

On Time Public Comment List Arctic-Yukon-Kuskokwim Region Meeting

Brian West PC 1

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United States Department of the Interior PC 8

Native Village of Nunapitchuk PC 9



Proposal 95. I am against this proposal. It is unclear how this would affect someone who cleans a fish and dumps the carcass in a water body. Would it then be considered chumming if that person or a member of his party continued to fish? If this proposal was limited to guides or persons utilizing a guide I would not be opposed.

Proposal 111. I am against this proposal. There appears to be no shortage of fish in the Eek River. There is no biological reason to eliminate sport fishing. The proposer may not participate in sport fishing, however, that is not a valid reason to deny that right to others.

Proposal 112. I am against this proposal. This proposal mixes two separate issues. Closing the river to sport fishing should only be done if biologically necessary. It is doubtful that the number of fish caught as a result of sport fishing is significant.

Proposal 113. I am against this proposal. The proposer is not opposed to sport fishing as long as the fish caught are kept and not released. The proposer implies that if all the fish caught by sport fishing are kept that this will cause salmon stocks to increase as opposed to catch and release fishing, this makes no sense.

Proposal 114. I am against this proposal. There appears to be a concerted effort to eliminate sport fishing in this region. However, fish belong to all residents of the state, and unless stocks are low there is no reason to eliminate sport fishing.

Proposal 215. I am for this proposal.

Proposal 224. I am against this proposal. Since the proposal states "one or more of the following means...", e-mail will become the only method used to announce emergency orders as it will be the easiest and least costly alternative. However, not everyone has access to a computer or smart phone, nor is there coverage throughout the state.

Proposal 228. I am for this proposal.

Proposal 233. I am against this proposal. The felt sole ban was enacted due to damage caused to stream beds and spawning habitat. Felt sole boots had not been in existence for long and seniors and handicapped individuals were able to fish before their introduction.

Proposal 235. I am against this proposal. This places an unnecessary burden on all fisherman in an attempt to catch those poaching fish. This proposal does nothing to stop that. If someone is willing to break the law when catching fish why would they fill out a form or provide truthful responses on that form? If poaching is a problem in an area individuals should request additional enforcement and provide information to authorities when appropriate.

Proposal 242. I am against this proposal. This proposal is poorly conceived. It attempts to rectify a problem created solely by a fisherman who buys poor gear. Under this proposal those fisherman who purchased low quality gear will now have an advantage over those who bought quality gear. This is because not only will their nets be deeper but the mesh size will be smaller. When the nets shrink they will lose some depth but as the mesh size will be reduced they will catch more fish when compared to a net of the same depth that does not shrink. Mesh size will be the critical variable for catching fish as opposed to depth of net for the few extra feet added. Furthermore, nothing prevents a fisherman from replacing the nets that have shrunk with those of a higher quality. This is strictly a self inflicted



problem which the Board should not have to remedy. Additionally, increasing the depth of net for all fisherman will increase the number of fish caught before they can pass to other areas of the state.

Proposal 243. I am against this proposal. The proposer states that lead in the environment can cause injury to wildlife. Lead is a naturally occurring mineral, would he have the state remove all naturally occurring lead also? Lead sinkers do not remain on the surface of stream beds and beaches when lost, they sink into the stream bed and beach gravel out of the reach of waterfowl.

~~St~~

Submitted By Brian West
1000 OCEANVIEW DR
ANCH AK 99515



Comments on BOF Proposals 240 and 241, AYK Finfish, 2012-2013

Summary: reject both BOF Proposal 240 and 241 as written.

Proponent: I, David Daum, have been a fishery biologist in Interior Alaska for over 30 years. I have just retired from the U.S. Fish and Wildlife Service this September. The call for comments on the 2012/2013 BOF proposals has allowed me to give my perspective on the state of the Yukon River Chinook salmon stock to the BOF. I hope you will read my full comments and take them seriously.

Background: Yukon River Chinook Salmon (YRCS) are in trouble. For 15 years the YRCS stock has been depressed. The total run sizes entering the river in recent years are equal to or smaller than the historic annual harvest for most years before 1998. There is wide recognition among Yukon River managers and scientists that the size and age of YRCS have declined. The reduction in size and age, and a decline in female spawning percentages have caused a severe erosion of spawning quality. Less and less eggs are making it to the spawning grounds. The continuing decline in fish size is an indication of genetic change (as noted by Ricker 1972, 1980, 1981; and many others) from years of unrestricted large-mesh gill net fisheries coupled with other factors, such as, high mortality rates among *Ichthyophonus*-infected old aged females (Kocan et al. 2004; Zuray et al. 2012). The historic fishery, targeting the largest fish, has virtually eliminated the larger size classes from the present stock. The effects of selective harvest by freshwater Chinook salmon fisheries have been noted for over 100 years (Rutter 1904). This genetic damage can only be reversed by allowing the stock to recover without fishing pressure applied to it. As Conover et al. (2009) pointed out; this can take many generations to reverse.

Without an acceptance of this dire situation, the needed efforts to rebuild the genetic integrity of YRCS will not come to fruition. Every female Chinook salmon entering the Yukon River needs to be protected and allowed to spawn. The in-river bycatch of YRCS from other salmon-directed fisheries needs to stop. We are at a crossroads. Either we recognize the conservation restrictions needed to rebuild YRCS to their former health or we continue down our present path of allowing in-river mortality to suppress any stock recovery efforts. It is not an easy choice and in the history of collapsed fisheries, it has never been. But history has also shown us that collapsed fisheries can rebound. It takes time and recognition of the problem. Unlike other Chinook salmon fisheries in Alaska, the genetic size and age structure of YRCS have drastically changed. Blaming ocean conditions on this fact, as many have recently done, reduces our chances of successfully addressing these chronic structural problems with this stock. Everyone will have to make sacrifices, but the time is now. This can has been kicked down the road for way too long.

For the last couple years, Federal and State Managers have severely restricted the in-river harvest of YRCS. But other Yukon River salmon fisheries have been allowed to continue, with YRCS bycatch allowed to occur. For example, the 2012 commercial summer chum salmon fishery reported a bycatch of over 5,000 YRCS. The bycatch from subsistence salmon fishing is

unknown, but reports from some drift net fishermen indicated substantial catches of large-size YRCS during restricted small-mesh openings (2012 YRDFFA teleconferences). Commercial fish wheel operators (Y4-A and Y6) have been allowed to fish for chum salmon and return captured YRCS back to the river, without any understanding of the mortality associated with these releases. Now more proposals are in front of the BOF (#240 and #241) to allow more bycatch of YRCS to occur without understanding the mortality associated with these additional methods. If we are serious about trying to recover the YRCS run to its former abundance and age structure, these fisheries should not be allowed to become established without first understanding what effect they will have on mortality. Fishing methods need to be scientifically proven to have little effect on YRCS mortality before they are allowed to continue. The challenge for fish managers is figuring out methods that allow the harvest of summer chum salmon during times of abundance while not impacting YRCS. Fisheries that release non-targeted Chinook salmon back into the river are no guarantee of spawning success. These fish are in serious trouble, and only by first recognizing that fact will YRCS have a chance of returning to their former abundance and health.

Proposal 240: This proposal, if accepted, would allow the use of dip nets and beach seines throughout Y1-3 to commercially harvest chum salmon during the summer season. All Chinook salmon would be released back into the river. There is no mention of the description of specific gear allowed, size and length of nets, net mesh size, net material, weighted nets, shore-based or in-river capture, release methods, etc. All these specifics can have severe impacts on the survivorship of released Chinook salmon. Without studies to address these potential sources of mortality, both immediate and delayed, we may be doing more harm than good in efforts to recover the YRCS stock. The driving force here appears to be increasing the harvest of summer chum salmon for commercial purposes. But what is the cost to captured Chinook salmon? No one knows. More and more proposals are being presented to the BOF for consideration concerning new commercial capture methods for chum salmon. We need to step back and come up with a detailed, scientifically-defendable plan before more and more of these untested (unknown Chinook mortality) methods become written into regulation. We easily could be further eroding the chances of future recovery of the YRCS stock by legitimizing these unproven methods. Given all the unknowns concerning direct and delayed mortality of released Chinook salmon, and the future studies needed to try and address these concerns, I offer a suggestion: find places in the river where Chinook salmon do not migrate and then focus efforts to increase summer chum harvest (during times of abundance) in these specific areas. If a fishery has any bycatch of Chinook salmon, the fishery would be immediately stopped. This would require an extensive monitoring program which should be paid for by the commercial fishing industry. The recovery of the YRCS stock should be the utmost priority in decisions that come in front of the Board. The litmus test should be: if a commercial fishing method kills or potentially kills YRCS, then it should not be authorized.

Proposal 241: This proposal, if accepted, would allow the use of fish wheels in Y4-A and Y6 to commercially harvest summer chum salmon while releasing all captured Chinook salmon back

into the river. There is no mention of any requirements for construction of “fish-friendly” fish wheels or the method of release, i.e., dip net, bucket, live chute, live box, trash can, etc. Studies have been done on the effects of fish wheel capture on Yukon River salmon (Underwood et al. 2004; Bromaghin et al. 2007). These studies concluded that: 1) there is a negative capture/handling effect from fish wheels; 2) up to a 5-fold decrease in capture probability of tagged salmon at distant upstream recapture locations; 3) fish wheel capture may be more harmful to fish than previously thought; 4) fish wheel construction and operation be done in a manner to minimize potential effects to salmon populations; and 5) develop alternatives to live box capture practices. Results from these studies brought to light the importance of developing “fish-friendly” fish wheel design and operation. A video system was developed (Daum 2005) and installed on all research fish wheels in the Yukon and Tanana rivers, allowing the immediate release of fish with no handling or holding. Besides the video system, a new fish wheel design was developed to make fish wheels “fish friendly” (Zuray 2011; www.rapidsresearch.com). The importance of “fish-friendly” fish wheel design and operation projects have been recognized and funded by Yukon River R&E Fund, U.S. Yukon River R&M Fund, ADF&G, U.S. Fish and Wildlife Service, and Federal Office of Subsistence Management. The support by these groups leads one to believe the importance resource managers and funding agencies place in proper fish wheel design and operation if captured fish are to be live released back into the river.

During the 2012 season, fish wheels equipped with live chutes were allowed to commercially operate in Y4-A and Y6. Captured Chinook salmon were released with no idea of the degree of post-release mortality. No requirements were made as to the construction of fish wheels, definition of “live chute”, or method of release. In all likelihood, most of these released fish never successfully spawned, especially in distant spawning grounds. To add some irony to the situation, the Yukon River Gold commercial fish wheel in Kaltag was designated a “green fishery” by Seafood International Magazine, while picturing in the magazine the wheel with a dead sheefish hanging from the webbing and a seven foot drop between the end of the chute and the raft logs below. During the 2012 season, fish managers justified the use of fish wheels to live-release Chinook salmon in Y4-A by saying that “even if mortality is high in released fish, very few Chinook salmon are captured in the area”; then proceeded to open up Y6 to live release even though Chinook salmon can be captured in high abundance in the area. We need to stop playing game and take our responsibility to recover the critically depleted Yukon River Chinook salmon stock seriously. If commercial fish wheels are allowed to live-release Chinook salmon, specific design and operation need to be spelled out in regulation. The blue print is available right now for building “fish friendly” wheels. If the expense is considered too great, then what is the price tag of a healthy Yukon River Chinook salmon stock? The commercial fishing industry should take some responsibility and provide funding for the proper construction and operation of “fish-friendly” fish wheels if they are allowed to continue live-releasing Chinook salmon.

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United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:
1.A.1(AKRO-SUB)



DEC 19 2012

Mr. Karl Johnstone, Chair
Alaska Board of Fisheries
ATTN: BOF COMMENTS
Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, Alaska 99811-5526

Dear Chairman Johnstone:

During your January 2013 meeting in Anchorage, you will be addressing proposed regulatory changes affecting the Arctic-Yukon-Kuskokwim (AYK) area. Within this area the National Park Service (NPS) is the land managing agency for Denali National Park and Preserve in the Kuskokwim drainage and the Yukon-Charley Rivers National Preserve in the Yukon River drainage. Both these NPS units are in the upper areas of their respective drainages.

We share with you the desire to implement a sound management strategy for the fishery resources within this area. The enclosed comments address proposals 95, 131, 142 and 143. These proposals, depending on action taken, could affect the fishery resources and the subsistence and sport users who utilize these resources on the aforementioned NPS units.

Conservation of the fishery resource is the primary objective of both federal and state regulators and managers. We, therefore, offer the comments on these proposals in the spirit of cooperation with the state regulatory process. We believe that through a cooperative state/federal regulatory and management process that emphasizes fishery conservation, that the fishery resources will be perpetuated for the use and enjoyment of all user groups for this and future generations.

Thank you for considering our comments. If you or your staff has questions, please contact Nancy Swanton, Subsistence Program Manager, at 644-3597.

Sincerely,

Sue E. Masica
Regional Director

Enclosures (1)

cc:
See Attached List



cc:

Cora Campbell, Commissioner, ADF&G

Pat Pourchot, Special Assistant to the Secretary for Alaska

Tim Towarak, Chair, Federal Subsistence Board

Monica Wellard, Executive Director, Board of Fisheries

Jeff Regnart, Director, Commercial Fisheries Division, ADF&G

Charles Swanton, Director, Division of Sport Fish, ADF&G

Hazel Nelson, Director, Division of Subsistence, ADF&G

Pete Probasco, Assistant Regional Director, Office of Subsistence Management

George Pappas, OSM Liaison to the Board of Fisheries

Debora Cooper, Associate Regional Director, NPS

Amy Craver, Cultural Resources and Subsistence Manager, Denali National Park and Preserve

Marcy Okada, Subsistence Ethnography Coordinator, Yukon Charley-Rivers National Preserve

Greg Dudgeon, Superintendent, Yukon-Charley Rivers National Preserve

Don Striker, Superintendent, Denali National Park and Preserve

Nancy Swanton, Subsistence Program Manager, NPS

Dave Mills, Subsistence Team Leader, NPS

Stephen Fried, Fisheries Division Chief, the Office of Subsistence Management



NATIONAL PARK SERVICE (NPS)

COMMENTS ON

ALASKA BOARD OF FISHERIES PROPOSALS

For The

ARCTIC-YUKON-KUSKOKWIM AREA

**State of Alaska
Board of Fisheries Meeting
January 15-20, 2013
Sheraton Hotel
Anchorage, Alaska**



United States Department of the Interior
NATIONAL PARK SERVICE
Alaska Region
240 West 5th Avenue,
Anchorage, Alaska 99501



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The following comments address the aforementioned proposals as they affect fishery resources in National Park Service (NPS) units in the Arctic-Yukon-Kuskokwim (AYK) area of Alaska and the subsistence and sport users who depend on those resources. In the Kuskokwim drainage residents of Nikolai and Telida are resident zone communities of that portion of Denali National Park and Preserve established by the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. Residents of these communities reside in the upper areas of the river and have customary and traditional use of salmon and all other freshwater fish except rainbow trout in the Kuskokwim River Area.

The Yukon-Charley Rivers National Preserve is more than 1,000 miles upstream from the mouth of the Yukon River. Although sparsely populated, the preserve supports Federal and State subsistence fisheries and also serves as a corridor for Chinook and fall chum salmon migrating into Canada. Residents of the area have customary and traditional use of all salmon species in the Yukon River drainage as well as other freshwater fishes.

Sport fishing also occurs in the waters within these NPS units in accordance with State and NPS regulations.

NPS Comments

Proposal 95: Prohibit placing or discarding fish parts in the freshwaters of the Kuskokwim-Goodnews Management Area where use of bait is prohibited while sport fishing. The intent of the proposal is to prohibit the practice commonly referred to as “chumming.”

