



***Southeast Alaska  
Subsistence Regional  
Advisory Council***

**Don Hernandez, Chairman  
1011 E. Tudor Road, MS121  
Anchorage, Alaska 99503**

October xx, 2021

ADF&G Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526

ALSO VIA EMAIL [dfg.bog.comments@alaska.gov](mailto:dfg.bog.comments@alaska.gov)

**RE: COMMENTS ON THE 2020-2021 ALASKA BOARD OF FISH PROPOSALS FOR  
SOUTHEAST AND YAKUTAT FINFISH AND SHELLFISH**

To the Board of Fish:

The Southeast Alaska Subsistence Regional Advisory Council (Council) represents Federally qualified subsistence users. One of the Council's duties is to review resource management actions that may impact critical subsistence resources. The Council met for its fall and winter meetings (October, 2020 and March, 2021 respectively) and during those meetings, council members formulated comments on the following Alaska Board of Fisheries (BOF) proposals for your consideration:

*King Salmon Proposals:*

**Proposal 93: SUPPORT.** This proposal is similar to two proposals submitted by this Council, except that this proposal specifically addresses king salmon. The impacts of sportfishing on king salmon are tremendous. This proposal, along with the Council's proposals 143, 145, and 234, would assist in obtaining information necessary to make management decisions that would reduce competition between nonresidents and subsistence users.

*Personal Use/Sport/Subsistence Proposals:*

**Proposal 125: SUPPORT.** The Council submitted this proposal with the intent to remove the prohibition of receiving a salmon harvest permit, while making it clear that king salmon cannot be harvested for subsistence on the Taku and Stikine River drainages. (A Federal Chinook subsistence fishery exists on the Stikine River and the Taku fishery is closed under Federal regulations)

**Proposal 127: SUPPORT.** There is currently no conservation concern of this species in Yakutat Bay so this net tending requirement should be repealed. It is unfair and ineffective to place a net tending restriction on subsistence users who are catching one Chinook when the same net tending requirement is not in place for the commercial fishery, where harvests are much higher. Subsistence users should not be the first group to be restricted nor bear the brunt of conservation measures. The current net tending requirement is detrimental to subsistence users.

**Proposal 128: SUPPORT.** The Council submitted this proposal to provide an additional and effective method of harvesting salmon for subsistence users while maintaining the ability of resource managers to use permit restrictions to address site specific issues. The current regulation prohibiting set gillnets is unnecessarily restrictive to subsistence users.

**Proposal 129: SUPPORT WITH MODIFICATION.** The Council supports this proposal to provide opportunities to harvest Coho, but with modification to move the opening date to August 31 so as not to affect the sockeye run. This proposal would not affect Federal regulations in freshwaters.

**Proposal 130: OPPOSE.** The Council opposes opening this fishing area that is critical to protect Sockeye. Available data showed that the overall trend for sockeye runs in the Klawock system has been severely depressed in the last decade and, although there are indications of some improvement in escapement, it is too risky to liberalize Sockeye harvest until there are significant healthy returns. The Council has previously supported the closure above the bridge. Efforts should be made to restrict other user groups from catching this system's sockeye from this system. All user groups should share in conservation efforts. Restrictions solely placed on subsistence users does not promote the subsistence priority.

**Proposal 131: SUPPORT.** The Council supports modifying the fishing area and adding hand purse seine as legal gear for the Redoubt Bay subsistence salmon fishery to provide additional opportunities for harvest. This could increase the area for harvesting while maintaining gear type separation. Relocating the line for commercial harvesters should be considered to allow for more space between user groups. The addition of purse seine gear addresses the challenge of fishing in an area of steep-beaches. This proposal would make it easier for people to use the community harvest permit and would help subsistence users meet their harvest needs. There is no conservation concern due to healthy escapement.

**Proposal 134: OPPOSE.** The Council opposes moving this permit stipulation to regulation. Current requirements on state permits addresses the issue with more flexibility than would a State regulation.

**Proposal 142: SUPPORT.** The Council supports this proposal to provide a limited harvest of Eulachon in lieu of continuous closures. It would also provide some monitoring information. The Council recommends that the regulation make reference to ‘a limit of five gallons’ versus a ‘50 pound limit’ to allow an easier way to measure.

**Proposal 143: SUPPORT.** The Council submitted this proposal to require inseason reporting of nonresident sport fish harvest for accountability. Subsistence users have been experiencing a more difficult time competing for and harvesting fish and shellfish. The Council believes that unguided non-resident sport fishermen are taking multiple daily harvest limits and that harvest limits for unguided non-residents are not well enforced nor are they accurately reported, since non-resident unguided fishermen do not have to record details about their harvest. There are stricter requirements for reporting from subsistence fishermen. Additional data gathered from nonresident sport fishers would help determine if there is an increase in competition between user groups.

