FP25-02 Executive Summary	
General Description	FP25-02 requests that the Federal public waters of the Unuk River be closed to the harvest of Eulachon except by federally qualified subsistence users. *Submitted by: Southeast Alaska Subsistence Regional Advisory Council*
Proposed Regulation	*§___.27(e)(13) Southeastern Alaska Area* *** **(xxiii) The Federal public waters of the Unuk River are closed to the harvest of Eulachon except by federally qualified subsistence users.**
OSM Preliminary Conclusion	**Support** Proposal FP25-02 **with modification** to close the Federal public waters throughout District 1 to the harvest of Eulachon except by federally qualified subsistence users in the Unuk River.
Southeast Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	**1**

DRAFT STAFF ANALYSIS
FP25-02

ISSUES

Proposal FP25-02, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Southeast Council), requests that the Federal public waters of the Unuk River be closed to the harvest of Eulachon except by federally qualified subsistence users.

DISCUSSION

In 2005, the District 1 Eulachon population collapsed, with less than 150 fish observed each year between 2005 and 2010, resulting in State and Federal closures to Eulachon fishing beginning in 2005. The Federal subsistence fishery was opened on the Unuk River in 2021 to a limited harvest with gear restrictions to federally qualified subsistence users (FQSUs). This limited harvest continued in 2022 and 2023. Federal harvest was restricted to one five-gallon bucket per household and limited to cast net, ring net, and dip net only fishing methods. Annual Federal in-season management actions continue to be necessary for the conservation of a healthy fish population but represents a significant restriction to FQSUs. The proponent believes that a closure to non-federally qualified users (NFQUs) will help the Unuk River Eulachon population recover while continuing to provide harvest opportunities to FQSUs. If this proposal is adopted, it would set in regulation the special actions that Federal in-season managers have been implementing on a yearly basis.

Existing Federal Regulation

District 1—Eulachon

none

Proposed Federal Regulation

District 1—Eulachon

§___.27(e)(13) Southeastern Alaska Area

***

(xxiii) The Federal public waters of the Unuk River are closed to the harvest of Eulachon except by federally qualified subsistence users.

Existing State Regulation

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.

(a) The Alaska Board of Fisheries finds that the following fish stocks are customarily and traditionally taken or used for subsistence in the following portions of the Southeastern Alaska Area outside the nonsubsistence areas described in 5 AAC 99.015(a)(1) and (2):

(1) District 1, as follows:

(A) eulachon in the fresh waters of Section 1-C and Section 1-D.

***

5 AAC 01.730. Subsistence fishing permits

(a) Eulachon in the Unuk River, and salmon, trout, char, herring spawn on kelp, and sablefish may only be taken under authority of a subsistence fishing permit.

***

5 AAC 01.745. Subsistence bag and possession limits; annual limits

***

(k) Eulachon on the Unuk River: the possession and annual limit is 50 pounds of eulachon smelt.

