

# **SOUTH K BEACH INDEPENDENT**

## **FISHERMEN'S ASSOCIATION**

**P.O. Box 1632 Kenai, Alaska 99611-1632 (907) 283-5098**

**To: Board Support, Board of Fisheries members**

**ATTN: Board Support, Glenn Haight**

**Cc: Paul Shadura**

**Subject: ADFG Response to petitioners requested actions.**

**RE: Petition information on behalf of South K. Beach Independent Fishermen's Association**

Board Members,

ADFG response to petitions included: "does not establish 22,500 late-run king salmon as an escapement goal, rather it is a management action reference point at which restrictions to the inriver sport, personal use, and Upper Subdistrict set gillnet commercial fishery may occur in an effort to achieve the established sustainable escapement goal (SEG) of 15,000 to 30,000 late-run king salmon, and 4) reference to "...if the projected escapement of king salmon into the Kenai River is at least 16,500, but less than 22,500 fish..." does not establish this range as an escapement goal, rather it is a management action reference point at which management actions to the Upper Subdistrict set gillnet commercial fishery may occur in an effort to achieve the established sustainable escapement goal (SEG) of 15,000 to 30,000 late-run king salmon. From the information provided, it is difficult to determine that the standards for a finding of an emergency under 5 AAC 96.625 (f) have been satisfied by this petition"

**The response from ADF&G was highly irregular. First of all it was an allocation and tied to the in-river projection point in July. The allocation of 7500 fish represents Kenai late-run returns of 32,000 not the present "lower than average returns." (Forecast 20,000). ADF&G's ability to project an in-river run of 15,000 can not be accomplished until on or after July 20<sup>th</sup>. ADF&G's ability to project the "reference point" of 22,500 passage rates can not be accomplished until August 10<sup>th</sup>.**

**ADFG failed to include any relevant Kasilof or Kenai sockeye salmon harvest information to the Board in order to manage sockeye escapement goals which are intertwined with harvest by hours per week with different run timing data on Kasilof sockeye and indicated in the SOKI petition. Lost harvest opportunity in the Kasilof Section precludes significant economic benefit of a fishery resource available.**

**Petitions stated "considering the abundant forecast for the return of sockeye to the Kenai and Kasilof...". However, ADF&G response failed to mention the allocation of 7,500 fish above the min. 15,000 spawning escapement goal with a 7500 allocation target over the in-season affect on management of fisheries (king and sockeye salmon stocks) under lower than average king runs affecting Hours per Week.**

**In fact, Sport Fish Division noted that during lower abundance years the department would be managing to the lower end of the escapement goal in McKinley and Fleischman escapement goal report noted in the petition information.** The Kenai River Late-run king plan preamble is based on meeting the min. goal (15,000). By management, if the inriver passage count didn't "count" 15,000 then everyone was closed in the former Kenai River Late-run king salmon management plan. The inriver sport harvest step down measures (bait, no-bait, catch and release) are normal measures based on forecast, projection of the inriver run in-season, run timing, and harvest levels in-river from July 1 - July 30th compared to sonar counts with the 1.28 factor applied over the undercounting by sonar at river mile 8.6 from king salmon passing along the banks and outside the sonar mid-channel area daily. The Kenai River late-run king salmon plan is a directed king fishery versus the ESSN gillnet incidental harvest on kings with a directed sockeye salmon fisheries priority.

**The forecast of 20,000 late-run kings (Kenai). 20,000 - 7500 allocation target = 12,500 fish, automatically triggers a 36 hour per week scenario even though the forecast models indicate otherwise - that the forecast could be 28,000 if ADF&G chose the model estimates with least mean error.** However, ADF&G chooses to not use the 28,000 forecast model but instead the lower run estimate. A critical subjective selection by ADF&G in the forecast that positioned less time in the set gillnet commercial fishery to automatically occur that imposes restrictions on the set gillnet fishery before 15,000 or 22,500 king salmon could be projected past sonar.

**7500 (allocation) is nearly double the historical exploitation rate on inriver sport harvest during years of lower Kenai late-run run strengths but increased the sport allocation exploitation amount from 23% to 38% of the run.** 4 times higher than the inriver sport 2013 harvest level (larger aged fish harvest by sport). Note: In-river harvest of 1800 fish in 2013 with 12,000 age 1.3's and 1.4's counted inriver past sonar. Note: no post season adjustment on counts has been presented to the public or done by ADF&G. Why not?

