

FCR25-02 Executive Summary

General Description	FCR25-02 reviews the closure to the harvest of Arctic Grayling in the Nome Creek drainage by federally qualified subsistence users.
Current Regulation	<p>§ __.27(e)(3) Yukon-Northern Area</p> <p>***</p> <p><i>(xi) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June 15 through September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.</i></p> <p>***</p>
OSM Conclusion	Rescind the closure
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	Rescind the closure
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	Take no action —defer to home region
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	Retain the status quo

FCR25-02 Executive Summary

North Slope Subsistence Regional Advisory Council Recommendation	Take no action —defer to home region
Interagency Staff Committee Comments	The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.
ADF&G Comments	None
Written Public Comments	None

FEDERAL FISHERIES CLOSURE REVIEW

FCR25-02

ISSUE

FCR25-02 is a Federal Subsistence Board (Board) directed review of a Federal subsistence fishery closure to the harvest of Arctic Grayling in the Nome Creek drainage. It is the Board's policy to review existing closures every four years so that Federal public lands and waters can be reopened when the closures are no longer necessary. The purpose of this closure review is to determine if the closure is still warranted and to ensure the closure does not remain in place longer than needed.

Closure Location: Yukon River Drainage, Nome Creek—Arctic Grayling

Current Allowed Usage

Under Federal regulations, federally qualified subsistence users may not harvest Arctic Grayling in the Nome Creek drainage. Under State regulations, subsistence fishing is prohibited in Nome Creek because it is within the Fairbanks Nonsubsistence Area. State sport fishing regulations only allow catch and release of Arctic Grayling in Nome Creek.

Current Federal Regulation

§ __.27(e)(3) Yukon-Northern Area

(v) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(xi) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June 15 through September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10 grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.

(xvi) Unless otherwise specified in this section, you may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

§ __.27 (b) Subsistence Taking of Fish

(4) Except as otherwise provided for in this section, you may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses.

(16) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(ii) Except as otherwise provided for in this section, if you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel are the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season and/or harvest limit for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

Closure Dates: Year-round

Current State Regulation

5 AAC 99.015. Joint Board nonsubsistence area

(a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas:

(4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20)(B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20)(D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank

of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25)(C), the Preacher and Beaver Creek drainages.

5 AAC 99.016. Activities permitted in a nonsubsistence area

(a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area of community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:

(2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.

(b) Subsistence hunting and subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

Yukon River Area—Sport

5 AAC 73.010. Seasons, bag, possession, and size limits, and methods and means for Yukon River Area

(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) of this section for the Yukon River Area:

(5) in the Nome Creek drainage of the Beaver Creek, Arctic grayling may be taken only by catch-and-release fishing, and may not be possessed or retained; all Arctic grayling caught must be immediately released;

(d) In the Yukon River Area, the following special provisions to methods and means apply:

(2) from April 1 through May 31, in the Nome Creek drainage of Beaver Creek, only unbaited, single-hook, artificial lures may be used.

Regulatory Year Initiated: 1992

Extent of Federal Public Lands/Waters

For purposes of this analysis, the phrase “Federal public waters” is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. Nome Creek is a tributary to Beaver Creek, which flows into the Yukon River (**Figure 1**). The entire length of Nome Creek is in the White Mountain Special Recreation Management Area administered by the Bureau of Land Management (BLM), about 50 air miles north of Fairbanks, Alaska.

Customary and Traditional Use Determination

Residents of the Yukon-Northern Area have a customary and traditional use determination for freshwater fish species other than salmon in the Yukon River drainage.

Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 Fed. Reg. 22940 [May 29, 1992]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations. The closure under review in this analysis was incorporated into Federal regulations in this manner and has not been subsequently modified.

In 1999, the Board also adopted Federal regulations for fish in navigable waters within and adjacent to Federal public lands where there is a Federal reserved water right (64 Fed. Reg. 1276 [January 8, 1999]).

Closure Last Reviewed: 2021—FCR21-07

The Federal subsistence fishery closure to the harvest of Arctic Grayling in Nome Creek was reviewed for the first time during the 2021–2023 fisheries regulatory cycle under FCR21-07.

