



Reviewer Letter
PLEASE READ CAREFULLY

September 2023

The Alaska Board of Fisheries (board) will consider this book of regulatory proposals at its meetings from October 2023 through March 2024. The proposals concern changes to the state's fishing regulations submitted timely by members of the public, organizations, advisory committees, and ADF&G staff. Proposals are published essentially as received, with the exception of minor edits and removal of graphics and web links. If you submitted a proposal and find the published version does not reflect your intent, please contact Boards Support as soon as possible.

Proposals. Proposals are often presented as brief statements summarizing intended regulation changes. Proposed changes are also often written in accordance with the Department of Law's drafting standards: additions are **bolded and underlined** while deletions are [BRACKETED AND CAPITALIZED].

Reading all proposals in this book is encouraged. Proposals may apply statewide, affect one region or fishery of the state, or recommend change to multiple fisheries within an area.

The proposals are grouped by board meeting (see the Proposal Index). Within each meeting, proposals are organized by region, fishery, or species. This book notes if a proposal will be heard at more than one meeting. About two weeks before each meeting, the board makes a "roadmap" with the tentative order proposals will be considered and deliberated on. This usually differs from the order of proposals in the book. The board also develops an agenda for each meeting to coordinate with the roadmap.

Public comment requested. The board relies on written comments and oral testimony. Public comment, in combination with advisory committee recommendations and ADF&G staff presentations, provide the board with useful biological and socioeconomic information. Written comments become public documents.

Submit your comments.

Online	boardoffisheries.adfg.alaska.gov
Fax	(907) 465-6094
Mail	P.O. Box 115526 Juneau, AK 99811-5526

More about public comments. Comments are encouraged to be submitted by each meeting's deadline (typically two weeks prior to a meeting - see the Tentative Meeting Schedule for the deadlines of each specific meeting). They are included as part of board member workbooks, listed in each meeting's Index of Comments, and posted on the Boards Support website in advance of the meeting. Requirements include:

- Submitted by mail, fax, in office, or through the Boards Support website.
- 100 single-sided pages or less from any one individual or group.
- Fits on 8½" x 11" paper with adequate margins for three-hole punching.
- Web links to external documents or multimedia are not accepted.
- Include the author's name and contact information.
- For charts or graphs, cite the source.

Record copies. Written materials received during board meetings, are termed "record copies". Requirements are the same as above, except:

- Comments are not accepted via email.
- Comments may be submitted by mail, fax, or hand delivered.
- Comments may be submitted via the online record copy submission form at the start of the meeting.
- Record copies are limited to 10 single-sided pages or less from any one individual or group per proposal until the board begins deliberations on proposals. Once deliberations start, no more than five single-sided pages are accepted.

Oral testimony. The board welcomes oral testimony at each regularly scheduled regulatory meeting. Testimony generally begins the first day of the meeting, extending as long as necessary. There is a sign-up period for testimony at each meeting, found on the meeting agenda. Each person who wishes to speak is generally allotted three minutes for testimony. Advisory committee, federal regional advisory council, and Pacific Northwest Crab Industry Advisory Committee representatives are generally allotted 10 minutes.

Updates related to public testimony will be provided via advisory announcement closer to the start of each meeting. Please watch the board's website for any updates or sign up to receive announcements via email at www.boardoffisheries.adfg.alaska.gov.

Tips for comments.

- Identify proposal(s). Clearly state the proposal number you wish to discuss and if you support or oppose the proposal. If the comments support a modification in the proposal, indicate "support as amended" with the preferred amendment in writing.
- Commenting on more than one proposal. If making comments on more than one proposal, simply list the next proposal number followed by your comments. There is no need for separate pages or to submit multiple comments.
- Explain why. Help the board understand your rationale by identifying factors to take into account when acting on a proposal.
- Keep comments brief and clear. Board members are extremely busy. Clearly stating proposal numbers and one's position with supporting rationale will assist board members.
- Follow the requirements. Pages in excess of the page limit and comments not in the proper format will be discarded. Testimony greater than the allotted time will be cut short.
- The sooner the better. As a practical matter, comments submitted after the board begins deliberations are likely to receive less consideration than comments submitted earlier.
- Write clearly. Whether typed or handwritten, use dark ink and write legibly.

- Use the committee process for detailed comments. The board considers specific proposals, grouped by subject, during committees as a way to receive much greater detail from the participating public. Public testimony should be tailored to encompass major items of importance. Fine details may be reserved for committee work.
- Be polite. Inflammatory material may be excluded or redacted, and public testimony may be cut short.

Advisory committees. Advisory committees written recommendations should be submitted in the format prescribed by the board; boards staff can provide the right form. Recommendations should note the number of committee members in attendance as well as other stakeholders in attendance during meetings. Remember, advisory committee recommendations must be developed at a meeting where the conditions of the Open Meetings Act (AS 44.62.310) were met. When providing public testimony, provide commentary and explain the committee's current discussion. Expressing minority opinions is helpful. Reading off proposal numbers and committee recommendations is difficult to follow; your written comments should cover this sort of summary. For additional information on providing public comment, refer to the Advisory Committee Manual.

Additional instructions for advisory committee chairs. Advisory committee chairs are responsible for calling committee meetings to review proposals and provide recommendations. In order to efficiently budget and provide for travel, pre-planning is essential. Chairs are to identify to Boards Support well in advance of each board meeting if they anticipate an advisory committee representative might attend one of the meetings. Failure to provide early notice may prevent the advisory committee from traveling should adequate funding be unavailable.

Special notes. The board applies various statutes and policies when considering proposals. When addressing proposals affecting subsistence uses, the board provides for a reasonable opportunity for subsistence consistent with Alaska Statute 16.05.258 and regulation 5 AAC 99.010(b). When addressing allocations among commercial, sport, guided sport, and/or personal use fisheries, the board applies its Allocation Criteria (AS 16.05.251(e)). When addressing salmon fisheries, it may apply the Mixed Stock Salmon Policy (5 AAC 39.220) and the Sustainable Salmon Fisheries Policy (5 AAC 39.222). You may wish to review these statutes, regulations, and policies when preparing comments for the board. See the board's website or call Boards Support staff listed in this book to learn more about the board process.

Persons with a disability needing special accommodations in order to comment on the proposed regulations should contact the Executive Director at (907) 267-2292 no later than two weeks prior to the scheduled meeting to make any necessary arrangements.

Thank you for taking an active role in Alaska's fisheries management regulatory process.

Sincerely,



Art Nelson
Executive Director

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Alaska Department of Fish and Game
Board of Fisheries
P.O. Box 115526
Juneau, AK 99811-5526
(907) 465-4110
www.adfg.alaska.gov

ALASKA BOARD OF FISHERIES

2023/2024 CYCLE TENTATIVE MEETING SCHEDULE

Lower Cook Inlet Finfish, Kodiak Finfish, Upper Cook Inlet Finfish

Meeting Dates	Topics	Location	Comment Deadline
October 12–13, 2023 [2 days]	Work Session ACRs, cycle organization, Stocks of Concern	Anchorage Egan Civic and Convention Center	Sept. 27, 2023
October 14, 2023 [1 day]	Hatchery Committee	Anchorage Egan Civic and Convention Center	Sept. 29, 2023
Nov. 28–Dec 1, 2023 [4 days]	Lower Cook Inlet Finfish	Homer Homer Lands End	Nov. 13, 2023
January 9–12, 2024 [4 days]	Kodiak Finfish	Kodiak Kodiak Marketplace	Dec. 26, 2023
Feb. 23–Mar 7, 2024 [13 days]	Upper Cook Inlet Finfish	Anchorage Egan Civic and Convention Center	Feb. 8, 2024

Total Meeting Days: 24

Proposal Deadline: Monday, April 10, 2023

Agenda Change Request Deadline: Monday, August 14, 2023 [60 days prior to fall work session]

Updated August 31, 2023



Long-Term Meeting Cycle
 (Three-year cycle)

The board meeting cycle generally occurs from October through March. The board considers changes to regulations on a region-based schedule. The fisheries include subsistence, sport, guided sport, personal use, and commercial. Special petition and agenda change request procedures are available for the board to consider out-of-cycle requests.

NOTES:

- 1) In the year preceding a board cycle, the board will announce a call for proposal that prescribes which regions, species, and fisheries are set for regulatory review.
- 2) The proposal deadline is April 10 every year. If April 10 falls on a weekend, the proposal deadline is the Monday following that weekend.

Meeting Areas and Species
Cook Inlet Area (Lower and Upper) All Finfish Kodiak Area all Finfish <i>Meeting Cycle Years: 2023/2024 2026/2027 2029/2030 2032/2033</i>
Prince William Sound Area All Finfish and Shellfish (except Shrimp) Southeast/Yakutat Areas All Finfish and Shellfish Statewide (except SE/Yakutat/PWS) Shellfish* <i>Meeting Cycle Years: 2024/2025 2027/2028 2030/2031 2033/2034</i>
Alaska Peninsula/Bering Sea-Aleutian Island/Chignik Areas All Finfish Arctic-Yukon-Kuskokwim Areas All Finfish Bristol Bay Area All Finfish Statewide Provisions for Finfish <i>Meeting Cycle Years: 2025/2026 2028/2029 2031/2033 2034/2035</i>

**Starting in 2021/2022, the Statewide (except Southeast/Yakutat/PWS Tanner Crab) King & Tanner Crab meeting will become part of Statewide (except SE/Yakutat/PWS) Shellfish.*

The meeting cycle repeats itself every three years. This schedule was adopted November 9, 1990 and revised based on workload and public participation.



Alaska Department of Fish and Game
 Board of Fisheries
 P.O. Box 115526
 Juneau, AK 99811-5526
 (907) 465-4110
 www.adfg.alaska.gov

Member List
 July 2023

NAME	TERM EXPIRES
Greg Svendsen	6/30/2026
Märit Carlson-Van Dort (Chair)	6/30/2024
Thomas Carpenter	6/30/2025
Gerad Godfrey	6/30/2026
Mike Wood	6/30/2026
Stan Zuray	6/30/2025
John Wood	6/30/2024

Alaska Board of Fisheries members may be reached at:

ALASKA DEPARTMENT OF FISH AND GAME
 Boards Support Section
 P.O. Box 115526
 Juneau, AK 99811-5526
 (907) 465-4110 PHONE
 (907) 465-6094 FAX

www.boardoffisheries.adfg.alaska.gov

Art Nelson, Executive Director, Alaska Board of Fisheries
 e-mail: art.nelson@alaska.gov



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Boards Support Section
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BOARDS SUPPORT SECTION STAFF LIST

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Southeast Region (South of Frederick Sound)
VACANT

Southeast Region (North of Frederick Sound)
Annie Bartholomew (see above contact info)

**DRAFT NOTICE OF PROPOSED CHANGES IN THE
REGULATIONS OF THE ALASKA BOARD OF FISHERIES**

The Alaska Board of Fisheries proposes to adopt, amend, or repeal regulation changes in Title 5 of the Alaska Administrative Code, dealing with fishery and aquatic plant resources in the areas designated below, including the following:

1. IN THE COOK INLET (INCLUDING THE KENAI PENINSULA, KENAI RIVER DRAINAGE, COOK INLET-RESURRECTION BAY SALTWATER, ANCHORAGE BOWL DRAINAGES, KNIK ARM DRAINAGES, SUSITNA RIVER DRAINAGE, AND WEST COOK INLET SPORT FISH MANAGEMENT AREAS) AND KODIAK AREAS FINFISH FISHERIES REGULATIONS OR OTHER POSSIBLE SUPPLEMENTAL ISSUES, INCLUDING ISSUANCE OF BOARD FINDINGS, DELEGATIONS OF AUTHORITY FROM THE BOARD OF FISHERIES, OR MANAGEMENT OF HATCHERY OPERATIONS;
 - A. In the **commercial, sport, guided sport, personal use, and aquatic plant fisheries**: fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; harvest levels, thresholds, goals, and quotas; definitions; bycatch provisions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; registration areas (including nonexclusive, exclusive and superexclusive registration areas); recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; landing requirements; provisions for development and allocation among beneficial uses; guiding principles; provisions to regulate, require, restrict or prohibit the retention, tendering, transportation, dispatch, possession, sale, release, or purchase of fish; methods of release; registration, licensing, reporting, and other requirements for sport fishing guides and operators, guided anglers, catchers, processors, buyers, and transporters; onboard observer requirements; fish storage and inspection requirements.
 - B. In the **subsistence fisheries**: identification or modification of customary and traditional subsistence uses and amounts reasonably necessary for subsistence; fishing seasons, periods, and opening and closing times; bag, possession, size, sex, age, and harvest limits; definitions; districts, subdistricts, sections, subsections, areas, and other management boundaries; locations open and closed to fishing; methods and means; gear and vessel restrictions, including marking and operational requirements; registration and permit requirements; recordkeeping and marking requirements; management plans for conservation and development, including escapement, inriver, and other management goals; regulations for the subsistence priority; landing requirements; provisions for development and allocation among beneficial uses and users, including creating and regulating tier II fisheries; guiding principles; otherwise establish, regulate, change, or adjust subsistence fisheries.
2. OTHER CHANGES TO TITLE 5 AS NECESSARY TO ACCOMMODATE ANY CHANGES TO TITLE 5 AS DESCRIBED ABOVE SUCH AS CROSS REFERENCES OR OTHER AFFECTED FISHERIES.

The proposed regulation changes are available on the Board of Fisheries meeting information website at www.boardoffisheries.adfg.alaska.gov or from the ADF&G Boards Support Section office at (907) 465-4110.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments by the announced deadlines listed below, limited to no more than 100 single-sided or 50 double-sided pages.

Comments can be submitted on these proposals through the Board of Fisheries website at www.boardoffisheries.adfg.alaska.gov and navigating to the page for each specific meeting. The board does not accept written comments sent via email. Comments can also be sent by mail to ADF&G, Boards Support Section, at P.O. Box 115526, Juneau, AK 99811-5526 or by facsimile to (907) 465-6094.

Comments are generally due no later than two weeks prior to the meeting during which the topics are considered. The specific comment deadline for each meeting is listed below. Individuals and advisory committees directing public comment at an ADF&G office or personnel other than as prescribed above are advised that such comments will not be received and entered as public comment.

ADDITIONAL PUBLIC COMMENT STANDARD:

Once the meetings begin, comments will again be accepted online at www.boardoffisheries.adfg.alaska.gov, by hand delivery at the meeting, or via fax to 907-465-6094. Comments submitted during the meetings are limited to ten single-sided pages until proposal deliberations begin. At that time, the board will **ONLY** accept written comments that are not more than five single-sided pages unless specific information is requested by the board that requires more pages than allowed under this standard.

As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier. Additionally, groups of people submitting numerous, form-like comments containing similar language during the meeting is not advisable, and Boards staff will be unable to process and distribute the comments to the board during the meeting. These types of comments will be grouped together or summarized for the board in a single submission.

Each meeting will generally start at 8:30 a.m. on the first day of the meeting dates below unless the board directs a different start time. The public oral testimony period of each regulatory meeting begins after staff reports and continues until everyone who has signed up on a timely basis and is present at the meeting has an opportunity to be heard. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at each meeting. The length of oral statements may be limited to three minutes or less for the public and 10 minutes or less for fish and game advisory committee and regional advisory council representatives. Updates related to public testimony and submitting public comments will be provided via advisory announcement closer to the start of each meeting. Please watch the board's website for any updates or sign up to receive announcements via email at www.boardoffisheries.adfg.alaska.gov.

TENTATIVE MEETING SCHEDULE

Work Session

October 12–13, 2023

Egan Civic and Convention Center, Anchorage

Comment deadline: September 27, 2023

Hatchery Committee

October 14, 2023

Egan Civic and Convention Center, Anchorage

Comment deadline: September 29, 2023

Lower Cook Inlet Finfish

November 28–December 1

Lands End, Homer

Comment deadline: November 13, 2023

Kodiak Finfish

January 9–12, 2024

Kodiak Marketplace, Kodiak

Comment deadline: December 26, 2023

Upper Cook Inlet Finfish

February 23–March 7, 2024

Egan Convention Center, Anchorage

Comment deadline: February 8, 2024

Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by advisory announcement. Please watch for these announcements on the board’s website or call (907) 465-4110. Please carefully review the **PROPOSAL INDEX** available for the meeting for specific proposals to be addressed by the board. Copies of the proposal indices are in the proposal book, available online at www.boardoffisheries.adfg.alaska.gov, and at the relevant meeting. Any additional proposals will be noticed and made available online and upon request.

Anyone interested in or affected by subsistence, personal use, commercial fishing, sport, guided sport, aquatic plant regulations or hatchery operations are hereby informed that the Board of Fisheries may consider any or all of the subject areas covered by this notice. Under AS 44.62.200(b), the board may review the full range of activities appropriate to any of the subjects listed in this notice. The board may make changes to the subsistence, personal use, sport, guided sport or commercial fishing regulations as may be required to ensure the subsistence priority in AS 16.05.258. On its own motion, after the public hearing, the board may adopt, amend, reject, supplement, or take no action on these subjects without further notice. In addition, the board may adopt other regulations necessary to implement, administer, or enforce the regulations adopted. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR ADF&G.** The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who needs special accommodation in order to participate in the proposed regulation process, please contact Art Nelson at (907) 267-2292 no later than two weeks prior to the beginning of each meeting to ensure necessary accommodations can be provided.

Statutory Authority: AS 16.05 - AS 16.20, AS 16.40

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05 - AS 16.20, AS 16.40

Fiscal Information: The proposed regulatory actions are not expected to require an increased appropriation.

The Department of Fish and Game Boards Support Section keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Board of Fisheries notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Fish and Game Boards Support Section at P O Box 115526 Juneau, AK 99811, by phone at (907) 465-4110, or via our website at: <https://www.adfg.alaska.gov/index.cfm?adfg=process.emailsubscription> giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

Individuals can also signup to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

Date:  _____

9/11/23

Art Nelson, Executive Director
Alaska Board of Fisheries

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Upper Cook Inlet Summer Fishery (5 proposals)

PROPOSAL 1

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Amend the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan, as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

5 AAC 58.055 is amended to read:

...

(g) if the Anchor River preseason forecast or inseason projection is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 king salmon, the upper Cook Inlet salt waters north of the latitude of Bluff Point (59° 40.00' N. lat.) within a mile of shore shall be closed to the retention of king salmon from May 15 to July 15; if the Kenai River is closed as specified in 5 AAC 57.160, the upper Cook Inlet salt waters north of the latitude of Bluff Point (59 40) shall be closed to the taking of king salmon from May 15 to July 15;

(h) if the Kenai River is closed to the taking of king salmon as specified in 5 AAC 21.359, the upper Cook Inlet salt waters north of the latitude of Bluff Point shall be closed to the taking of king salmon from June 20 through August 15.

What is the issue you would like the board to address and why? Due to low productivity of Cook Inlet king salmon stocks and in combination with emergency order (EO) restrictions and closures to freshwater sport fisheries, the upper Cook Inlet summer salt water king salmon sport fishery has been restricted by EO in 12 of the last 15 years. This fishery has also been closed in several recent years by EO in July as specified in the *Kenai River Late-Run King Salmon Management Plan*. Although management actions for the late-run are prescribed in the *Late-Run Plan*, currently no management actions for the early-run stocks are outlined in any plans for this fishery. By specifying the actions in a management plan, the public and the Alaska Board of Fisheries have the opportunity to provide input on the fishery structure.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F23-024)

PROPOSAL 2

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Amend the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Cook Inlet Saltwater king salmon fishery north of bluff point will remain open the entire month of May to harvest of 1 king per day and 2 per season, unless it is determined by actual sonar counts that escapement goals in the Kenai River and anchor river won't be met.

What is the issue you would like the board to address and why? The preseason closure of the saltwater king salmon fishery north of Bluff point due to ADFG EO based on preseason forecasts, This fishery is 94% feeder kings and very few spawning kings are caught in this fishery in the

month of May. Closing this fishery months in advance based solely on a preseason forecast before the fish even arrive is overreach. wait until we know actual numbers.

PROPOSED BY: Mel Erickson (EF-F23-092)

PROPOSAL 3

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan and 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

Amend the management plans for the Upper Cook Inlet Summer and Kenai River late-run king salmon fisheries as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

The late run king salmon sport fishery in Lower Cook Inlet along the beach from Anchor Point to Deep Creek will be open for harvest in July if the commercial set net fishery along the beach in Upper Cook Inlet is open.

What is the issue you would like the board to address and why? The sport fishery using hooks for late run king salmon in Lower Cook Inlet being closed while the set net commercial fishery in upper cook inlet being open for king salmon harvest using nets.

PROPOSED BY: Mel Erickson (EF-F23-095)

PROPOSAL 4

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Redefine the boundaries of the Upper Cook Inlet Area as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Move the regulatory point for Cook Inlet king salmon management purposes from Bluff Point to Anchor Point. the line would a straight line from Anchor Point on the east to Sea Otter Point on the west side.

What is the issue you would like the board to address and why? Currently ADFG uses Bluff Point as a management point for the salt water king salmon fishery, Bluff Point line does not run in a straight line and is more difficult to determine if you're in a legal or illegal zone, Anchor Point is a much better navigational point and has a radar marker on the coastline for reference, also a line across Cook Inlet from Anchor Point to Sea Otter Point on the west side is a much cleaner demarcation line separating Lower Cook Inlet from Upper Cook Inlet.

PROPOSED BY: Mel Erickson (EF-F23-094)

PROPOSAL 5

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Allow fishing from shore in the marine waters adjacent to Ninilchik River and Deep Creek year round as follows:

Open the beaches at Ninilchik River mouth and Deep Creek River to surf casting fishing all year round, with the only exclusion being no surf casting fishing within 200 meters/yards north/south of the rivers mouth entering Cook Inlet. Bag limits to be those that are stated for Cook Inlet salt waters. If a biologic science case can be made for the closure of incidental caught king salmon, close their take and publish any allowed take will be by Emergency Order's process of ADFG.

What is the issue you would like the board to address and why? Currently the very family/elderly easy to use Ninilchik and Deep Creek beach areas are mostly closed to surf cast fishing for bottom fish species. Exceptions being the opening associated with Memorial Day Weekend and two subsequent weekend periods. Late in the summer restrictions are lifted against surf casting off the beaches of the two areas. Families have a ball in the surf casting fishery and young fishers are recruited via this fishery. For the elderly the surf casting fishery where the access can be negotiated fills days and occasionally freezers with fish and keeps them in the fishing pursuit years after owning/operating a boat is viable/safe. The roads, parking, beaches and outhouses on the Deep Creek and Ninilchik River mouth beaches are perfect for surf casting fishers and should be made available. No reasonable impact on any fish species will occur if the beaches are opened all fishing season.

PROPOSED BY: John Bithos (EF-F23-009)

Lower Cook Inlet Summer Fishery (3 proposals)

PROPOSAL 6

5 AAC 58.XXX. New Section.

Create a management plan and establish a guideline harvest level for the lower Cook Inlet summer salt water king salmon sport fishery as follows:

- (a) **The goal of this management plan is to stabilize the sport harvest of king salmon in the mixed stock salt water fishery in lower Cook Inlet from April 1 through August 31;**
- (b) **The lower Cook Inlet salt waters include all salt water south of the latitude of Bluff Point at 59 40.00'N. lat excluding shore-based harvest;**
- (c) **the bag and possession limit is 2 king salmon any size;**
- (d) **the annual limit and harvest record specified in 5 AAC 58.022 applies to king salmon 20" or greater harvested in this fishery;**
- (e) **the guideline harvest level is X,XXX king salmon**

What is the issue you would like the board to address and why? The king salmon harvest in the lower Cook Inlet summer fishery has continued to increase in recent years due to shifting effort from the upper Cook Inlet summer king salmon fishery as a result of emergency order (EO) preseason and inseason restrictions and closures. Guided effort towards king salmon in Cook Inlet salt waters may also be increasing with restrictions to guided fishing for Pacific halibut from the federal Pacific Halibut Catch Sharing Plan. From 2002–2013, the king salmon harvest in this

fishery averaged approximately 5,300 fish annually. In the last three years, the harvest has increased over 50% from the 2002–2013 average to an average of approximately 8,300 fish and in 2021 was over 11,000 fish. Based on genetic mixed stock analyses of this fishery from 2014 through 2018, 98% of the king salmon harvest are from stocks originating outside of Cook Inlet. In 2023, the department restricted the bag limit from 2 to 1 king salmon in this fishery due to concerns with harvest of Cook Inlet stocks as they migrate through lower Cook Inlet salt waters. Adopting a management plan with a guideline harvest level would help better identify appropriate harvest level for this mixed stock fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-017)

PROPOSAL 7

5 AAC 58.030. Methods, means, and general provisions - Finfish.

Prohibit snagging and spear fishing for king salmon in Seldovia Harbor and Lagoon until June 24 as follows:

The solution is simple. Just prohibit snagging kings in the Seldovia Harbor and Seldovia Lagoon, until June 24. In other words, reinstate the old regulation with the addition of diving and spear fishing. Appropriate wording:

Snagging and spear fishing for king salmon is not allowed in the Seldovia Harbor, Seldovia Lagoon Channel and Seldovia Lagoon until June 24.

What is the issue you would like the board to address and why? SNAGGING OF RETURNING HATCHERY KING SALMON SELDOVIA. Since 2020 regulation changes allowed snagging of king salmon from the Seldovia Harbor to the Seldovia Lagoon. In discussion with a local ADFG fishery biologist this was inadvertently done in an attempt to simply regulations. This regulation prohibiting snagging reaches back to the 1980s, when I first started fishing there. The reason was to provide a window for anglers to use non-snagging methods to harvest stocked kings returning to Nick Dudiak Fishing Lagoon, Halibut Cove Lagoon and Seldovia Lagoon. I was told the regulation also arose from safety concerns of snagging in a confined area and to also maintain a sporting fishery.

Before the 2020 regulation changes snagging was prohibited in the Seldovia Lagoon and nearby areas, Homers Nick Dudiak Lagoon and Halibut Cove Lagoon until June 24. This was also reasonable as remaining kings mainly quit biting. That way people could still get kings. By then most people had got the kings they wanted by sport fishing methods and less people were fishing. This made snagging less dangerous.

Now that snagging is allowed year around, south of the designated line from Anchor Point to Point Pogibishi, except for the Nick Dudiak Lagoon, the fishery for stocked Seldovia kings is very changed. Below is a summary of the reasons not to snag until June 24.

1. Seldovia kings were not open to snagging until June 24, which allowed for a sport and local fishing experience.

2. Snagging quickly kills all of the returning kings. The locals, of which I am one, and tourist have a greatly reduced chance of catching kings. People fly into the airport walk over to the northwest edge of the runway and quickly snag the kings and leave. How does this help the local economy?
3. Seldovia's economy is now heavily dependent on tourism and this king run brings people in to sport fish. I know companies that send employees and clients to Seldovia to fish these kings and also fish with local charters. They spend money in local restaurants, bar, food and lodging etc..
4. In 2020 when it was proposed to stop stocking kings in Seldovia and allocate the fingerlings to Homer there was strong local and outside objections. ADFG then dropped the proposal because of the strong interest to keep stocking the Seldovia kings.
5. The City of Seldovia has considered trying to raise money to stock additional kings and possibly silvers.
6. Kings do not bite when people are snagging close to you. That forces people fishing to also snag if they want a king.
7. Snagging is very dangerous from the Seldovia Bridge. The bridge is often quite crowded on the top and below with people fishing for kings and tourist watching the action.
8. Now some divers are spear fishing in the Lagoon. It just a matter of time until some are inadvertently snagged. Some just swim right under your boat and you're not even aware they are there. These people could easily be snagged in vulnerable areas like the throat.

If snagging is prohibited in Anchorage Ship Creek and nearby tidal areas and the Homer Nick Dudiak Lagoon, why should it be allowed in Seldovia Lagoon, harbor and channel.

PROPOSED BY: Thomas Dunagan (EF-F23-005)

PROPOSAL 8

5 AAC 58.030. Methods, means, and general provisions – Finfish.

Prohibit snagging in Seldovia Bay as follows:

From January 1 through June 15, snagging is closed in the waters of Seldovia Bay starting at the entrance of the Seldovia Boat harbor including all waters east and south of the breakwater wall and upstream through the Seldovia slough and including the entire Seldovia Lagoon.

What is the issue you would like the board to address and why? In a recent regulation change the salt waters of Kachemak Bay were opened to snagging to align with the rest of Cook Inlet. This change included the waters of the Seldovia Slough and Lagoon. The Department of Fish and Game releases king salmon smolt in the Seldovia Lagoon each summer. Historically the waters of the Seldovia slough and lagoon were closed to snagging until June 24th. This gave people the

opportunity to enjoy the sport fishery before snagging opened and fish could be harvested before they began to turn.

Seldovia and this fishery would benefit more if the regulation returns to the way it has been historically. Since ADF&G began releasing the king smolt in the head of Seldovia Lagoon the returning adults spend more time there causing them to turn faster than they have historically. To allow for equal opportunity and a chance to harvest these fish while they're still bright we propose moving the snagging date up one week from June 24th to June 15th.

PROPOSED BY: Seldovia Fish and Game Advisory Committee (EF-F23-131)

Winter Fishery (3 proposals)

PROPOSAL 9

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.
Review management options in the Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan as follows:

5 AAC 58.060(b) is amended to read:

...

- (1) The guideline harvest level is [4,500] ~~X,XXX~~ king salmon;
- (2) The sport fish harvest will be estimated annually by the department's statewide harvest survey;
- (3) The bag and possession limit for king salmon is [TWO] ~~X~~ fish;
- (4) The annual limit and harvest record specified in 5 AAC 58.022 does [NOT] apply.

What is the issue you would like the board to address and why? The Cook Inlet winter salt water king salmon sport fishery management plan was updated by the Alaska Board of Fisheries in 2016 to include the month of September and include all of Cook Inlet salt waters. With these changes, the guideline harvest level (GHL) was increased from 3,000 to 4,500 king salmon, but the harvest in the fishery has exceeded the GHL every year since. This proposal provides the department an opportunity to update the board on harvest trends and review management options for this fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-005)

PROPOSAL 10

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.
Modify king salmon limits in the Cook Inlet Winter Salt Water King Salmon Sport Fishery as follows:

5 AAC 58.060. Cook Inlet Winter Saltwater King Salmon Sport Fishery Management Plan.

(a) The purpose of the management plan under this section is to meet the Board of Fisheries' goal of slowing the growth in the sport harvest of king salmon in the salt waters of Cook Inlet during the winter, which occurs from September 1 through March 31.

(b) In the winter salt water king salmon sport fishery in Cook Inlet

(1) the guideline harvest level is 4,500 king salmon;

(2) the sport harvest will be estimated annually by the department's statewide harvest survey;

(3) [THE BAG AND POSSESSION LIMIT FOR KING SALMON IS TWO FISH] **Limit of 2 per day 4 in Possession with an annual harvest limit of 10 King Salmon per person from September 1st to March 31st.**

(4) the annual limit and harvest record specified in 5 AAC 58.022 does not apply.

(c) For the purposes of this section, Cook Inlet consists of the salt waters of Cook Inlet west of the longitude of Gore Point at 150° 57.85' W. long., and north of the latitude of Cape Douglas at 58° 51.10' N. lat., including all of Kachemak Bay.

What is the issue you would like the board to address and why? The GHL of 4,500 Chinook salmon has been exceeded in the Lower Cook Inlet winter sport fishery every year since 2015. With the current status of Chinook salmon in the North Pacific we believe the responsible action is to create regulations to stay within its harvest guidelines.

PROPOSED BY: Homer Fish and Game Advisory Committee

(HQ-F23-074)

PROPOSAL 11

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.

Allow Alaska resident anglers to use two rods for salmon as follows:

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.

(a) The purpose of the management plan under this section is to meet the Board of Fisheries' goal of slowing the growth in the sport harvest of king salmon in the salt waters of Cook Inlet during the winter, which occurs from September 1 through March 31.

(b) In the winter salt water king salmon sport fishery in Cook Inlet

(1) the guideline harvest level is 4,500 king salmon;

(2) the sport harvest will be estimated annually by the department's statewide harvest survey;

(3) the bag and possession limit for king salmon is two fish;

(4) the annual limit and harvest record specified in 5 AAC 58.022 does not apply.

(c) from October 1 through March 31, an Alaskan Resident sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.

(d) For the purposes of this section, Cook Inlet consists of the salt waters of Cook Inlet west of the longitude of Gore Point at 150° 57.85' W. long., and north of the latitude of Cape Douglas at 58° 51.10' N. lat., including all of Kachemak Bay.

What is the issue you would like the board to address and why? The winter salt water king salmon sport fishery is an exceptional opportunity for anglers to harvest high quality salmon during a time of low opportunity. Smaller vessels don't have the capacity to carry multiple anglers comfortably and safely during winter weather. Larger vessels with multiple rods have an advantage of running multiple lures and attractants and because of this they are more efficient at harvesting fish. Allowing 2 rods per angler in Kachemak Bay, similar to regulations in SE salmon fisheries, would allow Alaskan Resident anglers with smaller vessels to harvest king salmon more efficiently.

PROPOSED BY: Dan Miotke (HQ-F23-027)

North Gulf Coast (1 proposal)

PROPOSAL 12

5 AAC 58.065. North Gulf Coast King Salmon Sport Fishery Management Plan.

Modify the North Gulf Coast King Salmon Sport Fishery Management Plan, as follows:

Proposed Change:

(4) the bag and possession limit for king salmon is two fish, with no size limit except for May 15 -July 31 when bag and possession limit for king salmon is one fish, with no size limit;

(5) For summer fisheries (April 1-August 31):

20 inches or longer: There is a combined annual catch limit of 5 king salmon 20 inches or longer. A king salmon of 20 inches or longer that is removed from salt water must be retained and becomes a part of the bag limit for of the person who originally hooked the fish. You must not remove a king salmon of 20 inches or longer from the water before releasing it.

What is the issue you would like the board to address and why? The North Gulf Coast salt water king salmon FMP currently has daily-bag (2) in the unguided and guided-recreational sector that are not in alignment with the Lower Cook Inlet's king salmon FMP.

Lower Cook Inlet unguided and guided-recreational fisheries both have restricted limits for the 2023 season based on low expected returns of king salmon in the Upper Cook Inlet. East-side Cook Inlet set net fisheries are set to be closed for the 2023 season based on expected low king salmon returns. The burden of conservation for Upper Cook Inlet king salmon should be equitable in unguided and guided-recreational fisheries which have similar genetic mixing to protect the stock and to return it to a state where all effected fisheries may maintain access and viability.

PROPOSED BY: Homer Charter Association (EF-F23-138)

Fresh Water (5 proposals)

PROPOSAL 13

5 AAC 56.XXX. New Section.

Create a management plan for the Anchor River, Deep Creek, and Ninilchik River king salmon sport fisheries as follows:

- (a) The purpose of this plan is to direct the department in the management of the sport fisheries for the king salmon stocks in the Anchor River, Deep Creek, and Ninilchik River using the Anchor River preseason forecast and inseason projections from the Anchor River and Ninilchik River salmon monitoring projects.
- (b) The department shall manage the sport fisheries in each drainage to achieve the sustainable escapement goal established for each of the three stocks, while providing sustainable harvest and fishing opportunities, and maximizing the harvest of hatchery king salmon. The Ninilchik River will also be managed to prioritize collecting naturally-produced and hatchery broodstock.
- (c) In the Anchor River and Deep Creek,
 - (1) the area, seasons, bag, possession, annual and size limits, and methods and means for king salmon are outlined in 5 AAC 56.122;
 - (2) if the Anchor River preseason forecast is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 king salmon, the Anchor River and Deep Creek shall be closed to sport fishing during the season specified in 5 AAC 56.122 (a)(2)(E) and (a)(5)(D); and
 - (3) if the Anchor River preseason forecast is greater than the lower end of the sustainable escapement goal of 3,200 – 6,400 and less than the threshold of 4,800, the sport fishery for king salmon in the Anchor River and Deep Creek shall be closed to the retention of king salmon and gear shall be restricted to only one unbaited, single-hook, artificial lure;
 - (4) if the Anchor River preseason forecast is greater than 4,800, the sport fishery for king salmon in the Anchor River and Deep Creek may start as described in 5 AAC 56.122;
 - (5) if the Anchor River inseason projection is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 after June 1, the Anchor River and Deep Creek shall be closed to sport fishing during the season specified in 5 AAC 56.122 (a)(2)(E) and (a)(5)(D);
 - (6) if the Anchor River inseason projection is greater than the lower end of the sustainable escapement goal of 3,200 – 6,400 and less than the threshold of 4,800 after June 1, the Anchor River and Deep Creek shall be closed to the retention of king salmon and gear shall be restricted to only one unbaited, single-hook, artificial lure;
 - (7) if the Anchor River inseason projection is greater than the threshold of 4,800 after June 1, the sport fishery for king salmon in the Anchor River and Deep Creek may proceed as described in 5 AAC 56.122;
- (d) In the Ninilchik River,
 - (1) the area, seasons, bag, possession, annual and size limits, and methods and means for king salmon are outlined in 5 AAC 56.122;

- (2) if the Anchor River preseason forecast is less than the threshold of 4,800, the Ninilchik River shall,**
 - (A) be closed to the retention of naturally-produced king salmon, and**
 - (B) gear shall be restricted to only one baited, single-hook, artificial lure;**
- (3) if the Anchor River preseason forecast is greater than 4,800, the Ninilchik River sport fishery for king salmon may start as described in 5 AAC 56.122;**
- (4) if the Ninilchik River inseason projection is less than 900 naturally-produced king salmon after June 1, the Ninilchik River shall be closed to sport fishing during the season specified in 5 AAC 56.122;**
- (5) if the Ninilchik River inseason projection is greater than 900 but less than 1,200 naturally-produced king salmon after June 1, the Ninilchik River shall, during the season specified in 5 AAC 56.122,**
 - (A) be closed to the retention of naturally-produced king salmon, and**
 - (B) gear shall be restricted to only one unbaited, single-hook, artificial lure;**
- (6) if the Ninilchik River inseason projection is greater than 1,200 but less than 1,500 naturally-produced king salmon after June 1, the Ninilchik River shall, during the season specified in 5 AAC 56.122,**
 - (A) be closed to the retention of naturally-produced king salmon, and**
 - (B) gear shall be restricted to only one baited, single-hook, artificial lure;**
- (7) if the Ninilchik River inseason projection is greater than 1,500 naturally-produced king salmon after June 1, the Ninilchik River sport fishery may proceed as described in 5 AAC 56.122;**
- (8) if the Ninilchik River inseason projection for hatchery king salmon exceeds the need for broodstock collection, and the inseason projection of naturally-produced king salmon is also sufficient to meet the sustainable escapement goal of 900 – 1,600 and broodstock collection needs, then the department may further liberalize the fishery to maximize the harvest of hatchery king salmon.**

What is the issue you would like the board to address and why? Due to low productivity of Cook Inlet king salmon stocks, the lower Kenai Peninsula roadside streams king salmon sport fisheries have been restricted and/or closed by emergency order (EO) in 12 of the last 15 years. These sport fisheries have been managed inseason by EO with a run projection based on king salmon escapement monitoring in the Anchor River. Additionally, a preseason forecast for Anchor River king salmon has been used since 2020 for preseason restrictions for these streams, and an inseason projection for the Ninilchik River has been used since 2021. By specifying the actions in a management plan, the public and the Alaska Board of Fisheries have the opportunity to provide input on the fishery structure. Based on recent review of the Anchor River king salmon sustainable escapement goal (SEG), the SEG range should be lowered to reflect a level of escapement that is likely to produce sustained yield under current conditions. Given the recent low productivity of these king salmon stocks, a management plan provides more structure to these fisheries to protect the stocks in times of low productivity, maximize the harvest of hatchery king salmon, and provide sustainable fishing opportunities when appropriate.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-002)

PROPOSAL 14

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Modify the Ninilchik River hatchery king salmon limits and season as follows:

5 AAC 56.122(a)(6) is amended to read:

...

(D)(i) on Memorial Day weekend and the following two weekends and the Monday following each of those weekends; bag and possession limit of [ONE] **two** king salmon, 20 inches or greater in length, **of which only one fish may be a naturally-produced king salmon**; a person who takes and retains [A] **two** king salmon 20 inches or greater in length from the Ninilchik River, Deep Creek, or the Anchor River may not sport fish in any of those drainages for the rest of that day;

(ii) from June 16 – **July 15** [OCTOBER 31]; bag and possession limit of [ONE] **two** hatchery king salmon, 20 inches or greater in length; naturally-produced king salmon may not be retained; a person who takes and retains [ONE] **two** king salmon 20 inches or greater in length from the Ninilchik River drainage may not sport fish in the Ninilchik River drainage for the rest of the day;

(G) the Ninilchik River from the outlet of the Ninilchik small boat harbor to ADF&G regulatory markers just upstream of the Sterling Highway Bridge is open to sport fishing to a person under 16 years of age during the designated youth fishery which occurs on the second Wednesday after Memorial Day between the hours of 6:00 am and 9:59 pm; king salmon bag and possession limit is [ONE] **two** king salmon of any size, **of which only one fish may be a naturally produced king salmon**; annual limit and other restrictions specified in (a)(6)(D)(iii) of this section apply; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains [A] **two** king salmon may not sport fish in the Ninilchik River for the rest of the day;

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

Over the last six years, the Ninilchik River king salmon supplementation program has made several improvements that have resulted in an increased hatchery return to the Ninilchik River. Since 2019, the department has issued preseason and inseason emergency orders to provide additional harvest opportunity for hatchery fish. Hatchery fish not harvested in the sport fishery and in excess of broodstock collection needs have been culled during eggtakes in an effort to minimize the hatchery contribution to the Ninilchik River escapement. In the last three years, there has been more than 1,000 extra hatchery fish after broodstock collection. Increasing the bag limit will provide consistent additional sport fishing opportunity, while minimizing the hatchery contribution to the escapement.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-021)

PROPOSAL 15

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Extend the area open to hatchery king salmon on the Ninilchik River as follows:

Upstream from the ADF&G markers:

- Closed year-round to all salmon fishing, **Except the area from the ADFG 2 mile markers to 200’ below the ADF&G weir from June 16-July 15 for hatchery King Salmon only.**
- November 1-July 31: Closed to all fishing in flowing waters, **Except the area from the ADFG 2-mile markers to 200’ below the ADF&G weir from June 16-July 15 for hatchery King Salmon only.**
- August 1-October 31: open to sport fishing, **including hatchery king salmon,** except for **all other** salmon, August 1-October 31 upstream of the ADF&G regulatory markers located approximately two miles upstream from the mouth species except salmon.
- only one unbaited, single-hook, artificial lure may be used (ii) from [August 1] **June 16-** October 31, **above the ADF&G 2 mile marker year-round**
- All other species (except salmon): Follow the General Regulations on pages 66 and 67.

What is the issue you would like the board to address and why? After the normal king salmon fishery closure (3rd open weekend), the Ninilchik River opens to 24/7 fishing of salmon with retention of hatchery king salmon permitted. Unfortunately, there is a “zone” from the ADF&G 2 mile marker up to the ADF&G weir where king salmon “hang out” not migrating up to the weir. This area is about 1 ¾ miles long. Once at the weir, hatchery fish are killed to deter spawning and wild fish are harvested for hatchery (smolt) production. In this zone some hatchery fish are able to spawn, which is not ideal. Additionally, some wild fish “hang out” not making the move up the weir for utilization for row and smelt needs. Opening this area for the period of June 16-July 15 to fishing and retention on hatchery king salmon only would offer many benefits with very few consequences. The fishing pressure in this area would allow more harvest of hatchery fish for Alaskan dinner tables vs the killing of them at the weir with donation to dog mushers. Additionally, it would also help ADF&G with their goal of minimizing the number of hatchery fish spawning anywhere in the Ninilchik River. Furthermore, wild fish in this area would be encouraged to move up the ADF&G weir for smelt and row collection. The only downside of this regulatory change would be wild fish mortality due to catch and release. This would be minimized and negligible by this area continuing to be only one, unbaited, single-hook artificial lure or fly. Any risk/benefit analysis of this regulatory change leans heavily in favor to the positivity of the fishery.

PROPOSED BY: Jim Stubbs (HQ-F23-058)

PROPOSAL 16

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Expand the boundary of the Ninilchik River Youth-Only fishery as follows:

From the mouth of the Ninilchik River upstream [to the Sterling Highway Bridge Marker] **approximately 2 miles to the ADF&G markers**

What is the issue you would like the board to address and why? The current boundary of the Ninilchik River Youth-Only Fishery should be expanded. The current fishery forces participants to fish in a small area downstream from Sterling Highway Bridge. This should be changed to

mirror the fishing area currently allowed for all other King Salmon Fisheries on the Ninilchik River. Not only will this create parity and clarity to the current regulations it will give participants more room to fish in a non-combat atmosphere. Additionally, the change will help fulfill the ADFG strategic goal of increasing interest, enjoyment, and participation of fisheries by Alaskan youth. Some additional benefits would be elimination of need for staff to post needed signage for 2nd boundary. And to address issues of concern- this change would not require additional enforcement as the area is same as weekends. Furthermore, there is no change suggested in allowable harvest, means, or methods. Only to increase the area to the current size of all other openings of King Salmon on Ninilchik River.

PROPOSED BY: Jim Stubbs

(HQ-F23-105)

PROPOSAL 17

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Expand the boundary of the Ninilchik River Youth-Only fishery as follows:

5 AAC 56.122 (a)(6) Ninilchik River Drainage:

(G) the Ninilchik River from **its mouth upstream to ADF&G regulatory markers located approximately two miles upstream** [THE OUTLET OF THE NINILCHIK SMALL BOAT HARBOR TO ADF&G REGULATORY MARKERS JUST UPSTREAM FROM THE STERLING HIGHWAY BRIDGE] is open to sport fishing to a person under 16 years of age during the designated youth fishery which occurs on the second Wednesday after Memorial Day between the hours of 6:00 a.m. and 9:59 p.m.; king salmon bag and possession limit is one king salmon of any size; annual limit and other restrictions specified in (a)(6)(D)(iii) of this section apply; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains a king salmon may not sport fish in the Ninilchik River for the rest of that day

What is the issue you would like the board to address and why? As a parent of two grade-school aged kids, I am very appreciative of the youth only fishing days that Alaska sets aside for children under 16. I believe this is a great way to get young kids interested in fishing and provides them with a real opportunity to catch a fish. With that said, I'd like to see the restrictions on where you can fish during the Ninilchik River youth-only fishing day (June 7th this year) removed. There are currently no restrictions (from mouth to 2 miles upstream) on where adults can fish during the 23 days that the river is open to King Salmon fishing during the primary run (Memorial Day weekend thru June). However, for the one day that fishing is set aside for kids, the regulations limit where you can fish to downstream of the Sterling Highway Bridge. I think this is a shame. Kids are not nearly as capable as adults, and effort should be taken on this one day to make access more available, not less available. Is the concern that kids are going to take away opportunities from the adults? Additionally, the primary camping site is on the upstream side of the bridge, so the current regulation prevents a family from being able to camp at the campground and walk their children down to the river to fish. Instead, you'd have to pack your kids back up in the car, pack up fishing gear, drive to a new place and park, then walk down and hope to find a place to fish. By the time you do all that, everyone's tired and ready to be done. I'd ask that you please consider

revising the regulation for the youth only fishing day by opening the river to fishing from the mouth of the Ninilchik to the ADF&G markers two miles upstream. Thank you for your consideration.

PROPOSED BY: Seth Anderson

(EF-F23-015)

Sport Fisheries (groundfish) (7 proposals)

PROPOSAL 18

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.

Modify rockfish bag and possession limits as follows:

5 AAC 58.022(a)(6) is amended to read:

(6) rockfish: may be taken from January 1 – December 31; [BAG LIMIT OF FIVE FISH AND 10 IN POSSESSION, OF WHICH ONLY ONE PER DAY AND TWO IN POSSESSION MAY BE NONPELAGIC ROCKFISH] as defined in 5 AAC 75.995; [NO SIZE LIMIT;]

(A) pelagic rockfish: bag and possession limit of three fish; no annual limit, no size limit;

(B) nonpelagic rockfish: bag and possession limit of one fish; no annual limit, no size limit;

Repeal 5 AAC 58.022(b)(3)(C):

[(C) ROCKFISH: IN THE WATERS BETWEEN GORE POINT AND CAPE FAIRFIELD, THE BAG LIMIT IS FOUR FISH AND EIGHT IN POSSESSION, OF WHICH ONLY ONE PER DAY AND TWO IN POSSESSION MAY BE A NONPELAGIC ROCKFISH OF WHICH ONLY ONE PER DAY AND TWO IN POSSESSION MAY BE A NONPELAGIC ROCKFISH AS DEFINED IN 5 AAC 75.995; NO SIZE LIMIT] **Repealed;**

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

Currently, sport fish rockfish bag and possession limits are not aligned between North Gulf Coast (NGC), Lower Cook Inlet (LCI), and Prince William Sound (PWS) management areas. The department is currently developing black and yelloweye rockfish stock assessments for these management areas to identify sustainable harvest levels through the Statewide Rockfish Initiative. Currently, the harvest of rockfish in these management areas is increasing and is assumed to be associated with a shifting of effort from Pacific halibut to other species by charter (guided) anglers due to reduced sport fishing opportunities associated with the federal Pacific Halibut Catch Sharing Plan. The anticipated continued shifting of effort and the late-maturing life history strategy of rockfish requires a precautionary management approach.

Although rockfish harvest is increasing in all of these sport fish management areas, the trends are not consistent between the areas and species or assemblages of rockfish. In LCI, on average from 2019 through 2022, the total rockfish harvest was over 50,000 fish, which is more than a 300% increase from the historical (2006–2013) average. Most of the recent rockfish harvest (approximately 70%) has been black rockfish; there have also been simultaneous declines in the age and size compositions of black rockfish, which are a result of a strong cohort of juvenile rockfish that were

first detected in the fishery in 2017. In recent years, juvenile black rockfish have comprised 67% to 90% of the total black rockfish harvest. Given the current high harvest levels, the harvest rate of juvenile rockfish may influence the future productivity of the stock. Similarly, the NGC management area has also observed increased rockfish harvest, specifically black rockfish, however the harvest has not been primarily comprised of juvenile rockfish.

To maintain continuity between areas, the department has determined that a bag and possession limit of three pelagic and one nonpelagic rockfish would still provide harvest opportunities and would better align regulations. Historically, in both NGC and Cook Inlet areas, bag and possession limits provided the option to retain a full bag limit of pelagic rockfish, or to keep one nonpelagic rockfish towards the total bag limit. Regulation complexity will be reduced by specifying an actual number of fish, specific to each assemblage. In addition, many anglers fishing in NGC waters also fish in PWS but return to port in Seward (in NGC). The change in the possession limit for nonpelagic from 2 to 1 in NGC would align with PWS nonpelagic regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-020)

PROPOSAL 19

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce rockfish limits in Cook Inlet - Resurrection Bay as follows:

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

(a) Except as provided in (b) and (c) of this section, and unless otherwise specified in this chapter, the following are the seasons, bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the Cook Inlet - Resurrection Bay Saltwater Area:

...

(6) rockfish: may be taken from January 1 - December 31; bag limit of **three** [FIVE] fish and **six** [10] in possession, of which only one per day and two in possession may be nonpelagic rockfish as defined in 5 AAC 75.995; no size limit;

What is the issue you would like the board to address and why? Due to federal changes in rules for halibut sport fishing, rockfish have been increasingly targeted as an opportunity for sport fishing harvest. This harvest has increased from an average of 16,654 total of pelagic/non Pelagic in 2006-13 to a unsustainable average of 50,484 in years 2019-2021. Sampling harvest by ADFG has shown data that nearly 75% of harvested rockfish in LCI are juvenile fish. This indicates current harvest levels may not be unsustainable for the resource.

This would bring regulations in line with other areas in the state and is consistent with the ADF&G Statewide Rockfish Initiative's Conservation Tools.

Estimates from ADFG from charter logbooks and port sampling suggest the reduction could decrease the harvest by 29%.

PROPOSED BY: Homer Fish and Game Advisory Committee (HQ-F23-109)

PROPOSAL 20

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Lower Cook Inlet rockfish sport limits as follows:

Current Lower Cook Inlet Saltwater Regulations for sport fishing:

5 per day, 10 in possession, only 1 per day, 2 in possession may be no pelagic

Proposed Change:

4 per day, 8 in possession, only 1 per day, 2 in possession may be non pelagic.

What is the issue you would like the board to address and why? RE: Lower Cook Inlet Saltwater Rockfish Regulations

Current ADFG data for Lower Cook Inlet Saltwater Rockfish show that harvest has increased in the recreational and guided-recreational fisheries. Data also has shown declining average age in retained catch. Average age of retained catch is now below average spawning age and indicates current harvest rate may be unsustainable. Lower daily bag and possession limits may reduce harvest rate and result in more sustainable harvest. Long term fishery access should be prioritized given current data.

PROPOSED BY: Homer Charter Association (EF-F23-075)

PROPOSAL 21

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Lower Cook Inlet rockfish sport limits as follows:

Proposed Change:

5 AAC 58.022 -Lower Cook Inlet Saltwater Rockfish Regulations and bag limits

4 per day, 8 in possession, only 1 per day, 2 in possession may be non pelagic.

What is the issue you would like the board to address and why? Lower Cook Inlet Saltwater Rockfish Regulations

Alaska Charter Association is asking for a Consideration to change and slightly lower rockfish bag limits within the Lower Cook inlet saltwater sport fishery to address an increase on rockfish harvest as a conservative approach after ACA members discussion as well as analysis of area biologist data sampling and fishery management report.

Current Regulation:

5 per day, 10 in possession, only 1 per day, 2 in possession may be non pelagic

While fishery management data is still quite low for sampling data vs total harvest numbers, we are seeing growing trends of increased efforts towards rockfish harvest as halibut regulations continue to grow more restrictive. Although we may also be seeing a massive cohort of juvenile rockfish entering the fishery and this may speak to the large increase of juvenile harvest in the short term, the other side of reasoning may be due to over fishing within a relatively small area due to the recent recruitment numbers and short term fuel costs limiting operators want to travel per day. Regardless, the large increase in immature harvest of black rockfish had made us want to be preventative from hitting a cliff for future harvest opportunity by requesting a 4 rockfish limit from the currently adopted 5 rockfish bag limit.

This will save more fish for the future and allow further data sampling of both locally harvested as well as long range specific trips targeting rockfish to continue to build data on such a large area that we do not have the full scope of yet given we are only able to sample 200-500 rockfish per year out of 60,000+.

Theoretically, Not taking these steps may have little to no impact, but with the long term in mind and the indicators pointed out by our area biologist, we must first make sure our rockfish biomass can take the increased pressures, and all the while be able to also grow for the future, that is paramount.

PROPOSED BY: Alaska Charter Association (EF-F23-093)

PROPOSAL 22

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Establish a sport fishing closure for rockfish in Cook Inlet from June 1 - July 31 as follows:

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Lower Cook Inlet Saltwater Rockfish Regulations and Bag Limits

5 per day, 10 in possession, only 1 per day, 2 in possession may be non pelagic

June 1st - July 31st All rockfish species both pelagic and non pelagic may not be retained North of Latitude Line 59.18.513' N (Magnet Rock).

What is the issue you would like the board to address and why? Rockfish harvest North of Magnet rock Latitude line 59.18.513' N and north within Kachemack Bay Saltwaters to be closed June 1st-July 31st

As Regulatory actions continue to pressure our fisheries, we see operators turn to target rockfish in Kachemack bay more and more to create in bay multi species trips end up productive during poor salmon fishing or unfavorable weather to align with the value given of the trip, the recent uptick in harvest among rockfish has left myself wanting to find a path that protects in bay rockfish populations from over harvest during a very short summer session when fishing intensity is highest. Without placing a safeguard on rockfish in Kachemack bay i strongly feel we will see a localized decimation within the next 10 years while having coastal biomass populations staying consistently healthy and without such a firmly established population we may not see returning winter populations of black rockfish in the years to come. This proposal protects in bay rockfish populations from in bay harvest around the two heaviest months of fishing intensity and will help the overall harvest for Cook Inlet saltwater that may be overall helpful in the long term goal of sustainability for years to come.

One concern with this proposal is charter fisherman returning with rockfish from south of the proposed area often continue to fish for halibut under 28" before returning home, the targeted areas are not at all areas with rockfish populations but my language states that retention is not allowed and i hope the language for continued fishing of other species.

The Charter sector being of the smallest user group within the directed fishery for all species alike continues to take the fall for the conservation burden, we are the most documented user group as well as the cleanest fishery for bycatch mortality and released methods used, especially for rockfish species both pelagic and non pelagic, our businesses are entering a new era of catch allocations that has left many long time clients among many businesses call for cancelations after years and years of enjoyment into this sector and this great state.

My only aim is to keep our harvest rates within the scope of sustainability for the future of the industry and the biomass we rely on. I do not want to see Cook Inlet go down the road Sitka did with their in bay rockfish numbers being overfished while coastal populations are thriving yet a 2 rockfish limit and non pelagic closures are being endured while longline vessels are hauling yelloweye after yelloweye in front of charter clients and they do not understand where the conservation concern is. These are the stories I get from charter members of the ACA from Southeastern Alaska, one large blanket regulation treating local waters the same as coastal or longer ranged waters. Thank You.

PROPOSED BY: Garrett Lambert (EF-F23-102)

PROPOSAL 23

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Lower Cook Inlet lingcod sport limits as follows:

Current Lower Cook Inlet Saltwater Regulations for sport fishing:
2 per day, 2 in possession, must be at least 35 inches long with head attached or 28 inches from tip of tail to front of dorsal fin with head removed.

Proposed Change:

1 per day, 2 in possession, must be at least 35 inches long with head attached or 28 inches from tip of tail to front of dorsal fin with head removed.

What is the issue you would like the board to address and why? Current ADFG data for Lower Cook Inlet lingcod show that harvest is stable and relatively low. Many stakeholders have self implemented a 1-fish daily bag limit. Current area restrictions on Chinook salmon and on Pacific halibut may increase pressure on Lingcod and this is a concern for continued access. A reduction in daily bag limit to “1” also brings the area into alignment with North Gulf Coast and Prince William Sound.

PROPOSED BY: Homer Charter Association

(EF-F23-076)

PROPOSAL 24

5 AAC 58.022. Waters; seasons; bag, possession, annual and size limits; special provisions for Cook Inlet- Resurrection Bay Saltwater Area.

Remove limits for spiny dogfish in Cook Inlet waters as follows:

Southcentral Alaska 2022 Sport Fishing Reg. Booklet Pg. 73

Spiny Dogfish

No limit

***Retention or release not mandatory**

[5 PER DAY, 5 IN POSSESSION.]

What is the issue you would like the board to address and why? The purpose of this proposal is to address the rapid increase in the numbers and expanded territory of Spiny Dogfish we have witnessed over the past decade in Cook Inlet and Kachemak Bay waters. Simultaneously, we have seen declines in other food fish such as Halibut, Pacific Cod, herring, and Rock fish. The Spiny Dogfish predation also extends to other smaller feeder fish, young Octopus, young squid, sand lances, etc. that our food fish rely on for nourishment, growth and production. I would submit to you that the increase in Spiny Dogfish predation in these waters have become an important factor in the declines we are witnessing in other species and should be dealt with as such. Much in the way that we deal with Pike in our salmon streams and lakes in Southcentral Alaska. Now days, when surf fishing from Cook Inlet beaches anytime after June 10 through the end of October, you will catch these dogfish one after another and the same can be said for boat fishermen out of Deep Creek or Anchor Point in many areas. There has to be thousands of them in the inlet for this to occur in this fashion. Many boat fishermen complain that they are catching more dogfish now than Halibut and catching Pacific Cod is virtually a thing of the past.

What would happen if nothing is changed: Their numbers will continue to increase and this will continue to contribute to declines in other important food fish that fishermen, both sport and commercial, rely on.

What are other solutions you considered: Designing a commercial fishery for Spiny Dogfish to help keep their numbers in check and get some value from them. Several board cycles back, the board received a proposal such as this but rejected it for some reason.

PROPOSED BY: Dwight Kramer (HQ-F23-056)

Commercial Fisheries (groundfish) (4 proposals)

PROPOSAL 25

5 AAC 28.365. Cook Inlet Rockfish Management Plan and 5 AAC 58.022 Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Cook Inlet commercial and sport rockfish harvest limits as follows:

Reduce the commercial GHL to an appropriate level along with the reduction in sport fisheries. Both sport and commercial black rock fisheries need to be addressed together.

What is the issue you would like the board to address and why? Potential over harvest of black rock fish by sport and commercial fisheries.

PROPOSED BY: Thomas Hagberg (HQ-F23-108)

PROPOSAL 26

5 AAC 28.3XX New Section and 5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Cook Inlet commercial and sport lingcod harvest as follows:

Reduce the commercial GHL of ling cod in Cook Inlet with the reduction of sport harvest limits. Both sport and commercial fisheries need to be harvested together for the health of this fisheries.

What is the issue you would like the board to address and why? Over harvest of Cook Inlet ling cod by sport and commercial harvest.

PROPOSED BY: Thomas Hagberg (HQ-F23-085)

PROPOSAL 27

5AAC 28.310. Fishing Seasons for Cook Inlet Area.

Open the Cook Inlet commercial sablefish season earlier as follows:

Change the starting date of Cook Inlet sable fish opener to be the same as Prince William Sound.

What is the issue you would like the board to address and why? My proposal is to change the date of Cook Inlet sable fish from the current July 15th date to April 15th. The April 15 date coincides with the state water PWS sable fish opener.

With the change of date, it will provide greater opportunity for a longer season to catch the quota. Sable fish tend to come into shallow waters in the spring.

If the date isn't changed as proposed, the quota would likely be unharvested.

PROPOSED BY: Randy Arsenault (EF-F23-037)

PROPOSAL 28

5 AAC 28.367. Cook Inlet Pacific Cod Management Plan.

Change gear group allocation in the *Cook Inlet Pacific Cod Management Plan* as follows:

Transfer unfished Cook Inlet state water Pacific cod jig quota to pots on July 15 and allow 100% retention for pacific cod only during the sablefish fishery using pots.

What is the issue you would like the board to address and why? During the state water sablefish fishery in Cook Inlet which opens July 15 Pacific cod bycatch is only 20%. I participated in that fishery before and some years we caught way more pacific cod than actual target of sablefish. My proposal is to transfer unfished state water jig quota to the pots sector on July 15 and allow 100% retention of Pacific cod while fishing sablefish with pots. This would eliminate waste of Pacific cod because they get bloated coming up from the deep and die because you can only keep 20% bycatch of Pacific cod.

PROPOSED BY: Dia Kuzmin (EF-F23-139)

Sport Fisheries (salmon, trout, herring) (1 proposal)

PROPOSAL 29

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Prohibit use of helicopters to transport anglers to select Cook Inlet waters as follows:

The use of helicopters to transport anglers or sport caught fish is prohibited in the flowing waters of Deep Creek, Anchor River, Stariski Creek, Ninilchik River and Kasilof River.

What is the issue you would like the board to address and why? Rivers on the lower Kenai Peninsula host some of the last best steelhead fishing accessible by road in North America. The accessibility and productivity of these systems have lead to a very intense fishery in which many fish are caught and released multiple times. Historically low intensity fishing areas on these streams (Deep Creek, Anchor River, etc.) now being exploited by guided helicopter fishermen. The historically high intensity fishing areas (near road crossings and public access points near the mouths of rivers) are still being pressured and crowding situations are occurring. This has led to

many user conflicts on the rivers, and in attempt to avoid such situations anglers will hike for hours to gain access to areas where other walk-in anglers have not fished - only to have a helicopter land at their intended destination. Furthermore, on any given day low flying helicopter traffic consistently bombard anglers in very popular easy to access locations with the constant noise, ruining the experience for nearly every angler on the river.

