

FP25-13 Executive Summary

General Description	Proposal FP25-13 requests to repeal the required 10-fathom maximum limit on set gillnets in the Egegik River. <i>Submitted by: submitted by the Bristol Bay Native Association.</i>
Proposed Regulation	<p>§ ____.27(e)(5) Bristol Bay Area</p> <p>...</p> <p><i>(v) The maximum lengths for set gillnets used to take salmon are as follows:</i></p> <p style="padding-left: 40px;"><i>(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River.</i></p> <p style="padding-left: 40px;"><i>(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.</i></p>
OSM Conclusion	Oppose
Bristol Bay Subsistence Regional Advisory Council Recommendation	Oppose
Interagency Staff Committee Comments	The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.
ADF&G Comments	Oppose
Written Public Comments	None

**STAFF ANALYSIS
PROPOSAL FP25-13**

ISSUES

Proposal FP25-13, submitted by the Bristol Bay Native Association (BBNA), requests to repeal the required 10-fathom maximum limit on set gillnets in in the Egegik River.

DISCUSSION

The proponent is seeking to repeal this regulation so that federally qualified subsistence users may use set gillnets up to 25 fathoms (150 feet) in length, which is the legal set gillnet length in the Bristol Bay Area, rather than being limited to set gillnet lengths not to exceed 10 fathoms (60 feet).

Existing Federal Regulation

§___.27(e)(5) Bristol Bay Area

...

(v) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River.

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

Proposed Federal Regulation

§___.27(e)(5) Bristol Bay Area

...

(v) The maximum lengths for set gillnets used to take salmon are as follows:

~~*(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik River.*~~

~~*(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.*~~

Existing State Regulation

5 ACC 01.320 Lawful gear and gear specifications

. . .

(c) Except as specified in (b) of this section, the maximum lengths for gillnets and beach seines used to take salmon are as follows:

(1) set gillnets may not exceed 10 fathoms in length in (A) the Naknek, Egegik, and Ugashik Rivers;

Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase “Federal public waters” is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters for this proposal comprise approximately two river miles of the Egegik River that are within and adjacent to the Becharof National Wildlife Refuge (**Figure 1**). On general domain lands managed by the Bureau of Land Management in the Bristol Bay Area Federal subsistence regulations apply only to non-navigable waters.

Customary and Traditional Use Determinations

Residents of South Naknek, the Egegik District, and freshwater drainages flowing into the district have a customary and traditional use determination for salmon and freshwater fish in the Egegik District, including drainages flowing into the district.

Regulatory History

In 1992, the Federal Subsistence Board adopted into Federal regulations the State subsistence fishing regulations for the Bristol Bay Area (57 Fed. Reg. 103, 22564 [May 28, 1992]). The regulation that is the focus of this proposal, FP25-13, was incorporated into Federal regulations in this manner.

Current Events Involving the Species

On January 11, 2024, the Wild Fish Conservancy submitted a petition to the U.S. Department of Commerce and National Oceanic Atmospheric Administration (NOAA) to list Alaskan Chinook Salmon as a threatened or endangered species and to designate critical habitat, pursuant to the Endangered Species Act (ESA). The petition cited the effects of roads, mining, pollutants, and other habitat degradation, overutilization for commercial and recreational purposes, and disease and predation as primary factors that warranted listing. The petition also claimed existing regulatory mechanisms may be inadequate to protect Chinook Salmon populations that enter the marine environment of the Gulf of Alaska.



Figure 1. Federal public waters of the Egegik River at the outlet of Becharof Lake.

On May 24, 2024, the National Marine Fisheries Service (NMFS) published in the Federal Register their 90-day finding and determined the petition contained substantial information indicating the petitioned action may be warranted (89 Fed. Reg. 102, 45815 [May 24, 2024]).¹ This 90-day finding moved the petition forward to a 12-month status review process, which is a comprehensive review of the best available scientific and commercial information. The finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage.²

Biological Background

There are numerous fish stocks in the Bristol Bay Area that are targeted by subsistence, sport, and commercial fisheries. In general, all salmon stocks are in a productive period. There are only a few major monitoring projects for in-season abundance in the freshwaters and other run indicators used by for managing the commercial salmon harvest in marine waters. The Egegik river weir has not been in operation since 2011; however, a combination of tower counts along with aerial surveys using fixed-wing aircraft perform visual based counts of the lagoon. There are no specific conservation concerns to report at this time for Sockeye, Pink, Chum, and Coho salmon; however, Chinook Salmon have been depressed for many years (ADF&G 2022).

The Egegik River run of Sockeye Salmon is forecasted to be 5.5 million for 2024. Currently the Egegik River Sockeye Salmon escapement goal is 800,000 to 2.0 million fish, which leaves approximately 4.4 million available for commercial harvest (ADF&G 2024).

Cultural Knowledge and Traditional Practices

Egegik is situated at the southern extent of Yup'ik speakers on the Alaska Peninsula. The site of the village of Egegik was a seasonally used fish camp when in 1885 the Alaska Packers Association built a salmon saltery followed by a cannery at the site (Morris 1987, Sill et al. 2022). Residents were integrated into both the processing and fishing sectors of the commercial fishing industry after World War II, thus incorporating commercial salmon fishing into the long-term economic culture of the area (Wolfe et al. 1984, Cole 1992).

