

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.

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