

FP25–05 Executive Summary

General Description	Fisheries Proposal FP25-05 seeks to limit the allowable gear type to rod and reel in the previously closed waters of Afognak Bay. <i>Submitted by Rebecca Skinner of Kodiak</i>
Proposed Regulation	<p>§ __.27(e)(9) Kodiak Area</p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;"><i>(iii) You may subsistence fish for salmon with rod and reel only in the following locations:</i></p> <p style="text-align: center;">* * * * *</p> <p style="text-align: center;"><i>(C) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point.</i></p> <p style="text-align: center;">* * * * *</p>
OSM Conclusion	Support
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Support
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	Neutral
Written Public Comments	None

STAFF ANALYSIS
FP25-05

ISSUES

Fisheries proposal FP25-05 was submitted by Rebecca Skinner of Kodiak. It seeks to limit the allowable gear type to rod and reel in the previously closed waters of Afognak Bay.

DISCUSSION

Since the fishing closure at Afognak Bay was lifted during the 2023–2025 fisheries regulatory cycle, it has been managed under the Kodiak Area-wide Federal subsistence fishing regulations. However, the proponent states that these general regulations are not sufficient to protect the fish populations returning to the Afognak River system, locally known as Litnik River.

Existing Federal Regulation

§ ____.27(e)(9) Kodiak Area

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(iii) You may subsistence fish for salmon with rod and reel only in the following locations:

(A) Womens Bay—All waters inside a line from the tip of the Nyman Peninsula (57°43.23' North latitude, 152°31.51' West longitude), to the northeastern tip of Mary's Island (57°42.40' North latitude, 152°32.00' West longitude), to the southeastern shore of Womens Bay at 57°41.95' North latitude, 152°31.50' West longitude.

* * * * *

(B) Buskin River marine waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude.

* * * * *

(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

Proposed Federal Regulation

§ ____.27(e)(9) Kodiak Area

* * * * *

(iii) You may subsistence fish for salmon with rod and reel only in the following locations:

(A) Womens Bay—All waters inside a line from the tip of the Nyman Peninsula (57°43.23' North latitude, 152°31.51' West longitude), to the northeastern tip of Mary's Island (57°42.40' North latitude, 152°32.00' West longitude), to the southeastern shore of Womens Bay at 57°41.95' North latitude, 152°31.50' West longitude.

* * * * *

(B) Buskin River marine waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude.

(C) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point.

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Relevant Federal Regulation

§ ____.27 Subsistence taking of fish

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(b) Methods, means, and general restrictions.

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(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

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(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:

(i) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that area. The harvest and possession limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence fishing with other gear types.

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§ __.27(e)(9) Kodiak Area

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(v) The annual limit for a subsistence salmon fishing permit holder is as follows:

(A) In the road-accessible Zone (Northeastern Kodiak Island), east of the line from Crag Point south to the westernmost point of Saltery Cove, including the inland waters of Spruce, Woody and Long Islands, and the Federal marine waters of and around Womens Bay, 25 salmon for the permit holder plus an additional 25 salmon for each member of the same household whose names are listed on the permit: an additional permit may be obtained upon request.

(B) In the remainder of the Kodiak Area not described in [paragraphs \(e\)\(9\)\(iii\)\(A\)](#) and [\(e\)\(9\)\(v\)\(A\)](#) of this section, there is no annual harvest limit for a subsistence salmon fishing permit holder.

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Existing State Regulation

Kodiak Area

5 AAC 01.525. Waters closed to subsistence fishing

The following waters are closed to the subsistence taking of salmon:

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(4) all waters closed to commercial salmon fishing in the Barabara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay as described in 5 AAC 18.350, and all waters closed to commercial salmon fishing within 100 yards

of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

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Relevant State Regulations

Subsistence Regulations

Kodiak Area

5 AAC 01.520. Lawful gear and gear specifications

(a) Unless restricted by this section or under the terms of a subsistence fishing permit, fish may be taken by gear listed in 5 AAC 01.010(a).

(b) Salmon may be taken only by gillnet and seine. Gillnet and seine gear may not be operated in a manner to obstruct more than one-half the width of any waterway and any channel or side channel of a waterway.

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(d) Subsistence fishermen must be physically present at the net at all times the net is being fished.