The Nome Creek closure is located in the Eastern Interior Federal subsistence region. At the October 14, 2020, meeting of the Eastern Interior Alaska Subsistence Regional Advisory Council (Eastern Interior Council), the Council reported that community members do not readily travel to Nome Creek because it is inconvenient to access and there are currently no subsistence opportunities. Other creeks in the area, including Deadwood Creek and Crooked Creek, are open for subsistence fishing and reportedly “loaded with Grayling.” Citing concerns of mortality from catch and release populations and a low population level, the Eastern Interior Council voted to modify the Nome Creek closure by closing to all users. The Eastern Interior Council stated that current regulations give priority and more liberal opportunities to sport fishers over federally qualified subsistence users, and that the closure

should be for all users and uses (including catch and release sport fishing) if conservation concerns exist and the intent of this closure is to protect the Arctic Grayling population from over exploitation.

The Yukon-Kuskokwim Delta, Western Interior, Seward Peninsula, and North Slope Subsistence Regional Advisory Councils all deferred to the Eastern Interior Council recommendation on FCR21-07.

The Board considered the Nome Creek closure during their January 26–29, 2021, meeting. During this meeting, the Solicitor’s Office expressed concern that any actions taken by the Board beyond simply eliminating or maintaining the closure would not allow appropriate notice and opportunity for public comment. Further, the Solicitor’s Office recommended that changes to harvest limits and allowable gear types be addressed in the short term by a special action request and in the long term by a proposal submitted during a future regulatory cycle. Based on this advice, the Board voted to maintain the closure in the Nome Creek drainage. The Board also noted the current sport catch and release fishery does not represent a conservation concern and such concern is not supported by substantial evidence.

Justification for Original Closure

The Federal Subsistence Management Program justification for incorporating the original State closure in Federal regulations was to minimize disruption to the State’s continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of Title VIII of ANILCA (55 FR 27114, June 29, 1990).

