

FP25–08 Executive Summary

General Description	Fisheries proposal FP25-08 seeks to prohibit nets and set more conservative daily harvest limits for the freshwaters of Adak and Kagalaska islands. It also proposes to require a Federal permit to fish in the Aleutian Islands Area, and requests to remove the separate harvest limit for the Unalaska and Adak districts. It also requests to remove regulatory language that is no longer relevant to the Federal Subsistence Management Program. <i>Submitted by the Southern Alaska Fish and Wildlife Field Office, U.S. Fish and Wildlife Service.</i>
Proposed Regulation	See page 165 of this book for proposed regulations.
OSM Conclusion	Support with modification to oppose changing the harvest limits in the Unalaska and Adak districts and oppose requiring a Federal permit in the Aleutian Islands Area. Since nets would be allowed in the majority of the Aleutian Islands Area, retain § __.27(e)(6)(iv) regarding attending nets in the Unalaska Area. Additionally, retain the portion of § __.27(e)(6)(viii) about obtaining an additional permit. See page 176 of this book for proposed modified regulations.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Support with OSM modification
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	Neutral
Written Public Comments	None

STAFF ANALYSIS FP25-08

ISSUES

Fisheries proposal FP25-08 was submitted by the Southern Alaska Fish and Wildlife Field Office, U.S. Fish and Wildlife Service (USFWS). It seeks to prohibit the use of nets and set more conservative daily harvest limits for the Federal freshwaters of Adak and Kagalaska islands. It also proposes requiring a Federal permit to fish in the Aleutian Islands Area. FP25-08 also requests to remove the separate harvest limit for the Unalaska and Adak districts, and to remove regulatory language that is no longer relevant to the Federal Subsistence Management Program.

DISCUSSION

The Federal Subsistence Board (Board) rescinded the fishing closure in Adak and Kagalaska islands Federal freshwaters during the last fisheries regulatory cycle, resulting in the Aleutian Islands Areawide Federal subsistence fishing regulations applying in those waters. The proponent states that these regulations are not sufficient to protect fish populations in these Federal waters and that some regulations should be removed because they are outdated and unnecessary. The proponent further states that requiring a Federal permit throughout the Aleutian Islands Area will better account for fish harvested under Federal regulation and aid management of these fisheries.

Existing Federal Regulation

§ __.27(e)(6) Aleutian Islands Area. The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36' North latitude.

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, except as may be specified on a subsistence fishing permit.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(C) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point; and

(D) Waters of McLees Lake and its tributaries and outlet stream.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

Under Federal subsistence regulations in the Aleutian Islands Area, you are currently required to have a subsistence fishing permit when subsistence fishing for salmon, trout, and char, except in the Akutan, Umnak, and Atka-Amlia Islands Districts. Currently, only a State subsistence fishing permit is available, so federally qualified subsistence users fishing under Federal regulations report harvest on a State subsistence permit.

Proposed Federal Regulation

§ __.27(e)(6) Aleutian Islands Area. The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36' North latitude.

*(i) You may take fish other than salmon, **and** rainbow/steelhead trout, ~~or char~~ at any time ~~unless restricted under the terms of a subsistence fishing permit~~. If you take*

rainbow/steelhead trout incidentally in other subsistence ~~net~~ fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, ~~except as may be specified on a subsistence fishing permit.~~

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(C) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point; and

(D) Waters of McLees Lake and its tributaries and outlet stream.

*(v) You may **not take fish by net in freshwater on Adak and Kagalaska Islands** ~~take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.~~*

(vi) ~~In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.~~

(vii) ~~You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.~~

*(viii) **A Federal subsistence fishing permit is required to take fish within the Aleutian Islands Area. You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.***

*(ix) **You may take no more than 250 salmon for subsistence purposes within the Aleutian Islands Area. You may take no more than 5 salmon plus an additional 5 salmon daily for each member of your household listed on the permit in all fresh water on Adak Island and Kagalaska Island.** ~~unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.~~*

~~(viii)~~ You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than ~~January~~**October** 31.

