PROPOSAL 85 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Repeal and readopt provisions (a)–(f) of the management plan and add provisions to manage the drift gillnet fishery to harvest surplus sockeye, pink, and chum salmon production and achieve escapement goals, as follows:

(Repeal and Readopt)
5 AAC 21.353 Central District Drift Gillnet Fishery Management

(a) The purpose of this management plan is to direct the harvest of surplus salmon in the Central District of UCI by the drift gillnet fishery. The department shall manage the drift gillnet fishery to harvest sockeye, pink and chum salmon stocks in UCI surplus to the escapement needs in order to achieve the various escapement goal ranges for these stocks. This plan does not provide for additional fishing periods directed at Susitna River, Little Susitna River or Kenai River coho salmon stocks. The department shall manage the Central District commercial drift gillnet fishery as follows.

(b) The fishery will be open for regular weekly fishing periods as described in *5* AAC 21.320(b). The fishing season will open the third Monday in June or June 19, whichever is later.

(c) From July 1 through August 15,

(1) Fishing will be allowed with drift gillnets as described in *5* AAC 21.320(b)(l).

(2) The fishing periods set forth in (1) of this subsection may be modified by emergency order based on the abundance of sockeye, pink and chum stocks.

(d) If additional fishing time is necessary to harvest surplus salmon it will be allowed in one or more of the following areas based on inseason salmon abundance by stock:

(1) Expanded Kenai Section

(2) Expanded Kasilof Section

(3) Anchor Point Section

(4) Drift Gillnet Area 1
(5) Central District

(e) From August 16 until closed by emergency order, drift gillnetting will be allowed in all waters of the Central District except those within 5 nautical miles of the Kenai Peninsula shoreline during regular fishing periods.

What is the issue you would like the board to address and why? Both the Board and department are charged with conservation and development of fisheries which has been defined as managing for escapement goals and sustained yield. The Board has put in place the most restrictive and unmanageable management plans in Cook Inlet in an effort to give nearly exclusive use of coho stocks in Cook Inlet to sport fishing interests. The department has failed to react inseason or to submit proposals to correct this excessive waste of the resources they are charged to protect. The need and success of this "experiment" is readily apparent when you look at the Little Susitna Coho salmon catch and escapement data. One of only two escapement goals for coho salmon in Cook Inlet where approximately 1,000 coho stocks are known.

The Little Susitna coho salmon escapement of 10,100 to 17,700 has exceeded the goal in 14 of 25 years by an average of 14,000 coho and only achieved the goal in 7 years. This system can not be managed with restrictions in the commercial fishery to pour more and more coho into this stream to achieve the escapement goal. It is obvious that the commercial restrictions are unnecessary and unwarranted in well over half of the years wasting hundreds of thousands of coho as well as sockeye, pink and chum salmon. In only 5 of 25 years of data was the goal not achieved, missing the lower end by an average of only 3,300 coho. This system is basically unmanaged and this needs to change. When you consider the fact that the Little Susitna is and index of other coho stocks, most with much less of an inriver exploitation the amount of overescapement, lost harvest and reduced production is staggering. Therefore, this proposal seeks to modify the overly restrictive provisions within the Central District Drift Gillnet Fishery Management Plan in order to: allow for flexible inseason management, provide a reasonable opportunity to harvest abundant sockeye, pink and chum salmon; and to provide adequate protection to northern bound sockeye salmon and coho salmon and Kenai River coho salmon. A companion proposal has been submitted under sport fishing regulations.

PROPOSED BY: Chris Garcia (HQ-F16-107)

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PROPOSAL 86 – 5 AAC 21.353. Central District Drift Gillnet Fishery. Amend provisions (a)–(f) of the management plan and add language to manage the commercial drift gillnet fishery based on the inseason abundance to meet escapement goals and harvest surplus salmon, as follows:

5AAC 21.353 Central District Drift Gillnet Fishery Management

(a)The purpose of this management plan is to provide the department with the ability to gather in-season data and to have the flexibility to use their in-season management tools to meet the escapement goals and to harvest the surplus salmon. The department shall manage the Central District commercial drift gillnet fishery as described in this section.

(b)The regular weekly fishing periods are as described in 5AAC21.320(b). The fishing season will open the third Monday in June or June 19, whichever is later.

(c)From the opening date as determined by 5AAC21.353 (b) until August 15,

(1)fishing will be opened for drift gillnets as described in 5AAC 21.320(b)(1).

(2) The fishing periods set forth in (1) of this subsection may be modified by emergency order;

(d)additional fishing time , based on in-season salmon abundance, needed to meet the objectives of harvesting the surplus salmon and staying within the escapement goals will be allowed in one or more of the following areas.

(1)Expanded Kenai Section of the Upper Subdistrict:

(2) Expanded Kasilof Section of the Upper Subdistrict:

(3) Anchor Point Section of the Lower Subdistrict:

(4) Drift Gillnet Area 1:

(5) Central District

What is the issue you would like the board to address and why? 5AAC 21.353. (a) through (f)

Prior to 1996 the central district drift 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 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 authority provided for immediate management decisions by area biologist. 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 AAC21.353. central district drift gillnet fishery management plan is 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 develop the central district drift gillnet management plan to be in compliance with the Constitution, MSA, Alaska statute and 5 AAC 39.222. This plan 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-F16-145)
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PROPOSAL 87 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Amend *Central District Drift Gillnet Fishery Management Plan* to maximize commercial harvest of sockeye salmon, as follows:

(a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions. The department shall manage the Central District commercial drift gillnet fishery as described in this section **to maximize the commercial harvest of sockeye salmon**..

(b) The regular weekly fishing periods are as described in 5 AAC 21.320(b). The fishing season will open the third Monday in June or June 19, whichever is later.

(c) From July 9 through [JULY 15] **July 20, or until an inseason assessment of Kenai River sockeye salmon run strength is determined by the department,**

(1) fishing during the first regular fishing period and second regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(2) at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(3) at run strengths greater than 4,600,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open additional 12-hour fishing periods in one or more of the following sections and areas:

(i) the Expanded Kenai Section of the Upper Subdistrict;

(ii) the Expanded Kasilof Sections of the Upper Subdistrict;

(iiii) Drift Gillnet Area 1;

(iv) Drift Gillnet Area 2;

(4) Additional fishing time under this subsection is allowed only in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict**.**

(d) From [JULY 16] **July 20** through July 31,

(1) at run strengths of less than 2,300,000 sockeye salmon to the Kenai River, fishing during all regular 12-hour fishing periods will be restricted to the Expanded Kenai and Expanded Kasilof Sections fo the Upper Subdistrict;

(2) at run strengths of 2,300,000–4,600,000 sockeye salmon to the Kenai river,

(A) fishing during [ONE] **all** regular 12-hour fishing period per week will be [RESTRICTED TO ONE OR MORE OF] **opened in the following sections and areas:**

(i) Expanded Kenai Section of the Upper Subdistrict;

(ii) Expanded Kasilof Section of the Upper Subdistrict;

(iii) Anchor Point Section of the Lower Subdistrict;

(iv) Drift Gillnet Area 1;

(B) [THE REMAINING WEEKLY 12-HOUR REGULAR FISHING PERIOD WILL BE RESTRICTED TO ON OR MORE OF THE FOLLOWING SECTIONS:] **Additional fishing time under this subsection is allowed in one or more of the following sections:**

(i) Expanded Kenai Section;

(iii) Expanded Kasilof Section;

(iii) Anchor Point Section

(iv) Drift Gillnet Area 1

(3) at run strengths greater than 4,600,000 sockeye salmon to the Kenai River, [ONE REGULAR 12-HOUR FISHING PERIOD PER WEEK] **all regular** fishing period**s** per week will be restricted to **one or more of the following areas or sections:**

(A) Expanded Kenai Section;

(B) Expanded Kasilof Section;

(C) Anchor Point Section;

(D) Drift Gillnet Area 1;

(E) Drift Gillnet Area 2;

(F) Central District;

(4) additional fishing time under this subsection is allowed only in one or more of the following **areas or** sections:

(A) Expanded Kenai Section;

(B) Expanded Kasilof Section;

(C)Anchor Point Section;

(D) Drift Gillnet Area 1;

(E) Drift Gillnet Area 2;

(F) Central District;

(e) From August 1 through August 15, **on Kenai River sockeye salmon runs under 2,300,000 fish,** there are no mandatory area restrictions to regular fishing periods, except that if the Upper Subdistrict set gillnet fishery is closed under 5 AAC 21.310(b)(2)(C)(iii), or the department determines that less than one percent of the season's total drift gillnet sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods in the drift gillnet fishery, regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4. In this subsection, " 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. **On Kenai runs over 2,300,000 fish, from August 1 through August 15, there are no mandatory area restrictions to regular fishing periods.**

(f) From August 16 until closed by emergency order, Drift Gillnet Areas 3 and 4 are open for fishing during regular fishing periods.

What is the issue you would like the board to address and why? At the 2014 Alaska Board of Fisheries (BOF) meeting for Upper Cook Inlet (UCI) finfish, restrictions were added to the Central District Drift Gillnet Fishery Management Plan that make this plan very inflexible and significantly changed the intent of the plan from when it was adopted in 1999. This proposal seeks some relief from these overly burdensome restrictions so that the drift plan is more in line with 5 AAC 21.363 (a) (1), where it states that the harvest of UCI salmon should be allowed in order to maximize the benefits of these resources. The current drift gillnet management plan is too restrictive and does not allow ADF&G the tools it needs in order to harvest surplus Kenai and Kasilof river sockeye salmon stocks. An overly restrictive drift gillnet management plan can therefore result in over escapement of these stocks, which it has in two out of two years since the plan was changed. Over escapement results in immediate loss to fish harvesters of all sectors and it also poses unneeded economic loss to the people of Alaska by not maximizing the benefits of these resources!

Therefore, I urge the BOF to carefully consider providing ADF&G with as many flexible management tools as necessary to ensure the future health of our salmon resources by crafting management plans that are more flexible and less restrictive. Overly-restrictive management plans often hinder our manager's ability to do their most important job, i.e., managing fisheries to meet established escapement goals.

