

**FP21-10 EXECUTIVE SUMMARY**

<p><b>General Description</b></p>	<p>Proposal FP21-10 requests the Federal Subsistence Board (Board) implement a salmon subsistence fishery in the lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon other than Pink Salmon for the first two members of a household and 10 salmon for additional household members, with not more than 5 Chinook Salmon per household, using dip net, rod and reel, spear, or gaff only. <i>Submitted by Jesse Carter and Robert Jewell of Cordova, Alaska.</i></p>
<p><b>Proposed Regulation</b></p>	<p><b>§ __.27(e)(11) Prince William Sound Area.</b> <i>The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.</i></p> <p><b>( ) The Lower Copper River Area includes that portion of the Copper River, from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38.</b></p> <p><i>(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.</i></p> <p align="center"><i>(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek, you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.</i></p> <p align="center">****</p> <p><i>(ii) You may take fish by gear listed in paragraph (b)(1) of this section unless restricted in this section or under the terms of a subsistence fishing permit.</i></p>
	<p><i>(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.</i></p>

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	<p><i>(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, in the vicinity of the Native Village of Batzulnetas, and in the Lower Copper River Area.</i></p>
	<p><i>(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. <b>In the Lower Copper River Area, you may take salmon only by dip nets, rod and reel, spear, and gaff, and all salmon retained must be reported to Area managers within 48 hours of harvest.</b></i></p> <p><b>****</b></p> <p><i>(xvii) In the Chugach National Forest portion of the Prince William Sound Area, <b>and the Lower Copper River Area</b>, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.</i></p> <p><i>(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, <b>the remainder of the Copper River and its tributaries outside of the Lower Copper River Harvest Area</b>, and Eyak River upstream from the Copper River Highway bridge.</i></p> <p><i>(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.</i></p> <p><i>(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.</i></p> <p><i><b>(D) Outside of the Copper River mainstem</b>, you may take salmon by rod and reel, dip net, spear, and gaff year-round.</i></p> <p><i>(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; <b>no more than 5 Chinook salmon per household</b>; for pink salmon, see the conditions of the permit.</i></p>

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	<p><i>(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; <b>no more than 5 Chinook salmon per household</b>; for pink salmon, see the conditions of the permit.</i></p>
	<p><i>(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear year round and with a gillnet from January 1-April 1. The maximum incidental gillnet harvest of trout is 10.</i></p> <p><i>(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.</i></p> <p><i>(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.</i></p>
<p><b>OSM Preliminary Conclusion</b></p>	<p><b>Support</b> Proposal FP21-10 <b>with modification</b> to include a requirement to report take of salmon to Area managers within 48 hours of harvest.</p>
<p><b>Southcentral Alaska Subsistence Regional Advisory Council Recommendation</b></p>	<p><b>Support with OSM modification</b></p>
<p><b>Eastern Interior Alaska Subsistence Regional Advisory Council Comment</b></p>	<p><b>Oppose</b></p>

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<p><b>Interagency Staff Committee Comments</b></p>	<p>The Interagency Staff Committee (ISC) supports the proposal to provide a new Federal salmon subsistence fishing opportunity in the lower Copper River adjacent to the Copper River Highway for Federally qualified subsistence users, especially those residing in Cordova. We recognize that access to Sockeye Salmon in the State subsistence fishery near Cordova can be difficult for those lacking a boat and the knowledge to safely navigate to the fishery. We also recognize, however, that there are many competing fisheries and stakeholders throughout the Copper River drainage that are dependent on the health and viability of salmon stocks. For these reasons we believe that it is prudent to be cautious in creating a new Federal fishery, even though the expected harvest from this fishery is anticipated to be low.</p> <p>To mitigate the potential risks associated with a new fishery in the Copper River, and to help alleviate the concerns expressed by many rural stakeholders and fishery managers, the ISC supports the OSM modification to include a requirement to report take of salmon to the delegated federal manager for the Copper River drainage within 48 hours of harvest. The ISC furthermore suggests that the Board consider a modification to open the proposed new season on June 1, rather than on May 15, to allow managers to review early run strength information provided through the initial commercial fishing periods and the Miles Lake sonar. Future proposals to adjust the season start date may be warranted once federal managers are able to ascertain the effects of a new fishery within the drainage, including the level of harvest and participation in this fishery. The NPS has been issued a Delegation of Authority Letter (DOL) to manage the Federal public waters within the Copper River Drainage in the Prince William Sound Area. If this proposal is adopted, the NPS could issue emergency special actions in response to in-season management concerns in the new fishery under the existing Delegation of Authority.</p>
<p><b>ADF&amp;G Comments</b></p>	<p><b>Oppose</b></p>
<p><b>Written Public Comments</b></p>	<p><b>11 Oppose, 0 Support</b></p>

**STAFF ANALYSIS**  
**FP21-10**

**ISSUES**

Proposal FP21-10, submitted by Jesse Carter and Robert Jewell of Cordova, Alaska, requests the Federal Subsistence Board (Board) implement a salmon subsistence fishery in the lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon other than Pink Salmon, with not more than 5 Chinook Salmon per household, using dip net, rod and reel, spear, or gaff only. This harvest limit would not be additive to the currently existing Federal subsistence permit FFPW01, or the State subsistence fishing permit in the Copper River District.

**DISCUSSION**

Currently, Federally qualified subsistence users fishing in the Cordova area primarily fulfill their subsistence needs under a State of Alaska subsistence salmon fishing permit. Participation in the State subsistence gillnet fishery within the marine waters of the Copper River flats district requires use of a saltwater capable boat, fishing during commercial openers, and fishing during specific limited open periods, which can be a substantial barrier for many local fishers. The proponent's rationale for submitting the proposal is to improve access to Copper River salmon by providing residents a road accessible harvest area.

**Existing Federal Regulation**

*§ \_\_.27(e)(11) Prince William Sound Area. The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

*(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11)*

*(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek, you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.*

*\* \* \* \**

*(ii) You may take fish by gear listed in paragraph (b)(1) of this section unless restricted in this section or under the terms of a subsistence fishing permit.*

*(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.*

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, or in the vicinity of the Native Village of Batzulnetas.*

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets.*

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*(ix) You may take salmon in the Upper Copper River District from May 15 through September 30 only.*

*\* \* \* \**

*(xvii) In the Chugach National Forest portion of the Prince William Sound Area, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.*

*(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, Copper River and its tributaries, and Eyak River upstream from the Copper River Highway bridge.*

*(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.*

*(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.*

*(D) You may take salmon by rod and reel, dip net, spear, and gaff year round.*

*(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; for pink salmon, see the conditions of the permit.*

*(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; for pink salmon, see the conditions of the permit.*

*(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear year round and with a gillnet from January 1-April 1. The maximum incidental gillnet harvest of trout is 10.*

*(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.*

*(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.*

### **Proposed Federal Regulation**

*§ \_\_\_\_.27(e)(11) Prince William Sound Area. The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

***( ) The Lower Copper River Area includes that portion of the Copper River, from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38.***

*(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.*

*(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek, you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.*

*\* \* \* \**

*(ii) You may take fish by gear listed in paragraph (b)(1) of this section unless restricted in this section or under the terms of a subsistence fishing permit.*

*(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.*

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, in the vicinity of the Native Village of Batzulnetas, **and in the Lower Copper River Area.***

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. **In the Lower Copper River Area, you may take salmon only by dip nets, rod and reel, spear, and gaff.***

*\* \* \* \**

(ix) You may take salmon in the Upper Copper River District **and in the Lower Copper River Area** from May 15 through September 30 only.

\* \* \* \*

(xvii) In the Chugach National Forest portion of the Prince William Sound Area, **and the Lower Copper River Area**, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.

(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, **the remainder of the Copper River and its tributaries outside of the Lower Copper River Harvest Area**, and Eyak River upstream from the Copper River Highway bridge.

(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.

(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.

(D) **Outside of the Copper River mainstem**, you may take salmon by rod and reel, dip net, spear, and gaff year-round.

(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; **no more than 5 Chinook salmon per household**; for pink salmon, see the conditions of the permit.

(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; **no more than 5 Chinook salmon per household**; for pink salmon, see the conditions of the permit.

(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear only year round and with a gillnet from January 1-April 1. The maximum incidental gillnet harvest of trout is 10.

(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.

(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.

## **Existing State Regulation**

### *5 AAC 01.005. Subsistence fishing permitted*

*Finfish other than salmon, rainbow trout, and steelhead trout may be taken for subsistence purposes at any time in any area of the state by any method unless restricted by the subsistence fishing regulations in this chapter. Salmon may be taken for subsistence purposes only as provided in this chapter.*

### *5 AAC 01.600. Description of the Prince William Sound Area*

*The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Caper Suckling south of the Yukon Area described in 5 AAC 05.100, and all waters of the Upper Susitna River drainage upstream of the Susitna River's confluence with the Oshetna River.*

### *5 AAC 01.605. Description of districts and subdistricts*

*(a) The Upper River Copper District consists of all waters of the mainstem Copper River from the mouth of the Slana River downstream to an east-west line crossing of the Copper River approximately 200 yards upstream of Haley Creek as designated by ADF&G regulatory markers.*

*(1) The Chitina Subdistrict consists of all waters of the Upper Copper River District downstream of the downstream edge of the Chitina-McCarthy Road Bridge.*

*(2) The Glennallen Subdistrict consists of all remaining waters of the Upper Copper River District.*

*(b) Except as specified in (a) of this section, districts are as described in 5 AAC 24.200.*

### *5 AAC 01.625. Waters closed to subsistence fishing*

*(a) All tributaries of the Copper River and waters of the Copper River that are not in the Upper Copper River District are closed to the taking of salmon.*

*(b) Salmon may not be taken in any area closed to commercial salmon fishing unless permitted in 5 AAC 01.610 – 5 AAC 01.645.*

## **Extent of Federal Public Lands**

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 under consideration in this analysis include that portion of the Copper River, from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the

West bank of the river near highway mile 27 to the East bank of the river near highway mile 38 (**Figure 1**).

### **Customary and Traditional Use Determinations**

Residents of the Prince William Sound Area have a customary and traditional use determination for salmon in the remainder of the Prince William Sound Area.

### **Regulatory History**

Federal subsistence fishing regulations for the Prince William Sound (PWS) Area in the vicinity of Cordova require Federally qualified subsistence users to have a permit to harvest fish. At its April 2019 meeting, the Board approved Proposal FP19-13, which put into regulation seasons, harvest limits, and methods of harvest for the Federal fishery in the Chugach National Forest portion of the PWS Area. Previously the conditions for the fishery existed as stipulations on the Federal subsistence fishing permit (FFPW01) for the Copper River Delta/PWS Area. The lower Copper River and its tributaries are closed to Federal subsistence harvest of salmon by regulation, but these waters are open for the harvest of other fish with the permit. The Federal subsistence fishing permit within the Copper River Delta/PWS Area allows for the harvest of fish in freshwater with rod and reel year-round, except in Eyak Lake and its tributaries,



Proposal FP06-17 attempted to establish a fly-fishing only area directly downstream of the Lake Eyak weir (dam). While this proposal was rejected, the discussion led to a change in permit conditions for FFPW01. The discussion noted that no subsistence fishing within 300 yards from a dam is allowed under regulation. To align the conditions of the permit with current regulations, the phrase “only rod and reel may be used within 200 yards of the Eyak Lake dam,” was removed (FSB 2006). “Subsistence fishing in Eyak River allowed only downstream of the Copper River highway bridge” replaced the original condition of the permit.

During that same regulatory cycle, Proposal FP06-18 was submitted to restrict the harvest methods for salmon to spears, gaffs, and rod and reel in the PWS Area within the Chugach National Forest, except for the Copper River drainage (OSM 2006). In addition, Proposal FP06-19 was submitted to change the Federal seasons, harvest, and possession limits for Cutthroat, Rainbow, and Lake trout, Dolly Varden, whitefish, and Arctic Grayling to be identical to the State of Alaska sport fishing regulations in the waters of PWS Area, except in the Copper River drainage upstream of Haley Creek. Besides affecting overall potential take across the freshwaters of the PWS Area, two specific fisheries would be eliminated under FP06-19: 1) a winter gillnet fishery for whitefish in the Cordova area; and 2) subsistence harvest of trout in the Copper River Delta east of the Copper River. The Board rejected Proposals FP06-18 and FP06-19 because they restricted subsistence uses.

