

SOUTHCENTRAL ALASKA
SUBSISTENCE REGIONAL
ADVISORY COUNCIL
Meeting Materials

October 29-30, 2018
Anchorage



What's Inside

Page

1	Agenda
4	Roster
5	Draft Winter 2018 Council Meeting Minutes
10	Draft April 2018 Council Teleconference Meeting Minutes
13	FP19-12: Revise Kasilof experimental community gillnet salmon fishery
38	FP19-13: Add current fish permit conditions to regulations
56	FP19-14: Lift restriction on the mainstem waters of the Copper River and allow a dip net and rod and reel fishery within ½ mile downriver of road crossings from the Million Dollar Bridge to mile 27 of the Copper River Highway
89	FP19-15: Move requirement to check fish wheel from fish wheel owner to fish wheel operator
106	FP19-16: Clarify gear usage for Upper Copper River District subsistence salmon fishing permits
122	RP19-01: Request for Moose Pass to be considered a rural community
126	Federal Subsistence Board Policy on Nonrural Determinations
136	Annual Report Briefing
138	Federal Subsistence Board Reply to the Council's FY17 Annual Report
146	Office of Subsistence Management Program Update
148	Winter 2019 Council Meeting Calendar
149	Fall 2019 Council Meeting Calendar
150	Region 2 – Southcentral Map
151	Council Charter

On the cover...

Fishing vessel reflection in Valdez.



photo by W. Osborn, USFWS public domain

This page intentionally left blank

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Cordova Center, Cordova

October 29-30, 2018

8:30 a.m. daily

TELECONFERENCE: call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548.

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
- 4. Welcome and Introductions** (*Chair*)
- 5. Review and Adopt Agenda*** (*Chair*) 1
- 6. Review and Approve Previous Meeting Minutes*** (*Chair*) 5
- 7. Reports**
 - Council Members’ Reports
 - Chair’s Report
 - Coordinator’s Report
- 8. Public and Tribal Comment on Non-Agenda Items** (available each morning)
- 9. Old Business** (*Chair*)
 - a. Cook Inlet Fishery Proposed Rule*
- 10. New Business** (*Chair*)
 - a. Fisheries Proposals*

Cook Inlet

- 1. **FP19-12:** Revise Kasilof experimental community gillnet salmon fishery..... 13

Prince William Sound

- 1. **FP19-13:** Add current fish permit conditions to regulations 38
- 2. **FP19-14:** Lift restriction on the mainstem waters of the Copper River and allow a dip net and rod and reel fishery within ½ mile downriver of road crossings from the Million Dollar Bridge to mile 27 of the Copper River Highway 56
- 3. **FP19-15:** Move requirement to check fish wheel from fish wheel owner to fish wheel operator..... 89
- 4. **FP19-16:** Clarify gear usage for Upper Copper River District subsistence salmon fishing permits..... 106

b. Nonrural Determination Proposals*

- 1. Threshold determination – **RP19-01:** Request for Moose Pass to be considered a rural community 122

c. FRMP Updates and Priority Information Needs*

- d. Identify Issues for Annual Report* 136

11. Agency Reports

(Time limit of 15 minutes unless approved in advance)

Tribal Governments

- 1. Ninilchik Traditional Council
- 2. Native Village of Eyak

Native Organizations

- 1. Ahtna Inter-Tribal Resource Commission

USFWS

USFS

- 1. Russian River projects review

NPS

BLM

ADF&G

AKDOT – Cooper Landing By-pass (*Kelly Summers*)

- OSM..... 146

State of Alaska’s Salmon and People (SASAP) (*Dr. Meagan Krupa*)

12. Future Meeting Dates*

Confirm Winter 2019 meeting date and location148
Select Fall 2019 meeting date and location149

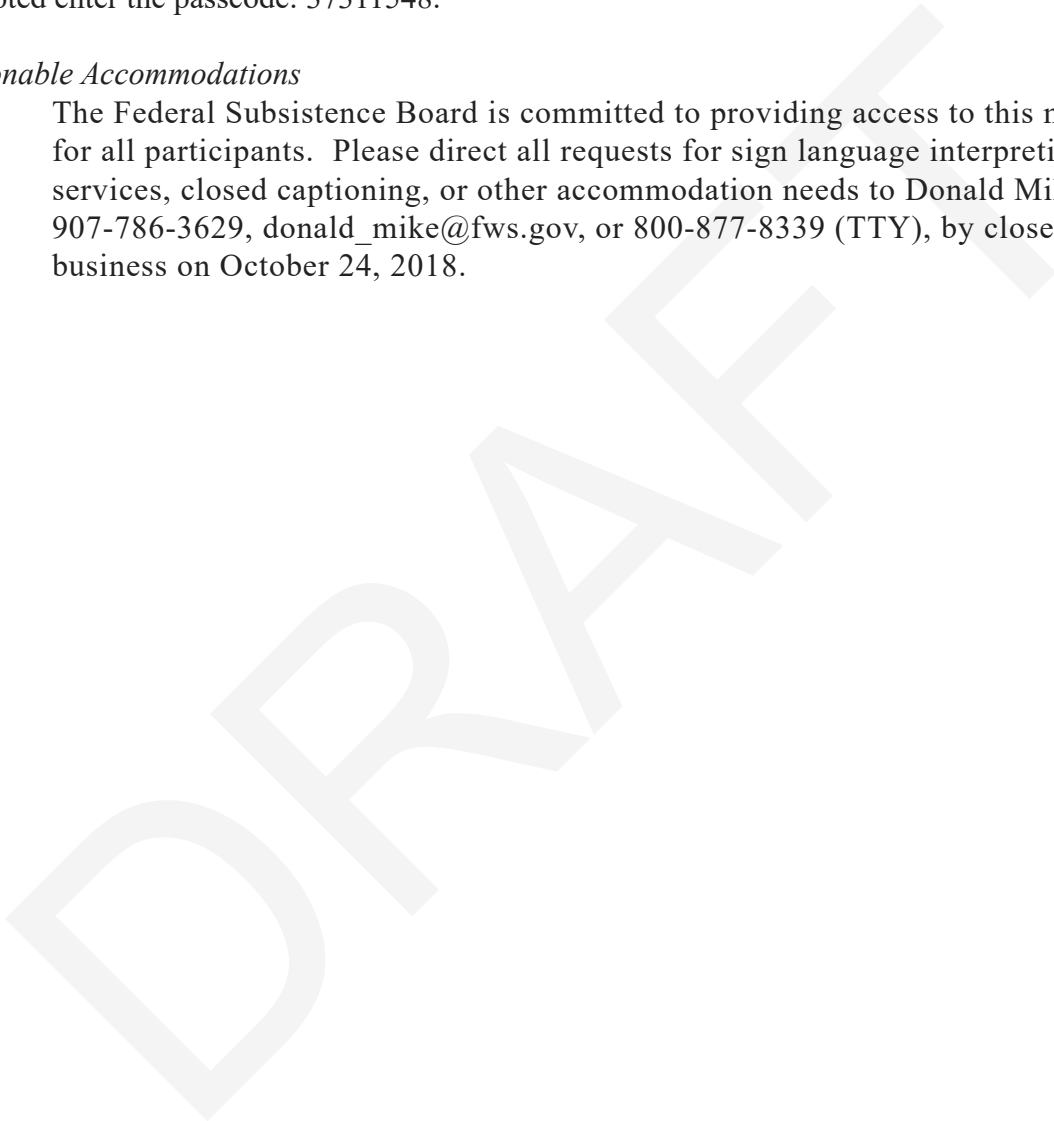
13. Closing Comments

14. Adjourn (Chair)

To teleconference into the meeting, call the toll free number: 1-866-916-7020, then when prompted enter the passcode: 37311548.

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Donald Mike, 907-786-3629, donald_mike@fws.gov, or 800-877-8339 (TTY), by close of business on October 24, 2018.



REGION 2

Southcentral Alaska Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2016 2019	Edward H. Holston Cooper Landing
2	2014 2019	Eleanor Dementi Cantwell
3	2003 2019	Richard Greg Encelewski Ninilchik Chair
4	2016 2019	Diane A. Selanoff Valdez
5	2016 2019	Daniel E. Stevens Chitina
6	2003 2020	Gloria Stickwan Tazlina Secretary
7	2017 2020	Dennis Zadra Cordova
8	2011 2020	Michael V. Opheim Seldovia
9	2011 2020	Andrew T. McLaughlin Chenega Bay
10	2009 2018	Judith C. Caminer Anchorage Vice Chair
11	2015 2018	Ingrid B. Peterson Homer
12	2003 2018	Thomas M. Carpenter Cordova
13	2015 2018	Ricky J. Gease Kenai

**SOUTHCENTRAL SUBSISTENCE ALASKA REGIONAL ADVISORY COUNCIL
Meeting Minutes**

Aleutian Pribilof Islands Association, Inc.
1131 E. International Airport Road
Anchorage, Alaska

March 6-7, 2018

Invocation

Meeting **called to order** by Chair Greg Encelewski

Roll Call by Vice Chair Caminer established a **quorum** with the following ten members present: Ed Holston, Eleanor Dementi, Greg Encelewski, Daniel Stevens, Gloria Stickwan, Michael Opheim, Andy McLaughlin, Judy Caminer, Tom Carpenter, and Ricky Gease. Diane Selanoff and Dennis Zadra were excused absent. Ingrid Peterson was unexcused absent.

Welcome and Introductions of Council members and public.

Milo Burcham	Cordova District, USDA-Forest Service (USFS)
Barbara Cellarius	Wrangell-St. Elias National Park & Preserve
Thomas Evans	Office of Subsistence Management (OSM)
Scott Ayers	OSM
DeAnna Perry	Juneau USFS
Orville Lind	OSM
Jesse Hankins	Glennallen Bureau of Land Management (BLM)
Tom Whitford	Anchorage USFS
Pat Petrivelli	Anchorage Bureau of Indian Affairs (BIA)
David Pearson	Moose Pass USFS
Jill Klein	Anchorage Alaska Department of Fish and Game (ADF&G)
Pippa Kenner	OSM
Dave Sarafin	Wrangell-St. Elias National Park & Preserve
Jennifer Hardin	OSM
Dan Sharp	Anchorage BLM
Carol Damburg	Anchorage U.S. Fish & Wildlife Service (USFWS)
Clarence Summers	Anchorage National Park Service (NPS)
Joshua Ream	OSM
Christine Brummer	OSM
Greg Dudgeon	Fairbanks NPS

Public/NGO

Ivan Encelewski	Ninilchik Traditional Council
Jeffrey Bryden	Moose Pass

Dan Presley Anchor Point, Ninilchik LAC

Review and Adopt Meeting Agenda

The Council added public testimony on non-rural determinations, Fisheries Temporary Special Action Request FSA18-02, update on Ahtna Inter-Tribal Resource Commission (AITRC), and Partners Program briefing under New Business. **Moved** by Ricky Gease, seconded by Edward Holston. The Council added Ahtna Intertribal Resource Commission update under Agency Reports – Native Organizations, with a request that such an update is provided at each Council meeting. **Moved** by Judy Caminer, seconded by Edward Holston. Both passed unanimously. **Motion** by Mr. Stevens and seconded by Mr. Opheim to adopt the meeting agenda as modified. Meeting agenda adopted as amended.

Election of Officers

Council Coordinator Donald Mike opened the nomination for Chair of the Council. Mr. Opheim nominated Mr. Greg Encelewski for Chair and requested, by unanimous consent, to maintain the sitting officers. The motion was seconded by Andrew McLaughlin. Unanimous consent was given, with the election results as follows: Chair: Greg Encelewski, Vice Chair: Judy Caminer, Secretary: Gloria Stickwan.

Approve Minutes of Previous Meeting

Correction on the meeting minutes was noted, page 5 of meeting material, to change officer designation that reads Secretary Caminer and reflect “Vice Chair Caminer.” **Moved** to adopt previous meeting minutes with change, made by Judy Caminer, seconded by Edward Holston. Motion passed.

Council Member Reports

Council members provided resource and subsistence reports from their respective community and issues affecting their region. Council members also reported of any resource related public meetings they attended in their respective communities.

Council member Ms. Stickwan commented that during a recent meeting of the Alaska Board of Game (BOG), the BOG stated that there are minimal Federal public lands in Unit 13, which are inaccessible to be used, and that community harvests are no longer needed because subsistence needs are being met under the current Federal subsistence hunting and fishing regulations. Ms. Stickwan **moved** to send a correspondence to the Alaska Board of Game (BOG) advising that subsistence needs are NOT being met, contrary to BOG’s comments that Unit 13 residents are meeting their needs. The Council was presented that minimal Federal lands exist in Unit 13 and majority of Federal lands are not accessible for subsistence purposes. The BOG stated community harvests are no longer needed because subsistence needs are being met under the Federal Subsistence Management Program. The Council believes this is untrue and to advise the BOG that subsistence needs are not being met in Unit 13. **Motion** made by Ms. Stickwan, 2nd by Daniel Stevens. Motion carries.

Public and Tribal Comments on Non-Agenda Items

There were two members from the public that provided testimony to the Council at the meeting. One member of the public commented on nonrural determination for the community of Moose Pass and the other member testified on subsistence moose hunts within the Kenai National Wildlife Refuge.

Old Business

Cook Inlet Fisheries Regulations Revisions

Mr. Scott Ayers, OSM Fisheries Biologist, presented an update on the Cook Inlet regulations revisions prepared by OSM staff.

Delays to the process of initiating rulemaking have delayed the submission of the proposed regulations for Cook Inlet to the Federal Register, due to the change in administration. A draft rule will be presented to the Federal Subsistence Board and the proposed rule is currently working through the process for publication in the Federal Register. Public comment will be open on the proposed rule and the Council will have an opportunity to review and comment on the proposed rule.

Review of Cook Inlet and Prince William Sound Delegation of Authority Letters

Mr. Ayers also presented an overview of delegation of authority letters issued to the in-season managers for managing fisheries in Prince William Sound and Cook Inlet.

In addition, a delegation of authority letter was reviewed for the Copper River in-season manager in Wrangell-St. Elias National Park & Preserve.

The Council provided comments on the letters and gained an understanding of the scope of the delegation of letters for each in-season manager.

New Business

Call for Fishery Proposals/Nonrural Determination

The Federal Subsistence Board is accepting proposals through April 23, 2018 to change Federal regulations for the subsistence take of fish and shellfish on Federal public lands and waters for the 2019-2021 regulatory cycle. The Board will also accept proposals on customary and traditional use and nonrural determinations.

Fisheries Resource Monitoring Program (FRMP)

Mr. Scott Ayers, OSM Fisheries Biologist, presented an update on the FRMP. The Council will continue with its working group to identify FRMP priority information needs. Council members can submit suggestions to Judy Caminer, Ricky Gease, or Gloria Stickwan. Mr. Ayers will schedule summer work group meetings to begin identifying priority information needs.

Approve FY2017 Annual Report

The Council reviewed its draft 2017 Annual Report, provided comments, and approved it with the following additions: the Council included FRMP funding issues on long term projects to its Annual Report and endorsed another All Council public meeting.

The Council is concerned that some FRMP projects are not being funded. The Council recognizes that funding is challenging, but it would encourage the Board to continue to fund fisheries programs, specifically because some of the long-term studies were dropped due to the lack of funding, the Council encourages the Board to fund these long term projects.

The Council supported and endorsed another all Regional Advisory Council meeting. The Council proposed that to ensure another successful meeting, the Councils will need to provide input on the draft agenda to identify training needs and to suggest other informational materials that will assist during the Councils' future meetings.

Fisheries Temporary Special Action Request FSA18-02

Mr. Ayers presented a briefing on FSA18-02, related to the Kenai subsistence community gillnet fishery for residents of Ninilchik. The Council decided to hold a public Council meeting via teleconference, with proper public notice, where the Council will discuss and make recommendation(s) on the staff analysis for FSA18-02. A public hearing will be conducted prior to the Council meeting.

Agency Reports

Input for NPS In-Season Management Strategy

Mr. Dave Sarafin, Wrangell-St. Elias National Park & Preserve Fisheries Biologist, provided a report on projects and subsistence fishery activities. Mr. Sarafin also presented a report on the Park's re-assessment of Federal Subsistence Fishery Management in the Chitina District. The Park is considering a revision to the management strategy for the Federal subsistence fishery in the Chitina subdistrict to provide additional harvest opportunity to qualified users. Part of the strategy is to continue to delay the season start date to minimize impacts to early season Chinook and Sockeye Salmon stocks.

The Council supported a Delegation of Authority with the season to open June 1 and to remain open for subsistence uses until September 30, as long as no conservation concerns exist.

Ms. Karen Linnell, provided an update from the Ahtna InterTribal Resource Commission.

Agency reports from the National Park Service, U.S. Forest Service and the Bureau of Land Management were presented to the Council. The agencies reported on projects occurring within their units, and reports of subsistence harvest.

Future Meeting Dates

Fall 2018 Meeting: Oct 29-30, 2018 in Cordova

Winter 2019 Meeting: Feb 26-27, 2019 in Anchorage

Adjourn

Motion to Adjourn by Ed Holston

Meeting adjourned

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

[date]

Donald Mike, Designated Federal Official
USFWS Office of Subsistence Management

Greg Encelewski, Chair
Southcentral Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southcentral Alaska Subsistence Regional Advisory Council at its fall 2018 meeting, and any corrections or notations will be incorporated in the minutes at that meeting.

**SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL
Meeting Minutes**

Teleconference Public Meeting
OSM Conference Room
April 17, 2018

Meeting **called to order** by Chair Greg Encelewski.

Roll Call by Council Coordinator Donald Mike.

Present

Greg Encelwski, Ed Holston, Daniel Stevens, Michael Opheim, Judy Caminer, Ricky Gease and Diane Selanoff. The following were excused absent: Tom Carpenter, Gloria Stickwan, Dennis Zadra, Andy McLaughlin, and Eleanor Dementi. Ingrid Peterson was unexcused absent. Quorum established with seven members present via teleconference.

Welcome and Introductions of Council members and public.

Agency

Pat Petrivelli	Anchorage BIA
Jennifer Hardin	Anchorage OSM
Deanna Perry	Juneau USFS
Scott Ayers	Anchorage OSM
Robbin La Vine	Anchorage OSM
Mark Burch	Anchorage ADFG

Public/NGO

Ivan Encelewski	Ninilchik Traditional Council
Jeremy Lewis	Cooper Landing Local Advisory Committee

Review and Adopt Meeting Agenda

Ms. Diane Selanoff moved to adopt the meeting agenda. Second called by Ms. Judy Caminer. Meeting agenda adopted.

Temporary Fisheries Special Action Request FSA 18-02

Mr. Scott Ayers, Fisheries Biologist with the Office of Subsistence Management (OSM), presented the FSA18-02 request and analysis.

Fisheries Special Action Request FSA18-02, submitted jointly by the Ninilchik Traditional Council and the U.S. Fish and Wildlife Service, requests several modifications to Federal subsistence regulations to allow for implementation of the Kenai River community gillnet fishery

for residents of Ninilchik during the 2018 season, including establishing seasons, harvest limits and guidelines about fish retention and release.

FSA18-02 would remove application of the annual total harvest limits language from application to the community gillnet fishery and keep existing household limits. The change would alleviate concerns raised by residents of Hope and Cooper Landing regarding the impact of this fishery on their customary and traditional use determination for Sockeye Salmon as well as their ability to achieve their annual total harvest limit of Sockeye. The fishery would take place in the Moose Range Meadows area of the Kenai River. The special action would establish an early-run Chinook season for the community gillnet fishery of July 1-5, with a household limit of 2 early-run Chinook Salmon per household with one additional for each household member. Management practices would be implemented to ensure conservation protections of Chinook Salmon and Rainbow Trout populations.

The OSM preliminary conclusion is to support FSA18-02. The fishery will provide Federally-qualified subsistence users with the opportunity authorized by the Federal Subsistence Board. No conservation concerns exist on the fishery based on the parameters of the FSA 18-02 request and the experience of the gillnet operators, and the request addresses conflicting regulatory concerns.

Public and Tribal Comments

Mr. Ivan Encelewski, Executive Director for the Ninilchik Traditional Council (NTC), commented that the NTC supports FSA18-02. The subsistence gillnet fishery on the Kenai River was successfully administered in 2016 and only one Chinook was taken, and no Trout taken in the gillnet fishery, exercising a conservation-minded approach to the fishery to protect non-target species.

Mr. Jeremy Lewis, Cooper Landing Fish and Game Advisory Committee, read into the record stating that the AC is opposed to the gillnet fishery on the Kenai River. The gillnet fishery will directly impede other subsistence users (dipnet and rod and reel fishers) and raised concerns about legal limit requirements of retention for Chinook and Trout species.

Council Action

Ms. Judy Caminer moved to adopt FSA18-02. Ms. Diane Selanoff seconded the motion.

The Council discussed the merits of the proposal, noting that it supported the proposal. The special action enhances and improves subsistence opportunities and does not present any conservation concerns. The Council appreciates the conservation measures included in the proposal. The Council expressed that the concerns from Hope and Cooper Landing regarding harvest limits were heard and that solutions have been addressed on those issues. The Council noted that a similar special action request worked well in the 2017 fishery.

Upon a call for a vote, the motion carried unanimously.

Meeting adjourned

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

June 4, 2018

Donald Mike, Designated Federal Official
USFWS Office of Subsistence Management

Greg Encelewski, Chair
Southcentral Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Southcentral Alaska Subsistence Regional Advisory Council at its fall 2018 meeting, and any corrections or notations will be incorporated in the minutes at that meeting.

FP19–12 Executive Summary

<p>General Description</p>	<p>Proposal FP19-12 requests the Federal Subsistence Board (Board) revise section § __.27(e)(10)(iv)(I) of the CFR that authorizes the take of salmon through an experimental community gillnet fishery in the Kasilof River. This fishery currently has a five-year window in which to operate before it expires, starting with the date of the first approved operational plan that occurred in July 2015. The requested change is to establish the fishery as a permanent fishery, name the Ninilchik Traditional Council as the operator of the fishery, and to align requirements in the regulations for this fishery with those for the Kenai River community gillnet fishery. <i>Submitted by: Ninilchik Traditional Council.</i></p>
<p>Proposed Regulation</p>	<p><i>See pages 16 to 18 of this book for proposed regulations.</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Support Proposal FP19-12 with modification to clarify that the fishery can use a set net, a drift net, or a pole net.</p>
<p>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	<p>None</p>

**DRAFT STAFF ANALYSIS
FP19-12**

ISSUES

Proposal FP19-12, submitted by the Ninilchik Traditional Council, requests the Federal Subsistence Board (Board) revise section § __.27(e)(10)(iv)(I) of the CFR that authorizes the take of salmon through an experimental community gillnet fishery in the Kasilof River. This fishery currently has a five-year window in which to operate before it expires, starting with the date of the first approved operational plan that occurred in July 2015. The requested change is to establish the fishery as a permanent fishery, name the Ninilchik Traditional Council as the operator of the fishery, and to align requirements in the regulations for this fishery with those for the Kenai River community gillnet fishery.

DISCUSSION

The proponent is seeking to: establish the Kasilof River community gillnet fishery as a permanent fishery; remove the operating plan and provide compliance with the regulatory process that has already been successfully implemented with the Kenai River community gillnet fishery; establish the Ninilchik Traditional Council as the organization that, as the gillnet owner, is responsible for its use; remove repeated language in the regulations and align Kenai River and Kasilof River gillnet regulations; provide reasonable choices to the subsistence users pertaining to harvest efforts and areas; and remove arbitrary and capricious management issues.

They have stated that these changes will improve fish management and populations associated with the fisheries. They also note that these changes will establish a harvestable fishery for subsistence users as mandated through ANILCA and provide continuity with subsistence regulations.

Existing Federal Regulation

§ __.27(e)(10) Cook Inlet Area

(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(I) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through an experimental community gillnet fishery in the Federal public waters of the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to the Tustumena Lake boat launch June 16-August 15. The experimental community gillnet fishery will expire 5 years after approval of the

first operational plan.

(1) Only one community gillnet can be operated on the Kasilof River. The gillnet cannot be over 10 fathoms in length, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.

(2) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife Refuge manager, based on the merits of the operational plan. The registration permit will be issued to an organization that, as the community gillnet owner, will be responsible for its use in consultation with the Federal fishery manager. The experimental community gillnet will be subject to compliance with Kenai National Wildlife Refuge regulations and restrictions.

(i) Prior to the season, provide a written operational plan to the Federal fishery manager including a description of fishing method, mesh size requirements, fishing time and location, and how fish will be offered and distributed among households and residents of Ninilchik;

(ii) After the season, provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation, and number of each species caught and retained or released.

(3) The gillnet owner (organization) may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:

(i) Identifies a person who will be responsible for fishing the gillnet;

(ii) Includes provisions for recording daily catches, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.

(4) Fishing for Sockeye, Chinook, Coho and Pink salmon will be closed by Federal Special Action prior to the operational plan end dates if the annual total harvest limits for any salmon species is reached or suspended.

(5) Salmon taken in the gillnet fishery will be included as part of dip net/rod and reel fishery annual total harvest limits for the Kasilof River. All fish harvested must be reported to the in-season manager within 72 hours of leaving the fishing location.

(i) A portion of the total annual harvest limits for the Kasilof River will be allocated to the experimental community gillnet fishery.

(ii) The gillnet fishery will be closed once the allocation limit is reached.

(6) Salmon taken in the experimental community gillnet fishery will be included as part of the dip net/rod and reel fishery annual household limits for the Kasilof River.

(7) Residents of Ninilchik may retain other species incidentally caught in the Kasilof River. When the retention of rainbow/steelhead trout has been restricted under Federal subsistence regulations, the gillnet fishery will be closed.

(8) Before leaving the site, all harvested fish must be marked by removing their dorsal fin, and all retained fish must be recorded on the fishing permit.

(9) Failure to respond to reporting requirements or return the completed harvest permit by the due date listed on the permit may result in issuance of a violation notice and will make you ineligible to receive a subsistence permit during the following regulatory year.

Proposed Federal Regulation

§___.27(e)(10) Cook Inlet Area

(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof and Kenai River drainages:

(I) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through ~~an experimental~~ community gillnet fishery in the Federal public waters of the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the

outlet of Tustumena Lake downstream to the Tustumena Lake boat launch June 16-August 15. ~~The experimental community gillnet fishery will expire 5 years after approval of the first operational plan.~~

(1) Only one community gillnet can be operated on the Kasilof River. The gillnet cannot be over 10 fathoms in length, **must be no larger than 5.25-inch mesh**, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.

(2) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife Refuge manager, ~~based on the merits of the operational plan.~~ The registration permit will be issued to ~~an organization that,~~ **the Ninilchik Traditional Council.**

(i) ~~As the community gillnet owner,~~ **the Ninilchik Traditional Council** will be responsible for its use **and removal** in consultation with the Federal fishery manager. ~~The experimental community gillnet will be subject to compliance with Kenai National Wildlife Refuge regulations and restrictions.~~

~~(i) Prior to the season, provide a written operational plan to the Federal fishery manager including a description of fishing method, mesh size requirements, fishing time and location, and how fish will be offered and distributed among households and residents of Ninilchik;~~

(ii) **As part of the permit, A**fter the season, **the Ninilchik Traditional Council must** provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation, and number of each species caught and retained or released.

(3) ~~The gillnet owner (organization)~~ **Ninilchik Traditional Council** may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:

(i) Identifies a person who will be responsible for fishing the gillnet;

(ii) Includes provisions for recording daily catches **within 72 hours**, the

household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.

(4) Fishing for Sockeye, Chinook, Coho and Pink salmon will be closed by Federal Special Action prior to the ~~operational plan~~ fishery end dates if the annual total harvest limits for any salmon species is reached or suspended.

(5) Salmon taken in the gillnet fishery will be included as part of dip net/rod and reel fishery annual total harvest limits for the Kasilof River. All fish harvested must be reported to the in-season manager within 72 hours of leaving the fishing location.

(i) A portion of the total annual harvest limits for the Kasilof River will be allocated to the ~~experimental~~ community gillnet fishery.

(ii) The gillnet fishery will be closed once the allocation limit is reached.

(6) Salmon taken in the ~~experimental~~ community gillnet fishery will be included as part of the dip net/rod and reel fishery annual household limits for the Kasilof River.

* * * *

Existing State Regulation

In 1992, the State classified most of the Cook Inlet Area, including the Kenai and Kasilof River drainages, as part of the Anchorage-Matsu-Kenai Nonsubsistence Area (5AAC 99.015(3)). The only State subsistence fisheries in Cook Inlet occur in areas that are not accessible from the road system, including the Tyonek, Windy Bay, Port Chatham, and Port Graham Subdistricts, as well as portions of Seldovia Bay and the Yentna River drainage. The State's subsistence priority does not apply on the Kenai Peninsula, and the Alaska Board of Fisheries may not authorize subsistence fisheries in this area. Under State regulations, personal use fisheries and educational fishery permits provide opportunities for harvesting fish with gear other than rod and reel in nonsubsistence areas.

Statewide, the State of Alaska manages commercial and sport salmon fisheries based on the principles and criteria listed in the State's Policy for the management of sustainable salmon fisheries (5 AAC 39.222). There are multiple management plans that apply to the Kasilof River salmon stocks. These include the Upper Cook Inlet Management Plan (5 AAC 21.363), the Kenai River and Kasilof River Early-Run King Salmon Conservation Management Plan (5 AAC 57.160), the Kasilof River Salmon Management Plan (5 AAC 21.365), the Kenai River Late-Run Sockeye Salmon Management Plan (5 AAC 21.360), and the

Central District Drift Gillnet Fishery Management Plan (5 AAC 21.353). These plans provide goals for sustained yield, guidance for mixed-species and mixed-stock fisheries, and instructions for allocation between competing fisheries. General and special provisions for sport fisheries on the Kenai Peninsula (including the Kasilof River) are found at 5 AAC 56.120 and 5 AAC 56.122, and provisions for the personal use gillnet and dip net fisheries on Kasilof River stocks are found at 5 AAC 77.540.

Extent of Federal Public Lands

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. For the Kasilof River, Federal public waters under consideration include all waters of the Kasilof River within and adjacent to the exterior boundaries of the Kenai National Wildlife Refuge (**Figure 1**). This includes approximately the upper seven miles of the Kasilof River from the outlet of Tustumena Lake downstream to Silver Salmon Rapids. This proposal applies to the area within those waters from a Federal regulatory marker on the Kasilof River below the outlet of Tustumena Lake downstream to the Tustumena Lake boat launch.

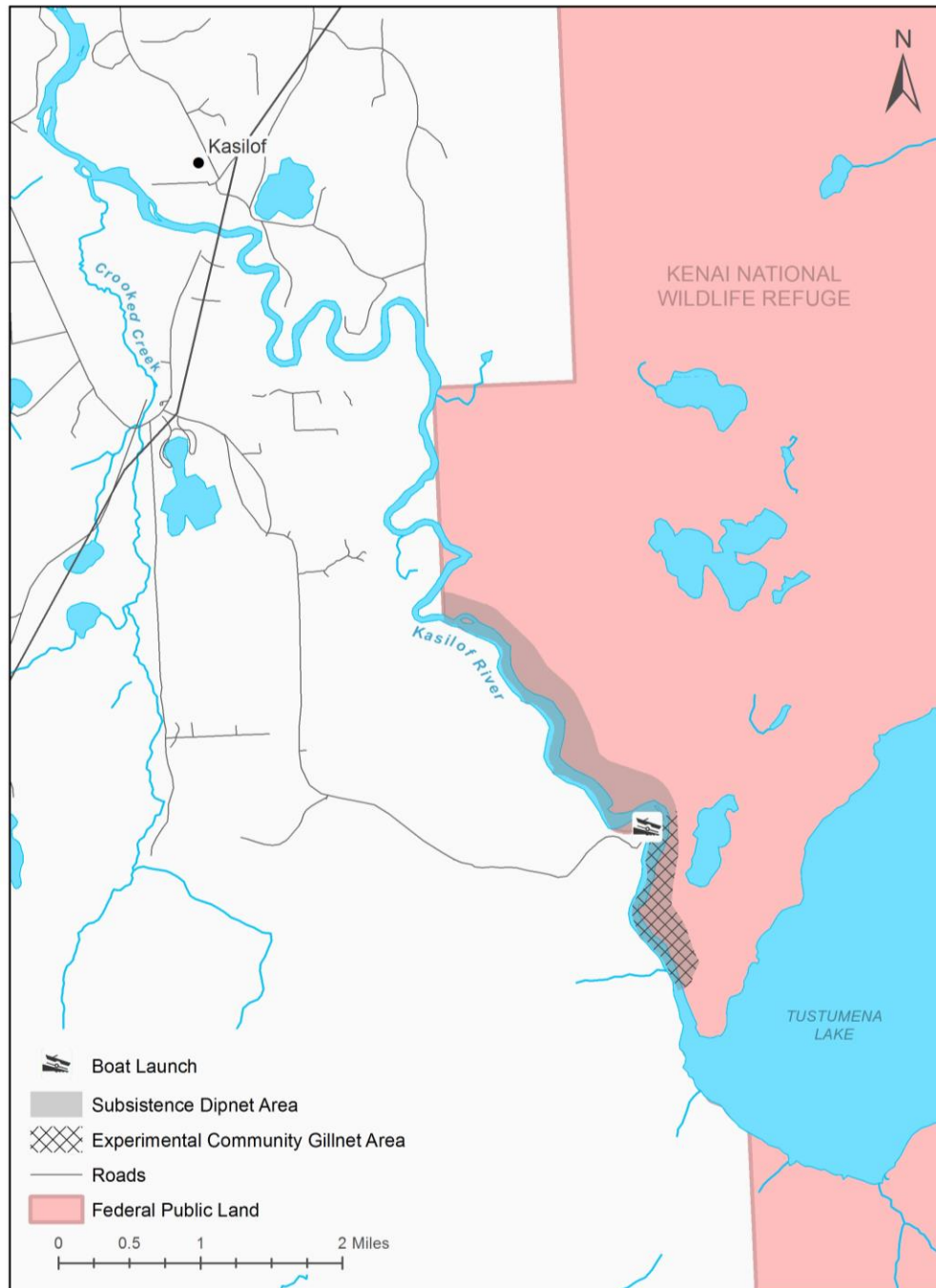


Figure 1. Location of the Kenai National Wildlife Boundary at the outflow of Tustumena Lake and along the upper reaches of the Kasilof River, including the area where the community gillnet fishery takes place.

Customary and Traditional Use Determinations

Rural residents of Ninilchik have a customary and traditional use determination for all fish for waters within the Kasilof River drainage within the Kenai National Wildlife Refuge.

Regulatory History

In 2001, Federal subsistence management regulations for harvest in the Cook Inlet Area were established for salmon, trout, and Dolly Varden through Board passage of fisheries proposal FP02-11 (FSB 2001). A Federal subsistence permit was required, and seasons, harvest and possession limits, and methods and means for take were the same as those in Alaska sport fishing regulations. This fishery was established as an interim measure to provide some subsistence opportunity in the Cook Inlet Area for Federally qualified subsistence users. Initially, there were no customary and traditional use determinations for salmon, trout and Dolly Varden in Cook Inlet; so all rural residents could harvest under Federal regulations.

In January 2006, the Board made customary and traditional use determinations for Hope and Cooper Landing residents for all fish in the Kenai River Area, and for Ninilchik residents for all fish within the Kasilof River drainage within the Kenai National Wildlife Refuge through passage of fisheries proposal FP06-09, which had been deferred from the 2002 proposal cycle (FSB 2006). The Ninilchik Traditional Council submitted a proposal for the 2009 cycle (FP09-07) requesting a customary and traditional use determination for all fish in the Kenai River Area within the Kenai National Wildlife Refuge and the Chugach National Forest by Ninilchik residents (OSM 2009). The Board chose not to adopt that proposal at the time (FSB 2009), but reversed that decision in November 2010 (FSB 2010), following a request for reconsideration, RFR09-01.

During the 2007 regulatory cycle, two additional steps were added to the analysis and review process for regulatory proposals. First, the Southcentral Alaska Subsistence Regional Advisory Council (Council) formed a stakeholder subcommittee, which met twice in Soldotna in February 2007, to review the analyses and suggest changes. Second, the Ninilchik Traditional Council (NTC), a proponent of some of the proposals, provided a review to assess and give feedback on the changes suggested by the subcommittee, and suggest other changes. Both of these steps took place prior to the Council's March 2007 meeting. Several suggested changes from these extra steps were incorporated into the analyses as modifications to the proposed regulations, and were presented to the Council and, ultimately, the Board (OSM 2007).

At the time, the Board typically held public meetings twice a year to make decisions on proposals to change Federal subsistence management regulations throughout the State; once in the spring (April or May) for wildlife regulations and once in the winter (December or January) for fisheries proposals. In May 2007, the Board held a third public meeting solely to hear public testimony on, deliberate, and make decisions for the Kenai Peninsula fisheries proposals of the 2007 regulatory cycle (FSB 2007a).

During its May 2007 meeting, the Board adopted proposal FP07-27, which covered both the Kenai and Kasilof river drainages (FSB 2007a). This established dip net/rod and reel salmon fisheries on both rivers, increased previously established harvest, possession, and annual limits for salmon and selected resident species for existing Federal subsistence rod and reel fisheries, and allowed use of up to two single or treble hooks and bait for rod and reel fishing during specified dates. Sockeye Salmon annual harvest limits were set at 4,000 fish, with an annual household limit of 25 for each permit holder, and an additional 5 per each household member. Chinook, Coho, and Pink Salmon annual harvest limits were each set at 500 fish, with an annual household limit of 10 for each permit holder, and an additional 2 per each household member. The Board adopted proposals FP07-27D and FP07-30, which established a winter season subsistence

fishery at Tustumena Lake with jigging through the ice and gillnets fished under the ice for Lake Trout, Rainbow Trout and Dolly Varden/Arctic Char (FSB 2007a).

Additionally, during the 2007 regulatory cycle, there were two proposals that included requests for the use of gillnets. These included Proposals FP07-27B and C (submitted by NTC) and FP07-29 (submitted by Mr. Robert Gibson of Cooper Landing). FP07-27B and C requested a community set gillnet fishery for Chinook, Sockeye, and Pink Salmon in the Kasilof and Kenai Rivers and a community set gillnet fishery for Coho Salmon in the Kenai River. FP07-29 requested that gillnets with different mesh sizes be used to harvest Sockeye Salmon, Coho Salmon, Pink Salmon, Rainbow Trout, Dolly Varden, Lake Trout, and whitefish species in several lakes in the Kenai River drainage. The proposals did not gain support of the Council, and the Board rejected them (FSB 2007a).