PROPOSED BY: David Hillstrand (HQ-F16-043)
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<u>PROPOSAL 88</u> – 5 AAC 21.353. –Central District Drift Gillnet Fishery Management Plan. Remove restrictions to the commercial drift gillnet fishery, so that the fishery would occur during two inlet-wide fishing periods based on test fishery and escapement data, as follows:

Drift fishing open Inlet-wide 7 – 7 Mondays and Thursdays

Additional time in restricted areas based on test boat data and abundance

What is the issue you would like the board to address and why? Drift Fishery – Area H area restrictions.

2014 restrictions are wasteful, costly to fishermen and processors, board generated

PROPOSED BY: John McCombs (HQ-F16-087)
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<u>PROPOSAL 89</u> – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Repeal and readopt *Central District Drift Gillnet Fishery Management Plan* with the amended plan removing mandatory time and area restrictions from July 1–August 15, as follows:

Repeal and readopt sections of 5 AAC 21.353, and renumber remaining sections (g-h) to (f-g) to read:

5 AAC 21.353 Central District Drift Gillnet Fishery Management

(a) The purpose of this management plan is to direct the harvest of surplus salmon stocks in the Central District of Upper Cook Inlet by the drift gillnet fishery. The department shall manage the sockeye, pink and chum salmon stocks primarily for commercial uses to provide commercial fishermen with an economic yield from the harvest of these salmon resources based on abundance. This plan does not provide for additional fishing periods directed at Susitna River coho, Little Susitna River coho, or Kenai River coho salmon stocks The department shall manage the Central District commercial drift gillnet fishery as follows;

(b) The fishery will be open for regular weekly fishing periods as described in 5 AAC 21.320(b). The fishing season will open the third Monday in June or June 19, whichever is later.

(c) From July 1 through August 15,

(1) Fishing will be allowed with drift gillnets as described in 5 AAC 21.320(b)(1).

(2) The fishing periods set forth in (1) of this subsection may be modified by emergency order;

(d) If additional fishing time is necessary to harvest surplus salmon, it will be allowed in one or more of the following areas based on inseason salmon abundance:

(1) Expanded Kenai Section

(2) Expanded Kasilof Section

(3) Anchor Point Section

(4) Drift Gillnet Area 1

(5) Central District

(e) From August 16 until closed by emergency order, drift gillnetting will be allowed in all waters of the Central District except those within 5 nautical miles of the Kenai Peninsula shoreline during regular fishing periods.

What is the issue you would like the board to address and why? From July 9–31, the Central District drift gillnet fishery is managed primarily by provisions found in the *Central District Drift Gillnet Fishery Management Plan* 5 AAC 21.353(c),(d) and (e). This plan was most recently modified in 2014 and is now the most inflexible and restrictive version of this plan since its adoption in 1999.

As currently written, the restrictive provisions prevent adaptive inseason management resulting in lost harvest opportunity and the over escapement of Kenai and Kasilof river sockeye salmon stocks. These restrictive provisions also result in the lost harvest of abundant pink and chum salmon stocks. The original intent of these restrictions was to conserve sockeye salmon bound for the Susitna River; however, more recent science indicates the restrictions were based on faulty data and flawed assumptions. These restrictive provisions have also been made a surrogate for allocating northern bound coho salmon to inriver sport fisheries; this manipulation of the original intent uses the same flawed assumptions.

Genetic stock identification (GSI) data from the Anchor Point offshore test fishery (OTF) and the commercial drift harvest shows that there is no distinct temporal or spatial separation of Susitna River sockeye stocks from other sockeye salmon stocks as they migrate through the Central District. Moreover, there are no conservation concerns for Northern District coho salmon; in fact, since 1990, the Little Susitna coho salmon escapement goal has been met or exceeded 21 times in

26 years (81%). It is important to note that in most of the years where the Little Susitna coho salmon goal was met or exceeded, the drift gillnet fishery was prosecuted with far fewer restrictions than they currently have. Finally, the Kenai River late-run sockeye salmon inriver goal has been exceeded in 7 of the past 10 years while the Kasilof River sockeye salmon BEG has been exceed in 9 of the past 10 years. Since these rivers are indices of escapements in other unmonitored systems it is likely that all systems are being under harvested by similar amounts resulting in lost harvests now and lower production in the future.

Because GSI data from the OTF and the commercial drift harvest show no one time period or any specific areas in the Central District where Susitna River sockeye salmon stocks separate themselves from east side Cook Inlet sockeye salmon, mandatory restriction on specific dates in July result in large escapements of sockeye salmon to the Kenai and Kasilof rivers while not providing any significant savings of sockeye salmon migrating north. Currently the drift fishery is restricted to Drift Area 1 and the Expanded Kenai and Expanded Kasilof sections for both regular fishing periods from July 9 to July 15. Then, from July 16 to July 31, ADF&G must restrict the drift fleet based upon the size of the sockeye salmon run to the Kenai River. At most, the drift fleet is allowed to fish in the middle of Cook Inlet no more than one day per week, regardless of how strong the sockeye salmon run is to the Kenai and Kasilof rivers. As noted above, the Kenai River sockeye salmon inriver goal and Kasilof River BEG have been exceeded 16 out of 20 years (combined). This needs to change in order to keep these and other stocks within sustainable levels.

This proposal seeks to provide ADF&G with more flexible use of the drift fleet in order to harvest abundant Kenai and Kasilof river sockeye salmon runs. If these changes are adopted, ADF&G will still retain its emergency order authority to restrict or close the drift fleet for sockeye and coho conservation when needed, keep in mind, northern Cook Inlet coho salmon escapement goals are being met or exceeded more than 80% of the time and Kenai sockeye inriver goals have been exceeded 100% of the time for the last 5 years.

Therefore, this proposal seeks to modify the overly restrictive provisions within the Central District Drift Gillnet Fishery Management Plan in order to: 1) allow for flexible inseason management; 2) provide a reasonable opportunity to harvest abundant sockeye, pink and chum salmon; and 3) to provide adequate protection to northern bound sockeye salmon and coho salmon and Kenai River coho salmon.

PROPOSED BY: United Cook Inlet Drift Association (HQ-F16-011)

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PROPOSAL 90 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Remove restrictions on the commercial drift gillnet fishery from July 1–31 and manage the drift gillnet fishery based on inseason salmon abundance, as follows:

5 AAC 21.353(c)-(d) is repealed and readopted to read:

(c) From July 1 through July 31st

Fishing will be allowed with drift gillnets as described in 5 AAC 21.320(b)(1).

The fishing periods set forth in (1) of this subsection may be modified by emergency order.

(d) If additional fishing time is necessary to harvest surplus salmon, it will be allowed in one or more of the following areas based on inseason salmon abundance:
Expanded Kenai Section
Expanded Kasilof Section
Anchor Point Section
Drift Gillnet Area 1
Central District

What is the issue you would like the board to address and why? Repeal the regulations based on the Susitna Sockeye stock of yield concern and the Susitna Sockeye Salmon Action Plan (SSSAP). This action plan describes certain regulatory restrictions on the Central District Drift Gillnet fishery. The restrictions are found in 5AAC 21.353 (c) and (d). These regulations were based on data that was later proven to have been wrong. Since the data was wrong, the regulations need to be repealed.

In 2008, the BOF designated Susitna sockeye a stock of yield concern due to a chronic inability to meet the Yentna SEG (range 90-160,000) as measured by sonar. In 2009 that sonar system was determined by ADF&G (FMS 09-01) to be grossly underestimating the number of sockeye returning to the Susitna River system. The 2006-09 ADF&G escapement goal review for the Susitna River revealed that for the prior 27 years the Susitna River escapement goal had been met and exceeded. See Table 1 below.

In addition, there are at least 23 genetically different sockeye populations (ADF&G FMS 12-06) within the Susitna watershed. Each unique sockeye population has different characteristics and requirements. For example, some are lake spawners, some are tributary spawners, and some utilize the mainstem, its side channels, sloughs and tributary deltas. These populations are all individually affected by numerous other factors, e.g. run timing, water temperatures, northern pike, parasites, disease, in-stream water levels, beaver dams, culverts and other migration impedances.

The SSSAP makes several assumptions that we now know are incorrect; first, it treats Susitna sockeye as one salmon stock and assumes that all cause and effect relationships are the same. Second, the plan assumes that specific restrictions in time and area allowed for commercial fishing will result in conservation of Susitna bound salmon. This assumption is also wrong. Genetic stock identification (GSI) data from the Anchor Point offshore test fishery (OTF) and the commercial drift harvest shows that there is no distinct temporal or spatial separation of Susitna River sockeye stocks from other sockeye salmon stocks as they migrate through the Central District.

Therefore, all the regulations based on the Susitna Stock of Yield Concern and the SSSAP must be repealed.

This proposal will repeal the restrictive provisions within the Central District Drift Gillnet Fishery Management Plan in order to: 1) allow for adaptive inseason management; 2) provide a reasonable opportunity to commercially harvest abundant sockeye salmon; and 3) to provide adequate protection to northern bound sockeye salmon and coho salmon.

Table 1 Yentna Escapement Data from ADF&G Data and Reports

1	2	3	4	5	6	7
	Original Bendix Escapement	DIDSON	DIDSON Adjusted for Fish Wheel	DIDSON Adjusted for	Mid Point of Escapement	Average Goal Exceeded
Year	Number	Equivalent [1]	Selectivity	Mark/Recapture	Goal	Number [2]
1982	113,847	253,982	667,733	523,203	100,000	495,468
1983	104,414	210,105	323,461	432,816	100,000	278,139
1984	149,375	298,383	773,450	614,669	100,000	594,059
1985	107,124	211,806	417,147	436,320	100,000	326,734
1986	92,076	169,048	974,513	348,239	125,000	536,376
1987	66,054	130,040	291,897	267,882	125,000	154,890
1988	52,330	101,854	286,421	209,819	125,000	123,120
1989 [3]	96,269	189,554	491,489	390,481	125,000	315,985
1990	140,290	259,729	682,631	535,042	125,000	483,836
1991	109,632	217,158	347,900	447,345	125,000	272,623
1992	66,074	130,966	463,272	269,790	125,000	241,531
1993	141,694	282,837	593,576	582,644	125,000	463,110
1994	128,032	251,856	413,317	518,823	125,000	341,070
1995	121,220	232,856	416,842	479,683	125,000	323,263
1996	90,660	172,882	308,169	356,137	125,000	207,153
1997	157,822	308,949	379,445	636,435	125,000	382,940
1998	119,623	211,500	445,538	435,690	125,000	315,614
1999	99,029	186,981	280,900	385,181	125,000	208,040
2000	133,094	291,848	409,266	601,207	125,000	380,236
2001	83,532	153,847	376,228	316,925	125,000	221,576
2002	78,591	158,564	479,228	326,642	125,000	277,935
2003	180,813	344,224	609,591	709,101	125,000	534,346
2004	71,281	142,187	347,900	292,905	125,000	195,403
2005	36,921	71,264	131,541	146,804	125,000	14,172
2006	92,051	166,697	390,567	343,396	125,000	241,981
2007	79,901	125,146	206,146	257,801	125,000	106,973
2008	90,146	131,772	252,804	271,450	125,000	137,127
Average	103,774	200,224	435,592	412,460		302,730
		Estimated total sockeye over midpoint of escapement goal				8,173,702

Columns 4 and 5, and most of Column 3, are mathematically derived equivalents.