Current State regulations:

5AAC 75.955. Definitions

(36) "bait" means any substance applied to fishing gear for the purpose of attracting fish by scent, including fish eggs in any form, natural or preserved animal, fish, fish oil, shellfish, or insect parts, natural or processed vegetable matter, and natural or synthetic chemicals;



5AAC 71.100. Seasons and bag, possession, and size limits for the Kuskokwim – Goodnews Area.
(d) In the Kuskokwim - Goodnews Area, the following special provisions to methods and means apply:

- (1) only unbaited, single-hook, artificial lures may be used in the*
 - (A) Aniak River drainage upstream of Doestock Creek;*
 - (B) Kisaralik River drainage, upstream of 60° 49.50' N. lat., 160° 55' W. long. (Akiak Village Lodge site);*
 - (C) Kwethluk River drainage, upstream of 60° 31.96' N. lat., 161° 05.47' W. long. (Pulamaneq (Pocahontas) Creek);*
 - (D) Kasigluk River drainage;*
 - (E) Kanektok River drainage;*
 - (F) Goodnews River drainage;*

Current Federal regulations:

50 CFR 100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations

- (a) Definitions. The following definitions apply to all regulations contained in this part: Bait means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.*

50 CFR 100.27 Subsistence taking of fish:

- (b) Methods, means, and general restrictions. (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by regulations in this section), you may use the following legal types of gear for subsistence fishing:*
 - .ix) A rod and reel*

A National Park Service regulation prohibiting “chumming” is applicable in all NPS waters to include the waters of Denali National Park and Preserve:

36 CFR 2.3(d) (3) The following are prohibited:

- (3) Chumming or placing preserved or fresh fish eggs, fish roe, food, fish parts, chemicals, or other foreign substances in fresh waters for the purpose of feeding or attracting fish in order that they may be taken.*

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No

Impacts to NPS qualified subsistence users/fishery resources: None. As noted, NPS regulation already prohibits “chumming” in the aforementioned NPS Conservation Unit. This regulation supersedes State regulation and applies to all users of the fishery resources in NPS waters, i.e. Federal subsistence, State subsistence and State sport.

NPS Position/Recommended Action: No position on the main proposal. Subsistence users customarily return inedible parts of fish to the water in which they were harvested. Adoption of this proposal would not affect this ongoing practice. Similarly, sport fishers/fisheries are already prohibited from “chumming” in NPS waters under the referenced NPS regulation and adoption of this proposal would not alter current practices which prohibit chumming.

The intent of this proposal is to render the practice of “chumming” an unlawful activity in selected State sport fisheries where the use of bait is unlawful. If the Board agrees with this intent, we would be supportive of a modified proposal that would align with the National Park Service regulation (36 CFR 2.3(d) (3) referenced above.

Proposal 131 requests that “pulse protection” be incorporated into the **Yukon River King Salmon Management Plan**. The proponent (Yukon River Stakeholder Group through the Yukon River Drainage Fisheries Association) submitted the following draft language:

(underlined text represents additions to the current language)

5 AAC 05.360 (a) The objective of this plan is to provide the department with guidelines to manage for the sustained yield of Yukon River king salmon. The goal of this plan is to ensure that adequate escapements, both in numbers and quality, are maintained on the spawning grounds to facilitate rebuilding of the run to historical levels. The department will manage for quality of escapement that provides for full representation of the genetic and phenotypic characteristics of the stock and shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.

5 AAC 05.360 (XX). Pulse protection.

(1) The Yukon River king salmon run usually enters the river in three distinctive pulses of fish. Management of the first pulse of the king salmon run will be based on preseason projections. Management of the second and third pulses will be based on in-season run assessment data.

(2) The department will manage the first pulse of the king salmon run based on preseason run projections to not allow any harvest from the first pulse when the preseason projection of run size indicates that subsistence harvests will likely be restricted in one or more districts or sub-districts.

(3) Based on the in-season run assessment, the department will restrict harvest opportunities on the second and third pulses of Yukon River king salmon, as necessary, to provide for escapements and international treaty obligations;

(4) The department shall distribute reductions in subsistence harvest opportunities equitably among users.

Current State Regulations

5 AAC 05.360. Yukon River King Salmon Management Plan

⊕ (a) *The objective of this management plan is to provide the department with guidelines to manage for the sustained yield of Yukon River king salmon. The department shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.*

(b) The department shall manage commercial fishing as follows:

(1) the department may open a directed commercial king salmon fishery when increases in subsistence or test fishery net catches of king salmon have occurred over a seven to ten day period;

(2) the department shall manage the Yukon River commercial king salmon fishery for a guideline harvest range of 67,350 - 129,150 king salmon, distributed as follows:

(A) Districts 1 and 2: 60,000 - 120,000 king salmon;

(B) District 3: 1,800 - 2,200 king salmon;

(C) District 4: 2,250 - 2,850 king salmon;

(D) District 5:

(i) Subdistrict 5-B and 5-C: 2,400 - 2,800 king salmon;

(ii) Subdistrict 5-D: 300 - 500 king salmon; and

(E) District 6: 600 - 800 king salmon;

(3) when the projected king salmon harvest range for Districts 1 - 6 combined is below the low end harvest level from zero to 67,350 fish, the department shall allocate the commercial harvest available by percentage for each district as follows:

(A) Districts 1 and 2: 89.1 percent;

(B) District 3: 2.7 percent;

(C) District 4: 3.3 percent;

(D) Subdistricts 5-B and 5-C: 3.6 percent;

(E) Subdistrict 5-D: 0.4 percent; and

(F) District 6: 0.9 percent.

(c) A person may not sell king salmon roe taken in Subdistrict 4-A.

(d) The subsistence fishery in the Yukon River drainage will be based on a schedule to be implemented chronologically, consistent with migratory timing as the king salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence fishing in the Yukon River drainage will be established by emergency order as follows:

(1) Coastal District, Koyukuk River, Innoko River, and Subdistrict 5-D: seven days per week;

(2) Districts 1 - 3: two 36-hour fishing periods per week;

(3) District 4, and Subdistricts 5-B and 5-C: two 48-hour fishing periods per week;

(4) Subdistrict 5-A, and District 6: two 42-hour fishing periods per week; and

(5) Old Minto Area: five days per week.

(e) If inseason run strength indicates a sufficient abundance of king salmon to allow a commercial fishery, subsistence fishing shall revert to the fishing periods as specified in 5 AAC 01.210(c) - (h).

(f) The sport fishery in the Yukon River drainage will be managed to coordinate with the commercial and subsistence fisheries. Sport fishing restrictions necessary for conservation purposes will corresponded to the level of abundance of king salmon.

(g) In Subdistrict 4-A, during times when the commissioner determines that it is necessary for the conservation of chum salmon, the commissioner may, by emergency order, close the commercial fish wheel fishing season and immediately reopen the season during which set gillnet gear may be used instead of a fish wheel.

(h) If preseason or inseason run assessment information indicates insufficient abundance of king salmon to meet escapement objectives on specific components of the run, the commissioner may, by emergency order, close all salmon fishing in a district or portion of a district.

(i) If king salmon subsistence fishing is restricted in more than one district or portion of a district, the commissioner may, by emergency order, close a fishery and immediately reopen a fishery during which king salmon may be retained but not sold.

5 AAC 01.210. Fishing seasons and periods

(a) *Unless restricted in this section, or in 5 AAC [01.220](#) - 5 AAC [01.249](#), salmon may be taken in the Yukon-Northern Area at any time.*

(b) *When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that preseason or inseason run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follows:*

(1) *Coastal District, Koyukuk River, Kantishna River, and Subdistrict 5-D: seven days per week;*

(2) *Districts 1 - 3: two 36-hour fishing periods per week;*

(3) *District 4, and Subdistricts 5-A, 5-B, and 5-C: two 48-hour fishing periods per week;*

(4) *District 6: two 42-hour fishing periods per week; and*

(5) *Old Minto Area: five days per week.*

(c) *When there are commercial salmon fishing periods, in the following locations, in addition to subsistence fishing periods opened by emergency order, salmon may be taken for subsistence during commercial salmon fishing periods, except that salmon may not be taken for subsistence during the 24 hours immediately before the opening of the commercial salmon fishing season:*

(1) *District 4, excluding the Koyukuk River drainage: in Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken for two 48-hour fishing periods per week, established by emergency order;*

(2) *District 5, excluding the Tozitna River drainage and Subdistrict 5-D;*

(3) *District 6, except*

(A) *the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River;*

(B) *in Old Minto Area, salmon may be taken from 6:00 p.m. Friday until 6:00 p.m. Wednesday.*

(d) *During the commercial salmon fishing season when the department announces a commercial fishing closure that will last longer than five days, salmon may not be taken for subsistence during the following periods in the following districts:*

(1) *in District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday;*

(2) in District 5, excluding the Tozitna River drainage and Subdistrict 5-D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(e) In Districts 1, 2, and 3 and Subdistrict 4-A, excluding the Koyukuk and Innoko River drainages, salmon may not be taken for subsistence during the 24 hours immediately before the opening of the commercial salmon fishing season; and

(1) in Districts 1, 2, and 3,

(A) after the opening of the commercial salmon fishing season through July 15, salmon may not be taken for subsistence for 18 hours immediately before, during, and for 12 hours after each commercial salmon fishing period;

(B) after July 15, salmon may not be taken for subsistence for 12 hours immediately before, during, and for 12 hours after each commercial salmon fishing period;

(2) in Subdistrict 4-A after the opening of the commercial salmon fishing season, salmon may not be taken for subsistence for 12 hours immediately before, during, and for 12 hours after each commercial salmon fishing period.

(f) Notwithstanding (e) of this section, in Subdistrict 4-A, king salmon may be taken during the commercial fishing season with drift gillnet gear only, for two 48-hour fishing periods per week, established by emergency order.

(g) The commissioner may establish, by emergency order, additional subsistence salmon fishing periods in Subdistricts 4-B and 4-C and Districts 5 and 6 to compensate for any lost fishing opportunities due to reductions in commercial salmon fishing time.

(h) Except as provided in 5 AAC 01.225, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

Current Federal Regulations:

50 CFR 100.27 Subsistence Taking of Fish

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impact to NPS qualified subsistence users/fisheries: Yes. This proposal is designed to conserve Yukon River Chinook salmon throughout the Yukon River drainage. This conservation effort would affect Chinook salmon spawning in, rearing in and migrating through 106 river miles of Yukon-Charley Rivers National Preserve. It would also affect Federally qualified subsistence users fishing in these waters.

NPS Recommended Action: Support the proposal with modified language. The modified language (referenced above) was provided by the Yukon River Drainage Fisheries Association and supported by the Eastern, Western and Yukon-Kuskokwim Delta Regional Advisory Councils. The intent of the proposal is to provide additional direction to managers for the conservation of Yukon River Chinook salmon. The proposed regulation would manage the first pulse of Chinook salmon based on the pre-season run forecast and the remaining pulses based on inseason run assessment. The proposed modification of the Plan, coupled with the Plan's existing language, will ensure that first pulse will continue to be managed on the preseason forecast and *"the department shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.* [5 AAC 05.360 (a)].

Proposal 142: Requests that from an unspecified point downstream of Stevens Village upstream to Circle, there will be no closures to subsistence fishing from July 4 to 18. Fishing effort during this time would be directed at the first pulse of Chinook salmon.

Current State regulations:

5AAC 01.210. Fishing seasons and periods

(h) Except as provided in 5 AAC 01.225 and except as may be provided by the terms of subsistence fishing permit, there is no closed season on fish other than salmon.

Current Federal regulations:

50 CFR 100.27 Subsistence taking of fish:

e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No

Impact to NPS qualified subsistence users/fisheries: Yes. This proposal has both allocative and conservation components.

Yukon River Chinook salmon are at very low levels of abundance. The harvest strategy for this species is based on abundance with conservation the first management priority followed by subsistence uses. The best science available is used to determine the duration and location of fishery openings. Given the recent history of the run, it is highly unlikely that sufficient Chinook salmon in excess of spawning escapement needs would be available to allow 12 consecutive days of fishing in the Yukon Flats area of District 5D. Chinook salmon available during this time period are generally from the first pulse destined for Canadian spawning grounds. Allowing a fishery of this duration could compromise the ability of Alaska managers to meet Canadian border passage goals as required by treaty.

Yukon Charley Rivers National Preserve is located upstream of Circle and abuts the U.S./Canadian border. Adoption of this proposal would reduce the numbers of Chinook salmon spawning and rearing in this Preserve's waters and would reduce the number of Chinook salmon available to both Federal and State subsistence users fishing these waters.

NPS Recommended Action: Oppose. Allowing 12-days of continuous fishing targeting the first pulse of Yukon River Chinook salmon in the Yukon Flats area without linking this fishing time to abundance is contrary to sound management practices. State and Federal managers are authorized to adjust fishing schedules as appropriate to conserve the resource and provide harvest opportunity with a priority for subsistence users. This management strategy should continue as it allows for resource conservation and the harvest of the resource to the extent practical.

Proposal 143. Remove restrictions to the time subsistence users may target fall chum salmon in Yukon River Districts 1, 2 and 3. Removing these restrictions would allow for continuous fishing.

Current State regulation:

5 AAC 01.210. Fishing seasons and periods

☞ (a) *Unless restricted in this section, or in 5 AAC 01.220 - 5 AAC 01.249, salmon may be taken in the Yukon Area at any time.*

(b) *When there are no commercial salmon fishing periods, the subsistence fishery in the Yukon River drainage will be based on a schedule implemented chronologically, consistent with migratory timing as the salmon run progresses upstream. The commissioner may alter fishing periods by emergency order, if the commissioner determines that pre-season or in-season run indicators indicate it is necessary for conservation purposes. The fishing periods for subsistence salmon fishing in the Yukon River drainage will be established by emergency order as follows:*

(1) *Coastal District, Koyukuk River, Kantishna River, and Subdistrict 5-D: seven days per week;*

(2) *Districts 1 - 3: two 36-hour fishing periods per week;*

5 AAC 01.249. Yukon River Drainage Fall Chum Salmon Management Plan

☞ *The objective of this management plan is to ensure adequate escapement of fall chum salmon into the Yukon River drainage and to provide management guidelines to the department. The department shall implement this plan from July 16 through December 31 each year, as follows:*

(1) *the department shall use the best available data, including pre-season projections, mainstem river sonar passage estimates, test fisheries indices, subsistence and commercial fishing reports,*

and fish passage estimates from escapement monitoring projects to assess the run size of chum salmon;

(2) when the projected run size is 300,000 chum salmon or less, the commissioner shall close, by emergency order, the

(A) commercial, sport, and personal use directed chum salmon fisheries; and

(B) subsistence directed chum salmon fisheries, except that if indicators suggest that an individual escapement goal in a subdistrict, district, or a portion of a subdistrict or district will be achieved, the commissioner may, by emergency order, open a subsistence directed chum salmon fishery in that subdistrict, district or portion of that subdistrict or district;

(3) when the projected run size is more than 300,000, but not more than 500,000 chum salmon, the

(A) targeted drainagewide minimum escapement goal is 300,000 chum salmon;

(B) commissioner shall, by emergency order, close the commercial, sport, and personal use directed chum salmon fisheries, except that if indicators suggest that an individual escapement goal and identified subsistence needs in a subdistrict, district, or portion of a subdistrict or district will be achieved, the commissioner may, by emergency order, open a sport or personal use fishery in that subdistrict, district, or portion of that subdistrict or district; and

(C) department shall manage the subsistence chum salmon directed fisheries to achieve the targeted drainagewide escapement goal;

(4) repealed 5/19/2010;

(5) when the projected run size is more than 500,000 chum salmon, the commissioner may, by emergency order, open and close, commercial fisheries drainagewide and manage the fisheries to achieve escapements within the established drainagewide escapement goal range of 300,000 - 600,000 chum salmon; the targeted harvest of the surplus will be distributed by district or subdistrict proportional to the guideline harvest range established in 5 AAC 05.365; the department shall distribute the harvest levels below the low end of the guideline harvest range by district or subdistrict proportional to the midpoint of the guideline harvest range;

(6) for management of the Toklat River salmon stocks, the Kantishna River and Subdistricts 5-A and 6-A fisheries will be managed to achieve the established spawning escapement goals and the following provisions will apply:

(A) from August 15 through May 15, the Toklat River drainage is closed to sport and subsistence fishing;

(B) in the Kantishna River, the following subsistence permit requirements will apply:

(i) from August 15 through December 31, the subsistence salmon harvest limit in the Kantishna River is 2,000 chum salmon;

(ii) from August 15 through December 31, the annual harvest limit for the holder of a Kantishna River subsistence salmon fishing permit is 450 chum salmon; until the fishery harvest limit of 2,000 chum salmon is reached, permits for additional salmon may be issued by the department;

(iii) based on an evaluation of inseason run strength indicators, the commissioner may, by emergency order, reopen the Kantishna River fall season chum salmon subsistence fishery and allow the fishery to exceed the 2,000 fall chum salmon harvest limit if indications are that the Toklat River fall chum salmon minimum escapement goals will be achieved; the commissioner will close that fishery when the commissioner determines that it is necessary for the conservation and protection of chum salmon.

Current Federal Regulation

50 CFR 100.27 Subsistence taking of fish:

e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(vi) In Districts 1, 2, 3, and Subdistrict 4A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the State commercial salmon fishing season.

(vii) In Districts 1, 2, and 3:

(A) After the opening of the State commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each State commercial salmon fishing period.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No

Impact to NPS qualified subsistence users/fisheries: Yes. If adopted, this proposal would provide continuous fishing for fall chum salmon in Districts 1-3. In years of low returns this could negatively affect the ability of Upper River subsistence users in Districts 4-6, to include those fishing in the waters of Yukon Charley Rivers National Preserve, to meet their subsistence needs. Further, continuous fishing in the lower river could negatively affect resource conservation as escapement goals may not be achieved in years of low fall chum salmon abundance.

