

Todd Smith Public Comments 2024 UCI BOF Meeting:

I am a lifelong Kenai resident and Ninilchik beach setnet fisherman. I'm also a lifelong avid sport fisherman and have lived a stone's throw from the Kenai River my whole life. I am an active member of the Kenai/Soldotna AC committee, and a board member on my local Economic Development District. I am unable to take 10 days away from my job and family and travel 150 miles to participate in this regulatory meeting for my area, so I ask that you please read and consider my comments and proposals.

My family setnet operation on Ninilchik beach ceased to function in 2023, as the entire beach was closed for King conservation. 5 of the last 6 seasons have been economic disasters for the ESSN fishery due to King restrictions. If regulations remain unchanged, my business will again be closed in 2024. I am advocating for the most historic fishery in my area, which has been regulated out of existence despite more than a century-long record of sustainability.

Kenai Kings, Stock of Concern:

Kenai River Late Run Kings, relative to their SEG, are the healthiest stock of King Salmon in the entire Cook Inlet drainage. Of 18 enumerated King Salmon returns in Southcentral AK (Including Cook Inlet, Kodiak, Bristol Bay) Kenai River Late Run Kings are one of only two King stocks which met SEG in 2023¹. I'm not implying that there are plenty of Kenai Kings – they are undoubtedly in short supply - however the BOF in 2020 chose to establish an allocative² OEG for these fish that we all knew would be very tough to achieve given current low productivity³. Furthermore, ADFG's own comments on this allocative goal was that the new OEG would "increase the probability of reduced yields, on average, in the future". It is based on this allocative OEG that the Stock of Concern status was determined. I'm baffled as to how, on a scientific basis, Kenai Late Run Kings can be considered a stock of concern while Kenai Early Run Kings are not. I think the answer is that the determination is not scientific, or conservation related, and that this entire Stock of Concern and OEG discussion is an allocative discussion rather than conservation discussion. My impression of this Stock of Concern determination and upcoming BOF deliberation (set to proceed before proposal deliberation) is that this is a perfect recipe for the BOF to unilaterally change any fishery in AK. Just hike the goal to create a stock of concern and then you can start changing regulations and gear types on a short-form basis and outside the public process.

I'm disappointed that after a year of zero local harvest, ADFG released stock of concern management options that didn't include all sources of Kenai King mortality in State managed fisheries. Kodiak/Area M intercept fisheries should absolutely be considered when UCI Kings are at stock of concern status.

¹ Figure 1 Southcentral Region King Salmon Escapements

² Figure 2 ADFG Comments on 2020 UCI Proposal 104 (OEG)

³ Figure 3 Chart, ADFG Comments on 2020 UCI Proposal 104 (OEG)

Kenai vs. Kasilof / South Pen King “conservation”

In their 2020 comments, ADFG was also careful to mention that Kenai River restrictions should consider parity with the Kasilof River fishery to account for increased effort in times of restrictions on the Kenai River. Unfortunately, they did not follow their own advice.

In 2023, the Kasilof River hosted the most liberal freshwater King fishery in the state⁴, with bait being used river-wide all spring with a two fish retention limit. Fishing on the Kasilof “Early Run” hatchery stock was allowed until July 31. Crooked Creek did not meet its minimum King escapement goal. On the Ninilchik River, bait and retention limits on Hatchery fish were liberalized preseason, while the Ninilchik failed to make minimum King escapement by a wide margin.

ADFG stocking goals on Ninilchik and Crooked creek have increased substantially since the King crisis started in the 2012 era, and at times when these streams have lacked substantial escapement for egg collection, fish have been borrowed from other streams for stocking. In both drainages, the singular excuse for allowing such liberal enhanced fisheries on top of struggling natural runs has been the need to kill the hatchery fish we stocked the streams with.

As a generational fisherman on the now-closed Ninilchik beach, it is frustrating and completely mind boggling to me that my rivers adjacent to the North and South are the most liberal king fisheries in the state.