[1] Actual DIDSON counts used for 2006-2008

[2] Average of column 4 and column 5, minus column 6

[3] 1989 was the Exxon Valdez oil spill year, no drift gillnetting in Cook Inlet

PROPOSED BY: United Cook Inlet Drift Association (HQ-F16-013)

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PROPOSAL 91 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Remove area restrictions imposed on the commercial drift gillnet fishery during July 9–15 and 16–31 time periods, as follows:

5AAC 21.353. Central District Drift Gillnet Fishery Management Plan

(c) From July 1 through July 31st

(1) The regular weekly fishing periods are as described in 5AAC 21.320(b)(1).

(2) the fishing periods set forth in (1) of this subsection may be modified by emergency order;

(d) additional fishing time, based on in season salmon abundance, needed to meet the objectives of harvesting the surplus salmon and staying within the escapement goals will be allowed in one or more of the following areas.

(1)Expanded Kenai Section of the Upper Subdistrict;

(2)Expanded Kasilof Section of the Upper subdistrict'

(3)Anchor Point Section of the Lower Subdistrict'

(4)Drift Gillnet Area 1;

(5)Drift Gillnet Area 2;

(6)Central District

[DELETE THE ENTIRE EXISTING SECTIONS OF (c) AND (d)]

What is the issue you would like the board to address and why? Repeal of the regulations based on the Susitna sockeye stock of yield concern is necessary because the restrictions have been proven invalid by the data collected since their implementations. The data used to create the restrictions found in 5AAC 21.353 (c) and (d) have been proven wrong. In fact the wrong data has been used for decades and unfortunately or suspiciously the wrong data is still being used even after the corrections where determined by ADF&G in their 2006-09 escapement review. The current data clearly puts these restrictions in violation of not meeting the requirements of 5AAC 39.222. Policy for the management of sustainable salmon fisheries, especially (a)(2) in formulating fishery management plans designed to achieve maximum or optimum salmon production;(a)(c)(3)(M) procedures should be implemented to regularly evaluate the effectiveness of fishery management and habitat protection actions; and (a)(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 subject to peer review. (a)(d)(2) in response to the department's salmon stock status reports, reports from other resource agencies, and public input, the board will review the management plan, or consider developing a management plan, for each affected salmon fishery or stock; management plans will be based on the principles and criteria contained in this policy and will

(A) contain goals and measurable and implementable objectives that are reviewed on a regular basis and utilized the best available scientific information;

(B) minimize the adverse effects on salmon habitat caused by fishing;

(C) protect, restore, and promote the long-term health and sustainability of the salmon fishery and habitat;

(D) prevent overfishing; and

(E) provide conservation and management measures that are necessary and appropriate to promote maximum or optimum sustained yield of the fishery resource;

The current restrictions are also in violation of 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.

The escapement data that was used to create the regulations has been found to have been grossly undercounting the escapement by an average of around three hundred percent. This is not sustainable and is an unnecessary and unacceptable monetary loss to the State and fishing industries, along with the loss of a high quality and natural sustainable food source. It makes no sense, especially in this time of huge budget deficits, to continue poor stewardship of the resource in management plans that literally waste millions of dollars and millions of harvestable surplus salmon and jeopardizes future salmon returns.

This proposal uses the reliable scientific data to repeal the unfounded restrictions that make it impossible to harvest the surplus salmon, by allowing the biologist to implement in-season abundance based management and still provide sufficient protection for all central and northern bound salmon stocks.

PROPOSED BY: Central Peninsula Advisory Committee (EF-F16-120)
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PROPOSAL 92 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Restrict commercial drift gillnet fishery to the Expanded Corridor and Drift Gillnet Area 1 from August 1–15, as follows:

Amend the Central District Drift Gillnet Fishery Management Plan as follows:

(e) from August 1 - 15, **[**THERE ARE NO MANDATORY AREA RESTRICTIONS TO REGULAR PERIODS,**]**

(1) fishing during both regular 12 hour periods per week will be restricted to one or more of the following sections: (A) Expanded Kenai Section; (B) Expanded Kasilof Section; (C) Anchor Point Section; (D) Drift Gillnet Area 1, except that if the Upper Subdistrict set gill net fishery is closed under 5 AAC 21.310(b)(2)(C)(iii), or the department determines that less than one percent of the season's total drift gill net sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods in the drift gill net fishery, regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4. In this subsection, "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.

(2) additional fishing time under this subsection is allowed only in one or more of the following sections; (A) Expanded Kenai Section; (B) Expanded Kasilof Section; (C) Anchor Point Section.

What is the issue you would like the board to address and why? While changes to the drift management plan adopted by the Board in 2014 have proven more effective in increasing

escapements of Northern District drainage salmon stocks during July and providing more reasonable harvest opportunities for Northern District user groups during July, management during 2015 proved the plan inadequate in continuing those benefits throughout August. As currently configured the plan allows unnecessary drift gillnet fishing in Drift Gillnet Area 2 during the first half of August, which jeopardizes both attainment of Northern District drainage salmon escapement needs and reasonable salmon harvest opportunities for Northern District and Northern District drainage user groups. As proven many times the drift fleet can harvest plenty of surplus Kenai River sockeye without corking off Northern District bound sockeye and coho salmon in Area 2. Therefore, to address Northern conservation concerns and to allow more reasonable Northern harvest opportunity for other user groups, this proposal seeks to amend the drift management plan in a manner that still maintains drift gill netters an extremely liberal opportunity to harvest surplus sockeye salmon during times of July and August abundance. Note: under this proposal even if the drift fishery was restricted under the 1% rule, the department could still allow the fleet to fish 7 days per week (5 days per week in the Expanded Kenai, Expanded Kasilof, and Anchor Point Sections and 2 days per week in Drift Gillet Area 3 and 4 during a portion of the season when sockeye salmon abundance is in decline and coho harvests makes up an increasing portion of the drift catch).

Considering restrictions on other user groups during the August 1 - 31 timeframe, this proposal, if adopted, should increase the likelihood of attaining Northern District escapement needs, provide more reasonable harvest opportunity for Northern and other user groups, while retaining significant drift gillnet harvest opportunity during August. In short, such changes would better align the plan provisions with it's stated purpose:

"The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gill net fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions.**"**

PROPOSED BY: Matanuska Valley Fish and Game Advisory Committee (EF-F16-055)
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<u>PROPOSAL 93</u> – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Amend preamble of management plan and restrict commercial drift gillnet fishery to the Expanded Corridor and Drift Gillnet Area 1 from August 1-15, as follows:

Amend sections (a) and (e) of the Central District Drift Gillnet Fishery Management Plan:

(a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gill net fishery to minimize the harvest of [NORTHERN DISTRICT AND KEANI RIVER] coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run,

as measured by the frequency of inriver restrictions. The Department shall manage the commercial drift gillnet fishery as described in this section.

(e) from August 1 - 15, [THERE ARE NO MANDATORY AREA RESTRICTIONS TO REGULAR PERIODS,]

(1) fishing during both regular 12 hour periods per week will be restricted to one or more of the following sections: (A) Expanded Kenai Section; (B) Expanded Kasilof Section;

(C) Anchor Point Section; (D) Drift Gillnet Area 1, except that if the Upper Subdistrict set gillnet fishery is closed under 5 AAC 21.310(b)(2)(C)(iii), or the department determines that less than one percent of the season's total drift gill net sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods in the drift gill net fishery, regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4. In this subsection, "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.

(2) additional fishing time under this subsection is allowed only in one or more ofthe following sections; (A) Expanded Kenai Section; (B) Expanded Kasilof Section; (C) Anchor Point Section.

What is the issue you would like the board to address and why? The plan allows unnecessary drift gillnet fishing in Drift Gillnet Area 2 during the first half of August, which jeopardizes attainment of Northern District drainage salmon escapement needs and reasonable salmon harvest opportunities for other Upper Cook Inlet user groups. Looking at a map of Upper Cook Inlet that shows Drift Gillnet Area 2 and the Northern District, a person can visualize how effectively salmon can be blocked from Northern District waters by concentrated drift gillnet fishing in Area 2. Even if no drift gill netting were allowed in Area 2, individual drift gillnet permit holders would still get first harvest opportunity, in a much larger harvest area, using considerably more gear, fishing in a more mobile fashion, and with more commercial openings to harvest Northern District bound salmon compared to Northern District users.

As proven many times the drift fleet can harvest plenty of surplus Kenai River sockeye without corking off Northern District bound sockeye and coho salmon in Area 2. While addressing Northern conservation issues (Jim Creek coho salmon and stock of concern Susitna River sockeye salmon) and allowing more reasonable Northern harvest opportunity for all other user groups, this proposal also seeks to maintain drift gill netters a liberal opportunity to harvest surplus sockeye salmon during times of July and August abundance. Note: Even if the drift fleet was restricted under the 1% rule, the department could still allow the fleet to fish 7 days perweek (5 days per week in the Expanded Kenai, Expanded Kasilof, and Anchor Point Sections and 2 days per week in Drift Gillet Areas 3 and 4 during a portion of the season when sockeye salmon abundance is in decline and coho harvest makes up an increasing portion of the drift catch). Just as the importance of sockeye salmon is recognized for commercial users throughout Upper Cook Inlet, so should the importance of coho salmon, throughout Upper Cook Inlet, be recognize for sport and guided sport users in a management plan.