Relevant Federal Regulation

§ __.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(a) Definitions. The following definitions apply to all regulations contained in this part:

Subsistence fishing permit means a subsistence harvest permit issued by the Alaska Department of Fish and Game or the Federal Subsistence Board.

§ __.27 Subsistence taking of fish

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(b) Methods, means, and general restrictions.

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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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(18) Provisions on ADF&G subsistence fishing permits that are more restrictive or in conflict with the provisions contained in this section do not apply to Federal subsistence users.

Current State Regulations

Subsistence Regulations

Aleutian Islands Area

5 AAC 01.360. Fishing seasons.

(a) In the Unalaska District, salmon may be taken for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except

(1) that from June 1 through September 15, a salmon seine vessel may not be used to take salmon for subsistence purposes during the 24 hours before and 12 hours after an open commercial salmon fishing period within an area open to commercial salmon fishing;

(2) as may be specified on a subsistence fishing permit; or

(3) repealed 5/30/2007;

(4) in the waters closed to subsistence fishing as specified in 5 AAC 01.375.

(b) In the Adak, Akutan, Atka-Amlia Islands, and Umnak Districts, salmon may be taken at any time.

(c) Fish, other than salmon, rainbow trout, and steelhead trout, may be taken at any time unless restricted under the terms of a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries are lawfully taken and may be retained for subsistence purposes.

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5 AAC 01.370. Lawful gear and gear specifications

(a) Salmon may be taken by seine and gillnet, or with gear specified on a subsistence fishing permit.

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5 AAC 01.375 Waters closed to subsistence fishing

The following waters are closed to subsistence fishing for salmon:

(1) waters of Unalaska Lake (at the city of Unalaska), its tributaries and outlet stream, and waters between Unalaska and Amaknak Islands, including Margaret's Bay, west of a line from the "Bishop's House" at 53° 52.64' N. lat., 166° 32.30' W. long. to a point on Amaknak Island at 53° 52.82' N. lat., 166° 32.13' W. long., and north of line from a point south of Agnes Beach at 53° 52.28' N. lat., 166° 32.68' W. long. to a point at 53° 52.35' N. lat., 166° 32.95' W. long. on Amaknak Island;

(2) within Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point: waters are closed to subsistence salmon fishing within 250 yards of any anadromous stream, except the outlet stream of Unalaska Lake, which is closed under (1) of this section;

(3) waters of Summers and Morris Lakes and their tributaries and outlet streams;

(4) all anadromous streams flowing into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point;

(5) waters of McLees Lake and its tributaries and its outlet stream; in the waters of Reese Bay from July 1 through July 9, salmon may not be taken within 500 yards of the outlet stream terminus to McLees Lake;

(6) the following waters of and around Adak Island and Kagalaska Island in the Adak District:

(A) all freshwater; and

(B) all salt waters within 100 yards of a stream terminus. 5 AAC 01.370.

Lawful gear and gear specifications

(a) Salmon may be taken by seine and gillnet, or with gear specified on a subsistence fishing permit.

5 AAC 01.380. Subsistence fishing permits

(a) Salmon, trout, and char may be taken only under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(b) No more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts,

(1) the holder of a subsistence salmon fishing permit may take no more than 25 salmon, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay; in this section, "Front Beach" means all Unalaska Bay waters south of a line from a point near the Bishop's House at 53° 52.64' N. lat., 166° 32.30' W. long., to a point on the Unalaska Bay shore at 53° 52.68' N. lat., 166° 30.91' W. long; and

(2) a permit holder may obtain an additional permit from the department to harvest more salmon other than sockeye salmon from Front Beach in Unalaska Bay.

(c) A record of subsistence-caught fish must be kept on the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the department no later than October 31.

