

Staff comments on supplemental Agenda Change Requests 16 – 18

Submitted by the Alaska Department of Fish and Game
October 20, 2015

Cook Inlet Salmon Fisheries (3 Supplemental)

ACR 16 – Amend the *Kasilof River Salmon Management Plan* to allow commercial fishing with set gillnet gear within 600 feet of the mean high tide mark in the Kasilof Section and, within the Kasilof Section, consider the hours fished within 600 feet of the beach of the Kasilof Section as part of the Kasilof River Special Harvest Area (5 AAC 21.365).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request would not count hours fished within 600 feet of the mean high tide mark toward any hourly restrictions (e.g., 36 hours per week) in the east side set gillnet (ESSN) fishery. This agenda change request also seeks to add king salmon to 5 AAC 21.365(c)(3) such that set gillnets could be fished within 600 feet of the mean high tide mark if the department determines further restrictions are necessary to aid in achieving the lower end of the Kenai River sockeye and/or king salmon escapement goals.

PRESENT SITUATION: 5 AAC 21.365. *Kasilof River Salmon Management Plan* states that it is the intent of the board that Kasilof River salmon be harvested in the fisheries that have historically harvested them, including the methods, means, times, and locations of those fisheries. Commercial fisheries are managed to achieve the Kasilof River BEG of 160,000–340,000 sockeye salmon unless attaining the lower end of the Kenai River sockeye salmon escapement goal is in jeopardy; at which point the department shall manage for the Kasilof River OEG of 160,000–390,000 sockeye salmon. Additionally, the plan states that 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 OEG.

From the beginning of the season through July 7, the set gillnet fishery in the Kasilof Section is open for two regular 12-hour fishing periods per week, with the option of fishing up to 48 hours of additional fishing time each week. In addition, the fishery is closed for at least one continuous 36-hour period per week. Beginning July 8, the Kasilof Section fishery is managed in concert with 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan*. This plan directs the department to manage the fishery based on three different Kenai River sockeye salmon run-strength tiers. Each tier has an associated maximum number of additional hours that the Upper Subdistrict set gillnet fishery may be fished each week (beyond the two 12-hour regular periods); a Kenai River sockeye salmon inriver goal range; and the number of hours the entire set gillnet fishery is closed each week (windows).

The Kasilof section extends 1.5 miles offshore from the mean high tide mark of the Kenai Peninsula; the *Kasilof River Salmon Management Plan* provides the department direction on when commercial fishing may be restricted to within one-half mile of shore or within 600 feet of the high tide mark in the Kasilof section. For example, after July 8, if the Kasilof Section set

gillnet fishery is open, but the Kenai and East Foreland sections set gillnet fishery is closed, the Kasilof Section fishery may be limited to fishing within one-half mile of shore. Additionally, to further aid in achieving the lower end of the Kenai River sockeye salmon escapement goal, the Kasilof Section may be restricted to fishing to within 600 feet of the high tide mark.

Use of KRSHA is guided primarily by 5 AAC 21.365 *Kasilof River Salmon Management Plan*. This area is approximately one mile south to one mile north of the Kasilof River mouth and extends offshore for 1.5 miles from the navigational light on the south bank of the Kasilof River. The plan states it is the intent of the board that the KRSHA should rarely, if ever, be opened, and only used for conservation reasons. Before opening the KRSHA, additional fishing time should be allowed in the remainder of the Kasilof Section first, including fishing within 600 feet of the high tide mark, and secondly that the mandatory closures specified in regulation be reduced in duration, if necessary, to meet the escapement goals contained within the various management plans.

Current options for opening this area to commercial fishing can be summarized as follows:

- After July 8, if the Kasilof Section set gillnet fishery has been restricted to fishing within one-half mile of shore, the KRSHA may be opened to set and drift gillnetting for periods not to exceed 48 hours in duration without one period of 24 consecutive hours of closure.
- The KRSHA may be opened any time after the department projects that the Kasilof River sockeye salmon escapement will exceed 365,000 fish.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The KRSHA was open for part or all of 17 days (beginning July 16) in 2014 and for part or all of 20 days (beginning July 7) in 2015. In 2014, the estimated harvest in the KRSHA was 661 king salmon and 209,807 sockeye salmon. In 2015, the estimated harvest in the KRSHA was 452 king salmon and 124,354 sockeye salmon. In 2015, the Kasilof Section set gill net fishery was opened to fishing within 600 feet of the mean high tide mark on six different days (total of 88 hours) from July 15–31. The estimated harvest in the 600 foot area was 198 king salmon and 108,000 sockeye salmon.

The Kenai River late-run sockeye salmon SEG, OEG, and inriver goals were met or exceeded in 2014 and 2015. In addition, the Kasilof River sockeye salmon BEG was exceeded in 2014 and 2015. The Kenai River late-run king salmon SEG has been met since the plan was modified in 2014, but all Upper Cook Inlet fisheries harvesting Kenai River late-run king salmon were restricted in an effort to achieve the SEG. The department has emergency order authority to manage these fisheries inseason. The board met in February 2014 to consider proposals and discuss issues related to fisheries in UCI.

PROPOSED BY: Paul Shadura II

ACR 17 – Amend regulations to define statistical area boundaries in the Upper Subdistrict of Cook Inlet (5 AAC 21.200, 5 AAC 21.310, and 5AAC 21.330).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request would place into regulation the definition (boundaries) of the six statistical fishing areas in the Upper Subdistrict set gillnet fishery, which are 244-21, 244-22, 244-31, 244-32, 244-41, and 244-42.

