



October 11, 2018

Board of Fisheries

Petition for finding of emergency and request to schedule hearing to allow drift gillnet and purse seine harvest gear be added in 5 AAC 33.380. District 13: Crawfish Inlet Terminal Harvest Area Salmon Management Plan

Dear Chairman Jensen and Board of Fish Members:

In accordance with 5 AAC 96.625 Joint Board Petition Policy, it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies 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.

At the January 2018 BOF meeting in Sitka, Alaska the board passed proposal 150 amending **5 AAC 40.042** to include (a) (10) established the Crawfish Inlet SHA boundaries and the second part (c) (10) established which gear types may be used within the SHA by the hatchery operator for cost recovery harvest. The intention by NSRAA was to allow common property drift gillnet and purse fisheries in Crawfish Inlet, although NSRAA did not expect to put those fisheries in Crawfish Inlet SHA/THA in 2018. The 2018 chum salmon return was over five times the abundance expected and it became necessary to have seine openings, which ADF&G allowed. However, the department noticed under **5 AAC 33.380 (a)** the department did not have the authority to allow common property drift gillnet fisheries in the Crawfish Inlet THA/SHA. The department had the authority to allow seine fisheries in the Crawfish Inlet THA/SHA because under 5 AAC 33.310(m) (2) Crawfish Inlet is described as a traditional seine area. This was unforeseen and therefore disallowed a gear that could have had harvest opportunity. NSRAA would like to correct for that in order for drift gillnet to be used if a similar opportunity arises in 2019, as seems likely considering the forecast is even larger than the 2018 return of 3.3 million chum salmon.

Therefore, the necessary change is as follows:

5 AAC 33.380. District 13: Crawfish Inlet Terminal Harvest Area Salmon Management Plan

(a) This management plan provides for the harvest of hatchery-produced king and chum salmon in the Crawfish Inlet Terminal Harvest Area by the troll, **purse seine, and drift gillnet** fisheries.

(b) The department, in consultation with the Northern Southeast Regional Aquaculture Association (NSRAA), shall, by emergency order, open and close the Crawfish Inlet Terminal Harvest Area to provide for the harvest of hatchery-produced king and chum salmon by troll, **purse seine and drift gillnet** gear.

(c) The Crawfish Inlet Terminal Harvest Area consists of the waters east of a line from 56° 44.16' N. lat., 135° 15.80' W. long., to 56° 43.30' N. lat., 135° 17.80' W. long., to 56° 41.93' N. lat., 135° 17.54' W. long., to 56° 41.14' N. lat., 135° 13.80' W. long., including the waters of Jamboree Bay, Cedar Pass south of 56° 47.14' N. lat., and Crawfish Inlet west of 135° 11.05' W. long.

The original proposal 150 was unanimously supported by NSRAA and the troll, seine, and gillnet gear groups and passed the Board of Fish without issue. It was a simple oversight that **5 AAC 33.380** was not identified for this modification.

Thank you for your attention to this matter.

Respectfully,



Steve Reifentuhl
General Manager, Northern Southeast Regional Aquaculture Assoc.