

## FEDERAL FISHERIES CLOSURE REVIEW

### FCR21-01

**Closure Location:** Unalakleet River upstream of the confluence of Chirosky River—Chinook Salmon

#### Current Federal Regulation

##### Norton Sound-Port Clarence Area

##### § \_\_.27(i)(2)

*(C) Federal public waters of the Unalakleet River, upstream from the mouth of the Chirosky River, are closed to the taking of Chinook salmon from July 1 to July 31, by all users. The BLM field manager is authorized to open the closed area to Federally qualified subsistence users or to all users when run strength warrants.*

**Closure Dates:** July 1 through July 31

#### Current State Regulation

##### 5 AAC 01.160. Fishing seasons and periods

*(b) In the Norton Sound District, fish may be taken at any time except as follows:*

*(2) in Subdistricts 2 - 6, commercial fishermen may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, except that from July 15 through August 1, commercial fishermen may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a mesh size that does not exceed four and one-half inches, and with beach seines;*

*(3) in the Unalakleet River from June 15 through July 15, salmon may be taken only during periods established by emergency order from 8:00 a.m. Monday until 8:00 p.m. Tuesday and from 8:00 a.m. Friday until 8:00 p.m. Saturday;*

*(6) notwithstanding the provisions of (2) and (3) of this subsection, in Subdistricts 5 and 6, salmon other than king salmon may be taken from July 1 through August 10 by beach seine with a mesh size no larger than four and one-half inches; all king salmon caught must be returned immediately to the water alive; if the commissioner determines that it is necessary for the conservation of king salmon, the commissioner may, by emergency order, close the season and immediately reopen the season during which the fishing time, area, and beach seine mesh size may be adjusted;*

##### 5 AAC 70.011 Northwestern Area—Sport Fishing

*(c) The following are the exceptions to the general bag, possession, and size limits, and fishing seasons specified in (a) and (b) of this section for the Northwestern Area:*

*(9) in the Unalakleet River drainage,*

*(A) the bag and possession limit for king salmon is two fish, of which only one fish may be 20 inches or greater in length;*

*(B) the annual limit for king salmon 20 inches or greater in length is two fish; an angler fishing for king salmon must possess and complete a current year's nontransferable harvest record as described in 5 AAC 70.024(b);*