5 AAC 77.678. Personal use smelt fishery

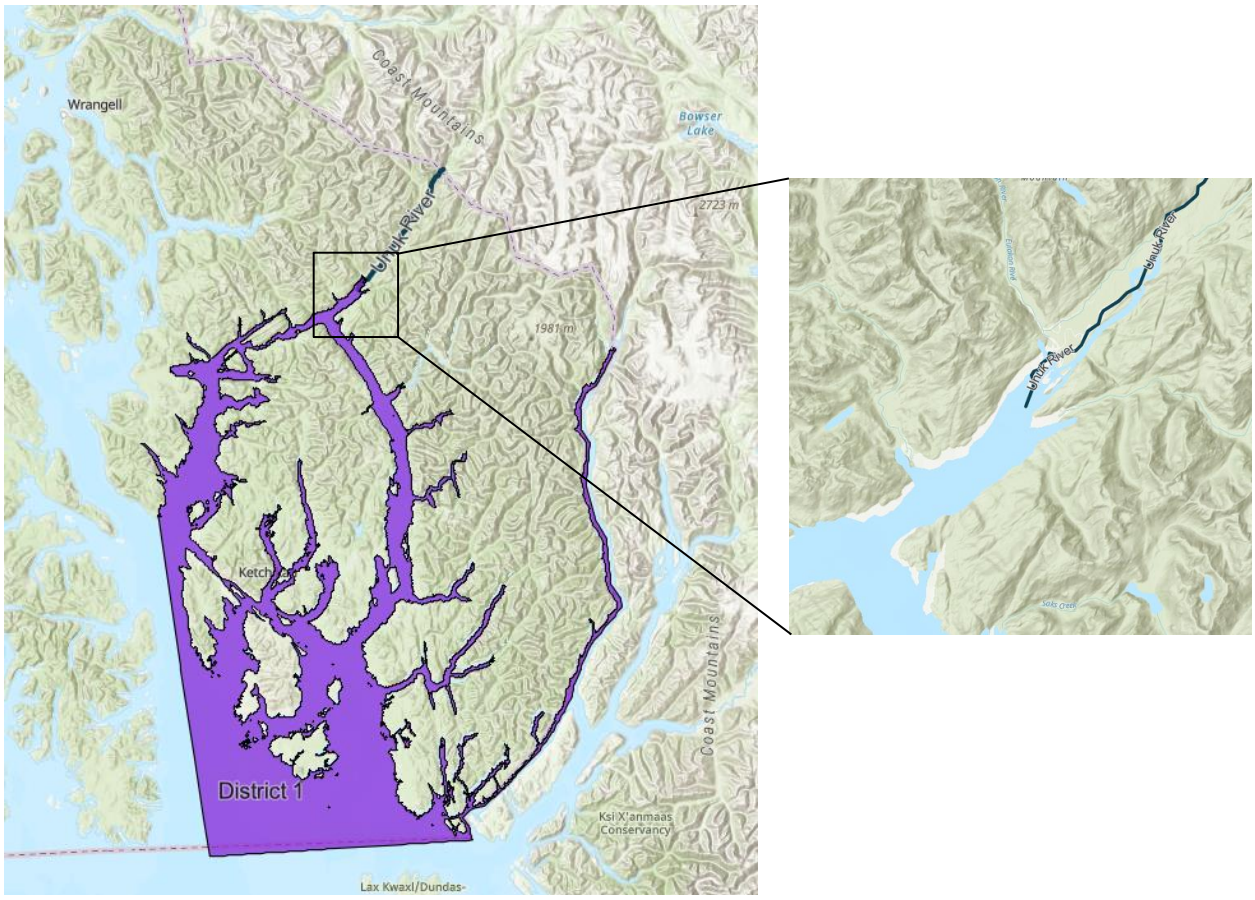
(a) Except as provided in (b) of this section, smelt may be taken at any time and there are no bag and possession limits.

(b) Notwithstanding (a) of this section, in District 1, eulachon smelt may only be taken under the terms of a personal use fishing permit issued under 5 AAC 77.015. Only one permit for eulachon smelt under this subsection may be issued to a household each year and the daily bag and possession limit is 50 pounds per permit. Smelt may be taken for personal use at any time and there are no bag or possession limits, except that in District 1 eulachon smelt may only be taken under the terms of a personal use fishing permit issued under 5AAC 77.015; only one permit may be issued to a household each year. The daily bag and possession limit is 50 pounds per permit issued under this section.

Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. They include waters within the exterior boundary of the Tongass National Forest in the Southeastern Alaska Area, excluding marine waters. The Unuk River is

a transboundary river with headwaters in the Coast Mountains of British Columbia, south of the lower Iskut River, flowing west and south for roughly 80 miles, crossing into Alaska and flowing for approximately 26 river miles before emptying into Burroughs Bay, an inlet of Behm Canal (Error! Reference source not found.). The mouth of the Unuk River is approximately 54 miles northeast of Ketchikan, Alaska. The watershed that drains into the American side of the Unuk River is part of the Tongass National Forest Ketchikan Misty Fjords National Monument Wilderness. There are 13 private inholdings near the mouth of the Unuk and Eulachon Rivers.



