

SB

237

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Senate Resources Committee Butrovich Room 205

Saturday, February 16, 2008
11:00-1:30 p.m.

AGENDA

- **SB 253 Board of Game**
- **SB 229 Tanana Valley Forest/Minto Flats Refuge**
- **SB 237 Management of Sustainable Salmon Fisheries**

Teleconference

SB 237 – SUSTAINABLE SALMON FISHERIES MANAGEMENT

**SPONSOR: SENATE RESOURCES
REFERRALS: RESOURCES & FINANCE**

- 1. Sponsor Statement and Fiscal Notes**
- 2. ADF&G and Board of Fisheries --- Comments/Concerns**
- 3. Preliminary Draft of the Susitna Sockeye Action Plan – February 2008**
- 4. Letters of Support**
- 5. Letters of Opposition**
- 6. Press Clippings**

EXTRA BACKGROUND MATERIAL For Your Information

NOT INCLUDED IN OTHER MEMBERS' PACKETS

- 7. Information on the Board of Fisheries**
- 8. ADF&G – Division of Comm Fisheries – 2008 Upper Cook Inlet Sockeye Forecast**
- 9. Sustainable Salmon Fisheries Policy - ADF&G and Board of Fisheries – 2001**
- 10. HB 189 – Companion Legislation – Sponsor Statement, Bill History, Committee Minutes**
- 11. ADF&G Susitna River Proposals – CIAA Susitna River Committee - January 2008**
- 12. Yentna Sockeye – Larry Engel's Presentation to the Board of Fish – February 2008**
- 13. Final Report – Marine Stewardship Council Program – October 2007**

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SENATE BILL NO. 237

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE RESOURCES COMMITTEE

Introduced: 1/18/08

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the policy for management of sustainable salmon fisheries."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 16.05 is amended by adding a new section to read:**

4 **Sec. 16.05.247. Management of sustainable salmon fisheries. (a) The Board**
5 **of Fisheries and Department of Fish and Game shall adopt regulations recognizing that**

6 **(1) while, in the aggregate, Alaska's salmon fisheries are healthy and**
7 **sustainable largely because of abundant pristine habitat and the application of sound,**
8 **precautionary, conservation management practices, there is a need for a**
9 **comprehensive policy for the regulation and management of sustainable salmon**
10 **fisheries; and**

11 **(2) in formulating fishery management plans designed to achieve**
12 **maximum or optimum salmon production, the board and the department must consider**
13 **factors including environmental change, habitat loss or degradation, data uncertainty,**
14 **limited funding for research and management programs, existing harvest patterns, and**
15 **new or expanding fisheries.**

1 (b) Regulations adopted under this section must ensure conservation of salmon
2 and salmon's required marine and aquatic habitats, protection of customary and
3 traditional subsistence uses and other uses, and the sustained economic health of
4 Alaska.

5 (c) Management of salmon fisheries by the state shall be based on the
6 following principles and criteria:

7 (1) wild salmon stocks and the salmon habitats shall be maintained at
8 levels of resource productivity that ensure sustained yields;

9 (2) salmon fisheries shall be managed to allow escapement within
10 ranges necessary to conserve and sustain wild salmon production and maintain normal
11 ecosystem functioning;

12 (3) diversity shall be maintained to the maximum extent possible at the
13 genetic, population, species, and ecosystem levels;

14 (4) depleted salmon stocks shall be allowed to recover or, where
15 appropriate, be actively restored;

16 (5) in the face of uncertainty, salmon stocks, fisheries, artificial
17 propagation, and essential habitats shall be managed conservatively based on a
18 precautionary approach that gives priority to conserving the reproductive potential of
19 the salmon resource.

20 (d) The principles and criteria for sustainable salmon fisheries shall be applied
21 by the board and the department using the best available information, as follows:

22 (1) effective management systems shall be established and applied to
23 regulate human activities that affect salmon;

24 (2) management plans for each fishery must contain goals and
25 measurable objectives that are derived from the principles and criteria under this
26 section and are reviewed on a regular basis;

27 (3) action plans shall be developed for stocks of concern, identified
28 based on the failure of the stocks to consistently meet prescribed escapement goals and
29 objectives, and must contain

30 (A) measurable and implementable rebuilding goals and
31 objectives;

- 1 **(B) fishery management and habitat restoration and protection**
- 2 **measures required to restore the stock of concern; and**
- 3 **(C) a schedule of performance measures appropriate for**
- 4 **monitoring and gauging the effectiveness of the action plan;**
- 5 **(4) public support and involvement for sustained use and protection of**
- 6 **salmon resources shall be sought and encouraged in an open process.**
- 7 **(e) Nothing in the policy set out in this section is intended to expand, reduce,**
- 8 **or be inconsistent with the statutory regulatory authority of the board, the department,**
- 9 **or other state agencies with regulatory authority that affects the fishery resources of**
- 10 **the state.**

TAB 1

ALASKA STATE LEGISLATURE

Sen. Charlie Huggins, Chair
Sen. Bert Stedman, Vice Chair
Sen. Lyda Green
Sen. Gary Stevens
Sen. Lesil McGuire
Sen. Bill Wielechowski
Sen. Thomas Wagoner



State Capitol, Room 119
Juneau AK 99801-1182
907-465-4907
Fax: 907-465-3265
800-862-3878

Senate Resources Committee

SPONSOR STATEMENT: SENATE BILL 237

"An Act relating to the policy for management of sustainable salmon fisheries."

In 2001, the Alaska Board of Fish adopted the Statewide Sustainable Salmon Fisheries Policy. This policy recognized that threats to sustainable management do exist, and they justify the development of an explicit statewide umbrella policy to help guide fishery management plans and programs. Given the importance of salmon in Alaska, both for consumptive use and commercial fishing, it is vital to ensure salmon populations are sustained for future generations by codifying this policy into statute.

Senate Bill 237 will strengthen our state's resolve to protect one of our most important resources by

- establishing the fundamental principles for the policy and the criteria that apply these principles to real issues;
- implementing procedures in which this policy will be carried out; and
- clarifying terminology used in the language of the legislation.

SB 237 is companion legislation to HB 189, which is sponsored by Reps. Stoltze and Johnson.

Contact: Jody Simpson

907.465.2861

Version 25-LS1248 \ A

January 29, 2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB237-LAW-CIV-02-13-08
 Bill Version: SB237
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title: An Act relating to management of sustainable salmon fisheries. RDU: CIVIL
 Component: NATURAL RESOURCES
 Sponsor: SENATE RESOURCES
 Requester: SENATE RESOURCES Component Number: 2212

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	148.9	0.0	148.9	148.9	148.9	148.9	148.9	148.9
Travel	1.0	0.0	1.0	1.0	1.0	1.0	1.0	1.0
Contractual	23.5	0.0	17.0	17.0	17.0	17.0	17.0	17.0
Supplies	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Equipment	1.9	0.0	1.9	1.9	1.9	1.9	1.9	1.9
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	178.3	0.0	171.8	171.8	171.8	171.8	171.8	171.8

CAPITAL EXPENDITURES								
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	178.3	0.0	171.8	171.8	171.8	171.8	171.8	171.8
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	178.3	0.0	171.8	171.8	171.8	171.8	171.8	171.8

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time	1	-	1	1	1	1	1
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Robert Meiners, Administrative Services Manager
 Division: Administrative Services
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone: (907) 465-5427
 Date/Time: 2/13/08 2:30 PM
 Date: 2/13/2008

FISCAL NOTE

**STATE OF ALASKA
2008 LEGISLATIVE SESSION**

BILL NO. SB237

ANALYSIS CONTINUATION

The bill is intended to codify into statute the statewide sustainable salmon fisheries policy adopted by the Alaska Board of Fish in 2000. In reviewing the bill the department has identified what it believes are a number of areas of concern that could result in significant legal challenges against the state as it attempts to carry out policies that would become mandated by law under the bill. It is difficult to predict with any certainty the volume and extent to which such challenges will arise but it is believed the likelihood is quite high and the cost of defending against them will be significant.

It is estimated that Law would need a minimum of one journeyman level attorney to advise and represent the Board of Fish in the legal disputes and litigation that would likely arise if this legislation passes.

TAB 2

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4100
FAX: (907) 465-2332

January 24, 2008

Representative Bill Stoltze
State Capitol, Room 501
Juneau, Alaska 99801

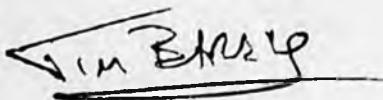
Dear Representative Stoltze,

Your aide, Mr. Mulligan, has asked me to write you regarding a bill you introduced last session, House Bill 189, "Management of Sustainable Salmon Fisheries". As you know, the Alaska Board of Fisheries currently uses its Statewide Sustainable Salmon Fisheries Policy in its deliberations on regulatory issues. The state's Assistant Attorney General for the Board has told us that there are significant legal concerns with HB 189, and expressed the opinion that passage of the bill as written would put requirements on the Board that it would be unable to meet. In addition, he feels that, if the bill were enacted, the Alaska Department of Fish and Game (ADF&G) and the Board would be vulnerable to potentially successful legal challenges. Needless to say, ADF&G values the advice of our legal counsel.

Earlier this month, the Alaska Board of Fisheries unanimously passed a resolution expressing its opposition to HB 189. ADF&G's fisheries managers are required to manage in accordance with the regulations adopted by the Board. In addition, at this point, ADF&G management is unsure what the potential fiscal impact would be of passage of the bill.

Having said all that, ADF&G believes HB 189 is unnecessary. The existing Sustainable Salmon Policy guides management decisions through Board of Fisheries regulations, and the department looks forward to continuing to co-operate with the Board in managing Alaska's salmon resources. Please feel free to contact me or any other ADF&G staff if you have questions or need more information.

Sincerely,



Tim Barry
Legislative Liaison

cc: Senator Charlie Huggins

ALASKA BOARD OF FISHERIES
Resolution in Opposition to Placing Sustainable Salmon Policy in Statute

2008-258-FB

WHEREAS, the Legislature of the State of Alaska is considering legislation (House Bill 189/Senate Bill 237) to codify the Policy for the Management of Sustainable Salmon Fisheries contained in Fish and Game regulations (5 AAC 39.222), and

WHEREAS, the legislature previously codified policies of the Board of Game into state statutes, and

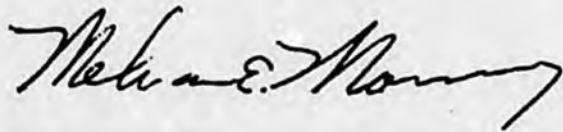
WHEREAS, such codification of Board of Game policies has resulted in an exponential increase in filed lawsuits, and

WHEREAS, the Department of Law anticipates that the direct consequence of entering into statutes the Policy for the Management of Sustainable Salmon Fisheries will have an identical result, and

WHEREAS, there is no identified problem, indicating that the Board of Fisheries is ignoring in any manner or fashion the policies which it struggled for four years to craft with the aid, assistance, and participation of all concerned user groups,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board Fisheries is opposed to House Bill 189/Senate Bill 237 and strongly urges the Alaska State legislature and the Governor of Alaska to oppose this legislation.

ADOPTED this 12th day of February, 2008



Mel Morris, Chair
Alaska Board of Fisheries

Vote: 6 in favor, 0 opposed, 1 absent

ALASKA BOARD OF FISHERIES
Resolution in Opposition to Placing Sustainable Salmon Policy in Statute

2008-254-FB

WHEREAS, House Bill 189 (Management of Sustainable Salmon Fisheries) would place in statute a policy of the Alaska Board of Fisheries (5 AAC 39.222) placed in regulation, and

WHEREAS, this policy took over four years to properly and fully develop, and

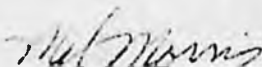
WHEREAS, all interested and affected stakeholders actively participated in formulating the final wording, and

WHEREAS, since its passage, the Policy for the Management of Sustainable Salmon Fisheries has been actively and successfully used in helping to guide decisions of the Board of Fisheries, and

WHEREAS, as changes in usage may identify minor improvements to the language,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board Fisheries is adamantly opposed to House Bill 189 and to any effort to reduce, constrain or otherwise handcuff the ability of the Alaska Board of Fisheries and the Department of Fish and Game to make free, intelligent and wise decisions based on the best available current information.

ADOPTED this 12th day of January, 2008



Mel Morris, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

Jody Simpson

From: Ben Mulligan
Sent: Monday, January 21, 2008 1:01 PM
To: Jody Simpson
Subject: FW: HB 139 Comments from DOL

From: Lance Nelson [mailto:Lance_Nelson@law.state.ak.us]
Sent: Tuesday, March 27, 2007 4:42 PM
To: Ben Mulligan
Cc: tim_barry@fishgame.state.ak.us; Melvan Morris; Deborah Behr; Elizabeth Barry; Steven Daugherty; Art Nelson
Subject: HB 139 Comments from DOL

Ben, Tim Barry at ADF&G authorized me to release the summary of our concerns that I plan to give in House Fisheries tomorrow:

Generally, this bill would tend to micromanage and also sets very difficult or impossible standards, and will result in increased litigation. Here are the primary specific concerns we have with the language of the bill:

1. Under paragraph (a)(1), does "comprehensive policy" mean that every regulatory plan has to be comprehensive? That will be an unrealistic standard for many stocks.
2. Under paragraph (a)(2), almost all plans are designed to achieve "maximum or optimum salmon production." What other objective would they have? So the department would have to affirmatively supply data on each of the listed criteria and the board would have to formally consider all the criteria, regardless of whether each was an important factor in the particular proposal before the board. In such cases, consideration tends to be a formal, rote recitation of the criteria without translating to a better, more informed decision: however, failure to expressly address any of the criteria could result in successful legal challenges against Board regulations.
3. Under subsection (b), the phrase "must ensure" sets an impossible standard for salmon management. "Ensure" means to guarantee a result, which is impossible given the way salmon return and the limits on the state's ability to control their entire lifecycle. Certainly, the Board has very limited control over the marine habitat of salmon, and no power to ensure the "sustained economic health of Alaska."
4. In subsection (c), the term "shall" imposes new, difficult standards.

5. For example, in (c)(1), even in the sustained yield provision of the Alaska Constitution (section 4, article VIII) there is no mandate that salmon stocks be maintained to "ensure sustained yields." The constitutional provision says: "Fish ... shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." That language has been interpreted with flexibility in light of the record of the constitutional convention, which states, in pertinent part:

As to forests, timber volume, rate of growth, and acreage of timber type can be determined with some degree of accuracy. For fish, for wildlife, and for some other replenishable resources ..., it is difficult or even impossible to measure accurately the factors by which a calculated sustained yield could be determined. Yet the term "sustained yield principle" is used in connection with management of such resources. When so used it denotes conscious application insofar as practicable of principles of management intended to sustain the yield of the resource being managed. That broad meaning is the meaning of the term as used in the Article.

Papers of Alaska Constitutional Convention, 1955-1956, Folder 210, Terms *quoted in Native Village of Erim v. State*, 990 P.2d 1, 7 (Alaska 1999). The Supreme Court went on to elaborate as follows in the *Erim* case:

[T]he primary emphasis of the framers' discussions and the glossary's definitions of sustained yield is on the flexibility of the sustained yield requirement and its status as a guiding principle rather than a concrete, predefined process.

Id. at 7-8. The language in the bill, on the other hand, imposes a standard of strict guarantees.

6. Under (c)(2), the directive "shall be managed to allow escapement within ranges necessary to conserve and sustain wild salmon production and maintain normal ecosystem functioning" is also problematic. It does not recognize the variables at work in salmon management. As noted by the Alaska Supreme Court:

The salmon in these waters are subject to numerous pressures, any one of which could account for a population decrease in a given year. A short and incomplete list of these factors includes weather, natural predators, competition with other fish, international fishing efforts, water pollution, and improved efficiency of fleets and fishing methods. Moreover, several different species of salmon travel through the False Pass fishery, thus creating a mixed stock that increases challenges of management. The record also shows that the salmon operate on a fluctuating cycle that makes estimating returns from year to year difficult even under the best conditions.

Id. at 8. Use of mandatory terms like "shall" and "ensure" in salmon management statutes sets up unrealistic expectations and invites legal challenges, which are much more likely to be successful with mandatory language.

Provision (c)(4) could be interpreted to require the Board to shut down any mixed stock fishery that involves take of a depleted salmon stock regardless of consequences to other fisheries or other escapement objectives. Thus, a relatively low rate of interception of a depleted stock could result in closure of a fishery causing significant overescapement and possibly harming production of another stock, even while providing little benefit to the depleted stock. The failure to define the terms "depleted" and "actively restored" also raises concerns.

