

Information Pulled from ADFG website.

Harvest limits are seasonal limits based on household size

The harvest limit for the Kenai dipnet fishery is **combined** with the other Upper Cook Inlet personal use salmon fisheries (Kasilof River dipnetting, Kasilof River set gillnetting, and Fish Creek dipnetting). Your household may take your entire limit from one fishery, or visit any other open Upper Cook Inlet personal use salmon fishery. Also, the household limit is a **seasonal** limit, not a daily limit.

See the "[Permits & Regulations](#)" tab for specific limits.

[Cook Inlet Personal Use Salmon Fishery, Alaska Department of Fish and Game](#)

Bag Limits

The total yearly harvest from all the Upper Cook Inlet personal use salmon fisheries (Kenai, Kasilof, Fish Creek, and Susitna River) is 25 salmon and 10 flounder for the permit holder and 10 salmon for each additional household member. **The limit is combined for all four fishing locations.**

These are household limits, not a daily limit, or a limit per fishery.

[Regulations - Susitna Personal Use Salmon Fishery, Alaska Department of Fish and Game](#)

[Cook Inlet and Traditional Subsistence Fisheries Assessment \(alaska.gov\)](#)

SUBSISTENCE SALMON FISHING REGULATIONS SINCE STATEHOOD

With statehood in 1959, subsistence fishing in Cook Inlet at first had to conform to commercial fishing regulations, except that fishing was allowed in the Susitna River above Alexander Creek. Braund (1980) summarizes the subsequent history of subsistence salmon fishing regulations from statehood to 1980. Other important summaries are an overview of subsistence fishing regulations in Cook Inlet prepared by the department in 1972 (ADF&G 1972) and a report prepared for the Alaska Board of Fisheries (BOF) by the Division of Subsistence of ADF&G in 1990 that supplemented the Braund report (Fall and Stanek 1990). Nelson et al. (1999) also contains good detail on the regulatory histories of Cook Inlet personal use, subsistence, and educational fisheries. The following discussion draws from Braund's findings, the 1990 BOF report, and Nelson et al. (1999), and briefly updates this history up to the 2002/03 study year.

A few general points should be kept in mind while reviewing post-statehood subsistence and personal use regulations for the Cook Inlet Area, including the Kenai Peninsula. First, all noncommercial gill net fisheries in the Cook Inlet Area were classified by state regulations as "subsistence fisheries" until 1981. Until the late 1970s there was a great deal of stability in subsistence salmon fishing regulations in Cook Inlet (Fall and Stanek 1990).

In the late 1970s, several significant changes occurred in Cook Inlet subsistence fisheries regulations as a result of the Comprehensive Management Policy for Upper Cook Inlet (adopted in December 1977) and the perception of a rapid growth in Cook Inlet subsistence salmon

⁷ Formerly, there had been Upper Inlet Dena'ina fish camps at these locations as well, but they were largely displaced by the 1950s (Fall et al. 2003).

catches. The management policy allocated chinook and coho salmon to noncommercial uses and the other species largely to commercial uses. According to Braund (1980:19), the closure of commercial fishing for coho salmon inadvertently drew attention to the permitted subsistence fishery on these stocks when commercial fishermen, who had previously removed coho salmon from their commercial catches for home use, obtained subsistence permits in 1978, thereby causing a notable rise in the number of permits issued (Braund 1980:18).

Another important cause of change occurred in 1978 with the new state subsistence law, which defined subsistence uses of fish and wildlife as "customary and traditional uses" and granted a priority to subsistence uses whenever harvests needed to be restricted. In the fall of 1980, the Board of Fisheries adopted ten criteria to identify customary and traditional uses (later adopted by the Joint Board as the "eight criteria" [5 AAC 99.010]). In the spring of 1981, the board applied these criteria to Cook Inlet salmon fisheries and determined that only the communities of Tyonek, English Bay (now Nanwalek), and Port Graham met all the criteria and only they qualified for participation in subsistence fisheries in Cook Inlet. The Board then adopted regulations allowing subsistence salmon fishing only in the Tyonek and Port Graham subdistricts. Consequently, all other noncommercial net fisheries ceased, by regulation, to qualify as subsistence fisheries and were eliminated.

Nevertheless, as a result of several preliminary court injunctions, noncommercial set gill net fisheries continued to occur in several districts in 1981 and 1982. In March 1982, the Board created the "personal use" fishing category and opened several personal use set gill net and dipnet fisheries. The purpose of these fisheries was to provide fishing opportunities for Alaskans who no longer qualified to fish with nets under subsistence regulations (5 AAC 77.001).