Sport Regulations

Alaska Peninsula and Aleutian Islands Area

5 AAC 65.020. General provisions for seasons and bag, possession, annual, and size limits for the Alaska Peninsula and Aleutian Islands Area

Except as otherwise provided in 5 AAC 65.022, 5 AAC 65.051, or by an emergency order issued under AS 16.05.060, the seasons and bag, possession, annual, and size limits for finfish and shellfish in the Alaska Peninsula and Aleutian Islands Area are as follows:

(1) king salmon:

(A) in fresh waters: may be taken only from January 1 through July 25, except that king salmon may be taken in the Chignik River only from January 1 through August 9, and as follows:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five fish; 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; no annual limit;

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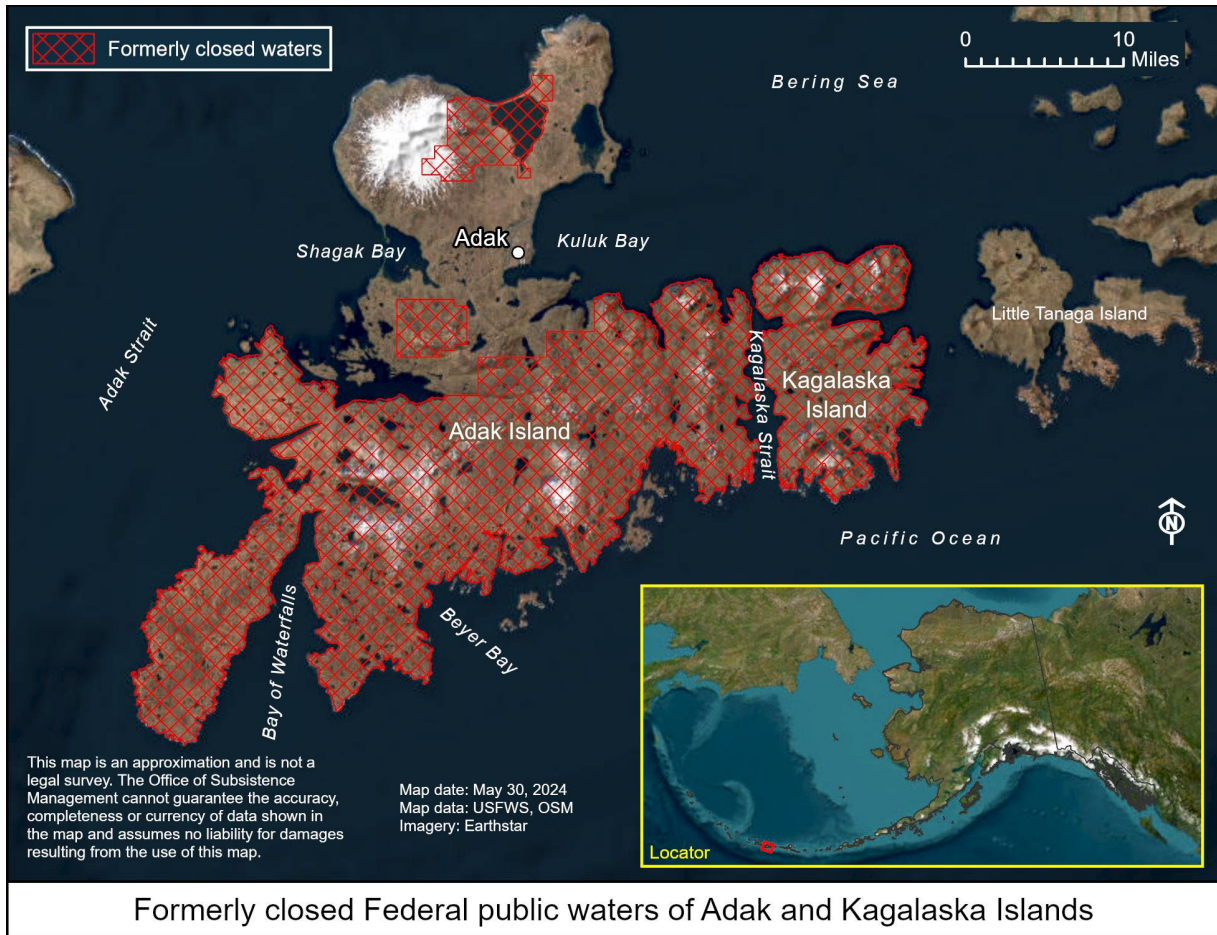
(2) salmon, other than king salmon: may be taken from January 1 through December 31, as follows:

(A) 20 inches or greater in length; bag limit of five fish and a possession limit of 10 fish;

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

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. According to § ____.27(e)(6): The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36' North latitude (see **Aleutian Islands Area map**). Federal public freshwaters on Adak and Kagalaska comprise all freshwaters within and adjacent to the exterior boundaries of Alaska Maritime National Wildlife Refuge (**Map 1**).



