

FEDERAL FISHERIES CLOSURE REVIEW FCR27-07

Issue

FCR27-07 is a routine review of a Federal closure to salmon fishing to Federally qualified subsistence users at McLees Lake drainage in the Aleutian Islands Area (**Figure 1**). 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: McLees Lake drainage—Salmon

Current Federal Regulation

§____.27(e)(6) *Aleutian Islands Area*

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

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

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.

§____.27 *Subsistence Taking of Fish*

(b) Methods, means, and general restrictions.

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

(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.

(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

(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.

(v) You may take fish by net in freshwater on Adak and Kagamilaska 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, 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 (**Appendix 1**, see 5 AAC 01.380. Subsistence fishing permits).

Closure Dates: Year-round

Current State Regulation

Subsistence Regulations

5 AAC 01.010 Methods, means, and general provisions

(e) Fishing for, taking or molesting any fish by any means, or for any purpose, is prohibited within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction.

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.

5 AAC 01.375 Waters closed to subsistence fishing

The following waters are closed to subsistence fishing for salmon:

(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;

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 (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

5 AAC 75.050 Waters closed to sport fishing

- (a) *The waters within 300 feet of a fish weir or fish ladder are closed to sport fishing, unless a lesser distance is indicated by ADF&G regulatory markers.*
- (b) *It is unlawful to cast, drift, or place by any means a hook, bait, artificial lure, or artificial fly into waters closed to sport fishing.*

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;*

(B) in salt waters: may be taken from January 1 through December 31; bag and possession limit of two fish; no size limit; 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;

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 36 CFR 51.3. Federal public waters comprise McLees Lake, its outlet stream and tributaries, which are within and adjacent to the exterior boundaries of the Alaska Maritime National Wildlife Refuge (**Figure 1**).

