FEDERAL FISHERIES CLOSURE REVIEW FCR21-08

Closure	Location: Unalaska Lake—Salmon
Current	Federal Regulation
	§27(e)(6) Aleutian Islands Area

	(iv) You may not subsistence fish for salmon in the following waters:
	(A) The waters of Unalaska Lake, its tributaries and outlet stream;
Relevan	t Federal Regulations
	§100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.
	Subsistence fishing permit means a subsistence harvest permit issued by the Alaska Department of Fish and Game or the Federal Subsistence Board.
	§27 Subsistence taking of fish

	(b) Methods, means, and general restrictions.

	(16) Unless specified otherwise in this section, you may use a rod and reel to take fish 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) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that

area. The harvest and possession limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence

fishing with other gear types.

(18) Provisions on ADF&G subsistence fishing permits that are more restrictive or in conflict with the provisions contained in this section do not apply to Federal subsistence users.

§___.27(e)(6) Aleutian Islands Area

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except as may be specified on a subsistence fishing permit.

- (v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.
- (vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.
- (vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.
- (viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.
- (ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit. You may obtain an additional permit.
- (x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

Note: In the Unalaska District, you are required to have a State Subsistence Fishing Permit when subsistence fishing for salmon (**Appendix 1**, see 5 AAC 01.380. Subsistence fishing permits).

Closure Dates: Year-round

Current State Regulations

Subsistence Regulations

Aleutian Islands Area

5 AAC 01.370. Lawful gear and gear specifications

(a) Salmon may be taken by seine and gillnet, or with gear specified on a subsistence fishing permit.

(d) In the Unalaska District, a subsistence permit holder fishing with a net must be physically present at the net at all times when the net is being used for fishing.

5 AAC 01.375 Waters closed to subsistence fishing

The following waters are closed to subsistence fishing for salmon:

(1) waters of Unalaska Lake (at the city of Unalaska), its tributaries and outlet stream, and waters between Unalaska and Amaknak Islands, including Margaret's Bay, west of a line from the "Bishop's House" at 53_52.64' N. lat., 166_32.30' W. long. to a point on Amaknak Island at 53_52.82' N. lat., 166_32.13' W. long., and north of line from a point south of Agnes Beach at 53_52.28' N. lat., 166_32.68' W. long. to a point at 53_52.35' N. lat., 166_32.95' W. long. on Amaknak Island;

5 AAC 01.380. Subsistence fishing permits

- (a) Salmon, trout, and char may be taken only under the terms of a subsistence fishing permit, except that a permit is not required in the Akutan, Umnak, and Atka-Amlia Islands Districts.
- (b) No more than 250 salmon may be taken for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts,
- (1)the holder of a subsistence salmon fishing permit may take no more than 25 salmon, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay; in this section, "Front Beach" means all Unalaska Bay waters south of a line from a point near the Bishop's House at 53_E/CS> 52.64' N. lat., 166_E/CS>

- 32.30' W. long., to a point on the Unalaska Bay shore at 53_E/CS> 52.68' N. lat., 166_E/CS> 30.91' W. long;
- (2) a permit holder may obtain an additional permit from the department to harvest more salmon other than sockeye salmon from Front Beach in Unalaska Bay.
- (c) A record of subsistence-caught fish must be kept on 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.

Sport Regulations

Alaska Peninsula and Aleutian Islands Area

5 AAC 65.022. Special provisions for bag, possession, and annual limits, and methods and means in the Alaska Peninsula and Aleutian Islands Area

(e) In the salt waters and all freshwater drainages of Unalaska Bay, the bag and possession limit for salmon, other than king salmon, is five fish per day, five fish in possession, of which no more than two fish may be coho salmon and two fish may be sockeye salmon.

5 AAC 65.051. Waters closed to sport fishing in the Alaska Peninsula and Aleutian Islands Area

- (a) the Illiuliuk River drainage, including Illiuliuk Creek (also known as Town or Unalaska Creek), Illiuliuk [Unalaska] Lake, and all waters flowing into Illiliuk Lake,
- (i) is closed to sport fishing for sockeye salmon;
- (ii) upstream from ADF&G regulatory markers located at the Church Hole [in Unalaska Creek], is closed to sport fishing for salmon;

Regulatory Year Initiated: 2001

Customary and Traditional Use Determination

Residents of the Aleutian Islands Area and the Pribilof Islands have a customary and traditional use determination for all fish in the Aleutian Islands Area.

