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March 21, 2014

Alaska Board of Fisheries  
Board Support Section  
P.O. Box 115526  
Juneau, Alaska 99811-5526

RE: Emergency Petition / Regulatory Petition,  
Petition #1, RC 68 submitted 03.20.14

*Amendments to 5 AAC 21.359 as adopted 02.05.14 through the passage of UCI proposal 209 as modified by RC 151*

Chairman Karl Johnstone,

The Kenai Peninsula Fishermen's Association (KPFA) is a trade organization representing commercial setnet fishermen in the waters of Cook Inlet hereby submit this petition seeking relief under; **AS 44.62.220 Right to Petition, 5 AAC 96.625 Joint board petition policy, 85-16-JB Joint Board Petition Policy (BOF&G) and 2000-203-BOF Policy On Emergency Petition Process.**

The BOF has the authority to accept a petition ...for *the adoption, amendment, or repeal of a regulation.*

We would like to submit this additional information as guidance to the board in addressing the concerns detailed in our petition.

*Alaska Board of Fisheries Finding on Upper Cook Inlet Salmon Management Plan 2008-259-FB* should give the BOF members a guide on the complexities of conflicting management plans as they relate to escapement goals. Reduction in the flexibility of existing or new overriding (notwithstanding) management plans will continue to complicate in season management in Upper Cook Inlet. *We would appreciate a re-confirmation of this finding so that resource users can be assured that **no** escapement goal will be ignored and that the Department of Fish and Game requires the unabated authority to balance conservation while offering opportunity on healthy surplus stocks of salmon, regardless of static management plans.*

Thank you,  
Robert V. Williams  
President

**ALASKA BOARD OF FISHERIES**  
Finding on Upper Cook Inlet Salmon Management Plan

**2008-259-FB**

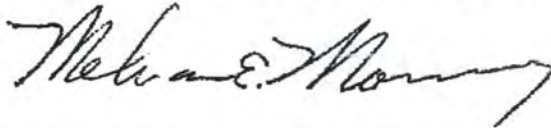
At its 12 day February 2008 Upper Cook Inlet Finfish meeting the Board of Fisheries considered numerous changes to the Upper Cook Inlet Salmon Management Plan. The Board heard public testimony, considered written public comments submitted before and during the meeting, considered reports of committee meetings where public panels presented additional information to the committees, and considered the application of the Board's Sustainable Salmon Management Policy, 5 AAC 39.222, to current and proposed regulations for Upper Cook Inlet Salmon fisheries. The Board adopted a number of revisions to subplans but determined that only minor adjustments were needed in the umbrella Upper Cook Inlet Management Plan which applies to all plans.

In the "umbrella plan" the Board determined that some additional guidance to the department was needed regarding the prioritization of conflicting plan goals and objectives, and that achievement of established escapement goals should be the primary management objective. The Board felt that it was important to avoid undue restrictions on the Department's discretion in order to allow the Department to attempt to meet management objectives. The Board recognizes the importance that management windows have to sport and personal use fisheries, and that the Department will adhere to its management plans, including the use of windows in most circumstances, however it realizes that the management plans contain conflicting objectives and prescriptions, and that flexibility is needed to allow the Department to balance these factors as well as to respond to in season variables that cannot be fully anticipated by the Board. Therefore the Board renewed its prior determination that nothing in the plans is intended to limit the Commissioner's emergency order authority under AS 16.05.060.

It is the Board's understanding that in attempting to meet its primary management objectives, the Department will manage for the appropriate inriver escapement goals first and attempt to distribute the escapements over time as appropriate.

Where departures from commercial fishing plans are necessary to attempt stay within escapement goal ranges, it is the Board's understanding that the Department will generally try to stay as close as practicable to plan guidelines, first attempting to use additional emergency order hours; second using reductions or elimination of discretionary closures, and finally, if appropriate and other measures are inadequate, reducing or eliminating prescriptive closures. However, nothing in the umbrella or individual plans or this finding is intended to limit the department to these options, to require the use of these options, or to limit the order of application of options.

ADOPTED this 8th day of March, 2008

A handwritten signature in cursive script, appearing to read "Mel Morris", written over a horizontal line.

Mel Morris, Chair  
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed