



State of Alaska  
Department of Fish and Game  
Division of Subsistence

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## State of Alaska Subsistence Priority Overview

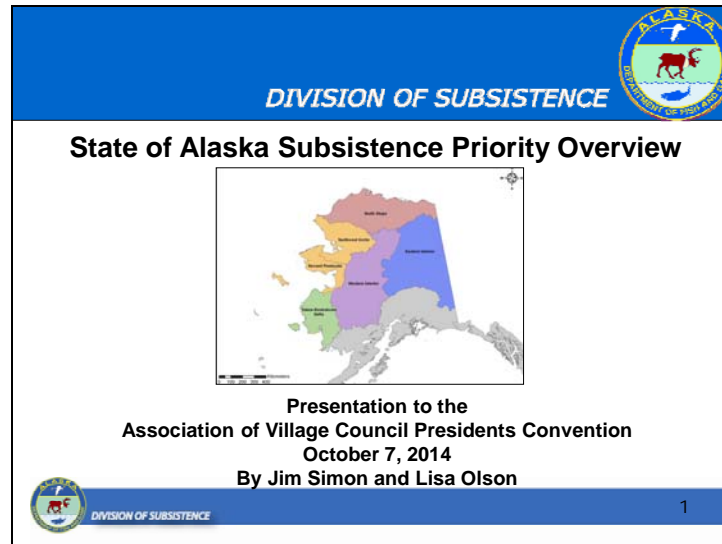
Presentation to the

Association of Village Council Presidents  
Convention

October 7, 2014

*Slides and script*

Slide 1




My name is Jim Simon. I have lived in Fairbanks for the past 25 years, but spent part of my childhood in Nelchina, Eagle River, and Anchorage. I have worked for the ADF&G Division of Subsistence since November 2002. Prior to coming to the Subsistence Division I worked as an anthropologist and archaeologist for a variety of companies and organizations, including the University of Alaska Fairbanks, Tanana Chiefs Conference, the National Park Service, Kodiak Area Native Association, Bering Straits Foundation, Ukpeagvik Inupiat Corporation, and North Land Use Research.

And I'm Lisa Olson, the deputy director for the Division of Subsistence. I was born and raised in Anchorage and have been with the Department of Fish and Game since 1998.

In this presentation, Jim and I will review the State of Alaska subsistence priority statute with a particular focus on Kuskokwim River king salmon.

### **Division of Subsistence Mission**

- Scientifically quantify, evaluate, and report information about customary and traditional uses of Alaska's fish and wildlife resources
- Provide scientifically-based information for fisheries and wildlife management programs; and to the Board of Fisheries and the Board of Game for their use in evaluating reasonable opportunities for customary and traditional uses
- Background purposes: not legal advice

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The mission of the Subsistence Division is to scientifically quantify, evaluate, and report information about customary and traditional uses of Alaska's fish and wildlife resources.

We furnish this information to meet resource management goals, aid in regulation development, facilitate collaborative agreements, aid in assessing environmental impacts, and to describe the unique role of wild resources in the lives, communities, and cultures of Alaskans as specified in Alaska statute. We conduct research on subsistence harvest and use of both fish and wildlife, including wild resources not managed by either the State of Alaska or the Federal Subsistence Board, such as migratory birds, marine mammals, and subsistence halibut.

This presentation is intended to provide an overview of Alaska's subsistence system for background purposes. The Division of Subsistence does not give legal advice and is not authorized to advise on the legality of particular situations or actions.

### Subsistence Priority in State Law

- FIRST priority is sustained yield; SECOND priority is subsistence.
- “If the harvestable portion of the stock or population is sufficient to provide for **all** consumptive uses, the appropriate board (A) shall adopt regulations that provide a **reasonable opportunity** for subsistence uses of those stocks or populations; (B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and (C) may adopt regulations to differentiate among uses” (AS 16.05.258(b)(1)).
- “If the harvestable portion of the stock or population is sufficient to provide for subsistence uses and **some, but not all**, other consumptive uses, the appropriate board (A) shall adopt regulations that provide a **reasonable opportunity** for subsistence uses of those stocks or populations; (B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and (C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph” (AS 16.05.258(b)(2)).

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The Alaska Department of Fish and Game is charged with managing fish stocks and wildlife populations consistent with the principles of sustained yield; therefore, conservation for sustained yield is the first priority. Then, Alaska state law directs the Board of Game and Board of Fisheries to provide a REASONABLE OPPORTUNITY for subsistence uses first, before providing for other uses of any harvestable surplus of a fish or game population. Before we discuss what “reasonable opportunity” means in later slides, we will review the different directions the Alaska legislature gave to the Alaska Board of Fisheries and Alaska Board of Game in implementing the subsistence law.


Here is the text of the state subsistence law: “If the harvestable portion of the stock or population is sufficient to provide for ALL consumptive uses, the appropriate board (A) SHALL adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations; (B) SHALL adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and (C) MAY adopt regulations to differentiate among uses” (AS 16.05.258(b)(1)).

“If the harvestable portion of the stock or population is sufficient to provide for subsistence uses and SOME, BUT NOT ALL other consumptive uses, the appropriate board (A) SHALL adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations; (B) MAY adopt regulations that provide for other consumptive uses of those stocks or populations; and (C) SHALL adopt regulations to differentiate among consumptive uses that

provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph.” (AS 16.05.258(b)(2)).

