



MEMORANDUM

TO: Anthony Christianson, Chair
Federal Subsistence Board

DATE: April 1, 2024

PHONE: 267-2190

FROM: Ben Mulligan *BQM*
Deputy Commissioner

SUBJECT: Fisheries Special
Action 24-01

The Alaska Department of Fish and Game (ADF&G) has reviewed Fisheries Special Action (FSA) 24-01 and **OPPOSES** this proposal. FSA24-01 requests the federal government close those portions of the Yukon River flowing through or adjacent to federal public land to the harvest of Chinook, summer chum, fall chum, and coho salmon except by federally qualified users (FQU) for the 2024 season. This would include directing the federal in-season manager to establish fishing periods with appropriate fishing methods. Under the Alaska National Interest Lands Conservation Act, Congress provided that subsistence uses of fish and game shall receive priority among consumptive uses for rural residents only “when it is necessary to restrict taking in order to assure continued viability of a fish or wildlife population or the continuation of subsistence uses of that population for subsistence purposes.” Congress never authorized the FSB to open, only to close, a fishery or wildlife harvest season as set forth in sections 815 and 816 of ANILCA. The Federal Subsistence Board and its delegated agent may reopen a season after a closure is no longer warranted but lacks statutory authority to open a season otherwise.

The Yukon River Salmon Agreement (Agreement), Chapter 8 under the Pacific Salmon Treaty, ratified in 2002 directs fisheries management between the U.S. and Canada for Yukon River transboundary salmon stocks. Each country designates a lead fishery management entity that is responsible for implementation of the Agreement in their respective countries. Under the Yukon River Salmon Act, ADF&G is designated as the Responsible Management Entity for the United States in management of Yukon River transboundary salmon stocks. Yukon River salmon fisheries management is driven first and foremost by U.S. obligations to achieve annual border passage and harvest sharing objectives for Canadian-origin stocks as defined under the Agreement. Although only a portion of total annual Yukon River Chinook and fall chum salmon runs are Canadian-origin, run timing and abundance of these stocks as they migrate through the Alaskan portion of the drainage fully overlaps and mixes with Alaskan-origin Yukon River Chinook, summer chum, pink, fall chum, and coho salmon runs. As a result, it is not possible to explicitly manage for Canadian-origin transboundary stocks. They must be managed simultaneously with co-migrating Alaskan-origin stocks. If this special action request is approved, the United States Fish and Wildlife Service (USFWS) inseason managers would still need to seek approval from ADF&G as the Responsible Management Entity for the U.S. for any

management actions they recommend that would impact the U.S.'s ability to meet obligations under the Pacific Salmon Treaty. Therefore, it will be crucial that if the Federal Subsistence Board (FSB) takes any actions that meaningful consultation happen as early as possible.

In addition to the Pacific Salmon Treaty, the State of Alaska has a constitutional mandate to manage salmon fisheries sustainably through implementation of escapement-based management and subsistence priority over other consumptive uses when there is a harvestable surplus. Management plans exist for all 5 species on the Yukon River and provide the ADF&G with guidelines based on run sizes and escapement goals. If inseason run assessment information indicates sufficient abundance of Chinook, summer chum, fall chum, or coho salmon to meet escapement objectives, subsistence salmon fishing opportunity would be provided on expected harvestable surpluses. Recent regulatory changes have provided ADF&G more tools to prosecute fisheries for any salmon species with selective gear types (live-release fish wheels, dip nets, beach seines, and hook and line), while requiring the release of salmon species or stocks where there are concerns for not meeting escapement goals. ADF&G has adequate regulatory controls and management tools to conserve Chinook, chum, and coho salmon and provide subsistence salmon fishing opportunities in the Yukon River.

Background

The Yukon River drainage is a dynamic system that supports all five species of Pacific salmon. Salmon productivity can also be heavily impacted by marine and freshwater environments. Chinook salmon are the first to enter the river in late May and run sizes have declined in recent decades. Summer and fall chum salmon runs have experienced periodic declines (early 1980s, early 2000s, and early 2020s), but have typically rebounded from low years with strong run sizes. Coho salmon run sizes have been relatively stable, however since 2020 the run sizes have been below average. Sockeye salmon are the least abundant and pink salmon are mostly distributed in the lower portion of the Yukon River drainage. All five salmon species contribute to subsistence harvests.

