

*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)

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**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)

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## **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)

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**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)

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**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)  
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**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)  
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**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)  
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**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)  
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**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)  
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**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)

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## **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)

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**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)

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**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)

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**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)

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### **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)

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