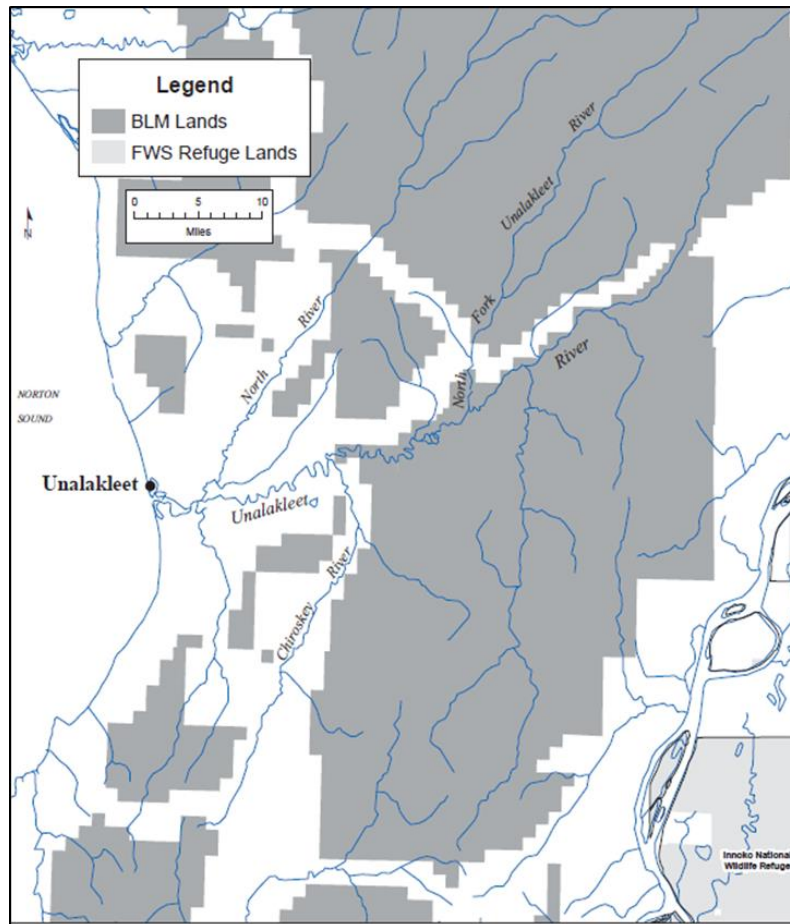
**Regulatory Year Initiated:** 2009

### **Customary and Traditional Use Determinations**

All residents of Norton Sound-Port Clarence Area have a customary and traditional use determination for salmon in the Unalakleet River.

### **Extent of Federal Public Lands/Waters**

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 50 CFR 100.3. For the Unalakleet River drainage Federal public waters include the upper 81 river miles of the Unalakleet River (106 river miles in total length) (**Figure 1**). This portion of the river is designated a National Wild River and is administered by the Bureau of Land Management (BLM).



**Figure 1.** Unalakleet River Drainage. Source OSM 2009.

## **Regulatory History**

Federal public waters of the Unalakleet River were closed to the taking of Chinook Salmon through Special Action authority in 2006 through 2008. Proposal FP09-14 was submitted by Kathy Johnson on behalf of the Native Village of Unalakleet. The original proposal applied only to non-Federally qualified users and suggested an earlier closure window; the request was subsequently modified by the proponent to reflect the current closure. The proponent submitted this proposal as a conservation measure to provide Chinook Salmon additional protection while traveling to spawning grounds. At its January 2009 meeting, the Federal Subsistence Board (Board) adopted this proposal with modification, as recommended by the Seward Peninsula Subsistence Regional Advisory Council (Council), and with additional modification to specifically refer to the BLM field manager and provide management flexibility. The closure became effective April 1, 2009.

## **State Management**

The Unalakleet and Shaktoolik Subdistricts are managed as one fishery by the Alaska Department of Fish and Game (ADF&G) because past studies have shown that salmon bound for these subdistricts intermingle (Menard et. al. 2020). Beginning in 2004, the Alaska Board of Fisheries (BOF) identified Chinook Salmon in the Unalakleet and Shaktoolik subdistricts as stocks of yield concern. In February 2007, the BOF reconfirmed the identification of Unalakleet and Shaktoolik Chinook Salmon as stocks of yield concern (Menard 2007). The BOF took further action at its February 2007 meeting to increase escapement by adopting a more conservative Chinook Salmon management plan (5AAC 04.395).

Under the new management plan, a subsistence fishing schedule was placed into regulation, as well as reductions in the sport fishing daily bag and annual possession limits. Additionally, commercial fishing directed at Chinook Salmon can only occur if ADF&G projects the midpoint of the North River tower sustainable escapement goal range will be achieved.

Under State regulations, the Unalakleet River drainage is open to sport fishing year-round. Any salmon removed from the water must be retained. The limit for Chinook Salmon is two per day, two in possession, only one of which may be 20 inches or longer. There is an annual limit of two Chinook Salmon 20 inches or longer ([5 AAC 70.011](#)).

**Closure last reviewed:** 2010 (FCR10-03)

### **Justification for Original Closure (ANILCA Section 815 (3) criteria)**

Section §815(3) of ANILCA states:

*Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law.*

The Board recognized the support from local subsistence users, affected villages, and the State's local fish and game advisory committee to close Federal public waters in the interest of protecting fishery resources and rebuild the salmon stocks. It was clear to the Board that even though few fish would likely be gained initially by this action, the action would have an impact and it was important to the local users to rebuild the stocks. The Board's action captured the intent of the Council's recommendation for flexibility with the closure and assigned authorization to the BLM field manager to lift the closure when run strength became warranted such action.

## **Council Recommendation for Original Closure**

**Support** Proposal FP09-14 **with modification** to close the Federal public waters of the Unalakleet River upstream from the mouth of the Chirosky River to the taking of Chinook Salmon from July 1– July 31 to all users. The recommended July closure could be amended by the inseason manager if the run strength warranted it.

