

PROPOSAL 83

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan; 5 AAC 21.310. Fishing seasons; 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan; 5 AAC 21.365. Kasilof River Salmon Management Plan; and 5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.

Modify the Kenai River Late-Run King Salmon Management Plan as follows:

Re-write the Late Run King Plan to be more prudent, precautionary, and prescriptive. These harvest reforms will significantly improve the likelihood of spreading large fish escapements over the FULL range of the Optimal Escapement Goal (OEG) as intended, especially in these times of diminished chinook productivity. This proposal seeks to conceptually re-align the Late-Run Plan to include similar pre-season and in-season management criteria to closely mimic the more conservatively crafted Kenai Early-Run King Salmon Management Plan passed by the BOF in 2017.

Phase 1 - PRESEASON ASSESSMENT:

Based on the ADFG annual preseason forecast (PSF), I propose that **the in-river sport fishery on July 1 shall occur ONLY by emergency order, starting conservatively with a single hook, no bait, and:**

- A) **no harvest of chinook over 34"** if the PSF exceeds the lower quartile of the OEG range (>18,750)
- B) **no harvest of any chinook (C&R)** if the PSF is within the lower quartile of the OEG range (<18,750)
- C) **Pre-season closure** if the PSF is less than the lower bound OEG (<15,000)

Starting the in-river July fishery with retention of all sizes of king salmon shall be prohibited in permanent regulation *until post-season escapements consistently meet or exceed the upper goal for at least a full chinook life cycle (seven consecutive years).*

Additionally, if the Kenai River Early Run King Salmon fishery is closed on June 30, the Late Run fishery shall by emergency order start closed on July 1.

Phase 2 - INSEASON ASSESSMENT:

Once the July season has commenced, careful in-season monitoring of the return as it unfolds in real time shall guide staff to either 1) stay the course, 2) consider any potential step-up liberalization, or 3) make a more conservative step-down course correction.

In-season action shall be considered no later than the historic 25% ARIS large fish passage date, at which time an in-season escapement projection *shall* be made based on average run-timing and re-assessed at least weekly thereafter for possible in-season action.

In-season action *shall* occur for the in-river sport fishery in tiered fashion as follows:

- A) **Closure of the sport fishery** if the projection is less than the lower bound OEG (< 15,000)
- B) **No harvest of any chinook (C&R)** if the projection is within the lower quartile of the OEG range (15,000 – 18,750)
- C) **No harvest of chinook over 34”** if the projection exceeds the lower quartile of the OEG range (> 18,750)
- D) **Allow bait** if the projection *with bait allowed* remains within the upper quartile of the OEG range (> 26,250)
- E) **Allow harvest of all sizes of chinook** if the projection *under a fully liberalized fishery* exceeds the upper goal (> 30,000)

(NOTE: If the Kenai late run chinook escapement goal is changed in cycle, the respective in-season action “tiers” *shall* remain mathematically yoked to their respective quartile thresholds)

When considering an in-season liberalization, the Department *shall* account for the expected additional effort and harvest that would necessarily accrue by liberalizing the fishery. The liberalization *shall not* occur if doing so would reduce the in-season escapement projection **below** the action threshold for the respective “step up” tier. In other words, **staff shall be prevented from stepping up** without sufficient “cushion” to buffer the effects of increased participation and harvest that inextricably occurs with liberalizing the fishery in-season, sport and/or commercial.

PAIRED CONSERVATION:

Clearly, the burden of conservation should not fall entirely on the in-river sector. The commercial east-side setnet (ESSN) fishery must also share in this conservation effort with appropriately paired and prudently conservative measures at each tier. I propose the following shared conservation tiers:

- A) **Closure of the sport fishery = Closure of the ESSN fishery**
- B) **No harvest in the sport fishery (C&R) = no more than 12 hours** per week for the ESSN’s
- C) **No harvest of chinook >34” in the sport fishery = no more than 24 hours** per week for the ESSN’s
- D) **Bait allowed in the sport fishery = no more than 36 hours** per week for the ESSN’s
- E) **Full sport fishery = no more than 48 hours** per week for the ESSN’s

Just like the inriver sport fishery, the ESSN fishery shall open and close **only** by emergency order. Traditional “regular periods” shall cease *until post-season chinook escapements consistently meet or exceed the upper goal for at least a full chinook life cycle (seven consecutive years)*. Additionally the rules exempting the 600 ft fishery from paired restrictions shall be rescinded.

