

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## Request for Reconsideration on Fishery Proposal 15-10 and Fishery Proposal 15-11: Reconsideration Seeks Solution That Does Not Endanger Prized Wild Rainbow Trout and Dolly Varden, and Dwindling Runs of Prized Wild King Salmon

January 29, 2015

Office of Subsistence Management  
U.S. Fish and Wildlife Service  
1011 E. Tudor Road, Mail Stop 121  
Anchorage, Alaska 99503

Dear Members of the Federal Subsistence Board:

### **Statement of Legal Standing and Basis for Reconsideration Request**

I am an Alaskan who regularly fishes the Kenai River for Rainbow trout, Dolly Varden, and Sockeye Salmon and I hope to have the opportunity to fish for King Salmon when that species recovers. I also represent thousands of Alaskans who fish the Kenai and Kasilof Rivers- people who share my interest in seeing all of these fisheries thrive. For these reasons, I ask the board to reconsider the new management strategy allowing a subsistence fishery in the Kenai River drainage under the terms of Fishery Proposal 15-10. The board's decision on the Kasilof River (Fishery Proposal 15-11) may result in less damage, but still presents some but lesser concerns. I believe all these issues can be alleviated with more narrowly tailored regulations.

At this point, the regulations do not appear to have been published in the Federal Register, so I will refer to the proposed regulations by their Fishery Proposal (FP) number. It is also not clear that that Federal Subsistence Board properly posted notice of the meeting. I have spoken to many individuals who said they were unaware of the meetings (although people do frequently miss posted government notices). That is an issue I hope will be looked at, although it is not the main concern I present in this request.

My primary concern is with the merits of killing large numbers of prized wild King Salmon, Rainbow trout and Dolly Varden, especially when ample nutrition can be achieved through a well-managed Sockeye Salmon fishery. Over a million Sockeye Salmon go up the Kenai and Kasilof rivers each year- numbers that exceed prized, delicate King, Rainbow trout and Dolly Varden runs by magnitudes. Continued smart management of this fishery can and will ensure that subsistence rights are preserved and local communities are able to meet their nutritional needs.

## **Fisheries Proposal 15-10: Damage to Prized Wild Kenai River Rainbow Trout, Dolly Varden and King Salmon Populations**

The Kenai River holds some of the world's largest wild, natural strain Rainbow trout and Dolly Varden. While in the Lower 48 a 20-inch fish is rare, in Alaska we have managed our fisheries carefully so that the Kenai River still holds these fish in the 20 to over 30 inch-range. These fish, and the fishing opportunities coveted by Alaskans of all walks of life, will be endangered by this regulation.

### **Endangering the Opportunity of Alaskans to Enjoy an Unparalleled Road System Rainbow Trout and Dolly Varden Fishery**

The new regulations allow the take, presumably, of trout and Dolly Varden less than 18 inches in size. But gillnets are indiscriminate in the fish they catch. They will catch prized, unique 20 – and over 30 inch Rainbows and Dolly Varden that will likely die upon release from the gillnet. Unfortunately, there is no way to enforce a number limit and bycatch with even a single gillnet set may vastly exceed the proposed allowable take of Rainbow trout and Dolly Varden. This is especially likely in one of the spots designated for gillnetting (the highly productive area known as “Rainbow Alley” below Skilak Lake).

This sport fishery is also unique in that it provides access to Rainbow trout and Dolly Varden fishing for people who do not have the money to travel to remote parts of the state. Damaging a wild trout fishery when nutrition from a Sockeye subsistence fishery would be sufficient is poor management policy that will harm valuable Rainbow trout and Dolly Varden populations, and the fair access to these prized, unique fish by all Alaskans.

There are less harmful alternatives in other parts of the river. Rainbow trout and Dollis do not populate the lower stretch of the Kenai River in large numbers. Furthermore, the state already allows an “educational” subsistence fishery in the Lower Kenai River for this purpose, and if needed, that fishery can likely be expanded in a responsible manner. The state may also increase dipnet limits if they are deemed inadequate to meet nutritional needs.

### **The New Regulations Threaten Our Ability to Bring Back Decimated Runs of Prized Kenai King Salmon in Which All Alaskans Have a Substantial Interest**

Sixty-foot gillnets will also further threaten the already reduced King Salmon population on the Kenai River. Alaskans of all backgrounds want to see this fishery recover. The prized Kenai River early King Salmon run has been nearly decimated, falling by roughly 90%, from 20,012 fish in 1988 to 2,049 fish in 2013. Late run wild King Salmon on the Kenai have fallen in number from 81,700 in 1988 to 19,700 by 2013. Alaska Department of Fish & Game has periodically closed or severely restricted the King Salmon fishery in recent years in response to these declining numbers. Kenai Kings are such a special strain that the world record King Salmon, at 97 pounds, came from this river in 1985.

