



July 27, 2012

Karl Johnstone, Board Chair, Alaska Board of Fisheries  
ATTN: Monica Wellard, Executive Director  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

**RE: KRSA Emergency Petition to the Alaska Board of Fisheries**

Dear Board Chair Karl Johnstone and other members of the Alaska Board of Fisheries;

Kenai River Sportfishing Association (KRSA) requests as an emergency petition to the Alaska Board of Fisheries (BOF) that immediate regulatory action be taken to assure continued restriction on the harvest of late-run king salmon bound back to the Kenai River for the remainder of the run in 2012.

Record low numbers of late-run of king salmon are returning to the Kenai River in 2012. The Alaska Department of Fish and Game (ADFG) has made it clear that the minimum end of the escapement goal range for late-run Kenai River king salmon will not be achieved. There is no harvestable surplus of late-run Kenai River king salmon. Most provisions of the management plan that governs the harvest of this important stock of fish, 5 AAC 21.359 Late-run Kenai River King Salmon Management Plan, are set to expire for this year on July 31, 2012 and with them the mandatory closures of the commercial set net fisheries in the central district of Upper Cook Inlet. The restriction was put in place by ADFG for the purpose of putting the maximum number of late-run king salmon on the spawning grounds of the Kenai River. This important stock of fish must be assured of receiving continued protection through the remainder of the run timing, not just the remainder of July, if we are to sustain its productive capability and truly provide for its sustained yield at some acceptable level. Significant numbers of Kenai kings return to the river after July 31 and would be vulnerable to the east side set net fishery if it resumed. Harvest of kings in the set net fishery could easily in one or two days of fishing exceed the savings provided by restriction and closure of the in-river sport fishery throughout the month of July.

Potential regulatory relief could come from BOF action taken to expressly extend the time period covered by 5 AAC 21.359 Late-run Kenai River King Salmon Management Plan through the expected ending date of the return of king salmon, which we understand from discussion with ADFG to be approximately August 12. Action of this type would expressly prohibit extension of the sport fishery and the set net fishery in the central district of Upper Cook Inlet.

Additional regulatory relief could come from providing clarity to subsection (e) of the Upper Cook Inlet Salmon Management Plan 5 AAC 21.363. This subsection specifies that ADFG shall not be restrained by codified management plans if they are taking action to achieve established goals. What is not clear in this subsection is whether an in-river goal, which is essentially an allocative objective, should be given the same weight as a strictly biological escapement objective. What is also unclear is whether achieving the minimum end of one biological goal range should receive more weight than preventing going over the upper end of another goal range. With the sonar count for Kenai River late-run sockeye salmon rapidly closing on the upper end of the in-river goal clarity on this issue is extremely urgent.

A third potential action that must be considered is deciding the fate of the Pink Salmon Management Plan. A set net fishery targeting pink salmon prior to August 16 will likely harvest significant numbers of late-run Kenai River king salmon and should not be authorized. In addition, any additional set net fishing time in August must, according to the current plan, consider whether coho salmon run strength is sufficient to withstand additional harvest and fully evaluate the potential for coho to comprise a significant share of the total harvest.

KRSA has reviewed the Joint Boards finding on Emergency Petitions and have read the State's definition of "emergency."

Four factors combine to fulfill the State's definition of emergency in the case of late-run Kenai River king salmon. These are:

- 1) The abundance of late-run king salmon of Kenai River origin is a fraction of what was observed on average during the past three decades and a review of ADFG data collected and assessed this season leads to the conclusion that the 2012 return is the lowest on record. A below average return was expected but an all-time record low return was UNEXPECTED and UNFORESEEN.
- 2) The unprecedented management actions taken by ADFG beginning with a pre-season emergency order prohibiting the use of bait in the sport fishery and extending to complete closure of both the sport fishery and commercial set net fishery in the central district of Upper Cook Inlet, although provided for in regulation, have never before been implemented. The extreme situation that we find our fisheries to be in at this time was certainly UNEXPECTED and UNFORESEEN.

- 3) The BOF has adopted into regulation a management plan for the late-run of Kenai River king salmon that essentially covers only the time period normally open to sport fishing for late-run king salmon in the Kenai River, July 1 – July 31. The plan dates do not cover the entire normal period of run timing along the beaches of Upper Cook Inlet and into the Kenai River which is approximately June 25 – August 12. The lack of specific prescriptive restrictive measures that can only be found in a Board adopted management plan leaves open the possibility that this historically low return of king salmon could be subjected to additional harvest pressure thereby THREATENING this important resource.
- 4) Complicating this already dire situation is ADFG's difficulty in assessing the abundance of late-run king salmon. The management plan governing the late-run fishery depends upon ADFG's ability to estimate a specific number of late-run king salmon in the river. By their own admission, ADFG is now unable to provide this specific numerical estimate and instead compare the performance of a number of assessment indices to historical averages. This uncertainty calls out for implementation of the precautionary principal, not for aggressive fishery harvest strategies.

The sustained yield of this stock of king salmon is in serious jeopardy. The east side set net commercial fishery must continue to be sidelined for the remainder of the 2012 run. ADFG's stock assessment capability must also be validated before we expose this valuable resource to a fishery.

KRSA understands the dire consequences of taking the action that is requested by this emergency petition. These fish must come first!

Thank you for your prompt consideration.

Respectfully,

A handwritten signature in cursive script, appearing to read "Eldon Mulder".

Eldon Mulder, Board Chair  
Kenai River Sportfishing Association