Considering restrictions on other user groups during August, this proposal, if adopted, would increase the likelihood of attaining Northern District escapement needs, provide more reasonable harvest opportunity for other user groups, while retaining significant drift gillnet opportunity. Such

changes would better align the plan provisions with it's stated purpose: "The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gill net fishery to minimize the harvest of Northern District and Kenai River coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions."

PROPOSED BY: Alaska Outdoor Council (EF-F16-099)
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(Proposal 94 was submitted by two proposers. The proposal and justification for each proposer is listed below.)

PROPOSAL 94 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Remove the one-percent rule, as referenced to both the set and drift gillnet fisheries, from the Drift Gillnet Management Plan, as follows:

5AAC 21.353(e) Central District Drift Gillnet Fishery Management Plan

(e) From August 1 through August 15, there are no mandatory time or area restrictions to regular fishing periods. [, EXCEPT THAT IF THE UPPER SUBDISTRICT SET GILLNET FISHERY IS CLOSED UNDER 5 AAC 21.310(B)(2)(C)(III), OR THE DEPARETMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON'S TOTAL DRIFT GILLNET SOCKEYE SALMON HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE DRIFT GILLNET FISHERY, REGULAR FISHING PERIODS WILL BE RESTRICTED TO DRIFT GILLNET AREAS 3 AND 4. IN THIS SUBSECTION, "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? 5AAC 21.353(e)

In 2014 the BOF adopted the one percent rule on the drift gillnet fishery. 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 chum and pinks runs are virtually un-harvested. August can have pink returns in the millions, but this regulation prevents their harvest. This is not sustainable. An example of how ludicrous this regulation is: Thirty local commercial drifters are fishing the two regular weekly12 hour periods on Monday, August 3rd and again on Thursday, August 6th . 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 thirty fishermen had their best fishing days on sockeye on August 3rd and 6th. Because there were only thirty of them fishing, besides the fact that they had large catches of surplus sockeye, their total combined catch was less than one percent of the entire drift fleet's combined season harvest of sockeye for two consecutive regular periods after July 31st, so by the current regulation their season is closed except for a small sliver along the west shore, 35 miles away and few fish. If they had a caught a boat load of surplus chums or pinks they would also be closed. The current regulation pretty much guarantees the drift 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. This lower participation level provides effective protection for escapement needs and for in-river user to have a reasonable opportunity. The lost opportunity and harvest denied to the fewer local commercial participants are significant, unnecessary and wasteful, not only to them but to the processors, workers, support businesses, communities economy and the State treasury.

The current regulation is in violation of 5AAC 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 sustained yield and science based management.

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 Fish and Game Advisory Committee (EF-F16-165)

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What is the issue you would like the board to address and why? Currently, regular fishing periods in the drift gillnet fishery can be restricted to Drift Gillnet Areas 3&4 in August based on the application of what is commonly referred to as the one-percent rule. This rule states that from August 1–15, in the Upper Cook Inlet(UCI) drift gillnet fishery, if less than one percent of the season's total drift gillnet sockeye salmon harvest has been taken per fishing period for two consecutive periods, regular fishing periods are to be restricted to Drift Areas 3&4. The drift gillnet one-percent restriction was first adopted into regulation in 2014 and is found in 5 AAC 21.353(e) *Central District Drift Gillnet Fishery Management Plan*. Additionally, if the Upper Subdistrict set gillnet fishery is closed in August under its own version of the one-percent rule, regular periods in the drift gillnet fishery are to be restricted to Drift Areas 3&4.

Because the current regulation fails to take into account the decrease in participation in the drift fishery in August or variances in run timing, it can result in a significant loss of harvest opportunity for those fishermen that remain active in the fishery. The 2015 UCI sockeye salmon run was the latest on record with the midpoint of the run occurring on July 25th.

The Kenai River late-run sockeye have exceeded the inriver goal for 7 of the last 10 years and the Kasilof River sockeye have exceeded the BEG for 9 of the last 10 years. Regarding concerns for

northern bound coho salmon, the Little Susitna River coho salmon escapement goal has been met or exceeded in 21 out of 26 years (81%) since 1990, even with an active drift gillnet fishery in August. See Table 1 below.

Both Kenai River and northern Cook Inlet coho salmon are afforded protection by the decreased participation in August in the Central District drift fishery. The one-percent rule needlessly prevents drift gillnet fishermen from harvesting surplus sockeye salmon in August. Coho salmon escapement goals have been met or exceeded in the Little Susitna River over 80% of the time, even when the drift fishery was allowed full participation in August. Therefore, in order to provide for a reasonable opportunity to harvest surplus sockeye salmon, this proposal seeks to remove the one percent rules that can unnecessarily restrict drift fishing in August. This proposal does not affect the ability of ADF&G to use its emergency order authority to restrict or close drift gillnetting in those years when coho salmon runs are weak.

Table 1. Little Susitna River coho salmon escapement, 1988-2015

Year	Sport	Sport	Weir	Escapement Goal		Goal	Exceeded	Amount
	Catch	Harvest*	Count	Lower	Upper	Met/Missed/	Amount	below goal
						Exceeded		
1988		28,647	21,437					
1989 [1]		24,726	15,855					
1990		9,739	15,511	7,500		Exceeded	8,011	
1991		24,149	39,241	7,500		Exceeded	31,741	
1992		23,439	21,182	7,500		Exceeded	13,682	
1993		35,313	34,822	7,500		Exceeded	27,322	
1994		23,830	28,948	7,500		Exceeded	21,448	
1995 [2]		17,442	12,266	7,500		Exceeded	4,766	
1996 [3]	22,996	20,171	15,803	7,500		Exceeded	8,303	
1997	11,560	7,756	9,894	7,500		Exceeded	2,394	
1998	18,621	14,469	15,159	7,500		Exceeded	7,659	
1999	11,990	8,864	3,017	9,600	19,200	Missed		6,583
2000	31,517	20,357	15,436	9,600	19,200	Met		
2001	24,636	17,071	30,587	9,600	19,200	Exceeded	11,387	
2002	30,582	19,278	47,938	10,100	17,700	Exceeded	30,238	
2003	21,649	13,672	10,877	10,100	17,700	Met		
2004	24,981	15,307	40,199	10,100	17,700	Met	22,499	
2005	13,447	10,203	16,839	10,100	17,700	Exceeded		
2006 [4]	20,558	12,399	8,786	10,100	17,700	Met		
2007	14,895	11,089	17,573	10,100	17,700	Met		
2008	18,618	13,498	18,485	10,100	17,700	Exceeded	785	
2009	11,283	8,346	9,523	10,100	17,700	Missed		577
2010	12,811	10,662	9,214	10,100	17,700	Missed		886
2011	3,835	2,452	4,826	10,100	17,700	Missed		5,274
2012 [5]	2,114	1,681	6,779	10,100	17,700	Missed		3,321
2013	6,670	5,229	13,583	10,100	17,700	Met		
2014	8,663	6,922	24,211	10,100	17,700	Exceeded	6,511	
2015			12,421	10,100	17,700	Met		
							196,746	16,641

* Sport "harvest" averages about 70% of sport "catch".

[1] Exxon oil spill year, no drift gillnetting in Cook Inlet.

[2] Hatchery stocking program ended (began in 1982)

[3] The weir was moved from river mile 32.5 to river mile 71

[4] Weir washed out, escapement goal is believed to have been met or exceeded

[5] The weir was moved back to river mile 32.5

PROPOSED BY: United Cook Inlet Drift Association (HQ-F16-003)

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PROPOSAL 95 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Restrict commercial drift gillnet fishery to the Expanded Corridors and Drift Gillnet Area 1 from August 1–15, as follows:

Amend the Central District Drift Gillnet Fishery Management Plan as follows:

(e) from August 1 -15, [THERE ARE NO MANDATORY AREA RESTRICTIONS TO REGULAR PERIODS,]

(1) fishing during both regular 12 hour periods per week will be restricted to one of more of the following sections: (A) Expanded Kenai Section; (B) Expanded Kasilof Section; (C) Anchor Point Section; (D) Drift Gillnet Area 1, except that if the Upper Subdistrict set gillnet fishery is closed under 5 AAC 21.310(b)(2)(C)(iiii), or the department determines that less than one percent of the season's total drift gillnet sockeye salmon harvest has been taken per fishing period for two consecutive fishing periods in the drift gill net fishery, regular fishing periods will be restricted to Drift Gillnet Area [S 3 AND] 4. In this subsection, "fishing period" means a time period open to commercial fishing [as measured by a 24-hour calendar day from 12:01 a.m. to 11:59 p.m.] **of 12 hours during a calendar day.**

(2) additional fishing time under this subsection is allowed only in one or more of the following sections; (A) Expanded Kenai Section; (B) Expanded Kasilof Section; (C) Anchor Point.

What is the issue you would like the board to address and why? While changes to the drift management plan adopted by the board in 2014 have proven more effective in increasing escapements of Northern District drainage salmon stocks during July and providing more reasonable harvest opportunities for Northern District user groups during July, management during 2015 proved the plan inadequate in continuing those benefits throughout August. As currently configured the plan allows excessive amounts of drift gillnet fishing during the first half of August which jeopardizes both attainment of Northern District drainage salmon escapement needs and reasonable salmon harvest opportunities for Northern District and Northern District drainage user groups. Therefore, to address Northern conservation concerns and to allow more reasonable Northern harvest opportunity for other user groups, this proposal seeks to amend the drift management plan in a manner that still maintains drift gillnetters an extremely liberal opportunity to harvest surplus sockeye salmon during times of August abundance. Note: under this proposal even if the drift fishery was restricted under the 1% rule, ADF&G could still allow the fleet to fish 7 days per week (5 days per week in the Expanded Kenai, Expanded Kasilof, and Anchor Point Sections and 2 days per week in Drift Gillet Area

4 during a portion of the season when sockeye salmon abundance is in decline). Considering restrictions on other user groups during the August 1-31 timeframe, this proposal, if adopted, should increase the likelihood of attaining minimum Northern District escapement needs, provide more reasonable harvest opportunity for Northern and other user groups, while retaining significant drift gillnet harvest opportunity during August.

