

**BOARD OF FISHERIES
ARCTIC / YUKON / KUSKOKWIM FINFISH
JANUARY 12-17, 2016**

PROPOSAL 92 – 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Modify the Kuskokwim River Salmon Management Plan to manage the king salmon subsistence fishery based on the Bethel Test Fishery, as follows:

5 AAC 07.365(c)(2) is amended to add a new subparagraph (C) as follows:

(C) notwithstanding (A) and (B) of this section, when the preseason outlook is below 150,000 king salmon and taking into account recent run performance, the department shall manage the king salmon subsistence fishery conservatively and not open any subsistence salmon fishing periods until the approximate first 50% of the current king run has been determined to have passed the Bethel Test Fishery;

What is the issue you would like the board to address and why? Since 2010, the Kuskokwim River has experienced a decline in king salmon returns, with 2013 having the lowest total run and escapement on record, and 2014 seeing the implementation of unprecedented subsistence fishing restrictions for Kuskokwim Chinook salmon. In times of low run abundance, it becomes more difficult to ensure that adequate numbers of fish reach their spawning grounds and to provide enough fish for equitable distribution to subsistence users throughout the drainage. This proposal would close the subsistence salmon fishery until it has been determined that approximately 50% of the king salmon run has passed the Bethel Test Fishery.

PROPOSED BY: Orutsarmiut Native Council (HQ-F15-108)

PROPOSAL 93 – 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Modify the Kuskokwim River Salmon Management Plan to establish an inriver run goal of king salmon above the Bethel Test Fishery, as follows:

The BOF should establishment an In-River goal for Chinook salmon on the Kuskokwim River. The lower end of which is based on the established SEG, adjusted for uncertainty (85,000) and the addition of 10,000 fish for a total In-River goal of 95,000 Chinook above the BTF site.

5 AAC07.365. Kuskokwim River Salmon Management Plan is amended to:

(c) In the king salmon fishery,

Replace all occurrences in this section of the Kuskokwim River Salmon Management Plan of: "drainage wide escapement goal", with "the established In-River Goal".

What is the issue you would like the board to address and why? Currently fisheries managers lack codified in-season management objectives to provide for reasonable opportunity

for the harvest of Chinook salmon in the middle/upper regions on the Kuskokwim River. Reasonable opportunity for subsistence harvest of Chinook salmon has not been provided for over a decade in these communities when taking into account that considerable more effort and expense has been required to meet basic subsistence needs. This has been especially evident over the last five years when ANS drainage-wide has not been met. Post season harvest data (1990 to 2011) shows that Bethel is harvesting a significantly greater proportion of Chinook than in the past, approximately a 5% per decade rate increase. Although the number of Chinook harvested per household (HH) in Bethel has remained relatively constant, the number of HH's has been rapidly increasing (about 50 HH's/per year), or roughly the equivalent of adding one new Village the size of Upper Kalskag to the Kuskokwim each year. Over this same period most villages in the middle and upper river harvest and number of HH's has remained constant or declined. What is not captured by the harvest statistics however is how much harder the villages in the middle and upper Kuskokwim have had to work, and resources they have expended just to remain constant, or slow the decline of harvest. The primary cause of this inequality is fundamentally due to lower densities of Chinook above Bethel, as a result of; low abundance, increased population growth of Bethel, no segregation of ANS by sub regions (i.e. lower, mid and upper-river), and more recently the adoption of the basin-wide SEG which allows for unrestricted subsistence harvest in the lower river even when abundance is well below historic means.

An appropriate in-season management goal that could increase the relative density of Chinook above Bethel is needed. The "tool" at the BOF's disposal to accomplish this is establishing an In-River Goal for Chinook salmon above the Bethel Test Fish (BTF) site. The current basin-wide SEG is 65,000 -120,000 Chinook, which correlates well with the BTF indices, however to account for uncertainty a management objective of 85,000 Chinook is typically used to ensure that the minimum escapement is met. The 25 year average of subsistence harvest has been approximately 81,000 Chinook for the entire drainage. Taking into account the increase in the proportional harvest at Bethel (5% per decade), over a 25 year period approximately 12.5% of the total harvest has been "reallocated" to Bethel, or the equivalent of about 10,000 Chinook. Total Chinook harvested by the middle and upper Kuskokwim Villages between 1990 and 2011 has declined by approximately 6,000 Chinook.

