
From: kpfa@alaska.net
Sent: Thursday, March 9, 2023 12:10 PM
To: Nelson, Arthur N (DFG)
Subject: Emergency Petition to the Alaska Board of Fisheries-Kenai Peninsula Fishermen's Association

Alaska Board of Fisheries
Executive Director, Board of Fisheries
Art Nelson
P.O. Box 115526
Juneau, AK 99811-5524

March 9, 2022

Dear Alaska Board of Fisheries Members,

The Kenai Peninsula Fishermen's Association (KPFA) has been a commercial fishing advocacy group since 1954, primarily comprised of setnet salmon limited entry permit holders. KPFA is a 501c(6) commercial fishing advocacy group. We also include other Cook Inlet gear types, crewmembers, fish processors, local businesses, and individuals with a general interest in our membership.

The ESSN is a historical and traditional fishery with roots beginning in 1878. This **145 year old** fishery encompasses the geographical area that reaches from Ninilchik in the south to Boulder Point to the north, spanning more than 60 miles along Cook Inlet's Eastside. The salmon harvested by the fishery originate almost exclusively in the Kasilof and Kenai River systems. Some 440 limited entry permit holders, each small businesspersons, fish for salmon in this area and are primarily Alaska residents (86% Alaska, 80% Central Peninsula residents) The season typically lasts from late June until August 15, although that period has been drastically reduced in recent years by regulation and in-season management actions.

We encourage the board to carefully consider the following emergency petition and how it will affect all user groups and the resource. We recognize and appreciate each individual fisheries user groups and believe that despite the complexities of managing for so many users, there is strength in the diversity of our fisheries. We encourage the board to consider opportunity for each user group relative to their direct effect on the resource, and to help the Alaska Department of Fish and Game manage this resource for maximum sustained yields and commensurate with the best interest of Alaska and Alaskans.

On March 2, 2023, ADF&G issued numerous emergency orders, with **Emergency Order (EO # 2-KS-1-11-23)** closing the Kenai River late-run king salmon sport fishery based solely on a preseason forecast. On March 9, 2023 they followed with **Emergency Order (EO # 2S-1-23)** closing the Eastside Setnet fishery for the start of the 2023 season. Thus, before any in-season information can even be collected to assess Kenai River late-run king salmon abundance, ADF&G's closure of the Kenai River sport fishery automatically closes the entire Upper Subdistrict set gillnet fishery for the entire season.

Per the Joint Board Petition Policy 5 AAC 96.625, we feel this petition meets the definition of an emergency. We feel that closing the entire Upper Subdistrict set gillnet fishery based only on a **preseason forecast** was something the board never foresaw or expected, and this unexpected event has the possibility of threatening a fish and game resource, in this case, potentially resulting in very large sockeye salmon over-escapements in both the Kenai and Kasilof rivers.

We are submitting this emergency petition to the Alaska Board of Fisheries (BOF) in response to continued restrictive actions taken by the Alaska Department of Fish and Game (ADF&G). Our opportunity to submit this information in-cycle has been preempted due to the change in the regular board cycle calendar as a result of the COVID 19 pandemic. Our opportunity to seek relief for this season's closures must come at this time. The board in 2020 could not have foreseen a pandemic at the time the OEG for the Late Run Kenai River Chinook salmon was adopted. Thus, delaying our due process of having our proposals considered every three years.

The Joint Board Petition Policy 5 AAC 96.625 defines an "emergency" as:

1. an unforeseen, unexpected event that either threatens a fish or game resource, or
2. an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

We believe the Board of Fish never anticipated that after numerous years of restrictions and closures to the Upper Subdistrict set gillnet fishery to meet the Kenai River late-run king salmon escapement goal, that this stock would not show signs of recovery, which it hasn't. It is possible, therefore, that Kenai River king salmon stocks may remain in a period of low abundance for years and years to come, regardless of the significant restrictions that have taken place to reduce harvest of this stock.

According to a study funded by the Cook Inlet Salmon Disaster Technical Committee and conducted by Alaska Department Fish and Game biologist Bert Lewis and other Pacific Northwest Scientists, King Salmon are declining in size across the Pacific Coast due to environmental changes, selective harvest of large fish, and natural mortality. (See <https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12272>) This study indicates that the actions taken by the Board of Fish to establish an **unattainable** Optimum Escapement Goal (OEG) against the Sustainable Escapement Goal (SEG) recommendation of the Alaska Department of Fish and Game, and limit Cook Inlet's East Side Setnet fishing time **will not impact the health of the Large Kenai Kings**. Meanwhile, both Kenai and Kasilof River sockeye salmon escapements continue to exceed escapement objectives. The board did not foresee that with the setnet fishery closed, both the Kenai and Kasilof rivers would suffer multiple years of massive and catastrophic sockeye over-escapements. In 2022, the Kasilof exceeded its escapement goal by over 200% with nearly a million fish escaping into the river. Both the Kenai and Kasilof Rivers have exceeded their sockeye escapement goals several times over the past few years while trying to achieve the unattainable Kenai River late-run king OEG, thus ensuring failed future sockeye runs.

This petition, therefore, seeks to have the BOF make the prudent decision to allow a small harvest of Kenai River late-run king salmon in the Upper Subdistrict set gillnet fishery during periods of low king salmon abundance in order to allow harvest of excess sockeye salmon bound for the Kenai and Kasilof Rivers. The relatively small number of king salmon that would be harvested will not have a detrimental effect on the long-term sustainability of this stock.

We suggest the following modifications to 5 AAC 21.359 Kenai River Late-Run King Salmon Management Plan:

- If the department estimates the total escapement of Kenai River late-run king salmon to be less than 11,750 fish, the entire Upper Subdistrict set gillnet fishery **shall be closed**;

- If the department estimates the total escapement of Kenai River late-run king salmon to **greater than 15,000 fish**, the Upper Subdistrict set gillnet fishery **shall be managed per 5 AAC 21.360 and 5 AAC 21.365**
- If the department estimates the total escapement of Kenai River late-run king salmon to **be greater than 11,750 fish, but less than 15,000 fish**, the Upper Subdistrict set gillnet fishery will **be managed as follows:**

Kasilof Section: notwithstanding 5 AAC 21.310 Fishing Seasons, the Kasilof Section set gillnet fishery will be managed to meet the Kasilof River sockeye salmon BEG or OEG. The Kasilof Section set gillnet fishery will also be managed to **not exceed a total harvest of more than 200 large Kenai River late-run king salmon**. If this number is exceeded, the commissioner will immediately close the Kasilof Section set gillnet fishery.

Kenai/East Foreland Sections: notwithstanding 5 AAC 21.310 Seasons, the Kenai/East Foreland Sections set gillnet fishery will be managed to meet the Kenai River sockeye salmon **inriver goal** for the appropriate tier as determined by the department. The Kenai/East Foreland Sections set gillnet fishery will also be managed to **not exceed a total harvest of more than 200 large Kenai River late-run king salmon**. If this number is exceeded, the commissioner will immediately close the Kenai/East Foreland Sections set gillnet fishery.

The department may fish the **Kasilof and Kenai/East Foreland Sections** set gillnet fisheries **independently of each other**

The department may institute **gear limitations** as defined in 5 AAC 21.359(e)(G)(i) and (ii).

The department may limit set gillnet fishing to within **600 feet** from mean high tide or within one-half mile of mean high tide.

We look forward to discussing this very important petition with you.

Regards,

Kenai Peninsula Fishermen's Association
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