

PETITION TO THE BOARD OF FISHERIES
to
ADOPT AN EMERGENCY REGULATION FOR MANAGING THE COMMERCIAL
HARVEST OF KING SALMON IN THE COPPER RIVER DISTRICT PRIOR TO May 10,
2017

Petitioners: Fairbanks Fish and Game Advisory Committee
(Action by unanimous vote at the regular meetings on March 8, 2017 and April 5, 2017)

Introduction

The Fairbanks Fish and Game Advisory Committee (Committee) files this emergency petition (Petition) to the Alaska Board of Fisheries (Board) pursuant to Alaska Statute 44.62.220 and the Joint Board Petition Policy 5 AAC 96.625(f), requesting immediate regulatory action be taken by the Board to manage the Copper River District Fishery. This emergency rule making is necessary to ensure that, consistent with Board policy for the management of sustainable salmon fisheries, 5 AAC 39.222 and Board policy for the management of mixed stock salmon fisheries, 5 AAC 39.220, a comprehensive management strategy is implemented to conserve Copper River Chinook salmon and distribute the burden of conservation among users.

Legal Framework

Alaska Statute 44.62.220 grants any interested person the right to petition a rule making body for the adoption or repeal of a regulation. The Board has clarified the reliance on the call for proposals and regular meetings in the Joint Board Petition Policy at 5 AAC 96.625. Under the petition policy, the Board will only consider a petition outside the published call for proposals if "the problem outlined in the petition justifies a finding of emergency." Consistent with Alaska Statute 44.62.270, emergencies will be held to a minimum and rarely found to exist. Under the Petition Policy, an emergency is defined as "an unforeseen, unexpected event that . . . threatens a fish or game resource."

Reason for Request

On January 15, 2017 the department published the Chinook Salmon (kings) forecast for the Copper River District. Using normal forecast means, they forecast a total return of 29,000. The minimum escapement goal for the drainage is 24,000.

This estimate gives a harvestable surplus of 5,000 king salmon to be caught by commercial, personal use, subsistence and sport fishers. Thankfully the department has been proactive in preparing to manage the upriver fisheries to reduce the high risk of over-harvest which would prevent meeting the escapement goal. Not meeting the

escapement in 2017 would make these King salmon a Stock of Concern. (5 AAC 39.222)

However, there are serious omissions in the published upriver management strategy. We are asking the Board to have the department fill in those omissions prior to any harvest. The "roadmap" for managing the King salmon harvest is very detailed in the upriver fisheries and non-existent for the commercial fishery. There are actions that can be taken but those have neither been decided upon nor published for the fishermen. No manager, fisher or member of the Board could determine the probability of making the escapement or the risk involved from the emergency Orders (E.O.) already published. The 2017 forecast is so bad that even measures to reduce mortality in handling for release in the P.U. and Subsistence fisheries are important.

The department has closed the Sport Fishery for the entire drainage upstream of Haley Creek. The P.U. Dip net fishery must return all king salmon to the water immediately. The fishwheel and dipnet subsistence fishery (Glennallen Subdistrict) is restricted to two King salmon per permit from the State season opening until July 15. (After which date there are few king salmon entering the area.) Operation of state permitted fishwheels has been restricted.

The Sport Fish E.O. (Under 5 AAC 52.022 & 52.023)(Published March 6, 2017) eliminates even catch and release fishing for king salmon in the Copper River drainage above Haley Creek. It further restricts the use of bait. Although this E.O. will protect King salmon, it has a huge negative economic impact on the Nelchina business community.

The Personal Use E.O. (Under 5 AAC 77.591) (Published March 6, 2017) closes the Chitina Subdistrict Personal Use Dip Net Salmon Fishery to the retention of king salmon. It further orders kings taken incidentally may not be retained and must be released immediately.

The Subsistence Fishing E.O. (Under 5 AAC 24.361) (Published March 6, 2017) restricts both dip net and fishwheel permits to a harvest of two (2) King salmon between June 1 (season opening) and July 15 (when king salmon are normally not present in the three subsistence zones in the Glennallen Subdistrict. The subsistence fishwheels are further restricted to "closely attended" status. This will be a significant departure from historical methods used in this fishery. Another detail in the subsistence fishery is that the "amount necessary" for subsistence has not been met for the many years.