Through establishment of an in-river goal using the management objectives of 85,000 plus an additional 10,000 fish as the lower bounds of a goal, as measured by the BTF, managers would be more likely to meet minimum escapement, and increase the density of fish in the middle and upper river resulting in more equitable, reasonable opportunity for those communities.

As an alternative solution, and because the ANS for Chinook salmon on the Kuskokwim has not been met drainage-wide over the last five years, under AS 16.05.258. (b)(4)(B), "if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall. . . , distinguish among subsistence users..." i.e., establish a Tier II permitting system. The Board acknowledged this issue last October with its acceptance of ACR #8, and the establishment of the Kuskokwim Subsistence Salmon Panel to explore the issue further along with possible solutions. Three BOF proposals were adopted by the BOF addressing gear type changes; regrettably they fall far short of

addressing the core issues raised in ACR#8, and in this proposal. If the issue of inequitable harvest opportunity is not resolved by the BOF state statute clearly directs the BOF to institute a Tier II system for the subsistence harvest of Chinook salmon on the Kuskokwim River.

PROPOSED BY: Kuskokwim Native Association (HQ-F15-089)

PROPOSAL 94 – 5 AAC 07.365. Kuskokwim River Salmon Management Plan. Establish an inriver run goal for the Kuskokwim River Salmon Management Plan, as follows:

5 AAC 07.365. Kuskokwim River Salmon Management Plan is amended to read:

- (c) In the king salmon fishery,
 - (?) establish an Inriver Run Goal of 120,000 to 218,000 Chinook salmon, which is the historical median escapement +/- 30% plus the proposed nested ANS for communities upstream of Bethel.**
 - (A) This inriver Run Goal would result in a level of escapement that ranges from the upper end of the current escapement goal, to well above the current goal.**
 - (B) This inriver Run Goal provides a level of subsistence harvest opportunity upstream of Bethel consistent with historical opportunity. The level of annual escapement that would result also would provide decades of sustainable subsistence and commercial fisheries in the Kuskokwim River.**

(1) when the projected escapement of king salmon is below the drainage-wide escapement goal range, the commissioner shall, by emergency order, close the commercial, sport, and subsistence king salmon fisheries,

What is the issue you would like the board to address and why? The Stony-Holitna Advisory Committee has submitted three separate proposals to use as tools in addressing this issue. The three proposals (see Proposals 96 and 97) would be most effectively considered as a group in sequential order with this being the second proposal. However, each proposal could stand alone.

Reasonable opportunity for subsistence harvest of Chinook salmon has not been provided for many years in the middle/upriver communities on the Kuskokwim River. This has been especially evident over the last five years when there has been a limited harvestable surplus. The communities from Bethel and the surrounding area have harvested a disproportionate share of the Chinook. Currently there are no limits or reporting requirements for Chinook on the Kuskokwim. The increase in harvest at the lower end of the Kuskokwim results in not allowing enough Chinook to continue upriver to make escapement and provide a reasonable opportunity for those communities upriver of Bethel to meet their needs. The effect gets progressively more pronounced the further upriver a community is located.

Establish an inriver goal at a specific point, the Bethel Test Fishery, to guide managers in allowing enough Chinook upriver to provide reasonable opportunity for the middle/upriver

communities. This river goal could be set as the historical (1976-2013) median Chinook salmon escapement plus the nested ANS for the communities upriver of Bethel.

