

**FEDERAL FISHERIES CLOSURE REVIEW**  
**FCR27-05**

**Issue**

FCR27-05 is a routine review of a Federal closure to salmon fishing at Summers and Morris lakes drainages in the Aleutian Islands Area. It is the Federal Subsistence Board's (Board) policy that Federal public lands and waters should be reopened as soon as practicable once the conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary. The purpose of this closure review is to determine if the closure is still warranted and to ensure the closure does not remain in place longer than necessary.

**Closure Location and Species:** Summers and Morris Lakes drainages—Salmon

**Current Federal Regulation**

§\_\_\_\_.27(e)(6) *Aleutian Islands Area*

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

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

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**Relevant Federal Regulations**

§\_\_\_\_.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.*

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§\_\_\_\_.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.*

§ \_\_\_\_\_.27(e)(6) Aleutian Islands Area

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*(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31.*

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*(v) You may not take fish by net in freshwater on Adak and Kagalaska islands.*

*(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) A subsistence fishing permit is necessary to fish for salmon, trout, and char, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.*

*(viii) You may take no more than 250 salmon for subsistence purposes, 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*

Note: In the Unalaska District, you are required to have a State Subsistence Fishing Permit when subsistence fishing for salmon (5 AAC 01.380 Subsistence fishing permits; see permit in **Appendix 1**).

**Closure Dates:** Year-round

**Current State Regulations**

Subsistence Regulations

*Aleutian-Islands Area*

*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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*(d) In the Unalaska District, a subsistence permit holder fishing with a net must be physically present at the net at all times when the net is being used for fishing.*

*5 AAC 01.375 Waters closed to subsistence fishing*

*The following waters are closed to subsistence fishing for salmon:*

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

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*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.*

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*(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:*

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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;*

*5 AAC 65.051. Waters closed to sport fishing in the Alaska Peninsula and Aleutian Islands Area*

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*(3) Humpy Cove and Summer Bay Lake outlet creeks;*

*(4) the following areas on and around Unalaska Island are closed to sport fishing as follows:*

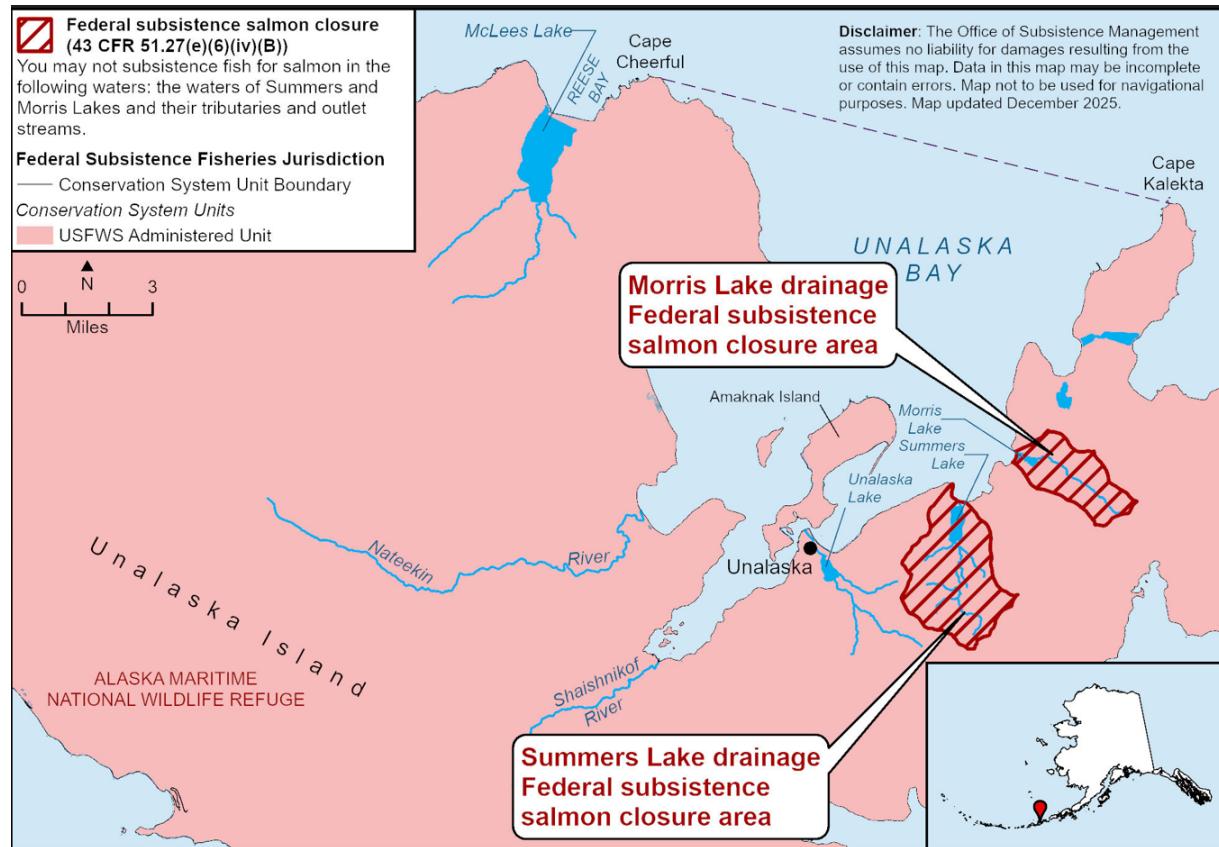
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*(b) the Summer Bay Lake drainage and salt waters within a 250-yard radius of the Summer Bay Creek outlet are closed to sport fishing from August 16 through December 31;*