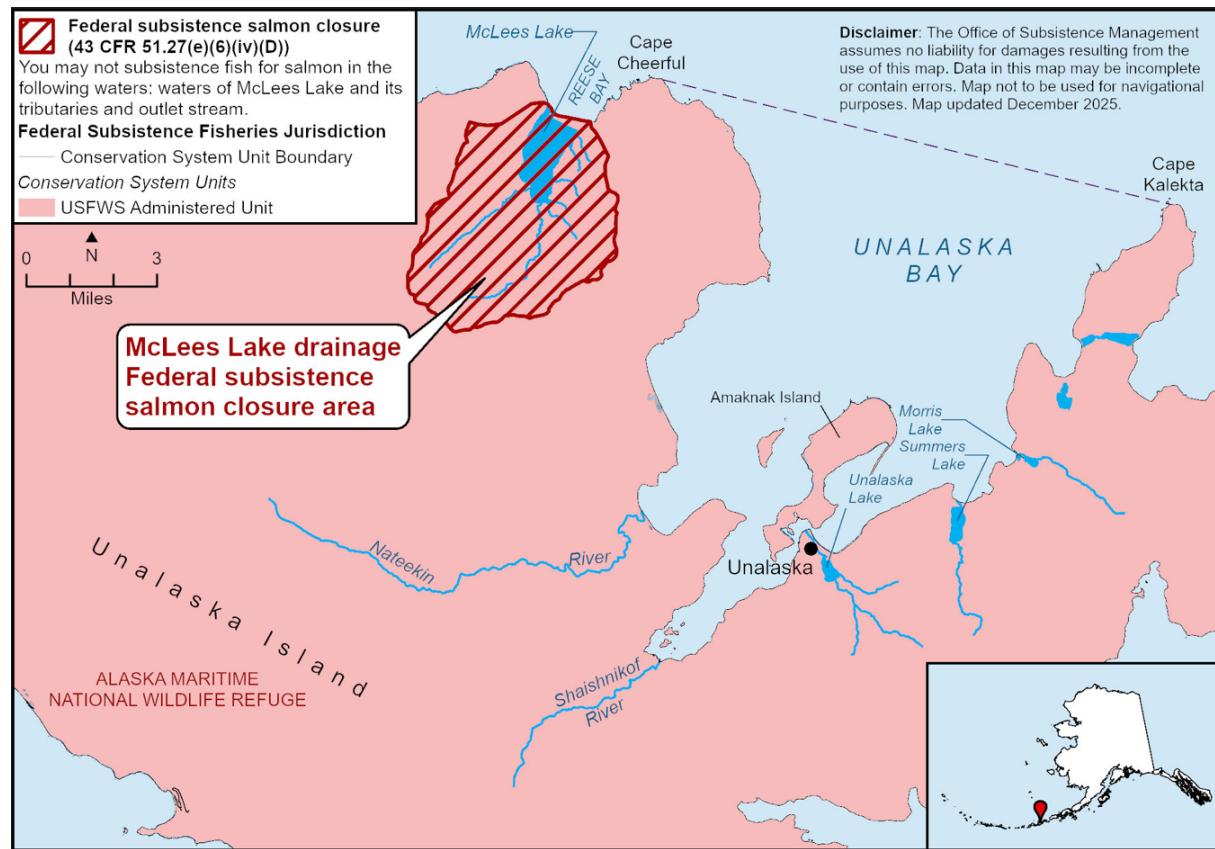


Figure 1. Map showing McLies Lake waters closed to salmon fishing under Federal subsistence regulation and external boundaries of the Alaska Maritime National Wildlife Refuge. This map should not be referenced for landownership.

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 establishing closed waters for 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 2000-2001 State of Alaska subsistence and personal use regulations (ADFG 200) included a permanent closure of McLies Lake 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 McLies Lake (including tributaries) (66 Fed. Reg. 30, 10162).

A review of the McLees Lake federal closure FCR21-11 was initiated during the 2021 fisheries regulatory cycle (OSM 2021) and was recommended to be deferred by the Kodiak Aleutian Subsistence Regional Advisory Council (Council) to allow for additional feedback from the rural public in affected communities (OSM 2021: 422). The Board subsequently deferred Fisheries Closure Review FCR21-11 until the 2023 fisheries regulatory cycle (FSB 2021: 352-355). At their fall 2022 meeting, the Council recommended retaining the closure due to concerns about conservation, ongoing enforcement issues, and the desire to develop a local solution before rescinding the closure (OSM 2023: 97). In line with this recommendation, the Board acted to retain status quo on FCR21-11 during the 2023 fisheries cycle (FSB 2023: 426-430).

Closure Last Reviewed: 2023 – FCR21-11

Justification for Original Closure

The original Unalaska Lake drainage Federal subsistence fishery closure 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

Estimates of escapement have been conducted since 1974, starting with aerial surveys and switching to a weir at the outlet of the lake in 2001 (Lipka and Fox 2017). From 2001 to 2011, various offices of the US Fish and Wildlife Service (USFWS) in partnership with the Qawalangin Tribe operated a weir to enumerate McLees Lake escapement. The Alaska Department of Fish and Game (ADF&G) continued weir operations from 2012 to 2017, in cooperation with the Qawalangin Tribe. The weir did not operate during the 2018 and 2019 seasons due to lack of funding. It came back online from 2020-2023, but has since been non-operational due to lack of funding.

Starting in 2020, the Unalaska Native Fishermen's Association (UNFA), the Ounalashka Corporation, the City of Unalaska, and the Qawalangin Tribe of Unalaska provided funding to contract Aleutian Aerial LLC to fly small unmanned aerial system (drone) surveys to estimate Sockeye Salmon abundance in McLees Lake and other locations (Fox et al. 2022). Funds were awarded through the Alaska Sustainable Salmon Fund to continue drone work in 2022 and 2023. The drone methodology does not seem to provide nearly the same level of accuracy in estimating salmon as was evidenced in 2023 where the weir counted 26,945 Sockeye Salmon and the aerial drone work estimated 945 (Keyse 2025).

This watershed produces mainly Sockeye Salmon, but it also sees Coho and Pink salmon and occasional Steelhead Trout (Johnson and Blossom 2018). Sockeye Salmon escapements have ranged from a high of 101,793 (2002) to a low of 5,037 (2020), with a recent 3-year average (2021 - 2024) of 19,044 fish (Keyse 2025) (**Table 1**).

