PROPOSAL 131 – 5 AAC 21.200. Fishing districts, subdistricts, and sections. Define commercial fishing statistical areas in the Upper Subdistrict set gillnet fishery, as follows:

New section in 5 AAC 21.200 and/or 5 AAC 21.330 would define the six ESSN statistical areas into regulation for more accurate and accountable reporting purposes.

What is the issue you would like the board to address and why? In 5 AAC 39.130 (c) (7) The first purchaser of raw fish is required to record on a fish ticket information for reporting ...the ADF&G statistical area, district, and subdistrict, and the nearest headland or bay in the which the fish were taken; In Cook Inlet, 5 AAC 21.355 requires ... a commercial salmon fisherman shall, at the time of the landing, report on an ADF&G fish ticket the number of salmon, by species, taken but not sold. Statistical areas that makeup the ESSN beaches are not specifically defined in regulation. General reporting regulations require the raw fish purchaser to report on the fish ticket a statistical area. Further, 5 AAC 21.310 (b) (2) (C) (iii) closes by emergency order after July 31st if the ADF&G determines a 1 % production/participation threshold and relies on the statistical areas reported. Some fishermen harvest in both the Kenai and Kasilof sections thus different statistical areas. There is no accountability or requirement in Cook Inlet for commercial fishermen to give an accurate statistical area for a percentage of their catch. In 2015, the Kasilof section was shut down earlier than the Kenai section for just a few hundred pounds. Sockeye goals had been exceeded in both the Kenai and Kasilof Rivers. The King BEG in the Kenai was assured. Statistical areas 244-31, 244 -32, 244-41 and 244-42 have coordinates listed in various sections. 244-21 and 244-22 describe the Clam Gulch road as the arbitrary division but it has no coordinates defined in regulation. Placing the actual ESSN statistical areas in 5 AAC 21.200 would clarify boundaries for management purposes and adherence to current reporting requirements on fish tickets. In Bristol Bay 5 AAC 06.370 (l) (1-7) statistical areas are used for registration areas. A management tool to allow for surgical openings to align fishing opportunity with abundance.

PROPOSED BY: Paul Shadura, spokesperson for South K-Beach Independent Fishermen's Association (SOKI) (EF-F16-161)

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PROPOSAL 132 – 5 AAC 21.200. Fishing districts, subdistricts, and sections. Move the southwestern-most point of the Expanded Kasilof Section 1.2 nm west so it aligns with the northwestern-most point of the Expanded Anchor Point Section, as follows:

5 AAC 21.200(b)(2)(E)

Expanded Kasilof Section: all waters enclosed by a line from a point on the beach at 60°27.10' N lat., 151°16.94' W. long., west to a point at the Blanchard Line located at 60°27.10' N. lat., 151°33.76 W. long., south to a point located at 60°04.02'N lat., [151°46.60] **151°49.00'** W. long. and east to an ADF&G regulatory marker located at 60 04 .02' N. lat., 151 38.90'W. long.;

What is the issue you would like the board to address and why? When the BOF created a new Anchor Point Section at the 2014 UCI meeting, the NW point was established 1.2 nm to the west of the current SW point of the Kasilof Expanded Section. The new regulation created a 1.2 mile discrepancy when describing what was supposed to be a common point for both the SW point of the Kasilof Expanded and NW point of the Anchor Point Sections. We request a common coordinated point of 151°49.00' West longitude be used to describe the westward point where these two sections join up against each other along the 60°04.02 North latitude line.

The 1.2 nm discrepancy in the sections boundary line creates compliance and law enforcement issues. There are no salmon conservation or allocation effects if this regulation is changed.

PROPOSED BY: United Cook Inlet Drift Association (HQ-F16-007)

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PROPOSAL 133 - 5 AAC 21.331. and 5 AAC 21.333. Requirements and specifications for use of 200 fathoms of drift gillnet gear in the Cook Inlet Area. Allow a single person holding two Commercial Fisheries Entry Commission Cook Inlet drift gillnet limited entry permits to operate 200 fathoms of drift gillnet gear, as follows:

5 AAC 21.333 ....

(a) Except as specified in (e)-(g) of this section one person holding two Cook Inlet CFEC limited entry drift permits may fish up to 200 fathoms of drift gear from the same vessel under this section,or two Cook Inlet drift gillnet CFEC permit holders may fish concurrently from the same vessel and jointly operate up to 200 fathoms of drift gear under this section.

(b) Repealed 5/18/2014

(c) When one person holding two Cook Inlet drift gillnet CFEC permits, or when two Cook Inlet CFEC permit holders fish from the same vessel and individually or jointly operate additional drift gillnet gear under this section, ...

(d) When one person holding two permits or ....

(e) The individual or joint ....

(f) A vessel with a double permit holder or with ....