In 2007, Proposal FP07-14 was submitted requesting that the Copper River waters downstream of the 52-Mile (Million Dollar) bridge be opened to Federal subsistence harvest of salmon using dip nets and rod and reel with bait for the months of May, June, and July (OSM 2007). The Board rejected Proposal FP07-14, despite noting in their decision justification that, at that time, there were no biological concerns and that use of salmon is a customary and traditional use in the Copper River (FSB 2007). At that time, the Southcentral Alaska Subsistence Regional Advisory Council (Council) felt that other opportunities for harvesting salmon for subsistence already existed in Cordova and Prince William Sound, both in marine waters with a gillnet and in fresh waters with a dip net (FSB 2007).

The Copper River Chinook Salmon escapement was estimated to be below average from 2009 through 2016 and failed to reach the sustainable escapement goal (SEG) of 24,000 fish mandated in the State’s management plan in 2010, 2014, and 2016 (ADF&G 2017, 2020d). The 2016 escapement estimate of 16,764 fish was the lowest ever documented (ADF&G 2017). In a cooperative effort, pre-season management actions were taken in 2017 directed at Chinook Salmon conservation. The State restricted its upriver subsistence fishery and closed both the upriver sport and the Chitina personal use fisheries (ADF&G 2017). In addition, the Federal in-season manager issued Chinook Salmon emergency special actions in the Upper Copper River District. Federal actions included delaying the season start date for the Federal subsistence fisheries (Special Action SA 11-KS-01-17) and reducing the Federal subsistence Chinook Salmon harvest limit for the gear types of dip net and rod and reel (Special Action SA 11-KS-02-17), the gear types that would allow selective release of live fish. These early-season 2017 restrictions were rescinded after abundance assessments indicated adequate escapement to meet the SEG.

In 2018 Proposal FP19-13 was submitted by the United States Forest Service, Cordova Ranger District. Proposal FP19-13 requested that conditions for the Federal subsistence permit (FFPW01) for the PWS

Area be placed in Federal subsistence management regulations. This proposal was approved by the Board and moved the seasons, harvest limits, and methods and means of harvest for this fishery to the Federal subsistence management regulations for the PWS Area under section § \_\_.27(e)(11)(xvii).

The 2018 fisheries proposal cycle also included Proposal FP19-14, submitted by the Native Village of Eyak, which proposed to extend the current Federal subsistence salmon fishery opportunity afforded to residents of PWS Area to specific waters of the lower Copper River beginning one-half mile downstream of the road crossing at Copper River Highway Mile 27 and extending upstream to the Million Dollar Bridge, by dip net and rod and reel. The Native Village of Eyak withdrew Proposal FP19-14 during the first day of the 2018 Council meeting.

In 2018, the State began to permit for gillnet subsistence opportunities independent of commercial fishing openers for the harvest of salmon in marine waters of the Copper River District. Prior to 2018, the Alaska Board of Fisheries (BOF) also exercised the ability to restrict the commercial fishing fleet from inside waters of the Copper River District to allow additional salmon to migrate upstream to meet escapement and other in-river goals.

During the 2018 season, the delegated Federal in-season manager initially issued a Special Action to delay the Federal subsistence season in the Chitina Subdistrict. This was followed by the receipt of several Special Action Requests to close non-Federal fisheries in the Upper Copper River District. These actions were not taken, however, after consulting with the State; the State ordered a closure of their Glennallen Subdistrict subsistence fishery for the first time ever.

In the Upper Copper River District, the Federal subsistence season runs from May 15 through September 30. The Upper Copper River District is separated into two parts: the Chitina Subdistrict and the Glennallen Subdistrict. The allowable gear includes rod and reel, dip nets, and fish wheels. The annual harvest limit for a household of one is 30 salmon (including no more than 5 Chinook Salmon by dip net and 5 Chinook Salmon by rod and reel). Upon request, permits will be issued for up to 200 salmon total (the Chinook Salmon limit does not change). The annual harvest limit for a household of two or more persons is 60 salmon (including no more than 5 Chinook Salmon by dip net and 5 Chinook Salmon by rod and reel). Upon request, permits will be issued for up to 500 salmon total; the Chinook Salmon limit does not change (FSMP 2017). The State manages the Upper Copper River District for two different fisheries, where the Chitina Subdistrict provides for a State personal use fishery and the Glennallen Subdistrict provides for a State subsistence fishery. State permittees must choose between fisheries (subsistence or personal use) and methods (dip net or fish wheel, if subsistence fishing) when they get their permits. The State Chitina personal use fishery is managed separately from the Glennallen subsistence fishery, with State subsistence receiving priority over personal use (ADF&G 2017B). In the Chitina Subdistrict personal use fishery, dip nets are the only allowable gear, a permit fee is charged, and harvest limits differ from those for the subsistence fisheries. Additionally, there is a small Federal and State subsistence fishery in the Batzulnetas Area (**Table 1**), which requires a permit from either the National Park Service (Federal) or from the State. Only residents of Dot Lake and Mentasta Lake are eligible for the Federal subsistence fishery in the Batzulnetas Area.

There is also a State subsistence fishing permit that allows for the harvest of salmon in the marine waters of the Copper River District (**Table 1**). The Copper River District includes the Copper River district and other marine waters near Cordova (Fall et al. 2018). The legal gear allowed in the Copper River District is drift gillnets, and the harvest limits are 15 salmon for a household of one, 30 salmon for a household of two, and 10 salmon for each additional person in that household. There is also a limit of five Chinook Salmon per household. The season for this State subsistence fishery is May 15–October 31, with fishing periods: (1) from May 15 until two days before the commercial opening of that salmon district, seven days per week; (2) during the commercial salmon season, only during open commercial salmon fishing periods in that district and Saturdays from 6:00 a.m. to 10:00 p.m.; (3) from two days following the closure of the commercial salmon fishing season in that district through October 31, seven days a week. (4) notwithstanding (g)(2) of this section, subsistence salmon fishing is not allowed 24 hours before open commercial salmon fishing periods in that district (5 AAC 01.610. Fishing seasons).

### **Current Events**

Poor runs of Copper River Sockeye Salmon (*O. nerka*) prompted concerns in 2018 and 2020 with total Sockeye Salmon run size of less than 1 million in each year (Botz et al. 2021). Sockeye Salmon sustainable escapement goals (SEG) were met in both years, but the 2018 commercial harvest of 40,350 Sockeye Salmon in the Copper River District was the second lowest in the last 100 years (ADFG 2018) and the 2020 commercial harvest of 102,270 Sockeye Salmon was well below the 10-year average (2010–2019) of over 1 million Sockeye Salmon (Botz et al. 2021). Inriver personal use and sport fisheries were restricted in both years and State subsistence fisheries were restricted in 2018. In contrast to 2018 and 2020, the 2019 Copper River Sockeye Salmon total run of 2.42 million was near the recent 10-year (2010–2019) average of 2.44 million Sockeye Salmon, the commercial harvest of 1.28 million Sockeye Salmon was near the recent 10-year average, and the upper Copper River Sockeye Salmon escapement of 719,000 was above the recent 10-year average of 689,000. Chinook Salmon SEGs were met in 2018 and 2019 but missed in 2020 when 22,050 Chinook Salmon escaped to spawn, below the SEG of 24,000 and below the recent 10-year average of 27,000 (Botz et al. 2021, Joy et al. 2021A, Joy et al 2021B).

Although 2021 data are preliminary, a cumulative passage of ~750,000 fish past the Miles Lake Sonar indicate inriver management objectives and SEG were met for Sockeye Salmon. Commercial harvest of about 400,000 Sockeye Salmon in 2021 was considerably below the 10-year average of 1.25 million (ADF&G 2021, Botz et al. 2021). The 2021 commercial harvest of 7,000 Chinook Salmon was below the 10-year average 13,000 fish (ADF&G 2021, Botz et al. 2021). During the 2021 season, the Native Village of Eyak’s preliminary estimate of inriver abundance of Chinook Salmon was 21,656 Chinook Salmon (lower CI = 17,894 and upper CI = 25,417).

A request was submitted to the Board in April 2020 to open a Federal subsistence dip netting season for salmon in the lower Copper River (Fishery Special Action Request FSA20-04), to offset COVID-related health and safety issues associated with existing means of harvesting Copper River salmon in the State Copper River District fishery. This issue generated a large amount of public interest, with 38 written comments supporting and 10 opposed to the measure. This proposal was considered by a special session of the Board and not adopted.

Public input in response to the proposed Federal subsistence salmon fishery in the Lower Copper River Area raised several issues. One concern shared by some community members was that establishment of a Federal subsistence fishery would lead to development of a State Personal Use fishery, resulting in crowding and overharvest in the lower Copper River. This concern is an unrelated event and could occur with or without the adoption of Proposal FP21-10. For reference, a State personal use fishery was not proposed after the Federal fishery for fresh waters of the Copper River Delta (FPW01) was established in 2004.

**Table 1.** Overview of current salmon subsistence and personal use fisheries in waters of the Copper River (ADF&G 2017B; FSMP 2017). Refer to specific regulations for information regarding each fishery. Emergency Orders, Special Actions, and other management actions affect these fisheries by limiting the season or allowable take throughout the year.

Jurisdiction	Fishery	Allowable Gear	Season	Salmon Limits
Federal	Upper Copper River District: Glennallen Subdistrict <sup>a</sup>	Fish wheels; Dip nets; Rod and reel	May 15 – Sept 30	1-person <sup>b</sup> : 30 salmon, up to 200 salmon; 2-person or more <sup>b</sup> : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Federal	Upper Copper River District: Chitina Subdistrict <sup>a</sup>	Fish wheels; Dip nets; Rod and reel	May 15 – Sept 30	1-person <sup>b</sup> : 30 salmon, up to 200 salmon; 2-person or more <sup>b</sup> : 60 salmon, plus 10 for each additional household member, up to 500 salmon
Federal	Batzulnetas Area	Copper River: Fish wheels; Dip nets; rod and reel Tanada Creek: Dip nets; Fyke nets; spears; rod and reel	May 15 – Sept 30	Copper River: no limit  Tanada Creek: <1,000 Sockeye by Fyke net, no (0) Chinook, and no limit for Sockeye taken by dip net, spear, or rod and reel
State	Upper Copper River District: Glennallen Subdistrict	Fish wheels; Dip nets	June 1 – Sept 30	1-person <sup>b</sup> : 30 salmon, up to 200 salmon; 2-person or more <sup>b</sup> : 60 salmon, plus 10 for each additional household member, up to 500 salmon
State	Batzulnetas Area	Copper River: Fish wheels; Dip nets Tanada Creek: Dip nets; Spears	June 1 – Sept 30	1-person: 30 salmon, up to 200 salmon; 2-person or more: 60 salmon, plus 10 for each additional household member; no (0) Chinook harvests in this Area
State	Copper River District (flats–marine waters)	Gillnets	May 15 – Oct 31 <sup>c</sup>	1-person: 15 salmon; 2-person or more: 30 salmon, plus 10 for each additional household member; up to 5 of total can be Chinook
State	Upper Copper River District: Chitina Subdistrict	Dip nets	June 7 – Sept 30	1-person: 25 salmon; plus 10 for each additional household member; up to 5 of total can be Chinook

<sup>a</sup> Total combined harvest; see regulation for details

<sup>b</sup> Per household, a maximum of 5 Chinook by dip net and 5 Chinook by rod-reel can be counted towards the total salmon limit.

<sup>c</sup> See regulations for open period specifications within this season

Public comments from the commercial fishing community and user groups upriver on the Copper River also expressed a concern that salmon harvested in the Lower Copper River Area would be taken prior to being counted at the Miles Lake sonar site, resulting in misinformed management decisions due to unaccounted harvest. This concern could be addressed with a modification to the proposed regulation adding a reporting requirement for all salmon taken in the Lower Copper River Area within 48 hours of harvest, allowing for accurate in-season updates to contribute to management decisions. Currently, two salmon fisheries already take place below the Miles Lake Sonar; the Copper River District commercial drift gillnet fishery and State subsistence gillnet fishery. Commercial harvest in the Copper River District is tracked through fish tickets with ADF&G and the State subsistence gillnet fishery recommends but does not require reporting until after the season.

Prior to the Southcentral Regional Advisory Council meeting on October 7–8, 2020, 157 letters of support from Cordova residents were submitted to the Southcentral Council chair. Seven of these letters were unique letters citing the lack of access to Copper River Sockeye and Chinook salmon by Cordova residents that do not own boats. Additionally, a form letter signed by 150 Cordova residents stated:

I am writing to express my support for FP21-10, a proposal to allow a Federal subsistence dipnet season on the lower Copper River. Currently, opportunities to harvest Copper River salmon for subsistence are limited to a State subsistence gillnet fishery on the Copper River flats which requires a boat to access the fishery, and is only open 3 periods/week, and typically requires competing with the commercial gillnet fleet on 2 of those 3 open periods. This would allow an opportunity to harvest the healthiest and most nutritious salmon available in our area, by the rural residents that depend on natural resources the most.

