



KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Materials

March 9-10, 2021



REGION 3
Kodiak/Aleutians Regional Advisory Council

Seat	Yr Apptd Term Expires	Member Name and Community
1	2019	VACANT
2	2001 2022	Patrick Brian Holmes Kodiak
3	2008 2022	Richard R. Koso Adak
4	2004 2022	Samuel Isaac Rohrer Kodiak
5	2017 2023	Christopher L. Price Unalaska
6	2014 2023	Coral Chernoff Kodiak
7	2014 2023	Rebecca Skinner Vice Chair Kodiak
8	1997 2021	Della Trumble Chair King Cove
9	2018 2021	Natasha M. Hayden Kodiak
10	2012 2021	Melissa M. Berns Secretary Kodiak

January 29, 2021

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Teleconference TBD
Anchorage
March 9-10, 2021
Convening at 8:30 am daily

TELECONFERENCE: call the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862

PUBLIC COMMENTS: Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. **Please fill out a comment form to be recognized by the Council chair.** Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule.

PLEASE NOTE: These are estimated times and the agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the chair.

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
- 2. Call to Order** (*Chair*)
- 3. Roll Call and Establish Quorum** (*Secretary*)
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*).....2
- 6. Election of Officers***
 - Chair (*DFO*)
 - Vice-Chair (*New Chair*)
 - Secretary (*New Chair*)
- 7. Review and Approve Previous Meeting Minutes*** (*Chair*).....4
- 8. Reports**
 - Council Member Reports
 - Chair’s Report
- 9. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 10. Old Business** (*Chair*)

Fishery Closure Reviews.....20

- a. FCR21-08: Unalaska Lake, Salmon
- b. FCR21-09: Unalaska Bay drainage, Summers and Morris Lake, Salmon
- c. FCR21-11: McLees Lake drainage, Salmon
- d. FCR21-13: Alaska Peninsula, Russell Creek, and Nurse Lagoon, Salmon
- e. FCR21-16: Kodiak Island, Buskin River, Salmon
- f. FCR21-18: Afognak Bay drainage, Salmon
- g. FCR21-19: Afognak Island drainages, Salmon

11. New Business (Chair)

Call for Federal Wildlife Proposals*17

Council Charter Review*104

Review and approve FY2020 Annual Report*109

Fisheries Resources Monitoring Program Information Update (OSM)

12. Agency Reports

(Time limit of 15 minutes unless approved in advance)

- Tribal Governments
- Native Organizations
- US Fish and Wildlife Service
 - a. Alaska Maritime National Wildlife Refuge
 - b. Kodiak National Wildlife Refuge
 - c. Izembek National Wildlife Refuge Alaska
- Department of Fish and Game Office
- Office of Subsistence Management

13. Future Meeting Dates.....115

- Confirm Fall 2021 meeting date and location
- Select Winter 2022 meeting date and location

14. Closing Comments

15. Adjourn (Chair)

To call into the meeting, dial the toll free number: 1-866-864-5314, then when prompted enter the passcode: 3091862

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for special accommodation needs to Donald Mike, 907-786-3629, donald_mike@fws.gov, or 800-877-8339 (TTY), by close of business on February 23, 2021.

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Meeting Minutes

Audio Teleconference

Anchorage, Alaska

September 2-3, 2020

Invocation

Mr. Pat Holmes provided the invocation.

Call to Order, Roll Call and Quorum Establishment

The meeting was called to order Wednesday, September 2, 2020 at 8:30 am. Council members Sam Rohrer, Christopher Price, Coral Chernoff, Rebecca Skinner, Natasha Hayden, Pat Holmes, and Della Trumble were present in person via teleconference. Melissa Berns was not present and was excused. The Council has two vacant seats. A quorum was established with seven of eight seated Council members participating by phone. Mr. Donald Mike, Office of Subsistence Management (OSM) Council Coordinator, facilitated the Kodiak/Aleutians Subsistence RAC public meeting via teleconference.

Attendees:

Via teleconference

- OSM, Anchorage: Donald Mike, Thomas Doolittle, Tom Kron, George Pappas, Orville Lind, Karen Hyer, Robbin La Vine, Jarred Stone
- Kodiak National Wildlife Refuge (NWR), Kodiak: Bill Pyle, Mike Brady, Tevis Underwood, Joy Erlenbach, Kevin Van Hatten
- Alaska Department of Fish and Game (ADF&G), Anchorage: Jackie Keating,
- ADF&G, Kodiak: Tyler Lawson, Mark Burch, Mark Witteveen
- Sun'aq Tribe of Kodiak, Kodiak: Matt Van Daele
- Qawalangin Tribe, Unalaska: Chandra Poe
- Izembek NWR, Cold Bay: Pat Fitzmorris
- Bureau of Indian Affairs (BIA), Anchorage: Glenn Chen
- National Park Service (NPS), Anchorage: Joshua Ream, Dave Sarafin
- U.S. Fish and Wildlife Service (FWS), Anchorage: Frank Harris
- Western Alaska Partnership Network, Anchorage: Danielle Stickman

Review and Adopt Agenda

Motion by Mr. Holmes to adopt the agenda as amended. Amended agenda added the Western Alaska Partnership Network report by Ms. Stickman. Second called by Mr. Rohrer. The motion passed unanimously.

Review and Approve Previous Meeting Minutes

Motion by Mr. Holmes to approve the March 19, 2020 meeting minutes. Second called by Mr. Price. The motion passed unanimously.

Council Member and Chair Reports

Ms. Hayden reported that subsistence salmon harvesters took some effort to meet their needs and attributed the slow harvest to low water levels. Salmon have been schooled-up outside river mouths due to low water. Berry harvest was successful in the area, but the blueberry crop was reported to be scarce. Ms. Hayden also reported an increase in bear activity within the road system. ADF&G cancelled the non-resident spring bear hunt, which may have contributed to more bear activity.

Ms. Chernoff also reported on the poor subsistence harvest of salmon. The last couple years no Sockeye Salmon were harvested, but the Silver Salmon run was healthy. The berry crop was healthy, but not as plentiful. No bird die-offs were reported in the area, but Ms. Chernoff reported that in addition to Arctic and Aleutian Terns, she observed a tern on the island that she could not identify. More deer have been observed on the road system indicating a healthy population. The Emperor Goose open season on the road system was cancelled due to the COVID-19 pandemic. The season was the first of a three year trial opening. Ms. Chernoff reported the Alaska Migratory Bird Co-management Council will reapply to get the full three year season for Emperor Geese harvest.

Mr. Rohrer reported that the deer population on the Kodiak Island west side was recovering from a hard winter that affected it. Mr. Rohrer heard reports around the community regarding the bear population on the road system in Kodiak; it appears to be a general consensus among residents to open the road system to hunting to expand bear harvest opportunities or extend the bear season. It is an issue of concern, and the Council should consider submitting bear proposals to the Alaska Board of Game.

Ms. Skinner reported that salmonberry crop was poor in Kodiak, but the outlying areas were productive. Subsistence salmon fishing was successful near the Buskin River. She reported that bear activity in the area have increased on the road system in Kodiak and along the trails used by community members. Ms. Skinner reported that the North Pacific Management Council (NPMC) have held virtual meetings since the pandemic began. The NPMC's April 2020 meeting was cancelled as well as all field surveys. Twenty four million dollars were awarded to the cod fishing disaster, and the State of Alaska developed a spending plan, which was sent out for public comment. The State has plans to distribute the funds in the fall of 2020 and about ten million dollars has been awarded to the Chignik salmon disaster. The State is considering using part of the twenty four million dollars for research.

Ms. Hayden reported on how the school district in Kodiak is prepared to keep the students educated during the pandemic. The district will provide parents the option of keeping their kids enrolled in school, virtual home delivery, or homeschooling. Ms. Hayden reported the School District is well prepared to address education needs for the students.

Mr. Holmes Probably because of climate warming over the last forty-fifty years, there has been an increase in the size and the amount of alders and brush migrating up into the alpine areas, and this has been affecting berry habitat. Subsistence salmon harvest was poor in the Buskin River. Mr. Holmes reported that the Tribes in Kodiak reported clam sampling, high Paralytic Shellfish Poisoning (PSP) counts, and local residents did not harvest any clams. Shellfish, King and Dungeness crab catch was not successful, and the sea otter population has thinned out the shellfish population as a food source.

Mr. Price reported the subsistence Sockeye Salmon harvest had the worst year on record, and throughout the area the salmon did not show up during the summer run. The halibut fishing in the area was decent. Mr. Price reported low water levels in most of the rivers near Unalaska affecting the returns of salmon to the local rivers and streams. One fatality due to PSP was reported, and the communities need to help address the high levels of PSP that are present in the area.

Ms. Trumble reported that the salmon returns from the Shumigans through False Pass were very poor from June till the first part of August. Local fishers have not seen such low returns through their entire lives. The caribou season opened August 1, and False Pass residents were able to harvest caribou. Ms. Trumble reported a whale had been taken by Orcas near King Cove. The remainder of the whale was hauled to the community by local residents, and community members were able to process the rest of the whale for local consumption.

Chair's Report

The Federal Subsistence Board (Board) held the public meeting via teleconference in April 2020 to take action on Federal Subsistence wildlife proposals. Ms. Trumble participated in the Board's meeting in representing the Council's position on wildlife proposals affecting the region and providing the Council's recommendations.

Sea Otter Working Group

Council Coordinator, Mr. Mike provided the results to the Council of the first working group meeting. The working group consisting of Ms. Skinner and Ms. Chernoff, and facilitated by the Council Coordinator met on August 26, 2020. Other working group members Mr. Price, Ms. Heyden, and Ms. Berns were not able to participate.

- The Stakeholder Sea Otter meeting was held in Juneau last fall 2020; the report has not been finalized. The draft report has not been approved according to staff from the Marine Mammals office.
- The working group discussed that no monies have been available for sea otter studies, and for population estimates in the Kodiak Island area.
- The working group will consider attending other sea otter forums (Sea Otter Commission, Indigenous People's Council for Marine Mammals (IPCoMM)), and seek funding to send a representative from the Council working group at future scheduled meetings. Ms. Chernoff volunteered to attend. The working group also discussed why the Kodiak sea otter population is included to the sea otter population from the Alaska Peninsula and the Aleutian Islands. The

working group discussed the need to distinguish the Kodiak sea otter from other sea otter populations of the Southwest area.

- Under the ESA, a 5 year review of sea otters in the Southwest region is conducted. The working group will request recent biological information to assist the working group in future meetings of the working group.
- Seeking contract monies from Sea Otters Commissions, for example, to conduct surveys in the region was discussed and focus funding, to communities, of high use of sea otters to conduct outreach.

Existing Working Group members agreed to continue this group and revisit all the items listed. The complete group will discuss each item to come to a consensus for follow-up.

Old Business

The ANILCA 805(c) Report was provided in the meeting materials for the Councils reference. The 805(c) Report is an overview of the actions taken by the Board on wildlife proposals and wildlife closure reviews affecting the Kodiak/Aleutians Region.

New Business

Fisheries Closures Reviews (FCR)

FCR21-08: Unalaska, Salmon

FCR21-09: Unalaska Bay drainage, Summers & Morris Lakes, Salmon

FCR21-11: McLees Lake drainage, Salmon

FCR21-13: Alaska Peninsula, Russell Creek, and Nurse Lagoon, Salmon

FCR21-16: Kodiak Island, Buskin River, Salmon

FCR21-18: Afognak Bay drainage, Salmon

FCR21-19: Afognak Island drainages, Salmon

The analyses were presented by Ms. Robbin La Vine, Anthropologist, and Mr. Jarred Stone, Fishery Biologist. These closures were adopted from ADF&G regulations 20 years ago. This is the initial review of these closures by the Council. The Council was not able to talk with the local Tribes and State Local Advisory Committees regarding these closures and analysis prior to the Council meeting date.

The Council deferred the seven FCRs to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the FCRs should have public input because the FCRs directly affects the communities and the Council will consider these comments at its winter 2021 meeting and develop recommendations to the Board. The Council and OSM staff are contacting the State Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

Fisheries Resource Monitoring Program

OSM staff presented the 2022 Draft Priority Information needs (PINs) to the Council. The Draft PINs were drafted by a working group comprised of two Councils, the Bristol Bay and Kodiak/Aleutians, members. The Council reviewed the PINs developed by the working group, provided comments, and approved them. The PINs approved by the Council are as follows:

- (Bristol Bay) Reliable estimates of escapement, quality of escapement, and environmental impacts addressing decline of Chinook and Sockeye salmon for the Chignik River area and associated impacts to subsistence harvest opportunities.
- (Bristol Bay) Reliable estimates of Chinook Salmon escapement and evaluation of quality of escapement measures in Alagnak River, Big Creek, Meshik River, Naknek River, and Togiak River, including elements of potential egg deposition, sex and size composition of spawners, and spawning habitat quality and utilization for determining the reproductive potential of spawning stocks.
- (Southwest) Examine how recent changes in the Gulf of Alaska environment affect Sockeye Salmon within their range and habitats, noting particular concern for the Chignik drainages, using scale analyses of fresh water and saltwater growth patterns over multiple years ~~and~~ to research the decline in size-at-age of salmon in the Kodiak/Aleutians drainages (Buskin, and McClees drainages) and/or in the Bristol Bay drainages (Chignik, Nushagak, Naknek, and Togiak drainages).
- (Southwest) Reliable estimates of subsistence harvest and uses. Of particular interest are harvest trends in the communities of (Bristol Bay) Manokotak, Nondalton, (Kodiak) Chignik, Ouzinkie, the settlement Aleneva on Afognak Island, Port Lions, (Aleutians/AK Pen), Adak, Akutan, Atka, False Pass, Nelson Lagoon, Nikolski, St. Paul, and St. George.
- (Kodiak/Aleutians) Abundance and assessment of critical subsistence salmon stocks in priority areas such as the Buskin River.

FY2020 annual report

The Council discussed topics for FY-2020 Annual Report to the Board. The following topics were approved as a draft and will be finalized at the winter 2021 public meeting:

1. Adak Island Caribou Management Plan

The Council appreciates the response from the Board and looks forward to beginning the process of forming a management plan for Adak Island. The Council encourages the Board to initiate the management plan soon, and suggests that the group developing the management plan should include a member from the Council and a member from the community of Adak.

The Council looks forward to progress on contacting Federal and State agencies, as well as non-government agencies and other interested parties. The Council requests to be appraised of any development on the Adak caribou management plan.

2. Izembek National Wildlife Refuge

The Council acknowledges the hiring of Izembek National Wildlife Refuge (NWR) Manager. The manager and the staff provide critical resource information to the Council. The reports presented by the Refuge provides the Council with information needed to develop subsistence and resource recommendations.

3. Regional Advisory Council Alternate Member

The Council currently has two vacant seats. The Council depends on members who have knowledge of fish and wildlife resources as well as subsistence uses within their region and communities to develop recommendations to the Board on subsistence resource related issues. It is important for the Council to have all the seats filled in order to represent the cultural and geographic diversity of the region. The situation when in the prior years the incumbents that have reapplied, were not reappointed, has handicapped the effectiveness of the Council in developing informed decisions.

Designating alternate members to each of the ten Councils are needed to ensure seats remain filled and communities in the region have adequate representation at Council meetings. The Council recommends that when the nominations package is submitted to the Secretaries office, that the Board “will” recommend that the Secretaries appoint alternates from a pool of qualified applicants identified by the interagency panel.

4. Sea Otter – ESA designation

In prior Council’s public meetings, the Council has requested information on why the Kodiak Archipelago sea otter population is designated as a part of the Southwest Alaska stock. The Southwest Alaska stock is currently considered a population that is threatened. How does the FWS determine stock identification (SW, PWS, and SE stocks), and the criteria/process for determining population stock designation? What criteria, administrative, genetic, population size trends, was used to designate the Kodiak Island sea otter population a part of the SW population?

Council discussions and dialogue with rural residents within the Kodiak Archipelago revealed that the sea otter population in the area is healthy. Rural residents have concerns on how the increased sea otter population has impacted subsistence shellfish resources. The Council wants to know if the Kodiak Archipelago population can be reclassified as a separate stock. Stock assessment and habitat assessment within the Kodiak Archipelago should be conducted to determine if the population is healthy.

The Council is interested in participating in agency sponsored meetings and other public forums and has knowledge regarding sea otters in the Kodiak area. The Council is willing to send a delegate to participate in future meetings, when funding is available, to sponsor a member from the Council to attend and participate.

5. Fishery Resource Monitoring Program

The Council would like to express its appreciation for Ms. La Vine and Mr. Stone for their assistance at August 31, 2020 Working Group meeting to develop PINs. The Council is impressed with the information the staff assembled and their professional facilitation for our "informal" teleconference to review the “2022 Draft Priority Information Needs for the Southwest region” (Bristol Bay Regional Advisory Council and Kodiak Aleutian Regional Advisory Council). This was a great assistance in developing our research priorities list and Mr. Keith Ivy, the young intern, who assembled the “backlog information” materials, did a great job as well. This was an exhausting endeavor and was probably without a doubt, the best prepared and conducted working group planning meeting and review session the Council has participated in.

6. Food Security

With the recent COVID-19 pandemic resulting in food plants shutting down throughout the country, it is important to emphasize the importance of subsistence resources in Alaska. It is uncertain how long the pandemic will continue, along with delays of goods and services delivery caused by the pandemic and associated affects across Alaska. Food security for subsistence users is important. The Board can continue to support subsistence opportunities by providing subsistence resource access through season extensions and special actions to address food security.

7. Closure Reviews

The Boards policy on closure reviews outlines the process to address Federal closures and provides for periodic review of regulatory closures, subject to change during the regulatory year. The Council had seven Federal fisheries closure reviews to consider and develop recommendations to the Board. It is important to the Council that the public has an opportunity to review these closures and the Council seeks their comments affecting subsistence activities. The Council deferred all seven closure reviews until its winter 2021 public meeting. The Council will develop its recommendations to the Board after hearing all public comments on the closures. The Council requested that the OSM staff present the closure review to local advisory committees and Tribal entities to gather additional public comments in the fall of 2020 before developing final recommendations to the Board.

8. Invasive Species

The Council recognizes the presence of invasive species in the region and within the State. Invasive species have the potential to invade anadromous streams and lake systems in Alaska affecting the native flora and fauna and disrupting the natural environment. The Sun'aq Tribe of Kodiak reported they have begun investigations of introduced crayfish in the Buskin Lake drainage. The Buskin River currently has crayfish that may compete for habitat used by juvenile salmon and potentially feed on salmon eggs or fry.

Individual Customary and Traditional (C&T) Determination Process/Guideline

Mr. Dave Sarafin presented the NPS draft guideline to the Council. The Board is considering a delegation of authority to the NPS, which would grant the NPS Alaska Regional Director the authority to make individual C&T use determinations. The NPS developed the standard operating procedures for both the 36 CRF 13.440 subsistence eligibility permits and individual C&T. The draft guideline will be presented to all ten regions of the RAC for comment. The Council endorsed the NPS Individual C&T Determination Process and Guidelines for all National Park lands in Alaska.

Agency Reports

Qawalangin Tribe

Ms. Chandra Poe reported on the fatality from PSP in the community and reported the PSP levels in the Unalaska area are very high. Current outreach to notify the community on the potential risk of consuming shellfish is ongoing. The Tribe continues its efforts to acquire response funds from NOAA to continue and conduct sampling and testing in Unalaska. The McLees River weir is successful in partnership with the Tribe and has the support of the community. The Tribe's Cultural Camp was cancelled this summer

due to COVID-19 concerns. The Tribe also reported that drone surveys were in progress in the streams of McLees River, Morris Bay, Unalaska Bay, and Summer Bay. The Coastal Communities Forum scheduled for fall 2020 in Unalaska was postponed. The Forum is currently planned for August or September, 2021. The Tribe's wellness program was a success providing berries for the elders in the community.

Sun'aq Tribe

Mr. Matt Van Daele, Sun'aq Tribe, is working with the ADF&G Subsistence Division and OSM to begin a survey project on harvest trends of salmon and non-salmon finfish around the road system in the Kodiak area. It is important to collect the dataset to analyze the use of the area. The marine dock project, Lash Dock, is being monitored because of a concern that the project may impact the feeding area of Emperor Geese and eel grass beds that the geese use during the winter season. The Tribe is actively pursuing funds from NOAA to remove "ghost" fishing crab pots in Woman's Bay. This is an important project to rehabilitate and rebuild the Dungeness crab population. Field work is in progress to address the crayfish population in the Buskin River drainage.

Kodiak NWR

Mr. Bill Pyle reported that most of the field work in the Refuge were cancelled or curtailed due to COVID-19. Mr. Pyle provided an update on the fisheries for the Refuge. The escapement goals for early and late runs of Sockeye Salmon were met in the Ayakulik and Karluk river systems. Chinook Salmon on the west side of Kodiak Island exceeded the escapement goal. The Sockeye Salmon escapement goals in the northern area of Kodiak Island were met.