Conceptually, these are the essential harvest reforms required to decisively steer late-run Kenai king salmon toward restoration of their historic numbers and age-class composition. While the proposal at first glance may seem unduly prescriptive, this is intentional and necessary to rein in the historic lack of decision-making precaution the Department has been so prone in the past. Placing conservation over opportunity would be most beneficial to the stock, and Board approval of the proposed plan gives these fish their best possible chance toward a healthy recovery.

I fully acknowledge that this proposal seeks to modify many working pieces of established management plans and at first glance may seem unwieldy and overly complex. While it seeks to primarily revise the the Late Run King Salmon Plan, the shared conservation Tiers also affect several provisions in the Late Run Sockeye Plan among others. Rather than submitting a separate proposal for each regulatory change within these plans, I respectfully ask that you consider this master-proposal as an overarching conceptual framework within which specific details within the affected management plans can be further shaped and refined in the committee process.

To the best of my ability to capture the intent of this proposal across multiple plans, I offer the revised regulatory language in 5 AAC as follows:

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

(a) The purposes of this management plan are to ensure an adequate escapement of late-run king salmon into the Kenai River system and to provide management guidelines to the department. The department shall manage the late-run Kenai River king salmon stocks primarily for sport and guided sport uses in order to provide the sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency of in-river restrictions. The provisions of this management plan are in effect from June 20 through August 15.

(b) The department shall manage the late run of Kenai River king salmon to achieve an optimal escapement goal of 15,000 - 30,000 king salmon 75 cm mid eye to tail fork and longer as described in this section.

(c) In the sport fishery,

(1) if the optimal escapement goal is projected to be exceeded, the commissioner may, by emergency order, extend the sport fishing season up to seven days during the first week of August;

(2) from July 1 through July 31, a person may not use more than one single hook **and may not use bait** in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake **unless superseded by emergency order in-season;**

(3) that portion of the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake is open to unguided sport fishing from a nonmotorized vessel on Mondays in July; for purposes of this paragraph, a nonmotorized vessel is one that does not have a motor on board.

(4) The pre-season forecast shall dictate the initial season provisions by emergency order beginning July 1 as follows:

A) retention of king salmon 34 inches or greater in length as defined in 5 AAC 75.995(a) is prohibited if the forecast exceeds the lower quartile of the OEG range (>18,750)

B) retention of any king salmon is prohibited if the forecast is within the lower quartile of the OEG range (15,000 - 18,750)

C) Pre-season closure if the forecast is less than the lower bound OEG (<15,000)

(5) if the Kenai River Early Run King Salmon fishery is closed on June 30, the Late Run fishery shall close on July 1 by emergency order

(d) **In-season action shall be considered no later than the historic 25% ARIS large fish passage date, at which time an in-season escapement projection of king salmon 75 cm mid eye to tail fork and longer shall be made based on average run-timing and re-assessed at least weekly thereafter for possible in-season action.** If the projected late-run king salmon escapement is less than 15,000 [KING SALMON 75 CM MID EYE TO TAIL FORK AND LONGER], the department shall

(1) close the sport fisheries in the Kenai River and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(2) close the commercial drift gillnet fishery in the Central District within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River; and

(3) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District.

