

BATZULNETAS FINDINGS
ALASKA BOARD OF FISHERIES
March 1988

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Introduction

The Alaska Board of Fisheries heard one full day of staff reports and public testimony on the Copper River subsistence fisheries and on Proposal #399. This proposal asked the board to establish a subsistence fishery at Batzulnetas, above Slana near the mouth of Tanada Creek. On the following day, the board began deliberations on the proposal, recalling several people who had previously testified to gather additional information. During this period the board convened a committee to allow more informal discussion of possible solutions to the problems presented in the proposal. The committee, which included the proponents of proposal #399, met in open session for over an hour to discuss whether additional fishing opportunities could be authorized with adequate protection for the fish stocks at Batzulnetas.

Ultimately, the board decided that the existing subsistence fishery, which stretches approximately 120 river miles from Slana downstream to Chitina, provided a reasonable opportunity for Copper River subsistence fishermen to satisfy subsistence uses. The board also decided that even though existing regulations provided the type of reasonable opportunity described in AS 16.05.258, it would be feasible to provide additional subsistence fishing area for residents of Dot Lake and Mentasta. This additional opportunity is in excess of the reasonable or necessary opportunity provided downstream of Slana.

Therefore, the board established the Batzulnetas subsistence fishery with the following guidelines:

1. A subsistence salmon fishery will open by emergency order during June, July, and August;
2. During June the fishery will operate two consecutive days per week;
3. During July and August the fishery will operate three and one half consecutive days per week;
4. Chinook salmon cannot be retained;
5. Bag limits will be the same as those for the primary Copper River subsistence fishery see {5 AAC 01.630(f)};
6. Legal gear will include fishwheels and dipnets in an area extending approximately one half mile downstream from the mouth of Tanada Creek, between markers set by ADF&G, and dipnets and spears within Tanada Creek for a stretch of about one mile upstream from the mouth as marked by ADF&G;

7. Harvest reports must be returned to ADF&G by September 30 each year; and

8. The board found that only residents domiciled in Mentasta and Dot Lake had fished in this area in the past, so the fishery is restricted to those residents.

The following findings explain how and why the board decided to create this additional fishing opportunity for Dot Lake and Mentasta residents.

Based upon testimony from ADF&G's Divisions of Subsistence and Commercial Fisheries, the public, and the proponents of proposal #399, the board reached the following conclusions.

Biology of the Copper River Fisheries

1. The Copper River is one of the most biologically complex river systems in Alaska.
2. About 124 known sockeye stocks, as well as various chinook and coho salmon stocks, travel upstream in the summer to spawn in the various Copper River tributaries.
3. The Copper River sockeye stocks are generally mixed as they travel upstream, with 20 or more stocks traveling together in the main river at any given time.
4. Copper River sockeye stocks are harvested in the commercial fishery near the mouth of the Copper River; the subsistence fishwheel and dipnet fishery along approximately 120 miles of the river from Chitina to Slana; and the personal use fishwheel and dipnet fishery at Chitina. A very small number of sockeye salmon are also harvested in a sport fishery.
5. Due to the complex mixture of stocks, Copper River fisheries are managed on the basis of "stock units" during the season. A sonar counter at Miles Lake helps to enumerate salmon escapement to the upper river.
6. Copper River sockeye stocks can be divided into "delta" stocks (lower river) and "upper river" stocks. Aerial counts of escapement from 20 streams are used as an index of upper river escapement and distribution.
7. The Copper River is accessible at several points along the area open for subsistence fishing. Some access is at public sites, some access crosses private lands. Subsistence fishing opportunities are open to all rural Copper Basin residents in communities or areas that have been found to have customary and traditional uses of Copper River stocks. These include: residents of Game Management units 11, 13(A), 13(B), 13(C), and 13(D) in the Jaksina River drainage to its confluence with

the Nabesna River, and the communities of Tetlin, Northway, Dot Lake, Tanacross, and Tok. {5 AAC 01.630(e)}

8. The reported subsistence-personal use harvest has increased from about 13,000 in 1965 to 65,700 in 1987. The fishwheel catch, which is the primary gear used by local subsistence fishermen, increased from approximately 5,800 in 1965 to 22,300 in 1987. Higher fishwheel catches during the early 1980's reflect significant non-local participation in fishwheel use which has since declined.

9. Several salmon stocks pass by the mouth of Tanada Creek, including (1) sockeye that spawn in Tanada Lake and the lake outlet, (2) a small chinook stock that spawns in Tanada Creek (in 1979 5 chinook were counted at a weir 8 or 10 miles above the mouth of the creek -- more may spawn downstream from the weir site), and (3) sockeye that spawn in Copper Lake (a small population from about 10 to 1000 sockeye as indicated by aerial surveys).