People who rent helicopters can easily afford to fish more remote, less accessible parts of the state with fixed wing aircraft or boat access or with helicopters accessing places that are not readily accessible by motor vehicle and foot. A single helicopter operation can ruin the fishing experience for dozens of anglers. Nobody wants a helicopter flying over their head at low altitude all day. Virtually every person I know who fishes for steelhead on the lower Kenai Peninsula has drastically changed their behavior and fishing traditions to avoid helicopter traffic. Many have been virtually landed on, having to avoid prop-wash and debris generated by helicopter landings. Consistent low flying helicopter traffic has been shown to have negative effects on wildlife and the lower Kenai Peninsula is no exception, with anecdotal reports of erratic moose behavior running from low flying aircraft. Homeowners in the area complain about constant noise from low flying air traffic.

In Alaska, helicopters are not allowed to be used when hunting squirrels. Should we not treat steelhead, one of the most iconic fish in the world, and one of the most coveted fish species in Alaska with the same protection as squirrels?

If nothing is done, wealthy, privileged, non-Alaska residents who can easily afford to fish elsewhere (and not add pressure to systems already experiencing high numbers of walk-in anglers) will be allocated an unfair advantage to access the last best road accessible steelhead fisheries in North America. Local people will continue to be pushed off the rivers, and those who work hard to catch fish will be thwarted by those with money.

Lastly, the steelhead of the lower Kenai Peninsula are fall-run fish, meaning that they enter freshwater in the fall, overwinter, then spawn in the spring before dying or returning to the saltwater. Once they enter freshwater they rely on the energy reserves they have stored throughout the spring and summer to last them through the winter and into spring. While many steelhead are caught lower in the rivers and may remain in the lower sections throughout the winter many also push past the lower sections and “escape” the fishing pressure, overwintering peacefully in slow, deep holes further upriver in areas very seldom accessed by walk-in anglers. Use of helicopters to hop from hole to hole day in and day out and repeatedly pressuring fish in areas that have historically not received pressure. Clients of these guided helicopter trips are catching and releasing many steelhead that would otherwise not have encountered intense angling pressure besides the areas close to lower angler access points as they migrated passed. It is known that catch and release fishing is not mortality free. Some fish released in seemingly good condition will eventually die as a result of stress or injury incurred during the angling process. Continuation of high angling pressure via guided helicopter fishing will detrimentally impact the reproductive fitness and population of steelhead of the lower Kenai Peninsula.

Alternative solutions considered:

-A statewide ban on helicopter accessed fishing was deemed too broad and unnecessary.

-Regulations on times and places helicopters could fly would be confusing, hard to enforce and not solve the problem, and might not be a solution available to the Board of Fisheries

-Regulations limiting guiding on the lower peninsula, while possibly a good idea, would not solve the problem of helicopters buzzing anglers.

PROPOSED BY: Patrick McCormick, Ryan Pallister (EF-F23-077)

Personal Use & Subsistence (4 proposals)

PROPOSAL 30

5 AAC 01.570. Lawful gear and gear specifications.

Add provisions to allow for subsistence harvest of herring spawn on kelp as follows:

5 AAC 01.570 is amended to read:

(g) Herring, **excluding herring spawn**, may be taken only with gillnets. Gillnets used to take herring may not exceed 50 feet in length and two inches in mesh size.

...

(x) Herring spawn on kelp may be taken only by a hand-held unpowered blade-cutting device. Kelp blades, or other aquatic plant species, must be cut at least four inches above the stipe (stem).

What is the issue you would like the board to address and why? This proposal addresses lack of clarity in regulations about the subsistence harvest of herring spawn outside of the Anchorage nonsubsistence area in Lower Cook Inlet. The current C&T finding at 5 AAC 01.566(a)(4) includes herring “in any stage of its life cycle” as defined in the statewide definition of fish. Statewide regulations state that finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations. Under Cook Inlet subsistence regulations, the only existing gear specification for herring stipulates that herring may only be taken with gillnets (5 AAC 01.570(g)). The proposed amendment to 5 AAC 01.570(g) would clarify that herring spawn is not restricted to harvest by gillnet and would specify harvest methods for herring spawn while protecting attached aquatic plants. This would not restrict harvest of herring spawn on other substrate.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-016)

PROPOSAL 31

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Extend the China Poot personal use fishery season dates as follows:

Season date June 15th to Aug. 15th

What is the issue you would like the board to address and why? The China Poot Creek Personal use dipnet season has become out of sync with fish return in recent years. Salmon are returning to the system sooner and turning in the pools before the fishery opens. Additionally, opportunity is lost at the end of the season as the run often continues after the season is closed.

PROPOSED BY: Jennifer Bando

(EF-F23-024)

PROPOSAL 32

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan and 5 AAC 77.545 Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Move the China Poot personal use dip net regulations under the Upper Cook Inlet Personal Use Fishery Management Plan as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

(a) Salmon may be taken for personal use under this section only under a personal use permit issued under 5 AAC 77.015 and 5 AAC 77.525; in addition to the requirements under 5 AAC 77.015, a person

(1) shall, before a permit may be issued, show the person's resident sport fish license, or proof, satisfactory to the department, that the person is exempt from licensing under AS 16.05.400; the person's sport fish license number shall be recorded on the permit;

(2) shall record all fish harvested on the permit immediately upon harvesting the fish; for the purpose of this paragraph, "immediately" means before concealing the salmon from plain view or transporting the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat;

(3) shall return the permit to the department by the date specified on the permit.

(b) Salmon may be taken with a set gillnet in the Central District as follows:

(1) from June 15 through June 24;

(2) fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(3) repealed 6/22/2002;

(4) salmon may be taken only from ADF&G regulatory markers located at the mouth of the Kasilof River to ADF&G commercial fishing regulatory markers located approximately one mile from the mouth on either side of the Kasilof River; fishing is prohibited beyond one mile from the mean high tide mark and is also prohibited within the flowing waters or over the streambed or channel of the Kasilof River at any stage of the tide;

(5) salmon may be taken only by set gillnets as follows:

(A) a set gillnet may not exceed 10 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(B) no part of a set gillnet may be operated within 100 feet of another set gillnet;

(C) a person may not operate more than one set gillnet; the permit holder shall attend the set gillnet at all times when it is being used to take fish;

- (D) only one set gillnet may be operated per household;
- (6) the annual limit is as specified in 5 AAC 77.525.
- (c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:
 - (1) in the Kenai River, as follows:
 - (A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than 2,300,000 fish;
 - (B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than 20 inches in length, may be retained per household; king salmon less than 20 inches in length may be retained under this subparagraph notwithstanding 5 AAC 21.359(e)(2);
 - (C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufactured as a direct fuel injection motor;
 - (D) from shore:
 - (i) from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore; and
 - (ii) from the south shore only, from the upstream side of the Kenai Landing dock upstream to the downstream side of the Warren Ames Bridge;
 - (2) in the Kasilof River, as follows:
 - (A) from June 25 through August 7, 24 hours per day;
 - (B) the annual limit is as specified in 5 AAC 77.525, except that king salmon may not be retained and any king salmon caught must be released immediately and returned to the water unharmed;
 - (C) from a line between ADF&G regulatory markers outside the terminus of the river on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.
- (d) Salmon may be taken by dip net in Fish Creek only as follows:
 - (1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from July 15 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than 35,000 fish; fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;
 - (2) the annual limit is as specified in 5 AAC 77.525, except that no king salmon may be retained and any king salmon caught must be returned to the water unharmed;
 - (3) from a boat or shore, in those waters upstream from ADF&G regulatory markers located on both sides of the terminus of Fish Creek, to ADF&G regulatory markers located approximately one-quarter mile upstream from Knik-Goose Bay Road.
- (e) Repealed 6/22/2002.
- (f) A person may retain flounder incidentally caught when fishing for salmon in the Cook Inlet Area under this section. A person may retain up to 10 flounder under this subsection per year and must record those flounder retained by the person on that person's permit specified in (a) of this section.
- (g) In the Beluga River, salmon may be taken by dip net only as follows:

(1) salmon, other than king salmon, may be taken only by a person 60 years of age or older; a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of that person under 5 AAC 77.016 and AS 16.05.405;

(2) from July 10 through August 31, the fishery is open 24 hours per day from an ADF&G regulatory marker located approximately one-quarter mile upstream of the Beluga River Bridge, downstream to an ADF&G regulatory marker located approximately one mile below the bridge;

(3) the annual limit is as specified in 5 AAC 77.525, except that within the total annual limit one king salmon may be retained per household;

(4) the commissioner will close, by emergency order, the fishery when 500 salmon, other than king salmon, have been harvested;

(5) a permit holder for this fishery shall report weekly to the department as specified in the permit.

(h) Salmon may be taken by dip net in the Susitna River, only as follows:

(1) from July 10 through July 31, Wednesday 6:00 a.m. to 11 p.m., Saturday 6 a.m. to 11:00 p.m.; the department may alter the time, or area of, or close the fishery, based on salmon abundance; the commissioner may, by emergency order, extend the personal use fishery through August 31 if the department projects that both sockeye and coho abundance will be above the upper end of all Susitna River escapement goals for sockeye and coho salmon;

(2) between ADF&G regulatory markers located approximately one mile downstream from Susitna Station downstream to ADF&G regulatory markers located near the northern tip of Bell Island/ Alexander Creek cutoff;

(3) the annual limit, as specified in 5 AAC 77.525, except that no king salmon may be retained, and any king salmon caught must not be removed from the water and must be returned to the water immediately; a northern pike caught may not be released back into the water alive as specified in 5 AAC 61.110(a)(8);

(4) a permit holder for this fishery shall report to the department as specified in the permit conditions.

(i) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken only as follows:

(1) by dip net from July 1 through August 7, with a bag and possession limit of six fish. King, pink, chum, and coho salmon may not be retained or possessed. All king, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed,; the annual limit, as specified in 5 AAC 77.525;

(2) A person may not possess salmon taken under this section unless both tips (lobes) of the tail fin have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat.

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Repealed

[(a) IN CHINA POOT CREEK, UPSTREAM FROM ADF&G REGULATORY MARKERS, SOCKEYE SALMON MAY BE TAKEN BY DIP NET FROM JULY 1 THROUGH AUGUST 7, WITH A BAG AND POSSESSION LIMIT OF SIX FISH. KING, PINK, CHUM, AND COHO SALMON MAY NOT BE RETAINED OR POSSESSED. ALL KING, PINK, CHUM, AND COHO SALMON CAUGHT MUST BE RELEASED IMMEDIATELY AND RETURNED TO THE WATER UNHARMED.

(b) A PERSON MAY NOT POSSESS SALMON TAKEN UNDER THIS SECTION UNLESS BOTH TIPS (LOBES) OF THE TAIL FIN HAVE BEEN COMPLETELY REMOVED FROM THE SALMON BEFORE THE PERSON CONCEALS THE SALMON FROM PLAIN VIEW OR TRANSPORTS THE SALMON FROM THE

(1) SHORELINE OR STREAMBANK ADJACENT TO WATERS OPEN TO PERSONAL USE FISHING WHERE THE SALMON WERE REMOVED FROM THE WATER WHEN FISHING FROM SHORE; OR

(2) WATERS OPEN TO PERSONAL USE FISHING WHEN FISHING FROM A BOAT.]

What is the issue you would like the board to address and why? Move the China Poot Creek dip net fishery regulations and place them within the Upper Cook Inlet Personal Use Fishery Management Plan regulations. This would make the China Poot dip net fishery a part of the UCI personal use fishery which would require participants to obtain the UCI PU dip net permit. This would provide a means to collect harvest and effort information on the China Poot fishery without undue expense to the department. The bag and possession limit of six sockeye salmon would remain, but the China Poot fishery would now be subject to the household limit that applies to all the UCI personal use fisheries.

PROPOSED BY: Tom Vania

(HQ-F23-051)

PROPOSAL 33

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Redefine the Kachemak Bay Personal Use Dip Net Fishery area as follows:

This fishery was developed with the intent to provide a harvest opportunity for commercial use. It has become marginally profitable as a commercial fishery, but it is relied on by local residents as an important food source obtained through personal use dip netting. It has become even more important due to the closure of King salmon fishing in local streams and areas of salt water.

Due to the high number of participants, in a very confined space, it has become a public safety and resource allocation issue. Snagging is permitted, by residents and non-residents, in a narrow arm of the bay to the mouth of the stream. Since dip netting is closed to non-residents, they commonly wade across areas of shallow brackish water and form a snagging picket line. Salmon are prevented from moving into the freshwater where they can be harvested by the dip netters.

Additional snaggers are lined up on steep rocky banks trying to intercept the fish. Dip netters must move to and from the freshwater past a gauntlet of lead weighted treble snag hooks. Many of these

folks are novice fishers, focused on the fish, and not the dip netters that are trying to pass behind them on the steep slippery banks.

Much of this issue could be resolved by moving the snag line markers away from the stream mouth, by an additional 300 ft from their present position.

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

Resolve a user conflict:

The popularity of the China Poot red salmon terminal fishery has grown tremendously over the years. The stocking program began in 1976 by ADF&G. It continues today by Cook Inlet Aquaculture.

PROPOSED BY: Doug Van Patten (HQ-F23-098)

Commercial (salmon) (10 proposals)

PROPOSAL 34

5 AAC 21.3XX. NEW SECTION.

Create a Kamishak Bay Purse Seine Fishery Management Plan as follows:

CREATE The Kamishak Bay Purse Seine Fishery Management Plan to structure guidelines in regulation to ensure wild fish priority in mixed stock fisheries to surrounding river systems

5 AAC 21.3XX. Kamishak Bay Purse Seine Fishery Management Plan.

(a) The purpose of this management plan is to ensure adequate escapement and a sustainable harvestable surplus of salmon into the Kamishak District drainages. This plan would acknowledge ecosystem management guidelines to the department to provide for other uses especially the McNeil River State Game Sanctuary and Refuge. The department shall manage the commercial purse seine fishery to minimize the mixed stock harvest of Kamishak District salmon to provide robust escapements and to provide a buffer to rivers in the Kamishak area.

The department shall manage the Kamishak District commercial purse seine fishery as described in this section.

What is the issue you would like the board to address and why? The McNeil River chum salmon has been a stock of concern since 2016. In 2022, the Kamishak Districts McNeil, Bruin, and Ursus Cove rivers are all low or below sustainable escapement goals (SEG). Pink salmon are also below SEG ranges in all three Kamishak Bay index systems, (Bruin River, Sunday, and Brown’s Peak creeks). Sockeye salmon escapement to Mikfik Lake was below the minimum SEG.

ADFG Emergency Orders have been diligent to close the Paint River and adjoining McNeil River subdistrict stock of concern, however, EO's are also used to open areas drawing fishermen into these areas that may not realize conservation concern. A management Plan will give this area a base structure with guidelines to protect wild salmon populations. Chum harvest is erratic ranging

from over 177,000 in 2004, 70,000 in 2010, 30,000 two out of the last five years. A regulatory Management Plan can create a guide between the public and the department. Harvests especially near SHA's overlap run timing between species and needs to be in regulation to protect wild salmon masked in mixed stocks.

Enhancement has exacerbated mixed stock fisheries. The Bruin Bay Subdistrict where many of these systems are below SEG, contains the Kirshner Lake hatchery SHA 249-72. Sockeye from the Trail Lakes Hatchery are remotely stocked in this lake primarily for an Exclusive CIAA corporate cost recovery. fishery. This area requires otolith sampling, evaluation, and guidelines in regulation to ensure wild fish priority to surrounding river systems. There is very little oversight in these areas and often fishers work in tandem to increase harvest.

The Paint River subdistrict contains a fish ladder immediately adjacent to McNeil River. Attempted enhanced stocking of various species since 1991 has met with little success. However, Paint subdistrict blocks McNeil 249-52 and is another potential of interception requiring preventative guidelines in regulation to prevent interception on wild systems especially McNeil stock of concern. Since Annual Management Reports have been severely curtailed of content, A Management Plan can document managers knowledge of this area for future staff.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F23-117)

PROPOSAL 35

5 AAC 21.XXX. The Kachemak Bay Wild Fish Priority Management Plan.

Create a *Kachemak Bay Wild Fish Priority Management Plan* as follows:

Utilizing Section 5 AAC 39.220 Policy for the Management of Mixed Stock Salmon Fisheries

Create 5 AAC 21.xxx. The Kachemak Bay Wild Fish Priority Management Plan.

Accumulate and synthesize the stock specific data available from the collaborative of Research and Educational facilities available on the Kenai Peninsula and apply this to LCI

"Priority should be given to encouraging rehabilitation of depleted indigenous fish populations";
"Recognize cumulative impacts when considering effects of small incremental developments and action affecting critical habitat resources.";

"protect natural substrate and aquatic vegetation...to maintain aquatic habitats." **5AAC 95.610**

(a) In applying this statewide mixed stock salmon policy for all users, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority.

(b) In the absence of a regulatory management plan that otherwise allocates or restricts harvest, and when it is necessary to restrict fisheries on stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to

their respective harvest on the stock of concern. The board recognized that precise sharing of conservation among fisheries is dependent on the amount of stock-specific information available.

(c) The board's preference in assigning conservation burdens in mixed stock fisheries is through the application of specific fishery management plans set out in the regulations. A management plan incorporates conservation burden and allocation of harvest opportunity.

What is the issue you would like the board to address and why? CREATE The Kachemak Bay Wild Fish Priority Management Plan to structure guidelines for ADFG to acknowledge and document food web and natural trophic status in fish interaction and to focus on wild fish priority in mixed stock fisheries in surrounding river systems and their nursery estuaries.

In 1975 at no cost, before hatcheries the wild component of portfolio wild streams provided harvest of 844,125 pinks in the southern district. Even during low salmon abundance of 1960's and 70's still annually averaged 250,000 pinks for common property fisherman. For the last thirty years under hatcheries pink harvest averaged 60,000. Where is this wild fish component now?

Wild systems are below escapement goals:

Humpy Creek Barabara China Poot Port Graham

Escapement 2012 – 2019 50,000 11,500 3903

Escapement 2020 – 2022 1,800 5,492 153 606

ADFG's performed 4-5 years of in season otolith sampling during harvest and found significant percentages of wild unmarked sockeye and wild unmarked pink salmon. Neither wild sockeye nor wild pinks are accounted for or documented in reports.

Estimated wild sockeye component

Sockeye purse seine averaged **49% wild**. This means for every 100,000 harvested, **49,000** are wild.

CIAA sockeye cost recovery, averaged **3.4% wild**, this means for every 100,000 harvested, **3,400** are wild.

Estimated wild pink salmon component

pink salmon **purse seine**, averaged **35% wild**, so every 100,000 scooped up, **35,000** wild migrating.

CIAA **pink salmon cost recovery** averaged **6.3% wild**, so every 500,000 scooped up, **33,150** are wild.

The 52,400 wild sockeye and 68,150 wild pink component remain **masked as nonexistent in this mixed stock hatchery/wild harvest.**

Like a ratchet that keeps tightening the pressure, hatchery production is leading to unsustainable fishing mortality rates for wild salmon. The mixed stock fisheries in the Southern District are not adequately acknowledged or monitored as there is no money. With priority focus on hatchery production for perpetual cost recovery, harvest rates are set related to total abundance of fish in an area; as if the wild fish were not there. If this area gets a Wild Fish Priority Plan, this focus can be shifted to state directive.

This plan can dovetail with the overlapping jurisdictions of the Legislatively Designated Kachemak Bay Critical Habitat, its Regulatory Management Plan Regulation 5AAC 95.610 and the Kachemak Bay State Park Management Plan for diversity and abundance of indigenous species of fish.

Board Authority: AS 16.20.510. Regulations in Critical Habitat Areas.

Manage the Kachemak Bay to maintain wild fish priority.

PROPOSED BY: Nancy Hillstrand (EF-F23-157)

PROPOSAL 36

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan.

Amend the Tutka Bay Lagoon Salmon Hatchery Management Plan as follows:

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan. (a) The department, in consultation with the hatchery operator, shall manage the Tutka Bay Subdistrict [AND PAINT RIVER SUBDISTRICT] to provide for common property fisheries and to achieve the hatchery broodstock and cost recovery goals set by the hatchery **Permit #32 conditions, goals, objectives, Basic Management Plan (BMP) addendum, and Service Agreement IHP-14-100, to: “produce revenues from the harvest and sale of returning fish that are at least equal to the costs of hatchery operation and operate efficiently so that at least 50% of the fish are harvestable by common property fisheries”**

What is the issue you would like the board to address and why? Like any other hatchery, the Tutka hatchery is required to follow the directives of its original signed Permit #32 and BMP that went through a lengthy public process allowing CIAA the privilege to operate a hatchery. Decades of chronic insolvency from poor decisions, does not give license to alter permit and BMP directives without public process, to self serve an exclusive cost recovery fishery. State money and efforts are better spent elsewhere than wasting time focused on cost recovery for one lone chronically insolvent company. This is not in the public interest.

CIAA has taken over 90% of the pinks with cost recovery averaging 500,000 pinks annually in the last 32 years. CIAA activities benefit only 1% of Area H permit holders and has chosen itself as the chief beneficiary. In 2022 only nine Area H limited entry permits fished in LCI. The remaining

99% of Area H permits are administratively excluded from any benefit from CIAAs activities. Even if CIAA adheres to the conditions objectives and goals of their permit, this is an exclusive fishery with special privileges that excludes the permit holders paying off the \$19,000,000 in loans with their enhancement tax harvest for inefficient aquaculture they get no use of.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F23-145)

PROPOSAL 37

5 AAC 21.373. Trail Lakes Hatchery Salmon Hatchery Management Plan.

Modify legal gear in the Trail Lakes salmon hatchery management plan as follows:

c) Notwithstanding 5 AAC 21.320 and 5 AAC 21.330, and except as otherwise provided by emergency order issued under AS 16.05.060, the permit holder for the Trail Lakes Hatchery, and the permit holder's agents, contractors, or employees authorized under 5 AAC 40.005(g) may harvest salmon in the

- (1) Bear Lake Special Harvest Area, from 6:00 a.m. May 15 until 6:00 p.m. October 31 using weirs, purse seines, hand purse seines, beach seines, **and drift gill nets;**
- (2) China Poot and Hazel Lake Special Harvest Area, from 6:00 a.m. June 1 until 6:00 p.m. July 31 using purse seines, hand purse seines, beach seines, **and drift gill nets;;**
- (3) Tutka Bay Lagoon Special Harvest Area, from 6:00 a.m. June 1 until 6:00 p.m. September 15 using purse seines, hand purse seines, beach seines, **and drift gill nets;;**
- (4) Kirschner Lake Special Harvest Area, from 6:00 a.m. June 1 until 6:00 p.m. August 15 using purse seines, hand purse seines, beach seines, **and drift gill nets;.**

What is the issue you would like the board to address and why? Allow drift gill nets in SHA's of Lower Cook Inlet for cost recovery harvests. All commercial fishing gear types support salmon enhancement in Cook Inlet waters through the 2% enhancement tax on fish harvests. This proposal would allow gear types paying taxes for aquaculture to participate in the harvest of these enhancement fisheries which are primarily located in the LCI district. Mixed gear types currently fish together in Prince William Sound. This also would assist with cost recovery efforts on common property fishing days by allowing another gear type to harvest that may not have common property opening during that period.

PROPOSED BY: Homer Fish and Game Advisory Committee (HQ-F23-057)

PROPOSAL 38

5 AAC 21.330. Gear.

Modify legal gear in Lower Cook Inlet special harvest areas as follows:

5 AAC 21.330 gear types

...

(b) Set gillnets may be used only in the following locations:

- (1) Southern District:

...

(F) SHA's and of LCI to Include China Poot SHA, Hazel Lake SHA, Tutka Hatchery SHA, Bear Lake SHA, Paint River SHA, Kirshner Lake SHA limited to cost recovery harvest only.

What is the issue you would like the board to address and why? Allow set nets in SHA's of Lower Cook Inlet for cost recovery harvests. All commercial fishing gear types support salmon enhancement in Cook Inlet waters through the 2% enhancement tax on fish harvests. This proposal would allow gear types paying taxes for aquaculture to participate in the harvest of these enhancement fisheries which are primarily located in the LCI district. Mixed gear types currently fish together in Prince William Sound. This also would assist with cost recovery on common property fishing days by allowing another gear type to harvest that may not have common property opening during that period.

PROPOSED BY: Homer Fish and Game Advisory Committee (HQ-F23-111)

PROPOSAL 39

5 AAC 21.350. Closed waters.

Amend the list of waters closed to commercial fishing for salmon in Cook Inlet as follows:

5 AAC 21.350 is amended to read:

...

(d) Southern District

...

(9) waters of Humpy Creek south of a line from 59° 40.10' N. lat., 151° 09.70' W. long., to 59° 40.10' N. lat., 151° 08.10' W. long., and east of a line at 59° 40.10' N. lat., 151° 09.70' W. long., to 59° 39.30' N. lat., 151° 09.70' W. long.;

(10) waters of Tutka Bay southeast of a line at 59° 25.51' N. lat., 151° 19.01' W. long., to 59° 25.14' N. lat., 151° 19.51' W. long.;

(e) Kamishak Bay District

...

(3) waters of Iniskin Bay north of a line from a point at 59° 43.85' N. lat., 153° 22.60' W. long., to 59° 43.85' N. lat., 153° 27.12' W. long., and east of a line from 59° 43.85' N. lat., 153° 22.60' W. long., to 59° 42.89' N. lat., 153° 22.60' W. long.;

(8) waters of Rocky Cove inshore of a line from 59° 26.98' N. lat., 153° 44.36' W. long., to 59° 26.37' N. lat., 153° 43.92' W. long.;

(9) waters of McNeil Lagoon and bay inshore of a line from 59° 7.52' N. lat., 154° 15.00' W. long., to 59° 07.40' N. lat., 154° 14.20' W. long.;

(10) waters of Bruin Bay inshore of a line at 59° 22.28' N. lat., 154° 04.95' W. long., to 59° 20.80' N. lat., 154° 04.95' W. long.;

(11) waters of Knoll Head Creek north of a line at 59° 37.80' N. lat., 153° 30.24' W. long., to 59° 37.80' N. lat., 151° 31.94' W. long., and west of a line from 59° 37.80' N. lat., 153° 30.24' W. long., to 59° 38.21' N. lat., 153° 30.24' W. long.;

(12) waters of Brown Peak Creek north of a line from 59° 32.60' N. lat., 153° 44.30' W. long., to 59° 32.60' N. lat., 153° 42.50' W. long.;

(13) waters of Amakdedori Creek west of a line from 59° 17.10' N. lat., 154° 07.10' W. long., to 59° 16.10' N. lat., 154° 07.10' W. long.;

(f) Outer District

...

(15) waters of South Nuka Bay east of a line from 59° 18.62' N. lat., 150° 42.86' W. long., to 59° 18.13' N. lat., 150° 43.11' W. long.;

(16) waters of James Lagoon west of a line from 59° 34.11' N. lat., 150° 23.04' W. long., to 59° 33.05' N. lat., 150° 24.74' W. long.;

(17) waters of Shelter Cove south of a line from 59° 17.30' N. lat., 151° 13.90' W. long., to 59° 17.30' N. lat., 151° 14.80' W. long., and west of a line from 59° 17.30' N. lat., 151° 13.90' W. long., to 59° 17.03' N. lat., 151° 13.90' W. long.,

(g) Eastern District

...

(4) waters of Aialik Bay and lagoon north of a line from 59° 52.58' N. lat., 149° 44.62' W. long., to 59° 52.75' N. lat., 149° 44.12' W. long.

What is the issue you would like the board to address and why? This proposal describes regulatory closed waters in areas previously identified using only physical markers. The regulatory marker program in Lower Cook Inlet ended in 2008. Following this, at the 2013 Alaska Board of Fisheries meeting, regulatory closed waters were established for sixteen areas that had previously been identified using physical markers. Some of these markers were referenced in regulation, other markers were not identified in regulation. Approximately a dozen markers that had not historically been identified in regulation were retired with the intention that closed waters in those areas would be defined using the general closed waters definition found in 5 AAC 39.290. Most of those markers were not removed due to their remote locations and it was determined they would be allowed to deteriorate in place. There has been confusion in recent years that specific closed waters points were not codified in regulation and commercial salmon fishery stakeholders have indicated that clear latitude and longitude points defining closed waters are preferred to the language in 5 AAC 39.290. This will aid in enforcing commercial salmon fishing closed waters in Lower Cook Inlet.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F23-006)

PROPOSAL 40

5 AAC 21.350. Closed waters.

Amend waters closed to commercial fishing for salmon as follows:

5 AAC 21.350(e) is amended by adding new paragraphs to read:

(e) Kamishak Bay District

(8) waters of Rocky Cove inshore of a line from 59° 26.98' N. lat., 153° 44.36' W. long., to 59° 26.37' N. lat., 153° 43.92' W. long.;

(9) waters of the Bruin Bay inshore of a line from 59° 22.59' N. lat., 154° 08.43' W. long., to 59° 22.43' N. lat., 154° 07.03' W. long.

5 AAC 21.350(f) is amended by adding new paragraphs to read:

(f) Outer District

(15) waters of Rocky Bay (Scurvy Creek) inshore of a line from 59° 14.91' N. lat., 151° 26.96' W. long. to 59° 14.85' N. lat., 151° 26.87' W. long.;

(16) waters of Middle Creek (Shelter Cove) inshore of a line from 59° 17.22' N. lat., 151° 14.78' W. long. to 59° 17.02' N. lat., 151° 13.91' W. long.;

(17) waters of Island Creek inshore of a line from 59° 15.31' N. lat., 151° 07.13' W. long. to 59° 15.28' N. lat., 151° 06.99' W. long.;

(18) waters of Island Creek inshore of a line from 59° 15.95' N. lat., 151° 09.39' W. long. to 59° 15.80' N. lat., 151° 09.25' W. long.;

5 AAC 21.350(d) is amended to read:

(d) Southern District

(2) waters of the south arm of China Poot Bay east of 151° 15.53' west long., and waters of the north arm of China Poot Bay west of 151° 14.65' w. long. [WATERS OF CHINA POOT BAY SOUTH AND EAST OF A LINE BENEATH THE HOMER ELECTRIC ASSOCIATION POWER LINE FROM A POINT ON THE NORTH SHORE OF THE NORTH ARM OF CHINA POOT BAY AT 59° 33.92' N .LAT., 151° 15.42' W. LONG., TO A POINT ON THE PENINSULA BETWEEN THE NORTH AND SOUTH ARM OF CHINA POOT BAY AT 59° 33.47' N. LAT., 151° 15.71' W. LONG., TO A POINT ON THE SOUTH SHORE OF THE SOUTH ARM OF CHINA POOT BAY AT 59° 33.21' N. LAT., 151° 16.46' W. LONG.];

What is the issue you would like the board to address and why? In Lower Cook Inlet waters closed to commercial salmon harvest are defined using a variety of methods. In addition to being specified in regulation, closed waters have historically been identified using physical signs or markers, as well as on maps distributed by the Homer area Alaska Department of Fish and Game (department) office. Given the widespread availability of Global Positioning System technology, the department has ended its regulatory marker program in this area. The proposal identifies waters in the Kamishak and Outer districts that have historically been closed to commercial salmon fishing. These closed waters were previously only identified with markers. The public, enforcement, and department all benefit from clearly defined closed waters with Global Positioning System coordinates. Waters of China Poot Bay need to be changed in regulation to match where the fleet has been allowed by emergency order to fish to since the early 1990's.

PROPOSED BY: Paul Roth

(EF-F23-150)

PROPOSAL 41

5 AAC 21.350. Closed waters.

Close a portion of Tutka Bay to commercial fishing for salmon as follows:

Reinstate the head of Tutka Bay by closing productive waters as follows:

Under 5 AAC 21.350. Closed waters. (d) Southern District:

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

What is the issue you would like the board to address and why? Tutka Bay is located in ADFG's Legislatively designated Kachemak Bay Critical Habitat Area. 5 AAC 95.610, The Critical Habitat Management Plan Goals and Policies, gives ADFG guidance that:

"Priority should be given to encouraging rehabilitation of depleted indigenous fish populations"; and "Recognize cumulative impacts when considering effects of small incremental developments and action affecting critical habitat resources."; and "protect natural substrate and aquatic vegetation...to maintain aquatic habitats."

The issue is to prioritize regulations to protect habitat for depleted species from cumulative impacts of CIAA's hatchery cost recovery seine net lead lines scraping the aquatic substrate and vegetation, The head of Tutka Bay is a rare highly productive vegetated salt marsh. It functions as a delta used as cover for predator avoidance by valuable depleted shellfish, crustaceans, and larval fishes as aid to prioritize their rehabilitation. This delta is a valuable rearing, spawning, reproductive concentration habitat as designated by ADFG. The Tutka Head End, and Southern Glacier Creeks that flow into the head of Tutka Bay are nominated ADFG anadromous waters contributing wild coho, chum, pink and dolly to the collective mixed stock fisheries. This wild fish diversity of species requires priority management not to sacrifice resources, but to recognize cumulative impacts affecting resources.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F23-126)

PROPOSAL 42

5 AAC 21.373. Trail Lakes Hatchery Sockeye Salmon Management Plan.

Readopt the *Bear Lake Management Plan* as follows:

The regulation should invoke the sunset clause in Proposal 380 (as amended) reinstating the Bear Lake Management Plan with a 50/50 split between cost-recovery and common property.

What is the issue you would like the board to address and why? Replace the Trail Lakes Hatchery Sockeye Salmon Management Plan with the Bear Lake Management Plan.

THE ISSUE: The Board accepted a petition to dissolve the Bear Lake Management Plan out of cycle at a meeting in Petersburg in January of 2009. Regulatory consideration at a meeting in Anchorage in March of 2009 resulted in Proposal 380, replacing the Bear Lake Plan with the Trail

Lakes Plan. Proposal 380 passed as amended. The amendment included a sunset clause. The Trail Lakes Plan was to be in place for 2009 and 2010 seasons only and expire in May of 2011.

At the LCI meeting in Homer in 2010, CIAA submitted Proposal 12 which would remove the sunset clause and make the Trail Lakes Hatchery Management Plan permanent. Proposal 12 failed.

13 years later, The Trail Lakes Hatchery Management plan is still in place. CIAA has achieved cost recovery goals only twice, in 2009 and 2018.

At the LCI meeting in Homer in November of 2004, the Board carried, as amended, Proposal 15 which made all of Resurrection Bay a cost recovery SHA for CIAA. The amendment read "The Department shall manage the commercial harvest of enhanced Bear Lake sockeye salmon surplus to in river escapement requirements for a 50/50 allocation in numbers of fish between the commercial seine fleet and the Trail Lakes Hatchery operators in waters of Resurrection Bay."

WHY THIS IS IMPORTANT: My concern is that this fishery is currently being managed only for cost recovery and brood stock. I am against a fishery being managed solely for the hatchery and not for the fishermen. The enhancement tax paid by the fishermen is designed to support the hatchery, not 100% cost-recovery from a single designated resource. The commercial fleet should see some benefit for their money. CIAA has had 13 years to make this plan work. It has not. Cost recovery goals have only been met twice.

PROPOSED BY: Diane Dubuc (HQ-F23-054)

PROPOSAL 43

5 AAC 40.820. Basic Management Plans.

Amend Basic Management Plans as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Amend the *Cook Inlet Salmon Enhancement Allocation Plan* to specify hatchery pink salmon production, as follows:

Reduce hatchery production to 25% of the year 2000 production as promised in 2000.

What is the issue you would like the board to address and why? There is an over-production of hatchery pink salmon that threatens wild Alaska stocks.

In 1996 Elfin Cove Advisory Committee put in a proposal to restrict hatchery production according to the original intent of rehabilitating wild salmon runs. They wanted a substantial reduction in current hatchery production. The hatchery managers complained the Board did not have the authority to set their production. After a thorough examination (approximately one year), the Attorney General ruled the Board does have the authority to regulate the number of eggs taken for production. The Board deferred the proposal and formed a hatchery committee to gather information. This committee was comprised of Board members Dan Coffey, Virgil Umphenour

and Grant Miller. It took three years, a full Board cycle, with meetings in every region of the state, to complete the report.

The proposal was scheduled for the January- February 2000, a super meeting of Bristol Bay, AYK and Area M. The hatchery management met with the Governor and proffered that if the Board would not take up the proposal they would reduce their production by 25%. The Board meeting lasted 26 days, 10-16 hours a day, accepting the promise from the hatchery managers in the interest of time.

The marine productivity is currently in a very low cycle. The wild salmon are starving, many small systems are extirpated. Most of AYK/ Cook Inlet stocks are not meeting escapement goals and have very little or no harvest of Chinook, chum and coho salmon.

The purpose of this proposal is strictly conservation, to hold the hatcheries to their 2000 promise. The Board should require a substantial reduction in production so the wild fish don't have to compete, as noted by hundreds of science papers, with hatchery fish for food.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee (EF-F23-151)

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Kodiak Archipelago Sport Fishing (8 proposals)

PROPOSAL 44

5 AAC 64.030. Methods, means, and general provisions – Finfish.

Prohibit multiple hooks in Kodiak Island fresh waters as follows:

In all freshwaters of Kodiak Island only a single hook may be used for sportfishing.

What is the issue you would like the board to address and why? Fish mortality in Kodiak Island freshwaters and catch and release is the issue I would like to address. Most of Kodiak Island is remote. Catch and release is a major way of fishing. I want to see a ban on treble hook use in all freshwaters of Kodiak Island because it is hard on fish and promotes higher mortality. The Alaska Department of Fish and Game has been stagnant on this issue for ever. I want that changed for the sake of all salmon and trout populations on Kodiak Island. All lure companies now offer a single hook option for their lures. Flies are single hook anyway. It should be a universal theme in the name of conservation and ethical sportfishing.

PROPOSED BY: Stig Yngve (EF-F23-027)

PROPOSAL 45

5 AAC 64.030. Methods, means, and general provisions - Finfish.

Prohibit bait and multiple hooks in Kodiak Island fresh waters as follows:

In all fresh waters of Kodiak Island only single hook artificial flies or lures may be used for sportfishing.

What is the issue you would like the board to address and why? Bait use in freshwaters of Kodiak Island sportfishing is what I would like to address. The only major use of bait is for Coho in the fall. Lots of Dolly Varden and Rainbow Trout and Steelhead are caught with bait too. There is a high mortality on target and non target species. Because Coho are very aggressive, bait is not needed. It is not conducive to catch and release either because the fish will take bait so deep they bleed out and die.

PROPOSED BY: Stig Yngve (EF-F23-028)

PROPOSAL 46

5 AAC 64.030. Methods, means, and general provisions – Finfish.

Allow snagging as a legal method for sockeye salmon in Kodiak Island freshwaters as follows:

Sockeye salmon may be legally harvested while hooked anywhere in the body in Kodiak Island freshwaters.

What is the issue you would like the board to address and why? Snagged or foul hooked Sockeye and mortality rates is what I would like to address. There is a huge problem here. Sockeye don't bite very well, so they are flossed, lined in the corner of the jaw with any fly or bare hook

and lead weight. It takes real skill to line fish legally fair hooked in the mouth. Most folks are terrible at it. They snag fish everywhere in the body except the mouth. I have seen a person snag 20 sockeye to get 2 legal ones. The snagged ones are grossly abused, snagged in the belly ALOT, YARDED IN AND ROLLED AND STOMPED AROUND AND KICKED BACK INTO THE WATER. Many don't make it to spawn with a gut wound from a hook. It is a major negative balance of molesting fish to try and legally harvest a bag limit. I firmly believe less fish would die and more would spawn and people would also harvest more all at the same time, if a sockeye could be legally harvested hooked anywhere in the body. People would catch their limit, get in and get out. Everyone wins.

PROPOSED BY: Stig Yngve

(EF-F23-029)

PROPOSAL 47

5 AAC 64.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for the Kodiak Area and 5 AAC 64.051. Waters closed to sport fishing in the Kodiak Area.

Repeal areas closed to snagging and sport fishing in the Kodiak Area as follows:

5 AAC 64.022(b)(6)(C) is repealed:

[(C) MONASHKA BAY: ALL WATERS WEST OF A LINE FROM TERMINATION POINT TO MILLER POINT FROM MAY 1 – JULY 5] **Repealed;**

5 AAC 64.051(2) is repealed:

[(2) FROM JANUARY 1 – DECEMBER 31, THE EAST BANK OF MONASHKA CREEK BETWEEN THE MONASHKA HIGHWAY BRIDGE AND ADF&G REGULATORY MARKERS LOCATED APPROXIMATELY 100 YARDS DOWNSTREAM] **Repealed;**

What is the issue you would like the board to address and why? The Monashka Creek drainage was previously used as a brood source for the Kodiak Road Zone (KRZ) king salmon stocking project. Regulations pertaining to snagging and closed waters in the creek were originally implemented to protect king salmon returning to Monashka Bay and Monashka Creek for use in broodstock collection while still allowing some opportunity for harvest of king salmon in the creek. However, due to poor returns in Monashka Creek, alternate brood sources and stocking locations have been utilized since 2016. In addition, Monashka Creek has more recently been stocked with coho salmon and has become one of the most popular sport fishing locations in the KRZ due to ease of access and relatively large returns. In 2020, regulations were revised to reduce closed waters in Monashka Creek to accommodate crowding issues and allow for greater access to coho salmon in the creek and further simplifying Monashka Bay and Creek sport fishing regulations will similarly benefit anglers. Current regulations protecting king salmon in Monashka Bay and Monashka Creek are no longer relevant since alternate brood sources are now utilized and the bank closure is not relevant to the primary fishery in the drainage targeting coho salmon. This proposal will simplify existing regulations for Monashka Bay, clarify regulations for Monashka Creek, and allow for greater access to coho salmon.

PROPOSAL 48

5 AAC 64.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for the Kodiak Area.

Modify the bag and possession limit for coho salmon in the Miam, Sacramento, and Saltery drainages as follows:

5 AAC 64.022(b) is amended to read:

...

(b)(8) in the Kodiak Road Zone, from September 16 – December 31, the bag and possession limit for coho salmon, 20 inches or greater in length, is one fish, except that in the following [STOCKED] waters the bag and possession limit for coho salmon, 20 inches or greater in length, is two fish:

- (A) Monashka Creek and Pillar Creek;
- (B) Mission Beach: all waters between ADF&G regulatory markers at Shahafka Cove;
- (C) Mill Bay: all waters between ADF&G regulatory markers;
- (D) Monashka Bay: all waters west of a line from Termination Point to Miller Point;
- (E) Miam, Sacramento, and Saltery drainages.**

What is the issue you would like the board to address and why? Current regulations for Kodiak Road Zone (KRZ) coho salmon runs were established in 1996. Regulations were revised in 2017 to conserve coho salmon while maintaining sport fishing opportunity, since many of these drainages have small runs and relatively high angler effort. Thirteen of the major KRZ drainages with coho salmon populations are easily accessible by highway vehicle. Three more drainages, Miam, Sacramento, and Saltery, require backcountry travel and are accessed primarily via all-terrain vehicle. Additional trip planning and preparation is necessary to access the Sacramento River because beach travel is only achievable with low tides. Due to the remoteness of the Miam, Sacramento, and Saltery drainages, sport fishing effort directed at coho salmon is low. Angler harvest is generally concentrated at the major road accessible drainages, particularly once the bag limit is reduced to one fish after September 15. Removing the seasonal bag limit change within these drainages will increase coho salmon angling opportunities for the duration of the sport fishery. Due to access limitations and abundant coho salmon sport fishing opportunity in other, less remote KRZ drainages, this proposal will not create significant conservation concerns.

PROPOSAL 49

5 AAC 64.060. Kodiak Area Salt Water King Salmon Sport Fishery Management Plan.

Modify the Kodiak Area Salt Water King Salmon Sport Fishery Management Plan as follows:

Status quo regulation:

- (4) the bag and possession limit for king salmon is two fish, with no size limit;
- (5) the annual limit and harvest record specified in 5 AAC 64.022 does not apply.

Proposed Change:

(4) the bag and possession limit for king salmon is two fish, with no size limit **except for May 15-July 31 when bag and possession limit for king salmon is one fish, with no size limit;**

(5) **For summer fisheries (April 1-August 31):**

20 inches or longer: There is a combined annual catch limit of 5 King salmon 20 inches or longer. A king salmon of 20 inches or longer that is removed from salt water must be retained and becomes a part of the bag limit for of the person who originally hooked the fish. You must not remove a King salmon of 20 inches or longer from the water before releasing it.

What is the issue you would like the board to address and why? The Kodiak salt water king salmon FMP currently has daily-bag (2) and annual limits (NA) in the unguided and guided-recreational sector that are not in alignment with the Lower Cook Inlet’s King salmon FMP. Further the Kodiak salt water king salmon GHLL was exceeded in 2021 under status quo regulations. The daily-bag and annual limits should be adjusted to keep the fishery within its GHLL.

Lower Cook Inlet unguided and guided-recreational fisheries both have restricted limits for the 2023 season based on low expected returns of king salmon in the Upper Cook Inlet. East-side Cook Inlet set net fisheries are set to be closed for the 2023 season based on expected low king salmon returns. The burden of conservation for Upper Cook Inlet king salmon should be equitable in unguided and guided-recreational fisheries which have similar genetic mixing to protect the stock and to return it to a state where all effected fisheries may maintain access and viability.

PROPOSED BY: Homer Charter Association (EF-F23-129)

PROPOSAL 50

5 AAC 64.070. Kodiak Area Rockfish Management Plan and 5 AAC 64.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for the Kodiak Area.

Modify provisions of the management plan for rockfish in the Kodiak Area as follows:

5 AAC 64.070 is amended to read:

...

(a) The purpose of the management plan under this section is to meet the Board of Fisheries’ goal of stabilizing the sport harvest of black rockfish in the waters of the Kodiak Area particularly in the areas of Chiniak and Marmot bays. Black rockfish will be managed for harvest levels within the established guideline harvest range until a time when survey abundance estimates suggest an increase in harvest is appropriate. **Management will also attempt to prevent unintentional overharvest of other rockfish species.** In recognition that commercial and sport users harvest the

same populations of black rockfish, a management plan is also in place for commercial fisheries to maintain harvest within the guideline harvest range specified in 5 AAC 28.466(h).

(b) In the Kodiak Area rockfish sport fishery:

(1) the guideline harvest range is 0 – 26,000 black rockfish;

(2) the sport harvest will be estimated annually by the department using saltwater guide logbooks, statewide harvest survey data, and dockside sampling data;

[(3) THE BAG AND POSSESSION LIMIT FOR ROCKFISH IS FIVE FISH, ONLY TWO OF WHICH MAY BE NONPELAGIC AND ONLY ONE OF WHICH MAY BE A YELLOWEYE, EXCEPT THAT, IN THE WATERS OF CHINIAK BAY AND MARMOT BAY, WEST OF A LINE FROM CAPE CHINIAK AT 57° 37.10' N. LAT., 152° 09.28' W. LONG., TO PILLAR CAPE AT 58° 08.91' N. LAT., 152° 06.78' W. LONG., AND EAST OF A LINE FROM HEAD POINT ON AFOGNAK ISLAND AT 57° 59.67' N. LAT., 152° 46.75' W. LONG., TO DOLPHIN POINT AT 57° 59.15' N. LAT., 152° 43.40' W. LONG., ON WHALE ISLAND AND FROM BIRD POINT AT 57° 55.30' N. LAT., 152° 47.50' W. LONG., ON WHALE ISLAND TO INNER POINT ON KODIAK ISLAND AT 57° 54.05' N. LAT., 152° 47.75' W. LONG.,

(A) THE BAG LIMIT FOR ROCKFISH IS THREE FISH PER DAY AND SIX IN POSSESSION, OF WHICH ONLY TWO FISH PER DAY AND FOUR IN POSSESSION MAY BE NONPELAGIC ROCKFISH, AND ONLY ONE FISH PER DAY AND TWO IN POSSESSION MAY BE YELLOWEYE ROCKFISH; NO SIZE LIMIT;

(B) CHARTER VESSEL OPERATORS AND CREWMEMBERS MAY NOT RETAIN ROCKFISH WHILE CLIENTS ARE ON BOARD THE VESSEL.]

(c) If the harvest increases and it is anticipated that the upper bound of the guideline harvest range will be exceeded or has been exceeded, the commissioner may implement restrictions that may be necessary to restrict the increase of harvest in the sport fishery. When the commissioner finds that restrictions are necessary, the commissioner shall adopt one or more of the following restrictions:

(1) implement an annual limit for nonresidents for rockfish;

(2) reduce nonresident bag and possession limit for rockfish;

(3) reduce the rockfish bag limit by area as specified by the department;

(4) implement a rockfish season;

(5) reduce the resident bag and possession limit for rockfish.

5 AAC 64.022(b) is amended to read:

(11) in the waters of Chiniak Bay and Marmot Bay, west of a line from Cape Chiniak at 57° 37.10' N. lat., 152° 9.28' W. long., to Pillar Cape at 58° 8.91' N. lat., 152° 6.78' W. long., and east of a line from Head Point on Afognak Island at 57° 59.67' N. lat., 152° 46.75' W. long., to Dolphin Point at 57° 59.15' N. lat., 152° 43.40' W. long., on Whale Island and from Bird Point at 57° 55.30' N. lat., 152° 47.50' W. long., on Whale Island to Inner Point at 57° 54.05' N. lat., 152° 47.75' W. long., on Kodiak Island

(A) the bag limit for rockfish is three fish per day and six in possession, of which only two fish per day and four in possession may be nonpelagic rockfish, and only one fish per day and two in possession may be yelloweye rockfish; no size limit;

(B) charter vessel operators and crewmembers may not retain rockfish while clients are on board the vessel.

What is the issue you would like the board to address and why? The Kodiak Area Rockfish Management Plan was adopted at the 2020 Kodiak Area board meeting. This proposal would add or modify some of the text and the provisions of the management plan to accommodate new information available since its adoption in 2020. This proposal would also correct an inconsistency in the text of the management plan discovered since it was adopted. The bag and possession limits for rockfish listed were incorrectly as equal for the Kodiak Area when in fact the possession limit is double the bag limit. This is in conflict with areawide rockfish bag limits previously establish but is also unnecessarily duplicated in the management plan and should be removed. Modification of the stated purpose of the management plan would reflect new information available since the adoption of the plan in 2020. The department has issued EOs restricting nonresident harvest of rockfish on the eastside of Kodiak and Afognak islands to attempt to curb growth in the sport harvest in particular areas of concern to keep the sport harvest within the guideline harvest range as well as at sustainable levels. Additionally, a method was developed of tracking harvest of rockfish inseason to allow for timely estimation of harvest in both guided and unguided fisheries as well as by rockfish species and species assemblage since formal estimates often take a year or more to finalize after the fishery has occurred. This proposal would add language to recognize the potential to affect other rockfish species through management actions directed at black rockfish taken in accordance with this plan. Recognition that other species may be impacted by management actions directed at black rockfish would allow the department more flexibility to curb additional growth in the sport fishery for black rockfish while still maintaining angler opportunity for other rockfish species and preventing incidental overharvest of these populations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-015)

PROPOSAL 51

5 AAC 64.XXX. New Section.

Prohibit commercial transporters from sport or subsistence shellfish fishing while transporting clients as follows:

No commercial transport vessel may conduct saltwater sportfishing or subsistence crab fishing while in the act of transporting nature viewers or hunters on Kodiak Island or its near shore waters.

What is the issue you would like the board to address and why? Abuse of saltwater sportfishing and subsistence fishing with no mandatory logbook reporting while conducting other commercial transporting activities on Kodiak Island is what I would like to address. There are many transport vessels on Kodiak Island conducting commercial activities not directly related to sportfishing like wildlife viewing and hunting. These boats ransack our rockfish, lingcod, halibut and tanner crab, king crab and Dungeness crab, and king salmon stocks in near shore waters of Kodiak Island. There is no logbook requirement, NOTHING. WE CANNOT EVEN FIND CRAB OR ROCKFISH AND OTHERS species for local sport and subsistence use any place because these boats take so much, unreported too. Especially in the Olga Bay, Uyak and Uganik Bay areas, especially in the fall. It is a huge problem I want solved.

PROPOSED BY: Stig Yngve

(EF-F23-026)

Kodiak Area Commercial Groundfish (4 proposals)

PROPOSAL 52

5 AAC 28.406. Kodiak Area registration; 5 AAC 28.410. Fishing seasons for Kodiak Area; 5 AAC 28.430. Lawful gear for Kodiak Area; 5 AAC 28.432. Groundfish pot storage requirements for Kodiak Area; and 5 AAC 28.4XX. New section.

Establish new Kodiak Area commercial sablefish fishery as follows:

Allocate half of 1 percent from the central gulf sablefish IFQ TAC to Kodiak state waters. Open the fishery on September 1st. And adopt the Aleutian Island sablefish state water management regulations.

What is the issue you would like the board to address and why? Open a sablefish fishery in Kodiak state waters for pot, hook and line and jig. During the fall September Pacific cod fishery there is good amount of sablefish inside 3 miles. Currently there is no directed fishery, fisherman have to discard the sablefish which results in some dead loss. It will be a good opportunity for new entry younger generation fisherman to participate who don't own any IFQ sablefish.

PROPOSED BY: Dia Kuzmin

(EF-F23-006)

PROPOSAL 53

5 AAC 28.430. Lawful gear for Kodiak Area; 5 AAC 28.432. Groundfish pot storage requirements for Kodiak Area; and 5 AAC 28.467. Kodiak Area Pacific cod management plan.

Allow groundfish pots to be longlined in the Kodiak Area state-waters Pacific cod fishery as follows:

Allow to longline slinky pots for Pacific cod during the state water Pacific cod pot season.

What is the issue you would like the board to address and why? Allow to longline slinky pots for Pacific cod during the state water Pacific cod pot season. In PWS recently adopted new regulations to allow longline slinky pots for Pacific cod during the state water Pacific cod season. Which I participated and fishing with slinky pots was awesome. It gives more opportunity for smaller vessels to participate in the pot state water Pacific cod season.

PROPOSED BY: Dia Kuzmin

(EF-F23-130)

PROPOSAL 54

5 AAC 28.467. Kodiak Area Pacific Cod Management Plan.

Amend state-waters Pacific cod guideline harvest level rollover criteria for pot and jig gear as follows:

5 AAC 28.467(f)(1) is amended to read:

...

(f) If during a state-waters season

(1) **less than 25 percent of** [THE COMMISSIONER DETERMINES THAT] the mechanical jigging machine and hand troll gear guideline harvest level allocation **has been** [WILL NOT BE] taken **through March 25** [BY JUNE 10], the commissioner **shall** [MAY] reopen a state-waters season at 12:00 noon on April 1 and allow 50 percent of the remaining jig gear allocation, as of March 25, to be harvested by vessels using **pot** [ALL LEGAL] gear. **The state-waters season for vessels using pot gear reopened under this section will close when 50 percent of the remaining jig gear allocation, as of March 25, has been taken by vessels using pot gear or August 28, whichever occurs first;**

What is the issue you would like the board to address and why? Better clarification to reopen to other gear types to insure GHM is met.

PROPOSED BY: Jason Blondin

(HQ-F23-060)

PROPOSAL 55

5 AAC 28.467. Kodiak Area Pacific Cod Management Plan.

Amend state-waters Pacific cod guideline harvest level rollover criteria for pot and jig gear as follows:

The Alaska Jig Association recommends striking the language from the Fishery Management Plan for the Kodiak Area State Managed Pacific Cod fishery GHM rollover provisions and replacing it with the following draft regulatory language in **bold**:

5 AAC 28.467(f)(1) is amended to read:

(f) If during a state-wares season

(1)**less than 10.2 percent of** [THE COMMISSIONER DETERMINES THAT] the mechanical jigging machine and hand troll gear guideline harvest level allocation **has been** [WILL NOT BE] taken **through March 25** [BY JUNE 10], the commissioner may reopen a state-waters season at 12:00 noon on April 1 and allow 50 percent of the remaining jig gear allocation, as of March 25, to be harvested by vessels using **pot or jig** [ALL LEGAL] gear. **The state-waters season for vessels using pot gear reopened under this section will close when 50 percent of the remaining jig gear allocation, as of March 25, has been taken by vessels using pot gear or August 28, whichever occurs first;**

What is the issue you would like the board to address and why? The proposed language change to the Fishery Management Plan for the Kodiak Area State Managed Pacific Cod fishery seeks to provide the following improvements:

- Increased clarification in the rollover provisions from jig to pot gear to benefit all stakeholders participating in the fishery and Kodiak area managers regulating the fishery;

- Improvements to planning fishing activity based on harvest data;
- Improvements to management decisions regarding rollover provisions with fishing data to inform the decision;
- 10.2% represents the 10-year average (2013 -2022) harvested by the jig sector by March 25th;
- This number provides an accurate proxy for managers to estimate the complete harvest of the jig allocation by jig vessels by June 10.
- Small jig boat effort has always increased after the pot fishing fleet has harvested its allocation.
- The jig fleet is seeking a workable solution which continues to provide this critical entry level opportunity;
- The jig sector GHJ provides affordable entry-level opportunity for new and young fishermen as well as those seeking more diversified access.

PROPOSED BY: Alaska Jig Association (HQ-F23-040)

Kodiak Area Commercial Herring (2 proposals)

PROPOSAL 56

5 AAC 27.510. Fishing seasons and periods for Kodiak Area.

Modify the fishing season and periods for the Kodiak Management Area to increase commercial herring fishing opportunity as follows:

5 AAC 27.510. Fishing seasons and periods for Kodiak Area.

(1) [FROM APRIL 1 THROUGH MAY 7] fishing periods for purse seines are from **9:00 a.m.** [12:00 NOON] until **9:00** [9:00] p.m. [ON ODD-NUMBERED DAYS, AND FROM 9:00 A.M. UNTIL 12:00 NOON ON EVEN-NUMBERED DAYS IF A HARVESTABLE SURPLUS IS AVAILABLE; FROM MAY 8 THROUGH JUNE 30, FISHING PERIODS FOR PURSE SEINES ARE FROM 12:00 NOON UNTIL 10:00 P.M. ON ODD-NUMBERED DAYS, AND FROM 9:00 A.M. UNTIL 12:00 NOON ON EVEN-NUMBERED DAYS IF A HARVESTABLE SURPLUS IS AVAILABLE];

What is the issue you would like the board to address and why? Operating hours for herring are an awkward artifact of the past. A gillnet fishery in all practicality no longer exists, and coordination between processors, harvesters, and the department is much improved from when the current regulatory structure was implemented. Extending daily fishing periods would facilitate a more orderly fishery providing fishermen with more time to focus harvest on higher quality fish. The fishery would still be managed based on harvest volumes and biomass and would not increase exploitation rates.

PROPOSED BY: Darren Platt (HQ-F23-059)

PROPOSAL 57

5 AAC 27.510. Fishing seasons and periods for Kodiak Area; 5 AAC 27.525. Seine specifications and operations for Kodiak Area and 5 AAC 27.535. Harvest strategies for Kodiak Area.

Modify herring purse seine gear, fishing season and periods, and herring sac roe harvest strategy to increase commercial herring harvest as follows:

5 AAC 27.510 (a) Unless otherwise provided for by emergency order, herring may be take during the herring [sac roe] season from **April 1 through Dec 31** [April 1 through June 30] as follows: **A season, April 1 through May 15. B Season, October 1 through December 31.**

5 AAC 27.525 c) From **October 1 through December 31** [August 1 through February 28], a purse seine may not be more than 1,625 meshes in depth, including meshes used as chafing gear, or more than 150 fathoms in length.

5AAC 27.535 **f) B season shall begin October 1 with a GHM of 1,000 tons, unless the department assess the combined Kodiak Herring Season GHM to be less than 2,500 tons, in which case, A and B season will be evenly split.**

g) Any unharvested GHM from the A season shall be rolled into the B season. Unless the department determines the available biomass assessed in the A season is not large enough to support an exploitation of at least 10%.

What is the issue you would like the board to address and why? As the sac roe market continues to decline and the need to diversify and bring new value to the herring fishery, management must be modified to allow harvest to take place when the herring are past their spawning phase, and into the high fat stage of life. New Product made from herring, be it canned, pickled, or smoked requires higher fat and better nutrition profiles. This can only be realized after the herring have been feeding for 5 or 6 months past spawning.

Kodiak is unique in Alaska, having the right size herring (+200 grams) and the geographical access during the fall and early winter where this nutritional profile is a at its peak. The 2022 study of North Sea herring will best advise the needs, uses, and market placement of the Kodiak fall herring in this proposal. <https://www.alaskaseafood.org/resource/alaska-herring-market-recovery-project-report-2022/>

Most of the allowable herring harvest in Alaska will once again go unharvested in 2023 due to the falling market for 'roe herring' that has been the case for many years now. To change the options and direction for unmarketable Alaska herring, management must change to being allowing access to these needed food grade herring.

PROPOSED BY: Bruce Schactler (HQ-F23-110)

Kodiak Area Subsistence (1 proposal)

PROPOSAL 58

5 AAC 01.525. Waters closed to subsistence fishing.

Establish waters closed to subsistence fishing for salmon outside the mouths of Danger and Cold creeks as follows:

From a marker at 58 degrees 12.4 minutes North to the eastern island and from a marker at approximately 58 degrees 34.4 minutes North to the western island.

What is the issue you would like the board to address and why? Subsistence fishing too close to Danger and Cold creeks in Kazakof Bay on Afognak Island. The concern is for over harvest of silver salmon on these two drainages. There are no existing closed waters in the nearby saltwaters surrounding these creeks.

PROPOSED BY: Andy Christofferson

(EF-F23-007)

Statewide Hatchery (1 proposal)

PROPOSAL 59

5 AAC 40.820. Basic Management Plans .

Amend Basic Management Plans as follows:

Reduce hatchery production to 25% of the year 2000 production as promised in 2000.

What is the issue you would like the board to address and why? There is an over-production of hatchery pink salmon that threatens wild Alaska stocks.

In 1996 Elfin Cove Advisory Committee put in a proposal to restrict hatchery production according to the original intent of rehabilitating wild salmon runs. They wanted a substantial reduction in current hatchery production. The hatchery managers complained the Board did not have the authority to set their production. After a thorough examination (approximately one year), the Attorney General ruled the Board does have the authority to regulate the number of eggs taken for production. The Board deferred the proposal and formed a hatchery committee to gather information. This committee was comprised of Board members Dan Coffey, Virgil Umphenour and Grant Miller. It took three years, a full Board cycle, with meetings in every region of the state, to complete the report.

The proposal was scheduled for the January- February 2000, a super meeting of Bristol Bay, AYK and Area M. The hatchery management met with the Governor and proffered that if the Board would not take up the proposal they would reduce their production by 25%. The Board meeting lasted 26 days, 10-16 hours a day, accepting the promise from the hatchery managers in the interest of time.

The marine productivity is currently in a very low cycle. The wild salmon are starving, many small systems are extirpated. Most of AYK stocks are not meeting escapement goals and have very little or no harvest of Chinook, chum and coho salmon. Hundreds of science papers indicate over production of hatchery pink salmon as a potential cause of declines in run strength and size for Alaska wild salmon stocks.