(g) Repealed 5/21/2011

- and -

5 AAC 21.331 ....

(c) A drift gillnet may not be more than 150 fathoms in length and 45 meshes in depth. No person may operate more than one drift gillnet ,except as specified in 5AAC21.333

What is the issue you would like the board to address and why? This proposal seeks to allow a single person to hold two CFEC Cook Inlet drift gillnet permits and operate both at the same time on one vessel as is permitted in 5AAC21.333. Presently as more and more salmon are allocated away from the commercial fishery to the sport fishery, the economic viability of individual drift fishers is negatively impacted. If adopted, this proposal will reduce the number of boats fishing, and over time, perhaps lowering the fleet to half its present number. Additionally, the number of nets fishing will be reduced significantly, resulting in more escapement to other users. Permit stacking in 5AAC21.333 requires two permit holders which is problematic, because it puts two skippers on the same vessel and makes them equally responsible for how the gear is fished, when to set, where to set, etc. This can create liability issues and conflicts between permit holders. If adopted this proposal will provide another option other than permit stacking.

Changing/adding language to 5 AAC 21.331 is necessary if the BOF adopts the changes requested to 5AAC21.333.

PROPOSED BY: Robert E Merchant (EF-F16-019, EF-F16-020)
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PROPOSAL 134 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan and 5 AAC 21.365. Kasilof River Salmon Management Plan. Remove restrictions in the Upper Subdistrict commercial set gillnet fishery and allow for regular weekly fishing periods through July 20 with additional fishing periods based on inseason abundance, as follows:

5AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan

(C)(1)(B) [SUBJECT TO THE POROVISIONS OF OTHER MANAGEMENT PLANS,] **the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5AAC 21.320, through July 20. Additional emergency openings or restrictions shall be implemented by emergency order from the Commissioner in accordance to the in-season abundance based management policy to meet the sustainable escapement goals and harvest the surplus salmon.** [UNLESS THE DEPARTMENT DETERMINES THAT THE MINUMUM INRIVER GOAL WILL NOT BE MET, AT WHICH TIME THE FISHERY SHALL BE CLOSED OR RESTRICTED AS NECESSARY; THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 24 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5 AAC 21.365:]

(c)(2)(B) [SUBJECT TO THE POROVISIONS OF OTHER MANAGEMENT PLANS,] **the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5AAC 21.320, through July 20. Additional emergency openings or restrictions shall be implemented by emergency order from the Commissioner in accordance to the in-season abundance based management policy to meet the sustainable escapement goals and harvest the surplus salmon.** [OR UNTIL THE DEPARTMENT MAKES A DETERMINATION OF RUN STRENGTH, WHICHEVER OCCURS FIRST; IF THE DEPARTMENT DETERMINES THAT THE MINIMUM IN-RIVER GOAL WILL NOT BE MET, THE FISHERY SHALL BE CLOSED OR RESTRICTED AS NECESSSARY; THE COMMISSIONEER MAY, BY

EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 51 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5AAC21.365; AND

(C) THE UPPER SUBDISTRICT SET GILLNET FISHERY WILL BE CLOSED FOR ONE CONTINUOUS 36-HOUR PERIOD PER WEEK BEGINNING BETWEEN 7:00P.M. THURSDAY AND 7: A.M. FRIDAY AND FOR ONE CONTINUOUS 24-HOUR PERIOD PER WEEK BEGINNING BETWEEN 7:00 P.M. MONDAY AND 7:00 A.M. WEDNESDAY;]
(c)(3)(B) [SUBJECT TO THE POROVISIONS OF OTHER MANAGEMENT PLANS,] **the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5AAC 21.320, through July 20. Additional emergency openings or restrictions shall be implemented by emergency order from the Commissioner in accordance to the in-season abundance based management policy to meet the sustainable escapement goals and harvest the surplus salmon.** [OR UNTIL THE DEPARTMENT MAKES A DETERMINATION OF RUN STRENGTH, WHICHEVER OCCURS FIRST; IF THE DEPARTMENT DETERMINES THAT THE MINIMUM IN-RIVER GOAL WILL NOT BE MET, THE FISHERY SHALL BE CLOSED OR RESTRICTED AS NECESSSARY; THE COMMISSIONEER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 84 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5AAC21.365; AND

(C) THE UPPER SUBDISTRICT SET GILLNET FISHERY WILL BE CLOSED FOR ONE CONTINUOUS 36-HOUR PERIOD PER WEEK BEGINNING BETWEEN 7:00P.M. THURSDAY AND 7: A.M. FRIDAY.]

5 AAC 21.365. KASILOF RIVER SALMON MANAGEMENT PLAN

(c)(2)(A) the commissioner may, by emergency order, open additional fishing periods or extend regular weekly fishing periods [TO A MAXIMUM OF 48 HOURS OF ADDITIONAL FISHING TIME PER WEEK;

(B) THE FISHERY SHALL REMAIN CLOSED FOR AT LEAST ONE CONTINUOUS 36-HOUR PERIOD PER WEEK TO BEGIN BETWEEN 7:00P.M. THURSDAY AND 7:00 A.M. FRIDAY;]

What is the issue you would like the board to address and why? 5 AAC 21.360 Kenai River Late-Run Sockeye Salmon Management Plan and 5AAC 21.365. Kasilof River Salmon Management Plan have elements in the plans that illegally restricts the Commissioner's emergency order authority and make it impossible to manage the east side set net fishery in a manner to meet the escapement goals and harvest the surplus.

