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 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	**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.
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	**Oppose**
Written Public Comments	**1**

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

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(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

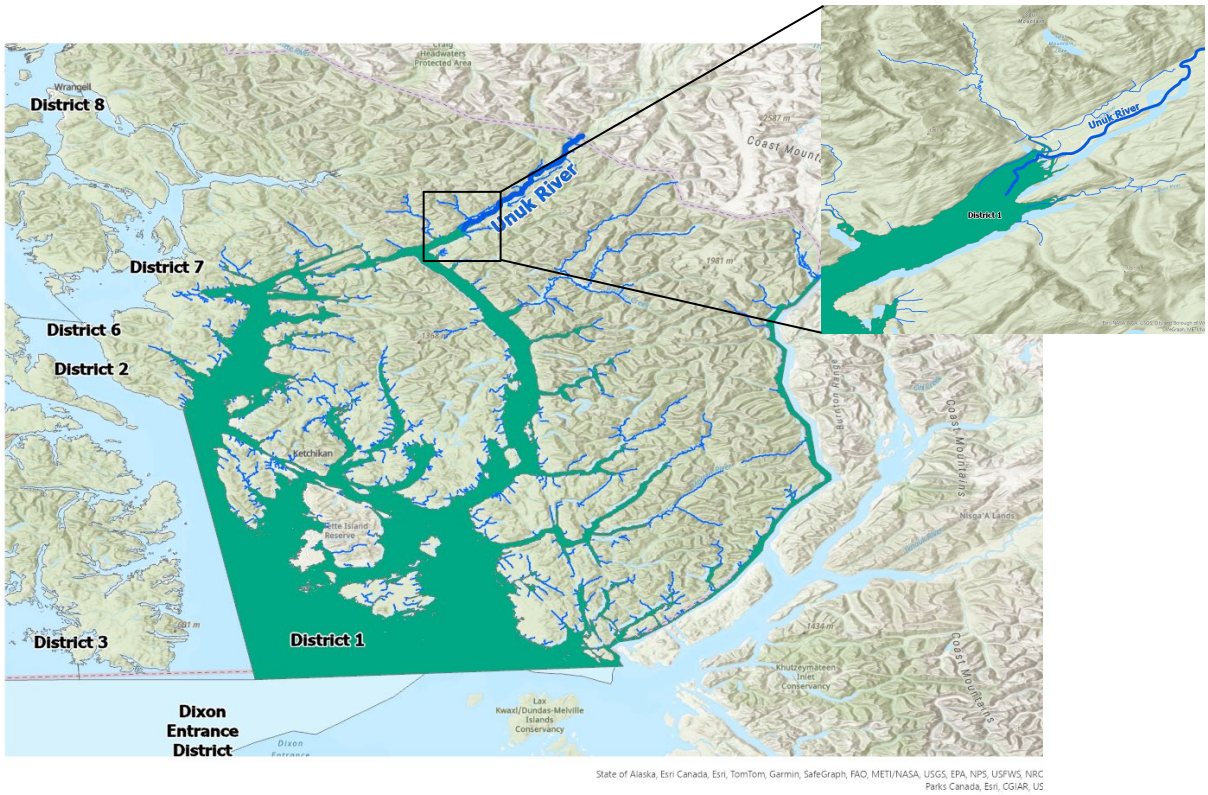
(a) Except as provided in (b) of this section, smelt may be taken at any time and there are no bag and possession limits.

(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 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.