The modified regulation read:

Norton Sound — Port Clarence Area

§ \_\_.27(i)(2)(ii) In the Norton Sound District, you may take fish at any time except as follows (B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;

*(1) Federal public waters of the Unalakleet River, upstream from the mouth of the Chirosky River, are closed to the taking of Chinook salmon from July 1 to July 31, by all users. This closure may be relaxed by the inseason manager if run strength warrants.*

Unalakleet people understood this issue and the status of the resource. They needed to reduce restrictions on subsistence users and make management of the fishery easier to understand. Local users were not able to get the fish they needed for subsistence. Focus was on conservation of the resource to bring the fishery back; there was potential for the fishery in this area to expand. This modification was supported by the Native Village of Unalakleet.

## **State Recommendation for Original Closure**

Oppose. Adoption of this proposal will not improve the health of the Unalakleet River Chinook Salmon stock and will not improve opportunity for subsistence use. In years of low returns, State closures or restrictions are in place before Chinook reach the waters subject to Federal jurisdictional claims. The proposed closure does not meet the requirements of the Board's Closure Policy adopted August 2007.

## **Biological Background**

The majority of Chinook Salmon subsistence harvest occurs under State jurisdiction in marine waters at the mouth of the Unalakleet River. Federal waters include the upper 81 river miles of the Unalakleet River, which is designated a National Wild River and administered by the BLM. This portion of the river contains spawning habitat used by Chinook Salmon.

Chinook Salmon returns to the drainage have been poor since 2000. No escapement goal is established for the Unalakleet River and escapements have ranged from 505 – 6,641. The Chinook Salmon

escapement of 6,641 fish in 2019 was the highest on record (**Table 1**). This occurred only after severely restricting the subsistence fishing. Over time the Chinook Salmon escapements into the Unalakleet Rivers have not increased in response to commercial fishing closures and increasingly restrictive subsistence fishing.

**Table 1.** Chinook Salmon subsistence harvest, sport fishery harvest and estimated escapement to Unalakleet River 2010-2019 (Menard et al 2019, Vincent-Lang 2019).

Year	Subsistence Harvest	Sport Harvest	Unalakleet River Weir Count
2010	2,120	61	1,021
2011	1,359	54	1,030
2012	1,235	0	823
2013	861	0	667
2014	1,106	0	1,126
2015	1,952	0	2,789
2016	1,648	78	505
2017	1,075	13	2,934
2018	1,161		3,326
2019	1,459		6,641
10-year average	1,398	26	2,086

### Harvest History

Due to low numbers of returning Chinook Salmon, the commercial directed fishery has been closed since 2005 (Menard 2020). In addition, restrictions to the subsistence fishery have often been required to reach escapement on the Unalakleet River. In June 2019, subsistence salmon harvest restrictions were again put in place to protect Chinook Salmon returning to the Unalakleet River, allowing only one 24-hour fishing period a week in the marine waters with gear restricted to 6 inches or smaller mesh size. The 2019 subsistence Chinook Salmon harvest of 1,459 fish was slightly above the 10-year average of 1,398. Sport harvest of Chinook Salmon on the Unalakleet continues to be low (**Table 1**).

### OSM PRELIMINARY RECOMMENDATION

- maintain status quo
- modify or eliminate the closure

### Justification

Unalakleet River Chinook salmon runs have been below expectation since 2000. A Chinook Salmon-directed commercial fishery remains closed and the subsistence and sport fisheries continue to be

restricted. While 2019 showed an increase in returning Chinook Salmon, conservation efforts on Federal public waters of the Unalakleet River should continue until a positive trend is established.

### **LITERATURE CITED**

Menard, J. 2007. ADF&G, Division of Commercial Fisheries, 2007 Norton Sound Salmon Season Summary, New Release, Nome, AK. October 1, 2007. 18 pages.

Menard, J., J. Soong, J. Bell, L. Neff, and J. M. Leon. 2020. 2018 Annual management report Norton Sound, Port Clarence, and Arctic, Kotzebue Areas. Alaska Department of Fish and Game, Fishery Management Report No. 20-05, Anchorage.

OSM. 2009. Staff analysis of FP09-14. Pages 251-261 *in* Federal Subsistence Board Meeting Materials. January 13-15, 2009. Office of Subsistence Management, USFWS. Anchorage, AK. 264 pp.