**Regulatory Year Initiated: 2001**

**Extent of Federal Public Waters**

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR §242.3 and 43 CFR §51.3. Federal public waters comprise Summers and Morris lakes and their tributaries and outlet streams, which are within and adjacent to the exterior boundaries of the Alaska Maritime National Wildlife Refuge (**Figure 1** and **Figure 2**).



**Figure 1.** Map of Summers and Morris lakes drainages closures on Unalaska Island and external boundaries of the Alaska Maritime National Wildlife Refuge. This map should not be referenced for land ownership.



**Figure 2.** Aerial images of Summers (left) and Morris (right) lakes. Both systems are accessible through the road system. Photos courtesy of Andy Dietrick, Aleutian Aerial LLC.

## **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 1997 the State of Alaska issued emergency orders that closed waters to subsistence (EO No. 4-FS-A1-01-97) and commercial (EO No. 4-FS-M-CB-01-97) salmon fishing in all Unalaska Bay streams including Summer and Morris lakes, restricting the harvest of Sockeye and Coho salmon stocks.

Effective 1998-1999 State of Alaska subsistence and personal use regulations (ADFG 1998) included a permanent closure of Summers and Morris Lakes to State subsistence fishing (5 AAC 01.375).

The Federal Subsistence Board began implementing revised Federal regulations for subsistence fishing in navigable waters in 1999 (64 Fed. Reg. 5, 1307), and in February of 2001, adopted regulations closing Federal subsistence salmon fishing in Summers and Morris lakes (including tributaries) (66 Fed. Reg. 30, 10154).

In 2020, the Kodiak Aleutian Subsistence Regional Advisory Council (Council) reviewed the closure of Summers and Morris lakes (FCR19-01) and recommended it be deferred until the 2023–2025 regulatory cycle to allow additional time for community input (KARAC 2020: 59-61). In January of 2021, the Board demonstrated deference to the Council’s recommendation and deferred action on FCR19-01 until the 2023–2025 regulatory cycle (FSB 2021: 355).

In January 2023, at the Board’s annual meeting, Fisheries Closure Review FCR21-09 appeared on the consensus agenda (indicating the FCR19-01 recommendation to retain the closure received agreement among all key stakeholders including the Council, Interagency Staff Committee, and the Alaska Department of Fish and Game). In deference to the Council’s recommendation, the Board acted to retain the status quo (FSB 2023: 430; OSM 2023). The Council’s decision was informed by community-voiced conservation concerns tied to liberal harvest, schedule misalignment of closure reviews and fisheries regulations cycles which would have delayed area conservation regulations proposals for two years, and a lack of local law enforcement presence (KARAC 2022: 295-296).

## **Closure Last Reviewed: 2023 – FCR21-09**

### **Justification for Original Closure**

The original Summers and Morris lakes Federal subsistence fisheries closures maintained existing State subsistence fisheries regulations due to the limited availability of fisheries population and community use data (66 Fed. Reg. 30, 10154 [February 13, 2001]).

### **Council Recommendation for Original Closure**

None

## State Recommendation for Original Closure

None

### Biological Background

Summers Lake, located on the northern side of Unalaska Island, and its primary tributary support runs of Coho, Pink, and Sockeye salmon (**Figure 1**). Nearby situated Morris Lake and its main tributary also support runs of Coho, Sockeye, and Pink salmon (Giefer and Evers 2025).

#### Escapement

Escapement data for small river systems on Unalaska Island, like Summers and Morris lakes is scarce and often unreliable due to survey challenges such as poor timing, visibility or accessibility due to weather conditions and remote survey costs (Holmes 1998, Keyse et al. 2024).

Escapement data for the past 20 years for Sockeye, Coho, and Pink salmon in Summers Lake is very limited. No counts were recorded for 12 of the past 20 years, including 2008–2010 and 2014–2017 (Keyse et al. 2025). Morris Lake has even fewer records, with data available for only 7 of the past 20 years, specifically 2002–2005 and 2007–2017 (Keyse et al. 2024). However, as of 2018, drone surveys have provided greater indexed escapement of salmon species within these systems (Lawson 2020, Fox et al. 2022, Keyse et al. 2024, **Table 1**). Despite this, Coho Salmon drone surveys in both Summers and Morris lakes are conducted for presence information only and are not flown for peak abundance estimates, suggesting the actual numbers of Coho Salmon are likely higher than reported in annual indexes. Additionally, 2025 Iliuliuk Lake Sockeye Salmon weir count data collected by the Qawalangin Tribe suggest that, while aerial drone surveys provide reliable trend data, they likely underestimate fish abundance (Alaska Fish Count database, November 26, 2025). Please refer to Federal closure review 27-04 for more detailed information.

