

Background for Proposal 201:
Customary and traditional uses of fish
stocks.

5 AAC 01.616

Prepared for the
Alaska Board of Fisheries
March 2010

Alaska Department of Fish and Game

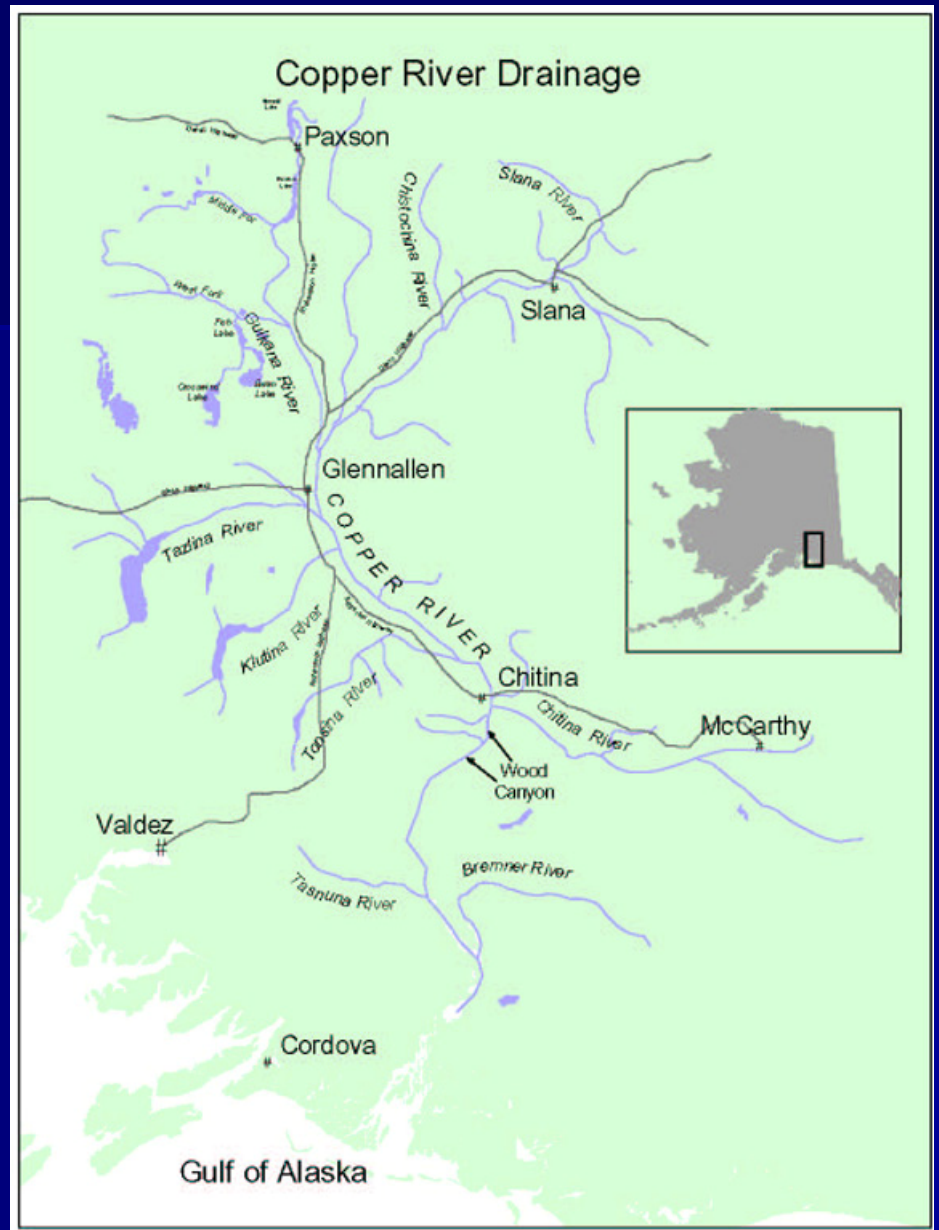
Proposal 201

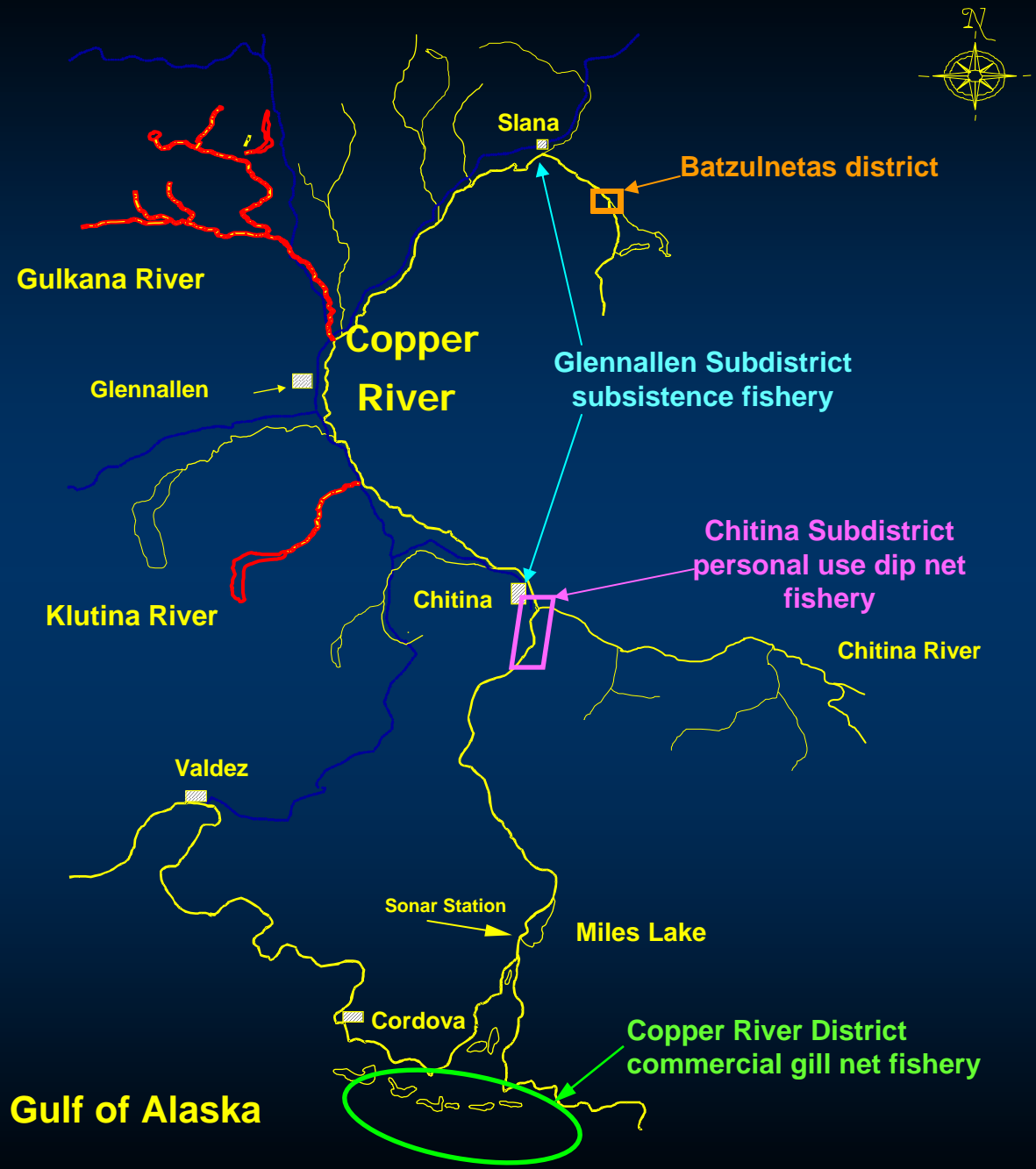
The proposal would

- (1) Establish a positive customary and traditional (C&T) use determination for the salmon stocks of the Chitina Subdistrict, and
- (2) Change the classification of the subdistrict's dip net fishery from personal use to subsistence, and
- (3) Establish an amount reasonably necessary (ANS) for this fishery.