AS 16.05.730 requires that the department manager for sustained yield of wild stocks⁵. Most of Cook Inlet’s various user groups have been closed or restricted for King Salmon conservation in both fresh and salt. The dissonance in conservation and management of natural King Salmon in freshwater streams just 10 miles apart is unsustainable. I fail to understand how we can take such a cautious approach in Kenai and expect the South Peninsula freshwater stocks to bear the burden of conservation of natural Kings elsewhere. I implore the BOF to examine this issue and to insist that we not continue to deplete these natural runs with enhancements.

Alternate Gear Types:

There are a handful of proposals and random options proposed by ADFG which would implement alternate gear types in the setnet fishery. None of these options have been vetted for conservation effect or economic/practical viability. They are all unproven and untested in our unique UCI fishery. Even the shallow mesh concept now in regulation lacks science and data – all the studies and reports on shallow mesh in UCI have been funneled through a single, foreign, private research organization, and their reports have not done well in peer review. The 2023 shallow mesh study was awarded on a no-bid sole source contract with no formal or dept/peer reviewed operational plan and should NOT be considered scientific.

⁴ Figure 4 AK Freshwater King Fishing Opportunity

⁵ Figure 5 ADFG Board Authority on Hatcheries

Any change in gear type would not eliminate King mortality. Any alternate/selective EESN fishing gear deployed in 2024 would produce more King mortality than the setnet fishery did while closed in 2023. Therefore, it only makes sense to explore how we prosecute the fishery once an acceptable mortality number has been established. If, as currently, no mortality is deemed acceptable, then discussing alternate gear types is a waste of time.

Habitat:

I did a quick word search on the 2 volumes of ADFG staff comments on proposals for this meeting. "King" shows up 1400 times. This is no surprise – much of the meeting is centered around King Salmon due to what most agree is a statewide productivity issue. Habitat is a key driver of productivity, yet "Habitat" only appears 10 times, 6 of which are direct references to code/title. This lack of consideration for habitat is not responsible resource management and is not consistent with AK SSFP.

Several of my proposals are aimed at trying to come up with solutions to decrease our impact on these rivers, specifically in the King spawning and rearing grounds. The Kenai River has some of the most focused powerboat traffic in the world for a small salmon stream. The shift by industry from King fishing to Sockeye fishing has outpaced regulations and there are no closed times or days on industry or powerboat use. There is also no system of record keeping or professional accountability, other than on-site law enforcement and the often mentioned "self-policing" that the industry claims to perform on itself and, by nature, on nearby private sport users who may be less aware of best practices and specific regulations.

I encourage the BOF to establish sideboards on the inriver Sportfish Guide industry, to push the department to collect more inriver use data, and to insist on Freshwater Logbooks. Currently no one is tracking cumulative boat traffic on our rivers. It is impossible to tell how our current use compares to decades past. Many will claim that our rivers are not as busy as they were in decades past. I've lived on or next to and actively used the Kenai River my entire life, and I'd argue that cumulative river-wide powerboat use is higher than ever before.

PU Guiding

I support my AC's proposal to require PU guides to register as sportfish guides. A sportfish license is required to participate in the fishery. It is irresponsible to allow this commercial industry to expand in an unregulated and unmonitored way. These fisheries are already fully allocated. I was disappointed in the discussion of this industry at the statewide meeting, and the attempt by some to label the practice "Personal Use Fishing Services". It's guiding, clear and simple. The question of whether it's against Federal Law to establish a resident-only industry will have to be answered by others, but that potential conflict should not dissuade the BOF or ADFG from at least putting the practice of PU Guiding in code or statute. PU guiding is not currently listed anywhere in code, and there are zero requirements from the state of AK to engage in PU guiding (other than a business license and fishing license). This does not seem safe or responsible.

Proposed Solution to the King debate:

Throw the whole prescriptive, paired management plan away because our data on these fish just isn't that good and this management plan does not have a good economic or conservation track record. We've lost logbook data and setnet harvest data - our two best historic indicators of abundance - while at the same time asking managers to follow more prescriptive, abundance-based management practices than ever before. It's a recipe for failure.

