs and the economies that are built around the harvest of these salmon stocks.

The "biological escapement goal," or "BEG," is the gold standard. This describes the escapement level that provides the greatest potential for "maximum sustained yield," or "MSY", which means the greatest average annual yield (harvest) from a salmon stock.

The most recent ADF&G escapement goal review (FMS 13-13) for Cook Inlet recommended a

biological escapement goal (BEG) of 160,000-340,000 sockeye for the Kasilof River just as it had in 20011 and 2008. In 2008 the Board voted (4 to 3) not have an OEG for the Kasilof River yet the department added the OEG of 390 without the board's approval. Another recent ADF&G review (FMS14-06) of a method commonly used (140 of 300 goals) throughout Alaska to establish an SEG determined that the upper end of many escapement goal ranges were in fact, unsustainable. The report stated that "*SEGs based on the current Percentile Approach, especially the upper bounds, may actually be unsustainable in that they may specify a spawning escapement that is close to or exceeds the carrying capacity of the stock where there is the expectation of no sustainable yields.*" The OEG for the Kasilof River was not established by using the Percentile Approach but the report documents the risks in exceeding that level of escapement.

The "Optimum Escapement Goal," or "OEG," for Kasilof River sockeye exceeds the BEG. The Kasilof River OEG is incompatible with the findings of both of the latest ADF&G escapement goal reviews; it was never approved by the Board and should be repealed.

PROPOSED BY: Earl C. Young

(HQ-F16-115)

PROPOSAL 107 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Replace the optimum escapement goal with a sustainable escapement goal for Kasilof River sockeye salmon, as follows:

5AAC 21.365. Kasilof River Salmon Management Plan. (a) This management plan governs the harvest of Kasilof River salmon excess to spawning escapement needs. It is the intent of the Board of Fisheries that Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. Openings in the areas historically fished must be consistent with escapement objectives for upper Cook Inlet salmon and with the Upper Cook Inlet Salmon Management Plan (5AAC 21.363).

(b) Achieving the lower end of the Kenai River sockeye salmon escapement goal shall take priority over not exceeding the upper end of the Kasilof River **sustainable escapement goal of 160,000 – 340,000** [OPTIMAL ESCAPEMENT GOAL OF 160,000 – 390,000] sockeye salmon.

What is the issue you would like the board to address and why? Repeal the Kasilof River Optimum Escapement Goal OEG

The Kasilof River OEG of 160,000 - 390,000 is not scientifically defensible and annually puts escapement into the Kasilof River that is more than double the biological escapement goal. The OEG is extreme and is being used as a method to restrict commercial fishing and allocate more sockeye into the river, that will not be utilized by anyone and will jeopardize future returns. There are numerous studies that document over escapement as not beneficial to the resource, habitat or users. World renowned sockeye salmon expert University of British Columbia professor emeritus Carl Walters states that severely restricting salmon fishing to put more spawners on the grounds did not produce more fish and only cost fishermen money. Walters points out that adding more spawners above an intermediate level does not create more fish. Adding extra spawners are not producing any more salmon and adding more spawners isn't adding more value to anybody. He states that consistently putting too many spawners into a system is bad for the fish. This is exactly

what the OEG is doing to the Kasilof River. The OEG is contrary to Alaska's Constitution, Alaska's laws, statutory conservation mandates, the Magnuson Stevens Act (MSA) and the Sustainable Salmon fisheries policy 5AAC 39.222 especially (a)(2) formulate fishery management plans designed to achieve maximum or optimum salmon production, and (c)(2)(B) salmon escapement goals should be established in a manner consistent with sustained yield: unless otherwise directed, the department will manage Alaska's salmon fisheries, to the extent possible, for maximum sustained yield; and (c)(3)(P).the best available scientific information on the status of salmon populations and the condition of the salmon's habitats should be routinely updated and subjected to peer review. The OEG must be repealed!

PROPOSED BY: Central Peninsula Advisory Committee (EF-F16-152)

PROPOSAL 108 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Replace the optimum escapement goal with the current biological escapement goal for Kasilof River sockeye salmon, as follows:

Amend (b) Achieving the lower end of the Kenai River sockeye salmon escapement goal shall take priority over not exceeding the upper end of the Kasilof River **BEG goal of 160,000 –340,000 sockeye salmon** [optimal escapement goal 160,000 – 390,000 sockeye salmon]

What is the issue you would like the board to address and why? The OEG was not passed by the BOF during the 2011 meeting. In fact, Chairman Morris stated on the record “we are not going there” when RC 213 was brought to the record due to the fact that the BEG goal was changed from 150,000 – 250,000 to 160,000 – 340,0000 sockeye salmon. 90,000 sockeye difference within the new goal range and well above the former OEG of 50,000 fish.