Department Recommendation: Neutral

Map of Copper River drainage





Alaska statute regarding customary and traditional use findings

- Under AS 16.05.258 (a), the Board of Fisheries must identify fish stocks, or portions of stocks, that are customarily and traditionally taken or used for subsistence.

Alaska statute, continued

- AS 16.05.940 (7) defines “customary and traditional” as “the non-commercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game.”

Joint Boards of Fisheries and Game subsistence procedures

- The Board of Fisheries (BOF) applies the Joint Board's C&T procedures (the "8 criteria" found in 5 AAC 99.010) to determine whether fish stocks are taken or used for subsistence purposes.

Current state regulations

5 AAC 01.616

- (a) (1) The BOF found that salmon stocks in the Glennallen Subdistrict of the Upper Copper River District are customarily and traditionally taken or used for subsistence.
- The BOF found that the salmon stocks in the Chitina Subdistrict of the Upper Copper River District do not support customary and traditional uses (a negative C&T finding).

5 AAC 77.591

Because of the negative C&T finding, the BOF provides harvest opportunity through a personal use dip net fishery.

Federal Subsistence Board C&T finding and regulations

- Positive C&T finding by the Federal Subsistence Board (2002) for Chitina salmon stocks.
- Finding based on uses by local rural residents only.
- Chitina Subdistrict open to subsistence salmon fishing by qualified local rural residents.
- Federal permit required.
- Fish wheel, dip net, or rod and reel allowed.

Why is the BOF reviewing the C&T finding for Chitina Subdistrict salmon stocks?

- Court order in *Alaska Fish and Wildlife Conservation Fund v. State of Alaska, Board of Fisheries*.
- Adopt definition of "subsistence way of life." Proposal 200 offers a definition.
- Provide opportunity for the public to offer new information.
- Reapply the 8 criteria in light of new definition and new information.

Historical background



- See RC 9 for more detail.
- Indigenous Ahtna Athabascans established subsistence salmon fisheries in Copper Basin.
- Aboriginal technology included dip nets operated from wood platforms in the Copper River.
 - Also weirs, traps, and spears, esp. in tributaries and clear waters.

Historical background, continued



- Ahtna replaced dip nets with fish wheels in the early 1910s.
- Nonlocal residents developed new dip net fishery beginning in 1940s and 1950s.
- Access improvements led to rapid growth during late 1960s and 1970s.
- Local resident fishery moved to north of Chitina by 1970s.

Figure 3. Regulatory Classification of Chitina Subdistrict Salmon Fishery: Pre-statehood to 2009

= classified as a subsistence fishery
 = classified as a personal use fishery

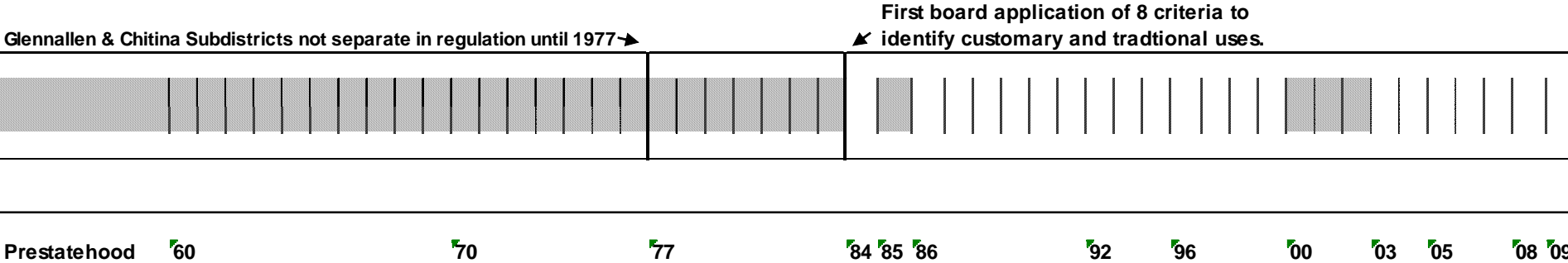
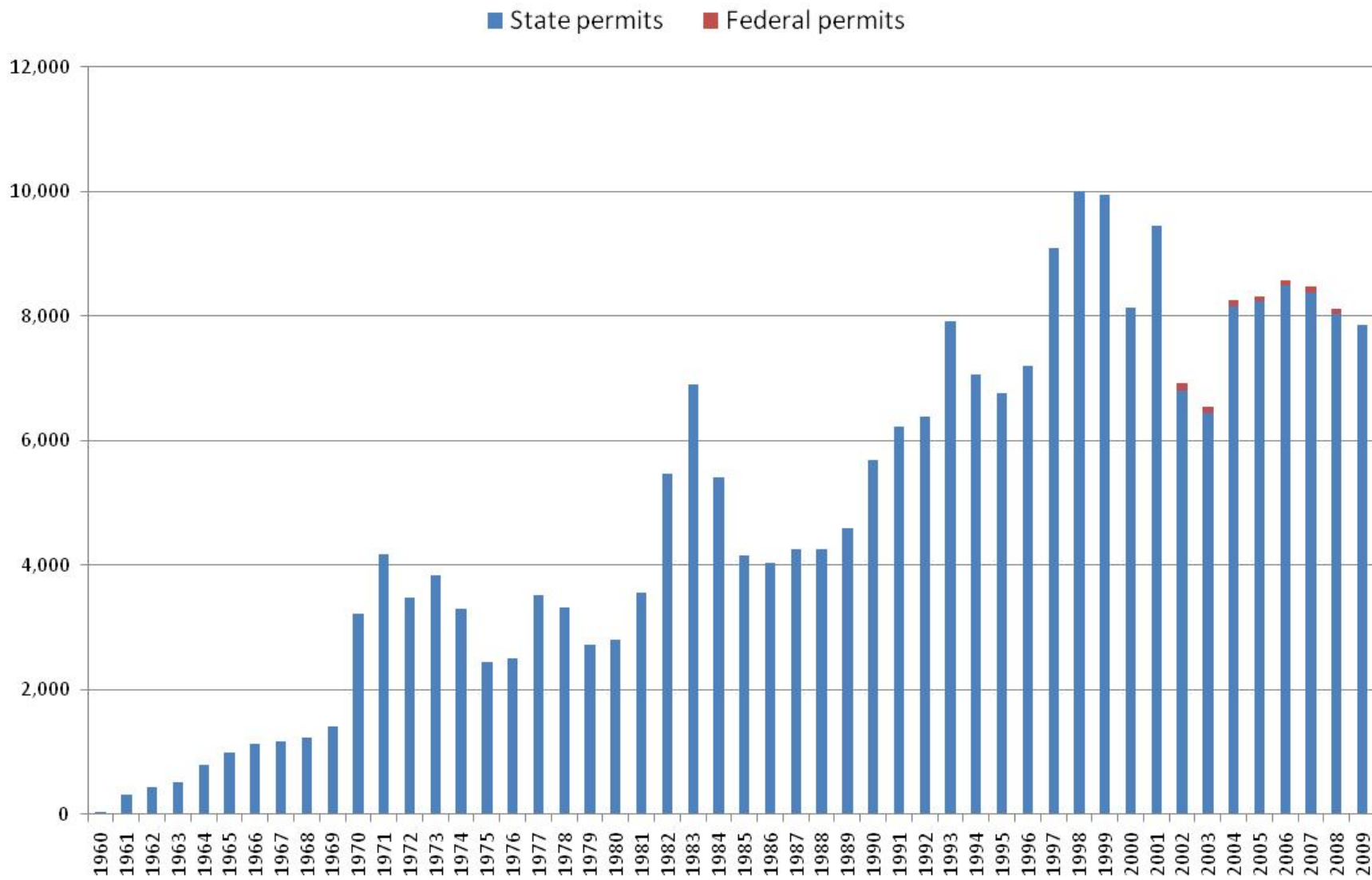


