




**Memorandum**

TO: Karl Johnstone, Chair  
Alaska Board of Fisheries

THRU: Jeff Regnart, Director   
Division of Commercial Fisheries

FROM: John Linderman, Region III Regional Supervisor  
Division of Commercial Fisheries

DATE: July 13, 2012

SUBJECT: Emergency Petition  
to add Yukon River  
District 6 to  
5 AAC 05.362(j)

**Action Requested**

The Alaska Board of Fisheries (board) recently adopted commercial regulations giving the Alaska Department of Fish and Game (department) emergency order (EO) authority to restrict gear to fish wheels only, require fish wheels to be closely attended, and live-release king salmon unharmed. These regulations were only adopted for Subdistrict 4A (5 AAC 05.362(j)). This petition seeks similar EO authority in Yukon River District 6 (Tanana River). The management action typically taken in District 6 to allow for king salmon conservation in the commercial fishery is to delay onset of commercial fishing activity until the majority of king salmon have passed through the district.

Adoption of this petition by the board to include District 6 in 5 AAC 05.362(j) would allow the department to manage the District 6 commercial chum fishery in a similar manner to Subdistrict 4A.

**Background**

The 2012 Yukon River summer chum salmon run has been assessed to have a surplus available for commercial harvest. However, the overlapping king salmon run is weak, necessitating subsistence fishing restrictions in order to meet escapement goals. Under the *Summer Chum Salmon Management Plan*, a directed District 6 commercial fishery on summer chum salmon is warranted based on inseason summer chum abundance. However, king salmon will be caught incidentally in this fishery. If commercial fishing is delayed in District 6 until a majority of the king salmon run passes, a majority of the summer chum salmon run will also pass and be unavailable for harvest. Thus, there would be a foregone harvestable surplus of summer chum salmon and a loss of economic benefit to fishermen in District 6. Because of the need to provide for escapement of king salmon and provide for a subsistence priority, reducing or eliminating incidental harvest of king salmon is required.

If the petition is granted, District 6 commercial fishing may be opened earlier in the summer chum salmon run by emergency order while still conserving king salmon. After the majority of king salmon have passed upstream, gillnets may be allowed by rescinding this emergency regulation by EO, to potentially provide economic benefits to more fishermen.

### **Finding of Emergency**

Under the criteria listed in the Joint Board Petition Policy to be used by the board in determining whether or not an emergency exists, paragraph (f) of 5 AAC 96.625 reads, in pertinent part:

...In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

In this situation, there is an unforeseen or unexpected event that precludes a biologically allowable harvest. Delayed regulatory action would be significantly burdensome to the petitioner, although there is no immediate threat to the resource. Under the Yukon River king salmon management plan, fish are managed under time and area closures, and restrictions on subsistence harvests are occurring in 2012. Therefore, action is required during the 2012 fishing season. The regular board cycle for the AYK Region will be in January 2013.

### **Summary**

It is the department's conclusion that a finding of an emergency under 5 AAC 96.625(f) has been satisfied by this petition.