

Guides and Motorized Uses (16 proposals)

Definitions (1 proposal)

**This proposal will be heard at the LCI and UCI meetings, and deliberated at the UCI meeting.*

PROPOSAL 14

5 AAC 75.995. Definitions.

Modify the definition of bag limit to include fish landed but not originally hooked by an angler, as follows:

Allow captains, deckhands & other anglers to assist anglers in hooking their fish and the fish will belong to the bag limit of the angler that was assisted.

What is the issue you would like the board to address and why? Current rules do not allow hook & hand fishing where one person hooks or assists in hooking a fish and handing the rod off to an angler to become part of the bag limit of the angler who fights, reels and land the fish. Small children, older people, people with disabilities, or beginners often need help from a guide, deckhand, or parent in hooking fish. The practice of hooking a fish and handing off the rod is common practice in fisheries throughout the world, but in Alaska is illegal.

PROPOSED BY: Mel Erickson

(EF-F19-052)

Kasilof River Guiding and Guided Fishing Requirements (3 proposals)

PROPOSAL 155

5 AAC 56.140. Kasilof River guiding and guided fishing requirements.

Allow sport fishing guides to sport fish while a client is present from the banks of the Kasilof River, as follows:

5 AAC 56.140

Kasilof River Guiding And Guided Fishing Requirements

In addition to the provisions of 5 AAC 57.160 and this chapter applicable to the Kasilof River, from January 1 through July 31, the guided sport fishery for early-run and late-run Kasilof River King Salmon will be managed as follows:

- (1) A sport fishing guide may not sport fish **from a guide vessel and may not sport fish from the bank in that area designated from ADF&G markers at the mouth of Crooked Creek downstream to the ADF&G markers near the cutbank** while a client is present or within the sport fishing guides control or responsibility; notwithstanding the provisions of this paragraph, a sport fishing guide may provide assistance to a client with a disability in order to enable the client to engage in sport fishing; in this paragraph "disability" has the same meaning given in 42 U.S.C. 12102 (2)(A) and (C), as amended as of February 8, 1994; (2) Repealed 6/12/2011.

What is the issue you would like the board to address and why? The issue of my proposal is as follows:

Currently, on the Kasilof River, a sport fishing guide may not sport fish while a client is present or within the sport fishing guides responsibility. This regulation does not clearly differentiate between fishing from a guide vessel or a guide fishing from the bank with clients. Therefore, it unfairly restricts a sport fishing guide on the Kasilof River. This severely limits a guide's ability to demonstrate advanced fishing techniques, various casts and retrieves, hook setting skills, bringing a fish to the net quickly and proper catch and release methods. All of these examples are available to guides on the Kenai River so this rule is not consistent on both rivers and unfairly regulated.

Other than that area designated from ADF&G markers located at the mouth of Crooked Creek downstream to the marker near the cutbank, the Kasilof River needs to be open to guides sport fishing from the bank with clients. This proposal would duplicate rules and align with sport fishing guide regulations on the Kenai River.

Another solution I considered to this unreasonable restriction was to just eliminate retention of sport fish caught by guides while a client is present or within the sport fishing guide's control or responsibility. However, it would not clearly distinguish between sport fishing from a guide vessel and sport fishing from the bank with clients. Also, it would not properly set aside that area of the Crooked Creek State Recreation Site, which was of concern to ADF&G representatives I spoke with prior to my proposal.

Although Kenai River guides are not restricted from fishing in similar State Recreation Sites, or fishing from the bank with clients, I rejected his alternative proposal and opted to insert this provision to set aside this area on the Kasilof River for public use only. This specific area is currently restricted for anchoring guide vessels from January 1st - June 30th and designated markers are already in place.