Summer Bay Lake total indexed salmon escapement reported for 2023 was 1,522 Sockeye Salmon, 10 Coho Salmon, and 6,018 Pink Salmon (Keyse et al. 2025). The 10-year average (2013–2022) of indexed salmon escapement were 1,304 Sockeye Salmon, 70 Coho Salmon, and 2,535 Pink Salmon.

Morris Bay Lake total indexed salmon escapement reported for 2023 was 84 Sockeye Salmon, 0 Coho Salmon, and 49 Pink Salmon (Keyse et al. 2025). The 10-year average (2013–2022) average of indexed salmon escapement were 1,304 Sockeye Salmon, 70 Coho Salmon, and 2,535 Pink Salmon.

#### Escapement Goals

Escapement data in these systems is extremely limited. While Holmes (1998) reported Sockeye and Pink salmon escapement goals for Summers Bay (800–1,600 Sockeye Salmon; 8,000–16,000 Pink Salmon) and Morris [Cove] Lake (200–400 Sockeye Salmon; 800–1,600 Pink Salmon), these goals are no longer actively managed.

No current escapement goals are reported for Sockeye, Coho, or Pink salmon in Summers or Morris lakes (Keyse et al., 2025). Previous ADF&G escapement goal reviews for Area M in 2018 and 2020 did not include Summers Lake or Morris Lake, indicating that these goals were discontinued by 2018 at the latest (ADF&G 2018, ADF&G, 2020). This is likely due to limited historical escapement data, the small size of these systems, and management priorities focused on larger, more productive watersheds.

Applying Holmes' (1998) escapement goals to recent data (2018–2023; **Table 1**), Summers Lake met Sockeye Salmon escapement goals in five of six years (2018–2021, 2023), while Morris Lake met Sockeye Salmon escapement goals in only two years (2018, 2019). Neither lake met Pink Salmon escapement goals within this time frame (Keyse et al., 2025). This suggests Sockeye Salmon populations in Summers Lake are relatively stable, while Morris Lake shows more variability. Pink Salmon runs remain consistently below desired levels, indicating potential concerns for Pink Salmon productivity across both lakes.

**Table 1.** Minimum salmon escapements based on aerial drone surveys.

Surveys did not include all habitat used by Pink Salmon and were not conducted during the peak of Coho Salmon abundance (Lawson 2020; Keyse et al. 2024).

Location	Year	Sockeye Salmon	Pink Salmon	Coho Salmon
Summers (Bay) Lake	2018	3,621	4,105	201
	2019	2,575	4,090	415
	2020	4,507	7,454	33
	2021	1,580	4,522	50
	2022	760	5,180	0
	2023	1,522	6,018	10
Morris (Cove) Lake	2018	315	7	0
	2019	376	0	0
	2020	106	354	0
	2021	41	97	17
	2022	27 <sup>a</sup>	590	10
	2023	84	49	0

<sup>a</sup> Poor lake visibility during all surveys.

## Cultural Knowledge and Traditional Practices

The Aleutian Islands and Pribilof Islands are located west of the Alaska Peninsula and are the homelands of the Unangax̂, or Aleut, peoples. As of 2024, there were an estimated 6,534 people living in eight communities within the region (ADLWD 2024). It is common for residents in the region to recognize a mixed Unangax̂/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 9,000 years (West et al. 2007, Corbett and Hanson 2023).

Harvesting wild resources has been, and continues to be, central to Unangax̂/Aleut identity, culture, and economy. Ethnohistorical data demonstrate 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, high mortality, and social reorganization following Russian and European contact. Russians forced Unangax̂/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 (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 (ADCED 2024). However, a substantial number of the previously evacuated residents of these communities chose not to return (ADCED 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).

Unalaska Bay is rich in pre-contact archaeological sites, evidence for the deep history of Unangan/Aleut presence in the area (Veltre and Veltre 1982). The settlement of Unalaska was previously known by the Unangan term “Iluulux” or “Illuulax”, which referred to “going half circle,” the curved approach taken in a boat when approaching the area (NPS 2015, Hudson 2025). This was later adopted into Russian as “Iliuliuk” (Hudson 2025). Unalaska became an important administrative

center during the Russian period (Veltre and Veltre 1982). The community was one of multiple original settlements on Unalaska Island prior to the mid 20<sup>th</sup> century (Veltre and Veltre 1982, Hudson 2025).

Today, the city of Unalaska is the largest in the Aleutian Islands. The Port of Dutch Harbor is situated on adjacent Amaknak Island and is connected to Unalaska by a strip of road bridging the South Channel. This port city supports one of the largest commercial fisheries in the world. In 2024, Unalaska City (including Dutch Harbor) had an estimated population of 4,120, greater than the population of all other communities in the region combined (ADLWD 2024). This estimate was based on the 2020 U.S. Census, which counts people at their “usual residence” (U.S. Census Bureau 2020). However, the commercial fishing industry brings in several thousand seasonal workers each year (Sepez et al. 2005), and people living in workers’ residential facilities who did not claim a usual residence elsewhere were counted as residents for the purposes of the Unalaska census. Excluding seasonal workers residing in non-permanent housing provided by seafood processing companies, subsistence household surveys conducted in 2021 estimated the number of permanent residents on Unalaska in 2020 to be 2,092 people (Keating et al. 2022).