Extent of Federal Public Lands/Waters

For purposes of this discussion, the phrase "Federal public waters" is defined as those waters described under 36 CFR 242.3 and 50 CFR 100.3. Federal public waters comprise Unalaska Lake (also known as Iliukiuk Lake) and its tributaries and outlet streams, which are within and adjacent to the exterior boundaries of the Alaska Maritime National Wildlife Refuge (**Figure 1** and **Figure 2**).

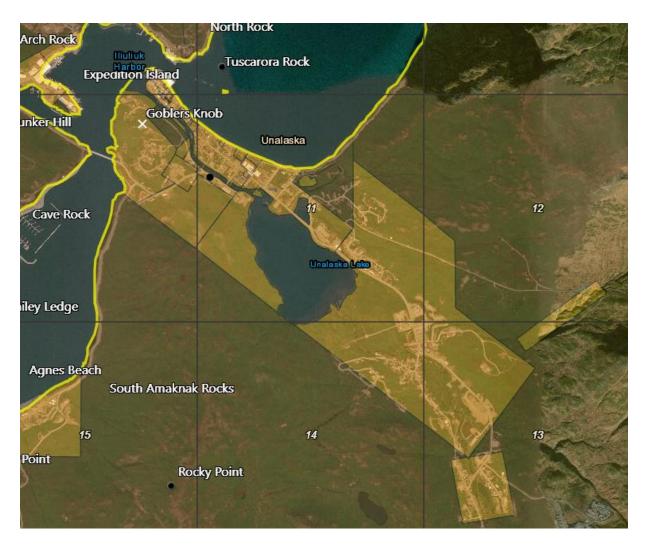


Figure 1. Map showing Unalaska Lake. Image courtesy of the FWS Land Mapper for the Alaska Region, developed by the USFWS, Alaska Region, Division of Realty.

Regulatory History

In 1991, the Federal Subsistence Management Program adopted final temporary regulations for the harvest of fish for subsistence uses in non-navigable waters within and adjacent to the exterior boundaries of Federal public lands (56 Fed. Reg. 123, 29352 [June 26, 1991]). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations, "These temporary regulations attempt throughout to limit change from the State regulations to that necessary to fulfill the Secretaries' responsibilities pursuant to title VIII' (56 Fed. Reg. 123, 29311 [June 26, 1991]). The closure under review in this analysis was incorporated into the Federal regulations in 1991.

In 1992, the Board adopted final regulations for fish management and rescinded the closure (57 Fed. Reg. 103, 22564 [May 28, 1992]). In 1997, the closure was in the proposed rule for the management of fish in navigable waters, in addition to non-navigable waters. The justification was that "The proposed wording of these sections is based on the existing State subsistence regulations with some exceptions" (62 Fed. Reg. 242, 66220 [December 17, 1997]).

In 1999, the Federal Subsistence Board adopted Federal regulations for fish in navigable waters, in addition to non-navigable waters, but this closure was not included (64 Fed. Reg. 5, 1307 [January 8, 1999]). In 2001, the closure under review in this analysis was added to Federal regulations (66 Fed. Reg. 30, 10154 [February 13, 2001]).



Figure 2. Aerial image of Unalaska Lake. Photo courtesy of Andy Dietrick, Aleutian Aerial LLC.

Closure Last Reviewed

There have been no previous reviews of this closure.

Justification for Original Closure (Section 815 (3) criteria)

Section §815(3) of ANILCA states:

Nothing in this title shall be construed as -(3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law.

In 1997, the closure was in the proposed rule for the management of fish in navigable waters, in addition to non-navigable waters. The justification was that "The proposed wording of these sections is based on the existing State subsistence regulations with some exceptions" (62 Fed. Reg. 242, 66220 [December 17, 1997]). It was adopted as final in 2001 (66 Fed. Reg. 30, 10154 [February 13, 2001]).

