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March 31, 2014

Alaska Department of Fish and Game
Boards Support Section
PO Box 115525
Juneau, AK 99811-5526

RE: Emergency Petitions

Dear Chair Johnstone and Members of the Alaska Board of Fisheries:

Kenai River Sportfishing Association recommends the Alaska Board of Fisheries deny the South K-Beach Independent Fishermen's petition request for a finding of emergency regarding changes made to the Kenai River Late-Run King Salmon Management Plan at the January-February 2014 meeting of the Board. Denial should be based first on the absence of an emergency and second on the merits since the petition fails to acknowledge that all changes made to the Late-Run King Plan were necessitated by historic low runs of Kenai River late-run king salmon.

Acceptance and subsequent hearing of a petition, by Board policy, first depends upon the finding of emergency. Alaska Joint Board Petition Policy defines an emergency as:

"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."

This petition fails this standard in every regard.

No unforeseen or unexpected event has precipitated the need for action. Regulation changes sought to be undone by this petition came about in a regularly scheduled 2014 Upper Cook Inlet Board of Fish meeting that had been in the planning for three years. This followed exhaustive considerations of Kenai River late-run king salmon issues in a series of

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meetings following the disastrous fishing season of 2012, when a record-low run precipitated severe restrictions or closures of Central District sport, personal use, and commercial fisheries affecting kings.

Following the 2012 season, KRSA petitioned the Board for a finding of emergency based on changes in sonar assessment methods, which made count "currency" inconsistent with the abundance triggers found in the codified management plans. Instead of accepting the KRSA petition, the Board created the Upper Cook Inlet Salmon Task Force to seek strategies for optimizing fishing opportunity while achieving sustainable escapement of Kenai River late-run king salmon during periods of low abundance. The Task Force met throughout the winter of 2012-2013 and although a consensus was not reached, the meetings were well attended and constructive dialog did take place among participants. The Board met in March 2013 to hear the results of the Task Force but did not pass any interim regulations for the 2013 season, leaving difficult management of record-low numbers of Kenai River late-run king salmon to the discretion of the Department.

Department managers did a good job with the difficult challenge of balancing competing escapement and harvest goals in 2013, although fishing seasons still ended weeks early in late July due to low numbers of kings. Fishing strategies identified by members of the Task Force were the basis for the Department's 2013 management strategy.

In their regular Upper Cook Inlet meeting during January-February 2014, the Board adopted revisions to the Kenai late-run Chinook based on extensive discussion and consideration of related proposals in light of their extensive experience with this issue over the last three years. The proposal booklet contained some 235 proposals, of which more than 100 addressed aspects of management of late-run kings. These proposals were available for review and comment for months following the submission deadline in April 2013. Advisory Committee meetings were held, news media for months prior to the meeting was focused on management of the Central District during these years of historic low abundance of late-run king salmon and the department produced numerous post season reports and assessments, many of which were previewed at the Board of Fish work session in October 2013. Prior to the meeting, the Board received 477 written public comments related to proposals including king management plan revisions. At the meeting, the Board considered another 289 RCs, including dozens on king salmon management.

In the face of this factual history, it is simply not credible to claim that the changes made by the Board to the Kenai River Late-Run King Salmon Management Plan during the 2014 meeting were in anyway unforeseen or unexpected.

No new information has been provided by the petitioner to support the claim that a biologically allowable resource harvest would be precluded by delayed regulatory action. The intent and effect of the petition regulation change is entirely unclear. The Department already has the EO authority to utilize time and area as appropriate. The petitioner appears to be recommending changes in use of emergency order time during August (decoupling Kenai and Kasliof openers) to counteract the effect of 1% rule changes adopted by the Board in 2014 to more-equitably share

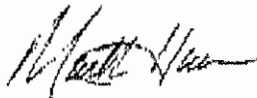
harvest of sockeye between the Kasilof and Kenai sections. However, the petition recommends changes in the Kenai Late-run king plan rather than in the codified language concerning the 1% rule. The 1% by beach rule remains in effect. The Board clearly intended that changes to the 1% rule were adopted in 2014 to allow additional harvest of Kenai sockeye in the Kenai section to balance earlier fishing advantages and historically higher catches of sockeye in the Kasilof section. The petition failed to document what the proposed revision to the King plan is actually intended to accomplish and why it is appropriate for the Board to reconsider changes in application of the new 1% rule that they just adopted.

At the same time, the set net fishing time afforded by the revised king plan continues to provide ample opportunity to access biologically allowable harvest of any Kenai sockeye that may be available during the tail end of this run in August. Providing for additional fishing time in the Kasilof section during August is contrary to the intention of focusing sockeye fishing time during years of low king abundance on periods of peak sockeye abundance, which occur in July, not August.

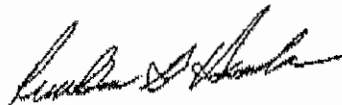
Speaking to the merits of the SOKI petition, the petition fails to consider to impacts of the proposed change on escapement of Kenai late-run king salmon or upon other fisheries during the current period of low king abundance. Should a finding of emergency be made in the face of the factual history arguing against it, then passage of the substitute language should be opposed until or unless compelling data demonstrates that harvest of late-run king salmon will not be increased, the escapement goal for Kenai River late-run kings will be achieved, no other fishery will be adversely affected, and that acceptance of this substitute language will, in fact, accomplish precisely what it's authors contend it will.

In accordance with state policy, the Board Petition Policy directs that emergencies will be held to a minimum and are rarely found to exist. Only extraordinary circumstances require regulatory changes outside the normal board process. The board has found that in most cases, petitions detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings. Issues addressed by SOKI petition were thoroughly vetted by the normal board process and no extraordinary circumstances exist to support consideration or adoption of the SOKI petition.


Respectfully,



Mark Hamilton
KRSA Board Chair



Reuben Hanke
KRSA Vice Chair



Ricky Gease
KRSA Executive Director