PROPOSED BY: Alaska Sport Fishing Association (HQ-F16-001)

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PROPOSAL 96 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan. Allow commercial fishing with drift gillnets in all waters of the Central District, except the Kenai and Kasilof Sections, from August 16 until closed by emergency order, as follows:

5 AAC 21.353 Central District Drift Gillnet Fishery Management Plan

(f) From August 16 until closed by emergency order, [DRIFT GILLNET AREAS 3 AND 4 ARE OPEN FOR FISHING DURING REGULAR FISHING PERIODS.]**,** drift gillnetting will be open in all waters of the Central District, except in the Kenai and Kasilof sections, from 7:00 a.m. Monday until 7:00 p.m. Monday, and from 7:00 a.m. Thursday until 7:00 p.m. Thursday.

What is the issue you would like the board to address and why? The Upper Cook Inlet Salmon Management Plan (5 AAC 21.363 (a) (1)) states that the harvest of UCI salmon should be allowed in order to maximize the benefits of these resources. The current Central District drift gillnet management plan is too restrictive and does not allow ADF&G the tools it needs in order to harvest surplus Kenai and Kasilof river sockeye salmon stocks. An overly restrictive drift gillnet management plan can therefore result in over escapement of these stocks, which it has in two out of two years for both Kenai and Kasilof river sockeye salmon since the plan was modified in 2014. As ADF&G has shown in previous reports to the board, escapements above goals, and especially consecutive years of escapements above goals, results in an immediate yield loss to all harvesters in the year of the over-escapement, and it also poses unwarranted risks to these stocks through lower yields in the future.

In the current drift gillnet management plan, drifters are restricted to Drift Areas 3 & 4 on or before August 16. There is no significant reason to move the drift gillnet fleet out of the middle of the Central District after August 15. In previous reports to the board, ADF&G has shown that drifters are a very minor harvester of Kenai and Kasilof river coho salmon. That said, in order to provide additional protection to these stocks, this proposal seeks to allow drifting in the Central District, except for the Kenai and Kasilof Sections, for regular 12-hour fishing periods only after August 15. This would allow for additional harvest of Kenai and Kasilof sockeye salmon stocks while not posing threats to east-side coho salmon stocks or to northern bound coho salmon stocks, which are

largely done with their migration through the Central District by this time of year. It would provide those drifters who wish to fish later in the season with additional economic opportunities, and it could help ADF&G with the issue of continued over-escapement of sockeye salmon in both the Kenai and Kasilof rivers.

PROPOSED BY: David Hillstrand (EF-F16-041)

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PROPOSAL 97 – 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan and 21.310. Fishing Seasons. Repeal the drift and set gillnet one-percent rules that apply to from August 1–15, as follows:

What is the issue you would like the board to address and why? 1 % Rule – drift and set net.

A large harvestable surplus is wasted, early closures and late returns equal wasted harvestable surplus.

Repeal the 1% Rule

PROPOSED BY: John McCombs (HQ-F16-088)

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PROPOSAL 98 – 5 AAC 21.353. **Central District Drift Gillnet Fishery Management Plan.** Reduce sport fishery bag limit for coho salmon on the west side of Cook Inlet and close drift gillnet fishing in Areas 3 and 4 for remainder of season if coho salmon sport fishing is restricted or closed in the Little Susitna River, as follows:

5 AAC 21.353. CENTRAL DISTRICT DRIFT GILLNET FISHERY MANAGEMENT PLAN.

(a) The purpose of this management plan is to ensure adequate escapement of salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the commercial drift gillnet fishery to minimize the harvest of **[Northern District and Kenai River]** coho salmon in order to provide sport and guided sport fishermen a reasonable opportunity to harvest these salmon stocks over the entire run, as measured by the frequency of inriver restrictions. The department shall manage the Central District commercial drift gillnet fishery as follows:

(1) weekly fishing periods are as described in 5 AAC 21.320(b);

(2) the fishing season will open the third Monday in June or June 19, whichever is later, and

(A) from July 9 through July 15,

(i) fishing during the first regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof Sections; additional fishing time is allowed only in the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict;

(ii) fishing during the second regular fishing period is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(iii) at run strengths greater than 2,300,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(B) from July 16 through July 31,

(i) at run strengths of less than 2,300,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period will be restricted to the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict;

(ii) at run strengths of 2,300,000 to 4,600,000 sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either or both the Expanded Kenai and Expanded Kasilof Sections of the Upper Subdistrict or Drift Gillnet Area 1;

(iii) at run strengths greater than 4,600,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

(C) from August 16 until closed by emergency order, Drift Gillnet Areas 3 and 4 are open for fishing during regular fishing periods;

(D) from August 11 through August 15, there are no mandatory area restrictions to regular periods, except that if the Upper Subdistrict set gillnet fishery is closed under 5 AAC

(E) if coho salmon sport fishing is restricted or closed in the Little Susutna River

(i) All coho fisheries on the west side of Cook Inlet shall have a reduced bag limit from three coho to two coho.

(ii) All drift gillnet fishing in Areas 3 and 4 shall close for remainder of the season. 21.310(b)(2)(C)(iii), regular fishing periods will be restricted to Drift Gillnet Areas 3 and 4.

(b) For the purposes of this section,

(1) "Drift Gillnet Area 1" means those waters of the Central District south of Kalgin Island at 60° 20.43' N. lat.;

(2) "Drift Gillnet Area 2" means those waters of the Central District enclosed by a line from 60° 20.43' N. lat., 151° 54.83' W. long. to a point at 60° 41.08' N. lat., 151° 39.00' W. long. to a point at 60° 41.08' N. lat., 151° 24.00' W. long. to a point at 60° 27.10' N. lat., 151° 25.70' W. long. to a point at 60° 20.43' N. lat., 151° 28.55' W. long.;

(3) "Drift Gillnet Area 3" means those waters of the Central District within one mile COOK INLET AREA 103 of mean lower low water (zero tide) south of a point on the West Foreland at 60° 42.70' N. lat., 151° 42.30' W. long. ;

(4) "Drift Gillnet Area 4" means those waters of the Central District enclosed by a line from 60° 04.70' N. lat., 152° 34.74' W. long. to the Kalgin Buoy at 60° 04.70' N. lat., 152° 09.90' W. long. to a point at 59° 46.15' N. lat., 152° 18.62' W. long. to a point on the western shore at 59° 46.15' N. lat., 153° 00.20' W. long., not including the waters of the Chinitna Bay Subdistrict.

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

What is the issue you would like the board to address and why? Coho salmon stocks on the west side of Cook Inlet (Area's 3 and 4) are being over exploited by commercial drift gillnets after August 11. Management of coho salmon on the west side of Cook Inlet should be managed for a sportfish priority as is the Northern District and Kenai River.

The Alaska Department of Fish and Game has failed to identify an adequate coho escapement goal for any west side Cook Inlet streams. Sportfish participation has increased dramatically in the last decade and these systems cannot continue to support commercial harvest without threatening sustainability

PROPOSED BY: Mark Glassmaker (EF-F16-038)

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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 2l.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)

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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)

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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)

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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)

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<u>PROPOSAL 103</u> – 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)

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<u>PROPOSAL 104</u> – 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)
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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:

Ninilchick (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)
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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 21.365. Kasilof River Sockeye Salmon Management Plan. 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 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)
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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 defendable 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)

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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)

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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)
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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)
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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)

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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 KRSMP 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 KRSMP, 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)

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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)

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<u>PROPOSAL 114</u> – 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:

<u>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</u>.

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)
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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)
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<u>PROPOSAL 116</u> – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Review the optimum escapement goal (OEG) and inriver goals for Kenai River late-run sockeye salmon, as follows:

5 AAC 21.360 states:

(b) The Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to

(1) meet an optimum escapement goal (OEG) range of 700,000 – 1,400,000 late-run sockeye salmon;

(2) achieve inriver goals as established by the board and measured at the Kenai River sonar counter located at river mile 19; and

(3) distribute the escapement of sockeye salmon evenly within the OEG range, in proportion to the size of the run.

(c) Based on preseason forecasts and inseason evaluations of the total Kenai River late-run sockeye salmon return during the fishing season, the run will be managed as follows:

(1) at run strengths of less than 2,300,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 900,000 – 1,100,000 sockeye salmon past the sonar counter at river mile 19; and

…

(2) at run strengths of 2,300,000 – 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,000,000 – 1,200,000 sockeye salmon past the sonar counter at river mile 19;

…

(3) at run strengths greater than 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,100,000 – 1,350,000 sockeye salmon past the sonar counter at river mile 19;

…

What is the issue you would like the board to address and why? The department submitted this proposal to provide the board an opportunity to review the current management goals for Kenai River late-run sockeye salmon and consider changes to align and simplify them. The OEG and inriver goals are currently out of alignment. The upper tier of the inriver goal (upper bound of 1,350,000) does not provide enough fish on the upper end to adequately distribute escapements throughout the OEG range and inriver goals. Managing for the current multiple goals (inriver goal and OEG) can be unnecessarily complicated inseason and confusing to user groups when one goal is met and the other is not.

If the inriver goals are aligned with the OEG, the board may also wish to consider simplifying the management plan by removing the OEG from regulation. The department currently manages for both OEG and inriver goals, and, if aligned, the two goals seem to be redundant.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F16-150)
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(Proposal 117 was submitted by two proposers. The proposal and justification for each proposer is listed below.)

PROPOSAL 117 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Amend the *Kenai River Late-Run Sockeye Salmon Management Plan* to remove the optimum escapement goal for Kenai River late-run sockeye salmon, as follows:

5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. (a) The department shall manage the Kenai River late-run sockeye salmon stocks primarily for commercial uses based on abundance. The department shall also manage the commercial fisheries to minimize the harvest of Northern District coho, late-run Kenai River king, and Kenai River coho salmon stocks in order to provide personal use, sport, and guided sport fishermen with a reasonable opportunity to harvest salmon resources.

(b) The Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to

[(1) MEET AN OPTIMUM ESCAPEMENT GOAL (OEG) RANGE OF 700,000 – 1,400,000 LATE-RUN SOCKEYE SALMON;]

(1) [(2)] achieve inriver goals as established by the board and measured at the Kenai River sonar counter located at river mile 19; and

[(3) DISTRIBUTE THE ESCAPEMENT OF SOCKEYE SALMON EVENLY WITHIN THE OEG RANGE, IN PROPORTION TO THE SIZE OF THE RUN.]