(e) In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner **shall** [MAY], by emergency order, establish fishing seasons **per the escapement projection in tiered fashion** as follows:

(1) in the Kenai River sport fishery,

[(C) THE USE OF BAIT AND] **(A) Tier 1 (15,000 – 18,750):** Retention of king salmon **is** [ARE] prohibited. **The use of bait is prohibited in Tier 1.**

(A) (B) Tier 2 (18,751 – 26,250): Retention of king salmon less than 34 inches in length as defined in 5 AAC 75.995(a) may be permitted. The use of bait is prohibited **in Tier 2.**

(B) (C) Tier 3 (26,251 – 30,000): Retention of king salmon less than 34 inches (or greater) in length as defined in 5 AAC 75.995(a) is **permitted** [PROHIBITED] **and** the use of bait **may be permitted** [IS PROHIBITED]

(D) Tier 4: retention of king salmon 34 inches or greater in length as defined in 5 AAC 75.995(a) may be permitted when the projected late-run king salmon escapement is greater than 30,000. The annual limit for king salmon 34 inches or greater in length in ONE fish.

(E) When considering an in-season liberalization, staff shall account for the expected additional effort and harvest that would necessarily accrue to both the sport fishery and the commercial fishery as per subsection (3) below. The liberalization SHALL NOT occur if doing so would reduce the escapement projection below the action threshold for the respective “step up” tier.

(2) in the Kenai River personal use fishery, if the use of bait is prohibited in the Kenai River sport fishery under (1) of this subsection, the retention of king salmon is prohibited in the personal use fishery;

(3) in the Upper Subdistrict set gillnet commercial fishery, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), based on the abundance of sockeye salmon returning to the Kenai and Kasilof Rivers,

(A) if the use of bait is **permitted** [PROHIBITED] in the Kenai River sport fishery under (1) **(B)** [(A)] of this subsection, commercial fishing periods are open for no more than **36** [48] hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(B) if the use of bait and the retention of king salmon greater than 34 inches in length as defined in 5 AAC 75.995(a) **is permitted** [ARE PROHIBITED] in the Kenai River sport fishery under (1) ~~(C)~~ [(B)] of this subsection, commercial fishing periods are open for no more than **48** [36] hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(C) if [THE USE OF BAIT AND] the retention of king salmon is prohibited in the Kenai River sport fishery under (1) ~~(A)~~ [(C)] of this subsection, commercial fishing periods are open for no more than **12** [24] hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(D) if preseason restrictions are issued for the late-run Kenai River king salmon sport fishery, then all Upper Subdistrict set gillnet fisheries are restricted;

(E) if restrictions **prohibiting either 1) the retention of any king salmon, or 2) the retention of king salmon 34 inches or greater** for the late-run Kenai River king salmon sport fishery are in effect on July 31, then, beginning August 1, Upper Subdistrict set gillnet commercial fishing periods **shall remain restricted as they were in July.** [ARE OPEN FOR NO MORE THAN 36 HOURS PER WEEK;] If the Kenai River late-run king salmon sport fishery is not restricted under the provisions of this section, or, after August 1, if the Kenai River late-run king salmon OEG is achieved, the Upper Subdistrict set gillnet **fishing periods may open for no more than 48 hours per week.** [FISHERY WILL BE MANAGED UNDER THE PROVISIONS OF 5 AAC 21.360, KENAI RIVER LATE-RUN SOCKEYE SALMON MANAGEMENT PLAN;]

[(F) UPPER SUBDISTRICT SET GILLNET COMMERCIAL FISHING PERIODS THAT ARE LIMITED UNDER THIS SECTION MAY BE LIMITED TO FISHING WITHIN 600 FEET OF THE MEAN HIGH TIDE MARK AND ARE EXEMPT FROM HOUR AND GEAR LIMITATIONS IDENTIFIED UNDER (E)(3)(A) - (E) OF THIS SECTION;]

(G) if commercial fishing is limited under (e)(3) of this section, the operation of setnets operated by a CFEC permit holder shall be restricted to:

(i) up to four set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length, and 29 meshes in depth, or two set gillnets that are each not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter; or

(ii) up to two set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or one set gillnet that is not more than 35 fathoms in length and 45 meshes in depth; set gillnets used that are not more than 29 meshes in depth must be identified at the end of the gillnet with an attached blue buoy that is not less than nine and one-half inches in diameter.