### **Biological Background**

The (BOF) has established management plans designed to provide harvest opportunities while ensuring suitable numbers of Copper River salmon reach their spawning grounds to provide for sustained populations. These management plans allocate harvest amongst different fisheries targeting these stocks. During years of weak salmon returns, the escapement goals are met by implementing in-season management actions designed to limit harvest in specific fisheries.

The State upper Copper River SEG is 360,000–750,000 Sockeye Salmon, and the Copper River Delta SEG is 55,000–130,000 Sockeye Salmon (Joy et al. 2021A). Since 1998, the ADF&G has successfully met or exceeded the minimum threshold of the SEG range for Sockeye Salmon in the Copper River annually (Fall et al. 2018, Somerville 2018, pers. comm.; **Table 2**). The recent 10-year average (2011–2020) Copper River Sockeye Salmon total run is 2.34 million fish (Botz et al. 2021). The total estimated runs and fishery type (commercial, sport and subsistence harvests and escapement information) for Sockeye Salmon in the Copper River system 2001–2021 are displayed in **Figure 2** and **Appendix 1** (Botz et al. 2021).

The Copper River Chinook Salmon lower bound SEG of 24,000 was not achieved in three of the past 10 years (2011–2020). The recent 10-year average (2011–2020) Copper River Chinook Salmon total run is 47,700 fish (**Table 2**, Botz et al. 2021). Estimated total run, harvests, and escapements (commercial, sport and subsistence harvests and escapement information) for Chinook Salmon in the Copper River system

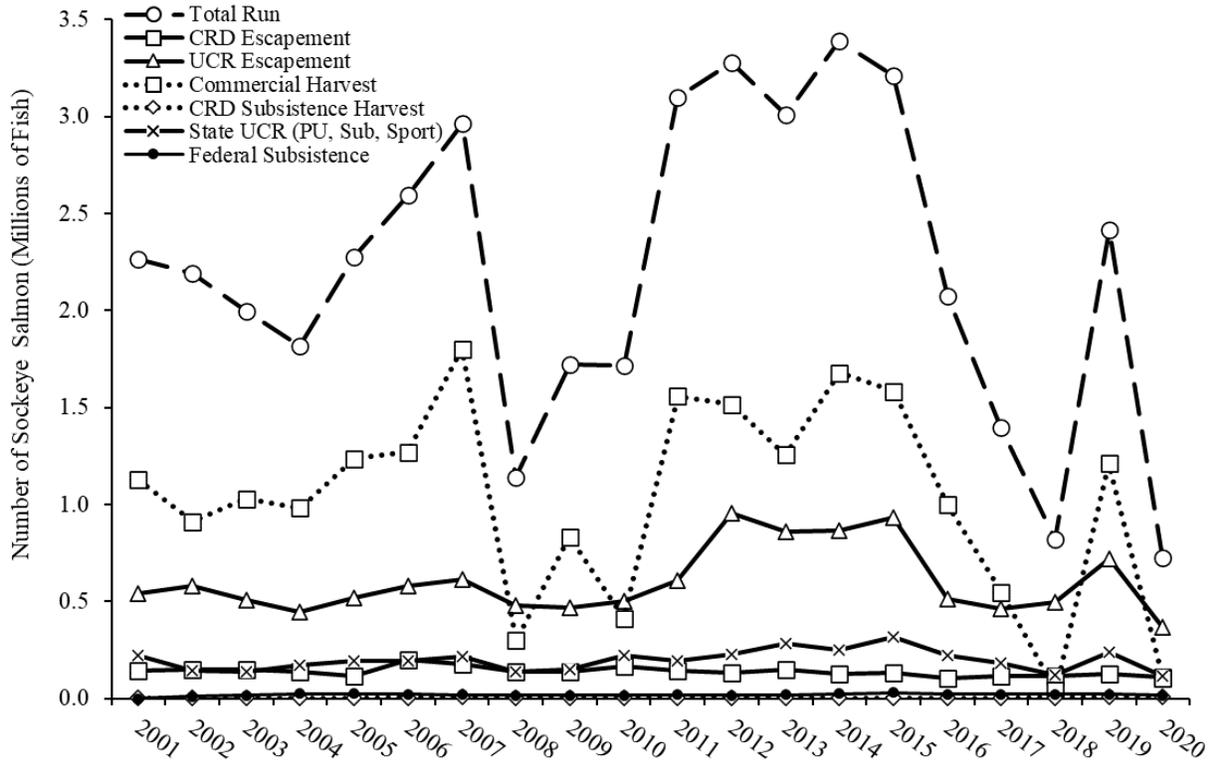
for 2001–2020 are displayed in **Figure 3 and Appendix 2** (Joy et al. 2021A, Joy et al. 2021B, Botz et al. 2021).

**Table 2.** Estimated Sockeye and Chinook salmon returns and spawning escapements for the Copper River, 2010–2020, and the previous 5-year and 10-year averages (Botz et al. 2021).

Year	Total Run	Upper Copper River Sockeye Salmon Spawning Escapement	Total Run	Chinook Salmon Spawning Escapement
2010	991,791	502,403	33,181	16,753
2011	2,004,078	607,142	53,889	27,936
2012	2,503,278	953,502	44,312	27,922
2013	2,224,817	860,258	42,885	29,013
2014	2,633,272	864,131	35,322	20,689
2015	2,679,815	930,145	56,174	26,751
2016	1,608,098	513,126	29,243	12,430
2017	1,115,036	461,268	56,133	33,644
2018	629,071	478,760	61,663	42,678
2019	2,067,914	718,876	64,443	35,080
2020	561,298	364,928	33,069	22,054
Average 2016–2020	1,196,283	507,392	48,910	29,177
Average 2011–2020	1,802,668	675,214	47,713	27,820

Coho, Chum (*O. keta*), and Pink salmon (*O. gorbuscha*) are not expected to be significantly impacted by this proposal, though some incidental take may occur in the proposed dip net/rod and reel fishery in the Lower Copper River Area. The existing recreational Coho Salmon fishery in the proposed area is minimal. The State has a SEG of 32,000–67,000 for Copper River Delta Coho Salmon (Haught et al. 2017). Few Chum Salmon use the Copper River and have not historically been targeted by recreational or subsistence fishers, but some have been taken incidentally to other salmon species (Miller and Stratton 2001). The State has not established an escapement goal for Chum Salmon in the Copper River drainage. Few Pink Salmon migrate up the Copper River, and those that do enter the drainage are only found in the very lower reaches of clear water tributaries.

Copper River Sockeye Salmon Harvest and Escapement 2001-2020



**Figure 2.** Copper River Sockeye Salmon total run, escapements, and harvests 2001–2020.

There are populations of unknown size of Rainbow Trout (*O. mykiss*) that migrate up the Copper River. Current Federal subsistence management regulations require the immediate release of Rainbow Trout unharmed unless taken incidentally in a fish wheel.

### Cultural Knowledge & Traditional Practices

The mouth of the Copper River is located within the traditional territory of the Eyak people. At the time of contact with Europeans, multiple Eyak communities were present in the vicinity of the river delta, including both the community of Eyak and that of Alaganik (Sherman 2012; Fall and Zimpelman 2016). This area was also in proximity to the traditional territories of the Ahtna, Chugach, and Tlingit cultures.

Orca Inlet, where the present-day town of Cordova is located, was originally named Puerto Cordoba by the Spanish explorer Don Salvador Fidalgo who landed there in 1790 (ADCCED 2018). Two canneries opened in the area by the late 1880s and many more followed in subsequent decades (Sherman 2012; Fall and Zimpelman 2016). Seasonal commercial fishing, clamming, and cannery work quickly became the dominant economic enterprises and remain so today (Fall and Zimpelman 2016). The population of Cordova exploded in 1906, when Michael Henry founded the community as the railroad terminus for the Kennecott Mine (Sherman 2012; Fall and Zimpelman 2016). Henry named the community Cordova, and it was formally established in 1909 (ADCCED 2018). The mine closed in 1938, but many former workers

remained in the town and participated in the commercial fisheries. Today, there is also a large local, State, and Federal government sector, including U.S. Coast Guard units (Fall and Zimpelman 2016).

The population of Cordova has been relatively stable over the last decade, with a population of 2,239 in 2010 and 2,316 residents in 2020 (ADCCED 2018, COV 2020). Cordova continues to have a significant Alaska Native population with an active village council (ADCCED 2018). Commercial fishing and subsistence activities are considered central to the culture of the community (ADCCED 2018). In 2014, approximately 77% of residents participated in the harvest of wild resources, averaging 116 lbs. per capita (Fall and Zimpelman 2016).

In 2014, the ADF&G conducted comprehensive subsistence surveys of all resources harvested by the residents of Cordova over the course of a year. Salmon made up the largest portion of the 2014 harvest (35% of the total harvest representing 43.8 lbs. per capita) and was used by approximately 92% of households. Sockeye Salmon were used and harvested by Cordova households more than any other salmon (73%; 19 lbs. per capita), followed by Coho Salmon (71%; 16 lbs. per capita), and Chinook Salmon (63%; 8 lbs. per capita). Still, the 2014 estimated per capita salmon harvest for the community was the lowest estimated for Cordova at that time since 1985 (Fall and Zimpelman 2016).

The most commonly used gear type for harvesting salmon, other than removal from commercial catch (i.e., homepack), was sport use rod and reel, which composed 38% of the total salmon harvest by weight (Fall and Zimpelman 2016). Subsistence gear of all types was used for 19% of the overall salmon harvest and 27% of the Sockeye Salmon harvest (Fall and Zimpelman 2016). Access to Sockeye Salmon in freshwaters near Cordova is limited, and in 2014, only 10% of the harvest of this species was by rod and reel (Fall and Zimpelman 2016). Residents that do not have boat access to the state subsistence driftnet fishery harvest Coho Salmon in larger numbers (Fall and Zimpelman 2016). The Federal subsistence and State rod and reel fisheries are especially important to Cordova residents because they are accessible by road and include the heavily used Ibeck Creek, Alaganik Slough, and Eyak River (Fall and Zimpelman 2016).