PROPOSED BY: Stony-Holitna Fish and Game Advisory Committee (HQ-F15-042)

PROPOSAL 95 – 5 AAC 01.286. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses; and 5 AAC 01.2xx. Tier II subsistence salmon fishing permits for the Kuskokwim River fishery. Create a Tier II subsistence king salmon fishery in the Kuskokwim River, as follows:

5 AAC 01.286(b) and 5 AAC 01.2xx NEW

Because available surpluses of Kuskokwim River Chinook salmon remain very low, and for a sustained period of time have not been sufficient to provide a reasonable opportunity to meet subsistence needs, the Board should designate Kuskokwim River Chinook salmon stocks as a Tier II fishery, as specified in AS 16.05.258(b)(4) or implement an alternate system which will effectively ensure an equitable distribution of any harvestable surpluses throughout the drainage in periods when amount necessary for subsistence (ANS) cannot be met (i.e. community permits or quotas). AS 16.05.258 states that “if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall” [emphasis added] establish a system that distinguishes among subsistence users. Such a system, referred to as “Tier II,” gives priority to users based on a set of clear criteria including: 1) customary dependence, 2) proximity to the stock or population and 3) availability of alternative resources (AS 16.05.258(b)(4)(B)). Tier II has been applied in the past by the BOF to the Nome Subdistrict chum salmon subsistence fishery and in a number of cases by the Board of Game.

Given the clear language in statute requiring action on the part of the Board, if the Board elects not to take action they may be failing to fairly distribute limited harvestable surpluses of Kuskokwim River Chinook salmon in years when ANS is not being met and may be in violation of AS 16.05.258(b)(4).

The core of this proposal was the subject of an 2014 BOF ACR which was accepted by the BOF by a 7-0 vote and considered at their October 2014 work session, but did not result in any of the requested actions. [See **ACR #8**: “Subdivide Kuskokwim River king salmon ANS by geographic area and allocate Kuskokwim River king salmon subsistence harvest under a Tier II system (5 AAC 01.286(b) and 5 AAC 01.2xx NEW)”].

What is the issue you would like the board to address and why? The Kuskokwim River Chinook salmon stocks are currently in an extended period of very depressed runs. With severely depressed runs and all Alaska residents qualifying as subsistence users, it has not been possible for fishery managers to provide fishing opportunity for all users without impacting escapement needs essential to rebuilding the stocks. The minimum ANS (5 AAC 01.286) for Kuskokwim River Chinook salmon (67,200 to 109,800) has not been achieved for the past five consecutive years. The 2014 total harvest as estimated by ADFG was 11,762—more than 55,000 salmon below the bottom of the established ANS range.

Subsistence users in 26 communities spread out along the length of the River customarily harvest Chinook salmon for subsistence. In recent years, when there has been limited harvest opportunity – but well below the ANS range, middle river and upriver users in many communities assert that the distribution of harvest, and reasonable opportunity, has not been equitably shared throughout the drainage with disproportionate harvest opportunities provided to lower river harvesters.

PROPOSED BY: Grant Fairbanks (HQ-F15-097)

PROPOSAL 96 – 5 AAC 01.286. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses. Separate the amounts necessary for subsistence use of king salmon into three parts on the Kuskokwim River, as follows:

5 AAC 01.286 is amended to read:

5 AAC 01.286. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses

(a) The Alaska Board of Fisheries (board) finds that the following fish stocks are customarily and traditionally taken or used for subsistence:

...

(b) The board finds that the following amounts of fish are reasonably necessary for subsistence uses:

(1) 67,200 - 109,800 king salmon in the Kuskokwim River drainage, **including**

(A) 22,400-36,600 in the Kuskokwim River from the Yukon Delta National Wildlife Refuge boundary at the mouth of the Kuskokwim (a line between 59° 59.958' N, 162° 30.458' W and 59° 59.945' N and 162° 11.154' W) upstream to Graveyard Point.

(B) 22,400-36,600 in the Kuskokwim River from Graveyard Point to the Y below Kwethluk at the mouth of Kuskokwaq Slough; and

(C) 22,400-36,600 in the Kuskokwim River from the Y below Kwethluk at the mouth of Kuskokwaq Slough to the headwaters;

What is the issue you would like the board to address and why? The Stony-Holitna Advisory Committee has submitted three separate proposals to use as tools in addressing this issue. The three proposals (see Proposals 94 and 97) would be most effectively considered as a group in sequential order with this being the first proposal. However, each proposal could stand alone.