Starting in 2020, Yukon River Chinook and chum salmon stocks experienced unexpected declines in abundance as did stocks across Western Alaska (Table 1 and Table 2). Chinook salmon run abundance has been poor since 2020. The summer and fall chum salmon runs were the lowest ever estimated in 2021 and the 2022 runs were similar in size. There was an increase in abundance for both summer and fall chum salmon in 2023, however Chinook salmon have remained poor with escapement goals and treaty border objectives not being met. Since 2020, coho salmon abundance was below average in the Yukon River drainage, with record low returns in 2021 and second lowest returns in 2023 (Table 3).

Management strategies are guided by fisheries management plans in regulation with the goal of achieving escapements and providing harvest opportunity on surplus. ADF&G implemented severe fishing restrictions in collaboration with the USFWS during the last four years due to extremely low run sizes of Chinook, summer and fall chum, and coho salmon in the Yukon River. Regulations to conserve salmon or provide fishing opportunity include first pulse protection during low Chinook salmon run sizes, selective gear types, immediate release of specified salmon species, and reduction of maximum mesh size. Recent regulatory changes have given ADF&G additional flexibility to provide harvest opportunities for abundant species and require the live release of any salmon species with a conservation concern.

Subsistence fishing in 2020 to 2023 was limited or closed in the Yukon River drainage. Subsistence fishing in 2020 was limited by time, area, and gear to allow summer chum salmon harvest, and then closed partway through the season as Chinook salmon assessment indicated

that escapement goals and treaty border objectives would not be achieved. In 2021 and 2022, subsistence salmon fishing was closed for Chinook, summer chum, and fall chum salmon because of poor run sizes. In 2023, subsistence fishing for summer chum salmon opened with selective gear types (dip nets, beach seines, and manned fish wheels) on regulatory subsistence schedules and was extended to 24 hours a day, seven days a week. Chinook and fall chum salmon subsistence fishing remained closed in 2023, except for the Teedriinjik that met the fall chum escapement goal.

The Board of Fisheries determined amounts reasonably necessary for subsistence (ANS) is 45,500–66,704 Chinook salmon, 83,500–142,192 summer chum salmon, 89,500–167,900 fall chum salmon, and 20,500–51,980 coho salmon. The Chinook salmon run in 2019 was sufficient to meet some escapement goals on select tributaries and harvests were within ANS. Most of the Chinook salmon harvest from 2020 through 2023 is attributed to incidental harvest while fishing for nonsalmon or summer chum salmon, and distributions from test fishery projects (Table 4). Subsistence fishing for summer chum salmon was limited in 2020, closed in 2021 and 2022, and limited to selective gear types in 2023 with an estimated subsistence harvest of 27,500 summer chum salmon. Since 2020, subsistence fishing for fall chum salmon has been heavily restricted or closed, therefore ANS has not been met. An “amount reasonably necessary for subsistence” is one way to determine if the regulations are providing a normally diligent fisherman a reasonable opportunity to harvest salmon for subsistence uses if there is surplus beyond escapement needs.

Discussion

Setting aside the legal implications of a federal takeover of Yukon River salmon management, this federal special action is unnecessary given the outlooks for salmon species in 2024, described in detail below.

The outlook for Chinook salmon drainagewide is 56,000 fish, with a range of 45,000–68,000 fish. The forecast for Canadian-origin Chinook salmon is 23,000 fish, with a range of 19,000–28,000 fish. There is no drainagewide escapement goal for Chinook salmon, but the projected run size is well below average and unlikely to meet goals in the Alaskan portion of the drainage. The Canadian-origin Chinook salmon run forecast is below the U.S.-Canada border passage objective of 71,000 fish. The outlook for summer chum salmon is 1,100,000 fish, with a range of 550,000–1,800,000 fish. The summer chum salmon run is likely to meet or exceed the drainagewide escapement goal of 500,000–1,200,000 fish. The fall chum salmon outlook is 369,000, with a range of 263,000–474,000 fish. ADF&G will reevaluate the fall chum salmon forecast in mid-July to determine a preseason projection based on the historic relationship with the summer chum salmon run sizes. The outlook for coho salmon is also anticipated to be below average. Based on the 2024 forecasts, there is potential to meet some U.S. escapement goals and provide for limited subsistence fisheries in the fall season.