What is the issue you would like the board to address and why? Repeal the Kenai River late-run 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).

Increasing goals based on annual variations in run size is not scientifically defensible. Repeated escapements over the top end of a goal 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 Kenai River is the only river in the state to have five different sockeye salmon goals. These goals are confusing to the public and fishery managers. The goals are often conflicting during the season due to misinterpretations and the uncertainties and often daily variations in the estimates of run timing, run strength and harvest rates. A result of this confusion, about which goal is appropriate, has contributed to sockeye escapements in the Kenai River being over the top end of the inriver goal for 5 of the last 5 years.

Kenai River Goals

Biological Escapement Goal (BEG)	600,000 - 900,000
Sustainable Escapement Goal (SEG)	700,000 - 1,200,000
3 - Inriver Goals based on run size from <2.3 million to > 4.6 million.	< 2.3 mil: 900 - 1,100,000 2.3 - 4.6 mil: 1,000,000 - 1,200,000 > 4.6 mil: 1,100,000 - 1,350,000
Optimum Escapement Goal (OEG)	700,000 - 1,400,000
* The Inriver Goals include an allocation range of 200 – 650 thousand sockeye for inriver users based on the magnitude of the sockeye run to the Kenai River.	

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. However, a BEG can be difficult to achieve and manage for, particularly in mixed stock fisheries, so as an alternative for the Kenai River, the department instead uses a "sustainable escapement goal" or "SEG".

The most recent ADF&G escapement goal review (FMS 13-13) for Cook Inlet states *"The committee recommended that the Kenai River late-run sockeye salmon SEG be kept at 700,000–1,200,000 spawners. This range approximately represents the escapement that, on average, will produce 90–100% of MSY. We prefer using the 90–100% range for an SEG because it results in a broader interval with the highest predicted yield near its center. Maintaining this goal is*

supported by a plot of yield versus escapement, showing that escapements in this range generally produce the highest yields, and that escapements above this range can produce highly variable yields."

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 SEG for the Kenai 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 Kenai River late run sockeye exceeds the SEG. The misnamed OEG is also inappropriate to use for inseason management as the sport harvest must be counted prior to determining if the goal was met or missed but the sport harvest isn't known until 18 months after the season ends. The Kenai River OEG is incompatible with the findings of both of the latest ADF&G escapement goal reviews; it is confusing, redundant, conflicting and should be repealed.

PROPOSED BY: United Cook Inlet Drift Association (HQ-F16-025)

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What is the issue you would like the board to address and why? Repeal the Kenai River late-run 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).

Increasing goals based on annual variations in run size is not scientifically defensible. Repeated escapements over the top end of a goal 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 Kenai River is the only river in the state to have five different sockeye salmon goals. These goals are confusing to the public and fishery managers. The goals are often conflicting during the season due to misinterpretations and the uncertainties and often daily variations in

the estimates of run timing, run strength and harvest rates. A result of this confusion, about which goal is appropriate, has contributed to sockeye escapements in the Kenai River being over the top end of the inriver goal for 5 of the last *5* years.

Kenai River Goals

Biological Escapement (BEG)	600,000 – 900,000
Sustainable Escapement Goal (SEG)	700,000 – 1,200,000
3 – Inriver Goals based on run size from <2.3 million to >4.6 million.	<2.3 mil: 900 – 1,100,000
	2.3 – 4.6 mil: 1,000,000 – 1,200,000
	>4.6 mil: 1,100,000 – 1,350,000
Optimum Escapement Goal (OEG)	700,000 – 1,400,000
*The Inriver goals include an allocation range of 200 – 650 thousand sockeye for inriver user based on the magnitude of the sockeye run to the Kenai River.	

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. However, a BEG can be difficult to achieve and manage for, particularly in mixed stock fisheries, so as an alternative for the Kenai River, the department instead uses a "sustainable escapement goal" or "SEG".

The most recent ADF&G escapement goal review (FMS 13-13) for Cook Inlet states *"The committee recommended that the Kenai River late-run sockeye salmon SEG be kept at 700,000-1,200,000 spawners. This range approximately represents the escapement that, on average, will produce 90-100% of MSY. We prefer using the 90-100% range for an SEG because it results in a broader interval with the highest predicted yield near its center. Maintaining this goal is supported by a plot of yield versus escapement, showing that escapements in this range generally produce the highest yields, and that escapements above this range can produce highly variable yields.*"

Another recent ADF&G review (FMS 14-06) 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 SEG for the Kenai 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 Kenai River late run sockeye exceeds the SEG. The misnamed OEG is also inappropriate to use for inseason management as the sport

harvest must be counted prior to determining if the goal was met or missed but the sport harvest isn't known until 18 months after the season ends. The Kenai River OEG is incompatible with the findings of both of the latest ADF&G escapement goal reviews; it is confusing, redundant, conflicting and should be repealed.

PROPOSED BY: Peter Melenchek (HQ-F16-114)

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PROPOSAL 118 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Remove the optimum escapement goal for Kenai River late-run sockeye salmon and add the guided sport fishery to the list of fisheries managed under the plan, as follows:

5AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. (a) The department shall manage the Kenai River late-run sockeye salmon stocks primarily for commercial uses based on abundance. The department shall also manage the commercial fisheries to minimize the harvest of Northern District coho, late-run Kenai River king, and Kenai River coho salmon stocks in order to provide personal use, sport, and guided sport fishermen with a reasonable opportunity to harvest salmon resources.

(b) The Kenai River late-run sockeye salmon commercial, sport, **guided sport fishermen** and personal use fisheries shall be managed to

[(1) MEET AN OPTIMUM ESCAPEMENT GOAL (OEG) RANGE OF 700,000 – 1,400,000 LATE-RUN SOCKEYE SALMON;]

(1)[(2)] achieve inriver goals as established by the board and measured at the Kenai River sonar counter located at river mile 19; and

What is the issue you would like the board to address and why? Repeal the Kenai River late-run sockeye Optimum Escapement Goal OEG

The Kenai River is the only river in the state to have five different sockeye salmon goals. These OEGs are not scientifically defendable and annually puts escapement into the Kenai 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 any one and will jeopardized 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 Kenai 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!

The guided sport fishermen should also be added with the other users who shall be managed to in 5AAC 21.360 (a)(b)

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (EF-F16-151)
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PROPOSAL 119 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Amend management plan to achieve inriver goal range of 850,000–1,050,000 late-run sockeye salmon at run strengths less than 2.3 million sockeye salmon and 950,000–1,150,000 late-run sockeye salmon at run strengths greater than 2.3 million sockeye salmon, as follows:

Reformat the provisions to express two management inriver goal ranges and delete third tier in management.

Amend to achieve an inriver goal range of 850,000 – 1,050,000 late-run sockeye salmon on runs under 2.3 million. Runs greater than 2.3 million an inriver goal range of 950,000 – 1,150,000.

What is the issue you would like the board to address and why? Consecutive and repeated spawning escapement that exceed the upper SEG ranges on runs above 2.3 million while not maintaining or evenly distributing sockeye salmon escapements within the range.

In addition, the three tier inriver goal ranges are misrepresented in current regulations in a number of ways. For example, the first tier table (ADF&G, RC 213) Bendix to DIDSON was correctly stated as 850,00 (700,000 plus 150,000)–1,050,000 as inriver allocation was set as 150,000 on runs less than 2.3 million while the second and third tier was incorrectly formatted upwards from the inriver allocations considered by the BOF. Compounding the issue is the SEG range of 700,000 – 1,200,000 in DIDSON units was rounded up at the upper range in 100,000 units instead of 50,000 increments, i.e. the upper SEG range should be closer expressed at 1,100,000 spawners instead.

The Kenai late-run sockeye salmon goal was managed for decades under one inriver goal range which clearly presented the missions and duties to the department to manage to within the BEG/SEG escapement goal range. The risk on Yield, the Sustained Yields within the SEG range are expressed biologically and scientifically to maintain recruitments of 4 to 5 recruits per spawner. Instead, risk increased to diminished Yields (2 recruits per spawner) when exceeding the upper range which has occurred regularly under the tiers.

The third tier has only caused the department to exceed the upper end of the SEG range and further caused a complete inability to manage to within the range or mid-point of the SEG range. Furthermore the inriver sport allocation on runs above 4.6 million is not affected with the third tier removed, in fact by doing so places spawning escapements within the established SEG range.

The board needs to address habitat loss for appropriate modification of the Kenai River late-run sockeye salmon inriver goal.

PROPOSED BY: Mark Ducker and Jeff Beaudoin (HQ-F16-094)

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PROPOSAL 120 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Decrease the inriver goal ranges for late-run Kenai River sockeye salmon by 100,000 fish and limit the bag and possession of sockeye salmon to three per day and three in possession in the Kenai River sport fishery, as follows:

(c) (1) at run strengths of less than 2,300,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of **800,000 - 1,000,000** sockeye salmon past the sonar counter at river mile 19; and

(2) at run strengths of 2,300,000- 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of **900,000 – 1,000,000** sockeye

(3) at run strengths greater than 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of **1,000,000 - 1,200,000** sockeye salmon past the sonar counter at river mile 19;

(h)

(1) fishing will occur seven days per week, 24 hours per day;

(2) the bag and possession limit for sockeye salmon is three per day, with three [SIX] in possession, in the sport fishery, [UNLESS THE DEPARTMENT DETERMINES THAT THE ABUNDANCE OF LATE-RUN SOCKEYE SALMON EXCEEDS 2,300,000 FISH, AT WHICH TIME THE COMMISSIONER MAY, BY EMERGENCY ORDER, INCREASE THE BAG AND POSSESSION LIMIT AS THE COMMISSIONER DETERMINES TO BE APPROPRIATE; AND]

What is the issue you would like the board to address and why? In 2000 and 2001 the department conducted a habitat study on the Kenai River to determine habitat damage from the recreational fishery. That report was withheld from the public and the Board. Instead of punishing whomever was responsible for this egregious act, the ADF&G Commissioner stated "the department used the results", 5 AAC 21.363 (d) is quite clear;

(d) The sonar count levels established in this section may be lowered by the board if noncommercial fishing, after consideration of mitigation efforts, results in a net loss of riparian habitat on the Kenai River. The department will, to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modification of the Kenai River late-run sockeye salmon inriver goal

This provision was put in the plan in 1999, in the ensuing 16 years the department has not reported anything to the Board or submitted any habitat proposals. I think it would be

appropriate to lower each inriver range by 100,000 fish and limit the daily bag limit to three and three in possession.