Ms. Joy Erlenbach, reported the Refuge was unable to conduct the annual brown bear surveys due to flight restrictions as a result of COVID-19 concerns. Instead during the restrictions, the Refuge summarized its previously collected data from 2018 and 2019 on brown bear. Mr. Pyle reported on recent surveys of the goat population in the western and southern Kodiak Island. The estimated total is 1,703 goat. The refuge in cooperation with Oregon State University conducted a survey and monitoring of Arctic and Aleutian Terns, specifically monitoring nesting colonies on the Kodiak road system.

Alaska Department of Fish and Game

Ms. Lisa Fox provided a briefing on the commercial fishery for the Southern Alaska Peninsula and Aleutians area. She reported low returns of Sockeye Salmon for the Chignik River system, and the commercial fleet was restricted in the South Peninsula fishery in June due to the low returns. Overall, the Sockeye and Silver Salmon harvest was poor. Pink Salmon harvest was higher than forecasted, but it was not as strong of a harvest during odd numbered years. No commercial fishery occurred in the Unalaska district this year.

Mr. Mark Witteveen reported on the 2020 season of the Buskin River Sockeye Stock Assessment Project. The projects entails two fish counting weirs in Buskin Lake and Lake Louise tributary to count Sockeye Salmon. The project enumerated, to date, 7,703 Sockeye Salmon. Escapement goal is 5,000-8,000 for

the Buskin Lake and the Lake Louise escapement has been low the last several years. Mr. Witterveen also informed the Council about its intern program.

Ms. Jackie Keating, Division of Subsistence, reported on the completed FRMP18-451 comprehensive subsistence survey conducted in three Kodiak Island south villages of Larsen Bay, Akhiok, and Old Harbor completed in 2018. The Department planned on holding meetings with these communities to review the data with these communities but postponed them due to COVID-19 travel restrictions. The Unalaska community comprehensive survey planned for April 2020 was postponed. The survey has been redesigned to gather survey data through the mail rather than in person survey. The Kodiak road system comprehensive survey was planned to begin in the fall of 2020 and winter/spring 2021 but the project has been moved back an entire year. The ADF&G has plans to submit a proposal, as a Priority Information Need, to conduct comprehensive surveys in Port Lions and Ouzinkie. Subsistence comprehensive surveys were conducted in Port Heiden and Cold Bay, and ADF&G received funding from the NPS to conduct a subsistence comprehensive survey in Port Alsworth.

Ms. Kris Peterson, ADF&G in King Salmon, provide the report on the Southern Caribou Herd. Currently, the population estimate is at 2,700 to 3,000 animals. The recent ratio is at 42 calves/100 cows and 62 bulls/100 cows. On Unimak Island, the estimated Unimak Caribou population is 460-500 animals. The current ratio for the herd is 80 bulls/100 cows, and 44 calves/100 cows.

In 2019, the ADF&G observed 1,110 moose in 2,400 mi² in Unit 9, which is a density of .4 moose per square mile. Composition count was reported to be 65 bulls/100 cows, and 38 calves/100 cows. In Unit 9B, very low moose density was reported at 0.06 moose per square mile, in Unit 9C 0.36 moose per square mile, and in Unit 9E 0.6 moose per square mile.

The population estimate for wolves in subunits 9C and E is 350-550 wolves. Wolf harvest for these areas are estimated at 23 wolves.

Alaska Maritime National Wildlife Refuge

Mr. Steve Delehanty, Refuge Manager, reported that the Alaska Maritime Refuge research vessel did not sail to visit any Refuge sites to conduct seabird monitoring and other science projects. The visitor center in Homer has been closed to the public since the onset of the pandemic. The Refuge started a feasibility assessment to eradicate rats on islands within the Alaska Maritime Refuge. The Refuge is in discussion with the community of St. Paul, and Alaska State Parks for a commemorative site plaque in Funter Bay for the people of St. Paul and St. George that were located there during World War II. Mr. Delehanty also reported cleanup projects led by the Army Corps of Engineers, to clean up contaminated sites on Adak and Unalaska.

Izembek National Wildlife Refuge

Ms. Maria Fosado, Refuge Manager, reported to the Council that most of the field work was postponed until the next year. Subsistence caribou hunt in Unit 9D was split into two seasons, Aug 1 – Sept 30, and Nov 15 – Mar 31. The harvest limit is 3 caribou. For the Unit 10, Unimak caribou hunt, the season was

Aug 15 - Oct 15. 2020 brown bear stream surveys were completed in Izembek; 168 bears were observed. 132 bears were observed on Unimak Island during the 2020 survey year. The surveys showed a 14% decrease in population compared with the 2019 surveys. Eel grass abundance and productivity monitoring was also conducted in the refuge.

National Oceanic and Atmospheric Administration

Ms. Ellen Yasumiishi, Alaska Fisheries Science Center in Juneau, provided a detailed report to the Council. The topics presented to the Council included 2020 sea temperatures, 2020 NOAA surveys (many of which were cancelled due to COVID-19 travel restrictions), 2020 Sablefish Stock Assessment, 2019 Gulf of Alaska Pacific Cod Stock Assessments, and 2020 Pacific Cod Studies. Details of the report can be reviewed in Ms. Yasumiishi PowerPoint presentation titled 2020 NOAA Survey and Updates. The sea temperature in 2020 was cooler than 2019. Most of the surveys planned for 2020 were cancelled due to COVID-19.

Western Alaska Partnership

Ms. Danielle Stickman, Network Coordinator for the Western Alaska Partnership, provided a briefing to the Council on what the Western Alaska Partnership is currently working on. The Partnership is currently expanding its community based monitoring system to address environmental change, co-developing coordinated monitoring networks across Alaska and Western Canada, and Implementing community based programs to enhance stewardship of traditional foods and critical habitat in Alaska. The partnership is pursuing projects the next year that include stream temperature monitoring, wild berry monitoring, installing tidal gauges to assist coastal mapping, and expanding the partnership to support community based monitoring on subsistence resources.

Office of Subsistence Management

Mr. Tom Kron, OSM, briefed the Council that all ten Regional Advisory Councils are meeting via teleconference due to COVID-19 and travel restriction to rural communities due to health concerns. Mr. Kron informed the Council that acting Deputy Assistant Regional Director for Subsistence, Tom Doolittle, will be retiring at the end of 2020.

Future Meeting Dates

Winter meeting: Kodiak, March 9-10, 2021

Fall meeting: Unalaska, September 27-28, 2021; Alternate location – Cold Bay

Closing Comments

Ms. Hayden acknowledged the challenging times for holding public meeting via teleconference and was impressed with the agency reports provided at the meeting. Ms. Hayden is grateful for the opportunity to work with the Council and being engaged addressing subsistence issues for all the communities in the region and listening to Council perspective on issues.

Mr. Rohrer thanked all Council members for participating in the meeting with many participants online. Mr. Rohrer expressed appreciation for Council members input on the FRMP discussions and reaching consensus.

Mr. Price extended his invitation to the Council to travel to Unalaska during the Coastal Communities Forum if it takes place in the fall 2021. Mr. Price thanked all staff for participating in the meeting.

Ms. Skinner thanked OSM staff for the preparation of the Council meeting as well as preparation for the FRMP Council discussions and action to reach consensus. Ms. Skinner reminded agency staff the importance of receiving agency reports. The reports are important for Council members to have in advance in order to prepare any questions, comments, or clarification on resource issues.

Ms. Chernoff acknowledged previous members closing remarks and thanked the Council and appreciated the views and perspectives provided on the various issues discussed.

Mr. Holmes acknowledged the FWS for filling the Izembek NWR Manager position. Mr. Holmes appreciated the efforts to work with the Bristol Bay Council to develop the FRMP PINs list.

Ms. Trumble thanked all the Council members participating in a good meeting, thanked agency staff for arranging the public meeting, and appreciate the amount of work that went into preparing for the meeting.

Meeting Adjourned.

Donald Mike, Designated Federal Officer
USFWS Office of Subsistence Management

Della Trumble, Chair
Kodiak/Aleutians Subsistence Regional Advisory Council

These minutes will be formally considered by the Kodiak/Aleutians Subsistence Regional Advisory Council at its winter 2021 meeting, and any corrections or notations will be incorporated in the minutes at that meeting.

A more detailed report of this meeting, copies of the transcript, and meeting handouts are available upon request. Call Donald Mike at 1-800-478-1456 or 907-786-3629, email donald_mike@fws.gov.

Subsistence Regional Advisory Council Correspondence Policy

The Federal Subsistence Board (Board) recognizes the value of the Regional Advisory Councils' role in the Federal Subsistence Management Program. The Board realizes that the Councils must interact with fish and wildlife resource agencies, organizations, and the public as part of their official duties, and that this interaction may include correspondence. Since the beginning of the Federal Subsistence Program, Regional Advisory Councils have prepared correspondence to entities other than the Board. Informally, Councils were asked to provide drafts of correspondence to the Office of Subsistence Management (OSM) for review prior to mailing. Recently, the Board was asked to clarify its position regarding Council correspondence. This policy is intended to formalize guidance from the Board to the Regional Advisory Councils in preparing correspondence.

The Board is mindful of its obligation to provide the Regional Advisory Councils with clear operating guidelines and policies, and has approved the correspondence policy set out below. The intent of the Regional Advisory Council correspondence policy is to ensure that Councils are able to correspond appropriately with other entities. In addition, the correspondence policy will assist Councils in directing their concerns to others most effectively and forestall any breach of department policy.

The Alaska National Interest Lands Conservation Act, Title VIII required the creation of Alaska's Subsistence Regional Advisory Councils to serve as advisors to the Secretary of the Interior and the Secretary of Agriculture and to provide meaningful local participation in the management of fish and wildlife resources on Federal public lands. Within the framework of Title VIII and the Federal Advisory Committee Act, Congress assigned specific powers and duties to the Regional Advisory Councils. These are also reflected in the Councils' charters. (*Reference: ANILCA Title VIII §805, §808, and §810; Implementing regulations for Title VIII, 50 CFR 100 __.11 and 36 CFR 242 __.11; Implementing regulations for FACA, 41 CFR Part 102-3.70 and 3.75*)

The Secretaries of Interior and Agriculture created the Federal Subsistence Board and delegated to it the responsibility for managing fish and wildlife resources on Federal public lands. The Board was also given the duty of establishing rules and procedures for the operation of the Regional Advisory Councils. The Office of Subsistence Management was established within the Federal Subsistence Management Program's lead agency, the U.S. Fish and Wildlife Service, to administer the Program. (*Reference: 36 CFR Part 242 and 50 CFR Part 100 Subparts C and D*)

Policy

1. The subject matter of Council correspondence shall be limited to matters over which the Council has authority under §805(a)(3), §808, §810 of Title VIII, Subpart B §___.11(c) of regulation, and as described in the Council charters.
2. Councils may, and are encouraged to, correspond directly with the Board. The Councils are advisors to the Board.
3. Councils are urged to also make use of the annual report process to bring matters to the Board's attention.

4. As a general rule, Councils discuss and agree upon proposed correspondence during a public meeting. Occasionally, a Council chair may be requested to write a letter when it is not feasible to wait until a public Council meeting. In such cases, the content of the letter shall be limited to the known position of the Council as discussed in previous Council meetings.
5. Except as noted in Items 6, 7, and 8 of this policy, Councils will transmit all correspondence to the Assistant Regional Director (ARD) of OSM for review prior to mailing. This includes, but is not limited to, letters of support, resolutions, letters offering comment or recommendations, and any other correspondence to any government agency or any tribal or private organization or individual.
 - a. Recognizing that such correspondence is the result of an official Council action and may be urgent, the ARD will respond in a timely manner.
 - b. Modifications identified as necessary by the ARD will be discussed with the Council chair. Councils will make the modifications before sending out the correspondence.
6. Councils may submit written comments requested by Federal land management agencies under ANILCA §810 or requested by regional Subsistence Resource Commissions (SRC) under §808 directly to the requesting agency. Section 808 correspondence includes comments and information solicited by the SRCs and notification of appointment by the Council to an SRC.
7. Councils may submit proposed regulatory changes or written comments regarding proposed regulatory changes affecting subsistence uses within their regions to the Alaska Board of Fisheries or the Alaska Board of Game directly. A copy of any comments or proposals will be forwarded to the ARD when the original is submitted.
8. Administrative correspondence such as letters of appreciation, requests for agency reports at Council meetings, and cover letters for meeting agendas will go through the Council's regional coordinator to the appropriate OSM division chief for review.
9. Councils will submit copies of all correspondence generated by and received by them to OSM to be filed in the administrative record system.
10. Except as noted in Items 6, 7, and 8, Councils or individual Council members acting on behalf of or as representative of the Council may not, through correspondence or any other means of communication, attempt to persuade any elected or appointed political officials, any government agency, or any tribal or private organization or individual to take a particular action on an issue. This does not prohibit Council members from acting in their capacity as private citizens or through other organizations with which they are affiliated.

Approved by the Federal Subsistence Board on June 15, 2004.

6/15/04



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Regulatory Affairs Division Chief
(907) 786-3888 or (800) 478-1456
subsistence@fws.gov

How to Submit a Proposal to Change Federal Subsistence Regulations

Alaska residents and subsistence users are an integral part of the Federal regulatory process. Any person or group can submit proposals to change Federal subsistence regulations, comment on proposals, or testify at meetings. By becoming involved in the process, subsistence users assist with effective management of subsistence activities and ensure consideration of traditional and local knowledge in subsistence management decisions. Subsistence users also provide valuable wildlife harvest information.

A call for proposals to change Federal subsistence fishing regulations is issued in January of even-numbered years and odd-numbered years for wildlife. The period during which proposals are accepted is no less than 30 calendar days. Proposals must be submitted in writing within this time frame.

You may propose changes to Federal subsistence season dates, harvest limits, methods and means of harvest, and customary and traditional use determinations.

What your proposal should contain:

There is no form to submit your proposal to change Federal subsistence regulations. Include the following information in your proposal submission (you may submit as many as you like):

- Your name and contact information (address, phone, fax, or E-mail address)
- Your organization (if applicable).
- What regulations you wish to change. Include management unit number and species. Quote the current regulation if known. If you are proposing a new regulation, please state, “new regulation.”
- Write the regulation the way you would like to see it written in the regulations.
- Explain why this regulation change should be made.
- You should provide any additional information that you believe will help the Federal Subsistence Board (Board) in evaluating the proposed change.

You may submit your proposals by:

1. By mail or hand delivery to:
Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Rd., MS-121
Anchorage, AK 99503
2. At any Federal Subsistence Regional Advisory Council meeting (A schedule will be published in the Federal Register and be announced statewide, bi-annually, prior to the meeting cycles)
3. On the Web at <http://www.regulations.gov>

Submit a separate proposal for each proposed change; however, do not submit the same proposal by different accepted methods listed above. To cite which regulation(s) you want to change, you may reference [50 CFR 100](#) or [36 CFR 242](#) or the proposed regulations published in the Federal Register: <http://www.gpoaccess.gov/fr/index.html>. All proposals and comments, including personal information, are posted on the Web at <http://www.regulations.gov>.

For the proposal processing timeline and additional information contact the Office of Subsistence Management at (800) 478-1456/ (907) 786-3888 or go to <http://www.doi.gov/subsistence/proposal/submit.cfm>.

How a proposal to change Federal subsistence regulations is processed:

1. Once a proposal to change Federal subsistence regulations is received by the Board, the U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM) validates the proposal, assigns a proposal number and lead analyst.
2. The proposals are compiled into a book for statewide distribution and posted online at the Program website. The proposals are also sent out the applicable Councils and the Alaska Department of Fish and Game (ADF&G) and the Interagency Staff Committee (ISC) for review. The period during which comments are accepted is no less than 45 calendar days. Comments must be submitted within this time frame.
3. The lead analyst works with appropriate agencies and proponents to develop an analysis on the proposal.
4. The analysis is sent to the Councils, ADF&G and the ISC for comments and recommendations to the Board. The public is welcome and encouraged to provide comments directly to the Councils and the Board at their meetings. The final analysis contains all of the comments and recommendations received by interested/affected parties. This packet of information is then presented to the Board for action.
5. The decision to adopt, adopt with modification, defer or reject the proposal is then made by the Board. The public is provided the opportunity to provide comment directly to the Board prior to the Board's final decision.
6. The final rule is published in the Federal Register and a public regulations booklet is created and distributed statewide and on the Program's website.

A step-by-step guide to submitting your proposal on www.regulations.gov:

1. Connect to www.regulations.gov – there is no password or username required.
2. In the white space provided in the large blue box, type in the document number listed in the news release or available on the program webpage, (for example: FWS-R7-SM2014-0062) and select the light blue “Search” button to the right.

3. Search results will populate and may have more than one result. Make sure the Proposed Rule you select is by the U.S. Fish and Wildlife Service (FWS) and **not** by the U.S. Forest Service (FS).
4. Select the proposed rule and in the upper right select the blue box that says, “Comment Now!”
5. Enter your comments in the “Comment” box.
6. Upload your files by selecting “Choose files” (this is optional).
7. Enter your first and last name in the spaces provided.
8. Select the appropriate checkbox stating whether or not you are providing the information directly or submitting on behalf of a third party.
9. Fill out the contact information in the drop down section as requested.
10. Select, “Continue.” You will be given an opportunity to review your submission.
11. If everything appears correct, click the box at the bottom that states, “I read and understand the statement above,” and select the box, “Submit Comment.” A receipt will be provided to you. Keep this as proof of submission.
12. If everything does not appear as you would like it to, select, “Edit” to make any necessary changes and then go through the previous step again to “Submit Comment.”

Missing out on the latest Federal subsistence issues? If you’d like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov. Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.

FCR21-08 Executive Summary	
General Description	Closure Review FCR21-08 reviews the closure to the harvest of fish by Federally qualified subsistence users in the Unalaska Lake drainage.
Current Regulation	<p>§___.27(e)(6) Aleutian Islands Area</p> <p>***</p> <p><i>(iv) You may not subsistence fish for salmon in the following waters:</i></p> <p><i>(A) The waters of Unalaska Lake, its tributaries and outlet stream;</i></p>
OSM Conclusion	Eliminate the closure and modify the regulations to allow Federally qualified subsistence users to use rod and reel to harvest fish in the Federal waters of the Unalaska Lake drainage.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

FEDERAL FISHERIES CLOSURE REVIEW
FCR21-08

Closure Location: Unalaska Lake drainage—Salmon

Current Federal Regulation

§___.27(e)(6) Aleutian Islands Area

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

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

Relevant Federal Regulations

§100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

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.

(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, except as may be specified on a subsistence fishing permit.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(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) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, 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.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

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 Regulations

Subsistence Regulations

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.

(d) In the Unalaska District, a subsistence permit holder fishing with a net must be physically present at the net at all times when the net is being used for fishing.

5 AAC 01.375 Waters closed to subsistence fishing

The following waters are closed to subsistence fishing for salmon:

(1) waters of Unalaska Lake (at the city of Unalaska), its tributaries and outlet stream, and 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 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;

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_ E/CS> 52.64' N. lat., 166_ E/CS>

32.30' W. long., to a point on the Unalaska Bay shore at 53° E/CS> 52.68' N. lat., 166° E/CS> 30.91' W. long;

(2) a permit holder may obtain an additional permit from the department to harvest more salmon other than sockeye salmon from Front Beach in Unalaska Bay.

(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

Alaska Peninsula and Aleutian Islands Area

5 AAC 65.022. Special provisions for bag, possession, and annual limits, and methods and means in the Alaska Peninsula and Aleutian Islands Area

(e) In the salt waters and all freshwater drainages of Unalaska Bay, the bag and possession limit for salmon, other than king salmon, is five fish per day, five fish in possession, of which no more than two fish may be coho salmon and two fish may be sockeye salmon.

5 AAC 65.051. Waters closed to sport fishing in the Alaska Peninsula and Aleutian Islands Area

(a) the Illiuliuk River drainage, including Illiuliuk Creek (also known as Town or Unalaska Creek), Illiuliuk [Unalaska] Lake, and all waters flowing into Illiuliuk Lake,

(i) is closed to sport fishing for sockeye salmon;

(ii) upstream from ADF&G regulatory markers located at the Church Hole [in Unalaska Creek], is closed to sport fishing for salmon;

Regulatory Year Initiated: 2001

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.

Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters comprise Unalaska Lake (also known as Iliukiuk Lake) and its tributaries and outlet streams, which are within and adjacent to the exterior boundaries of the Alaska Maritime National Wildlife Refuge (**Figure 1** and **Figure 2**).