Prior to 1999 the east side set gillnet fishery operated on a management plan of two twelve hour inlet wide weekly fishing periods. The plan worked as designed. The biologist had indices, from catch data, to know the size and location of the schools of salmon entering that year as they moved up the beach and could make sound scientific management decisions. Based on the in-season abundance count, salmon managers would open and close fisheries on a real time daily basis to ensure spawning escapements where adequate and to harvest the surplus salmon throughout the run to sustain production. Delegated emergency order authority provided for immediate management decisions by area biologist. Many emergency openings where announced with only two hours till fishing time. This is because once the fish hit the beach they don't wait around and

once they enter the river it is forgone commercial harvest. Large escapements are unsustainable and the in-river fisheries are incapable of harvesting the surplus to escapement needs resulting in gross over escapement and reduced future returns. When runs were strong, managers liberalized harvest regulations to utilize surpluses. When runs where poor, managers closed fisheries to provide for predetermined escapement needs which ensure long-term sustainable yields. There was order, stability and predictability in the fisheries, fishery support businesses and the communities. This style of management is also mandated by the Constitution and the Magnuson Stevens Act (MSA). This successful management style is currently used in most areas of the State. It was also adopted by the Pacific Salmon Commission to manage and conserve salmon resources shared by Alaska, Oregon, Washington, and Canada, and worked well in Cook Inlet to achieve the escapement goals and allow all users an opportunity to utilized the surplus. The current version of 5 AAC21..360 and 5AAC21.365 set gillnet fishery management plans are in violation of the constitutional mandate and does not allow adaptive in-season management. The plan makes it impossible for the biologist to know the run size and location or to manage for escapement goals or harvest the surplus. The result has been gross annual over-escapements and annual loss of harvest in the tune of millions of salmon and tens of millions of dollars. The resource, habitat, commercial and sports fishermen, processors, workers, industries, communities and the State are needlessly harmed. The constitution mandates that renewable resources "shall be utilized, developed and maintained on the sustained yield principle." Alaska law states: "The Commissioner shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well being of the state… through rehabilitation, enhancement, and development programs, (the department must) do all things necessary to insure perpetual and increasing production and use of the food resources of state waters and continental shelf areas."

This proposal seeks to modify the set gillnet management plans to be in compliance with the Constitution, MSA, Alaska statute and 5 AAC 39.222 Policy for the management of sustainable salmon fisheries. This proposal will give the biologist the flexibility and proven tools to perform in-season real-time abundance based management and to be effective in achieving the escapement goals and to harvest the salmon surplus. This proposal also seeks to provide a reasonable opportunity for all harvesters and to provide adequate protection for northern bound and central district salmon stocks. This proposal does not limit the commissioner's use of emergency order authority under AS 16.05.060.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (EF-F16-143)

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<u>PROPOSAL 135</u> – 5 AAC 21.200. Fishing districts, subdistricts and sections; 5 AAC 21.310. Fishing seasons; 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan; and 5 AAC 21.365. Kasilof River Salmon Management Plan. Redefine sections and manage the commercial set gillnet fishery in the Upper Subdistrict with three sections with staggered opening dates, as follows:

Change management of the East Side Setnet Fishery from the current two section system to a three section system with the natural separations of the Kasilof and Kenai river mouth closed areas.

Salamatof and East Forelands section opening July 8th.

North and South Kalifonsky Beach section opening July1st.

Ninichik and Coho section opening June 20th.

The regulations effected are widespread but current management plans could be rewritten to accommodate this division without changing the majority of their substance.

What is the issue you would like the board to address and why? Currently, the East Side Setnet Fishery is managed by the department essentially in two areas. The "Kasilof Section", made up of the Ninilchik, Coho, and South K-Beach statistical areas ; and the "Kenai and East Forelands Section", made up of the North K-Beach, Salamatof, and East Forelands statistical areas. The dividing line being roughly midway between the mouths of the Kasilof and Kenai Rivers.

These areas are quite separated and both sections include widely separate regions both in geographical location and fishing conditions. I believe that the fishery could be better served by breaking management into the three areas that are naturally separated by the Kasilof and Kenai Rivers as both have a significant closed area around the mouth. This has several apparent advantages and I believe change in this direction is important for the long term sustainability of the fishery.

First and foremost, this would greatly increase the potential flexibility of the department to deal with all of the many issues addressing the complex management of the fishery. Specifically, some of the immediate issues that it could help and the primary effects on the three proposed sections are:

The Northern "Salamatof" Section. Functionally, I propose very little change in the management of this area. The starting date would remain the same and the department would gain the flexibility of having the option of fishing these Northern beaches during some situations, primarily late in the season.