PROPOSED BY: Suzanne Ducker (HQ-F16-113)

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PROPOSAL 121 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Repeal and readopt management plan to remove the optimum escapement goal, mandatory restrictions and closed fishing periods or "windows", and specify that management will be based on the abundance of late-run Kenai River sockeye salmon, as follows:

(Repeal and readopt)

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

(a) The department shall manage the Kenai River late-run sockeye salmon stocks to achieve one of the three in-river run goals listed below based on the abundance of Kenai River sockeye salmon. The department will manage the commercial fisheries targeting this stock with regular weekly fishing periods, as specified in 5 AAC 21.320 and adjust this schedule by emergency order to achieve the desired inriver sockeye goal. Additional fishing time in the commercial fisheries will not be allowed to target Susitna River coho, late-run Kenai River king, or Kenai River coho salmon stocks.

(b) The Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to

(1) achieve inriver goals as established by the board and measured at the Kenai River sonar counter located at river mile 19; and

(3) Distribute the escapement of sockeye salmon evenly within the SEG range, in proportion to the size of the run.

(c) Based on preseason forecasts and inseason evaluations of the total Kenai River late-run sockeye salmon return during the fishing season, the run will be managed as follows:

(1) at run strengths of less than 2,300,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 900,000 - 1,100,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, unless the department determines that the minimum inriver goal will not be met, at which time the fishery shall be closed or restricted as necessary;

(2) at run strengths of 2,300,000 - 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,000,000 - 1,200,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary;

(3) at run strengths greater than 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,100,000 - 1,350,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary

(d) The sonar count levels established in this section may be lowered by the board if noncommercial fishing, after consideration of mitigation efforts, results in a net loss of riparian habitat on the Kenai River. The department will, to the extent practicable, conduct habitat assessments on a schedule that conforms to the Board of Fisheries (board) triennial meeting cycle. If the assessments demonstrate a net loss of riparian habitat caused by noncommercial fishermen, the department is requested to report those findings to the board and submit proposals to the board for appropriate modification of the Kenai River late-run sockeye salmon inriver goal.

(e) Repealed 6/11/2005.

(f) Repealed 6/11/2005.

(g) Subject to the requirement of achieving the lower end of the sustainable escapement goal, the department shall provide for a personal use dip net fishery in the lower Kenai River as specified in 5 AAC 77.540.

(h) Subject to the requirement of achieving the lower end of the sustainable escapement goal, the department shall manage the sport fishery on the Kenai River, except that portion of the Kenai River from its confluence with the Russian River to an ADF&G regulatory marker located 1,800 yards downstream, as follows:

(1) fishing will occur seven days per week, 24 hours per day;

(2) the bag and possession limit for sockeye salmon is three per day, with six in possession, in the sport fishery, unless the department determines that the abundance of late-run sockeye salmon exceeds 2,300,000 fish, at which time the commissioner may, by emergency order, increase the bag and possession limit as the commissioner determines to be appropriate; and

(3) if the projected inriver run of sockeye salmon above the Kenai River sonar counter located at river mile 19 is less than 900,000 fish and the inriver sport fishery harvest is projected to result in an escapement below the lower end of the sustainable escapement goal, the commissioner may, by emergency order, close or restrict the sport fishery as necessary;

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

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

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 optimal escapement goal is unnecessary as the allocations are provided for in the inriver goals. 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.

PROPOSED BY: Chris Garcia (HQ-F16-108)
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PROPOSAL 122 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan and 5 AAC 21.365. Kasilof River Salmon Management Plan. Remove mandatory closed fishing periods or "windows" from the Upper Subdistrict commercial set gillnet fishery, as follows:

Eliminate windows. The reason windows has not put more fish in the river. The affect of windows has been only to hamstring our talented fishery managers. When fish are present the fishery should be open.

What is the issue you would like the board to address and why? Windows – a failed allocation.

PROPOSED BY: John McCombs (HQ-F16-085)
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PROPOSAL 123 – 5 AAC 21.354. Cook Inlet Pink Salmon Management Plan. Repeal and readopt the management plan to allow for the commercial harvest of surplus pink salmon in the Upper Subdistrict with set and drift gillnet gear, as follows:

[REPEAL 5AAC 21.354. THE COOK INLET PINK SALMON PLAN IN IT'S ENTIRITY]
Develop a new plan that is simple and more effective

5AAC 21.354. Cook Inlet Pink Salmon Management Plan. (a) The purpose of this management plan is to allow for the harvest of surplus pink salmon in the Upper Subdistrict for set gillnet and drift gillnet gear. The commercial fishery set and drift will fish their regular weekly fishing periods in August. If all other salmon species are healthy and making their escapement goals the commercial fisheries will fish extra fishing periods based on pink abundance.

What is the issue you would like the board to address and why? Repeal and replace the current Cook Inlet Pink Salmon Management Plan

The current pink management plan is unrealistic and inefficient for harvesting millions of returning pink salmon. The current plan would only harvest a small fraction of the surplus. The mesh size restrictions also prevents sufficient harvest and efficiency. The Cook Inlet pinks are some of the largest pinks in the State. The fishermen should be allowed to decide which gear size will work best and the cost of gearing up. The current plan allows for over 96% of the surplus pinks to go unharvested. That is a lot of lost meals, jobs and money to the local economies and state treasury and for no reason except allocation. The current regulation is in violation of 5AAC 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 sustained yield and science based management which means harvesting the surplus. It is also not being good stewards of the resource to forgo pink harvest when all other salmon species are healthy and have or will meet their escapement goals.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (EF-F16-173)
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PROPOSAL 124 – 5 AAC 21.354. Cook Inlet Pink Salmon Management Plan. Amend the *Cook Inlet Pink Salmon Management Plan* to remove or lower the daily harvest triggers, as follows:

I would like to see the 50,000 pink salmon triggers in the CIPSMP go away. This most likely won't happen. So I would like to see the triggers lowered to 25,000.

The regulation would read something like this:

CIPSMP (b) ....., the daily harvest of pink salmon in the Upper Subdistrcit set gillnet fishery exceeds **25,000** [50,000] fish or the cumulative harvest..... The second pink salmon commercial fishing period will occur only if **25,000** [50,000] or more pink salmon and no more than 2,500 coho salmon are harvested in the Upper Subdistrict set gillnet fishery during the first pink salmon commercial fishing period.

What is the issue you would like the board to address and why? The issue here, is lack of harvest opportunity of pink salmon in the ESSN fishery. There are literally millions of pink salmon, heading to the Kenai River that are virtually unharvested. There is very little opportunity, in the ESSN fishery to target these pinks.

In the CIPSMP there are two 50,000 fish triggers that equate to one or at best two additional days to harvest these pinks. These triggers occur after August 6 on even years. Many fishermen in the ESSN fishery, and more so in the Kasilof section, quit fishing earlier than the regularly scheduled closing date. It is very hard for the remaining setnetters to hit the 50,000 pink trigger that opens the pink fishery for one more period.

The fishermen that do stay and fish for pinks, are curtailed from further fishing, due to lack of participation, and therefore not hitting the 50,000 trigger. The fishermen that do target pinks, even with a smaller price that other species, can make good money. This pink fishery is very important economically, especially when sockeye runs to the Kenai and Kasilof Rivers are fair to poor.

PROPOSED BY: Gary L. Hollier (EF-F16-016)
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PROPOSAL 125 – 5 AAC 21.354. Cook Inlet Pink Salmon Management Plan. Remove mesh size restrictions on set and drift gillnet gear in the commercial pink salmon fishery, as follows:

5 AAC 21.354

(c) During a pink salmon commercial fishing period opened under this section, [A (1) SET GILLNET MAY NOT HAVE A MESH SIZE GREATHER THAN FOUR AND THREE-QUARTERS INCHES; AND]

(2) [DRIFT GILLNET GEAR MAY NOT HAVE A MESH SIZE GREATER THAN FOUR AND THREE-QUARTERS INCHES, AND] Fishing with drift gillnet gear will only be opened in the areas defined in 5 AAC 21.200(b)(2)(B)

What is the issue you would like the board to address and why? The Pink Salmon Management Plan currently in place allows for a maximum potential of two extra days of fishing time, late in August, every other year. This plan was implemented to attempt to address underutilized surpluses of pink salmon that sometimes occur. In reality this is relatively rare. Since it was implemented the pink salmon plan has been used on only two occasions. Participation was very low. A large contributing factor to this is the current requirement on mesh size that prohibits people from fishing their normal gear. Due to the rare occurrences and relatively low value of the potential opening, most fishermen are unable to justify building special gear. We would like to see this mesh size requirement removed in order that the fishery may be better utilized when the opportunity occurs.

This proposal seeks to remove the language requiring smaller gear be used for pink salmon openers, allowing gillnetters to user their standard gear which is limited to 6" or less by regulation.

PROPOSED BY: Kenai Peninsula Fishermen's Association (HQ-F16-078)

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<u>PROPOSAL 126</u> – 5 AAC 21.354. Cook Inlet Pink Salmon Management Plan. Increase maximum mesh size for set gillnets to 5-inches and expand the fishing season to August 6–15 in the commercial pink salmon fishery, as follows:

(c) (1) set gillnet may not have a mesh size greater than **5** [four and three quarters] inches and

(b) Repeal and amend: to provide a Pink salmon fishery from August 6th through August 15th, 5 openings available per week during the commercial pink salmon fishery on even years.

What is the issue you would like the board to address and why? Kenai River pink salmon harvest and limit on mesh size. Kenai pink salmon are on average larger than Southern District or Northern District pink salmon. The average weight size is .7 of pound larger than Northern District pink salmon stocks. The 4 and ¾ mesh size requirement impeded commercial harvest and quality of the salmon resource available.

The current Plan is unduly restrictive with only two fishing periods. Current regulations state at least 50,000 pink salmon harvest per opening and limited to 2500 coho; only a small percentage are Kenai bound coho. Less than one-half of one percent harvest on average annual Kenai coho runs per opening. So, within a two day commercial pink salmon fishery the set gillnet fishery is 1% of the Kenai Coho run and only 1% of the Kenai River pink salmon run. Pink salmon stocks are designated commercial stocks.