(f) Repealed 6/8/2017;

(g) Repealed 6/8/2017;

(h) The provisions of (e)(3)(G) of this section do not apply to provisions of the Kasilof River Salmon Management Plan contained in 5 AAC 21.365(f) that pertain to the Kasilof Special Harvest Area. The provisions of (e)(3)(A) - (C) of this section apply to provisions of the Kasilof River Salmon Management Plan contained in 5 AAC 21.365(f) that pertain to the Kasilof River Special Harvest Area.

(i) 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 this plan.

[(J) THE COMMISSIONER MAY DEPART FROM THE PROVISIONS OF THE MANAGEMENT PLAN UNDER THIS SECTION AS PROVIDED IN 5 AAC 21.363(E).]

5 AAC 21.310. Fishing seasons.

(a) If an opening date specified in this section for a fishing season in any district, subdistrict, or section falls on a date during a closed weekly fishing period under 5 AAC 21.320, the fishing season will open the first day of the next open weekly period.

(b) Salmon may be taken only as follows:

(1) Northern District: from June 25 until closed by emergency order;

(2) Central District, for set gillnet:

(A) Western Subdistrict: from June 16 until closed by emergency order;

(B) Kalgin Island, Kustatan, and Chinitna Bay Subdistricts: from June 25 until closed by emergency order;

(C) Upper Subdistrict:

(i) Kasilof Section: **The Commissioner may, by emergency order, open fishing** from June 25 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however, if the department estimates that 30,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner **may** [SHALL], by emergency order, open the fishery; [FROM AUGUST 1 THROUGH AUGUST 15, THE FISHERY IS OPEN FOR REGULAR PERIODS ONLY;]

(ii) Kenai and East Forelands Sections: **The Commissioner may, by emergency order, open fishing** from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; [FROM AUGUST 11 THROUGH AUGUST 15, THE FISHERY IS OPEN FOR REGULAR PERIODS ONLY; FROM JULY 1 THROUGH AUGUST 15, WHEN THE KASILOF SECTION IS OPEN TO COMMERCIAL FISHING WITH SET GILLNETS AND THE KENAI AND EAST FORELANDS SECTIONS ARE CLOSED TO COMMERCIAL FISHING WITH SET GILLNETS, COMMERCIAL FISHING WITH SET GILLNETS MAY BE ALLOWED WITHIN 600 FEET OF THE MEAN HIGH TIDE MARK IN THAT PORTION OF THE KENAI SECTION NORTH OF THE LATITUDE OF THE BLANCHARD LINE AT 60° 27.10' N. LAT., AND SOUTH OF THE LATITUDE OF THE ADF&G REGULATORY MARKER LOCATED SOUTH OF THE KENAI RIVER MOUTH AT 60° 30.49' N. LAT., AND IS NOT SUBJECT TO THE TIME LIMITATIONS IN 5 AAC 21.359(E)(3) AND 5 AAC 21.360; FROM JULY 1 UNTIL THE KENAI AND EAST FORELAND SECTIONS COMMERCIAL SALMON SET GILLNET FISHERY OPENS FOR THE REGULAR SEASON, SET GILLNET GEAR MAY NOT EXCEED 29 MESHES IN DEPTH AND MAY NOT HAVE A MESH SIZE GREATER THAN FOUR AND THREE QUARTER INCHES DURING ALL FISHING PERIODS THAT ARE RESTRICTED TO WITHIN 600 FEET OF THE MEAN HIGH TIDE MARK;]

(iii) Kenai, Kasilof, and East Forelands Sections: in the combined Kenai and East Forelands Sections, and separately in the Kasilof Section, the season will close August 15, unless closed earlier by emergency order after July 31, if the department determines that less than one percent of the season's total sockeye harvest has been taken per fishing period for two consecutive fishing periods in the combined Kenai and East Forelands Sections, or separately in

the Kasilof Section; [FROM AUGUST 11 THROUGH AUGUST 15, THE FISHERY IS OPEN FOR REGULAR FISHING PERIODS ONLY; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH, "FISHING PERIOD" MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FROM 12:01 A.M. UNTIL 11:59 P.M.];

(3) Central District, for drift gillnet: from the third Monday in June or June 19 whichever is later, until closed by emergency order, except that fishing with drift gillnets may not occur within