PROPOSED BY: Raymond Davis (EF-F19-045)

PROPOSAL 156

5 AAC 56.140. Kasilof River guiding and guided fishing requirements.

Allow sport fish guides to sport fish on the Kasilof River from shore while a client is present, as follows:

5 AAC 56.140. Kasilof River guiding and guided fishing requirements

In addition to the provisions of 5 AAC 57.160 and this chapter applicable to the Kasilof River, from January 1 through July 31, the guided sport fishery for early-run and late-run Kasilof River king salmon will be managed as follows: (1) a sport fishing guide may not sport fish **from a registered sport guide vessel** while a client is present or is within the sport fishing guide's control or responsibility; notwithstanding the provisions of this paragraph, a sport fishing guide may provide assistance to a client with a disability in order to enable the client to engage in sport fishing; in this paragraph "disability" has the same meaning given in 42 U.S.C. 12102(2)(A) and (C), as amended as of February 8, 1994

What is the issue you would like the board to address and why? The board acted upon a proposal last cycle that intended to remove a guide's ability to fish with clients from a registered guide vessel during King Salmon season. The boat portion of the language was omitted from regulation. This proposal seeks to restore a guide's ability to demonstrate proper sockeye salmon fishing techniques with clients from shore. It is not intended to increase King Salmon mortality. This is a housekeeping proposal to fix a technical error that occurred last cycle.

PROPOSED BY: Kenai River Professional Guide Association (HQ-F19-069)

PROPOSAL 157

5 AAC 56.140. Kasilof River guiding and guided fishing requirements.

Limit the number of client groups per guide or guide vessel on the Kasilof River in July, as follows:

On the Kasilof River no guide or guide vessel may take more than one group of clients fishing from the boat per day July 1 – July 31.

What is the issue you would like the board to address and why? Increased pressure on wild Kasilof River King Salmon stocks. State wide low chinook abundance has led to regular emergency restrictions and closures to retention of king salmon on upper Cook Inlet rivers resulting in additional pressure on Kasilof River chinook stocks. It is now common for guides to take 2 groups of clients in a day. This is further compounded by the lack of an adequate method for estimating inriver escapement of wild stocks bound for areas upstream of Crooked Creek.

PROPOSED BY: Mike Adams (HQ-F19-052)

Kenai River Guiding and Guided Fishing Requirements in the Kenai River Drainage Area (5 proposals)

PROPOSAL 158

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Prohibit sport fishing guides from sport fishing from shore while a client is present, as follows:

KENAI RIVER / Guided Fishing on the Kenai River

Guides may not sports fish while a client is present or within the guides control or responsibility, unless the guide is providing assistance to a client with a disability as defined in the Americans with Disabilities Act.

Guides may give instruction or demonstrate method of angling for the species of fish, any fish hooked during the instruction or demonstration must be immediately released.

The maximum number of fishing rods operated may not exceed the number of clients.

What is the issue you would like the board to address and why? Fishing from a guide vessel on the Kenai River. I would like to eliminate "from a guide vessel". Guides currently sport fish from shore while they have clients with them. Guides hook fish and hand the rod off to clients to

fight the fish while the guide gets a net to land the fish. The fish is then counted toward the client's daily bag limit. The law currently states that the person who hooks the fish is the one whose limit the fish should be counted against, regardless of who actually lands the fish.

PROPOSED BY: Paul Boyden (EF-F19-018)

PROPOSAL 159

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow five anglers per vessel used for guided sport fishing on the Kenai River in July, as follows:

Allow 5 anglers to fish from a guide vessel on the Kenai River in July.

What is the issue you would like the board to address and why? Families, & groups not being allowed to fish together on a guide boat in July. Not allowing groups of 5 to fish together in 1 vessel in July only results in the groups being separated into 2 boats and being mixed in with strangers, instead of being able to fish together as a family or a single group. the current regulation does not accomplish anything, changing this regulation does not increase angler effort, and will also reduce boat congestion since only one boat will be needed compared to 2 boats.

PROPOSED BY: Mel Erickson (EF-F19-027)

PROPOSAL 160

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow transport of more than five persons per vessel used for guided sport fishing on the Kenai River in July, as follows:

What is the issue you would like the board to address and why? Current regulations intended for the Guided Kenai River King Fishery restricting a guide vessel to only 4 anglers, affects the guides ability to transport a group of 5 anglers to the shore based sockeye fishery.