Get rid of the Kenai LR OEG and manage for escapement goals throughout the range of the SEG. Stop stocking the Kasilof and Ninilchik, put the Kenai and South Pen rivers at Catch and Release for natural Kings and open the setnets 1-2 days a week at 1ea 29 mesh net per permit, and encourage the release of live Kings. Leave things that way until we're projecting above the middle of the SEG. The exploitation rate would be minimal and very sustainable regardless of run strength, all user groups would see opportunity, and the fish would be as protected as possible.

Please ask lots of questions of the department and influence peddlers. You're going to see/hear a lot of charts, data, and "facts" that do not pass the sniff test. The discussion surrounding Kenai Kings has turned more toward loose facts and emotion and less toward data and science. Kings are struggling, but we are nowhere near endangered status on the Kenai. Please try to differentiate between "conservation" and allocation. Good luck, I don't envy the position you are in.

Thank you,

Todd Smith

Table 1 – Select Southcentral Region Salmon Escapement Goals and Escapements for king salmon, 2014 to 2023 (preliminary).

System	2023 Goal Range		Type	Initial Year	2014	2015	2016	2017	2018	2019	2020	2021	Preliminary	
	Lower	Upper											2022	2023
KING SALMON														
<i>Bristol Bay</i>														
Nushagak River	55,000	120,000	SEG	2013	70,482	98,019	125,368	56,961	97,239	47,882	43,032	55,222	44,434	31,499
Alagnak River	2,700		LB SEG	2007	NC	917	1,283	435	NC	NC	NC	NC	NC	NC
<i>Kodiak/Alaska Peninsula</i>														
Karluk River	3,000	6,000	BEG	2011	1,182	2,777	3,434	2,600	3,155	3,898	3,344	2,796	2,629	378
Ayakulik River	4,800	8,400	BEG	2017	789	2,392	4,594	3,712	2,149	1,948	2,402	2,961	2,845	590
Chignik River	1,300	2,700	BEG	2002	2,895	2,041	1,843	1,137	825	1,517	1,278	1,072	661	267
Nelson River	2,400	5,000	BEG	2019	3,801	2,440	4,618	1,502	5,022	11,653	2,298	4,539	3,785	4,078
<i>Upper Cook Inlet</i>														
Alexander Creek	1,900	3,700	SEG	2020	911	1,117	754	170	296	1,297	596	288	NC	NC
Campbell Creek	380		LB SEG	2011	274	654	544	475	287	393	154	339	423	171
Chuitna River	1,000	1,500	SEG	2002	1,398	1,965	1,372	235	939	2,115	869	806	NC	372
Chulitna River	1,200	2,900	SEG	2020	1,011	3,137	1,151	NC	1125	2,765	845	1,535	NC	494
Clear (Chunilna) Creek	eliminated (see Talkeetna Stock)			2020	1,390	1,205	NS	780	940	1,511				
Crooked Creek	700	1,400	SEG	2002	1,411	1,456	1,747	911	714	1,444	830	594	735	500
Deshka River	eliminated (see Deshka Stock)			2020	16,335	24,316	22,874	11,383	8,544	9,711				
Deshka Stock	9,000	18,000	BEG	2020							10,638	18,674	5,440	3,741
Eastside Susitna Stock	13,000	25,000	SEG	2020							14,995	15,208	7,654	4,003
Goose Creek	eliminated (see Eastside Susitna Stock)			2020	232	NC	NC	148	90	NC				
Kenai River - Early Run (all fish)	eliminated ^a			2017	5,311	6,190	9,177							
Kenai River - Early Run (large fish)	2,800	5,600	SEG	2017										
	3,900	6,600	OEG	2017				6,726	2,910	4,128	2,439	4,045	2,047	1,975
Kenai River - Late Run (all fish)	eliminated ^a			2017	17,451	22,642	18,790							
Kenai River - Late Run (large fish)	13,500	27,000	SEG	2017				20,615	17,289	11,638				
	15,000	30,000	OEG	2020							11,909	12,176	13,952	14,502 ^c
Lake Creek	eliminated (see Yetna Stock)			2020	3,506	4,686	3,588	1,601	1,767	2,692				
Lewis River	eliminated			2020	61	5 ^b	0	0 ^b	0	0 ^b				
Little Susitna River (Aerial) ^c	700	1,500	SEG	2020	1,759	1,507	1,622	1,192	530	NC	NC	889	NC	NC
Little Susitna River (weir)	2,100	4,300	SEG	2017				2,531	549 ^d	3,666	2,445 ^u	3,121	2,288	799 ^u
Little Willow Creek	eliminated (see Eastside Susitna Stock)			2020	684	788	675	840	280	631				
Montana Creek	eliminated (see Eastside Susitna Stock)			2020	953	1,416	692	603	473	789				
Peters Creek	eliminated (see Yetna Stock)			2020	1,443	1,514	1,122	307	1,674	1,209				
Prairie Creek	eliminated (see Talkeetna Stock)			2020	2,812	3,290	1,853	1,930	1,194	2,371				
Sheep Creek	eliminated (see Eastside Susitna Stock)			2020	262	NC	NC	NC	334	NC				
Talachulitna River	eliminated (see Yetna Stock)			2020	2,256	2,582	4,295	1,087	1,483	3,225				
Talkeetna Stock	9,000	17,500	SEG	2020							7,283	9,107	4,288	2,216
Theodore River	500	1,000	SEG	2020	312	426	68	21	18	201	111	38	NC	NC
Willow Creek	eliminated (see Eastside Susitna Stock)			2020	1,335	2,046	1,814	1,329	411	897				
Yentna Stock	16,000	22,000	OEG	2020							14,850	18,890	16,583	8,294
<i>Lower Cook Inlet</i>														
Anchor River	3,800	7,600	SEG	2017	2,497	10,241	7,146	5,796	3,162	5,691	3,558	4,300	3,147	2,338
Deep Creek	350		LB SEG	2017	601	535	NS	753	182	751	327	NC	NC	NC
Ninilchik River	750	1,300	SEG	2017	891	874	572	855	979	1,185	833	772	687	330

