

DRAFT OPTIONS FOR NAKNEK RIVER
SUBSISTENCE FISHERY

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I. Introduction

At its December meeting, the Board of Fisheries adopted a regulation which limited subsistence salmon fishing in the Naknek River to residents of the Naknek and Kvichak drainages. See 5 AAC 01. 330(d). The Board concluded, in part, that the use of aircraft to reach the Naknek drainage and to remove the catch from the Naknek area was not customary and traditional. The Board also found that customary and traditional use had been demonstrated by residents of the Naknek and Kvichak drainages. In addition, the Board indicated that it did not wish to exclude users who could show customary and traditional use based upon the factors described in the Department's position paper on subsistence. In particular, the Board suggested that continued permit eligibility for long-term participants in the subsistence fishery is desirable - regardless of whether they reside in the Naknek or Kvichak drainage. The Board directed the Subsistence Section to develop options to assure that long-established participants are accommodated in addition to residents of the Naknek and Kvichak drainages.

II. Area Profile

The following background information may be useful in considering potential criteria for participation in the Naknek River subsistence fishery. The three communities in the area and their populations are King Salmon (536), Naknek (317), and South Naknek (147). Residents of all three communities participate heavily in the Naknek River subsistence fishery.

A long-term, stable pattern of subsistence use of salmon is most apparent in Naknek and South Naknek, where many generations of residents have depended on salmon for both cash and food. The highly seasonal nature of the Bristol Bay salmon fishery, and the dramatic fluctuations in salmon returns which have been characteristic of this fishery for the last fifty years have encouraged local residents to minimize risk and reduce cash needs by using a wide range of wild resources. The fluctuations inherent in such a narrow economic base are cushioned, but not eliminated by government expenditures which have created some steady jobs in the area.

King, sockeye and silver salmon have been particularly sought after for subsistence purposes. Each species has its own particular characteristics which make it of value for subsistence, and the wide span of time during which these species are available allows considerable flexibility in economic decisions. Kings and silvers have been the species of particular importance for home use to many Naknek and South Naknek families, for instance, because they can be taken before and after the short, intense commercial sockeye season, when there is little time for putting up fish for personal use.

Residents of the Naknek River area primarily use set gill nets to harvest subsistence salmon, although some salmon caught in commercial drift nets are also retained for consumption. Most Naknek River residents attempt to place set nets in easily accessible areas, either close to home, or in areas easily reached by car or boat. The proximity of the river to all three communities, and the relative efficiency of even short lengths (10 fathoms) of set net make production costs of subsistence

salmon, whether measured in cash or time, quite low for Naknek River residents.

If length of residence and length of participation in subsistence fishing are considered, residents of the Naknek drainage seem to fall generally into two categories:

1. "Old-timers" - Those whose families have lived in the area for more than one generation and have participated in the subsistence fishery; and
2. "Newcomers" - Those who have moved to the area recently (within the last twenty years or so) and have participated in the subsistence fishery.

Few Naknek River residents are descended from aboriginal inhabitants of the area, because so many people died in the epidemics of the late 1800's and early 1900's (Feldman, 1979). Many families have lived in the area for several generations, however a family's long term residency in the area generally results in a broad base of relatives in local communities; kinship ties therefore link these long-established residents closely to the Naknek River vicinity.

Members of families with a long history of residence in the area and intergenerational ties are most likely to have a tradition of using Naknek salmon for subsistence. This includes lore about fishing, recipes and techniques which have been passed along to later generations, and long established use of the same fishing locations. A wide variety of methods of handling, storing, and preparing salmon for food have resulted from the blend of influences from Eskimo, Aleut, Russian, Scan-

danavian, and other ethnic groups in the Naknek River area.

Smoked, pickled and canned salmon is shared widely within and between families in the area, and beyond Bristol Bay. Extended families often have an older member who specializes in particular products (for example, smoked king "strips") and who supplies a number of families with this specialty.

People who live outside the Bristol Bay area and who have obtained subsistence salmon permits for the Naknek River can be grouped into two general categories on the basis of length of participation. First, there are those who have lived in the Naknek River area in the past or who regularly come to the area in the summer as commercial fishermen. As the table on page 5 shows, only a few people who do not live in the Naknek - Kvichak drainages consistently have obtained subsistence permits. Many non-local commercial fishermen take fish from their commercial catches for personal use. In poor fishing years, they are more likely to obtain subsistence permits.

The second category includes people who travel to Bristol Bay for sport fishing or other purposes. Some of them fly their own aircraft; others fly scheduled air carriers to King Salmon (presently \$174 round trip from Anchorage). Approximately 80 percent of the non-local subsistence permittees have fished only one year in the Naknek drainage. (See the table summarizing permittees, participants, residents and years of participation at page 5.) Most of them obtained permits for the first time in 1980. Publicity about huge salmon runs in the Bay and about subsistence fishing in Cook Inlet during 1979 and 1980 created an

awareness among many Southcentral Alaska residents that any one could obtain a subsistence salmon permit in Bristol Bay. Many people apparently decided that an opportunity to take a large number of salmon could make a visit or sport-fishing trip to Bristol Bay more worthwhile.

