

**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.**

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

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*(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:*

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*(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.*

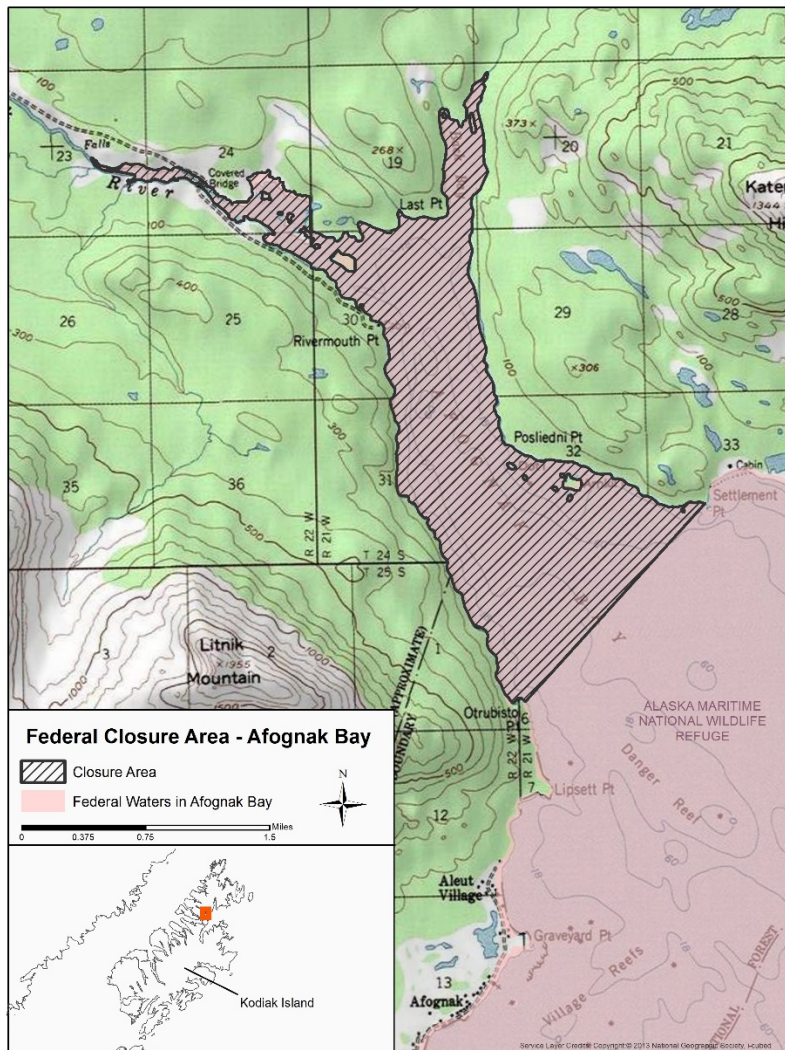
**Regulatory Year Initiated:** 1992

**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*
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 Chum 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.**

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

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*(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.***

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

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*(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.*

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### **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 the 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, AK.

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, AK.

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