Other paragraphs of subsection (c) also contain problematic language such as "to the maximum extent possible," and "priority."

Similar language in a regulation can be addressed by qualifying language in another regulation, such as by adding a "notwithstanding" provision, and further, the Board receives great deference in interpreting its own regulations, however if this type of language is put in statute, the Board will not have any discretion to do anything but follow the letter of statutory language.

7. In subsection (d), the language "best available information" could be problematic because it might be construed to require the department and board to seek out and review all possible information rather than what they deem to be the most critical. Any one could argue that there was better information available and the Board did not hear or consider it.

The Board normally relies upon a short report from the Department and consideration of all public comments submitted to it in adoption of its regulatory decisions. Similarly, the Department normally relies principally upon fish ticket and escapement information collected by the department in development of its reports and recommendations to the Board. While this information is often extensive, other information is available from the internet, scientific journals, and other sources, and it could certainly be argued that some of this information may be "better" regarding discrete issues. This bill could be interpreted to require the Department and Board to actively gather and review this information even if not presented by a member of the public. Thus, if this bill were enacted, Department recommendations and Board decisions would be vulnerable to potentially successful legal challenges unless the Department commits significant new resources to doing a thorough scientific review of all potentially relevant background information, and presents the resulting information to the Board for consideration with regard to each of the several hundred proposals considered by the Board each year. This would require increased staffing of biologists and economists and would significantly extend the time necessary for Board meetings, possibly to the extent that Board members would be precluded from effectively engaging in other occupations.

8. In (d)(1) the language applies to "human activities that affect salmon," but the statutory authority of the Board extends generally to fishing activities and not many other activities that affect salmon, some of which are more specifically regulated by other state agencies, such as salmon stream activity permitting under AS 41.14.870.

9. Under (d)(2), every management plan would have to contain "goals and measurable objectives." This connotes a formulaic, equation-type approach to management plans that

works in some fisheries, but there are probably current plans that do not specifically express goals and measurable objectives because of the nature of those fisheries or the lack of information. They would be subject to challenge under this provision.

10. Paragraph (d)(3) has the same kind of language that sets the Board and Department up for easy challenges to regulations and department actions. The language on habitat restoration and protection measure is largely outside the authority of the Board or Department.

TAB 3

RC 154

ALASKA DEPARTMENT OF FISH & GAME

No point in restricting
Northern District. Only
3% of the catch

No restriction of
Central District

CIAA's plan of inaction.



**PRELIMINARY DRAFT OF SUSITNA
SOCKEYE SALMON ACTION PLAN**

(to be discussed if BOF determines the stock meets the
criteria as stated in the SSFP)

February 8, 2008

PAGE 1

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SUSITNA RIVER SOCKEYE SALMON STOCK STATUS AND ACTION PLAN, 2008

INTRODUCTION

SYNOPSIS

In response to the guidelines established in the Sustainable Salmon Fisheries Policy (SSFP; 5 AAC 39.222), the Board of Fisheries has identified the Susitna River sockeye salmon stock as a stock of yield concern. For this determination, the estimated Susitna River commercial harvest for the most recent 5-year average was compared to the previous 10- and 20-year averages for the Central District drift and Northern District fisheries. Identification of Susitna River sockeye salmon as a stock of yield concern is based on the definition of "yield concern" contained in SSFP. A "yield concern" is defined as "a concern arising from a chronic inability, despite the use of specific management measures, to maintain expected yields, or harvestable surpluses, above a stock's escapement needs; a yield concern is less severe than a management concern, which is less severe than a conservation concern" [5 AAC 39.222 (f) (42)]. The policy defines "chronic inability" as "the continuing or anticipated inability to meet escapement thresholds over a four to five year period, which is approximately the generation time of most salmon species" [5 AAC 39.222 (f) (5)].

This report describes the existing management plans and Emergency Order authority that the department follows to conserve Susitna River sockeye salmon. In addition to the existing management plans, options have been presented regarding management of the Northern District set gillnet fishery and Susitna River sport fishery. In light of increased uncertainty of the department's ability to accurately assess escapements of sockeye salmon into the Susitna River, a research plan has been developed to improve the department's ability to assess sockeye salmon stocks within the drainage. With these ongoing studies, the department will have better information on the productivity and sustainability of the stock at the 2011 Upper Cook Inlet Board of Fisheries meeting.

STOCK ASSESSMENT

Since 1981 the Yentna River daily sonar estimates have been used as an indicator of sockeye salmon escapement into the Susitna River drainage. The sockeye salmon escapement in the Yentna River has been thought to be approximately one half of the total Susitna River sockeye salmon escapement based on a combination of 1981-1985 capture-recapture abundance estimates passing Sunshine (1982-1985; Susitna River rkm 116), and sonar abundance estimates passing Yentna (1981-1985; Yentna River rkm 7) and Susitna Station (1981; Susitna River rkm 116; Westerman and Willette 2006).

Based on Bendix sonar estimates since 1981, the number of Yentna River spawners has ranged from approximately 37,000 to 181,000 sockeye salmon. The sonar estimate of sockeye salmon escapement into the Yentna River has not met the current SEG range of 90,000 to 160,000 for 5 of the past 8 years.

Although sockeye salmon escapements are estimated via a Bendix sonar system, there is great uncertainty surrounding their accuracy and precision. The high variability observed between

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various methods of escapement assessment (i.e., ongoing Bendix estimates compared with recent estimates from capture-recapture and DIDSON sonar projects; Yanuzzi et al. 2007) has added to the uncertainty regarding our previous assessments.

In the Central District drift gillnet fishery, the estimated commercial harvest of Susitna River sockeye salmon for the most recent 5-year average (2003–2007) is 59% of the previous 10-year (1993–2002) average and 49% of the previous 20-year (1983–2002) average. In the Northern District, the most recent 5-year average is 31% of the previous 10-year average and 22% of the previous 20-year average. Since the total Upper Cook Inlet (UCI) commercial harvest averages 2.9 million sockeye salmon and the age composition allocation model estimate of the Susitna sockeye salmon harvest is only 8.4% of the total, the department has low confidence in the accuracy of our estimate of the Susitna sockeye salmon harvest.

ESCAPEMENT GOAL HISTORY

An escapement goal of 200,000 sockeye salmon was established for the Susitna River in 1979. It was set using a return-per-spawner value of 4, and an assumption that the Susitna River could produce about 800,000 adult sockeye salmon. A review of the goal in 1989 based on euphotic volume of rearing lakes suggested the existing goal was valid. In 1986, the sonar site at Susitna Station was destroyed by a flood, and no alternative hydroacoustic site could be found on the mainstem of the Susitna. Therefore, hydroacoustic estimates from a Yentna River site were used to assess total Susitna River escapement. Based on comparisons of estimates for the Yentna and the Susitna Rivers over 5 years, 1981–1985, it was decided that an escapement of 100,000 to 150,000 sockeye salmon into the Yentna River should result in a total escapement of at least 200,000 sockeye salmon into the entire Susitna drainage (Fried 1994). This was based on the average proportion of the total Susitna River escapement, which entered the Yentna River (49%) during the 5 years studied, as well as the range of annual proportions (41–59%) for these 5 years.

In 2001, the biological escapement goal for the Yentna River was changed to a sustainable escapement goal of 90,000–160,000 sockeye salmon based on Yentna sonar data from 1981–2000, because reliable estimates of total return to the system were not available (Bue and Hasbrouck *Unpublished*). Escapement goal reviews since 2001 have resulted in no change recommended to this goal type or range (Hasbrouck and Edmundson 2007, Fair et al. 2007). In 2005, an optimal escapement goal of 75,000–180,000 Yentna River sockeye salmon was adopted by the Alaska Board of Fisheries contingent on the sockeye salmon run to the Kenai River being projected to exceed 4 million.

ACTION PLAN FOR ADDRESSING STOCK OF CONCERN

MANAGEMENT ACTIONS

Commercial Fisheries

There are currently no actions in the Central District Upper Subdistrict (Eastside) set gillnet fishery for the conservation of northern bound salmon stocks. However, in the Northern District set gillnet fishery, the department's primary tools to reduce exploitation on Susitna stocks is to reduce gear from three nets to two or one from July 20 through July 31, or to close the commercial fishery. In practice, the department has done both concurrently, but most commonly the fishery has been closed. For example, from 2005 through 2007, the department closed the

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entire Northern District 17 times. In the Central District drift gillnet fishery two regular drift gillnet fishing periods between July 9-15 are restricted to Area 1 (Figure 1) to conserve Susitna sockeye salmon stocks. Furthermore, from July 16-31 the drift gillnet fishery is to be restricted for two regular fishing periods to drift Area 1 when Kenai River sockeye salmon runs are less than two million fish, or drift Area 1 & 2 (Figure 1) when Kenai runs are between two and four million sockeye salmon. These restrictions are for both sockeye and coho salmon conservation. The department will continue to conserve Susitna River sockeye salmon through prescribed management plans and the use of Emergency Order authority.

CURRENT ACTIONS IN NORTHERN DISTRICT SALMON PLAN FOR SALMON CONSERVATION

5 AAC 21.358 Northern District Salmon Management Plan (a) The purposes of this management plan are to minimize the harvest of coho salmon bound for the Northern District of upper Cook Inlet and to provide the department direction for management of salmon stocks. The department shall manage the chum, pink, and sockeye salmon stocks primarily for commercial uses to provide commercial fisherman with an economic yield from the harvest of these salmon resources based on abundance. The department shall also manage the chum, pink, and sockeye salmon stocks to minimize the harvest of Northern District coho salmon, to provide sport and guided sport fisherman a reasonable opportunity to harvest these salmon resources over the entire run, as measured by the frequency of inriver restrictions, or as specified in this section and other regulations.

(b) The department shall manage the Northern District commercial salmon fisheries based on the abundance of Yentna River sockeye salmon, the Yentna River escapement goal, or other salmon abundance indices as it deems appropriate. Achievement of the lower end of the Yentna River optimal escapement goal shall take priority over not exceeding the upper end of the Kenai River escapement goal. When the sockeye salmon returns to the Kenai River are four million or greater, the optimal escapement goal is 75,000 to 180,000 sockeye salmon in the Yentna River.

(c) From July 20 through July 31, if the department's assessment of abundance indicates that restrictions are necessary to achieve the escapement goal, the commissioner may, by emergency order, close the commercial set gillnet fishery in the Northern District and immediately reopen the season during which the number of set gillnets that may be used is limited to the following options selected at the discretion of the commissioner:

- (1) three set gillnets that are not more than 105 fathoms in aggregate length;
- (2) two set gillnets that are not more than 70 fathoms in aggregate length;
- (3) one set gillnet that is not more than 35 fathoms in length.

(d) In addition to the provisions specified in (b) and (c) of this section, the department shall manage the Northern District commercial salmon fisheries to minimize the incidental take of coho salmon stocks bound for the Northern District in the following manner:

- (1) additional fishing periods, other than the weekly fishing periods described in 5 AAC 21.320(a) (1), may not be provided when coho salmon are expected to be the most abundant species harvested during that period; additional fishing periods may not be provided based on the abundance of Northern District coho salmon;
- (2) after August 15, the department shall limit the harvest of coho salmon in the Northern

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District by limiting commercial fishing time to the weekly fishing periods described in 5 AAC 21.320(a) (1).

Potential Modifications to 5 AAC 21.358 Northern District Salmon Management Plan

(c) In light of recent department data revealing concerns about the validity of Yentna River sockeye salmon enumeration data, it is the intent of the Board that Susitna River sockeye salmon stocks will be conservatively managed while the Department continues its studies in this drainage. Until the UCI BOF finfish meeting in 2011, Susitna River sockeye salmon will be managed as follows:

(1) From the beginning of the regular commercial salmon fishing season, which occurs on or after June 25, through July 19, the Northern District set gillnet fishery will fish no more than two regular 12-hour Monday and Thursday fishing periods per week.

(2) From July 20 through August 7, the Northern District set gillnet fishery will fish regular 12-hour Monday and Thursday fishing periods, but will be limited to no more than one 35-fathom set gillnet per permit. If it is determined by the Department that the Yentna River sockeye salmon [SEG or OEG] will be achieved during this time frame, the Department may increase the allowable fishing gear from one 35-fathom set gillnet per permit to two 35-fathom set gillnets per permit or the full complement of three set gillnets that are not more than 105 fathoms in aggregate length per permit.

(3) On the first regular fishing period after August 7, and thereafter, the Northern District set gillnet fishery will again return to a full complement of fishing gear of three set gillnets that are not more than 105 fathoms in aggregate length per permit, unless restricted or closed by emergency order.

(4) The Central District drift gillnet fishery will be managed to conserve Susitna drainage sockeye salmon as follows:

(i) The Department will implement all of the provisions of 5AAC 21.353 Central District Drift Gillnet Fishery management plan.

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CURRENT ACTIONS IN DRIFT GILLNET PLAN FOR SALMON CONSERVATION

For the Central District drift gillnet fishery, there are two types of possible restrictions currently in place designed to conserve northern bound stocks. First, beginning July 9 the department must restrict the drift gillnet fishing fleet to Area 1 (Figure 1) of the Central District (section A below), which is that area south of the south end of Kalgin Island, and to the Kenai and Kasilof Sections (the corridor). Prior to 2005, restrictions were made to the drift fleet for one period to the Kenai and Kasilof Sections during this time frame, and for one inlet-wide period. In 2005 the BOF also provided the department with an option of an additional period in Area 1 during this time, if the Kenai River sockeye salmon run was greater than 2 million. This option has never been used.

Secondly, restrictions to the drift fleet for the conservation of Susitna stocks can occur from July 16-31 (section B below). For Kenai River sockeye salmon runs less than 2 million, the department must restrict the drift fleet to Area 1 (and the Kenai and Kasilof Sections); for runs of 2 million to 4 million, the drift fleet is restricted to Area 1 and Area 2 (and the Kenai and Kasilof Sections); and for runs greater than 4 million there are no mandatory restrictions. These restrictions apply to any two regular periods during this time frame. The purpose of the July 9-15 restrictions are to allow for the passage of northern-bound sockeye salmon, while the July 16-31 restrictions are primarily for northern-bound sockeye and coho salmon.

5 AAC 21.353. Central District Drift Gillnet Fishery Management Plan

(a) The department shall manage the Central District commercial drift gillnet fishery as follows:

(1) weekly fishing periods are as described in 5 AAC 21.320(b);

(2) the fishing season will open the third Monday in June or June 19, whichever is later, and

(A) from July 9 through July 15,

(i) fishing during the two regular fishing periods is restricted to the Kenai and Kasilof Sections and Drift Gillnet Area 1;

(ii) at run strengths greater than 2,000,000 sockeye salmon to the Kenai River, the commissioner may, by emergency order, open one additional 12-hour fishing period in the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(B) from July 16 through July 31

(i) at run strengths of less than 2,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Area 1;

(ii) at run strengths of 2,000,000 to 4,000,000 sockeye salmon to the Kenai River, fishing during the two regular 12-hour fishing periods is restricted to the Kenai and Kasilof Sections of the Upper Subdistrict and Drift Gillnet Areas 1 and 2;

(iii) at run strengths greater than 4,000,000 sockeye salmon to the Kenai River, there will be no mandatory restrictions during regular fishing periods;

(C) from August 11 until closed by emergency order,

(i) Drift Gillnet Areas 3 and 4 are open for fishing during regular fishing periods;

(ii) through the 2007 fishing season, Chinitna Bay may be opened by emergency order.

(b) For the purposes of this section,

(1) "Drift Gillnet Area 1" means those waters of the Central District south of Kalgin Island at 60° 20.43' N. lat.;

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Are there
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(2) "Drift Gillnet Area 2" means those waters of the Central District enclosed by a line from 60° 20.43' N. lat., 151° 54.83' W. long. to a point at 60° 41.08' N. lat., 151° 39.00' W. long. to a point at 60° 41.08' N. lat., 151° 24.00' W. long. to a point at 60° 27.10' N. lat., 151° 25.70' W. long. to a point at 60° 20.43' N. lat., 151° 28.55' W. long.;

(3) "Drift Gillnet Area 3" means those waters of the Central District within one mile of mean lower low water (zero tide) south of a point on the West Foreland at 60° 42.70' N. lat., 151° 42.30' W. long.;

(4) "Drift Gillnet Area 4" means those waters of the Central District enclosed by a line from 60° 04.70' N. lat., 152° 34.74' W. long. to the Kalgin Buoy at 60° 04.70' N. lat., 152° 09.90' W. long. to a point at 59° 46.15' N. lat., 152° 18.62' W. long. to a point on the western shore at 59° 46.15' N. lat., 153° 00.20' W. long., not including the waters of the Chinima Bay Subdistrict.

