



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

DIVISION OF COMMERCIAL FISHERIES  
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TO: Karl Johnstone, Chair  
Alaska Board of Fisheries

DATE: July 30, 2012

THRU: Jeff Regnart, Director  
Division of Commercial Fisheries 

SUBJECT: Petitions to close or  
restrict drift gillnetting  
in Upper Cook Inlet

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

This letter provides Alaska Department of Fish and Game (department) staff assessment of petitions sent in by Mr. Bruce Knowles (submitted July 23, 2012), Andy Couch (submitted July 23, 2012), and Ben Allen (submitted July 24, 2012) to the Alaska Board of Fisheries (board), to consider emergency action out of cycle. Mr. Knowles submitted one petition and then resubmitted a second with greater clarity. This document will address Mr. Knowles' second submission. Because of their similarities, these petitions are being responded to in a singular petition response.

***Actions Requested***

The Bruce Knowles petition asks the board to stop or restrict the department from issuing further emergency orders (EOs) that would impede Northern District salmon stocks, some of which are stocks of concerns.

The Andy Couch petition asks the board to take unspecified measures to conserve northern-bound salmon stocks.

The Ben Allen petition requests a change in management practices to 1) conserve Northern District coho salmon stocks; 2) adhere to guidelines set by the board; and 3) requests the board prohibit the department from implementing additional EOs that he states will have a negative impact on the Northern District coho salmon stocks.

***Background***

Susitna River sockeye salmon were designated a stock of yield concern in 2008 and remained a stock of yield concern at the 2011 board meeting. In 2011, the board further restricted the Upper Cook Inlet (UCI) drift gillnet fleet to allow additional protection for salmon migrating to Northern Cook Inlet (NCI). A regulation change by the board was made in 2011, for the time period between July 9 and July 15, that only one commercial fishing period was allowed in Area 1, instead of two. For the time period between July 16 and July 31, Area 2, an area east of Kalgin Island and north of Drift Gillnet Area 1, was deleted from the drift gillnet management

plan, while allowing drift fishing in a new expanded corridor. The regulations below describe these differences and the added restrictions in the 2011 drift gillnet management plans.

2008 UCI Drift Gillnet Regulations: From July 9 through July 15, drift gillnet fishing was restricted for two regular fishing periods to the Kenai and Kasilof sections and Drift Gillnet Area 1. From July 16 through July 31, in runs of between 2 and 4 million sockeye salmon to the Kenai River, there were two regular 12-hour fishing periods restricted to the Kenai and Kasilof sections of the Upper Subdistrict and in Drift Gillnet areas 1 and 2.

2011 UCI Drift Gillnet Regulations: From July 9 through July 15, fishing during the first regular fishing period is restricted to the Expanded Kenai and Expanded Kasilof sections, with additional fishing time allowed only in the Expanded Kenai and Expanded Kasilof sections. Fishing during the second regular fishing period is restricted to the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Area 1. At run strengths greater than 2.3 million sockeye salmon to the Kenai River, one additional 12-hour fishing period is allowed in the Kenai and Kasilof sections of the Upper Subdistrict and Drift Gillnet Area 1.

From July 16 through July 31, at run strengths of 2.3–4.6 million sockeye salmon to the Kenai River, fishing during one regular 12-hour fishing period per week will be restricted to either or both the Expanded Kenai and Expanded Kasilof sections of the Upper Subdistrict or Drift Gillnet Area 1.

There are no mandatory restrictions during regular fishing periods at run strengths greater than 4.6 million sockeye salmon to the Kenai River.

On July 17, 2012, the department issued EO 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. With the eastside set gillnet fishery closed, the drift gillnet fleet is being used extensively to harvest additional sockeye salmon in 2012, similar to what was done in 2011.

Because of a surge of sockeye salmon into UCI and the inability to rely on the eastside set gillnet fleet to harvest the surplus of sockeye salmon, an announcement (2S-18-12) to open the drift fleet in Area 1 and the expanded corridor on July 21 was issued. Even though this commercial period was restricted to the areas above, the harvest was the second largest sockeye salmon catch of the season, with 453,000 sockeye harvested. The coho salmon harvest for this period was 11,000 fish.

On July 25, 2012, the Kenai River sockeye salmon run was projected by the department to be greater than 4.6 million sockeye salmon. This projection changes management in that the inriver goal is increased from 1.0 million to 1.2 million sockeye salmon, to 1.10 million to 1.35 million sockeye salmon. At this level of escapement, there are no mandatory restrictions to the drift gillnet fleet.

Typically by August 1, 50% or more of the Northern District sockeye salmon have passed the weirs, allowing the department more accurate projections of end-of-season escapements, with the exception of Judd Lake, which is 30% through by August 1. Run timing of these stocks can vary substantially within and between years.

There are no formal forecasts for coho salmon to Cook Inlet streams and coho must be managed inseason according to weir projections of run strength and previous years' performance. About 5–8% of the historical run had passed each weir by July 28, too early for a meaningful projection of run size at either site. However, through July 28, daily coho counts at Little Susitna River and Fish Creek weirs are below average. Sport catch rates through July 28 on the Little Susitna River for coho are low. The Deshka River does not have an escapement goal for coho salmon. However, a cumulative count of 417 as of July 28 is below average.

The commercial drift gillnet catch of coho salmon, an indicator of coho salmon run strength to northern streams, indicates the run is below average. The cumulative drift gillnet harvest in 2012 through July 28 is 59,054 coho salmon; the 10-year average cumulative harvest is 65,482 coho salmon through July 28.

***Discussion***

The Kenai River sockeye salmon run will likely exceed 4.6 million fish and the sockeye salmon inriver goal is 1.10–1.35 million fish. At this time, the optimal escapement goal (OEG) may be exceeded.

It was noted prior to the season that if actions were necessary to conserve king salmon, actions may be taken to reduce or close the UCI eastside set gillnet fleet, and the drift gillnet fleet would be used more extensively in order to harvest additional sockeye salmon yet managed in a manner that allows passage of northern-bound stocks.

Some northern-bound salmon stocks are just now beginning to reach assessment projects at the various weirs, while others are nearing the midpoint of the escapement. The following table depicts the projects and their results through July 28.

Project	Escapement	Projection-/ % Complete	Goal
Chelatna Lake Sockeye	13,380	31,000/43%	20,000–65,000
Larson Lake Sockeye	4,662	14,600/32%	15,000–55,000
Judd Lake Sockeye	1,825	Too Early/9%	25,000–55,000
Fish Creek Sockeye	13,029	20,000/66%	20,000–70,000
Little Susitna Coho <sup>a</sup>	91	Too Early	10,100–17,700
Fish Creek Coho	78	Too Early	1,200–4,400

***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) has not been met. The current situation of an average to above-average Kenai River sockeye salmon run and below-average Kenai River late-run king salmon was not unforeseen or unexpected. 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, actions may be taken to reduce or close the UCI eastside set gillnet fleet, and the drift gillnet fleet would be used more extensively in order to harvest additional sockeye salmon yet managed in a manner that allows passage of northern-bound stocks.

cc: Cora Campbell, Commissioner  
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