

## FP25-01 Executive Summary

<b>General Description</b>	FP25-01 requests to set harvest regulations for subsistence salmon fishing on the Taku River. The proposed regulations include seasons, fishing area, harvest limits, gear restrictions, and harvest reporting requirements. <i>Submitted by: Southeast Alaska Subsistence Regional Advisory Council</i>
<b>Proposed Regulation</b>	<p>§ __.27(e)(13) <i>Southeastern Alaska Area</i></p> <p>***</p> <p><i>(xxiii) You may take Chinook, Sockeye, and Coho Salmon in the mainstem of the Taku River under the authority of a Federal subsistence fishing permit. Each Taku River permit will be issued to a household. Only set gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet stretched mesh size is 8 inches during the Chinook Salmon season and 5 1/2 inches during the Sockeye Salmon season. There is no maximum mesh size during the Coho Salmon season.</i></p> <p><i>(A) You may take Chinook Salmon from June 1 through June 30. The annual limit is 5 Chinook Salmon per household.</i></p> <p><i>(B) You may take Sockeye Salmon from July 1 through July 31. The annual limit is 40 Sockeye Salmon per household.</i></p> <p><i>(C) You may take Coho Salmon from August 1 through October 1. The annual limit is 20 Coho Salmon per household.</i></p> <p><i>(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.</i></p> <p><i>(E) Before any fish, or part of a fish, is removed from the fishing site they must be recorded on the Federal Subsistence permit. The number of fish caught by species, day of catch, and location of catch must be recorded.</i></p>

	<p><i>(F) Fishing nets must be checked at least twice each day.</i></p> <p>(G) Set gillnets may not be fished within 100 yards of Alaska Department of Fish and Game Taku River fish wheels.</p>
<b>OSM Preliminary Conclusion</b>	<b>Support</b> Proposal FP25-01 <b>with modification</b> to modify the area to the Taku River mainstem upstream of the Taku River Lodge.
<b>Southeast Alaska Subsistence Regional Advisory Council Recommendation</b>	
<b>Interagency Staff Committee Comments</b>	
<b>ADF&amp;G Comments</b>	
<b>Written Public Comments</b>	<b>2</b>

## **DRAFT STAFF ANALYSIS**

### **FP25-01**

#### **ISSUES**

Proposal FP25-01, submitted by the Southeast Alaska Subsistence Regional Advisory Council (Southeast Council), requests to set harvest regulations for subsistence salmon fishing on the Taku River. The proposed regulations include seasons, fishing area, harvest limits, gear restrictions, and harvest reporting requirements.

#### **DISCUSSION**

At its Winter 2023 meeting, the Federal Subsistence Board (Board) reviewed (FCR23-23) and rescinded a long-standing closure of the Taku River to subsistence salmon harvest (89 FR 14746, Feb 29, 2024). With the closure rescinded, and no Taku River-specific regulations in place, subsistence salmon harvest on the Taku River is currently subject to the Southeast Alaska general Federal regulations. This proposal seeks to establish a set of Federal regulations governing subsistence salmon harvest on the Taku River.

The proponents note that the Taku River has a directed District 111 commercial drift gillnet fishery and personal use fishery but remained closed to Federal subsistence harvest until the closure was rescinded in 2023. The proponents recognize that this fishery occurs on a transboundary river subject to the Pacific Salmon Treaty (Treaty) and is highly allocated. For this reason, specific harvest regulations need to be put in place to adhere to the Treaty and to reduce incidental harvest of Chinook Salmon when the population has not met its escapement goal. As a transboundary river, salmon fisheries on the Taku River fall under Annex IV of the Treaty. In the Treaty, the U.S. and Canada establish management goals, set catch sharing agreements in their respective fisheries, and assign responsibilities for assessment and monitoring. The proposed regulations for a subsistence fishery will require approval from the Pacific Salmon Commission (PSC) Transboundary Panel, which is composed of both US and Canadian members. As noted above, there is a commercial drift gillnet fishery in District 111, which includes Taku Inlet and Stephens Passage. Other fisheries include, an in-river personal use fishery primarily targeting Sockeye Salmon, and a Canadian commercial gillnet fishery, along with smaller sport and aboriginal fisheries.

At the onset of the Federal subsistence fisheries management program, the Taku River was closed to subsistence salmon harvest, presumably because Annex IV did not specifically authorize a subsistence fishery. However, with numerous other consumptive uses of Taku River salmon occurring, the closure was not consistent with the subsistence priority mandated in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3112). The Board cited this as justification for rescinding the closure and reopening the Taku River to subsistence salmon fishing (89 FR 14746, Feb 29, 2024).

## Existing Federal Regulation

There are currently no Federal regulations specific to salmon harvest on the Taku River. The proposed regulation would be an addition to the general Southeast Alaska Area regulations contained in 36 CFR 242.27(e)(13) and 50 CFR 100.27(e)(13):

*(13) Southeastern Alaska Area. The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.*

*(i) Unless restricted in this section or under the terms of a subsistence fishing permit, you may take fish other than salmon, trout, grayling, and char in the Southeastern Alaska Area at any time.*

*(ii) You must possess a subsistence fishing permit to take salmon, trout, grayling, or char. You must possess a subsistence fishing permit to take eulachon from any freshwater stream flowing into fishing District 1.*

*(iii) In the Southeastern Alaska Area, a rainbow trout is defined as a fish of the species *Oncorhynchus mykiss* less than 22 inches in overall length. A steelhead is defined as a rainbow trout with an overall length of 22 inches or larger.*

*(iv) In areas where use of rod and reel is allowed, you may use an artificial fly, lure, or bait when fishing with rod and reel, unless restricted by Federal permit. If you use bait, you must retain all federally regulated fish species caught, and they apply to your applicable daily, seasonal, and annual harvest limits for that species.*

*(A) For streams with steelhead, once your daily, seasonal, or annual limit of steelhead is harvested, you may no longer fish with bait for any species.*

*(B) Unless otherwise specified in this paragraph (e)(13), allowable gear for salmon or steelhead is restricted to gaffs, spears, gillnets, seines, dip nets, cast nets, handlines, or rod and reel.*

*(v) Unless otherwise specified in this paragraph (e)(13), you may use a handline for snagging salmon or steelhead.*

*(vi) You may fish with a rod and reel within 300 feet of a fish ladder unless the site is otherwise posted by the USDA Forest Service. You may not fish from, on, or in a fish ladder.*

*(vii) You may not accumulate Federal subsistence harvest limits authorized for the Southeastern Alaska Area with any harvest limits authorized under any State of Alaska fishery with the following exception: Annual or seasonal Federal subsistence harvest limits may be accumulated with State sport fishing harvest limits provided that accumulation of harvest limits does not occur during the same day.*

*(viii) If you take salmon, trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your subsistence fishing permit.*

*(ix) Nets are prohibited in streams flowing across or adjacent to the roads on Wrangell and Mitkof Islands, and in streams flowing across or adjacent to the road systems connected to the community of Sitka.*

*(x) You may not possess subsistence-taken and sport-taken fish of a given species on the same day.*

*(xi) If a harvest limit is not otherwise listed for sockeye in this paragraph (e)(13), the harvest limit for sockeye salmon is the same as provided for in adjacent State subsistence or personal use fisheries. If a harvest limit is not established for the State subsistence or personal use fisheries, the possession limit is 10 sockeye and the annual harvest limit is 20 sockeye per household for that stream.*

### **Proposed Federal Regulation**

§ \_\_.27(e)(13) Southeast Alaska Area

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***(xxiii) You may take Chinook, Sockeye, and Coho Salmon in the mainstem of the Taku River under the authority of a Federal subsistence fishing permit. Each Taku River permit will be issued to a household. Only set gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet stretched mesh size is 8 inches during the Chinook Salmon season and 5 1/2 inches during the Sockeye Salmon season. There is no maximum mesh size during the Coho Salmon season.***

***(A) You may take Chinook Salmon from June 1 through June 30. The annual limit is 5 Chinook Salmon per household.***

***(B) You may take Sockeye Salmon from July 1 through July 31. The annual limit is 40 Sockeye Salmon per household.***

***(C) You may take Coho Salmon from August 1 through October 1. The annual limit is 20 Coho Salmon per household.***

***(D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar.***

*(E) Before any fish, or part of a fish, is removed from the fishing site they must be recorded on the Federal Subsistence permit. The number of fish caught by species, day of catch, and location of catch must be recorded.*

*(F) Fishing nets must be checked at least twice each day.*

*(G) Set gillnets may not be fished within 100 yards of Alaska Department of Fish and Game Taku River fish wheels.*