Map 1. Areas formerly closed to Federal subsistence fishing on Adak and Kagalaska islands. Formerly closed areas correspond with Alaska Maritime National Wildlife Refuge lands.

Customary and Traditional Use Determination

Residents of the Aleutian Islands Area and the Pribilof Islands have a customary and traditional use determination for all fish in the Aleutian Islands Area.

Regulatory History

In 1990, the Federal Subsistence Management Program adopted temporary subsistence management regulations for Federal public lands in Alaska to fulfill the requirements of Title VIII of ANILCA (55 Fed. Reg 126; 27125 [June 29, 1990]). In an effort to minimize disruption to the State’s continuing fish and game management because of the uncertainty over the resumption of State management of subsistence, these temporary regulations maintained a State-implemented closure to subsistence fishing in the freshwaters of Adak and Kagalaska islands. In 1992, the Federal Subsistence Management Program announced regulations governing the harvest of fish for subsistence uses in waters qualifying as Federal “public lands” under ANILCA (57 FR 22940). The closure to Federal subsistence fishing in the freshwaters of Adak and Kagalaska islands were maintained at this time too.

At the direction of the Federal Subsistence Board (Board), the Office of Subsistence Management (OSM) conducted a review of the Adak and Kagalaska islands closure (FCR23-12) during the 2023–2025 fisheries regulatory cycle. The Kodiak/Aleutians Regional Advisory Council (Kodiak/Aleutians Council) recommended to rescind the closure and the Board agreed. Because no parallel proposals were submitted during the same regulatory cycle to establish specific fishing regulations for this newly opened area, the Aleutian Islands Areawide Federal subsistence regulations went into effect.

Under Federal subsistence regulations, permitted gear types in the Aleutian Islands Area currently include seines, gillnets, or gear specified on a fishing permit. The annual Federal harvest limit for the Aleutian Islands Area as a whole is 250 salmon. However, there is a separate, lower harvest limit for the Adak and Unalaska Districts. In these areas, the harvest limit is currently 25 salmon plus an additional 25 salmon for each member of the household listed on the permit.

Biological Background

Notable Federal public freshwaters on Adak and Kagalaska islands include drainages in Hidden Bay on Adak Island, and Quail Bay and Galas Point on Kagalaska Island. Anadromous species present in these drainages, according to the Alaska Department of Fish and Game (ADF&G) Anadromous Waters Catalog, are displayed in **Table 1** (Johnson and Blossom 2021). None of the fish populations in these freshwaters are monitored and there is little abundance information available.

Table 1. Primary Federal public freshwaters on Adak and Kagalaska islands

Drainage	Species present
Hidden Bay	Chum, Coho, Pink, Sockeye, Dolly Varden
Quail Bay	Pink, Sockeye
Galas Point	Sockeye, Dolly Varden

Cultural Knowledge and Traditional Practices

The Aleutian Islands and Pribilof Islands are located west of the Alaska Peninsula and are the homelands of the Unangan, or Aleut, peoples. As of 2023, there were an estimated 6,475 people living in eight communities within the region (see **Table 2**). It is common for residents in the region to recognize a mixed Unangan/Aleut, Russian, and European heritage (Reedy-Maschner 2010). Archaeological and ethnographic evidence indicates that people have been practicing subsistence in this region for at least 10,000 years. Harvesting wild resources has been, and continues to be, central to Unangan/Aleut identity, culture, and economy. Ethnohistorical data demonstrates that traditional ecological knowledge about natural resources, trophic relationships, and climate has been passed down over generations (Sepez and Hunn 2010, Maschner et al. 2014). Key subsistence resources have included salmon, halibut, cod, sculpins, greenling, cetaceans, sea otter, seals, sealions, shellfish, shorebirds, and waterfowl (Dumond and Bland 1995, Byers et al. 2011, Krylovich et al. 2019). These resources are customarily shared widely and were also used as trade items among residents to gain social status and prestige (Reedy-Maschner 2010).