Reasonable opportunity for subsistence harvest of Chinook salmon has not been provided for many years in the middle/upriver communities on the Kuskokwim River. This has been especially evident over the last five years when there has been a limited harvestable surplus. The communities from Bethel and the surrounding area have harvested a disproportionate share of the Chinook. Currently there are no limits or reporting requirements for Chinook on the Kuskokwim. The increase in harvest at the lower end of the Kuskokwim results in not allowing enough Chinook to continue upriver to make escapement and provide a reasonable opportunity

for those communities upriver of Bethel to meet their needs. The effect gets progressively more pronounced the further upriver a community is located.

Using the present ANS number, divide the ANS into three equal parts, a nested ANS, based roughly on current subsistence harvest in these three portions of the river. One third to be below Bethel, one third to encompass the Bethel area and one third to be above Bethel. These proportions are based on subsistence harvest data both from a 5 year average and a 24 year average, with little or no change over that time span. This would give the managers a formal target to aim for in each part of the river. Managers have a broad spectrum of management tools available to them to be used to help each ANS area achieve an equal portion of the harvest. The goal is to strive for equal harvest in each ANS area. This may be achieved by using different management options in each area. Notwithstanding this goal, it is acknowledged that ANS is most useful as a post-season tool to be used to adjust management approaches for the coming year.

PROPOSED BY: Stony-Holitna Fish and Game Advisory Committee (HQ-F15-041)

PROPOSAL 97 – 5 AAC 01.280. Subsistence fishing permits. Create a permitting system for king salmon subsistence fishing in the Kuskokwim River, as follows:

5 AAC 01.280. Subsistence fishing permits is amended to read:

Fish may be taken for subsistence purposes without a subsistence fishing permit, **except Chinook salmon may be taken in the Kuskokwim River under authority of a subsistence fishing permit.**

(a) Only one subsistence fishing permit may be issued to a household per year. The permit must be retained, and in the possession of the permittee, and readily available for inspection upon request by a peace officer of the state, while taking or transporting Kuskokwim River king salmon taken for subsistence uses under this permit.

(b) A record of subsistence-caught king salmon must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence-caught king salmon and must be returned to the local representative of the department no later than September 30.

(c) Permit limits: only one subsistence fishing permit may be issued to a household; and an annual limit of Chinook taken may be attached to this permit to be set by ADFG management.

(d) A permittee who fails to comply with reporting requirements in this section is ineligible to receive a subsistence fishing permit for Kuskokwim River king salmon subsistence fishing during the following calendar year, unless the permit applicant demonstrates to the department that failure to report was due to unavoidable circumstances; notwithstanding the provisions of this paragraph, the department may determine that it is administratively impractical to apply the penalty for failure to report.

What is the issue you would like the board to address and why? The Stony-Holitna Advisory Committee submitted three separate proposals to use as tools in addressing this issue.

The three proposals (see Proposals 94 and 96) would be most effectively considered as a group in sequential order with this being the third proposal. However, each proposal could stand alone.

Reasonable opportunity for subsistence harvest of Chinook salmon has not been provided for many years in the middle/upriver communities on the Kuskokwim River. This has been especially evident over the last five years when there has been a limited harvestable surplus. The communities from Bethel and the surrounding area have harvested a disproportionate share of the Chinook. Currently there are no limits or reporting requirements for Chinook on the Kuskokwim. The increase in harvest at the mouth of the Kuskokwim results in not allowing enough Chinook to continue upriver to make escapement and provide a reasonable opportunity for those communities upriver of Bethel to meet their needs. The effect gets progressively more pronounced the further upriver a community is located.

A household permit system for Chinook should be instituted on the entire Kuskokwim River Drainage. This would allow a method to equitably distribute the harvestable surplus when it is forecast to be below the total ANS. Permits would give ADFG a method to allocate the forecast harvestable surplus equitably between all households. Such a permit system would also serve as a reporting mechanism for actual catch that would include all fishing households, not just those available for voluntary interviews in October during the subsistence post-season surveys. This additional data would give better numbers on which to base management decisions.

