



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

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TO: Karl Johnstone, Chair  
Alaska Board of Fisheries

DATE: July 23, 2012

THRU: Jeff Regnart, Director  
Division of Commercial Fisheries

SUBJECT: Emergency Petition  
to re-open statistical  
Area 244-42 to set  
gillnetting in Upper  
Cook Inlet

FROM: Tracy Lingnau, Region II Regional Supervisor  
Division of Commercial Fisheries

This letter provides Alaska Department of Fish and Game (department) staff assessment of the petition Mr. Lance Alldrin submitted to the Alaska Board of Fisheries (board) on July 18, 2012, to consider emergency action out of cycle.

***Action Requested***

The petition asks the board to supersede department Emergency Order No. 2S-14-12 to re-open a portion of the Upper Cook Inlet (UCI) Upper Subdistrict set gillnet fishery, specifically statistical area 244-42, to set gillnet fishing to harvest sockeye salmon while harvesting a minimal amount of king salmon.

***Background***

On July 17, 2012, the department issued Emergency Order No. 2S-14-12 which closed set gillnetting in the Kenai, Kasilof, and East Foreland sections of the Upper Subdistrict until further notice. This was in compliance with 5 AAC 21.359(b)(3)(C), *Kenai River Late-Run King Salmon Management Plan*, that stipulates if the late-run Kenai River king salmon inriver return is projected to be less than 17,800 fish (5 AAC 21.359(b)(3)), the UCI set gillnet fishery is closed. In addition, Emergency Order No. 2S-14-12 closed drift gillnetting within one mile of the Kenai Peninsula shoreline north of the Kenai River, and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River to comply with 5 AAC 21.359(b)(3)(B). Similarly, Emergency Order No. 2-KS-1-42-12, issued July 17, 2012, closed the Kenai River drainage to sport fishing for king salmon beginning July 19, 2012. Emergency Order No. 2-KS-1-44-12, issued July 17, 2012, prohibited sport fishing for king salmon in the salt waters of Cook Inlet north of the latitude of Bluff Point beginning July 19, 2012. Both actions were taken as directed in 5 AAC 21.359(b)(3)(A).

***Discussion***

King salmon runs to Cook Inlet, including early-run Kenai River king salmon, are experiencing a period of low productivity and low run strength. The department's information, including data from inriver assessment programs, indicates the Kenai River king salmon late-run strength is also low. Inseason projections show all indices of abundance remain well below their respective minimum objectives. At

this time, it does not appear that there is any harvestable surplus of late-run king salmon and it is doubtful that the king salmon escapement goal will be achieved.

According to the *Kenai River Late-Run Sockeye Salmon Management Plan* (5 AAC 21.360(b)), the Kenai River late-run sockeye salmon commercial, sport, and personal use fisheries shall be managed to:

- (1) meet an optimum escapement goal (OEG) range of 700,000–1,400,000 late-run sockeye salmon;
- (2) achieve inriver goals as established by the board and measured at the Kenai River sonar counter located at river mile 19; and
- (3) distribute the escapement of sockeye salmon evenly within the OEG range, in proportion to the size of the run.

The Kenai River sockeye salmon run is likely returning at or above the preseason forecast of 4.0 million fish, and the sockeye salmon inriver goal is 1.0–1.2 million fish. If it is projected that the Kenai River sockeye salmon run is greater than 4.6 million fish, then the inriver goal will change to a range of 1.10–1.35 million fish. At this time, the OEG is also expected to be exceeded.

### ***Findings of Emergency***

In order for the board to take action on a petition it must first make a finding of emergency. In accordance with AS 44.62.270 and the Joint Board Petition Policy (5 AAC 96.625), emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or 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.

The department's conclusion is that the criteria of an emergency under 5 AAC 96.625(f) may have been met. Although the current situation of an average to above-average Kenai River sockeye salmon run and below-average Kenai River late-run king salmon run was not unforeseen or unexpected, a harvestable surplus of Kenai River sockeye salmon may be available. A below-average Kenai River king salmon run was projected for 2012, with associated management actions that may be necessary to achieve escapement objectives. An above-average Kenai River sockeye salmon run was also forecasted. It was noted prior to the season that if actions were necessary to conserve king salmon, and that these actions may reduce or close the UCI eastside set gillnet fleet, the drift gillnet fleet would be used more extensively in order to harvest additional sockeye salmon.

The Kenai River late-run king salmon run is well below what was expected preseason, and the Kenai River sockeye salmon run is above forecast and is projected to exceed the inriver goal, and possibly, the OEG. Although the drift gillnet fleet is being used extensively to harvest additional sockeye salmon, while reducing the harvest of king salmon, the drift gillnet fleet alone is likely unable to harvest the surplus of sockeye salmon. Therefore, there is an allowable resource of Kenai River sockeye salmon that may be precluded by delayed regulatory action and would not be available for the remainder of 2012.

cc: Cora Campbell, Commissioner  
Monica Wellard, Executive Director, Boards Support Section  
Sue Aspelund, Deputy Director, Division of Commercial Fisheries

Lisa Olson, Deputy Director, Division of Subsistence  
Tom Brookover, Deputy Director, Division of Sport Fish