

Upper Copper River Personal Use and Subsistence

PROPOSAL 23

5 AAC 01.610. Fishing seasons; 5 AAC 01.616. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses; and 5 AAC 01.645. Subsistence bag, possession, and size limits; annual limits.

Reverse the positive customary and traditional subsistence use determination for rainbow and steelhead trout in the Prince William Sound Area, or establish amounts reasonably necessary for subsistence and bag and possession limits for rainbow and steelhead trout in the Prince William Sound Area, as follows:

Modify regulations to make rainbow trout and steelhead negative for C&T, or identify stocks and create harvest opportunity to meet the lowest amount determined reasonably necessary to meet the positive C&T. Currently, the amount necessary for all finfish other than salmon is 25,000 – 42,000.

What is the issue you would like the board to address and why? Rainbow trout and steelhead have a positive C&T, but retention is not allowed except as incidental fishwheel catch.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee (HQ-F20-035)

PROPOSAL 24

5 AAC 01.645. Subsistence bag, possession, and size limits; annual limits.

Add bag and possession limits for Dolly Varden in the Prince William Sound freshwater finfish subsistence fishery, as follows:

5 AAC 01.645 is amended to read:

(l) The bag and possession limit for Dolly Varden is ten fish, with an annual limit of 40 fish per water body. A person may not take or possess Dolly Varden under sport fishing regulations and this section on the same day.

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What is the issue you would like the board to address and why? There are no bag and possession limits identified for Dolly Varden in the Prince William Sound freshwater finfish subsistence regulations. Bag and possession limits must be listed in regulation to be enforceable. When bag and possession limits for other common freshwater finfish species in the Prince William

Sound Area were removed from permit stipulations and added to regulation, Dolly Varden were inadvertently left out.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-145)

PROPOSAL 25

5 AAC 01.620. Lawful gear and gear specifications.

Establish allowable gear in the Prince William Sound freshwater finfish subsistence fishery, as follows:

5 AAC 01.620 is amended to read:

(l) Gillnets used to take freshwater finfish may not exceed 100 feet in length, 8 feet in depth, and a mesh size no greater than 4 inches stretched measure and may only be used;

(1) for whitefish and suckers, all other species may not be retained and must be returned to the water; permit holders finding 5 or more lake trout in their net shall move their fishing location at least ¼ mile to avoid further catch of nontarget species;

(2) from October 1 – March 30; and

(3) in lakes.

(m) Fyke nets shall have an entrance funnel opening of no greater than 4 inches maximum straight-line distance between any two points.

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What is the issue you would like the board to address and why? There are several gear restrictions imposed within permit stipulations in the Prince William Sound freshwater finfish subsistence fishery. These restrictions have been in place through the permit stipulations since statehood, reduce impacts to nontarget fish stocks, and are essential to maintaining a sustainable fishery.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-146)

PROPOSAL 26

5 AAC 01.630. Subsistence fishing permits.

Create a community subsistence salmon permit for Prince William Sound, as follows:

The Native Village of Chenega recommends that the Board create a village subsistence salmon permit authorizing tribal members to harvest salmon for subsistence throughout the Southwestern District, Eshamy, Coghill, and Northwestern Districts in Prince William Sound.

The permit should authorize the Native Village of Chenega to harvest up to 1000 sockeye salmon and 50 king salmon per year using drift or set gillnets. The permit should further specify that fishing may be conducted by any tribal member who is authorized by a designated representative of the Native Village of Chenega. Finally, the permit should authorize the Native Village of Chenega to take a limited number of sockeye salmon from Eshamy Lagoon and other traditional locations using set gillnets or dipnets.

What is the issue you would like the board to address and why? The Native Village of Chenega proposes that the Board create a Prince William Sound subsistence salmon permit for tribal members of the Native Village of Chenega. AS 16.05.330(c) authorizes the Board to adopt regulations “providing for the issuance and expiration of subsistence permits for areas, villages, communities, groups, or individuals as needed.” A village-specific subsistence salmon permit would permit members of the Native Village of Chenega to harvest salmon at traditional locations for the purpose of distributing the salmon harvest to its tribal members.