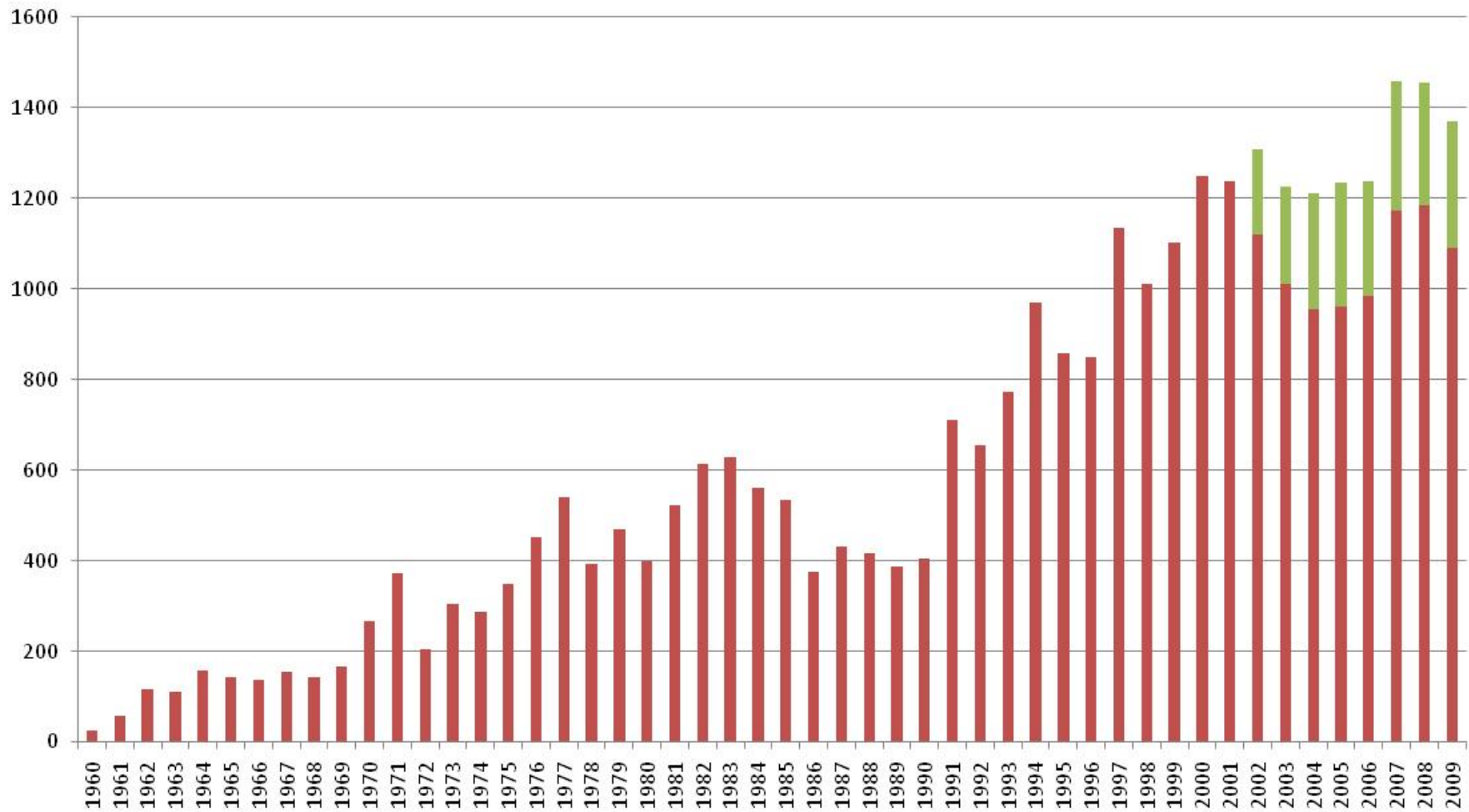
Figure 11. Number of State and Federal Permits Issued, Chitina Subdistrict, 1960 - 2009