Map 1. Location of the Unuk River and Fisheries District 1, relative to Ketchikan and southern Southeast Alaska.

Customary and Traditional Use Determinations

Residents of Yakutat and the Southeastern Alaska Fishery Management Areas have a customary and traditional use determination for fish throughout Southeastern Alaska and Yakutat.

Federal Regulatory History

In 2002, Federal proposal FP02-41 was submitted by the Ketchikan Misty Fjords Ranger District, requesting that subsistence use permits be required for Eulachon subsistence fisheries in all freshwater streams that flow into East Behm Canal and Burroughs Bay to establish a means of collecting harvest

and participation data (FSB 2001; SERAC 2001). The Federal Subsistence Board (Board) adopted the proposal as amended by the Office of Subsistence Management to require subsistence permits to harvest Eulachon from any freshwater stream flowing into fishing Section 1C or 1D (50 CFR 100.27).

Proposals FP02-42 and FP02-43 were also submitted and requested establishment of harvest limits for subsistence Eulachon fishing. Although the proponents, a FQSU with property on the Unuk, and the Alaska Department of Fish and Game (ADF&G) were concerned about not having harvest limits, both the Council and Board rejected the proposals (FSB 2001; SERAC 2001).

From 2006 to 2011, the Eulachon fishery in Fishing Sections 1C and 1D was closed annually to all users through emergency special action due to ongoing conservation concerns. In 2011, the Southeast Council submitted proposal FP11-18 requesting to close all waters draining into Sections 1C and 1D to the harvest of Eulachon by all users (SERAC 2010). The proposal was deferred by the Board until the 2013 fisheries cycle to allow for more consultation between user groups and managers (FSB 2011). In 2012, a special action was implemented by the Federal in-season manager closing Federal waters draining into the entirety of District 1 to the harvest of Eulachon. This action was implemented to coincide with a Eulachon closure issued by ADF&G within the same area. Up until 2012, these closures had only affected Sections 1C and 1D. However, after the unexpected return of Eulachon to Carroll Inlet in 2011, documented harvests of this return and concerns over the lack of a permit requirement, coupled with no harvest limit in regulation, both State and Federal managers implemented a full district wide closure in 2012.

FP11-18 was taken up at the 2013 Federal Subsistence Board meeting and passed by the Board as modified by the Southeast Council and OSM (OSM 2013; SERAC 2012). The modification eliminated the closure but expanded Eulachon permit requirements to include all freshwater flowing into Fishing District 1 (50 CFR 100.27).

In 2013, proposals FP13-20 and FP13-21 requested limiting the legal gear types for Eulachon harvest in District 1 to dip net, hoop net, and cast net, and limiting harvest to 5 gallons per household, respectively. The Board voted against both proposals in deference to the Southeast Council which stated that these changes would impose unnecessary restrictions on subsistence harvesters (FSB 2013).

In 2021, the Federal in-season manager determined that District 1 Eulachon stock had rebounded enough to allow for a limited harvest of Eulachon on the Unuk River by FQSUs, only. This opportunity provided for some continued subsistence harvest and teaching, while also generating additional fisheries data via harvest reports and scale samples.

State Regulatory History

The commercial Eulachon fishery in the Unuk River has been closed since 2001. The Alaska Board of Fisheries made a positive customary and traditional use determination for Eulachon in the Unuk River area in 2003. The State subsistence fishery required permits beginning in 2004 and has been closed since 2005. In 2012, following the surprise return of Eulachon to Carroll Inlet, the Ketchikan Area Management Biologist extended the Eulachon closure to include all of District 1.

At their March 2022 meeting, ADF&G's Board of Fish passed proposal 142, establishing a 50-pound daily and possession limit for Eulachon for Alaskan residents harvesting through the State Personal Use fishery. However, Federal managers have used emergency special actions each year since this time to close the personal use fishery due to conservation concerns.

