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Upper Cook Inlet Summer Fishery (5 proposals)

PROPOSAL 1

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Amend the Upper Cook Inlet Summer Salt Water King Salmon Sport Fishery Management Plan, as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

5 AAC 58.055 is amended to read:

...

(g) if the Anchor River preseason forecast or inseason projection is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 king salmon, the upper Cook Inlet salt waters north of the latitude of Bluff Point (59° 40.00' N. lat.) within a mile of shore shall be closed to the retention of king salmon from May 15 to July 15; if the Kenai River is closed as specified in 5 AAC 57.160, the upper Cook Inlet salt waters north of the latitude of Bluff Point (59 40) shall be closed to the taking of king salmon from May 15 to July 15;

(h) if the Kenai River is closed to the taking of king salmon as specified in 5 AAC 21.359, the upper Cook Inlet salt waters north of the latitude of Bluff Point shall be closed to the taking of king salmon from June 20 through August 15.

What is the issue you would like the board to address and why? Due to low productivity of Cook Inlet king salmon stocks and in combination with emergency order (EO) restrictions and closures to freshwater sport fisheries, the upper Cook Inlet summer salt water king salmon sport fishery has been restricted by EO in 12 of the last 15 years. This fishery has also been closed in several recent years by EO in July as specified in the *Kenai River Late-Run King Salmon Management Plan*. Although management actions for the late-run are prescribed in the *Late-Run Plan*, currently no management actions for the early-run stocks are outlined in any plans for this fishery. By specifying the actions in a management plan, the public and the Alaska Board of Fisheries have the opportunity to provide input on the fishery structure.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F23-024)

PROPOSAL 2

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Amend the *Upper Cook Inlet Summer Salt Water King Salmon Management Plan* as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Cook Inlet Saltwater king salmon fishery north of bluff point will remain open the entire month of May to harvest of 1 king per day and 2 per season, unless it is determined by actual sonar counts that escapement goals in the Kenai River and anchor river won't be met.

What is the issue you would like the board to address and why? The preseason closure of the saltwater king salmon fishery north of Bluff point due to ADFG EO based on preseason forecasts, This fishery is 94% feeder kings and very few spawning kings are caught in this fishery in the

month of May. Closing this fishery months in advance based solely on a pre-season forecast before the fish even arrive is overreach. wait until we know actual numbers.

PROPOSED BY: Mel Erickson (EF-F23-092)

PROPOSAL 3

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan and 5 AAC 21.359. Kenai River Late-Run King Salmon Management Plan.

Amend the management plans for the Upper Cook Inlet Summer and Kenai River late-run king salmon fisheries as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

The late run king salmon sport fishery in Lower Cook Inlet along the beach from Anchor Point to Deep Creek will be open for harvest in July if the commercial set net fishery along the beach in Upper Cook Inlet is open.

What is the issue you would like the board to address and why? The sport fishery using hooks for late run king salmon in Lower Cook Inlet being closed while the set net commercial fishery in upper cook inlet being open for king salmon harvest using nets.

PROPOSED BY: Mel Erickson (EF-F23-095)

PROPOSAL 4

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Redefine the boundaries of the Upper Cook Inlet Area as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Move the regulatory point for Cook Inlet king salmon management purposes from Bluff Point to Anchor Point. the line would a straight line from Anchor Point on the east to Sea Otter Point on the west side.

What is the issue you would like the board to address and why? Currently ADFG uses Bluff Point as a management point for the salt water king salmon fishery, Bluff Point line does not run in a straight line and is more difficult to determine if you're in a legal or illegal zone, Anchor Point is a much better navigational point and has a radar marker on the coastline for reference, also a line across Cook Inlet from Anchor Point to Sea Otter Point on the west side is a much cleaner demarcation line separating Lower Cook Inlet from Upper Cook Inlet.

PROPOSED BY: Mel Erickson (EF-F23-094)

PROPOSAL 5

5 AAC 58.055. Upper Cook Inlet Summer Salt Water King Salmon Management Plan.

Allow fishing from shore in the marine waters adjacent to Ninilchik River and Deep Creek year round as follows:

Open the beaches at Ninilchik River mouth and Deep Creek River to surf casting fishing all year round, with the only exclusion being no surf casting fishing within 200 meters/yards north/south of the rivers mouth entering Cook Inlet. Bag limits to be those that are stated for Cook Inlet salt waters. If a biologic science case can be made for the closure of incidental caught king salmon, close their take and publish any allowed take will be by Emergency Order's process of ADFG.

What is the issue you would like the board to address and why? Currently the very family/elderly easy to use Ninilchik and Deep Creek beach areas are mostly closed to surf cast fishing for bottom fish species. Exceptions being the opening associated with Memorial Day Weekend and two subsequent weekend periods. Late in the summer restrictions are lifted against surf casting off the beaches of the two areas. Families have a ball in the surf casting fishery and young fishers are recruited via this fishery. For the elderly the surf casting fishery where the access can be negotiated fills days and occasionally freezers with fish and keeps them in the fishing pursuit years after owning/operating a boat is viable/safe. The roads, parking, beaches and outhouses on the Deep Creek and Ninilchik River mouth beaches are perfect for surf casting fishers and should be made available. No reasonable impact on any fish species will occur if the beaches are opened all fishing season.

PROPOSED BY: John Bithos

(EF-F23-009)

Lower Cook Inlet Summer Fishery (3 proposals)

PROPOSAL 6

5 AAC 58.XXX. New Section.

Create a management plan and establish a guideline harvest level for the lower Cook Inlet summer salt water king salmon sport fishery as follows:

- (a) **The goal of this management plan is to stabilize the sport harvest of king salmon in the mixed stock salt water fishery in lower Cook Inlet from April 1 through August 31;**
- (b) **The lower Cook Inlet salt waters include all salt water south of the latitude of Bluff Point at 59 40.00'N. lat excluding shore-based harvest;**
- (c) **the bag and possession limit is 2 king salmon any size;**
- (d) **the annual limit and harvest record specified in 5 AAC 58.022 applies to king salmon 20" or greater harvested in this fishery;**
- (e) **the guideline harvest level is X,XXX king salmon**

What is the issue you would like the board to address and why? The king salmon harvest in the lower Cook Inlet summer fishery has continued to increase in recent years due to shifting effort from the upper Cook Inlet summer king salmon fishery as a result of emergency order (EO) preseason and inseason restrictions and closures. Guided effort towards king salmon in Cook Inlet salt waters may also be increasing with restrictions to guided fishing for Pacific halibut from the federal Pacific Halibut Catch Sharing Plan. From 2002–2013, the king salmon harvest in this

fishery averaged approximately 5,300 fish annually. In the last three years, the harvest has increased over 50% from the 2002–2013 average to an average of approximately 8,300 fish and in 2021 was over 11,000 fish. Based on genetic mixed stock analyses of this fishery from 2014 through 2018, 98% of the king salmon harvest are from stocks originating outside of Cook Inlet. In 2023, the department restricted the bag limit from 2 to 1 king salmon in this fishery due to concerns with harvest of Cook Inlet stocks as they migrate through lower Cook Inlet salt waters. Adopting a management plan with a guideline harvest level would help better identify appropriate harvest level for this mixed stock fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-017)

PROPOSAL 7

5 AAC 58.030. Methods, means, and general provisions - Finfish.

Prohibit snagging and spear fishing for king salmon in Seldovia Harbor and Lagoon until June 24 as follows:

The solution is simple. Just prohibit snagging kings in the Seldovia Harbor and Seldovia Lagoon, until June 24. In other words, reinstate the old regulation with the addition of diving and spear fishing. Appropriate wording:

Snagging and spear fishing for king salmon is not allowed in the Seldovia Harbor, Seldovia Lagoon Channel and Seldovia Lagoon until June 24.

What is the issue you would like the board to address and why? SNAGGING OF RETURNING HATCHERY KING SALMON SELDOVIA. Since 2020 regulation changes allowed snagging of king salmon from the Seldovia Harbor to the Seldovia Lagoon. In discussion with a local ADFG fishery biologist this was inadvertently done in an attempt to simply regulations. This regulation prohibiting snagging reaches back to the 1980s, when I first started fishing there. The reason was to provide a window for anglers to use non-snagging methods to harvest stocked kings returning to Nick Dudiak Fishing Lagoon, Halibut Cove Lagoon and Seldovia Lagoon. I was told the regulation also arose from safety concerns of snagging in a confined area and to also maintain a sporting fishery.

Before the 2020 regulation changes snagging was prohibited in the Seldovia Lagoon and nearby areas, Homers Nick Dudiak Lagoon and Halibut Cove Lagoon until June 24. This was also reasonable as remaining kings mainly quit biting. That way people could still get kings. By then most people had got the kings they wanted by sport fishing methods and less people were fishing. This made snagging less dangerous.

Now that snagging is allowed year around, south of the designated line from Anchor Point to Point Pogibishi, except for the Nick Dudiak Lagoon, the fishery for stocked Seldovia kings is very changed. Below is a summary of the reasons not to snag until June 24.

1. Seldovia kings were not open to snagging until June 24, which allowed for a sport and local fishing experience.

2. Snagging quickly kills all of the returning kings. The locals, of which I am one, and tourist have a greatly reduced chance of catching kings. People fly into the airport walk over to the northwest edge of the runway and quickly snag the kings and leave. How does this help the local economy?
3. Seldovia's economy is now heavily dependent on tourism and this king run brings people in to sport fish. I know companies that send employees and clients to Seldovia to fish these kings and also fish with local charters. They spend money in local restaurants, bar, food and lodging etc..
4. In 2020 when it was proposed to stop stocking kings in Seldovia and allocate the fingerlings to Homer there was strong local and outside objections. ADFG then dropped the proposal because of the strong interest to keep stocking the Seldovia kings.
5. The City of Seldovia has considered trying to raise money to stock additional kings and possibly silvers.
6. Kings do not bite when people are snagging close to you. That forces people fishing to also snag if they want a king.
7. Snagging is very dangerous from the Seldovia Bridge. The bridge is often quite crowded on the top and below with people fishing for kings and tourist watching the action.
8. Now some divers are spear fishing in the Lagoon. It just a matter of time until some are inadvertently snagged. Some just swim right under your boat and you're not even aware they are there. These people could easily be snagged in vulnerable areas like the throat.

If snagging is prohibited in Anchorage Ship Creek and nearby tidal areas and the Homer Nick Dudiak Lagoon, why should it be allowed in Seldovia Lagoon, harbor and channel.

PROPOSED BY: Thomas Dunagan (EF-F23-005)

PROPOSAL 8

5 AAC 58.030. Methods, means, and general provisions – Finfish.

Prohibit snagging in Seldovia Bay as follows:

From January 1 through June 15, snagging is closed in the waters of Seldovia Bay starting at the entrance of the Seldovia Boat harbor including all waters east and south of the breakwater wall and upstream through the Seldovia slough and including the entire Seldovia Lagoon.