Note : NA = data not available; NC = no count; LB SEG = lower-bound SEG.

^a Kenai River king salmon all fish SEG's were eliminated and large fish goals were instituted

^b Lewis River mouth naturally obstructed.

^c Little Susitna River king salmon aerial survey goal is only used to assess escapement if weir count is not available.

^d Incomplete count because weir was pulled before end of run due to flood/fire evacuation, etc

^e Sonar assessment extended seven days, count August 20 was 13,257 large king salmon

Bold & Italicized escapements were added by RC author using department data

Figure 1

timing and passage, water temperature, fishing effort, etc. Since establishment, the large fish SEG has been achieved twice (2017 and 2018) and not achieved once in 2019 (Table 104-1, 104-3).

There are several ways to evaluate the effective of paired restrictions on the commercial and sport fisheries. Since paired restrictive provisions were adopted in 2014, the average annual harvest of large Kenai River king salmon in the ESSN fishery has been 1,764 fish and the percent of harvest between commercial and sport fisheries averaged 46% in the ESSN and 54% in the sport fishery (Table 104-4). The proportion of all king salmon harvested in the ESSN fishery that are large Kenai River king salmon from 2014–2018 is 39%. Removing bait from the inriver king salmon sport fishery reduces catch by approximately 50%.

DEPARTMENT COMMENTS: The department is **NEUTRAL** on this allocative proposal. Recognizing the board, with the assistance of the department, can set OEGs if they so choose, the department encourages discussion before establishing OEGs that increase the probability of reduced yields, on average, in the future. The department transitioned to a new SEG based on escapement of king salmon 75 cm (mid-eye to fork) and greater in length at the 2017 UCI board meeting. The implications and biological effects of the large fish goal have yet to be observed, as cohorts from brood years under this new abundance estimation strategy have yet to return. Additionally, the department opposes regulation pairing management in the Kenai River king salmon fishery to the Kasilof River king salmon fishery. The Kasilof River is enhanced by the division of sport fish with hatchery king salmon and is currently managed using escapement at the Crooked Creek weir. Inseason action to the Kasilof River fishery consider parity to the Kenai River fishery to account for increased effort in times of restrictions on the Kenai River. The Kasilof River late-run large king salmon sonar enumeration project enters its third season in 2020 and progresses the departments understanding of the Kasilof River late-run of large king salmon. Inseason adjustments to minimum size limits and triennial changes to escapement goal management objectives along with methods will lead to increased regulatory complexity for anglers. Although achievement of the Kenai River king salmon SEG is based on passage of large king salmon (75 cm mid-eye to fork) or about 34 inches, that does not diminish the contribution of king salmon less than 34 inches to the inriver fisheries and the spawning population.

COST ANALYSIS: Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery. Approval of this proposal is not expected to result in an additional direct cost for the department.

