

Alaska Board of Fisheries, Emergency Petition
Re: Cook Inlet Set Net Closure
July 18th, 2012

Due to the recent implementation of 5 AAC 21.359 (c)(4) in which the Kenai River was closed to king salmon fishing therefore closing the East side Cook Inlet set net fishery, the Kenai River is in danger of sockeye salmon over escapement. This potentially huge, unexpected over escapement, not only burdens the ecosystem now but also jeopardizes the strength of future returns.

The only "tool" currently available to local management is the Cook Inlet drift fleet which has a low king to sockeye harvest record. While this fishery can be partially successful in a situation such as this, it is not capable of stopping a estimated run of 4.0-6.0 million fish by itself, especially once the fish hit the beaches.

The East Forelands set net statistical area (244-42) is located at the northern end of the Central District approximately 12 miles from the mouth of the Kenai River. This stat area catches Kenai sockeye with minimal impact on king salmon. Data taken in this area shows one king caught for every 1236 sockeye. The stat area immediately to the south (Salamatof, 244-41) shows one king for every 359 sockeye. To further compare these stat areas, this neighboring district catches 20x the number of kings but only 5x the number of sockeye. By fishing stat area 244-42 when the rest of the Central District East side set net fishery is closed, local management, acting on 5 AAC 21.363(e), could have another "tool" at their disposal to curtail the over escapement of the Kenai River.

Sincerely,

Lance Alldrin, East Forelands set net
530-864-4846
alldrin@sbcglobal.net

Cliff Dejax, East Forelands set net
907-953-2211

Mark Vincent, East Forelands set net
907-240-6289

Petition #1 (B)

STATISTICAL DATA RELATED TO EMERGENCY PETITION

Day to day (2009 – 2011) total sockeye harvest comparing set net area (244-42) to Cook Inlet drift fleet.

This data suggests that set net area (244-42) harvests approximately 4.053% as much as the drift fleet on a day to day basis. The sockeye harvest in area 244-42 would likely increase by 2 to 4 times that amount if fished when the remaining east side set net districts are closed for king salmon conservation. If that were the case, area 244-42 could increase the commercial harvest of sockeye by 8.106% to 16.212% on a daily basis.

In addition, whereas the drift fleet slows considerably after the end of July, district 244-42 could be fished well into August further increasing the harvest of sockeye with very minimal impact on king salmon.

Considering the unforeseen extreme imbalance of king salmon return versus sockeye salmon return in Upper Cook Inlet, we ask that this petition be considered for immediate implementation on a trial basis.

Petition #1

(C)

2009

<u>DATE</u>	<u>SET NET DISTRICT 244-42</u>	<u>DRIFT</u>
9-Jul	2,817	137,338
13-Jul	8,003	143,674
16-Jul	9,137	233,568
20-Jul	7,644	116,869
23-Jul	4,326	152,776
1-Aug	1,104	10,167
3-Aug	883	21,022
6-Aug	1,015	3,675
10-Aug	512	714
TOTAL	35,441	819,803

2010

<u>DATE</u>	<u>SET NET DISTRICT 244-42</u>	<u>DRIFT</u>
8-Jul	1,109	243,891
12-Jul	4,317	333,303
15-Jul	18,379	246,973
19-Jul	8,081	181,110
21-Jul	4,618	31,485
22-Jul	3,998	124,656
24-Jul	4,981	11,696
25-Jul	1,229	2,225
26-Jul	1,177	89,635
28-Jul	3,732	14,050
29-Jul	2,301	76,218
31-Jul	1,871	3,357
2-Aug	3,560	24,785
3-Aug	1,487	377
4-Aug	1,355	1,168
5-Aug	1,195	13,387
8-Aug	744	124
9-Aug	1,071	2,867
10-Aug	153	39
12-Aug	484	580
TOTAL	65,842	1,587,424

Petition #1 (D)

2011

<u>DATE</u>	<u>SET NET DISTRICT 244-42</u>	<u>DRIFT</u>
11-Jul	586	105,866
14-Jul	353	691,622
16-Jul	21,587	218,220
18-Jul	11,063	529,850
21-Jul	7,484	392,787
23-Jul	11,484	224,003
24-Jul	3,839	57,648
25-Jul	6,495	129,245
27-Jul	2,484	45,118
28-Jul	2,508	37,271
30-Jul	4,298	29,163
31-Jul	5,449	8,605
1-Aug	3,226	23,670
2-Aug	881	938
4-Aug	6,556	6,847
6-Aug	2,134	388
7-Aug	<u>1,933</u>	<u>43</u>
TOTAL	92,360	2,502,284

