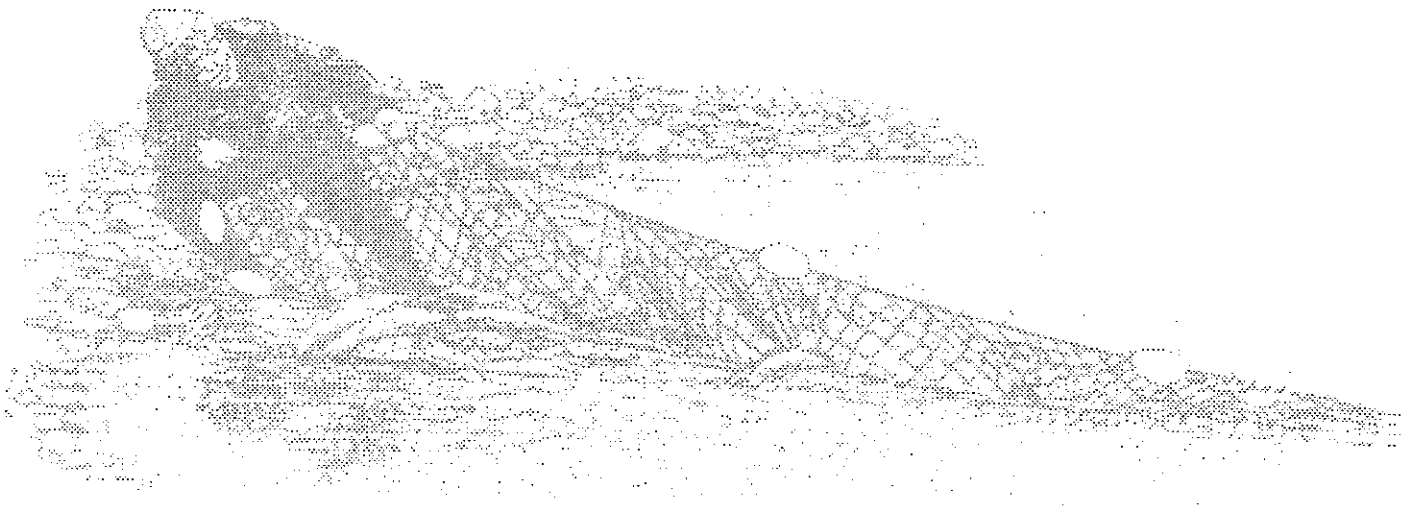


Environmental Assessment

*Modification of the Federal Subsistence
Fisheries Management Program*



June 2, 1997

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Table of Contents

Table of Contents	i
List of Tables and Figures	iv

Chapter I

I.	PURPOSE AND NEED	I-1
A.	PURPOSE OF AND NEED FOR THE PROPOSED ACTION	I-1
	1. Purpose of the Proposed Action	I-1
	2. Need for the Proposed Action	I-1
B.	BACKGROUND OF THE PROPOSED ACTION	I-1
C.	LEGAL MANDATES AND AUTHORITIES	I-2
	1. Alaska National Interest Lands Conservation Act	I-2
	2. National Environmental Policy Act	I-3
D.	PUBLIC INVOLVEMENT PROCESS	I-3
	1. Advance Notice of Proposed Rulemaking	I-3
	2. Regional Advisory Council Meetings	I-4
	3. Issues Identification	I-4
E.	ISSUES ADDRESSED IN THE EA	I-4
	1. Dual Management	I-4
	2. Customary Trade	I-5
F.	ISSUES NOT ADDRESSED IN THIS EA	I-6
	1. Customary and Traditional Use Determinations	I-6
	2. Marine Fisheries Management	I-6
	3. Changes to the Existing FSMP Structure	I-6
G.	IMPACT TOPICS STUDIED BY THE EA	I-7
	1. Impact Topics	I-7
	a. IMPACTS ON ANADROMOUS FISH	I-7
	b. IMPACT ON SUBSISTENCE FISHERIES	I-7
	c.. IMPACT ON OTHER FISHERIES	I-7
	2. Land Use Plans	I-7
	3. Coastal Zone Management Plans	I-9
	4. Impacts to Terrestrial Mammals	I-9
H.	IMPACTS AND ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL IN THE EA	I-9
	1. Impact Topics--Impacts on Nonanadromous Fish	I-9
	2. Alternative Element--ExterterritorialJurisdiction	I-10

Chapter II

I.	ALTERNATIVES	II-1
A.	INTRODUCTION	II-1
B.	ELEMENTS COMMON TO ALL ALTERNATIVES	II-2
	1. Dual Management	II-2
	2. Customary Trade	II-3
	3. Geographic Regions Used for Analyses	II-4
	a. Arctic	II-5

	b.	Yukon and Kuskokwim Drainages	II-5
	c.	Bristol Bay	II-5
	d.	Kodiak Aleutians	II-5
	e.	Southcentral	II-5
	f.	Southeast	II-6
C.		ALTERNATIVE I - NO ACTION	II-6
D.		ALTERNATIVE II - LIMITED FEDERAL JURISDICTION	II-6
	1.	Geographic Descriptions	II-6
	a.	Arctic	II-6
	b.	Yukon and Kuskokwim Drainages	II-7
	c.	Bristol Bay	II-7
	d.	Kodiak/Aleutians	II-7
	e.	Southcentral	II-7
	f.	Southeast	II-7
E.		ALTERNATIVE III - PREFERRED ALTERNATIVE	II-8
	a.	Arctic	II-8
	b.	Yukon and Kuskokwim Drainages	II-8
	c.	Bristol Bay	II-8
	d.	Kodiak/Aleutians	II-9
	e.	Southcentral	II-9
	f.	Southeast	II-9

Chapter III

I.		AFFECTED ENVIRONMENT	III-1
	A.	INTRODUCTION	III-1
		1. Mixed-Stock Salmon Fisheries	III-1
		2. Commercial-Subsistence Relationship	III-3
		3. Current Salmon Management Overview	III-3
	B.	REGIONAL OVERVIEWS	III-3
		1. Sociocultural Systems	III-4
		2. Arctic Region	III-4
		a. Seward Peninsula	III-4
		b. Northwest Arctic	III-5
		c. North Slope	III-6
		3. Yukon/Kuskokwim River Drainages	III-7
		a. Yukon River Drainage	III-7
		b. Kuskokwim River Drainage	III-10
		4. Bristol Bay Region	III-13
		a. Bristol Bay	III-13
		b. North Alaska Peninsula	III-16
		c. South Alaska Peninsula	III-16
		5. Kodiak-Aleutian	III-17
		a. Kodiak	III-17
		b. Aleutian Islands-Lower Alaska Peninsula	III-19
		6. Southcentral	III-21
		a. Prince William Sound and Copper River	III-22
		b. Cook Inlet	III-25
		7. Southeast	III-27

Chapter IV

I.	ENVIRONMENTAL ANALYSES	IV-1
A.	INTRODUCTION	IV-1
B.	DUAL MANAGEMENT	IV-1
C.	CUSTOMARY TRADE	IV-2
D.	ALTERNATIVE I - NO ACTION	IV-3
1.	Potential Impacts on Fishery Resources	IV-4
2.	Potential Impacts on Subsistence Fisheries	IV-4
3.	Potential Impacts on Other Fisheries	IV-4
4.	Potential Long-Term Impacts	IV-5
E.	ALTERNATIVE II - LIMITED FEDERAL JURISDICTION	IV-5
1.	Potential Impacts on Fishery Resources	IV-5
2.	Potential Impacts on Subsistence Fisheries	IV-6
3.	Potential Impact on Other Fisheries	IV-7
4.	Potential Long-Term Impacts	IV-7
F.	ALTERNATIVE III	IV-8
1.	Potential Impacts on Fishery Resources	IV-8
2.	Potential Impacts on Subsistence Fisheries	IV-9
3.	Potential Impacts on Other Fisheries	IV-11
4.	Potential Long-Term Impacts	IV-11
G.	ANILCA SECTION 810(a) EVALUATION AND FINDING	IV-13

Bibliography

Acronmyn List

Appendices

Appendix A: Subsistence Management Regulations for Public Lands in Alaska; Subparts A, B, C, and D

Appendix B: Pacific Salmon Life History

Appendix C: Federally reserved waters where salmon are most likely to be caught in Southeast Alaska under proposed Federal subsistence regulations

List of Tables

TABLE I-1: Topics	I-8
TABLE III-1: Yukon River Average Annual Salmon Harvest	III-9
TABLE III-2: Kuskokwim River Average Annual Salmon Harvest	III-11
TABLE III-3: Bristol Bay Average Annual Salmon Harvest	III-14
TABLE III-4: Chignik Management Area Average Annual Salmon Harvest	III-17
TABLE III-5: Kodiak Average Annual Salmon Harvest	III-19
TABLE III-6: Aleutian Islands-Lower Alaska Peninsula Average Annual Salmon Harvest	III-20
TABLE III-7: Southcentral Average Annual Salmon Harvest	III-23
TABLE III-8: Cook Inlet Average Annual Salmon Harvest	III-26
TABLE III-9: Southeast Average Annual Salmon Harvest	III-28
TABLE IV-1: Potential Jurisdiction of Subsistence Salmon Harvests	IV-9
TABLE IV-2: Number and Percent of Subsistence Salmon Harvests	IV-10
TABLE IV-3: Year 2007 Possible Jurisdictional Changes to Projected Subsistence Salmon Harvests	IV-12

List of Figures

FIGURE 1: Alternative I	Back Map Pocket
FIGURE 2: Alternative II	Back Map Pocket
FIGURE 3: Alternative III	Back Map Pocket
FIGURE 4: Environmental Assessment Analysis Areas	II-4
FIGURE 5: Average Subsistence Harvest	III-2
FIGURE 6: Percent Salmon Harvest by User Group	III-2

Environmental Assessment

Modification of the Federal Subsistence Fisheries Management Program

Chapter I

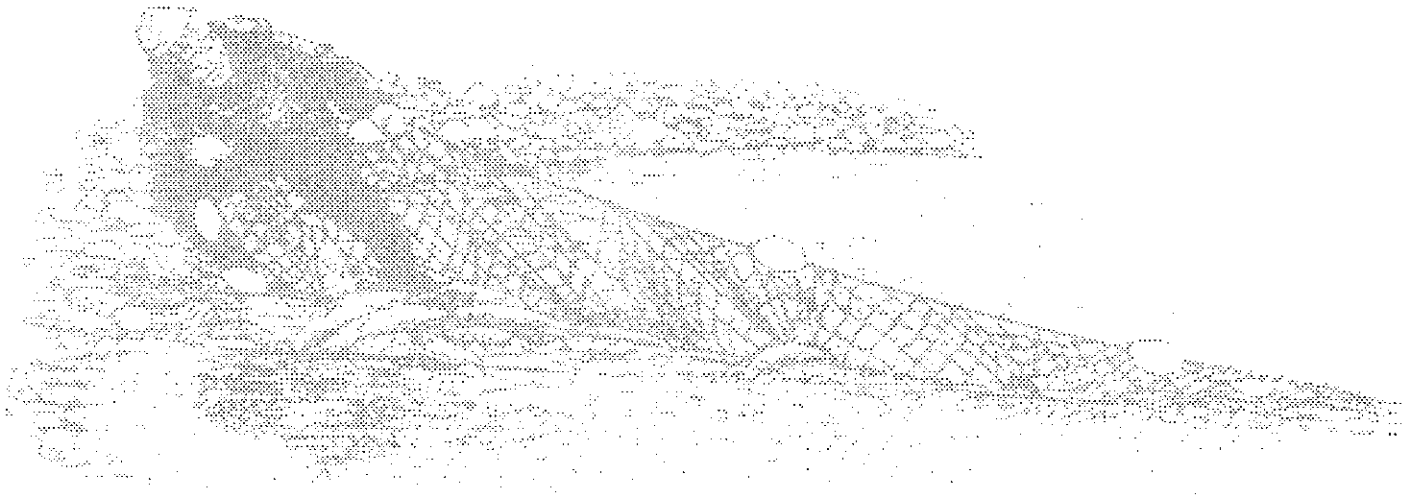


Table of Contents

I.	PURPOSE AND NEED	I-1
A.	PURPOSE OF AND NEED FOR THE PROPOSED ACTION	I-1
	1. Purpose of the Proposed Action	I-1
	2. Need for the Proposed Action	I-1
B.	BACKGROUND OF THE PROPOSED ACTION	I-1
C.	LEGAL MANDATES AND AUTHORITIES	I-2
	1. Alaska National Interest Lands Conservation Act	I-2
	2. National Environmental Policy Act	I-3
D.	PUBLIC INVOLVEMENT PROCESS	I-3
	1. Advance Notice of Proposed Rulemaking	I-3
	2. Regional Advisory Council Meetings	I-4
	3. Issues Identification	I-4
E.	ISSUES ADDRESSED IN THE EA	I-4
	1. Dual Management	I-4
	2. Customary Trade	I-5
F.	ISSUES NOT ADDRESSED IN THIS EA	I-6
	1. Customary and Traditional Use Determinations	I-6
	2. Marine Fisheries Management	I-6
	3. Changes to the Existing FSMP Structure	I-6
G.	IMPACT TOPICS STUDIED BY THE EA	I-7
	1. Impact Topics	I-7
	a. IMPACTS ON ANADROMOUS FISH	I-7
	b. IMPACT ON SUBSISTENCE FISHERIES	I-7
	c.. IMPACT ON OTHER FISHERIES	I-7
	2. Land Use Plans	I-7
	3. Coastal Zone Management Plans	I-9
	4. Impacts to Terrestrial Mammals	I-9
H.	IMPACTS AND ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL IN THE EA	I-9
	1. Impact Topics--Impacts on Nonanadromous Fish	I-9
	2. Alternative Element--ExterterritorialJurisdiction	I-10

CHAPTER I

I. PURPOSE AND NEED

A. PURPOSE OF AND NEED FOR THE PROPOSED ACTION

1. Purpose of the Proposed Action

The purpose of the proposed action (App. A) is to modify the jurisdiction of the Federal Subsistence Management Program (FSMP) to include jurisdiction of lands and waters currently not recognized by the program. The expanded FSMP would be implemented through revised subsistence management regulations for Federal public lands in Alaska. The proposed action (App. A) responds to the Ninth Circuit Court's (Ninth Circuit) decision December 19, 1995 in *Alaska v. Babbitt* (the Katie John Case). In that case, the Ninth Circuit held that public lands subject to the subsistence priority include navigable waters in which the United States has a reserved water right, including inland navigable waterways within and adjacent to the boundaries of national parks, monuments, and preserves, forests, wildlife refuges, and other specified Federal land units in Alaska. The proposed action also would require that selected but not conveyed lands within the exterior boundaries of Conservation System Units (CSUs), national recreation areas, national conservation areas, or new national forests or forest additions be treated as public lands for the purposes of the subsistence priority in Title VIII of ANILCA. For usage purposes in this document conveyed lands are former Federal public lands which are now in state or private ownership.

2. Need for the Proposed Action

Title VIII of ANILCA provides for the continuation of customary and traditional uses of fish and wildlife resources on public lands by residents of rural Alaska. This must be consistent with sound management principles and the conservation of healthy fish and wildlife populations. In 1989, the Alaska Supreme Court found the rural preference provisions of the State's law to be unconstitutional. This made it necessary for the Federal Government to assume management of subsistence resources on its lands to provide for rural preference of subsistence uses. The United States Departments of the Interior (USDOI) and Agriculture (USDA) analyzed alternatives for the FSMP and assessed the environmental effects of those alternatives in the *Subsistence Management for Federal Public Lands in Alaska* environmental impact statement (EIS) (USDOI 1992). Subsequently, the Ninth Circuit found that the FSMP wrongfully excluded navigable waters with reserved interests of the Federal Government. The proposed modification of jurisdiction is required to comply with the Ninth Circuit's decision.

B. BACKGROUND OF THE PROPOSED ACTION

The Federal Subsistence Board assumed subsistence management responsibility for Federal public lands in Alaska in 1990, after the Alaska Supreme Court ruled in *McDowell v. State of Alaska*, 785 P.2d 1 (Alaska 1989) that the rural preference contained in the State's subsistence statute violated the Alaska Constitution. This ruling put the State's subsistence program out of compliance with Title VIII of ANILCA and resulted in the Secretaries of Interior and Agriculture assuming subsistence management on the public lands in Alaska. The "Temporary Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule" was published in the *Federal Register* (55 FR 27114-27170) on June 29, 1990. The "Subsistence Management Regulations for Public Lands in Alaska; Final Rule" was published in the *Federal Register* (57 FR 22940-22964) on May 29, 1992.

In both cases, the rule “generally excludes navigable waters” from Federal subsistence management (55 FR 27114, 27115 [1990]; 57 FR 22940, 22942 [1992]). In a lawsuit consolidated with *Alaska v. Babbitt*, plaintiff Katie John challenged these rules, arguing that navigable waters are properly included within the definition of “public lands” set out in ANILCA. At oral argument before the Ninth Circuit, the United States took the position that Federal reserved water rights that encompass the subsistence purpose are public lands for purposes of ANILCA. The United States Ninth Circuit of Appeals for the Ninth Circuit subsequently held: “[T]he definition of public lands includes those navigable waters in which the United States has an interest by virtue of the reserved water rights doctrine” (*Alaska v. Babbitt*, 72 F.3d at 703-704). In the course of its decision, the Ninth Circuit also directed: “[T]he Federal agencies that administer the subsistence priority are responsible for identifying those waters” (*Id.* at 704).

The amendments being considered would conform the Federal subsistence management regulations to the Ninth Circuit’s ruling in *Alaska v. Babbitt*. As the Ninth Circuit directed, this document identifies Federal land units in which reserved water rights exist. These are “public lands” under the Ninth Circuit’s decision in *Alaska v. Babbitt* and thus are subject to the Federal subsistence priority in Title VIII of ANILCA. The preliminary regulatory text being considered here also provides the Federal Subsistence Board with clear authority to administer the subsistence priority in these waters.

The proposed action also responds to two petitions for Rulemaking. On July 15, 1993, the Mentasta Village Council, Native Village of Quinhagak, Native Village of Goodnews Bay, Alaska Federation of Natives, Alaska Inter-Tribal Council, RurAL CAP, Katie John, Doris Charles, Louie Smith, and Annie Cleveland filed a “Petition for Rule-Making by the Secretaries of Interior and Agriculture that Navigable Waters and Federal Reserved Waters are ‘Public Lands’ Subject to Title VIII of ANILCA’s Subsistence Priority.”

On April 12, 1994, the Northwest Arctic Regional Council, Stevens Village Council, Kawerak, Inc., Copper River Native Association, Alaska Federation of Natives, Alaska Inter-Tribal Council, RurAL CAP and Dinyee Corporation filed a “Petition for Rule-Making by the Secretaries of Interior and Agriculture that Selected But Not Conveyed Lands Are To Be Treated as Public Lands for the Purposes of the Subsistence Priority in Title VIII of ANILCA and that Uses on Non-Public Lands in Alaska May Be Restricted to Protect Subsistence Uses on Public Lands in Alaska.” A Request for Comments on this petition was published at 60 FR 6466 (1995). The amendments being considered in this Environmental Assessment (EA) respond to both these petitions for rulemaking.

C. LEGAL MANDATES AND AUTHORITIES

This section briefly describes the laws that influenced the development of this EA.

1. Alaska National Interest Lands Conservation Act (ANILCA), 1980

The ANILCA expanded the Federal conservation lands system (including refuges, parks, forests, wilderness areas, and rivers and trails) throughout the State. Title VIII of ANILCA deals with subsistence management and use of Federal public lands. Section 801(4) states, “. . .it is necessary for the Congress to invoke its constitutional authority over Native affairs and its constitutional authority under the property clause and the commerce clause to protect and provide the opportunity for continued subsistence uses on the public lands by Native and non-Native rural residents. . . .” In addition, Section 804 states, “Except as otherwise provided in this Act and other Federal laws, the taking on public lands of fish and wildlife for

nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes." The analysis as required by Section 810 is included in Section IV.G of this EA.

2. National Environmental Policy Act (NEPA), 1969

The NEPA requires Federal agencies to analyze impacts and publish an EIS for public comment and review before taking major actions that may significantly affect the quality of the human environment. This was done for the establishment of the original FSMP in 1992. The NEPA further provides for the tiering of a subsequent EA to the broader programmatic EIS. Such is the case in the preparation of this EA. As reflected in the Council on Environmental Quality (CEQ) regulations in Sections 1502.20, Tiering, and 1508.28:

Section 1502.20 Tiering

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review.

Section 1508.28

Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate discussions from the broader statement by reference and shall concentrate on the issues specific to the subsequent action. The subsequent document shall state where the earlier document is available. Tiering may also be appropriate for different stages of actions.

This EA is tiered to the original programmatic EIS completed in 1992, which discusses many of the issues raised in public hearings and Federal Subsistence Regional Advisory Council (Regional Advisory Council) meetings for this EA. Consequently, such issues are not appropriate to the analysis in this EA. Only those issues and impact topics specific to this subsequent narrower action are discussed in detail in this document. They include those impact topics dealing specifically with fisheries and closely associated issues such as sociocultural impacts.

D. PUBLIC INVOLVEMENT PROCESS

1. Advance Notice of Proposed Rulemaking

As a result of high public interest and potentially controversial changes being proposed, several stages of public involvement have been provided. On April 4, 1996, an Advance Notice of Proposed Rulemaking (ANPR) for Subsistence Management Regulations for Public Lands in Alaska, Identification of Waters Subject to Subsistence Priority Regulation and Expansion of the Federal Subsistence Program and the Federal Subsistence Board's Authority on Federal Management of Subsistence Uses of Fish and Wildlife on Public Lands in Alaska was published in the *Federal Register* (61 FR 15014). This notice stated, "Comments on this advance notice of proposed Rulemaking and proposed changes to the preliminary regulatory text included with this notice may be submitted in writing to the address identified at the

beginning of this Rulemaking by June 14, 1996. Comments received by that date will be considered in the development of the proposed rule. In addition, the Departments of Interior and Agriculture will hold several public hearings in various locations in Alaska." These hearings were held in:

Anchorage	May 13	Bethel	May 20	Dillingham	May 23
Juneau	May 14	Nome	May 21	Fairbanks	May 28
Sitka	May 15	Kenai	May 22	Ketchikan	June 11
Kotzebue	May 16				

Comments also were sought through a flyer mailed to 2,500 organizations and individuals in November 1996 asking for written comments on the ANPR.

2. Regional Advisory Council Meetings

In September and October 1996, the 10 Regional Advisory Councils were asked to identify issues that should be addressed in this EA. In particular, they were asked to identify concerns about the proposed extension of jurisdiction and other aspects of Federal subsistence management.

3. Issues Identification

The FSMP staff reviewed and analyzed the concerns and ideas expressed in the public involvement and Regional Advisory Council meetings. These concerns and ideas are described in general terms in the following issue statements. The concerns were evaluated to decide which issues were significant and should be addressed in the EA.

E. ISSUES ADDRESSED IN THE EA

1. Dual Management

How can fisheries be managed to protect the stocks under dual (State/Federal) management?

Many people expressed the concern that fish stocks would suffer significant loss as a result of inefficiency of management when it is divided between the State and Federal agencies. The primary concern was that fish stocks potentially could be severely impacted due to uncoordinated allocations between Federal and State management. The feelings expressed were similar to those during the development of the initial FSMP.

- Many people wondered how the Federal and State systems would be coordinated to reduce impacts on both users and resources. They wanted to see consistency between different agencies in handling common concerns.
- People also were concerned about the structure of the Federal bureaucracy that is responsible for subsistence management.
- Others commented on such concerns as:
 - mutual problems in resource management
 - resource and use data
 - a separate or shared advisory system
 - emergency actions
 - law enforcement

- resource allocations for various users
- management conflicts
- orderly resumption of subsistence management by the State when its program complies with ANILCA
- provision for healthy, or natural and healthy, populations
- resolution of resource use conflicts

2. Customary Trade

How should the FSMP define customary trade?

The ANILCA Section 803 includes customary trade in its definition of subsistence uses. In developing the FSMP, this was included as part of the final programmatic regulations in 1992. These regulations need to be modified because they do not adequately provide for current customary trade activities. The goal of the FSMP is to provide for traditional practices without creating new commercial markets based on subsistence-caught resources. To meet this goal, the 1992 FSMP regulations defined customary trade as follows:

Customary trade means cash sale of fish and wildlife resources regulated herein, not otherwise prohibited by State or Federal law or regulation, to support personal and family needs and does not include trade which constitutes a significant commercial enterprise.

Concerns and comments from interested publics about designing specific regulatory guidelines for customary trade are summarized in the following :

- Establish flexible customary trade thresholds; only upper limits should be set.
- Identify a formula rather than set quantities.
- Handle customary trade separately for each area because it has a different meaning from one area to another.
- Poll communities to determine reasonable figures because figures (used to set upper limits) will vary by region.
- Consider that it may be impossible to have one definition for the whole state. What is customary will vary by area.
- Let the limit evolve by area rather than setting a limit at the onset.
- Continue as is with conservative amounts
- Use a local basis for definition.
- Do not set a set dollar amount. The Regional Advisory Council supports the importance of customary trade. While recognizing the risks involved, the Regional Advisory Council does not support a strict dollar limit on customary trade.
- Do not combine customary trade with commercial fisheries or let it interfere with these fisheries.
- Under State regulations, customary trade is legal; and in Southeast Alaska the Ninth Circuit has said \$9,000 is reasonable.
- Do not regulate customary trade--bartering is a customary practice that still goes on all the time in villages. (The commenter was surprised at the need to limit and stated that values are between people. Money is not a focus, it is the value of what is between people.)
- Keep in mind that trade is not for money. We trade for what we need.

- Do not make the selling of subsistence catch a big issue. Local people don't sell their subsistence catch. Local folks may buy 4 or 5 whitefish or just a few salmon if they haven't had a chance to go out, but subsistence should not be commercialized.
- Do not permit the commercial sale of salmon roe under subsistence fisheries regulations. This could threaten the resource. The roe should be saved for spawning.
- Do not regulate customary trade.
- Define customary trade in the regulations. You can't talk of an amount without knowing what is customary.
- Strike customary trade from the regulations.
- Allow customary trade in some manner.

F. ISSUES NOT ADDRESSED IN THIS EA

The following issues were identified during the public and Regional Advisory Council meetings process but are not addressed in this EA. The reasons for this decision are provided for each issue.

1. Customary and Traditional Use Determinations

Several people commented that specific existing customary and traditional use determinations should be changed. The proposed action analyzed in this EA deals with an expanded definition of Federal public lands in the FSMP. This EA is a programmatic analysis of this change in jurisdiction required by the Ninth Circuit Court's decision. The specifics of such items as season, harvest limit, and customary and traditional use determinations are not addressed in this EA because they are aspects that will be considered by the Regional Advisory Councils and Federal Subsistence Board as part of the annual regulatory cycle.

2. Marine Fisheries Management

There has been some confusion concerning the extent of this proposed action with regards to marine waters. The entire focus of the Ninth Circuit's decision was on inland waters. Certain marine waters are and will continue to be included in the FSMP, but they are not significant in their extent and were included in the FSMP before the Ninth Circuit ordered expansion of jurisdiction (App. A). Because (1) the status of the marine waters included in the FSMP has not changed and (2) marine waters represent a minor part of the FSMP, marine fisheries management as an issue is not included in this analysis.

3. Changes to the Existing FSMP Structure

This issue is not analyzed in this EA because this issue was analyzed in the programmatic EIS, *Subsistence Management for Federal Public Lands in Alaska* (USDOI 1992). Pursuant to Subparts B and C of the current FSMP regulations, the Federal Subsistence Board already has authority to establish subsistence resource regions and to recommend the chartering of additional or new Regional Advisory Councils to the Secretaries of Interior and Agriculture.

During the fall 1996 Regional Advisory Council public meetings, the Regional Advisory Councils were specifically asked to advise the Federal Subsistence Board of their views on their ability to deal effectively with the proposed expansion of the FSMP. The predominant opinion was that subsistence users could best be served by retaining the existing Regional Advisory Council structure. The Regional Advisory Councils recognized that changing the existing FSMP structure would take more time and require greater coordination between Regional Advisory Councils. Moreover it was determined that potential changes in

the Regional Advisory Council structure would not result in environmental impacts. Some Regional Advisory Councils were open to a modification of the current council structure. The Yukon River Drainage Fisheries Association requested that they be designated as a Regional Advisory Council for a region encompassed by the entire Yukon river drainage.

G. IMPACT TOPICS STUDIED IN THE EA

The NEPA requires an analysis of impacts on the human environment. Most of the issues raised by those commenting during the public meetings for this EA focused on concerns with programmatic elements that do not have any associated environmental impacts. Environmental topics impacted in some way by the proposal are introduced below, listed in Table I-1, and analyzed in this EA as required by NEPA. NEPA also has additional requirements that are not raised by the proposed action. These include land use plans and coastal zone management plans and are discussed below.

1. Impact Topics Analyzed in the EA

a. IMPACTS ON ANADROMOUS FISH: Anadromous fish, primarily salmon, are a key component of subsistence fisheries. Management of Anadromous fish stock(s) typically is difficult because individual stocks range widely over their lifecycle. Some stocks, notably in the larger drainages such as the Yukon River, pass through several different fisheries as they return to their natal streams. Many commenters referenced Federal management of fisheries during the Territorial period prior to Statehood; during that time, fish stocks were dramatically overharvested.

b. IMPACTS ON SUBSISTENCE FISHERIES: The purpose of the proposed action is to provide a rural priority for subsistence fishing on waters under Federal jurisdiction. Fish are a key component of the subsistence lifestyle. The potential impact of the proposed action on subsistence fishing relates to the proportion of existing subsistence fishing which would be included under Federal jurisdiction versus the remainder under State jurisdiction. Inclusion within Federal jurisdiction will provide recognition of the rural priority and provide a direct mechanism for rural input into the regulatory process (through Regional Advisory Councils as with the wildlife program). Additionally, the Federal program specifically provides for customary trade.

c. IMPACTS ON OTHER FISHERIES: Fisheries in the State are fully allocated; in other words, all surplus fish (those not necessary for conservation of healthy stocks) are planned for harvest. Should allocations be adjusted to provide an increased number of fish for subsistence, other fisheries (sport, personal, or commercial) may be reduced to maintain a balance. Particular concern is expressed over potential reductions in commercial marine fisheries to ensure fish reach upstream subsistence use areas. Statewide the subsistence fish harvest is, however, less than one percent of the total commercial harvest.

2. Land Use Plans

Land-use planning documents addressing activities on Federal public lands in Alaska include the National Park Service (NPS) General Management Plans prepared for each unit, Comprehensive Conservation Plans for the Fish and Wildlife Service (FWS) refuges, and U.S. Forest Service (USFS) Land Management Plans. State, local, and borough plans generally do not affect the public lands managed by the Federal

Table I-1 Topics

Issues	Specific Concerns	Location in EA
<p><i>IMPACTS RELATED TO:</i></p> <p>Dual Management</p> <p>Customary Trade</p>	<p><i>FROM:</i></p> <ul style="list-style-type: none"> - coordination between State and Federal programs - inconsistencies between agencies - law enforcement and emergency actions - resource allocation issues - regional differences in determining trade levels - commercial sales 	<p>Chapter IV • 1</p> <p>Chapter IV • 2</p>
<p><i>POTENTIAL IMPACTS ON:</i></p> <p>Anadromous fish</p> <p>Subsistence fisheries</p> <p>Other fisheries</p>	<p><i>FROM:</i></p> <ul style="list-style-type: none"> - overharvest - changes in allocation - changes in subsistence activities - changes in resource availability - reduced access to resources - reduced access to resources - changes in allocation - competition with subsistence fisheries 	<p>Chapter IV • 3-5, 7,9</p> <p>Chapter IV • 3,5,7-9</p> <p>Chapter IV • 6,9</p>

Government. To ensure consistency between the FSMP and land use activities, however, all plans that potentially could affect Federal public lands were reviewed. Under the three alternatives, the FSMP regulations are consistent with the plans, programs, and policies of the Federal agencies, State, and local governments.

3. Coastal Zone Management Plans

The Federal Coastal Zone Management Act and the Alaska Coastal Management Act were enacted in 1972 and 1977, respectively. Through these acts, development and land use in coastal areas are managed to provide a balance between the use of coastal resources and the protection of valuable coastal resources.

Local coastal programs may be established to refine the policies of the Alaska Coastal Management Program (ACMP) following State guidelines and standards. The ACMP requires that coastal districts and State agencies recognize and assure opportunities for subsistence use of coastal areas and resources (6 AAC80.120).

No conflicts between activities assumed under Federal management of subsistence and State and local policies, regulations, and standards of the ACMP have been identified.

4. Impacts on Terrestrial Mammals Due to Inclusion of Selected But Not Conveyed Lands

Impacts on terrestrial mammals due to inclusion of selected but not conveyed lands consistent with Section 906(o)(2) of ANILCA in the action alternatives are not analyzed in this EA. The impacts on terrestrial mammals were evaluated in the programmatic EIS to which this EA is tiered. The amount of lands added to the FSMP would not result in changes to the analyses and conclusions presented earlier in the programmatic EIS. The estimated numbers of acres this inclusion would affect for the four agencies are:

<u>AGENCY</u>	<u>ACRES</u>
National Park Service	2,136,000
U.S. Fish and Wildlife Service	6,500,000
Bureau of Land Management	0
U.S. Forest Service	<u>220,000</u>
TOTAL	8,856,000

H. IMPACTS AND ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL IN THE EA

The following were considered in the development of this EA but are not analyzed in detail. They are briefly described and the reasons for not pursuing them further are explained.

1. Impact Topic--Impacts on Nonanadromous Fish: Fresh water species are widely harvested for subsistence but not at levels equivalent to the high reliance on anadromous fish. While some locally significant species are discussed in this EA, their harvest generally is not as controversial as anadromous species (primarily salmon) that pass through multiple commercial fisheries during their annual cycle. Marine subsistence fisheries, even under this proposed extension of Federal jurisdiction, remain largely under State jurisdiction.

2. Alternative Element--Extraterritorial Jurisdiction

An element contained in the proposed rulemaking common to all alternatives is what has come to be called extraterritorial jurisdiction. As explained in the ANPR,

... the rule amendments being considered would unambiguously delegate to the Federal Subsistence Board the authority to determine when hunting, fishing or trapping activities taking place in Alaska off the public lands interfere with the subsistence priority on the public lands to such an extent as to result in a failure to provide the subsistence priority and to take action to restrict or eliminate the interference.

The ANPR goes on in its description of extraterritorial jurisdiction to explain that,

The Secretaries expect that the Board would exercise this authority sparingly. Prior to taking action in any such case, it is expected that the Board would consult with, and make a significant effort to resolve the conflict through cooperative action with, the State of Alaska, the appropriate Regional Advisory Council, and the National Marine Fisheries Service where appropriate. The Board's regulatory authority under this provision would be limited to the territorial limits of the State of Alaska and would not extend to offshore fisheries beyond the territorial waters of Alaska. All international treaty obligations of the United States with respect to fish and wildlife and their habitats also must be adhered to.

The specific regulatory language proposed for this element in the ANPR was as follows:

Section 10. Federal Subsistence Board

(d)(4)(xviii) Determine when hunting, fishing or trapping activities which occur on lands or waters in Alaska other than public lands interfere with subsistence hunting, fishing or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority, and after appropriate consultation with the State of Alaska, the Regional Advisory Councils, and other Federal agencies, to restrict or eliminate said activities;....

It is important to note that the authority to restrict or eliminate activities off Federal public lands has always resided with the Secretaries of Interior and Agriculture. This has been made clear in such Ninth Circuit cases as *Kleppe v. New Mexico* (426 U.S. 529) and *Minnesota v. Block* (660 F.2d 817). The ANPR proposed delegating that existing authority to the Federal Subsistence Board.

The proposed rulemaking does not delegate this authority to the Federal Subsistence Board. Instead, the Federal Subsistence Board should consider recommendations and proposals brought before it and, after appropriate consultation with the State of Alaska and Regional Advisory Councils, forward its recommendations to the Secretaries of Interior and Agriculture for possible action.

Since this authority already exists and rarely has been exercised, it is not an element that is analyzed in the assessment of the environmental impacts of any of the alternatives.

Environmental Assessment

Modification of the Federal Subsistence Fisheries Management Program

Chapter II

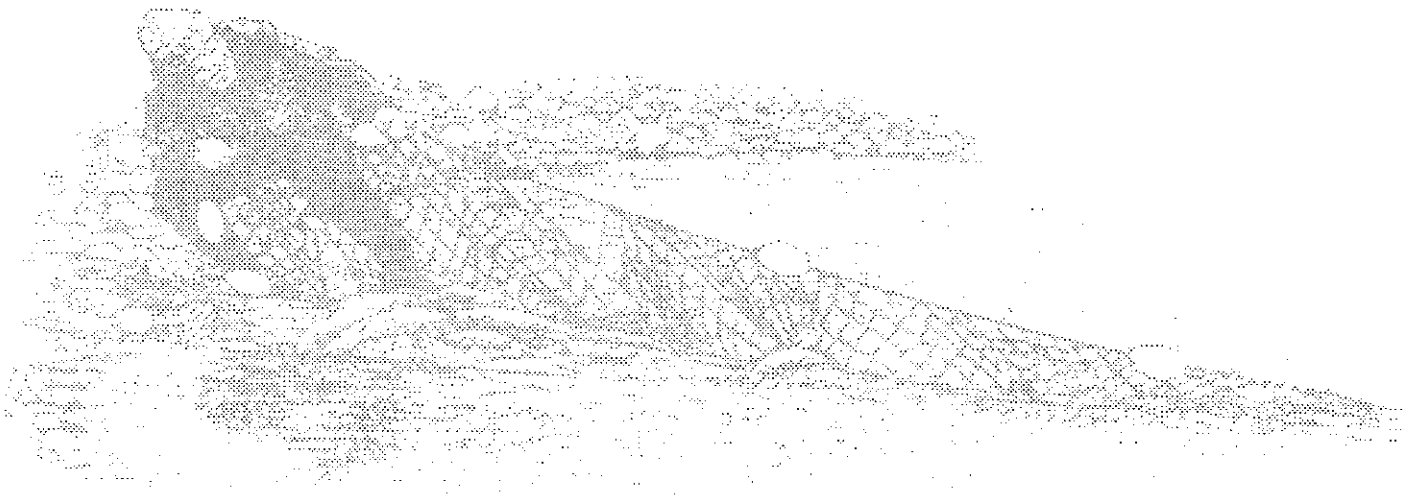


Table of Contents

I.	ALTERNATIVES	II-1
A.	INTRODUCTION	II-1
B.	ELEMENTS COMMON TO ALL ALTERNATIVES	II-2
1.	Dual Management	II-2
2.	Customary Trade	II-3
3.	Geographic Regions Used for Analyses	II-4
a.	Arctic	II-5
b.	Yukon and Kuskokwim Drainages	II-5
c.	Bristol Bay	II-5
d.	Kodiak Aleutians	II-5
e.	Southcentral	II-5
f.	Southeast	II-6
C.	ALTERNATIVE I - NO ACTION	II-6
D.	ALTERNATIVE II - LIMITED FEDERAL JURISDICTION	II-6
1.	Geographic Descriptions	II-6
a.	Arctic	II-6
b.	Yukon and Kuskokwim Drainages	II-7
c.	Bristol Bay	II-7
d.	Kodiak/Aleutians	II-7
e.	Southcentral	II-7
f.	Southeast	II-7
E.	ALTERNATIVE III - PREFERRED ALTERNATIVE	II-8
a.	Arctic	II-8
b.	Yukon and Kuskokwim Drainages	II-8
c.	Bristol Bay	II-8
d.	Kodiak/Aleutians	II-9
e.	Southcentral	II-9
f.	Southeast	II-9

CHAPTER II

I. ALTERNATIVES

A. INTRODUCTION

The primary consideration in implementation of the Ninth Circuit court decision is the identification of navigable waters considered Federal public lands in Alaska (navigable waters are currently in the Federal program). The Ninth Circuit directed that the Federal agencies responsible for administering the subsistence priority identify those waters in which the United States has a reserved water right. Accordingly, the responsible agencies identified alternatives based on different interpretations of the extent of jurisdiction associated with reserved water rights. The base case is the No Action Alternative (presented as Alternative I), in which Federal jurisdiction does not change; it is not consistent with the Ninth Circuit decision (Fig. 1--see back map pocket). Alternative II identifies a minimal definition of jurisdiction that includes only those navigable waters directly adjacent to Federal public lands (Fig. 2--see back map pocket). Alternative III is a broader definition than Alternative II and includes all navigable waters within the exterior boundaries of national parks, monuments, preserves, wildlife refuges, and other specified units managed by the Department of the Interior and all navigable waters bordered by lands owned by the Federal Government within the exterior boundaries of two national forests (Fig. 3--see back map pocket). With the exception of a few areas (national recreation and conservation areas and wild and scenic river corridors), navigable waters on lands managed by the Bureau of Land Management (BLM) are not included in any of these alternatives. BLM waters are not considered as waters in which the United States has a reserved water right. Alaska has a total of 196,234 miles of streams and rivers (data from the Digital Chart of the World [DCW¹]). Under Alternative II, 80,572 miles would be under Federal jurisdiction; and under Alternative III, 102,491 miles would be under Federal jurisdiction.

An alternative considered but not analyzed was the extension of Federal jurisdiction to all navigable waters in Alaska. This broad definition of jurisdiction was advocated by the plaintiff, Katie John, and adopted by the District Court. This court based its decision on applying jurisdiction to all waters subject to Federal navigational servitude. The State of Alaska and Federal agencies appealed the District Court's decision to the Ninth Circuit, which reversed the District Court's judgement and remanded that decision. The Ninth Circuit decision was based on the determination that navigational servitude is not a sufficient Federal interest to constitute public land in the context of ANILCA. Instead, the Ninth Circuit relied upon the reserved water rights doctrine, which holds that when the United States withdraws lands from the public domain and reserves them for a Federal purpose, then the United States implicitly reserves the associated, unappropriated waters to the extent needed to accomplish the purposes of the withdrawal.

¹ The DCW is a database designed for Geographic Information System (GIS) applications in support of scientific applications. The DCW is a comprehensive 1:1,000,000 scale vector basemap of the world developed by Environmental Systems Research Inc. (ESRI). For this analysis, data from Alaska were extracted and processed into ESRI's Arc/Info GIS format. A FREQUENCY analysis was performed using the data theme DNNET which enumerated vector lengths for streams, rivers, channelized rivers, and inland shorelines. These data are depicted in Figures 1-3.

B. ELEMENTS COMMON TO ALL ALTERNATIVES

1. Dual Management

With regard to fisheries management, dual management means that both the State and Federal governments will be simultaneously managing fisheries on overlapping jurisdictions throughout the State of Alaska under any of the three alternatives. Jurisdiction for the FSMP will be in accordance with the three alternatives as outlined above. Alternative I will retain existing Federal jurisdiction which includes all non-navigable waters on Federal public lands as well as navigable waters in pre-Statehood Federal withdrawals. Alternative II includes all waters in Alternative I as well as navigable waters bordered on at least one side by Federal public lands. Alternative III includes all waters in Alternative I, all navigable waters within the exterior boundaries of Department of Interior CSUs, and navigable waters bordered on at least one side by National Forest lands. State jurisdiction will remain in all inland waters of the State as well as the territorial sea (marine waters within three miles of the coastline) for all three alternatives. Thus, State jurisdiction overlaps with and extends beyond Federal jurisdiction in all alternatives. State jurisdiction, however, may be preempted (closed) in Federal waters if such a closure is necessary to provide for the subsistence priority.