1800 inriver sport king harvest comprised of 95% for age comps (larger sized fish). Didson sonar only counts kings greater than 30" in length. The new allocation target of 7500 fish raises the inriver exploitation rate to 62.5% exploitation rate on larger fish by the 2014 forecast. The set gillnet fishery was placed in a Catch-22 situation over sockeye salmon harvest levels vs. historical harvest exploitation rate on Kenai late-run kings (12.6%) primarily made up of smaller aged fish (75%). Again, the Kenai late-run king forecast was truncated lower than models estimated; especially over age 4 and age 6 king salmon (2014 forecast and models used) which adds 9,000 fish to the forecast based on ADF&G own models. Thereby the lower than mean forecast model by default – places an undue conservation burden on the backs of the ESSN fishery in July.

**The 16,500 fish goal on August 1 isn't a target but an increase added to the 3,000 extra to the 12,000 MSY point over uncertainty in the data set. Now ADF&G is saying to the Board and public adding 1500 kings on August 1 that results in 4,500 added to the minimum MSY point?**

**The temporal harvest and escapement estimates were not fully considered nor the inability of the ADF&G to project in-season 22,500 fish past sonar. Not until August 10th can ADF&G Sport Fish Division project a 22,500 in-river run when the mid-point of the in-river king run isn't until July 20th.** In fact, the 2012 projection information presented by ADF&G at the Task Force meeting presents the scenario's and was exemplified on a run of 28,000. ADF&G's Projection of 22,500 can not be accomplished in-season until Post July 31.

Placing hourly closures on the ESSN set gillnet fishery based on August projections of meeting the target (22,500) and then changing the goal by increasing the 15,000 spawning escapement to 16,500 will close the ESSN fishery and truncate less hours in the third and fourth week of July and cause less than 36 hour per week opening time in the Kasilof Section. How can ADF&G manage sockeye salmon in June and July based on projection of the In-river king run that is Impossible to project in-season and not until August 10th based on the last few days of enumerating Kenai River late-run kings?

**The allocation "parity" was not compared to the proportion of harvest or age composition of Kenai River kings in the Kasilof Section. The inability of the ADF&G to project the in-river king run "target" of 22,500 fish NOT until AFTER the Kenai Late-run King Sport Fishery is Closed - places millions of dollars in sockeye salmon resource in jeopardy with significant cost to the state, Kasilof River set gillnet stakeholders, and ESSN fishing communities, fishing industry, and those dependant on sockeye salmon resources.**

**The SOKI petition over Hours in the Kasilof Section and those in the Kenai Section for management:** A Catch-22 situation exists due to separate run timing of Kasilof River sockeye salmon stocks vs. Kenai River late-run king salmon. Where else would the second largest sockeye system in Cook Inlet be jeopardized awaiting an August projection of king salmon when the Kasilof Sockeye BEG mid-point is July 15th? The Kenai River sockeye mid-point is July 22<sup>nd</sup>, and the Kenai River Late-run Kings mid-point is July 20<sup>th</sup>. Millions of dollars of commercial set gillnet benefit foregone and will go un-harvested based on the different run timing weeks later than the first and second runs of Kasilof River sockeye salmon.

**In 2013 the Kasilof Section caught only 203 on age 1.3's and 1.4 in harvest total during 2013 when the set gillnet sockeye salmon fishery fished 12 openings.** The Commercial harvest on Kenai late-run kings in the Kasilof Section - the exploitation rate in a mixed stock fishery on age 1.3's and 1.4's: was only .016% (less than 2%). The new "target" has the inriver sport target by management of 62.5 percent exploitation rate on larger sized kings (age 1.3 and 1.4). The new target allocation is 99.94% higher by inriver harvest over larger sized kings than the Kasilof Section set gillnet fishery harvest of larger sized kings.