Sport Regulations

Kodiak Area

5 AAC 64.022

(a) Unless otherwise specified in this section, 5 AAC 64.051, or 5 AAC 64.060, or by an emergency order issued under AS 16.05.060, the following are the bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the waters of the Kodiak Area:

(1) king salmon: may be taken from January 1 - December 31, as follows:

(A) in fresh waters:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five king salmon; a harvest record is required as specified in 5 AAC 75.006;

(ii) less than 20 inches in length; bag and possession limit of 10 fish; king salmon less than 20 inches in length caught in fresh water do not count toward the annual limit;

(B) in salt waters: bag and possession limit of two fish; no size limit; no annual limit; a harvest record is not required;

(2) salmon, other than king salmon: may be taken from January 1 - December 31, as follows:

(A) 20 inches or greater in length; bag and possession limit of five fish, of which only two may be coho salmon and only two may be sockeye salmon;

(B) less than 20 inches in length; bag and possession limit of 10 fish

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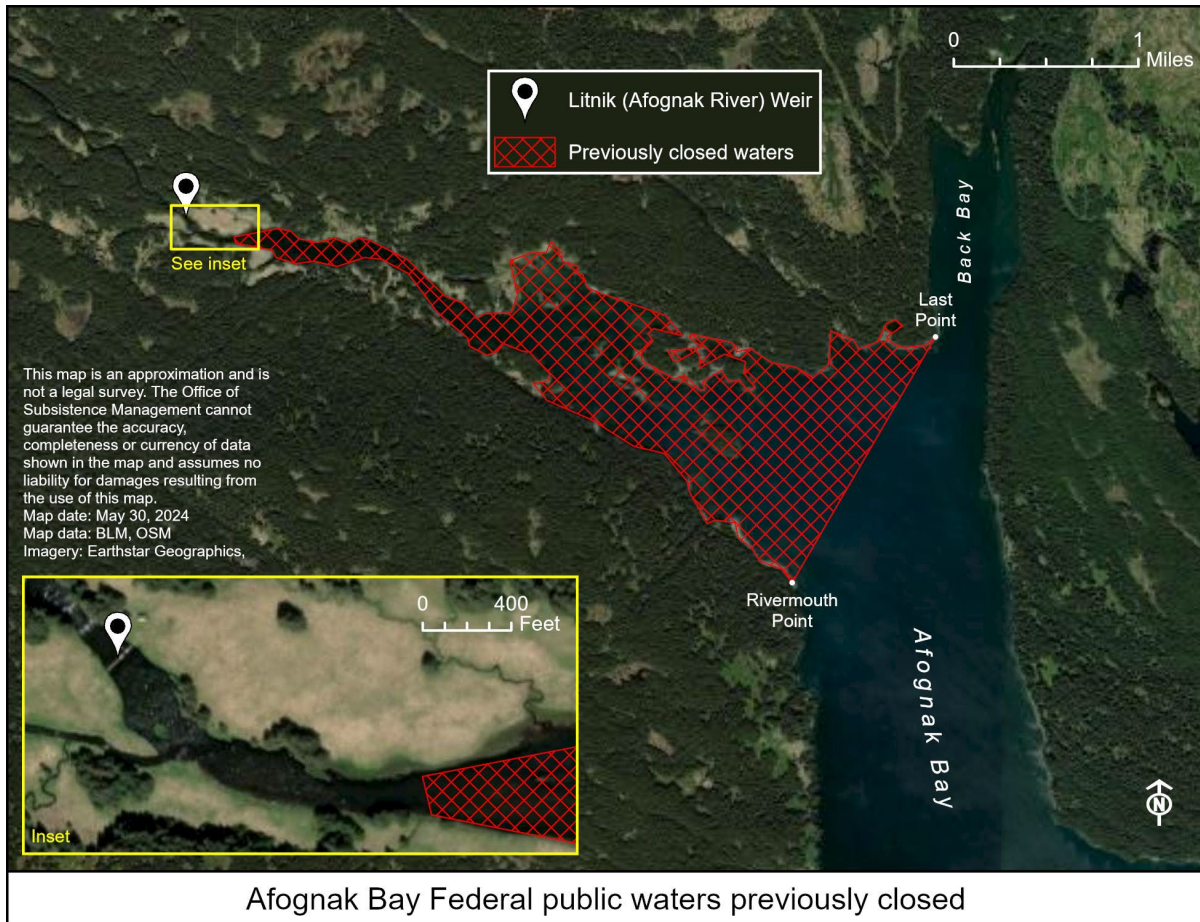
(c) In the Kodiak Remote Zone, the following bag and possession limits apply to salmon, other than king salmon:

(1) for salmon, other than king salmon, 20 inches or greater in length, the bag limit is five fish and 10 fish in possession;

(2) for salmon, other than king salmon, less than 20 inches in length, the bag and possession limit is 10 fish.

Extent of Federal Public Lands/Waters

For the 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. This proposal pertains to the Federal marine waters of Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point (see **Map 1**).



Map 1. Former Federal closure area in Afognak Bay, Afognak Island.