NPS Recommended Action: Oppose. As noted, this proposal has allocative and conservation implications. The NPS is neutral regarding the allocative component of the proposal. Resource

conservation is the highest management priority. Adoption of this proposal could jeopardize that priority by managing fall chum salmon in the lower Yukon River based on fixed dates. This would be contrary to the principle of abundance based management which the State has incorporated into **Yukon River Drainage Fall Chum Salmon Management Plan** as referenced above. The NPS recommends that this fishery continued to be managed on abundance and run timing as is the current practice.





(907) 438-2312 PHONE
(907) 438-2512 FAX
P.O. Box 88
ST. MARY'S AK 99658

December 28, 2012

Board of Fisheries
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

Re: Resolution 12-15: Written Testimony on Proposals

To: The Honorable Members of the Board of Fisheries:

Enclosed, please find Resolution 12-15 which was unanimously approved by the Tribal Council for the Yupiit of Andreafski.

The Yupiit of Andreafski Tribal Council is the governing body for the Native Village of Andreafski, a federally recognized Alaska Native Tribe consisting of 300 members of the Yup'ik culture. We are located within the jurisdictional boundaries of the community of St. Mary's which has a population of about 600 and is 110 miles upriver from the Yukon River delta in the "Y2" fishing district.

Please accept the enclosed Resolution 12-15 which provides written testimony on proposals that would have an adverse effect on our tribal members, our community, and the Lower Yukon area. If you have any questions or need more information, please contact me at the above contact information or by email at yupiit.of.andreafski@gmail.com.

Sincerely,



Richard Alstrom
Tribal Administrator





PHONE (907) 438-2312
 FAX (907) 438-2512
 P.O. BOX 88
 ST. MARY'S AK 99658

RESOLUTION 12-15

PROVIDE WRITTEN TESTIMONY TO THE STATE OF ALASKA BOARD OF FISHERIES ON PROPOSALS THAT WOULD AFFECT THE TRADITIONAL SUBSISTENCE PRACTICES AND THE ECONOMY OF THE TRIBAL MEMBERS OF THE NATIVE VILLAGE OF ANDREAFSKI AND THE LOWER YUKON REGION.

Whereas, the Yupiit of Andreafski is the governing body of the Native Village of Andreafski, a federally recognized tribe consisting of approximately 300 members of the Yup'ik Eskimo culture, a majority of whom live in the fishing community of St. Mary's, Alaska located on the Lower Yukon, and

Whereas, the survival of our culture and economy has, for generations, depended on the subsistence and commercial harvest of the migrating salmon, particularly the King Salmon (Chinook) and Chum Salmon, and

Whereas, the poor returns of King Salmon and the resulting management of the salmon runs by the State of Alaska's Fish and Game Department has devastated the Lower Yukon region's economy and caused many of our tribal members undue hardships, and

Whereas, the Board of Fish continues to receive proposals that aim to place a majority of the burden of "conservation" measures on the Lower Yukon Region which will continue to destroy our subsistence and commercial fisheries causing even further undue hardships and burdens, so

Therefore be it resolved, that the Tribal Council for the Yupiit of Andreafski, by this resolution, do hereby submit our written testimony on behalf of our tribal members regarding the following Yukon River proposals submitted to the Board of Fish:

Proposals Relating to Management Plans and Amounts Necessary for Subsistence

- **Proposal 130** – Review amounts reasonably necessary for subsistence (ANS) salmon in Yukon-Northern Area. – **OPPOSE**. Fishing timing and gear restrictions placed on commercial and subsistence fisheries have severely affected many families in their ability to harvest salmon to meet their subsistence needs in the Lower Yukon. The amounts are still within the currently established range. More information is needed.
- **Proposal 131** – Require pulse protection in the King Salmon Management Plan. – **OPPOSE**. This type of management has caused significant hardships in our region especially when trying to meet our subsistence needs. Under the "Who is likely to suffer" section of this proposal, it states that "some subsistence harvesters who prefer the weather in June for drying fish". The drier weather in June is not a "preference". It is a necessity to prevent or minimize spoilage and waste of salmon. We don't have the drier interior weather all summer as the author of this proposal seems to not understand. When July



comes, the weather is cooler and wetter making it very difficult to dry fish. Also, July is when the flies are laying their eggs. Management based on pre-season projections and in-season runs using the Pilot Station sonar have worked satisfactorily as they have, for the most part, allowed us to meet our subsistence needs during the month of June.

- **Proposal 132** – Prohibit sale of king salmon unless there is a directed king salmon commercial fishery. – **OPPOSE**. We continue to see this as an unnecessary practice.
- **Proposal 133** – Allow for a directed chum salmon fishery in districts 1, 2, and 3 during times of king salmon conservation efforts using 5 ½ inch or smaller mesh size. – **OPPOSE**. Reducing chum gear to less than 6 inches will result in an increase in catching more females. The people in the Lower Yukon have just gone through the costly restrictions of converting to 7 ½ inch gear.
- **Proposal 134** – Require 6-inch or smaller mesh gillnets, with a maximum depth of 30 meshes, during June to July in District 1 if king salmon are a stock of concern and revert back if king salmon are no longer a stock of concern. – **OPPOSE**. This will cause hardships for those of us who fish further up the river in District 1 since the channel is deeper. Again, going through gear changes every year has a significant impact on both the subsistence and commercial economy of our region.
- **Proposal 135** – Allow for a commercial summer chum salmon fishery with 6 inch or smaller mesh size in District 1, beginning July 1, and allow for additional fisheries upriver chronologically during times of conservation of king salmon. – **OPPOSE**. We feel that this proposal has the potential of eliminating fisheries in the Y2 District which would have a serious impact on our economy.
- **Proposal 136** – Cap bycatch of king salmon in the summer chum fishery in districts 1 and 2 at 2,000 fish. – **OPPOSE**. There is no reason to put caps when ADF&G can already provide in season estimates and projections of the king salmon escapement based on the Pilot Station sonar count. This proposal unfairly targets the Lower Yukon River.
- **Proposal 137** – Develop an optimum escapement or inriver goal for the summer chum salmon stock that originates above Pilot Station. – **OPPOSE**. The current system seems to be working.
- **Proposal 138** – Reduce fall chum salmon management plan trigger point from 500,000 to 400,000. – **OPPOSE**. We feel that the current plan works.

Proposals Relating to Subsistence Fishing

- **Proposal 139** – Align subsistence regulations in Districts 1 -3 with concurrent management practices, adjusting closures around commercial fishing periods, and allowing concurrent subsistence and commercial fishing by emergency order. – **OPPOSE**. We continue to oppose concurrent openings of subsistence and commercial fishing because of the history of abuse where subsistence fishers give their catch to commercial fishers.
- **Proposal 140** – Revert back to windows only fishing schedule. **OPPOSE**. The rigidity of windows only fishing causes hardships because it is a “hit or miss” method. We need to fish on “when there is fish in the river” schedule or at least allow for some flexibility so we can meet our subsistence needs.
- **Proposal 141** – Allow for concurrent subsistence and commercial fishing periods in Districts 1 – 3. **OPPOSE**. Same reasons spelled out under Proposal 139 and 140.
- **Proposal 142** – Open District 5D from July 4 -18 for subsistence fishing. **OPPOSE**. This is an issue of fairness and shared sacrifice when conservation efforts are in place. Why restrict those of us in the lower Yukon from fishing only to have the fish harvested further up the river.



- **Proposal 143** – Remove restrictions during the subsistence fall chum season in Districts 1 – 3 of the Yukon Area. **NO ACTION.**
- **Proposal 144** – Restrict gillnets to 35 meshes in depth. **OPPOSE.** Again, we have just had restrictions imposed upon the lower Yukon on our nets. It has caused hardships and this will cause even further hardships in terms of our ability to afford new gear again and our ability to harvest salmon to meet our subsistence needs.
- **Proposal 145** – Restrict depth of subsistence and commercial nets in Districts 1 – 5 to 35 meshes. **OPPOSE.** Same as prop. 144
- **Proposal 146** – Allow only 6 inch stretched mesh gillnet gear. **OPPOSE.** Same as prop. 144.
- **Proposal 147** – Allow drift gillnets as legal gear in the subsistence fishery in District 4A upriver to the community of Ruby. **NEUTRAL.**
- **Proposal 148** – Extend subdistricts 4B and 4C drift gillnet area downstream from the mouth of the Yuki River for king salmon. **NEUTRAL.**
- **Proposal 149** – Create a harvest reporting system for subsistence taken salmon by requiring all subsistence users to utilize a catch calendar. **OPPOSE.** We don't see how this proposal addresses the problem of using subsistence caught salmon for commercial purposes.
- **Proposal 150** – Create a harvest reporting system for subsistence taken salmon by establishing a reporting methodology that provides accurate and timely information to ADF&G. **OPPOSE.** Escapement estimates at the Pilot Station sonar site already achieves this objective on the Lower Yukon. It may be suitable for upriver harvests since no real data is accurately collected between Pilot Station and the next sonar sight at Eagle.
- **Proposal 151** – Require primary use of subsistence caught king salmon for direct personal or family consumption as food. **SUPPORT.** Salmon, including king salmon, need to be prohibited for dog feed because most dogs today are used for recreational or sport purposes or, in the case of large dog kennel breeders in Alaska and Canada, commercial businesses, not subsistence.

Proposals Relating to Commercial Fishing

- **Proposal 152** – Open Acharon Channel to salmon fishing. **OPPOSE.** Issue of fairness in conservation efforts and commercial fishing opportunities.

Proposals Relating to Sports Fishing

- **Proposal 153** – Repeal the regulation that closes Fielding Lake to salmon fishing. **OPPOSE.**
- **Proposal 154** – Close the Black River and its tributaries to sport fishing for king salmon. **SUPPORT.**

Board Generated Proposals created during their October 2012 meeting

- **Proposal 240** – Allow gillnet permit holders to use beach seine gear and dipnets in Districts 1 – 3 during times of king salmon conservation. **OPPOSE.** Changing gear requirements every year is unfair, costly, and causes hardships.
- **Proposal 241** – Restrict gear to fish wheels only by emergency order during times of king salmon conservation. **OPPOSE.** Sharing in the sacrifice to conserve king salmon is necessary. Again, why restrict one area or method only to have another reap the benefits.

BE IT FURTHER RESOLVED, that The Yup'it of Andreafski urges the Board of Fisheries to reject the proposals we have opposed. We see no merit in proposals submitted by those groups who argue for greater restrictions in salmon harvests and fishing gear on the Lower Yukon in



the name of "conservation" and then propose that they be allowed more fishing opportunities. Targeting the Lower Yukon fishermen by further restrictions as the solution to solve the poor king salmon returns is a distraction to finding real solutions. Solutions such as the elimination of by-catch of Yukon salmon by industrial fishing fleets in the Bering Sea and enforcement that needs to be done throughout the Yukon River to protect the salmon. In addition, we urge the Board to require ADF&G to obtain scientific data from its own sources or from a source that does not have a personal conflict of interest in the outcome. We believe that shared sacrifice is necessary when trying to conserve salmon. Salmon is the Lower Yukon's primary food and economic resource and the Board of Fisheries must take this into consideration when considering these proposals.

Passed and Approved by unanimous vote of the Tribal Council for the Yupiit of Andreafski this 28th day of December, 2012.

By my signature I affirm that the above vote is true and correct.

Christopher Beans
Christopher Beans, Council Vice President

Attested by:

Darryl Sipary
Darryl Sipary, Council Secretary

Dec 27, 2012

BOF Support staff:

Attached are Written Comment
to be included in BOF
members materials for
15-20 2013
the January to be held in
meeting

An chorese.

Any questions should be
directed to me at
907-868-3118 (h) or
dmolynaux@gci.net

Thanks

Douglas B. Molyneux

Douglas B. Molyneux



Proposal 105 – 5AAC 07.365. Kuskokwim River Salmon Management Plan, update and clarify strategies:

The proposal is supported as amended below.

Staff from the Alaska Department of Fish and Game submitted Proposal 105 as a placeholder pending public input. A process for gathering and incorporating that public input was initiated by the Kuskokwim River Salmon Management Working Group (hereafter “Working Group”) following direction of the BOF after their October 9 Work Session in Anchorage. Attached is the final product of that initiative, which is presented as Proposal 105 amended.

The process to develop the amended Proposal 105 was led by Douglas Molyneaux, a retired Kuskokwim Area Research Biologist for the Commercial Fisheries Division of ADF&G (22 yrs). Guidance and input were provided primarily by a subcommittee consisting of 3 public members from the Working Group, 2 staff persons from ADF&G, and 2 staff from USFWS. The subcommittee met 4 times via teleconference (October 16 and 29, and November 28 and 29) and through numerous e-mail and telephone correspondences. During these meetings participants provide recommendations for changes to the draft management plan, and to discuss the evolving draft versions of the plan. These subcommittee meetings were typically attended by additional Working Group members and numerous other agency staff who all fully participated in discussions. Draft versions of the plan were also discussed with the Lower Kuskokwim Advisory Committee and attending public at their 2 November meeting in Bethel, with the council formally endorsing the process. The plan was discussed and well received with some middle Kuskokwim River communities via a representative from the subcommittee and/or staff from Kuskokwim Native Association. The alternative management plan was also discussed with the full Working Group on 3 November and 30 November, the latter being a review and formal endorsement of the final draft of the amended management plan.

The motivation for developing this revision to the Kuskokwim River Salmon Management Plan is concern over the impacts to subsistence fishermen that will result from ADF&G's intention to implement in 2013 a drainagewide escapement goal for Chinook salmon of 65,000 to 120,000 fish (Figure 1). This range is well below the historical average escapement of 150,000 fish, which is a rough proxy of the level of Chinook salmon abundance that has been available to subsistence fishermen fishing upstream of the commercial fishing district, and a level below which will impact their ability to effectively and efficiently meet their subsistence needs. Most comment centered on three areas:



1. Incorporating strategies and conservation measures that help to ensure final escapements will range within and throughout the escapement goal range;
2. incorporating provisions to help ensure reasonable subsistence opportunity, particularly for subsistence fisherman located upstream of Bethel;
3. and incorporating adaptive management flexibility to allow for commercial harvest opportunities for salmon when harvestable surpluses are available.

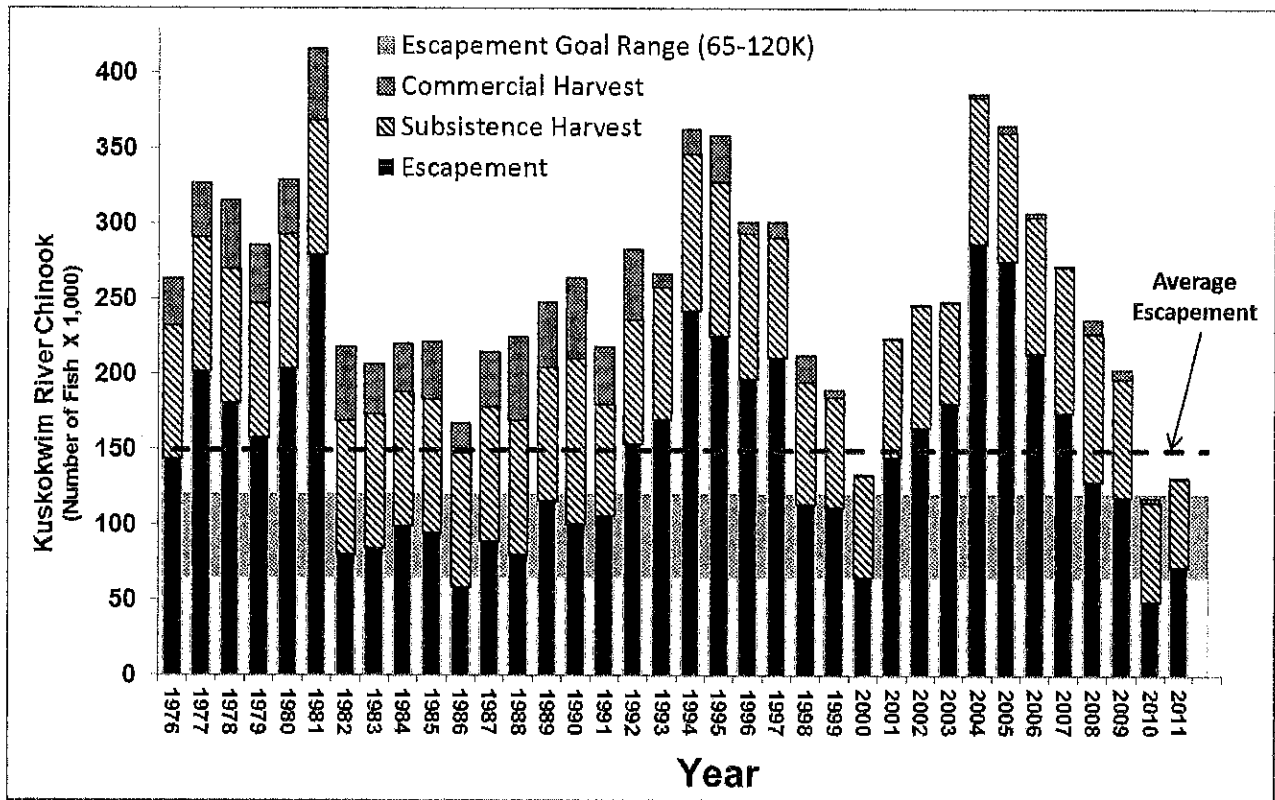


Figure 1. Estimated historical Chinook salmon run reconstruction for the Kuskowkim River, 1976-2011.

