



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**RC2**

**Department of Fish and Game**  
DIVISION OF SPORT FISH  
Headquarters  
P.O. Box 115526  
Juneau, AK 99811-5526  
Main: 907.465.2376  
Fax: 907.465.2772

To: Mr. John Jensen, Chair  
Alaska Board of Fisheries

Date: July 17, 2018

Through: Tom Brookover,  
Director Division of Sport Fish

From: Tom Taube, Deputy Director  
Division of Sport Fish

Subject: Emergency petition from the Yakutat Tlingit Tribe (YTT) and the Yakutat Fish and Game Advisory Committee Chairman (YFGAC) requesting the Alaska Board of Fisheries adopt an emergency regulation to close the Situk River drainage to sport fishing for all fish species.

The Yakutat Tlingit Tribe and the Yakutat Fish and Game Advisory Committee submitted a petition to the Alaska Board of Fisheries (board) on July 10, 2018. Since the petition was received within 30 days before a regularly scheduled board meeting, the board's policy provides that the board will address the petition at the July 17, 2018 board meeting.

This letter provides information from the Alaska Department of Fish and Game (department) concerning matters raised in the petition and an assessment of the petition policy criteria.

### **Actions Requested**

The YTT and YFGAC request the board adopt an emergency regulation which would close the Situk River drainage to sport fishing for all fish species to protect Situk River king and sockeye salmon. The petitioners state that a closure of all sport fishing is necessary to eliminate sockeye salmon mortality that may be resulting from mishandling of caught salmon, illegal snagging or illegal retention of sockeye salmon reported anecdotally.

### **Background**

The Situk River drainage is managed for a biological escapement goal (BEG) of 450 – 1,050 large king salmon. In years 2010 through 2012, and again in 2015 and 2016, the Situk River king salmon stock failed to achieve the BEG. In 2013, 2014, and 2017, the goal was achieved after restrictive management measures were implemented in the sport, commercial, and subsistence fisheries. The 2018 preseason forecast has estimated a total run of approximately 700 large king salmon. Given recent small escapements and harvest trends, the BEG was not expected to be achieved without preseason king salmon fishery restrictions. The department issued an emergency order to close the

Situk River to sport fishing for king salmon effective May 1, 2018.

The Situk River drainage is managed for a BEG of 30,000 – 70,000 sockeye salmon. The Situk River sockeye salmon BEG has been achieved every year since 2008. On June 28, 2018, the department issued an emergency order restricting the sockeye salmon sport fishery to no retention, effective July 1. This was based on 1,678 sockeye salmon having passed through the Situk River weir by this date. The average run timing data for sockeye salmon on the Situk River indicated that approximately 23% of the run should be in the river by June 28. Given the low numbers of sockeye salmon returning to the Situk River the BEG was not expected to be achieved. No retention of sockeye salmon was implemented instead of closing the sockeye salmon sport fishery since sport anglers use similar terminal tackle when fishing for sockeye salmon and Dolly Varden which presents a potential enforcement challenge – it can be difficult to determine which species is targeted based on the terminal gear being used. In addition, the department expected few anglers would fish for sockeye salmon under the no retention regulation. This action was taken as a step-down approach: if sockeye salmon numbers continued to lag, closure of the sockeye salmon sport fishery would be considered.

On June 28, an emergency order (EO) was issued closing all waters of the Yakutat District to commercial fishing. When the commercial fishery is closed, the weekly subsistence fishing periods are from 6:00 a.m. Friday through 6:00 p.m. Saturday (36 hours) by regulation; this fishery remains open in Yakutat Bay. Subsistence effort in the marine waters primarily targets king and coho salmon. The June 28 EO did restrict subsistence fishing areas normally open in regulation by closing subsistence fishing at the mouth of the Situk River and in all waters of Johnson Slough. Yakutat residents use this area intensively for harvest of sockeye, king, coho, and pink salmon. On July 3, the department closed the subsistence fishery in the Situk River drainage upstream from a line from the tip of Blacksand Spit and Johnson Slough (Situk-Ahrnklin Inlet); this closure remains in place.

There is a positive customary and traditional use finding for salmon in freshwater streams and rivers of the Yakutat Area from the Doame River to the Tsiu River, as well as in salt waters of Yakutat Bay, Russell Fiord and Icy Bay. The board has found that 5,800 to 7,832 salmon are necessary for subsistence in those combined portions of the Yakutat Area. In 2015 (the latest year for which data are available), the estimated subsistence harvest for the Yakutat Area included 4,310 sockeye salmon, 982 coho, 323 king, 164 pink, and 8 chum salmon.

By July 9, only 5,264 sockeye salmon had passed the weir. In addition, only 77 king salmon had passed the weir by this date. Based on the low sockeye and king salmon weir passage and observed fishing activity, the department issued an EO on July 10, 2018 closing the Situk, Lost, and Ahrnklin river drainages to sport fishing for sockeye salmon, effective July 12. At this time, the area closed to all sport fishing downstream of the Situk River weir was extended from 300 ft to 2,100 ft to protect king and sockeye salmon holding below the weir and included the “Rodeo Hole” – a known holding area for salmon. The extension of the closed area was also done in the sport fishery in 2017 from July 10 – August 15 to protect king salmon due to low escapement.

Following the EO for sockeye salmon nonretention, the Yakutat Area Management Biologist observed a number of guided and unguided anglers fishing for and releasing sockeye salmon. In days prior to the sport fishing sockeye salmon closure, the Area Management Biologist and creel

staff observed 2 – 3 dozen anglers on the river each day, a relatively low level of fishing effort. Creel survey data from June 8 and 9, estimated 112 and 129 sockeye salmon caught and released for those dates, respectively.

As of July 16, 2018, 14,563 sockeye salmon and 295 large king salmon have passed the Situk River weir.

### **Discussion**

Under criteria listed in the Joint Board Petition Policy used by the board in determining whether or not an emergency exists, paragraph (f) of 5 AAC 96.625 reads, in pertinent part:

...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.

Based on the information presented, the department does not consider that either: (a) an unforeseen or unexpected event that threatens a fish resource; or (b) an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action has been shown. While the department did not expect the Situk River sockeye salmon run to be as poor as it has been in 2018, it has taken action by emergency order to reduce sockeye salmon harvest in all fisheries that target Situk River stocks. The Situk River is currently closed to sport fishing for sockeye salmon and the area closed to sport fishing for all species downstream of the Situk River weir by has been extended 1,800 ft. This extension protects several major staging areas of king and sockeye salmon. There is low potential for sockeye salmon mortality with the closure of the sockeye salmon fishery. The department did expect the 2018 Situk River king salmon run to be poor (as well as nearly all SEAK king salmon stocks) and closed the Situk River king salmon sport fishery on May 1, prior to the arrival of king salmon to the Situk River.

The department closes sport fishing for a species when escapement goals for that species may not be achieved. It has not closed waters by emergency order to sport fishing for all species when there are emergency closures for a single or other species. There are specific areas across the state closed to sport fishing for all species by regulation during specific times when spawning fish may be present.

cc: Glenn Haight, Executive Director, Alaska Board of Fisheries  
Scott Kelley, Director, Division of Commercial Fisheries  
Tom Brookover, Director, Division of Sport Fisheries  
Hazel Nelson, Director, Division of Subsistence  
Seth Beausang, Chief Assistant Attorney General, Department of Law  
Bradley Meyen, Senior Assistant Attorney General, Department of Law