Customary and Traditional Use Determination

Residents of Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base, have a customary and traditional use determination for salmon in all portions of the Kodiak Area except the Mainland District.

Regulatory History

In 1992, the Federal Subsistence Management Program announced regulations governing the harvest of fish for subsistence uses in waters qualifying as “public lands” under ANILCA (57 FR 22940). These regulations incorporated many provisions from State subsistence fishing regulations, including the Afognak Bay closed waters.

At the direction of the Federal Subsistence Board (Board), the Office of Subsistence Management (OSM) conducted a review (FCR21-18) of the Afognak Bay closed waters during the 2021–2023 fisheries regulatory cycle. The Kodiak/Aleutians Subsistence Regional Advisory Council (Kodiak/Aleutians Council) recommended, and the Board agreed, that closure review FCR21-18 be deferred to the following fisheries regulatory cycle to gather more public input. The closure was

revisited during the 2023–2025 fisheries regulatory cycle, at which time the Board acted in line with the Council’s recommendation to rescind the closure. Because no corresponding proposal was submitted at the time to establish fishing regulations specific to this area, the general Kodiak Area regulations apply.

Biological Background

The Afognak Lake watershed is located on the southeast side of Afognak Island and supports Sockeye Salmon (*Oncorhynchus nerka*), Coho Salmon (*O. kisutch*) and Pink Salmon (*O. gorbuscha*) runs. Afognak Lake drains through Afognak River, which flows into Afognak Bay (see **Figure 1**). Afognak Bay is part of the Alaska Maritime National Wildlife Refuge and is where most localized subsistence Sockeye Salmon fishing takes place (Ruhl 2017). The marine waters adjacent to the mouth of the Afognak River are closed under State subsistence regulations to protect salmon as they migrate through the estuary.

The Afognak River weir is located approximately half a mile above the outlet of the Afognak River, and it operates yearly from mid-May to mid-August. The current Sockeye Salmon escapement goal for Afognak Lake is 20,000-50,000 fish. Between 2010 and 2023, the annual Sockeye Salmon escapement ranged from a low of 17,601 in 2018 to a high of 52,248 in 2010, with a 14-year average escapement of 34,269 fish (**Table 1**). Sockeye Salmon returns to Afognak Lake exhibited a downward trend from 2010 to 2018, followed by generally improving returns between 2019 and 2023 (**Table 1**).

Monitoring of Coho Salmon escapement has been secondary to monitoring Sockeye Salmon escapement on the Afognak River (Ruhl 2017). Because of budgetary constraints, the weir here is often removed before the Coho Salmon run is complete and therefore Coho Salmon escapement estimates are often incomplete and dependent on run timing. There are no escapement goals for Coho or Pink salmon returning to Afognak Lake.

Table 1. Afognak (Litnik) River escapement for Sockeye, Coho and Pink salmon 2010-2023. (ADF&G 2024a). No averages are provided for Coho or Pink salmon because they are partial counts.

Year	Sockeye Salmon	Coho Salmon*	Pink Salmon*
2010	52,248	10,288	62,237
2011	48,993	2,700	4,241
2012	41,553	5,701	111,928
2013	41,654	13,090	17,400
2014	36,323	3,224	18,408
2015	37,894	181	3,203
2016	33,176	4	-
2017	22,151	107	3,074
2018	17,601	2,494	11,400
2019	26,817	18	460
2020	24,284	388	1,569
2021	31,997	35	197

Year	Sockeye Salmon	Coho Salmon*	Pink Salmon*
2022	29,509	395	1,581
2023	35,559	318	4,063
14-year Average	34,269	-	-

Cultural Knowledge and Traditional Practices

Afognak Bay (known locally as Litnik) is situated in the traditional use area of the Alutiiq, who historically resided in numerous seasonal village and camp sites here. *Ag'waneq* was one of seven settlements established by the Russians during the period of Russian colonization in the Kodiak Archipelago. *Ag'waneq* later became known as the village of Afognak. The village site sits along Settler Bay south of Afognak Bay. Salmon have been, and continued to be, a significant component of subsistence harvests here. Other key subsistence resources include seal, deer (introduced in the 1930s), halibut, shellfish, and vegetation (Mishler and Cohen 1996).

The Afognak village population was estimated at 190 people in 1960, but the village was destroyed by a tsunami that was produced by an earthquake in the 1964 (ADCCED 2024). A new village was subsequently built at the site of what is now Port Lions on Kodiak Island. In 1989, another disaster gripped the area when oil from the Exxon-Valdez oil spill spread from Prince William Sound to the Kodiak Area, and a floating barrier was installed at the mouth of the Afognak River to try to protect salmon spawning areas from the oil spill. This disaster carried with it many interrelated social, ecological, and economic impacts. For example, the commercial fishing industry collapsed as many buyers were wary of purchasing and packaging salmon products potentially contaminated by the oil spill (Mishler and Cohen 1996).