This final amendment to Proposal 105 should not be viewed as a consensus among all participants. The amended plan did receive broad general support, but positions of individuals on specific provisions did differ at times. The comment balloons along the right side of the amended plan (pages 3-8) provide some clarification about points of disagreement (red (gray) italicized font), as well as additional explanation of the intent of various changes (blue italicized font). A "clean" version of the plan is provided on pages 9-11, as may be of use to the Board.

SUBMITTED BY: Kuskowkim River Salmon Management Working Group



Amended Proposal 105 (showing changes and comments):

[Conventions:

- Black Font With No Underscore = original regulation narrative and changes described in Proposal 105.
- **Text in Bold and Underscore** = amended narrative suggested through collaboration of committee participants and other public and agency input.
- [TEXT IN BRACKETED ALL CAPS] to be deleted
- *Red Italicized Font: Areas of disagreement*

PROPOSAL 105 (amended) – 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Update and clarify *Kuskokwim River Salmon Rebuilding Management Plan* and strategies as follows:

5 AAC 07.365. Kuskokwim River Salmon Management Plan.

(a) The purpose of this management plan is to provide guidelines for [THE REBUILDING AND] management of the Kuskokwim River salmon fisheries that are expected to [WILL] result in the sustained yield of salmon stocks large enough to meet [THE] escapement goals, amounts necessary for subsistence [ANS], and for nonsubsistence fisheries. The department shall use the best available data, including preseason and inseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess run abundance for the purpose of implementing this plan. Furthermore, in acknowledging the limited accuracy of inseason tools, managers will use these inseason tools to actively target the mid-point of the escapement goal ranges knowing this strategy will result in a heightened probability for final escapements to be somewhere within the escapement goal range.

(b) It is the intent of the Board of Fisheries that the Kuskokwim River salmon stocks shall be managed [DURING JUNE AND JULY] in a conservative manner consistent with the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) to meet escapement goals and the subsistence priority.

(c) In the subsistence fishery, occurring within the Kuskokwim River drainage, including waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,

(1) the subsistence salmon net and fish wheel fisheries will be open seven [FOR FOUR CONSECUTIVE] days per week [IN JUNE AND JULY AS ANNOUNCED BY EMERGENCY ORDER]; however, the commissioner may alter fishing periods by emergency order, [CONSISTENT WITH MIGRATORY TIMING AS THE SALMON RUNS PROGRESS UPSTREAM.] based on run [STRENGTH] abundance, [AND] in order to achieve escapement goals.

(A) if the pre-season outlook for king salmon abundance is less than is required to achieve the mid-point of the drainage-wide escapement goal and the mid-point of ANS, then by emergency order the subsistence salmon fishery will be restricted beginning June 1 to a minimum of one subsistence fishing period per week, with no more than 7 days between fishing periods, until inseason tools allow for better resolution of actual run abundance; furthermore, to the degree practicable, weather should be considered in the

Comment [dbm1]:

•The term "ANS" is used when reference to an established number of fish is intended; i.e., as can be used when considering issues such as pre-season outlooks or inseason run projections (i.e., a "number of fish" needed beyond escapement).

•The term "reasonable subsistence opportunity" is used when the intent to reference management actions (time/area/and gear) to allow access for subsistence fishermen to harvest within the ANS range.

Comment [dbm2]: Language is consistent with Yukon Area management plans (5 AAC 05.360 (king), 05.362 (summer chum), 01.249 (fall chum), and 05.369 (coho)).

Comment [dbm3]:

•Intent is acknowledgment of limited accuracy of inseason management tools; i.e., if you want to hit somewhere within the target, then you should aim for the bulls eye (mid-point). If inseason run projections indicated final escapement will fall below the midpoint of the escapement goal range, then managers will be required to initiate corrective measures to improve the final projection such as reducing commercial fishing effort (fishing time and area), and if needed reducing subsistence effort (time, area, gear). Future year adjustments to the inseason target may be needed if it is found that the inseason "aim" tends to be consistently "low" or "high".

• *Disagreement on inseason management actions that target the "mid-point" of escapement goals in order to ultimately achieve final escapements that are distributed within and throughout the escapement goal ranges.*

Comment [dbm4]: *ADF&G/CF staff opposed to the use in this phrase of the mid-point concept in reference to ANS. But intent is to initiate some level of conservation action within the subsistence fishery, which is currently the primary king harvester, when pre-season outlook is for a weak king run. The mid-point concept is applied to provide some precautionary measure given the low reliability of pre-season outlooks.*



timing of subsistence openings to better assure reasonable conditions to harvest and process fish.

(2) during subsistence salmon fishing closures announced by emergency order, [OF THREE CONSECUTIVE DAYS PER WEEK IN JUNE AND JULY,] all salmon nets with a mesh size larger than four inches must be removed from the water, and fish wheels may not be operated unless:

(A) a fish wheel used to take fish is equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

(B) the live box of a fish wheel must be checked at least once every six hours while the fish wheel is in operation, and all salmon of the species specified by emergency order must be returned alive to the water.

(c) If the commissioner determines that king salmon abundance is projected to be inadequate to achieve the drainage-wide escapement goal and ANS, but that there is a harvestable surplus of salmon species other than king salmon sufficient to provide for escapement needs and a reasonable opportunity for subsistence, then the commissioner will, to the extent practicable, provide by emergency order a minimum of one subsistence fishing period per week with no more than 7 days between open periods and with gillnet mesh size restricted to 6 inches or smaller to allow for limited subsistence salmon harvest that target species other than king salmon;

In addition, these restrictions may be applied to the entire Kuskokwim River, consistent with migratory timing as the salmon runs progress upstream, or they may be applied to specific sections of the mainstem Kuskokwim River or individual tributaries in need for targeted measures to achieve escapement goals

[HOWEVER, THE COMMISSIONER MAY ALTER FISHING PERIODS BY EMERGENCY ORDER BASED ON RUN STRENGTH AND TO ACHIEVE ESCAPEMENT GOALS;]

(3) repealed. [AS THE SALMON RUN PROGRESSES UPSTREAM FROM DISTRICTS 1 - 2, AND FURTHER UPSTREAM, THE PROVISIONS OF (1) OF THIS SECTION WILL BE IMPLEMENTED IN THE MAINSTEM OF THE KUSKOKWIM RIVER AND SALMON SPAWNING TRIBUTARIES;]

(4) the commissioner may alter the subsistence hook and line bag and possession limits specified in 5 AAC 01.295 by emergency order if the commissioner determines that inseason [INDICATORS] information indicates it is necessary for conservation purposes.

(d) In the commercial fishery,

(1) guideline harvest levels are:

(A) 0-50,000 king salmon, and,

(B) 0-50,000 sockeye salmon;

(2) [ONLY THOSE WATERS OF DISTRICT 1 [DOWNSTREAM OF THE ADF&G REGULATORY MARKERS LOCATED AT BETHEL] MAY BE OPENED DURING THE FIRST COMMERCIAL SALMON FISHING PERIOD;]

Comment [dbm5]:

- Intent is to assure some minimum early season subsistence fishing opportunity even when the king run is expected to be low, and that managers attempt to time subsistence openings to conditions that minimize likelihood of spoilage / waste (NOTE: most subsistence caught salmon are processed via open air drying. Rainy conditions heighten likelihood of spoilage).
- Provision seeks to provide means to bolster escapements when king run is projected to be low, but recognizes limited accuracy of pre-season forecasts and early season tools for assessing run abundance. (NOTE: "better resolution" is expected to occur around 24 June.)
- Consistent with the "conservative manner" under (b) and the uncertainty provision of 5 AAC39.222 (Policy for the Management of Sustainable Salmon Fisheries).
- *Disagreement on allowing some minimum early-season subsistence opportunity, even with the omission of specified time and area details.*
- *Disagreement on provision to take weather into consideration, even with the phrase "to the degree practicable".*

Comment [dbm6]:

- Intent is to make more obvious provisions described in 5 AAC 01.270 (m)(2) for king salmon and 5 AAC 01.270 (n)(2) for chum salmon.
- *Disagreement on including fishwheel language in mgt. plan because it already appears elsewhere in regulation.*

Comment [dbm7]:

- Intent is to provide some minimum late-season subsistence fishing opportunity; if kings are the species of conservation concern, then allowing a means for subsistence opportunity on other salmon species through the use of gillnets with 6 inch or smaller mesh size.
- *Disagreement on allowing some minimum late-season subsistence opportunity intended to target species other than king salmon.*
- *Disagreement on including language about allowing 6 inch or smaller mesh size in mgt. plan because the option already appears elsewhere in regulation.*

Comment [dbm8]: Intent is to emphasize management flexibility to use area closures to target specific tributaries where low escapement is a concern while still allowing unrestricted or less restrictive subsistence opportunity elsewhere in the area.

Comment [dbm9]:

- Housekeeping: intent is to consolidate and make more obvious the guideline harvest levels currently in effect.



(3) if in inseason information indicates that run abundance is sufficient for escapement and amounts reasonably necessary for subsistence (ANS) the commissioner shall open and close the Kuskokwim River commercial salmon fishery by emergency order within the following constraints: [IF INSEASON INDICATORS OF RUN STRENGTH INDICATE A RUN STRENGTH THAT IS LARGE ENOUGH TO PROVIDE FOR A HARVESTABLE SURPLUS AND A REASONABLE OPPORTUNITY FOR SUBSISTENCE USES AND FOR NONSUBSISTENCE FISHERIES, THE SUBSISTENCE FISHING SHALL REVERT TO THE FISHING PERIODS AS SPECIFIED IN 5 AAC 01.260;]

(A) the first opening may not occur until after June 23 unless inseason tools clearly indicate that king salmon abundance levels are adequate to exceed the mid-point of the drainage-wide escapement goal and to exceed the mid-point of ANS;

(B) only those waters of Subdistrict 1-B may be opened during the first commercial fishing period unless inseason tools clearly indicate that king salmon abundance levels are adequate to exceed the mid-point of the drainage-wide escapement goal and to exceed the mid-point of ANS;

(C) 3 days (72 hours) must pass between the first Subdistrict 1-B (below Bethel) opening and the first Subdistrict 1-A (above Bethel) opening unless inseason tools clearly indicate that king salmon abundance levels are adequate to exceed the mid-point of the drainage-wide escapement goal and to exceed the mid-point of ANS;

(D) The department shall provide, to the extent practicable, at least 24 hours advance notice of the opening of Districts 1 and 2 to commercial fishing periods;

(E) Districts 1 and 2 commercial fishing periods are from [1:00] 12:00 p.m. (noon) through [7:00] 6:00 p.m.; when longer fishing periods are allowed, the extra time is to be divided before [1:00] 12:00 p.m. (noon) and after [7:00] 6:00 p.m.;

(F) And gillnet mesh size is not to exceed 6-inches.

[(4) THE DEPARTMENT SHALL PROVIDE, TO THE EXTENT PRACTICABLE, AT LEAST 24 HOURS ADVANCE NOTICE OF THE OPENING OF DISTRICTS 1 AND 2 TO COMMERCIAL FISHING PERIODS;]

[(5) DISTRICTS 1 AND 2 COMMERCIAL FISHING PERIODS ARE FROM 12:00 [1:00] P.M. THROUGH 6:00 [7:00] P.M.; WHEN LONGER FISHING PERIODS ARE ALLOWED, THE EXTRA TIME IS TO BE DIVIDED BEFORE 12:00 [1:00] P.M. AND AFTER 6:00 [7:00] P.M.;]

(6) [IN JUNE,] [AND UNTIL COHO SALMON RELATIVE ABUNDANCE EXCEEDS] when chum salmon relative abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on the chum salmon run [STRENGTH] abundance and within the constraints listed above; however,]

(A) if king salmon abundance is projected to be inadequate to achieve the drainage-wide escapement goal and ANS, and if the commissioner determines that there is a harvestable surplus of chum salmon sufficient to provide for escapement needs and a reasonable opportunity for subsistence, then the commissioner may, by emergency order, open a directed commercial chum salmon fishery and the department shall manage to the extent practicable, the commercial chum salmon fishery to harvest fewer than 1,000 king salmon for the season; furthermore,

Comment [dbm10]:

- Intent is to account for uncertainty with inseason assessment tools, especially early in the season.
- 22 June has been cited by ADF&G staff as the earliest date by which the BTF (Bethel Test Fishery) could be expected to reasonably project end-of-season escapement (average 50% king passage point in the BTF). These data become available for management consideration early on 23 June, which is the earliest date a decision could be made. Adding the required 24 hour notice, the earliest date for the first commercial fishing period is 24 June (average 59% passage point at BTF).
- Provides for management flexibility by allowing for earlier openings should ea ... [1]

Comment [dbm11]:

- Intent is to provide a safeguard for reasonable subsistence opportunity upstream of Bethel in terms of access to adequate salmon abundance that would provide a normally diligent participant with a reasonable expectation of successful fir ... [2]

Comment [dbm12]:

- Intent is to provide a safeguard for king salmon escapement and reasonable subsistence opportunity to harvest king salmon, as described above, by avoiding double harvesting on a block of fish. The provision aims mostly at allowing fish t ... [3]

Comment [dbm13]:

- Intent is to be consistent with the current Proposal 105; Location was moved to allow for adding preceding provisions.

Comment [dbm14]:

- Intent is to be consistent with the current Proposal 105; Location was moved to allow for adding preceding provisions.

Comment [dbm15]:

- Intent is to be consistent with Proposal 110 should the BOF adopt it (i.e., repeal of 5 AAC 07.331 (c);
... except that in district 1, the commissioner may open fishing periods during which the gillnet mesh size may be no greater than eight inches" recognizing; ... [4]

Comment [dbm16]:

- Added to emphasize constraints and to avoid potentially conflicting interpretation because chum salmon "relative abundance" typically exceeds king salmon relative abundance by mid-June simply because chum are far more abundant in the Kuskokwim River (average total run size around 1.8 l ... [5]

Comment [dbm17]:

- Intent is to provide management flexibility to allow for commercial chum fishing when kings are weak, but still cause negligible impact to overall king escapement.
- 1,000 King is <1% of smallest total Chinook run on record; effectively limits start of ... [6]



[(7) THE GUIDELINE HARVEST LEVEL FOR SOCKEYE SALMON IS 0-50,000 FISH (moved to under (1) or repeal)]

Comment [dbm18]: Housekeeping to consolidate listings of guideline harvest levels.

(8) [WHEN CHUM SALMON ABUNDANCE IS SUFFICIENT TO PROVIDE FOR ESCAPEMENT AND SUBSISTENCE NEEDS, AND] when coho salmon relative abundance exceeds chum salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on the strength of the coho salmon run; **however,**

(A) if chum salmon abundance is projected to be inadequate to achieve escapement goals and to provide for ANS, and if the commissioner determines that there is a harvestable surplus of coho salmon sufficient to provide for escapement needs and a reasonable opportunity for subsistence, then the commissioner may, by emergency order, open a directed commercial coho salmon fishery and the department shall manage to the extent practicable, the commercial coho salmon fishery to harvest fewer than 4,000 chum salmon for the season.

(9) **Repealed.** [WHEN THE CHUM SALMON RUN IS PROJECTED TO BE INADEQUATE TO MEET ESCAPEMENT AND SUBSISTENCE NEEDS, THE DEPARTMENT SHALL MANAGE THE COMMERCIAL COHO SALMON FISHERY TO MINIMIZE THE INCIDENTAL HARVEST OF CHUM SALMON AND TO PROVIDE FOR COHO SALMON ESCAPEMENT AND SUBSISTENCE NEEDS;]

(10) A person may not sell salmon roe taken in Districts 1 and 2.

