

To: Mr. John Jensen, Chair
Alaska Board of Fisheries

Date: July 16, 2018

The Joint Board Petition Policy (5AAC 96.625), an emergency is an unforeseen, unexpected event that either threatens a fish and game resource, or an unforeseen unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such a delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

This Petition is an Emergency as it is an unforeseen, unexpected event that threatens a fish and game resource (Kasilof sockeye salmon) and a biologically allowable resource harvest would be precluded by delayed regulatory action, such a delay would be significantly burdensome to the petitioners in statistical area 244-21 and 244-22 because the resource would be unavailable in the future. The petitioners seek immediate relief accordingly to be relieved from the Kenai River late-run king salmon Management Plan and accorded additional hours per week. Otherwise a fisheries disaster will likely occur unnecessarily.

Background:

On July 16th, 2018 the Department of Fish and Game issued an announcement to restrict Kenai River king salmon to catch and release from a prior no bait restriction. Consequently, the eastside set gillnet fishery is limited to 24 hours per week on available commercial fishing time on sockeye salmon bound for the Kasilof and Kenai rivers. As of July 15th the Kasilof River sockeye escapement exceeded 127,000 and tracks to exceed the upper BEG goal range. The Kasilof sockeye salmon BEG has been exceeded in the last 10 years and 19 out the last 20 years even though the Board has directed the department to distribute escapements evenly within 5 years to maintain and sustain maximum sustained yields on Kasilof River sockeye salmon. Well over 1.5 million sockeye foregone already (surplus to escapement harvest available above the mid-point) just in the past decade and consequently recruitment (yield) losses have also caused foregone yield on harvest levels.

The Kasilof Section stat areas 244-21 and 244-22 harvest very few Kenai bound large kings at only 15 percent on kings harvested (per communications by ADFG staff Soldotna office); i.e. less than 15% of king salmon harvested are 34 inches or greater in length. To date stat area 244-21 harvested approx. 42 Kenai large king salmon and 61,083 sockeye salmon; i.e. 99.88% sockeye salmon harvest per openings. Stat area 244-22 71 approx. 71 greater than 34 inches in length and 39,073 sockeye salmon. This is the total estimate for 8 openings – insignificant harvest numbers compared to the preseason forecast of 21,500 large Kenai late-run king salmon. The commercial fisheries Outlook 2018, ADFG stated we would be fishing on available hours per week in the Kasilof River sockeye management plan and Kenai late-run sockeye management Plan on runs above 2.3 million (regular periods and 51 hours per week of emergency order time available).

Importantly, by comparison, the Drift fishery has been allowed extra harvest fishing time per week in-season on all common property sockeye salmon available for harvest and sockeye salmon bound for the Kasilof River system. The Drift harvest as of July 14th was only 452 king salmon @15% exploitation for large Kenai bound king salmon represents 68 Kenai kings >34 inches in length, an estimate which is higher than either statistical area 244-21 or 244-22. The Drift fishery is exempt from the Kenai River Late-run king salmon Management Plan. Of note: The department does not sample king salmon in the

Drift fishery but similarly applies the age and size estimate from the eastside in-season harvest sampling data per openings by eastside stat areas.

Background continued: On June 22nd Emergency Order #4 limited hours per week to 48 hours and openings by emergency order based solely on a weak Early run king salmon. Sport Fish division was asked to supply the data correlation to project Kenai late-run king salmon returns and none was provided. The response only stated Sport Fish had the authority under Board approved Kenai late-run king salmon plan. However, not even 1 late-run Kenai king was counted (prior to July 1). Please see attached correspondence to Matt Miller (DFG) and Robert Begich (DFG). An arbitrary justification was made anyway prior to the June 25th Kasilof Section opening. Note: the prior Kenai late-run king salmon management plan (before 2017) stated unequivocally that no action should be taken prematurely prior to July 20th based on river-mile 8.6 sonar counts or the mid-point of the in-river run (July 20th projection). The Aries king salmon sonar's are located at river-mile 14 and the new mid-point is now July 28 on average run timing years. The run-timing is unforeseen at this time and won't be known until August 20th. Salmon runs are later than normal elsewhere in the state. Late-run Kenai king salmon are mainstem spawners vs. Early run king salmon which are tributary spawners (Kenai early-run).

Additional information: The Kenai River Aries sonar program estimates king salmon >34 inches in total length even though large fish goals elsewhere in the state are estimated at >27 and 9/16 inches which counts all 3-ocean king salmon. Note: the world record sockeye salmon, on the Kenai River is 15 pounds 3 ounces and total length of 28 and one-quarter inches which is 71.755 cm in length. The >34 inches undercounts a portion of 3-ocean females between 28 inches – 34 inches in total length.

Background continued: The 2017 Board cycle was presented a public proposal (Proposal 171 titled Kenai River late-run king salmon Management Plan, 5AAC 21.359) under the Alaska Administrative Procedures Act and in accordance with the public proposal process to address this issue. However, instead of deliberations on the matter, as afforded to the public – this proposal was substituted at the last minute by a Board member (Robert Ruffner) to apply instead to the East Forelands stat area even though no public proposal was written to exempt the East Forelands stat area; consequently under 5 AAC 96.625 and AS 44.62.220 (a), (b), (c), (d), and (e) was undermined and proposal 171 did not receive proper public process or deliberation. Note: There is a record on the matter to the Board Chair.

Respectfully submitted,

Jeff Beaudoin
P.O. Box 75
Kasilof, Alaska 99610

Mark Ducker
23259 Cohoe Loop Rd.
Kasilof, Alaska 99610