### Subsistence Priority in State Law - continued

- “If the harvestable portion of the stock or population is sufficient to provide for subsistence uses, **but no other consumptive uses**, the appropriate board shall (A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and (B) adopt regulations that eliminate other consumptive uses in order to provide a **reasonable opportunity** for subsistence uses” (AS 16.05.258(b)(3)).
- “If the harvestable portion of the stock or population is **not sufficient to provide a reasonable opportunity for subsistence uses**, the appropriate board shall (A) adopt regulations eliminating consumptive uses, other than subsistence uses; (B) distinguish among subsistence users, through limitations based on (i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood...; and (iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated” (AS 16.05.258(b)(4)).



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Continuing to quote directly from the subsistence law: “If the harvestable portion of the stock or population is sufficient to provide for subsistence uses, **BUT NO OTHER CONSUMPTIVE USES**, the appropriate board **SHALL** (A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and (B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses” (AS 16.05.258(b)(3)).

Finally, “if the harvestable portion of the stock or population is **NOT SUFFICIENT TO PROVIDE A REASONABLE OPPORTUNITY FOR SUBSISTENCE USES**, the appropriate board **SHALL** (A) adopt regulations eliminating consumptive uses, other than subsistence uses; (B) distinguish among subsistence users, through limitations based on (i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood...; and (iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated” (AS 16.05.258(b)(4)).

### What is Reasonable Opportunity?

- In state law, “reasonable opportunity’ means an opportunity, as determined by the **appropriate board**, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of **success** of taking of fish or game” (AS 16.05.258(f)).
  - Regulations must provide a participant with a reasonable expectation of success
  - However, reasonable opportunity is not a guarantee of success
  - Reasonable opportunity is evaluated by the appropriate board on a case-by-case basis
  - Current regulations are presumed to provide a reasonable opportunity for success. When there are concerns, boards will need to hear information about why regulations are not providing a reasonable opportunity



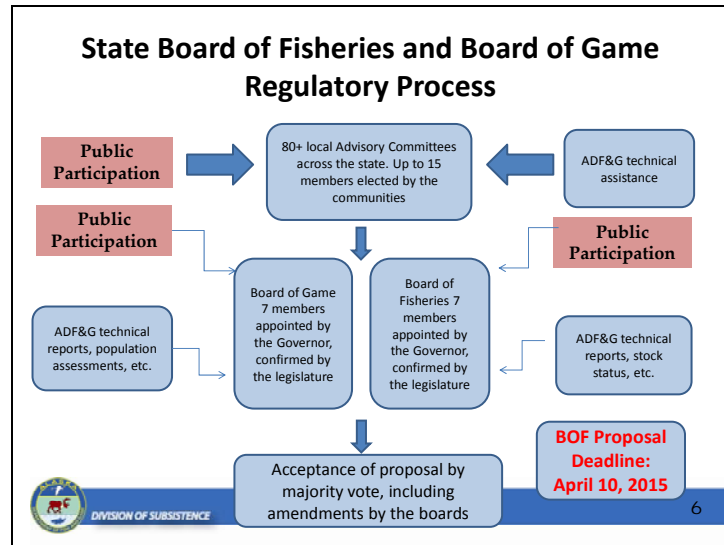
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Here is the definition of reasonable opportunity in Alaska’s subsistence law. Note that it is the Board of Fisheries’ or Board of Game’s job to determine what reasonable opportunity is. Another thing to note is that the regulations must provide a participant with a reasonable expectation of SUCCESS in taking the fish or game, not just any opportunity to fish or hunt.

It is also important to keep in mind throughout this presentation that reasonable opportunity is not a guarantee of success and that reasonable opportunity is evaluated by the appropriate board on a case-by-case basis.

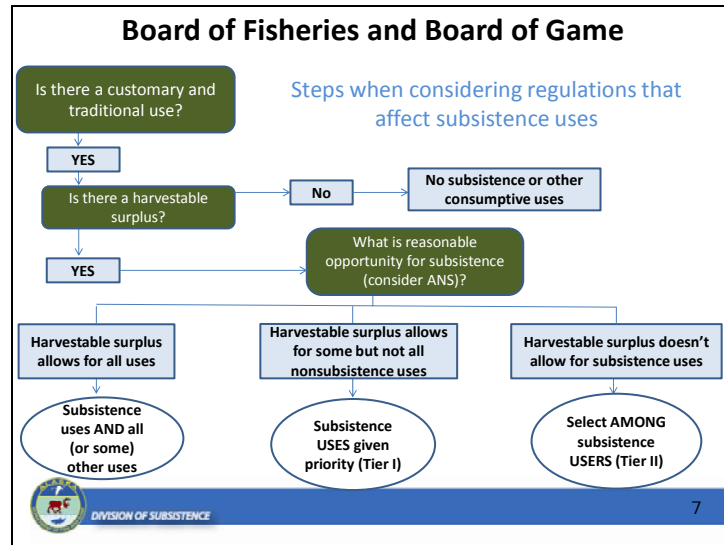
Current regulations are presumed to provide a reasonable opportunity for success. When there are concerns, the boards will need to hear information about why the regulations are not providing a reasonable opportunity.



This slide shows an overview of the process by which the state Board of Game and state Board of Fisheries adopt regulations, and this is where you all come in. The public has several avenues for addressing subsistence issues and participating in the regulatory process as outlined here. You can attend advisory committee meetings, attend board meetings, send in written comments, provide public testimony, and send in proposals, petitions, and agenda change requests.

