

Alaska Board of Fisheries Committee Summary

COMMITTEE B

Subsistence and Commercial Salmon

January 18, 2013

Board Committee Members:

1. Sue Jeffrey, *Chair
2. Tom Kluberton
3. Vince Webster

Alaska Department of Fish and Game Staff Members:

1. Sue Aspelund – Deputy Director, Commercial Fisheries (CF)
2. Bonnie Borba – Fall Season Research Biologist III, CF
3. Nicole Braem – Subsistence Resource Specialist III, Subsistence*
4. Caroline Brown – Subsistence Resource Specialist III, Subsistence
5. Al Cain – Criminal Justice Planner, Sport Fish (SF)
6. Travis Elison – Fishery Biologist II, CF
7. Jeff Estensen – Fall Season Fishery Biologist III, CF
8. Hiroko Ikuta – Acting Regional Program Manager, Subsistence
9. Deena Jallen – Fishery Biologist II, CF*
10. Scott Kent – Fishery Biologist II, CF
11. Zachary Liller – Fishery Biologist I, CF
12. Jim Menard – Fishery Biologist III, CF
13. Kevin Messing – Regulation Specialist
14. Eric Newland – Acting Fishery Biologist III, CF
15. Lisa Olson – Deputy Director, Subsistence
16. Brendan Scanlon – Fishery Biologist III, SF
17. Stephanie Schmidt – Summer Season Research Biologist III, CF

*note takers

Alaska Department of Law

1. Michael Mitchell – Attorney V, Department of Law

Advisory Committee Members:

1. Bob Aloysius Stony Holitna Advisory Committee
2. Bill Alstrom Lower Yukon Advisory Committee
3. Roy Ashenfelter Northern Norton Sound Advisory Committee

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| 4. | Barb Carlson | Stony Holitna Advisory Committee |
| 5. | Doug Carney | Stony Holitna Advisory Committee |
| 6. | James Charles | Lower Kuskokwim Advisory Committee |
| 7. | Art Ivanoff | Southern Norton Sound Advisory Committee |
| 8. | Wade Ryan | Southern Norton Sound Advisory Committee |
| 9. | Virgil Umphenour | Fairbanks Advisory Committee |

Public Panel Members:

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| 1. | Ragnar Alstrom | Yukon Delta Fisheries Development Association (YDFDA) |
| 2. | Jack Fagerstrom | Community of Golovin |
| 3. | Wes Jones | Norton Sound Economic Development Corporation |
| 4. | Kevin Keith | Norton Sound Economic Development Corporation |
| 5. | Jill Klein | Yukon River Drainage Fisheries Association (YRDFFA) |
| 7. | John Lamont | Lower Yukon Community Development |
| 8. | Charles Lean | Norton Sound Economic Development Corporation |
| 9. | Doug Molyneaux | Self |
| 10. | Greg Roczicka | Kuskokwim River Subsistence Management Working Group/Orutsararmiut Native Council (KRSMWG/ONC) |
| 11. | Gene Sandone | Kwipak Fisheries/YDFDA |
| 12. | Jack Schultheis | Kwipak Fisheries |
| 13. | Nick Tucker Sr. | Self |
| 14. | Jan Woodruff | YRDFFA Board Member |

Federal Subsistence Representative:

1. Fred Bue – Branch Chief, USFWS
2. Dan Gillikin – Fishery Biologist, USFWS

The committee met January 18, 2013 at 3:45 a.m. and adjourned at 6:00 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: (25 total) Norton Sound: Management Plans (118-120), Subsistence (121, 125, 102), Commercial (126-128); Kuskokwim: Subsistence (107-108), Commercial (110); Yukon: Subsistence (139-145, 147, 148, 151), Commercial (152, 240, 241).

PROPOSAL 118 – 5 AAC 04.390. Subdistricts 2 and 3 of the Norton Sound District Salmon Management Plan. Allow for a commercial set gillnet fishery in Golovin Subdistrict once 4,800 coho salmon have escaped into the Niukluk River.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- This will shut down the only source of income in the area.
- Approval would cut off fishing opportunity for chum salmon; by waiting until the threshold to harvest coho salmon, the opportunity to harvest chum salmon in the shoulder season would be lost.
- This proposal would favor inriver fishermen and sport fishermen over the commercial fishery.
- In essence, this would raise the escapement goal and it is opposed because the escapement goal is currently adequate.
- Norton Sound Advisory Committee did not support.
- No support.

Public Panel Recommendation: Consensus to oppose.