## **Existing State Regulation**

### Personal Use salmon fishery:

*5 AAC 77.682 (f) In the Taku River drainage, the annual limit for each personal use sockeye salmon permit is 10 sockeye salmon for a household of one person and 20 sockeye salmon for a household of two or more persons.*

*(g) Salmon may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted on a personal use fishing permit and except as follows:*

*(1) in District 13, Redoubt Bay, gillnet or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;*

*(2) set gillnets may not be used to take salmon except*

*\*\*\**

*(B) in the Taku River drainage from the Taku River Lodge upstream to the United States/Canada border, salmon may be taken by set gillnets only;*

*\*\*\**

*(3) in the Chilkat and Taku rivers and in Shipley Bay and Yes Bay, the personal use permit holder shall be physically present at the net while it is in operation;*

*(4) a gillnet may not exceed 50 fathoms in length, except in the Taku River a set gillnet may not exceed 15 fathoms in length;*

*(h) Salmon may be taken at any time except*

*(1) as may be restricted under the terms of a personal use fishing permit;*

*\*\*\**

*(3) in the Taku River drainage, sockeye salmon may be taken only in waters from the Taku River Lodge upstream to the United States/Canada border and only from July 1 through July 31.*

**Sport fishing regulations:**

***5 AAC 47.022 General provisions for seasons and bag, possession, annual, and size limits for the fresh waters of Southeast Alaska Area***

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*(b) In the fresh waters east of the longitude of Cape Fairweather:*

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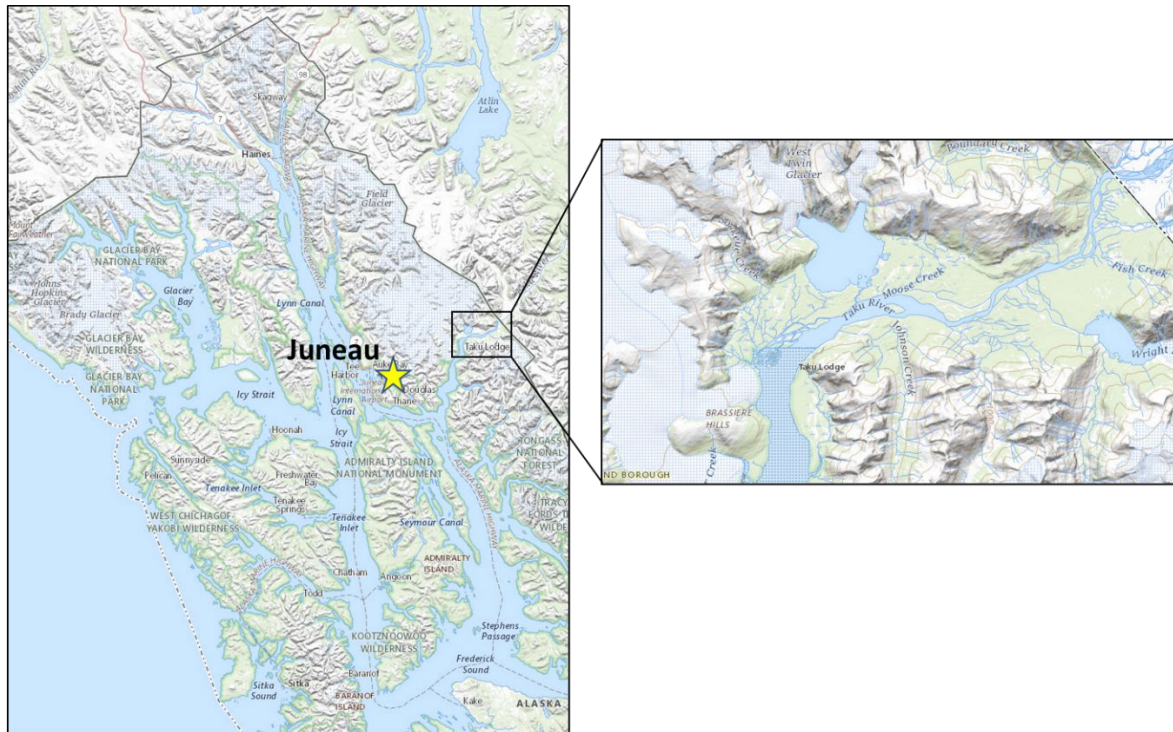
*(2) salmon, other than king salmon: may be taken from January 1 – December 31; no annual limit, no size limit, bag and possession limits as follows:*

*(A) 16 inches or greater in length; bag limit of six fish per species; possession limit of 12 fish per species;*

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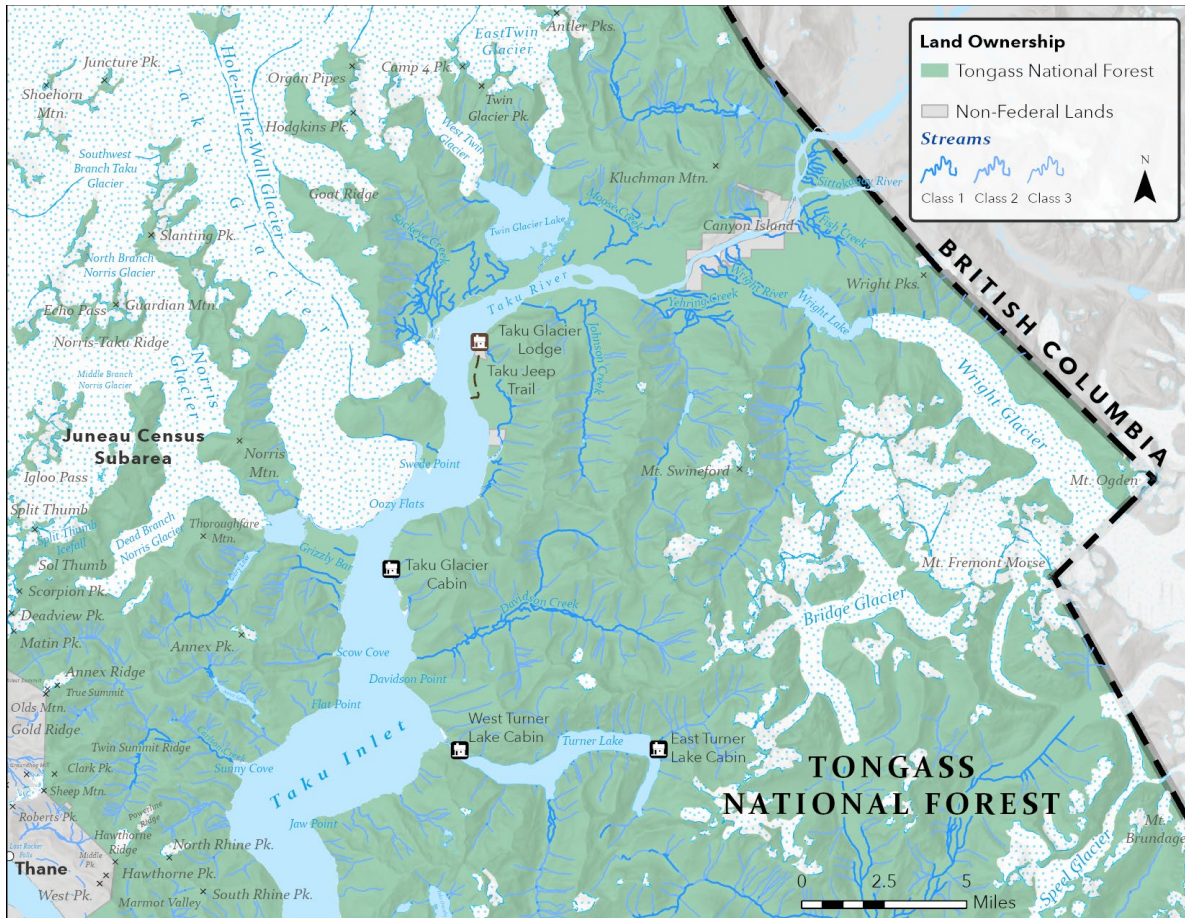
**Extent of Federal Public Lands/Waters**

The Taku River is a transboundary river with headwaters in the Coast Mountains of British Columbia. The mouth of the Taku is approximately 30 miles east of Juneau, Alaska. It is approximately 13 river miles from the U.S./Canada border to the outlet, where the river opens to Taku Inlet and Stephens Passage (**Map 1**). The watershed is transboundary, and the area on the American side that drains into the Taku River is approximately 233,248 acres, most of which is part of the Tongass National Forest. Approximately 4 miles of the river are bordered on both sides by a mixture of State and private land (**Map 2**). A row of privately-owned recreational cabins is built along this section known locally as “Martini Row.” There are 1.5 miles of river above this section and downstream of the Canadian border, and approximately 28 miles of river below this section to the high tide line. All waters of the mainstem Taku River lie within the exterior boundaries of the Tongass National Forest and thus are considered Federal public waters (50 CFR §100.3(c)(25)).