**PROPOSAL 144: SUPPORT.** The Council submitted this proposal to establish a logbook program for rental vessels for the same reasons it submitted Proposal 143 – to gather additional data from nonresident sport fishers to aid in management of resources harvested by all user groups.

**PROPOSAL 145: SUPPORT.** The Council submitted this proposal to address concerns with nonresident bag and annual limits. This proposal is specific to Coho and Sockeye salmon, the primary species targeted by subsistence users. Under current general regulations, non-resident sport fisherman may take six coho and sockeye salmon per day, every day of the season. In contrast, an entire household of subsistence users typically may only harvest an annual limit of 20-50 fish from each of a limited number of sites. The proposed changes would put a ceiling on the annual harvest of each species by nonresidents that is roughly comparable to the limits placed on subsistence households. The Council believes that the proposed limits on non-resident harvest are adequate to allow ample sport fishing opportunity for visitors, while preventing excessive non-resident sport harvest of species important to subsistence users.

**PROPOSAL 161: OPPOSE.** The Council opposes this unnecessary burden for subsistence users with such limited harvest capability.

**Proposal 177: SUPPORT.** The Council supports this closure for commercial shrimp fisheries based on the drastic decline (historic lows) in shrimp resources near Hydaburg. These closures would protect the resource from commercial fishing in a small area near the community . There is pressure on this resource due to competition from multiple arenas (including sea otters). Any loss of area to commercial fishing would be small with limited impacts. This proposal would be effective and assist the community of Hydaburg to meet subsistence needs while protecting the resource and allowing the stock to rebuild.

**Proposal 210: SUPPORT.** The Council supports the closure of the commercial crab fishery near Hydaburg. Based on local testimony, the Council understands that predation has devastated the Dungeness crab stocks. Closing a small commercial harvest area is needed to preserve the customary and traditional uses for the people of Hydaburg so that they may meet their harvest needs.

*Miscellaneous Statewide Sport Shellfish Proposals:*

**PROPOSAL 234: SUPPORT.** The Council supports this proposal requiring inseason reporting of nonresident sport fish harvest (finish and shellfish). Subsistence users are experiencing more challenges in meeting their harvest needs because of the competition with nonresident sport fishermen. There is a concern that daily harvest limits and annual harvest limits for unguided non-residents are not well enforced nor accurately reported. It is important to capture not only what is kept, but what is caught and released. This proposed requirement would provide additional data from nonresident sport fishers to assist in the overall management of these critical resources.

**PROPOSALS 235/236: SUPPORT.** The Council supports these proposals and reiterates the importance of the accountability of nonresidents taking fish in Alaska. Consistent with earlier comments, this proposal would assist in reducing competition between nonresidents and subsistence users.

The Council appreciates the opportunity to convey its concerns about the effect of these proposals. If you have any questions regarding this letter, they can be addressed through our Council Coordinator, DeAnna Perry, at 907-209-7817, [dlperry@usda.gov](mailto:dlperry@usda.gov).

Sincerely,

Donald Hernandez  
Chair

cc: Federal Subsistence Board  
Southeast Alaska Subsistence Regional Advisory Council Members  
Sue Detwiler, Acting Assistant Regional Director, Office of Subsistence Management  
George Pappas, State Subsistence Liaison, Office of Subsistence Management  
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game  
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game  
Ken Lord, Assistant Regional Solicitor, DOI – Office of the Solicitor  
Michael Routhier, Attorney Advisor, DOI – Office of the Solicitor  
Interagency Staff Committee  
Administrative Record

\*\*\*\*\* NOT ADDRESSED \*\*\*\*\*

**Proposal 126:** no action – 127 is adequate support on this issue

**PROPOSAL 132 – identified but Council didn't discuss**

**PROPOSAL 132**

**5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.**

Prohibit the use of spears in Redoubt Bay and Lake subsistence fishery from June 21 to August 1, as follows:

No person may remain immersed in either salt or fresh water between the falls side of the snagging boundary and the weir at Redoubt Lake during subsistence harvest June 21—August 1.

**What is the issue you would like the board to address and why?** Snorkelers with spear guns have been swimming in the small (South) pool below the falls during the Redoubt Lake sockeye run. They panic the fish, scattering them in the way a seal does when it comes in hunting, but for a much longer time, since the snorkelers are in there continuously for an hour or so. After a seal incursion, the fish do not resume moving up to the falls for half an hour. It's the same after a snorkeler swims in the pool, unless another snorkeler decides to enter. For an hour, fishing is impossible.