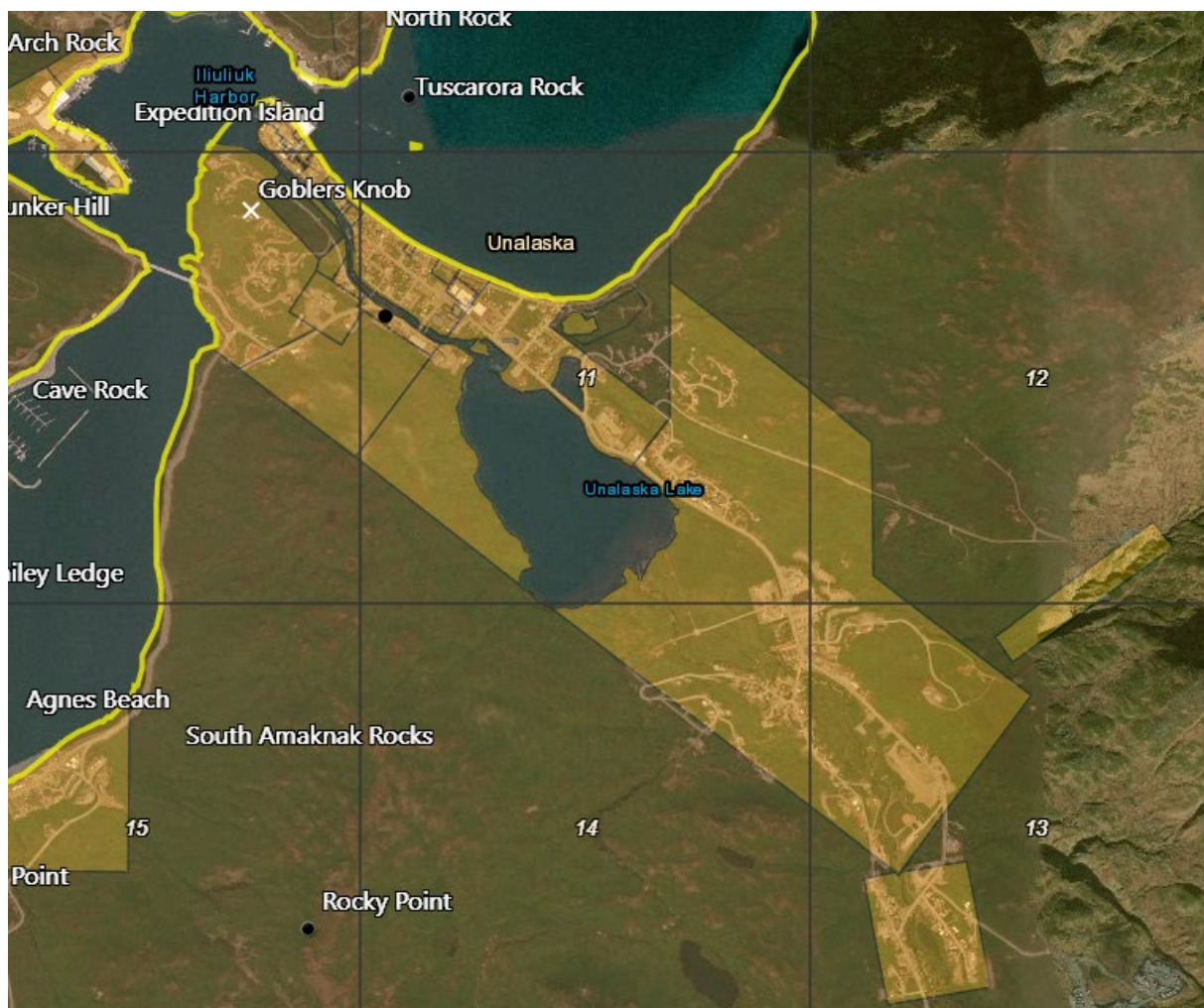


Figure 1. Map showing Unalaska Lake. Image courtesy of the FWS Land Mapper for the Alaska Region, developed by the USFWS, Alaska Region, Division of Realty.

Regulatory History

In 1991, the Federal Subsistence Management Program adopted final temporary regulations for the harvest of fish for subsistence uses in non-navigable waters within and adjacent to the exterior boundaries of Federal public lands (56 Fed. Reg. 123, 29352 [June 26, 1991]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations, “These temporary regulations attempt throughout to limit change from the State regulations to that necessary to fulfill the Secretaries’ responsibilities pursuant to title VIII” (56 Fed. Reg. 123, 29311 [June 26, 1991]).

In 1992, the Federal Subsistence Board (Board) adopted final regulations for fish management and rescinded the closure (57 Fed. Reg. 103, 22564 [May 28, 1992]). In 1997, the closure was in the proposed rule for the management of fish in navigable waters, in addition to non-navigable waters. The justification was that “The proposed wording of these sections is based on the existing State subsistence regulations with some exceptions” (62 Fed. Reg. 242, 66220 [December 17, 1997]).

In 1999, the Board adopted Federal regulations for fish in navigable waters, in addition to non-navigable waters, but this closure was not included (64 Fed. Reg. 5, 1307 [January 8, 1999]). In 2001, the closure under review in this analysis was added to Federal regulations (66 Fed. Reg. 30, 10154 [February 13, 2001]).



Figure 2. Aerial image of Unalaska Lake. Photo courtesy of Andy Dietrick, Aleutian Aerial LLC.

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (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.

In 1997, the closure was in the proposed rule for the management of fish in navigable waters, in addition to non-navigable waters. The justification was that “The proposed wording of these sections is based on the existing State subsistence regulations with some exceptions” (62 Fed. Reg. 242, 66220 [December 17, 1997]). It was adopted as final in 2001 (66 Fed. Reg. 30, 10154 [February 13, 2001]).

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background

This system has been identified to contain Coho, Pink, and Sockeye Salmon in this system, along with Dolly Varden (Johnson and Blossom 2018). In 2018 and 2019, Aerial surveys were conducted to enumerate salmon in this system using drones (Lawson 2020). The surveys, conducted by Aleutian Aerial LLC and funded by the Unalaska Native Fisherman’s Association, the Ounalashka Corporation, and the City of Unalaska, were commissioned out of concern for the lack of escapement estimates for Sockeye Salmon on the road system of Unalaska Island. The footage was provided to the Alaska Department of Fish and Game (ADF&G), who reviewed the footage and estimated the runs. The ADF&G also provided feedback for continued improvement of the aerial video monitoring methods, with the hopes of continuing these surveys. Minimum escapements (**Table 1**) indicate that this is currently a very small run for each salmon species. Additionally, substantial erosion and siltation of this system has been observed as identified by the brown colored shallow water at head of Unalaska Lake in **Figure 2**. Heavy siltation of this lake over decades may have eliminated shore spawning habitat for lake shore spawning Sockeye Salmon.

Table 1. Minimum salmon escapements at Unalaska Lake in 2018 and 2019, based on aerial drone surveys. Surveys did not include all habitat used by Pink Salmon, and were not conducted during the peak of Coho Salmon abundance (Lawson 2020).

Location	Year	Sockeye Salmon	Pink Salmon	Coho Salmon
Unalaska Lake	2018	583	605	21
Unalaska Lake	2019	350	25	0

Cultural Knowledge and Traditional Practices

The city of Unalaska is situated on Unalaska Island and is the largest city 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 and city supports one of the largest commercial fisheries in the nation. According to the 2010 United States Census, Unalaska had a population of 4,376 people. Considering the industrial scale of the fisheries operations there, many of the “residents” as recorded in the 2010 census may actually be seasonal workers that do not claim permanent Alaskan residency. As a context for assessing the actual number of permanent residents in Unalaska, in “Subsistence Fisheries Harvest Assessment and Traditional Ecological Knowledge, Lower Alaska Peninsula and Aleutian Islands,” Davis lists the population of Unalaska in 2000 as 2,091 people, less than half that of the 2000 census (4,283) (Davis 2005). Researchers specifically excluded any group quarter residents.

The most recent comprehensive subsistence surveys conducted by the ADF&G, Division of Subsistence, were completed for the 1993 study year (Scarborough and Fall 1997). During the study year permanent residents of Unalaska harvested approximately 195 lb of subsistence foods per person, of which approximately 28%, or 54 lb per person, was salmon. Harvest methods for the salmon caught

that year were “subsistence methods” (primarily nets, 62% of the salmon harvest), rod and reel (34% of the salmon harvest), and removal from commercial harvests (4% of the salmon harvest) (Scarborough and Fall 1997).

In 2013, Reedy conducted a partial house-to-house salmon harvest survey in Unalaska and made these observations:

Many people go beach seining at Front Beach in Unalaska Bay for salmon in the summer months. The culture camp seines for pinks as well. Pink salmon are the most abundant on the island but not the most desired fish. Their eggs are harvested and can be stored frozen. Sockeye is the most desired fish but abundance is down and this is blamed by locals on road construction, culverts, sediment runoff, and siltation ruining spawning beds. . . . A high school class runs the local coho salmon hatchery in the Iliuliuk River led by the science teacher, and the students are stewards of the river and its fish. Locals make lox with the salmon. Silvers are often smoked. Many keep sockeye heads for soup (Reedy 2016: 25).

Harvest History

Sport fishing under State regulations is the only harvest for salmon currently allowed in the Unalaska Lake system, also known as the Iliuliuk drainage. Sport fishing for salmon (other than Sockeye Salmon) is allowed only downstream of the ADF&G regulatory marker located at the Church Hole, which is located at the top end of the intertidal zone by the Russian Orthodox Church. This limited fishing area is approximately 200 yards long. The entire system is closed year-round to fishing for Sockeye Salmon, and the standard salmon sport regulations for the area apply for the other salmon species present, allowing 5 per day and 5 in possession, of which 2 may be Coho Salmon. Dolly Varden regulations allow 10 per day and 10 in possession. Reported harvest from these areas is low enough that they are lumped into a general Alaska Peninsula/Aleutian lakes category that covers a broad swath of the region (Alaska Sport Fishing Survey database, May 28, 2020).

A marine waters State sport fishery, primarily with snagging gear, takes place in in close vicinity to the mouth of the Iluiliuk drainage in Margaret’s Bay. The primary fish species targeted in this snag fishery are Sockeye Salmon. Although other Sockeye Salmon systems exist in Unalaska Bay, it is likely much of the harvest from this snag fishery is likely returning to the Iluiliuk drainage. Additionally, a State subsistence fishery for fish returning to this system does exist in the marine waters near the mouth of the drainage, at Front Beach and beyond the channel bridge connecting to Little South America. Both subsistence fisheries are conducted in the two access directions salmon have to pass to get into the Iluiluk drainage. The marine waters harvest is primarily Sockeye Salmon, but some Coho Salmon are also caught. During even years, Pink Salmon dominate the escapement into this system and are easily harvested both in the Sport and marine based Subsistence fisheries. Subsistence harvest in this area has contributed only a small percentage of overall subsistence harvest in the Unalaska Island area in the past few years, as most harvest has taken place in Reese Bay near McLees Lake (Fox et al. 2018, 2019).

There is currently no legal subsistence harvest in this freshwater system under Federal or State regulations, and there is no harvest history to report. However, the regional Federal subsistence regulations for the Unalaska District of the Aleutian Islands Area would apply if the closure is eliminated. 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) with reporting due annually by October 31. Salmon could be taken by seine or gillnet, and gillnets would have to be physically supervised at all times when in use. In the Unalaska District, salmon harvest is limited to 25 salmon plus an additional 25 salmon for each member of a household listed on a permit.

Other Alternative(s) Considered

Alternatives considered upon review of a closure include maintaining the status quo, eliminating the closure if no longer necessary, modifying the timing of the closure, or eliminating the closure and restricting legal gear and harvest limits. Salmon returns into the Iliuliuk drainage are small and remain a conservation concern, however the system does support some sport opportunity. Maintaining the status quo, which would continue to allow sport fishing while prohibiting subsistence, does not provide for a subsistence priority; therefore this alternative was rejected.

Eliminating the closure was also rejected due to the vulnerable status of the salmon population. One alternative considered would close the waters of Unalaska Lake, its tributaries and outlet stream, to all uses, restricting both subsistence fishing and sport opportunity within the drainage. This modification was rejected because the system currently supports a limited harvest under sport regulation, and may possibly support a similar opportunity under limited subsistence regulations, providing a subsistence opportunity for Federally qualified subsistence users.

OSM CONCLUSION

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

The OSM Conclusion is to modify the closure to allow limited opportunity for subsistence harvest in Unalaska Lake, its tributaries and outlet stream. Under this modification you may not take Sockeye Salmon, and no more than 5 salmon per day and 5 salmon in possession with rod and reel, of which only 2 may be Coho salmon.

The modification should read:

§___.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, except as may be specified on a subsistence fishing permit.

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

~~(A) *The waters of Unalaska Lake, its tributaries and outlet stream;*~~

(v) *You may take salmon only by seine and gillnet, or with gear specified on a subsistence fishing permit **except in Unalaska Lake, its tributaries and outlet stream, you may not use a seine or a gillnet.***

(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) *You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.*

(viii) *You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.*

(ix) *You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, 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; **and in Unalaska Lake, its tributaries and outlet stream you may not take Sockeye Salmon, and take no more than 5 salmon per day and 5 salmon in possession with rod and reel, of which only 2 may be Coho Salmon.** You may obtain an additional permit.*

(x) *You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.*

Justification

Currently this drainage is closed to the harvest of salmon by Federally qualified subsistence users and remains open to other uses. There is likely a small amount of harvest under restricted State sport fishing at the mouth and across the lagoon of the system and through State subsistence in the marine environment. This system should be open to a limited subsistence harvest. If this closure is modified to open to subsistence harvest of salmon, OSM recommends the harvest be restricted to rod and reel and low harvest and possession limits in order to protect healthy populations of salmon in the system.

LITERATURE CITED

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak/Aleutian Subsistence Regional Advisory Council

Defer FCR21-08. This closure was adopted from the Alaska Department of Fish and Game regulations 20 years ago. This is the initial review of this closure by Kodiak/Aleutians Subsistence Regional Advisory Council. The Council was not able to talk with the local Tribes and Advisory Committees regarding this closure and analysis prior to the Council meeting date.

The Council deferred seven Fishery Closure Reviews to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the Fishery Closure Reviews should have public input that directly affects the communities and the Council will consider those comments at its winter meeting. The Council will address the Closure Reviews at the winter 2021 Kodiak/Aleutians Subsistence Advisory Council meeting to develop recommendations to the Board.

The Council and OSM staff are contacting the State of Alaska Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Kodiak/ Aleutians Subsistence Regional Advisory Council (Council) deferred action on seven fishery closure reviews specific to their region. The Council deferred the closures because they wanted to collect additional information from local communities that could be impacted by actions taken on these closures. The Council was not confident they had sufficient input from the affected communities to make recommendations and wanted to ensure the Council made the appropriate recommendations as many closures focused on small and sensitive fisheries that have never been open to subsistence harvest. The Council is currently working with the Office of Subsistence Management (OSM) to make contacts with specific communities to gather additional feedback and plans to provide final recommendations on the deferred closure reviews during their winter Council meeting (March 2021).

The ISC believes the Federal Subsistence Board (Board) should consider deferring action on these closure reviews until the next fishery regulatory cycle. The seven closures that are up for review have been in place for 20 years and thus deferring action to the next fishery regulatory cycle would likely not have a noticeable impact to subsistence communities. Furthermore, if the Board took action on these closures during the summer 2021 Board session, any new regulations would not be effective until published in the Federal Register during the next fishery regulatory cycle.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Neutral.

SELECTED SUBSISTENCE REGULATIONS

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

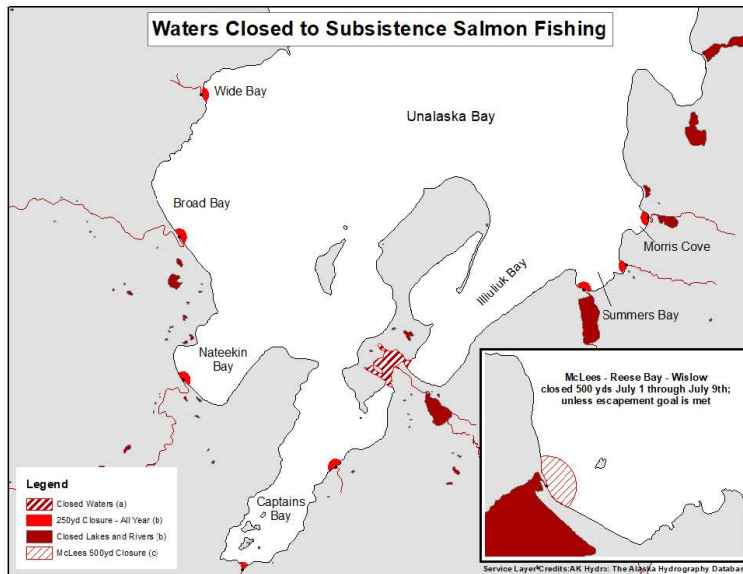
5 AAC 01.380. LIMITS TO NUMBER OF SALMON TAKEN: 25 salmon for the permit holder, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye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

FCR21-09 Executive Summary	
General Description	Closure Review FCR21-09 reviews the closure to the harvest of salmon by Federally qualified subsistence users in the Summers and Morris Lakes drainages.
Current Regulation	<p>§___.27(e)(6) Aleutian Islands Area</p> <p>***</p> <p><i>(iv) You may not subsistence fish for salmon in the following waters:</i></p> <p style="text-align: center;">***</p> <p><i>(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;</i></p>
OSM Conclusion	Eliminate the closure and modify the regulations to allow Federally qualified subsistence users to harvest salmon with means other than seine and gillnet in the Federal waters of Summers and Morris Lake drainages.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

**FEDERAL FISHERIES CLOSURE REVIEW
FCR21-09**

Closure Location: Summers and Morris lakes—Salmon

Current Federal Regulation

§___.27(e)(6) Aleutian Islands Area

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

(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;

Relevant Federal Regulations

§100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

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.

(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, except as may be specified on a subsistence fishing permit.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(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.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, 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.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

Note: In the Unalaska District, you are required to have a State Subsistence Fishing Permit when subsistence fishing for salmon (5 AAC 01.380. Subsistence fishing permits; see permit in **Appendix 1**)

Closure Dates: Year-round

Current State Regulations

Subsistence Regulations

Alaska Peninsula 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.

(d) In the Unalaska District, a subsistence permit holder fishing with a net must be physically present at the net at all times when the net is being used for fishing.

5 AAC 01.375 Waters closed to subsistence fishing

The following waters are closed to subsistence fishing for salmon:

(3) waters of Summers and Morris Lakes and their tributaries and outlet streams;

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. . .

(2) a permit holder may obtain an additional permit from the department to harvest more salmon other than sockeye salmon from Front Beach in Unalaska Bay.

(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

Alaska Peninsula 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

(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;

5 AAC 65.051. Waters closed to sport fishing in the Alaska Peninsula and Aleutian Islands Area

(3) Humpy Cove and Summer Bay Lake outlet creeks;

(B) the Summer Bay Lake drainage and salt waters within a 250-yard radius of the Summer Bay Creek outlet are closed to sport fishing from August 16 through December 31;

Regulatory Year Initiated: 2001

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.

Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters comprise Summers and Morris Lakes and their tributaries and outlet streams, which are within and adjacent to the exterior boundaries of the Alaska Maritime National Wildlife Refuge (**Figure 1** and **Figure 2**).



Figure 1. Map of Morris Lake (top right, in red) and Summers Lake (larger lake lower left) on Unalaska Island. Image courtesy of the FWS Land Mapper for the Alaska Region, developed by the USFWS, Alaska Region, Division of Realty.



Figure 2. Aerial images of Summer (left) and Morris (right) lakes. Both systems are accessible through the road system. Photos courtesy of Andy Dietrick, Aleutian Aerial LLC.

Regulatory History

In 1999, the Federal Subsistence Board (Board) adopted Federal regulations for fishing in navigable waters, in addition to non-navigable waters (64 Fed. Reg. 5, 1307 [January 8, 1999]). However, this closure was not included until 2001 (66 Fed. Reg. 30, 10154 [February 13, 2001]).

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (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.

In 1999, the Board adopted Federal regulations for fishing in navigable waters, in addition to non-navigable waters. Numerous revisions were made to fishing regulations to assure consistency with the then current State subsistence fisheries and shellfish regulations (64 Fed. Reg. 5, 1284 [January 8, 1999]). However, this closure was not included until 2001 (66 Fed. Reg. 30, 10154 [February 13, 2001]).

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background

Summer Lake and its primary tributary have been surveyed and found to contain Coho, Pink, and Sockeye salmon (Johnson and Blossom 2018). Morris Lake and its primary tributary have been identified as containing Coho and Sockeye Salmon (Johnson and Blossom 2018). In 2018 and 2019, aerial surveys were conducted to enumerate salmon in these systems using drones (Lawson 2020). The surveys, conducted by Aleutian Aerial LLC and funded by the Unalaska Native Fisherman's Association, the Ounalashka Corporation, and the City of Unalaska, were commissioned out of concern for the lack of escapement estimates for Sockeye Salmon on the road system of Unalaska Island. The footage was provided to the Alaska Department of Fish and Game (Department), who reviewed the footage and enumerated the runs. The Department also provided feedback for continued improvement of the aerial video monitoring methods, with the hopes of continuing these surveys. Minimum escapements (**Table 1**) indicate that while these lakes have relatively small runs, there are considerably more salmon returning to Summer Lake as compared to Morris Lake.

Table 1. Minimum salmon escapements based on aerial drone surveys. Surveys did not include all habitat used by Pink Salmon, and were not conducted during the peak of Coho Salmon abundance (Lawson 2020).