**Map 1.** Location and detail of the Taku River. The map illustrates the location of the Taku River relative to Juneau and the rest of northern Southeast Alaska, as well as the portion of the river that is within the United States.





**Map 2.** Taku River and Taku Inlet land ownership.

### Customary and Traditional Use Determinations

All rural residents of the Yakutat and Southeastern Alaska Fishery Management areas have a customary and traditional use determination for all fish throughout Southeastern Alaska and Yakutat (50 CFR 100.24 (a)(2)).

### Regulatory History

The first mention of the Taku River in Federal subsistence regulations comes from 2003 (68 FR 7275), when the Coho Salmon fishery on the Taku River was closed. 50 CFR 100.27 was amended to say:

*§ 100.27(i)(13)(v): In the Southeastern Alaska Area, except for sections 3A, 3B, and 3C and the Stikine and Taku Rivers, you may take coho salmon in Southeast Alaska waters under Federal jurisdiction under the terms of a Federal subsistence fishing permit. There is no closed season. The daily harvest limit is 20 coho salmon per household, and the annual limit is 40 coho salmon per household. Only dipnets, spears, gaffs, and rod and reel may be used. Bait may only be used from September 15 through November 15. You may not retain incidentally caught trout and sockeye salmon unless taken by gaff or spear.*

This passage was changed again in 2005, although it did not affect the closure of Coho Salmon harvest on the Taku River.

*§ .27(i)(13)(xx): you may take coho salmon under the terms of a subsistence fishing permit, except in the Stikine and Taku Rivers. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dipnets, spears, gaffs, handlines, and rod and reel may be used. Bait may only be used from September 15 through November 15.*

The next regulatory change took place in 2007. Again, there was no change to the Coho Salmon closure on the Taku River.

*§ .27(i)(13)(xx): you may take coho salmon under the terms of a subsistence fishing permit, except in the Stikine and Taku Rivers. There is no closed season. The daily harvest limit is 20 coho salmon per household. Only dip nets, spears, gaffs, handlines, and rod and reel may be used.*

In 2008 § .27(i)(13)(xx) was again changed, this time to read:

*§ .27(i)(13)(xx): There is no subsistence fishery for any salmon on the Taku River.*

This change was explained in the Summary of Board Proposals section of 73 FR 13761 *Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-2008-09 Subsistence Taking of Fish and Shellfish Regulations* with the following statement:

*A clarification of the regulations for the Southeast Alaska area was made to show that there is no subsistence salmon fishery in the Taku River. This is because no subsistence salmon fishery is authorized by the Pacific Salmon Treaty and its annexes.*

The closure of the Taku River Federal subsistence salmon fishery was reviewed by the Board in February 2023. The Board voted to rescind the closure, noting that the Taku River was open to State personal use fishing, but not to subsistence harvest, making it out of compliance with the subsistence priority mandated in ANILCA. The removal of the closure became effective with the publication of the Subsistence Management Regulations final rule (89 FR 14747, February 29, 2024.)

The Taku River Federal subsistence fishery was closed effective June 15, 2024, to prevent harvest of weak Chinook Salmon stocks. The fishery was reopened July 22, 2024, via special action to allow for harvest of Sockeye and other salmon.

### State Regulatory History

The earliest mention of the Taku River subsistence fishery in state regulatory history (Krupa et. al. 2017) was Proposal 179, submitted by the Gastineau Channel Advisory Committee in 1976. Proposal 179 sought to close the Taku River state subsistence fishery. The proposal passed the Board of Fish unanimously. Several proposals to reopen the Taku River subsistence salmon fishery were submitted in the late 1970s, all of which failed.

In 1989, the Gastineau Channel Advisory Committee submitted a successful proposal to open a personal use Sockeye Salmon fishery on the Taku River, with a season of July 1–31, a limit of 10 Sockeye Salmon per person, and a gear restriction of 15 fathoms of gillnet gear. This proposal established the personal use fishery that is still in place today.

In 2012, the Taku River User Association submitted a set of proposals for the Taku River, including establishing an in-river Chinook Salmon sport fishery (Proposal 255); allowing dipnets in the personal use fishery (Proposal 277); extending the personal use season to run from mid-June to August (Proposal 278); increasing the daily and annual harvest limits according to household size (Proposal 279). All of these proposals failed.

In 2018, Mike Fox submitted two proposals for the personal use fishery on the Taku River. One was to increase the Sockeye Salmon harvest limit from 5 fish to 10 fish for a single person household, and from 10 fish to 20 fish for a multiple person household. This proposal passed, but his other proposal to change the season opening date to the fourth Friday in June failed.

### Pacific Salmon Treaty

The Pacific Salmon Treaty between the United States and Canada, governs the management of salmon fisheries that affect salmon stocks in both countries. The treaty was first established in 1985 and has undergone regular revisions since then. The current ten-year agreement is in force from 2019 through 2028.

Salmon fishing on the Taku River falls under Annex IV, Section 3(b) of the treaty, which governs salmon fisheries of salmon stocks in transboundary rivers. In this section, the U.S. and Canada establish management goals, set catch sharing agreements in their respective fisheries, and assign responsibilities for assessment and monitoring. Under 3(b)(H), the United States has a total allowable catch (TAC) that depends on the abundance of enhanced (i.e., hatchery origin) Sockeye Salmon (**Table 1**). The Treaty also sets the objective of increasing enhanced Sockeye Salmon production in the Taku River watershed.

Under the Treaty, the PSC Transboundary Panel must approve any new fisheries occurring in the Taku River. Any subsistence regulation providing for a new fishery on the Taku will be subject to conditional approval by the Pacific Salmon Commission (PSC), then incorporated into updated Treaty language during the next annex period in 2028.

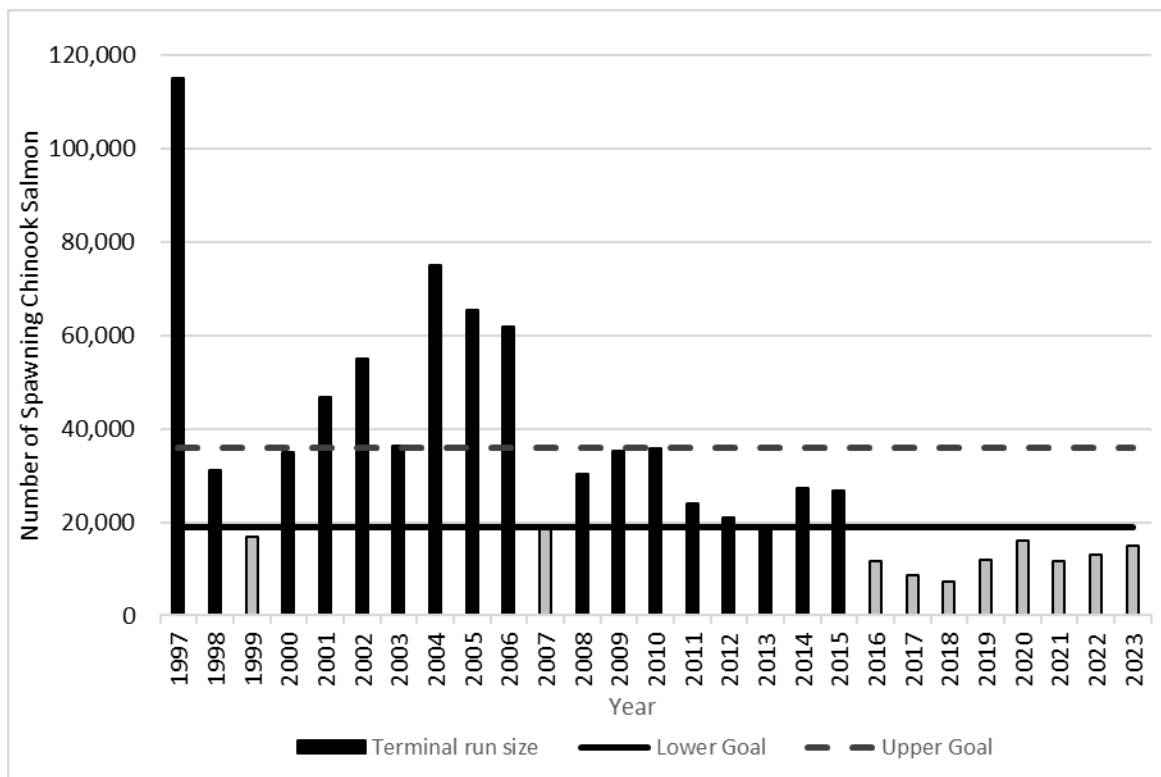
**Table 1.** The total allowable catch apportionment for Taku River Sockeye Salmon for the United States and Canada.

