

HEARNE
11-13-09

DLG

RC 70

Sign in Sheet

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 Edward [unclear] Mable B. I
 Ed Heyang DLG AK
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 Russell Nelson DLG, AK Subsistence
 DAVID PEDERSEN DLG, AK DRIFT
 Kile Halford Eagle River, AK.

HEARING
11-14-09

SIGN IN SHEET
KING SALMON

	NAME	REPRESENTING
1	William REGAN	NKAC co chair
2.	Marilyn Alfonsa	personal
3	Everett Thompson	personal & Prop 13/Naknek family fisheries
4	EDDIE CLARK	Self
	Steve Hill	Self
	Nana Lyon	Self - Bear Trail Lodge
	Abe Williams	Self + Naknek Kvichak Advisory
	Paul Hansen	self
	Sherby Boothe	self

10

Board of Fisheries Naknek Hearings NOVEMBER 14

SIGN IN

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Dianne King	246-7428	

The following is the substitute language from the committee report on Proposal 377 from the March 2009 Board of Fisheries meeting. Proposal 377 was tabled to the December 2009 meeting and was renumbered as Proposal 32.

5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan

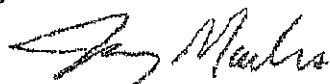
- (d) (1) no more than 35 [25] fathoms of set gillnet may be used to take salmon;
 - (3) beyond 750 [500] feet from shore, all gear associated with set gillnet fishing must be removed when it is not being used to fish in the NRSHA;
 - (4) a vessel may not have more than 70 [50] fathoms of set gillnet on board the vessel;
- (e) (3) a vessel may not have more than 150 fathoms of drift gillnet or 70 [50] fathoms set gillnet on board the vessel;

12/01/2009 TUE 9:44 FAX 907 6592254 aes-scc-1001

001/001

RC72

My name is Jerry Mucha I have been a permit holder in the Bay since 1994. My permit number is 303157210p. My comments are as follows. 14 support, Would make for a more orderly fishery. Would stop over escapement. 20 support, Would make a policy all ready in effect more efficient with the effect of removing gear from the fishery. 21 Support, Two permits 300 fathoms. 22 Oppose, With our system you are given a chance not a result. 23 Oppose, Part of Bristol Bay same rules should apply. 24 Oppose Permit stacking reduces the number of boats. The State is not going to buy back excess permits to get to the optimum number. 26 Support Togiak is part of Bristol Bay, a permit is a Chance not a result. 29 Support 30 Support 31 Support 33 Support less over escapement 34 Support Drifters getting short changed. 39 Support 42 Support No over escapement 44 Makes sense. Thank You Jerry Mucha



Attn Shannon

BB-BOF

Public Comment

RC 73

RECEIVED
DEC 6 2009
BOARDS

CITY OF HOMER
HOMER, ALASKA

Mayor

RESOLUTION 09-121

A RESOLUTION OF THE HOMER CITY COUNCIL URGING
THE ALASKA BOARD OF FISH TO HOLD ITS 2011 REGULAR
MEETING WITHIN THE KENAI PENINSULA BOROUGH.

WHEREAS, The Cook Inlet fishing industry is a significant and long standing
component of the economy for the Kenai Peninsula Borough; and

WHEREAS, Regulations adopted by the Board of Fish during its regular meetings have a
significant impact on the various fisheries using the fish from Cook Inlet; and

WHEREAS, For the past several meetings the Upper Cook Inlet Board of Fish has met in
Anchorage; and

WHEREAS, Residents of the Kenai Peninsula Borough who attend the meetings in
Anchorage incur substantial costs due to the distance; and

WHEREAS, Due to the major impact the Cook Inlet fisheries has on the Kenai Peninsula
Borough's economy, it is important that some of the Board of Fish meetings be held within the
Kenai Peninsula Borough; and


WHEREAS, Locating some of the meetings within the Kenai Peninsula Borough would
provide borough residents the opportunity to participate without incurring substantial expense to
attend the Anchorage meetings; and

WHEREAS, The Kenai Peninsula Borough provides an appropriate and desirable
location for such meetings; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
respectfully and strongly urges the Board of Fish to schedule its 2011 regular meeting within the
Kenai Peninsula Borough.


PASSED and ADOPTED by the City Council of Homer, Alaska this 23rd day of
November, 2009.

CITY OF HOMER


JAMES C. HORNADAY, MAYOR



ATTEST:


JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

RC74

Mr Chairman Board members:

Below is new language for proposal 48

Reference Proposal 48

(2) After 9:00 am July 17, salmon may only be taken from 9:00 a.m. Monday until 9:00 a.m. Friday except as specified for the

(C) Ugashik district the weekly fishing schedule shall start on August 1 and be form 9:00 a.m. Thursday to 9:00 am Monday.

Ralanel Bugg

Excerpt of minutes from Sitka Fish & Game Advisory Committee Meeting Dec 3 2009

This is the only proposal that we discussed from the Bristol Bay –Aleutian area

18:30 Call to Order

In Attendance:

Ken Ash (hand-troll)

Joel Hansen (Guide)

Jeff Farvour (At large)

Jerry Barber (Hunting, vice-chair)

Mo Johnson (Seine)

Eric Bahnsen (Charter)

Floyd Tomkins (Conservation)

Dick Curran (Longline)

Tad Fujioka (Chairman, trapping)

Pete Roddy (Shellfish)

Jack Lorrigan (Subsistence)

Tory O'Connell (Alternate)

Proposal 13: Establish a Fish Refuge in Bristol Bay –PASSES Unanimously 12-0

JF: MTA

Tomkins 2nd

FT: There is an impact on Sitka Area – there are 6 or 7 Sitka boats that fish up there and many more crew members. The "Whereas" section makes a valid point that the land area and fishing area has an enormous impact on the State as a whole given the scale of the mine.

PR- local processors buy fish in this region too. They would also be adversely impacted by degrading of fish either through impacts or reputation.

JB call the ?

12-0, passes

JF-how will they get this message? Tad will email to Shannon who will get it to the Chairman

Report and Recommendations
to
Alaska State Legislature

RC 76

from
Alaska Board of Fisheries

Regarding Salmon Industry Restructuring

February 2006

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1.0 Background

The Board of Fisheries Commercial Salmon Industry Restructuring Workgroup was created by a joint agreement between the Alaska Board of Fisheries and the Legislative Salmon Industry Task Force. The scope of work recommended was as follows:

Examine policy and other options for the Legislature and the Board of Fisheries to properly consider in restructuring Alaska's commercial salmon industry, including identification of research/information and analysis needed on the range of policy alternatives.

During Fall 2004, the Board of Fisheries forms a public panel to focus on the task and develop a plan. Board committee is chaired by Ed Dersham and includes Robert Heyano and John Jensen. Public panel may include a scientific panel and a public panel representative of various industry interests

The public panel develops a plan of action to present to full board: 1) Develop models for restructuring the commercial salmon industry, and 2) Specify research and analysis needed on the range of policy alternatives.

The Board of Fisheries and Public Panel will gather public input throughout the state to develop and analyze models on policy alternatives.

- Board may take written and oral comment at each regularly-scheduled meeting
- Panel may schedule meetings as needed for development of alternatives and receiving public comment on the alternatives.
- Panel receives results of impact studies, if any.

Winter 2005: The Panel will bring recommendations to full board. The full board begins developing findings/recommendations to submit to the Legislature. The board continues to receive public input throughout this process

January or February 2006: The board will present a report to the legislature.

The board members who worked with the panel were:

Ed Dersham, chair

John Jensen

Robert Heyano

Art Nelson replaced Ed Dersham at the October 2005 meeting.

Staff support was provided by:

Kurt Shelly, CFEC

Alan Austerman, Office of the Governor

Cheryl Sutton of Senator Ben Stevens' office

Diana Cote, Executive Director of the Board of Fisheries

Doug Mecum, ADF&G, Commercial Fisheries Director

Denby Lloyd replaced Doug Mecum at the October 2005 meeting

The workgroup consisted of stakeholders appointed by the Board of Fisheries. The board's goal was to appoint a public panel that had broad geographical representation, as well as from various parts of the industry. The following members were appointed:

Steve Brown, Homer
Sam Cotten, Anchorage
Karen Dunmall, Kawerak, Nome
Pete Esquiro, NSRAA, Sitka
Wallace Fields, Kodiak
John Garner, NorQuest Seafoods
Andy Golia, Dillingham
Jill Klein, YRDFA, Anchorage
Stephanie Madsen, Juneau
Chuck McCallum, Chignik
Jerry McCune, Cordova
Kris Norosz, Icicle Seafoods, Petersburg
Bob Thorstenson, UFA, Juneau
Gale Vick, Anchorage
Bob Waldrop, Anchorage
Dr. Charles Crapo, UAF (technical advisor)

The group met several times between September of 2004 and October 2005. The following report and recommendations are the work product of the group and recommendations for the future of the restructuring effort.

2.0 Salmon Industry Restructuring

2.1 Goal Statement

Alaska's commercial salmon fisheries have been in existence for over 125 years. During this time, salmon fisheries have become fully utilized, and the Alaska State Legislature and Board of Fisheries have often imposed statutory or regulatory actions that constrain efficiency to ensure adequate escapements occur to sustain the resource, or to protect those dependent upon fishery resources, including subsistence, personal use, sport and commercial users. These constraints have taken many forms, including time and area closures and gear restrictions that may have increased harvest costs and decreased harvest values. For those who have made investments to harvest, tender, and process salmon, these increased costs limit the economic benefit to participants and Alaska's fishery dependent communities. Because many of Alaska's fishery-dependent communities rely on an economically viable harvesting and processing sector, there can be tension between rules that create inefficient harvesting and processing systems and the goals of harvesters, processors, fishery dependent communities and others dependent upon the fishery resources.

Within various salmon fisheries, the cost of doing business is not always supported by the market value of the production using current management approaches to harvesting. As a result, the status quo may provide an inadequate return on investments and may not provide enough capital to renew the equipment, vessels, and processing facilities needed for the commercial enterprise. In some fisheries the current management approaches to harvesting salmon may not provide the desired level of management flexibility and effectiveness. Therefore, new processes and procedures may be needed to entertain restructuring options for Alaska's commercial salmon fisheries.

2.2 Definition of a Restructuring Proposal

A "restructuring proposal" is a proposal that is likely to have substantial economic, social, or biological impacts and may require significant changes to the management of a fishery. The proposed regulatory change may strive to improve the value of a fishery by providing new and increased opportunities to: (1) raise the revenue generated from harvested fish (e.g. through improved quality); or (2) lower the cost of fishing operations; or (3) improve conservation.

Such proposals may include, but are not limited to, consolidation of fishing effort, a shift in who harvests the fish, changes in harvest methods used, or allocations of quotas (e.g. equal split quota allocations).

2.3 Board of Fisheries Criteria for Review of Restructuring Proposals

Keeping in mind that all proposals must promote the sustainability of fishery resources and be consistent with other Board of Fisheries policies, the Board of Fisheries may consider comprehensive regulatory restructuring proposals, and when doing so may, in addition to other factors, use the following criteria:

- 1) Promote an increased net economic benefit to the participants remaining in the fishery following restructuring:

- 2) Identify possible interactions within and between regions;
- 3) Identify potential mitigation measures for those dependent on the fishery that may be negatively impacted;
- 4) Promote improvements in a fisheries value, product quality, or an increase in efficiency;
- 5) Adequately address biological impacts to the resource caused by changes in management systems and utilization of the resource;
- 6) Promote a healthy fishing economy in Alaska that provides social and economic benefit to communities dependent upon the fishery and contributes to the overall benefit of the resource and the economy of the state; and
- 7) In addition to the criteria above, other factors may be considered as appropriate.

2.4 Process to Review Restructuring Proposals

Restructuring proposals may have substantial economic, social, and/or biological impacts and may require significant changes to the management of a fishery. Accordingly, the Board of Fisheries is interested in ensuring ample opportunity for review and comment by potentially affected regions and fishery participants.

- 1) Submit proposal as part of regular review cycle for a given area. *(Responsibility: Applicant)*
- 2) Determine if proposal is a restructuring proposal. *(Responsibility: Board)*
- 3) Publish restructuring proposals in a separate section of the board proposal book or otherwise identify proposal as a restructuring proposal. *(Responsibility: Boards Support Section)*
- 4) Hold a publicly-noticed work session to determine: *(Responsibility: Board)*
 - a. Is proposal complete?
 - b. Are there outstanding questions or information needed?
 - c. Confirm that board has authority to act on proposal; identify any aspects of proposal where board may need additional authority to make decisions.
 - d. Identify whether CFEC, DNR or other agencies need to be consulted on issues raised by the proposal. If so, bring staff together to schedule work and process.
 - e. Identify proposal's review process and schedule.
- 5) Hold information-gathering public hearing within region if needed. *(Responsibility: Board)*
- 6) Hold other hearings/work sessions as needed. *(Responsibility: Board)*
- 7) Board of Fisheries decision. *(Responsibility: Board)*

2.5 Alaska Board of Fisheries - Restructuring Proposal Form

Please answer the questions below as completely as possible. Your response will likely require multiple pages and considerable time and effort. Some questions may not be applicable to your proposal. Some questions may be quite difficult to answer; incomplete answers will not necessarily disqualify your proposal.

Please carefully read the instructions on page 2 before answering the questions.

- 1) What regulatory area, fishery, and gear type does this restructuring proposal affect?
- 2) Please thoroughly explain your proposal. (See Part II, Question 2 of the instructions on page 2 for important guidance on how to answer this question).
- 3) What are the objectives of the proposal?
- 4) How will this proposal meet the objectives in question #3?
- 5) Please identify the potential allocative impacts of your proposal. Is there an allocation or management plan that will be affected by this proposal?
- 6) If the total value of the resource is expected to increase, who will benefit?
- 7) What will happen if your fishery is not restructured as your proposal recommends, and how is this proposal an improvement over current practices?
- 8) Considering the history of the commercial fishery, what are the potential short- and long-term positive and negative impacts on:
 - a) the fishery resource;
 - b) harvesters;
 - c) the sector, species, and regional interdependence relationships;
 - d) safety;
 - e) the market;
 - f) processors; and
 - g) local communities.
- 9) What is your understanding of the level of support for your proposal among the harvesters, processors, and local communities?
- 10) What are the potential short and long-term impacts on conservation and resource habitat?
- 11) What are the potential legal, fishery management, and enforcement implications if this proposal is adopted? What other governmental actions may need to be taken into account?

Submitted By: Name _____ (signature required)
 Individual or Group _____
 Address _____ Zip Code _____ Phone _____

2.6 *Instructions for Restructuring Proposal Form*

Please answer the questions below as completely as possible. Your response will likely require multiple pages and considerable time and effort. Some questions may not be applicable to your proposal. Some questions may be quite difficult to answer and incomplete answers will not necessarily disqualify your proposal.

Part I: How to determine if your proposal is a "restructuring" proposal

A "restructuring proposal" is a proposal that is likely to have substantial economic, social, and/or biological impacts and may require significant changes to the management of a fishery. The proposed regulatory change may strive to improve the value of a fishery by providing new and increased opportunities to: (1) raise the revenue generated from harvested fish (e.g. through improved quality); or (2) lower the cost of fishing operations; or (3) improve conservation. Such proposals may include (but are not limited to): consolidation of fishing effort or a shift in who harvests the fish, changes in harvest methods used, or allocations of quotas.

Please note that if the board does not have the legal authority to implement the proposed regulation then your proposal may be dismissed or tabled. If your proposal is found to be incomplete, the board may direct you to potential resources or specific agencies you may need to work with. If your proposal is determined to be a restructuring proposal, the board may put the proposal on a special timeline for action to allow for appropriate public input. If the proposal is determined to be incomplete or otherwise needs further development prior to action, the board, at its discretion, may table the proposal for future action. The board may, at its discretion, amend any proposal and move it forward.

Restructuring proposals may have broad ramifications with both positive and/or negative impacts to harvesters, processors, coastal communities, associated businesses and the State of Alaska. Therefore, your proposal should consider the potential impacts of the proposed new regulation on all stakeholders.