In 1985, as a result of the Alaska Supreme Court's decision in *Madison vs. Alaska Board of Fisheries*, all Alaskans were eligible to participate in subsistence fisheries. In that year, the department opened subsistence fishing in most portions of the Cook Inlet Area that had been open after statehood. With the passage of the state's revised subsistence law in 1986, the 1984 noncommercial net fisheries regulations again were in effect.

In 1989, the Ninth Circuit Court of Appeals, in *Kenaitze Indian Tribe vs. State of Alaska*, ruled that the state's definition of "rural area" was not consistent with the requirements of the Alaska National Interest Lands Conservation Act (ANILCA). Consequently, a noncommercial net fishery only open to Kenaitze Tribal members operated in the Kenai River under court orders in 1989 and 1990. The issues involved in this case were unresolved when, in December 1989, in *McDowell vs. State*, the Alaska Supreme Court ruled the rural subsistence preference in state law unconstitutional. Thus, although a preference for subsistence fisheries remained, these fisheries could no longer be limited to residents of particular rural communities. As of July 1, 1990, the department will issue permits to any Alaska resident for any subsistence fishery authorized by the Board of Fisheries.

In December 1990, the BOF adopted the "Upper Cook Inlet Subsistence Salmon Management Plan," that opened subsistence salmon fishing in most Cook Inlet marine waters normally open to commercial fishing with set gills nets. The personal use dip net fisheries in the lower Kenai and Kasilof rivers also operated as subsistence fisheries (Nelson et al. 1999:146-148).

In 1992, a new Alaska subsistence statute required that the Joint Board of Fisheries and Game identify “nonsubsistence areas,” where “dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community” (AS 16.05.258(c)). In November 1992, the Joint Board classified most of the Cook Inlet Area, except the Tyonek Subdistrict and the waters around Seldovia, Port Graham, and Nanwalek, as a nonsubsistence area. In nonsubsistence areas, noncommercial net fisheries authorized by the Board of Fisheries take place under personal use regulations.

Following this Joint Board action, the BOF met to review and revise subsistence and personal use fishing regulations to comply with the new subsistence statute and the new nonsubsistence area. The dip net fisheries in the Kasilof and Kenai rivers and set net fisheries at the mouth of the Kasilof River and in Kachemak Bay again became personal use fisheries. The remaining marine waters within the nonsubsistence area were closed to noncommercial net fishing (Nelson et al. 1999:149).

A ruling of the Alaska Superior Court in *Kenaitze v. Alaska* in October 1993 found the provisions of the 1992 state subsistence law pertaining to nonsubsistence areas to be unconstitutional. Consequently, the BOF readopted the Upper Cook Inlet Subsistence Salmon Management Plan that had been in effect prior to the creation of the nonsubsistence area. In May 1995, the Alaska Supreme Court overturned the Superior Court’s decision. Again, the nonsubsistence areas were in place, with personal use dip net and set net fisheries operating as they had in 1993 (Nelson et al. 1999:149-150).

In March 1996, the BOF made an important change to the management plan for the Kasilof and Kenai river personal use dip net fisheries. Before 1996, the seasonal openings for these personal use fisheries had been triggered by sonar counts and a minimum escapement of sockeye salmon. The board’s action in 1996 established a fixed season of July 10 through August 5 for both fisheries and also established a permit requirement (Nelson et al. 1999:150, 157).

CURRENT PERSONAL USE AND SUBSISTENCE SALMON FISHERIES IN COOK INLET

The remainder of this regulatory overview will focus on the Cook Inlet Area personal use and subsistence fisheries that were most accessible to study community residents in the study year of 2002/03. For more detailed discussion of the regulatory history of these fisheries than appears above, see Fall and Stanek (1990) and Nelson et al. (1999).⁸

Kasilof River Dip Net Fishery

This fishery first operated in 1981. The Board of Fisheries adopted a personal use salmon dip net fishery management plan for the Kasilof River and the Kenai River in March 1982 that has since been amended. In the Kasilof River, personal use dip netting for salmon other than chinook salmon is open from June 25 through August 7, 24 hours per day. Fishing is open from

⁸ Not discussed here are the subsistence fisheries of the Port Graham Subdistrict, the Tyonek Subdistrict, and the Yentna River. Participation in these subsistence fisheries by residents of the study communities is rare.

regulatory markers on the Cook Inlet beaches outside the terminus of the river to one mile upstream. There is an annual limit of 25 salmon for a head of household and 10 salmon for each additional household member.⁹ Any chinook salmon taken must be returned to the river unharmed. There is no overall harvest cap for this fishery.

Kenai River Dip Net Fishery

Personal use dip net fishing for salmon in the Kenai River was first authorized by the Board of Fisheries in 1981. Fishing is open from July 10 through July 31, seven days per week from 6 a.m. to 11 p.m. The open area extends from regulatory markers outside the river terminus on Cook Inlet beaches upstream to the downstream side of the Warren Ames Bridge. The annual limit is 25 salmon for a head of household and 10 for each additional household member; only one salmon may be a chinook salmon. There is no overall harvest cap for this fishery.