The population of Port Lions was estimated at 165 people in 2023, having declined since its peak in 2000 (ADCCED 2024). The population of the community is comprised primarily of its Alutiiq/Russian founders, Scandinavian fishermen, and their descendants. Port Lions is about 15 miles from Kodiak City and is only accessible by boat and plane. The Alaska State ferry makes stops at Port Lions' deepwater dock one or two days per week, from June through September (Alaska Marine Highway System 2024). Port Lions residents typically earn income in the local mixed cash-subsistence economy through commercial fishing, the tourism industry, and the sale of hunting and fishing permits to nonlocals through the Afognak Village Corporation (Williams et al. 2010, ADCCED 2024, NVA 2024).

Harvest and Use of Salmon for Subsistence in the Kodiak Area

Historically, some of the most-utilized areas for harvesting salmon for subsistence use in the Kodiak Archipelago have been the Buskin and Pasagshak Rivers on Kodiak Island, and Litnik at Afognak Bay. Litnik is about a 45–60-minute skiff ride from Kodiak City (KARAC 2022, ADCCED 2024). Harvested salmon are typically smoked, canned, or frozen to preserve the meat for use out of season

(Marchioni et al. 2016). These subsistence practices form a key basis of cultural identity, family life, and community well-being in the area (Wolf and Walker 1987, Fall and Walker 1993, Fall 1999).

When salmon are scarce, Kodiak Area residents must rely upon secondary subsistence resources and/or purchase expensive store-bought foods (Marchioni et al. 2016). However, Kodiak/Aleutians Council members note that food is often in low supply at local grocery stores, making subsistence resources all the more critical for local users (KARAC 2022). Significant reductions in salmon stocks available for subsistence harvest in recent years have caused increasing concerns about food insecurity and the maintenance of subsistence lifestyles in the region (KARAC 2021a).

During recent years there have been salmon closures along the Buskin River, which have led to increased fishing pressure at other harvest areas, including at Afognak Bay (KARAC 2021b, 2022, 2023). As one Kodiak/Aleutians Council member described:

I went and launched over at Anton's [Anton Larsen Bay] a few times and just saw lines of trucks and trailers. [I'm] assuming that a lot of those people...were going outside of the Kodiak road system area to get some of their subsistence because the Buskin didn't show up. And so that's kind of a concern for me...there's no limit over at Litnik, [from] what I understand, the fish that they catch over there doesn't count towards their 25 per-person [limit] (KARAC 2021c: 22).

At their fall 2022 meeting, the Kodiak/Aleutians Council voted to recommend rescinding the Afognak Bay closure. At this meeting, the Council discussed whether they wanted to advise in-season managers to conservatively manage salmon stocks by only permitting rod and reel harvest. It was noted that such a recommendation would be considered a short-term approach until permanent regulations for this area could be established (KARAC 2022). Some Council members voiced concerns that limiting Federal subsistence harvest to rod and reel only was unnecessary because there had been no conservation concerns, and because it may unnecessarily limit harvest during years with strong runs (KARAC 2022). Ultimately, the Council made no specific recommendations to Federal in-season managers at this time (KARAC 2022).

Before many people had home freezers, pink salmon were preferred over other species of salmon. Pinks dried more quickly and completely and did not spoil during winter because of their generally lower oil content (Williams et al. 2010). In more recent times, Sockeye and Coho Salmon have become the focus of harvest. For example, at Port Lions, one of the villages nearest to Afognak Bay, the majority of the salmon harvest estimated from the seven household surveys conducted between 1982 and 2005 was Sockeye and Coho (ADF&G 2024b). Port Lions residents harvested an average of about 48 pounds of sockeye salmon and 55 pounds of coho salmon per person across these seven household surveys (see **Tables 2 and 3**). During the most recent household harvest surveys conducted in Port Lions in 2004 and 2005, salmon composed up to 40% of the total harvest of wild resources, and almost all households reported using salmon during these survey years. Large amounts of Sockeye Salmon were taken using subsistence seines and gillnets. Coho Salmon were harvested using seines and gillnets, as well as rod and reel (ADF&G 2024b).

Table 2. The estimated harvest of Sockeye Salmon by Port Lions residents, based on household surveys (ADF&G 2024b).