Sport Fisheries

5 AAC 75.003. Emergency order authority

The commissioner may, by emergency order, change bag and possession limits and annual limits and alter methods and means in sport fisheries. These changes may not reduce the allocation of harvest among other user groups. An emergency order may not supersede bag and possession limits or methods and means established in regulatory management plans established by the Board of Fisheries. The commissioner will use emergency order authority to manage sport fishing opportunity in the following circumstances:

(1) The commissioner or an authorized designee may decrease sport fish bag and possession limits and annual limits and restrict methods and means of harvest by emergency order when

(A) the total escapement of a species of anadromous fish is projected to be less than the escapement goal for that species listed in management plans that have been adopted by the Board of Fisheries or established by the department; or

(B) the recreational harvest must be curtailed in any fishery for conservation reasons; the department may issue a "catch and release only" emergency order when the estimated hooking mortality is not projected to reduce the population of fish below the number required for spawning escapement or, in the case of resident species, below the level required for maintenance of the desired age and size distribution of the population; "catch and release" as a tool to address conservation under this section shall be labeled "conservation catch and release" to differentiate from catch and release regulations adopted by the Board of Fisheries for special management to create diversity in sport fisheries.

(2) The commissioner or an authorized designee may increase sport fish bag and possession limits and annual limits and liberalize methods and means of harvest by emergency order when

(A) the total escapement of a species of anadromous fish is projected to exceed the escapement goal for that species listed in management plans that have been adopted by the Board of Fisheries or established by the department, if the total harvest under the increased bag and possession limit will not reduce the escapement below the escapement goal; or

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(B) hatchery-produced fish escape through existing fisheries to designated harvest areas in numbers that exceed broodstock needs, any natural spawning requirements, or cost recovery goals of private nonprofit hatcheries; the intent of this subparagraph is to allow harvest when there are no other competing user groups.

(3) For purposes of data collection to improve harvest or stock assessment, or for purposes of enforcement of bag and size limits, the commissioner or an authorized designee may establish, by emergency order, times and areas when anglers may not fillet, mutilate, or otherwise disfigure a specific species of fish in a manner that would prevent species identification, examination of the adipose fin of salmonids, recovery of tags, or determination of the number, sex, age, or length of fish taken until the fish are brought to shore and offloaded from a vessel or removed from a shoreline fishing site. The commissioner or an authorized designee may also require in the emergency order that certain parts of a fish remain attached for the purpose of species identification or data collection. However, during these periods, an angler may gill and gut a fish before the fish is brought to shore and offloaded from a vessel or removed from a shoreline fishing site. This section does not prohibit the consumption or preservation of fish aboard a vessel. For the purposes of this section, "shoreline fishing site" means the shoreline where the fish is hooked and removed from the water and becomes part of the angler's bag limit.

Potential Modification to Sport Fishery in Susitna River drainage

(5) The sockeye salmon sport fishery in the Susitna River drainage will be prosecuted with a bag limit of 3 fish. If the Northern District set gillnet fishery is closed to conserve sockeye salmon, the Susitna River drainage sport fisheries will remain open unless the board directs otherwise. The Susitna River sport harvest is not used to determine spawning escapement or in the development of escapement goals.

RESEARCH PLAN

The department currently assesses Yentna River sockeye salmon escapement and commercial and sport harvests annually. The following research projects include current and proposed projects used to gather detailed information about sockeye salmon stocks in the Susitna River.

CURRENT SUSITNA RIVER DRAINAGE SOCKEYE SALMON RESEARCH PROJECTS

YENTNA RIVER SALMON ESCAPEMENT

Objectives: The primary objectives of this project are to estimate (1) the daily and cumulative escapement of sockeye salmon into the Yentna River, and (2) the age, length, and sex composition of those escapements.

Description: Fish passage into the Yentna River is estimated using side-looking (formerly referred to as side-scanning) Bendix sonar. Fish caught and sampled at companion fish wheels are used to apportion sonar counts to estimate species composition of fish passage (i.e., estimate abundance of sockeye salmon) and the age, length, and sex composition of the inriver sockeye salmon run.

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COMPARING BENDIX AND DIDSON SONAR PASSAGE ESTIMATES IN THE YENTNA RIVER

Objective: The primary objective of this project is to compare the Bendix sonar estimates of migrating salmon in the Yentna River with estimates from a Dual frequency Identification SONar (DIDSON).

Description: A DIDSON sonar is placed on both banks of the Yentna River to collect fish passage data independent of the existing Bendix sonar. Both types of sonar equipment are operated at the same time and encompass the same/similar area of the river so that the passage data is directly comparable.

INRIVER ABUNDANCE AND SPAWNER DISTRIBUTION OF SUSITNA RIVER SOCKEYE SALMON

Objectives: The primary objectives of this study are to (1) estimate the inriver abundance of adult sockeye salmon migrating into the Susitna River with a capture-recapture experiment, and (2) identify sockeye salmon spawning areas in the Susitna River.

Description: In 2006-2008, a capture-recapture experiment is conducted to estimate sockeye salmon abundance in the entire Susitna River. Radio telemetry is used to estimate the spawning distribution throughout the watershed.

EVALUATION OF SOCKEYE SALMON PRODUCTION FROM LAKES IN THE SUSITNA RIVER WATERSHED

Objectives: The primary objectives of this study are to (1) evaluate limnological conditions in seven lakes considered important (major) to sockeye salmon production and compare current conditions to those observed in the 1980s and 1990s, (2) estimate the abundance and mean body size of juvenile sockeye salmon and other juvenile fishes rearing in each lake in the fall, (3) estimate the age composition of the juvenile sockeye salmon in each lake, and (4) evaluate the survival from potential egg deposition to fall fry and from fall fry to smolt.

Description: Estimates of smolt and fall fry abundance, and limnological characteristics such as water chemistry and zooplankton abundance by species are collected (Chelatna, Shell, Eyers, Swan, Larson, Stephan, and Judd lakes). Analyses focus on determining carrying capacity of the lakes for sockeye salmon fry and assessing the adequacy of spawning escapements over time.

BIOLOGICAL COMPOSITION OF COMMERCIAL SOCKEYE SALMON HARVEST IN UPPER COOK INLET

Objective: The primary objective of this project is to estimate the age and sex composition of the commercial salmon harvest.

Description: Sockeye salmon harvested in various commercial fisheries in UCI are sampled using a stratified systematic sampling design. Area strata are determined *a priori* using established fishery districts and subdistricts. Temporal stratification is determined post season based on catch patterns in each fishery and the number of samples collected.

STOCK COMPOSITION OF THE UPPER COOK INLET SOCKEYE SALMON COMMERCIAL HARVEST

Objectives: The primary objectives of this study are to (1) estimate the stock composition of sockeye salmon harvested in major commercial fisheries in spatial/time strata, and (2) compare

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stock composition among substrata (i.e., fish processors for the drift gillnet fishery and beaches within each management subdistrict for the set gillnet fishery).

Description: This project uses new single nucleotide polymorphism (SNPs) genetic stock identification (GSI) methods to estimate stock-specific composition of the commercial harvest in UCI.

PROPOSED SUSITNA RIVER DRAINAGE SOCKEYE SALMON RESEARCH PROJECTS

A recent review of Division of Commercial Fisheries and Sport Fish Division programs in the Susitna River drainage identified the need for improved escapement, smolt, and habitat information for sockeye salmon. The following research programs are planned to gather further detailed information about sockeye salmon stocks in the Susitna River drainage:

SUSITNA RIVER SOCKEYE SALMON MAJOR SYSTEM ADULT WEIRS

Objective: The primary objective of this project is to estimate the abundance of sockeye salmon spawners entering 7 major rearing lakes in the Susitna River watershed.

Description: Adult weirs will be collaboratively operated by the Department and the Cook Inlet Aquaculture Association (CIAA) on 7 major sockeye salmon rearing lakes (Chelatna, Shell, Byers, Swan, Larson, Stephan, and Judd lakes) in the Susitna River watershed to estimate spawner abundance. The age, sex, and length composition of the adult sockeye salmon escapement will be estimated at each weir. Environmental conditions will be recorded daily (i.e., percent cloud cover, precipitation, and stream and air temperature). Sockeye salmon spawner abundance estimates will be used to (1) evaluate the accuracy of sockeye salmon passage estimates from the Yentna River sonar project, (2) help set escapement goals, and (3) estimate freshwater production of sockeye salmon in the watershed (in conjunction with smolt production project described below).

SUSITNA RIVER SOCKEYE SALMON ADDITIONAL SYSTEM ADULT WEIRS

Objective: The primary objective of this project is to estimate the abundance of sockeye salmon spawners entering 7 additional rearing lakes in the Susitna River watershed.

Description: Adult weirs will be collaboratively operated by the Department and CIAA on 7 additional sockeye salmon rearing lakes (Whiskey, Hewitt, Lockwood, Trapper, Red Shirt, Spink, and Trinity lakes) in the Susitna River watershed to estimate spawner abundance. The age, sex, and length composition of the adult sockeye salmon escapement will be estimated at each weir. Environmental conditions will be recorded daily (i.e., percent cloud cover, precipitation, and stream and air temperature). Sockeye salmon spawner abundance estimates will be used to (1) evaluate the accuracy of sockeye salmon passage estimates from the Yentna River sonar project, (2) help set escapement goals, and (3) estimate freshwater production of sockeye salmon in the watershed (in conjunction with smolt production project described below).

SUSITNA RIVER SOCKEYE SALMON MAJOR SYSTEM SMOLT PRODUCTION

Objective: The primary objective of this project is to estimate the abundance of sockeye salmon smolt emigrating from 7 major rearing lakes in the Susitna River watershed.

Description: The abundance of sockeye salmon smolt emigrating from 7 major sockeye salmon rearing lakes (Chelatna, Shell, Byers, Swan, Larson, Stephan, and Judd lakes) in the Susitna River watershed will be collaboratively estimated by the Department and CIAA. Fyke nets will be operated from late May through June at 6 of the lakes to provide a total smolt enumeration. At the remaining lake (Chelatna Lake), three inclined-plane traps will be operated from late May

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through August, and smolt population size will be estimated using standard mark-recapture techniques. Age, weight and length of smolts will be estimated from samples collected daily at each site. Smolt abundance estimates will be used to (1) forecast adult returns, and (2) estimate freshwater production of sockeye salmon in the watershed (in conjunction with adult escapement estimates).

SUSITNA RIVER SOCKEYE SALMON ADDITIONAL SYSTEM SMOLT PRODUCTION

Objective: The primary objective of this project is to estimate the abundance of sockeye salmon smolt emigrating from 7 additional rearing lakes in the Susitna River watershed.

Description: The abundance of sockeye salmon smolt emigrating from 7 additional sockeye salmon rearing lakes (Whiskey, Hewitt, Lockwood, Trapper, Red Shirt, Spink, and Trinity lakes) in the Susitna River watershed will be collaboratively estimated by the Department and CIAA. Fyke nets will be operated from late May through June at all of these lakes to provide a total smolt enumeration. Age, weight and length of smolts will be estimated from samples collected daily at each site. Smolt abundance estimates will be used to (1) forecast adult returns, and (2) estimate freshwater production of sockeye salmon in the watershed (in conjunction with adult escapement estimates).

SUSITNA RIVER FISH PASSAGE RESTORATION

Objective: The primary objective of this project is to restore and improve salmonid access to upstream spawning and rearing habitats in the lower Susitna River.

Description: Upstream access to historically occupied salmonid habitats will be evaluated in the lower Susitna River to facilitate removal of culvert barriers or other in-stream obstructions. As many as 10 upstream fish passage barriers will be identified, prioritized according to cost-benefit analyses of fishery values and project costs, and upstream access improved and restored. During construction and after the fish passage restoration projects have been completed, an established monitoring protocol will be used to track individual restoration project performance.

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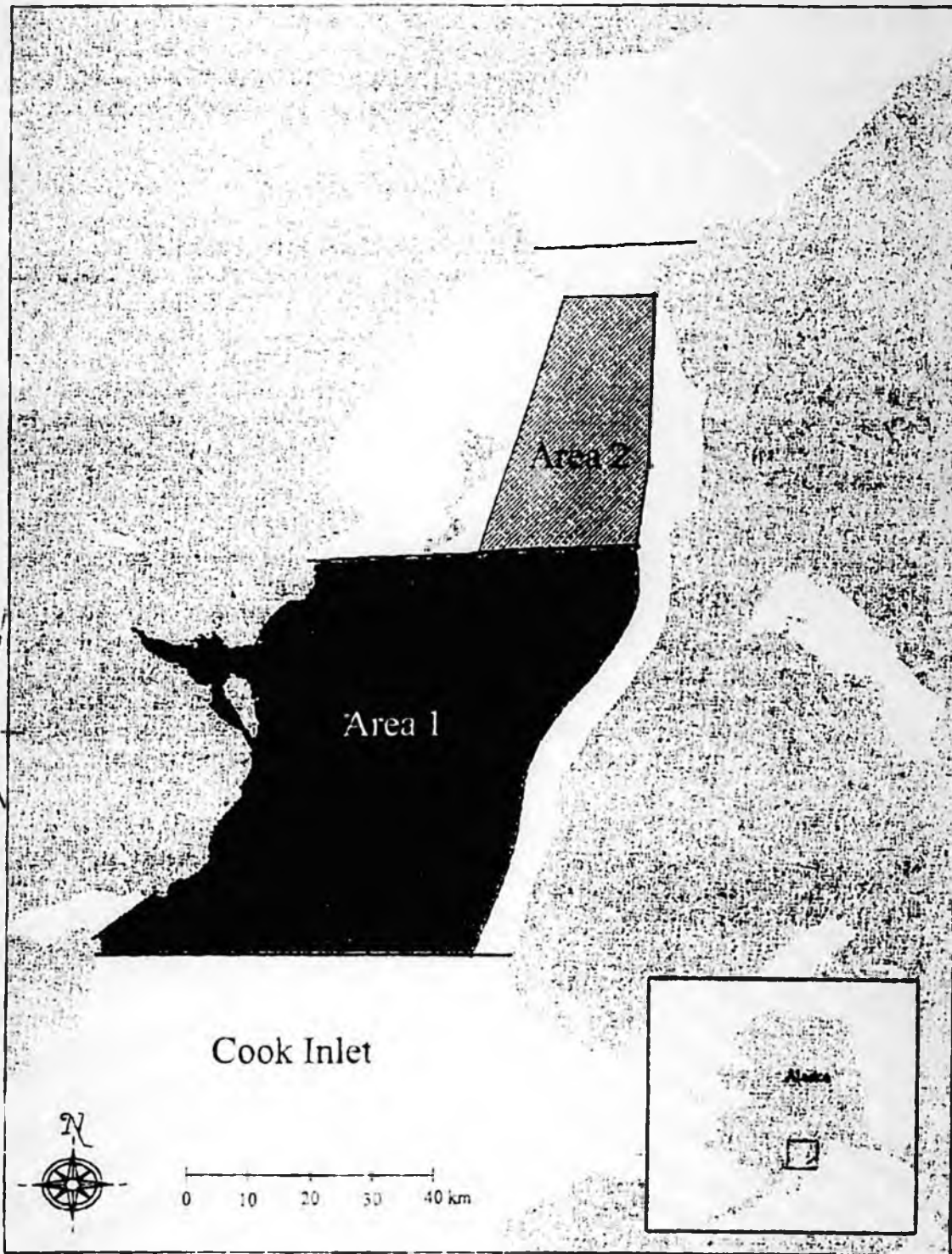


Figure 1.—Map of Central Cook Inlet showing management fishing boundaries for Area 1 and Area 2 for drift gillnet fisheries.