(11) IF THE KING SALMON RUN IS PROJECTED TO BE INADEQUATE TO MEET ESCAPEMENT GOALS AND TO PROVIDE FOR A REASONABLE SUBSISTENCE OPPORTUNITY, AND IF THE COMMISSIONER DETERMINES THAT THERE IS A HARVESTABLE SURPLUS OF CHUM SALMON SUFFICIENT TO PROVIDE FOR ESCAPEMENT NEEDS AND A REASONABLE OPPORTUNITY FOR SUBSISTENCE, THE COMMISSIONER MAY, BY EMERGENCY ORDER, OPEN A DIRECTED CHUM SALMON FISHERY AND THE DEPARTMENT SHALL MANAGE TO THE EXTENT PRACTICAL, THE COMMERCIAL CHUM SALMON FISHERY TO MINIMIZE THE HARVEST OF KING SALMON.]

Comment [dbm19]:
• Intent is to allow for commercial coho fishing when chum are weak, but still cause negligible impact to overall chum escapement.
• 4,000 is approx. 1% of lowest year on record per Bue et al. 2008 estimates (FDS 08-64; 1988-2007); effectively limits start of commercial coho fishing to after 1 Aug (average 98% chum passage point in BT)
• Disagreement on specifying 4,000 chum as opposed to "negligible chum"

Comment [dbm20]: Changed language above from "provide for a reasonable subsistence opportunity" to "provide for ANS" because "reasonable opportunity" is a relatively vague concept and implies a provision of time rather than a provision of adequate numbers of fish. In contrast, ANS is a measurable number of fish that can be incorporated into management actions and considered in context to pre-season outlooks and inseason projections.

ISSUE: This proposal requests changes to the Kuskokwim River management plan to better reflect current management practices, and provide greater flexibility during periods of conservation need for salmon in order to meet escapement, provide for subsistence opportunity, and manage overlapping **runs of multiple salmon species.** The proposal would also allow for the opportunity to commercially harvest **king, chum, sockeye, and coho** salmon when abundance is beyond what is necessary for escapement and **ANS.**

In January 2001, the Alaska Board of Fisheries modified the *Kuskokwim River Salmon Rebuilding Management Plan* to provide guidelines for management of subsistence, commercial, and sport fisheries for Kuskokwim River salmon. Management of the Kuskokwim River salmon fishery is complex due to overlapping multi-species salmon runs, and concurrent subsistence and commercial fisheries. Salmon fishery management has been very conservative as demonstrated by closure of the commercial fishery unless king and chum salmon run strength are clearly adequate to provide for escapement and subsistence needs. The purpose of the management plan is to provide guidelines for management of the Kuskokwim River salmon fishery **that seek to**



provide sustained yield of salmon stocks large enough to meet escapement goals, **ANS**, and harvests for fisheries other than subsistence.

A pre-defined subsistence fishing schedule was established within the original plan, but is not necessary every year. If subsistence closures are established, the department needs flexibility in the duration of the closure and the ability to progressively implement such closures upstream as salmon migrate through the system.

Commercial fishing throughout most of the 2000s was limited by stock of concern designations for king and chum salmon, poor market conditions for chum salmon, limited processing capacity, and low effort. Market conditions for chum salmon have improved in recent years; however, the fishery is still limited by processing capacity and low effort. Given record king, chum, and sockeye salmon escapements observed from 2004 to 2006, large surpluses of these species were available for commercial harvest, but were underexploited given the conditions listed above. Returns of king salmon from these record escapements have produced poor returns in recent years. Measures taken to conserve king salmon have resulted in forgone commercial chum salmon harvest and these fish continue to be underexploited despite available harvestable surpluses beyond escapement and subsistence needs. Managing for overlapping salmon species based upon abundance, while minimizing the harvest of a less abundant species to the extent practical will benefit resource users.

WHAT WILL HAPPEN IF NOTHING IS DONE? The existing plan does not reflect current management practices and provides less flexibility in management of overlapping salmon runs than the proposed plan. More flexibility will ensure Kuskokwim River salmon runs are managed for sustained yield across all species.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? No, however, greater flexibility will allow managers, in collaboration with groups like the Kuskokwim River Salmon Management Working Group, to implement measures that are expected to provide sustainable yields of all species within the Kuskokwim River drainage.

WHO IS LIKELY TO BENEFIT? The long-term sustainability of the resource and both subsistence and commercial fishermen.

WHO IS LIKELY TO SUFFER? [NO ONE.] Subsistence fishermen and their families, particularly those who fish upstream of Bethel. The Bethel Test Fishery is the primary information source for inseason management decisions and is the basis for inseason projections to estimate total escapement. With a drainage wide goal as low as ADF&G is proposing, if ADF&G actively seeks to manage to those escapement levels, then they are very likely to allow commercial fishing to either target kings or to allow a more liberal incidental commercial harvest of kings. Given the current nature of the commercial fishery, most of the commercial effort will likely be “below” Bethel (W1-B). As a consequence, there will be low passage of kings upstream of Bethel, much lower than upstream subsistence fisherman have had available to them historically, so they will need to put much more effort into fishing in order to get their normal harvest of kings. The



historical average recruitment is 150,000 king salmon, which is a portion of the king abundance level available to subsistence fishermen upstream of Bethel. But the ADF&G assessment goal is only 65,000 king salmon, and assuming to be within that goal will result in much lower king salmon abundance upstream of Bethel than upstream subsistence fishermen typically have had available to them.

OTHER SOLUTIONS CONSIDERED? [NONE.] ADF&G Proposal 105, which was developed without input from outside ADF&G

PROPOSED BY: KRSMWG
.....



- Intent is to account for uncertainty with inseason assessment tools, especially early in the season.
- 22 June has been cited by ADF&G staff as the earliest date by which the BTF (Bethel Test Fishery) could be expected to reasonably project end-of-season escapement (average 50% king passage point in the BTF). These data become available for management consideration early on 23 June, which is the earliest date a decision could be made. Adding the required 24 hour notice, the earliest date for the first commercial fishing period is 24 June (average 59% passage point at BTF).
- Provides for management flexibility by allowing for earlier openings should early season tools clearly indicate a strong king run.

- Intent is to provide a safeguard for reasonable subsistence opportunity upstream of Bethel in terms of access to adequate salmon abundance that would provide a normally diligent participant with a reasonable expectation of successful harvest. The benchmark for "reasonable expectation" is collective harvest within ANS and obtained through a level of effort comparable to historical levels of effort.
- Accounts for uncertainty with inseason assessment tools, especially early in the season.
- Provides for management flexibility if abundance is exceptionally high and/or processor availability only allows a Subdistrict 1-A opening.

- Intent is to provide a safeguard for king salmon escapement and reasonable subsistence opportunity to harvest king salmon, as described above, by avoiding double harvesting on a block of fish. The provision aims mostly at allowing fish to pass out of statistical areas 335-12 and 335-13 (high effort areas near Bethel).
- If the first 1B opening is on 24 June (earliest date), then earliest 1A opening would be 27 June (king passage at BTF average 69%).
- Accounts for uncertainty with inseason assessment tools, especially early in the season.
- Provides for management flexibility if abundance is exceptionally high.

- Intent is to be consistent with Proposal 110 should the BOF adopt it (i.e., repeal of 5 AAC 07.331 (c):
"..., except that in district 1, the commissioner may open fishing periods during which the gillnet mesh size may be no greater than eight inches" recognizing:
 - 1) Regional move away 8-inch (Yukon)
 - 2) Competes with current subsistence harvest using 8-inch mesh, which targets discreet subset of king population.
 - 3) Adding commercial use of 8-inch on top of existing prevalence of 8-inch in the subsistence fishery results in disproportionately high exploitation of large kings (mix of males and females) and disproportionately low exploitation on small king (males); which skews escapement toward high ratio of males (esp. small males) to females, and long-term concerns about selective harvest as cause for kings getting smaller..
- **Disagreement on including language about mesh size not to exceed 6 inches in mgt. plan because it is a separate BOF proposal (Proposal 110).**



Added to emphasize constraints and to avoid potentially conflicting interpretation because chum salmon "relative abundance" typically exceeds king salmon relative abundance by mid-June simply because chum are far more abundant in the Kuskokwim River (average total run size around 1.8 million fish) than kings (average total run around 250,000 fish).

- Intent is to provide management flexibility to allow for commercial chum fishing when kings are weak, but still cause negligible impact to overall king escapement.
- 1,000 King is <1% of smallest total Chinook run on record; effectively limits start of commercial chum fishing to after 7 July (average 90% Chinook passage point in BTF).
- Opted against adding a provision to prohibit sale of incidental kings for 3 reasons:
 1. Incidental harvest occurs after most subsistence harvest is completed so fishers may not want the kings as is common in Yukon Y1. Requiring processor to distribute unwanted kings could be problematic.
 2. Allowing sale would provide better accounting of actual incidental king harvest.
 3. The prohibition of sale is still possible outside the mgt. plan if conditions and interest allow.
- ***Disagreement on specifying 1,000 kings as opposed to "negligible kings"***

Amended Proposal 105 (clean version):

PROPOSAL 105 – 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Update and clarify *Kuskokwim River Salmon Rebuilding Management Plan* and strategies as follows:

5 AAC 07.365. Kuskokwim River Salmon Management Plan.

- (a) The purpose of this management plan is to provide guidelines for management of the Kuskokwim River salmon fisheries that are expected to result in the sustained yield of salmon stocks large enough to meet escapement goals, amounts necessary for subsistence (ANS), and for nonsubsistence fisheries. The department shall use the best available data, including preseason and inseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess run abundance for the purpose of implementing this plan. Furthermore, in acknowledging the limited accuracy of inseason tools, managers will use these inseason tools to actively target the mid-point of the escapement goal ranges knowing this strategy will result in a heightened probability for final escapements to be somewhere within the escapement goal range.
- (b) It is the intent of the Board of Fisheries that the Kuskokwim River salmon stocks shall be managed in a conservative manner consistent with the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222) to meet escapement goals and the subsistence priority.
- (c) In the subsistence fishery, occurring within the Kuskokwim River drainage, including waters of the mainstem of the river and other salmon spawning tributaries, unless otherwise specified by the department,
 - (1) The subsistence salmon net and fish wheel fisheries will be open seven days per week; however, the commissioner may alter fishing periods by emergency order, based on run abundance, in order to achieve escapement goals.
 - (A) if the pre-season outlook for king salmon abundance is less than is required to achieve the mid-point of the drainage-wide escapement goal and the mid-point of ANS, then by emergency order the subsistence salmon fishery will be restricted beginning June 1 to a minimum of one subsistence fishing period per week, with no more than 7 days between fishing periods, until inseason tools allow for better resolution of actual run abundance; furthermore, to the degree practicable, weather should be considered in the timing of subsistence openings to better assure reasonable conditions to harvest and process fish.
 - (2) During subsistence salmon fishing closures announced by emergency order, all salmon nets with a mesh size larger than four inches must be removed from the water, and fish wheels may not be operated unless:
 - (A) A fish wheel used to take fish is equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;
 - (B) The live box of a fish wheel must be checked at least once every six hours while the fish wheel is in operation, and all salmon of the species specified by emergency order must be returned alive to the water.



- (3) If the commissioner determines that king salmon abundance is projected to be inadequate to achieve the drainage-wide escapement goal and ANS, but that there is a harvestable surplus of salmon species other than king salmon sufficient to provide for escapement needs and a reasonable opportunity for subsistence, then the commissioner will, to the extent practicable, provide by emergency order a minimum of one subsistence fishing period per week with no more than 7 days between open periods and with gillnet mesh size restricted to 6 inches or smaller to allow for limited subsistence salmon harvest on species other than king salmon.

In addition, these restrictions may be applied to the entire Kuskokwim River, consistent with migratory timing as the salmon runs progress upstream, or they may be applied to specific sections of the mainstem Kuskokwim River or individual tributaries in need for targeted measures to achieve escapement goals

- (3) Repealed.
 - (4) the commissioner may alter the subsistence hook and line bag and possession limits specified in 5 AAC 01.295 by emergency order if the commissioner determines that inseason information indicates it is necessary for conservation purposes.
- (d) In the commercial fishery,
- (1) Guideline harvest levels are:
 - (A) 0-50,000 king salmon, and.
 - (B) 0-50,000 sockeye salmon;
 - (2) (MOVED with modification)
 - (3) If in inseason information indicates that run abundance is sufficient for escapement and amounts reasonably necessary for subsistence (ANS) the commissioner shall open and close the Kuskokwim River commercial salmon fishery by emergency order within the following constraints:
 - (A) the first opening may not occur until after June 23 unless inseason tools clearly indicate that king salmon abundance levels are adequate to exceed the mid-point of the drainage-wide escapement goal and to exceed the mid-point of ANS;
 - (B) only those waters of Subdistrict 1-B may be opened during the first commercial fishing period unless inseason tools clearly indicate that king salmon abundance levels are adequate to exceed the mid-point of the drainage-wide escapement goal and to exceed the mid-point of ANS;
 - (C) 3 days (72 hours) must pass between the first Subdistrict 1-B (below Bethel) opening and the first Subdistrict 1-A (above Bethel) opening unless inseason tools clearly indicate that king salmon abundance levels are adequate to exceed the mid-point of the drainage-wide escapement goal and to exceed mid-point of ANS;
 - (D) the department shall provide, to the extent practicable, at least 24 hours advance notice of the opening of Districts 1 and 2 to commercial fishing periods;



- (E) Districts 1 and 2 commercial fishing periods are from 12:00 [1:00] p.m. (noon) through 6:00 [7:00] p.m.; when longer fishing periods are allowed, the extra time is to be divided before 12:00 [1:00] p.m. (noon) and after 6:00 [7:00] p.m.;
- (F) And gillnet mesh size is not to exceed 6-inches.
- (4) [moved to (D) above.]
- (5) [moved to (E) above.]
- (6) when chum salmon relative abundance exceeds king salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on the chum salmon run abundance and within the constraints listed above; however,]
 - (A) if king salmon abundance is projected to be inadequate to achieve the drainage-wide escapement goal and ANS, and if the commissioner determines that there is a harvestable surplus of chum salmon sufficient to provide for escapement needs and a reasonable opportunity for subsistence, then the commissioner may, by emergency order, open a directed commercial chum salmon fishery and the department shall manage to the extent practicable, the commercial chum salmon fishery to harvest fewer than 1,000 king salmon for the season; furthermore.
- [(7) [MOVED]
- (8) when coho salmon relative abundance exceeds chum salmon relative abundance, the department shall manage, to the extent practicable, the commercial salmon fishery based on the strength of the coho salmon run; however,
 - (A) if chum salmon abundance is projected to be inadequate to achieve escapement goals and to provide for ANS, and if the commissioner determines that there is a harvestable surplus of coho salmon sufficient to provide for escapement needs and a reasonable opportunity for subsistence, then the commissioner may, by emergency order, open a directed commercial coho salmon fishery and the department shall manage to the extent practicable, the commercial coho salmon fishery to harvest fewer than 4,000 chum salmon for the season.
- (9) Repealed.
- (10) A person may not sell salmon roe taken in Districts 1 and 2.



PRINCESS LUCAJ

January 2, 2013

Nissa Pilcher
Board Support Section
1300 College Road
Fairbanks AK 99701

Dear Nissa,

I am writing in regards to proposal 149 submitted by the Fairbanks Advisory Council to the Board of Fisheries.

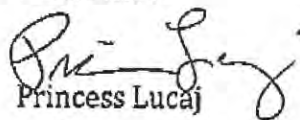
I was saddened to see this type of measure be submitted. I would like to think that there would be more understanding and respect shown towards people that are living traditional subsistence lifestyles in Alaska. This proposal is truly an intimidating measure directed at individuals who are simply trying to provide for themselves and their families. Instead, of moving us towards a harmonious relationship in this State - this measure seeks more methods of potentially criminalizing the Indigenous people of this land.

While I understand that there has been major concern over the salmon runs, pointing a finger at the subsistence users is ridiculous. Bycatch alone amounts to about half the number of fish that subsistence users are bringing in.

An 'expert' panel this fall at the Alaska Chinook Salmon Symposium did not include one Alaska Native person. What does that say about respect for Indigenous people who have been managing this land for hundreds of years? We need true representation and consultation at every level in order for us all to address these issues or they will continue to arise and potentially create division among us.

Thank you for your time and consideration of these comments.

Mahsi'choo!


Princess Lucaj



COUNCIL OF ATHABASCAN TRIBAL GOVERNMENTS
NATURAL RESOURCES DEPARTMENT
P.O. BOX 283
FORT YUKON, ALASKA 99740
(907) 662-2587

"Protecting and enhancing our tribal members, communities & culture through self-governance"

2013-01-02

Dear Alaska Board of Fish,

In regard to proposal number 149 we submit this formal comment into the written record.