The purpose of this proposal is strictly conservation, to hold the hatcheries to their 2000 promise. The Board should require a substantial reduction in hatchery production so wild fish don't have to compete with hatchery fish for food.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee (EF-F23-152)

Mainland District Management Plan (1 proposal)

PROPOSAL 60

5 AAC 18.369. Mainland District Salmon Management Plan.

Modify the *Mainland District Salmon Management Plan* to increase fishing opportunity as follows:

5 AAC 18.369. Mainland District Salmon Management Plan

Weekly fishing periods may not exceed 57 hours from July 6 **through July 19** [August 1]. **Weekly fishing periods initiated after July 19 are to be limited to 57 hours of initial duration but may be extended up to 48 hours in those sections exhibiting strong returns of local pink and chum salmon.**

What is the issue you would like the board to address and why? July openings in the mainland district are limited to 57-hour weekly openings regardless of the abundance of local pink and chum stocks. Many salmon systems in the mainland district, especially in the southern sections, often experience high volumes of salmon returns in the latter half of July, however current restrictions in the management plan do not provide adequate harvest opportunities focused on these stocks. Recent management changes in the mainland district have further limited harvest opportunities to those portions of the mainland district defined by cape-to-cape boundaries that further inhibit the harvest of local stocks in the area when sockeye are present, resulting in substantial forgone harvest opportunities. Additionally, increasingly inclement weather in the area has made transit across the Shelikof Strait more dangerous and often untenable for smaller vessels. When local stocks are abundant, and with the same sockeye protections in place the department should provide additional harvest focused on these stocks in order to achieve the department's goal of achieving optimal yield. Allowing but not requiring extendable fishing periods in those sections of the mainland district where local salmon abundance is sufficient to warrant additional fishing time while maintaining the outer area closures that are triggered by sockeye harvests would better enable the department to achieve harvest and escapement objectives. Extensions may also allow for fishermen to opt for safer transit opportunities without sacrificing substantial fishing time.

PROPOSED BY: Darren Platt (HQ-F23-086)

Alitak District Management Plan (1 proposal)

PROPOSAL 61

5 AAC 18.361. Alitak District Salmon Management Plan

Restrict commercial salmon fishing in the Inner Dog Salmon Flats Section as follows:

There will be no commercial salmon fishing on the Dog Salmon Flats after August 15th until 3,000 Coho have been counted upstream of the Lower Dog Salmon Weir.

What is the issue you would like the board to address and why? Coho bycatch on the Dog Salmon River and Olga Bay is the issue I would like to address. On high abundance pink salmon years set gillnetting on the Dog Salmon Flats in lower Olga Bay is allowed for Targeting Pink Salmon. It is brutally efficient. It is a small bottleneck and choke point. Coho run here too and are crucial to the Dog Salmon River ecosystem for subsistence, sport fishing, as well as feeding many bears and other wildlife late in the year. Nature is cyclical and OVERESCAPEMENT is a complete myth. There are natural highs and lows and Nature should be allowed to run its course. This does not happen when a single net can control the fate of all anadromous life forms in a small river like the Dog Salmon. Because it is a small system, it is highly susceptible to overharvest, especially when the Coho runs mirrors much of the Pink Salmon run here. On a good year, Dog Salmon might have 200,000 pinks and maybe 3,000 silvers at best. The Coho are not given a chance because they come in earlier with many of the pinks. I would like to see no Commercial salmon fishing on the Dog Salmon Flats section after August 15th, until 3,000 Coho have been counted through the Dog Salmon weir or verified in existence up river by Aerial Survey.

PROPOSED BY: Stig Yngve (EF-F23-032)

Gear, Gillnet Specifications and Operations, and Seine Specifications and Operations (5 proposals)

PROPOSAL 62

5 AAC 18.330. Gear.

Increase commercial salmon fishing opportunity for set gillnet permit holders as follows:

5 AAC 18.330. Gear

...

(b) In the Northwest Kodiak District, salmon may be taken only by purse seines and beach seines, except that in the Central Section, salmon may also be taken by set gillnets. **In the Central Section, set gillnet fishing shall open 48 hours before seine fishing may occur. Seine fishing may only occur during combined set gillnet, beach seine, and purse seine fishing periods. In the Central Section, during continuous combined set gillnet and seine fishing periods, seine fishing shall be closed for 48 hours after each 5-day continuous combined fishing period, allowing one 48-hour set gillnet only fishing period per week.**

What is the issue you would like the board to address and why? The percentage of the sockeye and pink salmon poundage caught annually by Kodiak Island's Westside set gillnet fleet has declined significantly since 1990.

By regulation, Kodiak's Westside set gillnetters may only fish in the Central Section of the Northwest Kodiak District. The Central Section is not a terminal area; but salmon returning to the inner bays of the Northwest Kodiak District, to the common property fishery of the Telrod Cove SHA, and to the Inner and Outer Karluk sections of the Southwest Kodiak District, travel through

it. All of these are managed by the 1990 Westside Management Plan and all have been historically targeted by set gillnetters. However, because set gillnets are fixed gear and are prohibited by statute from fishing in these terminal areas, set gillnet fishermen have only one opportunity to catch these fish. With these facts in mind, any changes to the Westside Management Plan which attempt to allocate an historically equitable percentage of salmon to Westside set gillnetters must include an equitable percentage of the salmon swimming to these terminal areas.

The percentage of sockeye salmon harvested by Westside set gillnetters out of the total of all sockeye salmon caught by all gear groups in the Northwest Kodiak District, Telrod SHA and Inner and Outer Karluk Sections of the Southwest District has declined from a 23-year average (1990-2012) of 50% to a 34% average in the years 2013-2022.

The percentage of pink salmon harvested by Westside set gillnetters out of the total of all pink salmon caught by all gear groups in the Northwest Kodiak District, Telrod SHA and Inner and Outer Karluk Sections of the Southwest Kodiak District has declined from a 23-year average (1990-2012) of 30% to 19% in the years 2013-2022.

In the most recent five years (2017-2022) the set gillnet fleet's percentage of the catch in these areas has fallen even more precipitously - to 29% for sockeye and 14% for pinks.

This loss of catch percentage by Westside set gillnetters since 1990 has resulted in a significant loss of income for the set gillnet fleet. If not reversed, this trend of declining catch share and declining income may result in the demise of Kodiak's Westside set gillnet fishery. Advanced opening periods for set gillnet fishermen in the Central Section of the Northwest Kodiak District can help set gillnetters regain an equitable harvest percentage.

PROPOSED BY: Northwest Setnetters Association (HQ-F23-075)

PROPOSAL 63

5 AAC 18.331. Gillnet Specifications and Operations

Allow permit stacking in the set gillnet salmon fishery as follows:

To amend:

5 AAC. Alaska Admin. Code 18.331 Gillnet Specifications and Operations

A CFEC permit holder who holds two Kodiak setnet permits may operate no more than 4 set gillnets with no more than 300 fathoms of set gill net gear in the aggregate. No single set gillnet be more than 150 fathoms in length. Both of the permit holder's five digit CFEC permit serial numbers, followed by the letter "D" to identify the gillnet as a dual permit set gillnet must be located on the identification buoy and the site markers required by 5 AAC. 39.280. At least one cork every 10 fathoms along the cork line must be plainly and legibly marked with CFEC permit numbers of the CFEC permit holder. All identifiers must be displayed in a manner that are plainly visible and unobscured and have permanent symbols in color that contrasts with the background.

What is the issue you would like the board to address and why? The Kodiak salmon setnet fishery is in trouble. Our average ex vessel value has significantly diminished, leaving operations

marginal. From 2001 to 2021 it ranged from a low of \$29,000 to a high of \$71,435. Our average earnings have not exceeded \$71,000 for 34 years, since 1989.

Despite two decades of healthy runs on the entire island, setnetters are no longer solvent, with an average ex vessel value of \$46,000. On the other hand, the mobile gear type's average earnings have skyrocketed from \$100,000 to \$350,000. The Kodiak salmon fishery is robust, yet environmental issues have plagued our gear type with month-long algae blooms, and macrocystis clogging nets. Smaller salmon are returning, going through the smallest, feasible web we can fish.

Kodiak setnet operations are typically a family affair. Children can hold a permit as young as 10. Many of us are dependent on our income and must continue salmon fishing. We are aging, and are "the graying of the fleet" Operation expenses are hard to meet.

Price declines, the inability to hire experienced crew, and having children leave, make our livelihoods marginal at best. When children leave for more lucrative employment, it results in "stranded equity," a useless permit and gear. Crewmembers aren't interested in Kodiak.

There has been very little change to the limited entry program since the 1970s. Yet, in response to the salmon industry's economic disaster declared in 2002, the legislature passed the law that allowed 2 (salmon) permits in one name. In 2008, the BOF passed new wording (5 AAC. 18331) that one owner of (2) SO4K permits could fish 2 permits of gear. For 3 years, up to 38 setnetters took advantage of the new regulation. It ended in 2010 for unknown reasons.

Based on these facts, we could return to sustainable income and protect our assets If you approve this proposal., as many of us have spent our entire working lives in this fishery.

In 2002, the BOF took action for Bristol Bay salmon fishermen when their fishery collapsed, allowing one vessel to fish 2 permits. We believe you should reinstate the language in the AAC Alaska Admin. Code 18.331 that was approved in 2008--solely for SO4K setnet permits. It allowed one CFEC salmon setnet permit owner to fish two sets of gear. This would alleviate economic hardship and uncertainty in our fishery-allowing us to utilize the potential value of a useless permit. and gear.

Further details will be available at the 2024 meeting.

PROPOSED BY: Lacey Berns (EF-F23-050)

PROPOSAL 64

5 AAC 18.331. Gillnet Specifications and Operations.

Modify gillnet specification and operations to increase the allowable size of the hook as follows:

5 AAC 18.331. Gillnet Specifications and Operations

...

(c) Set Gillnets must be operated substantially in a straight line, except that no more than

50 [25] fathoms of a set gillnet may be used as a hook. A hook may be used in any configuration.

What is the issue you would like the board to address and why? The percentage of the sockeye and pink salmon poundage caught annually by Kodiak Island’s Westside set gillnet fleet has declined significantly since 1990.

By regulation, Kodiak’s Westside set gillnetters may only fish in the Central Section of the Northwest Kodiak District. The Central Section is not a terminal area; but salmon returning to the inner bays of the Northwest Kodiak District, to the common property fishery of the Telrod Cove SHA, and to the Inner and Outer Karluk sections of the Southwest Kodiak District, travel through it. All of these are managed by the 1990 Westside Management Plan and all have been historically targeted by set gillnetters. However, because set gillnets are fixed gear and are prohibited by statute from fishing in these terminal areas, set gillnet fishermen have only one opportunity to catch these fish. With these facts in mind, any changes to the Westside Management Plan which attempt to allocate an historically equitable percentage of salmon to Westside set gillnetters must include an equitable percentage of the salmon swimming to these terminal areas.

The percentage of sockeye salmon harvested by Westside set gillnetters out of the total of all sockeye salmon caught by all gear groups in the Northwest Kodiak District, Telrod SHA and Inner and Outer Karluk Sections of the Southwest District has declined from a 23-year average (1990-2012) of 50% to a 34% average in the years 2013-2022.

The percentage of pink salmon harvested by Westside set gillnetters out of the total of all pink salmon caught by all gear groups in the Northwest Kodiak District, Telrod SHA and Inner and Outer Karluk Sections of the Southwest Kodiak District has declined from a 23-year average (1990-2012) of 30% to 19% in the years 2013-2022.

In the most recent five years (2017-2022) the set gillnet fleet’s percentage of the catch in these areas has fallen even more precipitously - to 29% for sockeye and 14% for pinks. This loss of catch percentage by Westside set gillnetters since 1990 has resulted in a significant loss of income for the set gillnet fleet. If not reversed, this trend of declining catch share and declining income may result in the demise of Kodiak’s Westside set gillnet fishery.

A larger hook will increase set gillnet efficiency, thereby helping the set gillnet fleet achieve a more equitable harvest percentage.

PROPOSED BY: Northwest Setnetters Association (HQ-F23-078)

PROPOSAL 65

5 AAC 18.XXX. New Section.

Prohibit the use of aircraft to locate salmon for the commercial taking of salmon or to direct commercial salmon fishing operations in the Kodiak Management Area as follows:

We recommend that the following regulation be placed in the Kodiak Area Commercial Salmon Fishing Regulations at the end of Article 3 Salmon Fishery section.

5 AAC 18.XXX. Use of aircraft unlawful A person may not use or employ an aircraft to locate salmon for the commercial taking of salmon or to direct commercial fishing operations in the Kodiak Area.

If the above proposal passes, we recommend that (f) found in **5 AAC 18.332. Seine specifications and operations** be removed from regulations.

[(f) IN THE MAINLAND DISTRICT, IT IS UNLAWFUL TO TAKE SALMON WITH THE ASSISTANCE OF AN AIRCRAFT DIRECTING THE OPERATION OF THE SEINE GEAR.]

What is the issue you would like the board to address and why? We would like the board to address the use of aircraft in the Kodiak Area. Currently there is aircraft restriction language in the regulations for the Mainland District only of the Kodiak Area. The remaining districts of the Kodiak Area should be addressed.

The use of aircraft to locate salmon benefits a small portion of the Kodiak Area salmon fleet and diminishes opportunity for other members of the fleet.

PROPOSED BY: Jeff and Lauri Bassett (EF-F23-110)

PROPOSAL 66

5 AAC 18.332. Seine specifications and operations.

Increase purse seine length in the Kodiak Management Area as follows:

AAC 18.332. Seine specifications and operations.

- (a) No purse seine or hand purse seine may be less than 100 fathoms or more than **250** [200] fathoms in length. No seine may be less than 100 meshes or more than 325 meshes in depth. At least 50 fathoms of a seine must be 150 meshes in depth.
- (b) One lead no more than 100 fathoms in length may be used with each purse seine or hand purse seine. The aggregate length of seine and lead may not exceed 250 fathoms. Leads must be removed from the water within two hours after a season or fishing period closure. Each lead must have at each end a buoy, cork, or float plainly and legibly marked with the operator's five-digit CFEC permit serial number.
- (c) Beach seines no less than 100 fathoms nor more than 225 fathoms in length may be used.
- (d) Beach seines may not be less than 100 meshes in depth.
- (e) When an anchor is used during the operation of a purse seine, hand purse seine, or beach seine, only the shoreward end of the seine or lead may be anchored; the seine shall be attached to the licensed vessel, and the vessel may not be anchored, except that, in the operation of a beach seine, an additional anchor, used to anchor the vessel to a beach, may be used only while retrieving the beach seine.
- (f) In the Mainland District, it is unlawful to take salmon with the assistance of an aircraft directing the operation of the seine gear.
- (g) Seine mesh size may not be more than seven inches.
- (h) A ring, strap, purse, or tow line may be attached to the corkline, ribline, or leadline of a beach seine. Hydraulic power may be used to set, retrieve, or purse a beach seine. A beach seine must

be set from, and hauled to, a beach, or to a vessel anchored to a beach. One end of a beach seine must remain on a beach above the water surface at all times during the set.

(i) A beach seine has ceased fishing when all of the leadline is out of the water.

(j) Overlapping panels of net web may not be used in seine leads.

(k) Notwithstanding 5 AAC 39.240, a CFEC purse seine salmon permit holder may use a registered salmon seine fishing vessel, when it has seine gear on board, to tow another registered salmon seine fishing vessel with seine gear on board if the permit holder for the vessel being towed is on board one of the vessels.

(l) A purse seine is considered to have ceased fishing as specified in 5 AAC 39.260(c).

What is the issue you would like the board to address and why? Current regulations were written during a time when leads were detachable, and common practice was to leave a lead anchored and to make sets off the end of the lead. This style of fishing has completely ceased to exist in the Kodiak Management Area, as every net is now utilizing a sown-in lead. The proposed language would align seine nets used in the Kodiak management area with other areas in the State such as Prince William Sound. The previous requirement for 7 inch lead web stemmed from concerns that these leads could be fished from skiffs as a separate net in order to rob creeks, however with the current fishing practice of sown-in leads, this concern is nullified.

PROPOSED BY: Kodiak Seiners Association

(HQ-F23-084)

Westside Kodiak Salmon Management Plan (8 proposals)

PROPOSAL 67

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Restrict commercial salmon fishing in the Inner Ayakulik Section as follows:

No commercial salmon fishing may take place on the inner Ayakulik section after August 20th until 20,000 Coho have escaped upriver.

What is the issue you would like the board to address and why? Commercial Coho overharvest by set gillnet and seine in Southwest Kodiak is what I would like to address. There is no management plan for adequate Coho escapement in late August and September on the Karluk and Ayakulik Rivers. Salmon seiners generally fish wide open here after mid August at Ayakulik and mid September at Karluk. These fish are vital for subsistence use, as a sportfishing resource, and as a food source for bears and other wildlife late in the year. During low water episodes a boat blocking off a river mouth can easily catch a large portion of a coho run when they are schooled heavy. They incredibly vulnerable and susceptible to overharvest. I want a Coho management plan that promotes healthy natural escapement numbers of fish before commercial fisherman can fish wide open blocking of a whole river mouth.

PROPOSED BY: Stig Yngve

(EF-F23-030)

PROPOSAL 68

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Restrict commercial salmon fishing in the Inner Karluk Section as follows:

There will be no commercial salmon fishing on the Inner Karluk Section after August 25th until 5,000 Coho have been counted through the weir or surveyed in Karluk Lagoon by August 25th, 10,000 by August 30th, and 15,000 by September 10th.

What is the issue you would like the board to address and why? Commercial Coho overharvest by set gillnet and seine in Southwest Kodiak is what I would like to address. There is no management plan for adequate Coho escapement in late August and September on the Karluk River. Salmon seiners generally fish wide open here after mid September. These fish are vital for subsistence use, as a sportfishing resource and as a food source for bears and other wildlife late in the year. During low water episodes a boat blocking off a river mouth can easily catch a large portion of a Coho run when they are schooled heavy. They are incredibly vulnerable and susceptible to overharvest, especially in the vicinity of Karluk Lagoon and the Inner Karluk Section. I want a Coho management plan that promotes a healthy natural escapement of fish before commercial fisherman can fish wide open on the inner Karluk Section or block off the Karluk River/Lagoon mouth.

PROPOSED BY: Stig Yngve

(EF-F23-031)

PROPOSAL 69

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Amend the *Westside Kodiak Salmon Management Plan* to implement commercial salmon fishing periods for set gillnet permit holders to increase harvest opportunity as follows:

The solution is to provide a minimum number of fishing days to the Kodiak set gillnet fleet without compromising sustainable management objectives. The Department can actively extend or close planned openers to protect escapement. This proposal only applies to the set gillnet gear, all other gear types remain status quo.

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

The Central and North Cape Sections must be managed.

From June 1 until August 15, the set gillnet fishery will open for 105 hours and close for 63 hours per week. From August 16 through the end of the season, the set gillnet fishery will open for 102 hours and close for 66 hours per week.

The Commissioner may supersede the weekly set gillnet schedule with emergency general openers and closures to achieve the management plan.

Note: existing regulations remain unchanged other than numbering, (1) becomes (3), (2) becomes (4) and so on.

What is the issue you would like the board to address and why? This proposal increases set gillnet fishing days without changing other gear types. The setnet fleet has lost a relative proportion of the salmon harvest in the Westside Management Plan. Increasing the number of fishing days is the most effective mechanism to maintain the historical harvest volume of set gillnet gear without interfering with adjacent gear types. This proposal allows the BOF to adhere to a management plan that increases the opportunity and number of fishing days for the Kodiak set gillnet fleet, with abundance-based flexibility to increase or decrease planned fishing days as determined by the Department.

PROPOSED BY: Erik OBrien

(EF-F23-058)

PROPOSAL 70

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Modify the *Westside Kodiak Salmon Management Plan* to establish an allocation between gear groups as follows:

5 AAC 18.362. Westside Kodiak Salmon Management Plan

(a) The goal of the Westside Kodiak Management Plan is to achieve escapement and harvest objectives of sockeye salmon returning to the Karluk, Ayakulik, and other Westside minor sockeye salmon systems, and of pink, chum, and coho salmon returning to systems in the Southwest Afognak, Central, North Cape, Anton Larsen Bay, Sharatin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay, Uyak Bay, Outer Karluk, Inner Karluk, Sturgeon Bay, Halibut Bay, Outer Ayakulik, and Inner Ayakulik Sections. It is the intent of the board that salmon bound to these systems be harvested to the extent possible by the traditional fisheries located in all 17 sections **and to establish the allocation of sockeye and pink salmon between the commercial set gillnet and combined purse seine and beach seine fisheries within the Northwest Kodiak District including Telrod Cove SHA, and the Inner and Outer Karluk sections of the Southwest Kodiak District, and to establish management measures for ADF&G to achieve the allocation objectives as described in (b) of this management plan.** The department shall manage the Northwest Kodiak and the Southwest Kodiak Districts and the Southwest Afognak Section in accordance with the guidelines set out in this plan.

(b) Consistent with 5AAC 18.362 ADF&G shall manage the Northwest Kodiak District and the Inner and Outer Karluk sections of the Southwest Kodiak District set gillnet and combined purse seine and beach seine fisheries during the fishing periods specified in 5AAC 18.362 to achieve biological escapement goals into the various systems in the Kodiak Management Area and to distribute the harvestable surplus of sockeye and pink salmon in the Northwest Kodiak District including Telrod Cove SHA, and the Inner and Outer Karluk sections of the Southwest Kodiak District, to the set gillnet and combined purse seine and beach seine fisheries as follows:

(1) set gillnet 50% of sockeye salmon caught in the Northwest Kodiak District including Telrod Cove SHA, and the Inner and Outer Karluk sections of the Southwest Kodiak District

(2) combined purse seine and beach seine 50% of sockeye salmon caught in the Northwest Kodiak District including Telrod Cove SHA, and the Inner and Outer Karluk sections of the Southwest Kodiak District

(3) set gillnet 30% of pink salmon caught in the Northwest Kodiak District including Telrod Cove SHA, and the Inner and Outer Karluk sections of the Southwest Kodiak District

(4) combined purse seine and beach seine 70% of pink salmon caught in the Northwest Kodiak District including Telrod Cove SHA, and the Inner and Outer Karluk sections of the Southwest Kodiak District

(c) For the purpose of calculating the set gillnet and combined purse seine and beach seine allocations specified in (b) of this section, the accounting period is June 1 to October 15

(d) To achieve the allocations specified in (b) of this section, consistent with the management principles of 5AAC 13.362 and other provisions of this chapter, the Commissioner may establish, by emergency order, set gillnet and combined purse seine and beach seine open fishing periods and these periods may be established at different times to obtain the set gillnet and combined purse seine and beach seine sockeye and pink salmon allocations specified in (b) of this section or at other times consistent with 5AAC 13.662

(Note: Language in sections (b) through (g) in the existing management plan 5AAC 18.362 would remain unchanged except that they would be re-lettered to consistently accommodate and follow the newly added sections described above. Existing section (b) would become section **(e)**, section (c) would become section **(f)**, section (d) would become **(g)**, section (e) would become **(h)**, section (f) would become **(i)** and section (g) would become **(j)**.)

What is the issue you would like the board to address and why? The percentage of the sockeye and pink salmon poundage caught annually by Kodiak Island's Westside set gillnet fleet has declined significantly since 1990.

By regulation, Kodiak's Westside set gillnetters may only fish in the Central Section of the Northwest Kodiak District. The Central Section is not a terminal area; but salmon returning to the inner bays of the Northwest Kodiak District, to the common property fishery of the Telrod Cove SHA, and to the Inner and Outer Karluk sections of the Southwest Kodiak District, travel through it. All of these are managed by the 1990 Westside Management Plan and all have been historically targeted by set gillnetters. However, because set gillnets are fixed gear and are prohibited by statute from fishing in these terminal areas, set gillnet fishermen have only one opportunity to catch these fish. With these facts in mind, any changes to the Westside Management Plan which attempt to allocate an historically equitable percentage of salmon to Westside set gillnetters must include an equitable percentage of the salmon swimming to these terminal areas.

The percentage of sockeye salmon harvested by Westside set gillnetters out of the total of all sockeye salmon caught by all gear groups in the Northwest Kodiak District, Telrod SHA and Inner and Outer Karluk Sections of the Southwest District has declined from a 23-year average (1990-2012) of 50% to a 34% average in the years 2013-2022.

The percentage of pink salmon harvested by Westside set gillnetters out of the total of all pink salmon caught by all gear groups in the Northwest Kodiak District, Telrod SHA and Inner and Outer Karluk Sections of the Southwest Kodiak District has declined from a 23-year average (1990-2012) of 30% to 19% in the years 2013-2022.

In the most recent five years (2017-2022) the set gillnet fleet's percentage of the catch in these areas has fallen even more precipitously - to 29% for sockeye and 14% for pinks.

This loss of catch percentage by Westside set gillnetters since 1990 has resulted in a significant loss of income for the set gillnet fleet. If not reversed, this trend of declining catch share and declining income may result in the demise of Kodiak's Westside set gillnet fishery.

PROPOSED BY: Northwest Setnetters Association (HQ-F23-076)

PROPOSAL 71

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Modify the *Westside Kodiak Salmon Management Plan* to allow the department more flexibility for fishing periods in the Outer Karluk Section as follows:

5 AAC 18.362. Westside Kodiak Salmon Management Plan

...

(e) The Inner and Outer Karluk Sections must be managed

- (1) From June 1 through July 15, based on early-run sockeye salmon returning to the Karluk System; the commissioner may open, by emergency order, fishing periods in the Inner Karluk Section only if the department determines that the midpoint of the early-run escapement goal range will be achieved; in the Outer Karluk Section, from June 16 through approximately July 15, the commissioner **may** [SHALL] open fishing periods to occur at the same time as open fishing periods in the Central Section.

What is the issue you would like the board to address and why? Under the Westside Kodiak Salmon Management Plan, early season management of the Central Section of the Northwest District and the Inner and Outer Karluk sections of the Southwest District is driven primarily by escapements of early-run Karluk sockeye, which occur mainly in June and early July.

The Westside Management Plan states that openings in the Outer Karluk Section of the Southwest District shall occur when the Central Section is open between June 16 and July 15. The word "shall," has created a situation where the Outer Karluk Section is open whenever the Central Section is open. However, since the Outer Karluk Section is a near terminus area, with fish

concentrating near the mouth of the Karluk River, opening the Outer Karluk at the same time as the Central Section, which is further north and farther away from the Karluk River, can create a conservation concern during weak returns.

If the Outer Karluk Section is not required to be open during Central Section openings, managers could keep the Outer Karluk closed until escapement goals are met, thereby decreasing the risk of overharvesting during weak returns while increasing the chances for Central Section openings. This would create greater fishing opportunities for both the set gillnet and seine fleets in the Central Section, including smaller seine boats, which sometimes can't fish the exposed Outer Karluk Section due to weather.

Additionally, given the close proximity of the Outer Karluk Section to the Karluk River, a higher concentration of Karluk bound chinook salmon can be expected to be caught in the Outer Karluk Section than in the Central Section. Allowing the Outer Karluk Section to remain closed while the Central Section is open could increase the odds of reaching minimum escapements goals for Karluk River chinook salmon.

PROPOSED BY: Northwest Setnetters Association (HQ-F23-077)

PROPOSAL 72

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Modify the Westside Kodiak Salmon Management Plan to increase fishing opportunity in the Southwest Afognak Section as follows:

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

...

(d) The Southwest Afognak Section must be managed

...

(3) From approximately July 6 through August 15, based on pink salmon returning to the major pink salmon systems in the SW Afognak Section and the NW Kodiak District, **or based on pink salmon returning to the Karluk system**; from July 6 through July 25...

What is the issue you would like the board to address and why? I would like to add language to the SW Afognak pink salmon management to bring it in line with the change in the NW Kodiak's central section and North Cape section made in the last Kodiak BOF cycle. SW Afognak pink salmon openings had been the same as Central section and North Cape section openings. The change "or based on pink salmon returning to the Karluk system" should be added to the SW Afognak section pink salmon management to bring it in line again.

PROPOSED BY: Oliver Holm (HQ-F23-094)

PROPOSAL 73

5 AAC 18.362. Westside Kodiak Salmon Management Plan.

Modify the Westside Kodiak salmon Management Plan to increase fishing opportunity as follows:

5 AAC 18.362. Westside Kodiak Salmon Management Plan

...

(f) The Sturgeon and Halibut Bay Sections must be managed

(1) from June 1 through approximately June 22, as mixed-stock fisheries directed on early-run sockeye salmon returning to the Karluk, Ayakulik, and Olga Bay systems; the department shall not open any commercial fishing periods during this time;

(2) from approximately June 23 through July 15, based on early-run sockeye salmon returning to the Ayakulik and Karluk systems, except that the Sturgeon Section must also be managed with consideration for early-run chum salmon returning to the Sturgeon system;

(3) from approximately July 16 through August **15** [24],

(A) in the Sturgeon Section

(i) on odd-year cycles, based on late-run sockeye salmon returning to the Karluk system;

(ii) on even-year cycles, **from approximately July 16 through August 15,** based on [LATE-RUN SOCKEYE AND ON] pink salmon returning to the Karluk **and Sturgeon River** systems;

(B) in the Halibut Bay Section

(i) on odd-year cycles, from approximately July 16 through July 31 on late-run sockeye salmon returning to the Ayakulik system, and from approximately August 1 through August 24 on late-run sockeye salmon returning to the Karluk system;

(ii) on even-year cycles, from approximately July 16 through July 31 on late-run sockeye salmon and pink salmon returning to the Ayakulik system, and from approximately August 1 through August 15 [24] on late-run sockeye salmon returning to the Karluk system and on pink salmon returning to the Ayakulik system;

(4) **from approximately August 16 through August 24,**

(A) In the Sturgeon section

(i) on odd-year cycles based on late run sockeye returning to the Karluk system;

(ii) On even-year cycles based on late run sockeye returning to the Karluk system and pink salmon returning the Sturgeon and Karluk sytems;

(B) In the Halibut Bay section

(i)on odd-year cycles based on late run sockeye returning to the Karluk system;

(ii) On even-year cycles based on late run sockeye returning to the Karluk system and pink salmon returning the Avakulik sytem;

(5) [4] from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system; and

(6)[5] after approximately September 5, based on late-run sockeye salmon and coho salmon returning to the Karluk system.

What is the issue you would like the board to address and why? Under the current language in the management plan, the Sturgeon Section of the Westside Management Plan of Kodiak Island is managed in early years on Karluk pink salmon and late run sockeye salmon with no provisions for management of the Sturgeon River which has seen large returns in the past 2 even years. (2020, 2022) The proposed language would allow the Department of Fish and Game to effectively manage the Sturgeon Section for both Karluk and Sturgeon pink salmon so that during years of abundance those stocks can be fully utilized, while at the same time providing protections on even years where one or both stocks could be weak.

PROPOSED BY: Kodiak Seiners Association (HQ-F23-106)

PROPOSAL 74

5 AAC 18.200; 5 AAC 330; 5 AAC 362. Description of fishing districts and sections, Gear, and *Westside Kodiak Salmon Management Plan* to increase fishing opportunity

Modify fishing districts and sections, gear, and *Westside Kodiak Salmon Management Plan* to increase fishing opportunity as follows:

5 AAC 18.200. Description of fishing districts and sections

(9)(i) Outer Kizhuyak Bay Section[CENTRAL SECTION]: all waters of the Northwest Kodiak District bounded by a line from Termination Point (57° 51.37' N. lat., 152° 24.15' W. long.), to South Point (57° 53.00' N. lat.,152° 22.00' W. long.), to Ouzinkie Point (57° 54.80' N. lat., 152° 31.27' W. long.), toShakmanof Point (57° 55.50' N. lat., 152° 35.36' W. long.), to a point at 57° 54.20' N. lat. on the east shore of Kizhuyak Bay; north of 57° 52.25' N. lat. in Anton Larsen Bay; north of 57°51.07' N. lat. in Sharatin Bay; north of 57° 50.00' N. lat., and south of the latitude of Inner Point (57° 54.05' N. lat.) in Kizhuyak Bay;

(ii) Outer Uganik Section: all waters of the Northwest Kodiak District west of a line from Inner Point (57° 54.05' N. lat., 152° 47.75' W. long.) to Bird Point (57° 55.30' N. lat., 152° 47.50' W. long.); south of a line from Occident Point (57° 57.42' N. lat., 152° 51.75' W. long.) to Last Timber Point (57° 58.60' N. lat., 152° 59.05' W. long.); south of the latitude of Raspberry Cape (58° 03.58' N. lat.); north of 57° 50.00' N. lat., and west of 153° 12.60' W. long. in Terror Bay and Uganik Bay passages; north of the line from Rock Point at 57° 46.47' N. lat., 153° 29.30' W. long., to 57° 46.27' N. lat., 153° 32.90' W. long., in the South and East Arms of Uganik Bay; **North of the latitude of Cape Ugat (57°52.279'N); and by midstream Shelikof Strait.**

(iii) Outer Uyak Bay Section: all waters of the Northwest Kodiak District south of latitude of Cape Ugat (57°52.279'N); west of 153°46.33' W. long. in Spiridon Bay; west of a line from Carlsen Point (57° 34.70' N. lat., 153°50.15' W. long.) to 57° 35.60' N. lat., 153° 49.10' W. long., in Zachar Bay; all waters of Inner Uyak Bay north of the latitude of the southernmost tip of Amook Island (57° 25.72' N. lat.) to the west shore, and north of the latitude of the northernmost tip of Amook Island (57° 33.16' N. lat.) to the east shore; north of the latitude of Rocky Point (57° 39.78' N. lat.); and by midstream Shelikof Strait;

5 AAC 18.330. Gear

(b) In the Northwest Kodiak District, salmon may be taken only by purse seines and beach seines, except that in the **Outer Kizhuyak Bay, Outer Uganik, and Outer Uyak Bay Sections** [CENTRAL SECTION], salmon may also be taken by set gillnets.

5 AAC 18.362. Westside Kodiak Salmon Management Plan (a) The goal of the Westside Kodiak Management Plan is to achieve escapement and harvest objectives of sockeye salmon returning to the Karluk, Ayakulik, and other Westside minor sockeye salmon systems, and of pink, chum, and coho salmon returning to systems in the Southwest Afognak, **Outer Uyak Bay, Outer Uganik, Outer Kizhuyak Bay** [CENTRAL], North Cape, Anton Larsen Bay, Sharatin Bay, Kizhuyak Bay, Terror Bay, Inner Uganik Bay, Spiridon Bay, Zachar Bay, Uyak Bay, Outer Karluk, Inner Karluk, Sturgeon Bay, Halibut Bay, Outer Ayakulik, and Inner Ayakulik Sections. It is the intent of the board that salmon bound to these systems be harvested to the extent possible by the traditional fisheries located in all 17 sections. The department shall manage the Northwest Kodiak and the Southwest Kodiak Districts and the Southwest Afognak Section in accordance with the guidelines set out in this plan.

(b)(i) The [Central and] North Cape Sections must be managed

(1) from June 1 through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, [AND] Olga Bay, **and Buskin and Litnik** systems; the commissioner shall open, by emergency order, at least two commercial test fishing periods of 33 hours in length;

(2) from approximately June 16 through July 5, based on early-run sockeye salmon returning to the Karluk, **Buskin and Litnik** systems;

- (3) from approximately July 6 through August 15, based on pink salmon returning to the major pink salmon systems in the Northwest Kodiak District[, OR BASED ON PINK SALMON RETURNING TO THE KARLUK SYSTEM];
- (4) from approximately August 16 through August 24, based on pink salmon returning to the Northwest Kodiak District and on late-run sockeye salmon returning to the Karluk system;
- (5) from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system; and
- (6) after approximately September 5, based on late-run sockeye salmon returning to the Karluk system and coho salmon returning to the Northwest Kodiak District

(ii) The Outer Kizhuyak Bay section must be managed

- (1) from June 1 through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay, systems; the commissioner shall open, by emergency order, at least two commercial test fishing periods of 33 hours in length;
- (2) from approximately June 16 through July 5, based on early-run sockeye salmon returning to the Karluk system;
- (3) from approximately July 6 through August 15, based on pink salmon returning to the major pink salmon systems in the **Kizhuyak Bay, Outer Kizhuyak Bay, Anton Larson Bay, and Sharatin Bay Sections of the Northwest Kodiak** [NORTHWEST KODIAK DISTRICT, OR BASED ON PINK SALMON RETURNING TO THE KARLUK SYSTEM];
- (4) from approximately August 16 through August 24, based on pink salmon returning to the **Kizhuyak Bay, Outer Kizhuyak Bay, Anton Larson Bay, and Sharatin Bay Sections of the Northwest Kodiak** [Northwest Kodiak District] and on late-run sockeye salmon returning to the Karluk system;
- (5) from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system; and
- (6) after approximately September 5, based on late-run sockeye salmon returning to the Karluk system and coho salmon returning to the Northwest Kodiak District

(iii) The Outer Uganik Bay Section must be managed

- (1) from June 1 through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay, systems, **or sockeye returning to the Uganik system**; the commissioner shall open, by emergency order, at least two commercial test fishing periods of 33 hours in length;
- (2) from approximately June 16 through July 5, based on early-run sockeye salmon returning to the **Uganik and** Karluk system;
- (3) from approximately July 6 through August 15, based on pink **and chum** salmon returning to the major [PINK] salmon systems in **Uganik and Terror Bays** [NORTHWEST KODIAK DISTRICT, OR BASED ON PINK SALMON RETURNING TO THE KARLUK SYSTEM];
- (4) from approximately August 16 through August 24, based on pink salmon returning to the **Uganik and Terror Bay Systems** [Northwest Kodiak District] and on late-run sockeye salmon returning to the Karluk system;
- (5) from approximately August 25 through September 5, based on late-run sockeye

salmon returning to the Karluk system; and (6) after approximately September 5, based on late-run sockeye salmon returning to the Karluk system and coho salmon returning to the Northwest Kodiak District

(iv) The Outer Uyak Bay Section must be managed

- (1) from June 1 through approximately June 15, as a mixed-stock fishery directed on early-run sockeye salmon returning to Karluk, Ayakulik, and Olga Bay systems; the commissioner shall open, by emergency order, at least two commercial test fishing periods of 33 hours in length;
- (2) from approximately June 16 through July 5, based on early-run sockeye salmon returning to the Karluk system;
- (3) from approximately July 6 through August 15, based on pink salmon returning to the salmon systems in the **Uyak, Spiridon, and Zachar bays, and pink salmon returning to the Little River System** [NORTHWEST KODIAK DISTRICT], or based on pink salmon returning to the Karluk system;
- (4) from approximately August 16 through August 24, based on pink salmon returning to the **major salmon systems of the Uyak, Spiridon and Zachar Bays, and pink salmon returning to the Little River System** [NORTHWEST KODIAK DISTRICT] and on late-run sockeye salmon returning to the Karluk system;
- (5) from approximately August 25 through September 5, based on late-run sockeye salmon returning to the Karluk system; and
- (6) after approximately September 5, based on late-run sockeye salmon returning to the Karluk system and coho salmon returning to the Northwest Kodiak District.

What is the issue you would like the board to address and why? The Northwest Kodiak district is a critically important area for the seine and setnet fleet. It includes some the largest bays on the island, many of the largest salmon systems, and two remote communities that are economically dependent on the salmon industry.

Since 2008 many pink salmon systems in the Northwest Kodiak district have chronically failed to produce at prior historical levels of production. While systems in other districts have been able to rebound from the pink salmon run failure of 2016, the Northwest Kodiak district still lags far behind in salmon production levels. Terror, Uganik, and the greater Uyak bays once provided consistently prolific runs, especially on even-years, but now produce relatively smaller numbers of pink salmon. The Central section of the Northwest district encompasses all of these bays and is by far largest section in the Kodiak Management Area (KMA), stretching from the northeast corner of the island all the way westward to Rocky Point, encompassing dozens of large and uncorrelated salmon systems. This section is managed as a single block based on local salmon stocks as well as sockeye and pink salmon returning to the Karluk River in the Southwest Kodiak district.

Managing such a large area as a single block forces managers to open areas with weak stocks in order to provide harvest opportunities on stronger stocks elsewhere in the section. This management tactic does not provide the refined conservation approach utilized elsewhere in the KMA where sections are divided into smaller areas with more closely correlated salmon systems. Additionally, the Central section is also currently managed on even years based pink returns to the

Karluk system in addition to local stocks despite no indication that Karluk bound pinks migrate through much of this area. This proposal applies a more conservative approach to managing the area while still providing an equitable conservation burden divided between gear types, and ensuring that historical access rights remain intact.

Additionally, June management of the North Cape section does not properly account for local sockeye abundance in the Buskin and Litnik systems, both of which are critically important systems for subsistence users. No commercial fishing is permitted in June in the Northeast Kodiak district in order to provide ample subsistence opportunity to Kodiak locals. However recent restrictions on subsistence harvests in the Buskin River warrant the implementation of measures to provide the department with additional tools to protect these fish from commercial harvest while subsistence restrictions are in place. Additionally, while Afognak Bay is also often closed to commercial harvest for most if not all of the salmon season, Litnik sockeye are still likely incidentally caught in the North Cape section, and the department should have more ability to close this section when subsistence restrictions are in place.

The central section should be divided into three smaller sections similar in size to other sections in the KMA. These new sections will be managed independently based on salmon returning to streams within those areas. The adoption of this proposal will allow management to better conserve weaker stocks in individual sections while providing ample harvest opportunities on those sections with more abundant stocks. Additionally, the Outer Uyak bay section will be managed based on the abundance of local pink salmon or the abundance of pink salmon headed to the Karluk system. The three distinct sections will be the Outer Uyak Bay section, the Outer Uganik section, and the Outer Kizhuyak bay section. The sections are to be defined below along with the updated management plan.

PROPOSED BY: Chris Johnson

(HQ-F23-052)

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Kenai River Late-Run King Salmon (36 proposals)

PROPOSAL 75

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

Remove the Kenai River Late-Run King Salmon OEG as follows:

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

(b) The department shall manage the late run of Kenai River King salmon to achieve **the sustainable escapement goal of 13,500-27,000** [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.

...

(d) If the projected late-run king salmon escapement is less than **13,500** [15,000] king salmon 75 cm mid eye to tail fork and longer the department shall

What is the issue you would like the board to address and why? In 2020 the Board adopted an Optimum Escape Goal (OEG) for Kenai River Late-Run Chinook. This OEG of 15,000-30,000 king salmon 75 cm mid eye to trail fork and longer (or Large Kings) is the highest goal ever placed on this run and it was done during a time of relatively low abundance. It has no defensible conservation purpose and was only done in order to easier allow the department to restrict the East Side Setnet Fishery. Prior to the adoption of the Large King goal in 2017 we had a Sustainable Escapement Goal (SEG) of 15,000-30,000 all fish and the adoption of the SEG of 13,500-27,000 Large Fish was a significant raising of the goal. King salmon sizes are diminishing across the state and this large king goal is increasingly unreasonable every year. Placing an OEG on top of that is completely indefensible. The Boards use of OEGs in analogous situations in other areas (ie. the Nushagak) has been to place the OEG onto the non-struggling run in order to allow management greater flexibility to protect the weaker stock. In fact this is also what has been done in Cook Inlet on both the Kenai and Kasilof sockeye goals and they still regularly exceed the high end of the goal. Placing an OEG on the struggling stock makes no sense whatsoever and merely exacerbates all of the struggles and management issues within the area.

PROPOSED BY: Joseph Person

(EF-F23-040)

PROPOSAL 76

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

Remove the Kenai River Late-Run King Salmon OEG as follows:

The solution I recommend is using the SEG, rather than the OEG, when managing Late Run Large King Salmon. Or moving to an All King Salmon Count.

Regulatory Language:

5AAC 21.359. (b) The department shall manage the late run of Kenai River king salmon to achieve a sustainable escapement goal of 13,500 - 30,000 king salmon 75 cm mid eye to tail fork and longer as described in this section.

What is the issue you would like the board to address and why? I would like the board to use the Sustainable Escapement Goal (SEG) rather than the Optimum Escapement Goal (OEG) for management of the Late Run large king salmon. It is obvious that king salmon all over the west coast are trending toward a smaller and smaller king salmon, including the Kenai River. Many studies support this observation. An "All king salmon count" paints the picture of a much healthier stock in the Kenai River. We can only hope that ocean conditions change and we see an environment where king salmon can stay out longer, grow bigger and survive longer. The OEG is set way to high and in fact seems unattainable. Closing down sockeye fisheries in Cook Inlet completely, for some user groups, by setting an unattainable OEG is leading to catastrophic results economically and most likely biologically for future sockeye runs. Utilizing the SEG will sustain the king salmon run and let fish managers do the right thing with regard to sockeye. The current system is illogical and harmful to other fisheries and the economy of the Upper Cook Inlet.

PROPOSED BY: Philip Sheridan (EF-F23-045)

PROPOSAL 77

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

Modify the Kenai River Late-Run King Salmon OEG 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 inriver 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 a **sustainable escapement goal of 13,500-27,000** [OPTIMAL ESCAPEMENT GOAL OF 15,000 — 30,000] king salmon 75 cm mid eye to tail fork and longer and a projected OEG of 12,000.in the commercial fishery as described in this section,

(c) In the sport fishery,

if the **sustainable** [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;

from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

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.

(d) If the projected late-run king salmon escapement is less than 13,500 [15,000] king salmon 75 cm mid eye to tail fork and longer, the department shall

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;

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

close the commercial set gillnet fishery, **except when the department projects an OEG of 12,000, opportunity shall be provided by opening the commercial set gillnet fishery** in the Upper Subdistrict of the Central District **with one net per permit for two 12-hour periods per week based on the abundance of sockeye salmon returning to the Kenai and/or Kasilof Rivers based on meeting the biological sockeye objectives.**

(e) In order to achieve the **sustainable** [OPTIMAL] escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(1) in the Kenai River sport fishery,

the use of bait is prohibited;

the use of bait is prohibited and retention of king salmon 34 inches or greater in length as defined in 5 AAC 75.995(a) is prohibited; or

the use of bait and retention of king salmon are prohibited;

(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 prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 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) are prohibited in the Kenai River sport fishery under (1)(B) of this subsection, commercial fishing periods are open for no more than 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 are prohibited in the Kenai River sport fishery under (1)(C) of this subsection, commercial fishing periods are open for no more than 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 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 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 **SEG [OEG]** is achieved, the Upper Subdistrict set gillnet 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:

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).

What is the issue you would like the board to address and why? 2. What is the issue you would like the board to address and why?

The Eastside Setnet Fishery historically primarily harvests Sockeye Salmon, their target stock. A stock that they have harvested for over 140 years. The 2023 Upper Cook Inlet Eastside Setnet fishery season began with an **unprecedented full closure**.

Collateral king mortality is accepted in all other fisheries in their quest to harvest sockeye and coho salmon, but not the Eastside Setnet Fishery. 5 AAC 21.359, the Kenai River Late-Run King Salmon Management Plan is not a fair or equitable plan.

The current Upper Cook Inlet Season Summaries for 2020, 2021, 2022 show that the current Kenai River Late-Run King Salmon Management Plan, adopted in 2020 by the Alaska Board of Fisheries at the Upper Cook Inlet Finfish meeting, includes an Optimal Escapement Goal (OEG) of 15,000-30,000 large Kenai River Late Run King Salmon. The current OEG creates an impossible management objective that since adopted in 2020 has severely limited or closed the Eastside Setnet fishery (ESSN). With the current Late-Run King Salmon Management Plan, the ESSN has been completely allocated **out** of the sockeye fishery!

This proposal would change the current (OEG) of 15,000-30,000 Large King Salmon in the plan and revert back to the Alaska Department of Fish and Game's (ADFG) recommended **13,500-27,000** Sustainable escapement goal (SEG) as recommended in the Department's 2019 and 2023 Escapement Goal Memos. The biological escapement goal" as noted by the Commissioner at the 2020 Upper Cook Inlet Finfish meeting *and* allow for the adoption of an **OEG of 12,000 Large Kenai River King Salmon** to allow **some** harvest opportunity of sockeye salmon in the ESSN salmon based on abundance of sockeye.

The current OEG of 15,000 to 30,000 large Kenai River Late Run King Salmon goal closes fisheries and does not provide the protection of Late Run Kenai River King Salmon as intended by the Board of Fisheries in 2020. The prescriptive and surgical management of hitting the lower

end of the OEG at 15,000, which is in the mid-range of the SEG of 13,500-27,000, has prevented harvest opportunity of sockeye *only* in the Eastside setnet fishery even when the lower end of the Late Run Kenai River King Salmon SEG is projected, while *all other fisheries are liberated* for the harvest of sockeye. It is important to remember that the SEG is a range, not an exact point. The escapement objective has been achieved if it has reached any point within the range. This range is developed by ADFG under **5 AAC 39.222. Policy for the management of sustainable salmon fisheries**. The policy states in (a)(2) In formulating fishery management plans designed to achieve maximum optimum salmon production, the board and *department* must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns and new fisheries or expanding fisheries; (a)(3) to effectively assure sustained yield and habitat protection for wild salmon stocks, fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy. (c)(2) salmon fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning as follows: (B) salmon escapement goals, whether sustainable escapement goals, biological escapement goals, optimal escapement goals, or in river run 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; (C) salmon escapement goal ranges should allow for uncertainty associated with measurement techniques, observed variability in the salmon stock measured, changes in climatic and oceanographic conditions, and varying abundance within related populations of the salmon stock measured. In developing the recommended escapement goals, the department has specific guiding principles and criteria and has considered the extensive criteria it **must** consider when making those recommendations. The scientific goal, the SEG of 13,500 – 27,000 Late Run Kenai River King Salmon goal has been reviewed and vetted by the Department with the specific guiding principles and criteria considered. **5 AAC 39.222. Policy for the management of sustainable salmon fisheries** policy holds the department accountable for their goal recommendations.

When discussing the merits of the Kenai River Late Run King Salmon OEG during deliberations at the 2020 Upper Cook Inlet Finfish board of fisheries meeting, one board member asked why the department (ADFG) was comfortable with the lower SEG of 13,500-27,000. In response, Commissioner Vincent-Lang stated that “An OEG is not an MSY based goal. It is a goal to put more fish into the river, and that is an allocative decision. We cannot tell you how many fish it will add into the river to increase catch rates. It is a balancing act. But clearly it will put more King Salmon into the river than we will under the SEG goal that we recommend, the **biological goal**, and that will come at the cost of other user groups.” He was then asked if it will increase MSY in future years? He said, “It will increase the number of fish in the river. It may not over time increase the yield in the river. That is the consistent message from the department since the OEG was adopted. **“It may not, over time, increase the yield in the river.”**”

The restrictions in the ESSN fishery have resulted in the over escapement of sockeye into the Kenai and Kasilof Rivers because the board *intent* to severely minimize the harvest of Late Run Kenai River large king salmon, even with the risk of reduced future yields in the stronger sockeye stocks in the Kasilof and Kenai rivers.

With the current information (2020, 2021, 2022 season summary data) that the department has compiled since the OEG of 15,500-30,000 was adopted at the Upper Cook Inlet Finfish meeting in 2020, it is painfully apparent that the only option within the current plan is the closure of fisheries.

We are asking for reconsideration of the unattainable OEG goal for large Kenai River Late Run King Salmon to return to the recommended scientific biologic escapement goal, the SEG goal of 13,500-27,000 as recommended by the department in their 2019 and 2023 Escapement Goal Memos. And as stated in the 2017 Fishery Manuscript Series No. 17-02 Spawner-Recruit Analyses and Escapement Goal, the Recommendations for Kenai River Chinook Salmon Based on the foregoing information and analyses, the Alaska Department of Fish and Game recommends sustainable escapement goals (SEG; definition in 5 ACC 39.222 [f][36]) of 13,500–27,000 Kenai River late-run Chinook salmon 75 cm METF and longer). The late run estimate of Smsy from the 2023 analysis is similar to the 2017 estimate (17,879 vs 18,477, respectively). It states that also, the existing late-run SEG anticipates similar OYP probabilities as were selected in 2017. For comparison, the OEG for this stock is 15,000–30,000. The committee found that no change in the SEGs for either of the Kenai River king salmon stocks is warranted.

We feel that managing to the SEG goal range of 13,500-27,000 Late-Run Kenai River King Salmon will offer a chance of fair and reasonable opportunity to harvest plentiful sockeye by all users in Upper Cook Inlet

This proposal is also asking for the Eastside Setnet fishery to be managed to an OEG of 12,000 (Escapement leading to maximum sustained yield SMSY was estimated to be between 11,731 and 31,832 (posterior median 18,477 as noted in the 2017 Fishery Manuscript Series No. 17-02 Spawner-Recruit Analyses and Escapement Goal) (17,879 as noted in the 2023 ADFG Escapement Goal Memo) instead of the mandated full closure in (d) 3 of , 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan, when the Kenai River closes to King Salmon fishing. The department has many options available for gear type, net and area locations and time currently in regulation. Our recommendation would be for one net per permit when the OEG of 12,000 is projected to be achieved and two 12-hour periods based on sockeye abundance. This proposal will allocate some sockeye back to the Eastside Setnet Fishery, a 140-year historic harvester of sockeye salmon in Upper Cook Inlet.

PROPOSED BY: Kenai Peninsula Fishermen’s Association (EF-F23-148)

PROPOSAL 78

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

Remove the Kenai River Late-Run King Salmon OEG 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 inriver 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 a **sustainable escapement goal of 13,500-27,000** [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,

if the **sustainable** [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;

from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

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.

(d) If the projected late-run king salmon escapement is less than **13,500** [15,000] king salmon 75 cm mid eye to tail fork and longer, the department shall

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;

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

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

(e) In order to achieve the **sustainable** [OPTIMAL] escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(1) in the Kenai River sport fishery,

the use of bait is prohibited;

the use of bait is prohibited and retention of king salmon 34 inches or greater in length as defined in 5 AAC 75.995(a) is prohibited; or

the use of bait and retention of king salmon are prohibited;

(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 prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 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) are prohibited in the Kenai River sport fishery under (1)(B) of this subsection, commercial fishing periods are open for no more than 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 are prohibited in the Kenai River sport fishery under (1)(C) of this subsection, commercial fishing periods are open for no more than 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 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 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 **SEG [OEG]** is achieved, the Upper Subdistrict set gillnet 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:

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).

What is the issue you would like the board to address and why? The Eastside Setnet Fishery historically primarily harvests Sockeye Salmon, their target stock. A stock that they have harvested for over 140 years. The 2023 Upper Cook Inlet Eastside Setnet fishery season began with an **unprecedented full closure**.

Collateral king mortality is accepted in all other fisheries in their quest to harvest sockeye and coho salmon, but not the Eastside Setnet Fishery. 5 AAC 21.359, the Kenai River Late-Run King Salmon Management Plan is not a fair or equitable plan.

The current Upper Cook Inlet Season Summaries for 2020, 2021, 2022 show that the current Kenai River Late-Run King Salmon Management Plan, adopted in 2020 by the Alaska Board of Fisheries at the Upper Cook Inlet Finfish meeting, includes an Optimal Escapement Goal (OEG) of 15,000-30,000 large Kenai River Late Run King Salmon. The current OEG creates an impossible management objective that since adopted in 2020 has severely limited or closed the Eastside Setnet fishery (ESSN). With the current Late-Run King Salmon Management Plan, the ESSN has been completely allocated **out** of the sockeye fishery!

This proposal would change the current (OEG) of 15,000-30,000 Large King Salmon in 5 AAC 21.359. Kenai River Late-Run King Salmon Management plan to the Alaska Department of Fish and Game's (ADFG) recommended 13,500-27,000 Sustainable escapement goal (SEG) as

recommended in the Department's 2019 and 2023 Escapement Goal Memos. The “**biological escapement goal**” as noted by the Commissioner at the 2020 Upper Cook Inlet Finfish meeting.

The current OEG of 15,000 to 30,000 large Kenai River Late Run King Salmon goal closes fisheries and does not provide the protection of Late Run Kenai River King Salmon as intended by the Board of Fisheries in 2020. The prescriptive and surgical management of hitting the lower end of the OEG at 15,000, which is in the mid-range of the SEG of 13,500-27,000, has prevented harvest opportunity of sockeye *only* in the Eastside setnet fishery even when the lower end of the Late Run Kenai River King Salmon SEG is projected, while *all other fisheries are liberated* for the harvest of sockeye. It is important to remember that the SEG is a range, not an exact point. The escapement objective has been achieved if it has reached any point within the range. This range is developed by ADFG under **5 AAC 39.222. Policy for the management of sustainable salmon fisheries**. The policy states in (a)(2) In formulating fishery management plans designed to achieve maximum optimum salmon production, the board and *department* must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns and new fisheries or expanding fisheries; (a)(3) to effectively assure sustained yield and habitat protection for wild salmon stocks, fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy. (c)(2) salmon fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning as follows: (B) salmon escapement goals, whether sustainable escapement goals, biological escapement goals, optimal escapement goals, or in river run 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; (C) salmon escapement goal ranges should allow for uncertainty associated with measurement techniques, observed variability in the salmon stock measured, changes in climatic and oceanographic conditions, and varying abundance within related populations of the salmon stock measured. In developing the recommended escapement goals, the department has specific guiding principles and criteria and has considered the extensive criteria it **must** consider when making those recommendations. The scientific goal, the SEG of 13,500 – 27,000 Late Run Kenai River King Salmon goal has been reviewed and vetted by the Department with the specific guiding principles and criteria considered. **5 AAC 39.222. Policy for the management of sustainable salmon fisheries** policy holds the department accountable for their goal recommendations.

When discussing the merits of the Kenai River Late Run King Salmon OEG during deliberations at the 2020 Upper Cook Inlet Finfish board of fisheries meeting, one board member asked why the department (ADFG) was comfortable with the lower SEG of 13,500-27,000. In response, Commissioner Vincent-Lang stated that “An OEG is not an MSY based goal. It is a goal to put more fish into the river, and that is an allocative decision. We cannot tell you how many fish it will add into the river to increase catch rates. It is a balancing act. But clearly it will put more King Salmon into the river than we will under the SEG goal that we recommend, the **biological goal**, and that will come at the cost of other user groups.” He was then asked if it will increase MSY in future years? He said, “It will increase the number of fish in the river. It may not over time increase the yield in the river. That is the consistent message from the department since the OEG was adopted. **“It may not, over time, increase the yield in the river.”**”

The restrictions in the ESSN fishery have resulted in the over escapement of sockeye into the Kenai and Kasilof Rivers because the board *intent* to severely minimize the harvest of Late Run Kenai River large king salmon, even with the risk of reduced future yields in the stronger sockeye stocks in the Kasilof and Kenai rivers.

With the current information (2020, 2021, 2022 season summary data) that has been compiled since the OEG of 15,500-30,000 was adopted at the Upper Cook Inlet Finfish meeting in 2020, it is painfully apparent that the only option within the current plan is the closure of fisheries.

We are asking for reconsideration of the unattainable OEG goal for large Kenai River Late Run King Salmon to return to the recommended scientific biologic escapement goal, the SEG goal of 13,500-27,000 as recommended by the department in their 2019 and 2023 Escapement Goal Memos. And as stated in the 2017 Fishery Manuscript Series No. 17-02 Spawner-Recruit Analyses and Escapement Goal, the Recommendations for Kenai River Chinook Salmon Based on the foregoing information and analyses, the Alaska Department of Fish and Game recommends sustainable escapement goals (SEG; definition in 5 ACC 39.222 [f][36]) of 13,500–27,000 Kenai River late-run Chinook salmon 75 cm METF and longer). The late run estimate of Smsy from the 2023 analysis is similar to the 2017 estimate (17,879 vs 18,477, respectively). It states that also, the existing late-run SEG anticipates similar OYP probabilities as were selected in 2017. For comparison, the OEG for this stock is 15,000–30,000. The committee found that no change in the SEGs for either of the Kenai River king salmon stocks is warranted.

We feel that managing to the SEG goal range of 13,500-27,000 Late-Run Kenai River King Salmon will offer a chance of fair and reasonable opportunity to harvest plentiful **sockeye** by all users in Upper Cook Inlet

PROPOSED BY: Kenai Peninsula Fishermen’s Association (EF-F23-149)

PROPOSAL 79

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

Create additional step-down measures to the KRLRKSMP as follows:

I believe we can create an additional step down measure as part of the paired restrictions. This additional step down would rewrite (d) as follows:

(d) If the projected late-run king salmon escapement is **more than 13,500 but 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 **above River Mile 10** 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) The ESSN fishery shall be open for 24 hours per week. Gear would be reduced to one net per permit, not more than 29 meshes deep.

All parts of the previous paragraph (d) would become (e) except the king salmon escapement goal would be 13,500 king salmon 75 cm mid eye to fork....

What is the issue you would like the board to address and why? The Board of Fisheries adopted an OEG based on an artificially inflated SEG for Kenai River Late run Chinook salmon. The SEG of 13,500 Late Run Kenai River Chinook Salmon is not based on science. The lower bound of the SEG should be 12,000 late run chinook salmon. Regardless, during times of low chinook salmon abundance there should be some opportunity for all user groups to harvest late run chinook salmon on a very limited and reduced fishery when the escapement falls between the SEG and the OEG.

There is no known information on how fry from a mixed stock fishery interact in river. We establish biological escapement goals for each species and for each river system for a reason. We know rivers have a finite carrying capacity to support salmon fry. By closing commercial fisheries and allowing unchecked numbers of sockeye and pink salmon to spawn. We are likely impacting the ability of chinook salmon fry to survive as they compete for food with large numbers of fry from other salmon species.

PROPOSED BY: Dan Norman (EF-F23-114)

PROPOSAL 80

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

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

Current regulation ties the closure of the in-river late king fishery to the closure of the set gillnet fishery. We recommend the BOF allows a small harvest of Kenai River late-run king salmon in the Upper Subdistrict set gillnet fishery during periods of low king salmon abundance in order to allow harvest of excess sockeye salmon bound for the Kenai and Kasilof Rivers. The relatively small number of king salmon that would be harvested will not have a detrimental effect on the long-term sustainability of this stock.

Regulatory Language:

If the department estimates the total escapement of Kenai River late-run king salmon to be less than 11,750 fish, the entire Upper Subdistrict set gillnet fishery **shall be closed;**

If the department estimates the total escapement of Kenai River late-run king salmon to **greater than 15,000 fish**, the Upper Subdistrict set gillnet fishery **shall be managed per 5 AAC 21.360 and 5 AAC 21.365**

If the department estimates the total escapement of Kenai River late-run king salmon to be **greater than 11,750 fish, but less than 15,000 fish**, the Upper Subdistrict set gillnet fishery will be managed as follows:

Kasilof Section: notwithstanding 5 AAC 21.310 Fishing Seasons, the Kasilof Section set gillnet fishery will be managed to meet the Kasilof River sockeye salmon BEG or OEG. **The Kasilof Section set gillnet fishery will also be managed to not exceed a total harvest of more than 200 large Kenai River late-run king salmon.** If this number is exceeded, the commissioner will immediately close the Kasilof Section set gillnet fishery.

Kenai/East Foreland Sections: notwithstanding 5 AAC 21.310 Seasons, the Kenai/East Foreland Sections set gillnet fishery will be managed to meet the Kenai River sockeye salmon **inriver goal** for the appropriate tier as determined by the department. The Kenai/East Foreland Sections set gillnet fishery will also be managed **to not exceed a total harvest of more than 200 large Kenai River late-run king** salmon. If this number is exceeded, the commissioner will immediately close the Kenai/East Foreland Sections set gillnet fishery.