What is the issue you would like the board to address and why? In a recent regulation change the salt waters of Kachemak Bay were opened to snagging to align with the rest of Cook Inlet. This change included the waters of the Seldovia Slough and Lagoon. The Department of Fish and Game releases king salmon smolt in the Seldovia Lagoon each summer. Historically the waters of the Seldovia slough and lagoon were closed to snagging until June 24th. This gave people the

opportunity to enjoy the sport fishery before snagging opened and fish could be harvested before they began to turn.

Seldovia and this fishery would benefit more if the regulation returns to the way it has been historically. Since ADF&G began releasing the king smolt in the head of Seldovia Lagoon the returning adults spend more time there causing them to turn faster than they have historically. To allow for equal opportunity and a chance to harvest these fish while they're still bright we propose moving the snagging date up one week from June 24th to June 15th.

PROPOSED BY: Seldovia Fish and Game Advisory Committee (EF-F23-131)

Winter Fishery (3 proposals)

PROPOSAL 9

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.
Review management options in the Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan as follows:

5 AAC 58.060(b) is amended to read:

...

- (1) The guideline harvest level is [4,500] ~~X,XXX~~ king salmon;
- (2) The sport fish harvest will be estimated annually by the department's statewide harvest survey;
- (3) The bag and possession limit for king salmon is [TWO] ~~X~~ fish;
- (4) The annual limit and harvest record specified in 5 AAC 58.022 does [NOT] apply.

What is the issue you would like the board to address and why? The Cook Inlet winter salt water king salmon sport fishery management plan was updated by the Alaska Board of Fisheries in 2016 to include the month of September and include all of Cook Inlet salt waters. With these changes, the guideline harvest level (GHL) was increased from 3,000 to 4,500 king salmon, but the harvest in the fishery has exceeded the GHL every year since. This proposal provides the department an opportunity to update the board on harvest trends and review management options for this fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-005)

PROPOSAL 10

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.
Modify king salmon limits in the Cook Inlet Winter Salt Water King Salmon Sport Fishery as follows:

5 AAC 58.060. Cook Inlet Winter Saltwater King Salmon Sport Fishery Management Plan.

(a) The purpose of the management plan under this section is to meet the Board of Fisheries' goal of slowing the growth in the sport harvest of king salmon in the salt waters of Cook Inlet during the winter, which occurs from September 1 through March 31.

(b) In the winter salt water king salmon sport fishery in Cook Inlet

(1) the guideline harvest level is 4,500 king salmon;

(2) the sport harvest will be estimated annually by the department's statewide harvest survey;

(3) [THE BAG AND POSSESSION LIMIT FOR KING SALMON IS TWO FISH] **Limit of 2 per day 4 in Possession with an annual harvest limit of 10 King Salmon per person from September 1st to March 31st.**

(4) the annual limit and harvest record specified in 5 AAC 58.022 does not apply.

(c) For the purposes of this section, Cook Inlet consists of the salt waters of Cook Inlet west of the longitude of Gore Point at 150° 57.85' W. long., and north of the latitude of Cape Douglas at 58° 51.10' N. lat., including all of Kachemak Bay.

What is the issue you would like the board to address and why? The GHL of 4,500 Chinook salmon has been exceeded in the Lower Cook Inlet winter sport fishery every year since 2015. With the current status of Chinook salmon in the North Pacific we believe the responsible action is to create regulations to stay within its harvest guidelines.

PROPOSED BY: Homer Fish and Game Advisory Committee

(HQ-F23-074)

PROPOSAL 11

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.

Allow Alaska resident anglers to use two rods for salmon as follows:

5 AAC 58.060. Cook Inlet Winter Salt Water King Salmon Sport Fishery Management Plan.

(a) The purpose of the management plan under this section is to meet the Board of Fisheries' goal of slowing the growth in the sport harvest of king salmon in the salt waters of Cook Inlet during the winter, which occurs from September 1 through March 31.

(b) In the winter salt water king salmon sport fishery in Cook Inlet

(1) the guideline harvest level is 4,500 king salmon;

(2) the sport harvest will be estimated annually by the department's statewide harvest survey;

(3) the bag and possession limit for king salmon is two fish;

(4) the annual limit and harvest record specified in 5 AAC 58.022 does not apply.

(c) from October 1 through March 31, an Alaskan Resident sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.

(d) For the purposes of this section, Cook Inlet consists of the salt waters of Cook Inlet west of the longitude of Gore Point at 150° 57.85' W. long., and north of the latitude of Cape Douglas at 58° 51.10' N. lat., including all of Kachemak Bay.

What is the issue you would like the board to address and why? The winter salt water king salmon sport fishery is an exceptional opportunity for anglers to harvest high quality salmon during a time of low opportunity. Smaller vessels don't have the capacity to carry multiple anglers comfortably and safely during winter weather. Larger vessels with multiple rods have an advantage of running multiple lures and attractants and because of this they are more efficient at harvesting fish. Allowing 2 rods per angler in Kachemak Bay, similar to regulations in SE salmon fisheries, would allow Alaskan Resident anglers with smaller vessels to harvest king salmon more efficiently.

PROPOSED BY: Dan Miotke (HQ-F23-027)

North Gulf Coast (1 proposal)

PROPOSAL 12

5 AAC 58.065. North Gulf Coast King Salmon Sport Fishery Management Plan.

Modify the North Gulf Coast King Salmon Sport Fishery Management Plan, as follows:

Proposed Change:

(4) the bag and possession limit for king salmon is two fish, with no size limit except for May 15 -July 31 when bag and possession limit for king salmon is one fish, with no size limit;

(5) For summer fisheries (April 1-August 31):

20 inches or longer: There is a combined annual catch limit of 5 king salmon 20 inches or longer. A king salmon of 20 inches or longer that is removed from salt water must be retained and becomes a part of the bag limit for of the person who originally hooked the fish. You must not remove a king salmon of 20 inches or longer from the water before releasing it.

What is the issue you would like the board to address and why? The North Gulf Coast salt water king salmon FMP currently has daily-bag (2) in the unguided and guided-recreational sector that are not in alignment with the Lower Cook Inlet's king salmon FMP.

Lower Cook Inlet unguided and guided-recreational fisheries both have restricted limits for the 2023 season based on low expected returns of king salmon in the Upper Cook Inlet. East-side Cook Inlet set net fisheries are set to be closed for the 2023 season based on expected low king salmon returns. The burden of conservation for Upper Cook Inlet king salmon should be equitable in unguided and guided-recreational fisheries which have similar genetic mixing to protect the stock and to return it to a state where all effected fisheries may maintain access and viability.

PROPOSED BY: Homer Charter Association (EF-F23-138)

Fresh Water (5 proposals)

PROPOSAL 13

5 AAC 56.XXX. New Section.

Create a management plan for the Anchor River, Deep Creek, and Ninilchik River king salmon sport fisheries as follows:

- (a) **The purpose of this plan is to direct the department in the management of the sport fisheries for the king salmon stocks in the Anchor River, Deep Creek, and Ninilchik River using the Anchor River preseason forecast and inseason projections from the Anchor River and Ninilchik River salmon monitoring projects.**
- (b) **The department shall manage the sport fisheries in each drainage to achieve the sustainable escapement goal established for each of the three stocks, while providing sustainable harvest and fishing opportunities, and maximizing the harvest of hatchery king salmon. The Ninilchik River will also be managed to prioritize collecting naturally-produced and hatchery broodstock.**
- (c) **In the Anchor River and Deep Creek,**
 - (1) **the area, seasons, bag, possession, annual and size limits, and methods and means for king salmon are outlined in 5 AAC 56.122;**
 - (2) **if the Anchor River preseason forecast is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 king salmon, the Anchor River and Deep Creek shall be closed to sport fishing during the season specified in 5 AAC 56.122 (a)(2)(E) and (a)(5)(D); and**
 - (3) **if the Anchor River preseason forecast is greater than the lower end of the sustainable escapement goal of 3,200 – 6,400 and less than the threshold of 4,800, the sport fishery for king salmon in the Anchor River and Deep Creek shall be closed to the retention of king salmon and gear shall be restricted to only one unbaited, single-hook, artificial lure;**
 - (4) **if the Anchor River preseason forecast is greater than 4,800, the sport fishery for king salmon in the Anchor River and Deep Creek may start as described in 5 AAC 56.122;**
 - (5) **if the Anchor River inseason projection is less than the lower end of the sustainable escapement goal of 3,200 – 6,400 after June 1, the Anchor River and Deep Creek shall be closed to sport fishing during the season specified in 5 AAC 56.122 (a)(2)(E) and (a)(5)(D);**
 - (6) **if the Anchor River inseason projection is greater than the lower end of the sustainable escapement goal of 3,200 – 6,400 and less than the threshold of 4,800 after June 1, the Anchor River and Deep Creek shall be closed to the retention of king salmon and gear shall be restricted to only one unbaited, single-hook, artificial lure;**
 - (7) **if the Anchor River inseason projection is greater than the threshold of 4,800 after June 1, the sport fishery for king salmon in the Anchor River and Deep Creek may proceed as described in 5 AAC 56.122;**
- (d) **In the Ninilchik River,**
 - (1) **the area, seasons, bag, possession, annual and size limits, and methods and means for king salmon are outlined in 5 AAC 56.122;**

- (2) if the Anchor River preseason forecast is less than the threshold of 4,800, the Ninilchik River shall,
 - (A) be closed to the retention of naturally-produced king salmon, and
 - (B) gear shall be restricted to only one baited, single-hook, artificial lure;
- (3) if the Anchor River preseason forecast is greater than 4,800, the Ninilchik River sport fishery for king salmon may start as described in 5 AAC 56.122;
- (4) if the Ninilchik River inseason projection is less than 900 naturally-produced king salmon after June 1, the Ninilchik River shall be closed to sport fishing during the season specified in 5 AAC 56.122;
- (5) if the Ninilchik River inseason projection is greater than 900 but less than 1,200 naturally-produced king salmon after June 1, the Ninilchik River shall, during the season specified in 5 AAC 56.122,
 - (A) be closed to the retention of naturally-produced king salmon, and
 - (B) gear shall be restricted to only one unbaited, single-hook, artificial lure;
- (6) if the Ninilchik River inseason projection is greater than 1,200 but less than 1,500 naturally-produced king salmon after June 1, the Ninilchik River shall, during the season specified in 5 AAC 56.122,
 - (A) be closed to the retention of naturally-produced king salmon, and
 - (B) gear shall be restricted to only one baited, single-hook, artificial lure;
- (7) if the Ninilchik River inseason projection is greater than 1,500 naturally-produced king salmon after June 1, the Ninilchik River sport fishery may proceed as described in 5 AAC 56.122;
- (8) if the Ninilchik River inseason projection for hatchery king salmon exceeds the need for broodstock collection, and the inseason projection of naturally-produced king salmon is also sufficient to meet the sustainable escapement goal of 900 – 1,600 and broodstock collection needs, then the department may further liberalize the fishery to maximize the harvest of hatchery king salmon.