PROPOSAL 119 – 5 AAC 04.390. Subdistricts 2 and 3 of the Norton Sound District Salmon Management Plan. Allow for a commercial coho salmon fishery when there would be no impacts to the chum salmon escapement goals.

Comment Summary:

Department: None.

Department of Law: None

Federal Subsistence Representative: None.

Public Panel Comments:

- It is prudent to manage stocks in subdistricts 2 and 3 by escapement in those areas and not based on escapement from Subdistrict 1.

Public Panel Recommendation: Consensus to support.

PROPOSAL 120 – 5 AAC 04.395. Subdistricts 5 and 6 of the Norton Sound District and the Unalakleet River King Salmon Management Plan. Allow for commercial chum and pink salmon fisheries before July 1 in the Unalakleet and Shaktoolik subdistricts.

Comment Summary:

Department:

- Support with modification (see RC 2).

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- This proposal could bring in a lot of revenue for the area and would reduce bycatch of king salmon by using small-mesh gear.
- No one objected to language substituted by ADF&G; however, language regarding regulations was contained in the original proposal.
- Southern Norton Sound Advisory Committee supports this proposal.

Public Panel Recommendation: Consensus to support with substitute language submitted in RC 81.

PROPOSAL 121 – 5 AAC 01.160. Fishing seasons and periods. Allow beach seines to harvest pink salmon for subsistence in Norton Sound subdistricts 5 and 6 except as specified by emergency order (EO).

Comment Summary:

Department:

- Beach seines are an efficient gear type for catching pink and chum salmon.
- The majority of places where pink salmon fishing is good are long shallow riffles with fine cobble substrate. King salmon aren't found in those areas; they prefer deeper areas that often contain snags and are unsuitable for seining. King salmon are also found further upriver, but accessing this area is expensive.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- This proposal would give people more opportunity to harvest chum and pink salmon while protecting king salmon and drying chum salmon during good weather.
- Sometimes ADF&G does not open this fishery in a timely manner; this proposal would cause the fishery to open in a regular and predictable fashion without needing an emergency order.
- There is little concern about people using gillnets as beach seines since it is easier to pick fish out of small-mesh seines than out of gillnets where fish have been caught by the gills. Having a large king salmon get wrapped in a seine net can be destructive to the gear.
- Gillnets are preferred by some families for seining since they catch larger, 'humpier' pink salmon males while allowing smaller female pinks salmon to pass through. The household that uses this gear type has, over the last few years, harvested over 1,000 pink salmon and only 1 king salmon (which was released).
- A test seine net fishery in the Yukon River found that the optimal mesh size to use was 4 inch or smaller, but noted gillnet mesh was better for Yukon; however, some people use seines with mesh as small as 1.5 inches.
- People use a variety of gear for this method and there was no agreement on standard mesh size, length of net, depth of net, or material.
- A Fish River fisherman said that people are very selective in their harvest by seining and know where to go to get pinks and chum salmon, and where king salmon are in low abundance. When people want kings, they fish with rod and reel near the mouth.

Public Panel Recommendation: Consensus to support with substitute language found in RC 82.

PROPOSAL 125 – 5 AAC 01.170. Lawful gear and gear specifications. Allow use of a dip net as legal subsistence gear for chum salmon in the Pilgrim River subsistence fishery.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- There are a couple of sockeye stocks in the Nome area; the primary one that is used is in the Pilgrim River.
- People who don't have boats would like to use dip nets because they are convenient and less expensive.
- The type of dip net was not specified in the proposal.
- Both Copper River and Kenai River dip net types were used during a test dip net fishery on the Yukon River; they found the optimal mesh size was 4 inches.

Public Panel Recommendation: Consensus to support with substitute language found in RC 83.

PROPOSAL 102 – 5 AAC 01.175. Waters closed to subsistence fishing. Allow for the subsistence take of Arctic grayling in the Nome River by hook-and-line gear.

Comment Summary:

Department:

- Opposed to this proposal due to overexploitation of the stock and low abundance.
- Sport fishing for Arctic grayling has been closed since 1991.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Oppose. No comments in support of this proposal.

Public Panel Recommendation: Consensus to oppose.

PROPOSAL 126 – 5 AAC 04.310. Fishing seasons. Allow for an extension to the commercial fishery for coho salmon in the Norton Sound Subdistricts by emergency order (EO).

Comment Summary:

Department:

- Supports. Clarifies department's authority for timelier extensions to the season.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Support since there are no conservation concerns.
- Supported by Northern and Southern Norton Sound ACs.
- Would allow the season to be extended in a timelier manner.

