

Kuskokwim Subsistence Fisheries (4 proposals)

PROPOSAL 90

5AAC 01.280. Subsistence fishing permits.

Create a Tier II subsistence king salmon fishery in the Kuskokwim River, as follows:

Kuskokwim River Chinook salmon Tier II Permit Description and the Issue it addresses:

Tier II permit system – ANS has not been met, and likely will not be in the near future, current management practices are not providing what many consider a “reasonable opportunity” for all subsistence uses including the opportunity to harvest other species that do not have a conservation concerns. A Tier II system would limit the pool of qualified applicants to the Kuskokwim area.

Permit annual allocation – Based on some portion of the forecasted surplus, but not intended to meet all subsistence needs or ANS. A minimal allocation would allow for the maximum number of qualified users to obtain a permit and fish when and how it best meets their needs. The total permit allocations would be deducted from the projected harvestable surplus pre-season.

Household Permit with Proxy fishing allowed – Individual households would be responsible for managing their own permit and may collaborate with other permit holders to share and pool resources, in part restoring traditional practices.

Permit allows retention of other species and Chinook 20 inches or less do not count toward permit allocation – Provides opportunity to meet subsistence needs with other species, and may improve the quality of escapement. Jack (3 year old) Chinook typically make up less than 2% of the total return. These fish could also be deducted from the forecasted surplus pre-season.

Tier II permit dates – June 12th – June 24th; this period protects early run headwater stocks and June 24th is around the median date of run timing for all subareas near Bethel. By June 24th approximately a third of the chum salmon run has passed Bethel, and less than a quarter of the sockeye salmon run. Bethel and the surrounding Villages account for approximately 80% of the total Chinook harvest. This permitted fishing period could provide 12 days of uninterrupted fishing opportunity (for all species) to permit holders in the early part of the season without significantly compromising conservations objectives.

Tier I fishery opener – If at some point after the Tier II closure date and the in-season run assessment suggest additional (beyond the Tier II allocation) fish are available for harvest the Department can use emergency authorities to allow for additional harvest opportunity under a Tier I system using time, area, gear management actions.

Proposed regulatory language:

5 AAC 01.280 Subsistence fishing permits.

[FISH MAY BE TAKEN FOR SUBSISTENCE PURPOSES WITHOUT A SUBSISTENCE FISHING PERMIT]

Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

In times of king salmon conservation, the commissioners may, by emergency order, close the subsistence fishery and immediately reopen the fishery with the following provisions. In the Kuskokwim River drainage, king salmon may only be taken by a Household subsistence fishing permit. A king salmon subsistence fishing permit may be issued to Households who demonstrate a subsistence pattern of use for king salmon as described in the Tier II fishery framework as outlined in AS 16.05.258 (b)(a);

Season dates for Household permits are June 12th through June 24th ;

Annual permit limits will be determined based on a percentage of annual forecasted surplus king salmon, and the number of permit applications received.

The application period for community and household permits is [MONTH AND DAY] through [MONTH AND DAY] annually;

Only one subsistence fishing permit will be issued to each household annually;

Proxy fishing by a subsistence permit holder for another Household permit holder is allowed;

Individual households permit holders are only eligible to be listed on only one subsistence fishing permit for proxy fishing annually;

All species caught while fishing for king salmon must be retained;

Fish caught during open fishing periods do not count toward the annual household permit allocation;

King salmon 20 inches or less do not count toward the annual household permit allocation;

Permit must be in possession while fishing or transporting fish;

All fish harvested must be recorded on the permit, in ink, before concealing the fish from plain view or transporting the fish from the fishing site; for the purposes of this paragraph, “fishing site” means the location where the fish is removed from the water and becomes part of the permit holder’s annual allocation;

Permits must be returned or harvest reported when fishing is completed or by the date specified on the permit;

Permits must be returned to the department no later than [Month and Day], or a permit for the following year may be denied as provided in 5 AAC 01.015;

This regulation expires January 1st, 2026.