The Aleutian and Pribilof islands have a long history of tumultuous cultural and socio-economic change (Reedy-Maschner 2010). The mid-1700s was a period defined by disease, death, and social reorganization following Russian and European contact. Russians forced Unangan/Aleut people to relocate to the Pribilof Islands to sustain the fur seal industry, which continued with U.S. support after the purchase of Alaska in 1867. The western Aleutian Islands were occupied by the Japanese during World War II, at which point the U.S. government forced many residents of the eastern Aleutian Islands to evacuate to internment camps in southeast Alaska. Internment resulted in more disease and death (Kohlhoff 1999 in Reedy-Maschner and Maschner 2012). Most communities were reestablished following the end of the war, with commercial fishing and subsistence harvesting becoming economic mainstays once again (ADCCED 2024). However, a substantial number of the previously evacuated residents of these communities chose not to return (ADCCED 2024). Still, people across the region continue to practice and value a subsistence way of life, with the combination of subsistence and commercial fishing forming a key basis for the maintenance of “individual identity, social relationships, collective identity” and livelihood (Reedy-Maschner 2010: 242). Commercial fisheries in the region—particularly those on Akutan, Unalaska, and the Pribilof islands—tend to be exceptionally productive and also bring in many nonlocal employees (Reedy-Maschner 2010, Schmidt and Berman 2018).

Today, subsistence fishers often target Sockeye Salmon in the Adak and Kagalaska fisheries. Sockeye are harvested at Quail Bay and Galas Point on Kagalaska Island, as well as Finger Bay and Airport Creek on Adak Island (Fox and Whiteside 2020). Sockeye Salmon are also harvested at Hidden Bay, and a few Pink and Coho salmon are harvested on the north side of Adak Island (ADF&G n.d.). In recent years, Sockeye Salmon have also been harvested from Lake Andrew on the north side of Adak Island (KARAC 2021). However, Richard Koso, a former Kodiak/Aleutians Council member from Adak, reported that salmon fisheries on Kagalaska Island are among the most critical to Adak residents (KARAC 2022).

Adak is the Aleutian Islands Area community with closest access to the fisheries addressed by this proposal. Adak was previously a relatively large community in the region. However, the closure of the Naval Air Base on the island in 1997, resulted in a substantial population decline from almost 10,000 people to under 100 year-round residents. The Board therefore changed the status of Adak from a nonrural community to a rural community in 2006 (72 FR 25688 [May 7, 2007]). As of 2023, the estimated population for whom Adak was their self-reported place of “usual residence” was 72, down from 326 in 2010 (ADLWD 2024).

Discussions at Council meetings indicate that people on Adak continue to rely on salmon and halibut subsistence fisheries, but that harvest efforts are often hindered by lack of money and resources. Like elsewhere in the Aleutians (Reedy-Maschner 2010), local peoples’ ability to harvest salmon is constrained by the need for proper boats, money for sufficient fuel and supplies, and regulations that can make long distance fishing trips poor economic investments (KARAC 2019). Many people reportedly do not apply for a subsistence permit because the permit limit of 25 salmon per subsistence user is “almost not enough to even run out because it costs so much for fuel... it’s a four-hour round-trip run on the skiff to get [salmon] so it’s quite costly” (KARAC 2019: 187).

Furthermore, because subsistence fishing is often done for the purpose of sharing with the wider community, it is important that harvest limits make it possible for residents to carry on these practices (Haven 2022). Richard Koso noted that community members with boats would historically “bring in a couple hundred fish and they would give them to people in town that couldn’t get out,” (KARAC 2019: 187). However, current subsistence harvest limits make these practices unfeasible (KARAC 2019). These discussions suggest that existing harvest limits and permitting processes on Adak, which are much lower than the limit of 250 salmon per subsistence user in Cold Bay, impede cultural practices of resource sharing.

