

Listed Kenai River Late Run Chinook as a Stock of Concern is a violation of regulations. 5 AAC 39.222, 5 AAC 39.223.

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Petition to the Alaska Board of Fisheries

I am petitioning the Alaska Board of Fisheries under 5 AAC 96.625 and AS 44.62.220 to reconsider the decision to list Kenai River Late Run Chinook as a "Stock of Concern" as it is a violation of your own regulations at 5 AAC 39.222, Policy for the management of sustainable salmon fisheries and also 5 AAC 39.223 Policy for statewide salmon escapement goals. Under 5 AAC 39.222 (f) (10) "escapement" "means the annual estimated size of the spawning salmon stock; quality of the escapement may be determined not only by numbers of spawners, but also by factors such as sex ratio, age composition, temporal entry into the system, and spatial distribution within the salmon spawning habitat;" -not part of a stock over 75 cm. Nowhere in this regulation or 5 AAC 39.223 is there any provision for measuring part of a stock, especially when the part of the stock being measured is inconsistent and cannot even be used as an index to total escapement. The Department makes an estimate of the escapement of the Late Run Kenai River Chinook "Stock" (all fish) each year but has chosen to make the goal for large fish only in violation of the regulations. (Figure 1) When the entire salmon stock is counted or estimated as done for the 2013 escapement goal for all fish, the lower bounds of the escapement goal for this "Stock" is never missed, ever. (Figure 2) The definitions of all three types of "conservation concern" from 5 AAC 39.223 (f) quoted below make it abundantly clear that in none of these regulatory definitions does the Kenai River Late Run Chinook Stock meet the standard of "Stock of Concern" Under number (f)(6) there is no SET so it does not apply. Under (f)(21)&(f)(42) this stock does not meet the requirements of either of these definitions as the escapement goal (SEG) for the Stock is not being missed. Under a Yield Concern it is hard to believe that ADF&G or the Board would expect yields to be maintained when you arbitrarily raise the escapement goal (SEG) by nearly 50 percent (6,000 fish). (Figure 1) The current OEG established by the Board of 15,000-30,000 Chinook over 75 cm raised the goal another 1,500 fish (7,500 total) and is again a violation of your own policy because "escapement" is the "annual estimated size of the spawning salmon stock;" and OEG is an escapement level.

5 AAC 39.222 (f) in this section, and in implementing this policy,

"(6) "conservation concern" means concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a stock above a sustained escapement threshold (SET); a conservation concern is more severe than a management concern;

(21)"management concern" means a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a salmon stock within the bounds of the SEG, BEG, OEG, or other specified management objectives for the fishery; a management concern is not as severe as a conservation concern;

(42)"yield concern" means a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock's

escapement needs; a yield concern is less severe than a management concern, which is less severe than a conservation concern;

I am further petitioning the Board to repeal and readopt 5 AAC 21.359 and return the escapement goal to the 2013 interim sustainable escapement goal of 15,000 to 30,000 all age fish (stock). This is necessary because the current goal for part of a “stock” over 75 cm violates both of the Board’s regulations 5 AAC 39.222 , Policy for the Management of Sustainable Salmon Fisheries and 5 AAC 39.223 Policy for Statewide Salmon Escapement Goals. In 2013 after miscounting the Chinook escapement by ½, 13,000-closing all fisheries, instead of 28,000 where **no closures** were necessary the Department did a run reconstruction and established the following goal: *“It is recommended that an interim sustainable escapement goal of 15,000 to 30,000 fish be adopted for Kenai River late-run Chinook salmon, evaluated by multiplying DIDSON-based estimates of inriver abundance by 1.31 to account for undetected Chinook salmon passing the sonar site, and subtracting harvest and catch-and-release mortality above the current sonar site. It is recommended this goal be **considered for revision after the sonar site is moved upriver.**” (FMSW 13.03, page 1)* At the task force meetings in 2013, when the new goal was sprung on the public, there was no discussion of a large fish goal, instead ADF&G was not sure about the missed fish at river mile 8.6 and whether the goals at river mile 14 would be measured in the same “currency”. In any case, since the current goal (SEG) and (OEG) violate your own policies, which even the Board must follow, the only prudent action would be to readopt the old all fish goal from 2013 of 15,000-30,000 Chinook **of all sizes**. It should be noted that this goal already has a buffer of 3,000 Chinook built into it, so an OEG is unnecessary and likely to continue to reduce yields and close fisheries. Also, anytime you raise an escapement goal you make it more likely fisheries will need to close to achieve it. Thank you.

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Figure 1. Kenai River Chinook Age Composition.

Counting Kings 750 mm and larger omits all fish smaller than 34 inches, all age 3,(1.1) age 4,(1.2) and 40 % age 5 (1.3)

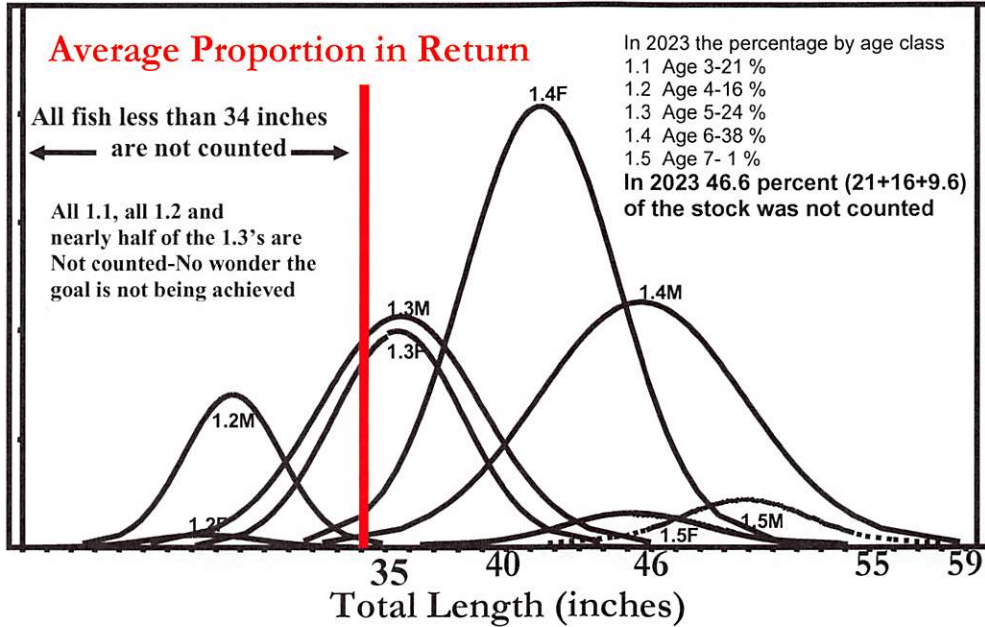


Figure 2. Kenai King Escapement of All Sized Kings- SEG is 15,000-30,000 Kings of all Sizes from 2013 Report FMS 13-02, in Effect Prior to 2017, Data Updated to 2022.