Part II: How to Fill out the Restructuring Proposal Form

Question #1: For which fishery management areas and gear type will the regulations be changed? For which specific fisheries?

Question #2: To completely explain your proposal, address the questions below:

- a. Will this proposal require initial harvester qualification for eligibility? If so, how would it work?
- b. Are there new harvesting allocations? If so, how are they determined?
- c. What means, methods, and permitted fishing gear are proposed?
- d. Is a change in vessel length proposed?
- e. Are the transferability of permits or harvest privileges affected? If so, explain.
- f. Is there a defined role for processors? If so, please describe.
- g. Will this proposal be a permanent change to regulation? If not, for how long?
- h. If adopted, will your proposal require a change in monitoring and oversight by ADF&G?
- i. Will vertical integration (e.g. harvesting and/or processing) or consolidation occur? Will limits be imposed?
- j. How do you propose to monitor and evaluate the restructured fishery?
- k. Is there a conservation motivation behind the proposal? If so, please explain.
- l. What practical challenges need to be overcome to implementing your proposal, and how do you propose overcoming them?

Question #3: Restructuring proposals may have many goals that may not be apparent from the proposal itself. What specific changes to you want to occur if this proposal is put into regulation?

Question #4: How and why will your proposed regulation meet the goals and objectives in question #3?

Question #5: A restructuring proposal will often have allocative or reallocative impacts. Please identify those potential impacts. Other than already identified in question #1, what management plans and allocation regulations might be affected? Note that this could include fisheries distant from the fishery being regulated.

Question #6: Who will benefit? Harvesters? Processors? Communities? State? Subsistence users? Etc.

Question #7: How is your proposal better than status quo?

Question #8: Restructuring proposals will have positive and/or negative impacts to harvesters, processors, coastal communities, associated businesses and the State of Alaska. Your proposal is more likely to be judged complete if you try to identify both the positive and negative impacts of your proposal on:

- a) The fishery resource: 1) biological; 2) management system; and 3) economic utilization.
- b) Harvesters: 1) economic efficiency of the harvesting function; 2) species interdependence impacts; 3) harvesting asset ownership impacts; 4) distribution of product value; and 5) market access.
- c) Interdependence: How will your proposal impact other gear types and fisheries targeting other species? How will it affect interactions between regions and within the communities of the region?
- d) Safety: How does your proposal affect safety, if at all?
- e) The market: 1) market access and product form; 2) market timing; 3) competitive opportunities; 4) other, if any.
- f) Processors: 1) economic efficiency of the processing function; 2) species interdependence impacts; 3) processing asset ownership impacts; 4) distribution of product value; and 5) market access.
- g) Local communities: 1) employment enhancement, displacement, and loss; 2) municipal revenue impacts; 3) industry infrastructure impacts; 4) species interdependence impacts; 5) ownership of local harvesting and processing impacts; and 6) gain or loss of associated businesses.

Question #9: Is this a “one-person idea” or does your proposal have broad support?

Question #10: Conservation and development of fisheries resources are major goals of the board and any impacts on these goals, positive or negative, are of high importance. Please explain the likely impacts of your proposal.

Question #11: Restructuring proposals often have legal, fishery management, and enforcement implications that the board will have to address before it can take action. Please identify the potential issues in these areas.

3.0 Recommendations on needed Board of Fisheries Research Capacity and Data, Authority Changes, and Support

3.1 Research Capacity and Needs

As restructuring proposals come forward, three types of research or data will be needed:

1. Permit Latency. Ideally, Board of Fisheries (BOF) would address permit latency in the fishery simultaneous with review and approval of a restructuring proposal. To enable this, we need to identify optional methods, costs, and pros and cons of ways to address permit latency; then enact regulatory or statutory changes needed to implement. (Ideas discussed include creating a registration deadline, requiring permit holders to have gear available to participate in fishery, etc.)
2. Need a simple input-output model, or similar tool, to be able to assess the impacts to communities of various restructuring proposals and minimize unintended consequences of a restructuring decision.
3. Following implementation of a restructuring decision, the state needs to maintain data gathering effort so evaluate the social, biological and economic impacts of that decision.
4. As litigation is settled over the next six months and the question of Board restructuring Authorities is better known, it is worth reexamining this question to see what new research or data may be needed.

3.2 Board of Fisheries Authorities

There may need to be some changes to BOF authorities to enable it to take action on restructuring proposals.

The Board's workgroup had numerous discussions regarding authorities, however much of that discussion centered around the fact that the pending litigation involving the Chignik cooperative fishery would need to be resolved before the workgroup and the Board could fully understand the scope of current authority. With this uncertainty about current authorities, discussion about other additional authority was difficult.

Now that the Supreme Court has decided the Chignik case, the Board feels that it is appropriate for the workgroup to continue its' work and resume the discussion of possible additional authorities.

A Panel Subcommittee is now building upon Panel deliberations to:

1. Develop a matrix that depicts current BOF authorities and where each authority is derived.

2. Review BOF (and CFEC) proposals and challenges from the last few years to identify where and why there were roadblocks or problems. A review of these issues may identify patterns and recurrent issues.
3. Based on work above and other knowledge, develop a Problem Statement that articulates areas where a lack of authority has frustrated BOF (or CFEC) action particularly, but not exclusively, with regard to salmon fishery structure or restructuring proposals.
4. Identify authorities the BOF may need but does not currently have to implement restructuring proposals.

3.3 Board of Fisheries Support

Due to the significant impacts on communities, harvesters, processors and the State that restructuring proposals have, the BOF will need additional support, data and technical expertise to enable it to review these proposals. The Salmon Industry Restructuring Panel recommends the following:

1. **Maintain current data collection efforts/programs.** Responsibility for the Commercial Operators Annual Reports (COAR) has shifted between ADF&G and CFEC because of funding shortages and changing priorities. The COAR data, fish ticket data, and fish harvesting and employment estimates are currently funded either fully or partly with federal grants. In recent years the amount of federal funding for these projects has been decreasing. At a minimum the State must maintain its current data collection programs in order to maintain a reliable continuous source of fisheries data for economic analysis.
2. **Conduct an in-depth study to determine the kind of additional data needed to connect crewmember information to existing fisheries data,** its value for fishery analyses, and the industry's willingness to provide additional information. Do this prior to embarking on a new crew data collection project.¹
3. **Create an electronic fish ticket reporting system for salmon and put it into use.** ADF&G has proposed an FY 07 budget increment to accomplish this.
4. **Hire two staff with knowledge of fisheries, economics and research techniques (could be at ADF&G, CFEC, DCCED) to conduct research and respond to inquiries BOF will have to analyze restructuring proposals.** An Economist II and Research Analyst III are recommended. Cost of accomplishing this, in FY 05 dollars²:

¹ Crewmembers can not be linked to a particular fishery or area, so it is not possible to know if the crewmember fished, where they fished, how much they fished, how many crew fished from a vessel, or how much they earned. It is also not possible to associate crew salaries or crew earnings with a particular fishery or area. Some economists assume that crewmembers are hired from the permit holder's home town and attribute the crew's earning and tax information to the permit holder home town, an assumption which may not be correct.

² These figures and other recommendations herein excerpted from, "State of Alaska Data Collection Programs and Needs: A Report to the Salmon Industry Restructuring Panel," Susan M. Shirley, March 2005; ADF&G Special Publication No. 05-05.

Personnel	
Economist II	\$67,000
Research Analyst III	\$67,800
Other:	
Computer equip & software	\$6,000
Basic Office supplies	\$500
Travel	\$2,000
TOTAL	\$144,100

Since the efforts above will be of benefit to the BOF and CFEC in its regular work as well, it is recommended that these items be funded permanently, not viewed as one-time expenditures. This will also support the higher level of monitoring and data submission that will likely be needed to evaluate medium and long term impacts, including those unanticipated, of salmon fishery restructuring.

4.0 Conclusions

The Board appreciates the recommendations made regarding a process to receive and adequately consider “restructuring” proposals. Since this process is, as yet, untried, the Board intends to generally follow these recommendations as nonbinding guidelines for an interim period of a few years, after which the Board may consider adopting a more formal process for restructuring proposals to be considered. This nonbinding “trial period” is similar to the approach the Board took when it began using its’ committee process.

To ensure that restructuring proposals receive the proper analysis and consideration, it is clear that additional resources are needed to provide adequate staff support and Board meeting time to review and deliberate restructuring proposals.

Throughout the workgroup discussions, pending litigation regarding the Chignik cooperative fishery made discussions about additional Board authorities difficult. Now that this case has been resolved by the Alaska Supreme Court, the Board recommends that the workgroup continue its’ process to further discuss authority and consider making future recommendations to the Board the Legislature for consideration.

RC 77

Calculation of the total amount of drift gillnet length reduction possible in Bristol Bay drift gillnet fishery

Total number of permits in fishery:	1,863
Number if one third of total permits stacked:	615
Length of net reduced with each permit stacked:	100 fathoms
615 x 100 fathoms:	61,500 fathoms
Length in feet (61,500 fathoms x 6):	369,000 feet
Length in miles (369,000 feet ÷ 5,200)	69.9 miles

Percentage of total fishery gear that could be reduced

Total length of net in fishery: (1,863 permits x 150 fathoms)	279,450 fathoms
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61,500 fathoms ÷ 279,450 = **22 percent**

Submitted by Peter Thompson

TONS OF ICE PRODUCED PER BARGE		600.00
CONVERTED TO POUNDS OF ICE		1,200,000.00
CHILL CONVERSION (pounds of fish chilled from one pound of ice).		3.00
TOTAL CHILLED POUNDS		3,600,000.00
AVERAGE CATCH PER BOAT (Egegik - estimate).		110,000
TOTAL NUMBER OF BOATS THAT COULD CHILL 100% OF THEIR CATCH USING AN ICE BARGE		32.73
TOTAL # OF BOATS IN THE FISHERY		1,400
NUMBER USING RSW (25%?)	APPROX.	350
NUMBER USING ICE (2 ICE BARGES)		65.45
NUMBER OF REMAINING DRY BOATS		984.55
Percentage of chilled boats		30%
Percentage of dry boats		70%
2009 Harvest in pounds (30 million x 5.5 lbs) x85% (setnet @ 15%)		140,250,000.00
2009 Dry Harvest in pounds (70% of f30)		98,630,357.14
Foregone chilled revenue opportunity @ .13 per pound	\$	12,821,946.43

Submitted by
Buck Gibbons



SUBMITTED BY ALASKA DEPARTMENT OF FISH AND GAME

5 AAC 06.333(b) is amended to read:

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay

(b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department under 5 AAC 06.370 for the same district **indicating their intent to jointly operate gear.** The permit holders may not use a vessel for joint operations of drift gillnet gear unless that vessel is registered with the department under 5 AAC 06.370 for the same district as the permit holders. **Upon termination of joint operation of drift gillnet gear under this section, both permit holders shall register the date and time of termination with the department under 5 AAC 06.370.**

5 AAC 06.370(a) and (h) are amended to read:

5 AAC 06.370. Registration and reregistration.

(a) Before taking salmon in Bristol Bay, each commercial salmon set gillnet or drift gillnet CFEC permit holder shall register for a district described in 5 AAC 06.20 **as follows: [.]**

(1) Each drift gillnet permit holder also shall register for the same district the drift gillnet vessel that the permit holder will be operating. Initial district registration is accomplished by completing a registration form provided by the department and returning the completed form to the department office in Dillingham or King Salmon or by completing a web-based online registration if a computerized registration opportunity is provided by the Department. For the purposes of this section, a CFEC permit holder and a drift gillnet vessel may be registered in only one district at a time.

(2) Each drift gillnet permit holder who is registered for a district and who wants to switch to a different vessel in that same district must re-register indicating the substitute vessel that the permit holder will be operating. If the substitute vessel the permit holder will be operating is already registered to the same district and any requisite 48 hour notification period for the substitute vessel has been completed, then the permit holder may commence fishing as soon as re-

registration is completed. If any requisite 48 hour notification period for the substitute vessel has not been completed at the time of re-registration, then the permit holder can only commence fishing on the substitute vessel after the notification period has been completed.

(h) From June 1 through September 30, an Area T CFEC salmon permit holder may use, to take salmon, only the vessel identified on the permit, unless the permit holder has registered, in person, at the department's King Salmon or Dillingham offices, or by completing a web-based online registration if a computerized registration opportunity is provided by the Department to use another vessel. An Area T CFEC salmon permit holder on board an unregistered vessel is presumed to have been responsible for the salmon fishing operations of that vessel for that year.

Alaska Board of Fisheries Committee Report

COMMITTEE A **Subsistence, Herring, and Sport** December 3, 2009

Board Committee Members:

1. John Jensen, *Chair
2. Janet Woods
3. Bill Brown

Alaska Department of Fish and Game Staff Members:

1. Robert Bentz – Deputy Director, Division of Sport Fish
2. Matt Miller – Regional Management Biologist, Division of Sport Fish
3. Jason Dye – Area Management Biologist, Division of Sport Fish
4. Craig Schwanke - Assistant Area Management Biologist, Division of Sport Fish
5. Ian Fo – Fish and Wildlife Technician III, Division of Sport Fish
6. Samantha Oslund – Fishery Biologist I, Division of Sport Fish (Note Taker)
7. Bill Simeone – Regional Program Manager, Division of Subsistence
8. Ted Krieg- Subsistence Resource Specialist II, Division of Subsistence
9. Jim Fall – Statewide Program Manager, Division of Subsistence
10. Davin Holen - Subsistence Resource Specialist III, Division of Subsistence
11. Sue Asplund – Deputy Director, Division of Commercial Fish
12. Tim Sands – Area Management Biologist, Division of Commercial Fish
13. Matt Jones - Assistant Area Management Biologist, Division of Commercial Fish
14. Al Cain – Statewide Enforcement Specialist

Advisory Committee Members:

1. Hans Nicholson - Nushagak AC

Public Panel Members:

1. Glen Wysocki – Koliganek Subsistence
2. Reuben Hanke – Self
3. Karen McCambly – Self
4. Robert Heyano – Togiak Seine
5. Joe Chythlook – Self
6. Frank Woods – Nushagak Drifter
7. Dan Veerhusen – Self
8. Molly Chythlook – Self
9. Sid Nelson – Kelp Permit Holders
10. Nanci Lyons – Sport/Subsistence

Federal Subsistence Representative:

1. Rod Campbell – USF&WS

The Committee met December 3, 2009 at 9:41 a.m. and adjourned at 2:00 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: 1-12 (12 total).

PROPOSAL 1 – 5 AAC 01.320. Lawful gear and gear specifications. Allow subsistence drift gillnets in Nushagak, Igushik, Snake, and Wood rivers as follows: Subsistence drift fishing for salmon is allowed in the Nushagak, Igushik, Snake and Wood River drainages. Drift nets will not exceed 25 fathoms in length and 29 meshes deep, vessel length not to exceed 24 feet.

Staff Reports: RC 3, Oral Tab 1, Written Tab 1.

Staff Comments: RC 2.

Deliberation Materials: None

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1 Public Comment Tab, PC 21, PC 56, PC 85.

Record Comments: RC 8, RC 9, RC 11, RC 17, RC 21, RC 23, RC 25, RC 27, RC 35, RC 37, RC 39, RC 47, RC 51, RC 53, RC 57, RC 58, RC 60, RC 63, RC 66.

