

RC 015

**Kuskokwim River Board of Fisheries Proposals 2016
Position Statement from the Napaimute Traditional Council**

Board Members,

The Native Village of Napaimute (NVN) Traditional Council has been provided a brief on key fisheries regulatory proposals that will be before the State Board of Fisheries (BOF) for consideration to be adopted into state regulations in 2016. These regulations will have far reaching consequences for the people and fisheries resources in our region, if adopted. We offer the following comments for your consideration during deliberations on the merits of each proposal. We will have representatives in attendance at the meeting if you wish for any clarification or further discussion on our recommendations.

Proposal 92

Discussion – The Departments opposition is based on the difficulty of determining the 50% passage point in-season. Typically the run timing is only known after the end of the season, or can be estimated only well after the 50% point. Additionally, there is currently no reliable method of forecasting run timing for the Kuskokwim in any given year, and it has been highly variable.

Most of the Kuskokwim ADF&G Advisory Committees (AC's) and the Kuskokwim River Salmon Management Working Group (WG) collectively referred to as Advisory Groups supported this proposal. Their rationale was for conservation reasons, and to provide more equitable opportunity for fishermen in the Middle and Upper Kuskokwim River however, they also recognized the challenges with determining run timing in-season.

Opinion – While we strongly support the intent of Proposal 92, we concur with the Department's assessment, that management of the fishery based solely on run timing at this time would not be a reliable strategy, and could result in negative consequences. If for instance; the true run timing was early but abundance was weak this would "look" very much like an average or even strong run and you would allow early fishing, potentially overfishing the run; if however the run was actually late but abundance was high opportunity to fish early may be foregone.

NVN Position – Neutral on the proposal itself, but supportive of the intent

Proposal 93

Discussion - ADFG opposition is based on its stated inability to manage for, or determine if a specific number of Chinook have passed the BTF. Additionally, they indicated the proposed In-River goal of 95,000 is currently within the established SEG range of 65,000 – 120,000 which they already have the authority to manage for, establishing a set point to manage for would reduce their in-season management flexibility.

Advisory Groups did not discuss the proposal, tabled it, or supported it. Support was however mixed, with many members feeling the proposed goal was not conservative enough and not

much different than the current management situation. The question of adding 10,000 fish instead of just the 6,000 identified in the proposal analysis came up. It was explained (by the proponent) that: because the BTF site is located just above Bethel (with an average harvest of 26,000) and that approximately half of Bethel's harvest occurs above the BTF site an additional buffer of 4,000 fish were added. This was because presumably a significant number of fish would be harvested by Lower River Fishermen and the addition was required to be certain 6,000 fish reached the Middle and Upper River fisheries.

Opinion – The stated opposition by the Department is unfounded given the BTF indices currently used (and has been for many years) for in-season management purposes, and was specifically established for that purpose. Additionally, it is unclear how the Department believes that managing for an In-River goal of 95,000 (minimum) would be significantly different operationally than managing for the current Basinwide SEG (65,000 – 120,000).

The belief by some that the proposed In-River goal is inadequate to provide for conservation and equitable opportunity is understandable. However, by definition an In-River goal must be sustainable and therefore in the case of the Kuskokwim must be within the established SEG range. Our concern is that the lower end of the current SEG (65,000) could be a justifiable management objective by the Department depending on interpretation by the Area Manager, i.e. the "flexibility" in the current management plan. The consequences of managing to meet the lower end of the SEG is fewer fish up river and a lack of reasonable opportunity for fishermen in the Middle and Upper River. Codifying a management objective of 95,000 Chinook (minimum) past the majority of the lower river fishery would provide significant conservation measures, and provide additional opportunity for Middle and Upper River Fishermen due to increases in the densities of fish in these reaches.

