

**PROPOSAL 121 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan.**

Repeal and readopt management plan to remove the optimum escapement goal, mandatory restrictions and closed fishing periods or “windows”, and specify that management will be based on the abundance of late-run Kenai River sockeye salmon, as follows:

**(Repeal and readopt)**

**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 to achieve one of the three in-river run goals listed below based on the abundance of Kenai River sockeye salmon. The department will manage the commercial fisheries targeting this stock with regular weekly fishing periods, as specified in 5 AAC 21.320 and adjust this schedule by emergency order to achieve the desired inriver sockeye goal. Additional fishing time in the commercial fisheries will not be allowed to target Susitna River coho, late-run Kenai River king, or Kenai River coho salmon stocks.

(b) The Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to

(1) 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 900,000 - 1,100,000 sockeye salmon past the sonar counter at river mile 19; and

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish 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;

(2) at run strengths of 2,300,000 - 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,000,000 - 1,200,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary;

(3) at run strengths greater than 4,600,000 sockeye salmon,

(A) the department shall manage for an inriver goal range of 1,100,000 - 1,350,000 sockeye salmon past the sonar counter at river mile 19;

(B) subject to the provisions of other management plans, the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5 AAC 21.320, through July 20, or until the department makes a determination of run strength, whichever

occurs first; if the department determines that the minimum inriver goal will not be met, the fishery shall be closed or restricted as necessary

(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 900,000 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, close or restrict the sport fishery as necessary;

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?**

This plan is far too complex and has many unnecessary restrictions and conflicting objectives. Since managing for the escapement goal is all that is necessary and puts the health of the fish above all else, the remainder of the language is arbitrary and unnecessary and preventing the department from achieving the proper escapement level. The optimal escapement goal is unnecessary as the allocations are provided for in the inriver goals. The hourly limitations in the set gillnet fishery are unnecessary since the department is going to manage for the same escapement goal regardless, which is what 5 AAC 21.363 (e) directs them to do anyway. Additionally the Supreme Court just ruled that once the season starts the department should ignore the plans and manage for the escapement goals for all stocks. Windows or mandatory closed periods are not only unnecessary, they lead to huge over escapements which are likely unconstitutional and contrary to the Boards mandate to conserve and develop. This plan will work much better if you allow the department to do their job with minimal guidelines.

**PROPOSED BY:** Chris Garcia

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