FP25-13 Executive Summary	
General Description	Proposal FP25-13 requests that the Federal Subsistence Board (Board) revise Federal subsistence fishing regulations for the Bristol Bay area to repeal the 10-fathom length restriction of set gillnets in the Federally managed waters in the Egegik River. *Submitted by: submitted by the Bristol Bay Native Association.*
Proposed Regulation	***§___.27(e)(5) Bristol Bay Area*** ***** *(v) The maximum lengths for set gillnets used to take salmon are as follows:* ~~*(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River.*~~ *(B)* ~~*In the remaining waters of the area,*~~ *you may not use set gillnets exceeding 25 fathoms in length.*
OSM Conclusion	**Oppose** Proposal FP25-13
Bristol Bay Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS
FP25-13

ISSUES

Proposal FP25-13, submitted by the Bristol Bay Native Association (BBNA), requests that the Federal Subsistence Board (Board) repeal the 10-fathom length restriction of set gillnets in the Federally managed waters in the Egegik River.

DISCUSSION

The proponent is seeking to repeal this regulation to make the Egegik River and rest of the Bristol Bay fall under only one gillnet length of 25 fathoms (150 feet). Repealing this regulation would mean that federally qualified subsistence users would be allowed to use set gillnets that do not exceed 25 fathoms (150 feet) in length on the Egegik River instead of being restricted to set gillnets not to exceed 10 fathoms (60 feet) in length.

Existing Federal Regulation

§___.27(e)(5) Bristol Bay Area

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(v) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River.

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

Proposed Federal Regulation

§___.27(e)(5) Bristol Bay Area

****

(v) The maximum lengths for set gillnets used to take salmon are as follows:

~~(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River.~~

(B) ~~In the remaining waters of the area,~~ you may not use set gillnets exceeding 25 fathoms in length.

Existing State Regulation

> ***5 ACC 01.320 Lawful gear and gear specifications***
>
> *(c) Except as specified in (b) of this section, the maximum lengths for gillnets and beach seines used to take salmon are as follows:*
>
> *(1) set gillnets may not exceed 10 fathoms in length in (A) the Naknek, Egegik, and Ugashik Rivers;*

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. Federal public waters of the Bristol Bay Area for this proposal comprise fresh waters within and adjacent to the Bercharof National Wildlife Refuge. On general domain lands managed by the Bureau of Land Management in the Bristol Bay Area Federal subsistence regulations apply only to non-navigable waters (**Figure 1**).

Figure 1. Federal public waters within the Egegik River at the outlet of Becharof Lake.

Customary and Traditional Use Determinations

Residents of South Naknek, the Egegik District, and freshwater drainages flowing into the district have a customary and traditional use determination for salmon and freshwater fish in the Egegik District, including drainages flowing into the district.

Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in Federal public non-navigable waters (57 FR 22940). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations, which previously applied to those waters. The Bristol Bay Area regulations under consideration in this analysis were incorporated into the Federal regulations in this manner.

In 1999, the Board adopted these Federal regulations for fish in navigable waters, in addition to non-navigable waters (64 Fed. Reg. 5 [January 8, 1999]).

Current Events Involving the Species

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 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, (907) 586-7111; or Heather Austin, NMFS, Office of Protected Resources, at 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

There are numerous fish stocks in the Bristol Bay Area that are targeted by subsistence, sport, and commercial fisheries. In general, all salmon stocks are in a productive period. There are only a few major monitoring projects for in-season abundance in the freshwaters and other run indicators used by for managing the commercial salmon harvest in marine waters. The Egegik river weir has not been in operation since 2011; however, a combination of tower counts along with aerial surveys using fixed-wing aircraft perform visual based counts of the lagoon. There are no specific conservation concerns to report at this time for Sockeye, Pink, Chum, and Coho salmon; however, Chinook Salmon have been depressed for many years.

The Egegik River run of Sockeye Salmon is forecasted to be 5.5 million for 2024. Currently the Egegik River Sockeye Salmon escapement goal is 800,000 to 2.0 million fish, which leaves approximately 4.4 million available for commercial harvest (ADF&G 2024).