Location	Year	Sockeye Salmon	Pink Salmon	Coho Salmon
Summer (Bay) Lake	2018	3,622	4,105	201
Summer (Bay) Lake	2019	2,575	4,090	415
Morris (Cove) Lake	2018	315	7	0
Morris (Cove) Lake	2019	376	0	0

Cultural Knowledge and Traditional Practices

The city of Unalaska is situated on Unalaska Island and is the largest city 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 and city supports one of the largest commercial fisheries in the nation. According to the 2010 United States Census, Unalaska had a population of 4,376 people. Considering the industrial scale of the fisheries operations there, many of the “residents” as recorded in the 2010 census may actually be seasonal workers that do not claim permanent Alaskan residency. As a context for assessing the actual number of permanent residents in Unalaska, in “Subsistence Fisheries Harvest Assessment and Traditional Ecological Knowledge, Lower Alaska Peninsula and Aleutian Islands,” Davis lists the population of Unalaska in 2000 as 2,091 people, less than half that of the 2000 census (4,283) (Davis 2005). Researchers specifically excluded any group quarter residents.

The most recent comprehensive subsistence surveys conducted by the ADF&G, Division of Subsistence, were completed for the 1993 study year (Scarborough and Fall 1997). During the study year permanent residents of Unalaska harvested approximately 195 lb of subsistence foods per person, of which approximately 28%, or 54 lb per person, was salmon. Harvest methods for the salmon caught that year were “subsistence methods” (primarily nets, 62% of the salmon harvest), rod and reel (34% of the salmon harvest), and removal from commercial harvests (4% of the salmon harvest) (Scarborough and Fall 1997).

In 2013, Reedy conducted a partial house-to-house salmon harvest survey in Unalaska and made these observations:

Many people go beach seining at Front Beach in Unalaska Bay for salmon in the summer months. The culture camp seines for pinks as well. Pink salmon are the most abundant on the island but not the most desired fish. Their eggs are harvested and can be stored frozen. Sockeye is the most desired fish but abundance is down and this is blamed by locals on road construction, culverts, sediment runoff, and siltation ruining spawning beds. . . . A high school class runs the local coho salmon hatchery in the Iliuliuk River led by the science teacher, and the students are stewards of the river and its fish. Locals make

lox with the salmon. Silvers are often smoked. Many keep sockeye heads for soup (Reedy 2016: 25).

Harvest History

There is no legal Federal or State subsistence harvest in either of these lakes or their tributaries. However, both are open to sport fishing. Summer Lake, also referred to as Summer Bay Lake, is open to fishing January 1 – August 15, but Summer Bay Creek (leading into the lake) is closed to sport fishing year-round. Morris Lake and its drainage are open to sport harvest year-round. Sport harvest limits for open areas of both locations are the same for salmon. Coho, Chum, Sockeye, and Pink salmon are limited to a combined total of 5 per day and 5 in possession, only 2 of which may be Coho Salmon and only 2 of which may be Sockeye Salmon. Rainbow Trout/Steelhead and Dolly Varden have harvest limits of 2 per day, 2 in possession and 10 per day, 10 in possession, respectively. Reported harvest from these areas is low enough that they are lumped into a general Alaska Peninsula/Aleutian lakes category that covers a broad swath of the region (Alaska Sport Fishing Survey database, May 28, 2020). According to the Sport Fish Area Management Biologist, most salmon harvest in the vicinity of these two drainages occurs in the marine environment (Polum 2020, pers. comm.).

There is no subsistence harvest to report in either system as both are closed to subsistence fishing. However, the regional Federal subsistence regulations for the Unalaska District of the Aleutian Islands Area would apply if the closure is eliminated with no modification. Fishing for salmon would be allowed daily between 6 a.m. and 9 p.m., and would require a State subsistence permit with reporting due annually by October 31. Salmon could be taken by seine or gillnet, and gillnets would have to be physically supervised at all times when in use. The harvest of trout and char would also require a permit and fall under those terms. Fish other than salmon could be taken under any gear listed in the fishing regulations or with gear specified on the permit. In the Unalaska District, salmon harvest is limited to 25 salmon plus an additional 25 salmon for each member of a household listed on a permit.

Other Alternative(s) Considered

Alternatives considered upon review of a closure include maintaining the status quo, eliminating the closure if no longer necessary, modifying the timing of the closure, or eliminating the closure and restricting legal gear and harvest limits. Salmon returns into Summers and Morris lakes are small and remain a conservation concern, however the system does support some sport opportunity. Maintaining the status quo, which would continue to allow sport fishing while prohibiting subsistence, does not provide for a subsistence priority; therefore this alternative was rejected.

Eliminating the closure was also rejected due to the vulnerable status of the salmon population. One modification considered would close the waters of Summers and Morris lakes, their tributaries and outlet streams, to all uses, restricting both subsistence fishing and sport opportunity within the drainages. This modification was rejected because the system currently supports a limited harvest under sport regulation, and may possibly support a similar opportunity under limited subsistence regulations, providing a subsistence opportunity for Federally qualified subsistence users.

Another modification considered was to close the waters of Morris Lake, its tributaries and outlet stream, to all uses, restricting both subsistence fishing and sport opportunity within the drainage, and eliminating the closure to subsistence fishing in the waters of Summers Lake, its tributaries and outlet stream. This modification was rejected because both systems currently support a limited harvest under sport regulation, and may possibly support a similar opportunity under limited subsistence regulations, providing a subsistence for Federally qualified subsistence users.

OSM CONCLUSION

- maintain status quo
- modify or eliminate the closure

The OSM Conclusion is to modify the closure to allow limited opportunity for subsistence harvest in Summers and Morris Lakes, and their tributaries and outlet streams. Under this modification you may not use a seine or a gill net and take no more than 20 salmon.

The modification should read:

§___.27(e)(6) Aleutian Islands Area

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

~~(B) The waters of Summers and Morris Lakes and their tributaries and outlet streams;~~

§100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

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.*

(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, except as may be specified on a subsistence fishing permit.

*(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit. **In the waters of Summers and Morris Lakes and their tributaries and outlet streams, you may not use a seine or a gillnet.***

(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.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

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Morris Lakes and their tributaries and outlet streams, you may take not more than 20 salmon.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

Justification

Currently these drainages are closed to the harvest of salmon by Federally qualified subsistence users and remain open to other uses. This system should be open to limited subsistence harvest. If this closure is modified to open to subsistence harvest of salmon, OSM recommends the harvest be restricted to rod and reel and low harvest and possession limits in order to protect healthy populations of salmon in the system.

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ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Neutral.

SELECTED SUBSISTENCE REGULATIONS

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

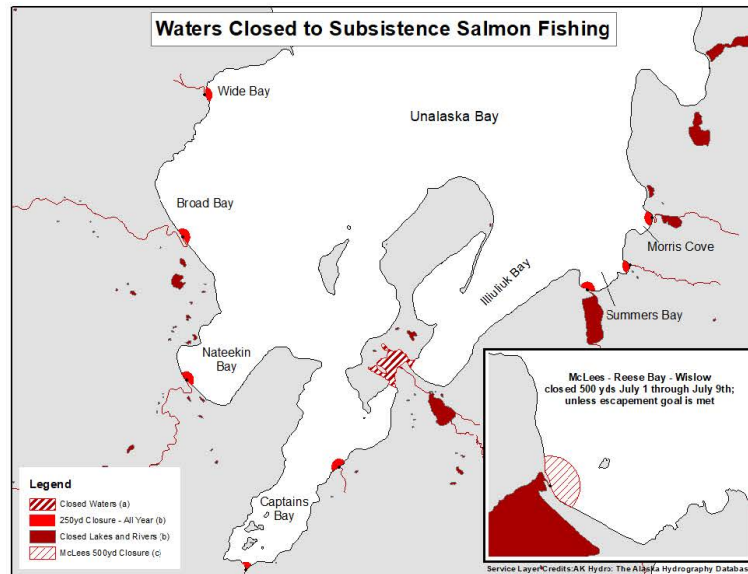
5 AAC 01.380. LIMITS TO NUMBER OF SALMON TAKEN: 25 salmon for the permit holder, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye 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 Kalekta 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 restrictions includes blocking the stream mouth while "roundhauling."



For questions contact Fish and Game office: Dutch Harbor (907) 581-1239; Kodiak (907) 486-1882.

FCR21-11 Executive Summary	
General Description	Closure Review FCR21-11 reviews the closure to the harvest of salmon by Federally qualified subsistence users in the McClees Lake drainage.
Current Regulation	<p>§___.27(e)(6) Aleutian Islands Area</p> <p><i>(iv) You may not subsistence fish for salmon in the following waters:</i></p> <p style="text-align: center;"><i>(D) Waters of McLees Lake and its tributaries and outlet stream</i></p>
OSM Conclusion	Eliminate the closure and modify the regulations to allow Federally qualified subsistence users to harvest salmon with means other than seine and gillnet in the Federal waters of the McClees Lake drainage.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

FEDERAL FISHERIES CLOSURE REVIEW

FCR21-11

Closure Location: 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

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.

(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, except as may be specified on a subsistence fishing permit.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(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.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, 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.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

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

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. . .

(2) a permit holder may obtain an additional permit from the department to harvest more salmon other than sockeye salmon from Front Beach in Unalaska Bay.

(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

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 Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters comprise McLees Lake, its outlet stream and primary tributary, which are within and adjacent to the exterior boundaries of the Alaska Maritime National Wildlife Refuge (**Figure 1**).

Regulatory History

In 1999, the Federal Subsistence Board adopted Federal regulations for fishing in navigable waters, in addition to non-navigable waters. Numerous revisions were made to fishing regulations to assure consistency with the then current State subsistence fisheries regulations, (64 Fed. Reg. 5, 1284 [January 8, 1999]). However, this closure was not adopted until 2001 (66 Fed. Reg. 30, 10154 [February 13, 2001]).

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (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.

In 1999, the Federal Subsistence Board adopted Federal regulations for fishing in navigable waters, in addition to non-navigable waters. Numerous revisions were made to fishing regulations to assure consistency with the then current State subsistence fisheries regulations, (64 Fed. Reg. 5; 1284 [January 8, 1999]).

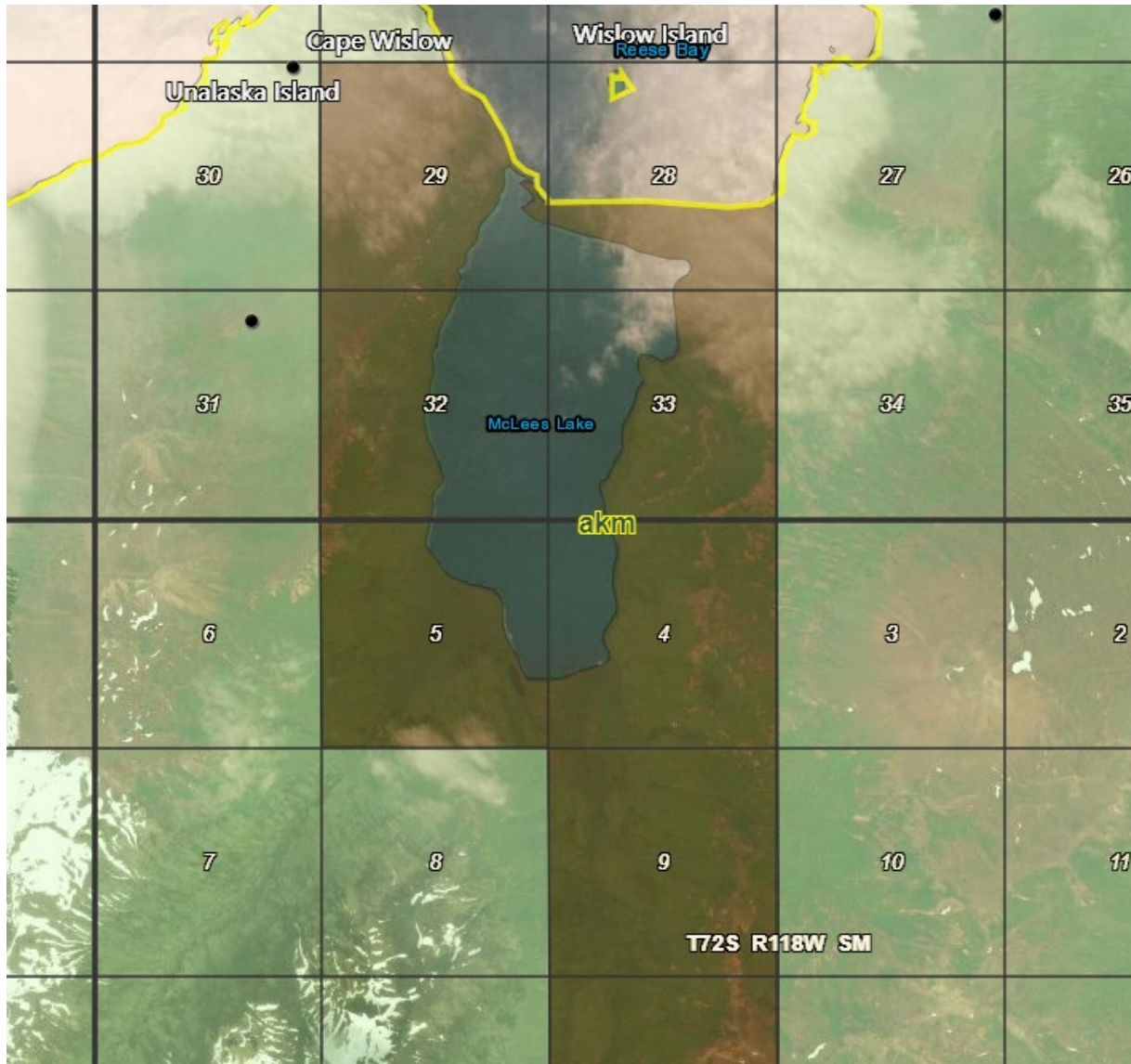


Figure 1. Lands around McLees Lake on Unalaska Island. Yellow line indicates lands are within the external boundary of Alaska Maritime National Wildlife Refuge. Areas in brown coloration indicate corporation ownership and areas in green coloration indicate Alaska Maritime National Wildlife Refuge lands. The bold yellow line indicates the exterior boundaries of the Alaska Maritime National Wildlife Refuge. Image courtesy of the FWS Land Mapper for the Alaska Region, developed by the USFWS, Alaska Region, Division of Realty.

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.

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) and Qawalangin Tribe operated a weir to enumerate McLees Lake escapement, which was funded by the Office of Subsistence Management (OSM). When this funding ceased, ADF&G, in cooperation with the Qawalangin Tribe, acquired grant monies through the Alaska Sustainable Salmon Fund (AKSSF) to continue weir operations from 2012 through 2017. No funding was available to operate a weir during the 2018 and 2019 season. Funding provided by OSM to operate a weir was secured from 2020 through 2023. This system produces mainly Sockeye Salmon, but also sees occasional steelhead trout (Johnson and Blossom 2018). Escapements have ranged from a high of 101,793 Sockeye Salmon (2002) to a low of 8,661 (2008), with the most recent reported 5-year average (2013-2017) of 20,297 fish (Hildreth and Finkle 2013, Lipka and Fox 2017).

Community Background

The city of Unalaska is situated on Unalaska Island and is the largest city 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 and city supports one of the largest commercial fisheries in the nation. According to the 2010 United States Census, Unalaska had a population of 4,376 people. Considering the industrial scale of the fisheries operations there, many of the “residents” as recorded in the 2010 census may actually be seasonal workers that do not claim permanent Alaskan residency. As a context for assessing the actual number of permanent residents in Unalaska, in “Subsistence Fisheries Harvest Assessment and Traditional Ecological Knowledge, Lower Alaska Peninsula and Aleutian Islands,” Davis lists the population of Unalaska in 2000 as 2,091 people, less than half that of the 2000 census (4,283) (Davis 2005). Researchers specifically excluded any group quarter residents.

The most recent comprehensive subsistence surveys conducted by the ADF&G, Division of Subsistence, were completed for the 1993 study year (Scarborough and Fall 1997). During the study year permanent residents of Unalaska harvested approximately 195 lb of subsistence foods per person, of which approximately 28%, or 54 lb per person, was salmon. Harvest methods for the salmon caught that year were “subsistence methods” (primarily nets, 62% of the salmon harvest), rod and reel (34% of the salmon harvest), and removal from commercial harvests (4% of the salmon harvest) (Scarborough and Fall 1997).

In 2013, Reedy conducted a partial house-to-house salmon harvest survey in Unalaska and made these observations:

Many people go beach seining at Front Beach in Unalaska Bay for salmon in the summer months. The culture camp seines for pinks as well. Pink salmon are the most abundant on the island but not the most desired fish. Their eggs are harvested and can be stored frozen. Sockeye is the most desired fish but abundance is down and this is blamed by locals on road construction, culverts, sediment runoff, and siltation ruining spawning beds. . . . A high school class runs the local coho salmon hatchery in the Iliuliuk River led by the science teacher, and the students are stewards of the river and its fish. Locals make lox with the salmon. Silvers are often smoked. Many keep sockeye heads for soup (Reedy 2016: 25).

Harvest History

There is an active State managed subsistence fishery targeting the Sockeye Salmon returning to McLees Lake, which takes place in the marine waters of Reese Bay near the lake outlet. Subsistence harvests of Sockeye Salmon returning through Reese Bay to McLees Lake are typically taken by set gillnet in Reese Bay during the months of June and July. Participation requires a State subsistence permit, and estimates of harvests for this fishery between 1985 and 2017 have ranged from 436 to 4,694 fish annually (Fox et al. 2019). There were 23 permits issued for the first year of this fishery in 1985, and a high of 129 permits issued in 2013. This fishery is often the primary Unalaska Island subsistence salmon fishery. The McLees Lake stock harvested in Reese Bay has historically provided 45-94% of the annual Sockeye Salmon harvest in this community (**Figure 2**; Fox et al. 2019).

Other Alternative(s) Considered

Alternatives considered upon review of a closure include maintaining the status quo, eliminating the closure if no longer necessary, modifying the timing of the closure, or eliminating the closure and restricting legal gear and harvest limits. Salmon returns into the McLees Lake drainage have fluctuated over the years but still support sport fishing and a robust subsistence harvest in the marine waters of Reese Bay. Maintaining the status quo, which would continue to allow sport fishing while prohibiting subsistence, does not provide for a subsistence priority; therefore, this alternative was rejected.

Eliminating the closure without some restriction was also rejected due to the vulnerable status of the salmon population within the fresh waters. One modification considered would close the waters of McLees Lake, its tributaries and outlet stream, to all uses, restricting both subsistence fishing and sport opportunity within the drainage. This modification was rejected because the system currently supports a limited harvest under sport regulation, and may support a similar opportunity under limited subsistence regulations, providing a subsistence opportunity for Federally qualified subsistence users.

OSM CONCLUSION

- maintain status quo
- modify or eliminate the closure

The OSM Conclusion is to modify the closure to allow limited opportunity for subsistence harvest in McLees Lake, its tributaries and outlet stream. Under this modification you may not use a seine or a gill net and take no more than 20 salmon.

The modifications 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~~

§___.25 Subsistence taking of fish, wildlife, and shellfish: general regulations

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.

(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, except as may be specified on a subsistence fishing permit.

*(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit **except in waters of McLees Lake and its tributaries and outlet stream, you may not use a seine or a gillnet.***

(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.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

(viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.

*(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, 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, **and in waters of McLees Lake and its tributaries and outlet stream you may take no more than 20 salmon per day.** You may obtain an additional permit.*

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

Justification

Currently this drainage is closed to the harvest of salmon by Federally qualified subsistence users and remains open to other uses. This system should be open to limited subsistence harvest. If this closure is modified to open to subsistence harvest of salmon, OSM recommends the harvest be restricted to rod and

reel, the possible use of dip net, and low harvest and possession limits in order to protect healthy populations of salmon in the system.

LITERATURE CITED

Fox, E. K. C., L. K. Strumpf, and C. J. Whiteside. 2019. South Alaska Peninsula salmon annual management report, 2018 and the 2017 subsistence fisheries in the Alaska Peninsula, Aleutian Islands, and Atka-Amlia Islands management areas. Alaska Department of Fish and Game, Regional Information Report No. 4K19-01. Kodiak, AK.

Davis, Brian 2005. Subsistence Fisheries Harvest Assessment and Traditional Ecological Knowledge, Lower Alaska Peninsula and Aleutian Islands. Technical Paper Number 301. Alaska Department of Fish and Game, Division of Subsistence, Juneau, Alaska.

Hildreth, D. R. and H. Finkle. Estimation of Sockeye Salmon Escapement into McLees Lake, Unalaska Island, Alaska, 2011. U.S. Fish and Wildlife Service, Alaska Fisheries Data Series No. 2013-2. Anchorage, AK.

Johnson, J. and B. Blossom. 2018. Catalog of waters important for spawning, rearing, or migration of anadromous fishes – Arctic Region, Effective June 1, 2018, Alaska Department of Fish and Game, Special Publication No. 18-02, Anchorage.

Lipka, C. G., and E. K. C. Fox. 2017. McLees Lake salmon escapement monitoring report, 2012-2017. Alaska Department of Fish and Game, Fishery Management Report No. 17-49, Anchorage, AK.