The department may fish the **Kasilof and Kenai/East Foreland Sections set gillnet fisheries independently of each other**

The department may institute **gear limitations** as defined in 5 AAC 21.359(e)(G)(i) and (ii).

The department may limit set gillnet fishing to within 600 feet from mean high tide or within one-half mile of mean high tide.

Other solutions considered and tried:

Restrictions to the setnet fishery have not improved the health of the late chinook run.

ADF&G recommended against adopting the OEG citing the lack of scientific justification.

No action by the BOF or ADF&G can impact the ocean factors that are impacting the size and age of returning late run Kenai Chinook.

The late-run chinook returning to the Kenai River are the late-run chinook. Large kings, as described by the OEG do not exist due to factors that are beyond the control of ADF&G and the BOF.

No amount of regulatory language can influence the size and age composition of the run.

Wishing for large fish and establishing a large king goal will not influence their size. Neither will imposing draconian restrictions on the East Side Setnet Fishery.

What is the issue you would like the board to address and why? What issue: The current Optimal Escapement for the late-run Kenai Chinook goal of 15,000 large late-run chinook salmon

is unattainable and based on fantasy rather than science. If it is not removed or revised, the East Side Setnet Fishery will never fish again.

Why: When the projected late-run king salmon escapement is less than 15,000 king salmon, Drift, personal use, in-river sport fishing guides, and private sport fishermen have remained open to harvest Sockeye salmon while the East Side Set Gillnet Fishery has been the only user group closed to all fishing.

According to a study funded by the Cook Inlet Salmon Disaster Technical Committee and conducted by Alaska Department Fish and Game biologist Bert Lewis and other Pacific Northwest Scientists, King Salmon are declining in size across the Pacific Coast due to environmental changes, selective harvest of large fish, and natural mortality (See <https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12272>) This study indicates that the actions taken by the Board of Fish to establish an **unattainable** Optimum Escapement Goal (OEG) against the Sustainable Escapement Goal (SEG) recommendation of the Alaska Department of Fish and Game, and limit Cook Inlet’s East Side Setnet fishing time will not impact the health of the Large Kenai Kings. Meanwhile, both Kenai and Kasilof River sockeye salmon escapements continue to exceed escapement objectives. The board did not foresee that with the setnet fishery would be closed, both the Kenai and Kasilof rivers would suffer multiple years of massive and catastrophic sockeye over-escapements. In 2022, the Kasilof exceeded its escapement goal by over 200% with nearly a million fish escaping into the river. The Kenai and Kasilof Rivers have exceeded their sockeye escapement goals several times over the past few years while trying to achieve the unattainable Kenai River late-run king OEG, thus ensuring failed future sockeye runs.

PROPOSED BY: Kenai Peninsula Fishermen’s Association (EF-F23-158)

PROPOSAL 81

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

Provide addition commercial fishing opportunity for salmon within the *Kenai River Late-Run King Salmon Management Plan* as follows:

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

...

(d) 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

...

(3) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District, **except provided in (e) (3) (H) of this chapter**

...

(e) (3) (H) if the in season projected escapement of Kenai River late-run king salmon 75 cm mid-eye to tail fork and longer is projecting to meet the SEG of 13,500 fish, and the Kenai or Kasilof rivers sockeye salmon management objectives are being met, fishing with set gillnet gear shall be allowed for a minimum of 24 hours per week, within 600 feet of the mean high tide mark in the Upper Subdistrict. Commercial fishing opportunities under this provision

will be structured to maximize harvest of surplus sockeye salmon and minimize harvest of king salmon, based on in-season analysis of ADFG fish tickets, escapement, and other available information. The operation of a set gillnet by a CFEC permit holder in these openers will 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 a 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 not more than 35 fathoms in length and 29 meshes 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.

What is the issue you would like the board to address and why? Recent efforts to conserve Kenai River late-run king salmon and meet the Kenai River late-run king salmon optimal escapement goal of 15,000 large fish have resulted in a foregone yield of Kenai River late-run sockeye salmon and Kasilof River sockeye salmon, and have inflicted severe economic impacts to the fishers, as well as the Central Peninsula borough and all of the local communities. This proposal would provide the Alaska Department of Fish and Game an additional tool to harvest surplus sockeye salmon with set gillnet gear when Kenai River late-run large king salmon sonar projects 13,500 fish, which is the sustainable escapement goal for Kenai River large late-run king salmon established by the department, thereby assuring that a sustainable level of king salmon escapement is achieved while providing additional sockeye salmon harvest opportunity beyond what is currently allowed. The current plan closes the sockeye-targeted set gillnet fishery and immediately liberalizes the commercial drift fishery, the personal use fisheries, and commercial guided in-river sport sockeye fisheries to target sockeye salmon. All because we are attempting to achieve a politically driven OEG not the biologically backed SEG.

PROPOSED BY: Travis Every (HQ-F23-099)

PROPOSAL 82

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

Repeal portions of intent language from the *Kenai River Late-Run King Salmon Management Plan* and shorten plan duration as follows:

Delete 5 AAC 21.359 (b); (C)(1);(d)(2);(d)(3)

5 AAC 21.359

- (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 USES TO PROVIDE THE SPORT AND GUIDED SPORT FISHERMENT WITH A REASONABLE OPPORTUNITY TO HARVEST THESE SALMON RESOURCES OVER THE ENTIRE RUN, AS MEASURED BY THE FREQUENCY OF INRIVER RESTRICTIONS.] The provisions of this management plan are in effect from June 20 through [AUGUST 15] **July 31**.

What is the issue you would like the board to address and why? Delete 5 AAC 21.359 (b); (C)(1);(d)(2);(d)(3); (d)(1) parts of.

The counting of only big kings is not appropriate and the OEG is not appropriate. Other part of the State don't have these regulations. Kings are smaller and the big king are out of the gene pool. All kings should be counted toward escapement, as every other king fishery in the State. The escapement should be an SEG of 12,500 kings of all sizes on the low end. The OEG of 15,000 of only large kings is unattainable for condition today and was set to close the ESSN.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-030)

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)

PROPOSAL 84

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

Close fishing for Kenai River late-run king salmon upstream of river mile 14 when the preseason forecast is below 20,000 fish as follows:

When the Kenai River late run chinook salmon pre-season forecast falls below 20,000 fish, there will be no fishing for king salmon above mile post 14.

What is the issue you would like the board to address and why? There is a significant harvest effort of chinook salmon on the Kenai River. During times of low abundance, we must ensure these fish are given ample opportunity to spawn. This means we must not make any attempt to disturb fish on the spawning beds.

PROPOSED BY: Dan Norman (EF-F23-122)

PROPOSAL 85

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

Prohibit use of motorized vessels in the Kenai River if the sport fishery is closed as follows:

(d) 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 eliminate the use of vessels with motors to participate in sport fisheries from the regulatory marker below Skilak Lake to Warren Ames Bridge** and in the salt waters of Cook Inlet north of the latitude of Bluff Point to the taking of king salmon;

(A) These regulations will stay in affect from the time of emergency order closure through Aug 31, or until the OEG is achieved.

(B) Motorized vessels may not be used to transport fisherman who will or have previously fished from shore.

(C) For the purpose of these regulations “motorized vessel” refers to vessels that have on board more than one single motor greater than 10hp. A motor 10hp or less may be used only downstream of an ADF&G marker at Cunningham Park, and only after fishing from the vessel has stopped for the day. Except in cases of emergency, a vessel that has or will engage in fishing may not be attached in any capacity to a vessel with a propulsion system greater than 10hp while operating.

What is the issue you would like the board to address and why? Large Late Run Kenai King numbers are continuing to decline despite incredible restrictions on the ESSN Fishery. Additional measures are needed to ensure longterm high yield of Kenai King Salmon. In-river users have experienced negligible impact from closing the king fishery, (This is evidenced by in-river guides not qualifying for federal disaster relief since 2012) as its easy to transition to alternative salmon species. This has maintained high levels of motorized activity despite the closure of the king fishery; which provides minimal respite to spawning chinook. A study published in *The Journal of the Acoustical Society of America*, “Underwater sound of rigid hulled inflatable boats” (23 June 2016), found that underwater decibel levels can range from 90-132 dB based on proximity, frequency and RPM’s. In this study the greatest level of noise was observed in shallow water, which is prevalent throughout the Kenai River System. In people, exposure to levels above 110 dB can result in permanent hearing loss after 60 seconds. From this study it can be deduced that motorized activity on the Kenai River creates an inhospitable spawning environment for salmon. If motor vessels are eliminated users will still have easy access to harvesting fish from shore and drift vessels.

Conservation of spawning Late Run Kenai River King Salmon needs to be prioritized moving forward. Set netters have all but been eliminated and allocated out of the fishery, yet large king numbers continue to decline. Drastic steps are needed to ensure the survivability of spawning large kings in river and provide a healthy fishery for all user groups in the future.

Additionally motorized vessels are already banned from March 15 - June 14 between river mile 42 and Skilak Lake entrance to protect breeding Trumpeter Swans. Trumpeter Swans have a healthy population with a 12.3% annual increase in breeding pairs. If we grant a healthy swan population on the Kenai River this protection, it is imperative that large Late Run Kenai King Salmon, on a steady decline, are afforded the same hospitable spawning environment.

PROPOSED BY: Eric Nyce (EF-F23-163)

PROPOSAL 86

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

Prohibit bait in the Kenai River through Oct 31 if the king salmon sport fishery is closed by EO as follows:

(d) 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.

(4) from the time of emergency order closure to October 31 the use of bait is prohibited in the Coho fishery.

What is the issue you would like the board to address and why? Set netters are experiencing incredible hardships to protect Late Run Kenai King salmon, yet all that sacrifice is nullified by Coho fishermen catching Kings when they're at their weakest as they prepare to spawn. In the name of conservation, set netters have experienced mandatory closures, despite an exploration rate on late run Kenai River Kings of less than 1%, while all other user groups see their fisheries liberalized. Rather than share the burden of conservation, in-river users have received relaxed regulations pertaining to habitat and salmon conservation:

1) Outboards were increased from 35hp to 50hp rather than mandating smaller, more efficient vessels be used, or going to a drift only river. Larger horsepower engines emit higher decibel readings, which increases overall noise pollution directed at king salmon spawning beds.

2) Fresh water log books are no longer required from commercial guides. Because of this the department is willfully ignorant to the number of kings "inadvertently" caught in the coho fishery.

Per Alaska Department of Fish and Game, returning chinook spend 30-60 days in river before they spawn and die. **If the morbidity rate on unintended king catch is just one a day (on spawning kings counted with the chinook sonar project), then the impact to the king run is greater than the entire ESSN king harvest** on average over the last five years.

In order to share the burden of conservation and help offset the above mentioned relaxed regulations, bait should be completely banned from the coho fishery in order to avoid any incidental king catch. Artificial lures, i.e. twitching for silvers, throwing spinners, etc, are very effective and efficient means of harvesting silvers with minimal impact on spawning king salmon. These methods are proven to avoid incidental king catch while still providing an effective means of harvesting coho salmon.

PROPOSED BY: Eric Nyce

(EF-F23-160)

PROPOSAL 87

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

Prohibit guided sport fishing on the Kenai and Kasilof Rivers when sport fishing for king salmon is closed as follows:

Current regulation ties the closure of the in-river late king fishery to the mandated closure of the set gillnet fishery. As a result, the setnet fishery is closed while in-river activity ramps up. Rather than fishing for chinook, guides switch to the pursuit of sockeye, placing clients along the riverbanks in the riparian rearing grounds of the chinook smolt. To facilitate multiple boatloads of clients, guides offer a shuttle service, picking up and placing clients throughout the Kenai River's chinook rearing grounds. Later in the season, they guide silvers using a lighter version of the same setup used to catch chinook, resulting in an "accidental" chinook catch-and-release fishery. In 2021 guidebooks were eliminated on the Kenai, allowing guides to operate unregulated and unchecked as they expanded pressure on the Kenai River. While profitable for guides, the additional pressure along the Kenai's riverbank caused by increased foot traffic from ramped-up sockeye fishing causes untold damage to future chinook runs. Catch and release of chinook during the silver season is unrecorded. If every king counts, all in-river commercial activity should halt when the chinook fishery is closed.

Regulatory Language:

(d) 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;

(3) Close the commercial set gillnet fishery in the upper subdistrict of the central district.

(4) Close all commercial guide activity in the Kenai and Kasilof Rivers.

(e) In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

Other solutions considered and tried:

Restrictions to the setnet fishery have not improved the health of the late chinook run.

Though the BOF has mandated a Kenai River Riparian Habitat reports the department has failed to do so for several years. Reports produced in the early 2000s indicate native habitat has been impacted significantly by angler foot traffic, and natural grasses replaced by dandelions and horsetail, which are not effective for bank stability.

In-river conservation measures have not been tried despite decades of documented bank damage due to boat wakes, documented angler foot traffic damage to the riparian chinook rearing habitat, and concentrated chinook fishing on chinook spawning beds. Rearing habitat is key to survival of any species and new tactics must be tried to address the abject failure of ADF&G's management and BOF regulatory changes.

No action by the BOF or ADF&G can impact whatever is impacting survival of chinook during the ocean-going portion of their lifecycle other than insuring chinook smolt are as healthy as possible. Habitat protection is key to healthy smolt, yet no effort has been made to protect that habitat. Yes, walkways have been constructed but anglers use them to access the river rather than to fish from them.

What is the issue you would like the board to address and why? Inequitable burden of conservation among user groups in the Upper Subdistrict of the Central District when the projected late-run king salmon escapement is projected to be less than the Optimal Escapement Goal of 15,000 king salmon.

Why: When the projected late-run king salmon escapement is less than 15,000 king salmon, Drift, personal use, in-river sport fishing guides, and private sport fishermen have remained open to harvest Sockeye salmon while the East Side Set Gillnet Fishery has been the only user group closed to all fishing. As a result, the commercial set gillnet fishery has shouldered the lion's share of the economic burden and suffered economic disasters in four out of the last five years. The resulting massive sockeye over escapements will negatively impact future runs and their economic yields and future economic benefits. If nothing is changed, and the current inequitable regulations continue to exclude the set gillnet fishery from fishing, the family businesses that comprise the fishery will go out of business. If every king counts, every measure must be taken to protect every king throughout their life cycle, especially when rearing in the riparian habitat along the banks of the Kenai River.

PROPOSED BY: Kenai Peninsula Fishermen's Association (EF-F23-154)

PROPOSAL 88

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

Prohibit nonresidents from fishing from a guide vessel on the Kenai River if the king salmon sport fishery is closed as follows:

(d) 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; **and**

(4) charter vessel operators and crew members may not fish for salmon with non-resident clients from the time of emergency order closure to September 15.

What is the issue you would like the board to address and why? In order to increase Late Run Kenai Kings in the river, the set net fishery has been all but eliminated. When set netting closes, all other user groups see their ability to harvest salmon liberalized. Without missing a day from king closures, guides switch to sockeye charters running multiple trips a day dropping off clients on river banks, further exacerbating damage to critical river bank habitat. This has maintained motorized activity on the Kenai River at or near an all time high, creating an inhospitable spawning environment for king salmon. In addition to the damage done to river banks, the shuttling of multiple guided groups around the Kenai increases the turbidity in the water affecting all salmon, but most importantly the struggling king run. Running hundreds of boats every day over habitat that is critical to spawning salmon is incompatible with achieving higher yield. Activity on the Kenai needs to be prioritized in order to reduce noise pollution, turbidity, and bank degradation.

EVOS and the Kenai River Center have spent millions in building board-walks that non-residents can use to participate in multiple fisheries. Restricting non-residents from guided charters will limit overall motorized activity on the Kenai and provide respite to a salmon species that this board has mandated is in need of protecting.

The precedence to prioritize resident Alaskans on guided charters when a fish stock is struggling has already been established in 5 AAC 64.022. *Waters; seasons; bag, possession, annual, and size limits; and special provisions for the Kodiak Area.*

- (A) the bag limit for rockfish for nonresident anglers is 3 per day, 6 in possession, of which 2 per day, 4 in possession may be nonpelagic and 1 per day, 2 in possession may be yelloweye.*
- (B) charter vessel operators and crewmembers may not retain rockfish while clients are on board.*

Further justification for the legality of this can be found in the Supreme Court case *Baldwin vs Montana Fish and Game Commission*. Here it states that “it appears to have been generally accepted that although the States were obligated to treat all those within their territory equally in most respects, they were no obliged to share those things they held in trust for their own people”.

The Kenai River is currently unable to provide strong enough runs to support the aggressive in-river commercial guided industry and the marginalized set net fishery. With 85% of Cook Inlet Setnet permits owned by resident Alaskans, the state has every justification to allow for a limited harvest of resources it holds in trust (i.e. chinook salmon) with the set net fishery in lieu of allowing that harvest from non-resident fishermen. By limiting the on water pressure from non-resident fishermen, future king runs are likely to see larger returns which will benefit both non-resident and resident Alaskans alike.

PROPOSED BY: Eric Nyce

(EF-F23-165)

PROPOSAL 89

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

Prohibit nonresident anglers from participating in the Kenai River Late-Run king salmon fishery as follows:

5 AAC 21.359

...

(c)

...

(4) The late run Kenai River king salmon fishing is closed to non-resident sports fishermen

What is the issue you would like the board to address and why? The low returns of late run Kenai River king salmon should be closed to nonresident sports fishermen the same as king fish is closed to non-resident sports fishermen in Kodiak and Southeast Alaska.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-029)

PROPOSAL 90

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan and 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan.

Expand weekly time-period “windows” where the commercial salmon fishery is closed as follows:

Extend the weekend window from 36 to 48 hours under paired restrictions and in the two lower sockeye run tiers under normal sockeye management.

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

(e)(3) ...

- (A) if the use of bait is prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 48 hours per week, with a **48-hour** [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) are prohibited in the Kenai River sport fishery under (1)(B) of this subsection, commercial fishing periods are open for no more than 36 hours per week, with a **48-hour** [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 prohibited in the Kenai River sport fishery under (1)(C) of this subsection, commercial fishing periods are open for no more than 24 hours per week, with a **48-hour** [36-HOUR] continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

5 ACC 21.360 Kenai River Late-Run Sockeye Salmon Management Plan

(c) ...

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

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous 48-hour period per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

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

(C) the Upper Subdistrict set gillnet fishery will be closed for one continuous **48-hour** [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;

What is the issue you would like the board to address and why? Both the Kenai King and Kenai late-run Sockeye Management plans currently require a 36-hour continuous closure beginning between 7:00 pm Thursday and 7:00 pm Friday. These windows pass regular pulses of salmon escapement into the river when fish are returning, distribute escapements over the duration of the run and also provide opportunity to the inriver personal use and sport fisheries over the weekend.

Recent practice has extended the window from fishery closure on Thursday through Sunday. Hour limits on the east side set net fishery produce significant periods of no fishing during the week. The 48-hour windows schedule the no-fishing period around the weekend for maximum effect and provide the personal use and sport fisheries to help manage for sockeye escapement goals by maximizing harvest during weekend periods of high effort.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F23-081)

PROPOSAL 91

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

Amend criteria for commercial set gillnet fishing periods, in the Upper Subdistrict, after August 1 as follows:

(E) if restrictions 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 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 **projected** [ACHIEVED] the Upper Subdistrict set gillnet fishery will be managed under the provisions of 5 AAC 21.360, Kenai River Late-Run Sockeye Salmon Management Plan;

What is the issue you would like the board to address and why? Restrictions placed on the Kenai River king salmon sport fishery fort the conservation of the targeted stock, large late run Kenai River Kings, should not in turn have restrictions placed on the set gillnet fishery, that is a sockeye targeted fishery, if the department of fish and game is projecting to achieve the management objective for Kenai River Late run kings. The regulation of having to achieve the OEG instead of projecting the OEG is purely punitive to unnecessarily restrict the ESSN from the fishery.

PROPOSED BY: Travis Every

(EF-F23-105)

PROPOSAL 92

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

Exempt the East Foreland Section from ‘paired restriction’ measures in the *Kenai River Late-Run King Salmon Management Plan* as follows:

This proposal is that the regulation exempting the East Forelands (244-42) as it did in the 2017-2019 regulation book be put back in place.

Prior wording of 5 AAC 21.359(e)(3): in the Upper Subdistrict set gillnet commercial fishery, excluding the East Foreland Section, notwithstanding the provisions of 5AAC 21.360(c)(1)(B), 2(B) and (3)(B), based on abundance of sockeye salmon returning to the Kenai and Kasilof Rivers....

What is the issue you would like the board to address and why? During the 2020 Cook Inlet Board of Fish meetings, the East Forelands sub section (244-42) exemption was removed and it was placed under the paired king salmon restrictions of 5AAC 21.359 with no rationale provided. During the prior cycle (2017-2019), the East Forelands section was exempt from the paired restrictions in 21.359. There was no data presented at the 2020 meeting which would have shown this inclusion to be science or evidence based, and no discussion occurred when the exemption was removed. Data taken from the ADFG website and verified by F&G staff, shows that over the last 10 yrs, the East Forelands section has a catch average of just 1.62% of the total kings caught in the East Side Set Net fishery (all sizes and stock origins, no differentiation/data for “large kings”). This limited king catch can allow, and should make it, a valuable management tool to harvest sockeye and help attain the Kenai River escapement goal without impacting king salmon abundance.

PROPOSED BY: Lance Alldrin, Mary Alldrin, Richard Hilleary, Rick Jewell, Merrill Mcgahan, Chris Monfor, Christine Monfor, Chris Parker, Amanda Waggoner, Chad Waggoner, Brenda Vincent, Mark Vincent, Dan Wysocki

(EF-F23-142)

PROPOSAL 93

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

Exempt the East Foreland Section from ‘paired restriction’ management measures within the *Kenai River Late-Run King Salmon Management Plan* as follows:

This proposal is asking that the East Forelands (244-42) be exempted as it was in the 2017-2019 regulation book and that the exemption language be put back in regulation.

Prior wording of 5 AAC 21.359(e)(3): in the Upper Subdistrict set gillnet commercial fishery, excluding the East Foreland Section, notwithstanding the provisions of 5AAC 21.360(c)(1)(B), 2(B) and (3)(B), based on abundance of sockeye salmon returning to the Kenai and Kasilof Rivers....

and add additional language that fishing time is to be limited to Mondays and Thursdays from 7:00am to 7:00pm.

What is the issue you would like the board to address and why? In 2020 at the Cook Inlet Board of Fish meeting, the East Forelands sub section (244-42) exemption was removed and the Forelands was listed part of the area to be closed to set netting when the river closed to king fishing. Information from the Alaska Dept of Fish and Game, shows that from 1999 to 2022, the East Forelands section has a catch average of just 1.26% of the total kings caught in the ESSN fishery (all sizes and stock origins, with no accounting for "large kings" within this percentage total). If you consider that this 1.26% is the total of ALL sizes of kings, then any catch data of "large kings" within the 1.26% would make this percentage even smaller! This limited king catch should allow the East Forelands exemption to be put back in place.

PROPOSED BY: Rick Jewell (EF-F23-125)

PROPOSAL 94

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

Modify allowable gear when the set gillnet commercial fishery is restricted to achieve the Kenai River late-run king salmon optimal escapement goal as follows:

"up to three set gillnets that are each not more than 35 fathoms in length, 70 fathoms in aggregate length, and 29 meshes in depth"

I am exactly copying the language in section (i) for 105 fathoms and adapting it to 70. If in fact the board finds this language confusing (historically it has) then I am perfectly open to them updating the terminology/phrasing. (ie. Merely say "70 fathoms aggregate length of gear not more than 29 meshes in depth")

I also am inserting the exact same language in the second half of section (i) immediately preceding. The intent here is to represent the historical ability to fish shorter nets with the same aggregate length as 35 fathom nets. In the case where the regulation restricts to a singular 35 fathom net, my experience in the fishery dictates that it would not really be feasible to break this up and as a result I have left that situation unchanged. I would like to emphasize that this does nothing but let people fish their 70 fathoms of gear within their current operational setups. It does not add any amount of legal gear to the fishery. It is the exact same.

5 AAC: 21.359(e)(3)(G)

...

(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, **up to three set gillnets that are each not more than 35 fathoms in length, 70 fathoms in aggregate length, and 45 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 three set gillnets that are each not more than 35 fathoms in length, 70 fathoms in aggregate length, and 29 meshes in depth** [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.

What is the issue you would like the board to address and why? When gear restrictions are in place on the setnet fishery under 21.359(e)(3)(G)(i or ii) in the Kenai River Late Run King Salmon Management plan and the more restrictive gear option is used (All of 2022 and 2021, and most of 2020), no allowance is being made for operations that utilize net lengths shorter than 35 fathoms. It reads "up to two set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth..." Compare this to the immediately preceding section 21.359(e)(3)(G)(i) where it reads "up to 4 set gillnets that are each not more than 35 fathoms in length, 105 fathoms in aggregate length, and 29 meshes in depth..." (Read as: Three 35 fathom nets or 4 shorter nets with the same aggregate length.) The issue here is that while it is true that the majority of participants in the fishery fish "standard" 35 fathom long nets there is in fact regulatory allowance in the general gear definitions to break your 105 fathoms of aggregate length into 4 shorter nets and 35 fathoms is in fact just the maximum legal length of a net. (See 5AAC 21.331(d)). I do not believe there was any intention when restricting gear to 70 fathoms per permit in the King Salmon Plan to disproportionately harm people who fished shorter nets. For very many practical reasons it is extremely difficult to make either nets or locations longer especially in this current age of heavily restrictive management and financial uncertainty in the fishery. It is much easier to shorten them slightly. I would like to see uniformity throughout the language in this section regulating to aggregate length of gear.

PROPOSED BY: Joseph Person (EF-F23-039)

PROPOSAL 95

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

Modify the amount of set gillnet gear that can be used in the Upper Subdistrict set gillnet fishery when restricted to achieve the Kenai River late-run king salmon optimal escapement goal, as follows:

up to four set gillnets that are each not more than **50 fathoms in length, 200** fathoms in aggregate length, and **22 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 22 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

up to two set gillnets that are each not more than **50 fathoms in length and 22 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 22 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.

What is the issue you would like the board to address and why? There is an opportunity to utilize the 600 foot fishery when there is concern of Kenai River Chinook salmon harvest. A tool the department has to reduce chinook harvest while allowing for limited sockeye harvest opportunity is the 600 foot fishery. We can expand on this fishery by further modifications of set gill nets. Sockeye run in the top portion of the water column while king salmon are known to run in the bottom portion of the water column. The beach nets are already an effective tool to harvest sockeye salmon that minimizes chinook salmon significantly.

PROPOSED BY: Dan Norman (EF-F23-116)

PROPOSAL 96

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

Modify operation of set gillnet gear in the Upper Subdistrict, as follows:

5AAC 21.359 (d)(3) Restrict the ESSN fishery to flagged nets only.

If the king salmon paired restrictions continue to include closing the ESSN to ALL fishing when the river is closed to targeted king fishing, this proposal is to instead allow the ESSN to BEGIN fishing flagged nets at that time as opposed to being shut down.

There will be hurdles to implementing this new way of fishing such as how to anchor the nets, how to safely set/retrieve the nets, spacing from other net locations etc. While these details might seem difficult to some, language needs to be put in place during this board cycle to allow this as an option to being shut down in years of low king counts.

Nets can be anchored off of existing set net anchors at one end and either removeable or permanent anchors at the other end. Large Danforth or halibut anchors (depends on ocean bottom make up) could be used or concrete blocks/sandbags. A fisherman could also use an existing anchor on one end and then “swing” the net around the existing anchor with the tide change and tie the loose end to a previously placed anchor or drop a removeable anchor such as a Danforth.

Setting the net would involve tying the net into the permanent anchor and then allowing the current to move the skiff slowly away from the tie in point. When all the net has been placed in the water, the loose end would then be anchored to a previously placed anchor or a removable anchor thrown over. Other fisherman may come up with new ways of fishing a flagged net but the above method has worked for me in the few times that I’ve found myself with a flagged net as the only option to fish one of my net sites.

5AAC 39.105 (d)(2) states: "a set gillnet is a gillnet that has been intentionally set, staked, anchored, or otherwise fixed" and makes no reference to the net being set across the current or "with the current" so a flagged net is a legal option.

What is the issue you would like the board to address and why? For years ESSN set netters have been challenged to find ways to lessen the king salmon catch. Short of just not fishing, very few options have been tried or put in place (shallow nets, 600' fishing, drastic reduction in fishing time, etc) and in the eyes of management, these are obviously not working as the 2023 season was cancelled before it even started due to the ESSN not having a "king free" method of catching the other species.

One option that might warrant trying is to fish flagged nets which are nets anchored in a direction parallel to the current as opposed to across the current. The bulk of fish caught in a set net are traveling with the current and get gilled by the mesh or are pressed into the net by the current. Most large kings are not gilled due to their size but rather pressed into the net by the current. If the net is turned 90 degrees and anchored parallel with the current, the catching of kings should be drastically reduced as they will be able to hit the net and swim away.

There is little data to review regarding flagged nets and associated catches. Two flagged net ACR's have been submitted over the last two years but both were rejected by the board and statements were made by the board to "submit the proposal during the next board cycle".

PROPOSED BY: Lance Alldrin (EF-F23-074)

PROPOSAL 97

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

Amend the Kenai Late-Run King Salmon Management Plan to provide additional fishing opportunity in the sport and set gillnet commercial fisheries as follows:

5 AAC 21.359. (C) (i) between ADFG preseason projection of 13,500-15,000 large Kenai River king salmon, the use of bait and retention of king salmon is prohibited in the Kenai River sport fishery under (1)(C) of this subsection, commercial fishing periods are open for no more than 24 hours per week, with a continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 am Friday. Set net gear will be limited to one (1) net per permit, not more than 29 meshes deep. After July 20, if the OEG for large king salmon cannot be projected for the Kenai River, the in-river king salmon sport fishery will close, the Upper Subdistrict set net fishery will close until the OEG can be projected.

What is the issue you would like the board to address and why? Under 5 AAC 21.359 (d), 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 close..... (1) (2) (3). (1) closes sport fisheries, (2) closes drift fleet area within one mile of the Kenai Peninsula shoreline, north of the Kenai River and one and one-half miles south of the Kenai River. (3) closes the set net fishery in the Upper Subdistrict of the Central District. This proposal addresses fishing opportunities, for sport and commercial fishermen, under the KRLRKSMP. If the preseason estimate for large King Salmon to the Kenai River is between the 13,500 (SEG) and 15,000 (OEG), in this proposal, ADFG would make an in-season assessment of the Kenai River Late Run King Salmon after July 20. This would be the 33% quartile of the run. This would be consistent with 5 AAC 21.360 Kenai River Late-Run Sockeye Salmon Management Plan. Under this plan, ADFG makes the determination of run strength of sockeye to the Kenai River after July 20. Then depending on their projection of run strength

appropriate regulatory actions are taken. I am not sure where to put this in the KRLRKSMP, but it would be the INTENT of the Board of Fish (BOF), that whenever the preseason estimate is between 13,500 - 15,000 large King Salmon to the Kenai River, the following action will be taken by ADFG. 1. The sport fishery in the Kenai River would be open for catch and release, no bait, single hook. 2. The East Side Set Net (ESSN) fishery would be open for 24 hours per week. Gear would be restricted to one net per permit, not more than 29 meshes deep. (This is a 78.5% reduction in gear, that is allowed, by CFEC, for set net permit holders in Cook Inlet.) There would be a 36 hour continuous closure per week between 7:00 pm Thursday and 7:00 am Friday. After July 20 if the OEG is not projected, the king salmon sport fishery in the Kenai River will close. The ESSN fishery will close until the OEG can be projected.

PROPOSED BY: Gary Hollier (EF-F23-025)

PROPOSAL 98

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

Modify the commercial set gillnet fishery in the Upper Subdistrict when restricted to achieve the Kenai River late-run king salmon optimal escapement goal as follows:

5AAC 21.359 (d)(3)

(3) Restrict the commercial set gillnet fishery in the Upper Subdistrict of the Central District as follows. In the Kasilof Section, fishing will be restricted to within 1200ft of the mean high tide mark and gear will be restricted to not more than 29 meshes in depth; with two openings per week from 7am-7pm on Mondays and Thursdays. In the Kenai section, fishing will be restricted to within 600ft of the mean high tide mark and gear will be restricted to not more than 29 meshes in depth; with two openings per week from 7am-7pm on Mondays and Thursdays. [CLOSE THE COMMERCIAL SET GILLNET FISHERY IN THE UPPER SUBDISTRICT OF THE CENTRAL DISTRICT.]

What is the issue you would like the board to address and why? At the final point of paired restriction in the current Kenai River Late-Run King Salmon management plan, when the goal is not projected to be met there are a suite of restrictions across the various fisheries managed by the plan. Of these, the Upper Subdistrict Set Gillnet fishery is the only directed sockeye fishery that is completely closed down. All other sockeye fisheries continue to be prosecuted. This is completely inequitable and if it continues will be the end of this fishery. Some level of fishing is clearly warranted, and required to attempt to manage to the sockeye goals in both the Kenai and Kasilof Rivers. Setnet harvest of large Kenai kings under the restrictions in this plan utilized over the last several years have demonstrated that while fishing with heavy restrictions king salmon harvest is extremely minimal. With encouraged releasing practices and heavily restricted gear it seems clear that a baseline skeleton of the fishery could continue to operate even in times of low king salmon abundance.

PROPOSED BY: Joseph Person (EF-F23-041)

PROPOSAL 99

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

Make numerous changes to the *Kenai River Late-Run King Salmon Management Plan* 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 inriver 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 a **sustainable** [N 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 in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

(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.

(d) **From July 17 through July 27 if the in season** [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) **From July 1 through July 31, if the projected inriver run of late-run king salmon is less than 22,500 fish, in** [IN] order to achieve the **sustainable** [OPTIMAL] escapement goal and

provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(1) in the Kenai River sport fishery,

(A) the use of bait is prohibited;

(B) the use of bait is prohibited and retention of king salmon 34 inches or greater in length as defined in 5 AAC 75.995(a) is prohibited; or

(C) the use of bait and retention of king salmon are prohibited;

(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 prohibited in the Kenai River sport fishery under (1)(A) of this subsection, commercial fishing periods are open for no more than 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) are prohibited in the Kenai River sport fishery under (1)(B) of this subsection, commercial fishing periods are open for no more than 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 prohibited in the Kenai River sport fishery under (1)(C) of this subsection, commercial fishing periods are open for no more than 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 **in season** [PRESEASON] restrictions are issued for the late-run Kenai River king salmon sport fishery, then all Upper Subdistrict set gillnet fisheries **may be** [ARE] restricted;

(E) if restrictions for the late-run Kenai River king salmon sport fishery are in effect on July 31, then, beginning August 1, **if the projected escapement of king salmon into the Kenai is at least 16,500, but less than 22,500 fish, notwithstanding the provisions of 5 AAC 21.360(c)(1)(B), (2)(B), and (3)(B), the commissioner may open, by emergency order, the** Upper Subdistrict set gillnet commercial fishing periods [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 **SEG** [OEG] is achieved, the Upper Subdistrict set gillnet 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).

What is the issue you would like the board to address and why? The implementation of the 15,000 optimal escapement goal (OEG) for the Kenai River Late Run King (KRLRK) salmon Large King goal in 2020 was an abysmal failure.

A review of the Department's KRLRK mixture model data from 2013 to 2022 and considering only the large king component in the ten-year period, in only four out of the ten years, the 15,000 large king OEG would have been met. Of the six remaining years, in only one year would the 13,500 sustainable escapement goal (SEG) would have been achieved. In previous correspondence received through a Freedom Of Information Act (FOIA) request, the Department appeared to have

debated the low-bound OEG large king goal to be in the 11,600 range. If the fisheries managers had recommended that goal to the Alaska Board of Fisheries (BOF), only one year in ten would have missed the KRLRK Large King OEG (2014).

If you consider the ‘all king goal’ which has been in place for decades, the picture changes considerably. Reviewing the regulations that were in place for 2017, the total king goal with all considerations in place was 15,000 – 30, 000 with a point goal of 22,500 and another late season goal of 16,500 as a minimum projected in season point goal to allow for late season opportunities for sockeye harvests based on abundance.

From data received through the Department (RC106 /2022) on the mixture modeling, considering all king sizes and numbers, assessed at the Adaptive Resolution Imaging Sonar (ARIS) site, downstream netting program and other data indicators, not one year in ten would the late run ‘all king’ escapements have not been met. The lowest estimate of escapements was in (2014) 16,871. The highest (2014) 28,918. It would be good to note that in (2022) 20,712 of ‘all kings’ were enumerated.

There is a tremendous amount of uncertainty in the relatively new method of establishing a large king escapement goal model, considering that the calculations used to determine the viability of using a static number on size does little to allow for changes of the overall salmon do to environmental, predator or harvest/catch pressures. The KRLRK ARIS counter at River mile 13.7 attempts to filter out all kings under 75 cm Mean Eye Tail Fork (METF). Other areas of the State where a length is used to create a discreet model, they might use 66 cm.

The problem is that the current plan does not take into consideration the current peer reviewed science that proves that salmon all over Alaska and the Pacific Ocean are shrinking. Age classes that were once well dispersed over years of returns are now showing lower numbers of mature ages. The adaptation for any reason would suggest that while not returning at historical numbers of larger kings that more kings are returning in younger age classes and lower numbers within that older age classes. This may be an adaptable trait to avoid extinction. This type of adaptability is built into other species of salmon. Pink salmon adjust their fecundity depending on the density of the population on a returning year to a given spawning zone. This also allows them the ability to adapt to new areas to spawn and acquire diversity.

A recent Canadian Journal of Fisheries and Aquatic Sciences article released in February of 2023 stated; “decreased size and age is a classic pattern of fisheries-induced evolution”. In an article of Nature Communications (Article number 4155 – 2020) evaluating using 60 years of salmon data from Alaska and using 12.5 million fish and commenting on a University of Washington School of Fisheries Report, “Chinook salmon exhibited the greatest magnitude decline, averaging an 8.0% decline in body decline”. This data was collected from 1990 to 2010 and before. It should be noted that on one graph in this set of studies, a 10% decline in average body size was attributable to central Alaskan regional stocks. We can support these statements upon request and will submit supporting information prior to the Upper Cook Inlet Regulatory meeting (2024).

Please review the suggested changes for 5 AAC 21.539 KRLRK Salmon Management Plan. Using the management plans from 2013 and 2017 improves the uncertain aspects in using large kings as

the basis for escapement goals. Corrections to the goal are very difficult considering the limited amount of data from 2018. The Department has a very difficult time in determining large king changes in such a short interval and remains reliant on the decades of historical data on returning Kenai River kings to complete their modeling. For the system to rely solely on the current assumptions affects the confidence in managing the resource sustainably and the fisheries in a multitude of aspects.

Clearly, the ‘all king goal’ is easily understood by many and has many data sets and past experiences with managing for this type of goal. Creating stability reduces contentiousness and would reduce a cycle of disruption of the management of the resource and stakeholder’s who are dependent on sustainable returns and a reasonable opportunity to access this fishery or alternative species. We are not suggesting a change in utilizing the ARIS system only that it not be the exclusive ‘tool’ in the ‘tool bag’ to manage with. Consider the inconsistencies in size and proportion of the king salmon runs that ‘new’ science has challenged us to understand. Stabilizing resource management to better adapt to changes we have yet to fully understand.

Our changes to this plan have been tried and tested and have been shown to work. Many restrictions in place for all users have not been fully comprehended because of the mandate to manage for a large king goal. We do know that to continue using this system without incorporating flexibility and corrections will result in continued catastrophic (Disaster Relief) results with the potential to injure the long-term economy of the community and the State.

PROPOSED BY: Paul A. Shadura II (EF-F23-155)

PROPOSAL 100

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

Allow a 600-foot set gillnet commercial fishery when Kenai River late-run large king salmon escapements exceed 13,500 fish as follows:

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

(d) if the projected late-run king salmon escapement is less 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, **except provided in (c) (3) (h) of this chapter**

(c) (3) (h) if escapements of Kenai River late-run king salmon 75 cm mid-eye to tail fork and longer exceeds 13,500 fish and the Kenai and Kasilof river sockeye salmon management escapement objectives are being met, fishing with set gillnet gear may be allowed by emergency order within 600 feet of the mean high tide mark in the Upper Subdistrict. Commercial fishing opportunities under this provision will be structured to maximize harvest of surplus sockeye salmon and minimize harvest of king salmon, based on inseason analysis of ADFG fish tickets, escapement, and other available information. The operation of a set gillnet by a CFEC permit holder in these openings will be restricted to;

(i) one set gillnet, per permit, that is not more than 35 fathoms in length, and 29 meshes in depth. Set gillnets 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.

What is the issue you would like the board to address and why? Recent efforts to conserve Kenai Rive late-run king salmon and meet the Kenai River late-run king salmon optimal escapement goal of 15,000 large fish have resulted in foregone yield of Kenai River late-run sockeye salmon and Kasilof River sockeye salmon. Since the adoption of the KRLRKSMMP, the Kenai and Kasilof Rivers have exceeded their Board of Fish mandated in-river and BEG sockeye salmon goals every year. This proposal provides ADFG an additional tool to harvest surplus sockeye salmon with set gillnet gear when Kenai River late-run large king salmon sonar goal exceeds 13,500 fish, which is the sustainable escapement goal (SEG) for Kenai Rive late-run large king salmon established by ADFG, thereby assuring that a sustainable level of escapement is achieved while providing additional sockeye salmon harvest opportunity beyond what is currently allowed. In considering these emergency order openings the department will evaluate the number and size of king salmon harvested in the set gillnet fishery and manage conservatively to minimize king salmon harvest as well as the need to ensure provisions of other related management plans are met.

PROPOSED BY: Gary Hollier (EF-F23-036)

PROPOSAL 101
5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan and 5 AAC 21.365. Kasilof River Salmon Management Plan.

Remove ‘paired restrictive’ time and gear exemption from the 600-foot commercial set gillnet fishery in the Upper Subdistrict as follows:

In Section 5 AAC 21.359(e)(3)(F) - Kenai River Late-Run King Salmon Management Plan insert the word “not” in order for the regulation to read as follows;

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

(e) In order to achieve the optimal escapement goal and provide reasonable harvest opportunity, the commissioner may, by emergency order, establish fishing seasons as follows:

(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,

(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 **not** exempt from hour and gear limitations identified under (e)(3)(A)-(E) of this section;

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

Currently under the Kenai River Late-Run King Salmon Management Plan and the Kasilof River Salmon Management Plan the commissioner has the authority via Emergency Order to open and restrict fishing to within six hundred feet of the mean high tide mark, exempt from hour and gear restrictions.

Section 5 AAC 21.359 (e)(3)(F) - Kenai River Late-Run King Salmon Management Plan

Section 5 AAC 21.365(c)(3) - Kasilof River Salmon Management Plan

This proposal would amend language in both management plans to require the inclusion of the six hundred foot fishing area in both hour and gear restrictions.

PROPOSED BY: Kenai River Professional Guide Association (EF-F23-055)

PROPOSAL 102

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

Provide additional commercial salmon fishing opportunity with set gillnet gear in the Upper Subdistrict as follows:

(3) close the commercial set gillnet fishery in the Upper Subdistrict of the Central District, **except provided in (e) (3) (h) of this chapter**

(e) (3) (h) if the in season projected escapement of Kenai River late-run king salmon 75 cm mid-eye to tail fork and longer is projecting to meet the SEG of 13,500 fish, and the Kenai or Kasilof rivers sockeye salmon management objectives are being met, fishing with set gillnet gear shall be allowed for a minimum of 24 hours per week, within 600 feet of the mean high tide mark in the Upper Subdistrict. Commercial fishing opportunities under this provision will be structured to maximize harvest of surplus sockeye salmon and minimize harvest of king salmon, based on in-season analysis of ADFG fish tickets, escapement, and other available information. The operation of a set gillnet by a CFEC permit holder in these openers will 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 a 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 not more than 35 fathoms in length and 29 meshes 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.

What is the issue you would like the board to address and why? Recent efforts to conserve Kenai River late-run king salmon and meet the Kenai River late-run king salmon optimal escapement goal of 15,000 large fish have resulted in a foregone yield of Kenai River late-run sockeye salmon and Kasilof River sockeye salmon, and have inflicted severe economic impacts to the fishers, as well as the Central Peninsula borough and all of the local communities. This proposal would provide the Alaska Department of Fish and Game an additional tool to harvest surplus sockeye salmon with set gillnet gear when Kenai River late- run large king salmon sonar projects 13,500 fish, which is the sustainable escapement goal for Kenai River large late-run king salmon established by the department, thereby assuring that a sustainable level of king salmon escapement is achieved while providing additional sockeye salmon harvest opportunity beyond what is currently allowed. The current plan closes the sockeye-targeted set gillnet fishery and immediately liberalizes the commercial drift fishery, the personal use fisheries, and commercial guided in-river sport sockeye fisheries to target sockeye salmon. All because we are attempting to achieve a politically driven OEG not the biologically backed SEG.

PROPOSED BY: Travis Every (EF-F23-153)

PROPOSAL 103

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

Allow use of dipnets in the Upper Subdistrict commercial salmon fishery as follows:

(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 set nets 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 hi 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.

(iii) if restrictions for Kenai River king salmon are in effect, commercial fishing permit holders may harvest sockeye salmon within 600 feet of the mean high tide mark from 6am until 10pm except when set gillnet fishing is allowed in those areas. A maximum of two dip nets per vessel may be used and must adhere to the same requirements as per (Section 5 AAC 39.105 Types of legal gear) of the Alaska Administrative Code. The commercial permit holder shall be physically present on the vessel during active harvesting. Retention of king salmon is prohibited. Commercial fishing vessels shall not exceed 25ft in overall length, as defined by the United States Coast Guard and must be a licensed fishing vessel as per (Section. 16.05.490 - Vessel license).

What is the issue you would like the board to address and why? This proposal favors Alaska Administrative Code Section 5 AAC 21.359 with the purpose of protecting returning king salmon and ensuring sport fishing and commercial fishing opportunities in the future. Sockeye salmon harvesting has been directly affected by regulations and restrictions necessary to effectively protect returning king salmon populations back into the Kenai River watershed.

Unfortunately, those measures restrict sockeye salmon harvesting efforts which result in over escapement and missed opportunities for commercial harvesting efforts in the upper cook inlet region. This proposal shall provide a valuable harvest tool to help manage the Kenai River late-run sockeye salmon and to further achieve a sustainable escapement goal (SEG).

Amend the Kenai River Late-Run King Salmon Management Plan to include provisions for commercial salmon dip net harvesting within the upper cook inlet management area to include “East Foreland section, Kenai Section, and Kasilof Section” between June 20th-August 15th from 6am until 10pm except when set gillnet fishing is allowed in those areas.

PROPOSED BY: Chris Little (EF-F23-014)

PROPOSAL 104

5 AAC 21.XXX. New Section.

Adopt a new Kenai River late-run king salmon management plan for the Upper Subdistrict set gillnet fishery as follows:

A 4-Part plan including a **Total Allowable Catch (TAC)** of chinook salmon, **Fishermen Managed Memorandum of Understanding, New Gear Types, and New Harvest Areas.**

The **TAC** is to be based upon pre-season forecasts and allocated amongst the 6 Harvest areas, depending either upon a number of permits fished or historical catches of chinook.

Fishermen Memorandum –

Fishermen in each area to Elect a 3 Member Panel whose job it will be to develop with the Fishermen of that Area a Memorandum of Understanding that reflects that areas' seasons' goals,

and then to communicate the intended prosecution of each EO. For Example: Some areas may wish to fish equally. Some areas may wish to prioritize a few sites throughout the duration of the season in order to support processing facilities, while bringing more gear into the water only with very high concentrations of fish. There is luck as always, but in time, if an overall reduction of chinook harvest is the goal than areas may improve by prioritizing sites that rarely intercept the fish or by innovating their methods/means.

New Gear Types -

Support that innovation by permitting an alternative gear type that may allow additional harvest opportunity, even if at a weaker level, and the use of more EO hours specifically in sockeye and pink management plans.

Option 1 - Dip Net, As described in Regulatory Language- Perhaps 4 per permit.

Option 2 A 10 or 15 Fathom Drift Gillnet

Alternative Gear can be fished at traditional sites (leased sites to be respected) and could perhaps be found to be fished more efficiently with the addition of alternative gear such as a 105 Fathom Seine described in another proposal. Alternative gear would be permitted in new harvest areas designed to increase the productivity of less efficient gear.

New Harvest Area Descriptions -

Kasilof - The area described in 5AAC 77.540(b)(4)

Kenai - The area(s) described in SAAC 77.540(c)(1)(C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock ... **downstream** and to include the area(s) in 5AAC 77.540(c)(1)(D)(i) - **from a boat; fishing is prohibited beyond one mile from the mean high tide mark**

What is the issue you would like the board to address and why? Management plans in the set net industry that are not actionable based upon an OEG of 15,000 large Chinook.

I would like to see the Department feel comfortable granting more EO hours from management plans developed for the set net industry.

This is unlikely if the fishing capacity is seen as "too much" or unmanageable.

PROPOSED BY: Nathan Hoff (HQ-F23-087)

PROPOSAL 105

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

Allow a 600-foot set gillnet commercial fishery when the Upper Subdistrict would be closed to conserve Kenai River late-run king salmon as follows:

My solution is to open the set net fishery within 600 feet of the mean high tide line, 2 days a week during large king salmon, Kenai River fishery closures. This would allow for a significant amount of Kasilof and Kenai River sockeye to be harvested with very little harvest of king salmon, while helping to prevent the massive over escapement we have experienced the last few fishing seasons.

Periods would be restricted to one (29" mesh net) per permit, to further insure very few king salmon would be harvested.

Draft Language:

5AAC 21.359. (d) (3) - the commercial set gillnet fishery in the Upper Subdistrict of the Central District will be open on Monday and Thursday from 7am - 7pm within 600 feet of the mean high tide line. Fishing is restricted to one (29" mesh net) not to exceed 210 feet in length, per permit.

What is the issue you would like the board to address and why? If the late run Kenai River king salmon fishery is closed because the escapement goal is projected not to be met, current law pairs that restriction to a complete shutdown of the east side set net fishery. Not only does that cause grave economic harm to the set net user group, but it inevitably causes sockeye escapement goals to be grossly exceeded. In the 2022 season, for example, the Kasilof River escapement reached 971,604 sockeyes. The maximum biological escapement goal is 320,000 fish. We exceeded the maximum goal by 650, 604 fish. On the Kenai River we exceeded the maximum escapement goal in the year 2021 by 1,000,000 fish. It has been shown time and time again without some fishing effort by the set net user group, that the sockeye escapement goals will be exceeded. The drift fishery, the dip net fishery, and the in-river anglers cannot harvest enough fish to prevent this problem. Studies have shown that repeatedly exceeding escapement goals over time will inevitably diminish future returns. The sustainability of future sockeye returns are in jeopardy, which will create just another fishery disaster unless reasonable changes are made.

PROPOSED BY: Philip Sheridan (EF-F23-052)

PROPOSAL 106

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

Restrict legal set gillnet gear when the Upper Subdistrict commercial salmon fishery is open within 600 feet of shore as follows:

Improve selectivity of the 600-foot fishery tool by use of shallow gillnets. Direct or incentivize use of 29” rather than 45” gillnets in 600-foot openers of the east side set net fishery under paired restrictions Kenai River Late-Run King Salmon Management Plan 5 AAC 21.359.

(F) Upper Subdistrict set gillnet commercial fishing periods that are limited under this section may be 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.

What is the issue you would like the board to address and why? Additional tools are needed to selectively harvest Kenai sockeye in the commercial east side set gillnet fishery during periods of acute low abundance of Kenai kings. Harvest of king salmon is a significant constraint on the opportunity to catch more-abundant sockeye in the Upper Cook Inlet set gillnet fishery.

Paired restrictions in the Kenai Late-run king management plan provide for use of 600-foot fishery openers to allow for some sockeye harvest opportunity when achieving the king goal is in question

and even low catches of kings can trigger complete closure. This has typically been a tool of last resort.

The Kenai River Late-Run King Salmon Management Plan (e)(3)(F) currently exempts Upper Subdistrict set gillnet commercial fishing periods within 600 feet of the mean high tide mark from hour and gear limitations that otherwise apply under paired restrictions.

Paired restrictions otherwise provide for limitations in the eastside set net fishery. Current regulations allow for CFEC permit holders to use more setnets when nets are 29” deep rather than 45” deep. Shallower nets are more selective for harvest of sockeye than kings because kings often travel deeper in the water column.

Shallow nets are a critical tool which enhances the opportunity of the commercial setnet fishery to harvest abundant sockeye while reducing harvest of king salmon. This tool is particularly important during periods of low king abundance which trigger paired restrictions in the Kenai King Plan.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F23-079)

PROPOSAL 107

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

Repeal the 600-foot Upper Subdistrict set gillnet fishery and create a new opportunity with shallow set gillnet gear more than one half mile offshore as follows:

(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;]

be removed and replaced with

(F) Upper Subdistrict set gillnet commercial fishing periods that are limited under this section may be limited to fishing **outside 1/2 mile of the mean high tide mark and be limited to 29 mesh nets.**

What is the issue you would like the board to address and why? The creation of the 600 ft. fishery in theory was to reduce Chinook Salmon catches in the east side set gillnet fisheries. It is our contention that there is an increased chance in Chinook Salmon harvest in most areas of the east side set gillnet fishery that the 600 ft fishery occupies. We believe that if nets were set 1/2 mile outside mean high tide, it would reduce the impact of the eastside set gillnet fishery on Chinook Salmon in times of low abundance, especially with the use of 29 mesh nets, this would allow the Chinook to pass below in most areas. We believe that even 29 mesh nets reach the bottom in most areas that the 600 ft fishery occupies, thus negating the savings provided with the implementation of the 29 mesh net option. So we prefer the that in times of low abundance that

the department have the option to create a buffer by moving the nets off the beach. 1/2 mile from the mean high tide line.

PROPOSED BY: Kenai River Professional Guide Association (EF-F23-059)

PROPOSAL 108

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

Exempt the 600-foot set gillnet fishery from fishing time and gear restrictions in the *Kenai River Late-Run King Salmon Management Plan* as follows:

5 AAC 21.359 (3) (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 **except for fishing within 600 ft. of the mean high tide mark and will be exempt for hour and gear restriction.**

What is the issue you would like the board to address and why? Kenai and Kasilof sockeye are being over escaped into the rivers and surplus stocks are not being harvested. This regulation will give clarity to the Commissioner to use this provision when the Large King Salmon goal is less than 15,000.

PROPOSED BY: Brian J. Koski (EF-F23-147)

PROPOSAL 109

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

Create new set gillnet commercial salmon fishing opportunity based on Kasilof River sockeye salmon escapement as follows:

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

(d) (4) If the Kasilof River is projected to exceed the OEG of 370,000 sockeye salmon then the Commissioner may open a new area from a line drawn from Humpy Point to the Blanchard line and within one-half mile of the mean high tide line to harvest Kasilof bound sockeye excess to the goal. Setnet permit holders would be limited to one 35 fathom net with 29 meshes in depth while fishing in this new special harvest area. This area shall not include the Kasilof Terminal Area.

What is the issue you would like the board to address and why? I have historically commercial setnet fished in the 244-31 South K-Beach area for many years. We catch predominately Kasilof bound sockeye and we do not want to see the stock collapse do to over escapement that has happened in the past from high hatchery fry releases. Please allow an addition to the KRLRK plan to harvest abundant Kasilof sockeye when the ESSN fishery is closed in order to achieve the 15,000 OEG.

PROPOSAL 110

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

Provide additional commercial fishing opportunity for set gillnet gear within the *Kenai River Late-Run King Salmon Management Plan* as follows:

PROPOSED:

Add the below text (a mere 50 words) to current text in 5 AAC 21.359 (d) (3)

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

ADD...except that if the Kenai River late run sockeye salmon, and Kasilof River sockeye salmon escapement goals are projected to be achieved or exceeded then Upper Subdistrict set gillnet fishing periods, under 5 AAC 21.320 (2) (E) that shall be limited to within 1500 feet from the mean high tide mark, shall occur.

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

The current regulation fails to provide adequate, appropriate and adaptable management tools to the ADFG to manage the ESSN fishery in order to achieve escapement goals for all species of salmon during times of low king salmon abundance. The current management plan results in management prescriptions that are solely focused on Kenai River king salmon to the detriment of all other species and stocks of the Upper Subdistrict and specifically to the unfair and unnecessary detriment of the ESSN fishery.

It is important for the board members to understand the logic and the logistics of the proposed language below and we hope to have the opportunity for a thorough hearing and education of the board members. The below proposed language defines ACCESSIBILITY TO **FISHABLE NEAR SHORE WATER ONLY**, not a constant fishing area. The majority of the time the bulk of THIS SPACE DESCRIBED BELOW IS LITERALLY SANDY BEACH.

THE CURRENT REGULATORY EFFECTS ON FISHERY:

1. (Effect) The current regulation completely “ties the hands” of ADFG managers and allows for no adaptability to real time variables that *have, and always will, occur* in a wild run, mixed stock fishery.

2. (Effect) Significant loss of use of the sockeye resource to the detriment of the health of both the sockeye and king salmon stocks by causing the inability to harvest sockeye throughout the whole-of-the-run timing spectrum and the building-up effect of the latter portion of the sockeye run...

3. (Effect) ...and further, by having large numbers of sockeye salmon over running the spawning area of the main stem (of the Kenai River) spawning king salmon, which is contrary to the desired objective of enhancing king salmon production in the first place.

4. (Effect) The over escapement of sockeye salmon which is contrary to the management mandate of MSY — the effects of which are now playing out in UCI.

5. (Effect) The unfair and unjustified complete closure of the ESSN fishery to ANY harvest opportunity of sockeye while every other user group is given liberalized access to the same sockeye salmon resource. Under the current regulation which has been implemented extensively since 2012, harvest scenarios *always result* whereby harvest opportunities increase for every other user group in UCI with the exception of a complete total, unalterable *elimination of all harvest opportunity* of any and all species of salmon for the ESSN fishery. This is having serious negative impacts on local residents, the local economy, fish processors, and the local culture and IS NOT A SCIENCE BASED REGULATION.

THE BENEFITS OF THIS REGULATION CHANGE:

1. Would **significantly** reduce the set gillnet catch of king salmon by limiting setnet fishing to only a narrow strip of near shore water by "beach nets" during times of low king salmon abundance. Extensive experience shows king salmon rarely swim this close to shore.

2. Would allow an adaptable restricted sockeye fishery that would actually be effective.

3. Would enable fishery managers to better meet the escapement goals and prevent over escapement of sockeye and waste of the resource; such as occurred so dramatically in 2019, 2020, 2021 and yet again in 2022! This pattern which the setnet fishermen warned the BOF would happen, has indeed played out as predicted by those who truly understand the fishery and must be stopped.

4. Would allow for a balanced and adaptable management tool for managing a highly variable and unpredictable mixed stock fishery that cannot be managed by the current predefined, inflexible, restrictive and even draconian regulation.

This changed regulation will provide fishery managers with much more adaptable and appropriate tools to manage the mixed stock fishery according to real time circumstances rather than be locked-in to a mandatory fixed total closure of an entire major sector of this fishery; and will allow managers to avoid the negative effects listed above.

PROPOSERS INVOLVEMENT AND PERSPECTIVE IN THIS FISHERY:

1. Commercial fishermen in UCI with 58 years of exposure and experience; (1964 to present) from a young boy to maturity. Extensive first hand, long term experience about fish patterns, management and the fishing resource in general from a broad and accurate perspective.

2. Input, advice and support has been obtained from other local stakeholders, experienced participants and ADF&G Area biologist managers.

PROPOSED BY: Ted Crookston and Alan Crookston (EF-F23-128)

Kenai River Late-Run Sockeye Management Plan (5 proposals)

PROPOSAL 111

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

Adopt a Kenai River late-run sockeye salmon optimal escapement goal as follows:

Kenai River escapement (for greatest returns) 450,000 – 750,000 sockeye.

What is the issue you would like the board to address and why? Kenai River Escapement – waste over escapement is contrary to food security.

PROPOSED BY: John McCombs

(HQ-F23-068)

PROPOSAL 112

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

Increase the upper bound of the Kenai River late-run sockeye salmon inriver goal range as follows:

Increase the upper end of the inriver goals at a consistent high level across sockeye run tiers in order to avoid potential confusion and conflicts in escapement priorities between the bottom end of the king goal and the upper end of the sockeye inriver goals.

To make it more likely that the management objective can be achieved. – in order to increase the likelihood that the goals can be achieved

The lower end goals must always take priority over the upper end goals.

(c) ...

(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 – **1,600,000** [**1,200,000**] 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 1,100,000 – **1,600,000** [**1,400,000**] sockeye salmon past the sonar counter at river mile 19;

What is the issue you would like the board to address and why? The current utility of inriver goals identified for three abundance tiers of Kenai sockeye is marginal at best. The inriver goal ranges are narrow and difficult to hit due to the inherent variability in sockeye numbers and run timing, and competing priorities with other management priorities. As a result, inriver goals are achieved just a quarter of the time. Fishery managers are subjected to undue criticism when inriver goals are not met even when the sustainable escapement goal is achieved.

In the *Kenai River Late-Run Sockeye Salmon Management Plan*, inriver goal ranges are identified to distribute escapement throughout the SEG with higher goal ranges at higher run sizes and allocations for sport harvest upstream from the sonar. The 3-tier sockeye inriver goal ranges were adopted in 1999 during a period of substantially higher sockeye and king runs. We are currently

in a period of low king and average sockeye abundance which is a much different situation than when the 3-tier goal strategy was adopted.

Management for inriver goal ranges creates confusion regarding management priority when it is not possible meet the low end of the Kenai king goal while also remaining within the upper end of the reduced inriver goal range.

Current data on production from large escapements of Kenai River late run sockeye also indicates that maximum sustained yield is produced by escapements substantially greater than previously thought. The upper ends of the current inriver goal ranges in the lower two sockeye abundance tiers are substantially less than escapements that have been observed to produce high sustained yield.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F23-082)

PROPOSAL 113

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

Adopt an optimal escapement goal for Kenai River late-run sockeye salmon as follows:

The escapement goal for the late-run Kenai River sockeye will be 600,000 to 800,000, regardless of run strength. Meeting this escapement goal will take precedence over all other management objectives.

What is the issue you would like the board to address and why? In order to meet national standards set by Magnuson-Stevens Act, escapement goals for the Kenai River late-run sockeye have to be set to achieve Maximum Sustained Yield (MSY).

PROPOSED BY: Teague Vanek (EF-F23-070)

PROPOSAL 114

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

Adopt an Optimal Escapement Goal for Kenai River late-run sockeye salmon as follows:

Delete 5 AAC 21.360 (a) (b) (c) replace with the following.

