

## **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 Encelewski, Ivan Encelewski, 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

- Gill net fishing allowed using the same gear type as before, with coho as the target species.

September 10-30

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

From July 16 – August 15

- If the State announces that the optimum escapement goal for early run Chinook has not been met, then there is no retention of Chinook allowed except for those that are already dead. When 50 Chinook have been encountered, whether dead or alive, the gillnet fishery closes until July 16.
  - If the State announces that the optimum escapement goal for early run Chinook has been met, then retention of up to 50 Chinook is permitted. Once 50 Chinook have been retained or encountered, the gillnet fishery closes until July 16.

From July 1-15

- Islands along the bank of the Kena River in the Moose Range Meadows area for the purpose of anchoring the net and engaging in other related low impact activities for subsistence uses for the 2017 season and the duration of the regulation that authorizes the gill net fishery.
  - Both parties see the benefit of improving a cooperative relationship related to management of Niniichiks' subsistence fisheries and agree to work in good faith to develop a memorandum of understanding that results in meaningful tribal consultation prior to the USF&WS taking fishery management actions that impact Niniichiks' subsistence opportunity and to develop a plan for NTC's access and use of USF&WS managed lands in the Moose Range Meadows area for subsistence uses of salmon.
  - With those principles in mind, the specific proposal that will presented to the Board is that regulatory requirements of an operational plan and permit be removed from regulation and replaced with specific requirements as follows:

be also closed to sport fishing.

- The subsistence gillnet fishery may be closed if necessary in accordance with section 19 of the federal subsistence regulations, but not unless federally managed waters

- The bag limit for the Ninilchik gillnet fishery is the total of the household limits for all households participating in the Ninilchik Kenaí gillnet fishery. The household limits are: 25 sockeye per participating household permit holder and 5 additional sockeye limit currently in regulation; 20 coho salmon per participating 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; 20 coho salmon for each additional household permit holder and 5 additional coho for each additional member of the household – this replaces the 2000 total pink salmon bag limit currently in regulation; 15 pink salmon per participating household permit holder and 5 additional pink salmon for each additional member of the household – this replaces the 2000 total pink salmon bag limit currently in regulation. These bag limits are not cumulative with State harvest limit currently in regulation. These bag limits are not cumulative with State harvest limit currently in regulation, then the gillnet fishery is closed. All live rainbow trout these numbers are reached, then the gillnet fishery is closed. All live rainbow trout and Dolly Varden will be released.
- There is a maximum encounter rate of 100 rainbow trout or 150 Dolly Varden. If these numbers are reached, then the gillnet fishery is closed. All live rainbow trout and Dolly Varden will be released.
- Retention of all dead fish is permitted regardless of size or species, but such retention counts towards the encounter and retention numbers for specific species.
- The ensnarement of a jack Chinook, which is not spawning, does not count as a retained or encountered fish. A jack Chinook is a Chinook under 20 inches in length.
- Existing net length (ten fathoms) and mesh size ( $5\frac{1}{4}$ ) restrictions will remain unchanged.
- Only one net is permitted.
- NTC will record daily catches and report all harvested fish to the Federal in-season manager within 72 hours of leaving the gillnet location and file an annual report after the end of the season.
- NTC will coordinate with the Federal in-season manager to provide samples of retained Chinook salmon for genetic testing.
- NTC will be permitted to place an in-river anchor and buoy marker below the line of mean high water, which may be left in situ from July 1 until September 30.