## **Harvest History**

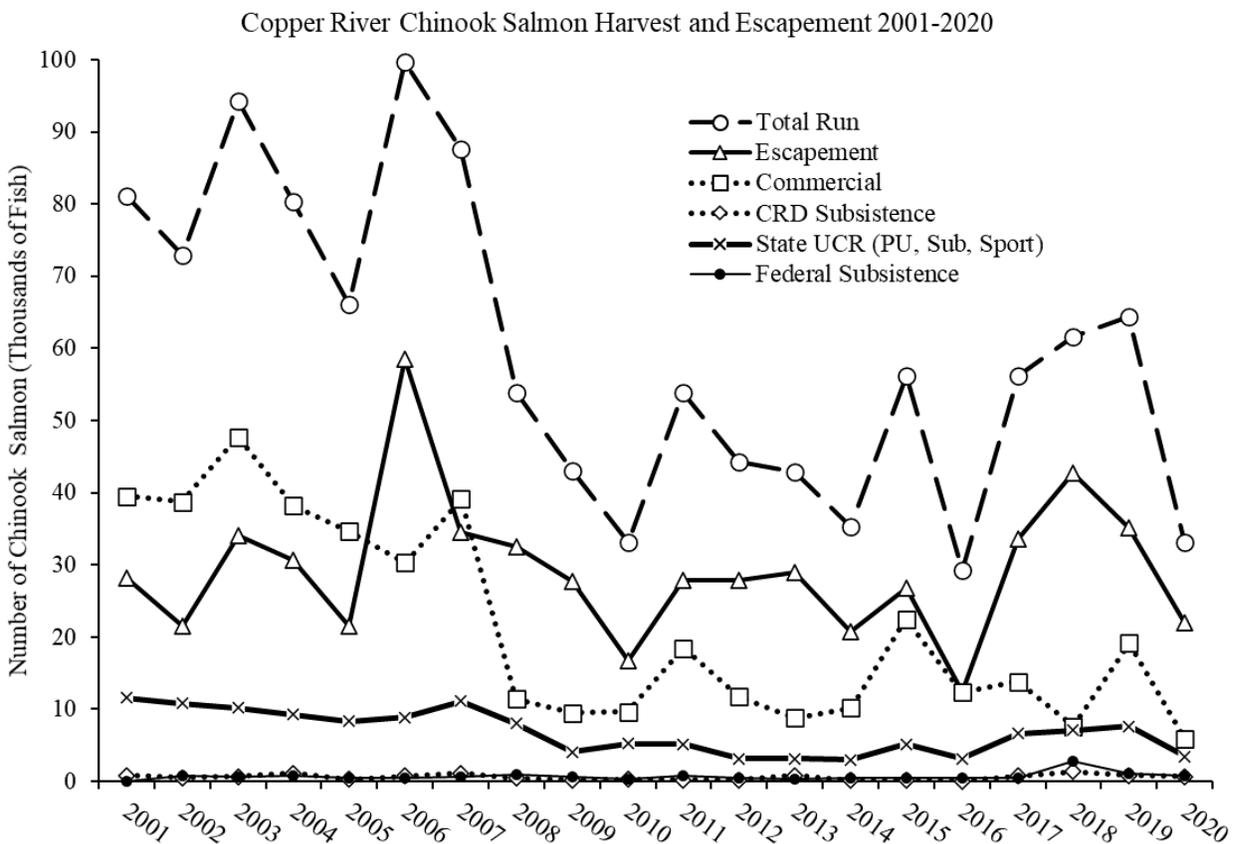
Salmon fisheries in the Copper River primarily harvest Chinook, Sockeye, and Coho salmon. These salmon stocks are harvested in multiple fisheries, including commercial and State subsistence gillnet fisheries in marine waters near the mouth of the Copper River; a personal use dip net fishery in the Chitina Subdistrict of the Upper Copper River District; subsistence fisheries in the Glennallen Subdistrict of the Upper Copper River District; and sport fisheries that occur in various tributaries. State subsistence fishing for Copper River stocks is restricted to three areas (**Table 1**): 1) the Copper River District; 2) the Glennallen Subdistrict within the Upper Copper River District; and 3) the Batzulnetas Area. Of the three State subsistence areas, the Upper Copper River District has the highest use and harvest (Botz and Somerville 2017). Federal subsistence fishing is restricted to: 1) the Upper Copper River District (both the Glennallen and Chitina Subdistricts) and 2) the Batzulnetas Area.

The estimated annual salmon harvest by State subsistence permit holders in the Copper River District (Copper River Flats) of the PWS Area averaged 3,674 Sockeye Salmon and 530 Chinook Salmon for the

previous 10-year period (2011–2020, Botz et al. 2021, **Appendix 1 and 2**). For the three State subsistence fishery districts in PWS Area, the Copper River District near the community of Cordova accounts for the majority of subsistence salmon harvested, with 91% of the total harvests in 2015 (Fall et al. 2018). However, subsistence harvest data for the Eastern and Southwest Districts are likely to be consistently underestimated (Ashe et al. 2005).

The estimated annual salmon harvest by State subsistence salmon dip net permit holders in the Upper Copper River District (Glennallen Subdistrict) averaged 60,348 Sockeye Salmon and 2,533 Chinook Salmon for the previous 10-year period (2011–2020). During this time dipnet permits composed about 70% of State Gulkana subsistence permits issued (2011-2020, Botz et al., Somerville and Hanson 2021, **Appendix 1 and 2**). The Chitina Subdistrict personal use fishery, averaged harvests of 142,400 Sockeye Salmon and 1,197 Chinook Salmon from 2011–2020 (Somerville and Hanson 2021).

The yearly Federal subsistence harvests for the Upper Copper River District (Chitina and Glennallen Subdistricts combined) averaged 21,011 Sockeye Salmon and 809 Chinook Salmon from 2011–2020. (**Table 3**).



**Figure 3.** Copper River Chinook Salmon total run, escapements, and harvests 2001–2020.

The Federal subsistence fishing permit for the Copper River Delta (CRD)/PWS area allows for the harvest of fish in fresh waters (not including the Copper River) with harvest limits for salmon as described earlier. Under this permit, over 95% of the harvest by Federally qualified subsistence users occurs in three river systems: Ibeck Creek, Eyak River, and Alaganik Slough (USFWS 2018). On average, 34 households fished under a Federal subsistence permit and harvested an annual average of 486 salmon from 2007–2019, approximately 80% of which were Coho Salmon (**Table 4**). Rod and reel is overwhelmingly the most common harvest method under this permit (Burcham 2018, pers. comm.), as relatively clear waters from the Alaganik and Eyak systems negatively impact dip net success. No Chinook Salmon have been reported as harvested under the CRD/PWS area Federal subsistence permit since its inception in 2005 (USFWS 2018; Burcham 2018, pers. comm.). Additionally, though permit FFPW01 is available to both Tatitlek and Chenega, no households outside of Cordova have requested or been issued this fishery permit in other qualifying villages.

Sport fishing is very popular in the PWS area, especially along the road accessible systems. The Copper River is the only major producer of Chinook Salmon in the PWS area. Although allowed, a sport fishery for salmon or trout in the proposed area has not developed, primarily because of the high turbidity of the Copper River. Additionally, Bridge No. 339 was closed in August 2011 after sustaining substantial damage from a washout event that prevented vehicle access on the Copper River Highway beyond Mile 36 and limiting fishing opportunities for a large area of the Copper River Delta. The bait restriction from April 15 through June 14 to protect spawning trout also reduces the chances of harvesting Chinook Salmon migrating through the lower Copper River. Sockeye Salmon do not readily take bait or lures and are not often pursued in the turbid Copper River with rod and reel. Outside of the Copper River, the sport fishery for Chinook Salmon in PWS Area is supported almost entirely by hatchery-produced fish that are harvested in marine waters of the Cordova terminal harvest area (Thalhauser 2014).

**Table 3. Glenallen Subdistrict Federal Reported and Expanded Subsistence Fishery Harvests<sup>1</sup>.** Estimated harvest of Sockeye, Chinook, and Coho salmon by Federally qualified subsistence users in the Upper Copper River District, as reported for the Glenallen and Chitina Subdistricts, 2002–2020 (Sarafin 2021, pers. comm.).

Year	Permits Issued	% Permits Reported	Sockeye Reported Harvest	Sockeye Harvest Estimate <sup>2</sup>	Chinook Reported Harvest	Chinook Harvest Estimate <sup>2</sup>	Coho Reported Harvest	Coho Harvest Estimate <sup>2</sup>	Steelhead/Rain-bow Trout Reported Harvest	Steelhead/Rain-bow Trout Harvest Estimate <sup>2</sup>	Other Species Reported Harvest	Other Species Harvest Estimate <sup>2</sup>	Total Harvest Estimate <sup>2</sup>
2002	201	80.6	7,944	9,856	564	700	81	100	62	77	35	43	10,777
2003	221	83.3	13,616	16,346	554	665	152	182	13	16	20	24	17,233
2004	261	78.9	17,704	22,439	636	806	152	193	12	15	12	15	23,468
2005	267	85.8	19,973	23,279	331	386	47	55	6	7	32	37	23,763
2006	254	87.4	16,711	19,120	430	492	28	32	15	17	32	37	19,698
2007	281	84.3	15,225	18,060	569	675	34	40	6	7	21	25	18,808
2008	269	81.4	11,347	13,940	705	866	148	182	17	21	44	54	15,063
2009	274	85.0	11,836	13,925	494	581	34	40	19	22	31	36	14,605
2010	269	87.7	12,849	14,651	300	342	64	73	39	44	22	25	15,136
2011	277	87.7	14,163	16,145	701	799	53	60	5	6	248	283	17,293
2012	275	92.0	14,461	15,718	371	403	78	85	40	43	104	113	16,363
2013	273	89.0	15,834	17,789	331	372	24	27	6	7	62	70	18,264
2014	315	90.5	21,603	23,877	399	441	23	25	10	11	52	57	24,412
2015	325	92.3	24,695	26,753	384	416	13	14	7	8	201	218	27,408
2016	320	82.8	15,884	19,181	369	446	9	11	5	6	332	401	20,044
2017	338	85.2	15,691	18,415	399	468	1	1	7	8	468	549	19,442
2018	335	91.3	15,287	16,736	2,432	2,662	0	0	4	4	41	45	19,448
2019	343	89.8	15,873	17,677	849	945	0	0	3	3	53	59	18,685
2020	376	89.9	11,456	12,744	682	759	0	0	6	7	54	60	13,569
Avg. 2010-2019	307	88.8	16,634	18,694	654	730	27	30	13	14	158	182	19,649

<sup>1</sup> This table reflects entries to the online database from 2011 through 07/15/2021. Data prior to 2011 relies on NPS records. Data for all years subject to changes resulting from entry error corrections.

<sup>2</sup> Expanded Harvest estimate derived from a basic, direct ratio expansion based on the percentage of permits that were reported.

**Table 3. Continued – Chitina Subdistrict Federal Reported and Expanded Subsistence Fishery Harvests<sup>1</sup>**

Year	Permits Issued	% Permits Reported	Sockeye Reported Harvest	Sockeye Harvest Estimate <sup>2</sup>	Chinook Reported Harvest	Chinook Harvest Estimate <sup>2</sup>	Coho Reported Harvest	Coho Harvest Estimate <sup>2</sup>	Steelhead /Rainbow Trout Reported Harvest	Steelhead /Rainbow Trout Harvest Estimate <sup>2</sup>	Other Species Reported Harvest	Other Species Harvest Estimate <sup>2</sup>	Total Harvest Estimate <sup>2</sup>
2002	122	73.0	575	788	33	45	0	0	0	0	N.A.	N.A.	833
2003	100	82.0	717	874	18	22	70	85	0	0	N.A.	N.A.	982
2004	109	76.1	1,215	1,597	7	9	18	24	0	0	N.A.	N.A.	1,629
2005	76	84.2	1,265	1,502	22	26	0	0	0	0	0	0	1,529
2006	75	85.3	1,379	1,617	13	15	20	23	0	0	0	0	1,655
2007	98	88.8	929	1,046	26	29	40	45	0	0	0	0	1,120
2008	82	85.4	789	924	22	26	74	87	0	0	0	0	1,036
2009	68	91.2	817	896	8	9	11	12	0	0	0	0	917
2010	92	85.9	2,061	2,399	17	20	33	38	1	1	0	0	2,459
2011	85	85.9	1,766	2,056	13	15	8	9	0	0	0	0	2,081
2012	89	93.3	1,332	1,427	6	6	8	9	1	1	0	0	1,443
2013	99	90.9	1,999	2,199	17	19	8	9	1	1	10	11	2,239
2014	113	94.7	1,549	1,636	14	15	68	72	3	3	0	0	1,726
2015	111	92.8	2,231	2,404	13	14	14	15	7	8	0	0	2,441
2016	128	80.5	1,549	1,925	16	20	33	41	0	0	4	5	1,991
2017	132	79.5	1,454	1,828	12	15	7	9	0	0	0	0	1,852
2018	132	91.7	3,144	3,430	92	100	28	31	0	0	0	0	3,561
2019	181	90.1	4,053	4,501	75	83	20	22	0	0	0	0	4,606
2020	216	88.4	3,249	3,674	76	86	23	26	0	0	0	0	3,786
Avg. 2010-2019	116	88.5	2,114	2,381	28	31	23	25	1	1	1	2	2,440

<sup>1</sup> This table reflects entries to the online database from 2011 through **07/15/2021**. Data prior to 2011 relies on NPS records. Data for all years subject to changes resulting from entry error corrections.

<sup>2</sup> Expanded Harvest estimate derived from a basic, direct ratio expansion based on the percentage of permits that were reported.

**Table 4. Federal subsistence permit activity and harvest of salmon, within the Chugach National Forest portion of the Prince William Sound Area (not including waters of the Copper River), 2007–2019.**

Year	Permits Issued	Permits Returned	Permits Fished	Permits Not Fished <sup>a</sup>	Harvest Chinook	Harvest Sockeye	Harvest Coho	Harvest Total
2007	32	32	16	16	0	33	62	95
2008	44	42	24	18	0	32	117	149
2009	38	38	22	16	0	46	185	231
2010	48	44	21	23	0	0	231	231
2011	66	52	29	23	0	35	485	520
2012	63	46	31	15	0	83	428	511
2013	65	60	23	37	0	120	329	449
2014	88	72	41	31	0	76	610	686
2015	94	62	47	15	0	150	865	1015
2016	110	92	51	41	0	219	526	745
2017	98	88	48	40	0	127	503	630
2018	97	92	40	57	0	96	255	351
2019	120	111	48	72	6	116	586	702
Average	74	64	34	31	0	87	399	486

<sup>a</sup> as reported on returned permits.

