

# STATE OF ALASKA Fish and Game Advisory Committees (ACs) – Arctic Region

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## Southern Norton Sound Advisory Committee (SNS AC) Chair

### Emergency Closure Initiation Report

May 27, 2011 – prepared by Hazel Smith

As the Regional Regulatory Program Assistant for the Arctic Region, I received an email from Art Ivanoff, the Chair of the Southern Norton Sound Advisory Committee, on May 16, 2011 stating that since the SNS AC cannot meet until next fall that a poll vote be conducted invoking 5 AAC 97.010 Advisory committee emergency closures and attached a draft poll vote. The issue cited is the shortage of Chinook salmon along the Unalakleet River. After researching emergency order procedures, I revised the poll vote question further and added space for a notary as required by regulation. After obtaining approval from the Chair on the language of the poll, I contacted my supervisor who then shared with me the key steps and procedures for an AC emergency closure. Following this report are copies of the Emergency Order procedures, a flow chart, and a Board of Fisheries delegation of authority to the Commissioner to adopt emergency regulations.

The SNS AC Chair based his emergency closure initiation on the report, Norton Sound Shaktoolik and Unalakleet Subdistricts Chinook Salmon Stock Status and Action Plan. 2007; a Report to the Alaska Board of Fisheries, Special Publication Number 06-37 by Scott M. kent and Daniel J. Bergstrom and the Norton Sound Subdistrict 5 (Shaktoolik) and Subdistrict 6 (Unalakleet) Chinook Salmon Stock Status and Action Plan, 2010; a Report to the Alaska Board of Fisheries, Special Publication Number 09-25 by Scott M. kent and Daniel J. Bergstrom. Both of these documents can be found in the following link: <http://www.sf.adfg.state.ak.us/FedAidPDFs/sp06-37.pdf>. However, only the first special publication was cited in the poll vote question. Attached is the actual poll vote and certified results.

The SNS AC is a 15-member Committee established in code and has had nine members serving on the committee in the far and recent past. Four of the members represent Unalakleet, one each from Koyuk, St. Michael, Shaktoolik, and two from the community of Stebbins. One of the representatives from Unalakleet resigned in February 1, 2011 and an alternate needs to be appointed to replace him until elections are held. Elections also need to be held in each of the other communities as well. There are now eight members "serving" on the SNS AC.

Because this is an initiation by the Chair, seven members voted. The result of the vote was:

- Six affirmative; and
- One abstention

The reason stated for the abstention is the need to hear and support what the Unalakleet residents want (and not necessarily the SNS AC itself) and to not create any conflict between all users but to seek equitable solutions.

Because there is concurrent jurisdiction established in code, the Northern Norton Sound AC (NNS AC) Chair requested that his members be polled. However, their take on it is to declare an emergency closure for Chinook on the Unalakleet River for sport fish, personal, and commercial fisheries. The NNS AC poll question stated:

“The NNS AC agrees with SNS AC declaration for emergency closure of Chinook to all fisheries except subsistence fishers. NNS AC members feel decisions made in SNS AC district is best made by those who live in the area.”

Further, the Chair stated that since they are a 15-member AC that there needs to be 8 votes either for or against SNS AC emergency closure for Chinook to all other users except subsistence fishers and gave them until May 27 to respond. Those not responding will be tallied as in favor of SNS AC decision. Because the Chair has called a halt to the AC Emergency Closure he initiated, the NNS AC Chair has requested that the NNS AC votes be cancelled.

The NNS AC has 8 members representing Nome and one each from the following communities: Elim, Wales, Golovin, White Mountain, Shishmaref, Teller, and Brevig Mission. The results of their poll vote as of 8:30 a.m. on Wednesday, May 25, 2011 and the reasons stated are as follows:

- Three affirmative (2 votes – as presented; 1 vote – I support the EO if the subsistence users are included in the closure; the hand full of commercial and sport fish doesn't hold a candle to the subsistence users when it comes to taking fish in the river system);
- One negative (in matters of land and freshwater, I defer to SNS AC. In matters of marine fisheries with shared area, e.g. crab, I do not);
- One abstention (feels he is not up to speed on the topic and would like to stay out of Unalakleet's local issues).

In order to achieve an emergency order, first the Southern Norton Sound AC needs to have a meeting to produce an “act of the committee”. Secondly, the Northern Norton Sound AC has to have an affirmative vote to ratify any closure. It cannot simply defer to the Southern Norton Sound AC.

On May 19, 20, 23, 24, and 25, I attempted to contact all the SNS AC members to check their availability for a teleconference meeting. With eight members serving, we needed five members to make a quorum. As of 9:00 a.m., Wednesday, May 25, 2011, there were three members available plus the Chair. Because we have to give reasonable notice to the public of a teleconference meeting and with a few days left before going seasonal leave, I recommended that we put a hold on the EO initiation until duly constituted meetings are held in the fall of 2011.

Because the votes and the reasons behind them varied, it would benefit the SNS AC to hold meetings to reach consensus among all users. In order for the NNS AC to ratify SNS AC's emergency closure, it would also benefit them to meet so that all are on the same page.

Personally, it has been quite a learning experience to use procedures in place that are rarely used and I appreciated the opportunity to learn.