Perhaps because of the community’s fairly recent rural status determination, no comprehensive subsistence surveys documenting salmon harvest by residents of Adak have been conducted by ADF&G Division of Subsistence (ADF&G 2024). However, some information about salmon harvests by residents is available through other reports issued by ADF&G. In 2018, 460 Sockeye Salmon were reported harvested for subsistence on Adak (Fox and Whiteside 2020). Estimates of Adak District subsistence use from 1998-2013 indicate a small annual harvest, averaging 76 salmon harvested per year, of which 45 are Sockeye, 27 are Pink, and four are Coho salmon (Fox and Whiteside 2020). However, the Kodiak-Aleutians Area Planning Workgroup suggested that underreporting is likely an issue in this region, both due to confusion regarding the 25 salmon per permit limit, and due to reporting subsistence resources as sportfishing harvest (OSM 2006).

Table 2. Estimated population of Aleutian Island Area communities in 2023 (ADLWD 2024).

Community	2023 Population Estimate
Akutan	1,585
Unalaska	4,093
Nikolski	37
Atka	55
Adak	72
Saint Paul	352
Saint George	49
Eareckson Station (Shemya)	232
Total	6,475

Harvest History

Both State and Federal subsistence harvest is reported on State issued subsistence fishing permits in the Aleutian Islands Area. There have been few subsistence permits issued for the Adak District since the U.S. Navy gradually reduced its presence in the 1990s. Most State subsistence fishing in the Aleutian Islands Area is conducted in marine waters in State jurisdiction and not in Federal public freshwaters. According to Fox and colleagues (2022: 15-16), “In 2020, the estimated harvest of 250 sockeye salmon were the only fish reported harvested in the Adak District. Between 2015 and 2019, an average of 2 Adak District subsistence permits were issued with an estimated average harvest of 141 sockeye and 6 coho, no other species were harvested between 2015 and 2019.”

Alternative(s) Considered

One alternative is to match Federal subsistence harvest limits for salmon in the freshwaters of Adak and Kagalaska islands with State sport fishing limits. The State sport fishing regulations distinguish between King (Chinook) Salmon and other salmon. However, Chinook Salmon are probably not present in the freshwaters of Adak and Kagalaska islands. Under this option, salmon other than Chinook Salmon would have a harvest limit of 5, and a possession limit of 10, for salmon 20 inches or longer in length. For salmon other than Chinook Salmon less than 20 inches long, the harvest and possession limit would be 10 fish. There would be no annual limit. This alternative was not further considered because the length specifications for harvest limits may be onerous to subsistence fishers and the harvest limits may be too restrictive.

Effects of the Proposal

If adopted, this proposal would have four distinct effects:

- (1) **Permit requirement:** Federally qualified subsistence users harvesting under Federal subsistence regulations in the Aleutian Islands Area would be required to obtain a Federal permit. Currently, a State permit is required for fishing in the Adak and Unalaska Districts under Federal regulations, but not in the other districts of the Aleutian Islands Area. Therefore, this proposal would introduce a new requirement to obtain and report with a subsistence permit for the Akutan, Unmak, and Atka-Amlia Districts. This would improve harvest enumeration but would make Federal subsistence permitting requirements more burdensome than State subsistence permitting requirements in these areas. Currently, the only Federal permit issuing office in the Aleutian Islands Area is in Adak, and federally qualified subsistence users fishing under a Federal permit in the other Districts would need to travel to Adak to procure a permit unless permits could be issued from additional locations or made available online.
- (2) **Nets prohibited:** Federally qualified subsistence users would not be permitted to use nets to harvest salmon in freshwaters of Adak and Kagalaska islands. Allowable gear would include gear types from general regulation listed at § __.27(b)(1) that are not nets. Practical gear types allowed would be rod and reel, handline, and spear.
- (3) **Harvest Limits:** Federally qualified subsistence users harvesting salmon in freshwaters of Adak and Kagalaska islands would be limited to 5 salmon per day, plus an additional 5 salmon per household member listed on their Federal permit. Compared to the current Federal subsistence regulations, this would reduce harvest opportunity. These limits are also more restrictive than State sport fishing regulations, which permit an individual to harvest up to 5 Sockeye, Coho, Pink, or Chum salmon 20 inches long or more, and up to 10 salmon less than 20 inches long. Therefore, an individual harvesting under State sport fishing regulations could potentially harvest up to 15 salmon per day, not including the permitted harvest of Chinook Salmon, which are probably not present in the freshwaters of Adak and Kagalaska islands. Adopting more conservative daily harvest limits would help mitigate conservation concerns. Removing the 25 fish per household member salmon limit for the Unalaska District would add