During the 2008 cycle, the Council submitted Proposal FP08-09 to establish a temporary community fish wheel on both the Kenai and Kasilof Rivers for residents of Ninilchik, Hope, and Cooper Landing. The Council contended that fish wheels would provide a more effective means for Federally qualified subsistence users to harvest salmon. The Council requested the establishment of fish wheels as a gear type be temporary to evaluate the feasibility of operating this type of gear. The Board, at its December 2007 meeting, adopted the proposal, with modification, to allow fish wheels to be classified as a gear type, but only in the Kasilof River. The Board felt that there were too many logistical issues to be dealt with on the Kenai River, especially with three communities having the possibility of running a single fish wheel. The Board specified that only one fish wheel with a live box would be allowed in the upper mainstem of the Kasilof River. A permit would be required to use the fish wheel and that an operational plan must be submitted to and approved by the Federal in-season manager, before the permit would be awarded. Individuals operating the fish wheel would need to have a Federal subsistence fishing permit and all harvest limits on the permit would apply to the fish wheel. Salmon harvested by the fish wheel were included as part of each household's annual limit and all fish harvested were to be reported to the in-season manager with 72 hours of leaving the fishing location (FSB 2007b). The Board adopted proposal FP13-15 at its January 2013 meeting to remove the expiration date and making permanent the community fish wheel salmon fishery on the Kasilof River (FSB 2013).

For the 2015 regulatory cycle, the Ninilchik Traditional Council submitted Proposal FP15-11 to establish a community gillnet fishery on the Kasilof River. They contended that previous efforts to establish a meaningful subsistence fishery had been unsuccessful, and that good faith efforts had been made to attempt to use the fish wheel. They requested a single community net to avoid the proliferation of nets and decrease conservation concerns, and suggested an operational plan similar to what had been done with the fish wheel. The Council supported the proposal and stated that conservation concerns raised by the U.S. Fish and Wildlife Service (USFWS) could be addressed through an operational plan (OSM 2015).

Although the USFWS had concerns with implementing this fishery using a gear type with the potential to harvest large numbers of fish in relatively short periods of time, they supported initiating the experimental fishery based on their assessment that the Service's three primary concerns associated with gillnet use in the Kasilof River could be addressed (Anderson 2016, pers. comm.). These concerns include: 1) fishing a gillnet in a known spawning area for Steelhead; 2) potential for take of Steelhead and late-run Chinook Salmon, which are in low abundance in the watershed and cannot sustain much increased harvest; and 3) establishing a fishery that conflicts with existing Federal subsistence management regulations that prohibit

the harvest of Steelhead after August 15. USFWS staff recommendations for modifying Proposal FP15-11 to address these primary concerns included establishing time and area restrictions for the fishery to avoid fishing in important salmon spawning areas and the harvest of spawning fish and restricting gillnet use to a period of time when Steelhead are not present in the system. USFWS supported the modified fishery as all fish captured in the experimental gillnet fishery, regardless of species or size, would be legal to harvest under Federal subsistence management regulations. The Board adopted Proposal FP15-11 at its January 2015 meeting with modification as developed and offered by the USFWS (FSB 2015). Modifications included an expiration date five years from approval of the first operational plan, a July 1 season start date to provide conservation measures for Steelhead kelts (Steelhead that return to the sea following spawning) that leave the river by late June, and a season end date of July 31 to provide conservation measures for late-run Chinook Salmon that begin entering the system towards the end of July. The first operational plan was approved on July 13, 2015, and fishing commenced that same day.

For the 2017 regulatory cycle, the Ninilchik Traditional Council submitted Proposal FP17-09 to revise the Kasilof River gillnet regulations. The proposal requested changes to the fishery including removing the experimental designation, replacing the operational plan requirement with permit conditions, expansion of fishery dates to May 1 through November 15, and naming the Ninilchik Traditional Council as the specific operator of the fishery. Due to the volume of changes requested in the single proposal, analysts at the Office of Subsistence Management split the proposal into seven separate requests examined in the same analysis (OSM 2017). The Council supported Proposal FP17-09 with modification only to match the dates in place already for the harvest of Chinook and Sockeye Salmon (June 16 to August 15) and require the continuation of annual reporting at the end of the season. The Board action on this proposal was to change only the dates of the fishery to June 16 through August 15, stating that the debate on the remaining aspects of the proposal could take place at the end of the experimental period (FSB 2017).

Approval and signature of the operational plan for 2016 took place on June 10, 2016, with no substantial changes from the 2015 plan. The 2016 fishery was operational between July 1 and 27, 2016.

Approval and signature of the 2017 operational plan took place on April 18, 2017, with no substantial changes from the 2015 plan apart from new fishery dates of June 16 to August 15. The fishery was operational between June 16 and August 7, 2017.

Biological Background

Sockeye Salmon

Sockeye Salmon are the most abundant salmon species in the Kasilof River drainage, with a current optimal escapement goal of 160,000-390,000 fish and a biological escapement goal of 160,000-340,000. Returns to this system are greatly influenced by openings and closings to the Upper Cook Inlet commercial salmon fisheries, and have been within or above the escapement goal ranges in place between 2008 and 2017 (ADF&G 2018). There are no current conservation concerns for this run.

Chinook Salmon

The Kasilof River supports both early and late runs of Chinook Salmon. There is a weir on Crooked Creek that provides assessment of early-run Chinook Salmon abundance for the Kasilof River. The sport fishery is supported primarily by stocked fish of Crooked Creek hatchery origin (Begich et al. 2017). The last assessment of late-run Chinook Salmon abundance was for the years 2005 to 2008 (Reimer and Fleishman 2012). The mark-recapture study found returns were most likely near 10,000 wild, age 2+ fish for 2006-2008. The largest age class was 4 ocean fish in 2006 and 2007 and 3 ocean fish in 2008. The department initiated a sonar assessment project in 2018 for Late-Run Chinook Salmon that counts large Chinook Salmon (>750 mm mid-eye to tail fork) with no associated sampling program (Miller et al. 2018).

Early-run Chinook Salmon, including the hatchery-produced component, spawn in Crooked Creek during late May and June. Only the headwaters of Crooked Creek lie within the Kenai National Wildlife Refuge, so early-run Chinook Salmon are not generally available for harvest in Federal public waters.

Identified spawning areas for late-run Chinook Salmon include Crooked Creek, the mainstem Kasilof River near the mouth of Crooked Creek at river mile (RM) 6.9, the mainstem upstream of the Sterling Highway bridge between RM 9 and 12, and the upper mainstem between RM15 and 18 within the Kenai National Wildlife Refuge (Faurot and Jones 1990, Reimer and Fleishman 2012). Late-run Chinook Salmon spawn in the upper river during August and September, making them available for harvest by Federally qualified subsistence users. As with many Chinook Salmon stocks in the Cook Inlet Area, fisheries targeting this relatively small late-run Chinook stock have been managed in a conservative manner over the past few seasons.

Coho Salmon

Coho Salmon are likely the second most abundant salmon species in the Kasilof River drainage. Radio-telemetry experiments during the 2007-2009 seasons found the upper mainstem to be an important spawning area (Gates et al. 2010). Of those tagged fish that were assigned to a spawning location, the majority were found to be spawning in the mainstem Kasilof River above RM 15 and downstream of the Tustumena Lake boat ramp. Smaller spawning populations were found in Tustumena Lake tributaries, the mainstem Kasilof River below RM 15, or in lower river tributaries. The run extends from as early as late-July to beyond late-October. Several of the comparatively small lake tributary populations appear to comprise the majority of the early portion of the run, which could make them susceptible to overexploitation in fisheries that target the early component of the run (Bromaghin et al. 2010).

Steelhead

The Kasilof River supports a small fall-run population of Steelhead. These fish enter freshwater in the fall to overwinter, spawn in the spring, and a significant portion of the population emigrate back to the marine environment following spawning (Gates 2009). The majority of overwintering, which occurs between December and March, takes place in the mainstem Kasilof at the outlet to Tustumena Lake, in the lake, and in the mainstem from Crooked Creek to the outlet, in that order (Gates and Boersma 2010). Spawning locations include the mainstem Kasilof River, Kasilof River tributaries, and tributaries to Tustumena Lake.

Spawn timing is between late April and late June, and takes place in the mainstem Kasilof River, tributaries of the Kasilof River, and tributaries to Tustumena Lake. Post-spawn kelt emigration occurs between early May and late June. The 2008 and 2009 tagging studies conducted by Gates and Boersma (2010) indicate that while these fish are present throughout the mainstem from RM 5 of the Kasilof River all the way to Tustumena Lake in April, they have generally departed the upper river area by May, and are concentrated downstream of RM 16 in June.

Harvest History

Sockeye Salmon

Kasilof River Sockeye Salmon are harvested in large numbers in mixed-stock commercial salmon fisheries in Cook Inlet (Shields and Dupuis 2016). The Upper Cook Inlet commercial Sockeye Salmon estimated harvest has ranged from 2,045,794 to 5,277,995 Sockeye Salmon during 2007–2016, with a 10-year average harvest of 2,885,203 fish. The estimated sport fishery harvest in the mainstem Kasilof River has ranged from 3,693 to 19,819 Sockeye Salmon during the years 2007–2016, with a 10-year mean estimated harvest of 9,907 fish (Alaska Sport Fishing Survey Database 2006-2018). Sport fishing for Sockeye Salmon is not permitted within Tustumena Lake or its tributaries. The combined estimated harvests from the personal use gillnet and dip net fisheries for Kasilof River Sockeye Salmon have ranged between 58,236 to 116,567 fish during the years 2007–2016, with a 10-year mean harvest of 89,612 fish (Shields and Dupuis 2017). Educational fisheries harvests ranged between 18 and 300 fish during the years 2007–2016, with an average harvest of 95 (Begich et al. 2017).

Federal subsistence harvest for the Kasilof River is restricted to Federal public waters by the residents of the Niniilchik area. A low level of Sockeye Salmon harvest has taken place since the start of these fisheries, with harvest increasing following the addition of a community gillnet fishery in 2015 (**Table 1**). Harvest by dip net has occurred in all years since 2007, and has ranged between 1 and 108 fish taken. Zero harvest has occurred through the rod and reel fishery. An experimental community gillnet fishery has taken place during the years 2015, 2016, and 2017, with a total harvest over the three years of 632 Sockeye Salmon.

Chinook Salmon

The early-run supports the larger recreational fishery. Sport fishing for Chinook Salmon occurs on the mainstem Kasilof River, is focused on the enhanced early run of Crooked Creek Chinook Salmon, which can be identified by an adipose fin clip, and is not allowed above the Sterling Highway Bridge after 30 June. Sport fish harvest of wild Chinook Salmon (with an adipose fin), above the bridge prior to July 1, is restricted to Tuesdays, Thursday and Saturdays by regulation. The early-run sport fishery started under precautionary restrictive measures for 2014 and 2015 due to area wide suppressed runs, but restrictions were relaxed in 2016 (Begich et al. 2017). The estimated harvests of early-run Chinook Salmon have ranged between 323 and 2,654 during the years 2006-2015, with a mean of 1,490. The late-run sport fishery was restricted for 2014, began restricted in 2015 but returned to standard regulations before the end of the season, and was managed under standard regulations for 2016. The estimated harvests of late-run Chinook Salmon have ranged between 2,164 and 55 during the years 2006-2015, with a mean of 979.

Table 1. Federal subsistence fishery harvests in the Kasilof River drainage by residents of the Ninilchik area (USFWS 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016b, 2017, and 2018).

Kasilof River Federal Subsistence Harvests										
Year	Dip Net			Rod and Reel			Community Gillnet			Total
	Sockeye	Coho	Chinook	Sockeye	Coho	Chinook	Sockeye	Coho	Chinook	
2007	30	-	-	-	-	-	-	-	-	30
2008	108	-	2	-	-	-	-	-	-	110
2009	7	-	-	-	-	-	-	-	-	7
2010	40	-	-	-	-	-	-	-	-	40
2011	1	-	-	-	-	-	-	-	-	1
2012	24	-	-	-	-	-	-	-	-	24
2013	107	-	-	-	-	-	-	-	-	107
2014	45	-	-	-	-	-	-	-	-	45
2015	65	-	-	-	-	2	223	-	-	290
2016	7	-	-	-	-	-	94	-	-	101
2017	16	-	-	-	-	-	315	-	-	331
TOTAL	450	n/a	2	-	-	2	632	-	-	1,086
Average	41	n/a	0	-	-	0	211	-	-	252

Kasilof River Chinook Salmon are also subject to small levels of harvest through personal use and educational fisheries. The estimated Kasilof River personal use fishery harvests between 2007 and 2016 have ranged from 50 and 343 by gillnet and from 46 and zero by dip net (Shields and Dupuis 2017). Educational fisheries harvests have ranged between zero and 8 fish during the years 2007–2016, with a mean harvest over that span of 3 fish (Begich et al. 2017).

Lastly, Chinook Salmon are harvested during mixed-stock commercial salmon fisheries in Upper Cook Inlet management area. This area consists of that portion of Cook Inlet north of a latitude of Anchor Point. There is delineation of Kasilof River Chinook Salmon harvest from the East Side Set Net fishery by data stratum and area stratum. Chinook Salmon of Kasilof and Kenai River origin are harvested along in all geographic areas of this fishery, and make up the bulk of the Chinook Salmon taken in this fishery (Eskelin and Barclay 2016). There is no specific delineation of Kasilof River Chinook Salmon for these fisheries. The most recent 10 year average of Upper Cook Inlet Chinook harvest in the commercial fishery is estimated at 10,227 (Shields and Dupuis 2017).

Harvests of Chinook Salmon in the Federal subsistence fisheries for the Kasilof River has been almost nonexistent (**Table 1**). A total of four fish have been reported as taken since these fisheries started in 2007.

Coho Salmon

Coho Salmon are harvested during mixed-stock commercial salmon fisheries in Cook Inlet. Total annual estimated harvest within these fisheries is usually hundreds of thousands of Coho Salmon. The contribution of Kasilof River Coho Salmon to these harvests is unknown. Estimates of sport fishery harvest in the mainstem Kasilof River ranged from 1,673 to 4,037 fish during the years 2007–2016, with an average harvest of 2,968 fish (Alaska Sport Fishing Survey Database 2018). The combined harvests from the personal use gillnet and dip net fisheries for Kasilof River Coho Salmon have ranged between 555 and

2,914 fish during the years 2007–2016, with a 10-year mean harvest of 1,550 fish (Shields and Dupuis 2017). Educational fisheries harvests ranged between zero and 45 fish during the years 2007–2016, with an average harvest of 32 (Begich et al. 2017).

There has been no documented harvest of Coho Salmon in the Federal subsistence fisheries for the Kasilof River (**Table 1**).

Steelhead

The Kasilof River Steelhead run is primarily targeted by sport fishermen. This run was enhanced by ADF&G to provide additional angling opportunity between the early 1980's and 1996, and the 1993 harvest exceeded 2,000 fish (Begich et al. 2017). Present catch and harvest is supported by natural populations. Estimates of contemporary sport fishing harvest range between zero and 47 for the years 2007–2016, with estimates of zero harvest during half of the years in that range.

There has been no documented harvest of Steelhead in the Federal subsistence fishery.

Cultural Knowledge and Traditional Practice

The Ninilchik community is comprised of two census-designated places (CDPs): Ninilchik and Happy Valley. ADF&G subsistence use studies conducted in 2002–03 on Ninilchik included Ninilchik and Happy Valley CDPs (Fall et al. 2004). Thus, when reference is made to Ninilchik in this analysis, it includes people living in the Ninilchik CDP as well as the Happy Valley CDP. In the 2010 U.S. Census, Ninilchik CDP had 883 year-round, permanent residents and Happy Valley had 593 year-round permanent residents (U.S. Census 2010); thus the total population for the two CDPs from the last census is 1,476.

The Ninilchik tribal government (which is the NTC) is the only local government in the immediate Ninilchik area. The community does not have its own local municipal government however Ninilchik is part of the Kenai Peninsula Borough. The community of Ninilchik is similar to road-connected rural portions of the Copper River Basin where the local governments of communities are tribal, not municipal (Stratton and Georgette 1984).

The community of Ninilchik is within the traditional territory of the Dena'ina Athabaskans, which dates back to around at least 1000 A.D. The area extends from Kachemak Bay on the Kenai Peninsula, west across Cook Inlet to the Stony River and northeast to the Susitna Basin. Borders are shared with the traditional territory of the Sugpiaq (Alutiiq) which includes the southern portion of the Kenai Peninsula, bridging the Sugpiaq territories of Prince William Sound with Kodiak Island and the Alaska Peninsula (de Laguna 1934, Stanek 1980, Krauss 1982).

Non-Native settlement of the Kenai Peninsula began in the 18th century with the Russians and the fur trade, and later mining efforts in Kachemak Bay. At the end of the 19th century, commercial fishing brought about new settlements, such as the herring saltery at Seldovia in 1896. The next major non-Native settlement period began during the Gold Rush era at the end of the 19th century. With the construction of roads and local oil development in the 1950's, the population of the Kenai Peninsula increased substantially through in-migration of people born outside Alaska.

From the early 1900's, the annual subsistence pattern of the *Dena'ina* included commercial fishing in the spring and summer at the mouth of the Kenai River before moving up-river in the fall to harvest Coho Salmon and freshwater fish, hunt moose, and trap furbearers. This cycle continued until the 1940s when the creation of the Kenai National Moose Range disrupted traditional harvest patterns. Despite new Federal refuge enforcement efforts, many *Dena'ina* continued to access their Stepanka camps; long used settlements up the Kenai River near the outlet of Skilak Lake (Fall et al. 2004:16–20).

Subsistence fishing in the freshwaters of the Kenai Peninsula was prohibited from 1952 until the Federal Subsistence Board created a subsistence fishery in 2002 which mirrored the State sport fishing regulations. Since statehood, legal availability of fishery resources in Federal public waters has been defined by State sport fishing regulations, and these regulations do not provide for harvest of all species or harvest by traditional methods and means. In this area, preferred traditional methods and means include nets, an efficient method and means of harvest for subsistence users who traditionally harvest as much fish as they can process at once. Rod and reel is considered a traditional subsistence gear type under Federal subsistence management regulations and under State regulations in some parts of the state. In some cases under State regulations, rod and reel has been recognized as traditional gear in places where fish fences or traps are no longer a legal means to harvest fish and rod and reel is the only legal alternative (Williams et al. 2005:31–32). Georgette (1983:185) noted that some Ninilchik residents said they have never learned to fish successfully with a rod and reel and that fishing with a rod and reel consumes too much of their time.

In 1952, gillnets were made illegal in many freshwaters, and the Kenai Peninsula *Dena'ina* ceased using gillnets during their fall occupation of their upriver harvest sites. The Stepanka fishery, which had been a traditional, long-standing source of salmon for the *Dena'ina* (Kenaitze) Indians, was closed. As a result of this closure, snagging became the primary harvest method until it was made illegal in 1973. Local residents turned to sport fishing without snagging, and continued to fish the beaches of Cook Inlet with gillnets in the State subsistence fishery. In the 1970's, sport fishing had grown and the Kenai Peninsula became a favorite spot for sport fishing. The Kenai Peninsula is unique in that rural communities are interspersed among much larger nonrural communities. By the early 1980's, the Alaska Board of Fisheries added more restrictions on subsistence and personal use fishing along the Cook Inlet beaches, closing beaches to subsistence gillnetting. By the mid-1990s, only two personal use fisheries remained at the mouth of the Kenai and Kasilof rivers (Fall et al. 2004:22–23; 30).

Regulations relating to areas, seasons, and methods have changed consistently over the past 54 years and become more restrictive. The changing regulations have affected access by Ninilchik residents to fish resources over time and have encouraged multiple approaches to obtaining subsistence resources. For example, in the case of salmon, as regulations and conditions have changed, residents have adapted their traditional practices to continue to obtain salmon—trade it, buy it, or harvest it in new ways under various regulatory regimes (Georgette 1983:186–187). In 1993, ten years after the above cited-report was written, a State judge ordered the development of educational fisheries for the NTC, the Knik Tribal Council, the Native Village of Eklutna and the Kenaitze Tribe (Loshbaugh 1993:1, 14). These fisheries were established as the result of lawsuit filed by the Kenaitze Tribe. The educational fishery provided another means for residents of Ninilchik to harvest salmon using gillnets. The educational permits, however, were a

compromise: “Villagers—who have traditionally focused on early-run king salmon will be catching mostly reds under the proposed permit” (Loshbaugh 1993:14).

Effects of the Proposal

If adopted, this proposal would make the community gillnet fishery more permanent after four years of operation under the experimental title. The Board approved this fishery in January 2015 with a five-year experimental designation following the approval of the first operational plan. This change would provide continued opportunity for Federally qualified subsistence users from Ninilchik to obtain salmon from this community gillnet fishery.

If the Board does not change this designation, the fishery would expire, and would not be available the last season (2020) before the next regulatory cycle. This would decrease harvest opportunity for Federally qualified subsistence users from Ninilchik.

The Ninilchik Traditional Council would be named as the organization that operates the Kasilof River community gillnet fishery. The current regulation did not specify a particular organization to operate the fishery. The Ninilchik Traditional Council is the organization that has run the fishery for all seasons that it has taken place, and has the capacity to continue to do so. This change would align the regulations for the Kenai River community gillnet fishery, which they also operate. There have been no issues to date with their operation of this fishery. This change is not expected to affect Federally qualified subsistence users.

The operational plan requirement for the fishery would be replaced with standard permit conditions. The permit conditions provided in the request would require a post season report of evaluation information including, but not limited to, persons or households operating the gear, hours of operation, and number of each species caught and retained or released. The permit would also identify those responsible for fishing the gillnet, and contain provisions for recording daily catches within 72 hours, households the fish are distributed to, and any other information determined necessary for effective management by the Federal in-season manager. Additional aspects of the current operational plan, such as details of the gillnet, how it may be fished, and who is responsible for operation and removal, would be included in the regulation for the fishery.

The operational plan currently describes how fishing time and fish will be offered and distributed among households and residents of Ninilchik. Replacing this requirement with static permit conditions would reduce the burden on the proponent prior to, during, and following the fishery each year. The removal of the operational plan requirement may decrease the ability of the Federal in-season manager to make annual adjustments to the fishery as necessary, based on the prior years’ harvest. The Federal in-season manager’s delegated authority would still allow for issuance of emergency special actions to: open and close Federal subsistence fishing periods or areas provided under codified regulations; specify methods and means; specify permit requirements; set harvest and possession limits; and close and re-open Federal waters to non-subsistence fishing. Removal of the operational plan may limit the ability to address issues with distribution of harvested fish in the community, should any arise. However, this change would match the current operation for the Kenai River community gillnet fishery, which has operated with set permit conditions and no operational plan for the past few seasons.

There are a handful of other provisions in the operational plan that direct how the fishery is to be conducted that now would be included as permit conditions. For instance, the operational plan requires the gillnet to be actively monitored at all times and removed from the water when not in use. The operational plan provides specifics for removing the gear when not in use, instructions for leaving the gear on site in a locked box, and leaving the anchor and buoy in the water during the season when they are not in use. The operational plan also requires specific information be collected and provided to the USFWS during each gillnet soak to inform management in current and future years. Transferring these provisions from the operational plan to permit conditions would result in no effective change to the users or resource.

There are two items from the fishery in the operational plan that are not addressed in the proposal as written. First, the operational plan allows for the gillnet to be fished as set gear, as drift gear, or as a pole net, and provides specifics about operations by these different methods. The current and proposed regulations do not mention using the gear to drift or pole net fish, but instead speak to the fishery as a community gillnet fishery with specifics only about the use of the gillnet as set gear. Without some clarification, the other two methods not mentioned (drift gillnet and pole net) may be lost as options for the fishery. Second, a specific allocation of Sockeye Salmon for the gillnet fishery has been provided in the operational plan, while the current and proposed regulations only state that salmon taken in the fishery will be included in the annual total harvest limits for the Kasilof River. The ability to explicitly state how many fish are allocated to this fishery (for example in 2018, 2,000 of the 4,000 Sockeye Salmon allowed for harvest in the Kasilof River were allocated to this fishery) will be lost.

As this is a continuing fishery, removing the experimental designation and allowing the fishery to continue into the future with changes to provisions of how the fishery is permitted is not expected to have any different impacts on the populations of fish in the Kasilof River.

If the proposal is adopted, residents of Ninilchik will continue to have subsistence harvest opportunities for Sockeye Salmon and other fish on the Kasilof River that have been shown to be superior to that when using other gear types, while still harvesting considerably less than the sport and personal use fisheries.

OSM PRELIMINARY CONCLUSION

Support Proposal FP19-12 **with modification** to clarify that the fishery can use a set net, a drift net, or a pole net.

The modified regulation should read:

§ __.27(e)(10) Cook Inlet Area

(iv) You may take only salmon, trout, Dolly Varden, and other char under authority of a Federal subsistence fishing permit. Seasons, harvest and possession limits, and methods and means for take are the same as for the taking of those species under Alaska sport fishing regulations (5 AAC 56 and 5 AAC 57) unless modified herein. Additionally for Federally managed waters of the Kasilof

and Kenai River drainages:

~~(1) Residents of Ninilchik may harvest sockeye, Chinook, coho, and pink salmon through an experimental community gillnet fishery in the Federal public waters of the upper mainstem of the Kasilof River from a Federal regulatory marker on the river below the outlet of Tustumena Lake downstream to the Tustumena Lake boat launch June 16-August 15. The experimental community gillnet fishery will expire 5 years after approval of the first operational plan.~~

*(1) Only one community gillnet can be operated on the Kasilof River. The gillnet cannot be over 10 fathoms in length, **must be no larger than 5.25-inch mesh**, and may not obstruct more than half of the river width with stationary fishing gear. Subsistence stationary gillnet gear may not be set within 200 feet of other subsistence stationary gear.*

(i) The gillnet may be operated as a set gillnet in a fixed location, as a pole-net system drifted through an area while wading, or as a drift net from a boat.

*(2) One registration permit will be available and will be awarded by the Federal in-season fishery manager, in consultation with the Kenai National Wildlife Refuge manager, ~~based on the merits of the operational plan.~~ The registration permit will be issued to ~~an organization that,~~ **the Ninilchik Traditional Council.***

~~(i) As the community gillnet owner, the Ninilchik Traditional Council will be responsible for its use and removal in consultation with the Federal fishery manager. The experimental community gillnet will be subject to compliance with Kenai National Wildlife Refuge regulations and restrictions.~~

~~(i) Prior to the season, provide a written operational plan to the Federal fishery manager including a description of fishing method, mesh size requirements, fishing time and location, and how fish will be offered and distributed among households and residents of Ninilchik;~~

*(ii) **As part of the permit, After the season, the Ninilchik Traditional Council must** provide written documentation of required evaluation information to the Federal fishery manager including, but not limited to, persons or households operating the gear, hours of operation, and*

number of each species caught and retained or released.

*(3) The ~~gillnet owner (organization)~~ **Ninilchik Traditional Council** may operate the net for subsistence purposes on behalf of residents of Ninilchik by requesting a subsistence fishing permit that:*

(i) Identifies a person who will be responsible for fishing the gillnet;

*(ii) Includes provisions for recording daily catches **within 72 hours**, the household to whom the catch was given, and other information determined to be necessary for effective resource management by the Federal fishery manager.*

*(4) Fishing for Sockeye, Chinook, Coho and Pink salmon will be closed by Federal Special Action prior to the ~~operational plan~~ **fishery** end dates if the annual total harvest limits for any salmon species is reached or suspended.*

(5) Salmon taken in the gillnet fishery will be included as part of dip net/rod and reel fishery annual total harvest limits for the Kasilof River. All fish harvested must be reported to the in-season manager within 72 hours of leaving the fishing location.

(i) A portion of the total annual harvest limits for the Kasilof River will be allocated to the ~~experimental~~ community gillnet fishery.

(ii) The gillnet fishery will be closed once the allocation limit is reached.

(6) Salmon taken in the ~~experimental~~ community gillnet fishery will be included as part of the dip net/rod and reel fishery annual household limits for the Kasilof River.

** * * **

Justification

The Board put this experimental period in place to examine the performance of this fishery for a relatively short time before deciding on its ultimate fate. A similar request to make this fishery permanent was submitted during the last regulatory cycle, and the Board opted to wait and continue to examine the fishery

at that time. The first operational plan for the gillnet fishery was approved in 2015, and so this regulatory cycle is an appropriate time for the Board to review the status of this fishery. The fishery has taken place for three seasons without operational or conservation issues, so making it more permanent is a logical next step.

There have been no concerns raised to the Federal in-season manager, over the first few years of this fishery, about operation of this fishery by the Ninilchik Traditional Council. They are the organization named in regulation to operate the Kenai River community gillnet fishery. Making this change for the Kasilof River community gillnet fishery would provide for regulatory clarity and conformity.

Adding the methods by which the net may be fished will ensure that all three will continue to be available options.

Using an operational plan for this fishery was an appropriate way to understand how the fishery would perform for the first few years. It allowed managers to work out finer details of operations, and to make changes to any specific items from season to season. However, after four years of operation in this manner, the finer points of the fishery have been resolved. Its operation has shown that conservation concerns can be addressed, and there have been no adverse impacts to non-target species. It is appropriate to grant the request to take the points of the operational plan and make them into permit conditions or specific points in regulation. This follows the same path that the Kenai River community gillnet fishery has taken.

LITERATURE CITED

- ADF&G (Alaska Department of Fish and Game). 2018. Fish Count Data Search. <http://www.adfg.alaska.gov/sf/FishCounts/>. Retrieved May 20, 2018.
- Alaska Sport Fishing Survey Database [Internet]. 2006–2018. Anchorage, AK: ADF&G (cited May 20, 2018). Available from: <http://www.adfg.alaska.gov/sf/sportfishingsurvey/>.
- Anderson, J. 2016. Field Supervisor, Kenai Fish and Wildlife Field Office. Personal communication: email. U.S. Fish and Wildlife Service. Soldotna, AK.
- Begich, R. N., J. A. Pawluk, J. L. Cope, and S. Simons. 2017. 2014-2015 Annual management report and 2016 sport fisheries overview for Northern Kenai Peninsula: fisheries under consideration by the Alaska Board of Fisheries, 2017. ADF&G, Fishery Management Report No. 17-06, Anchorage, AK.
- Bromaghin, J.F., K.S. Gates, and D.E. Palmer. 2010. A likelihood framework for joint estimation of salmon abundance and migratory timing using telemetric mark-recapture. *North American Journal of Fisheries Management*. 30: 1385-1394.
- de Laguna, F. 1934. *The archaeology of Cook Inlet, Alaska*. University of Pennsylvania Press. Philadelphia, Pennsylvania. 264 pages.
- Eskelin, A., and A. W. Barclay. 2016. Mixed stock analysis and age, sex, and length composition of Chinook salmon in Upper Cook Inlet, Alaska, 2015. ADF&G, Fisheries Data Series No. 16-16, Anchorage, AK.
- Fall, J. A., R. T. Stanek, B. Davis, L. Williams, and R. Walker. 2004. Cook Inlet customary and traditional subsistence fisheries assessment. U.S. fish and Wildlife Service, Office of Subsistence Management, Fisheries Resource Monitoring Program, Final Report (Study No. 03-045). ADF&G, Division of Subsistence, Technical Paper No. 285. Juneau, AK. 245 pages.
- Faurot, D., and R. N. Jones. 1990. Run timing and spawning distribution of coho and late run Chinook salmon in the Kasilof River watershed, Alaska, 1987. Kenai Fishery Assistance Office, USFWS, Alaska Fisheries Technical Report Number 9, Kenai, AK.
- FSB. 2001. Transcripts of the Federal Subsistence Board proceedings. December 11- 13, 2001. Office of Subsistence Management, USFWS. Anchorage, AK.
- FSB. 2006. Transcripts of the Federal Subsistence Board proceedings. January 10 - 13, 2006. Office of Subsistence Management, USFWS. Anchorage, AK.
- FSB. 2007a. Transcripts of the Federal Subsistence Board proceedings. May 8 – 10, 2007. Office of Subsistence Management, USFWS. Anchorage, AK.
- FSB. 2007b. Transcripts of the Federal Subsistence Board proceedings. December 11 – 13, 2007. Office of Subsistence Management, USFWS. Anchorage, AK.
- FSB. 2009. Transcripts of the Federal Subsistence Board proceedings. January 13 - 15, 2009. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2010. Transcripts of the Federal Subsistence Board proceedings. November 9 - 10, 2010. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2013. Transcripts of the Federal Subsistence Board proceedings. January 22 – 24, 2013. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2015. Transcripts of the Federal Subsistence Board proceedings. January 21 – 23, 2015. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2017. Transcripts of the Federal Subsistence Board proceedings. January 10 – 12, 2017. Office of Subsistence Management, USFWS. Anchorage, AK.

Gates, K.S. 2009. Spawning and seasonal distribution of adult Steelhead in the Kasilof River Watershed, Alaska, 2007 and 2008. USFWS, Kenai Fish and Wildlife Field Office, Alaska Fisheries Data Series 2009-11, Soldotna, AK.

Gates, K.S. and J.K. Boersma. 2010. Spawning and seasonal distribution of adult steelhead in Southcentral Alaska's Kasilof River watershed from 2007 to 2009. USFWS, Kenai Fish and Wildlife Field Office, Alaska Fisheries Data Series 2010-06, Soldotna, AK.

Gates, K.S., J.K. Boersma, D.E. Palmer, and J.F. Bromaghin. 2010. Run timing, abundance, and distribution of adult coho salmon in the Kasilof River Watershed, Alaska, 2007 - 2009. U.S. Fish and Wildlife Service, Kenai Fish and Wildlife Field Office, Alaska Fisheries Data Series 2010-03, Soldotna, AK.

Georgette, S. 1983. Ninilchik: Resource uses in a small, road-connected community of the Kenai Peninsula Borough. Pages 170-187 in *Resource use and socioeconomic systems: case studies of fishing and hunting in Alaskan communities*. R. Wolfe and L. Ellanna, compilers. ADF&G, Division of Subsistence, Technical Paper No. 61. Juneau, AK.

Krauss, M. E. 1982. Native peoples and languages of Alaska. Map. Alaska Native Language Center, University of Alaska Fairbanks. Fairbanks, AK.

Loshbaugh, D. 1993. Natives get fishery to preserve culture. *Homer News*. Vol. 20, No. 28: 1, 14.

Miller, J., S. Maxwell, B. Key, B. Glick, and A. Reimer. 2018. Operational Plan: Late Run Kasilof River Chinook salmon sonar assessment, 2018-2021. Alaska Department of Fish and Game, Regional Operational Plan ROP.SF.2A.2018.16, Anchorage, AK.

OSM. 2007. Staff analysis of Cook Inlet fisheries proposals FP07-11, 12, 13, 27D, 29. Pages 143-170 in *Federal Subsistence Board Meeting Materials*. May 8-10, 2007. Office of Subsistence Management, USFWS. Anchorage, AK. 295 pp.

OSM. 2009. Staff analyses of Cook Inlet fisheries proposal FP09-07. Pages 168 – 200 in *Federal Subsistence Board Meeting Materials*. January 13 - 15, 2009. Office of Subsistence Management, USFWS. Anchorage, AK. 265 pp.

OSM. 2015. Staff analyses of Cook Inlet fisheries proposal FP15-11. Pages 118 – 134 in *Federal Subsistence Board Meeting Materials*. January 21 - 23, 2015. Office of Subsistence Management, USFWS. Anchorage, AK. 265 pp.

- OSM. 2017. Staff analyses of Cook Inlet fisheries proposal FP17-09. Pages 143 – 203 *in* Federal Subsistence Board Meeting Materials. January 10 - 12, 2017. Office of Subsistence Management, USFWS. Anchorage, AK. 265 pp.
- Reimer, A. M., and S. J. Fleischman. 2012. Abundance of late-run Kasilof River Chinook Salmon, 2005-2008. ADF&G, Fishery Data Series No. 12-63, Anchorage, AK.
- Shields, P., and A. Dupuis. 2016. Upper Cook Inlet commercial fisheries area management report, 2015. ADF&G, Division of Commercial Fisheries. Fishery Management Report No. 16-14, Anchorage, AK.
- Shields, P., and A. Dupuis. 2017. Upper Cook Inlet commercial fisheries area management report, 2016. ADF&G, Division of Commercial Fisheries. Fishery Management Report No. 17-05, Anchorage, AK.
- Stanek, R. 1980. Subsistence fishery permit survey. Cook Inlet 1980. ADF&G, Division of Subsistence, Technical Paper No. 30. Juneau, AK. 21 pages.
- Stratton, L., and S. Georgette. 1984. Use of fish and game by communities in the Copper Basin, Alaska: A Report on a 1983 Household Survey. ADF&G, Division of Subsistence, Technical Paper No. 107. Anchorage, AK.
- U.S. Census Bureau. 2010. Profile of general population and housing characteristics for Ninilchik, Alaska. <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>. Retrieved: March 14, 2017.
- USFWS. 2008. Federal subsistence harvest by community summary for the Cook Inlet Area subsistence Fisheries, 2007. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2009. Cook Inlet area Federal subsistence fisheries 2008 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2010. Cook Inlet area Federal subsistence fisheries 2009 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2011. Cook Inlet area Federal subsistence fisheries 2010 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2012. Cook Inlet area Federal subsistence fisheries 2011 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2013. Cook Inlet area Federal subsistence fisheries 2012 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2014. Cook Inlet area Federal subsistence fisheries final 2013 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2015. Cook Inlet area Federal subsistence fisheries 2014 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.
- USFWS. 2016a. Kenai River community gillnet operational plan, USFWS Comments, June 27, 2016. Unpublished letter. USFWS. Soldotna, AK.

USFWS. 2016b. Cook Inlet area Federal subsistence fisheries 2015 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.

USFWS. 2017. Cook Inlet area Federal subsistence fisheries 2016 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.

USFWS. 2018. Cook Inlet area Federal subsistence fisheries 2017 summary. Unpublished report. USFWS. Soldotna, AK. 1 pp.

Williams, L., C. Venechuk, D. Holen and W. Simeone. 2005. Lake Minchumina, Telida, Nikolai, and Cantwell Subsistence community use profiles and traditional fisheries use. ADF&G, Division of Subsistence, Technical Paper No. 265. Juneau, AK.

FP19–13 Executive Summary

<p>General Description</p>	<p>Proposal FP19–13 requests that conditions for the Federal subsistence permit (FFPW01) for the Prince William Sound Area be placed in Federal subsistence management regulations for the Prince William Sound Area at section §___.27(e)(11). The proponent would like to include the seasons, harvest limits, and methods and means of harvest for this fishery in these regulations. <i>Submitted by: the United States Forest Service, Cordova Ranger District.</i></p>
<p>Proposed Regulation</p>	<p><i>See pages 40 to 42 of this book for proposed regulations.</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Support FP19-13 with modification to specify the geographic area where these regulations apply.</p>
<p>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	<p>None</p>

**DRAFT STAFF ANALYSIS
FP19-13**

ISSUES

Proposal FP19-13, submitted by the United States Forest Service, Cordova Ranger District requests that conditions for the Federal subsistence permit (FFPW01) for the Prince William Sound Area be placed in Federal subsistence management regulations for the Prince William Sound Area at section § __.27(e)(11). The proponent would like to include the seasons, harvest limits, and methods and means of harvest for this fishery in these regulations.

DISCUSSION

The proponent states that currently the season, harvest limits, and method and means for this fishery are located only on the back of the FFPW01 permit as “conditions of the permit”. The proponent wishes to have these conditions appear in Federal subsistence management regulations, and be readily available to users in the Federal subsistence management regulations summary book, as they are for other areas of the State. They note that adding the information into regulations would provide one place where all applicable regulations are located, as users currently need both the FFPW01 permit and a copy of the regulations book to have all of the necessary information. The proponent is not attempting to change the intent of these permit conditions.