Public Panel Recommendation: Consensus to support.

PROPOSAL 127 – 5 AAC 04.331. Gillnet specifications and operations. Allow for an increase in amount of commercial gillnet gear in the Norton Sound pink salmon fishery by emergency order (EO).

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Increased gear efficiency could mitigate losses due to overlap in run timing. This is a short season.
- There is a large number of pink salmon available for a very short timeframe and this would allow people to harvest some of the surplus.
- Would allow more commercial opportunity by maximizing use of tenders and processors that are only in the area for a short time during the season. More deliveries would mean more revenue for fishermen and lower overhead for the processor.
- Helps offset the income lost due to no longer having a king salmon commercial fishery.
- Supported by Southern Norton Sound Advisory Committee.

Public Panel Recommendation: Consensus to support with substitute language found in RC 84.

PROPOSAL 128 – 5 AAC 04.3XX. Use of pink salmon for bait in the Norton Sound-Port Clarence Area. Allow commercial salmon fishermen the Norton Sound - Port Clarence Area to fish for pink salmon with set gillnet gear and use it for bait in other commercial fisheries.

Comment Summary:

Department:

- Adoption may establish new precedent.

Department of Law:

- There are concerns if this allows the holder of any CFEC permit holder to harvest bait.
- There are concerns about whether this is statutorily authorized.
- The board could defer to allow Department of Law to evaluate statutory basis.

Federal Subsistence Representative: None.

Public Panel Comments:

- The Northern Norton Sound Advisory Committee has voted to support; however, the AC chair is now opposed.
- There are concerns about king salmon on the Pilgrim River; if pinks could be used for bait, there could be an issue with chum and king salmon being harvested.
- Not sure if this proposal would adversely affect Port Clarence, but it could. Doesn't want to disenfranchise commercial fishermen.
- Crab and halibut fishermen can legally use tomcod (saffron cod) and herring currently as bait for crab and halibut. The idea for this proposal was to extend this bait provision for pink salmon and speaker supports.

Public Panel Recommendation: No consensus.

PROPOSAL 107 – 5 AAC 01.2XX. Kuskokwim River king salmon possession limits. Allow subsistence taking of 10 or more king salmon only for drying and cold-smoke use in the Kuskokwim River Area.

Comment Summary:

Department:

- “Cold smoking” could be better explained by proposer.
- Would require a clear definition of processes involved and would require enforcement officers to enter smokehouses.
- This proposed regulation would be unenforceable.

Department of Law:

- This would be the first time that the board would regulate processing of subsistence-caught fish.
- Unclear what problem this proposal is attempting to address.
- There would be a need to determine what processes are customary and traditional.
- If this is to address wastage of king salmon, the board should determine what is the best way to deal with wasted fish.
- Unclear what problem this proposal is attempting to address.
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Federal Subsistence Representative: None.

Public Panel Comments:

- No consensus on cold smoking definition or process.
- Cold smoking is a traditional method of preserving fish in the Lower Kuskokwim.
- Like the idea of the proposal, but agree that, as written, it is unworkable.
- There is precedence set by the Board of Game for dealing with certain aspects of game harvesting; e.g., antlers, stomach fat, etc.
- There are concerns about large numbers of king salmon being sent out of the Bethel area. Salmon are harvested under subsistence regulations by transient population with no harvest reporting.
- Orutsarmiut Native Council considered changing the limit from 10 to 5 so that people who wanted to freeze fish could do so.
- This could serve to restrict normal harvest traditions, so people were opposed.
- This proposal was supported by Kuskokwim River Subsistence Management Working Group, Federal Regional Advisory Council, and a Kuskokwim Advisory Committee.
- Suggestion to change “cold smoke” to “customary and traditional processing methods.”
- One person said that people in his have concerns that this would affect their subsistence practices.

Public Panel Recommendation: No consensus.

PROPOSAL 108 – 5 AAC 01.280. Subsistence fishing permits. Require a permit and reporting requirements for all subsistence-caught salmon transported out of the Kuskokwim Management Area.

Comment Summary:

Department: None.

Department of Law:

- Enforcement would be unable to determine where the fish came from (subsistence, commercial, or sport harvests).
- State law enforcement does not have the ability to search fish shipments without a warrant or probable cause.
- Difficulties envisioning how inspection guidelines, timeframe for reporting, and enforcement would work.

Federal Subsistence Representative:

- Position is neutral. This practice is longstanding and likely part of customary distribution of fish. Currently, there is a request for proposals to conduct a study to try to determine amount of fish shared in this manner and scope of the issue.
- Would contribute to differences between state and federal regulations.