Study Year	Estimated Harvest	Lower Harvest Estimate	Upper Harvest Estimate	Per Person Harvest (lbs.)
1982	2,251	1,681	2,821	35
1986	3,277	2,462	4,092	47
1989	1,053	566	1,806	22
1993	4,192	2,910	5,474	67
2003	2,364	1,928	2,799	49
2004	2,579	2,009	3,150	59
2005	3,339	1,573	5,105	60
Average	2,722	1,876	3,607	48

Table 3. The estimated harvest of Coho Salmon by Port Lions residents, based on household surveys (ADF&G 2024b).

Study Year	Estimated Harvest	Lower Harvest Estimate	Upper Harvest Estimate	Per Person Harvest (lbs.)
1982	2,225	1,797	2,653	52
1986	3,482	2,845	4,119	77
1989	899	622	1,176	32
1993	3,381	2,127	4,635	72
2003	1,074	871	1,278	32
2004	2,238	1,429	3,047	74
2005	1,817	790	2,843	47
Average	2,159	1,497	2,822	55

Estimated salmon harvests from household surveys conducted between 1982 and 2018 at northern Kodiak Island communities that have the closest access to Afognak Bay are described in the **Table 4**. During these surveys, it was common for over 80% of households to report using salmon (**Table 4**). Similarly, a majority of households also reported harvesting salmon to share with others (ADF&G 2024b). These estimates include salmon harvested using subsistence gillnets and seines, rod and reel, and removal of salmon from commercial catches for home use. These harvest estimates demonstrate the continuing importance of salmon as one of the top subsistence resources harvested and utilized by residents of the Kodiak Area.

Table 4. The estimated harvest of salmon by communities nearest Afognak Bay, based on household surveys (ADF&G 2024b).

Community	Study Year	Estimated Harvest	Lower Harvest Estimate	Upper Harvest Estimate	Per Person Harvest in Pounds
Chiniak	1982	8,185	5,096	11,274	74
Kodiak City ¹	1982	72,004	56,430	87,578	42

¹ Estimated harvest of salmon by households within Kodiak City limits.

Community	Study Year	Estimated Harvest	Lower Harvest Estimate	Upper Harvest Estimate	Per Person Harvest in Pounds
	1991	56,338	40,484	72,192	45
	1992	53,247	32,361	74,133	73
	1993	69,553	43,318	95,788	48
Kodiak Road ²	1991	58,722	40,569	76,875	61
Kodiak Station	1991	5,528	3,673	7,383	33
Ouzinkie	1982	7,886	5,113	10,659	176
	1986	7,573	5,584	9,562	193
	1989	1,151	772	1,530	29
	1990	3,261	2,930	3,663	76
	1991	3,857	2,961	4,753	88
	1992	6,041	5,433	6,649	213
	1993	5,695	4,952	6,438	102
	1997	5,799	4,936	6,662	127
	2003	6,006			131
	2004	5,577	4,435	6,719	146
	2005	5,946	5,412	6,480	138
Port Lions	1982	5,429	4,471	6,387	98
	1986	9,130	7,399	10,861	160
	1989	2,205	1,368	3,042	60
	1993	8,991	6,256	11,726	158
	2003	4,049			95
	2004	5,652	4,265	7,040	126
	2005	7,117	3,970	10,264	154

Harvest History

The most utilized subsistence fishing areas under Federal jurisdiction are the marine waters in proximity to the Buskin River on the north end of Kodiak Island, and the marine waters of Afognak Bay on the southeast side of Afognak Island. Both areas are part of the Alaska Maritime National Wildlife Refuge. However, most subsistence fishing in Afognak Bay is done under State subsistence regulations (**Figure 1**). Sockeye Salmon is the primary species targeted at Afognak Bay (Brown et al. 2023).

Federal subsistence fishing for salmon has required a subsistence fishing permit since 2012. Since then, only five Federal permits were fished in the Afognak River vicinity, which resulted in the harvest of 99 Sockeye Salmon. No other species were reported harvested.

Fish harvested under State sport fishing regulations in the Kodiak management area are estimated through the Alaska Sport Fishing Harvest Survey. However, because of low response rates, there are no estimates of Sockeye or Coho salmon harvests in the freshwater streams of Afognak Island (Dye 2020).

² Estimated harvest of salmon by households along the remainder of the road system.