Existing Federal Regulation

§ __.27(e)(11) Prince William Sound Area. *The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e) (11) of this section.

(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.

* * * *

(ii) You may take fish by gear listed in paragraph (b) (1) of this section unless restricted in this

section or under the terms of a subsistence fishing permit.

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.

* * * *

(xvi) You may take pink salmon for subsistence purposes from fresh water with a dip net from May 15 through September 30, 7 days per week, with no harvest or possession limits in the following areas:

(A) Green Island, Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island, and adjacent islands, and the mainland waters from the outer point of Granite Bay located in Knight Island Passage to Cape Fairfield;

(B) Waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.

Proposed Federal Regulation

§__.27(e)(11) Prince William Sound Area. *The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e) (11) of this section.

(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.

* * * *

(ii) You may take fish by gear listed in paragraph (b) (1) of this section unless restricted in this section or under the terms of a subsistence fishing permit.

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.

* * * *

(xvi) You may take pink salmon for subsistence purposes from fresh water with a dip net from May 15 through September 30, 7 days per week, with no harvest or possession limits in the following areas:

(A) Green Island, Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island, and adjacent islands, and the mainland waters from the outer point of Granite Bay located in Knight Island Passage to Cape Fairfield;

(B) Waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.

(xvii) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, Grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.

(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, Copper River and its tributaries and Eyak River upstream from the Copper River Highway bridge.

(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.

(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.

(D) You may take salmon by rod and reel, dip net, spear and gaff year round.

(E) For a household with 1 person, 15 salmon (other than pink) may be taken. 5 Cutthroat Trout with only 2 over 20 inches may be taken. Pink Salmon: See the conditions of the permit.

(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional persons in a household over 2. 5 Cutthroat Trout with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout. Pink Salmon: See the conditions of the permit.

(G) You may take Dolly Varden, Arctic Char, Whitefish and Grayling with rod and reel, and spear year round and with a gill net from January 1 – April 1. The maximum incidental gill net harvest of trout is 10.

(H) You may take Cutthroat Trout with Rod and reel, and spear from June 15 to April

14th and with a gill net from January 1 to April 1.

(I) You may not retain Rainbow/Steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/Steelhead trout must be immediately released from a dip net without harm.

Existing State Regulation

5 AAC 55.001. Application of this chapter

This chapter applies to sport fishing in the Prince William Sound Area, including all of the drainages which flow into the Prince William Sound Area, excluding the waters of the Upper Copper River.

5 AAC 55.005. Description of the Prince William Sound Area

The Prince William Sound Area consists of all waters of the Gulf of Alaska and its drainages, west of the longitude of Cape Suckling (144° EW. long.), and east of the longitude of Cape Fairfield (148° E50.25' W. long.), excluding the Copper River drainage upstream of a line crossing the Copper River between the south bank of the confluence of Haley Creek and the south bank of the confluence of Canyon Creek in Wood Canyon.

* * * *

5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area

(a) Unless otherwise specified in 5 AAC 55.023, or by an emergency order issued under AS 16.05.060, the following are the seasons, bag, possession, and size limits, and methods and means that apply to sport fishing for finfish and shellfish in the Prince William Sound Area:

(1) in all fresh waters of the Prince William Sound Area, only unbaited, artificial lures may be used from April 15 - June 14;

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

(A) in fresh waters, as follows:

(i) king salmon 20 inches or greater in length; bag limit of two fish; possession limit of four fish;

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

* * * *

(3) salmon, other than king salmon: may be taken from January 1 - December 31; bag limit of six fish; possession limit of 12 fish, of which only three fish per day and in possession may be coho salmon; no size limit;

(4) rainbow/steelhead/cutthroat trout, as follows:

* * * *

(B) in stocked lakes: may be taken from January 1 - December 31; bag and possession limit of 10 fish; no size limit; for the purposes of this subparagraph, "stocked lakes" includes Ruth Lake and Blueberry Lake;

(C) in all other waters not specified in this paragraph: may be taken only from June 15 - April 14; bag and possession limit of two fish, and notwithstanding 5 AAC 75.222, with a size limit of at least 11 inches in length but not more than 16 inches in length;

(5) Dolly Varden/Arctic char: may be taken from January 1 - December 31; bag and possession limit of 10 fish; no size limit;

(6) Arctic grayling: may be taken from January 1 - December 31; bag and possession limit of 10 fish; no size limit;

* * * *

5 AAC 55.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area

Unless otherwise specified by an emergency order issued under AS 16.05.060, the following are special provisions to seasons, bag, possession, and size limits, and methods and means provisions under 5 AAC 55.022 in the Prince William Sound Area:

(1) the following special provisions apply to salmon, other than king salmon:

(A) in all freshwater drainages crossed by the Copper River Highway from and including Eyak River to the Million Dollar Bridge, including Clear Creek at mile 42 downstream of the Carbon Mountain Road Bridge,

(i) the bag and possession limit is three fish; a coho salmon removed from the water shall be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing the fish;

(ii) from August 15 - September 15, after taking and retaining a bag limit of coho salmon, a person may not sport fish with bait for the remainder of that day in any of the waters described in this subparagraph;

* * * *

(C) Shelter Bay: in salt waters of Shelter Bay of Hinchinbrook Island and all fresh waters draining into Shelter Bay; bag limit of six fish and possession limit of 12 fish, of which only one fish may be a coho salmon;

(2) snagging is prohibited

* * * *

(7) in the Eyak River from a point 200 yards upstream from the Eyak Lake water control structure to a point 200 yards downstream from the bridge at the outlet of Eyak Lake, from June 1 - September 30, only single-hook, artificial flies with a gap between the point and the shank of 3/8 inch or less with no additional weight attached to the line may be used;

(8) the following waters of the Prince William Sound Area are closed to sport fishing for salmon:

(A) repealed 3/29/2018;

(B) Eccles Creek;

(C) Eyak Lake and its tributaries;

(D) Hartney Creek upstream from Whitshed Road;

(9) Ibeck Creek is closed to sport fishing in the waters upstream from ADF&G regulatory markers located approximately three miles upstream from the Copper River Highway Bridge;

5 AAC 55.025. Use of pink and chum salmon as bait in the Prince William Sound Area

Notwithstanding 5 AAC 75.026, in the Prince William Sound Area, pink and chum salmon taken in a sport fishery may be used for bait in a sport, personal use, or subsistence fishery.

Extent of Federal Public Lands

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 50 CFR §100.3 and 36 CFR §242.3. Federal public waters under consideration in this analysis are all waters excluding marine waters, but including all inland waters, both navigable and non-navigable, within and adjacent to the exterior boundaries of the Chugach National Forest.

The Prince William Sound Area “includes all water of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling” including lands managed by the Chugach National Forest, Bureau of Land Management, and Wrangell-St. Elias National Park and Preserve. This analysis will focus on Chugach National Forest managed lands of the Prince William Sound Area (**Figure 1**).

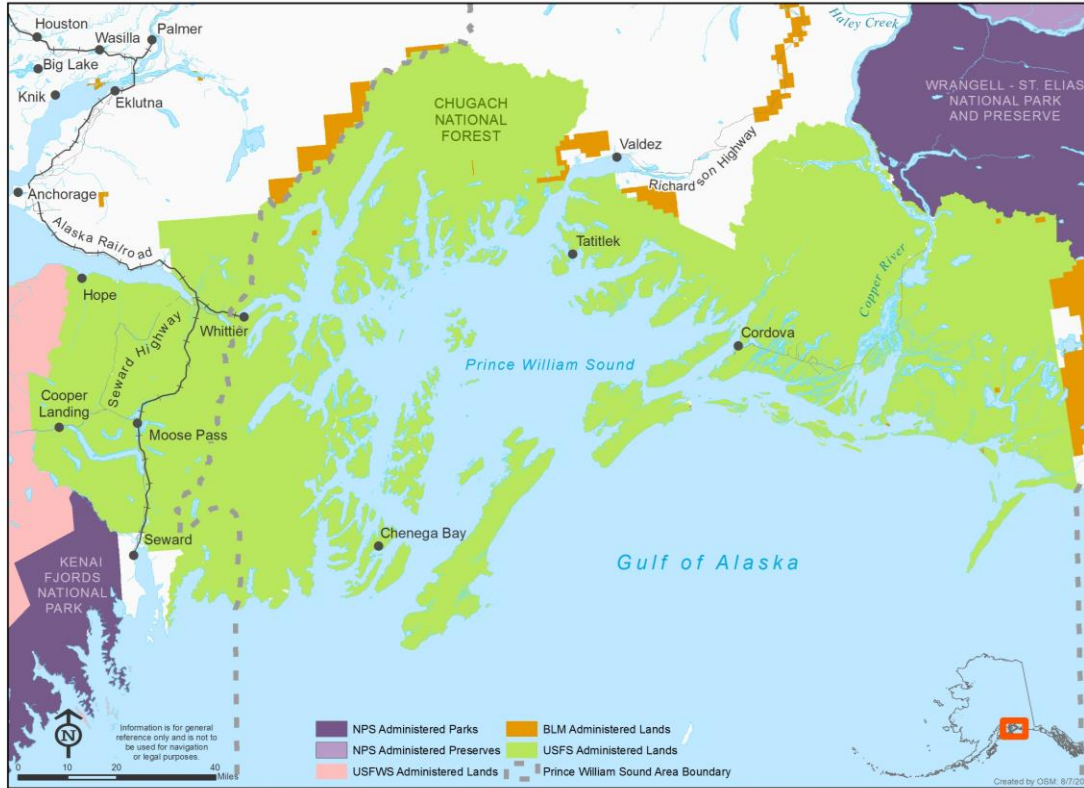


Figure 1. Map of U.S. Forest Service managed lands within the Prince William Sound Area.

Customary and Traditional Use Determinations

Residents of the Prince William Sound Area have a customary and traditional use determination for salmon in the remainder of the Prince William Sound Area, as described in Federal regulation. Residents of the Prince William Sound Area, except those living in the Copper River drainage upstream of Haley Creek, have a customary and traditional use determination for freshwater fish, including trout, char, whitefish, Arctic Grayling, suckers, and Burbot in the waters of the Prince William Sound Area, except for the Copper River Drainage upstream of Haley Creek. Residents of Cordova have a customary and traditional use determination for Eulachon (*Thaleichthys pacificus*) in the waters of the Bering River area from Point Martin to Cape Suckling. Residents of Cordova, Chenega Bay, and Tatitlek have a customary and traditional use determination for Eulachon in the waters of the Copper River Delta from Eyak River to Point Martin.

Regulatory History

Subsistence users in the Cordova area have fulfilled their subsistence needs utilizing the state of Alaska Copper River/Bering River/Prince William Sound Salmon Subsistence Fishery or under State of Alaska's sport fishing regulations. Starting in 2004, there was increasing interest in a Federal subsistence fishery within the Chugach National Forest portion of the Prince William Sound Area by rural residents of the Prince William Sound Area, particularly of Cordova. Federal subsistence management regulations required qualified subsistence users to have a permit to harvest fish, but did not broadly establish seasons, harvest limits, or methods and means of harvest.

During the Southcentral Alaska Subsistence Regional Advisory Council (Council) meeting on October 13, 2004, the Federal subsistence fish biologist for the Chugach National Forest expressed concerns over the methods and means for a fishery within the Chugach National Forest portion of the Prince William Sound Area and requested a working group to meet (SCRAC 2004). In December 2004, a working group met consisting of participants from the Ahtna Subsistence Committee, Native Village of Eyak, Copper River/Prince William Sound Fish and Game Advisory Committee, the Southcentral Council, Alaska Department of Fish and Game, Commercial and Sport Fish Divisions, National Park Service, U.S. Forest Service, and the U.S. Fish and Wildlife Service (OSM 2006). Permit stipulations were created and included on the permit for the 2005 fishing season as a result of this working group's efforts.

Since 2005, permit conditions located on the Federal subsistence fishing permit for the Chugach National Forest portion of the Prince William Sound Area (FFPW01) have regulated the seasons, harvest limits and methods and means of harvest.

Federal subsistence management of fisheries in Alaska began in 1999, however, no Federal permits were requested for the Prince William Sound Area below Haley Creek until 2004 when three permits were requested and then in 2005 forty-four permits were requested. Issuance of the Federal Subsistence permit has grown since its inception (**Table 1**).

Table 1. Federal subsistence permits issued for FFPW01 from 2005 through 2016 (USFWS 2018).

Year	Permits Issued	Permits Fished
2005	44	22
2006	48	23
2007	32	16
2008	44	24
2009	38	22
2010	48	21
2011	66	29
2012	63	31
2013	65	23
2014	88	41
2015	94	47
2016	110	51

Four proposals were submitted in the 2006 fisheries cycle attempting to change the regulations for the federal subsistence fisheries in the lower Copper River and Chugach National Forest portions of the Prince William Sound Area (OSM 2006). The Southcentral Council reviewed these proposals its September 2005 meeting. Proposal FP06-16 requested that State sport fishing harvest limits would not be affected by the Federal/State subsistence harvest limits. The proposed regulation read:

In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day. 36 CFR 242.27(e)(11)(A).

This proposal was adopted by the Federal Subsistence Board during their January 2006 meeting (FSB 2006).

FP06-17 attempted to establish a fly-fishing only area directly downstream of the Lake Eyak Dam. While this proposal was rejected, the discussion led to a change in permit conditions for FFPW01. The discussion noted that under regulation no subsistence fishing is allowed within 300 feet from a dam. To align the conditions of the permit with current regulations “only rod and reel may be used within 200 yards of the Eyak Lake dam” was removed (FSB 2006). “Subsistence fishing in Eyak River allowed only downstream of the Copper River highway bridge” replaced the original condition of the permit.

Proposals FP06-18 and FP06-19 restricted subsistence uses and were rejected by the Federal Subsistence Board (FSB 2006).

In October 2006, the Southcentral Council debated proposal FP07-14 which “requested that the lower Copper River downstream of the bridge over the Copper River at 52-Mile of the Copper River Highway (Million Dollar Bridge) be opened to Federal subsistence harvest of salmon using dip nets and rod and reel with bait for three months (May, June, and July)”. The Southcentral Council opposed this proposal and it was rejected by the Federal Subsistence Board as a part of the consensus agenda at its January 2007 meeting (OSM 2007). Since proposal of FP07-14, there have been no other proposals or modifications to change

the subsistence fishing regulations for the Chugach National Forest portion of the Prince William Sound Area.

Biological Background

Little recent population data exists for fish species in fresh waters of the Prince William Sound Area, with the exception of salmon in the Copper River drainage. While this proposal covers freshwaters of the Chugach National Forest portion of the Prince William Sound Area (excluding salmon in the Copper River and its tributaries), over 95% of the harvest by Federally qualified subsistence users occurs in three river systems of the west Copper River Delta near Cordova: Ibeck Creek, Eyak River, and Alaganik Slough (**Figure 2**) (USFWS 2018). This analysis will focus on the effects to these three systems. ADF&G uses aerial surveys of Copper River Delta spawning habitat to develop escapement indices of Coho (*Oncorhynchus kisutch*) and Sockeye Salmon (*Oncorhynchus nerka*) (**Table 2**). Between 2006 and 2016, the indices for these systems have shown variability but no distinct population trends in streams on the west Copper River Delta (Russell 2017). Over the past decade, Coho and Sockeye Salmon escapement in these systems have consistently met target escapement goals (Botz 2018, pers. comm).

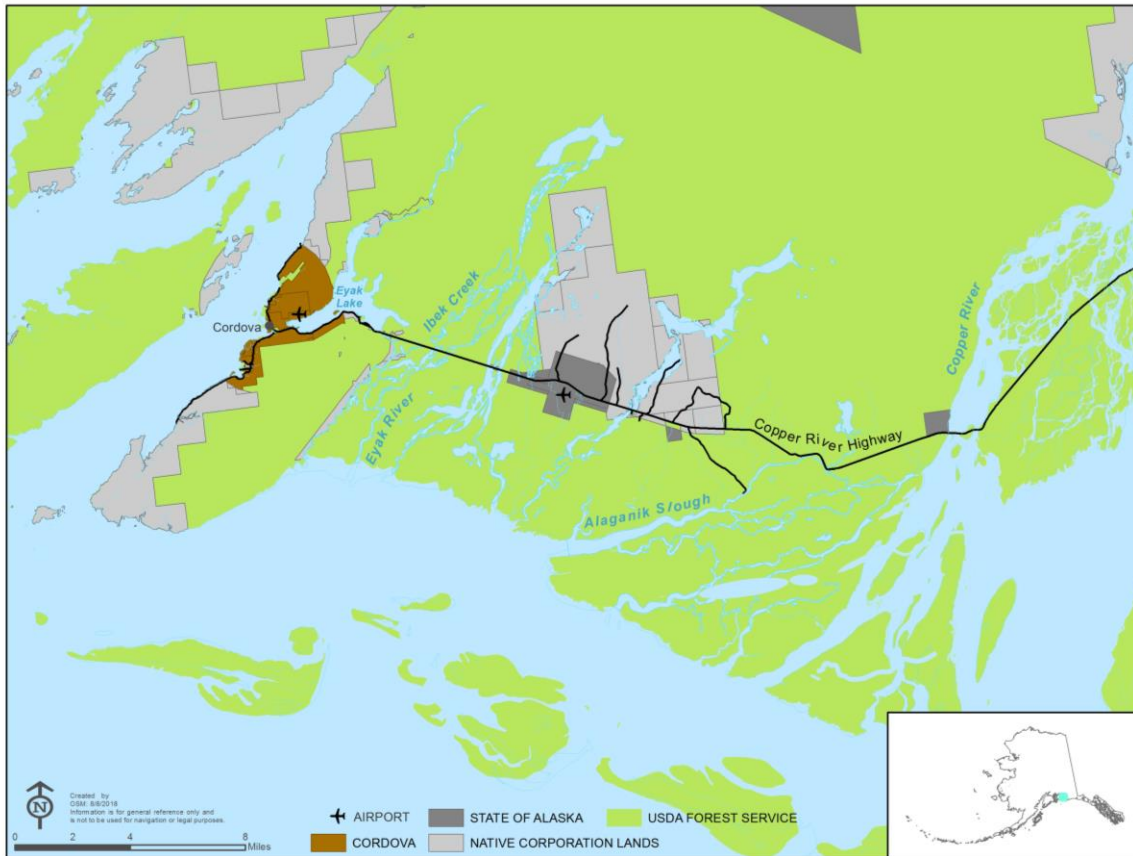


Figure 2. Map of primary stream systems fished on the west Copper River Delta under the Chugach National Forest permit for the Prince William Sound Area (FFPW01): Ibeek Creek, Eyak River, and Alaganik Slough

Table 2. Escapement of Sockeye and Coho Salmon in the Eyak River, Ibeck Creek, and Alaganik Slough systems of the west Copper River Delta, 2006-2016

Year	Copper River and Bering River area Sockeye Salmon escapement indices, 2006–2016.			Copper River Delta and Bering River Coho Salmon escapement indices, 2006–2016.		
	Eyak River ^a	Ibeck Creek	Alaganik Slough ^b	Eyak River ^a	Ibeck Creek	Alaganik Slough ^b
2006	31,310	620	8,966	2,460	36,300	2,340
2007	30,650	142	6,370	7,320	13,200	980
2008	10070	41	4,330	18,540	10,265	1,161
2009	12920	100	4,020	4,260	9,963	2,140
2010	27,723	10	4,350	14,350	3,381	1,504
2011	25,475	475	5,860	5,160	14,200	2,005
2012	27,650	870	7,825	4,200	7,600	1,850
2013	20,505	200	7,900	3,970	9,150	1,370
2014	21450	400	one	6,510	12,500	2,800
2015	17,250	800	7,300	6,250	8,100	2,800
2016	16,400	50	4,500	8,200	31,500	3,400
Average 2006-2016	21,946	337	6,142	7,384	14,196	2,032

^a Ibeck Creek escapement indices include Eyak River, Power Creek and Hatchery Creek

^b Alaganik Slough escapement indices include 18/20 mile, McKinley Lake, Salmon Creek

Harvest History

While this proposal covers freshwaters of the Chugach National Forest portion of the Prince William Sound Area, over 95% of the harvest by Federally qualified subsistence users occurs in three river systems of the west Copper River Delta near Cordova: Ibeck Creek, Eyak River, and Alaganik Slough (USFWS 2018). The analysis for the proposal will focus on these 3 systems. This fishery is open to other rural Prince William Sound communities, including Tatitlek, Chenega Bay, and Whittier; however, it has not been utilized by these communities because of limited freshwater systems that host species other than Pink (*Oncorhynchus gorbuscha*) and Chum Salmon (*Oncorhynchus keta*).

Federally qualified subsistence users harvest fish under both Federal subsistence management regulations and State sport and subsistence regulations. Subsistence users can combine Federal subsistence limits with state sport fishing limits as long as the harvest does not occur during the same day. However, the Federal subsistence limit cannot be added to the limit for the State Copper River/Bering River/Prince William Sound Salmon Subsistence harvest limit.

Ibeck Creek is located approximately 6 miles east of Cordova and is accessed from the Copper River Highway by anglers on foot. It has the highest subsistence and sport fishing use in the area (**Table 3**). Fishing for Coho Salmon on Ibeck Creek has gained in popularity in the past 10 years. Up to 8% of the Federal subsistence Coho Salmon harvest under the FFPW01 permit has come from Ibeck Creek since 2007

(USFWS 2018). There has been only a single instance of a subsistence user harvesting Cutthroat Trout (*Oncorhynchus clarkii*) from Ibeck Creek. This occurred in 2014, and the subsistence harvest was eight Cutthroat Trout compared to an estimated 86 Cutthroat Trout harvested under sport fishing regulations. From 2007 to 2016, there were 2,771 (277 per year) Coho Salmon harvested under Federal subsistence management regulations compared to an estimated 53,965 (5,397 per year) Coho Salmon harvested under State sport fishing regulations from Ibeck Creek. While only rural residents may harvest fish under Federal subsistence management regulations, both rural and non-rural residents, including out-of-state anglers, harvest fish under State fishing regulations.

Table 3. State sport and Federal subsistence (“Subsist”) harvest of salmon from Ibeck, Eyak, and Alaganik systems of the west Copper River Delta (Alaska Sport Fishing Survey database 2018; USFWS 2018).

	Ibeck Coho		Eyak Coho		Alaganik Coho		Eyak Sockeye		Alaganik Sockeye	
	Sport	Subsist	Sport	Subsist	Sport	Subsist	Sport	Subsist	Sport	Subsist
2007	927	17	4,677	28	1,052	17	1,586	20	0	13
2008	620	0	4,714	97	1,738	20	675	6	0	26
2009	3,780	183	8,464	2	1,379	0	474	22	96	24
2010	4,818	108	8,379	80	2,208	43	719	0	501	0
2011	7,351	439	5,206	10	1,332	36	548	17	123	18
2012	7,430	331	7,010	61	623	36	459	60	305	23
2013	6,986	202	7,229	104	2,752	20	343	19	0	101
2014	6,274	543	7,857	25	1,728	42	87	44	0	32
2015	10,315	596	8,338	101	5,862	168	91	117	14	33
2016	5,464	352	5,217	23	2,413	136	246	199	0	20

The Eyak River is approximately 4 miles east of Cordova and is largely fished by anglers in small boats. The Eyak River accounts for the second highest salmon harvest totals on the Copper River Delta. Both Coho and Sockeye Salmon are harvested from this system. Subsistence harvest has fluctuated since 2007, generally increasing as more rural residents have utilized the fishery (Table 3). At no point has the subsistence harvest exceeded 2% of total estimated Coho Salmon sport harvest. Subsistence harvest of Sockeye Salmon has fluctuated, but has generally increased since 2012. Estimated sport harvest has been generally decreasing since 2007.

Alaganik Slough is approximately 18 miles east of Cordova, supports both Coho and Sockeye Salmon, and is accessed by anglers on foot and boat. Although use is not as great as Ibeck Creek or Eyak River, it remains a popular fishery, especially for Coho (Table 3). Harvest of Coho Salmon has remained relatively stable, while Sockeye Salmon harvest shows greater variability due to variable effort and suitable water conditions in systems containing Sockeye.

Harvest of trout is allowed under permit FFPW01, however, total harvest is much smaller than reported for salmon (Table 4). This is due to a common local preference for salmon over trout as a subsistence food. A total of 77 trout and Dolly Varden (*Salvelinus malma*) were reported harvested between 2007 and 2016 (USFWS 2018). A small number of subsistence users participate in trout fishing under this permit, alt-

hough some harvest by Federally qualified rural residents also occurs under State sport fishing regulations. Trout harvest was reported from Cabin Lake, Ibeck Creek, Alaganik Slough, and Eyak River.

Table 4. Harvest of non-salmon species (trout and Dolly Varden) by Federal subsistence users under FFPW01, from 2007-2016 (USFWS 2018).

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Harvest	0	0	0	0	0	0	7	12	23	35	77

Cultural Knowledge & Traditional Practices

The mouth of the Copper River is located within the traditional territory of the Eyak culture. At the time of contact with Europeans, multiple Eyak communities were present in the vicinity of the river’s delta including both the community of Eyak and that of Alaganik (Sherman 2012, Fall and Zimpelman 2016). This area was also in proximity to the traditional territories of the Ahtna, Chugach, and Tlingit cultures.

Orca Inlet, where the present day town of Cordova is located, was originally named Puerto Cordoba by the Spanish explorer Don Salvador Fidalgo, who landed there in 1790 (ADCCED 2018). Two canneries opened in the area by the late 1880s and many more followed in the subsequent decades (Sherman 2012, Fall and Zimpelman 2016). Seasonal commercial fishing, clamming, and cannery work quickly became the dominant economic enterprises and remain so today (Fall and Zimpelman 2016). The population of Cordova exploded in 1906, when Michael Henry founded the community as the railroad terminus for the Kennecott Mine (Sherman 2012, Fall and Zimpelman 2016). Henry named the community Cordova and it was formally established in 1909 (ADCCED 2018). The mine closed in 1938, but many former workers remained in the town and participated in the commercial fisheries. Today, there is also a large local, state, and Federal government sector including various U.S. Coast Guard units (Fall and Zimpelman 2016).

The population of Cordova has been steadily rising since 1960, and as of 2010 there were 2,239 residents (ADCCED 2018). Cordova continues to have a significant Eyak population with an active village council (ADCCED 2018). Commercial fishing and subsistence activities are considered central to the culture of the community (ADCCED 2018). In 2014, approximately 77% of residents participated in the harvest of wild resources taking 116 pounds per capita (Fall and Zimpelman 2016).

Salmon made up the largest portion of the 2014 harvest (35% of the total harvest representing 43.8 lbs. per capita) and were used by approximately 92% of households. Sockeye salmon were used and harvested by Cordova households more than any other salmon (73%; 19 lbs. per capita), followed by Coho Salmon (71%; 16 lbs. per capita) and Chinook Salmon (63%; 8 lbs. per capita). Still, the 2014 estimated per capita salmon harvest for the community was the lowest estimated for Cordova since 1985 (Fall and Zimpelman 2016).

After ‘home pack’ of commercially caught salmon for household use, rod and reel was the second most commonly used gear type for harvesting salmon during the 2014 study year. Salmon caught by rod and reel composed 38% of the total salmon harvest by weight (Fall and Zimpelman 2016). Subsistence gear (primarily drift gillnets) was used for 19% of the overall salmon harvest and 27% of the Sockeye Salmon harvest (Fall and Zimpelman 2016). Cordovans have limited freshwater access to Sockeye salmon locally and in 2014, only 10% of the harvest of this species was by rod and reel (Fall and Zimpelman 2016). Residents who do not have boat access to the state subsistence drift gillnet fishery harvest Coho Salmon in larger numbers (Fall and Zimpelman 2016). The Federal subsistence and State rod and reel fisheries are

especially important to Cordova residents because they are accessible by road and include the heavily used Ibeck Creek, Alaganik Slough, and Eyak River (Fall and Zimpelman 2016).

Community Concerns

Fall and Zimpelman (2016) reported that some residents of Cordova experience regulatory conflicts that affect their ability to harvest salmon. These residents indicated that subsistence fishing opportunities are limited in both time and space, especially for those that are engaged in commercial fisheries. Dual subsistence / commercial salmon openers require these individuals to choose between economic opportunities and subsistence needs. Other Cordova residents indicated that subsistence fisheries cannot be accessed because of a lack of appropriate motorized boats suitable to access the Copper River flats, the need to work when fishery openings occur (in 2014 openings were almost exclusively on weekdays), or increasing fuel and boat maintenance costs. Furthermore, even when time and resources are available, weather and tides must also align if they are to safely access the State subsistence fishery (Fall and Zimpelman 2016). Fall and Zimpleman (2016) report that “the overall sentiment of the community is that current fishing regulations are not working and that more subsistence opportunity, separate from the commercial opportunity, is needed.”

Effects of the Proposal

Federal subsistence management regulations for fish in the Prince William Sound Area require Federally qualified subsistence users to have a permit to harvest fish, but do not establish seasons, harvest limits, or methods of harvest for much of the management area. Permit conditions on the Federal subsistence fishing permit for the Chugach National Forest portion of the Prince William Sound Area (FFPW01) regulate the methods of harvest and establish harvest limits. This proposal would establish seasons, harvest limits, and methods of harvest in regulation. This proposal does not preclude any other proposals for fisheries within the Prince William Sound Area, including the main stem Copper River.

Since the intent of this proposal is to take permit conditions that have been in effect and largely unchanged for 12 years and place them in Federal subsistence management regulations, there will be little effect to subsistence users or fish populations within the Chugach National Forest portion of the Prince William Sound Area, other than to provide more public notice of what the fishing requirements are for the area. These permit conditions have remained unchanged since 2006 and have served rural residents of the Cordova area since that time. Subsistence users will see no change in seasons, harvest limits or harvest methods and means. This information will be more readily available to users because they will appear in the Federal Subsistence Management Regulations for the Harvest of Fish and Shellfish on Federal Public Lands and Waters in Alaska, as they do for other areas of the state.

OSM PRELIMINARY CONCLUSION

Support Proposal FP19-13 **with modification** to specify the geographic area where these regulations apply.

The modified regulation should read:

(xvii) In the ~~Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek~~ Chugach National Forest portion of the Prince William Sound Area you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, Grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.

(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, Copper River and its tributaries and Eyak River upstream from the Copper River Highway bridge.

(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.

(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.

(D) You may take salmon by rod and reel, dip net, spear and gaff year round.

(E) For a household with 1 person, 15 salmon (other than pink) may be taken. 5 Cutthroat Trout with only 2 over 20 inches may be taken. Pink Salmon: See the conditions of the permit.

(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional persons in a household over 2. 5 Cutthroat Trout with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout. Pink Salmon: See the conditions of the permit.

(G) You may take Dolly Varden, Arctic Char, Whitefish and Grayling with rod and reel, and spear year round and with a gill net from January 1 – April 1. The maximum incidental gill net harvest of trout is 10.

(H) You may take Cutthroat Trout with Rod and reel, and spear from June 15 to April 14th and with a gill net from January 1 to April 1.

(I) You may not retain Rainbow/Steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/Steelhead trout must be immediately released from a dip net without harm.

Justification

This proposal will codify existing permit conditions for the Chugach National Forest portion of the Prince William Sound Area. This will make regulations more readily available to qualified rural residents, and will not change seasons, harvest limits and harvest methods and means that have been in practice for over

12 years, for subsistence fishing under permit FFPW01. Codifying these permit conditions provides greater transparency and notice to the public regarding Federal subsistence opportunities in the Prince William Sound area, as is done for other areas of the state.

LITERATURE CITED

- ADCCED (Alaska Department of Commerce, Community, and Economic Development). 2018. Community Database Online: Cordova. Retrieved June 5, 2018.
<https://www.commerce.alaska.gov/dcra/DCRAExternal/community/Details/19933dbf-2637-4b88-ba6a-9021796c9354>
- Alaska Sport Fishing Survey database [Internet]. 1996–. Anchorage, AK: ADF&G, Division of Sport Fish (cited May 23, 2018). Available from: <http://www.adfg.alaska.gov/sf/sportfishingsurvey/>.
- Botz, J. 2018. Fisheries Biologist. Personal communication: Phone. ADF&G. Cordova, AK.
- Fall, J.A. and G. Zimpelman. 2016. Update on the Status of Subsistence Uses in Exxon Valdez Oil Spill Area Communities, 2014. ADF&G, Division of Subsistence, Technical Paper Number 412, Anchorage, AK.
- FSB. 2006. Transcripts of the Federal Subsistence Board proceedings. January 10 - 13, 2006. Office of Subsistence Management, USFWS. Anchorage, ADF&G.
- OSM. 2006. Staff analysis of fisheries proposals FP06-16, FP06-17, FP06-18, and FP06-19. Pages 282-292, 129-145 *in* Federal Subsistence Board Meeting Materials. January 10-12, 2006. Office of Subsistence Management, USFWS. Anchorage, AK. 555 pp.
- OSM. 2007. Staff analysis of fisheries proposals FP07-14. Pages 335-350 *in* Federal Subsistence Board Meeting Materials. January 9-11, 2007. Office of Subsistence Management, USFWS. Anchorage, AK. 373 pp.
- Russell, C.W., J. Botz, S. Haught, and S. Moffitt. 2017. 2016 Prince William Sound Management Area Finfish Report. Fishery Management Report No. 17-37. Cordova, AK.
- SCRAC. 2004. Transcripts of the Southcentral Alaska Subsistence Regional Advisory Council, October 13, 2004 in Soldotna, Alaska. Office of Subsistence Management, FWS. Anchorage, AK.
- Sherman, C.R. 2012. Cordova, Images of America. Arcadia Publishing: Charleston, SC.
- USFWS. 2018. Online data base. Office of Subsistence Management. Anchorage, AK.

FP19–14 Executive Summary

<p>General Description</p>	<p>Proposal FP19–14 requests that the Federal subsistence area be extended to allow for a salmon fishery in the waters of the lower Copper River, beginning one-half mile downstream of all road crossings at mile 27 of the Copper River Highway and extending upstream to the Million Dollar Bridge, by dip net and rod and reel. <i>Submitted by: the Native Village of Eyak.</i></p>
<p>Proposed Regulation</p>	<p><i>See page 59 of this book for proposed regulations.</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Support Proposal FP19-14 with modification to specify season dates, methods and means, and limits for the harvest of Chinook Salmon within the proposed area, as well as to define the proposed area as the Lower Copper River District.</p>
<p>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	<p>None</p>

**DRAFT STAFF ANALYSIS
FP19-14**

ISSUES

Proposal FP19-14, submitted by the Native Village of Eyak, requests the Federal Subsistence Board (Board) revise section § __.27(e)(11) of the CFR that authorizes the take of fish in the Prince William Sound (PWS) Area. Existing Federal subsistence management regulations exclude the subsistence take of salmon from the lower mainstem Copper River and its tributaries. The requested change is to extend the Federal subsistence area to allow for a salmon fishery in the waters of the Copper River beginning one-half mile downstream of the road crossing at Copper River Highway Mile 27 and extending upstream to the Million Dollar Bridge, by dip net and rod and reel.

DISCUSSION

The intent of the proposal is to extend the current Federal subsistence salmon fishery opportunity afforded to residents of PWS to specific waters of the lower Copper River; add dip net and rod and reel as allowable methods and means for salmon harvests within the proposed area; and maintain the current conditions of Federal Subsistence Permit FFPW01 (**Appendix 1**), with existing fish permit harvest limitations becoming applicable to the proposed lower Copper River area. In clarifying why this regulatory change should be made, the proponent cites recent research by the Alaska Department of Fish and Game (ADF&G), Division of Subsistence (Fall and Zimpelman 2016), and tribal member concerns that Cordova residents do not have adequate access to salmon resources. Participation in the State subsistence gill net fishery within the marine waters of the Copper River Flats requires use of a boat, which can be a substantial barrier for many local fishers. The proponent intends the proposal to improve access to salmon and is not intended to increase the current permissible take within the drainage.

Existing Federal Regulation

§ __.27(e)(11) Prince William Sound Area. *The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.

* * * *

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may

retain them for subsistence purposes, unless restricted in this section.

(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas.

* * * *

(vii) Freshwater fish other than rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District may be retained. Rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District must be released unharmed to the water.

* * * *

Currently, the Federal subsistence harvest conditions for the lower Copper River area adjacent to and within the Chugach National Forest are printed on the back of the Federal Subsistence Fish Application, Cordova Fish – General – FFPW01-2018 (Appendix 1). Conditions of the Permit read:

Federal subsistence permit is valid in freshwater only; required for harvest of salmon, char, trout, whitefish, & grayling. No permit required for Eulachon. Salmon harvest not allowed in Eyak Lake & its tributaries or from Copper River & its tributaries. Subsistence fishing in Eyak River allowed only downstream of Copper River Highway Bridge.

Required: remove both tips from tails of all subsistence-caught salmon before leaving fishing site. Gear allowed for salmon: rod and reel, dip net, spear & gaff. Gear allowed for Cutthroat Trout, char, whitefish, & grayling: rod and reel, & spear. No snagging with rod & reel allowed.

No Cutthroat Trout harvest April 15 through June 14. Gill net harvest of these fish allowed January 1 through April 1.

Annual limits: Cutthroat Trout, individual limit: 5 – only 2 over 20 inches. Cutthroat Trout, household limit: 30, incidental gill net harvest of trout: 10. Salmon other than Pink Salmon: 15 salmon for household of 1, 30 for household of 2; 10 salmon for each additional person. You may not add Federal permit harvest to State subsistence harvest.

Proposed Federal Regulation

§___.27(e)(11) Prince William Sound Area. *The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.

* * * *

(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas, and **Copper River Delta and mainstem Copper River.***

* * * *

(.) In the Copper River Delta and mainstem Copper River, from the Million Dollar Bridge to a boundary extending 0.5 mile downriver of road crossings of the mainstem Copper River, east of 27 Mile on the Copper River Highway, you may take salmon only by dip net and rod and reel.

* * * *

Existing State Regulation

5 AAC 01.005. Subsistence fishing permitted

Finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in this chapter. Salmon may be taken for subsistence purposes only as provided in this chapter.

5 AAC 01.600. Description of the Prince William Sound Area

The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling south of the Yukon Area described in 5 AAC 05.100,

and all waters of the Upper Susitna River drainage upstream of the Susitna River's confluence with the Oshetna River.

5 AAC 01.605. Description of districts and subdistricts

(a) The Upper River Copper District consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to an east-west line crossing of the Copper River approximately 200 yards upstream of Haley Creek as designated by ADF&G regulatory markers.

(1) The Chitina Subdistrict consists of all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge.

(2) The Glennallen Subdistrict consists of all remaining waters of the Upper Copper River District.

(b) Except as specified in (a) of this section, districts are as described in 5 AAC 24.200.

5 AAC 01.625. Waters closed to subsistence fishing

(a) All tributaries of the Copper River and waters of the Copper River that are not in the Upper Copper River District are closed to the taking of salmon.

(b) Salmon may not be taken in any area closed to commercial salmon fishing unless permitted in 5 AAC 01.610 – 5 AAC 01.645.

Extent of Federal Public Lands

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 under consideration in this analysis include all fresh waters of the Copper River downstream of the Million Dollar Bridge, within and adjacent to the boundaries of the Chugach National Forest, to a boundary extending 0.5 mile downriver of road crossings of the mainstem Copper River, east of 27 Mile on the Copper River Highway (**Figure 1**).