The current regulations are inadequate to meet the Native Village of Chenega’s needs to harvest salmon at traditional fishing sites and to distribute the harvest to its tribal members. 5 AAC 01.630 requires all subsistence fishers to have a subsistence salmon permit, and subsection (d) provides that “only one subsistence fishing permit per stock will be issued to each household per year.” In 2019 and previous years, ADF&G interpreted that regulation to mean that only one subsistence salmon permit will be issued per household for the entire Prince William Sound area. ADF&G’s interpretation meant that subsistence fishers were forced to choose one, and only one, district within Prince William Sound to subsistence fish. ADF&G’s interpretation caused significant harm to tribal members who desired to fish in multiple districts as their ancestors have done since time immemorial.

On April 20, 2020, in response to the Native Village of Chenega’s request for clarification ADF&G acknowledged that its previous implementation of 5 AAC 01.630(d) was incorrect. “We agree with the assessment of regulations that a household can hold subsistence salmon fishing permits for more than one district in Prince William Sound.” Although, ADF&G now agrees that subsistence fishers may receive subsistence salmon permits to fish in multiple districts throughout Prince William Sound, the existing permit requirements that differentiate among commercial fishing districts are confusing and discourages participation in the subsistence fishery.

ADF&G requires different subsistence salmon permits for different areas. But the current fishing districts in Prince William Sound do not reflect traditional subsistence fishing practices. Many Native Village of Chenega tribal members subsistence fish in the Southwestern and Eshamy Districts, which require different subsistence salmon permits.

Current regulations also prohibit the Native Village of Chenega from fishing at its customary and traditional fishing sites in Eshamy Lagoon, Jackpot Bay, and Paddy Bay and other locations. All subsistence fishing is prohibited in Eshamy Lagoon, despite the fact that sport fishing is authorized. The Native Village of Chenega desires to continue fishing at historic sites and fish camps within Eshamy Lagoon.

Finally, current bag limits for the Eshamy District are insufficient to meet the Native Village of Chenega’s needs to distribute subsistence salmon to tribal members. Existing regulations provide that in the Eshamy District only 15 salmon may be taken by a household of 1 person, 30 salmon for a household of 2 persons, and 10 additional salmon for each additional member of the permittee’s household. Customary and traditional fishing practices place an emphasis on harvesting salmon for distribution to households that might not engage in subsistence fishing themselves. The Native Village of Chenega proposes that fish harvested under the Village permit be available for distribution to tribal members—that cannot be accomplished under the current regulations.

PROPOSED BY: Native Village of Chenega (HQ-F20-064)

PROPOSAL 27

5 AAC 01.610. Fishing seasons.

Amend subsistence fishing season to remove linkage between subsistence salmon fishing opportunity and commercial salmon fishing periods, as follows:

The Native Village of Chenega recommends that the Board amend 5 AAC 01.610(g) to eliminate the link between subsistence fishing opening times and commercial fishing periods as follows:

5 AAC 01.610. Fishing seasons.

(g) Salmon may be taken in the districts described in 5 AAC 01.605(b), only from May 15 through October 31, [DURING FISHING PERIODS AS FOLLOWS:

(1) FROM MAY 15 UNTIL TWO DAYS BEFORE THE COMMERCIAL OPENING OF THAT SALMON DISTRICT, SEVEN DAYS PER WEEK;

(2) DURING THE COMMERCIAL SALMON SEASON, ONLY DURING OPEN COMMERCIAL SALMON FISHING PERIODS IN THAT DISTRICT AND SATURDAYS FROM 6:00 A.M. TO 10:00 P.M.;

(3) FROM TWO DAYS FOLLOWING THE CLOSURE OF THE COMMERCIAL SALMON FISHING SEASON IN THAT DISTRICT THROUGH OCTOBER 31, SEVEN DAYS A WEEK;

(4) NOTWITHSTANDING (G)(2) OF THIS SECTION, SUBSISTENCE FISHING IS NOT ALLOWED 24 HOURS BEFORE OPEN COMMERCIAL SALMON FISHING PERIODS IN THAT DISTRICT.]