TAB 4

Alaska State Legislature

SENATOR
LYDA GREEN
Senate President

(907) 465-6000
Fax (907) 465-3805

INTERIM ADDRESS:
600 E. Railroad Ave
Wasilla, AK 99654
(907) 378-3370
Fax (907) 378-3157



State Capitol, Juneau, Alaska 99801-1182

REPRESENTATIVE
JOHN HARRIS
Speaker of the House

(907) 465-4859
Fax (907) 465-3799

INTERIM ADDRESS:
716 W. 4th Ave #800
Anchorage, AK 99501
(907) 269-0129
Fax (907) 269-0128

February 1, 2008

The Honorable Sarah Palin
Governor
State of Alaska
Alaska State Capitol
Juneau, Alaska 99801

Dear Governor Palin:

In the past decade the drainages in the Mat-Su valley have experienced historically low salmon runs and some species have not met escapement goals in five of the last seven years. For example, in 2007 only 36,921 sockeye returned to the Yentna River, a shortage of more than 50,000 fish at the lower end of the escapement goal, and more than 120,000 under the upper objective. Fish Creek (Big Lake system) is even in worse shape. Minimum escapement goals have not been achieved in the past four years, despite enhancement from hatchery fish.

The problem with not meeting escapement goals for Northern District bound salmon are two-fold; it is unacceptable biologically, and it presents serious challenges to local economies.

If adequate escapement goals are not met, the state may soon be facing both biological as well as economic problems in the Cook Inlet area. Without adequate escapement, salmon stocks may decline throughout enough of their historic range to induce actions by various groups that could be harmful to both local and state economic interests.

Although allocation issues exist between fishing groups, biological issues could lead to restrictions or curtailment of fishing activities across the board. If that were to happen, the economic benefits derived from both the commercial and sport fish effort may be lost. Such an outcome would be devastating to many of the Inlet's local economies and would almost certainly impact the state's economy as well.

We are, however, encouraged by the heightened awareness toward this issue by local businesses. The recent actions of the Mat-Su Borough and the Willow Chamber of Commerce highlight the importance of adequate salmon returns to our local economies.

We are committed to working with you, local fishing groups, local businesses impacted by returns or the lack thereof, and the Alaska Department of Fish and Game to find a meaningful solution to this growing problem. We must give our biologists the tools they need to discover the root causes of declining returns, as well as the resources necessary to rebuild our failing salmon stocks.

Sincerely,



Senator Lyda Green
President of the Senate



Representative John Harris
Speaker of the House

cc: Denby Lloyd, Commissioner, Department of Fish and Game
Emil Notti, Commissioner, Department of Commerce, Community and Economic
Development
Mel Morris, Chairman, Alaska Board of Fisheries

ALASKA STATE LEGISLATURE

Sen. Lyda Green

Senate District G
600 E. Railroad Avenue
Wasilla AK 99654
907-376-3370
907-376-3157 - Fax
Senator_Lyda_Green@legis.state.ak.us



Sen. Charlie Huggins

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 - Fax
Senator_Charlie_Huggins@legis.state.ak.us

January 22, 2008

The Honorable Curt Menard, Mayor
Members of the Matanuska-Susitna Borough Assembly
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645

Thank you for forwarding to us a copy of your recently adopted Resolution 08-005(AM), which calls attention of diminishing salmon stocks in the Susitna, Yentna, and Fish Creek drainages. Your resolution requests that the Alaska State Department of Fish and Game designate sockeye and chum salmon stocks of the Susitna (Yentna) Rivers and Fish Creek as "stocks of concern" and prepare an all-species phased enumeration plan with cost estimates for adding each species beyond sockeye. The resolution also requests that the Legislature, with the support of the Governor, fund the development and application of technology that will assure the acquisition of multi-species escapement information with an emphasis on sockeye, coho, and chum, in that priority, and enact into statute a codified version of the Sustainable Salmon Policy.

Your support for these issues will help elevate the discussion of and focus attention on this most vital component of our Borough's economy.

In 2001, the Alaska Board of Fish adopted the Statewide Sustainable Salmon Fisheries Policy. This policy recognized that threats to sustainable management do exist and that they justify the development of an explicit statewide umbrella policy to help guide fishery management plans and programs. Given the importance of salmon in Alaska, both for consumptive use and commercial fishing, it is vital to ensure salmon populations are sustained for future generations by codifying this policy into statute.

To that end, Senate Bill 237 has been introduced this session by the Senate Resources Committee. SB 237 is companion legislation to HB 189, which is sponsored by Reps. Stoltze and Johnson. If enacted, it will strengthen our state's resolve to protect one of our most important resources by

- establishing the fundamental principles for the policy and the criteria that apply these principles to real issues;
- implementing procedures in which this policy will be carried out; and
- clarifying terminology used in the language of the legislation.

We encourage your active support for this bill. And we thank all of you, and the members of the Mayor's Blue Ribbon Sportsmen's Committee, for your work.

Sincerely,

Handwritten signature of Lyda Green in cursive.

Lyda Green
Senate President

Handwritten signature of Charlie Huggins in cursive.

Charlie Huggins
Chair of Senate Resources Committee

Cc: Members, Mayor's Blue Ribbon Sportsmen's Committee
John Duffy, Borough Manager
Representative Bill Stoltze



MATANUSKA-SUSITNA BOROUGH
Office of Public Affairs

350 East Dahlia Avenue, Palmer, AK 99654
(907) 745-9577 • psullivan@matsugov.us



Jan. 18, 2008

PRESS RELEASE

Patty Sullivan
Public Affairs Director

Assembly Resolution Supports Mat-Su Salmon Stocks **New low projections for next-season kings in Deshka**

PALMER – A resolution passed by the Matanuska-Susitna Borough Assembly Tuesday calls attention to diminishing salmon stocks in the Susitna, Yentna, and Fish Creek drainages. The resolution asks the Palin Administration and the Board of Fisheries to list sockeye and chum salmon in those streams as "stocks of concern." The resolution further asks the state to create a plan to return healthy salmon stocks to northern Cook Inlet.

Over the past year the members of Mat-Su Mayor Curt Menard's Blue Ribbon Sportsmen's Committee have been working on an approach to resolve the problem of declining Mat-Su salmon stocks.

A snapshot of what's happening with salmon in the northern district:

- Chum: commercial harvest has dropped 80 to 90 percent, and the sports harvest has dropped from a high of 17,000 to a low of 2,000 to 3,000 fish in recent years.
- Sockeye: Escapement of Fish Creek sockeyes have fallen below the minimum goal in eight of the last ten years, and Susitna River sockeyes have failed to meet minimum escapement goals in five of the last seven years.
- Cohos: ADF&G is intending to abandon the coho counting program at the Deshka weir because funding was redirected to higher priority projects
- Chinook: projection low for next season on the Deshka, 6,500 fewer king salmon than the record low in 1999.

Sport and personal-use fishermen in the Mat-Su have endured a progression of restrictions over the past several years. The once popular Fish Creek personal use dip net fishery has been closed for many years, and sockeye sport fishing has been restricted for the past four years.

This chronic inability to maintain both minimum escapements and expected harvests has occurred despite continuous restrictions. To the members of the Blue Ribbon Sportsmen's Committee there are ample signs that Susitna, Yentna, and Fish Creek sockeyes and chums meet the criteria for "Stocks of Concern" on a yield basis under the State's Sustainable Salmon Policy.

-more-

Under a "Stock of Concern" designation, the state Dept. of Fish and Game must introduce a program of watchful management of those stocks. The resolution calls on the ADF&G to design a phased plan applying today's best available technologies to enumerate all salmon species in those drainages.

"With a comprehensive, but phased approach, the Legislature will know the cost of a complete study, while having the plan in phases allows them the discretion to fund the project to whatever level the Legislature feels is warranted," Kluberton said.

The resolution further requests that after reliable enumeration is done that realistic escapement goals be established for the Susitna, Yentna and Fish Creek drainages. This is anticipated to take several years.

The last request in the resolution is for the Administration and Legislature to support enacting an enforceable version of the Sustainable Salmon Policy into statute.

This four-step approach is the product of the Mat-Su Mayor's Blue Ribbon Sportsmen's Committee. The Committee has met with the Palin Administration and ADF&G to gain as much consensus as possible in how to most effectively go about ensuring healthy Salmon stocks for the Mat-Su.

"The level of cooperation from ADF&G Management was impressive" Kluberton said. "The Committee's challenge was to put together an approach that is reasonable and affords the Administration, the Legislature, and, the Board of Fisheries, the ability to work together to meet the goal of ensuring healthy salmon stocks in the Mat-Su at a level the legislature and governor feel the state can afford."

The Board of Fisheries will hold a meeting for the public on Jan. 30 at the Best Western/Lake Lucille Inn beginning at 2 p.m. to hear comment from Mat-Su residents. The Board of Fisheries meetings will be held in Anchorage February 1-12 at the West Coast International Inn.

For more information call Assemblyman Tom Kluberton at 841-7107 or email tkluberton@mtaonline.net

Action: 01/15/08

**MATANUSKA-SUSITNA BOROUGH
RESOLUTION SERIAL NO. 08-005 (AM)**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY REQUESTING THE ALASKA STATE DEPARTMENT OF FISH AND GAME (1) RECOMMEND TO THE BOARD OF FISHERIES THAT SOCKEYE AND CHUM SALMON STOCKS OF THE SUSITNA (YENINA) RIVERS AND FISH CREEK BE DESIGNATED STOCKS OF CONCERN"; (2) PREPARE A PLAN FOR SALMON ESCAPEMENT ENUMERATION; (3) ESTABLISH ESCAPEMENT GOALS FOR ALL SALMON SPECIES OF THE NORTHERN DISTRICT; AND (4) SUPPORT THE ENACTMENT OF THE SUSTAINABLE SALMON POLICY INTO STATE LAW.

WHEREAS, the commercial harvest of sockeye salmon from the Northern District of Cook Inlet (NCI) has declined from an average of 180,000 in the 1980's to an average of 26,000 sockeye since 2002; and

WHEREAS, the commercial harvest of Upper Cook Inlet chum salmon has declined from 880,000 annually in the 1980's to fewer than 100,000 salmon during recent years; and

WHEREAS, spawning escapements for Susitna River sockeye have fallen below the minimum goal in five of the past seven years; and

WHEREAS, Fish Creek sockeye escapement thresholds have not been achieved over half of the time over the past ten years; and

WHEREAS, there are no escapement targets for chum salmon in NCI; and

WHEREAS, sport fisheries have been subject to continuous restrictions such as the prohibition of harvesting of sockeye over the past four years; and

WHEREAS, Northern Cook Inlet set net fisheries have had one or more closed fishing periods in each of the past seven years (except

2003); and

WHEREAS, commercial drift net fishing periods have been restricted annually since 2001; and

WHEREAS, chronic inability to maintain both minimum spawning escapements and expected harvests has occurred despite continuous restrictions on the fisheries; and

WHEREAS, the State's Sustainable Salmon Policy falls short of its potential by being regarded as a set of recommendations rather than clear legislative direction and as such being too easy to set aside, as management decisions are made; and

WHEREAS, genetic stock identification studies are in mid-course and other Susitna Basin fishery investigations are also in progress, the number of issues cited herein indicate further action is in order; and

WHEREAS, closures, restrictions and related regulatory actions have had, and will continue to have, significant social and economic impacts on Alaskans who rely on these resources.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the Alaska State Department of Fish and Game (ADF&G) recommend to the Board of Fisheries (with Governor's Office Support) that sockeye and chum salmon stocks of the Susitna (Yentna) Rivers and Fish Creek be designated "stocks of concern", specifically yield concerns, as mandated by the Sustainable Salmon Policy (5AAC 39.222); and

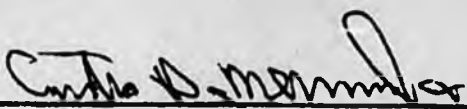
BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the Legislature, with the support of the Governor, fund the development and application of technology that will assure acquisition of multi-species escapement information for Susitna (Yentna) River and Fish Creek salmon with emphasis on sockeye, coho, and chum in that priority. This includes providing on-going funding for enumerating coho salmon at the Deshka Weir; and

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests ADF&G to prepare a phased enumeration plan, with cost estimates showing the funds needed to add each species beyond sockeye to the project. The development of an all-species enumeration project plan and cost figures by phase will allow the Legislature and the Governor to decide the extent to which studies will be cost-effective given the current fiscal environment; and

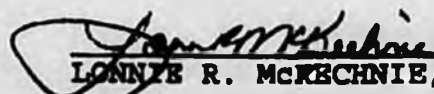
BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly considers it essential that escapement goals ultimately be established for all salmon species of the Northern Cook Inlet. It is acknowledged that it could require as much as seven years of capturing escapement counts (per above) to gain sufficient knowledge in support of establishing those goals; and

BE IT FURTHER RESOLVED, that the Matanuska-Susitna Borough Assembly requests that the ADF&G and the Governor support legislative action to enact into statute (and/or regulation as appropriate) a codified version of the Sustainable Salmon Policy.

ADOPTED by the Matanuska-Susitna Borough Assembly this 15 day
of January, 2008.


CURTIS D. MENARD, Borough Mayor

ATTEST:


LONNIE R. McRECHNIE, Acting Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Woods, Houston, Church, Bettine, and Kluberton

January 18, 2007

To Alaska Dept. of Fish and Game
Board of Fisheries
Board Support Section
PO Box 115526
Juneau, AK 99811-5526

Upon review of the action request from Board of Fisheries Chairman Mel Morris and through our member's own observations, the Willow Chamber of Commerce can make the following recommendations.

Because the single most important economic base for Willow based businesses is tourism and specifically recreation minded visitors, our Chamber of Commerce encourages wise protection of our recreational resources. Our fisheries are our most cherished resource. The value of a single fish to our community and our state is huge when caught by our visitors or by our own family members as our traditional food source. When an economist adds up the true value of a sport caught fish they would probably recognize a visitors air fare, car rental, gas purchases, hotel or bed and breakfast charges groceries or restaurant bills as well as fishing licenses and gear and guides fees. Because our Willow Chamber of Commerce is made up of businessmen and women who earn our living from the money spent in the pursuit of sport fish and game we urge the state to do whatever possible to ensure the quota of fish that reach our local streams and the upper Susitna Valley sustainable fisheries. Its spawning fish numbers and healthy hatch numbers must be increased or doom is inevitable for all the commercial, subsistence and recreational fisherman as well.

Please see to it that there are substantial decreases in high seas and lower Cook Inlet commercial catches so that there may be more fish for everyone in years to come.

With the future in mind and heart.
Sincerely,

Jim Huston, President
Willow Chamber of Commerce

445-9000

Cc: Senator Lyda Green
Senator Charles Huggins
Representative Mark Newman
Bruce Knowles
Representative Bill Stilts
Representative Wes Keller
Representative Carl Gotto



STATE OF ALASKA

Matanuska Valley Fish & Game Advisory Committee

Sarah Palin, Governor

Dennis Hamann, Chairman
1200 Oat Street

Wasilla, Alaska 99654

phone: 373-5938

email: 66mustang@mtaonline.net

January 21, 2008

Dear Governor Palin,

The Matanuska Valley Fish and Game Advisory Committee appreciates your policy of providing clear and transparent government for the people of Alaska. As members of the public we feel better when we know what government agencies are doing, planning, or talking about. With this thought in mind, the Advisory Committee offers the following suggestion for a more clear and understandable dialog between the Public, Alaska Department of Fish and Game, Alaska Board of Fisheries, and Alaska Board of Game.

The Committee proposes a definition and distinction between the terms, "regulation," "restriction," and "liberalization," so that the Public, Department, and Boards will gain a better understanding of what each other is talking about.

While we acknowledge that a regulation by its very nature can be restrictive, we believe current regulations and / or management plans are the established rules, and thus, should mostly be viewed as neutral in the context of inseason restrictions and / or liberalizations made for conservation purposes. For example: when a management plan lists a specific action that SHALL be taken under a specific situation, we believe as part of current rules, that would be a neutral inseason adjustment.

When a management plan grants the Department discretionary authority to adjust regulations in season, however, the Committee believes such changes would best be characterized as a restriction or a liberalization. For example: when a management plan lists an action that MAY be taken under a specific situation we believe such a change should be considered a restriction if it subtracts harvest opportunity provided from the established regulations OR as a liberalization if it increases harvest opportunity from the established regulations.

Specific problems in comprehension that the Committee is experiencing include: 1. when the Department talks about following an Upper Cook Inlet salmon management plan as an inseason restriction rather than as current regulation. 2. when the Department calls an emergency order to increase harvest under its discretionary management authority a "restriction" (presumably because the Department did not use its discretionary management authority to the full extent allowable). The Matanuska Valley Fish and Game Advisory Committee believes these current practices are both confusing and misleading to the Public and the Board of Fisheries and thus requests this defining of terms used by the Alaska Department of Fish and Game prior to the February 2008 Upper Cook Inlet Board of Fisheries Meeting.

Please let us know if we can expect this change to be made in time for the above mentioned Board of Fisheries meeting.