Table 1. Weir and aerial counts of Sockeye Salmon at McLees Lake from 2010 to 2025

Year	Weir Count	Aerial Count (drone)
2025	No weir	
2024	No Weir	
2023	26,945	945
2022	14,015	Survey – no estimate yet
2021	16,173	13,000
2020	5,037	2,428 (considered minimum estimate as drone survey did not include inlet streams where Sockeye Salmon are known to spawn.)
2019	No Weir	
2018	No Weir	
2017	13,195	
2016	39,882	
2015	20,284	
2014	12,424	
2013	15,687	
2012	15,111	
2011	36,602	
2010	32,842	

Cultural Knowledge and Traditional Practices

The Aleutian Islands and Pribilof Islands are located west of the Alaska Peninsula and are the of the Unangâ, or Aleut, peoples.¹ 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 Unangâ/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 Unangâ/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 Unangâ/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,

¹ Unangâ refers to the Native people of the Aleutian region as a whole. “In the dialect of the eastern Aleutian Islands, the self-given term for this group of Native peoples is Unangan; in the western dialect, Unangas” (Qawalangin Tribe of Unalaska 2025). In this analysis, the term Unangâ is used when referring to the people of the Aleutian region as a whole, and the term Unangan is used when referring specifically to residents of Unalaska Island.

and the Pribilof islands—tend to be exceptionally productive and bring in many nonlocal employees (Reedy-Maschner 2010, Schmidt and Berman 2018).

Unalaska Bay is rich in pre-contact archaeological sites which illustrate 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 20th 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 to 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 and overharvest. Local residents have likewise expressed concern about lack of enforcement (Davis 2005, Brown et al. 2022, Keating et al. 2022). Speaking specifically about McLees Lake, one resident expressed that “there’s more people getting more boats, yes. And, uh, it’s got me worried that, I mean, that is a, that’s a big run over there [on McLees Lake], it’s a big lake. But it’s still, it’s a lot of [fishing] effort.” (Keating et al. 2022: 104). Similar discussions have occurred during Council meetings. 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 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, which have ultimately localized some people's subsistence salmon fishing to McLees Lake:

“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 harvest 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, 45-94% of which come from McLees Lake and Reese Bay (Fox et al. 2021, Keating et al. 2022). In 2020, Sockeye comprised 22%, Coho 14%, and Pink Salmon 4% of all subsistence harvest (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 by any other method (**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 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 Captains Bay, Summer Bay, and Morris Cove (Keating et al. 2022). Many of the road-accessible areas are heavily utilized 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 be in part due to the rising cost of fuel, which limits peoples’ ability to travel to more distant areas for subsistence fishing (Keating et al. 2022). McLees Lake is one of the primary locations used for subsistence salmon fishing (Keating et al. 2022). However, it is harder to access due to frequently unfavorable weather conditions. As one resident described,

“There’s like four or five days a year when it’s flat calm and you can go to McLees and have no trouble. But the rest of the time, you know, you need a, you need a bigger boat. If you want to be safe.” (Keating et al. 2022: 92)

One resident suggested that the limited accessibility of this system combined with strong runs result in escapement goals typically being met:

“Wislow [McLees Lake] is a pretty strong run, it’s kind of got a really strong river, always fast flowing, a lot of water gets through there. I’ve never seen it dry up or berm off. And also, just because it’s out there, there’s always escapement. People are not, can’t be present there all the time, you know? It gets rough, and they go up at night” (Keating et al. 2022: 91).

Table 1 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 is an active State managed subsistence fishery targeting Sockeye Salmon returning to McLees Lake, which takes place in the marine waters of Reese Bay near the lake outlet. These fish are typically taken by set gillnet in Reese Bay during the months of June and July. Participation in the fishery requires a State subsistence permit. Annual harvest estimates from 1985 to 2020 range from 436 to 4,694 Sockeye Salmon (Fox et al. 2022). There were 23 permits issued for the first year of this fishery in 1985, and a high of 129 permits issued in 2013. McLees Lake is often the primary Unalaska Island subsistence salmon fishery, providing 45-94% of the community's annual Sockeye Salmon harvest (Fox et al. 2022). In 2023, the Reese Bay subsistence salmon fishery produced a harvest of 2,490 fish, exceeding the 10-yr average harvest of 1,503 and comprising the majority (77%) of Unalaska District total catch (Keyse 2025).

Alternative Considered

An alternative considered was to rescind the closure, allowing harvest by federally qualified users in the McLees Lake drainage *and* establish new Federal subsistence regulations consistent with State sport regulations. This would provide for a rural preference under Title VIII of section 804 of the Alaska National Interest Lands Conservation Act (ANILCA). It would allow federally qualified subsistence users to harvest fish under a Federal permit and enable in-season managers to 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 sport regulations. Harvest would be allowable by 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 10 in possession. The bag limit for salmon under 20 inches other than King Salmon would be 10 per day and 10 in possession. However, this alternative is beyond the scope of a closure review; a Federal regulatory proposal would need to be submitted to effect this change under Federal regulations.