While snorkelers are in the pool, they ruin dipnetting because the fish are scattered and panicked; they ruin rod fishing both by panicking the fish and by interfering with casting; and they interfere with boats moving in to drop off dipnetters on the south shore. In short, snorkelers ruin fishing for every subsistence harvester.

As a matter of observation over five years, snorkelers do not catch fish either reliably or in any noticeable quantity. Swimming with a spear gun was not contemplated under the permitted gear technique of taking fish with a spear. In fact, a spear gun is not a permitted method of harvest, according to the subsistence definition of a spear: the projectile is not "operated by hand" any more than a crossbow bolt is.

Spear fishing with a spear gun can be dangerous to fishers, observers, and personnel monitoring the fishery. I have seen a subsistence fisher find himself on the wrong end of a cocked, loaded spear gun wielded by a clueless snorkeler.

**PROPOSED BY:** Floyd Tomkins

(EF-F20-006)

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**PROPOSAL 133 – identified but Council didn’t discuss (noted in discussion of 131, but no comment formulated)**

**PROPOSAL 133**

**5 AAC 01.760. Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan.**

Allow the use of seine and gillnet gear in the waters of Redoubt Bay that are open to commercial salmon fishing, as follows:

5 AAC 01.760(b)(1)(B) is amended to read:

(B) by gaff, spear, dip net, seine, gillnet, and a hook and line attached to a rod or pole;

**What is the issue you would like the board to address and why?** There are two conflicting regulations concerning the use of seine and gillnet gear in the Redoubt Bay subsistence salmon fishery. 5 AAC 01.720(a)(1) *Lawful gear and gear specifications* states that in Redoubt Bay, seine and gillnet gear may not be used in waters closed to commercial salmon fishing. This regulation suggests that these subsistence gear types may be used in Redoubt Bay up to the commercial regulatory closed waters listed in regulation. However, regulatory language in 5 AAC 01.760 *Redoubt Bay and Lake Sockeye Salmon Fisheries Management Plan* does not allow for the use of seine and gillnet gear in the waters of Redoubt Bay south of 56°54.71' N. lat., which includes waters open to commercial salmon fishing. The suggested regulatory language would provide clarity to department staff for the use of seine and gillnet gear in the Redoubt Bay subsistence salmon fishery.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-155)  
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**PROPOSAL 146: TAKE NO ACTION.** Originally - SUPPORT with modification to include the bag, possession and annual limits and reporting requirements as specified in PROPOSAL 145.

Then decided to TAKE NO ACTION, stick with SE RAC’s proposal that is more specific

**PROPOSAL 147: Eventually- no action**

Originally, wanted to SUPPORT with modification to include the bag, possession and annual limits and reporting requirements as specified in PROPOSAL 145.

Wanted more info – then no action taken on 146 and (146, 147, 148 seem to be tied together)

**PROPOSAL 148: Eventually – no action**

Wanted more info – then no action taken on 146 and (146, 147, 148 seem to be tied together)

**PROPOSAL 170: Originally Support but requested more information – then never had time to go back to it.**

*Shrimp and miscellaneous*

**PROPOSAL 170**

**5 AAC 02.108. Customary and traditional subsistence uses of shellfish stocks. 5 AAC 01.666. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses. 5 AAC 01.713. Subsistence use of aquatic plants in Southeastern Alaska Area., and 5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses.**

Establish a positive customary and traditional use finding for shellfish and plants for all intertidal areas of Southeast Alaska and Yakutat, as follows:

Add “**(15) unless otherwise specified, include all beach seafood in the Southeastern Alaska-Yakutat Area as defined by 5 AAC 02.100.**”

**What is the issue you would like the board to address and why?** Indigenous people of the Ketchikan Indian Community have been using all beach resources throughout southeast Alaska since time immemorial. These include but are not limited to clams, cockles, seaweed, gumboots, sea asparagus, and sea cucumbers. In any indigenous household, you can find a number of these resources at any given time. These resources are part of the identity of traditional users. Therefore, we find it appropriate to have all such beach seafood to be classified as customary and traditional resources.

**PROPOSED BY:** Ketchikan Indian Community (HQ-F20-051)  
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Noted in gray: Proposal explanation reminder for Council, will be excised from final letter to BOF  
Noted in highlight: Proposals identified but not discussed or formal comment offered