



THE STATE  
of **ALASKA**  
GOVERNOR SEAN PARNELL

**Department of  
Fish and Game**

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

DATE: July 31, 2012

THRU: Jeff Regnart, Director  
Division of Commercial Fisheries

SUBJECT: Petition to extend *Kenai  
River Late-Run King  
Salmon Management  
Plan*

Charles Swanton, Director  
Division of Sport Fish

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

James Hasbrouck, Region II Supervisor  
Division of Sport Fish

This letter provides Alaska Department of Fish and Game (department) staff assessment of the petition Kenai River Sportfishing Association submitted to the Alaska Board of Fisheries (board) on July 27, 2012, to consider emergency action out of cycle.

***Action Requested***

The petition asks the board to take immediate regulatory action to assure continued restriction on the harvest of late-run king salmon returning to the Kenai River for the remainder of the run in 2012 through the following options:

1. Extend the time period covered by 5 AAC 21.359 *Kenai River Late-run King Salmon Management Plan* through August 12 and thus prohibit re-opening the marine sport and Upper Subdistrict setnet fishery in the Central District until then.
2. Clarify whether an inriver goal is given the same priority as an escapement goal, and whether achieving the lower bound of an escapement goal should receive priority over exceeding the upper bound of another escapement goal.
3. Not allow a directed commercial pink salmon fishery to occur.

***Background***

On July 17, 2012, the department issued Emergency Order (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 Upper Cook Inlet (UCI) set gillnet fishery is closed. In addition, EO 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, EO 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). All of these actions expire July 31, with the exception of EO No. 2S-14-12, which closed the eastside set gillnet fishery until further notice.

Current management plans allow set gillnet fishermen to fish two regular 12-hour fishing periods per week from August 1–10, with EO authority to fish as many as 84 additional hours per week (for Kenai River sockeye salmon runs greater than 4.6 million fish). There is also one regular period during the week of August 11–15 that can be fished on August 13, 2012.

In addition, the *Cook Inlet Pink salmon Management Plan* allows the department to open a commercial pink salmon fishery in even-numbered years for up to two regular 12-hour fishing periods between August 11 and August 15, if the sockeye escapement goals in the Kenai and Kasilof rivers are being achieved, and coho salmon run strength is sufficient to withstand additional harvest. The first pink salmon commercial fishing period will occur only if, during the regular fishing periods from August 6 through August 10, the daily harvest of pink salmon exceeds 50,000 fish or the cumulative harvest is 100,000 or more pink salmon. The second pink salmon commercial fishing period will occur only if 50,000 or more pink salmon and no more than 2,500 coho salmon are harvested during the first pink salmon commercial fishing period. The following restrictions are placed on set gillnets in the *Cook Inlet Pink Salmon Management Plan*: (1) set gillnets may not have a mesh size greater than four and three-quarters inches and (2) the set gillnet may only be operated 600 feet or greater from the shore line.

### ***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. On average, approximately 10–16% of late-run Kenai River king salmon enter the Kenai River from August 1 through August 10.

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.

### ***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 inseason management actions may be necessary to achieve escapement objectives and that if actions were necessary to conserve king salmon, these actions may reduce or close the UCI eastside set gillnet fleet, and that the drift gillnet fleet would be used more extensively to harvest additional sockeye salmon.

cc: Cora Campbell, Commissioner  
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