

# SOUTH K BEACH INDEPENDENT

RC 12

## FISHERMEN'S ASSOCIATION

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*Protecting and Preserving the Kasilof River Aquarian System*

October 2, 2011

Alaska Board of Fisheries  
Board Support Section  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Subject: ACR 8

Chairman Vince Webster,

Please be aware that new information (RC 7) as it relates to the validity of the previous assumptions that supported the vague, anecdotal justifications for approving Agenda Change Request (ACR) 8.

It is in our best interest to maintain sustainable escapements with all species of salmon returning to the waters of Cook Inlet. The commercial fishing community is invigorated by returns that are maintained as near to the biological escapement goals (BEG) as possible. It is the default position in both State of Alaska and in Federal waters to establish a goal of Maximum Sustained Yield (MSY).

We question the role of the Board of Fisheries (BOF) in this ACR's attempt to subvert the clear constitutional mandate with the Alaska Department of Fish and Game (ADF&G) to sustain the resource through its expertise, using the *best available science* to manage the resource. While no natural science is in a constant state of perfection, it is clear that improving the methodologies are extremely important. History has shown that political involvement has done nothing to improve our understanding of the complexities in managing a fisheries resource. It is a common fisheries lesson all aspiring biologists are taught as they review the classic management mistakes of the "*tragedy of the commons*".

It is our desire that the Board strictly adhere to the guidelines established in 5 AAC 39.999 *Policy for changing board agenda*. Please note that this policy was developed to reduce the inconsistency, the burden to the public, the expense in conducting meetings out-of-cycle. Unless the justifications are compelling and the Department and Commissioner concur that the board address a particular issue, ACR's are not warranted. The bases for many are rooted in allocation, something that criterion two *explicitly forbids*. The credibility of the Board becomes in question when it attempts to subvert the authority and the responsibility of the State to manage the resource without intervention.

With regard to the harvest of Kenai Late Run Kings it is clear that the variables used in assessing the harvest and mortality numbers are subjective. The commercial harvest numbers as stated in Fisheries Data Series No. 06, titled Stock Assessment of Late-run Chinook Salmon in the Kenai River 1999 – 2006 (report dated December 2010). ...*commercial harvest comes from sales receipts (fish tickets), it is considered measured*

Submitted by SKI, Paul A. Shadura II

without error. Yet further within the section... "commercial" harvest refers to the set gillnet, drift gillnet, educational, subsistence, and personal use harvest combined.

Current analysis from the Department for 2011 East Side Set Net (ESSN) harvests indicate 5% were of age 1.1 and 34% of age 1.2. We could therefore calculate that out of 6,893 stated that 2,688 were less than 29.5 inches. It is also declared that the mixed stock origin of the ESSN harvest cannot be determined that 100% of these Chinook are bound for the Kenai River. We have heard that 20% to 30 % of these are destined for other systems. In the approximate area of the Kasilof River a simple conclusion would be that a significant proportion of this salmon are migrating to this system.

While we review the preliminary in-river estimates of harvest and mortalities in 2011, we noted that 6,240 kings are accounted for above the sonar (but below the Soldotna Bridge). Using the current *creel census* data, another 458 (not clear if mortalities were included in this number) were harvested below the mile 8.6 sonar site. If we take the average harvest of Chinook from the Personal Use (PU) fishery which is approximately 1,250 fish add the educational and subsistence fishery at the mouth of the River, the possible harvest above the Soldotna Bridge, we can get a relative idea of what the impact of the total harvest and mortalities within the in-river fisheries has on the Late Run Kenai king. Please note that whether in the creel census or by electronic enumeration measures no Chinook is assessed under 28 inches (age 1.1, 1.2).

If we look at relative percentage of harvest for 2011 we can evaluate that the ESSN fishery can be attributable at most (assuming 100% of the harvest was bound for the Kenai) to 33% compared to the in river mortalities of 66%. It is clear to us that the burden of conservation if necessary is disproportionate.