Biological Background

Life History

The Eulachon, also known as "ooligan" or "hooligan" are small, silvery anadromous fish of the smelt family. In Southeast Alaska, eggs are "broadcast" over sandy gravel bottoms in late March and April. Once fertilized, a sticky substance allows them to attach to sand particles. The eggs hatch in 21 to 40 days, depending on the water temperature. Newly hatched young are carried to the sea with the river currents where they feed mainly on copepod larvae and other plankton to grow to maturity. The survivability of a cohort in a particular stream can vary greatly from year-to-year, depending on stream water conditions and overall ocean survival. After three-to-six years at sea, adult Eulachon gather in schools at the mouths of their spawning streams (or large rivers). The majority of Eulachon die after spawning (Hart 1973; Morrow 1980; ADF&G 2008).

Geography/Habitat

Eulachon habitat ranges from Bodega Head, California north along the coast to Bristol Bay, Alaska, and westward to the Pribilof Islands. Eulachon do not strictly "home" to a particular stream like salmon but appear to use streams in the general area of their natal stream that have the best habitat conditions (SERAC 2023a). Eulachon spawning rivers are typically slow-moving waterways since Eulachon are weak swimmers that cannot travel through long stretches of high velocity water. Spawning sites occur in the lower elevations of the river or stream, where sandy gravel bottoms can be found. However, spawning sites may be many miles upstream in some rivers with long flat deltas.

Genetic Structure

In Alaska, Eulachon exhibit a low degree of broad geographic scale genetic population structure. This structure is largely explained by two regional groups, with populations from the Yakutat Forelands, Prince William Sound, and Cook Inlet forming a northern region and collections from upper Lynn Canal, Berners Bay, Stikine Strait, and Behm Canal, including the Unuk River, forming a southern region. These regions are similarly structured, without any difference in levels of divergence among collections within that region, whereas the level of divergence between regions is four times greater. There is a significant correlation between genetic and geographic distance, suggesting that gene flow is geographically restricted (Flannery et al. 2009). Despite this genetic overlap within regions, some streams can have two distinct but temporally overlapping migrations.

Range-Wide Fisheries Trends

In recent times, Eulachon in the Pacific Northwest were caught in vast quantities in both personal and commercial fisheries, with commercial hauls often exceeding 1,000 metric tons a year from the Columbia River. This occurred until the early 1990s when Eulachon populations collapsed, leading to the listing of the southern distinct population segment of Eulachon as threatened under the U.S. Endangered Species Act (ESA) in 2010. Eulachon stocks within British Columbia have also been under review by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) due to conservation concerns. At this point, the Fraser River and the Central Coastal Area river populations have been ruled endangered, while the Nass/Skeena's ruling of threatened is being re-reviewed by COSEWIC (Flannery et al. 2009; Levesque and Therriault 2011; Therriault 2012). In Alaska, Eulachon have not been exploited to the same degree, though they are a popular subsistence and personal use fish. An ESA ruling has not been proposed for Alaskan Eulachon, whose biomass seems to have increased overall. However, the collapse of the Behm Canal Eulachon run illustrates that Alaskan Eulachon are not immune to population declines. Though the cause of the Behm Canal crash is not entirely clear, local managers believe that the collapse may be related to overfishing.

Cultural Knowledge and Traditional Practices

Major Eulachon spawning rivers in Southeast Alaska include the Chilkat, Chilkoot, Situk, Alsek, Taku, Stikine, Bradfield, Chickamin, Klahini, and Unuk (Gustafson et al. 2010). In addition to providing sustenance for marine mammals, fish and birds, Eulachon typically have provided some of the first subsistence harvesting opportunities of the year for people living near these systems (see SERAC 2023a). Tlingit, Haida, and Tsimshian (Ts'msyen) peoples have harvested Eulachon from the Unuk, Klahini, Chickamin, and Stikine rivers for generations, with much of the harvest being rendered into highly valued oil or "grease" that is often shared or traded among family, friends, and other communities (Goldschmidt and Hass 1998: 74, 79–82). Early historical records show that Tlingit peoples traded Eulachon oil and other resources with both coastal and interior communities in Alaska and Canada, to the extent that trade routes were often described as grease trails (de Laguna 1972, Magdanz 1988).