This arrangement of overlapping jurisdictions, coupled with the need to manage runs of anadromous fish holistically throughout their migratory range regardless of jurisdiction, creates problems for both State and Federal management systems. These problems include: (1) requiring fishermen (commercial, subsistence, or sport) to be aware of and comply (where required) with both State and Federal regulations; (2) creating confusion for users over which of the different sets of regulations apply and where they apply; and (3) creating inefficiencies through redundant systems (Federal and State) for managing the same resource. With regard to the third point, many commenters expressed concern that fish stocks could be impacted by uncoordinated management decisions between the two systems leading to over harvest of some stocks.

To address the commenters' concerns, the analyses in Chapter IV take into consideration a presumption that some level of cooperation and coordination between Federal and State management regimes will occur. While specific agreements have not yet been negotiated between State and Federal managers, some level of cooperation is required for successful management. As a starting point, the proposed Federal regulations pertaining to the seasons, harvest limits, methods, and means (Subpart D of the Federal subsistence regulations) are based on the existing State regulations with minor modifications. Additionally, the subsistence priority mandated by State statute essentially targets the same rural users as those residing in or near areas of Federal jurisdiction under any of the alternatives. This common purpose would be the basis for cooperation between Federal and State managers.

A minimal approach to dual management would be Federal-State agreement of pre-season fisheries management parameters (e.g. harvest and escapement goals) that guide in-season decisions for all fisheries (openings and closures) to insure that the subsistence priority is met in all major drainages where a dual management situation exists. Such an arrangement could be manifested through the development of joint Federal-State management plans, or by Federal adoption of State plans that accommodate the Federal mandate. In either case the Regional Advisory Councils and the Federal Subsistence Board as well as the State Board of Fish would be involved in evaluating existing or proposed plans.

Although it has not yet been determined, one approach for in-season management may be direct Federal involvement in opening and closing all fisheries within Federal jurisdiction to insure the subsistence priority. This approach would require intensive Federal-State coordination to insure that conservation goals are maintained throughout a drainage. An alternative would be some level of Federal oversight while State managers continue to open and close fisheries on both Federal and State jurisdictions throughout a drainage. A mixture of both approaches may be required depending on the extent State and Federal subsistence fishing regulations diverge.

2. Customary Trade

The ANILCA Section 803 includes customary trade in its definition of subsistence uses. In developing the FSMP it was included as part of the final programmatic regulations in 1992. The ANILCA says:

Section 803. As used in this Act, the term “subsistence uses” means the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption, for barter, or sharing for personal or family consumption; and for customary trade (emphasis added).

Under the State of Alaska’s current subsistence program, the sale of subsistence taken fisheries resources is not permitted, except for limited sale of herring roe on kelp in Southeast Alaska. Under the current FSMP, the sale of subsistence-harvested fishery resources is not permitted.

The Ninth Circuit has stated in *U.S. v. Alexander*, “if the phrase ‘customary trade’ is to add anything at all to the statute, it must include buying and selling for money” (938 F.2d 942 [9th Cir. 1991]). The Ninth Circuit also places some boundaries on what constitutes customary trade. It must not be for such a large amount of money that it is placed outside the bounds of customary trade (Id. citing *U.S. v. Skinna*, 931 F.2d 530,533 [9th Cir. 1991]).

Neither the current State nor Federal regulations adequately allows for customary trade practices as mandated by ANILCA. During public meetings held throughout Alaska to hear comments on the ANPR, numerous comments were received expressing concern that customary trade was an important issue and that it needs to be permitted under regulation. These comments were summarized in Chapter I. Similar comments have been expressed at numerous Regional Advisory Council meetings.

In 1993, the ADF&G Division of Subsistence (Division of Subsistence) presented a packet of information relating to customary trade (and other forms of sharing and exchange) of wild resources to the Alaska Board of Fisheries. Customary trade is defined in this packet as “non-commercial exchanges involving money.” In 1985, the Division of Subsistence sent an informal query to staff members around the State asking for personal assessments of the frequency of different types of exchange of subsistence resources (this query did not include Southeast Alaska). Results of this query (included in the packet presented to the Board of Fisheries) indicate that some level of customary trade existed at that time in all rural areas of the State (although more information is needed for Southcentral Alaska). These findings are consistent with testimony received at Regional Advisory Council meetings and at public hearings related to the ANPR.

The Federal Government proposes to change its current customary trade regulation so that such practices are permitted under the FSMP. Rather than prohibiting any exchange for cash of subsistence-harvested fish unless specifically permitted by the Board, the proposed Federal regulation will permit such exchange (while still prohibiting significant commercial enterprise).

The proposed regulation for customary trade below would apply to all alternatives, although the amount of public lands and waters that it applies on would vary between the alternatives.

Section 26(c)(11). The limited exchange for cash of subsistence-harvested fish, their parts, or their eggs, legally taken under Federal subsistence management regulations to support personal and family needs is permitted as customary trade, so long as it does not constitute a significant commercial enterprise. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

Section 26(c)(12). Subsistence-taken fish, their parts, or their eggs may not be purchased for use in a significant commercial enterprise. Persons licensed by the State of Alaska to engage in a fisheries business may not receive for resale or barter or solicit to barter for subsistence taken salmon or their parts.

3. Geographic Regions Used for Analyses

Geographic regions are described, using the 10 subsistence resource regions from the FSMP. For ease of discussion, some regions have been combined (Fig. 4). A brief description of the regions analyzed follows.

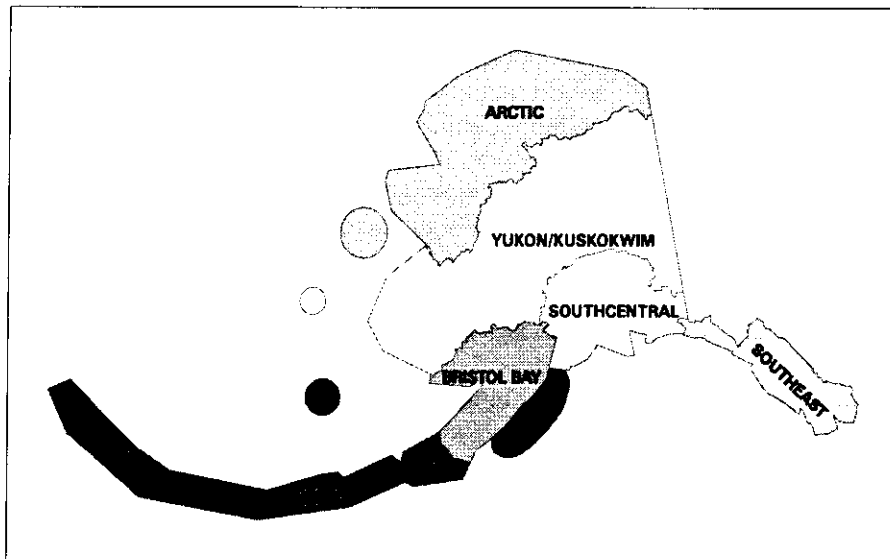


Figure 4. Environmental Assessment Analysis Areas

a. ARCTIC

The Arctic region includes three subsistence resource regions as defined under the current FSMP: Seward Peninsula (Region 7), Northwest Arctic (Region 8) and North Slope (Region 10); and it extends north from the Brooks Range to the Beaufort Sea and west from the Canadian border to the Chukchi Sea. It includes the area surrounding Kotzebue Sound and most of the Seward Peninsula and the areas immediately surrounding Norton Sound and St. Lawrence Island. Conservation System Units (CSU) and other Federal withdrawals within this region include the Arctic National Wildlife Refuge (NWR), National Petroleum Reserve-Alaska, a portion of Gates of the Arctic National Park and Preserve, Noatak National Preserve, Selawik NWR, Kobuk Valley National Park, Cape Krusenstern National Monument, Bering Land Bridge National Preserve, Unalakleet Wild and Scenic River, and a small portion of the Yukon Delta NWR.

b. YUKON AND KUSKOKWIM DRAINAGES

The Yukon and Kuskokwim drainages include three subsistence resource regions: Yukon-Kuskokwim Delta (Region 5), Western Interior (Region 6), and Eastern Interior (Region 9). The drainage of the Yukon River extends from the Canadian border to the river's delta on the Bering Sea. The Kuskokwim drainage extends from the northern foothills of the Alaska Range to the river's delta, adjacent to the Bering Sea. The region includes the southern side of the Brooks Range and Nunivak Island. The CSUs in this region include the southern portion of the Arctic NWR, Yukon Flats NWR, Steese National Conservation Area,

White Mountains National Recreation Area, Yukon-Charley Rivers National Preserve, Fortymile Wild and Scenic River, the northern portion of Denali National Park and Preserve, Tetlin NWR, the northern portion of Wrangell-St. Elias National Park and Preserve, Kanuti NWR, Koyukuk NWR, Nowitna NWR, Innoko NWR, and the Yukon Delta NWR. Also included are portions of Gates of the Arctic National Park and Preserve and portions of Lake Clark National Park and Preserve.

c. BRISTOL BAY

Bristol Bay is Region 4 in the FSMP. Region 4 contains major drainages into Bristol Bay and the Alaska Peninsula from the base of the peninsula down to Port Moller. CSUs in this region include Lake Clark National Park and Preserve, Katmai National Park and Preserve, Togiak NWR, Alagnak Wild and Scenic River, Becharof NWR, Alaska Peninsula NWR, and Aniakchak National Monument and Preserve.

d. KODIAK/ALEUTIAN ISLANDS

The Kodiak/Aleutian Islands region is Region 3 in the FSMP. It includes the Kodiak Island archipelago, the Alaska Peninsula from Port Moller to the tip of the peninsula, the Pribilof Islands, and the chain of Aleutian Islands. The CSUs in Region 3 include Kodiak NWR, Izembek NWR, and the Alaska Maritime NWR.

e. SOUTHCENTRAL

Southcentral is Region 2 in the FSMP. Region 2 extends south and east from the Alaska Range to Cook Inlet, Prince William Sound, the Gulf of Alaska and the Canadian border. The CSUs and other Federal withdrawals in this region include the southern portions of Denali National Park and Preserve, Wrangell-St. Elias National Park and Preserve, Kenai NWR, portions of Lake Clark National Park and Preserve, Kenai Fjords National Park, and the Chugach National Forest.

f. SOUTHEAST

Southeast is Region 1 in the FSMP. It is the region commonly referred to as the Alaska Panhandle, a vast archipelago that extends south from the Malaspina Glacier, and is bordered on one side by Canada and the other by the Pacific Ocean. The CSUs and other Federal withdrawals in Region 1 include the southernmost portion of the Wrangell-St. Elias National Park and the Glacier Bay National Park and Preserve. The Forest Service is the primary Federal land manager, with the Tongass National Forest.

C. ALTERNATIVE I - NO ACTION

In the base case, or the No Action Alternative, the Federal Government would not extend jurisdiction to navigable waters within CSUs. In this case, the fishery allocation and harvest decisions on all navigable waters would continue to be made by the State; the State would retain jurisdiction over all 196,234 miles of streams and rivers in the State that are not currently in the Federal Program (less than one percent of navigable waters currently are under Federal jurisdiction). Federal jurisdiction would be limited to non-navigable waters on Federal public lands and those limited navigable and marine waters included in pre-statehood withdrawals. This alternative is not consistent with the Ninth Circuit decision.

D. ALTERNATIVE II - LIMITED FEDERAL JURISDICTION

Under Alternative II, jurisdiction would extend only to waters adjacent to Federal public lands. Thus, 80,572 miles of streams and rivers (41%) would be under Federal jurisdiction and 115,662 (59%) would remain under State jurisdiction. Navigable waters crossing conveyed (non-Federal) lands within CSU boundaries (national parks, preserves, monuments wildlife refuges, recreational areas, and conservation areas) would not be included. Only those navigable waters where at least one shoreline is Federal public land would be included. Lands and waters on selected but not yet conveyed parcels within DOI CSUs, national conservation and recreation areas, and new national forests or forest additions also would be included in Alternative II as well as Alternative III (see the discussion of ANILCA 906[o] in the preamble to the proposed rulemaking, App. A-4). Jurisdiction is more restricted under Alternative II than Alternative III.

Land status becomes paramount for determining jurisdiction, and the extent of jurisdiction could be dynamic as land-ownership patterns change. With the current pattern of land-ownership within the boundaries of CSUs, Federal subsistence fishery management would be fragmented due to the “checkerboard pattern” of “in-holdings” within most CSUs. Navigable waters within the boundaries of the majority of Bureau of Land Management lands are not included. A brief description of ownership patterns and related jurisdiction according to this alternative follows; maps show the affected drainages. Note that for this alternative, only the drainages on the colored portions within the CSU boundaries are included.

1. Geographic Descriptions

a. ARCTIC

Of the 54,812 miles of streams and rivers in the Arctic, 28,830 (53%) would be under Federal jurisdiction and 25,982 (47%) would remain under State jurisdiction under Alternative II. Villages that could access waters under Federal jurisdiction under this alternative include Barrow, Atkasuk,

Wainwright, Nuiqsut, Kaktovik, Ambler, Selawik, and Unalakleet. However, all of these villages are a significant distance from Federal waters.

b. YUKON AND KUSKOKWIM DRAINAGES

In the region encompassed by the Yukon and Kuskokwim river drainages, Federal management would follow a broken or a checkerboard pattern of land ownership. Of the 97,483 miles of rivers and streams in this region, 37,122 (38%) would be under Federal jurisdiction and 60,361 (62%) would remain under State jurisdiction.

Along the Yukon and Kuskokwim rivers and in their deltas, most villages within the boundaries of CSUs are on lands that have been conveyed and, therefore, are located in areas that would remain under State jurisdiction. Due to the land ownership patterns, much of the mainstem of both the Yukon and Kuskokwim rivers (where most fishing takes place) would remain under exclusive State jurisdiction. The only villages directly adjacent to stretches of the river that would be under Federal jurisdiction are Chisana, Venetie, and Arctic Village. While most of the communities in these drainages could access waters in Federal jurisdiction, almost all are located near the center of conveyed lands, a significant distance from Federal waters.

c. BRISTOL BAY

Many of the important drainages for salmon in Bristol Bay would remain in exclusive State jurisdiction, with the exception of the portion of the Togiak River flowing through the Togiak NWR.. Of the 15,442 miles of streams and rivers in the region, 3,864 (25%) would be under Federal jurisdiction and 11,578 (75%) would remain under exclusive State jurisdiction. Under this alternative, no villages in the region would be directly adjacent to Federally managed waterways. Togiak, Twin Hills, Manokotak, and Port Alsworth could access waters under Federal jurisdiction. However, these villages are located on their lands significant distances from Federal waters.

d. KODIAK/ALEUTIAN ISLANDS

Of the 2,725 miles of streams and rivers in the region, 1,315 (48%) would be under Federal jurisdiction and 1,410 (52%) would remain under exclusive Federal jurisdiction. No villages are located along rivers that would be under Federal jurisdiction under Alternative II.

e. SOUTHCENTRAL

Major drainages that would remain under State management include the lower portion of the Kenai River and the majority of the Copper River. The portion of the Kenai River within the Kenai NWR would be under Federal jurisdiction. Of the 19,832 miles of streams and rivers in the region, 4,966 (25%) would be under Federal jurisdiction and 14,866 (75%) would remain under State jurisdiction. Communities near the portions of the rivers that would be under Federal jurisdiction include McCarthy and Cooper Landing .

f. SOUTHEAST

Most of the land in Southeast is under the management of the U.S. Forest Service. While virtually all communities are surrounded by National Forest lands, they are outside Forest Service boundaries. Marine waters are not included in either Alternative II or III. Subsistence harvest is not allowed in

Glacier Bay National Park. Of the 5,940 miles of streams and rivers in the region, 4,475 (75%) would be under Federal jurisdiction and 1,465 (25%) would remain under State jurisdiction.

E. ALTERNATIVE III - PREFERRED ALTERNATIVE

In Alternative III, jurisdiction for lands managed by the Department of the Interior is broader than that in Alternative II but remains the same for lands managed by the Department of Agriculture (National Forest lands). Additionally, all navigable waters within and adjacent to exterior boundaries of USDOJ CSUs would be included under Federal jurisdiction. As in Alternative II, however, navigable waters on most BLM lands would not be included. Of the 196,234 miles of rivers and streams in the State, 102,491 (52%) would be under Federal jurisdiction and 93,743 (48%) would remain under State jurisdiction.

Land ownership patterns are the same as discussed in Alternative II, however, the extent of jurisdiction differs greatly. This difference is due to the inclusion of all waters within the exterior boundaries of USDOJ CSUs. The inclusion of these lands avoids the problems associated with the checkerboard pattern of land ownership within lands managed by the Department of the Interior. Jurisdiction on National Forest lands remains the same in Alternative III as in Alternative II. However, the jurisdiction on navigable waters adjacent to many villages and communities differs from Alternative II, as described below. Lands and waters on selected but not yet conveyed parcels within CSU's would also be included in Alternative III (see the discussion of ANILCA 906(o) in the preamble to the proposed rulemaking, Appendix A-4).

a. ARCTIC

Under Alternative III, the inland navigable waters near or adjacent to Barrow, Kaktovik, Atkasuk, Nuiqsut, Wainwright, Noorvik, Ambler, and Selawik would be under Federal jurisdiction. Kotzebue, Shungnak, Kobuk, Pt. Lay, and Kivalina are outside the boundaries of CSUs or other areas of Federal jurisdiction, and the adjacent navigable waters would remain under exclusive State jurisdiction. Of the 54,812 miles of streams and rivers in the region, 32,108 (59%) would be under Federal jurisdiction and 22,704 (41%) would remain under State jurisdiction.

b. YUKON AND KUSKOKWIM DRAINAGES

Under Alternative III, most villages along the Yukon River and in the river's delta are within or near the boundaries of CSUs. Therefore, the navigable waters adjacent to most villages in this region would be under Federal jurisdiction. Under Alternative III, all villages and communities on the mainstem of the Yukon, Koyukuk, Chandalar, and Black rivers as well as those villages along the lower Kuskokwim River within the Yukon Delta NWR would be adjacent to Federal jurisdiction. Additionally, the exterior boundary of the Yukon Delta NWR includes those communities not along the mainstem of the Yukon and Kuskokwim River as well. The villages of Tetlin and Northway on the Tanana River are also near or adjacent to Federal waters. Of the 97,483 miles of streams and rivers in the region, 52,628 (54%) would be under Federal jurisdiction and 44,855 (46%) would remain under State jurisdiction.

c. BRISTOL BAY

Many of the important drainages for salmon in Bristol Bay are exclusively under State jurisdiction on State lands, with the exception of the Togiak River, which is within the Togiak NWR. Of the 15,442 miles of streams and rivers in the region, 5,240 (34%) would be under Federal jurisdiction and 10,202

(66%) would remain under State jurisdiction. Under Alternate III, villages along the rivers within the Togiak NWR (Togiak, Manokotak and Twin Hills) would be adjacent to waters under Federal jurisdiction. Port Alsworth and Nondalton are within or adjacent to the boundary of Lake Clark National Park and Preserve, and the adjacent waters also would be under Federal jurisdiction. Chignik and Perryville are within the boundaries of the Alaska Peninsula NWR, and the adjacent inland navigable waters would be under Federal jurisdiction.

d. KODIAK/ALEUTIAN ISLANDS

On Kodiak Island, several villages are within the boundaries of the Kodiak NWR and, therefore, would be near or adjacent to navigable waters under Federal jurisdiction. These villages include Old Harbor, Karluk, Larsen Bay, and Akhiok. Along the lower end of the Alaska Peninsula, villages that would be on or near waters under Federal jurisdiction include Cold Bay, King Cove, and False Pass. Of the 2,725 miles of streams and rivers in region, 1,806 (66%) would be under Federal jurisdiction while 919 (34%) would remain under exclusive State jurisdiction.

e. SOUTHCENTRAL

Major drainages that would remain under State management include the lower portion of the Kenai River and portions of the Copper River. Most villages and communities in the southcentral region are outside the boundaries of CSUs and therefore would remain along navigable waters under State jurisdiction. Communities that would be near or adjacent to Federally managed waters include McCarthy, Cooper Landing, Chitina, Copper Center, Gulkana, Gakona, Glenallen, and Chistochina. Of the 19,832 miles of streams and rivers in the region, 6,217 (31%) would be under Federal jurisdiction and 13,615 (69%) would remain under State jurisdiction.

f. SOUTHEAST

Most of the land in Southeast is under the management of the U.S. Forest Service. While all communities are surrounded by National Forest lands, all villages and communities are outside National Forest boundaries. In this region, the extent of State versus Federal jurisdiction of navigable waters does not change between Alternatives II and III. For Alternative III as in Alternative II, of the 5,940 miles of streams and rivers in the region, 4,492 (76%) would be under Federal jurisdiction and 1,448 (24%) would remain under State jurisdiction.

Environmental Assessment

Modification of the Federal Subsistence Fisheries Management Program

Chapter III

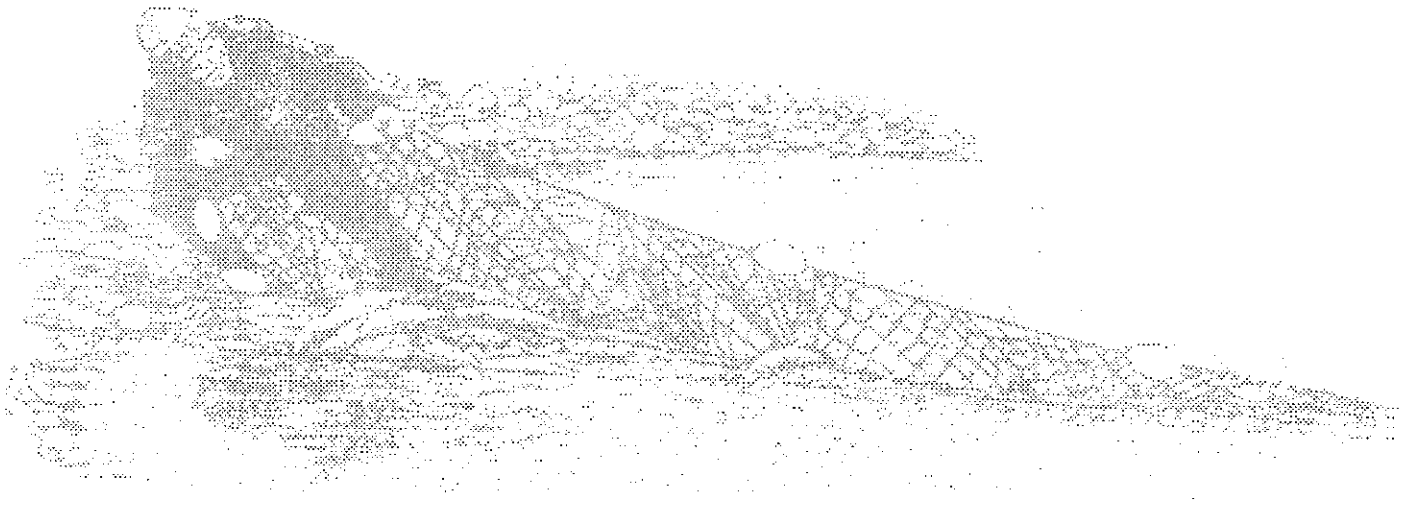


Table of Contents

I.	AFFECTED ENVIRONMENT	III-1
A.	INTRODUCTION	III-1
	1. Mixed-Stock Salmon Fisheries	III-1
	2. Commercial-Subsistence Relationship	III-3
	3. Current Salmon Management Overview	III-3
B.	REGIONAL OVERVIEWS	III-3
	1. Sociocultural Systems	III-4
	2. Arctic Region	III-4
	a. Seward Peninsula	III-4
	b. Northwest Arctic	III-5
	c. North Slope	III-6
	3. Yukon/Kuskokwim River Drainages	III-7
	a. Yukon River Drainage	III-7
	b. Kuskokwim River Drainage	III-10
	4. Bristol Bay Region	III-13
	a. Bristol Bay	III- 13
	b. North Alaska Peninsula	III-16
	c. South Alaska Peninsula	III-16
	5. Kodiak-Aleutian	III-17
	a. Kodiak	III-17
	b. Aleutian Islands-Lower Alaska Peninsula	III-19
	6. Southcentral	III-21
	a. Prince William Sound and Copper River	III-22
	b. Cook Inlet	III-25
	7. Southeast	III-27

CHAPTER III

I. AFFECTED ENVIRONMENT

A. INTRODUCTION

The extent of Federal jurisdiction under the proposed expansion of the FSMP would be limited to navigable waters within or adjacent to Federal public lands. This limitation would exclude nearly all marine waters and would focus Federal jurisdiction primarily on inland waters. Within inland waters, Pacific salmon are the primary species of concern for Federal management because they are (1) harvested in both subsistence and commercial fisheries and (2) also the source of most user group conflicts. Rainbow trout, steelhead, Dolly Varden, and Arctic char also are likely to involve Federal management because of the documented regional conflicts between subsistence and sportfish user groups. Other fish species that may be important to regional subsistence users, such as whitefish, are not specifically addressed in this document because they are not subject to significant resource allocation conflict with other user groups.

A brief biological life history of each species of salmon, rainbow trout, steelhead, char, Dolly Varden and char is listed in Appendix B. Readers interested in more detailed information on life history information should consult the presented citations.

1. Mixed-Stock Salmon Fisheries

Providing a subsistence priority for the harvest of salmon is complex, particularly for inland communities, because the harvestable surplus of salmon quite often passes through intensive commercial fisheries before reaching traditional subsistence fishing areas. Commercial salmon harvests, which in many regions of the State constitute more than 90 percent of the total harvest, often occur in mixed-stock fisheries taking place in river deltas or marine waters where salmon flesh is most marketable. Salmon management cannot be isolated to one fishing district or targeted to one exclusive user group without altering commercial fisheries. In larger drainages such as the Yukon and Kuskokwim rivers, salmon management must consider all of the fisheries within the drainage as well as those fisheries that take place in distant marine waters. A piecemeal or fragmented approach to harvest management in large river systems or any system where salmon stocks of differing origins are mixed would not represent sound conservation and could result in impacts to individual stocks as well as to local economies.

2. Commercial-Subsistence Relationship

Commercial salmon fisheries in many parts of the State are, aside from certain high yield and lucrative marine salmon fisheries, inextricably intertwined with subsistence fishing and the subsistence lifestyle. In many rural areas, both coastal and inland, residents fish commercially to generate sufficient income for purchasing the equipment they need for subsistence fishing, such as boat gasoline, outboard motors, and gillnets. Unemployment in many rural villages often exceeds 50 percent; there are few alternatives to subsistence and commercial fishing that are available to meet basic living requirements. Subsistence use of salmon is extremely important to over 200 rural villages in Alaska. Approximately 40 million pounds of fish and wildlife are harvested annually by subsistence users, of which fish account for 60 percent (Fig.5). While critically important to subsistence users, the statewide subsistence salmon harvest is slightly more than 1 percent (8.3 million pounds) of the entire salmon harvest (Fig.6).

Average Subsistence Harvest

Compiled from Wolfe and Walker 1987

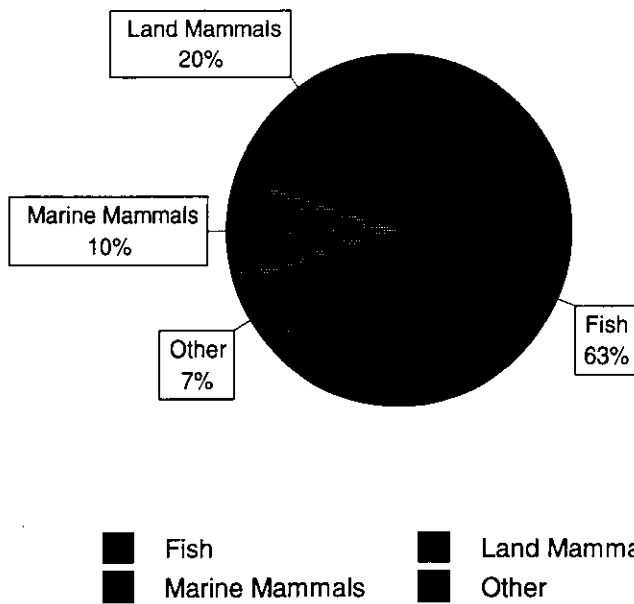


Figure 5

Percent Salmon Harvest by User Group

Sources: Robert J. Wolfe, Division of Subsistence, ADF&G and

Legislative Research Services, 1997

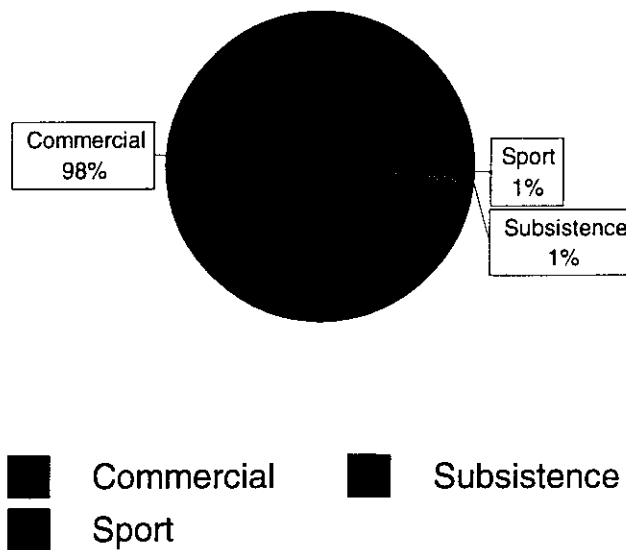


Figure 6

3. Current Salmon Management Overview

The following overview of salmon management in Alaska is described in the context of current State fishery management activities. Until separate Federal and State mandates are resolved, it is likely that fisheries management will be more complex than it is now because of the dual management processes that will be occurring within the Alaska Board of Fisheries and the Federal Subsistence Board. However, many fundamental principles and programs for managing salmon to ensure sustained yields are anticipated to remain the same.

From 1960 until the Ninth Circuit decision in *Alaska v. Babbitt*, the ADF&G Commercial Fisheries Management and Development Division had exclusive authority for management of commercial and subsistence fisheries in Alaska. Since 1991, ADF&G's management of salmon has sustained an annual salmon harvest exceeding 685 million pounds; subsistence harvest has been slightly more than 1 percent of the total harvest. Management of Alaska's salmon resources involves two primary stages of decisionmaking: pre-season forecasting and in-season management. Prior to the fishing seasons, managers develop estimates of run strength or pre-season forecasts, which are based on a number of interrelated factors that include the size of the parent year run(s), fry survival and growth studies, smolt outmigration densities, and marine monitoring. Additionally, there are many poorly understood density-dependent and density-independent factors that can upset the most carefully thought-out prediction.

In addition to run forecasting, fishery managers develop recommendations on general harvest guidelines based on stock-recruitment relationships, spawning escapement objectives, and other management guidelines for a given fishing district. These recommendations are presented to the Alaska Board of Fisheries for final action and, once approved, become the regulatory guidelines from which ADF&G's managers make in-season management decisions.

In-season monitoring of salmon run strength and timing coupled with ADF&G's "emergency order" regulatory process is the basis for ADF&G's longstanding success at managing Alaska's salmon resources. Monitoring programs include sonar, test netting, counting towers, aerial surveys, genetic stock identification, and harvest monitoring. Salmon monitoring projects conducted by Federal agencies enhance ADF&G's management capabilities in some areas but are only a small fraction of the overall monitoring efforts currently conducted. Cooperative biological monitoring within State and Federal capabilities will be critical to ensuring that Alaskan salmon stocks remain healthy and that existing fisheries are not unnecessarily restricted. The ADF&G's "emergency order" regulatory process allows individual commercial fisheries to be halted and then continued, for discrete periods of time, to allow sufficient salmon to reach spawning grounds from all portions of each run. All of the above monitoring actions provide real-time information supporting ADF&G's regulatory process.

B. REGIONAL OVERVIEWS

The ADF&G Subsistence Division has compiled detailed baseline studies of subsistence uses, including uses of fish, in Alaskan communities. These, as well as numerous other professional studies, document subsistence fisheries. The general discussion in the FEIS, *Subsistence Management for Federal Public Lands in Alaska*, Sections III.C.4, page III.C.10ff. regarding subsistence uses in Alaska is incorporated here by reference. In the FEIS, community based patterns are described on a regional basis. Because of the vastness of the regions, detailed descriptions of each region's subsistence use patterns are not included in this EA but can be found in *Subsistence in Alaska: Arctic, Interior, Southcentral, Southwest, and Western Regional Summaries* (Schroeder et al., 1987). These descriptions are incorporated by reference.

For purposes of analyses, we defined six major regions in the State based on similarity of subsistence fisheries, interconnected fisheries and geographic patterns (see Chap. II, Fig. 4). Subsistence use patterns of fish described by region include resource base of the social and economic system, principal species harvested, dominant season round, and a quantitative estimate of the annual harvest of fish. Understandably, these descriptions are generalized. Significant variation exists between both individuals and communities. Harvests in the regions are estimates only and are based on harvests from a specific year or years in specific communities, which are then generalized to the region.

1. Sociocultural Systems

The descriptions of the population and sociocultural systems are included in the FEIS, *Subsistence Management for Federal Public Lands in Alaska* in Sections III.C.1. and 3, pages III. C. 1 and 5, respectively, and are incorporated here by reference.

2. Arctic Region

The fisheries in the North Slope, Northwest Arctic, and Seward Peninsula regions are described in this section. With the exception of Nome, Kotzebue, and Barrow--the regional centers of the region--the Arctic region is approximately 90 percent Inupiaq Eskimo. Discussion of the fisheries is presented by three subsistence resource regions: Seward Peninsula, the Northwest Arctic, and the North Slope.

a. SEWARD PENINSULA: The Seward Peninsula encompasses the area south of Stebbins and St. Michael on the southern edge of the Norton Sound and all of the Norton Sound communities around to the southern edge of the Kotzebue Sound. The regional center is Nome. In the Seward Peninsula, 32 percent of the lands are Federal public lands, of which 18 percent are administered by the Bureau of Land Management (BLM), 2 percent are in the Yukon Delta National Wildlife Refuge (NWR), and 12 percent are in the Bering Land Bridge National Preserve. The only Seward Peninsula waters affected by the proposal are within the Bering Land Bridge National Preserve, an upriver portion of the Unalakleet River (designated as a National Wild and Scenic River), and waters within a small corner of the Yukon Delta NWR. The communities closest to these waters are Stebbins, St. Michael, Unalakleet, Shishmaref, Wales, and Deering.

i. Subsistence fisheries: In this discussion, Shishmaref's fishing pattern is used to provide a general description of the subsistence fishing uses of the Bering Land Bridge National Preserve. Unalakleet's subsistence fishing pattern is used for the Unalakleet River.

Subsistence fishing is the primary fishery on the Seward Peninsula. Subsistence users on the Seward Peninsula harvest a wide variety of fish--including chinook, coho, chum, pink, and sockeye salmon--where they are available. Fish are a highly valued resource to the communities on the western Seward Peninsula, where most households participate in fishing (Ellanna, 1980). A subsistence salmon harvest survey in 1996 in the Norton Sound district (Seward Peninsula Region) estimated a total harvest of 134,050 salmon were taken for subsistence uses (Georgette and Utermohle, 1997). In Shishmaref, 71 percent of households subsistence fish (ADF&G, 1996a). Salmon are important on the Nome River but much less important to the economy in the outer Seward Peninsula communities. The Nome River is a source of salmon for many Nome residents but it is not within Federal jurisdiction and will not be affected by the FSMP.

In Unalakleet, salmon are of particular importance, constituting between 35 and 40 percent of the total diet for most residents (Ellanna, 1980). In 1996, Unalakleet households (211 of 226) harvested a total of

32,282 pounds of salmon. The average number of salmon harvested per household was 143 (Georgette and Utermohle, 1997). Salmon fishing is conducted from fish camps and sites along the coast and major streams. Chinook salmon fishing begins in June, followed in July and August by runs of pink, chum, and coho salmon. Limited runs of sockeye salmon also are harvested in early August (Jorgensen, et al., 1983). Fall fishing for chum and coho often takes place from upriver locations as fishing is frequently combined with other hunting and gathering activities (Thomas, 1982). Set gillnets, beach seines, and rod and reel are used to catch salmon. Saffron cod is a winter staple in many communities and commonly is jigged through holes in the river ice throughout the late fall and winter months. Burbot, pond smelt, and rainbow smelt also are jigged through the ice; and net, rod and reel, and fishing through the ice produce a variety of incidental fish species, that provide year-round supplements and variety to the diet.

ii. Commercial Fisheries: Commercial fishing for salmon occurs on the Seward Peninsula, but the fishery is small and generally occurs in areas unaffected by the proposed Federal regulations. Commercial fisheries have occurred in Nome, Golovin, Unalakleet, Shaktoolik, and Moses Point. Historically, these fisheries have been either quite small or closed, or they occur out of waters affected by the proposed regulations. The largest fishery is in Unalakleet, where in 1992 a total of 71 fishermen harvested 146,918 salmon. This fishery also is focused on marine waters. There are several small- quota (2,500 lb.) freshwater fisheries in Norton Sound, but the fishing effort is inconsistent from year to year and stream to stream. Permits often are purchased, but few commercial sales are made. In 1992 three fishermen sold 271 pounds of Dolly Varden caught in the Unalakleet River (Lean et al., 1993).

iii. Sport Fisheries: Guided and nonguided sport fishing for salmon takes place throughout the area, with concentrations near Unalakleet and in waters accessible from the Nome- area road system. The salmon harvest was estimated to be from 3,770 fish in 1977 to 18,308 in 1984. The annual harvest for all species of salmon from 1984 to 1992 was 10,591 fish, with 97 percent of the harvest reported from Seward Peninsula and Norton Sound. About 40 percent of the total average harvest has been chum salmon, 37 percent pink salmon, 15 percent coho salmon, and 5 percent chinook salmon. The Unalakleet River supports substantial runs of all salmon species except sockeye. The guided and nonguided fishing efforts primarily are focused on chinook and coho salmon, but chum and pink salmon also are harvested. The one commercial sport fishing lodge on the river has about 200 to 250 clients each year. The average annual sport harvest of salmon of all species from the Unalakleet River from 1983 to 1991 was about 2,600 fish. Coho comprised about half of the average harvest, while chinook made up less than 10 percent (Arvey et al., 1995). Sport fishing also occurs in the Nome area where there have been recent problems with salmon. However, these have been in waters that are not affected by the proposed Federal regulations.

b. NORTHWEST ARCTIC: The Northwest Arctic region encompasses all of Unit 23, which includes the Kotzebue Sound from Deering in the south to Wales in the north, as well as communities along the Kobuk River all the way to the communities of Kobuk and Noatak along the Noatak River. In Unit 23, 56 percent of the lands are Federal public lands, of which 40 percent are National Park Service (NPS) lands, 7 percent U.S. Fish and Wildlife Service (FWS) lands, and 9 percent BLM lands. The waters affected are those within NPS lands, and FWS Refuge lands.

i. Subsistence Fisheries: Fish are an important subsistence resource in the Northwest Arctic, making up approximately 25 percent of the subsistence diet. They are harvested year round. A 1996 salmon harvest survey estimated a salmon harvest of 102, 029 in Kotzebue Sound, where households harvested an estimated average of between 58 (Kiana) and 154 (Shungnak) salmon per household (Georgette and Utermohle, 1997). Among the people of the Upper Kobuk River, Arctic grayling are taken in the summer from approximately June to August along the coast, and salmon

are taken in the Upper Kobuk River basin. In the fall, Arctic grayling are taken along the coast and salmon and whitefish are taken in the Noatak River basin; in the winter, whitefish and Arctic char are taken in the Upper Kobuk River basin; and in the spring from May to June, Arctic grayling, Arctic char, and whitefish are taken in the Upper Noatak River basin.

Among the people of the Lower Noatak River, fish harvests occur in a pattern that is similar but has some variation. From July to August, salmon, Arctic char, whitefish, and Arctic grayling are harvested along the coast. In the fall from August to October, Arctic grayling are harvested along the coast and Arctic char, salmon, and whitefish are harvested in the Lower and Middle Noatak River region. Arctic char are taken along the Lower Noatak River during the winter from November to February. From late June to July cod are taken along the coast, and trout are taken in the Lower and Middle Noatak River basin.

Subsistence users in the Northwest Arctic harvest a wide variety of fish. The most important subsistence fish is sheefish, about a quarter of all of the fish harvested. Other fish of primary importance are the whitefish, lake trout, chum salmon, and Arctic char (Lean et al., 1993).

ii. Commercial Fisheries: A small, limited commercial freshwater fishery in the Kotzebue Sound region in the Northwest Arctic catches and sells sheefish predominantly between late October and late March. Freshwater permit holders dropped from 11 in 1991 to 5 in 1992. Of these, four were registered and sold 365 sheefish weighing 3,597 pounds, with an average price of fifty-eight cents per pound. The total value of the fishery was \$2,080 (Lean et al., 1993). There is a relatively small commercial salmon fishery in the Kotzebue Sound region that is focused only on marine waters (Lean et al., 1993).

iii. Sport Fisheries: Waters in the Northwestern Arctic are noted for offering some of the most remote and diverse sport fishing opportunities available in Alaska. Trophy Dolly Varden char, sheefish, and Arctic grayling are available in the region; and sport harvests of Dolly Varden/Arctic char have averaged about 1,200 char annually. There also is a small sport salmon harvest in the Northwest Arctic that harvested less than 500 salmon in 1992 (Arvey et al., 1995).

c. NORTH SLOPE: The North Slope region encompasses the North Slope Borough. It includes all of Unit 26; a small portion of Unit 23 that includes Point Hope; and Anaktuvuk Pass, which is on the boundary between Unit 26 and Unit 24. Much of the North Slope is Federal public land with 67 percent administered by BLM, 19 percent in the Arctic NWR and 13 percent in the Gates of the Arctic National Park and Preserve. Waters within all of these lands would be affected by the proposed regulations.

i. Subsistence Fisheries: The relative importance of fish varies in the North Slope from village to village and from year to year. Generally, fish compose between an approximate 5 and 18 percent of the total pounds of subsistence resources harvested (ADF&G, 1996a). The coastal North Slope communities are oriented towards marine mammal hunting, particularly the bowhead whale. Thus, the percentage of pounds of fish harvested is affected by the high number of pounds of bowhead whale meat and muktuk harvested, which is widely shared with other communities Statewide. Fish are an important resource that offer a variety to a diet composed predominantly of whale and caribou.