The Unalaska District is one of six subsistence fishery management districts in the Aleutian Islands Area. A State subsistence fishing permit is required for salmon in the Unalaska District; this also applies to those fishing under Federal subsistence regulations. These permits can only be obtained in person at the ADF&G Dutch Harber Office (Brown et al. 2023). Commercially caught fish may be retained for subsistence use in the Unalaska District, but this harvest is not captured in returned permits. However, the commercial fishery in the area is primarily for shellfish and groundfish rather than salmon, and a relatively small percentage of salmon for home use are derived from commercial harvest (Keating et al. 2022, Brown et al. 2023).

According to Brown et al. (2023), managers’ confidence that the permit system accurately represents actual harvest has declined, in part due to lack of local enforcement. Local residents have likewise expressed concern regarding the conservation of salmon populations, and that the lack of enforcement may be leading to over-harvesting (Davis 2005, Brown et al. 2022, Keating et al. 2022). At the fall 2022 Council meeting, the Council member from Unalaska stated:

My biggest concern here is enforcement of these lakes and streams, I mean, I’m totally frustrated with the issue of permits being issued and allowing people to have a permit doesn’t give them any more authority to take whatever they want regardless of the amount and nobody’s enforcing it. So really I’m concerned about the lakes in Unalaska, Iliuliuk Lake (KARAC 2022:72).

Recent research also highlights that subsistence harvest on Unalaska has declined in recent years, with fewer types and amounts of resources harvested compared to historical patterns (Keating et al. 2022). Household subsistence surveys conducted in 2020 estimated that permanent residents of Unalaska harvested 79.5 pounds of subsistence foods per person (Keating et al. 2022), compared to an estimated 194.5 pounds per person in 1994 (Scarborough and Fall 1997) and an estimated 210 pounds of wild resources harvested per capita across Southwest Alaska (Fall 2018). While there are limited data

available to contextualize these patterns, the decline in subsistence harvesting in Unalaska is associated with complex socio-economic and cultural transformations. For instance, wage labor has become more important over the past several decades and access to subsistence resources has diminished in recent years due to the high cost of harvesting and declines in resource abundance (Keating et al. 2022). Broader environmental changes including warmer summers, changing rainfall patterns, and increased environmental degradation from industrial pollution are also influencing subsistence practices (Keating et al. 2022). One resident described these changes as being driven largely by work obligations:

“I mean a lot of the fish camps aren’t really being used much anymore. And I guess probably what’s changed is that a lot of families, every family probably works, you know. So, people are busy and working, and so I think what people do is they just go to Wislow [McLees Lake] a couple times and get their fish for the year” (Keating et al. 2022: 100).

Another highlighted that changes in subsistence practices are related to the increasing reliance on larger boats, which require greater financial means to acquire and fuel:

“...at this point, you have a lot of people with big fancy boats. That was something we never saw 20 years ago. Like, all these people [that] have money, [they] can go subsistence fishing” (Keating et al. 2022: 99).

Despite declines in overall harvest, subsistence resources continue to be critical in Unalaska, with salmon being particularly important. In 2020, salmon comprised 41.9% of all harvests and an estimated 78% of households used salmon (**Table 2**, Keating et al. 2022). Although harvest success was high (43.9% of households attempting harvest and 41.2% successfully harvesting), nearly half (48%) of households received salmon but only 12% gave salmon away (**Table 2**). These patterns highlight the continued importance of sharing, customary trade, and barter networks for access to salmon (Reedy and Maschner 2014, Reedy 2016).

Each year, more than 80% of salmon harvested by Unalaska residents are Sockeye Salmon, an estimated 45–94% of which come from McLees Lake and Reese Bay (Fox et al. 2021, Keating et al. 2022). In 2020, Sockeye Salmon comprised 22% of all subsistence harvest, Coho Salmon comprised 14% of all harvest, and Pink Salmon comprised 4% (Keating et al. 2022). Set gillnets are the most commonly used gear to harvest salmon in Unalaska (Keating et al. 2022), but in 2020, more Pink, Chinook, and Chum salmon were harvested using rod and reel than using other methods (**Table 3**). Salmon were historically preserved by salting or smoking using cottonwood, though most people today preserve salmon by either freezing or smoking (Keating et al. 2022).

Sockeye Salmon runs in Unalaska have declined since the mid- to late-1980s (Holmes 1997), and the permanent closure of subsistence fishing on Unalaska Lake in 1998 shifted subsistence fishing effort toward Reese Bay and the McLees Lake watershed (Holmes 1998). Other important areas for salmon harvest include Nateekin Bay, Broad Bay, Volcano Bay, and road-accessible areas including Summers Bay and Morris Cove (Keating et al. 2022). Many of the road-accessible areas are heavily harvested

under both subsistence and sport fishing regulations (Keating et al. 2022). One resident summarized this dynamic, stating that “a lot of our local people kind of, I guess you could say subsistence fish with poles... People aren’t really doing that for sport, you know” (Keating et al. 2022: 90–91).