Effects

According to Title VIII, section 804 of the Alaska National Interest Lands Conservation Act (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." There are currently nonsubsistence uses of salmon permitted in this area while subsistence fishing for salmon is closed. Rescinding the closure would provide Federal opportunity to harvest salmon in the McLees Lake drainage, thereby providing priority consumptive use to federally qualified subsistence users. Allowing harvest by federally qualified subsistence would provide Federal opportunity to harvest salmon in the McLees Lake drainage and align open harvest areas under both State sport and Federal subsistence regulations.

Under federal regulations, harvesters would not be required to purchase a \$20 license. Fishing for salmon would be allowed daily between 6 a.m. and 9 p.m. and would require a State subsistence permit (since there are no Federal subsistence fishing permits for this area).

Under Unalaska District Federal subsistence regulations, up to 25 salmon plus an additional 25 salmon for each household member listed on a permit could harvest salmon through a variety of means, including seine and gillnet. Modifying the closure and allowing federally qualified users to harvest under Area Federal regulations could lead to overharvest and conservation concerns (KARAC 2022: 315-317). This scenario would rely heavily upon Federal in-season manager actions. The Federal in-season manager may issue temporary special actions to set provisions for the fishery such as stipulating gear types and setting limits in cases of conservation or continuation of subsistence concern. Salmon populations may be further protected by enacting more conservative regulations during the current fisheries regulatory cycle.

OSM CONCLUSION

- Retain the Status Quo
- Rescind the Closure**
- 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:

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

Justification

The McLees Lake drainage is currently closed to the harvest of salmon by federally qualified subsistence users but remains open to State sport fishing, and there are State subsistence salmon opportunities in adjacent marine waters. Rescinding this closure area would provide opportunities for federally qualified subsistence users. This change would allow the in-season manager to exercise rural preference for subsistence harvest opportunities as conservation or continuation of subsistence use concerns arise. 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 subsistence salmon fishing permit.

SELECTED SUBSISTENCE REGULATIONS

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

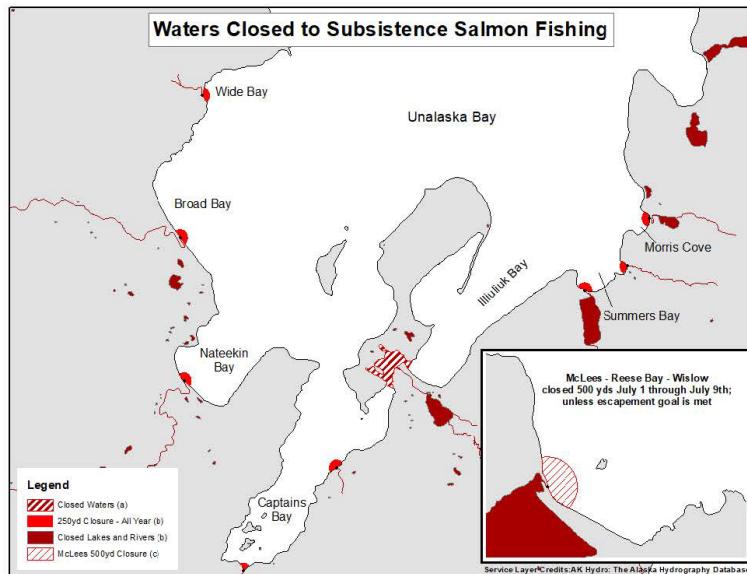
5 AAC 01.380. LIMITS TO NUMBER OF SALMON TAKEN: 25 salmon for the permit holder, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye 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., to a point 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 ADF&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 Kalekt 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.



FISH and WILDLIFE SERVICE
 FOREST SERVICE
 BUREAU of LAND MANAGEMENT
 NATIONAL PARK SERVICE
 BUREAU of INDIAN AFFAIRS

Federal Subsistence Board

1011 East Tudor Road, MS 121

Anchorage, Alaska 99503-6199



MAY 11 2023

In Reply Refer To:

OSM 23045

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 Federal Subsistence

Board 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