10. There are some biological risks in harvesting salmon at Tanada Creek. Unless the fishery is carefully monitored or otherwise controlled, a harvest could weaken or destroy escapement when the harvest is targeted on only the stocks at this site. There are also risks to the Copper Lake sockeye and chinook stocks. Without a weir or other monitoring device, escapement cannot be determined until after the fishing season is over and aerial surveys of spawning areas are made.

11. A relatively small fishery with intermittent openings poses less risk to the resource than a fishery open 7 days a week.

Subsistence Uses at Batzulnetas

1. Athabaskan tribes have resided in and fished for salmon in the Copper River Basin for in excess of 1000 years.

2. The Upper Ahtna Indians spoke a distinct dialect and their dialect area, which roughly corresponded with traditional fishing areas, generally extended from Slana upstream to the headwaters of the Copper River.

3. At the time Lt. Allen first ventured into the Copper River Basin in the 1880's there were fishing camps at various sites along the Copper River, including a camp called Batzulnetas {roasted salmon place}.

4. Batzulnetas was one of the primary fishing sites for the Upper Ahtna people and was a village site until abandoned in the 1940's. It was still used to some extent as a summer fish camp after the 1940's. There were several other Upper Ahtna fishing sites, including Slana, Suslota Creek, Twin Lakes, and Mentasta Lake.

5. When Batzulnetas was abandoned in the 1940's, most of the residents moved to Dot Lake and Mentasta Village and have participated in the subsistence fishery at Chistochina, Chitina, and other sites such as Gulkana.

6. In 1964, the subsistence fishery on the copper River was no longer upstream from Slana due to conservation concerns about harvesting stocks in small terminal streams.

7. Some residents of Dot Lake and Mentasta continued to fish at other sites downstream from Slana, but some preferred to fish in less crowded areas or on their own land where they could have a fish camp allowing them to dry their fish and pass along fishing skills to the next generation.

8. There are three native allotments at Batzulnetas site. Doris Charles' site allotment is patented. Katie John and Gene Henry have each applied for patents. The entire Batzulnetas area is within the boundaries of Wrangell-St. Elias National Park.

9. In the summer of 1987, the Alaska Board of Fisheries and the Department of Fish and Game allowed an interim fishery at Batzulnetas for residents of Mentasta and Dot Lake in connection with settlement negotiations in John v. Alaska (U.S. District Court). That fishery allowed up to 500 sockeye be taken by dipnets in a portion of Tanada Creek, and up to 500 sockeye to be taken by fishwheel in the Copper River, within one half mile of the mouth of Tanada Creek. Periods of three and one half days were opened by emergency order in July and later extended into August. By the end of the fishery, only 22 sockeye had been taken. The proponents of proposal #399 indicated that the low take may have been due to where the wheel was placed (they were free to choose the spot), water conditions or run timing.

10. In general it appeared that the opportunity to fish at the old village site of Batzulnetas is more important to the proponents of proposal #399 than the actual number of fish taken at this site.

11. Only the communities of Dot Lake and Mentasta have an historical, customary and traditional use of Batzulnetas area. Mentasta and Dot Lake were the communities where most former Batzulnetas residents moved. Most of the residents of Dot Lake are related to Doris Charles. Most of the residents of Mentasta are related to Katie and Fred John.

Reasonable Opportunity

1. In most years there should be a small harvestable surplus of Tanada Creek stocks. The surplus at Tanada Creek is small because only the Tanada Creek and Tanada Lake or Copper Lake stocks are available there.

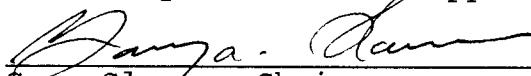
2. Providing a reasonable subsistence opportunity to harvest a stock of fish does not guarantee a specific number of fish, nor a right to fish at every possible location.

3. Rural residents in the Copper basin have a reasonable opportunity harvest Tanada Creek stocks as part of the mix of Copper River stocks at subsistence fishing sites that are within the general historical area of Copper River subsistence fishing.

4. Batzulnetas is not easily accessible. Most of the time it can only be reached on foot or with 3 or 4 wheelers (ATV's) along a 2 or 2.5 mile trail. Other sites along the Copper River at Slana, Chistochina, etc., are accessible by 2 wheel vehicle directly from the Glenn Highway. Fish can be processed at or near many existing fishing sites.

5. Although a reasonable subsistence fishing opportunity exists, some sockeye may be taken at Batzulnetas without jeopardizing sustained yield, if the harvest is carefully structured, managed, and monitored by ADF&G, using its emergency order authority if necessary to protect escapement.

6. A fishery at Batzulnetas as described in the introduction to these findings will minimize risks to Copper Lake sockeye and Tanada Creek chinook stocks, while allowing Mentasta and Dot Lake residents an opportunity to fish at a preferred site thus providing an extra and limited fishing opportunity consistent with sustained yield which is excess to reasonable necessary subsistence opportunity.



Gary Slayen, Chairman
Alaska Board of Fisheries

Adopted: _____