Management Plans and Goals (8 proposals)

PROPOSAL 78

5 AAC 21.363. Upper Cook Inlet Salmon Management Plan.

Amend the *Upper Cook Inlet Salmon Management Plan* to include weighted criteria for the allocation of fishery resources, as follows:

Amend to add the following guidance for allocation:

When allocating fishery resources within the Upper Cook Inlet Region the Board shall consider the following factors giving appropriate weight to each in the order provided herein,

(1) The importance of each fishery for providing residents the opportunity to harvest fish for personal and family consumption;

(2) The importance of each fishery to the economy of the state;

(3) The importance of each fishery to the economy of the region and local area in which the fishery is located;

(4) The number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;

(5) The history of each personal use, sport, guided sport, and commercial fishery;

(6) The importance of each fishery in providing recreational opportunities for residents and nonresidents.

The availability of alternative fisheries resources of similar characteristics.

What is the issue you would like the board to address and why? The State of Alaska through the Alaska Board of Fisheries is not fulfilling its Constitutional obligation to maximize the benefit of the fisheries resource to the people of the State by continuing to restrict sport, guided sport and personal use salmon fisheries in Upper Cook Inlet in favor of the commercial salmon fisheries.

AS 16.05.251(e) Regulations of the Board of Fisheries provide direction for allocation of fisheries resources in the form of a list of factors to be considered. This statute was adopted in 1989. The Board subsequently complied with the statute by adopting it in regulation, essentially by reference, in 1991. No action has been taken to amend or improve the regulation since that time. The broad guidance identified in this list of factors is not adequate to address fishery allocation conflicts in the contentious Upper Cook Inlet, sport, commercial, personal use, and subsistence fisheries. Not all factors in the list should be weighted equally. In particular, this list of factors fails to recognize the need and priority for providing residents the opportunity to harvest fish for personal and family consumption and weighting the importance of the fishery to the economy of the state.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F19-120)

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PROPOSAL 79

5 AAC 77.007. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.

Establish a personal use priority for Cook Inlet salmon fisheries, as follows:

Give Personal Use equal status with Subsistence for the five non-subsistence urban areas. The general public has a constitutional right to the accessible fishery resource in the Cook Inlet.

What is the issue you would like the board to address and why? I would like the Board to address Personal Use and to recognize it as a priority for the five non-subsistence urban areas. It should be given the same status as subsistence for rural areas when it comes to the salmon resource. In accordance with the 2014 ADF&G Subsistence Update Report, the Personal Use fishery took 0.1 of the total catch while commercial fishing took 98.5 percent of the catch. This is not in line with the State of Alaska Constitution Article VIII: Natural Resources which outlines the use of the resource, access to it and provides for the maximum bene fit of the people. The Kenai River is road accessible to the urban population.

In 2018 the Personal Use fishermen took 165,028 fish in the Kenai River while the Cook Inlet Commercial fishery took 18,921,027 pounds of fish in the inlet.

Furthermore, the Personal Use fishery was closed 30 July 2018 while Commercial Fishing was allowed to fish thru August. Note: 51% of the sockeye harvest entered the river after the Personal Use fishery was closed.

PROPOSED BY: Walt Arthur (HQ-F19-177)

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**This proposal will be heard at the LCI and UCI meetings, and deliberated at the UCI meeting.*

PROPOSAL 38

5 AAC 21.XXX. New section.

Create a king salmon management plan with paired restrictions in Upper and Lower Cook Inlet commercial fisheries, as follows:

During low king salmon abundance commercial fisheries in Lower Cook Inlet and Upper Cook Inlet will be managed under a single comprehensive king salmon conservation plan which functions to conserve kings in both locations.

What is the issue you would like the board to address and why? We need paired king salmon retention restrictions for Lower Cook Inlet, LCI and Upper Cook Inlet, UCI when UCI is experiencing or projected to experience king salmon no retention restrictions. The adfg is currently attempting to manage UCI and LCI king salmon like they are different king runs when they are in fact the same kings. This mismanagement has resulted in some areas being open for king retention while others are closed, when both areas are fishing the same kings. When Cook Inlet kings are less abundant, both UCI and LCI should be managed together to conserve kings and not with area specific retention.

PROPOSED BY: Donald Johnson (EF-F19-012)

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**This proposal will be heard at the LCI, Kodiak, and UCI meetings, and deliberated at the UCI meeting.*

PROPOSAL 37

5 AAC 18.XXX. New section.

Create a king salmon management plan with paired restrictions in Kodiak and Cook Inlet commercial fisheries, as follows:

Solution:
During low king salmon abundance Kodiak commercial fisheries in and Cook Inlet will be managed under a single comprehensive king salmon conservation plan which functions to conserve kings in both locations.

