



## United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503



In Reply Refer to:  
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Mr. Reed Morisky, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Chairman Morisky:

The Alaska Board of Fisheries (Board) will consider 173 proposals, among other issues, at its Upper Cook Inlet Finfish meeting in Anchorage beginning February 7, 2020. We have reviewed the proposals the Board will be considering at this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management, working with other Federal agencies, has developed the enclosed preliminary recommendations for proposals that have potential impacts on Federal subsistence users and fisheries resources in this area.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with the Board and the Alaska Department of Fish and Game on these issues. Please contact Mr. George Pappas, State Subsistence Liaison, 907-786-3822, with any questions you may have concerning this material.

Sincerely,

Thomas Doolittle  
Acting Assistant Regional Director

Enclosure

cc: Anthony Christianson, Chair, Federal Subsistence Board  
Greg Risdahl, Acting Deputy Assistant Regional Director, Office of Subsistence Management  
Suzanne Worker, Acting Subsistence Policy Coordinator, Office of Subsistence Management  
Acting Fisheries Division Supervisor, Office of Subsistence Management  
Acting Anthropology Division Supervisor, Office of Subsistence Management  
Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game  
Glenn Haight, Executive Director, Alaska Board of Fisheries  
Ben Mulligan, Deputy Commissioner, Alaska Department of Fish and Game  
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game  
Southcentral Subsistence Regional Advisory Council  
Interagency Staff Committee  
Administrative Record

**OFFICE OF SUBSISTENCE MANAGEMENT RECOMENDATIONS ON  
ALASKA BOARD OF FISHERIES PROPOSALS  
for the  
UPPER COOK INLET MANAGEMENT AREA**

**Alaska Board of Fisheries Meeting**

**February 7 – 20, 2020**

**Anchorage, Alaska**

**Proposal 107** Proposes to authorize the use of bait and modify maximum size above Slikok Creek when the escapement goal range is projected to be exceeded.

**Current Federal Regulations:**

§ \_\_\_\_ 27(e)(10)(iii)(A) *Kenai River dip net or rod and reel; salmon.*

(2)(ii) *At the Kenai River Moose Range Meadows site, dip netting is allowed only from a boat from a Federal regulatory marker on the Kenai River at about river mile 29 downstream approximately 2.5 miles to another marker on the Kenai River at about river mile 26.5. Residents using rod and reel gear at this fishery site may fish from boats or from shore with up to two baited single or treble hooks June 15 through August 31.*

(2)(iii) *At the Kenai River mile 48 site, dip netting is allowed while either standing in the river or from a boat, from Federal regulatory markers on both sides of the Kenai River at about river mile 48 (approximately 2 miles below the outlet of Skilak Lake) downstream approximately 2.5 miles to a marker on the Kenai River at about river mile 45.5. Residents using rod and reel gear at this fishery site may fish from boats or from shore with up to two baited single or treble hooks June 15 through August 31.*

(3) *Fishing seasons are as follows:*

Species	Season	Location
Sockeye salmon	June 15-August 15	All three sites.
Late-run Chinook salmon	July 16-September 30	Kenai River sites only.
Pink salmon	July 16-September 30	Kenai River sites only.
Coho salmon	July 16-September 30	Kenai River sites only.

§ \_\_\_\_ 27(e)(10)(iii)(C) *Kenai River rod and reel only; salmon.*

(1) *For Federally managed waters of the Kenai River and its tributaries, you may take sockeye, Chinook, coho, pink, and chum salmon through a separate rod and reel fishery in the Kenai River drainage.*

(2) *Seasons, areas, harvest and possession limits, and methods and means for take are the same as for the taking of these salmon species under State of Alaska fishing regulations (5 AAC 56, 5 AAC 57 and 5 AAC 77.540), except for the following harvest and possession limits:*

Species	Size	Limits
Chinook salmon— Early-run (January 1 through July 15)	Less than 46 inches or 55 inches and	2 per day and 2 in possession.

	longer	
Chinook salmon— Late-run (July 16 through August 31)	20 inches and longer	2 per day and 2 in possession.
All other salmon	16 inches and longer	6 per day and 6 in possession, of which no more than 4 per day and 4 in possession may be Coho salmon, except for the Sanctuary Area and Russian River where no more than 2 per day and 2 in possession may be Coho salmon.

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

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

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

**Impact to Federal Subsistence users/fisheries:** There are specific Federal regulations for Chinook Salmon in the Kenai River, including a 46-55 inch (116.8 -139.7 cm) protective slot harvest limit. The Federal subsistence fishery early-run slot limit season dates are January 1 - July 15 for the rod and reel only fishery for the fisheries in Moose Range Meadows and in the fishery near the outlet of Skilak Lake. Separate Federal subsistence regulations for Kenai River late-run (July 16-September 30) Chinook Salmon harvested in the rod and reel only fishery and the rod and reel or dipnets fishery currently do not include a slot limit or maximum retention size. Depending on run sizes, early-run Chinook Salmon less than 46 inches in length and greater than 55 inches in length may be harvested from July 1-15 and late-run Chinook Salmon may be harvested from July 16-August 15 with no size restrictions in the Kenai River community gillnet fishery. The Kenai River community gillnet fishery may be operated in the Moose Range Meadows area.

