

PROPOSAL 134 – 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan and 5 AAC 21.365. Kasilof River Salmon Management Plan. Remove restrictions in the Upper Subdistrict commercial set gillnet fishery and allow for regular weekly fishing periods through July 20 with additional fishing periods based on inseason abundance, as follows:

5AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan

(C)(1)(B) [SUBJECT TO THE PROVISIONS OF OTHER MANAGEMENT PLANS,] the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5AAC 21.320, through July 20. Additional emergency openings or restrictions shall be implemented by emergency order from the Commissioner in accordance to the in-season abundance based management policy to meet the sustainable escapement goals and harvest the surplus salmon. [UNLESS THE DEPARTMENT DETERMINES THAT THE MINIMUM IN-RIVER GOAL WILL NOT BE MET, AT WHICH TIME THE FISHERY SHALL BE CLOSED OR RESTRICTED AS NECESSARY; THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 24 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5 AAC 21.365:]

(c)(2)(B) [SUBJECT TO THE PROVISIONS OF OTHER MANAGEMENT PLANS,] the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5AAC 21.320, through July 20. Additional emergency openings or restrictions shall be implemented by emergency order from the Commissioner in accordance to the in-season abundance based management policy to meet the sustainable escapement goals and harvest the surplus salmon. [OR UNTIL THE DEPARTMENT MAKES A DETERMINATION OF RUN STRENGTH, WHICHEVER OCCURS FIRST; IF THE DEPARTMENT DETERMINES THAT THE MINIMUM IN-RIVER GOAL WILL NOT BE MET, THE FISHERY SHALL BE CLOSED OR RESTRICTED AS NECESSARY; THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 51 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5AAC21.365; AND

(C) THE UPPER SUBDISTRICT SET GILLNET FISHERY WILL BE CLOSED FOR ONE CONTINUOUS 36-HOUR PERIOD PER WEEK BEGINNING BETWEEN 7:00P.M. THURSDAY AND 7: A.M. FRIDAY AND FOR ONE CONTINUOUS 24-HOUR PERIOD PER WEEK BEGINNING BETWEEN 7:00 P.M. MONDAY AND 7:00 A.M. WEDNESDAY;]

(c)(3)(B) [SUBJECT TO THE PROVISIONS OF OTHER MANAGEMENT PLANS,] the Upper Subdistrict set gillnet fishery will fish regular weekly fishing periods, as specified in 5AAC 21.320, through July 20. Additional emergency openings or restrictions shall be implemented by emergency order from the Commissioner in accordance to the in-season abundance based management policy to meet the sustainable escapement goals and harvest the surplus salmon. [OR UNTIL THE DEPARTMENT MAKES A DETERMINATION OF RUN STRENGTH, WHICHEVER OCCURS FIRST; IF THE DEPARTMENT DETERMINES THAT THE MINIMUM IN-RIVER GOAL WILL NOT BE MET, THE FISHERY SHALL BE CLOSED OR RESTRICTED AS NECESSARY; THE COMMISSIONER MAY, BY EMERGENCY ORDER, ALLOW EXTRA FISHING PERIODS OF NO MORE THAN 84 HOURS PER WEEK, EXCEPT AS PROVIDED IN 5AAC21.365; AND

(C) THE UPPER SUBDISTRICT SET GILLNET FISHERY WILL BE CLOSED FOR ONE CONTINUOUS 36-HOUR PERIOD PER WEEK BEGINNING BETWEEN 7:00P.M. THURSDAY AND 7: A.M. FRIDAY.]

5 AAC 21.365. KASILOF RIVER SALMON MANAGEMENT PLAN

(c)(2)(A) the commissioner may, by emergency order, open additional fishing periods or extend regular weekly fishing periods [TO A MAXIMUM OF 48 HOURS OF ADDITIONAL FISHING TIME PER WEEK;

(B) THE FISHERY SHALL REMAIN CLOSED FOR AT LEAST ONE CONTINUOUS 36-HOUR PERIOD PER WEEK TO BEGIN BETWEEN 7:00P.M. THURSDAY AND 7:00 A.M. FRIDAY;]

What is the issue you would like the board to address and why? 5 AAC 21.360 Kenai River Late-Run Sockeye Salmon Management Plan and 5AAC 21.365. Kasilof River Salmon Management Plan have elements in the plans that illegally restricts the Commissioner’s emergency order authority and make it impossible to manage the east side set net fishery in a manner to meet the escapement goals and harvest the surplus.

Prior to 1999 the east side set gillnet fishery operated on a management plan of two twelve hour inlet wide weekly fishing periods. The plan worked as designed. The biologist had indices, from catch data, to know the size and location of the schools of salmon entering that year as they moved up the beach and could make sound scientific management decisions. Based on the in-season abundance count, salmon managers would open and close fisheries on a real time daily basis to ensure spawning escapements where adequate and to harvest the surplus salmon throughout the run to sustain production. Delegated emergency order authority provided for immediate management decisions by area biologist. Many emergency openings were announced with only two hours till fishing time. This is because once the fish hit the beach they don’t wait around and once they enter the river it is forgone commercial harvest. Large escapements are unsustainable and the in-river fisheries are incapable of harvesting the surplus to escapement needs resulting in gross over escapement and reduced future returns. When runs were strong, managers liberalized harvest regulations to utilize surpluses. When runs were poor, managers closed fisheries to provide for predetermined escapement needs which ensure long-term sustainable yields. There was order, stability and predictability in the fisheries, fishery support businesses and the communities. This style of management is also mandated by the Constitution and the Magnuson Stevens Act (MSA). This successful management style is currently used in most areas of the State. It was also adopted by the Pacific Salmon Commission to manage and conserve salmon resources shared by Alaska, Oregon, Washington, and Canada, and worked well in Cook Inlet to achieve the escapement goals and allow all users an opportunity to utilize the surplus. The current version of 5 AAC21.360 and 5AAC21.365 set gillnet fishery management plans are in violation of the constitutional mandate and does not allow adaptive in-season management. The plan makes it impossible for the biologist to know the run size and location or to manage for escapement goals or harvest the surplus. The result has been gross annual over-escapements and annual loss of harvest in the tune of millions of salmon and tens of millions of dollars. The resource, habitat, commercial and sports fishermen, processors, workers, industries, communities and the State are needlessly harmed. The constitution mandates that renewable resources “shall be utilized, developed and maintained on the sustained yield principle.” Alaska law states: “The Commissioner

shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well being of the state... through rehabilitation, enhancement, and development programs, (the department must) do all things necessary to insure perpetual and increasing production and use of the food resources of state waters and continental shelf areas.”

This proposal seeks to modify the set gillnet management plans to be in compliance with the Constitution, MSA, Alaska statute and 5 AAC 39.222 Policy for the management of sustainable salmon fisheries. This proposal will give the biologist the flexibility and proven tools to perform in-season real-time abundance based management and to be effective in achieving the escapement goals and to harvest the salmon surplus. This proposal also seeks to provide a reasonable opportunity for all harvesters and to provide adequate protection for northern bound and central district salmon stocks. This proposal does not limit the commissioner’s use of emergency order authority under AS 16.05.060.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (EF-F16-143)
