

BOARD OF FISHERIES FINDINGS REGARDING
THE LACK OF CUSTOMARY & TRADITIONAL
USES OF SALMON BY SKWENTNA AREA RESIDENTS

During its December 1988 meeting, the Alaska Board of Fisheries considered a proposal (number 7) to create a subsistence salmon fishery for Skwentna area residents. A similar proposal (number 405) was considered by the board during its spring 1988 meeting. In both cases the board heard staff reports, public testimony, and advisory committee comments before beginning deliberations.

During the deliberations the board based its discussions on 5 AAC 99.010. JOINT BOARDS OF FISHERIES AND GAME SUBSISTENCE PROCEDURES. This regulation defines eight criteria that both boards use to determine whether rural Alaska residents have customary uses of particular fish stocks or game populations.

The board concluded the following:

(1) although there was evidence that the area in question had a long-term use pattern by a variety of people, that pattern has been significantly interrupted as different groups of people moved in and out of the area. The indigenous people of this area either died in flu epidemics in the early 1900's or relocated to the Tyonek area. For the most part, the current population has been in the area for fewer than 15 years. There are a few exceptions (about 20% of the 44 households interviewed by Subsistence Division in 1984 had lived in the area more than 20 years, while 64% had been there less than 10 years), but the pattern is of newly established households created for the most part by state land disposal programs;

(2) the information before the board did indicate that local use patterns occur in the same general time seasons each year dictated by the availability of salmon in the area and by current regulatory seasons for sport fishing;

(3) although the gear used in the early part of this century and later during the 1950's could be characterized as efficient and cost effective (traps, weirs, fishwheels and set gill nets), current gear has been dictated by regulation and since statehood, rod and reel fishing under sport fishing regulations has been the only legal means for taking salmon in this region;

(4) evidence before the board indicated that people in this area probably do take fish and game that are reasonably accessible from their homes and do not regularly travel to other parts of Alaska fish for salmon or hunt. However, this is also case for the majority of Alaskans;

(5) public testimony and information from the Subsistence Division indicated that most people can, smoke, or freeze salmon. There is no evidence that local fishermen split or dry salmon, a common practice in other subsistence fisheries in the Cook Inlet region. The practice of splitting and drying salmon is one that is handed down from one generation to another in this region. There was no evidence that current residents handled, prepared, preserved, and stored fish based on practices of past generations in this area;

(6) there was also no information to indicate that current area residents developed use patterns based on knowledge of fishing skills, values, and lore which was handed down from generation to generation since the families in the area have not been in the area for successive generations. Although the area has been continuously populated by a small number of year-round residents since the 1920's, there is no evidence that families remained in the area for more than one generation. On the contrary, there appears to have been a regular pattern of movement in and out of the area. Few if any families with more than two generations are present. This pattern is in direct contrast to the pattern in other Cook Inlet subsistence communities such as Tyonek, English Bay, and Port Graham where the younger generations have continued to reside in the same communities as their parents and grandparents;

(7) although the information presented did indicate that people in the area may share salmon with neighbors, they do not appear to have developed a systematic pattern of sharing based on kinship ties of historical practices; and finally

(8) the use pattern established in the current community does not demonstrate that the community substantially relies on the salmon resource for its economic, cultural, social and nutritional needs in the same way that other customary and traditional users in this region do (Tyonek, Port Graham, and English Bay). Although the information the board received does indicate that local harvests of fish and game are diverse and that salmon constitute approximately 25% of the total resource harvests, there is no long term, consistent pattern of ties to the area and to the dependence on the area's resources. There are significant differences between this area and the communities of Port Graham, English Bay, and Tyonek.

In summary, while it is certainly true that the residents of this area fish and hunt and earn money from fishing related activities, these characteristics are the result of a desire to move to a remote area and establish this type of life style rather than the continuation of a life style that has existed in a stable population of multigenerational families with a history of subsistence uses in the area. The board believes

that the current subsistence law was designed to protect ongoing uses of fish and fishing practices -- practices that existed in the the distant past and have been carried on through successive generations (not excluding modifications resulting from improved technology).

This situation is likely to come up again in other areas of the state. The board believes it is important to clarify its belief that although some of the criteria can be met, the subsistence law was not intended to provide special protections for uses in relatively new communities, but to protect the ongoing uses of communities and areas that have historically relied on these resources.



Gary Slaven, Chairman

Adopted: December 18, 1988

Vote: 7/0