consistency across the Aleutian Islands Area. However, all the significant Federal public waters in the Unalaska District are closed to subsistence fishing under Federal regulation so the effects of this change would be negligible unless those waters are reopened.

- (4) **Regulation simplification:** Aleutian Island Area regulations would be simplified by removing unnecessary language that is not applicable to the Federal subsistence program. The primary regulatory language to be removed relates to specifying items regarding take on permits. The only way to change Federal subsistence regulations regarding take of fish is through a proposal during the regulatory cycle, or in-season by special action.

OSM CONCLUSION

Support Proposal FP25-08 **with modification** to oppose changing the harvest limits in the Unalaska and Adak districts and oppose requiring a Federal permit in the Aleutian Islands Area. Since nets would be allowed in the majority of the Aleutian Islands Area, retain § ____.27(e)(6)(iv) below regarding attending nets in the Unalaska Area. Additionally, retain the portion of § ____.27(e)(6)(viii) below about obtaining an additional permit.

The modified regulation should read:

Proposed Federal Regulation

§ ____.27(e)(6) *Aleutian Islands Area. The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54°36' North latitude.*

*(i) You may take fish other than salmon, **and** rainbow/steelhead trout, ~~or ehar~~ at any time ~~unless restricted under the terms of a subsistence fishing permit~~. If you take rainbow/steelhead trout incidentally in other subsistence ~~net~~ fisheries, you may retain them for subsistence purposes.*

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6 a.m. until 9 p.m. from January 1 through December 31, ~~except as may be specified on a subsistence fishing permit~~.

(iii) In the Adak, Akutan, Atka-Amlia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

(C) All streams supporting anadromous fish runs that flow into Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point; and

(D) Waters of McLees Lake and its tributaries and outlet stream.

*(v) You may **not take fish by net in freshwater on Adak and Kagalaska islands** ~~take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.~~*

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) ~~You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.~~

*(viii) **A subsistence fishing permit is necessary to fish for salmon, trout, and char** ~~You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.~~*

(ix) ~~You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.~~

(x) ~~You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.~~

Justification

Rescinding the Federal subsistence fishing closure in the freshwaters of Adak and Kagalaska islands created opportunity for federally qualified subsistence users but this change could lead to conservation concerns if harvesting via net is permitted. Prohibiting nets will help mitigate these conservation concerns. Without the use of nets, subsistence fishers would be restricted to gear types such as rod and reel, handline, and spear, placing a practical limit on the number of fish that can be harvested and mitigating the need for a more conservative harvest limit. A more conservative harvest limit for the Adak District in comparison to the wider Aleutian Islands Area is already in regulation and should provide for additional conservation measures in the Federal freshwaters of Adak and Kagalaska islands. Additionally, the harvest limit suggested under this proposal would make Federal subsistence regulations more restrictive than State sport fishing regulations. The ability to obtain an additional permit in the Adak and Unalaska districts should be retained to match State subsistence regulation. The

Federal in-season fisheries manager will continue to be able to issue special actions if necessary for conservation purposes.