Windows in regulation under the Kenai late-run sockeye plan has 60 hours per week: **RC 151 more than doubled window closure times to 132 hours per week leaving very little, if any, latitude to Commercial Fisheries by management of Kasilof River sockeye salmon during the weeks before and after July 7th in regulation - effectively ensuring gross over escapement on a abundantly available salmon resource to be precluded and foregone.**

The provision tying the ESSN to a no-bait provision in-river to slow down harvest rates inriver by the department to allow on "opportunity to harvest" based on abundance - typically and historically is used as sport management "tool" in sport fisheries when runs are forecasted to be lower than average or when effort is greater than what the can be sustained to meet the minimum escapement goal. **The allocation burden "shared" principle was disproportionate to that of the set gillnet fishery and by lost harvest on sockeye salmon foregone. 2 - 3 million dollars costs in lost sockeye harvest available per week placed on Kasilof Section set gillnet fisheries compared to the inriver sport "conservation" burden to conserve kings with a cost applied of crimping a barbed hook.**

**The Emergency petition clearly designates the Kasilof Sockeye Salmon Goal will be jeopardized with risk on producing significant Lower yields. In 2013 season this was**

clearly the result on 588,000 Kasilof River sockeye escapement - In 1985 the over escapement similar to 2013 counts produced less than replacement yields (lost yield of 500,000 sockeye salmon). The questions surrounding KPFA's petition was it the intent of the Board of Fish to negate the harvest in the Kasilof Section over the abundant salmon resource available in-season based on the forecast of 1.1 million sockeye salmon to the Kasilof River? The Board of Fish by vote turned down the proposal that prioritized "weak stock" escapement goal management over all other salmon goals. However, the conflict in regulatory management plans was created where ADF&G's duties and mission to manage to the Kasilof River sockeye salmon BEG goal and Kenai River Late-run sockeye management SEG goal was directly affected by the Board action on RC 151 and not deliberated on the record.

**Just in the Kasilof Section: Lost economic benefit on available surplus sockeye salmon stocks: - 1 million dollars in sockeye harvest available per 12 hours lost per week foregone. On Kasilof sockeye runs of 1.1 million runs (forecast for Kasilof sockeye in 2014) a minimum of 64 - 75 hours a week is needed to harvest surplus Kasilof sockeye from being precluded and to control escapement rates into the Kasilof River. The Kasilof River sockeye salmon harvest consequences were not fully considered under RC 151 on a salmon stock with a BEG (maximum sustained yield - Kasilof River sockeye salmon).**

**The Kasilof goal was grossly exceeded in 2013 and well above the BEG mid-point by 238,000 fish (ex-vessel value 3,200,000 dollars) in 2013. It is known mere replacement recruitment occurred in the past on escapements at or near 488,000 sockeye Lost yield resulted and realized loss of 600,000 fish and future lost economic benefit of 8 million dollars in ex-vessel dollars alone.** The fishing industry and processors would lose similarly 8,000,000 in direct sales - \$16,000,000 Foregone Benefit. The minimum exploitation rate on Kenai late-run kings in the Kasilof Section occurs before July 8 with only a CPUE of 5.8 Kenai king salmon (all age classes) and after July 8th of 6.9 CPUE per hour vs. 8,126 sockeye salmon and does not jeopardize the sustainability of Kenai River late-run kings. The CPUE (catch per unit effort) is less than half that of Kenai Section that had a CPUE of 13.9 per hour. The Kasilof Section fishes twice the hours normally than the Kenai Section based on Kasilof River sockeye salmon and fishes three times the amount of gear (nets) ----still with additional hours and nets in the Kasilof Section the CPUE harvest on Kenai River late-run kings is HALF that of Kenai Section. Note: Larger kings migrate post June 15th historically and shown in the in-river age by date data. In fact, all historical data sets show entry on larger kings increasing after July 15th through August based on run timing. Kasilof River sockeye salmon mid-point is July 15th and the first run occurs before July 15th and the second run occurs on July 14th through August.

**Confusion on Set gillnets Depth: Stretched mesh isn't actual hung depth measurements of a standard net fishing or hung (set gillnet).** ADF&G never addressed by a response with information.