What is the issue you would like the board to address and why? Due to low productivity of Cook Inlet king salmon stocks, the lower Kenai Peninsula roadside streams king salmon sport fisheries have been restricted and/or closed by emergency order (EO) in 12 of the last 15 years. These sport fisheries have been managed inseason by EO with a run projection based on king salmon escapement monitoring in the Anchor River. Additionally, a preseason forecast for Anchor River king salmon has been used since 2020 for preseason restrictions for these streams, and an inseason projection for the Ninilchik River has been used since 2021. By specifying the actions in a management plan, the public and the Alaska Board of Fisheries have the opportunity to provide input on the fishery structure. Based on recent review of the Anchor River king salmon sustainable escapement goal (SEG), the SEG range should be lowered to reflect a level of escapement that is likely to produce sustained yield under current conditions. Given the recent low productivity of these king salmon stocks, a management plan provides more structure to these fisheries to protect the stocks in times of low productivity, maximize the harvest of hatchery king salmon, and provide sustainable fishing opportunities when appropriate.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F23-002)

PROPOSAL 14

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

Modify the Ninilchik River hatchery king salmon limits and season as follows:

5 AAC 56.122(a)(6) is amended to read:

...

(D)(i) on Memorial Day weekend and the following two weekends and the Monday following each of those weekends; bag and possession limit of [ONE] **two** king salmon, 20 inches or greater in length, **of which only one fish may be a naturally-produced king salmon**; a person who takes and retains [A] **two** king salmon 20 inches or greater in length from the Ninilchik River, Deep Creek, or the Anchor River may not sport fish in any of those drainages for the rest of that day;

(ii) from June 16 – **July 15** [OCTOBER 31]; bag and possession limit of [ONE] **two** hatchery king salmon, 20 inches or greater in length; naturally-produced king salmon may not be retained; a person who takes and retains [ONE] **two** king salmon 20 inches or greater in length from the Ninilchik River drainage may not sport fish in the Ninilchik River drainage for the rest of the day;

(G) the Ninilchik River from the outlet of the Ninilchik small boat harbor to ADF&G regulatory markers just upstream of the Sterling Highway Bridge is open to sport fishing to a person under 16 years of age during the designated youth fishery which occurs on the second Wednesday after Memorial Day between the hours of 6:00 am and 9:59 pm; king salmon bag and possession limit is [ONE] **two** king salmon of any size, **of which only one fish may be a naturally produced king salmon**; annual limit and other restrictions specified in (a)(6)(D)(iii) of this section apply; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains [A] **two** king salmon may not sport fish in the Ninilchik River for the rest of the day;

What is the issue you would like the board to address and why?

Over the last six years, the Ninilchik River king salmon supplementation program has made several improvements that have resulted in an increased hatchery return to the Ninilchik River. Since 2019, the department has issued preseason and inseason emergency orders to provide additional harvest opportunity for hatchery fish. Hatchery fish not harvested in the sport fishery and in excess of broodstock collection needs have been culled during eggtakes in an effort to minimize the hatchery contribution to the Ninilchik River escapement. In the last three years, there has been more than 1,000 extra hatchery fish after broodstock collection. Increasing the bag limit will provide consistent additional sport fishing opportunity, while minimizing the hatchery contribution to the escapement.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-021)

PROPOSAL 15

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

Extend the area open to hatchery king salmon on the Ninilchik River as follows:

Upstream from the ADF&G markers:

- Closed year-round to all salmon fishing, **Except the area from the ADFG 2 mile markers to 200’ below the ADF&G weir from June 16-July 15 for hatchery King Salmon only.**
- November 1-July 31: Closed to all fishing in flowing waters, **Except the area from the ADFG 2-mile markers to 200’ below the ADF&G weir from June 16-July 15 for hatchery King Salmon only.**
- August 1-October 31: open to sport fishing, **including hatchery king salmon**, except for **all other** salmon, August 1-October 31 upstream of the ADF&G regulatory markers located approximately two miles upstream from the mouth species except salmon.
- only one unbaited, single-hook, artificial lure may be used (ii) from [August 1] **June 16-** October 31, **above the ADF&G 2 mile marker year-round**
- All other species (except salmon): Follow the General Regulations on pages 66 and 67.

What is the issue you would like the board to address and why? After the normal king salmon fishery closure (3rd open weekend), the Ninilchik River opens to 24/7 fishing of salmon with retention of hatchery king salmon permitted. Unfortunately, there is a “zone” from the ADF&G 2 mile marker up to the ADF&G weir where king salmon “hang out” not migrating up to the weir. This area is about 1 ¾ miles long. Once at the weir, hatchery fish are killed to deter spawning and wild fish are harvested for hatchery (smolt) production. In this zone some hatchery fish are able to spawn, which is not ideal. Additionally, some wild fish “hang out” not making the move up the weir for utilization for row and smelt needs. Opening this area for the period of June 16-July 15 to fishing and retention on hatchery king salmon only would offer many benefits with very few consequences. The fishing pressure in this area would allow more harvest of hatchery fish for Alaskan dinner tables vs the killing of them at the weir with donation to dog mushers. Additionally, it would also help ADF&G with their goal of minimizing the number of hatchery fish spawning anywhere in the Ninilchik River. Furthermore, wild fish in this area would be encouraged to move up the ADF&G weir for smelt and row collection. The only downside of this regulatory change would be wild fish mortality due to catch and release. This would be minimized and negligible by this area continuing to be only one, unbaited, single-hook artificial lure or fly. Any risk/benefit analysis of this regulatory change leans heavily in favor to the positivity of the fishery.

PROPOSED BY: Jim Stubbs (HQ-F23-058)

PROPOSAL 16

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

Expand the boundary of the Ninilchik River Youth-Only fishery as follows:

From the mouth of the Ninilchik River upstream [to the Sterling Highway Bridge Marker] **approximately 2 miles to the ADF&G markers**

What is the issue you would like the board to address and why? The current boundary of the Ninilchik River Youth-Only Fishery should be expanded. The current fishery forces participants to fish in a small area downstream from Sterling Highway Bridge. This should be changed to

mirror the fishing area currently allowed for all other King Salmon Fisheries on the Ninilchik River. Not only will this create parity and clarity to the current regulations it will give participants more room to fish in a non-combat atmosphere. Additionally, the change will help fulfill the ADFG strategic goal of increasing interest, enjoyment, and participation of fisheries by Alaskan youth. Some additional benefits would be elimination of need for staff to post needed signage for 2nd boundary. And to address issues of concern- this change would not require additional enforcement as the area is same as weekends. Furthermore, there is no change suggested in allowable harvest, means, or methods. Only to increase the area to the current size of all other openings of King Salmon on Ninilchik River.

PROPOSED BY: Jim Stubbs

(HQ-F23-105)

PROPOSAL 17

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

Expand the boundary of the Ninilchik River Youth-Only fishery as follows:

5 AAC 56.122 (a)(6) Ninilchik River Drainage:

(G) the Ninilchik River from **its mouth upstream to ADF&G regulatory markers located approximately two miles upstream** [THE OUTLET OF THE NINILCHIK SMALL BOAT HARBOR TO ADF&G REGULATORY MARKERS JUST UPSTREAM FROM THE STERLING HIGHWAY BRIDGE] is open to sport fishing to a person under 16 years of age during the designated youth fishery which occurs on the second Wednesday after Memorial Day between the hours of 6:00 a.m. and 9:59 p.m.; king salmon bag and possession limit is one king salmon of any size; annual limit and other restrictions specified in (a)(6)(D)(iii) of this section apply; a harvest record is required as specified in 5 AAC 75.006; a person who takes and retains a king salmon may not sport fish in the Ninilchik River for the rest of that day

What is the issue you would like the board to address and why? As a parent of two grade-school aged kids, I am very appreciative of the youth only fishing days that Alaska sets aside for children under 16. I believe this is a great way to get young kids interested in fishing and provides them with a real opportunity to catch a fish. With that said, I'd like to see the restrictions on where you can fish during the Ninilchik River youth-only fishing day (June 7th this year) removed. There are currently no restrictions (from mouth to 2 miles upstream) on where adults can fish during the 23 days that the river is open to King Salmon fishing during the primary run (Memorial Day weekend thru June). However, for the one day that fishing is set aside for kids, the regulations limit where you can fish to downstream of the Sterling Highway Bridge. I think this is a shame. Kids are not nearly as capable as adults, and effort should be taken on this one day to make access more available, not less available. Is the concern that kids are going to take away opportunities from the adults? Additionally, the primary camping site is on the upstream side of the bridge, so the current regulation prevents a family from being able to camp at the campground and walk their children down to the river to fish. Instead, you'd have to pack your kids back up in the car, pack up fishing gear, drive to a new place and park, then walk down and hope to find a place to fish. By the time you do all that, everyone's tired and ready to be done. I'd ask that you please consider

revising the regulation for the youth only fishing day by opening the river to fishing from the mouth of the Ninilchik to the ADF&G markers two miles upstream. Thank you for your consideration.

PROPOSED BY: Seth Anderson

(EF-F23-015)

Sport Fisheries (groundfish) (7 proposals)

PROPOSAL 18

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet – Resurrection Bay Saltwater Area.

Modify rockfish bag and possession limits as follows:

5 AAC 58.022(a)(6) is amended to read:

(6) rockfish: may be taken from January 1 – December 31; [BAG LIMIT OF FIVE FISH AND 10 IN POSSESSION, OF WHICH ONLY ONE PER DAY AND TWO IN POSSESSION MAY BE NONPELAGIC ROCKFISH] as defined in 5 AAC 75.995;[NO SIZE LIMIT;]

(A) pelagic rockfish: bag and possession limit of three fish; no annual limit, no size limit;

(B) nonpelagic rockfish: bag and possession limit of one fish; no annual limit, no size limit;

Repeal 5 AAC 58.022(b)(3)(C):

[(C) ROCKFISH: IN THE WATERS BETWEEN GORE POINT AND CAPE FAIRFIELD, THE BAG LIMIT IS FOUR FISH AND EIGHT IN POSSESSION, OF WHICH ONLY ONE PER DAY AND TWO IN POSSESSION MAY BE A NONPELAGIC ROCKFISH OF WHICH ONLY ONE PER DAY AND TWO IN POSSESSION MAY BE A NONPELAGIC ROCKFISH AS DEFINED IN 5 AAC 75.995; NO SIZE LIMIT] **Repealed;**

What is the issue you would like the board to address and why?

Currently, sport fish rockfish bag and possession limits are not aligned between North Gulf Coast (NGC), Lower Cook Inlet (LCI), and Prince William Sound (PWS) management areas. The department is currently developing black and yelloweye rockfish stock assessments for these management areas to identify sustainable harvest levels through the Statewide Rockfish Initiative. Currently, the harvest of rockfish in these management areas is increasing and is assumed to be associated with a shifting of effort from Pacific halibut to other species by charter (guided) anglers due to reduced sport fishing opportunities associated with the federal Pacific Halibut Catch Sharing Plan. The anticipated continued shifting of effort and the late-maturing life history strategy of rockfish requires a precautionary management approach.