Narrative of Support and Opposition:

Department:

- Does not think there would be an increase in harvest by local users. Smokehouses can only handle so much. Observations conclude that folks take only what they need.
- Department does issue subsistence permits annually. Great stability is noted in this fishery with 40 years worth of data. If there is a change in level of opportunity, some adjustments to management would be made.
- Sonar counts help manage; no concern with subsistence fishery to date.
- Department has tools to manage.
- Fishermen can use subsistence caught fish for barter, but not for sale.
- Subsistence regulations are on a 3 day schedule, drift net fishing should be the same schedule and limited to certain areas. If someone put out nets and loaded them with sockeye, folks might be in trouble. Amend regulations during the time frame of July 1-20th.
- Concern over vessel length.
- Concern of gear conflicts between drift and setnet.
- Setnets have to be 100 feet apart.
- Will see folks from Anchorage, etc. using this fishery. There is one wildlife trooper in Dillingham.
- As we increase ability and opportunity to take valuable fish, increase in participation will also happen. More conflict is anticipated.
- Think we are capturing harvest regardless of gear type.
- Regulations need to be simple and enforceable.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Nushagak AC – Split vote: 7 in favor; 3 oppose.

- Drifting is a customary practice – illegal drifting occurs now, but is not enforced except around Dillingham.
- Intent is to allow subsistence users to harvest what they need most efficiently.
- Early in the season is preferred time for drying fish to avoid flies, and mold.
- Subsistence fishers only take what they need.
- Upper Nushagak has issues with bears taking salmon from setnets.
- Legalizing this activity would alleviate fears of citation concerns.
- Don't think escapement would be impacted by additional harvest amounts.
- Currently it's illegal to drift; if legalized and areas are specified, enforcement would be easier vs. an entire open system.
- AC is willing to compromise with gear restrictions in order to pass this.
- AC is asking for drift fishing to be fairly restrictive; intent is not to increase harvest. Main concern is king escapement and conservation.
- AC agrees with subsistence staff; doesn't think drifting will increase harvest amounts.
- AC peak of the Nushagak season is condensed to one, maybe two days on subsistence beaches. Many times, subsistence fisher is looking for kings and not necessarily sockeye. This proposal would help meet the opportunity for catching kings.
- No location to subsistence fish near Dillingham or Aleknagik. Have to use Wood River or Lewis Point to find kings.
- There is no guarantee of catching 100 kings every time you go.
- Anything above certain point in Wood River, can use different sized net. If drifting were allowed, public panel expressed willingness to amend net size to 10 fathoms.
- When board changed from setnet of 25 to 10 fathoms several cycles ago, it seemed like an over-reaction because a few people forgot to check nets and over-harvested kings. Management plan at the time was dealing with this issue. Those most affected by that change in regulation at that time were not very well represented.
- Subsistence use will be mainly on lower end of Nushagak. Perceived conflict in user groups seems inflated. Subsistence user group is extremely flexible. Intent is to feed families.
- AC stated that 24 foot length is to discourage commercial vessel use. Larger boats mean larger nets and increased harvest capability. Commercial boat regulation for length language could be adopted for this activity.
- AC: cost associated with fuel for multiple trips should be considered.
- Management system is great, allocation is good, and subsistence use will be easier. Sharing of harvested fish is irrelevant as long as numbers are documented. Economic hardships are real. Salmon and moose are primary food sources.
- Local residents and native Alaskans deserve to have what has sustained them for years.
- Consensus regarding prohibition of vessels 32 feet and longer.
- 25 fathoms at Lewis Point is legal; subsistence users will use nets that they have.
- 50 fathoms is used in other locations to get what they need as fast as they can. If they get more, they will share with others.
- Not trying to create a new fishery, just to make it easier than in the past. If gear has worked in the past, keep it consistent. Goal is 50 kings caught as fast as possible, dry them, and be done.
- If kings aren't running on beach, the drifters have to go right in front of channel.

Opposition:

- There are conservation concerns, Nushagak king escapement could be impacted; especially if subsistence harvest increases.

- Management plan is “tight.” It may be hard to keep harvest in line so allocations don’t become an issue.
- Kings might be easier to target; in the future this may affect allocations.
- Concern that sport fishery is growing tremendously compared to what it used to be. Float planes are coming and going. Potential for conflict with drift activities.
- The use of driftnets while float trips (rafts) is happening.
- Twenty-five fathom net vs. sportfishing boats is something to think about. Restrict date or areas to eliminate potential conflict between user groups.
- We might be creating a meat fishery; harvest might increase 5 times. Because we are making it so easy to do it now, harvest will increase. Now all you need is a skiff and you can dramatically increase harvest.
- Sportfishing on upper river is restricted already.
- Anchorage residents may come out to use this fishery. Consider who is leasing land and to whom if this subsistence fishery is passed.

SSFP: Not discussed.

Other Point of Discussion:

- Time for board to define amount of kings necessary for subsistence in Nushagak River drainage.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Nushagak.
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 2 – 5 AAC 01.310. Fishing seasons and periods. Allow subsistence drift gillnets in the Nushagak River, June 1-September 30 as follows: Subsistence drift gill netting for salmon will be permitted on the Nushagak River system below Harris Creek and on the lower Nuyukuk below Arrow Creek.

From June 1 – September 30.

Using king or red salmon net 25 fathoms in length or less.

Skiff length to equal 25 feet or less.

Staff Reports: RC 3; Oral Tab 1, Written Tab 1.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1

Timely Public Comment: RC 1 Public Comment Tab, PC 21, PC 56, PC 85.

Record Comments: RC 8, RC 9, RC 11, RC 17, RC 21, RC 25, RC 27, RC 35, RC 37, RC 39, RC 47, RC 51, RC 53, RC 57, RC 58, RC 60, RC 63, RC 66.

Narrative of Support and Opposition:

Department:

- Regarding sport fishing for king salmon on Nushagak: effort is between Black Point and Ekwok. Approximately 80% of effort is June 15th - July 10th after that sport fishing effort disappears.
- Above Harris Creek, sport fishing effort for resident species happens mid-July until September.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- AC supports ideas because of desire to harvest subsistence fish.
- Gas is \$7.00/gallon; price is too high to fish all the way down river. Brown bears getting in the nets, waste of time. Better for people to have this drift opportunity.
- Early in the king season, there is no conflict with sportfishing. By the time sport fishermen arrive, subsistence fishing is about done with kings.
- AC didn't want sport fishers capitalizing on opportunity to harvest with subsistence drift nets. Desire was to make it restrictive enough to prevent this.

Opposition:

- Conflict between sport fish and subsistence users because of location.
- Consider net size because of this fishery location, smaller mesh may target rainbow trout.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Nushagak.
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 3 – 5 AAC 01.320. Lawful gear and gear specifications. Allow 25 fathoms of set gillnet in the Wood and Nushagak Rivers as follows: Allow 25 fathoms of subsistence set nets to be used in the Wood River and Nushagak River upstream from the confluence of the Wood and Nushagak Rivers.

Staff Reports: RC 3, Oral Tab 1, Written Tab 1.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 21, PC 56, PC 85.

Record Comments: RC 8, RC 9, RC 11, RC 17, RC 21, RC 25, RC 27, RC 35, RC 37, RC 39, RC 47, RC 48, RC 51, RC 53, RC 57, RC 58, RC 60, RC 63, RC 66.

Narrative of Support and Opposition:

Department:

- The last thing a wildlife trooper wants to do is cite a subsistence user. We should keep the steps, simple, easy for locals to use and enforcement to implement.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- AC: 7 in favor: 3 oppose. Issue is to harvest king salmon in shortest time possible. Freeze and dry salmon early in season, at lowest cost.
- During peak of the run, not much room on beaches to fish.
- Fish are shared so there is no waste if an over harvest occurs. Many families do this. The true purpose of subsistence is to utilize these fish.
- Going from 10-25 fathoms is a reasonable request to help efficiency.
- Historically, the board reduced the gear in regards to someone forgetting to check nets. Fifteen fathoms were lost. Public panel is willing to draft substitute language to help those traveling further to harvest fish. Often times sets are made and no fish are caught. Folks should monitor nets instead of leaving nets unattended.
- 10 fathoms doesn't always produce fish if kings are migrating into deeper water. This proposal would help catch fish quicker.
- Don't think there will be an influx of subsistence users because of price of fuel, boats, and costs to get out there and take fish. Possibility of renting or leasing skiffs for subsistence use.
- This proposal was in response to a few folks arrested last year because of subsistence fishing, want to make it easier for residents to take fish.

Opposition:

- Be careful about being too liberal because subsistence fisheries are available to all Alaskans. Ten fathoms is fine for driftnets. Think we should leave it at 10.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Nushagak.
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 4 – 5 AAC 27.831. Gillnet specifications and operations for Bristol Bay Area. Change herring allocation for gillnet and seine as follows: (a) No single herring gillnet may exceed 100 fathoms in length, and the aggregate length of gillnets in use by a CFEC herring interim-use or limited entry permit holder may not exceed 100 fathoms. (b) No more than 100 fathoms of herring gillnet may be operated from any herring fishing vessel.

Staff Reports: RC 3, Oral Tab 2, Written Tab 6.

Staff Comments: RC 2.

Deliberation Materials: RC None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1

Timely Public Comment: None, Public Comment Tab, None.

Record Comments: RC 17, RC 25, RC 27, RC 47, RC 53.

Narrative of Support and Opposition:

Department:

- Several years in a row, department has extended gillnet length to 100 fathoms by emergency order. Housekeeping proposal.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Fishery is limited by participation. Department has to make this announcement every year.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: Nushagak.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 5 – 5 AAC 27.810 to 27.865. Bristol Bay herring fishery. Eliminate reallocation of spawn on kelp quota as follows: Regulations that give 50% of our unused spawn on kelp quota to the seiners and gillnetters should be eliminated. If they want our allocation, they can lease it from us, the same way these same canneries lease their crab and Pollack quota from each other. If we do not use the quota and we do not lease it, then we should be able to save those fish for next year.

The spawn on kelp permit holders should also be allowed to use our 1,500 ton allocation for kelp pounding, as has been allowed in Norton Sound.

Staff Reports: RC 3, Oral Tab 2, Written Tab 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 5.

Record Comments: RC 17, RC 25, RC 26, RC 41, RC 47, RC 53.

Narrative of Support and Opposition:

Department:

- Department is neutral on the allocative aspects. Department has biological concerns because of VHS.
- When fishery doesn't happen, CFEC refunds money for permits or they don't issue permits if there isn't a fishery.
- Department has ability to reallocate 750 tons to sac roe fishery according to the 70/30 split. Other half is unharvested. Last six years the fishery hasn't harvested full quota for sac roe fishery. Last fishery was 2004, 20 tons were harvested.
- VHS hasn't been documented in Bristol Bay; serious concerns lie in those areas that have VHS like Prince William Sound. No knowledge of this disease occurring in Southeast.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- A pound fishery is conducted in Norton Sound; this doesn't always work, but it does happen.
- Would like protection in order to protect quota before it's transferred to other user groups.
- It's a limited entry fishery and the kelpers are the weakest gear type.

Opposition:

- AC opposes concept. It would be a new fishery, fish would be stressed. It would be expensive. Local watershed residents can't participate because they don't have finances to start a venture such as this.
- AC does not think it will work because a secluded cove is needed so no damage occurs from waves and wind. Not willing to give up part of fishery because it would be reallocated.

- This pound fishery has been voted down in the past by the Nushagak AC and there is no market.
- Substrate is not native to area and is expensive.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 6 – 2 AAC 27.865(b)(7). Bristol Bay Herring Management Plan. Allocate unharvested spawn on kelp quota to food and bait as follows: (b)(7) The maximum exploitation rate for the Bristol Bay herring stock is 20 percent. Before opening the sac roe fishery the department shall set aside approximately 1,500 short tons for the Unimak District herring spawn-on-kelp fishery, and seven percent of the remaining available harvest for the Dutch Harbor food and bait fishery. If the actual harvest is less than the spawn-on-kelp guideline harvest level, the commissioner may reallocate 50 percent of the remainder to the Togiak District herring sac roe fishery. If no spawn-on-kelp harvest occurs, after the commissioner has reallocated 750 tons to the Togiak District herring sac roe fishery the commissioner may reallocate the remaining 750 tons to the Togiak District herring sac roe fishery the commissioner may reallocate the remaining 750 tons to the Dutch Harbor food and bait fishery.

Staff Reports: RC 3, Oral Tab 2, Written Tab 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 31, PC 32.

Record Comments: RC 27, RC 47, RC 53.

Narrative of Support and Opposition:

Department:

- Proposal was confusing because there is no Unimak District herring spawn-on-kelp fishery; reallocate other half of spawn on kelp quota to Dutch Harbor food and bait fishery. Department is neutral.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Need a few more fish in Dutch Harbor for food and bait fishery. Not sure Togiak quota has ever been harvested to its maximum. Want unharvested portion for Dutch Harbor's quota.
- The herring found in Dutch Harbor are the same stock as in Togiak.
- From 2003-2008 quota hadn't been used in full. Togiak harvest is restricted to processing capacity and buyers. Very limited because of marketing, there is usually no market.
- Trident Seafoods is shipping fish around the world trying to get a market. Togiak fishery is getting between \$100-\$150/ton. Two months later in Dutch Harbor, they get \$400-\$500/ton for same stock.
- Trying to create a food market for herring.
- Dutch Harbor is the only fishery in the state where if the quota is exceeded, it comes off the following year's quota.
- Dutch Harbor herring is important for the bait market.
- Want to catch fish that weren't caught in other fishery. Asking for the remaining 750 tons not taken.

- One company is using herring for surimi, as the availability of pollock decreases surimi may be made of herring, which might create a larger demand.
- Dutch Harbor fishery has been happening since 1800's, before the Togiak herring fishery was created.

Opposition:

- AC unanimously opposed. Affects spawning capacities.
- AC - When proposals of this nature come up and they give up a little bit each time, end result will be negative for Togiak fishery in the long run.
- AC- Togiak fishery gave up a lot when allocation to Dutch Harbor food and bait was re-allocated.
- Dutch Harbor has not harvested their own quota in last 6 years.

SSFP: Not discussed

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No consensus.

Substitute Language: None.

PROPOSAL 7 – 5 AAC 27.805. Description of Bristol Bay Area districts and sections. Define Egg Island subsection as follows: **(a)(7)** the Egg Island sub-section is defined as the area from the longitude of Right Hand Point 159° 55.00' west longitude, to the latitude of Egg Island at 58° 53.70' north latitude, 159° 44.06' west longitude and between the mainland shoreline and a line from: 58° 53.70' north latitude, 159° 43.18' west longitude (approximately one mile off Egg Island), to 58° 50.57' north latitude, 159° 43.28' west longitude (approximately one mile off Kulukak Bluffs), to 58° 47.90' north latitude, 159° 45.16' west longitude (approximately one mile off Barge Beach), to 58° 45.20' north latitude, 159° 55.00' west longitude (approximately one mile off Right Hand Point).

Staff Reports: RC 3, Oral Tab 2, Written Tab 6.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: None, Public Comment Tab, None.

Record Comments: RC 27, RC 47, RC 53.

Narrative of Support and Opposition:

Department:

- Fishermen asked the department to make this line based on GPS coordinates. Users can refer to regulation book to determine legal district boundaries.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- AC- Good proposal; helps to clarify this boundary, makes it more enforceable.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: Nushagak.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support

Substitute Language: None.

PROPOSAL 8 – 5 AAC 67.022. Special Provisions for season, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Prohibit fishing below the bridge on Brooks River as follows: Make Brooks River and American Creek regulation read the same as Savonoski River drainage regulations. Do not allow fishing below the bridge on Brooks River.

Staff Reports: RC 3, Oral Tab None, Written Tab 8.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 23, PC 59.

Record Comments: RC 27, RC 53.

Narrative of Support and Opposition:

Department: Opposed to this proposal. Current regulations were adopted by board and are consistent with the Southwest Alaska Rainbow Trout Management Plan.

Department of Law: None.

Federal Subsistence Representative: National Park Service.

Support: None.

Opposition:

- National Park Service.
- Naknek/Kvichak AC.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Oppose.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 9 – 5 AAC 67.022(g). Special provisions for season, bag, possession and size limits, and methods and means in the Bristol Bay Area. Close sport fishing within quarter mile of Klutak, Iowithla, and Koggiling creeks as follows: (g)(6) in the Nushagak River within a ¼ mile radius of the Iowithla River, Klutak and Koggiling creeks sport fishing is closed year around;

Staff Reports: RC 3, Oral Tab None, Written Tab 8.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, PC 56, PC 85.