Communities on the North Slope rely on a wide variety of fish. Harvests during the summer months along the coast, in the river mouths, and in the lagoons include coho, chinook, chum, and pink salmon; broad, humpback, and round whitefish; and Arctic flounder. In the fall, whitefish, Arctic grayling, and Arctic

char are harvested, as well as some burbot, northern pike, and lake trout. In early winter, whitefish, grayling, least cisco, Bering cisco, Arctic cisco, rainbow smelt, sculpin, and burbot are caught through the river ice (Burch, 1981; Murdoch, 1892; Braund, 1989a and b; North Slope Borough, 1979). Using Wainwright and Barrow as examples of fish use on the North Slope, the most important fish are the whitefish (Bering, Arctic, and least cisco and humpback, broad, and whitefish) as well as rainbow smelt, burbot (Ling cod), and Arctic grayling (Braund, 1989a and b). Anaktuvuk Pass, because it is not along the coast, harvests much fewer fish and fewer types of fish. Arctic Char, Arctic grayling, lake trout, and whitefish were the only types of fish harvested in this community in 1994 and 1995, primarily in July and August (Brower and Opie, 1996).

ii. Commercial Fisheries: There is a small commercial whitefish fishery near Nuiqsut on the eastern part of the Colville delta in State waters. This fishery has been in existence for over 40 years and has produced a mean annual commercial catch of 22,300 Arctic cisco and 21,500 least cisco (Impact Assessment, Inc., 1990).

iii. Sport Fisheries: Sport fishing in the North Slope is quite rare. Most lakes and streams receive little or no sport fishing pressure. A few streams receive some sport fishing effort because (1) of their proximity to the communities or to oil production sites, (2) they are targeted by guides, or (3) they are easily accessible from the Dalton Highway. The rugged climate, short summers, and generally poor access discourage expansion of the sport fishery beyond current levels. Arctic grayling is the most commonly harvested fish, followed by Dolly Varden and Arctic char. The average annual harvest of Arctic grayling from 1977 to 1991 was approximately 2,500 fish, with the largest harvest of Arctic grayling (5,500 fish) occurring in 1985. The mean annual harvest of Dolly Varden or Arctic char during the same period was about 1,300 fish, peaking at 3,500 in 1985 (Arvey et al., 1995).

3. Yukon/Kuskokwim River Drainages

a. YUKON RIVER DRAINAGE: The Yukon River is the largest river in Alaska, draining approximately 35 percent of the State (205,000 square miles), and is the fifth largest river in North America. Large portions of the mainstem and its tributaries within the Alaska portion of the Yukon River drainage occur within or adjacent to seven NWRs (Yukon Delta, Innoko, Koyukuk, Kanuti, Nowitna, Yukon Flats, and Tetlin) and two NPS management units (Yukon-Charley Rivers National Preserve and Gates of the Arctic National Park and Preserve). Principal waters that cross Federally managed lands include approximately 700 miles of the Yukon mainstem, as well as several tributary drainages: the Andreafsky, Koyukuk, Innoko, Tanana, Chandalar, Sheenjek, and Porcupine rivers.

Five species of Pacific salmon (chinook, chum, coho, sockeye, and pink salmon) occur in the Yukon River drainage. Chinook, chum, and coho salmon are the primary species harvested by commercial and subsistence users. Most of the chinook (70 %) and summer chum salmon (86 %) are harvested in commercial fisheries, whereas nearly equal proportions of fall chum and coho salmon are harvested in commercial and subsistence fisheries.

Chinook salmon enter the mouth of the Yukon River between late May and early June, continue arriving through mid-July, and spawn in tributaries 80 miles from the mouth to nearly 2,000 miles upstream in Canada. The largest chinook spawning populations within the Alaska portion of the Yukon occur in the Andreafsky, Anvik, Koyukuk, Chena, and Salcha rivers.

Two runs of chum salmon, summer and fall, migrate up the Yukon River. The summer run is more abundant, enters the mouth in early June to mid-July, and spawns in tributaries in the lower 500 miles of

the Yukon River and also in the Tanana River. The fall run arrives at the mouth in mid-July to early September. Its fish are slightly larger in size and spawn primarily in the upper half of the drainage. The Chandalar, Sheenjek, and Tanana rivers are primary fall chum spawning tributaries in the Alaska portion of the drainage.

Pink salmon spawn in lower portions of the Yukon River, are more abundant in even years, and have increased in numbers over the past 10 years. Sockeye salmon occasionally are caught in lower portions of the river but are a relatively rare species (ADF&G, 1996b).

Management of Yukon River salmon is complex because the drainage is so large, salmon stocks are mixed throughout its course, species-run timing overlaps, salmon markets fluctuate, and estimating in-season species abundance in such a large river system is difficult. Conservative management is required to ensure that spawning escapements as well as subsistence needs are met. Subsistence harvest is designated by the State and the Alaska Board of Fisheries as the highest priority beneficial use of the resource. For management and regulatory purposes, the Alaska portion of the Yukon River is divided into 6 fishing districts and 10 subdistricts, as well as a Coastal District (established in 1994), which is open to subsistence fishing only. Commercial guideline harvest ranges, established by the Alaska Board of Fisheries, for each district or subdistrict are used by managers to control harvest levels within the drainage. The majority of commercial and subsistence information was gathered from annual management reports produced by ADF&G's Division of Commercial Fisheries Management and Development.

i. International Fishery Management: The U.S. and Canada have been negotiating a treaty for Yukon River salmon under the Pacific Salmon Treaty Act of 1985. An interim agreement signed in 1995 requires that the U.S. endeavor to deliver established numbers of chinook and fall chum salmon to the Canadian border. The agreement also requires U.S. and Canadian coordination of conservation and management programs to achieve escapement goals into Canada. For the past several years, the U.S. has met or exceeded its obligations under the stock rebuilding plans for Canadian-origin chinook and fall chum salmon.

Prior to the formation of the Yukon River Drainage Fisheries Association (YR DFA) in 1990, there was considerable conflict between regional fishing interests and there was little understanding or appreciation of the complexity of managing salmon fisheries within the drainage. Members of the YR DFA represent fishery user groups throughout the river system, they participate in the U.S./Canada Yukon River Treaty negotiations, and several members have been appointed to the Yukon Panel. The YR DFA also has provided a catalyst to allow user groups to communicate and better understand each region's perspective on allocation issues as well as ADF&G's rationale for harvest management strategies. The YR DFA also has provided ADF&G with an efficient mechanism for disseminating information to Yukon fishermen, providing input to ADF&G's proposed management actions and preparing management plans for adoption by the Alaska Board of Fisheries.

ii. Subsistence Fisheries: Subsistence fishery resources, especially salmon, are extremely important to rural residents of the drainage. There are approximately 43 villages situated along the banks of the Yukon River and its major tributaries. The total population is about 11,000 residents, largely Yupik Eskimo and Athabaskan Indians. Subsistence caught chinook salmon are primarily used for human consumption, although "jack" salmon are sometimes used for dog food in years when they are abundant. Summer and fall chum salmon harvested for subsistence needs are primarily used for feeding dogsled teams and to a lesser degree for human consumption. Gear types used for subsistence harvests include setnets, driftnets, and fishwheels. Salmon processed for human consumption are either frozen, dried, or smoked. Summer chum salmon used for dog food throughout the winter are most often

dried, while fall chum and coho are commonly “cribbed” as fall season temperatures allow freezing fish whole.

Nearly 65 percent of the subsistence harvest within the Alaska portion of the Yukon occurs in the upper drainage (Table III-1). From 1990 to 1994, approximately 1,100 households harvested an average of 337,618 salmon annually (13% chinook, 39% summer chum, 37% fall chum, and 11% coho).

**Table III-1
Yukon River Average Annual Salmon Harvest (1984-1993)(numbers of fish)**

Districts	Species	Commercial Harvest ¹ (and % of Total)	Subsistence Harvest (and % of Total)
Lower Yukon	Total	747,069 (87%)	114,123 (13%)
Upper Yukon	Total	415,120 (58%)	304,062 (42%)
Species Harvest Totals	Chinook	112,274	47,747
	S. Chum	853,984	150,615
	F. Chum	144,576	174,302
	Coho	51,355	45,521
	TOTAL	1,162,189 (74%)	418,185 (26%)

Source: ADF&G 1995, Resource Information Report 3A96-18.

¹ Includes both commercial and commercial related harvests.

Subsistence harvest of salmon in Canada is relatively small compared to the U.S. portion of the drainage. The average Canadian subsistence harvest (1989-93) was 7,233 chinook and 4,808 fall chum salmon, representing 16 percent of the drainage salmon subsistence harvest (ADF&G, 1996b).

The personal use fishery is confined to the Fairbanks Area Subdistrict (6-C) within the Tanana River. Current regulations specify harvest limits of 750 chinook, 5,000 summer chum, and 5,200 fall chum and coho combined, at which time the fishery is closed.

iii. Commercial Fisheries: Commercial harvest of Yukon salmon stocks occurs in far-distant marine waters as well as in-river. Chum salmon bound for the Yukon River and other Western Alaska stocks are harvested in the False Pass region near the end of the Alaska Peninsula, primarily in the North Pacific Ocean. This fishery targets sockeye salmon but incidentally harvests chum salmon, some of which originate from the Yukon River and other western drainages.

Commercial salmon fishing occurs throughout the 1,200 miles of the Yukon River mainstem within Alaska, as well as the lower 225 miles of the Tanana River. Currently, approximately 63 percent of the commercial harvest occurs in the lower river (Districts 1-3). Commercial salmon fishing primarily is controlled using guideline harvest ranges established for each district by the Alaska Board of Fisheries. Additionally, the actual commercial harvest is controlled with emergency order authority, which allows ADF&G managers to open and close fishing periods and seasons and implement mesh size restrictions.

Since 1976, the Yukon River commercial salmon fishery has been regulated with a fixed number of limited entry permits issued by the State of Alaska. Approximately 83 percent of the limited entry permits are owned by rural residents. In 1994, ADF&G issued 707 set and drift gillnet permits for the lower Yukon River (Districts 1-3 below Holy Cross). In the upper Yukon River (Districts 4-6, upriver from Holy Cross), they issued 72 gillnet permits and 165 fishwheel permits.

From 1990 to 1994, the average commercial sales of salmon consisted of 105,411 chinook salmon (2,626 lb roe), 232,418 summer chum salmon (97,013 lb roe), 74,443 fall chum salmon (7,284 lb roe), and 30,178 coho salmon (3,122 lb roe). According to a recent 5-year average, Yukon River fishermen received approximately \$8.6 million annually for their catch. Average earnings in 1994 were \$6,447 for lower Yukon fishermen and \$5,229 for upper Yukon fishermen. Chinook salmon are the most profitable harvest component in the lower Yukon River, averaging \$3.23 per pound (1989-93). Summer chum salmon roe is the most profitable fishery in the upper Yukon River, averaging \$4.00 per pound (ADF&G, 1996b).

Canadian commercial harvest of chinook and fall chum salmon is small relative to that of the United States. In recent years (1989-93) approximately 10 percent of the commercial chinook and 14 percent of the fall chum were harvested in Canada.

iv. Sport Fisheries: Sport fishing within the Alaskan portion of the Yukon River is confined primarily to clearwater tributaries within the Tanana River drainage near the city of Fairbanks. The sport harvest is small relative to the commercial and subsistence harvest. The 1994 sport harvest for the Tanana River basin included 1,871 chinook, 1,165 coho, and 260 chum salmon (Howe et al., 1996).

b. KUSKOKWIM RIVER DRAINAGE: The Kuskokwim River is the second largest river in Alaska. Its headwaters are on the western slope of the Alaska Range, 680 miles from its mouth. It drains the slopes of the Alaska Range and Kuskokwim Mountains and empties into the Bering Sea south of the Yukon River. Public lands involving Federal subsistence fisheries management are confined primarily to the Yukon Delta NWR. Approximately 145 miles of the lower Kuskokwim River lies within the refuge boundaries.

The mainstem of the Kuskokwim River is used as a migration corridor for adult chinook, coho, chum, pink, and sockeye that return to spawn in upriver tributaries. Chinook, coho, and chum salmon are the primary species for commercial and subsistence fisheries harvest and, consequently, receive the most active management. Sockeye and pink salmon are not actively managed. The total annual harvest from all user groups is approximately 1.2 million salmon.

For management purposes, the Kuskokwim River is divided into two districts: District 1 encompasses the lower river and District 2 the middle river. Like the Yukon River area, Kuskokwim River salmon management is hampered by the large size of the drainage, the mixture of stocks of different origins within most fisheries, the overlap of species-run timing, and the difficulty of developing estimates of in-season abundance. In-season management primarily is accomplished by using commercial catch data, test fisheries, and predictive escapement models (ADF&G, 1995).

Chinook, sockeye, and chum salmon fisheries in the lower Kuskokwim River primarily occur from late June through late July. Coho salmon arrive in the lower river from mid-July through early September. While there are numerous spawning streams, current management is limited to monitoring escapement into just a few tributaries, primarily the Aniak River (sonar) and Kogruklu River (weir). Other escapement projects have been conducted within the drainage but have operated only intermittently. Short term

monitoring limits management utility without a historical baseline for comparison. Aerial surveys also are conducted annually but the reliability of this survey technique is subject to water and weather conditions in the region that often are poor.

A cooperative management effort is in place along the Kuskokwim River. Working Group consists of salmon users within the drainage that work cooperatively with ADF&G in the management of the area's fisheries. The ADF&G meets with the Working Group to discuss pre-season and in-season information and reach consensus on fishery management.

Southern Kuskokwim Bay includes the ADF&G Quinhagak and Goodnews commercial fishing districts, comprised of the Goodnews, Kanektok, and Arolik river drainages. These three drainages encompass an area of approximately 6,440 square kilometers and about 296 kilometers of river (Lisac and MacDonald, 1995; Irving and Faustini, 1994; and Wagner, 1991). All three streams drain into southern Kuskokwim Bay and flow through non-Federal land lower in the drainage. The upper stream reaches originate and flow through the Togiak NWR.

i. Subsistence Fisheries: There are approximately 30 rural villages (2,544 households) along the Kuskokwim River, all of which rely heavily on salmon for subsistence purposes. Approximately 200,000 salmon are harvested annually for subsistence needs (Table III-2). In 1994, the subsistence salmon harvest consisted of 79,667 chinook, 30,618 sockeye, 27,005 coho, and 59,262 chum salmon. Drift gillnets and set gillnets are the primary gear types used for the subsistence

**Table III-2
Kuskokwim River Average Annual Salmon Harvest (numbers of fish)**

Districts	Species	Commercial Harvest ¹ (and % of Total)	Subsistence Harvest ² (and % of Total)
Kuskokwim River	ALL	1,151,304 (84%)	213,808 (16%)
Quinhagak	ALL	170,688 (94%)	11,141 (6%)
Goodnews	ALL	81,695 (97%)	13,914 (3%)
Harvest Totals	ALL	1,403,687 (85%)	238,863 (15%)

Source: ADF&G, 1995, Resource Information Report No. 3A95-15.

^{1/} Based on 1984 to 1993 average annual harvests.

^{2/} Based on 1988 to 1994 average annual harvests.

salmon harvest. Current subsistence regulations allow for larger mesh sizes, which target large female chinook salmon. In 1994, the subsistence harvest of chinook salmon was more than four times the commercial harvest. Since 1987, a directed chinook commercial fishery has been prohibited because of concerns on meeting escapement objectives and subsistence harvest requirements.

Information reported from ADF&G subsistence surveys indicates that, with few exceptions, local residents feel their subsistence salmon harvest needs are being met under the current management regulations (ADF&G, 1995). Within the commercial fishing districts and surrounding areas, subsistence salmon fishing usually is closed prior to (16 hours), during, and after (6 hours) commercial fishing periods. This is to deter illegal commercial fishing and the sale of subsistence caught salmon in the commercial fishery.

Subsistence salmon harvests in southern Kuskokwim Bay have averaged 13,914 salmon annually (1988-94) with chinook (29%), coho (28%), chum (26%), and sockeye (18%) comprising the majority of subsistence salmon harvested (ADF&G, 1995).

There are approximately 192 households in the villages of Quinhagak, Goodnews Bay, and Platinum and an additional 271 households in the Bering Sea coastal communities of Mekoryuk, Toksook Bay, Nightmute, Tununak, and Newtok that harvest salmon destined for southern Kuskokwim Bay (ADF&G, 1995). According to ADF&G data (1995) these 463 households collectively harvested an average of 30 salmon per household annually from 1988 to 1994. Methods used to collect subsistence data vary by area and include catch calendars, community surveys, postcard surveys, telephone surveys, or any combination of the above. Reliability of the resulting data depends on the cooperation of the subsistence user in returning quality data. As a result, data may not be comprehensive or consistent between villages.

ii. Commercial Fisheries: In 1994, 706 commercial fishing permits were issued for the lower Kuskokwim River and 20 for the middle Kuskokwim River. Kuskokwim villagers held 98 percent of these commercial permits. The 1994 average income per permit holder in the Kuskokwim area (which includes some fisheries outside the Kuskokwim River) was \$6,526.

There is no directed commercial chinook or sockeye salmon fishery within the Kuskokwim River. Harvest of these species is incidental to the chum salmon commercial fishery in Districts 1 and 2. Coho and chum salmon make up approximately 90 percent of the commercial catches (Table III-2). Coho salmon are, by far, the most valuable component of commercial Kuskokwim River salmon fisheries, worth approximately \$3 million dollars in recent years. The total ex-vessel value of all salmon species in 1994 was approximately \$3,710,655 (ADF&G, 1995).

Commercial salmon fishery management changed in 1983 from harvest guideline based to an escapement based harvest strategy that has allowed for an increase in the average commercial harvest while maintaining defined escapement objectives in most years. However, Aniak River chum salmon did not meet escapement objectives in 1992 and 1993, which initiated special management requirements for 1996 through 1998 return years.

Commercial harvests in southern Kuskokwim Bay average 252,363 salmon annually (1984-93) with coho (34%), sockeye (27%), chum (22%), and chinook (10%) comprising the majority of commercial salmon harvested (ADF&G, 1995).

iii. Sport Fisheries: The sport fishery in the Kuskokwim River drainage is a small percentage of the overall harvest of salmon resources. Most of the river system passes through uninhabited or remote areas where transportation becomes a major influence on the ability of sport fishermen to reach fishing grounds. Most local residents are involved in the commercial or subsistence fishery and do not feel the need to supplement their catches by sport fishing. The Kisaralik and Kwethluk rivers are favored sport fishing streams for Bethel residents and other area fishermen and visitors. These rivers are navigable in their lower reaches and are preferred by many local sport fishermen. Sport fishing also takes place in the Kasigluk River (USFWS, 1992).

Sport harvests in southern Kuskokwim Bay have averaged 2,287 salmon annually for the past 5 years, which is approximately 0.1 percent of the total salmon harvest (ADF&G, 1996c).

Freshwater finfish are a very important resource in the region, with rainbow trout being the cornerstone of a multimillion-dollar recreational fishery (Minard and Dunaway, 1994). Angling opportunities for

freshwater finfish and char on the Togiak NWR are one of the primary attractions for visitors (Irving and Faustini, 1994). The estimated number of angler use days per year increased approximately eightfold on the Kanektok River and twofold on the Goodnews River from 1981 to 1995 (USFWS, 1990; ADF&G 1996c). This has created many concerns for subsistence users in the area, who have been using freshwater finfish and char for centuries (VanStone, 1984).

Most sport users practice catch and release fishing techniques and report a harvest rate of 1-2 percent of their total catch (USFWS, 1990). However, it is assumed that there is also at least a 4-10 percent hooking mortality on fish caught due to stress and exertion (Taylor and White, 1992). Using catch data for both rivers combined (ADF&G, 1996c) and assuming the above-mentioned harvest and mortality rates, sport harvest exploitation rates in 1995 were most likely between 964 to 2,048 rainbow trout and 1,480 to 3,145 char.

4. Bristol Bay Region

Bristol Bay is among the most productive salmon fisheries in the world, and each of its three subregions is subject to a complex set of fishery management decisions. The three subregions represent Bristol Bay, North Alaska Peninsula, and South Alaska Peninsula. These subregions represent distinctively different fisheries and correspond to ADF&G commercial salmon management areas.

Historically, residents of Bristol Bay were completely dependent on subsistence harvests of fish and game in the area. Commercial fisheries have had a major influence throughout the region since the late 1800's and eventually led to employment opportunities for the Native residents. However, the local Native people initially were kept out of the commercial fishing industry by strong labor unions. World War II created an employee shortage and provided the opportunity for Alaskan Natives to enter both the commercial processing and harvesting sectors of the industry (Wolfe, et al. 1984).

Salmon migration patterns are similar for all areas in this region, with some variation and run overlap. In general, chinook salmon enter the river systems in mid-May, and the run continues through the end of July. Sockeye salmon begin entering the river mouths in mid-June with the runs continuing into late-July; and chum salmon arrive in late June and continue entering the river through mid-August. Coho salmon enter the river mouths in mid-July, with peak migration in early August, and the tail of the run finishes in September. In even years, pink salmon are numerous from late July through August.

Freshwater finfish and anadromous char also receive considerable pressure from sport and subsistence users throughout the region. Many streams in the area are well known for their "trophy size" rainbow trout and are therefore very popular among sport anglers internationally. Other freshwater fish species important to subsistence users include blackfish, burbot, grayling, pike, whitefish, smelt, and lake trout.

Most of the commercial and subsistence information above was obtained from annual management reports produced by ADF&G's Division of Commercial Fisheries Management and Development.

a. BRISTOL BAY: The major river systems in Bristol Bay include the Naknek, Kvichak, Egegik, Ugashik, Nushagak, and Togiak rivers and together comprise the largest commercial sockeye salmon fishery in the world (ADF&G, 1996d). The ADF&G management of these fisheries has divided Bristol Bay into five districts. These districts each focus on a key river system, except the Naknek/Kvichak systems are combined into one district.

The upper reaches of the Togiak, Naknek, Egegik, Kvichak, and Ugashik rivers, as well as the Alagnak are on Federal public lands. However, these rivers are on non-Federal lands for distances ranging from 17 to 126 miles from their coastal terminus before reaching the boundary of either national park, national preserve or NWR lands. The Nushagak River does not flow through public Federal lands anywhere along its course.

i. **Subsistence Fisheries:** Subsistence salmon harvests continue to be an important source of food for residents of the region in spite of the many social, economic, and technological changes (ADF&G, 1996e). Subsistence salmon harvests begin in mid-May, with the initial return of chinook salmon followed by sockeye and chum salmon in mid-June through mid-August. Coho salmon are harvested in August through mid-September (USFWS, 1990). Spawmed out sockeye ("redfish") are a preferred fish delicacy and are harvested in September and early October (Wolfe, et al., 1984). Chinook salmon usually are consumed fresh, frozen, or smoked, they are cut into strips, soaked in brine, and dried. Typically, chum and sockeye salmon are dried for later consumption and coho are eaten fresh or frozen for future consumption (Wolfe, et al., 1984). Subsistence harvest receives the highest priority among all resource allocations by the Alaska Board of Fisheries (ADF&G, 1996f).

Subsistence salmon harvests for the period 1975 through 1994 averaged 175,197 salmon annually (Table III-3) with sockeye (78%) comprising the majority of the subsistence harvest and chinook (7%), chum (6%), coho (5%), and pink (4%) salmon accounting for the remainder (ADF&G, 1996d).

Table III-3
Bristol Bay Average Annual Salmon Harvest (numbers of fish)

District	Species	Commercial Harvest ^{1/}		Subsistence Harvest ^{1/}		Sport Harvest ^{1/}	
		(and % of Total)	(and % of Total)	(and % of Total)	(and % of Total)		
Naknek-Kvichak	ALL	10,135,750	99%	96,458	<1%	26,934	<1%
Egegik	ALL	6,496,540	99%	2,231	<1%	477	<1%
Ugashik	ALL	2,396,318	99%	1,587	<1%	565	<1%
Nushagak	ALL	4,612,548	98%	69,374	1%	10,593	<1%
Togiak	ALL	21,924,361	99%	5,547	<1%	857	<1%
Total (All Districts)	Sockeye	21,924,361		136,327		19,427	
	Chinook	114,122		12,757		12,019	
	Chum	1,212,739		9,650		1,335	
	Pink	1,596,379		7,218		534	
	Coho	203,335		9,245		6,111	
	ALL	25,050,936	99%	175,197	<1%	39,426	<1%

Source: ADF&G 1996d, Resource Information Report 2A96-06 and Minard 1996.

^{1/} Based on 1975 to 1994 average harvest.

^{2/} Based on 1991 to 1995 average harvest.

Subsistence user permits are the primary source of subsistence harvest data and have been used to collect information since the late 1960's. Subsistence harvests are estimated by expanding results from returned

permits relative to the total number of permits issued. In recent years, permit returns in the Bristol Bay area have averaged between 85 percent to 90 percent with a total of 1,119 permits issued in 1995 (ADF&G, 1996b). However, some estimates may be low because permits were being returned before the fall harvests of coho and other spawning salmon caught later in the season (ADF&G, 1996d).

Subsistence users are required to obtain a permit that restricts gear type to gillnets only (except in the Togiak district, where spear fishing also is allowed) and limits the sockeye catch to 200 sockeye per permit (ADF&G, 1996d). Subsistence fishing is open during specified time periods that do occasionally coincide with commercial season openings. There have been emergency closures of subsistence fisheries in recent years when it was determined that further harvest may have been detrimental to the overall health of the stock. Chinook and coho stocks have declined in recent years, resulting in some subsistence users having difficulty in getting the fish needed for home use (ADF&G, 1996e). In an effort to conserve coho salmon stocks, subsistence harvests of coho in the Togiak River area must have the head immediately removed. Coho salmon with their heads removed cannot be sold.

Subsistence harvests of freshwater finfish and anadromous char are reported in community profile studies, which include 1-year totals for various years among villages. As an example, freshwater subsistence fishing by the residents of Togiak and Manokotak occurred primarily in the lower and middle reaches of the Togiak River during the 1994-95 seasonal round. Total combined harvests for these villages in that round were 8,863 char, 1,950 smelt, and 564 rainbow trout (Bristol Bay Native Association [BBNA] and ADF&G, 1996e).

ii. Commercial Fisheries: Management of the commercial salmon fishery in Bristol Bay is one of the most advanced fishery management systems in place anywhere today. The overall management guidelines are set by the Alaska Board of Fisheries. These guidelines are designed to meet predetermined escapement goals while providing for a regulated harvest of any excess fish. The ADF&G fishery managers use several indicators including preseason forecasts, the False Pass

commercial fishery, various test fishing programs, and early performance of the local commercial fishing season to make in-season management decisions (ADF&G, 1996f). Combined information from all sources allows managers to identify annual shifts in individual year-class strengths, any changes in forecasting, and differences in run timing (ADF&G, 1996f). Emergency orders are used to open and close the fishery on a day-by-day basis depending on closely monitored test fisheries, in-river escapement levels, and subsistence harvest needs. This method of run management has led to the successful management of one of the most important commercial fisheries in the world.

Commercial salmon harvests in Bristol Bay have averaged over 24 million salmon annually from 1975 to 1994 (ADF&G, 1996d). Over 88 percent of the commercial harvest is sockeye salmon, with the remaining harvest being distributed among pink (6%), chum (5%), coho (0.8%), and chinook (0.5%) salmon (ADF&G, 1996d). The value of this fishery has averaged \$155 million since 1985, with sockeye salmon accounting for \$151 million (97%) annually (ADF&G, 1996e). Commercial fishers must use either drift or set gillnets to make their harvest, with a majority (65%) using drift gillnets in 1995 (ADF&G, 1996e).

In 1995, a total of 43 processors/buyers reported catches in Bristol Bay; 53 companies were canning, freezing, or curing salmon; and 25 companies were exporting fresh salmon in refrigerated sea water (ADF&G, 1996e).

iii. Sport Fisheries: Sport fishers harvest all salmon species, with the majority of effort focused on chinook and coho stocks (ADF&G, 1996d). Sport fishing harvests in

Bristol Bay account for approximately 0.2 percent (39,426 salmon) of the total salmon harvested in the area (ADF&G, 1996c).

The growing sport fishery on the Togiak NWR is made up of approximately 75 percent professionally guided trips. There is a limit on the number of guides allowed to operate within the refuge boundaries. Most sport users practice catch and release fishing techniques and report a harvest rate of 1 to 2 percent of their total catch (USFWS, 1990). However, it is assumed that there is also a 4 to 10 percent hooking mortality on fish caught because of stress and exertion. Hooking mortality affects fish at all sizes but larger fish are more susceptible to death (Taylor and White, 1992). This has raised a concern that the larger fish in the system are in danger, and some protections may need to be implemented.

Freshwater finfish have been receiving increased harvest pressures in recent years. The estimated number of angler use days per year increased approximately sevenfold on the Togiak River from 1981 to 1995 (USFWS, 1990 and ADF&G, 1996c). Sport fishing exploitation rates for the Togiak River in 1995 were between 76 to 161 rainbow trout and 396 to 841 char assuming a catch and release harvest rate of 1 to 2 percent and a hooking mortality rate of 4 to 10 percent.

b. NORTH ALASKA PENINSULA: Inland waters flowing from the northern shores of the Alaska Peninsula that are within the Bristol Bay Federal subsistence region include all inland streams from Cape Menshikof to Port Moller. The ADF&G fishing data for this area are included in their Alaska Peninsula-Aleutian Islands Management Area. Therefore, the Kodiak/Aleutians section includes data for fish harvested in the North Alaska Peninsula subregion.

c. SOUTH ALASKA PENINSULA: Inland waters flowing from the southern shores of the Alaska Peninsula that are within the Bristol Bay Federal subsistence regional boundary include all inland streams from American Bay to Redoubt Creek, including islands immediately offshore.

It should be noted that human populations along the southern shore of the Alaska Peninsula have been very low if not nonexistent since the eruption of the Novaeupta volcano in 1912. This area was populated with many Native villages prior to that eruption, but the inhabitants were forced to evacuate the area when heavy deposits of ash made it virtually uninhabitable along the coastline. The area still is very sparsely populated today--the village of Williamsport is the only settlement with year-round residents north of Chignik.

The Chignik management area includes inland waters between Kilokak Rocks and Kupreanof Point and is subdivided into five districts, with the Chignik River drainage being the largest of approximately 117 salmon producing streams (ADF&G, 1994). Federal public lands comprise the majority of land in this area and include the Alaska Peninsula NWR and the Aniakchak National Monument and Preserve. Non-Federal lands are those areas around the villages of Perryville and Chignik Bay and portions of Kujulik, Aniakchak, and Amber bays.

i. Subsistence Fisheries: Subsistence harvests averaged 10,227 salmon annually (Table III-4) from 1976 to 1993 for the villages of Chignik, Chignik Lake, Chignik Lagoon, Perryville, and Ivanof Bay (ADF&G, 1994). Sockeye salmon made up the majority (82%) of the subsistence harvest with coho (8%), pink (6%), chum (3%), and chinook (0.4%) accounting for the remainder of salmon subsistence needs.

**Table III-4
Chignik Management Area Average Annual Salmon Harvest (numbers of fish)**

Area	Species	Commercial Harvest ^{1/}		Subsistence Harvest ^{1/}	
		(and % of Total)		(and % of Total)	
Chignik Mngmt Area	Sockeye	1,445,810		8,427	
	Chinook	4,428		37	
	Chum	173,924		268	
	Pink	46,004		622	
	Coho	132,061		873	
	Total	2,602,227	(99%)	10,227	(<1%)

Source: ADF&G 1994, Resource Information Report 4K94-37.

^{1/} Based on 1976 to 1993 average harvest.

ii. **Commercial Fisheries:** All species of Pacific salmon are harvested in the Chignik management area, with an average of 2.6 million salmon harvested annually from 1974-93 (ADF&G, 1994). During these years, sockeye (55%) and pink (32%) salmon made up the majority of commercial harvests with chum (7%), coho (5%), and chinook (0.2%) making up the remainder of salmon harvested annually.

iii. **Sport Fisheries:** Sport fish harvests are comparatively small in the Chignik area and are assumed to be too insignificant for further discussion.

5. Kodiak/Aleutian Islands

a. **KODIAK:** The Kodiak Archipelago covers approximately 5,000 square miles of land area and lies within the western border of the Gulf of Alaska. This area is designated under the State management system as part of the Kodiak Management Area (KMA). Kodiak Island, the largest landmass within the archipelago, is about 25 miles from the base of the Alaska Peninsula and is bordered by Shelikof Strait on the northwest shore, the Gulf of Alaska to the northeast, and by the Pacific Ocean to the south.

The Kodiak NWR encompasses about 1,865,000 acres of land on Kodiak, Uganik, Afognak, and Ban islands. There are approximately 114 drainages on the refuge, ranging in size from 236 to less than 1 square mile in area. The refuge supports a large, diverse fishery resource that contributes to a multimillion-dollar commercial fishery and to subsistence use by six Native villages that are adjacent to or surrounded by the refuge. In addition, the refuge fishery resource is an integral and highly dependent food source for one of the highest densities of brown bear populations in the world.

Portions of the Gulf of Alaska Unit of the Alaska Maritime NWR also are within the Kodiak Archipelago. Over 30 refuge offshore islands, islets, and rocks are situated off the coast of Afognak and Kodiak islands. The refuge includes tidelands, waters, and submerged lands on Kodiak Island in Womens Bay and the north half of Middle Bay (9,500 acres) and from Wolcott Reef to Sturgeon Lagoon in the Karluk area (5,600 acres). Refuge-managed water and submerged lands on Afognak Island total about 403,184 acres. These areas provide important terrestrial and aquatic habitat to both marine mammals and numerous seabird species.

The population growth of Kodiak is one of the highest in Alaska, with an estimated growth of 16.3 percent from 1990 to 1994. There are approximately 15,500 residents within the Kodiak Archipelago; about 7,500 reside in the city of Kodiak, 6,800 live along the connecting road system, and about 1,200 live in small communities scattered around the archipelago (ADF&G, 1996g).

There are approximately 800 salmon spawning streams within the KMA, which includes the mainland Alaska Peninsula and Shuyak, Afognak, and Kodiak islands. The KMA is divided into seven districts, and each district is divided into sections. The objective of these divisions is to regulate seasons and weekly fishing periods for discrete stocks of salmon. Current ADF&G-targeted escapement goals for the KMA salmon are 15,000 chinook, 2,100,000 sockeye, 3,000,000 to 4,500,000 pink, 1,020,000 chum, and 150,000 coho (ADF&G, 1996g).

All five species of Pacific salmon, as well as rainbow trout/steelhead and Dolly Varden char, occur in one or more of the Kodiak NWR drainages (USFWS, 1990). Sockeye and pink salmon are key commercial salmon species on the refuge. There are approximately 10 drainages within the refuge that support sockeye populations, 4 of which have an average spawning population of over 200,000 fish. Approximately 89 drainages support pink salmon populations. Although the pink returns to each drainage vary dependent upon even-or odd-year strength of the individual stock, the even-year cycle dominates total refuge-wide returns.

Chum salmon are the third most abundant species, occurring in 56 drainages within the refuge. Nine systems have chum populations of more than 30,000 spawners. There are approximately 24 drainages known to be used by coho within the refuge. About 50 percent of the streams used for index escapement have more than 2,000 spawners. Chinook salmon are found in the Karluk and Ayakulik rivers and to a lesser extent in the Dog Salmon River on the refuge.

Major native steelhead runs occur on the Karluk and Ayakulik drainages and are present in seven other refuge drainages. The distribution of rainbow trout is nearly identical to that used by the steelhead. The refuge supports Dolly Varden char as both anadromous and resident populations. These are the most widely distributed freshwater species on the refuge.

i. Subsistence Fisheries: Within the KMA, the subsistence salmon harvest has averaged 26,273 fish annually (Table III-5) over the past 10 years (1984 to 94). This is a low estimate of the total subsistence harvest because it reflects only the portion of subsistence permits that were mailed in and does not include the portion of commercial catch retained by vessels for personal consumption. Sockeye salmon are the most abundant harvest component (accounting for 62 percent of the total subsistence salmon harvest) followed by coho (27%), pink (8%), and chum (3%) salmon.

A majority of the subsistence activity on the Kodiak NWR is conducted by residents of six remote communities that are either surrounded by or lie adjacent to refuge lands: Old Harbor, Akhiok, Karluk, Larsen Bay, Ouzinkie, and Port Lions. Other households or groups of households, such as Village Islands, lie scattered adjacent to the refuge and are located mainly on the west side of the island. Subsistence salmon fishing also occurs in the marine waters of Alaska Maritime NWR in Afognak Bay, in the area from Sturgeon Lagoon to Wolcott Reef, and Womens Bay (USFWS, 1993).

ii. Commercial Fisheries: Commercial fishing and processing plays a major role in the local economy, accounting for approximately 55 percent of the private sector workforce. During the commercial salmon fishing season (June through September), about 5,000 people work at harvesting and processing the commercial catch. Salmon are harvested commercially in the bays

**Table III-5
Kodiak Average Annual Salmon Harvest (numbers of fish)**

Districts	Species	Commercial Harvest ¹ (and % of Total)	Subsistence Harvest ² (and % of Total)
Kodiak	ALL	19,149,242 (99%)	26,273 (<1%)
Species Harvest Totals	Chinook	26,023	158
	Coho	301,667	7,087
	Sockeye	4,474,994	16,368
	Chum	722,711	681
	Pink	13,623,847	1,979
TOTAL	ALL	19,149,242 (99%)	26,273 (<1%)

Source: ADF&G 1996g, Resource Information Report No. 4K96-38.

¹Based on 1990 to 1994 average annual harvests. (Data may be low due to Exxon Valdez oil spill.)

²Based on 1985 to 1994 average annual harvests.

and nearshore marine waters using purse seine, set net, and beach seine gear. The recent 10-year average (1984-94) ex-vessel value of the commercial salmon fishery was over \$41 million annually (ADF&G, 1996g).

Over the 5-year period 1990 to 1994, refuge-based salmon stocks contributed an estimated 48 percent (9.1 million fish) to the annual commercial catch within the KMA. The average annual commercial ex-vessel value of refuge based stocks during this time period is estimated at 63 percent (\$25.1 million).

Regulations governing fishing districts and sections, seasons, gear specifications and operations, and closed waters in the KMA are listed in ADF&G Commercial Finfish Regulations.

iii. Sport Fisheries: Approximately 80 percent of the angler effort within the KMA occurs along or near the 129 miles of road system on the northeast portion of Kodiak Island. The remaining 20 percent of angling effort supports commercial guiding and charter vessels and aircraft to reach more remote portions of the KMA. The 1995 sport harvest of salmon in the KMA was 36,759; 42 percent of the harvest occurred in marine waters (ADF&G, 1996g). Coho salmon made up 36 percent of the 1995 total sport harvest followed by pink (32%), sockeye (22%), chinook (7%), and chum (3%) salmon. Approximately 90 percent of the freshwater sport harvest of chinook salmon in the KMA occurs on the Karluk and Ayakulik rivers within the Kodiak NWR.

b. ALEUTIAN ISLANDS-LOWER ALASKA PENINSULA: The salmon resources of this region are extremely abundant and constitute a substantial portion of the region's commercial and subsistence fisheries. The Federal management regional boundaries were established for wildlife management purposes and are inappropriate for describing regional fishery management. Consequently, this region is described in the context of the current State management boundaries. Under the current State management structure, the lower Alaska Peninsula is divided between the North Peninsula (west of Cape Menhikof), the South Peninsula (west of Kupreanof Point), and the Aleutian Islands (west of Unimak Island). Each area is further divided into numerous districts and sections. The overall region constitutes Area M under the State commercial permit program for both salmon and herring.

The lower Alaska Peninsula includes parts of the Izembek and Alaska Peninsula NWRs. There are numerous offshore rocks and islands, which are part of the Alaska Maritime NWR. The majority of Federal land in the Aleutian Islands is part of the Alaska Maritime NWR which covers about 3.2 million acres and extends from Unimak Island west to Attu Island.

i. Subsistence Fisheries: The total subsistence salmon harvest within the region is comparatively small. Alaska Peninsula and Aleutian Islands communities dependent on salmon resources for subsistence use include Sand Point, King Cove, False Pass, Nelson Lagoon, Port Heiden, Akutan, and Unalaska. Regional subsistence harvests are presented in Table III-6. Reported subsistence harvest does not include that portion of the commercial catch retained for personal use. Akutan and Umnak districts do not report subsistence harvests. Current subsistence salmon harvest is estimated to be less than 1 percent of the total salmon harvest for the area.

The military communities of Adak, Attu, and Shemya have been less subsistence dependent due to the transitory lifestyle of military personnel. Under State regulations, the Adak District has been closed to subsistence salmon fishing; however, residents were eligible for personal use permits that allow for an annual harvest limit of 25 salmon per head of household. In 1994, there was no reported harvest of salmon from the personal use fishery, likely due to the reduction in military personnel in the region.

ii. Commercial Fisheries: There are over 220 anadromous salmon streams within the Aleutian Islands Unit of the Alaska Maritime Refuge (USFWS, 1993). Of these, the majority support pink salmon; however, all five species of Pacific salmon occur within the geographic range. Pink salmon are of the greatest commercial value, but this fishery is far less lucrative than the South Peninsula pink salmon. Unalaska, Umnak, Amlia, Atka, Adak, and Attu islands have the largest pink salmon stocks, which tend to be largest during even-year run cycles but often fluctuate dramatically from one year to the next. The record Aleutian pink salmon catch was approximately 2.6 million fish in 1980 (ADF&G, 1991). Table III-6 shows the average salmon harvest by species from 1984 to 1993.

**Table III-6
Aleutian Islands-Lower Alaska Peninsula Average Annual Salmon Harvest (numbers of fish)**

Districts	Species	Commercial Harvest ¹ (and % of Total)	Subsistence Harvest ² (and % of Total)
North Peninsula	ALL	2,980,874 (21%)	16,787 (<1%)
South Peninsula	ALL	10,936,585 (78%)	
Aleutian Islands	ALL	333,353 (99%)	4,103 (<1%)
Species Harvest Totals	Chinook	25,435	273
	Coho	357,041	5,381
	Sockeye	3,581,307	10,112
	Chum	1,775,845	2,158
	Pink	7,276,361	1,486
	ALL	13,015,989 (99%)	19,410 (<1%)

Source: ADF&G, 1995a, Resource Information Report 4K95-31.

^{1/} Based on 1984 to 1993 average annual harvest.

^{2/} Based on 1985 to 1993 average annual harvest.

Sockeye salmon are the predominant species along the North Peninsula. The largest stocks occur in the Bear River, Nelson Lagoon, Meshik River, Sandy River, Ilnik, and Uria Bay (ADF&G, 1991). North Peninsula sockeye catches usually peak in the first 10 days of July. The average commercial sockeye harvest from 1986 to 1990 was 1,861,760 fish.

Chum salmon are also an abundant species, with marine catches occurring from June through early August. Major chum producing stocks include Izembek-Moffett Bay, Herendeen-Port Moller Bay, Bear River, and Bechevin Bay.

Pink salmon are the most dominant species found on the south side of the Alaska Peninsula. Their numbers fluctuate dramatically from year to year. In 1973, the pink salmon commercial catch was 36,000; in 1984, 10,669,000 salmon were harvested (ADF&G, 1991). Chum salmon are the next most abundant species on the South Peninsula.

