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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Forrest Bowers, AAC Contact  
Department of Fish and Game

**FROM:** Scott Meriwether *SM*  
Special Assistant  
907.465.4081

**DATE:** July 26, 2015

**RE:** Filed Emergency Regulations: Togiak salmon (5 AAC 06.370(k)(2))

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Attorney General File:	Emergency Regulations
Regulation Filed:	July 26, 2015
Effective Date:	July 26, 2015
Expiration Date:	November 22, 2015 unless made permanent by the adopting agency
Print:	215, October 2015

cc with enclosures: Linda Miller, Department of Law  
Genevieve Wojtusik, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

## **FINDING OF EMERGENCY**

The Alaska Board of Fisheries finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

Togiak District sockeye salmon return later and in lower numbers than other Bristol Bay sockeye salmon stocks, and about 90% of the participants in the Togiak District fishery are local area residents. Because of these unique characteristics the Alaska Board of Fisheries adopted a regulation (5 AAC 06.370 (k)(2)) whereby permit holders initially registered to fish for salmon in other districts of the Bristol Bay Area may not fish for salmon in the Togiak District from 9:00 a.m. June 1 to 9:00 a.m. July 27. Concomitantly, permit holders initially registered in the Togiak District may not fish for salmon in other Bristol Bay districts from 9:00 a.m. June 1 to 9:00 a.m. July 27. Typically around 50 permit holders initially register in the Togiak District and 10 to 15 additional permit holders from other districts begin fishing there after July 27. The 2015 Bristol Bay sockeye salmon run is one of the latest on record and to date only about one third of the Togiak District sockeye salmon run has entered the district. Under normal run timing approximately 75% of the run would have passed by July 27, thereby offering little incentive for outside permit holders to enter the fishery, however late run-timing in 2015 indicates that the bulk of the Togiak District sockeye salmon run has yet to materialize and a greater-than-normal number of outside permit holders are likely to enter the district to harvest these late-returning sockeye salmon. The entrance of a greater-than-normal number of outside permit holders into the Togiak District fishery beginning 9:00 a.m. July 27 could severely inhibit opportunity for the 52 permit holders initially registered in the Togiak District to harvest late-returning sockeye salmon in that district as the board intended when it adopted this regulation. In other districts of the Bristol Bay Area the salmon runs have mostly passed the fisheries, and permit holders registered in these districts have had opportunity to harvest salmon while permit holders registered in the Togiak District have been excluded. Allowing permit holders initially registered in these other districts to prematurely enter the Togiak District fishery also threatens to make it more difficult for the department to manage this fishery. To ensure fishing opportunity intended for permit holders initially registered for the Togiak District fishery it is essential to extend the control date for entrance into the Togiak District fishery from 9:00 a.m. July 27, 2015 to 9:00 a.m. August 5, 2015. This extension to 9:00 a.m. August 5, 2015 aligns with the late run timing that the Togiak District sockeye salmon stock is experiencing.

## **ORDER CERTIFYING ADOPTION**

I certify that the Alaska Board of Fisheries, under the authority of AS 16.05.251, adopted at its July 24, 2015 meeting by teleconference the attached page of regulation changes as emergency regulations to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 7/26/15  
Juneau, Alaska



Charles O. Swanton, Deputy Commissioner  
Department of Fish and Game

Claire Richardson for **FILING CERTIFICATION**

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

July 26, 2015, at 12:35 p.m., I filed the attached regulations according to the provisions of AS 44.62.

Claire Richardson  
for Byron Mallott, Lieutenant Governor  
State of Alaska

Effective: July 26, 2015.

Register: 215, October 2015

Expires November 22, 2015  
unless made "permanent"  
by the adopting agency.

STATE OF ALASKA  
DEPARTMENT OF DEPARTMENT OF FISH AND GAME  
P.O. BOX 115526  
JUNEAU, ALASKA 99811

**DELEGATION OF AUTHORITY**

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO CHARLES O. SWANTON, DEPUTY COMMISSIONER.

SIGNED:



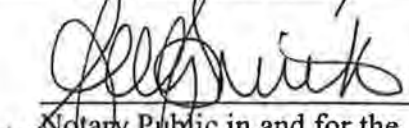
SAM COTTEN

(Please print name)

SIGNED AND SWORN TO before me this

2 day of February, 2015

[NOTARY SEAL]

  
Notary Public in and for the  
State of Alaska

My commission expires: with office



**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson, Special Assistant**

**IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on January 7<sup>th</sup> 2015.**



**BYRON MALLOTT  
LIEUTENANT GOVERNOR**



EMERGENCY REGULATION

Register 215, October 2015 FISH AND GAME

Title 5. Fish and Game.

Chapter 06. Bristol Bay Area.

Article 3. Salmon Fishery.

5 AAC 06.370(k)(2) is amended to read:

(2) Nushagak, Naknek-Kvichak, Egegik, or Ugashik District may not take salmon in the Togiak District from 9:00 a.m. June 1 to 9:00 a.m. **August 5** [JULY 27].

(In effect before 1983; am 4/16/83, Register 86; am 5/11/85, Register 94; am 4/18/86, Register 98; am 7/12/86, Register 99; am 4/2/88, Register 105; am 6/10/90, Register 114; am 6/19/92, Register 122; am 4/9/95, Register 134; am 5/24/96, Register 138; em am 5/30/97 - 9/26/97, Register 142; am 5/14/98, Register 146; am 6/23/99, Register 150; am 6/22/2001, Register 158; am 4/9/2004, Register 170; am 6/21/2009, Register 190; am 4/9/2010, Register 194; am 7/13/2012, Register 203; am 4/4/2013, Register 206; em am 7 / 26 / 2015, Register 215 )

Authority: AS 16.05.251