### Effects of the Proposal

If adopted, this proposal would create access under a new Federal subsistence permit for the Lower Copper River Area (FFPW05) to include waters of the Copper River from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, and from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38. This proposal specifies dip net, rod and reel, spear, and gaff as the only legal gear types for this fishery. It would provide additional subsistence opportunities for Federally qualified subsistence users living in the PWS Area, especially those in the community of Cordova. This new harvest opportunity may generate some level of new interest that has potential of expanding the number of users and associated harvest, but it would shift some of the harvest efforts from the State subsistence fishery in the Copper River District and Federal subsistence fishery in the fresh waters of the Copper River Delta to the Copper River and its tributaries. The total salmon harvest limit permitted per household would not change.

Federally qualified subsistence users in the Cordova area currently concentrate their harvest efforts for salmon through the Federal subsistence fishery in Ibeck Creek, Eyak River, and Alaganik Slough, or through the State subsistence fishery in the marine waters of the Copper River Flats. Most of the Federal subsistence harvest efforts are focused on the fall Coho Salmon return across the Copper River Delta. State subsistence regulations only allow for the harvest of salmon in the marine waters of the Copper River District, which requires access to a suitable boat and the approved gear type (i.e., relatively expensive gillnets). In contrast, most of the State subsistence harvest efforts are focused on the early

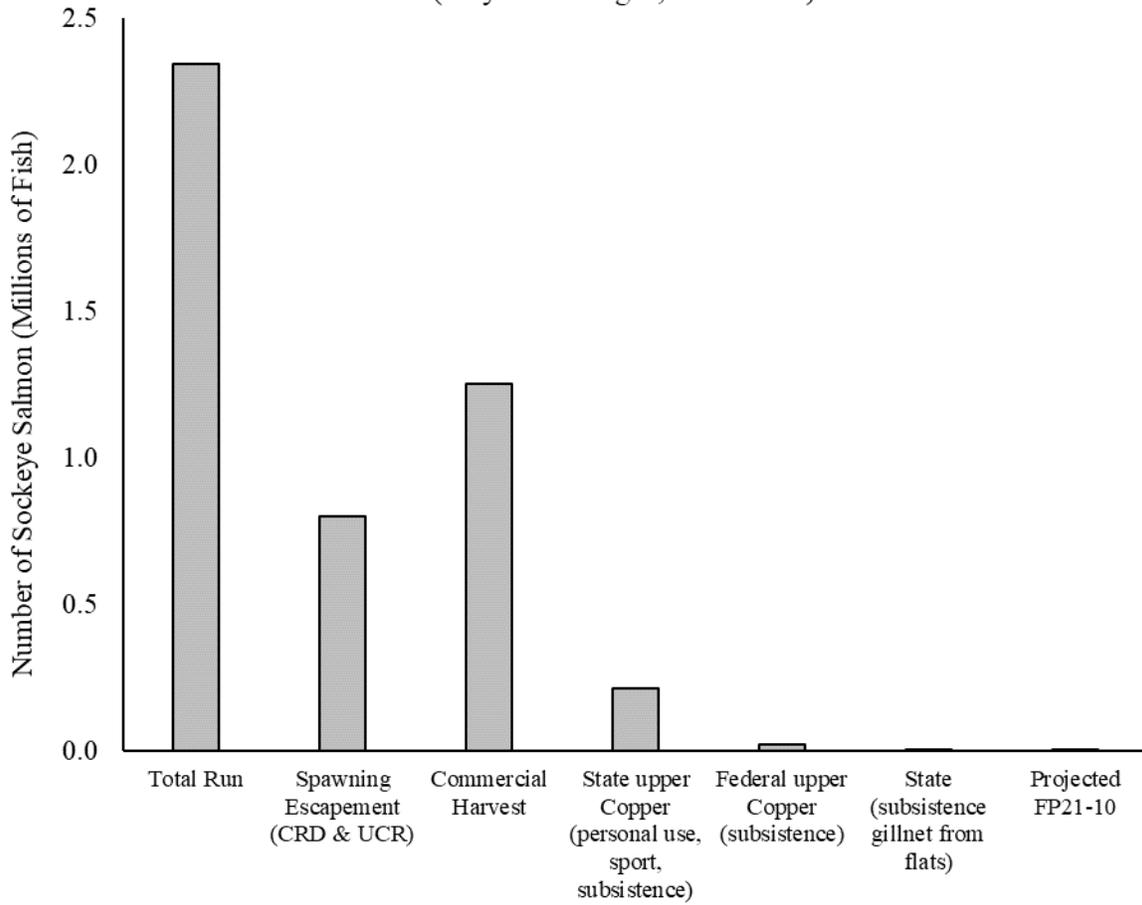
summer Sockeye Salmon returns to the Copper River District. This proposal would provide access and methods for rural residents without boats capable of accessing marine waters to participate in the harvest of Chinook Salmon and would also improve access to Sockeye Salmon.

The proposed regulatory change would be expected to have minimal biological effects on fish stocks. The projected harvest would be the smallest of any user group in the Copper River system, up to 2,000 Sockeye Salmon and 300 Chinook Salmon annually (**Figures 4 and 5**). This estimate is based on the annual State subsistence gillnet harvest in the Copper River District; taking into account the smaller pool of qualified users, and reduced efficiency of allowable gear type (dipnet compared to drift gillnet). Sockeye Salmon runs to the upper Copper River have consistently exceeded the minimum bound of the SEG range (360,000) for wild stocks in most years (**Appendix 1**). This proposal would open waters to Federal subsistence fishing that contain runs of Chinook Salmon. The regulations for the Prince William Sound Area do not currently restrict the number of Chinook Salmon since few systems, other than the Copper River, support runs of Chinook Salmon. However, the proposal includes language limiting Chinook Salmon harvest to no more than 5 per household. This is consistent with both upriver limits on dip net harvests and the state subsistence fishery on the Copper River District. Harvest monitoring specific to the Lower Copper River Area would be necessary by Copper River drainage fisheries managers. It is not anticipated that the harvest from the proposed Lower Copper River Area would affect the subsistence, personal use, or sport harvests in the Upper Copper River District.

In the event of poor salmon returns in the Copper River drainage or to the Copper River Delta, the addition of the proposed area salmon fishery would provide additional harvest opportunities for Federally qualified subsistence users.

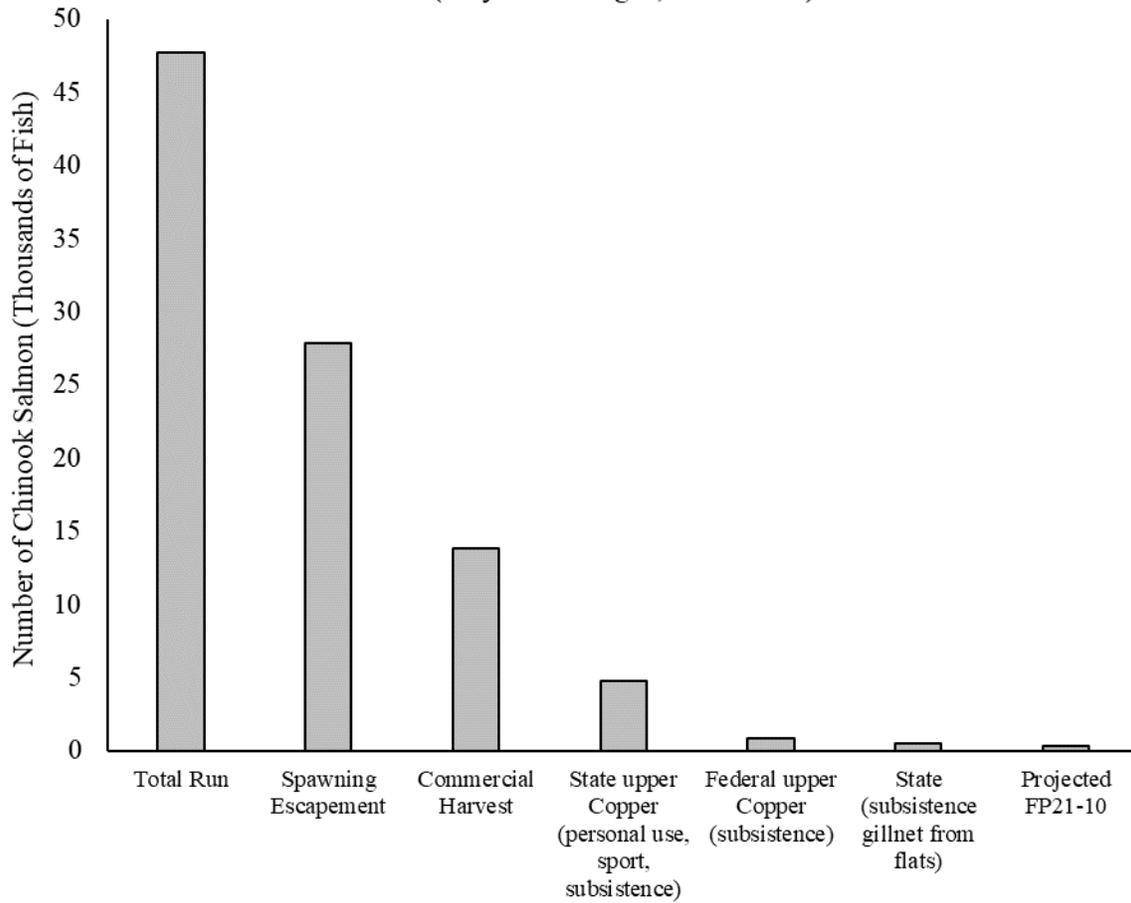
The Superintendent of Wrangell-St. Elias National Park and Preserve is the Board delegated inseason manager for subsistence fisheries within Federal waters of the Copper River drainage, while the Board delegated authority in all other non-Copper River waters within the PWS Area to the Cordova District Ranger of Chugach National Forest (Forest Service). In order for the Park Service to manage a Lower Copper River Area subsistence fishery, if approved, the fishery will need to be administered under a second, non-stackable Federal permit, separate from Federal Permit FFPW01, which is issued by the Forest Service. Both Federal permits would be available from the Forest Service office in Cordova.

Copper River Sockeye Salmon Harvest and Escapement  
(10-year averages, 2011-2020)



**Figure 4** Comparison of ten-year average run size, escapement, and harvest of Sockeye Salmon in the Copper River by user group. The proposed FP21-10 Lower Copper River Area is projected to harvest up to 2,000 Sockeye Salmon annually.

Copper River Chinook Salmon Harvest and Escapement  
(10-year averages, 2011-2020)



**Figure 5** Comparison of ten-year average run size, escapement, and harvest of Chinook Salmon in the Copper River by user group. The proposed FP21-10 Lower Copper River Area is projected to harvest up to 300 Chinook Salmon annually.

## OSM CONCLUSION

**Support Proposal FP21-10 with modifications** to include a requirement to report take of salmon to Area managers within 48 hours of harvest.

