

**PROPOSAL 95 – 5 AAC 01.286. Customary and traditional subsistence uses of fish stocks and amounts necessary for subsistence uses; and 5 AAC 01.2xx. Tier II subsistence salmon fishing permits for the Kuskokwim River fishery.** Create a Tier II subsistence king salmon fishery in the Kuskokwim River, as follows:

5 AAC 01.286(b) and 5 AAC 01.2xx NEW

Because available surpluses of Kuskokwim River Chinook salmon remain very low, and for a sustained period of time have not been sufficient to provide a reasonable opportunity to meet subsistence needs, the Board should designate Kuskokwim River Chinook salmon stocks as a Tier II fishery, as specified in AS 16.05.258(b)(4) or implement an alternate system which will effectively ensure an equitable distribution of any harvestable surpluses throughout the drainage in periods when amount necessary for subsistence (ANS) cannot be met (i.e. community permits or quotas). AS 16.05.258 states that “if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall” [emphasis added] establish a system that distinguishes among subsistence users. Such a system, referred to as “Tier II,” gives priority to users based on a set of clear criteria including: 1) customary dependence, 2) proximity to the stock or population and 3) availability of alternative resources (AS 16.05.258(b)(4)(B)). Tier II has been applied in the past by the BOF to the Nome Subdistrict chum salmon subsistence fishery and in a number of cases by the Board of Game.

Given the clear language in statute requiring action on the part of the Board, if the Board elects not to take action they may be failing to fairly distribute limited harvestable surpluses of Kuskokwim River Chinook salmon in years when ANS is not being met and may be in violation of AS 16.05.258(b)(4).

The core of this proposal was the subject of an 2014 BOF ACR which was accepted by the BOF by a 7-0 vote and considered at their October 2014 work session, but did not result in any of the requested actions. [See **ACR #8**: “Subdivide Kuskokwim River king salmon ANS by geographic area and allocate Kuskokwim River king salmon subsistence harvest under a Tier II system (5 AAC 01.286(b) and 5 AAC 01.2xx NEW)”].

**What is the issue you would like the board to address and why?** The Kuskokwim River Chinook salmon stocks are currently in an extended period of very depressed runs. With severely depressed runs and all Alaska residents qualifying as subsistence users, it has not been possible for fishery managers to provide fishing opportunity for all users without impacting escapement needs essential to rebuilding the stocks. The minimum ANS (5 AAC 01.286) for Kuskokwim River Chinook salmon (67,200 to 109,800) has not been achieved for the past five consecutive years. The 2014 total harvest as estimated by ADFG was 11,762—more than 55,000 salmon below the bottom of the established ANS range.

Subsistence users in 26 communities spread out along the length of the River customarily harvest Chinook salmon for subsistence. In recent years, when there has been limited harvest opportunity – but well below the ANS range, middle river and upriver users in many communities assert that the distribution of harvest, and reasonable opportunity, has not been equitably shared throughout the drainage with disproportionate harvest opportunities provided to lower river harvesters.

**PROPOSED BY:** Grant Fairbanks

(HQ-F15-097)

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