If this proposal is adopted as written, the maximum size limit for the Kenai River Chinook Salmon sport fishery could be increased, by a currently unknown amount, if the Sustainable Escapement Goal is exceeded above Slikok Creek to the outlet of Skilak Lake. Current size restrictions for Kenai River Chinook Salmon were implemented at the last Board of Fisheries Upper Cook Inlet cycle and little if any information has been collected that documents what impacts the conservative size limit maximum has had on Chinook Salmon stocks. The number of Chinook Salmon caught and released above the current 75 centimeter (29.53 inches) maximum size limit for the sport fishery above Slikok Creek may benefit Chinook Salmon stocks of the Kenai River by allowing those fish to pass through the fisheries, potentially increasing spawning success of larger and more fecund fish, and potentially benefiting all users.

**Federal Position/Recommended Action:** The Office of Subsistence Management's (OSM) recommendation is to **oppose** modifying the maximum size limit of Chinook Salmon caught above Slikok Creek when the Sustainable Escapement Goal is exceeded.

**Rationale:** Adoption of this proposal would potentially increase the harvest rate of Chinook Salmon over 75 centimeters in length above Slikok Creek in the sport fishery when the escapement goal is exceeded. Liberalizing the sport fishery by increasing the Chinook Salmon retention size limit may reduce the number of larger and more fecund Kenai River Chinook Salmon that successfully spawn. The OSM recommends maintaining the current maximum size limit until resulting data indicates the length retention restriction is no longer necessary or functional. Adoption of this proposal may lead to reductions in the size of Chinook Salmon harvested in the Federal subsistence fisheries over time, potentially reducing the efficiency of subsistence users by requiring users to harvest and process higher numbers of fish to meet their subsistence needs. Additionally, allowing the use of bait in a size-restricted sport fishery may lead to higher catch rates, as well as increased catch and release mortality rates.

**PROPOSAL 144** Requests alignment of the spring sport fishing spawning closure dates for Bishop and Bench Creeks on the Kenai Peninsula.

**Current Federal Regulations:**

*§ 27(e)(10)(i)(A) Unless restricted by regulations in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area.*

*(C) Under the authority of a Federal subsistence fishing permit, you may take only salmon, trout, Dolly Varden, and other char. Permits will be issued by the in-season manager or designated representative and will be valid for that regulatory year, except as otherwise provided for in this section, or as stated under the permit conditions, unless the season is closed or restricted by a special action.*

*(I) Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein or by issuance of a Federal special action.*

**§100.14 Relationship to State procedures and regulations.**

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

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

**Impact to Federal Subsistence users/fisheries:** Current Federal regulations do not establish fisheries season dates for the Bench and Bishop creeks. Federal regulations indicate State fishing season dates are adopted in the absence of Federal fishing seasons. Adoption of this proposal will restrict the season by extending the closure in Bishop Creek Drainage by 18 days. Adoption of this proposal will liberalize the fishing season in the Bench Creek Drainage an additional two days. Thus, adoption of this proposal as written will both increase (i.e. Bench Creek) and decrease (i.e. Bishop Creek) Federal subsistence fishing season lengths impacting

fishing opportunity for the purpose of regulatory simplicity by aligning the annual spring spawning closures with other streams in the North Kenai Peninsula area.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** Adoption of this proposal will effectively simplify and align the spring spawning closure dates for both creeks of concern. One portion of the proposal will provide an additional 18 days of protection for fish on the Bishop Creek Drainage spawning grounds, while another portion will eliminate two days of protection for fish on the Bench Creek Drainage spawning grounds. Adoption of this proposal is expected to reduce user confusion and resulting enforcement challenges in the referenced creeks. Although part of this proposal will reduce Federal subsistence user's opportunity by two days, the Federal subsistence fisheries database indicates zero fish have been retained under Federal regulations, as no permits have been turned in with effort, catch, or harvest information for the fisheries in either Bishop or Bench creeks.

If a Federally qualified subsistence user prefers different closure dates than what is being proposed, a proposal could be submitted to the Federal Subsistence Board for deliberation to modify the spawning closure dates during the next Federal subsistence fisheries proposal cycle which begins in 2020.

**PROPOSAL 215** seeks to create a Susitna and Yentna Rivers King Salmon Fishery Management Plan. The detailed proposal suggests management thresholds, step down and step up management actions, size limits, methods and means, time restrictions, bag and possession limits, and overall guidance to the management of the inriver fisheries.