PETITION #2

TO ACCOUNTING

JUL 25 2012

Date: July 24, 2012

To: Alaska Board of Fisheries

From: Andy and Melissa Hall, East side setnet permit holders,
Kasilof sub district (Box 60, Kasilof, AK 99610, 907-240-4255,
907-240-7726)

Re: Petition Concerning the Cook Inlet Eastside Set Net Closure

The purpose of this request is to keep escapement of sockeye salmon in the Kasilof and Kenai rivers within management guidelines set by regulation, while minimizing harvest of Chinook salmon.

We propose that commercial setnet fishing be open immediately between a half-mile and one-and-a-half miles of mean high tide within the entire east side set net fishery.

In an effort to give everyone a chance to fish, permit holders who do not have locations beyond a half-mile will be allowed to set temporary locations with anchors between a half-mile and two miles as long as they maintain a distance of 600 feet from existing locations.

Alternately, those same permit holders could elect to drift between one and a half and 2-miles from the mean high tide line, using no more than three regulation-setnet-size shackles per permit, while maintaining the same 600-foot distance from other set gear.

Also, to further support conservation of the species, all live Chinooks caught in nets will be rolled out.

Petition # 3

TO ACCOUNTING

JUL 25 2012

Date: July 25, 2012

To: Alaska Board of Fisheries

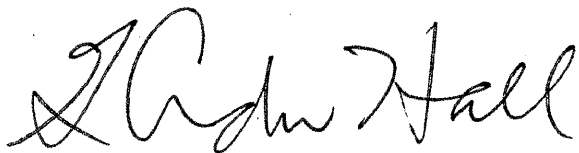
From: Andy and Melissa Hall, East side setnet permit holders,
Kasilof sub district (Box 60, Kasilof, AK 99610, 907-240-4255,
907-240-7726)

Re: Petition Concerning the Cook Inlet Eastside Set Net Closure

The purpose of this request is to keep escapement of sockeye salmon in the Kasilof and Kenai rivers within management guidelines set by regulation, while minimizing harvest of Chinook salmon.

We propose that commercial setnet fishing be open immediately between a half-mile and one-and-a-half miles of mean high tide within the entire east side set net fishery.

Also, to further support conservation of the species, all live Chinooks caught in nets will be rolled out.



WILKINSON

7/25/12

PETITION #4

TO: The Board of Fish

FROM: JoAnn Wichers
PO Box 1728
Kenai, AK 99611 907-283-5780



RE: Opening the East Side set netters in Cook Inlet

I would like to request the Board of Fish to lift the closure of the east side set net fishery in upper cook inlet for regular periods in July, for two openings July 26th & July 30th, to help harvest the sockeye run and then open them every other day in August to allow for the harvest of the pink salmon and sockeye salmon run, the basis for this request is due to the possible over escapement of sockeye salmon in the Kenai river.

The upper sub district set net fishery was only open one day so far this season and has not been allowed to partake in the harvest of the large run of sockeye salmon this season. As a 30 year set netter in Cook Inlet, I humbly request an opportunity to fish. My family has 5 permits and we have many expenses that are fixed costs that come with our investment each year. Many user groups have had the opportunity to fish and make a living this season, except the set netters which have been around for over 130 years in Cook Inlet. The guides were allowed to harvest the early run kings, part of the late run kings, even if it was on catch and release they still were given opportunity and will continue with other fisheries for the remainder of the season. The drifters are having a record season. The sport fish bag limit has been increased to 6 fish and the dip netters are allowed to fish 24 hours a day. All of this is happening while the traditional fishery (set netters) have been waiting on the beaches.

