

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Commercial Fisheries

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MEMO

TO:	John Jensen, Chair Alaska Board of Fisheries	DATE:	September 5, 2009
THRU:	John Hilsinger, Director Division of Commercial Fisheries	SUBJECT:	Emergency Petition to BOF from the Yukon Delta Fisheries
FROM:	John Linderman, Regional Supervisor Region III – AYK Division of Commercial Fisheries		Development Association

Action Requested

The Yukon Delta Fisheries Development Association is petitioning the Alaska Board of Fisheries (board) to consider and find an emergency condition exists in the Yukon River fall season commercial fishery. They are requesting amendment of the coho salmon management plan to allow directed coho salmon commercial fishing late in the season when the potential to impact the fall chum salmon run is minimal and biologically insignificant.

Background

The Yukon River Coho Salmon Management Plan allows for a coho salmon directed fishery when the fall chum salmon run is 550,000 or more (5 AAC 05.369 (c)). Additionally, any fall chum salmon taken in a coho salmon directed fishery would be considered incidental and would have to come from a harvestable surplus above the 550,000 threshold (5 AAC 05.369 (d)). Current run assessment information indicates the total fall chum salmon run is approximately 300,000 – 325,000, which is below the threshold required within the coho salmon management plan.

Current run assessment information indicates over 95% of the fall chum salmon run has passed the Pilot Station sonar project, located approximately 120 miles upstream of the mouth of the Yukon River. The pre-season fall chum salmon outlook indicated the run would be large enough to support commercial fishing, which would have included harvest of available coho salmon. The fall chum run turned out to be significantly weaker than anticipated, and fishery restrictions were necessary in order to provide for adequate escapement, as well as provide reasonable opportunity for subsistence. A limited fall chum salmon commercial harvest was taken from mid-July through the beginning of August when the run remained dominated by summer chum salmon; however, once inseason run assessment indicated the weakness of the fall chum salmon run, commercial fishing was discontinued and subsistence fishing time was reduced in all

districts. Coupled with a poor Chinook salmon run and below average summer chum salmon run, Yukon River communities have been faced with extreme hardship this season from a reduction in subsistence and commercial fishing opportunities.

The coho salmon run, however, is assessed as average to above average this year and a commercially harvestable surplus remains available. As a result of the closure of the fall chum salmon commercial fishery, there was virtually no commercial harvest of the available surplus of coho salmon. Although coho and fall chum salmon run timing overlaps during the majority of their respective runs, coho salmon run timing is later overall and significant numbers remain available within lower Yukon River fishing districts. Initiating a directed coho salmon commercial fishery late in the season would allow for harvest opportunity on the remaining harvestable surplus.

Discussion

To grant the petition as requested, the board must make a finding of emergency under the criteria listed in 5 AAC 96.625. In subsection (f), an emergency is described 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 board adopted the Yukon River coho salmon management plan to guide commercial coho salmon directed fishing throughout the fall chum salmon run where the potential for incidental harvest of fall chum salmon is high. The management plan was designed to ensure any directed coho salmon commercial fishery would not adversely impact escapement needs and subsistence uses for fall chum salmon. However, when adopting the coho salmon management plan, it is unclear whether the board considered initiation of a coho salmon directed fishery late in the season after the vast majority of the fall chum salmon run had passed through fishing districts. In the current situation, it is expected the fall chum salmon run has passed sufficiently through lower Yukon River districts that additional fishery restrictions will not provide significant conservation or allocation benefits. Management has shifted to coho salmon at this time. Restrictions on subsistence fishing that were implemented to protect fall chum salmon have been lifted and subsistence fishing in lower river Districts 1, 2, and 3 is now open 24 hours per day seven days per week based on the strength of the coho salmon run. Opening short commercial fishing periods directed at coho salmon this late in the fall fishery season would allow fuller utilization of a harvestable surplus of coho salmon that would otherwise go unharvested. The anticipated incidental harvest of fall chum salmon in a coho directed fishery is expected to be minimal and biologically insignificant.

Findings of Emergency

To summarize the board's Joint Board Petition Policy [5 AAC 96.625], "petitions must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action."

In order for the board to take action it would first have to make a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, an emergency is 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.

Under the requirements for a finding of emergency, ADF&G concludes that the criteria of an emergency under 5AAC 96.625(f) have been satisfied. The emergency described in the petition does constitute an unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action.