

FEDERAL FISHERIES CLOSURE REVIEW

FCR21-16

Closure Location: Buskin River—Salmon

Current Federal Regulation

Kodiak Area—Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

(B) Buskin River closed waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude.

Closure Dates: Year-round

Current State Subsistence Regulation

Kodiak Area – Salmon

5 AAC 01.525

The following waters are closed to the subsistence taking of salmon:

(1) all waters of Near Island Channel that are bounded by a line from a point on Kodiak Island near Delarov Street at 57_ 47.62' N. lat., 152_ 22.78' W. long., to the northernmost point of Holiday Island at 57_ 47.27' N. lat., 152_ 22.60' W. long., to a point at the northernmost tip of Near Island at 57_ 47.30' N. lat., 152_ 23.16' W. long., to a point at the northernmost end of Uski Island south of the Dog Bay small boat harbor entrance at 57_ 46.92' N. lat., 152_ 24.56' W. long., and north to a point at the tip of the breakwater on Kodiak Island at 57_ 47.08' N. lat., 152_ 24.60' W. long; in addition, from August 7 through September 30, all waters of Mill Bay and those waters bounded by a line from a point at Spruce Cape at 57_ 49.33' N. lat., 152_ 19.48' W. long., to the northernmost point of Woody Island at 57_ 47.91' N. lat., 152_ 19.85' W. long., to a point at the northernmost point of Holiday Island at 57_ 47.27' N. lat., 152_ 22.60' W. long., and to a point on Kodiak Island near Delarov Street at 57_ 47.62' N. lat., 152_ 22.78' W. long.;

Current State Sport Fish Regulation

Kodiak Area—Salmon

5 AAC 64.022

(a) Unless otherwise specified in this section, 5 AAC 64.051, or 5 AAC 64.060, or by an emergency order issued under AS 16.05.060, the following are the bag, possession, annual, and size limits, and special provisions for finfish and shellfish in the waters of the Kodiak Area:

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

(A) in fresh waters:

(i) 20 inches or greater in length; bag and possession limit of two fish; annual limit of five king salmon; a harvest record is required as specified in 5 AAC 75.006;

(ii) less than 20 inches in length; bag and possession limit of 10 fish; king salmon less than 20 inches in length caught in fresh water do not count toward the annual limit;

(B) in salt waters: bag and possession limit of two fish; no size limit; no annual limit; a harvest record is not required;

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

(A) 20 inches or greater in length; bag and possession limit of five fish, of which only two may be coho salmon and only two may be sockeye salmon;

(B) less than 20 inches in length; bag and possession limit of 10 fish

(c) In the Kodiak Remote Zone, the following bag and possession limits apply to salmon, other than king salmon:

(1) for salmon, other than king salmon, 20 inches or greater in length, the bag limit is five fish and 10 fish in possession;

(2) for salmon, other than king salmon, less than 20 inches in length, the bag and possession limit is 10 fish.

Regulatory Year Initiated: 1992

Customary and Traditional Use Determination:

Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base have a customary and traditional use determination for salmon for the Kodiak Area.

Extent of Federal Public Lands/Waters:

For the 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 This proposal will pertain to Federal marine waters of the Pacific Ocean enclosed by the boundaries of Womens Bay, Gibson Cove, an area defined on either side of the mouth of the Karluk River extending seaward 3,000 feet from shoreline, and all waters within three nautical miles of Afognak Island (**Figure 1**).