■ Ten year average (1999–2008) = 8,277 permits

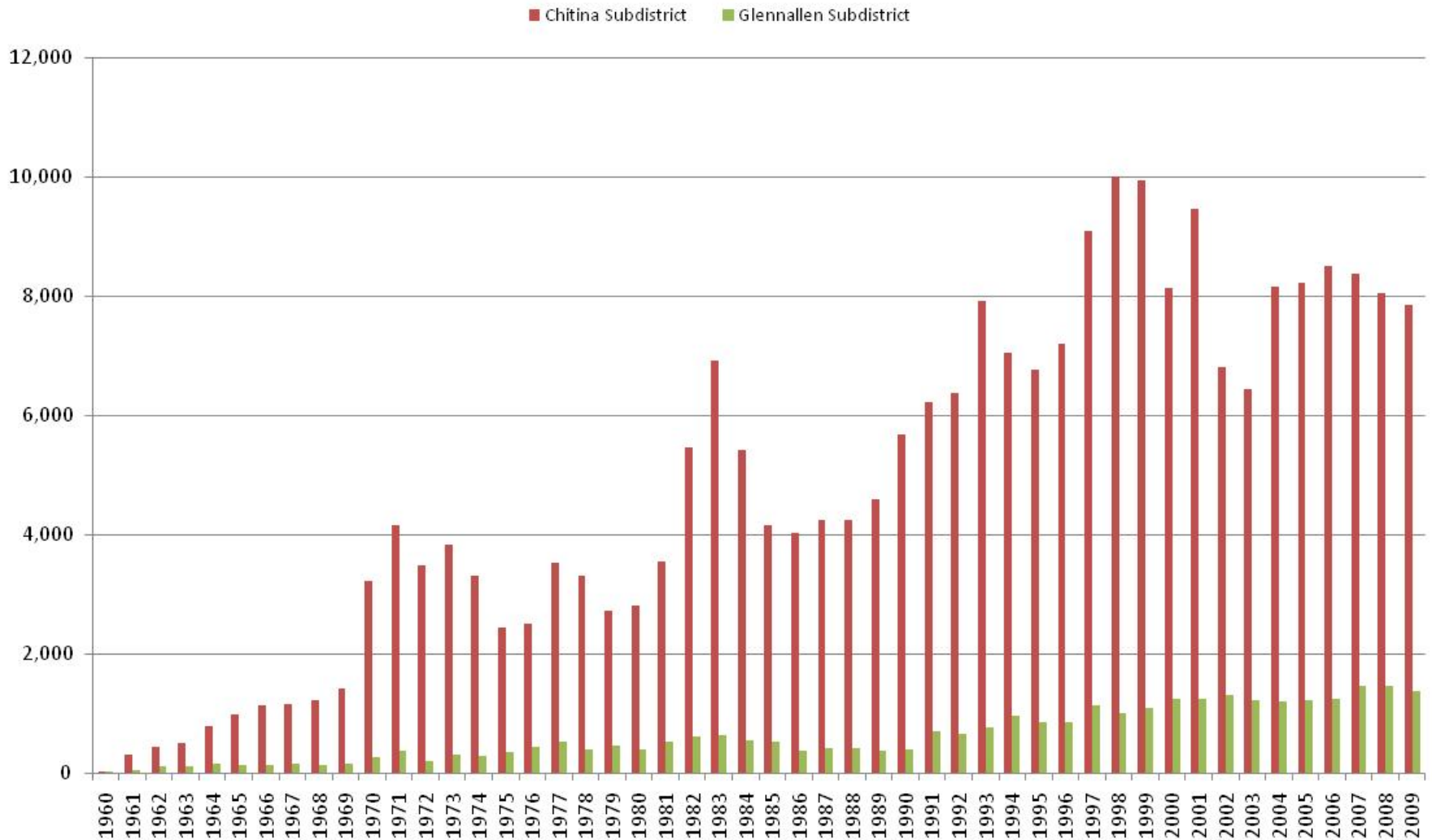
Figure 14. Number of State and Federal Permits Issued, Glennallen Subdistrict, 1960 - 2009

■ State permits ■ Federal permits



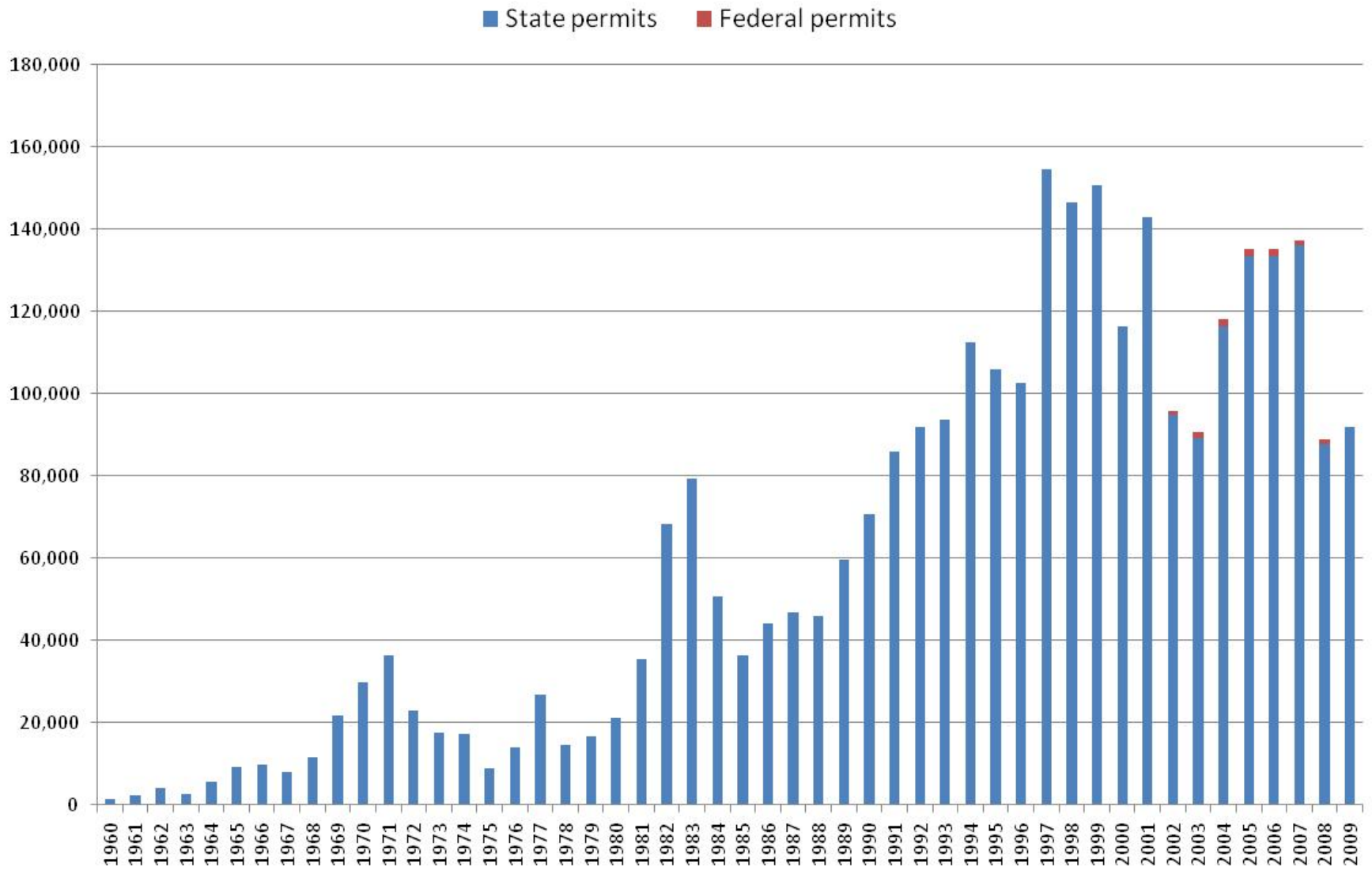
■ Ten year average (1999–2008) = 1,274 permits

Figure 17. Number of Permits Issued, Chitina and Glennallen Subdistricts, 1960 to 2009