The proposal submission deadline for the next regularly scheduled 2016 Arctic-Yukon-Kuskokwim Board of Fisheries meeting is April 10, 2015. We have observed that boards tend to highly value the information provided to them from working groups such as the Kuskokwim River Salmon Management Working Group.





This is a flow chart illustrating the steps the Board of Fisheries and Board of Game take when considering proposals to regulate hunting and fishing. First step is whether there is a customary and traditional use determination on a particular stock or population. On the Kuskokwim River, the Board of Fisheries determined years ago that Chinook salmon, or king salmon, are associated with customary and traditional uses. As a result, the subsistence law applies.

Next, the boards consider, based on information provided by the department, whether there is a harvestable surplus. Unlike wildlife populations that can generally be counted across a landscape, salmon enter the river in pulses and continue migrating upriver; it is not clear how many fish will actually return until they have actually all returned, at which time, most are already through the lower reaches of the Kuskokwim River.

According to the subsistence law, if the harvestable surplus allows for all uses, then commercial and/or sport opportunities may be provided. If the harvestable surplus consistently allows for some but not all non-subsistence uses, the board may wish to adopt a Tier I program where harvests are restricted to Alaska residents. By the way, state law also states that the boards shall adopt subsistence permits when harvests by non-subsistence users are reduced (AS 16.05.330(c)), and we will talk more about this later.

If the harvestable surplus is so low that it cannot provide for subsistence uses, and other management strategies aren't providing a reasonable opportunity, then the law directs the


boards to adopt a Tier II program. A Tier II program is the only way that the board can distinguish among Alaskan subsistence USERS.

There has only been one Tier II subsistence fishery in the state's history, for Nome Subdistrict chum salmon; we'll talk about this more later.

The bottom of this slide shows that there are actually three general frameworks for providing reasonable opportunity for subsistence uses. From left to right, they are "wide open" (no restrictions other than board allocations), Tier I (Alaska residents only – and remember we are talking about ALL Alaska residents), or Tier II (just SOME Alaska residents can fish and hunt). How does a board evaluate whether reasonable opportunity is being provided?

**Amounts Reasonably Necessary for Subsistence (ANS)**

- One way to “measure” reasonable opportunity
- It is boards’ responsibility to provide reasonable opportunity and allocate among subsistence and nonsubsistence uses (and in Tier II, among users)
- Usually a range of numbers based on harvest history
- Public input is important part of board deliberations
- Not a harvest cap, not a quota
- Not an in-season management tool
- ANSs are not made for specific communities
- Department provides data and options but is neutral on outcome



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The amount reasonably necessary for subsistence, or ANS, is one way to measure if reasonable opportunity for subsistence uses is being provided. ANS findings also assist the boards in allocating among subsistence and nonsubsistence uses.

Once the Board of Fisheries or Board of Game has determined that there are customary and traditional uses of a fish stock or game population, they set the ANS by considering information about the subsistence use pattern. ANS amounts are usually adopted as a range of numbers and should be based upon historical harvest levels and the number of Alaskans engaged in the subsistence opportunity. Public input is also an important part of board deliberations and adoption of subsistence regulations, including ANS.

ANS findings are not a harvest cap or quota. Also, ANS amounts are not used as an in-season management tool. ANS findings cannot be made for specific communities. ADF&G provides data and helps the boards by providing options for ANS amounts, but the department is neutral on the outcome of the boards’ deliberations.

### Salmon ANS Options & Examples

ANS Finding Options	Examples
All salmon species/stocks combined	Yukon River (1993 – 2001): 348,000 – 503,000.
For individual species/stocks	Yukon River king salmon: 45,500 – 66,704 Yukon River summer chum: 83,500- 142,192 Yukon River fall chum salmon: 89,500 – 167,900
All salmon species/stocks combined, including X of particular stock	Norton Sound-Port Clarence Area: 96,000 – 160,000 salmon, including 3,430 – 5,716 chum salmon in the Nome Subdistrict.
For individual species/stocks, including X in particular geographical area	Upper Copper River, Glennallen Subdistrict: (1) Chitina – Tonsina R.: 25,500 – 39,000 salmon; (2) Tonsina River – Gakona R.: 23,500 – 31,000; (3) Gakona – Slana R.: 12,000 – 12,500.


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The Alaska Board of Fisheries has established subsistence salmon ANS findings in a variety of ways across the state of Alaska. In many cases, the board determined that there was a customary and traditional use of all salmon species in a particular area and determined ANS based on customary and traditional harvest history of salmon in general. For the first example at the top of this slide, the board determined that there were customary and traditional uses of Yukon River salmon in 1987, and in 1993 established an ANS of 348,000 – 503,000 salmon, all species combined.

The second example of ANS options is where the board determined ANS findings for each species in an area, like the Yukon and Kuskokwim rivers, and in some cases established ANS findings even for certain salmon stocks, like the separate ANS findings for Yukon River summer chum salmon and fall chum salmon.