The Tongass Tlingit and the Cape Fox or Sanya Tlingit of Ketchikan and Saxman regard the mouth of the Unuk River as their place of origin and have harvested Eulachon from the Unuk, Klahini, and Chickamin rivers since the pre-contact period (Goldschmidt and Haas 1998: 74, 79–84). One current Ketchikan resident explained the importance of the Unuk River, stating "when we speak of the Unuk River and we speak of the last river, those are migration trails that we came out of. Those are survival trails that we came out of...The Sanya Kwaan came out of that Unuk River. When you go up in the Unuk River you'll see the petroglyphs at minus tide. It tells our history of who we are and where we came from" (SERAC 2013: 280). Similarly, the Unuk River area has also been an important area for harvesting Chinook Salmon, seal, and moose for many years (SERAC 2022).

Natives and non-Natives continue to harvest, prepare, and distribute Eulachon taken from the Unuk and other key rivers in the Southeast (Brock et al. 2009; Magdanz 1988; SERAC 2023b, 2024). Today,

Eulachon are primarily harvested with dip nets and seines. Much of the harvest is still used for grease production, which is used as a preservative and condiment for other foods like seal meat, fish, venison, fruits, and vegetables (Brock et al. 2009). Comprehensive household survey information on the harvest, use, and distribution of Eulachon by communities in the vicinity of Ketchikan can be found in **Table 1**. It should be noted that the 2005 Ketchikan and 2012 Hydaburg surveys took place during the period of significant Eulachon population declines, which almost certainly impacted Eulachon use in these communities (see Garza et al. 2006).

Non-federally qualified users in Ketchikan and nearby federally qualified subsistence users have noted that long-standing Eulachon closures are causing them to lose connection to this culturally important resource (FSB 2006, SERAC 2020, 2021, 2022). Some Southeast Council members have suggested that recent Eulachon population declines might not be as severe as they appear, due to the tendency of Eulachon to "move around," returning to spawn in various streams within the same general area of their natal streams (SERAC 2023a).

Table 1. Reported harvest, use, and distribution of Eulachon in select Southeastern communities, based on comprehensive subsistence surveys, 1984–2012 (ADF&G 2024).

Community	Study Year	Percent Using	Percent Harvesting	Percent Giving	Percent Receiving	Reported Harvest (lbs.)	Estimated Harvest (lbs.)
Craig	1987	13%	-	-	13%	-	-
	1997	13%	1%	2%	13%	25	88
Hollis	1987	4%	-	0%	-	-	-
	1998	0%	0%	0%	0%	0	0
Hydaburg	1987	63%	-	0%	63%	-	-
	1997	43%	0%	10%	43%	0	0
	2012	44%	2%	10%	44%	2	5
Kasaan	1987	29%	0%	0%	29%	0	0
	1998	43%	0%	7%	43%	0	0
Ketchikan	2005	5%	<1%	1%	5%	0.75	-
Klawock	1984	17%	6%	3%	11%	288	1,048
	1987	14%	1%	0%	13%	-	120
	1997	18%	1%	5%	17%	25	71
Metlakatla	1987	28%	-	0%	28%	-	-
Point Baker	1987	16%	0%	0%	16%	0	0
	1996	13%	0%	0%	13%	0	0
Saxman	1987	24%	0%	0%	24%	0	0
	1999	38%	0%	8%	38%	0	0
Average		**24%**	**1%**	**3%**	**24%**	**26**	**102**

Harvest History

District 1 historically supported traditional use, subsistence use, personal use, and commercial fisheries for Eulachon, primarily in the Unuk River system. Annual harvest of Eulachon from the 1980s through the 1990s averaged over 12,000 pounds (see **Figure 1** and **Figure 2**), with some harvest years

exceeding 30,000 pounds (Van Alen 2011). In 2001, due to decreasing harvest trends, the U.S. Forest Service (USFS) and the Alaska Department of Fish and Game (ADF&G) initiated a pilot study to learn more about Eulachon harvest, distribution, run timing, and life history characteristics in the Unuk River. By 2004, only 1,500 pounds of Eulachon were harvested on the Unuk River and very low numbers of returning Eulachon were observed by subsistence fisherman and Forest Service personnel. By 2005, surveys found Eulachon to be nearly absent in the Unuk River system, resulting in the previously mentioned State and Federal closures of the Eulachon fishery on the Unuk River and other portions of District 1. Intensive onsite monitoring surveys conducted between 2005 and 2009, which covered the average life span of Eulachon, observed less than 100 fish in the Unuk each year, and only 121 fish in 2010. These low returns corresponded with continued State and Federal fisheries closures.

