

FEDERAL FISHERIES CLOSURE REVIEW
FCR21-06

Closure Location: Toklat River—all species

Current Federal Regulation

Yukon-Northern Area;

§____.27(e)(3)

(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal special action.

(xii) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

Closure Dates: August 15 through May 15

Current State Regulation

Yukon-Northern Area – All Fish

5 AAC 01.249

(6) for management of the Toklat River salmon stocks, the Kantishna River and Subdistricts 5-A and 6-A fisheries will be managed to achieve the established spawning escapement goals and the following provisions will apply:

(A) in the Toklat River drainage, the area between approximately one mile upstream and two miles downstream of the Kobi-McGrath trail crossing, enclosed by the following four points: 64_ 08.21' N. lat., 150_ 01.16' W. long., to 64_ 08.21' N. lat., 149_ 58.38' W. long., to 64_ 10.66' N. lat., 150_ 02.09' W long., to 64_ 10.66' N. lat., 149_ 59.72' W. long., is closed to subsistence fishing from August 15 through May 15;

(iii) based on an evaluation of inseason run strength indicators, the commissioner may, by emergency order, reopen the Kantishna River fall season chum salmon subsistence fishery and allow the fishery to exceed the 2,000 fall chum salmon harvest limit if indications are that the Toklat River fall chum salmon minimum escapement goals will be achieved; the commissioner will close that fishery when the commissioner determines that it is necessary for the conservation and protection of chum salmon.

Regulatory Year Initiated: 1992

Customary and Traditional Use Determination

Portions of Denali National Park pre-dating ANILCA are closed to subsistence fishing. Subsistence in the remainder of the park and preserve is limited to the resident zone communities of Cantwell, Telida, Lake Minchumina, and Nikolai, as well as individuals residing outside of these communities who have a personal or family history of subsistence use within the park and preserve (and have therefore been granted subsistence use permits).

Regulatory History:

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in non-navigable waters within and adjacent to Federal public lands (57 FR 22940). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations which previously applied to those waters. The headwaters of the Toklat River, and most of its non-navigable waters, were situated within that portion of Denali National Park closed to subsistence uses. The closure under review in this analysis was incorporated into the Federal regulations in this manner, and has not been subsequently modified. In 1999, the Federal Subsistence Board (Board) adopted Federal regulations for fish in navigable waters, in addition to non-navigable waters (64 Fed. Reg. 5 [January 8, 1999]).

Extent of Federal Public Lands/Waters:

For purposes of this analysis, the phrase “Federal public waters” is defined as those waters described under 36 CFR §242.3 and 50 CFR §100.3. The Toklat River leaves Denali National Park approximately 50 miles above its confluence with the Kantishna River (Figure 1). That portion of the river in the pre-ANILCA section of Denali National Park is closed to all subsistence uses (Figure 2).



Figure 1. Toklat River from headwaters to confluence with the Kantishna River. Federal waters occur within Denali National Park (BLM 2020).