Reedy, K. 2016. Island networks: Aleutian Islands salmon and other subsistence harvests. Department of Anthropology, Idaho State University, Pocatello, ID.

Scarborough, L., and J.A. Fall. 1997. Unalaska: subsistence harvest and use information. Alaska Department of Fish and Game Division of Subsistence, Special Publication No. SP1997-001, Anchorage.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak/Aleutian Subsistence Regional Advisory Council

Defer FCR21-11. This closure was adopted from the Alaska Department of Fish and Game regulations 20 years ago. This is the initial review of this closure by Kodiak/Aleutians Subsistence Regional Advisory Council. The Council was not able to talk with the local Tribes and Advisory Committees regarding this closure and analysis prior to the Council meeting date.

The Council deferred seven Fishery Closure Reviews to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the Fishery Closure Reviews should have public input that directly affects the communities and the Council will consider those comments at its winter meeting. The Council will address the Closure Reviews at the winter 2021 Kodiak/Aleutians Subsistence Advisory Council meeting to develop recommendations to the Board.

The Council and OSM staff are contacting the State of Alaska Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Kodiak/ Aleutians Subsistence Regional Advisory Council (Council) deferred action on seven fishery closure reviews specific to their region. The Council deferred the closures because they wanted to collect additional information from local communities that could be impacted by actions taken on these closures. The Council was not confident they had sufficient input from the affected communities to make recommendations and wanted to ensure the Council made the appropriate recommendations as many closures focused on small and sensitive fisheries that have never been open to subsistence harvest. The Council is currently working with the Office of Subsistence Management (OSM) to make contacts with specific communities to gather additional feedback and plans to provide final recommendations on the deferred closure reviews during their winter Council meeting (March 2021).

The ISC believes the Federal Subsistence Board (Board) should consider deferring action on these closure reviews until the next fishery regulatory cycle. The seven closures that are up for review have been in place for 20 years and thus deferring action to the next fishery regulatory cycle would likely not have a noticeable impact to subsistence communities. Furthermore, if the Board took action on these closures during the summer 2021 Board session, any new regulations would not be effective until published in the Federal Register during the next fishery regulatory cycle.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Neutral.

APPENDIX 1

UNALASKA AREA SUBSISTENCE SALMON FISHING PERMIT



UNALASKA AREA SUBSISTENCE SALMON FISHING PERMIT

Permit expires October 31, 2020 (5AAC 01.380(c))



This permit is valid in the Unalaska District of the Aleutian Islands Area Only.

Name: _____

Address: _____

I have personally reviewed the information on this permit and I HEREBY CERTIFY THAT ALL OF THE INFORMATION IS TRUE AND CORRECT. (NOTE: Making a false statement, or omitting a material fact, is subject to a maximum penalty of \$10,000 or 1 year imprisonment, or both, per AS 11.56.210 and AS 16.05.665).

Permittee signature _____

Date _____

Additional members of same household to be included on permit (Alaska Residents Only):

Total number of salmon allowed on this permit: _____

Email Address or Phone: _____

SUBSISTENCE SALMON HARVEST REPORT

RECORD DATE, SPECIFIC LOCATION, AND NUMBER OF HARVESTED SALMON BY SPECIES IMMEDIATELY UPON HARVEST

DATE	SPECIFIC LOCATION	KING	SOCKEYE	COHO	PINK	CHUM

REFER TO THE CURRENT SUBSISTENCE REGULATION BOOK FOR COMPLETE REGULATIONS

The catch report table must be filled out (even if the permit was not used) and returned by **October 31, 2020** to: Alaska Department of Fish and Game, Unalaska Salmon Management, 351 Research Court, Kodiak AK 99615. Failure to return this permit to ADF&G could result in denial of future permits.

Department representative _____

Date _____

(SEE OPPOSITE SIDE FOR SUBSISTENCE REGULATIONS)

SELECTED SUBSISTENCE REGULATIONS

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

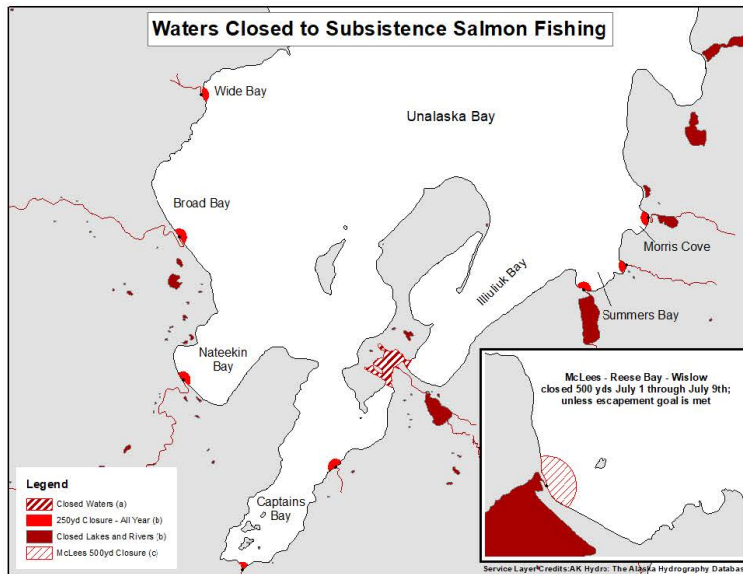
5 AAC 01.380. LIMITS TO NUMBER OF SALMON TAKEN: 25 salmon for the permit holder, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye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

FCR21-13 Executive Summary	
General Description	Closure Review FCR21-13 reviews the closure to the harvest of salmon by Federally qualified users in the Russel Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon.
Current Regulation	<p>§100.27(e)(7) Alaska Peninsula Area</p> <p>***</p> <p><i>(v) You may not subsistence fish for salmon in the following waters:</i></p> <p><i>(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;</i></p>
OSM Conclusion	Modify the closure to include only Nurse Lagoon and within 500 yards outside Nurse Lagoon and modify regulations to allow Federally qualified subsistence users to harvest salmon with means other than seine and gillnet in the Federal public waters of Russel Creek.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

**FEDERAL FISHERIES CLOSURE REVIEW
FCR21-13**

Closure Location: Russell Creek and Nurse Lagoon—Salmon

Current Federal Regulation

§100.27(e)(7) Alaska Peninsula Area

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

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

Relevant Federal Regulations

§100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

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.

(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.

§100.27(e)(7) Alaska Peninsula Area

(ii) You may take salmon, trout, and char only under the authority of a subsistence fishing permit.

(iii) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(iv) You may take salmon at any time, except in those districts and sections open to commercial salmon fishing where salmon may not be taken during the 24 hours before and 12 hours following each State open weekly commercial salmon fishing period, or as may be specified on a subsistence fishing permit.

(vi) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit. You may also take salmon without a permit by snagging (by handline or rod and reel), using a spear, bow and arrow, or capturing by bare hand.

(viii) You may not use a set gillnet exceeding 100 fathoms in length.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.

Note: In the Alaska Peninsula Area, you are required to have a State Subsistence Fishing Permit when subsistence fishing for salmon (**Appendix 1**, see 5 AAC 01.420. Subsistence fishing permits)

Closure Dates: Year-round

Current State Regulations

Subsistence Regulations

Alaska Peninsula Area

5 AAC 01.420. Lawful gear and gear specifications

(a) Salmon may be taken only by seine and gillnet, or with gear specified on a subsistence fishing permit.

(c) In waters open to commercial salmon fishing, salmon may be taken only with a set or drift gillnet that does not exceed 50 fathoms in total length.

(d) Except as specified in (a) and (c) of this section, a permit holder may not operate a

(1) set gillnet that is more than 100 fathoms in length; and

(2) drift gillnet that is more than 200 fathoms in length.

(e) A purse seine or hand purse seine may not exceed 250 fathoms in length or 375 meshes in depth. Seine mesh size may not exceed three and one-half inches stretched measure, except that the first 25 meshes above the leadline may not exceed seven inches stretched measure.

(f) A person may not operate subsistence fishing gear within 100 feet of a set gillnet.

5 AAC 01.430. Subsistence fishing permits

(a) Salmon, trout, and char may only be taken under the authority of a subsistence fishing permit. The department will only issue one permit per household.

(b) No more than 250 salmon may be taken for subsistence purposes, per household, unless otherwise specified by a local representative of the department on the subsistence fishing permit. A permit holder may obtain an additional permit from the department.

(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.

5 AAC 01.425 Waters closed to subsistence fishing

The following waters are closed to subsistence fishing for salmon:

- (1) Russell Creek and Nurse Lagoon and within 500 yards from the stream terminus of Russell Creek and Nurse Lagoon;*

Sport Regulations

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: 1992

Customary and Traditional Use Determination

Residents of the Alaska Peninsula Area have a customary and traditional use determination for all fish in the Alaska Peninsula Area.

Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Nurse Lagoon and Russel Creek are Federal public waters within and adjacent to the external boundaries of the Alaska Peninsula National Wildlife Refuge.

Regulatory History

In 1990, the Federal Subsistence Management Program adopted temporary subsistence management regulations for public lands in Alaska, which included this closure, to minimize disruption to the State’s continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of the Title VIII of ANILCA (55 Fed. Reg. 126; 27125, 27155 [June 29, 1990]).

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (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.

In 1990, the Federal Subsistence Management Program adopted temporary subsistence management regulations for public lands in Alaska, which included this closure, to minimize disruption to the State’s continuing fish and game management, because of the uncertainty over the resumption of State management of subsistence, yet still fulfill the requirements of the Title VIII of ANILCA (55 Fed. Reg. 126; 27125, 27155 [June 29, 1990]).



Figure 1. Lands around Nurse Lagoon and Russel Creek. Areas in brown surrounding the lagoon and lower portion of the creek draining into the lagoon are all conveyed to the King Cove Corporation. Image courtesy of the FWS Land Mapper for the Alaska Region, developed by the USFWS, Alaska Region, Division of Realty.

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background

Russell Creek has been surveyed and found to contain Chum, Pink, and Sockeye salmon as well as steelhead trout (Johnson and Blossom 2018). Annual indexing of salmon escapement is conducted

through aerial surveys and recent data shows variable returns of Chum and Pink salmon (**Table 1**). There was also a count of 600 Coho Salmon observed during the 2014 season (Keyse and Fox 2015).

Table 1. Aerial survey estimates of Chum and Pink salmon to Russell Creek (Poetter and Nichols 2014, Keyse and Fox 2015, Keyse et al. 2016, Fox et al. 2017, Fox et al. 2018, Fox et al. 2019).

Year	Chum Salmon	Pink Salmon
2013	20,000	8,000
2014	55,500	60,400
2015	18,800	29,000
2016	113,000	0
2017	125,000	140,000
2018	12,500	2,500

Community Background

Two communities have consistent access to Russell Creek and Nurse Lagoon. Cold Bay is an incorporated city with a population of 108 residents that is home to the Izembek National Wildlife Refuge. King Cove is an incorporated city with a population of 938 residents and an economy dependent on commercial fisheries and seafood processors. King Cove is located across the bay from the Cold Bay community and travel between the communities is limited to boat or plane. Cold Bay residents can access Russell Creek and Nurse Lagoon by road and foot. The small watershed is located directly east of the end of the Cold Bay airport runway.

The most recent comprehensive subsistence surveys conducted in each community were completed for the 2016 study year. The final report is in process but the data are available on the ADF&G, Division of Subsistence Community Subsistence Information System (CSIS). During the study year residents of Cold Bay harvested approximately 232 lb of subsistence foods per person, of which 148 lb per person was salmon. King Cove residents harvested approximately 297 lb per person of subsistence foods, of which 192 lb per person was salmon (CSIS).

Harvest History

Russell Creek is closed to subsistence fishing under both Federal and State regulations; however, it is open to sport fishing. The general Alaska Peninsula/Aleutian Island Remote Zone sport fishing salmon regulations allow 5 salmon (combination of species excluding Chinook) per day and 10 in possession. There is no specific harvest reported for Russell Creek as harvest is so low, but the harvest for the combined Cold Bay Area in years where 12 or more Statewide Sport Fish Harvest Survey responses were received between 2009 and 2018 range between 1,249 and 5,048 salmon (ADF&G 2020). Commercial fishing is not allowed in Russell Creek and Nurse Lagoon and within 500 yards from the stream terminus of Russell Creek and Nurse Lagoon (5 AAC 39.290).

Federal subsistence regulations would apply if the closure was removed. For salmon this would require a State subsistence permit, with reporting due annually by October 31. Salmon taken under the permit could be harvested by gillnet, rod and reel, or gear specified on the permit. Salmon could also be taken without a permit by snagging (hand line or rod and reel), using a spear, bow and arrow, or capture by hand. The salmon harvest limit for the Alaska Peninsula Area is 250 fish.

Federally qualified subsistence users harvest salmon with rod and reel under State sport fishing regulations at Russell Creek (Reedy 2020, pers. comm.). The adjacent land is owned by the King Cove Corporation, and a person must get a permit from the Corporation to access Russell Creek, or a person can access the creek using one of three Bureau of Land Management access easements (Ris Dahl 2020, pers comm.). For Cold Bay residents, the larger Sockeye Salmon subsistence efforts are at Mortensen's Lagoon (a couple miles southeast from Russell Creek), with rod and reel and beach seines. Many King Cove subsistence harvesters come over to Mortenson's Lagoon as well for the majority of their homepack, since fishing options closer to King Cove are limited. They use the ferry or share on a family member's boat to travel between the communities (Reedy 2020, pers. comm.).

Other Alternative(s) Considered

Alternatives considered upon review of a closure include maintaining the status quo, eliminating the closure if no longer necessary, modifying the timing of the closure, or eliminating the closure and restricting legal gear and harvest limits. Salmon returns into the Russell Creek drainage supports some fresh water sport opportunity and a marine based subsistence harvest under State regulations. Maintaining the status quo, which would continue to allow sport fishing while prohibiting subsistence, does not provide for a subsistence priority; therefore this alternative was rejected.

Eliminating the closure was also rejected due to the vulnerable status of the salmon population once in the fresh water and particularly in the shallows of Nurse Lagoon. One modification considered would close the waters of Russell Creek, its tributaries and outlet stream, and Nurse Lagoon, to all uses, restricting both subsistence fishing and sport opportunity within the drainage. This modification was rejected because the system currently supports a limited harvest under sport regulation, and may support a similar opportunity under limited subsistence regulations, providing a subsistence opportunity for Federally qualified subsistence users.

OSM CONCLUSION

maintain status quo

modify or eliminate the closure

The OSM Conclusion is to modify the closure to allow limited opportunity for subsistence harvest in Russel Creek, its tributaries and outlet stream. Under this modification you may not use a seine or a gill net, but could use dipnet in addition to snagging, using a spear, bow and arrow, or capturing by bare hand. Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon would be closed to all uses.

The modification should read:

Alaska Peninsula Area

§100.27(e)(7)

(ii) *You may take salmon, trout, and char only under the authority of a subsistence fishing permit.*

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

~~(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;~~

(vi) *You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit. **In the waters of Russel Creek, its tributaries and outlet stream, you may not use a seine or a gillnet.** You may also take salmon without a permit by snagging (by handline or rod and reel), **dipnet**, using a spear, bow and arrow, or capturing by bare hand.*

(viii) *You may not use a set gillnet exceeding 100 fathoms in length.*

(ix) *You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.*

Justification

Although the current closure to Federal subsistence fishing within Russell Creek and Nurse Lagoon is mirrored under State subsistence regulations, harvest is allowed under State sport fishing regulations. Russell Creek is surrounded by corporation land and has three public access points. Annual aerial surveys allow rough observation of trends in returns and take conducted under permits would provide information on subsistence harvest. Specific fishery restrictions could be enacted through the proposal process should issues or concerns arise. While the customary and traditional use determination would allow harvest under this fishery by all rural residents of the Alaska Peninsula Area, it is likely that harvest would be limited to the rural residents of Cold Bay. It is reasonable to eliminate this closure at this time.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak/Aleutian Subsistence Regional Advisory Council

Defer FCR21-13. This closure was adopted from the Alaska Department of Fish and Game regulations 20 years ago. This is the initial review of this closure by Kodiak/Aleutians Subsistence Regional Advisory Council. The Council was not able to talk with the local Tribes and Advisory Committees regarding this closure and analysis prior to the Council meeting date.

The Council deferred seven Fishery Closure Reviews to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the Fishery Closure Reviews should have public input that directly affects the communities and the Council will consider those comments at its winter meeting. The Council will address the Closure Reviews at the winter 2021 Kodiak/Aleutians Subsistence Advisory Council meeting to develop recommendations to the Board.

The Council and OSM staff are contacting the State of Alaska Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Kodiak/ Aleutians Subsistence Regional Advisory Council (Council) deferred action on seven fishery closure reviews specific to their region. The Council deferred the closures because they wanted to collect additional information from local communities that could be impacted by actions taken on these closures. The Council was not confident they had sufficient input from the affected communities to make recommendations and wanted to ensure the Council made the appropriate recommendations as many closures focused on small and sensitive fisheries that have never been open to subsistence harvest. The Council is currently working with the Office of Subsistence Management (OSM) to make contacts with specific communities to gather additional feedback and plans to provide final recommendations on the deferred closure reviews during their winter Council meeting (March 2021).

The ISC believes the Federal Subsistence Board (Board) should consider deferring action on these closure reviews until the next fishery regulatory cycle. The seven closures that are up for review have been in place for 20 years and thus deferring action to the next fishery regulatory cycle would likely not have a noticeable impact to subsistence communities. Furthermore, if the Board took action on these closures during the summer 2021 Board session, any new regulations would not be effective until published in the Federal Register during the next fishery regulatory cycle.


ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Neutral.

APPENDIX 1

ALASKA PENINSULA AREA SUBSISTENCE SALMON FISHING PERMIT

ALASKA PENINSULA AREA SUBSISTENCE SALMON FISHING PERMIT
 Permit expires October 31, 2020 (5AAC 01.430(c))



This permit is valid in the Southeastern, South Central, Southwestern, Unimak, Northwestern, and Northern Districts.

Name: _____
Address: _____

I hereby certify that I am an Alaska resident, and any salmon taken will be used for subsistence purposes only.

 Permittee signature Date

Additional members of same household to be included on permit (Alaska Residents Only):

Email Address: _____ Renew permit for next year:

The catch report table below must be filled out (even if the permit was not used) and returned to a local Alaska Department of Fish and Game office prior to October 31, 2020. Failure to return the permit could result in future permits being denied (5 AAC 01.015 (C)).

SUBSISTENCE SALMON HARVEST REPORT
 Number of salmon by species:

DATE	SPECIFIC LOCATION	KING	SOCKEYE	COHO	PINK	CHUM

- ALL PERSONS MUST HAVE A VALID SUBSISTENCE PERMIT IN POSSESSION WHILE TAKING OR ATTEMPTING TO TAKE SUBSISTENCE SALMON.
- COMPLETE THE SUBSISTENCE HARVEST REPORTS IMMEDIATELY UPON LANDING SALMON. UNSUCCESSFUL TRIPS SHOULD ALSO BE RECORDED.
- NONRESIDENTS CANNOT PARTICIPATE IN SUBSISTENCE FISHING ACTIVITIES.

REFER TO THE CURRENT SUBSISTENCE REGULATION BOOK FOR COMPLETE REGULATIONS

Return permit to: Alaska Department of Fish and Game, Alaska Peninsula Salmon Management, 351 Research Court, Kodiak AK 99615 by October 31, 2020 .

 Department representative Date

(SEE OPPOSITE SIDE FOR SUBSISTENCE REGULATIONS)

SELECTED SUBSISTENCE REGULATIONS

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

5 AAC 01.430. LIMITS TO NUMBER OF SALMON TAKEN: 250 salmon per household, unless otherwise specified by a local representative of the department. Additional household permits are available by request from the local ADF&G representative.

5 AAC 01.420. LIMITS TO GEAR USED TO TAKE SALMON: Salmon may be taken by seine or gillnet. No set gillnet may exceed 100 fathoms in length. No drift gillnet may exceed 200 fathoms in length. In areas open to commercial salmon fishing, salmon can only be taken with gillnets of not more than 50 fathoms in aggregate length.

5 AAC 01.427. IDENTIFICATION OF GILLNET GEAR: A buoy at one end of any gillnet must be plainly and legibly marked with the operator's first initial, last name, and mailing address of the permit holder or the vessel's ADF&G number.

5 AAC 01.410. FISHING SEASONS: Salmon may be taken at any time except as follows:

1. In those districts and sections open to commercial salmon fishing, salmon may not be taken by a commercial salmon fishing permit holder within 24 hours before and within 12 hours following a commercial salmon fishing period.
2. As otherwise specified on a subsistence fishing permit; and
3. In the waters closed to subsistence fishing for salmon specified in 5 AAC 01.425.

Exceptions to this rule are listed under EXCEPTIONS 1 and 2 below or as listed on an amended permit.