Enhanced production	U.S. TAC Share	Canadian TAC Share
0	82%	18%
1–5,000	80%	20%
5,001–15,000	77%	23%
15,001–25,000	75%	25%
25,001–50,000	72%	28%

Enhanced production	U.S. TAC Share	Canadian TAC Share
50,001–75,000	68%	32%
75,001–100,000+	65%	35%

### Current Events Involving the Species

The Taku River Chinook Salmon stock was designated by the Alaska Board of Fisheries (BOF) in 2021 as a stock of management concern under the state Policy for the Management of Sustainable Salmon Fisheries (SSFP; 5 AAC 39.222). A stock of Management Concern is defined as a concern arising from a chronic inability, despite the use of specific management measures, to maintain escapements for a salmon stock within the bounds of escapement goals or other specified management objectives for the fishery (5 ACC 39.222(f)(21)). However, a Management Concern is not as severe as a Conservation Concern. (5 AAC 39.222(f)(21)). Like many other Southeast Alaska Chinook Salmon stocks, recent returns of Taku River Chinook Salmon have been poor, and escapement goals have not been met since 2016 (**Figure 1**).



**Figure 1.** Spawning escapement of Taku River Chinook Salmon, 1997–2023, ADF&G 2024. The grey bars indicate years where the minimum escapement goal was not met.

On January 11, 2024, the Wild Fish Conservancy submitted a petition to the U.S. Department of Commerce and National Oceanic Atmospheric Administration (NOAA) to list Alaskan Chinook Salmon as a threatened or endangered species and to designate critical habitat, pursuant to the Endangered Species Act (ESA). The petition cited the effects of roads, mining, pollutants, and other

habitat degradation, overutilization for commercial and recreational purposes, and disease and predation as primary factors that warranted listing. The petition also claimed existing regulatory mechanisms may be inadequate to protect Chinook Salmon populations that enter the marine environment of the Gulf of Alaska.

On May 24, 2024, the National Marine Fisheries Service (NMFS) published in the Federal Register their 90-day finding and determined the petition contained substantial information indicating the petitioned action may be warranted (89 FR 45815). This 90-day finding moved the petition forward to a 12-month status review process, which is a comprehensive review of the best available scientific and commercial information. The finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage.

Information on the status of this review process can be found by going to [www.regulations.gov](http://www.regulations.gov) and searching for agency docket #240520-0140. Anyone interested in additional information on the process to list Alaskan Chinook Salmon as threatened or an endangered species and designate critical habitat under the ESA may contact Julie Scheurer, NMFS Alaska Region, at [Julie.scheurer@noaa.gov](mailto:Julie.scheurer@noaa.gov), (907) 586-7111; or Heather Austin, NMFS, Office of Protected Resources, at [heather.austin@noaa.gov](mailto:heather.austin@noaa.gov), (301) 427-8422.

(<https://www.federalregister.gov/documents/2024/05/24/2024-11381/endangered-and-threatened-wildlife-90-day-finding-on-a-petition-to-list-gulf-of-alaska-chinook>)

## **Biological Background**

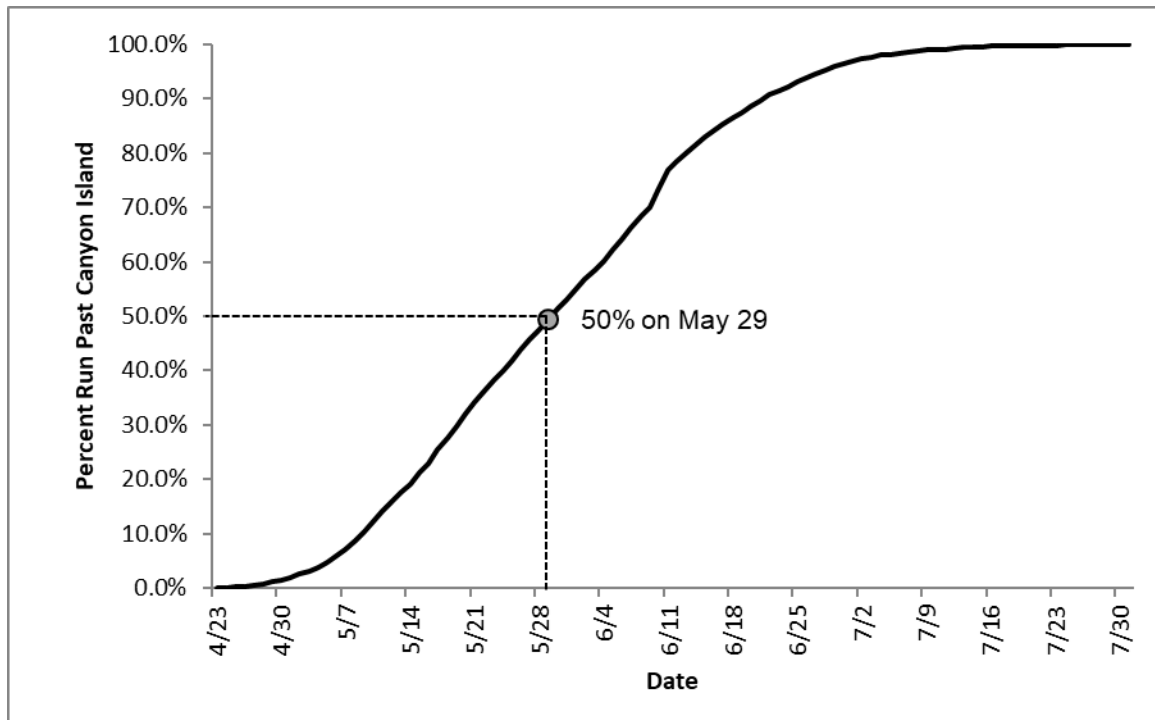
All five species of Pacific salmon spawn in the Taku River, and it is regarded as the largest Chinook and Coho salmon-producing watershed in Southeast Alaska (McPherson et al. 1998; Yanusz et al. 1999). There is a robust assessment program in place for Taku River salmon, including in-season catch monitoring, a basin-wide mark-recapture study, spawning grounds surveys, and enumeration weirs on several spawning systems. A set of two fish wheels at Canyon Island, just downstream of the international border, is used for in-season run monitoring and as a marking platform for mark-recapture studies.

### **Chinook Salmon:**

Chinook Salmon in the Taku River watershed spawn in a number of tributaries in British Columbia. The largest proportion (approximately 40–45%) spawn in the Nakina River, followed by the Nahlin River (approximately 20%) and the Kowatua River (10%) (Pahlke and Bernard 1996).

The escapement goal set under the Treaty is for a spawning escapement range of 19,000–36,000 “large fish” (i.e., >660 mm length), with a management objective of 25,500 fish. Recent escapements have been below the escapement goal, averaging 9,055 fish between 2016 and 2019 (Transboundary Technical Committee 2021). The forecast for the 2024 Chinook Salmon run is for a terminal run size (TRS, i.e., the number of Chinook Salmon returning to the terminal area) of 17,300 large fish (Transboundary Technical Committee 2024).

Taku River Chinook Salmon enter the lower river beginning in April and are present through the month of July. Based on historical data from the fishwheel sampling program, the midpoint of passage at Canyon Island near the Canadian border is May 29 (**Figure 2**).