The Middle "Kalifonsky" Section. Currently North and South K-Beach despite being adjoining geographic areas are managed completely separately and in conjunction with areas that have much less similarities than they share with each other. Primary change I propose is a July 1 starting date for this section. If managed jointly it would allow for targeted management allowing the entire K-Beach the opportunity to participate in its historical harvest of kasilof river stocks early in July. The inequalities in opportunity of adjoining areas and sites currently existing would be addressed. The Southern "Kasilof" Section. Separating out the southern beaches and managing them independently would primarily have the benefit of allowing the department to fish them early in order to not fall behind Kasilof sockeye goals while reducing the potential concerns of Early Run Chinook harvest that exist currently. I propose a June 20th starting date for this area. Much of this area is widely separated from the rest of the fishery and functions in a different way. Managing sites north of the kasilof river in conjunction with ones as far south as the Ninilchik line has a number of drawbacks.

The transition to a three area management system would change the fishery entirely, but these proposed areas make much more sense than the current division and would certainly allow the department and the board greater flexibility in managing this fishery in the future.

PROPOSED BY: Joseph Person (EF-F16-076)
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PROPOSAL 136 – 5 AAC 21.310. Fishing Seasons. Allow commercial fishing with set gillnets in the North Kalifonsky Beach (NKB), statistical area 244-32, within 660 feet of shore with shallow nets only, when the Kasilof Section is open, on or after July 8, as follows:

NKB, MAY have the opportunity to harvest with SELECT gear, (4 3/4 in maximum mesh size and can't be more than 29 meshes deep), from July 8 on, when any portion of the Kasilof section is fishing. The set nets fished on NKB, cannot fish farther than 600 ft from the mean high tide mark.

Fishing within 600 ft, from mean high tide, using SELECT gear, with 29 mesh deep nets would make the king salmon harvest minimal. Additionally using, 4 3/4 in mesh or smaller, would be very efficient in harvesting Kasilof sockeye that are abundant on the beach, and those smaller size fish that make up 61% of the Kasilof River escapement. It is these two ocean and younger age classes that continually drive the Kasilof River over the top end of its BEG.

By fishing NKB, with SELECT gear, should cut down on the amount of time fished in the KRSHA.

The regulation would read something like this:

From July 8 on, when any portion of the Kasilof section is fishing; North Kalifonsky Beach, stat area 244-32, MAY open with set gill nets, restricted to fishing within 600 ft from the mean high tide mark. Nets cannot be more than 29 meshes deep and the mesh size cannot exceed 4 3/4 in.

What is the issue you would like the board to address and why? The issue here is lack of traditional and historic harvest of Kasilof sockeye on North Kalifonsky Beach (NKB), statistical area 244-32.

NKB since before Statehood was a traditional and historic harvester of Kasilof sockeye. With management changes that went into place in 1999, the opportunity to harvest Kasilof stocks were greatly diminished for NKB.

ADF&G staff has stated that Kasilof sockeye are predominately "beach orientated". The ESSN fishery catches 58% of the Kasilof harvest, while the Drift fleet harvests 27%.

A 2009 report from ADF&G- *Genetic Stock Identification of Upper Cook Inlet Sockeye Salmon Harvest,* showed that the harvest of Kenai and Kasilof sockeye on all NKB was close to a 50/50 split between the two stocks, (page 52). This study was taken from samples of the entire NKB section. If samples were taken only from nets fishing 600 ft of mean high tide, Kasilof sockeye

that are predominately " beach orientated", the Kasilof sockeye proportion would be undoubtedly higher.

From 1979 to 1999, the Kasilof River exceeded its BEG 12 out of 21 years, (57% of the time). During some of this time period the Kasilof River escapement goal was considerable less, 75,000 to 150,000 sockeye. During this time NKB was a traditional and historic harvester of Kasilof sockeye.

From 1999 the Kasilof River sockeye salmon escapement has exceeded its BEG, 15 out of the last 17 years, (88% of the time).

ADF&G harvest data, shows from 2008-2015, in the Kasilof section setnet fishery, two ocean and younger sockeye age classes (smaller fish) comprise 33% of the harvest.

ADF&G sockeye escapement data from 2008-2015, in the Kasilof River showed 61% of the sockeye escapement was made up of two ocean and younger age class sockeye.

In the Kasilof River Special Harvest Area (KRSHA), some years data, showed 73% of the harvest comprised of two ocean and younger age classes.

At BOF meetings since 2002, 2005, 2008, 2011, 2014, setnetters on NKB have been trying to get back fishing times on Kasilof stocks, that were a traditional and historic mainstay in out fishery for decades.

Kenai River sockeye salmon are the main stock harvested in the East - Forelands section (which is a minimum 10 miles north of the Kenai River). Kenai River sockeye are harvested all the way to the Northern District. Common sense and genetic reports show that Kasilof sockeye are abundant on NKB, which is from 4 to 8 miles north of the Kasilof River.