This proposal is essentially a housekeeping proposal.

PROPOSED BY: Jeff Beaudoin (HQ-F16-097)

PROPOSAL 109 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Provide clarification on the use of gear in the Kasilof River Special Harvest Area (KRSHA) for individuals who hold two Cook Inlet set gillnet Commercial Fisheries Entry Commission (CFEC) limited entry permits, as follows:

5 AAC 21.365(f)(5) may be amended to read:

(5) a permit holder may not use more than one **set** gillnet **per permit** to take salmon at any one time;

Or

(5) a permit holder may not use more than one **set** gillnet **per person** to take salmon at any one time;

What is the issue you would like the board to address and why? This proposal seeks clarification on the use of gear in the KRSHA for individuals who hold two Cook Inlet set gillnet CFEC permits. According to provisions found in 5 AAC 21.331. *Gillnet specifications and operations*, a CFEC permit holder who holds two Cook Inlet set gillnet CFEC permits may operate up to 210 fathoms of set gillnet gear. However, the KRSHA language found in 5 AAC 21.365(f)(5) currently reads “a permit holder may not use more than one gillnet to take salmon at any one time.” This language is somewhat ambiguous regarding permit holders who hold two Cook Inlet set gillnet CFEC permits. The Alaska Department of Fish and Game seeks board clarification as to whether an individual who owns two set gillnet permits may fish only one net in the KRSHA, or if they are allowed to fish one net per permit, which would be up to two nets, when fishing in the KRSHA.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F16-152)

PROPOSAL 110 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Allow a Commercial Fisheries Entry Commission limited entry permit holder to commercial fish in the Kasilof River Special Harvest Area with one gillnet per limited entry permit held, as follows:

5AAC 21 3.65(f) would be amended to read:

(5) a permit holder may not use more than one gillnet **per permit** to take salmon at any one time.

What is the issue you would like the board to address and why? In 1986 when the Kasilof Special Harvest Area was created, set gillnet gear was limited to one 35 fathom set gillnet per permit. In 2011 when the board allowed a person in Cook Inlet to hold and operate two permits the wording in 5AAC 21.365(f)(5) became ambiguous. The current wording is:

5AAC 3.65(f)(5) a permit holder may not use more than one gillnet to take salmon at any one time.

Enforcement is interpreting this to mean a dual permit holder can only fish one net in the KRSHA total, not one per permit as intended, for a total of two nets.

The intent of this proposal is to make it clear that when fishing in the KRSHA, a permit holder can fish no more than one 35 fathom set gillnet per permit, meaning a dual permit holder could fish two nets.

PROPOSED BY: Richard Person (EF-F16-063)

PROPOSAL 111 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Allow a Commercial Fisheries Entry Commission limited entry permit holder to commercial fish in the Kasilof River Special Harvest Area with one set gillnet per limited entry permit held, as follows:

5 AAC 21.365 (f) (5) a permit holder may not use more than one **set gillnet per permit** to take salmon at any one time;

What is the issue you would like the board to address and why? This proposal seeks to clarify setnet gear used in the Kasilof River Special Harvest Area (KRSHA) by individuals who hold two Cook Inlet (CI) Commercial Fisheries Entry Commission (CFEC) set gillnet permits. In 5 AAC

21.365 (f) (5) the use of the term *permit holder* needs to reflect individual permits rather than just the individual. There appears to be some confusion by some enforcement officers on if the current language allows an individual to who owns two setnet permits to fish only one net in the KRSHA or are they allowed to fish two nets as specified in 5 AAC 21.331 (i) which allows dual CI set gillnet permit holders two complements of gear.

PROPOSED BY: Paul Shadura, spokesperson for South K-Beach Independent Fishermen’s Association (SOKI) (EF-F16-150)

PROPOSAL 112 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Allow holders of two Commercial Fisheries Entry Commission set gillnet limited entry permits to fish two set gillnets in the Kasilof River Special Harvest Area, as follows:

Dual set net permit holders can fish two nets in the KRSHA. Each permit can fish one set net associated with its CFEC number.

