

Submitted by the Alaska Department of Fish and Game at the request of board member Webster

March 21, 2013

Substitute regulatory language for Proposal 249

5 AAC 21.359 is amended by adding a new subsection to read:

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 [BIOLOGICAL] escapement goal of 15,000–30,000 [17,800 - 35,700] king salmon, as follows:

(1) in the sport fishery,

(A) if the sustainable [BIOLOGICAL] 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;

(B) from July 1 through July 31, a person may not use more than one single hook in the Kenai River downstream from Skilak Lake;

(2) in the sport fishery, that portion of the Kenai River downstream from Skilak Lake is open to unguided sport fishing from a non-motorized vessel on Mondays in July; for purposes of this section a non-motorized vessel is one that does not have a motor on board;

[(3) IF THE PROJECTED INRIVER RETURN IS LESS THAN 17,800 KING SALMON, THE DEPARTMENT SHALL]

[(A) 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;]

[(B) 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]

[(C) CLOSE THE COMMERCIAL SET GILLNET FISHERY IN THE
UPPER SUBDISTRICT OF THE CENTRAL DISTRICT.]

[(c) FROM JULY 20 THROUGH JULY 31,]

(1) repealed 6/22/2002;

[(2) IF THE PROJECTED INRIVER RETURN OF LATE-RUN KING
SALMON IS LESS THAN 40,000 FISH AND THE INRIVER SPORT FISHERY HARVEST
IS PROJECTED TO RESULT IN AN ESCAPEMENT BELOW 17,800 KING SALMON, THE
DEPARTMENT MAY RESTRICT THE INRIVER SPORT FISHERY;]

**(i) In 2013, notwithstanding the other provisions of this section, the department
shall manage the late run of Kenai River king salmon during July under management
targets based on the average historical run timing variability of king salmon, as follows:**

(1) from July 10 through July 20,

**(A) if the projected escapement of king salmon is less than a
management target of 15,000 fish, the department shall**

**(i) close the sport fisheries in the Kenai River drainage and in
the salt waters of Cook Inlet north of the latitude of an ADF&G regulatory
marker located two miles south of the Anchor River at 59° 45.94' N. lat. to
the taking of king salmon;**

**(ii) prohibit the retention of king salmon in the personal use
salmon fishery in the Kenai River drainage;**

**(iii) close the commercial set gillnet fishery in the Upper
Subdistrict of the Central District;**

(iv) 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;

(B) if the projected escapement of king salmon is more than a management target of 15,000 fish, but less than 16,500 fish, the department shall

(i) either prohibit the use of bait for sport fishing in the Kenai River drainage and in the salt waters of Cook Inlet north of the latitude of Bluff Point, or prohibit the retention of king salmon; any king salmon caught must be immediately released and returned to the water unharmed;

(ii) prohibit the retention of king salmon in the personal use salmon fishery in the Kenai River drainage; any king salmon caught must be immediately released and returned to the water unharmed;

(iii) restrict fishing periods for the commercial set gillnet fishery in the Upper Subdistrict to no more than 36 hours of aggregate fishing time per week, with one 36-hour continuous closure as described in 5 AAC 21.360(c)(2)(C);

(2) from July 21 through July 31,

(A) if the projected escapement of king salmon is a management target of 15,000 fish or less, the department shall

(i) close the sport fisheries in the Kenai River drainage and in the salt waters of Cook Inlet north of the latitude of an ADF&G regulatory

marker located two miles south of the Anchor River at 59° 45.94' N. lat. to the taking of king salmon;

(ii) close the commercial set gillnet fishery in the Upper

Subdistrict;

(iii) prohibit the retention of king salmon in the personal use salmon fishery in the Kenai River drainage;

(iv) 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;

(B) if the projected escapement of king salmon is a management target of at least 15,000 fish, but less than 16,500 fish the department shall manage the fishery under the provisions of 5 AAC 21.360 and 5 AAC 57; the department may also restrict the limit of set gillnet gear to either two set gillnets that are not more than 70 fathoms in aggregate length or one set gillnet that is not more than 35 fathoms in length as deemed necessary by the department;

(3) notwithstanding any provision in this subsection, if the forecast for the escapement of Kenai River king salmon is less than 30,000 fish, the department shall prohibit the retention of king salmon in the personal use salmon fishery in the Kenai River drainage; any king salmon caught must be immediately released and returned to the water unharmed;

(4) if the inriver sport fishery is closed under (2) of this subsection, the commercial set gillnet fishery in the Upper Subdistrict shall be closed;

(5) repealed 6/11/2005.

(d) Repealed 6/22/2002.

(e) Consistent with the purposes of this management plan and 5 AAC 21.360, if the projected inriver return of king salmon is less than 40,000 fish, the department may not reduce the closed waters at the mouth of the Kenai River described in 5 AAC 21.350(b) .

(f) The provisions of the Kasilof River Salmon Management Plan (5 AAC 21.365) are exempt from the provisions of this section.

(g) 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.

(h) The commissioner may depart from the provisions of the management plan under this section as provided in 5 AAC 21.363(e) .