We believe that the increased pressure, the expertise and mobility of the in-river user has added a negative dimension to the possible decline to the relative size of available Kenai kings. It is clear that targeting one segment of the resource in a confined reach cannot improve the productivity of any game animal. Culling the most prestigious segment of the run year after year cannot have beneficial consequences. It is time that the in-river commercial users take responsibility for their actions and indeed; *it is a sad day when we see the Department of Fish and Game prioritize greed over sustainable management practices.*

*Yet another example of the tragedy of the commons.*

Thank you,

Paul A. Shadura II





## **Kenai Peninsula Fishermen's Association**

*Ensuring the Sustainability of Our Fishery Resources*

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RC 13

October 3, 2011

Board Support Section  
Alaska Department of Fish and Game  
Chairman Vince Webster  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Re: ACR 8 submitted by Kenai River Sportfishing Association (KRSA); RC 2, pages 12-14, ADF&G response to ACR 8, and RC 7, Memo from ADF&G, Sport Fish Division, stating the 2010 and 2011 Kenai River late-run Chinook salmon spawning escapements achieved.

Dear Chairman Webster,

Kenai Peninsula Fishermen's Association's Board of Directors and membership reviewed ACR 8 and the Department of Fish and Game's response to ACR 8 (RC 2, RC 7). Clearly the criteria for accepting an Agenda Change Request were not met and referenced under RC 2 that negated (No) criteria 2) to correct an error in regulation and that it did not meet criteria 3) to correct an effect on a fishery that was unforeseen when a regulation was adopted. RC 7, submitted by the Alaska Department of Fish and Game, to the Board negates criteria 1) for a conservation purpose or reason.

In addition, the Board will not accept an agenda change request that is predominately allocative in nature in the absence of new information found by the Board to be compelling (5 AAC 39.999). RC 7 clearly negates the information found in ACR 8's new information statements under ACR criteria 1, fishery conservation or purpose that states the Kenai River late-run Chinook spawning escapement wasn't met over the past three years.

ADF&G memo dated September 27, 2011.(RC 7), addresses the 2010 and 2011 Chinook salmon passage at the sonar site to be 33,600 in 2010 and 36,000 in 2011. After subtracting estimates of harvest and mortality above the sonar, the corresponding estimates of escapement are 26,600 in 2010 and 29,800 in 2011. Furthermore, the 2009

Submitted by KPFA, Rob Williams

spawning escapement and presentations made by the Department to the Board of Fisheries and public stakeholders at the regular cycle meeting in 2011 - was presented, discussed, and duly considered; therefore, isn't new information under the Agenda Change Request Criteria.

*Further discussion: 2009 Chinook spawning escapement, (1 year out of last 10 years).*

The spawning escapement estimate in 2009 was estimated to be 17,158 kings. The minimum goal of 17,800 or 642 fish shy of declaring the escapement goal met. Numerous factors and bias estimates are outlined in Eskilin and Miller, 2010 report, as well as Debbie Burwen's sonar presentation, all of which were presented and considered at the 2011 Board meeting. For example, the netting program operated eight hours per day from 2002-2006 and six hours per day from 2007-2011 (25% reduction in time that reduced the numbers of Chinook that would have been netted over more two hours in net apportionment and net CPUE numbers). In addition, the sonar insonifies only 60 percent of the river (mid-river only) and counts are affected by high tidal series that decreases the sonar estimates further. Both ELSD-based estimates and TS (target strength) estimates rely on the netting program sampling estimates to further discern the number of Chinooks targeted by sonar (mixture model). Would two additional hours of sampling/standardization increase the number of Chinooks estimated in 2009 at the sonar station - perhaps. What we do know is that the netting program only samples one high tide series per day starting at one hour past high tide netting protocol. Chinooks that migrate into the Kenai from low tide up to high tide are not sampled in the netting program. We also know the Statewide Harvest Survey has an error margin of 30 percent surrounding harvest estimated above the Soldotna Bridge (700 fish or more deviation error, coupled with unknown harvest area estimates (unknown by anglers).