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

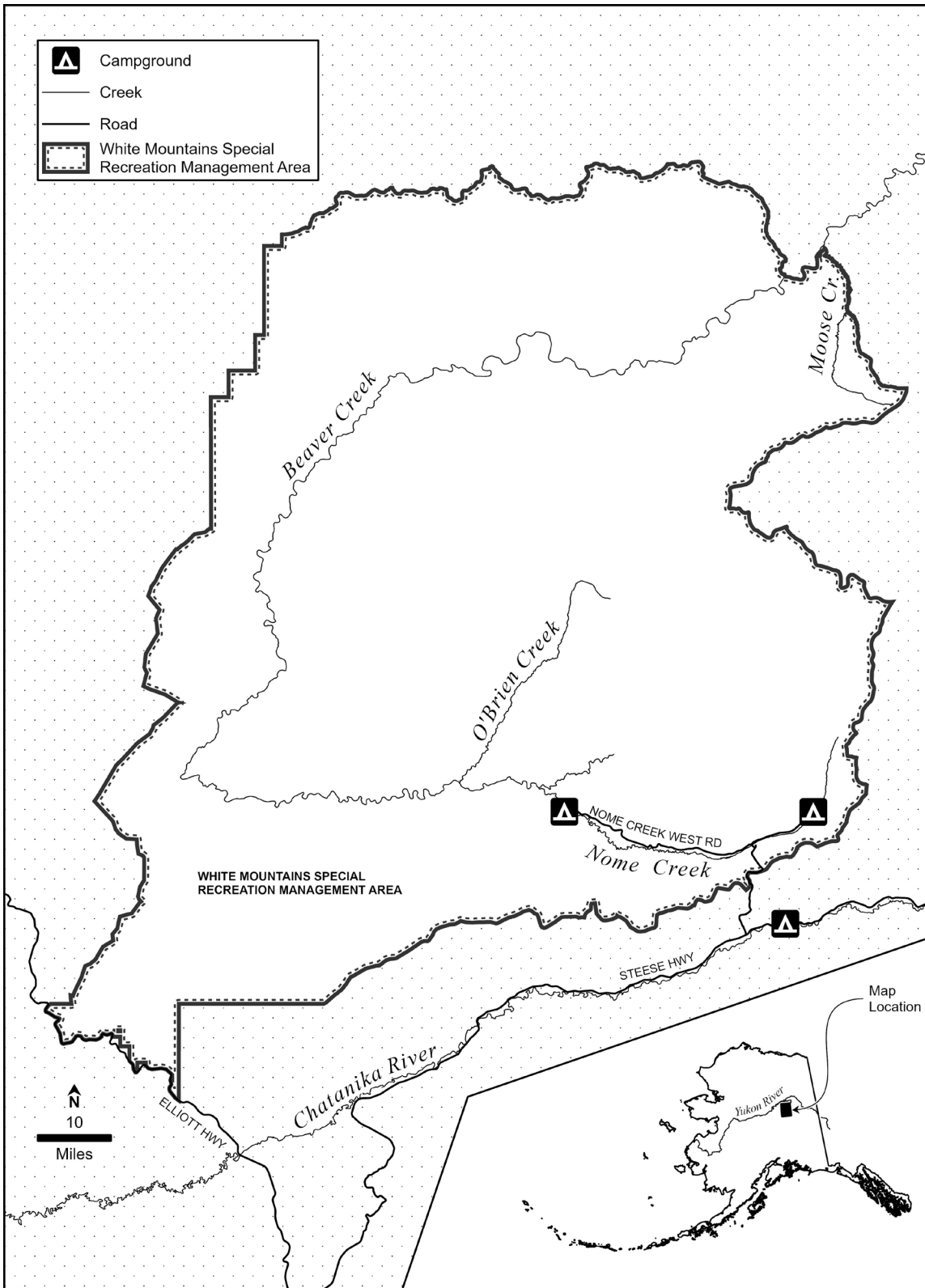


Figure 1. Beaver Creek, including the location of Nome Creek in the White Mountains Special Recreation Area.

Biological Background

Arctic Grayling are found throughout most of Alaska except for the Aleutian Islands, Kodiak Island, and Southeast Alaska. Arctic Grayling typically spawn for the first time between four and seven years of age (ADF&G 2022). Adult Arctic Grayling migrate in the spring to spawning locations, which are generally in headwater streams. During spawning, females lay between 1,500 and 30,000 eggs, depending on body size. The eggs incubate in the gravel for about three weeks before hatching. Once they hatch, the fry move into calm water to feed and grow. Arctic Grayling can live up to 32 years and spawn multiple times. In the fall most Arctic Grayling migrate downstream to deeper pools to overwinter (ADF&G 2022). Arctic Grayling are voracious feeders and are easily over-exploited (Hubbs & Lagler 1958, Carl et al. 1992).

Arctic Grayling abundance and life history information is scarce in Nome Creek. A mark-recapture study attempted in 2000 in Nome Creek could not successfully estimate species abundance because of low recapture rates, an inability to maintain geographic closure, and sampling too early before the summer feeding population was fully assembled (Fleming and McSweeney 2001, ADF&G 2021).

Ongoing research by the Alaska Department of Fish and Game and BLM aims to acquire population information for Arctic Grayling in Beaver and Nome creeks (Stuby 2021, 2023). Researchers used radio telemetry to describe life history, migration timing, and habitat use of Arctic Grayling in Beaver and Nome creeks. That information was used to develop a mark-recapture experiment that will estimate the abundance and length composition of Arctic Grayling in the study area. Final results are not yet available, but reports are scheduled to be completed in Fall 2024. Preliminary results can be found in **Appendix A** (ADF&G 2024).

Sport fishing is allowed year-round in Nome Creek but is limited to unbaited artificial lures or flies with a single hook from April 1 through May 31. All Arctic Grayling must be immediately released (see “Current State Regulation” in this analysis). Mortality can result from catch and release fishing, but research suggests the associated mortality is low for Arctic Grayling. The estimated mortality rate from catch and release techniques was less than 1% for large (>305 mm or about 12 inches) and small (<305 mm) Arctic Grayling (Clark 1991, McKinley 1993). Additionally, Arctic Grayling caught and released up to five times in a two-month period did not suffer significant cumulative mortality (Clark 1991).

Cultural Knowledge and Traditional Practices

Ethnographic studies show that nonsalmon fish including Arctic Grayling have historically been important subsistence resources for Yukon residents (Caulfield 1983, Sumida 1989). While there are no studies of subsistence use of Arctic Grayling at Nome Creek, two studies focused on the nearby Birch Creek watershed provide some insight on cultural knowledge and traditional use of Arctic Grayling in the region. Ethnographic interviews show that subsistence users hold in-depth local ecological knowledge about Arctic Grayling spawning times, habitat use, and movement patterns (Koskey and Mull 2011). Arctic Grayling and other nonsalmon fish were traditionally harvested using fish traps, small nets, or hook and line (Koskey and Mull 2011).

Compared to other nonsalmon species, residents in the Birch Creek watershed report that Arctic Grayling populations are relatively stable, though smaller than in the recent past. Some users, particularly residents of Circle, no longer harvest Arctic Grayling at all due to the decreased size and decreased quality of the meat, which users attribute to lower water levels and muddier conditions (Koskey and Mull 2011). Residents interviewed for this study also reported that Arctic Grayling and Sheefish populations are declining in Central due to harvest by nonlocal users.