Customary and Traditional Use Determinations

The Federal customary and traditional use determination for salmon for the Copper River downstream of Haley Creek in the PWS Area includes all residents of the PWS Area. Additionally, the Board has determined that residents of Cordova, Chenega Bay, and Tatitlek have a customary and traditional use for Eulachon in waters of the Copper River Delta from the Eyak River to Point Martin. However, those rural residents living in the Copper River drainage upstream of Haley Creek are not eligible to harvest fish other than salmon in freshwater within the proposed area.

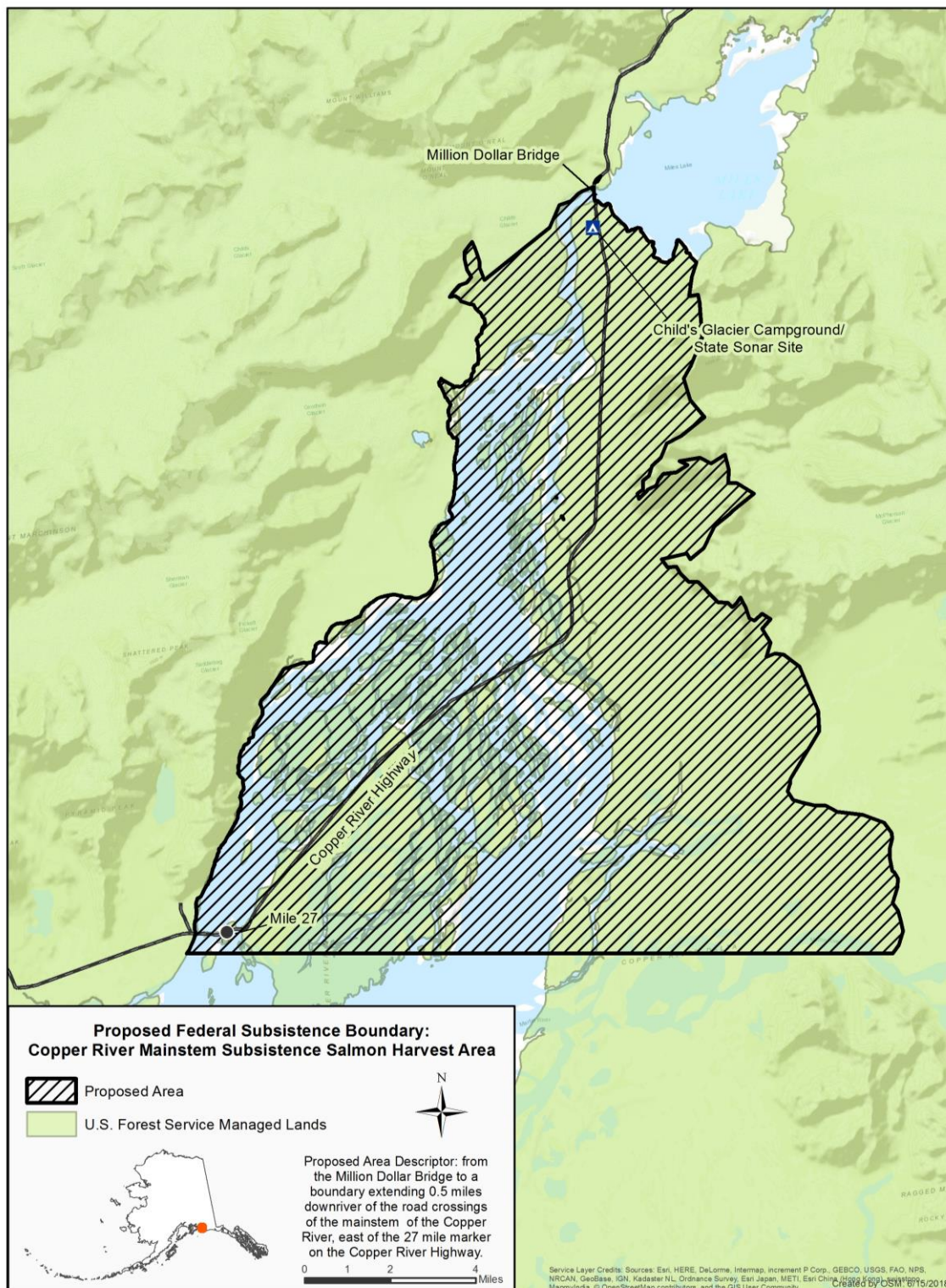


Figure 1. Map of the proposed area (diagonal lines) within the lower Copper River drainage, with Federal lands overlaid in green. The proposed area includes the waters of the Copper River within the described upper and lower bounds; the area polygon was created to cover the braided floodplain. Some non-federal lands may not be discernable at this scale; see Appendix 4.

Regulatory History

Currently, Federally qualified subsistence users in the Cordova area (i.e. the Copper River Delta or CRD) attempt to fulfill their subsistence needs under a Federal subsistence fisheries permit, a State of Alaska salmon subsistence fishing permit, and/or Alaska sport fishing regulations. Harvests in freshwater are accomplished under a Federal subsistence permit and State sport fishing regulations. The State subsistence fishing permit allows harvest in marine waters only. To qualify to fish under Federal subsistence regulations, users must have their primary, permanent place of residence in a recognized rural area and must have lived in Alaska for the previous 12 months. Comparatively, all Alaska residents, both rural and non-rural residents, are eligible to participate in State subsistence and personal use fisheries.

Current Federal subsistence fishing regulations for the PWS Area in the vicinity of Cordova require Federally qualified subsistence users to have a permit to harvest fish, but do not establish seasons, harvest limits, or methods of harvest. Stipulations on the Federal permit (FFPW01) for the CRD/PWS area specify permit conditions explicit to the methods of harvest and establish harvest limits (**Appendix 1**). The lower Copper River and its tributaries are closed to Federal subsistence harvest of salmon by regulation, but these waters are open for the harvest of other fish with the permit. The Federal subsistence fishing permit within the CRD/PWS area allows for the harvest of fish in freshwater with rod and reel year-round, except in Eyak Lake and its tributaries, which are closed to fishing for salmon. The Federal subsistence permit limits the harvest of salmon to 15 fish for a household of one, 30 fish for a household of two, and 10 salmon for each additional person in that household. The Federal and State permit harvest limits may not be added. There is no limit on the number of Chinook Salmon that may be taken on this permit because there are few, if any, Chinook Salmon returning to fresh waters open to subsistence harvest in this area. These permit stipulations came about as the result of public meetings held in Cordova in 2004 and 2006 with users and agency personnel.

Historically, there have been several Board actions on proposals submitted for the harvest of salmon in the Copper River downstream of Haley Creek. In 2006, the Board adopted fisheries proposal FP06-16 to allow the accumulation of harvest limits under State of Alaska sport fishing regulations and Federal subsistence management regulations in the PWS Area and in the Copper River drainage downstream of Haley Creek, provided that accumulation of harvest limits does not occur during the same day (FSB 2006); however, the Federal subsistence limit cannot be added to the limit for the State Copper River/Bering River/PWS Salmon Subsistence harvest limit.

FP06-17 attempted to establish a fly-fishing only area directly downstream of the Lake Eyak weir (dam). While this proposal was rejected, the discussion led to a change in permit conditions for FFPW01. The discussion noted that no subsistence fishing within 300 yards from a dam is allowed under regulation. To align the conditions of the permit with current regulations “only rod and reel may be used within 200 yards of the Eyak Lake dam” was removed (FSB 2006). “Subsistence fishing in Eyak River allowed only downstream of the Copper River highway bridge” replaced the original condition of the permit.

During that same regulatory cycle, Proposal FP06-18 was submitted requesting restricting the harvest methods for salmon to spears, gaffs, and rod and reel in the PWS Area within the Chugach National Forest,

except for the Copper River drainage (OSM 2006). In addition, Proposal FP06-19 was submitted, which would change the Federal seasons, harvest, and possession limits for Cutthroat, Rainbow, and Lake trout, Dolly Varden, whitefish, and Arctic Grayling to be identical to the State of Alaska sport fishing regulations in the waters of the Prince William Sound Area, except in the Copper River drainage upstream of Haley Creek. Besides affecting overall potential take across the freshwaters of the Prince William Sound Area, two specific fisheries would be eliminated under FP06-19: 1) a winter gill net fishery for whitefish in the Cordova area and 2) subsistence harvest of trout in the Copper River Delta east of the Copper River. The Board rejected proposals FP06-18 and FP06-19 because they restricted subsistence uses.

In 2007, proposal FP07-14 was submitted requesting that the Copper River waters downstream of the Million Dollar Bridge be opened to Federal subsistence harvest of salmon using dip nets and rod and reel with bait for the months of May, June, and July (OSM 2007). The Board rejected Proposal FP07-14, despite noting in their decision justification that, at that time, there were no biological concerns and that use of salmon is a customary and traditional use in the Copper River. At that time, the Southcentral Alaska Subsistence Regional Advisory Council (Council) felt that other opportunities for harvesting salmon for subsistence already existed in Cordova and Prince William Sound, both in marine waters with a gillnet and in fresh waters with a dip net (FSB 2007); however, the ADF&G subsistence study conducted in 2014 concluded otherwise (Fall and Zimpelman 2016).

In the Upper Copper River District, the Federal subsistence season runs May 15 - September 30. The Upper Copper District is separated into two parts: the Chitina Subdistrict and the Glennallen Subdistrict (**Figure 2**). The allowable gear is rod and reel, dip nets, and fish wheels. The annual harvest limit for a household of one is 30 salmon. Upon request, permits for additional salmon will be issued for up to 200 salmon total. The annual harvest limit for a household of two or more persons is 60 salmon. Upon request, permits for additional salmon will be issued for up to 500 salmon total. No more than 5 Chinook Salmon by dip net and 5 Chinook Salmon by rod and reel may be taken per household (**Table 1**; FSMP 2017). The State manages the Upper Copper River District for two different fisheries, where the Chitina Subdistrict provides for a State personal use fishery and the Glennallen Subdistrict provides for a State subsistence fishery. State permittees must choose between fisheries (subsistence or personal use) and methods (dip net or fish wheel, if subsistence fishing) when they get their permits. The State Chitina personal use fishery is managed separately from the Glennallen subsistence fishery, with State subsistence receiving priority over personal use (ADF&G 2017). In the Chitina Subdistrict personal use fishery, dip nets are the only allowable gear, a permit fee is charged, and harvest limits differ from those for the subsistence fisheries. Additionally, there are small Federal and State subsistence fisheries in the Batzulnetas Area (**Table 1**). The Batzulnetas Area subsistence fisheries require a permit from either the National Park Service (Federal) or from the State; only residents of Dot Lake and Mentasta Lake are eligible for the Federal subsistence fishery in the Batzulnetas Area.

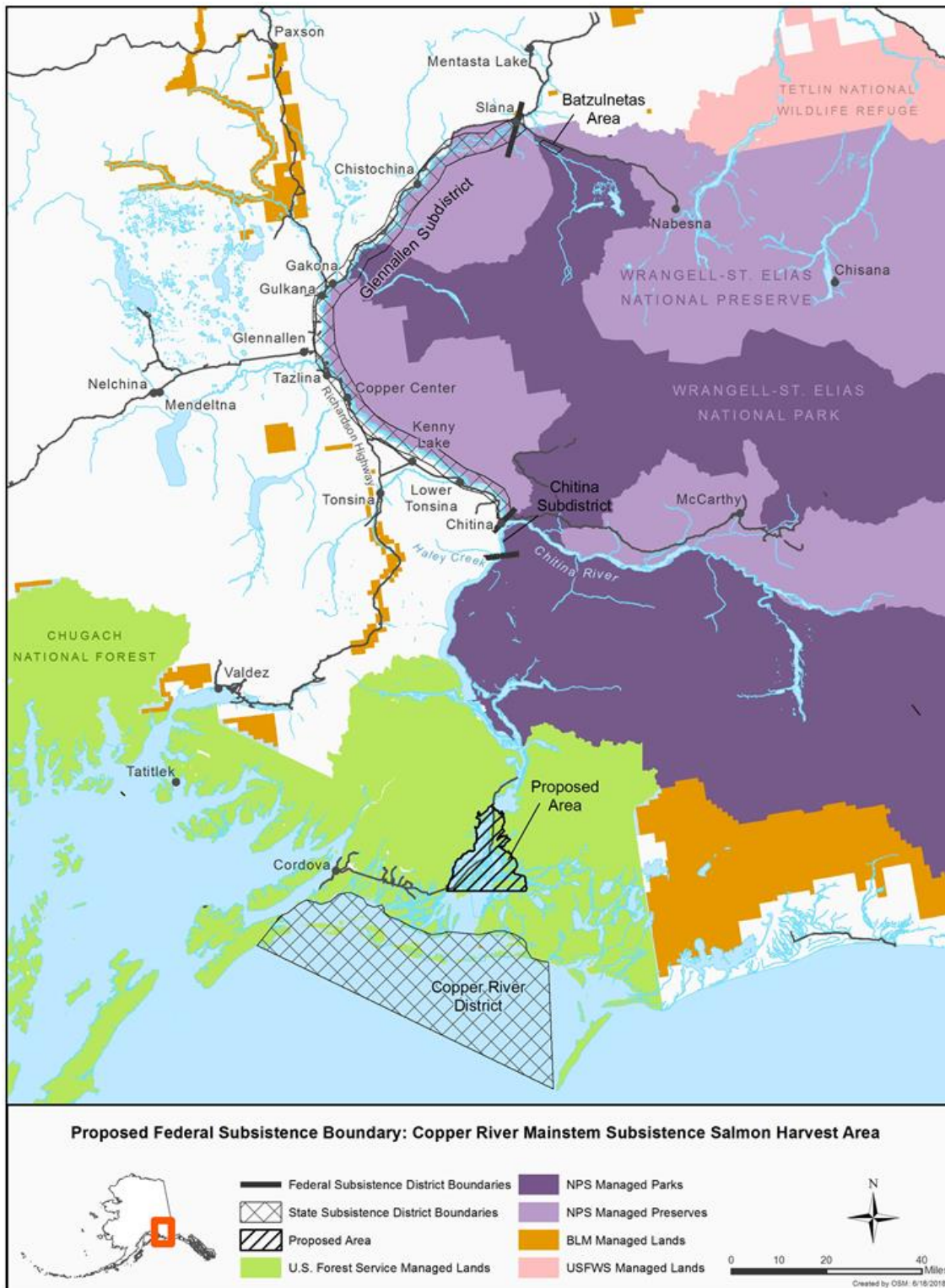


Figure 2. Map indicating the Federal and State District and Subdistrict boundaries for the Copper River basin and the State's Copper River District in marine waters. Not specified on this map is the area covered under Federal Permit FFPW01, which includes eligible waters in the PWS Area and excludes harvest of salmon in the waters of the Copper River.

Table 1. Coarse-scale overview of current salmon subsistence and personal use fisheries in waters of the Copper River (ADF&G 2017; FSMP 2017). Refer to pertinent regulations and permits for specific information regarding each fishery. Emergency Orders, Special Actions, and other management actions affect these fisheries by limiting the season or allowable take throughout the year.

Fishery	Allowable Gear	Season	Salmon Limits
<u>Federal Subsistence</u>			
Upper Copper River District: Glennallen Subdistrict ^a	Fish wheels; Dip nets; Rod and reel	May 15 – Sept 30	1-person ^b : 30 salmon, up to 200 salmon; 2-person or more ^b : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Upper Copper River District: Chitina Subdistrict ^a	Fish wheels; Dip nets; Rod and reel	May 15 – Sept 30	1-person ^b : 30 salmon, up to 200 salmon; 2-person or more ^b : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Batzulnetas Area	Copper River: Fish wheels; Dip nets; Rod and reel Tanada Creek: Dip nets; Fyke nets; Spears; Rod and Reel	May 15 – Sept 30	Copper River: no limit; Tanada Creek: <1,000 Sockeye by Fyke net and no (0) Chinook
<u>State Subsistence</u>			
Upper Copper River District: Glennallen Subdistrict	Fish wheels; Dip nets	June 1 – Sept 30	1-person ^b : 30 salmon, up to 200 salmon; 2-person or more ^b : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Batzulnetas Area	Copper River: Fish wheels; Dip nets Tanada Creek: Dip nets; Spears	June 1 – Sept 30	1-person: 30 salmon, up to 200 salmon; 2-person or more: 60 salmon, plus 10 for each additional household member, up to 500 salmon; No (0) Chinook harvests in this Area
Copper River District (Flats-marine waters)	Gill nets	May 15 – Oct 31 ^c	1-person: 15 salmon; 2-person or more: 30 salmon, plus 10 for each additional household member; up to 5/total can be Chinook
<u>State Personal Use</u>			
Upper Copper River District: Chitina Subdistrict	Dip nets	June 7 – Sept 30	1-person: 25 salmon; plus 10 for each additional household member; up to 5 of total can be Chinook

^a Total combined harvest; see regulation for details

^b Per household, a maximum of 5 Chinook by dip net and 5 Chinook by rod-reel can be counted towards the total salmon limit

^c See regulations for open period specifications within this season

There is also a State subsistence fishing permit that allows for the harvest of salmon in the marine waters of the Copper River District (**Table 1; Figure 2**). The Copper River District includes the Copper River Flats and other marine waters near Cordova (Fall et al. 2018). The legal gear allowed in the Copper River District is drift gill nets, and the harvest limits are 15 salmon for a household of one, 30 salmon for a household of two, and 10 salmon for each additional person in that household. There is also a limit of five Chinook Salmon per permit. The season for this State subsistence fishery is May 15 – October 31, with fishing periods: a) from May 15 until two days before the commercial opening of that salmon district, seven days a week; b) during the commercial salmon season, only during open commercial fishing periods, seven days a week; and c) from two days following the closure of the commercial fishing season in that district through October 31, seven days a week (**Table 1; ADF&G 2017**).

State of Alaska sport fishing regulations can be complicated for certain locations within the PWS Area. In the majority of the proposed area, the daily sport fish bag limit for salmon, other than Chinook Salmon, is six per day, 12 in possession, but only three per day, three in possession may be Coho Salmon (ADF&G 2018a). The general Chinook Salmon sport fishing fresh waters harvest limit in the PWS Area for fish 20 inches or longer is two per day, four in possession and for fish less than 20 inches is 10 per day, 10 in possession. However, State sport fishing regulations in all freshwater drainages crossed by the Copper River Highway, from and including Eyak River to the Million Dollar Bridge, including Clear Creek (Mile 42), have a daily harvest limit for salmon of three per day, three in possession, except for Chinook Salmon (which remains at two per day, four in possession for fish 20 inches or longer and 10 per day, 10 in possession for fish less than 20 inches and Coho Salmon (which remains open year-round; restricts bait fishing once the Coho Salmon bag limit is reached August 15-September 15; and specifies that any Coho Salmon removed from the water must be retained toward that day's bag limit). State sport fishing general regulations for PWS fresh waters also only allow the use of unbaited, artificial lures from April 15 through June 14, and prohibit snagging in all fresh waters.

Current Events

Pertinent to Proposal FP19-14, Proposal FP19-13 was submitted by the United States Forest Service, Cordova Ranger District, requesting that the conditions of Federal Subsistence Permit FFPW01 for the PWS Area be placed in Federal subsistence management regulations. The proponent would like the seasons, harvest limits, and methods and means of harvest for this fishery to appear in Federal subsistence management regulations for the Prince William Sound Area at section § __.27(e)(11).

As of 2018, the State began to permit gill net subsistence opportunities independent of commercial fishing openers for the harvest of salmon in marine waters of the Copper River Flats. The Alaska Board of Fisheries has also restricted commercial and subsistence fishing off the mouth of the Copper River in past years to provide additional salmon to meet escapement and other in-river goals.

For 2018, the ADF&G forecast for Copper River wild Sockeye Salmon anticipated a run return 16.5% below the 10-year average (Brenner et al. 2018). However, the return of Sockeye Salmon to this system fell below the anticipated forecast. As of June 17, 2018, only 231,804 cumulative salmon were counted past the Miles Lake Sonar site, which was approximately 35% fewer fish than expected (ADF&G 2018b). The low

return of Sockeye Salmon in June 2018 resulted in closures of commercial fishing in the Copper River District (Botz et al. 2018); closure of the personal use fishery in the Chitina Subdistrict (Somerville 2018a); and closure of sport fishing for Sockeye Salmon in the Upper Copper River drainage (Somerville 2018b). The State subsistence fishery in the Glennallen Subdistrict was restricted to 48 hours per week (typically open 7 days per week) June 25 – July 7. All closures and restrictions to State fisheries, including sport fishing by July 13 and both commercial gill netting and personal use dip netting by July 19, were reduced or removed (ADF&G 2018b; ADF&G 2018c). Biologists speculate the “Blob” is at least partly to blame for the 2018 low returns. The Blob is the term given to the anomalous warm ocean conditions that persisted along the Pacific Coast of the United States from September 2014 through late 2017. One significant effect of the Blob is that warmer waters detrimentally effect food availability for Sockeye Salmon, as well as other species, when they go to sea as juveniles (Peterson et al. 2017).

The Copper River Chinook Salmon pre-season total run point estimate for 2018 was 43,000 fish, whereas the 10-year (2008–2017) total run average is 45,000 (Brenner et al. 2018). To date, Area managers have not restricted the Chinook Salmon fisheries for the Copper River, other than a Special Action issued for the Federal subsistence fishery in the Chitina Subdistrict, which delayed the opening date for the taking of all salmon, not just Chinook Salmon, from May 15 to June 1 (FSB 2018).

Biological Background and Harvest History

Salmon fisheries in the Copper River primarily harvest Chinook, Sockeye, and Coho salmon. These salmon stocks are harvested in multiple fisheries, including a commercial gill net fishery at the mouth of the Copper River; a personal use dip net fishery in the Chitina Subdistrict of the Upper Copper River District; and sport fisheries that occur in various tributaries. State subsistence fishing is restricted to three areas on the Copper River (**Figure 2; Table 1**): 1) the Copper River District, i.e. the Copper River Flats; 2) the Glennallen Subdistrict within the Upper Copper River District; and 3) the Batzulnetas Area. Of the three State subsistence areas, the Upper Copper River District has the highest effort and harvest (Botz and Somerville 2017). Federal subsistence fishing is restricted to: 1) the Upper Copper River District (both the Glennallen and Chitina Subdistricts) and 2) the Batzulnetas Area.

The State of Alaska set the upper Copper River sustainable escapement goal (SEG) at 360,000–750,000 wild Sockeye Salmon, and the Copper River Delta SEG at 55,000–130,000 Sockeye Salmon (Haught et al. 2017). Since 1998, the ADF&G has successfully met or exceeded the SEG for Sockeye Salmon in the Copper River (Fall et al. 2018; Somerville 2018, pers. comm.; **Table 2**). The recent 10-year average (2008–2017) Copper River wild Sockeye Salmon total run is 2,078,000 fish (Haught and Vega 2018). The 10-year average (2007-2016) commercial harvest of Sockeye Salmon from the Copper River is 1,425,838, with another 7,655 fish taken annually as commercial homepack (homepack: lawfully taken commercial catch for that person's own use; Botz and Somerville 2017). The total estimated runs and end destinations (commercial, sport and subsistence harvests and escapement information) for Sockeye Salmon in the Copper River system for 2006-2016 are available in **Appendix 2** (Russell et al. 2017).

In 2003, the Chinook Salmon SEG for the Copper River was lowered to 24,000 or more fish (Bue et al. 2002). A more recent review for this fishery by Haught et al. (2017) recommended an SEG range of

18,500-33,000 Chinook Salmon, which ADF&G removed from Board of Fisheries consideration, as the existing escapement goal falls within the recommended range and new sonar technology being tested may lead to a new large Chinook Salmon sonar escapement goal within the next few years. Since 2002, the lower bound of the Chinook salmon SEG for this system was met or exceeded 11 out of 16 years (Fall et al. 2018; Somerville 2018, pers. comm.; **Table 2**). The recent 10-year average (2008–2017) Copper River Chinook Salmon total run is 45,000 fish (Haught and Vega 2018). The 10-year average (2007-2016) commercial harvest of Chinook Salmon from the Copper River is 15,379, with another 868 fish taken annually as commercial homepack (Botz and Somerville 2017). The total estimated runs and end destinations (commercial, sport and subsistence harvests and escapement information) for Chinook Salmon in the Copper River system for 2006-2016 are available in **Appendix 3** (Russell et al. 2017).

Table 2. Estimated Sockeye and Chinook salmon returns and spawning escapements for the Copper River, 2007-2017, and the previous 5-year and 10-year averages (Fall et al. 2018; Somerville 2018, pers. comm.). The State of Alaska set the SEG at 360,000–750,000 fish for Sockeye Salmon and 24,000 fish for Chinook Salmon (Haught et al. 2017).

Year	Sockeye Salmon		Chinook Salmon	
	Est. Total Return ^a	Spawning Escapement ^a	Est. Total Return ^a	Spawning Escapement ^a
2007	2,961,568	612,102	87,770	34,575
2008	1,141,223	480,597	53,880	32,487
2009	1,721,695	469,089	43,007	27,787
2010	1,715,714	502,992	33,181	16,764
2011	3,097,537	607,657	53,889	27,994
2012	3,253,887	930,699	44,312	27,835
2013	3,006,009	860,829	42,880	29,012
2014	3,411,981	864,988	35,322	20,709
2015	3,205,039	925,506	56,174	26,764
2016	2,074,971	513,563	29,243	12,485
2017	1,252,701	492,297	53,825	35,386
Average 2012 - 2016	2,991,509	824,557	41,586	23,361
Average 2007 - 2016	2,559,525	679,523	47,966	25,641

^a Preliminary until all upriver harvests, including sport harvest, has been accounted for.

Coho, Chum, and Pink salmon are not expected to be highly impacted by this proposal, though there may be some incidental take in the proposed Copper River waters. There are two stocks of Coho Salmon that return to the Copper River District management area: a small upriver stock of Coho Salmon and a much larger stock that returns to streams along the Copper River Delta (CRD). Escapement of Coho Salmon migrating upriver is not assessed. The State has a SEG of 32,000–67,000 for CRD Coho Salmon (Haught et al. 2017), and at this time, there are no biological concerns for the CRD fishery (Botz 2018, pers. comm.). The existing recreational Coho Salmon fishery in the proposed area is minimal. Coho Salmon will strike at artificial lures and bait, but Coho Salmon are abundant in many of the local streams with more favorable water

conditions, and little effort would be expected in the proposed area for this species. Few Chum Salmon use the Copper River and have not historically been targeted by recreational or subsistence fishers, but some have been taken incidentally to other salmon fisheries (Miller and Stratton 2001). The State has not established an escapement goal for Chum Salmon in the Copper River drainage. Few Pink Salmon migrate up the Copper River, and those that do enter the drainage are only found in the very lower reaches of clear water tributaries.

The estimated annual salmon harvest by State subsistence permit holders in the Copper River District (Copper River Flats) of the PWS Area averaged 3,722 total salmon for the previous 10-year period (**Table 3; Appendix 2, 3**). For the three State subsistence fishery districts in PWS, the Copper River District near the community of Cordova accounts for the majority of subsistence salmon harvested, with 91% of the total harvests in 2015 (Fall et al. 2018). However, subsistence harvest data for the Eastern and Southwest Districts is likely to be consistently underestimated (Ashe et al. 2005).

Table 3. State subsistence permit activity; the harvest of salmon in the marine waters of the Copper River District (Copper River Flats; gear type: gill net), 2007-2017; and the previous 10-year average (Fall et al. 2018; Vega 2018, pers. comm.)

Year	Permits				Reported Salmon Harvest			
	Issued	Returned	Fished	Not Fished ^a	Chinook	Sockeye	Coho	Total
2007	469	440	295	145	1,145	6,148	15	7,308
2008	506	480	248	232	470	3,969	53	4,492
2009	323	293	128	165	212	1,764	22	1,998
2010	325	314	139	175	276	1,980	27	2,283
2011	273	263	113	150	212	1,783	34	2,029
2012	378	357	204	153	237	4,270	0	4,507
2013	531	492	321	171	854	5,639	1	6,494
2014	288	269	101	168	153	1,675	0	1,828
2015	241	231	97	134	167	1,403	10	1,580
2016	195	189	77	112	73	1,075	2	1,150
10-Year Average	371	350	193	159	441	3,266	16	3,722
2017	450	416	265	151	778	2,448	43	3,269

^a As reported on returned permits.

As noted previously, State permittees in the Glennallen Subdistrict must choose between dip net or fish wheel when they get their permits. The estimated annual salmon harvest by State subsistence salmon dip net permit holders averaged 16,974 total salmon for the previous 10-year period (2007-2016), of which 16,291 were Sockeye Salmon and 630 were Chinook Salmon. The estimated salmon harvest by the State's Glennallen Subdistrict fish wheel permit holders averaged an additional 44,866 total salmon for the previous 10-year period, of which 43,179 were Sockeye Salmon and 1,436 were Chinook Salmon (**Appendix 2, 3**). Additional salmon harvested from the Upper Copper River District over the same time

period include the State’s Chitina Subdistrict personal use fishery, with 10-year average harvests (2007-2016) of 144,785 total fish, of which 141,577 were Sockeye Salmon and 1,114 were Chinook Salmon (Somerville 2018, pers. comm.).

The yearly Federal subsistence harvests for the Upper Copper River District (Chitina and Glennallen Subdistricts combined) averaged 19,704 Sockeye Salmon and 551 Chinook Salmon annually from 2007-2016. In 2017, the harvests from the Glennallen Subdistrict far exceeded the take from the Federal subsistence fishery in the Chitina Subdistrict. Coho Salmon averaged only 90 fish harvested in this District for the same 10-year average (**Table 4**).

Table 4. Estimated harvest of Sockeye, Chinook, and Coho salmon by Federally qualified subsistence users in the Upper Copper River District, as reported for each the Glennallen and Chitina Subdistricts, 2007-2017 (Sarafin 2018, pers. comm.).

Year	Chitina Subdistrict					Glennallen Subdistrict				
	Permits issued	Permits fished (%)	Sock-eye	Chinook	Coho	Permits issued	Permits fished (%)	Sock-eye	Chinook	Coho
2007	98	89	1,044	29	45	281	84	18,125	677	40
2008	82	85	928	26	87	270	81	14,009	870	183
2009	68	91	898	9	12	274	85	13,925	581	40
2010	92	86	2,397	20	38	269	88	14,601	341	73
2011	85	86	2,137	15	9	277	88	16,066	799	60
2012	90	94	1,419	6	8	275	92	15,718	403	85
2013	99	91	2,199	19	9	273	89	17,789	372	27
2014	113	95	1,628	15	72	315	905	23,889	439	25
2015	111	93	2,404	14	15	325	92	26,753	416	14
2016	128	81	1,925	20	41	320	83	19,181	446	11
10-yr avg	97	-	1,698	17	34	288	-	18,006	534	56
2017	132	80	1,828	15	9	338	84	18,550	473	1

Federal Subsistence Permit FFPW01 for the PWS Area allows for the harvest of fish in fresh waters (not including the Copper River) with harvest limits for salmon as described earlier. Under this permit, over 95% of the harvest by Federally qualified subsistence users occurs in three river systems: Ibeck Creek, Eyak River, and Alaganik Slough (USFWS 2018). On average, 30 households fished under their Federal subsistence permit, harvesting an annual average of 446 salmon from 2006-2016, approximately 80% of which were Coho Salmon (**Table 5**). Rod and reel is overwhelmingly the most common harvest method under this permit (Burcham 2018, pers. comm.), as relatively clear waters from the Alaganik and Eyak systems negatively impacts dip net success. No Chinook Salmon have been reported as harvested under the CRD/PWS Area Federal subsistence permit since its inception in 2005 (USFWS 2018; Burcham 2018, pers. comm.). Additionally, though permit FFPW01 is available to both Tatitlek and Chenega, no (0) households outside of Cordova have requested or been issued this fishery permit in other qualifying

villages. However, they do qualify for and are issued wildlife permits for Mountain Goats in Unit 6D and for ceremonial deer harvests in Unit 6D (Burcham 2018, pers. comm.).

Table 5. Federal subsistence permit (FFPW01) activity and harvest of salmon (not including waters of the Copper River), 2007-2017, within the Chugach National Forest and the previous 10-year average (Pearson 2018, pers. comm.)

Year	Permits				Reported Salmon Harvest			
	Issued	Returned	Fished	Not Fished ^a	Chinook	Sockeye	Coho	Total
2007	32	32	16	16	0	33	62	95
2008	44	42	24	18	0	32	117	149
2009	38	38	22	16	0	46	185	231
2010	48	44	21	23	0	0	231	231
2011	66	52	29	23	0	35	485	520
2012	63	46	31	15	0	83	428	511
2013	65	60	23	37	0	120	329	449
2014	88	72	41	31	0	76	610	686
2015	94	62	47	15	0	150	865	1015
2016	110	92	51	41	0	219	526	745
10-Year Average	63	53	30	24	0	85	361	446
2017	98	88	48	40	0	127	503	630

^a As reported on returned permits.

In addition to the commercial, personal use, sport, and subsistence fisheries noted above, the State also administers an explicit educational fishery in the lower Copper River under the provisions of 5 AAC. 93.200 – 93.235. The two education permits that allow for the harvest of Sockeye and Chinook salmon in this area are currently held by the Native Village of Eyak and Moose Lodge 1266. On average, 44 Chinook Salmon were harvested annually from 2009 through 2016 and 102 Sockeye Salmon were similarly harvested under education permits (Botz and Sommerville 2017).

Sport fishing is very popular in the PWS Area, especially along the road accessible systems. The Copper River is the only major producer of Chinook Salmon in the PWS Area. Although allowed, a sport fishery for salmon or trout in the proposed area has not developed, primarily because of the high turbidity of the Copper River. Additionally, Bridge No. 339 was closed in August 2011 after sustaining substantial damage from a washout event, inhibiting vehicle access on the Copper River Highway beyond Mile 36 and limiting fishing opportunities for a large area of the CRD. The bait restriction from April 15 through June 14 to protect spawning trout also reduces the chances of harvesting Chinook Salmon migrating through the lower Copper River since the bait restriction overlaps the migration timing of that species. Sockeye Salmon do not readily take bait or lures and are not often pursued in the turbid Copper River with rod and reel. Outside of the Copper River, the sport fishery for Chinook Salmon in PWS is supported almost entirely by hatchery-produced fish that are harvested in marine waters of the Cordova terminal harvest area (Thalhauser 2014).

There are populations of unknown size of Rainbow and Steelhead trout that migrate up the Copper River. Current Federal subsistence management regulations require the immediate release of Rainbow and Steelhead trout unharmed unless taken incidentally in a fish wheel. Prince William Sound is the most northern natural range for Cutthroat Trout, and the populations are small and scattered. Coastal Cutthroat Trout that do enter the Copper River drainage are found in the clear water tributaries of the lower reaches, and are not expected to be impacted by this proposal.

Cultural Knowledge & Traditional Practices

The mouth of the Copper River is located within the traditional territory of the Eyak people. At the time of contact with Europeans, multiple Eyak communities were present in the vicinity of the river's delta, including both the community of Eyak and that of Alaganik (Sherman 2012; Fall and Zimpelman 2016). This area was also in proximity to the traditional territories of the Ahtna, Chugach, and Tlingit cultures.

Orca Inlet, where the present day town of Cordova is located, was originally named Puerto Cordoba by the Spanish explorer Don Salvador Fidalgo who landed there in 1790 (ADCCED 2018). Two canneries opened in the area by the late 1880s and many more followed in the subsequent decades (Sherman 2012; Fall and Zimpelman 2016). Seasonal commercial fishing, clamming, and cannery work quickly became the dominant economic enterprises and remain so today (Fall and Zimpelman 2016). The population of Cordova exploded in 1906, when Michael Henry founded the community as the railroad terminus for the Kennecott Mine (Sherman 2012; Fall and Zimpelman 2016). Henry named the community Cordova, and it was formally established in 1909 (ADCCED 2018). The mine closed in 1938, but many former workers remained in the town and participated in the commercial fisheries. Today, there is also a large local, State, and Federal government sector, including various U.S. Coast Guard units (Fall and Zimpelman 2016).

The population of Cordova has been steadily rising since 1960, and as of 2010 there were 2,239 residents (ADCCED 2018). Cordova continues to have a significant Alaska Native population with an active village council (ADCCED 2018). Commercial fishing and subsistence activities are considered central to the culture of the community (ADCCED 2018). In 2014, approximately 77% of residents participated in the harvest of wild resources, averaging 116 lbs. per capita (Fall and Zimpelman 2016).

In 2014, the ADF&G conducted comprehensive subsistence surveys of all resources harvested by the residents of Cordova over the course of a year. Salmon made up the largest portion of the 2014 harvest (35% of the total harvest representing 43.8 lbs. per capita) and were used by approximately 92% of households. Sockeye Salmon were used and harvested by Cordova households more than any other salmon (73%; 19 lbs. per capita), followed by Coho Salmon (71%; 16 lbs. per capita), and Chinook Salmon (63%; 8 lbs. per capita). Still, the 2014 estimated per capita salmon harvest for the community was the lowest estimated for Cordova since 1985 (Fall and Zimpelman 2016).

Historical documentation describes both the importance of salmon to the Eyak people and the types of gear used for harvest which included spear, bow and arrow, fish trap, and dip net (Birket-Smith and De Laguna 1938). In 2014, the most commonly used gear type for harvesting salmon, other than removal from commercial catch (i.e. homepack), was rod and reel, which composed 38% of the total salmon harvest by weight (Fall and Zimpelman 2016). Subsistence gear was used for 19% of the overall salmon harvest and

27% of the Sockeye Salmon harvest (Fall and Zimpelman 2016). Access to Sockeye Salmon in fresh waters near Cordova is limited, and in 2014, only 10% of the harvest of this species was by rod and reel (Fall and Zimpelman 2016). Residents that do not have boat access to the State subsistence gill net fishery harvest Coho Salmon in larger numbers (Fall and Zimpelman 2016). The Federal subsistence and State rod and reel fisheries are especially important to Cordova residents because they are accessible by road and include the heavily used Ibeck Creek, Alaganik Slough, and Eyak River (Fall and Zimpelman 2016).

Community Concerns

Fall and Zimpelman (2016) reported that some residents of Cordova experience regulatory conflicts that effect their ability to harvest salmon. These residents indicated that subsistence fishing opportunities are limited in both time and space, especially for those that are engaged in commercial fisheries. Dual subsistence/commercial salmon openers require these individuals to choose between economic opportunities and subsistence needs. Other Cordova residents indicated that subsistence fisheries cannot be accessed because of a lack of a boat, the need to work when fishery openings occur (in 2014, openings were almost exclusively on weekdays), or because of increasing fuel and boat maintenance costs. Furthermore, even when time and resources are available, weather and tides must also align if they are to safely access the State subsistence fishery (Fall and Zimpelman 2016). Fall and Zimpelman (2016) report that “the overall sentiment of the community is that current fishing regulations are not working and that more subsistence opportunity, separate from the commercial opportunity, is needed.” As noted in the current events section, Board of Fisheries recently took action to alleviate some aspects of this concern with the addition of a Saturday State subsistence fishing opportunity in the marine waters of the Copper River Flats.