Sincerely,



Dennis Hamann, Chairman

cc: Commissioner Denby Lloyd, Board of Fisheries members, Mat-Su Valley legislators

missing

1) Kuberden

2) Jacobson here

**Mat-Su RC&D
RESOLUTION SERIAL NO. 02-1408**

MAT-SU RC&D COUNCIL REQUESTING THE STATE OF ALASKA, DEPARTMENT OF FISH AND GAME RECOMMEND TO THE BOARD OF FISHERIES THAT SOCKEYE AND CHUM SALMON STOCKS OF THE SUSITNA (YETNA) RIVERS AND FISH CREEK BE DESIGNATED "STOCKS OF CONCERN," AND PREPARE A PLAN FOR SALMON ESCAPEMENT ENUMERATION; AND ESTABLISH ESCAPEMENT GOALS FOR ALL SALMON SPECIES OF THE NORTHERN DISTRICT, AND SUPPORT THE ENACTMENT OF THE SUSTAINABLE SALMON POLICY INTO STATE LAW.

WHEREAS, the commercial harvest of sockeye salmon from the Northern District of Cook Inlet (NCI) has declined from an average of 180,000 in the 1980's to an average of 28,000 sockeye since 2002; and

WHEREAS, the commercial harvest of Upper Cook Inlet chum salmon has declined from 880,000 annually in the 1980's to fewer than 100,000 salmon during recent years; and

WHEREAS, spawning escapements for Susitna River sockeye have fallen below the minimum goal in five of the past seven years; and

WHEREAS, Fish Creek sockeye escapement thresholds have not been achieved over half of the time over the past ten years; and

WHEREAS, there are no escapement targets for chum salmon in NCI; and

WHEREAS, sport fisheries have been subject to continuous restrictions such as the prohibition of harvesting of sockeye over the past four years; and

WHEREAS, Northern Cook Inlet set net fisheries have had one or more closed fishing periods in each of the past seven years (except 2000); and

WHEREAS, commercial drift net fishing periods have been restricted annually since 2001; and

WHEREAS, chronic inability to maintain both minimum spawning escapements and expected harvests has occurred despite continuous restrictions on the fisheries; and

WHEREAS, the state's Sustainable Salmon Policy falls short of it's potential by being regarded as a set of recommendations rather than clear legislative direction and as such being too easy to set aside as management decisions are made; and

WHEREAS, genetic stock identification studies are in midcourse and other Susitna Basin fishery investigations are also in progress, the number of issues cited herein indicate further action is in order; and

WHEREAS, closures, restrictions and related regulatory actions have had, and will continue to have, significant social and economic impacts on Alaskans who rely on these resources.

NOW THEREFORE BE IT RESOLVED that the Mat-Su RC&D Council requests the State of Alaska, Department of Fish and Game (ADF&G), recommend to the Board of Fisheries (with Governor's Office Support) that sockeye and chum salmon stocks of the Susitna (Yetna) Rivers and Fish Creek be designated "stocks of concern", specifically yield concerns, as mandated by the Sustainable Salmon Policy (5 AAC 39.222); and

BE IT FURTHER RESOLVED that the Mat-Su RC&D Council requests the legislature, with the support of the Governor, fund the development and application of technology that will assure acquisition of multi-species escapement information for Susitna (Yetna) River and Fish Creek salmon with emphasis on sockeye, coho, and

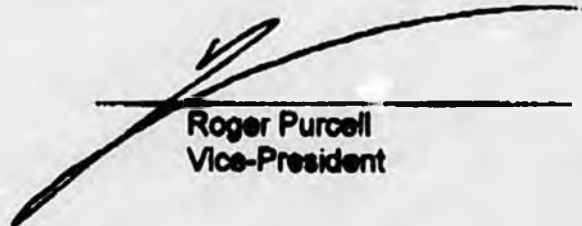
chum in that priority. This includes providing on-going funding for enumerating coho salmon at the Deshka Weir; and

BE IT FURTHER RESOLVED that the Mat-Su RC&D Council requests ADF&G to prepare a phased enumeration plan, with cost estimates showing the funds needed to add each species beyond sockeye to the project. The development of an all-species enumeration project plan and cost figures by phase will allow the legislature and the Governor to decide the extent to which studies will be cost-effective given the current fiscal environment; and

BE IT FURTHER RESOLVED that the Mat-Su RC&D Council considers it essential that escapement goals ultimately be established for all salmon species of the Northern Cook Inlet. It is acknowledged that it could require as much as seven years of capturing escapement counts (per above) to gain sufficient knowledge in support of establishing those goals; and

BE IT FURTHER RESOLVED that the Mat-Su RC&D Council requests the ADF&G and the Governor support legislative action to enact into statute (and/or regulation as appropriate) a codified version of the Sustainable Salmon Policy.

ADOPTED by the Mat-Su RC&D Executive Board on February 14, 2008.



Roger Purcell
Vice-President

Jody Simpson

From: Jamie Newman [JNewman@ci.wasilla.ak.us]
Sent: Wednesday, February 13, 2008 2:30 PM
To: Jamie Newman
Subject: City of Wasilla Resolution Serial No. 08-05
Follow Up Flag: Follow up
Flag Status: Yellow
Attachments: 08-05reso.pdf

Attached please find a copy of Resolution Serial No. 08-05: Requesting The State Of Alaska, Department Of Fish And Game Recommend To The Board Of Fisheries That Sockeye And Chum Salmon Stocks Of The Susitna (Yetna) Rivers And Fish Creek Be Designated "Stocks Of Concern," And Prepare A Plan For Salmon Escapement Enumeration; And Establish Escapement Goals For All Salmon Species Of The Northern District, And Support The Enactment Of The Sustainable Salmon Policy Into State Law.

This resolution was adopted by the Wasilla City Council on February 11, 2008.

Jamie Newman, CMC
Deputy Clerk
City of Wasilla
290 E. Herning Ave.
Wasilla, AK 99654
907-373-9090 - business
907-373-9092 - fax
www.cityofwasilla.com

Requested by: Deputy Mayor Larson

Adopted: February 11, 2008

Vote: Holler, Larson, Massie, Menard, Metiva and Woodruff in favor

**CITY OF WASILLA
RESOLUTION SERIAL NO. 08-05**

A RESOLUTION OF THE WASILLA CITY COUNCIL REQUESTING THE STATE OF ALASKA, DEPARTMENT OF FISH AND GAME RECOMMEND TO THE BOARD OF FISHERIES THAT SOCKEYE AND CHUM SALMON STOCKS OF THE SUSITNA (YETNA) RIVERS AND FISH CREEK BE DESIGNATED "STOCKS OF CONCERN," AND PREPARE A PLAN FOR SALMON ESCAPEMENT ENUMERATION; AND ESTABLISH ESCAPEMENT GOALS FOR ALL SALMON SPECIES OF THE NORTHERN DISTRICT, AND SUPPORT THE ENACTMENT OF THE SUSTAINABLE SALMON POLICY INTO STATE LAW.

WHEREAS, the commercial harvest of sockeye salmon from the Northern District of Cook Inlet (NCI) has declined from an average of 180,000 in the 1980's to an average of 26,000 sockeye since 2002; and

WHEREAS, the commercial harvest of Upper Cook Inlet chum salmon has declined from 880,000 annually in the 1980's to fewer than 100,000 salmon during recent years; and

WHEREAS, spawning escapements for Susitna River sockeye have fallen below the minimum goal in five of the past seven years; and

WHEREAS, Fish Creek sockeye escapement thresholds have not been achieved over half of the time over the past ten years; and

WHEREAS, there are no escapement targets for chum salmon in NCI; and

WHEREAS, sport fisheries have been subject to continuous restrictions such as the prohibition of harvesting of sockeye over the past four years; and

WHEREAS, Northern Cook Inlet set net fisheries have had one or more closed fishing periods in each of the past seven years (except 2000); and

WHEREAS, commercial drift net fishing periods have been restricted annually since 2001; and

WHEREAS, chronic inability to maintain both minimum spawning escapements and expected harvests has occurred despite continuous restrictions on the fisheries; and

WHEREAS, the state's Sustainable Salmon Policy falls short of it's potential by being regarded as a set of recommendations rather than clear legislative direction and as such being too easy to set aside as management decisions are made; and

WHEREAS, genetic stock identification studies are in midcourse and other Susitna Basin fishery investigations are also in progress, the number of issues cited herein indicate further action is in order; and

WHEREAS, closures, restrictions and related regulatory actions have had, and will continue to have, significant social and economic impacts on Alaskans who rely on these resources.

NOW THEREFORE BE IT RESOLVED that the City of Wasilla requests the State of Alaska, Department of Fish and Game (ADF&G), recommend to the Board of Fisheries (with Governor's Office Support) that sockeye and chum salmon stocks of the Susitna (Yetna) Rivers and Fish Creek be designated "stocks of concern", specifically yield concerns, as mandated by the Sustainable Salmon Policy (5 AAC 39.222); and

BE IT FURTHER RESOLVED that the City of Wasilla requests the legislature, with the support of the Governor, fund the development and application of technology that will assure acquisition of multi-species escapement information for Susitna (Yetna) River and Fish Creek salmon with emphasis on sockeye, coho, and chum in that

priority. This includes providing on-going funding for enumerating coho salmon at the Deshka Weir; and

BE IT FURTHER RESOLVED that the City of Wasilla requests ADF&G to prepare a phased enumeration plan, with cost estimates showing the funds needed to add each species beyond sockeye to the project. The development of an all-species enumeration project plan and cost figures by phase will allow the legislature and the Governor to decide the extent to which studies will be cost-effective given the current fiscal environment; and

BE IT FURTHER RESOLVED that the City of Wasilla considers it essential that escapement goals ultimately be established for all salmon species of the Northern Cook Inlet. It is acknowledged that it could require as much as seven years of capturing escapement counts (per above) to gain sufficient knowledge in support of establishing those goals; and

BE IT FURTHER RESOLVED that the City of Wasilla requests the ADF&G and the Governor support legislative action to enact into statute (and/or regulation as appropriate) a codified version of the Sustainable Salmon Policy.

ADOPTED by the Wasilla City Council on February 11, 2008.



DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]

STATE OF ALASKA

**Department of Fish and Game
Boards Support Section**

Rita St. Louis, Regional Coordinator
1300 College Road, Fairbanks, AK 99701-1599
PHONE: (907) 459-7253, FAX: (907) 459-7258
rita.stlouis@alaska.gov

**Fairbanks
Fish and Game Advisory
Committee**

February 14, 2008

Interior Delegation

RE: SB 237

The Fairbanks Fish and Game Advisory Committee voted unanimously to support SB 237. This bill is taken from the Sustainable Salmon Policy 5AAC 39.222. The Board of Fisheries (BOF) and the Alaska Department of Fish and Game, with the help of several independent scientists, developed the policy. Over a three year period, the BOF took this policy to every region of the State. Input was received and changes made in an open public process. Upon completion, the BOF implemented the policy and it was in effect for the 2000, 2001 regulatory cycle.

The Sustainable Salmon Policy is a good policy, aimed at insuring salmon abundance for future generations. The wording in Senator Huggins' SB 237 will make the policy stronger and not subject to the changing interpretations by an ever changing Board of Fisheries and Alaska Department of Fish and Game personnel.

Respectfully,



Virgil Umphenour, Chairman

878 Lynwood Way

North Pole AK 99705

**GREATER WASILLA CHAMBER OF COMMERCE
RESOLUTION #01-08**

A RESOLUTION OF THE GREATER WASILLA CHAMBER OF COMMERCE REQUESTING THE STATE OF ALASKA, DEPARTMENT OF FISH AND GAME RECOMMEND TO THE BOARD OF FISHERIES THAT SOCKEYE AND CHUM SALMON STOCKS OF THE SUSITNA (YETNA) RIVERS AND FISH CREEK BE DESIGNATED "STOCKS OF CONCERN," AND PREPARE A PLAN FOR SALMON ESCAPEMENT ENUMERATION; AND ESTABLISH ESCAPEMENT GOALS FOR ALL SALMON SPECIES OF THE NORTHERN DISTRICT, AND SUPPORT THE ENACTMENT OF THE SUSTAINABLE SALMON POLICY INTO STATE LAW.

WHEREAS, the commercial harvest of sockeye salmon from the Northern District of Cook Inlet (NCI) has declined from an average of 180,000 in the 1980's to an average of 26,000 sockeye since 2002; and

WHEREAS, the commercial harvest of Upper Cook Inlet chum salmon has declined from 880,000 annually in the 1980's to fewer than 100,000 salmon during recent years; and

WHEREAS, spawning escapements for Susitna River sockeye have fallen below the minimum goal in five of the past seven years; and

WHEREAS, Fish Creek sockeye escapement thresholds have not been achieved over half of the time over the past ten years; and

WHEREAS, there are no escapement targets for chum salmon in NCI; and

WHEREAS, sport fisheries have been subject to continuous restrictions such as the prohibition of harvesting of sockeye over the past four years; and

WHEREAS, Northern Cook Inlet set net fisheries have had one or more closed fishing periods in each of the past seven years (except 2000); and

WHEREAS, commercial drift net fishing periods have been restricted annually since 2001; and

WHEREAS, chronic inability to maintain both minimum spawning escapements and expected harvests has occurred despite continuous restrictions on the fisheries; and

WHEREAS, the state's Sustainable Salmon Policy falls short of it's potential by being regarded as a set of recommendations rather than clear legislative direction and as such being too easy to set aside as management decisions are made; and

WHEREAS, genetic stock identification studies are in midcourse and other Susitna Basin fishery investigations are also in progress, the number of issues cited herein indicate further action is in order; and

WHEREAS, closures, restrictions and related regulatory actions have had, and will continue to have, significant social and economic impacts on Alaskans who rely on these resources.

NOW THEREFORE BE IT RESOLVED that the Greater Wasilla Chamber of Commerce requests the State of Alaska, Department of Fish and Game (ADF&G), recommend to the Board of Fisheries (with Governor's Office Support) that sockeye and chum salmon stocks of the Susitna (Yatna) Rivers and Fish Creek be designated "stocks of concern", specifically yield concerns, as mandated by the Sustainable Salmon Policy (5 AAC 39.222); and

BE IT FURTHER RESOLVED that the Greater Wasilla Chamber of Commerce requests the legislature, with the support of the Governor, fund the development and application of technology that will assure acquisition of multi-species escapement information for Susitna (Yatna) River and Fish Creek salmon with emphasis on sockeye,

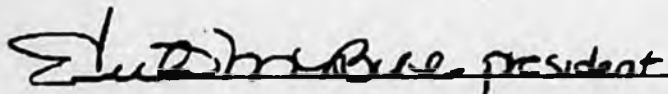
coho, and chum in that priority. This includes providing on-going funding for enumerating coho salmon at the Deshka Weir; and

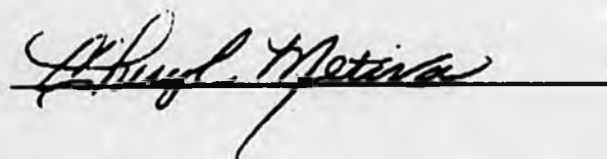
BE IT FURTHER RESOLVED that the Greater Wasilla Chamber of Commerce requests ADF&G to prepare a phased enumeration plan, with cost estimates showing the funds needed to add each species beyond sockeye to the project. The development of an all-species enumeration project plan and cost figures by phase will allow the legislature and the Governor to decide the extent to which studies will be cost-effective given the current fiscal environment; and

BE IT FURTHER RESOLVED that the Greater Wasilla Chamber of Commerce considers it essential that escapement goals ultimately be established for all salmon species of the Northern Cook Inlet. It is acknowledged that it could require as much as seven years of capturing escapement counts (per above) to gain sufficient knowledge in support of establishing those goals; and

BE IT FURTHER RESOLVED that the Greater Wasilla Chamber of Commerce requests the ADF&G and the Governor support legislative action to enact into statute (and/or regulation as appropriate) a codified version of the Sustainable Salmon Policy.

ADOPTED by the Greater Wasilla Chamber of Commerce on January 31, 2008.

 Erika Bills, President of the Board

 Cheryl Metiva, CEO

Jody Simpson

From: EDWARD HILLIARD [esh1951@yahoo.com]
Sent: Wednesday, February 13, 2008 10:51 AM
To: Sen. Charlie Huggins
Subject: SB 237
Follow Up Flag: Follow up
Flag Status: Yellow

I believe that it is imperative that the people of Alaska be heard through our elected officials in all matters concerning the welfare and maintaince of our resources. I and many of my neighbors, friends and relatives believe that SB 237 deserves your attention and vigorous support. We believe that our fisheries must be maintained in a manner that keeps the fisheries strong for future generations of all Alaskans. Thank You for your attention and support. Edward S Hilliard Kimberly M Hilliard Elijah K Hilliard

Never miss a thing. Make Yahoo your homepage.