The modified regulation should read:

*§ \_\_.27(e)(11) Prince William Sound Area. The Prince William Sound Area includes all waters and drainages of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.*

*( ) The Lower Copper River Area includes that portion of the Copper River, from a boundary one-half mile upstream of the Copper River Highway to a boundary extending one-half mile downstream of the Copper River Highway, from the West bank of the river near highway mile 27 to the East bank of the river near highway mile 38.*

*(i) You may take fish, other than rainbow/steelhead trout, in the Prince William Sound Area only under authority of a subsistence fishing permit, except that a permit is not required to take eulachon. You may not take rainbow/steelhead trout, except as otherwise provided for in paragraph (e)(11) of this section.*

*(A) In the Prince William Sound Area within Chugach National Forest and in the Copper River drainage downstream of Haley Creek, you may accumulate Federal subsistence fishing harvest limits with harvest limits under State of Alaska sport fishing regulations provided that accumulation of fishing harvest limits does not occur during the same day.*

\* \* \* \*

*(ii) You may take fish by gear listed in paragraph (b)(1) of this section unless restricted in this section or under the terms of a subsistence fishing permit.*

*(iii) If you catch rainbow/steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes, unless restricted in this section.*

*(iv) In the Copper River drainage, you may take salmon only in the waters of the Upper Copper River District, in the vicinity of the Native Village of Batzulnetas, and in the Lower Copper River Area.*

*(v) In the Upper Copper River District, you may take salmon only by fish wheels, rod and reel, or dip nets. In the Lower Copper River Area, you may take salmon only by dip nets, rod and reel, spear, and gaff, and all salmon retained must be reported within 48 hours of harvest.*

\* \* \* \*

*(ix) You may take salmon in the Upper Copper River District and in the Lower Copper River Area from May 15 through September 30 only.*

*\* \* \* \**

*(xvii) In the Chugach National Forest portion of the Prince William Sound Area, and the Lower Copper River Area, you must possess a Federal subsistence fishing permit to take salmon, trout, whitefish, grayling, Dolly Varden, or char. Permits are available from the Cordova Ranger District.*

*(A) Salmon harvest is not allowed in Eyak Lake and its tributaries, Eyak River upstream from the Copper River Highway bridge.*

*(B) You must record on your subsistence permit the number of subsistence fish taken. You must record all harvested fish prior to leaving the fishing site, and return the permit by the due date marked on the permit.*

*(C) You must remove both lobes of the caudal (tail) fin from subsistence-caught salmon before leaving the fishing site.*

*(D) **Outside of the Copper River mainstem**, you may take salmon by rod and reel, dip net, spear, and gaff year-round.*

*(E) For a household with 1 person, 15 salmon (other than pink) may be taken, and 5 cutthroat trout, with only 2 over 20 inches, may be taken; **no more than 5 Chinook salmon per household**; for pink salmon, see the conditions of the permit.*

*(F) For a household with 2 persons, 30 salmon (other than pink) may be taken, plus an additional 10 salmon for each additional person in a household over 2 persons, and 5 cutthroat trout, with only 2 over 20 inches per each household member with a maximum household limit of 30 cutthroat trout may be taken; **no more than 5 Chinook salmon per household**; for pink salmon, see the conditions of the permit.*

*(G) You may take Dolly Varden, Arctic char, whitefish, and grayling with rod and reel and spear year round and with a gillnet from January 1-April 1. The maximum incidental gillnet harvest of trout is 10.*

*(H) You may take cutthroat trout with rod and reel and spear from June 15 to April 14th and with a gillnet from January 1 to April 1.*

*(I) You may not retain rainbow/steelhead trout for subsistence unless taken incidentally in a subsistence gillnet fishery. Rainbow/steelhead trout must be immediately released from a dip net without harm.*

## Justification

Harvest and escapement information indicate that sufficient salmon are present to allow a Federal subsistence fishery in the lower Copper River without creating a biological concern. The proposal provides an opportunity for Federally qualified subsistence users of Cordova that do not have access to a saltwater capable boat and drift gillnet gear to harvest Sockeye Salmon and Chinook Salmon in the lower Copper River. Projected harvest is anticipated to be very small in comparison with other user groups and concern of harvest occurring prior to salmon being counted at the Miles Lake sonar site can be addressed with a proposed modification of a reporting requirement to Area managers within 48 hours of harvest. The historic use of dip nets and the harvests of salmon in the proposed area is well-documented.

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## SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

### Southcentral Alaska Subsistence Regional Advisory Council

**Support with OSM modification.** The Council supports this proposal based on the information provided by OSM, showing that there would be a minimal impact on the salmon run. The Council acknowledged that some users stated their subsistence needs were not being met for both Upper River and Lower River and there is a need to provide additional harvest opportunities. ANILCA's provision for rural subsistence priority supports creating this fishery (as federal food resource should take precedence over any state use) and it is important for those underserved Federally-qualified subsistence users who do not own boats. The Council recognized that this was an issue that polarizes the community; however, they felt that the request and modification is reasonable and that allowing this fishery would provide easier and safer access to harvest this important resource. Subsistence users should be provided the opportunity to obtain their fish and any restrictions to address a conservation concern should first come from other user groups.

## SUBSISTENCE REGIONAL ADVISORY COUNCIL COMMENTS

### Eastern Interior Alaska Subsistence Regional Advisory Council

**Note:** The Eastern Interior Council wanted to share its views with the Board on this issue. However, because residents of the Eastern Interior Region do not have a C&T for the taking of fish on the Copper River in the Southcentral Region, the Eastern Interior Council's views are not entitled to deference under 805(c) of ANILCA.

**Oppose FP21-10.** The Council opposed this proposal due to a potential conservation concern and depletion of an important subsistence resource. The Federally qualified subsistence users in the upper Copper River that depend on the river resources have serious concerns regarding the establishment of this new fishery. The Council believes that this is not the right time to open a new fishery. There is already a lot of hardship taking place, not only in the Copper River, but also in many other Alaskan rivers that are losing King Salmon. Other salmon returns are poor as well. When salmon runs are weak, communities in the upper river have much less access to other fish resources than the users in the lower river. The Council is concerned that this fishery will specifically target King Salmon, especially since it includes rod and reel, spear or gaff. The users in the Cordova area already have multiple places to fish for other salmon species.

Additionally, the Council wanted to highlight to the Board that there appears to be a difference of positions within the community of Cordova regarding the establishment of this fishery. Some users support the fishery and some oppose. Eleven comments received by OSM prior to the proposal written comment deadline of July 2, 2020 were all in opposition to the proposal. During the meeting, the Council learned that a large number of written public comments in support solicited by the proposal proponent were given to the Forest Service and submitted to the Southcentral Alaska Council coordinator during its recent meeting. At the meeting, the public expressed frustration that these comments were submitted after the proposal written comment deadline. The Council commented that this situation made it difficult for the Council to evaluate public support or opposition to a particular proposal. Moreover, the Council became

privy to information that suggested the some users in Cordova have been illegally selling their subsistence fish, because the salmon caught in this fishery are highly sought after.

### **INTERAGENCY STAFF COMMITTEE COMMENTS**

The Interagency Staff Committee (ISC) supports the proposal to provide a new Federal salmon subsistence fishing opportunity in the lower Copper River adjacent to the Copper River Highway for Federally qualified subsistence users, especially those residing in Cordova. We recognize that access to Sockeye Salmon in the State subsistence fishery near Cordova can be difficult for those lacking a boat and the knowledge to safely navigate to the fishery. We also recognize, however, that there are many competing fisheries and stakeholders throughout the Copper River drainage that are dependent on the health and viability of salmon stocks. For these reasons we believe that it is prudent to be cautious in creating a new Federal fishery, even though the expected harvest from this fishery is anticipated to be low.

To mitigate the potential risks associated with a new fishery in the Copper River, and to help alleviate the concerns expressed by many rural stakeholders and fishery managers, the ISC supports the OSM modification to include a requirement to report take of salmon to the delegated federal manager for the Copper River drainage within 48 hours of harvest. The ISC furthermore suggests that the Board consider a modification to open the proposed new season on June 1, rather than on May 15, to allow managers to review early run strength information provided through the initial commercial fishing periods and the Miles Lake sonar. Future proposals to adjust the season start date may be warranted once federal managers are able to ascertain the effects of a new fishery within the drainage, including the level of harvest and participation in this fishery. The NPS has been issued a Delegation of Authority Letter (DOL) to manage the Federal public waters within the Copper River Drainage in the Prince William Sound Area. If this proposal is adopted, the NPS could issue emergency special actions in response to in-season management concerns in the new fishery under the existing Delegation of Authority.

### **ALASKA DEPARTMENT OF FISH AND GAME COMMENTS**

**Fisheries Proposal FP21-10:** This proposal creates a subsistence salmon fishery for residents of Cordova in the lower Copper River adjacent to the Copper River Highway with a harvest limit of 15 salmon other than pink salmon and no more than five Chinook salmon per household, using dip net, rod and reel, spear, or gaff only.

**Introduction:** The proponent is seeking to provide additional subsistence opportunity for residents of Cordova by creating a subsistence salmon fishery in the lower Copper River.

**Impact on Subsistence Users:** Adoption of this proposal would provide additional subsistence opportunity for residents of Cordova to harvest salmon in the lower Copper River.

**Impact on Other Users:** Adoption of this proposal would likely have little impact on the sport fishery that occurs in the lower Copper River but would have the potential to delay or impact other fisheries in the Copper River area. This section of river is difficult to sport fish and therefore supports low levels of sport effort and harvest. This new subsistence fishery would occur downstream of the Miles Lake sonar which is used to assess the salmon run in the Copper River. Although likely to be minimal, harvest of salmon downstream of the Miles Lake sonar could impact opening of commercial fisheries in the Copper River District as well as sport, personal use, and subsistence fisheries in the upper Copper River, particularly in years of low abundance.

**Opportunity Provided by State:**

*5 AAC 55.022. General provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area*

*(a) Unless otherwise specified in 5 AAC 55.023, or by an emergency order issued under AS 16.05.060, the following are the seasons, bag, possession, and size limits, and methods and means that apply to sport fishing for finfish and shellfish in the Prince William Sound Area:*

*(1) in all fresh waters of the Prince William Sound Area, only unbaited, artificial lures may be used from April 15 - June 14;*

*(2) king salmon: may be taken from January 1 - December 31, as follows:*

*(A) in fresh waters, as follows:*

*(i) king salmon 20 inches or greater in length; bag limit of two fish; possession limit of four fish;*

*(ii) king salmon less than 20 inches in length; bag and possession limit of 10 fish;*

*5 AAC 55.023. Special provisions for seasons, bag, possession, and size limits, and methods and means for the Prince William Sound Area. Unless otherwise specified by an emergency order issued under AS 16.05.060, the following are special provisions to seasons, bag, possession, and size limits, and methods and means provisions under 5 AAC 55.022 in the Prince William Sound Area:*

*(1) the following special provisions apply to salmon, other than king salmon:*

*(A) in all freshwater drainages crossed by the Copper River Highway from and including Eyak River to the Million Dollar Bridge, including Clear Creek at mile 42,*

*(i) the bag and possession limit is three fish; a coho salmon removed from the water shall be retained and becomes part of the bag limit of the person originally hooking it; a person may not remove a coho salmon from the water before releasing the fish;*

*(ii) from August 15 - September 15, after taking and retaining a bag limit of coho salmon, a person may not sport fish with bait for the remainder of that day in any of the waters described in this subparagraph;*

**Conservation Issues:** There do not appear to be any conservation issues associated with this proposal.

**Enforcement Issues:** There do not appear to be any enforcement issues associated with this proposal.

**Recommendation:** ADF&G **OPPOSES** this proposal. In ANILCA Congress provided the Federal Subsistence Board (FSB) with the authority to implement a priority for taking of fish and wildlife for non-wasteful subsistence uses. Congress directed that the priority is to be implemented “whenever it is necessary to restrict the taking of populations of fish and wildlife on (federal public lands) for subsistence uses in order to protect the continued viability of such populations, or to continue such uses” through limitations based on the factors in section 804 of ANILCA. It does not authorize the FSB to open hunting or fishing opportunities except to reopen seasons or areas that were previously closed.

## APPENDIX 1

Total estimated Sockeye Salmon runs to the Copper River by end user or destination with previous 10-year average, 2010-2020 (Botz. et al 2021)

End User or Destination	Year 2010	Year 2011	Year 2012	Year 2013	Year 2014	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Year 2020	Avg., 2010–2019
Commercial harvest <sup>a</sup>	636,214	2,052,432	1,866,541	1,608,117	2,050,007	1,750,762	1,175,100	586,079	46,524	1,283,736	102,269	1,305,551
Commercial homepack <sup>a</sup>	7,064	9,070	7,985	9,448	12,072	10,590	9,598	8,289	1,545	8,016	1,455	8,368
Commercial donated <sup>a</sup>	0	0	0	0	0	0	0	0	0	0	0	0
Educational drift gillnet permit <sup>a</sup>	61	23	200	152	186	91	203	217	6	18	7	116
Subsistence (Cordova, drift gillnet) <sup>b</sup>	1,980	1,783	4,270	5,639	1,675	1,403	1,075	2,448	5,189	6,163	7,091	3,163
Fed. Subsistence (PWS/Chugach NF, dip net, spear, rod and reel) <sup>b</sup>	36	35	64	102	76	152	234	127	96	70	98	99
Subsistence (Batzulnetas, dip net, fish wheel or spear) <sup>b</sup>	106	9	101	862	146	0	0	254	468	209	67	216
Subsistence (Glennallen, dip net, fish wheel or spear) <sup>c</sup>	70,719	59,622	76,305	73,728	75,501	81,800	62,474	41,570	39,359	60,257	34,577	64,134
Fed. Subsistence (Glennallen, dip net, fish wheel or spear) <sup>d</sup>	14,651	16,145	15,718	17,789	23,889	26,753	19,181	18,415	16,736	17,718	11,234	18,700
Personal Use (Chitina Sub-district, dip net) <sup>e</sup>	138,487	128,052	127,143	180,663	157,215	223,080	148,982	132,694	77,051	171,203	78,022	148,457
Fed. Subsistence (Chitina, dip net) <sup>d</sup>	2,399	2,056	1,427	2,199	1,636	2,404	1,925	1,828	3,430	4,479	3,406	2,378
Upriver sport harvest <sup>e</sup>	14,743	7,727	23,404	26,611	18,005	9,489	7,555	9,589	2,943	7,346	1,000	12,741
Delta sport harvest <sup>e</sup>	1,342	838	764	386	87	130	246	200	58	168	142	422
Upriver spawning escapement <sup>f</sup>	502,403	607,142	953,502	860,258	864,131	930,145	513,126	461,268	478,760	718,876	364,928	688,961
Delta spawning escapement <sup>g</sup>	167,810	153,014	133,700	151,410	128,410	132,390	103,100	113,900	116,940	122,930	111,240	132,360
Hatchery broodstock/Excess <sup>h</sup>	157,980	59,589	65,348	72,369	53,737	40,123	32,341	17,083	30,306	15,552	10,786	54,443
Total estimated sockeye salmon run size	1,715,995	3,097,537	3,276,472	3,009,733	3,386,773	3,209,312	2,075,140	1,393,961	819,411	2,416,741	726,322	2,440,108

<sup>a</sup> Numbers are from fish ticket data. Homepack numbers for Sockeye Salmon are voluntarily reported but are legally required.

