



Kenai  
Area  
Fisherman's  
Coalition

PROTECTING YOUR FISHING RIGHTS & RESOURCES

P. O. Box 375 Kenai, Ak. 99611

Lt. Governor Mead Treadwell  
Atwood Bldg.  
550 W 7<sup>th</sup> Ave., ste. 1700  
Anchorage, Alaska 99501

Dec. 7, 2013

Dear Lt. Governor Treadwell,

I am writing this letter to you on behalf of Kenai Area Fisherman's Coalition (KAFC) to voice our concerns about the initiative, "To Prohibit Set Nets in Urban Areas", sponsored by, Alaska Fisheries Conservation Alliance Inc. (AFCA).

KAFC is a Kenai area private angler sport fishing group dedicated to preserving the rights of private anglers and protection of our resources. Our membership is made up of private resource users and we have a cadre of eight past fisheries biologists either on our Board of Directors or in our membership. We have no commercial interests and we pride ourselves on scientific evaluation of resource issues.

We oppose this initiative on both moral and legal grounds. This initiative, without sound justification, has further divided our community and threatens our areas economic diversity. More importantly, it seeks to destroy the livelihood of a large sector of our community (the East Side Set Net ESSN industry) so that another commercial entity (the in-river Guided Sport Fishing industry) can prosper.

Through our clarifications of this initiative's context we will demonstrate why the State of Alaska should find this initiative both "Arbitrary and Capricious". We will show how it is misleading and unsubstantiated by facts. We will clarify why this initiative is really all about **allocation** of the resource and why it cannot be about resource **conservation**, as the authors suggest. State statutes clearly define that the responsibility of fishery allocations resides with the Board of Fisheries, therefore, we suggest it is improper for this allocative maneuvering to be manifested through the initiative process.

The punitive aspects of this initiative are far too great to allow consideration without factual justification. In this case, removing citizens from their occupation without cause defies the "Equal Rights" provisions of the Alaska constitution **Article 1, Section 1, "all persons are equal and entitled to equal rights, opportunities, and protections under the law"**.

Below, are descriptions of portions of this initiative that we determined are either **misleading** or **factually incorrect**. We believe, that through careful consideration of our comments, you and the Department of Law will determine that this initiative is inappropriate for approval.

- The Title: "An Initiative to Prohibit Set Nets in Urban Areas" (**Misleading**) The title suggests that the areas affected by this initiative's principal topic would be widespread throughout Alaska (Anchorage, Fairbanks, Valdez, Juneau, Ketchikan), when in fact the only urban area where set

netting actually occurs is in the Cook Inlet waters of the Anchorage area. This is significant because it misleads voters into interpreting this as a statewide issue.

Furthermore, if you examine the link between the promoters of this initiative, Joe Connors (Kenai River guide and lodge owner), president of AFCA and Bob Penney (Soldotna Sportsman's Warehouse building owner) and AFCA spokesman, you will understand that this initiative is all about allocation for financial gain, related to the Kenai River and offshore waters, rather than conservation of resources.

- Sec. 1, (2) "...set net fishing is an antiquated method of harvesting fish that indiscriminately kills or injures large numbers of non-targeted species" **(Factually Incorrect)** A commercial set net license is issued for all species of salmon so there are no salmon that would fall into a non-targeted classification. Commercial set net fishermen in Cook Inlet depend on catching large quantities of Sockeye salmon for profitability but they do catch other salmon species, as allowed, in the process. In the case of King salmon for instance, it comprises less than 1% of their total harvest and has not been shown to be a factor in the recent declines of King salmon stocks in Cook Inlet. Other caught species, such as flounder, spiny dogfish, etc., are so few that they are not monitored by ADF&G.

As for the reference that set netting is an antiquated method, that is strictly conjecture without proof or merit. Set netting is an acceptable method of harvest throughout the state and continues to be a tool that fishery managers depend on to meet escapement goal requirements.