Jody Simpson

From: Norman Martin [NMartin@NGE-TFT.COM]
Sent: Thursday, February 14, 2008 12:47 PM
To: Sen. Charlie Huggins
Subject: dip netting

Senator Huggins,

I am a construction special inspector for Anchorage. The summer months are the busy time of year for construction as you know. I rarely get to go fishing but when I do I cherish the opportunity. I am able to go dip netting on the 4th of July because it is a day off. Because I get one day a year to go to the Kasiloff River to dip net I like having the odds in my favor. I feel that if set net period for the Northern district is allowed I will lose my opportunity to catch the fish that has been allotted to me and my family. As an elected official I expect you do protect mine and my families rights.

Thank You

Norman Brent Martin

Jody Simpson

From: Roger M. Frank [roger_sampson@customcpu.com]
Sent: Thursday, February 14, 2008 4:36 PM
To: Sen. Charlie Huggins
Subject: SB 237
Follow Up Flag: Follow up
Flag Status: Yellow

Dear Senator Huggins ;

Having lived in Chugiak for over 20 years and fished in the Mat-Su Valley for well over 25 years, I urge you to support SB 237 along with perhaps gaining support for it among your colleagues

The recent developments in just the past couple of days regarding the proposed management of fish stocks in Upper Cook Inlet are as frustrating as any I have seen in many years My question is, when will the Mat Valley streams get serious consideration from those responsible for the management of same ? I rely on fish caught in Valley streams to feed my family through sportfish means (how I hate that term sportfish I do not consider "eating" a sport)

An Alaskan governor once said "the most important salmon is the one on Alaskan dinnerplates" that was Tony Knowles I wholeheartedly agree and thats about the only thing I ever agreed with him on

----- Please support Senate Bill 237

Thank You,
Roger M. Frank
Project Manager
Sampson Steel Company Inc.
(907) 561 - 5626 phone
(907) 561 - 5625 fax
email : roger_sampson@customcpu.com

Jody Simpson

From: Carolyn Hruby [chruby@mta-telco.com]
Sent: Wednesday, February 13, 2008 1:11 PM
To: Sen. Charlie Huggins
Subject: Please support Senate Bill 237 !!!!

You need to take a stand and represent all of the people of Alaska who depend on fish as a natural resource, not the money-hungry fisheries that will never get enough of this resource.

If you increase the Fisheries' ability to take a bigger share of this resource, that means species will become endangered, and the people of Alaska will no longer be able to catch fish to feed their families to the extent we need to be able to do. As it is, last year was horrible for fishing. My family didn't catch nearly as much as we have in the past in the Mat-Su rivers...

PLEASE SUPPORT SENATE BILL 237!!!

Carolyn Hruby
Wasilla

TAB 5

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 485-4100
FAX: (907) 485-2332

January 24, 2008

Representative Bill Stoltze
State Capitol, Room 501
Juneau, Alaska 99801

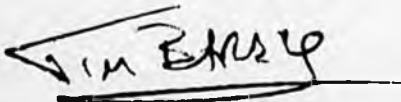
Dear Representative Stoltze,

Your aide, Mr. Mulligan, has asked me to write you regarding a bill you introduced last session, House Bill 189, "Management of Sustainable Salmon Fisheries". As you know, the Alaska Board of Fisheries currently uses its Statewide Sustainable Salmon Fisheries Policy in its deliberations on regulatory issues. The state's Assistant Attorney General for the Board has told us that there are significant legal concerns with HB 189, and expressed the opinion that passage of the bill as written would put requirements on the Board that it would be unable to meet. In addition, he feels that, if the bill were enacted, the Alaska Department of Fish and Game (ADF&G) and the Board would be vulnerable to potentially successful legal challenges. Needless to say, ADF&G values the advice of our legal counsel.

Earlier this month, the Alaska Board of Fisheries unanimously passed a resolution expressing its opposition to HB 189. ADF&G's fisheries managers are required to manage in accordance with the regulations adopted by the Board. In addition, at this point, ADF&G management is unsure what the potential fiscal impact would be of passage of the bill.

Having said all that, ADF&G believes HB 189 is unnecessary. The existing Sustainable Salmon Policy guides management decisions through Board of Fisheries regulations, and the department looks forward to continuing to co-operate with the Board in managing Alaska's salmon resources. Please feel free to contact me or any other ADF&G staff if you have questions or need more information.

Sincerely,



Tim Barry
Legislative Liaison

cc: Senator Charlie Huggins

ALASKA BOARD OF FISHERIES
Resolution in Opposition to Placing Sustainable Salmon Policy in Statute

2008-258-FB

WHEREAS, the Legislature of the State of Alaska is considering legislation (House Bill 189/Senate Bill 237) to codify the Policy for the Management of Sustainable Salmon Fisheries contained in Fish and Game regulations (5 AAC 39.222), and

WHEREAS, the legislature previously codified policies of the Board of Game into state statutes, and

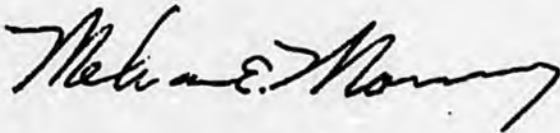
WHEREAS, such codification of Board of Game policies has resulted in an exponential increase in filed lawsuits, and

WHEREAS, the Department of Law anticipates that the direct consequence of entering into statutes the Policy for the Management of Sustainable Salmon Fisheries will have an identical result, and

WHEREAS, there is no identified problem, indicating that the Board of Fisheries is ignoring in any manner or fashion the policies which it struggled for four years to craft with the aid, assistance, and participation of all concerned user groups,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board Fisheries is opposed to House Bill 189/Senate Bill 237 and strongly urges the Alaska State legislature and the Governor of Alaska to oppose this legislation.

ADOPTED this 12th day of February, 2008



Mel Morris, Chair
Alaska Board of Fisheries

Vote: 6 in favor, 0 opposed, 1 absent

ALASKA BOARD OF FISHERIES
Resolution in Opposition to Placing Sustainable Salmon Policy in Statute

2008-254-FB

WHEREAS, House Bill 189 (Management of Sustainable Salmon Fisheries) would place in statute a policy of the Alaska Board of Fisheries (5 AAC 39.222) placed in regulation, and

WHEREAS, this policy took over four years to properly and fully develop, and

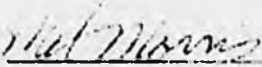
WHEREAS, all interested and affected stakeholders actively participated in formulating the final wording, and

WHEREAS, since its passage, the Policy for the Management of Sustainable Salmon Fisheries has been actively and successfully used in helping to guide decisions of the Board of Fisheries, and

WHEREAS, as changes in usage may identify minor improvements to the language,

NOW THEREFORE BE IT RESOLVED, that the Alaska Board Fisheries is adamantly opposed to House Bill 189 and to any effort to reduce, constrain or otherwise handcuff the ability of the Alaska Board of Fisheries and the Department of Fish and Game to make free, intelligent and wise decisions based on the best available current information.

ADOPTED this 12th day of January, 2008



Mel Morris, Chair
Alaska Board of Fisheries

Vote: 7 in favor, 0 opposed

Jody Simpson

From: Norman Martin [NMartin@NGE-TFT.COM]

Sent: Thursday, February 14, 2008 12:47 PM

To: Sen. Charlie Huggins

Subject: dip netting

Senator Huggins,

I am a construction special inspector for Anchorage. The summer months are the busy time of year for construction as you know. I rarely get to go fishing but when I do I cherish the opportunity. I am able to go dip netting on the 4th of July because it is a day off. Because I get one day a year to go to the Kasloff River to dip net I like having the odds in my favor. I feel that if set net period for the Northern district is allowed I will lose my opportunity to catch the fish that has been allotted to me and my family. As an elected official I expect you do protect mine and my families rights.

Thank You

Norman Brent Martin

2/15/2008



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 18, 2008

Senator Charlie Huggins, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol (mail stop 3100)
Juneau AK 99801

Dear Senator Huggins,

United Fishermen of Alaska (UFA), representing 37 Alaska commercial fishing organizations, appreciates the intention to protect the sustainability of Alaska's salmon but on careful consideration we must strongly oppose SB 237.

SB 237 would adopt some passages of the State's Sustainable Salmon Policy (5AAC 39.222) as statute, while ignoring reference within the current regulations that the policy was drafted to be used as guiding principles, not statutory law, as indicated in 5AAC 39.222 (a)(3):

"...fishery management plans and programs require specific guiding principles and criteria, and the framework for their application contained in this policy,"

The adoption of these guiding principles as statute will prove problematic to the Board of Fisheries, and will create a situation where many of the Board's actions will be subject to lawsuits. Lawsuits regarding fishery regulations are a common tool of well-funded organizations to stop activities that Alaskans take for granted as a part of our lifestyle, including sport and commercial fishing.

We do not see a fiscal note, but the bill will clearly add to the Board of Fisheries costs through increased members' and staff workload. Section (a) (2) states that "...the board and the department must consider factors including environmental change, habitat loss or degradation, data uncertainty, limited funding for research and management programs, existing harvest patterns, and new or expanding fisheries." This would require that to survive legal challenge, a checklist for each of these considerations be applied to each proposal before the Board, though many proposals would not normally require consideration of all of these factors.

The Board of Fisheries is one of the most challenging of all volunteer public services in the state, in time commitment and depth of study required, which limits the pool of

volunteers. It is already the case that most employed Alaskans cannot serve due to the length and number of meetings, and to increase this workload through statutory requirements would block more from serving. Any increase in the workload of the Board of Fisheries would add cost for staff time and staff and board members accommodations. While this may be difficult to estimate, a fiscal note should be prepared on SB 237 to show an estimate for increased Board funding, and for legal defense of Board actions.

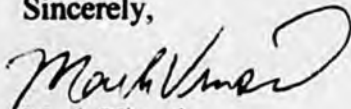
The requirement to use the "best available information" in section (c), would put into jeopardy any action that the Board were to take unless they were to document that all relevant sources of information were considered, yet neither the Board nor ADF&G have the unlimited staff resources that would be required to examine all possible sources of information on each topic before the Board. It would be possible to prove that some relevant study was not included in the record of deliberations, and any fishery could be challenged and held up for years of legal wrangling.

Language in SB 237 (b) states: "Regulations adopted under this section **must ensure** conservation of salmon and salmon's required marine and aquatic habitats, protection of customary and traditional subsistence uses and other uses, and the sustained economic health of Alaska." This would place a burden on the Board of Fisheries to guarantee the sustained economic health of the State, though the Board does not have the authority that this would require, were it possible.

One interesting aspect of the bill is the requirement in section (d)(1): "effective management systems shall be established and applied to regulate human activities that affect salmon". This appears to give the Board of Fisheries authority over all human activities that affect salmon. It seems attractive in concept that the Board's powers to sustain salmon would trump all other human activities, and that the Board could rule to block any projects that threaten salmon sustainability. In reality this concept is not practical, unless the Board were to be provided overarching authority over all other permitting and activities in marine waters and salmon bearing watersheds. If this is truly the intention of SB237, it should be made clear through intent language, and clear delineation of this authority. This might make the bill more attractive to fishermen in light of current resource development controversies, but still does not allay fears that SB237 would ultimately result in a much higher cost of fish and game litigation, at the expense of management.

Alaska's fish and game management is seen as the model for the world. Please do not put this at risk through the well intentioned, but seriously flawed legislation that is SB 237.

Sincerely,



Mark Vinsel
Executive Director

TAB 6

Open season for fish board

By *MATT TUNSETH*
Frontiersman

WASILLA — There's going to be a fish fight.

Once every three years, a seven-member panel of Alaskans is given the weighty task of shaping fisheries regulations for Upper Cook Inlet, an area that, because of its proximity to the state's population centers, contains the most heavily used — and hotly debated — fisheries in Alaska. In past years, these Alaska Board of Fisheries meetings have been dominated by sport and commercial fishing interests based mainly on the Kenai Peninsula. But with Mat-Su anglers upset over dwindling salmon returns to Valley streams, that likely won't be the case this time around.

As chair of the Susitna Valley Fish and Game Advisory Committee, Bruce Knowles said he's spent much of his time over the past couple months doing everything he can to get Mat-Su anglers involved in the board process.

"We've been working on it really hard," Knowles said Monday.

That includes calling friends and neighbors, as well as running radio spots to inform the public that the time to speak up is now.

For Knowles, the issue of diminishing salmon returns to rivers in the Susitna drainage is easy to see. As a longtime fishing guide and area resident, he said he's seen chum and sockeye salmon numbers dwindle to the point that local anglers no longer have an opportunity to harvest the fish in meaningful numbers. He blames Fish and Game biologists and current salmon management plans for allowing Cook Inlet commercial fishermen to harvest too many fish at the expense of Valley streams.

"They're not allowing anything in for consumptive use for the people up here in the Valley," Knowles said.

Knowles is not alone in his assessment of the situation. Both the Susitna and Matanuska advisory committees have asked the Board of Fish to look at the situation in the Valley, as has the Matanuska-Susitna Borough, which on Jan. 15 passed a resolution calling for the board to designate sockeye and chum salmon stocks from the Susitna River and Fish Creek as "stocks of concern."

Knowles also wrote a proposal for the board to consider calling for the designation. Such a move would force the Department of Fish and Game to look more closely at fish stocks in the area, and could possibly lead to more restrictions on commercial fishermen.

"I just think we need a good, solid look at what we do have coming back," Knowles said.

Fish Creek, which used to support a personal use and sport sockeye fishery, is now closed to both for much of the year because of fewer fish reaching the Knik stream. On the Susitna and Yentna rivers, sockeye salmon numbers are down as well.

Not seeing eye-to-eye

Why the numbers aren't what they used to be is open to debate. Mat-Su anglers are convinced overfishing is to blame, but United Cook Inlet Drifters Association president Steve Tvenstrup said that's not the case.

"A lot of guys in the Valley think it's a harvest situation," Tvenstrup said Monday from Soldotna. "It is not a harvest situation."

Tvenstrup said commercial fishermen in the inlet have been restricted significantly by board actions in past years, to the point they believe too many fish are getting past their nets and into the Kenai and Kasilof rivers.

Jeff Fox, the management biologist in charge of the inlet's commercial fishing, said earlier this month he believes the problem could lie within the river systems themselves. Even when commercial fishing hours have been restricted, the fish haven't been returning to Valley streams.

"We're not seeing the rebound we should see," Fox said at a Matanuska Valley Advisory Committee meeting earlier this month in Palmer.

Everything from pike predation to beaver dams can impact fish production in a given system. Because of budgetary concerns, many small streams in the Valley haven't been studied to determine where the problem lies. One thing everyone seems to agree on is that further study of the issue is sorely needed.

"If they're not producing, what's the problem here?" Tvenstrup asked. "Something's going on with that system that we've got to figure out what it is."

Confounding the issue for fisheries managers and board members is that Kenai and Kasilof returns have been extremely solid in recent years, meaning more than enough fish are getting up those streams. In fact, both rivers have routinely exceeded the department's escapement goals despite solid commercial hauls. If commercial fishermen are further restricted in order to allow more fish to reach the Mat-Su, Tvenstrup said the overescapement situation on Kenai Peninsula rivers could lead to a disaster.

"If you put too many cows on the pasture, you're not gonna get any production from those cows," he said.

Voice concerns

Commercial fishermen and Mat-Su sport anglers aren't the only groups hoping to have their say on the issue. The Kenai River Sportfishing Association, a well-heeled Peninsula-based conservation and sport fishing advocacy group with powerful supporters like U.S. Sen. Ted Stevens, also figures to be a major player during the board meeting.

KRSA executive director Ricky Gease said he believes the situation in the northern inlet is one that must be addressed by the board.

"I think there's a continuing concern for escapement in the Northern District," Gease said last week from Washington, D.C.

Gease would like to see further study of the problem come out of the board meeting. But in order for anything to happen, he said it's imperative Mat-Su anglers make it a priority to have their say both at

the regular board meeting, as well as a supplemental meeting scheduled for Wednesday in Wasilla. The more people talk about the issue, the better chance something will be done to address the concerns, he said.

"It's good to see people paying attention to the issues and participating in the comments and planning on being at the Board of Fish meeting," he said.