The South Peninsula Area M salmon fisheries include South Unimak (False Pass) and the Shumagin Islands. The June fisheries are the most contentious fishery management issues in Alaska. These fisheries primarily target sockeye salmon bound for Bristol Bay drainages but incidentally harvest chum salmon bound for western waters as well. Allocation issues regarding South Peninsula sockeye interceptions date back to the late 1960's (ADF&G, 1995b). In 1975, the Alaska Board of Fish and Game established guideline harvest levels based upon historic catch levels and percentage based upon projected Bristol Bay sockeye salmon harvests. The Shumagin Island fishery was allowed 1.5 percent of the Bristol Bay sockeye harvest and South Unimak was allowed 6.8 percent. These fisheries were further restricted by the establishment of four harvest periods during June (ADF&G, 1995b).

Additional controversy surfaced in the early 1980's, when an unusually large proportion of chum salmon harvested during June in the South Peninsula sockeye fisheries caused concern among fishermen in the Yukon, Kuskokwim, and Seward Peninsula regions. In 1984, the Board of Fisheries implemented further restrictions on the South Peninsula sockeye fisheries, reducing fishing times to allow chum salmon escapement windows. In 1986, the Board of Fisheries established a 400,000 chum catch ceiling for both fisheries. The chum cap was raised to 500,000 in 1988 and 1989. In 1990, a complex set of regulations was initiated, which included delaying the fishery until June 13, adding gear restrictions to seines, and raising the chum cap to 600,000.

In 1995, the Board of Fisheries redefined the regulations to (1) allow sockeye fisheries to occur after June 24 if the chum cap had not been exceeded, (2) allow 6-hour openings when test fishing data indicated sockeye-to-chum ratios were two to one or less and, (3) set a chum cap of 700,000.

iii. Sport Fisheries: Harvest of sport caught salmon in the southwest Alaska Peninsula and Aleutian Islands is extremely small. Approximately 1,138 salmon were harvested from the Cold Bay area (including Russell Creek) in 1995 (Howe et al., 1996). Much of the sport harvest occurs in nearshore marine waters that are outside Federal jurisdiction.

6. Southcentral

The southcentral region is bordered by Canada to the east, the Alaska Range to the north, and the Gulf of Alaska to the south. It includes the most populated portion of the State, with Anchorage as the central hub and other major population centers--such as towns in the Matanuska-Susitna Valley and on the Kenai

Peninsula--within a short drive. Federal public lands in the region include the Chugach National Forest, Wrangell-St. Elias National Park and Preserve, Kenai NWR, Kenai Fjords National Park, and small portions of the Lake Clark National Park and the Denali National Park and Preserve.

The southcentral region is divided into two sections, Cook Inlet and Prince William Sound. The Prince William Sound area encompasses inland drainages entering the northcentral Gulf of Alaska between Cape Suckling and Cape Fairfield. The Cook Inlet area includes those inland waters north of the latitude of Cape Douglas and west of the longitude of Cape Fairfield.

a. PRINCE WILLIAM SOUND AND COPPER RIVER: This area has been divided by ADF&G commercial fishery managers into 11 districts that correspond to the local geography and distribution of the five species of salmon harvested by the commercial fishery (Donaldson et al., 1995). The area includes the Bering River drainage, Copper River drainage, and all of Prince William Sound, with a total adjacent land area of approximately 38,000 square miles. Principal towns or villages within the area include Cordova, Valdez, Whittier, and a series of villages strung along an interior Alaska highway system paralleling the Copper River and its tributaries. These villages include Paxson, McCarthy, Gakona, Gulkana, Glennallen, Copper Center, Tonsina, and Chitina.

The Copper River and its tributaries comprise the major river system flowing on or adjacent to public lands within the area. The drainage is used for subsistence fishing as well as serving as a popular recreational area for residents of Anchorage and Fairbanks for sport and personal use salmon fisheries. Principal Federal lands within the drainage include Wrangell-Saint Elias National Park/Preserve and the Gulkana River Corridor, managed by the BLM as a Wild and Scenic River. In addition, numerous small drainages border on Prince William Sound within the Chugach National Forest, which is administered by the U.S. Forest Service.

Six salmon hatcheries contribute to the area's salmon fisheries. Five of them are operated by the Prince William Sound Aquaculture Corporation, the regional aquaculture association. One interior Alaska hatchery, the Gulkana Hatchery in Paxson, augments the production of sockeye salmon to the Copper River. Both the Cannery Creek Hatchery, located on the north shore of Prince William Sound, and the A.F. Koernig Hatchery in the southwestern Sound produce pink salmon; the Noerenburg Hatchery in the northwestern Sound produces pink, chum, coho, and chinook salmon; and the Main Bay Hatchery in the western Sound produces sockeye salmon. The Valdez Fisheries Development Association operates the Solomon Gulch Hatchery at Port Valdez and produces pink, chum, and coho salmon (Donaldson et al., 1995).

The ADF&G follows regulatory plans approved by the Alaska Board of Fisheries to manage salmon fisheries and to assist private, nonprofit salmon hatcheries in achieving cost recovery and broodstock objectives. In addition, as an avenue for the commercial salmon fishing industry to formally provide management recommendations to ADF&G, representatives from area processors, gear groups, and aquaculture associations sit on an advisory body known as the PWS Salmon Harvest Task Force (Donaldson et al., 1995).

Subsistence, personal use, and sport salmon harvests within the area are small in comparison to the total amount of commercial salmon harvest occurring in Prince William Sound. However, within the Copper River commercial fishing district and on the Copper River itself, subsistence, personal use, and sport harvests collectively amount to about 10 percent, with the remaining 90 percent being offshore commercial harvests (Table III-7).

The Federal subsistence regional boundaries do not align with ADF&G commercial fishery management areas, thus data for the small section east of Cape Suckling to Point Riou are not documented here. Please refer to Section III.B.7 southeast region, for information on the fishery that overlaps with this subregion.

i. **Subsistence Fisheries:** The largest subsistence fishery within the area occurs on the Upper Copper River, upstream of ADF&G regulatory markers above Haley Creek to the mouth of the Slana River. The fishery uses fishwheels and dipnets. From 1987 through 1996, an average of 45,914 salmon have been taken annually (Table III-7) with the vast majority of the harvest composed of sockeye (96%) salmon, and the remaining harvest distributed among chinook (3%) and coho (1%) salmon

Table III-7
Southcentral Average Annual Salmon Harvest

Districts	Species	Commercial Harvest (and % of Total)	Subsistence Harvest (and % of Total)	Personal Use Harvest (and % of Total)	Sport Harvest (and % of Total)
Copper River District	ALL	*1,268,472 (90%)			
Bazulnetas			^b 120 (<1%)		
Main Stem, Upper Copper River		^c 80,903 (6%)	^e 45,914 (3%)		
Copper River Delta			^d 609 (<1%)		
Copper River Drainage				^e 80,903 (6%)	^f 9,257 (<1%)
Other 10 PWS Districts	ALL	^a 24,340,638 (99%)	^d 1,684 (<1%)	0 (0%)	^g 58,074 (<1%)
Totals (All Districts)	Sockeye Chinook Chum Pink Coho Total	1,306,392 38,405 1,171,899 22,563,430 528,984 25,609,110 (99%)	48,327 (<1%)	80,903 (<1%)	67,331 (<1%)

Sources:^aDonaldson, et al. 1995; Avg. from 1983-1992

^bSzarzi 1997; Avg. from 1987-1996

^cSimeone & Fall; Avg. from 1987-1996

^dDonaldson et al.; Avg. from 1984-1993

^eSimeone & Fall 1996; Avg. from 1988-1995

^fHowe et al. 1996; Avg. from 1986-1995

^gHoffman 1995; Avg. from 1983-1992

^hADF&G 1996d, 1996h; Avg. from 1954-1995

ⁱMills 1994; Avg. from 1983-1993.

(Simeone and Fall, 1996; Donaldson et al., 1995). Most of the villages within the Copper River drainage take part in this subsistence fishery, whose location is prescribed by regulation to a section of the main stem of the Copper River. Since 1988, residents from areas outside the Copper River drainage have been permitted to subsistence fish within the basin. This use has increased to the point where approximately 40 percent of Copper River drainage subsistence salmon harvests (average of 1994-96 data) occur by residents from other areas (Simeone and Fall, 1996). Subsistence user permits are required and provide the primary source of subsistence harvest and residency data.

Since 1987, as a result of the "Katie John" case, a separate, small subsistence fishwheel, dipnet, and spear fishery targeting sockeye salmon has been permitted in the extreme headwaters of the Copper River drainage near the mouth of and within Tanada Creek near the historical village site of Batzulnetas. The ADF&G has issued subsistence permits for this fishery to individuals or family groups from Mentasta Lake and Dot Lake. Subsistence harvests have been reported for only 4 of the 10 years between 1987-96, with a range of 16 to 997 salmon harvested (Szarzi, 1997).

Subsistence salmon fisheries also occur throughout the marine waters of Prince William Sound and on the Copper River Delta by means of purse seines, drift gillnets, and set gillnets. Principal subsistence users within the Sound include residents of Chenega Bay and Tatitlek. Commercial fishers within the area may withhold a portion of their commercial catch for home use, with no current mechanism in place to monitor and report this catch. As a result, unreported catches for personal or subsistence use likely occur by residents of Prince William Sound, including those from Valdez, Whittier, and Cordova.

ii. Commercial Fisheries: Commercial salmon harvests in the Prince William Sound area have averaged over 25.6 million salmon annually from 1983 to 1992 (Donaldson et al., 1995). Harvests occur by means of purse seines, drift gillnets, and set gillnets. The majority of the commercial salmon harvest is pink salmon (88%), with the remaining harvest distributed among sockeye (5%), chum (5%), coho (2%), and chinook (0.1%) (Donaldson et al., 1995).

iii. Sport Fisheries: Sea-run (as opposed to landlocked) salmon fisheries within the area occur on tributaries to the Copper River including the Gulkana, Klutina, and Tonsina rivers. Copper River sport harvests of chinook, sockeye, and coho salmon averaged 9,257 from 1986 to 1995 (Howe et al., 1996; Szarzi, 1995). Few coho generally are caught, and the sport harvest often is divided nearly equally between chinook and sockeye salmon. Though few sport caught salmon are harvested in comparison to subsistence and personal use fisheries, the fishery--particularly the chinook salmon fishery--is highly competitive, with anglers traveling to the drainage by road from Anchorage and Fairbanks. The recreational angling effort in the Copper River drainage was relatively stable until 1991, when it began to increase (Szarzi, 1995).

The Prince William Sound salmon sport fishery is much larger than that in the Copper River drainage. Sport salmon harvests have averaged 58,074 from 1983 to 1992, with the harvest distributed between pink (56%), coho (31%), sockeye (8%), chum (4%), and chinook (1%). Over 72 percent of total harvests have occurred in the Valdez Arm area (Hoffman, 1995).

iv. Personal Use Fisheries: The only personal use fishery within the area occurs on the Upper Copper River in the Chitina subdistrict, downstream from the Chitina-McCarthy Road Bridge. This is a popular and rapidly growing destination for residents of Fairbanks and Anchorage, who travel to Chitina to take part in the fishery. Personal use salmon harvests at Chitina have

averaged 80,903 salmon annually (1988-95) with sockeye salmon making up the majority of the harvest (Simeone and Fall, 1996). This personal use total exceeds and approaches twice the total amount of subsistence use estimated within the Copper River drainage. No personal use fisheries are permitted in the marine waters of Prince William Sound.

b. COOK INLET: This area has the largest population of people in Alaska (Anchorage, Matanuska-Susitna Valley, and Kenai Peninsula residents) and consequently has the highest number of user groups competing for a limited number of fish. Major river systems that flow through Federal public lands in this region are the Kenai and Kasilof rivers. Many other smaller streams in the region are also on Federal public lands but are not discussed here in detail. Neither is the Susitna River discussed--it is also one of the major drainages in the area but does not flow on or adjacent to Federal public land. The Cook Inlet area has been divided into two management areas (upper and lower Cook Inlet) by the ADF&G commercial fishery managers. Numerous subdistricts and sections help facilitate the conservation of the many discrete fish stocks (ADF&G, 1996d and 196h).

The Kenai River drainage, which is internationally renowned for its world-class salmon fisheries, is home to the world's largest chinook salmon and one of the major sockeye producing systems in Cook Inlet. It supports a large portion of the region's commercial sockeye harvest and is the largest recreational sockeye fishery in Alaska (Marsh, 1993; Ruesch and Fox, 1994). Approximately 54 percent of this watershed flows inside the Kenai NWR boundary.

The Kasilof River is also an important contributor to both commercial and recreational fisheries and has, historically, been the second largest producer of sockeye salmon in Cook Inlet (Ruesch and Fox, 1994). Approximately 94 percent of this watershed flows inside the Kenai NWR boundary.

i. Subsistence Fisheries: Subsistence fisheries in Cook Inlet currently are limited to three small areas; however, the status of other fisheries throughout the southcentral region has varied between subsistence and personal use fisheries through various court decisions since 1978. For the purposes of this report, any data that has been classified as a personal use fishery in the past is not included in subsistence harvest totals.

Subsistence fisheries within the Cook Inlet area currently are limited to waters located near the villages of Port Graham, Nanwalek, Seldovia, and Tyonek (ADF&G, 1996d and 1996h). From 1981 through 1994, subsistence salmon harvests averaged 6,191 salmon annually (Table III-8) with chinook (28%), pink (27%), sockeye (26%), and coho (19%) salmon composing the majority of the subsistence harvest (ADF&G, 1996d and 1996h). Subsistence user permits are required and provide the primary source of subsistence harvest data.

ii. Commercial Fisheries: Commercial salmon harvests in Cook Inlet averaged over 5.3 million salmon annually from 1975 to 1994 (ADF&G, 1996d and 1996h). The majority of the commercial harvest has been sockeye (47%) and pink (34%) salmon, with the remaining harvest being distributed among chum (13%), coho (6%), and chinook (0.4%) salmon (ADF&G, 1996d and 1996h).

Commercial salmon harvests in lower Cook Inlet have been augmented in recent years by hatchery and enhanced (lake stocking and fertilization) fishery projects by the Cook Inlet Aquaculture Association (CIAA) and ADF&G (ADF&G, 1996d). In particular, pink salmon production at the Tutka Hatchery and sockeye salmon fertilization projects at five different lakes have made very significant impacts on overall salmon harvests for the lower Cook Inlet region.

Table III-8
Cook Inlet Average Annual Salmon Harvest (numbers of fish)

Districts	Species	Commercial Harvest (and % of Total)	Subsistence Harvest (and % of Total)	Personal Use Harvest (and % of Total)	Sport Harvest (and % of Total)
Upper Cook Inlet	All	4,002,094 (89%)	1,804 (<1%)	63,205 (1%)	412,231 ^b (9%)
Lower Cook Inlet	All	1,363,399 ^a (92%)	4,387 (<1%)	4,087 (<1%)	116,270 ^b (8%)
Totals (All Districts)	Sockeye	2,505,931			
	Chinook	21,673			
	Chum	707,487			
	Pink	1,811,918			
	Coho	338,484			
	Total	5,385,483 (89%)	6,191 (<1%)	67,292 (1%)	528,501 (9%)

Sources:

^aADF&G 1996d, 1996h; Avg. from 1954-1995

^bMills 1994; Avg. from 1983-199

iii. Sport Fisheries: Southcentral Alaska supported 65 percent (1.45 million angler days) of the State's annual sport fishing effort from 1983 to 1993 (Mills, 1994). The rate of growth and economic importance of recreational fisheries on the Kenai Peninsula are unequaled elsewhere in the state. There was a 69 percent increase in sport fishing effort from 1981 to 1993 on the Kenai Peninsula (USFWS, 1995). During that same time period, the sport fishing effort on the Kenai River increased by 81 percent (USFWS, 1995). Sport fish harvest totals in the Cook Inlet area averaged 528,501 salmon annually from 1983 to 1993 (Mills, 1994). Sockeye (41%) and coho (31%) salmon made up the majority of the sport harvest totals, while chinook(13%), pink (13%) and chum (2%) harvests were considerably lower (Mills, 1994). Sport fishing harvests in the Cook Inlet area have accounted for approximately 9 percent of the total salmon harvested in the area.

There are many freshwater finfish species that also are popular among sport fisherman, but they are not discussed because there are no user conflicts identified at this time.

iv. Personal Use Fisheries: Personal use fisheries provide Alaskan residents with additional opportunities to harvest fish beyond sport fishing limitations. Personal use fisheries typically exist near urban areas and are regulated more conservatively than subsistence fisheries but more liberally than sport fisheries for harvest limits and gear restrictions. Personal use fisheries make up a substantial portion of the noncommercial salmon harvest in Cook Inlet primarily due to the large number of urban residents living in the area.

Personal use salmon harvests have averaged 67,292 salmon annually (1982-95), with sockeye (72%) salmon making up the majority of the harvest (ADF&G, 1996d and 1996h). Personal use fisheries in upper Cook Inlet (north of Anchor Point) are the most popular personal use fisheries in Alaska and comprise 94 percent of the total personal use salmon harvest in the southcentral region.

v. Educational Fisheries: Educational permits have been issued to four Alaska Native groups in Cook Inlet as directed by the U.S. District Court (Ruesch and Fox, 1994). These fishery permits are regulated by gear size and type, location, and harvest limits. The Kenaitze Tribe

educational permit was the first to be issued in 1989 and has been renewed every year since. Additional educational permits were issued in 1993 to the Ninilchik Traditional Council, Native Village of Eklutna and the Knik Tribal Council and have continued through 1996. Initially there were conflicts with other user groups who were openly opposed to these fisheries, but these concerns seem to have subsided in recent years. Average annual salmon harvests for these four fisheries combined have been relatively small (4,231 salmon) but remain important to the village members and the interested public involved.

7. Southeast

Southeast Alaska stretches over 600 miles from Cape Suckling in the north to Cape Muzon in the south, and it is dominated by marine environments and dense spruce-hemlock forest. Islands constitute a large portion of the land area, and most communities are accessible only by water or air. Only a few major rivers, such as the Alsek, Taku, Unuk, and the Stikine, cut through this range. The majority of the land in Southeast Alaska is managed by the USDA Forest Service.

Despite broad similarities among the communities in Southeast Alaska, there are many underlying differences between communities, groups, and subregions. While most communities in Southeast have a relatively long history, some have origins in Native settlements (e.g., Angoon, Sitka, Yakutat, and Klukwan), mining (e.g., Juneau), government and trade (e.g., Sitka), timber (e.g., Ketchikan), or commercial fishing (e.g., Petersburg). Several communities are composed primarily of Alaska Natives (e.g., Yakutat, Hoonah, Klukwan, Klawock, Angoon, Kake, Hydaburg, Saxman, and Metlakatla), while others are predominately non-Native (e.g., Pelican, Skagway, Craig, Petersburg, Haines, Sitka, and Wrangell). Most of these latter communities also have substantial numbers of Alaska Natives.

Considering the region has abundant and diverse fish, shellfish, and wildlife, a large proportion of Southeast Alaska residents fish, hunt, and gather wild foods. The presence of 22 fish and game advisory committees and a regional subsistence advisory council in the region demonstrates the interest local residents have in subsistence, recreational, and commercial uses of fish and game, as well as in related issues involving resource enhancement and habitat protection.

In addition to the permanent communities, logging and mining camps are located at sites in rural areas where resource extraction and fish processing occur. Some of these camps have large enough populations and have existed long enough that local uses of fish and wildlife are significant. While in many cases information is available about the location, number of residents, and potential use of natural resources of the larger, less transient camps, no complete listing of temporary camps and their populations exists. Camps come and go with contract timber sales and economic conditions and it is difficult to track camp populations. Camp residents appear to be split between Alaskan residents who stay in the State year round and identify themselves as Alaskans and residents of other states who leave Alaska when the working season is over for the year.

i. Subsistence Fisheries: Salmon, trout, and char are taken from Federally reserved inland waters in Southeast Alaska by rural residents for subsistence. Sockeye salmon is the species most commonly harvested in these waters. In Southeast Alaska between 1987 and 1996, an average of 50,000 salmon were harvested annually (ADF&G, 1996h).

Salmon caught under State regulations in all of the fisheries--subsistence, personal use, sport, and commercial --are used for personal consumption. The best indication of fish caught for personal consumption is the harvest recorded for the subsistence and personal use permit fisheries and sport caught fish; and even those figures include nonrural Alaskan residents and out-of-State residents who would not

qualify for a subsistence priority under proposed FSMP regulations. Table III-9 does not include unrecorded subsistence caught fish, and it includes harvest by those who would not qualify under the proposed FSMP subsistence regulations. One inaccuracy does not compensate for the other; therefore, the reported subsistence and personal use fisheries are at best an indication of the relative proportion of salmon harvested in Southeast Alaska that are taken for subsistence purposes.

**Table III-9
Southeast Average Annual Salmon Harvest (numbers of fish)**

	Chinook	Sockeye	Coho	Pink	Chum	Total	% of All Fisheries
Subsistence & Personal Use	568	41,337	2,176	2,569	3,292	49,942	0.08%
Sport	38,622	10,323	94,813	54,496	7,606	205,860	0.4%
Commercial	268,565	2,202,596	3,041,665	43,766,867	6,377,819	55,657,512	99.5%
Total	307,755	2,254,256	3,138,654	43,823,932	6,388,717	55,913,314	100%

Sockeye salmon are the species most likely to be caught for subsistence purposes under the proposed FSMP regulations. Subsistence fishing occurs in specific locations scattered throughout Southeast Alaska, but these specific locations make up only a small percentage of potentially affected waters (see App. C for specific locations); much of the subsistence fishing occurs in marine waters.

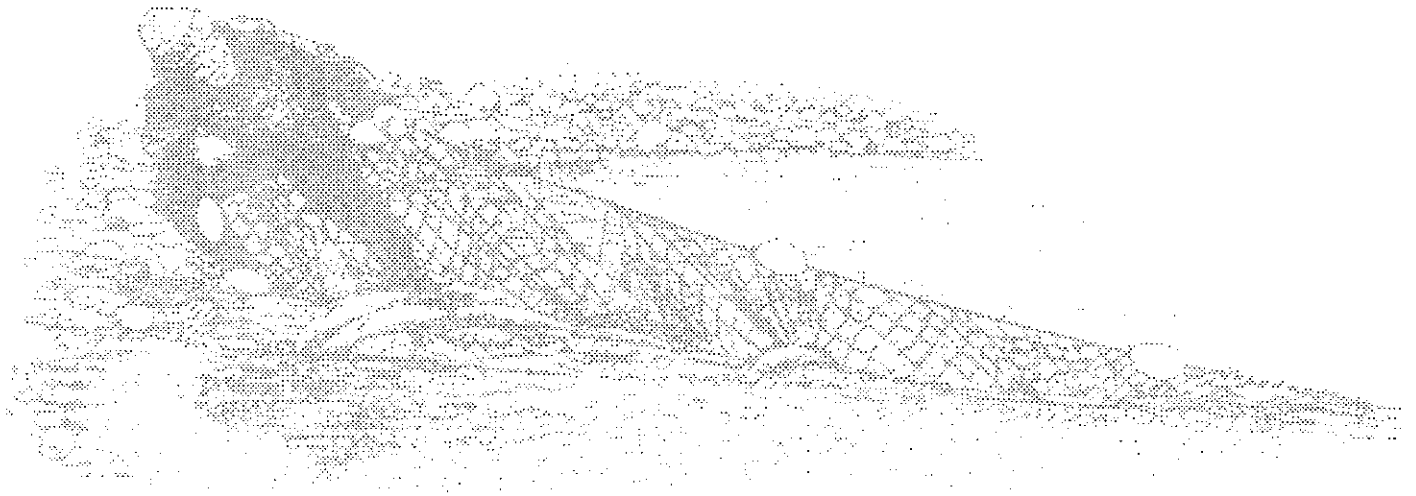
ii. Commercial Fisheries: Commercial salmon fishing--including seining, gillnetting, and trolling--occurs throughout the marine waters of Southeast Alaska. However, practically no commercial fishing occurs in the Federally reserved inland waters addressed by these proposed regulations. Pink salmon constitute the majority of salmon (79%) caught commercially in the Southeast, followed by chum (11%), coho (5.5%), and chinook (0.5%).

iii. Sport Fisheries: Fish taken under State sport fishing regulations are used for personal consumption. This use normally cannot be distinguished from "subsistence" uses and includes a variety of freshwater and marine species. Salmon, particularly sockeye salmon, are the fish most likely to be harvested in Southeast Alaska for subsistence purposes under the proposed Federal subsistence regulations, but some trout and char, particularly steelhead, could become targeted in the subsistence fisheries under the Federal regulations. Coho is the most commonly harvested salmon (46%) in the sport fishery, followed by pink (26%), sockeye (5%), and chum (4%).

Environmental Assessment

Modification of the Federal Subsistence Fisheries Management Program

Chapter IV



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Table of Contents

I.	ENVIRONMENTAL ANALYSES	IV-1
A.	INTRODUCTION	IV-1
B.	DUAL MANAGEMENT	IV-1
C.	CUSTOMARY TRADE	IV-2
D.	ALTERNATIVE I - NO ACTION	IV-3
	1. Potential Impacts on Fishery Resources	IV-4
	2. Potential Impacts on Subsistence Fisheries	IV-4
	3. Potential Impacts on Other Fisheries	IV-4
	4. Potential Long-Term Impacts	IV-5
E.	ALTERNATIVE II - LIMITED FEDERAL JURISDICTION	IV-5
	1. Potential Impacts on Fishery Resources	IV-5
	2. Potential Impacts on Subsistence Fisheries	IV-6
	3. Potential Impact on Other Fisheries	IV-7
	4. Potential Long-Term Impacts	IV-7
F.	ALTERNATIVE III	IV-8
	1. Potential Impacts on Fishery Resources	IV-8
	2. Potential Impacts on Subsistence Fisheries	IV-9
	3. Potential Impacts on Other Fisheries	IV-11
	4. Potential Long-Term Impacts	IV-11
G.	ANILCA SECTION 810(a) EVALUATION AND FINDING	IV-13

CHAPTER IV

I. ENVIRONMENTAL ANALYSES

A. INTRODUCTION

The following analyses focus on the three impact topics (fishery resources, subsistence fisheries, and other fisheries) and the two issues (dual management and customary trade) identified in Chapter I. A key difference between the alternatives is the amount of inland navigable waters under Federal jurisdiction, and hence the level of subsistence harvest that would occur under Federal jurisdiction. In Alternative I, jurisdiction would not change; and the proportion of State (greater than 99%) to Federal (less than 1%) jurisdiction would remain the same (but note that Alternative I is not consistent with the Ninth Circuit decision in *Alaska v. Babbitt*). The extent of Federal jurisdiction differs between Alternatives II (41%) and III (52%). In Alternative II, only those waters adjacent to Federal public lands within Department of Interior Conservation System Units (CSUs) and National Forests would be under Federal jurisdiction; but in Alternative III, waters flowing through all lands (regardless of status) within the boundaries of CSUs and adjacent to National Forest lands would be under Federal jurisdiction. Potential effects on fisheries are analyzed by estimating the amount of subsistence fishing that likely would occur within Federal jurisdiction. By looking at the jurisdiction of waters adjacent to villages, an estimate of the amount of harvest by jurisdiction can be determined from the subsistence harvest reported by villages. This analysis assumes that most fishing occurs adjacent to or near villages, while recognizing that subsistence activities are by their nature opportunistic and that harvest generally occurs where resources are plentiful. However, the differences between alternatives is largely related to land ownership patterns. Most land conveyances center around villages, and these conveyed lands were selected because of their importance to subsistence users. The end result is that, with a few exceptions noted below, villages are located near the center of their lands, at a significant distance from Federal public lands. Traditional use areas, particularly for subsistence fishing, are likely to remain for the most part on or adjacent to conveyed lands centered around the villages.

B. DUAL MANAGEMENT

Under all three alternatives, the State would retain management of fisheries throughout Alaska except where Federal management would specifically preempt or override State management to ensure a subsistence priority in Federal waters. Therefore, the Federal approach would focus on identifying where and how the Federal interest in protecting the subsistence priority within Federal jurisdiction can be coordinated with the existing State management system. As with wildlife, the Federal program would initially adopt State subsistence fishing regulations as Federal subsistence fishing regulations, and then provide a mechanism, through an annual regulatory process, for the public to identify and recommend regulatory changes to accommodate subsistence uses. Because both the Federal and State programs have conservation of natural fish stocks as a primary goal and subsistence as the priority use, coordination and cooperation the two programs should be enhanced. A secondary benefit brought to Statewide fisheries management by the inclusion of the Federal program would be additional resources brought to bear on collection and dissemination of fishery resource assessments.

Concerns about dual management have centered on the potential effectiveness of coordination and cooperation between the State and the Federal programs with the underlying concern that a breakdown

could result in overharvest. Additionally, two sets of regulations can be confusing to users, first in determining jurisdiction in specific locations (boundaries on maps can be difficult to translate on the ground) and secondly in instances where the regulations differ such as with the regulation of customary trade (see the following discussion on this issue).

To address the concerns about dual management, the Federal program will be designed with the intent of cooperating with the State to address the following issues:

- How management and law enforcement liaison would occur at various State and Federal levels, and the extent to which authority for emergency openings and closures of subsistence fisheries would be coordinated between the two systems.
- How Federal input into pre-season decisions can be incorporated where existing State fishery management plans do not adequately provide a subsistence priority in Federal jurisdiction (e.g., identify subsistence harvest allocations, escapements and other preseason guidance and direction to fishery managers).
- How to integrate supplemental monitoring with the State system to determine if the subsistence priority is being accommodated and certain spawning escapements are being met.
- How to effectively communicate differences between State and Federal fishing regulations to the affected public/users.

The extent of dual management differs between alternatives. In Alternative I, there is minimal overlap between the existing State program and the limited amount of waters under Federal jurisdiction. Alternative II, with its expanded Federal jurisdiction, would require some level of cooperation; however, most of the complex and potentially controversial freshwater fisheries (e.g., Yukon and Kuskokwim rivers, Copper River) would remain under State jurisdiction. Alternative III, with the most expansive Federal jurisdiction, would require closer coordination because the Federal jurisdiction would overlap with these complex fisheries. It is anticipated that the State would continue to manage in-season in all waters through the use of emergency orders, unless specifically preempted by Federal regulation. The degree to which Federal management would duplicate State in-season management within Federal jurisdiction is not as clear. However, at a minimum, Federal management intervention would occur in those situations where the subsistence priority is not being achieved. In many cases, planned escapement levels of fish into major drainages already incorporates subsistence allocations. This fact alone would likely preclude direct Federal intervention where this occurs, but Federal management oversight would remain to insure the ANILCA priority.

Conclusion: No significant impacts from dual management on fishery resources or on subsistence opportunities are anticipated. For major fisheries, escapement levels already include subsistence allocations. It is anticipated that the State would continue to manage in-season through the use of emergency orders. Federal oversight would occur in situations where the State management doesn't effectively provide for the ANILCA mandated subsistence priority. The Federal program would be designed and implemented to insure this priority, in close coordination with the State program.

C. CUSTOMARY TRADE

The proposed Federal regulations are not expected to result in increased harvest of fisheries resources for customary trade, because the regulations are intended to permit continuation of on-going practices. The proposed regulations specifically authorize limited exchange for cash “. . . to support personal and family needs . . . so long as it does not constitute a significant commercial enterprise.” Furthermore, the proposed regulations specify that “Persons licensed by the State of Alaska to engage in a fisheries business may not receive for resale or barter or solicit to barter for subsistence-taken fish, their parts or their eggs.”

Therefore, only minimal impacts on fish resources due to customary trade are likely to result from expanded Federal jurisdiction over fisheries management.

The proposed regulations will have the effect of legalizing ongoing customary trade activities that are not currently permitted under State or Federal regulation. Current State regulations prohibit the sale of subsistence caught fish, but some exchange for cash does occur. Sales generally are between relatives or close friends and are based on the amount of harvest (an unanticipated surplus) and the buyer's inability to obtain a particular item. More commonly, customary trade involves reciprocity, redistribution, and barter (Wolfe and Magdanz, 1993). Enforcement is infrequent to nonexistent in most parts of the State. Therefore, the proposed Federal regulations (where applicable) would free subsistence users from the fear of prosecution for carrying out a practice that is customary in many parts of the state.

Customary trade regulations would not be an avenue to open up new or expanded sources for commercial sale of subsistence caught fishery resources. Because the harvest of salmon for subsistence is only a small part (1%) of all salmon harvested, and the sale of subsistence caught fish through customary trade is but a small part of the subsistence harvest (Wolfe and Magdanz, 1993), any increased allocation to customary trade would be an insignificant percentage of the total harvest. The Federal regulations are designed to permit trade that is or has been customary under the broad guidelines of ANILCA and eliminate the incentive for commercial sales by prohibiting the resale of subsistence taken fish. If, in fact, evidence indicates that new commercial markets are being developed under the guise of customary trade, or there are other abuses of these provisions for customary trade, the Federal Subsistence Board would work with the Regional Advisory Councils to develop local, regional, or Statewide regulations (as appropriate) to further limit the regulatory definition of customary trade.

The effect of changing customary trade regulations differs somewhat between alternatives. It is not likely that changes would be implemented under Alternative I. But if they were implemented, the impacts on subsistence users would be negligible to nonexistent, because the Federal program would not apply on virtually all of the navigable waters of the State where nearly all subsistence fisheries resources are harvested. Under Alternative II, the proposed Federal regulations would apply to 41 percent of the inland navigable waters throughout the State. Subsistence users harvesting fisheries resources from these waters would be permitted to continue customary trade activities without fear of prosecution. In some areas of the State, this would have a limited direct impact on subsistence users because the waters nearest villages (presumably where most fish are harvested) would not be covered under the Federal program. Increased harvest of fisheries resources from subsistence (if any) would be negligible. Under Alternative III, the proposed Federal regulations would apply to 52 percent of the State's navigable waters. Subsistence users harvesting fisheries resources from these waters would be permitted to continue customary trade activities without fear of prosecution. In comparison with Alternative II, this alternative would provide even greater benefit to subsistence users because the waters nearest villages (presumably where most fish are harvested) would be covered under the Federal program. Increased harvest of fisheries resources from subsistence (if any) would be negligible.

Conclusion: No significant environmental impacts due to customary trade are anticipated because overall harvest levels are not expected to increase under any of the alternatives.

D. ALTERNATIVE I - NO ACTION

Under this alternative, Federal jurisdiction would not change. Fisheries management would remain almost exclusively under State jurisdiction with the exception of the relatively small amount navigable and non-

navigable waters already included in the Federal program. Subsistence fisheries likely would continue at current levels. This Alternative is not consistent with the Ninth Circuit decision in *Alaska v. Babbitt*.

1. Potential Impacts on Fishery Resources

The State would continue to manage all fisheries within the State with minimal but negligible overlap with the Federal jurisdiction. Potential confusion due to dual management would be minimal because the level of Federal fishery management would remain minimal. Because the State's conservation strategies would remain in effect for almost all fisheries within the State, no significant impacts to fishery resources are anticipated.

Conclusion: No significant impacts on fishing resources are expected under Alternative I because Federal jurisdiction for subsistence fisheries management would not be extended. The State would likely continue its current conservation strategies.

2. Potential Impacts on Subsistence Fisheries

The State would continue to manage subsistence uses without significant overlapping Federal jurisdiction. Subsistence uses occurring on waters identified as Federal reserved waters, however, would not receive the protection of the ANILCA Title VIII subsistence priority on the expanded jurisdiction directed pursuant to the Ninth Circuit decision. Without this protection, the subsistence harvest may be adversely impacted by competing demands from other uses (commercial and sport). An offsetting factor, however, is that State law provides a priority for subsistence uses for all residents (both rural and non-rural). While a more expanded Federal program would likely be more attentive to rural subsistence users, the State priority does apply to many of the same rural users that would also benefit from a more expanded Federal program. As such, retaining the existing jurisdiction is unlikely to have significant impacts to subsistence fisheries; although State management would continue to be out of compliance with Title VIII of ANILCA.

Conclusion: No significant impacts on subsistence fisheries are expected under Alternative I because State management is mandated to provide a priority for subsistence users, however, this alternative is not consistent with the Ninth Circuit decision and subsistence mandate under ANILCA Title VIII.

3. Potential Impacts on Other Fisheries

Current State subsistence, personal use, sport, and commercial allocations would remain in place and unchanged, except for annual changes promulgated under the State regulatory process. Current Federal subsistence fishery jurisdiction would remain minimal, as would Federal subsistence fishing regulations. Federal management would have negligible, if any, effects on allocations for sport and commercial fisheries. It is anticipated that the State would continue managing to benefit sport and commercial fisheries in accordance with State laws and regulations. Significant impacts to these fisheries are therefore not expected.

Conclusion: No significant impacts to other fisheries are expected under Alternative I because Federal jurisdiction for subsistence fisheries management would remain minimal, and the State would continue to manage to benefit these other uses. This alternative, however, is not consistent with the Ninth Circuit decision.

4. Potential Long-Term Impacts

For this analysis, a term of 10 years was used to examine the projected effects. A basic assumption is that all rural Alaskans are subsistence users. It is also assumed that the current percentage of participation of eligible rural residents would remain constant with changes in population. It was projected in the *Subsistence Management for Federal Public Lands* FEIS (1992) that rural community populations would increase by 28 percent by the year 2001. This same increase is projected through the year 2007 in this analysis.

Although subsistence fishing would still be managed by the State under this alternative, subsistence uses would continue to be afforded a priority over other uses. State management, however, would remain outside the ANILCA mandate. Therefore, the potential for some loss of subsistence fishing opportunities due to the competing demands of other uses for limited resources would be greater under this alternative.

Increases in subsistence harvests relative to other uses are expected to be slight, primarily because subsistence harvests are currently and would remain relatively low (subsistence salmon harvests are less than 1% of total harvests statewide). Because the proportions of harvest between user groups would remain about the same, no adverse impacts to other fisheries are anticipated in most areas of the State. An exception may be the Yukon and Kuskokwim drainages, where the proportion of total harvest by subsistence users is substantial. In these drainages, commercial and subsistence uses are for the most part intertwined. For those drainages, allocations to other fisheries may need adjustment to ensure sufficient resources for subsistence users. Consultation with local users who are often both commercial and subsistence users, and through organizations like the Yukon River Drainage Fisheries Association (YRDFA), would likely continue. This would help to achieve balances in any adjustments in allocations between uses.

No adverse impacts to the fishery resources are anticipated given that all fisheries would be managed first to conserve stocks and second to provide for subsistence use.

Conclusion: No significant long-term impacts to fishery resources, subsistence fisheries, or other fisheries are anticipated under Alternative I.

E. ALTERNATIVE II - LIMITED FEDERAL JURISDICTION

Alternative II includes those navigable waters directly adjacent to Federal public lands within CSU's, national forests, and pre-statehood withdrawals, excluding all navigable waters adjacent to conveyed (non-federal) lands within CSUs. Selected but not conveyed lands (and their associated waters) within CSUs, national conservation and recreation areas, new national forests, and forest additions are also included under Federal jurisdiction. Under this Alternative, Federal and State jurisdictions would overlap with approximately 41 percent of all waters (80,572 miles of streams and rivers) under Federal jurisdiction while 59 percent (115,662 miles of streams and rivers) would remain under exclusive State jurisdiction.

1. Potential Impacts on Fishery Resources

The primary goal of both the State and proposed Federal programs is to conserve fish stocks. Conservation measures currently in place under State management--such as maintaining closures to fishing on headwater and tributary spawning streams; ensuring desirable spawning escapements, and managing downriver mixed stock fisheries, whether subsistence, sport, or commercial--to achieve upriver escapements for a

subsistence priority or for spawning escapement would also remain the primary goal under Federal management. In that State and Federal management share similar conservation objectives, some level of coordination and cooperation between State and Federal managers is anticipated. This will have the effect of ensuring that subsistence priorities are met in Federal waters without compromising the conservation of healthy fish populations.

Conclusion: No significant environmental impacts on fishery resources are anticipated under Alternative II because conservation mandates of State and Federal management would remain in place.

2. Potential Impacts on Subsistence Fisheries

In the Arctic, the villages of Katkovik, Barrow, Wainwright, Atkasuk, Ambler, Selawik, and Unalakleet would be located in proximity of inland waters under Federal jurisdiction. Overall, 53 percent of all the waters in the Arctic would be under Federal jurisdiction; however, the changes in jurisdiction are in areas where there are no major commercial fisheries and few, if any, conflicts surrounding subsistence or sport fishing.

In this alternative approximately 38 percent and 29 percent of the Yukon and Kuskokwim drainages, respectively, would be under Federal jurisdiction. However, subsistence fisheries likely would continue to occur mostly in State waters, because almost all of the villages along both the Yukon and Kuskokwim rivers are located on conveyed land within the CSUs or other non-federal lands, and are not reasonably close to waters under Federal jurisdiction. Under this alternative, waters associated with conveyed lands within CSUs are not included under Federal jurisdiction. Because most subsistence fishing occurs within a reasonable proximity to village locations, very little subsistence harvest would be expected from waters under Federal jurisdiction in these drainages.

Approximately 25 percent of the stream miles in the Bristol Bay region would be under Federal jurisdiction, but actual subsistence salmon harvests would most likely continue within State waters. All villages in the region are located on conveyed lands within CSUs or are on other non-Federal lands.

The current subsistence harvest of salmon in the Kodiak/Aleutian Islands region occurs primarily in marine waters, some of which would be under Federal jurisdiction. Marine waters under Federal jurisdiction include those surrounding Afognak Island (from the shoreline out to 3 miles) and in Woman's Bay. Within the Kodiak Archipelago, approximately 20 percent of the subsistence salmon harvest occurs in marine waters around Afognak Island. All other marine subsistence harvest would remain under exclusive State management authority. Approximately 48 percent of the streams and rivers in the area would be under Federal jurisdiction; however, subsistence fishing in freshwater is minimal.

In Southcentral, approximately 25 percent of the stream miles would remain under Federal jurisdiction. The Copper River borders Federal public land only minimally. Therefore, the subsistence fisheries of Copper River drainage would remain almost exclusively under State jurisdiction. All of the rural communities in the Cook Inlet area are also adjacent to inland waters that would remain under exclusive State jurisdiction with subsistence harvests continuing under State management.

Jurisdictional changes in southeast Alaska are the same for both Alternatives II and III due to the definition of Federal reserved waters on national forest lands. In Southeast, most subsistence harvest occurs in marine waters; and for both alternatives, no significant effects are expected on subsistence fisheries. Localized conflicts may arise in drainages where subsistence fisheries are allowed to occur on populations vulnerable to excessive harvest (e.g., steelhead trout), or areas where road access could lead to

concentrated fishing pressure (e.g., some streams on Prince of Wales Island or around Ketchikan, Petersburg, and Yakutat).

In summary, the State would continue to manage most subsistence fisheries in the State with only minimal overlap of Federal jurisdiction. Under State management the subsistence harvests may be adversely impacted by competing demands from other uses (commercial and sport). An offsetting factor, however, is that State law provides a priority for subsistence uses for all residents (both rural and non-rural). While a more expanded Federal program would likely be more attentive to rural subsistence users, the State priority does apply to many of the same rural users that would also benefit from a more expanded Federal program. Adopting this alternative is unlikely to have significant impacts to subsistence fisheries, although State management would continue to be out of compliance with the Title VIII of ANILCA.