Reliance on road-accessible areas may in part be due to the rising cost of fuel, which limits people’s ability to travel to more distant areas for subsistence fishing (Keating et al. 2022). In recent years, some residents reported that they travel to more distant sites along the road system to reduce pressure on closer areas. One resident stated that fishing locations such as Front Beach and Summers Bay are “silted in, and the run is really low, and the effort is too high. The effort is going to kill these two [runs] if something isn’t done soon.” (Keating et al. 2022: 93). Others shared that the Coho Salmon run at Morris Cove had been “badly damaged”, and that the Sockeye Salmon population at Summer Bay was depleted (Keating et al. 2022: 79). Enforcement of harvest limits is broadly recognized to be an issue, with many residents expressing perceptions that people ignore limits in road accessible areas (Keating et al. 2022).

**Table 2.** Estimated harvest of salmon in Unalaska in 2020 (Keating et al. 2022). HH indicates household.

Resource	Using (% HH)	Attempting harvest (% HH)	Harvesting (% HH)	Receiving (% HH)	Giving (% HH)	Mean per capita (lbs)
Salmon (all)	78.1	43.9	41.2	48.2	12.3	33.3
Chum	11.4	10.5	7.0	5.3	0.9	0.5
Coho	53.5	36.0	29.8	27.2	6.1	11.3
Chinook	19.3	18.4	7.0	12.3	4.4	0.7
Pink	29.8	23.7	21.1	8.8	2.6	3.5
Sockeye	67.5	36.8	33.3	36.0	11.4	17.3

**Table 3.** Estimated number of salmon harvested in Unalaska in 2020, by gear type (Keating et al., 2022).

Resource	Removed from commercial catch	Subsistence gear excluding rod and reel	Rod and reel	Any method
Salmon (all)	1,890.9	10,662.8	5,040.1	17,593.9
Chum	61.3	35.0	87.5	183.3
Coho	350.2	2,783.9	1,581.8	4,715.8
Chinook	70.0	52.5	131.3	253.9
Pink	8.8	866.7	2,189.0	3,064.4
Sockeye	1,400.7	6,924.7	1,050.5	9,375.9

## Harvest History

There are no Federal or State subsistence harvest data to report in either system as both are closed to subsistence fishing. However, both drainages are open to sport fishing and salmon destined for these drainages are caught in adjacent marine sport and subsistence fisheries. Summers Lake, also referred to as Summers Bay Lake, is open to fishing January 1–August 15, but Summers Bay Creek (outlet stream) is closed to sport fishing year-round. Morris Lake and its drainage are open to sport harvest year-round. Sport harvest limits for salmon in open areas of both locations are the same. Coho, Chum, Sockeye, and Pink salmon are limited to a combined total of 5 per day and 5 in possession, only 2 of which may be Coho Salmon and only 2 of which may be Sockeye Salmon. Rainbow Trout/Steelhead and Dolly Varden have harvest limits of 2 per day, 2 in possession and 10 per day, 10 in possession, respectively. Reported harvest from these areas is low enough that they are lumped into a general Alaska Peninsula/Aleutian lakes category that covers a broad swath of the region (Alaska Sport Fishing

Survey database, May 28, 2020). According to the Sport Fish Area Management Biologist, most salmon harvest in the vicinity of these two drainages occurs in the marine environment (Polum 2020, pers. comm.).

### **Alternatives Considered**

One alternative considered was to rescind the closure. This would open all of Summers and Morris lakes drainages to harvest by Federally qualified subsistence users. This alternative would provide for a rural preference under Title VIII of section 804 of the Alaska National Interest Lands Conservation Act (ANILCA) throughout Summers and Morris lakes drainages. However, given the consistent failure of Morris Lake to meet historical escapement goals and the vulnerability of salmon to overharvest in Summers outlet creek, there are conservation concerns associated with this alternative.

Another alternative considered was to modify the closure to allow harvest by federally qualified subsistence users in the Summers Lake drainage, with the exception of Summers Lake outlet creek, and establish new Federal subsistence regulations consistent with State sportfishing regulations. This would prohibit harvest in Summers Lake outlet creek as well as throughout the Morris Lake drainage. Modifying the closure area in this way would align regulatory boundaries across State sport and Federal subsistence fishing regulations and provide for a rural preference within the Summers Lake drainage under Title VIII of section 804 of ANILCA. Federally qualified subsistence users would be able to harvest fish under a Federal permit and in-season managers could make conservation-based management decisions during the fishing season. Under this alternative, area, means and bag limit restrictions for federally qualified subsistence users would mirror State sportfishing regulations. Summers outlet creek would be closed to fishing year-round and seasonal closures would be in effect on Summers Lake from August 16 - December 31. Additionally, harvest would be allowable with rod and reel only and bag limits for salmon 20 inches or greater other than King Salmon would be restricted to 5 per day and 5 in possession, only two of which could be Coho and only 2 of which could be Sockeye salmon.

However, this alternative is beyond the scope of a closure review. Within the scope of a Federal closure review no changes may be made to seasons, species, methods, means or limits. A Federal regulatory proposal would need to be submitted to effect the changes detailed in this alternative under Federal regulations.