Although rockfish harvest is increasing in all of these sport fish management areas, the trends are not consistent between the areas and species or assemblages of rockfish. In LCI, on average from 2019 through 2022, the total rockfish harvest was over 50,000 fish, which is more than a 300% increase from the historical (2006–2013) average. Most of the recent rockfish harvest (approximately 70%) has been black rockfish; there have also been simultaneous declines in the age and size compositions of black rockfish, which are a result of a strong cohort of juvenile rockfish that were

first detected in the fishery in 2017. In recent years, juvenile black rockfish have comprised 67% to 90% of the total black rockfish harvest. Given the current high harvest levels, the harvest rate of juvenile rockfish may influence the future productivity of the stock. Similarly, the NGC management area has also observed increased rockfish harvest, specifically black rockfish, however the harvest has not been primarily comprised of juvenile rockfish.

To maintain continuity between areas, the department has determined that a bag and possession limit of three pelagic and one nonpelagic rockfish would still provide harvest opportunities and would better align regulations. Historically, in both NGC and Cook Inlet areas, bag and possession limits provided the option to retain a full bag limit of pelagic rockfish, or to keep one nonpelagic rockfish towards the total bag limit. Regulation complexity will be reduced by specifying an actual number of fish, specific to each assemblage. In addition, many anglers fishing in NGC waters also fish in PWS but return to port in Seward (in NGC). The change in the possession limit for nonpelagic from 2 to 1 in NGC would align with PWS nonpelagic regulations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-020)

PROPOSAL 19

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce rockfish limits in Cook Inlet - Resurrection Bay as follows:

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

(a) Except as provided in (b) and (c) of this section, and unless otherwise specified in this chapter, the following are the seasons, bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the Cook Inlet - Resurrection Bay Saltwater Area:

...

(6) rockfish: may be taken from January 1 - December 31; bag limit of **three** [FIVE] fish and **six** [10] in possession, of which only one per day and two in possession may be nonpelagic rockfish as defined in 5 AAC 75.995; no size limit;

What is the issue you would like the board to address and why? Due to federal changes in rules for halibut sport fishing, rockfish have been increasingly targeted as an opportunity for sport fishing harvest. This harvest has increased from an average of 16,654 total of pelagic/non Pelagic in 2006-13 to a unsustainable average of 50,484 in years 2019-2021. Sampling harvest by ADFG has shown data that nearly 75% of harvested rockfish in LCI are juvenile fish. This indicates current harvest levels may not be unsustainable for the resource.

This would bring regulations in line with other areas in the state and is consistent with the ADF&G Statewide Rockfish Initiative's Conservation Tools.

Estimates from ADFG from charter logbooks and port sampling suggest the reduction could decrease the harvest by 29%.

PROPOSED BY: Homer Fish and Game Advisory Committee (HQ-F23-109)

PROPOSAL 20

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Lower Cook Inlet rockfish sport limits as follows:

Current Lower Cook Inlet Saltwater Regulations for sport fishing:

5 per day, 10 in possession, only 1 per day, 2 in possession may be no pelagic

Proposed Change:

4 per day, 8 in possession, only 1 per day, 2 in possession may be non pelagic.

What is the issue you would like the board to address and why? RE: Lower Cook Inlet Saltwater Rockfish Regulations

Current ADFG data for Lower Cook Inlet Saltwater Rockfish show that harvest has increased in the recreational and guided-recreational fisheries. Data also has shown declining average age in retained catch. Average age of retained catch is now below average spawning age and indicates current harvest rate may be unsustainable. Lower daily bag and possession limits may reduce harvest rate and result in more sustainable harvest. Long term fishery access should be prioritized given current data.

PROPOSED BY: Homer Charter Association (EF-F23-075)

PROPOSAL 21

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Lower Cook Inlet rockfish sport limits as follows:

Proposed Change:

5 AAC 58.022 -Lower Cook Inlet Saltwater Rockfish Regulations and bag limits

4 per day, 8 in possession, only 1 per day, 2 in possession may be non pelagic.

What is the issue you would like the board to address and why? Lower Cook Inlet Saltwater Rockfish Regulations

Alaska Charter Association is asking for a Consideration to change and slightly lower rockfish bag limits within the Lower Cook inlet saltwater sport fishery to address an increase on rockfish harvest as a conservative approach after ACA members discussion as well as analysis of area biologist data sampling and fishery management report.

Current Regulation:

5 per day, 10 in possession, only 1 per day, 2 in possession may be non pelagic

While fishery management data is still quite low for sampling data vs total harvest numbers, we are seeing growing trends of increased efforts towards rockfish harvest as halibut regulations continue to grow more restrictive. Although we may also be seeing a massive cohort of juvenile rockfish entering the fishery and this may speak to the large increase of juvenile harvest in the short term, the other side of reasoning may be due to over fishing within a relatively small area due to the recent recruitment numbers and short term fuel costs limiting operators want to travel per day. Regardless, the large increase in immature harvest of black rockfish had made us want to be preventative from hitting a cliff for future harvest opportunity by requesting a 4 rockfish limit from the currently adopted 5 rockfish bag limit.

This will save more fish for the future and allow further data sampling of both locally harvested as well as long range specific trips targeting rockfish to continue to build data on such a large area that we do not have the full scope of yet given we are only able to sample 200-500 rockfish per year out of 60,000+.

Theoretically, Not taking these steps may have little to no impact, but with the long term in mind and the indicators pointed out by our area biologist, we must first make sure our rockfish biomass can take the increased pressures, and all the while be able to also grow for the future, that is paramount.

PROPOSED BY: Alaska Charter Association (EF-F23-093)

PROPOSAL 22

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Establish a sport fishing closure for rockfish in Cook Inlet from June 1 - July 31 as follows:

5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Lower Cook Inlet Saltwater Rockfish Regulations and Bag Limits

5 per day, 10 in possession, only 1 per day, 2 in possession may be non pelagic

June 1st - July 31st All rockfish species both pelagic and non pelagic may not be retained North of Latitude Line 59.18.513' N (Magnet Rock).

What is the issue you would like the board to address and why? Rockfish harvest North of Magnet rock Latitude line 59.18.513' N and north within Kachemack Bay Saltwaters to be closed June 1st-July 31st

As Regulatory actions continue to pressure our fisheries, we see operators turn to target rockfish in Kachemack bay more and more to create in bay multi species trips end up productive during poor salmon fishing or unfavorable weather to align with the value given of the trip, the recent uptick in harvest among rockfish has left myself wanting to find a path that protects in bay rockfish populations from over harvest during a very short summer session when fishing intensity is highest. Without placing a safeguard on rockfish in Kachemack bay i strongly feel we will see a localized decimation within the next 10 years while having coastal biomass populations staying consistently healthy and without such a firmly established population we may not see returning winter populations of black rockfish in the years to come. This proposal protects in bay rockfish populations from in bay harvest around the two heaviest months of fishing intensity and will help the overall harvest for Cook Inlet saltwater that may be overall helpful in the long term goal of sustainability for years to come.

One concern with this proposal is charter fisherman returning with rockfish from south of the proposed area often continue to fish for halibut under 28" before returning home, the targeted areas are not at all areas with rockfish populations but my language states that retention is not allowed and i hope the language for continued fishing of other species.

The Charter sector being of the smallest user group within the directed fishery for all species alike continues to take the fall for the conservation burden, we are the most documented user group as well as the cleanest fishery for bycatch mortality and released methods used, especially for rockfish species both pelagic and non pelagic, our businesses are entering a new era of catch allocations that has left many long time clients among many businesses call for cancelations after years and years of enjoyment into this sector and this great state.

My only aim is to keep our harvest rates within the scope of sustainability for the future of the industry and the biomass we rely on. I do not want to see Cook Inlet go down the road Sitka did with their in bay rockfish numbers being overfished while coastal populations are thriving yet a 2 rockfish limit and non pelagic closures are being endured while longline vessels are hauling yelloweye after yelloweye in front of charter clients and they do not understand where the conservation concern is. These are the stories I get from charter members of the ACA from Southeastern Alaska, one large blanket regulation treating local waters the same as coastal or longer ranged waters. Thank You.

PROPOSED BY: Garrett Lambert (EF-F23-102)

PROPOSAL 23
5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.
Reduce Lower Cook Inlet lingcod sport limits as follows:

Current Lower Cook Inlet Saltwater Regulations for sport fishing:
2 per day, 2 in possession, must be at least 35 inches long with head attached or 28 inches from tip of tail to front of dorsal fin with head removed.

Proposed Change:

1 per day, 2 in possession, must be at least 35 inches long with head attached or 28 inches from tip of tail to front of dorsal fin with head removed.

What is the issue you would like the board to address and why? Current ADFG data for Lower Cook Inlet lingcod show that harvest is stable and relatively low. Many stakeholders have self implemented a 1-fish daily bag limit. Current area restrictions on Chinook salmon and on Pacific halibut may increase pressure on Lingcod and this is a concern for continued access. A reduction in daily bag limit to “1” also brings the area into alignment with North Gulf Coast and Prince William Sound.

PROPOSED BY: Homer Charter Association

(EF-F23-076)

PROPOSAL 24

5 AAC 58.022. Waters; seasons; bag, possession, annual and size limits; special provisions for Cook Inlet- Resurrection Bay Saltwater Area.

Remove limits for spiny dogfish in Cook Inlet waters as follows:

Southcentral Alaska 2022 Sport Fishing Reg. Booklet Pg. 73

Spiny Dogfish

No limit

***Retention or release not mandatory**

[5 PER DAY, 5 IN POSSESSION.]

What is the issue you would like the board to address and why? The purpose of this proposal is to address the rapid increase in the numbers and expanded territory of Spiny Dogfish we have witnessed over the past decade in Cook Inlet and Kachemak Bay waters. Simultaneously, we have seen declines in other food fish such as Halibut, Pacific Cod, herring, and Rock fish. The Spiny Dogfish predation also extends to other smaller feeder fish, young Octopus, young squid, sand lances, etc. that our food fish rely on for nourishment, growth and production. I would submit to you that the increase in Spiny Dogfish predation in these waters have become an important factor in the declines we are witnessing in other species and should be dealt with as such. Much in the way that we deal with Pike in our salmon streams and lakes in Southcentral Alaska. Now days, when surf fishing from Cook Inlet beaches anytime after June 10 through the end of October, you will catch these dogfish one after another and the same can be said for boat fishermen out of Deep Creek or Anchor Point in many areas. There has to be thousands of them in the inlet for this to occur in this fashion. Many boat fishermen complain that they are catching more dogfish now than Halibut and catching Pacific Cod is virtually a thing of the past.

What would happen if nothing is changed: Their numbers will continue to increase and this will continue to contribute to declines in other important food fish that fishermen, both sport and commercial, rely on.

What are other solutions you considered: Designing a commercial fishery for Spiny Dogfish to help keep their numbers in check and get some value from them. Several board cycles back, the board received a proposal such as this but rejected it for some reason.