Conclusion: No significant impacts on subsistence fisheries are expected under Alternative II. The State would continue to manage most subsistence fisheries under a mandated subsistence priority (although out of compliance with ANILCA). For much of Alaska, rural residents are the primary beneficiaries of the State's existing subsistence priority. These are the same rural users that would also benefit from a more expanded Federal program

3. Potential Impact on Other Fisheries

It is not expected that Alternative II would result in significant shifts in fisheries harvest allocations. Most subsistence fisheries that pose potentially significant conflicts with other fisheries, would remain under State jurisdiction and would continue under State management. The State Alaska has exceptionally abundant fishery resources, and subsistence salmon harvest are relatively low (about 1 percent of all salmon harvested statewide) compared to other uses. Therefore, any redirection of allocations to subsistence fisheries under Federal jurisdiction would likely be minimal, relative to other fisheries, and unlikely to result in significant reductions to commercial or sport fisheries. Moreover, subsistence uses are already the highest priority under State management, even though since 1989 the State has been precluded from recognizing the rural resident priority mandated under ANILCA.

Conclusion: No impacts on other fisheries are anticipated under Alternative II because fishery resources generally are abundant and any increases in allocations to subsistence users would result in insignificant shifts from other fisheries.

4. Potential Long-Term Impacts

For this analysis, a term of 10 years was used to examine the projected effects. A basic assumption is that all rural Alaskans are subsistence users. It is also assumed that the current percentage of participation of eligible rural residents would remain constant with changes in population. It was projected in the *Subsistence Management for Federal Public Lands* FEIS (1992) that rural community populations would increase by 28 percent by the year 2001. This same increase is projected through the year 2007 in this analysis.

Although subsistence fishing would still be managed mostly by the State under this alternative, subsistence uses would continue to be afforded a priority over other uses. State management, however, would remain outside the ANILCA mandate. Therefore, the potential for some loss of subsistence fishing opportunities due to competing demands of other uses for limited resources would be greater under this alternative.

Increases in subsistence harvests relative to other uses are expected to be slight, primarily because subsistence harvests are currently and would remain relatively low (salmon harvests are less than 1% statewide). Because the proportions of harvest between user groups would remain about the same, no adverse impacts to other fisheries are anticipated in most areas of the State. An exception may be the Yukon and Kuskokwim drainages, where the proportion of total harvest by subsistence users is substantial. In these drainages, commercial and subsistence users are for the most part intertwined. For those drainages, allocations to other fisheries may need adjustment to ensure sufficient resources for subsistence users. Consultation with local users who are often both commercial and subsistence users, and through organizations like the YRDFA would likely continue. This would help to achieve balances in any adjustments in allocations between uses.

No adverse impacts to the fishery resources are anticipated given the assumption that all fisheries would be managed first to conserve stocks and second to provide for subsistence use.

Conclusion: No significant long-term impacts to fishery resources, subsistence fisheries, or other fisheries are anticipated under Alternative II.

F. ALTERNATIVE III

Alternative III employs a broader definition than Alternative II because it includes all navigable waters within the exterior boundaries of Department of Interior CSUs (national parks, monuments, preserves, wildlife refuges, conservation and recreation areas, and wild and scenic rivers). Jurisdiction over lands and waters administered by the Forest Service would remain the same as in Alternative II. Under Alternative III, approximately 52 percent (102,491 miles) of the streams and rivers in the State would be under Federal jurisdiction. This is the preferred alternative because it best comports with the Ninth Circuit decision. Moreover, compared to the other alternatives, it includes the most navigable waters and would provide the broadest implementation of Title VIII.

1. Potential Impacts on Fishery Resources

Even with the expanded Federal jurisdiction and overlapping State jurisdiction offered by this alternative, the primary goal of both the State and proposed Federal programs would continue to be conservation of fish stocks. Given the expanded Federal jurisdiction and the more extensive overlap between Federal and State jurisdictions under this alternative, it is anticipated that the Federal program would be designed with the intent to establish and maintain coordination and cooperation with the State. Conservation measures currently in place under State management--such as maintaining closures to fishing on headwater and tributary spawning streams; ensuring desirable spawning escapements, and managing downriver mixed stock fisheries, whether subsistence, sport, or commercial--to achieve upriver escapements for a subsistence priority or for spawning escapement would also remain the primary goal under Federal management. This will have the effect of ensuring that subsistence priorities are met in Federal waters without compromising the conservation of healthy fish populations.

Conclusion: The conservation mandates of State and Federal management would remain in place. Implementing Alternative III is not expected to result in significant impacts on fishery resources.

2. Potential Impacts on Subsistence Fisheries

In the Yukon and Kuskokwim drainages, approximately 54 percent of the stream miles would be under Federal management. Within the Yukon River drainage, most of the villages along the mainstems of the Yukon, Koyukuk, Chandalar, and Black Rivers are within or in close proximity to waters under Federal jurisdiction. Twenty two of these villages are within the exterior boundaries of a CSU. Adopting this alternative would then result in approximately 54 percent of the subsistence salmon harvests being Federally regulated (Table IV-1). The change in jurisdiction within the Kuskokwim River drainage, where 19 villages are within the Yukon Delta NWR boundaries, would result in approximately 86 percent of the subsistence salmon harvests being Federally regulated (Table IV-1). Even with this substantial increase in Federal jurisdiction, existing subsistence fishing harvest patterns and levels are not expected to change because application of the State subsistence priority by State managers has accommodated most subsistence uses.

Table IV-1
Potential Jurisdiction of Subsistence Salmon Harvests
(Based on Average Harvest [No. of fish] by Village)

Region	Jurisdiction	Alternative I	Alternative II	Alternative III
Yukon River	Federal	0 (0%)	0 (0%)	225,820 (54%)
	State	418,185 (100%)	418,185 (100%)	192,365 (46%)
Kuskokwim River	Federal	0 (0%)	0 (0%)	205,422 (86%)
	State	238,863 (100%)	238,863 (100%)	33,441 (14%)
Bristol Bay	Federal	0 (0%)	0 (0%)	8,579 (5%)
	State	171,586 (100%)	171,586 (100%)	163,007 (95%)
Southcentral	Federal	0 (0%)	(<1%)	1,636 (3%)
	State	54,518 (100%)	(99%)	52,882 (97%)

Approximately 34 percent of the stream miles in the Bristol Bay region would be under Federal jurisdiction under Alternative III. In this region, ten villages are within or near the boundaries of either a national wildlife refuge or a national park or preserve. The change in jurisdiction under Alternative III--which would affect the villages of Togiak, Twin Hills, Manokotak, Port Alsworth, Nondalton, Ivanof Bay, Perryville, Chignik Bay, Chignik Lagoon, and Chignik Lake--would result in approximately 5 percent of the subsistence salmon harvest in this region being Federally regulated (Table IV-1). Subsistence harvest data for salmon throughout the Bristol Bay area is generally well reported, with returned subsistence harvest permits being 85 to 90 percent of subsistence fishing permits issued (ADF&G, 1996). The subsistence salmon harvest data for the Chignik area is estimated by expansion from returned permit data relative to the total number of permits issued. The permit return rate was 67 percent of those issued in 1993 (ADF&G, 1994). Subsistence harvest data for freshwater fish is lacking; however, the harvest level of freshwater fish is not expected to change as a result of any changes in jurisdiction. Subsistence harvest of salmon is not expected to change because most of the harvest (95 %) likely would continue under State jurisdiction.

Approximately 66 percent (1,806 miles) of the streams and rivers in the Kodiak/Aleutian Islands region would be under Federal jurisdiction under Alternative III. However, management of subsistence harvests

of fish would remain the same as for Alternative II, primarily under State management, as that harvest occurs primarily in marine waters (see discussion under Alternative II).

In the Southcentral region, Federal jurisdiction under Alternative III would include approximately 31 percent of the stream miles within the region. Fisheries management of subsistence harvests would not change for the Cook Inlet area where almost all of the communities would continue to harvest fish within State jurisdiction. In the Prince William Sound drainages, 10 villages along the Copper River would be adjacent to waters under Federal jurisdiction. The Copper River is a major subsistence fishing area, and the change from State to Federal jurisdiction of that portion of the river bordering Wrangell/St. Elias National Park and Preserve would result in Federal jurisdiction over a greater percentage of subsistence harvest (30 %) under Alternative III than under Alternative II (Table IV-2). The existing State management plan has ample escapement to cover all in-river uses, including subsistence, personal use, and sport. The Batzulnetas fishery at Tanada Creek (the subject of the Katie John lawsuit) is now open under State regulation and also is accommodated in the proposed Federal regulations. Opening this fishery did not require changes to the overall escapement levels into the Copper River or adjustments to allocations for other fisheries.

**Table IV-2
Number and Percent of Subsistence Salmon Harvests
(Based on Average Harvest [No. of fish] by Village)**

Region	Jurisdiction	Alternative I	Alternative II	Alternative III
Cook Inlet & Kenai Penin.	Federal	0%	0%	0%
	State	100%	100%	6,191 (100%)
Copper River & Prince William Sound	Federal	0%	<1%	14,498 (30%)
	State	100%	99%	33,829 (70%)
Total - Both Areas Combined	Federal	0%	<1%	14,498 (3%)
	State	100%	99%	40,020 (97%)

Minimal impacts on subsistence fisheries in Southeast are anticipated under Alternative III, as discussed above under Alternative II.

In summary, under this alternative the State would continue to exclusively manage many subsistence fisheries. Federal management would occur primarily in significant portions of the Yukon, Kuskokwim Togiak, and Copper River drainages. Those subsistence fisheries remaining exclusively under State management may be adversely impacted by competing demands from other uses (commercial and sport). An offsetting factor, however, is that State law provides a priority for subsistence uses for all residents (both rural and non-rural). Federal management would be even more attentive to subsistence uses within Federal jurisdiction. Therefore, no significant impacts to subsistence fisheries are expected under this alternative

Conclusion: No significant impacts on subsistence fisheries are expected under Alternative III. The State would continue to manage many subsistence fisheries under its mandated subsistence priority. Expanded Federal management would benefit subsistence fisheries located within Federal jurisdiction.

3. Potential Impacts on Other Fisheries

The expansion of Federal jurisdiction under Alternative III may lead to some increases in harvest allocations in subsistence fisheries under Federal jurisdiction. This could in turn lead to reallocation of harvests in some commercial or sport fisheries. The potential for impacts to commercial and sport fisheries are highest (1) where relatively large subsistence harvests are occurring, such as the Yukon, Kuskokwim, and Copper rivers; (2) in certain locations where a run or species of fish are prized for their subsistence use, such as sockeye salmon in several Southeast and Southcentral Alaska river systems or steelhead in the Situk River; or (3) in certain locations where subsistence uses are relatively common but access to fish is limited, such as at or near some village sites in headwater and tributary stream systems in Alaska's interior. In general, however, increases in subsistence allocations would have little if any effects on most commercial or sport fisheries, because fishery resources are generally abundant and subsistence harvests are quite low (1% of salmon harvests statewide) compared to commercial harvests.

Fisheries with the greatest potential for conflict include the Yukon, Kuskokwim, and Copper rivers. The Yukon and Kuskokwim rivers both have advisory groups in place that provide recommendations for State management. These groups are made up of local users and have been effective in addressing and resolving drainage wide issues. An important dynamic in balancing concerns between user groups in these drainages is that the subsistence users and commercial users are largely the same group of people (83 % of the commercial permits on the Yukon River and 98 percent on the Kuskokwim are held by local rural residents). As an example, the current Yukon River Fall Chum Management Plan was developed through consultation with the YR DFA. YR DFA is made up of both commercial and subsistence users throughout the drainage. This plan maintains a subsistence priority at all escapement levels--commercial, sport, and personal use fisheries are opened by emergency order only at higher escapement levels, and the subsistence fishery is larger than the in-river commercial fishery. Effective local involvement would also be important to the Federal program, which would seek to incorporate input from organizations such as YR DFA. A second example, The Copper River Management Plan (5 AAC 01.249), requires a large escapement that provides for all upriver uses including subsistence. Generally, subsistence needs are being met through the subsistence and personal use fisheries (60% of the personal use permits were held by local, rural residents) in the Copper River.

Conclusion: No impacts on other fisheries are anticipated under Alternative III, because fishery resources are generally abundant and subsistence harvests are quite low compared to commercial harvests. With the exception of some localized sport fisheries, increases in allocations to subsistence users would result in insignificant shifts from other fisheries.

4. Potential Long-Term Effects

For this analysis, a term of 10 years was used to examine the projected effects. A basic assumption is that all rural Alaskans are subsistence users. It also was assumed that the current percentage of participation of eligible rural residents would remain constant with changes in population. It was projected in the *Subsistence Management for Federal Public Lands* FEIS (1992) that rural community populations would increase by 28 percent by the year 2001. This same increase is projected through the year 2007 in this analysis.

Table IV-3
Year 2007 Possible Jurisdictional Changes to Projected Subsistence Salmon Harvests (No. of Fish)

Region	Jurisdiction	Alternative I	Alternative II	Alternative III
Yukon River	Federal	0 (0%)	0 (0%)	289,050 (54%)
	State	535,277 (100%)	535,277 (100%)	246,227 (46%)
Kuskokwim River	Federal	0 (0%)	0 (0%)	262,940 (86%)
	State	305,745 (100%)	305,745 (100%)	42,804 (14%)
Bristol Bay	Federal	0 (0%)	0 (0%)	10,982 (5%)
	State	219,630 (100%)	219,630 (100%)	208,648 (95%)
Southcentral	Federal	0 (0%)	<1%	2,094 (3%)
	State	69,783 (100%)	99%	67,689 (97%)

Subsistence uses would continue to be afforded a priority over other uses, therefore, increases in subsistence harvests resulting from increased rural populations would be protected by both State and Federal management. Those subsistence fisheries occurring within Federal jurisdiction, would be insulated over the long term from competing demands of other uses.

Increases in subsistence harvests relative to other uses are expected to be slight, primarily because subsistence harvests are currently and would remain relatively low (salmon harvests are less than 1% statewide). Because the proportions of harvest between user groups would remain about the same, no adverse impacts to other fisheries are anticipated in most areas of the State. An exception may be the Yukon and Kuskokwim drainages, where the proportion of total harvest by subsistence users is substantial. In these drainages, commercial and subsistence are for the most part intertwined. For those drainages, allocations to other fisheries may need adjustment to ensure sufficient resources for subsistence users. Consultation with local users who are often both commercial and subsistence users, and through organizations like the YRFDA, would likely continue. This would help to achieve balances in any adjustments in allocations between uses.

No adverse impacts to the fishery resources are anticipated given the assumption that all fisheries would be managed first to conserve stocks and second to provide for subsistence uses.

Conclusion: No significant long-term impacts to fishery resources, subsistence fisheries, or other fisheries are anticipated under Alternative III.

G. ANILCA SECTION 810(a) EVALUATION AND FINDING

1. Introduction

Section 810 of ANILCA requires Federal agencies having jurisdiction over lands in Alaska to evaluate the potential impacts of proposed actions on subsistence uses and needs.

In 1984, the Alaska Land Use Council adopted guidelines for complying with the requirements of Section 810. These guidelines provide the framework for this ANILCA Section 810(a) evaluation and finding. The Section 810(a) evaluation consists of three components: (1) the impacts of the program on subsistence uses and needs, (2) the availability of other lands to fulfill the purposes of the program, and (3) alternatives to reduce or eliminate the proposed program from lands needed for subsistence purposes.

2. Impacts on Subsistence Uses and Needs

In accordance with the guidelines adopted by the Alaska Land Use Council, three criteria were used to evaluate the impacts of the alternatives on subsistence uses and needs: (1) a reduction in subsistence uses due to factors such as direct impacts on the resource, adverse impacts on habitat, or increased competition for the resources; (2) a reduction in subsistence uses due to changes in availability of subsistence resources caused by an alteration in their distribution, migration, or location; and (3) a limitation on the access of subsistence users to harvestable resources.

a. IMPACTS ON BIOLOGICAL RESOURCES: This assessment examines the reduction in subsistence uses due to factors such as direct impacts on the resource, adverse impacts on habitat, or increased competition for the resources. The primary consideration of this EA in the implementation of the Ninth Circuit Court decision is the identification of navigable waters considered Federal Public lands in Alaska (see Chapter II). The alternatives for the EA are based on the different interpretations of the extent of jurisdiction associated with reserved water rights. Each interpretation of the extent of jurisdiction in each region would affect the number of fish harvested under the FSMP. The size of the area of waters affected varies with each alternative. Accordingly, the projected number of subsistence users and associated harvest of subsistence fish varies among alternatives.

Alternative I, the No Action Alternative, would have no effects on biological resources. Under this alternative, Federal jurisdiction would not change.

Alternative II includes non-navigable waters on all Alaska Federal public lands, navigable waters directly adjacent to Federal public lands within the exterior boundaries of CSUs and national forest lands, and navigable waters within pre-Statehood withdrawals such as the NPRA. This alternative excludes all navigable waters associated with conveyed lands within CSU boundaries, but includes those lands and associated waters within CSUs, national conservation and recreation areas, and new national forests and forest additions that have been selected but not yet conveyed. It is not expected to have more than minimal effects on biological resources or subsistence uses. This alternative would change the jurisdiction in areas where either there are no conflicts between subsistence and commercial uses or where there is little subsistence fishing. Localized conflicts may arise under this alternative in drainages where subsistence fisheries are allowed to occur on populations that have a small harvestable surplus. These effects are expected to be minimal and to occur only locally. In the Yukon and Kuskokwim drainages, most villages do not occur adjacent to waters under Federal jurisdiction, but are within reasonable proximity of Federally managed waters. However, most of their subsistence fishing likely occurs nearer the villages which are

generally along stretches of river under exclusive State jurisdiction. Effects on these villages are anticipated to be minimal because the majority of fishing is expected to continue in State waters. No possibility of significant impacts to biological resources or subsistence uses are expected under Alternative II.

Alternative III includes non-navigable waters on all Alaska Federal public lands, all navigable waters on pre-Statehood withdrawals and within the exterior boundaries of CSU's managed by the Department of the Interior, but would not be different from Alternative II with respect to National Forest System lands. Under this alternative, there are greater changes in jurisdiction of salmon harvests than in Alternative II. Alternative III would result in the following changes in subsistence salmon harvests that would fall under Federal jurisdiction: 54 percent within the Yukon River drainage; 86 percent within the Kuskokwim River drainage; 5 percent within the Bristol Bay region; and 26 percent in the Southcentral region. Despite changing Federal jurisdiction of fisheries, particularly salmon, in many areas of the State, the possibility of a significant restriction on subsistence uses is not expected under Alternative III. All fisheries would be managed first to maintain and conserve fish stocks and second to provide for subsistence uses. In this respect Federal management is not expected to vary much from the existing management under the State system, and significant impacts on biological resources or subsistence uses are not expected.

b. IMPACTS ON THE AVAILABILITY OF SUBSISTENCE

RESOURCES: This assessment examines the reduction in subsistence uses due to changes in the availability of subsistence resources caused by an alteration in their distribution, migration, or location. None of the alternatives contain provisions that would modify habitat or otherwise alter the distribution, migration, or location of fish populations. No impacts from Alternatives I, II, or III on the availability of subsistence resources are expected.

c. IMPACTS ON THE ACCESS TO SUBSISTENCE RESOURCES:

This assessment examines the limitation on the access of subsistence users to harvestable resources. Access to subsistence fishery resources is expected to increase somewhat under Alternatives II, with greater increases under Alternative III. The increase in access would be due primarily to changes in the methods and means allowing subsistence users easier access to fish. Although it is possible that more fish could be harvested by subsistence users, it would not be expected that this would cause any impacts on fisheries resources. All fisheries would be managed first to conserve fish stocks and second to provide for subsistence uses. Decisions and regulations concerning access generally will continue to be the responsibility of local Federal land managers. No impacts from Alternatives I, II, or III on the access to subsistence resources are expected.

3. Availability of Other Lands to Fulfill the Purpose of the Program

The Ninth Circuit Court of Appeals held in *Alaska v. Babbitt* that the definition of public lands includes those navigable waters in which the United States has an interest by virtue of the reserved water rights doctrine, and that the Federal agencies that administer the subsistence priority are responsible for identifying those waters. The alternatives presented in this EA address the interpretation of the jurisdiction of these waters. Outside of the lands/jurisdictions addressed by these alternatives, there are no other lands available to fulfill the purposes of the FSMP. Section 804 of ANILCA requires that "the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes." Section 102(3) of ANILCA defines "Federal public lands." The combined mandates of Sections 804 and 102(3) (which includes ANILCA 906[o] lands)

delineate the lands to which the subsistence priority, and thus the FSMP, will apply. This delineation precludes the EA from considering alternative lands.

4. Other Alternatives that Would Reduce or Eliminate the Proposed Action from Lands Needed for Subsistence Purposes

Title VIII of ANILCA requires the Secretary to manage subsistence uses on public lands if the State fails to implement a subsistence management program that satisfies the requirements of ANILCA Title VIII. The State stopped managing subsistence in a manner consistent with ANILCA Title VIII. As a result, Federal management of subsistence uses on Federal public land was initiated. With the decision of the Ninth Circuit in *Alaska v. Babbitt*, the FSMP must expand its jurisdiction for managing subsistence harvests into navigable waters where reserved water rights exist. With the exception of the different interpretations found in Alternatives II and III of the Ninth Circuit decision, only Alternative I, the No Action Alternative, would reduce or eliminate the proposed action from lands needed for subsistence purposes.

5. Findings

The intent of the above evaluation is to find if implementation of any of the proposed alternatives would present a significant restriction of subsistence uses on Federal public lands. In accordance with the Alaska Land Use Council guidelines, a potential restriction to subsistence is considered significant if--after any modification warranted by consideration of alternatives, conditions, or stipulations--it can be expected to result in a substantial reduction in the opportunity to continue subsistence uses of renewable resources. Reductions in the opportunity to continue subsistence uses generally are caused by reductions in the abundance or major redistributions of harvestable resources, substantial interference with access to those resources, or major increases in their use.

a. ALTERNATIVE I FINDING: This evaluation concludes that the FSMP's management of fisheries in navigable waters would not constitute a significant restriction of subsistence uses, under the "may significantly restrict" standard. Under Alternative I, the No Action Alternative, impacts on subsistence fisheries would likely be no different than the existing situation since management of fisheries would remain unchanged. No possibility of significant impacts on subsistence uses is expected under Alternative I.

b. ALTERNATIVE II FINDING: Alternative II is not expected to have more than minimal, localized effects on biological resources or subsistence uses. With the exception of the Yukon and Kuskokwim rivers, this alternative changes the jurisdiction in areas where either there are no conflicts between subsistence and commercial uses or where there is little subsistence fishing. Localized conflicts may arise under this alternative in drainages where subsistence fisheries are allowed to occur on populations that have a small harvestable surplus. These effects are expected to be minimal and locally occurring. In the Yukon and Kuskokwim river drainages, several villages are within reasonable proximity of Federally managed waters, however, the majority of subsistence fishing by these villages is expected to continue in waters remaining under exclusive State jurisdiction. Alternative II is not expected to affect the distribution, migration, or location of fisheries resources; thus no impacts on the availability of subsistence resources are expected. Access to fisheries may increase slightly under Alternative II, but this is not expected to cause any impacts on subsistence uses. No possibility of significant impacts on subsistence uses is expected under Alternative II.

c. ALTERNATIVE III FINDING: Alternative III has greater changes in jurisdiction of salmon harvests in many portions of the State than does Alternative II. Despite Federal jurisdiction of fisheries changing in many areas of the State, no significant possibilities of a restriction on subsistence uses are expected. All fisheries would be managed first to maintain fish stocks and second to provide for subsistence uses. This management is not expected to vary significantly from the existing management under the State system. Alternative III is not expected to affect the distribution, migration, or location of fisheries resources, thus no impacts on the availability of subsistence resources are expected. Access to fisheries may increase under Alternative III but is not expected to cause any impacts on subsistence uses. No significant possibility of impacts on subsistence uses is expected under Alternative III.

6. Notice and Hearings

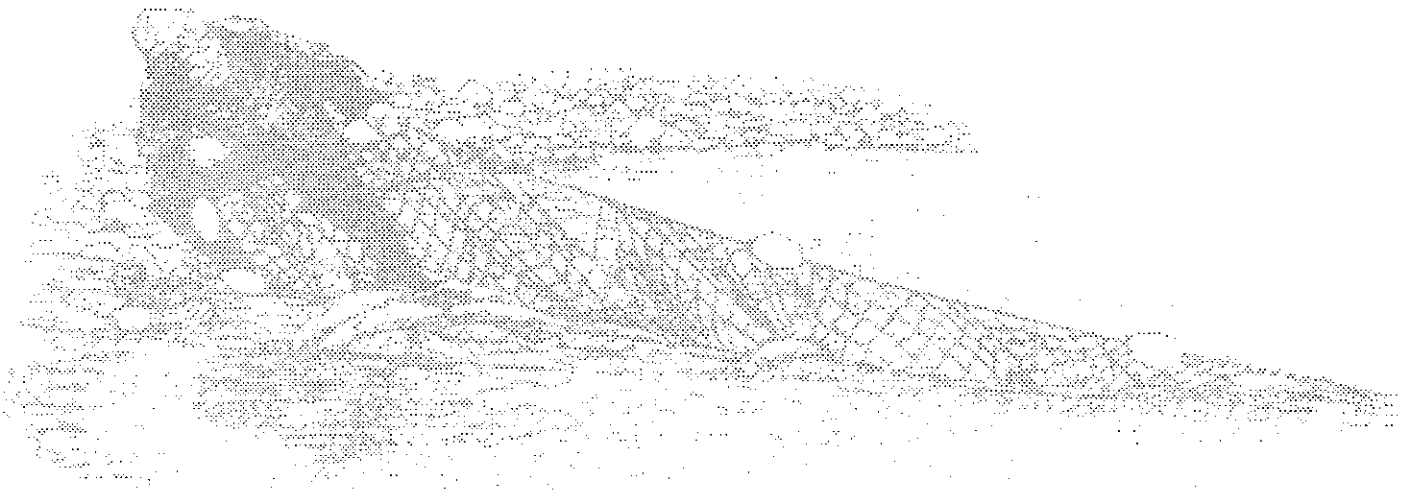
The public notice and hearing requirements contained in Section 810(a)(1-3) must be met if it is found that the proposed action may present a significant restriction on subsistence uses. Although no significant possibility of restrictions on subsistence uses are anticipated as a result of the proposed action, the Federal agencies have presented the issue of Federal management of fisheries on navigable waters to the public at a number of meetings. Comments were sought and received on the Advanced Notice of Proposed Rulemaking (ANPR) from April 4 through June 14, 1996; and special meetings were held in May and June 1996 in Anchorage, Juneau, Sitka, Kotzebue, Bethel, Nome, Kenai, Dillingham, Fairbanks, and Ketchikan to specifically address and take comments on the Advance Notice of Proposed Rulemaking.

Section 810(a)(1-2) requires the notification of appropriate State agencies, local communities, and Regional Advisory Councils of the impending action and also requires hearings to be held in the affected area. In addition to the meetings on the ANPR in May and June 1996, the Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the National Park Service notified appropriate parties and held public scoping meetings on the issue of Federal management of subsistence fishing and issues to be dealt with in the EA during their regularly scheduled Regional Advisory Council meetings in September and October 1996 in Barrow, Kotzebue, Nome, Sand Point, Glenallen, Kake, Akiak, Dillingham, Galena, and Stevens Village and again during Regional Advisory Council meetings in January and February 1997 in Barrow, Kotzebue, Unalakleet, Bethel, Naknek, Sitka, Kodiak, Anchorage, Tanana, and Holy Cross.

Environmental Assessment

*Modification of the Federal Subsistence
Fisheries Management Program*

BIBLIOGRAPHY





BIBLIOGRAPHY

- Alaska Department of Fish and Game. 1991. Alaska Peninsula and Aleutian Islands Areas Annual Salmon and Herring Management Report, 1990, Regional Information Report No. 4K91-12, Division of Commercial Fisheries Management and Development, Kodiak, Ak.
- Alaska Department of Fish and Game. 1994. Chignik Management Area Annual Finfish Management Report, 1993. Regional Information Report No. 4K94-37, Division of Commercial Fisheries Management and Development, Kodiak, AK.
- Alaska Department of Fish and Game. 1995a. Annual Management Report for the Subsistence and Commercial Fisheries of the Kuskokwim Area, 1994. Regional Information Report No. 3A95-15, Division of Commercial Fisheries Management and Development, Anchorage, AK.
- Alaska Department of Fish and Game. 1995b. Annual Summary of the Commercial Salmon Fishery and a Report on Salmon Subsistence and Personal Use Fisheries for the Alaska Peninsula and Aleutian Islands Management Areas, 1994. Regional Information Report No. 4K95-31, Division of Commercial Fisheries Management and Development, Kodiak, AK.
- Alaska Department of Fish and Game. 1995c. South Peninsula Annual Salmon Management Report, 1994. Regional Information Report No. 4K95-46, Division of Commercial Fisheries Management and Development, Kodiak, AK.
- Alaska Department of Fish and Game. 1996a. Community Profile Database Catalog, September 30, 1996. Division of Subsistence. Compiled by C.K. Scott, W. Paige, G. Jennings, and L. Brown.
- Alaska Department of Fish and Game. 1996b. Annual Management Report, Yukon Area, 1994. Regional Information Report No. 3A96-18, Division of Commercial Fisheries Management and Development, Anchorage, AK.
- Alaska Department of Fish and Game. 1996c. Summary of Effort and Harvest Statistics for Sport Fisheries in Southwestern Alaska, 1977-1995. Division of Sport Fish, Dillingham, AK.
- Alaska Department of Fish and Game. 1996d. Lower Cook Inlet Annual Finfish Management Report, 1995. Regional Information Report No. 2A96-14, Division of Commercial Fisheries Management and Development, Homer, AK.
- Alaska Department of Fish and Game. 1996e. Annual Management Report, Bristol Bay Area, 1995. Regional Information Report No. 2A96-06, Division of Commercial Fisheries Management and Development, Anchorage, AK.
- Alaska Department of Fish and Game. 1996f. Regulations of the Alaska Board of Fisheries for Statewide Subsistence and Personal Use Finfish and Shellfish Fishing in Alaska. Division of Commercial Fisheries Management and Development, Anchorage, AK.

- Alaska Department of Fish and Game. 1996g. Kodiak Management Area Commercial Salmon Annual Management Report, 1994. Regional Information Report No. 4K96-38, Division of Commercial Fisheries Management and Development, Kodiak, AK.
- Alaska Department of Fish and Game. 1996h. Upper Cook Inlet Commercial Fisheries Annual Management Report, 1995. Regional Information Report No. 2A96-27, Division of Commercial Fisheries Management and Development, Anchorage, AK.
- Alaska Department of Fish and Game. 1996i. Southeast Alaska/Yakutat Commercial, Subsistence, and Personal Use Salmon Fisheries, 1995. Report to the Board of Fisheries, October 1996. Regional Information Report No. 1J96-13, Division of Commercial Fisheries Management and Development, Juneau, AK., Region 1.
- Arvey, W., J. Burr, F. DeCicco, J. Hallberg, and J. Parker. 1995. Fishery Management Report for Sports Fisheries in the Arctic-Yukon-Kuskokwim, Tanana River, and Northwest Alaska Regulatory Areas, 1992. Fishery Management Report No. 95-9. ADF&G, Division of Sport Fish, Anchorage, AK. November 1995.
- Balon, E.K., ed. 1980. Chars, Salmonid Fishes of the Genus *Salvelinus*. Dr. W. Junk Publishers, The Hague. The Netherlands.
- Burgner, R.L. 1991. Life history of the Sockeye Salmon (*Onchorhynchus nerka*). In: Pacific Salmon Life Histories, C. Groot and L. Margolis, eds. UBC Press, Vancouver, B.C., pp. 1-117.
- Bentz, R., P. Suchanek, M. Bethers, S. Hoffman, A. Schmidt, M. Dean, and R. Johnson. 1996. Fishery Management Report No. 96-1. Area Management Report for the Sport Fisheries of Southeast Alaska, 1994. ADF&G, Division of Sport Fish.
- Bosworth, R.G. 1991. An Overview of the History and Current Status of Subsistence Fisheries in Southeast Alaska, A Report to the Alaska Board of Fisheries, January 1991 (revised 1/12/91). ADF&G, Division of Subsistence, Douglas, Ak.
- Braund, Stephen R. and Associates and Institute of Social and Economic Research. 1989a. North Slope Subsistence Study-Barrow, 1988. Technical Report No. 135. Prepared for USDO, MMS, Anchorage, AK.
- Braund, Stephen R. and Associates, and Institute of Social and Economic Research. 1989b. North Slope Subsistence Study-Wainwright, 1988. Technical Report No. 136. Prepared for USDO, MMS, Anchorage, AK.
- Bristol Bay Native Association and Alaska Department of Fish and Game. 1996. The Harvest and Use of Freshwater Fish in Togiak and Manokotak, 1994-95. Natural Resource Department and Division of Subsistence, Dillingham, AK.
- Brower, H. and T. Opie. 1996. North Slope Borough Subsistence Harvest Documentation Project: Data for Anaktuvuk Pass, Alaska for the period July 1, 1994, to June 30, 1995. Department of Wildlife Management, North Slope Borough, Barrow, AK.

- Burch, E. S. 1981. The Traditional Eskimo Hunters of Point Hope, Alaska: 1800-1875. North Slope Borough, Barrow, AK.
- Donaldson, W., S. Morstad, D. Sharp, J. Wilcock, and S. Sharr. 1995. Prince William Sound Management Area, 1993 Annual Finfish Management Report. Regional Information Report No. 2A95-20, ADF&G, Division of Commercial Fisheries Management and Development, Anchorage, AK.
- Ellanna, L., 1980. Bering-Norton Petroleum Development Scenarios, Sociocultural Systems Analysis, Vol. I. Technical Report No. 54, Alaska OCS Socioeconomic Study Program, Alaska OCS Office, BLM, Anchorage, AK.
- Georgette, S. And C. Utermohle. 1997. Subsistence Salmon Harvest Summary, Northwest Alaska 1996: Norton Sound, Port Clarence, and Kotzebue Sound Districts. ADF&G, Division of Subsistence, Nome, AK.
- Healy, M.C. 1991. Life history of the Chinook Salmon (*Onchorhynchus tshawytscha*). In: Pacific Salmon Life Histories. C. Groot and L. Margolis, eds. UBC Press, Vancouver, B.C., pp. 311-393.
- Heard, W.R. 1991. Life history of the Pink Salmon (*Onchorhynchus gorbuscha*). In: Pacific Salmon Life Histories. C. Groot, and L. Margolis, eds. UBC Press, Vancouver, B.C. pp. 119-230.
- Hoffman, A. 1995. Area Management Report for the Recreational Fisheries of the Central Gulf Management Area, 1994. Fishery Management Report No. 95-7, ADF&G, Sport Fish Division, Anchorage, AK.
- Howe, A.L., G. Fidler, and M.J. Mills. 1995. Harvest, Catch and Participation in Alaska Sport Fisheries During 1994. Fishery Data Series No. 95-24, ADF&G. Anchorage, AK.
- Howe, A.L., G. Fidler, A.E. Bingham, and M.J. Mills. 1996. Harvest, Catch, and Participation in Alaska Sport Fisheries During 1995. Fishery Data Series No. 96-32. ADF&G, Division of Sport Fish.
- Irving, D.B. and M.A. Faustini. 1994. Status of Rainbow Trout in the Goodnews River, Togiak National Wildlife Refuge, Alaska, 1988-89. Alaska Fisheries Technical Report Number 24, FWS, King Salmon, AK.
- Johnson, L.J. and B. Burns, eds. 1984. Biology of the Arctic Char: Proceedings of the International Symposium on Arctic Char. The University of Manitoba Press, Winnipeg.
- Jorgensen, J.G., J.A. Maxwell, and V. Katchatag. 1983. Effects of Renewable Resource Harvest Disruptions on Socioeconomic and Sociocultural Systems Impact Analysis, Unalakleet, Norton Sound, AK. USDOl, MMS. Reston, VA.
- Kruse, J.A. and R.M. Muth. 1990. Subsistence Use of Renewable Resources by Rural Residents of Southeast Alaska, A Final Report Under the USDA Forest Service/University of Alaska Cooperative Agreement PNW 88-553, Institute of Social and Economic Research - University of Alaska at Anchorage and USDA Forest Service, Alaska Region.

- Lean, C.F., F. Bue, and T. Lingnau. 1993. Annual Management Report, 1992. Norton Sound - Port Clarence - Kotzebue. Regional Information Report No. 3A93-15, ADF&G, Division of Commercial Fisheries Management and Development. Anchorage, AK.
- Lisac, M.J. and R.D. MacDonald. 1995. Length Frequency, Age Distribution and Movements of Rainbow Trout in the Arolik River, Togiak National Wildlife Refuge, Alaska, 1991-94. Alaska Fisheries Technical Report Number 34, FWS, Dillingham, AK.
- Magdanz, J. and R. J. Wolfe. 1993. The Sharing, Distribution, and Exchange of Wild Resources in Alaska, A compendium of materials presented to the Alaska Board of Fisheries. Division of Subsistence, Alaska Department of Fish and Game. Juneau, Alaska.
- Marsh, L.E. 1993. Catch and Effort Statistics for the Sockeye Salmon Sport Fishery During the Early Run to the Russian River with Estimates of Escapement, 1992. Fishery Data Series Number 93-28, ADF&G, Anchorage, AK.
- Meehan, W.R. and T.C. Bjorn. 1991. Salmonid Distributions and Life Histories. In: Influences of Forest and Rangeland Management on Salmonid Fishes and Their Habitats. W.R. Meehan ed. American Fisheries Society, Special Publication 19. Bethesda, MD., pp. 47-82.
- Mills, M.J. 1994. Harvest, Catch, and Participation in Alaska Sport Fisheries During 1993. Fishery Data Series Number 94-28, ADF&G, Anchorage, AK.
- Minard, R.E. 1996. Summary of Effort and Harvest Statistics for Sport Fisheries in Southwest Alaska, 1977-95.
- Minard, R.E. and D.O. Dunaway. 1994. Area Management Report for the Recreational Fisheries of the Southwest Alaska Sport Fish Management Area. ADF&G, Division of Sport Fish, Dillingham, AK.
- Morrow, J.E. 1980. The Freshwater Fishes of Alaska. Alaska Northwest Publishing Company, Anchorage, AK.
- Murdoch, J. 1892. Ethnological Results of the Point Barrow Expedition. Smithsonian Institution Press. Washington, D.C. Reprinted in 1988.
- North Slope Borough. 1979. Native Livelihood and Dependence: A Study of Land Use Values Through Time. Prepared by the North Slope Borough Contract Staff for the National Petroleum Reserve in Alaska, for the USDO. June 1979. Anchorage, AK.
- Pritchett, M. and D. Mecum. 1996. Summary of the 1996 Southeast Alaska/Yakutat Commercial, Personal Use, and Subsistence Salmon Fisheries. ADF&G, Division of Commercial Fisheries Management and Development, Douglas, AK.
- Ruesch, P.H. and J. Fox. 1994. Upper Cook Inlet Commercial Fisheries Annual Management Report, 1993. Regional Information Report Number 2A94-22, ADF&G, Division of Commercial Fisheries Management and Development, Anchorage, AK.

- Salo, E.O. 1991. Life History of the Chum Salmon (*Onchorhynchus keta*). In: Pacific Salmon Life Histories. C. Groot, and L. Margolis, eds. UBC Press, Vancouver, B.C., pp. 231-309.
- Sandercock, F.K. 1991. Life history of the Coho Salmon (*Onchorhynchus kisutch*). In: Pacific Salmon Life Histories. C. Groot, and L. Margolis, eds. UBC Press, Vancouver, B.C. pp. 395-445.
- Schroeder, R.F., D.B. Andersen, R. Bosworth, J.M. Morris, and J.M. Wright. 1987. Subsistence in Alaska: Arctic, Interior, Southcentral, Southwest, and Western Regional Summaries. Technical Paper 150. ADF&G, Division of Subsistence. Juneau, AK.
- Simeone, W.E. and J.A. Fall. 1996. Patterns and Trends in the Subsistence Salmon Fishery of the Upper Copper River, Alaska. Report to the Alaska Board of Fisheries, December 1996. ADF&G, Division of Subsistence, Anchorage, AK.
- Szarzi, N.J. 1995. Area Management Report for the Recreational Fisheries of the Upper Copper/Upper Susitna River Management Area, 1994. Fishery Management Report No. 95-8, ADF&G, Sport Fish Division, Anchorage, AK.
- Szarzi, N.J. 1997. Personal Communication received by Fishery Biologist, ADF&G, Glennallen, AK. January 27, 1997.
- Taylor, M.J. and K.R. White. 1992. A Meta-Analysis of Hooking Mortality of Nonanadromous Trout. North American Journal of Fisheries Management. 12:760-767.
- Thomas., D.C. 1982. The Role of Local Fish and Wildlife Resources in the Community of Shaktoolik, Alaska. Technical Paper 13. ADF&G, Division of Subsistence. Juneau, AK.
- U.S. Federal Subsistence Board. 1992. Subsistence Management for Federal Public Lands in Alaska. Final Environmental Impact Statement. U.S. Fish and Wildlife Service. Anchorage, AK.
- U.S. Fish and Wildlife Service. 1990. Fishery Management Plan, Togiak National Wildlife Refuge FY 1990-94. Dillingham, AK.
- U.S. Fish and Wildlife Service. 1995. Fishery Management Plan, Kenai National Wildlife Refuge FY 1995-99. Kenai, AK.
- U.S. Fish and Wildlife Service. 1990. Kodiak National Wildlife Refuge Fishery Management Plan. Anchorage, AK.
- U.S. Fish and Wildlife Service. 1992. Yukon Delta National Wildlife Refuge Fishery Management Plan. Anchorage, AK.
- U.S. Fish and Wildlife Service. 1993. Alaska Maritime National Wildlife Refuge Fishery Management Plan. Anchorage, AK.
- Van Alen, B. 1996. Personal Communication - Reported Subsistence and Personal Use Salmon Harvest in Southeast Alaska and Yakutat, by Species and District, 1985-96. ADF&G, Commercial Fisheries Management and Development Division, Southeastern Region, Douglas, AK.

VanStone, J.W. 1984. Southwest Alaska Eskimo: Introduction. Handbook of North American Indians-Arctic, Vol. 5. D. Damas, ed. Smithsonian Institute, Washington D.C. pp. 206-207.

