

## **FP21-10 BACKGROUND MATERIAL**

### **FP21-10 Overview**

Proposal 21-10 requests the Federal Subsistence Board (Board) implement a salmon subsistence fishery in the lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon other than Pink Salmon each for the first two members of a household and 10 salmon for additional household members, with not more than 5 Chinook Salmon per household, using dip net, rod and reel, spear, or gaff only. Submitted by Jesse Carter and Robert Jewell of Cordova, Alaska.

### **Federal Subsistence Board Motion and Justification on FP21-10**

#### Motion

Motion by USFS to defer Proposal FP21-10 as submitted by Jesse Carter and Robert Jewell of Cordova, Alaska, including the OSM recommended modification, and ISC delayed start date recommendation.

#### Justification

The Board voted to defer this proposal because it has resulted in a disagreement between Regional Advisory Councils, some tribal communities, and other Federally qualified subsistence users. The deferral will give the Southcentral and the Eastern Interior Regional Advisory Councils time to meet and work toward a compromise that can be supported by those affected. These regions and communities are already faced with a greatly diminished fisheries resource from which to meet their subsistence needs, and it is important to find, or at least explore, a compromise and identify if there are cooperative solutions between the Regional Advisory Councils. Cordova residents already have a meaningful priority for subsistence fishing in the Copper River however not all residents have the means and resources to access locations where that opportunity currently exists. This proposal would provide additional access to Copper River salmon and the harvest is anticipated to be a small portion of the overall Copper River harvest. Regardless, the Board hears the concerns of residents from the upper Copper River watershed that salmon harvest is declining and requires increased effort. The Board does not want to pit subsistence users against each other over a very small proportion of the fishery. It has faith in the Regional Advisory Council process and believes that the Councils may be able to create a consensus proposal that the Board could consider in the future.

#### Action

Defer to allow conflicting user groups to meet and attempt to reach a compromise.

## **Subsistence Regional Advisory Council Recommendations**

### Southcentral Alaska Subsistence Regional Advisory Council

**Support FP21-10 with OSM modification.** The Council supports this proposal based on the information provided by OSM, showing that there would be a minimal impact on the salmon run. The Council acknowledged that some users stated their subsistence needs were not being met for both Upper River and Lower River and there is a need to provide additional harvest opportunities. ANILCA's provision for rural subsistence priority supports creating this fishery (as federal food resource should take precedence over any state use) and it is important for those underserved Federally qualified subsistence users who do not own boats. The Council recognized that this was an issue that polarizes the community; however, they felt that the request and modification is reasonable and that allowing this fishery would provide easier and safer access to harvest this important resource. Subsistence users should be provided the opportunity to obtain their fish and any restrictions to address a conservation concern should first come from other user groups.

## **Subsistence Regional Advisory Council Comments**

### Eastern Interior Alaska Subsistence Regional Advisory Council

**Oppose FP21-10.** The Council opposed this proposal due to a potential conservation concern and depletion of an important subsistence resource. The Federally qualified subsistence users in the upper Copper River that depend on the river resources have serious concerns regarding the establishment of this new fishery. The Council believes that this is not the right time to open a new fishery. There is already a lot of hardship taking place, not only in the Copper River, but also in many other Alaskan rivers that are losing King Salmon. Other salmon returns are poor as well. When salmon runs are weak, communities in the up-per river have much less access to other fish resources than the users in the lower river. The Council is concerned that this fishery will specifically target King Salmon, especially since it includes rod and reel, spear or gaff. The users in the Cordova area already have multiple places to fish for other salmon species.

Additionally, the Council wanted to highlight to the Board that there appears to be a difference of positions within the community of Cordova regarding the establishment of this fishery. Some users support the fishery and some oppose. Eleven comments received by OSM prior to the proposal written comment deadline of July 2, 2020 were all in opposition to the proposal. During the meeting, the Council learned that a large number of written public comments in support solicited by the proposal proponent were given to the Forest Service and submitted to the Southcentral Alaska Council coordinator during its recent meeting. At the meeting, the public expressed frustration that these comments were submitted after the proposal written comment deadline. The Council commented that this situation made it difficult for the Council to evaluate public support or opposition to a particular proposal. Moreover, the Council became privy to information that suggested that some users in Cordova have been illegally selling their subsistence fish, because the salmon caught in this fishery are highly sought after.