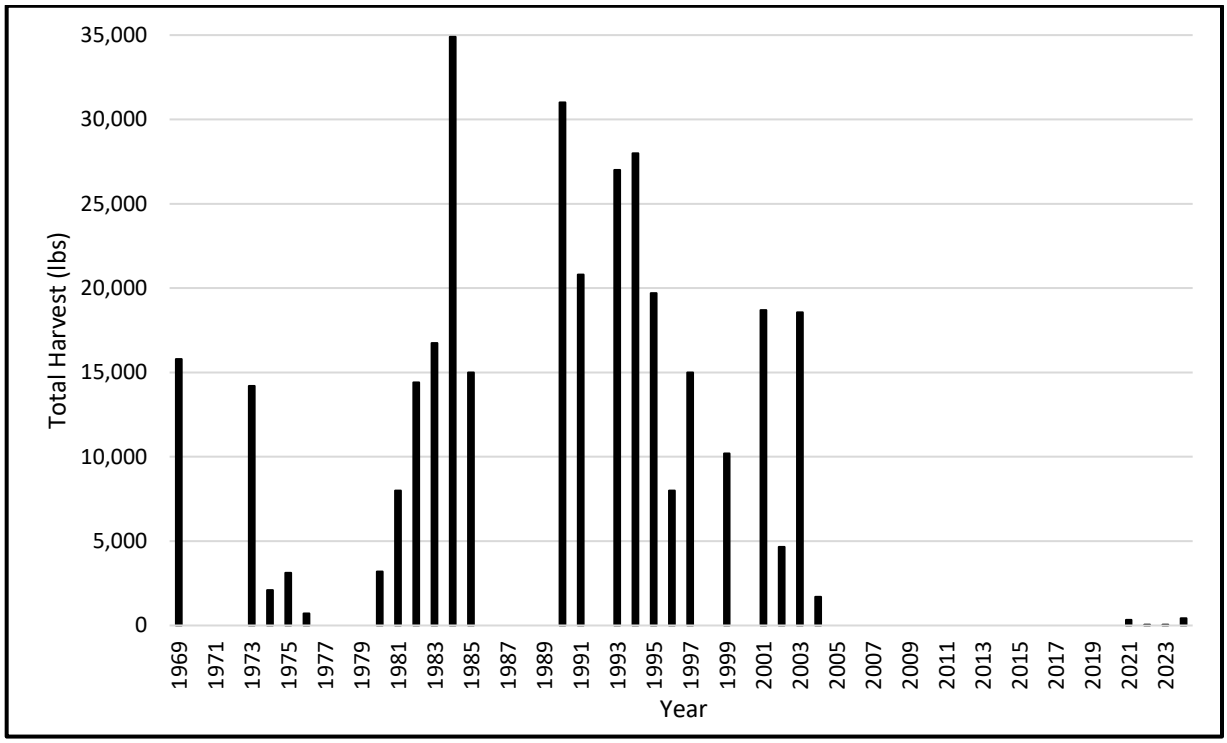


Figure 1. Total pounds of Eulachon harvest (commercial, State personal use / subsistence, and Federal subsistence combined) from 1969 to 2024 in Fishing District 1 (Van Alen 2011).