### **Effects**

According to Title VIII, section 804 of ANILCA "...the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over taking on such lands of fish and wildlife for other purposes." The area is currently closed to Federal subsistence uses but open to nonsubsistence use. Modifying the closure to apply to Morris Lake drainage only would provide Federal opportunity for salmon harvest in Summers Lake drainages, thereby providing priority consumptive use to federally qualified subsistence users. Maintaining a closure to fishing in Morris Lake drainage would maintain some level of protection for the smaller runs present in this system, although year-round

fishng would still be permitted through State sportfishing regulations. Under federal regulations, harvesters would not be required to purchase a \$20 sport fishing license.

If the closure area were modified such that it no longer pertains to the Summers Lake drainage (excluding Summers Lake outlet creek), fishing for salmon would be allowed in the Summers Lake drainage with the exception of Summers Lake outlet creek daily between 6 a.m. and 9 p.m. and would require a State subsistence permit with reporting due annually by October 31. Up to 25 salmon plus an additional 25 for each member of a household listed on a permit could be taken through a variety of means, including seine or gillnet, under Unalaska District Federal subsistence regulations.

Opening Summers and Morris lakes to harvest under Federal subsistence regulations could lead to overharvest and conservation concerns (KARAC 2022: 315-317). Salmon populations may be protected through in-season management action, or by establishing a more conservative management framework during the current fisheries regulatory cycle. The Federal in-season manager may issue special actions to set provisions for the fishery, such as stipulating gear types like rod and reel only and setting conservation harvest limits that mirror State sport fish regulations.

## OSM PRELIMINARY CONCLUSION

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

The regulations should read:

§\_\_\_\_.27(e)(6) Aleutian Islands Area

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

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

***(C) The waters of Summers Lake outlet stream***

\*\*\*

### **Justification**

Summers and Morris lakes drainages are currently closed to the harvest of salmon by federally qualified subsistence users but remain open to State sport fishing with some restrictions on area, means and harvest limits. There are also State subsistence salmon opportunities in adjacent marine waters. Available escapement data suggest that Summers Lake supports a small, but stable Sockeye Salmon run capable of sustaining a rod and reel fishery with conservative bag and possession limits. Morris Lake escapement, however, is consistently below the State of Alaska's 2018 Sockeye Salmon optimal goal of 200-400 fish. Modifying this closure would provide a mechanism to allow the in-season manager authority to exercise rural preference for subsistence harvest opportunities on Summers Lake as conservation concerns arise while also maintaining a conservation-based closure to Federal subsistence fishing in the Morris Lake drainage and Summers Lake outlet stream.

The in-season manager has delegated authority to open or close Federal subsistence fishing periods or areas provided under codified regulations and to specify methods and means; to specify permit requirements; and to set harvest and possession limits for Federal subsistence fisheries (**Appendix 2**). This approach relies heavily upon continued Federal in-season manager intervention and may be considered a short-term solution. A proposal outlining long-term conservation parameters for this fishery may be submitted during the current fisheries regulation cycle.

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## APPENDIX 1

### Unalaska Area State subsistence salmon fishing permit.

		UNALASKA AREA SUBSISTENCE SALMON FISHING PERMIT					
		Permit expires October 31, 2020 (5AAC 01.380(c))					
This permit is valid in the Unalaska District of the Aleutian Islands Area Only.							
Name: _____							
Address: _____							
I have personally reviewed the information on this permit and I HEREBY CERTIFY THAT ALL OF THE INFORMATION IS TRUE AND CORRECT. (NOTE: Making a false statement, or omitting a material fact, is subjection to a maximum penalty of \$10,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.665).							
Permittee signature			Date				
Additional members of same household to be included on permit (Alaska Residents Only): _____ _____							
Total number of salmon allowed on this permit: _____							
Email Address or Phone: _____							
SUBSISTENCE SALMON HARVEST REPORT							
RECORD DATE, SPECIFIC LOCATION, AND NUMBER OF HARVESTED SALMON BY SPECIES IMMEDIATELY UPON HARVEST							
DATE	SPECIFIC LOCATION	KING	SOCKEYE	COHO	PINK	CHUM	
<b>REFER TO THE CURRENT SUBSISTENCE REGULATION BOOK FOR COMPLETE REGULATIONS</b>							
The catch report table must be filled out (even if the permit was not used) and returned by <b>October 31, 2020</b> to: Alaska Department of Fish and Game, Unalaska Salmon Management, 351 Research Court, Kodiak AK 99615. <b>Failure to return this permit to ADF&amp;G could result in denial of future permits.</b>							
Department representative			Date				
(SEE OPPOSITE SIDE FOR SUBSISTENCE REGULATIONS)							

**SELECTED SUBSISTENCE REGULATIONS**

These listed regulations are not inclusive of all the regulations that apply to subsistence salmon fishing in the Unalaska Area.