Record Comments: RC 11, RC 27, RC 53, RC 57.

Narrative of Support and Opposition:

Department:

- Inriver goal has been achieved 8 out of 10 past years. There is no conservation concern.
- Sportfishing effort on Nushagak steady since 2003. 2008 was down significantly and expect the same for 2009.
- Proposal is for year round; this would apply to all sport fishing.
- Some harvest in these areas documented in the subsistence records.
- Nushagak management plan is strong. Sportfish harvest is addressed in the management plan (5 AAC 06.361 RC) and is restricted in years of low returns.
- Social, not biological issue.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- AC – Conservation concern; unanimous support. Issue was targeting those stocks at the creek mouths.
- Lodges anchor 20-23 boats at a time at the mouths of these tributaries. Need to give the fish a bit of a break; marking or restricting areas is important.
- Would prefer to be proactive instead of reactive in regards to conservation.
- Locals can go to the mouths of these creeks and subsistence fish to get fish pretty easy. This proposal would reduce conflict by letting locals fish there, not sport anglers.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Oppose.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 10 – 5 AAC 67.022. Special Provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Revise regulations regarding Alagnak River closure as follows: Set the season and bag limit for the lakes in the Alagnak River drainage the same as the Naknek Lake regulations.

Staff Reports: RC 3, Oral Tab None, Written Tab 8.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, AC 3.

Timely Public Comment: None, Public Comment Tab, None.

Record Comments: RC 27, RC 53.

Narrative of Support and Opposition:

Department: The current regulation unnecessarily restricts sportfishing opportunity in the lakes of the Alagnak River drainage.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- AC – Naknek - Kvichak.
- AC – Nushagak.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: Nushagak, Naknek – Kvichak.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 11 – 67.022(d)(11). Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Correct regulatory error regarding sport fishing for king salmon in Big Creek Drainage as follows: **67.022(d)(11) in** the Big Creek drainage upstream of an ADF&G regulatory marker located upstream one-half mile upstream of its confluence with the Naknek River (Peon Hole) [IS CLOSED TO SPORT FISHING FOR KING SALMON;] king salmon may not be possessed or retained; all king salmon must be immediately released. [A PERSON MAY NOT REMOVE A KING SALMON FROM THE WATER BEFORE RELEASING THE FISH.]

Staff Reports: RC 3, Oral Tab None, Written Tab 8.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: None, Public Comment Tab, None.

Record Comments: RC 27, RC 53.

Narrative of Support and Opposition:

Department: Housekeeping; adoption of this proposal would correct an error in regulation and clarify these waters are open to catch and release fishing for king salmon.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 12 – 5 AAC 67.020(2). Bag limits, possession limits, and size limits for Bristol Bay Area and 5 AAC 67.022(D)(2). Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area. Correct regulatory error regarding bag and possession limits for king salmon in Bristol Bay Area as follows:

5AAC 67.020(2) king salmon

(salt waters) 3 per day, 3 in possession, of which only 2 [1] fish may be 28 inches or greater in length;...

5AAC 67.022(d)(2) In all flowing waters of the Naknek River drainage, from March 1 through November 14, only unbaited, [SINGLE-HOOK,] artificial lures may be used;

Staff Reports: RC 3, Oral Tab None, Written Tab 8.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: None, Public Comment Tab, PC None.

Record Comments: RC 27, RC 53.

Narrative of Support and Opposition:

Department: Housekeeping. Adoption of this proposal would correct two transcription errors in regulation.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- AC – Nushagak supports.

Opposition: None.

SSFP: Not Discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: Nushagak.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

RC 81

Alaska Board of Fisheries
Committee Report

COMMITTEE B

Gear, Registration, Boundaries, and General District
December 04, 2009

Board Committee Members:

1. Morris, *Chair
2. Johnstone
3. Brown

Alaska Department of Fish and Game Staff Members:

1. Jeff Regnart – Regional Supervisor, CF
2. Dan Gray – Management Coordinator, CF
3. Slim Morstad – Area Manager, CF
4. Paul Salomone – Area Manager, CF
5. Tim Sands – Area Manager, CF
6. Matt Jones – Assistant Area Manager, CF
7. Fred West – Assistant Area Research Biologist, CF
8. Greg Buck – Assistant Area Research Biologist, CF
9. Al Cain – Public Safety Liaison
10. Mike Mitchell – Attorney, Department of Law
11. John Hilsinger – Director, CF
12. Susan Aspelund – Deputy Director, CF

Advisory Committee Members:

1. Roland Briggs – LBBAC
2. Randy Alvarez – Iliamna AC
3. Hans Nicholson – Nushagak AC
4. Abe Williams – Naknek-Kvichak AC

Public Panel Members:

1. Robin Samuelson - BBEDC
2. Ralph Zimin – Self, Drift
3. Warren “Buck” Gibbons - BBRA
4. Art Woinowsky – Self, Drift
5. Robert Heyano – Self, Drift
6. Kim Rice - Self, Setnet

7. Charles Treinin – Self, Drift
8. Frank Woods – Self, Drift
9. Tom O'Connor – Nushagak Setnet
10. Ben Blakey – Sno Pac
11. Shannon Ford - Self, Setnet
12. Jason Kohlhase – Self, Drift
13. Joe Chythlook – BBNC
14. David Harsila - AIFMA
15. Eric Beeman – Ugashik Setnet Association
16. Mel Brown – Self, Drift
17. Harlan Bailey – Kvichak Setnetter's Association
18. Peter Lockuk, Sr. – Togiak TC
19. John Lawrence - Leader Creek
20. John Schandelmeier – Kvichak Setnetter's Association
21. Jonathan Forsling – Togiak TC
22. Jerry Gugel – Self, Drift
23. Todd Hopkins - Self, Setnet
24. Steve Brown - CAMF
25. Howard Knutsen – BBNA
26. Tom Tilden – Togiak TC

Federal Subsistence Representative:

1. Rod Campbell - USFWS

The Committee met December 4, 2009 at 8:05 a.m. and adjourned at 4:30 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: (18 total) 14-31.

Confidentiality Issue – Processor Capacity

The Department of Fish and Game has been collecting processor capacity information since the 2007 season. Processors feel this information should be confidential but currently nothing is in regulation. The Department of Fish and Game would like to put processor capacity information into regulation for confidentiality reasons. The department would like to continue to collect this information because it is useful. Reference RC 101 for specifics.

PROPOSAL 14 - 5 AAC 06.335. Minimum distance between units of gear. Require removal of all setnet gear during drift gillnet openings.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: RC None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 7-9, 15, 21, 31, 36, 45, 57, 58, 60, 62, 63, 67, 68, 70, 78, 82, 84, 85, 86, 87, 92, 94, 95, 100, 104.

Record Comments: RC 5,8, 9, 11, 13-15, 17, 18, 21, 24, 25, 27, 35, 36, 39, 47, 50, 52, 53, 58, 60, 62, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition:

- This proposal was widely recognized as an unreasonable attempt to exclude setnet operations from specific areas by requiring them to remove screw anchors between openings. This was widely seen as not practical.
- Setnet leases might be impacted by this proposal. (No DNR representative available to comment).

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.

Oppose: Nushagak, Naknek-Kvichak.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 15 - 5 AAC 06.341. Vessel specifications and operations. Eliminate 32 - foot limit on vessels in Bristol Bay drift gillnet fishery.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 4, 5, 8, 10, 12, 13, 14, 16, 17, 19, 20, 21, 31, 32, 36, 37, 40, 43, 45, 46, 48, 50, 52, 53, 54, 55, 57, 60, 61, 62, 63, 67, 68, 69, 70, 72, 73, 83, 85, 88, 91, 92, 94, 97, 103, 106, 116.

Record Comments: RC 4, 5, 8, 9, 11, 12, 17 - 25, 27, 30, 35, 36, 38, 39, 42, 43, 44, 46, 47, 48, 50, 51, 57, 58, 60, 61, 62, 64, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Bristol Bay fish compete in a very competitive global market. Without increasing the value of the fishery, stakeholders will be at a disadvantage.
- Increasing the value of the fishery would be accomplished by any combination of the following (all of which would be facilitated with larger vessels):
 - More efficient harvest (fuel consumption, hull capacity, etc.).
 - Ratio of horsepower to harvest would favor larger vessels.
 - More deck and hull space would allow the delivery of higher quality fish by enabling more careful handling and improved storage technologies such as refrigerated sea-water systems.
- An immediate cash advantage for larger vessels would develop based on the increased (potential for) quality. There is a relationship between size and quality and some quality incentives such as bleeding are now fairly routine.
- If stakeholders allow the economic value of this resource to decline, competing economic activities such as mining or offshore drilling could become more attractive to area residents. The establishment of these activities could further depress the economic value of this resource.
- Bristol Bay is the only fishery with a 32 foot boat limit, so one is unable to fish a "combination vessel" such as a longliner/gillnetter.
- Larger vessels are not as maneuverable, so they may be unable to fish the line. These larger vessels will not need to use the practice of fishermen needing to roundhaul in order to be competitive in the fishery. They can fish inside the line and produce quality fish.

- Current average boat capacity is approximately 16,000 lbs. One individual commented he can ice about 11,000 lbs and end up with 5,000 lbs on deck. They would like more capacity to ice all their fish.

Opposition:

- Increasing vessel size limits would require that fishermen either 1) upgrade existing vessel, or 2) build a new vessel from the keel up. Opinions varied widely as to which strategy would be required or preferable, but it was generally agreed that this proposal could cost considerable money and that larger boats would have a competitive advantage in a fishery composed of both traditional and newer (larger) boats. As local permit holders were generally at a disadvantage in the pursuit of upgrade capital, as well as at a disadvantage with respect to the availability of general boatyard expertise such as marine architect and aluminum welding services, local fishermen would be placed at a disadvantage. This would lead to the loss of local permits to outside fishermen.
- Many panel members felt that fish quality could be increased on existing vessels. Panel members noted that 'quality is a philosophy' and much note was made of efforts by the Bristol Bay Economic Development Corporation (BBEDC) to increase the use of ice in the fishery. It was noted that efforts are being made to increase quality and that these are paying off, but that this is a long process. Prices have been coming up.
- While conflicts on the line periodically occur, they are not a current issue in this fishery, but concern exists that larger vessels would exacerbate or reignite this.
- One processor representative noted that larger deliveries would offer no inherent advantage to their operations.
- When larger vessels are allowed into a fishery, local participation tends to get depressed. The residents of Togiak have experienced this firsthand. The herring fishery in this district had a high level of local participation until purse seiners were allowed. This will also lead to an exodus of local watershed permits.
- Some of those in support of this proposal are able to move to other fisheries, while many local resident fishermen are unable to move.
- Currently most processors take fish onto tenders and do not separate them out by quality. Processors need to start separating fish from those that use ice and RSW from those that do not. There needs to be incentives from all processors to provide quality fish.
- During peak fishing, many fishermen are put on limits or suspensions. Fishermen do not need bigger boats, and fisherman should take priority in quality instead delivering as many fish as they can. Delivering more #1 grade fish will benefit the entire fishery and increase the value overall.
- Conflicts on the line are not uncommon in this fishery and historically, some fishermen have reinforced their bows for this purpose. Obviously, this is a safety and enforcement issue.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: LBBAC.

Oppose: Naknek-Kvichak, Nushagak, Lake Iliamna.

Public Panel Recommendation: No Consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 17 - 5 AAC 06.331 (f) Gillnet specifications and operations. Allow multiple setnet permit use.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 2, 3, 4, 9, 15, 17, 21, 28, 31, 32, 36, 46, 50, 53, 55, 57, 60, 61, 62, 63, 67, 68, 69, 78, 85, 87, 92, 94, 100, 110, 113, 116.

Record Comments: RC 5, 8, 9, 11, 17, 18, 19, 21, 24, 25, 27, 30, 32, 33, 35, 36, 38, 39, 42, 43, 46, 50, 51, 57, 60, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- This will not create undue congestion at setnet sites.
- Most setnet operations are family-based and the economics are difficult with one permit. This would allow family-based operations to expand.
- Would allow families to keep permit in the family when kid(s) leave or elders retire.

Opposition:

- This does have the potential for increased congestion at setnet sites and has the potential to reduce the quality of setnet fish (increasing the number of fish landed per given space).
- There is the potential for large non-family based operations to grow to the point that they crowd out less competitive family based operations.
- This proposal would potentially benefit the few at the expense of many.
- Potential problem of setnetter not being able to adequately control their catch. What happens when net goes dry at remote site and no one is around to take care of it?

Discussion from CFEC on leasing permits: CFEC representatives stated you are not allowed to lease permits except for medical incapacity reasons. A lot of this goes on outside regulation intent. Q: what is 'vicinity'? A: (enforcement) 'reasonable distance' = retains competent supervision of the gear. It was noted that there is a similar regulation change in Kodiak that might provide guidance.

A leasing unit manager from DNR was also present to answer questions. He stated DNR was neutral, with some concerns. If there are increases in conflicts in lease transfers, leases may not be completed before the following season because of limited staff. It is difficult to verify leases are being used enough (as required). It was noted that you do not need to lease sites in order to fish setnet permit; the lease only gives a 'first right'. A latent permit was defined as a permit without sales on it.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.
Oppose: Naknek-Kvichak, Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 20 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. Allow one person to own two permits and use 200 fathom nets.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 8, 9, 12, 17, 27, 31, 32, 39, 42, 46, 47, 50, 55, 62, 69, 70, 72, 73, 76, 77, 78, 81, 84, 88, 89, 92, 97, 100, 102, 106, 110, 114, 115, 116.

Record Comments: RC 5, 8, 9, 11, 12, 17, 18, 19, 21, 24, 25, 27, 30, 32, 33, 35, 36, 38, 39, 42-47, 50, 51, 57, 59, 60, 62, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- This makes dual stacking drift operations more lucrative than existing regulations.
- Stacking reduces the amount of net in water. This benefits everyone in the fishery. Reduction of latent permits has been consistent w/ desire to reduce numbers of permits in the Bay, but won't create a big change in the value of the permits.
- One individual would like to retire from fishing and pass his permit to his son so he can still fish with 200 fathoms of gear.
- Having four shackles reduces pressure to fish on the line and still make a living. Reduces number of boats in the water.
- As price increases, more individuals may begin fishing again and increase the number of boats and permits, creating more competition. Dual stacking will reduce the number of permits and keep the value of the fishery high.
- Allow an individual who wishes to own two permits to do so without resorting to attempting to control two permits through other family members or friends. This happens frequently under the current regulations and is a cause of strife.
- This should help keep local permits from being sold Outside.
- This facilitates new entries into the fishery.
- Facilitates the re-entry of latent permits through a low cost (no boat) option.
- Increases the value of permits (permit equity).
- Allows fleet to downsize while retaining same number of permits (participation).
- Reduces the overall amount of net per permit being fished.

Opposition:

- Increasing permit value will increase the outflow of permits from the region.
- The 'lease economy' that has developed around dual permits has gotten away from original intent. The original intent was to keep permit holders on boats operating dual permits.
- Would like to stay with current intent of dual permit regulation as it has helped some folks due to more traditional/non-aggressive fishing styles. Allows people with unfishable boats to still have the opportunity to fish.
- This is a manner of consolidation. Economic impacts will be large. This defeats quality gains discussed in 32 ft issue. This is an example of a good intentioned regulation that has developed into a 'monster'.
- Fear is some people would lose all chance of participation. More people that can afford to get in fishery would push locals out.
- Increasing permit value will increase the outflow of permits from the region.
- The 'lease economy' that has developed around dual permits has gotten away from original intent. The original intent was to keep permit holders on boats operating dual permits.
- This may lead to the abuse of "gifting" permits.
- Concerns with "monster" operations. The original intent of limited entry was to have the person who owned the permit actually out fishing. Now you could potentially end up "leasing" (medical transfer) the permit and the owner sits at home.