Although all residents of the Yukon-Northern Area would be eligible to harvest Arctic Grayling if the closure was rescinded, the closest rural communities to Nome Creek are Central and Circle. Previous research shows that subsistence search and harvest areas used by residents in these communities do not extend as far west as Nome Creek (Trainor et al. 2020). However, Koskey and Mull (2011) note that “local users may travel farther now than in the past to acquire nonsalmon fish for subsistence uses” (Koskey and Mull 2011: p. 40). Additionally, the Nome Creek area is road-accessible and there are two camp sites along the creek that attract some local users (EIRAC 2020: 67). Based on this information, it appears possible that eligible users may travel to Nome Creek to harvest Arctic Grayling should the closure be lifted. Therefore, it may be prudent to consider potential subsistence use of this resource.

Harvest History

There is no subsistence harvest data to report from Nome Creek as it has been closed to Federal subsistence fishing. The Statewide Harvest System cannot develop Sport fishing estimates for Nome Creek because there are consistently fewer than 12 respondents reporting participating in the fishery. Therefore, harvest of Arctic Grayling by nearby communities provides the best insight on potential use of this species at Nome Creek should the closure be lifted. Annual harvest surveys in nearby fisheries show that Arctic Grayling may be locally important but is not a major subsistence resource in nearby communities (**Table 1**).

In Central, Arctic Grayling contributed 20% of the nonsalmon harvest in 2016, though this represented just 3% of the total subsistence harvest (Trainor et al. 2020). Harvest of Arctic Grayling by residents of Circle was likewise very low, representing just 2% of the total subsistence harvest in 2017 (Trainor et al. 2020). In 2005, residents of both communities reported declining harvest and use of nonsalmon fish compared to past years, although comparisons across 2005 and 2016–2017 household harvest surveys show fairly consistent harvest of Arctic Grayling by Central residents (**Table 2**). In 2005, residents of Central harvested Arctic Grayling in June–September, with highest harvest rates occurring in July and August (Koskey and Mull 2011). In 2016–2017, Arctic Grayling was harvested almost exclusively using rod and reel (Trainor et al. 2020).

Table 1. Estimated use of Arctic Grayling in Central and Circle by percentage of households. Data provided are taken from annual harvest surveys conducted by Koskey and Mull (2011) and Trainor et al. (2020).

Community	Year	Using	Attempting harvest	Harvesting	Receiving	Giving
Central	2005	48.8	46.3	46.3	9.8	9.8
Central	2016	44.0	44.0	40.0	0.0	4.0
Circle	2005	3.8	0	0	3.8	0.0
Circle	2017	15.0	5.0	5.0	10.0	5.0

Table 2. Estimated household harvest of Arctic Grayling by residents of Central and Circle. Data provided are taken from annual harvest surveys conducted by Koskey and Mull (2011) and Trainor et al. (2020).

Community	Year	Total (kg)	Mean (kg)	Per capita (kg)	Total (individuals)	Mean (individuals)
Central	2005	127.1	2.6	1.3	400.4	8.3
Central	2016	143.18	7.2	4.0	350.0	8.0
Circle	2005	0.0	0.0	0.0	0.0	0.0
Circle	2017	6.55	0.23	0.09	16.0	0.5

Alternatives Considered

One alternative is to retain the closure. Retaining the closure would protect Arctic Grayling populations from overharvest until a proposal to restrict Federal subsistence harvest and/or gear types in the closure area could be submitted. This alternative was rejected because it would not provide a Federal subsistence priority in the closure area.

Another alternative is to modify the closure by closing the fishery to all users and uses. This would fully protect the Arctic Grayling population in Nome Creek by removing opportunities for catch and release sport fishing. Closing to all users and uses would eliminate the current situation, in which Federal public waters are closed to subsistence fishing while remaining open to other uses. This alternative was rejected because it would cause an unnecessary restriction on non-subsistence uses as there is no evidence the catch and release sport fishery is causing a conservation concern due to low levels of angler effort in the area.

Effects

If the closure is rescinded, Federal subsistence regulations for the Yukon-Northern Area would apply to the Nome Creek drainage. State regulations would continue to allow sport fishing of Arctic Grayling restricted to catch-and-release only. Federal regulations would change to allow subsistence harvest of Arctic Grayling by rural residents of the Yukon-Northern Area. Federal subsistence harvest would be unrestricted when using gillnets, beach seines, fish wheels, long lines, fyke nets, dip nets, jigging gear, spears, and leads. Federally qualified subsistence users would not be allowed to harvest Arctic Grayling using rod and reel. This limitation exists because Federal regulations require subsistence harvest limits for rod and reel to match State rod and reel limits, and the current State regulations do not allow rod and reel harvest of Arctic Grayling.