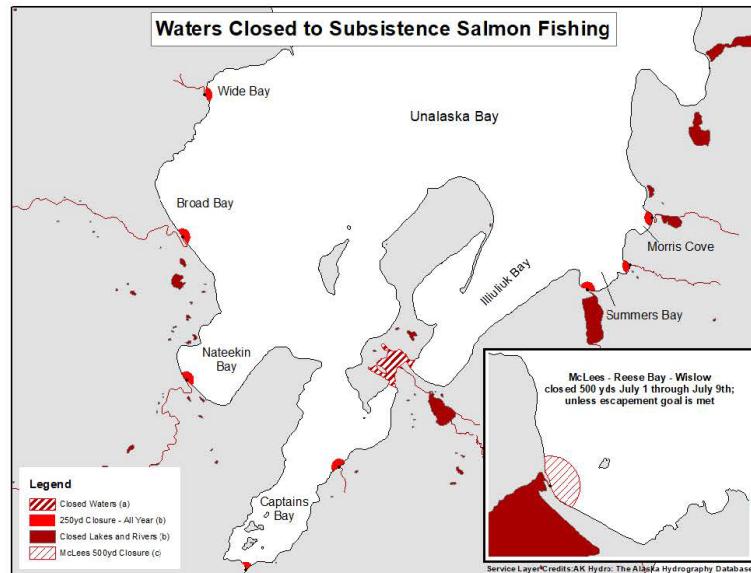
**5 AAC 01.380. LIMITS TO NUMBER OF SALMON TAKEN:** 25 salmon for the permit holder, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay. "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. on the Unalaska Bay shore at 53° 52.68' N. lat., 166° 30.91' W. long. Additional household permits are available by request from the local ADIF&G representative.

**5 AAC 01.375. CLOSED WATERS: (see map below)**

- a. The waters of Unalaska Lake (at the city of Unalaska), its tributaries and the outlet stream, and all 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 a 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.
- b. **Within Unalaska Bay** (south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point): **all waters are closed to subsistence salmon fishing within the waters of all streams, lakes, and within 250 yards of any anadromous stream outlet** (except for the vicinity of Unalaska Lake as described above in (a) above).
- c. At Reese Bay (Wislow), no subsistence salmon fishing is allowed in the waters of McLees Lake and its drainages or tributaries. **No subsistence salmon fishing is allowed within 500 yards of the terminus of the McLees Lake outlet during July 1 through July 9.**

**ADDITIONAL RESTRICTIONS:**

1. **This permit must be carried by permit holder while harvesting and transporting subsistence caught salmon** and must be readily available for inspection.
2. **The number of subsistence salmon, the species, the location of the catch, and the date of catch must be recorded on this permit immediately after harvest.** Maintain a consistent tally of your catch on the permit. This includes fish that are given away or shared.
3. **Subsistence fisherman must be in attendance of their net at all times that it is fished.**
4. In the Unalaska District, subsistence net may be fished **ONLY from 6:00 AM through 9:00 PM daily.**
5. Only household members listed on the permit may assist in the harvest of subsistence salmon.
6. Salmon may be taken by seine or gillnet. Gillnets are restricted to 50 fathoms total length. Each gillnet must have a buoy on each end. The **name and address** of the operator must be plainly and legibly inscribed on each buoy.
7. From June 1 through September 15, a salmon seine vessel may not be used to take salmon for subsistence use 24 hours before or 12 hours after an open commercial fishing period within an area open to commercial salmon fishing.
8. **Salmon may not be taken by sport fishing methods while taking subsistence salmon with a net and you may not be in possession of sport caught and subsistence caught salmon at the same time.**
9. **No more than half the width of a stream or its mouth may be obstructed by a net.** This restriction includes blocking the stream mouth while "roundhauling."



For questions contact Fish and Game office: Dutch Harbor (907) 581-1239; Kodiak (907) 486-1882.

## APPENDIX 2

### **Delegation of authority letter to the in-season manager of the Southwest Alaska Area.**

Supervisory Fish Biologist  
U.S. Fish and Wildlife Service  
Anchorage Fish and Wildlife Conservation Office  
4700 BLM Road  
Anchorage, Alaska 99507

Dear Supervisory Fish Biologist:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Supervisory Fish Biologist - Anchorage Fish and Wildlife Conservation Office (Supervisory Fish Biologist) to issue emergency and temporary special actions (special actions) if necessary to ensure the conservation of a healthy fish population, to continue subsistence uses of fish, for the continued viability of a fish population, or for public safety reasons. This delegation only applies to Federal public waters subject to the Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction in the Bristol Bay/Alaska Peninsula/Aleutian Islands/Chignik Areas.

It is the intent of the Board that Federal subsistence fisheries management by designated Federal officials be coordinated, prior to implementation, with the representatives from Regional Advisory Council (Council), the Office of Subsistence Management (OSM), and the Alaska Department of Fish and Game (ADF&G), to the extent possible. Managers will use OSM to ensure proposed actions are technically and administratively aligned with legal mandates and policies and to facilitate communication of actions. Federal managers are expected to work with managers from the State and other Federal agencies, Council Chair(s) and applicable Council members, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

### **DELEGATION OF AUTHORITY**

**1. Delegation:** The Supervisory Fish Biologist is hereby delegated authority to issue special actions affecting fisheries in Federal public waters as outlined under the Scope of Delegation below. A public hearing is required before implementing a temporary special action. A public hearing is recommended for an emergency special action but it is not required. Special actions are governed by regulation at 36 CFR 242.19 and 50 CFR 100.19.

**2. Authority:** This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means

of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.”

**3. Scope of Delegation:** The regulatory authority hereby delegated is limited to the issuance of special actions as defined by 36 CFR 242.19 and 50 CFR 100.19. An emergency action may not exceed 60 days and may not be extended through another emergency special action. A temporary special action may exceed 60 days but may not extend beyond the end of the current fisheries regulatory cycle.