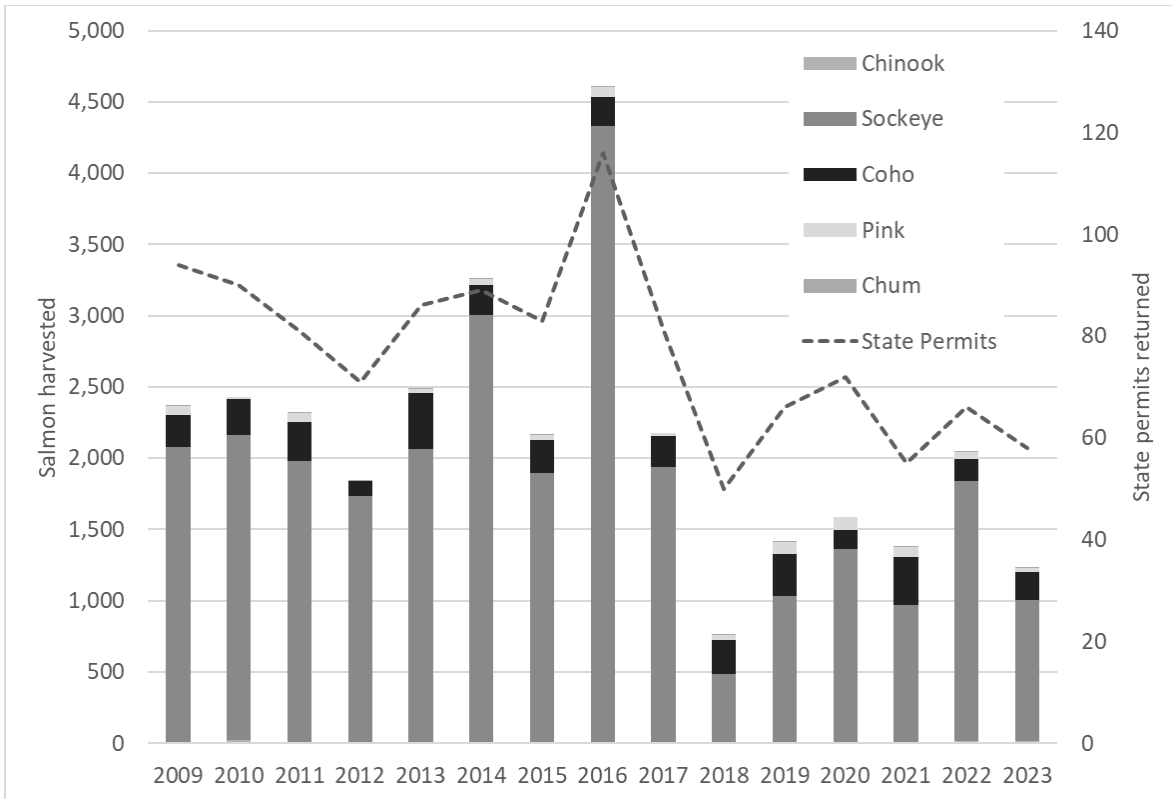


Figure 1. Reported harvest of salmon at Afognak Bay under State subsistence permits 2009–2023 (B. Mulligan pers. comm. 2024).

Effects of the Proposal

If this proposal is adopted, federally qualified subsistence users will be limited to the use of rod and reel in the formerly closed area at the mouth of Afognak River up to mean high tide. Prohibiting nets in this area where there is no harvest limit could reduce the chances of overharvest in the area and mitigate the risk of in-season management actions resulting from conservation concerns. However, limiting federally qualified subsistence users to the rod and reel will reduce their harvest efficiency.

If this proposal is not adopted, then federally qualified subsistence users will be able to continue to use more efficient subsistence gear types, such as gillnets and seines. This could lead to conservation concerns over time because current Federal regulations in the area allow unlimited harvest. Increased fishing pressures and conservation concerns could necessitate in-season management actions.

In either scenario, fisheries managers could continue to use daily weir counts to manage escapement into Afognak Lake.

OSM CONCLUSION

Support FP25-05.

Justification

Afognak River salmon are among the most heavily harvested subsistence stocks in the Kodiak Area and they are more vulnerable to harvest with nets once they are near the river mouth. Therefore, limiting gear type to rod and reel near the mouth of the Afognak River is a reasonable conservation measure considering there currently is no harvest limit for salmon in this area. Additionally, during several recent years there have been closures along the Buskin River, which has in turn increased fishing pressure at other harvest areas, including at Afognak Bay. Federal fisheries managers can continue to implement any necessary in-season management actions based on Afognak River weir counts.

LITERATURE CITED

ADCCED. 2024. Community Information.

<http://commerce.alaska.gov/cra/DCRAExternal/community/Details/129b1918-7c91-47da-a1f7-202cea468f9a>, retrieved May 2024. Alaska Depart. of Commerce, Community, and Economic Development, Div. of Community and Regional Affairs. Juneau, AK.

Alaska Department of Fish and Game (ADF&G). 2024a. Fish Count Data.

<https://www.adfg.alaska.gov/sf/FishCounts/>. Retrieved: May 2024.