Seldovia Chinook Salmon Fishery

This is a subsistence set gillnet fishery that was established in the fall of 1995 by the Alaska Board of Fisheries, following a positive customary and traditional use finding. The fishery is located on the south side of Kachemak Bay in the vicinity of the community of Seldovia in the Southern District of the Lower Cook Inlet Area. The fishery targets chinook salmon runs passing through lower Cook Inlet and a separate enhanced chinook run returning to Seldovia Bay. Coho salmon are targeted in a fall fishery.

The fishery operates in a split season with two parts, the first occurring from April 1 through May 30 and the second occurring during the first two weekends in August. In the early season

⁹ Note that these seasonal household limits for Cook Inlet personal use fisheries pertain to all fisheries in combination.

[Customary and traditional use worksheet: Salmon, Chitina subdistrict, Prince William Sound management area \(alaska.gov\)](#)

POPULATION OF COPPER BASIN AND ADJACENT ROAD-CONNECTED AREAS

A major factor that has shaped patterns of use of upper Copper River salmon is the general accessibility of the Copper River Basin by road to Alaska's population centers at Fairbanks, the Matanuska-Susitna Borough, and Anchorage. Table 2 reports changes in the population of the Copper River Basin and various areas connected by road to the Copper Basin. Figure 4 illustrates the population growth of these areas in relation to population changes in Copper Basin communities themselves. Since 1980, the population of the Copper Basin has been relatively stable, while the population of the road-connected areas has grown at a faster rate than the state overall (Figure 5).

REGULATIONS

For the 2009–2010 regulatory year (5 AAC 77.5910), Alaskans with a valid sport fishing license could obtain a state personal use permit to fish with a dip net in the Chitina Subdistrict. Permits are limited to 1 per household, and holders of these permits may not also obtain a subsistence fishing permit for the Glennallen Subdistrict. Salmon may be taken during open periods between June 1 through September 30. The annual limit is 15 salmon for a household of 1 person and 30 salmon for households of 2 or more persons. Of the total annual limit, only 1 may be a Chinook salmon *O. tshawytscha*. If ADF&G determines that a weekly surplus of more than 50,000 sockeye salmon *O. nerka* will be present in the Chitina Subdistrict, permit holders who have already met their annual sockeye salmon limits may obtain supplement permits to harvest 10 additional sockeye salmon. The BOF has established a maximum harvest level for the Chitina Subdistrict personal use salmon fishery of 100,000 to 150,000 salmon, not including any salmon in excess of the inriver goal or salmon taken after August 31 (5 AAC 77.591(f)).

Alaska residents who have not chosen to obtain a Chitina Subdistrict personal use permit may obtain a state subsistence fishing permit for the Glennallen Subdistrict to fish with either a dip net or fish wheel. Only 1 type of gear may be specified on the permit. Permits are limited to 1 per household. Seasonal limits are 30 salmon, with no more than 5 Chinook salmon if taken with a dip net, for households of 1

person. Households of 2 persons may harvest 60 salmon, with no more than 5 Chinook salmon harvested by dip net. Seasonal limits increase by 10 salmon for each additional household member, except the limit of 5 Chinook salmon harvested with a dip net does not increase with household size. Upon request, households of 1 person may obtain permits for 200 salmon and households of 2 or more persons may obtain permits for 500 salmon. These permits also limit dip net harvests to 5 Chinook salmon. Fishing is open from June 1 through September 30 with no closed periods within that time period. The amount reasonably necessary for subsistence (ANS) established by the BOF for this fishery is 61,000 to 82,500 salmon, with this total apportioned to 3 subsections within the district (5 AAC 01.616(b)(1)).