As a consortium of 10 Tribal governments in the interior of Alaska our constituents are primary subsistence users that rely on the harvest of country foods to feed their families. For this reason we are deeply concerned about the state of the Salomon runs on the Yukon River, and around the state. We believe that there is a great need to better understand the causes of the decline of the population and adequately address the low returns with active management processes that increase the populations through out the state.

It is our position that proposal 149 is not an active management process that will increase the salmon population on the Yukon River. For the following reasons it is our position that proposal 149 is inherently flawed in its attempted management of "commercializing of subsistence caught fish in the Yukon".

1. The proposed regulatory action does not address the problem as stated in the action

The proposed regulatory change states the problem to be "commercial use of subsistence caught fish in the Yukon" and "sale [of excess subsistence fish] in Fairbanks or Anchorage, often as smoked strips." The implementation of a catch calendar system does not effectively mitigate the commercialization or 'sale' of subsistence caught salmon it only creates a reporting structure for review by law enforcement. Within Alaska there are existing laws that prohibited the sale of subsistence fish, which are not in whole fish form. Therefore it is our position that rather than enact additional regulations the existing laws should be enforced and individuals involved in the cash sale of subsistence caught salmon in any form, other than whole fish, should be individually held accountable.

2. Proposal 149 is a focused effort to manage people and not the resource

It is our view that rather than manage the people the focus of in river system management should be targeted at habitat restoration efforts and increasing the data collection on population distributions in the tributaries of the Yukon River.

3. The proposal is an invasion of rural Alaskan's civil liberties

It is well understood that Alaskan's living in rural communities rely on country foods more than any other population in America. The access to healthy foods is increasingly becoming more expensive, with increases in transportation costs. The proposal as written requires all rural residents to record and report all salmon taken or shared. This



requirement is not made upon non-rural residents and is an invasion of rural Alaskans civil right to conduct their lives with minimal regulatory structures in their home. Further more the recording of names, dates and times of friends or family that fish is shared is an invasion of the basic privacy that all of Alaskan's deserve.

4. The proposal unfairly burdens rural residents

As written the proposal is focused solely on subsistence users in rural Alaska. The complexity of salmon life cycles is a function of their anadromous nature. Their life in both rivers and the ocean creates a complex medium where multiple focal points are needed. This proposal disproportionately burdens rural users by requiring them to collect and report data that both non-rural residents or the commercial fisheries do not have to report.

5. The proposal as written is ambiguous on its scope

The language contained in proposal 149 is ambiguous in scope and intent. The proposal states "marking and use of subsistence-taken salmon." The proposal goes on to state that "all subsistence users must have a catch calendar and shall record all harvested fish on the catch calendar in ink, before concealing the fish from plain view, transported from the fishing site or off loaded from a vessel." The primary language of the proposal is ambiguous in what is to be recorded, salmon or "all fish".

Based on the above points it is our position that proposal 149 should not be accepted and the State of Alaska Board of Fish vote to remove proposal 149 from further review.

Sincerely,



Karonhiakta'tie Bryan Maracle
Director
Natural Resources Department





IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199

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Mr. Karl Johnstone, Chair
Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811

Dear Chair Johnston:

The Alaska Board of Fisheries (Board) will deliberate 2012/2013 regulatory proposals that address Arctic/Yukon/Kuskokwim commercial, sport, and subsistence finfish fisheries beginning January 15, 2013. We understand that the Board will be considering approximately 70 proposals at this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management, working with other Federal agencies, has reviewed these proposals and developed the enclosed preliminary comments on proposals which may have an effect on Federal subsistence users and fisheries in this area. We may wish to comment on other proposals if issues arise during the meeting that may have an effect on Federal subsistence users and fisheries.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues.

If you have questions, you may contact George Pappas, State Subsistence Liaison, Office of Subsistence Management, at (907) 786-3822.

Sincerely,

Peter J. Probasco
Assistant Regional Director, OSM

Enclosure

cc: Cora Campbell, ADF&G
Tim Towarak, Chair FSB
Hazel Nelson, ADF&G, Anchorage
Jeff Regnart, ADF&G, Anchorage
Charles Swanton, ADF&G, Juneau
Kathy O'Reilly-Doyle, DARD, OSM
Monica Wellard, ADF&G, Juneau
Drew Crawford, ADF&G, Anchorage
Jennifer Yuhas, ADF&G, Anchorage
Interagency Staff Committee
Administrative Record
Steve Fried, OSM

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**FEDERAL STAFF COMMENTS ON
ALASKA BOARD OF FISHERIES PROPOSALS
ARCTIC-YUKON-KUSKOKWIM**

**State of Alaska
Board of Fisheries Meeting
January 15-20, 2013
Anchorage, Alaska**



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Federal Comments

The following comments focus only on proposals that may affect Federally qualified subsistence users and/or resource conservation.

Proposal 95 would prohibit placing or discarding fish parts in the freshwaters of the Kuskokwim – Goodnews Area where use of bait is prohibited. The proposal was submitted to prohibit the practice commonly referred to as “chumming.”

Current State Regulations:

5AAC 75.955. *Definitions. (36) "bait" means any substance applied to fishing gear for the purpose of attracting fish by scent, including fish eggs in any form, natural or preserved animal, fish, fish oil, shellfish, or insect parts, natural or processed vegetable matter, and natural or synthetic chemicals;*

5AAC 71.100. *Seasons and bag, possession, and size limits for the Kuskokwim – Goodnews Area.*

(d) In the Kuskokwim - Goodnews Area, the following special provisions to methods and means apply:

(1) only unbaited, single-hook, artificial lures may be used in the

(A) Aniak River drainage upstream of Doestock Creek;

(B) Kisaralik River drainage, upstream of 60° 49.50' N. lat., 160° 55' W. long. (Akiak Village Lodge site);

(C) Kwethluk River drainage, upstream of 60° 31.96' N. lat., 161° 05.47' W. long.

(Pulamaneq (Pocahontas) Creek);

(D) Kasigluk River drainage;

(E) Kanektok River drainage;

(F) Goodnews River drainage;

Current Federal Regulations:

§ 100.25 *Subsistence taking of fish, wildlife, and shellfish: general regulations.*

(a) Definitions. The following definitions apply to all regulations contained in this part:

Bait means any material excluding a scent lure that is placed to attract an animal by its sense of smell or taste; however, those parts of legally taken animals that are not required to be salvaged and which are left at the kill site are not considered bait.

§ 100.27 *Subsistence taking of fish.*

(a) Applicability

(15) You may not use fish taken for subsistence use or under subsistence regulations in this part as bait for commercial or sport fishing purposes.

(b) Methods, means, and general restrictions. (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by regulations in this section), you may use the following legal types of gear for subsistence fishing:

(xix) A rod and reel

(e)(4) Kuskokwim Area

(v) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 you may not take salmon by net gear or fish wheel for 16 hours before or during, and for 6 hours after each open commercial salmon fishing period in the district. You may subsistence fish for salmon with rod and reel 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by paragraph (e)(4) of this section.

(ix) You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(xi) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, handline, or rod and reel.

(xvi) You may take rainbow trout only in accordance with the following restrictions:

(A) You may take rainbow trout only by the use of gillnets, dip nets, fyke nets, handline, spear, rod and reel, or jigging through the ice;

(D) There are no harvest limits with handline, spear, rod and reel, or jigging.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No

Impacts to Federal subsistence users/fisheries: No. The proposed regulation would not only prohibit the practice of chumming, which is already prohibited under Federal regulations, but would also prohibit the discarding of fish parts in areas where use of bait is prohibited. Discarding of fish parts in areas where use of bait is prohibited is currently allowed under Federal regulations as long as discarded parts are not required to be salvaged. Therefore, adoption of this proposal would not simplify enforcement efforts. Additionally, requiring fish waste to be discarded on land rather than in the water increases the possibility of bear-human encounters, if people did not properly dispose of the waste.

Federal Position/Recommended Action: Oppose. This proposal cannot be supported for resource conservation reasons. This proposal is directed at those fishing under State sport fishing regulations. Federal users could continue to return inedible parts of fish to the water in which they were harvested and thus continue an on-going practice. The Alaska Board of Fisheries has addressed conservation concerns for stocks in waters with bait restrictions through regulation.

Proposal 97 and 98 reduce northern pike sport (97) and subsistence (98) fisheries bag and possession limits in all waters of the Innoko River drainage, including all waters draining into Yukon River and waters of the Yukon River from Holy Cross downstream and including Paimiut Slough. The proposed limits are three per day of which only one fish may be 30 inches or greater. Most of the waters referenced in this proposal are under State jurisdiction. The following comments only address the waters under Federal subsistence fisheries jurisdiction.

Current State Regulations:

Sport Fishing

5 AAC 73.010. Seasons, bag, possession, and size limits, and methods and means in the Yukon River Management Area

(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the Yukon River Management Area.

(b) Except as otherwise specified in (c) of this section, the following are the general bag, possession, and size limits for finfish in the waters of the Yukon River Management Area:

(7) northern pike: the bag and possession limit is 10 fish, with no size limit;

(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) of this section for the Yukon River Management Area:

(1) in all waters of the Innoko River drainage, including all waters draining into the Yukon River from Holy Cross downstream to and including Paimiut Slough, the bag and possession limit for northern pike is three fish, of which only one fish may be 30 inches or greater in length;

Subsistence Fishing

Yukon-Northern Area

5AAC 01.210. Fishing seasons and periods

(h) Except as provided in 5 AAC 01.225 and except as may be provided by the terms of subsistence fishing permit, there is no closed season on fish other than salmon.

5AAC 01.220. Lawful gear and gear specifications

(k) A person may use a hook and line attached to a rod or pole when subsistence fishing only

(1) in the waters between the latitude of Point Romanoff and the latitude of the western most point of the Naskonat Peninsula, including those waters draining into the Bering Sea and those of the Yukon River drainage downstream from the lower mouth of Paimiut Slough; or

(2) through the ice.

Current Federal Regulations:

§__.27 Subsistence taking of fish (e)(3) Yukon-Northern Area

(i) Unless otherwise restricted in this section, you may take fish in the Yukon Northern Area at any time. In those locations where subsistence fishing permits are required, only one subsistence fishing permit will be issued to each household per year. You may subsistence fish for salmon with rod and reel in the Yukon River drainage 24 hours per day, 7 days per week, unless rod and reel are specifically otherwise restricted in paragraph (e)(3) of this section

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? Yes. The Grayling, Anvik, Shageluk, Holy Cross Advisory Committee submitted proposal FP13-03 to the Federal Subsistence Board to similarly reduce the Federal subsistence daily bag and possession limits for pike in the water under Federal subsistence jurisdiction in the same area of the Yukon River.

Impacts to Federal subsistence users/fisheries: Yes. If adopted, Federal subsistence users may see a reduction in harvest pressure on the pike population in waters under Federal subsistence fisheries jurisdiction.

Federal Position/Recommended Action: Oppose both 97 and 98 for those waters under Federal subsistence fisheries jurisdiction. Although the proposed regulation would decrease fishing pressure on northern pike within this area, there is no documented conservation concern to warrant the proposed harvest limits.¹ The northern pike population of the lower Innoko River drainage is considered healthy, with access to abundant spawning, rearing, and overwintering habitat.² Adoption of the proposed daily harvest and possession limit would likely adversely affect traditional winter harvest patterns and possibly make travel to traditional winter harvest sites economically infeasible for subsistence users.

The Western Interior Federal Subsistence Regional Advisory Council supports proposals 97 and 98 and the Eastern Interior Federal Subsistence Regional Advisory Council supports proposal 97. Both councils support harvest restrictions as they believe current practices may lead to depletion of the pike resource. The Yukon Kuskokwim Federal Subsistence Regional Advisory Council opposes proposals 97 and 98 as adoption would limit some Federal subsistence user's harvest limits.

Proposal 105 updates and clarifies the Kuskokwim River Salmon Rebuilding Management Plan and strategies.

Current State Regulations:

5 AAC 07.365. *Kuskokwim River Salmon Rebuilding Management Plan*

Current Federal Regulations:

§__100.27 *Subsistence Taking of Fish*

(e)(4) Kuskokwim Area. The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) For the Kuskokwim area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

¹ Scanlon, B. P. 2009. Movements and fidelity of northern pike in the lower Innoko River Drainage, 2002–2004. Alaska Department of Fish and Game, Fishery Data Series No. 09-45, Anchorage. (page 19 and 21)

² Burr, J. 2011. Fishery Management Report for sport fisheries in the Yukon Management Area, 2009. Alaska Department of Fish and Game, Fishery Management Report No. 11-37, Anchorage. (page 26)



- (iii) *In District 1, Kuskokuak Slough, from June 1 through July 31 only, you may not take salmon for 16 hours before and during each State open commercial salmon fishing period in the district.*
- (iv) *In Districts 4 and 5, from June 1 through September 8, you may not take salmon for 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period in each district.*
- (v) *In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 you may not take salmon by net gear or fish wheel for 16 hours before or during, and for 6 hours after each open commercial salmon fishing period in the district. You may subsistence fish for salmon with rod and reel 24 hours per day, 7 days per week, unless rod and reel are specifically restricted by paragraph (e)(4) of this section.*
- (vi) *You may not take subsistence fish by nets in the Goodnews River east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.*
- (vii) *You may not take subsistence fish by nets in the Kanektok River upstream of ADF&G regulatory markers placed near the mouth 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.*
- (viii) *You may not take subsistence fish by nets in the Arolik River upstream of ADF&G regulatory markers placed near the mouth 16 hours before or during, and for 6 hours after each State open commercial salmon fishing period.*
- (ix) *You may only take salmon by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.*
- (x) *You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.*
- (xi) *You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, handline, or rod and reel.*
- (xii) *You must attach to the bank each subsistence gillnet operated in tributaries of the Kuskokwim River and fish it substantially perpendicular to the bank and in a substantially straight line.*
- (xiii) *Within a tributary to the Kuskokwim River in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, you may not set or operate any part of a set gillnet within 150 feet of any part of another set gillnet.*
- (xiv) *The maximum depth of gillnets is as follows:*
- (A) *Gillnets with 6-inch or smaller stretched-mesh may not be more than 45 meshes in depth;*
- (B) *Gillnets with greater than 6-inch stretched-mesh may not be more than 35 meshes in depth.*

(xv) *You may not use subsistence set and drift gillnets exceeding 15 fathoms in length in Whitefish Lake in the Ophir Creek drainage. You may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. You must check the net at least once every 24 hours.*

(xvi) *You may take rainbow trout only in accordance with the following restrictions:*

(A) *You may take rainbow trout only by the use of gillnets, dip nets, fyke nets, handline, spear, rod and reel, or jigging through the ice;*

(B) *You may not use gillnets, dip nets, or fyke nets for targeting rainbow trout from March 15 through June 15;*

(C) *If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes;*

(D) *There are no harvest limits with handline, spear, rod and reel, or jigging.*

ANILCA describing purpose of Yukon Delta Refuge:

Title III – National Wildlife Refuge System

§303 (7) YUKON DELTA NATIONAL WILDLIFE REFUGE.—

(B) The purposes for which the Yukon Delta National Wildlife Refuge is established and shall be managed include--

(i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, shorebirds, seabirds, whistling swans, emperor, white-fronted and Canada geese, black brant and other migratory birds, salmon, muskox, and marine mammals;

(ii) to fulfill the international treaty obligations of the United States with respect to fish and wildlife and their habitats;

(iii) to provide, in a manner consistent with the purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and

(iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in paragraph (i), water quality and necessary water quantity within the refuge.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. Modification of the existing Kuskokwim River Salmon Management plan will affect how the subsistence, commercial and sport fisheries are prosecuted for the entire Kuskokwim drainage.

Federal Position/Recommended Action: The Office of Subsistence Management supports the intent to revise the existing management plan to reflect current practices and management objectives. However, as written the proposal presents some issues that hopefully will be resolved through a collaborative effort with the State and key stakeholders on revisions to the plan. It was our understanding that the original

proposal was intended as a “placeholder” to allow for further discussion to occur and that a final draft plan would be presented to the Alaska Board of Fisheries in January.

Additionally, several related proposals (104, 106-112) and the proposed revisions to the Chinook escapement goals will have a direct influence on what the management plan specifically should address.

Proposal 106 recommends adopting a drainagewide Optimum Escapement Goal (OEG) for Chinook salmon in the Kuskokwim River, adjusting tributary goals accordingly, and adding preseason and inseason management tools.