What is the issue you would like the board to address and why? Since 2009 Kuskokwim River Chinook salmon returns have been severely depressed and are showing little to no sign of returning to their historic averages, this despite meeting escapement goals and objectives in most of those years. As a consequence, and in an effort to rebuild the Chinook run subsistence harvest has been significantly reduced to meet the established drainage-wide Sustainable Escapement Goal of 65,000-120,000 fish. The established ANS for Chinook salmon on the Kuskokwim is 67,200 - 109,800 fish, which has not been met for a decade, see figure below.

The fishing opportunity that has been provided uses time, area and gear restriction. The majority of the harvest has been taken by providing short open periods for drift gill net fishing once or twice a week and then closing the river to all drift fishing until the next opening. This all or none strategy is basically the same employed for commercial fishing, and while it may be effective at meeting conservation goals and providing what could be considered “reasonable” opportunity, it is not one that aligns with traditional and cultural practices.

Public testimony over the last decade of restricted fishing has been filled with reports of; crowded or “combat” fishing conditions, difficult drying conditions later in the season leading to spoilage, personal conflicts with scheduled openings, poor weather, abandonment of fish camps, theft of unattended fish on drying racks, bears and flies, etc., the list goes on. While it is unlikely that returns will recover in the near future that could support sufficient harvest levels to achieve ANS, an opportunity to address these other concerns and ease the burden on subsistence fishers is to establish a Kuskokwim River Chinook salmon permit system as outlined in this proposal.

Because of the allocative nature of this proposal only the Alaska BOF has the authority to establish such a permit system, much like the BOF proposed in 2016 in proposal 276, which was tabled.

PROPOSED BY: Central Kuskokwim Advisory Committee (EF-F22-015)

PROPOSAL 91

5 AAC 01.270. Lawful gear and gear specifications and operation.

Modify Kuskokwim Area lawful gear and gear specifications and operation to provide greater opportunity to harvest salmon other than king salmon, during times of salmon conservation, as follows:

5 AAC 01.270(m) is amended to read:

...

(m) Notwithstanding (b) and (j) of this section, during times when the commissioner determines it to be necessary for the conservation of [CHUM] salmon **other than king salmon**, the commissioner, by emergency order, may close the fishing season in any portion of the Kuskokwim Area and immediately reopen the season in that portion during which the following gear limitations apply:

- (1) a gillnet used to take fish

(A) must be of seven and one-half inch or greater mesh or four-inch or less mesh;

(B) for a gillnet of four-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order;

(C) for a gillnet of seven and one-half inch or greater mesh, may not exceed the length specified **by the commissioner in the emergency order** [IN (b) AND (j) OF THIS SECTION];

(D) mesh size may not exceed six inches;

(E) for a gillnet of six-inch or less mesh, may not exceed the length specified by the commissioner in the emergency order;

(F) mesh size must be seven and one-half inch or greater mesh and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(G) mesh size may not exceed four inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(H) mesh size may not exceed six inches and the gillnet may only be operated as a set gillnet; no part of a set gillnet may be more than 100 feet from the ordinary high water mark;

(2) for fish wheels:

(A) **except as provided in (B) of this paragraph,** a fish wheel used to take fish must be equipped with a livebox that is constructed so that it contains no less than 45 cubic feet of water volume while it is in operation; **the livebox of a fish wheel must be checked at least once every six hours while the fish wheel is in operation and all salmon other than king salmon that are specified by the commissioner that are in the livebox must be returned alive to the water** ;

(B) **a person may operate a fish wheel without a livebox only if**

(i) the fish wheel is equipped with a chute that returns fish captured by the fish wheel to the water alive;

(ii) the person closely attends the fish wheel while it is in operation; and

(iii) the person returns all salmon specified by the commissioner caught to the water alive [THE LIVEBOX OF A FISH

WHEEL MUST BE CHECKED AT LEAST ONCE EVERY 12 HOURS WHILE THE FISH WHEEL IS IN OPERATION, AND ALL CHUM SALMON IN THE LIVEBOX MUST BE RETURNED ALIVE TO THE WATER];

(C) repealed 6/17/2001;

(3) beach seine gear: any [CHUM] salmon **specified by the commissioner** taken in beach seine gear must be returned alive to the water;[.]

(4) for dip nets: a person may fish for salmon with a dip net, as defined in 07.365(e)(11)(A), and all salmon specified by the commissioner caught in a dip net must be released immediately and returned alive to the water.