Council Recommendation for Original Closure

N/A

N/A

Biological Background

This system has been identified to contain Coho, Pink, and Sockeye Salmon in this system, along with Dolly Varden (Johnson and Blossom 2018). In 2018 and 2019, Aerial surveys were conducted to enumerate salmon in this system using drones (Lawson 2020). The surveys, conducted by Aleutian Aerial LLC and funded by the Unalaska Native Fisherman's Association, the Ounalashka Corporation, and the City of Unalaska, were commissioned out of concern for the lack of escapement estimates for Sockeye Salmon on the road system of Unalaska Island. The footage was provided to the Alaska Department of Fish and Game (ADF&G), who reviewed the footage and estimated the runs. The ADF&G also provided feedback for continued improvement of the aerial video monitoring methods, with the hopes of continuing these surveys. Minimum escapements (**Table 1**) indicate that this is currently a very small run for each salmon species. Additionally, substantial erosion and siltation of this system has been observed as identified by the brown colored shallow water at head of Unalaska Lake in **Figure 2**. Heavy siltation of this lake over decades may have eliminated shore spawning habitat for lake shore spawning Sockeye Salmon.

Table 1. Minimum salmon escapements at Unalaska Lake in 2018 and 2019, based on aerial drone surveys. Surveys did not include all habitat used by Pink Salmon, and were not conducted during the peak of Coho Salmon abundance (Lawson 2020).

Location	Year	Sockeye Salmon	Pink Salmon	Coho Salmon
Unalaska Lake	2018	583	605	21
Unalaska Lake	2019	350	25	0

Community Background

The city of Unalaska is situated on Unalaska Island and is the largest city in the Aleutian Islands. The Port of Dutch Harbor is situated on adjacent Amaknak Island and is connected to Unalaska by a strip of road bridging the South Channel. This port and city supports one of the largest commercial fisheries in the nation. According to the 2010 United States Census, Unalaska had a population of 4,376 people. Considering the industrial scale of the fisheries operations there, many of the "residents" as recorded in the 2010 census may actually be seasonal workers that do not claim permanent Alaskan residency. As a context for assessing the actual number of permanent residents in Unalaska, in "Subsistence Fisheries Harvest Assessment and Traditional Ecological Knowledge, Lower Alaska Peninsula and Aleutian Islands," Davis lists the population of Unalaska in 2000 as 2,091 people, less than half that of the 2000 census (4,283) (Davis 2005). Researchers specifically excluded any group quarter residents.

The most recent comprehensive subsistence surveys conducted by the ADF&G, Division of Subsistence, were completed for the 1993 study year (Scarbrough and Fall 1997). During the study year permanent residents of Unalaska harvested approximately 195 lb of subsistence foods per person, of which approximately 28%, or 54 lb per person, was salmon. Harvest methods for the salmon caught

that year were "subsistence methods" (primarily nets, 62% of the salmon harvest), rod and reel (34% of the salmon harvest), and removal from commercial harvests (4% of the salmon harvest) (Scarborough and Fall 1997).

In 2013, Reedy conducted a partial house-to-house salmon harvest survey in Unalaska and made these observations:

Many people go beach seining at Front Beach in Unalaska Bay for salmon in the summer months. The culture camp seines for pinks as well. Pink salmon are the most abundant on the island but not the most desired fish. Their eggs are harvested and can be stored frozen. Sockeye is the most desired fish but abundance is down and this is blamed by locals on road construction, culverts, sediment runoff, and siltation ruining spawning beds. ... A high school class runs the local coho salmon hatchery in the Iliuliuk River led by the science teacher, and the students are stewards of the river and its fish. Locals make lox with the salmon. Silvers are often smoked. Many keep sockeye heads for soup (Reedy 2016: 25).

Harvest History

Sport fishing under State of Alaska regulations is the only harvest for salmon currently allowed in the Unalaska Lake system, also known as the Iliuliuk drainage. Sport fishing for salmon (other than Sockeye Salmon) is allowed only downstream of the ADF&G regulatory marker located at the Church Hole, which is located at the top end of the intertidal zone by the Russian Orthodox Church. This limited fishing area is approximately 200 yards long. The entire system is closed year-round to fishing for Sockeye Salmon, and the standard salmon sport regulations for the area apply for the other salmon species present, allowing 5 per day and 5 in possession, of which 2 may be Coho Salmon. Dolly Varden regulations allow 10 per day and 10 in possession. Reported harvest from these areas is low enough that they are lumped into a general Alaska Peninsula/Aleutian lakes category that covers a broad swath of the region (Alaska Sport Fishing Survey database, May 28, 2020).