PROPOSED BY: Dwight Kramer (HQ-F23-056)

Commercial Fisheries (groundfish) (4 proposals)

PROPOSAL 25

5 AAC 28.365. Cook Inlet Rockfish Management Plan and 5 AAC 58.022 Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Cook Inlet commercial and sport rockfish harvest limits as follows:

Reduce the commercial GHL to an appropriate level along with the reduction in sport fisheries. Both sport and commercial black rock fisheries need to be addressed together.

What is the issue you would like the board to address and why? Potential over harvest of black rock fish by sport and commercial fisheries.

PROPOSED BY: Thomas Hagberg (HQ-F23-108)

PROPOSAL 26

5 AAC 28.3XX New Section and 5 AAC 58.022. Waters; seasons; bag, possession, annual, and size limits; and special provisions for Cook Inlet - Resurrection Bay Saltwater Area.

Reduce Cook Inlet commercial and sport lingcod harvest as follows:

Reduce the commercial GHL of ling cod in Cook Inlet with the reduction of sport harvest limits. Both sport and commercial fisheries need to be harvested together for the health of this fisheries.

What is the issue you would like the board to address and why? Over harvest of Cook Inlet ling cod by sport and commercial harvest.

PROPOSED BY: Thomas Hagberg (HQ-F23-085)

PROPOSAL 27

5AAC 28.310. Fishing Seasons for Cook Inlet Area.

Open the Cook Inlet commercial sablefish season earlier as follows:

Change the starting date of Cook Inlet sable fish opener to be the same as Prince William Sound.

What is the issue you would like the board to address and why? My proposal is to change the date of Cook Inlet sable fish from the current July 15th date to April 15th. The April 15 date coincides with the state water PWS sable fish opener.

With the change of date, it will provide greater opportunity for a longer season to catch the quota. Sable fish tend to come into shallow waters in the spring.

If the date isn't changed as proposed, the quota would likely be unharvested.

PROPOSED BY: Randy Arsenault (EF-F23-037)

PROPOSAL 28

5 AAC 28.367. Cook Inlet Pacific Cod Management Plan.

Change gear group allocation in the *Cook Inlet Pacific Cod Management Plan* as follows:

Transfer unfished Cook Inlet state water Pacific cod jig quota to pots on July 15 and allow 100% retention for pacific cod only during the sablefish fishery using pots.

What is the issue you would like the board to address and why? During the state water sablefish fishery in Cook Inlet which opens July 15 Pacific cod bycatch is only 20%. I participated in that fishery before and some years we caught way more pacific cod than actual target of sablefish. My proposal is to transfer unfished state water jig quota to the pots sector on July 15 and allow 100% retention of Pacific cod while fishing sablefish with pots. This would eliminate waste of Pacific cod because they get bloated coming up from the deep and die because you can only keep 20% bycatch of Pacific cod.

PROPOSED BY: Dia Kuzmin (EF-F23-139)

Sport Fisheries (salmon, trout, herring) (1 proposal)

PROPOSAL 29

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 use of helicopters to transport anglers to select Cook Inlet waters as follows:

The use of helicopters to transport anglers or sport caught fish is prohibited in the flowing waters of Deep Creek, Anchor River, Stariski Creek, Ninilchik River and Kasilof River.

What is the issue you would like the board to address and why? Rivers on the lower Kenai Peninsula host some of the last best steelhead fishing accessible by road in North America. The accessibility and productivity of these systems have lead to a very intense fishery in which many fish are caught and released multiple times. Historically low intensity fishing areas on these streams (Deep Creek, Anchor River, etc.) now being exploited by guided helicopter fishermen. The historically high intensity fishing areas (near road crossings and public access points near the mouths of rivers) are still being pressured and crowding situations are occurring. This has led to

many user conflicts on the rivers, and in attempt to avoid such situations anglers will hike for hours to gain access to areas where other walk-in anglers have not fished - only to have a helicopter land at their intended destination. Furthermore, on any given day low flying helicopter traffic consistently bombard anglers in very popular easy to access locations with the constant noise, ruining the experience for nearly every angler on the river.

People who rent helicopters can easily afford to fish more remote, less accessible parts of the state with fixed wing aircraft or boat access or with helicopters accessing places that are not readily accessible by motor vehicle and foot. A single helicopter operation can ruin the fishing experience for dozens of anglers. Nobody wants a helicopter flying over their head at low altitude all day. Virtually every person I know who fishes for steelhead on the lower Kenai Peninsula has drastically changed their behavior and fishing traditions to avoid helicopter traffic. Many have been virtually landed on, having to avoid prop-wash and debris generated by helicopter landings. Consistent low flying helicopter traffic has been shown to have negative effects on wildlife and the lower Kenai Peninsula is no exception, with anecdotal reports of erratic moose behavior running from low flying aircraft. Homeowners in the area complain about constant noise from low flying air traffic.

In Alaska, helicopters are not allowed to be used when hunting squirrels. Should we not treat steelhead, one of the most iconic fish in the world, and one of the most coveted fish species in Alaska with the same protection as squirrels?

If nothing is done, wealthy, privileged, non-Alaska residents who can easily afford to fish elsewhere (and not add pressure to systems already experiencing high numbers of walk-in anglers) will be allocated an unfair advantage to access the last best road accessible steelhead fisheries in North America. Local people will continue to be pushed off the rivers, and those who work hard to catch fish will be thwarted by those with money.

Lastly, the steelhead of the lower Kenai Peninsula are fall-run fish, meaning that they enter freshwater in the fall, overwinter, then spawn in the spring before dying or returning to the saltwater. Once they enter freshwater they rely on the energy reserves they have stored throughout the spring and summer to last them through the winter and into spring. While many steelhead are caught lower in the rivers and may remain in the lower sections throughout the winter many also push past the lower sections and “escape” the fishing pressure, overwintering peacefully in slow, deep holes further upriver in areas very seldom accessed by walk-in anglers. Use of helicopters to hop from hole to hole day in and day out and repeatedly pressuring fish in areas that have historically not received pressure. Clients of these guided helicopter trips are catching and releasing many steelhead that would otherwise not have encountered intense angling pressure besides the areas close to lower angler access points as they migrated passed. It is known that catch and release fishing is not mortality free. Some fish released in seemingly good condition will eventually die as a result of stress or injury incurred during the angling process. Continuation of high angling pressure via guided helicopter fishing will detrimentally impact the reproductive fitness and population of steelhead of the lower Kenai Peninsula.

Alternative solutions considered:

-A statewide ban on helicopter accessed fishing was deemed too broad and unnecessary.

-Regulations on times and places helicopters could fly would be confusing, hard to enforce and not solve the problem, and might not be a solution available to the Board of Fisheries

-Regulations limiting guiding on the lower peninsula, while possibly a good idea, would not solve the problem of helicopters buzzing anglers.

PROPOSED BY: Patrick McCormick, Ryan Pallister (EF-F23-077)

Personal Use & Subsistence (4 proposals)

PROPOSAL 30

5 AAC 01.570. Lawful gear and gear specifications.

Add provisions to allow for subsistence harvest of herring spawn on kelp as follows:

5 AAC 01.570 is amended to read:

(g) Herring, **excluding herring spawn**, may be taken only with gillnets. Gillnets used to take herring may not exceed 50 feet in length and two inches in mesh size.

...

(x) Herring spawn on kelp may be taken only by a hand-held unpowered blade-cutting device. Kelp blades, or other aquatic plant species, must be cut at least four inches above the stipe (stem).

What is the issue you would like the board to address and why? This proposal addresses lack of clarity in regulations about the subsistence harvest of herring spawn outside of the Anchorage nonsubsistence area in Lower Cook Inlet. The current C&T finding at 5 AAC 01.566(a)(4) includes herring “in any stage of its life cycle” as defined in the statewide definition of fish. Statewide regulations state that finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations. Under Cook Inlet subsistence regulations, the only existing gear specification for herring stipulates that herring may only be taken with gillnets (5 AAC 01.570(g)). The proposed amendment to 5 AAC 01.570(g) would clarify that herring spawn is not restricted to harvest by gillnet and would specify harvest methods for herring spawn while protecting attached aquatic plants. This would not restrict harvest of herring spawn on other substrate.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F23-016)

PROPOSAL 31

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Extend the China Poot personal use fishery season dates as follows:

Season date June 15th to Aug. 15th

What is the issue you would like the board to address and why? The China Poot Creek Personal use dipnet season has become out of sync with fish return in recent years. Salmon are returning to the system sooner and turning in the pools before the fishery opens. Additionally, opportunity is lost at the end of the season as the run often continues after the season is closed.

PROPOSED BY: Jennifer Bando

(EF-F23-024)

PROPOSAL 32

5 AAC 77.540. Upper Cook Inlet Personal Use Salmon Fishery Management Plan and 5 AAC 77.545 Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Move the China Poot personal use dip net regulations under the Upper Cook Inlet Personal Use Fishery Management Plan as follows:

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

(a) Salmon may be taken for personal use under this section only under a personal use permit issued under 5 AAC 77.015 and 5 AAC 77.525; in addition to the requirements under 5 AAC 77.015, a person

(1) shall, before a permit may be issued, show the person's resident sport fish license, or proof, satisfactory to the department, that the person is exempt from licensing under AS 16.05.400; the person's sport fish license number shall be recorded on the permit;

(2) shall record all fish harvested on the permit immediately upon harvesting the fish; for the purpose of this paragraph, "immediately" means before concealing the salmon from plain view or transporting the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat;

(3) shall return the permit to the department by the date specified on the permit.

