

## [DRAFT] FINDING OF EMERGENCY

The Alaska Board of Fisheries (board) finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the general welfare. These regulations will allow harvest of a limited number of king salmon in a portion of the Yentna River drainage. The board concludes that there may be a harvestable surplus of this king salmon stock in relation to escapement goals, and that the fishery can be conducted consistent with sustained yield of the stock. Without these emergency regulations, this king salmon resource may be unavailable this year to users who have a history of relying on this king salmon stock for personal and family consumption in this important fishery. The facts constituting the emergency include the following.

### **Background**

Current subsistence regulations include a negative customary and traditional use determination for king salmon and a positive finding for other salmon in the Yentna River drainage in 5 AAC 01.566(a)(1)(C), and do not include king salmon in the amount of salmon reasonably necessary for subsistence uses in that drainage in 5 AAC 01.566(e). In 5 AAC 01.593(3)(C), permit holders in the Upper Yentna River subsistence salmon fishery shall be present to attend the fish wheel at all times while the fish wheel is in operation, and king salmon and rainbow trout must be returned alive to the water.

In March 2018, the department issued Emergency Order 2-KS-2-10-18 restricting the Dëshka and Yentna rivers to catch-and-release and closing the remainder of the Susitna River drainage to sport fishing for king salmon. The Northern District commercial set gillnet fishery was also closed for the 2018 directed king salmon fishery; no commercial fishery will occur until June 25. This action was taken due to a forecast for a weak run of king salmon in 2018.

These emergency regulations have been adopted in response to an emergency petition submitted by the Mt. Yenlo Fish and Game Advisory Committee. The petition asked the board to revise its customary and traditional (C&T) use determination for salmon in the Yentna River to add king salmon to the positive C&T finding, and adopt regulations allowing the harvest of king salmon in the Upper Yentna River subsistence fishery. In 1998, the board adopted regulations for a subsistence fishery for salmon in a portion of the Yentna River that prohibited the retention of king salmon. In 2011, the board modified the 1998 C&T determination to explicitly exclude king salmon from the positive finding. Users in this area have harvested king salmon under sport fishing regulations. The petition alleges that there is a small harvestable surplus of this king salmon stock. The petition further alleges that, because of the closure of king salmon harvest in the sport fishery, emergency regulations are needed or this surplus will be unharvested and unavailable in the future. The petition further alleges that users in this fishery have come to rely on a limited king salmon harvest in the beginning of the summer when there are no other fish and game resources available.

### **Finding of Emergency**

Under AS 44.62.250, the board may adopt an emergency regulation if it makes a written

finding that the adoption of the regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. Under state policy emergencies are held to a minimum and are rarely be found to exist.

The board finds that there may be a limited harvestable surplus of king salmon in the Yentna River drainage. The board acknowledges that the department has closed the sport fishery in the Susitna River drainage in 2018 to the harvest of king salmon because of a forecast of a low run. However, that action by the department was taken in light of current regulations which do not provide a way for the department to open a fishery in the Yentna River drainage and allow a small and manageable harvest of king salmon. The board finds that users in this fishery have a history of relying on king salmon for personal and family consumption and that the fishery is important to these users. The board further finds that emergency regulations are necessary to allow this fishery to continue this year. The board recognizes the department's emergency order authority to close this or any other fishery to meet escapement goals and ensure the sustained yield of fish stocks.