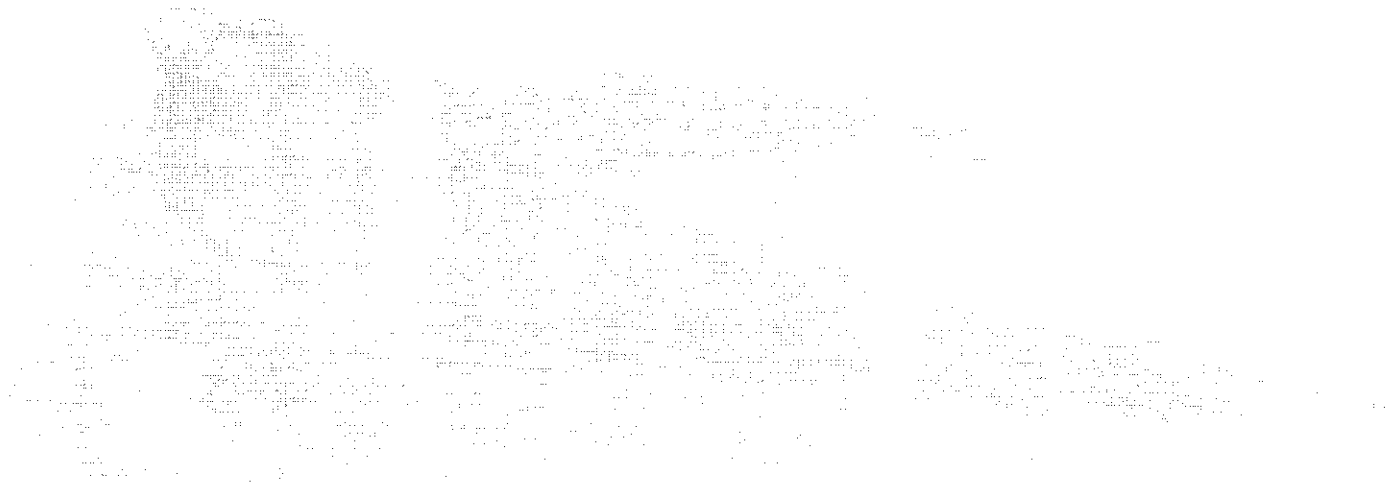
Wagner, T.A. 1991. Southwestern Alaska Rainbow Trout Investigations, Kanektok River, Togiak National Wildlife Refuge, Alaska, 1985-87 Final Report. Alaska Fisheries Technical Report No. 13, FWS, King Salmon, AK.

Wolfe, R.J. and J. Magdanz. 1993. The Sharing Distribution and Exchange of Wild Resources in Alaska. ADF&G, Division of Subsistence. Juneau, AK.

Environmental Assessment

Modification of the Federal Subsistence Fisheries Management Program

ACRONYMS



ACRONYMS

ACMP	Alaska Coastal Management Program
ADF&G	Alaska Department of Fish and Game
ANILCA	Alaska National Interest Lands Conservations Act, 1980
ANPR	Advance Notice of Proposed Rulemaking
BBNA	Bristol Bay Native Association
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CIAA	Cook Inlet Aquaculture Association
CSU, CSUs	Conservation System Unit(s)
EA	Environmental Assessment
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FSMP	Federal Subsistence Management Program
FWS	U.S. Fish and Wildlife Service
KMA	Kodiak Management Area
MMS	Minerals Management Service
NEPA	National Environmental Policy Act, 1969
Ninth Circuit	Ninth Circuit Court
NPS	National Park Service
NWR	National Wildlife Refuge
Regional Advisory Council	Regional Subsistence Advisory Council
USDA	U.S. Department of Agriculture
USDOJ	U.S. Department of the Interior

USFS

U.S. Forest Service

Working Group

Kuskokwim River Salmon Management Working Group

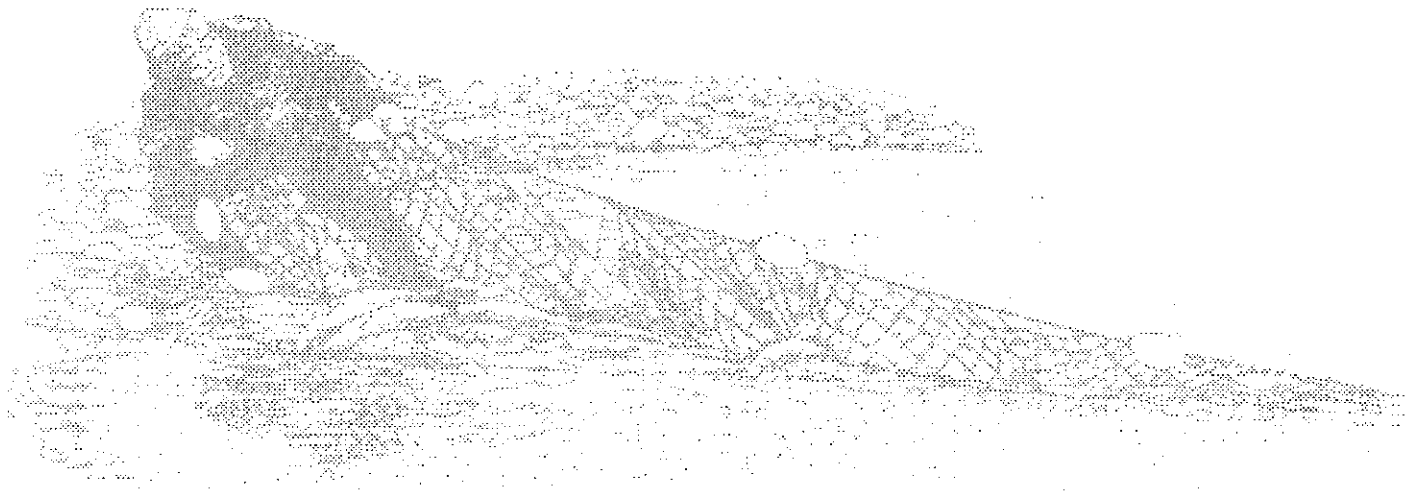
YRDFA

Yukon River Drainage Fisheries Association

Environmental Assessment

Modification of the Federal Subsistence Fisheries Management Program

APPENDICES



[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service
36 CFR Part 242

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service
50 CFR Part 100

RIN 1018-AD68

Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition to Include Waters Subject to Subsistence Priority

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the scope and applicability of the Federal Subsistence Management Program in Alaska to include subsistence activities occurring on inland navigable waters in which the United States has a reserved water right and to identify specific Federal land units where reserved water rights exist. The amendments being proposed also would extend the Federal Subsistence Board's management to all Federal lands selected under the Alaska Native Claims Settlement Act or the Alaska Statehood Act and situated within the boundaries of a Conservation System Unit, National Recreation Area, National Conservation Area, or any new national forest or forest addition, until conveyed to the State of Alaska or an Alaska Native Corporation, as required by the Alaska National Interest Lands Conservation Act (ANILCA). In addition, the amendments being proposed would clearly specify that the Secretaries are retaining in their office, the authority to determine when hunting, fishing or trapping activities taking place in Alaska off the public lands interfere with the subsistence priority on the public lands to such an extent as to result in a failure to provide the subsistence priority and to take action to restrict or eliminate the interference. The Departments also are proposing to provide the Federal Subsistence Board with authority to investigate and make recommendations to the Secretaries regarding the possible existence of additional Federal reservations, Federal reserved water rights or other Federal interests, including those which attach to lands in which the United States has less than fee ownership. The regulatory amendments being proposed would conform the Federal subsistence management regulations to the court decree issued in *State of Alaska v. Babbitt*, 72 F.3d 698 (9th Cir. 1995). This proposed rulemaking also responds to the Petitions for Rulemaking submitted by the Northwest Arctic Regional Council et al. on April 12, 1994, and the Mentasta Village Council, et al. on July 15, 1993.

DATES: Written public comments on this proposed rule must be received no later than [60 days from date of publication].

ADDRESSES: Comments should be sent to Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management; telephone (907) 786-3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, P.O. Box 21628, Juneau, Alaska 99802-1628, telephone (907) 586-7921.

SUPPLEMENTARY INFORMATION:

The Federal Subsistence Board will hold public meetings to receive comments on this proposed rule from ***** - ***** , 199*, at the following locations in Alaska.

[Insert meeting locations and dates here before publication.]

Notice of specific dates, times, and meeting locations will be published in local and statewide newspapers prior to the meetings. Locations and dates may need to be changed based on weather or local circumstances.

Background

The Federal Subsistence Board assumed subsistence management responsibility for public lands in Alaska in 1990, after the Alaska Supreme Court ruled in McDowell v. State of Alaska, 785 P.2d 1 (Alaska 1989), reh'g. denied (Alaska 1990), that the rural preference contained in the State's subsistence statute violated the Alaska Constitution. This ruling put the State's subsistence program out of compliance with Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and resulted in the Secretaries assuming subsistence management on the public lands in Alaska. The "Temporary Subsistence Management Regulations for Public Lands in Alaska, Final Temporary Rule" was published in the Federal Register (55 FR 27114-27170) on June 29, 1990. The "Subsistence Management Regulations for Public Lands in Alaska; Final Rule" was published in the Federal Register (57 FR 22940-22964) on May 29, 1992.

In both cases, the rule "generally excludes navigable waters" from Federal subsistence management. 55 FR 27114, 27115 (1990); 57 FR 22940, 22942 (1992). In a lawsuit consolidated with Alaska v. Babbitt, plaintiff Katie John challenged these rules, arguing that navigable waters are properly included within the definition of "public lands" set out in ANILCA. At oral argument before the United States District Court for Alaska, the United States took the position that Federal reserved water rights which encompass the subsistence purpose are public lands for purposes of ANILCA. The United States Court of Appeals for the Ninth Circuit subsequently held: "[T]he definition of public lands includes those navigable waters in which the United States has an interest by virtue of the reserved water rights doctrine." Alaska versus Babbitt, 72 F.3d at 703-704. In the course of its decision, the Ninth Circuit also directed: "[T]he federal agencies that administer the subsistence priority are responsible for identifying those waters." Id. at 704.

The amendments being proposed would conform the Federal subsistence management regulations to the Ninth Circuit's ruling in Alaska v. Babbitt. As the Ninth Circuit directed, this document identifies Federal land units in which reserved water rights exist. These are "public lands" under the Ninth Circuit's decision in Alaska v. Babbitt and thus are subject to the Federal subsistence priority in Title VIII of ANILCA. The preliminary regulatory text being proposed here also provides the Federal Subsistence Board with clear authority to administer the subsistence priority in these waters.

On July 15, 1993, the Mentasta Village Council, Native Village of Quinhagak, Native Village of Goodnews Bay, Alaska Federation of Natives, Alaska Inter-tribal Council, RurAL CAP, Katie John, Doris Charles, Louie Smith and Annie Cleveland filed a "Petition for Rulemaking by the Secretaries of Interior and Agriculture that Navigable Waters and Federal Reserved Waters are 'Public Lands' Subject to Title VIII of ANILCA's Subsistence Priority." On April 12, 1994, the Northwest Arctic Regional Council, Stevens Village Council, Kawerak, Inc., Copper River Native Assoc., Alaska Federation of Natives, Alaska Inter-tribal Council, RurAL CAP and Dinyee Corporation filed a "Petition for Rule-Making by the Secretaries of Interior and Agriculture that Selected But Not Conveyed Lands Are To Be Treated as Public Lands for the Purposes of the Subsistence Priority in Title VIII of ANILCA and that Uses on Non-Public Lands in Alaska May Be Restricted to Protect Subsistence Uses on Public Lands in Alaska." A Request for Comments on this Petition was published at 60 FR 6466 (1995). This proposed rule also responds to both petitions for rulemaking.

The Secretaries published an Advance Notice of Proposed Rulemaking (ANPR) (61 FR 15014) on April 4, 1996, and during May and June held ten public hearings around Alaska to solicit comments on the Advance Notice.

Public Review and Comment

In addition to the oral testimony received at the public hearings, an additional 64 written comments including 1 petition representing 1,379 individuals and 1 letter submitted in behalf of 2 individuals, 6 Native organizations, and 4 local governments were received. The comments received both in writing and during the hearings in response to the Advance Notice provided the agencies with a sense of how the public viewed the general jurisdictional concepts outlined in the notice. A number of issues were raised by the public.

- ◆ *The Federal government should not be interfering in any Alaska management. Previously, the Federal government managed fish and shellfish poorly. The State should manage fishing, hunting, and trapping throughout Alaska.* The Secretaries agree that the State should be managing the fish and wildlife resources of Alaska and will work with the State to return management to it as soon as the State is in compliance with Title VIII of ANILCA.
- ◆ *The State has failed to provide for subsistence uses; the Federal government should take over management of all navigable waters throughout Alaska. Federal jurisdiction should also be extended to include all marine waters.* The 9th Circuit Court has ruled that Federal jurisdiction of subsistence fisheries management only includes those waters in which the Federal government has reserved water rights. When hunting, fishing, or trapping activities taking place in Alaska off of the public lands interfere with the subsistence priority on the public lands to such an extent as to result in a failure to provide the subsistence priority, the Federal Subsistence Board may recommend that Secretaries take action to restrict or eliminate the interference.
- ◆ *The identified waters are too extensive in scope.* The waters identified in this rulemaking comply with the court's direction to identify those waters in which the Federal government has reserved water rights.
- ◆ *Native allotments and water flowing through or past should be included.* Native allotments are small, scattered, and remote, frequently unsurveyed parcels. It is not practicable to include these lands. Inclusion of these parcels would create a legal hardship for the subsistence user who is responsible for assuring that he/she is actually on Federal lands when participating in this program. Otherwise, they may be subject to a citation for violation of State fish and game laws.
- ◆ *The Federal government should step in to regulate the Area M (False Pass intercept) fishery.* At the present time the Federal government is preparing to assume jurisdiction over waters for which the Federal government has reserved water rights. Area M waters are not included in this jurisdiction. However, if there is interference with the subsistence priority for fishing on public lands as a result of activities in Area M, the proposed regulations clarify that the Secretaries have and will retain the authority to take action.
- ◆ *ANILCA does not authorize the extension of Federal jurisdiction off of Federal lands.* The Federal courts have long ruled that the Federal government may extend jurisdiction off of Federal lands in order to protect the interests and purposes of those Federal areas. This document clarifies that the Secretaries will retain that authority. The Board, located in Alaska and much more familiar with the unique situations there, will evaluate the situation and make recommendations to the Secretaries for their action.
- ◆ *Congress did not intend for selected but not yet conveyed lands to be subject to Title VIII.* Section 906(o)(2) provides that "the laws applicable to such unit" are to apply to the Federal lands within the unit until conveyed. Since selected lands are Federal lands, the only question is whether ANILCA's Title VIII governing subsistence uses is part of the body of laws "applicable to such unit." This question is easily answered in the affirmative. Each of the titles of ANILCA that establishes or expands a conservation system unit identifies the laws that apply to the unit. For

example, new national parks established by ANILCA "shall be administered by the Secretary under the laws governing the administration of such lands and under the provisions of this Act." In each case, the new units established by ANILCA are to be administered in accordance with ANILCA as well as other applicable organic legislation. The subsistence provisions in Title VIII are part of ANILCA and are therefore part of the body of law applicable to the new units under ANILCA § 906(o)(2). The statutes establishing the new units do not distinguish among the titles of ANILCA which are applicable; they simply say that along with the other statutes, ANILCA applies. Section 906(o)(2) applies this whole body of law to selected but not conveyed lands.

- ◆ *The Federal Subsistence Board should not be granted authority to identify additional lands for designation as public lands.* The authority to identify and include additional lands in the Federal Subsistence Management Program remains with the Secretaries. The change would clarify the Board's duty for identification and recommendation and specify that any inclusion of lands in the program would remain the authority of the Secretaries as provided under existing laws.
- ◆ *The ANPR violates the Alaska Statehood and Submerged Lands Acts.* Case law and subsequent legislation (e.g. Alaska Native Claims Settlement Act, ANILCA, etc.) have modified the Statehood and Submerged Lands Acts. This rulemaking, therefore, does not violate the Acts with their subsequent modifications and revisions.
- ◆ *Some people commented that various procedural requirements have not been fulfilled, such as complying with NEPA, the Executive Order on Federalism, or preparing a Regulatory Flexibility Act analysis.* The preparation of an environmental assessment and an economic analysis have been completed. The final rule will not be promulgated prior to the completion of all procedural requirements.

Federal Subsistence Regional Advisory Councils

Alaska has been divided into ten subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council. The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent geographical, cultural, and user diversity within each region.

The Regional Councils have a substantial role in reviewing the proposed rule and making recommendations for the final rule.

Summary of Proposed Changes

The following sections are proposed to have major revisions:

§ __.3(b) - Text is inserted to identify scope of the Federal Subsistence Management Program to include the waters in which the Federal government has reserved water rights.

§ __.4 "Federal lands" - The definition is revised to conform to the decision of the 9th Circuit Court of Appeals.

§ __.4 "Inland waters" - A new definition is inserted.

§ __.4 "Public lands or public lands" - The definition is revised to include the selected but not yet conveyed lands located within the boundaries of conservation system units and new portions of the national forests.

§ __.4 "Regulatory year" - A change in the regulatory year for fish and shellfish is needed in order to avoid having regulations change in the middle of a fishing season.

§ ____4 "Reserved water right(s)" - The definition is added to conform to the decision of the 9th Circuit Court of Appeals.

§ ____6(a) - Language is inserted to clarify that the subsistence user must possess an Alaska resident license. *hunting or trapping*

§ ____10(a) - Language is added clarifying the Secretaries' existing authority to extend jurisdiction off of Federal lands to protect subsistence uses occurring on Federal lands.

§ ____10(d)(4)(xvii) - Language is added clarifying Board's authority to evaluate situations where there is a failure to provide the subsistence priority and make recommendations to the Secretaries for their action.

§ ____10(d)(4)(xviii) - Language is added clarifying Board's authority to identify additional lands where Federal interests exist and to recommend for inclusion of those lands in the Federal Subsistence Management Program.

§ ____10(d)(5) - Language is added to allow delegation of the authority to open or close established harvest seasons or set harvest limits or open areas to field officials (i.e. Park Superintendents, Refuge Managers, etc).

§ ____24(a)(2) - The proposed language in this section is based on the last Alaska Department of Fish and Game customary and traditional use determinations that were in compliance with Title VIII (January 1990). Additionally, proposed changes have been added to address backloged proposals relating to fish in the Kuskokwim and Bristol Bay Areas and Regional Council suggestions in the Southeastern Alaska Area. In these three areas, suggestions were made to include in the Customary and Traditional Use Determinations positive findings for the use of additional species by local residents.

§ ____26 and .27 - The proposed wording of these sections is based on the existing State subsistence regulations with some exceptions. The primary modifications are to:

- accommodate past Federal Subsistence Board actions (making rod and reel a legal method of subsistence harvest, allowing the 24-hour taking of salmon in Kodiak, and restricting the method and harvest of king crab in the Kodiak Area);
- provide for ongoing customary trade practices. In this case, the modification would recognize and legalize the common (and previously prohibited, though unenforced) practice of selling or trading small quantities of subsistence-taken fish by rural residents;
- eliminate specific references to State "non-subsistence areas" or other items clearly inconsistent with the Federal Program;
- replace references to the "Commissioner" with "Board";
- remove Board of Fish management guidance to the Department of Fish and Game; and,
- specify a different fin to be removed from subsistence-taken salmon in Southeast to accommodate traditional fish drying practices in response to a request from the Southeast Regional Advisory Council.

For the purpose of clarity and ease of understanding, the entire text of the proposed rule for Subparts A, B, and C, and Sections ____26, and ____27 of Subpart D is being printed. The unpublished section (Section ____25) relates to wildlife regulations that are revised annually. Because this proposed rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR Part 242 and 50 CFR Part 100.

Conformance with Statutory and Regulatory Authorities

National Environmental Policy Act Compliance - A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

The modifications presented in this Proposed Rule are evaluated in an environmental assessment that was completed on *****.

Compliance with Section 810 of ANILCA - The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

An evaluation of the effects of the Proposed Rule was conducted in accordance with Section 810 and it does not appear that the Proposed Rule, if adopted as currently written, would significantly restrict subsistence users.

Paperwork Reduction Act - This rule contains information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. The information collection requirements will be submitted to OMB for approval. This collection of information will not be required until it has been approved by OMB.

The collection of information will be achieved through the use of the Federal Subsistence Fishing Permit Application. This collection information will establish whether the applicant qualifies to participate in a Federal subsistence fishery on public land in Alaska and will provide a report of harvest and location of harvest.

The likely respondents to this collection of information are rural Alaska residents who wish to participate in specific subsistence fisheries on Federal land. The collected information is necessary to determine harvest success and harvest location in order to make management decisions relative to the conservation of healthy fish populations. The annual burden of reporting and recordkeeping is estimated to average 0.50 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. The estimated number of likely respondents under this rule is less than 10,000, yielding a total annual reporting and recordkeeping burden of 5,000 hours or less.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, D.C. 20240; and the Office of

Management and Budget, Paperwork Reduction Project (Subsistence), Washington, D.C. 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects

This rule was not subject to OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, it is estimated that 3 million pounds of fish are harvested by the local subsistence users annually and, if given a dollar value of \$3.00 per pound, would equate to \$9 million State wide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined that these proposed regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

The Departments have determined and certify pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or state governments or private entities.

Drafting Information - These regulations were drafted by William Knauer under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Peggy Fox, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National Forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, are proposed to be amended as set forth below.

PART ___ - SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 is proposed to continue to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101-3126; 18 U.S.C. 3551-3586; 43 U.S.C. 1733.

2. Subparts A, B, and C of 36 CFR part 242 and 50 CFR part 100, proposed to be amended to read as follows:

SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

Subpart A - General Provisions

Sec.

- ___1 Purpose.
- ___2 Authority.
- ___3 Applicability and scope.
- ___4 Definitions.
- ___5 Eligibility for subsistence use.
- ___6 Licenses, permits, harvest tickets, tags and reports.
- ___7 Restriction on use.
- ___8 Penalties.
- ___9 Information collection requirements.

Subpart B - Program Structure

Sec.

- ___10 Federal Subsistence Board.
- ___11 Regional advisory councils.
- ___12 Local advisory committees.
- ___13 Board/agency relationships.
- ___14 Relationship to State procedures and regulations.
- ___15 Rural determination process.
- ___16 Customary and traditional use determination process.
- ___17 Determining priorities for subsistence uses among rural Alaska residents.
- ___18 Regulation adoption process.
- ___19 Closures and other special actions.
- ___20 Request for reconsideration.
- ___21 [Reserved].

Subpart C - Board Determinations

Sec.

- ___22 Subsistence resource regions.
- ___23 Rural determinations.
- ___24 Customary and traditional use determinations.

Authority: 5 U.S.C. Appendix 1-15; 16 U.S.C. 3, 472, 551, 668dd; 3101-3126; 18 U.S.C. 3551-3586; 43 U.S.C. 1733.

Subpart A - General Provisions

§ _____ .1 Purpose.

The regulations in this Part implement the Federal Subsistence Management Program on public lands within the State of Alaska.

§ _____ .2 Authority.

These regulations are issued pursuant to authority designated above, and specifically the authority vested in the Secretary of the Interior and Secretary of Agriculture specified in § 814 of the Alaska National Interest Lands Conservation Act (ANILCA) 16 U.S.C. 3124 (1980).

§ _____ .3 Applicability and scope.

(a) The regulations of this Part implement the provisions of Title VIII of ANILCA relevant to the taking of fish and wildlife on public lands in the State of Alaska. The regulations of this Part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. These regulations do not supersede agency specific regulations.

(b) The regulations contained in this part apply: (1) On all public lands including all non-navigable waters located on these lands, on all navigable and non-navigable water within the exterior boundaries of the following areas, and on inland waters adjacent to the exterior boundaries of the following areas:

- (i) Alaska Maritime National Wildlife Refuge;
- (ii) Alaska Peninsula National Wildlife Refuge;
- (iii) Aniakchak National Monument and Preserve;
- (iv) Arctic National Wildlife Refuge;
- (v) Becharof National Wildlife Refuge;
- (vi) Bering Land Bridge National Preserve;
- (vii) Cape Krusenstern National Monument;
- (viii) Denali National Preserve and the 1980 additions to Denali National Park;
- (ix) Gates of the Arctic National Park and Preserve;
- (x) Glacier Bay National Preserve;
- (xi) Innoko National Wildlife Refuge;
- (xii) Izembek National Wildlife Refuge;
- (xiii) Katmai National Preserve;
- (xiv) Kanuti National Wildlife Refuge;
- (xv) Kenai National Wildlife Refuge;
- (xvi) Kobuk Valley National Park;
- (xvii) Kodiak National Wildlife Refuge;
- (xviii) Koyukuk National Wildlife Refuge;
- (xix) Lake Clark National Park and Preserve;
- (xx) National Petroleum Reserve in Alaska;
- (xxi) Noatak National Preserve;
- (xxii) Nowitna National Wildlife Refuge;
- (xxiii) Selawik National Wildlife Refuge;
- (xxiv) Steese National Conservation Area;
- (xxv) Tetlin National Wildlife Refuge;
- (xxvi) Togiak National Wildlife Refuge;
- (xxvii) White Mountain National Recreation Area;
- (xxviii) Wrangell-St. Elias National Park and Preserve;
- (xxix) Yukon-Charley Rivers National Preserve;
- (xxx) Yukon Delta National Wildlife Refuge;
- (xxxi) Yukon Flats National Wildlife Refuge;
- (xxxii) all components of the Wild and Scenic River System located outside the

boundaries of National Parks, National Preserves or National Wildlife Refuges, including segments of the Alagnak River, Beaver Creek, Birch Creek, Delta River, Fortymile River, Gulkana River, and Unalakleet River.

(2) On all public lands including all inland waters, located on or bordered by other public lands, within or adjacent to the exterior boundaries of the following reservations:

- (i) Chugach National Forest;
- (ii) Tongass National Forest, including Admiralty Island National Monument and Misty Fjords National Monument.

(c) The public lands described in §____.3(b) remain subject to change through rulemaking pending a Department of the Interior review of title and jurisdictional issues regarding certain submerged lands beneath navigable waters in Alaska.

§ _____**.4 Definitions.**

The following definitions apply to all regulations contained in this Part.

Agency means a subunit of a cabinet level Department of the Federal government having land management authority over the public lands including, but not limited to, the U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.

ANILCA means the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, 94 Stat. 2371, (December 2, 1980) (codified, as amended, in scattered sections of 16 U.S.C. and 43 U.S.C.)

Barter means the exchange of fish or wildlife or their parts taken for subsistence uses; for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and noncommercial nature.

Board means the Federal Subsistence Board as described in §____.10 of this Part.

Commissions means the Subsistence Resource Commissions established pursuant to § 808 of ANILCA.

Conservation of healthy populations of fish and wildlife means the maintenance of fish and wildlife resources and their habitats in a condition that assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystem, including the recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; ensures the maximum practicable diversity of options for the future; and recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

Customary and traditional use means a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community.

Customary trade means cash sale of fish and wildlife resources regulated herein, not otherwise prohibited by Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise.

FACA means the Federal Advisory Committee Act, Pub.L. 92-463, 86 Stat. 770 (October 6, 1972) (codified as amended, at 5 U.S.C. Appendix II §§1-15).

Federal Advisory Committees or Federal Advisory Committee means the Federal Local Advisory Committees as described in §_.12

Family means all persons related by blood, marriage or adoption, or any person living within the household on a permanent basis.

Federal lands means lands and waters and interests therein the title to which is in the United States, including navigable and non-navigable waters in which the United States has reserved water rights.

Fish and wildlife means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the carcass or part thereof.

Game Management Unit or GMU means one of the 26 geographical areas listed under game management units in the codified State of Alaska hunting and trapping regulations and the Game Unit Maps of Alaska.

Inland Waters means, for the purposes of this part, those waters located landward of the mean high tide line or the waters located upstream of the straight line drawn from headland to headland across the mouths of rivers or other waters as they flow into the sea. Inland waters include, but are not limited to, lakes, reservoirs, ponds, streams, and rivers.

Person means an individual and does not include a corporation, company, partnership, firm, association, organization, business, trust or society.

Public lands or public land means lands situated in Alaska which are Federal lands, except-

(1) land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

(2) land selections of a Native Corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native Corporation, unless any such selection is determined to be invalid or is relinquished; and

(3) lands referred to in § 19(b) of the Alaska Native Claims Settlement Act.

(4) Notwithstanding the exceptions in paragraphs (a)(1-3) of this section, until conveyed, all Federal lands within the boundaries of any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Forest Monument, National Recreation Area, National Conservation Area, new National forest or forest addition shall be treated as public lands for the purposes of the regulations in this part pursuant to Sec. 906(o)(2) of ANILCA.

Regional Councils or Regional Council means the Regional Advisory Councils as described in §____.11.

Regulatory year means July 1 through June 30, except for fish and shellfish where it means March 1 through the last day of February.

Reserved water right(s) means the Federal right to use unappropriated appurtenant water necessary to accomplish the purposes for which a Federal reservation was established. Reserved water rights include nonconsumptive and consumptive uses.

Resident means any person who has his or her primary, permanent home within Alaska and whenever absent from this primary, permanent home, has the intention of returning to it. Factors demonstrating the location of a person's primary, permanent home may include, but are not limited to: the address listed on an Alaska license to drive, hunt, fish, or engage in an activity regulated by a government entity; affidavit of person or persons who know the individual; voter registration; location of residences owned, rented or leased; location of stored household goods; residence of spouse, minor children or dependents; tax documents; or whether the person claims residence in another location for any purpose.

Rural means any community or area of Alaska determined by the Board to qualify as such under the process described in §____.15 of this Part.

Secretary means the Secretary of the Interior, except that in reference to matters related to any unit of the National Forest System, such term means the Secretary of Agriculture.

State means the State of Alaska.

Subsistence uses means the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.

Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Year means calendar year unless another year is specified.

§ _____.5 Eligibility for subsistence use.

(a) The taking of fish and wildlife on public lands for subsistence uses is restricted to Alaskans who are residents of rural areas or communities. Other individuals, including Alaskans who are residents of non-rural areas or communities listed in §____.23, are prohibited from taking fish and wildlife on public lands for subsistence uses under these regulations.

(b) Where the Board has made a customary and traditional use determination regarding subsistence use of a specific fish stock or wildlife population, in accordance with, and as listed in, §____.24, only those Alaskans who are residents of rural areas or communities so designated are eligible for subsistence taking of that population or stock, on public lands for subsistence uses, under these regulations. All other individuals are prohibited from taking fish or wildlife from that population under these regulations.

(c) Where customary and traditional use determinations for a fish stock or wildlife population within a specific area have not yet been made by the Board (e.g. "no determination"), all Alaskans who are residents of rural areas or communities are eligible to participate in subsistence taking of that stock or population under these regulations.

(d) This section does not limit the authority of the National Park Service to regulate further the eligibility of those individuals qualified to engage in subsistence uses on National Park Service lands in accordance with specific authority in ANILCA, and National Park Service regulations at 36 CFR Part 13.

§ _____.6 Licenses, permits, harvest tickets, tags, and reports.

(a) To take fish and wildlife on public lands for subsistence uses, subsistence users must possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State, or Federal permits, harvest tickets, or tags as required by the Board; and must possess the pertinent valid State resident hunting and trapping licenses unless Federal licenses are required or unless otherwise provided for in these regulations.

(b) To make a fraudulent application for Federal or State licenses, permits, harvest tickets or tags is prohibited.

(c) Harvest tickets, tags, permits, or other required documents must be validated before removing the kill from the harvest site.

(d) Persons engaged in taking fish and wildlife under these regulations must comply with all reporting provisions which the Board may require.

(e) Licenses, permits, harvest tickets, tags or other documents required by this section must be produced by individuals upon the request of a State or Federal law enforcement agent. Persons engaged in taking fish and wildlife under these regulations must allow State or Federal law enforcement agents to inspect any apparatus designed to be used, or capable of being used to take fish or wildlife, or any fish or wildlife in possession.

(f) The Board may implement harvest reporting systems or permit systems where:

(1) the fish and wildlife is taken by an individual who is required to obtain and possess pertinent State harvest permits, tickets, or tags, or Federal permits, harvest tickets, or tags;

(2) a qualified subsistence user may designate another qualified subsistence user to take fish and wildlife on his or her behalf; or

(3) the fish and wildlife is taken by individuals or community representatives permitted a one-time or annual harvest for special purposes including ceremonies and potlatches;

(4) the fish and wildlife is taken by representatives of a community permitted to do so in a manner consistent with the community's customary and traditional practices.

(g) When the taking of fish and wildlife is in accordance with § _____.6, the permittee must comply with all of the reporting requirements of the permit. Individuals designated on a permit to take fish and wildlife are required to have that permit in their possession during the taking and to comply with all requirements of the permit, regulations in Subpart A § _____.6 pertaining to validation and reporting, and to regulations in Subpart D pertaining to methods and means, possession and transportation, and utilization.

(h) When a community takes fish and wildlife in accordance with § _____.6(f) (3) and (4), the harvest activity must be reported in accordance with regulations specified for that community in Subpart D, and as required by any applicable permit conditions. Individuals may be responsible for particular reporting requirements in the conditions permitting a specific community's harvest. Failure to comply with these conditions is a violation of these regulations. Community harvests are reviewed annually under Subpart D regulations.

§ _____.7 Restriction on use.

(a) When fish and wildlife are taken pursuant to these regulations, trade of the fish and wildlife, other than for customary trade or barter, is prohibited.

(b) When fish and wildlife are taken pursuant to these regulations, use or trade of the fish and wildlife which constitutes a significant commercial enterprise is prohibited.

§ _____.8 Penalties.

A person convicted of violating any provision of 50 CFR Part 100 or 36 CFR Part 242 may be punished by a fine or by imprisonment in accordance with the penalty provisions applicable to the public land where the violation occurred.

§ _____.9 Information collection requirements.

(a) These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under 44 U.S.C. 3501-3520. They apply to fish and wildlife harvest activities on public lands in

Alaska. Subsistence users will not be required to respond to an information collection request unless a valid OMB number is displayed on the information collection form.

(1) Section ____.20, Request for reconsideration. The information collection requirements contained in this section provide a standardized process to allow individuals the opportunity to appeal decisions of the Board. Submission of a request for reconsideration is voluntary but required to receive a final determination by the Board. The Department of the Interior estimates that a request for reconsideration will take 4 hours to prepare and submit.

(2) Section ____.6, Licenses, permits, harvest tickets, tags, and reports. The information collection requirements contained in this section provide for permit-specific subsistence activities not authorized through the general adoption of State regulations. These regulations require this information before a rural Alaska resident may engage in subsistence uses on public lands. The Department estimates that the average time necessary to obtain and comply with this permit information collection requirement is 0.25 hours.

(3) The remaining information collection requirements contained in this Part imposed upon subsistence uses are those adopted from State regulations. The information collection requirements must be satisfied before rural Alaska residents may engage in subsistence uses on public lands. The Department estimates that the average burden imposed upon individuals will be 0.25 hours.

(b) Direct comments on the burden estimate or any other aspect of the burden estimate to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, N.W., MS 224 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018-0075), Washington, D.C. 20503. Additionally, information requirements will be imposed when the Regional Councils, subject to the Federal Advisory Committee Act (FACA), are established under Subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Subpart B - Program structure

§ _____.10 Federal Subsistence Board.

(a) The Secretary of the Interior and Secretary of Agriculture hereby establish, and delegate responsibility for, administering the subsistence taking and uses of fish and wildlife on public lands, and the related promulgation and signature authority for regulations of Subparts C and D, contained herein, to the Board. The Secretaries, however, retain their existing authority to restrict or eliminate hunting, fishing, or trapping activities which occur on lands or waters in Alaska other than public lands when such activities interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority.

(b) Membership.

(1) The voting membership of the Board shall consist of a Chair to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; Alaska Regional Director, National Park Service; Alaska Regional Forester, USDA Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Area Director, Bureau of Indian Affairs. Each member of the Board may appoint a designee.

(2) [Reserved.]

(c) Liaisons to the Board shall consist of a State liaison, and the Chairpersons of each Regional Council. The State liaison and the Chairpersons of each Regional Council may attend public sessions of all Board meetings and be actively involved as consultants to the Board.

(d) Powers and Duties.

(1) Meetings shall occur at least twice per year and at such other times as deemed necessary by the Board. Meetings shall occur at the call of the Chair, but any member may request a meeting.

(2) A quorum shall consist of four members.

(3) No action may be taken unless a majority of voting members are in agreement.

(4) The Board is empowered, to the extent necessary, to implement Title VIII of ANILCA, to:

(i) promulgate regulations for the management of subsistence taking and uses of fish and wildlife on public lands;

(ii) determine which communities or areas of the State are rural or non-rural;

(iii) determine which rural Alaska areas or communities have customary and traditional subsistence uses of specific fish and wildlife populations;

(iv) allocate subsistence uses of fish and wildlife populations on public lands;

(v) ensure that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes;

(vi) close public lands to the non-subsistence taking of fish and wildlife;

(vii) establish priorities for the subsistence taking of fish and wildlife on public lands among rural Alaska residents;

(viii) restrict or eliminate taking of fish and wildlife on public lands;

(ix) determine what types and forms of trade of fish and wildlife taken for subsistence uses constitute allowable customary trade;

(x) authorize the Regional Councils to convene;

(xi) establish a Regional Council in each subsistence resource region and recommend to the Secretaries, appointees to the Regional Councils, pursuant to the FACA;

(xii) establish Federal Advisory Committees within the subsistence resource regions, if necessary and recommend to the Secretaries that members of the Federal Advisory Committees be appointed from the group of individuals nominated by rural Alaska residents;

(xiii) establish rules and procedures for the operation of the Board, and the Regional Councils;

(xiv) review and respond to proposals for regulations, management plans, policies, and other matters related to subsistence taking and uses of fish and wildlife;

(xv) enter into cooperative agreements or otherwise cooperate with Federal agencies, the State, Native corporations, local governmental entities, and other persons and organizations, including international entities to effectuate the purposes and policies of the Federal subsistence management program;

(xvi) develop alternative permitting processes relating to the subsistence taking of fish and wildlife to ensure continued opportunities for subsistence; and

(xvii) evaluate whether hunting, fishing, or trapping activities which occur on lands or waters in Alaska other than public lands interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority, and after appropriate consultation with the State of Alaska, the Regional Councils, and other Federal agencies, make recommendation to the Secretaries for their action; and

(xviii) identify, in appropriate specific instances, whether there exists additional Federal reservations, Federal reserved water rights or other Federal interests in lands or waters, including those in which the United States holds less than a fee ownership, to which the Federal subsistence priority attaches, and make appropriate recommendation to the Secretaries for inclusion of those interests within the Federal Subsistence Management Program.

(xix) take other actions authorized by the Secretaries to implement Title VIII of ANILCA.

(5) The Board may delegate to agency field officials the authority to set harvest limits, define harvest areas, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board.

(6) The Board shall establish a Staff Committee composed of a member from the U.S. Fish and Wildlife Service, National Park Service, U.S. Bureau of Land Management, Bureau of Indian Affairs, and USDA Forest Service for analytical and administrative assistance. The U.S. Fish and Wildlife Service representative shall serve as Chair of the Staff Committee.

(7) The Board may establish and dissolve additional committees as necessary for assistance.

(8) The U.S. Fish and Wildlife Service shall provide appropriate administrative support for the Board.

(9) The Board shall authorize at least two meetings per year for each Regional Council.

(e) Relationship to Regional Councils.

(1) The Board shall consider the reports and recommendations of the Regional Councils concerning the taking of fish and wildlife on public lands within their respective regions for subsistence uses. The Board may choose not to follow any Regional Council recommendation which it determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, would be detrimental to the satisfaction of subsistence needs, or in closure situations, for reasons of public safety or administration or to assure the continued viability of a particular fish or wildlife population. If a recommendation is not adopted, the Board shall set forth the factual basis and the reasons for the decision, in writing, in a timely fashion.

(2) The Board shall provide available and appropriate technical assistance to the Regional Councils.

§ _____ .11 Regional advisory councils.

(a) The Board shall establish a Regional Council for each subsistence resource region to participate in the Federal subsistence management program. The Regional Councils shall be established, and conduct their activities, in accordance with the FACA. The Regional Councils shall provide a regional forum for the collection and expression of opinions and recommendations on matters related to subsistence taking and uses of fish and wildlife resources on public lands. The Regional Councils shall provide for public participation in the Federal regulatory process.

(b) Establishment of Regional Councils - membership.

(1) The number of members for each Regional Council shall be established by the Board, and shall be an odd number. A Regional Council member must be a resident of the region in which he or she is appointed and be knowledgeable about the region and subsistence uses of the public lands therein. The Board shall accept nominations and recommend to the Secretaries that representatives on the Regional Councils be appointed from those nominated by subsistence users. Appointments to the Regional Councils shall be made by the Secretaries.

(2) Regional Council members shall serve 3 year terms and may be reappointed. Initial members shall be appointed with staggered terms up to three years.

(3) The Chair of each Regional Council shall be elected by the applicable Regional Council, from its membership, for a one year term and may be reelected.

(c) Powers and Duties.

(1) The Regional Councils are authorized to:

(i) hold public meetings related to subsistence uses of fish and wildlife within their respective regions, after the Chair of the Board or the designated Federal Coordinator has called the meeting and approved the meeting agenda;

(ii) elect officers;

(iii) review, evaluate, and make recommendations to the Board on proposals for regulations, policies, management plans, and other matters relating to the subsistence take of fish and wildlife under these regulations within the region;

(iv) provide a forum for the expression of opinions and recommendations by persons interested in any matter related to the subsistence uses of fish and wildlife within the region;

(v) encourage local and regional participation, pursuant to the provisions of these regulations in the decisionmaking process affecting the taking of fish and wildlife on the public lands within the region for subsistence uses;

(vi) prepare and submit to the Board an annual report containing--

(A) an identification of current and anticipated subsistence uses of fish and wildlife populations within the region,

(B) an evaluation of current and anticipated subsistence needs for fish and wildlife populations from the public lands within the region,

(C) a recommended strategy for the management of fish and wildlife populations within the region to accommodate such subsistence uses and needs related to the public lands, and

(D) recommendations concerning policies, standards, guidelines, and regulations to implement the strategy;

(vii) appoint members to each Subsistence Resource Commission (Commission) within their region in accordance with the requirements of § 808 of ANILCA;

(viii) make recommendations on determinations of customary and traditional use of subsistence resources;

(ix) make recommendations on determinations of rural status;

(x) make recommendations regarding the allocation of subsistence uses among rural Alaska residents pursuant to §_17 of these regulations;

(xi) develop proposals pertaining to the subsistence taking and use of fish and wildlife under these regulations, and review and evaluate such proposals submitted by other sources;

(xii) provide recommendations on the establishment and membership of Federal Advisory Committees.

(2) The Regional Councils shall:

(i) operate in conformance with the provisions of FACA and comply with rules of operation established by the Board;

(ii) perform other duties specified by the Board.

§ _____ .12 Local advisory committees.

(a) The Board shall establish such Federal Advisory Committees within each region as necessary at such time that it is determined, after notice and hearing and consultation with the State, that the existing State fish and game advisory committees do not adequately provide advice to, and assist, the particular Regional Council in carrying out its function as set forth in §_.11 of these regulations.

(b) Federal Advisory Committees, if established by the Board, shall operate in conformance with the provisions of the FACA, and comply with rules of operation established by the Board.

§ _____ .13 Board/agency relationships.

(a) General.

(1) The Board, in making decisions or recommendations, shall consider and ensure compliance with specific statutory requirements regarding the management of resources on public lands, recognizing that the management policies applicable to some public lands may entail methods of resource and habitat management and protection different from methods appropriate for other public lands.

(2) The Board shall promulgate regulations for subsistence taking of fish and wildlife on public lands. The Board is the final administrative authority on the promulgation of Subpart C and D regulations relating to the subsistence taking of fish and wildlife on public lands.