The commercial fishing set netters are closed due a low king count. Unfortunately, the count is based on a new counting system "Didson", this system is being run by the Sport Fish department. The Sport Fish Department is doing their best to get accurate king counts, however they give their final counts post season. This is too late for the commercial set netters. Also, the new Didson counter has four parts which help check its accuracy, unfortunately two of the parts are not being used to check the count this season. The parts are, #1 The counter itself, which is currently over run with reds and so it takes many people counting the data, and several days lag time before numbers are posted, (only twice a week) Commercial sockeye salmon counts are given daily. #2 A drift net in the river, which can also be considered askew at this time due to the high numbers of reds in the river which also get caught in this net and can make it difficult to catch a king, just as the set netters know when we have large reds days you do not catch as many kings, common sense can tell you the kings can avoid a wall of red salmon. #3 Sport catch - which is closed and so this is not being used as a cross check reference, and #4 Commercial set net, which is closed and so there is no data to reference there.

Finally as of 7/22/12 according to the local Dept of Sport Fish the king count was 7,900. It is my understanding that in the past while testing the Didson counter, they took the Didson counts and then multiplied them by 2 or 3 to allow for error and then used this as the number. This would give them 15,800 or 23,700 which is more than enough kings in river to allow the set netters to fish.

In closing, I would request the Board of Fish take immediate action to lift the closure on east side set netters to regular periods in July and to every other day in August for the 2012 fishing season.

Sincerely,

JoAnn Wichers
JoAnn Wichers

Attention:
Monica Wellard
907-965-6094

PETITION #5

TO: MONICA WELLARD, EXECUTIVE DIRECTOR, BOARDS SUPPORT SECTION
FROM: JUSTIN MCCAUGHAN AND TODD MCGOUGH, EAST SIDE SET NETTIERS
SUBJECT: EMERGENCY PETITION REQUESTING SET NET FISHING IN UPPER COOK INLET
DATE: JULY 25, 2012

The purpose of this letter is to file an emergency petition to the Alaska Board of Fisheries (Board) per Section AS 44.62.230 of the Alaska Statute for consideration at its teleconference meeting on July 26, 2012.

The Alaska Department of Fish and Game (Department) recently closed the commercial set gillnet fishery in Upper Cook Inlet (UCI) per Section 5 AAC 21.359 (b)(3)(C) and 5 AAC 21.359 (c)(4) of the Cook Inlet Area Commercial Salmon Fishing Regulations via Emergency Order No. 2S-14-12 as a king salmon conservation measure. At the same time, the Department is expecting a sockeye run above forecast with a very strong likelihood of a significant over-escapement of sockeye salmon in the Kenai River. With the set gillnet fishery out of the water, there is a much higher likelihood of over-escapement. The set gillnet fishery would normally fish alongside the drift gillnet fleet to help manage sockeye harvests and eliminate potential over-escapements. The set gillnet fishery typically harvests roughly one half of the total Upper Cook Inlet sockeye catch. It is likely that the sole use of the drift gillnet fleet as a measure to harvest excess sockeye will not be enough to guard against exceeding in-river goals and over-escaping the river, resulting in significant threats to future Kenai River sockeye stocks.

We respectfully request that the Board consider superseding Emergency Order No. 2S-14-12 to re-open set gillnet fishing in the following statistical areas of the East Side Set fishery in the Central District of UCI:

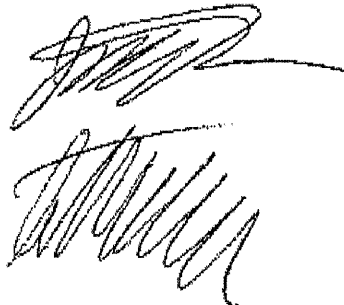
- 244-42 East Forelands
- 244-41 Salamatof
- 244-32 North K-Beach (beyond one half mile of the mean high tide mark)
- 244-31 South K-Beach (beyond one half mile of the mean high tide mark)
- 244-22 Cohoe (beyond one half mile of the mean high tide mark)
- 244-21 Ninilchik (beyond one half mile of the mean high tide mark)

We believe that restricting set gillnet fishing to beyond one half mile of shore south of the Kenai River will provide for adequate and immediate conservation of king salmon running along the beaches, while maximizing sockeye salmon harvests. Ultimately, we believe a balanced management approach like this would conserve both the king and sockeye stocks while at the same time prevent significant economic hardship to select user groups of the UCI fishery and the Kenai Peninsula.