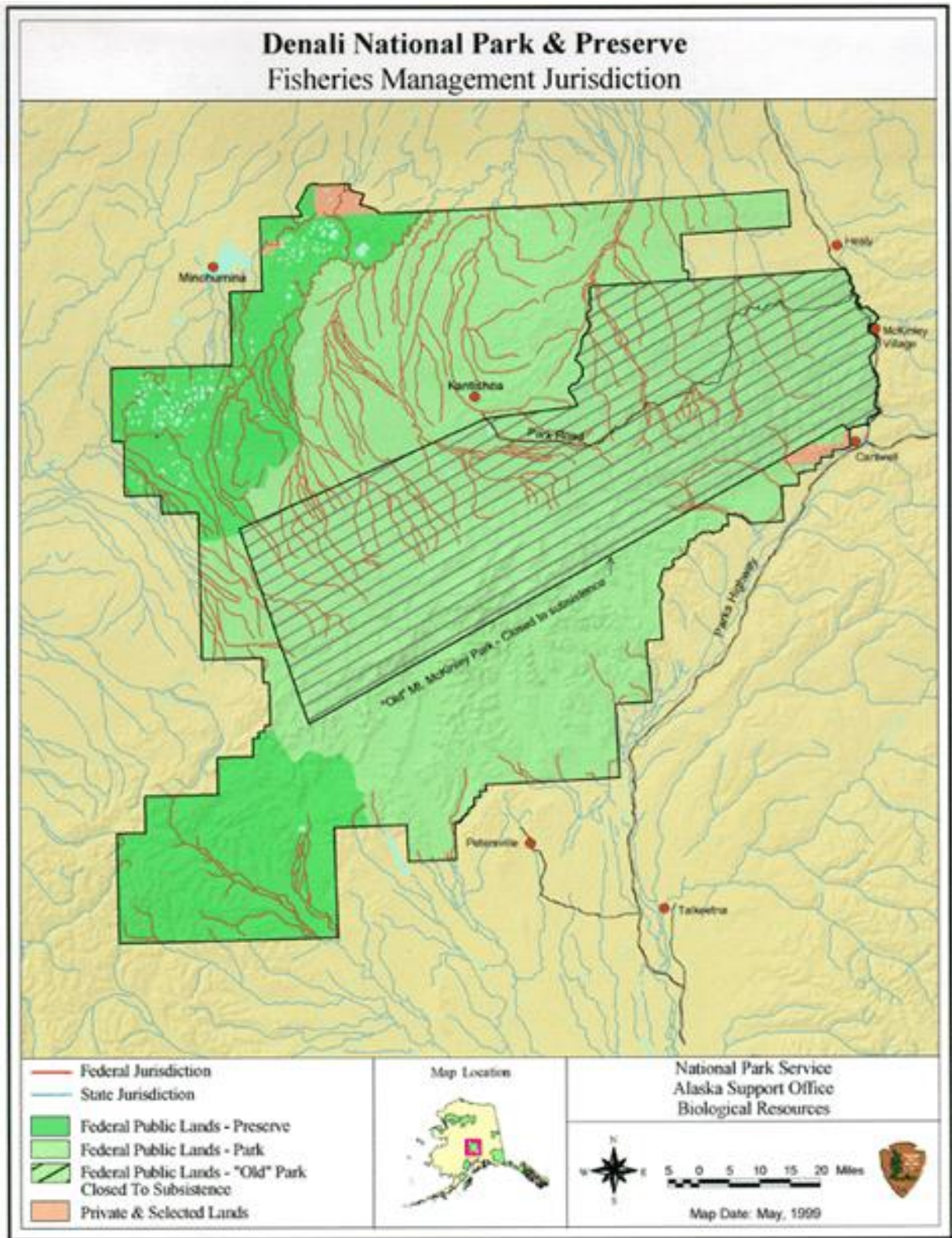


Figure 2: Map showing section of Denali National Park closed to subsistence (NPS 2020).

Closure last reviewed

There has been no previous closure review.

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 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.

There is no Board justification for the original closure as it was incorporated from the State subsistence fishing regulations.

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background

The Toklat River is one of the larger producers of fall Chum Salmon in the Tanana River Drainage. The average escapement from 1997 to 2016 was approximately 15,610, with the estimated escapement ranging between 3,601 to 179,627 fall Chum Salmon between 1974 and 2017 (Bergstrom et al. 1997 and Estensen et al. 2018).

During the 1980s, the Toklat River fall Chum Salmon escapements estimates were below the escapement objective of >33,000 for ten years in a row, prompting the Alaska Board of Fisheries to adopt the Toklat River Fall Chum Salmon Rebuilding Management Plan in 1992 (Bergstrom et al. 1997). Increased productivity in the early 2000s led to the removal of Toklat River fall Chum Salmon stock as a management concern in 2004.

Prior to establishing an biological escapement goal (BEG) of 15,000–33,000 for fall Chum Salmon in the Toklat River, the Alaska Department of Fish and Game used an escapement objective of >33,000. The BEG was established in 2001 and eliminated in 2010 (Bue et al. 2011; Estensen et al. 2018). From 2001 to 2006, the Toklat River met the escapement goal in four out of five years, with no data available from 2006 to 2010. Currently, the Toklat River stocks are included as part of the Tanana River drainage estimate. The Tanana River fall Chum Salmon escapement goal is 61,000-136,000, and has been met or exceeded every year since 2001 (Estensen et al. 2018).

According to the Alaska Board of Fisheries Proposal 83, submitted by ADF&G in 2018 (ADF&G 2018), the reason for the initial closure was to protect spawning habitat on the Toklat River near where the RS2477 Kobi-McGrath trail crosses the Toklat River. This is the location where the greatest concentration of spawning fall Chum Salmon occur within the Toklat River drainage. The location is also centered where the Shushana River enters the Toklat River, which is approximately 17 km downstream of the Denali National Park Boundary.