This delegation permits you to issue special actions to open or close Federal subsistence fishing periods or areas provided under codified regulations, to specify methods and means, and to set harvest and possession limits for Federal subsistence fisheries.

This delegation also permits you to issue special actions to close and re-open Federal public waters to non-subsistence fishing, but it does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed fisheries.

This delegation may be exercised only when it is necessary to conserve healthy fish populations, to continue subsistence uses, for reasons of public safety, or to ensure the continued viability of populations.

You are also permitted to specify permit conditions outside of the special action process, provided those permit conditions do not already appear in regulation, are not related to the take of fish, and are not related to areas or periods open to fishing. Permit conditions are not a substitute for the public process to generate regulations regarding take. You may not collect additional information from the public that has not been approved by the Office of Management and Budget (OMB).

All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Board.

The Federal public waters subject to this delegated authority are those within the Bristol Bay/Alaska Peninsula/Aleutian Islands/Chignik Areas (as described in the Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska). You will coordinate all local fishery decisions with all affected Federal land managers.

**4. Effective Period:** This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

**5. Guidelines for Review of Proposed Special Actions:** You will use the following guidelines to determine the appropriate course of action when reviewing proposed special actions.

- a) Does the proposed special action fall within the geographic and regulatory scope of delegation?

- b) Have you communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal subsistence regulations, and policy?
- c) Does the proposed action need to be implemented immediately as a special action, or can the desired conservation or subsistence use goal be addressed by deferring the issue to the next regulatory cycle?
- d) Does the supporting information in the proposed special action substantiate the need for the action?
- e) Are the assertions in the proposed special action confirmed by available current biological information and/or by affected subsistence users?
- f) Is the proposed special action supported in the context of available historical information on stock status and harvests by affected users?
- g) Is the proposed special action likely to achieve the expected results?
- h) Have the perspectives of the Chair or alternate of the affected Council(s), OSM, and affected State and Federal managers been fully considered in the review of the proposed special action?
- i) Have the potential impacts of the proposed special action on all affected federally qualified subsistence users and non-federally qualified users within the drainage been considered?
- j) Can public announcement of the proposed special action be made in a timely manner to accomplish the management objective?
- k) After evaluating all information and weighing the merits of the special action against other actions, including no action, is the proposed special action reasonable, rational, and responsible?

**6. Guidelines for Delegation:** You will become familiar with the management history of the fisheries in the region and be up to date with the current State and Federal regulations, management plans, and stock status, and harvest information.

You will provide subsistence users in the region a local point of contact about Federal subsistence fishery issues and regulations and facilitate a local liaison with State managers and other user groups. Consultation is not always possible for in-season management decisions and special actions; however, to the extent practicable, communication with stakeholders will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government to Government Tribal Consultation Policy (Federal Subsistence Board Government to Government Tribal

Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claims Settlement Act Corporations 2015).

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 36 CFR 242.19 and 50 CFR 100.19, (2) if the request/situation falls within the scope of your delegated authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected subsistence uses and non-subsistence uses. Requests not within your delegated authority will be forwarded to the Board for consideration.

You will maintain a record of all special action requests and justification of your decisions. A copy of this record will be provided to the Administrative Records Specialist at OSM no later than 60 days after development of the document.

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning special actions being considered.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you may seek Council recommendations on the proposed special action. If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1). You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify Council representatives, the public, OSM, affected State and Federal managers, and law enforcement personnel. If an action is to supersede a State action not yet in effect, the decision will be communicated to Council representatives, the public, OSM, and State and Federal managers at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponents of the request immediately.

You may defer a special action request, otherwise covered by this delegation of authority, to the Board when the proposed management action will significantly impact a large number of Federal subsistence users or is particularly controversial. These options should be exercised judiciously and only when sufficient time allows. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated authority for the specific action only.

**7. Reporting:** You must provide to the Board, through the Assistant Regional Director for OSM, a report describing the pre-season coordination efforts, local fisheries management decisions, and post-season evaluation activities for the previous fishing season by November 15. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of the calendar year for presentation during regularly scheduled Council meetings.

Should you have any questions about this delegation of authority, please feel free to contact the Assistant Regional Director for OSM at toll-free 1-800-478-1456 or (907) 786-3888.

Sincerely,



Anthony Christianson  
Chair

Enclosures: Maps of the Bristol Bay, Aleutian Islands, and Alaska Peninsula/Chignik areas

cc: Federal Subsistence Board  
Office of Subsistence Management  
Bristol Bay Subsistence Regional Advisory Council  
Kodiak/Aleutians Subsistence Regional Advisory Council  
Superintendent, Lake Clark/Katmai National Parks and Preserve  
Manager, Togiak National Wildlife Refuge  
Manager, Alaska Peninsula/Becharof National Wildlife Refuge Complex  
Manager, Izembek National Wildlife Refuge  
Manager, Alaska Maritime National Wildlife Refuge  
Special Agent In Charge, Law Enforcement, U.S. Fish and Wildlife Service (Region 7)  
Deputy Commissioner, Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record