Respectfully Submitted,

Justin McCaughan, Cohoe Beach set netter
907-262-6135, cohoebeachfishing@gmail.com

Todd McGough, Cohoe Beach set netter
907-262-6135, cohoebeachfishing@gmail.com



Petition #6

Wellard, Monica J (DFG)

From: Dupuis, Aaron W (DFG)
Sent: Wednesday, July 25, 2012 3:21 PM
To: Wellard, Monica J (DFG)
Subject: FW: Petition fax number

Monica,

I am forwarding a petition from an East Side set netter.

Peace,

Aaron Dupuis
Fishery Biologist II
43961 Kalifornsky Beach Road, Suite B
Soldotna, AK 99669-8276
Phone: 907-260-2916

From: Nancy J. Richar [<mailto:nroilwell@yahoo.com>]
Sent: Wednesday, July 25, 2012 3:18 PM
To: Dupuis, Aaron W (DFG)
Cc: nroilwell@yahoo.com
Subject: Re: Petition fax number

Aaron..I dont have access to a printer..pls forward
Monica Wellard, Ak Board of Fisheries
per AS 44.62.270 I request an emergency meeting of the Board regarding the set-net closures of the upper sub-district East side Cook Inlet. we have been forced to sit out this season and it is causing extreme financial damage to of us, at age 67 with several medical problems, being single I find myself working at minimum wage at a local cannery sorting fish 12-15 hours a day to cover cost of filling a bulk propane tank I had hoped to purchase so I would no longer be forced to drag 100 # bottles..such a simple thing but without fishing I cannot do it..social security check just isnt enough..many simple suggestions have been made but Fish & Game lacks authority we must beg you to convene immediately and try to help us to survive..not many days are left...the Commissioner of Fish and Game demanded a secret undisclosed location for meeting rather than risk being asked anything by local fishermen or view their nonj-violent rallies on local streets...we need someone to come and care about us while there are still a few fish to be caught. we could fish one net beyond 1/2 mile, be allowed to drift one net from a skiff per permit, be allowed to operate dipnet at mouth of river, as long as we have permits and licenses, and be allowed to sell...some may not like it but we sure dont like watching everyone else raking in the fish while we sit on our hands. if you dont like our suggestions I suggest the state or Board come up with a better one. thank you for your consideration.
Nancy Richar

July 25, 2012

To:
Alaska Department of Fish and Game
Board Support Section
PO Box 115526
Juneau, Alaska 99811-5526
FAX (907) 465 - 6094
Board Support Executive Director
Monica Wellard

Reason:

Emergency Petition to the Alaska Board of Fisheries:

BOF resolutions and policy statements related the petitions/ 2000-203-BOF, 95-153-FB, 85-16-JB, 80-81-FB

To the attention of:

The Alaska Board of Fisheries
Chairman Karl Johnstone

This emergency petition is to address, "...in rare instances, unforeseen circumstances may arise during the course of a fishery which would prevent a harvestable surplus from being taken. The board acknowledges that foregoing such harvest opportunities may not be in the state's best interest and that emergency regulations may be appropriate under such circumstances as long as the allocation impacts of any such regulation are not significant."

With the closing of the Upper Subdistrict of the Central District of Upper Cook Inlet (UCI) setnet fishermen are seeking relief from the devastating restrictions, the unequal burden of conservation placed on the East Side Set Net (ESSN) fishery. Opportunity to harvest abundance of sockeye has been completely restricted from the complete closure in affect July 17, 2012; a zero harvest opportunity by the historical and traditional fishery. A defacto re-allocation to the drift gillnet fishery has created an unequal opportunity for the commercial setnet gillnet fleet within the UCI area.

We would request the BOF to alleviate some of the "burden" by opening up the area in the current regular corridor;

5 AAC 21.200 Fishing Districts, Subdistricts, and Sections
(b) (2) (B) Kenai Section: (D) Kasilof Section:


This area would mirror the current defined areas in the Upper Subdistrict of the Central District of Upper Cook Inlet. The area for setnet fishing could be further defined to remain within 3 nautical miles of the area from the Ninilchik River marker to the Kenai River marker and 2 nm from the Salamantof to the East Foreland statistical area.

I had submitted this option to the Commissioners office on July 21, 2012 with other possible solutions.

*Open the Kenai and Kasilof sections for setnet fishing with registered ESSN permit holders for the normal 35 fathoms net per permit. Distance between other gear must remain 600ft as is currently in regulation; hours of operation will be consistent within area statistical designation (244 - 51, 244 - 61).

