

PROPOSAL 137 – 5 AAC 21.310. Fishing seasons. Remove “one-percent rule”, where the commercial set gillnet fishery will close after July 31, if less than one percent of the season’s total sockeye is harvested in two consecutive fishing periods, as follows:

5AAC 21.310 (b)(2)(C)(iii)

[KENAI, KASILOF, AND EAST FORELANDS SECTIONS: IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS, AND SEPARATELY IN THE KASILOF SECTION, THE SEASON WILL CLOSE AUGUST 15, UNLESS CLOSED EARLIER BY EMERGENCY ORDER AFTER JULY 31, IF THE DEPARTMENT DETERMINES THAT LESS THAN ONE PERCENT OF THE SEASON’S TOTAL SOCKEYE HARVEST HAS BEEN TAKEN PER FISHING PERIOD FOR TWO CONSECUTIVE FISHING PERIODS IN THE COMBINED KENAI AND EAST FORELANDS SECTIONS OR SEPARATELY IN THE KASILOF SECTION; FROM AUGUST 11 THROUGH AUGUST 15, THE FISHERY IS OPEN FOR REGULAR FISHING PERIODS ONLY; FOR PURPOSES OF THIS SUB-SUBPARAGRAPH, “FISHING PERIOD” MEANS A TIME PERIOD OPEN TO COMMERCIAL FISHING AS MEASURED BY A 24-HOUR CALENDAR DAY FROM 12:01 A.M. UNTIL 11:59 P.M.;]

What is the issue you would like the board to address and why? 5AAC 21.310 (b)(2)(C)(iii)
The adoption of the one percent rule has no scientific or biological support. It is not used statewide and was strictly an arbitrarily and capriciously implemented allocation regulation. It is a backdoor approach by some special interest groups to close the commercial fishery in the first week of August. The current regulation failed to address the lost harvest of surplus salmon stocks in August and the impossibility of managers to manage for the escapement goals. In 2015 the UCI sockeye run was the latest on record. The Kenai River sockeye escapement was over two million. The Kenai and Kasilof Rivers received twice their biological escapement goals for sockeye. All sockeye and coho escapement goals were met with many systems grossly over-escaped. The surplus salmon were not harvested by anybody. The August pink runs are virtually un-harvested. August can have pink returns in the millions, but this regulation prevents their harvest. The East side set net fishery is a vital management tool for harvesting pinks and August sockeye. This rule is not sustainable. An example of how ludicrous this regulation is: Half the set netters are fishing after July 31. Participation varies from a multitude of reasons. The salmon escapement goals are met or exceeded for all salmon species. The coho run is excellent and it is an even pink year with 20 million pinks predicted to return. There are no conservation concerns. The only concern is gross over-escapement. The remaining set netters had their best fishing days on sockeye on August 1st and 2nd. Because there were only half of them fishing, besides the fact that they had large catches of surplus sockeye or pinks, their total combined catch was less than one percent of their set net’s area season’s total sockeye harvest for two consecutive periods after July 31st, so by the current regulation their season is closed. If they had caught large numbers of pinks they would also be closed. The current regulation pretty much guarantees the east side set net closure and the inability to monetize the surplus salmon. The passing of the rule failed to address the lower number of fishermen participating in harvesting the salmon runs in August by both the commercial and in-river sports fishery. The rule also fails to address the harvest of other surplus salmon species especially pinks. Pinks can have returns in the millions and go virtually un-harvested. This lower participation level provides effective protection for escapement needs and for in-river users to have a reasonable opportunity. The lost opportunity and harvest denied to the fewer local commercial

fishermen are significant and unnecessary, not only to them but to the processors, workers, support businesses, communities economy and the State treasury. This harvest could be the difference between a bad season and an ok season.

The current regulation is in violation of 5 AAC 39.222. Policy for the management of sustainable salmon fisheries, State fisheries policy, Article 8 of the Constitution and the Magnuson Stevens Act all of which require the best scientific information available in formulating fishery management plans designed to achieve maximum or optimum salmon production.

This proposal does not limit the commissioner's use of emergency order authority under AS 16.05.060 to achieve established escapement goals for the management plans as the primary management objective.

PROPOSED BY: Central Peninsula Advisory Committee (EF-F16-140)
