

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)