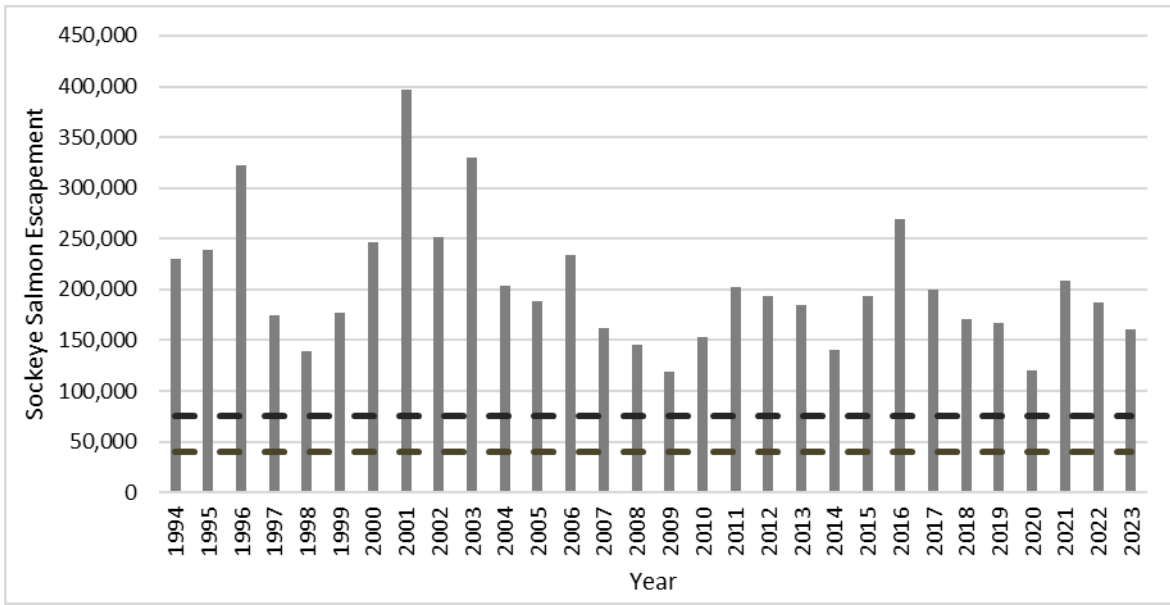


**Figure 2.** Average Chinook Salmon run timing to Canyon Island, 1988–2020 (Forbes 2024).

Sockeye Salmon:

Sockeye Salmon stocks on the Taku River have been quite healthy and have generally met or exceeded escapement goals (**Figure 3**). Taku River Sockeye Salmon are grouped into two major life history types (river-type and lake-type) and five conservation units. The river-type life history has one conservation unit, and the lake-type life history has four conservation units based on the lakes used for spawning: Kuthai, Little Trapper/Trapper, Tatsamenie, and Tatsatua (Miller and Pestal 2020).

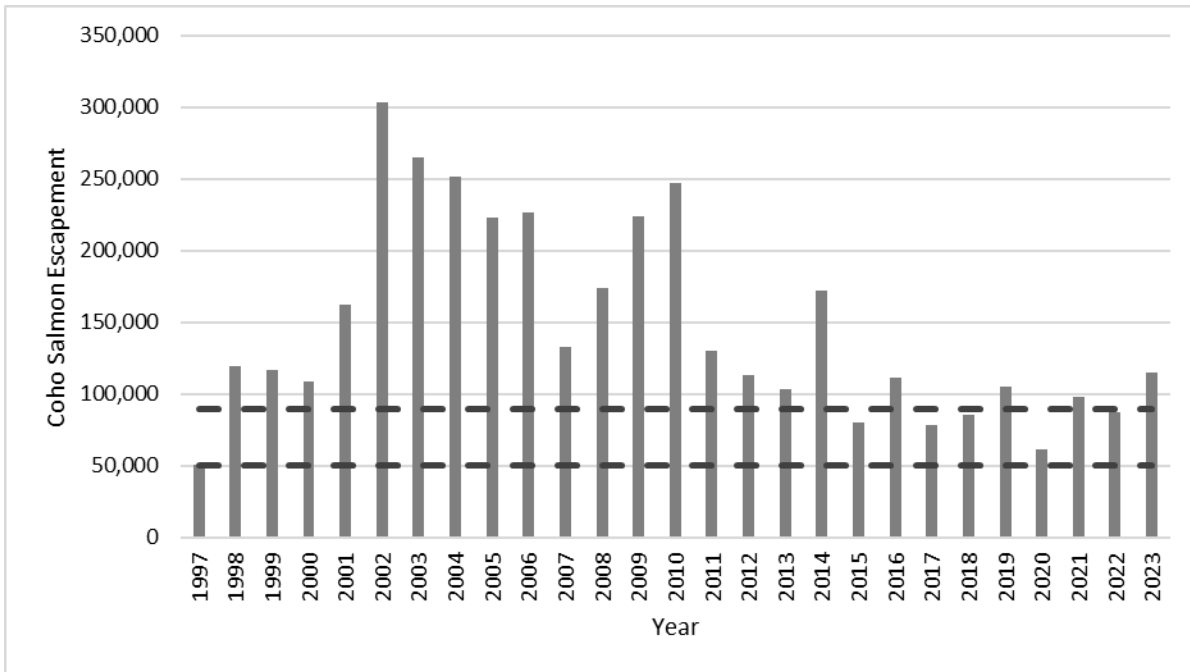
The escapement goal for Taku River Sockeye Salmon is a range of 40,000–75,000 fish, with a management objective of 58,000. The forecast for 2024 is for a terminal run size of 200,000 fish. In addition, there are two enhancement projects in place on the Taku River, where Sockeye Salmon are captured in the wild, and their eggs are collected and incubated in a hatchery. The resulting fry are released back into the lake for rearing. The 2024 forecast is for 7,000 enhanced fish from two projects (4,500 from Tatsamenie, and 2,500 from Trapper Lake).



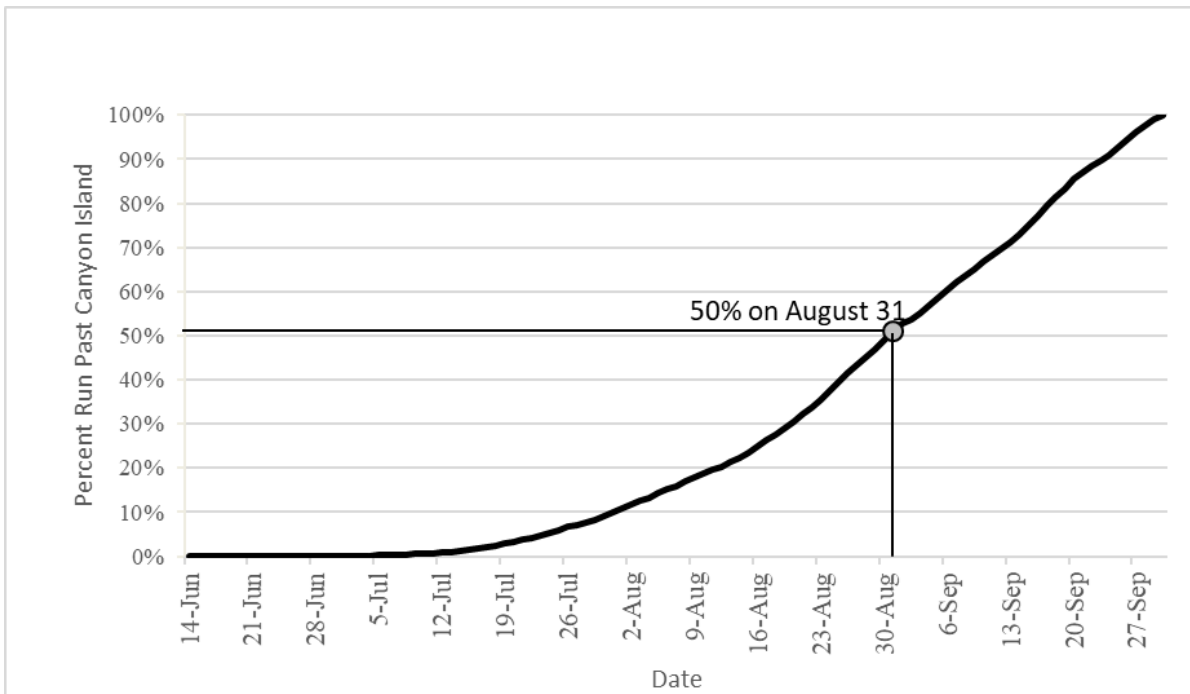
**Figure 3.** Taku River Sockeye Salmon terminal run size estimates, 1994–2023. Dashed lines indicate the escapement goal range of 40,000–75,000 fish (Transboundary Technical Committee 2021).

Coho Salmon:

The Coho Salmon stock on the Taku River have been quite healthy and have generally met or exceeded escapement goals (**Figure 4**). The escapement goal for Taku River Coho Salmon is a range of 50,000–90,000 fish, with a management objective of 70,000. The forecast for 2024 is for a terminal run size of 141,000 fish. Taku River Coho Salmon enter the lower river beginning in mid-July. The midpoint of passage at Canyon Island near the Canadian border is August 31, based on historical data from the fishwheel sampling program (**Figure 5**).



**Figure 4.** Taku River Coho Salmon terminal run size estimates, 1997–2023. Dashed lines indicate the escapement goal range of 50,000–90,000 fish (Transboundary Technical Committee 2021).