Effects of the Proposal

If adopted, this proposal would extend fishing opportunity to include waters of the Copper River one-half mile downstream of all road crossings beginning at mile 27 of the Copper River Highway and extending upstream to the Million Dollar Bridge. This proposal would also specify dip net and rod and reel (no bait) as the only legal gear types for this fishery. Both outcomes will provide additional subsistence opportunities for Federally qualified subsistence users living in the PWS Area, especially those in the community of Cordova. An available Federal subsistence harvest of salmon in the lower Copper River may increase the number of Federal subsistence households who participate in that fishery effort, or it may shift some of the harvest efforts from currently permitted waterbodies to the waters of the Copper River and its tributaries. The permitted total salmon harvest limit per household will not change.

Federally qualified subsistence users in the CRD area currently concentrate their harvest efforts for salmon through the Federal subsistence fishery in Ibeck Creek, Eyak River, and Alaganik Slough or through the State subsistence fishery in the marine waters of the Copper River Flats. Most of the Federal subsistence harvest efforts are focused on the fall Coho Salmon return across the CRD. In contrast, most of the State subsistence harvest efforts are focused on the early summer Sockeye Salmon returns to the Copper River Flats. State subsistence regulations only allow for the harvest of salmon in the marine waters of the Copper River Flats, which requires access to a suitable boat and the approved gear type (relatively expensive gill nets). This proposal would provide access and methods for rural residents without boats capable of

accessing marine waters to participate in the harvest of Chinook Salmon and would also improve access to Sockeye Salmon.

The proposed regulatory change would be expected to have minimal biological effects on fish stocks. Historically, the Sockeye Salmon runs to the Upper Copper River have consistently met or exceeded escapement goals (**Appendix 2**). This proposal would open waters to Federal subsistence fishing that contain runs of Chinook Salmon. The stipulations listed on Federal Permit FFPW01 (**Appendix 1**) do not currently restrict the number of Chinook Salmon, since few systems in PWS other than the Copper River support runs of Chinook Salmon. A stipulation regulating the number of Chinook Salmon harvested, similar to those imposed on upriver Federal harvesters, will need to be added to the permit or regulations if the proposed area is opened to Federal subsistence fishing. Quantification of Chinook Salmon harvest limits will need to be done in consultation with Copper River drainage fisheries managers. It is not anticipated that the harvest from these fisheries would substantially affect the subsistence, personal use, or sport harvests in the Upper Copper River District.

In the event of poor salmon returns to the Copper River drainage or to the CRD, the approval of the proposed salmon fishery will provide additional harvest opportunities for Federally qualified subsistence users. As evidenced by the temporary State closure in the Glennallen Subdistrict in 2018 (June 25 – July 7; ADF&G 2018b), subsistence harvests could be closed or limited in the marine waters of the Copper River Flats. However, if this proposal is approved, salmon harvest opportunities for Federally qualified subsistence users in the lower Copper River could still be maintained independently of the State subsistence fishery. This effectively allows for more responsive in-season salmon harvest management for rural (Federal) households independent of State subsistence.

The Superintendent of Wrangell-St. Elias National Park and Preserve is the Board delegated manager for subsistence fisheries within Federal waters of the Copper River drainage, while the Board delegated authority in all other non-Copper River waters within the PWS Area to the Cordova District Ranger of Chugach National Forest (Forest Service). In order for the Park Service to manage a Lower Copper River District subsistence fishery, if approved, the fishery will need to be administered under a second, non-stackable Federal permit, separate from Federal Permit FFPW01, which is issued by the Forest Service. Both Federal permits would be available from the Forest Service office in Cordova.

This proposal would open waters to Federal subsistence fishing around the ADF&G Miles Lake sonar counting station. The sonar site is located near the outlet of Miles Lake, approximately 53 km upstream of the river mouth and immediately downstream of the Million Dollar Bridge of the Copper River Highway (**Figure 1**). The ADF&G salmon sonar counts are operated from early May through the end of July. Federal subsistence salmon harvest in the proposed area, which would be below both the Miles Lake salmon sonar counting station and the Native of Village of Eyak mark-recapture Chinook Salmon fish wheels, would not interfere with upriver passage counts for salmon. The sonar counting stations depend on fish swimming close to shore without interference. Subsistence or sport fishing in the areas near the sonar site could interfere with acquiring dependable counts of fish passing upstream. However, this effect is easily mitigated; the State regularly imposes regulations closing the area around enumeration sites (e.g. weirs) from fishing within 100 yards of enumeration structures.

Apart from the Chugach National Forest's Childs Glacier Recreation Area, both shorelines between the 37-Mile bridge and the Million Dollar Bridge are non-Federal lands (**Appendix 4**). Federally qualified subsistence users would require permission to cross those properties to access the river.

OSM PRELIMINARY CONCLUSION

Support Proposal FP19-14 **with modification** to specify season dates, methods and means, and limits for the harvest of Chinook Salmon within the proposed area, as well as to define the proposed area as the Lower Copper River District.

The modified regulation should read:

§ .27(e)(11) Prince William Sound Area. *The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.

(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.

(B) You may accumulate harvest limits of salmon authorized for the Copper River drainage upstream from Haley Creek with harvest limits for salmon authorized under State of Alaska sport fishing regulations.

* * * *

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, ~~or~~ in the vicinity of the Native Village of Batzulnetas, **or the Lower Copper River District, which consists of the mainstem Copper River downstream from the Million Dollar Bridge to a boundary extending 0.5 mile downriver of road crossings of the mainstem Copper River, east of 27 Mile on the Copper River Highway.***

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. **In the Lower Copper River District, you may take salmon only by rod and reel or dip net.***

(vii) *Freshwater fish other than rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District or Lower Copper River District may be retained.*

Rainbow/steelhead trout caught incidentally to salmon by dip net in the Upper Copper River District or Lower Copper River District must be released unharmed to the water.

(viii) *You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit, or rainbow/steelhead trout caught incidentally to salmon by fish wheel, unless the anal fin has been immediately removed from the fish. **You may not possess salmon taken under the authority of a Lower Copper River District subsistence fishing permit unless the caudal fin tips have been immediately removed from the fish.** You must immediately record all retained fish on the subsistence permit. Immediately means prior to concealing the fish from plain view or transporting the fish more than 50 feet from where the fish was removed from the water.*

(ix) *You may take salmon in the Upper and Lower Copper River Districts from May 15 through September 30 only.*

(x) *The total annual harvest limit for subsistence salmon fishing permits for the Lower Copper River District is as follows: For salmon other than Pink Salmon: 15 salmon for household of 1; 30 for household of 2; 10 salmon for each additional person. Limit for Chinook Salmon harvest in the Lower Copper River District is 5 taken by dip net and 5 taken by rod and reel, to include any combined take from the Upper Copper River District. The total annual harvest limit for subsistence salmon fishing permits in combination for the Glennallen Subdistrict and the Chitina Subdistrict is as follows:*

(A) *For a household with 1 person, 30 salmon, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel;*

(B) *For a household with 2 persons, 60 salmon, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel, plus 10 salmon for each additional person in a household over 2 persons, except that the household's limit for Chinook salmon taken by dip net or rod and reel does not increase;*

(C) *Upon request, permits for additional salmon will be issued for no more than a total of 200 salmon for a permit issued to a household with 1 person, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel, or no more than a total of 500 salmon for a permit issued to a household with 2 or more persons, of which no more than 5 may be Chinook salmon taken by dip net and no more than 5 Chinook taken by rod and reel.*

(xi) *The following apply to Upper **and Lower** Copper River Districts subsistence salmon fishing permits:*

(A) *Only one subsistence fishing permit per **district or** subdistrict will be issued to each household per year. If a household has been issued permits for ~~both~~ **more than one district or** subdistricts in the same year, ~~both~~ **each of those** permits must be in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in ~~either~~ **any district or** subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year;*

(B) *Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;*

(C) *You must return your permit no later than October 31 of the year in which the permit is issued, or you may be denied a permit for the following year;*

(D) *A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by paragraph (e)(11) of this section and during fishing operations;*

(E) *Only the permit holder and the authorized member(s) of the household listed on the subsistence permit may take salmon;*

(F) *You must personally operate your fish wheel or dip net;*

(G) *You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.*

(H) The total annual harvest limit for subsistence fishing permits within the Prince William Sound Area are not additive; permits may not be stacked.

* * * *

Justification

Harvest and escapement information indicate that sufficient salmon are present to allow a Federal subsistence fishery in the lower Copper River without creating a biological concern. The proposal does not increase total allowable salmon harvests, but improves access for Federally qualified users in the lower Copper River. The historic use of dip nets and the harvests of salmon in the proposed area are well-documented. Dip net and rod and reel both provide capture methods that allow for non-target species, such as Rainbow and Steelhead trout, to be immediately released in good condition. Thus, the gear types both promote conservation and provide for continued subsistence opportunity.

LITERATURE CITED

- ADCCED (Alaska Department of Commerce, Community, and Economic Development). 2018. Community Database Online: Cordova. Retrieved June 5, 2018.
<https://www.commerce.alaska.gov/dcra/DCRAExternal/community/Details/19933dbf-2637-4b88-ba6a-9021796c9354>
- ADF&G (Alaska Department of Fish and Game). 2017. 2017-2018 Subsistence and Personal Use Statewide Fisheries Regulations. Division of Subsistence, Anchorage, AK.
- ADF&G. 2018a. Southcentral Alaska 2018 Sport Fishing Regulations Summary. Division of Sport Fish, Anchorage, AK.
- ADF&G. 2018b. Emergency Orders and News Releases, Upper Copper Upper Susitna. Retrieved August 1, 2018.
<http://www.adfg.alaska.gov/sf/EONR/index.cfm?ADFg=area.list&Year=2018&AreaID=33>
- ADF&G. 2018c. Commercial Fishery Announcements. Retrieved August 2, 2018.
<http://www.adfg.alaska.gov/index.cfm?adfg=cfnews.main>
- Ashe, D., D. Gray, B. Lewis, S. Moffitt, and R. Merizon. 2005. Prince William Sound Management Area 2004 Annual Finfish Report. ADF&G Fishery Management Report No. 05-65. Anchorage, AK.
- Birket-Smith, K. and F. De Laguna. 1938. The Eyak Indians of the Copper River Delta, Alaska. AMS Press Inc. New York, NY.
- Botz, J. 2018. Fisheries Biologist. Personal communication: in-person. ADF&G. Cordova, AK
- Botz, J. and M. Somerville. 2017. Management of salmon stocks in the Copper River, report to the Alaska Board of Fisheries: December 1-5, 2017, Valdez, AK. ADF&G, Special Publication 17-13, Anchorage, AK.
- Botz, J., C. Russell, and S. Vega. 2018. Prince William Sound Salmon Fishery News Release #9. ADF&G, Division of Commercial Fisheries, Cordova, AK.
- Brenner, R.E., A.R. Munro, and J.C. Shriver. 2018. Run forecast and harvest projections for 2018 Alaska salmon fisheries and review of the 2017 season. ADF&G, Special Publication No. 18-09, Divisions of Sport Fish and Commercial Fisheries, Anchorage, AK.
- Bue, B. G., J. J. Hasbrouck, and M. J. Evenson. 2002. Escapement goal review of Copper River and Bering Rivers, and Prince William Sound Pacific salmon stocks. ADF&G, Regional Information Report 2A02-35, Anchorage, AK.
- Burcham, M. 2018. Wildlife Biologist. Personal communication: email and in-person. USDA Chugach National Forest. Cordova, AK.
- Fall, J.A., A. Godduhn, G. Halas, L. Hutchinson-Scarborough, B. Jones, E. Mikow, L.A. Sill, A. Trainor, A. Wiita, and T. Lemons. 2018. Alaska Subsistence and Personal Use Salmon Fisheries 2015 Annual Report. ADF&G, Technical Paper No. 440, Anchorage, AK.

Fall, J.A. and G. Zimpelman. 2016. Update on the Status of Subsistence Uses in Exxon Valdez Oil Spill Area Communities, 2014. ADF&G, Division of Subsistence, Technical Paper No. 412, Anchorage, AK.

FSB (Federal Subsistence Board). 2006. Transcripts of the Federal Subsistence Board proceedings. January 10 - 13, 2006. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2007. Transcripts of the Federal Subsistence Board proceedings. January 9 - 11, 2007. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2018. Special Action No. 11-RS-01-18: Federal subsistence fishing delayed in the Chitina Subdistrict of the Upper Copper District. Wrangell-St. Elias National Park and Preserve, Copper Center, AK.

FSMP (Federal Subsistence Management Program). 2017. Management regulations for the harvest of fish and shellfish on Federal public lands and waters in Alaska. Office of Subsistence Management, USFWS. Anchorage, AK.

Haught, S.B., R.E. Brenner, J.W. Erickson, J.W. Savereide, and T.R. McKinley. 2017. Escapement goal review of Copper and Bering rivers, and Prince William Sound Pacific salmon stocks, 2017. ADF&G, Fishery Manuscript No. 17-10, Anchorage, AK.

Haught, S. and S. Vega. 2018. 2018 Prince William Sound and Copper River Forecast. ADF&G, Division of Commercial Fisheries January 18, 2018 News Release, Cordova, AK.

Miller M. and B. Stratton. 2001. Area management report for the recreational fisheries of the Prince William Sound management area, 2000. ADF&G, Fishery Management Report No. 01-8, Anchorage, AK.

OSM (Office of Subsistence Management). 2006. Staff analysis of fisheries proposal FP06-18. Pages 282-292 *in* Federal Subsistence Board Meeting Materials. January 10-12, 2006. Office of Subsistence Management, USFWS. Anchorage, AK. 555 pp.

OSM. 2007. Staff analysis of fisheries proposal FP07-14. Pages 335-350 *in* Federal Subsistence Board Fisheries Meeting Materials. January 9-11, 2007. Office of Subsistence Management, USFWS. Anchorage, AK. 375 pp.

Pearson, D. 2018. Fisheries Bio-technician. Personal communication: email. USDA Chugach National Forest. Moose Pass, AK

Peterson, W.T., J. L. Fisher, C.A. Morgan, B.J. Burke, S.M. Zeman, and K.C. Jacobson. 2017. Ocean ecosystem indicators of salmon marine survival in the northern California Current. Northwest Fisheries Science Center, National Marine Fisheries Service, Newport, OR.

Russell, C.W., J. Botz, S. Haught, and S. Moffitt. 2017. 2016 Prince William Sound Management Area Finfish Report. ADF&G, Fishery Management Report No. 17-37, Anchorage, AK.

Sarafin, D. 2018. Biologist. Personal communication: email. Wrangell-St. Elias National Park and Preserve. Copper Center, AK.

Sherman, C.R. 2012. Cordova, Images of America. Arcadia Publishing: Charleston, SC.

Somerville, M. 2018a. Copper River personal use dip net salmon fishing closed until further notice. ADF&G, News Release, Division of Sport Fish, Glennallen, AK.

Somerville, M. 2018b. Sport Fishing Emergency Order No. 3-RS-I-01-18. ADF&G, Division of Sport Fish, Glennallen, AK.

Somerville, M. 2018. Fisheries Biologist. Personal communication: email. ADF&G. Glennallen, AK.

Thalhauser, M. 2014. Recreational fisheries in the Prince William Sound management area, 2011-2013. ADF&G Fishery Management Report No. 14-44, Anchorage, AK.

USFWS (U.S. Fish and Wildlife Service). 2018. Online database. Office of Subsistence Management, Anchorage, AK.

Vega, S. 2018. Fisheries Biologist. Personal communication: email. ADF&G. Cordova, AK.

Appendix 1. Image of the current Federal Subsistence Fish Permit, FFPW01 – 2018.

OMB Control No. 1018-0075 Expires 06/30/2019

Federal Subsistence Fish Application		Permit No.
Cordova Fish - General - FFPW01 - 2018		F5 CRV01 ¹⁸
Federal Land Unit: Chugach NF	Federal Fish Management Area: Copper River / Prince William Sound Area COPPER RIVER DRAINAGE	
Applicant's Name (First, Middle Initial, Last):	Date of Birth (mm/dd/yy):	Telephone Number:
		Email:
Mailing Address:	Physical Address:	Community of Primary Residence:
		Total Number in Household: _____
Applicant's Signature X I certify that I am a rural resident as defined by 50 CFR 100.4 and 36 CFR 242.4. I have read and understand the conditions on the permit and agree to comply with them and applicable regulations as found in 50 CFR 100 and 36 CFR 242.		Issuing Agent (Print):
		Date Permit Issued (mm/dd/yy):

Federal Subsistence Permit and Harvest Report		Permit Number:	Report Due: 15-JAN-2019						
Cordova Fish - General - FFPW01 - 2018 Chugach NF - Copper River / Prince William Sound Area COPPER RIVER DRAINAGE		Season: 01/01/18 thru 12/31/18 Limit: Cutthroat trout, individual: 5--only 2 over 20 inches; household: 30. Incidental gillnet harvest of trout: 10. Salmon other than Pinks: 15/household of 1, 30/household of 2; 10/each additional person.	Permittee's Name:						
Did you fish? Yes ___ No ___ Did you use a designated fisher? Yes ___ No ___									
Print household members authorized to fish with this Permit (must be Federally qualified subsistence users)									
Name (s) _____ _____									
<u>Gear Legend</u>		<u>Species Legend</u>							
Rod and Reel = RR / Dip Net = DN / Gaff = GF Spear = SP		CT = Cutthroat Trout / CH = Chum (Dog) / CO = Coho (Silver) / G = Grayling DV = Dolly Varden / AC = Arctic Char / W = Whitefishes / S = Sockeye (Red) K = Chinook (King) / RT = Rainbow Trout							
Month/Day	Specific Location	Gear Code	Species Code	Number Harvested	Month/Day	Specific Location	Gear Code	Species Code	Number Harvested

Appendix 1, continued.

Conditions of the Permit:

Federal subsistence permit is valid in freshwater only; required for harvest of Salmon, char, trout, whitefish, & Grayling. No permit required for Eulachon. Salmon harvest not allowed in Eyak Lake & its tributaries or from Copper River & its tributaries. Subsistence fishing in Eyak River allowed only downstream of Copper River Highway Bridge.

Required: remove both tips from tails of all subsistence-caught Salmon before leaving fishing site. Gear allowed for Salmon: rod & reel, dip net, spear, & gaff. Gear allowed for Cutthroat trout, char, whitefish, & Grayling: rod & reel, & spear. No snagging with rod & reel allowed.

No cutthroat trout harvest 15 April through 14 June. Gill net harvest of these fish allowed 1 January through 1 April.

Annual limits: Cutthroat trout, individual limit: 5--only 2 over 20 inches. Cutthroat trout, household limit: 30. Incidental gill net harvest of trout: 10. Salmon other than pink salmon: 15/household of 1, 30/household of 2; 10/each additional person.

You may not add Federal permit harvest limit with state subsistence harvest.

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information. This information collection is authorized by the Alaska National Interest Lands Conservation Act and associated regulations. The Federal Subsistence Board will use this information to manage fish and wildlife resources for subsistence uses. It is our policy not to use your name for any other purpose. We will maintain this information in accordance with the Privacy Act. Your response is voluntary, but is required to obtain or retain a benefit. We may not conduct or sponsor and you are not required to respond to an information collection unless it displays a currently valid OMB control number. OMB has approved this information collection and assigned OMB Control No. 1018-0075. We estimate it will take you about 15 minutes to complete the application and record your harvest. This burden estimate includes time for reviewing instructions, gathering data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Information Collection Clearance Officer, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 E. Tudor R. M/S 121
Anchorage, AK 99503-6199



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

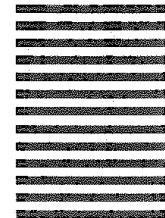
BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 12874 ANCHORAGE, AK

POSTAGE WILL BE PAID US FISH AND WILDLIFE SERVICE



US FISH AND WILDLIFE SERVICE c/o
USFS Cordova Ranger District
PO Box 280
Cordova, AK 99574-9986



Conditions of the Permit:

Federal subsistence permit is valid in freshwater only; required for harvest of Salmon, char, trout, whitefish, & Grayling. No permit required for Eulachon. Salmon harvest not allowed in Eyak Lake & its tributaries or from Copper River & its tributaries. Subsistence fishing in Eyak River allowed only downstream of Copper River Highway Bridge.

Required: remove both tips from tails of all subsistence-caught Salmon before leaving fishing site. Gear allowed for Salmon: rod & reel, dip net, spear, & gaff. Gear allowed for Cutthroat trout, char, whitefish, & Grayling: rod & reel, & spear. No snagging with rod & reel allowed.

No cutthroat trout harvest 15 April through 14 June. Gill net harvest of these fish allowed 1 January through 1 April.

Annual limits: Cutthroat trout, individual limit: 5--only 2 over 20 inches. Cutthroat trout, household limit: 30. Incidental gill net harvest of trout: 10. Salmon other than pink salmon: 15/household of 1, 30/household of 2; 10/each additional person.

You may not add Federal permit harvest limit with state subsistence harvest.

In accordance with the Privacy Act (5 U.S.C. 552a) and the Paperwork Reduction Act (44 U.S.C. 3501), please note the following information. This information collection is authorized by the Alaska National Interest Lands Conservation Act and associated regulations. The Federal Subsistence Board will use this information to manage fish and wildlife resources for subsistence uses. It is our policy not to use your name for any other purpose. We will maintain this information in accordance with the Privacy Act. Your response is voluntary, but is required to obtain or retain a benefit. We may not conduct or sponsor and you are not required to respond to an information collection unless it displays a currently valid OMB control number. OMB has approved this information collection and assigned OMB Control No. 1018-0075. We estimate it will take you about 15 minutes to complete the application and record your harvest. This burden estimate includes time for reviewing instructions, gathering data, and completing and reviewing the form. You may direct comments regarding the burden estimate or any other aspect of the form to the Information Collection Clearance Officer, Division of Policy, Performance, and Management Programs, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

Place Tape Here

Place Tape Here

Appendix 2. Total estimated sockeye salmon runs to the Copper River by end user or destination and the 10-year average, 2006–2016 (Table copied from Russell et al. 2017).

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	10-year Average
Commercial harvest ^a	1,496,754	1,901,773	320,815	896,621	636,214	2,052,432	1,866,541	1,608,117	2,050,007	1,750,762	1,458,004	1,175,100
Commercial, homepack ^a	1,539	2,023	2,172	6,528	7,064	9,070	7,985	9,448	12,072	10,590	6,849	9,598
Commercial, donated ^a	114	180	80	47	0	0	0	0	0	0	42	0
Educational drift gill net permit ^a	16	62	29	8	61	23	200	152	186	91	83	203
[State] Subsistence (Cordova, drift gill net) ^b	4,355	6,148	3,969	1,764	1,980	1,783	4,270	5,639	1,675	1,403	3,299	1,075
Federal subsistence (PWS/Chugach Nat'l Forest, dip net, spear, rod and reel) ^b	150	36	32	46	36	35	64	102	76	152	73	110
Subsistence (Batzulnetas, dip net, fish wheel or spear) ^b	0	1	1	0	106	9	101	867	116	0	120	0
[State] Subsistence (Glennallen Subdistrict, dip net, fish wheel or spear) ^c	57,710	65,714	43,157	46,849	70,719	59,622	76,305	73,728	75,501	81,800	65,111	62,474
Federal subsistence (Glennallen subdistrict, dip net, fish wheel or spear) ^d	16,711	15,225	11,347	11,822	14,134	15,753	16,487	17,060	23,034	26,897	16,847	19,365
Personal use reported (Chitina Subdistrict, dip net) ^e	123,261	125,126	81,359	90,035	138,487	128,052	127,143	180,663	157,215	223,080	137,442	148,982
Federal subsistence (Chitina Subdistrict, dip net) ^e	1,379	929	789	817	2,324	1,933	915	2,252	1,664	2,310	1,531	1,321
Upriver sport harvest ^e	14,297	23,028	11,431	13,415	14,743	7,727	23,404	26,711	18,005	9,489	16,225	18,068
Delta sport harvest ^e	113	1,704	1,225	959	1,342	838	764	386	87	130	755	201
Upriver spawning escapement ^f	579,550	612,065	480,597	468,724	502,995	607,657	953,245	860,829	864,988	930,095	686,075	503,033
Delta spawning escapement ^f	197,792	176,570	135,900	138,584	167,810	153,014	133,700	151,410	128,410	132,390	151,558	103,100
Hatchery broodstock/excess	97,202	28,648	45,022	43,409	157,980	59,589	65,348	72,369	53,737	40,123	66,343	32,341
Total estimated sockeye salmon run size	2,590,943	2,959,232	1,137,925	1,719,628	1,715,995	3,097,537	3,276,472	3,009,733	3,386,773	3,209,312	2,610,355	2,074,971

^a Numbers are from fish ticket data. Homepack numbers for sockeye salmon are voluntarily reported, but are legally required.

^b Data are reported harvest from returned state and federal subsistence permits.

^c Data are expanded harvest from returned state and federal subsistence permits.

^d Data are reported harvest (2002–2004) and expanded harvest (2005–2014) from returned state and federal subsistence permits.

^e Upriver and Copper River Delta sport harvest data are from statewide sport fish harvest surveys.

^f Beginning in 1999, sockeye salmon spawning escapement was based on the total number of fish past the Miles Lake sonar inriver midpoint abundance estimate, upriver subsistence, personal use, sport, hatchery broodstock, and onsite hatchery surplus. Prior to 1999, upriver spawning escapement was based on the Miles Lake sonar passage (sockeye salmon only) minus upriver subsistence, personal use, sport, hatchery broodstock, and onsite hatchery surplus. The number of sockeye salmon past the Miles Lake sonar was determined by multiplying the total number of fish past the sonar by the percentage of sockeye salmon in the total upriver subsistence and personal use fisheries.

^g Delta spawning escapement estimated by doubling the peak aerial survey index.

Appendix 3. Total estimated Chinook salmon run to the Copper River by end user or destination and the previous 10-year average, 2006–2016 (Table copied from Russell et al. 2017).

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	10-yea r Avg.
Commercial harvest ^a	30,278	39,095	11,437	9,457	9,645	18,500	11,764	8,826	10,207	22,506	17,172	12,348
Commercial, homepack ^a	779	1,019	537	876	906	1,282	853	564	768	1,145	873	727
Commercial, donated ^a	3	0	4	0	0	0	0	0	0	0	1	0
Educational drift gill net permit ^a	11	70	47	50	31	6	6	55	36	50	36	86
[State] Subsistence (Cordova, drift gill net) ^b	779	1,145	470	212	276	212	237	854	153	167	451	73
Subsistence (Batzulhetas, dip net, fish wheel or spear) ^b	0	0	0	0	0	0	0	5	0	0	1	0
[State] Subsistence (Glennallen Subdistrict, dip net, fish wheel or spear) ^c	2,769	3,276	2,381	2,493	2,099	2,319	2,095	2,148	1,365	2,212	2,316	2,075
Federal subsistence (Glennallen Subdistrict, dip net, fish wheel or spear) ^d	430	569	705	494	326	744	415	374	420	402	488	396
Personal use harvests (Chitina Subdistrict, dip net) ^c	2,663	2,694	1,999	214	700	1,067	567	744	719	1,570	1,294	711
Federal subsistence (Chitina Subdistrict, dip net) ^d	13	26	22	8	18	13	5	18	14	15	15	015
Sport harvest ^e	3,425	5,123	3,618	1,355	2,409	1,753	459	570	931	1,343	2,099	948
Upriver spawning escapement ^f	58,454	34,565	32,485	27,781	16,771	27,993	27,911	28,727	20,709	26,764	30,216	11,864
Total est. Chinook salmon run size	99,604	87,582	53,705	42,940	33,181	53,889	44,312	42,885	35,322	56,174	54,959	29,243

^a Numbers are from fish ticket data.

^b Data are reported harvest from returned state and federal subsistence permits.

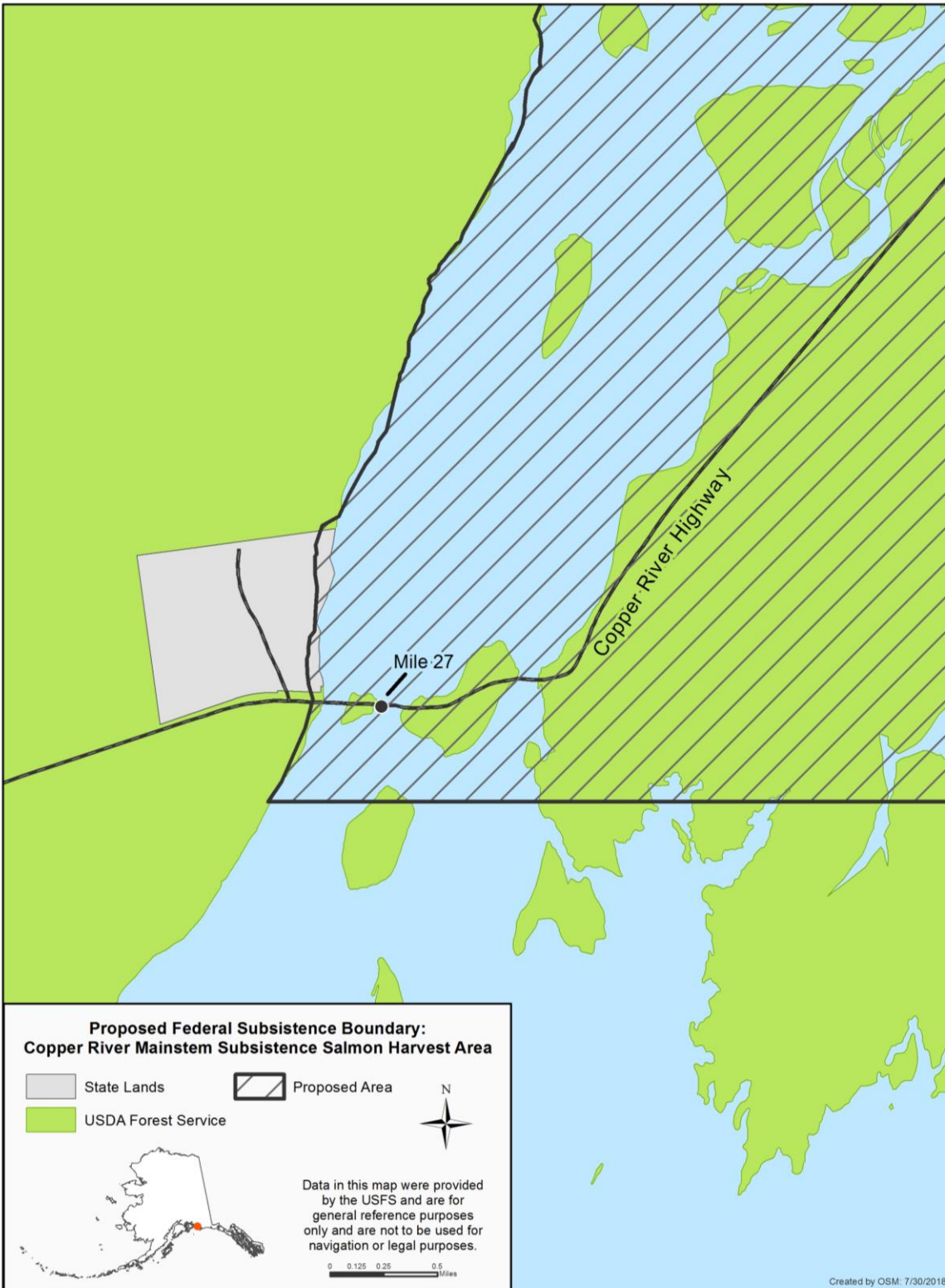
^c Data are expanded harvest from returned state and federal subsistence permits.

^d Data are reported harvest (2002–2004) and expanded harvest (2005–2011) from returned state and federal subsistence permits.

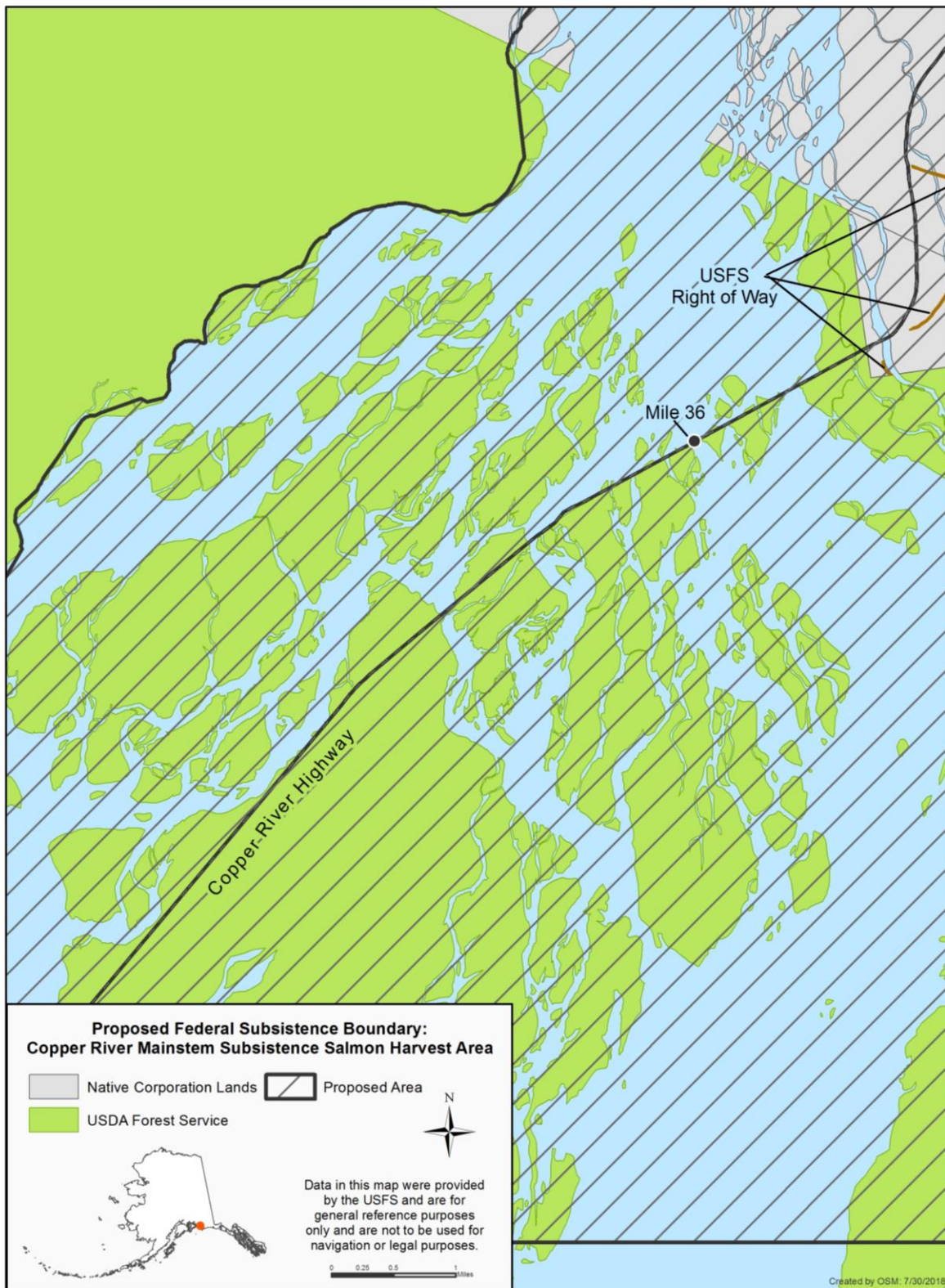
^e Upriver Chinook salmon sport harvest only; there is no Copper River Delta Chinook salmon sport harvest. The sport harvest numbers are generated from the statewide sport fish harvest survey.

^f Upriver Chinook salmon spawning escapement was estimated using the inriver abundance estimate and subtracting subsistence, personal use, and sport Chinook salmon harvests. Beginning in 1999, inriver abundance estimates were calculated using mark–recapture studies; prior to 1999 inriver abundance estimates were calculated using aerial and foot surveys

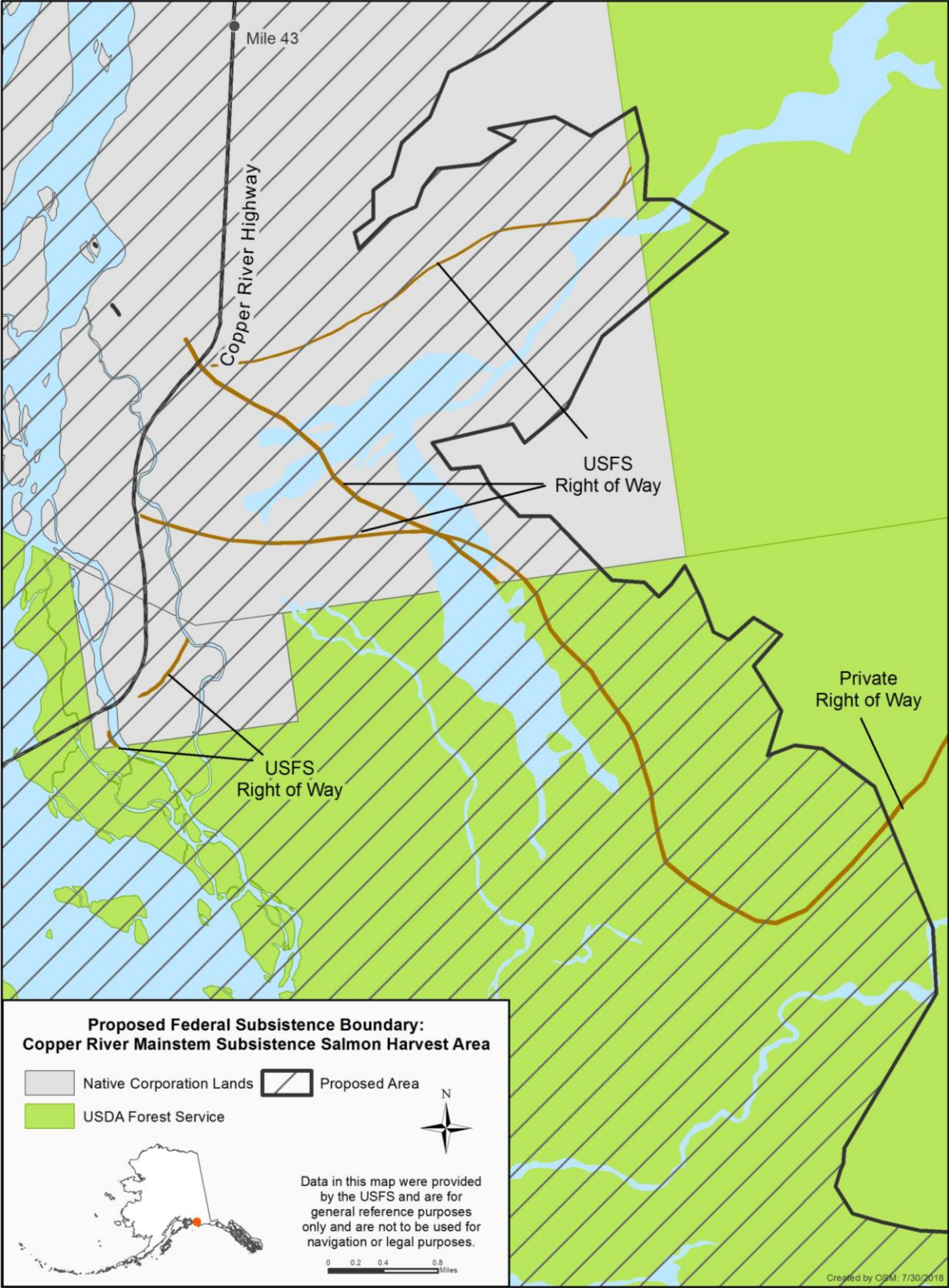
Appendix 4. Maps indicating the Federal and non-federal (State or Native) land and right of way ownerships within the proposed area. Each figure displays at a different scale.