PROPOSED BY: Gary L. Hollier (EF-F16-017)

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PROPOSAL 137 – 5 AAC 21.310. Fishing seasons. Remove “one-percent rule”, where the commercial set gillnet fishery will close after July 31, if less than one percent of the season’s total sockeye is harvested in two consecutive fishing periods, as follows:

5AAC 21.310 (b)(2)(C)(iii)

[KENAI, KASILOF, AND EAST FORELANDS SECTIONS: IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS, AND SEPARATLEY IN THE KASILOF SECTION, THE SEASON WILL CLOSE AUGUST 15, UNLESS CLOSED EARLIER BY EMERGENCY ORDER AFTER JULY 31, IF THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON’S TOTAL SOCKEYE HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS OR SEPARATELY IN THE KASILOF SECTION; FROM AUGUST 11 THROUGH AUGUST 15, THE FISHERY IS OPEN FOR

REGULAR FISHING PERIODS ONLY; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH, "FISHING PERIOD" MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FDROM 12:01 A.M. UNTIL 11:59 P.M.;]

What is the issue you would like the board to address and why? 5AAC 21.310 (b)(2)(C)(iii) The adoption of the one percent rule has no scientific or biological support. It is not used statewide and was strictly an arbitrarily and capriciously implemented allocation regulation. It is a backdoor approach by some special interest groups to close the commercial fishery in the first week of August. The current regulation failed to address the lost harvest of surplus salmon stocks in August and the impossibility of managers to manage for the escapement goals. In 2015 the UCI sockeye run was the latest on record. The Kenai River sockeye escapement was over two million. The Kenai and Kasilof Rivers received twice their biological escapement goals for sockeye. All sockeye and coho escapement goals were met with many systems grossly over-escaped. The surplus salmon were not harvested by anybody. The August pink runs are virtually un-harvested. August can have pink returns in the millions, but this regulation prevents their harvest. The East side set net fishery is a vital management tool for harvesting pinks and August sockeye. This rule is not sustainable. An example of how ludicrous this regulation is: Half the set netters are fishing after July 31. Participation varies from a multitude of reasons. The salmon escapement goals are met or exceeded for all salmon species. The coho run is excellent and it is an even pink year with 20 million pinks predicted to return. There are no conservation concerns. The only concern is gross over-escapement. The remaining set netters had their best fishing days on sockeye on August 1st and 2nd. Because there were only half of them fishing, besides the fact that they had large catches of surplus sockeye or pinks, their total combined catch was less than one percent of their set net's area season's total sockeye harvest for two consecutive periods after July 31st, so by the current regulation their season is closed. If they had a caught large numbers of pinks they would also be closed. The current regulation pretty much guarantees the east side set net closure and the inability to monetize the surplus salmon. The passing of the rule failed to address the lower number of fishermen participating in harvesting the salmon runs in August by both the commercial and in-river sports fishery. The rule also fails to address the harvest of other surplus salmon species especially pinks. Pinks can have returns in the millions and go virtually un-harvested. This lower participation level provides effective protection for escapement needs and for in-river users to have a reasonable opportunity. The lost opportunity and harvest denied to the fewer local commercial fishermen are significant and unnecessary, not only to them but to the processors, workers, support businesses, communities economy and the State treasury. This harvest could be the difference between a bad season and an ok season.

The current regulation is in violation of 5 AAC 39.222. Policy for the management of sustainable salmon fisheries, State fisheries policy, Article 8 of the Constitution and the Magnuson Stevens Act all of which require the best scientific information available in formulating fishery management plans designed to achieve maximum or optimum salmon production.

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

PROPOSED BY: Central Peninsula Advisory Committee (EF-F16-140)

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PROPOSAL 138 – 5 AAC 21.310. Fishing seasons. Remove the one-percent rule that applies to the commercial set gillnet fishery in the Upper Subdistrict after July 31 so that the set gillnet fishery will close August 15 and be managed using regular fishing periods from August 11 through August 15, as follows:

5 AAC 21.310(b)(C) Fishing Seasons

(iii) Kenai, Kasilof, and East Forelands Sections: [IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS, AND SEPARATELY IN THE KASILOF SECTION,] the season will close August 15, [UNLESS CLOSED EARLIER BY EMERGENCY ORDER AFTER JULY 31, IF THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL SOCKEYE HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS OR SEPARATELY IN THE KASILOF SECTION]; from August 11 through August 15, the fishery is open for regular fishing periods only; for purposes of this sub-subparagraph, "fishing period" means a time period open to commercial fishing as measured by a 24-hour calendar day from 12:01 a.m. until 11:59 p.m.;

What is the issue you would like the board to address and why? Currently, setnetting in the Upper Subdistrict closes in August based on the one-percent rule. The 1% rule states that after July 31st, if less than one percent of the season's total setnet sockeye harvest has been taken per fishing period for 2 consecutive periods, the fishery is closed for the season.