Public Panel Comments:

- Concerns about the number of fish (25-30%) being shipped out of Bethel and other communities.
- Concerned that fish being shipped out of Bethel are not being captured on the annual survey.
- Suggestion to tag subsistence, commercial, and sport with different colored tags and require salmon to be reported at shipping terminals.
- Proponent wants to amend this proposal to get rid of the permit requirement.
- Would apply to fresh fish, including fillets or fish in the round, and change subsistence to noncommercial.
- ANS is determined based on responses on the household surveys, and harvest numbers don't include the fish that Outsiders harvest and ship out.
- Another fishermen said that when they participate in the household survey they report all salmon harvested, including fish that were shared.

Public Panel Recommendation: No consensus.

PROPOSAL 110 – 5 AAC 07.331. Gillnet specifications and operations. Remove the option for gillnet mesh to be up to 8 inch in District 1 of the Kuskokwim River Area.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Points in favor:
 - Allowing potential use of 8” is contrary to SSFP.
 - Overwhelming public comment was in favor of repeal; the repeal was supported by Kuskowkim Native Association, Napaimute, Holitna Stony River Advisory Committee, KRSMWG, and Lower Kuskokwim River AC.
 - Use of this mesh size is unacceptable.
- Every one of the large king salmon are fully allocated to escapement and subsistence needs.
- Lower Kuskokwim AC submitted a similar proposal in 2007 and has since changed its position.

Public Panel Recommendation: Consensus to support.

PROPOSAL 139 – 5 AAC 01.210. Fishing seasons and periods. Align Yukon subsistence regulations in districts 1–3 with current management practices, adjusting closures around commercial fishing periods, and allowing concurrent subsistence and commercial fishing by emergency order (EO).

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Many households only have one skiff and therefore can't participate in both fisheries when they are open concurrently.
- Concerns about fishermen selling subsistence fish with their commercial harvest. This problem has been documented in the past, but would support the proposal if other fishermen wanted it.
- This practice is already being used in the fall season.
- Holding concurrent periods would remove the current buffer of hours before, during, and after commercial fishing when subsistence periods are closed by regulation. This could result in increased subsistence fishing opportunity.

Public Panel Recommendation: Consensus to support after discussions on proposals 140 and 141, there was consensus to adopt Proposal 139 and take no action on proposals 140 and 141.

PROPOSAL 140 – 5 AAC 05.360(e). Yukon River King Salmon Management Plan. Revert back to a windows-only fishing schedule in the Yukon River.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Upriver commercial fisheries have always been operated concurrently. ADF&G operated concurrent periods in 2012.
- This proposal would allow less fishing time than would have occurred under Proposal 139, so this proposal is opposed.
- If Proposal 139 is accepted, there is support to take no action on Proposal 140.
- Proposer of Proposal 140 agreed to the board taking no action on 140 due to proposed action on Proposal 139.

Public Panel Recommendation: See recommendation on Proposal 139.

PROPOSAL 141 – 5 AAC 01.210. Fishing seasons and periods. Allow for concurrent subsistence and commercial fishing periods in districts 1–3 of the Yukon River Area.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Fairbanks AC supports no action on 141 as long as Proposal 139 is passed.

Public Panel Recommendation: See recommendation on Proposal 139.

PROPOSAL 142 – 5 AAC 01.210. Fishing seasons and periods. Open Yukon River Subdistrict 5D from July 4–18 for subsistence fishing.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative:

- There are two access points by highway to Subdistrict 5D; if portions of Subdistrict 5D were closed, people could easily move to another portion of the subdistrict to fish.

Public Panel Comments:

- People in Eagle area strongly oppose this proposal. It is very shortsighted.

Public Panel Recommendation: No action, based on the action on Proposal 131.

PROPOSAL 143 – 5 AAC 01.210. Fishing seasons and periods. Remove restrictions during the subsistence fall chum season in districts 1, 2, and 3 of the Yukon Area.

Comment Summary:

Department:

- On normal schedule, 5D is open 7 days a week.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Lower Yukon takes a small proportion (10%) of the fall chum salmon run. Fall chum salmon are usually taken for dinners or to freeze and are not put up in large numbers.
- Fishing would likely not increase. The major reason for the windows schedule was to distribute harvest throughout the run. This already occurs. There is no need for the restrictions in this area.
- Concurs with the department's opposition; unclear why this area needs more opportunity. There should be windows.
- YRDFA board did not support, but thinks that ADF&G can take action and suspend windows, as they have done in the past when the run is strong.