(3) Nothing in these regulations shall enlarge or diminish the authority of any agency to promulgate regulations necessary for the proper management of public lands under their jurisdiction in accordance with ANILCA and other existing laws.

(b) Section 808 of ANILCA establishes National Park and Park Monument Subsistence Resource Commissions. Nothing in these regulations affects the duties or authorities of these commissions.

§ _____ .14 Relationship to State procedures and regulations.

(a) State fish and game regulations apply to public lands and such laws are hereby adopted and made a part of these regulations to the extent they are not inconsistent with, or superseded by this Part.

(b) The Board may close public lands to hunting and fishing, or take actions to restrict the taking of fish and wildlife despite any State authorization for taking fish and wildlife on public lands. The Board may review and adopt State closures or restrictions which serve to achieve the objectives of these regulations.

(c) The Board may enter into agreements with the State in order to coordinate respective management responsibilities.

(d) Petition for repeal of subsistence rules and regulations.

(1) The State of Alaska may petition the Secretaries for repeal of these subsistence rules and regulations when the State has enacted and implemented subsistence management and use laws which:

(i) are consistent with §§ 803, 804, and 805 of ANILCA; and

(ii) provide for the subsistence definition, preference, and participation specified in §§ 803, 804, and 805 of ANILCA.

(2) The State's petition shall:

(i) be submitted to the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240, and the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20240.

(ii) include the entire text of applicable State legislation indicating compliance with §§ 803, 804, and 805 of ANILCA; and

(iii) set forth all data and arguments available to the State in support of legislative compliance with §§ 803, 804, and 805 of ANILCA.

(3) If the Secretaries find that the State's petition contains adequate justification, a rulemaking proceeding for repeal of these regulations will be initiated. If the Secretaries find that the State's petition does not contain adequate justification, the petition will be denied by letter or other notice, with a statement of the ground for denial.

§ _____.15 **Rural determination process.**

(a) The Board shall determine if an area or community in Alaska is rural. In determining whether a specific area of Alaska is rural, the Board shall use the following guidelines.

(1) A community or area with a population of 2500 or less shall be deemed to be rural unless such a community or area possesses significant characteristics of a non-rural nature, or is considered to be socially and economically a part of an urbanized area.

(2) Communities or areas with populations above 2500 but not more than 7000 will be determined to be rural or non-rural.

(3) A community with a population of more than 7000 shall be presumed non-rural, unless such a community or area possesses significant characteristics of a rural nature.

(4) Population data from the most recent census conducted by the United States Bureau of Census as updated by the Alaska Department of Labor shall be utilized in this process.

(5) Community or area characteristics shall be considered in evaluating a community's rural or non-rural status. The characteristics may include, but are not limited to:

- (i) use of fish and wildlife;
- (ii) development and diversity of the economy;
- (iii) community infrastructure;
- (iv) transportation; and
- (v) educational institutions.

(6) Communities or areas which are economically, socially and communally integrated shall be considered in the aggregate.

(b) The Board shall periodically review rural determinations. Rural determinations shall be reviewed on a ten year cycle, commencing with the publication of the year 2000 U.S. census. Rural determinations may be reviewed out-of-cycle in special circumstances. Once the Board makes a determination that a community has changed from rural to non-rural, a waiting period of five years shall be required before the non-rural determination becomes effective.

(c) Current determinations are listed at § _____.23.

§ _____.16 **Customary and traditional use determination process.**

(a) The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations. For areas managed by the National Park Service, where subsistence uses are allowed, the determinations may be made on an individual basis.

(b) A community or area shall generally exhibit the following factors, which exemplify customary and traditional use. The Board shall make customary and traditional use determinations based on application of the following factors:

(1) a long-term consistent pattern of use, excluding interruptions beyond the control of the community or area;

(2) a pattern of use recurring in specific seasons for many years;

(3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics;

(4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking; near, or reasonably accessible from the community or area;

(5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate;

(6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values and lore from generation to generation;

(7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and

(8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

(c) The Board shall take into consideration the reports and recommendations of any appropriate Regional Council regarding customary and traditional uses of subsistence resources.

(d) Current determinations are listed in §____.24.

§_____.17 Determining priorities for subsistence uses among rural Alaska residents.

(a) Whenever it is necessary to restrict the subsistence taking of fish and wildlife on public lands in order to protect the continued viability of such populations, or to continue subsistence uses, the Board shall establish a priority among the rural Alaska residents after considering any recommendation submitted by an appropriate Regional Council.

(b) The priority shall be implemented through appropriate limitations based on the application of the following criteria to each area, community, or individual determined to have customary and traditional use, as necessary:

- (1) customary and direct dependence upon the populations as the mainstay of livelihood;
- (2) local residency; and
- (3) the availability of alternative resources.

(c) If allocation on an area or community basis is not achievable, then the Board shall allocate subsistence opportunity on an individual basis through application of the above criteria.

(d) In addressing a situation where prioritized allocation becomes necessary, the Board shall solicit recommendations from the Regional Council in the area affected.

§_____.18 Regulation adoption process.

(a) Proposals for changes to the Federal subsistence regulations in Subpart D shall be accepted by the Board according to a published schedule, but at least once a year. The Board shall develop and publish proposed regulations in the **Federal Register** and publish notice in local newspapers. Comments on the proposed regulations in the form of proposals shall be distributed for public review.

(1) Proposals shall be made available for at least a thirty (30) day review by the Regional Councils. Regional Councils shall forward their recommendations on proposals to the Board. Such proposals with recommendations may be submitted in the time period as specified by the Board or as a part of the Regional Council's annual report described in §____.11, whichever is earlier.

(2) The Board shall publish notice throughout Alaska of the availability of proposals received.

(3) The public shall have at least thirty (30) days to review and comment on proposals.

(4) After the comment period the Board shall meet to receive public testimony and consider the proposals. The Board shall consider traditional use patterns when establishing harvest levels and seasons, and methods and means. The Board may choose not to follow any recommendation which the Board determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation approved by a Regional Council is not adopted by the Board, the Board shall set forth the factual basis and the reasons for their decision in writing to the Regional Council.

(5) Following consideration of the proposals the Board shall publish final regulations pertaining to Subpart D in the **Federal Register**.

(b) Proposals for changes to Subpart C shall be accepted by the Board according to a published schedule. The Board shall develop and publish proposed regulations in the **Federal Register** and publish notice in local newspapers. Comments on the proposed regulations in the form of proposals shall be distributed for public review.

(1) Public and governmental proposals shall be made available for a thirty (30) day review by the regional councils. Regional Councils shall forward their recommendations on proposals to the Board. Such proposals with recommendations may be submitted in the time period as specified by the Board or as a part of the Regional Council's annual report described in §____.11, whichever is earlier.

(2) The Board shall publish notice throughout Alaska of the availability of proposals received.

(3) The public shall have at least thirty (30) days to review and comment on proposals.

(4) After the comment period the Board shall meet to receive public testimony and consider the proposals. The Board may choose not to follow any recommendation which the Board determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs. If a recommendation approved by a Regional Council is not adopted by the Board, the Board shall set forth the factual basis and the reasons for their decision in writing to the Regional Council.

(5) Following consideration of the proposals the Board shall publish final regulations pertaining to Subpart C in the **Federal Register**. A Board decision to change a community's or area's status from rural to non-rural will not become effective until five years after the decision has been made.

(c) [Reserved.]

(d) Proposals for changes to Subparts A and B shall be accepted by the Secretary of the Interior in accordance with 43 C.F.R. §§ 14.1-4.

§ _____ .19 Closures and other special actions.

(a) The Board may make or direct restriction or closure of the taking of fish and wildlife for non-subsistence uses on public lands when necessary to assure the continued viability of particular fish or wildlife population, to continue subsistence uses of a fish or wildlife population, or for reasons of public safety or administration.

(b) After consulting with the State of Alaska, providing adequate notice to the public, and holding at least one public hearing in the vicinity of the affected communities, the Board may make or direct temporary closures to subsistence uses of a particular fish or wildlife population on public lands to assure the continued viability of a fish or wildlife population, or for reasons of public safety or administration. A temporary closure will not extend beyond the regulatory year in which it is promulgated.

(c) In an emergency situation, the Board may direct immediate closures related to subsistence or non-subsistence uses of fish and wildlife on public lands, if necessary to assure the continued viability of a fish or wildlife population, or for public safety reasons. The Board shall publish notice and reasons justifying the emergency closure in the **Federal Register** and in newspapers of any area affected. The emergency closure shall be effective when directed by the Board, may not exceed 60 days, and may not be extended unless it is determined by the Board, after notice and hearing, that such closure should be extended.

(d) The Board may make or direct a temporary change to open or adjust the seasons or to increase the bag limits for subsistence uses of fish and wildlife populations on public lands. An affected rural resident, community, Regional Council, or administrative agency may request a temporary change in seasons or bag limits. Prior to implementing a temporary change, the Board shall consult with the State, shall comply with the provisions of 5 U.S.C. §§ 551-559 (Administrative Procedures Act or APA), and shall provide adequate notice and opportunity to comment. The length of any temporary change shall be confined to the minimum time period or bag limit determined by the Board to be necessary to satisfy subsistence uses. In addition, a temporary change may be made only after the Board determines that the proposed temporary change will not interfere with the conservation of healthy fish and wildlife populations. The decision of the Board shall be the final administrative action.

(e) Regulations authorizing any individual agency to direct temporary or emergency closures on public lands managed by the agency remain unaffected by these regulations, which authorize the Board to make or direct restrictions, closures, or temporary changes for subsistence uses on public lands.

(f) Taking fish and wildlife in violation of a restriction, or temporary change authorized by the Board is prohibited.

§ _____ .20 Request for reconsideration.

(a) Subpart C and D regulations published in the Federal Register are subject to requests for reconsideration.

(b) Any aggrieved person may file a request for reconsideration with the Board.

(c) To file a request for reconsideration, the requestor must notify the Board in writing within sixty (60) days of the effective date or date of publication of the notice, whichever is earliest, for which reconsideration is requested.

(d) It is the responsibility of a requestor to provide the Board with sufficient narrative evidence and argument to show why the action by the Board should be reconsidered. The following information must be included in the request for reconsideration:

- (1) the requestor's name, and mailing address;
- (2) the action for which reconsideration is requested and the date of **Federal Register** publication of that action;
- (3) a detailed statement of how the requestor is adversely affected by the action;
- (4) a detailed statement of the facts of the dispute, the issues raised by the request, and specific references to any law, regulation, or policy that the requestor believes to be violated and the reason for such allegation;
- (5) a statement of how the requestor would like the action changed.

(e) Upon receipt of a request for reconsideration, the Board shall transmit a copy of such request to any appropriate Regional Council for review and recommendation. The Board shall consider any Regional Council recommendations in making a final decision.

(f) If the request is justified, the Board shall implement a final decision on a request for reconsideration after compliance with 5 U.S.C. §§ 551-559 (APA).

(g) If the request is denied, the decision of the Board represents the final administrative action.

§ _____ .21 [Reserved.]

Subpart C - Board Determinations

§ _____ .22 **Subsistence resource regions.**

(a) The following areas are hereby designated as subsistence resource regions:

- (1) Southeast Region,
- (2) Southcentral Region,
- (3) Kodiak/Aleutians Region,
- (4) Bristol Bay Region,
- (5) Yukon-Kuskokwim Delta Region,
- (6) Western Interior Region,
- (7) Seward Peninsula Region,
- (8) Northwest Arctic Region,
- (9) Eastern Interior Region,
- (10) North Slope Region.

(b) Maps delineating the boundaries of subsistence resources regions are available from the U.S. Fish and Wildlife Service.

§ _____ .23 **Rural determinations.**

(a) All communities and areas have been determined by the Board to be rural in accordance with § ____ .15 except the following:

- Adak;
- Fairbanks North Star Borough;
- Homer area - including Homer, Anchor Point, Kachemak City, and Fritz Creek;
- Juneau area - including Juneau, West Juneau and Douglas;
- Kenai area - including Kenai, Soldotna, Sterling, Nikiski, Salamatof, Kalifornsky, Kasilof, and Clam Gulch;
- Ketchikan area - including Ketchikan City, Clover Pass, North Tongass Highway, Ketchikan East, Mountain Pass, Herring Cove, Saxman East, and parts of Pennock Island;
- Municipality of Anchorage;
- Seward area - including Seward and Moose Pass;
- Valdez; and,
- Wasilla area - including Palmer, Wasilla, Sutton, Big Lake, Houston, and Bodenber Butte.

(2) Maps delineating the boundaries of non-rural areas listed in paragraph (a)(1) are available from the U.S. Fish and Wildlife Service.

(b) [Reserved.]

§ _____ .24 Customary and traditional use determinations.

(a) Rural Alaska residents of the listed communities and areas have been determined to have customary and traditional subsistence use of the specified species on Federal public lands in the specified areas. When there is a determination for specific communities or areas of residence in a Unit, all other communities not listed for that species in that Unit have no Federal subsistence for that species in that Unit. If no determination has been made for a species in a Unit, all rural Alaska residents are eligible to harvest fish or wildlife under this Part.

(1) Wildlife determinations.

Area	Species	Determination
Unit 1(C)	Black Bear	Rural residents of Unit 1(C) and Haines, Gustavus, Klukwan, and Hoonah.
1(A)	Brown Bear	Rural residents of Unit 1(A) except no subsistence for residents of Hyder.
1(B)	Brown Bear	Rural residents of Unit 1(A), Petersburg, and Wrangell, except no subsistence for residents of Hyder.
1(C)	Brown Bear	Rural residents of Unit 1(C), Haines, Hoonah, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1(D)	Brown Bear	Residents of 1(D).
1(A)	Deer	Rural residents of 1(A) and 2.
1(B)	Deer	Rural residents of Unit 1(A), residents of 1(B), 2 and 3.
1(C)	Deer	Rural residents of 1(C) and (D), and residents of Hoonah and Gustavus.
1(D)	Deer	No Federal subsistence priority.
1(B)	Goat	Rural residents of Units 1(B) and 3.
1(C)	Goat	Residents of Haines, Klukwan, and Hoonah.
1(B)	Moose	Rural residents of Units 1, 2, 3, and 4.
1(C) Berner's Bay.	Moose	No Federal subsistence priority.
1(D)	Moose	Residents of Unit 1(D).

Unit 2	Brown Bear	No Federal subsistence priority.
2	Deer	Rural residents of Unit 1(A) and residents of Units 2 and 3.
Unit 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
3, Wrangell and Mitkof Islands	Moose	Rural residents of Units 1(B), 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5(A).
5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Moose	Residents of Unit 5(A).
Unit 6(A)	Black Bear	Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.
6, Remainder	Black Bear	Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.
6	Brown Bear	No Federal subsistence priority.
6(C) and (D)	Goat	Rural residents of Unit 6(C) and (D).
6	Moose	No Federal subsistence priority.
6	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

Unit 7	Brown Bear	No Federal subsistence priority.
7	Caribou	No Federal subsistence priority.
7, Brown Mountain hunt area.	Goat	Residents of Port Graham and English Bay.
7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay and Tatitlek.
7, Remainder	Moose	No Federal subsistence priority.
7	Sheep	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	Residents of Unit 8.
8	Goat	No Federal subsistence priority.

Unit 9(D)	Bison	No Federal subsistence priority.
9(A) and (B)	Black Bear	Residents of Units 9(A) and (B), and 17(A), (B), and (C).
9(A), (C) and (D)	Brown Bear	No Federal subsistence priority.
9(B)	Brown Bear	Residents of Unit 9(B).
9(E)	Brown Bear	Residents of Chignik Lake, Egegik, Ivanof Bay, Perryville, and Port Heiden/Meshik.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C) and 17.
9(C)	Caribou	Residents of Unit 9(B), 9(C), 17 and residents of Egegik.
9(D)	Caribou	Residents of Unit 9(D), and residents of False Pass.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, and residents of Nelson Lagoon and Sand Point.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C) and (E).
9(D)	Moose	No Federal subsistence priority.
9(B)	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth.
9, Remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.
9(A), (B), (C), & (E)	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 10 Unimak Island.	Caribou	Residents of False Pass.
10, Remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

Unit 11	Bison	No Federal subsistence priority.
11	Brown Bear	No Federal subsistence priority.
11, north of the Sanford River	Caribou	Residents of Units 11, 12, and 13 (A) - (D) and the residents of Chickaloon and Dot Lake.
11, remainder	Caribou	Residents of Units 11 and 13 (A) - (D) and the residents of Chickaloon.
11	Goat	Residents of Unit 11 and the residents of Chitina, Chistochina, Copper Center, Gakona, Gulkana, Mentasta Lake, Tazlina, Tonsina, and Dot Lake.
11, north of the Sanford River	Moose	Residents of Units 11, 12, and 13 (A) - (D) and the residents of Chickaloon and Dot Lake.
11, remainder	Moose	Residents of Unit 11 and Unit 13 (A) -(D) and the residents of Chickaloon.
11, north of the Sanford River	Moose	Residents of Unit 12 and the communities and areas of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/ South Park, Tazlina and Tonsina; Residents along the Nabesna Road - Milepost 0-46 (Nabesna Road), and residents along the McCarthy Road - Milepost 0-62 (McCarthy Road).
	Sheep	

11, remainder	Sheep	Residents of the communities and areas of Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/ South Park, Tazlina and Tonsina; Residents along the Tok Cutoff - Milepost 79-110 (Mentasta Pass), residents along the Nabesna Road - Milepost 0-46 (Nabesna Road), and residents along the McCarthy Road - Milepost 0-62 (McCarthy Road).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
11	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 12	Brown Bear	Residents of Unit 12 and Dot Lake.
12	Caribou	Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.
12, South of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.	Moose	Residents of Unit 11 north of 62nd parallel (excluding North Slana Homestead and South Slana Homestead); and residents of Unit 12, 13(A) - (D) and the residents of Chickaloon and residents of Dot Lake.
12, East of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.	Moose	Residents of Unit 12.
12, Remainder		
12	Moose	Residents of Unit 12 and residents of Dot Lake and Mentasta Lake.
12	Sheep	Residents of Unit 12 and residents of Chistochina and Mentasta Lake.
	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

Unit 13	Brown Bear	No Federal subsistence priority.
13	Caribou Nelchina Herd	Residents of Units 11, 13 and the residents of Chickaloon, and 12 (along Nabesna Road).
13(E)	Caribou	Residents of McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters)
13(D)	Goat	No Federal subsistence priority.
13(A), (B), and (D)	Moose	Residents of Unit 13 and the residents of Chickaloon.
13(C)	Moose	Residents of Units 12, 13 and the residents of Chickaloon and Dot Lake.
13(E)	Moose	Residents of McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Sheep	No Federal subsistence priority.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon, and 16 - 26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
13	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
Unit 14(B) and (C)	Brown Bear	No Federal subsistence priority.
14	Goat	No Federal subsistence priority.
14	Moose	No Federal subsistence priority.
14(A) and (C)	Sheep	No Federal subsistence priority.

Unit 15(C)	Black Bear	Residents of Port Graham and Nanwalek only.
15, Remainder	Black Bear	No Federal subsistence priority.
15	Brown Bear	No Federal subsistence priority.
15(C), Port Graham and English Bay hunt areas.	Goat	Residents of Port Graham and Nanwalek.
15(C), Seldovia hunt area.	Goat	Residents Seldovia area.
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No Federal subsistence priority.
15	Ptarmigan (Rock, Willow and White-tailed)	Residents of Unit 15.
15	Grouse (Spruce)	Residents of Unit 15.
15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16	Brown Bear	No Federal subsistence priority.
16(A)	Moose	No Federal subsistence priority.
16(B)	Moose	Residents of Unit 16(B).
16	Sheep	No Federal subsistence priority.
16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon, and 16 - 26.
16	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.

Unit 17	Black Bear	Residents of Units 9(A) and (B), and 17(A), (B), and (C).
17(A)	Brown Bear	Residents of Unit 17, and residents of Goodnews Bay and Platinum.
17(A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
17(B) and (C)		
17	Brown Bear	Residents of Unit 17.
	Caribou	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
17(A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.

<p>17(A) and (B) Those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.</p>	<p>Moose</p>	<p>Residents of Kwethluk.</p>
<p>17(A)</p>	<p>Moose</p>	<p>Residents of Unit 17 and residents of Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.</p>
<p>17(B) and (C)</p>	<p>Moose</p>	<p>Residents of Unit 17, and residents of Nondalton, Levelock, Goodnews Bay and Platinum.</p>
<p>17</p>	<p>Wolf</p>	<p>Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon, and 16 - 26.</p>
<p>17</p>	<p>Beaver</p>	<p>Residents of Units 9(A), (B), (C), (E), and 17.</p>

Unit 18	Black Bear	Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Chuathbaluk, Aniak, Lower Kalskag, Holy Cross, Stebbins, St. Michael, and Togiak.
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18	Caribou (Kilbuck caribou herd only)	INTERIM DETERMINATION BY FEDERAL SUBSISTENCE BOARD (12/18/91): residents of Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmanthluak, Nunapitchuk, Tuntutliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills.
18 North of the Yukon River.	Caribou (except Kilbuck caribou herd)	Residents of Alakanuk, Andreafsky, Chevak, Emmonak, Hooper Bay, Kotlik, Kwethluk, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, St. Michael, Scammon Bay, Sheldon Point, and Stebbins. Residents of Kwethluk.
18, Remainder	Caribou (except Kilbuck caribou herd)	Residents of Unit 18 and residents of Upper Kalskag, Lower Kalskag, Aniak, and Chuathbaluk.
18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including the Tuluksak River drainage.	Moose	
18, remainder	Moose	Residents of Unit 18 and residents of Upper Kalskag and Lower Kalskag.
18	Muskox	No Federal subsistence priority.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

Unit 19(C),(D)	Bison	No Federal subsistence priority.
19(A)	Brown Bear	Residents of Unit 19(A), (D), and Residents of Tuluksak, Lower Kalskag and Kwethluk.
19(B)	Brown Bear	Residents of Kwethluk.
19(C)	Brown Bear	No Federal subsistence priority.
19(D)	Brown Bear	Residents of Unit 19(A) and (D), and residents of Tulusak and Lower Kalskag.
19(A) and (B)	Caribou	Residents of Unit 19(A) and (B) and Kwethluk; and residents of Unit 18 in Kuskokwim Drainage and Kuskokwim Bay during the winter season.
19(C)	Caribou	Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.
19(D)	Caribou	Residents of Unit 19(D), and residents of Lime Village, Sleetmute and Stony River.
19(A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.
19(C)	Moose	Residents of Unit 19.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.
Unit 20(D)	Bison	No Federal subsistence priority.
20(F)	Black Bear	Residents of Unit 20(F)and residents of Stevens Village and Manley.
20(E)	Brown Bear	Residents of Unit 12 and Dot Lake.
20(F)	Brown Bear	Residents of Unit 20(F)and residents of Stevens Village and Manley.

20(A), (C) (Delta, Yanert, and 20(C) herds) and (D)	Caribou	No determination, except no subsistence for residents of households of the Denali National Park Headquarters.
20(D) and 20(E)	Caribou 40-Mile Herd	Residents of Unit 12 north of Wrangell Park-Preserve, rural residents of 20(D) and residents of 20(E).
20(A)	Moose	Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area - residents of Minto and Nenana.
20(B)	Moose	Remainder - rural residents of Unit 20(B), and residents of Nenana and Tanana.
20(C)	Moose	Rural residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300-309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
20(D)	Moose	Rural residents of Unit 20(D) and residents of Tanacross.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto and Stevens Village.

20(F)	Wolf	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.
20(D)	Grouse, (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
20(D)	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 21	Brown Bear	Rural residents of Unit 21 and 23.
21	Caribou, Western Arctic Caribou Herd only	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of 23 and 24.
21(A) and (E)	Caribou	Residents of Unit 21(A) and Aniak, Chuathbaluk, Crooked Creek, Grayling, Holy Cross, McGrath, Shageluk and Takotna. Residents of Unit 21(A), (E), Takotna, McGrath, Aniak and Crooked Creek.
21(A)	Moose	Residents of Unit 21(B) and (C), residents of Tanana and Galena.
21(B) and (C)	Moose	Residents of Unit 21(D), and residents of Huslia and Ruby.
21(D)	Moose	Residents of Unit 21(E) and residents of Russian Mission.
21(E)	Moose	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon, and 16 - 26.
21	Wolf	

Unit 22(A)	Black Bear	Residents of Unit 22(A) and Koyuk.
22(B)	Black Bear	Residents of Unit 22(B).
22(C), (D), and (E)	Black Bear	No Federal subsistence priority.
22	Brown Bear	Residents of Unit 22
22(A)	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Mary's, Sheldon Point, and Alakanuk.
22, Remainder	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24. Residents of Unit 22.
22	Moose	Residents of Unit 22(B).
22(B)	Muskox	Residents of Unit 22(C).
22(C)	Muskox	Residents of Unit 22(D) excluding St. Lawrence Island.
22(D)	Muskox	Residents of Unit 22(E) excluding Little Diomed Island.
22(E)	Muskox	Residents of Units 23, 22, 21(D) north and west of the Yukon River, and residents of Kotlik.
22	Wolf	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
22	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
22	Ptarmigan (Rock, Willow and White-tailed)	

Unit 23	Brown Bear	Rural residents of Units 21 and 23.
23	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, residents of Galena, and residents of Units 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26(A).
23	Moose	Residents of Unit 23.
23 South of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.
23, Remainder	Muskox	Residents of Unit 23 east and north of the Buckland River drainage.
23	Sheep	Residents of Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon, and 16 - 26.
23	Grouse (Spruce, Blue, Ruffed and Sharp-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
23	Ptarmigan (Rock, Willow and White-tailed)	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.

Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Brown Bear	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area
24	Caribou	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area; residents of Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
24		Residents of Unit 24, and residents of Koyukuk and Galena.
24	Moose	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, Hughes, and Huslia.
	Sheep	
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

Unit 25(D)	Black Bear	Residents of Unit 25(D).
25(D)	Brown Bear	Residents of Unit 25(D).
25, remainder	Brown Bear	No Federal subsistence priority.
25(A)	Moose	Residents of Unit 25(A) and 25(D).
25(D) West	Moose	Residents of Beaver, Birch Creek and Stevens Village.
25(D), Remainder	Moose	Residents of Remainder of Unit 25.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik and Venetie.
25(B) and (C)	Sheep	No Federal subsistence priority.
25(D)	Wolf	Residents of Unit 25(D).
25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26(A)	Caribou	Residents of Unit 26 and the residents of Anaktuvuk Pass and Point Hope.
26(B)	Caribou	Residents of Unit 26 and the residents of Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Caribou	Residents of Unit 26 and the residents of Anaktuvuk Pass and Point Hope.
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A)	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B)	Muskox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C)	Muskox	Residents of Kaktovik.
26(A)	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26(B)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Sheep	Residents of Unit 26, Arctic Village, Chalkytsik, Fort Yukon, Point Hope, and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11 - 13 and the residents of Chickaloon and 16 - 26.

(2) Fish and shellfish determinations.

Area	Species	Determination
<p>KOTZEBUE-NORTHERN AREA - Northern District</p> <p>Kotzebue District</p>	<p>All fish</p> <p>Salmon, sheefish, char</p>	<p>Residents of the Northern District, except for those domiciled in State of Alaska Unit 26-B.</p> <p>Residents of the Kotzebue District.</p>
<p>NORTON SOUND - PORT CLARENCE AREA</p>	<p>Salmon</p>	<p>Residents of the Norton Sound-Port Clarence Area.</p>
<p>YUKON AREA</p>	<p>Salmon</p> <p>Yukon River Fall chum salmon</p> <p>Freshwater fish species, including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish</p>	<p>Residents of the Yukon Area, including the community of Stebbins.</p> <p>Residents of the Yukon River drainage, including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak.</p> <p>Residents of the Yukon Area.</p>
<p>KUSKOKWIM AREA</p> <p>Waters adjacent to the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and around Nunivak Island.</p>	<p>Salmon</p> <p>Rainbow trout</p> <p>Pacific cod</p> <p>Herring and herring roe</p>	<p>Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB.</p> <p>Residents of the the communities of Quinhagak, Goodnews Bay, Kwethluk, Eek, Akiachak, Akiak, and Platinum.</p> <p>Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Cheforak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.</p> <p>Residents within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island.</p>

BRISTOL BAY AREA - Nushagak District, including drainages flowing into the district	Salmon and other freshwater fish	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichek District - Naknek River drainage	Salmon and other freshwater fish	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichek District - Iliamna-Lake Clark drainage	Salmon and other freshwater fish	Residents of the Iliamna-Lake Clark drainage.
Togiak District, including drainages flowing into the district.	Salmon and other freshwater fish	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
KODIAK AREA - except the Mainland District, all waters along the southside of the Alaska Peninsula bounded by the latitude of Cape Douglas (58° 52' North latitude) mid-stream Shelikof Strait, and west of the longitude of the southern entrance of Kmuya Bay near Kilokak Rocks (57° 11' 22" North latitude, 156° 20' 30" W longitude)	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
KODIAK AREA - except the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough except those residents on the Kodiak Coast Guard base.
COOK INLET AREA - Port Graham Subdistrict	Dolly Varden	Residents of Port Graham and English Bay.
Port Graham Subdistrict and Koyuktolik Subdistrict	Salmon	Residents of Port Graham and English Bay.
Tyonek Subdistrict	Salmon	Residents of the village of Tyonek.

<p>PRINCE WILLIAM SOUND AREA - South-Western District and Green Island</p> <p>PRINCE WILLIAM SOUND AREA - North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.</p>	<p>Salmon</p> <p>Salmon</p>	<p>Residents of the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands.</p> <p>Residents of the villages of Tatitlek and Ellamar.</p>
<p>YAKUTAT AREA - Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River</p> <p>Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.</p>	<p>Salmon</p> <p>Dolly Varden char, steelhead trout, and smelt</p>	<p>Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.</p> <p>Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.</p>

<p>SOUTH-EASTERN ALASKA AREA - District 1 - Section 1-E in waters of the Naha River and Roosevelt Lagoon</p>	<p>Salmon, Dolly Varden char, trout, smelt and eulachon</p>	<p>Residents of the City of Saxman.</p>
<p>District 1 - Section 1-F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek</p>	<p>Salmon, Dolly Varden char, trout, smelt and eulachon</p>	<p>Residents of the City of Saxman.</p>
<p>District 2 - North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula</p>	<p>Salmon, Dolly Varden char, trout, smelt and eulachon</p>	<p>Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20' W. long. and east of 132° 25' W. long.</p>
<p>District 3 - Section 3-A</p>		
<p>District 3 - Section 3-B in waters east of a line from Point Ildefonso to Tranquil Point</p>	<p>Salmon, Dolly Varden char, trout, smelt and eulachon</p>	<p>Residents of the townsite of Hydaburg.</p>
	<p>Salmon, Dolly Varden char, trout, smelt and eulachon</p>	<p>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989.</p>
<p>District 3 - Section 3-C in waters of Sarkar Lakes</p>	<p>Salmon, Dolly Varden char, trout, smelt and eulachon</p>	<p>Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989.</p>

District 5 - North of a line from Point Barrie to Boulder Point	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9 - Section 9-A	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9 - Section 9-B north of the latitude of Swain Point	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 10 - West of a line from Pinta Point to False Point Pybus	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 12 - South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30' W. long., including Killisnoo Island.
District 13 - Section 13-A south of the latitude of Cape Edward	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City and Borough of Sitka in drainages which empty into Section 13-B north of the latitude of Dorothy Narrows.
District 13 - Section 13-B north of the latitude of Redfish Cape	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City and Borough of Sitka in drainages which empty into Section 13-B north of the latitude of Dorothy Narrows.
District 13 - Section 13-C	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City and Borough of Sitka in drainages which empty into Section 13-B north of the latitude of Dorothy Narrows.

District 13 - Section 13-C east of the longitude of Point Elizabeth	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30' W. long., including Killisnoo Island.
District 14 - Section 14-B and 14-C	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents of the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia.
District 15 - Chilkat and Chilkoot Rivers	Salmon, Dolly Varden char, trout, smelt and eulachon	Residents west of the Haines highway between Mile 20 and Mile 24 and east of the Chilkat River, but not elsewhere in Klukwan; and, those residents of other areas of the city and borough of Haines, excluding residents in the drainage of Excursion Inlet.

3. Subpart D, Sections __.26 and __.27 of 36 CFR part 242 and 50 CFR part 100, proposed to be amended to read as follows:

§__.26 Subsistence taking of fish.

(a) Applicability. (1) Regulations in this section apply to the taking of fish or their parts for subsistence uses.

(2) Fish may be taken for subsistence uses at any time by any method unless restricted by the subsistence fishing regulations found in §__.26.

(b) Definitions. The following definitions shall apply to all regulations contained in this section and §__.27:

Abalone Iron means a flat device which is used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Anchor means a device used to hold a salmon fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Char means the following species: Arctic char (Salvelinus alpinis); lake trout (Salvelinus namaycush); brook trout (Salvelinus fontinalis), and Dolly Varden (Salvelinus malma).

Crab means the following species: red king crab (Paralithodes camshatica); blue king crab (Paralithodes platypus); brown king crab (Lithodes aequispina); Lithodes couesi; all species of tanner or snow crab (Chionoecetes spp.); and Dungeness crab (Cancer magister).

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening;

no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving Gear means any type of hard hat or skin diving equipment, including SCUBA equipment.

Drainage means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds and lakes which contribute to the supply of the watershed.

Drift gill net means a drifting gill net that has not been intentionally staked, anchored or otherwise fixed.

Federal lands means lands and waters and interests therein the title to which is in the United States.

Fishwheel means a fixed, rotating device for catching fish which is driven by river current or other means of power.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gill net means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish - bottomfish means any marine fish except halibut, osmerids, herring and salmonids.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Harvest Limit means the maximum legal take per person or designated group, per specified time period, even if part or all of the fish are preserved.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice.

Lead means either a length of net employed for guiding fish into a seine, set gill net, or other length of net, or a length of fencing employed for guiding fish into a fishwheel, fyke net or dip net.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Possession limit means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15 day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus Sebastes.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole.

Salmon means the following species: pink salmon (Oncorhynchus gorbusha); sockeye salmon (Oncorhynchus nerka); chinook salmon (Oncorhynchus tshawytscha); coho salmon (Oncorhynchus kisutch); and chum salmon (Oncorhynchus keta).

Salmon stream means any stream used by salmon for spawning or for travelling to a spawning area.

Salmon stream terminus means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

Set gill net means a gill net that has been intentionally set, staked, anchored, or otherwise fixed.

Shovel means a hand-operated implement for digging clams or cockles.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Take or Taking means to pursue, hunt, shoot, trap, net capture, collect, kill, harm, or attempt to engage in any such conduct.

To operate fishing gear means any of the following: the deployment of gear in the waters of Alaska; the removal of gear from the waters of Alaska; the removal of fish or shellfish from the gear during an open season or period; or the possession of a gill net containing fish during an open fishing period, except that a gill net which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish.

Trout means the following species: cutthroat trout (Oncorhynchus clarki) and rainbow trout or steelhead trout (Oncorhynchus mykiss).

(c) Methods, means, and general restrictions. (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit, the following are legal types of gear for subsistence fishing:

- (i) a set gillnet;
- (ii) a drift gillnet;
- (iii) a purse seine;
- (iv) a beach seine;
- (v) troll gear;
- (vi) a fish wheel;
- (vii) a trawl;
- (viii) a pot;
- (ix) a ring net;
- (x) a longline;

- (xi) a fyke net;
- (xii) a lead;
- (xiii) a herring pound;
- (xiv) a dip net;
- (xv) jigging gear;
- (xvi) a mechanical jigging machine;
- (xvii) a handline;
- (xviii) a rod and reel; and,
- (xix) a spear.

(2) All pots used to take fish must contain an opening on the webbing of a sidewall of the pot which has been laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread which upon deterioration or parting of the twine produces an opening in the web with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter.

(3) Gill nets used for subsistence fishing for salmon may not exceed 50 fathoms in length, unless otherwise specified by regulations for particular areas set forth in this section. The gill net web must contain at least 30 filaments of equal diameter or at least 6 filaments, each of which must be at least 0.20 millimeter in diameter.

(4) Any fishing gear used to take fish for subsistence uses may not obstruct more than one-half the width of any stream. A stationary fishing device may obstruct not more than one-half the width of any stream.

(5) The use of live non-indigenous fish as bait is prohibited.

(6) Each fishwheel must have the first initial, last name, and address of the operator plainly and legibly inscribed on the side of the fishwheel facing midstream of the river.

(7) Kegs or buoys attached to any permitted gear may be any color but red.

(8) Each keg, buoy, stakes attached to gill nets, stakes identifying gear fished under the ice, and any other unattended fishing gear which a person employs to take fish for subsistence uses must have the first initial, last name, and address of the operator plainly and legibly inscribed.

(9) No person may use explosives or chemicals to take fish for subsistence uses.

(10) No person may take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

(11) The limited exchange for cash of subsistence-harvested fish their parts, or their eggs, legally taken under Federal subsistence management regulations to support personal and family needs is permitted as customary trade, so long as it does not constitute a significant commercial enterprise. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) Subsistence-taken fish, their parts, or their eggs may not be purchased for use in a significant commercial enterprise. Persons licensed by the State of Alaska to engage in a fisheries business may not receive for resale or barter or solicit to barter for subsistence-taken fish, their parts or their eggs.

(13) Except as provided elsewhere in this subpart, the taking of rainbow trout and steelhead trout is prohibited.

(14) Fish taken for subsistence use or under subsistence regulations may not be subsequently used as bait for commercial or sport fishing purposes.

(15) Harvest limits authorized in this section or §__.27 may not be accumulated with harvest limits authorized in State seasons.

(16) Unless specified otherwise in this section, use of a rod and reel to take fish is permitted without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) Where a subsistence fishing permit issued by the ADF&G is required by this section, that permit is required to take fish for subsistence uses with rod and reel. The harvest and possession limits for taking fish for subsistence uses with a rod and reel in those areas are the same as indicated on the ADF&G permit issued for subsistence fishing with other gear types;

(ii) Where a subsistence fishing permit is not required by this section, the harvest and possession limits for taking fish for subsistence uses with a rod and reel is the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

(17) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, fish for subsistence uses may be taken at any time.

(18) Fish or their parts taken in violation of Federal may not be possessed, transported, given, received or bartered.

(d) Fishing by designated fishing permit. (1) Any species of fish that may be taken by subsistence fishing under this Part may be taken under a designated harvest permit.

(2) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take fish on his or her behalf. The designated fisherman must obtain a designated fishing permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) a person may not fish with more than one legal limit of gear as established by this section.

(5) A beneficiary may not designate more than one person to take or attempt to take fish on the beneficiary's behalf at one time. A beneficiary may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on behalf of a beneficiary.

(e) Fishing permits and reports. If a subsistence fishing permit is required by this section, the following permit conditions apply unless otherwise specified in this section:

(1) The number of fish taken for subsistence use may not exceed the limits set out in the permit;

(2) The permit must be obtained prior to fishing;

(3) The permit must be in the possession of the permittee and readily available for inspection while fishing or transporting subsistence-taken fish;

(4) If specified on the permit, the permittee shall keep accurate daily records of the catch, showing the number of fish taken by species, location and date of catch, and other such information as may be required for management or conservation purposes; and,

(5) If the return of catch information necessary for management and conservation purposes is required by a fishing permit, a permittee who fails to comply with such reporting requirements is ineligible to receive a subsistence permit for that activity during the following calendar year, unless the permit applicant demonstrates that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(f) Relation to commercial fishing activities. (1) Federally-qualified subsistence users who commercial fish may retain fish for their for subsistence purposes from their lawfully-taken commercial catch.

(2) No person, when participating in a commercial and subsistence fishery at the same time, may use an amount of combined fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

(g) No person may possess or transport subsistence-taken fish or their parts which have been taken contrary to Federal or State law or regulation.

(h) Fishery management area restrictions. (1) Kotzebue-Northern Area. The Kotzebue-Northern Area includes all waters of Alaska north of the latitude of the westernmost tip of Cape Prince of Wales and west of 141° West longitude, including those waters draining into the Chukchi Sea and Arctic Oceans.

(i) Fish may be taken for subsistence purposes without a permit.

(ii) Salmon may be taken only by gill nets, beach seines, or a rod and reel.

(iii) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(iv) In the Kotzebue District, gill nets used to take sheefish may not be more than 50 fathoms in length, nor more than 12 meshes in depth, nor have a mesh size larger than 7 inches.

(v) In the Kotzebue District, the Noatak River one mile upstream and one mile downstream from the mouth of the Kelly River, and the Kelly River from its mouth to ¼ mile upstream are closed to subsistence char fishing from June 1 through September 20.

(2) Norton Sound-Port Clarence Area. The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Canal Point light, including those waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

(i) In the Port Clarence District, fish may be taken at any time except that during the period July 1 through August 15, salmon may only be taken from 6:00 p.m. Thursday until 6:00 p.m. Tuesday.

(ii) In the Norton Sound District, fish may be taken at any time except as follows:

(A) in Subdistricts 2 through 6, commercial fishermen may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, except that from July 15 through August 1, commercial fishermen may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a mesh size that does not exceed 4 1/2 inches, and with beach seines;

(B) in the Unalakleet River from June 1 through July 15, salmon may be taken only from 8:00 a.m. Monday until 8:00 p.m. Saturday.

(iii) Salmon may be taken only by gill nets, beach seines, fishwheel, or a rod and reel.

(iv) In Subdistrict 1, only set gillnets may be used, except as otherwise specified.

(v) In the Unalakleet River from June 1 through July 15, no person may operate more than 25 fathoms of gillnet in the aggregate and no person may operate an unanchored fishing net.

(vi) In the Norton Sound District, fish may not be taken for subsistence purposes seaward of the mouth of the Unalakleet River in an area between ADF&G regulatory markers on each side of the river to a outer line established by ADF&G regulatory markers and buoys.

(vii) Fish may be taken for subsistence purposes without a subsistence fishing permit.

(3) Yukon Area. The Yukon Area includes all waters of Alaska between the latitude of Canal Point light and the latitude of the westernmost point of Naskonat Peninsula, including those draining into the Bering Sea.

(i) Unless otherwise restricted in this section, salmon may be taken in the Yukon Area at any time.

(ii) In the following locations, salmon may be taken only during the open weekly fishing periods of the commercial salmon fishing season and may not be taken for 24 hours before the opening and 24 hours after the closure of the commercial salmon fishing season:

(A) District 4, excluding the Koyukuk and Innoko River drainages;

(B) in Subdistricts 4-B and 4-C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(C) District 6, excluding the Kantishna River drainage.

(iii) During any commercial salmon fishing season closure of greater than five days in duration, salmon may not be taken during the following periods in the following districts:

(A) in District 4, excluding the Koyukuk and Innoko River drainages, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(B) in Subdistricts 6-A and 6-B, excluding the Kantishna River drainage and that portion of the Tanana River drainage upstream of the mouth of the Salcha River, salmon may not be taken from 6:00 p.m. Wednesday until 6:00 p.m. Friday.

(iv) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, there is no closed season on fish other than salmon.

(v) In Districts 1, 2, 3, and Subdistrict 4-A, salmon may not be taken for subsistence purposes:

(A) during the 24 hours immediately before the opening of the commercial salmon fishing season; and

(B) 18 hours immediately before, during, and 12 hours after each weekly fishing period of the commercial salmon fishing season.