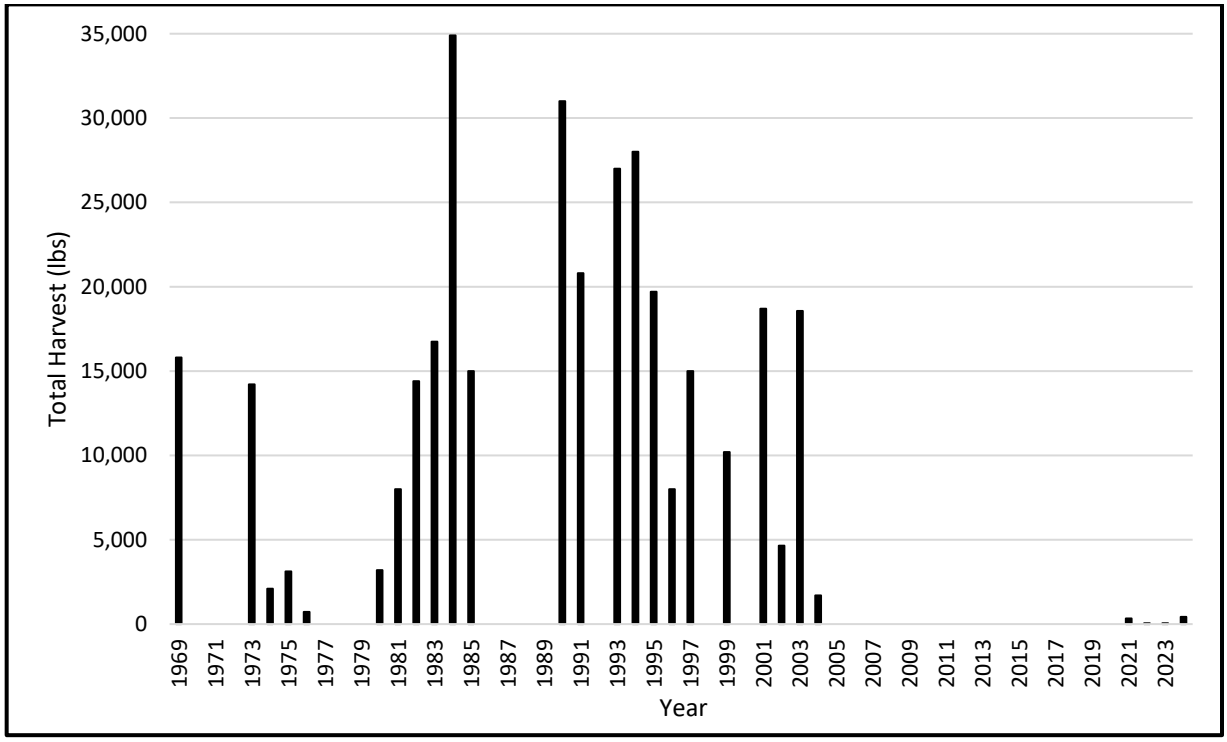


Figure 1. Total pounds of Eulachon harvest (commercial, State personal use / subsistence, and Federal subsistence combined) from 1969 to 2024 in Fishing District 1 (Van Alen 2011).

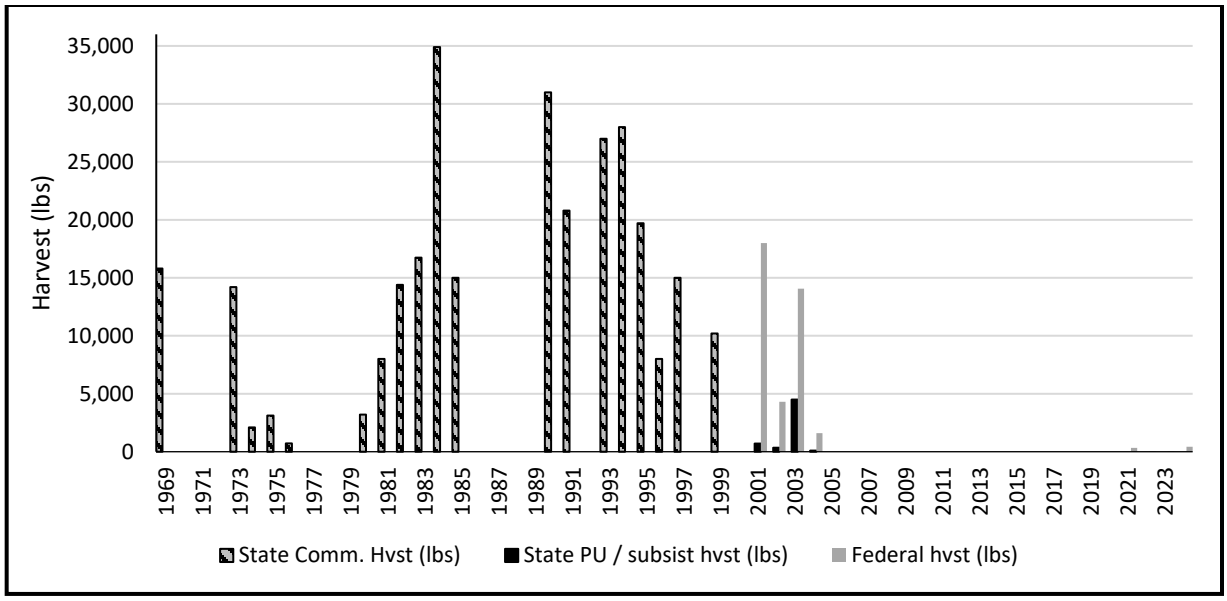


Figure 2. Pounds of Eulachon harvest by fishery (commercial, State personal use / subsistence, Federal subsistence) from 1969 to 2024 District 1 (Van Alen 2011).

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 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)

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(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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REGIONAL ADVISORY COUNCIL RECOMMENDATION

Southeast Alaska Subsistence Regional Advisory Council

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.