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 use based on abundance.
- (b) The Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to
 - (1) Meet the BEG of 700,000 to 850,000 late-run sockeye salmon as measured at the sonar counter located at Kenai River mile 19 and distribute the escapement of sockeye salmon evenly within the BEG range in proportion to the size of the run.**

What is the issue you would like the board to address and why? Set one Sockeye Salmon Kenai River Late-Run management escapement goal of a BEG of 700,000 to 850,000 sockeye at the Kenai River sonar counter located at river mile 19.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-031)

PROPOSAL 115

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

Modify intent of the *Kenai River Late-Run Sockeye Salmon Management 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] **The department shall also manage the common property fisheries with a reasonable opportunity to harvest salmon resources.**

What is the issue you would like the board to address and why? Delete unnecessary language in the Kenai River Late-Run Sockeye Salmon Management Plan. This management plan directs the department to minimize the commercial harvest of Northern District coho, Late-run Kenai River king, and Kenai River coho salmon resources. That language restricts the flexibility for the managers to manage on a real time basis, based on in season abundance, to harvest the surplus of all salmon species and results in gross over-escapements and the waste of valuable harvestable salmon surpluses. This language has resulted in tens of millions of harvestable salmon going unharvested and negatively affects the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over escapement. It also violates the Magnuson Stevens Act. The sports fishery has a reasonable opportunity to fish because of the fact that salmon run into thousands of streams in the Cook Inlet drainage from May to October and most all are open to sports fishing. If one system is not open, for escapement reasons, a sports fisherman have many other system they can fish. In comparison the commercial fisherman, when restricted or closed down, has no other area to fish because they are restricted to the areas and their gear type by their limited entry permit they own. There is unfair and has no parity in reasonable opportunity between commercial and recreational fisheries under the current management plans. There are no conservation concerns on coho and most coho runs are harvested well below acceptable 60% to 70% exploitation rates, with many exploitation rates being less than 5% and most less then 2%. Because of overly restricted commercial fishing management plans only around half of the CFEC permit holders are currently participation in the Cook Inlet fishery, thereby reducing their harvest potential by half.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-032)

Upper Subdistrict Set Gillnet Fishery (2 proposals)

PROPOSAL 116

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan; 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan; 5 AAC 21.365. Kasilof River Salmon Management Plan.

Repeal mandatory weekly closures in the commercial set gillnet fishery as follows:

Eliminate windows from all management plans.

What is the issue you would like the board to address and why? Mandatory window don't work. They are simply unreasonable allocations. They prevent the managers from harvesting the surplus salmon. Delete mandatory windows from all management plans. Mandatory windows restricts the flexibility for the managers to manage on a real time basis, based on in season abundance and salmon migration, to harvest the surplus of all salmon species and results in gross over-escapements and the waste of valuable harvestable salmon surpluses. Mandatory windows has resulted in tens of millions of harvestable salmon going un-harvested and negatively affects the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over escapement. It also violates the Magnuson Stevens Act. The sports fishery has a reasonable opportunity to fish and reasonable numbers of salmon to harvest. In comparison the commercial fisherman, when restricted or closed down, has no other area to fish because they are restricted to the areas and their gear type by their limited entry permit they own. There is unfair and has no parity in reasonable opportunity between commercial and recreational fisheries under the current management plans. Because of overly restricted commercial fishing management plans only around half of the CFEC permit holders are currently participating in the Cook Inlet fishery, thereby reducing their harvest potential by half.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-035)

PROPOSAL 117

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.; 5 AAC 21. 366. Northern District King Salmon Management Plan.

Repeal 'paired restrictions' from Upper Cook Inlet salmon management plans as follows:

The new language would delete all paired restrictions. Management would be abundance based to harvest salmon surpluses and meet scientific escapement goals for BEG's or SEG's.

What is the issue you would like the board to address and why? Paired restrictions are creating chronic disasters for the commercial set net fishery and fishing related businesses and communities. Paired restrictions have not solved any fishing problems. They have only created massive over-escapement and lost harvest of millions of salmon. They negatively affect the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over-escapement. They also violate the Magnuson Stevens Act and other applicable laws.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-036)

Kasilof River Salmon Management Plan (3 proposals)

PROPOSAL 118

5AAC 21.365. Kasilof River Salmon Management Plan.

Reduce the Kasilof River sockeye salmon optimal escapement goal as follows:

The escapement goal for Kasilof River sockeye will be 150,000 to 250,000, regardless of run strength. Meeting this escapement goal will take precedence over all other management objectives.

What is the issue you would like the board to address and why? In order to meet national standards set by Magnuson-Stevens Act, escapement goals for the Kasilof River sockeye have to be set to achieve Maximum Sustained Yield (MSY).

PROPOSED BY: Teague Vanek (EF-F23-071)

PROPOSAL 119

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

Allow the Kasilof River Special Harvest Area to remain open when the remainder of the commercial set gillnet fishery in the Upper Subdistrict is closed as follows:

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

(d) If 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 fishery in the Kenai River

(2) close the commercial drift fishery

(3) close the commercial set gillnet fishery in the Upper Subdistrict in the Central District, **except**

(i) the Kasilof River Special Harvest Area is to remain open, and the fishery should be conducted as described in 5 AAC 21.365 (f)

What is the issue you would like the board to address and why? The issue in this proposal is to exempt the closing of the Kasilof River Special Harvest Area (KRSHA), when the Upper Sub District commercial set net gillnet fishery is closed under the Kenai River Late-Run King Salmon Management Plan (KRLRKSMP).

At the 2020 Board of Fish (BOF) Upper Cook Inlet meeting, with a recommendation from ADFG, the BOF lowered the Kasilof River sockeye salmon optimum escapement goal (OEG) of 160,000 - 390,000 to 140,000 -370,000 sockeye salmon.

Part of the reasoning was in 1985 over 500,000 sockeye salmon passed the counters in the Kasilof River. The 1985 escapement failed to replace itself. Since the adoption of the KRLRKSMP, in 2017, 5 out of 6 years the Kasilof River has exceeded the upper end of its escapement goal.

Since 2020 when the KRLRKSMP was changed to 15,000 -30,000 OEG the Kasilof River has annually exceeded its escapement goal. In 2022 almost ONE MILLION sockeye salmon made it into the Kasilof River. This is over 250% of the top end of the ADFG recommended goal and BOF approved goal.

It would seem to me that if a stock can become a "stock of management concern" for continually not making its minimum escapement goal, the same "stock of management concern" could be made for a stock continually exceeding the upper end of their escapement goal.

If 400,000 of the almost 600,000 sockeye salmon that exceeded the goal, were harvested; at \$2 a pound, would mean over \$3 million in revenue to the fishermen. Local canneries and processors would also benefit as they would have fish to process. In 2018, the last year the KRSHA opened, my cannery paid the going season price of \$2 a pound for sockeye salmon harvested in the KRSHA.

The KRSHA is very efficient at harvesting Kasilof sockeye salmon, while having a minimal, almost nil, harvest of large Kenai River king salmon. I don't have the harvest data at the moment, but I am confident when this proposal is discussed at the 2024 Upper Cook Inlet BOF meeting, ADFG will verify a very small harvest of large Kenai River king salmon.

There are step downs, for commercial set gillnet fishermen in the Kasilof River Management Plan, full fishery, half mile fishery, 600 ft fishery, and finally the KRSHA.

It would be the intent of this proposal to exempt from closing the KRSHA when the KRLRKSMP has closed the Upper Subdistrict set gillnet fishery.

PROPOSED BY: Gary Hollier (EF-F23-042)

PROPOSAL 120

5 AAC 21.365. Kasilof River Salmon Management Plan.

Repeal portions of intent language within the *Kasilof River Salmon Management Plan* as follows:

Delete in 5 AAC 21.365 (f):

[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.]

What is the issue you would like the board to address and why? The use of the Kasilof River Special Harvest Area (KRSHA) should be used whenever possible to prevent over-escapements. Almost a million sockeye (three times the escapement goal) we put in the river in 2022 and the

KRSHA was not open one time. That is a tremendous waste of salmon for food and economics and is detrimental to salmon resource from the negative effect of over-escapement.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-033)

Central District Drift Gillnet Fishery Management Plan (7 proposals)

PROPOSAL 121

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Modify intent language within the Central District Drift Gillnet Fishery Management Plan, 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 IN RIVER RESTRICTIONS.] **The department shall also manage the common property fisheries with a reasonable opportunity to harvest salmon resources.** The department shall manage the Central District commercial drift gillnet fishery as described in this section.

What is the issue you would like the board to address and why? Delete unnecessary language in the Cook Inlet salmon management plans to direct the department to minimize the commercial harvest of coho. That language restricts the flexibility for the managers to manage on a real time basis, based on in season abundance, to harvest the surplus of all salmon species and results in gross over-escapements and the waste of valuable harvestable salmon surpluses. This language has resulted in tens of millions of harvestable salmon going un-harvested and negatively affects the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over escapement. It also violates the Magnuson Stevens Act. The sports fishery has a reasonable opportunity to fish because of the fact that salmon run into thousands of streams in the Cook Inlet drainage from May to October and most all are open to sports fishing. If one system is not open, for escapement reasons, a sports fisherman has many other system they can fish. In comparison the commercial fisherman, when restricted or closed down, has no other area to fish because they are restricted to the areas and their gear type by their limited entry permit they own. There is unfair and has no parity in reasonable opportunity between commercial and recreational fisheries under the current management plans. There are no conservation concerns on coho and most coho runs are harvested well below acceptable 60% to 70% exploitation rates, with many exploitation rates being less than 5% and most less than 2%. Because of overly restricted commercial fishing management plans only around half of the CFEC permit holders are currently participating in the Cook Inlet fishery, thereby reducing their harvest potential by half.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-025)

PROPOSAL 122

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Repeal the ‘one percent rule’ in the Central District drift gillnet fishery as follows:

5 AAC 21.353. (4) (E) (3) (B).

Delete " 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."

By removing the language from this section, it would allow the drift fishery to remain open in whatever waters we are permitted to fish in until August 15th.

What is the issue you would like the board to address and why? Remove this restriction from the regulations. This restriction does not allow for harvest of available surpluses in salmon stocks should a surplus be available. The reduced fleet participation and lack of effort after August 1st makes it virtually impossible to meet this threshold. The remaining vessels still engaged in the fishery after August 1st are predominately local owners. It is a chance for local owners to continue to fish without a significant impact to any one stock. The regulation also does not take into account late arriving runs and the pulses that naturally occur in every fishery.

PROPOSED BY: Brian Harrison (EF-F23-048)

PROPOSAL 123

5 AAC 21.310. Fishing Seasons; 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Repeal the “one percent rule” from Upper Cook Inlet commercial salmon fishery management plans as follows:

Eliminate the 1% rule from the management plans and manage on abundance using the most reliable science available.

What is the issue you would like the board to address and why? The 1% rule doesn't work and only creates harm to the commercial fishing industry, communities and the resource. Since its inception there has been million of salmon gone un-harvested and countless systems being over-escaped. There are not conservation concerns with coho or any other salmon species after July. In fact salmon are returning in good numbers. Kenai sockeye salmon are consistently returning at a higher rate in August and the 1% rule has prevented their harvest along with forgoing harvest of vast numbers of chum and pink salmon in August. The 1% regulation is simply an unreasonable allocation. No other fishery in the State has this unscientific regulation. The 1 % rule prevents the managers from harvesting the millions of surplus salmon, especially on even year pink returns. Delete the mandatory 1% rule regulation from all management plans. The 1% rule restricts the

flexibility for the managers to manage on a real time basis, based on in season abundance and salmon migration, to harvest the surplus of all salmon species and results in gross over-escapements and the waste of valuable harvestable salmon surpluses. The 1% rule has resulted in tens of millions of harvestable salmon going un-harvested and negatively affects the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over escapement. It also violates the Magnuson Stevens Act and other applicable laws. The sports fishery has a reasonable opportunity to fish and reasonable numbers of salmon to harvest. In comparison the commercial fisherman, when restricted or closed down, has no other area to fish because they are restricted to the areas and their gear type by their limited entry permit they own. There is unfair and has no parity in reasonable opportunity between commercial and recreational fisheries under the current management plans. Because of overly restricted commercial fishing management plans only around half of the CFEC permit holders are currently participating in the Cook Inlet fishery, thereby reducing their harvest potential by half.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-034)

PROPOSAL 124

5 AAC 21.310. Fishing Seasons.; 5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Repeal the “one percent rule” from Upper Cook Inlet commercial salmon fishery management plans as follows:

The 1% rule is repealed in order to access the harvestable surplus of sockeyes of which many return in August.

What is the issue you would like the board to address and why? Repeal the 1% rule – large harvestable surplus is wasted.

PROPOSED BY: John McCombs (HQ-F23-064)

PROPOSAL 125

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Repeal sections of the *Central District Drift Gillnet Fishery Management Plan* to provide additional commercial salmon fishing opportunity with drift gillnet gear as follows:

Delete 5AAC 21.353 (4) (e) (1) (A)(B)(C)(D) (2)(A)(B)(C)(3)

What is the issue you would like the board to address and why? The fishing area after August 1st had been inlet wide for a hundred year and was by a misguided Board generated Proposal three years ago. The data shows Northern District bound salmon stock are through the central District by Aug 1st. The closure implemented three years ago unnecessarily closed fishing on local west side salmon stocks that are remote, and get little to no sports fishing and with the closure get little or no commercial harvest.

It is poor management to close this area after Aug 1st which only results in little to no commercial harvest on surplus salmon.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-026)

PROPOSAL 126

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Increase drift gillnet fishing opportunity in Drift Gillnet Area 2 as follows:

Open Area 2 to drift gillnetting twice a week 7am – 7 pm during all inlet wide openings throughout the season.

What is the issue you would like the board to address and why? Area Restrictions – the beach is closed, access to harvestable surplus, area 2 has been closed for over a decade.

PROPOSED BY: John McCombs (HQ-F23-061)

PROPOSAL 127

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan.

Modify weekly fishing periods in the *Central District Drift Gillnet Fishery Management Plan* as follows:

The drift fleet will fish 2 - 12 hour openings inlet wide, 1 - 12 hour opening (6 mile corridor) WEEKLY.

What is the issue you would like the board to address and why? Drift gillnet openings – the beach is closed, no set nets.

PROPOSED BY: John McCombs (HQ-F23-066)

Fishing Seasons, Weekly Periods, Setnet Gear, and Registration (17 proposals)

PROPOSAL 128

5 AAC 21.310 Fishing Seasons.

Provide additional commercial salmon fishing opportunity with set gillnet gear in the Upper Subdistrict as follows:

5 AAC 21.310. Fishing Seasons (C) (ii)

...; when **any portion of** 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 **will** [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

What is the issue you would like the board to address and why? This issue deals with fishing North Kalifonsky Beach (NKB) (244-32), within 600 ft from Mean High Tide (MHT), on or after July 1.

With a recommendation from ADF&G, in 2020, the BOF lowered the OEG in the Kasilof River from 160,000-390,000 to 140,000-370,000 sockeye. Some of the reasoning, was in 1985, 501,071 spawners produced a return of 369,740 sockeye. The system failed to replace itself.

Since the 2020 BOF meeting, the Kasilof River has exceeded its OEG, every year. In 2022 almost ONE MILLION sockeye made it past the sonar counter.

NKB is a traditional harvester of "beach orientated" Kasilof stocks. Genetics reports have verified this over the years. A genetics report on sockeye, for the NKB 600 ft fishery, 7/13 & 7/21, 2019 showed the Kasilof River stock composition to be 59.5%.

In comparison, the Kasilof Section half-mile fishery for 7/13 & 7/21, 2019 the Kasilof stock composition was 27.3%.

Earlier in July, before the Kenai River sockeye show up on NKB, data and common sense would indicate that the Kasilof River sockeye component would be even higher on NKB.

According to Area Management Reports, 2020 & 2021, and conversations with ADF&G for 2022, for those three years, fishing NKB 600 ft, there were 32,474 sockeye harvested and 10 kings. A ratio of 3247/1 sockeye per king. Fishing 29 mesh deep nets, with 4 3/4 in gear, until the entire Kenai Section opens, is definitely a beneficial tool to harvest sockeye, while reducing king catches.

In 2022 NKB 600 ft fishery fished one day, on July 7. The entire Kasilof Section fished July 2, 4, and 7, prior to opening the Kenai Section. With ADF&G predicting 16,004 large King salmon to the Kenai River, closures to the ESSN fishery, were pretty much guaranteed. With restrictions/closures to the ESSN fishery, in-river goals to the Kenai and Kasilof rivers were grossly exceeded. NKB 600 ft should have fished on July 2 & 4.

It seems that ADF&G, over the past few years has been asking for " guidance" or "clear intent" of the Board of Fish thoughts and positions on various regulations.

At the March 2019 BOF Statewide meeting, "clear intent" was given by a BOF Member as to when the NKB 600 ft fishery should be used. In passing a portion of 5 AAC 21.310. (C) (ii), on the record, he stated his position was when "any portion of the Kasilof Section is fishing to help control escapement into the Kasilof, the Northern K Beach setters within 600 ft WOULD be fishing". There was no opposing discussion to his statement. This proposal passed the BOF 6-1. The proposal, in 2019, as written was a, " may be allowed", even thou INTENT was given by the BOF to ADF&G to fish NKB 600 ft fishery, when any portion of the Kasilof Section was fishing.

The proposal I am submitting, would change the (may) be allowed to a WILL be allowed. This would give ADF&G guidance, but more importantly help stop exceeding BOF mandated sockeye goals to the Kasilof River.

PROPOSED BY: Gary Hollier (EF-F23-017)

PROPOSAL 129

5 AAC 21.310. Fishing Seasons.

Increase Upper Subdistrict set gillnet commercial salmon fishing opportunity as follows:

5 AAC 21.310. Fishing Seasons.

...

(ii) Kenai and East Foreland Sections: 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] **shall** 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] **June 20** until the Kenai and East Foreland Sections commercial salmon set gillnet fishery open 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;

What is the issue you would like the board to address and why? The Kasilof River continues to exceed the top end of its goal when the ESSN fishery is closed due to chinook conversation. There is an opportunity for a small section of the ESSN to harvest Kasilof bound sockeye early in the season.

PROPOSED BY: Dan Norman (EF-F23-118)

PROPOSAL 130

5 AAC 21.310. Fishing Seasons.

Lengthen Upper Subdistrict set gillnet commercial salmon fishing season as follows:

(ii) Kenai and East Foreland Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from [AUGUST 11 THROUGH AUGUST 15] **August 6 through August 31**, the fishery is open for regular periods only...

(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] **August 31**, unless closed earlier by emergency order...

What is the issue you would like the board to address and why? Run timings for sockeye continue to trend later in the season. We see large pulses of sockeye occurring later in the year. There is also a significant lost opportunity to harvest pink salmon after 15 August. The end of the season should be framed by criteria rather than a date. The 1% rule and the harvest cap of coho salmon. If neither of the criteria are met, then the fishing season should continue since salmon don't have a calendar.

PROPOSED BY: Dan Norman (EF-F23-120)

PROPOSAL 131

5 AAC 21.320 Weekly fishing periods.

Modify Northern District weekly commercial fishing periods as follows:

Salmon may be taken in the northern district **from June 25 through July 19, weekly fishing periods will be from 7 am to 7 pm Monday, Wednesday, and Friday after July 19 salmon may be taken 7:00 AM Monday until 7:00 p.m. Monday and from 7:00 am Thursday until 7:00pm Thursday.**

[7:00 AM MONDAY UNTIL 7:00 P.M. MONDAY AND FROM 7:00 AM THURSDAY UNTIL 7:00PM THURSDAY]

What is the issue you would like the board to address and why? Proposing to fish Monday, Wednesday, and Friday 12-hour fishing periods for the Northern District is to help target some of the sockeye salmon before gear restriction start July 20, with one extra day and an extra 12-hours per week. The present regulation is a hit or miss due to extreme weather conditions and safety concerns because this area has unique SE (Turnagain) winds. For example, in the 2022 fishing season we missed 2 fishing openers in this time frame because of weather, this is a common occurrence from this area. This proposal will grant a reasonable opportunity to harvest a specific commercial stock (sockeye) and help us, as well as our neighboring communities economically. With scows and flake ice in place an additional period is not a problem with tenders from Kenai.

PROPOSED BY: Tyonek Fish and Game Advisory Committee (EF-F23-033)

PROPOSAL 132

5 AAC 21.320. Weekly fishing periods

Provide additional commercial salmon fishing opportunity in Upper Cook Inlet based on salmon escapement as follows:

Commercial fishing will be allowed by all gear types and in all areas of Upper Cook Inlet and with the full use of their respective legal complement of gear on Mondays from 7am to 7pm, Wednesdays 7am to 7pm, and Fridays 7am to 7pm. In order to keep escapement levels within the MSY escapement goals for the Kenai and Kasilof Rivers, fishing periods will be adjusted by E.O. in the following manner: Projected final escapements will be calculated on a daily basis, as they have been in recent years, and those numbers will determine whether regular fishing periods will

be restricted or if extra time will be allowed. If projected final escapements stray either way from the MSY escapement range, then fishing time will be adjusted accordingly. Actual escapement numbers will dictate fishing time rather than mandatory closures.

What is the issue you would like the board to address and why? In order to meet the Maximum Sustained Yield (MSY) principle required by the Magnuson-Stevens Act, and to achieve the MSY escapement goals of 600,000-800,000 sockeye for the Kenai River and 150,000-250,000 sockeye for the Kasilof River, regulations need to be changed to allow fishing time and area which are needed to achieve these goals.

PROPOSED BY: Teague Vanek (EF-F23-072)

PROPOSAL 133

5 AAC 21.320. Weekly fishing periods, 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan, 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan, 5 AAC 21.353 Central District Drift Gillnet Management Plan.

Modify weekly fishing periods in the Upper Subdistrict and adopt new ‘paired restrictive’ management measures as follows:

As Currently in the Regulation Book

5 AAC 21.320

Weekly Fishing Periods

(C) Upper Subdistrict:

(i) Kasilof Section: from June 25 through August 15, unless closed

by emergency order under (iii) of this subparagraph; however, if the department estimate

that 30,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner 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 Foreland Sections: 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 open 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.;

New Proposal:

(C) Upper Subdistrict:

(i) Kasilof Section: from June 25 through August 15;

7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday; (more days and time can be added if warranted) (if the commissioner or the department deems necessary to restrict time or close the east side set net fishery, for any reason, equal percentage time restrictions must be administered to all other user groups); 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 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 Foreland Sections: from June 25 through August 15, 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday; (more days and time can be added if warranted) (if the commissioner or the department deems necessary to restrict time or close the east side set net fishery, for any reason, equal percentage time restrictions must be administered to all other user groups); from July 1 through August 15, when the Kasilof Section is open to commercial fishing with set gill nets and the Kenai and East Forelands Sections are closed to commercial fishing with set gill nets, commercial fishing with set gill nets 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 open 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;

This means that on Monday and Thursday 12 hour openings will be fished by the ESSN fishery in some form or fashion. (with full too minimum gear).

ESSN fishery (Kasilof, Kenai and East Foreland Sections) will be allowed to set gill net for salmon Monday and Thursday from 7:00 am to 7:00 pm from June 25th to August 15th. These 2-12 hour fishing periods per week cannot be reduced in time without taking an equal percentage of time from all user groups.

Set net, drift net, dip net, inriver sport will all be affected.

For example;

If the commissioner takes a Monday or a Thursday away from ESSN (closed by emergency order);

This is taking 50% of the ESSN opportunity.

The commissioner shall restrict 50% of the time from all other user groups.

If the commissioner must close ESSN for the season, for any management or plan reason all user groups close for the season.

set net, drift net, dip net, inriver sport

What is the issue you would like the board to address and why? The purpose of this proposal is for the ESSN's.(Commercial East Side Set Net) to have an opportunity to harvest salmon, with full too minimum gear (as written in the management plans), throughout the entire prescribed season.

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

The department shall manage the Kenai River late-run sockeye salmon stocks primarily for commercial uses based on abundance.

The last few years, this has not been happening due to the many nuances of the different management plans.

In the year, 2023 the ESSN's opportunity to harvest throughout the season as prescribed evolved to a full season closure.

PROPOSED BY: Chris Every (EF-F23-108)

PROPOSAL 134

5 AAC 21.320. Weekly fishing periods.

Modify weekly fishing periods as follows:

Delete from all management plans that restrict commercial fishing on two regular, Inlet wide, 12 hour fishing periods per week.

Establish in all management plans that the commercial fisheries will fish on two regular, Inlet wide, 12 hour fishing periods per week. If salmon abundance warrants additional Inlet wide fishing periods per week will be implemented.

What is the issue you would like the board to address and why? The commercial fishery is the only indicator and calibration of the test boat of the run strength and salmon species on a real time bases. Without regular 12 hour, inlet wide, fishing periods the Department is basically managing blind as to the salmon species abundance, migration pattern and timing. The fishery has data from decades of management without regular inlet wide periods and the results have always been consistent gross over-escapements of all species and the lost harvest of millions of surplus salmon that is disastrous to the commercial fishing industry, the salmon resource and communities. In comparison the fishery has data from decades of management with regular inlet wide periods and the results were scientific escapement goals being met and sustainable harvest was maintaining a viable commercial fishery while providing ample sports fishing opportunity and harvest. Not fishing two inlet wide fishing periods per week, or more based on abundance, has resulted in tens of millions of harvestable salmon going un-harvested that negatively affects the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over escapement. It also violates the Magnuson Stevens Act and other applicable laws. The sports fishery has a reasonable opportunity to fish and reasonable numbers of salmon to harvest. In comparison the commercial fisherman, when restricted or closed down, has no other area to fish because they are restricted to the areas and their gear type by their limited entry permit they own. This is unfair and has no parity in reasonable opportunity between commercial and recreational fisheries under the current management plans. Because of overly restricted commercial fishing management plans only around half of the CFEC permit holders are currently participating in the Cook Inlet fishery, thereby reducing their harvest potential by half.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-038)

PROPOSAL 135

5 AAC 21.350. Closed waters.

Close the Chinitna Bay Subdistrict to commercial fishing for salmon as follows:

Close the Chinitna Bay subdistrict in Upper Cook Inlet to commercial fishing for chum and coho salmon.

What is the issue you would like the board to address and why? The numbers of chums and coho's returning to the streams in Chinitna bay have drastically decreased over the past decade. the fishery needs to be closed until stocks rebound.

PROPOSED BY: Mel Erickson (EF-F23-096)

PROPOSAL 136

5 AAC 21.350. Closed waters.

Increase waters closed to commercial fishing for salmon as follows:

Commercial drifters must stay a minimum distance of 1 mile from the mouths of silver salmon Creek and shelter creek on cook inlets west side.

What is the issue you would like the board to address and why? Currently drifters can fish as close as 1/4 mile from the mouth of silver salmon creek, and shelter creek, blocking fish from entering these streams and may over harvest from an individual stream. In 2022 silver salmon creek had very few coho salmon enter the system. Another issue is brown bears have become habituated to taking salmon from nets, bears also guard and defend the areas around the nets.

PROPOSED BY: Mel Erickson

(EF-F23-104)

PROPOSAL 137

5 AAC 21.350. Closed waters.

Increase waters closed to commercial fishing in Upper Cook Inlet as follows:

Closed Waters:

(c) Northern District

(1) within one statute mile of the terminus of the following salmon streams:

(A) Swanson Creek

(B) Bishop Creek

(C) Three-mile Creek

(D) Chuit River

(E) Nikolai Creek

(F) McArthur River

(G) Susitna River

(H) Little Susitna River

What is the issue you would like the board to address and why? In Upper Cook Inlet most significant salmon streams with established salmon spawning escapement goals have 1-mile radius or larger commercial fishing closed water areas near the drainage terminus at saltwater. This provides a protected zone where salmon may be bunching up as they explore the freshwater /

saltwater mixing zone or make the osmoregulatory change from the saltwater to freshwater environment. Avoiding excessive harvests near stream mouth terminus areas is a strategy that may allow all user groups to fish throughout an entire season (and sometimes for multiple species) uninterrupted by inseason restrictions or closures.

In Upper Cook Inlet’s Northern District (the end of the harvest gauntlet) two significant salmon stream terminus areas lack these standard 1-mile radius commercial closure areas. Susitna River drainage and Little Susitna River each support populations of 5 species of salmon. Each river has a long history of emergency inseason restrictions to both saltwater and freshwater user groups in efforts to attain different salmon escapement goals. Even with emergency restrictions and closures each river also has a history of failing to attain salmon spawning escapement goals. Therefore, consistent with the purpose of the Northern District Salmon Management Plan, we request the board add Susitna River and Little Susitna River to the regulatory list of Northern District salmon streams with one statutory mile commercial closed waters from their terminus. **Note:** Both Susitna River and Little Susitna River support much higher levels of inriver users than all other streams on the current Northern District list.

At the Susitna River terminus we are unaware of current commercial fishing — providing an opportune time to make this change. There are currently registered setnet sites within one mile of the Little Susitna River terminus.

PROPOSED BY: Matanuska Valley Advisory Committee (EF-F23-133)

PROPOSAL 138

5 AAC 21.335. Minimum distance between units of gear; 5 AAC 21.331. Gillnet specifications and operations.

Allow use of a seine lead in the set gillnet fishery and define minimum distance between gear as follows:

In considering a minimum distance between gear 5 AAC 21.335(d) no part of a seine may be operated within 300 feet of a set gillnet. And considering the Lead’s unknown effects upon salmon behavior, this Experiment to Be:

Allow for the use of a 105 Fathom Seine Lead in the set net fishery, within 300 feet of a set gillnet, wherever fishermen within 1200 feet on either side have given approval.

What is the issue you would like the board to address and why? Allow for the implementation of a 105 Fathom Fixed Seine Lead

Whenever possible, experimentation that may lead to new results should be encouraged in my opinion. The Board Process seems like a decent route to be sure stakeholders have a say in how new gear implementation may affect their fishing opportunity.

This particular Seine/Lead in this configuration would be used to explore what if any behavioral differences may exist amongst the various species of salmon upon interaction with the Lead.

Larger schools of salmon MAY gather up against and flow around a Lead, returning more quickly to a near-shore travel, whereas larger individual fish or smaller groups MAY react by escaping into deeper water for a lengthier period of time. Interaction with a Lead MAY also heighten a salmon's future response to a gillnet. This could be especially important if the interaction occurred on an ebbing tide, when the fish may have been tailing against the current and been pushed into the net, leaving it ill-prepared to mount an escape.

It is anticipated that when dealing with so few openers a year, commercial operators are unlikely to be enthusiastic about the cost associated with building such a net, which could as easily direct fish of all species away from their gillnets, while only exploring a vague notion of fish behavior and some conservation of chinook, which are already reported as being caught infrequently at many beach locations.

For this reason, Fish and Game Managers themselves may wish to build such a Lead and place it within the Kasilof PU gillnet fishery to begin to evaluate any effects, thus perhaps providing the Department confidence to allow additional fishing opportunity within that fishery, which has seen limited fishing hours due to poor king returns.

A fixed Lead could perhaps also be positioned off-shore to divert salmon in closer to shore based PU fishermen.

PROPOSED BY: Nathan Hoff (HQ-F23-088)

PROPOSAL 139

5 AAC 21.330. Gear.

Allow use of reef nets in the Upper Cook Inlet commercial salmon fishery as follows:

(d) Reef nets may be used in the following areas

What is the issue you would like the board to address and why? To offer an alternative gear for setnet fishermen when they are closed for Kenai River King Salmon OEG escapement goals. Establish areas in river or in special areas to harvest abundant sockeye bound for the Kenai and Kasilof Rivers.

PROPOSED BY: Paul Shadura II (EF-F23-169)

PROPOSAL 140

5 AAC 21.330. Gear.

Allow use of reef nets in the Upper Cook Inlet commercial salmon fishery as follows:

Write a new regulation that would allow setnet permit holders to use a Reef net in lieu of the Cook Inlet setnet permit in times where they are restricted in using their traditional gear. A permit holder must be on site when the Reef net is in operation. Up to 5 permit holders may operate a licensed

Reef net float and net operation. Reef net operators must register their floating equipment with the ADF&G.

What is the issue you would like the board to address and why? Recent article from the Bellingham, Washington area have shown the success of Reef net fishing in selective harvests of salmon. This may be used in selective or riverine areas of the Kenai and Kasilof Rivers to harvest abundant sockeye stocks when setnet fisheries are shut down on the ESSN to attain an OEG on Kenai bound King salmon.

PROPOSED BY: Paul Shadura II (EF-F23-170)

PROPOSAL 141

5 AAC 21.331. Gillnet specifications and operations.

Restrict set gillnet gear in the Upper Subdistrict as follows:

Direct or incentivize use of 29” rather than 45” gillnets in the east side set net fishery even when not operating under paired restrictions with the following addition under *5 AAC 21.331 Gillnet Specifications and operations*:

(d) A set gillnet may not be more than 35 fathoms in length and 45 meshes in depth. South of the latitude of Anchor Point, 30 fathoms of seine webbing may be used on shore between high and low water levels. A person may not operate more than four set gillnets with more than 105 fathoms of set gillnet in aggregate, except that

(2) In the Upper Subdistrict, a CFEC permit holder shall be restricted to 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. [REPEALED 6/11/2005.]

What is the issue you would like the board to address and why? Current regulations do not provide adequate protection for harvest of Kenai late-run king salmon in the east side set gillnet fishery in the event that numbers recover enough to get out of paired restrictions. We are currently in an extended period of low king productivity and are likely to continue to be challenged by low abundance even if we are not under paired restrictions. Without additional management tools, more-normal management is likely to fish us back into paired restrictions in the course of a season under reduced king

Paired restrictions are identified in the Kenai River Late-Run King Salmon Management Plan as a conservation measure during periods of low abundance. The plan incentivizes use of shallow nets as a conservation measure during periods of low king abundance. The regulation allows for 4 nets if 29” but only 2 nets if 45” (or 2 @ 29” vs. 1 at 45”). However, current regulations do not allow for ADF&G to limit set gillnets to shorter depths during normal fisheries when paired restrictions are not in effect and the fishery is governed by the Kenai River Late-Run Sockeye Salmon Management Plan. Under normal circumstances a set gillnet in the Central District commercial fishery may be up to 45 meshes in depth.

Use of shallow nets needs to be extended under normal circumstances when paired restrictions are not in effect. Use of shallow set gillnets will increase the opportunity of the commercial setnet fishery to harvest abundant sockeye while reducing harvest of king salmon. Shallow nets are more selective for harvest of sockeye than kings because kings often travel deeper in the water column.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F23-080)

PROPOSAL 142

5 AAC 21.363. Upper Cook Inlet Salmon Management Plan .

Establish new commercial fishery reporting requirements in Upper Cook Inlet as follows:

To require jack king salmon to be reported on commercial salmon fish tickets. Other solutions would extend this to all subsistence and sports reporting in Cook Inlet.

5AAC. Upper Cook Inlet Salmon Management Plan

(7) King Salmon reporting requirements.

Alaska Department of Fish and Game general salmon tickets must record King Salmon as follows. Kings over 20 inches will be reported under code 410. Jack Kings under 20 inches will be reported under code 415 in the box below 410

What is the issue you would like the board to address and why? Accurate king salmon reporting is important for managers, the public, and harvesters to understand the true nature of the harvest. Commercial counts simply report kings under code 10 on the General Salmon Ticket. If an area reports 1,500 kings in a season it is a count of jacks and kings.

Good decisions come from good information, so a requirement to report jack kings in the box below kings with a code 415 would help in understanding the nature of the run. Cook Inlet gill nets are restricted to six inch mesh to aid in the release of large kings. Jacks are frequently caught in the same nets, but the data does not reflect this fact.

This proposal if passed would be helpful for processors who pay much less for jacks. The box is already available and would not change fish tickets statewide. If nothing is changed a kings size will be an unknown in Cook Inlet data.

If nothing is changed a king’s size will be an unknown in Cook Inlet data.

PROPOSED BY: Tyonek Fish and Game Advisory Committee (EF-F23-035)

PROPOSAL 143

5 AAC 21.345 Registration.

Allow Upper Cook Inlet set gillnet permit holders to fish in more than one registration area per year as follows:

I'd like to be able to register in UCI Set Net and also for a different area.

(a) A **UCI** CFEC set gillnet permit holder [MAY NOT] **may** fish in more than one registration area during a registration year.

What is the issue you would like the board to address and why? As the ESSN continues to experience year after year of shutdowns for king salmon abundance it makes it increasingly difficult to make a living. Kenai is my home and I love to fish here with my family. Unfortunately, I am not able to count on income from being an eastside setnetter.

Guides can take people fishing for sockeye on the Kenai or can go to Seward for Coho or Ninilchik for Halibut. I am stuck with no alternative based on the registration rule. I made the sacrifice to purchase a permit for a different area, but I must gamble on what area has the best opportunity for me to catch fish and produce an income for my family. I'd like to see the rule amended to allow me to register and participate in multiple areas as I see fit.

PROPOSED BY: Dan Norman (EF-F23-123)

PROPOSAL 43

5 AAC 40.820. Basic Management Plans.

Amend Basic Management Plans as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Amend the *Cook Inlet Salmon Enhancement Allocation Plan* to specify hatchery pink salmon production, as follows:

Reduce hatchery production to 25% of the year 2000 production as promised in 2000.

What is the issue you would like the board to address and why? There is an over-production of hatchery pink salmon that threatens wild Alaska stocks.

In 1996 Elfin Cove Advisory Committee put in a proposal to restrict hatchery production according to the original intent of rehabilitating wild salmon runs. They wanted a substantial reduction in current hatchery production. The hatchery managers complained the Board did not have the authority to set their production. After a thorough examination (approximately one year), the Attorney General ruled the Board does have the authority to regulate the number of eggs taken for production. The Board deferred the proposal and formed a hatchery committee to gather information. This committee was comprised of Board members Dan Coffey, Virgil Umphenour and Grant Miller. It took three years, a full Board cycle, with meetings in every region of the state, to complete the report.

The proposal was scheduled for the January- February 2000, a super meeting of Bristol Bay, AYK and Area M. The hatchery management met with the Governor and proffered that if the Board would not take up the proposal they would reduce their production by 25%. The Board meeting lasted 26 days, 10-16 hours a day, accepting the promise from the hatchery managers in the interest of time.

The marine productivity is currently in a very low cycle. The wild salmon are starving, many small systems are extirpated. Most of AYK/ Cook Inlet stocks are not meeting escapement goals and have very little or no harvest of Chinook, chum and coho salmon.

The purpose of this proposal is strictly conservation, to hold the hatcheries to their 2000 promise. The Board should require a substantial reduction in production so the wild fish don't have to compete, as noted by hundreds of science papers, with hatchery fish for food.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee (EF-F23-151)

Pink Salmon Management Plan (2 proposals)

PROPOSAL 144

5 AAC 21.354. Cook Inlet Pink Salmon Management Plan.

Amend the *Cook Inlet Pink Salmon Management Plan* as follows:

Regulation as currently written:

5 AAC 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. Notwithstanding 5 AAC 21.310(b)(2)(C)(iii), from August 11 through August 15, the commissioner may, by emergency order, open a commercial pink salmon fishery in an even-numbered year for up to two regular 12-hour fishing periods if the commissioner determines that the sockeye salmon escapement goals in the Kenai and Kasilof Rivers are being achieved and coho salmon run strength is sufficient to withstand additional harvest.

(b) The first pink salmon commercial fishing period will occur only if, during the regular fishing periods from August 6 through August 10, the daily harvest of pink salmon in the Upper Subdistrict set gillnet fishery exceeds 25,000 fish or the cumulative harvest is 50,000 or more pink salmon. The second pink salmon commercial fishing period will occur only if 25,000 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.

(c) During a pink salmon commercial fishing period opened under this section, a

set gillnet may not have a mesh size greater than four and three-quarters inches; and

(2) drift gillnet 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).

Proposed regulation wording

5 AAC 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. One additional pink salmon commercial fishing period per week will be allowed during the first two weeks of August on even calendar years.

(b) The second pink salmon commercial fishing period will occur only if no more than 2,500 coho salmon are harvested in the Upper Subdistrict set gillnet fishery during the first pink salmon commercial fishing period.

(c) During a pink salmon commercial fishing period opened under this section, a

set gillnet may not have a mesh size greater than four and three-quarters inches; and

(2) drift gillnet 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? Commercial opportunity needs to be defined to allow harvest.

Regulations as written are not working, review historical data.

Can't remember the last time we had a pink harvest opener.

PROPOSED BY: Chris Every

(EF-F23-107)

PROPOSAL 145

5 AAC 21.354. Cook Inlet Pink Salmon Management Plan.

Increase commercial fishing opportunity in the *Cook Inlet Pink Salmon Management Plan* as follows:

Delete 5 AAC 21.354 [(a) (b) (c) (1) (2)]

Replace with: **(a) The department shall use additional time and area to manage the Cook Inlet pink salmon stocks primarily for commercial uses to provide an economic yield from the harvest of these salmon resources based on abundance. The department shall strive for a harvest rate in the accepted 60% to 70% exploitation range.**

What is the issue you would like the board to address and why? Insert The current pink salmon management plan does not allow the managers the flexibility to harvest the pink salmon surplus. Literally tens of millions of pinks are not allowed to be harvested under the current management plans. Under the current management plans less than 2% of the pink salmon runs are harvested. ADF&G data shows that the Cook Inlet has had even year returns of up to 40 million pinks. That is a lot of food and economic resource not being utilized. The current pink salmon management plan restricts the flexibility of the managers to manage on a real time basis, based on in season abundance and salmon migration, to harvest the surplus of all salmon species and results in gross over-escapements and the waste of valuable harvestable salmon surpluses. The current pink

salmon management plan is unscientific and intentionally inadequate and has resulted in tens of millions of harvestable salmon going un-harvested and negatively affects the commercial fishing industry, communities, National food source, interstate commerce, economies and also decreases future salmon production resulting from the effects of over escapement. It also violates the Magnuson Stevens Act and other applicable laws. The sports fishery has a reasonable opportunity to fish and reasonable numbers of salmon to harvest. In comparison the commercial fisherman, when restricted or closed down, has no other area to fish because they are restricted to the areas and their gear type by their limited entry permit they own. This is unfair and has no parity in reasonable opportunity between commercial and recreational fisheries under the current management plans. Because of overly restricted commercial fishing management plans only around half of the CFEC permit holders are currently participating in the Cook Inlet fishery, thereby reducing their harvest potential by half.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-028)

Kenai/Kasilof River King Salmon (5 proposals)

PROPOSAL 146

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

Align the Kenai River Drainage Area method and means provisions with the season dates for Kenai River king salmon as follows:

5 AAC 57.120(2)(A) is amended to read:

...

(a)(2)(A)(iv) from January 1 — [July 14] **July 31**, a person may not possess a king salmon that has been filleted, headed, mutilated, or otherwise disfigured in a manner that prevents determination of the length of fish taken until the fish is permanently offloaded from a vessel if the fish was taken from a vessel or permanently transported away from the fishing site if the fish was taken from the riverbank; for the purposes of this sub-subparagraph, “fishing site” means the riverbank where the fish was hooked and removed from the water becoming part of the angler’s bag limit

What is the issue you would like the board to address and why? The dates prohibiting anglers from filleting, removing heads, or mutilating king salmon that prevents the determination of length before permanently offloading from a vessel (if taken by vessel) or permanently transported away from a fishing site do not align with the king salmon season end date (July 31) for the Kenai River Drainage Area.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-010)

PROPOSAL 147

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 king salmon annual limit as follows:

Reduce the annual bag limit of Kenai River King Salmon greater than 34 inches to ONE per year whenever their retention is permitted.

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? The Kenai River is experiencing a prolonged period of diminished productivity and is a candidate for Stock of Management Concern. This proposal seeks to reduce the exploitation of LARGE Kenai River King Salmon which are essential for stock recovery.

PROPOSED BY: Francis Estalilla (HQ-F23-095)

PROPOSAL 148

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

Prohibit fishing for king salmon from a motorized vessel in the Kenai River as follows:

Close the Kenai River to chinook fishing from a power boat on Wednesdays and Fridays.

What is the issue you would like the board to address and why? There is an open-ended limit to the amount of pressure that the commercial guided fleet can apply to the late run of Kenai River chinook salmon. The efficiency that guides are able to maneuver in the slot allows extremely targeted and productive results. Further the ability to move up the river with a school of chinook salmon further compounds their harvest power.

PROPOSED BY: Dan Norman (EF-F23-132)

PROPOSAL 149

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

Require mandatory retention of Kenai River king salmon as follows:

NO Hook and release on Kenai River king salmon.

What is the issue you would like the board to address and why? Hook and release – the damage is done, no Kenai kings.

PROPOSED BY: John McCombs (HQ-F23-063)

PROPOSAL 150

5 AAC 21.XXX. New Section.

Create a Kasilof River Late-Run King Salmon Management Plan as follows:

Establish a dedicated management plan for Kasilof Late-run kings

5 AAC 21.XXX Kasilof 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 Kasilof River system and to provide management guidelines to the department. The department shall manage the late-run Kasilof 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 inriver restrictions. The provisions of this management plan are in effect from July 1 through August 15.

(b) In the absence of an established escapement goal, the department shall manage the late run of Kasilof River king salmon in a precautionary manner.

(c) Regulations governing the sport fishery for late-run king salmon in the Kasilof River shall mirror those established by emergency order for the Kenai River as set out in 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan and implemented by emergency order for the conservation of Late-Run Kenai king salmon.

(c) Conservation of Kasilof River king salmon shall take priority over not exceeding the upper end of the Kasilof River sockeye optimal escapement goal.

(d) The Kasilof River Special Harvest Area shall not be opened to commercial fishing by set or drift gillnet when the Kasilof sport fishery prohibits fishing for king salmon.

What is the issue you would like the board to address and why? A significant Kasilof late-run king salmon population has been identified by recent stock assessments. This population historically supported a significant sport fishery but, like king salmon throughout Alaska, appears to be in severe decline. Significant harvest of Kasilof late-run kings also occurs in the east side set gillnet fishery according to genetic stock identification.

No management plan is dedicated to this stock and it is unclear whether current management incidental to other salmon management plans provides adequate protection.

PROPOSED BY: Kenai River Sportfishing Association (HQ-F23-083)

Kenai River Vessels and Habitat Restrictions (2 proposals)

PROPOSAL 151

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Add days and area to the nonmotorized restrictions on the Kenai River as follows:

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

...

(A) on any Monday **and Thursday** in May, June, July and **August** except Memorial Day, in that portion of the Kenai River from the **Warren Ames Memorial** [STERLING HIGHWAY] Bridge upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake, except that unguided sport fishing **on Mondays, and guided or unguided on Thursdays** from a nonmotorized vessel is allowed in May, June, July **and August** as described in 5 AAC 21.359(c)(3); for the purposes of this subparagraph, "nonmotorized vessel" is a vessel that **has a motor less than 10 hp, which may be used only below the ADF&G marker at Cunningham Park, and only after fishing has commenced for the day. Except in cases of emergency, a non motorized vessel may not be attached to a motorized vessel in any capacity while operating** [DOES NOT HAVE A MOTOR ON BOARD.]

What is the issue you would like the board to address and why? Heavy, high density motorized vessel use is responsible for excessive turbidity, increased erosion, and safety issues. There are other social issues associated with crowding that are compounded by motorized vessel use in the current configuration of the fishery. Another drift day on the river, open to both guided and unguided anglers with no time restrictions, will help address hydrological and social issues and may promote more folks to invest in resource friendly drift boats. This would also reduce the exploitation of Late Run (LR) Chinook on the Kenai and allow more fish to move upriver and disperse during subsequent days. **A 2011, ADF&G memo regarding driftboat harvest states, "The creel estimates for late-run Mondays were approximately 4.2% of the total late-run harvests in both 2009 and 2010."**

This proposal seeks to offer an additional day of drift boat use on the Kenai River. An additional drift only day would be well received by the majority of sport fishermen as shown in the 2010 DNR Kenai River Recreational Study that says, **The majority of driftboat users (80%), drift boat guides (85%), and bank anglers (55%) support additional "drift-only" days.** There is little consensus about the best times for "drift-only" days, but support is greatest in higher density periods. Additionally more effort needs to be made in-river to mitigate the impact on main stem spawning chinook. The East Side Setnet fleet has been all but eliminated yet large king numbers continue to decline, more conservation effort is needed in-river to ensure that all chinook entering the river are allowed to spawn.

PROPOSED BY: Eric Nyce

(EF-F23-164)

PROPOSAL 152

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

Prohibit motorized vessels on the Kenai River, as follows:

Make the Kenai River drift only.

What is the issue you would like the board to address and why? Damage to habitat, no king salmon, unlimited guides, unlimited dipnetters, unlimited traffic, and because the river is a park. Unsustainable.

PROPOSED BY: John McCombs

(HQ-F23-065)

Guides – Kenai and Kasilof Rivers (12 proposals)

PROPOSAL 153

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow guiding on the Kenai River on Sundays and Mondays as follows:

OMIT Section 5 AAC 57.140(b) to read as follows;

Section 5 AAC 57.140 - Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area

[(b) DOWNSTREAM OF AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE, A PERSON MAY NOT SPORTFISH FROM A REGISTERED GUIDE VESSEL ON ANY SUNDAY FROM MAY 1 THROUGH JULY 31, AND ON ANY MONDAY IN JULY, EXCEPT THAT A PERSON MAY FISH FROM A REGISTERED SPORTFISHING GUIDE VESSEL DURING THE LAST TWO SUNDAYS IN MAY AND THE FIRST SUNDAY IN JUNE UNDER THE TERMS OF A PERMIT ISSUED BY THE COMMISSIONER, FOR APPROVED CHARITABLE NONPROFIT ORGANIZATIONS OR FOR EDUCATIONAL PUBLIC SERVICE ACTIVITIES.]

What is the issue you would like the board to address and why? The discrimination of guided sportfishing anglers in May, June, and July on the Kenai River. With current regulations, throughout the months of May, June, and July guided sportfishing anglers are not allowed to fish from a guide vessel on Sundays or Mondays downstream of Skilak Lake. These days were removed from guided sport fisherman in an effort to bring more parity between guided and private anglers king salmon harvest. Due to the dynamic nature of our fisheries, and continued low abundance of Kenai River King Salmon, the majority of guided sportfishing anglers are not targeting King Salmon but have transitioned into participating in more sustainable fisheries. Additionally, actively operating Registered Kenai River Guide numbers have seen a sharp decline in boat-based angling participation in the past five years. The lack of opportunity for boat based guided anglers on Sundays and Mondays in May, June, and July forces all guided boat-based anglers into the same days of operation throughout the week, resulting in concentrated pressure in river, as well as

potential for increased user conflict. The increased participation in the Kenai River Sockeye fishery, by both private and guided anglers, has resulted in riverbanks and gravel bars being occupied by anglers for most of the days allotted for boat based guided sportfishing, thus the boat-based angling has become more challenging, with fewer areas to access and fish. By removing the day restrictions in Section 5 AAC 57.140 (b) on boat-based guided sportfishing, guided sportfishing anglers would have increased opportunity to fish outside of peak days (Friday and Saturday) of in river use and spread river use over a seven day time period.

It is not the intention of this proposal to eliminate nonmotorized restrictions downstream of Skilak Lake on Mondays in May, June, and July, but simply to allow guided sportfishing from nonmotorized vessels in accordance with current sportfishing regulations.

PROPOSED BY: Kenai River Professional Guide Association (EF-F23-056)

PROPOSAL 154

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area

Allow guiding on the Kenai River without day and time restrictions if the king salmon fishery is closed as follows:

When King salmon fishing is closed on the Kenai River, day and hour restrictions will no longer apply.

What is the issue you would like the board to address and why? rescind days and hours restrictions for fishing from a guided vessel for May June and July when King salmon fishing is closed. Major revenue loss occurs when King salmon fishing closes. This would allow some of those losses to possibly be recovered by fishing for trout out of a vessel.

PROPOSED BY: Joseph Johnston Hanes (EF-F23-144)

PROPOSAL 155

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow guiding on the Kenai River on Sundays and Mondays if king salmon fishery is closed as follows:

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

...

(b) Downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake, a person may not sport fish from a registered guide vessel on any Sunday from May 1 through July 31, and on any Monday in July, except that a person may fish from a registered sport fishing guide vessel during the last two Sundays in May and the first Sunday in June under the terms of a permit issued

by the commissioner, for approved charitable nonprofit organizations or for educational public service activities. **In effect unless the king salmon fishery is closed due to Emergency Order (EO). In that case open to sport fishing on Mondays and Sundays from the start of the closure date during May 1-July 31.**

(c) From May 1 through July 31, sport fishing from a registered sport fishing guide vessel downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m. **In effect unless the king salmon fishery is closed due to EO. In that case open to sport fish all days of the week and all hours of the day from the start of the closure date during May 1-July 31.**

What is the issue you would like the board to address and why? The regulations that are in place during the King Salmon sport fishing season (No guiding from a vessel Mondays and Sundays and guiding from a vessel only open Tuesday-Saturday 6 a.m. to 6 p.m.) on the Kenai River (May 1-July 31) were put into place for two main reasons. The first being for the conservation of the King salmon; relieving fishing pressure by restricting the days and the hours that guides may fish for them. The second aspect being a social one, allowing the private anglers time and opportunity to fish for king salmon without having to compete with guides on the river.

When the king salmon sport fishery is closed due to Emergency Order (EO) these regulations are no longer applicable or needed. The result of keeping them in place drastically limits the available fishing opportunities for guides. This puts a disproportional amount of pressure on the remaining available fisheries and bank locations on the river. In the last several years during EO closures this resulted in raised tensions and conflict between guides and locals over the limited locations and fishing options.

I propose that when the king salmon sport fishery is closed due to EO (May 1-July 31) in removing the special restrictions from guided sport vessel on the Kenai River, allowing guides to target other species from a vessel such as trout, silvers or pinks during their legal seasons at all hours of the day. As follows:

Closed to sport fishing Sundays and Mondays (except Memorial Day) May 1-July 31. **In effect unless the king salmon fishery is closed due to Emergency Order (EO). In that case open to sport fishing on Mondays and Sundays from the start of the closure date during May 1-July 31.**

Sport Fishing is only allowed Tuesday-Saturday from 6a.m. to 6 p.m. **In effect unless the king salmon fishery is closed due to EO. In that case open to sport fish all days of the week and all hours of the day from the start of the closure date during May 1-July 31.**

PROPOSED BY: Eric Loomis (EF-F23-044)

PROPOSAL 156

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Allow sport fishing from a guided nonmotorized vessel on Mondays during May – July as follows:

[(3) (A) ON ANY MONDAY IN MAY, JUNE, AND JULY, EXCEPT MEMORIAL DAY, IN THAT PORTION OF THE KENAI RIVER FROM THE STERLING HIGHWAY BRIDGE UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE, EXCEPT THAT **UNGUIDED** SPORT FISHING FROM A NONMOTORIZED VESSEL IS ALLOWED ON MONDAYS IN MAY, JUNE, AND JULY AS DESCRIBED IN 5 AAC 21.359(C)(3); FOR THE PURPOSES OF THIS SUBPARAGRAPH, "NONMOTORIZED VESSEL" IS A VESSEL THAT DOES NOT HAVE A MOTOR ON BOARD;]

What is the issue you would like the board to address and why? Drift only Mondays were instituted for the king salmon fishery. With recent closures of the king salmon fishery various outfitters have switched to offering trout fishing trips, and the river has become extremely crowded and noisy. Anglers looking for a quiet time on the river while fishing for trout simply cannot find them. As a sport fishing guide, I want to offer my clients a quiet wilderness experience and I love the idea of drift only Mondays however I cannot currently offer that experience to my clients.

Alternatives: Drift only days for guides would reduce some of the traffic on the river but be confusing for both guides and the public.

Creating a drift only section on the middle river, while prudent, would likely face significant opposition.

PROPOSED BY: Patrick P McCormick (EF-F23-079)

PROPOSAL 157

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow anglers to fish on the Kenai River on Mondays in August and September from a guided vessel as follows:

Allow guided anglers to fish for coho salmon on the Kenai River on Mondays in August & September from a guided vessel.

What is the issue you would like the board to address and why? The Monday closure on Coho's on Kenai river for guided anglers became a regulation around the year 2000, during conservation concerns and the department wanted to reduce the limit from 3 to 2, The guides wanted to keep the limit at 3 and in return for a Monday closure and loss of guide rod plus couple other restrictions, since that time the limit has been reduced to 2, guide numbers are substantially less, and the stocks have rebounded in the majority of years. There no longer is a justifiable reason to not allow guided anglers to fish on Mondays.

PROPOSED BY: Mel Erickson (EF-F23-099)

PROPOSAL 158

5 AAC 57.121 Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Allow sport fishing from a guide vessel on Sunday and Monday with no hour restrictions as follows:

Allow sport fishing from a guide vessel on Sundays and Mondays with no hour restrictions above the Moose River in May, June & July.

What is the issue you would like the board to address and why? The regulation restricting fishing from a guide vessel on Sundays and Mondays and the hour restrictions were intended for the King salmon fishery, for the most part all of this area is now closed for king salmon even on years king salmon fishing is open. Anglers now troll for sockeyes near the outlet of Skilak lake and this fishery takes pressure off the bank fishery for sockeyes, Trout anglers also like to fish from boats in this area.

PROPOSED BY: Mel Erickson (EF-F23-101)

PROPOSAL 159

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow sport fishing from a guide vessel on the Kenai River on Mondays from August 1–November 30 as follows:

(i) **Repeal** [FROM JULY 31 OR THE END OF THE KING SALMON SEASON, WHICHEVER IS LATER, THROUGH NOVEMBER 30, SPORT FISHING FROM A VESSEL THAT IS REGISTERED WITH THE DEPARTMENT OF NATURAL RESOURCES, DIVISION OF PARKS AND OUTDOOR RECREATION, AS A SPORT FISHING GUIDE VESSEL IS RESTRICTED AS FOLLOWS:

(1) DOWNSTREAM FROM THE CONFLUENCE OF THE MOOSE RIVER AND KENAI RIVER, SPORT FISHING ON MONDAYS, EXCEPT LABOR DAY, IS PROHIBITED.

(2) UPSTREAM FROM THE CONFLUENCE OF THE MOOSE RIVER AND KENAI RIVER, SPORT FISHING FOR COHO SALMON ON MONDAYS, EXCEPT LABOR DAY, IS PROHIBITED; ANY COHO SALMON CAUGHT MUST BE RELEASED IMMEDIATELY WITHOUT FURTHER HARM.]

What is the issue you would like the board to address and why? The guide regulations currently in place for the coho salmon sport fishery prohibit fishing from a registered guide vessel below the confluence of the Kenai and Moose rivers on all Mondays from August 1- November 30 except Labor Day. It also prohibits fishing for coho salmon out of a registered guide vessel above the confluence of the Kenai and Moose rivers on all Mondays from August 1 - November 30 except Labor Day.

I propose that these regulations are repealed, and guides be allowed to sport fish from a registered guide vessel along the entirety of the Kenai River on Mondays from August 1–November 30.

The problem with this regulation remaining in place is that it puts extreme pressure on the remaining available fisheries and bank locations on the Kenai River. Once the sockeye run ends the only available option for guides is to trout fish in the middle river from Bings Landing. The result is that every guide on the river turns into a trout guide on Mondays and flood Bings Landing. This means instead of the guides being spread out over 50 river miles and targeting all available species. They are instead, pushed to the only available 10 river miles to fish, and can only target trout from their vessels.

In addition to the extreme pressure this region of the river receives on Mondays the pressure on Bings boat launch it just as extreme. The number of vehicles and boat trailers it receives is beyond its capacity as a launch.

By eliminating the Monday closures for guide vessels both above and below the confluence of the Moose and Kenai rivers, it would allow the entire river to be used as it is the remainder of the week and reduce the congestion and pressure placed on certain regions and fisheries. This would spread boats out throughout the river creating safer fishing and boating conditions for both guides and private anglers.

PROPOSED BY: Eric L Loomis (EF-F23-156)

PROPOSAL 160

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Limit guided activities on the Kenai River from May 1–July 31 as follows:

Modify 5AAC 57.140 to read:

...

(b) Downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake, a person may not engage in guided sport fishing [SPORT FISH FROM A REGISTERED GUIDE VESSEL] on any Sunday from May 1 through July 31, and on any Monday in July, except that a person may fish from a registered sport fishing guide vessel during the last two Sundays in May and the First Sunday in June under the terms of a permit issued by the commissioner, for approved charitable nonprofit organizations or for educational public service activities.

(c) From May 1 through July 31, guided sport fishing [SPORT FISHING FROM A REGISTERED SPORT FISHING GUIDE VESSEL] downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake is permitted only from 6:00 a.m. to 6:00 p.m.

An acceptable alternative to this proposal would be to limit guides to one boatload of clients per day, however without a requirement for guides to keep freshwater logbooks, this would be hard to enforce. I'd encourage the BOF to push the use of freshwater logbooks on the Kenai and Kasilof

- not only for accountability for commercial operators, but for valuable in season data those logbooks provide local managers.

What is the issue you would like the board to address and why? There has been a strategic shift by Kenai inriver commercial operators from guided King fishing to guided Sockeye fishing. Use and traffic is likely as high as it was during the busy years of the King fishery, but the fact that Sockeye fishing is shore-based has allowed the guide industry to avoid the old (King-based) rules of no guiding on Sunday, no powerboats on Monday, and guided operations being limited from 6am to 6pm. The guided sockeye fishery is a 24/7 operation, with guides working in teams to transport fishermen to accessible sockeye fishing locations with no limits on hours of operation, trips per day, no closed days, and no limit on the number of free guide permits handed out. Areas normally closed to bank fishing are often still accessible by anchoring and exiting the boat in the river. The majority of this action occurs directly on top of King salmon spawning and rearing areas. We need some updated regs to maintain sideboards on this new industry.

PROPOSED BY: Todd Smith (HQ-F23-072)

PROPOSAL 161

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Restrict guided shoreline anglers on the Kenai River to 6 a.m. to 6 p.m., from July 1 to August 15 as follows:

From Skilak Lake to the confluence of Cook Inlet restrict guided shoreline anglers from 6AM to 6PM, from July 1 to August 15 this very well might not be the go too solution, but I'd hope that the BOF and others will come up with a solid solution to a problem that continues to grow.

What is the issue you would like the board to address and why? Over guided effort for reds on the Kenai River has found many residents having a tough time finding a spot for family and friends to fish, guides continue to grow their businesses on the second run of reds, many guides have locked up spots before 3 AM, especially when the king fishery is closed or restricted.

PROPOSED BY: Pete Imhof (EF-F23-004)

PROPOSAL 162

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow guiding on the Kenai River prior to 6:00 a.m. and after 6:00 p.m. as follows:

OMIT Section 5 AAC 57.140(c) to read as follows;

Section 5 AAC 57.140 - Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area

((c) FROM MAY 1 THROUGH JULY 31, SPORT FISHING FROM A REGISTERED SPORTFISHING GUIDE VESSEL DOWNSTREAM FROM AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE IS PERMITTED ONLY FROM 6:00 A.M. TO 6:00 P.M.)

What is the issue you would like the board to address and why? *2. What is the issue you would like the board to address and why?

The discrimination of guided sportfishing anglers in May, June, and July on the Kenai River. With current regulations, throughout the months of May, June, and July guided sportfishing anglers downstream of Skilak Lake are only allowed to fish from a guide vessel from 6AM – 6PM. These days were removed from guided sport fisherman in an effort to bring more parity between guided and private anglers king salmon harvest. Due to the dynamic nature of our fisheries, and continued low abundance of Kenai River King Salmon, the majority of guided sportfishing anglers are not targeting King Salmon but have transitioned into participating in more sustainable in river fisheries. Additionally, actively operating Registered Kenai River Guide numbers have seen a sharp decline in boat-based angling during May, June, and July in the past five years. The lack of opportunity for boat based guided anglers prior to 6AM and after 6PM forces nearly all guided boat-based participants into a similar hours of operation, resulting in additional pressure and the potential for increased user conflict. The increased participation in the Kenai River Sockeye fishery, by both private and guided anglers, has resulted in riverbanks and gravel bars being occupied by anglers for most of the day in the timeframe allotted for boat based guided sportfishing, thus the boat-based angling has become more challenging, with fewer areas to access and fish. By removing the hour restrictions in Section 5 AAC 57.140 (c) on boat based guided sportfishing participants alternate start times could be implemented leading to less crowding and/or user conflict at peak times of in river use.