Discussion from CFEC on leasing permits: CFEC representatives stated you are not allowed to lease permits except for medical incapacity reasons. A lot of this goes on outside regulation intent. Q: what is 'vicinity'? A: (enforcement) 'reasonable distance' = retains competent supervision of the gear. It was noted that there is a similar regulation change in Kodiak that might provide guidance.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.

Oppose: Naknek-Kvichak, Nushagak, Lake Iliamna.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 16 - 5 AAC 06.331. **Gillnet specifications and operations.** Allow multiple drift gillnet and setnet permit use.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 4, 9, 14, 15, 17, 21, 31, 32, 46, 50, 53, 55, 57, 61, 62, 67, 69, 70, 78, 84, 85, 92, 94, 100, 110, 113, 116.

Record Comments: RC 5, 8, 9, 11, 17, 19, 21, 24, 25, 27, 30, 32, 33, 35, 36, 38, 39, 42, 43, 47, 50, 51, 57, 58, 60, 62, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: Reference proposals 17 and 20.

Opposition: Reference proposals 17 and 20.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.
Oppose: Naknek-Kvichak, Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No Action based on prior actions on proposals 17 and 20.

Substitute Language: None.

PROPOSAL 18 - 5 AAC 06.331. Gillnet specifications and operations. Allow multiple setnet permit use.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 2, 3, 4, 8, 9, 17, 21, 28, 31, 32, 36, 46, 50, 53, 55, 57, 60, 61, 62, 63, 67, 69, 78, 84, 85, 87, 92, 94, 100, 113, 116.

Record Comments: RC 5, 8, 9, 11, 17, 18, 19, 21, 24, 25, 27, 30, 32, 33, 35, 36, 38, 39, 42, 43, 46, 47, 50, 51, 57, 60, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Federal Subsistence Representative: None.

Support: Reference proposal 17.

Opposition: Reference proposal 17.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.
Oppose: Naknek-Kvichak, Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No action based on action taken on proposal 17.

Substitute Language: None.

PROPOSAL 19 - 5 AAC 06.331. Gillnet specifications and operations. Allow multiple setnet permit use.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 2, 3, 4, 8, 9 15, 16, 17, 21, 28, 31, 32, 36, 46, 50, 53, 55, 57, 60, 61, 62, 63, 67, 69, 70, 84, 85, 87, 92, 94, 100, 113, 116.

Record Comments: RC 5, 8, 9, 11, 17, 18, 19, 21, 24, 25, 27, 30, 32, 33, 35, 36, 38, 39, 42, 43, 46, 47, 50, 51, 57, 60, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: Reference proposal 17.

Opposition: Reference proposal 17.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.
Oppose: Naknek-Kvichak, Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No action based on action taken on proposal 17.

Substitute Language: None.

PROPOSAL 21 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. Allow use of 300 fathoms of drift gillnet gear with two stacked permits.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 8, 14, 16, 21, 31, 46, 50, 55, 62, 69, 70, 73, 82, 84, 91, 92, 94, 100, 106, 110, 116.

Record Comments: RC 5, 8, 9, 11, 17, -25, 27, 30, 32, 33, 35, 36, 38, 39, 42, 43, 47, 50, 57, 58, 60, 66.

Narrative of Support and Opposition:

Department: None.

Department of Law: Disagree with legal analysis provided with proposal; notes that it violates Grunert.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.

Oppose: Naknek-Kvichak, Nushagak, Iliamna.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 22 - 5 AAC 06.333. Requirement and specification for use of 200 fathoms of drift gillnet in Bristol Bay. When NRSHA Management Plan is in effect, drift gear is limited to 150 fathoms.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 21, 73, 106.

Record Comments: RC 5, 8, 9, 11, 17, 18, 21, 24, 25, 27, 38, 47, 51, 58.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Fishermen move to the Nushagak district when the NRSHA is open. 200 fathoms of gear impacts the allocation ratio in the Nushagak district.
- It was suggested that this proposal is fixing something that was overlooked in original dual stacking regulations.

Opposition:

- This proposal would be too restrictive.
- If one has a dual permit, they need to fish to cover expense of using dual permits.
- Everyone should sacrifice if the Kvichak is in trouble.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal. This proposal could result in confusion if NRSHA is put into effect during a drift gillnet fishing period in another district. In that event, dual permit vessels fishing 200 fathoms of gear would have to cease fishing or risk being cited.

AC Positions: Support: Nushagak.
Oppose: LBBAC.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 26 - 5 AAC 06.370(k)(1)(2). Registration and re-registration. Eliminate superexclusive status of Togiak District.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 21, 37, 46, 92, 116.

Record Comments: RC 4, 5, 8, 9, 11, 17, 18, 21, 23, 24, 25, 27, 39, 47, 51, 56, 61.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Togiak is a small fishery where dual stacking is not really appropriate.
- This is a small boat fishery and Togiak residents are unable to compete.
- Togiak is a late run with 30% of the catch after the 24th. When the exclusive clause goes away on the 24th, locals in Togiak are negatively impacted economically.

Opposition:

- The motivation behind this proposal comes from the actions of a few aggressive dual permit boats that travel over to Togiak at the end of the season. It is unfair to exclude all dual permit operations due to the aggressive behavior of a few.
- Potentially increase the number of boats fishing in Togiak.
- The Togiak salmon fishery is very small and faces a very different dynamic than the rest of Bristol Bay. For this reason, special regulations were established that limited the flow of vessels into and out of this district. This has functioned as it was intended and there is no reason to eliminate these regulations.

Committee member asks panel whether they would prefer an extended exclusive clause or the elimination of dual stacking in Togiak. Extended exclusive clause was preferred option. The department notes that a permit that was latent can be picked up by a boat that had been fishing other permit(s) and proceed to fish Togiak.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.

Oppose: Nushagak, LBBAC.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language:

5 AAC 06.370 (k) is amended to read:

(1) Togiak District may not take salmon in the Nushagak, Naknek-Kvichak, Egegik, or Ugashik District from 9:00 a.m. June 1 to 9:00 a.m. July 27;

(2) Nushagak, Naknek-Kvichak, Egegik, or Ugashik District may not take salmon in the Togiak District from 9:00 a.m. June 1 to 9:00 a.m. July 27; the department may waive the requirements of this paragraph after 9:00 a.m. July 21 if the department projects that the Togiak River escapement will exceed 175,000 sockeye salmon before 9:00 a.m. July 27.

PROPOSAL 23 - 5 AAC 06.331. Gillnet specifications and operations. Eliminate use of 200 fathom drift gillnets in Togiak District as follows:

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 37, 73.

Record Comments: RC 4, 5, 8, 9, 11, 17, 18, 21, 23, 24, 25, 27, 35, 38, 47, 51, 57, 58, 61.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: Reference proposal 26.

Opposition: Reference proposal 26.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: Naknek-Kvichak.
Oppose: Lake Iliamna, Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 24 - 5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. Eliminate permit stacking.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 16, 62, 70, 73, 92, 100, 106, 116.

Record Comments: RC 5, 8, 9, 11, 17, 18, 21, 23, 24, 25, 27, 35, 38, 43, 48, 51, 57, 58, 79.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Those with limited resources that only fish with one permit and 150 fathoms of gear are negatively impacted when having to compete with dual permits.

Opposition:

- Allows those with unfishable boats to still have the opportunity to harvest fish.
- Counterintuitive to current restructuring intent of removing boats and gear from the water.

Committee member asks whether removing dual stacking would draw permits back into the region. Panel expresses support for the status quo. While the status quo might move a few permits outside the region, it allows a permit holder without an operational boat to participate.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on this allocative proposal.

AC Positions: Support: None.

Oppose: Naknek-Kvichak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 25 - 5 AAC 06.370. Registration and reregistration. Delay registration. Once registered, permit holder must remain there until escapement goal is met.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 92, 106, 116.

Record Comments: RC 5, 8, 9, 11, 17, 21, 24, 25, 27, 35, 45, 47, 51, 58.

Narrative of Support and Opposition: Committee chair notes that this proposal is comprised of three parts (further language in this report such as support and opposition arguments that are specific to these sub-elements will be noted in parenthesis):

- (1) All districts will fish a fixed schedule until a date certain.
- (2) After the given date, boats must register in a district.
- (3) Once registered in a district, boats may not reregister until the escapement goal(s) are met in their departing district.

Department: Opposed to fixed fishing schedule in Nushagak because of Chinook. Do not like the idea of permit holders being locked in until escapement met.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- This proposal would encourage boats to get in the water early and be ready for an increase in abundance (1). Currently, boats wait on sidelines until the run develops. Date would have to be late enough (run developed enough) that fishermen will be able to make an informed decision. A date that is too early would force fishermen to make their first registration decision with no run information and thus, not encourage boats into the water early.
- Processors support this as a means to get boats in the water earlier in the season, and hence, early fish into their plants.

Opposition:

- Historically, early fishing was allowed without registration (a.k.a. 'free week'). Typically, boats would crowd the Ugashik District hoping to get the earliest fish migrating into the Bay. This concentration of effort at the geographic edge of Bristol Bay complicated management and was one reason that 'free week' was abolished.
- Potentially allows a concentration of effort in the Nushagak District. This might result in excessive pressure on the early migrating Nushagak River Chinook run.

- Concern by setnetters that this may push boats into Egegik and Ugashik Districts.

Committee chair asks for the department opinion with respect to this proposal, with specific reference to Nushagak Chinook harvest. Staff indicates that he views this as not really a problem as someone would have to take off their sockeye gear if Nushagak Chinook management is in effect, and that most fishermen wouldn't do this. No staff expressed reservation with this portion of proposal.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on the allocative aspects of this proposal. The department is opposed to limiting management flexibility by requiring a fixed fishing schedule of five to seven days weekly from June 1 into the last week of June. In some districts, management by emergency order to achieve escapement goals for sockeye and Chinook salmon is necessary well before the last week of June. While the department is ambivalent about the registration and transfer requirements, locking permit holders into a district from a date certain in the last week of June to a date when midpoint SEG goals are met poses a risk of lost harvest opportunity due to an inability to move permit holders among districts in response to variations in run strength.

AC Positions: Support: None.

Oppose: Naknek-Kvichak, Nushagak.

Public Panel Recommendation: Consensus to oppose (1); No consensus (2 and 3).

Board Committee Recommendation: No recommendation.

Substitute Language:

5 AAC 06.333(b) is amended to read:

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay

(b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department under 5 AAC 06.370 for the same district **indicating their intent to jointly operate gear**. The permit holders may not use a vessel for joint operations of drift gillnet gear unless that vessel is registered with the department under 5 AAC 06.370 for the same district as the permit holders. **Prior to termination of joint operation of drift gillnet gear under this section, both permit holders shall register the date and time of termination with the department under 5 AAC 06.370.**

5 AAC 06.370(a) and (h) are amended to read:

5 AAC 06.370. Registration and reregistration.

(a) Before taking salmon in Bristol Bay, each commercial salmon set gillnet or drift gillnet CFEC permit holder shall register for a district described in 5 AAC 06.20 **as follows:** [.]

(1) Each drift gillnet permit holder also shall register for the same district the drift gillnet vessel that the permit holder will be operating. Initial district registration is accomplished by completing a registration form provided by the department and returning the completed form to the department office in Dillingham or King Salmon or by completing a web-based online registration if a computerized registration opportunity is provided by the department. For the purposes of this section, a CFEC permit holder and a drift gillnet vessel may be registered in only one district at a time.

(2) Each drift gillnet permit holder who is registered for a district and who wants to switch to a different vessel in that same district must re-register indicating the substitute vessel that the permit holder will be operating. If the substitute vessel the permit holder will be operating is already registered to the same district and any requisite 48 hour notification period for the substitute vessel has been completed, then the permit holder may commence fishing as soon as re-registration is completed. If any requisite 48 hour notification period for the substitute vessel has not been completed at the time of re-registration, then the permit holder can only commence fishing on the substitute vessel after the notification period has been completed.

(h) From June 1 through September 30, an Area T CFEC salmon permit holder may use, to take salmon, only the vessel identified on the permit, unless the permit holder has registered, in person, at the department's King Salmon or Dillingham offices, or by completing a web-based online registration if a computerized registration opportunity is provided by the department to use another vessel. An Area T CFEC salmon permit holder on board an unregistered vessel is presumed to have been responsible for the salmon fishing operations of that vessel for that year.

5 AAC 06.370(a) is repealed and readopted to read:

(a) Beginning June 25, before taking salmon in Naknek-Kvichak, Egegik and Ugashik Districts each commercial salmon drift gillnet CFEC permit holder shall register for a district described in 5 AAC 06.200.

(1) in the Nushagak District, before taking salmon each commercial salmon set and drift gillnet CFEC permit holder shall register for that district;

(2) in the Togiak District, before taking salmon each commercial salmon drift gillnet CFEC permit holder shall register for that district;

(3) each drift gillnet permit holder also shall register for the same district the drift gillnet vessel that the permit holder will be operating; initial district registration is accomplished by completing a registration form provided by the department and returning the completed form to the department office in Dillingham or King Salmon;

(4) for the purpose of this section, a CFEC permit holder and a drift gillnet vessel may be registered in only one district at a time.

PROPOSAL 27 - 5 AAC 06.370(d). Registration and reregistration. Eliminate the 48 hour transfer between gear types in the same district.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 21, 30, 50, 68, 69, 92, 106, 116.

Record Comments: RC 5, 9, 8, 11, 18, 21, 23, 24, 36, 39, 58.

Narrative of Support and Opposition:

Department: Department feels there must be some break so that permit holders cannot fish both gear types simultaneously.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition:

- This proposal would restrict management.

Committee chair asks if department managers would view a change from 48 hour to a 24 hour period as restrictive. Staff indicates that the department would be fine with that change.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on the allocative aspects of this proposal. The department is not opposed to reducing the waiting period for switching between gear types, but is concerned that without any waiting period, a permit holder could fish both gear types at the same time.

AC Positions: Support: None.
Oppose: Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No action based on action taken on proposal 25.

Substitute Language: None.

PROPOSAL 28 - 5 AAC 06.370(d). Registration and reregistration Eliminate 48-hour transfer for gear type in the same SHA.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 50, 68, 69, 92, 106, 116.

Record Comments: RC 5, 8, 9, 11, 18, 21, 23, 24, 36, 47, 58.

Narrative of Support and Opposition: This proposal is very similar to proposal 27, but is specific to special harvest areas.

Department: Department notes that special harvest areas are designed to address different management problems.

Department of Law: None.

Federal Subsistence Representative: None.

Support: Reference proposal 27.

Opposition: Reference proposal 27.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on the allocative aspects of this proposal. The department is not opposed to reducing the waiting period for switching between gear types, but is concerned that without any waiting period, a permit holder could fish both gear types at the same time.

AC Positions: Support: None.
Oppose: Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No action based on action taken on proposal 25.

Substitute Language: None.

PROPOSAL 29 - 5 AAC 39.120(d), Registration of Commercial Fishing Vessels. Allow Area T permit in Alaska Peninsula Area, January 1 -- December 31.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 74, 116.

Record Comments: RC 5, 8, 9, 11, 18, 21, 24, 46, 51, 58.

Narrative of Support and Opposition:

Department: None.

Department of Law: This proposal would need CFEC review to ensure that it is consistent with Limited Entry Act.

Federal Subsistence Representative: None.

Support:

- There is historical precedence that this should be re-established. The fact that this fishery is best prosecuted by skiff should limit participation to locals and limit participation by non-local Area T fishermen.

Opposition:

- Historically, this was established in the regulation in order to provide harvest opportunity for Area T fishermen who were residents of the North Peninsula to participate in some small harvests closer to home after the main Bristol Bay season. It was disallowed after a while as it was felt that non-local Area T fishermen participation was crowding out locals.
- Potential intercept issue.