- Sec. 1, (3) "...The use of shore gill nets and set nets is wasteful of fisheries resources because they have a high mortality rate for fish that manage to escape the netting." **(Factually Incorrect)** Mortality of fish lost or released occurs in all commercial fishing gear types and sport fisheries. We do not believe that there is any information or data that substantiates this statement that indicates set netting mortality is higher or more wasteful than other fisheries. Therefore, this is a false statement of fact and not appropriate for voters to determine.
- Sec. 1, (4) "Shore gill nets and set nets have been banned in numerous states and countries due to their indiscriminant method of take." **(Misleading)** They may be banned in other areas because there is an issue with too much by-catch of other species not allowed by the gear license but that is not the case in Cook Inlet as previously discussed.
- Sec. 1, (5) "...Shore gill nets and set nets are particularly inappropriate in areas of high fishing pressure and the continued use of this method of take is inconsistent with Alaska's constitutional obligation and commitment to sustainable fisheries." **(Factually Incorrect)** There is no evidence that set netting in Cook Inlet has negatively affected the sustainability of any Cook Inlet stocks. In fact, quite the opposite is true. Most Chinook fisheries in Cook Inlet, including the Kenai River Late Run, have suffered about a 25 – 40% decline with recent low abundance returns for reasons we don't fully understand. However, the Kenai River Early Run has suffered about a 70% decline and there is no commercial set net fishery active during that time. Many believe that the Early Run declines have resulted from too much in-river sport fish harvest, faulty sonar enumerations and the lack of spawning bed protections. One thing for certain is that it was not caused by commercial set net fishing.
- Sec. 1, (6) "Limiting the use of shore gill nets and set nets in non-subsistence areas as provided herein will materially contribute to the long-term conservation

and development of fisheries and ensure consistency with the sustained yield principle.” (Factually Incorrect) The idea that removing a whole gear type from a fishery solves a conservation concern is false. There are significant misstatements in this preamble which are: (1) non-subsistence areas operate differently than subsistence areas relative to commercial set net fishing (2) removing a significant harvest tool will result in sustained yields and development of fisheries.

When fish returns are strong ADF&G needs this harvest tool to meet escapement objectives and to harvest surplus fish for economic return to the State. ADF&G believes too many fish spawning can tax stream/lake resources and actually result in reduced future returns. Set net fisheries have evolved over a hundred years to be an efficient mechanism to achieve these objectives. Restrictions to the set net fishery such as the length of gear, mesh size, fishing seasons, fishing area, and times are used to meet harvest and conservation objectives.

- Sec. 1, (7) “...use of this indiscriminate method of take in non-subsistence areas has a significant potential to harm fisheries resources.” (Factually Incorrect) See Sec. 1, (5) above. There is no evidence that commercial set net fishing in Cook Inlet has had a negative affect on, or causes potential harm to any fisheries resource. This is a completely false assumption. Moreover, this statement pretty much captures the sentiments of this initiative and, therefore, if it is an unsubstantiated and false statement then this alone is cause for the entire initiative to be denied.
- Sec.1, (7) (c), “It is the intent of the people of the State of Alaska that this Act not place any limitation on the legislature’s or the Board of Fisheries’ discretion to allocate among competing users.” (Factually Incorrect) How can this statement be true in any translation of its context when the intent of the initiative is so allocative in nature. It deprives the Board of Fisheries of its responsibility to weigh and make judgment on allocations between user groups that share the same resource.

KAFC believes in balanced allocations between user groups. This initiative threatens our working relationships with commercial users necessary to navigate and compromise on resource allocations and sustainable fishery issues. The greed and gall of the authors of this initiative has not set well with our community and last week the Kenai Peninsula Borough Assembly unanimously passed, “Resolution 2013-081...A Resolution Supporting the Continuation of Set-netting in Cook Inlet”.

We believe this initiative request will fail review by the Department of Law because of unsubstantiated and non-factual text. Our hope is that you will deny this initiative and make it clear that the initiative process is not to be used to remove a competing industry for financial gain as this one is designed to do.

Respectfully Submitted

Dwight Kramer  
Chairman – Kenai Area Fisherman’s Coalition  
283-1054

cc: Senator Peter Micciche  
Senator Cathy Giessel  
Representative Mike Chenault  
Representative Kurt Olson  
Attorney General Michael Geraghty