



IN REPLY REFER TO:  
FWS/OSM 12073.PP

## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

1011 E. Tudor Road  
Anchorage, Alaska 99503-6199



RC 17

**OCT 05 2012**

Mr. Karl Johnstone, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

**Subject:** Preliminary response to the Alaska Department of Fish and Game (ADF&G) memo to the Board of Fisheries (Board) regarding revisions of the Kuskokwim River Chinook salmon escapement goals, dated September 19<sup>th</sup>, 2012.

Dear Mr. Johnstone:

The purpose of this letter is to clarify U.S. Fish and Wildlife Service (FWS) involvement in the process used to develop the proposed revisions to SEGs for Chinook salmon on the Kuskokwim River, and to provide our preliminary position on the proposed escapement objectives. In the 2005 Memorandum of Understanding (MOU) between the State of Alaska and Federal Agencies, (enclosed) all parties agreed to review and develop scientifically-based salmon escapement goals and further, that a review team would conduct appropriate analyses and make recommendations for changing escapement objectives. Additionally, the MOU states that team members may include staff from Federal agencies in cases where federal subsistence management jurisdiction applies.

FWS staff participated in some of the initial team discussions and was provided preliminary data, including a "traditional" Ricker production model for Kuskokwim Chinook. After initial review, FWS staff offered general recommendations addressing FWS conservation mandates and concerns. In September 2012, ADF&G staff used a Bayesian state-space production model based on the Ricker model to develop recommendations for SEGs. While results were presented to FWS staff, the model itself, associated data sets, and underlying assumptions have not been provided to FWS for their review.

Unlike the "traditional" Ricker model provided to FWS as part of the preliminary analyses, the Bayesian state-space production model can account for both measurement and process error and also provides a platform for testing various assumptions and parameter values used in generating results. While the FWS supports the use of improved models to estimate salmon escapement goals, we are unable to evaluate or support the proposed SEG based on this model until further analyses have been conducted either jointly with the State or independently by FWS staff. These analyses should include an evaluation of other factors that may be influencing model performance, such as sex ratios skewed toward males, declines in older age classes, size

**TAKE PRIDE<sup>®</sup>  
IN AMERICA** 

Mr. Karl Johnstone

2

selectivity by the subsistence fishery, and the influence of ocean conditions on productivity, as well as a thorough review of the methodology, supporting datasets, and assumption.

The proposed changes to the escapement objectives for Chinook salmon on the Kuskokwim are significant, and will have far reaching effects on future State and Federal management decisions and strategies concerning this resource. Significant concerns and the desire to better understand the proposed SEGs have already been raised by key stakeholders. However, the model, data, and assumptions used do not appear to have been rigorously evaluated. We look forward to receiving the necessary information from ADF&G to allow for either an independent or joint analyses of these recommendations. Until further analyses have been completed, the FWS cannot, at this time, support modifications to Chinook salmon escapement goals for the Kuskokwim River as proposed by ADF&G staff. Our goal would be to complete our analyses and report back to the Board and ADF&G prior to your January 2013 meeting addressing the AYK Region.

Thank you for the opportunity to comment.

Sincerely,



Pete Probasco  
Assistant Regional Director  
Office of Subsistence Management

Enclosure

cc: Jeff Regnart, Director Division of Commercial Fisheries  
Jennifer Yuhas, ADF&G  
LaVerne Smith, Acting Regional Director, USFWS  
Tim Towarak, Chair, Federal Subsistence Board  
Gene Peltola Jr., Refuge Manager, Yukon Delta NWR  
Mike Boylan, Refuge Supervisor, Alaska Region  
Polly Wheeler, Deputy Chief of Refuges, Alaska Region

## MEMORANDUM OF UNDERSTANDING

ALASKA DEPARTMENT OF FISH AND GAME

&

U.S. FISH & WILDLIFE SERVICE, NATIONAL PARK SERVICE, BUREAU OF LAND  
MANAGEMENT, BUREAU OF INDIAN AFFAIRS, AND USDA FOREST SERVICE

### REVIEW AND DEVELOPMENT OF SCIENTIFICALLY-BASED SALMON ESCAPEMENT GOALS

6/17/05

This memorandum of understanding (MOU) establishes a coordinated review process for the development of scientifically-based salmon escapement goals between the Alaska Department of Fish and Game (ADF&G) and the federal agencies in Alaska representing the Federal Subsistence Board and that are responsible for ensuring the subsistence priority on federal public lands under the authority of Title VIII of ANILCA (U.S. Fish and Wildlife Service, USFWS; National Park Service, NPS; Bureau of Land Management, BLM; Bureau of Indian Affairs, BIA; and USDA, Forest Service, USFS; herein referred to as "the federal agencies"). This MOU is applicable for salmon stocks that are harvested in subsistence fisheries, or that spawn, in waters for which the U.S. claims subsistence management jurisdiction (50 CFR ' 100.3(b)). This MOU does not apply to review and development of optimal escapement goals (OEGs) that are established by the Alaska Board of Fisheries (ABOF), or to shared salmon stocks of the Transboundary Rivers of Alaska and Canada, or other stocks that may be subject to specific provisions and review processes mandated by international agreements such as the Pacific Salmon Treaty and Yukon River Salmon Agreement. For each of these exceptions, any of the state or federal agencies party to this MOU may participate in review and development of affected escapement goals to the extent allowable under that process.