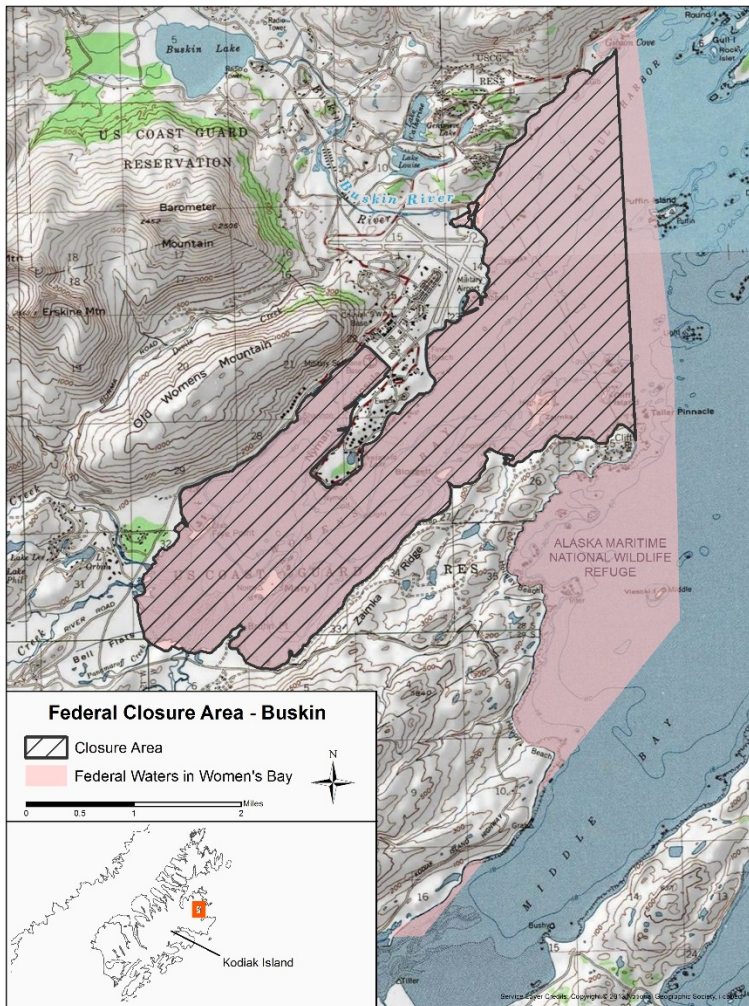


Figure 1. Federal waters in Women's Bay, Kodiak Island.

Regulatory History

In 1992, the Federal Subsistence Management Program promulgated regulations governing the harvest of fish for subsistence uses in waters qualifying as "public lands" under ANILCA. (57 FR 22940). These regulations incorporated many provisions from State of Alaska subsistence fishing regulations which previously applied to those waters. The closure under review in this analysis was incorporated into the Federal regulations in this manner, and has not been subsequently modified.

Closure last reviewed:

There have been no previous reviews of this closure.

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

There is no Federal Subsistence Board justification for the original closure as it was incorporated from the State subsistence fishing regulations.

Section §815(3) of ANILCA states: *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law.*

Council Recommendation for Original Closure:

N/A

State Recommendation for Original Closure:

N/A

Biological Background and Harvest History

Both Federal and State subsistence users harvest Sockeye Salmon (*Oncorhynchus nerka*) and Coho Salmon (*Oncorhynchus kisutch*) in marine waters near the mouth of the Buskin River. However, the marine waters adjacent mouth of the Buskin River are closed under both Federal and State subsistence regulation to protect salmon as they migrate through the estuary (**Figure 1**). Historically, the marine waters beyond the closure are the single largest source of subsistence salmon harvested in Federal waters within the Kodiak-Aleutians Region (Witteveen et al. 2020). It is also one of the most popular sport fishing locations because of road access and proximity to the City of Kodiak. Both Sockeye and Coho salmon are targeted in the sport fishery. In addition, commercial fisheries in the marine waters surrounding Kodiak Island also harvest a small number of Buskin River salmon (Anderson et al. 2019).

Annual Sockeye Salmon escapement returning to the Buskin River is estimated by a combination of two weirs from May through July. The majority of fish returning to the system pass through a weir located at the outlet of Buskin Lake. A second smaller portion of the escapement travels up a tributary originating from the Catherine-Louise lake system that intersects the Buskin River downstream of Buskin Lake. The Buskin River/Catherine-Louise lake system has a Sockeye Salmon escapement goal of 5,000 to 8,000 (Anderson et al. 2019). The Buskin River has seen both very strong and relatively weak Sockeye Salmon runs over the past 10 years (**Table 1**). In 2018, an escapement of 4,284 Sockeye Salmon was the lowest number of fish returning in the past 10-year period (2010 – 2019). In the following year (2019), one of the highest passages was recorded (12,297 fish) for that same 10-year period.

Fish harvested from the Buskin River generally fluctuated with the escapement, but due to its proximity to the City of Kodiak and road access, the Buskin River continues to support both subsistence and sport fishing even in years with small returns. The Sockeye Salmon fisheries occurs primarily in June due to the early run timing. Between 2010 and 2019, the annual subsistence harvests have ranged from 473 to 6,083 fish, with a low subsistence harvest of 598 fish in 2019. The majority of salmon harvested under in the State sport fishery occurs within the fresh waters of the Buskin River. Salmon harvest in the sport fishery

ranged from 203 to 4,237 fish for the time period of 2010 – 2018 with an annual average of 2,054 fish (**Table 1**).

Table 1. Buskin River Sockeye Salmon subsistence harvest, sport fishery harvest and estimate escapement 2010-2019 (Witteveen et al. 2020).