**A standard 45 mesh hung depth is nearer 12' - 15' depending on the hanging ratio, hanging coefficients, end line coefficients tied, drag on gear - NOT the 22'. It is impossible that 5" mesh standard 45 mesh net hangs at 22'. More significant is the fact that Tidal energy (tidal knots/sec) directly affects and reduces the overall fishing area of a net by 66% under independent scientific studies on net affects with only 2 knots of tidal energy.** In Cook Inlet the average tidal knots are 8 knots and the highest in North America; therefore the 2 knot energy factor that reduced the height and depth of net is tripled (2knots x 2knots x 2knots) in Cook Inlet - the very reason fishermen must modify and use bridles, end lines, and breaking tinsel strength of cork and lead lines exceeding 10,000 lbs. breaking limits. Kenai River Sportfishing RC assumed a standard set gillnet fishing as being 22' in depth fishing

for 5" web and RC submitted by Ray Beamsderfer, biologist - consultant for KRSA at the meeting and calculated king and sockeye salmon harvest ratios that were inaccurate and false.

**Tidal energy reduces standard net height fishing to 3 - 5 feet during 90 - 95% of tides in Cook Inlet. Significantly different than was otherwise represented to the Board of Fish as 22'. Besides, the mere fact that ADF&G uses 60 mesh nets 5.25" web to sample kings at the mid-channel sonar lower sonar site during only outgoing tides. If ADF&G used 45 mesh nets they would not get 200 samples nor able to compare age, sex, or length data to Didson sonar mid-channel counts.**

**Note: 99.98% of ALL set gillnets in the Kasilof Section don't harvest any Kenai River kings.** Why in the world would anyone consider it necessary to replace 99.98% of standard 45 mesh gear not harvesting any Kenai River king salmon? The incidental harvest exploitation rate in the Kasilof Section on Kenai kings per hour was discussed above. However, 75% of the 6.8 Kenai kings CPUE after July 8th are made up of small jack kings and 2-ocean males. The incidental harvest exploitation rate of 1.6; (less than 2 larger aged kings per hour. 19 age 1.3 and 1.4 (combined harvest) per 12 hour period compared to 97,512 Sockeye salmon harvested in 12 hours. Only 17- 19 nets out of 880 standard 45 mesh nets fishing caught Kenai kings large enough to be near the Didson sonar threshold (30" or above). Minimum defined harvest level occurs already in the Kasilof Section (.00008) by salmon harvest. Set gillnet exploitation rate .016% on the "larger sized kings" compared to "inriver run" of 12,000 for these larger kings (1.3 and 1.4 age) in 2013.

**99.98% of all standard set gillnets in the Kasilof Section do NOT harvest any Kenai River kings. The calculation of 45 mesh x 99.98% = 44.99 meshes 01 percent of 1 mesh.** RC 151 changed regulations on gear and loss of hours per week which directly affects the loss of sockeye harvest (yield available) and jeopardizing future yields on Kasilof sockeye by grossly exceeding the Kasilof BEG goal that resulted in 2013. RC 151 positioned a repeat of 2013 Kasilof River.. The economic lost benefit of sockeye salmon to the state is significant to Kasilof set gillnet fishermen. The burden placed on Kasilof Section setnetters is twice that of Kenai Section. The 7500 allocation target puts the burden on the Kasilof Section to loose a million dollars per opening lost and created a disorderly fishery along 40 miles of beach with no ability to plan fishing operations except that it is known we do not fish later in the day on Thursday, none on Friday, and not early on Saturday (36-hour window closure). 132 hours out of 164 hours per week Closures and Impossible for ADF&G to fulfill it's duties and missions to manage the Kasilof River sockeye fishery and maintain escapement to within the BEG range. **"Based on abundance" has become an arbitrary and subjective terms in sockeye salmon management plans.**

Again, only 19 Nets out of 880 nets operating caught a larger sized king (age 1.3 and 1.4) in the Kasilof Section. Reduce mesh depth on nets over 29 meshes and reduced number of nets provisions does not conserve king salmon and ADF&G response to proposal 209 states it is unwarranted and will decrease sockeye salmon harvest; and consequently caused significant costs upon Dual Permits holders by both cost and gear reduction elements. The Board of Fish rejected the 29 mesh provision 4 times since 2002 as no scientific or biological merit to offset the millions in lost sockeye harvest and millions in cost to replace gear. **The Kintama 'study' only indicated kings migrated past a mile and half, no tagged migrated through the ESSN fishery during the 2013 season (none caught) and the baker's dozen of tagged kings were detected past a mile an half offshore and migrated at mean depths of 4.85 meters (16 feet).** Again, a standard set gillnet is less than 15' in depth and is reduced by tied end line coefficients that reduce the net depth further in height vertically, the bridal lines

shape the net fishing and the most relevant affect on fishing net depth (height of net from cork line to lead line) from tidal energy on the net – which at a minimum reduces the net height by 50% at only 1.5 knots. The net configuration of volume of net fishing is further reduced to represent one-third of hung net depth or 3 - 5 feet in net height fishing during all during tides in Cook Inlet (8 knots) from the cork line to lead line distance. Information presented to the Board of Fish over net depth and contained in RC 151 is not supported by fact.