What is the issue you would like the board to address and why? The Kuskokwim Area currently has several management actions available for the protection of king salmon, while still being able to provide harvest opportunity on more abundant salmon species that have overlapping run timings. The number of management actions available for chum salmon conservation is inadequate and non-existent for sockeye or coho salmon. Furthermore, current regulations are not aligned with specific gear operation for chum and king salmon. For example, restrictions on fish wheel operations are not aligned between king and chum salmon. This creates serious confusion when conservative management actions are needed for both king and chum salmon simultaneously to meet escapement goals. The department needs greater flexibility to be able to provide subsistence harvest opportunity on abundant salmon species while providing protections to less abundant salmon species. This proposal would establish fishing gear alternatives and align gears during times of chum, sockeye, or coho salmon conservation which would allow for a more adaptive management strategy benefitting subsistence fishery users.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-052)

PROPOSAL 92

5 AAC 01.260. Fishing seasons and periods and 5 AAC 01.275. Waters closed to subsistence fishing.

Increase subsistence opportunity before, during, and after commercial fishing periods set by emergency order, as follows:

5 AAC 01.260(c) is amended to read:

...

(c) In Districts 4 and 5, salmon may be taken at any time, except that **the commissioner may, by emergency order, close the subsistence fishing periods in the waters of Districts 4 or 5 and reopen those waters to commercial fishing.** [FROM JUNE 1 THROUGH SEPTEMBER 8, SALMON MAY NOT BE TAKEN FOR 16 HOURS BEFORE, DURING, AND SIX HOURS AFTER EACH COMMERCIAL SALMON FISHING PERIOD IN EACH DISTRICT].

...

5 AAC 01.275(b)-(d) are amended to read:

...

(b) The **commissioner may, by emergency order, close the** Goodnews River [IS CLOSED] to the subsistence taking of fish by nets east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

(c) The **commissioner may, by emergency order, close the** Kanektok River [IS CLOSED] to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

(d) The **commissioner may, by emergency order, close the** Arolik River [IS CLOSED] to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth [16 HOURS] before, during, and [SIX HOURS] after each open commercial salmon fishing period.

...

What is the issue you would like the board to address and why? Subsistence fishing closures surrounding commercial salmon fishing openings have been in place in the Kuskokwim Management Area since at least the early 1980s. The primary justification for such closures was to discourage the commercial sale of subsistence caught fish. Subsistence fishing closure times in all Kuskokwim Area commercial fishing districts have ranged from 24 to 16 hours before a commercial opening, during the commercial opening, and typically 6 hours after the opening. Between the mid-1990s and early 2000s, for Kuskokwim River commercial fishing Districts 1 and 2, exact closure times were removed from regulation in favor of closed subsistence fishing periods being announced through emergency order. Currently, in Kuskokwim Bay commercial fishing Districts 4 and 5 and the Goodnews, Kanektok, and Arolik rivers, subsistence closure times remain at 16 hours before, during, and 6 hours after a commercial fishing period. This proposal seeks to align Districts 4 and 5 and the Goodnews, Kanektok, and Arolik rivers subsistence closure regulations with that of Districts 1 and 2.

Participation during the 2020 and 2021 commercial fishery in Districts 4 and 5 was smallest on record due to processing capacity and COVID-19 restrictions. During a year of low or high commercial participation and when escapement goals are expected to be met, the department needs greater flexibility in scheduling subsistence closures times around commercial openers. Establishing closure times through emergency order for Districts 4 and 5 would allow for a more adaptive management strategy benefitting fishery users.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F22-053)

PROPOSAL 93

5 AAC 01.275. Waters closed to subsistence fishing; 5 AAC 71.010. Seasons and bag, possession, annual, and size limits for the Kuskokwim - Goodnews Area.

Close the Buckstock River between June 14 and September 1 to all fishing, as follows:

Close the Buckstock River upstream of a point (-159.219607, 61.342717) between June 14th and September 1st to all fishing.

The purpose of the closure is to protect spawning salmon during low flow periods (discharges below 400 cfs.) when chum salmon are present and actively spawning

5 AAC 01.275. Waters closed to subsistence fishing

(a) Repealed 4/15/81.