**Figure 5.** Taku River Coho Salmon run timing past Canyon Island, 2014–2023 (Forbes 2024).

### Cultural Knowledge and Traditional Practices

The Taku River drainage is the original home of the Taku Tlingit people, who now live on both sides of the US/Canada border (Goldschmidt and Haas 1998). “After the establishment of the international



[US/Canada] boundary, the Taku Tlingits split into two groups, one living upstream on the shores of Lake Atlin [Canada], and the other remaining on the coast [US]. The two groups still recognized their unity and maintained contact” (Goldschmidt and Haas 1998: 41).

Historically, there were numerous Tlingit settlements along the Taku River, with the major village located at the tidewater mark (Goldschmidt and Haas 1998). People made a living in these areas through fishing, hunting, trapping, berry picking, and trade/exchange with other indigenous groups, colonists, and settlers (Goldschmidt and Haas 1998; De Laguna 1990). Salmon have long been the preeminent subsistence species utilized by many Tlingit groups, to the extent that the salmon runs within a given area often structured the yearly economic cycle (Goldschmidt and Haas 1998; de Laguna 1990). Pacific Halibut, Eulachon, trout, harbor seal, shellfish, and seaweeds have also been important fisheries resources for the Tlingit (Goldschmidt and Haas 1998; De Laguna 1990). Key wildlife species harvested included mountain goat, river otter, mink, deer, moose, bear, marten, wolverine, lynx, and wolves (Goldschmidt and Haas 1998; De Laguna 1990). However, as De Laguna (1990: 209) notes, “hunting and fishing were not just subsistence activities, but moral and religious occupations, for the Tlingit were killing creatures with souls akin to their own.” Fish and wildlife were to be respected, used wisely, and disposed of properly (De Laguna 1990).

Non-native settlers also have a history of using the Taku River drainage area to hunt, fish, and trap (Goldschmidt and Haas 1998). Many Tlingit began moving to the Juneau-Douglas area following the discovery of gold here in the 1880s (Goldschmidt and Haas 1998). Native and Non-native residents of Southeast Alaska continue to harvest key fish and wildlife species like salmon within the Taku River drainage area today.

## **Harvest History**

Taku River salmon are primarily harvested in commercial gillnet fisheries in District 111, a state in-river personal use fishery in the lower Taku River below the border, and a Canadian commercial fishery above the border. Some Taku River-origin salmon are also harvested in mixed stock commercial and sport fisheries throughout Southeast Alaska.

### Personal use fishery

The Taku River personal use fishery was established in 1989, and primarily targets Sockeye Salmon, though other species may be retained. Gear is limited to set gillnets of 15 fathoms or less in length, and the harvest limit is 10 fish for a single person household and 20 fish for a multiple person household. The season in regulation is July 1–31. However, since 2017, the season has been shifted to run from mid-July to mid-August to avoid incidental catch of Chinook Salmon.

Since 2002, ADF&G has recorded the residence community of permit holders in the personal use fishery. The vast majority (97%) of permit holders reside in the Juneau area, with only 1.6% residing in rural Southeast Alaska communities, and 1.4% residing outside of Southeast Alaska (Scott Forbes, ADF&G, pers. comm.). Harvest of Sockeye Salmon has averaged 1,239 fish between 2017 and 2022, with an average of 104 permit holders (**Table 2**). There is no directed personal use fishery for Chinook

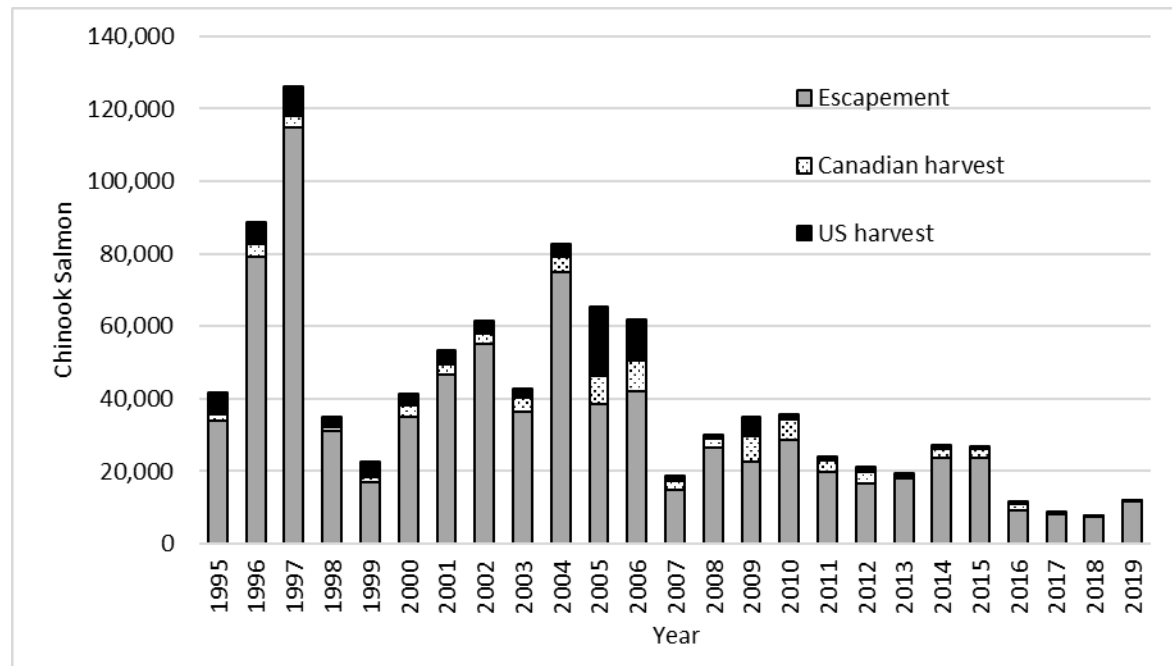
and Coho salmon, but these species may be caught incidentally in the Sockeye Salmon directed fishery. The personal use possession limit for Chinook Salmon is two fish, while Coho Salmon is six fish.

**Table 2.** Harvest levels and permits fished in the Taku River personal use fishery, 2017–2022 (Forbes 2024).

Year	Sockeye	Chinook	Coho	Pink	Chum	Permits Fished
2017	856	1	178	215	2	106
2018	1,612	11	246	68	5	117
2019	1,708	11	306	84	3	123
2020	1,131	17	279	45	1	112
2021	922	7	210	139	3	80
2022	1,205	11	181	54	7	87
Average	1,239	10	233	101	4	104

Commercial fisheries

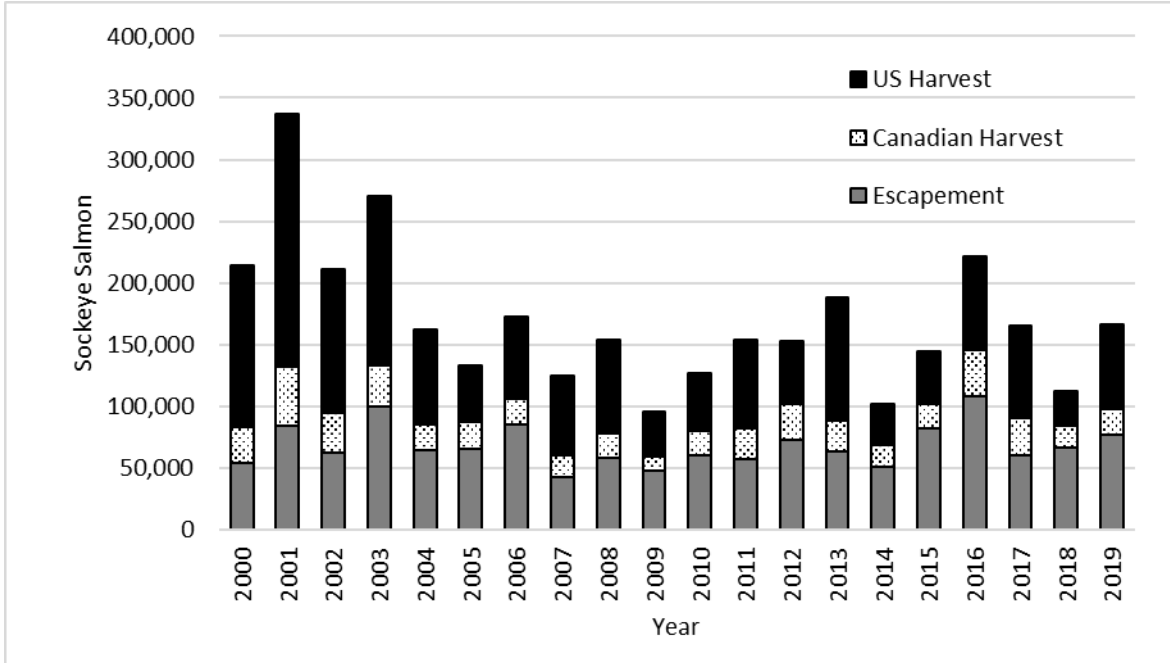
Commercial fisheries targeting Taku River salmon include both a US drift gillnet fishery in District 111, and an in-river Canadian gillnet fishery occurring just above the border. Harvest of Chinook Salmon in these fisheries has been sharply curtailed in recent years due to the decline of the stock (Figure 6).



