



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Fish and Game

Office of the Commissioner
Headquarters Office

1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.4100
Fax: 907.465.2332

TO: Kathy Hansen, Executive Director
Southeast Alaska Fishermen's Alliance

DATE: July 26, 2022

FROM: Doug Vincent-Lang, Commissioner
Alaska Department of Fish and Game

A handwritten signature in black ink, appearing to read "D. Lang".

The Alaska Department of Fish and Game (department) received your petition dated July 1, 2022, requesting that the Alaska Board of Fisheries (board) repeal the board's decision during the March 2022 Southeast and Yakutat Finfish and Shellfish meeting to change the pot shrimp fishery from primarily a fall/winter season to primarily a spring/summer season.

Pursuant to AS 16.05.270, the board delegated authority to the commissioner of the Alaska Department of Fish and Game, under board policy 2015-277-FB, to determine whether petitions submitted to the board outside of the regular board cycle constitute emergencies under 5 AAC 96.625(f): "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."

This letter is to formally notify you pursuant to AS 44.62.230 that based on available information, I cannot conclude that an emergency under 5 AAC 96.625(f) exists, and I deny the petition.

Each of the complications with the change of fishery start date listed in your petition were discussed in public testimony or deliberations at the recent Southeast and Yakutat Finfish and Shellfish board meeting and thus do not represent an unforeseen, unexpected event or situation.

The current spring/summer season is not expected to threaten the shrimp resource, nor will it create a loss in opportunity to harvest shrimp with pot gear in future years. It is true, that the opportunity in 2022 will be significantly less than it would have been without this change. However, this change in season shifts opportunity from the fall/winter of 2022 to the spring/summer of 2023. There is not an overall loss of opportunity, just a delay.

Southeast Alaska's pot shrimp guideline harvest levels (GHLs) and subsequent harvest has steadily declined since the early 2000s and the 2021/22 season's pot shrimp harvest was less than half of that from the early 2000s and lowest harvest since the early 1990s. Pot shrimp fishing areas have been closed, or fishing area has been reduced for conservation of shrimp stocks in those areas. The department believes the change of the initial season start date to May 15 will enhance biological conservation. Fishing during this time will occur before the high natural mortality periods of molting, mating, egg development, and egg extrusion. Fishing on the stock in the spring will also allow females carrying eggs in the fall to brood and hatch their eggs before being subject to fishing

mortality. Fishing in this timeframe has proved biologically successful in the state of Washington, British Columbia, and Prince William Sound fisheries.

The department does not anticipate any long-term changes in its ability to sustainably manage a primarily spring/summer pot shrimp fishery. The department will be cautious in the short-term at interpreting harvest data and as a result, will be more conservative in setting GHs and managing the fishery inseason. The department has faced similar challenges in the past 25 years when there were changes to gear requirements, fishing hours, reporting requirements, and shifts in how fishermen sell the shrimp (headed or tailed). The department does not anticipate any significant issues with staffing to manage the shrimp pot fishery at this time.

This is my final decision on your emergency petition. The board has been notified of my decision and two members of the board may call a special meeting to discuss the petition if they choose to do so. You may appeal my decision to the Superior Court within 30 days of the date of this letter.

cc:

Kristy Tibbles, Executive Director, Alaska Board of Fisheries and Board of Game
Sam Rabung, Director, Division of Commercial Fisheries
Dave Rutz, Director, Division of Sport Fish
Aaron Peterson, Senior Assistant Attorney General, Department of Law
Forrest R. Bowers, Deputy Director, Division of Commercial Fisheries
Lisa Olson, Deputy Director, Subsistence Section
Tom Taube, Deputy Director, Division of Sport Fish