#### Goal

The goal of this salmon escapement goal review and development MOU is to foster cooperation and coordination, and avoid duplication of research between state and federal agencies.

## **Justification for MOU**

Scientific-based escapement goals provide the foundation for conserving salmon stocks and sustaining benefits from salmon fisheries in Alaska. As such, the review and development of salmon escapement goals is a crucial role for agencies responsible for managing fisheries. With the implementation of a federal subsistence fisheries management program on federal public lands in Alaska, there is a pressing need to closely coordinate federal and state management and assessment programs where applicable. Poorly coordinated programs may cause unnecessary duplication in research and management activities, disruptions to established fisheries, confusion among fishers, and unintended misunderstandings between federal and state managers.

This MOU establishes a mutual basis for review and development of salmon escapement goals; and specifies the roles and responsibilities of agency personnel, both state and federal, in carrying out their respective duties and responsibilities with regard to review and development of salmon escapement goals. This MOU describes the process for carrying out this responsibility; and specifies communication, coordination, and information sharing procedures needed to establish a common basis for understanding and resolving scientific issues related to the review and development of escapement goals. This MOU also provides state and federal agency personnel involved in salmon stock assessment and research activities with a coordinated framework and review process for developing salmon escapement goals and a method to evaluate results.

## **Purpose**

The Commissioner of the Alaska Department of Fish and Game (ADF&G) and the Alaska Board of Fisheries (BOF) are responsible for establishing escapement goals for salmon stocks in all Alaska waters consistent with the sustained yield principle (Alaska Constitution, art. VIII, § 4; AS 16.05.020; and 5 AAC 39.223). Establishment of the various types of escapement goals follows guidelines contained in the Policy for Statewide Salmon Escapement Goals (5 AAC 39.223) and the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222).

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) requires that "the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes" ('804); and "consistent with sound management principles, and the conservation of healthy populations of fish and wildlife, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence use of the resources" ('802(1)). In addition, federal conservation system units have specific mandates to conserve salmon and anadromous fish for natural diversity and stability.

There is common purpose in reviewing and developing escapement goals that provide for sustainable yields of salmon stocks and sustainable benefits to salmon fisheries. Scientific-based escapement goals provide the foundation for conserving salmon stocks and sustaining benefits from salmon fisheries in Alaska. Involvement of state and federal agency staff in the

process of reviewing and developing escapement goals should lead to improved cooperation and communication, minimized disruption to fisheries, and minimized duplication of effort.

### **Process**

Scientific reviews, development, and recommendations for establishment of escapement goals will be the responsibility of escapement goal review teams (herein referred to as "teams"). Recommendations for establishment of escapement goals will be made to the Commissioner of ADF&G through the divisions of Sport Fish and Commercial Fisheries. Teams will be established and led by ADF&G staff. The focus of teams will roughly correspond to salmon stocks within ADF&G management areas, or in drainages, or groups of drainages throughout Alaska. Teams will review and consider all existing salmon escapement goals in each area of the State consistent with the Policy For Statewide Salmon Escapement Goals (5 AAC 39.223). For those stocks of salmon where new information or improved methodologies can be used to improve scientific estimates of needed escapement levels, the teams will conduct appropriate analysis and make recommendations for changes in escapement goals. For escapement goals in waters where the U.S. claims subsistence management jurisdiction, staff from the federal agencies may be included as members of the team.

### **Team Membership**

Team members will be fishery professionals, have knowledge of relevant information and have expertise in quantitative assessment.

Appropriate regional supervisors from the divisions of Sport Fish and Commercial Fisheries will assign ADF&G team members and team leader(s).

Federal team members will consist of staff from the federal agencies, whose names will be forwarded to ADF&G by the State Fishery Liaison from the Office of Subsistence Management.

### **Role of Teams**

All team members will actively, meaningfully, and professionally participate in the following tasks:

- Follow the guidelines contained in the Policy for Statewide Salmon Escapement Goals (5 AAC 39.223) and the Policy for the Management of Sustainable Salmon Fisheries (5 AAC 39.222), Standard Operating Procedures for reviewing and developing salmon escapement goals (ADF&G in progress), and commonly accepted scientific principles of salmon life history and population dynamics.
- Provide information, assistance, and recommendations during the review and development of salmon escapement goals.
- Review relevant reports on salmon stock status.

- Conduct analyses and evaluations where appropriate and as assigned by the team leader(s).
- Provide evidence of the scientific defensibility of escapement goals recommended for establishment by the Commissioner of ADF&G.
- Publish analyses of salmon production data and scientific rationale for development of escapement goals.
- Participate in meetings with fishers, interest groups, or other scientists to discuss methods and information used to develop escapement goals.
- Identify information gaps and provide recommendations to improve stock assessments.

