

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Commercial Fisheries

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MEMORANDUM

TO: John Jensen, Chairman
Alaska Board of Fisheries

Date: June 29, 2009

THROUGH: John Hilsinger, Director
Division of Commercial Fisheries

FROM: John Linderman, Regional Supervisor
Region III - Anchorage

SUBJECT: Petition for Emergency Regulation

The Alaska Department of Fish and Game hereby requests the Alaska Board of Fisheries (board) to adopt an emergency regulation amending the Yukon River Summer Chum Salmon Management Plan as follows:

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan; Fisherman Reporting Requirements

Add a New Section

(i) During the summer chum season specified in this section, in Districts 1-5, king salmon taken may be retained but not sold. The commissioner may close the season and immediately reopen the season allowing the sale of king salmon.

Background

The 2009 Yukon River summer chum salmon run is projected 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, primarily for Canadian-origin king salmon. Under the Summer Chum Salmon Management Plan, a directed commercial fishery on summer chum salmon can be allowed through mesh size restrictions of six inch or smaller mesh size by emergency order. However, king salmon will be caught incidentally in this fishery. If commercial fishing is delayed 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 reducing the economic benefit to fishermen in an already economically depressed region.

Because of the need to provide for escapement of king salmon and provide for a subsistence priority, reducing the incidental harvest of king salmon is required.

Justification for Emergency Action

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.

The department believes that the requested emergency action is warranted because of the unexpected and unforeseen need to prohibit the sale of king salmon in order to attempt to maximize the directed commercial fishery for summer chum salmon. If king salmon can be retained but not sold, fishermen will not target king salmon during summer chum salmon directed fishing periods and king salmon retained for subsistence use will help meet subsistence needs that are still unmet because of reductions in subsistence fishing time for king salmon. This requirement will result in reducing overall mortality of king salmon during a directed summer chum salmon commercial fishery. There were discussions during preseason fishermen meetings about the idea of processors not buying incidental caught king salmon. However, to ensure that no king salmon are sold during summer chum salmon directed openings, including large scale processors and catcher/sellers, an emergency regulation is warranted. We further believe that a delay in allowing commercial fishing time to harvest summer chum salmon would result in a biologically allowable resource harvest not being taken.

If the department's petition is granted, commercial fishing may be opened earlier in the summer chum salmon run and additional fishing hours may be allowed by emergency order while still evaluating the need for conserving king salmon. After the majority of king salmon have passed upstream, particularly the Canadian-origin stock, sale of king salmon may be allowed by rescinding this emergency regulation by emergency order, to potentially provide more economic benefits to fishermen.

Cc: Denby S. Lloyd, David Bedford, Lance Nelson, Geron Bruce, Kerri Tonkin, Steve Hayes, Dan Bergstrom, Charlie Swanton, Tom Taube, Jim Marcotte, Jim Simon, Craig Fleener.

Title 5. Fish and Game.

Chapter 5. Yukon-Northern Area.

Article 3. Salmon Fishery.

5 AAC 05.362 is amended by adding a new subsection to read:

(i) During the summer chum salmon season specified in this section, in Districts 1-5, king salmon taken may be retained but not sold. The commissioner may close the season and immediately reopen the season allowing the sale of king salmon. (Eff. 4/18/86, Register 98; am 5/31/87, Register 102; am 6/14/90, Register 115; am 5/29/93, Register 126; am 6/10/98, Register 146; am 4/22/99, Register 150; am 6/17/2001, Register 158; er am _____/_____/2009, Register _____)

Authority: AS 16.05.251

FINDING OF EMERGENCY

The Commissioner of the Alaska Department of Fish and Game through a Delegation of Authority from the Alaska Board of Fisheries finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of public peace, health, safety, or general welfare. The fact constituting the emergency is as follows:

There is concern regarding low returns and the resultant need to conserve king salmon in the Yukon River Districts 1-5 and consequently the king salmon commercial fishery has been closed. In order to respond to the unexpected and unforeseen need to conserve king salmon and also to conduct a commercial summer chum salmon fishery, emergency regulations that prohibit sale of incidentally harvested king salmon in Yukon River Districts 1-5 are necessary. If king salmon can be retained but not sold, fishermen will not target kings during summer chum salmon directed fishing periods. King salmon that are caught in a directed summer chum salmon commercial fishery may be retained for subsistence use. Thus, this requirement will result in reducing overall mortality of king salmon during a directed summer chum salmon commercial fishery. There were discussions during preseason meetings with fishermen about the idea of processors not buying incidentally caught king salmon however, an emergency regulation is warranted to ensure that no king salmon are sold to large scale processors and catcher/sellers during summer chum salmon directed openings. Delaying a commercial summer chum salmon fishery to avoid harvest of king salmon would result in foregoing a biologically allowable resource harvest.

ADOPTION ORDER

Under the authority of AS 16.05.251 and AS 16.05.270, the attached regulation changes are therefore adopted as emergency regulations to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: _____
Juneau, Alaska

Denby S. Lloyd, Commissioner
Alaska Department of Fish and Game

FILING CERTIFICATION

I, Sean Parnell, Lieutenant Governor, for the State of Alaska, certify that on _____, 2009, at _____ m., I filed the attached emergency regulations according to the provisions of AS 44.62.

Sean Parnell, Lieutenant Governor

Effective: _____
Register: _____

**NOTICE OF PUBLIC MEETING OF THE
ALASKA BOARD OF FISHERIES**

Re Yukon River Summer Chum Salmon Management Plan

Notice is given that the Alaska Board of Fisheries (board) will meet by teleconference on June 29, 2009, beginning at 4:00 p.m. The purpose of the teleconference is to consider an emergency petition submitted to the board regarding an amendment to the Yukon River Summer Chum Salmon Management Plan (5 AAC 05.362).

This request is considered under the Joint Board Petition Policy (5 AAC 96.625(f)) based on an unexpected resource situation where a biologically allowable harvest would be precluded by delayed regulatory action.

The board will not take oral public testimony during the teleconference. Listen-only teleconference sites will be provided to the public at the Alaska Department of Fish and Game offices in Emmonak, Anchorage and Juneau. For further information, a copy of the agenda, or addresses of the listen-in teleconference sites call Jim Marcotte at (907) 465-4110.

For a copy of the petition, contact the Alaska Department of Fish and Game, Boards Support Section, P.O. Box 115526, Juneau, AK 99811-5526 (907-465-4110) or go to the website at: www.boards.adfg.state.ak.us/fishinfo/index.php.

If you are a person with a disability who may need a special accommodation in order to participate, please contact Jim Marcotte at (907) 465-4110 to ensure that any necessary accommodations can be provided.

June 29, 2009
Jim Marcotte, Executive Director
Alaska Board of Fisheries