Alaska Department of Fish and Game (ADF&G). 2024b. Community Subsistence Information System. Online database, <http://www.adfg.alaska.gov/sb/CSIS/>, accessed May 29. ADF&G, Div. of Subsistence, Anchorage, AK.

Brown, Caroline L., T. Bembenic, M. Brown, H. Cold, J. Coleman, E. Donaldson, J. Egelhoff, B. Jones, J.M. Keating, L.A. Sill, M. Urquia, C. Wilcox, and T. Barnett. 2023. Alaska subsistence and personal use salmon fisheries 2020 annual report. ADF&G, Div. of Subsistence Tech. Paper 494. Anchorage, AK. 310 pp.

Fall, J.A. 1999. Patterns of subsistence uses of fish and wildlife resources in the area of the Exxon Valdez oil spill. *in* L.J. Field, J.A. Fall, T.S. Nighswander, N. Peacock, and U. Varanasi, eds. Evaluating and communicating subsistence seafood safety in a cross-cultural context: lessons learned from the Exxon Valdez oil spill. Society of Environmental Toxicology and Chemistry (SETAC): Pensacola, FL.

Fall, J.A., editor. 2006. Update of the status of subsistence uses in Exxon Valdez oil spill area communities. Exxon Valdez Oil Spill Restoration Project Final Report (Restoration Project 040471), ADF&G, Div. of Subsistence, Anchorage, AK.

Fall, J.A., and R.J. Walker. 1993. Subsistence harvests in six Kodiak Island Borough communities, 1986. ADF&G, Div. of Subsistence Tech. Paper 193. Juneau, AK. 98 pp.

KARAC. 2021a. Report to the Federal Subsistence Board for 2020. May 17, 2021. Office of Subsistence Management, USFWS. Anchorage, AK.

KARAC. 2021b. Transcripts of the Kodiak Aleutians Regional Advisory Council proceedings. March 10, 2021. Teleconference. Office of Subsistence Management, USFWS. Anchorage, AK.

KARAC. 2021c. Transcripts of the Kodiak Aleutians Regional Advisory Council proceedings. September 27, 2021. Teleconference. Office of Subsistence Management, USFWS. Anchorage, AK.

KARAC. 2022. Transcripts of the Kodiak Aleutians Regional Advisory Council proceedings. February 23, 2022. Teleconference. Office of Subsistence Management, USFWS. Anchorage, AK.

KARAC. 2023. Transcripts of the Kodiak Aleutians Regional Advisory Council proceedings. September 19, 2023. King Cove, AK. Office of Subsistence Management, USFWS. Anchorage, AK.

Marchioni, M.A., J.A. Fall, B. Davis, and G. Zimpleman. 2016. Kodiak City, Larsen Bay and Old Harbor: An ethnographic study of traditional subsistence salmon harvests and uses. ADF&G, Div. of Subsistence Tech. Paper 418. Anchorage, AK. 192 pp.

Mishler, C. and J. Cohen. 1996 [revised 2022]. Subsistence harvests in six Kodiak Island Borough communities in 1989, the year of the Exxon Valdez oil spill. ADF&G, Div. of Subsistence, Tech. Paper No. 201.

NVA (Native Village of Afognak). 2024. Native Village of Afognak. Who we are: A brief history. <https://www.afognak.org/about-nva/our-story/>. Retrieved: May 24, 2024.

Mulligan, B. 2024. Deputy Commissioner, Alaska Department of Fish and Game (ADF&G). Personal communication: email. Anchorage, AK.

Polum, T., M. Witteveen, and M. Stratton. 2019. Report on selected sport fisheries of the Kodiak Management Area, 2009–2018. Alaska Department of Fish and Game, Fishery Management Report No. 19-27, Anchorage.

Ruhl, D. C. 2017. Afognak Lake sockeye salmon stock monitoring, 2016. Alaska Department of Fish and Game, Fishery Data Series No. 17-15, Anchorage.

Williams, L., P. Coiley-Kenner, and D. Koster. 2010. Subsistence harvests and uses of salmon, trout, and char in Akhiok, Larsen Bay, Old Harbor, Ouzinkie, and Port Lions, Alaska, 2004 and 2005. ADF&G, Div. of Subsistence Tech. Paper No. 329.

Wolfe, R.J., and R.J. Walker. 1987. Subsistence economies in Alaska: Productivity, geography, and development impacts. *Arctic Anthropology* 24(2): 56-81.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Kodiak/Aleutians Alaska Subsistence Regional Advisory Council

Support FP25-05

The Kodiak/Aleutians Council supported this proposal due to conservation concerns about the potential for overharvest if federally qualified subsistence users continued to be able to harvest an unlimited amount of salmon using efficient harvest methods like gillnets and seines near the mouth of the Afognak River.