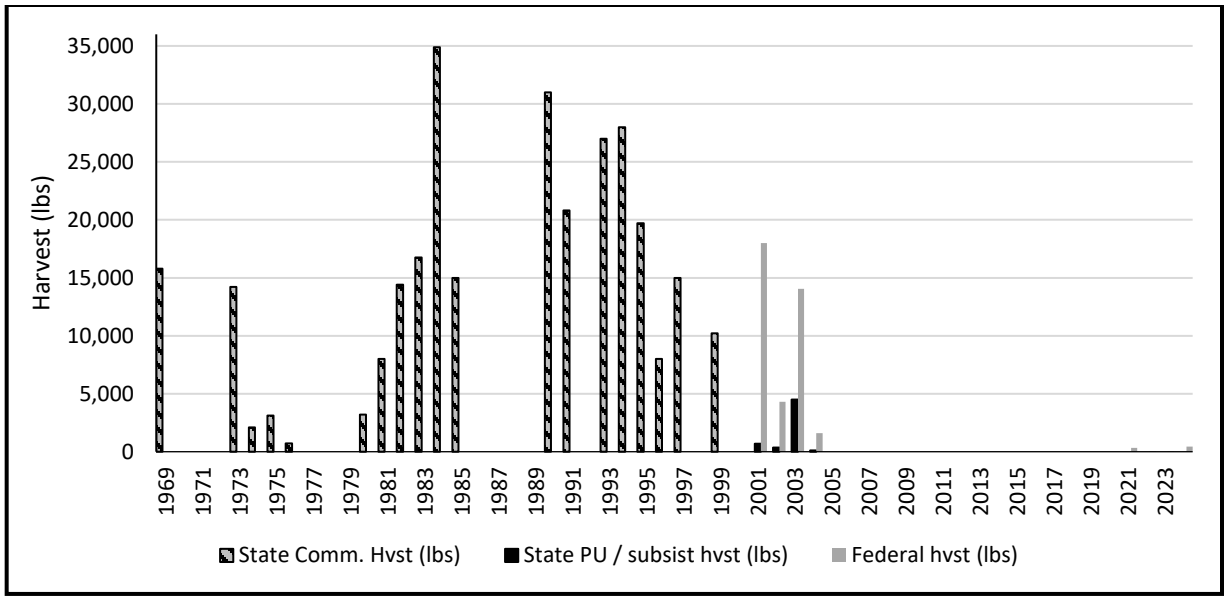


Figure 2. Pounds of Eulachon harvest by fishery (commercial, State personal use / subsistence, Federal subsistence) from 1969 to 2024 District 1 (Van Allen 2011).

In 2011, Eulachon began returning to the Unuk River. Between 2011 and 2015, Eulachon were observed in both the Unuk River, Burroughs Bay area, and in the Carroll Inlet area. Genetic analysis of Carroll Inlet fish showed these fish to be genetically similar to Unuk River Eulachon. Eulachon have continued returning to the Unuk River area between 2016 and present, with variable numbers. In 2024, for the first time since the fishery collapsed, large, high-density schools of 10,000 Eulachon were widespread along multiple major channels and present beyond one week. Though Eulachon have been returning to the Unuk River regularly since 2011, the stock sizes within District 1 remain at levels much lower than those observed prior to the 2005 population collapse.

Alternatives Considered

One alternative considered, which would allow for limited harvest by NFQUs, was to reduce State Personal Use harvest limits to 1 gallon per permit.

The Unuk River Eulachon population has not rebounded to pre-collapse levels. Recent, annual District 1 Federal emergency special action closures have been implemented to address ongoing Eulachon conservation concerns and have greatly limited Eulachon harvest opportunities for all users. If this proposal is rejected or the alternative is adopted, it may prolong the recovery of the Unuk River Eulachon population and result in continued, long-term closures to NFQUs and small harvest limits for FQSUs due to ongoing conservation concerns. Therefore, this alternative was not considered further. For now, closing the harvest of Eulachon to NFQUs in the Federal waters of the Unuk River will allow Federal in-season managers to adapt to changes in Eulachon escapement, provide subsistence priority, and result in more harvest opportunities to FQSUs.