Public Panel Recommendation: No consensus.

PROPOSALS 144 and 145 – 5 AAC 01.220. Lawful gear and gear specifications and 5 AAC 05.331. Gillnet specifications and operations. Restrict gillnets to 35 meshes in depth in the Yukon River drainage. Restrict depth of subsistence and commercial nets in districts Y1–Y5 to 35 meshes.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Currently there are no conservation concerns for fall chum. The run has rebuilt. Would like to have opportunity to harvest more summer chum and fall chum to make up for fewer king salmon.
- When the mesh was restricted to 7.5 inches, it shrunk the depth of nets. Opposed to any more loss of depth in nets.

Public Panel Recommendation: No consensus.

PROPOSALS 147 and 148 – 5 AAC 01.220. Lawful gear and gear specifications. Allow drift gillnets as legal gear in the subsistence fishery in District 4-A of the Yukon River, upriver to the community of Ruby. Extend subdistricts 4-B and 4-C drift gillnet area downstream from the mouth of the Yuki River for king salmon.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative:

- Some drift fishing is allowed in this area. Participation has been allowed by permit; annually 4-8 people participate and harvest has been low, averaging fewer than 10 kings per fisherman.

Public Panel Comments:

- Opposed for conservation reasons; would violate the mixed stock policy.
- Supported because it was felt that this would not be a new fishery, but would allow fishermen more room to drift for salmon.

Public Panel Recommendation: No consensus.

PROPOSAL 151 – 5 AAC 01.240. Marking and use of subsistence-taken salmon. Require primary use of subsistence-caught king salmon within the Yukon Area be for direct personal or family consumption as food.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Upriver resident concerned that this would keep people from sharing fish with elders in their community to whom they are not related.
- Regulations are already on the books that prohibit feeding king salmon to dogs.
- An amendment put forth by proponent was suggested to add “sharing of king salmon for personal and family consumption.”
- Proponent explained intent to limit customary trade.

Public Panel Recommendation: No consensus.

PROPOSAL 152 – 5 AAC 05.200. Fishing districts and Subdistricts and 5 AAC 05.350. Closed waters. Open Acharon Channel in the Yukon River drainage to salmon fishing.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- This area was originally closed due to fishing associated with canneries. This activity no longer takes place.
- This area is closed between two open areas and is not well defined by state and federal boundary markers. Removing this closure would make it easier for fishermen to fish legally.
- Several members of the public supported giving the department this flexibility.
- Would this area be part of District 1 or the Coastal Area?

Public Panel Recommendation: Consensus to support with substitute language found in RC 85.

PROPOSAL 240 – 5 AAC 05.330. Gear and 5 AAC 05.362. Yukon River Summer Chum Salmon Management Plan. Establish times when a commercial gillnet permit holder in districts 1–3 may use dip net and beach seine gear to commercially harvest summer chum salmon.

Comment Summary:

Department:

- People using beach seines for commercial fishing would have to have CFEC permits.
- CFEC permit holders could use seines and dipnets, as is already the case in the Anvik River.

Department of Law:

- This would allow existing permit holders to use beach seines as an alternate gear type. This could require conforming CFEC regulations. CFEC submitted a memo (RC 10) and felt it could be done.

Federal Subsistence Representative:

- This proposal references a commercial period with commercial gear. USFWS supports this proposal with a modification that subsistence fishermen could also use this gear type.

Public Panel Comments:

- Suggested mesh size no greater than 4 inches. Fishermen should be allowed to experiment with leads to increase efficiency.
- Suggested no restriction on bag depth for dipnet.
- Salmon harvested in these methods could be a high-value commercial product.
- Would allow fishermen to harvest only targeted species and not harm king salmon.
- Fishermen could have access to foregone summer chum salmon harvest that is not currently available due to concerns about king salmon stocks.
- Kwikpak conducted test fishery. It was not very efficient, but fishermen had fun.
- Question about how this might work with pulse closure.

Public Panel Recommendation: Consensus to support substitute language in RC 92.

PROPOSAL 241 – 5 AAC 05.362. Yukon River Sumer Chum Salmon Management Plan.

Provide emergency order authority to restrict gear to fish wheels only, require fish wheels to be closely attended, and live-release of king salmon in District 6.

Comment Summary:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Public Panel Comments:

- Supported if fish wheels were required to be attended and the word “closely” is removed.
- Some people had concerns that they might need to modify their wheels, and that wheels in the Tanana River may catch more king salmon than wheels in Subdistrict 4A.

Public Panel Recommendation: Consensus to support.