(A) two miles of the mean high tide mark on the eastern side of the Upper Subdistrict until those locations have been opened for fishing with set gillnets;

(B) one and one-half miles of the mean high tide mark of the Kenai Peninsula shoreline in

(i) that area of the Kenai and Kasilof Sections of the Upper Subdistrict south of the Kenai River;

(ii) the Anchor Point Section, if fishing with drift gillnets is open in the Anchor Point Section under 5 AAC 21.353;

(C) one mile of the mean high tide mark of the Kenai Peninsula shoreline in that area of the Kenai and East Forelands Sections of the Upper Subdistrict north of the Kenai River;

(4) Southern District:

(A) seine gear season: opened and closed by emergency order;

(B) set gillnet season: opened by emergency order, on or after June 1, and closed September 30;

(5) Kamishak Bay District: open and closed by emergency order;

(6) Outer District: open and closed by emergency order;

(7) Eastern District: open and closed by emergency order.

5 AAC 21.320. Weekly fishing periods.

(a) In the set gillnet fishery,

(1) salmon may be taken in the Northern District 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;

(2) in the Central District:

(A) salmon may be taken in the Chinitna Bay Subdistrict 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;

(B) salmon may be taken in the Western Subdistrict 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;

(C) salmon may be taken in the Kustatan Subdistrict 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;

(D) salmon may be taken in the Kalgin Island Subdistrict 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;

(E) salmon may be taken in the Upper Subdistrict **only when opened by emergency order by the Commissioner.** [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]

(F) repealed 9/24/2021;

(3) salmon may be taken in the Southern District from 6:00 a.m. Monday until 6:00 a.m. Wednesday and from 6:00 a.m. Thursday until 6:00 a.m. Saturday;

(4) the fishing periods set forth in (1) - (3) of this subsection may be modified by emergency order.

(b) In the drift gillnet fishery,

(1) salmon may be taken in the Central District 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, except salmon may be taken

(A) in the Chinitna Bay Subdistrict only during periods established by emergency order;

(B) repealed 6/13/99;

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

(c) In the seine fishery, salmon may be taken in the

(1) Chinitna Bay Subdistrict of the Central District only during periods established by emergency order;

(2) Kamishak Bay, Outer, Eastern, and Southern Districts only during periods established by emergency order.

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 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 the sustainable escapement goal (SEG) range of 750,000 - 1,300,000 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 (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 1,000,000 - 1,200,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, **the Commissioner may, by emergency order, open** the Upper Subdistrict set gillnet fishery [WILL FISH] **in accordance with the provisions of 5 AAC 21.359 (e) regarding maximum weekly hours as determined by the projected Kenai River king salmon escapement Tiers described in (e)(1) and (e)(3).** [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; [THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 24 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5 AAC 21.365;]

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

(A) the department shall manage for an inriver goal range of 1,100,000 - 1,400,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, **the Commissioner may, by emergency order, open** the Upper Subdistrict set gillnet fishery [WILL FISH] **in accordance with the provisions of 5 AAC 21.359 (e) regarding maximum weekly hours as determined by the projected Kenai River king salmon escapement Tiers described in (e)(1) and (e)(3).** [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; [THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 24 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5 AAC 21.365;] and

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 36-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday and for one continuous 24-hour period per week beginning between 7:00 p.m. Monday and 7:00 a.m. Wednesday;

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

(A) the department shall manage for an inriver goal range of 1,200,000 - 1,600,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, **the Commissioner may, by emergency order, open** the Upper Subdistrict set gillnet fishery [WILL FISH] **in accordance with the provisions of 5 AAC 21.359 (e) regarding maximum weekly hours as determined by the projected Kenai River king salmon escapement Tiers described in (e)(1) and (e)(3).** [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; [THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 24 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5 AAC 21.365;] and

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 36-hour period per week, beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday.

(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 1,000,000 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, decrease the bag and possession limit, as the commissioner determines to be appropriate, for sockeye salmon in the sport fishery above the Kenai River sonar counter located at river mile 19.