PROPOSED BY: Mel Erickson (EF-F19-028)

PROPOSAL 161

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Allow sport fishing from a guide vessel on the Kenai River on Mondays in August, as follows:

Allow guided anglers to fish from a guide vessel on Mondays for coho salmon in August on the Kenai River.

What is the issue you would like the board to address and why? Guided anglers not allowed to fish on Mondays in August on the Kenai River, this regulation was adopted at a previous BOF meeting for conservation concerns during a down cycle. This conservation concern is no longer applicable and should be reversed. ADF&G has plenty of tools in the tool box to deal with a conservation concern thru an EO.

PROPOSED BY: Mel Erickson (EF-F19-029)

PROPOSAL 162

5 AAC 57.140. Kenai River guiding and guided fishing requirements in the Kenai River Drainage Area.

Remove restrictions to guided sport vessels on the Kenai River when the king salmon sport fishery is closed, as follows:

If the late run Kenai River King salmon fishery is closed, then regulations intended for the guided King salmon fishery such as no fishing from a guide vessel on Sunday, & Mondays, the 6pm to 6am closure, & the prohibition of a 5th angler will not remain in effect.

What is the issue you would like the board to address and why? When the King salmon fishery on the Kenai River is closed by EO due to low escapement, the regulations intended for the King fishery remain in affect, and does not allow for fishing for other species from a guide vessel such as pink salmon, trout, coho salmon.

PROPOSED BY: Mel Erickson (EF-F19-030)

Upper Cook Inlet Personal Use Salmon Fishery Management Plan (1 proposal)

PROPOSAL 163

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Prohibit guiding in the Kenai and Kasilof Rivers personal use dip net fishery, as follows:

5 AAC 77.540(c)

Providing guide services within the Kenai and Kasilof Rivers personal use dipnet fishery is prohibited;

Definitions

(55) "Personal Use Fishing Guide"- means a person who provides personal use fishing guide services to persons who are engaged in personal use fishing;

(56) "Personal Use Fishing Guide Services"

(A) means assistance, for compensation or with the intent to receive compensation, to a personal use fisherman to take or to attempt to take fish by accompanying or physically directing the personal use fisherman in personal use fishing activities during any part of a personal use fishing trip;

What is the issue you would like the board to address and why? This proposal would prohibit providing guided fish services during the personal use dip net fisheries on the Kenai and Kasilof Rivers. Currently, there are no regulations applied to personal use guiding within the personal use

dip net fisheries. Allowing for individuals to profit from personal use fisheries by providing guide services is not within the intent of these fisheries which are implemented to allow Alaskan residents the opportunity to harvest larger quantities fish that are in surplus of escapement needs.

PROPOSED BY: Catherine Felt (EF-F19-037)

Kenai and Kasilof Rivers Motorized Uses (6 proposals)

PROPOSAL 164

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

Prohibit motorized vessels on the Kenai River from Skilak Lake to the Soldotna Bridge May 1 – August 31, as follows:

Under the Method and Means header in the Lower Kenai sport regulations;
Amend "Drift Only Mondays - from downstream of Skilak Lake" to read:
Power will not be allowed, DOWNSTREAM of the Soldotna Bridge over the Kenai River, from May 1st until August 31st, for all types of fish. Only drift boats are allowed from Skilak Lake to the Soldotna Bridge from May 1st until August 31st.

Power boats will be allowed downstream of the Soldotna River Bridge to the Warren Ames Bridge during open fishing seasons, 7 days a week. Only drift boats will be allowed between Skilak Lake and the Soldotna River Bridge from May 1st until August 31st.

