



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1011 E. Tudor Road
Anchorage, Alaska 99503-6199

RC 006



FWS/OSM 13082.GP

NOV 18 2013

Mr. Karl Johnstone, Chair
Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Dear Chair Johnston:

The Alaska Board of Fisheries (Board) will deliberate 2013/2014 regulatory proposals that address Chignik Area commercial, sport, and subsistence finfish and groundfish fisheries beginning December 3, 2013. We understand that the Board will be considering approximately eight proposals at this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management (OSM), working with four other Federal agencies, has reviewed these proposals and developed the enclosed preliminary comments on proposals which may have an effect on Federal subsistence users and fisheries in this area. We may wish to comment on other proposals if issues arise during the meeting which may have an effect on Federal subsistence users and fisheries.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with the Alaska Board of Fisheries and the Alaska Department of Fish and Game on these issues.

Sincerely,

Eugene R. Peltola, Jr.
Assistant Regional Director, OSM

Enclosure

cc: Cora Campbell, ADF&G
Tim Towarak, Chair FSB
Lisa Olsen, ADF&G, Anchorage
Hazel Nelson, ADF&G, Anchorage
Jeff Regnart, ADF&G, Anchorage
Charles Swanton, ADF&G, Juneau

Glenn Haight, ADF&G, Juneau
Drew Crawford, ADF&G, Anchorage
Kathleen M. O'Reilly-Doyle, DARD, OSM
Jennifer Yuhas, ADF&G, Fairbanks
Interagency Staff Committee
Administrative Record

TAKE PRIDE
IN AMERICA

NOV 18 2013

**FEDERAL SUBSISTENCE MANAGEMENT PROGRAM COMMENTS ON
ALASKA BOARD OF FISHERIES PROPOSALS
for the
CHIGNIK MANAGEMENT AREA**

**State of Alaska
Board of Fisheries Meeting
December 3-6, 2013
Anchorage, Alaska**

Table of Contents

<u>Proposal</u>	<u>Page Number</u>
Chignik Area Salmon Management Plan Proposal 40	3

Federal Comments

The following comments focus only on proposals which may affect Federally qualified subsistence users and/or resource conservation.

Proposal 40 would change the word “shall” to “may” relative to use of emergency orders (EOs) to open the first commercial salmon fishing period of the season in the Chignik Management Area when 20,000 sockeye salmon have escaped into the Chignik River.

Current State Regulations:

5 AAC 15.357 Chignik Area Salmon Management Plan

5AAC 15.357(b)(1) the commissioner shall open, by emergency order, the commercial salmon fishery when 20,000 sockeye salmon have escaped into the Chignik River; however if the department determines that a strong buildup of sockeye salmon exists in Chignik Lagoon and that 20,000 sockeye salmon will escape into the Chignik River, the commissioner may open, by emergency order, the commercial salmon fishery before 20,000 sockeye salmon have escaped into the Chignik River;

Current Federal Regulations:

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

(i) You may take fish other than salmon, rainbow/steelhead trout, or char at any time, except as may be specified by a subsistence fishing permit. For salmon, Federal subsistence fishing openings, closings and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action. Within the Chignik Area, depending upon the area that you may fish, in addition to a State subsistence fishing permit, you may be required to also have a Federal subsistence permit.

(ii) You may take salmon in the Chignik River, with rod and reel, from a point 300 feet upstream of the ADF&G weir to Chignik Lake from January 1 through August 9, with no daily harvest or possession limit under the authority of a Federal subsistence fishing permit. You may take salmon by gillnet in Black Lake or any tributary to Black or Chignik Lakes with a Federal subsistence fishing permit. You may take salmon in the waters of Clark River and Home Creek from their confluence with Chignik Lake upstream 1 mile. In the open waters of Clark River and Home Creek you may take salmon by snagging (handline or rod and reel), spear, bow and arrow, or capture by hand without a permit. The daily harvest and possession limits using these methods are five per day and five in possession.

(iii) *You may take salmon, trout, and char only under the authority of a subsistence fishing permit unless otherwise indicated in this section or as noted in the permit conditions.*

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No

Impacts to Federal subsistence users/fisheries: Yes. The proposed regulation would allow the Alaska Department of Fish and Game to delay opening the commercial salmon fishery in the Chignik Management Area during years of low early-run sockeye salmon abundance. Delaying the first commercial fishery of the season during weak returns may provide continued opportunity to Federal subsistence fishermen to harvest early season salmon. ADF&G staff comments provided to the Alaska Board of Fisheries on proposal 26 at the 2008 meeting indicates between 1980-2001, approximately 80% of subsistence fisheries harvest activities in the Chignik River watershed take place prior to June 12.

Federal Position/Recommended Action: Support. Adoption of this proposal will grant fisheries managers some flexibility to determine if the Chignik River sockeye salmon early run is large enough to prosecute a commercial fishery and provide for subsistence opportunity during years of low return strength or late run timing. The Federal Subsistence Management Program supports regulations which allow inseason modification of management practices in response to the resource abundance and timing. Inseason management actions tailored to the strength and timing of the salmon return will assist in continuance of subsistence practices and address conservation concerns.

Additionally, the Bristol Bay Federal Subsistence Regional Advisory Council unanimously supported this proposal at their October 29, 2013 meeting in Dillingham.