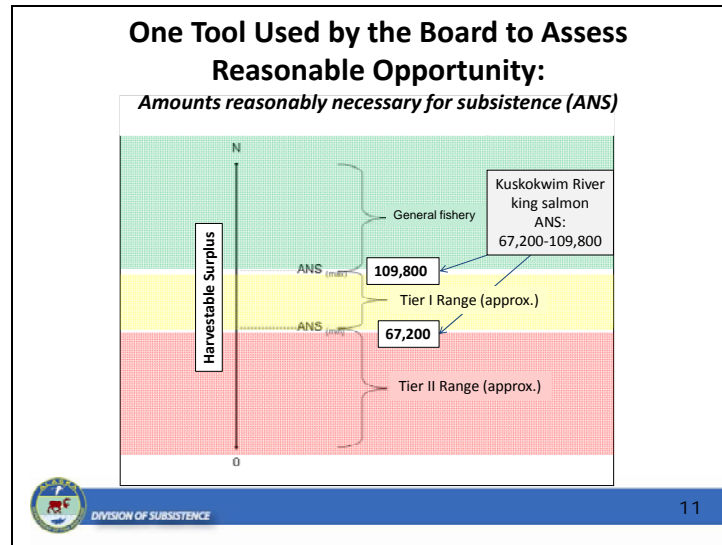
The third example of ANS options adopted by the board includes a number of cases where the board established an ANS for all salmon in an area and further determined that a certain amount of a certain species or stock were also necessary for subsistence; this is an example of a “NESTED” ANS. The closest example geographically of a nested ANS for salmon is in the Norton Sound-Port Clarence Area, where the board determined the ANS to be 96,000 – 160,000 salmon, including 3,430 – 5,716 chum salmon in the Nome Subdistrict.

Finally, the board has also established ANS findings for stocks occurring in specific portions of a river system; in this case, different sections of the Copper River.

<b>Kuskokwim River Drainage 2013 ANS Findings</b>		
Ranges based on low and high harvests 1990-2009 with adjustments (except pink salmon 2005-2009)		
	<b>New ANS</b>	Old ANS
King Salmon	<b>67,200 - 109,800</b>	64,500 - 83,000
Chum Salmon	<b>41,200 - 116,400</b>	39,500 - 75,500
Sockeye Salmon	<b>32,200 - 58,700</b>	27,500 - 39,500
Coho Salmon	<b>27,400 - 57,600</b>	24,500 - 35,000
Pink Salmon	<b>500 - 2,000</b>	n/a


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Here are some specifics for the Kuskokwim River king salmon situation. In 2013, the Board of Fisheries revised the ANS findings for Kuskokwim Area salmon species to reflect a new method of estimating salmon harvests, as shown here. You'll note that the old ANS for Kuskokwim River king salmon was 64,500 - 83,000. The new ANS is 67,200 - 109,800 king salmon, as of 2013. The data used to assist the board in making these ANS findings comes from the household surveys that many of you participate in annually, and thank you for your help.



This is a complicated slide and there is much to say. If a board makes a positive C&T finding, the law says the board should then determine the amount of the harvestable surplus that is reasonably necessary for subsistence, or ANS. The boards evaluate harvest history and other information, such as the number of participants likely to participate in a subsistence fishery to determine ANS findings. Recall earlier that there is a difference between how biologists determine if there is a harvestable surplus of wildlife and how they determine there is one for fish. It is easier to count moose before a hunting season opens than it is to count fish in the ocean, before they have returned to spawn. For most fisheries, fisheries managers do develop a pre-season outlook based on recruitment models that indicate how many salmon will likely return. Essentially, the harvestable surplus is that number minus the number needed for escapement, keeping in mind that, for salmon, the harvestable surplus is often an evolving number as salmon return to the river.

As mentioned earlier, ANS findings are typically adopted as a range. The vertical axis of this chart represents the harvestable surplus of a resource population, let's say Kuskokwim River king salmon. The two dotted lines to the right correspond to the upper and lower bounds of the ANS. Where the harvestable surplus falls in relation to the upper and lower bounds of the ANS helps guide the Board of Fisheries in determining if the regulations provide reasonable opportunity for success.

If the harvestable surplus consistently is greater than the upper range of an ANS finding (the green zone), then the board almost always has authorized nonsubsistence uses in addition to subsistence uses.

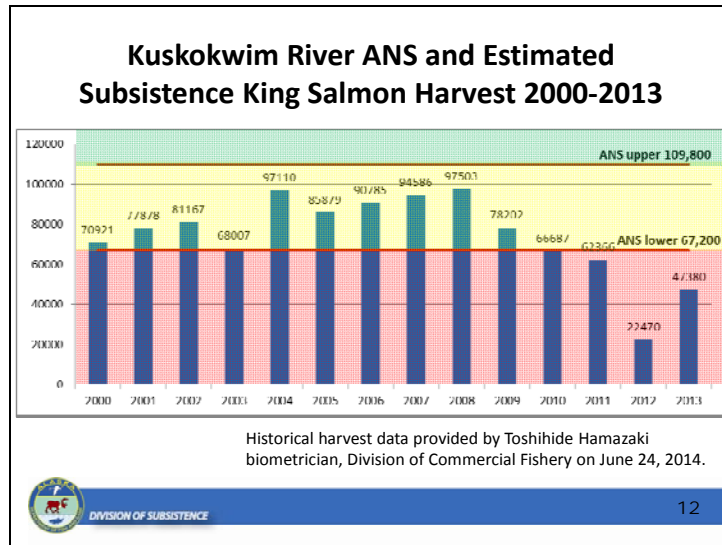
If the harvestable surplus consistently falls only within the ANS range (the yellow zone), and reasonable opportunity for subsistence uses can be provided, then the BOARD may need to restrict or eliminate non-subsistence uses, such as commercial fishing or sport fishing.

If the harvestable surplus consistently falls below the lower end of the ANS range (the red zone), and THE BOARD determines a reasonable opportunity for subsistence uses CANNOT be provided, then the board may need to distinguish among Alaskans through an application and ranking of scores process known as Tier II. The intent of Tier II management is that those who are most dependent upon the resource get an opportunity to participate in the limited subsistence fishing opportunity.

