
From: Gary Hollier
Sent: Thursday, March 9, 2023 7:19 PM
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Subject: Fwd: Emergency Petition to the Alaska Board of Fisheries-Gary Hollier

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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,

My name is Gary Hollier. I am submitting the following emergency petition for consideration by the Alaska Board of Fisheries.

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, I feel this petition meets the definition of an emergency. I 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.

I am 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). My 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. My 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 the ESSN due process of having 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.

I believe that number 2 qualifies this petition as an emergency. 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.

The actions taken by the Board of Fish in 2020 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 to allow some harvest of excess sockeye salmon bound for the Kenai and Kasilof Rivers. MSY for late run king salmon is 11,730-31,832. 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.

This emergency petition seeks for the Board of Fisheries to establish that their **INTENT** with this petition passing is to direct the Alaska Department of Fish and Game to use **in-season management** until the 33% quartile of the late-run king salmon run to the Kenai River. (July 20)

Under this petition, fishing would occur for two, 12 hour, openings in each the Kenai and Kasilof sections, independent of each other, based on abundance of sockeye on the beaches

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

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 department shall open the Kasilof section for two 12-hour fish periods on or about July 6 and July 13, these dates could change based on sockeye abundance.

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 **in river goal** for the appropriate tier as determined by the department. The department shall open the Kenai/East Foreland Sections for two 12-hour fish periods on or about July 17 and July 20, these dates could change based on sockeye abundance.

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

If after July 20 the OEG/SEG cannot be projected the ESSN closes, until the OEG is projected.

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

Thank you for your consideration,

Gary Hollier