(vi) In the upper Yukon River drainage, Birch Creek, the Dall River from June 10 -September 10, and within 500 feet of their mouths are closed to subsistence fishing, except that whitefish and suckers may be taken under the authority of a subsistence fishing permit.

(vii) The following drainages located north of the main Yukon River are closed to subsistence fishing:

(A) Kanuti River upstream from a point five miles downstream of the state highway crossing;

(B) Fish Creek upstream from the mouth of Bonanza Creek;

(C) Middle Fork of the Koyukuk River system upstream from the mouth of the North Fork; and,

(D) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(viii) Salmon may be taken only by gillnet, beach seine or fish wheel, subject to the restrictions set forth in this section.

(ix) In District 4, commercial fishermen may not take salmon for subsistence purposes during the commercial salmon fishing season using gillnets larger than six-inch mesh after a date specified by ADF&G emergency order issued between July 10 and July 31.

(x) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:

(A) in Subdistrict 4-A upstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 21 through July 14, and chum salmon may be taken by drift gillnets after August 2;

(B) in Subdistrict 4-A downstream from the mouth of Stink Creek, king salmon may be taken by drift gillnets from June 15 through July 14; and,

(C) no person may operate a drift gillnet that is more than 150 feet in length during the seasons described in paragraphs (A) and (B) of this subsection.

(xi) Unless otherwise specified in this section, fish other than salmon may be taken subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) during the open weekly fishing periods of the commercial salmon fishing season, a commercial fisherman may not operate more than one type of gear at a time, for commercial and subsistence purposes;

(B) the aggregate length of set gillnet in use by an individual may not exceed 150 fathoms and each drift gillnet in use by an individual may not exceed 50 fathoms in length; and,

(C) in Districts 4, 5, and 6, it is unlawful to set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear except that, at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the "Slide," subsistence fishing gear may be set within 200 feet of other operating commercial or subsistence fishing gear.

(xii) In District 4, from September 21 through May 15, jigging gear may be used from shore ice.

(xiii) Except as provided in this section, fish may be taken for subsistence purposes without a subsistence fishing permit.

(xiv) A subsistence fishing permit is required as follows:

(A) for the Yukon River drainage from ADF&G regulatory markers placed near the upstream mouth of 22 Mile Slough upstream to the U.S.-Canada border;

(B) for whitefish and suckers in Birch Creek, Dall River from June 10 -September 10, and within 500 feet of their mouths;

(C) for the taking of salmon in Subdistricts 6-A and 6-B.

(xv) Only one subsistence fishing permit will be issued to each household per year.

(xvi) Permits issued for the taking of salmon in Subdistricts 6-A and 6-B must also contain the following requirements:

(A) Salmon may be taken only by set gillnet or fish wheel. No household may operate more than one fish wheel;

(B) Each subsistence fisherman shall keep accurate daily records of his or her catch, the number of fish taken by species, location and date of the catch, and other information that the department may require for management or conservation purposes;

(C) The annual harvest limit for the holder of a Subdistrict 6-A or 6-B subsistence salmon fishing permit is 60 chinook salmon and 500 chum salmon for the period through August 15 of a year, and 2,000 chum and coho salmon combined for the period after August 15;

(D) Unless otherwise provided, from June 20 through September 30, open subsistence salmon fishing periods are concurrent with open commercial salmon fishing periods. During closures of the commercial salmon fishery, open subsistence salmon fishing periods will be identified by ADF&G;

(E) In the Kantishna River drainage, the open subsistence salmon fishing periods are seven days per week.

(xvii) In Districts 1, 2, and 3, no person may possess king salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xviii) A commercial salmon permit holder registered for the setnet only locations may not use drift gillnets for the subsistence taking of salmon in Districts 1, 2, and 3.

(xix) A commercial salmon fisherman who is registered for District 1, 2, or 3 may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village.

(4) Kuskokwim Area. The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, fish may be taken in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, salmon may not be taken for 16 hours before, during, and for six hours after, each open commercial salmon fishing period for District 1.

(iii) In District 1, Kuskokuak Slough only from June 1 through July 31, salmon may not be taken for 16 hours before and during each open commercial salmon fishing period in the district.

(iv) In Districts 4 and 5, from June 1 through September 8, salmon may not be taken for 16 hours before, during, and 6 hours after each open commercial salmon fishing period in each district.

(v) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 salmon may not be taken for 16 hours before, during, and six hours after each open commercial salmon fishing period in the district.

(vi) The Kanektok River is closed to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(vii) The Arolik River is closed to the subsistence taking of fish by nets upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(viii) Salmon may be taken only by gillnet, beach seine, or fish wheel subject to the restrictions set out in this section, except that salmon may also be taken by spear in the Holitna River drainage, Kanektok River drainage, and Arolik River drainage.

(ix) The aggregate length of set gillnets or drift gillnets in use by any individual for taking salmon may not exceed 50 fathoms.

(x) Each subsistence gillnet operated in tributaries of the Kuskokwim River must be attached to the bank, fished substantially perpendicular to the bank and in a substantially straight line.

(xi) In that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, no part of a set gillnet located within a tributary to the Kuskokwim River may be set or operated within 150 feet of any part of another set gillnet.

(xii) The maximum depth of gillnets is as follows:

(A) Gillnets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than six-inch mesh may not be more than 35 meshes in depth.

(xiii) Subsistence set and drift gillnets operated in Whitefish Lake in the Ophir Creek drainage may not exceed 15 fathoms in length.

(xiv) A person may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. A person operating a subsistence set or drift gillnet shall check the net at least once every 24 hours.

(xv) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak from those non-navigable drainages tributary to the Kuskokwim River downstream from the confluence of the Kuskokwim and Holitna Rivers and from those non-navigable drainages to Kuskokwim Bay north of the community of Platinum, subject to the following restrictions:

(A) Rainbow trout may be taken only by the use of gill nets, rod and reel, or jigging through the ice;

(B) The use of gill nets for taking rainbow trout is prohibited from March 15 - June 15.

(5) Bristol Bay Area. The Bristol Bay Area includes all waters of Bristol Bay including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence fishing permit, fish, may be taken at any time in the Bristol Bay area.

(ii) In all commercial salmon districts, from May 1 through May 31 and October 1 through October 31, subsistence fishing for salmon is permitted from 9:00 a.m. Monday until 9:00 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, salmon may be taken only during open commercial salmon fishing periods.

(iii) In the Egegik, and Ugashik Rivers from 9:00 a.m. June 23 through 9:00 a.m. July 17, salmon may be taken only from 9:00 a.m. Tuesday to 9:00 a.m. Wednesday and 9:00 a.m. Saturday to 9:00 a.m. Sunday.

(iv) Except for the western shore of the Newhalen River, waters within 300 feet of a stream mouth used by salmon are closed to the subsistence taking of fish.

(v) Within any district, salmon, herring, and capelin may be taken only by drift and set gillnets.

(vi) Gillnets are prohibited in that portion of the Naknek River upstream from Savonaski.

(vii) Outside the boundaries of any district, salmon may only be taken by set gillnet, except that salmon may also be taken by spear in the Togiak River excluding its tributaries.

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

(A) set gillnets may not exceed 10 fathoms in length in the Egegik and Ugashik Rivers, in the Nushagak District during the emergency order subsistence openings; in Naknek Lake;

(B) in the remaining waters of the area, set gillnets may not exceed 25 fathoms in length.

(ix) In the Nushagak District, during special subsistence openings, no set gillnet may be set or operated within 450 feet of another set gillnet.

(x) No part of a set gillnet may be operated within 300 feet of any part of another set gillnet.

(xi) Each set gillnet must be staked and buoyed.

(xii) No person may operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xiii) Salmon, trout and char may only be taken under authority of a subsistence fishing permit.

(xiv) Only one subsistence fishing permit may be issued to each household per year.

(xv) After August 20, no person may possess coho salmon for subsistence purposes in the Togiak River section and the Togiak River drainage unless the head has been immediately removed from the salmon.

(6) Aleutian Islands Area. The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54° 36' North latitude.

(i) Fish, other than salmon, rainbow trout, and steelhead trout, may be taken at any time unless restricted under the terms of a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries are lawfully taken and may be retained for subsistence purposes.

(ii) In the Unalaska District, salmon may be taken for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except:

(A) that from June 1 through September 15, a salmon seine vessel may not be used to take salmon for subsistence 24 hours before, during, or 24 hours after an open commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing;

(B) that from June 1 through September 15, a purse seine vessel may be used to take salmon only with a gillnet and no other type of salmon gear may be on board the vessel while subsistence fishing; or,

(C) as may be specified on a subsistence fishing permit.

(iii) In the Akutan and Umnak Districts, salmon may be taken at any time.

(iv) The waters of Unalaska Lake (at Unalaska Village), its drainages and the outlet stream and within 500 yards of its terminus are closed to subsistence fishing.

(v) The Adak District is closed to the taking of salmon.

(vi) Salmon may be taken by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vii) Fish other than salmon may be taken by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) Salmon, trout and char may only be taken under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak and Adak Districts.

(ix) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska District, the holder of a subsistence salmon fishing permit may take no more than 25 salmon plus an additional 25 salmon for each member of the same household whose name is listed on the permit.

(x) A record of subsistence-caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned no later than October 31.

(7) Alaska Peninsula Area. The Alaska Peninsula Area includes all Pacific Ocean waters of Alaska between a line extending southeast (135°) from the tip of Kupreanof Point and the longitude of the tip of Cape Sarichef, and all Bering Sea waters of Alaska east of the latitude of the tip of Cape Menshikof.

(i) Fish, other than salmon, rainbow trout, and steelhead trout, may be taken at any time unless restricted under the terms of a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries or through the ice, are lawfully taken and may be retained for subsistence purposes.

(ii) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit.

(iii) A record of subsistence-caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned to the local representative of the department no later than October 31.

(iv) Salmon may be taken at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(v) The following waters are closed to subsistence fishing for salmon:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth;

(C) inshore of a line from the Pacific Pearl Dock to Black Point, including the inlet and Humboldt Creek.

(vi) Salmon may be taken by seine, gill net, rod and reel, or with gear specified on a subsistence fishing permit.

(vii) Fish other than salmon may be taken by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) No set gillnet may exceed 100 fathoms in length.

(ix) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(8) Chignik Area. The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula enclosed by $156^{\circ} 21' 13''$ West longitude (the longitude of the southern entrance to Imuya Bay near Kilokak Rocks) and a line extending southeast (135°) from the tip of Kupreanof Point.

(i) Fish, other than rainbow trout and steelhead trout, may be taken at any time, except as may be specified by a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries, are lawfully taken and may be retained for subsistence purposes.

(ii) Salmon may not be taken in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iii) Salmon may be taken by seines, gill nets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake salmon may not be taken with purse seines.

(iv) Fish other than salmon may be taken by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(v) Salmon, trout and char may only be taken under the authority of a subsistence fishing permit.

(vi) Not more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(vii) A record of subsistence-caught fish must be kept on the reverse side of the permit. The record must be completed immediately upon taking subsistence-caught fish and must be returned no later than October 31.

(viii) From 48 hours before the first commercial salmon fishing opening in the Chignik Area through September 30, a commercial fishing license holder may not subsistence fish for salmon.

(9) Kodiak Area. The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58° 52' N. lat.), west of 150° W. long., north of 55° 30' N. lat.; and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156° 20' 13" w. long.).

(i) Fish, other than salmon, rainbow trout and steelhead trout, may be taken at any time unless restricted by the terms of a subsistence fishing permit. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries, are lawfully taken and may be retained for subsistence purposes.

(ii) Salmon may be taken for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) from June 1 through September 15, salmon seine vessels may not be used to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(B) from June 1 through September 15, purse seine vessels may be used to take salmon only with gillnets and no other type of salmon gear maybe on board the vessel.

(iii) The following locations are closed to the subsistence taking of salmon:

(A) all freshwater systems of Little Afognak River and Portage Creek drainage in Discoverer Bay;

(B) all waters closed to commercial salmon fishing in Anton Larsen Bay and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

(C) all waters 300 yards seaward of the terminus of Monks Creek;

(D) from August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(E) all freshwater systems of Afognak Island.

(iv) Salmon may only be taken by gill net, rod and reel, or seine.

(v) Subsistence fishermen must be physically present at the net at all times the net is being fished.

(vi) A subsistence fishing permit is required for taking salmon, trout, and char for subsistence purposes. A subsistence fishing permit is required for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from April 15 through June 30.

(vii) A subsistence salmon fishing permit allows the holder to take 25 salmon plus an additional 25 salmon for each member of the same household whose names are listed on the permit. An additional permit may be obtained if it can be shown that more fish are needed.

(viii) All subsistence fishermen shall keep a record of the number of subsistence fish taken each year. The number of subsistence fish taken shall be recorded on the reverse side of the permit. The record must be completed immediately upon landing subsistence-caught fish, and must be returned by February 1 of the year following the year the permit was issued.

(10) Cook Inlet Area. The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 52' N. lat.) and a line extending south from Cape Fairfield (148° 40' W. long.).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken at any time in the Cook Inlet Area. Rainbow trout and steelhead trout, taken incidentally in other subsistence finfish net fisheries and through the ice, are lawfully taken and may be retained for subsistence purposes.

(ii) Salmon may be taken for subsistence purposes only as follows: no part of a set gillnet may be set or operated within 600 feet of any part of another set gill net.

(iii) No person may operate or assist in the operation of subsistence salmon net gear on the same day that person operates or assists in the operation of commercial salmon gear.

(iv) Bottomfish may be taken by legal gear for commercial bottomfish fishing in the area.

(v) Herring may be taken only with gill nets. Gill nets used to take herring may not exceed 50 feet in length and 2 inches in mesh size.

(vi) Gill nets may not be used in fresh water.

(vii) Dolly Varden may be taken in fresh water only by beach seines not exceeding 10 fathoms in length.

(viii) Salmon may be taken only under the authority of a subsistence fishing permit issued by ADF&G; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily salmon catches on forms provided by ADF&G.

(ix) Whitefish may not be taken.

(x) Dolly Varden may be taken in fresh water only under the authority of a subsistence fishing permit issued by ADF&G; only one permit may be issued to a household each year. A subsistence fishing permit holder shall record daily Dolly Varden catches on forms provided by ADF&G.

(xi) No person may possess salmon taken under the authority of a subsistence fishing permit unless both lobes of the caudal fin (tail) have been immediately removed from the salmon.

(xii) The total annual possession limit for each subsistence salmon fishing permit is as follows:

(A) 25 salmon for the head of a household and 10 salmon for each dependent of the permit holder;

(B) in addition to the limits in paragraph (B) of this subsection, the holder of a Tyonek Subdistrict subsistence salmon fishing permit may take 70 king salmon.

(xiii) In the subsistence taking of smelt there are no harvest or possession limits and smelt may be taken only with dip nets or gill nets:

(A) in salt water from April 1 through May 31 and September 1 through October 30;

(B) in fresh water from April 1 through June 15;

(C) no gillnet fished in salt water may exceed 50 feet in length and two inches in mesh size;

(D) no gillnet fished in fresh water may exceed 20 feet in length and two inches in mesh size;

(E) each gillnet must be attended by the fisherman at all times when it is being used to take fish.

(11) Prince William Sound Area. The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken at any time in the Prince William Sound Area.

(ii) Salmon may be taken in the Upper Copper River District only as follows:

(A) in the Glennallen Subdistrict, from June 1 through September 30;

(B) the Chitina Subdistrict is closed to subsistence salmon fishing.

(iii) Rainbow trout and steelhead trout taken incidentally in other subsistence finfish net fisheries are lawfully taken and may be retained for subsistence purposes.

(iv) All tributaries of the Copper River and waters of the Copper River not in the Upper Copper River District are closed to the taking of salmon.

(v) Salmon, other than chinook salmon, may be taken in the vicinity of the former Native village of Batzulnetas under the following conditions:

(A) salmon may be taken only under the authority of a Batzulnetas subsistence salmon fishing permit;

(B) salmon may be taken only in those waters of the Copper River between ADF&G regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between ADF&G regulatory markers identifying the open waters of the creek;

(C) fish wheels and dip nets only may be used on the Copper River; dip nets and spears only may be used in Tanada Creek;

(D) salmon may be taken only from June 1 through September 1 or until the season is closed; openings will be established by the Board and will be two days per week during the month of June and 3.5 days per week for the remainder of the season;

(E) chinook salmon taken must be released to the water unharmed; fish wheels must be equipped with a livebox or be monitored at all times;

(F) annual harvest and possession limits are as specified in this section;

(G) the permit must be returned no later than September 30 of each year.

(vi) Salmon may not be taken in any area closed to commercial salmon fishing unless specifically permitted in this section.

(vii) Fish may be taken by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(viii) Salmon may be taken only by the following types of gear:

(A) in the Glennallen Subdistrict by fish wheels, rod and reel, or dip nets;

(B) in salt water by gill nets and seines; and,

(C) Fish wheels used for subsistence fishing may not be rented, leased, or otherwise used for personal gain. Subsistence fish wheels must be removed from the water at the end of the permit period. Each permittee may operate only one fish wheel at any one time. No person may set or operate a fish wheel within 75 feet of another fish wheel. No fish wheel may have more than two baskets.

(ix) A permit holder (permittee) must personally operate the fish wheel or dip net. A subsistence fish wheel or dip net permit may not be loaned or transferred.

(x) A wood or metal plate at least 12 inches high by 12 inches wide, bearing the permit holder's name and address in letters and numerals at least one inch high, must be attached to each fish wheel so that the name and address are plainly visible.

(xi) Except as provided in this section, fish other than salmon and freshwater fish species may be taken for subsistence purposes without a subsistence fishing permit.

(xii) Salmon and freshwater fish species may be taken only under authority of a subsistence fishing permit.

(xiii) Only one subsistence fishing permit will be issued to each household per year.

(xiv) A subsistence fishing permit for the Upper Copper River District will be issued only to residents of this state. The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) only one type of gear may be specified on a permit;

(B) only one permit per year may be issued to a household;

(C) permits must be returned no later than October 31, or a permit for the following year may be denied;

(D) a household may not be issued both a Copper River salmon fishing permit and a Chitina Subdistrict salmon fishing permit.

(xv) The total annual possession limit for an Upper Copper River District subsistence salmon fishing permit is as follows:

(A) no more than a total of 200 salmon for a permit issued to a household with one person, of which no more than five may be chinook salmon if taken by dip net;

(B) no more than a total of 500 salmon for a permit issued to a household with two or more persons, of which no more than five may be chinook salmon if taken by dip net.

(xvi) A person may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless both lobes of the caudal (tail) fin have been immediately removed from the salmon.

(xvii) In locations open to commercial salmon fishing, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

- (B) 30 salmon for a household of two persons;
- (C) 10 salmon for each additional person in a household; and
- (D) no more than five king salmon may be taken per permit.

(12) Yakutat Area. The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, fish may be taken at any time in the Yakutat Area.

(ii) Salmon may not be taken during the period commencing 48 hours before an opening until 48 hours after the closure of an open commercial salmon net fishing season. This applies to each river or bay fishery individually.

(iii) When the length of the weekly commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery the subsistence fishing period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location.

(iv) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gill net at all times when it is being used to take salmon.

(v) Any gillnet or seine used for subsistence fishing may block up to two-thirds of a stream.

(vi) Salmon, trout and char may only be taken under authority of a subsistence fishing permit.

(vii) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(viii) Subsistence fishermen must remove the dorsal fin from subsistence-caught salmon when taken.

(ix) No person may possess subsistence-taken and sport-taken salmon on the same day.

(13) Southeastern Alaska Area. The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, fish, other than rainbow trout and steelhead trout, may be taken in the Southeastern Alaska Area at any time.

(ii) Herring may be taken at any time, except that in the 72 hours before and 72 hours after an open commercial herring fishing period in the Southeastern Alaska Area, a vessel that, or crew member or permit holder who, participates in that commercial herring fishery opening may not take or possess subsistence-taken herring in any district in the Southeastern Alaska Area.

(iii) Coho salmon may only be taken from Salt Lake and Mitchell Bay from August 1 through October 31. Only one subsistence salmon fishing permit will be issued for a household. for the Salt lake and Mitchell Bay coho fishery.

(iv) From July 7 through July 31, sockeye salmon may be taken in the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(v) In District 15, saltwaters of Lynn Canal including Chilkat and Chilkoot, are closed to the subsistence taking of salmon during closed periods of the commercial salmon net fishery in the district.

~~(vi) The limited, noncommercial exchange for cash of subsistence-harvested herring roe on kelp, legally taken in Districts 1 through 16, is permitted as customary trade. Persons licensed to engage in a fisheries business may not exchange, solicit to exchange, or receive for commercial purposes subsistence-taken herring roe on kelp. Allowable possession limits for customary trade and other subsistence uses shall be those specified on permits. Permits must include the following information:~~

~~(A) the intended purposes of the harvest and the estimated amount of herring roe on kelp dedicated to each purpose;~~

~~(B) the name of the individual transporting the herring roe on kelp to the point of sale or transfer.~~

~~(vii) The permit information for take of herring roe may be changed before herring roe on kelp is taken.~~

(viii) Fish may be taken by gear listed in this part except as may be restricted under the terms of a subsistence fishing permit and except as follows:

(A) in District 13, Redoubt Bay, gill net or seine gear may not be used to take salmon in any waters of the bay closed to commercial salmon fishing;

(B) beach seines, rod and reel, and gaffs only may be used to take coho salmon;

(C) set gill nets may be used in Yes Bay north of a line from Bluff Point to Syble Point, except within 500 yards of the terminus of Wolverine Creek; the subsistence permit holder shall be physically present at the gill net while it is in operation.

(ix) Salmon, trout, char and herring spawn on kelp may only be taken under authority of a subsistence fishing permit.

(x) Permits will not be issued for the taking of chinook or coho salmon, except for coho salmon as provided in this section, but chinook or coho salmon taken incidentally by gear operated under terms of a subsistence permit for other salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon fishing permit must report any chinook or coho salmon taken in this manner on his or her permit calendar.

(xi) In the Chilkat River, the subsistence fishing permit holder shall be physically present at the net while it is fishing.

(xii) Salmon, trout, or char taken incidentally by gear operated under the terms of a subsistence permit for salmon are legally taken and possessed for subsistence purposes. The holder of a subsistence salmon permit must report any salmon, trout, or char taken in this manner on his or her permit calendar.

(xiii) Subsistence fishermen shall immediately remove the pelvic fins of all salmon when taken.

(xiv) No person may possess subsistence-taken and sport-taken salmon on the same day.

(xv) No permits for the use of nets will be issued for the salmon streams flowing across or adjacent to the road systems of Petersburg, Wrangell, and Sitka

(xvi) In the waters of Klawock Inlet enclosed by a line from Klawock Light to the Klawock Oil Dock, no person may subsistence salmon fish from a vessel that is powered by a motor of greater than 35 horsepower.

§__.27 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of dungeness crab, king crab, tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) Shellfish may be taken for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of §__.26 or this section.

(c) Methods, means, and general restrictions. (1) The harvest limit specified herein for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that a person or designated group who has taken the harvest limit for a particular species under a subsistence season specified herein may not after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

(2) Unless otherwise provided in this section, gear as specified in the definitions of §__.26 is legal for subsistence taking of shellfish.

(3) It is prohibited to buy or sell subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) The use of explosives and chemicals is prohibited, except that chemical baits or lures may be used to attract shellfish.

(5) Each subsistence fisherman shall plainly and legibly inscribe their first initial, last name and address on a keg or buoy attached to unattended subsistence fishing gear. Subsistence fishing gear may not display a permanent ADF&G vessel license number. The keg or buoy may be any color except red.

(6) A side wall of all subsistence shellfish pots must contain an opening with a perimeter equal to or exceeding one-half of the tunnel eye opening perimeter. The opening must be laced, sewn, or secured together by untreated cotton twine or other natural fiber no larger than 120 thread. Dungeness crab and shrimp pots may have the pot lid tiedown straps secured to the pot at one end by untreated cotton twine no larger than 120 thread, as a substitute for the above requirement.

(7) No person may mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(8) In addition to the marking requirements in paragraphs (c)(5) of this section, kegs or buoys attached to subsistence crab pots must also be inscribed with the name or U.S. Coast Guard number of the vessel used to operate the pots.

(9) No more than five pots per person and 10 pots per vessel may be used to take crab, except as specified in paragraph (f) of this section.

(10) In the subsistence taking of shrimp in the Glacier Bay National Preserve, no person may use more than 10 pots, and no more than 20 pots may be operated from a vessel. In the subsistence taking of shellfish other than shrimp in the Glacier Bay National Preserve, no person may operate more than five pots of any type, and no more than 10 pots of any type may be operated from a vessel.

(d) Taking shellfish by designated fishing permit. (1) Any species of shellfish that may be taken by subsistence fishing under this Part may be taken under a designated harvest permit.

(2) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take shellfish on his or her behalf. The designated fisherman must obtain a designated shellfish permit prior to attempting to harvest shellfish and must return a completed harvest report. The designated fisherman

may harvest for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary.

(4) a person may not fish with more than one legal limit of gear as established by this section.

(5) A beneficiary may not designate more than one person to take or attempt to take shellfish on the beneficiary's behalf at one time. A beneficiary may not personally take or attempt to take shellfish at the same time that a designated fisherman is taking or attempting to take shellfish on behalf of a beneficiary.

(e) If a subsistence fishing permit is required by this chapter, the following conditions apply unless otherwise specified by the subsistence fishing regulations this section:

(1) the numbers of shellfish taken for subsistence use may not exceed the limits set out in the permit;

(2) permits must be obtained prior to subsistence fishing;

(3) permits must be retained in the possession of the permittee and be readily available for inspection while taking or transporting the species for which the permit is issued;

(4) if specified on the permit, each subsistence fisherman shall keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch and such other information may be required for management or conservation purposes;

(5) subsistence fishing reports must be completed and submitted at a time specified for each particular area and fishery;

(6) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit, a permittee who fails to comply with such reporting requirements is ineligible to receive a subsistence permit for that activity during the following calendar year, unless the permit applicant demonstrates to the department that failure to report was due to loss in the mail, accident, sickness or other unavoidable circumstances.

(f) Subsistence take by commercial vessels. No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, tanner crab, or dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered. However, commercial fishermen may retain shellfish for their own use from their lawfully taken commercial catch.

(g) No person may take or possess shellfish smaller than the minimum legal size limits.

(h) Unlawful Possession of Subsistence Shellfish. Shellfish or their parts taken in violation of Federal or State regulations may not be possessed, transported, given, received or bartered.

(i) Subsistence Shellfish Areas and Pertinent Restrictions.

(1) Southeastern Alaska-Yakutat Area. (i) Shellfish may be taken for subsistence purposes in the Glacier Bay National Preserve only under the authority of a subsistence shellfish fishing permit.

(ii) Sea cucumbers may not be taken with the use of diving gear.

(iii) In the subsistence taking of shrimp, no more than 10 pots per person, and no more than 20 pots per vessel may be used; in the subsistence taking of shellfish other than shrimp, no more than five pots of any type, per person, and no more than 10 pots of any type, per vessel, may be used.

(iv) No commercially licensed and registered shrimp fishing vessel may be used to take shrimp for subsistence purposes in Districts 6, 7, 8 and 10 from February 15 through April 30.

(v) In the subsistence taking of Dungeness crab:

(A) the daily harvest and possession limit is 20 crab per person except that, in waters of Thorne Bay west of the longitude of the southernmost tip of Thorne Head, the daily harvest and possession limit is five crab;

(B) only male crab six and one-half inches or greater in shoulder width may be taken or possessed;

(C) spears and gaffs may not be used in Districts 1 through 16;

(D) live holding facilities utilized to accumulate or pool multiple harvest limits by an individual or individuals are not allowed.

(vi) In the subsistence taking of king crab:

(A) red and blue king crab may not be taken from April 1 through June 30;

(B) only male red and brown king crab seven inches and male blue king crab six and one-half inches or larger in width of shell may be taken or possessed;

(C) in the Yakutat Area the daily harvest and possession limit is two crab per person and only male crab may be taken;

(D) an operator of a commercially licensed and registered king crab fishing vessel shall obtain a permit before taking king crab for subsistence purposes in waters of Yakutat Bay enclosed by a line from the westernmost tip of Ocean Cape to the easternmost tip of Point Manby during the open commercial king crab fishing season.

(vii) The possession limit for Tanner crab is 30 crab per person per day;

(viii) The harvest limit is six geoducks per person per day.

(ix) In the subsistence taking of abalone:

(A) the possession limit is 50 abalone per person;

(B) the minimum legal size is three inches (76 mm) in greatest diameter of shell, except in District 13 the minimum legal size is three and one-half inches (89 mm) in greatest diameter of shell;

(C) subsistence fishing is prohibited while engaged in commercial abalone fishing; prior to engaging in the subsistence fishery, commercial abalone fishermen must return the commercial permit to ADF&G and land the commercial catch in possession.

(x) In the subsistence taking of rock scallops (*Hinnites* sp) and weathervane scallops (*Pecten* sp), the daily harvest and possession limit is five rock scallops and 10 weathervane scallops.

(2) Cook Inlet Area. (i) Except as otherwise provided in this section, no person may take shellfish for subsistence purposes.

(ii) All waters within the boundaries of the Kenai National Wildlife Refuge are closed to the taking of shellfish for subsistence purposes.

(3) Kodiak Area. (i) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall

specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) The daily harvest and possession limit is 12 male dungeness crab per person; only male Dungeness crab with a shell width of six and one-half inches or greater may be taken or possessed. Taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location.

(iv) In the subsistence taking of king crab:

(A) The annual limit is three crabs per household; only male king crab seven inches or greater in width of shell may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) No more than one crab pot no more than 75 cubic feet in capacity may be used to take king crab;

(D) King crab may be taken only from June 1 - January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users.

(v) In the subsistence taking of tanner crab:

(A) No more than five crab pots may be used to take tanner crab;

(B) From July 15 - February 10, the subsistence taking of tanner crab is prohibited in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(C) The daily harvest and possession limit is 12 male crab with a shell width five and one-half inches or greater of per person.

(4) Alaska Peninsula-Aleutian Islands Area. (i) Shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) The daily harvest and possession limit is 12 male dungeness crab per person; only crabs with a shell width of five and one-half inches or greater may be taken or possessed.

(iv) In the subsistence taking of king crab:

(A) The daily harvest and possession limit is six male crab per person; only crabs with a shell width of six and one-half inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) Crab may be taken only from June 1 - January 31.

(v) The daily harvest and possession limit is 12 male tanner crab per person; only crabs with a shell width of five and one-half inches or greater may be taken or possessed.

(5) Bering Sea Area. (i) In waters South of 60° North latitude, shellfish may be taken for subsistence purposes only under the authority of a subsistence shellfish fishing permit issued by the ADF&G.

(ii) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net.

(iii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iv) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male dungeness crab per person.

(v) In the subsistence taking of king crab:

(A) In waters south of 60° N. lat., the daily harvest and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° N. lat., crab may be taken only from June 1 - January 31;

(vi) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male tanner crab.

Date

Department of the Interior

Date

Department of Agriculture

APPENDIX B. PACIFIC SALMON LIFE HISTORY

There are five species of anadromous Pacific salmon (genus *Onchorhynchus*) that are native to extensive areas of Alaska. Their tendency of homing to natal spawning grounds has contributed to the development of numerous reproductively isolated stocks. As a result many variations and adaptations to general life history traits have developed as fish have adapted to local conditions. Specific details of life history traits can vary substantially between species and between different stocks within a species. Generally, fish spawn in gravels of fresh water streams or sometimes in lakes. Ample flow is required through the substrate to supply sufficient oxygen to the eggs. The eggs are deposited in depressions or redds that the females dig with their tails. Upon entering freshwater adult salmon stop feeding, relying on fat and protein stores for energy. After hatching salmon fry (alevins) remain in the gravel while they complete development and absorption of the yolk sac before emerging. After emergence juveniles of certain species or stocks begin smolting and migrate to sea nearly immediately, while others spend various lengths of time in fresh water before migrating. Once at sea most migrate extensively throughout the Gulf of Alaska, North Pacific Ocean, and/or the Bearing Sea. Here they will mature after one to several years, and return to their natal streams to spawn.

Sockeye salmon (Onchorhynchus nerka)

Primary spawning populations in Alaska are present from the southeast panhandle to the Kuskokwim River drainage on the west coast, with smaller populations occurring farther north along the Alaska coast (Morrow 1980; Burgner 1991). The Bristol Bay watershed contains one of the largest spawning complexes of sockeye salmon in the North Pacific Rim. Other important spawning areas in Alaska include the Chignik, Karluk, and Copper Rivers, and the rivers of Cook Inlet (Burgner 1991). Sockeye salmon display a wide variety of life history patterns and are the only species to contain substantial lake spawning stocks. Lakes are also important to rearing juvenile sockeye salmon and as a result the most abundant populations occur in river systems with accessible lakes. Most return to spawning streams during late spring and summer and spawning usually occurs from summer to late autumn. Generally, spawning takes place in medium to small sized gravels (Morrow 1980; Meehan and Bjornn 1991) in rivers ranging in size from small headwater tributaries to large rivers, and along lake shorelines with upwelling or wind generated currents. After emergence during early spring fry disperse to rearing areas, mostly in lakes, where they will remain for one to three years. Outmigration and smolting begin during ice breakup, with most occurring during late May and early June. Stocks entering the Gulf of Alaska generally move northwest along the coast and southwest along the Alaska peninsula before dispersing into the Gulf of Alaska and the North Pacific Ocean. Western Alaskan stocks move southwest along the Alaska Peninsula before dispersing into the North Pacific Ocean, Gulf of Alaska, and the Bearing Sea (Burgner 1991). Once at sea sockeye salmon will spend one to four years, usually two to three years, in the ocean before maturing and returning to spawn.

Pink salmon (Onchorhynchus gorbuscha)

Pink salmon have the least complex life history pattern of Pacific salmon. They have a fixed two year life cycle, which has resulted in isolation of odd and even year spawning populations within a single stream. Significant spawning populations in Alaska range from the southeast panhandle to Norton Sound, with smaller populations north of the Bearing Strait (Heard 1991). Pink salmon return to spawning streams in Alaska primarily during July through September. Outmigration and smolting occur almost immediately after emergence. Because of this, pink salmon fry in shorter streams often do not begin to feed until they reach the sea. General movements are similar to that of sockeye, with Gulf of Alaska stocks moving northwest along the coast and southwest along the Alaska Peninsula before dispersing offshore into the

Gulf of Alaska. Western Alaska stocks move southwest to the Aleutians before dispersing into the Gulf of Alaska (Heard 1991). They will spend one winter in the ocean before returning to spawn.

Chum salmon (Onchorhynchus keta)

Large runs of chum salmon in Alaska occur from the southeast panhandle to Kotzebue Sound (Salo 1991). Most chum salmon return to spawn during summer and fall. The Yukon River drainage receives two runs of chum salmon. The summer run occurs from May to August and overlaps the fall run which begins during June and July, with spawning of the fall run continuing through November (Salo 1991). Spawning usually occurs in medium to large gravel often in areas of upwelling springs. The favorable temperature regimes provided by springs are particularly important to fall chum stocks that spawn late in the season. Spawning occurs in small streams to large rivers, and from intertidal zones to approximately 3,200 kilometers upriver for some Yukon River stocks (Morrow 1980). Outmigration and smolting begin shortly after emergence often coinciding with ice breakup. Duration of migration varies depending on distance to be traveled. Once reaching estuaries chum salmon fry pause their seaward migration and begin feeding on small insects and plankton before continuing to the ocean. Once entering the ocean chum stocks from the Gulf of Alaska move northwest and then southwest along the gulf shore and Alaska Peninsula before dispersing into the Gulf of Alaska. Western stocks travel south and southwest to the Aleutian islands before dispersing into the Gulf of Alaska (Salo 1991).

Chinook salmon (Onchorhynchus tshawytscha)

Chinook salmon are the largest Pacific salmon, with some individuals growing to more than 100 pounds. Major runs in Alaska occur in the Yukon, Kuskokwim, Nushagak, Susitna, Kenai, Copper, Alek, Taku, and Stikine River systems. In Alaska most chinook salmon return to spawning streams during May through July, though some runs may extend from April to August (Healey 1991). Spawning occurs over large gravel to cobble in streams ranging from small tributaries to large mainstem rivers. Alaskan chinook salmon lay from 4,000 to 14,000 eggs that hatch during late winter or early spring (Morrow 1980). Emergence occurs during spring. Juvenile chinook from most Alaskan streams will rear in the river for one to two years. Outmigration and smolting begin in spring. Some fish will pause in estuaries or other nearshore areas for brief periods before continuing to the open ocean (Healey 1991). Stocks from southeast Alaska disperse into the Gulf of Alaska and the North Pacific Ocean. Central Alaskan stocks disperse throughout the Gulf of Alaska, North Pacific Ocean and to a lesser degree the Bearing sea. Western Alaskan stocks disperse throughout the Bearing Sea, the North Pacific Ocean, and the western Gulf of Alaska (Healey 1991). Alaskan stocks will remain in the ocean for one to six years. Males usually dominate the younger age groups and females the older age groups (Healey 1991).

Coho salmon (Onchorhynchus kisutch)

Alaskan stocks of coho salmon generally return to spawn during late summer and fall. Coho spawn over medium gravels to cobbles, often in headwater streams. Hatching occurs during early spring and fry emerge during May and June. Upon hatching fish will move to protected areas usually along the shore or sometimes in lakes to begin feeding. Coho will spend one to three years rearing in freshwater where they usually move into backwater areas or deep pools to overwinter. Outmigration occurs in spring. Western Alaskan stocks move into the Bearing Sea and south to the Aleutians and the Gulf of Alaska. Other Alaskan stocks generally disperse throughout the Gulf of Alaska and the North Pacific (Sandercock, 1991). Coho salmon will spend one to two years in the ocean before returning to natal streams spawn.

Dolly Varden and Arctic char

There are two species of char (genus *Salvalinus*) native to Alaska, the Arctic char (*S. alpinus*) and Dolly Varden (*S. malma*). The majority of the following information is compiled from Morrow (1980), Balon

(1980), and Johnson and Burns (1984). The arctic char generally ranges from the Aleutians and the Alaska peninsula north to the Arctic Ocean in Alaska and Canada. The Dolly Varden's range includes the majority of Alaska. These species are very similar and much confusion about their taxonomic relationship has existed. Both display a wide variety and complexity of life history patterns, with a large degree of overlap. For these reasons these two species have been grouped together and only general life history traits will be discussed. Both anadromous and resident forms exist, often within the same drainage. Spawning occurs during the fall over gravels in streams or lake shoals. Some fish may spawn every year, however most spawn every second or third year. Age at sexual maturity ranges from 4 to 9 years with fish farther north usually taking longer to mature. Fecundity ranges from a few hundred to 5,000 to 6,000 eggs, and resident forms are generally at the low end of this range. Additionally egg size is smaller for resident forms. Eggs hatch during spring and emergence occurs around early summer. Anadromous forms display many complex migration patterns, and usually spend 3 - 4 years in freshwater before migrating to sea. Outmigrations of smolts from anadromous populations occurs during spring, but in some cases extends to fall. Adults and juveniles will often overwinter in springs and spring fed streams. Fish that do migrate to sea generally remain in coastal areas.

Rainbow Trout/Steelhead

The range of rainbow trout (*Onchorhynchus mykiss*), and its anadromous form the steelhead, in Alaska extends from the southeast panhandle to the Alaska peninsula, and as far north as the Kuskokwim river in western Alaska (Morrow 1980). Though not native to interior Alaska it has been transplanted into many lakes and streams in the interior. Details of life history traits vary with local conditions. Anadromous, stream resident, and lake resident populations that return to tributary streams to spawn, are all common. Sexual maturity is reached at from one to five years and spawning usually occurs during spring. Spawning generally takes place in gravels of stream riffles. Most steelhead begin spawning migrations during fall and winter. Some stocks, however, enter rivers during summer and overwinter there before spawning in the spring. Fecundity is related to size and ranges from a few hundred eggs to about 12,000, with averages near 3,000 (Morrow 1980). Emergence commonly occurs during summer. Steelhead will spend from one to four years rearing in the stream before outmigrating to the ocean. Upon reaching the ocean the steelhead will spend from a few months to four years feeding in the ocean before returning to spawn. Although mortality is often high, steelhead are not destined to die after spawning and may return more than once to spawn.

Appendix C. Federally reserved waters where salmon are most likely to be caught in Southeast Alaska under proposed Federal subsistence regulations. Source: ADF&G and USFS.

Management Area	Location	State Subsistence Bag Limit, 1990 (Individual / Family)
Ketchikan	Yes Bay	50 / 75
	Hugh Smith	10 / 20
	Karta River	10 / 15
	Dolomi Creek	10 / 15
	Kegan Creek	10 / 15
	Hetta Lake	10 / 20
	Eek Lake	10 / 20
	Klawock River	10 / 20
	Klakas Lake	10 / 20
	Deweyville	10 / 20
	Nichols Bay	10 / 20
	Karheen	10 / 20
	Warm Chuck Lake	10 / 20
	Thorne River	10 / 15
	Helm Lake	10 / 15
	Leask Creek	6 / 12
	Naha River	
	Ward Creek	
	Sweetwater Creek	
	Thorne River	
	Sarkar River	
	Staney Creek	
	Salmon Bay Lk. drainage	
	Logjam Creek	

	Eagle Cr./Luck Lake	
	Ratz Creek	
	Harris River	
	Hunter Bay drainage	
	McDonald Lake drainage	
	Reflection Lake drainage	
	Fish Creek (Thorne Arm)	
	Fish Creek (Hyder)	
	Bakewell Lake	
	Salt Chuck (George Inlet)	
	Margaret Lake	
	Dog Salmon Creek	
	Miller Lake	
	Saltery Creek	
	Dora Lake	
	Kasook Lake	
	Keete Inlet (north side)	
	Johnson Cr. (Moir Sound)	
Petersburg	Shipley Bay	15 / 25
	Salmon Bay	10 / 10
	Sweetwater / Hatchery Cr.	10 / 10
	Thoms Place	10 / 10
	Alecks Creek	15 / 25
	Katluka Lake	
	Pillar Bay	15 / 25
	Red Bay	10 / 10
	Mill Creek	10 / 10
	Anan Creek	

	Petersburg Creek	
	Castle River	
	Kah Sheets Creek	
	Kadake Creek	
Sitka	Gut Bay	10 / 10
	Falls Creek	10 / 10
	Necker Bay	50 / 50
	Redfish Bay	50 / 50
	Sitkoh Creek	10 / 10
	Lake Eva	10 / 10
	Takanis Bay	25 / 25
Juneau	Basket Bay	25 / 25
	Kanalku Creek	25 / 25
	Taku River	
	Hoktakeen	25 / 25
	Surge Bay	25 / 25
	Neva Creek	6 / 12
	Fish Creek	
	Peterson Creek	
	Hasselborg R./Salt Lake	
	Admiralty Cr./Young Lk.	
	Kook Lake	
Yakutat	Ophir Creek	
	Lost River	
	Situk River	
	Tawah Creek	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100