5 AAC 01.423. SPECIAL PROVISIONS:

1. Mortensens Lagoon: (Mortensens Lagoon and waters within 500 yards of the Mortensens Lagoon terminus only). Salmon may be taken at any time, however the following restrictions apply:
 - A. Subsistence gear is restricted to gillnets of 15 fathoms or less in length.
 - B. No more than 50 salmon per permit per season may be taken from Mortensens Lagoon or within 500 yards of the lagoon terminus.
2. False Pass vicinity: That portion of Bechevin Bay and Isanotski Strait bounded by the latitude of Morzhovoi Village (54°54.58' N lat.) and the latitude of Whirl Point (54°49.50' N lat.). Salmon may be taken at any time using gillnets of 50 fathoms or less in length.
3. Fresh waters of Bear River: Salmon may be taken at anytime upstream from the confluence of the Milky River, also known as the Mad Sow River (a tributary of the Bear River) with gear specified on the subsistence permit.
4. Fresh waters of Sandy River: Salmon may be taken at anytime upstream from the Sandy River (oil exploration) aircraft landing strip located five (5) miles (upriver) of the stream terminus, with gear specified on the subsistence permit.

5 AAC 01.425. WATERS CLOSED TO SUBSISTENCE SALMON FISHING:

1. Russell Creek and Nurse Lagoon and within 500 yards from the stream terminus of Russell Creek and Nurse Lagoon.
2. Trout Creek and within 500 yards outside its mouth.
3. Inshore of a line from the Trident Seafood's Dock at Sand Point to Black Point (located on the northwestern side of Popof Island), including the inlet and Humboldt Creek.
4. Black Hills Section: all freshwaters and within 500 yards of any anadromous salmon stream terminus.
5. Bear River Section: waters closed to commercial salmon fishing under 5 AAC 09.350 and 5 AAC 39.290 and waters of Frank's Lagoon and King Salmon River, excluding exceptions in Bear and Sandy Rivers listed earlier on this permit.
6. No subsistence fishing is allowed in waters closed to commercial salmon fishing as described under 5 AAC 09.350 or 5 AAC 39.290 during a commercial salmon fishing period. Exceptions to this rule are listed under SPECIAL PROVISIONS 1 and 2 above or as specified on an amended permit.

ADDITIONAL RESTRICTIONS:

1. **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."
2. The operator must be in proximity of his or her gear at all times.
3. **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.**
4. Subsistence fishing gear may at no time be used within 100 feet of another set gillnet.
5. Definition of subsistence uses: AS 16.05.940(33) subsistence uses means the noncommercial, customary and traditional uses of wild, renewable resources.

Return permit by October 31, 2020 to: Alaska Department of Fish and Game, Alaska Peninsula Salmon Management, 351 Research Court, Kodiak AK 99615. Questions or concerns please contact your local Fish and Game Office: Cold Bay (907) 532-2419; Sand Point (907) 383-2066; Port Moller (907) 375-2716; Kodiak (907) 486-1882.

FCR21-16 Executive Summary	
General Description	Closure Review FCR21-16 reviews the closure to harvest salmon by Federally qualified subsistence users in the closed waters of the Buskin River.
Current Regulation	<p>Kodiak Area–Salmon</p> <p>50 CFR 100.27(e)(9) Kodiak Area.</p> <p><i>(iii) You may not subsistence fish for salmon in the following locations:</i></p> <p><i>(B) Buskin River closed waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude.</i></p>
OSM Conclusion	Eliminate the closure and modify regulations to allow Federally qualified subsistence users to harvest salmon in the Buskin River closed waters with rod and reel.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

**FEDERAL FISHERIES CLOSURE REVIEW
FCR21-16**

Closure Location: Buskin River—Salmon

Current Federal Regulation

Kodiak Area—Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

(B) Buskin River closed waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude.

Closure Dates: Year-round

Current State Subsistence Regulation

Kodiak Area – Salmon

5 AAC 01.525

The following waters are closed to the subsistence taking of salmon:

(1) all waters of Near Island Channel that are bounded by a line from a point on Kodiak Island near Delarov Street at 57_ 47.62' N. lat., 152_ 22.78' W. long., to the northernmost point of Holiday Island at 57_ 47.27' N. lat., 152_ 22.60' W. long., to a point at the northernmost tip of Near Island at 57_ 47.30' N. lat., 152_ 23.16' W. long., to a point at the northernmost end of Uski Island south of the Dog Bay small boat harbor entrance at 57_ 46.92' N. lat., 152_ 24.56' W. long., and north to a point at the tip of the breakwater on Kodiak Island at 57_ 47.08' N. lat., 152_ 24.60' W. long; in addition, from August 7 through September 30, all waters of Mill Bay and those waters bounded by a line from a point at Spruce Cape at 57_ 49.33' N. lat., 152_ 19.48' W. long., to the northernmost point of Woody Island at 57_ 47.91' N. lat., 152_ 19.85' W. long., to a point at the northernmost point of Holiday Island at 57_ 47.27' N. lat., 152_ 22.60' W. long., and to a point on Kodiak Island near Delarov Street at 57_ 47.62' N. lat., 152_ 22.78' W. long.;

Current State Sport Fish Regulation

Kodiak Area—Salmon

5 AAC 64.022

(a) Unless otherwise specified in this section, 5 AAC 64.051, or 5 AAC 64.060, or by an emergency order issued under AS 16.05.060, the following are the bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the waters of the Kodiak Area:

(1) king salmon: may be taken from January 1 - December 31, as follows:

(A) in fresh waters:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five king salmon; 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; king salmon less than 20 inches in length caught in fresh water do not count toward the annual limit;

(B) in salt waters: bag and possession limit of two fish; no size limit; no annual limit; a harvest record is not required;

(2) salmon, other than king salmon: may be taken from January 1 - December 31, as follows:

(A) 20 inches or greater in length; bag and possession limit of five fish, of which only two may be coho salmon and only two may be sockeye salmon;

(B) less than 20 inches in length; bag and possession limit of 10 fish

(c) In the Kodiak Remote Zone, the following bag and possession limits apply to salmon, other than king salmon:

(1) for salmon, other than king salmon, 20 inches or greater in length, the bag limit is five fish and 10 fish in possession;

(2) for salmon, other than king salmon, less than 20 inches in length, the bag and possession limit is 10 fish.

Regulatory Year Initiated: 1992

Customary and Traditional Use Determination

Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base have a customary and traditional use determination for salmon for the Kodiak Area.

Extent of Federal Public Lands/Waters

For the purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3 This proposal will pertain to Federal marine waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, an area defined on either side of the mouth of the Karluk River extending seaward 3,000 feet from shoreline, and all waters within three nautical miles of Afognak Island (**Figure 1**).

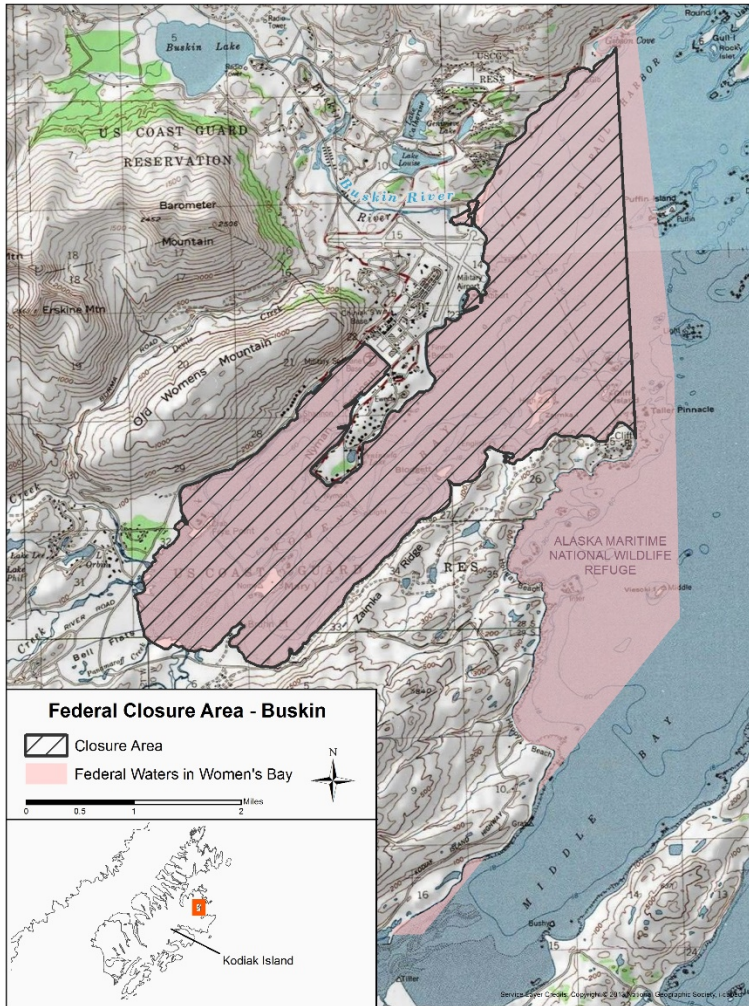


Figure 1. Federal waters in Women’s Bay, Kodiak Island.

Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in waters qualifying as "public lands" under ANILCA. (57 FR 22940). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations which previously applied to those waters. The closure under review in this analysis was incorporated into the Federal regulations in this manner, and has not been subsequently modified.

Closure last reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (Section 815 (3) criteria)

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

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.*

Council Recommendation for Original Closure:

N/A

State Recommendation for Original Closure:

N/A

Biological Background and Harvest History

Both Federal and State subsistence users harvest Sockeye Salmon (*Oncorhynchus nerka*) and Coho Salmon (*Oncorhynchus kisutch*) in marine waters near the mouth of the Buskin River. However, the marine waters adjacent mouth of the Buskin River are closed under both Federal and State subsistence regulation to protect salmon as they migrate through the estuary (**Figure 1**). Historically, the marine waters beyond the closure are the single largest source of subsistence salmon harvested in Federal waters within the Kodiak-Aleutians Region (Witteveen et al. 2020). It is also one of the most popular sport fishing locations because of road access and proximity to the City of Kodiak. Both Sockeye and Coho salmon are targeted in the sport fishery. In addition, commercial fisheries in the marine waters surrounding Kodiak Island also harvest a small number of Buskin River salmon (Anderson et al. 2019).

Annual Sockeye Salmon escapement returning to the Buskin River is estimated by a combination of two weirs from May through July. The majority of fish returning to the system pass through a weir located at the outlet of Buskin Lake. A second smaller portion of the escapement travels up a tributary originating from the Catherine-Louise lake system that intersects the Buskin River downstream of Buskin Lake. The Buskin River/Catherine-Louise lake system has a Sockeye Salmon escapement goal of 5,000 to 8,000 (Anderson et al. 2019). The Buskin River has seen both very strong and relatively weak Sockeye Salmon runs over the past 10 years (**Table 1**). In 2018, an escapement of 4,284 Sockeye Salmon was the lowest number of fish returning in the past 10-year period (2010 – 2019). In the following year (2019), one of the highest passages was recorded (12,297 fish) for that same 10-year period.

Fish harvested from the Buskin River generally fluctuated with the escapement, but due to its proximity to the City of Kodiak and road access, the Buskin River continues to support both

subsistence and sport fishing even in years with small returns. The Sockeye Salmon fisheries occurs primarily in June due to the early run timing. Between 2010 and 2019, the annual subsistence harvests have ranged from 473 to 6,083 fish, with a low subsistence harvest of 598 fish in 2019. The majority of salmon harvested under in the State sport fishery occurs within the fresh waters of the Buskin River. Salmon harvest in the sport fishery ranged from 203 to 4,237 fish for the time period of 2010 – 2018 with an annual average of 2,054 fish (**Table 1**).

Table 1. Buskin River Sockeye Salmon subsistence harvest, sport fishery harvest and estimate escapement 2010-2019 (Witteveen et al. 2020).

Year	Subsistence Harvest	Sport Harvest	Buskin River Weir Count	L. Louise Weir Count
2010	1,476	332	9,800	421
2011	4,674	1,277	11,982	360
2012	2,606	1,481	8,565	301
2013	6,083	1,310	16,189	903
2014	5,459	4,237	13,976	925
2015	3,866	3,984	8,718	280
2016	4,743	2,503	11,584	156
2017	4,916	3,161	7,222	141
2018	473	203	4,284	83
2019	598		12,297	107
average	3,489	2,054	10,462	368

The Buskin River supports one of the historically most productive Coho Salmon stocks in the Kodiak Management Area (Polum et al. 2019). Coho Salmon typically start returning in early to mid-August and continue into the fall. The escapement is monitored by a weir about a mile above the river mouth. The Buskin River has a Coho Salmon escapement goal of 4,700-9,600 fish. From 2010 to 2019, weir counts of Coho Salmon ranged from a high of 8,413 fish in 2014 to a low of 2,513 fish in 2016 (**Table 2**). The average escapement was 5,390 fish during this time and, in 2019, the estimate escapement was 5,037 fish.

Large subsistence and sport fish harvests occur on these returning stocks. From 2010 – 2018 the subsistence harvest averaged 2,945 fish. Between 2010 and 2018, the annual subsistence harvests have range from 1,919 to 4,188 (**Table 2**). The Buskin River Coho Salmon harvest in the sport fishery ranged from 1,793 to 5,388 fish for the time period of 2010 – 2018 with an average annual harvest of 3,293 fish.

Table 2. Buskin River Coho Salmon subsistence harvest, sport fishery harvest and estimated escapement 2010-2019 (Polum et al. 2019).

Year	Subsistence Harvest	Sport Harvest	Buskin River Weir Count
2010	4,188	2,847	6,808
2011	2,344	3,640	6,026
2012	2,920	1,926	5,291
2013	2,528	4,926	5,386
2014	3,916	5,388	8,413
2015	3,249	4,889	4,341
2016	2,267	1,895	2,513
2017	1,919	2,337	5,559
2018	3,174	1,793	4,523
2019			5,037
average	2,945	3,293	5,390

OSM CONCLUSION:

maintain status quo

modify or eliminate the closure

Currently, users are allowed to harvest Sockeye and Coho Salmon under State sport fish regulation in this area while harvest is prohibited by Federally qualified subsistence user. Modifying the Federal subsistence regulations to allow harvest with rod and reel would provide similar opportunity for Federally qualified subsistence users.

The modified regulation should read:

Kodiak Area–Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

*(B) Buskin River closed waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude. **However, you may take salmon for subsistence purposes, by rod and reel only. Season dates and harvest limits will match current State sport fishing regulations.***

(B) In the remainder of the Kodiak Area not described in paragraphs (e)(9)(iii)(B), (D), and (F) and (e)(9)(v)(A) of this section, there is no annual harvest limit for a subsistence salmon fishing permit holder.

Justification

This closure effects a relatively small portion of marine water at the mouth of the Buskin River under Federal jurisdiction. Allowing the use of rod and reel for subsistence fishing by Federally qualified subsistence users will offer subsistence opportunity while still limiting harvest. As written, harvest and possession limits would mirror those for taking fish under State sport fishing regulations. Continuing the closure for other gear types will protect salmon from over harvest as they congregate in the estuary preparing to move into in the river while acclimating from the marine environment to the freshwater environment.

Literature Cited

Anderson, T. J., J. Jackson, B. A. Fuerst, and A. E. Dorner. 2019. Kodiak Management Area commercial salmon fishery annual management report, 2019. Alaska Department of Fish and Game, Fishery Management Report No. 19-29, Anchorage.

Polum, T., M. Witteveen, and M. Stratton. 2019. Report on selected sport fisheries of the Kodiak Management Area, 2009–2018. Alaska Department of Fish and Game, Fishery Management Report No. 19-27, Anchorage.

Witteveen, M., and D. Evans. 2020. Stock assessment of sockeye salmon from the Buskin River, Kodiak, Alaska, 2019 Federal Subsistence Fishery Resource Monitoring Program, Annual Report for Project No. 18-400. U. S. Fish and Wildlife Service, Office of Subsistence Management, Anchorage, Alaska.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak/Aleutian Subsistence Regional Advisory Council

Defer FCR21-16. This closure was adopted from the Alaska Department of Fish and Game regulations 20 years ago. This is the initial review of this closure by Kodiak/Aleutians Subsistence Regional Advisory Council. The Council was not able to talk with the local Tribes and Advisory Committees regarding this closure and analysis prior to the Council meeting date.

The Council deferred seven Fishery Closure Reviews to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the Fishery Closure Reviews should have public input that directly affects the communities and the Council will consider those comments at its winter meeting. The Council will address the Closure Reviews at the winter 2021 Kodiak/Aleutians Subsistence Advisory Council meeting to develop recommendations to the Board.

The Council and OSM staff are contacting the State of Alaska Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Kodiak/ Aleutians Subsistence Regional Advisory Council (Council) deferred action on seven fishery closure reviews specific to their region. The Council deferred the closures because they wanted to collect additional information from local communities that could be impacted by actions taken on these closures. The Council was not confident they had sufficient input from the affected communities to make recommendations and wanted to ensure the Council made the appropriate recommendations as many closures focused on small and sensitive fisheries that have never been open to subsistence harvest. The Council is currently working with the Office of Subsistence Management (OSM) to make contacts with specific communities to gather additional feedback and plans to provide final recommendations on the deferred closure reviews during their winter Council meeting (March 2021).

The ISC believes the Federal Subsistence Board (Board) should consider deferring action on these closure reviews until the next fishery regulatory cycle. The seven closures that are up for review have been in place for 20 years and thus deferring action to the next fishery regulatory cycle would likely not have a noticeable impact to subsistence communities. Furthermore, if the Board took action on these closures during the summer 2021 Board session, any new regulations would not be effective until published in the Federal Register during the next fishery regulatory cycle.

FCR21-18 Executive Summary	
General Description	Closure Review FCR21-18 reviews the closure to the harvest of salmon in the closed waters of Afognak Bay.
Current Regulation	<p>Kodiak Area – Salmon</p> <p>50 CFR 100.27(e)(9) Kodiak Area</p> <p><i>(iii) You may not subsistence fish for salmon in the following locations:</i></p> <p><i>(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point.</i></p>
OSM Conclusion	Eliminate the closure and modify regulations to allow Federally qualified subsistence users to harvest salmon with rod and reel in Federal public waters of Afognak Bay.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

FEDERAL FISHERIES CLOSURE REVIEW
FCR21-18

Closure Location: Afognak Bay—Salmon

Current Federal Regulation

Kodiak Area—Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point.

Closure Dates: Year-round

Current State Regulation

Kodiak Area – Salmon

5 AAC 01.525

The following waters are closed to the subsistence taking of salmon:

(4) all waters closed to commercial salmon fishing in the Barabara Cove, Chiniak Bay, Saltery Cove, Pasagshak Bay, Monashka Bay and Anton Larsen Bay as described in [5 AAC 18.350](#), and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

Current State Sport Fish Regulation

Kodiak Area—Salmon

5 AAC 64.022

(a) Unless otherwise specified in this section, [5 AAC 64.051](#), or [5 AAC 64.060](#), or by an emergency order issued under [AS 16.05.060](#), the following are the bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the waters of the Kodiak Area:

(1) king salmon: may be taken from January 1 - December 31, as follows:

(A) in fresh waters:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five king salmon; 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; king salmon less than 20 inches in length caught in fresh water do not count toward the annual limit;

(B) in salt waters: bag and possession limit of two fish; no size limit; no annual limit; a harvest record is not required;

(2) salmon, other than king salmon: may be taken from January 1 - December 31, as follows:

(A) 20 inches or greater in length; bag and possession limit of five fish, of which only two may be coho salmon and only two may be sockeye salmon;

(B) less than 20 inches in length; bag and possession limit of 10 fish

(c) In the Kodiak Remote Zone, the following bag and possession limits apply to salmon, other than king salmon:

(1) for salmon, other than king salmon, 20 inches or greater in length, the bag limit is five fish and 10 fish in possession;

(2) for salmon, other than king salmon, less than 20 inches in length, the bag and possession limit is 10 fish.

Regulatory Year Initiated: 1992

Customary and Traditional Use Determination

Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base have a customary and traditional use determination for salmon for the Kodiak Area.

