

02.29.24

To: ABOF UCI Regulatory Meeting

Chairman Wood,

SOKI would like to comment and suggest changes to this RC 148.

There is no current biological reason for establishing or maintaining an OEG. The Department has most recently completed an extensive escapement goal review for Late Run Kenai Kings (LRKK) and reconfirmed the Sustainable Escapement Goal is a range of 13,500 to 27,000. The 15,000 OEG large king goal was an artificial goal established in the 2020 UCI regulatory meeting that has never been achieved and has resulted in immediate reductions in time and area, and eventual closure to the entire historical East Side Set Net (ESSN) fishery.

The Department has not presented any documentation to support a conservation necessity for the BOF to institute such drastic measures. There is no documentation to support that a decrease in setnet fishing time, area, methods and means will result in achieving a goal of 15,000 LRKK. Current marine environments may indicate a reduction in marine survival. However, the Kenai River continues to return a sustainable yield within different ranges. This is "sustained yield" as defined in SSFP ((f)(38)). The BOF or the department has not conducted a thorough written review for the public which would include stakeholders on how adoption of these regulatory changes would have a reasonable degree of achieving the proposed goals in lieu of current marine conditions. By adopting this Stock of Concern based on an OEG, the BOF is negating the scientific justifications as presented by the ADF&G.

Therefore, the public must assume that the BOF members are individually taking on the justification as allocative in nature. In the SSFP ((f)(25)), "an OEG WILL BE SUSTAINABLE and may be expressed as a range with the lower bound above the level of an SET"... . The Department and the BOF are mandated to establish an SET to determine ((f)(39)) "for salmon stocks of management or conservation concerns." This means a "low bound goal". An "SET can be estimated based on lower ranges of historical escapement levels, for which the salmon stock has consistently demonstrated the ability to sustain itself;"... . There is not one year where the stock has not sustained itself and offered a yield.

By taking actions and adopting a SOC and a resulting Action Plan, the BOF is adopting regulatory changes based on insufficient peer reviewed, scientific information, using the Best Available Technology (BAT) and Science (BAS).

Accepting the limited indicator of only adopting the assessment of Kenai Kings 75 cm or over is arbitrary and is rarely used as a management objective in any other anadromous systems within the State of Alaska. There is nothing in the SSFP that directs the Department or BOF to use a partial assessment of the total run to indicate sustainability.

There is no current analysis of the reduction of size and fecundity of LRKK. There is no scientifically defensible assessment of LRKK that are less than 75 cm in length. The majority of the current models that are used to devise current modeling incorporate unsubstantiated data from previous years using all king returns from different means of assessment using different, less discriminatory devices and at

a different river location. To determine the validity of the previous data, assumptions were made that “fit” the current model and narrative.

The last manageable and defensible management plan for the KRLR was established in 2017. This plan was based on what was evaluated as current conditions and an in-river analysis. Several other data points were utilized to determine overall run strength. All stakeholders who were involved with KRLR mortalities were analyzed to determine overall population and overall run strength.

In 2023, no ESSN fishery was conducted or in river fishery. It is not uncommon to see a 70 – 90 percent harvest of kings under 75 cm in the setnet fishery. Yet in river netting program survey conducted in the lower Kenai River generated a 30 - 40 % apportionment of those kings assessed at mile 13.7 sonar of the Kenai River. Even this last year, 2023, did not show an increase in apportionments of less than 75 cm, which are a portion of the Age 4 kings and less.

There have been several peer reviewed analyses that document a clear reduction in size of salmon including kings on the West Coast and specifically Alaska. At this meeting, Department individuals, when asked, have responded with no indicated changes in size relative to Age, Sex or Length (ASL).

It should be noted that negating attention of the lesser sizes of kings tends to rely on limited in season data, procured from a system that only operates 30 minutes per hour, in ten minute bursts and at different focal ranges and depths. Frequently the operation does not function based on equipment failure, software failure or disruptions caused by floating debris, water conditions and other traversing salmonids. The length of time in August that the counter remains in place determines whether a run achieves its projected goal. Recently indicators in run timing have been trending for a latter return of kings both in the Kenai and Kasilof Rivers. Without considering changes in run timing the Departments assessments, relying only on sonar, since all other user groups are not involved with mortalities, and restricting the operation of the sonar based on funding or man power issues, skews the data in a significant and negative manner.

We urge the BOF to either substantiate their proposed changes in management and regulation using the best available science, as generated from the ADF&G who are constitutionally mandated to produce and evaluate scientifically defensible data or to state, on record, their justification to supersede science, to justify severely injuring the local and State economy, to implement allocative regulatory changes, based on social motives (factors).

We urge the BOF to remove the OEG designation, reject the SOC designation, maintain scientific defensibility by adopting the SEG as the objective LRKK. The BOF should continue to review all proposals/petitions to the State as the procedures and notice to the public have been noticed. It is a great disservice to the people of the State to negate the lengthy, and at great cost to the public, to participate in an orderly and predictive process, in order to implement allocative changes based on non-supported data and anecdotal information.