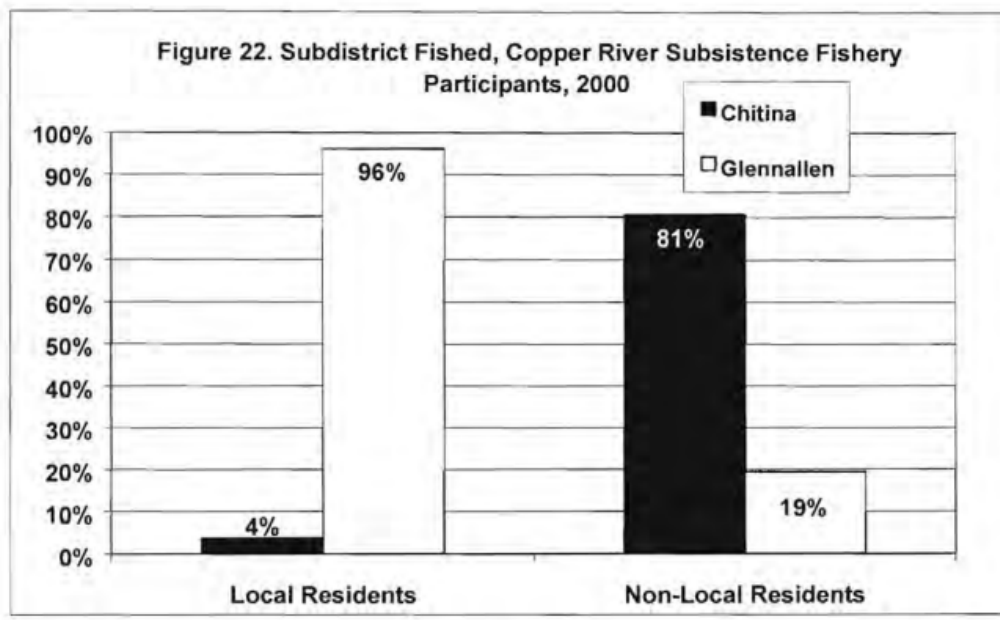
Table 1.—Some key changes to state regulations and other actions, upper Copper River subsistence and personal use salmon fisheries.

Year	Change or action
1960	Subsistence permit required.
1964	All tributaries of the Copper River, and the Copper River above Slana, closed to subsistence fishing.
Mid 1960s	Seasonal limits based on income and household size adopted. For incomes under \$4,000 (later increased to \$5,000, and still later to \$6,000), allocations were 200 for an individual and 500 for a family. For incomes over the limit, allocations were 20 for an individual and 40 for a family.
1968	Upper river fishery limited to the main Copper River from the confluence of the Slana River downstream to the cable crossing one and a quarter miles below O'Brien Creek.
1975	The lower limit of the subsistence fishery extended to Haley Creek below Wood Canyon.
1977	BOF created the Chitina and Glennallen subsistence subdistricts. In the Glennallen Subdistrict, fish wheels could be operated 7 days per week. In the Chitina Subdistrict, fish wheels could only be operated from 8 p.m. Tuesday to 8 p.m. Thursday and from 8 p.m. Friday to 8 p.m. Sunday. Dip nets could be used 7 days per week.
1978	The first state subsistence law adopted, establishing subsistence as "customary and traditional uses."
1979	The BOF eliminates fish wheels from the Chitina Subdistrict for biological reasons. No dip nets allowed in Glennallen Subdistrict.
1980	"Classes" of subsistence permits created in the Copper River Management Plan, based on age, income, residency, household size, wage employment, and history of participation in the fishery.
1981	Fish wheel seasonal limits increased to 30 salmon for 1 person, 60 for 2 persons, and 10 for each additional household member; households with incomes under \$12,000 eligible for 500 salmon seasonal limit.
1984	Copper River Salmon Management Plan revised, as follows: Personal use fishery separated from subsistence fishery; Positive "customary and traditional use" (C&T) determination for the Glennallen Subdistrict; negative finding for the Chitina Subdistrict; Subsistence permit eligibility limited to Copper Basin and upper Tanana residents; Low income requirement dropped as part of qualification for higher seasonal limit; Dip nets and fish wheels allowed in Glennallen Subdistrict; and 25,000 salmon set aside for the subsistence fishery in the upriver goal (this has since been increased several times).
1985	<i>Madison</i> decision: all Alaskans eligible to participate in subsistence fishery.
1986	New state subsistence statute; regulations adopted for 1984 back in place.
1990	Nonlocal residents again eligible for subsistence permits in Glennallen Subdistrict following <i>McDowell</i> decision of December 1989.
1993	BOF found Upper Copper River subsistence regulations consistent with 1992 subsistence statute; affirmed positive C&T finding for Glennallen Subdistrict; 35,000 allocated to subsistence fishery.
1996	BOF affirmed negative C&T finding for Chitina Subdistrict salmon.

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Table 1. Page 2 of 2.

Year	Change or action
1999	BOF made a positive C&T determination for Chitina Subdistrict salmon; the fishery again became a subsistence fishery.
2003	BOF made a negative C&T determination for Chitina Subdistrict salmon; the fishery again became a personal use fishery.
2005	BOF determined that no significant new information was available to warrant review of C&T status of Chitina Subdistrict salmon stocks.
2008	BOF determined that no significant new information was available to warrant review of C&T status of Chitina Subdistrict salmon stocks.
2009	BOF directed by the Fairbanks Superior Court in the <i>Alaska Fish and Wildlife Conservation Fund v State</i> case to adopt a definition of "subsistence way of life" and reconsider the C&T determination for Chitina Subdistrict salmon stocks in light of the new definition and any new relevant information.



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