To illustrate how ANS findings can affect allocation of fishing opportunities, we will look at the Kuskokwim River king salmon ANS, which is 67,200-109,800 fish. If no conservation concerns exist and the harvestable surplus is ABOVE 109,800 king salmon, the Board of Fisheries may provide for subsistence, sport fishing, and commercial fisheries, in other words, ALL USES, the green zone. However, if the harvestable surplus falls BETWEEN the upper and lower ANS findings, the yellow zone, and the board can provide for some, but not all uses, then non-subsistence uses may need to be restricted or eliminated. If nonsubsistence uses are not allowed, the subsistence fishery is referred to as a Tier I fishery, and participation is restricted to Alaska residents only.

If the harvestable surplus consistently falls BELOW the lower ANS range, the red zone, and the board cannot provide for other uses, and even for all Alaskans to participate, then opportunities may need to be restricted among Alaska residents through a Tier II fishery. A Tier II fishery ranks individual applicants based upon customary and direct dependence on the fish stock for human consumption as a mainstay of livelihood, and the ability of the subsistence user to obtain alternative resources if the subsistence use is restricted or eliminated. In other words, in a Tier II situation there is not a sufficient harvestable surplus to provide for subsistence uses.

The department already has emergency order authority to manage subsistence fisheries in the green and yellow zones.






This bar graph depicts the harvest levels of king salmon on the Kuskokwim River drainage since 2000. The red lines indicate the established upper and lower bounds of the ANS range as modified in January 2013. In the 14 years beginning in 2000 through 2013, the king salmon harvest in the Kuskokwim River has fallen below the lower end of the ANS range 4 times.


The ANS range provides one index of the extent to which reasonable opportunity is provided in a subsistence fishery. Harvests consistently below the lower bound of the ANS range (in the red zone) may indicate, along with other evidence such as restricted fishing times, gear restrictions, harvest limit requirements, etc., that there was not a reasonable opportunity for subsistence harvests during the previous season. Again, ANS findings are not intended to be used as an in-season management tool. Harvests consistently lower than the lower bound of the ANS are an indication to the BOF to consider whether more conservative management actions are necessary to provide reasonable subsistence opportunities.



**Nome Subdistrict Tier II, 1999–2005**

- Summer chum had been declining since 1980s
- Interim steps = permit, bag limits, gear type reductions, closed areas, reduced windows
- 1999 = Tier II fishery for chum salmon after several years of below-ANS harvest
- 2000 = U.S. Secretary of Commerce declaration of fisheries disaster
- 2006 = Stock recovered enough to manage under Tier I
- 2014 = All uses now allowed



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As mentioned, ANS findings have been used by the Board of Fisheries to allocate fishing opportunity. The Nome Tier II chum salmon fishery, which occurred from 1999-2005, is the only Tier II subsistence fishery in the history of the state.

Norton Sound suffered a sustained collapse in salmon populations beginning in the 1980s which affected the lifestyles and culture of most Nome residents. The decline first began affecting the Nome Subdistrict, then moved to the rest of the Seward Peninsula, and by the late 1990s had affected the Bering Sea summer chum stock as a whole.


After reviewing historical harvest data, and after several years of meetings, the board determined that 96,000 – 160,000 salmon were reasonably necessary for subsistence uses in the Norton Sound-Port Clarence Area, including 3,430 – 5,716 CHUM salmon in the Nome Subdistrict of Norton Sound. However, the expected harvestable surplus of chum salmon was only 2,000, and the Board of Fisheries directed the department to manage Nome Subdistrict chum salmon as a Tier II fishery. The board adopted Tier II regulations that went into effect for the 1999 fishing season.

In August 2000 the Secretary of Commerce declared a fisheries disaster in the region.

In 2006, the stock recovered enough so that all interested Alaskans could participate in the subsistence fishery with reasonable opportunity for success, and today, it has recovered enough so that all uses – subsistence, commercial, and sport – of chum salmon can be provided for.

**State Method of Distinguishing Among Users in  
Nome Subdistrict (Tier II Questions)**

- FISHING HISTORY (85 points)  
How many years fished or processed subsistence-caught chum salmon? (maximum 75 points)
  - Included years WOULD HAVE fished or processed but did not because of closures or unsuccessful in obtaining Tier II permit  
What number of chum salmon harvested were from Nome Subdistrict? (maximum 10 points)
- Households ranked by total points:
  - Permits awarded in order of rank until all available permits issued
  - As run developed, additional permits could be awarded
- Developed in cooperation with working group and Nome public



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Under Tier II, not everyone who wants to fish is able to do so. The subsistence law directs the board to give a priority to those who have the greatest customary and direct dependence on the fish for food, and the fewest alternative resources to obtain food if subsistence use is restricted or eliminated. Determining who gets to fish cannot be based upon where someone lives under the state subsistence law and Alaska's constitution.


In order to distinguish between subsistence users, the Board of Fisheries -- in cooperation with the Nome Salmon Working Group, ADF&G, and the Nome public -- developed two questions, shown here. The first question asked applicants: "How many years have you fished or processed subsistence-caught chum salmon from the Nome Subdistrict?" Applicants were awarded one point for each year of fishing history, to a maximum of 75 points.