<sup>b</sup> Data are reported harvest from returned state and federal subsistence permits.

<sup>c</sup> Data are expanded harvest from returned state and federal subsistence permits.

<sup>d</sup> Data are reported harvest, 2002–2004, and expanded harvest, 2005–2017, from returned state and federal subsistence permits.

<sup>e</sup> Upriver and Copper River Delta sport harvest data are from statewide sportfish harvest surveys.

<sup>f</sup> Beginning in 1999 Sockeye Salmon spawning escapement is based on the total number of fish past the Miles Lake sonar minus the Chinook Salmon inriver midpoint abundance estimate, upriver subsistence, personal use, sport, hatchery broodstock and onsite hatchery surplus. Prior to 1999, upriver spawning escapement was based on the Miles Lake sonar passage (sockeye salmon only) minus upriver subsistence, personal use, sport, hatchery broodstock, and onsite hatchery surplus. The number of Sockeye Salmon past the Miles Lake sonar was determined by multiplying the total number of fish past the sonar by the percentage of Sockeye Salmon in the total upriver subsistence and personal use fisheries.

<sup>g</sup> Delta spawning escapement estimated by doubling the peak aerial survey index.

<sup>h</sup> Hatchery broodstock and onsite excess are from the PWSAC annual reports.

## APPENDIX 2

Total estimated Chinook Salmon run to the Copper River by end user or destination and the previous 10-year average, 2010–2020 (Botz et al. 2021).

End user or Destination	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	Average (2010–2019)
Commercial harvest <sup>a</sup>	9,645	18,500	11,764	8,826	10,207	22,506	12,348	13,834	7,618	19,148	5,880	13,440
Commercial, homepack <sup>a</sup>	906	1,282	853	564	768	1,145	727	744	85	742	225	782
Commercial, donated <sup>a</sup>	0	0	0	0	0	0	0	0	0	0	0	0
Educational drift gillnet permit <sup>a</sup>	31	6	6	55	36	50	86	50	40	31	14	39
Subsistence (Cordova, drift gillnet) <sup>b</sup>	276	212	237	854	153	167	73	778	1,356	808	657	491
Subsistence (Batzulnetas, dip net, fish wheel, or spear) <sup>b</sup>	0	0	0	5	0	0	0	2	0	0	0	1
Subsistence (Glennallen Subdistrict, dip net, fish wheel, or spear) <sup>c</sup>	2,099	2,319	2,095	2,148	1,365	2,212	2,075	2,906	4,531	3,429	2,222	2,518
Federal subsistence (Glennallen Subdistrict, dip net, fish wheel, or spear) <sup>d</sup>	342	799	403	372	439	416	446	468	2,662	946	670	729
Personal use harvests (Chitina Subdistrict, dip net) <sup>e</sup>	700	1,067	567	744	719	1,570	711	1,961	1,273	2,611	751	1,192
Federal subsistence (Chitina Subdistrict, dip net) <sup>d</sup>	20	15	6	19	15	14	20	15	100	83	96	31
Sport harvest <sup>e</sup>	2,409	1,753	459	285	931	1,343	327	1,731	1,320	1,565	500	1,212
Upriver spawning escapement <sup>f</sup>	16,753	27,936	27,922	29,013	20,689	26,751	12,430	33,644	42,678	35,080	22,054	27,290
Total estimated Chinook salmon run size	33,181	53,889	44,312	42,885	35,322	56,174	29,243	56,133	61,663	64,443	33,069	47,725

<sup>a</sup> Numbers are from fish ticket data.

<sup>b</sup> Data are reported harvest from returned state and federal subsistence permits.

<sup>c</sup> Data are expanded harvest from returned state and federal subsistence permits.

<sup>d</sup> Data are reported harvest (2002–2004) and expanded harvest (2005–2011) from returned state and federal subsistence permits.

<sup>e</sup> Upriver Chinook Salmon sport harvest only; there is no Copper River Delta Chinook Salmon sport harvest. The sport harvest numbers are generated from the statewide sport fish harvest survey.

<sup>f</sup> Upriver Chinook Salmon spawning escapement was estimated using the inriver abundance estimate and subtracting subsistence, personal use, and sport Chinook Salmon harvests. Beginning in 1999, inriver abundance estimates were calculated using mark–recapture studies; prior to 1999 inriver abundance estimates were calculated using aerial and foot surveys.

WRITTEN PUBLIC COMMENTS

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June 29, 2020

Federal Subsistence Board  
Office of Subsistence Management  
(Attn: Theo Matuskowitz)  
1011 E. Tudor Road, MS-121  
Anchorage, Alaska 99503-6199

Mr. Matuskowitz:

Enclosed are Ahtna Tene Nene' comments on 2021-2023 Federal Fisheries proposals. Please record them as public comments for Southcentral Subsistence Regional Advisory Council's and Eastern Subsistence Regional Advisory's recommendation, and to the Federal Subsistence Board for final decision making and action.

Sincerely,

*Stavio Stickwan*  
*for*  
*John Dye*  
Mr. John Dye,  
Vice Chair

This fishery would only be open to Cordova residents. This fishery should not be additive to the limits of other State and Federal subsistence fisheries on the Copper River Delta or flats. The area we are most interested in using is the waters **of the Copper River ½ mile above and below the Copper River Highway, before 38 Mile of the Copper River Highway** (not sure where to place this in regulation)

**Comments:**

We do not support FP21-10 to open a dipnetting season in the lower Copper River District. We have a concern that if such a new fishery were allowed, federally qualified subsistence users in the Upper Copper River District would not be able harvest enough salmon to provide for themselves and their families. Dip netters in the lower Copper River Delta may take too many salmon. If salmon run is low or is delayed in the early season of the summer, federally qualified subsistence users in the Upper Copper River District will not be able to harvest salmon to meet their subsistence needs.

Federally qualified subsistence users in Cordova have an opportunity to harvest fish in both fresh marine waters. This includes the opportunity to fish for Sockeye and Coho in Ibeck Creek, Eyak River, and Alagnik Slough or through the state subsistence fishery in the marine waters of the Copper River Flats for King Salmon, Pinks, Sockeyes and Chum. Our people rely solely on the Copper River to provide for their salmon.

In a report, dated June 4, 2020, from Alaska the Department of Fish and Game, it stated that "overall sonar passage was below 45% management objective. King Salmon reached its peak and began to decline. Sockeye and King Salmon runs were poor. Management objectives will mostly likely will not be met this year both sockeye and King Salmon.

This past year has been a poor Sockeye and Chinook salmon run. Federally qualified subsistence Users in the Upper Copper River fisheries have not had subsistence needs met. To open a new permanent fisheries in the lower Copper River District would be detrimental to the Upper Copper River Fisheries.

Furthermore, those early Wild Stocks are an important indicator of how salmon is faring in the Copper River. It is imperative that the Tanada Weir have accurate early fish count numbers to enable fisheries biologist to determine salmon run strength and timing of runs.

If a Lower Copper River Delta fisheries were to occur on the main stem of the Copper River Delta, this newly established fisheries should be under the auspices of Wrangell St.-Elias National Park & Preserve.



**Cordova District Fishermen United**  
PO Box 939 | 509 First Street | Cordova, AK 99574  
phone. (907) 424 3447 | fax. (907) 424 3430  
web. [www.cdfu.org](http://www.cdfu.org)

June 30, 2020

Federal Subsistence Board  
Office of Subsistence Management  
Attn: Theo Matuskowitz

RE: Federal Subsistence Fisheries Proposal FP21-10

Members of the Southcentral Regional Advisory Council and the Federal Subsistence Board,

Cordova District Fishermen United (CDFU) is membership driven non-profit that advocates on behalf of the commercial fishing families of the Copper River, Prince William Sound, and the northern Gulf of Alaska. Our membership is diverse, and many who participate in our region's commercial fisheries are local, full-time residents who also utilize subsistence hunting and fishing opportunities to provide for their families throughout the year. Additionally, the amount necessary for subsistence (ANS) typically shows a high degree of variability dependent on commercial harvests, as many local residents bring their "homepack" out of their commercial catch each year. Subsistence fisheries are incredibly important to our community, but as you evaluate Proposal FP20-10, we ask you to consider the following as you make decisions regarding fisheries on the Copper River.

The Copper River is a system that is currently utilized by a number of user groups participating in both state and federal fisheries -- federal subsistence, commercial, sport, personal use, and state subsistence. Copper River escapement is managed through the use of sonar at the Miles Lake sonar site, and management for both upriver and downriver fisheries is dependent on accurate escapement counts at this site. Because the sonar site is so critical for management of all fisheries on the Copper River, a fishery that takes place below the sonar site, but after the well-documented commercial fishery may impact escapement and run size data without an adequate way to record harvest occurring downstream of the sonar. CDFU is concerned this may impact skew escapement data without a system in place for timely reporting.

Additionally, significant harvest opportunity currently exists within the Copper River Delta region for subsistence users. Located closer to the city center, subsistence dipnet fisheries on Ibek, Eyak, and Alaganik are more accessible for local residents and are all less dangerous river systems than the lower Copper River. All 3 of these fisheries can be accessed by foot from the road system, and do not require the use of a boat in order to participate. Furthermore,



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subsistence gillnet harvest opportunity is provided during the salmon season concurrently with commercial gillnet openers, as well as when the commercial fishery is closed. Beginning with the 2018 season, users were afforded an additional Saturday subsistence opener, which amounted to an increase of approximately 33% more time and subsistence opportunity than previous years.

CDFU also has concerns that the proposal as written does not specify whether a user in this subsistence fishery is allowed to dipnet from a boat, or whether that act is prohibited. The proposal also fails to mention any limitation on dipnetting from shore or a boat.

Further, the proposal as written does not specify what, if any, requirement for timely reporting exists. In-season reporting is critical to sustainable management and the benefit of all fisheries on the Copper River, and enables fishery managers to make the best possible decisions for all user groups in all regions of the Copper River. It is our concern that without adequate reporting for all user groups, the overall sustainability of the run may be compromised long-term.

Recently, both our local tribal government, the Native Village of Eyak, and the Cordova City Council passed resolutions to oppose this new fishery with these same concerns in mind. It is our hope that these considerations weigh heavily in your decision making on this proposal.

Thank you for your time and consideration of our comments,

Chelsea Haisman  
Executive Director

## **Fw: [EXTERNAL] Federal subsistence proposal FP21-10**

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**From:** Steven Gildnes <fvcapeelrington@hotmail.com>  
**Sent:** Thursday, July 2, 2020 10:19 PM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] Federal subsistence proposal FP21-10

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

July 2, 2020

Federal subsistence board  
Office of subsistence management  
Attn: Theo Matuskowitz

Re: federal subsistence fisheries proposal FP21-10

Members of the Southcentral regional advisory council and the federal subsistence board.

My name is Steven Gildnes I'm a locale Cordova resident. I grew up fishing the Copper River with my family. A Copper River/ Prince William Sound drift gilnetter since 1990. I'm 3rd generation fighting to protect our majestic commercial/subsistence lifestyle here in Cordova, for myself, my son and the countless young Alaskan's dreaming of a career commercial fishing. Truly the American Dream for many across this great land.