(i) For the purposes of this section, "week" means a calendar week, a period of time beginning at 12:00:01 a.m. Sunday and ending at 12:00 midnight the following Saturday.

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

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).

(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 140,000 - 370,000 sockeye salmon.

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

(1) fishing will be opened as described in 5 AAC 21.310(b)(2) [FOR REGULAR WEEKLY FISHING PERIODS, AS SPECIFIED IN 5 AAC 21.320;]

(2) from the beginning of the fishing season through July 7,

(A) the commissioner may, by emergency order, open [ADDITIONAL] fishing periods [OR EXTEND REGULAR WEEKLY FISHING PERIODS TO A MAXIMUM OF 48 HOURS OF ADDITIONAL FISHING TIME PER WEEK;] **in accordance with the provisions of 5 AAC 21.359 (e) regarding maximum weekly hours as determined by the projected Kenai River large fish escapement Tiers described in (e)(1) and (e)(3).**

(B) the fishery shall remain closed for at least one continuous 36-hour period per week to begin between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(3) beginning July 8, the set gillnet fishery in the Kasilof Section will be managed as specified in 5 AAC 21.360(c); in addition to the provisions of 5 AAC 21.360(c), 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; 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 goals, the commissioner may, in an emergency order under this paragraph, further restrict fishing to within 600 feet of the mean high tide mark in the Kasilof Section [AND IS NOT SUBJECT TO THE TIME LIMITATIONS IN 5 AAC 21.359(E)(3) AND 5 AAC 21.360;]

(4) after July 8, if the Kasilof Section set gillnet fishery is restricted to fishing within the first one-half mile of shore, the commissioner may, by emergency order, open the KRSHA described in (f) of this section to both set and drift gillnet fishing using only one gillnet, for fishing periods not to exceed 48 hours in duration without one period of 24 consecutive hours of closure;

[(5) AFTER JULY 15, IF THE DEPARTMENT DETERMINES THAT THE KENAI RIVER LATE-RUN SOCKEYE SALMON RUN STRENGTH IS PROJECTED TO BE LESS THAN 2,300,000 FISH 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).]

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

(e) Repealed 6/4/2008.

(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 offshore waters 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., 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) the boundary between waters open to set gillnet gear and waters open to drift gillnet gear is 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.;

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

(3) repealed 6/8/2017;

(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 set gillnet per permit 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) repealed 6/8/2017;

(9) Except for nets which may not be in the water after the closure, set gillnet gear, including running lines, shore leads, anchors, and buoys must be removed from the water and the beach prior to the opening of the KRSHA and no more than 4 hours after any closure of the KRSHA, and may not be placed back in the water or on the beach prior to the next opening of the KRSHA.

(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.

5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area.

(b) Notwithstanding an annual limit established in this section for

(1) king salmon, the annual limit for king salmon in the combined waters of the Kenai River Drainage Area and the other areas in the Cook Inlet region that are open to sport fishing for king salmon under 5 AAC 56 - 5 AAC 62 is five king salmon 20 inches or greater in length, not more than two of which may be taken from that portion of the Kenai River drainage open to king salmon fishing **of which only one fish may be greater than 34 inches**, and not more than two of which may be taken, in combination, from Deep Creek and the Anchor River, except that from January 1 through June 30, a king salmon less than 28 inches in length taken from the Kenai River does not count towards the annual limit

What is the issue you would like the board to address and why? Late-Run Kenai River King Salmon continue to be in a state of significantly diminished productivity and will likely be designated a Stock of Management Concern at the 2024 meeting. Large Kenai River chinook salmon have been depleted to alarmingly low numbers, and the stock composition has significantly shifted toward smaller, younger adult chinook. Simply put, the river’s iconic flagship giants have become exceedingly rare. In fact, ADFG was unable to detect any 5-ocean kings in its stock assessment netting project during the 2022 season.

The well-being of the stock continues to be harmed by the current Late-Run Plan because it lacks the necessary “tools” and provisions required to prudently manage this depleted stock with sufficient harvest precaution, particularly at the precariously low abundances seen during the past two chinook life cycles.

PROPOSED BY: Francis Estalilla

(HQ-F23-045)