In fact, the subjective information presented to the Board and its members from proposal 209 advocated and erroneously assumed a standard set gillnet net was 22' in depth. Ridiculous assumptions were further presented on 29 mesh depth nets that made biological comparisons on sockeye to king harvest.

The Board made biological and allocative harvest decisions on the east side set gillnet fishery. Speculative biological assumptions and patently misinformation was submitted by Kenai River Sportfishing Association in proposal 209, RC's submitted to the record at the UCI meeting.

22' proposed and falsely positioned. Instead, a standard 5" mesh gillnet approximates 12 – 15' hung net vertically. Further net coefficients reduce the height by bridles, end line hang coefficients and tidal energy m/sec. in knots - reduces the net height fishing to reshape the net by bending the net area in the water while fishing and causes the height of the net fishing to be further reduced to within 4' – 6' in a fishing configuration with a standard gillnet during tides.

The Board received a sport organization assumption on information on depth represented as "stretched mesh." Measured mesh stretched depth that represented web and meshes for Closed Diamonds.

\*\*\*\*\* No set gillnet is hung to fish with closed meshes \*\*\*\*\*

Open Diamond illustration (E Width .90 x 0.43) is 90% of square diamond mesh. Hanging coefficients is expressed as fractions in E Depth.

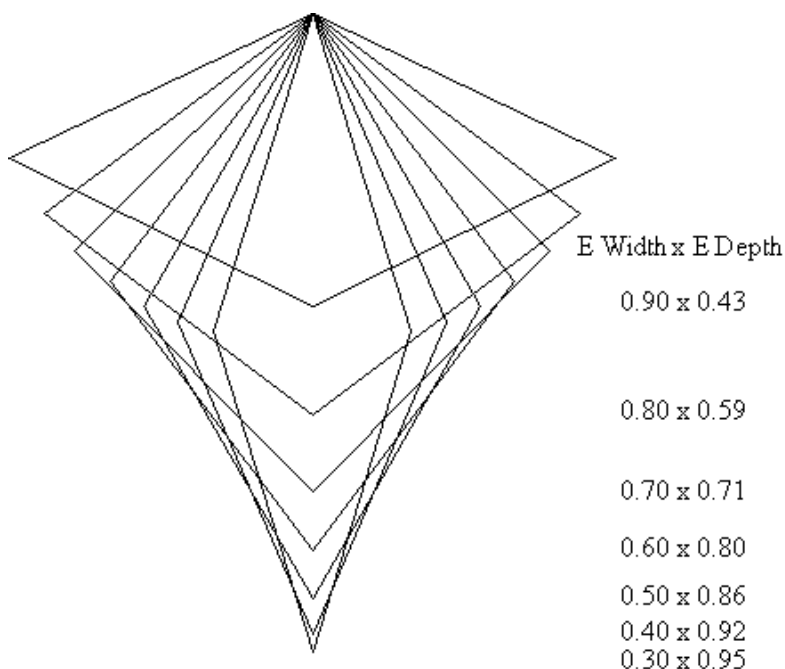