Committee chair indicates that the board will not address this issue at this BOF meeting, but will consider proposals at an area M meeting.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on the allocative aspects of this proposal. However, the department opposes the parts of this proposal that could dramatically increase the number of

boats fishing in some locations of Area M, specifically Outer Port Heiden and Ilnik sections. If adopted, this proposal would allow all drift gillnet vessels from Area T to fish in Outer Port Heiden Section, and also allow Area T drift and set gillnet permit holders to fish in the entire Ilnik Section beginning in August. Effort targeting local sockeye salmon stocks in these sections currently harvests the available surplus and a substantial increase in the number of boats will complicate management of the fishery. If adopted, this proposal could increase effort targeting Meshik River and late Bear River sockeye salmon and coho salmon runs of the North Peninsula.

This proposal may create complications with the Commercial Fisheries Entry Commission (CFEC) Limited Entry Act and would need to be consistent with the purposes of the Limited Entry Act. If the board adopts this proposal, CFEC would require a separate CFEC regulatory proceeding to determine if the new net registration area conforms to the intent of the Limited Entry Act and whether or not the proposed changes would have a substantial negative impact on existing entitlements in a limited entry fishery.

AC Positions: Support: Nushagak (support the concept, if not the specific language).
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No Action; will be deliberated at 2/10 Area M meeting.

Substitute Language: None.

PROPOSAL 30 - 5 AAC 39.120(d), Registration of Commercial Fishing Vessels. Allow Area T permit in Alaska Peninsula Area, January 1 – December 31.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 74, 116.

Record Comments: RC 5, 8, 9, 11, 18, 21, 24, 46, 51.

Narrative of Support and Opposition:

Department: None.

Department of Law: This proposal would need CFEC review to ensure that it is consistent with Limited Entry Act.

Federal Subsistence Representative: None.

Support: Reference proposal 29.

Opposition: Reference proposal 29.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on the allocative aspects of this proposal, but the department supports the opportunity to harvest salmon bound for Cinder River. However, these proposed changes may not be an effective way to harvest Cinder River salmon runs. Run timing of Cinder River Chinook and sockeye salmon stocks has typically peaked and is declining by mid July. Furthermore, there are difficulties fishing in Cinder River Lagoon and the logistical challenges of getting harvested fish to markets have limited fishing effort in the lagoon. Currently, the inner portion of Cinder River Section is already open to commercial salmon fishing on a weekly basis to Area M and Area T permits during June, and to Area M permits during June and July, and little or no fishing effort occurs during these times. To date, weekly fishing periods (2 ½ days per week) in the Cinder River Lagoon portion of the Cinder River Section has not proven to be effective at harvesting the Cinder River salmon runs. To effectively do so, it would be necessary to provide opportunity to harvest Cinder River salmon runs in the outer portion of the section.

This proposal may create some complications with the Commercial Fisheries Entry Commission (CFEC) Limited Entry Act and would need to be consistent with the purposes of the Limited Entry Act. If the board adopts this proposal, CFEC would require a separate CFEC regulatory proceeding to determine if the new net registration area conforms to the intent of the Limited Entry Act and whether or not the proposed changes would have a substantial negative impact on existing entitlements in a limited entry fishery.

AC Positions: Support: Nushagak (support the concept, if not the specific language).
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No Action; will be deliberated at 2/10 Area M meeting.

Substitute Language: None.

PROPOSAL 31 - 5 AAC 06.356. General District Salmon Management Plan. Allow fishing in General District.

Staff Reports: RC 3, Oral Tab 2 - 5, Written Tab 2 - 5.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 4, 15, 36, 50, 56, 58, 60, 62, 63, 69, 70, 72, 73, 78, 92, 104, 116.

Record Comments: RC 5, 8, 9, 11, 18, 21, 24, 27, 36, 42, 43, 47, 50, 51, 53, 58, 61.

Narrative of Support and Opposition:

Department: Department staff responded to several inquiries with respect to the state of our knowledge of stock mixing and our ability to solve stock identification problems with current genetic techniques. It was noted that the department has focused on the Port Moller test fishery as our best opportunity to glean information on separation of migrating stocks prior to entering the fishing districts. It would be cost prohibitive to attempt similar understanding across an area the size of the General District. Genetic data would not be available for inseason use.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- More access to the run early potentially increases harvest quality.
- Reduces potential of foregone harvest.
- If unable to get access to run early, may be faced with limits and suspensions.
- No mixed-stock issues.

Opposition:

- Potential allocation complications due to the fact that setnet operators are completely excluded.
- Great uncertainty exists with respect to the spatial and temporal distribution of stocks transiting the General District. This makes it impossible to manage harvests by stock in the General District. This creates potential problems with overharvest of stocks of concern.
- Borough tax problem.
- Increase exploitation rate of Kvichak stocks.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: The department is neutral on the allocative aspects of this proposal, but is opposed to the concept of a General District because of the non-terminal nature of the fishery and resulting implications to management of terminal districts.

AC Positions: Support: None.

Oppose: Nushagak, LBBAC, Iliamna.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

RC 82

Alaska Board of Fisheries
Committee Report

COMMITTEE C

Bristol Bay Management Plans
December 3, 2009

Board Committee Members:

1. Howard Delo *Chair
2. Karl Johnstone
3. Mel Morris

Alaska Department of Fish and Game Staff Members:

1. Tim Sands – Area Manager, CF
2. Slim Morstad – Area Manager, CF
3. Paul Salomone – Area Manager, CF
4. Tim Baker – Research Biologist, CF
5. Matt Jones – Assistant Area Manager, CF
6. Dan Gray – Management Coordinator, CF
7. Jeff Regnart – Regional Supervisor, CF
8. Bob Murphy – Area Manager, CF
9. Al Cain – Public Safety Liaison
10. Tracy Lingnau – Management Coordinator, CF
11. Katie Sechrist – Information Officer, CF
12. Sue Aspelund – Deputy Director, CF
13. Eric Volk – Chief Fisheries Scientist, CF
14. John Hilsinger – Director, CF
15. Lowell Fair – Regional Research Supervisor, CF
16. Andrew Munro – Fisheries Scientist, CF
17. Matt Miller – Management Coordinator, SF
18. Mike Mitchell – Attorney, Department of Law

Advisory Committee Members:

1. Randy Alvarez – Lake Iliamna AC
2. Abe Williams – Naknek-Kvichak AC
3. Hans Nicholson – Nushagak AC

Public Panel Members:

1. Larry Christensen – Bristol Bay Drift

2. Harlan Bailey – Kvichak Setnetters, Setnet
3. Robin Samuelson – BBEDC, Nush/Egegik Drift
4. Roland Briggs – Processor, Setnet
5. Myra Olson – Lake & Pen Borough
6. Warren “Buck” Gibbons – BBRA, Ugashik Drift/Set
7. Ralph Zimin – Self, Naknek-Kvichak Drift
8. Robert Heyano – Self, Nushagak Drift
9. Kim Rice – Self, Egegik Setnet
10. Claudia Anderson – Self, Egegik Setnet
11. Glen Wysocki – Koliganek, Setnet
12. Shannon Ford – Self, Setnet
13. Don Ward – Self, Setnet
14. Kurt Armstrong – Self / NAC, Setnet
15. Fred Marinkovich – AIFMA, Naknek Drift
16. Enrico Grossi – Self, Setnet
17. Eddie Clark – LBBAC
18. Stosh Anderson – Self, Nushagak Drift
19. Rod Meeks – Kvichak Setnetter’s Assn., Setnet
20. Will Bishop – Self, Egegik Setnet
21. Val Angasan – Self, General
22. Albert Ball – Self, Setnet
23. Frank Woods – Self, Togiak/Egegik Drift
24. Joe Chythlook – Self, Nushagak Drift
25. Fritz Johnson – Self, Nushagak Drift

Federal Subsistence Representative:

1. Rod Campbell – USFWS

The Committee met December 3, 2009 at 1:30 p.m. and adjourned at 5:00 p.m.

PROPOSALS BEFORE THE COMMITTEE WERE: (17 total) 32-48.

PROPOSAL 32 – 5 AAC 06.360 Naknek River Sockeye Salmon Special Harvest Area Management Plan. Allow 35 fathom set gillnet in NRSHA.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 15, 45, 57, 62, 67, 68, 78, 87, 99, 104, 106, 111.

Record Comments: RC 9, 11, 21, 45, 53, 55, 58.

Narrative of Support and Opposition:

Department: If allowed to use 50 fathoms of gear, there may be difficulties when removing additional gear from the water, creating enforcement issues.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- An additional 10 fathoms of gear would bring catch in line with harvest guidelines.
- Better chances to catch fish; less chance of overescapement.
- Support mainly because drift gear was increased due to overescapement; continuing overescapement supports additional gear for setnetters.
- Questions whether 10 fathoms is enough or could it be done through additional fishing time. An increase to 50 fathoms might work.
- If left in the water too long, gear may load up with fish and break anchor lines. Support for additional gear; need to be careful how it is done.
- 37.5 fathoms may work as additional gear; can cut 25 fathom gear in half and add on.
- Current regulations of 35 fathoms would be acceptable and would not interfere with the drift gillnets.
- Doesn't believe an additional 10 fathoms of gear would affect current allocation.
- Setnetters achieve their allocation towards the beginning of the season due to early run fish on the beach; therefore, manageable to achieve current prescribed allocations.
- Current regulations don't allow setnetters to leave gear in the water beyond 500 feet.
- Screw anchors would be very difficult to remove if had to be done on a regular basis.
- More work and economic benefit would be created for net hangers.

Opposition:

- Allowing additional setnet gear would create interference of operation of drift gillnet gear.

- Previous allocation was 84/16 split; now 80/20 split. Additional gear could reallocate current amount of fish away from drift to set gillnet.
- Makes sense to go to 37.5 fathoms; however, the increase in gear creates a significant increase in allotment of gear.
- Allowing additional set gillnet gear may increase setnet harvest enough to skew allocation so that it would take drifters longer to catch up on their allocation, while in the meantime, setnet gear would be out of the water.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral on the allocative aspects, but supports the use of additional gear.

AC Positions: Support: Lake Iliamna, Naknek-Kvichak.
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language:

5 AAC 06.360 NAKNEK RIVER SOCKEYE SALMON SPECIAL HARVEST AREA
MANAGEMENT PLAN (d) is amended to read:

(d) (1) no more than [25] 37.5 fathoms of set gillnet may be used to take salmon;

PROPOSAL 33 – 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan. Require removal of all setnet gear during drift gillnet periods in NRSHA.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 15, 57, 58, 62, 67, 94, 104, 106.

Record Comments: RC 9, 11, 21, 53, 55, 58.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Drifters would have more room with set gillnet gear removed from beach.
- Drifters need access to the entire area for fishing. This could be done if the language was changed, regulating how anchoring is defined.
- Drifters worried about safety issues during bad weather and don't want to get hung up on set gillnet gear.

Opposition:

- Setnetters do not want to have to spend additional time pulling gear after every period. Feels like set gillnet gear can be left in the water and "proofed" to limit gear snags with drift gear.
- Substantial effort taken to get gear (screw anchors) in; very difficult to remove and would be inefficient to pull after every period.
- Different anchors are used to tie up skiffs and it does not make sense to pull these anchors.
- The entire area does not need to be accessed by drift gillnetters as setnetters do not have access to fish center channels in the river. If drifters get more area, then setnetters should get additional fishing area.
- Pattern of fish entry in deeper channels should allow drift fishermen additional harvest without fishing closer to the beach.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.

Oppose: Naknek-Kvichak, Lake Iliamna.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 34 – 5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan. Change NRSHA allocation to 84% drift and 16% set gillnet.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 2, 3, 15, 28, 58, 67, 78, 87, 104, 106, 111.

Record Comments: RC 9, 21, 34, 45, 53, 55, 58.

Narrative of Support and Opposition:

Department: Discussed current plans, history of the fishery, and the difficulties that this may cause. Tides have a large impact on catches and management to meet allocation criteria.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Support because this proposal is tied to proposal 32. Drifters are losing salmon allocation which was at 84/16 and is now 80/20.
- Goes back to what the previous allocation was prior with 84/16 split; would hope that current plan could be altered to allow management to be flexible.

Opposition:

- Feels like the current 3:1 ratio is fair although drifters would like additional fishing.
- Very difficult to “catch up” on allocation for set gillnet gear.
- Alternating periods did not work concerning harvest between gear groups so changed to allocations.
- In 2007, fished 3:1 and met the current district allocation.
- Special harvest area works well for set gillnets and do not want to change the current allocation split.
- Capacity issue, reallocation may affect buyer restrictions, i.e., the drift harvest would increase, possibly flooding markets and processor capacity that may limit set gillnet harvest.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: Naknek-Kvichak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 35 – 5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan. Change ARSHA allocation to 84% drift and 16% set gillnet.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 2, 3, 15, 28, 57, 58, 67, 78, 87.

Record Comments: RC 9, 11, 21, 34, 53, 55, 58.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- None.

Opposition:

- Conservation issue; want to prevent overescapement.
- Processor limitations; may not want to send tenders that far to buy fish.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: No recommendation.

Substitute Language: None.

PROPOSAL 36 – 5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan. Change ARSHA allocation to 84% drift and 16% set gillnet.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 2, 3, 15, 27, 57, 67, 78, 87.

Record Comments: RC 9, 11, 21, 53, 55.

Narrative of Support and Opposition:

Department: Same as Proposal 35.

Department of Law: Same as Proposal 35.

Federal Subsistence Representative: Same as Proposal 35.

Support: Same as Proposal 35.

Opposition: Same as Proposal 35.

SSFP: Same as Proposal 35.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Same as Proposal 35.

Oppose: Same as Proposal 35.

Public Panel Recommendation: Same as Proposal 35.

Board Committee Recommendation: No action based on 35.

Substitute Language: None.

PROPOSAL 37 – 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. Allow concurrent openings for drift and set gillnet with offset start times.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 41, 78, 92, 94, 100, 106, 111.

Record Comments: RC 21, 53, 55.

Narrative of Support and Opposition:

Department: The department management strategy is to attempt to keep the allocation balanced between gear groups until near the midpoint of the run. After the midpoint, minor adjustments are possible with adjustments in fishing time; however, making up a large discrepancy in allocation becomes difficult as the volume of fish declines. Short ebb tide drift only periods were used as a guard against major escapement events.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Proposer stated knee-jerk reaction to management actions no longer applicable.
- Setnetters worried that they will sit on the beach because allocation is not being met. Not enough drift boats fishing to maintain current allocation since the fleet leaves and transfers to other districts and then can't catch up on allocation.
- More important to achieve the escapement goal than to maintain allocation.
- Setnetters don't want to limit ADF&G flexibility but want a few markets left to buy setnet fish.
- Allocation plan set up to give management maximum flexibility through allocation; the department has done great job.
- Set and drift gear alternate sitting on beach waiting for other to catch up, safety valves in all management plans. Drifters voluntarily agree to give up 1% of gross value for improvements in fisheries, setnetters did not opt to tax themselves.
- The intent of the current management plan allocation was not to punish anyone but to provide guidelines based on historical harvests. Did not foresee either group sitting on the beach; was written to support flexibility.

Opposition:

- Proposal may limit manager's flexibility.
- May affect the markets as very difficult to handle large numbers from the drift fleet, possibly cutting off setnet markets.

- When developed, it was not foreseen that concurrent fishing periods would occur.
- Understands how much work was done to develop the current management plan but does not want the fishery to be wide open. Department has done a good job managing this fishery.
- Some setnets would be dry.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral on the allocative aspects but opposed to aspects of this proposal that limit the flexibility of managers.

AC Positions: Support: None.

Oppose: Lake Iliamna had no comments on 37, but opposed to 38.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 38 – 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. Suspend allocation when fleet is less than 400 vessels or under limits.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 41, 57, 67, 84, 92, 94, 99, 100, 106.

Record Comments: RC 9, 11, 21, 52, 53, 55, 58.

Narrative of Support and Opposition:

Department: The department attempts to balance allocation until near the midpoint of the run and then tries to control escapement.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Setnetters worried that they will sit on the beach because allocation is not being met. Not enough drift boats fishing to maintain current allocation since the fleet leaves and transfers to other districts and then can't catch up on allocation.
- Set and drift gear alternate sitting on beach waiting for other to catch up, safety valves in all management plans. Drifters voluntarily agree to give up 1% of gross value for improvements in fisheries, setnetters did not opt to tax themselves.