February 28, 2024

Kenai River Late-Run King Salmon stock of concern action plan:

5 AAC 21.XXX. Kenai River Late-Run King Salmon stock of concern management plan (a) The purposes of this management plan are to rebuild the Kenai River late-run king salmon stock to levels that consistently achieve management targets established by the board and provide sustainable harvest opportunity. The provisions of this management plan are in effect from June 20 through August 31, and supersede the provisions in 5 AAC 21.359.

DELETE - [Until the management goal (currently an OEG) is achieved or exceeded for three consecutive years and is expected to achieve the goal in future years or is achieved four of six consecutive years, one of which at or above 18,000 fish, which is the estimated number of spawners needed for maximum sustained yield (Smsy) and is expected to achieve the goal in future years. The Kenai River late-run king salmon will remain a stock of concern until the department recommends delisting to the board at a Board of Fisheries meeting]

(b) The department shall manage the late run of Kenai River king salmon to achieve an **Delete - optimal escapement goal of 15,000 - 30,000 king salmon 75 cm mid eye to tail fork and longer as described in this section.** [SEG of 13,500 to 27,000]

(c) In the Kenai River sport fishery,

(1) the Kenai River is closed to sport fishing for king salmon; a king salmon that is caught must be released immediately; a person may not remove a king salmon from the water before releasing the fish;

(2) from July 1 through August 31, a person may not use more than one single hook unbaited artificial lure in the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake;

(3) the bag limit for Kenai River sockeye salmon is six per day, 12 in possession;

(4) that portion of the Kenai River downstream from an ADF&G regulatory marker located at the outlet of Skilak Lake is open to unguided sport fishing from a nonmotorized vessel on Mondays in July; for purposes of this paragraph, a 'nonmotorized vessel' is one that does not have a motor on board.

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(d) In the salt waters of Cook Inlet, the sport fisheries in the salt waters of Cook Inlet north of the latitude of Bluff Point are closed to the taking of king salmon.

(e) In the Central District Drift fishery, the commercial drift gillnet fishery in the Central District is closed within one mile of the Kenai Peninsula shoreline north of the Kenai River and within one and one-half miles of the Kenai Peninsula shoreline south of the Kenai River.

(f) In the East Side Set Net Fishery

(1) From June 20 – June 30, **DELETE - when the inseason projection, including harvest and projection error, of king salmon 75 cm mid eye to tail fork and longer is greater than 13,500 large fish**, the Upper Subdistrict set gillnet fishery shall be opened as follows:

(A) retention of king salmon is required and made available to the department for sampling;

(B) each setnet permit holder may use **DELETE up to one** {a} set gillnet that is not more than 35 fathoms in length and 29 meshes in depth;

(C) commercial fishing periods are open for no more than three **DELETE - eight-hour period, with a 48-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;**

(D) fishery openings shall be based around tides based upon Seldovia District Tide Tables by section as follows: Ninilchik River Mouth to Kasilof River Mouth plus 3 hours from Seldovia District low tide (Stat Areas 244-21, 244-

22), Kasilof River Mouth to Kenai River Mouth plus 4 hours from Seldovia District low tide (Stat Areas 244-31);

DELETE - (2) From July 15 – July 27, when the inseason projection, including harvest and projection error, of king salmon 75 cm mid eye to tail fork and longer is greater than 13,500 large fish, the Upper Subdistrict set gillnet fishery shall be opened as follows:

(A) retention of king salmon is required and made available to the department for sampling;

(B) each setnet permit holder may use **DELETE - up to one set** {a} gillnet that is not more than 35 fathoms in length and 29 meshes in depth;

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DELETE - (C) commercial fishing periods are open for no more than four eight hour periods, with a 48-hour continuous closure per week beginning between 7:00 p.m. Thursday and 7:00 a.m. Friday;

(D) fishery openings will be based upon Seldovia District

Tide Tables by section as follows: Ninilchik River Mouth to Kasilof River Mouth plus 3 hours from Seldovia District low tide (Stat Areas 244-21, 244-22), Kasilof River Mouth to Kenai River Mouth plus 4 hours from Seldovia District

DELETE - low tide (Stat Areas 244-31, 244-32), Kenai River Mouth to Boulder Point plus 5 hours from Seldovia District low tide (Stat Areas 244-41, 244-42);

(3) From July 28 – August 15, **DELETE - when the inseason projection, accounting for anticipated harvest, projection error and** in season run strength of king salmon 75 cm mid eye to tail fork and longer is greater than 13,500 large fish, the Upper Subdistrict set gillnet fishery shall be opened as follows:

(A) retention of king salmon is required and made available to the department for sampling;

(B) each setnet permit holder may use **DELETE - up to one**{a} set gillnet that is not more than 35 fathoms in length and 29 meshes in depth;

Paul A. Shadura II South K-Bch. Independent Fishermen's Association (SOKI)