PRESENT SITUATION: The Upper Subdistrict set gillnet fishery is divided into three sections: Kasilof Section, which includes statistical areas 244-21, 244-22, and 244-31; Kenai Section, which includes statistical areas 244-32 and 244-41; and the East Foreland Section, which includes statistical area 244-42. The definition of each of these sections can be found in 5 AAC 21.200 *Fishing districts, subdistricts, and sections*. While the boundaries of each statistical area are not specifically identified in regulation, the definition of the sections leaves only the demarcation between statistical areas 244-21 and 244-22 not explicitly defined.

All commercial fishermen and processors are required by AS 16.05.690(a and b), and 5 AAC 39.130(c)(7) to report their harvests on fish tickets, including the statistical area where the fish were taken. In addition, AS 16.05.690(b) states that a person may not knowingly enter false information on a fish ticket or supply false information to a person who is recording information on a fish ticket.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The most recent change to statistical areas in the Upper Subdistrict set gillnet fishery took place in 1999. Since then, the department has always either opened or closed all of the statistical areas in a section (i.e., individual statistical areas in a section are not separated out and fished independent of each other). A figure showing all of the statistical areas is provided to processors and catcher-sellers each year.

The closed waters regulatory markers north of the Ninilchik River, and north and south of the Kenai and Kasilof rivers were defined with GPS waypoints at the 2014 board meeting.

PROPOSED BY: Paul Shadura II

ACR 18 – Amend the *Kenai River Late-Run King Salmon Management Plan* to allow commercial fishing with set gillnet gear in the Upper Subdistrict up to 36 hours per week in both the Kasilof and Kenai/East Foreland sections separately (5 AAC 21.359).

WHAT THE AGENDA CHANGE REQUEST SEEKS TO CHANGE: This agenda change request seeks to modify provisions within the *Kenai River Late-Run King Salmon Management Plan* (5 AAC 21.359(e)(3)(A)) that restrict set gillnetting in the Upper Subdistrict to no more than 36 hours per week by allowing the department to manage the Kasilof and Kenai/East Foreland sections independent of each other. This would result in the department being able to apply the hourly restrictions to the Kasilof and Kenai/East Foreland sections individually rather than to both sections together.

PRESENT SITUATION: In 2014, the 5 AAC 21.359. *Kenai River Late-Run King Salmon Management Plan* was modified to include what is commonly referred to as “paired restrictions” between the inriver king salmon sport fishery and ESSN. From July 1 through July 31, the plan stipulates that if the projected inriver run of Kenai River late-run king salmon is less than 22,500 fish and the Kenai River sport fishery is restricted to no bait, the ESSN is restricted to no more than 36 hours of fishing time per week. Any fishing time provided in ESSN, including the half mile and 600 feet areas, counts toward the 36 hour limitation.

STAFF ASSESSMENT OF THE AGENDA CHANGE REQUEST:

- a) **Is there a fishery conservation purpose or reason?** No.
- b) **Does the agenda change request correct an error in regulation?** No.
- c) **Does the agenda change request address an effect of a regulation on a fishery that was unforeseen when that regulation was adopted?** No.

ADDITIONAL INFORMATION: The ESSN fishery occurs along approximately 60 miles of beach and targets sockeye salmon returning to both the Kenai and Kasilof rivers. Run timing differences between the two river systems and geographic scale can make abundance-based management with limited hours challenging because fish can build up in localized areas and are not evenly distributed throughout the length of the fishery. Prior to 2014, the number of hours allowed in the ESSN fishery was regulated specifically by 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan* and 5 AAC 21.365. *Kasilof River Salmon Management Plan*.

During the 2014 season, the ESSN fishery was managed under “paired restrictions” described in the *Kenai River Late-Run King Salmon Management Plan*. Due to low abundance of Kenai River king salmon, the ESSN fishery was restricted to 36 hours per week from July 1 through July 18 and was further restricted to 12 hours per week from July 19 through July 25. The hourly restrictions were in concert with no-bait and no-retention restrictions to the Kenai River king salmon sport fishery.

In 2015, from July 1 through July 25, the ESSN fishery was again managed using “paired restrictions” with the sport and personal use fisheries based on preseason forecasts and was

restricted to 36 hours fishing time per week. From July 26 through July 31, the ESSN was managed under provisions of the *Kenai River Late-Run Sockeye Salmon Management Plan* because Kenai king salmon abundance improved and the inriver king salmon sport fishery was permitted to utilize bait. This allowed for two 12-hour regular fishing periods and up to 51 hours of additional fishing time per management week. In both 2014 and 2015, the hourly restrictions required by the *Kenai River Late-Run King Salmon Management Plan* were applied to the Kasilof, Kenai, and East Foreland sections as one management unit, regardless of which area actually fished.

The issue of managing the commercial set gillnet fishery separately in the Kasilof and Kenai/East Forelands sections was considered as an emergency petition during a teleconference in April 2014, as an ACR at the worksession in October 2014, and as an emergency petition at the statewide meeting in March 2015. Each time the board voted that this issue did not meet the ACR or emergency petition criteria.

PROPOSED BY: Paul Shadura II