What is the issue you would like the board to address and why? In Cook Inlet setnetters can own and operate two CFEC permits, since 2011.

The issue of fishing dual permits in the KRSMMP was never addressed at the 2011 or 2014 BOF Upper Cook Inlet meetings. From 2011 to 2014 it was assumed and ALLOWED by Department of Public Safety that a dual permit holder could fish two set nets in this fishery.

In 2015, Department of Public Safety interpreted the management plan differently, in the plan, (f), stating a permit holder may not use more than one gillnet to take salmon at anyone time. This language has been in the KRSMMP, since being put into regulation in the 1980's.

I believe that this issue was an oversight by the BOF, and that it should be clarified that dual permit holders can fish two nets in the Kasilof terminal fishery.

PROPOSED BY: Gary L. Hollier (EF-F16-030)

PROPOSAL 113 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Remove restrictions on the amount of drift or set gillnet gear a vessel may have on board within the Kasilof River Special Harvest Area, as follows:

5AAC 21.365 (c)(5)(f)(iii) [(8) A VESSEL MAY NOT HAVE MORE THAN 150 FATHOMS OF DRIFT GILLNET OR 105 FATHOMS OF SET GILLNET ON BOARD.]

What is the issue you would like the board to address and why? 5AAC 21.365. Kasilof River Salmon Management Plan. (c)(5)(f) allows for the Kasilof River Special Harvest Area (KRSHA). This is a somewhat controversial fishery but none-the-less it is a valuable last chance management tool, utilized by the biologist to help control the sockeye escapement into the Kasilof River and to allow a harvest of the surplus salmon. It is important to the fishermen who participate and it

generates revenue and jobs along with utilizing a valuable and healthy food source. The issue we would like to address is under (iii) (8) a vessel may not have more than 150 fathoms of drift gillnet or 105 fathoms of set gillnet on board. In the KRSHA only one shackle, 50 fathoms for drift gillnet and 35 fathom for set gillnets may be used to take salmon. 5AAC 21.365 (c)(5)(f)(iii)(2) a set gillnet may not exceed 35 fathoms in length; and in (c)(5)(f)(iii)(4) no more than 50 fathoms of drift gillnet may be used to take salmon: The fishery is conducted basically within the mile and a half radius of the mouth on the river. The area is shallow and actually goes completely dry on a large minus tide. The fish tend to be smaller than salmon outside of the KRSHA. The net is always dragging on the bottom, which chafes the lead line and hangings plus there are some snags and rocks that will tear the web and strip the lead line from the web. For these reasons most everyone uses a separate net specifically design for the KRSHA so they don't tear up their good regular gear. The KRSHA net is usually smaller mesh size, sometimes shallower, heavier web and lead line hangings, so it won't tear and chafe as easily as regular gear. The problem exist that under the current regulation a vessel may not have more than 150 fathoms of drift gillnet or 105 fathoms of set gillnet on board. This regulation places an unnecessary burden on especially the drift fisherman because they have to un-sow one shackle from the other two shackles on the reel, go to the dock and have a crane unload that shackle, then lower the specially designed KRSHA shackle and put it on the reel. This can sometimes take several hours and the process is reversed when the KRSHA shackle is replaced by the regular shackle. The KRSHA is commonly opened on very short notice, so time is critical. Also there are times when the KRSHA is open the same time an expanded corridor is open. If there are not any fish in the KRSHA and you want to try in the expanded corridor then having the KRSHA net on the reel instead of the regular net is not practical. The reverse is also a problem. If the expanded corridor doesn't have any fish and you want to try the KRSHA you would have to run into the river to change gear or risk tearing up the regular shackle, which will happen. Also if the tide is out it might be several hours before there is enough water to get to the dock to change gear. The simple and practical solution would be to modify the regulation by eliminating 5AAC 21.365.(c)(5)(f)(iii)(8). This modification has no allocative effects and does not create any unique advantage. It simply puts a common sense solution to an unforeseen problem. There should be no enforcement issue because under current regulations a vessel already is allowed more shackles on board than they are allowed to operate in the KRSHA.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee

(EF-F16-133)

PROPOSAL 114 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Require all nets, buoys, ropes and anchoring devices to be removed from the Kasilof River Special Harvest Area when this area is closed to commercial fishing, as follows:

5AAC21 330 (f)(9) would be amended to read:

At the end of each closure of the KRSHA, permit holders shall remove all nets, buoys, ropes and anchoring devices from the waters within the boundaries of the KRSHA.