Further discussions with Department Staff suggest that their interpretation of the proposal was that the proposed goal was intended as a point measure, when in fact it was not. The intent was that it would be a range similar to the current SEG with 95,000 being the lower end of the range and 120,000 (from the SEG) being the upper end of the range. Furthermore, it was unclear to the Department if management actions would be based strictly on estimates at the BTF, or could also be based on projections of run strength. The intent of the proposal is to include all sources of information, i.e. pre-season forecast in-season projections, BTF indices, catch reports, advisory group recommendations, uncertainty, etc. in formulating management decisions, as has been the standard practice, and which are all defined in the Kuskokwim Salmon Management Plan.

NVN Position – Support the proposal

Proposal 94

Discussion – The Department's opposition to the proposal was based on similar arguments to those for proposal 93, but additionally that the proposed In-River goal would meet and exceed the current bounds of the established SEG.

Many of the comments and concerns raised by the Advisory Groups were similar to those raised for proposal 93. Some members felt proposal 94 offered more conservation for headwater stocks and greater opportunity for Middle and Upper River fishermen than proposal 93.

Opinion – While we agree with the intent of proposal 94, we concur with the Department that the proposed range could exceed the established SEG range for sustainable escapement in most years. Based on our current understanding of the spawner/recruitment relationship, consistently exceeding the upper bounds of the SEG would result in lower yields, and theoretically jeopardize the long term sustainability of the Chinook stocks. The Department has reviewed the current SEG for Kuskokwim Chinook for this BOF cycle and is recommended that no changes be made. That said, several independent research projects are currently investigating the complex spawner/recruit model and assumptions used in the development the SEG: which is highly controversial since it was established in 2013.

NVN Position – Neutral on the proposal itself, but supportive of the intent

Proposal 95

Discussion – Currently no permit is required (or ever has been) to harvest subsistence fish on the Kuskokwim. The Advisory Groups opposition to the proposal is understandable given their experiences with other Tier II permit systems. Concerns were primarily based on the established criteria used in the Tier II ranking process, and/or the need for a permit system. The Kuskokwim Subsistence Salmon Panel was unanimously opposed to the Tier II aspect of this proposal.

However, given our understanding, the BOF is obligated to comply with AS 16.05.258. The minimum ANS for Kuskokwim River Chinook salmon (67,200 to 109,800) has not been achieved for the past six consecutive years. We further understand that achievement of the ANS range is only one way for the board to measure if reasonable opportunity is being provided, which by all accounts has, and is not being provided to Middle and Upper River fishermen.

Opinion – While we support the various Advisory Groups and the Panels positions on the proposal we see very little leeway for the BOF to not adopt this proposal, based strictly on legal grounds and Alaska statutes. Additionally, we suspect if an equitable solution to the issues raised in proposals 92-97 is not achieved then the BOF is potentially opening the door for future litigation and/or even more intensive Federal involvement of the fishery.

NVN Position – Oppose the proposal

Proposal 96

Discussion – Even among the Advisory Groups that supported this proposal feeling were mixed. There was a general recognition of the intent but also the understanding that the ANS is not a “hard” objective for in-season management. Concerns were raised about geographically dividing the river into sections and managing for, and monitoring harvest in those sections.

Opinion – We concur with the Department and those Advisory Groups not in support of the proposal, we do however support the intent of the proposal. We recognize that ANS is not intended as an objective to be managed for in-season and that if the proposal is adopted future, even more complex allocation issues may occur.

NVN Position – Oppose the proposal itself, but supportive of the intent

Proposal 97

Discussion – The general lack of support by the AC’s was based on the need for a permit system and the additional “burden” of obtaining and possessing a permit, and the mandatory reporting requirement. Concerns were also expressed about the equitability of such a system that did not take traditional harvest patterns or individual needs into account. The consequence of not reporting, i.e. no permit being issued in following year, was also a concern.

The Departments support for the intent of this proposal is based on the idea that permits and harvest reporting would be an effective, more accurate method of managing Chinook harvest during times of conservation. Furthermore, ADFG also recommended that a permit/reporting system be established for all species of salmon for all years, not just in times of conservation. This approach would eliminate the need (and cost) associated with conducting post season harvest surveys (current method) and improve accuracy of harvest estimations.