Opposition:

- Proposal may limit manager's flexibility.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral on the allocative aspects but opposed to the aspects of this proposal that limit the flexibility of managers.

AC Positions: Support: Same as Proposal 37.
Oppose: Same as Proposal 37.

Public Panel Recommendation: Same as Proposal 37.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 39 – 5 AAC 06.365. Egegik District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan. Require removal of all set gillnet gear when closed to fishing.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, PC 9, 41, 64, 78, 84, 92, 94, 100, 105, 111.

Record Comments: RC 7, 9, 21, 53, 55.

Narrative of Support and Opposition:

Department: Removal of set gillnet gear is not necessary to manage escapement.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Trying to alleviate current issues of exceeding the escapement goal.
- Before the majority of the fleet fished Egegik or Ugashik, it was a gentlemen's fishery and most drifters worked with setnetters, staying away from setnet gear.

Opposition:

- Anchors have been left out for a long time and this has not been an issue until recently. Never intended in the allocation plan that setnet gear be removed.
- Would create a hardship on setnetters and may become an enforcement issue.
- Limits in the last 5 years have shortened setnet periods, which has limited harvests and fishing time, making it even more difficult to pull gear after every period.
- Part of the dynamics is that while drifting, activity drove fish into quiet waters, i.e., the setnet sites.
- Haven't had a problem fishing both gear types in the past.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 40 – 5 AAC 06.390. Special drift gillnet commercial fishing periods in the Nushagak District. Delete sunset clause for the dude fishing regulation.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 36, 56, 63.

Record Comments: RC 8, 9, 21, 25, 29, 37, 53, 55, 57.

Narrative of Support and Opposition:

Department: Currently, 90 fish are allowed to be harvested of which only 15 may be king salmon. This allows a short drift for education/instruction while taking conservative measures. If king salmon harvest was greater than expected, the fishery may not be allowed. Managers have emergency order authority to close or not open the fishery if requested. Setnet fishermen can participate outside of the “dude” fishery with a temporary crewmember license.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Extend the current fishery created to provide an additional economic opportunity.
- Like the idea and may be looking into it as a set gillnetter as an additional economic enhancement.
- Don't want to target king salmon during the sockeye fishery, but have had customer requests to participate earlier in the season.
- If accepted, the fishery could expand and benefit the local economy.
- This may also allow home pack to be taken without adversely affecting the king salmon run or subsistence fisheries.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Naknek supports Proposal 40; has concerns with Proposal 41.
Oppose: None.

Public Panel Recommendation: Consensus to support 40 and 41.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 41 – 5 AAC. 06.390. Special drift gillnet commercial fishing periods in the Nushagak District. Extend fishing season for dude fishery.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1.

Timely Public Comment: RC 1, Public Comment Tab, PC 36, 56, 63.

Record Comments: RC 8, 9, 21, 29, 37, 53, 55, 57.

Narrative of Support and Opposition:

Department: Same as Proposal 40.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Opening sooner would provide additional time to target tourists visiting prior to current regulations.
- Need to be cautious as there are many boats sitting on the beach prior to drift gillnet fishery begins that may participate in this fishery.
- 5½ inch mesh restriction would mitigate concern over king salmon harvest.

Opposition:

- Concern over impacts to subsistence fishing and homepack.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Same as Proposal 40.
Oppose: Same as Proposal 40.

Public Panel Recommendation: Same as Proposal 40.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 42 – 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan. Open WRSOA when Wood River escapement is projected over 700,000.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, PC 36, 63.

Record Comments: RC 8, 9, 21, 18, 37, 53, 55.

Narrative of Support and Opposition:

Department: Although this would be a tool to harvest excess fish, larger escapements into the Wood River may not necessarily be a bad thing. Notes that 2006 was an outlier concerning the Wood River run when additional fishing could have been used in the special harvest area.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Would support the concept. However, the escapement would have to be at the upper end prior to harvesting excess fish in the WRSOA.

Opposition:

- Opposes as has concerns for small king salmon stocks in the Muklung River.
- Only a few sites would economically harvest excess salmon and is not beneficial to most of the setnetters.
- If necessary to harvest additional Wood River sockeye salmon, do so outside the SHA in the Nushagak district prior to fish entering the Wood River.
- Inriver fisheries should not have been developed. Need to harvest excess fish when the value is the highest. Inriver fisheries tend to be a lower quality.
- There is current opportunity to harvest excess fish in the general area (Nushagak District).
- If this proposal is looked at in a positive manner, the projection should be at the higher end of the escapement goal and not 700,000.
- Creates pressure on the area manager as far as how and when the Wood River projection would be at the level to allow this fishery to occur.
- Although 2006 was a record large escapement, that year was an outlier and is not normal, therefore this proposal is not necessary.
- Substantial fear on the fishing pressure on king salmon moving into the Wood River drainage.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: Nushagak.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 43 – 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan. Allow June drift periods in WRSHA if escapement is over 100,000.

Staff Reports: RC 3, Oral Tab 2 and 7, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, PC 36.

Record Comments: RC 8, 9, 21, 37, 47, 53, 55.

Narrative of Support and Opposition:

Department: This proposal is designed to protect Nushagak king salmon when the king salmon run is late or weak. However, in an extreme situation the department could make adjustments to protect king salmon.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- None.

Opposition:

- Opposed because this should not be in the Wood River Special Harvest Area.
- Management tools in a separate management plan already provides additional fishing.
- Current plans are used proficiently and currently working, not needing any changes.
- King salmon conservation should be addressed in the Nushagak-Mulchatna Management Plan.
- Bottom line from opposition is that the current plan is working and does not need to be changed.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: Consensus to oppose.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

PROPOSAL 44 – 5 AAC 06.200: Fishing Districts, Subdistrict and Sections. Modify southern boundary of Naknek-Kvichak District.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 106, 116.

Record Comments: RC 9, 21, 47, 53, 55, 58.

Narrative of Support and Opposition:

Department: This proposal has been hashed out through numerous BOF meetings. The department's amended language is based on the historical line, describing the current fishing sections. The department would support a coordinate defined boundary that would satisfy needs of the public and department.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Support the amended language which makes sense.
- Supports some type of boundary which describes both the Kvichak and Naknek sections.
- Needs to be a GPS coordinate so that the current Naknek boundary intersects current line.

Opposition:

- Oppose as written.
- Some retail stores sell GPS units with preprogrammed Bristol Bay coordinates that may not be correct.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Oppose.

AC Positions: Support: Lake Iliamna AC supports with amended language under staff comments.
Naknek-Kvichak would support a coordinate that would provide a correction.
Oppose: None.

Public Panel Recommendation: No consensus as written.

Board Committee Recommendation: Consensus to support with substitute language.

Substitute Language: 5 AAC 06.200(b)(2) is repealed and readopted to read:

(2) Naknek Section: all waters of Kvichak Bay north and east of a line from 58° 36.77' N. lat., 157° 15.82' W. long. to 58° 38.50' N. lat., 157° 22.23' W. long. to the outer end of Libbyville Dock at 58° 46.76' N. lat., 157° 03.57' W. long., then along the dock to the shore.

PROPOSAL 45 – 5 AAC 06.200. Fishing districts, subdistricts, and sections. Modify Snake River Section boundary.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, PC 116.

Record Comments: RC 8, 9, 21, 37, 47, 53, 55.

Narrative of Support and Opposition:

Department: None.

Department of Law: None.

Federal Subsistence Representative: None.

Support: None.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: None.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 46 – 5 AAC 06.320. Fishing periods. Modify fishing periods for Kulukak Section.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, None.

Record Comments: RC 9, 53, 55.

Narrative of Support and Opposition:

Department: Currently uses emergency authority to close the fishery, shortening fishing periods. This proposal would place what has been done for many years into regulation. Providing something in regulation provides fishermen a predictable schedule.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Don't mind closing earlier because the king salmon returns may have declined and this would provide some protection.
- Shorter periods would be okay with fishermen in Kulukak as they go back to Togiak prior to the end of the fishing period anyway due to poor weather and safety issues concerning travel.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Support.

AC Positions: Support: Togiak.
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 47 – 5 AAC. 06.375(a). Landing requirements. Change landing requirements in Nushagak District.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, None.

Timely Public Comment: RC 1, Public Comment Tab, PC 36, 63.

Record Comments: RC 8, 9, 37, 53, 55.

Narrative of Support and Opposition:

Department: Department of Public Safety needs to see gear in the water in order to cite the illegal activity and for clarity in enforcement. Section at issue has been closed to fishing for a number of years. Not necessarily opposed, but may be an issue if you have fish on board with fish still in a gillnet and not in their holds. Department of Public Safety spoke in favor of this proposal.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Currently there is no tool to prove and issue citations for illegally caught fish and this would provide an enforcement tool so that citations could be issued.
- Perception that there are a number of fishermen fishing illegally in this area.

Opposition: None.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral.

AC Positions: Support: Nushagak
Oppose: None.

Public Panel Recommendation: Consensus to support.

Board Committee Recommendation: Consensus to support.

Substitute Language: None.

PROPOSAL 48 – 5 AAC 06.320. Fishing Periods. Modify fishing periods in the Ugashik District.

Staff Reports: RC 3, Oral Tab 2, Written Tab 2.

Staff Comments: RC 2.

Deliberation Materials: None.

AC Reports: RC 1, Advisory Committee Comment Tab, AC 1, 3.

Timely Public Comment: RC 1, Public Comment Tab, PC 74, 106.

Record Comments: RC 8, 37, 53, 55, 58.

Narrative of Support and Opposition:

Department: Portions of the area being discussed are now part of Area M and those fishermen are not required to register.

Department of Law: None.

Federal Subsistence Representative: None.

Support:

- Modification may support additional market sales and provide a better quality product.
- Is an attempt to provide a small market in order to keep the fishery viable.
- May be amenable to a change on the date that is currently being proposed.

Opposition:

- Other drift boats could not move to and fish in that area.
- Department needs to know where fish are being caught.
- Feels like the fishing periods should be concurrent.
- Current date does not seem reasonable; however, a different date may work.
- Feels like if passed, this proposal would cater to a single buyer.
- Oppose as written, but would support if there was a clause so that fishermen had the ability to transfer in and out of the districts.

SSFP: Not discussed.

POSITIONS AND RECOMMENDATIONS

ADF&G Position: Neutral. The department does not have resources to administer the registration program beyond July 17.

AC Positions: Support: None.

Oppose: Lake Iliamna, Naknek-Kvichak, Nushagak.

Public Panel Recommendation: No consensus.

Board Committee Recommendation: Consensus to oppose.

Substitute Language: None.

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ATTN: BOF Comments
Board Support Section
Alaska Dept. of Fish and Game

Sent Via Fax: 907-465-6094

Addressing Proposals 14 and 18:

Proposal 14:

Removal of all set net gear during drift only openers creates not only a hardship on the setnetters but also a danger. Some set netters have running lines which can take days to set up for the season, removing this for the drift openers could require days to reset; which could make the setnetter miss an opener or they could be working around the clock to get everything back which is very dangerous, i.e. lack of sleep, working in the dark, etc. Removing our inside (shore side) buoys would or could make us all miss our openers, as a lot of these buoys are tied on a screw anchor at a minus tide before the season starts and can not be reset. The only recourse we would have is to throw heavy anchors with a buoy to attach our nets. This can cause a lot of problems, especially with a large catch, the anchor will not hold, nets will drag into some else gear, causing damages, or loose the net and anchor. The next thing will be to have our skiffs removed – does it ever end. The negatives far out number the pluses on this proposal.

Karen Freeman
Doug Freeman
Ernest Pierce
Brad La Rock
Susanna La Rock

Proposal 18:

We back this proposal 100%, as we are in this situation. We have 5 family setnet permits – my father held one but is 92 years old and can no longer fish so the permit was transferred to another family member. Now I am 65 and my husband is 70 – we have no other family members to transfer these to. This fishing income was to supplement our retirement and was to be pass on up on our death. We have been fishing in Bristol Bay for 25 years and really hate to see it come to an end just because we can't transfer our permits to our sons (which hold permits now). With the 10% pittance we receive of the catch a one permit holder can not even cover the air fare, fuel, food, shipping, crew and gear costs we incur just to start fishing. This would be fair not only for the set netters but the drifters (proposal 20) as well as their expensive have increase also.

Karen Freeman
Doug Freeman
Ernest Pierce
Brad La Rock
Susanna La Rock

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PEDRO BAY CORPORATION
An Alaska Native Village Corporation

December 3, 2009

ADF&G Headquarters
1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526

Via fax: (907)465-6094

ATTN: Brendon

RE: Proposition 13

Dear Board of Fish,

I am Chairman of the Board of Pedro Bay Corporation. Pedro Bay Corporation is opposed to Proposition 13. We believe Proposition 13 is a threat to our economic future. Pedro Bay Corporation is an Alaska Native Corporation with our lands located at the eastern end of Lake Iliamna. Our 90,000 acres of land around the head of the lake include several major river systems and fish that are essential to our lives. Prop. 13 proposes to create a fish refuge that will negatively affect our lands, property interests and economic opportunities.

Shareholder Interests: Many of the Shareholders of Pedro Bay face enormous economic challenges: even during the best of economic times. A recent survey of our shareholders performed by The McDowell Group found that the average household (not person) earns \$36,000. 54% of our shareholders make less than \$30,000 a year and 39% live below poverty.

The same survey further found that 76% of our Shareholders would support resource development projects in the Lake Iliamna area, and that at least 71% of all business opportunities discussed were supported. Perhaps also worth mentioning is that 79% of our Shareholders live outside Pedro Bay region BUT that over half said they would move back if jobs and business opportunities were available. If Prop. 13 is adopted and followed by the Alaska Legislature those dreams of moving home would be forever shattered.

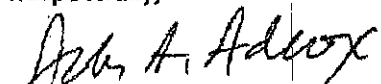
Stewards of the Land: We dispute the notion that someone else would be better stewards of our lands than our Native people that have lived there for many generations. We are fiercely loyal to our lands and all its abundant resources. Any initiative to the contrary would be sadly misguided.

Conclusion: We are a people and a region that desperately need economic development. We understand that any commercial development poses some inherent level of risk to land and people and that that risk must be carefully managed. We are also of the opinion that as the land owners we are much more qualified to make that decision than other entities, many with agendas that are not aligned with our best interests.

Letter to ADF&G
December 3, 2009
Page 2 of 2

In summary, this proposition, if made into law, would devastate our region and be tantamount to reeking economic holocaust on our people.

Respectfully,



John Adcox
Chairman, Pedro Bay Corporation

RC85

OFFICE OF LIEUTENANT GOVERNOR
CRAIG E. CAMPBELL



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The Alaska Constitution

State of Alaska » Lieutenant Governor » Alaska Constitution

The Constitution of the State of Alaska

Adopted by the Constitutional Convention February 5, 1958

Ratified by the People of Alaska April 24, 1958

Became Operative with the Formal Proclamation of Statehood January 3, 1959.

Article 8 - Natural Resources

§ 1. Statement of Policy

It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

§ 2. General Authority

The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

§ 3. Common Use

Whenever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield

Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

§ 5. Facilities and Improvements

The legislature may provide for facilities, improvements, and services to assure greater utilization, development, reclamation, and settlement of lands, and to assure fuller utilization and development of the fisheries, wildlife, and waters.

§ 6. State Public Domain

Lands and interests therein, including submerged and tidal lands, possessed or acquired by the State, and not used or intended exclusively for governmental purposes, constitute the state public domain. The legislature shall provide for the selection of lands granted to the State by the United States, and for the administration of the state public domain.

§ 7. Special Purpose Sites

The legislature may provide for the acquisition of sites, objects, and areas of natural beauty or of historic, cultural, recreational, or scientific value. It may reserve them from the public domain and provide for their administration and preservation for the use, enjoyment, and welfare of the people.