What is the issue you would like the board to address and why? The Native Village of Chenega proposes that the Board provide additional subsistence salmon fishing opening times in the Eshamy and Southwestern Districts of Prince William Sound. In 2017, the Board amended 5 AAC 01.610(g) to open subsistence fishing on Saturdays from 6:00 a.m. to 10:00 p.m. during open commercial fishing periods. That change was made in response to Proposals 19 and 20, which requested additional opportunity to harvest salmon outside of open commercial fishing periods. ADF&G’s comments on Proposals 19 and 20 recognized that if the proposals were adopted “subsistence salmon fishing opportunity would increase substantially for individuals who do not have a commercial salmon fishing permit.” Staff Comments at 47.

The Board's 2017 amendment to 5 AAC 01.610(g) was a positive step forward but it is inadequate to provide a reasonable opportunity for subsistence salmon fishing in much of Prince William Sound. The Board should amend 5 AAC 01.610(g) to eliminate the link between subsistence salmon fishing opening times and commercial fishing periods. The link is neither practical nor appropriate considering the different technologies used by the different user groups. Many subsistence fishers residing in rural areas of Prince William Sound lack the technological ability to closely monitor commercial fishing times, which are announced through radio transmissions and/or posted to the ADF&G website, resulting in significant uncertainty about when subsistence fishing is allowed.

Furthermore, the Board's decision to open subsistence fishing on Saturdays does not achieve the intended goal of providing adequate fishing times. Traveling to traditional subsistence fishing locations in Prince William Sound is time consuming and costly. A weekly 16-hour opening provides only a narrow window for subsistence fishers. If fish are not running during that particular fishing time or weather prevents travel to fishing areas, subsistence fishers will not be able to meet their needs. When fishing during commercial openings, subsistence fishers must compete for fishing locations with the commercial fleet, which uses larger, faster boats.

PROPOSED BY: Native Village of Chenega (HQ-F20-065)

PROPOSAL 28

5 AAC 01.645. Subsistence bag, possession, and size limits; annual limits.
Amend household harvest limits for subsistence-caught salmon, as follows:

We recommend increasing the limits of drift gillnet users to 30 salmon for a household of one, 60 salmon for a household of two, and ten additional salmon for each additional member of the household. We further seek to allow the harvest of up to 500 salmon by request, however we wish to limit these additional salmon to pink salmon and chum salmon.

What is the issue you would like the board to address and why? Subsistence salmon harvest limits in the Copper River District subsistence fishery are half that of those harvesting the same salmon stocks in the Glennallen Subdistrict subsistence fishery. A further disparity exists in the ability of Glennallen Subdistrict subsistence users to request a harvest limit increase of up to 500 salmon per household. We seek parity between the limits in these two fisheries, but we do not wish to reduce any harvest limits upriver.

PROPOSED BY: Native Village of Eyak (HQ-F20-066)

PROPOSAL 29

5 AAC 01.620. Lawful gear and gear specifications.
Allow use of drift gillnets to harvest salmon for subsistence uses throughout Prince William Sound, as follows:

We seek to allow subsistence salmon fishing using drift gillnet gear throughout Prince William Sound concurrent with commercial fishing openers and on Saturdays from 6am until 10pm.

What is the issue you would like the board to address and why? The Prince William Sound legal subsistence gear type is tied to the legal commercial gear type in each fishing district. This gear type seems unnecessarily restrictive when you consider that the household harvest potential is already capped through maximum catch. Most subsistence users in PWS utilize gillnets and don't have the option to utilize seine gear in districts where seine is the legal commercial gear type. We would like subsistence users to be allowed access to the entire Prince William Sound with gillnet gear to support subsistence opportunity in areas where a harvestable surplus is available and underutilized by subsistence users.

PROPOSED BY: Native Village of Eyak

(HQ-F20-067)