Justification: The Council recognizes that this is a long-standing conservation issue, and the proposed action is justified by substantial information, both from Traditional Ecological Knowledge and on-the-ground surveys. The Council, also, recognizes the presence of current and future transboundary mines on the Unuk River as a confounding factor in the recovery of this fishery. The proposal puts into regulation in-season management actions that have been happening every year through special action, and the proposed regulations would impliment conservation actions while providing a subsistence harvest opportunity. The modification to include all of District 1 is justified given the lack of site fidelity of these fish and the need to conserve stock genetics.

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

Fisheries Proposal FP25-02

This proposal would close the waters of the Unuk River to the harvest of eulachon smelt to non-federally qualified users (NFQU).

Position

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** prohibiting NFQUs from harvesting eulachon in the Unuk River. The Alaska Board of Fisheries (BOF) has recently adopted limits in the state subsistence fishery, and while slightly higher than the federal subsistence limit, is still conservative enough to provide subsistence opportunities on a return that is currently characterized as moderate or above. Given the location, time of year, possession limits, recent run sizes, and the gear restrictions that are currently in place and would remain in place for both federal and state subsistence fisheries, there is currently no reason to close the federal waters of the Unuk River to the harvest of eulachon for NFQUs.

Background

In Southeast Alaska eulachon have been documented in over 40 streams. State regulations in Southeast Alaska allow for commercial, personal use, and subsistence eulachon fisheries. Federal regulations allow for a subsistence eulachon fishery in federal waters by users defined as rural residents of the State of Alaska.

Commercial eulachon fisheries historically occurred in southern Southeast Alaska on both the Unuk and Stikine Rivers. This commercial harvest in the southern portion of Southeast Alaska primarily occurred on the Unuk River by a small number of fishermen. The disposition of harvested fish was unique in that it was both sold commercially and provided to residents in both Ketchikan and Metlakatla through personal use. Unreliable weather and distance from the river prevented most residents of these communities from utilizing the resources on the Unuk River. Returns of eulachon to northern areas of Southeast Alaska have been relatively stable and personal use and subsistence fisheries harvests have been consistent with limited controversy.

The ADF&G observed a decrease in commercial harvest and overall abundance of eulachon in the mid to late 1990's and closed the Unuk River to commercial harvest of eulachon in 2000. The primary harvesters immediately petitioned the United States Forest Service (USFS) to create a federal subsistence fishery and open the Unuk River under federal regulations. The area under federal jurisdiction included the traditional harvest areas within the river. A proposal was submitted and adopted and the USFS opened a federally managed fishery on the Unuk River in 2001 with no harvest limit. In consultation with ADF&G, the eulachon fishery closed to both state and federal harvest in 2006 due to declining harvest from 2001–2004 and very little eulachon observed in 2005 with no harvest.

The USFS has conducted on site monitoring surveys annually from 2005 through 2024. From 2005–2010 very few eulachon were observed. The eulachon in the Unuk River exhibit a 3–6-year life cycle,

although the percentage of 6-year-olds in the spawning population is low, with most of the returning eulachon being age-3 (44%) and age-4 (41%) in 2021. However, seeing very few eulachon on the river over a five-year period, essentially an entire life cycle of eulachon, was cause for concern. In 2011, a strong return of eulachon was observed on the Unuk River, as well as the Carroll River, which had no documented returns of eulachon. In 2018, the USFS partnered with the Ketchikan Indian Community (KIC) in a collaborative and coordinated effort to increase on-the-grounds monitoring of the Unuk River in March and April when the eulachon typically run.

After consistent returns of eulachon had been observed annually since 2011, the USFS prosecuted a federal subsistence fishery in 2021 for the first time since 2005. Gear was restricted to dip net and/or cast net with a harvest limit of one five- gallon bucket per household. The state subsistence fishery remained closed.

Prior to the 2021 Alaska Board of Fisheries meeting scheduled for Ketchikan, KIC submitted a proposal to the BOF proposing a subsistence harvest limit of 50 pounds of eulachon (per household?) on the Unuk River. The current regulations had no subsistence limit in place and ADF&G fishery managers do not have the authority to adjust subsistence limits. Numerous hours were spent in meetings with members of KIC and biologists with the USFS-Ketchikan Ranger District leading up to the BOF meeting. Unfortunately, COVID restrictions delayed the 2021 BOF meeting until March of 2022 where the 50-pound subsistence limit was adopted into regulation by the BOF. However, the 50-pound subsistence limit did not go into effect prior to the 2022 eulachon return on the Unuk River so, with no limit in place for the 2022 season, and continued discussion between ADF&G and the USFS, the state subsistence fishery remained closed.