The population of Egegik has fluctuated since 1960 when the estimated population was 150 people. In 2020, the population was estimated at 39 people (ADCCED 2024). The school was closed in 2015 likely contributing to families moving to other communities. A lack of year-round employment has likely contributed to decreasing population. Families that have left often return in summer to fish and

¹ <https://www.federalregister.gov/documents/2024/05/24/2024-11381/endangered-and-threatened-wildlife-90-day-finding-on-a-petition-to-list-gulf-of-alaska-chinook>

² Information on the status of this review process can be found by going to www.regulations.gov and searching for agency docket # 240520-0140. For additional information contact Julie Scheurer, NMFS Alaska Region, Julie.scheurer@noaa.gov, (907) 586-7111; or Heather Austin, NMFS, Office of Protected Resources, heather.austin@noaa.gov, (301) 427-8422.

stay with relatives in Egegik. Additionally, commercial salmon fishing brings in an annual influx of other Alaska residents and nonresidents of Alaska (Jones and Neufeld 2022, Sill et al. 2022).

Harvest History

Egegik residents harvest salmon at the highest level compared to other wild resources, and an estimated 85% of households used salmon, based on household surveys in 2014. Salmon were harvested with subsistence gear, mainly set gillnets (two thirds of salmon harvested by weight) and removed from commercial catches (one third). Residents harvested Sockeye Salmon at the highest level followed by Coho Salmon and Chinook Salmon. Fishing occurred in the fresh waters of the Egegik River and Becharof Lake, as well as at Paul's Beach and Church Hill Beach near Egegik. During late September and early October some residents travel up the Egegik River near the outlet of Becharof Lake and harvest small quantities of spawned-out Sockeye Salmon (Morris 1987, Sill et al. 2022).

More subsistence salmon harvest permits are issued to residents of other areas of Alaska than to Egegik residents. From 2011 to 2020, an average of 8 permits were issued to Egegik residents and 22 permits were issued to other residents of Alaska. In 2020, residents of Egegik received 7 permits and no salmon harvest was reported (Brown et al. 2023).

Effects of the Proposal

If Proposal FP25-13 is adopted, federally qualified subsistence users will be allowed to use set gillnets up to 25-fathoms (150 feet) in length, potentially increasing subsistence opportunity. Federal regulations in these federal public waters, which are approximately two river miles of the Egegik River below the outlet at Lake Becharof, will revert to the general area wide regulation that allows the use of set gillnets up to 25-fathom in length, which might make harvesting salmon easier. However, 25-fathom nets might cover more than one-half of the width river in some places and violate Federal subsistence regulation § ___.27(b)(4), which prohibits the obstruction of more than one-half the width of any stream with any gear used to take fish for subsistence purposes. Federal and State regulations will not be aligned.

If Proposal FP25-13 is not adopted, federally qualified subsistence users will be restricted to set gillnets of up to 10 fathoms in length in these Federal public waters, which are approximately two river miles below the mouth at Lake Becharof.

OSM CONCLUSION

Oppose Proposal FP25-13

Justification

Allowing the use of a 25-fathom set gillnet could accidentally and illegally block more than one-half of the river's width which would be illegal because § ___.27(b)(4) prohibits the obstruction of more than

one-half the width of any stream with any gear used to take fish for subsistence purposes. A conservation concern might exist if federally qualified subsistence users are unaware of this regulation and obstructing more than one-half of the river. Therefore, to allow the harvest of salmon and reduce the risk of a set gillnet obstructing more than one-half of the river's width, the 10-fathom gillnet restriction is needed. There are no conservation concerns for four of the five salmon species, exception being Chinook Salmon, which have shown depressed runs across the Gulf of Alaska for many years.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL

Bristol Bay Subsistence Regional Advisory Council

Oppose FP25-13; The Council said that the residents of Egegik would not be affected by the proposed regulation because most of the Egegik River in the proposed area, near the mouth of Lake Becharof, is not very wide preventing the use of longer nets.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Fisheries Proposal FP25-13

This proposal would repeal the current set gillnet length restriction (10 fathoms) in the waters of the Egegik River located in the Becharof National Wildlife Refuge (Refuge).

Position

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** this proposal. Currently under state regulations the maximum length of set gillnets in the Egegik River is 10 fathoms. If adopted, federal and state regulations will fall out of alignment and could create confusion amongst subsistence users.

Background

The Egegik River within the Refuge is located near the outlet of Becharof Lake. When salmon are present in this area, they typically are oriented within 30 feet of the riverbank. ADF&G operates their enumeration towers for the management of the subsistence and commercial fisheries for the drainage in this same area. Most subsistence users operate either within the commercial district or just outside of it in the lower portions of the drainage.

Impact on Subsistence Users

If adopted, there could be confusion for subsistence users because of the conflicting regulations.

Impact on Other Users

An increase in set gillnet length could impact users participating in the state's sport fishery. This is a popular area for users to target coho salmon in the late summer/early fall within the sport fishery.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Fisheries (BOF) has made positive customary and traditional use findings for salmon in the Bristol Bay Area.

Amounts Reasonably Necessary for Subsistence (ANS): Alaska state law requires the BOF to determine the amount of the harvestable portion of a fish population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOF does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOF with guidelines on typical numbers of fish harvested for customary and traditional uses under normal conditions. Fishing regulations can be re-examined if harvests for customary and traditional use consistently fall below ANS. This may be for many reasons: fishing regulations, changes in fish abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for salmon in the Bristol Bay Area is 157,000–172,171 fish.

Conservation Issues

There are no conservation concerns regarding this proposal.

Enforcement Issues

This could pose enforcement issues if regulations are not aligned, depending on which enforcement entity is in the area at any given time.