What is the issue you would like the board to address and why? The turbidity levels on the Kenai River are getting worse by the year. In the 50+ years of driving along the Kenai River I have noticed huge changes in the clarity of the river. It has been really bad the last 15 years. This affects the food available to fry, fry mortality, food and camouflage from predators like birds, trout and others. There has been mass erosion and bank destabilization since I started fishing in the mid 70's. The undeniable result is smaller, less healthy juvenile salmon of all types leaving the river. With studies showing the increase in turbidity in the Kenai, it is time to get ahead of the problem and make the tough decisions to stop the bank erosion caused by power boating and the continual wake pounding along the shoreline. All salmon species are showing signs of huge declines. This is an in river problem that must be addressed aggressively, along with possibly too much competition for food in the ocean.

PROPOSED BY: Mark & Elbridge Walker (EF-F19-121)

PROPOSAL 165

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Prohibit sport fishing from a motorized vessel on the lower Kenai River on Thursdays in July, as follows:

5 AAC 57.121 would be amended to read:
(a) a person may not sport fish from a boat
(New Section) that has a motor on board on any Thursday in July, except Memorial

Day, in that portion of the Kenai River from its mouth upstream to the Sterling Highway Bridge.

What is the issue you would like the board to address and why? For the month of July, the Kenai River has been classified as an impaired water body due to increased turbidity levels. The increased turbidity has been significantly associated with increased motorized boat traffic on the river in July.

This proposal seeks to add an additional drift boat only day each week on the Kenai River for both guided and nonguided anglers, occurring each Thursday in July from the mouth of the river upstream to the Sterling Highway bridge. Currently, from the Sterling Highway Bridge downstream to the mouth of the Kenai River, no one may fish on Mondays (except Memorial Day) during May, June, and July from a vessel that has on board no more than one motor that does not exceed 10 horsepower (HP), and it may only be used between the mouth of the Kenai River and ADF&G regulatory markers located at Cunningham Park, and only after fishing from the vessel has ceased for that day; a person may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day. In order to provide one more day of “rest” for the Kenai River from the effects of motorized boat wake traffic, this proposal seeks to add one additional day per week that guided or unguided anglers may not fish using a motorized vessel on the Lower Kenai River (downstream of the Sterling Highway Bridge) during the month of July. No motor traffic on the river, on Mondays and Thursdays. (This includes boat traffic to the dip net fishery is prohibited.)

PROPOSED BY: Chris Every (HQ-F19-017)

PROPOSAL 166

5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Prohibit sport fishing from a motorized vessel on the lower Kenai River on Thursdays in July, as follows:

5 AAC 57.121 would be amended to read:

(a) a person may not sport fish from a boat

(New Section) that has a motor on board on any Thursday in July, except Memorial Day, in that portion of the Kenai River from its mouth upstream to the Sterling Highway Bridge; No motor traffic (this includes boat traffic to the dip net fishery is prohibited) on the river on Mondays and Thursdays.

What is the issue you would like the board to address and why? For the month of July, the Kenai River has been classified as an impaired water body due to increased turbidity levels. The increased turbidity has been significantly associated with increased motorized boat traffic on the river in July.

This proposal seeks to add an additional drift boat only day each week on the Kenai River for both guided and nonguided anglers, occurring each Thursday in July from the mouth of the river

upstream to the Sterling Highway bridge. Currently, from the Sterling Highway Bridge downstream to the mouth of the Kenai River, no one may fish on Mondays (except Memorial Day) during May, June, and July from a vessel that has on board no more than one motor that does not exceed 10 horsepower (HP), and it may only be used between the mouth of the Kenai River and ADF&G regulatory markers located at Cunningham Park, and only after fishing from the vessel has ceased for that day; a person may not deploy sport fishing gear from a vessel after a motor has been used to propel that vessel on the same day. In order to provide one more day of “rest” for the Kenai River from the effects of motorized boat wake traffic, this proposal seeks to add one additional day per week that guided or unguided anglers may not fish using a motorized vessel on the Lower Kenai River (downstream of the Sterling Highway Bridge) during the month of July. No motor traffic on the river, on Mondays and Thursdays. (This includes boat traffic to the dip net fishery is prohibited.)