Part of the reason Northern District fisheries have been overlooked in the past, he said, is that people from the Valley haven't had an active voice in the process.

"As much as the folks in the Central District butt heads with each other, we're there from the beginning to the end," he said.

Another issue close to the hearts of Mat-Su residents is the state's personal use fisheries at the mouths of the Kenai and Kasilof rivers. The annual dipnet fisheries are popular with Mat-Su and Anchorage residents, who drive hundreds of miles for a chance at filling coolers with fresh sockeye salmon.

Southcentral Alaska Dipnetters Association President Ken Federico wants the board to look more closely at the fishery with an eye on allowing for a more predictable harvest. He said it's not uncommon for dipnetters to arrive on the peninsula on the weekend, only to find that commercial nets are in the water at the same time. He'd like to see windows — designated times when commercial fishermen aren't allowed on the water — expanded to cover longer periods so dipnetters have a better idea when fish might be moving into the rivers.

"We need that predictability," he said.

Federico's group is a natural ally of KRSMA, which was instrumental in getting the windows-based management plans installed at the most recent board meeting three years ago. Both groups believe the concept allows for stable pulses of fish to enter the river and escape the nets for sport and personal use anglers to harvest.

Gease said he believes the windows concept on weekends is one way of protecting personal use anglers.

"Most people come down for the weekend," he said.

The Board of Fish will consider comments from all interested parties over the next two weeks as it decides what to do with managing the delicate and contentious fisheries of the inlet. As the sole governing body in charge of regulating the inlet, its powers are broad, and since it meets once every three years on Upper Cook Inlet issues, the meeting is likely to attract heated debate from all sides.

No matter what side of the issue people fall on, it's clear that everyone believes the best way to impact the process is by participating.

"That's our biggest deal, getting people out there to testify," Federico said.

Folks interested in having a say have more than one opportunity to be heard by the board. On Wednesday, a special public meeting will be held at the Best Western Lake Lucille Lodge in Wasilla beginning at 2 p.m. There, members of the public can provide testimony in front of a three-member panel of Board of Fish members.

Then on Friday, members of the public can travel to the Coast International Inn in Anchorage, where public testimony will be taken through the weekend. The deadline to sign up for that meeting is 11 a.m. Saturday.

IF YOU GO

What: Meetings of the Alaska Board of Fisheries on Upper Cook Inlet fisheries management issues.

Where: Best Western Lake Lucille Lodge, Wasilla; Coast International Inn, Anchorage.

When: The Wasilla meeting will begin at 2 p.m. Wednesday; the Board of Fisheries regular meeting on Upper Cook Inlet will begin at 8:30 a.m. Friday in Anchorage, with public testimony taken over the weekend. Deadline to sign up to comment is 11 a.m. Saturday.

Contact Matt Tunseth at 352-2265 or matt.tunseth@frontiersman.com.

Fishing for answers

By *MATT TUNSETH*
Frontiersman

ANCHORAGE — The Alaska Board of Fisheries has designated northern district sockeye salmon as a “stock of concern,” a tag likely to lead to intensive study of the struggling Mat-Su salmon populations — but not to any immediate restrictions on commercial or sport harvests.

The designation will help the Alaska Department of Fish and Game take steps to identify what may be causing diminished returns to Mat-Su salmon streams such as the Susitna, Yentna and Fish Creek. Last summer, the Yentna — a Susitna tributary used to gauge the strength of the larger river's overall return — fell short of its 90,000 sockeye escapement goal for the third time in the past five years and fifth time in the past seven.

Because of the designation, it's hoped the Alaska Legislature will be willing to appropriate \$10 million in funds the department estimates is needed to carry out further study.

But it doesn't mean any immediate changes to the current management plan, a fact that isn't sitting well with Mat-Su sport fishermen who believe steps should be taken to restrict central district Cook Inlet commercial fishermen in order to allow more northern district fish to pass into the northern end of the inlet.

“It's a big step in the right direction, but we feel it doesn't go far enough,” said Steve Runyan, who serves on the Susitna Valley Fish and Game advisory committee.

During its deliberation process, the board heard from Fish and Game staff who said they're not entirely sure why Mat-Su sockeye populations have dropped. Cook Inlet commercial fisheries biologist Jeff Fox said Monday that in order to get a handle on the problem, Fish and Game will need to spend millions of dollars on studies, genetic sampling and equipment — such as more weirs to allow for accurate counting — before it can venture a guess as to why northern district stocks struggle while returns to the Kenai and Kaslof rivers further south are robust. Some current theories include pike predation, low water levels, floods, beaver dams, and overfishing by commercial fishermen.

“It's probably a combination of all those things,” Fox said.

Money isn't yet available to further study the affected areas. However, Fox said the department will request funds through the Legislature.

The board has been meeting since the beginning of the month to consider management of all Upper Cook Inlet sport, personal use and commercial fishing regulations. Since the board meets just once every three years to consider the area, much is at stake for user groups hoping to see changes. Although the meeting is typically dominated by voices from the Kenai Peninsula, Mat-Su Valley anglers have spoken out loudly on the issue of diminished salmon returns to the northern district.

Runyan said Mat-Su anglers had hoped the board would do more to cut back on how many fish are intercepted by commercial drift nets in the central district. Runyan said he believes commercial fishermen should share the burden of conservation, and doesn't understand why the board decided not to take action.

"I don't see how that is in keeping with a precautionary approach to salmon management," Runyan said.

Drift gillnet fishermen have a different point of view. United Cook Inlet Drift Association executive director Roland Maw said he does not believe the sockeye returns are as dire as they're made out to be.

"It's not a crisis," Maw said, pointing out that sonar counts used to determine returns on the Yentna are believed to be lower than what's been seen where the more accurate weir counts are used.

Jeff Fox said it's likely that fisheries managers are under-counting sockeye returns due to inaccuracies in sonar data, and that's why more weirs are needed. Weirs can differentiate between salmon species, where sonar typically cannot.

"It's not just under-counting, it's an apportionment issue with the other species," Fox said.

Maw said commercial fishermen do recognize returns aren't what they used to be, and his group supports further research that will come out of the stock of concern designation.

"We don't think this is harvest driven, we think this is production driven up in the lakes," Maw said.

Maw believes the board's actions not to restrict commercial fishermen was appropriate. And, he said, UCIDA is prepared to pitch in with funding for further study of Susitna River drainage lakes where sockeye salmon spawn.

"We're willing to put some cash on the table to help solve this issue," he said.

Maw said it's in the interest of his industry to help study the problem to ensure Mat-Su sockeye runs rebound.

"Obviously, it's in our economic best interest to do that," he said.

The fight between northern district sport fishermen and central district commercial fishermen isn't over yet. The board is scheduled to continue its deliberations today, and can still make changes to management plans.

However, Susitna Valley advisory committee chair Bruce Knowles doesn't see that happening, and plans to take Mat-Su anglers' concerns to the Alaska Legislature or possibly to the ballot box through the initiative process in order to force fisheries managers to cut commercial time and pass more fish through to the Valley. As it currently stands, Knowles said the stock of concern designation is essentially a toothless edict.

"This is a stock of concern without a concern," Knowles said.

Knowles he's disappointed by what he thinks is a lack of urgency on the part of both Cook Inlet biologists and commercial fishermen of what Mat-Su sport anglers believe is an impending crisis.

"Nobody is concerned about the fish."

Some other notable measures taken by the board over the weekend include:

- Decreasing the daily bag limit on Big Lake burbot from five to two and establishing a closed burbot season on Big Lake between March 15 and May 1 to protect spawning fish;
- Allowing five lines to be fished simultaneously when ice fishing for pike in the Knik Arm drainage; and
- Expanding the open king fishing area at the Eklutna Tailrace.

Contact Matt Tunseth at 352-2265 or [matt.tunseth@](mailto:matt.tunseth@frontiersman.com)

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members packets

Mat-Su salmon cursed by actions taken in Soldotna

**CRAIG MEDRED
OUTDOORS**

(02/10/08 04:19:35)

The Matanuska-Susitna Borough is the fastest growing region in Alaska.

Tourism is a key component of the Mat-Su Borough economy.

Salmon provide the cornerstone for a key part of that tourism, not to mention providing food and recreation for tens of thousands of borough residents.

The decisions that have the biggest influence on how many salmon arrive in the myriad streams of the Mat-Su, however, are made in an office of the Alaska Department of Fish and Game in Soldotna.

Soldotna is about 150 miles southwest of the Mat-Su as the raven flies and a whole lot farther by road. When it comes to fish, it's even more distant.

Soldotna is on the Kenai Peninsula, and the Kenai each summer is largely focused around the salmon of two rivers -- the Kenai and the Kasilof.

Decisions made on how many million salmon are to be caught in Cook Inlet hinge on trying to limit massive salmon returns to these two rivers.

Unfortunately, every time this Kenai tail is wagged, the Mat-Su dog shakes.

The reason is simple. No one has, as yet, found a way to catch Cook Inlet salmon bound for the Kenai and Kasilof without also catching Cook Inlet salmon bound for the Mat-Su.

Mat-Su salmon are cursed with the need to pass through the great, salmon-mixing bowl of the Inlet on their way to Mat-Su streams -- Willow Creek, Montana Creek, Lake Creek, the Little Susitna River, the Talkeetna River, the Deshka River, the Matanuska River, and on and on. There are simply too many to list.

And because the Kenai tail shakes the Mat-Su dog, the Alaska Department of Fish and Game usually comes up short of what it has determined to be the optimum number of spawning red salmon for the Mat-Su's Susitna River basin. Usually, in fact, it is cause for celebration if the minimum number is reached, given the number of times that even that low bar has been missed.

To Mat-Su anglers, this has never meant all that much because red salmon in the Mat-Su are not the prized sport catch they are on the Kenai. This might have something to do with the fact successful rod-and-reel angling for reds tends to be density dependent (i.e. the more fish packed into an area, the better one's chances of catching one), and there are never enough Mat-Su reds coming through Cook Inlet to boost densities.

Hooligan are another matter. Hooligan, those smelt-like little fish people dipnet each spring from Turnagain Arm near Portage, return to the Mat-Su's Susitna River in such abundance that if you throw a small hook in the water when they are running in June you will catch one with ease -- a perfect demonstration of how density-dependent rod-and-reel fisheries work.

Millions of hooligan swarm the river, in part, because there is no Inlet commercial fishery to intercept these small, oil-rich anadromous fish. Red salmon, another anadromous species, come up short, in part, because of the opposite.

Commercial fisheries covet them, and thus they are netted by the millions every summer for sale to distant markets.

Were these red salmon all there is to this matter, it probably wouldn't be a big deal. But the failure to meet spawning escapement goals for reds year after year ought to be an embarrassment to Fish and Game. This is quite simply a failure to do the job with the professionalism that has become the hallmark of the state agency since statehood.

For the average Mat-Su angler and tourist operator, this failure wouldn't much matter if the commercial fisheries scooping up all the red salmon didn't also catch a lot of Mat-Su silver salmon - the prize for anglers.

Put simply, silvers are to the Mat-Su what reds are to the Kenai.

So once more this month, Mat-Su interests were back before the Board of Fisheries demanding what they see as justice. They basically want the board to devise a system to stop the tail from shaking the dog.

Unfortunately, this kennel trick has been tried before. It just doesn't work when the dog is in one place and the tail is in another.

And therein might lie the simplest solution -- one that doesn't even require board action. The governor herself could quite simply fix the system to give Mat-Su interests a bigger say in what happens in Cook Inlet:

Move the decision-making power for Cook Inlet commercial fisheries out of the Soldotna office.

Put it in the regional office in Anchorage, and give all the biologists involved, from both the commercial and sport divisions in Kenai and Mat-Su, a seat at the table.

For years, I have listened to state fisheries biologists from the Mat-Su, both present and retired, rail against the way Cook Inlet fishing decisions are made. For years, I have listened to state fisheries biologists from the Kenai defend those decisions as reasonable and professional.

They're both right. The Soldotna-based employees of Fish and Game have always tried to do a professional job of managing Cook Inlet returns.

But I don't think it has been a job as free from influence as they believe. We're all (OK, most of us) influenced subtly -- by associates and the people who lobby us. If that telemarketer for a local charity harasses you with enough phone calls, you'll eventually listen to the pitch and might make a contribution.

It's really not much different here.

The Kenai tail shakes the Mat-Su dog because the system is set up to make the decisions on Cook Inlet commercial fishing Kenai-centric.

There is really only one way to change that. Move the dog off the Kenai.

Outdoors editor Craig Medred is an opinion columnist. Find him online at adn.com/contact/cmedred or call 257-4588.

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Mat-Su salmon cursed by actions taken in Soldotna : comments

Posted by admin
 Posted: February 10, 2008 - 8:33 am

[Return to Mat-Su salmon cursed by actions taken in Soldotna](#)

[add new comment](#)

February 11, 2008 - 7:01am | [apritwheel](#)

another idea

It is time to start thinking about building a world class hatchery in the mat-su, as record profits are increasing the taxes from the oil companies wouldn't it be a better idea to look to the future. the money would last for years and it would show up on the tables of upper inlet fishers and in increased tourism. no easy answers here folks but there are possible solutions within reach.

[reply](#) | [flag this](#)

February 11, 2008 - 9:58am | [arfox](#)

Interesting point

Craig brings up an interesting point, though I think he's only covering part of the issue. Another person on here mentioned the booming growth in the Mat-Su area, I agree that there needs to be research in to that...there's also the issue of commercial fishing. I'm not anti-comm. fishing, but I think the cap should be set lower. Maybe some well off people in California and Japan will have to pay a bit more for their fish (prices will go up if you cut the supply), but the way I see it, they can come up here and get it if they want it so bad. I have nothing against commercial fishermen either, but what ever happened to conservation? If we're not hitting our quotas in Mat-Su, we have no right to be fishing the area so heavily, even sport fishermen/women. Anyway...those are just my thoughts on the matter.

[reply](#) | [flag this](#)

February 10, 2008 - 4:58pm | [tomccad](#)

Strange coincidence

It doesn't set very well with Mat-su fisherman when the Silver Salmon limits are greatly reduced. And then they report how the commercial fisheries have a record harvest the same year. When the commercial harvest was greatly restricted the previous year there just so happened to be a phenomenal run of silver salmon. Hmm...what a coincidence! A sport caught silver is worth much more to the local economy as well as the state when you figure the expenditures of that sport fisherman, local or tourist spends on fishing tackle, groceries, and let's not forget licensing & fuel.

[reply](#) | [flag this](#)

February 10, 2008 - 3:46pm | [Cordelia](#)

habitat

Craig always likes to blame sportfish problems on commercial fishers. It's in his DNA.

But think about this, the commercial fishery is directed at the fish going into the Kenai systems. These runs are doing very well. But Craig is claiming that this fishery is to blame for failing Mat-Su runs? Even if the fish from the Mat-Su were mixing with the fish from the Kenai at exactly the same times and places that the fishery occurs, the odds are that the same % of the Mat-Su run would escape the commercial fishery as the Kenai run, leaving plenty for escapement.

A more likely culprit would be habitat issues of which there are more than pike to consider. Number one would be the growth of the Mat-Su human population. There has been unchecked growth in the Valley since the 1970's with subdivisions popping up all over the place. Salmon depend on clean water for survival. There's a lot more runoff from roads than in the past. Many more septic systems. Clearing trees for yards and parking lots eliminates shade that keeps water cool to the temperatures that salmon will tolerate. The extra demands for water for humans could also be affecting stream flows and temperatures. Salmon have a slim margin of temps they will tolerate and when it gets too warm, they won't spawn. Swampy areas that get filled during construction might be eliminating important habitat for smolts, especially silvers. Then there's: the explosion of people using the rivers fishing and otherwise, and all the jet boats on the spawning grounds. Ever heard of the expression, "loving it to death"?

All in all, there are plenty of places to look for reasons Mat-Su runs are down besides the mantra of "commercial fishing is to blame". What I'd really like to hear from Craig is a call for more money from the State to study some of these habitat issues. The State has a poor record of funding Fish and Game

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which is a shame since run failures affect all users, Sport, Subsistence, and Commercial, Feral and Railbelt.