The original intent of the 1% rule was to allocate additional Kenai River coho salmon to inriver fisheries. This, however, comes at the expense of harvest opportunity by the Upper Subdistrict set gillnet fishery on Kenai and Kasilof river sockeye salmon during the final days of their season, with months of inriver coho season remaining. It is important to note that in the past 10 years (2006-2015), the Kenai River sockeye salmon inriver goal has been exceeded 7 times, and the Kasilof River sockeye salmon BEG has been exceeded 9 times. Meanwhile, based on average harvest and total run estimates from 2000 to 2004, ADFG estimated that the harvest rate of Kenai River Coho salmon by all commercial fisheries at about 3% and the harvest rate by the sport fishery at about 38%. Additionally, for every fishing period from August 11 to August 15, the set gillnet fishery harvests only about 1.2% of the total run of Kenai River coho salmon (see staff comments on 2014 proposals 116 & 117). The board has addressed Kenai river coho salmon conservation in the Upper Subdistrict setnet fishery through the season ending date of August 15, with only regular periods allowed from 11-15. There are currently no conservation concerns for Kenai River coho salmon.

In order to provide a reasonable opportunity to harvest surplus sockeye salmon bound for the Kenai and Kasilof rivers, this proposal seeks to remove the 1% rule for the Upper Subdistrict setnet fishery.

PROPOSED BY: Kenai Peninsula Fishermen's Association (HQ-F16-079)
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PROPOSAL 139 – 5 AAC 21.310. Fishing seasons. Repeal the one-percent rule, as it applies to the Upper Subdistrict set gillnet fishery so that the set gillnet fishery will close August 15, as follows:

Amend and delete (b) (C) (iii) after the words: the season will close August 15th, unless closed earlier by emergency order [**after July 31, if … until 11:59 p.m.**]

What is the issue you would like the board to address and why? The 1% "rule" was attached to the Kenai River Coho conservation plan which has been repealed for nearly a decade. The ESSN Harvest of Kenai bound coho is less than 3% of the total average runs. There is no conservation concerns over this stock and the ESSN foregone millions in annual salmon harvests under the former Coho plan due to one poor return year in the mid 1990's.

The 1% rule makes no sense in mandating a CFEC permit holder to no salmon harvest while all sockeye salmon escapement goals have been met or exceeded due to prescriptive closures. Sport fishermen remain opened for a number of stocks year round, including months of coho fishing opportunity to November. Conservation is not defined by a 3 or 4% exploitation rate limited solely upon commercial fisheries alone when no Guideline Harvest Levels exist when coho stocks can be exploited at 63% with Sustained Yields. Run timing has proven over 17% of the sockeye run occurs in August and there is no reason to assume the department or anyone can predict what happens in August during any given year from one day to the next or one week to the next.

This is nothing more than an anti commercial fishing provision and fishery conflict proviso to create economic harm. The Board and the Department have a responsibility to reduce fishery conflicts and promote fishing that support fishing communities who depend on the salmon resources of this state.

PROPOSED BY: Mark Ducker (HQ-F16-096)
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PROPOSAL 140 - 5 AAC 21.331. Gillnet specifications and operations. Allow a set gillnet to be up to 45 fathoms in length and a Commercial Fisheries Entry Commission limited entry permit holder to operate up to 135 fathoms of set gillnet gear when commercial fishing with set gillnets 29 meshes or less in depth, as follows:

5 AAC 21.3311 (d) (x)

A set gillnet that is no more that 29 meshes deep, can be up to 45 fathoms long. The total aggregate, for one set net permit, can be no more that 135 fathoms for these voluntarily fished nets.

What is the issue you would like the board to address and why? The issue here is how to minimize late-run Kenai River king salmon harvest, while maximizing sockeye salmon harvest in the commercial set net fishery, in the Upper Subdistrict

In the Kenai River late-Run Sockeye Salmon Management Plan (KRLRSSMP). (a) The department shall manage the Kenai River late-run sockeye salmon stocks primarily for commercial use. The department shall also mange the commercial fishery to minimize the harvest ...., late-run Kenai River king,....

Satisfying these two main objectives in the KRLRSSMP by the department, sometimes is very challenging, to say the least.

The 2013 KINTAMA study in Cook Inlet, indicated that king salmon swim at an average depth of 16 ft. Sockeye salmon swim at an average depth of 6 ft.

There are some setnetters in Cook Inlet who voluntarily fish 29 mesh deep gear. They do so to MINIMIZE king harvest, while still being economically viable catching sockeye. 29 mesh deep nets hang about 12 ft. deep at slack tide. A 45 mesh deep net hangs about 18 ft. at slack tide.

Many setnetters are very reluctant to change to shallow gear, for a variety of reasons. Setnetters by regulation should not be mandated to fish 29 mesh deep gear.

A very viable solution to persuade setnetters to VOLUNTARILY fish 29 mesh deep gear, would be to increase the length of those nets to 45 fathoms. At this length and depth of the nets, there would be still 17% less gear in the water, than the current regulation.