INTERAGENCY STAFF COMMITTEE COMMENTS

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

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Fisheries Proposal FP25-05

This proposal would restrict the use of gillnet and seines inside the markers at Last Point and River Mouth Point in Afognak Bay and allow for the use of rod and reel as the methods and means for fishing under federal regulations in this area.

Position

The Alaska Department of Fish & Game (ADF&G) is **NEUTRAL** on this proposal. Though this still allows much more liberal harvest than existing Sportfish regulations, prohibiting the use of nets in the intertidal area of the Afognak River (Litnik) provides a needed conservation measure for management of sockeye and coho runs to the drainage. Federally qualified users (FQU) would still be able to harvest up to the limit of the federal permit but are restricted to rod and reel while anglers fishing under state regulations could only keep five salmon per day.

If adopted, ADF&G recommends that clear boundary markers be placed. The upriver boundary of the federal waters in the Afognak River is not clearly defined or marked and these would need to be defined in regulation or through physically marking the boundary. The map provided in the Office of Subsistence Management's (OSM) analysis of the proposal shows an upriver boundary but has an accompanying disclaimer that may not be accurate for purposes of enforcement.

Background

The Afognak River, or Litnik, supports a large subsistence and sport fishery annually, despite its relatively remote location. There is excellent access to the drainage via boat from the Antone Larsen Bay boat launch or via float plane from one of the many air taxis in the Kodiak Area. Several lodges in the village of Port Lions and on Raspberry and Afognak Islands frequent the drainage with anglers during both the sockeye and coho salmon seasons. Litnik is one of the primary subsistence locations for both sockeye and coho salmon on Kodiak Island and attracts a large amount of fishing effort both by local residents and guided and unguided visitors. Given the large amount of effort targeting salmon returning to the drainage, Litnik is frequently the subject of management actions by state and federal managers, primarily during the sockeye salmon fishery in June. Management actions are based on real-time weir counts from a weir operated on the drainage during the sockeye run.

Given the importance of the sockeye and coho salmon runs in the drainage, it is prudent to restrict the use of gillnets and seines inside the historical markers established from Last Point to River Mouth Point, given the much higher efficiency and potential for over harvest associated with these gear types. This closed area has been in place for several decades as a measure to allow for harvest of salmon using gillnets and seines but provide a buffer near the river mouth to allow for salmon escapement to the drainage.

The use of rod and reel in the closed area has historically been conducted under state regulations concurrently with the previously described federal fishery. The greatly reduced efficiency and much more conservative bag limits of this gear type mean that impacts to the resource are far less when fishing

near the river mouth or in-river. While state fishing limits are quite conservative, at just five salmon per day, allowing for increased harvest of salmon under a federal permit using rod and reel poses little conservation concern. Given the high percentage of local residents that currently fish Litnik, many would likely take advantage of this opportunity if given the chance, however, and there is the potential for harvests to increase. State and federal fisheries managers would still be able to restrict harvests based on weir counts and surveys, if warranted, based on run strength.

Impact on Subsistence Users

This would restrict the gear type that FQUs could use in this area to rod and reel.

Impact on Other Users

This would provide an advantage in terms of harvest for FQUs over anglers fishing under a sport fish license in the Litnik and create the potential to increase competition for sockeye and coho salmon.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Fisheries (BOF) has made positive customary and traditional use findings for salmon and finfish other than salmon, except steelhead and rainbow trout, in the Kodiak Area, except that portion described in 5 AAC 18.200(g), are customarily and traditionally taken or used for subsistence. (§ 5 AAC 01.536.(a))

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. This is an 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 abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for salmon and other finfish in the Kodiak Area (§ 5 AAC 01.536.(b)):

26,800 - 44,700 salmon;

- 1) 21,000 - 35,000 rockfish;
- 2) 3,300 - 5,600 lingcod;
- 3) 550,000 - 900,000 usable pounds of finfish, other than salmon, rockfish, and lingcod.

Conservation Issues

The passing of this proposal would not create any conservation concerns. The Afognak River is monitored by ADF&G and any conservation concerns in-season would be managed by state and federal staff.

Enforcement Issues

There is still the issue of state and federal regulations being out of alignment that could lead to confusion by law enforcement personnel. There has not previously been a federal enforcement presence in this area, and it is unknown how a federal fishery would be monitored for compliance. In addition, the upriver boundary of the federal waters in the Afognak River is not clearly defined or marked and these would need to be defined in regulation or through physically marking the boundary. The map provided in the OSM analysis of the proposal shows an upriver boundary but has an accompanying disclaimer that may not be accurate for purposes of enforcement.

WRITTEN PUBLIC COMMENTS

None