



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Fish and Game**

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To: Mr. Tom Kluberton, Chair  
Alaska Board of Fisheries

Date: July 23, 2015

From: Sam Cotten, Commissioner   
Alaska Department of Fish and Game

Subject: Petition to change date of Togiak  
fishery restriction

Per Alaska Board of Fisheries (board) standing delegation 2015-277-FB, this letter provides background and my decision as the Commissioner of the Alaska Department of Fish and Game (department) as to the existence of an emergency, in relation to an emergency petition the Executive Director of the board received by email from Togiak Bay commercial fishermen on July 22, 2015. Additional information was received by the Executive Director via email on July 23, 2015.

**Action Requested**

This emergency petition seeks to amend the date identified in 5 AAC 06.370 (k)(2), from July 27 to August 15, in which Commercial Fisheries Entry Commission (CFEC) permit holders registered to fish in other districts of the Bristol Bay Area may begin fishing in the Togiak District .

**Background**

Togiak District commercial fishermen are concerned that once the restriction on entrance of outside CFEC permit holders is lifted (July 27 at 9:00 a.m.) there will be a significant increase in fishing effort in the Togiak District. If this coincides with a late-returning sockeye salmon run and fishing is allowed for the regular weekly schedule (Monday 9:00 a.m. – Friday 9:00 a.m.), the potential increased effort may dramatically reduce harvest opportunity for fishermen currently registered in the Togiak District. Similarly, if the sockeye salmon run is weaker than expected and not late, potential additional fishing effort will diminish the remaining harvest potential for Togiak District fishermen and management of the fishery will be more complicated and potentially more conservative than if the restriction on outside CFEC permit holders was in place. During the last two weeks the department has reduced fishing time based on strength and timing of the Togiak District sockeye salmon return and harvests have been poor to date. A processor has reported that two outside CFEC permit holders have arrived in the district in anticipation of fishing Monday.

**Additional background**

- Togiak District sockeye salmon run timing is significantly later than other Bristol Bay districts.

- Of Bristol Bay salmon fishing districts, Togiak District has the greatest number of local participants (90% of CFEC permit holders local).
- 5 AAC 06.370 (k) (2) was amended at the 2009 board meeting to move the restriction date from July 24 until July 27 to provide additional local fleet protection.
- Togiak District registered drift fishermen may not fish in other Bristol Bay districts.
- 2015 Bristol Bay sockeye salmon inshore run timing was among the latest ever recorded and 2015 Togiak sockeye salmon run may also be very late.
- 2015 Togiak sockeye salmon run is forecast to be 610,000 fish. Total run through July 22 is 207,000 fish.
- Togiak River daily sockeye salmon escapement during the last two days (July 21 and 22) has increased, but the escapement goal of 150,000 sockeye salmon has not been met. Escapement through July 22 was 56,000 sockeye salmon. Typically over 75% of the Togiak River sockeye salmon escapement goal has been achieved by July 27.

### **Finding of Emergency**

The Joint Board Petition Policy at 5 AAC 96.625 that the board uses to respond to emergency petitions states that an emergency petition “will be denied and not scheduled for a hearing unless the problem outlined in the petition justifies a finding of emergency.” The policy defines “emergency” as:

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 July 23, 2015 email petition from Togiak commercial fishermen to the board states that the because of the potentially late sockeye salmon return to Togiak River and observed late return of other Bristol Bay sockeye salmon stocks, July 27 is too early to ease restriction on outside CFEC permit holder participation in the Togiak District fishery. The intent of the restriction on outside CFEC permit holders is to limit the number of CFEC permit holders that could compete with local Togiak fishermen during the time period normally encompassing the majority of the Togiak sockeye salmon return. If Togiak sockeye salmon run timing is very late or the run is smaller than expected, entry of outside CFEC permit holders into the Togiak fishery while much of the Togiak sockeye salmon run is available for harvest may represent a significant and unforeseen event that would preclude use of a resource intended to be harvested by those fishermen who initially registered to fish in the Togiak District and justifies a finding of emergency.