Further Justification for allowing fishing outside of the (US/CD) and in the Kenai and Kasilof corridors is that it will lessen the harvest of king salmon as indicated by the current drift net harvest reported in this statistical area (244 - 51, 244 - 61).

At the termination of this "emergency fishery" buoys may be required to be removed from this open area.

Submitted by: 

Paul A. Shadura II
P.O. Box 1632
Kenai, Alaska 99611-1632
(907) 283 - 5098

July 21, 2012

To:
State of Alaska
Department of Fish & Game
Commissioner Cora Campbell
PO Box 115526
Juneau, AK. 99811-5526

From:
Paul A. Shadura II
PO Box 1632
Kenai, Alaska 99611-1632
(907) 283 - 5098, (907) 252 - 4290 cell

Commissioner Campbell,

A group of east side Cook Inlet (CI) setnet fishermen have requested me to contact your office with possible alterations to the current restrictions for the Upper Cook Inlet Sub-District setnet fishery.

We are confident that your authority vested to you under State statute (note (80) & (70)), and within various regulations, gives you the "in-season" latitude to open and close areas and to alter fishing methods, regulate time and means to conduct a fishery for the betterment of the State (note (60)). The Commissioner also has clarity in the form of a previous CI decision that upholds a policy to prioritize one user group over another to enhance opportunity to harvest a given stock (note (70) & (50)). In Cook Inlet, there is specific authority (note (40)) that guides the Board of Fisheries, the Alaska Department of Fish and Game (ADF&G) and the public on how the CI management plans will be derived, at the same time it gives a clear and concise understanding that the Commissioner can modify any management plan to accomplish other, possibly, competing goals. An example of this is included at the end of; Kenai River Late-Run Salmon Management Plan (note (30)); (f) exempts the Kasilof "step down" plans from this regulation, (h) specifically states that the Commissioner may depart from the provisions as provided in the (e) statement in the Upper Cook Inlet Salmon Management Plan (note 40)).

It is the latitude given specifically to the Commissioner (note (100)) that bridges the "gaps" from one static plan to another. It allows a dynamic response to negate a lost harvest opportunity (note (110)); unexpected consequences can be dealt with on a real time basis. It is readily apparent that the current regulation in place, adopted over decades ago, that demands the closure of the ESSN (note (30)) did not consider nor did they have available the current information or the enumerating indices and the technologies that are presently being utilized. New information is available and it has not been reviewed by the Alaska Board of Fisheries (BOF) and the public review process (note (120)).

The Commissioner has a unique position; responsible for the perpetuity of the resource, as well as being accountable for the "well being" (note (80)) of the people of the State.

To assist with applying options we offer these temporary mitigating measures:

* Manage the sockeye resource on abundance (note (50)), and open the East Side Set Net (ESSN) fishery immediately under current hours allowed to the Drift net fishery (note (90)).

* Open the Kenai and Kasilof sections (note (10)) for setnet fishing with registered ESSN permit holders for the normal three 35 fathom nets per permit. Distance between other gear must remain 600 ft as is currently in regulation; hours of operation will be consistent within area statistical designation (244-51, 244-61).

* Open the Kenai and Kasilof sections (note (10)) for setnet permit holders who have registered for the ESSN area for drift net fishing with a maximum of 105 fathoms per permit holder. Distance between gear shall remain 600 ft apart; hours of operation will be consistent within area statistical designation (244-51, 244-61).

* Open portions of the current Upper Cook Inlet (UCI), Upper Subdistrict (US/CD) of the Central District for setnet fishing (note (60)) outside of; one-half nautical mile (nm), three-quarters (nm), one-mile (nm). Time and area to be determined by area managers.

* Open portions of the current (UCI), (US/CD) for setnet fishing (note (60)) as noted above in conjunction with areas outside of (US) (244-51, 244-61).

Justification for allowing fishing outside of the (US/CD) and in the Kenai and Kasilof corridors is that it will lessen the harvest of king salmon as indicated by the current drift net harvest reported in this statistical area (244-51, 244-61).

Please review the enclosed information, if you have any questions I am available as are other informed setnet fishermen that would be willing to answer any questions you may have.

Thank you,

Paul A. Shadura II
East Side Set Net Commercial Fisherman