Current State Regulations:

5 AAC 07.365. Kuskokwim River Salmon Rebuilding Management Plan

Current Federal Regulations:

§__100.27 Subsistence Taking of Fish

(4)(i-xvi) Kuskokwim Area.

ANILCA describing purpose of Yukon Delta Refuge:

TITLE III--NATIONAL WILDLIFE REFUGE SYSTEM

§ 303 (7)(B) (i-iv) YUKON DELTA NATIONAL WILDLIFE REFUGE.--

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. If the Alaska Board of Fisheries adopts an OEG greater than the proposed drainagewide Sustainable Escapement Goal (SEG) of 65,000 – 120,000 Chinook salmon subsistence harvest may be unnecessarily restricted in years of moderately low returns. During years of return levels which provide sufficient numbers of fish to meet biological needs and a low level of harvestable surplus, an OEG may result in unnecessary foregone harvest by subsistence users. However, the Alaska Board of Fisheries may decide that uncertainty associated with the following may warrant taking a more cautious approach: process errors in the SRA and production models, in-season assessment tools, and or implementation errors in the fishery (all factors identified by the proposer). This could be accomplished by establishing an OEG that would be more similar to historic escapements known to be sustainable and could provide adequate subsistence harvest opportunities in most years. This more conservative approach may benefit all users by presenting less risk to the sustainability of the stock (due to possible overharvest) should the proposed SEG’s prove to be too low.

Federal Position/Recommended Action: Support. The USFWS has evaluated the proposed drainagewide and tributary SEG’s, and met with State Fisheries Research and Management staff to discuss the adequacies and uncertainties of the proposed goals. Additionally the USFWS, State Fisheries Managers and key stakeholders are currently collaborating on revisions to the Kuskokwim River Salmon Management Plan which may address some of the issues raised in the proposal.

The USFWS is concerned that the total-run estimates used by ADF&G to scale the run reconstruction model are too low due to negative biases in the mark-recapture component of the total run estimates and likely under reporting of subsistence harvests, which comprise a large proportion of each year’s total run. Both of these issues could result in spawner-recruit production estimates that were also too low.



In light of the potential negative bias in the run reconstruction estimates and the resulting stock-recruitment production estimates, we recommend a precautionary approach to setting Kuskokwim Chinook escapement goals. The USFWS agrees with ADF&G's decision to adopt an SEG that is larger than the estimated BEG and is expected to produce maximum recruitment rather than maximum sustainable yield. Furthermore, we encourage future research and monitoring efforts to generate robust total-run estimates for use in scaling run reconstruction models for Kuskokwim Chinook.

Adoption of an OEG or another management objective at some level greater than the proposed SEG will help alleviate concerns until additional data are collected to validate the run reconstruction model. The USFWS memorandum submitted to the Alaska Board of Fisheries prior to the January 15-20, 2013 meeting provides additional information.

Proposal 108 requests a permit and reporting requirements for all subsistence-harvested salmon caught in State managed fisheries that are transported out of the Kuskokwim Management Area.

Current State Regulations:

5 AAC 01.280. Subsistence fishing permits

Fish may be taken for subsistence purposes without a subsistence fishing permit.

Current Federal Regulations:

§__100.27 (e)(4)(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No. However the Yukon Kuskokwim Federal Subsistence Regional Advisory Council and rural users have voiced concerns with not having quality information to determine both the level of harvest and of the harvest amount leaving the area.

Impacts to Federal subsistence users/fisheries: No. Federal subsistence fishery regulations do not require permitting to harvest or transport subsistence harvest from the Kuskokwim Area Federal subsistence fisheries.

Federal Position/Recommended Action: Neutral. Transporting subsistence-harvested fish out of the Kuskokwim Management Area is a long-standing practice. Subsistence-harvested fish are likely distributed statewide to complex and extensive family and cultural networks. If adopted, this proposal will result in further divergence between Federal and State regulations, increasing regulatory complexity and enforcement concerns.

Determining the amount of subsistence-harvested salmon that is removed from the Kuskokwim Management area might be accomplished through submitting a request to conduct a short term study through the Federally funded Fisheries Resource Monitoring Program.

Proposals 109 and 115 address customary trade of subsistence-harvest finfish for cash. Proposal 109 requests authorizing the sale of subsistence-harvested finfish in the Kuskokwim River Area. Proposal 115 requests increasing the amount of money a household may receive from the sale of subsistence-harvested finfish from \$200 to \$500.

Current State Law:

Sec. 16.05.920 Prohibited conduct generally.

Sec. 16.05.940. Definitions.

Current State Regulations:

5 AAC 01.010. Methods, means, and general provisions

(d) Unless otherwise specified in this chapter, it is unlawful to buy or sell subsistence-taken fish, their parts, or their eggs, except that it is lawful to buy or sell a handicraft made out of the skin or nonedible by-products of fish taken for personal or family consumption.

5 AAC 01.188. Customary trade of subsistence-taken finfish

(a) In the Norton Sound-Port Clarence Area, the customary trade of subsistence-taken finfish is permitted as specified in this section. A person who conducts a customary trade in subsistence-taken finfish under this section must

(1) obtain a customary trade record keeping form from the department before the person conducts the customary trade, and accurately record the cash sale on the form within the 24 hours after the sale occurs; the form requires the reporting of

- (A) the date of each sale;*
- (B) the buyer's name and address;*
- (C) the species and amount of finfish sold;*
- (D) the location where the finfish were harvested;*
- (E) the dollar amount of each sale;*
- (F) the form of processing used; and*
- (G) any other information the department requires for management or enforcement purposes;*

(2) return the customary trade record keeping form to the department as prescribed by the department on the form;

(3) display the customary trade record keeping form upon request by a local representative of the department or a peace officer of the state.

(b) A person may not sell subsistence-taken finfish under this section for more than \$200 total per household in a calendar year.

(c) A person who receives subsistence-taken finfish in exchange for cash in a customary trade may not resell the fish.

(d) A sale or purchase of finfish authorized under this section, including the delivery of fish to a purchaser, may occur only in the Norton Sound-Port Clarence Area.

Current Federal Regulations:

ANILCA Title VIII DEFINITIONS

§__803. As used in this Act, the term "subsistence uses" means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade. For the purposes of this section, the term--

§__100.4 Definitions

Customary trade means exchange for cash of fish and wildlife resources regulated in this part, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise.

§__100.27 Subsistence Taking of Fish

(b)(11)(11) Transactions between rural residents. Rural residents may exchange in customary trade subsistence-harvested fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from other rural residents. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.

(i) Bristol Bay Fishery Management Area—The total cash value per household of salmon taken within Federal jurisdiction in the Bristol Bay Fishery Management Area and exchanged in customary trade to rural residents may not exceed \$500.00 annually.

(ii) Upper Copper River District—The total number of salmon per household taken within the Upper Copper River District and exchanged in customary trade to rural residents may not exceed 50 percent of the annual harvest of salmon by the household. No more than 50 percent of the annual household limit may be sold under paragraphs (b)(11) and (12) of this section when taken together. These customary trade sales must be immediately recorded on a customary trade recordkeeping form. The recording requirement and the responsibility to ensure the household limit is not exceeded rests with the seller.

(b)(12) Transactions between a rural resident and others. In customary trade, a rural resident may trade fish, their parts, or their eggs, legally taken under the regulations in this part, for cash from individuals other than rural residents if the individual who purchases the fish, their parts, or their eggs uses them for personal or family consumption. If you are not a rural resident, you may not sell fish, their parts, or their eggs taken under the regulations in this part. The Board may recognize regional differences and regulates customary trade differently for separate regions of the State.

(b)(13) No sale to, nor purchase by, fisheries businesses.

(i) You may not sell fish, their parts, or their eggs taken under the regulations in this part to any individual, business, or organization required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or to any other business as defined under Alaska Statute 43.70.110(1) as part of its business transactions.

(ii) If you are required to be licensed as a fisheries business under Alaska Statute AS 43.75.011 (commercial limited-entry permit or crew license holders excluded) or are a business as defined



under Alaska Statute 43.70.110(1), you may not purchase, receive, or sell fish, their parts, or their eggs taken under the regulations in this part as part of your business transactions.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No. The Federal Subsistence Board has previously addressed this issue for the Kuskokwim River watershed. Customary trade of Yukon River Chinook salmon will be addressed at the January 22-24, 2013 Federal Subsistence Board meeting.

Impacts to Federal subsistence users/fisheries: No. Adoption of these proposals will not impact Federal subsistence users participating in customary trade under Federal subsistence regulations.

Federal Position/Recommended Action: Support Proposal 109 and Neutral on Proposal 115.

Adoption of proposal 109 would bring State and Federal subsistence fisheries customary trade regulations closer into alignment, reducing regulatory complexities and simplifying enforcement concerns.

Proposals similar to 115 submitted to the Federal Subsistence Board also request specified annual dollar limits for customary trade of salmon for cash for the Yukon Area. The Office of Subsistence Management is neutral on recommending a cash limit for this proposal. The Federal Subsistence Board adopted cash limits for customary trade into Federal regulation for the Bristol Bay Management Areas and Upper Copper River District based upon local testimony and recommendations from the Bristol Bay and Southcentral Federal Subsistence Regional Advisory Councils respectively.

Proposal 112 closes all sport and commercial guide fisheries in the Kwethluk River from June 1 through July 25 and limits the size of net mesh to four inches or less in both subsistence and commercial fisheries for the same time frame.

Current State Regulations:

These comments are limited to addressing the proposed net restrictions for the subsistence fishery.

5 AAC 01.270. Lawful gear and gear specifications and operation

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel subject to the restrictions set out in this section and 5 AAC 01.275, except that salmon may also be taken by spear in the Holitna River drainage, Kanektok River drainage, Arolik River drainage, and the drainage of Goodnews Bay.

(b) The aggregate length of set gillnets or drift gillnets in use by any individual for taking salmon may not exceed 50 fathoms.

(h) The maximum depth of gillnets is as follows:

(1) gillnets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(2) gillnets with greater than six-inch mesh may not be more than 35 meshes in depth.

(m) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of chum salmon, the commissioner, by emergency order, may close the

fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which the following gear limitations apply:

(1) a gillnet used to take fish

(A) must be of seven and one-half inch or greater mesh or four-inch or less mesh;

(B) for a gillnet of four-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order;

(C) for a gillnet of seven and one-half inch or greater mesh, may not exceed the length specified in (b) and (j) of this section;

(n) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which the following gear limitations apply:

(1) a gillnet mesh size may not exceed six inches;

Current Federal Regulations:

§100.14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of the regulations in this part to the extent they are not inconsistent with, or superseded by, the regulations in this part.

§100.27 Subsistence taking of fish.

(4) (ii) For the Kuskokwim area, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(x) You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.

(xiv) The maximum depth of gillnets is as follows:

(A) Gillnets with 6-inch or smaller stretched-mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than 6-inch stretched-mesh may not be more than 35 meshes in depth.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. The Kuskokwim Area Federal subsistence net mesh sizes are the same as those issued for subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. Kuskokwim Area Federal subsistence regulations define maximum net length and depth but do not indicate maximum gillnet mesh sizes.

Adoption of this proposal may result in foregone harvest by Federal subsistence fishermen using a gillnet with 4 inch or less mesh from June 1 through July 25 independent of available harvestable surplus.

Federal Position/Recommended Action: Oppose. The Office of Subsistence Management opposes restricting the subsistence fishery gillnet mesh size as described in this proposal. State and Federal fisheries managers can address conservation concerns by placing mesh size restrictions through Emergency Order or Special Action authorities during years when necessary for resource conservation and continuance of subsistence uses. The Office of Subsistence Management is neutral on the allocative aspects of this proposal for the sport and commercial fisheries.

Proposal 131 requires pulse protection in the King Salmon Management Plan for the Yukon River. The Yukon River Stakeholder Group, in care of the Yukon River Drainage Fisheries Association (YRDFA), submitted this proposal and later provided the following recommended regulatory language as a modification to the original proposal.

King Salmon Pulse Protection Proposal (YRDFA – Yukon River Stakeholder Group)

(underlined text represents additions to the current language)

5 AAC 05.360 (a) The objective of this plan is to provide the department with guidelines to manage for the sustained yield of Yukon River king salmon. The goal of this plan is to ensure that adequate escapements, both in numbers and quality, are maintained on the spawning grounds to facilitate rebuilding of the run to historical levels. The department will manage for quality of escapement that provides for full representation of the genetic and phenotypic characteristics of the stock and shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.

5 AAC 05.360 (XX). Pulse protection.

(1) The Yukon River king salmon run usually enters the river in three distinctive pulses of fish. Management of the first pulse of the king salmon run will be based on preseason projections. Management of the second and third pulses will be based on in-season run assessment data.

(2) The department will manage the first pulse of the king salmon run based on preseason run projections to not allow any harvest from the first pulse when the preseason projection of run size indicates that subsistence harvests will likely be restricted in one or more districts or sub-districts.

(3) Based on the in-season run assessment, the department will restrict harvest opportunities on the second and third pulses of Yukon River king salmon, as necessary, to provide for escapements and international treaty obligations;

(4) The department shall distribute reductions in subsistence harvest opportunities equitably among users.

Current State Regulations:

Commercial Fishery

5 AAC 05.360 (a-i) Yukon River King Salmon Management Plan.

Subsistence Fishery

5 AAC 01.210. Fishing seasons and periods



Current Federal Regulations:

§__100.27 Subsistence Taking of Fish

(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. If this proposal is adopted, Federal subsistence fishing activities will be affected. The impact on subsistence fisheries will depend on the specific changes to the management plan.

Federal Position/Recommended Action: Support with modification. The Eastern, Western, and Yukon Kuskokwim Delta Regional Advisory Councils supported this proposal as modified by the YRDFA subcommittee's recommended regulatory language. The Office of Subsistence Management supports the intent and language of the modified proposal which includes appropriate measures for conservation of the resource and continuation of subsistence uses, using the best available data.

A periodic review of established management plans and their components is one way to help ensure the appropriate and best data is available to achieve these goals. A comprehensive review of the management plan allows the Alaska Board of Fisheries to consider all aspects of this fishery in order to address significant conservation concerns for these stocks.

Proposal 138 modifies the fall chum salmon management plan trigger point from 500,000 to 400,000.

Current State Regulations:

5 AAC 01.249. *Yukon River Drainage Fall Chum Salmon Management Plan*

(3) when the projected run size is more than 300,000, but not more than 500,000 chum salmon, the

(A) targeted drainagewide minimum escapement goal is 300,000 chum salmon;

(B) commissioner shall, by emergency order, close the commercial, sport, and personal use directed chum salmon fisheries, except that if indicators suggest that an individual escapement goal and identified subsistence needs in a subdistrict, district, or portion of a subdistrict or district will be achieved, the commissioner may, by emergency order, open a sport or personal use fishery in that subdistrict, district, or portion of that subdistrict or district; and

(C) department shall manage the subsistence chum salmon directed fisheries to achieve the targeted drainagewide escapement goal;

Current Federal Regulations: Commercial fishery management regulations are addressed in regulation through the State's salmon management plans.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impact to Federal subsistence users/fisheries: Yes. If this proposal is adopted, management toward the midpoint of the escapement goal range will be less likely over time. This may result in impacting continuance of subsistence uses and eventual conservation concerns.

Federal position/ recommended action: Oppose. The Office of Subsistence Management opposes lowering the commercial fishery threshold by 100,000 fish in the management plan. In consideration of providing a typical priority subsistence harvest of 100,000 fall chum salmon first, the reduction of the commercial trigger point to 400,000 fish effectively directs fisheries managers to manage for the low end of the escapement goal range (300,000 to 600,000) rather than the midpoint of the escapement goal (450,000 fall chum salmon). Management to the low end of the drainage-wide escapement goal range may lead to not meeting tributary escapement goals and Canadian border passage commitments.

The Office of Subsistence Management supports and recommends retaining the elements of the management plan that require ADF&G to use the best available data including the following: preseason projections, mainstem river sonar passage estimates, test fisheries indices, subsistence and commercial fishing reports, and fish passage estimates from monitoring projects to assess the run size of chum salmon. We also support triggers in the plans based on projected chum salmon run size to implement restrictions and/or closures when necessary to achieve escapement goals and to provide for continuance of subsistence uses.

Proposals 139 and 141 align Yukon subsistence regulations in districts 1-3 (139) or all districts (141) with current management practices, adjusting closures around commercial fishing periods, and allowing concurrent subsistence and commercial fishing by emergency order (141).

Current State Regulations:

5 AAC 01.210. Fishing seasons and periods. (e)(1)

Current Federal Regulations:

§ 100.27 Subsistence taking of fish.