- Most permits are issued for the Chitina Subdistrict

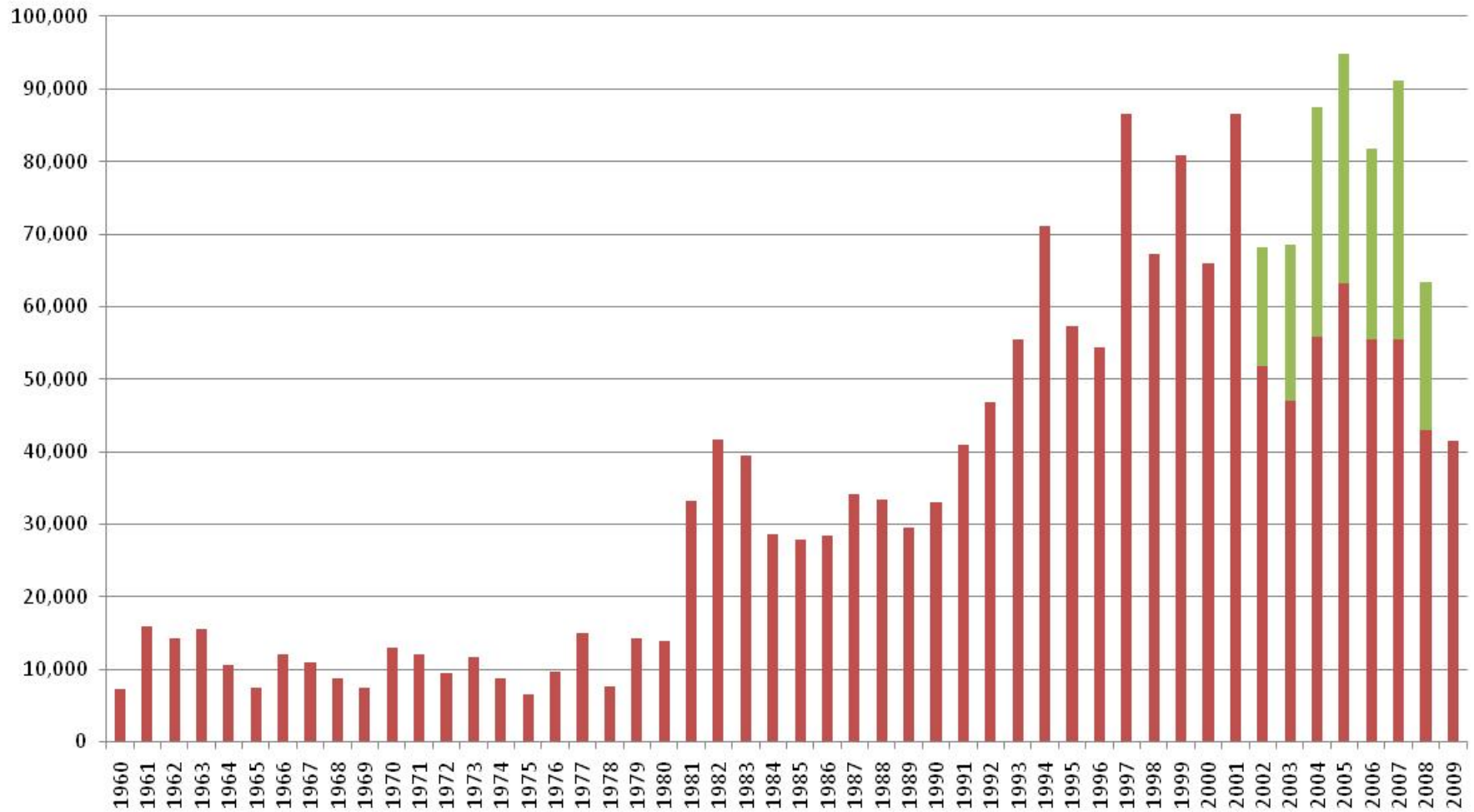
Figure 12. Estimated Harvest of Salmon, State and Federal Permits, Chitina Subdistrict, 1960 - 2009



Ten year average (1999–2008) = 116,431 salmon

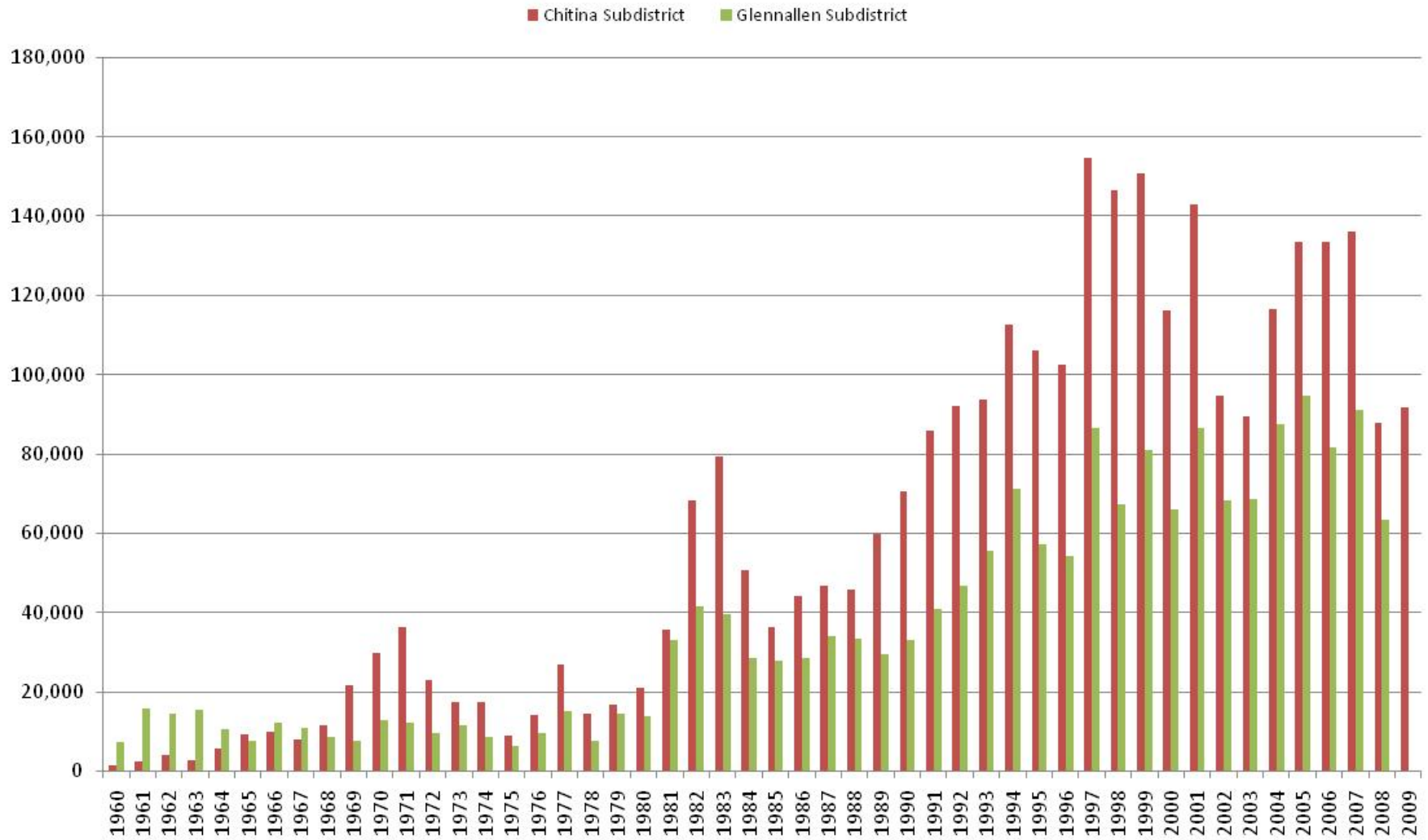
Figure 15. Estimated Harvest of Salmon, State and Federal permits, Glennallen Subdistrict, 1960 - 2009