PROPOSED BY: Stony-Holitna Fish and Game Advisory Committee (HQ-F15-043)

PROPOSAL 98 – 5 AAC 01.255. Description of districts and subsections. Establish descriptions of subsistence fishing sections for the Kuskokwim River during times of king salmon conservation, as follows:

5 AAC 01.255 is amended to read:

5 AAC 01.255. Description of districts and subsections. (a) Districts and subdistricts are as described in 5 AAC 07.200.

(b) During times of king salmon conservation, the Kuskokwim River may be divided into the following sections by emergency order:

(1) Section 1: from a line from the Yukon Delta National Wildlife Refuge boundary at the mouth of the Kuskokwim River at 59° 59.96' N. lat., 162° 30.46' W. long. to the confluence of the Johnson River and Kuskokwim River at 59° 59.95' N. lat., 162° 11.15' W. long.;

(2) Section 2: from the confluence of the Johnson River and Kuskokwim River to a line between ADF&G regulatory markers located approximately one-half mile upstream of the Tuluksak River mouth;

(3) Section 3: from a line between ADF&G regulatory markers located approximately one-half mile upstream of the Tuluksak River mouth to a line between ADF&G regulatory markers at the Yukon Delta National Wildlife Refuge boundary near Aniak;

(4) Section 4: from the Yukon Delta National Wildlife Refuge boundary near Aniak to a line between ADF&G regulatory markers located downstream of the Holitna River mouth;

(5) Section 5: from a line between ADF&G regulatory markers located downstream of the Holitna River mouth to the headwaters of the Kuskokwim River.

What is the issue you would like the board to address and why? The department has been dividing the Kuskokwim River into five sections by emergency order to manage the subsistence fishery during times of king salmon conservation. There has been a lot of confusion regarding the descriptions or definitions of these areas. This proposal seeks to establish clear definitions in regulation.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-012)

PROPOSAL 99 – 5 AAC 01.270. Lawful gear and gear specifications and operation. Modify gear operation in the Kuskokwim River by limiting four-inch mesh subsistence gear to one gillnet per household, as follows:

Amend 5 AAC 01.270 is amended to read:

When 4” mesh restrictions are in place for the purpose of king salmon conservation, there is an additional limitation of only one (1) net per household;

What is the issue you would like the board to address and why? Since 2010, the Kuskokwim River has experienced a decline in king salmon returns, with 2013 having the lowest total run and escapement on record, and 2014 seeing the implementation of unprecedented subsistence fishing restrictions for Kuskokwim Chinook salmon. A 4” mesh, 60’ net allowance was made in order to give people an opportunity to fish for other resident species to have some opportunity for “fresh fish on the table”, but was not meant to be used for the targeting of king salmon. It has been observed and reported on numerous occasions that some have abused this opportunity by having multiple (2-5) legal nets in the water to increase their chances of “incidental” take of king salmon during their run. At fisheries meetings this winter many resident fishermen also expressed great concern for perceived increase in mortality to kings from encountering the greatly increased numbers of 4” inch mesh nets in the water.

PROPOSED BY: Orutsararmiut Native Council (HQ-F15-107)

PROPOSAL 100 – 5 AAC 01.270. Lawful gear and gear specifications and operation. Establish subsistence beach seine specifications in the Kuskokwim Area, as follows:

5 AAC 01.270 is amended by adding a new subsection to read:

(p) A beach seine may not exceed 50 fathoms in length or 100 meshes in depth. Seine mesh size may not exceed three and one-half inches stretched measure.

What is the issue you would like the board to address and why? Beach seines are legal gear under current subsistence fishing regulations, though there are no specifications. Therefore, any combination of net length, depth, and mesh size could be operated within the Kuskokwim Area as a beach seine. Under current regulations, a very large or very long beach seine could potentially capture king salmon. Because of king salmon conservation concerns, it is prudent to ensure beach seine gear will not cause king salmon mortality. This will provide clarification and set maximum allowable gear specifications for beach seines in the Kuskokwim Area.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F15-021)