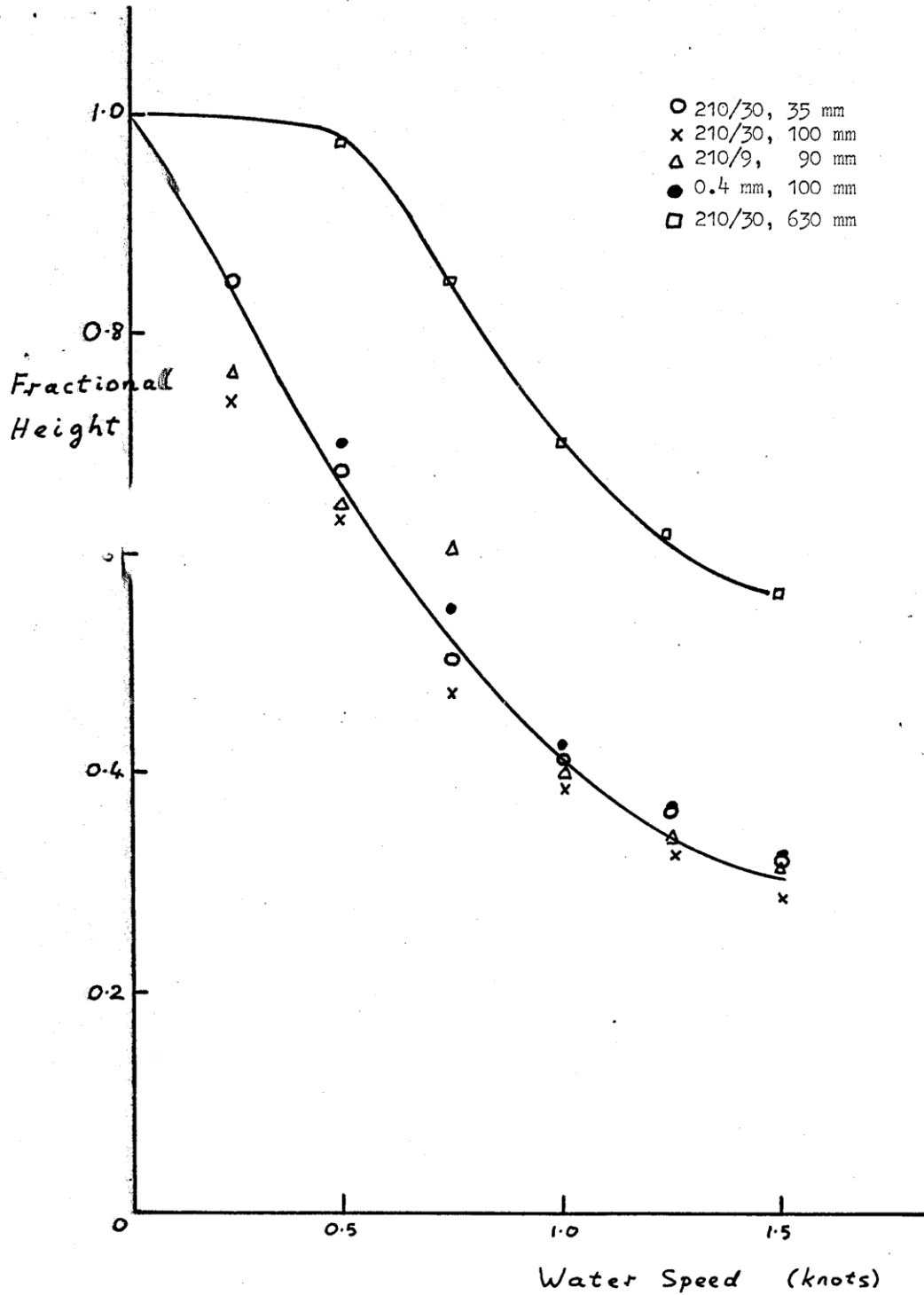


Figure 5 Fractional height of nets against water speed.



Not

**The Board provision in the King plan by Emergency Order to reduce gear to 2 standard 35 fathoms nets or three 29 mesh nets option in King Plan has no basis of evidence to directly link "king savings" but will further reduce sockeye salmon harvest per week if implemented by ADF&G.** Four prior Board meetings the gear reduction measure proposal by KRSA was not voted down and not supported. The Kintama report only indicates 13 tagged kings migrating outside the traditional fishing area at a mean depth of 4.85 meters (16' feet). However, The mean depth of standard set gillnet hung is LESS THAN 15' feet. The Board and RC 151 never considered hung depth measurement of a standard set gillnet when voting RC 151. In addition, tidal energy lifts and reduces the standard net fishing to 33% of hung net depth (12' x 33" = 4' ) fishing vertical height of nets during tides). Tides in Cook Inlet are the highest in North America and average 8 knots of tidal energy per second during tides. **The Board did not recognize nor fully consider the operational dynamics of a standard net fishing, hung net depth (vertical height), the drag coefficients on nets fishing, the effect of bridal lines or anchor lines on reducing the depth of net fishing, etc. Inaccurate information was placed on the record by the authors of proposal 209 over regulations but are contained in RC 151.**