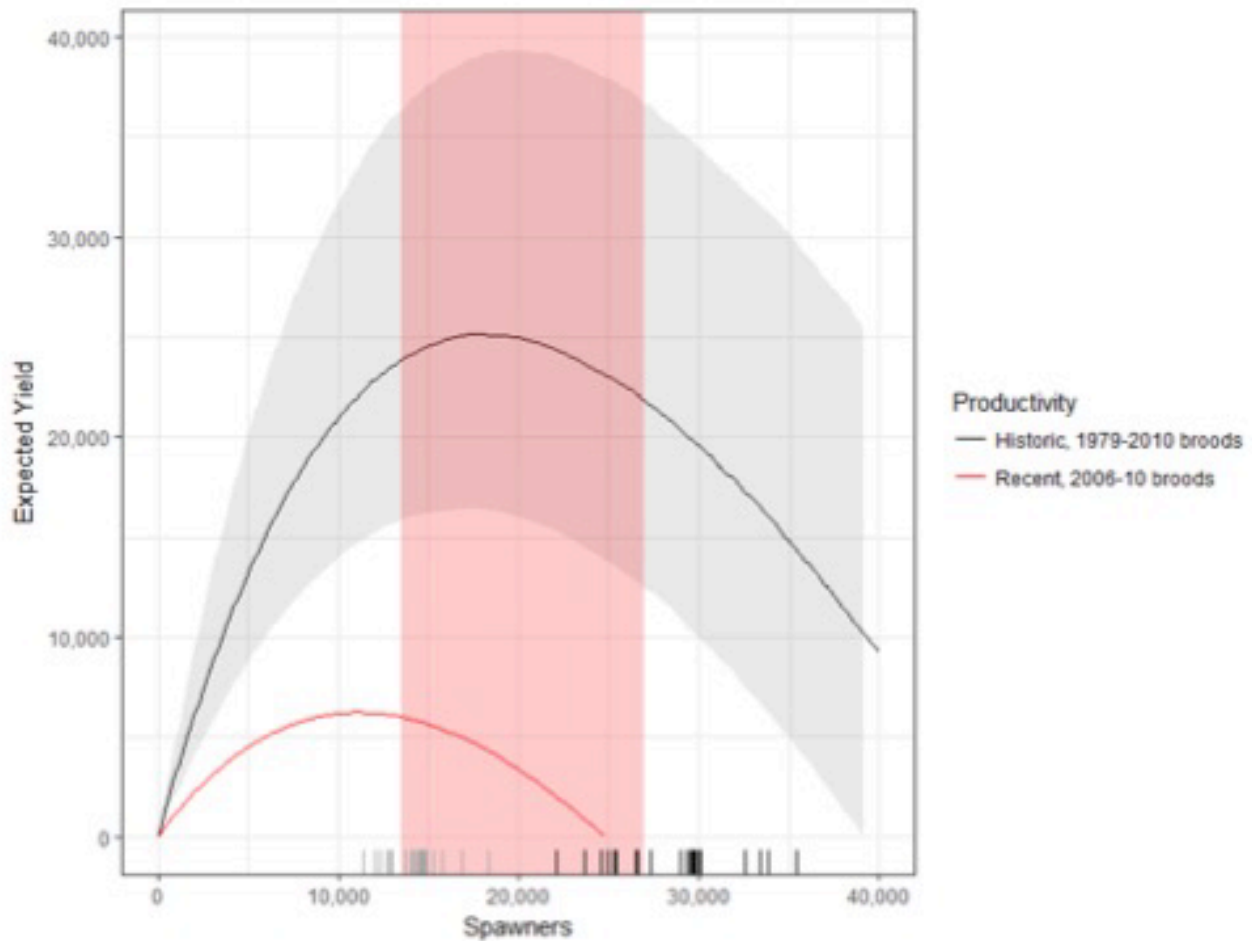


Figure 104-2.—Expected sustained yield (ESY) plots for Kenai River **late-run** king salmon 75 cm METF and longer.

Note: ESY median (solid black line) and 50% credibility interval (shaded area around the line) assume average productivity for brood years 1979–2010. Median ESY under recent, reduced productivity (brood years 2006–2010) is also shown (solid red line). The vertical shaded area brackets the recommended goal range; grey and black marks along the x-axis show comparable lower and upper bounds for other Alaskan king salmon stocks scaled by S_{MSY} ratios.

Figure 3

AK King fishing opportunity in natural streams, 2023

Anchor	Closed
Ayakulik	Closed
Copper	No bait, 1 per day
Chignik	Closed
Deep Creek	Closed
Deshka	Closed
Golsovia	Closed
Inglutalik	Closed
Karluk	Closed
Kasilof	Bait, 2 hatch per day no wild retention
Kenai	Closed
Koyuk	Closed
Kuskokwim	Closed
Little Sue	Closed
Naknek	1 per day over 28"
Ninilchik	Bait, 2 hatch per day no wild retention
Nushagak-Mulchatna	No retention 7/11-7/31
Shaktoolik	Closed
Situk	Closed
Susitna	Closed
Taku	No Retention
Tanana	Closed
Togiak	No bait, no retention over 20"
Unalakleet	Closed
Ungalik	Closed
West Cook Inlet Fresh	Closed
Yentna	No bait, no retention
Yukon	Closed
Cook Inlet Salt	Closed

Figure 4

ADFG "Board Authority on Hatcheries, BOF Hatchery Committee 10/14/23