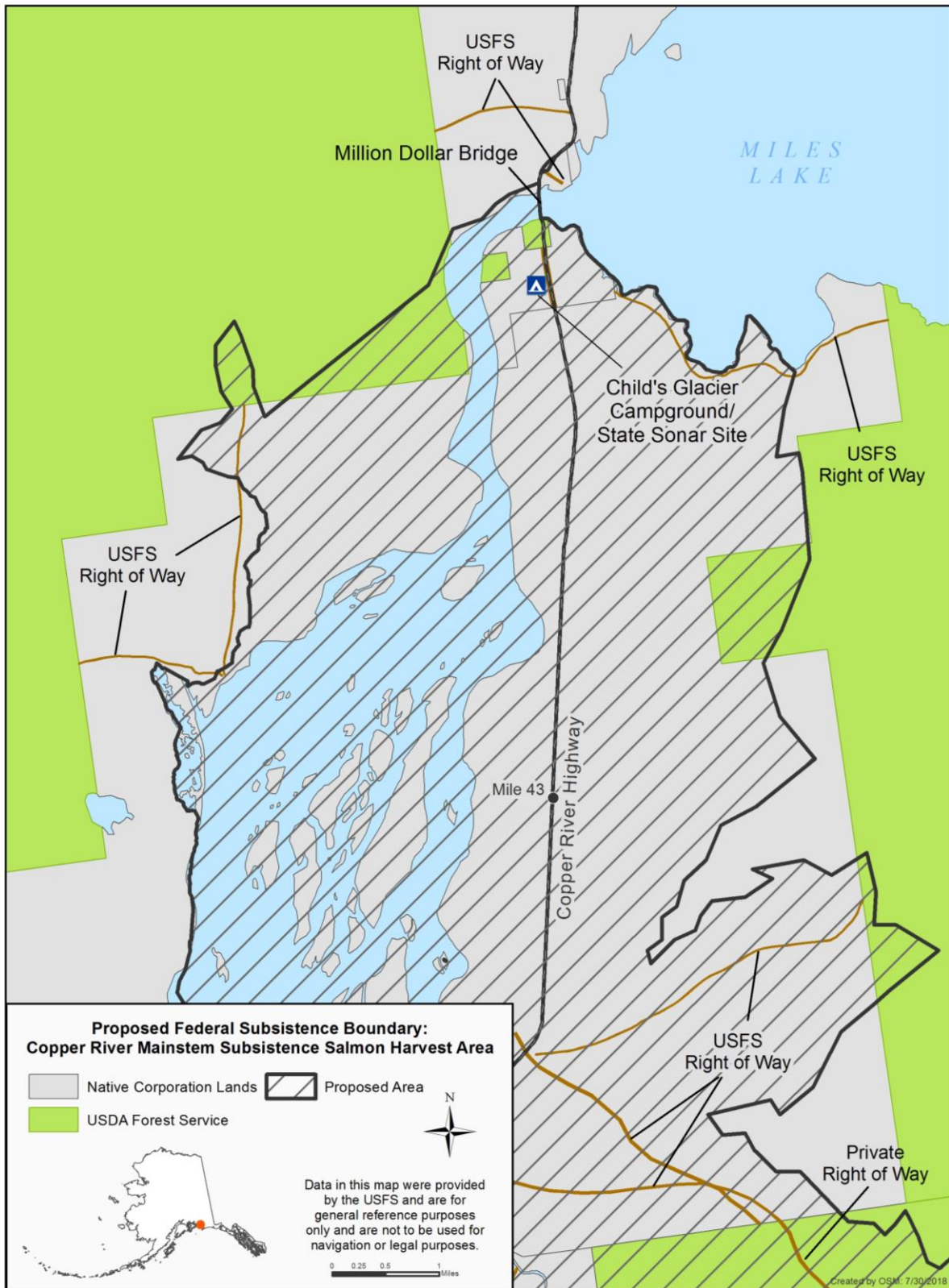
Appendix 4, continued.



Appendix 4, continued.



Appendix 4, continued.



FP19–15 Executive Summary

<p>General Description</p>	<p>Proposal FP19-15 requests the Federal Subsistence Board (Board) revise sections § __.27(e)(11)(xii) and § __.27(e)(11)(xiii) of the CFR that specify the requirements of fish wheel owners and operators in the Upper Copper River for the take of salmon. The requested change is to move the requirement to check the fish wheel every ten hours and remove all fish from the fish wheel owner to the fish wheel operator. <i>Submitted by: Wrangell-St. Elias National Park and Preserve.</i></p>
<p>Proposed Regulation</p>	<p>§ __.27(e)(11) Prince William Sound Area – Salmon <i>(xii) If you are a fish wheel owner:</i></p> <p style="text-align: center;">* * * *</p> <p style="text-align: center;"><i>(D) You must check your fish wheel at least once every 10 hours and remove all fish;</i></p> <p style="text-align: center;">* * * *</p> <p><i>(xiii) If you are operating a fish wheel:</i></p> <p style="text-align: center;">* * * *</p> <p style="text-align: center;"><i>(E) You must check your fish wheel at least once every 10 hours and remove all fish.</i></p>
<p>OSM Preliminary Conclusion</p>	<p>Support</p>
<p>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	<p>1 Support</p>

**DRAFT STAFF ANALYSIS
FP19-15**

ISSUES

Proposal FP19-15, submitted by Wrangell-St. Elias National Park and Preserve, requests the Federal Subsistence Board (Board) revise sections § __.27(e)(11)(xii) and § __.27(e)(11)(xiii) of the CFR that specify the requirements of fish wheel owners and operators in the Upper Copper River for the take of salmon. The requested change is to move the requirement to check the fish wheel every ten hours and remove all fish from the fish wheel owner to the fish wheel operator.

DISCUSSION

The proponent has stated that it is more appropriate for the fish wheel operator to be responsible for checking the fish wheel every ten hours to remove all fish. The fish wheel owner does not need to be a Federally qualified subsistence user or have a Federal subsistence fishing permit to use the fish wheel. They may be qualified to use this gear type under State subsistence regulations.

Existing Federal Regulation

§ __.27(e)(11) Prince William Sound Area

(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one subsistence fishing permit per subdistrict will be issued to each household per year. If a household has been issued permits for both subdistricts in the same year, both permits must in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in either subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year;

(B) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at a time.

** * * **

(D) A fish wheel may be operated only by one permit holder at a time; that permit holder must have the fish wheel marked as required by paragraph (e)(11) of this section and during fishing operations;

(E) Only the permit holder and the authorized member(s) of the household listed on the

subsistence permit may take salmon;

(F) You must personally operate your fish wheel or dip net;

(G) You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xii) If you are a fish wheel owner:

(A) You must register your fish wheel with ADF&G or the Federal Subsistence Board;

(B) Your registration number and a wood, metal, or plastic plate at least 12 inches high by 12 inches wide bearing either your name and address, or your Alaska driver's license number, or your Alaska State identification card number in letters and numerals at least 1 inch high, must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water;

(C) Only the current year's registration number may be affixed to the fish wheel; you must remove any other registration number from the fish wheel;

(D) You must check your fish wheel at least once every 10 hours and remove all fish;

(E) You are responsible for the fish wheel; you must remove the fish wheel from the water at the end of the permit period;

(F) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain.

(xiii) If you are operating a fish wheel:

(A) You may operate only one fish wheel at any one time;

(B) You may not set or operate a fish wheel within 75 feet of another fish wheel;

(C) No fish wheel may have more than two baskets;

(D) If you are a permittee other than the owner, you must attach an additional wood, metal,

or plastic plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least 1 inch high, to the fish wheel so that the name and address are plainly visible.

Proposed Federal Regulation

§___.27(e)(11) Prince William Sound Area

(xii) If you are a fish wheel owner:

** * * **

~~(D) You must check your fish wheel at least once every 10 hours and remove all fish;~~

** * * **

(xiii) If you are operating a fish wheel:

** * * **

(E) You must check your fish wheel at least once every 10 hours and remove all fish.

Existing State Regulation

5 AAC 01.620 Lawful gear and gear specifications for the Prince William Sound Area

(b) Salmon may be taken only by the following types of gear:

(1) in the Glennallen Subdistrict by fish wheels or dip nets.

(c) Fish wheels used for subsistence fishing may be operated only as follows:

(1) the owner of a fish wheel shall register that fish wheel with the department; the department shall issue a registration number for the fish wheel; that registration number, and either the owner's name and address or the owner's permanent identification number from a valid Alaska driver's license or a state identification card, must be permanently affixed and plainly visible on the fish wheel on a wood, metal, or plastic plate that is at least 12 inches high by 12 inches wide, in letters and numerals at least one inch high, when the fish wheel is in the water; only the registration number from the current year may be affixed to the fish wheel; any other registration number must be removed from the fish wheel;

(2) the owner of a fish wheel registered under (1) of this subsection is responsible for the fish wheel when the fish wheel is in the water;

(3) when the permit holder is a person other than the owner of the fish wheel, in addition to the requirements of (1) of this subsection, an additional plate of wood, metal, or plastic, that is at least 12 inches high by 12 inches wide bearing the permit holder's name and address in letters and numerals at least one inch high must be attached to each fish wheel so that the name and address are plainly visible;

(4) a permit holder may operate only one fish wheel at a time and a fish wheel may be operated only by one permit holder at a time; that permit holder must;

(A) have the fish wheel marked as specified in this subsection during fishing operations; and

(B) check the fish wheel at least once every 10 hours and remove all fish caught by the fish wheel;

(5) a person may not set or operate a fish wheel within 75 feet of another fish wheel;

(6) a fish wheel

(A) may not have more than two baskets;

(B) must be removed from the water at the end of the permit period; and

(C) may not be rented, leased, or otherwise used for personal gain

Extent of Federal Public Lands

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 those waters within and adjacent to the exterior boundaries of Wrangell-St. Elias National Park and Preserve (**Figure 1**).

Customary and Traditional Use Determinations

Rural residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road have a customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District.

Rural residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Dry Creek, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the

Alaska Highway from the Alaskan/Canadian border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road have a customary and traditional use determination for salmon in the Glennallen Subdistrict of the Upper Copper River District.

Rural residents of Mentasta Lake and Dot Lake have a customary and traditional use determination for salmon in the waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek (Batzulnetas Area).

Regulatory History

The Board adopted the current regulatory framework for the Prince William Sound Management Area from existing State subsistence regulations in 1999. Since that time, a handful of regulatory changes have been made related to fish wheel use in the Upper Copper River through Board action. However, specific to the checking of the fish wheel, there is a single proposal submitted in 2006. Proposal FP06-21, submitted by the Ahtna Tene Nene' Subsistence Committee requested an addition to the Federal subsistence management regulations that required fish wheels to be checked at least once during each 24 hour period to remove all fish (OSM 2006). At that time, there had been no hourly requirement to check fish wheels. The Eastern Interior Alaska Subsistence Regional Advisory Council opposed the proposal, but the Southcentral Alaska Subsistence Regional Advisory Council supported it with modification to require checking every 48 hours for removal of all fish. At the January 2006 Board meeting, the Ahtna Subsistence Committee submitted additional comments requesting that the proposal be modified to require checking every 8 hours instead of 24 hours (FSB 2006). The Board was also notified that the Alaska Board of Fisheries took action on similar request in December of 2005 to requiring fish wheels to be checked every 10 hours in the State subsistence fishery. The Board took action to adopt FP06-21 with modification to require that fish wheels be checked every 10 hours and all fish removed consistent with concerns raised by the Ahtna Subsistence Committee and consistent with the recent Board of Fish action. The proposal did not specify whether this regulation would pertain directly to fish wheel owners or fish wheel operators, and Board discussion did not cover that topic either.

Biological Background and Harvest History

This proposal requests changing responsibility for checking fish wheels, and should not affect harvest practices or totals. As such, a minimal background for biology and harvest history is provided.

The Copper River supports multiple runs of salmon, but Sockeye Salmon *Oncorhynchus nerka*, Chinook Salmon *O. tshawytscha*, and Coho Salmon *O. kisutch* are the three species primarily targeted in the fisheries of the Upper Copper River. Sockeye Salmon is the most abundant species, and is the main fish targeted by all user groups in both the Chitina and Glennallen Subdistricts (**Table 1, Table 2, Table 3, Table 4**). While there have been no biological concerns for this species, and returns have been within or exceeded the current escapement goal of 360,000 to 750,000 as measured by the Miles Lake sonar during the past five years (ADF&G 2018), returns in 2018 have been substantially lower. This has prompted closures to the State commercial fishery at the mouth of the river, closures to the State personal use fishery in the Chitina

Subdistrict, and closures to non-Federally qualified users in the Chitina Subdistrict by the Federal in-season manager.

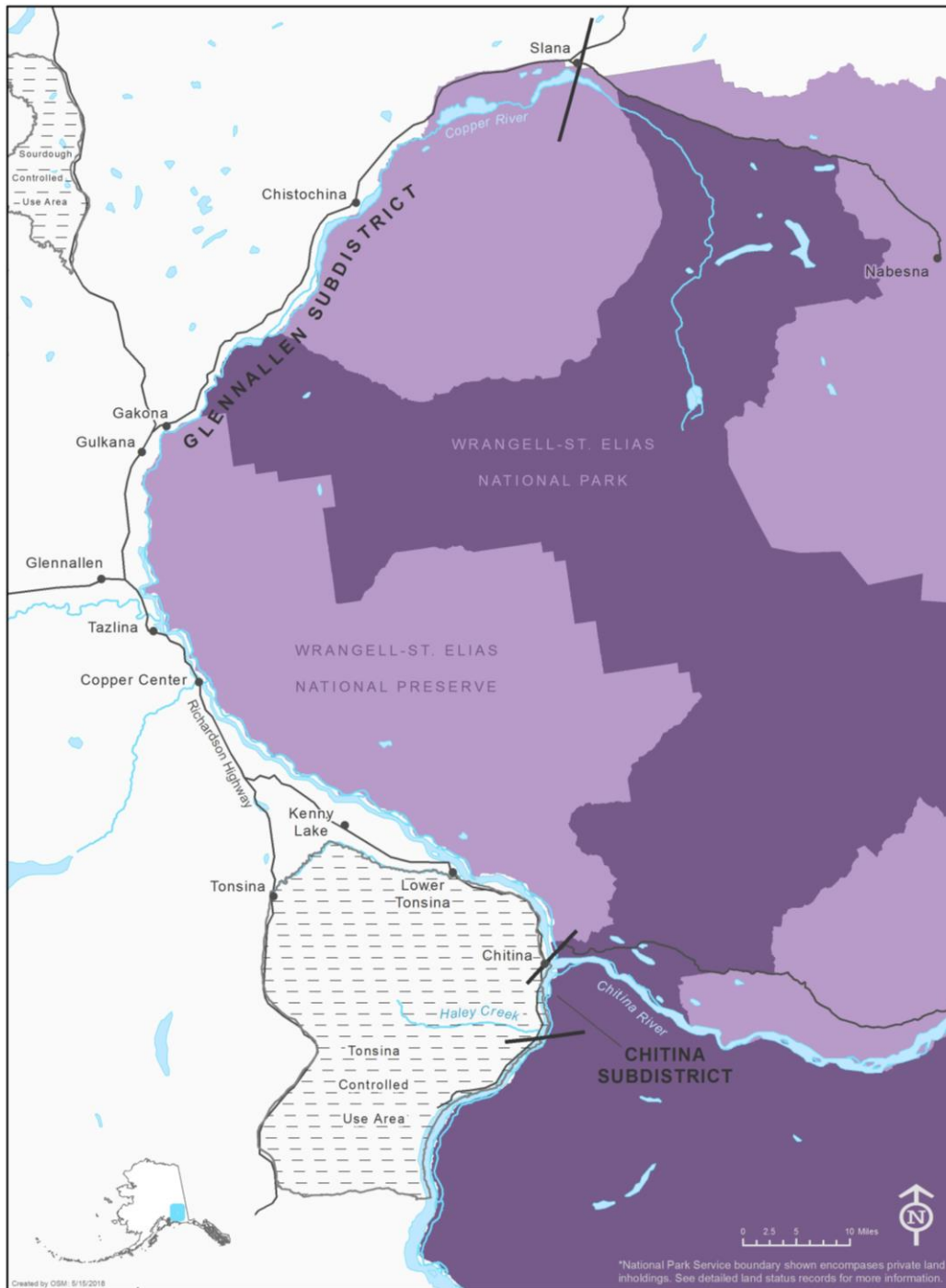


Figure 1. Upper Copper River drainage, showing exterior boundary of Wrangell-St. Elias National Park and Preserve as well as the Chitina and Glennallen Subdistricts of the Upper Copper River District.

Chinook Salmon in-river abundance averaged around 40,000 fish between 2003 and 2011 (**Figure 2**). However, returns over the past five years (2012-2016) have been notably smaller, averaging around 27,000,

and conservation measures have been put into place for the various fisheries that target these species during some years.

Harvests of Chinook Salmon have been the largest in the State personal use and subsistence fisheries, but have declined across all four fisheries in the past five years (**Table 1, Table 2, Table 3, Table 4**). This matches with declines in returns over that same period (**Figure 2**).

Coho Salmon return to the Copper River following the Sockeye and Chinook Salmon runs. Other than counts from the Long Lake weir, there are no abundance estimates for Coho Salmon in the drainage.

Although harvests of Coho Salmon are on a similar scale to those for Chinook Salmon in the Chitina Subdistrict Federal subsistence and State personal use fisheries, they are substantially smaller for the two Glennallen Subdistrict fisheries.

Table 1. Estimated harvest of Sockeye, Chinook, and Coho Salmon by Federally qualified subsistence users in the Chitina Subdistrict, 2002-2017 (Sarafin 2018, pers. comm.).

Chitina Subdistrict Federal Subsistence Fishery					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salmon Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	122	73.0	788	45	0
2003	100	82.0	874	22	85
2004	109	76.0	1,599	9	24
2005	76	84.0	1,506	26	0
2006	75	85.0	1,622	15	24
2007	98	89.0	1,044	29	45
2008	82	85.0	928	26	87
2009	68	91.0	898	9	12
2010	92	86.0	2,397	20	38
2011	85	85.9	2,137	15	9
2012	90	94.4	1,419	6	8
2013	99	90.9	2,199	19	9
2014	113	94.7	1,628	15	72
2015	111	92.8	2,404	14	15
2016	128	80.5	1,925	20	41
2017	132	79.5	1,828	15	9
5-yr avg.	-	88	1,997	17	29
10-yr avg.	-	88	1,776	16	30
Mean	-	86	1,575	19	30

Table 2. Estimated harvest of Sockeye, Chinook, and Coho Salmon in the Chitina Subdistrict State personal use fishery, 2002-2017 (Somerville 2018, pers. comm.).

Chitina Subdistrict State Personal Use Fishery					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salm-on Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	6,804	65.8	85,968	2,023	1,934
2003	6,441	66.1	80,796	1,903	2,533
2004	8,156	60.8	107,312	2,495	2,860
2005	8,230	64.8	120,013	2,043	1,869
2006	8,497	62.3	123,261	2,663	2,715
2007	8,377	66.2	125,126	2,694	1,742
2008	8,041	59.7	81,359	1,999	2,711
2009	7,958	60.7	90,035	214	1,712
2010	9,970	60.9	138,487	700	2,013
2011	9,217	62.0	128,052	1,067	1,702
2012	10,016	57.7	127,143	567	1,385
2013	10,592	63.9	180,663	744	797
2014	11,717	60.7	157,215	719	1,129
2015	12,635	62.0	223,080	1,570	841
2016	11,394	54.6	148,982	711	1,182
2017	9,490	64.9	132,694	1,961	715
5-yr avg.	-	61	168,527	1,141	933
10-yr avg.	-	61	140,771	1,025	1,419
Mean	-	62	128,137	1,505	1,740

Cultural Knowledge and Traditional Practice

For the Ahtna Athabascans, salmon has been a staple resource and a symbol of wealth. Sockeye have been especially important to the Ahtna’s cultural and economic survival for at least 1,000 years and remains a vital resource to the subsistence lifeways of those living in the Copper River Basin today (Reckord 1983, Brady et al. 2013). Other salmon species that are important to those living in the region include Chinook and Coho Salmon. Late season Coho Salmon became a more important resource with the introduction of the fish wheel into the Cooper River Basin in the early 1900s (De Laguna and McClellan 1981).

Many of the Ahtna elders who grew up in the 1920-1930s remember the fish wheels being very productive during this period. Elder Robert Marshall noted that “his family’s fish wheel caught 200 or 300 fish a night” (Simeone et al. 2007, p.14). In a 2010 report, the United States Fish and Wildlife Service reported a significant increase in fish wheel use for the region since the 1980s. The report also notes that the region has had an increase in users over time, which has resulted in added pressures on the salmon fisheries (Brady et al. 2013).

Table 3. Estimated harvest of Sockeye, Chinook, and Coho Salmon by Federally qualified subsistence users in the Glennallen Subdistrict, 2002-2017 (Sarafin 2018, pers. comm.).

Glennallen Subdistrict Federal Subsistence Fishery					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salmon Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	201	81.0	9,807	696	100
2003	221	83.0	16,405	667	183
2004	262	79.0	22,410	805	192
2005	267	86.0	23,224	401	147
2006	254	87.0	19,208	494	32
2007	281	84.0	18,125	677	40
2008	270	81.0	14,009	870	183
2009	274	85.0	13,925	581	40
2010	269	88.0	14,601	341	73
2011	277	87.7	16,066	799	60
2012	275	92.0	15,718	403	85
2013	273	89.0	17,789	372	27
2014	315	90.5	23,889	439	25
2015	325	92.3	26,753	416	14
2016	320	82.8	19,181	446	11
2017	338	84.3	18,550	473	1
5-yr avg.	-	88	21,232	429	16
10-yr avg.	-	87	18,048	514	52
Mean	-	86	18,104	555	76

Multiple reports recognize the Copper River Basin as a focal point of intense salmon harvest for multiple users under State and Federal regulations. Many of these activities are occurring side by side and simultaneously. This includes people utilizing fish wheels under State and Federal regulations side by side (Simeone et al. 2007, Brady et al. 2013).

In recent comprehensive subsistence surveys conducted by the Alaska Department of Fish and Game (ADF&G), it was noted that salmon composed a majority of the annual harvest in most communities along the Copper River. The per capita salmon harvest from communities in the Upper Copper River ranged from about 192 lbs. per person in Chitina to approximately 46 lbs. per person in McCarthy (Holen et al. 2014, La Vine and Zimpelman 2014). Fish wheels are a major gear type utilized in the majority of the communities with the exception of Paxson. The community of Paxson did not utilize fish wheels during the study year of 2013 (Holen et al. 2015). Salmon harvest via fish wheel ranged from a high of 93% in Chistochina to a low of 15% in Mentasta Lake (Kukkonen and Zimpelman 2012, La Vine et al. 2013).

Table 4. Estimated harvest of Sockeye, Chinook, and Coho Salmon in the Glennallen Subdistrict State personal use fishery, 2002-2017 (Somerville 2018, pers. comm.).

Glennallen Subdistrict State Subsistence Fisheries					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salm-on Harvest	Estimated Chinook Salmon Har-vest	Estimated Coho Salmon Harvest
2002	1,121	73.1	50,850	3,653	530
2003	1,012	77.1	47,007	2,538	467
2004	956	76.6	55,510	3,346	577
2005	961	76.0	64,213	2,229	154
2006	984	76.6	57,710	2,769	212
2007	1,174	75.0	65,714	3,276	238
2008	1,186	72.3	43,157	2,381	493
2009	1,090	71.6	46,849	2,493	228
2010	1,321	72.1	70,719	2,099	293
2011	1,306	73.9	59,622	2,319	372
2012	1,527	68.6	76,305	2,095	335
2013	1,339	72.7	73,728	2,148	143
2014	1,656	66.4	75,501	1,365	233
2015	1,631	70.1	81,800	2,212	77
2016	1,769	64.3	62,474	2,075	45
2017	1,632	64.0	39,859	2,935	57
5-yr avg.	-	67	66,672	2,147	111
10-yr avg.	-	70	63,001	2,212	228
Mean	-	72	60,689	2,496	278

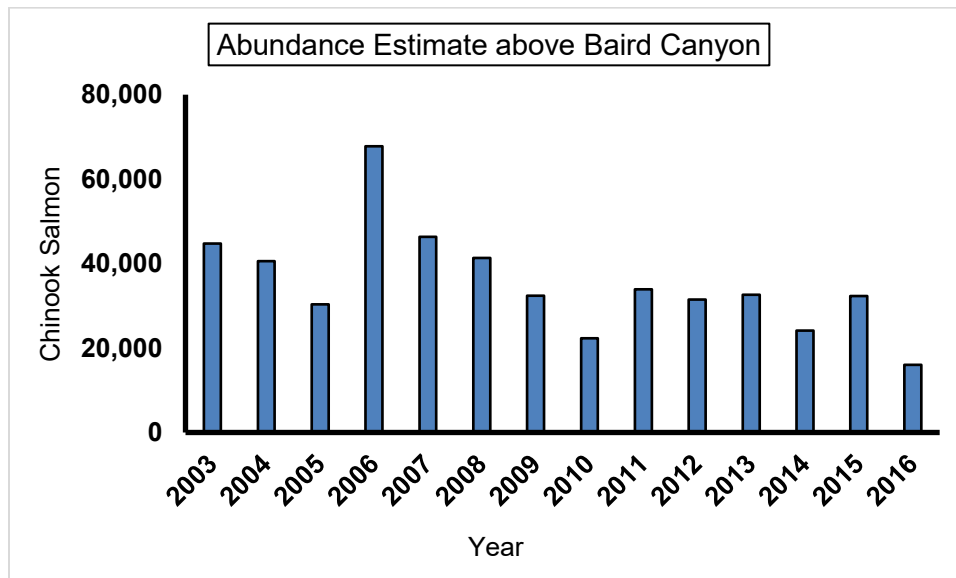


Figure 2. Estimated in-river abundance of Chinook Salmon above Baird Canyon on the Copper River based on mark-recapture methods, 2003-2016 (Piche et al. 2017).

Effects of the Proposal

Moving this requirement from fish wheel owners to fish wheel operators will relieve owners of confirming that operators of the wheels are following through with regulations put into place to limit wanton waste. It will have the effect of putting the burden of checking the fish wheel every 10 hours on the operators of the wheels. This would match existing State subsistence regulations that require operators of the wheels to check them and empty them of fish every 10 hours, which will provide ease for enforcement. The move will also correct conflicting regulations in this section. Regulations at (xi)(E) allow only the permit holder to take salmon, while current fish wheel regulations at (xii)(D) require the fish wheel owner, who is not always the fish wheel operator, to check the fish wheel at least once every 10 hours and remove all fish.

OSM PRELIMINARY CONCLUSION

Support Proposal FP19-15.

Justification

The Upper Copper River fisheries allow the use of fish wheel under Federal and State subsistence regulations. Both fisheries require that fish wheels be checked every 10 hours and emptied of fish; however, State regulations require that operators of the wheel do this while Federal regulations require that fish wheel owners do this. Fish wheel owners that are Non-Federally qualified may allow Federally qualified subsistence users to operate their fish wheel under a Federal subsistence fishing permit. Operators of a fish wheel should be obligated to perform checks and remove fish as they are the individuals responsible for operation of the gear. In addition, this will align Federal and State regulations, which will enhance the enforcement capability without placing additional restrictions on Federally qualified subsistence users.

Ahtna Tene Nene' Committee
P.O Box 649
Glennallen, Alaska 99588
(907) 822-3476

June 28, 2018

Federal Subsistence Board
Office of Subsistence Management
(Attn: Mr. Matuskowitz)
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

Dear Mr. Matuskowitz:

Ahtna Tene Nene' is pleased to submit comments on the 2019-2021 federal fisheries proposals. We hope that the Federal Subsistence Board and Inter-Agency Staff Committee will take our comments into consideration.

Enclosed are Ahtna Tene Nene's comments on 2019-2021 Fisheries Proposals. Please contact Ms. Stickwan, if there are any questions at (907) 822-3476.

Sincerely,

Gloria Stickwan
for
Linda Pete
Linda Pete,
Chair

www.ahtna-inc.com

2019-2021 Fisheries Proposals

Prince William Sound Area

FP19-13

Comments:

We support WP19-13 with modification to add the words “except for the Copper River drainage upstream of Haley Creek,” after the words “Freshwaters Prince William Sound Area” to proposal WP19-13 so that it clearly specifies where the proposed regulatory language applies. (Tables on page 34 of the proposal booklet.)

The regulatory language for the Prince William Sound Area in the current *Management Regulations for the Subsistence Harvest of Fish and Shellfish on Federal Public Land and Waters in Alaska* is confusing and unclear. The conditions on permit FFPW01 should also be included in the regulations. Subsistence users should be able to read and understand the regulations in the federal fisheries regulatory booklet before they apply for a permit.

WP19-14

Comments:

We support WP19-14 with modification to change the fishing areas to the following:

“In the Copper River Delta and mainstem Copper River, from the 37 Mile Bridge to a boundary extending 0.5 mile downriver of road crossings of the mainstem Copper River east of 27 Mile on the Copper River Highway, you may take salmon only by dip net and rod and reel; dip netting from a boat is prohibited.”

The fishing areas as proposed in WP19-14 are too expansive. The population of Cordova is large and they may take too many fish. We would be very concerned about the potential of over harvest of salmon.

The harvest limit for Chinook with rod and reel or dip net should be the same as the Upper Copper River.

Inseason management authority of fisheries will be under the auspice of the Superintendent of Wrangell St. Elias National Park and Preserve in Copper Center, Alaska. We want to allow and keep inseason management with the Superintendent to manage the fisheries in the mainstem of the Copper River to protect salmon strength and runs.

FP19-15

Comments:

We support WP19-15 to clarify the PWS federal regulations by moving the requirement to “check your fish wheel once every 10 hours and remove all fish” from the fish wheel owner to the fish wheel operator. Permittees who are federally qualified subsistence users, and State fisheries permittees, who are using the owner’s fish wheel should be responsible for checking and removing fish from the fish wheel. The owner of the fish wheel should not be legally responsible for removing fish from the fish wheel.

FP19-16

Comments:

We oppose WP19-16 to change the regulatory language for the Prince William Sound Area in the current *Management Regulations for the Subsistence Harvest of Fish and Shellfish on Federal Public Land and Waters in Alaska* to allow the use of “one unit of gear per person.”

We do not support one unit of gear per person. Keep federal fisheries regulations as it is now written, do not change it. Opportunity to harvest fish is not taken away by keeping regulations in place. Household members, who fish together can take turns using one gear type to catch their household limit.

LITERATURE CITED

- ADF&G (Alaska Department of Fish and Game). 2018. Fish Count Data Search. <http://www.adfg.alaska.gov/sf/FishCounts/>. Retrieved May 21, 2018.
- Brady, J., S. Prevatte, E. Valentine, and R. La Vine. 2013. Validity Assessment of Permit Estimates of Copper River Subsistence Salmon Harvests. USFWS, March 2013. Office of Subsistence Management, Fisheries Resource Monitoring Program, Final Report (Study No. 10-552), HDR Alaska Inc., Anchorage, AK.
- De Laguna, F., and C. McClellan. 1981. Ahtna. Pages 641-663 in J. Helm, editor. Handbook of North American Indians, Vol. 6, Subarctic. Smithsonian Institution, Washington, D.C.
- FSB. 2006. Transcripts of the Federal Subsistence Board proceedings. January 10 - 13, 2006. Office of Subsistence Management, USFWS. Anchorage, AK.
- Holen, D., S. Hazell, J. Lanen, J. Ream, S. Desjardins, B. Jones, and G. Zimpelman. 2014. The Harvest and Use of Wild Resources in Cantwell, Chase, Talkeetna, Trapper Creek, Alexander/Susitna, and Skwentna, Alaska, 2012. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No.385. Anchorage, AK.
- Holen, D., S. Hazell, and G. Zimpelman. 2015. The Harvest and Use of Wild Resources in Selected Communities of the Copper River Basin and East Glenn Highway, Alaska, 2013. ADF&G, Division of Subsistence, Technical Paper No.405. Anchorage, AK.
- Kukkonen, M., and G. Zimpelman. 2012. Subsistence Harvest and Uses of Wild Resources in Chistochina, Alaska, 2009. ADF&G, Division of Subsistence, Technical Paper No.370. Anchorage, AK.
- La Vine, R., M. Kukkonen, B. Jones, and G. Zimpelman. 2013. Subsistence Harvest and Uses of Wild Resources in Copper Center, Slana/Nabesna Road, Mentasta Lake, and Mentasta Pass, Alaska, 2010. ADF&G, Division of Subsistence, Technical Paper No.380. Anchorage, AK.
- La Vine, R., and G. Zimpelman. 2014. Subsistence Harvest and Uses of Wild Resources in Kenny Lake/Willow Creek, Gakona, McCarthy, and Chitina, Alaska, 2012. ADF&G, Division of Subsistence, Technical Paper No.394. Anchorage, AK.
- OSM. 2006. Staff analysis of fisheries proposals FP06-20 and FP06-21. Pages 302-315 in Federal Subsistence Board Meeting Materials. January 10-12, 2006. Office of Subsistence Management, USFWS. Anchorage, AK. 555 pp.
- Piche, M.J., J.C. Whissel, and J.J. Smith. 2017. Estimating the In-river Abundance of Copper River Chinook Salmon, 2016 Annual Report. USFWS, Office of Subsistence Management, Fisheries Resource Monitoring Program (Study No. 14-505). Anchorage, AK.
- Reckord, H. 1983. Where Raven Stood: Cultural Resources of the Ahtna Region. University of Alaska Fairbanks, Occasional Paper Number 35. Anthropology and Historic Preservation Cooperative Park Studies Unit. Fairbanks, AK.
- Sarafin, D. 2018. Fisheries biologist. Personal communications: email. National Park Service. Copper Center, AK.

Simeone, W.E., E. M. Valentine, and S. Tuttle. 2007. Ahtna Knowledge of Long-Term Changes in Salmon Runs in the Upper Copper River Drainage, Alaska. ADF&G, Division of Subsistence, Technical Paper No.324. Juneau, AK.

Somerville, M. 2018. Area management biologist. Personal communication: email. ADF&G. Glennallen, AK.

FP19–16 Executive Summary

<p>General Description</p>	<p>Proposal FP19-16 requests the Federal Subsistence Board (Board) revise section § __.27(e)(11)(xi)(B) of the CFR, which states that multiple types of gear may be specified on a permit. The current language allows only one unit of gear to be operated at any one time. The requested change is to allow only one unit of gear <i>per person</i> to be operated at any one time. <i>Submitted by: Wrangell-St. Elias National Park and Preserve.</i></p>
<p>Proposed Regulation</p>	<p>§ __.27(e)(11) Prince William Sound Area – Salmon <i>(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.</i></p> <p>* * * *</p> <p><i>(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:</i></p> <p>* * * *</p> <p><i>(B) Multiple types of gear may be specified on a permit, although only one unit of gear per person may be operated at any one time;</i></p> <p>* * * *</p>
<p>OSM Preliminary Conclusion</p>	<p>Support</p>
<p>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation</p>	
<p>Interagency Staff Committee Comments</p>	
<p>ADF&G Comments</p>	
<p>Written Public Comments</p>	<p>1 Oppose</p>

**DRAFT STAFF ANALYSIS
FP19-16**

ISSUES

Proposal FP19-16, submitted by Wrangell-St. Elias National Park and Preserve, requests the Federal Subsistence Board (Board) revise section § ___.27(e)(11)(xi)(B) of the CFR, which states that multiple types of gear may be specified on a permit. The current language allows only one unit of gear to be operated at any one time. The requested change is to allow only one unit of gear *per person* to be operated at any one time.

DISCUSSION

The proponent notes that gear types allowed in the Upper Copper River District subsistence fisheries consist of fish wheel, dip net, and rod and reel. They state that changing this regulation from “unit of gear” to “unit of gear per person” would allow multiple individuals under a single Federal subsistence fishing permit to operate a single type of gear at one time, such as multiple people in a family dip netting at one time. This has been the practice over the years, and the proponent wants the regulation adjusted to ensure that it is being conducted legally.

Existing Federal Regulation

§ ___.27(e)(11) Prince William Sound Area

(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.

(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one subsistence fishing permit per subdistrict will be issued to each household per year. If a household has been issued permits for both subdistricts in the same year, both permits must be in your possession and readily available for inspection while fishing or transporting subsistence-taken fish in either subdistrict. A qualified household may also be issued a Batzulnetas salmon fishery permit in the same year;

(B) Multiple types of gear may be specified on a permit, although only one unit of gear may be operated at any one time;

(C) You must return your permit no later than October 31 of the year in which the permit is issued, or you may be denied a permit for the following year;

(D) A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by paragraph (e)(11) of this section and during fishing operations;

(E) Only the permit holder and the authorized member(s) of the household listed on the subsistence permit may take salmon;

(F) You must personally operate your fish wheel or dip net;

(G) You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

Proposed Federal Regulation

§___.27(e)(11) Prince William Sound Area

(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.

(xi) The following apply to Upper Copper River District subsistence salmon fishing permits:

** * * **

*(B) Multiple types of gear may be specified on a permit, although only one unit of gear **per person** may be operated at any one time;*

** * * **

Existing State Regulation

5 AAC 01.620 Lawful gear and gear specifications for the Prince William Sound Area

(b) Salmon may be taken only by the following types of gear:

(1) in the Glennallen Subdistrict by fish wheels or dip nets.

5 AAC 01.630 Lawful gear and gear specifications for the Prince William Sound Area

(b) Salmon and freshwater fish species may be taken only under authority of a subsistence fishing permit.

(d) Only one subsistence fishing permit will be issued to each household per year.

(e) The following apply to Glennallen Subdistrict subsistence salmon fishing permits:

(1) only one type of gear may be specified on the permit;

...

(7) only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

...

Extent of Federal Public Lands

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 those waters within and adjacent to the exterior boundaries of Wrangell-St. Elias National Park and Preserve (**Figure 1**).

Customary and Traditional Use Determinations

Rural residents of Cantwell, Chickaloon, Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway, Paxson-Sourdough, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and those individuals that live along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road have a customary and traditional use determination for salmon in the Chitina Subdistrict of the Upper Copper River District.

Rural residents of the Prince William Sound Area and residents of Cantwell, Chickaloon, Chisana, Dot Lake, Dry Creek, Healy Lake, Northway, Tanacross, Tetlin, Tok, and those individuals living along the Alaska Highway from the Alaskan/Canadian border to Dot Lake, along the Tok Cutoff from Tok to Mentasta Pass, and along the Nabesna Road have a customary and traditional use determination for salmon in the Glennallen Subdistrict of the Upper Copper River District.