I've been fortunate & cursed to witness The change in our fishery since the 90's. An increase in pinniped's, subsistence users, personal use, sport & state subsistence has made a dramatic impact on the way ADF&G can properly manage our omega-3 rich marketed, famous copper river salmon. With the barrier island inside King closures in effect our fleet has had to upgrade our fishing vessels to extremely expensive Twin engine jet vessels because of the volatile ocean conditions the gulf of Alaska may produce during commercial fishing openers. With this added expense we have received less time fishing in recent years. Upriver escapement data is difficult or impossible to hear read or believe. Sonar counts at miles lake (million dollar bridge) & commercial catch reports are currently the only recognized data I'm aware of.

An additional dip net subsistence fishery here is unnecessary and I fear could lead to further data loss additional patrols for an ill funded understaffed local State Trooper force. We currently have ample time and area to provide our local subsistence needs.

Thank you for your time and consideration of my comments.

Steven Gildnes

Sent from my iPhone

**Fw: [EXTERNAL] Fp21-10**

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**From:** todd ladd <toddladd93@hotmail.com>  
**Sent:** Wednesday, July 1, 2020 11:05 PM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] Fp21-10

I oppose this proposal. I feel as if it will negatively impact the copper river fishery.

Sent from my iPhone

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**Fw: [EXTERNAL] Fp21-10 opposition**

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**From:** Brandon maxwell <brandonm907@hotmail.com>  
**Sent:** Wednesday, July 1, 2020 5:03 PM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] Fp21-10 opposition

My name is Brandon Maxwell, I am a resident of Cordova, Ak of 25 years. I strongly oppose the proposal of the lower copper river dipnet fishery.

Sent from my iPhone

**Fw: [EXTERNAL] comments on copper river proposals**

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**From:** michael mahoney <mjmahoney22@hotmail.com>  
**Sent:** Thursday, July 2, 2020 12:33 PM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] comments on copper river proposals

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Thank you for the opportunity to comment.

**FP 21-10**

Given the concerns that biologists, managers and stakeholders have with the king and sockeye salmon abundance on the copper river, I don't think that it would be a good idea to open up a new fishery on the lower copper river in order to target these fish (especially Kings). Therefore, I am opposed to it. Cordova residents have ample opportunity to harvest salmon resources in the area. One excellent king salmon harvest opportunity, which is utilized by many residents is the remote release site at Fleming Spit.

**FP 21-11**

I cannot think of any downside to this proposal. I support it. With modern communication options, there is no reason why this timely reporting would be too burdensome to the user. Good in-season management requires current data, and this is the only way for that to happen. It is time to give our managers the tools they need to protect this fishery.

**FP 21-12, 13, 14**

I think that all of these changes would be helpful in protecting our King salmon and I support them. All of these practices are not customary and traditional, and have resulted in a much higher efficiency levels of harvest. With the use of boats, and sonar equipment in particular, there is a corresponding profit motive from the guide services who profit from this.

Sincerely,  
Mike Mahoney  
PO Box 2416  
Cordova, AK 99574

Native Village of Eyak  
110 Nicholoff Way  
P.O. Box 1388  
Cordova, Alaska 99574-1388  
P (907) 424-7738 \* F (907) 424-7739  
www.eyak-nsn.gov



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10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, and the Gulf of Alaska

Federal Subsistence Board  
Attn: Theo Matuskowitz  
Office of Subsistence Management  
1011 E. Tudor Rd. M/S 121  
Anchorage, AK 99503-6199

30 June 2020

Dear Federal Subsistence Board Members,

The Native Village of Eyak's Traditional Tribal Council has unanimously voted to oppose proposal FP21-10 which would open federal subsistence salmon harvest by dip-net and/or rod-and-reel in the lower Copper River. We base our opposition on direct input from our members after a survey, emails, phone calls, and an online meeting. Of our 73 respondents, 52 were opposed and 21 were in favor.

Subsistence is a critical part of our tribal culture and heritage, and among the many subsistence resources to which we are fortunate to have access, salmon is our most important, and the salmon of the Copper River our most prized run. The Native Village of Eyak has been dedicated to expanding access to these resources for our members in the form of both the expansion of the drift gillnet state subsistence fishery and facilitating our members' access to boats and gear.

We are committed to the sustainable management of this resource and our members have expressed great concern with inriver fisheries, and their massive expansion in Wood Canyon and to the north. Given that our sockeye runs have been weak in two of the past three years, and we have only recently recovered from a period of low Chinook abundance, we do not support expanded inriver fisheries at this time.

Limited access to salmon resources is a concern for many of our members, and we would consider re-evaluating our position after our Copper River salmon run is managed by individual stocks with inseason data, and a timely inseason reporting requirement for all user groups, under a management plan that allows managers to reduce pressure on vulnerable stocks under EO authority. We have further concern that in an area so vast, with tens of thousands of users, only two law enforcement officers are assigned to enforce fisheries regulations, and we consider this woefully inadequate for the task. Until such time as adequate law enforcement is dedicated to inriver fisheries we cannot responsibly support any expansion.

We are sensitive to the need for extra food security assurances in our remote community, especially during a pandemic. To meet this need we have expanded our cold storage by orders of magnitude, and have submitted proposals to expand access to salmon in Prince William Sound in the state subsistence fisheries and believe that this will be adequate to meet our immediate needs while we await substantial changes on

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10,000 years in our Traditional Homeland, Prince William Sound, the Copper River Delta, and the Gulf of Alaska

the Copper River which include timely reporting for all salmon harvested, stock specific management, and adequate law enforcement for inriver fisheries, at which time we would reconsider this position.

We appreciate the time spent by the proposers and the time evaluating the proposal spent by the Office of Subsistence Management and look forward to continued productive collaboration in the future to ensure the subsistence needs of our members, and all Cordovans is met.

Sincerely,

A handwritten signature in black ink that reads "Darrel Olson". The script is cursive and fluid.

Darrel Olson  
Chair  
Native Village of Eyak Traditional Tribal Council

## **Fw: [EXTERNAL] Prince William Sound proposals**

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**From:** Thea Thomas <thea@ctcak.net>  
**Sent:** Thursday, July 2, 2020 7:19 AM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] Prince William Sound proposals

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Dear Mr. Matuskowitz,

I am a 40 year resident of Cordova, Alaska and a commercial fisherman. Over the years, i have served on several boards and presentedly am on the board of the Copper River/Prince William Sound Marketing Association and the Prince William Sound Science Center.

I am strongly opposed to proposal FP21-10. Subsistence users have more than adequate opportunity through the State of Alaska subsistence openers which occur 3 days a week, and the federal subsistence opportunity on the Eyak River.

I strongly support proposal FP21-11, FP21-12, FP21-13 and FP21-14. These proposals are important to limit over harvest in the Chitina dipnet fishery and to acquire timely data on the harvest.

Thank you

Thea Thomas  
PO BOX 1566  
Cordova, AK 99574  
907 424 5266

**Fw: [EXTERNAL] Fp21-10**

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**From:** ray renner <ray\_renner4@hotmail.com>  
**Sent:** Thursday, July 2, 2020 9:45 AM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] Fp21-10

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Good Morning,

I am a 34 year resident of Cordova and a commercial fisherman and I strongly oppose the lower copper dip net fishery that is being proposed. Cordova already has ample subsistence opportunities that are currently under utilized, we do not need anymore. There is opportunities for both people with boats and without.

-Ray Renner

**Fw: [EXTERNAL] Fp21-10**

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**From:** Jack Stevenson <jj.stevenson1@yahoo.com>  
**Sent:** Thursday, July 2, 2020 8:27 AM  
**To:** AK Subsistence, FW7 <subsistence@fws.gov>  
**Subject:** [EXTERNAL] Fp21-10

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Good morning, I am a 29 yr resident of Cordova and strongly oppose the lower copper dip net fishery. The copper river salmon run currently faces too much pressure as it is. The commercial fleet has been managed so strictly with such few openers with our small salmon runs, while the personal use fishery continues on depleting the salmon up river. Thank you

- Jack Stevenson

Sent from my iPhone

**From:** Schmidt, Sabrina M <sabrina\_schmidt@fws.gov> on behalf of AK Subsistence, FW7 <subsistence@fws.gov>

**Sent:** Wednesday, June 24, 2020 11:06 AM

**To:** [Matuskowitz, Theo TM <theo\\_matuskowitz@fws.gov>](mailto:theo_matuskowitz@fws.gov); [Detwiler, Sue K <sue\\_detwiler@fws.gov>](mailto:sue_detwiler@fws.gov); [Doolittle, Thomas C <thomas\\_doolittle@fws.gov>](mailto:thomas_doolittle@fws.gov); [Kron, Tom TK <tom\\_kron@fws.gov>](mailto:tom_kron@fws.gov); [Lind, Orville OL <orville\\_lind@fws.gov>](mailto:orville_lind@fws.gov); [Maas, Lisa <Lisa\\_Maas@fws.gov>](mailto:Lisa_Maas@fws.gov); [Pappas, George E <george\\_pappas@fws.gov>](mailto:george_pappas@fws.gov); [deanna.perry@usda.gov <deanna.perry@usda.gov>](mailto:deanna.perry@usda.gov); [Lavine, Robbin M <robbin\\_lavine@fws.gov>](mailto:robbin_lavine@fws.gov)

**Subject:** FW: FP 21-10 Comments from Copper River Prince William Sound Advisory Committee

**From:** Tom and Gretchen Carpenter <whiskeyridge@ctcak.net>

**Sent:** Tuesday, June 23, 2020 12:39 PM

**To:** AK Subsistence, FW7 <subsistence@fws.gov>

**Cc:** [steven.namitz <steven.namitz@usda.gov>](mailto:steven.namitz@usda.gov)

**Subject:** [EXTERNAL] FP 21-10

Federal Subsistence Board  
Office of Subsistence Management  
Attn. [Theo Matuskowitz](mailto:theo_matuskowitz@fws.gov)  
1011 E. Tudor RD, MS 121  
Anchorage, Alaska 99503

The following are the comments on proposal FP 21-10 from the Copper River Prince William Sound Advisory Committee. **This committee is unanimously opposed to proposal FP 21-10.** First we would like to make a few comments regarding timing of the comment deadline. July 2 seems quite early and in the middle of the busiest part of the year for most Alaskans. This deadline will undoubtedly lead to far fewer comments from the users in the Copper River/Prince William Sound area, which may not show the true disdain for the passage of such a regulatory change. Secondly, having to provide comments before the Federal staff has had a chance to provide the public with its analysis will lead to less understanding of the inter agency staffs position. Given that similar proposals have been sent two prior times the past 10 years, and that there was a Emergency action request sent to the Federal Board in March 2020, there has been a complete analysis that has been completed several times and this should have been included prior to the comment deadline to fully appraise the public of the staffs position.

As for proposal FP 21-10, and as we have stated above, this proposal is not a new idea. This has come before the SCRAC twice, both times being withdrawn prior the the SCRAC deliberation because of a lack of support from the users in this area. Many groups/orgs in Cordova have debated this many times, most recently with this AC, Native Village of Eyak, City of Cordova and many individuals position against the emergency action this spring. Having spent 15 years myself on the SCRAC, one of the lessons I learned along the way was the goal for the Federal subsistence program has been for communities and users to have buy in to the program through a bottom up process. For users to feel this they need to have an understanding their voices are

being heard. Giving some context to this discussion for Board members and RAC members that are new, when the Federal fishery regulations were adopted for the lower Copper River/P.W.S. region, it was stated and made clear by local users that all subsistence fisheries on the Copper River Delta were to completely exclude all tributaries of the main stem of the Copper River. This is why current rules provide for opportunity that exists currently only include Eyak River, Ibeck creek and Alaganic slough. All these systems provide opportunity for multiple species, harvest methods and access is easily accessible from maintained roads or highways, or easily navigated on the river corridors. We hope to provide further comments this fall at the SCRAC meeting if travel allows and would hope the Council and Board do not adopt FP 21-10 which will change the traditions surrounding subsistence in this area forever. Current Federal regulations provide access and opportunity. A reply that these comments were received on time would be appreciated.

Sincerely,  
Tom Carpenter, Chair Copper River Prince William Sound AC  
[whiskeyridge@ctcak.net](mailto:whiskeyridge@ctcak.net)  
PO Box 1663  
Cordova, Alaska 99574  
831-6131