PROPOSED BY: Chris Every (HQ-F19-082)

PROPOSAL 167

5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan; and 5 AAC 57.121. Special provisions for the seasons, bag, possession, and size limits, and methods and means for the Lower Section of the Kenai River Drainage Area.

Allow sport fishing from a vessel with a motor on board but not in use on the Kenai River on Mondays in July, as follows:

(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.

(c) In the sport fishery,
(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.] (REMOVE)

I'm requesting the following changes:

(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 **vessel with a motor on board on Mondays in July. However, the use of a motor may not be used while sport fishing. A person may no longer fish from that specific vessel for the day once the motor has been started.** (ADD)

What is the issue you would like the board to address and why? The Kenai River Management Plan limits sportfishing from nonmotorized vessels on Mondays (Drift Only Mondays) during the

king salmon run on the Kenai River downstream from the outlet of Skilak Lake. A non-motorized vessel is described as a vessel that does not have a motor on board.

It should be noted that the regulation allows the use of motorized vessels on Mondays. According to the ADF&G sportfishing regulation booklet it states, "Motors may be used to transport anglers to shore fishing locations, but anglers may not fish from any vessel that has a motor on board." The dates are set forth every Monday from May 1 to July 31.

There are many vessels that are designed to alternate between motorized and manual power, such as rowing. Vessels that have motors onboard can be removed from the water by tilting them on the transom and not be used while sportfishing allowing the operator to manually control the vessel by rowing.

This regulation has no environmental or biological impact on the Kenai River. It was adapted as a courtesy to sport fisherman allowing them to fish without the crowds of guided vessels on the river.

As a private sport fishing angler this code is restricting my right to fish from my vessel with a motor greater than 10 horsepower on board while manually rowing my boat.

PROPOSED BY: Eric Christian (EF-F19-092)

PROPOSAL 168

5 AAC 57.120. General provisions for seasons, bag, possession, annual, and size limits, and methods and means for the Kenai River Drainage Area; and 5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan.

Prohibit motorized vessels on the Kenai River, as follows:

Make the Kenai River drift only.

What is the issue you would like the board to address and why? The Kenai River is a park. Kings are gone. Guides ferry dipnetters up and down the river. Erosion pollution habitat degradation. King salmon spawning areas are severely impacted. Zero net loss of habitat. Dr. White, 1997? Nothing done since then.

PROPOSED BY: John McCombs (HQ-F19-035)

PROPOSAL 169

5 AAC 56.122. Special provisions for the seasons, bag, possession, annual, and size limits, and methods and means for the Kenai Peninsula Area.

Prohibit motorized vessels on a section of the Kasilof River January 1—September 15, as follows:

“From Jan 1 to Sep 15 motors will be prohibited from the ADFG regulatory marker located approximately three miles upstream to the start of Silver Salmon Rapids. Only non-

motorized boats will be allowed from the Sterling Highway bridge to the head of Silver Salmon Rapids.”

What is the issue you would like the board to address and why? In the last few years, the use of motors on the upper and lower Kasilof River has increased dramatically. Guides on the upper river are racing downstream in order to complete two sockeye charters in the same day. Residents and guides are launching at the bridge and powering down to the river mouth to dip net. Both groups are motoring through the same narrow channels that the second run Kings are attempting to use for their migration to the spawning grounds. As the Kenai fishery continues to implode, the Kasilof is experiencing pressure far beyond its ability to continue to be managed in a manner to provide a sustainable harvest for both Kings and Sockeye. The benefit to the motorized user group is far outweighed by the deleterious results accrued to the migrating Salmon. As pressure on the Kasilof increases, this situation will only become worse, and the time to address it is before the fishery crashes. Drift boats fishing for Kings are negatively impacted by the power boats, and it is only a matter of time until collisions occur if this situation is not remedied. The Kasilof is too small to allow the use of unrestricted power boats.

PROPOSED BY: Charles McCrone

(HQ-F19-002)