It is clear that the upriver fishers are going to take significant actions to help achieve the escapement goal.

However, there are some omissions in these "plans" that need to be addressed.

Federal Subsistence

There is a additional subsistence fishery harvesting king salmon in the Glennallen Subdistrict. It is unknown whether the federal managers will take any action to limit those using federal subsistence permits. The department's best guess is Federal managers will delay the season start to match the State's but add no other restrictions. Although this fishery has had between 90 and 100 permits in previous years, the department expects 75 to 100 more local fishermen who qualify will switch from the state permit to avoid the restrictions. Avoiding the "closely attended" requirement will drive this change. Traditionally fishwheels here run through the night and are required to have empty catch boxes every 10 hours.

Commercial Fishers Subsistence (Home Pack)

In years with higher returns of King salmon, the number of fish retained by commercial fishermen is between 400 and 700. (Averages for 5 and 10 years). Even at this level of harvest, the "home pack" could become a significant factor in making the minimum escapement.

Personal Use Exemption

Because Sockeye salmon are not the conservation issue, if actions to protect Chinook salmon result in closing the commercial fishery for 13 or more consecutive days, under 5 AAC 77.591 (f), the mandatory Personal Use allocation reduction to 50,000 salmon for the Chitna Dip Net fishery must be exempted. Conservation measures for King salmon have no correlation to the PU Dip Net allocation.

Risk Assessment

The level of the chinook salmon return each year is first observed by the number harvested in the first two or three commercial open fishing periods and checked by the capture and recapture fishwheels upriver. Some information is available based on the Gulkana River genetics after the first couple of openings, the genetic samples have not been examined until after the fishing season. These evaluations are far enough downriver from the "other" fisheries that restrictive in season management measures have been taken for upriver harvest. This year will present a new problem. The department forecast allocates 3,500 chinook for the commercial harvest. (Lowest in the last ten years was 9,445 in 2013.)

Looking at 2017 by the numbers the forecast is for 29,000 chinook salmon returning.

The minimum escapement goal is 24,000. Which leaves 5,000 in the harvestable surplus.

The commercial harvest goal is 3,500. Which leaves 1,500 for subsistence. The five year average harvest for home pack is 317 and the five year average for the Glennallen Subdistrict is 2,486. The combination subsistence harvest is 2,803.

The department hopes to reduce the subsistence harvest by restricting each GASubD permit to 2 kings. The five year year average for state permits is 1,726 and they harvested 1,849 kings per year. Well under the 2 fish per permit limit. Restricting upriver subsistence will most likely be a "feel good" management action not likely to reduce the average harvest.

AS 16.05.258 guides the allocation when subsistence harvests are restricted. This is another issue not yet addressed by the department.

The combination of historical commercial harvest levels, the low forecast harvest objective for the commercial fishery, probability that all subsistence harvest will be at or below 1,500, lack of detail in commercial management and restricted subsistence opportunity all contribute to the need for more information and clarity by the department.

We consider this combination plan "very high risk" to fail to provide the minimum escapement.

If the genetic samples are run immediately, the department will get some strength of return data from the first couple of openers by looking for fish returning to the Gulkana River. Unfortunately the department has been so slow to respond to these low return forecasts. The example of the need to close commercial fishing, as on the Yukon River, to preserve wild stock chinook salmon must be avoided if at all possible on the Copper River.

Requested Action

We request the Board require the department prepare and publish an additional emergency order detailing the actions to be taken to manage the commercial fishery to achieve the minimum chinook salmon escapement goal for the Copper River in 2017.

Absent a detailed plan, we request the Board consider:

Requiring the department to utilize genetic source information as soon as it can be made available to assess the strength of the return of the Chinook salmon from the Gulkana River from at least the first two commercial openings.

Further restricting the area open for the commercial fishery

Restricting the depth of the nets to 29 meshes.

Closure until July 1 if the commercial harvest exceeds the forecast objective and

assessments confirm a low return.

Prohibit the sale of chinook salmon bycatch, forfeit those caught incidentally to the State of Alaska.

Prohibit the retention of bycatch chinook salmon in "home pack".

Measures to lower the mortality from handling and releasing chinook in all the non-retention fisheries.

Exempt the Chitna Dip Net Personal Use fishery from the allocation reduction in AAC 77.591 (f).