



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

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To: Mr. John Jensen, Chair
Alaska Board of Fisheries

Date: May 9, 2018

Through: Scott Kelley, Director
Division of Commercial Fisheries

From: Bert Lewis, Regional Supervisor Region II
Division of Commercial Fisheries

Subject: Emergency petition from the Tyonek Fish and Game Advisory Committee to reopen the Northern District set gillnet directed king salmon commercial fishery for the 2018 season.

The Tyonek Fish and Game Advisory Committee (F&G AC) submitted a petition to the Alaska Board of Fisheries (board) on April 20, 2018. During the Tsiu/Tsivat River Closed Waters and Miscellaneous business board meeting held on April 24, 2018, the board scheduled this petition to be heard during a teleconference at 9:00 a.m. on May 14.

This letter provides information from the Alaska Department of Fish and Game (department) concerning matters raised in the petition and assessment of petition policy criteria.

Action Requested

This petition requests the Alaska Board of Fisheries rescind Division of Commercial Fisheries Emergency Order (EO) No. 2S-01-18, which was issued on March 13, 2018, closing the Northern District set gillnet directed king salmon commercial fishery for the 2018 season. The petitioner contends the department's preseason forecast for king salmon run strength is inadequate and therefore, the commercial fishery should be allowed to occur and provide harvest data as an indicator of inseason run strength.

Background

The department submitted record copy (RC) 6 to the board at their annual work session in October 2010, summarizing results from the stock of concern evaluation for the Upper Cook Inlet (UCI) 2010–2011 regulatory cycle. This memorandum stated that despite sport fishery restrictions already in place and recent commercial fishery restrictions and closures to fisheries on the west side of Cook Inlet, Chuitna, Theodore, and Lewis rivers' king salmon escapement goals had not been achieved for four consecutive years. The department recommended the board consider designating king salmon stocks in these rivers as stocks of management concern. In addition, the department recommended Alexander Creek king salmon be designated a stock of management

concern because runs to this system had declined drastically over the previous five years despite closure of the sport fishery beginning in 2008. The department also recommended Willow and Goose creek king salmon be designated stocks of yield concern in response to a failure to meet the sustainable escapement goal (SEG) over several consecutive years. The board accepted these recommendations by designating king salmon stocks in Alexander, Willow, and Goose creeks, and the Chuitna, Theodore, and Lewis rivers as stocks of concern. In 2014, additional stock status information was presented to the board, including repeated failure to meet the SEG at Goose Creek. As a result, this system was elevated to a stock of management concern, and Sheep Creek was added as a stock of management concern.

The *Northern District King Salmon Management Plan* (5 AAC 21.366) was created by the board in 1986 and was most recently modified in 2011. This plan provides direction to the department regarding management of the set gillnet directed king salmon commercial fishery. The fishing season opens on the first Monday on or after May 25 and remains open on all Mondays through June 24. Fishing periods are 12 hours per day, or from 7:00 a.m. until 7:00 p.m. During this fishery, each permit holder can fish only one 35-fathom set gillnet, with a minimum separation of 1,200 feet between nets, which is twice the normal separation of set gillnet gear in Upper Cook Inlet. The commercial fishery is also limited to an annual harvest not to exceed 12,500 king salmon. The management plan specifies, in part, that if the Dëshka River is closed to sport fishing, the commercial fishery throughout the Northern District is to be closed.

The 2018 Dëshka River king salmon forecast is approximately 12,800 fish, just below the lower bound of the SEG range of 13,000–28,000 fish. Moreover, the outlook for all Northern Cook Inlet (NCI) king salmon in 2018 is poor; this is based on continued poor king salmon returns experienced throughout the Susitna River and northern Cook Inlet drainages in 2017, when 12 of 14 stocks monitored, including the Dëshka River, and none of the seven stocks of concern achieved their escapement goals.

Based on the poor outlook for NCI king salmon runs, the department issued EO No. 2-KS-2-10-18 on Tuesday, March 13, 2018, closing the entire Susitna River drainage to the harvest of king salmon, except that catch-and-release sport fishing for king salmon will be allowed in the Dëshka River and Yentna River systems. In response to this EO and considering the projections for weak king salmon runs throughout NCI watersheds, the department issued EO No. 2S-01-18, also on March 13, 2018, closing the directed king salmon commercial fishery. The objective of these restrictions and closures was to eliminate king salmon harvest and significantly reduce king salmon mortality in order to increase escapement into the Susitna River drainage.

The Tyonek Subdistrict subsistence fishery was not restricted by these management actions and will remain open to king salmon fishing with no projected restrictions at this time.

Finding of Emergency

Under criteria listed in the Joint Board Petition Policy 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.

Summary

The request by the Tyonek F&G AC is for the board to rescind EO 2S-01-18 and reopen the directed king salmon commercial fishery. The petitioner contends that an inseason assessment of commercial harvest data would provide the department with important data about run strength. However, commercial harvest data have proven to not be a reliable indicator of king salmon abundance because of inconsistent harvest rates associated with weather and tides.

The *Northern District King Salmon Management Plan* under 5 AAC 21.366(a) states the department shall manage king salmon stocks primarily for sport and guided sport uses and requires the directed king salmon commercial fishery to close if the Deshka River sport fishery is closed. To begin the 2018 season, the Deshka River sport fishery will be closed to the harvest of king salmon, but catch-and-release fishing will be allowed. While this is not a total closure of the Deshka River sport fishery, mortality of king salmon will be significantly reduced by this action. Therefore, based on this restriction, and in consideration of the poor outlook for 2018 Susitna River king salmon runs, the department determined that closing the directed king salmon commercial fishery was the most prudent action to take to ensure escapement objectives were achieved. Data gathered from weirs, guide logbooks, fishwheels, subsistence harvests, boat surveys, and aerial surveys will be used to gauge run strength during the 2018 season. Harvest data will be collected from Tyonek subsistence king salmon fishermen and provided to the department after each subsistence fishing period. If king salmon escapement into the Susitna River indicates abundance sufficient to achieve escapement goals, some harvest opportunity in the sport and commercial fisheries may be provided.

The board recognizes the department's responsibility and authority to manage fisheries to meet escapement goals as the primary management objective and 5 AAC 21.363 (e) states that no provision within a specific management plan is intended to limit the commissioner's use of emergency order authority under AS 16.05.060 to achieve established escapement goals for the management plans as the primary management objective.

The department does not believe it is unforeseen or unexpected that the 2018 Susitna River drainage king salmon run is expected to be poor. Restrictions to NCI sport and commercial king salmon fisheries have been implemented either preseason or inseason since 2012 to achieve escapement goals. The department also does not believe a biologically allowable harvest of king salmon in the fishery would be precluded by delayed regulatory action, therefore the department believes it is unlikely that a finding of emergency under 5 AAC 96.625(f) would be satisfied by this petition.

cc: Glenn Haight, Executive Director, Alaska Board of Fisheries
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