Rescinding the closure would establish a Federal subsistence priority and provide subsistence harvest opportunity in an area currently closed to subsistence fishing but open to other uses. However, allowing unrestricted harvest in a road-accessible system may increase harvest pressure and result in a conservation concern. Additionally, current Federal regulations would prevent federally qualified subsistence users from harvesting Arctic Grayling using rod and reel, which is the main method for harvesting this species by nearby communities. Conservation and subsistence needs may therefore be better met by establishing Federal regulations that allow conservative harvest limits and harvest using rod and reel. This management framework could be proposed during future fisheries regulatory cycles. Until then, the Federal in-season manager may issue special actions to set provisions for the fishery, such as stipulating gear types and setting harvest limits to protect populations in the area.

OSM CONCLUSION

- Retain the Status Quo
- Rescind the Closure
- Modify the Closure
- Defer Decision on the Closure or Take No Action

The modified regulation should read:

§___.27(e)(3) Yukon-Northern Area

(xi) In Beaver Creek downstream from the confluence of Moose Creek, a gillnet with mesh size not to exceed 3-inches stretch-measure may be used from June 15 through September 15. You may subsistence fish for all non-salmon species but may not target salmon during this time period (retention of salmon taken incidentally to non-salmon directed fisheries is allowed). From the mouth of Nome Creek downstream to the confluence of Moose Creek, only rod and reel may be used. From the mouth of Nome Creek downstream to the confluence of O'Brien Creek, the daily harvest and possession limit is 5 grayling; from the mouth of O'Brien Creek downstream to the confluence of Moose Creek, the daily harvest and possession limit is 10

~~grayling. The Nome Creek drainage of Beaver Creek is closed to subsistence fishing for grayling.~~

Justification

Currently, Federal public waters of the Nome Creek drainage are closed to the harvest of Arctic Grayling by federally qualified subsistence users but open to catch and release sport fishing under State regulations. Rescinding the closure would establish a Federal subsistence priority in the area. However, Arctic Grayling are susceptible to over-exploitation, and Nome Creek is road accessible, allowing for easy access and harvest of fish. Allowing unrestricted harvest for gear types other than rod and reel may lead to overharvest and local depletion of stocks, although data suggest most subsistence harvest of Arctic Grayling in nearby communities is with rod and reel. While Arctic Grayling populations may be protected by limiting subsistence harvest to rod and reel only and/or establishing harvest limits, these modifications are not possible through the closure review process and would require a fisheries proposal to be submitted. Until a proposal can be submitted, the Federal in-season manager can use their delegated authority to restrict gear types and/or harvest limits to protect populations in the closure area. If a proposal is submitted, the Office of Subsistence Management recommends limiting harvest to rod and reel only and establishing a conservative harvest limit for Arctic Grayling in the Nome Creek drainage.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Rescind the Closure for FCR25-02. The Council supports establishing subsistence opportunity for Grayling by federally qualified subsistence users in the area.

Western Interior Alaska Subsistence Regional Advisory Council

Take no action on FCR25-02. The Council deferred to the home region.

Eastern Interior Alaska Subsistence Regional Advisory Council

Retain the Status Quo for FCR25-02. The Council feels that it is premature to rescind the closure before fully understanding the population dynamics of Grayling in the area. Grayling populations are vulnerable to overharvest and can take a long time to recover. Although the current Grayling population appears to be stable, the closure should not be rescinded until conservation minded regulations can be enacted to prevent conservation issues. Any future regulations should also seek to minimize impacts to salmon spawning in the area. Retaining the closure for the time being will not have a substantial impact on subsistence users because the area is not commonly used for subsistence harvesting.

North Slope Subsistence Regional Advisory Council

Take no action on FCR25-02. The Council deferred to the home region.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.

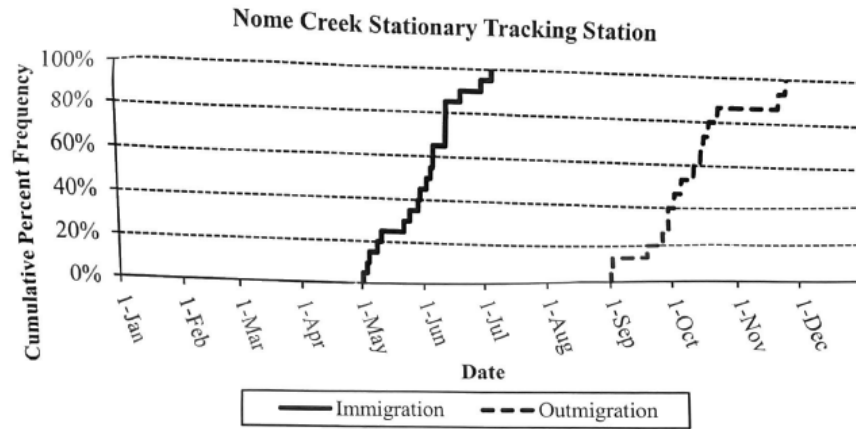
ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