Nowhere in this state by Region does the Department or the Board restrict the harvest of pink salmon stocks per similar situated fisheries on abundant salmon resources in mixed stock salmon fisheries. Application of Fishery Management Plans (5 AAC 39.200) (a) provides for an equitable distribution of the available harvest. 1% is not "equitable" nor fairly distributed under the current pink Plan. Regulations "should be consistent with statutes."

PROPOSED BY: Jeff Beaudoin (HQ-F16-103)

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PROPOSAL 127 – 5 AAC 21.363. Upper Cook Inlet Salmon Management Plan and 21.360. Kenai River Late-Run Sockeye Salmon Management Plan. Remove inriver goals from the list of escapement goals in the *Upper Cook Inlet Salmon Management Plan* and realign inriver and escapement goals in the *Kenai River Late-Run Sockeye Salmon Management Plan*, as follows:

Option 1:
Drop "inriver goal" from the list of escapement goals in 21.363(e) since in-river goals are allocative in nature and the department should not be put in a position of favoring one allocation strategy over another without consultation with the Board. The Kenai River is the only location in the state where in-river goals exist in regulation.

Option 2:
Realign in-river and escapement goals to avoid continuing confusion. Standardize the upper end of the in-river goal for each tier at 1.5 million which is equal to the upper end of the SEG (1.2 million) plus 300,000 sockeye which is the current maximum sport harvest above the sonar. The lower end of in-river goals for each tier should be retained as is in order to continue to ensure that escapements are distributed throughout the goal range and large runs are shared among fisheries.

What is the issue you would like the board to address and why? A complex of codified management plans now govern the salmon fisheries in Upper Cook Inlet and elements of one plan, on occasion, conflict with elements found in another. Major UCI fisheries harvest mixed stocks bound for more many different rivers. During its 2008 meeting, the Board developed specific regulatory language for Upper Cook Inlet at the request of the Department to provide guidance when objectives or prescriptive tools of one management plan conflict with or compromise the department's ability to direction of another plan. Additional clarifications are needed in this language.

Interpretation and application of in-river goals and the optimum escapement goal in the Kenai late-run sockeye salmon management plan continues to be a source of confusion. The current in-river goals are also based on old data which substantially underestimates the numbers of sockeye that are currently harvested in the sport fishery above the sonar.

The plan identifies an OEG of 700,000 – 1,400,000. This is consistent with the SEG of 700,000 to 1,200,000 with an allowance at the top end in place since 1999 in recognition that large escapements continue to provide large returns. In-river goals are designated for three run size tiers in order to distribute escapements throughout the range and share the bounty of large runs among fisheries.

One problem is what to do when numbers are exceeding the in-river goal but still within the escapement goal. In-river goal ranges are relatively narrow (only 200,000 fish wide) and can be difficult to hit given uncertain run forecasts and wide variation in run timing. However, even when Kenai sockeye escapements are still comfortably within the OEG, exceeding in-river goals can trigger out-of-plan actions that conflict with the intent of management plans for other stocks including Kenai kings and Susitna sockeye. In-river goals are themselves allocative targets designed to distribute harvest among commercial and in-river fisheries. However, out-of-plan actions inevitably impact the allocation balance among commercial drift, commercial setnet, personal use, and sport fisheries. This places the Department in the no-win situation of having to decide between one set of allocative targets and similarly allocative out-of-plan actions. Allocation decisions are the responsibility of the Board, not the Department.

Another problem is that the sport fishery has demonstrated the capability of harvesting many more sockeye above the sonar than when the in-river goal ranges were originally established. There are only 150,000 fish between the upper end of the SEG and the top tier as measured at the sonar. However, in recent years as many as 300,000 are harvested by the sport fishery above the sonar. As a result, we are effectively managing for a lower SEG than has been identified.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F16-070)

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PROPOSAL 128 – 5 AAC 21.363. Upper Cook Inlet Salmon Management Plan. Amend plan to prioritize the need to harvest all surplus salmon stocks and to maximize economic yield and the overall benefits from salmon stocks managed under the plan, as follows:

5 AAC 21.363 Upper Cook Inlet Salmon Management Plan.

add a new line to; 5 AAC 21.363 (a)(3) **(D) the need to harvest all surplus salmon stocks and to maintain sustainable salmon runs.**

5AAC 21.363 (a)(4) in these management plans, the board **must** [MAY, AS APPROPRIATE] address the following considerations:

add a new line to ; 5AAC (a)(4)**(C) the need to harvest all surplus salmon stocks to maximize the economic yield and the overall benefits from these salmon resources;**

What is the issue you would like the board to address and why? The Upper Cook Inlet Salmon Management Plan needs updated to direct the board and the department to develop management plans that are in compliance to Alaska's Constitution, Alaska's laws, statutory conservation mandates, the Magnuson Stevens Act (MSA) and the Sustainable Salmon fisheries policy 5AAC 39.222. The current plans are not in compliance. Through the years the political pressure from special interest groups have gone too far in developing and lobbying for the passage of management plans that are reallocation and lack any reference to science, maximum sustained yield or of harvesting the surplus. They are unsustainable and are harmful to the resource, habitat and the people, communities, businesses and the state that depends upon optimum returns and the surplus to be harvested. The biologist are not allowed to use science and their manage tools to

harvest the surplus and achieve escapement goals without going over the top end by sometimes gross amounts. Over escapement is chronic. The current management plans create annual unharvested surplus salmon stocks in UCI in the millions of salmon and the loss of millions of dollars in State taxes and tens of millions of dollars lost to the users and local economies. There is also the factor of lost jobs and the lost high protein sustainable seafood. Data from reports show that in 2014 over 80% or 23,000,000 of UCI surplus salmon were not harvested. That unharvest surplus is larger than the combined commercial harvest of California, Oregon and Washington. This is not good Stewardship.

This proposal attempts to add language to the UCI Salmon Management Plan that will give direction to the board and department to correct these issues.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (EF-F16-125)
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PROPOSAL 129 – 5 AAC 21.363. Upper Cook Inlet Salmon Management Plan. Amend plan to prioritize the need to harvest all surplus salmon stocks and to maximize economic yield and the overall benefits from salmon stocks managed under the plan, as follows:

5 AAC 21.363. Upper Cook Inlet Salmon Management Plan.
…

(3) in adopting the specific management plans described in (2) of this subsection the board will consider:

(A) the need for sustainable fisheries for all salmon stocks and salmon species throughout the Cook Inlet basin;

(B) the protection of the fisheries habitat both in the fresh water and the marine environment throughout the Cook Inlet basin; and

(C) the various needs and demands of the user groups of the salmon resources of upper Cook Inlet;

(D) the need to harvest all surplus salmon stocks to ensure sustainable runs;

(4) in these management plans, the board **must** [MAY, AS APPROPRIATE] address the following considerations:

(A) the need to allocate the harvestable surplus among commercial, sport, guided sport and personal use fisheries; and

(B) the need to allocate the harvestable surplus within user groups;

(C) the need to harvest all surplus salmon stocks to maximize the benefit and the economic yield of these resources;

….

What is the issue you would like the board to address and why? Unharvested surplus salmon describes those salmon in excess of escapement needs that are not harvested by commercial, sport or personal use fisheries. Upper Cook Inlet (UCI) has some of the largest wild, native salmon returns in Alaska. ADF&G does not enumerate the return of all stocks but based on the actual harvest and research data, the 2014 returns of all UCI salmon stocks could be estimated at around

30,000,000 fish. After escapement needs (7,000,000), there were approximately 23,000,000 salmon available for harvest. Of the 23 million salmon available for harvest, only around 4.5 million were utilized.

These abundant salmon stocks should be available for harvest; however, the effects of current BOF and ADF&G management plans and policies result in over 80% of these stocks going unharvested. In 2014, about 88% of the Chinook, 19% of the sockeyes, 84% of the coho, 96% of the pinks and 87% of the chums were in excess of all harvests or escapement needs and not utilized.

Unharvested surplus salmon also cause much more variability in returns. These erratic returns are more difficult to predict, more difficult to manage to achieve escapement goals and, as ADF&G reports assert, are not sustainable (SP 07-17, FMS 14-06).

Fisheries management needs to be focused on fully utilizing these abundant renewable resources with the understanding that allocation and daily management decisions have direct economic consequences to the welfare of the state.

The unharvested surplus stocks represent millions of lost tax revenue dollars to the State Treasury, tens of millions of dollars in lost economic benefit to the regional economies, loss of food products and by-products, and lost jobs. These same non-utilized salmon represent an opportunity for growth and diversification in local, regional and state economies.

The commercial sector is the only user group that has the capacity or the ability to harvest and monetize these surplus stocks.

PROPOSED BY: United Cook Inlet Drift Association (HQ-F16-012)

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PROPOSAL 130 – 5 AAC 21.363. Upper Cook Inlet Salmon Management Plan. Amend *Upper Cook Inlet Salmon Management Plan* so that fishery restrictions on fully allocated stocks of concern are shared among all user groups in proportion to the respective user group harvest of that stock, as follows:

5 AAC 21.363 Upper Cook Inlet Salmon Management Plan would be amended by adding (a)(7) as follows:

> (**7) Where there is a management plan, and when the stock of concern is fully allocated among all user groups, the burden of conservation shall, to the extent practicable, be shared among all user groups in close proportion to their respective harvest on the stock of concern.**

What is the issue you would like the board to address and why? The BOF needs to be in compliance with past Supreme court rulings in Pullen verses Ulmer and the recent Supreme Court ruling Lieutenant Governor of the State of Alaska verses Alaska Fisheries Conservation Alliance. All users need to share in resource conservation in proportion to their use. The board already has direction on how to fairly conserve fish in the absence of a management plan (5 AAC

21.363(a)(6)), but this direction does not exist for the creation of new management plans. Without this language, the equitable allocation of fishery resources in Upper Cook Inlet is not ensured.

(6) consistent with 5 AAC 39.220(b) , it is the intent of the board that, in the absence of a specific management plan, where there are known conservation problems, the burden of conservation shall, to the extent practicable, be shared among all user groups in close proportion to their respective harvest on the stock of concern.

PROPOSED BY: David Hillstrand (EF-F16-025)

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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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