(b) Salmon may be taken with a set gillnet in the Central District as follows:

(1) from June 15 through June 24;

(2) fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;

(3) repealed 6/22/2002;

(4) salmon may be taken only from ADF&G regulatory markers located at the mouth of the Kasilof River to ADF&G commercial fishing regulatory markers located approximately one mile from the mouth on either side of the Kasilof River; fishing is prohibited beyond one mile from the mean high tide mark and is also prohibited within the flowing waters or over the streambed or channel of the Kasilof River at any stage of the tide;

(5) salmon may be taken only by set gillnets as follows:

(A) a set gillnet may not exceed 10 fathoms in length, six inches in mesh size, and 45 meshes in depth;

(B) no part of a set gillnet may be operated within 100 feet of another set gillnet;

(C) a person may not operate more than one set gillnet; the permit holder shall attend the set gillnet at all times when it is being used to take fish;

- (D) only one set gillnet may be operated per household;
- (6) the annual limit is as specified in 5 AAC 77.525.
- (c) Salmon may be taken by dip net in the Kenai and Kasilof Rivers as follows:
 - (1) in the Kenai River, as follows:
 - (A) from July 10 through July 31, seven days per week, from 6:00 a.m. to 11:00 p.m.; the commissioner may extend, by emergency order, the personal use fishery to 24 hours per day if the department determines that the abundance of the Kenai River late-run sockeye salmon is greater than 2,300,000 fish;
 - (B) the annual limit is as specified in 5 AAC 77.525, except that only one king salmon 20 inches or greater in length, and no more than 10 king salmon less than 20 inches in length, may be retained per household; king salmon less than 20 inches in length may be retained under this subparagraph notwithstanding 5 AAC 21.359(e)(2);
 - (C) from a boat, in the area from an ADF&G regulatory marker located near the Kenai city dock upstream to the downstream side of the Warren Ames Bridge, except that salmon may not be taken from a boat powered by a two-stroke motor other than a motor manufactured as a direct fuel injection motor;
 - (D) from shore:
 - (i) from ADF&G regulatory markers located on the Cook Inlet beaches outside the terminus of the river upstream to a line at the mouth of the Kenai River from No Name Creek on the north shore to an ADF&G regulatory marker on the south shore; and
 - (ii) from the south shore only, from the upstream side of the Kenai Landing dock upstream to the downstream side of the Warren Ames Bridge;
 - (2) in the Kasilof River, as follows:
 - (A) from June 25 through August 7, 24 hours per day;
 - (B) the annual limit is as specified in 5 AAC 77.525, except that king salmon may not be retained and any king salmon caught must be released immediately and returned to the water unharmed;
 - (C) from a line between ADF&G regulatory markers outside the terminus of the river on the north shore beach at 60° 23.25' N. lat., 151° 17.98' W. long., and on the south shore beach at 60° 23.27' N. lat., 151° 18.64' W. long., upstream for a distance of one mile.
- (d) Salmon may be taken by dip net in Fish Creek only as follows:
 - (1) the commissioner may open, by emergency order, the personal use dip net fishery in Fish Creek from July 15 through July 31, if the department projects that the escapement of sockeye salmon into Fish Creek will be more than 35,000 fish; fishing periods will be daily from 6:00 a.m. to 11:00 p.m.;
 - (2) the annual limit is as specified in 5 AAC 77.525, except that no king salmon may be retained and any king salmon caught must be returned to the water unharmed;
 - (3) from a boat or shore, in those waters upstream from ADF&G regulatory markers located on both sides of the terminus of Fish Creek, to ADF&G regulatory markers located approximately one-quarter mile upstream from Knik-Goose Bay Road.
- (e) Repealed 6/22/2002.
- (f) A person may retain flounder incidentally caught when fishing for salmon in the Cook Inlet Area under this section. A person may retain up to 10 flounder under this subsection per year and must record those flounder retained by the person on that person's permit specified in (a) of this section.
- (g) In the Beluga River, salmon may be taken by dip net only as follows:

(1) salmon, other than king salmon, may be taken only by a person 60 years of age or older; a person authorized to take salmon under this subsection may not authorize a proxy to take or attempt to take salmon on behalf of that person under 5 AAC 77.016 and AS 16.05.405;

(2) from July 10 through August 31, the fishery is open 24 hours per day from an ADF&G regulatory marker located approximately one-quarter mile upstream of the Beluga River Bridge, downstream to an ADF&G regulatory marker located approximately one mile below the bridge;

(3) the annual limit is as specified in 5 AAC 77.525, except that within the total annual limit one king salmon may be retained per household;

(4) the commissioner will close, by emergency order, the fishery when 500 salmon, other than king salmon, have been harvested;

(5) a permit holder for this fishery shall report weekly to the department as specified in the permit.

(h) Salmon may be taken by dip net in the Susitna River, only as follows:

(1) from July 10 through July 31, Wednesday 6:00 a.m. to 11 p.m., Saturday 6 a.m. to 11:00 p.m.; the department may alter the time, or area of, or close the fishery, based on salmon abundance; the commissioner may, by emergency order, extend the personal use fishery through August 31 if the department projects that both sockeye and coho abundance will be above the upper end of all Susitna River escapement goals for sockeye and coho salmon;

(2) between ADF&G regulatory markers located approximately one mile downstream from Susitna Station downstream to ADF&G regulatory markers located near the northern tip of Bell Island/ Alexander Creek cutoff;

(3) the annual limit, as specified in 5 AAC 77.525, except that no king salmon may be retained, and any king salmon caught must not be removed from the water and must be returned to the water immediately; a northern pike caught may not be released back into the water alive as specified in 5 AAC 61.110(a)(8);

(4) a permit holder for this fishery shall report to the department as specified in the permit conditions.

(i) In China Poot Creek, upstream from ADF&G regulatory markers, sockeye salmon may be taken only as follows:

(1) by dip net from July 1 through August 7, with a bag and possession limit of six fish. King, pink, chum, and coho salmon may not be retained or possessed. All king, pink, chum, and coho salmon caught must be released immediately and returned to the water unharmed,; the annual limit, as specified in 5 AAC 77.525;

(2) A person may not possess salmon taken under this section unless both tips (lobes) of the tail fin have been completely removed from the salmon before the person conceals the salmon from plain view or transports the salmon from the

(A) shoreline or streambank adjacent to waters open to personal use fishing where the salmon were removed from the water when fishing from shore; or

(B) waters open to personal use fishing when fishing from a boat.

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Repealed

[(a) IN CHINA POOT CREEK, UPSTREAM FROM ADF&G REGULATORY MARKERS, SOCKEYE SALMON MAY BE TAKEN BY DIP NET FROM JULY 1 THROUGH AUGUST 7, WITH A BAG AND POSSESSION LIMIT OF SIX FISH. KING, PINK, CHUM, AND COHO SALMON MAY NOT BE RETAINED OR POSSESSED. ALL KING, PINK, CHUM, AND COHO SALMON CAUGHT MUST BE RELEASED IMMEDIATELY AND RETURNED TO THE WATER UNHARMED.

(b) A PERSON MAY NOT POSSESS SALMON TAKEN UNDER THIS SECTION UNLESS BOTH TIPS (LOBES) OF THE TAIL FIN HAVE BEEN COMPLETELY REMOVED FROM THE SALMON BEFORE THE PERSON CONCEALS THE SALMON FROM PLAIN VIEW OR TRANSPORTS THE SALMON FROM THE

(1) SHORELINE OR STREAMBANK ADJACENT TO WATERS OPEN TO PERSONAL USE FISHING WHERE THE SALMON WERE REMOVED FROM THE WATER WHEN FISHING FROM SHORE; OR

(2) WATERS OPEN TO PERSONAL USE FISHING WHEN FISHING FROM A BOAT.]

What is the issue you would like the board to address and why? Move the China Poot Creek dip net fishery regulations and place them within the Upper Cook Inlet Personal Use Fishery Management Plan regulations. This would make the China Poot dip net fishery a part of the UCI personal use fishery which would require participants to obtain the UCI PU dip net permit. This would provide a means to collect harvest and effort information on the China Poot fishery without undue expense to the department. The bag and possession limit of six sockeye salmon would remain, but the China Poot fishery would now be subject to the household limit that applies to all the UCI personal use fisheries.

PROPOSED BY: Tom Vania

(HQ-F23-051)

PROPOSAL 33

5 AAC 77.545. Kachemak Bay Personal Use Dip Net Fishery Management Plan.

Redefine the Kachemak Bay Personal Use Dip Net Fishery area as follows:

This fishery was developed with the intent to provide a harvest opportunity for commercial use. It has become marginally profitable as a commercial fishery, but it is relied on by local residents as an important food source obtained through personal use dip netting. It has become even more important due to the closure of King salmon fishing in local streams and areas of salt water.

Due to the high number of participants, in a very confined space, it has become a public safety and resource allocation issue. Snagging is permitted, by residents and non-residents, in a narrow arm of the bay to the mouth of the stream. Since dip netting is closed to non-residents, they commonly wade across areas of shallow brackish water and form a snagging picket line. Salmon are prevented from moving into the freshwater where they can be harvested by the dip netters.

Additional snaggers are lined up on steep rocky banks trying to intercept the fish. Dip netters must move to and from the freshwater past a gauntlet of lead weighted treble snag hooks. Many of these

folks are novice fishers, focused on the fish, and not the dip netters that are trying to pass behind them on the steep slippery banks.

Much of this issue could be resolved by moving the snag line markers away from the stream mouth, by an additional 300 ft from their present position.

What is the issue you would like the board to address and why?

Resolve a user conflict:

The popularity of the China Poot red salmon terminal fishery has grown tremendously over the years. The stocking program began in 1976 by ADF&G. It continues today by Cook Inlet Aquaculture.

PROPOSED BY: Doug Van Patten

(HQ-F23-098)

Commercial (salmon) (10 proposals)

PROPOSAL 34

5 AAC 21.3XX. NEW SECTION.

Create a Kamishak Bay Purse Seine Fishery Management Plan as follows:

CREATE The Kamishak Bay Purse Seine Fishery Management Plan to structure guidelines in regulation to ensure wild fish priority in mixed stock fisheries to surrounding river systems

5 AAC 21.3XX. Kamishak Bay Purse Seine Fishery Management Plan.

(a) The purpose of this management plan is to ensure adequate escapement and a sustainable harvestable surplus of salmon into the Kamishak District drainages. This plan would acknowledge ecosystem management guidelines to the department to provide for other uses especially the McNeil River State Game Sanctuary and Refuge. The department shall manage the commercial purse seine fishery to minimize the mixed stock harvest of Kamishak District salmon to provide robust escapements and to provide a buffer to rivers in the Kamishak area.

The department shall manage the Kamishak District commercial purse seine fishery as described in this section.

What is the issue you would like the board to address and why? The McNeil River chum salmon has been a stock of concern since 2016. In 2022, the Kamishak Districts McNeil, Bruin, and Ursus Cove rivers are all low or below sustainable escapement goals (SEG). Pink salmon are also below SEG ranges in all three Kamishak Bay index systems, (Bruin River, Sunday, and Brown’s Peak creeks). Sockeye salmon escapement to Mikfik Lake was below the minimum SEG.

ADFG Emergency Orders have been diligent to close the Paint River and adjoining McNeil River subdistrict stock of concern, however, EO's are also used to open areas drawing fishermen into these areas that may not realize conservation concern. A management Plan will give this area a base structure with guidelines to protect wild salmon populations. Chum harvest is erratic ranging

from over 177,000 in 2004, 70,000 in 2010, 30,000 two out of the last five years. A regulatory Management Plan can create a guide between the public and the department. Harvests especially near SHA's overlap run timing between species and needs to be in regulation to protect wild salmon masked in mixed stocks.

Enhancement has exacerbated mixed stock fisheries. The Bruin Bay Subdistrict where many of these systems are below SEG, contains the Kirshner Lake hatchery SHA 249-72. Sockeye from the Trail Lakes Hatchery are remotely stocked in this lake primarily for an Exclusive CIAA corporate cost recovery. fishery. This area requires otolith sampling, evaluation, and guidelines in regulation to ensure wild fish priority to surrounding river systems. There is very little oversight in these areas and often fishers work in tandem to increase harvest.