Chum and Coho Salmon have been documented in the Toklat River on Federal public lands of Denali National Park and Preserve that are open to subsistence uses. The majority of the fall Chum Salmon spawn downstream of the Denali National Park and Preserve border (Holder and Fair 2002).

Cultural Knowledge and Traditional Practices

Nikolai and Telida are predominantly Upper Kuskokwim Athabascan communities. Telida's population is estimated to be only two residents, while Nikolai has an estimated population of 91 (ADLWD 2019). Lake Minchumina, traditionally Koyukon Athabascan, has an estimated population of 9 (ADLWD 2019). Almost all of Telida's former residents relocated to Nikolai in the 1990s due to closure of the Telida school. According to Williams et al.:

This move led to changes in the areas where most Telida residents harvested fish and wildlife. Significantly, some of their past harvest areas were in or near Denali National Park. Now, the former Telida residents live further from the Park. Some families return to Telida to harvest whitefish, trap and [conduct] other activities. Most former residents of Telida have shifted their subsistence harvest areas closer to Nikolai (2005:8).

Nikolai and Telida residents traditionally harvested Chum Salmon to feed their sled dogs. Between the 1900s and 1970s, such harvest took place primarily by fish wheel. However, as dog teams were replaced by snowmachines, Chum Salmon harvest became less important (Williams et al. 2005). During a study year spanning 2001 and 2002, fish made up 35.9% of Nikolai's subsistence harvest. Chinook salmon comprised almost 80% of Nikolai's fish harvest, and non-salmon species accounted for 20% of the fish harvest. Coho and Chum Salmon made up less than one percent of the total fish harvest (Holen et al. 2006). Lake Minchumina's fish harvest is dominated by non-salmon species in local lake waters.

Cantwell is located in the traditional sphere of the Ahtna and Dena'ina Athabascan; additional Athabascan groups, including Tanana, Tanacross, and Upper Tanana also used this area (Krauss et al. 2011). An estimated 202 people live in Cantwell (ADLWD 2019). Because there are no subsistence fisheries in the immediate vicinity of Cantwell, local harvesting takes place by rod and reel and ice fishing. Approximately 20% of Cantwell households harvested freshwater fish, including trout, Grayling, and Dolly Varden, on streams and lakes within the boundaries of Denali National Park in 2000 (Williams et al. 2005). Chinook and Sockeye Salmon are taken outside the community vicinity, primarily on the Copper River (Williams et al. 2005). In subsistence survey

interviews, Cantwell residents have emphasized the importance of consistency between State and park regulations, because “uncertainty over the exact location of the park boundary has caused problems with enforcement” (Simeone 2002:14).

Harvest History

There are no records of Federal subsistence harvest in the Toklat River. Federal and State waters of the Toklat River are open to sport fishing, and State subsistence fishing is also allowed outside of the Park. The Toklat River sport fishing regulations are the same as the general Tanana River sport fishing regulations, except in the area where the Toklat and Shushana rivers meet. This area is closed to sport and State subsistence fishing from August 15 to May 15. The remainder of the drainage is open to sport and State subsistence fishing year around.

Regional Federal subsistence regulations for the Yukon Area would apply if the closure is removed. Fishing for salmon would be allowed, and Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal special action. Salmon could be taken by gillnet, beach seine, dip net, fish wheel, or rod and reel. Fish other than salmon could be taken under any gear listed in the fishing regulations.

OSM PRELIMINARY CONCLUSION:

- maintain status quo**
- modify or eliminate the closure**

Justification

The OSM preliminary conclusion is to eliminate the closure to subsistence fishing on the Toklat River from August 15 through May 15. Yukon River Fall Chum Salmon have met the drainage wide escapement goals every year since the goal was developed in 2004, and was thought to be within the 300,000–600,000 sustainable escapement goal range again in 2019. Additionally, the Tanana River Escapement Goal has been met annually since 2001. In 2007 the Alaska Board of Fish determined that Yukon River Chum Salmon no longer met the criteria for a yield concern, and in 2010 the Biological Escapement Goal on the Toklat River was eliminated. Furthermore, Federal public waters on the Toklat River occur upstream of the primary spawning aggregations. The majority of harvest on these stocks occurs downstream of the Denali National Park boundary. In addition, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal special action. Therefore, removing these Federal regulations will align Federal and State regulations. Coupled with poor access and closure to all subsistence fishing in the pre-ANILCA portion of Denali National Park, it is unlikely that Federal subsistence harvest within Federal public waters would have much effect on these stocks.

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