A marine waters State sport fishery, primarily with snagging gear, takes place in in close vicinity to the mouth of the Iluiliuk drainage in Margaret's Bay. The primary fish species targeted in this snag fishery are Sockeye Salmon. Although other Sockeye Salmon systems exist in Unalaska Bay, it is likely much of the harvest from this snag fishery is likely returning to the Iluiliuk drainage. Additionally, a State subsistence fishery for fish returning to this system does exist in the marine waters near the mouth of the drainage, at Front Beach and beyond the channel bridge connecting to Little South America. Both subsistence fisheries are conducted in the two access directions salmon have to pass to get into the Iluiluk drainage. The marine waters harvest is primarily Sockeye Salmon, but some Coho Salmon are also caught. During even years, Pink Salmon dominate the escapement into this system and are easily harvested both in the Sport and marine based Subsistence fisheries. Subsistence harvest in this area has contributed only a small percentage of overall subsistence harvest in the Unalaska Island area in the past few years, as most harvest has taken place in Reese Bay near McLees Lake (Fox et al. 2018, 2019).

There is currently no legal subsistence harvest in this freshwater system under Federal or State regulations, and there is no harvest history to report. However, the regional Federal subsistence regulations for the Unalaska District of the Aleutian Islands Area would apply if the closure is eliminated. Fishing for salmon would be allowed daily between 6 a.m. and 9 p.m., and would require a State subsistence permit (since there are no Federal subsistence fishing permits for this area) with reporting due annually by October 31. Salmon could be taken by seine or gillnet, and gillnets would have to be physically supervised at all times when in use. In the Unalaska District, salmon harvest is limited to 25 salmon plus an additional 25 salmon for each member of a household listed on a permit.

Alternatives Considered

Alternatives considered upon review of a closure include maintaining the status quo, eliminating the closure if no longer necessary, modifying the timing of the closure, or eliminating the closure and restricting legal gear and harvest limits. Salmon returns into the Iliuliuk drainage are small and remain a conservation concern, however the system does support some sport opportunity. Maintaining the status quo, which would continue to allow sport fishing while prohibiting subsistence, does not provide for a subsistence priority; therefore this alternative was rejected. Eliminating the closure is also rejected due to the vulnerable status of the salmon population. One modification considered would close the waters of Unalaska Lake, its tributaries and outlet stream, to all uses, restricting both subsistence fishing and sport opportunity within the drainage. This modification is rejected because the system currently supports a limited harvest under sport regulation, and may possibly support a similar opportunity under limited subsistence regulations, providing a subsistence opportunity for Federally qualified subsistence users.

OSM PRELIMINARY CONCLUSION

maintain status quoX modify or eliminate the closure

The modification should read:

§___.27(e)(6) Aleutian Islands Area

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except as may be specified on a subsistence fishing permit.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters of Unalaska Lake, its tributaries and outlet stream;

- (v) You may take salmon only by seine and gillnet, or with gear specified on a subsistence fishing permit except in Unalaska Lake, its tributaries and outlet stream, you may not use a seine or a gillnet.
- (vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.
- (vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.
- (viii) You may take salmon, trout, and char only under the terms of a subsistence fishing permit, except that you do not need a permit in the Akutan, Umnak, and Atka-Amlia Islands Districts.
- (ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of your household listed on the permit; and in Unalaska Lake, its tributaries and outlet stream you may not take Sockeye Salmon, and take no more than 5 salmon per day and 5 salmon in possession with rod and reel, of which only 2 may be Coho Salmon. You may obtain an additional permit.
- (x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

Justification

Currently this drainage is closed to the harvest of salmon by Federally qualified subsistence users and remains open to other uses. There is likely a small amount of harvest under restricted State sport fishing at the mouth and across the lagoon of the system and through State subsistence in the marine environment. This system should be open to limited subsistence harvest. If this closure is modified to open to subsistence harvest of salmon, OSM recommends the harvest be restricted to rod and reel and low harvest and possession limits in order to protect healthy populations of salmon in the system.