Teams will strive to seek consensus on recommendations for escapement goals based on the best available scientific information. However, data to develop escapement goals are often incomplete, and assessment of risk and uncertainty is a matter of judgment and often open to interpretation. In the event that a consensus recommendation cannot be reached, the team leader(s) will forward a recommendation to the Commissioner of ADF&G through the divisions of Sport Fish and Commercial Fisheries that reflect the range of differing opinions and assessments. The Commissioner of ADF&G will make the final determination to resolve any differences.

### **General Provisions**

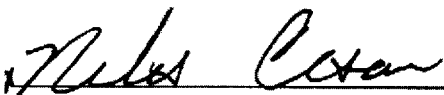
This MOU may be terminated following written notice by any of the affected parties. Modifications shall be made by mutual consent of the signatories, signed and dated by all parties. This agreement becomes effective as of the date of the last signature.

Signatories

  
\_\_\_\_\_  
Commissioner

Alaska Department of Fish and Game

Date: 10/21/05

  
\_\_\_\_\_  
Regional Director

Bureau of Indian Affairs

U.S. Department of the Interior

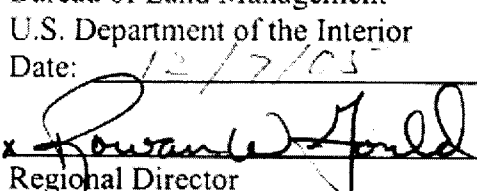
Date: 12-6-05

x   
\_\_\_\_\_  
State Director

Bureau of Land Management

U.S. Department of the Interior

Date: 12/17/05

x   
\_\_\_\_\_  
Regional Director

Fish and Wildlife Service

U.S. Department of the Interior

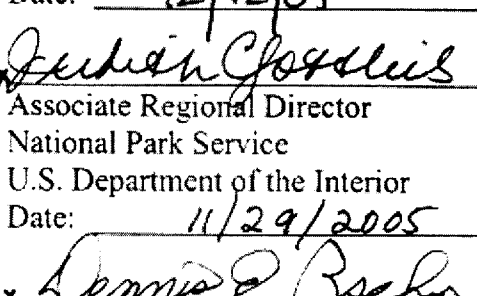
Date: 12/12/05

x   
\_\_\_\_\_  
Associate Regional Director

National Park Service

U.S. Department of the Interior

Date: 11/29/2005

x   
\_\_\_\_\_  
Regional Forester

Forest Service

U.S. Department of Agriculture

Date: 1/9/2006

<http://www.youtube.com/watch?v=w6c8shr-Ys&feature=channel&list=UL>

088 2012 Aug 25 #1 -- Day before 1st opener. Appears to be a commercial harvester testing out his boat around sport fishermen.

<http://www.youtube.com/watch?v=RDNbC5O70j4&feature=channel&list=UL>

089 2012 Aug 25 #2 -- Day before first opener. This is a continuation of video 088. Appears to be a commercial harvester testing out his boat around sport fishermen.

<http://www.youtube.com/watch?v=L5AG5hsSKWE&feature=plcp>

090 2012 Aug 25 #3 -- Continuation of video 089. Commercial harvester appears to be testing his boat around sport fishermen.

<http://www.youtube.com/watch?v=OyhNEg6KxbU>

091 2012 Aug 26 -- First commercial opener. They would get real close but nothing right on top of the sport fishermen.

<http://www.youtube.com/watch?v=yVLgmlhzLAE>

092 2012 Sep 9 - 5<sup>th</sup> Opener -- The first 4 openers were pretty decent. Today its like someone flipped the switch. Everyone was getting this kind of treatment today. Fish being taken away from sport fishermen.

<http://www.youtube.com/watch?v=T6m-kV4KJHs>

093 2012 Sep 11 #1 -- 6<sup>th</sup> Opener --Showing no nets in last mile of river.

<http://www.youtube.com/watch?v=DHFdWNkKG0c>

094 2012 Sep 11 #2 -- Typical blush fish in upper reaches of river.

<http://www.youtube.com/watch?v=S-zFnZbudqM>

095 2012 Sep 11 #3 -- 6<sup>th</sup> Opener -- Showing no nets in first mile of river.



ALASKA BOARD OF FISHERIES

Operating Procedures

Motion to Reconsider

RC 19

1. Any member of the Board of Fisheries who voted on the original issue may move to reconsider a vote, regardless of how the member voted on the original issue.
2. A motion to reconsider may be made at any time prior to final adjournment of the Board meeting. A motion to reconsider need not be made on the day the original vote is taken.
3. A motion to reconsider must be supported by a presentation of new evidence that was not before the Board at the time the original vote was taken.
4. A Board member who intends to move for reconsideration should inform the Chairman of his intent.
5. When intent to reconsider is made known, public notice will be given as to when reconsideration will occur.

ADOPTED: April 3, 1980  
VOTE: 6/0 (Goll absent)  
Anchorage, Alaska