Extent of Federal Public Lands/Waters

For the purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3 This proposal will pertain to Federal marine waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, an area defined on either side of the mouth of the Karluk River extending seaward 3,000 feet from shoreline, and all waters within three nautical miles of Afognak Island (**Figure 1**)

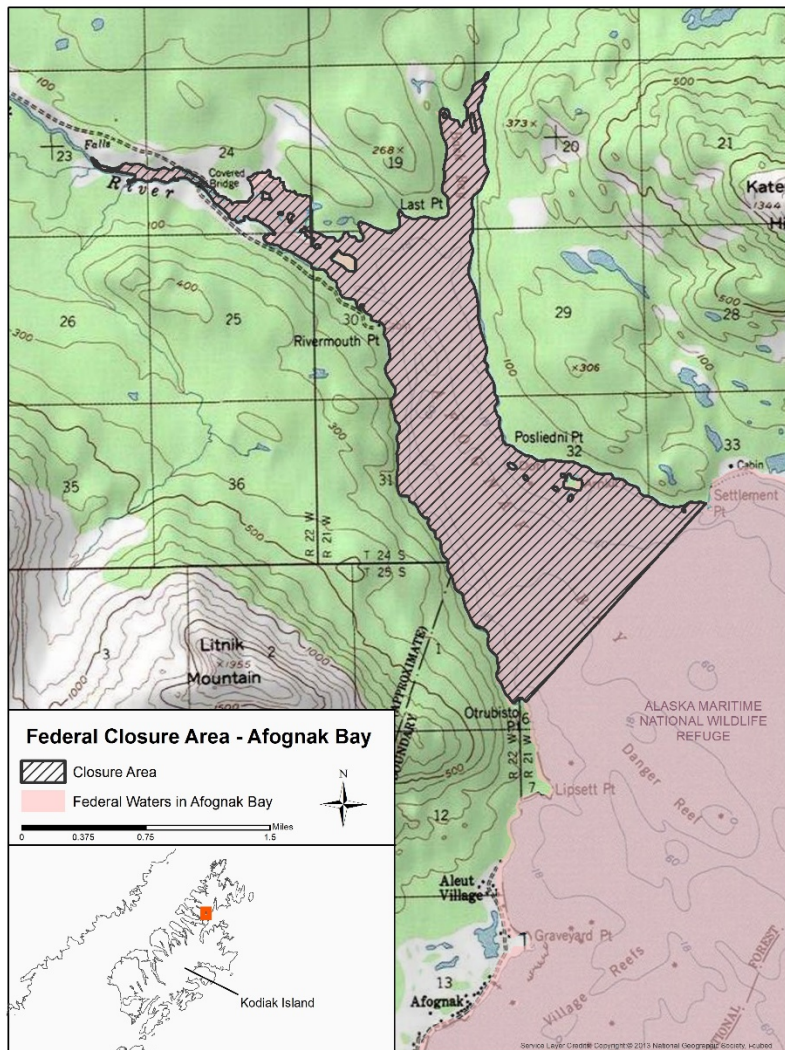


Figure 1. Afognak Bay, Afognak Island.

Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in waters qualifying as "public lands" under ANILCA. (57 FR 22940). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations which previously applied to those waters. The closure under review in this analysis was incorporated into the Federal regulations in this manner, and has not been subsequently modified.

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (Section 815 (3) criteria)

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

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.*

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background and Harvest History

The Afognak (know locally as Litnik) Lake watershed is located on the southeast side of Afognak Island and supports Sockeye Salmon (*Oncorhynchus nerka*), Coho Salmon (*O. kisutch*) and Pink Salmon (*O. gorbuscha*) runs. Afognak Lake drains through Afognak River which flows into Afognak Bay (Figure 1). Afognak Bay is part of the Alaska Maritime National Wildlife Refuge and is where most localized subsistence Sockeye Salmon fishing occurs (Ruhl 2017). The marine waters adjacent mouth of the Afognak River are closed under both Federal and State subsistence regulation to protect salmon as they migrate through the estuary.

The Afognak River weir is located approximately 0.8 km above the outlet of the Afognak River and operates from mid-May to mid-August. Currently, the Afognak River has an escapement goals of 20,000-50,000 Sockeye Salmon. The Afognak River has seen relatively weak Sockeye Salmon returns in recent years (**Table 1**). Between 2010 and 2019, the annual Sockeye Salmon escapement ranged from 17,601 to 51,821 fish with a 10-year average escapement of 35,321 fish. Sockeye Salmon returns have been below average since 2016, with the lowest return of 17,601 fish occurring in 2018. Monitoring of adult Coho Salmon through the weir into Afognak Lake has been secondary to monitoring Sockeye Salmon escapement (Ruhl 2017). Because of budgetary constraints the weir is often removed before the Coho run is complete. Coho Salmon escapements estimates are often incomplete and dependent on run timing. There is no escapement goal for Coho or Pink Salmon returning to Afognak Lake.

Table. 1 Afognak (Litnik) River Escapement Count for Sockeye, Coho and Pink Salmon 2010-2020. (Fuerst 2019, ADF&G 2020).

Year	Sockeye Salmon	Coho Salmon* Pink Salmon*	Pink Salmon*
2010	51821	10288	62237
2011	48588	2700	4241
2012	41146	5701	111928
2013	40888	13090	17400
2014	35704	3224	18408
2015	36780	181	3203
2016	32459	4	
2017	21411	107	3074
2018	17601	2494	11400
2019	26817	18	460

10-year average 35322

*no average is provided for Coho Salmon or Pink Salmon because they are partial counts.

OSM PRELIMINARY CONCLUSION

- _maintain status quo
- X modify or eliminate the closure**

Currently, users are allowed to harvest Sockeye and Coho Salmon under State sport fish regulation in this area while harvest is prohibited by Federally qualified subsistence user. Modifying the Federal subsistence regulations to allow harvest with rod and reel would provide similar opportunity for Federally qualified subsistence users.

The modified regulation should read:

Kodiak Area–Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

(D) In Afognak Bay north and west of a line from the tip of Last Point to the tip of River Mouth Point. However, you may take salmon for subsistence purposes, by rod and reel only. Season dates and harvest limits will match current State sport fishing regulations.

(v) The annual limit for a subsistence salmon fishing permit holder is as follows:

(B) In the remainder of the Kodiak Area not described in paragraphs (e)(9)(iii)(B), (D), and (F) and (e)(9)(v)(A) of this section, there is no annual harvest limit for a subsistence salmon fishing permit holder.

Justification

The area in this proposal is a small portion of marine water at the mouth of the Afognak River under Federal jurisdiction. Allowing the use of rod and reel for subsistence fishing by Federally qualified subsistence users will offer subsistence opportunity while still limiting harvest. As written, harvest and possession limits would mirror those for taking fish under State sport fishing regulations. Continuing the closure for other gear types will protect salmon from over harvest as they congregate in the estuary preparing to move into the river while acclimating from the marine environment to the freshwater environment.

Literature Cited

Alaska Department of Fish and Game 2020. Fish Count Data. <https://www.adfg.alaska.gov/sf/FishCounts/>.

Retrieved: July 2020.

Fuerst, B. A. 2019. Kodiak Management Area weir descriptions and salmon escapement report, 2018. Alaska Department of Fish and Game, Fishery Management Report No. 19-14, Anchorage.

Polum, T., M. Witteveen, and M. Stratton. 2019. Report on selected sport fisheries of the Kodiak Management Area, 2009–2018. Alaska Department of Fish and Game, Fishery Management Report No. 19-27, Anchorage.

Ruhl, D. C. 2017. Afognak Lake sockeye salmon stock monitoring, 2016. Alaska Department of Fish and Game, Fishery Data Series No. 17-15, Anchorage.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak/Aleutian Subsistence Regional Advisory Council

Defer FCR21-18. This closure was adopted from the Alaska Department of Fish and Game regulations 20 years ago. This is the initial review of this closure by Kodiak/Aleutians Subsistence Regional Advisory Council. The Council was not able to talk with the local Tribes and Advisory Committees regarding this closure and analysis prior to the Council meeting date.

The Council deferred seven Fishery Closure Reviews to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the Fishery Closure Reviews should have public input that directly affects the communities and the Council will consider those comments at its winter meeting. The Council will address the Closure Reviews at the winter 2021 Kodiak/Aleutians Subsistence Advisory Council meeting to develop recommendations to the Board.

The Council and OSM staff are contacting the State of Alaska Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Kodiak/ Aleutians Subsistence Regional Advisory Council (Council) deferred action on seven fishery closure reviews specific to their region. The Council deferred the closures because they wanted to collect additional information from local communities that could be impacted by actions taken on these closures. The Council was not confident they had sufficient input from the affected communities to make recommendations and wanted to ensure the Council made the appropriate recommendations as many closures focused on small and sensitive fisheries that have never been open to subsistence harvest. The Council is currently working with the Office of Subsistence Management (OSM) to make contacts with specific communities to gather additional feedback and plans to provide final recommendations on the deferred closure reviews during their winter Council meeting (March 2021).

The ISC believes the Federal Subsistence Board (Board) should consider deferring action on these closure reviews until the next fishery regulatory cycle. The seven closures that are up for review have been in place for 20 years and thus deferring action to the next fishery regulatory cycle would likely not have a noticeable impact to subsistence communities. Furthermore, if the Board took action on these closures during the summer 2021 Board session, any new regulations would not be effective until published in the Federal Register during the next fishery regulatory cycle.

FCR21-19 Executive Summary	
General Description	Closure Review FCR21-19 reviews the closure to the harvest of salmon by Federally qualified subsistence users in the freshwaters of Afognak Island.
Current Regulation	<p>Kodiak Area – Salmon</p> <p>50 CFR 100.27(e)(9) Kodiak Area.</p> <p><i>(iii) You may not subsistence fish for salmon in the following locations:</i></p> <p><i>(F) All fresh water systems of Afognak Island.</i></p>
OSM Conclusion	Eliminate the closure and modify regulations to allow Federally qualified subsistence users to harvest salmon with rod and reel in the Federal freshwaters of Afognak Island.
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	Defer
Interagency Staff Committee Comments	Defer
ADF&G Comments	Neutral
Written Public Comments	None

**FEDERAL FISHERIES CLOSURE REVIEW
FCR21-19**

Closure Location: Afognak Island—Salmon

Current Federal Regulation

Kodiak Area – Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

(F) All fresh water systems of Afognak Island.

Closure Dates: Year-round

Current State Regulation

Kodiak Area – Salmon

5 AAC 01.525

The following waters are closed to the subsistence taking of salmon:

(8) all freshwater systems of Afognak Island;

Current State Sport Fish Regulation

Kodiak Area—Salmon

5 AAC 64.022

(a) Unless otherwise specified in this section, 5 AAC 64.051, or 5 AAC 64.060, or by an emergency order issued under AS 16.05.060, the following are the bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the waters of the Kodiak Area:

(1) king salmon: may be taken from January 1 - December 31, as follows:

(A) in fresh waters:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five king salmon; 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; king salmon less than 20 inches in length caught in fresh water do not count toward the annual limit;

(B) in salt waters: bag and possession limit of two fish; no size limit; no annual limit; a harvest record is not required;

(2) salmon, other than king salmon: may be taken from January 1 - December 31, as follows:

(A) 20 inches or greater in length; bag and possession limit of five fish, of which only two may be coho salmon and only two may be sockeye salmon;

(B) less than 20 inches in length; bag and possession limit of 10 fish

(c) In the Kodiak Remote Zone, the following bag and possession limits apply to salmon, other than king salmon:

(1) for salmon, other than king salmon, 20 inches or greater in length, the bag limit is five fish and 10 fish in possession;

(2) for salmon, other than king salmon, less than 20 inches in length, the bag and possession limit is 10 fish.

Regulatory Year Initiated: 1992

Customary and Traditional Use Determination

Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base have a customary and traditional use determination for salmon for the Kodiak Area.

Extent of Federal Public Lands/Waters

For the purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3 This proposal will pertain to Federal marine waters of the Pacific Ocean enclosed by the boundaries of Women’s Bay, Gibson Cove, an area defined on either side of the mouth of the Karluk River extending seaward 3,000 feet from shoreline, and all waters within three nautical miles of Afognak Island (**Figure 1**).

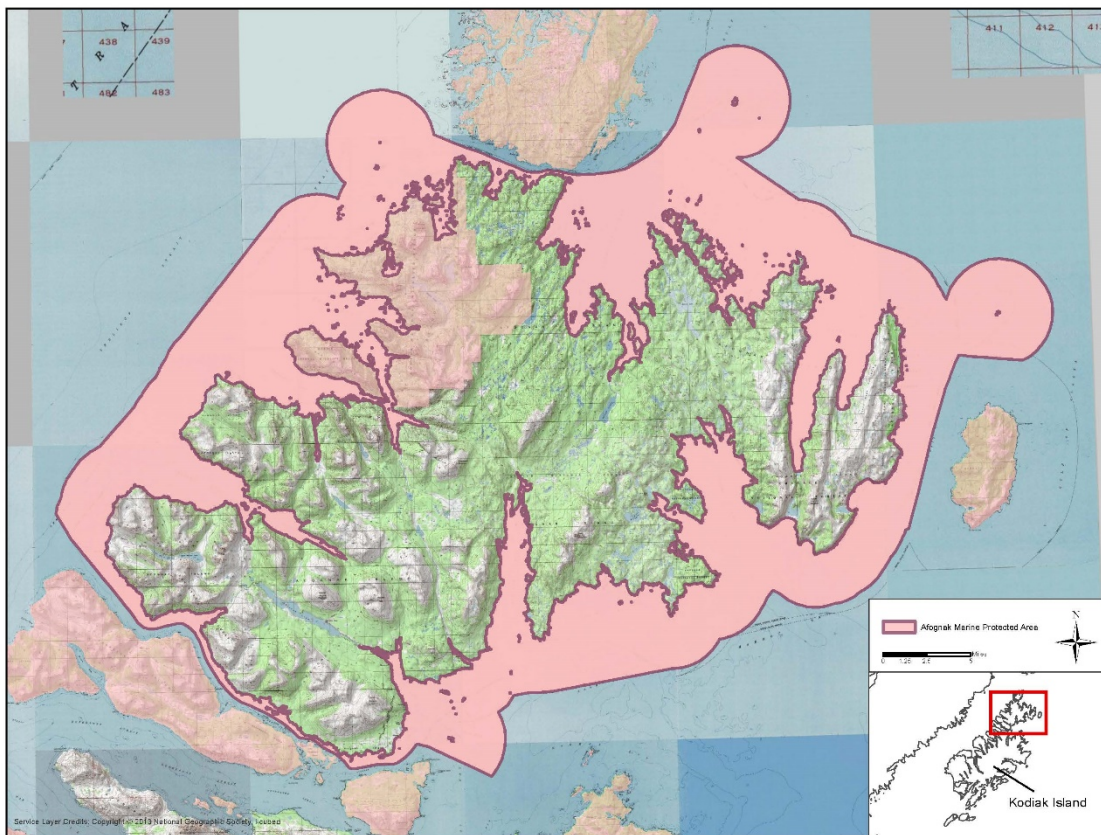


Figure 1. Afognak area map

Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in waters qualifying as "public lands" under ANILCA. (57 FR 22940). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations that previously applied to those waters. The closure under review in this analysis was incorporated into the Federal regulations in this manner, and has not been subsequently modified.

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (Section 815 (3) criteria)

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

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.*

Council Recommendation for Original Closure

N/A

State Recommendation for Original Closure

N/A

Biological Background and Harvest History

Subsistence harvest for salmon is open throughout the year in most Federal public waters of the Kodiak management area with a subsistence fishing permit. However, the freshwater systems of Afognak Island within the Kodiak National Wildlife Refuge are closed under both Federal and State regulation to subsistence harvest because of their relatively small size and accessibility making the risk of over exploitation high (Anderson et. al. 2019). Historically, the most utilized subsistence fishery areas under Federal regulations are the marine waters in proximity to the Buskin River on the north end of Kodiak Island and the marine waters of Afognak Bay on the southeast side of Afognak Island. Both areas are part of the Alaska Maritime National Wildlife Refuge (Fall. 2020). Sockeye Salmon are the primary species harvested by Federally qualified subsistence users with a 3-year average harvest of 216 fish (**Table 1**) Coho Salmon are the second most frequently harvested fish with a 3-year average harvest of 48 fish. Fish harvested under State sport fish regulation in the Kodiak management area are estimated through the Alaska Sport Fishing Harvest Survey. Because of low response rates, there are no estimates of Sockeye or Coho Salmon harvests in the fresh water streams of Afognak Island (Dye, 2020).

Table 1. Federal Subsistence Salmon harvest in the Kodiak Area (Fall 2020).

Year	Permits Issued	Permits Returned	Chinook Salmon	Sockeye Salmon	Coho Salmon	Chum Salmon	Pink Salmon	Total
2015	19	19	0	53	10	0	0	63
2016	51	42	13	168	65	0	0	246
2017	55	29	0	428	68	0	12	508
Average	42	30	4	216	48	0	4	272

OSM CONCLUSION

_maintain status quo

X modify or eliminate the closure

Currently, users are allowed to harvest Sockeye and Coho Salmon under State sport fish regulation in this area while harvest is prohibited for Federally qualified subsistence user. Modifying the Federal subsistence regulations to allow harvest with rod and reel would provide similar opportunity for Federally qualified subsistence users. In addition, information reported on the Federal subsistence permit will allow manager the ability to monitor effort.

The modified regulation should read:

Kodiak Area–Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

*(F) All fresh water systems of Afognak Island. **However, you may take salmon for subsistence purposes, by rod and reel only. Season dates and harvest limits will match current State sport fishing regulations.***

(v) The annual limit for a subsistence salmon fishing permit holder is as follows:

*(B) In the remainder of the Kodiak Area not described in paragraphs **(e)(9)(iii)(B), (D), and (F) and (e)(9)(v)(A)** of this section, there is no annual harvest limit for a subsistence salmon fishing permit holder.*

Justification

While the majority of subsistence harvest occurs in the marine waters, opening the fresh water systems of Afognak Island within the Kodiak National Wildlife Refuge to subsistence harvest will provide additional opportunity. Allowing the use of rod and reel for subsistence fishing by Federally qualified subsistence users will offer subsistence opportunity while still limiting harvest. As written, harvest and possession limits would mirror those for taking fish under State sport fishing regulations.

LITERATURE CITED

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak/Aleutian Subsistence Regional Advisory Council

Defer FCR21-19. This closure was adopted from the Alaska Department of Fish and Game regulations 20 years ago. This is the initial review of this closure by Kodiak/Aleutians Subsistence Regional Advisory Council. The Council was not able to talk with the local Tribes and Advisory Committees regarding this closure and analysis prior to the Council meeting date.

The Council deferred seven Fishery Closure Reviews to the March 9-10, 2021 public meeting. In a unanimous vote, the Council stated the Fishery Closure Reviews should have public input that directly affects the communities and the Council will consider those comments at its winter meeting. The Council will address the Closure Reviews at the winter 2021 Kodiak/Aleutians Subsistence Advisory Council meeting to develop recommendations to the Board.

The Council and OSM staff are contacting the State of Alaska Local Advisory Committees and Tribes regarding the seven closure reviews for public input for the Council to consider.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Kodiak/ Aleutians Subsistence Regional Advisory Council (Council) deferred action on seven fishery closure reviews specific to their region. The Council deferred the closures because they wanted to collect additional information from local communities that could be impacted by actions taken on these closures. The Council was not confident they had sufficient input from the affected communities to make recommendations and wanted to ensure the Council made the appropriate recommendations as many closures focused on small and sensitive fisheries that have never been open to subsistence harvest. The Council is currently working with the Office of Subsistence Management (OSM) to make contacts with specific communities to gather additional feedback and plans to provide final recommendations on the deferred closure reviews during their winter Council meeting (March 2021).

The ISC believes the Federal Subsistence Board (Board) should consider deferring action on these closure reviews until the next fishery regulatory cycle. The seven closures that are up for review have been in place for 20 years and thus deferring action to the next fishery regulatory cycle would likely not have a noticeable impact to subsistence communities. Furthermore, if the Board took action on these closures during the summer 2021 Board session, any new regulations would not be effective until published in the Federal Register during the next fishery regulatory cycle.

**Department of the Interior
U. S. Fish and Wildlife Service**

Kodiak/ Aleutians Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Kodiak/Aleutians Subsistence Regional Advisory Council (Council).
2. **Authority.** The Council is renewed by virtue of the authority set out in the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3115 (1988)), and under the authority of the Secretary of the Interior, in furtherance of 16 U.S.C. 410hh-2. The Council is regulated by the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. Appendix 2).e
3. **Objectives and Scope of Activities.** The objective of the Council is to provide a forum for the residents of the Region with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal lands and waters in the Region.
4. **Description of Duties.** Council duties and responsibilities, where applicable, are as follows:
 - a. Recommend the initiation, review, and evaluation of proposals for regulations, policies, management plans, and other matters relating to subsistence uses of fish and wildlife on public lands within the Region.
 - b. Provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife on public lands within the Region.
 - c. Encourage local and regional participation in the decision-making process affecting the taking of fish and wildlife on the public lands within the Region for subsistence uses.
 - d. Prepare an annual report to the Secretary containing the following:
 - (1) An identification of current and anticipated subsistence uses of fish and wildlife populations within the Region.
 - (2) An evaluation of current and anticipated subsistence needs for fish and wildlife populations within the Region.