In 2009, the ESSN harvest was 5,598 Chinooks and all are assumed to be of Kenai River origin under harvest but an unknown percentage other-than Kenai Chinooks. 2009 ESSN harvest was comprised of 1,405 jacks (age 1.1 under 20") and 2,108 (age 1.2 under 28") or stated another way 2,075 chinooks above age 1.2's. The in-river netting program captured only one age 1.1 during the whole month of July, which estimated eighty-seven age 1.1 past sonar. It is reasonable to suggest that the netting of only one age 1.1 is biased low; therefore the total sonar estimate could have been bias low. Both TS-based and ELSD-based sonar has a hard time discerning less than 28-inch Chinooks estimates, as the target strength is primarily discerning larger age class Chinooks. The personal use harvest in 2009 was 1,068 and the sport harvest above and below sonar 9,036, for a total of 10,112 harvest in-river. The majority of the in-river sport fisheries harvest are above age 1.2 and thousands more are caught and released annually (20,104 released kings in 2009, both early and late runs).

The ESSN incidental harvest of Chinook salmon is minor in a mixed stock fishery. In 2011, .003 percent of the total harvest was comprised of Chinooks of all age classes compared to .997 percentages of Sockeye salmon harvested.

*Emergency Order No. 38*

Emergency Order No. 38 was appropriately issued based on Kenai River Sockeye salmon passage rates exceeded the upper range by 200,000 Sockeye (1.3 million pounds, ex-vessel price 1.50/lb or two million dollars in direct lost benefit to ESSN fishery) already occurred. The Department is directed to manage to within the established escapement goal range in regulation in management plans as well as the Board finding directing the Department to do so.

*Emergency Order No. 41*

RC 7 submitted by ADF&G September 27, 2011 clearly demonstrates that the justification written over Chinook counts was subjective, and issued under pressure from KRSA attacking the Commissioner on August 4<sup>th</sup> and again on August 5<sup>th</sup>, 2011 for issuing Emergency Order No. 38 when 99 percent of the late-run Chinook run was over, compared to the surplus to escapement Sockeye available for harvest along the East-side beaches. KRSA pressured the Commissioner politically over one estimates (Net CPUE) and ignored the ELSD-based (sonar) estimate of 32,109 (August 2, 2011 cumulative estimate) when prior TS estimates were 60 percent higher; i.e., 2011 ELSD-based estimates reduced the TS sonar estimate and by comparison of 2002-2010 years. Again, RC 7 negates ACR 8 and Emergency Order No. 41 that amended Emergency Order No. 38 to close the ESSN fishery over 2010 and 2011 Kenai late-run Chinook spawning escapements (both years, spawning escapement goals achieved).

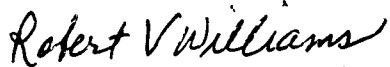
Does a wrong decision over-ride the fact that the 2011 spawning escapement goal was met? No. Clearly, ACR 8 is allocative in nature, arbitrary on harvest/escapement information (misinformation), and capricious with continued attempts to undermine the economic benefit of salmon resources of the State available to commercial fishermen and commercial fisheries in Upper Cook Inlet; regulatory provisions within several management plans are established over time on these salmon stocks and are fully allocated.

*Kenai Peninsula Fishermen's Association's recommendation to the Board and Department:*

Since the Department finds that the ELSD-based sonar estimate has become technically problematic in estimating early and late-run Chinook passage at river mile 8.5. Assessment by five indices is modeled as the TS-based estimate. The Department's TS-based estimate being used should be explained in a report to the public by Alaska Department of Fish and Game. The public and stakeholders require management practices consistent with the best available science over estimates; instead of putting out five different indices, each of which vary in counts and contain varying degrees of standard deviation error. Thus, resulting in subjective interpretation by simply using the least estimate and weighing it against the highest estimate, or by disregarding four of the five other indices altogether.

Finally, KPFA recognizes the complexity on transitioning from Target Strength sonar estimates. We also realize the direct and indirect consequences placed by management on the various fisheries, especially upon our members. Reallocation of Sockeye salmon stocks, unnecessary closures, exceeded escapement goals, and limitation of emergency order use has occurred needlessly in the past. The Department's Divisions, research and management biologists can and should do more to complete their obligations, missions and duties, including consistent management practices that includes Sockeye salmon stocks as well as Chinook stocks on the Kenai River (early and late-run).

Sincerely,



Robert V. Williams, President  
Kenai Peninsula Fishermen's Association

Cc: KPFA Board of Directors  
Speaker of House, Mike Chenault  
Alaska Department of Fish & Game;  
Commissioner Cora Campbell  
Commercial Fisheries Division, Director Jeff Regnart  
Sport Fisheries Division, Director Charles Swanton