(b) The Goodnews River is closed to the subsistence taking of fish by nets east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before, during, and six hours after each open commercial salmon fishing period.

(c) The Kanektok River is closed to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(d) The Arolik River is closed to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(e) The Buckstock River is closed to subsistence fishing upstream of ADF&G regulatory marker placed near its upper most confluence with the Aniak River between June 14th and September 1st.

And;

5 AAC 71.010. Seasons and bag, possession, annual, and size limits for the Kuskokwim - Goodnews Area.

(a) Except as otherwise specified in this section or through an emergency order issued under AS 16.05.060, sport fishing is permitted year round in the waters of the Kuskokwim - Goodnews Area.

(b) Except as otherwise specified in (c) of this section, the following are the general bag, possession, and size limits for finfish and shellfish in the waters of the Kuskokwim - Goodnews Area:

(3) in the Aniak River drainage,

(A) The Buckstock River is closed to fishing upstream of ADF&G regulatory marker placed near its upper most confluence with the Aniak River between June 14th and September 1st.

[(A)] (B) the bag and possession limit for king salmon 20 inches or greater in length is two fish, with an annual limit of two fish 20 inches or greater in length; an angler fishing for king salmon must possess and complete a current year's nontransferable harvest record as specified in 5 AAC 75.006;

[(B)] (C) the bag and possession limit for pink, sockeye, chum, and coho salmon is three fish, with no size limit; however, the aggregate daily bag and possession limit of all salmon species may not exceed three salmon, of which no more than two fish may be king salmon;

[(C)] (D) the bag and possession limit for Arctic char/Dolly Varden is three fish, with no size limit;

[(D)] (E) rainbow trout may not be possessed or retained; all rainbow trout must be released immediately and returned to the water unharmed;

[(E)] (F) the bag and possession limit for Arctic grayling is two fish, with no size limit;

[(F)] (G) the bag and possession limit for sheefish is two fish, with no size limit;

What is the issue you would like the board to address and why? The Aniak River and its tributaries support one of the largest sport and subsistence fisheries in the Kuskokwim Area. One of its major tributaries is the Buckstock River located about 40 miles up the Aniak River. It is a popular destination for people from all over the area and the world to frequent, either on their own or through guided fishing operations. The Aniak and Buckstock Rivers supports all five species of pacific salmon and provides world class rainbow trout, and Dolly Varden fishing opportunities.

Chum salmon returns to the Aniak River are a shadow of what they were just decades ago, and recent years returns have only served to cause further concerns. Local residents have long recognized the important role the Buckstock River plays in providing spawning habitat for all salmon, but particularly for chum salmon. Local residents have made it a point to minimize disturbance of spawning fish on the Buckstock by avoiding the area during low water periods.

With increased use and the availability of small jet powered boats access to the spawning areas has become less difficult. The spawning areas are often sought out by fishermen because of the presence large numbers of rainbow trout feeding on fugitive eggs floating just downstream of actively spawning fish.

The Buckstock is intercepted by several side channels of the Aniak River in its lower reaches. At about 1.5 miles upstream of its main confluence with the Aniak the river the Buckstock River

changes dramatically. The river above this point can be characterized as; a low gradient (1-2%), highly mobile gravel bedded, clear ground water fed stream, averaging around 25 ft. in width and 0.5 – 2.0 ft. in depth at average to low flows, making it ideal spawning habitat for summer chum salmon. These stream conditions extend upstream for miles and can be accessible by small jet boat or easily waded.

Boating and even wading the Buckstock under summer low flow conditions causes' significant disturbance by displacing spawning fish and potential egg mortality in the redds as eggs are dislodged and then preyed on, or ruptured by boat pressure waves or by foot traffic.

The AC recognizes that the BOF does not make regulations regarding access or boat use, but that they can regulate the reason for accessing such a vulnerable area, i.e. to fish. Ample opportunity to fish still exists in the lower 1.5 miles of the Buckstock and the entire Aniak River drainage. By seasonally closing the upper Buckstock River the BOF would be in affect create a sanctuary area to protect spawning salmon during low water periods, something local people have been practicing, and trying to encourage for many years.

PROPOSED BY: Central Kuskokwim Fish and Game Advisory Committee (HQ-F22-006)