■ State permits ■ Federal permits



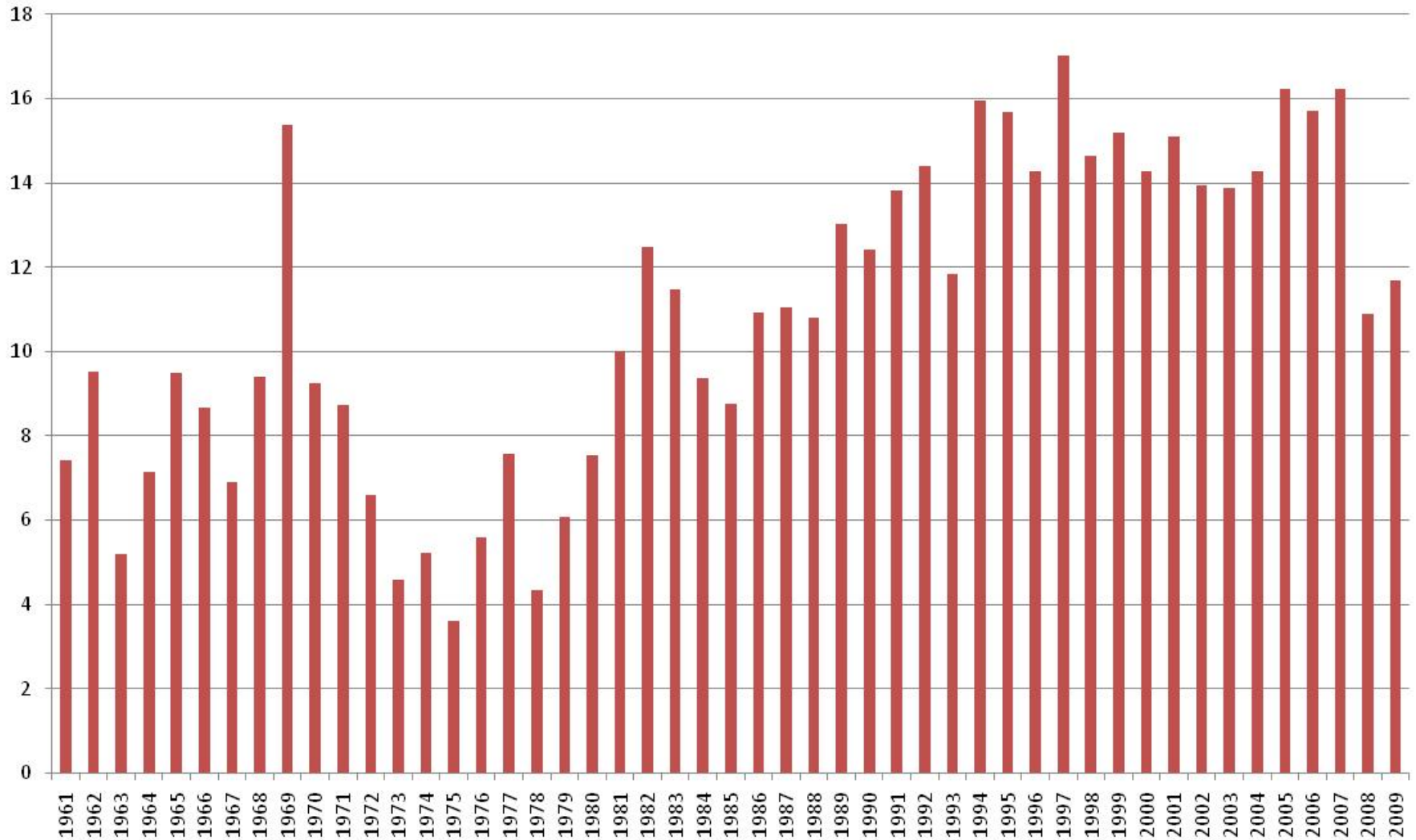
■ Ten year average (1999–2008) = 76,040 salmon

Figure 18. Estimated Harvests of Salmon, Chitina and Glennallen Subdistricts, 1960 to 2009



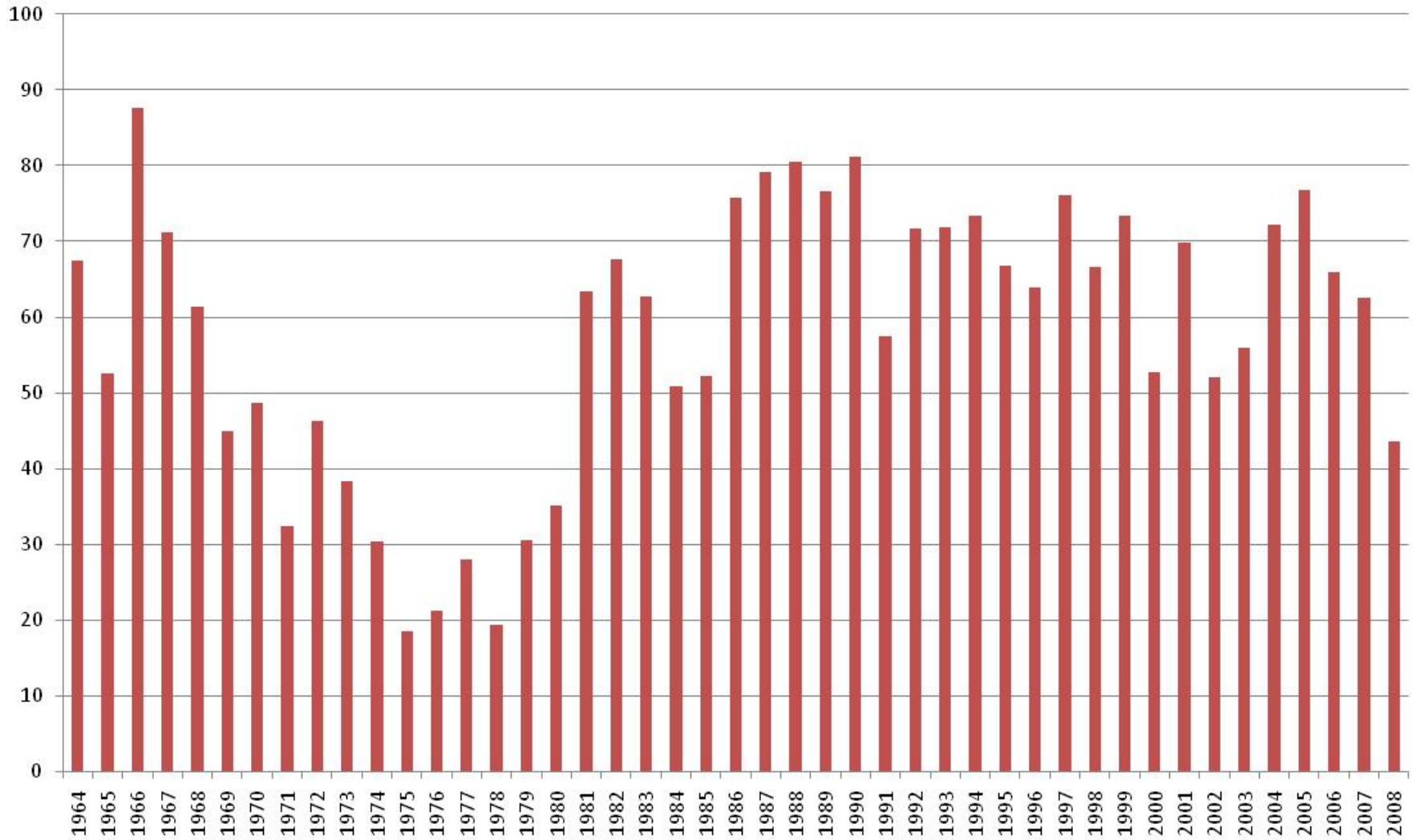
- Larger harvests in Chitina Subdistrict than in Glennallen Subdistrict