Requiring a Federal permit for the entire Aleutian Islands Area would institute a new permit requirement in three districts where the State does not require a subsistence permit, making Federal requirements more onerous than State subsistence requirements. Additionally, requiring the permit in all portions of the Aleutian Islands Area would be burdensome for federally qualified subsistence users because the only Federal issuing office is in Adak. The Federal subsistence management program does not yet have a system to issue permits and report harvest online. However, the current system is being revised and online issuing and reporting capabilities may be available for the 2025 regulatory year.

Aleutian Islands Area regulations will be simplified by removing unnecessary language that is not applicable to the Federal Subsistence Management Program. Retaining the harvest limit for the Unalaska District may be necessary for conservation purposes in case the Federal public closed waters in this area are reopened.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Kodiak/Aleutians Alaska Subsistence Regional Advisory Council

Support with OSM Modification

The Kodiak/Aleutians Council supported FP25-08 with OSM's modifications because they felt that stronger conservation measures were needed to protect the salmon populations in these relatively small systems. The Council noted that the OSM modified proposal should promote conservation by restricting the use of nets, thereby placing a practical limit on the amount of salmon people could harvest within a given amount of time. However, the Council felt that harvest limits in the freshwaters of Adak and Kagalaska islands should not be more restrictive than current State sport fishing regulations. The Council opposed the Federal permit requirement due to the potential difficulties associated with acquiring the permit when only one Federal permitting office is in the area and there is currently no online permitting system available.

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 FP25-08

This proposal would prohibit nets in and set more conservative daily harvest limits for freshwaters of Adak and Kagalaska Islands and require a federal permit to fish in the Alaska Peninsula Area. This proposal also requests to remove regulatory language that is no longer relevant to the Federal Subsistence Management Program.

Position

The Alaska Department of Fish & Game (ADF&G) is **NEUTRAL** on this proposal. Though slightly less conservative than current state regulations on the Alaska Peninsula because it allows an individual to harvest the daily limit of their entire household, this proposal seeks to align federal regulations with current daily state bag limits and eliminate the use of nets within freshwaters. This proposal also aligns with current state subsistence annual limits of no more than 25 salmon, plus an additional 25 salmon for each member of the same household whose name is listed on the permit.

Background

There is very limited information regarding the abundance of salmon in these systems. Very few state subsistence permits are issued for the Adak area. On average, there have been only one to two permits issued per year. Beginning in 2022, there has been a recent increase in the number of permits issued due to non-local residents traveling to Adak for recreational purposes.

Impact on Subsistence Users

If adopted there would be no impact to subsistence users.

Impact on Other Users

If adopted there would be no impact on other users.

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 finfish in the Alaska Peninsula

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 fish abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for salmon and finfish other than salmon Aleutian Islands area is 13,500 – 23,000 salmon and 200,000 – 330,00 usable pounds of finfish other than salmon.

5 AAC 01.360 - Fishing seasons

- (b) In the Adak, Akutan, Atka-Amlia Islands, and Umnak Districts, salmon may be taken at any time.

5 AAC 01.430 – Subsistence fishing permits

- (a) Salmon, trout, and char may only be taken under the terms of a subsistence fishing permit, except that a permit.
- (b) No more than 250 salmon may be taken for subsistence purposes, per household, unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts,
 - (1) the holder of a subsistence salmon fishing permit may take no more than 25 salmon, plus an additional 25 salmon for each member of the same household whose name is listed on the permits.

5 AAC 65.020 - General provisions for seasons and bag, possession, annual, and size limits for the Alaska Peninsula and Aleutian Islands area

- (1) King salmon:
 - (A) In fresh waters: may be taken only from January 1 through July 25, except that king salmon may be taken in the Chignik River only from January 1 through August 9, and as follows:
 - (i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five fish; 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; no annual limit.
- (2) salmon, other than king salmon: may be taken from January 1 through December 31 as follows:
 - (A) 20 inches or greater in length; bag limit of five fish and a possession limit of 10 fish;
 - (B) Less than 20 inches in length; bag and possession limit of 10 fish.

Conservation Issues

There are no conservation issues pertaining to this proposal.

Enforcement Issues

There are no enforcement issues pertaining to this proposal.