What is the issue you would like the board to address and why? The Kasilof Special Harvest Area is intended to be a open access fishery for Cook Inlet permit Holders.

In the Set Gillnet section of the fishery a situation has developed that precludes this. Some Set gillnet permit holders are establishing net locations on the south and north regulatory boundaries by anchoring or staking buoys and lines far in advance of the KRSHA opening. This practice gives them great advantage over other permit holders the day of an opening guaranteeing them the most profitable locations for their nets. Most Cook Inlet set gillnet permit holders fish miles away from the KRSHA and do not have easy access and opportunity to pre-stake locations prior to the openings.

A simple solution that would level the playing field for all set gillnet permit holders would be to require all fishing gear and related equipment i.e. buoys, anchor lines, anchors and stakes to be removed from the KRSHA when the area is closed to commercial fishing.

PROPOSED BY: Richard Person (EF-F16-097)

PROPOSAL 115 – 5 AAC 21.365. Kasilof River Salmon Management Plan. Define the boundary that separates set gillnet from drift gillnet gear in the Kasilof River Special Harvest Area (KRSHA), and define the outside boundaries of the KRSHA, as follows:

5 AAC 21.365(f) is amended to read:

(f) The commissioner may, by emergency order, open the Kasilof River Special Harvest Area (KRSHA) to the taking of salmon by gillnets when it is projected that the Kasilof River sockeye salmon escapement will exceed 365,000 fish. It is the intent of the Board of Fisheries (board) that the KRSHA should rarely, if ever, be opened under this subsection and only for conservation reasons. Before the commissioner opens the KRSHA, it is the board's intent that additional fishing time be allowed in the remainder of the Kasilof Section first, and secondly that the mandatory closures specified in regulation be reduced in duration, if necessary to meet the escapement goals contained within this and other management plans. The Kasilof River Special Harvest Area is defined as those waters within one and one-half miles of the navigational light located on the south bank of the Kasilof River, excluding waters of the Kasilof River upstream of ADF&G regulatory markers located near the terminus of the river and waters open to set gillnetting under 5 AAC 21.330(b)(3)(C)(ii) and (iii). The offshore limit of the KRSHA is bounded by a line from 60° 22.59' N. lat., 151° 20.79' W. long. to 60° 23.83' N. lat., 151° 21.70' W. long. to 60° 24.13' N. lat., 151° 21.34' W. long. to 60° 24.13' N. lat., 151° 17.72' W. long. The following apply within the special harvest area when it is open:

(1) the boundary between those waters open to set gillnet gear and drift gillnet gear is bounded by a line from 60° 22.77' N. lat., 151° 20.93' W. long. to 60° 23.23' N. lat., 151° 19.31' W. long. to 60° 23.56' N. lat., 151° 18.17' W. long. to 60° 24.13' N. lat., 151° 18.12' W. long. [SET GILLNETS MAY BE OPERATED ONLY WITHIN 1,200 FEET OF THE MEAN HIGH TIDE MARK];

(2) repealed / 2017 [DRIFT GILLNETS MAY NOT BE OPERATED IN WATERS WITHIN 1,200 FEET OF THE MEAN HIGH TIDE MARK];

...

What is the issue you would like the board to address and why? In 2014, the board modified provisions of the *Kasilof River Salmon Management Plan* to state that when the KRSHA is open, set gillnetting may take place only within 1,200 feet of the mean high tide mark, while drift gillnetting may not occur in waters within 1,200 feet of the mean high tide mark. Because there is no minimum distance separating gear in the KRSHA, this invisible boundary separating the two gear groups can become a highly disputed demarcation line. To aid in an orderly fishery and to provide more enforceable boundary lines in the fishery, the department attempted to meet the intent of the board's 1,200 foot line by issuing an emergency order (EO) listing a series of four waypoints that defined the separation of gear and the outside boundaries in the KRSHA. The Alaska Department of Public Safety provided positive feedback by stating that lines defined by waypoints are easier to enforce than lines defined as a distance from mean high tide.

This proposal seeks to place into regulation a series of waypoints defining the north and south boundaries of the KRSHA, as well as the demarcation line between set and drift gillnetting in the KRSHA. If the regulation is not changed by board action, the department will continue to issue an EO with these waypoints when the KRSHA is opened.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F16-151)
