

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)
