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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Shellene Hutter
Department of Fish and Game

FROM: April Simpson, Office of the Lieutenant Governor 
465.3509

DATE: July 20, 2018

RE: Filed Emergency Regulations: Board of Fisheries

Emergency Regulations – Board of Fisheries – Yukon Area Chum Salmon taken by drift gillnets (5 AAC 33.331(d))

Attorney General File:	Emergency Regulations
Regulation Filed:	July 20, 2018
Effective Date:	July 20, 2018
Expiration Date:	November 16, 2018 unless made permanent by the adopting agency
Print:	Register 227, October 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ALASKA BOARD OF FISHERIES FINDING OF EMERGENCY

This finding relates to an emergency petition received July 3, 2018 from the Tribal Chiefs of the Native Villages of Grayling, Anvik, Shageluk, and Holy Cross, to allow subsistence fishing for chum salmon with drift gillnet gear after August 2 in Yukon Area Subdistrict 4-A downstream from the mouth of Stink Creek.

As set forth below, the board finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the general welfare.

Though drift gillnets have not been legal gear in the upper Yukon Area since 1976, they have historically been an important gear type for subsistence salmon fishing. Fishermen living in the communities of Grayling and Anvik report traveling downriver to District 3 to subsistence fish for salmon with drift gillnet gear. Though they can harvest salmon with drift gillnet gear much more efficiently than with set gillnet gear, traveling long distances to do so can be cost prohibitive for some. Subsistence fishermen from many communities have informed the department about the loss of suitable set gillnet fishing sites due to bank erosion causing changes to the efficacy or loss of the eddies where fish congregate. This is causing increased competition in Subdistrict 4-A for viable set gillnet sites.

There are very few locations to operate set gillnet gear in this region of the river, which makes it difficult for fishermen to capitalize on the harvestable surplus of fall chum salmon. Regulation changes at previous board meetings allowed the department to allow subsistence fishing for salmon with drift gillnets for summer chum salmon, by emergency order, so that fishermen could more effectively harvest abundant summer chum salmon, especially to supplement low king salmon harvests. This board decision was based on limited stationary gear fishing locations in this area of the river, and that drift gillnets would allow fishermen to capitalize on the surplus of summer chum salmon better than set gillnets. Fishing for salmon with set gillnet gear alone has resulted, in the past, in fishermen in this area having considerable difficulty in meeting their subsistence salmon needs.

The 2018 Yukon River king salmon run is unexpectedly coming in much lower than preseason forecasts and the department has had to considerably reduce subsistence salmon fishing opportunity and limit gear to smaller mesh-size gillnets to ensure sufficient numbers of king salmon escape to spawning grounds. These fishing restrictions are causing a substantial and unexpected burden on Yukon River subsistence fishermen. Fishermen will need to supplement their reduced king salmon harvests with other species of salmon to meet subsistence needs. The 2018 fall chum salmon run is expected to provide for escapement and a biologically allowable harvestable surplus. Fall chum salmon are a preferred salmon species for human consumption in this region because summer chum salmon quality and condition are poor when they reach this sub-district.


An immediate and emergency regulation change is necessary to allow fishermen to harvest a biologically allowable surplus of fall chum salmon moving through the district in order to meet subsistence needs.

ORDER CERTIFYING ADOPTION

I certify that the Board of Fisheries, under the authority of AS 16.05.251 and 16.05.258, adopted at its July 17, 2018 meeting, the attached 1 page of regulation changes as an emergency regulation 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: July 20, 2018



Glenn Haight, Executive Director
Alaska Board of Fisheries
Department of Fish and Game

Claire Richardsm for

FILING CERTIFICATION

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

July 20, 2018, at 1:17 p.m., I filed the attached regulation according to the provisions of AS 44.62.

Claire Richardsm for
Byron Mallott, Lieutenant Governor
State of Alaska

Effective:

July 20, 2018

Register:

227, October 2018

Expires November 16, 2018 unless made permanent by the adopting agency

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 7th 2015.



A handwritten signature in blue ink, appearing to read "Byron Mallott", is written over a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

EMERGENCY REGULATIONS

Register 227, October 2018 FISH AND GAME

Title 5. Fish and Game.

Chapter 01. Subsistence Finfish Fishery.

Article 4. Yukon Area.

5 AAC 01.220(e)(2) is amended to read:

(2) in Subdistricts 4-A downstream from the mouth of Stink Creek,

(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;

(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; **and**

(C) chum salmon may be taken by drift gillnets after August 2.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of
Fish and Game**

DIVISION OF COMMERCIAL FISHERIES
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MEMORANDUM

To: Office of the Lt. Governor

Date: July 20, 2018

From: Shellene L. Hutter 
Fishery Regulations Program Coordinator

Phone: (907) - 465-6124

Subject: Emergency Regulations in response to the
Tribal Chiefs of the Native Villages of Grayling,
Anvik, Shageluk and Holy Cross petition

We are requesting approval of the attached final regulations regarding subsistence fisheries in the lower portion of the Yukon River of Alaska which were adopted by the Board of Fisheries at its July 17, 2018 public meeting at Egan Center in Anchorage.

Enclosed are the following documents:

1. The finding of emergency supporting documentation and adoption order.
2. The emergency regulations.

cc: M. Scott Kelly, Director
Division of Commercial Fisheries

Forrest Bowers, Deputy Director
Division of Commercial Fisheries

Tom Brookover, Director
Division of Sport Fisheries

Tom Taube, Deputy Director
Division of Sport Fisheries

Lisa Olsen, Deputy Director
Division of Subsistence

Glenn Haight, Executive Director
Alaska Board of Fisheries