



THE STATE
of **ALASKA**
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Mr. Reed Morisky, Chair
Alaska Board of Fisheries

Through: Sam Rabung, Director
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Division of Subsistence

From: Dan Gray, Fish and Game Coordinator
Region 1, Division of Commercial Fisheries

Subject: Emergency petition from Yakutat Tlingit Tribe to repeal 5 AAC 01.670. *Lawful gear and gear specifications (e)* In Yakutat Bay, a subsistence salmon fishing permit holder shall attend the permit holder's gillnet at all times when it is being used to take salmon from April 1 through May 31.

The Yakutat Tlingit Tribe submitted a petition to the Alaska Board of Fisheries (board) on February 20, 2019.

This letter provides information from the Alaska Department of Fish and Game (department) concerning matters raised in the petition and assessment of petition policy criteria.

Action Requested

This petitioner requests that the board repeal 5 AAC 01.670. *Lawful gear and gear specifications (e)* In Yakutat Bay, a subsistence salmon fishing permit holder shall attend the permit holder's set gillnet at all times when it is being used to take salmon from April 1 through May 31.

Background

In January 2018, the board adopted Proposal 135, requiring a subsistence salmon permit holder to attend their set gillnet at all times when it is being used to take salmon in Yakutat Bay from April through July.

Yakutat Bay includes waters east and north of a line from the southernmost point of Ocean Cape to Point Manby. Mixed stocks of salmon are harvested in the subsistence, commercial, and sport fisheries of Yakutat Bay. The Board of Fisheries has made a positive customary and traditional use finding for salmon in fresh water upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River, in waters of Yakutat Bay and Russell Fjord inside a line from the westernmost

point of Point Manby to the southernmost point of Ocean Cape, and in waters of Icy Bay inside a line from the westernmost tip of Point Riou to Icy Cape Light. The board has found that 5,800–7,832 salmon are reasonably necessary for subsistence uses in these waters (5 AAC 01.666). The recent ten-year (2008–2017) average annual subsistence harvest recorded on permits is 456 king salmon and 5,339 salmon of all species from an average of 144 permits.

Subsistence nets in Yakutat Bay primarily target king salmon in April and May and will continue to harvest king salmon through July. For the 2015 season, approximately 70% of the annual king salmon harvest in the Yakutat Area occurred in April and May. For the 2015 data year, salmon made up the largest portion of total harvests of wild resources in the Yakutat Area, at 35% of the overall harvest, or 48 pounds per capita. King salmon had the second-highest use, after sockeye salmon, of all salmon species: 79% of households in 2015 reported using king salmon.

Subsistence nets are often unattended and are sometimes checked only once a day. The Yakutat Bay subsistence fishery can be slow-paced, and some subsistence fishermen also participate in the commercial salmon fishery, which may necessitate choosing between a cash economic opportunity and a subsistence opportunity. Also, in 2015, Yakutat residents have reported that work obligations have impacted their subsistence harvest efforts. Predation on subsistence salmon nets by seals and sea lions in the Yakutat Bay fishery is a long-standing local concern. Predators, particularly seals and sea lions, can raid unattended nets resulting in some unaccounted mortality.

King salmon escapement in the Situk River has been below the Biological Escapement Goal in three of the last five years (2014–2018). King salmon samples collected from commercial troll and marine sport fisheries between 2004 and 2009 indicate that Situk River fish comprised less than 1% of the sample. Tag recovery data in Yakutat Bay commercial net fisheries in 1987 produced an estimated contribution of Situk River sockeye salmon of 50% of the total harvest. There is no sampling information for king salmon stock composition from the commercial and subsistence net fisheries.

Subsistence Petition Criteria

Under criteria listed in the Subsistence Proposal Policy used to consider petitions directed at subsistence hunting or fishing, paragraph (a) of 5 AAC 96.615 reads, in pertinent part:

...1) the proposal must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or

2) the circumstances of the proposal otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

The circumstances of this petition may require expedited consideration by the board. The next Southeast Alaska and Yakutat Finfish and Shellfish board meeting is in 2021.

Summary

The Yakutat Tlingit Tribe asserts that the adoption of Proposal 135 at the January 2018 Southeast and Yakutat Finfish and Shellfish meeting has almost eliminated the spring king salmon harvest for subsistence users. The petitioner further asserts that the board did not consider or expect this change in regulation to have such a severe effect on the subsistence fishery.