



April 11, 2014

Mr. Glenn Haight
Boards Support
Alaska Dept. of Fish & Game

Dear Mr. Haight,

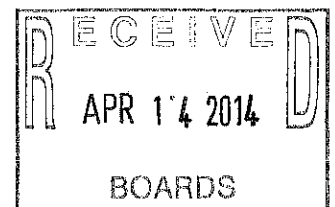
Please accept this request for the Board of Fish to consider an emergency petition restricting the use of 4" mesh drift nets during times of Chinook salmon conservation on the Kuskokwim River.

I'm writing this letter on behalf of the Kuskokwim Salmon Management Working Group.

Sincerely,

A handwritten signature in black ink that reads "Dave Cannon". The signature is fluid and cursive, with a long, sweeping underline.

Dave Cannon
Middle River Subsistence Representative KSMWG
Environmental Director
Native Village of Napaimute
P.O. Box 355
Aniak, AK 99557
(907) 676-0012



Chairman Karl Johnstone
Alaska Board of Fisheries
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK
99811-5526

Dear Chairman Johnstone:

The BOF, in a ruling in March, determined that a king salmon emergency does exist in the Kuskokwim drainage. In conjunction with that ruling, the purpose of this letter is to request that the Alaska Board of Fisheries (BOF) consider an emergency petition to restrict 4-inch or smaller mesh gear to be used as set nets **only** during periods when king salmon abundance is relatively high in the Kuskokwim River, which generally runs from mid-May through late June in the lower river and early June through mid-July in the middle and upper sections.

We believe that this additional emergency action by the Board of Fisheries is warranted in accordance with AS AAC 96.625, which states: In this section, an emergency is an **unforeseen, unexpected event that either threatens a fish or game resource**, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

During the recent emergency determination in March and during the 2013 regular BOF cycle, it was not anticipated that 4" or smaller mesh gear would be the only opportunity provided fishers during the upcoming June subsistence fishery.

Set gillnets of 4" or smaller mesh have long been used by subsistence fishermen in the Kuskokwim River to harvest whitefishes and other species; and these nets have been allowed to remain in the water during periods when salmon conservation measures were implemented (i.e., 2010-2013).

The Kuskokwim Salmon Management Working Group (Working Group), in the April 4th meeting, discussed the implications of the use of 4" mesh gillnets as a legal gear type. 5AAC 01.270 (c) states the following: Fish other than salmon may be taken only by set gillnet, drift gillnet, beach seine, fish wheel, pot, longline, fyke net, dip net, jigging gear, spear, a hook and line attached to a rod or pole, handline, or lead.

Prior to 2012, very few people drifted these smaller mesh nets. However, in 2012, citing low abundance of king salmon, the Department of Fish & Game closed salmon fishing in the river. Conservation measures were enacted and restrictions were implemented that limited the use of gillnets to 4" or less to allow the harvest of non-salmon species. Subsistence fishers, however, quickly learned just how effective 4" drift gillnets could be on king salmon; it wasn't long before multiple reports of sizable "incidental" harvests materialized. Therefore, the

Working Group is requesting that no *drift* gillnets be allowed during this critical period when king salmon numbers are at an all-time low and there is a high probability of them being caught incidentally.

Section 5AAC 07.365(2)(a) of the Kuskokwim River Salmon Management Plan states: In addition to the gear specifications and operations provisions of 5 AAC 01.270(n), when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen the fishery during which gillnet mesh size may not exceed four inches until sockeye and chum abundance exceeds the king salmon abundance.

The Working Group is requesting that that section be amended to read: In addition to the gear specifications and operations provisions of 5 AAC 01.270(n), when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the subsistence fishery and immediately reopen the fishery during which gillnet mesh size may not exceed four inches stretch mesh until sockeye and chum abundance exceeds the king salmon abundance, **and that set nets may only be used during those periods deemed necessary by the commissioner.**

The Working Group justifies this request for emergency action based on our conviction that there will likely be very little, if any, leeway for incidental harvest of king salmon. One life-long Kuskokwim River set netter and recent fisheries manager, Gene Peltola Jr., estimates that given the number of smaller set gillnets **typically** deployed throughout the drainage that the annual incidental king salmon harvest approaches 4,000; and given the probability of substantial restrictions in 2014, it's likely that more fishers will utilize set nets thereby increasing the incidental harvest by an unknown amount.

All indications point to a king salmon run similar to 2013, which was not only the lowest on record but fell 16,000 fish below the lower bound of the drainagewide escapement goal of 65,000. The Department's 2014 king salmon preseason forecast range is projected to be roughly 70,000-117,000. If the return comes in closer to the lower bound of the forecast (i.e., 70,000), there would be no more than 5,000 fish available for harvest based on the lower bound of 65,000.

As mentioned, the long established set gillnets could potentially harvest the majority of that "surplus". And if a large number of fishers decide to use drift gillnets, that many more king salmon will be incidentally – if not intentionally – caught, reducing the likelihood of meeting escapement for the second year in a row and the third time in five years.