The second question asked applicants: "How much of your chum salmon came from the Nome Subdistrict during the past four years?" The more chum that came from the Nome Subdistrict, the more points were awarded, up to a maximum of 10 points.

People who wanted to fish for subsistence chum salmon in the Nome Subdistrict had to fill out an application each spring, and answer these two questions. Applicants were scored and ranked, and the top 10 or 20 ranking households got permits. Ultimately, only fishers 60 years and older with long-term use patterns were awarded permits.

### Effects of Nome Subdistrict Tier II Chum Fishery

- Limited number of Alaska residents could participate initially, mostly elders
- In the absence of Tier II permits, Nome residents shifted to other salmon species
- Demand for Tier II chum salmon permits declined, eventually there were as many permits available as there were applicants, thus management moved out of Tier II and into Tier I management in 2006



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While a detailed investigation of the effects of the Nome Subdistrict Tier II subsistence fishery has not been conducted, certain effects have been documented. Initially, most permits went to elder residents of Nome. In the absence of subsistence chum salmon opportunities in the Nome Subdistrict, other Nome residents shifted their attention to sockeye salmon and other salmon species, in the Port Clarence District and elsewhere.

Ultimately, the demand for Tier II chum salmon permits declined, so that eventually there were as many permits available as there were Tier II applicants. As a result of the decreased number of Tier II chum salmon permit applicants and the increase in chum salmon abundance, Nome Subdistrict chum salmon management shifted from Tier II back to Tier I in 2006.

Subsistence fishing permits are still required and harvest limits are still implemented through the authority of 5 AAC 01.015(b)(1) & (4).

### Status of Kuskokwim River King Salmon Fishing Opportunities

- Low abundance of king salmon
- No directed king salmon commercial fishery since 1987
- Recent closures to sport fishing opportunities
- No subsistence permit required per 5 AAC 01.280
- No subsistence harvest limits (except rod & reel in part of Aniak R.)
- Management through Emergency Order (EO)
  - (Rolling) fishing closures – pulse protections
  - Gear restrictions
- Recent federal ANILCA 804 community allocations

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So, let's go back to the Kuskokwim River. We have a king salmon conservation situation in many areas of Alaska, including the Kuskokwim River. There have been no directed king salmon commercial fishing opportunities on the Kuskokwim River since 1987. Sport fishing for king salmon in the Kuskokwim River has been closed in recent years.

There are currently no subsistence fishing permit requirements in the Kuskokwim River. There are currently no daily or annual king salmon harvest or possession limits, except when rod and reel subsistence fishing by Alaska residents on the Aniak River upstream of Doestock Creek. Subsistence fisheries management has been implemented through Emergency Order authority consisting of king salmon pulse protection through rolling fishing closures and gear restrictions in efforts to achieve king salmon escapement goals.

In 2014, the Federal Subsistence Board preempted state management of king salmon subsistence fishing along the Kuskokwim River from its mouth up to Aniak, which restricted subsistence fishing to rural residents only. Federal subsistence opportunities were further restricted to limited community allocations for only a "taste" of king salmon for some Kuskokwim River communities.

**Is it Time for Kuskokwim River King Salmon  
Subsistence Fishing Permits?**

- Alaska Statute 16.05.330(c) states, “The Board of Fisheries and the Board of Game may adopt regulations providing for the issuance and expiration of subsistence permits for areas, villages, communities, groups, or individuals as needed for authorizing, regulating, and monitoring the subsistence harvest of fish and game. The boards shall adopt these regulations when the subsistence preference requires a reduction in the harvest of a fish stock or game population by nonsubsistence users.”
- A permit system may enable department to better manage fisheries and may give board more information on whether reasonable opportunity is being provided



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In most of the Arctic-Yukon-Kuskokwim fisheries management region, subsistence fishing permits are not required.


Alaska Statute 16.05.330(c) states, “The Board of Fisheries and the Board of Game may adopt regulations providing for the issuance and expiration of subsistence permits for areas, villages, communities, groups, or individuals as needed for authorizing, regulating, and monitoring the subsistence harvest of fish and game. The boards shall adopt these regulations when the subsistence preference requires a reduction in the harvest of a fish stock or game population by nonsubsistence users.”

A permit program may give the board more information on whether reasonable opportunity is being provided.

So, the law contemplates that permits may be issued, though not necessarily Tier II permits, and a permit system may have the benefit of helping the board assess if regulations provide a reasonable opportunity for success. What options exist for the Alaska Board of Fisheries to consider?

### Options Where Harvestable Surplus is Sufficient for All Uses

	All Uses			
	No Permit		Subsistence Permit Required	
	No Subsistence Harvest Limits	Household Harvest Limits	No Subsistence Harvest Limits	Household Harvest Limits
Fishing Opportunities Provided:				
Local Alaska Resident Subsistence Fishing	Allowed	Allowed	Allowed	Allowed
Other Alaska Resident Subsistence Fishing	Allowed	Allowed	Allowed	Allowed


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In the ideal situation, Kuskokwim River king salmon harvestable surpluses would be sufficient to provide for all uses: subsistence fishing, sport fishing, and commercial fishing. Let’s call this the green zone.

While the Board of Fisheries could adopt subsistence fishing permit requirements during times when king salmon abundance provides for all uses, subsistence fishing permits are generally only required in the Arctic-Yukon-Kuskokwim fisheries management region where demand for subsistence resources could exceed supply: namely the road system of Interior Alaska and the Seward Peninsula.