The Paint River subdistrict contains a fish ladder immediately adjacent to McNeil River. Attempted enhanced stocking of various species since 1991 has met with little success. However, Paint subdistrict blocks McNeil 249-52 and is another potential of interception requiring preventative guidelines in regulation to prevent interception on wild systems especially McNeil stock of concern. Since Annual Management Reports have been severely curtailed of content, A Management Plan can document managers knowledge of this area for future staff.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F23-117)

PROPOSAL 35

5 AAC 21.XXX. The Kachemak Bay Wild Fish Priority Management Plan.

Create a *Kachemak Bay Wild Fish Priority Management Plan* as follows:

Utilizing Section 5 AAC 39.220 Policy for the Management of Mixed Stock Salmon Fisheries

Create 5 AAC 21.xxx. The Kachemak Bay Wild Fish Priority Management Plan.

Accumulate and synthesize the stock specific data available from the collaborative of Research and Educational facilities available on the Kenai Peninsula and apply this to LCI

"Priority should be given to encouraging rehabilitation of depleted indigenous fish populations";
"Recognize cumulative impacts when considering effects of small incremental developments and action affecting critical habitat resources.";

"protect natural substrate and aquatic vegetation...to maintain aquatic habitats." **5AAC 95.610**

(a) In applying this statewide mixed stock salmon policy for all users, conservation of wild salmon stocks consistent with sustained yield shall be accorded the highest priority.

(b) In the absence of a regulatory management plan that otherwise allocates or restricts harvest, and when it is necessary to restrict fisheries on stocks where there are known conservation problems, the burden of conservation shall be shared among all fisheries in close proportion to

their respective harvest on the stock of concern. The board recognized that precise sharing of conservation among fisheries is dependent on the amount of stock-specific information available.

(c) The board's preference in assigning conservation burdens in mixed stock fisheries is through the application of specific fishery management plans set out in the regulations. A management plan incorporates conservation burden and allocation of harvest opportunity.

What is the issue you would like the board to address and why? CREATE The Kachemak Bay Wild Fish Priority Management Plan to structure guidelines for ADFG to acknowledge and document food web and natural trophic status in fish interaction and to focus on wild fish priority in mixed stock fisheries in surrounding river systems and their nursery estuaries.

In 1975 at no cost, before hatcheries the wild component of portfolio wild streams provided harvest of 844,125 pinks in the southern district. Even during low salmon abundance of 1960's and 70's still annually averaged 250,000 pinks for common property fisherman. For the last thirty years under hatcheries pink harvest averaged 60,000. Where is this wild fish component now?

Wild systems are below escapement goals:

Humpy Creek Barabara China Poot Port Graham

Escapement 2012 – 2019 50,000 11,500 3903

Escapement 2020 – 2022 1,800 5,492 153 606

ADFG's performed 4-5 years of in season otolith sampling during harvest and found significant percentages of wild unmarked sockeye and wild unmarked pink salmon. Neither wild sockeye nor wild pinks are accounted for or documented in reports.

Estimated wild sockeye component

Sockeye purse seine averaged **49% wild**. This means for every 100,000 harvested, **49,000** are wild.

CIAA sockeye cost recovery, averaged **3.4% wild**, this means for every 100,000 harvested, **3,400** are wild.

Estimated wild pink salmon component

pink salmon **purse seine**, averaged **35% wild**, so every 100,000 scooped up, **35,000** wild migrating.

CIAA **pink salmon cost recovery** averaged **6.3% wild**, so every 500,000 scooped up, **33,150** are wild.

The 52,400 wild sockeye and 68,150 wild pink component remain **masked as nonexistent in this mixed stock hatchery/wild harvest.**

Like a ratchet that keeps tightening the pressure, hatchery production is leading to unsustainable fishing mortality rates for wild salmon. The mixed stock fisheries in the Southern District are not adequately acknowledged or monitored as there is no money. With priority focus on hatchery production for perpetual cost recovery, harvest rates are set related to total abundance of fish in an area; as if the wild fish were not there. If this area gets a Wild Fish Priority Plan, this focus can be shifted to state directive.

This plan can dovetail with the overlapping jurisdictions of the Legislatively Designated Kachemak Bay Critical Habitat, its Regulatory Management Plan Regulation 5AAC 95.610 and the Kachemak Bay State Park Management Plan for diversity and abundance of indigenous species of fish.

Board Authority: AS 16.20.510. Regulations in Critical Habitat Areas.

Manage the Kachemak Bay to maintain wild fish priority.

PROPOSED BY: Nancy Hillstrand (EF-F23-157)

PROPOSAL 36

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan.

Amend the Tutka Bay Lagoon Salmon Hatchery Management Plan as follows:

5 AAC 21.372. Tutka Bay Lagoon Salmon Hatchery Management Plan. (a) The department, in consultation with the hatchery operator, shall manage the Tutka Bay Subdistrict [AND PAINT RIVER SUBDISTRICT] to provide for common property fisheries and to achieve the hatchery broodstock and cost recovery goals set by the hatchery **Permit #32 conditions, goals, objectives, Basic Management Plan (BMP) addendum, and Service Agreement IHP-14-100, to: “produce revenues from the harvest and sale of returning fish that are at least equal to the costs of hatchery operation and operate efficiently so that at least 50% of the fish are harvestable by common property fisheries”**

What is the issue you would like the board to address and why? Like any other hatchery, the Tutka hatchery is required to follow the directives of its original signed Permit #32 and BMP that went through a lengthy public process allowing CIAA the privilege to operate a hatchery. Decades of chronic insolvency from poor decisions, does not give license to alter permit and BMP directives without public process, to self serve an exclusive cost recovery fishery. State money and efforts are better spent elsewhere than wasting time focused on cost recovery for one lone chronically insolvent company. This is not in the public interest.

CIAA has taken over 90% of the pinks with cost recovery averaging 500,000 pinks annually in the last 32 years. CIAA activities benefit only 1% of Area H permit holders and has chosen itself as the chief beneficiary. In 2022 only nine Area H limited entry permits fished in LCI. The remaining

99% of Area H permits are administratively excluded from any benefit from CIAAs activities. Even if CIAA adheres to the conditions objectives and goals of their permit, this is an exclusive fishery with special privileges that excludes the permit holders paying off the \$19,000,000 in loans with their enhancement tax harvest for inefficient aquaculture they get no use of.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F23-145)

PROPOSAL 37

5 AAC 21.373. Trail Lakes Hatchery Salmon Hatchery Management Plan.

Modify legal gear in the Trail Lakes salmon hatchery management plan as follows:

c) Notwithstanding 5 AAC 21.320 and 5 AAC 21.330, and except as otherwise provided by emergency order issued under AS 16.05.060, the permit holder for the Trail Lakes Hatchery, and the permit holder's agents, contractors, or employees authorized under 5 AAC 40.005(g) may harvest salmon in the

- (1) Bear Lake Special Harvest Area, from 6:00 a.m. May 15 until 6:00 p.m. October 31 using weirs, purse seines, hand purse seines, beach seines, **and drift gill nets;**
- (2) China Poot and Hazel Lake Special Harvest Area, from 6:00 a.m. June 1 until 6:00 p.m. July 31 using purse seines, hand purse seines, beach seines, **and drift gill nets;;**
- (3) Tutka Bay Lagoon Special Harvest Area, from 6:00 a.m. June 1 until 6:00 p.m. September 15 using purse seines, hand purse seines, beach seines, **and drift gill nets;:**
- (4) Kirschner Lake Special Harvest Area, from 6:00 a.m. June 1 until 6:00 p.m. August 15 using purse seines, hand purse seines, beach seines, **and drift gill nets;.**

What is the issue you would like the board to address and why? Allow drift gill nets in SHA's of Lower Cook Inlet for cost recovery harvests. All commercial fishing gear types support salmon enhancement in Cook Inlet waters through the 2% enhancement tax on fish harvests. This proposal would allow gear types paying taxes for aquaculture to participate in the harvest of these enhancement fisheries which are primarily located in the LCI district. Mixed gear types currently fish together in Prince William Sound. This also would assist with cost recovery efforts on common property fishing days by allowing another gear type to harvest that may not have common property opening during that period.

PROPOSED BY: Homer Fish and Game Advisory Committee (HQ-F23-057)

PROPOSAL 38

5 AAC 21.330. Gear.

Modify legal gear in Lower Cook Inlet special harvest areas as follows:

5 AAC 21.330 gear types

...

(b) Set gillnets may be used only in the following locations:

- (1) Southern District:

...

(F) SHA's and of LCI to Include China Poot SHA, Hazel Lake SHA, Tutka Hatchery SHA, Bear Lake SHA, Paint River SHA, Kirshner Lake SHA limited to cost recovery harvest only.

What is the issue you would like the board to address and why? Allow set nets in SHA's of Lower Cook Inlet for cost recovery harvests. All commercial fishing gear types support salmon enhancement in Cook Inlet waters through the 2% enhancement tax on fish harvests. This proposal would allow gear types paying taxes for aquaculture to participate in the harvest of these enhancement fisheries which are primarily located in the LCI district. Mixed gear types currently fish together in Prince William Sound. This also would assist with cost recovery on common property fishing days by allowing another gear type to harvest that may not have common property opening during that period.

PROPOSED BY: Homer Fish and Game Advisory Committee (HQ-F23-111)

PROPOSAL 39

5 AAC 21.350. Closed waters.

Amend the list of waters closed to commercial fishing for salmon in Cook Inlet as follows:

5 AAC 21.350 is amended to read:

...

(d) Southern District

...

(9) waters of Humpy Creek south of a line from 59° 40.10' N. lat., 151° 09.70' W. long., to 59° 40.10' N. lat., 151° 08.10' W. long., and east of a line at 59° 40.10' N. lat., 151° 09.70' W. long., to 59° 39.30' N. lat., 151° 09.70' W. long.;

(10) waters of Tutka Bay southeast of a line at 59° 25.51' N. lat., 151° 19.01' W. long., to 59° 25.14' N. lat., 151° 19.51' W. long.;

(e) Kamishak Bay District

...

(3) waters of Iniskin Bay north of a line from a point at 59° 43.85' N. lat., 153° 22.60' W. long., to 59° 43.85' N. lat., 153° 27.12' W. long., and east of a line from 59° 43.85' N. lat., 153° 22.60' W. long., to 59° 42.89' N. lat., 153° 22.60' W. long.;

(8) waters of Rocky Cove inshore of a line from 59° 26.98' N. lat., 153° 44.36' W. long., to 59° 26.37' N. lat., 153° 43.92' W. long.;

(9) waters of McNeil Lagoon and bay inshore of a line from 59° 7.52' N. lat., 154° 15.00' W. long., to 59° 07.40' N. lat., 154° 14.20' W. long.;

(10) waters of Bruin Bay inshore of a line at 59° 22.28' N. lat., 154° 04.95' W. long., to 59° 20.80' N. lat., 154° 04.95' W. long.;

(11) waters of Knoll Head Creek north of a line at 59° 37.80' N. lat., 153° 30.24' W. long., to 59° 37.80' N. lat., 151° 31.94' W. long., and west of a line from 59° 37.80' N. lat., 153° 30.24' W. long., to 59° 38.21' N. lat., 153° 30.24' W. long.;

(12) waters of Brown Peak Creek north of a line from 59° 32.60' N. lat., 153° 44.30' W. long., to 59° 32.60' N. lat., 153° 42.50' W. long.;

(13) waters of Amakdedori Creek west of a line from 59° 17.10' N. lat., 154° 07.10' W. long., to 59° 16.10' N. lat., 154° 07.10' W. long.;

(f) Outer District

...