Figure 13. Chitina Subdistrict: Average Number of Salmon Harvested per Dip Net Permit (state and federal), 1961 - 2009



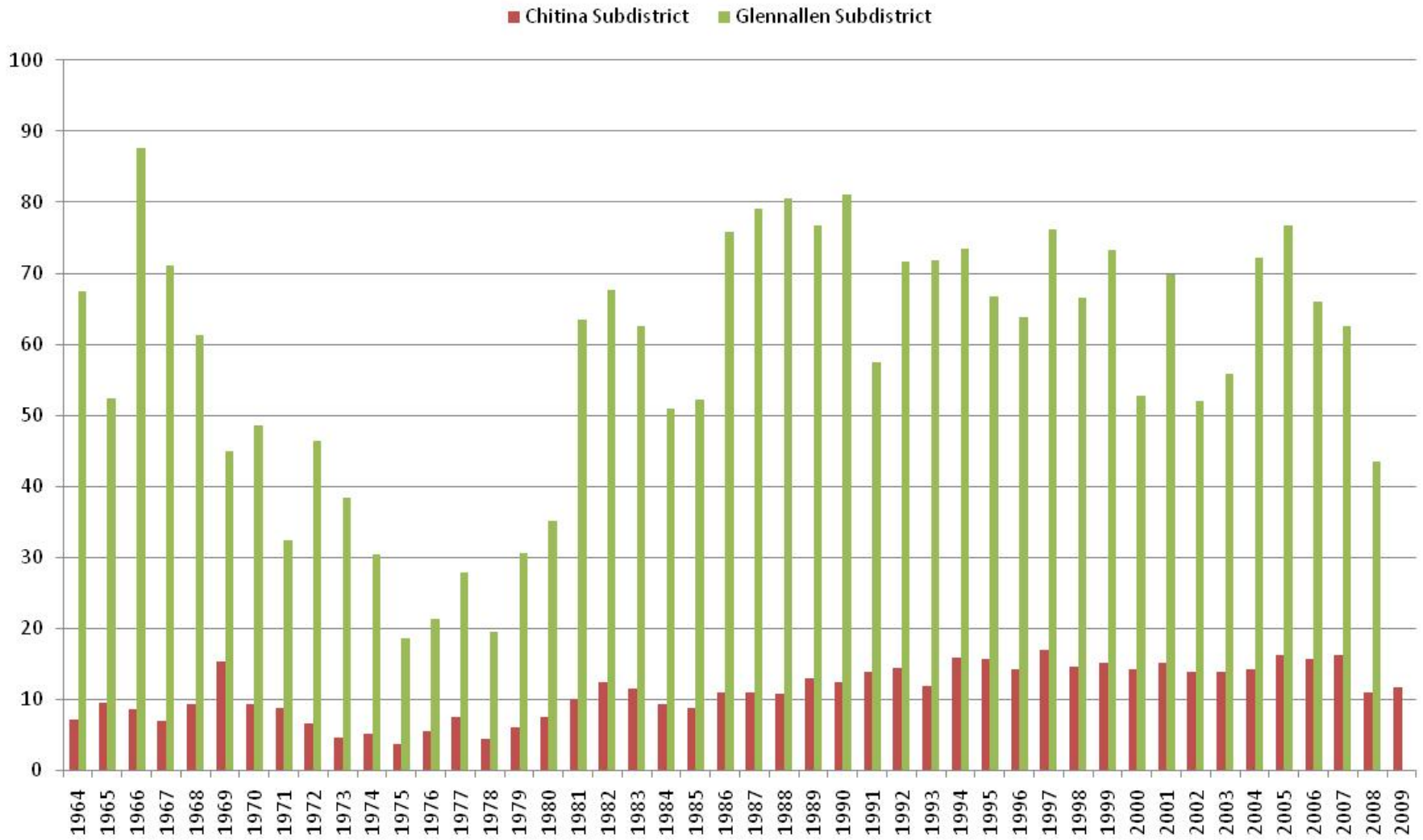
■ Ten-year average (1999–2008) = 14 salmon per permit²⁰

Figure 16. Glennallen Subdistrict: Average Number of Salmon Harvested per Permit, 1964 - 2008



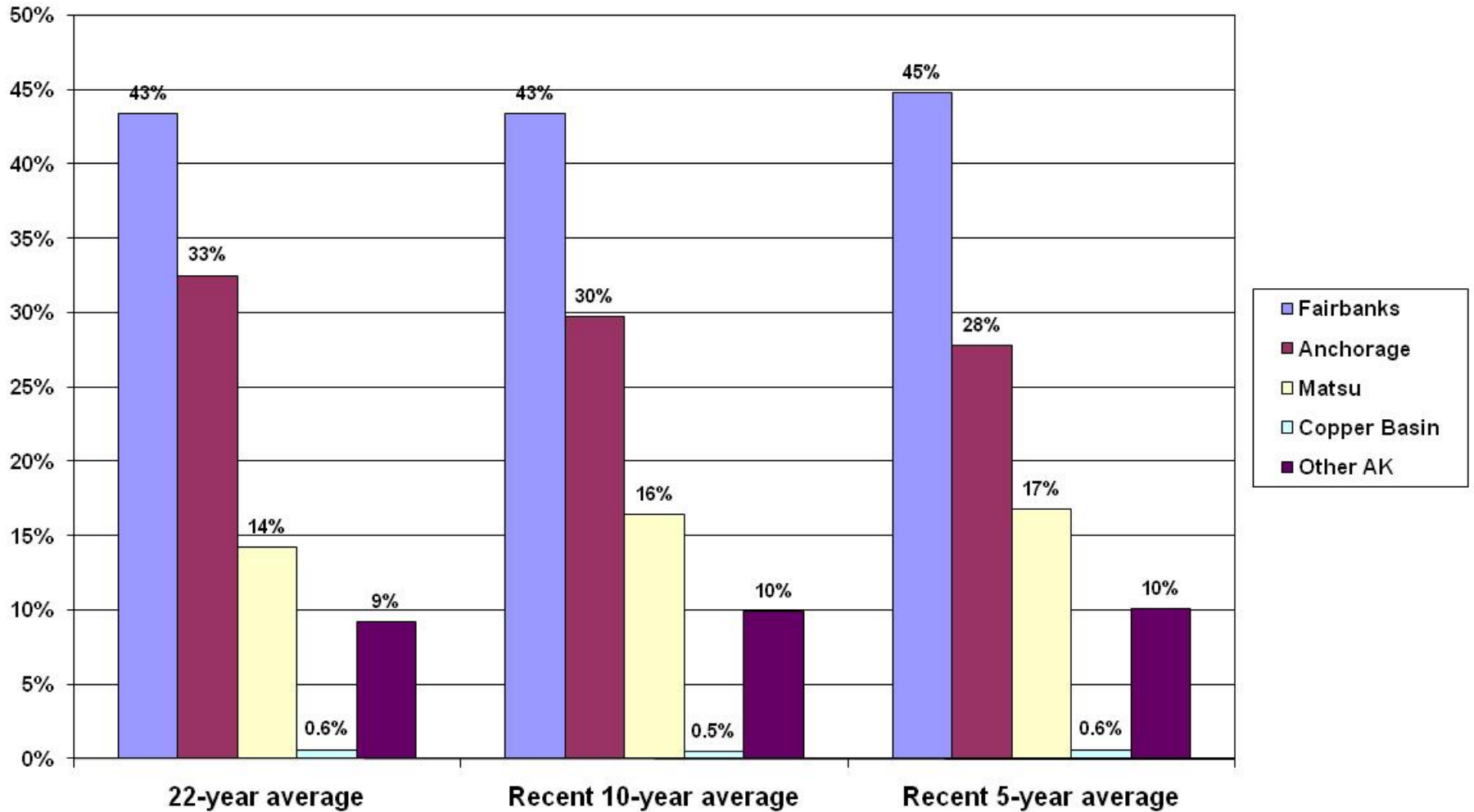
■ Ten year average (1999–2008) = 60 salmon per permit