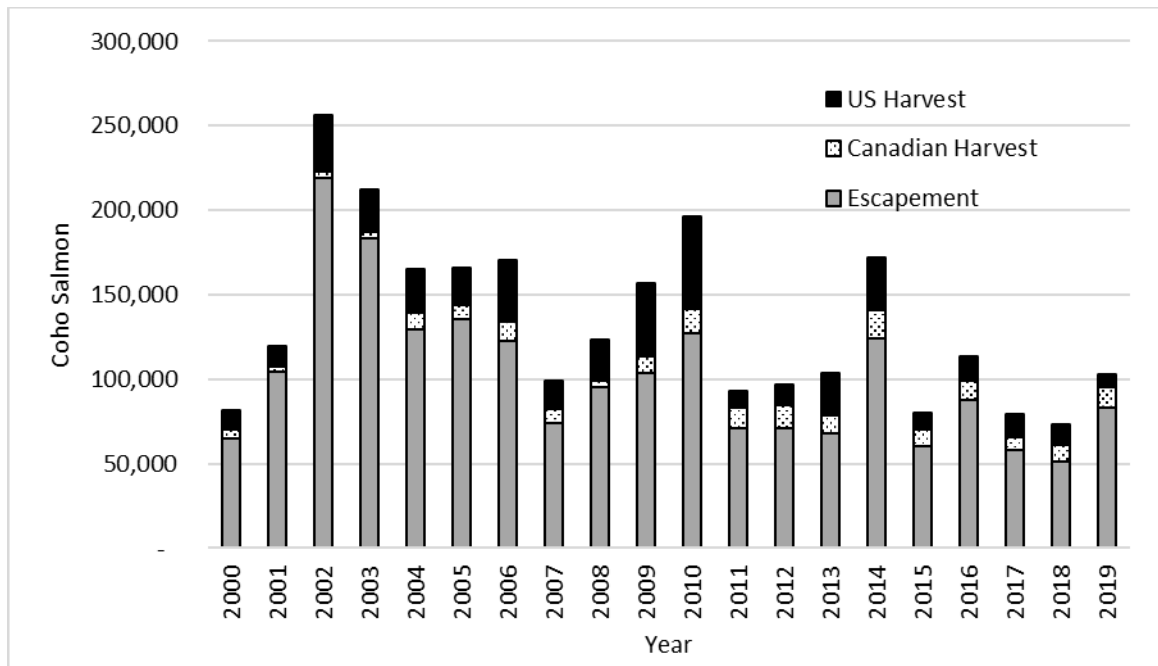
**Figure 6.** Chinook Salmon harvest and escapement in Taku River, 1995–2019 (Transboundary Technical Committee 2021).

Between 2000 and 2019, the District 111 gillnet fishery harvested an average of 77,248 Taku-origin Sockeye Salmon each year, while an average of 24,993 fish were harvested in Canadian fisheries

(Figure 7). The overall harvest rate in all fisheries averaged 58% over that time. During that same period, the District 111 gillnet fishery harvested an average of 21,980 Taku-origin Coho Salmon each year, while an average of 9,329 fish were reported harvested in Canadian fisheries (Figure 8). The overall harvest rate in all fisheries averaged 19% over that time.



**Figure 7.** Sockeye Salmon harvest and escapement in Taku River, 2000–2019 (Transboundary Technical Committee 2021).



**Figure 8.** Coho Salmon harvest and escapement in Taku River, 2000–2019 (Transboundary Technical Committee 2021).

### Effects of the Proposal

This proposal would establish the regulatory framework for a subsistence salmon fishery on the Taku River. Based on historical participation in the personal use fishery, subsistence effort and harvest in the Taku River fishery is expected to be quite low. Only about 1.6% of permit holders in the personal use fishery are federally qualified subsistence users, with the vast majority being non-federally qualified users/residents from Juneau, Alaska. In recent years fewer than 100 Taku personal use fishery permits have been issued annually (**Table 2**), and with less than 2% of permit holders being Federally qualified, the number of households participating in a subsistence fishery is likely to be in the single digits. The number of rural residents participating in the fishery may increase somewhat due to the more liberal harvest limits in the proposed regulations, but the Taku River’s distance from any rural communities will limit the number of users. Overall, harvest of Sockeye and Coho salmon will be small compared to the existing commercial and personal use fisheries. While the subsistence catch will count against the TAC provided in the Pacific Salmon Treaty, it is unlikely to constrain any of the existing fisheries.

The proposed regulations include a directed Chinook Salmon fishery with a season opening date of June 1. The Chinook Salmon population in the Taku River has been depressed in recent years, and typically does not meet escapement goals. The Chinook Salmon fishery will need to be closed by the in-season manager in years when the Chinook Salmon forecast is too low to allow for a directed fishery. Establishing separate seasons for Chinook, Sockeye, and Coho salmon will allow managers to close individual seasons without affecting subsequent seasons. This approach has been used

successfully in other transboundary rivers such as the Stikine and Situk rivers and should not present any management problems.

## **OSM PRELIMINARY CONCLUSION**

**Support** Proposal FP25-01 **with modification** to modify the area to the Taku River mainstem upstream of the Taku River Lodge.

The modified regulation should read:

*§ \_\_\_.27(e)(13) (xxiii) You may take Chinook, Sockeye, and Coho Salmon in the mainstem of the Taku River **upstream of the Taku River Lodge** under the authority of a Federal subsistence fishing permit. Each Taku River permit will be issued to a household. Only set gillnets not exceeding 15 fathoms in length may be used. The maximum gillnet stretched mesh size is 8 inches during the Chinook Salmon season and 5 1/2 inches during the Sockeye Salmon season. There is no maximum mesh size during the Coho Salmon season.*

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## **Justification**

The proposed regulations will comply with Title VIII of ANILCA by providing for a subsistence salmon fishery in the Federal public waters of the Taku River. When the long-standing closure of the Taku River was rescinded, fisheries in the river defaulted to the Southeast Alaska general regulations. This proposal seeks to establish regulations specific to the Taku River, which will be necessary to effectively manage the fishery. It will also provide a regulatory framework for the PSC Transboundary Panel to evaluate for approval in the Treaty.

Using the Taku River Lodge as the defined lower boundary of the fishery area will provide users with clear delineation of open and closed waters. Typically, Federal public waters are defined as ending at the mean high tide line, but in the shallow braided channels at the mouth of the Taku River, the high tide line is difficult to identify. Also, the state personal use fishery uses the Taku River Lodge as the downstream boundary; so, using it as the lower boundary would provide regulatory consistency and avoid enforcement issues in the Federal subsistence fishery.

## **LITERATURE CITED**

Alaska Department of Fish and Game. 2024. Chinook Salmon Research Initiative, Taku River Chinook Salmon. [https://www.adfg.alaska.gov/index.cfm?adfg=chinookinitiative\\_taku.main](https://www.adfg.alaska.gov/index.cfm?adfg=chinookinitiative_taku.main). Retrieved August 23, 2024.

De Laguna, F. 1990. Tlingit. Pages 203 – 228 in W. Suttles. Handbook of North American Indians: Northwest Coast. Smithsonian Institution. Washington, D.C. 777 pages.

Forbes, Scott. 2024. Fishery Biologist. Personal communication: email. Alaska Department of Fish and Game. Juneau, Alaska.

Goldschmidt, W.R., and T.H. Haas. 1998. Haa Aani/Our Land: Tlingit and Haida Land Rights and Use. University of Washington Press and SEALASKA Heritage Foundation. Seattle, Washington.

Meagan Krupa, Molly Cunfer, & Jeanette Clark. (2017). Alaska Board of Fisheries Proposals 1959-2016. Knowledge Network for Biocomplexity. doi:10.5063/F1QN652R.

McPherson, S. A., D. R. Bernard, S. K. Kelley, P. A. Milligan, and P. Timpany. 1998a. Abundance of Chinook salmon in the Taku River in 1997. Alaska Department of Fish and Game, Division of Sport Fish, Fishery Data Series Report 98-41, Anchorage.

Miller, S.E., and Pestal, G. 2020. Estimates of a Biologically-Based Spawning Goal and Management Benchmarks for the Canadian-Origin Taku River Sockeye Salmon Stock Aggregate. DFO Can. Sci. Advis. Sec. Res. Doc. 2020/035. vii + 74 p.