I believe a regulation like this in the KRLRSSMP would certainly meet the intent of 5 ACC 21.360 (a), to commercially harvest sockeye while helping minimizing king harvest.

PROPOSED BY: Gary L. Hollier (EF-F16-148)
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<u>PROPOSAL 141</u> – 5 AAC 21.331. Gillnet specifications and operations. Limit the depth of all set gillnet gear in Upper Subdistrict of the Central District to no more than 29 meshes deep, as follows:

Limit the depth of set gillnets used in the Upper Subdistrict of the Central District to no more than 29 meshes.

What is the issue you would like the board to address and why? East Side set net fisheries targeting sockeye continue to harvest significant numbers of king salmon despite a 40 year-old Board of Fisheries directive to minimize the harvest of Kenai River late-run king salmon [5 AAC

21.360]. Research conducted at the request of the Alaska Department of Fish and Game and widespread experience of set net fishermen both demonstrate that fishing with shallower set net gear will more selectively harvest large numbers of sockeye with reduced harvest of king salmon. Most fishermen currently use 45 mesh depth gear. A maximum net depth of 29 meshes is currently thought to provide the best efficiency for harvesting sockeye while avoiding kings.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F16-067)

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PROPOSAL 142 - 5 AAC 21.350. Closed waters. Close waters within one statute mile of the terminus of Kustatan, Drift, and Big rivers, and Bachatna Creek; as measured from mean lower low water, to commercial fishing, as follows:

5 AAC 21.350. CLOSED WATERS.

(a) Salmon may not be taken in any of the waters listed in this section.

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(b) Central District

(1) within one statute mile of the terminus of any of the following salmon streams: Kasilof River, Deep Creek, Stariski Creek, and Anchor River;

(2) Crescent River: east of a line from an ADF&G regulatory marker located approximately one mile west of the terminus of the Crescent River to the northernmost tip of Chisik Island, south of the latitude of an ADF&G marker located approximately one mile north of the terminus of the Crescent River, and within a three-mile radius from the terminus of the Crescent River at mean high tide;

(3) Kenai River: waters enclosed by a line from the southern ADF&G regulatory marker at the mouth of the Kenai River (60° 30.32' N. lat., 151° 17.05' W. long.) to the Coast Guard channel marker 1 KE located at 60° 31.30' N. lat., 151° 20.50' W. long. To the northern ADF&G regulatory marker at the mouth of the Kenai River (60° 34.09' N. lat., 151° 19.30' W. long.); and, in the area between a line bearing 235° from the northern ADF&G regulatory marker and the Kenai River mouth, those waters within one mile of the mean high tide mark and, in the area between the southern ADF&G regulatory marker and the Kenai River mouth, those waters within one and one-half miles of the mean high tide mark;

(4) Ninilchik River,

(A) within one statute mile of the river terminus;

(B) between the latitude of an ADF&G regulatory marker located approximately one statute mile north of the Ninilchik boat harbor entrance and the latitude of Anchor Point Light (59° 46.15' N. lat.) and extending offshore for a distance of one statute mile from mean lower low water;

(5) on the west side of the Central District from the northern boundary of the districtsouth to Harriet Point (60° 23.75' N. lat., 152° 14.00' W. long.),

(A) within one statute mile of the terminus, at **mean lower low water**, of the Kustatan River and the Drift River;

(B) within one statute mile of the terminus, at mean lower low water, of Cannery

Creek;

(C) within one statute mile of the terminus, **at mean lower low water of** Big River **and Bachatna Creek**;

(D) within 500 yards of the terminus, at mean high tide, of any anadromous fish stream;

(E) within 900 feet of the stream bed or channel of any anadromous fish stream throughout the intertidal portion of that stream out to the lower low water mark.

(6) Packers Creek: waters enclosed by a line from the south ADF&G regulatory marker located at 60° 26.11' N. lat., 151° 55.66' W. long., to 60° 25.33' N. lat., 151° 55.00' W. long., to 60° 25.31' N. lat., 151° 52.68' W. long., to 60° 26.42' N. lat., 151° 51.71' W. long., to the north ADF&G regulatory marker located at 60° 26.42' N. lat., 151° 53.32' W. long.

(c) Northern District

(1) within one statute mile of the terminus of any of the following salmon streams: Swanson Creek, Bishop Creek, Three-mile Creek, Chuit River, Nikolai Creek, and McArthur River; COOK INLET AREA 101

(2) Turnagain Arm and Knik Arm: east of a line from 61° 02.35' N. lat., 150° 23.64' W. long., to the site of the old West Point light on Fire Island, along the eastern shore of Fire Island to North Point, to 61° 14.64' N. lat., 149° 59.55' W. long.