Opinion – We concur with the Departments assessment and support the requirement of a permit/reporting system for all salmon species in all years. We do however have reservations regarding what permit allocations would be based on. If for example the total available surpluses of fish are equally divided among households then the Lower River residents would receive approximately 80% of the allocation, with the remaining approximately 20% being equally divided between the Middle and Upper River households.

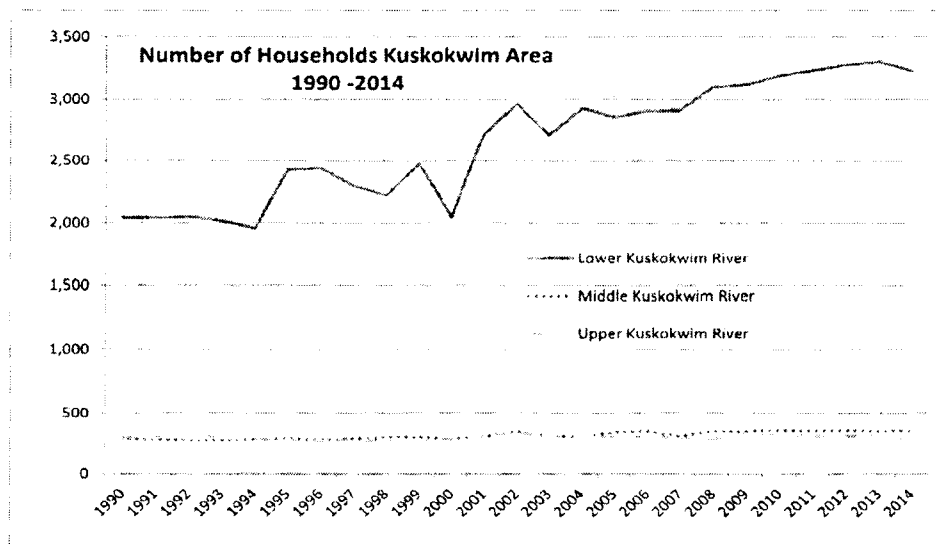


Figure 1. ADF&G Post Season Harvest Survey Data

Even more alarming is the increasing trend in the number of households in the Lower River, approximately 60 households per year since 1990, while the trend for the Middle and Upper River has remained relatively constant, Figure 1. The result of this trend is more fish being removed in the lower river fishery causing a decrease in the density of fish available for harvest by Middle and Upper River fishermen, particularly in years of low abundance. We believe however, the issues of a permit system based predominantly on a per capita (household) basis could be addressed by adoption of proposal 93, or incorporation into the management plan of specific objectives that ensure adequate numbers of fish past the lower river fishery.

NVN Position – Support the proposal, with the Department’s recommendations.

Proposal 222

Discussion – The AC’s that were not in support of the proposal cited many of the same concerns expressed about proposal 97. The Advisory Groups that did support the proposal offered several friendly amendments that they felt would better address the issue, for consideration by the BOF. The Department’s support was based on the same rationale given for proposal 95, and that such a permit system should cover all species of salmon in all years.

Our read of this proposal is that it differs from proposal 95 on one basic concept; it establishes a “tiered” system based on customary use patterns, referring to them as “community or household” permits. Among those groups that supported the proposal however it was recognized that preference should be afforded to those groups with a more traditional pattern of use. They also agreed that this preference should be in the form of allowing earlier fishing opportunity for the more traditional fishers, and would not be based on different allocations between the two groups. There was also general agreement that the first fishing opportunity should not be allowed before sometime after June 10th; to allow for the early run headwater stocks to pass the lower river fishery, and that it would provide more equitable opportunity for fishers of the Middle and Upper River. Some groups supported the Department’s position that a permit should be required for all salmon, every year while other groups did not. One AC discussed the necessity of issuing “community” permits, and felt that they could all be household permits, provided that the Department could manage in-season by allowing additional fish to pass through the lower river fishery. The Kuskokwim Subsistence Salmon Panel recommended the concept of community permits and household permits to account for patterns of traditional use.

