

# Y-K fishermen fight for more False Pass salmon

by Harold Sparck  
for the Tundra Times

**BETHEL** — An Anchorage Superior Court sustained the Alaska Board of Fisheries' decision to impose a 500,000 chum cap in the 1989 False Pass fishery.

False Pass area fishermen and organizations had claimed that the board was arbitrary in placing the cap requested by subsistence chum fishermen in the Yukon and Kuskokwim River.

The terminal stream fishermen had claimed that the unlimited bycatch of chums harmed conservation efforts in their rivers.

Delta fishermen were represented by the Yukon-Kuskokwim Fisheries Task Force. That group has filed a countersuit against the State of Alaska saying that the board's allocation of any chum salmon to the June intercept fishery in False Pass is a violation of the state's subsistence law.

The cap will prevent fishermen landing salmon in Registration Area M from taking more than 500,000 migrating chum salmon during June when fishing for their 8.3 percent allocation of the pre-season Bristol Bay harvest of 17,268,000.

The total sockeye forecast is 30 million. The Area M allocation would be 1,463,000 reds.

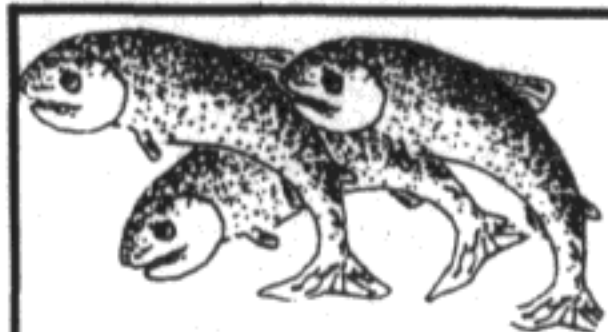
Without the cap, a False Pass chum bycatch of more than 1 million was predicted by Y-K fishermen for 1989.

During the first period for False Pass on June 10, 204,600 reds were taken, with a chum bycatch of 99,200, almost one fifth of the chum cap.

Don Mitchell, attorney for the task force, said he was pleased with the decision, but cautioned that it's just half the effort.

"The trouble with False Pass is that when the fish are moving through South Unimak, there is no way for the department to know the size or strength of a particular chum run," Mitchell said. "That cannot be determined until the fish hit the mouth of the individual rivers. By then, the board has absolutely no ability to undo the False Pass fishery."

Mitchell said the board's regulation has the effect of giving a priority to the False Pass fishermen over the subsistence fishermen further up the line.



## OPINION

"That is exactly the opposite of what I would suggest the Legislature intended when they adopted this important subsistence priority policy."

The risk of overfishing weak chum classes from mixed-stock ocean fisheries such as False Pass led to the closure of the subsistence fishery on the Kantishna River, a Yukon River tributary in 1986, Mitchell said.

"The solution proposed by the task force is to task the judge to rule that the June intercept fishery in Area M is in violation of the state subsistence law," he said. "If the judge agrees with our legal theory, she will order the June Area M fishery closed."

Mitchell said if that took place, it would then be up to the Legislature to determine whether mixed-stock commercial fishermen should be given a preference over terminal stream subsistence users.

Mature chum salmon school in the North Pacific Ocean, then funnel through Unimak Pass into the Bering Sea during their migration to northern spawning streams. Chums are intercepted along with sockeyes throughout the month of June, but are more dominant in the early part of the run.

The Aleutians East Borough Government, Concerned Fishermen of Area M, the Peninsula Marketing Association, the Shumagin corporation and individual fishermen from the False Pass area brought the suit. Three attorneys, a biologist and an economist were employed by the plaintiffs in representing their case.

Support for the Yukon-Kuskokwim Fisheries Task Force's intervention came from the fishing industry, Native and private businesses and individuals from throughout the Yukon-Kuskokwim Delta and upriver Yukon groups.