In most of these cases, harvest limits associated with the subsistence fishing permits are either adopted in regulation by the Board of Fisheries or have been delegated by the board to the department through the authority of 5 AAC 01.015(b)(1) & (4). This regulation also provides the department with the delegated authority to set gear restrictions and time or date limitations in subsistence fishing permits.

**Options Where Harvestable Surplus is Sufficient Only for Subsistence Uses – Tier I**


	Only Subsistence Uses by Alaska Residents (TIER I)			
	Tier I Household Permits		Tier I Community Permits	
	No Subsistence Harvest Limits	Household Harvest Limits	No Subsistence Harvest Limits	Community Harvest Limits (add up household limits)
Fishing Opportunities Provided:				
Local Alaska Resident Subsistence Fishing	Allowed	Allowed	Allowed	Allowed
Other Alaska Resident Subsistence Fishing	Allowed	Allowed	Allowed	Allowed


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In situations when the Board of Fisheries determines the harvestable surplus of Kuskokwim River king salmon allows only for subsistence uses, let’s call it the yellow zone, and fishing opportunity can be provided only for subsistence fisheries, a variety of options exist consistent with AS 16.05.330(c) and the Board of Fisheries may wish to adopt subsistence fishing permit requirements since nonsubsistence uses have been reduced or eliminated. Based on this law and the subsistence law, Tier I permits, with or without daily or seasonal harvest limits, could be provided to individual households or to communities, organizations, or groups.

**Options Where Harvestable Surplus is Insufficient for Subsistence Uses – Tier II**

	Only Some Subsistence Uses by Some Alaska Residents (TIER II)	
	Tier II Household	Tier II Community Permits
Fishing Opportunities Provided:	Household Harvest Limits	Community Harvest Limits (add up Tier II household limits)
Local Alaska Resident Subsistence Fishing	Some	Some
Other Alaska Resident Subsistence Fishing	Some	Some


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In situations when the Board of Fisheries determines the harvestable surplus of Kuskokwim River king salmon cannot provide for subsistence uses, let’s call this the red zone, a reasonable opportunity CANNOT be provided for subsistence uses and nonsubsistence uses have been eliminated. As a result, based on the subsistence law, the Board of Fisheries may adopt regulations that distinguish among Alaska residents – who will be able to participate in a limited subsistence fishing opportunity – based upon a ranking of scores from household Tier II applications.

Applicants would be ranked on their customary and direct dependence on the fish stock for food as a mainstay of livelihood, and the ability of the subsistence user to obtain alternative foods if subsistence uses are restricted or eliminated. Tier II permits are typically associated with household bag limits. The board could provide that Tier II permits be issued to individual households, or that Tier II permit winners could pool their permits in a community or group Tier II permit.



**Other Considerations**

- Kuskokwim River subsistence salmon fishing is managed by species, yet fishers harvest mixed species of salmon because of overlapping run timing
- How can managers restrict subsistence king salmon harvests to some users while providing reasonable opportunities for other species of salmon to other fishers?
- If Board of Fisheries adopts harvest limits, how should those limits be determined?
- Public input will be important to help inform the board



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Other considerations for the Board of Fisheries in allocation of fishing opportunity include the challenge of managing subsistence opportunities of one salmon species in a mixed stock fishery.

Also, how can managers restrict subsistence king salmon harvests to some users while providing reasonable opportunities for other species of salmon to other users? And if the Board of Fisheries were to adopt subsistence king salmon harvest limits, how would those limits be determined?

These are questions that the board will be struggling with, and public input will be important to help inform the board.

### Public Input: ACR 8

- Asks Board of Fisheries to subdivide Kuskokwim River ANS and consider Tier II
- Asks board to consider other management actions if Tier II not most reasonable, including, but not limited to:
  - Community/village permit system
  - Individual household permits
  - Changes to management plans

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One way the Board of Fisheries hears public input is through agenda change requests, and one has been submitted that asks the board to consider subdividing the ANS and to consider Tier II for king salmon on the Kuskokwim River.

This presentation has talked about ANS and Tier II, and mentioned a little about permits. In regards to changes in management plans, we strongly encourage stakeholders to work on proposals to the Board of Fisheries that ensure the subsistence fishing management is relevant to their concerns. As mentioned, the proposal deadline is April 10, 2015, so that the board can take up proposals in the 2016 meeting.

We'd like to provide a little background on the idea of a community or village permit system.

### Community Permit Examples

- Chalkyitsik area moose, Yukon Flats black bears, and Copper Basin moose and caribou:
  - Board of Game finding of a community pattern of use (including community harvest area) that defines community hunt conditions such as customary and traditional salvage and use requirements, community sharing events
  - Community or group of 25 or more can apply; any Alaskan can participate;
  - Pool harvest tickets so one hunter can harvest for many others
  - Community hunters are generally limited to community hunt area and to hunt conditions set by the board
  - Individuals do not have to participate in community hunt, can hunt under individual harvest regulations
  - Community quota based on number of hunters who sign up
  - In Copper Basin community moose hunt, board allocated one “any bull” moose for every three households in the community or group
  - Community hunt representative tracks who is hunting, harvest numbers, ensures hunt conditions are followed, provides required biological samples, and reports information back to ADF&G



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State law says the boards have the authority to adopt subsistence permits for areas, villages, communities, groups, and individuals. Here are the examples in regulation. There are community hunts for moose near Chalkyitsik, black bears in the Yukon Flats region, and moose and caribou in the Copper River basin.