(d) Southern District

(1) northeast of a line from an ADF&G regulatory marker at 59° 44.50' N. lat., 151° 02.10' W. long., to an ADF&G regulatory marker on the shore one-half statute mile southwest of the terminus of Swift Creek at 59° 47.15' N. lat., 151° 05.45' W. long.;

(2) waters of China Poot Bay south and east of the Homer Electric Association power line;

(3) waters of Sadie Cove south of 59° 30.00' N. lat.;

(4) waters of Tutka Bay southeast of 59° 25.50' N. lat.;

(5) waters of Jakalof Bay south of 59° 28.07' N. lat.;

(6) waters of Seldovia Bay south of a line from an ADF&G regulatory marker located at 59° 25.09' N. lat., 151° 42.57' W. long., to an ADF&G regulatory marker located at 59° 24.84' N. lat., 151° 43.06' W. long.;

(7) waters of Port Graham Bay south of 59° 20.44' N. lat.;

(8) Northshore Subdistrict.

(e) Kamishak Bay District: waters of Cottonwood Bay west of a line from an ADF&G regulatory marker located at 59° 38.39' N. lat., 153° 39.41' W. long., to an ADF&G regulatory marker located at 59° 37.68' N. lat., 153° 39.51' W. long.;

(f) Outer District

(1) waters of Port Chatham east of a line from an ADF&G regulatory marker located at 59° 13.32' N. lat., 151° 43.41' W. long., to an ADF&G regulatory marker located at 59° 12.59' N. lat., 151° 43.55' W. long.;

(2) waters of Windy Bay west of 151° 32.85' W. long.;

(3) waters of Taylor Bay north of a line between ADF&G regulatory markers located approximately at 59° 18.00' N. lat.;

(4) waters of Tacoma Cove and Sunday Harbor east of 151° 01.15' W. long.

(g) Eastern District

(1) waters of Resurrection Bay west of a line from an ADF&G regulatory marker located at the old military dock pilings on the west shore of Resurrection Bay north of Caines Head at

60° 00.48’ N. lat., 149° 24.20’ W. long., to an ADF&G regulatory marker located near the Seward Airport at 60° 07.49’ N. lat., 149° 24.72’ W. long.;

(2) king and coho salmon may not be taken in waters of Resurrection Bay north of a line from Cape Resurrection to Aialik Cape;

(3) waters of Aialik Bay north of 59° 53.47’ N. lat.

(h) In any bay, estuary, slough, or lagoon less than 300 feet in width at mean low tide.

(i) In all other streams or rivers within 500 yards of the terminus or as posted.

What is the issue you would like the board to address and why? Coho salmon stocks on the west side of Cook Inlet (Area’s 3 and 4) are being over exploited by commercial drift gillnets. Current regulations listing closed waters for commercial fishing on the West Side of Cook Inlet are not consistent and allow fishing too close the mouths of several rivers. All one statute mile fishing closures around all west side Cook Inlet river mouths should be designated from mean lower low water.

PROPOSED BY: Mark Glassmaker (EF-F16-036)

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PROPOSAL 143 – 5 AAC 21.505. Cook Inlet Smelt Fishery Management Plan. Increase the amount of smelt that may be taken in the Cook Inlet commercial smelt fishery from 100 tons to 200 tons annually, as follows

Change the eulachon or smelt quota in Cook Inlet from 100 tons to 200 tons as follows:

5AAC 21.505 1.e. Total harvest is limited to 100 tons or less.

Change to:

5AAC 21.505 1.e. Total harvest is limited to 200 tons or less.

What is the issue you would like the board to address and why? We would like the board to increase the quota for smelt in the Cook Inlet commercial smelt fishery from 100 tons to 200 tons.

In 2005, this was a new and developing fishery and the board passed a very conservative quota partly out of concern that markets were unknown and they didn't want waste to occur. After 10 years of this fishery, no waste has ever occurred and markets at this point would accept more than the 100 ton limit. Having such a low quota causes an unnecessary race for fish by the participants in this fishery, and causes managers to have to be unduly burdened with very close monitoring of the catch which can exceed the quota in just a few short days.

Although definitive run size data is unavailable at this time, there has been some stock assessment done and the department has 10 years of good harvest data. A Didson sonar counter trial showed that run passage can exceed 100,000 fish (about 15,000 lbs) per hour at which time it's impossible to get an accurate enumeration. We have shown that a single person may catch 35,000 fish (5,000 lbs) per hour with a very small (22 inch) hand held dipnet, while the vast majority swim past as escapement. The current 100 ton quota gets caught in just a few days by just a few people and the

impact on the run is miniscule. Many other river systems in Cook Inlet, besides just the Susitna, also have healthy stocks of smelt and are not even targeted by this fishery.

The State of Alaska, the governor, legislators, and many others are often pointing out how our natural resources are "locked up". Here is a vast resource that is almost completely unused and is controlled by the State through the board of fisheries. This fishery has provided a bit of work and money for a group of fishermen and cannery workers before the salmon season. The State gets to collect fish taxes and it's good for the economy. It should be doing even more.

PROPOSED BY: Teague Vanek (EF-F16-144)
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