LITERATURE CITED

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APPENDIX 1

UNALASKA AREA SUBSISTENCE SALMON FISHING PERMIT

UNALASKA AREA SUBSISTENCE SALMON FISHING PERMIT

Permit expires October 31, 2020 (5AAC 01.380(c))



	ature				Date	
additional mer	nbers of same household to be	included on permi	t (Alaska Resider	its Only):		
otal number o	of salmon allowed on this perm	it:				
mail Address	or Phone:					
	SUBSI	STENCE SALM	ON HARVEST	REPORT		
RECO	RD DATE, SPECIFIC LOC	ATION, AND N IMMEDIATELY			ALMON BY S	PECIES
	Ť		T	COLIO	PINK	СНИМ
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PINK	CHOIL
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PINK	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PINK	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PINK	CHOIL
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	FINN	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	FINN	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	FINN	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PINN	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PAIN	CHOM
DATE	SPECIFIC LOCATION	KING	SOCKEYE	СОНО	PINN	CHOM

(SEE OPPOSITE SIDE FOR SUBSISTENCE REGULATIONS)

SELECTED SUBSISTENCE REGULATIONS

These listed regulations are not inclusive of all the regulations that apply to subsistence salmon fishing in the Unalaska Area.

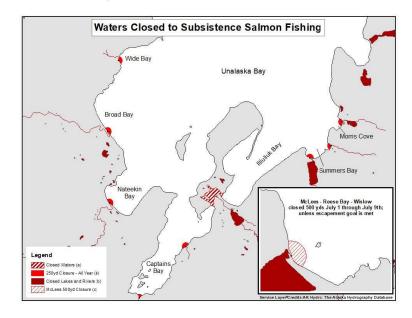
5 AAC 01.380. LIMITS TO NUMBER OF SALMON TAKEN: 25 salmon for the permit holder, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay, plus an additional 25 salmon for each member of the same household whose name is listed on the permit, of which no more than 10 sockeye salmon may be harvested from Front Beach in Unalaska Bay. "Front Beach" means all Unalaska Bay waters south of a line from a point near the Bishop's House at 53° 52.64' N. lat., 166° 32.30' W. long., to a point on the Unalaska Bay shore at 53° 52.68' N. lat., 166° 30.91' W. long. Additional household permits are available by request from the local ADF&G representative.

5 AAC 01.375. CLOSED WATERS: (see map below)

- a. The waters of Unalaska Lake (at the city of Unalaska), its tributaries and the outlet stream, and all waters between Unalaska and Amaknak Islands, including Margaret's Bay, west of a line from the "Bishop's House" at 53° 52.64' N. lat., 166° 32.30 W. long. to a point on Amaknak Island at 53° 52.82' N. lat., 166° 32.13' W. long. and north of a line from a point south of Agnes Beach at 53° 52.82' N. lat, 166° 32.68' W. long. to a point at 53° 52.35' N. lat, 166° 32.95' W. long. on Amaknak Island.
- b. Within Unalaska Bay (south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point): <u>all waters</u> are closed to subsistence salmon fishing within the waters of all streams, lakes, and within 250 yards of any <u>anadromous stream outlet</u> (except for the vicinity of Unalaska Lake as decribed above in (a) above.
- c. At Reese Bay (Wislow), no subsistence salmon fishing is allowed in the waters of McLees Lake and it's drainiages or tributaries. No subsistence salmon fishing is allowed within 500 yards of the terminus of the McLees Lake outlet during July 1 through July 9.

ADDITIONAL RESTRICTIONS:

- 1. This permit must be carried by permit holder while harvesting and transporting subsistence caught salmon and must be readily available for inspection.
- The number of subsistence salmon, the species, the location of the catch, and the date of catch must be recorded on this permit immediately after harvest. Maintain a consistent tally of your catch on the permit. This includes fish that are given away or shared.
- 3. Subsistence fisherman must be in attendance of their net at all times that it is fished.
- 4. In the Unalaska District, subsistence net may be fished ONLY from 6:00 AM through 9:00 PM daily.
- 5. Only household members listed on the permit may assist in the harvest of subsistence salmon.
- Salmon may be taken by seine or gillnet. Gillnets are restricted to 50 fathoms total length. Each gillnet must have a buoy on
 each end. The name and address of the operator must be plainly and legibly inscribed on each buoy.
- From June 1 through September 15, a salmon seine vessel may not be used to take salmon for subsistence use 24 hours before
 or 12 hours after an open commercial fishing period within an area open to commercial salmon fishing.
- 8. Salmon may not be taken by sport fishing methods while taking subsistence salmon with a net and you may not be in possession of sport caught and subsistence caught salmon at the same time.
- 9. No more than half the width of a stream or its mouth may by obstructed by a net. This restrictions includes blocking the stream mouth while "roundhauling."



For questions contact Fish and Game office: Dutch Harbor (907) 581-1239; Kodiak (907) 486-1882.