

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)