Alaska Statute 16.05.730

- ▶ The Board and the Department **MUST** manage “[f]ish stocks in the state . . . consistent with sustained yield of **wild** fish stocks.”
 - ▶ However, for enhanced stocks, the statutory language is only **permissive**. But the Board and the Department **MAY** manage fish stocks consistent with sustained yield of enhanced stocks. AS 16.05.730(a).
- ▶ The Board **MUST** consider the need of “fish enhancement projects” to obtain brood stock. .730(b)
 - ▶ As part of this requirement, the Board **MAY** direct the Department to “manage fisheries . . . to achieve an adequate return of fish from enhanced socks to enhancement projects for brood stock.” This direction **MUST** be “consistent with sustained yield of wild fish stocks.” .730(b).
- ▶ The Board **MAY** also
 - ▶ Consider need for hatcheries to harvest and sell fish produced by hatchery but not needed for brood stock for cost recovery purposes. *See* .730(c)(1).
 - ▶ Exercise its authority to direct Department to provide reasonable harvest of fish, in addition to the fish needed for brood stock, for cost recovery. But the harvest must be “consistent with the sustained yield of wild fish stocks. *See* .730(c)(2).
 - ▶ Adopt a fishery management plan to provide fish to an enhancement project for cost-recovery purposes. *See* .730(c)(3).

Figure 5