Rural residents of Mentasta Lake and Dot Lake have a customary and traditional use determination for salmon in waters of the Copper River between National Park Service regulatory markers located near the mouth of Tanada Creek, and in Tanada Creek between National Park Service regulatory markers identifying the open waters of the creek (Batzulnetas Area).

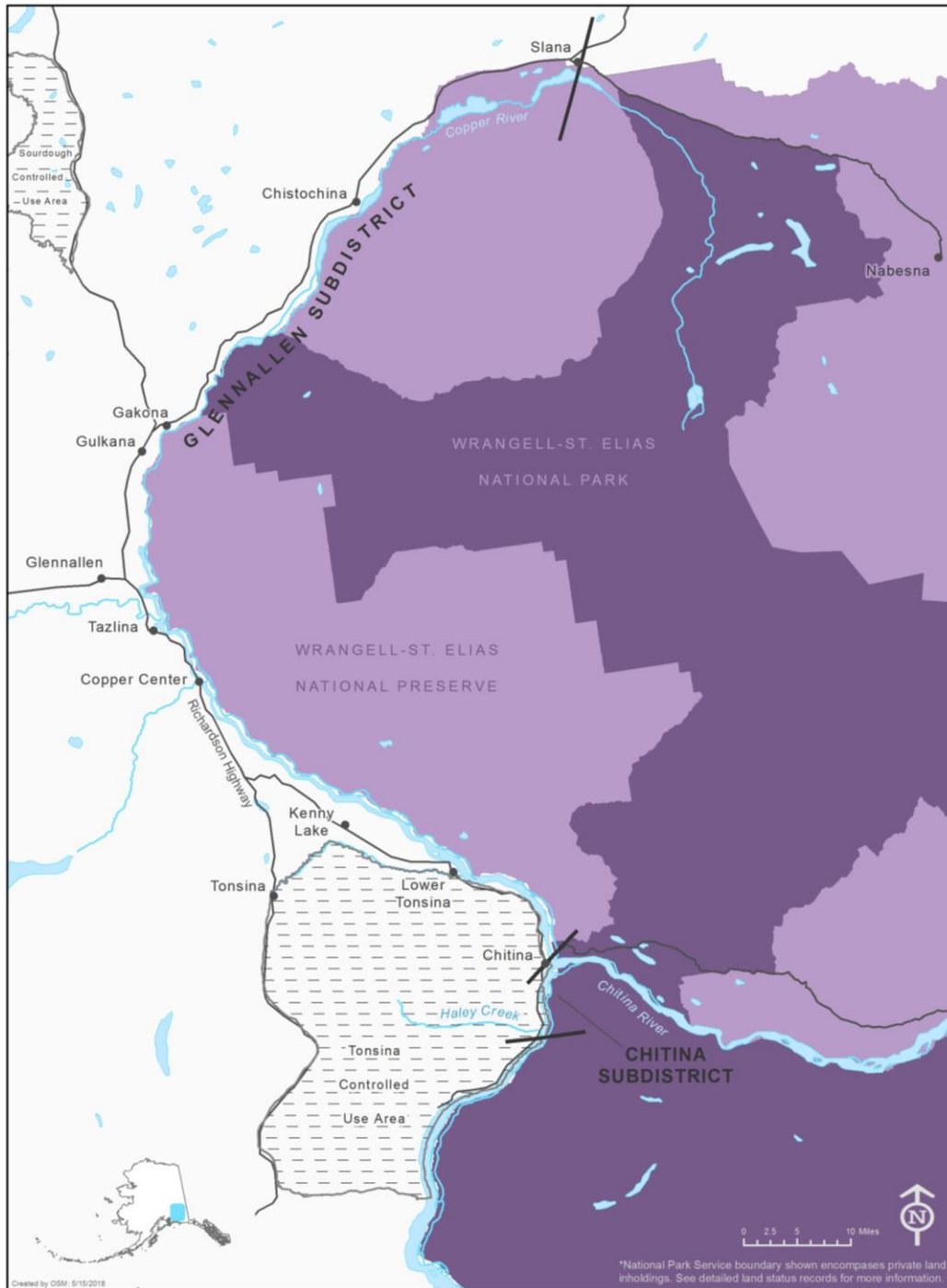


Figure 1. Upper Copper River drainage, showing exterior boundary of Wrangell-St. Elias National Park and Preserve as well as the Chitina and Glennallen Subdistricts of the Upper Copper River District.

Regulatory History

The Board adopted the current regulatory framework for the Prince William Sound Management Area from existing State subsistence regulations in 1999. Included in this was a permit limitation to operate only one fish wheel at a time.

For the 2002 regulatory cycle, the Wrangell-St. Elias National Park Subsistence Resource Commission (SRC) submitted proposal FP02-17b to establish seasons, harvest limits, and methods for the Chitina Subdistrict, and allow more than one gear type to be specified on the permit for the Glennallen Subdistrict (OSM 2001). The Southcentral Alaska Subsistence Regional Advisory Council supported the proposal with modification to stipulate that only one unit of gear may be operated at a time, and that if a household is issued permits for both Subdistricts, a person must have both permits in possession when fishing or transporting subsistence caught fish. This would also identify the permit as a Federal issued permit, rather than a permit issued by the State as had been the case before. The Eastern Interior Alaska Subsistence Regional Advisory Council deferred to the home region on this proposal. The Interagency Staff Committee recommended adoption with the modifications as recommended by the Southcentral Alaska Subsistence Regional Advisory Council. At its December 2001 meeting, the Board adopted this proposal as recommended by the Interagency Staff Committee (FSB 2001).

Current Events

In 2018, National Park Service (NPS) personnel identified a discrepancy between the regulations and the Federal subsistence permit and Federal subsistence management regulations for the harvest of fish and shellfish booklet pertaining to this topic. Whereas the Code of Federal Regulations states “only one *unit* of gear may be operated at any one time”, the permit and the regulations booklet both state “only one *type* of gear may be operated at any one time”. Action was immediately implemented to update the draft of the next regulations booklet. NPS personnel identified making changes to this regulation as a chance to provide additional opportunity for Federally qualified subsistence users with a small regulatory language modification.

Biological Background and Harvest History

The primary emphasis of this analysis is on how many units of gear may be operated under a single permit at one time, and does not involve specifics of harvest for a species or group of species. As such, minimal background for biology and harvest history is provided.

The Copper River supports multiple runs of salmon, but Sockeye Salmon *Oncorhynchus nerka*, Chinook Salmon *O. tshawytscha*, and Coho Salmon *O. kisutch* are the three species primarily targeted in the fisheries of the Upper Copper River. Sockeye Salmon is the most abundant species, and is the main fish targeted by all user groups in both the Chitina and Glennallen subdistricts (**Table 1, Table 2, Table 3, Table 4**).

While there have been no biological concerns for this species, and returns have been within or exceeded the current escapement goal of 360,000 to 750,000 as measured by the Miles Lake sonar during the past five years (ADF&G 2018), returns in 2018 have been substantially lower. This has prompted closures to the State commercial fishery at the mouth of the river, closures to the State personal use fishery in the Chitina Subdistrict, and closures to non-Federally qualified users in the Chitina Subdistrict by the Federal in-season manager.

Table 1. Estimated harvest of Sockeye, Chinook, and Coho Salmon by Federally qualified subsistence users in the Chitina Subdistrict, 2002-2017 (Sarafin 2018, pers. comm.).

Chitina Subdistrict Federal Subsistence Fishery					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salmon Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	122	73.0	788	45	0
2003	100	82.0	874	22	85
2004	109	76.0	1,599	9	24
2005	76	84.0	1,506	26	0
2006	75	85.0	1,622	15	24
2007	98	89.0	1,044	29	45
2008	82	85.0	928	26	87
2009	68	91.0	898	9	12
2010	92	86.0	2,397	20	38
2011	85	85.9	2,137	15	9
2012	90	94.4	1,419	6	8
2013	99	90.9	2,199	19	9
2014	113	94.7	1,628	15	72
2015	111	92.8	2,404	14	15
2016	128	80.5	1,925	20	41
2017	132	79.5	1,828	15	9
5-yr avg.	-	88	1,997	17	29
10-yr avg.	-	88	1,776	16	30
Mean	-	86	1,575	19	30

Chinook Salmon in-river abundance averaged around 40,000 fish between 2003 and 2011 (**Figure 2**). However, returns over the past five years (2012-2016) have been notably smaller, averaging around 27,000, and conservation measures have been put into place for the various fisheries that target these species during some years.

Harvests of Chinook Salmon have been the largest in the State personal use and subsistence fisheries, but have declined across all four fisheries in the past ten years compared to the years prior to that (**Table 1, Table 2, Table 3, Table 4**). This matches with declines in returns over that same period (**Figure 1**).

Coho Salmon return to the Copper River following the Sockeye and Chinook Salmon runs. Other than counts from the Long Lake weir, there are no abundance estimates for Coho Salmon in the drainage.

Although harvests of Coho Salmon are on a similar scale to that for Chinook Salmon in the Chitina Subdistrict Federal subsistence and State personal use fisheries, they are substantially smaller for the two Glennallen Subdistrict fisheries.

Table 2. Estimated harvest of Sockeye, Chinook, and Coho Salmon in the Chitina Subdistrict State personal use fishery, 2002-2017 (Somerville 2018, pers. comm.).

Chitina Subdistrict State Personal Use Fishery					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salm-on Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	6,804	65.8	85,968	2,023	1,934
2003	6,441	66.1	80,796	1,903	2,533
2004	8,156	60.8	107,312	2,495	2,860
2005	8,230	64.8	120,013	2,043	1,869
2006	8,497	62.3	123,261	2,663	2,715
2007	8,377	66.2	125,126	2,694	1,742
2008	8,041	59.7	81,359	1,999	2,711
2009	7,958	60.7	90,035	214	1,712
2010	9,970	60.9	138,487	700	2,013
2011	9,217	62.0	128,052	1,067	1,702
2012	10,016	57.7	127,143	567	1,385
2013	10,592	63.9	180,663	744	797
2014	11,717	60.7	157,215	719	1,129
2015	12,635	62.0	223,080	1,570	841
2016	11,394	54.6	148,982	711	1,182
2017	9,490	64.9	132,694	1,961	715
5-yr avg.	-	61	168,527	1,141	933
10-yr avg.	-	61	140,771	1,025	1,419
Mean	-	62	128,137	1,505	1,740

Cultural Knowledge and Traditional Practices

For the Ahtna Athabascans, salmon has been a staple resource and a symbol of wealth. Sockeye Salmon have been especially important to the Ahtna’s cultural and economic survival for at least 1,000 years and remains a vital resource to the subsistence lifeways of those living in the Copper River Basin today (Reckord 1983, Brady et al. 2013). Other salmon species that are important to those living in the region include Chinook Salmon and Coho Salmon. Late season Coho Salmon became a more important resource with the introduction of the fish wheel into the Cooper River Basin in the early 1900s (De Laguna and McClellan 1981).

Multiple reports recognize the Copper River Basin as a focal point of intense salmon harvest for multiple users under State and Federal regulations. Many of these activities are occurring side by side and simultaneously (Simeone et al. 2007, Brady et al. 2013).

Table 3. Estimated harvest of Sockeye, Chinook, and Coho Salmon by Federally qualified subsistence users in the Glennallen Subdistrict, 2002-2017 (Sarafin 2018, pers. comm.).

Glennallen Subdistrict Federal Subsistence Fishery					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salmon Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	201	81.0	9,807	696	100
2003	221	83.0	16,405	667	183
2004	262	79.0	22,410	805	192
2005	267	86.0	23,224	401	147
2006	254	87.0	19,208	494	32
2007	281	84.0	18,125	677	40
2008	270	81.0	14,009	870	183
2009	274	85.0	13,925	581	40
2010	269	88.0	14,601	341	73
2011	277	87.7	16,066	799	60
2012	275	92.0	15,718	403	85
2013	273	89.0	17,789	372	27
2014	315	90.5	23,889	439	25
2015	325	92.3	26,753	416	14
2016	320	82.8	19,181	446	11
2017	338	84.3	18,550	473	1
5-yr avg.	-	88	21,232	429	16
10-yr avg.	-	87	18,048	514	52
Mean	-	86	18,104	555	76

In recent comprehensive subsistence surveys conducted by the Alaska Department of Fish and Game (ADF&G), it was noted that salmon composed a majority of the annual harvest in most communities along the Copper River drainage. The per capita salmon harvest from communities in the Copper River Basin ranged from about 192 lbs. person in Chitina to approximately 46 lbs. person in McCarthy (Holen et al. 2014, La Vine and Zimpelman 2014).

Table 4. Estimated harvest of Sockeye, Chinook, and Coho Salmon in the Glennallen Subdistrict State subsistence fishery, 2002-2017 (Somerville 2018, pers. comm.).

Glennallen Subdistrict State Subsistence Fisheries					
Year	Permits Issued	Percentage of Permits Reported Fished	Estimated Sockeye Salmon Harvest	Estimated Chinook Salmon Harvest	Estimated Coho Salmon Harvest
2002	1,121	73.1	50,850	3,653	530
2003	1,012	77.1	47,007	2,538	467
2004	956	76.6	55,510	3,346	577
2005	961	76.0	64,213	2,229	154
2006	984	76.6	57,710	2,769	212
2007	1,174	75.0	65,714	3,276	238
2008	1,186	72.3	43,157	2,381	493
2009	1,090	71.6	46,849	2,493	228
2010	1,321	72.1	70,719	2,099	293
2011	1,306	73.9	59,622	2,319	372
2012	1,527	68.6	76,305	2,095	335
2013	1,339	72.7	73,728	2,148	143
2014	1,656	66.4	75,501	1,365	233
2015	1,631	70.1	81,800	2,212	77
2016	1,769	64.3	62,474	2,075	45
2017	1,632	64.0	39,859	2,935	57
5-yr avg.	-	67	66,672	2,147	111
10-yr avg.	-	70	63,001	2,212	228
Mean	-	72	60,689	2,496	278

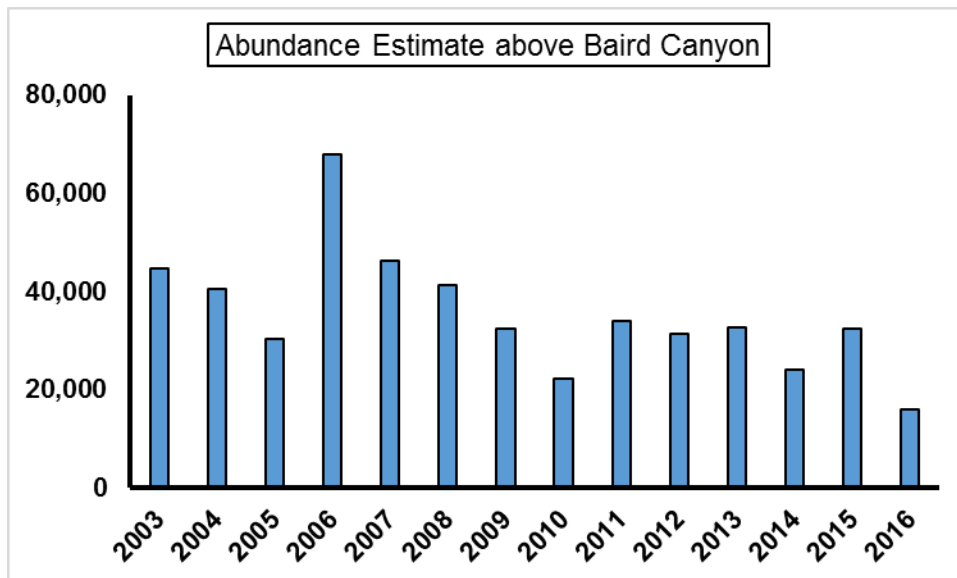


Figure 2. Estimated in-river abundance of Chinook Salmon above Baird Canyon on the Copper River based on mark-recapture methods, 2003-2016 (Piche et al. 2017).

The surveys document the gear type used by residents to harvest salmon. Fish wheels are the most common gear type utilized to harvest salmon in the Upper Copper River. The most recent surveys reported salmon harvest via fish wheel ranged from a high of 93% in Chistochina to a low of 15% in Mentasta Lake (Kukkonen and Zimpelman 2012, La Vine et al. 2013). The community of Paxson did not utilize fish wheels during the study year of 2013 (Holen et al. 2015). Dip nets are used by most communities, except for Chistochina, Mentasta Pass, and Slana/Nabesna Road, to harvest salmon in the Copper River. For communities using dip nets, salmon harvested by dip net ranged between a high of 30% in McCarthy to a low of 0.2% in Copper Center (Kukkonen and Zimpelman 2012, La Vine et al. 2013, La Vine and Zimpelman 2014). Rod and reel is also used to harvest salmon by most of the Copper River Basin communities with the exception of Mentasta Lake. Salmon harvested by rod and reel ranged between a high of 31% in Paxson to a low of 2% in Chitina (Holen et al. 2015, La Vine and Zimpelman 2014). The total community harvest of salmon reported in the recent surveys includes fish caught outside of the Copper River Basin by residents of the area with a variety of gear types that include gillnets, seine, and rod and reel (Holen et al. 2015).

Effects of the Proposal

Federal subsistence fishing for salmon in the Upper Copper River District is limited to fish wheels, rod and reel, or dip net. As currently written, this regulation curtails the number of Federally qualified subsistence users on a Federal subsistence salmon fishing permit that may harvest fish to one at a time. By adding the new language “per person” to this regulation, additional household members listed on the permit would be able to harvest fish concurrently. For instance, multiple household members listed on a single permit would be able to harvest by dip net or rod and reel at one time. As Federal subsistence management regulations (§ __.27(e)(11)(xi)(D)) already prohibit the operation of multiple fish wheels by a single permit holder, this change would not apply to that gear type. However, one household member could be harvesting from a fish wheel, while another is using a rod and reel or dip net. The proposed change would benefit Federally qualified subsistence users and will allow a household to harvest fish in less time, should they choose to do so. This change should not cause an issue with enforcement as Federally qualified subsistence users are already required to have permits in possession and readily available for inspection while fishing or transporting subsistence-taken fish.

OSM PRELIMINARY CONCLUSION

Support Proposal FP19-16.

Justification

Making this small change to regulations will provide additional opportunity for Federally qualified individuals to harvest fish in a timely manner. Although this change may allow for different gear types (e.g., dip net and rod and reel) to be operated concurrently under a single permit by two members of a single household, this presents no conservation, regulatory, or enforcement concerns.

Ahtna Tene Nene' Committee
P.O Box 649
Glennallen, Alaska 99588
(907) 822-3476

June 28, 2018

Federal Subsistence Board
Office of Subsistence Management
(Attn: Mr. Matuskowitz)
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

Dear Mr. Matuskowitz:

Ahtna Tene Nene' is pleased to submit comments on the 2019-2021 federal fisheries proposals. We hope that the Federal Subsistence Board and Inter-Agency Staff Committee will take our comments into consideration.

Enclosed are Ahtna Tene Nene's comments on 2019-2021 Fisheries Proposals. Please contact Ms. Stickwan, if there are any questions at (907) 822-3476.

Sincerely,

Gloria Stickwan
for
Linda Pete
Linda Pete,
Chair

www.ahtna-inc.com

2019-2021 Fisheries Proposals

Prince William Sound Area

FP19-13

Comments:

We support WP19-13 with modification to add the words “except for the Copper River drainage upstream of Haley Creek,” after the words “Freshwaters Prince William Sound Area” to proposal WP19-13 so that it clearly specifies where the proposed regulatory language applies. (Tables on page 34 of the proposal booklet.)

The regulatory language for the Prince William Sound Area in the current *Management Regulations for the Subsistence Harvest of Fish and Shellfish on Federal Public Land and Waters in Alaska* is confusing and unclear. The conditions on permit FFPW01 should also be included in the regulations. Subsistence users should be able to read and understand the regulations in the federal fisheries regulatory booklet before they apply for a permit.

WP19-14

Comments:

We support WP19-14 with modification to change the fishing areas to the following:

“In the Copper River Delta and mainstem Copper River, from the 37 Mile Bridge to a boundary extending 0.5 mile downriver of road crossings of the mainstem Copper River east of 27 Mile on the Copper River Highway, you may take salmon only by dip net and rod and reel; dip netting from a boat is prohibited.”

The fishing areas as proposed in WP19-14 are too expansive. The population of Cordova is large and they may take too many fish. We would be very concerned about the potential of over harvest of salmon.

The harvest limit for Chinook with rod and reel or dip net should be the same as the Upper Copper River.

Inseason management authority of fisheries will be under the auspice of the Superintendent of Wrangell St. Elias National Park and Preserve in Copper Center, Alaska. We want to allow and keep inseason management with the Superintendent to manage the fisheries in the mainstem of the Copper River to protect salmon strength and runs.

FP19-15

Comments:

We support WP19-15 to clarify the PWS federal regulations by moving the requirement to “check your fish wheel once every 10 hours and remove all fish” from the fish wheel owner to the fish wheel operator. Permittees who are federally qualified subsistence users, and State fisheries permittees, who are using the owner’s fish wheel should be responsible for checking and removing fish from the fish wheel. The owner of the fish wheel should not be legally responsible for removing fish from the fish wheel.

FP19-16

Comments:

We oppose WP19-16 to change the regulatory language for the Prince William Sound Area in the current *Management Regulations for the Subsistence Harvest of Fish and Shellfish on Federal Public Land and Waters in Alaska* to allow the use of “one unit of gear per person.”

We do not support one unit of gear per person. Keep federal fisheries regulations as it is now written, do not change it. Opportunity to harvest fish is not taken away by keeping regulations in place. Household members, who fish together can take turns using one gear type to catch their household limit.

LITERATURE CITED

- ADF&G (Alaska Department of Fish and Game). 2018. Fish Count Data Search. <http://www.adfg.alaska.gov/sf/FishCounts/>. Retrieved May 21, 2018.
- Brady, J., S. Prevatte, E. Valentine, and R. La Vine. 2013. Validity Assessment of Permit Estimates of Copper River Subsistence Salmon Harvests. USFWS, March 2013. Office of Subsistence Management, Fisheries Resource Monitoring Program, Final Report (Study No. 10-552), HDR Alaska Inc., Anchorage, AK.
- De Laguna, F., and C. McClellan. 1981. Ahtna. Pages 641-663 in J. Helm, editor. Handbook of North American Indians, Vol. 6, Subarctic. Smithsonian Institution, Washington, D.C.
- FSB. 2001. Transcripts of the Federal Subsistence Board proceedings. December 11 – 12, 2001. Office of Subsistence Management, USFWS. Anchorage, AK.
- Holen, D., S. Hazell, J. Lanen, J. Ream, S. Desjardins, B. Jones, and G. Zimpelman. 2014. The Harvest and Use of Wild Resources in Cantwell, Chase, Talkeetna, Trapper Creek, Alexander/Susitna, and Skwentna, Alaska, 2012. ADF&G, Division of Subsistence, Technical Paper No.385. Anchorage, AK.
- Holen, D., S. Hazell, and G. Zimpelman. 2015. The Harvest and Use of Wild Resources in Selected Communities of the Copper River Basin and East Glenn Highway, Alaska, 2013. ADF&G, Division of Subsistence, Technical Paper No.405. Anchorage, AK.
- Kukkonen, M., and G. Zimpelman. 2012. Subsistence Harvest and Uses of Wild Resources in Chistochina, Alaska, 2009. ADF&G, Division of Subsistence, Technical Paper No.370. Anchorage, AK.
- La Vine, R., M. Kukkonen, B. Jones, and G. Zimpelman. 2013. Subsistence Harvest and Uses of Wild Resources in Kenny Lake/Willow Creek, Gakona, McCarthy, and Chitina, Alaska, 2012. ADF&G, Division of Subsistence, Technical Paper No.394. Anchorage, AK.
- La Vine, R., and G. Zimpelman. 2014. Subsistence Harvest and Uses of Wild Resources in Copper Center, Slana/Nebesna Road, Mentasta Lake, and Mentasta Pass, Alaska, 2010. ADF&G, Division of Subsistence, Technical Paper No.380. Anchorage, AK.
- OSM. 2001. Staff analysis of Cook Inlet fisheries proposal FP02-17b. Pages 99-129 in Federal Subsistence Board Fisheries Meeting Materials. December 11-13, 2001. Office of Subsistence Management, USFWS. Anchorage, Alaska. 679 pp.
- Piche, M.J., J.C. Whissel, and J.J. Smith. 2017. Estimating the In-river Abundance of Copper River Chinook Salmon, 2016 Annual Report. USFWS, Office of Subsistence Management, Fisheries Resource Monitoring Program (Study No. 14-505). Anchorage, AK.
- Reckord, H. 1983. Where Raven Stood: Cultural Resources of the Ahtna Region. University of Alaska Fairbanks, Occasional Paper Number 35. Anthropology and Historic Preservation Cooperative Park Studies Unit. Fairbanks, AK.
- Sarafin, D. 2018. Fisheries biologist. Personal communications: email. National Park Service. Copper Center, AK.

Simeone, W.E., E. M. Valentine, and S. Tuttle. 2007. Ahtna Knowledge of Long-Term Changes in Salmon Runs in the Upper Copper River Drainage, Alaska. ADF&G, Division of Subsistence, Technical Paper No.324. Juneau, AK.

Somerville, M. 2018. Area management biologist. Personal communication: email. ADF&G. Glennallen, AK.

Proposal to change Moose Pass, AK from Nonrural to Rural.

1. Jeffrey Bryden – Moose Pass, AK 99631

2. I request that Moose Pass, AK be considered a rural community. I feel we were improperly aggregated into the greater Seward area in order to make the area of Seward non-rural. The community of Moose Pass is a separate community and has maintained its separate culture. Under the new determination rules I feel Moose Pass will qualify as rural.

3. I request that the area to be considered is from Mile 25 Falls Creek to Mile 37 of the Seward Highway. I don't request any additional area be considered for this proposal south of Mile 25. Mile 25 is a natural break with falls creek being a distinguishing

landmark. It is also the break the US Postal Service uses. South of mile 25 is Seward Post 99664. North of Falls Creek is Moose Pass 99631. Mile 25 is also the break for electrical service. South of Mile 25 the electrical service is Seward Electrical. North of mile 25 is Chugach Electrical Service. Mile 37 is also a natural break point as no one lives North of Mile 37 on the Seward Highway and its already considered federally rural at the start of the Sterlying Highway. The “Y” at mile 37 is a distinguishing landmark.

4. The rationale for change is the board changed the rules for what makes community rural. Moose Pass should not have been aggregated together with several other distinct communities to begin with in order to make the port community of Seward Non-Rural. Moose Pass is an older Alaskan community that has kept its separate rural culture. Our residence still hunt, fish and harvest berry's, mushrooms and wood from the local federal lands. We have our own churches, community club origination, fire department, post office, businesses and school. Like a lot of rural areas we have families that home school and

send their older kids to better high schools then can be provided in the local area. The Chugach National Forest lands surrounds the community. It's impossible to travel North or South on the Seward Highways and not be in federal lands currently open for rural subsistence activities. Rural residences from other communities have in the pass harvested animals, berries, and firewood from lands surrounding our community.

5. The facts that make Moose Pass rural area: Most of the residence lives closer to the rural community of Cooper Landing than Seward. We as a community generally shop in urban area of Anchorage where there is no sales tax or the Internet. These are the same places as rural residences of Hope, Copper Landing or any of the other Alaskan rural communities shop for the majority of their goods. A lot of our community works in the summer tourist related business or have home based business. Like other rural communities we also have members who work remote North Slope, government and fishing jobs. These individuals have chosen to make their permanent home here, but like other rural

areas lack of good paying jobs requires them to work outside the area. As stated before we have our own churches, community club, fire department, post office and school. A lot of our residence harvests a good portion of their own fish, game, edible berry's, mushrooms and firewood from the local federal lands.

6. Having lived in the area for 25 years, I have witnessed changes to the area. The majority of the area purposed for Moose Pass rural federal lands surround determination. As a result the community has not grow in size and the population is stable. The rural feel and culture that made me choose to live in Moose Pass is still very much alive in the area. As the local land agency: the Seward District of the Chugach National Forest opens more of its lands to subsistence harvesting including the lands around our community we as a community would like to partake in the harvest of our local resources.

POLICY ON NONRURAL DETERMINATIONS

FEDERAL SUBSISTENCE BOARD

Adopted January 2017

PURPOSE

This policy clarifies the internal management of the Federal Subsistence Board (Board) and provides transparency to the public regarding the process of making or rescinding nonrural determinations of communities or areas for the purpose of identifying rural residents who may harvest fish and wildlife for subsistence uses on Federal public lands in Alaska. This policy is intended to clarify existing practices under the current statute and regulations. It does not create any right or benefit enforceable at law or in equity, against the United States, its agencies, officers, or employees, or any other person.

INTRODUCTION

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) declares that,

the continuation of the opportunity for subsistence uses by rural residents of Alaska, including both Natives and non-Natives, on the public lands and by Alaska Natives on Native lands is essential to Native physical, economic, traditional, and cultural existence and to non-Native physical, economic, traditional, and social existence; the situation in Alaska is unique in that, in most cases, no practical alternative means are available to replace the food supplies and other items gathered from fish and wildlife which supply rural residents dependent on subsistence uses” (ANILCA Section 801).

Rural status provides the foundation for the subsistence priority on Federal public lands to help ensure the continuation of the subsistence way of life in Alaska. Prior to 2015, implementation of ANILCA Section 801 and rural determinations were based on criteria set forth in Subpart B of the Federal subsistence regulations.

In October 2009, the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, directed the Board to review the process for rural determinations. On December 31, 2012, the Board initiated a public review of the rural determination process. That public process lasted nearly a year, producing 278 comments from individuals, 137 comments from members of Regional Advisory Councils (Councils), 37 comments from Alaska Native entities, and 25 comments from other entities (e.g., city and borough governments). Additionally, the Board engaged in government-to-government consultation with tribes and consultation with Alaska Native Claims Settlement Act (ANCSA) corporations. In general, the comments received indicated a broad dissatisfaction with the rural determination process. Among other comments, respondents indicated the aggregation criteria were perceived as arbitrary, the population thresholds were seen as inadequate to capture the reality of rural Alaska, and the decennial review was widely viewed to be unnecessary.

Based on this information, the Board held a public meeting on April 17, 2014 and decided to recommend a simplification of the process to the Secretaries of the Interior and Agriculture (Secretaries) to address rural status in the Federal Subsistence Management Program. The Board's recommended simplified process would eliminate the rural determination criteria from regulation and allows the Board to determine which areas or communities are nonrural in Alaska. All other communities or areas would, therefore, be considered "rural" in relation to the Federal subsistence priority in Alaska.

The Secretaries accepted the Board recommendation and published a Final Rule on November 4, 2015, revising the regulations governing the rural determination process for the Federal Subsistence Management Program in Alaska. The Secretaries removed specific rural determination guidelines and criteria, including requirements regarding population data, the aggregation of communities, and a decennial review. The final rule allowed the Board to make nonrural determinations using a comprehensive approach that may consider such factors as population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material, including information provided by the public.

By using a comprehensive approach and not relying on set guidelines and criteria, this new process will enable the Board to be more flexible in making decisions that take into account regional differences found throughout the State. This will also allow for greater input from the Councils, Federally recognized tribes of Alaska, Alaska Native Corporations, and the public in making nonrural determinations by incorporating the nonrural determination process into the subsistence regulatory schedule which has established comment periods and will allow for multiple opportunities for input. Simultaneously with the Final Rule, the Board published a Direct Final Rule (80 FR 68245; Nov. 4, 2015) (**Appendix B**) establishing the list of nonrural communities, those communities not subject to the Federal subsistence priority on Federal public lands, based on the list that predated the 2007 Final Rule (72 FR 25688; May 7, 2007).

As of November 4, 2015, the Board determined in accordance with 36 CFR 242.15 and 50 CFR 100.15 that the following communities or Census-designated Places (CDPs)¹ are nonrural: Fairbanks North Star Borough; Homer area – including Homer, Anchor Point, Kachemak City, and Fritz Creek; Juneau area – including Juneau, West Juneau, and Douglas; Kenai area – including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch; Ketchikan area – including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Point, Herring Cove, Saxman East, Pennock Island, and parts of Gravina Island; Municipality of Anchorage; Seward area – including Seward and Moose Pass; Valdez; and Wasilla/Palmer area – including Wasilla, Palmer, Sutton, Big Lake, Houston, and Bodenberg

¹ Census Designated Place (CDP) is defined by the Federal Census Bureau as the statistical counterpart of incorporated places, delineated to provide data for settled concentrations of populations identifiable by name but not legally incorporated under the laws of the state in which they are located. CDPs are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines.

Butte (36 CFR 242.23 and 50 CFR 100.23). All other communities and areas in Alaska are, therefore, rural.

BOARD AUTHORITIES

- ANILCA 16 U.S.C. 3101, 3126.
- Administrative Procedures Act (APA), 5 U.S.C. 551-559
- 36 CFR 242.15; 50 CFR 100.15
- 36 CFR 242.18(a); 50 CFR 100.18(a)
- 36 CFR 242.23; 50 CFR 100.23

POLICY

In accordance with the Administrative Procedures Act (APA), Federal rulemaking undertaken by the Federal Subsistence Management Program requires that any individual, organization, or community be given the opportunity to submit proposals to change Federal regulations. The Board will only address changes to the nonrural status of communities or areas when requested in a proposal. This policy describes the Board's administrative process for addressing proposals to change the nonrural status of a community or area by outlining proposal requirements and submission, identifying a process schedule and general process timeline, and outlining Board decision making when acting on such proposals.

SECTION A: Submitting a Proposal

Proponents must submit a written proposal in accordance with the guidance provided in the same Federal Register notice that includes a call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations. This notice is published in even-numbered years. Proposals to revise nonrural determinations will be accepted every other fish and shellfish regulatory cycle, starting in 2018.

SECTION B: Requirements for Proposals

Making a Nonrural Determination

Proposals can be submitted to the Board to make a nonrural determination for a community or area. It is the proponent's responsibility to provide the Board with substantive narrative evidence to support their rationale of why the proposed nonrural determination should be considered. Proposals seeking a nonrural determination must also include the basic requirements and meet the threshold requirements outlined below.

Basic Requirements

All proposals must contain the following information:

- Full name and mailing address of the proponent;
- A statement describing the proposed nonrural determination action requested;
- A detailed description of the community or area under consideration, including any current boundaries, borders, or distinguishing landmarks, so as to identify which Alaska residents would be affected by the change in nonrural status;

- Rationale and supporting evidence (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is nonrural or rural using the rationale and supporting evidence stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

In addition to the basic requirements outlined above, the following threshold requirements apply. The Board shall only accept a proposal to designate a community or area as nonrural, if the Board determines the proposal meets the following threshold requirements:

- The proposal is based upon information not previously considered by the Board;
- The proposal provides substantive rationale and supporting evidence for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides substantive information that supports the proponent's rationale that a community or area is nonrural.

The Board shall carefully weigh the initial recommendation from the affected Regional Advisory Council(s) when determining whether the proposal satisfies the threshold requirements outlined above. If the Board determines the proposal does not satisfy the threshold requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold, it shall be considered in accordance with the process schedule and timeline set forth below.

Limitation on Submission of Proposals Seeking Nonrural Determinations

The Board is aware of the burden placed on rural communities and areas in defending their rural status. If the rural status of a community or area is maintained after a proposal to change its status to nonrural is rejected, then no proposals to change the rural status of that community or area shall be accepted until the next proposal cycle. If a new proposal is submitted during the next proposal cycle, then it must address a demonstrated change that was not previously considered by the Board. Additionally, the following considerations apply to resubmitting proposals to change a community's status from rural to nonrural:

- Whether or not there has been a "demonstrated change" to the rural identity of a community or area is the burden of the proponent to illustrate by a preponderance of the evidence;
- Many characteristics, individually or in combination, may constitute a "demonstrated change" including, but not limited to, changes in population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, or degree of remoteness and isolation; and

- The Board’s most recent decision on the nonrural status of a community or area will be the baseline for any future proposals for that community or area, thus, a “demonstrated change”, as referred to in this portion of the process, must occur after the Board’s most recent decision.

Rescinding a Nonrural Determination

For proposals seeking to have the Board rescind a nonrural determination, it is the proponent’s responsibility to provide the Board with substantive narrative evidence to support their rationale of why the nonrural determination should be rescinded. Proposals seeking to have the Board rescind a nonrural determination must also include the basic requirements and meet the threshold requirements outlined below.

Basic Requirements

All proposals must contain the following information:

- Full name and mailing address of the proponent;
- A statement describing the proposed nonrural determination action requested;
- A description of the community or area considered as nonrural, including any current boundaries, borders, or distinguishing landmarks, so as to identify what Alaska residents would be affected by the change in rural status;
- Rationale and supporting evidence (law, policy, factors, or guidance) for the Board to consider in determining the nonrural status of a community or area;
- A detailed statement of the facts that illustrate that the community or area is rural using the rationale stated above; and
- Any additional information supporting the proposed change.

Threshold Requirements

In addition to the baseline information outlined above, the following threshold requirements apply. The Board shall only accept a proposal to rescind a nonrural determination, if the Board determines the proposal meets the following threshold requirements:

- The proposal is based upon information not previously considered by the Board;
- The proposal demonstrates that the information used and interpreted by the Board in designating the community as nonrural has changed since the original determination was made;
- The proposal provides substantive rationale and supporting evidence for determining the nonrural status of a community or area that takes into consideration the unique qualities of the region; and
- The proposal provides substantive information that supports the provided rationale that a community or area is rural instead of nonrural.

The Board shall determine whether the proposal satisfies the threshold requirements outlined above after considering the recommendation(s) from the affected Regional Advisory Council(s). If the Board determines the proposal does not satisfy the threshold

requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold, it shall be considered in accordance with the process schedule and timeline set forth below.

SECTION C: Decision Making

The Board will make nonrural determinations using a comprehensive approach that may consider such factors as population size and density, economic indicators, military presence, industrial facilities, use of fish and wildlife, degree of remoteness and isolation, and any other relevant material including information provided by the public. As part of its decision-making process, the Board may compare information from other, similarly-situated communities or areas if limited information exists for a certain community or area.

When acting on proposals to change the nonrural status of a community or area, the Board shall:

- Proceed on a case-by-case basis to address each proposal regarding nonrural determinations;
- Base its decision on nonrural status for a community or area on information of a reasonable and defensible nature contained within the administrative record;
- Make nonrural determinations based on a comprehensive application of evidence and considerations presented in the proposal that have been verified by the Board as accurate;
- Rely heavily on the recommendations from the affected Regional Advisory Council(s);
- Consider comments from government-to-government consultation with affected tribes;
- Consider comments from the public;
- Consider comments from the State of Alaska;
- Engage in consultation with affected ANCSA corporations;
- Have the discretion to clarify the geographical extent of the area relevant to the nonrural determination; and
- Implement a final decision on a nonrural determination in compliance with the APA.