Sixty foot gillnets, like those allowed in the proposed regulations, will take substantial numbers of migrating and spawning kings, as those fish swim deeper and further from the shore than Sockeye Salmon. The board's proposal should not include gillnets that intentionally or accidentally kill King Salmon so long as we are working hard to re-establish what was once a run so ample that Alaskans flocked to the Kenai River to try to catch this uniquely large strain of King Salmon.

**Sockeye Salmon Runs Provide Sufficient Access to Nutrition for Subsistence Fishermen, and can be Enhanced if Needed in the Lower River With State Cooperation.**

The healthy Kenai and Kasilof Sockeye fisheries can and do provide ample nutrition to satisfy the subsistence needs of local communities. The Kenai and Kasilof Rivers return over a million Sockeye Salmon a year, leaving enough for subsistence, commercial and sport fishermen if managed properly.

Currently the state allows dipnet fisheries for all Alaskans at the Lower Kenai River and Kasilof Rivers in a manner that minimizes the chance Kings will be intercepted, and in areas where Rainbow trout and Dolly Varden are nearly non-existent. The current fisheries allow the take of up to 35 Sockeye Salmon, additional numbers of pinks and flounder, and an extra ten fish for each family member. Proxy permits are allowed as well for those unable to fish.

In addition, substantial nutrition, through traditional subsistence fishing for Sockeye Salmon (the primary historical subsistence fish taken by First Alaskans) is available through other permits. Finally, all Alaskans- regardless of residence or race- can purchase and participate in shore set net fisheries and sport fisheries. One alternative would be to fund the purchase of one or more of these existing sites for subsistence use.

In addition, Alaska Native groups from Ninilchik are allowed subsistence fisheries in the Lower Kenai River- areas that do not interfere with Rainbow or Dolly Varden populations. The take allowed in these "educational" subsistence fisheries allows for the capture of 5,850 salmon annually. There is no evidence that the dipnet and educational fisheries, which grant a substantial preference to these groups above the rights of other Alaskans, fail to provide sufficient nutrition and traditional subsistence opportunities in a manner that also respects the rights of other Alaskans. If that limit needs to be increased the state should be asked to reconsider the current limit.

**Fishery Proposal and Regulation FP 15-11:  
Minimizing the Unintentional Take of King Salmon**

Alaskans of all backgrounds have dwindling opportunities to catch road system King Salmon. These fisheries have been closed frequently in recent years in many areas, including the Susitna Drainage and Kenai Peninsula. Sockeye are abundant and can meet traditional individual and group nutrition needs. But 60-foot gillnets on the Kasilof will

incidentally take too many King Salmon, further reducing the rights and enjoyment of the almost 600,000 Alaskans who do not qualify for a subsistence preference. I request that a shorter gillnet be used on the Kasilof after a responsible number of King Salmon are taken on that river. This alternative would allow continued Sockeye fishing, and minimize the incidental kill of Kings.

### **Conclusion**

Alaskans are united in their desire to protect our unparalleled, wild stocks of world class fish. Subsistence, sport, and commercial fishermen share an interest in smart management policies that work towards the continued vitality of this resource. Subsistence opportunities for healthy runs of nutritious Sockeye Salmon can be allowed without damaging the interests of all Alaskans in protecting our King Salmon, Rainbows and Dolly Varden.

The current regulations pit Alaskan against Alaskan for reasons that have nothing to do with providing an ample source of nutritious Sockeye Salmon to First Alaskans. We should continue to protect Alaska's uniquely large, healthy populations of Rainbow trout, and allow Alaskans of all races and backgrounds access to the fisheries we have worked so hard to protect. And we should continue to work to rebuild what was once the world's greatest road system King Salmon fishery. The proposed regulations do not do that. For these reasons, I urge the board to reconsider its decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Les Gara", with a long horizontal flourish extending to the right.

Representative Les Gara

Cc: Governor Bill Walker  
Pat Pourchot, Special Assistant to the Secretary of the Interior for Alaska Affairs  
Sam Cotten, Commissioner, Department of Fish and Game  
Robert Begich, Department of Fish and Game  
Kenai River Sport Fishing Association  
Robert Ruffner, Executive Director, Kenai River Watershed Forum  
Alaska Troutfitters Fly Shop, Cooper Landing  
Kenai River Professional Guide Association  
Kenai River Special Management Area Advisory Board