In these community hunts, the Board of Game has recognized a customary and traditional community harvest area and community use pattern that includes a pattern of sharing and specific customary and traditional uses by members of the community. The Board of Game also made findings that identify specific hunt conditions, such as salvage and use requirements and community sharing events. Groups of at least 25 individual Alaskan residents, from any part of the state, can sign up on a community permit application and pool their individual harvest tickets. Community hunters can harvest animals for others in the community, but in most cases are limited to hunting in the community hunt area adopted by the board and subject to hunt conditions specified by the board.


Community members are not required to participate in the community hunt; they can choose to hunt under individual harvest regulations. The community hunt quota is based on the number of hunters who sign up for the community hunt unless the Board of Game specifically allocates a certain number of animals for the community quota, like they did for the Copper Basin community “any bull” moose hunt, where one “any bull” moose is allocated for every three households in the community or group. Each community hunt has a hunt representative who tracks who is hunting, how many animals are harvested, how permit conditions are followed

(such as meat sharing), provides required biological samples, and reports information back to the department.

There is also a community fish wheel permit fishery in the Glennallen Subdistrict of the Copper Basin.

### Community Permit Examples - continued

- Copper River Glennallen Subdistrict community fish wheel permits:
  - Permits available to communities or groups, listed households for each fish wheel operate the fish wheel for the community or group members
  - Community fish wheel harvest limits cannot exceed the combined seasonal household limits in regulation or on permit
  - Household members listed on community fish wheel permit may not have a separate household permit in the Upper Copper River District
  - An ADF&G-approved harvest assessment plan is required, to include:
    - Daily harvest documentation for each fish wheel
    - Sample data collection forms
    - Other information specified by the department
    - Location and number of fish wheels
    - Full legal name of individual responsible for operation of each fish wheel
    - Community permit representative may also issue individual household permits to households not listed on community permit if harvest assessment plan includes provisions for individual household permit holders
  - Villages of Gakona, Gulkana, Kluti-Kaah, Chickaloon, and Chitina, Chistochina have participated



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There is also a community fish wheel permit fishery in the Glennallen Subdistrict of the Upper Copper River District. A permit may be issued to a community or group whose listed households and household members for each fish wheel use the fish wheel to harvest fish for its members. The community fish wheel permit has a harvest quota that may not exceed the combined seasonal household harvest limits as outlined in regulation or on the permit.

Household members listed on a community fish wheel permit may not hold a separate household permit in the Upper Copper River District. A community permit application requires a harvest assessment plan, approved by the department, and implemented by the community that includes, recording the daily harvest for each fish wheel, sample data collection forms, other information specified by the department, the location and number of fish wheels, and the full legal name of the individual responsible for the lawful operation of each fish wheel.

A community fish wheel permit representative may also issue individual household permits to households not listed on the community permit, if the community harvest assessment plan includes provisions for documenting the necessary information for individual household permit holders.

## SUMMARY

- Division of Subsistence mission: provide information to Board of Fisheries and Board of Game to assist them in evaluating reasonable opportunities for subsistence uses
- Defined “Reasonable Opportunity” and role of ANS in board determinations of opportunity and allocation
- Outlined regulatory process and how the public can participate
- Reviewed ANS findings for salmon elsewhere in Alaska to understand options
- Reviewed Kuskokwim River subsistence king salmon harvests relative to ANS findings
- Reviewed various steps of the Alaska subsistence law, including discussions of Tier I and Tier II fisheries

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In summary, this presentation reviewed the mission statement of the Alaska Department of Fish and Game’s Division of Subsistence, part of which is to provide information to the Alaska Board of Fisheries and Board of Game to assist them in evaluating reasonable opportunities for subsistence uses.


We reviewed the definition of reasonable opportunity and the role of ANS, or amounts reasonably necessary for subsistence, in board determinations of opportunity and allocation.

We outlined the regulatory process and how the public can participate. We also reviewed ANS findings for salmon elsewhere in Alaska to help understand options for ANS findings. We also reviewed Kuskokwim River king salmon harvests compared to ANS findings.

We reviewed the various steps of the Alaska subsistence law, including discussions of Tier I and Tier II subsistence fisheries.

## SUMMARY – continued

- Reviewed Nome Subdistrict Tier II chum salmon fishery from 1999-2005 and some effects
- Reviewed Tier II questions adopted by board for Nome Tier II permit applications
- Reviewed status of Kuskokwim River king salmon stocks and subsistence fishing opportunities
- Reviewed other considerations
- Reviewed Board of Fisheries Agenda Change Request #8
- Reviewed various subsistence fishing permit options, with and without harvest bag limits, including community permits for subsistence hunting and fishing

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This presentation also reviewed the Nome Subdistrict Tier II chum salmon subsistence fishery from 1999-2005 and some of its effects. We reviewed the Tier II questions adopted by the board for Nome Subdistrict chum salmon Tier II permit applications. We also reviewed the status of Kuskokwim River king salmon stocks and subsistence fishing opportunities.

We reviewed other considerations the Board of Fisheries will have to address in considering Kuskokwim River king salmon subsistence fisheries, such as how to conserve king salmon while still allowing reasonable opportunities for other salmon species in these mixed stock fisheries.

We reviewed the Agenda Change Request #8, submitted by Grant Fairbanks, that asks the board to consider establishing ANS findings for different parts of the Kuskokwim River and to consider Tier II regulations. We also reviewed various subsistence fishing permit options, both with and without harvest bag limits, including community permits for subsistence hunting and fishing.

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We thank you for listening, and we will be happy to take any questions



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