

**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.**

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

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*(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:*

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*(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*

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*(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.*

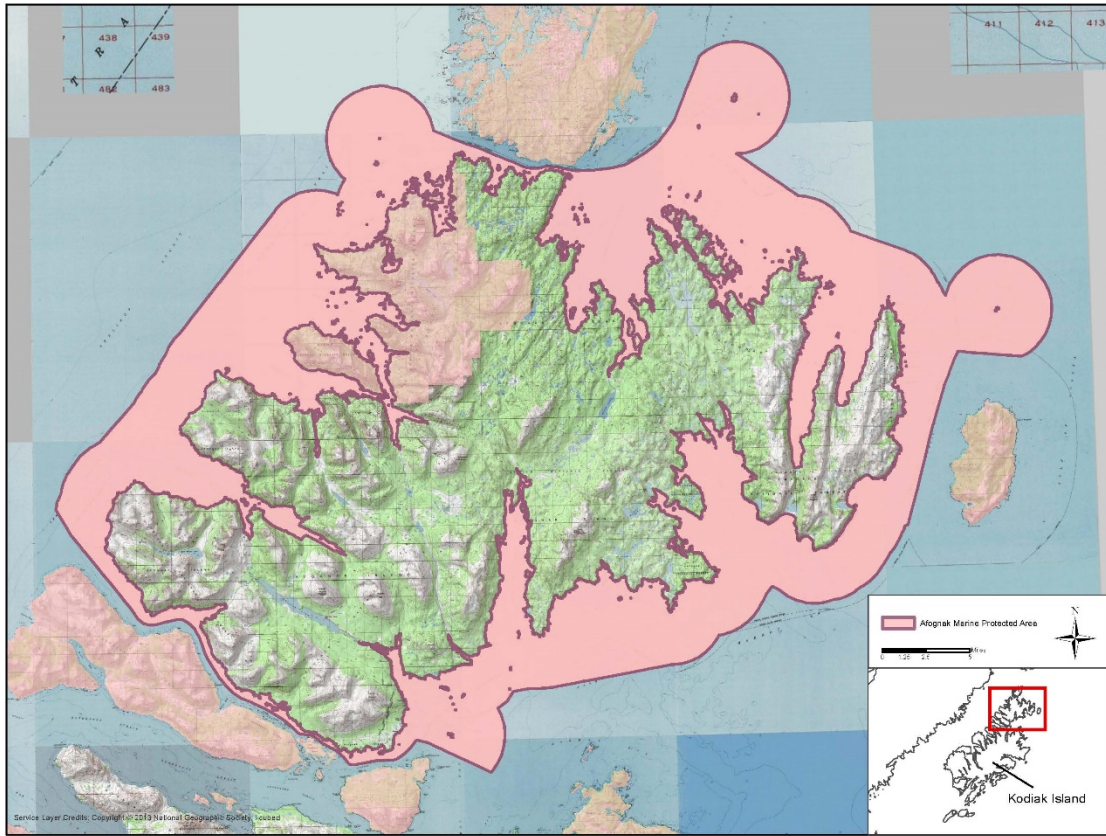
**Regulatory Year Initiated:** 1992

**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 PRELIMINARY 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 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:*

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*(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.***

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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**

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 mirrors those for taking fish under State sport fishing regulations.

## **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, AK.

Dye, Jason, 2020, Regional Fisheries Management Coordinator, Personal communication: email, Division of Sport Fisheries, Alaska Department of Fish and Game, AK.

Fall, James A., A. Godduhn, G. Halas, L. Hutchinson-Scarborough, B. Jones, B. McDavid, E. Mikow, L.A. Sill, and T. Lemons. 2020. Alaska Subsistence and Personal Use Salmon Fisheries 2017 Annual Report. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 451, Anchorage, AK.