None

APPENDIX A

Beaver and Nome Creeks Arctic Grayling Telemetry and Abundance Estimates

2021-2023 Radiotelemetry:



Oversummering (July and August 2021-2023):

Tagging Locations	Survived Tagging	Detected during Aerial Flights		Oversummering Fidelity		
		2022	2023	Fidelity to 2021 Tagging Locs		2022 and 2023 Fidelity
				2022	2023	
Nome Creek	44	36	21	15	8	6
Nome Ck to Beaver Ck take-out	75	62	32	43	22	7
Quartz Creek Trail Streams	16	13	9	3	2	5
Total	135	111	62	61	32	18

Estimates of Abundance and Comparison to 2000 Study for fish ≥ 250 mm (~10 inches)

Beaver Creek from Nome to Wickersham Creeks:

2000: 8,539 (SE = 959):

2023: 15,117 (SE = 2,146):

Nome Creek:

2000: 419 (SE = 81): Moose Creek to Airstrip.

2000: Airstrip to mouth of Nome Creek. No estimate of abundance due to low number of recaptures.

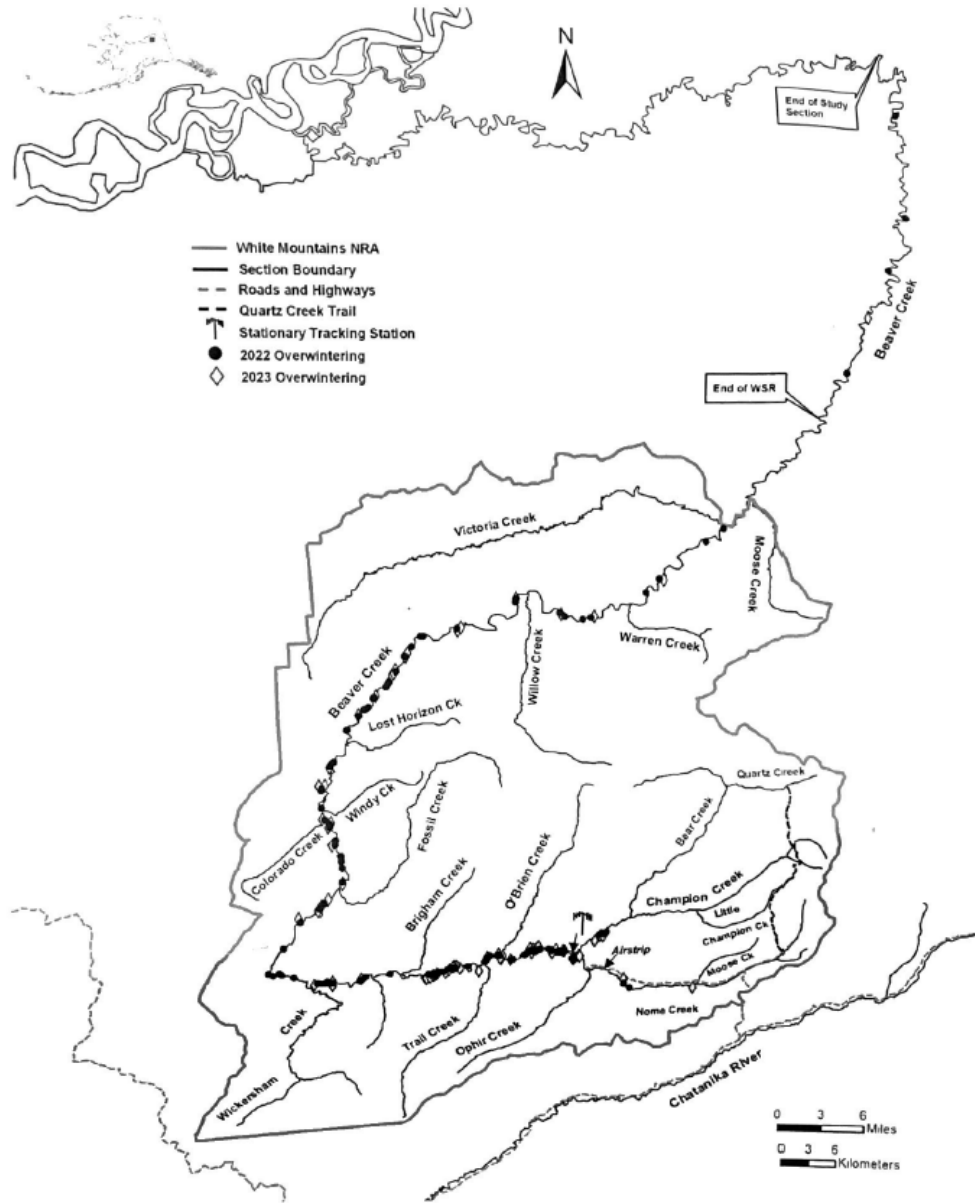
2023: 1,631 (SE = 143)