Prior to the fishing season, ADF&G and USFWS fishery managers meet with stakeholders to discuss preseason management options predicated on the outlooks and recent years performance. Based on the preseason forecasts, management strategies for 2024 include closures for Chinook salmon. Due to conservation concerns for Chinook salmon, fishing opportunities for summer chum salmon will be restricted to selective gear types. Coho, sockeye, and pink salmon may have a harvestable surplus to provide subsistence fishing opportunities in 2024. There is likely to be a harvestable surplus of summer chum salmon in excess of subsistence needs and there is no biological justification to limit access to federally qualified users. Fall chum salmon subsistence fishing will remain closed if the preseason projection is less than the escapement goals or treaty objectives.

In 2022 and 2023 when the last federal special actions were implemented, public comments were made in opposition, notably dislike of the management complexity, inequality of cultural practices, and displeasure of communication and description of area boundaries. If approved, this 2024 federal special action will likely lead to similar issues, causing divisions among fishing groups and users in 55 Yukon River communities. An FSA will limit participation by relatives, friends, and others with strong ties to the region who may have moved to non-rural areas for employment or educational opportunities. This action may also cause an increase in unnecessary enforcement actions on subsistence fishermen due to confusion by the public.

ADF&G conservatively manages Yukon River salmon stocks and prioritizes subsistence fishing above other consumptive uses as mandated by regulation. Additionally, ADF&G is delegated to manage Canadian-origin stocks in accordance with the U.S.-Canada treaty to endeavor to meet international border passage objectives.

Table 1. Total run size of Yukon River drainage salmon, 2019-2023.

Year	Chinook	Summer chum	Fall chum	Coho
2019	211,000	1,689,400	803,000	170,000
2020	136,000	763,200	184,000	120,000
2021	102,000	156,100	95,000	46,000
2022	37,000	478,700	240,000	102,000
2023	39,100	896,900	318,000	65,000

Note: Coho salmon abundance is an index and not considered a total run size.

Table 2. Yukon Salmon Treaty Interim management escapement estimates of Yukon River drainage salmon, 2019–2023.

Year	Chinook ^a	Fall chum ^b	Fall chum ^c
2019	44,816	99,738	18,171
2020	33,330	23,512	4,795
2021	31,758	23,170	2,413
2022	12,023	22,059	2,934
2023	14,780 ^d	22,090	11,528

Note: Tributary escapement estimates or goals are not included in this table.

^a Yukon River mainstem 42,500–55,000 fish, plus total allowable catch in 2018–2022.

^b Yukon River mainstem 70,000–104,000 fish, plus total allowable catch.

^c Fishing Branch River 22,000–49,000 fish.

^d No goal was in place in 2023; ADF&G used the previous IMEG range as a management objective.

Table 3. Drainagewide spawning escapement of Yukon River drainage salmon, 2019–2023.

Year	Chinook	Summer chum ^a	Fall chum ^b	Coho ^c
2019	154,200	1,405,700	529,000	112,000
2020	106,700	706,600	187,000	115,000
2021	99,900	154,900	94,000	45,000
2022	35,500	472,300	240,000	101,000
2023	37,400	869,400	312,000	63,000

Note: Tributary escapement goals are not included in this table.

^a Drainagewide biological escapement goal 500,000–1,200,000 fish.

^b Drainagewide sustainable escapement goal 300,000–600,000 fish.

^c Coho salmon escapement is an index, as is derived from the index of abundance.

Table 4. Subsistence harvest of Yukon Area salmon, 2019–2023.