Figure 19. Average Number of Salmon Harvested per Permit, Chitina and Glennallen Subdistricts, 1964 to 2009



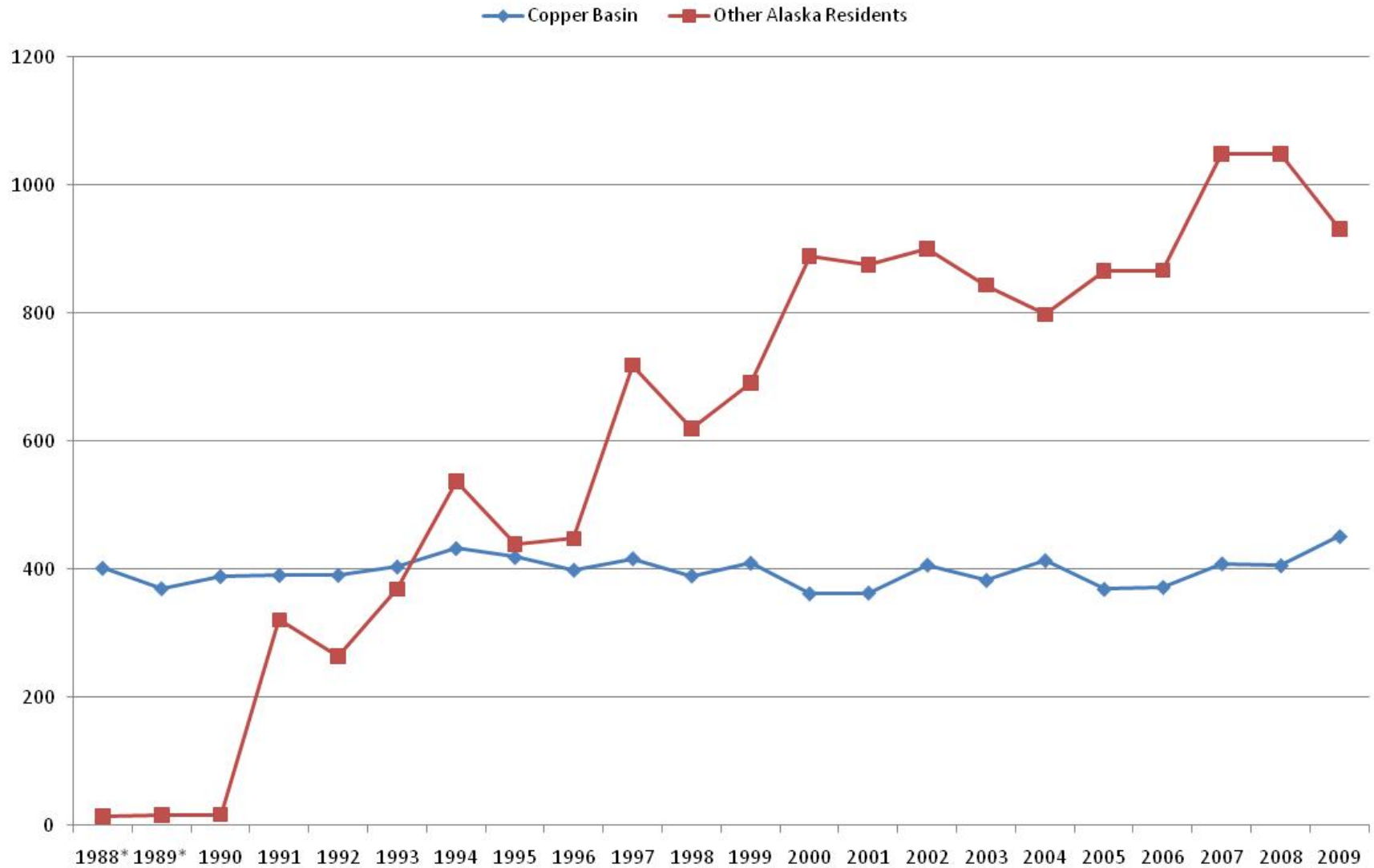
- Average harvests per permit higher in Glennallen Subdistrict

Figure 22. Percentage of Permit Holders by Area of Residence, Chitina Subdistrict State Dip Net Fishery, 1988 - 2009



- Consistent 22-year pattern of residency of permit holders

Figure 24. Number of Permits Issued to Copper Basin Residents and Other Alaska Residents, Glennallen Subdistrict, 1988 - 2009



■ Local participation stable; nonlocal growing

Available information

- Revised C&T worksheet.
 - Based on worksheet prepared for 2003 meeting (RC 9).
 - Worksheet based on permit data and ADF&G studies (1982, 2000).
 - Added comparative subsistence and personal use fishery permit data.
- Slide presentation for C&T review (RC 11).

Considerations

- The BOF has reviewed the C&T status of the salmon stocks of the Chitina Subdistrict , or the availability of new information, 8 times.
 - 1984, 1986, 1992, 1996, 1999, 2003, 2005, 2008.

Considerations, continued

- In 7 of the 8 previous considerations, the BOF has determined that the salmon stocks of the Chitina Subdistrict do not support customary and traditional uses (3 deliberations), or that no new information was available to warrant a review (4 determinations).
- One deliberation resulted in a positive C&T finding.

Considerations, continued

- The Alaska Superior Court has directed the BOF to reexamine its 2003 finding in light a new definition of “subsistence way of life” and any new information provided at the March 2010 meeting.
- Proposal 200 offers a definition of “subsistence way of life”.

Considerations, continued

- Department permit data suggest that the use patterns of the Chitina Subdistrict salmon stocks have not changed significantly since the last BOF reviews in 2003, 2005, and 2008.

Considerations, continued

- Staff reports provided to the BOF in 2003, 2005, and 2008 are accurate descriptions of these use patterns.
 - We have updated data in the written report, and added some comparative data that may assist the BOF in its evaluation of Criterion 8 and Criterion 1.

Proposal 201 - Summary

- The proposal would
 - Establish a positive customary and traditional (C&T) use determination for the salmon stocks of the Chitina Subdistrict,
 - Change the classification of the Chitina Subdistrict dip net fishery from a personal use fishery to a subsistence fishery, and
 - Establish an amount reasonably necessary for subsistence for the fishery.

Proposal 201 summary, continued

- Department Recommendation: Neutral
 - Review available information and make a C&T finding by applying 5 AAC 99.010 (the 8 criteria).
 - If the finding is positive, make an ANS determination and make appropriate regulatory changes to manage the fishery as a subsistence fishery.