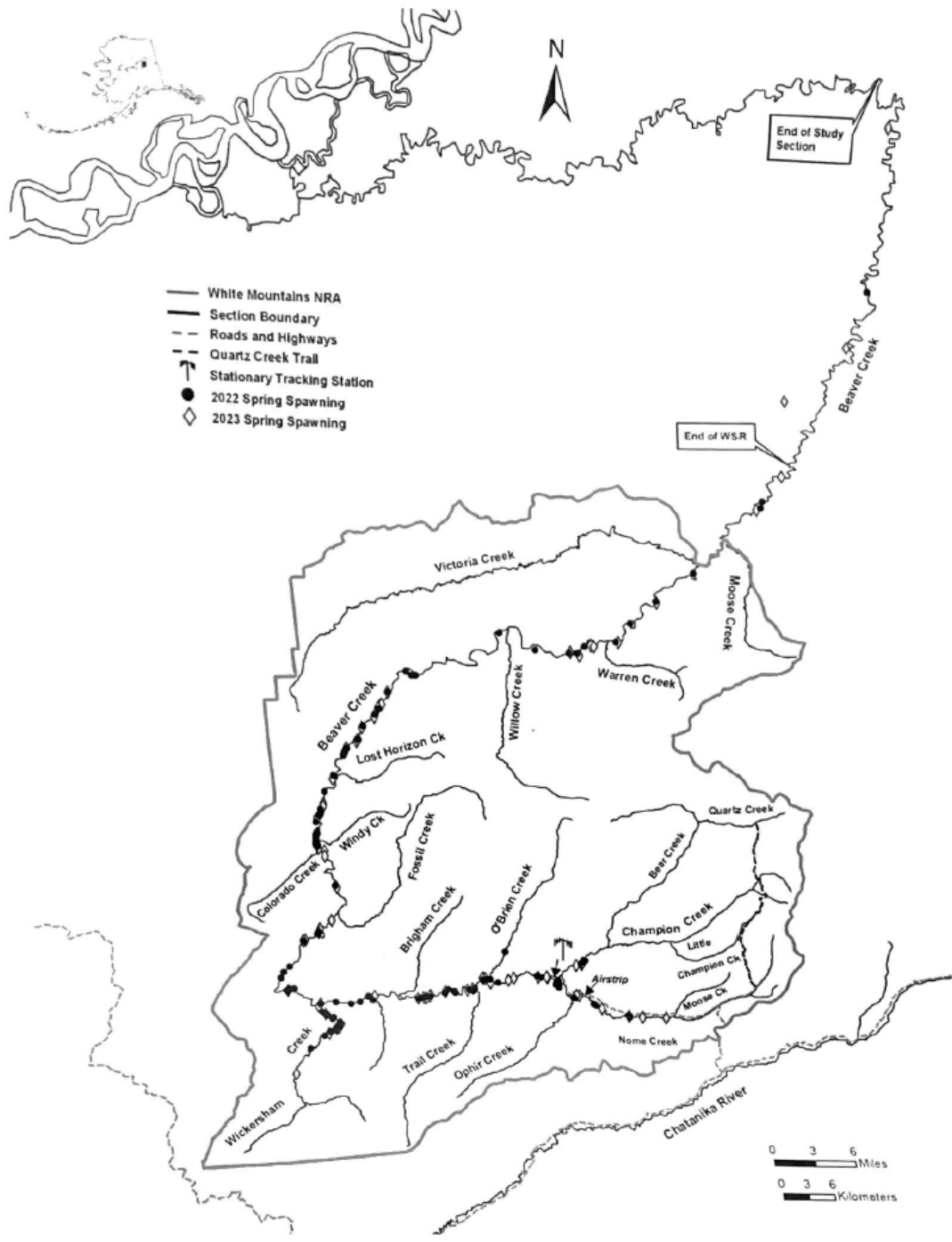
2023: 1,082 (SE = 97): Moose Creek to airstrip, calculated to compare with 2000.