Year	Chinook	Summer chum	Fall chum	Coho
2019	48,379	63,303	63,862	5,819
2020	22,668	41,655	5,696	2,339
2021	1,945	1,266	705	296
2022	1,827	6,724	2,778	1,090
2023	1,630	27,488	6,990	1,476

Note: Harvest is from the Alaskan portion of the drainage.

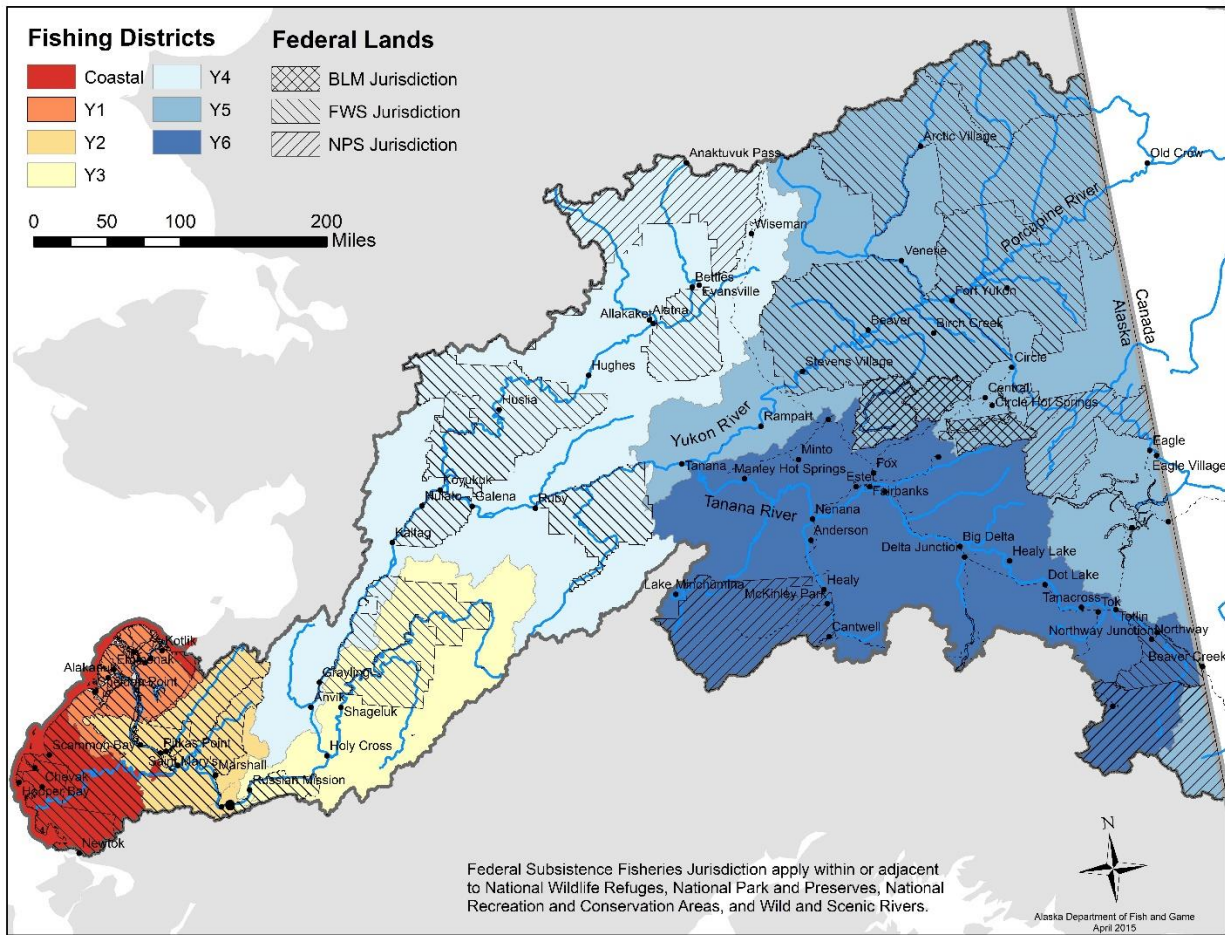


Figure 1. Map of federal and state land jurisdiction in the Yukon River drainage.