Pacific Salmon Commission. 2022. Chapter 1: Transboundary Rivers. Pages 14-35 in Annex IV. Pacific Salmon Treaty. Vancouver, British Columbia. 122pp.

Thynes, T. S., J. A. Bednarski, S. K. Conrad, A. W. Dupuis, D. K. Harris, B. L. Meredith, A. W. Piston, P. G. Salomone, and N. L. Zeiser. 2022. Annual management report of the 2021 Southeast Alaska commercial purse seine and drift gillnet fisheries. Alaska Department of Fish and Game, Fishery Management Report No. 22-25, Anchorage.

Transboundary Technical Committee. 2021. Final Estimates of Transboundary River Salmon Production, harvest, and Escapement and a Review of Joint Enhancement Activities. Pacific Salmon Commission Transboundary Technical Committee Report. TCTR (21)-03. Vancouver, British Columbia. 175pp.

Transboundary Technical Committee. 2022. Salmon Management and Enhancement Plans for the Stikine, Taku, and Alsek Rivers, 2022. Pacific Salmon Commission Transboundary Technical Committee Report. TCTR (22)-02. Vancouver, British Columbia. 133pp.

Transboundary Technical Committee. 2024. Salmon Management and Enhancement Plans for the Stikine, Taku, and Alsek Rivers, 2024. Pacific Salmon Commission, Vancouver, B.C. (<https://www.psc.org/reports/tctr24-01/>)

Yanusz, R. J., McPherson, S. A., and D. R. Bernard. 1999. Production of coho salmon from the Taku River, 1997-1998. Alaska Department of Fish and Game, Division of Sport Fish, Fishery Data Series Report 99-34, Anchorage.

## WRITTEN PUBLIC COMMENTS

July 8, 2024

From Wanda J Culp, [wandajculp@yahoo.com](mailto:wandajculp@yahoo.com)  
Coordinator for Tongass Women for Forests

TO FSB – Attn: Scott Ayers, Anchorage, AK  
[subsistence@fws.gov](mailto:subsistence@fws.gov)

RE: Comments on  
FP25-01: Taku River Salmon Fishery

FP25-01: Taku River Salmon Fishery Regulations

1. What Regulations to change?  
Stated Statute should begin upfront specifying ANILCA Title VIII.
2. How would new reg read?  
(D) wording “*other salmon*” should be specified to Chum (Dog) and Pinks (Humpies) since ADFG reports require numbers of species caught, and S.E. AK has five (5) species of salmon traveling into our waters whose populations are important to us.
3. Why changes?  
Title VIII is ANCSA’s compromise to “extermination” of further “aboriginal rights claims” to customary and traditional use; ADFG dual FSB-ANILCA “*subsistence*” management severely departs from CTU PRIORITY opened to all “federally qualified users” eliminating “federally recognized tribes” from matching sovereign rights. Taku Tlingit has recorded prior use and occupation of the Taku River territory connected to Canadian relatives. The Douglas Indian Association legally represents that bloodline history and provides – shares – Juneau’s tribal membership with sockeye salmon from the Taku River under TVIII. The AK-Canada Pacific Salmon Treaty has always tied the Taku River People to innate transboundary caretaking, an asset tie for the U.S. government’s “public interest”.  
111 ADFG commercial fishing permits, recreational and sports access, and vague “personal use” permitting **must** legally follow **behind CTU designation priority** use rather than its most bottom of the barrel priority usage. It is time to hold ADFG’s feet to their self-built fire of non-compliance to federal laws given 2 of Alaska’s major AK-CA rivers are closed to “subsistence” for the past 2 years under a failed “*sustained yield*” management scheme!!
4. Potential impacts of CTU on salmon (replace “fish”) populations?  
The original occupants of all salmon rivers have been made invisible by FSB-ADFG to accommodate commerce-generated businesses and visitor status access across Native lands to overtake and export unregulated tons of boxed salmon attached to traveling visitor luggage; meanwhile, Tlingit are regulated to six (6) salmon per day per family – primarily freshwater transformed salmon of zero value commercially. When cited for TVIII infractions in state magistrate court, #1: we stand alone with no legal due process access to a knowledgeable attorney; #2 magistrate judges are not versed on TVIII infractions and require court time to “catch up” and usually fining the minimum since fishing violations “did occur”. Consequently, we have widespread state of AK court records with the department of corrections, even if found not guilty.
5. Changes for subsistence users?  
Proper definition of TVIII begins with CUSTOMARY AND TRADITIONAL USE PRIORITY, enabling the ability to self-determined governing limitations when all other uses are threatening this legal obligated authority to initiate wild FOOD1st protections: identify “*Tribal*” use as priority assuring cultural and family

survival, designations afterwards: "*urban*", "*rural*". Ak Natives are 3rd largest landowners in AK, we are not tenants.

6. How will sport/rec and commercial be affected?

The state of AK "owns" our ancient "navigational" waters, U.S. controls connected salt waters, i.e. if a seal on a rock is shot and killed in GBNP&P, it lies in federal jurisdiction; if/when it rolls off that rock into the water, it becomes state of AK court-controlled waters. FSB-ADFG ANILCA dual-management only works for commerce-based interest groups who jealously see Indigenous use as "exterminated", thus a free for all "take" allowed. Federal management must begin with the full inclusion of existing grassroot intelligence of prior-contact use and way of managing internal and external use of **salmon** and game during hard times, today must include the global warming crisis conditions of all wildlife local and transient migratory and how to identify which is which.

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





## Southeast Alaska Fishermen's Alliance

1008 Fish Creek Rd

Juneau, AK 99801

Email: [kathy@seafa.org](mailto:kathy@seafa.org)

Cell Phone: 907-465-7666

Fax: 907-917-5470

Website: <http://www.seafa.org>

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July 8, 2024

Federal Subsistence Board

c/o Office of Subsistence Management (Attn: Scott Ayers)

1011 E. Tudor Road, MS-121

Anchorage, Alaska 99503-6199

Sent via email: [subsistence@fws.gov](mailto:subsistence@fws.gov)

Dear Federal Subsistence Board Members & members of the SE RAC,

Southeast Alaska Fishermen's Alliance (SEAFA) is a multi-gear, multi-species commercial fishing organization representing our 300+ members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska. We have members involved in all three salmon gear types (gillnet, troll and seine).

**We would like to comment on FP25-01 Taku River Salmon Fishery Regulation fishery proposal.** Any fishing on the Taku River stocks because they catch Canadian origin salmon are subject to the Pacific Salmon Treaty (PST). A subsistence fishery under the management of the Federal Subsistence Board would be considered a new fishery and must get approval thru the treaty process before any fishing activity can occur. This was the same situation that needed to be followed as a salmon subsistence fishery was being developed for the Stikine River. To this end we suggest and encourage the SE RAC and Office of Subsistence Management to work with the Pacific Salmon Commission, particularly the Transboundary River panel.

The Taku River Chinook are in a period of low production, being listed as a stock of concern at the last Board of Fish meeting and having an action plan developed that restricted access to the fishery **impacting all users** both direct and indirect. In addition, there is an Endangered Species Act petition to list the Taku Chinook as well as other Chinook stocks in Alaska as endangered under consideration by the National Marine Fisheries Service.

In reviewing the suggested language for proposal FP25-01, we strongly object to (F) where it states the net would need to be checked twice a day. Instead, if this proposal were to move forward, we strongly recommend that the permit holder must be physically

present while the net is in the water and must not be left unattended. In the Taku River mainstem area where this fishery is being considered there is now a huge raft of seals in the area. Without the net being tended at all times the unintended mortality by the seals would make this fishery have a detrimental effect on the population that we are trying to rebuild.

We would like clarification regarding section (D) You may retain other salmon taken incidentally by gear operated under terms of this permit. The incidentally taken salmon must be reported on your permit calendar. Does this mean that after June 30 you could take as many Chinook salmon that you harvest incidentally as long as you report it? If that is the case, we recommend that additional restrictions be added. Such as the possession limit of incidentally caught Chinook salmon is two fish and the possession limit of incidentally caught coho salmon is 6 fish.

Several other recommendations to include in the regulation in addition to those listed in the proposal are as follows:

- Clarify the federal subsistence fishing area is the Taku River drainage from the Taku Lodge upstream to the U.S./Canada Border.
- Harvest limits cannot be accumulated with State personal use or sport harvest limits.
- Any salmon tags or transmitters applied by the U.S./Canada stock assessment projects must be returned to ADF&G.

Thank you for this opportunity to comment on the fishery regulation proposals for 2025.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Hansen", followed by a long horizontal flourish line.

Kathy Hansen  
Executive Director