What is the issue you would like the board to address and why? We need paired king salmon retention restrictions for Cook Inlet and Kodiak island commercial fisheries. Cook Inlet is experiencing or projected to experience king salmon retention restrictions. The ADF&G is currently attempting to manage Cook Inlet king salmon as if they are not the same kings migrating past Kodiak Island. This mismanagement has resulted in Kodiak area commercial fisheries retaining kings while Cook Inlet fisheries are not able to retain kings. This is illogical fisheries management with Cook Inlet attempting to preserve what Kodiak is slaughtering. When Cook Inlet kings are less abundant Kodiak and Cook Inlet commercial fisheries should be jointly managed to conserve kings. Currently Kodiak commercial gill nets activate within the first week of June while Cook Inlet fisheries are closed to king retention during low king abundance. These fisheries should be jointly managed to conserve kings during low king abundance.

PROPOSED BY: Donald Johnson (EF-F19-013)

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PROPOSAL 80

5 AAC 21.310. Fishing seasons.

Prohibit retention of king salmon greater than 36" in the Upper Cook Inlet commercial gillnet fisheries, as follows:

Upper Cook Inlet commercially caught king salmon, 36 inches or longer in length, must be released. King salmon smaller than 36 inches in length may be retained.

What is the issue you would like the board to address and why? Low abundances of "large" Kenai River king salmon trigger inseason restrictions to commercial, personal use, and sport fisheries. By management plan intent language, Kenai River king salmon are to be managed primarily for sport and guided sport use. In an effort to put more large Kenai River king salmon inriver and therefore, provide all user groups more fishing opportunity Alaska Sportfishing Association suggests limiting the Upper Cook Inlet commercial gill net harvest of king salmon to fish under 36 inches in length. All gill net caught king salmon 36 inches or greater in length would be required to be released. This is a package proposal with a similar proposal submitted for the Kenai River personal use dip net fishery.

All Kenai River king salmon 36 inches or greater in length passing through the gill net, personal use, and sport fishery would be counted as escapement and would therefore, help maintain fishing and harvest opportunities for each of these user groups. “Large” Kenai River king salmon tend to be predominately female fish and also provide better quality (eggs in the gravel) escapement for maintaining future Kenai River king salmon returns. Even during times of heavy commercial harvest, a king salmon 36 inches or greater in length, would readily stand out as a “large” fish to be released. All shorter king salmon that do not count toward the Kenai River “large” king salmon escapement goal may be harvested. The mesh size allowed for Upper Cook Inlet gill netting frequently results in larger fish being easier to remove as they may only be tangled by their teeth rather than their gills.

PROPOSED BY: Alaska Sportfishing Association/Martin Meigs (HQ-F19-084)
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PROPOSAL 81
5 AAC 39.222. Policy for the management of sustainable salmon fisheries.
Manage fisheries in Upper Cook Inlet by designating types of salmon habitat, as follows:

Somewhere near 5 AAC 39.222 Policy for Management .
Proposed that the State of Alaska adopt a policy for Upper Cook Inlet to protect anadromous spawning-beds from abuse and from over-fishing, wherein each system is allocated long-term spawning-bed protection that is reasonably calculated to maintain optimal sustainable yield for each species of salmon, while allowing for reasonable opportunity for public access. Spawning-bed areas will be categorized as following:

1. Sanctuary Areas: Habitat that is so important or fragile where no spawning-bed fishing is allowed. Or,

2. Primary Spawning Bed Areas: Spawning-bed habitat that starts the season as closed to fishing but may be opened to fishing by management upon observation of adequate return so long as the fishery is monitored and orderly. Or,

3. Secondary Spawning Bed Areas: Spawning-bed habitat of lessor density that starts the season as open to fishing and may be closed to fishing only by emergency order. Or,

4. Migratory Areas: where salmon rarely spawn and where access points for public harvest will be encouraged.

The goal is to provide for long term spawning-bed protection that is reasonably calculated to maintain optimal sustainable yield for each anadromous system, while allowing the public adequate access for a reasonable fishing opportunity. This proposal seeks a balanced approach. The State of Alaska’s current policy on State land is unlimited growth of spawning-bed fishing that occurs oftentimes in systems that are not actively monitored. In many systems spawning-beds are not individually identified and categorized.