**Current Federal Regulations:**

*§\_\_\_\_ 27(e)(10)(i)(A) Unless restricted by regulations in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area.*

*(C) Under the authority of a Federal subsistence fishing permit, you may take only salmon, trout, Dolly Varden, and other char. Permits will be issued by the in-season manager or designated representative and will be valid for that regulatory year, except as otherwise provided for in this section, or as stated under the permit conditions, unless the season is closed or restricted by a special action.*

*(I) Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein or by issuance of a Federal special action.*

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

**Impact to Federal Subsistence users/fisheries:** Adoption of this proposal would result in development of allocative management plans for the Chinook Salmon returns to the Yentna and Susitna Rivers. Any Federal subsistence fishing activities in these watersheds would likely take

place up river from and after other user groups have had the opportunity to harvest, because Federal public lands are located upstream of most of the inriver fisheries. Some of the watersheds on the west side of Cook Inlet originate within, flow through, or are adjacent to Federal public lands. National Park boundaries are miles upriver from the fisheries of concern, and harvest opportunities for the Federal subsistence fisheries could be impacted depending upon how the proposed management plans allocate fish both above escapement and State managed fishery needs.

**Federal Position/Recommended Action:** The OSM recommendation is **neutral** on the intent and components of this proposal.

The OSM normally does not provide comments to the Board of Fisheries regarding fisheries management plan formation or for management of fisheries outside of Federal public waters. The purpose for commenting on this proposal is to ensure that Federally qualified subsistence users who choose to participate in the Federal subsistence fisheries up river from the State managed inriver fisheries are provided with sufficient opportunity to harvest Chinook Salmon in excess of escapement needs.

**Rationale:** During the recent statewide cycle of poor Chinook Salmon abundance and returns, some commercial and inriver fisheries have been managed tightly to slightly exceed the lower end of escapement goal ranges. Directly or indirectly providing opportunity for Federal subsistence fisheries users to harvest salmon from returns which are managed to slightly exceed the lower end of an escapement goal may not provide for a meaningful opportunity.

These comments will generally be applicable to proposals 234 - 238 (create personal use dip net fisheries in the same rivers) and 242 (liberalize Upper Yentna River subsistence fishery). The intent of the above comments is to ensure regulations and management decisions consider Federal subsistence users and their fisheries, which may take place up river of other user groups.

**PROPOSALS 234, 235, 236, 237, 238, and 242** request creating a personal use salmon fishery on the Susitna River (234, 236, 237, and 238), just the lower Susitna River (235), or only in Unit 1 of the Susitna River Drainage (237). Proposal 242 request liberalizing the Upper Yenta River State managed subsistence salmon fishery.

*Please see proposal 215 comments.*

**PROPOSALS 239 and 240** request the establishment of a personal use gillnet pike fishery in the Matanuska-Susitna Valley (239) and in Units 1-6 of the Susitna River drainage (240).

**Current Federal Regulations:** No Federal subsistence regulations address a pike fishery in the identified watersheds in Federal subsistence fisheries regulations. However, the following Federal subsistence regulations may be related to the proposed Northern Pike fishery in the Cook Inlet Area.

*§\_\_\_\_ 27(e)(10)(i)(A) Unless restricted by regulations in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Cook Inlet Area.*



*(B) If you take rainbow or steelhead trout incidentally in subsistence net fisheries, you may retain them for subsistence purposes, unless otherwise prohibited or provided for in this section. With jigging gear through the ice or rod-and-reel gear in open waters, there is an annual limit of two rainbow or steelhead trout 20 inches or longer, taken from Kenai Peninsula fresh waters.*

*(G) You may take whitefish in the Tyone River drainage using gillnets.*

*(I) Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein or by issuance of a Federal special action.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No. However, the Federal Subsistence Board will accept fisheries proposals during spring 2020.

**Impact to Federal subsistence users/fisheries.** Adopting an in-river and or in-lake gill net fishery to target Northern Pike may result in unintended injury or mortality of incidentally caught species including but not limited to resident fish species, salmon, juvenile waterfowl, migratory birds, and swimming mammals etc. Our comments focus on the waters that are within or adjacent to Denali National Park and Preserve. Waters under Federal subsistence fisheries jurisdiction are partially located in three of the six Units (Units 1, 4, and 6) referenced in Proposal 240. Adoption of either or some combination of both proposals may result in unintended conservation concerns for other species resulting in challenges to future continuation of subsistence uses.

**Federal position/recommended action:** The OSM recommendation is to **oppose** both proposals as written for waters under Federal subsistence fisheries jurisdiction.

**Rational:** OSM supports the effort to eradicate an invasive species but not at the cost of potentially significant mortality on unintended species incidentally caught in gillnets. Gillnets can indiscriminately catch or entangle a variety of aquatic, terrestrial, and avian species.

The proposals as written lack the details necessary to alleviate the above concerns. OSM fully supports the variety of subsistence fisheries that rely upon gillnets to harvest fish. Proposed regulations that include gear specifications, time and area restrictions, and other protective measures to reduce or eliminate potential effects on non-target species may warrant future support from OSM.