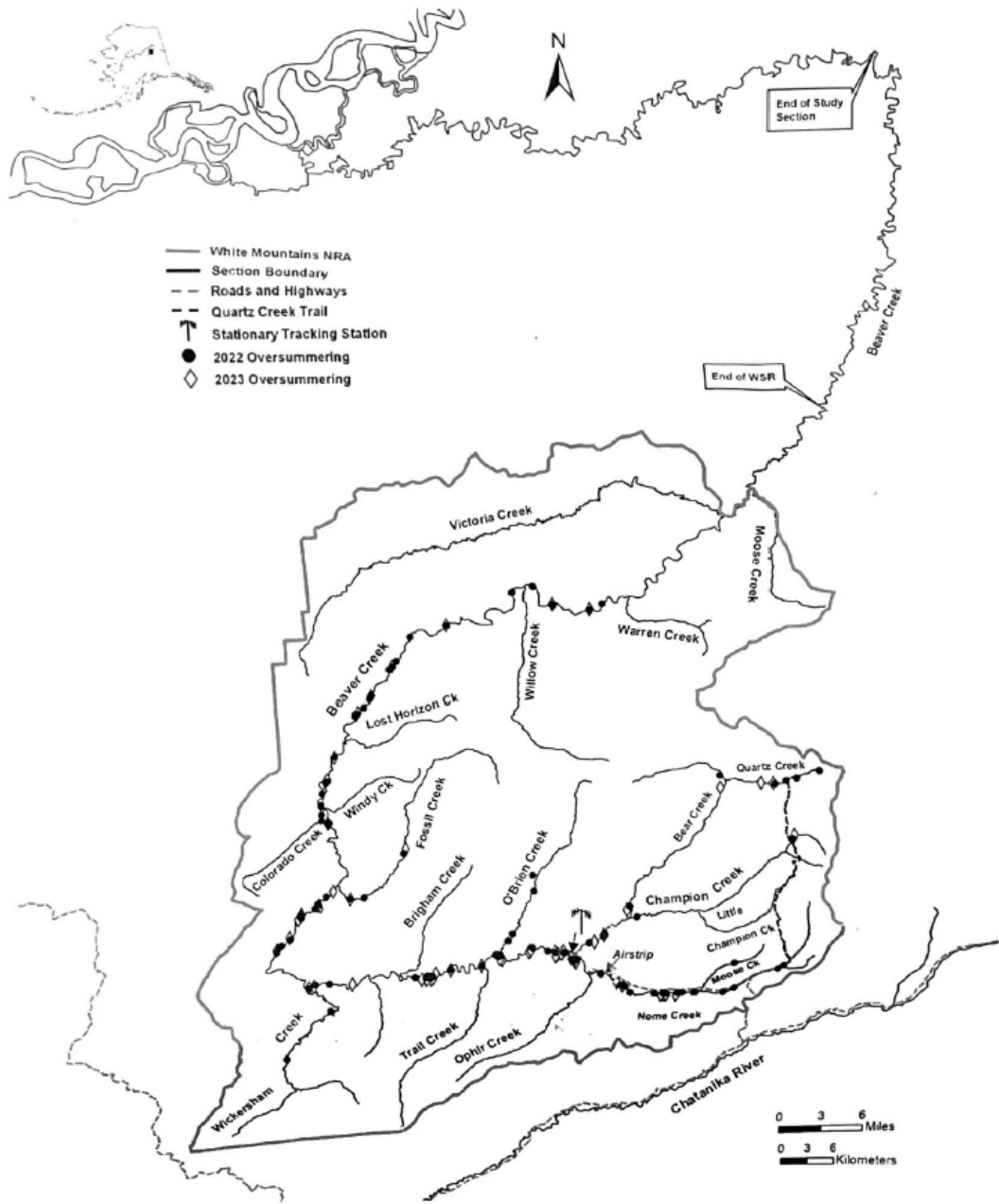
Average Sport Fish Harvest in Beaver Creek (Nome Creek Catch-and Release-Only):

2012-2021 = 148

2017-2021 = 143







- White Mountains NRA
- Section Boundary
- - - Roads and Highways
- - - Quartz Creek Trail
- ↑ Stationary Tracking Station
- 2022 Overwintering
- ◇ 2023 Overwintering

0 3 6
Miles

0 3 6
Kilometers