PROPOSED BY: Kenai River Professional Guide Association (EF-F23-057)

PROPOSAL 163

5 AAC 56.140. Kasilof River guiding and guided fishing requirements.

Reduce the time fishing from and anchoring a guided vessel is allowed in the Kasilof River as follows:

Kasilof early run king fishery May 15 through June 30 6 Am to 6 PM from a guided boat and no anchoring from a guided boat until 6 am.

What is the issue you would like the board to address and why? The current issue is the over guided effort on Kasilof early king run, it’s my belief that over the years residents back off when over crowded conditions exist. Plus it would allow a few more fish to make passage into crooked creek.

PROPOSED BY: Pete Imhof (EF-F23-003)

PROPOSAL 164

5 AAC 56.140. Kasilof River guiding and guided fishing requirements.

Limit sport fish guiding in the Kasilof River as follows:

Modify 5AAC 56.140 to read:

(2) From May 1 to August 31, guided sport fishing in Kasilof River waters downstream from Tustamena Lake is permitted only from 6:00 a.m. to 6:00 p.m.

An acceptable alternative to this proposal would be to limit guides to one boatload of clients per day, however without a basic program for industry tracking/accountability, this would be hard to enforce. I'd encourage the BOF to push the use of freshwater logbooks on the Kenai and Kasilof - not only for accountability for commercial operators, but for valuable in season data that logbooks provide local managers.

What is the issue you would like the board to address and why? Increased Kenai River restrictions have led to a drastic increase in pressure on the Kasilof River, especially by the guided fishing industry. Unfortunately, there are no limits on use. In the past, guides have been limited to one trip per day but that regulation was repealed several years ago. I'd like to see us return to one trip per day rule, however it is unenforceable now, due to the elimination of guide registration fees which funded the data collection and accountability (logbook) program. We need sideboards on guided fishing on the Kasilof River. 24/7 operation with an unlimited number of trips would be unheard of on any river this size, with this amount of pressure, in any other place. In light of the fact that there is no way to effectively enforce a trip limit, I propose to adopt hours of use. This will give the river, the fish, and recreational users a break from commercial operation on this small river.

PROPOSED BY: Todd Smith

(HQ-F23-071)

Kenai, Kasilof, and Russian Rivers (24 proposals)

PROPOSAL 165

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Allow sport fishing in the Kenai River with only one unbaited, single-hook, artificial lure from January – July as follows:

Repeal:

[(1) SPORT FISHING GEAR RESTRICTIONS:

(A) FROM JANUARY 1 - JUNE 30, IN THE KENAI RIVER, AND FROM JULY 1 - JULY 31, IN THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED

APPROXIMATELY 300 YARDS DOWNSTREAM FROM THE MOUTH OF SLIKOK CREEK UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL LURE MAY BE USED;

(B) FROM JULY 1 - JULY 31, IN THE KENAI RIVER FROM ITS MOUTH UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY 300 YARDS DOWNSTREAM FROM THE MOUTH OF SLIKOK CREEK, ONLY ONE SINGLE HOOK MAY BE USED;

(C) FROM SEPTEMBER 1 - DECEMBER 31, IN THE KENAI RIVER FROM THE MOUTH OF THE UPPER KILLEY RIVER UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL LURE MAY BE USED;

(D) FROM DECEMBER 1 - DECEMBER 31, IN THE KENAI RIVER FROM ITS MOUTH UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED AT THE OUTLET OF SKILAK LAKE, ONLY UNBAITED, ARTIFICIAL LURES MAY BE USED;

(E) FROM MAY 1 - JULY 31, IN THE PORTION OF THE KENAI RIVER FROM ADF&G REGULATORY MARKERS LOCATED APPROXIMATELY 100 YARDS DOWNSTREAM OF THE MOUTH OF THE MOOSE RIVER, UPSTREAM TO ADF&G REGULATORY MARKERS LOCATED APPROXIMATELY 100 YARDS UPSTREAM OF THE MOUTH OF THE MOOSE RIVER, AND THE MOOSE RIVER FROM ITS CONFLUENCE WITH THE KENAI RIVER UPSTREAM TO THE UPSTREAM EDGE OF THE STERLING HIGHWAY BRIDGE, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL FLY MAY BE USED;

(F) FROM MAY 1 - JULY 31, IN THE FOLLOWING WATERS ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL FLY MAY BE USED:

(I) THAT PORTION OF THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY 300 YARDS DOWNSTREAM FROM THE MOUTH OF SLIKOK CREEK, UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY 300 YARDS UPSTREAM FROM THE MOUTH OF SLIKOK CREEK;

(II) THAT PORTION OF THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY ONE MILE DOWNSTREAM FROM THE MOUTH OF FUNNY RIVER, UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY 200 YARDS UPSTREAM FROM THE MOUTH OF THE FUNNY RIVER;

(G) FROM MAY 1 - JULY 31, THAT PORTION OF THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY THREE-QUARTERS OF A MILE DOWNSTREAM FROM THE MOUTH OF THE LOWER KILLEY RIVER, UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY ONE MILE UPSTREAM FROM THE MOUTH OF THE LOWER KILLEY RIVER, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL FLY MAY BE USED;

(H) REPEALED 5/18/2014;

(I) REPEALED 6/8/2017;

(J) REPEALED 6/8/2017;

(K) FROM NOVEMBER 1 - DECEMBER 31 IN THE KENAI RIVER FROM BINGS LANDING UPSTREAM TO THE MOUTH OF THE UPPER KILLEY RIVER, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL LURE MAY BE USED;

(L) IN ALL TRIBUTARIES OF THE LOWER SECTION, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL LURE, WITH A GAP BETWEEN THE POINT AND SHANK OF THREE-EIGHTHS INCH OR LESS, MAY BE USED;]

Replace with:

In flowing waters of the Kenai River from it's mouth to Bings Landing only one unbaited single hook artificial lure may be used from January 1 to July 31, except by emergency order.

In flowing waters of the Kenai River from Bings Landing, upstream to Skilak Lake only one unbaited single hook artificial lure may be used year round. except two artificial flies may be used provided the combined hook gap is less than 1/2 inch.

What is the issue you would like the board to address and why? Regulations on the Lower Kenai River are unnecessarily complicated and thus are often misinterpreted or ignored. I propose making them easy to understand, simple and the best for the resource and anglers.

Recently the entire Kenai River has been closed to the use of bait due to poor king salmon returns, my proposal closes fishing for king salmon with bait entirely except by emergency order. It would allow limited fishing for coho salmon with bait in a bulk of the lower river.

The "middle river" section, which has the most resident fish (rainbow trout and dolly varden), would be closed to bait entirely, to protect resident species. This proposal would close a very small chunk of water to bait fishing when it otherwise would be open, however this is warranted because of the very poor catch and release mortality of trophy rainbow trout and dolly varden caught on bait, the river above Bings Landing has the highest concentration of these fish and their protection coupled with the fact that bait is completely unnecessary to successfully target coho salmon should be considered.

"Fly fishing only" portions of the lower river would be eliminated. These are often areas where sockeye salmon are targeted specifically. Flies with small hook gaps being the most productive gear for successfully targeting sockeye, and therefore they will be used anyway. While the original intent of the regulation was to limit snagging of sockeye, snagging fish is easier with fly fishing only gear than any single hook lure, so this is not accomplished anyway.

By allowing small trout fishing hooks to be used in tandem the middle Kenai River will become in line with every other western state. The hook gap restriction would be such that only very small flies may be used when fishing with two hooks, virtually eliminating the practice all but a very small subset of fly fishermen who prefer to use insect imitations.

Alternatives:

-The status quo will continue to make it's very easy for otherwise law abiding anglers to break the law.

-Making the entire river one single hook artificial lure, would cause harm to those who like to fish bait for coho salmon.

PROPOSED BY: Patrick P McCormick (EF-F23-078)

PROPOSAL 166

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Expand time and area waters of the Kenai River are limited to only one unbaited, single- hook, artificial lure and redefine “artificial fly” as follows:

Section 5 AAC 57.121 - Special provisions and localized additions and exceptions to the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area

...

(F) from May 1 - July 31, in the following waters only one unbaited, single-hook, artificial fly may be used:

...

- (iii) **that portion of the Kenai River from the lower Swan Sanctuary Markers at approximately river mile 47, downstream to ADF&G Marker located approximately 100 yards downstream of the Moose River;**

[(G) FROM MAY 1 - JULY 31, THAT PORTION OF THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY THREE-QUARTERS OF A MILE DOWNSTREAM FROM THE MOUTH OF THE LOWER KILLEY RIVER, UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED APPROXIMATELY ONE MILE UPSTREAM FROM THE MOUTH OF THE LOWER KILLEY RIVER, ONLY ONE UNBAITED, SINGLE-HOOK, ARTIFICIAL FLY MAY BE USED;]

For the purpose of this regulation the definition of an “artificial fly” is defined below;

Artificial Fly – means a fly which is constructed by common methods known as fly tying, including a dry fly, wet fly, and nymph, which is free of bait as defined below. Materials and chemicals designed and produced primarily to cause flies to float or sink may be used on artificial flies.

What is the issue you would like the board to address and why? Currently sportfishing regulations allow for a myriad of fishing methods in the Lower Kenai River downstream of Skilak Lake. During this time of continued low abundance of Kenai River Chinook salmon, the increased popularity, and targeting of, resident species in June and July has been exponential. Many of the anglers participating in the resident species fishery execute the fishery in a manner that is not consistent with catch and release ethics, targeting and exploiting the Resident Species in active spawning areas with methods that disrupt spawning behavior. The backtrolling or casting of “plug” style lures elicits a response from both male and female spawning Rainbow Trout as they protect their respective redd from intruders. This results in anglers repeatedly removing spawning fish from spawning areas and does not promote natural, nor successful spawning activity.

If this regulation is not adopted and the exploitation of spawning Resident Species is allowed to continue the results could be catastrophic to the longevity of Kenai River Rainbow Trout.

Other considerations were:

- A) Prohibiting “backtrolling” style fishing methods. In this situation the definition of “backtrolling” is insufficient in that “the slowed downstream progress of a vessel” while fly fishing or float fishing is also common practice.

- B) Close the Kenai River from Skilak Lake (or the Lower Swan Signs at mile 47) to the Moose River confluence to all fishing from May 1 – July 1 in order to protect spawning Resident Species. This would create an additional burden and decreased opportunity for early run sockeye anglers, local riverfront property owners, guided and nonguided anglers.

PROPOSED BY: Josh Hayes

(HQ-F23-047)

PROPOSAL 167

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Expand time and area in waters of the Kenai River that are limited to only one unbaited, single-hook, artificial lure as follows:

Section 5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

...

(K) from **January** (NOVEMBER) 1 - December 31 in the Kenai River from **an ADF&G regulatory marker 100 yards below the Moose River Confluence** [BINGS LANDING] upstream to **ADF&G regulatory markers at the Outlet of Skilak Lake** [THE MOUTH OF THE UPPER KILLEY RIVER], only one unbaited, single- hook, artificial lure may be used;

What is the issue you would like the board to address and why? The increased popularity in bait fishing the Kenai River downstream of Skilak Lake is leading to increased catch and release mortality rates on staging Coho Salmon and Resident Species such as Rainbow Trout. The methods of bait fishing with floats/bobbers is very effective but often results in a fish hooked in

the throat/gill rakers or deeper within the fish. Studies conducted by ADF&G and various other agencies on Catch and Release mortality rates has indicated that anglers utilizing bait create an exponentially higher mortality rate on released fish than that of fish released in fisheries where bait is not utilized.

A significant component of the Coho Salmon staging in this area are in the later stages of the lifecycle and have begun to deteriorate in food quality, thus requiring the discerning angler to high-grade, or sift through, caught fish in order to harvest edible Coho Salmon. The resulting mortality rate on bait caught and released Coho Salmon in this area needs to be addressed.

Due to a myriad of influences in river including but not limited to the increased population of pinnipeds, altering of food sources, angling pressure, and water conditions, a significant number of the larger in river resident species have come to reside in the same river locations as staging Coho Salmon. As the practice of bobber/float fishing with bait in these areas has increased exponentially, an increase in bait caught resident species has also increased. The catch and release of resident species with bait is resulting in a significantly high level mortality rate within those species and needs to be addressed.

Alaska Administrative Code Section 5 AAC 39.222 directs the board how to address such situations;

Section 5 AAC 39.222 - Policy for the management of sustainable salmon fisheries

(a) The Board of Fisheries (board) and Department of Fish and Game (department) recognize that

(1) while, in the aggregate, Alaska's salmon fisheries are healthy and sustainable largely because of abundant pristine habitat and the application of sound, precautionary, conservation management practices, there is a need for a comprehensive policy for the regulation and management of sustainable salmon fisheries;

(2) in formulating fishery management plans designed to achieve maximum or optimum salmon production, the board and department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns, and new fisheries or expanding fisheries;

(b) The goal of the policy under this section is to ensure conservation of salmon and salmon's required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska's fishing communities.

(c) Management of salmon fisheries by the state should be based on the following principles and criteria:

(2) salmon fisheries shall be managed to allow escapements within ranges necessary to conserve and sustain potential salmon production and maintain normal ecosystem functioning as follows:

(E) impacts of fishing, including incidental mortality and other human-induced mortality, should be assessed and considered in harvest management decisions;

(F) salmon escapement and harvest management decisions should be made in a manner that protects non-target salmon stocks or species;

(3) effective management systems should be established and applied to regulate human activities that affect salmon as follows:

(E) management programs should be effective in (i) controlling human-induced sources of fishing mortality and should incorporate procedures to assure effective monitoring, compliance, control, and enforcement;

(5) in the face of uncertainty, salmon stocks, fisheries, artificial propagation, and essential habitats shall be managed conservatively as follows:

(A) a precautionary approach, involving the application of prudent foresight that takes into account the uncertainties in salmon fisheries and habitat management, the biological, social, cultural, and economic risks, and the need to take action with incomplete knowledge, should be applied to the regulation and control of harvest and other human-induced sources of salmon mortality; a precautionary approach requires

(i) consideration of the needs of future generations and avoidance of potentially irreversible changes;

(ii) prior identification of undesirable outcomes and of measures that will avoid undesirable outcomes or correct them promptly;

(iii) initiation of any necessary corrective measure without delay and prompt achievement of the measure's purpose, on a time scale not exceeding five years, which is approximately the generation time of most salmon species;

(iv) that where the impact of resource use is uncertain, but likely presents a measurable risk to sustained yield, priority should be given to conserving the productive capacity of the resource;

(v) appropriate placement of the burden of proof, of adherence to the requirements of this subparagraph, on those plans or ongoing activities that pose a risk or hazard to salmon habitat or production

If this regulation is not adopted the increased catch and release mortality rate of staging Coho Salmon, via the process of high-grading, or sifting through subquality fish in order to harvest quality, edible fish will continue. Additionally, allowed to continue, the mortality rate on resident species within the Kenai River drainage will continue to increase as a direct result of bait fishing techniques.

Other considerations were:

Establish the area as year round Fly Fishing Only – This measure would limit opportunity for some user groups therefor it is not viable.

Close areas where this practice is most common – This measure would limit opportunity for all user groups in this mixed stock fishery and therefor is not viable.

PROPOSED BY: Cooper Landing Fish and Game Advisory Committee (HQ-F23-041)

PROPOSAL 168

5 AAC 57.122. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area.

Allow anglers to use two artificial flies in tandem on the Kenai River as follows:

(4) the following sport fishing gear restrictions apply:

(A) in flowing waters, only one unbaited, single-hook, artificial lure, with a gap between point and shank of three-eighths inch or less, may be used **except that two artificial flies may be used in tandem provided the combined hook gap does not exceed three-eighths inches;**

What is the issue you would like the board to address and why? Alaska is the only state that prohibits anglers from fishing two flies in tandem for trout. It is a common practice throughout the world and is even allowed in competitive fly fishing where up to three flies can be used. This would also erase confusion with the regulation of “only single hook artificial lures may be used” which does allow for dropper rigs and is widely used in trout management waters throughout the state. By restricting the combined hook gap size, the problem of using multiple hooks to snag salmon would be eliminated because the hooks would have to be very small.

Alternatives Considered: Aligning the Kenai River with the rest of the state where two single hook artificial lures are allowed lead to thoughts that two lures would be used to snag sockeye salmon, by having a low hook gap restriction anyone fishing droppers would have to use very small flies not suitable for salmon fishing.

PROPOSED BY: Patrick P McCormick (EF-F23-080)

PROPOSAL 169

5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area. and 5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Change the definition of “bag limit” for sockeye salmon in the Kenai and Kasilof Rivers as follows:

Allow for hook & hand in the sockeye fishery on both the Kenai & Kasilof Rivers, and the limit applies to the angler who lands the fish not who hooked the fish.

What is the issue you would like the board to address and why? Many anglers especially, old people, young kids, or beginner anglers need help in hooking sockeyes.

PROPOSED BY: Mel Erickson

(EF-F23-103)

PROPOSAL 170

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Allow backtrolling in a section of the Kenai River as follows:

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

...
(3)
...

(G) **Repealed** [FROM JULY 1 - JULY 31, IN THAT PORTION OF THE KENAI RIVER FROM AN ADF&G REGULATORY MARKER LOCATED AT APPROXIMATELY RIVER MILE 11 UPSTREAM TO AN ADF&G REGULATORY MARKER LOCATED AT APPROXIMATELY RIVER MILE 12, A PERSON MAY NOT SPORT FISH FOR ANY SPECIES OF FISH FROM A VESSEL THAT IS MAKING UPSTREAM PROGRESS RELATIVE TO THE WATER WITH THE AID OF A MOTOR]

What is the issue you would like the board to address and why? Between river mile 11 and 12 on the lower Kenai River is a special regulation region that restricts the method of fishing from a vessel. Specifically, from July 1-July 31 an angler cannot fish from a vessel that is making upstream progress relative to the water with the aid of a motor. In laymen’s this means no one can backtroll in this area. In recent years because of this regulation this area has had little to no use as anglers very rarely fish the allowed method of dragging or floating. The result of this is a pseudo-closed region of the river. Further, with the king salmon fishery being so heavily restricted or closed, a special regulation on fishing styles specific to king salmon fishing is no longer applicable.

When this regulation was put into place it was done solely for social reasons to help prevent potential conflict between fishing user groups. It was never intended for this part of the river to essentially turn into a month-long closure. In addition, this regulation has no scientific or conservation-based reasoning to support it.

Allowing this regulation to remain in effect sets a dangerous precedent for other user groups who could want to divide the river up for their preferred method of fishing. It would inadvertently restrict regions of the river and place a higher priority of one person’s fishing method over another’s. As outdoor men and women we should be able to communicate and work together on this one river mile as we must on all the remaining 81 river miles to the outlet of Kenai Lake.

I propose that this entire regulation is repealed, allowing anglers to work together and fish it as they do the remainder of the river.

PROPOSED BY: Eric Loomis

(EF-F23-106)

PROPOSAL 171

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

Allow anglers to fish downstream of the Soldotna Bridge after taking a limit of coho salmon as follows:

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

...

(4) salmon, other than king salmon,

(A) 16 inches or greater in length, as follows:

(i) sockeye, pink, and chum salmon may be taken from January 1 - December 31;

(ii) coho salmon may be taken in the Lower Section only from July 1 - November 30 and in the Middle Section only from July 1 - October 31; a person after taking and retaining a bag limit of coho salmon 16 inches or greater in length from the Kenai River may continue to sport fish [ONLY FROM THE SOLDOTNA BRIDGE UPSTREAM TO THE ADF&G REGULATORY MARKERS AT THE OUTLET OF SKILAK LAKE]; notwithstanding the provision of this sub-subparagraph (a)(4)(A)(ii), coho salmon may not be taken from November 1 - November 30 in the Lower Section from the Bings Landing boat launch upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake;

What is the issue you would like the board to address and why? Currently once an angler has retained a bag limit of coho salmon from the Kenai River (July 1 – November 30) they may not continue to sport fish if below the Soldotna Bridge. If they cross the Soldotna bridge and are above it they may continue to sport fish for trout after retaining a bag limit of coho salmon.

I propose that this regulation be made consistent river wide, and anglers be allowed to continue to sport fish for trout after retaining a bag limit of coho salmon below the bridge, as they are allowed to above the bridge to the regulatory markers at the outlet of Skilak lake. This would allow anglers in the lower river below the bridge the same opportunity offered to those above the bridge and create a consistent regulation with less room for confusion or misinterpretation.

PROPOSED BY: Eric Loomis (EF-F23-168)

PROPOSAL 172

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow fishing from a vessel after retention of a limit of coho salmon on the Kenai River as follows:

Allow fishing from a vessel after retention of limit of coho on the Kenai River below the Moose River.

What is the issue you would like the board to address and why? Fishing after retention of limit of coho is allowed above moose river and should also be allowed below, many anglers would still like to fish for trout, pinks or sockeyes.

PROPOSED BY: Mel Erickson (EF-F23-100)

PROPOSAL 173

5 AAC 57.170. Kenai River Coho Salmon Management Plan

Modify regulations for the Kenai River August coho salmon fishery as follows:

If king salmon season falls under one of the following categories at the end of July 31st then the following actions will take place in during August.

King salmon fishing is open and retention is allowed, then bait will open August 1st.

If king salmon fishing is open to catch and release then the following actions will take place. Bait will be restricted till August 7th below the Soldotna bridge with a single hook and only fished from an anchored boat or from shore.

Additionally, bait will be restricted till August 15th above the Soldotna bridge with a single hook and only fished from an anchored boat or from shore.

If King salmon fishing is closed then the following action is to restrict bait till August 15th from Skilak Lake down to Warren Ames bridge with a single hook and may only be fished from an anchored boat or from shore.

What is the issue you would like the board to address and why? This is to help protect any late returning Kenai Kings as well as any spawning happening late in the season. We would help accomplish this by changing the king management plan to have a more reliable and predictable use of bait during August Coho fishery.

PROPOSED BY: Kenai Soldotna Fish and Game Advisory Committee (HQ-F23-100)

PROPOSAL 174

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage.

Regulate use of bait in Kenai River in August as follows:

If the Kenai River late run of King salmon is open to harvest or restricted to Catch & release on the 31st of July when the season closes then the Kenai River coho fishery will open with use of bait on August 1st. If the King salmon sport fishery is closed at season end on July 31, then bait will be restricted in the coho salmon fishery thru august 7 and open for use on bait on August 8th.

What is the issue you would like the board to address and why? The excessive restriction of bait in the Kenai River coho fishery by EO until August 15 is overkill and ridiculous, this is a huge impact on Anglers for very little if any savings on king salmon stocks.

PROPOSED BY: Mel Erickson (EF-F23-098)

PROPOSAL 175

5 AAC 57.170. Kenai River Coho Salmon Management Plan.

Reduce the coho salmon limits in the Kenai River to two fish after August 30 as follows:

(3) coho salmon may be taken as follows:

(A) from July 1 through October 31, in the Middle and Upper Sections;

(B) from July 1 through November 30, in the Lower Section;

(C) from July 1 through **November 30,** [AUGUST 31,] the daily bag and possession limit for coho salmon 16 inches or greater in length is two fish;

(D) **Repealed** [FROM SEPTEMBER 1 THROUGH NOVEMBER 30, THE DAILY BAG AND POSSESSION LIMIT FOR COHO SALMON 16 INCHES OR GREATER IN LENGTH IS THREE FISH.]

(c) If the commissioner determines that additional conservation measures are necessary for the in river sport or personal use fisheries, the commissioner may close, by emergency order, the season and immediately reopen a season during which any or a combination of the following restrictions may be applied:

What is the issue you would like the board to address and why? The current limit for coho salmon begins at two fish from July 1 through August 31. The limit then changes to three fish from September 1 through November 30.

I propose that the limit for coho salmon does not experience a change in the middle of the season but remains at two fish from July 1 through November 30. If there is need for this limit to be changed due to run size or conservation efforts the commissioner has the power to do so through emergency orders. This would make the coho salmon fishery consistent with the other salmon fisheries having a consistent season long limit that can be liberalized or restricted based on in-season run data.

In addition, we just don't need three coho salmon a day. Coho are generally larger fish and people are very happy in August with two fish. Further this would allow more fish to make it to their spawning beds.

PROPOSED BY: Eric Loomis (EF-F23-161)

PROPOSAL 176

5 AAC 57.170. Kenai River Coho 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.

Reduce the coho salmon limit on Kenai River after September 1 as follows:

Reduce Coho limit from 3 to 2 on the Kenai River after September 1st.

What is the issue you would like the board to address and why? To address the late run coho bag and possession limit on the Kenai River. Currently there is little to no data available for any run management. We would also like to give the department the authority to liberalize the bag and possession limit by emergency order.

PROPOSED BY: Kenai Soldotna Fish and Game Advisory Committee (HQ-F23-104)

PROPOSAL 177

5 AAC 57.170. Kenai River Coho 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 Kenai River coho salmon season and bag limits as follows:

Southcentral Alaska 2022 Sport Fishing Reg. Booklet Pg.51

Coho (Silver) Salmon

July 1 - **November 30:**

2 per day, 2 in possession. The limits for coho (silver) salmon in combination with sockeye or chum salmon. For example, you may have 1 sockeye or chum and 2 coho per day (or 2 sockeye or chum and 1 coho) -not 3 sockeye or chum and 2 coho per day.

Delete [SEPTEMBER 1-NOVEMBER 30
3 PER DAY, 6 IN POSSESSION IN COMBINATION (ALL 3 MAY BE COHO PER DAY)]

What is the issue you would like the board to address and why? I am proposing to keep the limit of coho salmon in the Kenai River at 2 throughout the entire season instead of raising it to 3 after September 1. Since the decline in king salmon fishing opportunity there has been more pressure on the coho fishery. We have witnessed marginal to low returns of coho over the last several years but the department keeps refusing to keep the limit at 2 fish after September 1 despite requests from fishermen to do so. When the run is weak, especially in the late run, many fishermen move their effort to the spawning areas in the middle river to enhance their chances for success. When these spawning holes are hit day after day late into the season one has to wonder how many fish are left for reproduction. We no longer enumerate coho in the Kenai and management relies strictly on anecdotal information from anglers to gauge the run strengths, but even when they are told that fishing is poor they still refuse to issue an emergency order keeping the limit at 2 fish instead of 3 that's allowed in the regulations. When we chose not to enumerate a certain species

that receives heavy fishing pressure it is better to err on the side of conservation. Most anglers I know would support a 2 fish limit if it helps perpetuate this species and lends itself to more future sustainability of coho salmon in the Kenai.

What would happen if nothing is changed: The growing pressure on the Kenai River coho will continue to take its toll on the amount of spawning fish necessary for future sustainability. Future declining stocks could be inevitable if we do not take some measures to reduce harvest potential on these stocks.

What are other solutions you considered: Go back to enumerating coho on the Kenai River. This resource is too important to keep shooting in the dark on proper management decisions necessary to protect this species.

PROPOSED BY: Dwight Kramer (HQ-F23-055)

PROPOSAL 178

5 AAC 57.170. Kenai River Coho Salmon Management Plan.

Reduce the season for the Kenai River coho salmon sport fishery as follows:

(a) The purpose of this management plan is to ensure an adequate escapement of coho salmon into the Kenai River drainage and to provide management guidelines to the department. The department shall manage the Kenai River coho salmon stocks primarily to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon resources over the entire run.

(b) Notwithstanding any other provisions in this chapter, for the conservation of coho salmon stocks, the department shall manage sport fishing in the Kenai River drainage as follows:

(1) coho salmon fishing is closed in the Middle and Upper Sections from November 1 through **July 31** [June 30], and in the Lower Section from December 1 through **July 31** [June 30]; any coho salmon caught incidentally must be released immediately without further harm;

(2) repealed 6/4/2008;

(3) coho salmon may be taken as follows:

(A) from **August 1** [July 1] through October 31, in the Middle and Upper Sections;

(B) from **August 1** [July 1] through November 30, in the Lower Section;

(C) from **August 1** [July 1] through August 31, the daily bag and possession limit for coho salmon 16 inches or greater in length is two fish;

(D) from September 1 through November 30, the daily bag and possession limit for coho salmon 16 inches or greater in length is three fish.

(c) If the commissioner determines that additional conservation measures are necessary for the inriver sport or personal use fisheries, the commissioner may close, by emergency order, the season and immediately reopen a season during which any or a combination of the following restrictions may be applied:

- (1) the daily bag and possession limit for coho salmon is one fish;
- (2) only unbaited artificial lures **shall** [may] be used;
- (3) fishing time may be reduced;
- (4) fishing areas may be reduced.

What is the issue you would like the board to address and why? Set netters are experiencing incredible hardships to protect Late Run Kenai King salmon, yet all that sacrifice is nullified by Coho fishermen catching Kings when they're at their weakest as they prepare to spawn. In the name of conservation, set netters have experienced mandatory closures despite an exploitation rate on kings of less than 1%, while all other user groups see their fisheries liberalized. Rather than share the burden of conservation, in-river users have received relaxed regulations pertaining to habitat and salmon conservation:

- 1) Outboards were increased from 35hp to 50hp rather than mandating smaller, more efficient vessels be used. Larger horsepower engines emit higher decibel readings, which increases overall noise pollution directed at king salmon spawning beds.
- 2) Fresh water log books, are no longer required from commercial guides. Because of this the department is willfully ignorant to the number of kings "inadvertently" caught in the coho fishery.

Per Alaska Department of Fish and Game, returning chinook spend 30-60 days in river before they spawn and die. If the morbidity rate on unintended king catch is just one per day (on spawning kings counted with the chinook sonar project), the impact to the king run is greater than the entire yearly East Side Setnet king harvest averaged over the past five years. Since ADF&G is unable to provide current data on king bycatch from the in-river coho fishery due to the lack of log books, the BOF needs to error on the side of caution and restrict the fishery to avoid unintended king catch. The 2020 BOF took these same steps by closing the west side Drift River and Kustatan River gillnet silver fishery, since data was lacking on the sustainability of those runs. In the absence of no fresh water log book data, the BOF should also restrict the coho fishery on the Kenai to ensure the sustainability of spawning king salmon.

Throughout the entirety of July, coho numbers in the Kenai River remain low; at the same time Late Run Kenai kings are peaking. There is no justifiable reason to put additional pressure on the king run by attempting to harvest cohos, which are yet to arrive in any appreciable numbers. Permitting coho fishing in July allows fishermen to subvert king closures by "targeting" coho using slightly modified king gear, therefore engaging in a de facto catch and release king fishery.

In order to share the burden of conservation and help offset the above mentioned relaxed regulations, bait and time need to be restricted in the coho fishery in order to avoid any incidental king catch. Artificial lures, i.e. twitching for silvers, throwing spinners, etc, are very effective and efficient means of harvesting silvers with minimal impact on spawning king salmon. These methods are proven to avoid incidental king catch while still providing an effective means of harvesting coho salmon.

PROPOSED BY: Eric Nyce (EF-F23-162)

PROPOSAL 179

5 AAC 57.123. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Upper Section of the Kenai River Drainage Area.

Close additional waters to sport fishing in the upper Kenai River as follows:

Amend 5 AAC 57.123 (9) to read as follows:

(9) the following waters of the Upper Section are closed to sport fishing, as follows:

(A) from January 1- June 10, the flowing waters of the Upper Section from the Sterling Hwy bridge at the outlet of Kenai Lake, downstream to Mile 53 bridge.

[from May 1 - June 10, all flowing waters of the Upper Section];

(B) from May 1 - June 10, the flowing waters of the Upper Section from the Mile 53 bridge downstream to the Skilak Lake Inlet.

[from May 1 - June 10, and from September 15 - October 31, the Quartz Creek drainage upstream of the Sterling Highway Bridge, including Devils Creek, Johns Creek, Jerome Creek, Summit Creek, Slate Creek, and the South Fork of the Snow River.];

(C) from May 1 - June 10, and from September 15 - October 31, the Quartz Creek drainage upstream of the Sterling Highway Bridge, including Devils Creek, Johns Creek, Jerome Creek, Summit Creek, Slate Creek, and the South Fork of the Snow River.

Another option considered was extending the winter closure beyond the historical boundary of the Mile 53 bridge downstream to Skilak Lake. This would make it easier for anglers to remember which section of river is closed, however, this option was rejected as it provided no opportunity for any winter angling on the Upper Kenai.

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What is the issue you would like the board to address and why? The issue to be addressed is closing the loophole used by anglers to target out of season spawning coho salmon on the Upper Kenai River after the date of season closure of November 1.

The first reach of the Upper Kenai from the outlet of Kenai Lake just upstream of the Russian River is a spawning area for populations of coho salmon. The Upper Kenai River lacks much study and data regarding coho populations, as the breadth of the published research and datasets regarding coho populations focuses on the Lower Kenai and Moose Rivers (Massengill 2006-ADFG Fishery Data Series No. 08-21, Massengill 2007- ADFG Fishery Data Series No. 13-42). However, late run coho can be visibly observed in this area throughout the winter months and into late March and early April.

During the early 2000's the Upper Kenai River was closed for sport fishing from the Sterling Hwy bridge at the outlet of Kenai Lake, downstream to Mile 53 bridge from January 1- June 10 (open June 11-Dec 31). Later that closure was removed and the entire Upper Kenai was closed to sport fishing from May 1- June 10 (open June 11-April 30). The prior closure from bridge to bridge existed to protect spawning rainbow trout populations on the Upper Kenai River. The closure also inadvertently protected coho salmon populations. As we've encountered much warmer winters during the period that this stretch of water has been open for fishing all winter, the liberation of the closure has had the unintended consequence of undue and unnecessary pressure on coho salmon on their spawning beds.

Studies evaluating the rainbow trout populations in the Upper Kenai River by Hayes and Hasbrouck (1996) and Lafferty (1989) found that these populations migrate to either Kenai and Skilak Lakes for overwintering by December and that return migration from winter to summer areas is complete by the end of June. Because of these migration patterns, there is low angling opportunity for rainbow trout in the Upper Kenai River during the overwintering months.

Although the angling opportunity for legal species is low during the winter months, anglers are aware that they can target spawning coho salmon on the Upper Kenai in Cooper Landing and say it is inadvertent "bycatch" as the result of rainbow trout and dolly varden fishing. Anglers are

specifically targeting silvers, using flies and techniques generally accepted and visibly obvious as those used for coho salmon fishing.

5 AAC 57.170 (Kenai River coho Salmon Management Plan) directs that

(1) coho salmon fishing is closed in the Middle and Upper Sections from November 1 through June 30, and in the Lower Section from December 1 through June 30; any coho salmon caught incidentally must be released immediately without further harm.

Anglers are not immediately releasing incidentally caught coho without further harm. Anglers exploiting this loophole proceed to land the fish, remove it from the water, and take a lengthy photo or video session. This is visible on the social media platforms where the anglers are posting. The use of social media spreads trends and ideas like a contagion, and it has become popular to fish for Coho salmon on the Upper Kenai between November 1 and April 30.

Recently a group of anglers from Kenai were cited for doing just this. According to KDLL News in an article from March 9, 2023 (see URL above), “Alaska Wildlife Troopers caught three Kenai anglers in a fishing violation posted on their own YouTube channel — but let them go with some fines. In the video, troopers say the men removed Coho salmon from the water on the Upper Kenai River, which is not allowed during the closed season from November to June.” Although the level of enforcement has been low in relation to the frequency these violations are occurring, this recent enforcement brings attention to the issue.

If nothing is changed and the pressure on sensitive spawning Coho populations in this area remains unchecked during the closed season, the result could be lower smolt abundance, diminished Coho returns, and ultimately reduced harvest opportunity for all sport anglers targeting Upper Kenai River Coho Salmon, where there is already a limited harvest opportunity.

PROPOSED BY: John Pearson (EF-F23-062)

PROPOSAL 180

5 AAC 57.123. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Upper Section of the Kenai River Drainage Area.

Close waters of the Kenai River from the Sterling Highway Bridge to Kenai Lake to sport fishing as follows:

Amend 5 AAC 57.123 (9) to read as follows:

5 AAC 57.123 Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Upper Section of the Kenai River Drainage Area.

...

(9) the following waters of the Upper Section are closed to sport fishing, as follows:

(A) from May 1 -June 10, all flowing waters of the Upper Section;

(B) from May 1 - June 10, and from September 15 - October 31, the Quartz Creek drainage upstream of the Sterling Highway Bridge, including Devils Creek, Johns Creek, Jerome Creek, Summit Creek, slate Creek, and the South Fork of the Snow River.

C) from January 1 – April 1 within one quarter mile of Kenai Lake outlet downstream to the Sterling Highway Bridge located at approximately mile 53 of the Sterling Highway.

What is the issue you would like the board to address and why? Increased angler pressure during winter months on coho salmon spawning areas on the Upper Kenai River.

The Upper Kenai River from the outlet of Kenai Lake downstream to the Sterling Highway bridge located at mile 53 of the Sterling Highway is a highly utilized spawning area for coho salmon. The Upper Kenai River lacks much study and data regarding coho populations, as the breadth of the published research and datasets regarding coho populations focuses on the Lower Kenai River and Moose River (Massengill 2006- ADFG Fishery Data Series No. 08-21, Massengill 2007- ADFG Fishery Data Series No. 13-42). However, late run coho salmon can be observed staging and spawning in the area throughout the winter months.

With limited angling opportunity during winter months, and anglers aware that spawning coho salmon on the Upper Kenai River in Cooper Landing are available as “bycatch” while sport fishing for resident species. Angler pressure has increased exponentially during winter months when spawning coho salmon are most vulnerable and the Upper Kenai River is easily accessible.

At current levels of limited law enforcement resources citations have been issued in this fishery within the Cooper Landing area.

If the increased angling pressure and bycatch on sensitive spawning coho salmon populations in this area remains unchecked, the result could be lower smolt abundance, diminished coho salmon returns, and ultimately reduced harvest opportunity for all users.

PROPOSED BY: Cooper Landing Fish and Game Advisory Committee (HQ-F23-044)

PROPOSAL 181

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area.

Close waters of the Kenai River to sport fishing from January 1 – June 10 as follows:

Section 5 AAC 57.121

...

(2) the following waters are closed to sportfishing as follows;

(K) from **January** [MAY] 1 – June 10, in that portion of the Kenai River from an ADF&G regulatory marker located approximately one mile upstream from the mouth of the Lower Killey River upstream to an ADF&G regulatory marker located at the outlet of Skilak Lake

What is the issue you would like the board to address and why? Increased angling pressure on resident species of the Kenai River during winter months.

Due to its locale and accessibility the Kenai River has more angler use days than any other watershed in the State of Alaska. With liberal seasons and ample opportunity throughout the entire year the Kenai River is currently supporting angling pressure twelve months a year. As the population of southcentral Alaska increases recreation on the Kenai River is also increasing. The Board of Fish has provided the ADF&G with salmon management plans, and the tools required to manage such populations with little to no direction being provided by the board regarding the management of resident species. With the continued low abundance of Kenai River King Salmon and the in-river restrictions implemented, many anglers have turned their focus to the targeting of resident species, and in recent years anglers targeting resident species have become the most prevalent user group on the Kenai River, with opportunities to fish twelve months a year. This has resulted in an uptick in popularity and participation of the resident species fishery which currently has extremely liberal seasons. It is my contention that the resident species be given respite in times of low food abundance and the cold weather months.

The angling pressure on the Lower Kenai River downstream of Skilak Lake in the winter months has steadily increased in the past twenty years, exponentially so in the past 5 years. Access via multiple boat launches operated by state, federal, and private landowners provide access to open water during the winter months. During these winter months the water levels in river drop significantly, concentrating fish in areas where food, slower current, and safety from predators can be found. As the water temperatures decrease fish become lethargic, localized, and repetitive in their feeding behavior, resulting in opportunities to target fish that are otherwise difficult to locate and target the remainder of the year. The continued fishing pressure in these areas of concentrated fish during times of subfreezing temperatures and lower abundance of food sources is resulting in many of the same fish being consistently targeted throughout the winter months. Unfortunately, many of the anglers participating in the resident species winter fishery execute the fishery in a manner that is not consistent with catch and release ethics, posing with fish out of the water in subfreezing temperatures or laying fish on snow, ice, or frozen ground to photograph the fish – as observed on multiple social media platforms and websites. The resident species within the State of Alaska deserve protection equal to that of our salmon populations. If viewed in a similar manner to salmon escapement, resident species having eluded and/or survived anglers throughout the spring, summer, and fall seasons, that are concentrated in feeding and/or staging areas for the winter months, should be protected and given respite from constant angling pressure.

Recognizing that most of the anglers participating in this winter fishery are local residents it is understandable that the opportunity to target these fish at a time when the fish are easier to locate is attractive and gaining in popularity. The Kenai River resident species are under duress via a myriad of influences in river including the increased population of pinnipeds, decreased salmon spawning activity, altering of food sources, changing weather and water conditions, as well as

angling pressure. Of the influences mentioned above, angling pressure and decreased salmon spawning activity are the only factors that can be addressed by the Board.

As the winter months pass a population of resident fish with potential to spawn begin to concentrate and stage in areas downstream of Skilak Lake. These pre-spawn fish require unabated access to food sources and staging areas in order to successfully spawn. The disturbance and/or potential relocation of these pre-spawn fish due to angling pressure could prove detrimental to the spawning success of these resident fishes.

The concept of protecting staging fish in the winter and pre-spawn fish in spring months has merit and precedence in the State of Alaska;

- Ex: The late fall and spring closure of the Anchor River for the protection of the Steelhead population.

If the board takes no action the Kenai River resident species will continue to be targeted year round, including winter months when the fish are concentrated and easily targeted. The continued excessive pressure on the Kenai River in months of subfreezing temperatures has the potential for the in river resident species to experience a decline in older/larger fish, resulting in a lack of large fish capable of participating in, and surviving the spawning cycle.

Other considerations; Restrict access via the various agencies public use facilities in the area. There are private landowners that access, and provide access, to the Kenai River in this area so this consideration is not viable.

Close the Kenai River from ADF&G regulatory markers at the outlet of Skilak Lake downstream to Bings Landing January 1 - June 10. This would place a burden on users and eliminate the opportunity for local residents and landowners to fish for sockeye during the early run sockeye season and thus was considered not viable.

PROPOSED BY: Josh Hayes (HQ-F23-046)

PROPOSAL 182

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

Prohibit nonresident sport fishing on the Kenai River, as follows:

Fish on the Kenai River will be for residents only, until there is a significant rebound in the king salmon runs. In times of shortage, the non-resident will be restricted first. The constitution.

What is the issue you would like the board to address and why? Habitat and no Kenai kings.

PROPOSED BY: John McCombs (HQ-F23-062)

PROPOSAL 183

5 AAC 57.150. Russian River Sockeye Management Plan.

Allow the department to take action sooner to harvest surplus in Russian River sockeye salmon runs as follows:

5 AAC 57.150 is amended to read:

...

(X) If the department is able to project the Russian River sockeye salmon escapement goal will be achieved the commissioner may, by emergency order, increase the bag and possession limit.

What is the issue you would like the board to address and why? The department’s Russian River sockeye salmon assessment weir is located at the outlet of Lower Russian Lake, upriver of the fishery for those stocks. The truncated timing of the early run and frequent strong performance of late-run Russian River sockeye stocks along with current emergency order authority, has limited the department’s ability to increase harvest potential, since existing emergency order authority (5 AAC 75.003(2)(A)) does not allow an increase in bag limits until the escapement goal is projected to be exceeded.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-022)

PROPOSAL 184

5 AAC 56.122. Special provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Move 3-mile boundary marker to Old Kasilof Landing (river mile 4) as follows:

5 AAC 56.122(a)(8)(B) is amended to read:

...

(8)(B)(v) from January 1 — July 31, a motor may be used only between the mouth of the Kasilof River and an ADF&G regulatory marker located approximately [three miles] **four miles** upstream **near Old Kasilof Landing**, and only after fishing from the vessel has ceased for the day; a person may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day;

What is the issue you would like the board to address and why? Old Kasilof Landing is owned by Alaska Division of Parks and Outdoor Recreation (DPOR) and is located at approximately river mile 4 on the Kasilof River. Construction is scheduled to begin at Old Kasilof Landing in 2023 (with a completion date of 2025) to develop parking and a drift boat retrieval site in an effort to address increasing demand for this type of facility for the popular drift boat only fishery on the Kasilof River. With the development of the property, it would be beneficial to sport fishing anglers to move the marker to approximately river mile 4 to be located across from the site. By moving the marker to this location, it will allow sport fishing anglers to use 10 horsepower motors or less after fishing has ceased for the day to motor up to this retrieval site.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-009)

PROPOSAL 185

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area

Allow only unbaited, single-hook artificial lures in the Kasilof River as follows:

Single hook and no bait from January 1st to June 30th from the upstream Tustamena boat launch down to the Sterling Highway bridge.

What is the issue you would like the board to address and why? Would like to protect any wild stocks as well as make sure that a catch and release fishery does not have the use of bait allowed.

PROPOSED BY: Kenai Soldotna Fish and Game Advisory Committee (HQ-F23-101)

PROPOSAL 186

5 AAC 56.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Update the stocked lakes list for the Kenai Peninsula Area as follows:

5 AAC 56.120(1)(B) is amended to read:

...

(1)(B)(ii) from January 1 — December 31, may be taken in stocked lakes and ponds; bag and possession limit of 10 fish; for the purpose of this sub-subparagraph, “stocked lakes and ponds” means Arc Lake, Aurora Lake, Barbara Lake, Cabin Lake, [Cecille Lake], Centennial Lake, Chugach Estates Lake, Douglas Lake, Elephant Lake, Encelewski Lake, Island Lake, **John Hedberg Lake**, Johnson Lake, Longmere Lake, Loon Lake, [Quintin Lake], Rogue Lake, Scout Lake, Sport Lake, Thetis Lake, Tirmore Lake, Troop Lake, and Upper Summit Lake;

What is the issue you would like the board to address and why? Stocking has been discontinued in two Kenai Peninsula Area lakes and conversely, stocking was newly initiated in one lake. Anglers may miss the benefit of greater bag limits for stocked waters and enforcement would not be able to monitor fisheries appropriately.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-011)

PROPOSAL 187

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Remove the effective date of regulation pertaining to sport fishing from a motor driven boat as follows:

5 AAC 60.122(a)(9)(L) is amended to read:

(L) [BEGINNING JANUARY 1, 2017, a] A person may not sport fish from a boat that is powered by use of a motor, unless the motor is a four-stroke motor or a direct fuel injection two-stroke motor;

What is the issue you would like the board to address and why? A implementation date for this regulation is no longer necessary.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-013)

PROPOSAL 188

5 AAC 57.122. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Middle Section of the Kenai River Drainage Area.

Prohibit bait and multiple hooks in Hidden Lake as follows:

Hidden Lake is single hook no bait January 1st - December 31st

What is the issue you would like the board to address and why? Hidden lake is the only clear water lake trout (*Salvelinus namaycush*) fishery on the Kenai Peninsula. These fish are slow growing and can be easily pressured. Looking to protect the fishery as additional use become more prevalent with more local closures.

PROPOSED BY: Will Lee (EF-F23-060)

Kenai/Kasilof River Personal Use (15 proposals)

PROPOSAL 189

5 AAC 77.5XX. New Section.

Require personal use guides in Cook Inlet to adhere to sport fishing guiding requirements as follows:

Personal use guides are to fall under sport fishing guiding requirements under the State of Alaska regulations in Cook Inlet.

What is the issue you would like the board to address and why? We would like to change the statute to make licensed personal use guides included as sport fishing guide. This is to make sure that all guides within Cook Inlet are registered and licensed.

PROPOSED BY: Kenai Soldotna Fish and Game Advisory Committee (HQ-F23-103)

PROPOSAL 190

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Establish requirements to guide in Upper Cook Inlet personal use fisheries as follows:

before engaging in guiding services for personal use fishing in upper cook inlet guides must register with the department

(e) an owner of a business shall register with the department before the business conducts personal use fishing services. to meet the registration requirements of this section, the owner shall complete and submit to the department a current annual personal use fishing operator registration form provided by the department. the following information regarding the business conducting sport fishing services must be provided on the form:

(1) the name and permanent mailing address of the owner;

(2) the name of the business and current Alaska business license number, issued under 12 AAC 12.

(f) a person shall register with the department before the person conducts personal use fishing guide services. to meet the registration requirements of this section, a person shall complete and submit to the department a current annual personal use fishing guide registration form provided by the department. the following information regarding the applicant must be provided on the form:

(1) the applicant's name and permanent mailing address;

(2) the applicant's current Alaska sport fishing license number.

(g) while providing personal use fishing guide services, a person shall have readily available for inspection and shall display upon request of a representative of the department or a peace officer of the state, and while providing personal use fishing guide services on salt water or while on navigable fresh water within six hours after providing such services on salt water, a person shall have readily available for inspection and shall display upon request of a law enforcement representative of the national marine fisheries service or a representative of the united states coast guard, the following:

(1) the person's current personal use fishing guide registration or card; and

(2) the current personal use fishing operator registration or card, or a copy, of the person's employer or the person;

(3) the person's current sport fishing license, harvest records, tags, stamps, or permits that are required to engage in the personal use fishery for which the personal use fishing guide services are provided;

(4) an identification card issued to the person by a state or federal agency that bears a photograph of the person;

(h) a personal use fishing guide or a registered personal use fishing operator may not

(1) aid in the commission of a violation of as 16.05 - as 16.40 or a regulation adopted under as 16.05 - as 16.40 by an fisher person who is a client of the person or operator; or

(2) permit the commission by an fisher person who is a client of the person or operator of a violation of as 16.05 - 16.40 or a regulation adopted under as 16.05 - 16.40 that the personal use fishing guide knows or reasonably believes is being or will be committed without

(a) attempting to prevent it, short of using force; and

(b) reporting the violation.

What is the issue you would like the board to address and why? Currently there are no requirements to guide personal use fisheries. This proposal would do two things: first it would make personal use guides in the most popular personal use fishery in the state follow the exact same requirements as sport fishing guides. Second it would require that UCI guides be residents of Alaska as they would be required to possess a UCI personal use salmon permit. This data would require a minimum of work for the department as there is already a system to register sport fishing guides, the forms could be updated for minimal cost to include a box to check for personal use fishing guides. It is crucial for future management decisions to have data on this growing industry.

Furthermore such implementation would allow the department to deny permits of guides who allow regulations to be broken under their watch.

As a sport fishing guide I find it quite frankly insulting that I spend thousands of dollars to get permits to let clients catch and release rainbow trout upriver while guides can harvest hundreds of fish per day with zero permitting.

Alternatives: Require reporting of guide services used on return of the permit. This would be confusing and lead to less relevant information. It is highly likely that most P/U guides are also sport fishing guides, and thus putting the burden on the guide would be simple to implement and yield the highest quality data.

PROPOSED BY: Patrick McCormick

(EF-F23-086)

PROPOSAL 191

5 AAC 77.525. Personal use salmon fishery

Adjust annual limits in Cook Inlet personal use fisheries based on abundance as follows:

(c) in the personal use taking of salmon, unless otherwise specified in 5 AAC 77.500 - 5 AAC 77.548, the total annual limit for each personal use salmon fishing permit is [25] **15** salmon for the

head of a household and 10 salmon for each dependent of the permit holder. **except by emergency order if the maximum end of the optimum escapement goal is projected to be exceeded, then the limit will shall be up to 30 salmon for the head of household and 20 salmon for each dependent of the permit holder.**

What is the issue you would like the board to address and why? The UCI personal use salmon fishery has grown in popularity in recent years however basic management has not followed suit. It is prudent to have more conservative regulations at the start of each season and manage based on abundance. Currently the only tool regularly employed during times of low abundance in the personal use fishery is the cutting back of fishing time by a day or two. This denies some residents the opportunity to harvest salmon as the catch would be concentrated. Often sport and commercial fisheries are severely restricted and the personal use fishery is not. By starting with lower limits then expanding based on escapement the personal use fishery can remain sustainable, share conservation burdens equally among all user groups and in some cases be used to better manage the different fisheries. For instance it is a common occurrence that the Kasilof River has a very strong escapement but the Kenai River has a very weak run, most personal use fishermen fish the Kenai River because the fish are larger however by liberalizing limits on the Kasilof and leaving conservative limits on the Kenai the pressure would increase on the Kasilof and lower on the Kenai allowing managers to better manage each fishery and using the personal use fishery for maximum sustained yield proactively. This proposal would allow for additional liberalization if the in season management would allow. This would be a win for all stakeholders, but most importantly it would give managers the flexibility needed to best manage the world class resource.

Alternatives:

-Allow 10 fish per person regardless of household status, limit seemed low.

-Set limits for each river in UCI does not allow flexibility of in season management.

PROPOSED BY: Patrick P McCormick (EF-F23-087)

PROPOSAL 192

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Close personal use fisheries based on commercial openings as follows:

When the Central District of the Upper Cook Inlet has hours reduced from regular periods, then the personal use fishery will immediately close until the next regular period of the commercial fleet.

What is the issue you would like the board to address and why? There is no right or mandate in any policy or legal document to "fill the freezer" as we often hear at Board of Fisheries meetings. The fishing licenses simply grants an opportunity to harvest. This holds true for a CFEC permit. The State doesn't bat an eye as commercial fishery closures, is somewhat reserved with sport fisheries closures, and makes no attempt to limit personal use fisheries.

The burden of conservation shall be shared by all user groups. When the commercial fleet is restricted to harvest sockeye salmon, when no other escapement goals are threatened, then the personal use fishery shall be restricted as well.

PROPOSED BY: Dan Norman (EF-F23-136)

PROPOSAL 193

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Require king salmon caught and released in Cook Inlet personal use fisheries not be removed from the water as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

(c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:

(1) in the Kenai River, as follows:

...

(B) the annual limit is as specified in 5 aac 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than 20 inches in length, may be retained per household; king salmon less than 20 inches in length may be retained under this subparagraph notwithstanding 5 aac 21.359(e)(2); **king salmon intended or required to be released may not be removed from the water.**

What is the issue you would like the board to address and why? During times of low king salmon abundance in Upper Cook Inlet all user groups are affected and in some cases prevented from targeting other species except personal use fisheries which may continue to fish despite typically using gillnet mesh in their nets. Numerous studies have shown that removing sport caught king salmon from the water is very detrimental to spawning success, it would follow that by allowing a king salmon caught by the gills thrash around at the bottom of a boat, or on the river bank would be even more detrimental to spawning success. This is a simple regulation to ensure that all user groups are burdened with conservation of King Salmon and make regulations more uniform.

Alternatives:

-Limiting gill net material in dip nets was rejected by the board of fish for the Copper River

-Limiting dip netting from boats (the primary group who catches king salmon in the PU fishery) during times of low king salmon abundance was deemed punitive, and could limit the effectiveness of the dip net fishery in times of low king salmon but high sockeye salmon abundance.

PROPOSED BY: Patrick P McCormick (EF-F23-088)

PROPOSAL 194

5 AAC 77.540 Upper Cook Inlet Personal Use Salmon Fishery Management Plan

Allow retention of Dolly Varden in Kenai/Kasilof personal use dipnet fisheries as follows:

Allow up to 15 Dolly Varden to be taken in Kenai/Kasilof personal use dipnet fisheries per Upper Cook Inlet permit.

What is the issue you would like the board to address and why? Every year while dipnetting on the Kenai River we encounter Dolly Varden incidental bycatch. From past experience these Dolly Varden have an extremely high catch and release mortality rate, almost every single one is badly tangled in the net and bleeding from the gills. You don't need to be a fish biologist to know that these fish are not gonna survive. It is currently illegal to keep Dolly Varden by dipnet in Upper Cook Inlet dipnet fisheries. The current population is not threatened and people will not intentionally target Dolly Varden more if passed. This will allow people to retain and enjoy eating this fine fish that most likely was gonna die when released anyway. Instead of wasting this bycatch let the people keep them.

PROPOSED BY: Jon Madison (EF-F23-061)

PROPOSAL 195

5 AAC 77.540. Upper Cook Inlet Personal use Salmon Fishery Management Plan.

Restrict EO authority to only extend fishing time of the shore-based fishery in the Kenai River personal use fishery as follows:

Modify 5AAC 77.540 subsection (c) to read:

(A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the **shore-based** personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late run sockeye salmon is greater than 2,300,000 fish.

What is the issue you would like the board to address and why? In recent years, ADF&G has been regularly extending Kenai PU fishing to 24 hours per day by E.O. While this might be workable in the shore-based fishery, the powerboat dip net fishery has no limit on size or horsepower of boat, no speed limit, and takes place inside a relatively small area in an active Port. There are countless life/safety/enforcement/noise reasons to limit hours of operation in this fishery.

PROPOSED BY: Todd Smith (HQ-F23-107)

PROPOSAL 196

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Prohibit personal use fishing on the Kenai River from an anchored vessel as follows:

A person may not engage in Personal Use fishing on the Kenai River from an anchored vessel. An anchored vessel means using an anchor or any device other than oars, paddles, or outboard motor to slow or stop a boat's downstream drift.

What is the issue you would like the board to address and why? Stop personal use fishing on the Kenai River by anchoring in primary fishing channels and obstructing an orderly fishery. This is becoming much more prevalent and starting to become a major safety issue.

There is already similar language on the Kenai River "No one may anchor a boat on the Kenai River that obstructs a primary traffic channel or drift fishing channel." This could be considered a drift fishing channel and would extend this language to the personal use fishery.

PROPOSED BY: Will Lee (EF-F23-011)

PROPOSAL 197

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Prohibit retention of king salmon in the Kenai River personal use fishery as follows:

No retention of king salmon in the Kenai River personal use fishery. In the event that the OEG is projected to be exceeded, then 1 chinook may be allowed for retention by emergency order.

What is the issue you would like the board to address and why? Remove the king retention from the Kenai River personal use fishery. But allowing the department to implement an EO in times of abundance.

PROPOSED BY: Kenai Soldotna Fish and Game Advisory Committee (HQ-F23-102)

PROPOSAL 198

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Prohibit transport of Kenai River personal use fish by motorized vessel upstream of the Warren Ames Bridge as follows:

Modify 5AAC 77.540 subsection (c) to read:

...

(C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufacturer as a direct fuel injection motor, **and salmon harvested in the Kenai personal use fishery may not be transported by powerboat upstream of the Warren Ames Bridge.**

What is the issue you would like the board to address and why? The popularity of the Kenai powerboat dip net fishery has caused a drastic increase in the number of boats transiting the river. Users with boats moored upriver transit down, and many others have started launching at upstream public access points and doing the same. This has created crowding at upstream launches, increased boat traffic, and increased boat wake from boats fully loaded with passengers, gear, and large numbers of fish trying to travel back upstream. This proposal seeks to minimize the impact of these activities while still providing reasonable access for everyone. This proposal will

encourage users to utilize the numerous launches closer to the fishery, and if they don't, it will encourage them to offload fish, passengers, and gear at those facilities, minimizing the impacts of their transit back upstream.

PROPOSED BY: Todd Smith (HQ-F23-073)

PROPOSAL 199

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Prohibit transport of Kasilof River personal use fish by motorized vessel as follows:

Modify 5AAC 77.540 subsection (c) to read:

...

(D) Salmon harvested in the Kasilof personal use fishery may not be transported by powerboat upstream of the ADF&G regulatory marker located at Kasilof RM3

What is the issue you would like the board to address and why? The Kasilof River is largely a drift fishing river, however use patterns are changing due to increased use, increased knowledge about the lack of powerboat regulations, and increased restrictions on the Kenai River. There are currently no size or horsepower restrictions on the Kasilof River, and that fact is becoming more widely known. I'd like to see more regulations limiting the use of powerboats on the Kasilof while still allowing reasonable access to the fisheries. I believe that passing a rule similar to the rule I proposed on the Kenai will decrease the number of people launching larger jet boats upriver and transiting down to the PU fishery, while still providing access for folks who have boats moored upriver or who choose to launch inflatables from the beach.

PROPOSED BY: Todd Smith (HQ-F23-070)

PROPOSAL 200

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Close the Kasilof personal use gillnet fishery when Kenai or Kasilof Rivers sport fisheries are closed as follows:

If the Kenai River is closed to the taking of King salmon or Kasilof River is closed to harvest of Native King Salmon on June 14 the personal use gill net fishery shall also be closed June 15-June 25

What is the issue you would like the board to address and why? Closure of personal use gill net fishery June 15-25. When Kenai River is closed to taking of King Salmon or Kasilof River is closed to harvest of native King Salmon, the personal use gill net fishery on east side beach shall be closed. There is ample opportunity to obtain personal use fish using a dipnet in the Kasilof area. If not, that dip net fishery could be expanded. This would allow the department to avoid King salmon harvest in personal use fishery while still providing opportunity with dipnets. This gill net fishery was the last fishery to be implemented in Cook Inlet around 1998, yet is the only one now

allowed to harvest King Salmon. This is not equitable for all other user groups and has a negative impact on the declining King Salmon stocks in all of Cook Inlet.

PROPOSED BY: Joe Hanes (EF-F23-053)

PROPOSAL 201

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan and 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

Close the Kenai River personal use fishery when drift fishery is restricted as follows:

Paired management would close the personal use fishery if the drift fleet is restricted or closed.

What is the issue you would like the board to address and why? Paired restrictions (the pivot to sockeyes and cohos) – traffic on the river.

PROPOSED BY: John McCombs (HQ-F23-067)

PROPOSAL 202

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Reduce the legal mesh size of a set gillnet in the UCI personal use fisheries as follows:

Change wording of:

5 AAC 77.540 Upper Cook Inlet Personal Use Salmon Management Plan

, Section (5) (A) to: a set gill net may not exceed 10 fathoms in length, **4 & 3/4 inches** [SIX INCHES] in mesh size, and 45 meshes in depth.

What is the issue you would like the board to address and why? This would increase catch bias toward the smaller Kasilof sockeye salmon and "two ocean" Kenai sockeye salmon. This would decrease the king salmon bycatch and the portion of the large Kenai king salmon from the early run. Also include a reporting requirement for clipped/not clipped adipose fin on king salmon to differentiate hatchery from wild run fish for king salmon.

PROPOSED BY: James Allen (EF-F23-159)

PROPOSAL 203

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Move the regulatory markers for the Kasilof River personal use dip net fishery as follows:

Regulation:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan

(c.2.C) from a line between ADF&G regulatory markers outside the terminus of the river on the north shore beach at [60° 23.25' N. LAT., 151° 17.98' W. LONG.] NNN N. lat., 151° NNN' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.

Determine new lat., long., coordinates for the north shore marker to ensure a straight line across the mouth of the Kasilof River. It's expected that the new marker would not need to be moved far to ensure a straight line that is easy for the fisher to identify and for enforcement.

What is the issue you would like the board to address and why? In the summer of 2022, ADF&G issued permits for the Kasilof River Personal Use Dipnet Fishery with a map that showed the downriver boundary of the fishery extending out into Cook Inlet consistent with the extent outward of the regulatory line of the personal use set net fishery. However, this map was not consistent with regulations.

The boundaries of the fishery, as shown in the regulation, are difficult to discern as they do not align with the actual mouth of the river. Therefore fishers on the south shore during low water may be over the regulatory line. It is also difficult for enforcement to determine who is over the line based on the current markers. In conversations with enforcement, they related that they must use the regulations for enforcement. They also related that seeing who was over the regulatory line was difficult. Conversations revealed frustration on the part of the fisher and enforcement.