- (3) A recommended strategy for the management of fish and wildlife populations within the Region to accommodate such subsistence uses and needs.
 - (4) Recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.
- e. Make recommendations on determinations of customary and traditional use of subsistence resources.
 - f. Make recommendations on determinations of rural status.
 - g. Provide recommendations on the establishment and membership of Federal local advisory committees.
 - h. Provide recommendations for implementation of Secretary's Order 3347: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. Recommendations shall include, but are not limited to:
 - (1) Assessing and quantifying implementation of the Secretary's Orders, and recommendations to enhance and expand their implementation as identified;
 - (2) Policies and programs that:
 - (a) increase outdoor recreation opportunities for all Americans, with a focus on engaging youth, veterans, minorities, and other communities that traditionally have low participation in outdoor recreation;
 - (b) expand access for hunting and fishing on Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service lands in a manner that respects the rights and privacy of the owners of non-public lands;
 - (c) increase energy, transmission, infrastructure, or other relevant projects while avoiding or minimizing potential negative impacts on wildlife; and
 - (d) create greater collaboration with States, Tribes, and/or Territories.
- 1. Provide recommendations for implementation of the regulatory reform initiatives and policies specified in section 2 of Executive Order 13777: Reducing Regulation and Controlling Regulatory Costs; Executive Order 12866: Regulatory Planning and Review, as amended; and section 6 of Executive Order

13563: Improving Regulation and Regulatory Review. Recommendations shall include, but are not limited to:

Identifying regulations for repeal, replacement, or modification considering, at a minimum, those regulations that:

- (1) eliminate jobs, or inhibit job creation;
- (2) are outdated, unnecessary, or ineffective;
- (3) impose costs that exceed benefits;
- (4) create a serious inconsistency or otherwise interfere with regulatory reform initiative and policies;
- (5) rely, in part or in whole, on data or methods that are not publicly available or insufficiently transparent to meet the standard for reproducibility; or
- (6) derive from or implement Executive Orders or other Presidential and Secretarial directives that have been subsequently rescinded or substantially modified.

All current and future Executive Orders, Secretary's Orders, and Secretarial Memos should be included for discussion and recommendations as they are released. At the conclusion of each meeting or shortly thereafter, provide a detailed recommendation meeting report, including meeting minutes, to the Designated Federal Officer (DFO).

5. **Agency or Official to Whom the Council Reports.** The Council reports to the Federal Subsistence Board Chair, who is appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture.
6. **Support.** The U.S. Fish and Wildlife Service will provide administrative support for the activities of the Council through the Office of Subsistence Management.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Council's functions are estimated to be \$175,000, including all direct and indirect expenses and 1.0 Federal staff years.
8. **Designated Federal Officer.** The DFO is the Subsistence Council Coordinator for the Region or such other Federal employee as may be designated by the Assistant Regional Director – Subsistence, Region 7, U.S. Fish and Wildlife Service. The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will:
 - (a) Approve or call all Council and subcommittee meetings;

- (b) Prepare and approve all meeting agendas;
- (c) Attend all committee and subcommittee meetings;
- (d) Adjourn any meeting when the DFO determines adjournment to be in the public interest; and
- (e) Chair meetings when directed to do so by the official to whom the advisory committee reports.

9. **Estimated Number and Frequency of Meetings.** The Council will meet 1-2 times per year, and at such times as designated by the Federal Subsistence Board Chair or the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Council will be inactive 2 years from the date the Charter is filed, unless, prior to that date, the charter is renewed in accordance with the provisions of section 14 of the FACA. The Council will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Council's membership is composed of representative members as follows:

Ten members who are knowledgeable and experienced in matters relating to subsistence uses of fish and wildlife and who are residents of the Region represented by the Council.

To ensure that each Council represents a diversity of interests, the Federal Subsistence Board in their nomination recommendations to the Secretary will strive to ensure that seven of the members (70 percent) represent subsistence interests within the Region and three of the members (30 percent) represent commercial and sport interests within the Region. The portion of membership representing commercial and sport interests must include, where possible, at least one representative from the sport community and one representative from the commercial community.

For geographic membership balance, it is a Council goal to seat four members who reside on the Kodiak Archipelago, three members who reside on the Alaska Peninsula, and three who reside on the Aleutian and Pribilof Islands.

The Secretary of the Interior will appoint members based on the recommendations from the Federal Subsistence Board and with the concurrence of the Secretary of Agriculture.


Members will be appointed for 3-year terms. Members serve at the discretion of the Secretary.

Alternate members may be appointed to the Council to fill vacancies if they occur out of cycle. An alternate member must be approved and appointed by the Secretary before attending the meeting as a representative. The term for an appointed alternate member will be the same as the term of the member whose vacancy is being filled.

Council members will elect a Chair, Vice-Chair, and Secretary for a 1-year term.

Members of the Council will serve without compensation. However, while away from their homes or regular places of business, Council and subcommittee members engaged in Council, or subcommittee business, approved by the DFO, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service under section 5703 of title 5 of the United States Code.

13. **Ethics Responsibilities of Members.** No Council or subcommittee member will participate in any Council or subcommittee deliberations or votes relating to a specific party matter before the Department or its bureaus and offices including a lease, license, permit, contract, grant, claim, agreement, or litigation in which the member or the entity the member represents has a direct financial interest.
14. **Subcommittees.** Subject to the DFOs approval, subcommittees may be formed for the purpose of compiling information and conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Council for consideration. Subcommittees must not provide advice or work products directly to the Agency. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
15. **Recordkeeping.** Records of the Council, and formally and informally established subcommittees or other subgroups of the Council, must be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedules. These records must be available for public inspection and copying, subject to the Freedom of Information Act (5 U.S.C. 552).



Secretary of the Interior

DEC 12 2019

Date Signed

DEC 13 2019

Date Filed

Kodiak/Aleutians Subsistence Regional Advisory Council

c/o Office of Subsistence Management 1011 East Tudor
Road, MS 121

Anchorage, Alaska 99503-6199

Phone: (907) 786-3888, Fax: (907) 786-3898

Toll Free: 1-800-478-1456

RAC/KA

Mr. Anthony Christianson, Chair
Federal Subsistence Board c/o Office
of Subsistence Management 1011 East
Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Christianson:

The Kodiak/Aleutians Subsistence Regional Advisory Council (Council) appreciates the opportunity to submit the FY2020 annual report to the Federal Subsistence Board (Board) under the provisions of Section 805(a)(3)(D) of the Alaska National Interest Lands Conservation Act (ANILCA). At its public meeting held via teleconference, on September 2-3, 2020, the Council brought forward the following concerns and recommendations for this report. The Council wishes to share information and raise a number of concerns dealing with implementation of Title VIII of ANILCA and the continuation of subsistence uses in the Kodiak/Aleutians Region.

1. Adak Island Caribou Management Plan

The Kodiak/Aleutians appreciates the response from the Board and looks forward to beginning the process of forming a management plan for Adak Island. The Council encourage the Board to initiate the management plan soon, and that the management plan body include a member from the Kodiak/Aleutians Regional Advisory Council and a member from the community of Adak.

As noted by the Council, development of a management plan may allow for more thoughtful management of the species. The Alaska Maritime NWR supports the development of a caribou management plan for Adak that reflects the wishes of various interest groups. Roughly 2/3 of Adak Island is Alaska Maritime NWR and 1/3 is Aleut Corporation land. Development of a plan should involve at a minimum ADF&G, the Aleut Corporation, the City of Adak, and the USFWS. Other interest groups may want to be involved, as well. The Alaska Maritime NWR would be more interested to support opportunistic monitoring of caribou, if a well-designed caribou management plan for Adak Island is developed. The plan should include population objectives that consider the

needs of Federally qualified subsistence users, non-local hunters, local community, native wildlife, and natural biodiversity, and a way to manage the herd towards that population objective.

The Board will contact ADF&G through OSM and encourage coordination and initiation of a planning process with the Alaska Maritime NWR, Aleut Corporation, the Council, Adak residents, and other interested parties.

The Council looks forward to progress on contacting Federal and State agencies, as well as Non-government agencies and other interested parties. Please keep the Council apprised of any development on the Adak caribou management plan.

2. Izembek National Wildlife Refuge

The Council acknowledges the hiring of Izembek NWR manager. The manager, and the staff, provide critical resource information to the Council. The reports presented by the Refuge provides the Council with information needed to develop subsistence and resource recommendations.

3. Regional Advisory Council Alternate Member

The Council currently has two vacant seats. The Council depends on members who are knowledgeable within their region and communities to develop recommendations to the Board on subsistence resource related issues in public meetings. It is important for the Council to have all the seats filled in order to represent the cultural and geographic diversity of the region. Reappointments to the Council from incumbents that have reapplied and not appointed to a seat, has handicapped the effectiveness of the Council in developing informed decisions.

Designating alternate members to each of the ten Councils is needed to ensure seats remain filled and communities in the region have adequate representation at Council meetings. The Council recommends that when the nominations package is submitted to the Secretaries office, that the Board “will” recommend that the Secretaries appoint alternates from a pool of qualified applicants identified by the interagency panel.

As a result, prior to the charter language change, the seat would have remained vacant throughout an entire year, leaving subsistence regions underrepresented. With the new provision in place, the Board suggests that whenever possible the Council nominations panels identify qualified alternates from the pool of applicants and present names to the Board. After review, the Board might recommend that the Secretaries appoint them as alternate member(s).

After the Secretaries appoint an alternate member(s), this member remains “in reserve” and will engage in the Council’s business only if a seat becomes permanently vacant for the reasons stated above. An alternate member cannot replace a sitting Council member during a meeting if that Council member is sick or otherwise unavailable to attend the meeting. Under the new provision, alternate members do not become available until around December 2020, as noted by the Council.

4. Sea Otter – ESA designation

The Council has requested in prior Regional Advisory Council public meetings why the designation of the northern sea otter population in the Kodiak Archipelago is part of the Southwest Alaska Stock, and the Southwest stock is currently considered a population that is threatened.

Sea otter numbers have declined in southwestern Alaska over the past 20 years. Once containing more than half of the world's sea otters, this population segment, which ranges from Kodiak Island through the western Aleutian Islands, has undergone an overall population decline of at least 55–67 percent since the mid-1980s. In 2005, the U.S. Fish and Wildlife Service listed this distinct population segment as Threatened under the Endangered Species Act. (<https://www.fws.gov/alaska/pages/marine-mammals/sea-otters>)

In 2005 the Service listed sea otters in southwest Alaska as threatened under the Endangered Species Act (ESA). As a result of this ESA listing, the Service has developed a recovery plan to identify the cause of the decline, monitor population trends, and help recover the sea otter population in southwest Alaska.

In 2009 the Service finalized the designation of critical habitat for the threatened northern sea otter in southwest Alaska. Critical habitat areas contain habitat that is essential to the conservation and recovery of a threatened or endangered species.

(https://www.fws.gov/r7/fisheries/mmm/seaotters/pdf/factsheet_wildlife_biologue.pdf)

How does the Service determine stock identification (SW, PWS, and SE stocks), and the criteria/process for determining population stock designation? What criteria; administrative, genetic, population size trends was used to designate the Kodiak Island sea otter population a part of the SW population?

Council discussions, and dialogue, with rural residents within the Kodiak Archipelago by Council members, reported that the sea otter population in the area are healthy. Rural residents have concerns on how the sea otters have impacted subsistence shellfish resources caused by the increasing sea otter population.

Can the population within the Kodiak Archipelago be reclassified as a separate stock? Stock assessment and habitat assessment within the Kodiak Archipelago should be conducted to determine if the population is healthy.

The Council is interested in participating in agency sponsored meetings, and other public forums, and has knowledge regarding sea otters within the Kodiak area. The Council is willing to send a delegate to participate in future meetings, when funding is available, to sponsor a member from the Council to attend and participate.

5. Fishery Resource Monitoring Program

The Council would like to express its appreciation for Ms. Robbin La Vine and Mr. Jarred Stone for their assistance at our recent meeting to develop Priority Information Needs (PINs) Working Group volunteer meeting on August 31, 2020.

The Council is impressed with the information the staff assembled and their professional facilitation for our "informal" teleconference to review the "2022 Draft Priority Information Needs for the Southwest region" (Bristol Bay Regional Advisory Council and Kodiak Aleutian Regional Advisory Council).

This was a great assistance in developing our research priorities list and Mr. Keith Ivy, the young gentleman intern, who assembled the "backlog information" materials, did a great job as well.

This was an exhausting endeavor and was probably without a doubt, the best prepared and conducted working group planning meeting and review session we have participated in the experience of our Council.

6. Food Security

With the recent COVID-19 pandemic and food plants shutting down throughout the country, it is important to emphasize the importance of subsistence resources in Alaska. It is uncertain how long the pandemic will continue, along with delays of goods and services caused by the pandemic and its associated affects across Alaska. Food security for subsistence users is important. The Board can continue to support subsistence opportunities by providing subsistence resource access through season extensions and special actions to address food security.

7. Closure Reviews

The Boards policy on closure reviews is to provide transparency to the public regarding the process for addressing Federal closures and provides for periodic review of regulatory closures, and subject to change during the regulatory year.

The Council had seven closure reviews to consider and develop recommendations to the Board. It is important to the Council, that the public has an opportunity to review these closures and the Council seeks their comments affecting subsistence activities. The Council deferred all seven closure reviews until its winter 2021 public meeting. The Council will develop its recommendations to the Board after hearing all public comments on the closures. The Council requested that the OSM staff present the closure review to local advisory committees and Tribal entities to gather additional public comments in the fall of 2020 before developing final recommendations to the Board.

8. Invasive Species

The Council recognizes the presence of invasive species in the region and within the State. Invasive species have the potential to invade anadromous streams and lake systems in Alaska affecting the native flora and fauna and disrupting the natural environment. The Sun'aq Tribe of Kodiak reported they have begun investigations of introduced crayfish in the Buskin Lake drainage. The Buskin River currently has crayfish and may compete for habitat used by juvenile salmon as an example and potentially feed on salmon eggs or fry.

The Council encourages Federal and State agencies to monitor invasive species in the State. Invasive species affecting the natural environment will also affect subsistence resources, specifically for all Salmon. Invasive species should be mitigated to protect the natural resources. Mitigation of invasive species is key to protecting subsistence resources.

The Kodiak/Aleutians Subsistence Regional Advisory Council appreciates the Board's attention to these matters and the opportunity to assist the Federal Subsistence Management Program in meeting its charge of protecting subsistence resources and uses of these resources on Federal public lands and waters. The Council looks forward to continuing discussions about the issues and concerns of subsistence users in the Kodiak/Aleutians Region. If you have questions about this report, please contact me via Donald Mike, Subsistence Council Coordinator, with the Office of Subsistence Management at 1-800-478-1456 or (907) 786-3629, or email at donald_mike@fws.gov

Sincerely,

Della Trumble
Chair

cc: Federal Subsistence Board
Sue Detwiler, Assistant Regional Director, Office of Subsistence Management
Kodiak/Aleutians Subsistence Regional Advisory Council
_____, Acting Assistant Regional Director, Office of Subsistence Management
Greg Risdahl, Fishery Division Supervisory,
Office of Subsistence Management
Lisa Maas, Acting Subsistence Policy Coordinator,
Office of Subsistence Management
_____, Acting Wildlife Division Supervisor, Office of Subsistence Management
Pippa Kenner, Anthropologist, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor, Office of Subsistence
Management

Donald Mike, Subsistence Council Coordinator, 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
Interagency Staff Committee
Administrative Record

DRAFT

Fall 2021 Regional Advisory Council Meeting Calendar

Last updated 11/4/2020

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

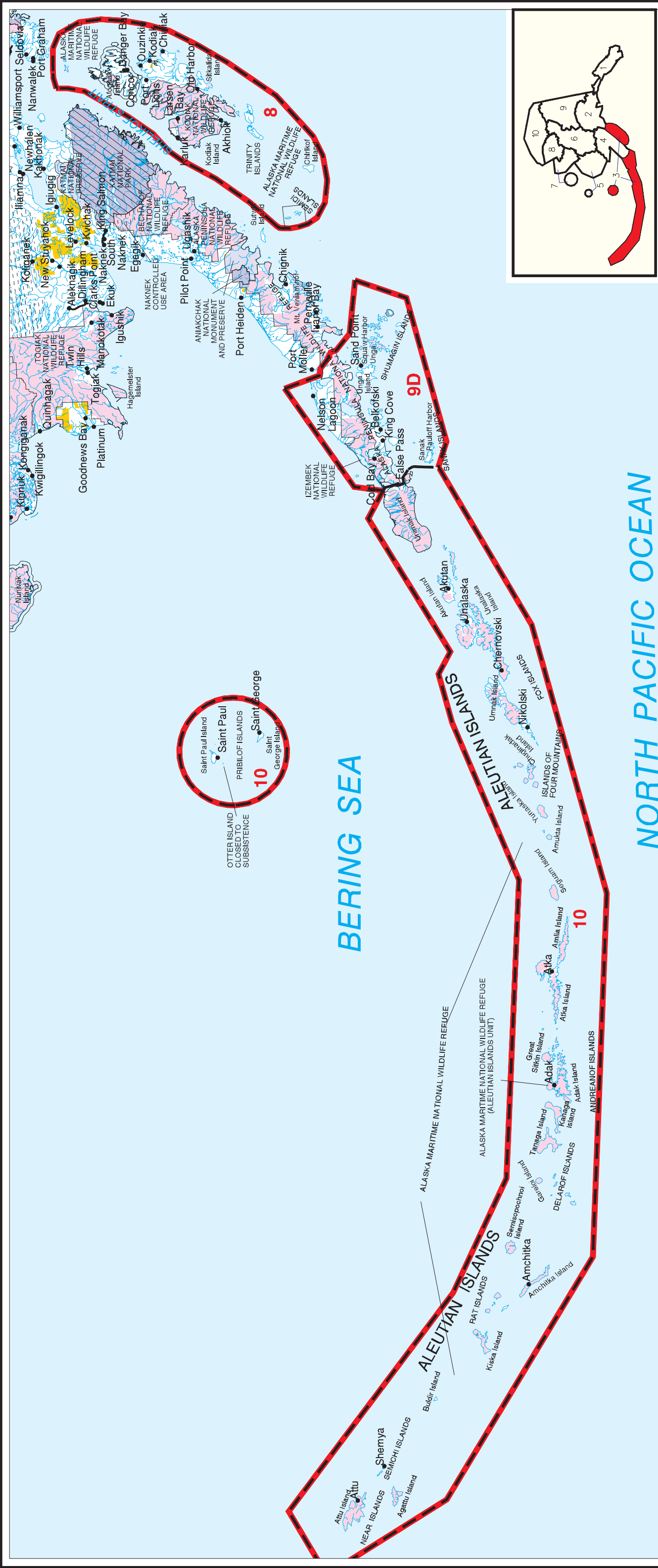
Sunday	Monday	Tuesday	Wednesday-	Thursday	Friday	Saturday
Aug. 15	Aug. 8 Window Opens	Aug. 9	Aug. 10	Aug. 11	Aug. 12	Aug. 13
Aug. 14	Aug. 15	Aug. 16	Aug. 17	Aug. 18	Aug. 19	Aug. 20
Aug. 21	Aug. 22	Aug. 23	Sep. 1	Sep. 2	Sep. 3	Sep. 4
Sep. 5	Sep. 6 Labor Day Holiday	Sep. 7	Sep. 8	Sep. 9	Sep. 10	Sep. 11
Sep. 12	Sep. 13	Sep. 14	Sep. 15	Sep. 16	Sep. 17	Sep. 18
Sep. 19	Sep. 20	Sep. 21	Sep. 22	Sep. 23	Sep. 24	Sep. 25
Sep. 26	Sep. 27	Sep. 28	Sep. 29	Sep. 30	Oct. 1	Oct. 2
	KA - Unalaska					
Oct. 3	Oct. 4	Oct. 5	Oct. 6	Oct. 7	Oct. 8	Oct. 9
				EIRAC - Fairbanks		
			YKD			
Oct. 10	Oct. 11 Columbus Day Holiday	Oct. 12	Oct. 13	Oct. 14	Oct. 15	Oct. 16
			WIRAC - Anchorage			
			SC - Anchorage			
Oct. 17	Oct. 18	Oct. 19	Oct. 20	Oct. 21	Oct. 22	Oct. 23
		SEA - Craig				
		EIRAC - alternate dates				
Oct. 24	Oct. 25	Oct. 26	Oct. 27	Oct. 28	Oct. 29	Oct. 30
		SPRAC - Nome				
			BBRAC - Dilligham			
Oct. 31	Nov. 1	Nov. 2	Nov. 3	Nov. 4	Nov. 5 Window Closes	Nov. 6
	NWARAC - Kotzebue					

Winter 2022 Regional Advisory Council Meeting Calendar

Last updated 12/8/2020

Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday-	Thursday	Friday	Saturday
<i>Feb. 6</i>	<i>Feb. 7</i> <i>Window</i> <i>Opens</i>	<i>Feb. 8</i>	<i>Feb. 9</i>	<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i>
<i>Feb. 13</i>	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>	<i>Feb. 17</i>	<i>Feb. 18</i>	<i>Feb. 19</i>
<i>Feb. 20</i>	<i>Feb. 21</i> PRESIDENTS DAY HOLIDAY	<i>Feb. 22</i>	<i>Feb. 23</i>	<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i>
<i>Feb. 27</i>	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>	<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i>
<i>Mar. 6</i>	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>	<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i>
<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i>	<i>Mar. 16</i>	<i>Mar. 17</i>	<i>Mar. 18</i>	<i>Mar. 19</i>
<i>Mar. 20</i>	<i>Mar. 21</i>	<i>Mar. 22</i>	<i>Mar. 23</i>	<i>Mar. 24</i>	<i>Mar. 25</i> <i>Window</i> <i>Closes</i>	<i>Mar. 26</i>



Miles



Region 3

Kodiak / Aleutians

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