**Allocative consequences in similarly situated commercial fisheries.** Dual permit were further reduced to Less than the Drift 1 permit full compliment of gear (150 fathoms). It gets worse when the provisions can direct set gillnets to fish with 1 standard 45 mesh net or two 29 mesh nets - that takes away two-thirds of our standard gear that has us fishing 35 fathoms versus 105 fathoms of standard gear and the set net Dual permit holder fishes 70 fathoms of gear with two permits vs. 200 fathoms for Drift Dual Permit Boat under "fairly situated fisheries". A major sockeye "allocation" to Drift fishery and Drift allowed to fish three times the hours per week than set gillnet. Note: in set gillnet stat areas: Ninilchik and South K-Beach stat areas harvest amount of king salmon harvested in 2013 was significantly less than Drift fleet (less than Drift harvest on kings). Both in Ninilchik stat area and South K-Beach stat area caught less Kenai River kings than any other stat area in the Kenai Section and again, less than the Drift fleet king harvest. However, for example, the Drift fleet was allowed to fish 25 days in July with additional fishing days from June 19<sup>th</sup> to July 1 and August.

KRSA has promoted the reallocation of sockeye salmon to the Drift fleet based on "inconsequential king harvest levels." However, their inconsequential king harvest criterion is arbitrary when applied to the Kasilof Section by stat areas that harvested less kings than the Drift fleet.

**SOKI petition seeks relief and directly meets the petition criteria. The historical allocation harvest levels along the various beaches and stat areas are significantly impacted and no longer present an orderly commercial set gillnet fishery to occur with limited 36 Hours per Week in the Kasilof Section. The historical run distribution of sockeye along the beaches no longer pertains to historical methods and means contrary to the Kasilof River sockeye plan preamble or directed in two different sockeye plans. The management of sockeye salmon and escapement goals in regulation set forth by statute and regulation has been significantly negated by RC 151 on Hours per Week under provisions within the Kenai River King salmon management plan.**

**The Department of Fish and Game limited their comments to the Board on salmon management at the UCI meeting during the deliberation process. Information responsibilities of Fish and Game are contained and written within the Sustainable Salmon Fisheries Policy, Statewide Salmon Escapement goal policy, and other statutes.**



The Board voted to oppose the discreet stock management proposal and over turned the 16,500 minimum goal range proposal after board reconsideration. However, provisions within the Kenai River Late-run King salmon management plan has created limited hours per week and coupled different sockeye management plans that significantly affect the biological harvest on available fishery resources in 2014 on sockeye salmon to be precluded from harvest and jeopardize the future sockeye runs and the economy of the state, the Kenai Peninsula Borough, the Nation, processors, and those fishing communities and fishermen and women who depend on Kasilof River sockeye salmon fishery resources. After all, the responsibility and duties in statute pertain to ADF&G's mission to manage "salmon" fisheries to established goals, and includes the Kasilof River sockeye salmon BEG goal.

However, an Hourly provision in the Kenai River King salmon management plan has created a fisheries management situation during the week and weekly in the Kasilof Section that restricts a biological available salmon resource that will be precluded from harvest and at a cost of millions of dollars per week over an abundant salmon fishery resource in 2014 season.

Finally, the Board intent on the Kasilof River BEG goal was not corrected in the 2014 regulations in the Kasilof River sockeye management plan. After all, ADF&G caused the problem in 2002 by not transcribing the 2002 Board BEG regulation correctly. Please direct the Commissioner to correct ADF&G errors in regulations since ADF&G was directly responsible for creating the error and omission in the Kasilof River Sockeye Salmon Management Plan.

Submitted for South K-Beach Independent Fishermen's Association,

**Jeff Beaudoin,**

Submitted on behalf of SOKI fishing organization, and hundreds of permit stakeholders fishing in Kasilof Section.

I personally attended Upper Cook Inlet Board meeting, Task Force meetings, and commercial fished 28 years in Cook Inlet in Kasilof Section.

The information contained in this submittal is based on ADF&G reports, ADF&G information requests, current and past regulation history, based on facts and data sets from ADF&G, independent scientific studies on net heights tidal dynamics published data and other germane facts concerning the Kasilof Section gill net salmon fishery in Upper Cook Inlet.

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