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5 February 10, 2008 - 3:31pm | neman_s

It all boils down to money

Whether it's fish, timber, coal or you name it, a handful of people get rich selling this states natural resources to some foreign country. I find it sickening! I do think Craig has a valid point, the real question is, does the governor have the guts to change policy set by those holding the purse strings, and not be accused of favoritism?

reply | flag this »

4 February 10, 2008 - 10:20am | Rbch575

A good point

Regardless of what is happening to Sushna salmon runs (which the dept. can't even tell you) Craig Medred brings to light an excellent point. The separation of the biologists who make the decisions that have a dramatic impact on the fisheries in the Mat-Su Valley and to the people it affects is a valid concern. Our Governor is about accountability, transparency, and access to government. Right no , a huge user group doesn't have that.

reply | flag this »

3 February 10, 2008 - 9:58am | workin4alvin

Medred is 100% correct, time to move F&G to Anchorage

Craig Medred is 100% correct about the need to move the Fish & Game offices to Anchorage. Fisheries managers can't go anywhere in a small town like Soldotna or Kenai and not be hammered on by folks from all sides of the fishing management equation. The Soldotna based F&G office is a huge wart of corruption and shame on this state's fisheries management. Governor Palin needs to move the F&G office ASAP.

As typical, these blogs bring out illogical snipes against commercial fishermen and fisherwomen. To this I would like to make a suggestion to such snipers: maybe try thinking before you mindlessly babble-blog. Commercial fishermen are middlemen. They don't keep and eat the fish they catch like sportfisher-folks. They sell it to people that DON'T fish. If you have beef with commercial fishing, then THINK and complain to the SOURCE of your perceived problem. Go yell at your neighbor that buys fish at the store. Go yell at your relatives that come up here and buy fish at a restaurant. Go yell at your kids at school when they eat fish sticks from fish they didn't go and catch themselves. And don't be surprised if all of these people you yell at think you are a complete idiot.

reply | flag this »

2 February 10, 2008 - 9:44am | CoonDog

Common Sense?

Meet the escapement goals first then let the comm-fish boys take the rest. Why does comm-fish take the lion's share and then pray that the escapement goal gets met? Typical government mismanagement, it is the classic definition of insanity.

reply | flag this »

1 February 10, 2008 - 8:33am | mshkan

Hooligan vs. Salmon? Craig Medred

How can you write an article relating hooligan returns to salmon? The reason salmon returns are dwindling in the Mat-Su have more to do with the fantastic pike fishing you wrote about yourself a short while back, than they do the commercial nets. Do you suppose if hooligan returned to the lakes that support these huge pike populations and spawned that their fry would survive well enough to return in great numbers. Maybe you just supported the theory that most of the Kenai has been trying to tell the Mat-Su all along.

reply | flag this »

February 10, 2008 - 11:16am | nikitelo

If Pike were the main culprits

Then the adverse impact over the past 25 years or so would be limited to lakes and streams contaminated by the expansion of the Pike population. That isn't the case - many runs not impacted by the Pike have also seen catastrophic declines.

Medred mentions the hooligan rather effectively, I thought. Medred has mentioned Pike fishing several times over the years. He has also been pointing out the dangers of that population's movements for a long time.

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State board cuts commercial fishermen some slack**ISSUES: Sport advocates wanted gillnets curbed.**By TOM KIZZIA
tkizzia@adn.com

(02/13/08 00:01:53)

The state Board of Fisheries has loosened several restrictions on Cook Inlet's commercial fishermen, saying biologists need more flexibility in managing the region's salmon runs.

The fish board ended a 12-day meeting in Anchorage Tuesday, making small changes viewed favorably by commercial netters. These included addition of some late-season fishing time and a slight de-emphasis of the non-fishing "windows" set to bring salmon into rivers.

Sportfishing advocates objected to the changes, saying they'd hoped to see the board move the other direction, reducing commercial nets further to allow the passage of more salmon -- especially silvers bound for Mat-Su streams in the region's northern district.

"They've liberalized commercial fishing quite a bit in these meetings, and they haven't done anything to address the northern district problem," said Pat Donelson, a sportfishing guide from Wasilla.

But board chairman Mel Morris said the panel was merely trying to restore some management flexibility removed during the past decade, as the pendulum swung toward sportfishing in the perennial fight over allocation. Recent management of big runs into the Kenai and Kaslof Rivers was hampered because biologists couldn't respond quickly, he said.

Morris said it was "almost unconscionable" when rigid rules in 2006 kept nets out of the water as 1.5 million red salmon from a 2.5-million run poured up the Kenai River. The result denied permit-holders half a million fish and overloaded the river system with juvenile fry, possibly hurting future runs, he said.

"Their hands were tied," Morris said. "They couldn't do anything before the fish were up."

The fish board meets every third year on Cook Inlet issues, and the meetings are always controversial, as a long-established commercial fishery clashes with growing numbers of sport anglers, guides, and personal-use dipnetters. State fishery managers focus their attention on the big Kenai and Kaslof River sockeye runs, while trying to minimize the commercial catch of kings and silvers.

The board addressed some Mat-Su concerns this week by declaring the red run into the Yentna and Susitna Rivers a "stock of yield concern." Run strength into the river has often failed to reach minimum targets, though biologists said this week that in-river sonar counters have underestimated the red runs.

The Mat-Su Borough, the city of Wasilla and the Wasilla Chamber of Commerce all passed resolutions recently calling for the Yentna reds to be declared a stock of concern.

The board's new declaration of concern includes an "action plan" calling for more research on the runs. But Donelson, the Wasilla guide, dismissed the board's effort as an "inaction plan" because it did not call for substantive new restrictions on fishing to protect the runs. In fact, the plan would allow northern district setnetters more opportunity to fish, with shortened nets. Those setnetters have had little if any fishing time in recent years because of worries about weak runs.

Sportfishermen want the state's research to focus on genetic sampling of salmon as they enter the inlet, on the theory that commercial nets can be moved out of the way if northern district salmon are detected.

The board also extended the drift boat fishery in upper Cook Inlet, giving fishermen the chance to fish one or two periods between Aug. 11 and 15. Historical catch totals suggest the extra harvest will mostly be Kenai reds in years when the run shows up late, state biologists said.

Sportfishermen disagreed, predicting the later fishing will intercept thousands of silver salmon headed north. But state biologists said any silvers caught in that fishery will be headed to Turnagain Arm, the Kenai River and western Cook Inlet -- not the Mat-Su.

The board also clarified its position on mandatory non-fishing windows, which were imposed in the past decade to ensure that pulses of salmon enter rivers for weekend angling and dipnetting.

The windows remain part of the management plan, but the board said its top priority is meeting in-river spawning goals. Fishery managers were told they can ignore the windows when huge runs would exceed spawning goals.

Ricky Gease, executive director of the Kenai River Sportfishing Association, said the policy calls for skipping windows as a dire last resort. He said his group will trust commercial fish biologists not to abuse it.

"The board is asking us to trust, and in three years we'll come back and verify if the intent was met," Gease said.

The board's latest changes mostly move the fishery a little way back to what it once was, said Roland Maw, executive director of the United Cook Inlet Drift Association.

"The plans needed some flexibility put in them," he said. "It's a good start."

Find Tom Kizzia online at adn.com/contact/tkizzia or call him at 1-907-235-4244.

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TAB 7

Good morning, Mr. Chairman and members of the committee.

For the record, my name is Jody Simpson, Staff to Senator Huggins.

Before you this morning is Senate Bill 237, Sustainable Salmon Fisheries Management Policy.

In 2001, the Alaska Board of Fisheries adopted the Statewide Sustainable Salmon Fisheries Policy. This policy recognized that threats to sustainable management do exist, and they justify the development of an explicit statewide umbrella policy to help guide fishery management plans and programs.

Given the importance of salmon in Alaska, both for consumptive use and commercial fishing, it is vital to ensure salmon populations are sustained for future generations by codifying this policy into statute.

Senate Bill 237 will strengthen our state's resolve to protect one of our most important resources by

- establishing the fundamental principles for the policy and the criteria that apply these principles to real issues;
- implementing procedures in which this policy will be carried out; and
- clarifying terminology used in the language of the legislation.

ADF&G forecasts a run of 5.6 million sockeye to return the the Upper Cook Inlet in 2008. The sockeye salmon run forecast for the Susitna River is 344,000 or 24% less than the 20-year average run of 453,000.

Based on Bendix sonar estimates since 1981, the sockeye salmon escapement into the Yentna River has not met the current Sustainable Escapement Goal (SEG) for five of the past 8 years.

SEG: level of escapement that is known to provide a sustained yield over a 5- to 10-year period.

ADF&G has low confidence in the accuracy of harvest estimates. There is great uncertainty surrounding the accuracy and precision of Bendix sonar systems. Weirs can differentiate between salmon species; sonar typically can not.

This past month, the BOF has identified the Susitna Sockeye salmon stock as a "stock of yield concern." (This item is included in your packet.)

Definition of "yield concern" from Sustainable Salmon Fisheries Policy (5.AAC.39.222): " a concern arising from a chronic inability; despite the use of specific management measures, to maintain expected yields, or harvestable surpluses above a stock's escapement needs."

A yield concern is less severe than a management concern, which is less severe than a conservation concern.

"Chronic inability" is a continuing inability or anticipated inability to meet escapement thresholds over a 4- to 5-year period (approx the generation time of most salmon species).

Many Mat-Su sport-fishing advocates hope the Board of Fisheries will address their concerns and reduce commercial nets to allow the passage of more salmon - mostly silvers bound for Valley streams. Instead, the BoF made small changes that were generally viewed favorably by commercial netters, including the addition of some late-season fishing time and a slight de-emphasis of "windows."

Sport-fishermen also want the state to focus on genetic sampling of salmon as they enter the inlet on their return to the Mat-Su. This assessment is ongoing at this time. ADF&G is hoping the Legislature will appropriate \$10 million to carry out further studies.

Today, you will hear from a number of those users from the Mat-Su, Kenai, and elsewhere. I draw your attention to the stack of letters of support for this legislation from the Mat-Su Borough Assembly, the Wasilla Chamber of Commerce, the Wasilla City Council and others.

You will also hear from attorneys for ADF&G and the Board of Fisheries. At this time, all of these oppose the adoption of SB 237. They will speak to their concerns, which give rise to the positive Fiscal Note in your packet.

With that, Mr. Chairman, I turn the conversation back to you.

Jody Simpson

From: Ben Mulligan
Sent: Monday, January 21, 2008 1:01 PM
To: Jody Simpson
Subject: FW: HB 139 Comments from DOL

From: Lance Nelson [mailto:Lance_Nelson@law.state.ak.us]
Sent: Tuesday, March 27, 2007 4:42 PM
To: Ben Mulligan
Cc: tim_barry@fishgame.state.ak.us; Melvan Morris; Deborah Behr; Elizabeth Barry; Steven Daugherty; Art Nelson
Subject: HB 139 Comments from DOL

Ben, Tim Barry at ADF&G authorized me to release the summary of our concerns that I plan to give in House Fisheries tomorrow:

Generally, this bill would tend to micromanage and also sets very difficult or impossible standards, and will result in increased litigation. Here are the primary specific concerns we have with the language of the bill:

1. Under paragraph (a)(1), does "comprehensive policy" mean that every regulatory plan has to be comprehensive? That will be an unrealistic standard for many stocks.
2. Under paragraph (a)(2), almost all plans are designed to achieve "maximum or optimum salmon production." What other objective would they have? So the department would have to affirmatively supply data on each of the listed criteria and the board would have to formally consider all the criteria, regardless of whether each was an important factor in the particular proposal before the board. In such cases, consideration tends to be a formal, rote recitation of the criteria without translating to a better, more informed decision; however, failure to expressly address any of the criteria could result in successful legal challenges against Board regulations.
3. Under subsection (b), the phrase "must ensure" sets an impossible standard for salmon management. "Ensure" means to guarantee a result, which is impossible given the way salmon return and the limits on the state's ability to control their entire lifecycle. Certainly, the Board has very limited control over the marine habitat of salmon, and no power to ensure the "sustained economic health of Alaska."
4. In subsection (c), the term "shall" imposes new, difficult standards.

5. For example, in (c)(1), even in the sustained yield provision of the Alaska Constitution (section 4, article VIII) there is no mandate that salmon stocks be maintained to "ensure sustained yields." The constitutional provision says: "Fish ... shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." That language has been interpreted with flexibility in light of the record of the constitutional convention, which states, in pertinent part:

As to forests, timber volume, rate of growth, and acreage of timber type can be determined with some degree of accuracy. For fish, for wildlife, and for some other replenishable resources ..., it is difficult or even impossible to measure accurately the factors by which a calculated sustained yield could be determined. Yet the term "sustained yield principle" is used in connection with management of such resources. When so used it denotes conscious application insofar as practicable of principles of management intended to sustain the yield of the resource being managed. That broad meaning is the meaning of the term as used in the Article.

Papers of Alaska Constitutional Convention, 1955-1956, Folder 210, Terms *quoted in Native Village of Elim v. State*, 990 P.2d 1, 7 (Alaska 1999). The Supreme Court went on to elaborate as follows in the *Elim* case:

[T]he primary emphasis of the framers' discussions and the glossary's definitions of sustained yield is on the flexibility of the sustained yield requirement and its status as a guiding principle rather than a concrete, predefined process.

Id. at 7-8. The language in the bill, on the other hand, imposes a standard of strict guarantees.

6. Under (c)(2), the directive "shall be managed to allow escapement within ranges necessary to conserve and sustain wild salmon production and maintain normal ecosystem functioning" is also problematic. It does not recognize the variables at work in salmon management. As noted by the Alaska Supreme Court:

The salmon in these waters are subject to numerous pressures, any one of which could account for a population decrease in a given year. A short and incomplete list of these factors includes weather, natural predators, competition with other fish, international fishing efforts, water pollution, and improved efficiency of fleets and fishing methods. Moreover, several different species of salmon travel through the False Pass fishery, thus creating a mixed stock that increases challenges of management. The record also shows that the salmon operate on a fluctuating cycle that makes estimating returns from year to year difficult even under the best conditions.

Id. at 8. Use of mandatory terms like "shall" and "ensure" in salmon management statutes sets up unrealistic expectations and invites legal challenges, which are much more likely to be successful with mandatory language.

Provision (c)(4) could be interpreted to require the Board to shut down any mixed stock fishery that involves take of a depleted salmon stock regardless of consequences to other fisheries or other escapement objectives. Thus, a relatively low rate of interception of a depleted stock could result in closure of a fishery causing significant overescapement and possibly harming production of another stock, even while providing little benefit to the depleted stock. The failure to define the terms "depleted" and "actively restored" also raises concerns.

Other paragraphs of subsection (c) also contain problematic language such as "to the maximum extent possible," and "priority."

Similar language in a regulation can be addressed by qualifying language in another regulation, such as by adding a "notwithstanding" provision, and further, the Board receives great deference in interpreting its own regulations, however if this type of language is put in statute, the Board will not have any discretion to do anything but follow the letter of statutory language.

7. In subsection (d), the language "best available information" could be problematic because it might be construed to require the department and board to seek out and review all possible information rather than what they deem to be the most critical. Any one could argue that there was better information available and the Board did not hear or consider it.

The Board normally relies upon a short report from the Department and consideration of all public comments submitted to it in adoption of its regulatory decisions. Similarly, the Department normally relies principally upon fish ticket and escapement information collected by the department in development of its reports and recommendations to the Board. While this information is often extensive, other information is available from the internet, scientific journals, and other sources, and it could certainly be argued that some of this information may be "better" regarding discrete issues. This bill could be interpreted to require the Department and Board to actively gather and review this information even if not presented by a member of the public. Thus, if this bill were enacted, Department recommendations and Board decisions would be vulnerable to potentially successful legal challenges unless the Department commits significant new resources to doing a thorough scientific review of all potentially relevant background information, and presents the resulting information to the Board for consideration with regard to each of the several hundred proposals considered by the Board each year. This would require increased staffing of biologists and economists and would significantly extend the time necessary for Board meetings, possibly to the extent that Board members would be precluded from effectively engaging in other occupations.

8. In (d)(1) the language applies to "human activities that affect salmon," but the statutory authority of the Board extends generally to fishing activities and not many other activities that affect salmon, some of which are more specifically regulated by other state agencies, such as salmon stream activity permitting under AS 41.14.870.

9. Under (d)(2), every management plan would have to contain "goals and measurable objectives." This connotes a formulaic, equation-type approach to management plans that

works in some fisheries, but there are probably current plans that do not specifically express goals and measurable objectives because of the nature of those fisheries or the lack of information. They would be subject to challenge under this provision.

10. Paragraph (d)(3) has the same kind of language that sets the Board and Department up for easy challenges to regulations and department actions. The language on habitat restoration and protection measure is largely outside the authority of the Board or Department.