

October 15<sup>th</sup>, 2018

To:

RC 38

Alaska Board of Fisheries

P.O. Box 115526

Juneau, AK 99811-5526

Subject: ACR 6

Chairman Jensen,

The South K-Beach Independent Fishermen's Association (SOKI) submitted Agenda Change Request six to bring to the attention of the Board of Fisheries (BOF) the lack of guidance needed to assist the Alaska Department of Fish and Game (ADF&G) in managing for conservation for Kenai River sockeye runs under 2.3 million. The absence of clear direction on how to maintain a **reasonable opportunity** to harvest sockeye with a **realistic expectation** of success while limiting the need to close the fishery for Personal Use (PU) is of utmost importance. SOKI is aware that there is no easy decision to made in times of conservation and we agree that a *precautionary approach (5 AAC 39.222 (c) (2) (5) (A) (iv))* is warranted when uncertainty prevails do to lack of verifiable harvest rates when sustainability is in question.

This summer, the Department (ADF&G) restricted commercial fisheries on the East side setnet fisheries to **control the utilization of the resource** as a precautionary approach to increase the rate of escapement of sockeye into the Kenai River. A limited 600-foot setnet fishery was opened to target Kasilof bound sockeye as the escapement had achieved its BEG. This fishery maintained a limited harvest of approximately 2,500 Kenai bound sockeye per period. On August 1, 2018 this commercial fishery which was in place to maintain the escapement within the Kasilof River sockeye goal was abruptly stopped when managers were concerned that approximately 28% of the sockeye harvest may be bound for the Kenai River. A statement of, "set gillnets... not likely to open in the foreseeable future "was issued at that time. The result being that the Kasilof River sockeye run exceeded its BEG and OEG again despite having the 600-foot tool in the tool bag.

SOKI is extremely skeptical of the way the Department came to this conclusion with limited samples per period and no clear indication of where the sampling took place or at least a table listing individual sections where sampling occurred.

The Kenai PU fishery continued to operate daily with no *step-down* tools in place and no *in-season* assessment of how many directed Kenai sockeye were being harvested. ADF&G tells us that they simply calculate an average based on previous yearly estimates for the approximately 21 days which equates to about 15,000 sockeye per day. The Department does not *adjust* for tides or historical entry patterns, just an average per day rate.

Previous managers have estimated that of the sockeye entering the Kenai River per day only 50% of this migrating fish reach the sonar counters to be enumerated. This means that the rate of harvest in the PU fishery or other in-river fisheries may impede achieving the minimum escapement goal or at the very least, slowing the rate enough that the goal may not be reached in a historical time sequence. Current

management plans have minimal tolerance for this kind of variance. However, this cannot be verified as there is ***no in-season harvest assessments*** on sockeye in the PU fishery at the mouth of the Kenai River.

In runs over 2.3 million this may not be of great concern as it relates to conservation or sustainability. SOKI presented this ACR to address conservation concerns on runs of under 2.3 million and contends that this run pattern was not foreseeable when the regulations were adopted over a decade ago. We also believe that the Kenai River sockeye runs may continue to be poor and we do not believe that the BOF should wait to address this probability until after the situation repeats itself. ***The Department has stated that in concurrence with the Department of Law that they do have in-season authority to adjust time and area to address escapement goals as it relates to sustainability and conservation. In our opinion the Department has no current advisements on how to accomplish this without guidance/direction from the board.***

SOKI requests the Board to reference definitions; 39.222 (f) (4) "burden of conservation" means the ***restrictions imposed by the board or department upon various users in order to achieve escapement, rebuild, or in some other way conserve a specific stock or group of stocks; this burden, in the absence of a salmon management plan,*** will be generally applied to users *in close proportion to the user's respective harvest of the salmon stock;*

SOKI wants the board to understand that they are not seeking any increase in allocation of the sockeye resource as it would be an impossibility since the PU fisheries are conducted outside of the setnet area of operations and opportunity. We do however seek an orderly fishery that is conducted in as close to *historical patterns* as possible and that the same standards of accountability be equally shared amongst all user groups. We realize that without an expedient in-season assessment of run strength and harvest rates, conservation and sustainability may be seriously compromised.

*We continue to emphasize that that closures to the PU fisheries should be avoided and that step-down measures if utilized would lessen the chance of a full closure to the fishery while allowing a **reasonable opportunity** and a **realistic expectation** to harvest sockeye on targeted days and areas. These measures would only occur on projected runs of under 2.3 million.*

We support adopting this ACR and scheduling it to be heard in your March Statewide meeting to allow adequate time for all concerned to be able to participate in the regulatory process.

Thank you for your consideration,

Paul A. Shadura II

Spokesperson for SOKI