(15) waters of South Nuka Bay east of a line from 59° 18.62' N. lat., 150° 42.86' W. long., to 59° 18.13' N. lat., 150° 43.11' W. long.;

(16) waters of James Lagoon west of a line from 59° 34.11' N. lat., 150° 23.04' W. long., to 59° 33.05' N. lat., 150° 24.74' W. long.;

(17) waters of Shelter Cove south of a line from 59° 17.30' N. lat., 151° 13.90' W. long., to 59° 17.30' N. lat., 151° 14.80' W. long., and west of a line from 59° 17.30' N. lat., 151° 13.90' W. long., to 59° 17.03' N. lat., 151° 13.90' W. long.,

(g) Eastern District

...

(4) waters of Aialik Bay and lagoon north of a line from 59° 52.58' N. lat., 149° 44.62' W. long., to 59° 52.75' N. lat., 149° 44.12' W. long.

What is the issue you would like the board to address and why? This proposal describes regulatory closed waters in areas previously identified using only physical markers. The regulatory marker program in Lower Cook Inlet ended in 2008. Following this, at the 2013 Alaska Board of Fisheries meeting, regulatory closed waters were established for sixteen areas that had previously been identified using physical markers. Some of these markers were referenced in regulation, other markers were not identified in regulation. Approximately a dozen markers that had not historically been identified in regulation were retired with the intention that closed waters in those areas would be defined using the general closed waters definition found in 5 AAC 39.290. Most of those markers were not removed due to their remote locations and it was determined they would be allowed to deteriorate in place. There has been confusion in recent years that specific closed waters points were not codified in regulation and commercial salmon fishery stakeholders have indicated that clear latitude and longitude points defining closed waters are preferred to the language in 5 AAC 39.290. This will aid in enforcing commercial salmon fishing closed waters in Lower Cook Inlet.

PROPOSED BY: Alaska Department of Fish and Game

(HQ-F23-006)

PROPOSAL 40

5 AAC 21.350. Closed waters.

Amend waters closed to commercial fishing for salmon as follows:

5 AAC 21.350(e) is amended by adding new paragraphs to read:

(e) Kamishak Bay District

(8) waters of Rocky Cove inshore of a line from 59° 26.98' N. lat., 153° 44.36' W. long., to 59° 26.37' N. lat., 153° 43.92' W. long.;

(9) waters of the Bruin Bay inshore of a line from 59° 22.59' N. lat., 154° 08.43' W. long., to 59° 22.43' N. lat., 154° 07.03' W. long.

5 AAC 21.350(f) is amended by adding new paragraphs to read:

(f) Outer District

(15) waters of Rocky Bay (Scurvy Creek) inshore of a line from 59° 14.91' N. lat., 151° 26.96' W. long. to 59° 14.85' N. lat., 151° 26.87' W. long.;

(16) waters of Middle Creek (Shelter Cove) inshore of a line from 59° 17.22' N. lat., 151° 14.78' W. long. to 59° 17.02' N. lat., 151° 13.91' W. long.;

(17) waters of Island Creek inshore of a line from 59° 15.31' N. lat., 151° 07.13' W. long. to 59° 15.28' N. lat., 151° 06.99' W. long.;

(18) waters of Island Creek inshore of a line from 59° 15.95' N. lat., 151° 09.39' W. long. to 59° 15.80' N. lat., 151° 09.25' W. long.;

5 AAC 21.350(d) is amended to read:

(d) Southern District

(2) waters of the south arm of China Poot Bay east of 151° 15.53' west long., and waters of the north arm of China Poot Bay west of 151° 14.65' w. long. [WATERS OF CHINA POOT BAY SOUTH AND EAST OF A LINE BENEATH THE HOMER ELECTRIC ASSOCIATION POWER LINE FROM A POINT ON THE NORTH SHORE OF THE NORTH ARM OF CHINA POOT BAY AT 59° 33.92' N .LAT., 151° 15.42' W. LONG., TO A POINT ON THE PENINSULA BETWEEN THE NORTH AND SOUTH ARM OF CHINA POOT BAY AT 59° 33.47' N. LAT., 151° 15.71' W. LONG., TO A POINT ON THE SOUTH SHORE OF THE SOUTH ARM OF CHINA POOT BAY AT 59° 33.21' N. LAT., 151° 16.46' W. LONG.];

What is the issue you would like the board to address and why? In Lower Cook Inlet waters closed to commercial salmon harvest are defined using a variety of methods. In addition to being specified in regulation, closed waters have historically been identified using physical signs or markers, as well as on maps distributed by the Homer area Alaska Department of Fish and Game (department) office. Given the widespread availability of Global Positioning System technology, the department has ended its regulatory marker program in this area. The proposal identifies waters in the Kamishak and Outer districts that have historically been closed to commercial salmon fishing. These closed waters were previously only identified with markers. The public, enforcement, and department all benefit from clearly defined closed waters with Global Positioning System coordinates. Waters of China Poot Bay need to be changed in regulation to match where the fleet has been allowed by emergency order to fish to since the early 1990's.

PROPOSED BY: Paul Roth

(EF-F23-150)

PROPOSAL 41

5 AAC 21.350. Closed waters.

Close a portion of Tutka Bay to commercial fishing for salmon as follows:

Reinstate the head of Tutka Bay by closing productive waters as follows:

Under 5 AAC 21.350. Closed waters. (d) Southern District:

ADD: (4) waters of Tutka Bay southeast of 59 25.50' N. lat.;

What is the issue you would like the board to address and why? Tutka Bay is located in ADFG's Legislatively designated Kachemak Bay Critical Habitat Area. 5 AAC 95.610, The Critical Habitat Management Plan Goals and Policies, gives ADFG guidance that:

"Priority should be given to encouraging rehabilitation of depleted indigenous fish populations"; and "Recognize cumulative impacts when considering effects of small incremental developments and action affecting critical habitat resources."; and "protect natural substrate and aquatic vegetation...to maintain aquatic habitats."

The issue is to prioritize regulations to protect habitat for depleted species from cumulative impacts of CIAA's hatchery cost recovery seine net lead lines scraping the aquatic substrate and vegetation, The head of Tutka Bay is a rare highly productive vegetated salt marsh. It functions as a delta used as cover for predator avoidance by valuable depleted shellfish, crustaceans, and larval fishes as aid to prioritize their rehabilitation. This delta is a valuable rearing, spawning, reproductive concentration habitat as designated by ADFG. The Tutka Head End, and Southern Glacier Creeks that flow into the head of Tutka Bay are nominated ADFG anadromous waters contributing wild coho, chum, pink and dolly to the collective mixed stock fisheries. This wild fish diversity of species requires priority management not to sacrifice resources, but to recognize cumulative impacts affecting resources.

PROPOSED BY: Pioneer Alaskan Fisheries Inc. (EF-F23-126)

PROPOSAL 42

5 AAC 21.373. Trail Lakes Hatchery Sockeye Salmon Management Plan.

Readopt the *Bear Lake Management Plan* as follows:

The regulation should invoke the sunset clause in Proposal 380 (as amended) reinstating the Bear Lake Management Plan with a 50/50 split between cost-recovery and common property.

What is the issue you would like the board to address and why? Replace the Trail Lakes Hatchery Sockeye Salmon Management Plan with the Bear Lake Management Plan.

THE ISSUE: The Board accepted a petition to dissolve the Bear Lake Management Plan out of cycle at a meeting in Petersburg in January of 2009. Regulatory consideration at a meeting in Anchorage in March of 2009 resulted in Proposal 380, replacing the Bear Lake Plan with the Trail

Lakes Plan. Proposal 380 passed as amended. The amendment included a sunset clause. The Trail Lakes Plan was to be in place for 2009 and 2010 seasons only and expire in May of 2011.

At the LCI meeting in Homer in 2010, CIAA submitted Proposal 12 which would remove the sunset clause and make the Trail Lakes Hatchery Management Plan permanent. Proposal 12 failed.

13 years later, The Trail Lakes Hatchery Management plan is still in place. CIAA has achieved cost recovery goals only twice, in 2009 and 2018.

At the LCI meeting in Homer in November of 2004, the Board carried, as amended, Proposal 15 which made all of Resurrection Bay a cost recovery SHA for CIAA. The amendment read "The Department shall manage the commercial harvest of enhanced Bear Lake sockeye salmon surplus to in river escapement requirements for a 50/50 allocation in numbers of fish between the commercial seine fleet and the Trail Lakes Hatchery operators in waters of Resurrection Bay."

WHY THIS IS IMPORTANT: My concern is that this fishery is currently being managed only for cost recovery and brood stock. I am against a fishery being managed solely for the hatchery and not for the fishermen. The enhancement tax paid by the fishermen is designed to support the hatchery, not 100% cost-recovery from a single designated resource. The commercial fleet should see some benefit for their money. CIAA has had 13 years to make this plan work. It has not. Cost recovery goals have only been met twice.

PROPOSED BY: Diane Dubuc (HQ-F23-054)

PROPOSAL 43

5 AAC 40.820. Basic Management Plans.

Amend Basic Management Plans as follows (*This proposal will be heard and public testimony will be taken at both the LCI and UCI meetings and deliberated at the UCI meeting*):

Amend the *Cook Inlet Salmon Enhancement Allocation Plan* to specify hatchery pink salmon production, as follows:

Reduce hatchery production to 25% of the year 2000 production as promised in 2000.

What is the issue you would like the board to address and why? There is an over-production of hatchery pink salmon that threatens wild Alaska stocks.

In 1996 Elfin Cove Advisory Committee put in a proposal to restrict hatchery production according to the original intent of rehabilitating wild salmon runs. They wanted a substantial reduction in current hatchery production. The hatchery managers complained the Board did not have the authority to set their production. After a thorough examination (approximately one year), the Attorney General ruled the Board does have the authority to regulate the number of eggs taken for production. The Board deferred the proposal and formed a hatchery committee to gather information. This committee was comprised of Board members Dan Coffey, Virgil Umphenour

and Grant Miller. It took three years, a full Board cycle, with meetings in every region of the state, to complete the report.

The proposal was scheduled for the January- February 2000, a super meeting of Bristol Bay, AYK and Area M. The hatchery management met with the Governor and proffered that if the Board would not take up the proposal they would reduce their production by 25%. The Board meeting lasted 26 days, 10-16 hours a day, accepting the promise from the hatchery managers in the interest of time.

The marine productivity is currently in a very low cycle. The wild salmon are starving, many small systems are extirpated. Most of AYK/ Cook Inlet stocks are not meeting escapement goals and have very little or no harvest of Chinook, chum and coho salmon.

The purpose of this proposal is strictly conservation, to hold the hatcheries to their 2000 promise. The Board should require a substantial reduction in production so the wild fish don't have to compete, as noted by hundreds of science papers, with hatchery fish for food.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee (EF-F23-151)