This proposal only provides for the framework of long-term spawning-bed protection. To become

meaningful the legislature would need to fund ADFG professionals to make the reasonable calculations and surveys for each system, one system at a time. Or the Board of Fish would call for proposals from private groups to make the designations. By approving this concept, the Board of Fish requests cooperation from the legislature, the Governor, and ADFG, and asks that they turn their immediate attention to high traffic and unmonitored spawning-bed fishing areas in the Susitna Drainage and along Cook Inlet's West Side. It is time to start to implement a long-term spawning-bed protection scheme that is reasonably calculated to maintain optimal sustainable yield. Maintained abundance is the best way to address tension for access to salmon among user groups. 5 AAC 39.222 (c) (1) includes beautiful goals that are not in fact being implemented. The intend here is to begin to implement policy goals system by system.

What is the issue you would like the board to address and why? Proposed that the Board of Fish address unlimited growth of spawning bed fishing, which is oftentimes not monitored by fishery managers, to provide for long-term spawning bed protection. The Cook Inlet area is being subjected to growth of directed spawning bed fishing. Without protection, on down cycle years there is the potential of over-fishing, causing severe damage to spawning bed populations. As spawning beds that are readily accessible become depleted, more trails are made and planes fly farther. In competition for salmon on their spawning beds, brush cover is being cut away to make room to operate gear and to make salmon accessible, causing irreparable damage to spawning bed areas. When fry hatch out, with depleted cover, they are more susceptible to predation. Moreover, heavily fished spawning bed areas usually lack sanitary facilities. In some instances, fishing techniques include trampling established nests to gain access to salmon. What is more, anglers going from one spawning bed to another risk transporting invasive vegetation directly to the spawning bed areas. Increasing spawning bed fishing pressure demands a reasonably calculated response.

From a legal point of view, the Magnuson-Stevens Act requires "long-term protection" for "essential fish habitats." The phrase "essential fish habitat" is a defined term in the MSA that includes "spawning beds and rearing areas." The MSA claims to the National Sovereign all anadromous species of the United States within the Exclusive Economic Zone, beyond the EEZ, and throughout their range. The Act permits a State to manage anadromous species so long as they adhere to "minimum conservation standards." The State of Alaska is failing to provide long-term protection for essential fish habitat that is reasonably calculated to maintain optimal sustainable yield in the face of a largely unmonitored, ever-growing, spawning-bed fishery. The danger is that the 9th circuit court might one day rule that Alaska falls below the MSA's required minimum conservation standards and order that the National Government take control.

Presently, Alaska's management policy for Susitna king salmon can be called whipsaw management, where all spawning bed areas are closed for conservation now, in the hopes that king salmon spawning beds can be reopened to spawning bed fishing later, so that we can deplete them again. However, the law calls for practices that are reasonably calculated to achieve stability and sustainability. Because we have a larger population and more visitors, spawning bed protection for Cook Inlet has become practically and legally mandatory.

PROPOSED BY: David Chessik (EF-F19-108)

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PROPOSAL 82

5 AAC 21.320. Weekly fishing periods; 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan; 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan; 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan; 5 AAC 21.365. Kasilof River Salmon Management Plan; and 5 AAC 21.366. Northern District King Salmon Management Plan.

Allow two regular 12-hour commercial fishing periods per week, as follows:

Establish in all management plans that the commercial fisheries will fish on two regular 12 hour fishing periods per week.

What is the issue you would like the board to address and why? The commercial fisheries is the only indicator and calibration of the test boat of the run strength and salmon species on a real time bases. Without regular 12 hour fishing periods the Department is basically managing blind as to the abundance. The fishery has numerous years of management without regular periods and the results have been consistent over-escapement of all species and lost harvest of surplus salmon.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F19-102)

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PROPOSAL 83

5 AAC 21.310. Fishing seasons.

Close all commercial fishing in Upper Cook Inlet, as follows:

For the last 8-10 years there has been less and less fish coming up the Susitna River. This has put the Upper Cook Inlet people at a very high disadvantage to put fish in their freezers and on their tables. This proposal will put a large enough number of fish into the Susitna River system so as to take all the streams up the Parks Hwy off the stock of concern list. We have gone long enough without being able to fish or feed our families. We shouldn't have to drive to the Kenai peninsula to fish. We can spread the fishing pressure out again. We shouldn't have to worry about having an accident trying to get to or from the Kenai to fish. This proposal is allocated and will help all Alaskans. It will help in bringing falling numbers of all salmon species up again. More streams produce more fish and everyone is happy.

What is the issue you would like the board to address and why? Allocation of all salmon into Susitna River drainage system.

PROPOSED BY: Neil DeWitt (EF-F19-043)

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