Summary of Agreement in Principle Between Ninilchik Traditional Council and the Federal Subsistence Board Regarding a Proposed Action for Use of a Gillnet on the Kenai River

On December 9, 2016, a negotiation between Ninilchik Traditional Council (NTC) representatives and two members representing the Federal Subsistence Board resulted in an agreement in principle for the use of a gillnet on the Kenai River. It is anticipated that the proposed agreement will be presented to the Board for its consideration in the form of a motion made and supported by the USF&WS member in response to FP17-10 and FP17-07. Present at the negotiation were Greg Siekaniec, Lynn Pollaca, Greg Enelewsiki, Ivan Enelewsiki, Sky Starkey, and Ken Lord. Key elements considered in reaching this agreement are:

- Ninilchik residents must be given a meaningful opportunity to use a single gillnet that is established through a regulation which includes the essential elements of the fishery and eliminates any potential conflicts with existing regulations, and is therefore is not dependent upon annual approval of an operational plan and issuance of a permit
- Main target species are sockeye and coho, with the net to be placed accordingly in shallower nearshore waters
- Early run Chinook must be protected, with no use of the gillnet at all prior to July 1 and no retention of Chinook until July 16 unless the State concludes that the optimum escapement goal for the early run has been met and harvest guidelines for the rod and reel fishery are followed
- Conservative retention and encounter rates will help to address conservation concerns for Chinook, rainbow trout and Dolly Varden
- The Board’s blanket prohibition against retention of early run Chinook should be modified or revoked to allow for retention for subsistence uses when appropriate
- The Board’s size restrictions regarding rainbows and Dolly Varden should be modified or revoked to allow for retention of dead fish for subsistence uses regardless of size
- Retention of dead incidentally caught fish for subsistence purposes is appropriate, but those retained will be counted towards the total harvest or encounter limits
- Some level of subsistence take is appropriate when non-subsistence take is being permitted
- Replacing the maximum total subsistence allocation of 4000 sockeye with a household limit of 25 with an additional 5 for each member of the household is a more equitable way to distribute subsistence caught fish that addresses concerns raised by Cooper Landing and Hope residents concerning Ninilchik’s ability to take large numbers of fish with a gillnet; the subsistence allocation for coho and pink salmon should be similarly adjusted from an total annual allocation for all communities to a household limit
- A September opening will allow Ninilchik residents to target coho while minimizing the take of other species of concern
Gillett fishing allowed using the same gear type as before, with coho as the target.

September 10-30
number is reached.

Retention of up to 200 Chinook. Fishing closes until September 10 when that

From July 15 - August 15

been returned or encountered, the Gillett fishing closes until July 16.
been met, then retention of up to 200 Chinook is permitted. Once 50 Chinook have
If the State announces that the optimum escapement goal for any Chinook has
the Gillett fishing closes until July 16. If the State announces that the optimum escapement goal for any Chinook has
are already dead. When 50 Chinook have been encountered, weather dead or alive,
not been met, then there is no retention of Chinook allowed except for those that

From July 1-15
prior to July 1 – no use of a Gillnet

Regulatory requirements of an operational plan and permit be removed from regulation and
replaced with specific requirements as follows:

With those principles in mind, the specific proposal that will presented to the board is that
managed lands in the Moose Range Meadows area for subsistence use of salmon
substitution opportunity and to develop a plan for NTC’s access and use of USFWS
prior to the USFWS taking Fisher management actions that impact this

develop a memorandum of understanding that results in meaningful tribal consultation
management of Chinook’s subsistence fisheries and agree to work in good faith to
both parties see the benefit of improving a cooperative relationship related to
the Gill net fishery

substitution uses for the 2017 season and the duration of the regulation that authorizes
purposes of enhancing the net and area, and to allow activities for the
lands along the bank of the Kasilof River in the Moose Range Meadows area for the
allow Wildilkh fisheis access to a specific location or section on Kasilof
are also closed to sport fishing.

The subsistence Gillnet fishery may be closed if necessary in accordance with section

—79 of the federal subsistence regulations, but not unless federally managed waters
mean high water, which may be less in situ. From July 1 until September 30: * NTC will be permitted to place an in-river anchor and buoy marker below the line of retained Chinook salmon for genetic testing.

- NTC will coordinate with the Federal in-season manager to provide samples of the end of the season manager within 72 hours of leaving the Gillnet location and file an annual report after.

- NTC will record daily catches and report all harvested fish to the Federal in-season manager.

- Only one net is permitted.

unchanged.

* Existing net length (ten fathoms) and mesh size (5") restrictions will remain.

- Retained or encountered fish. A jack Chinook is a Chinook under 20 inches in length.

- The measurement of a jack Chinook, which is not spawning, does not count as a retention counts towards the encounter and retention numbers for specific species.

- Retention of all dead fish is permitted regardless of size or species, but such fish and Dolly Varden will be released.

- These numbers are reached, then the Gillnet fishery is closed. All live Rainbow Trout limits.

There is a maximum encounter rate of 100 rainbow trout per Dolly Varden. If additional members of the household – this replaces the 2000 total pink salmon bag per participating household permit holder and 5 additional pink salmon for each household participant household permit holder and 5 additional coho for each additional member of the household – this replaces the 3000 total coho bag limit currently in regulation; and, 15 pink salmon for each additional household member – this replaces the 4000 total sockeye bag for each additional household member. These bag limits are not cumulative with state harvest.

The bag limit for the Gillnet fishery is the total of the household limits for all households.

For the entire season.