

Substitute Language for Proposal 165

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 or inriver restrictions.

(b) The department shall manage the late run of Kenai River king salmon to achieve a sustainable escapement goal of **13,500 – 27,000** [~~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 sustainable 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) 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

(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 **19,000** [22,500] fish **75 cm mid eye to tail fork and longer**, in order to achieve the sustainable 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; or

(B) the use of bait and retention of king salmon are prohibited, and only one unbaited, barbless, single-hook, artificial lure, as described in 5 AAC 57.121(1)(J), may be used when sport fishing for king salmon;

(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 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, during which the number of set gillnets operated may also be restricted to either

(i) three set gillnets that are each not more than 35 fathoms in 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) 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; or

(B) if the use of bait and the retention of king salmon are prohibited in the Kenai River sport fishery under (1)(B) of this subsection, commercial fishing periods are open for no more than 12 hours per week, with a 36-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday.

(f) From August 1 through August 15, [IF THE PROJECTED ESCAPEMENT OF KING SALMON INTO THE KENAI RIVER 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 COMMERCIAL SET GILLNET FISHERY IN THE UPPER SUBDISTRICT TO NO MORE THAN 36 HOURS OF FISHING TIME.]

(1) if the use of bait is prohibited in the Kenai River sport fishery on the ending date in July, commercial fishing periods are open for no more than 36 hours per week

(2) if the use of bait and the retention of king salmon are prohibited in the Kenai River sport fishery on the ending date in July, commercial fishing periods are open for no more than 12 hours per week.

(g) Consistent with the purposes of this management plan and 5 AAC 21.360, if the projected inriver return of king salmon is less than **36,000**~~[40,000]~~ fish **75 cm mid eye to tail fork and longer**, the department may not reduce the closed waters at the mouth of the Kenai River described in 5 AAC 21.350(b).

(h) The provisions 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.

(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).