Effects of the Proposal

District 1 Eulachon are slowly recovering from a five-year period of little to no Eulachon escapement (beginning in 2005). The Unuk River is the only Eulachon system in District 1 with allowable harvest under the annual pre-season emergency special action closures. In the absence of a regulatory closure to NFQUs, the recovery of the Unuk River Eulachon population may be prolonged. Under the current system of pre-season emergency special actions, FQSUs are limited to 5 gallons of Eulachon per household each year and gear types are restricted. A limited Federal subsistence fishery was implemented to provide some subsistence harvest opportunity, while allowing the fishery to recover. If adopted, this closure will reduce total harvest effort and allow Federal managers to continue to offer harvest opportunity to FQSUs as the fishery recovers. FQSUs have not been able to meet their needs through this limited fishery and closing the fishery to NFQUs may allow managers to respond to changes in escapement with increased harvest opportunity for FQSUs. In keeping with the Board's policy that Federal public lands and waters should be reopened when the closures are no longer necessary, this closure will be reviewed at least once every four years.

OSM PRELIMINARY CONCLUSION

Support Proposal FP25-02 **with modification** to close the Federal public waters throughout District 1 to the harvest of Eulachon except by federally qualified subsistence users in the Unuk River.

The modified regulation should read:

§___.27(e)(13)

***

(xxiii) Federal public waters throughout District 1 are closed to the harvest of Eulachon except by federally qualified subsistence users harvesting in the Unuk River.

Justification

The Eulachon population returning to District 1 collapsed in 2005. After State and Federal closures, the fishery in the Unuk River has seen a return of Eulachon every year. However, after 19 years, the fishery has not returned to pre-collapse numbers. The limited subsistence opportunity provided through recent emergency special actions has not been able to meet the needs of FQSUs in the area. Closing the Unuk River Eulachon fishery to NFQUs will allow the Unuk River Eulachon population to continue to recover while allowing FQSUs limited opportunity to harvest a culturally important food source during a time of year when subsistence resources are often less abundant. The OSM modification to close all of District 1, except the Unuk River, to all users will help continue the conservation actions taken by State and Federal managers to improve the population status of District 1 Eulachon stocks. As a species with low site fidelity, District 1 Eulachon do not always return to the same river each year. Closing the harvest of Eulachon to all users in additional waterways within District 1 should help improve Unuk River Eulachon recovery.

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WRITTEN PUBLIC COMMENTS

July 8, 2024

From Wanda J Culp, wandajculp@yahoo.com
Coordinator for Tongass Women for Forests

TO FSB – Attn: Scott Ayers, Anchorage, AK
subsistence@fws.gov

RE: Comments on
FP25-02: Unuk River Limit Eulachon Users

FP25-02 Unuk River Limit Eulachon Users

1. What regulation to change?
   Strengthen TVIII to initiate customary/traditional laws of conservation, and remote community use rather than "all subsistence users"; recognize that Tlingit, Haida, Tsimshian tribes have historically used Eulachon for its oil and food value, today that use is minuscule while personal and local commercial uses are otherwise indistinguishable.

2. How new reg should read?
   …except by Federally "***recognized Tribal members"*** and qualified "*rural*" subsistence users.

3. Why this change?
   To force compliance to the intent of the Alaska **National Interest** Land Conservation law – the name is self-described, and the FSB must end the dual management scheme with ADF&G, recognizing their failure to protect TVIII priority protections, thus destroying customary and traditional access while widening use opportunities to "all rural residents". Recognize Tribal intelligence as the original conservationists.

4. What impacts on Eulachon population?
   Rebounded populations through possible habitat repair and preparation for surviving returnees.

5. How will affect subsistence use?
   Will deepen strategies to sustainability through CTU watchful management of tried-and-true methods practiced through good, bad and ugly throughout time.

6. How will sport/rec and commercial use change?
   Eulachon is not nor should be allowed for commercial use; sport/rec users have access to other popular alternatives to "bait" fishing; Indigenous use is at the frontlines of risk without proper protections in place.

Mere fine print wording that ANCSA and ANILCA are related is far from enough management emphasis without legal mention of Alaska's 228 federally recognized village-based tribal existence also individual ANC shareholders, we hold major land and national interests and should be regarded as local capital.

Thank you for hearing me out,
Kashudoha Wanda