

02.26.24

Alaska Board of Fisheries

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Chairman Wood,

Board members have questions that may be misconstrued based on misunderstandings or miss - interpretation of current laws and regulations. We continue to offer assistance to the Alaska Board of Fisheries (BOF) in providing regulatory language to assist the discussion of the procedures and policies they must follow in their jurisdiction as a quasi-judicial entity and as the legislative representation of the State.

These provisions are listed in the definitions of; **5 AAC 39.222 Policy for the management of sustainable salmon fisheries;**

(f) (37) **“sustainable salmon fishery”** means a salmon fishery that persists and obtains yields on a continuing basis; characterized by fishing activities and habitat alteration, if any, that do not cause or lead to undesirable changes in biological productivity, biological diversity, or ecosystem structure and function, from one human generation to the next;

(f) (38) **” sustained yield”** means an average annual yield that results from a level of salmon escapement that can be maintained on a continuing basis; a wide range of annual yield levels is sustainable; a wide range of annual escapement levels can produce sustained yields;

Alaska Constitution; Article VIII Natural Resources, Section IV, Sustained Yield

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

The State of Alaska (SOA) constitution offers a direction of the term sustained yield but does not define in language what that specific principle is. The natural resources of the SOA, managed by the individual administrative departments, therefore decide the meaning, the policy and the implementation of the term

“sustained yield”. The Alaska Department of Fish and Game (ADF&G) follows the regulatory plans approved by the BOF. For fisheries, the constitution does not apply any direction of Maximum Sustained Yield (MSY).

In the current law, any salmon fishery is justified as long as there is any yield, that is over a point, a sustained escapement threshold (SET), which is defined by the, “lower ranges of historical escapement levels, for which the salmon stock has consistently demonstrated the ability to sustain itself;”.

In order for any “management” or “conservation” concern to be addressed there has to be established the minimum level of escapement and resulting spawners that would not return a yield over time. That point or range may easily be distinguished by a continued decline in returning ratios of spawner to returning escapement.

The Late Run Kenai River King (LRKRK) continues to return yields. The natural cycle of salmon generally reacts to natural conditions that are not in anthropogenic control. The general inefficiencies that are inherent within stakeholder’s groups catch, and harvest methods, may be addressed by adjustments in time and area, methods and means, to compensate for expected returns. However, there is no current condition or verifiable numbers of returns that would warrant a full restriction of any one stakeholder or citizen exclusion for a reasonable access to harvest a LRKRK.

The BOF would be developing a new definition and would be disregarding the statewide regulations to accommodate an unspecified allocative reason without proper biologic analysis.

(f)(25) “**optimal escapements goal**” or “**(OEG)**” means a specific management objective for salmon escapement that considers biological and allocative factors and may differ from the from the SEG or BEG; an OEG will be sustainable and may be expressed as a range with the lower bound above the level of SET, and will be adopted as a regulation by the board; the department will seek to maintain evenly distributed escapements within the bounds of the OEG.

In an attempt to clarify the issue, I offer these regulatory guidelines to assist the public and BOF members in discussions of whether a Stock of Concern (SOC) and a resultant Action Plan (AP) is warranted or justified.

The Board with the Department must establish enough “biological” (scientific) justification to support adopting or continuing an OEG. Otherwise, the BOF is taking the position that “allocative” justifications are in order and that the resulting complete closure of the East Side Set Net (ESSN) fishery is not a “sustainable salmon fishery” (39.222 (f) (37)) or that an “exclusion” from other users is necessary.

Thank you, graphs to follow,

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