This issue is only a problem during low tide. This is not an issue during mid to high water as fishers cannot get close to the regulatory line due to the tide pushing users away from the line. However, enforcement visited the beach and ticketed approximately 20 people barely over the regulatory line during extreme low tide. It's estimated that fishers were less than 10 yards or less over the regulatory line.

This proposal would move the northeast marker to the far edge of the mouth to create a straight line across the river as it is perceived from the vantage point of the fisher and enforcement. This would eliminate confusion and lead to compliance by fishers with the need for fewer citations on the part of enforcement.

During the summer of 2022, we conducted a small social science research project on the social and economic benefits of the Kenai and Kasilof River Personal Use Dipnet fisheries to underrepresented populations in Southcentral Alaska. We found that many people with limited means use the fishery to provide food security for their households, and it's an important fishery for diverse populations who use the fishery as a communal family activity as well as for food security. What is unfortunate is that many of the cited people really can't afford the \$220 citation. They were fishing to provide for their families. If nothing is changed, there will continue to be confusion as to the boundary of the fishery by fishers and enforcement. This will lead to \$220 citations by those who use this fishery.

PROPOSED BY: Davin Holen (EF-F23-141)

Northern District Subsistence (1 proposal)

PROPOSAL 204

5 AAC 01.593. Upper Yentna River subsistence salmon fishery.

Allow hook and line attached to a rod or pole as subsistence gear to take king salmon in the Yentna River drainage as follows:

[UPPER] Yentna River subsistence salmon fishery

(7) throughout the Yentna River drainage (any waters exceptions stipulated in permit) by rod, reel, and bait / terminal tackle as stipulated in the permit only.

(A) from June 1 through June 30 from 4 a.m. through 8 p.m. Thursday through Monday;

(B) Three king salmon per household permit, however the commissioner may adjust the limit all the way down to one king salmon per household permit, based on the department's preseason and / or inseason assessment of abundance, and the fishery may be closed, by emergency order, when the department estimates that 70 - 90% of the harvestable surplus may be taken.

(C) in addition, three salmon, other than king salmon, 16 inches or long in length, may be harvest by permit per day during the open hours of 4 a.m. - 8 p.m., and following sport fishing bag and possession limits.

(D) reporting, within 3 days of harvest as specified by the department in the permit.

(E) only one Yentna River or Tyonek king salmon subsistence permit may be attained per household.

What is the issue you would like the board to address and why? Under current sport fishing regulations, the long tradition of Alaska residents harvesting king salmon with a rod and reel for their own subsistence has been made illegal in recent years, since there are no current regulations recognizing and allowing this tradition during times the sport fishery is closed for harvest. I, my family, and many other Alaska residents have a history of harvesting king salmon from the Yentna River drainage and Alexander Creek with rod and reel, that should be recognized as subsistence, and allowed to continue under the subsistence priority — when there are harvestable surplus king salmon.

Although the board recently provided a fishwheel fishery during the king salmon season in a small part of the Yentna River drainage — most Alaskan residents with a history of harvesting king salmon from the Yentna River drainage neither own nor have ready access to a fishwheel. The vast majority of king salmon harvested from the Yentna River drainage by Alaska residents during the past 45 years, have been taken by rod and reel in clear water areas entering the otherwise turbid Yentna River drainage. This is the fishery that has recently provided the most sustenance for Alaskans, and its history is well documented by Alaska Department of Fish & Game data. The Department may also have some estimates as to how much of the “sport” king salmon harvest was

taken by resident Alaskans (useful for considering amount necessary for subsistence). This is a fishery that should be recognized as subsistence.

Subsistence hunting and fishing is not allowed in non subsistence areas — however all of Game Management Unit 16B (which is bounded on the east by the east bank of the Yentna River to the Susitna River, then along the east bank of the Susitna River to Cook Inlet and along the inlet well past Tyonek) is already designated for subsistence moose hunting. In addition the board has already adopted a subsistence net fishery and a subsistence fishwheel fishery in portions of this same subsistence area.

I was hesitant to submit a subsistence proposal, but when Alexander Creek, and now the entire Yentna River drainage has been closed to King salmon harvest for the average Alaskan with a rod and reel, I was afraid my family’s and other Alaskans’ harvest opportunity may never come back — so this subsistence proposal has been submitted.

I hope board members agree, even when there may not be enough king salmon to allow a directed commercial king salmon fishery and a catch and release fishery for out of state visitors, there could and may be enough king salmon to provide a limited resident subsistence fishery. I see the subsistence king salmon fisheries currently in place, and think they are similar to the Yentna River drainage harvest fishery we had — but they have larger king salmon limits, more liberal means of harvest, and a board adopted priority to fish for subsistence. Please adopt a more conservative rod and reel subsistence fishery for king salmon, throughout the Yentna River drainage, and let more Alaskan residents share a reasonable opportunity to harvest a king salmon.

Note: Similar regulation(s) under sport fishing / commercial sections that truly attempted to provide a reasonable season of resident harvest opportunity without prioritizing commercial harvest or catch and release sport fishing of stocks from a subsistence area could also be acceptable, and would have the financial benefit of helping to fund king salmon management. I could not conceive how to word such regulation(s), but would be open to their consideration as an alternate solution.

PROPOSED BY: Lloyd McDaniels (EF-F23-047)

Northern District Commercial Salmon (11 proposals)

PROPOSAL 205

5 AAC 21.366. Northern District King Salmon Management Plan.

Increase waters closed to commercial fishing for salmon in the Northern District King Salmon Management Plan as follows:

Modify the Northern District king salmon management plan to permanently close waters to the directed commercial king salmon fishery instead of being closed annually by emergency order.

5 AAC 21.366. Northern District King Salmon Management Plan.

(a) The purpose of this management plan is to ensure an adequate escapement of king salmon into the Northern District drainages and to provide management guidelines to the department.

The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions. The department shall manage the Northern District for the commercial harvest of king salmon as follows:

(1) except as specified in (8) of this section, the season will open for commercial fishing periods with the first fishing period beginning on the first Monday on or after May 25, except when May 25 falls within a closed period, in which case the season opens the next following open period and continues through June 24, unless closed earlier by emergency order;

(2) fishing periods are from 7:00 a.m. to 7:00 p.m. on Mondays;

(3) the harvest may not exceed 12,500 king salmon;

(4) set gillnets may not exceed 35 fathoms in length and six inches in mesh size;

(5) no CFEC permit holder may operate more than one set gillnet per permit at a time;

(6) no set gillnet may be set or operated within 1,200 feet of another set gillnet;

(7) no CFEC permit holder may set a gillnet seaward of a set gillnet operated by another CFEC permit holder;

[(8) FROM MAY 25 THROUGH JUNE 24, THE AREA FROM AN ADF&G REGULATORY MARKER LOCATED ONE MILE SOUTH OF THE THEODORE RIVER TO THE SUSITNA RIVER IS OPEN TO FISHING THE SECOND REGULAR MONDAY PERIOD ONLY;]

[(9) IF THE THEODORE, LEWIS, OR IVAN RIVER IS CLOSED TO SPORT FISHING, THE COMMISSIONER SHALL CLOSE, BY EMERGENCY ORDER, THE AREA FROM AN ADF&G REGULATORY MARKER LOCATED ONE MILE SOUTH OF THE THEODORE RIVER TO THE SUSITNA RIVER TO COMMERCIAL KING SALMON FISHING FOR THE REMAINDER OF THE FISHING PERIODS PROVIDED FOR UNDER THIS SECTION;]

(10) if the king salmon sport fishery on the Deshka River as described in 5 AAC 61 is

(A) conducted as a no bait fishery, the commissioner shall, by emergency order, reduce the time allowed per commercial set gillnet fishing period provided for in this section to no more than nine hours in duration, or from 7:00 a.m. until 4:00 p.m.;

(B) conducted as a catch and release fishery, the commissioner shall, by emergency order, reduce the time allowed per fishing period provided for in this section to no more than six hours in duration, or from 7:00 a.m. until 1:00 p.m.;

(C) closed, the commissioner shall close, by emergency order, the commercial king salmon fishery throughout the Northern District;

(11) [IF THE CHUITNA RIVER IS CLOSED TO SPORT FISHING, THE COMMISSIONER SHALL CLOSE, BY EMERGENCY ORDER,] the area from a point at the wood chip dock located approximately at 61° 02.77' N. lat., 151° 10.04' W. long., to the Susitna River **is closed** to commercial king salmon fishing for the [REMAINDER OF THE] directed king salmon fishery;

(12) if the inseason Deshka River run projection is below the sustainable escapement goal, the commissioner may, by emergency order, close the commercial salmon set gillnet fishery throughout the Northern District.

(b) 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? Modify the Northern District King Salmon Management Plan to permanently close waters to the directed commercial king salmon fishery instead of being closed annually by emergency order.

At the 2011 board meeting, Theodore, Lewis, and Chuitna rivers king salmon were found to be a stock of management concern (SOC), resulting in board action to close the sport fishery on these rivers. In addition, the board also adopted a regulation that directed the department to close, by emergency order, the commercial fishery from the wood chip dock to the Susitna River when the sport fishery on the Chuitna River is closed. These marine waters are described by the department as the most productive Northern District waters for the commercial harvest of king salmon.

Because the sport fishery is closed under regulation and cannot be opened, the department is forced to issue an emergency order every year to close these marine waters. Cleaning up the regulatory language by eliminating unnecessary language will benefit the public, the department, and enforcement.

Part of cleaning up the regulation is deleting reference to waters 1 mile south of the Susitna River since that area is a subset of the waters that extend to the wood chip dock. Reference to this area is found under (8) and (9) of the management plan. Those two subsections are no longer necessary because the larger closed water area under (11) takes precedent. Repealing (8) and (9) simplifies the management plan and is just housekeeping.

PROPOSED BY: Tom Vania (HQ-F23-089)

PROPOSAL 206

5 AAC 21.366. Northern District King Salmon Management Plan.

Reduce the number of king salmon that may be commercially harvested in the Northern District of Upper Cook Inlet as follows:

5 AAC 21.366. Northern District King Salmon Management Plan.

(a) The purpose of this management plan is to ensure an adequate escapement of king salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions. The department shall manage the Northern District for the commercial harvest of king salmon as follows:

- (1) except as specified in (8) of this section, the season will open for commercial fishing periods with the first fishing period beginning on the first Monday on or after May 25, except when May 25 falls within a closed period, in which case the season opens the next following open period and continues through June 24, unless closed earlier by emergency order;
- (2) fishing periods are from 7:00 a.m. to 7:00 p.m. on Mondays;
- (3) the harvest may not exceed [12,500] **2,000** king salmon;

What is the issue you would like the board to address and why? Modernize the Northern District king salmon commercial fishery harvest cap to reflect the modern-day commercial fishery and reduced king salmon production. The harvest cap of 12,500 king salmon was set back in 1986 and no longer is appropriate given all the significant changes to king salmon production and how the commercial fishery is prosecuted from 35 years ago.

The number of permit holders participating in this fishery rapidly declined beginning in 1993, which is the first year set gillnet fishermen were required to register (prior to fishing) to fish in one of three areas (ND, Upper Subdistrict, or Greater Cook Inlet) for the entire year. The registration requirement served to eliminate a common practice of fishing in multiple areas in UCI during the same year.

King salmon are also listed as a Stock of Management Concern for the Theodore River, Lewis River, Chuitna River, Alexander Creek, Willow Creek, Sheep Creek, and Goose Creek.

Annual Northern District directed commercial king salmon harvest averages:
1993–2007 = 2,373
2008–2011 = 2,246
2012–2018 = 1,309
All Years = 2,067

The above harvest estimates are only for the directed commercial king salmon fishery and do not include an additional harvest of 200 – 500 king salmon in the subsequent Northern District sockeye salmon fishery. With only one period each week during the directed king salmon fishery, the department has ample time to collect harvest reports and close the season if the harvest cap is met.

PROPOSED BY: Tom Vania (HQ-F23-090)

PROPOSAL 207

5 AAC 21.366. Northern District King Salmon Management Plan.

Adopt additional restrictions in the Northern District King Salmon Management Plan as follows:

5 AAC 21.366. Northern District King Salmon Management Plan.

(a)The purpose of this management plan is to ensure an adequate escapement of king salmon into the Northern District drainages and to provide management guidelines to the department. The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions. The department shall manage the Northern District for the commercial harvest of king salmon as follows:

...

(3) the harvest may not exceed **15 percent of the total combined commercial and sport** [12,500] king salmon **harvest**;

...

- (10) if the king salmon sport fishery on the Deshka River as described in 5 AAC 61 is
- (A) conducted as a no bait fishery, the commissioner shall **close**, by emergency order, the commercial king salmon fishery throughout the Northern District; [REDUCE THE TIME ALLOWED PER COMMERCIAL SET GILLNET FISHING PERIOD FOR IN THIS SECTION TO NO MORE THAN NINE HOURS IN DURATION, FROM 7:00 A.M. UNTIL 4:00 P.M.];
 - (B) conducted as a catch and release fishery, the commissioner shall **close**, by emergency order, the commercial king salmon fishery throughout the Northern District; [REDUCE THE TIME ALLOWED PER COMMERCIAL SET GILLNET FISHING PERIOD FOR IN THIS SECTION TO NO MORE THAN SIX HOURS IN DURATION, FROM 7:00 A.M. UNTIL 1:00 P.M.];
 - (C) closed, the commissioner shall close, by emergency order, the commercial king salmon fishery throughout the Northern District;

...

(12) if the **preseason or** inseason Deshka River run projection is below the sustainable escapement goal, the commissioner **shall** [MAY], by emergency order, close the commercial salmon set gillnet fishery throughout the Northern District.

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

5 AAC 21.366. Northern District King Salmon Management Plan. (a) *The purpose of this management plan is to ensure an adequate escapement of king salmon into the Northern District drainages and to provide management guidelines to the department.*

The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions. The department shall manage the Northern District for the commercial harvest of king salmon as follows:

The Northern District set gillnet fishery is currently dominating the harvest of king salmon returning to the Northern Cook Inlet Management Area (NCIMA) rivers and streams. However, policy guidelines to the department to manage the Northern District king salmon stock are clear. Because the Northern District King salmon Management plan (Plan) specifically states that

The department shall manage the Northern District king salmon stocks primarily for sport and guided sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions.

It appears to me that the current regulations are contrary to the intent of the Plan. As you can see, these policy guidelines prioritize this king salmon stock for sport and guided sport uses to provide these user groups with a reasonable opportunity to harvest these salmon. It further states that the department shall, not may, manage the Northern District king salmon stock primarily for sport and

guided sport uses plan states, as the primary consumptive purpose. Therefore, I believe that when the sport fishery is prosecuted under catch-and-release regulations, allowing no reasonable opportunity harvest these salmon by the sport fishery, the commercial fishery should also be closed to harvest. Allowing the commercial fishery to have a harvest opportunity on this king salmon stock, when there is no reasonable opportunity for the sport fishery to harvest king salmon, is contrary to the Plan. However, it appears that current regulations allow the commercial harvest of king salmon even when the sport fishery is prosecuted under catch-and-release regulations. Under this scenario, the current regulations provide for a commercial king salmon harvest while excluding the sport and guided sport fisherman the opportunity to harvest these salmon. I believe that this is contrary to the overall guideline statement of the Plan.

Although there is some unknown mortality associated with catch and release, there is also an unknown mortality associated with dropouts of a gillnet set to catch king salmon. This gillnet-associated mortality is probably greater on the larger king salmon because the commercial fishery is restricted to a maximum mesh size of 6 in. stretch mesh and larger king salmon are usually not gilled in these nets. Experienced commercial fishermen, knowing that large kings are more susceptible to dropping out of a 6 in gillnet, carry a gaff to harvest the kings that may be dropping out of the net when the net is pulled. I believe that the mortality rate of kings that drop out of a gillnet, especially larger kings, is much higher than those that die from a catch and release fishery. This is especially so, because the king salmon caught in a sport fishery are not allowed to be taken out of the water if that fish is to be released.

The consistency of the commercial harvest while the sport fishery has plummeted essentially increases the proportion of commercial harvest and allocation. From 2000-2009, the Northern District set gill net king salmon fishery accounted for an average of approximately 10% of the total king salmon harvest. For the most recent two years, 2020 and 2021, this commercial fishery accounted for 67% and 61%, respectively, of the total Northern District king salmon harvest. This is a reallocation of the king salmon harvest that was not sanctioned by the Board through changes in the Northern District king salmon management plan. As stated in the Plan, the Northern District king salmon stock is to be managed primarily...*to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inriver restrictions.*

Accordingly, it seems to me that since the commercial fishery has been harvesting more fish than the sport fishery, the management Plan of this stock need immediate adjustment. The commercial fishery should not dominate the harvest of this designated sport fish stock.

King salmon stocks throughout the state are in decline with decreasing average size and, most likely, decreased female salmon fecundity. We need to be more conservative on these stocks and ensure that the low end of the escapement range goals is met, if not exceeded. When a small harvestable surplus is projected, management of this resource should be precautionary. Allowing a commercial fishery, which has a great harvest potential, on a small projected available surplus may result in over harvest. If overharvest occurs then there may be little or no opportunity for sport and sport guided to reasonably expect to harvest king salmon.

Restricting the sport fishery to bait indicates that there is a small harvestable surplus. A small harvestable surplus should not be primarily taken with commercial gillnet fishing power. Additionally, there is a high probability that the commercial fishery would take a disproportionate amount of this small harvestable surplus. I believe that this is contrary to the Plan. In addition to the much greater harvest potential of commercial gillnets, there is an unknown, and probably relatively high mortality rate associated with the drop out of king salmon from the commercial gillnets. Restricting the sport fishery to catch-and-release indicates that there is an even smaller harvestable surplus. This surplus is basically the mortality associated with this fishing/catching technique. Allowing a commercial fishery on this very small harvestable surplus of a stock that is primarily managed for sport fisheries, exacerbates the above-mentioned problem with allowing a harvest-oriented commercial fishery on a small harvestable surplus.

Because the king salmon is designated as a sport fish, I propose that the commercial fishery for king salmon be closed when the sport fishery is restricted to no bait, and of course, catch and release. This would be more in line with the Plan purpose. Allowing a commercial fishery on a small and very small harvestable surplus is contrary to the Plan, contrary to the precautionary principal because there is a very real possibility of overharvest by the commercial fleet and may result in additionally sport fish restrictions and ultimately not meeting escapement goals. Further, if the preseason or inseason Deshka River king salmon run size projection is below the sustainable escapement goal, the commissioner SHALL close the commercial salmon set gillnet fishery throughout the Northern District. I believe that the department should not have any option to prosecute a commercial fishery on this stock if escapements are projected not to be met. Further, waiting for an inseason project of run strength when the preseason projection is poor is contrary to the Plan and the precautionary principle and will most likely result in poor salmon management with escapements not being met. Escapement is the priority.

Finally, since this stock should be managed primarily for sport fisheries, I suggest that a guideline apportionment for the commercial fishery be established that is reflective of all run sizes, and not as currently stated in 5 AAC 21.366(a)(3), the (commercial) harvest may not exceed 12,500. Note that since 2000, the commercial harvest has ranged from 141 king salmon in 2018 to 4,261 king salmon in 2006. Starting in 2000, the five-year average harvest percent that the commercial fishery has harvested has been steadily increasing, ranging from 6% during the 5-year period 2000-2004, to 26% during the final 5-year period, 2015 to 2019. I did not include the most recent two years, 67% in 2020 and 61% in 2021, because these years were extraordinarily high mainly because the sport fishery was restricted in those years. In these two years, it is obvious that the management of the Northern District king salmon stock was not managed according to the overarching purpose statement of the Plan. Accordingly, I suggest that the Northern District commercial harvest not exceed 15% of the total combined Northern District commercial and sport fish king salmon harvest.

PROPOSED BY: Gene Sandone

(HQ-F23-092)

PROPOSAL 208

5 AAC 21.366. Northern District King Salmon Management Plan.

Restrict the commercial king salmon fishery in the Northern District as follows:

(10) if the king salmon sport fishery on Deshka River, **Susitna River Drainage Unit 2, Unit 4, Unit 5, or Little Susitna River** as described in 5 AAC 61 is

...

(B) conducted as a catch and release fishery, **or closed**, the commissioner shall, by emergency order, **close the commercial king salmon fishery throughout the Northern District**; [REDUCE THE TIME ALLOWED PER FISHING PERIOD PROVIDED FOR IN THIS SECTION TO NO MORE THAN SIX HOURS IN DURATION, OR FROM 7:00 A.M. UNTIL 4:00 p.m.;]

[(C) CLOSED, THE COMMISSIONER SHALL CLOSE, BY EMERGENCY ORDER, THE COMMERCIAL KING SALMON FISHERY THROUGHOUT THE NORTHERN DISTRICT;]

What is the issue you would like the board to address and why? Although the purpose of the Northern District King Salmon Management Plan is to ensure an adequate escapement of king salmon into the Northern District drainages and provide management guidelines to the department. The department shall manage the Northern District king salmon stocks primarily for sport and guide sport uses in order to provide sport and guided sport fishermen with a reasonable opportunity to harvest these salmon over the entire run as measured by the frequency of inseason restrictions.

With what the department has identified as a downturn in saltwater production, in the last decade there have been inseason restrictions and / or closures to Northern District drainages every year. In 2021 sport fishermen could not harvest a king salmon from any of the wild stock Northern District drainages until June 18. In 2022 there was zero opportunity for sport anglers to harvest a king salmon from any Northern District fishery other than the hatchery fisheries at Ship Creek and Eklutna Tailrace / Knik River. In addition at the last Upper Cook Inlet Board of Fisheries meeting, directed king salmon harvest by the Northern District commercial fishery was expanded to allow commercial harvest of king salmon at times when the Northern District sport fisheries targeting wild king salmon were restricted to catch and release fishing.

The current stipulations of the management plan appear to defy the purpose of the plan as identified in the first paragraph. 1. More specifically the commercial harvest, provided in the plan, is at times (most years) exacerbating king salmon escapement shortages — rather than ensuring adequate king salmon escapement. 2. With the plan allowing commercial harvest, when the sport fishery is closed to harvest, it appears the fishery is managed primarily for commercial uses — instead of sport and guided sport uses as identified in the plan. 3. If the purpose is to provide sport and guided sport fishermen a reasonable opportunity to harvest king salmon over the entire run — then allowing commercial harvest when sport harvest is closed only increases the likelihood that ZERO sport harvest may be allowed over the entire run in more drainages (as occurred in 2022). Note: significant king salmon producing drainages that provided zero sport king salmon harvest during 2022 include Little Susitna River, Susitna River drainage Units: 1 (Deshka River), Unit 2 (Willow,

Little Willow, Sheep, Goose and Montana Creek, and Kashwitna River), Unit 4 Yentna River (Lake and Peters Creek and Talachulitna River), Unit 5 Talkeetna River (Clear and Prairie Creek).

We request the Board consider more conservative management of the commercial fishery — similar to what was regulation before the last Upper Cook Inlet Board of Fisheries meeting — but considering a more wholistic Northern District king salmon stock approach rather than only Deshka River king salmon.

PROPOSED BY: Matanuska Valley Fish and Game Advisory Committee (EF-F23-134)

PROPOSAL 209

5 AAC 5 AAC 21.366. Northern District King Salmon Management Plan.

Close the commercial king salmon fishery in the Northern District as follows:

All northern district King salmon directed fisheries shall be closed

What is the issue you would like the board to address and why? Close Northern district King Salmon gill net fishery This fishery was opened in the mid 1980's on the condition (presented by the Northern District Set Netters) that if there was ever not a harvestable surplus after the sport fishery harvest the fishery would be closed. It is on public record, and was brought up at previous BOF Meeting. This fishery should of been closed 20 years ago.

PROPOSED BY: Joe Hanes (EF-F23-135)

PROPOSAL 210

5 AAC 21.358. Northern District Salmon Management Plan and 21.366. Northern District King Salmon Management Plan.

Modify the Northern District Salmon Management Plan and Northern District King Salmon Management Plan as follows:

(b) the department shall manage the Northern District commercial salmon fisheries based on the abundance of sockeye salmon counted through the weir on Larson, Chelatna, and Judd Lakes, **and based on the abundance of king, sockeye, and coho salmon counted through Little Susitna River weir** or other salmon abundance indices as the department deems appropriate.

(1) commercial fishing within one stature mile of the Little Susitna River channel and terminus with saltwater as measured at mean lower low water may only be allowed by inseason emergency order as follows:

(A) through July 13, when the department projects the king salmon escapement to exceed the Little Susitna River king salmon SEG, and only if more than 1,000 sockeye salmon have also migrated through Little Susitna River weir.

(B) after July 14 when the department projects the coho salmon escapement through Little Susitna River weir to exceed the Little Susitna River coho salmon SEG, and only if more than 3,000 sockeye salmon have also migrated through Little Susitna River weir.

What is the issue you would like the board to address and why? It is irresponsible, and contrary to direction provided in the Northern District Salmon Management Plan and Northern District King Salmon Management Plan, for salmon management to ignore low salmon abundances, declining sport salmon harvests, and a long history of restrictions and closures to inriver and commercial users — while at the same time allowing a liberal commercial opportunity to harvest all 5 species of salmon, without limit, and within one mile of the Little Susitna River terminus.

The easiest solution would be to close commercial fishing within one mile of the Little Susitna River terminus — adopting a closed waters regulation, consistent with what is provided around other streams with established salmon escapement goals, and draining into Upper Cook Inlet. I have no doubt that such a regulation could likely result in declined harvests for those currently commercial fishing within one mile of the Little Susitna River terminus. That is the whole point of such regulations — to avoid large and excessive harvests of specific salmon stocks as they stage in and around stream terminus areas.

Would it cause those currently fishing within one mile of the Little Susitna River terminus to cease business operation? Not necessarily. The last time I looked the only registered sites within the Susitna Flats statistical area were all located within one mile of the Little Susitna River terminus — this would leave the vast majority of this statistical area open to harvest — and while, as mentioned earlier, harvest may likely be less in other locations, salmon migrate and are available for harvest along the shorelines throughout the entire Northern District.

All or most fishers may prefer to fish in the best harvest locations — but because of conservation needs — and in order to provide legitimate harvest opportunities for other users — the best harvest locations or someone's favorite fishing spot, overtime may become closed to fishing. This can be seen in the Little Susitna River sport fishery after installation of the Alaska Department of Fish and Game (ADF&G) salmon counting weir. Standard closure area as listed in regulation below a weir is 300 feet — overtime waters closed to sport fishing below Little Susitna River weir have expanded to approximately 1,500 feet — 5 AAC 60.122 (9) (M). This section of water was a favorite fishing location for some anglers. Did its closure cause those people to cease fishing Little Susitna River? Perhaps, but not necessarily. Just as would be the case in the commercial fishery, while maybe not as productive for catching salmon, many additional miles of water remain open to fishing and harvest.

While I believe closing waters within one mile of the Little Susitna River terminus to commercial fishing would better minimize the commercial harvest of Little Susitna River coho salmon, better conserve depressed Little Susitna River sockeye salmon, and be more consistent with regulation throughout the rest of Upper Cook Inlet, in case the board chooses to continue allowing commercial fishing within one mile of the Little Susitna River terminus, I propose setting some reasonable abundance standards, consistent with management plan purposes, as to when that more liberal commercial harvest opportunity could occur.

PROPOSAL 211

5 AAC 21.358. Northern District Salmon Management Plan.

Repeal certain restrictive provisions of the Northern District Salmon Management Plan as follows:

5 AAC 21.358 Northern District Salmon Management Plan

Delete Section (c) in its entirety as it is not needed because in 2020 the Board of Fisheries removed the Susitna sockeye “Stock of Yield Concern.” The Northern District set net fishery would revert to normal management by the department where the department can manage the fishery by area, time, and gear restrictions based on stock abundance.

Repealed

~~(e) From July 20 through August 6, if the department's assessment of abundance indicates that restrictions are necessary to achieve the escapement goal, the commissioner may, by emergency order, close the commercial set gillnet fishery in the Northern District and immediately reopen a season during which the number of set gillnets that may be used is limited to the following options selected at the discretion of the commissioner except that from July 31 through August 6, the commissioner may allow the use of two set gillnets in that portion of the General District south of the Susitna River:~~

- ~~(1) three set gillnets that are not more than 105 fathoms in aggregate length;~~
- ~~(2) two set get gillnets that are not more than 70 fathoms in aggregate length;~~
- ~~(3) one set gillnet that is not more than 355 fathoms in length;~~

What is the issue you would like the board to address and why? Gear restrictions in the Northern District of Upper Cook Inlet during the peak sockeye run in the Northern District.

In 2008, the Board of Fisheries designated Susitna sockeye as a “Stock of Yield Concern.” Associated with that designation was the authority for the Department to restrict the fishing gear in the Northern District set net fishery from July 20 to August 6. Subsequently, the majority of the Northern District has been restricted to one net during this period.

In 2020, the Board of Fisheries removed the Susitna sockeye as a “Stock of Yield Concern.” Also, in 2020, the Board of Fisheries approved a new and expanding mixed stock fishery in the lower Susitna mainstem prosecuted as a dip net fishery.

No corresponding action was taken to address the gear reduction in the commercial set net fishery at that time.

The commercial set net fishery has continued to have gear reduced to one net during the peak of the sockeye run from July 20 to August 6 for a sockeye stock that is no longer a “Stock of Yield Concern,” and on a stock for which the Board of Fisheries considered sufficient to open a new fishery in 2020.

The Northern District Set Netters would like the regulations to reflect the Board’s decision to remove the Susitna sockeye “Stock of Yield concern” designation and remove the regulatory Northern District restrictions during the July 20 to August 6 time period.

PROPOSAL 212

5 AAC 21.358. Northern District Salmon Management Plan.

Adopt additional restrictions in the Northern District Salmon Management Plan as follows:

5 AAC 21.358. Northern District Salmon Management Plan.

...

(c) From June 25 until closed by emergency order one set gillnet not more than 35 fathoms in length per permit may be used;

(1) the department shall limit commercial fishing to the weekly fishing period. described in 5AAC 21.320 (a) (1).

(new) the commercial harvest shall not exceed 30% of the total Northern District coho salmon harvest.

[FROM JULY 20 THROUGH AUGUST 6 IF THE DEPARTMENT'S ASSESSMENT OF ABUNDANCE INDICATES THAT RESTRICTIONS ARE NECESSARY TO ACHIEVE THE ESCAPEMENT GOAL, THE COMMISSIONER MAY BY EMERGENCY ORDER, CLOSE THE COMMERCIAL SET GILLNET FISHERY IN THE NORTHERN DISTRICT AND IMMEDIATELY REOPEN A SEASON DURING WHICH THE NUMBER OF SET GILLNETS THAT MAY BE USED IS LIMITED TO THE FOLLOWING OPTIONS SELECTED AT THE DISCRETION OF THE COMMISSIONER: EXCEPT THAT FROM JULY 31 THROUGH AUGUST 6 THE COMMISSIONER MAY ALLOW THE USE OF TWO SET GILLNETS IN THAT PORTION OF THE GENERAL SUBDISTRICT SOUTH OF THE SUSITNA RIVER:

- (1)THREE SET GILLNETS THAT ARE NOT MORE THAN 105 FATHOMS IN AGGREGATE LENGTH;
- (2) TWO SET GILLNETS THAT ARE NOT MORE THAN 70 FATHOMS IN AGGREGATE LENGTH;
- (3) ONE SET GILLNET NOT MORE THAN 35 FATHOMS IN LENGTH.]

What is the issue you would like the board to address and why? After providing for stock conservation needs, the basic purpose of the Northern District Salmon Management Plan (Plan), is to provide a full season of reasonable harvest opportunity, uninterrupted by inseason restrictions/closures, for all user groups. The Plan primarily regulates the first inline and most efficient harvester within the Northern District, the Northern District set net fishery. Although there are less than 100 permit holders in this commercial fishery, the potential fishing power of the Northern District set net fishery is very great. Current regulations allow permitted fishermen to fish up to three large commercial gillnets, twice a week, over the entire season. Because of this fishing power, coupled with the lack of inseason abundance data, the Northern District set net fishery has repeatedly been allowed to overharvest specific salmon stocks to the detriment of escapement needs and/or the reasonable harvest opportunity for the inriver user groups, identified in the plan. This is clearly demonstrated by the consistent annual use of emergency order authority restrictions/closures on inriver user groups during the past two decades for conservation purposes.

This form of management and the resulting continuing negative consequences on upstream inriver harvesters should not be tolerated by the Board of Fisheries. Conservation of the resource, as well as the benefits derived from the harvest of the resource should be allocated appropriately.

There needs to be recognition that coho salmon total run size has decreased that resulted in much lower inriver sport harvests of coho salmon during the past two decades. However, while sport harvests have decreased, the commercial fishery has generally maintained their harvests and consequently increased their allocation of the resource. Because of this, the inriver users in the NCIMA clearly have borne the brunt of conservation. Unlike prior to 2017, the allocation of coho salmon is currently dominated by the Northern District commercial fishery. The percent harvest of coho salmon harvest has more than doubled, as evidenced by the 5-year average percent harvest during the period 2002-2021. The percent commercial harvest during the 5-year period 2002-2006 was 28%, while the most percent commercial harvest during the most recent 5-year period, 2017-2021 was 59%. The commercial harvest has been dominant since 2017. Conversely, during the 5-year period, 2002- 2006, the sport harvest accounted for 72% of the Northern District coho salmon harvest, during the most recent 5-year period, 2017-2021, that percentage has plummeted to 41%. The commercial fishery should not be allowed to dominate the harvest when the Plan explicitly calls for the minimization of coho salmon harvest in the commercial set net fishery. This is an unauthorized reallocation of the coho salmon resource from the sport fishery to the commercial fishery. The Board should not tolerate such an unauthorized reallocation. The regulations that specify the number of nets allowed, and the number of periods per week needs to better reflect the salmon abundance, as well as the allocation among users, in conjunction with the purposes of the Plan. Accordingly, a set percentage that the commercial fishery could harvest from the Northern District coho salmon run should be established so that such an unauthorized allocation will not occur in the future.

In some areas of Alaska there are large abundances of harvestable surplus salmon where benefits can be maximized by harvesting most of the surplus with a commercial fishery(s), while allowing ample harvestable salmon surpluses for subsistence /personal use, sport, and guided sport uses. In these areas, commercial fishery periods are on a set schedule. As salmon runs decline and/or vary, commercial fisheries become more efficient, and the demand of inriver user groups grow, these set fishing-schedule areas are becoming fewer. With hundreds of thousands of residents and an abundance of summer visitors in the Northern Cook Inlet Management Area (NCIMA), the board has recognized that benefits from the salmon resource is better maximized by providing ALL USERS reasonable opportunity to harvest the Northern Cook Inlet harvestable salmon surplus. It may be time that the Northern District set net fishery schedule is abandoned. Currently, we believe that the current abundance-based commercial regulations are not working because of a lack of inseason sockeye and coho salmon run assessment. Basing or altering the fishing schedule on weir salmon passage data on rivers high in the drainage that are days or possibly weeks away from the commercial fishery is folly. As stated above, there needs to be regulations that better respond to varying levels of abundance, especially when salmon abundance is low. Because of the varying salmon run sizes we believe that managers cannot achieve the basic purpose of the plan by allowing the fishing schedule of two days per week without some alteration.

The Northern District set net fishery has the advantage of being the first user group to harvest salmon returning to the streams of the NCIMA. In addition to being first to harvest, as stated above,

their harvesting potential is very great. Permit holders use gillnets; they have no daily or seasonal limits; they are basically guaranteed two fishing periods per week and may have the opportunity to use as many as three gillnets to harvest salmon. The most recent Northern District commercial harvest history shows hundreds of salmon per net are regularly harvested each period from July 20 through August 6. Accordingly, we encourage the Board to restrict the number of nets that can be used during commercial fishing period per permit holder for the entire fishing season to one net. Additionally, if projects indicate that salmon runs are low, restrictions in the commercial fishery should be commensurate with restrictions in the sport fishery. In other words, there should not be a guaranteed number of fishing periods per week when inriver users are restricted. However, we believe that a net restriction of one net per permit holder may provide increased inriver harvest opportunities throughout the season.

Reasonable and harvestable inriver abundance has been sorely lacking under current regulation, especially during early and late in the season. During years with larger salmon abundances, those fishing first in line, with the most efficient gear, and no harvest limits will catch more salmon. If commercial regulation were set at a more conservative level, and remained static for the season, all other users would also have a better opportunity of fishing on a proportionally similar harvestable surplus, as commercial users currently do, throughout the entire run. All would share a more similar harvest opportunity, share in conservation efforts, and resource benefit would be better apportioned for all the people.

PROPOSED BY: Gene Sandone

(HQ-F23-093)

PROPOSAL 213

5 AAC 21.358. Northern District Salmon Management Plan.

Adopt new ‘paired restrictive’ management measures for the Northern District commercial salmon set gillnet fishery as follows:

(1) (A) Starting August 1 through Until there is adequate projected coho and sockeye abundance to extend the Lower Susitna River Personal Use Fishery (as specified in 5 AAC 77.540 (h) (1)), the commercial fishery in the Northern District may use one set gillnet that is not more than 35 fathoms in length per permit holder.

What is the issue you would like the board to address and why? Think of the Northern Cook Inlet salmon resource users as a family. One of the family’s core values is sharing. As the family grows their value of sharing requires older individuals to allow newer family members a portion of the salmon resource, thereby reducing older members’ shares to provide a portion for the new. There is lag time in resource sharing, as the youngest family members do not eat much, and the youngsters must also grow and develop their fishing skill, before they catch much. As the family expands, however, even if the salmon resource level remains constant, older members’ portions continue to decline through time.

The Northern District Salmon Management Plan family has grown so large, and the shared resource portions so small, that over 99% — if not all members - are now more dependent on other food sources and means of employment than salmon. While some members have little fish interest,

many continue to highly value the resource and traditional opportunities to fish, harvest, and enjoy meals of salmon. As a whole, the family desires to maintain their salmon resource and their shared traditional salmon-related opportunities.

The oldest family member, Subsistence, once harvested salmon throughout Northern Cook Inlet. As the family population exploded, Subsistence was banished from her home when a city called “NonSubsistence Area” grew around it. When Subsistence wanted to live and continue her traditions in what is now called a “Subsistence” area, she was made to beg, refused traditional use, and finally granted traditional use by separate court orders in two small portions of rural Northern Cook Inlet. Without further court order or board action, Subsistence Fishing has legally expired from the largest portion of her subsistence area.

Following Subsistence’s untimely death, her son, Lower Susitna River Personal Use, was adopted at the 2020 Upper Cook Inlet Board of Fisheries meeting. The board allowed young Personal Use up to 7-days of July salmon harvest opportunity within a limited portion of Subsistence’s rural area. An additional board stipulation would have allowed Personal Use to fish through August, if adequate salmon abundance could be projected at upriver locations. While that specific abundance of salmon may have been caught somewhere, it was never projected inriver, so Personal Use fished only during July.

In 2020, 2021, and 2022 Personal Use harvested modest numbers of salmon each year. Reading the family’s salmon management plan, after his last abbreviated fishing season, Personal Use found a primary plan purpose was to provide inriver users a reasonable opportunity to harvest salmon resources over the entire run. “I am an inriver user,” he thought, “but 3 years in a row, I could only harvest during July.”

Personal Use inspected the plan closer along with other fishing regulations and concluded, specific family members (Subsistence, Personal Use, and Commercial permit holders) might be allowed larger harvest opportunities of the shared salmon resources. The intent of the plan, however, was to limit excessive commercial harvests — before they could reduce the more modest harvest opportunities of all other family members — and specifically, inriver users.

Within the plan Personal Use found three separate “minimize the harvest of coho salmon” passages and understood they were specifically referring to commercial harvest of coho salmon. Regulations and management practices, however, were not even allowing enough coho salmon upriver for him to fish a single day in August. Commercial regulations and management practices, allowed increased number of commercial nets after July 30, even where and when coho salmon were likely to be the most abundant fish caught. Management to “minimize the commercial harvest of coho salmon” was clearly broken.

Lower Susitna River Personal Use realized lag time exists before regulations within the plan, could be updated to allow all inriver users more reasonable opportunity to harvest salmon resources “over the entire run.” While studying the plan, fishing regulations, and salmon resource management, he concluded that inriver family members (some with meager opportunity compared to his) were shouldering excessive conservation burden — and therefore, receiving less harvest benefit than they should.

In hopes of providing both adequate salmon for spawning escapement needs and more reasonable harvest opportunity over the entire run for all inriver users, Personal Use suggested an amendment to his family's plan with his first fishery regulation proposal:

PROPOSED BY: South Central Alaska Dipnetters Association (EF-F23-065)

PROPOSAL 214

5 AAC 21.358. Northern District Salmon Management Plan.

Adopt new 'paired restrictive' management measures for the commercial salmon set gillnet fishery within the *Northern District Salmon Management Plan* as follows:

5 AAC 21.358. Northern District Salmon Management Plan.

...

(c) From June 25 through July 13 one set gillnet not more than 35 fathoms in length per permit may be used; From July 14 through 19 two set gillnets not more than 105 fathoms in aggregate length per permit may be used; From July 20 - until the Susitna River personal use fishery is extended and Little Susitna River sport coho salmon fishery is liberalized, by emergency order, one set gillnet not more than 35 fathoms in length per permit in the General Subdistrict and up to two set gillnets not more than 70 fathoms in aggregate length per permit in the Eastern Subdistrict may be used; From when the Susitna River personal use and Little Susitna River sport coho salmon fisheries are liberalized by emergency order through when the Northern District set gillnet fishery is closed by emergency order; 2 set gill nets per permit not more than 70 fathoms in aggregate length may be used. From **June 25** [JULY 20] through **September 30** [AUGUST 6] if the department's assessment of abundance indicates that restrictions are necessary to achieve the escapement goal, the commissioner may, by emergency order, close the commercial set gillnet fishery in the Northern District and immediately reopen a season during which the number of set gillnets that may be used **in portions or all of the Northern District** is limited to the following options selected at the discretion of the commissioner: [EXCEPT THAT FROM JULY 31 THROUGH AUGUST 6 THE COMMISSIONER MAY ALLOW THE USE OF TWO SET GILLNETS IN THAT PORTION OF THE GENERAL SUBDISTRICT SOUTH OF THE SUSITNA RIVER:

- (1). THREE SET GILLNETS THAT ARE NOT MORE THAN 105 FATHOMS IN AGGREGATE LENGTH;]
- (2) Two set gillnets that are not more than 70 fathoms in aggregate length;
- (3) One set gillnet that is not more than 35 fathoms in length.
- (4) Zero set gillnets — closure of specific area(s).**

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

Robust sport coho salmon fisheries and harvest opportunities have long been recognized throughout South central Alaska as a way to maximize benefit from one of the less abundant salmon species. They also provide a reasonable opportunity for most common users to put food in the freezer, and thereby, achieve some level of food security for a large portion of the year when most salmon stocks are unavailable for harvest.

Northern Cook Inlet produces some of the largest abundances of wild coho salmon in South-central Alaska, as evidenced by coho salmon harvests within the Northern District commercial set net fishery. Although one of the purposes repeatedly stated in the Northern District Salmon Management Plan is to minimize the harvest of coho salmon, Northern District permit holders regularly catch considerably more coho salmon on a per permit / per license basis than any other user group in Upper Cook Inlet. Furthermore, in the Northern District's General Subdistrict coho salmon are the most commercially harvested salmon species.

Some Northern District set netters present their fishery as a cottage industry having little impact on salmon stocks, and have proposed or supported expansions of commercial harvest opportunity for coho salmon. Since the 2000 — 2009 period the board has adopted some proposals that expanded Northern District set net harvest opportunity for coho salmon, and, while the Northern District commercial harvest of coho salmon has expanded, Alaska Department of Fish and Game (ADF&G) estimates for sport coho salmon harvests in the Northern Cook Inlet Management Area (NCIMA) have been reduced by approximately 50%. For the 10-year period from 2000 — 2009 NCIMA sport coho salmon harvests averaged over 80,000 fish per year, while for the most recent decade of data (2012 - 2021), sport coho salmon harvests within NCIMA have averaged around 40,000 fish per year.

With reduced sport harvests of both king salmon and coho salmon, the economic benefit provided from the NCIMA sport fisheries, has dwindled by tens of millions of dollars as documented from a 2007 ADF&G economic study with breakout of NCIMA figures, when compared to a 2017 economic study using the same study contractor and similar methodology commissioned by the Matanuska-Susitna Borough with money provided by the Alaska legislature.

This proposal seeks to update commercial harvest opportunities provided in the Northern District Salmon Management Plan to better match the plan's purposes statement — paragraph (a). Items of particular concern: 1. Providing a full season of shared chum, pink, and sockeye salmon harvest opportunity for commercial AND inriver uses based on abundance. 2. Managing chum, pink, and sockeye salmon stocks to minimize the harvest of Northern District coho salmon. 3. Allowing conservative reasonable harvest opportunities, that increase the likelihood of providing full seasons of harvest without inseason restrictions, and may provide expanded inseason harvest opportunities for ALL users.

Plan paragraph (b) specifies the department shall manage the Northern District commercial salmon fisheries based on the abundance of sockeye salmon counted through the weirs on Larson, Chelatna, and Judd Lakes — and also mentions using other abundance indicators as the department deems appropriate. At the start of the commercial season in June the weirs at Little Susitna River and Deshka River are already in the water, followed by the Fish Creek weir in early July. The Little Susitna, Deshka, and Fish weirs are considerably closer to saltwater and provide much earlier indices of inseason salmon abundance than Larson, Chelatna, and Judd weirs which are not even installed until later in the season. Whichever weirs are used — NONE of them measure any significant abundance of salmon, other than king salmon, until around mid-July, or later. If the purpose of providing a full season of shared harvest opportunity for both commercial and inriver uses is to be achieved, during this time of lower abundance into mid-July, commercial users should likely not be using 3 nets per permit.

With low abundances of king salmon, major Susitna River drainage sport fisheries and the Little Susitna River sport fishery have been regulated to no bait, single-hook artificial lures, and no harvest of king salmon through July 13. During this timeframe, other salmon are at low abundance levels, and may be just starting to arrive at the most significant Northern Cook Inlet sport fishery locations.

By regulation, the Fish Creek Personal Use Fishery may only open by emergency order starting July 15, and only after ADF&G projects sockeye escapement well into the Fish Creek sockeye salmon escapement goal range. Because of low early season sockeye salmon abundances, the earliest opening date in the past 10 years for the Fish Creek personal use fishery is July 19.

The Lower Susitna River Personal Use Fishery may not open until July 10 — and even then, reported personal use salmon harvests, for all salmon species, have been dismal during the first week the Susitna River personal use fishery is open. The point: is to provide a full season of realistic harvest opportunity for inriver uses, salmon must be allowed to migrate inriver, in reasonable numbers, early in the season, during the heart of the season, and later in the season.

Since there is no reliable abundance indicator of Susitna sockeye salmon, even by July 20, as measured at Larson, Chelatna, and Judd Lakes, it is nonsensical that the fishery be managed by an assessment of abundance, as outlined in paragraph (b) and (c) of the plan. It is only further nonsensical to suggest in this plan, that the Northern District set gillnet fishery could be opened to 2 or 3 set gill nets, per permit holder, specifically during the period of July 20 — August 6 without profound negative effects for achieving Susitna River sockeye salmon and Northern Cook Inlet coho salmon escapement goals, and without profound negative consequences to salmon harvests by inriver uses.

An examination of the past 20 fishing seasons reveals, one set gillnet throughout the entire General Subdistrict and up to two set gillnets per permit in the Eastern Subdistrict may be about the maximum that can be allowed, from July 20 — August 6, while somewhat consistently meeting the Susitna drainage (Larson, Chelatna, Judd) sockeye salmon escapement goals (without frequent inseason restrictions to inriver users). Since this or less Northern District effort has been the management net standard, best meeting escapement needs for over a decade, it should be adopted into standard regulation, while “REAL” net restrictions, meaning less nets, could be adopted, as a tool that may be utilized in the Northern District for addressing genuine “Emergency” escapement goal shortages throughout the entire season.

Since the plan specifically mentions minimizing the harvest of coho salmon, and providing sport, guided sport, and other inriver users a reasonable harvest opportunity over the entire run, there should be a standard for allowing an increased commercial net after July 30 (if it is allowed at all). Liberalized commercial net opportunity should only be allowed, when or after the Little Susitna River sport fishery and very-limited lower Susitna River personal use fishery have also been granted liberalized coho salmon harvest opportunities. The board has already set escapement-goal-oriented standards as to when the sport and personal use fishery may be liberalized; leaving commercial fishery emergency orders to be issued, without similar standards, places the manager, commissioner, department, and administration in an uncomfortable and awkward position — and only increases the likelihood of management inconsistency, and especially after an administration, commissioner, or manager change.

If there are enough coho salmon to provide an increased commercial net opportunity after July 30, then all other common users of the coho salmon resource should be provided a liberalized harvest opportunity at the same time. Currently the most appropriate trigger for providing liberalized Northern Cook Inlet salmon net harvest opportunity, after July 30, appears to be the Board-adopted standards for a lower Susitna River personal use season extension, and liberalization of the Little Susitna River sport coho salmon fishery. Note: the board-adopted standard for a liberalized Susitna River personal use fishery requires inseason projections exceeding all Susitna River coho and sockeye escapement goals. This is an appropriate standard as it ensures all or nearly all inriver users should have some higher abundance of salmon to harvest, before a lower-in-the system intercept fishery takes a bigger bite out of the harvestable salmon surplus or possibly even escapement needs. Combining the personal use extension standard with the Little Susitna River sport fishery standard for liberalization is appropriate, because it ensures all or nearly all inriver users in Knik Arm should also have a solid coho salmon abundance — before the lower-in—the system commercial fishery takes an additional bite out of the resource. The most likely result of adopting these two standards to be met before expanding commercial netting opportunity, would be less or later expanded commercial net opportunity, at a time when coho salmon frequently dominate the Northern District set gillnet harvest. It would also provide inriver users a more reasonable coho salmon harvest opportunity, and inriver coho harvests may likely once again exceed the Northern District commercial coho harvest during most seasons.

Northern District commercial set gillnet regulations have varied considerably over time and during different portions of the season. With this variation history, the department could make some informed and reasonable assessments of how harvests may be adjusted by this proposal. For example: there is an abundance of fish, and some of the best commercial harvests of the season currently occurring during the July 20 - August 6 period, even with the entire General Subdistrict limited to one net per permit. In addition when the Coho salmon Conservation Plan was in effect, starting in 2000, there were several years where the entire Northern District commercial fishery was restricted to one net through August 10 (rather than August 1 or August 6) so harvest comparisons from this time period are also appropriate.

Some Northern District set netters have commented that they frequently only fish one net, even when allowed more. In the past (when king salmon were more plentiful) at least one Northern District set netter went on record stating that he frequently made about 1/2 of his commercial income for the summer during the king salmon fishery (a time when only one net and one weekly fishing period is allowed). The point is — Northern District salmon harvest would likely remain at a level where it has been sometime during the past 25 years, and while minimized to some extent, coho salmon harvest by Northern District set netters, on a per permit / license / or registration basis, would likely remain higher than any other Upper Cook Inlet user group — if this proposal were adopted as written.

What may be significantly reduced, during times of one net per permit holder, is drop out loss, something that sport fishery catch and release studies indicate may cause substantially more mortality with coho salmon than the other 4 salmon species. The more gillnets fished, the more coho salmon dropout / mortality losses likely increase.

2. What is the issue you would like the Board to address and why?

Robust sport coho salmon fisheries and harvest opportunities have long been recognized throughout South central Alaska as a way to maximize benefit from one of the less abundant salmon species. They also provide a reasonable opportunity for most common users to put food in the freezer, and thereby, achieve some level of food security for a large portion of the year when most salmon stocks are unavailable for harvest.

Northern Cook Inlet produces some of the largest abundances of wild coho salmon in South-central Alaska, as evidenced by coho salmon harvests within the Northern District commercial set net fishery. Although one of the purposes repeatedly stated in the Northern District Salmon Management Plan is to minimize the harvest of coho salmon, Northern District permit holders regularly catch considerably more coho salmon on a per permit / per license basis than any other user group in Upper Cook Inlet. Furthermore, in the Northern District’s General Subdistrict coho salmon are the most commercially harvested salmon species.

Some Northern District set netters present their fishery as a cottage industry having little impact on salmon stocks, and have proposed or supported expansions of commercial harvest opportunity for coho salmon. Since the 2000 — 2009 period the board has adopted some proposals that expanded Northern District set net harvest opportunity for coho salmon, and, while the Northern District commercial harvest of coho salmon has expanded, Alaska Department of Fish and Game (ADF&G) estimates for sport coho salmon harvests in the Northern Cook Inlet Management Area (NCIMA) have been reduced by approximately 50%. For the 10-year period from 2000 — 2009 NCIMA sport coho salmon harvests averaged over 80,000 fish per year, while for the most recent decade of data (2012 - 2021), sport coho salmon harvests within NCIMA have averaged around 40,000 fish per year.

With reduced sport harvests of both king salmon and coho salmon, the economic benefit provided from the NCIMA sport fisheries, has dwindled by tens of millions of dollars as documented from a 2007 ADF&G economic study with breakout of NCIMA figures, when compared to a 2017 economic study using the same study contractor and similar methodology commissioned by the Matanuska-Susitna Borough with money provided by the Alaska legislature.

This proposal seeks to update commercial harvest opportunities provided in the Northern District Salmon Management Plan to better match the plan’s purposes statement — paragraph (a). Items of particular concern: 1. Providing a full season of shared chum, pink, and sockeye salmon harvest opportunity for commercial AND inriver uses based on abundance. 2. Managing chum, pink, and sockeye

PROPOSED BY: Alaska Outdoor Council (EF-F23-063)

PROPOSAL 215

5 AAC 21.358 Northern District Salmon Management Plan.

Provide additional commercial fishing opportunity for salmon within the *Northern District Salmon Management Plan* as follows:

(b) the department shall manage Northern District commercial salmon fisheries based on the abundance of sockeye salmon through weirs on Larson, Chalatna, and Judd Lakes or other salmon abundance indices as the department deem appropriate.

9 (c) Open Northern District statistical areas Trading Bay 247-10 and Tyonek 247-20 from 7am to 7pm for one additional period between July 4 and 14. Opening date to be determined by ADF&G commercial fishing biologists.

What is the issue you would like the board to address and why? The first three Sockeye periods in the Tyonek/Trading Bay statistical areas have a limited catch of Sockeye and very few Chinook salmon. Every year between July 4-14 there is a considerable run of Beluga River/Coal Lakes Sockeye. The natal philopatry is self-evident to commercial fishermen north and south of the Beluga River. Those to the north see few if any Sockeye until July 14. Kenai tenders do not even head north of the Beluga, but service the south each period. Those south of the Beluga see limited catches during the first three periods and then from July 4-14 one good period before the Susitna run begins. In terms of catch numbers, the fishing goes from 100-200 fish to 800 or more and then back down to the 100-200 level. If nothing is changed, this run will continue to be hit or miss. This proposal would grant a reasonable opportunity to a dozen permit holders in this limited area to harvest a specific commercial species. This proposal will not impact Chinook, Sockeye, or Coho sports fisheries. High quality will be maintained with available slush-ice on anchored scows in place, so an additional period is not a problem for tendering from Kenai. Tenders carrying iced catches could head to Kenai on the ebb, then next day head north to the Tyonek area on the flood tide. This proposal will aid the economic viability to the Tyonek/Granite Point area during a time when we have been limited or closed for Chinook and have greatly reduced fishing time on Susitna Sockeye.

Other solutions considered would be a Wednesday Sockeye opening for the entire Northern District during the Sockeye season.

PROPOSED BY: Terry Jorgensen and Kevin Barksdale (EF-F23-020)

Cook Inlet Smelt (2 proposals)

PROPOSAL 216

5 AAC 21.505. Cook Inlet Smelt Fishery Management Plan.

Reduce the commercial smelt guideline harvest level in Upper Cook Inlet as follows:

5 AAC 21.505. Cook Inlet Smelt Fishery Management Plan

...

(c) No more than [200] **100** tons of smelt may be taken annually under this section.

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

Eulachon are a relatively short-lived, anadromous, species spending the bulk of their lives in the marine environment except for a spring spawning migration. Historical commercial harvests of eulachon in Upper Cook Inlet occurred in 1978, 1980, and 1998, with catches of 300, 4,000, and 18,900 pounds, respectively. In 1998, ADF&G recommended a somewhat arbitrary 50-ton (100,000-pound) harvest limit for the Upper Cook Inlet commercial smelt fishery, resulting in a 1999 commercial harvest of 50 tons. However, adoption of the Forage Fish Management Plan (5 AAC 39.212) closed commercial fishing for smelt in Upper Cook Inlet from 2000 to 2004 until the Cook Inlet Smelt Fishery Management Plan (5 AAC 21.505) was adopted. In 2005, the commercial fishery reopened with a 100-ton (200,000-pound) harvest cap with legal gear limited to a hand-operated dip net as defined in 5 AAC 39.105. The intent was to maintain that harvest cap until a general assessment of stock strength could be made.

An assessment conducted by ADF&G in 2016 indirectly estimated eulachon escapement into the Susitna River by counting eulachon larvae moving downstream and extrapolating from the fecundity of adult eulachon migrating upstream (Willette and DeCino, ADF&G, unpublished data). This was intended to be the first of three study years, but future study years were cancelled. However, based on the 2016 study results, the Alaska Board of Fisheries increased the eulachon commercial harvest cap to 200 tons (400,000 pounds) in 2017. The 200-ton commercial harvest cap has been maintained since 2017 without further fishery-independent assessments in Upper Cook Inlet.

Fisheries management, including Alaska, has an extensive track record of overharvesting resources that were perceived as “so abundant that they could not be overfished.” Many stocks have subsequently collapsed. Climate change has altered previous ecosystem productivity patterns and linkages to amplify these collapses. Eulachon typically live 3-4 years and likely exhibit broad population swings based on spawning conditions, larval rearing conditions, and the marine environment. Eulachon population estimates in nearby waters of Lower Cook Inlet and the Northern Gulf of Alaska have declined dramatically in recent years. But no updated stock abundance estimates are available for Upper Cook Inlet eulachon populations.

The Forage Fish Management Plan recognizes the importance of forage fish, specifically including eulachon, as an ecosystem component critical to higher trophic level species, and previous BOF discussions raised concerns about the potential impact of eulachon harvest on the survival of endangered Cook Inlet beluga whales (CIBW). Endangered CIBW, a distinct population segment residing in Upper Cook Inlet, declined 2.3%/year from 2008 to 2019. After overwintering in Cook Inlet with minimal food resources, CIBW rebuild their energy reserves by feeding on eulachon in the spring, followed by king and coho salmon during the summer. But declines in king and coho salmon populations make spring eulachon even more important, particularly for pregnant and lactating females.

In the absence of a consistent time series of eulachon assessments, a reduction of the commercial eulachon harvest cap to 100 tons is warranted as a precautionary approach to protect the eulachon population and for ecosystem considerations.

PROPOSED BY: Alaska Wildlife Alliance (EF-F23-113)

PROPOSAL 217

5 AAC 21.505 Cook Inlet Smelt Fishery Management Plan.

Repeal the Cook Inlet Smelt Fishery Management Plan as follows:

5AAC 21.505. Cook Inlet Smelt Fishery Management Plan. Repealed

What is the issue you would like the board to address and why? The Tyonek/Beluga Fish and Game Advisory Committee asks the Alaska Board of Fish to repeal the Cook Inlet Smelt fishery. Until the full scientific impact can be delineated on smelt fishing and its impact on the endangered Beluga Whale and King Salmon Food source. This fishery should be repealed because King Salmon and smelt have similar run timing. The Tyonek/Beluga Fish and Game Advisory Committee asks the Alaska Board of Fish to repeal the Cook Inlet Smelt fishery. Until the full scientific impact can be delineated on smelt fishing and its impact on the endangered Beluga Whale and King Salmon Food source. This fishery should be repealed because King Salmon and smelt have similar run timing.

PROPOSED BY: Tyonek Fish and Game Advisory Committee (EF-F23-034)

Susitna River Sport Fisheries (10 proposals)

PROPOSAL 218

5 AAC 61.118. Special provisions for the seasons, bag, possession, and size limits, and methods and means for Unit 4 of the Susitna River Drainage Area.

Allow harvest of king salmon between 20 and 24 inches in Unit 4 of the Susitna River Drainage Area as follows:

I would like to harvest small male chinook salmon. The current printed regulations are very useless and out dated to us in unit 4 because we have been operating under an EO for 6+ years for our king season. In the regulation book we can harvest 10 jacks under 20inches a day. Although we haven't been able to eat a King salmon in years.

I'm unaware of a study on immature kings returning early. Nobody knows if they are biologically useful or not. There is a surplus of males. 100 percent of jacks are males. I want to harvest some of our surplus jacks instead of just catch and release. I would like to see regulation changed to be able to harvest 2 chinook 24inches and smaller per day. Once you've harvested 2 immature kings you have to quit salmon fishing that day. That should remove some pressure on our mature breeder kings.

In unit 4 Susitna drainage. Under king salmon regulations add the following:

King Salmon between 20 and 24inches, bag limit 2 per day 4 in possession.

What is the issue you would like the board to address and why? I have almost no source fresh meat until sockeyes show up in mid July in unit 4.... If they show up then. After a hard winter in Alaska fresh meat is very desirable. I can only harvest 2 rainbows per day starting in mid June so we can't even harvest enough of those to feed my family. The northern pike population in flowing

waters is very low and no longer a reliable source of meat. I am very concerned and confused that our fish resources in unit 4 are not being managed to sustained yield (HARVEST) principle.

PROPOSED BY: Payton McHoes (EF-F23-109)

PROPOSAL 219

5 AAC 61.114. Special provisions for the seasons, bag, possession, and size limits, and methods and means for Unit 2 of the Susitna River Drainage Area.

Close fishing for all species within the confluence of Unit 2 waters when sport fishing for king salmon is closed as follows:

My solution is to close ALL Fishing within a specified distance (¼ mile or ½ mile??), in both directions, of the confluence of all Unit-2 creeks and rivers any time that fishing for king salmon is closed. This closure would apply to the common 4 day closures in the regulation AND any time king salmon fishing is closed by emergency order.

I will defer the distance to be closed to ADF&G, however because some creeks like Willow Creek have multiple mouths and confluences I feel that half of a mile would be the best distance. As for what the new regulation would say??? not sure about this, but...

5 AAC 61.114 is amended to read:

Unless otherwise specified by an emergency order issued under AS 16.05.060, the following are localized additions and exceptions to the general seasons, bag, possession, and size limits, and methods and means specified in 5 AAC 61.110 and 5 AAC 75 for Unit 2 of the Susitna River Drainage Area:

(1) from January 1 through July 13, [THE THIRD MONDAY IN JUNE, AND ON SATURDAY, SUNDAY, AND MONDAY FOR THE TWO CONSECUTIVE WEEKS STARTING ON THE SATURDAY FOLLOWING THE THIRD MONDAY IN JUNE] Unit 2 is open to sport fishing for all finfish species except for king salmon **anywhere except for one half mile above and below the confluence of any creek or river.** [INCLUDING KING SALMON] [EXCEPT] sport fishing for king salmon is open only from the third Monday in June, and on Saturday, Sunday, and Monday for two consecutive weeks starting on the Saturday following the third Monday in June;

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

My issue is that King salmon are still being targeted in Unit-2 of the Parks Highway during closures due to the Board approving proposal 222 at the 2020 Board Of Fish (BOF) meeting.

