

RC 069

CONCERNED AREA M FISHERMEN
35717 Walkabout Road, Homer, Alaska 99603
(907) 235-2631

March 11, 2016

Tom Kluberton, Chairman
Alaska Board of Fisheries
P.O. 25526
Juneau, Alaska 99802-5526

Re: Emergency Petition

Dear Mr. Kluberton and Board Members:

We are writing to express our strong opposition to the petition filed by the Fairbanks Fish and Game Advisory Committee (Petitioner) claiming an emergency that requires immediate regulatory action in the South Unimak and Shumagin Islands June fishery (the June fishery). The Petitioner points to the fact that the harvest of king salmon in the fishery in 2015 was approximately 44,000 fish, well above the average king harvest of 6,000 fish, and contends that the fishery must therefore be curtailed for the 2016 season in order to protect migrating stocks of Arctic-Yukon-Kuskokwim (AYK) king salmon.

The Board has already heard evidence regarding the king harvest in the June fishery, at its recently concluded meeting on Alaska Peninsula and Chignik fisheries. This information was presented in general staff reports, in public testimony, in the Committee of the Whole process, and during deliberations. Much of the discussion regarding the June fishery centered on proposal 184 at that meeting, which was submitted by the Petitioner. The issues surrounding the king harvest in the June fishery were fully aired and the Board made a reasoned and responsible decision not to impose the kinds of dramatic restrictions to the June fishery called for by the Petitioner.

The information presented to the Board included the following:

1. The Department reported that genetic stock identification work on king salmon taken in by-catch in trawl fisheries in the vicinity of the South Alaska Peninsula showed the 95 percent of those fish were of non-Alaska origin. Abundance of king salmon from rivers and hatcheries in the Pacific Northwest is at levels that haven't been seen since the pre-dam era on the Columbia River. Catch rates in the Southeast Alaska troll fishery in 2015 were 2.5 to 3 times higher than predicted based on the preseason abundance estimates that were used to configure that fishery. There are a lot of chinook rearing in the Gulf of Alaska right now, which in all likelihood accounts for the fact that the king harvest in the June fishery was higher than normal last season. The Department referred to that harvest as an anomaly, and the date support that description.

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2. If 95 percent of the kings harvested in the June fishery were non-Alaska origin, then only 5 percent, or about 3,000 fish, were bound for river systems in Alaska. These rivers could range from Southeast, to Cook Inlet, to Kodiak, to Bristol Bay, or to the AYK. The WASSIP study on chum and sockeye clearly demonstrated that harvest rates on any stock decline rapidly as the distance of a fishery from a natal stream increases. Even if there were AYK kings harvested in the June fishery – a proposition for which there is no scientific evidence – the harvest rate on those stocks would so low that it would not even be measureable or detectable in the river of origin. The harvest of perhaps 3,000 Alaska-origin king salmon in the June fishery, a harvest that is probably comprised of fish from many river systems over a broad area, poses no threat whatsoever to the health of any of those runs.

3. The Department reported that the king salmon harvested in the June fishery were small, around 6 pounds each. Based on the size of these fish and the timing of their harvest, there is little reason to believe that any significant number of them were bound for AYK river systems.

4. The closest analog to Yukon king salmon are probably Yukon fall chum salmon. Numerous studies, including most recently WASSIP, have demonstrated that Yukon fall chum salmon are not present in the June fishery. Yukon fall chum were for many years cited as the basis for restricting the June fishery, until their absence from the fishery was confirmed. The Board should not simply assume there any Yukon king salmon are caught in the June fishery.

The Petitioner cites in support of its petition the Board's policies for the management of mixed stock fisheries, 5 AAC 39.220, and for management of sustainable salmon fisheries, 5 AAC 39.222. The Board thoroughly reviewed these policies in its deliberations on the June fishery at the Alaska Peninsula meeting, and the majority found that the current management plan for the June fishery is fully consistent with them.

The Petitioner also cites the Sustained Yield Clause of the Alaska Constitution, Article VIII, Section 4, and the subsistence priority codified in AS 16.05.258. In *Native Village of Elim v. State*, No. 990 P.2d 1 (Alaska 1999), the court addressed these standards in the context of a challenge to the June fishery based on supposed impacts to chum salmon returning to Northern Norton Sound. The court held that neither of these authorities required the kind of regulatory action advocated by the plaintiffs in that case, which was essentially the same type of relief requested by Petitioner here – dramatic restrictions on an economically vital commercial fishery hundreds of miles away from the presumed rivers of origin. The court specifically noted that “sustained yield” in the Constitution had a “broad meaning” and was defined by the framers as the “conscious application insofar as practicable of principles of management intended to sustain the yield of the resource being managed.” 990 P. 2d at 7. The practicability component of the Sustained Yield Clause counsels against taking action requested by Petitioner here, which would impose huge economic and social hardship on fishermen, businesses, and communities of the Alaska Peninsula based solely on speculation about possible benefits for migrating king salmon whose presence in the fishery has not been demonstrated.

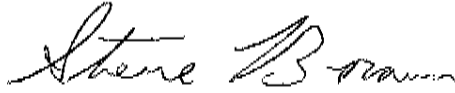
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In sum, CAMF strongly urges the Board to reject the petition. There is no emergency here, within the meaning of 5 AAC 96.625. Under AS 44.62.270, "it is the policy of the state that emergencies are held to a minimum and are rarely found to exist." The petition at issue here falls far short of meeting these standards.

Sincerely,



Steve Brown
President, Concerned Area M Fishermen