Other non-salmon species important to the Bristol Bay region are game species such as Rainbow Trout, which occupy many of the river and lake systems throughout the region. Rainbow Trout are known to gather and travel along with migrating salmon and can congregate in large numbers along with salmon. Dolly Varden, Arctic Char, Arctic Grayling, and Northern Pike are another important fish for the region that are harvested for subsistence and by sport anglers.

Cultural Knowledge and Traditional Practices

The site of the village of Egegik was used as a seasonal fish camp when in 1885 the Alaska Packers Association built a salmon saltery followed by a cannery there. Cannery workers were hired from outside Alaska, and eventually more local people became involved in commercial salmon fishing and processing in Egegik thus incorporating commercial salmon fishing into the long-term economic culture of the area. Egegik is situated at the southern extent of Yup'ik speakers in the Bristol Bay Area (Morris 1987, Sill et al. 2022).

The population of Egegik has fluctuated since 1960 when the estimated population was 150 people. In 2020, the population was estimated at 39 people (ADCRA 2024). The school was closed in 2015 likely contributing to families moving to other communities. A lack of year-round employment has likely contributed to decreasing population. Families that have left often return in summer to fish and stay with relatives in Egegik. Additionally, commercial fishing brings in an annual influx of other Alaska residents and nonresidents of Alaska (Jones and Neufeld 2022, Sill et al. 2022).

Egegik residents harvested salmon at the highest level compared to other resources, and an estimated 85% of households used salmon, based on household surveys in 2014. Salmon were harvested with subsistence gear, mainly set gillnets (two thirds of salmon harvested by weight) and removed from commercial catches (one third). Most Chinook Salmon were removed from commercial catches.

Fishing occurred in the fresh waters of Egegik River and Becharof Lake, as well as at Pauls Beach and Church Hill Beach near Egegik. The beginning of the Egegik River at Lake Becharof has not been known as a primary salmon fishing location (Morris 1987, Sill et al. 2022).

Harvest History

More subsistence salmon harvest permits are issued to residents of other areas of Alaska than to Egegik residents. An average (2011–2020) of 8 permits were issued to Egegik residents and 22 permits issued to other residents of Alaska. Consistently since at least 2008, most of the estimated harvest in the Egegik area has been Sockeye Salmon, then Coho Salmon and Chinook Salmon. In 2020, 17 permits were issued for the Egegik area, and an estimated 732 salmon were harvested the majority Sockeye Salmon, then Coho Salmon, and only 13 Chinook Salmon. However, the residents of Egegik received 7 permits and no salmon harvest was reported (Brown et al. 2023).

Effects of the Proposal

If Proposal FP25-13 is adopted, federally qualified subsistence users would be allowed to use set gillnets that do not exceed 25-fathoms, increasing subsistence opportunity. Egegik River regulations would revert to the general area wide regulations that allow the use of a 25-fathom gillnet, which would make harvesting salmon easier, however the portion of the Egegik River where Federal jurisdiction exists is very narrow in places (+/- 60 to 80 feet). Allowing the use of a 25-fathom could potentially take up the entire width of the river and violate Federal subsistence regulation *§___.27(b)(4)* which prohibits the obstruction of more than one-half the width of any stream with any gear used to take fish for subsistence purposes. A conservation concern might exist if federally qualified subsistence users are unaware of this regulation and obstructing more than one-half of the river.

If Proposal FP25-13 is not adopted, federally qualified subsistence users would still be allowed to use up to a 10 fathom (60 foot) gillnet.

OSM PRELIMINARY CONCLUSION

Oppose Proposal FP25-13

Justification

Allowing the use of a 25-fathom set gillnet could accidentally and illegally block more than one-half of the river's width which would be in direct violation of *§___.27(b)(4)* which prohibits the obstruction of more than one-half the width of any stream with any gear used to take fish for subsistence purposes. A conservation concern might exist if federally qualified subsistence users are unaware of this regulation and obstructing more than one-half of the river. Therefor, to allow the harvest of salmon and reduce the risk of a set gillnet obstructing more than one-half of the river's width, the 10-fathom gillnet restriction is needed. There are no conservation concerns for four of the five salmon species, exception being Chinook Salmon, which have shown depressed runs across the Gulf of Alaska for many years.

LITERATURE CITED

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