

March 17, 2015

Tom Kluberton Board Chair Alaska Board of Fisheries

Attention: Glenn Haight, Executive Director

Alaska Board of Fisheries

P. O. Box 115526

Juneau, Alaska 99811-5526

RE: Emergency Petition to the Alaska Board of Fisheries

Chairman Mr. Kluberton and members of the Alaska Board of Fisheries:

I am submitting this request as an emergency petition to the Alaska Board of Fisheries, that immediate regulatory action be taken to remove language under 5AAC 27.865 (8) of the Bristol Bay Herring Management Plan "The department shall manage for a removal of 30 percent of that surplus by the gillnet fleet and 70 percent by the purse seine fleet. To maintain those percentages in season, the commissioner shall make adjustments to fishing periods and fishing areas by emergency order. After the gillnet fleet and purse seine fleet have harvested at least 50 percent of each gear group's allocation, the commissioner may allow either fleet to harvest its remaining allocation without further restrictions."

Suggested language for 5AAC 27.865 (8) would be:

(8) After the spawn-on-kelp harvest and the Dutch Harbor food and bait fishery have been subtracted, the remaining harvestable surplus is allocated to the sac roe fishery;

30% to the gillnet fleet (new language)

70% to the purse seine fleet (new language)

The 2015 Togiak sac roe herring market is extremely weak with processors informing their fishermen not to expect more than \$50.00 a ton. A telephone survey conducted by the Department indicates that 10 gillnetters, 18 seiners, are estimated to participate in the 2015 Togiak sac roe herring fishery and a reduction in daily processing capacity from 2014. The Department's 2015 Togiak Herring Forecast shows an allocation of 29,012 tons for the purse seine gear and 8,704 tons for the gill net gear.

I have reviewed the Joint Board's finding on Emergency Petitions and the definition of emergency.

I believe this request meets the definition for finding an emergency under "an emergency is 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 large forecasted 2015 Togiak herring harvest, 117% of the recent 10 year average, according to the Department's 2015 Togiak Herring Forecast Summary, coupled with the expected low participation by the gillnet fleet the regulation as written would be significantly burdensome to the processors and seiners. The regulation as written would hinder the seiners from harvesting quality sac roe herring if they are made to stand down waiting for the gillnet fleet to maintain their 30% of the harvest during the first 50% of the harvest. The window of opportunity to harvest quality sac roe herring in Togiak is on average a 12 day period. The desired larger older age herring are dominate in the earlier harvests. Having the purse seine fleet stand down for extended periods of time would deny them the ability to harvest their allocation and deny the processors access to large quality herring. This would result in a significant amount of biologically allowable resource to be not harvested for the 2015 season.

Thank you for your time and consideration.

Robert Heyano