Regional Advisory Council Recommendations

The Board intends to rely heavily on the recommendations of the Councils and recognizes that Council input will be critical in addressing regional differences in the nonrural determination process. The Board will look to the Regional Advisory Councils for confirmation that any relevant information brought forth during the nonrural determination process accurately describes the unique characteristics of the affected community or region.

SECTION D: Process Schedule

As authorized in 36 CFR 242.18(a) and 50 CFR 100.18(a), “The Board may establish a rotating schedule for accepting proposals on various sections of subpart C or D regulations over a period of years.” To ensure meaningful input from the Councils and allow opportunities for tribal and ANCSA corporation consultation and public comment, the Board will only accept nonrural determination proposals every other year in even-numbered years in conjunction with the call for proposals to revise subsistence taking of fish and shellfish regulations, and nonrural determinations. If accepted, the proposal will be deliberated during the regulatory Board meeting in the next fisheries regulatory cycle. This schedule creates a three-year period for proposal submission, review, analysis, Regional Advisory Council input, tribal and ANCSA corporation consultation, public comment, and Board deliberation and decision.

SECTION E: General Process Timeline

Outlined in Table 1 and Table 2

Table 1. General Process Timeline


<p>1. January to March (Even Year) – A proposed rule is published in the Federal Register with the call for proposals to revise subsistence taking of fish and shellfish regulations and nonrural determinations.</p>
<p>2. April to July (Even Year) – Staff will verify that proposals include the basic requirements and can be legally addressed by the Federal Subsistence Program. If the proposal is incomplete or cannot be addressed by the Federal Subsistence Program, the proponent will be notified in writing. Additionally for verified proposals, tribal consultation and ANCSA corporation consultation opportunities will be provided during this time.</p>
<p>3. August to November (Even Year) –Affected Regional Advisory Council(s) reviews the verified proposals and provides a preliminary recommendation for the Board. The Council preliminary recommendation may include: relevant regional characteristics; whether or not the Council supports the proposal; and if, in the Council’s opinion, the proposal meets the threshold requirements with justification. This action shall occur at the affected Council’s fall meeting on the record.</p>
<p>4. November to December (Even Year) – The Interagency Staff Committee (ISC) shall provide comments on each verified proposal. Staff shall organize nonrural determination proposal presentations that include the original proposal, the Council preliminary recommendation, tribal and ANCSA consultation comments, and the ISC comments.</p>
<p>5. January (Odd Year) – At the Board’s public meeting, Staff will present the proposals, and the Board will determine if the threshold requirements have been met. If the Board determines the proposal does not satisfy the threshold requirements, the proponent will be notified in writing. If it is determined the proposal does meet the threshold requirements, the Board will direct staff to prepare a full analysis according to established guidelines and address the proposal in accordance with the process schedule and timeline set forth below.</p>
<p>6. February (Odd Year) to July (Even Year) (18 months) – For proposals determined to satisfy the threshold requirements, the Board will conduct public hearings in the communities that may be affected should the proposal be adopted by the Board. During this time period, independent of the fall Council meetings, interested tribes may request formal government-to-government consultation and ANCSA corporations may also request consultation on the nonrural determination proposals.</p>
<p>7. August to November (Even Year) –The Council(s) shall provide recommendations at their fall meetings and the ISC shall provide comments on the draft nonrural determination analyses.</p>
<p>8. November to December (Even Year) – Staff incorporates Council recommendations and ISC comments into the draft nonrural determination analyses for the Board.</p>
<p>9. January (Odd Year) – At the Board’s Fisheries Regulatory meeting, staff present the nonrural determination analyses to the Board. The Board adopts, adopts with modification, or rejects the proposals regarding nonrural determinations.</p>

Table 2. General Process Timeline Comparison with other Cycles

Wildlife & FRMP Cycle	Fishery Cycle	Dates	Board or Activity	Proposed Nonrural Determination Cycle		
		Council Cycle		Even Years		
Wildlife & FRMP Review Cycle	Fishery Review Cycle	January	Board FRMP Work Session	1	Nonrural Proposed Rule	
		February March	Fishery Proposed Rule Jan- Mar			
		April July	Board Meeting	2	Proposal verification, Tribal and ANCSA consultation	
		August September October November	Fishery Proposal Review			
		December		4	Finalize Threshold presentations for the Board	
		January	Board Meeting	5	Odd Years - Board determines which proposals meet the threshold requirements	
	Fishery Review Cycle	Wildlife Proposed Rule Jan - Mar	February March	Wildlife Proposed Rule Jan - Mar	6	Odd to Even Years (18 months) - Public Hearings, government-government consultation with the tribes, ANCSA Corporation Consultation, and writing of Nonrural Determination Analyses for proposals that meet the threshold requirements as determined by the Board
			April July			
			August September October November	Wildlife Proposal & FRMP Project Review		
		December				
		January	Board FRMP Work Session			
		February March	Fishery Proposed Rule Jan- Mar			
Fishery Review Cycle	Fishery Proposed Rule Jan- Mar	April July	Board Meeting	7	Even Years Analysis Review	
		August September October November	Fishery Proposal Review			
	December		8	Finalize Nonrural Determination Analyses		
	January	Board Meeting	9	Odd Years – Final Board Decision		

SIGNATORIES

In WITNESS THEREOF, the parties hereto have executed this Policy as of the last date written below.


Chair of the Federal Subsistence Board

Date: 11-12-17


Regional Director
U.S. Fish and Wildlife Service
Date:

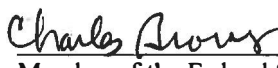

Regional Forester
USDA Forest Service
Date: 1/12/17


Regional Director
National Park Service
Date:


State Director
Bureau of Land Management
Date: 1/12/17


Regional Director
Bureau of Indian Affairs
Date: 1/12/2017


Member of the Federal Subsistence Board
Date: 01/12/2017


Member of the Federal Subsistence Board
Date: 01/12/17

ANNUAL REPORTS

Background

ANILCA established the Annual Reports as the way to bring regional subsistence uses and needs to the Secretaries' attention. The Secretaries delegated this responsibility to the Board. Section 805(c) deference includes matters brought forward in the Annual Report.

The Annual Report provides the Councils an opportunity to address the directors of each of the four Department of Interior agencies and the Department of Agriculture Forest Service in their capacity as members of the Federal Subsistence Board. The Board is required to discuss and reply to each issue in every Annual Report and to take action when within the Board's authority. In many cases, if the issue is outside of the Board's authority, the Board will provide information to the Council on how to contact personnel at the correct agency. As agency directors, the Board members have authority to implement most of the actions which would effect the changes recommended by the Councils, even those not covered in Section 805(c). The Councils are strongly encouraged to take advantage of this opportunity.

Report Content

Both Title VIII Section 805 and 50 CFR §100.11 (Subpart B of the regulations) describe what may be contained in an Annual Report from the councils to the Board. This description includes issues that are not generally addressed by the normal regulatory process:

- an identification of current and anticipated subsistence uses of fish and wildlife populations within the region;
- an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region;
- a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands; and
- recommendations concerning policies, standards, guidelines, and regulations to implement the strategy.

Please avoid filler or fluff language that does not specifically raise an issue of concern or information to the Board.

Report Clarity

In order for the Board to adequately respond to each Council's annual report, it is important for the annual report itself to state issues clearly.

- If addressing an existing Board policy, Councils should please state whether there is something unclear about the policy, if there is uncertainty about the reason for the policy, or if the Council needs information on how the policy is applied.
- Council members should discuss in detail at Council meetings the issues for the annual report and assist the Council Coordinator in understanding and stating the issues clearly.

- Council Coordinators and OSM staff should assist the Council members during the meeting in ensuring that the issue is stated clearly.

Thus, if the Councils can be clear about their issues of concern and ensure that the Council Coordinator is relaying them sufficiently, then the Board and OSM staff will endeavor to provide as concise and responsive of a reply as is possible.

Report Format

While no particular format is necessary for the Annual Reports, the report must clearly state the following for each item the Council wants the Board to address:

1. Numbering of the issues,
2. A description of each issue,
3. Whether the Council seeks Board action on the matter and, if so, what action the Council recommends, and
4. As much evidence or explanation as necessary to support the Council's request or statements relating to the item of interest.



FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503-6199



FOREST SERVICE

AUG 24 2018

OSM 180060.DM

Richard Encelewski, Chair
Southcentral Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Chairman Encelewski:

This letter responds to the Southcentral Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2017 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Ahtna Inter-Tribal Resource Commission (AITRC)

The Council wishes to know why progress of the Charter for AITRC has had no new development since the Memorandum of Agreement was signed. The AITRC represents the Ahtna people in the Copper River region. The AITRC would like to move forward to begin providing subsistence opportunities for the Ahtna people.

Response:

Following its January 13, 2017 hearing on the establishment of the Ahtna Customary and Traditional Subsistence Local Advisory Committee, the Federal Subsistence Board directed the Office of Subsistence Management (OSM) to draft the charter and prepare other paperwork necessary to submit for approval by the Secretary of the Interior. That package, which consisted of nine separate documents, was completed and approved by the Alaska Solicitor assigned to the Federal Subsistence Management Program in March 2017. The packet was then reviewed by the

Alaska Regional Director, U.S. Fish and Wildlife Service (USFWS), as USFWS is the administering agency for the Federal Advisory Committees for the Alaska subsistence program. Prior to transmittal to the Secretary for review and approval, OSM was informed that any action

Chairman Encelewski

2

on the committee would be placed on hold pending the outcome of a planned Food Security Review by the Secretary. As of today, that review has not commenced and the Ahtna committee remains on hold. Additionally, it is worth noting that planned budget cuts for the Department of the Interior may impair the formation of any new advisory committees for the Federal Subsistence Management Program.

2. Climate Change

Climate change continues to be of concern for members of the Council. The Council requests further studies, or information on current projects to better understand how climate change impacts subsistence activities and the impacts to fish and wildlife resources. The Council specifically requests a report on ocean acidification, its causes, and the short and long term impacts to subsistence fish and shellfish.

One specific potential impact due to climate change relates to salmon. The Council has noticed a reduction in size for some salmon species. Adaptation to management due to climate change should be considered when planning for the next fishery season for all user groups.

One way to address research and management needs to adapt to climate change may be through the Landscape Conservation Cooperatives (LCCs) and the Conservation of Arctic Flora and Fauna (CAFF). The LCCs are applied conservation science partnerships between the U.S. Fish and Wildlife Service and other federal agencies, states, tribes, non-governmental organizations (NGOs), universities and stakeholders within an ecologically defined area. The Council encourages the LCCs and CAFF representatives to participate in the meetings of the Council to bring forward new studies, call for projects, and management tools to help the Council address subsistence resource management issues and to provide information to subsistence users on how they can adapt to the changing climate.

Response:

The Board shares the Council's concern on this topic, but is encouraged by all of the ongoing efforts to better understand the effects that climate change will have on our environment and the subsistence way of life. The Board also encourages continued study on these fronts, possibly in the form of projects funded through the Fisheries Resource Monitoring Program, and requests the Council take this into account during the development of their Priority Information Needs for the next call for proposals.¹

¹ Literature cited: Mathis, J.T., S.R. Cooley, N. Lucey, S. Colt, J. Ekstrom, T. Hurst, C. Hauri, W. Evans, J.N. Cross, and R.A. Feely. 2015. Ocean acidification risk assessment for Alaska's fishery sector. *Progress in Oceanography* 136: 71-91. Schoen, E.R., M.S. Wipfli, E.J. Trammell, D.J. Rinella, A.L. Floyd, J. Grunblatt, M.D. McCarthy, B.E. Meyer, J.M. Morton, J.E. Powell, A. Prakash, M.N. Reimer, S.L. Stuefer, H. Toniolo, B.M. Wells, and F.D.W. Witmer. 2017. Future of Pacific Salmon in the face of environmental change: lessons from one of the world's remaining productive salmon regions. *Fisheries* 42:10.

Chairman Encelewski

3

One of the direct impacts of climate change is ocean acidification through increased levels of atmospheric carbon dioxide. This is a large concern for a state as connected to the marine environment as Alaska. These concerns have culminated in the development of outreach efforts, research, and monitoring through a number of groups including the Alaska Marine Conservation Council, the Ocean Acidification Research Center at the University of Alaska Fairbanks, the Alaska Ocean Acidification Network, and others.

A recent risk assessment (Mathis et al. 2015) suggests that acidification will increase and directly impact the ability of marine invertebrates, such as crabs and clams, to create their hardened shells. This may cause declines in larval survival and leads to reduced recruitment. Direct impacts to finfish and marine mammals are less clear at this point, but changes in the food webs for these species are expected. The study found communities in southern rural Alaska areas (Southeast, Southcentral, and Southwest) to be most at risk due to subsistence reliance on nearshore species, lower industry diversity, economic dependence on fishery harvests, lower income, and higher cost of food.

Another recent study (Shoen et al. 2017) looked at the impacts Pacific salmon will face from climate and landscape change, focusing on changes to the Kenai River drainage. Predicted changes include glacial retreat, warmer waters, increased risk of flooding, and additional development and traffic along waterways. They note that development in the watershed has increased 20-fold between the 1980's and 2013, impacting wetlands that provide nutrients to streams and buffer stream flows. This development has also been implicated in the introduction of invasive species such as Northern Pike and Elodea. They also point out that salmon are highly adaptable and that it is difficult to predict how they will respond to these changes, and highlight the fact that many factors influencing salmon sustainability are influenced at the local level (restoration efforts, enforcement of habitat protections, coordination of stakeholders and managers).

The Council mentions the LCCs and the CAFF. It is important to note that the LCCs are undergoing a transition right now due to those entities being defunded through Department of the Interior appropriations. They are in the process of transitioning to being non-profit private entities, rather than programs within the Federal government. Four LCC staff and an administrative staff person continue working at U.S. Fish and Wildlife Service (USFWS) in Region 7, helping to 1) archive data collected through previous LCC research projects and 2) develop a coordinated budget aimed at leveraging private funding to continue LCC initiatives statewide, to be led by volunteer partners without the technical or financial support of the USFWS. Over the years, both the LCCs and the CAFF have given presentations, including related to climate change, to various Regional Advisory Councils at their request. The Western Alaska LCC helped coordinate a presentation about ocean acidification by the Ocean Conservancy for the Bristol Bay Subsistence Regional Advisory Council at its fall 2014 meeting. A representative from CAFF has given presentations at several meetings, including the 2016 All Council meeting and the winter 2018 meeting of the

Chairman Encelewski

4

Bristol Bay Subsistence Regional Advisory Council. This Council can work through its Council Coordinator to invite representatives from these organizations to participate in its meetings.

3. Cooper Landing By-pass Road Project

The U.S. Forest Service should continue to monitor the Cooper Landing by-pass road and support the project with the least impact to the resources and subsistence lifestyles. Public comments received on the project show concerns that the by-pass road will have environmental impacts on the Kenai River corridor and should not be constructed within 100 yards of the river to minimize impact to the fishery and other resources. The Council would like to continue to be appraised of the current status of the project.

Response:

Public meetings were held in Anchorage, Cooper Landing, and Soldotna for the Final Environmental Impact Statement (EIS) to provide the opportunity for the public to review the project and ask questions. The final comments on the EIS were accepted from March 16-April 16, 2018.

Additionally, the ADOT&PF provides this explanation for its selection of the Juneau Creek Alternative:

The Juneau Creek Alternative provides the best balance between meeting the project needs and minimizing impacts to the human and natural environment. It is the alternative located farthest from the Kenai River over the greatest distance, and therefore best protects the River. Most traffic is anticipated to be away from the River, reducing risk of pollutants from the roadway entering the River—particularly in the event of a truck rollover and spill of large volumes of hazardous material. The alternative, and thus through traffic, would not cross the Kenai River at all. The popular recreational campgrounds and fishing locations would largely be bypassed by through traffic, leaving that area with lighter local traffic. The alternative skirts the Cooper Landing community to reduce community impacts associated with traffic, noise, and property acquisition. There are several mitigation measures meant to minimize and compensate for Impacts to Resurrection Pass National Recreation Trail. Impacts to Federally designated Wilderness addressed in the EIS are not expected to occur because the Department of the Interior has indicated it expects to undertake a land exchange previously approved by Congress as part of the Russian River Land Act. This would mean that land needed for the Juneau Creek Alternative would no longer have a Wilderness designation. Impacts to wildlife movement would be reduced by inclusion of wildlife crossing structures. One of the crossings would be Alaska's first wildlife overpass crossing of a highway.

The March 2018 Final EIS is available for review on the ADOT/PF website http://sterlinghighway.net/SHWFinalEIS_New.html. The Record of Decision will be issued after

Chairman Encelewski

5

a 30-day comment period. OSM will extend an invitation to the ADOT/PF for a project representative to provide a presentation to the Council at its fall 2018 public meeting.

4. Russian River Subsistence Fishery

The Russian River subsistence dip net fishery is used by residents of the communities of Cooper Landing, Hope, and Ninilchik with a Customary and Traditional Use Determination to dip net for Sockeye Salmon in the Russian River Falls. Reports of non-Federally qualified users have been observed at the Russian River Falls dip netting for Sockeye Salmon.

The Council requests that Kenai NWR and Chugach National Forest enforce the subsistence regulations to prevent abuse by non-Federally qualified users.

Response:

Mr. Holsten, the Southcentral Council member from the community of Cooper Landing, noted during the Council's November 2017 meeting that there was "quite a bit of abuse of that fishery from non-permit holders up there", referencing the Russian River Falls area. He stated that abuse by non-Federally qualified users occurred despite the presence of clear signage, and requested additional enforcement by Forest Service and Fish and Wildlife Service personnel.

At the Council's March 2018 meeting in Anchorage, personnel from the USDA - Forest Service gave an update on their enforcement plans in this area for the upcoming season. Mr. David Pearson, a fisheries biologist, and Mr. Jordan Reimer, a new law enforcement officer, both spoke to the concerns about non-Federally qualified users illegally harvesting fish at this location. Mr. Pearson has made visits to the fishery at least once a week during the bulk of the season, and Mr. Reimer has made additional visits beyond that. This resulted in at least one citation for a non-Federally qualified user fishing in the dip net area, as well as a bit of clean up and removal of a few stuck dip nets. They also provided educational outreach to refresh folks on regulations related to the fishery at the annual pre-season permit meetings they hold in the spring.

The Board takes any claims of abuse of fisheries seriously, and both welcomes the efforts of the public to bring those to light and the efforts by our enforcement officers to educate users and enforce regulations.

5. All Regional Advisory Council Meeting

The Council, in its winter 2018 meeting held in Anchorage, supported and endorsed another All Regional Advisory Council meeting. The Council suggested OSM solicit input from Councils on the draft agenda to identify training needs and informational materials to be used in future meetings of the Councils.

Response:

The Board is pleased that the Council found value in the All Council Meeting held in Anchorage for the winter 2016 meeting cycle. As part of the planning for that meeting, all of the Council chairs were involved in developing the agenda, and a draft agenda was presented at all Council meetings during the fall 2015 meeting cycle for review and input. The Office of Subsistence Management would similarly include input from the Councils in developing an agenda for a

Chairman Encelewski

6

future All Council Meeting. It is desired that such a meeting would occur perhaps every five years or so, but whether another such meeting is held in the near future would be dependent upon the budget. The cost of the All Council Meeting was approximately 30% higher than that of a typical winter meeting cycle, and most of that increase cost was due to Council member travel (which was double the normal). The Board will encourage OSM to explore opportunities for another All Council Meeting in the near future if the budget allows.

6. Fisheries Resources Monitoring Program (FRMP)

The Council has stated on the record the importance of the FRMP in providing critical information to managers for development of resource monitoring plans and assisting them in making management decisions through special actions. The FRMP projects also provide critical information to the Council to develop recommendations on resource issues for the Board to consider.

The Council is concerned that some FRMP projects are not being funded. The Council recognizes that funding is challenging, but it would encourage the Board to continue to fund long-term fisheries programs, specifically because some of the studies that collect long-term data sets were dropped due to the lack of funding.

Response:

The Board appreciates the concerns of the Councils related to FRMP funding and the possible loss of funding for some long-term projects. The FRMP is a competitive process and on occasion new projects will outcompete long-standing projects. In addition, there are guidelines for allocation of funds to split the support from the program across the seven FRMP regions for the state. The guideline allocation for the current funding cycle for the Southcentral region is 5% of Department of the Interior (DOI) funds and 32.5% of Department of Agriculture (USDA) funds. The Southcentral region has often exceeded this guideline allocation in support of multiple projects. For example, one project alone for the 2014 funding cycle (project 14-505, Copper River Chinook Salmon Estimate of Inriver Abundance), was funded for the 2014 FRMP cycle for a total of \$1,626,610. The project was recently awarded a grand total of \$860,000 for four years as part of the 2016 cycle, a substantial reduction in cost from the last cycle, due to a \$215,000 cap placed on annual funds during the 2018 cycle.

The Board is encouraged by the number of high quality projects submitted for funding through the FRMP, and would again like to extend its great appreciation to the Councils for their diligence in ensuring that regionally important Priority Information Needs are set for this program.

Chairman Encelewski

7

In closing, I want to thank you and your Council for your continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I speak for the entire Board in expressing our appreciation for your efforts and our confidence that the subsistence users of the Southcentral Region are well represented through your work.

Sincerely,



Anthony Christianson
Chair

Enclosure

cc: Federal Subsistence Board

Southcentral Alaska Subsistence Regional Advisory Council

Thomas Doolittle, Acting Assistant Regional Director, Office of Subsistence Management

Jennifer Hardin PhD., Subsistence Policy Coordinator, Office of Subsistence Management

Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management

Donald Mike, Subsistence Council Coordinator, Office of Subsistence Management

DeAnna Perry, Subsistence Council Coordinator, USDA Forest Service

Southcentral Team, Office of Subsistence Management

Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game

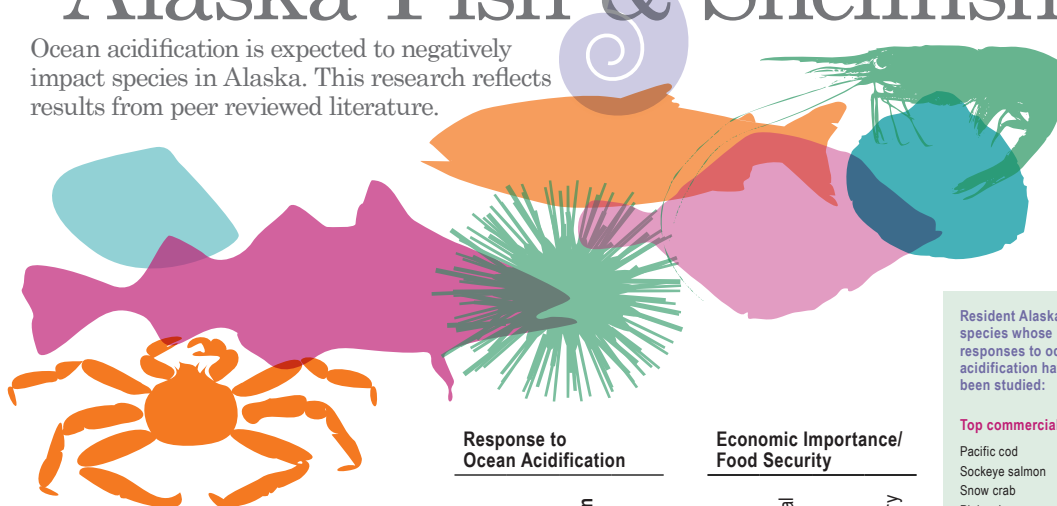
Interagency Staff Committee

Administrative Record



Impacts of Ocean Acidification on Alaska Fish & Shellfish

Ocean acidification is expected to negatively impact species in Alaska. This research reflects results from peer reviewed literature.



Ecosystem Role	Resident marine species	Response to Ocean Acidification				Economic Importance/ Food Security			
		Calcification	Growth	Reproduction	Survival	Commercial	Sport/personal	Subsistence	Closed Fishery
Predator	Southern Tanner crab	↓	↓	↓	↓	●	●	●	○
	Red king crab	↓	↑	↓	↓	●	●	●	○
	Pink salmon*	N/A	↓	↓		●	●	●	
	Dungeness crab*	U	↓	—	↓	●	●	●	
	Blue king crab		↓	U	↓	●		●	○
Food Web Link	Northern rock sole*	N/A	↓	U	↓	●		●	
	Walleye pollock*	N/A	—	U	—	●		●	
	Northern shrimp*	U	↓	U	↓	●		●	
Chemical / Nutrient Cycling	Pteropod*	↓	↓	U	U				
Habitat Forming	Baltic clam*	↓	↓	↓	↓		●	●	
	Pinto abalone* (endangered)	U	U	U	↓				●
	Common cockle*	↓	↓	U	U		●	●	
Ecosystem Engineer	Red sea urchin*	U	U	↓	U			●	

*Non-Alaska populations studied

KEY: ↑ Increase ↓ Decrease — Equilibrium N/A Not applicable U Unknown ○ Only certain populations

NOTE: The species listed in the table above are the *only* Alaska species that have been studied to date.

Resident Alaska species whose responses to ocean acidification have not been studied:

Top commercial value

- Pacific cod
- Sockeye salmon
- Snow crab
- Pink salmon
- Pacific halibut
- Sablefish
- Chum salmon
- Atka mackerel
- Yellowfin sole
- Pacific rockfish
- Chinook salmon
- Coho salmon
- Rock sole
- Rockfishes
- Pacific herring

Highest biomass in bottom trawl surveys

- Pacific ocean perch
- Giant grenadier
- Atka mackerel
- Pacific sleeper shark
- Salmon shark
- Yellowfin sole
- Redstripe rockfish
- Canary rockfish
- White sea urchin
- Arrowtooth flounder
- Pacific hake
- Shortaker rockfish
- Clonal plumose anemone
- Sharpshin rockfish
- Silvergray rockfish

Other important species

- Broad whitefish
- Capelin
- Crescent gunnel
- Dolly varden
- Longfin smelt
- Ninespine stickleback
- Pacific sand lance
- Rainbow smelt
- Threespine stickleback
- Sidestriped shrimp

References:
Commercial, recreational, and subsistence listing: ADFG Subsistence Reporting 2014 Statewide: <http://www.adfg.alaska.gov/sb/CSIS/index.cfm?ADFG=main.home>.
Commercial value data: NMFS. 2015 Fisheries of the United States. Current Fishery Statistics No. 2015. National Marine Fisheries Service Office of Science and Technology, Alan Lowther & Michael Liddell, Editors. Silver Spring, MD.
Trawl survey data: Alaska Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration.

Acknowledgments:
 Results from peer reviewed literature. Data compiled by the Kelley Lab at the University of Alaska Fairbanks.

Partners: Alaska Ocean Observing System, Ocean Acidification Research Center, Alaska Fisheries Science Center (NOAA Fisheries)

July 2017

Office of Subsistence Management

Fall 2018 Report to the Federal Subsistence Regional Advisory Councils

Staffing Update

Departures

Gene Peltola, Jr. left his position as the Assistant Regional Director (ARD) to become the new Regional Director for the Bureau of Indian Affairs in Alaska. In that role, he will also serve as a member of the Federal Subsistence Board. No official action has been taken as of yet to commence recruitment for a replacement. In the meantime, Tom Doolittle has assumed the role of the Acting ARD.

New Arrivals

Greg Risdahl has started as the new Fisheries Division supervisor at the Office of Subsistence Management (OSM). He received his B.S. in wildlife biology with a minor in anthropology from the University of Montana, and a M.S. from Montana State University in Fish and Wildlife Management. Greg previously worked for OSM as a wildlife biologist. He has served as the Deputy Refuge Manager at Tetlin National Wildlife Refuge and most recently as the Izembek National Wildlife Refuge Manager. Over his career, he has worked in both wildlife and fisheries management.

Vacancies

The following is a summary of current vacant positions and the status in hiring personnel to fill these positions:

Anthropology Division Supervisor

Paperwork has been submitted to the Alaska Regional Director, U.S. Fish and Wildlife Service, for approval to recruit to fill this position.

Staff Anthropologist

The paperwork to hire the position has been approved and is with Human Resources for publication.

Fisheries Biologist

The position posted on USA Jobs and Tom Doolittle has received a list of qualified applicants to consider for hiring.

Administrative Assistant

The Office of Subsistence Management has not been authorized to fill this vacancy.

2018-2020 Federal Wildlife Regulations

The wildlife regulatory year began on July 1, 2018, but the changes to the regulations based on the Federal Subsistence Board's action in April have not yet been published in the Federal Register. Those changes are therefore not in effect until that publication.

This has two specific consequences for the Federal Subsistence Management Program. First, the modifications to regulations made at the April Board meeting did not take effect on July 1, and will not take effect until the Federal Register notice is published. For example, the new definition of "bear bait" adopted in WP18-51 does not yet exist, or the C&T for deer in Units 1-5 has not yet been expanded to all Southeast residents, as authorized in the adoption of WP18-02.

Second, any wildlife actions that resulted from Board approval of temporary wildlife special actions last regulatory year expired on June 30.

However, the Federal Subsistence Board has issued several temporary delegation of authority letters to authorize land managers in particular areas to enact certain wildlife regulatory actions adopted by the Board in April 2018 but not yet published in the Federal Register. These temporary delegation of authority letters were issued to the following in-season managers, and will expire when the new wildlife regulations are published:

- Craig District Ranger, Tongass National Forest – Unit 2 deer (to implement WP18-01, adopted as WP18-01A)
- Thorne Bay District Ranger, Tongass National Forest – Unit 2 deer (to implement WP18-01, adopted as WP18-01A)
- Yakutat District Ranger, Tongass National Forest – Unit 5A (except Nunatak Bench, east of the Dangerous River) moose (to implement WP18-10 as modified)
- Superintendent, Western Arctic Park Lands – Unit 23 caribou in the Noatak National Preserve (to implement partial closure adopted in WP 18-46 as modified)
- Anchorage Field Office Manager, Bureau of Land Management – Unit 23 caribou in the Squirrel River drainage (to implement partial closure adopted in WP 18-46 as modified)

Winter 2019 Regional Advisory Council Meeting Calendar

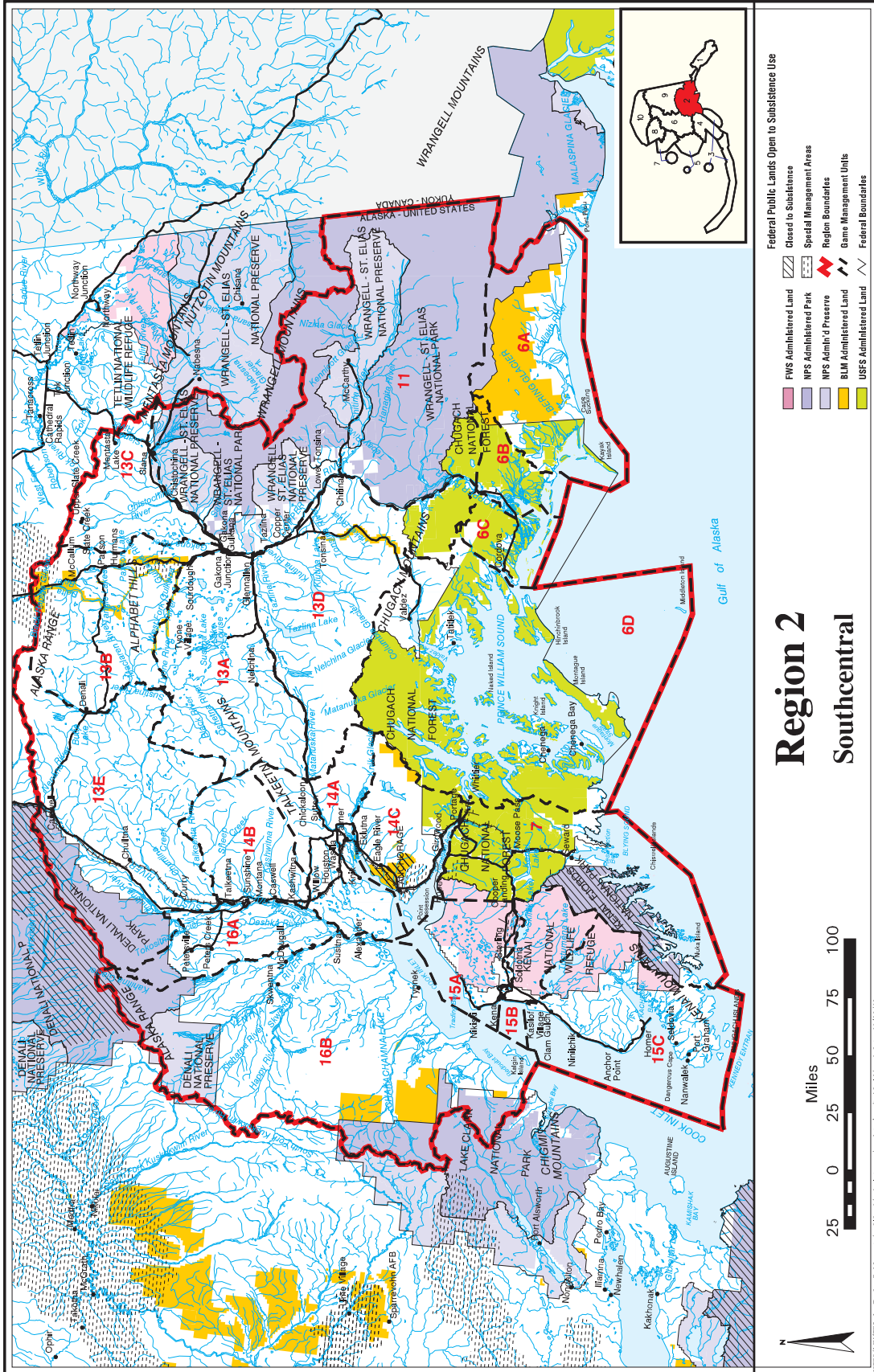
Due to travel budget limitations placed by Department of the Interior on the U.S. Fish and Wildlife Service and the Office of Subsistence Management, the dates and locations of these meetings will be subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Feb. 3</i>	<i>Feb. 4</i> <i>Window Opens</i>	<i>Feb. 5</i> BB — Naknek	<i>Feb. 6</i>	<i>Feb. 7</i>	<i>Feb. 8</i>	<i>Feb. 9</i>
<i>Feb. 10</i>	<i>Feb. 11</i>	<i>Feb. 12</i> SE — Wrangell	<i>Feb. 13</i> NS — Utqiagvik	<i>Feb. 14</i>	<i>Feb. 15</i>	<i>Feb. 16</i>
<i>Feb. 17</i>	<i>Feb. 18</i> PRESIDENT'S DAY HOLIDAY	<i>Feb. 19</i>	<i>Feb. 20</i> WI — Fairbanks	<i>Feb. 21</i> KA — Kodiak	<i>Feb. 22</i>	<i>Feb. 23</i>
<i>Feb. 24</i>	<i>Feb. 25</i>	<i>Feb. 26</i> SC — Anchorage	<i>Feb. 27</i> NWA — Kotzebue	<i>Feb. 28</i>	<i>Mar. 1</i>	<i>Mar. 2</i>
<i>Mar. 3</i>	<i>Mar. 4</i>	<i>Mar. 5</i> EI — Fairbanks	<i>Mar. 6</i> SP — Nome	<i>Mar. 7</i>	<i>Mar. 8</i>	<i>Mar. 9</i>
<i>Mar. 10</i>	<i>Mar. 11</i>	<i>Mar. 12</i> YKD — Bethel	<i>Mar. 13</i>	<i>Mar. 14</i>	<i>Mar. 15</i> <i>Window Closes</i>	<i>Mar. 16</i>

Fall 2019 Regional Advisory Council Meeting Calendar

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>Aug. 18</i>	<i>Aug. 19</i>	<i>Aug. 20</i>	<i>Aug. 21</i>	<i>Aug. 22</i>	<i>Aug. 23</i>	<i>Aug. 24</i>
<i>Aug. 25</i>	<i>Aug. 26</i>	<i>Aug. 27</i>	<i>Aug. 28</i>	<i>Aug. 29</i>	<i>Aug. 30</i>	<i>Aug. 31</i>
<i>Sept. 1</i>	LABOR DAY HOLIDAY <i>Sept. 2</i>	<i>Sept. 3</i>	<i>Sept. 4</i>	<i>Sept. 5</i>	<i>Sept. 6</i>	<i>Sept. 7</i>
<i>Sept. 8</i>	<i>Sept. 9</i>	<i>Sept. 10</i>	<i>Sept. 11</i>	<i>Sept. 12</i>	<i>Sept. 13</i>	<i>Sept. 14</i>
<i>Sept. 15</i>	<i>Sept. 16</i>	<i>Sept. 17</i>	<i>Sept. 18</i>	<i>Sept. 19</i>	<i>Sept. 20</i>	<i>Sept. 21</i>
<i>Sept. 22</i>	<i>Sept. 23</i>	<i>Sept. 24</i>	<i>Sept. 25</i>	<i>Sept. 26</i>	<i>Sept. 27</i>	<i>Sept. 28</i>
<i>Sept. 29</i>	<i>Sept. 30</i>	<i>Oct. 1</i>	<i>Oct. 2</i>	<i>Oct. 3</i>	<i>Oct. 4</i>	<i>Oct. 5</i>
<i>Oct. 6</i>	<i>Oct. 7</i>	<i>Oct. 8</i>	<i>Oct. 9</i>	<i>Oct. 10</i>	<i>Oct. 11</i>	<i>Oct. 12</i>
<i>Oct. 13</i>	COLUMBUS DAY HOLIDAY <i>Oct. 14</i>	<i>Oct. 15</i>	<i>Oct. 16</i>	AFN — Fairbanks		
<i>Oct. 20</i>	<i>Oct. 21</i>	<i>Oct. 22</i>	NS — Utqiagvik		<i>Oct. 24</i>	<i>Oct. 25</i>
<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>	<i>Oct. 30</i>	<i>Oct. 31</i>	<i>Nov. 1</i>	<i>Nov. 2</i>
<i>Nov. 3</i>	<i>Nov. 4</i>	<i>Nov. 5</i>	<i>Nov. 6</i>	<i>Nov. 7</i>	<i>Nov. 8</i>	<i>Nov. 9</i>



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

Southcentral Alaska Subsistence Regional Advisory Council

Charter

1. **Committee's Official Designation.** The Council's official designation is the Southcentral Alaska 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.
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 of, review, and evaluate 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. **Appoint one member to the Wrangell-St. Elias National Park Subsistence Resource Commission and two members to the Denali National Park Subsistence Resource Commission in accordance with Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA).**
 - f. **Make recommendations on determinations of customary and traditional use of subsistence resources.**
 - g. **Make recommendations on determinations of rural status.**
 - h. **Provide recommendations on the establishment and membership of Federal local advisory committees.**
 - i. **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.**

- j. 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.

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 \$170,000, including all direct and indirect expenses and 1.15 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 of the advisory committee's and subcommittees' 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, it 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:

Thirteen 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 nine of the members (70 percent) represent subsistence interests within the Region and four 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.

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. A vacancy on the Council will be filled in the same manner in which the original appointment was made. Members serve at the discretion of the Secretary.

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, shall be handled in accordance with General Records Schedule 6.2, and other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



Secretary of the Interior

DEC 01 2017

Date Signed

DEC 04 2017

Date Filed

Follow and “Like” us on Facebook!
www.facebook.com/subsistencealaska