Year	Subsistence Harvest	Sport Harvest	Buskin River Weir Count	L. Louise Weir Count
2010	1,476	332	9,800	421
2011	4,674	1,277	11,982	360
2012	2,606	1,481	8,565	301
2013	6,083	1,310	16,189	903
2014	5,459	4,237	13,976	925
2015	3,866	3,984	8,718	280
2016	4,743	2,503	11,584	156
2017	4,916	3,161	7,222	141
2018	473	203	4,284	83
2019	598		12,297	107
average	3,489	2,054	10,462	368

The Buskin River supports one of the historically most productive Coho Salmon stocks in the Kodiak Management Area (Polum et al. 2019). Coho Salmon typically start returning in early to mid-August and continue into the fall. The escapement is monitored by a weir about a mile above the river mouth. The Buskin River has a Coho Salmon escapement goal of 4,700-9,600 fish. From 2010 to 2019, weir counts of Coho Salmon ranged from a high of 8,413 fish in 2014 to a low of 2,513 fish in 2016 (**Table 2**). The average escapement was 5,390 fish during this time and, in 2019, the estimate escapement was 5,037 fish.

Large subsistence and sport fish harvests occur on these returning stocks. From 2010 – 2018 the subsistence harvest averaged 2,945 fish. Between 2010 and 2018, the annual subsistence harvests have range from 1,919 to 4,188 (**Table 2**). The Buskin River Coho Salmon harvest in the sport fishery ranged from 1,793 to 5,388 fish for the time period of 2010 – 2018 with an average annual harvest of 3,293 fish.

Table 2. Buskin River Coho Salmon subsistence harvest, sport fishery harvest and estimated escapement 2010-2019 (Polum et al. 2019).

Year	Subsistence Harvest	Sport Harvest	Buskin River Weir Count
2010	4,188	2,847	6,808
2011	2,344	3,640	6,026
2012	2,920	1,926	5,291
2013	2,528	4,926	5,386
2014	3,916	5,388	8,413
2015	3,249	4,889	4,341
2016	2,267	1,895	2,513
2017	1,919	2,337	5,559
2018	3,174	1,793	4,523
2019			5,037
average	2,945	3,293	5,390

OSM PRELIMINARY CONCLUSION:

maintain status quo

modify or eliminate the closure

Currently, users are allowed to harvest Sockeye and Coho Salmon under State sport fish regulation in this area while harvest is prohibited by Federally qualified subsistence user. Modifying the Federal subsistence regulations to allow harvest with rod and reel would provide similar opportunity for Federally qualified subsistence users.

The modified regulation should read:

Kodiak Area—Salmon

50 CFR 100.27(e)(9) Kodiak Area.

(iii) You may not subsistence fish for salmon in the following locations:

*(B) Buskin River closed waters—All waters inside of a line running from a marker on the bluff north of the mouth of the Buskin River at approximately 57°45.80' North latitude, 152°28.38' West longitude, to a point offshore at 57°45.35' North latitude, 152°28.15' West longitude, to a marker located onshore south of the river mouth at approximately 57°45.15' North latitude, 152°28.65' West longitude. **However, you may take salmon for***

subsistence purposes, by rod and reel only. Season dates and harvest limits will match current State sport fishing regulations.

(B) In the remainder of the Kodiak Area not described in paragraphs (e)(9)(iii)(B), (D), and (F) and (e)(9)(v)(A) of this section, there is no annual harvest limit for a subsistence salmon fishing permit holder.

Justification

This closure effects a relatively small portion of marine water at the mouth of the Buskin River under Federal jurisdiction. Allowing the use of rod and reel for subsistence fishing by Federally qualified subsistence users will offer subsistence opportunity while still limiting harvest. As written, harvest and possession limits would mirrors those for taking fish under State sport fishing regulations. Continuing the closure for other gear types will protects the salmon from over harvest as they congregate in the estuary preparing to move into in the river while acclimating from the marine environment to the freshwater environment.

Literature Cited

Anderson, T. J., J. Jackson, B. A. Fuerst, and A. E. Dorner. 2019. Kodiak Management Area commercial salmon fishery annual management report, 2019. Alaska Department of Fish and Game, Fishery Management Report No. 19-29, Anchorage, AK.

Polum, T., M. Witteveen, and M. Stratton. 2019. Report on selected sport fisheries of the Kodiak Management Area, 2009–2018. Alaska Department of Fish and Game, Fishery Management Report No. 19-27, Anchorage, AK.

Witteveen, M., and D. Evans. 2020. Stock assessment of sockeye salmon from the Buskin River, Kodiak, Alaska, 2019 Federal Subsistence Fishery Resource Monitoring Program, Annual Report for Project No. 18-400. U. S. Fish and Wildlife Service, Office of Subsistence Management, Anchorage, AK.