## **Interagency Staff Committee Comments**

The Interagency Staff Committee (ISC) supports the proposal to provide a new Federal salmon subsistence fishing opportunity in the lower Copper River adjacent to the Copper River Highway for Federally qualified subsistence users, especially those residing in Cordova. We recognize that access to Sockeye Salmon in the State subsistence fishery near Cordova can be difficult for those lacking a boat and the knowledge to safely navigate to the fishery. We also recognize, however, that there are many competing fisheries and stakeholders throughout the Copper River drainage that are dependent on the health and viability of salmon stocks. For these reasons we believe that it is prudent to be cautious in creating a new Federal fishery, even though the expected harvest from this fishery is anticipated to be low.

To mitigate the potential risks associated with a new fishery in the Copper River, and to help alleviate the concerns expressed by many rural stakeholders and fishery managers, the ISC supports the OSM modification to include a requirement to report take of salmon to the delegated federal manager for the Copper River drainage within 48 hours of harvest. The ISC furthermore suggests that the Board consider a modification to open the proposed new season on June 1, rather than on May 15, to allow managers to review early run strength information provided through the initial commercial fishing periods and the Miles Lake sonar. Future proposals to adjust the season start date may be warranted once federal managers are able to ascertain the effects of a new fishery within the drainage, including the level of harvest and participation in this fishery. The NPS has been issued a Delegation of Authority Letter (DOL) to manage the Federal public waters within the Copper River Drainage in the Prince William Sound Area. If this proposal is adopted, the NPS could issue emergency special actions in response to in-season management concerns in the new fishery under the existing delegation of authority.

## OSM Conclusion

Support Proposal FP21-10 **with modifications** to include a requirement to report take of salmon to Board delegated inseason manager(s) within 48 hours of harvest.

The modified regulation should read:

*§ \_\_.27(e)(11) Prince William Sound Area. The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

*( ) The Lower Copper River Area includes that portion of the Copper River, from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38.*

*(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.*

*(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek, you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.*

*\* \* \* \**

*(ii) You may take fish by gear listed in paragraph (b)(1) of this section unless restricted in this section or under the terms of a subsistence fishing permit.*

*(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.*

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, in the vicinity of the Native Village of Batzulnetas, **and in the Lower Copper River Area.***

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. **In the Lower Copper River Area, you may take salmon only by dip nets, rod and reel, spear, and gaff, and all salmon retained must be reported within 48 hours of harvest.***

*\* \* \* \**

*(ix) You may take salmon in the Upper Copper River District **and in the Lower Copper River Area** from May 15 through September 30 only.*

*\* \* \* \**

*(xvii) In the Chugach National Forest portion of the Prince William Sound Area, and the Lower Copper River Area, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.*

*(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, Eyak River upstream from the Copper River Highway bridge.*

*(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.*

*(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.*

*(D) **Outside of the Copper River mainstem**, you may take salmon by rod and reel, dipnet, spear, and gaff year-round.*

*(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; **no more than 5 Chinook salmon per household**; for pink salmon, see the conditions of the permit.*

*(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; **no more than 5 Chinook salmon per household**; for pink salmon, see the conditions of the permit.*

*(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear year round and with a gillnet from January 1-April 1. The maximum incidental gillnet harvest of trout is 10.*

*(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.*

*(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.*

**OSM Justification** Harvest and escapement information indicate that sufficient salmon are present to allow a Federal subsistence fishery in the lower Copper River without creating a biological concern. The proposal provides an opportunity for Federally qualified subsistence users of Cordova that do not have access to a saltwater capable boat and drift gillnet gear to fish for Sockeye Salmon and Chinook Salmon in the lower Copper River. Projected harvest is anticipated to be very small in comparison with other user groups and concern of harvest occurring prior to salmon being counted at the Miles Lake sonar site can be addressed with a proposed modification of a reporting requirement to Board delegated inseason manager within 48 hours of harvest. The historic use of dip nets and the harvests of salmon in the proposed area is well-documented.