For many years the regulation closed all fishing after the third Monday in June with 3 day weekend openings over the following two weekends. At the 2020 BOF meeting proposal 222, submitted by the Alaska Department of Fish and Game (ADF&G), amended the regulation, so that during these closed periods fishing is permitted for rainbow trout and other resident species. The BOF approved this change.

I believe that the regulatory closures in late June and early July were in place to give spawning king salmon relief from fishing pressure. The kings got a few days off. I also believe that Proposal 222 was intended for fly fishing enthusiast who targeted rainbow trout and other resident species. However, there are some sport fishermen who take advantage of this “loophole” in the regulations to target king salmon with fly fishing gear. This situation occurs most commonly at the confluence of the Unit-2 creeks and the Susitna River which are easily accessible from the Parks Highway. Technically these fly fishermen are not in violation of the regulation, because they say they are fishing for trout. When uneducated spawning king salmon are resting at the confluence of their creek they will strike the flies that are being presented.

As I write this proposal in April 2023, unit-2 of the Susitna drainage was closed to king salmon fishing by emergency order #23-3445 on March 2nd. So, this season the only way to catch a king salmon on a Unit-2 creek is to do so with fly fishing gear despite the fact that fishing for king salmon is closed. Most of the king salmon caught “incidentally while fishing for other species” will be caught near the confluence of Montana, Sheep, and Willow creeks.

PROPOSED BY: Daniel Page (EF-F23-067)

PROPOSAL 220

5 AAC 62.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the West Cook Inlet Area.

Open additional waters in the Big River drainage to sport fishing for coho salmon as follows:

On the South Fork of the Big River in the Big River drainage. From July 20th until September 15th silver salmon fishing will be allowed for 800 yards above the current cut off point for no fishing. Any red (sockeye) salmon caught must be released immediately.

What is the issue you would like the board to address and why? On the West Side of Cook Inlet in the Big River and Big River Lake drainages. On the south fork of the Big River in the area recently closed to red (sockeye) salmon fishing. I would propose that area be open above the current cutoff point for approximately 800 yards for silver salmon fishing only. The period that I am requesting is from July 20th until September 15th. By July 20th. the June and the only run of red salmon have run, spawned and are dying. So this request would not effect the red salmon at all.

PROPOSED BY: William Davis (EF-F23-022)

PROPOSAL 221

5 AAC 61.110. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Susitna River Drainage Area.

Create a bag and possession limit of 3 coho salmon in the Susitna River Drainage, as follows:

(2) salmon, other than king salmon,

(A) 16 inches or greater in length may be taken from January 1 — December 31; bag and possession limit is three fish, [OF WHICH NO MORE THAN TWO PER DAY AND TWO IN POSSESSION MAY BE COHO SALMON;]

What is the issue you would like the board to address and why? In 2000 the sport fishery general coho salmon bag and possession limits throughout the Susitna River drainage was reduced from 3 fish daily and in possession to 2 fish daily and in possession.

More recently sport coho bag and possession limits in most units of the Susitna River drainage were restored to their previous level, however the restrictive limits still remain in the general drainage-wide listing — which now may only cover Unit 2. If harvest of coho salmon is indeed being minimized in the Northern District commercial fishery as repeatedly directed in the Northern District salmon management plan, then we believe there should be enough coho salmon to return to the former limits and especially in a rural area like Unit 2. Unlike year 2000, the Alaska Department of Fish and Game (ADF&G) now has a Deshka River coho salmon escapement goal, whereby the Susitna River drainage may be monitored and inseason adjustments made during times of low or high coho salmon abundance.

PROPOSED BY: Alaska Sportfishing Association (EF-F23-137)

PROPOSAL 222

5 AAC 61.110. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Susitna River Drainage Area.

Increase the Susitna River drainage sport fish limits for pink salmon as follows:

5 AAC 61.110. General Provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Susitna River Drainage Area

...

(2) Salmon, other than king salmon,

(A) 16 inches or greater in length may be taken from January 1 — December 31: bag and possession limit **for chum, sockeye, and coho salmon** is three fish, of which not more than 2 per day and 2 in possession may be coho salmon, **and in addition the bag and possession limit for pink salmon is six fish;**

What is the issue you would like the board to address and why? Opportunities for sport fishermen to catch and harvest salmon in the Susitna River drainage are often limited by salmon abundance and conservative regulations deemed necessary to protect less abundant, or more desirable salmon species and other fish stocks. Pink salmon are the most abundant salmon in the Susitna River drainage. In addition because of their smaller size, and to many people, less palatable flavor, many commercial users in saltwater, freshwater personal use permit holders, and even sport fishermen within the Susitna River drainage choose to release rather than harvest abundant pink salmon.

In order to better maximize the benefit from this abundant, but very under-utilized salmon resource, I propose amending the Susitna River drainage salmon sport fishery bag and possession

limit consistent with how the board successfully modified the sport fishery salmon bag and possession limit on the Kenai River, to better maximize benefit from pink salmon.

PROPOSED BY: Farley Dean

(EF-F23-046)

PROPOSAL 223

5 AAC 61.185. Special management areas for rainbow trout in the Susitna River Drainage Area.

Redefine the special management areas for rainbow trout in the Susitna River Drainage Area as follows:

(c) rainbow trout catch-and-release special management areas are those waters managed to maintain historical size and age distributions. the rainbow trout catch-and-release special management areas in the Susitna River drainage area are the following:

- (1) that portion of the Deshka River upstream from the forks;
- (2) the north fork of the Kashwitna River;
- (3) Fish Creek (in the Talkeetna River drainage);
- (4) the Talachulitna River and all waters within a three-quarter mile radius of its confluence with the Skwentna River;
- (5) the Lake Creek drainage upstream from an ADF&G regulatory marker located approximately one-quarter mile upstream of Bulchitna Lake;
- (6) X Lake;
- (7) Montana Creek drainage;
- (8) Willow Creek, below the Parks Highway;
- (9) Alexander Creek;
- (10) Canyon Creek; and
- (11) Prairie Creek.

(12) the Susitna River, from Alexander Creek to Devils Canyon from September 15-May 15

What is the issue you would like the board to address and why? Various tagging studies have shown that seasonal movements of rainbow trout in the Susitna River drainage show a bulk of the fish overwintering in the mainstem Susitna, Talkeetna, and Chulitna Rivers where they are susceptible to being over exploited due to lack of bait restrictions and allowable harvest. The

proposed addition would allow for bait when fishing for burbot due to 5AAC 61.110 (7) and bait would be allowed for coho fishing in the early fall, thus having minimal impact on other fisheries while protecting overwintering congregations of trout from already designated special management areas.

PROPOSED BY: Patrick McCormick (EF-F23-084)

PROPOSAL 224

5 AAC 61.185. Special management areas for rainbow trout in the Susitna River Drainage Area.

Extend the special management areas for rainbow trout to include the portion of Willow Creek upstream of the Parks Highway as follows:

- (8) Willow Creek, **Below the Parks Highway;**
- (9) Alexander Creek;
- (10) Canyon Creek; and
- (11) Prairie Creek.

What is the issue you would like the board to address and why? Extend special management areas for rainbow trout to include the portion of Willow Creek Upstream of the Parks Highway.

Populations of trout in the Willow Creek drainage typically are not found below the Parks Highway bridge for extended periods of the season. Because of the migratory nature of the trout populations in Willow Creek, this designation makes no sense and does not protect a majority of the fish a majority of the time.

PROPOSED BY: Patrick McCormick (EF-F23-085)

PROPOSAL 225

5 AAC 61.118. Special provisions for the seasons, bag, possession, and size limits, and methods and means for Unit 4 of the Susitna River Drainage Area.

Open rainbow trout fishing in Unit 4 of the Susitna River drainage year-round with a bag limit of 5 fish, 10 in possession as follows:

- Susitna River Drainage Unit 4
- Rainbow/Steelhead Trout
- In flowing waters
- No closed season 5 per day 10 in possession

Canyon Creek

No closed season 5 per day 10 in possession

Lake Creek

No closed season 5 per day 10 in possession

Talachulitna River

No closed season 5 per day 10 in possession

What is the issue you would like the board to address and why? Increase the opportunity to harvest rainbow trout for food and reduce predation of rainbow trout on depressed salmon populations that provide far more economic and food value to subsistence, sport, personal use and commercial user groups. It has been over 30 years since rainbow trout regulations were changed to reduce the human harvest of rainbow trout in the two major king salmon streams to catch and release only and limited much of unit 4 of the Susitna River Drainage to a reduced open water season and a daily limit of 2 fish. In that time frame the king salmon harvest for both sport and commercial fishermen has been reduced to zero. Rainbow trout numbers are significantly higher than when I started guiding here in 1993. This is a reflection of a successful management goal of increasing rainbow trout populations. Rainbow populations are overly abundant and possibly negatively affecting the king salmon and other salmon species as a main predator of salmon and their eggs. If we continue to have these overly restrictive rainbow trout regulations we will continue to limit people's ability to catch significant numbers of trout to replace the lost harvest of King Salmon and we may be limiting the growth of salmon populations due to overwhelming in river predation of salmon by the inflated rainbow populations that we created.

I considered proposing that we treat rainbow trout predators like we treat Northern Pike predators in Unit 4, however I rejected this as too extreme for the people who will come to the board screaming and crying about this proposal. It will be a miracle enough, if this common sense proposal passes.

PROPOSED BY: David McHoes (EF-F23-016)

PROPOSAL 226

5 AAC 61.110. General Provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Susitna River Drainage Area

Allow anglers to use two artificial lures in tandem in Susitna River Drainage waters as follows:

In the Susitna River Drainage allow the use of dropper flies with the following language where it appears adding the bold section:

Only one unbaited, single-hook, artificial lure may be used **except that two artificial flies may be used in tandem.**

What is the issue you would like the board to address and why? Alaska is the only western state that prohibits anglers from fishing two flies in tandem for trout. It is a common practice throughout the world and is even allowed in competitive fly fishing where up to three flies can be used. This would also erase confusion with the regulation of “only single hook artificial lures may be used” which does allow for dropper rigs and is widely used in trout management waters throughout the state.

PROPOSED BY: Patrick McCormick (EF-F23-083)

PROPOSAL 227

5 AAC 61.118. Special provisions for the seasons, bag, possession, and size limits, and methods and means for Unit 4 of the Susitna River Drainage Area.

Remove the length restriction on Dolly Varden in Unit 4, as follows:

Arctic Char/Dolly Varden

5 per day, 10 in possession

What is the issue you would like the board to address and why? Strange and seemingly pointless dolly varden regulation for Unit 4 Susitna River. Dollies are not common in most of Unit 4. Most are likely caught by accident. If we do catch big enough ones, we may keep it for supper. I'm not sure why we cannot keep two over 12 inches? We generally don't keep any under 12 inches. Not much meat on a 11 inch or smaller dolly. Be rare in most of the unit to catch 5 dollies in a day. Only place I have accomplished this is in DNP of the Yentna River and Judd Lake.

PROPOSED BY: David McHoes (EF-F23-043)

Susitna River Personal Use Fisheries (4 proposals)

PROPOSAL 228

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Close dipnetting in the vicinity of Anderson Creek during the personal use fishery on the lower Susitna River as follows:

5 AAC 77.540(h)(2) is amended to read:

...

(2) between ADF&G regulatory markers located approximately one mile downstream from Susitna Station downstream to ADF&G regulatory markers located near the northern tip of Bell Island/Alexander Creek cutoff, **excluding the waters of Anderson Creek and between markers located approximately 300 feet downstream and 50 feet upstream of the mouth of Anderson Creek is closed to dipnetting;**

What is the issue you would like the board to address and why? Anderson Creek supports a small stock of coho salmon that would be susceptible to overharvest if allowed to be targeted in

the Susitna River personal use dip net fishery. Consideration for this small stock was overlooked when this new personal use fishery was implemented in 2020. The department has been issuing emergency orders to close dipnetting in the vicinity of Anderson Creek each season until a correction could be made in regulation at a regularly scheduled board meeting.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-003)

PROPOSAL 229

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Increase the number of days the Susitna River dip net fishery is open as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

...

(h) Salmon may be taken by dip net in the Susitna River, only as follows:

- (1) from July 10 through July 31, **Monday 6:00 a.m. to 11 p.m.**, Wednesday 6:00 a.m. to 11 p.m., **Friday 6:00 a.m. to 11 p.m.**, Saturday 6 a.m. to 11:00 p.m.; the department may alter the time, or area of, or close the fishery, based on salmon abundance; the commissioner may, by emergency order, extend the personal use fishery through August 31 if the department projects that both sockeye and coho abundance will be above the upper end of all Susitna River escapement goals for sockeye and coho salmon;

What is the issue you would like the board to address and why? Expand the personal use fishery in the lower Susitna River.

The personal use fishery in the lower Susitna River has been in effect for three (3) seasons. As in 2020 and 2022, this year will present six (6) days to dip net for personal use. However, over the history of the fishery, salmon are scarce until around July 17. This effectively diminishes opportunities to dip net to four (4) days per season.

Additional days in the allotted time will offer opportunities to accommodate people’s personal schedules.

PROPOSED BY: Kristine Ogonowski (HQ-F23-097)

PROPOSAL 230

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Increase the open season of the Susitna River dipnet fishery as follows:

(h) salmon may be taken by dipnet in the Susitna River only as follows:

July 10 – July 31: Open to fishing only on Wednesdays, and Saturdays from 6 a.m. to 11 p.m., **and from August 20 - September 30: open to fishing Wednesdays and Saturdays days per week from 6 a.m. to 11 p.m.**

What is the issue you would like the board to address and why? Many people focus a significant portion of their annual food gathering activities around the moose hunting season, yet moose populations fluctuate, abundances of game may be in other locations, and sometimes only illegal moose may be spotted, so it is beneficial to have a additional food gathering opportunities available. Although the largest abundances of salmon have already passed through the lower Susitna River personal use fishery area, there are still some salmon migrating through this area late into moose season- I know because I've seen them squirting through shallower spots below Alexander Creek and have seen seals in the river (presumably hunting salmon).

While on moose hunting trips, I've unsuccessfully attempted to catch salmon with sport fishing gear in Alexander and Anderson Creek, and would like an opportunity to see if food gathering would be successful using a dip net in the lower Susitna River Personal Use fishing area during the moose season. Evidently there is a harvestable surplus, at this time of year, since the Northern District set net fishery is allowed to fish with their maximum of 3 nets during the late season, and their season generally runs all the way through September, until closed by emergency order (issued end of September / early October). Because this proposed personal use harvest opportunity would occur at the end of the salmon runs, if a shortage of salmon were to occur, it should have already been identified by the upstream weirs in the Susitna River Drainage —and an emergency order could be issued to adjust or close the personal use fishery (just like the commercial fishery) if necessary. This fishery would occur so late in the season I anticipate both effort and harvest would be modest, at best. The Alaska Department of Fish and Game (ADF&G) for several years monitored salmon abundances with fish wheels in and near the current Lower Susitna River personal use area — I do not know their dates of fish wheel operation, but suspect by August 20, wheels may have already been removed, because of declining salmon passage numbers. If so, this would further support anticipated modest or low salmon harvest. At the same time, to cabin owners and Alaska residents hunting along the river, an alternative food gathering opportunity could be significant in providing either a few quality meals, or perhaps, even an additional level of food security for the approaching winter — and especially so for those who do not harvest a moose.

An additional benefit of this fishery is an extra data point for the Department of Fish and Game regarding late season salmon movement in the Susitna River. When combined with the CPUE data from the July fishery, this will give the department extremely low cost information about the Susitna River drainage during a time that has seen relatively little study.

PROPOSED BY: Paul Warta (EF-F23-049)

PROPOSAL 231

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Modify dates of the Susitna River dip net fishery as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

...

(h) salmon may be taken by dipnet in the Susitna River, only as follows:

(1) **July 17 – August 7:** [JULY 10 - JULY 31:] Open to fishing only on Wednesdays and Saturdays from 6 a .m . to 11 p .m .

What is the issue you would like the board to address and why? Purposes of the Northern District Salmon Management Plan include: The department shall manage the chum, pink, and sockeye salmon stocks for commercial and inriver uses to provide an opportunity to harvest these salmon resources based on abundance. The department shall also manage the chum, pink, and sockeye salmon stocks to minimize the harvest of Northern District coho salmon, to provide sport and guided sport fishermen and other inriver users a reasonable opportunity to harvest these resources over the entire run, as measured by the frequency of inriver restrictions, or as specified in this section and other regulations.

The inriver Lower Susitna River personal use dipnet fishery is only allowed to harvest salmon on Saturdays and Wednesdays from July 10 - 31. The board created this fishery with conservative opportunity during the last board cycle. Personal use harvests have been modest during the first three years of this fishery - and harvest data indicates the first Saturday and Wednesday (up to one third of the annual personal use harvest opportunity in this fishery) occur before there are many salmon available for harvest. Harvest data and ADF&G Susitna River drainage fish wheel and weir data indicate better abundance of the 4 salmon species open to harvest in this fishery later in the season. In addition, harvest data indicates that a few king salmon have been illegally taken in this fishery. Whereas the Northern District Salmon Management Plan specifically seeks to provide harvest opportunity based on abundance, and whereas the plan further specifies providing sport, guided sport, and OTHER INRIVER USERS a reasonable opportunity to harvest not just chum, pink, and sockeye salmon, but also coho salmon over the entire run, and whereas illegal to harvest king salmon are more likely to be caught in the early portion of July, we therefore propose amending the Lower Susitna River personal use fishery to run one week later on Saturdays and Wednesdays from July 17 - August 7. .

PROPOSED BY: Matanuska-Susitna Borough Fish and Wildlife Commission (HQ-F23-039)

Upper Cook Inlet Salt Water King Salmon Sport Fishery Plan(5 proposals)

PROPOSAL 1

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Amend the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan, as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

5 AAC 58.055 is amended to read:

...

(g) if the Anchor River preseason forecast or inseason projection is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 king salmon, the upper Cook Inlet salt waters north of the latitude of Bluff Point (59° 40.00' N. lat.) within a mile of shore shall be closed to the retention of king salmon from May 15 to July 15; if the Kenai River is closed as specified in 5 AAC 57.160, the upper Cook Inlet salt waters north of the latitude of Bluff Point (59 40) shall be closed to the taking of king salmon from May 15 to July 15;

(h) if the Kenai River is closed to the taking of king salmon as specified in 5 AAC 21.359, the upper Cook Inlet salt waters north of the latitude of Bluff Point shall be closed to the taking of king salmon from June 20 through August 15.

What is the issue you would like the board to address and why? Due to low productivity of Cook Inlet king salmon stocks and in combination with emergency order (EO) restrictions and closures to freshwater sport fisheries, the upper Cook Inlet summer salt water king salmon sport fishery has been restricted by EO in 12 of the last 15 years. This fishery has also been closed in several recent years by EO in July as specified in the *Kenai River Late-Run King Salmon Management Plan*. Although management actions for the late-run are prescribed in the *Late-Run Plan*, currently no management actions for the early-run stocks are outlined in any plans for this fishery. By specifying the actions in a management plan, the public and the Alaska Board of Fisheries have the opportunity to provide input on the fishery structure.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-024)

PROPOSAL 2

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Amend the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Cook Inlet Saltwater king salmon fishery north of bluff point will remain open the entire month of May to harvest of 1 king per day and 2 per season, unless it is determined by actual sonar counts that escapement goals in the Kenai River and Anchor River won't be met.

What is the issue you would like the board to address and why? The pre season closure of the saltwater king salmon fishery north of Bluff point due to ADFG EO based on pre season forecasts, This fishery is 94% feeder kings and very few spawning kings are caught in this fishery in the month of May. Closing this fishery months in advance based solely on a pre season forecast before the fish even arrive is over reach. wait until we know actual numbers.

PROPOSED BY: Mel Erickson (EF-F23-092)

PROPOSAL 3

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan and 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

Amend the management plans for the Upper Cook Inlet Summer and Kenai River late-run king salmon fisheries as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

The late run King Salmon sport fishery in Lower Cook Inlet along the beach from Anchor Point to Deep Creek will be open for harvest in July if the commercial set net fishery along the beach in Upper Cook Inlet is open.

What is the issue you would like the board to address and why? The sport fishery using hooks for late run King salmon in Lower Cook Inlet being closed while the set net commercial fishery in Upper Cook Inlet being open for king salmon harvest using nets.

PROPOSED BY: Mel Erickson (EF-F23-095)

PROPOSAL 4

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Redefine the boundaries of the Upper Cook Inlet Area as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Move the regulatory point for Cook Inlet king salmon management purposes from Bluff Point to Anchor Point. the line would a straight line from Anchor Point on the east to sea otter point on the west side.

What is the issue you would like the board to address and why? Currently ADFG uses Bluff Point as a management point for the salt water king salmon fishery, Bluff Point line does not run in a straight line and is more difficult to determine if you're in a legal or illegal zone, Anchor Point is a much better navigational point and has a radar marker on the coastline for reference, also a line across Cook Inlet from Anchor Point to Sea Otter Point on the west side is a much cleaner demarcation line separating Lower Cook Inlet from Upper Cook Inlet.

PROPOSED BY: Mel Erickson (EF-F23-094)

Cook Inlet – Areawide Sport Fisheries (2 proposals)

PROPOSAL 232

5 AAC 56.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area; 5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area; 5 AAC 58.030. Methods, means, and general provisions – Finfish; 5 AAC 59.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area; 5 AAC 60.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area; 5 AAC 61.110. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Susitna River Drainage Area; and 62.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the West Cook Inlet Area.

Allow Alaska residents to sport fish additional gear and take multiple limits in Upper Cook Inlet as follows:

Alaska Residents who purchase an additional fishing license may fish with additional gear (as if there was an additional individual fishing) and harvest multiple bag, possession, and

annual limits in the Upper Cook Inlet Area. An additional King Salmon Stamp would be required if utilizing additional gear or limit for King Salmon with the second license.

What is the issue you would like the board to address and why? The Upper Cook Inlet area has seen a decrease in sport fishing opportunity, as well as funding for the Sport Fish Division of Fish and Game, as seen in the reduced operating budget for in-season salmon counting and abundance measurements. These were relatively steady declines, but were drastically accelerated by the Covid-19 pandemic. Unfortunately, this issue also compounds itself, as the reduced funding for management leads to reduced fishing opportunity, which in turn leads to fewer fishing licenses purchased, and ultimately further reduced funding for management.

There is precedent for my proposed solution in the Upper Cook Inlet Commercial Fisheries, where permit holders with multiple permits can fish with stacked gear and harvest more fish. Additionally, Oregon and California both allow for a second rod permit even though they have much larger populations.

Please consider this a Sport Fishery restructuring proposal for revitalization and funding.

PROPOSED BY: Paul Warta (EF-F23-119)

PROPOSAL 233

5 AAC 75.XXX. New.

Establish sport fishing derby approval process as follows:

Derbies will be approved after a biological stock assessment. Approval by the Dept. of Commerce will come after stocks are determined to be robust.

What is the issue you would like the board to address and why? Derbies – no stock assessments.

PROPOSED BY: John McCombs (HQ-F23-069)

Knik River Area (16 proposals)

PROPOSAL 234

5 AAC 60.105. Description of the Knik Arm Drainages Area.

Clarify the northern boundary of the Knik Arm management area and the Palmer-Wasilla Zone and exclude certain flowing waters from the Palmer-Wasilla Zone as follows:

5 AAC 60.105 is amended to read:

...

The Knik Arm Drainages Area consists of all freshwater drainages bounded on the north by **the southern boundary of the Willow Creek drainage** [WILLOW CREEK], on the west by a line

one-half mile east of the Susitna River, on the south by Cook Inlet and Knik Arm, and on the east by the Upper Susitna River drainage upstream of its confluence with the Oshetna River.

5 AAC 60.122(a)(1) is amended to read:

...

(1) From June 15 – April 14, the flowing waters of the Palmer-Wasilla Zone are open to sport fishing; the Palmer-Wasilla Zone consists of all flowing waters inside a zone bounded on the north by Willow Creek **drainage**, on the west by a line one-half mile east of the Susitna River, on the south by Cook Inlet and Knik Arm, and on the east by the Matanuska River and Moose Creek, but excluding Willow Creek **drainage**, the Matanuska River, [AND] Moose Creek, **Goose Creek, and Nancy Lake Creek upstream of Lynx Lake Road.**

What is the issue you would like the board to address and why? The current description of the northern boundary identifies Willow Creek as the divide between the Knik Arm management area and Unit 2 of the Susitna River. This has caused confusion for some anglers as Deception Creek and Willow chain lakes flow into Willow Creek from the south, thereby appearing to be in the Knik Arm area; however, the full Willow Creek drainage, including Deception Creek and Willow chain lakes, is contained in Unit 2 of the Susitna River area in regulation. This change would align the area description with how the general and special regulations for both management areas are laid out in regulation. The same change is also appropriate to clarify the northern boundary of the Palmer-Wasilla Zone.

Northern pike have become prolific in certain flowing waters within the Palmer-Wasilla Zone, but springtime closure of flowing waters within the zone designed to protect spawning rainbow trout, also protect northern pike in certain waters where they have taken a stronghold. Excluding certain flowing waters where nearly only northern pike exist would increase northern pike harvest in those waters.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-012)

PROPOSAL 235

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Reduce the size of the Palmer - Wasilla Zone as follows:

(1) from June 15 - April 14, the flowing waters of the Palmer - Wasilla zone are open to sport fishing; the Palmer - Wasilla zone consists of all flowing waters inside a zone bounded on the north by Willow Creek, **on the west by the Parks Highway to Meadow Creek inclusive, along the shoreline of Big Lake to Fish Creek inclusive,** [ON THE WEST BY A LINE ONE HALF MILE EAST OF THE SUSITNA RIVER,] on the south by Cook Inlet and Knik Arm.

What is the issue you would like the board to address and why? Waters of the Palmer - Wasilla zone have a April 15 - June 14 closure to protect spawning rainbow trout, however a portion of this closure area now may be primarily infested by invasive northern pike, with few significant

populations of rainbow trout remaining to utilize flowing waters. This portion of the season could provide an opportunity to remove more invasive northern pike with little insignificant impact on rainbow trout in a specific portion of the current Palmer- Wasilla zone, that appears to have little effort and catch of rainbow trout during any portion of the season. This proposal would therefore reduce the size of the Palmer - Wasilla zone where fishing in flowing waters is currently illegal for two months of the season. Note: If ADF&G wanted to suggest further refinements to the proposed area either expansions or exclusions that could be agreeable as well. From discussion with ADF&G staff, I know there are a couple streams draining from the Nancy Lake system the department may want to remain closed from April 15 — June 14, and those two streams could easily be listed as exceptions. Purposes of this proposal are pike removal and providing a harvest-focused sport fishery during a time when few ocean-run salmon are available. Any rainbow trout caught would require immediate release during the April 15 - June 14 period. This would be similar regulation to the adjoining streams north of this area, where fishing remains open, but any rainbow trout caught must be released.

PROPOSED BY: Andrew Couch (EF-F23-018)

PROPOSAL 236

5 AAC 60.120. General provisions for season, bag, possession, and size limits, and methods and means for the Knik Arm Drainage Area.

Update the stocked lakes list for the Knik Arm drainage area as follows:

5 AAC 60.120(3)(B) is amended to read:

...

(B) may be taken in stocked lakes and ponds from January 1 – December 31; bag and possession limit of five fish, of which only one may be 20 inches or greater in length; for the purposes of this subparagraph, “stocked lakes and ponds” include Anderson Lake, Barley Lake, Bear Paw Lake, Bench Lake, Beverly Lake, Big Beaver Lake, [Blair Lake], Brockner Lake, Bruce Lake, Buck Lake, Canoe Lake, Carpenter Lake, Coyote Lake, Dawn Lake, Diamond Lake, Echo Lake (Matanuska Lakes Complex), Farmer Lake, Finger Lake, Florence Lake, Golden Lake, Goober Lake, Homestead Lake, Honeybee Lake, Ida Lake, Irene Lake, Kepler/Bradley Lakes, Kings Lake, Klaire Lake, Kalmbach Lake, Knik Lake, Knob Lake, Lalen Lake, Leech Lake, Little Beaver Lake, Little Lonely Lake, Loberg (Junction) Lake, Long Lake, (MP 86 Glenn Hwy), Loon Lake, Lorraine Lake, Lucil[l]e Lake, Lynne Lake, Marion Lake, Matanuska Lake, Meirs Lake, Memory Lake, Morovro Lake, North Knob Lake, North Rolly Lake, Prator Lake, Ravine Lake, Reed Lake, Reflections Lake, Rhein Lake, Rocky Lake, Ruby Lake, Rush Lake, Seventeenmile Lake, Seymour Lake, Slipper (Eska) Lake, South Rolly Lake, Summit Lake, Tanaina Lake, Twin Island Lake, Vera Lake, Victor Lake, Visnaw Lake, Walby Lake, Weiner Lake, West Beaver Lake, Wolf Lake, and Zero Lake;

What is the issue you would like the board to address and why? Stocking has been discontinued in one lake and newly initiated in several lakes. Anglers may miss the benefit of greater bag limits for stocked waters and enforcement would not be able to monitor fisheries appropriately.

PROPOSAL 237

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Allow bow and spear as legal gear for northern pike and Alaska blackfish year round in the Palmer-Wasilla Zone, as follows:

Amend the Palmer-Wasilla Zone Flowing Waters so that the open season is June 15-April 14, but that bow-fishing and spearing is allowed for Northern Pike and Alaskan Blackfish year round, including the currently closed time, following all current regulations pertaining to bow-fishing.

What is the issue you would like the board to address and why? Invasive Northern Pike and Alaska Blackfish have been found and documented in various waters in the Knik Arm and Susitna River drainages, several of which fall in the "Palmer-Wasilla Zone Flowing Waters" management area. This management area is open to fishing June 15 - April 14, which excludes the spawning season for Rainbow trout, as well as that of Northern Pike. This denies an excellent opportunity for harvesting Northern pike with a bow-fishing setup when they are in shallow waters for the spring spawn when tend to allow people to approach more closely.

PROPOSAL 238

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Establish a motor size restriction for the Little Susitna River as follows:

Establish a motor size restriction for the Little Susitna River that is similar to the one used on the Kenai River. The exact size of that limit is a separate and complicated discussion, but the need for restriction is clear.

What is the issue you would like the board to address and why? Boats with big motors cause excessive erosion on the Little Susitna River, and this is a major fish habitat issue. There are motor size restrictions on other fisheries in the State, most notably the Kenai River.

I am a bank fisherman. I fish the Little Susitna at the Burma campground a lot, so I know the river well. Over the last 10 years I have averaged fishing there 46 times and averaged fishing 195 hours per year in that river!

There is a cute informational sign on the walking path just down the trail from the main parking lot by the boat launch. This sign informs bank fishermen to be careful while fishing along the bank of the river, so that we do not cause bank erosion to critical salmon spawning habitat. I now laugh at this sign when I see it because I have watched over the years how much erosion every motorized

watercraft causes every day of the fishing season. It is not the few bank fishermen who are causing the majority of the habitat erosion on this river, it is the boats!

There are many types of watercraft used on the Little Susitna River. I have seen everything from jet skis to Air Boats. The most common types of boats are flat river boats with 100 (approximate) horsepower motors. But there are also bigger boats with larger motors. The worst boats, for erosion of fish habitat, are the small jet boats with inboard motors in excess of 200 horsepower. The wake and erosion that these larger, faster, more powerful boats create is excessive. The wake size and erosion is better appreciated when you are standing in the water as the boats pass you.

I do not use a boat to sport fish, and I do not profess to be an expert on boat and motor size. I just feel strongly that there needs to be an established limit on motor size on the Little Susitna River. We have restrictions like this on other lakes and rivers across the State. A few years ago the Board of Fish approved a proposal to limit the use of 2-stroke motors on the Little Susitna River. It is time to address motor size for this popular boat dominated fishery.

PROPOSED BY: Daniel Page (EF-F23-068)

PROPOSAL 239

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area

Establish a large king salmon escapement goal for the Little Susitna River as follows:

The weir is in place, and we have the technology, so we need to start differentiating between large king salmon and jacks. Do not count jacks as part of the escapement goal. Even if ADF&G continues to count all kings at the weir start differentiating between larger kings and jacks.

Additionally, I would like to see a change in regulations to address the “jack” issue on the Little Susitna River. Perhaps allow retention of jacks under 20 inches at all times even when fishing or retention is closed by emergency order.

What is the issue you would like the board to address and why? My issue is that all king salmon are currently being counted at the ADF&G operated weir. I would like the Board to adopt a large fish Little Susitna River king salmon spawning escapement goal.

Amend the Little Susitna River king salmon management plan to differentiate between large kings and smaller jacks. The Little Susitna River currently has a “jack” problem, and it is affecting future returns.

This is what is written on the Departments web site when you look at fish counts for the Little Susitna River:

“ADF&G operates a weir that is located at river mile 32.5, approximately 4 miles upstream of the public use facility off Point MacKenzie Rd. Escapement is primarily monitored using a resistance

board weir. An underwater video system is installed within the weir and motion-detected fish passage is recorded during nighttime hours and at times when the river is heavily glaciated.”

For many years the escapement goal has been between 2,100 4,300 king salmon. Currently every king salmon that passes through the weir is counted (when water conditions permit).

I believe that there is a problem of too many smaller (jack) kings returning annually on the Little Susitna River. Over the past 10 years I have averaged 21 fishing days, 75 hours, and 53 kings caught per year on the Little Susitna River. These data are based on the arbitrary size that jacks are chinook salmon that are under 20 inches in length. Nearly all of these smaller jacks are male. The female component of a king salmon run consists almost entirely of older age-class “large” fish.

Of my 532 kings caught in that 10 year period, 224 or 42% were under twenty inches in length, and they are what we commonly call “Jacks”. I realize that my sample size is small, but I realistically believe that at least one in three or 33% of king salmon returning to the Little Susitna River are undersized jacks! This also implies that only 33% of the counted spawning run are large females.

ADF&G counts large fish on other fisheries in the State. Recent technology like the underwater video system and motion-detected fish passage for recording during nighttime hours are currently used on the Little Susitna River Weir. Technicians can differentiate between species even when multiple species are in the weir at the same time. Why would managers not want to use this technology to differentiate between large king salmon and the smaller jacks? Why would managers not want to count only larger fish?

I believe that the Little Susitna River has a jack problem, and that ADF&G needs to address this issue. If jacks are viable and they contribute to the spawn, is that what we want? Do eggs fertilized by jacks produce more jacks for future runs. Is there such a thing as too many jacks? Even if ADF&G continues to count all kings at the weir would it not be better to know how many of those kings were jacks?

Is 20 inches really the measurement that differentiates between two year old fish and three year old fish? I catch a lot of kings on the Little Susitna River between 15-24 inches in length.

PROPOSED BY: Daniel Page (EF-F23-069)

PROPOSAL 240

5 AAC 60.122. Special provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Increase the number of days bait is allowed in the Little Susitna River drainage as follows:

Change the dates October 1- August 5th to October 1- July 13th so it would read as

(B) from October 1- July 13th in the flowing waters from its mouth upstream to the Parks Highway, only unbaited, artificial lures may be used.

This would be bring the dates into line with other rivers in the Upper Cook Inlet fishery

What is the issue you would like the board to address and why? the bag and possession limit for coho salmon in the Knik Arm drainage (including the Little Susitna River)

Bait / lures Specifically for Little Susitna River under 5 AAC. 60.122

(9) in the Little Susitna River drainage'

(B)from October 1- August 5, in the flowing waters from its mouth upstream to the Parks Highway, only unbaited, artificial lures may be used.

PROPOSED BY: Dan Suprak (EF-F23-111)

PROPOSAL 241

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area

Allow use of bait in the Little Susitna River sport fishery based on location of commercial fishery openings as follows:

Each day salmon are allowed to be harvested commercially within one statute mile of the terminus / channel of Little Susitna River as measured at mean lower low water— the use of bait shall be allowed in the Little Susitna River sport fishery up to the Parks Highway bridge, and (matching the commercial limit) the sport bag and possession limits shall allow harvest of coho, sockeye, king, chum, and pink salmon without limit.

What is the issue you would like the board to address and why? Declining numbers of sockeye, king, and coho salmon returning Little Susitna River since 2000 in combination with regulation allowing commercial salmon harvest within one mile of the Little Susitna River mouth/tide gut is the issue.

I believe this issue has contributed to reduced inriver salmon harvest opportunities and restrictions on what has been one of the most significant coho, sockeye, and king salmon sport fisheries in the Mat-Su Valley. In addition, the most commercially harvested salmon from Susitna Flats statistical area (where Little Susitna River flows into Knik Arm) is coho. According to Northern District Salmon Management Plan intent: the commercial fishery should be managed to “minimize” harvest of coho salmon.

In Upper Cook Inlet commercial fishing is normally closed within one mile of many salmon producing streams. I believe such regulation allows more consistent salmon migration into freshwater streams throughout their entire salmon run.

Through the first week of August Little Susitna River coho salmon appear to stage, for an extended period of time, in the intertidal zone before continuing their migration upstream. This behavior may be why large Susitna Flats commercial coho salmon harvests consistently occur during the last week of July and first week of August. These large commercial harvests (if occurring within one mile of the Little Susitna River mouth) would appear to “maximize” rather than “minimize” commercial coho salmon harvest, and occur at the same time the sport fishery is restricted to artificial lures (through August 6). Coho salmon escapement through Little Susitna River weir and coho salmon harvest from the inriver sport fishery is modest, at best, during this portion of the season.

Even if commercial fishing were to be closed within one mile of the Little Susitna River mouth / tidal gut: 1. I believe significant commercial salmon harvests (including coho salmon harvest) could continue. 2. Higher salmon escapements through the weir and earlier in the season would likely occur - thereby decreasing the chance of inseason restriction or closure for all users. 3. I believe a more reasonable inriver salmon harvest opportunity (throughout the entire season), as specified in the plan, would also be provided.

If there is some measurable salmon abundance on which the current liberal commercial harvest opportunity is based, then inriver users should also have a shared liberal harvest opportunity. Unfortunately, as a sport angler experiencing how few coho salmon are available inriver during the last half of July and first week of August, I believe there is little — if any — biological, scientific basis for providing this commercial opportunity to harvest salmon with large gill nets within one mile of the river mouth. Scientific justification is most problematic early in the season — before inseason and reliable abundance estimates can be made by ADF&G from coho salmon passage through Little Susitna River weir.

My work schedule may preclude me from participating during most of the 2024 Upper Cook Inlet BOF meeting. Through this proposal I bring current commercial regulation to the board’s attention. In hopes of providing a science-based discussion, including ADF&G’s historical and most recent data, I make a proposal providing a similar liberal harvest opportunity for inriver users. Feel welcome to view my first fishing regulation proposal as you will. Bottomline, it is my intent, the board will adopt a better Science-Based regulation to address shared harvest opportunities in saltwater and inriver during the 2024 Upper Cook Inlet meeting.

PROPOSED BY: Chuck Martin (EF-F23-121)

PROPOSAL 242

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Prohibit anglers from releasing coho salmon in the Little Susitna River as follows:

The Little Susitna river coho fishery, below the weir, is restricted to catch and keep up to the daily bag limit. Coho salmon shall not be released no matter where they are hooked. When the daily bag limit is caught the angler cannot continue to fish in the Little Susitna River for the remainder of the day. No snagging is allowed.

What is the issue you would like the board to address and why? Reduce the waste of salmon, from catch and release mortality, that is caused by the large number of salmon that are caught and released each year, resulting in high mortalities as verified in the ADF&G coho catch and release mortality studies. ADF&G reports show there is an average of well over 650,000 salmon caught and released in the Cook Inlet sports fishery every year. Catch and release results in hundreds of thousands of salmon wasted each year from either becoming a valuable food source or becoming a spawner for producing future returns. Coho are extremely susceptible to catch and release mortality. The 1993 ADF&G report on the "Mortality of coho salmon caught and released using sport tackle in the Little Susitna, Alaska-ADF&G (Doug Vincent-Lang ,Marianna Alexandersdottir and Doug McBride) documented a 69% mortality on coho salmon in the lower (10 to 15 miles) of fresh water systems when using bait. This lower section is where the majority of catch and release occurs. This lower section of fresh water systems is the highest for mortality because of the stress caused by hook and release when salmon are the most susceptible because of chemical changes the body is undergoing to acclimate to fresh water. This stress and lactic acid build up is being compounded with the trend of warmer water temperatures. The Little Susitna coho fishery is overcrowded and not sustainable.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F23-037)

PROPOSAL 243

5 AAC 60.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Create a bag and possession limit of 3 coho salmon in the Knik Arm Drainages, as follows:

(2) salmon, other than king salmon,

(A) 16 inches or greater in length may be taken from January 1 — December 31; bag and possession limit is three fish, [OF WHICH NO MORE THAN TWO PER DAY AND TWO IN POSSESSION MAY BE COHO SALMON;]

What is the issue you would like the board to address and why? In 2000 the sport fishery general coho salmon bag and possession limits throughout Knik Arm drainages, was reduced from 3 fish daily and in possession to 2 fish daily and in possession as a paired restrictions conservation package where the Northern District set net fishery was restricted to one set gillnet per permit holder from July 20 — August 10 under an Upper Cook Inlet Coho Salmon Conservation Plan.

Since 2000 the Northern District commercial set net fishery has been liberalized by: 1. allowing Northern District permit holders with more than one permit to fish additional gear (permit stacking). 2. the dates for fishing with restricted nets has been decreased to July 20 - August 6. 3. a stipulation was added where set netters (who likely harvest significant numbers of Knik Arm coho salmon) in the General Subdistrict south of the Susitna River could be allowed to fish with two set gillnets after July 30 (during peak coho salmon abundance). — Words in parentheses added.

Whereas, the first sentence of the Northern District Salmon Management Plan states a purpose to minimize the harvest of coho salmon bound for the Northern District . . . ,

Whereas, the second sentence states the department shall manage chum, pink, and sockeye salmon stocks for both commercial and inriver uses to provide an opportunity to harvest these salmon resources based on abundance.

Whereas, the third sentence further requires, the department shall manage the chum, pink, and sockeye stocks to minimize the harvest of Northern District coho salmon, to provide sport, guided sport, and other inriver users a reasonable opportunity to harvest these resources over the entire run. . . ,

Therefore, since commercial fisheries have been liberalized and their coho salmon harvest percentages have been allowed to expand over the past decade, there must be enough coho salmon to allow the Knik Arm sport fishery bag and possession limits, to at least return to the long-time level they were set at before 2000. If coho salmon abundance has indeed risen that much, then Alaska Sportfishing Association requests a return to the 3 salmon per day (all of which may be coho salmon) limits for Knik Arm drainages. Note: ADF&G has more coho salmon escapement goals in the Knik Arm drainage than in the entire remainder of Upper Cook Inlet, so coho salmon abundances may be monitored and inseason adjustments made for years with shortages or extra abundances of coho salmon.

PROPOSED BY: Alaska Sportfishing Association (EF-F23-140)

PROPOSAL 244

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Define the mouth of Fish Creek as follows:

5AAC 60.122(a)(5)(A) is amended to read:

...

(A) [THE WATERS FROM ADF&G REGULATORY MARKERS LOCATE AT ITS MOUTH] **from its mouth, including all waters within a ¼ mile radius of its confluence with Knik Arm,** upstream to an ADF&G regulatory marker located one-quarter mile upstream from the Knik-Goose Bay Road, are open to sport fishing every Saturday and Sunday June 15 through July 14, and beginning the second Saturday in August through December 31 on Saturdays and Sundays from 5:00 a.m. top 10:00 p.m., except that sport fishing for king salmon is closed;

What is the issue you would like the board to address and why? Regulatory markers posted at the mouth of Fish Creek do not adequately delineate fresh vs. salt water because the markers, due to large tidal fluctuations, must be posted at a higher elevation, well upstream of mean low tide that distinguishes fresh from salt water in statewide regulations. Special regulations that restrict salmon harvest in the Fish Creek sport fishery to three salmon per day of which only two may be a coho salmon and limit fishing to weekend only, currently do not conserve salmon caught within

the Fish Creek channel downstream of the markers where sport fishing under saltwater regulations is allowed seven days per week, with six salmon allowed per day. Returning to the definition for fresh waters given in statewide regulations and adding a quarter-mile radius to the freshwater determination, will ensure special regulations developed for Fish Creek salmon conserve all salmon entering the Fish Creek channel that are bound for Fish Creek.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-008)

PROPOSAL 245

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Allow sport fishing in the Fish Creek drainage 7 days a week as follows:

(5) In the Fish Creek drainage,

(A) the waters from ADF&G regulatory markers located at its mouth upstream to an ADF&G regulatory marker located one-quarter mile upstream from the Knik—Goose Bay Road, are open to sport fishing [EVERY SATURDAY AND SUNDAY] June 15 — July 14, and beginning the second Saturday in August through December 31 [ON SATURDAYS AND SUNDAYS] from 5 a.m. — 10 p.m., except that sport fishing for king salmon is closed;

What is the issue you would like the board to address and why? The area open to sport fishing for salmon at Fish Creek in the Knik Arm drainage is incredibly small — upstream of tidewater there is less than 1/2 mile open to salmon fishing. Once above tidewater, the Creek is shallow, in the waters open to salmon fishing, and the fish tend to move through this area rapidly resulting in a low harvest rate for the sport fishery. Because of these conditions this proposal asks the board to consider making the area open to sport salmon fishing on a 7-day per week basis.

Even with a 7-day per week sport fishery, as proposed, there would remain a 7-hour window every evening / morning, when the salmon could migrate uninhibited through the area open to salmon fishing. In addition, there would also remain a 5-day closure window (at or near peak run timing) between the first weekend and second weekend in August where additional sockeye and coho salmon escapement could occur.

Utilizing Fish Creek Weir, ADF&G has been monitoring this stream for various lengths of time over many seasons during the sockeye and coho salmon returns, and has gained considerable information on salmon run timing and entry patterns for both species with established escapement goals. When the weir is in the creek, it provides tight inseason monitoring of escapement levels so the sport fishery regulations could be altered quickly if any escapement concerns were to occur. Even at times when the Fish Creek Weir has been removed in late July or early August, ADF&G data supports that Little Susitna River weir coho salmon data could be used as a surrogate for inseason management — when needed. the issue statement here.

PROPOSED BY: Stephanie Nowers (EF-F23-021)

PROPOSAL 246

5 AAC 60.120. General provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area. and 5 AAC 61.110. General provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Susitna River Drainage Area.

Update the lists of lakes where anglers may use five lines while fishing for northern pike through the ice in designated Northern Cook Inlet waters as follows:

5 AAC 60.120(7)(C) is amended to read:

...

(C) [ANDERSON LAKE, FIGURE EIGHT LAKE] **all waters east of the Susitna River, west of the Little Susitna River and south of the Enstar Gas Pipeline right-of-way (Figure Eight area lakes), Anna Lake, Beaverhouse Lake, Cow Lake, East Papoose Lake,** Flathorn Lake, **Gerry Lake, Horseshoe Lake, Hourglass Lake, Loonsong Lake, Lynda Lake,** Memory Lake, all Nancy Lake drainage lakes except Nancy Lake, Prator Lake, **Sevenmile Lake, Stephan Lake, West Beaver Lake, West Horseshoe Lake, and West Papoose Lake,** [AND STEPHAN LAKE] with five lines through the ice; allowable gear is limited to standard ice fishing gear as specified in 5 AAC 61.110(8)(B); fishing gear must be closely attended as specified in 5 AAC 75.033; all other species of fish caught must be released immediately.

5 AAC 61.110(8)(C) is amended to read:

(C) Alexander Creek, **Bulchitna Lake, Eightmile Lake,** Fish Creek (lower Susitna River drainage), Fish Creek (Kroto Slough), Indian Creek, Witsoe Creek, and in Alexander Lake, Amber Lake, Crystal Lake, Donkey Lake, **Fish Lakes,** Hewitt Lake, Kroto Lakes, Lady Slipper Lake, **Little Bulchitna Lake,** Lockwood Lakes, Long Lake, Neil Lake, No Name (Cabin) Lake, Onestone Lake, Parker Lake, **Scotty Lake,** Shell Lake, Shirley Lake, Sucker Lake, Trail Lake, Trapper Lake, Upper and Lower Vern Lakes, Whitsol Lake, and Whiskey Lake, with five lines through the ice; allowable gear is limited to standard ice fishing gear as specified in 5 AAC 61.110(8)(B); fishing gear must be closely attended as specified in 5 AAC 75.033; all other species of fish caught must be released immediately;

What is the issue you would like the board to address and why? Northern pike are a predatory fish invasive to Southcentral Alaska and can pose a significant threat to salmon and resident fish species in the region. To encourage anglers to harvest northern pike, systems that primarily contain northern pike have regulations allowing anglers to use five lines through the ice. Expanding that list to include the proposed waters may encourage anglers to fish these areas and harvest northern pike. Northern pike were eradicated from Anderson Lake and this lake can now be removed from the list.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-001)

PROPOSAL 247

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Prohibit chumming in Big, Mirror, and Flat Lakes as follows:

5 AAC 60.122(a)(5)(F) is amended to read:

...

(F) in Big Lake, Mirror Lake, and Flat Lake,

(i) from November 1 – April 30, only one unbaited, single-hook, artificial lure may be used, except when fishing through the ice, two lines may be used, if only one single hook is used on each line; **a person may not place in the water any substance for the purpose of attracting fish by scent, including**

- 1. fish eggs in any form;**
- 2. natural or preserved animal, fish, fish oil, shellfish, or insect parts;**
- 3. natural or processed vegetable matter; and**
- 4. natural or synthetic chemicals.**

What is the issue you would like the board to address and why? Regulations prohibiting use of bait during the ice fishery on Big Lake are difficult to enforce. Determining whether an angler is using bait or an attractant on the hook while chumming is difficult; an angler may be scenting hooks under the guise of chumming to attract fish.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-004)

PROPOSAL 248

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Restrict Big Lake Arctic char to catch-and-release in the Fish Creek drainage as follows:

5 AAC 60.122(a)(5)(G) is amended to read:

...

(G) [THE BAG AND POSSESSION LIMIT FOR ARCTIC CHAR/DOLLY VARDEN IS ONE FISH, WHICH MUST BE 20 INCHES OR GREATER IN LENGTH;] **Arctic char may not be retained or possessed;**

What is the issue you would like the board to address and why? Review of Statewide Harvest Survey (SWHS) data shows a decline in the abundance of Arctic Char, particularly of large fish over 20 inches in length. Nonretention would maximize recruitment into mature age classes and maximize spawning events to help rebuild the stock. The department has been issuing emergency orders to restrict sport fishing for Arctic char in Big Lake to catch-and-release only for the past two calendar years.

Mirror and Flat lakes have direct connections with Big Lake, allowing migration and sharing of fish between lakes. Resident species such as Arctic Char and burbot in Big Lake are no longer protected by conservative regulation when they migrate to neighboring Mirror and Flat lakes.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-007)

PROPOSAL 249

5 AAC 60.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Knik Arm Drainages Area.

Remove the effective date of regulation pertaining to sport fishing from a motor driven boat as follows:

5 AAC 60.122(a)(9)(L) is amended to read:

(L) [BEGINNING JANUARY 1, 2017, a] A person may not sport fish from a boat that is powered by use of a motor, unless the motor is a four-stroke motor or a direct fuel injection two-stroke motor;

What is the issue you would like the board to address and why? A implementation date for this regulation is no longer necessary.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-013)

Anchorage Area Sport and Personal Use Fisheries (6 proposals)

PROPOSAL 250

5 AAC 59.122. Special provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area.

Modify the closure date for the Ship Creek king salmon fishery as follows:

5 AAC 55.122(a)(14)(A) is amended to read:

(14) in the Ship Creek drainage,

(A) the waters from its mouth upstream to a cable 100 feet downstream of the Chugach Power Plant dam are open to sport fishing for all finfish species, [EXCEPT THAT SPORT FISHING FOR KING SALMON IS OPEN ONLY] from January 1 – **December 31**[JULY13];

What is the issue you would like the board to address and why? Currently, the Ship Creek king salmon fishery closes by regulation after July 13. During the 2017 and 2021 seasons, the king salmon closure date was lifted and bag limits were increased to allow harvest on surplus fish. In these two years it was anticipated that the William Jack Hernandez Sport Fish Hatchery had enough fish enter the raceways to meet the broodstock goals, and inseason stream surveys identified additional fish in the creek above the fishery. It was determined that harvest of king salmon after July 13, during the coho salmon fishery, would not have an impact on meeting stream or hatchery goals. In both of these years the broodstock goals were met.

The July 14 closure date was implemented by the Alaska Board of Fisheries in 1990 and while it can protect fish when there are wild spawning and hatchery needs, the department has emergency order authority to implement regulatory changes to the sport fishery when determined necessary, in advance of the July 14 king salmon season closure. King salmon closures have been implemented in three of the last ten years (2013, 2014, and 2018), prior to the July 14 closure and the season remained closed. There is no biological concern with leaving the king salmon season open year- round and this regulatory change does not impact how the department currently manages the Ship Creek king salmon fishery however, this regulatory change will reduce the need to put out an emergency order during years where surveys indicate additional harvest opportunity in the fishery after July 13. Current regulations require any king salmon caught from July 14 – December 31 to be released unless an emergency order has been issued. The department does not wish to change fishing hours or bag limits or the overall king salmon annual limit in Cook Inlet waters. The creek could continue to be open to fishing at night, effective July 14. the issue statement here.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-023)

PROPOSAL 251

5 AAC 59.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area and 5 AAC 59.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area.

Modify the Eklutna River drainage salmon bag and possession limits as follows:

5 AAC 59.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area.

...

- (5) in the Eklutna River drainage,
 - (A) the waters from its mouth upstream to the Glenn Highway are open to sport fishing for salmon, other than king, **coho and sockeye** salmon;
 - (B) from January 1 – September 31, the waters upstream of the Glenn Highway are open to sport fishing for salmon, other than king, **coho and sockeye** salmon;

5 AAC 59.120 General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area.

...

- (2) salmon, other than king, **coho and sockeye** salmon,
 - (A) the bag and possession limit for salmon, other than king, **coho and sockeye** salmon, 16 inches or greater in length, is 3 fish[, ONLY TWO PER DAY AND TWO IN POSSESSION MAY BE COHO SALMON];

What is the issue you would like the board to address and why? Native Village of Eklutna (NVE) proposes to temporarily curtail coho and sockeye sportfishing in the Eklutna River till populations can rebound to sustainable levels.

Eklutna River salmon have declined drastically within Eklutna tribal memory (documented by interviews), with 2 dams and sport fishing pressure. NVE systematically counted Eklutna River spawner salmon in 2002, 2003, 2021 and 2022. 2002-3 counts were performed at least every 3 weeks, while in 2021-22 counts were performed weekly. Maximum counts for coho were 131 in 2002 and 39 in 2003. More recent maximum coho counts were 8 in 2021 and 18 in 2022. Maximum counts for sockeye were 2 in 2002 and 21 in 2003, while no returning sockeye spawners were observed in 2021 or 2022.

We believe that these population numbers cannot support the current regulations, under which coho could completely disappear, as sockeye seem to have. NVE and others are engaged in multiple activities to restore the river salmon habitat and thriving populations. We are working with the utilities and agencies to replace the Eklutna Lake dam to restore flows to the river and fish passage between river and lake. We would like native runs to repopulate the system. We hope for abundant Eklutna drainage fisheries. The coho and sockeye fisheries should be restored when numbers increase sufficiently.

PROPOSED BY: Native Village of Eklutna (HQ-F23-114)

PROPOSAL 252

5 AAC 59.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area and 5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Increase the bag and possession for salmon, other than king salmon, as follows:

5 AAC 59.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Anchorage Bowl Drainages Area.

...

(18) In all freshwater drainages open to salmon fishing entering Turnagin Arm south of Bird Creek and continuing along the arm shoreline and Kenai Peninsula shoreline to the Northern District boundary,

(A) the bag and possession limit for salmon other than king salmon, 16 inches or more in length, is three fish.

What is the issue you would like the board to address and why? From our recollection in 2000 most coho salmon bag and possession limits throughout the Knik Arm, Anchorage Bowl, and Turnagain Arm were reduced from 3 fish daily and in possession to 2 fish daily and in possession as a paired restrictions conservation package where the Northern District set net fishery was restricted to fishing one net per permit holder from July 20 — August 10 under an Upper Cook Inlet Coho Salmon Conservation Plan.

Since that time the set net fishery has been liberalized by allowing Northern District permit holders with more than one permit to fish additional gear (permit stacking). The dates for fishing with

restricted nets has been shortened by the board to July 20 – August 6. The Alaska Department of Fish and Game (ADF&G) has often allowed Northern District set netters in the Eastern Subdistrict to use twice as many nets as set netters in the General Subdistrict during the July 20 — August 6 period, by emergency order.

Since the Northern District Salmon Management Plan directs the fishery to be managed to provide reasonable harvest opportunity for both commercial and inriver users throughout the entire season, and in light of the above listed harvest liberalizations for Eastern District set gill netters harvesting primarily Turnagain Arm salmon stocks, we request that the coho salmon bag and possession limit for Turnagain Arm salmon stocks in drainages south of Bird Creek and continuing along the Turnagain Arm and Cook Inlet shoreline all the way to the Northern District boundary once again be increased to 3 salmon (all of which may be coho salmon). If the department has data justifying an increased level of harvest opportunity for Turnagain Arm salmon stocks, then per the management plan, it only seems fair that sport anglers should also share in this increased salmon harvest opportunity.

PROPOSED BY: Alaska Sportfishing Association (EF-F23-124)

PROPOSAL 253

5 AAC 59.185. Special management areas for rainbow trout in the Anchorage Bowl Drainages Area.

Allow anglers to use two artificial flies in tandem in a portion of Campbell Creek as follows:

5 AAC 59.185. Special management areas for rainbow trout in the Anchorage Bowl Drainages Area.

(a) unless otherwise specified in 5 AAC 59.120 and 5 AAC 59.122 or by an emergency order issued under AS 16.05.060, only one unbaited, single-hook, artificial lure may be used in the special management areas for rainbow trout described in (b) of this section **except that two artificial flies may be used in tandem.**

What is the issue you would like the board to address and why? Alaska is the only western state that prohibits anglers from fishing two flies in tandem for trout. It is a common practice throughout the world and is even allowed in competitive fly fishing where up to three flies can be used. There is no biological reason to limit the very small number of people who fish Campbell Creek above the forks the additional opportunity to fish two flies.

Alternatives: Allow to two flies if their combined hook gap is a certain size, this was deemed unnecessarily restrictive and hard to enforce

PROPOSED BY: Patrick McCormick (EF-F23-081)

PROPOSAL 254

5 AAC 59.185. Special management areas for rainbow trout in the Anchorage Bowl Drainages Area.

Add a portion of Chester Creek to the Anchorage Bowl Drainage special management areas for trout as follows:

5 AAC 59.185. Special management areas for rainbow trout in the Anchorage Bowl Drainages Area.

(a) unless otherwise specified in 5 AAC 59.120 and 5 AAC 59.122 or by an emergency order issued under AS 16.05.060, only one unbaited, single-hook, artificial lure may be used in the special management areas for rainbow trout described in (b) of this section

(b) rainbow trout catch-and-release special management areas are those waters managed to maintain historical size and age distributions. the rainbow trout catch-and-release special management area in the Anchorage bowl drainages area is in that portion of Campbell Creek upstream from the forks at piper street **and Chester Creek and it's tributaries, except APU/University Lake and the portion downstream of University Lake to Elmore.**

What is the issue you would like the board to address and why? Anchorage is blessed to have a very good wild trout fishery in the heart of the city, by correctly managing Chester Creek trophy trout will continue to be quietly produced in Anchorage. Chester Creek has more and better trout fishing opportunities than Campbell Creek, indeed the only rainbow trout of any size regularly encountered above the forks of Campbell Creek are either very small (2-6 inches) or catchable hatchery fish, whereas the entire Chester Creek drainage hosts rainbow trout of a variety of sizes, and very few hatchery fish are encountered. The APU/University Lake is the site of stocking, and by not including that portion as a special management area residents will continue to have a reasonable opportunity to harvest rainbow trout.

PROPOSED BY: Patrick McCormick (EF-F23-082)

PROPOSAL 255

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Create a personal use dip net fishery for salmon in the 20-Mile and Placer Rivers as follows:

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

...

(i) salmon may be taken by dipnet in the 20-Mile River and the Placer River only as follows:

- 1. July 1-July 31: Open to dip netting only on Mondays, Wednesdays, and Fridays from 6.a.m. to 11 p.m.**
- 2. between ADF&G regulatory markers within one mile upstream of the Seward Highway downstream, to drainages' terminus with Turnagin Arm at all tidal stages;**
- 3. Personal use fishing in 20-Mile River and Placer River may not be done from a boat or other floating device—although participants are allowed to wear a PFD;**
- 4. The annual limit, is as specified in 5 AAC 77.525, except that no king salmon may be retained, and any king salmon caught must be returned to the water and released immediately;**

5. A permit holder for this fishery shall report to the department as specified in the permit conditions.

What is the issue you would like the board to address and why? The Northern District Salmon Management Plan states: The department shall manage the chum, pink, and sockeye salmon stocks for commercial and inriver uses to provide an opportunity to harvest these salmon resources based on abundance. The department shall also manage the chum, pink, and sockeye salmon stocks to minimize the harvest of Northern District coho salmon, to provide sport and guided sport fishermen and other inriver users a reasonable opportunity to harvest these resources over the entire run, as measured by the frequency of inriver restrictions, or as specified in this section and other regulations.

Placer and 20-Mile Rivers are two of the largest salmon producing systems in Turnagain Arm, with highway access from Girdwood and Anchorage, and although there is a personal use dip net opportunity to harvest hooligan, there is no personal use salmon opportunity anywhere in Turnagain Arm or its tributary streams. It appears Turnagain Arm sockeye salmon stocks may be a more productive Northern Cook Inlet salmon stock, as Northern Cook Inlet set netters from the Eastern Subdistrict harvest more sockeye throughout the season compared to set netters in the larger General Subdistrict. In addition, during a portion of the season when the department regularly reduces nets in the Northern District (July 20-August 6) set netters in the Eastern Subdistrict, since 2016, have for the most part, been allowed to fish with twice as many nets compared to set netters in the General Subdistrict, demonstrating adequate numbers of harvestable surplus salmon to provide a personal use dip net fishery. Note: there are currently two subsistence locations and three personal use fishery locations allowed to harvest salmon from the General Subdistrict or its drainages, yet zero subsistence or personal use salmon harvest opportunities in the Turnagain / Eastern portion of Northern Cook Inlet.

To avoid catching king salmon and excessive numbers of coho salmon we are proposing a shorter personal use season on both ends, compared to the commercial season. Since the Seward Highway is busy during the summer and parking spaces are limited, we ask the Board to consider a conservative weekday and shore-based personal use fishery at these locations (no fishing from boats). We are proposing a 3-day per week fishery with 31 or more hours between individual fishing periods. The proposed fishing area is arbitrary (but considers ease of access) so the department or Board could make adjustments, if other options may be more beneficial. For simplicity and to avoid redundancy these two river locations were submitted as one proposal. If there are biological differences between the two rivers or other reasons the department or board would like to consider each river location as a separate regulation that would be fine as well.

PROPOSED BY: South Central Alaska Dipnetters Association (HQ-F23-112)