III. Summary of Permittees from 1976 through 1980

The following table summarizes permittees by area of residence and years of participation from 1976 through 1980. Place of residence was obtained from the address listed on the most recent permit issued to an individual. It should be noted that before 1980 it was common practice for several members of the same household to obtain permits. In 1980, the regulations allowed only one permit per household.

NUMBER OF SUBSISTENCE PERMITTEES, BY RESIDENCE AND
BY NUMBER OF YEARS OF PARTICIPATION IN NAKNEK
SUBSISTENCE SALMON FISHERY, 1976 - 1980

YEARS OF PARTICIPATION	NAKNEK AREA ADDRESSES	OTHER BRISTOL BAY ADDRESSES	NON-LOCAL ADDRESSES
ONE	200	7	227
TWO	64	2	31
THREE	34	0	9
FOUR	29	0	9
FIVE	47	0	1
TOTAL	374*	9	277

* Includes 25 with General Delivery or military address which are not likely to be domiciled in the Naknek area.

IV. Options

The task assigned to the Subsistence Section in December 1980 was development of an "appeal process" to assure continued subsistence fishing opportunities for non-local persons whose use of Naknek River salmon properly is characterized as customary and traditional. After consultation with the Department of Law, however, it is suggested that a first step should be to include criteria in the regulation, 5 ACC 01.330 (d), which can be used both for initial issuance of permits and for evaluating appeals. The following discussion of options is intended to suggest choices for such criteria.

The Board's decision to allow continuation of long-established participation in the Naknek River subsistence fishery suggests that "time depth" and "efficient gear type" are two significant factors in customary and traditional use for the Naknek River areas. That is, the Board stated it did not wish to disturb users who had been involved in the fishery for substantial period. This indicates that, in the Board's view, length of participation is a significant factor for delineating customary and traditional use of Naknek River salmon. Use of efficient gear types (drift gill net and set gill net) is a well-established practice in the Naknek River subsistence fishery; these gear types also are recognized by regulation. See 5 ACC 01.320. Accordingly, the Board's desire to permit continued subsistence fishing opportunity for established participants not domiciled in the Naknek or Kvichak drainages indicates that the use of efficient gear type also is a significant factor for delineating customary and traditional use. Both reflect

"time depth" and "efficient gear type" criteria:

A. Option A eligibility criteria:

1. Persons domiciled in the Naknek and Kvichak River drainages; or
2. Persons who have participated in the Naknek River subsistence salmon fishery with set gill net for a number of prior years, as set by the Board.

Note: The number of years chosen should reflect "customary" use. It is suggested that a minimal index of "customary" for individuals would be "habit formed by repetition". For example, a two-year period would include persons who have repeated their seasonal harvest of Naknek River salmon at least once. However, a two-year period is not necessarily the length of time that should be selected. A longer period could be chosen if the Board determines it is sufficient to demonstrate customary use.

B. Option B eligibility criteria:

1. Persons domiciled in the Naknek and Kvichak River drainages; or
2. Persons who have participated in the Naknek River subsistence fishery with set gill net for a number of years prior to 1978 as set by the Board.

Note: Option B combines two time factors: the minimum habit formation described in Option A and a base line date which may reduce potential distortions in participation resulting from publicity about the State's subsistence law in 1978. Permit data indicate substantial annual increases in non-local permittees.

C. Option C eligibility criteria:

1. Persons domiciled in the Naknek and Kvichak drainages;
or
2. Persons who:
 - a. have participated in the Naknek River subsistence salmon fishery with set gill net for prior years as set by the Board and
 - b. have ties to communities in the Naknek and Kvichak drainages.

Note: This option combines the minimum habit formation standards of Option A with requirements that permit applicants demonstrate ties to the communities whose use of Naknek River salmon have been found by the Board to be customary and traditional. Evidence of connections to these communities might include family members domiciled in the Naknek and Kvichak drainages, maintenance of a dwelling located in one of these drainages, prior residency in the Naknek - Kvichak area and retention of traditional aspects of the fishery (e.g. established use of fishing sites), and other attributes of participation in the community use of Naknek River salmon. Of course, it is for the Board to determine what connections are adequate.

Development of a fourth option also is possible, although substantial lead time would be required. The Naknek River subsistence fishery first could be characterized in terms of the continuum described in the subsistence position paper. See Subsistence: A Position Paper, Alaska Department of Fish and Game (November 14, 1981) at 3-4. The eligibility criteria could then be designed to reflect the specific continuum components which had been designated as significant by the Board from the

available data. This approach would require substantial research directed towards the Naknek River fishery by the Subsistence Section; conduct of that research would require at least one year.

V. Appeal Process

Once the Board has selected eligibility criteria for subsistence fishing in the Naknek River, it may be appropriate to consider specific procedures for handling appeals. It is assumed that most applications will be relatively straightforward if specific criteria are adopted by the Board. However, if an applicant is denied a permit, an appeal process which meets basic due process requirements is needed.

The Department of Law has recommended procedures similar to existing State regulations. The suggested regulatory language appearing in Appendix 1 conforms to the guidelines provided by the Board's attorneys. See also 18 AAC 15.200 - 15.310.

REFERENCES

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