Opinion – We concur with the Department’s recommendations for this proposal, along with most of the friendly amendments proposed by the Central Kuskokwim AC. We recognize, and support preserving traditional use patterns. However, the precise definitions of these two groups, how they would be verified and enforced remains unclear to us and seems overly complicated. Additionally, similar to proposal 95 we have reservation about a permitting system that is based on a per capita basis without incorporation into the management plan of specific objectives that ensure adequate numbers of fish past the lower river fishery.

NVN Position - Support the proposal, with the Department’s recommendations, and the friendly amendments proposed by the Central Kuskokwim AC.

Conclusion

Many of the previous proposals discussed have a similar intent but differ primarily on the strategy of how to achieve these seemingly common goals. We believe that the Department has offered at least part of a solution in their common response to many of the proposals regarding a “preferred approach” or strategy:

“The department’s preferred approach to addressing this proposal is an early season subsistence salmon fishery closure in the lower river during the approximate first quartile of the king salmon run, on average June 10–16 at BTF. This provides for a group of fish to be available for escapement and subsistence harvest in middle and upper river areas prior to establishing directed king salmon harvest opportunity in the lower portion of the river where the majority of harvest occurs. An early season fishing closure would be most necessary during times of conservation because it allows for assessment of king salmon run strength prior to providing directed harvest opportunity commensurate with run strength, and for more evenly spreading harvest opportunity along the drainage while still managing for escapement goals.”

The concern we have with the Department’s “preferred approach” is the lack of a “hard” objective(s), written in the management plan that codifies this (or similar) strategy. This effectively leaves room for interpretation of the need for such a strategy by current or future Area Managers. To address this concern we request that the BOF direct the Department to engage Stakeholders at this meeting to modifying the Kuskokwim Salmon Management Plan to “codify” its intent.

We further offer the following suggested modification as a “straw man” for the purposes of discussion:

“When the lower confidence bounds of the pre-season Chinook run is forecasted to be below the upper bounds of the established SEG (120,000) and the mid – point of ANS (88,500) the subsistence salmon fishery will be closed during the approximate first quartile....”

This collaborative approach was used at the 2013 BOF meeting to amend the current management plan in an effort to better conserve Chinook stocks. However, given recent events and new information it obviously was not conservative enough at the time.

We believe a permit system of some sort is an inevitable reality for the Kuskokwim. Given the complexity of the various traditional and contemporary uses, demographics, and harvest patterns preference given to one group over another will not be efficient to manage, or widely accepted by Stakeholders. It is our opinion that a simple household permit system in conjunction with modifications to the management plan previously discussed offers a practical solution that meets the intent of the proposal we have discussed.

Recommendations

Support – proposals 93, 97, and 222

Neutral – on proposals 92, and 94

Oppose – proposals 95 and 96

Propose – First, that the BOF direct the Department to collaborate with stakeholders to make modifications to the Kuskokwim Salmon Management Plan addressing their stated “preferred approach”; and secondly that any permit system if adopted be only household permits for the entire Kuskokwim, inclusive of all species of salmon, and be required annually.

We believe that a combined approach such as we have suggested goes a long way toward resolving most of the issues raised in the preceding proposal, it is practical, equitable and cost effective. We look forward to working with the Board and their Staff at the meeting.

Authorization

The Napaimute Traditional Council is the federally recognized tribal governing body for The Native Village of Napaimute, and the Napaimute Traditional Council represents the interests of the tribal members of The Native Village of Napaimute.

Certification

This Position Statement was approved after review by a quorum of the Native Village of Napaimute Traditional Council. Approval was supported by a majority of the Council Members on the 8th day of January 2016.

Best Regards,

Devron K. Hellings January 9, 2016
Devron K. Hellings, President Date

Marcie Sherer 1/9/16
Marcie Sherer, Vice President Date