(3)(i), (ii), (iii), (vi), (vii), and (viii)

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. If either proposal is adopted, Federal subsistence users may face increased competition with commercial fishermen potentially leading to lower catch rates at times in areas of concentrated commercial fishing efforts. Adoption of either proposal may result in more effective fishery closure “windows” allowing salmon migration pulses to pass through the fisheries with lower exploitation rates. More effective windows for fish passage may result in improved escapement qualities, quantities, and benefit harvest sharing opportunities throughout the drainage as well as assist with rebuilding the Yukon River Chinook salmon stocks.

Federal Position/Recommended Action: Neutral. Adoption of either proposal is unnecessary for management of the Federal subsistence fisheries on the Yukon River. Federal subsistence fishery managers have Special Action authority to open and close the Federal subsistence fisheries inseason. However, we do recognize benefits in having both State and Federal fishing seasons and periods in alignment and intend to follow State issued Emergency Orders unless Federal action is required to address conservation concerns or continuance of subsistence uses.



Proposal 142 opens the Yukon River District 5-D from July 4-18 for subsistence salmon fishing.

Current State Regulations:

5 AAC 01.210. Fishing seasons and periods (b)(1)

Current Federal regulations:

§ 100.27 Subsistence taking of fish.

(3)(ii) and (iv)

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. Adoption of this proposal may result in additional subsistence fishing opportunity and harvest for Federally qualified subsistence users for the short term. However, future fishing opportunity and harvest for Federally qualified subsistence users may be curtailed due to conservation concerns resulting from over-fishing the Yukon River Chinook salmon first-pulse. This proposal may include an element of harvest allocation. When the run is low it may be necessary to forego another Federally qualified subsistence user's opportunity in another area in order to have adequate abundance available for the anticipated harvest in Subdistrict 5-D during this specified fishing time.

Federal Position/Recommended Action: Oppose. Adoption of this proposal may lead to conservation concerns during years of low abundance. Establishing an open subsistence fishing season without regard to run abundance is not a biologically sound management practice. Subdistrict 5D has highway access at two points. If adopted, migration of both rural and non-rural subsistence fishermen from other areas may exacerbate conservation concerns by increasing exploitation rates on the Yukon River Chinook salmon first pulse during years of low abundance. The Office of Subsistence Management is neutral on the allocative aspects of this proposal.

Proposal 143 removes restrictions during the subsistence fall chum season in districts 1, 2, and 3 of the Yukon Area.

Current State Regulations:

5 AAC 01.210. Fishing Seasons and periods. (b)(2)

5 AAC 01.249. Yukon River Drainage Fall Chum Salmon Management Plan

Current Federal Regulations:

§ 100.27 Subsistence taking of fish.

(3)(ii), (ii), (vi), and (vii).

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. The Federal Subsistence Board has agreed to the subsistence fishing schedule contained in the Alaska Board of Fisheries approved management plan by



reference, thus adoption of this proposal will affect Federal subsistence fishing schedules. Additionally, if this proposal is adopted, Federal subsistence users may be required to forego harvest of fall chum salmon in Districts 4-6 during years of low returns as result of liberalizing the lower river chum salmon fisheries.

Federal Position/Recommended Action: Oppose. The Office of Subsistence Management opposes management based on fixed dates rather than on abundance. If this proposal is adopted and the windows schedule is eliminated for the lower river Districts, unrestricted subsistence fisheries will be allowed in Districts 1-3 independent of run timing or abundance. The Office of Subsistence Management supports the existing schedule in the State fisheries management plan established to distribute harvest by providing equal opportunity to all subsistence users in the watershed.

Proposals 144 and 145 restrict subsistence and commercial gillnets to 35 meshes in depth in the Yukon River drainage (144) and restrict depth of gillnets in Y1-5 to 35 meshes (145).

Current State Regulations:

5AAC 01.220. Lawful gear and gear specifications

(a) Salmon may be taken only by gillnet, beach seine, a hook and line attached to a rod or pole, handline, or fish wheel, subject to the restrictions set out in this section, 5 AAC 01.210, and 5 AAC 01.225 - 5 AAC 01.249.

5 AAC 05.331 Gillnet specifications and operations.

(f) in Districts 4 - 6, gillnets with

(1) greater than six-inch mesh may not be more than 60 meshes in depth;

(2) six-inch or smaller mesh may not be more than 70 meshes in depth.

(g) In Districts 1 - 3, gillnets with

(1) greater than six-inch mesh may not be more than 45 meshes in depth;

(2) six-inch or smaller mesh may not be more than 50 meshes in depth.

Current Federal Regulations:

§ ____.27(b)(1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit (as may be modified by this section), you may use the following legal types of gear for subsistence fishing:

(i) A set gillnet;

(ii) A drift gillnet;

§ ____.27(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.



(xv)(C) In the Yukon River mainstem, Subdistricts 4B and 4C with a Federal subsistence fishing permit, you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No. Proposals to restrict gillnet depth in the Yukon River Federal subsistence fisheries have been addressed by the Federal Subsistence Board several times since 2003.

Impact to Federal subsistence users/fisheries: Yes. If either proposal is adopted, all gillnets would be restricted to a depth of 35 meshes, which would likely result in reduced fishing efficiency and success rates of Federal subsistence users. This reduction in efficiency would be more pronounced in deeper portions of the Yukon River areas where a deeper net provides greater efficiency encouraging Federal subsistence users to crowd in shallower sections of the river where shallower nets are more effective. Federal subsistence users would also be burdened with the costs of replacing or modifying their nets if this proposal was adopted.

Federal position/ recommended action: Oppose. Since 2003, the Federal Subsistence Board has evaluated and opposed similar proposals. No new information supporting decreasing size selectivity of gillnets by reducing mesh depth has been identified since this proposal was last considered and rejected by the Federal Subsistence Board.

Proposal 146 allows only 6-inch stretch mesh gillnet gear in the Yukon River drainage.

Current State Regulations:

5 AAC 05.331. Gillnet specifications and operations.

5 AAC 01.220. Lawful gear and gear specifications.

Current Federal Regulations:

§ __.27(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.

(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(A) In the Yukon River drainage, you may not take salmon for subsistence fishing using gillnets with stretched mesh larger than 7.5 inches.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: No. Adoption of this proposal would not restrict Federal subsistence users from using nets with mesh greater than 6 inches.

Adoption of this proposal would reduce the efficiency of gillnets that target Chinook salmon and reduce the likelihood of incidental harvest of Chinook in gillnets used to target chum salmon. Catches taken with such nets would likely have a higher percentage of chum salmon than larger mesh nets. Adoption of this proposal may allow greater quantities of larger and older Chinook salmon to escape to the spawning grounds. Overall productivity and quality of escapement could be enhanced while protecting the genetic heritability for larger older fish.

Federal Position/Recommended Action: Neutral. The Office of Subsistence Management is neutral on this proposal as it will not impact the Federal subsistence fisheries if adopted. Restricting the mesh size in the Federal subsistence fisheries can be done by a Fisheries Special Action by Federal managers. The Yukon River commercial and subsistence salmon fisheries were restricted to the use of 6-inch stretch mesh during nearly the entire 2012 season to protect the Chinook salmon return. The Office of Subsistence Management encourages the Alaska Board of Fisheries to support regulatory changes that address gear efficiency as a means to control harvest and gear selectivity to enhance stock productivity and quality of escapement.

Currently, Federal subsistence regulations allow for the use of gillnets up to 7.5 inches. If this proposal was adopted, the Office of Subsistence Management recommends that the Alaska Board of Fisheries submit a parallel proposal to the Federal Subsistence Board for consideration during the 2014 fisheries cycle.

Proposals 147 and 148 allow drift gillnets as legal gear in the subsistence fishery in District 4A of the Yukon River upriver to the community of Ruby (147) and extend Subdistricts 4-B and 4-C drift gillnet areas downstream from the mouth of the Uki River for king salmon (148).

Current State Regulations:

5 AAC 01.220 Lawful gear and gear specifications

(e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(1) in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14, and chum salmon may be taken by drift gillnets after August 2;

(2) in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 10 through July 14;

(3) no person may operate a drift gillnet that is more than 150 feet in length during the seasons described in (1) and (2) of this subsection.

Current Federal Regulations:

§ 100.27 Subsistence taking of fish.

(e)(3)(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:



(A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;

(C) In the Yukon River mainstem, Subdistricts 4B and 4C with a Federal subsistence fishing permit, you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? Yes. A proposal has been submitted to the Federal Subsistence Board to eliminate the permit requirement for the Federal subsistence drift gillnet fishery in this area.

Impacts to Federal subsistence users/fisheries: Yes. If this proposal is adopted, Federal subsistence users using drift nets in this area may experience reduced cost due to traveling shorter distances to productive fishing locations. Setnet and fishwheel users may experience increased competition by drift net fishers who may fish near their established fishing sites.

Federal Position/Recommended Action: Support. Adoption of either proposal will bring State and Federal subsistence fishing regulations closer into alignment reducing user confusion and enforcement concerns.

Proposals 149 and 150 create a harvest reporting system for subsistence-harvested salmon in the Yukon River. Proposal 149 requests requiring a catch calendar reporting mechanism for all subsistence-harvested salmon on the Yukon River. Proposal 150 requests creating a form of mandatory reporting that provides accurate and timely subsistence salmon harvest information for the Yukon River. Proposal 149 was submitted to address enforcement concerns regarding illegal sales of subsistence harvest and proposal 150 was submitted to accurately determine harvest removals for the purpose of increasing the accuracy of inseason fisheries management.

Current State Regulations:

5 AAC 01.230 (a-e). Subsistence fishing permits

5 AAC 01.240 (a-d). Marking and use of subsistence-taken salmon

Current Federal Regulations:

There is no requirement under Federal subsistence fishing regulations for individuals to record subsistence harvest on catch calendars. However, Federal subsistence fishing permits are required in a few locations in the Yukon River drainage as follows:

§ 100.27 Subsistence taking of fish.

(e)(3)(xv)(C) In the Yukon River mainstem, Subdistricts 4B and 4C with a Federal subsistence fishing permit, you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.



(e)(3)(xviii) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;

(C) Only for salmon in the Tanana River drainage above the mouth of the Wood River.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? Yes. The Federal Subsistence Board will deliberate on FP13-01, which requests eliminating the Federal subsistence fishing permit required for participating in the Federal subsistence drift gillnet salmon fishery in Subdistricts 4B and 4C (§ 100.27(e)(3)(xv)(C)). The Koyukuk National Wildlife Refuge submitted the proposal and indicates this fishery has experienced such low participation and harvest that requiring a permit is not warranted.

Impacts to Federal subsistence users/fisheries: No. Federal subsistence users will not be impacted if either proposal is adopted because Federal regulation (§___.27(e)(3)(ii)) states Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence harvesting of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. This regulation does not reference defaulting to permitting or catch calendar requirements in State regulation.

Federal Position/Recommended Action: Neutral on both proposals. Proposal 149 appears to be an attempt to use catch calendars as a means to track subsistence-harvested fish, but a calendar does not have the regulatory authority or enforceability of a permit. The Office of Subsistence Management shares the proponent's desire to reduce/eliminate significant commercial enterprises that sell subsistence-harvested fish, but this proposal will not likely achieve that goal.

The Office of Subsistence Management supports providing fishery managers with the most complete, accurate, and timely subsistence harvest estimates possible as requested by Proposal 150. Towards this end, the Fisheries Resource Monitoring Program, within the Office of Subsistence Management, has funded studies of statewide subsistence fishery harvest assessment strategies under the auspices of the Subsistence Fisheries Harvest Assessment Working Group. These studies were a collaboration between ADF&G and the Alaska Inter-Tribal Council. The Office of Subsistence Management recommends a review of the study findings and recommendations prior to the implementation of any new subsistence harvest assessment methods^{3,4}.

Proposals 240 and 241 were submitted to allow Yukon River Summer chum salmon commercial fisheries during years of low Yukon River Chinook salmon abundance. Proposal 240 requests establishing times when a commercial fishery may harvest chum salmon in Districts 1-3 in the Lower Yukon using dip nets and beach seine gear during times when traditional gillnet fisheries would be closed

³ Fall, J.A. and R. Shanks. 2000. Statewide Subsistence Fisheries Harvest Monitoring Strategy. Subsistence Fisheries Harvest Assessment Working Group. Final Report Study No. FIS 00-017. Anchorage, AK. 48 pages.

⁴ Fall, J.A. 2003. Implementation of Statewide Subsistence Fisheries Harvest Assessment Strategy. ADF&G, Division of Subsistence. Final report No. FIS 01-107. Anchorage, AK. 50 pages.



due to conservation concerns for Chinook salmon. Proposal 241 requests providing the Alaska Department of Fish and Game the emergency authority to restrict the commercial fishing gear type to fish wheels only in District 6 and Subdistrict 4A and requiring monitored live release of all capture Chinook salmon.

Current State Regulations:

5 AAC 05.330. Gear

(a) In Districts 1 - 3, set gillnets and drift gillnets only may be operated, except that in District 1 after July 15 set gillnets only may be operated in the following locations:

5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan

(j) In Subdistrict 4-A, during times when the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the commercial set gillnet fishing season and immediately reopen the fishing season during which

(1) a fish wheel may be used;

(2) the permit holder shall be present at and attend the fish wheel at all times while the fish wheel is in operation; and

(3) all king salmon caught in the fish wheel must be returned to the water alive immediately.

5 AAC 01.220. Lawfull gear and gear specifications

(n) Notwithstanding the provisions of (d), (e)(2), and (f)(2) of this section, during times when the commissioner determines it to be necessary for the conservation of king salmon, the commissioner may, by emergency order, close the fishing season in the Yukon Area and immediately reopen the season in that area during which the following gear limitations apply:

(2) for fish wheels:

(A) a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation;

(B) the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation, and all king salmon in the livebox must be returned alive to the water;

(C) a person may operate a fish wheel without a livebox only if

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all king salmon caught to the water alive;

(3) dip nets may be used, however, all king salmon caught with a dip net must be released to the water alive.

(o) For the purposes of this section, a "livebox" is a submerged container that is attached to a fish wheel and that will keep fish caught by the fish wheel alive.

Current Federal Regulations:

§____.27(e)(3)(ii) *For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.*

(xiii) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.

Impacts to Federal subsistence users/fisheries: Yes. Some unknown amount of incidental handling mortality of Chinook salmon released from the commercial fishery will happen. This amount may result in increasing conservation concerns during years of Chinook salmon low abundance potentially impacting continuance of subsistence uses for Federally qualified users.

Federal Position/Recommended Action: Support with modification. The Office of Subsistence Management recommends adoption of both proposals if the changes in regulations also apply to the State subsistence fisheries. Adoption of these proposals for the State subsistence fisheries will, by default, allow the Federal subsistence fisheries to occur following identical fishing schedules, openings, closing, and fishing methods of fish taken under Alaska Statues, unless superseded by a Federal Special Action.

If the Alaska Board of Fisheries adopts either or both proposals and limits the regulatory changes to the commercial fisheries only, Federal managers may be required to issue a Federal Special Action to mirror the State’s commercial fisheries opportunities in waters under Federal subsistence fisheries jurisdiction.

Conservation based Federal subsistence fisheries regulations requiring the release of non-target fish species have been established for fish wheels, rod and reel, and dip nets in other Federal subsistence fisheries in Alaska.



Native Village of Nunapitchuk
Nunapitchuk IRA Council
P.O. Box 130
Nunapitchuk, AK 99641
Phone: 527-5705; Fax: 527-5711
Email: tribaladmin@yupik.org

November 15, 2012

Board of Fisheries Comments
ADF&G
P.O. Box 115526
Juneau, AK 99802

Fax #: 465-6094

Proposal 105- 5 AAC 07.365 Kuskokwim River Salmon Rebuilding Management Plan.

"Support" with modification change of 5 ½" mesh instead of 4", on C.(2).

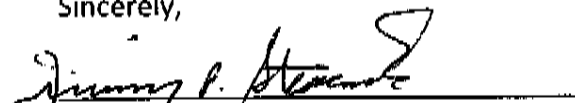
Reasoning behind this is that there were too many small Chinook salmon floating downstream of a 4" set net. And on top of floating downstream the fish were rotten and not adequate for cutting up to dry.

Support as amended.

Preferred amendment:

(2) during subsistence closures **announced by emergency order**, [OF THREE CONSECUTIVE DAYS PER WEEK IN JUNE AND JULY,] all salmon nets with a mesh size larger than **FIVE AND A HALF INCHES** must be removed from the water, and fish wheels may not be operated; [HOWEVER, THE COMMISSIONER MAY ALTER FISHING PERIODS BY EMERGENCY ORDER BASED ON RUN STRENGTH AND TO ACHIEVE ESCAPEMENT GOALS;]

Sincerely,


Jimmy P. Stevens, Sr./President

JPS, Sr.:ejw
Cc:files