Prior to the 2023 season, again, the Ketchikan area management biologist met with biologists from the USFS-Ketchikan Ranger District to discuss the upcoming eulachon season and review the 2022 season. Discussion centered around anticipated effort and harvest in both a federal and state subsistence fishery. After multiple meetings and discussions, the USFS closed eulachon harvest in all federal public waters that flow into District 1, except to federally qualified users (FQU) in the Unuk River drainage. Ketchikan residents are not considered FQUs, so this federal closure, which supersedes a state subsistence fishery in federal public waters, prohibited all NFQUs (residents of Ketchikan and Juneau) from participating. Similar action was taken prior to the 2024 season. This action also precludes members of KIC from participating in the fishery, targeting fish that the organization has spent significant time and resources to gather additional stock assessment information on since 2018.

Impact on Subsistence Users

If adopted this proposal would eliminate the state subsistence eulachon fishery on the Unuk River. Ketchikan is designated as a non-rural area by the Federal Subsistence Board and as such, residents of Ketchikan, including members of KIC, are considered NFQUs.

Impact on Other Users

If adopted this proposal would impact the residents of Ketchikan should the state, in co-management

with the USFS-Ketchikan Ranger District, choose to open a similar, conservative subsistence fishery under state regulations.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Fisheries has made a positive customary and traditional use findings for eulachon in the fresh waters of Section 1-C and 1-D.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOF to determine the amount of the harvestable portion of a fish population that is reasonably necessary for customary and traditional uses (ANS). The BOF does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOF with guidelines on typical numbers of fish harvested for customary and traditional uses under normal conditions. Fishing regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: fishing regulations, changes in fish abundance or distribution, or changes in human use patterns, just to name a few.

5 AAC 01.710. Fishing seasons.

(a) Except in the non-subsistence areas described in 5 AAC 99.015(a)(1) and (2) and unless restricted in this section, 5 AAC 01.725, or under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken in the Southeastern Alaska Area at any time.

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 non-subsistence 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 01.720. Lawful gear and gear specifications.

Fish may be taken by gear listed in 5 AAC 01.010(a) except as may be restricted under the terms of a subsistence fishing permit and except as follows:

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.

Conservation Issues

There are conservation issues to consider with eulachon on the Unuk River as illustrated in the background section. From 2005–2010 very few eulachon were observed on the Unuk River, then in 2011, eulachon were present in surprising numbers and the run was characterized as moderate by the USFS. After consistent returns observed by the USFS from 2011–2020, a federal subsistence fishery was prosecuted under the terms of a federal subsistence harvest permit. The permit stipulated a harvest limit of one 5-gallon bucket per household with gear restricted to cast net and dip net. Although 129 permits were issued, only 7 permits reported harvest (Table 1). The return in 2021 was characterized as moderate, according to the 2021 USFS Unuk River monitoring report. There were only 4 permits issued in 2022 with no reported harvest as the run was characterized as weak. In 2023, 17 permits were issued with little harvest occurring although the run was characterized as moderate. However, in 2024, the run was characterized as abundant with many large schools (>10,000) of eulachon observed throughout multiple channels, which were present for more than a week and 9 permits were issued with all permits reporting successful harvest.

Enforcement Issues

There could be enforcement issues determining if someone is a non-federally or federally qualified user.

Table 1.–State and Federal Unuk River eulachon harvest in pounds, 1980–2024.

Year[b]	Permits Issued Commercial	Permits Fished	Individual Allotment Commercial	State Harvest pu/sub	Federal Permits Issued	Federal Harvest subsistence	Total Harvest
1980		1					3,200
1981		2					8,000
1982		2					14,400
1983		3					16,746
1984		3					34,900
1985		2					15,000
1986	0	0					0
1987	0	0					0
1988	0	0					0
1989	0	0					0
1990	3	3	10,000				31,000
1991	3	3					20,800
1992	3	0					0
1993	4	3					27,000
1994	3	3					28,000
1995	4	4					19,700
1996	6	2					8,000
1997	4	4					15,000
1998	10	0	2,800				0
1999	10	5	2,500				10,200
2000	12	0	2,083				0
2001a	-	-		700	Unknown	18,000	18,700
2002a	-	-		350	3	4,300	4,650
2003a	-	-		~4,500	4	14,060	~18,610
2004a	-	-		100	3	1,500	1,600
2005a	-	-		0	3	0	0
2021a					129	~300	~300
2022a					4	0	0
2023a					17	< 50	< 50
2024a					9	~360	~360

[a]state commercial fishery was closed.

[b]closed under state and federal regulations from 2006–2020.

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