§ 8. Leases

The legislature may provide for the leasing of, and the issuance of permits for exploration of, any part of the public domain or ~~interest therein, subject to reasonable concurrent uses. Leases and permits shall provide, among other conditions, for~~ payment by the party at fault for damage or injury arising from noncompliance with terms governing concurrent use, and for forfeiture in the event of breach of conditions.

§ 9. Sales and Grants

Subject to the provisions of this section, the legislature may provide for the sale or grant of state lands, or interests therein, and establish sales procedures. All sales or grants shall contain such reservations to the State of all resources as may be required by Congress or the State and shall provide for access to these resources. Reservation of access shall not unnecessarily impair the owners' use, prevent the control of trespass, or preclude compensation for damages.

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tions on its taxing power just because it is legislating in an area that concerns natural resources. State v. Alex, 646 P.2d 203 (Alaska 1982).

Fish allocative regulation upheld. — Regulation promulgated by the Alaska Board of Fisheries allocating the number of chinook (king) salmon that

may be harvested by commercial seiners and gillnetters, commercial trollers, and sport fishers in southeast Alaska, did not violate any of the policies contained in Article VIII of the Alaska Constitution. Tongass Sport Fishing Ass'n v. State, 866 P.2d 1314 (Alaska 1994).

121 (Alaska 1975).
Alaska v. Chauvin, 521

, 703 P.2d 1158 (Alaska

the promotion and

provide for the general
.2d 524 (Alaska 1974).
son, 441 P.2d 27 (Alaska

ate Mtg. Ass'n, 387 P.2d
Inter-Tribal Council v.

welfare.

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for housing mortgages
delegation. Walker v.
P.2d 245 (Alaska 1966).
on, 441 P.2d 27 (Alaska

sa State Dev. Corp., 376
t v. Alaska State Mig.
1963); Alaska Inter-
.3d 947 (Alaska 2005).

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constitutional limits

Section 1. Statement of Policy. It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.

Opinions of attorney general. — Area licensing regulations have a reasonable relation to a conservation goal and therefore do not conflict with the state constitution. 1959 Op. Att'y Gen. No. 28.

AS 38.05.082 can be amended to limit the issuance of state tidelands leases for fisheries development to residents of Alaska. 1983 Op. Att'y Gen. No. 03.

NOTES TO DECISIONS

Legislative intent. — The provisions in this article were intended to permit the broadest possible access to and use of state waters by the general public. Wernberg v. State, 516 P.2d 1191 (Alaska 1973), rehearing denied, 519 P.2d 801 (Alaska 1974).

Purpose of article. — This article reflects the framers' recognition of the importance of Alaska's land resources and of the concomitant necessity for observance of legal safeguards in the disposal or leasing of state lands. Alyeska Ski Corp. v. Holdsworth, 426 P.2d 1006 (Alaska 1967).

General value of all lands acknowledged. — Although surface leasing may not bring as much revenue to the state as mineral leases, the state constitution expressly acknowledges as state policy the general value of all lands. Swindel v. Kelly, 499 P.2d 291 (Alaska 1972).

Proposed sale lease of coastal land. — Plaintiffs failed to meet their burden of showing that DNR's decision to support the state's offer of over one million acres of state-owned on-shore and off-shore land for lease for potential petroleum exploration and development was arbitrary, unreasonable, or an abuse of discretion, or in violation of this section or AS 38.05.035 of the Alaska Land Act. Kachemak Bay Conservation Soc'y v. State, 6 P.3d 270 (Alaska 2000).

Because DNR did not impermissibly phase its review of the proposed lease sale of over one million acres of state-owned on-shore and off-shore land for lease for potential petroleum exploration and devel-

opment, and because there was a reasonable basis for both DNR's best interests finding under the Alaska Land Act, and conclusive consistency determination under the Alaska Coastal Management Plan, the agency's actions were affirmed. Kachemak Bay Conservation Soc'y v. State, 6 P.3d 270 (Alaska 2000).

Unperfected claims to minerals. — Absent discovery, location, and recording, no property rights exist to the minerals within an unperfected claim. Ellis v. State, Dep't of Natural Resources, 944 P.2d 491 (Alaska 1997).

Borough ordinance imposing a three percent tax on the sale of all raw fish caught within the borough was a sales tax, not merely a measure for a severance tax on a natural resource. Liberati v. Bristol Bay Borough, 584 P.2d 1115 (Alaska 1978).

Applied in Brady v. State, 965 P.2d 1 (Alaska 1998), cert. denied, 526 U.S. 1026, 119 S. Ct. 1268, 143 L. Ed. 2d 363 (1999); Alaska Trademark Shellfish, LLC v. State, 172 P.3d 764 (Alaska 2007).

Quoted in Hammond v. North Slope Borough, 645 P.2d 750 (Alaska 1982); Baxley v. State, 958 P.2d 422 (Alaska 1998).

Cited in DeArmond v. Alaska State Dev. Corp., 376 P.2d 717 (Alaska 1962); Ault v. Alaska State Mtg. Ass'n, 387 P.2d 698 (Alaska 1963); Usibelli Coal Mine, Inc. v. State, Dep't of Natural Resources, 921 P.2d 1134 (Alaska 1996); Nimilchik Traditional Council v. Noah, 928 P.2d 1206 (Alaska 1996); Ellis v. State, Dep't of Natural Resources, 944 P.2d 491 (Alaska 1997).

Section 2. General Authority. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.

Opinions of attorney general. — Reading AS 38.05.070(b) as vesting local officials with complete control over policy formulation would probably render the Alaska Coastal Management Act unconstitutional under Alaska Const., art. VIII, § 2. May 12, 1980 Op. Att'y Gen.

AS 38.05.082 can be amended to limit the issuance of state tidelands leases for fisheries development to residents of Alaska. 1983 Op. Att'y Gen. No. 03.

NOTES TO DECISIONS

Legislative intent. — The provisions in this article were intended to permit the broadest possible

access to and use of state waters by the general public. Wernberg v. State, 516 P.2d 1191 (Alaska 1973),

RC87



Nunamta Aulukestai
'Caretakers of Our Lands'

P.O. Box 735
Dillingham, Alaska 99576
907-842-4404
nonnie@nushtel.net

Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

November 30, 2009

Re: Board of Fish Proposals – Bristol Bay

Dear Board of Fisheries:

I will separate my comments into two categories, those we support and those we oppose – in the hope that this will make them easier for the Board members to assimilate. My name is Terry Hoefflerle; I serve as Executive Director for Nunamta Aulukestai, “Caretakers of Our Lands”, a consortium of eight Alaska Native village corporations which are located in Bristol Bay, west of the Kvichak River. Fifty-seven percent (57%) of the households in our member villages currently have a commercial fisher in residence.

The proposals we support:

Subsistence: We support all three proposals. The skyrocketing cost of fuel with which to undertake subsistence fishing activities have made it essential for family groups to collaborate with each other in harvesting subsistence fish. For the same reason it is important for subsistence fishers to use the efficient means possible.

We support Proposals 1, 2, and 3.

Sport: **We support Proposal 9.** The areas identified are congregating or milling areas for migrating fish. Even/or perhaps especially catch and release is deadly for these fish.

Special Use: **We support Proposal 13.** Sixty-Seven percent (67%) of the 411 households recently surveyed in Bristol Bay support a Bristol Bay Fisheries Reserve. Both habitat protections and sound management are essential for the sustainable salmon runs the Alaska Constitution requires. The time is past when sound management alone will assure sustainable runs.

Salmon – Fishing Gear Specifications and Operations:

Permit Stacking: We are in favor of restricting the expansion of permit stacking on the grounds that permit stacking places local fishermen at a competitive disadvantage with respect to non-local nonresident

fishermen.

We support Proposals 22, 23, and 24.

The proposals we oppose:

Salmon:

Gear Operation: We oppose **Proposal 14** on the grounds that it places an unnecessary and undue burden on setnetters.

Vessels: We oppose **Proposal 15** on the grounds that it will place local fishermen at a competitive disadvantage. Their access to capital markets to upgrade their vessels are restricted by nature of being a Bristol Bay resident with less domestic collateral and less access to an income stream independent of the fishing industry.

Permit Stacking: We oppose all proposals that expand the practice of permit stacking for the reasons mentioned above.

We oppose Proposals 16, 17, 18, 19, 20, and 21.

Registration and Reregistration:

We oppose Proposal 27

We oppose Proposal 28

Baywide Management Plans: We oppose **Proposal 31** on scientific grounds. Discrete stock management is essential to maintain biodiversity in salmon stocks. A mixed stock fishery in Bristol Bay undercuts the very basis of a fishery that is sustainable in the long run.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Hoeffler". The signature is written in a cursive, flowing style.

Terry Hoeffler-Executive Director
Nunamta Aulukestai

RC88

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER
SOUTHCENTRAL REGION LAND OFFICE

SEAN PARNELL, GOVERNOR

550 WEST 7TH AVENUE, SUITE 900C
ANCHORAGE, ALASKA 99501-3577
PHONE: (907) 269-8503
FAX: (907) 269-8913

MEMORANDUM

TO: Through the Chairman, to the Alaska Board of Fisheries

FROM: Adam Smith (Natural Resource Manager II) Southcentral Leasing Unit
Raymond Keough (Natural Resource Manager I) Shore Fishery Leasing Unit

THRU: Richard Thompson (Natural Resource Manager III) Southcentral Regional Manager

DATE: December 4, 2009

SUBJECT: Bristol Bay Finfish Proposals (Proposed changes in regulations)

This memo provides the Alaska Board of Fisheries (BOF) with agency comments regarding the proposed changes to the Bristol Bay Finfish regulations, specifically relating to Proposals 14, 16-19.

Background: As manager of the state-owned tide and submerged lands, the Department of Natural Resources (DNR), issues Shore fishery Leases for commercial setnet fishing development. Obtaining a Shore Fishery Lease from DNR is not required, although with a lease the leaseholder has "first priority right" to use the site, and may exclude others from fishing their leased site, when they are physically present and fishing. Shore Fishery Leasing Regulations (11 AAC 64) direct the administration of the setnet leasing program. Within multiple sections of 11 AAC 64., DNR is directed to manage and administrate our program using the distances, gear and open fishing areas as established in the Alaska Department of Fish and Game (ADF&G) Commercial Finfish Regulations (5 AAC 03 – 5 AAC 39). Therefore proposals and changes in ADF&G Finfish regulations can have a direct affect on the administration of the DNR setnet leasing program.

Of the 2200 plus, commercial setnet fishing permits (Limited Entry) that have been issued statewide, there are over 1000 setnet leases authorized by DNR, and specifically administered by the Shore Fishery Leasing Unit. In Bristol Bay there are approximately 1000 setnet permits, of that about 120 are currently latent. Of these 1000 ADF&G permits, DNR manages 600 setnet leases in the waters of Bristol Bay.

Proposal 14. Require removal of all setnet gear during drift gillnet operations: The adoption of this proposal would most certainly have an impact on our setnet leasing program. Each setnet lease site is documented by a Shore Fishery Plat, which depicts the location of the leased tract and the neighboring net sites. To comply with the requirements of the program a lessee must personally fish his/her lease site at least every other year for at least four legal fishing periods during the

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

commercial season (11 AAC 64.180.). The proposed requirement for setnet fisherman to “remove all gear” during any and all driftnet fishing openings could cause displacement, through lessee’s not fishing their exact leased location as required by regulation. The implementation of this measure could create problems for the Shore Fishery Leasing Unit from a compliance standpoint. If nets were re-set in different locations, (through the re-setting requirements), it could have a “domino affect” up the beach, and create a situation where a lessee(s) cannot reset their gear in their exact leased location. We believe this measure would put increased demand on our program, through compliance and increased conflict related issues on the beach.

Proposals 16-19. Allow multiple permit use: We remain neutral on these proposals, although have comments.

Possible increases in new applications/amendments: As previously stated, many sections within Shore Fishery Leasing Regulations (11 AAC 64) are directed by the requirements set forth in ADF&G regulations (5 AAC 03 – 5 AAC 39). This is a sound relationship that has worked reasonably well since the 1960’s and creates consistency in both land and fisheries management. By allowing the use of multiple permits by an individual within the fishery could affect our program by increases in new applications and amendment, thus potentially creating an increase in revenue. An individual with two ADF&G Limited Entry Permits (LEP), may be able to obtain two separate leases with the maximum amount of net in the Bay, and fish each lease site every other year to satisfy the 11 AAC 64.180 Reasonable Utilization requirement.

Possible increases in protests and conflicts: With increases in new applications or amendments requests, DNR could see an increase in conflicts. As per AS 38.05.082 “If two or more applications are received for the same site, the director shall award the lease to the most qualified applicant”. This determination is based upon the four relevant criteria also contained in AS 38.05.082. The DNR, could also see an increase in protests submitted for new and pending applications, due to the potential for an individual to apply for a lease in an area, that has been traditionally used by another individual that cannot afford or had previously no interest in a leasing the site. As a result of increased conflicts the Unit would likely have to deal with increased workloads; including conflict resolution. Our current level of service and “turn-around” times on routine lease administration work would likely suffer.

Compliance issues: If an individual with two LEP’s was to obtain two separate leases, each containing the maximum amount of net as per ADF&G regulations, this could create increased DNR and ADF&G compliance related issues; through monitoring and enforcement of the 11 AAC 64.180 Reasonable Utilization requirements.

Summary: As documented above many proposed changes in area and/or statewide ADF&G Finfish Salmon regulations can directly affect the administration of the Shore Fishery Leasing Program. In summary we believe that the adoption of proposal 14 could have a negative impact on the administration of our leasing program; and although the pros and cons are outlined regarding proposals 16-19, we remain neutral. To the Board, thank you for the opportunity to comment on these proposals, we hope this memorandum has provided the Board with increased insight about the DNR Shore Fishery Leasing Program. For more information, please visit our website at: <http://www.dnr.alaska.gov/mlw/shore/index.htm> .

Attachments: AS 38.05.082. Leases for Shore fisheries Development
11 AAC 64 Shore Fisheries Leasing
http://www.dnr.alaska.gov/mlw/shore/sf_regs.htm

RC 89

BBEDC Annual Report 2008
Consolidated Statements of Financial Position

**BRISTOL BAY ECONOMIC
 DEVELOPMENT CORPORATION AND SUBSIDIARIES**

Consolidated Statements of Financial Position

December 31, 2008 and 2007

Assets	2008	2007
Current assets:		
Cash and cash equivalents	\$ 6,817,454	10,164,207
Investments in marketable securities	759,044	1,627,991
Trade Receivables	2,897,776	1,458,067
Receivable from sale of investment	11,123,490	-
Accrued interest	340,611	367,658
Prepaid expenses and other assets	94,640	37,481
Total current assets	<u>22,033,015</u>	<u>13,655,404</u>
Long-term assets:		
Promissory note receivable from affiliate	-	600,000
Investments in marketable securities	43,388,628	48,754,935
Investment in unconsolidated affiliates	54,137,724	54,822,183
Equity method goodwill	30,477,067	36,156,328
Investment in individual fishing quotas	14,642,228	14,642,228
Property, plant and equipment, net	4,723,551	3,251,981
Total long-term assets	<u>147,369,198</u>	<u>158,227,655</u>
	<u>\$ 169,402,213</u>	<u>171,883,059</u>
Liabilities and Net Assets		
Current liabilities:		
Accounts payable and accrued expenses	\$ 2,295,647	722,360
Deferred revenue	30,000	37,930
Community and business development fund awards	3,576,024	3,226,433
Notes payable	30,840	4,030,869
Total current liabilities	5,932,511	8,017,592
Notes payable less current portion	23,066,240	32,096,810
Total liabilities	<u>28,998,751</u>	<u>40,114,402</u>
Net assets	<u>140,403,462</u>	<u>131,768,657</u>
Commitments and contingencies	<u>\$ 169,402,213</u>	<u>171,883,059</u>

Audited Financial Statements Prepared by RTMC LLP

"Providing Opportunities... Accept the Challenge."



Annual Report
Page 21

Submitted by
Jason Kohlbase

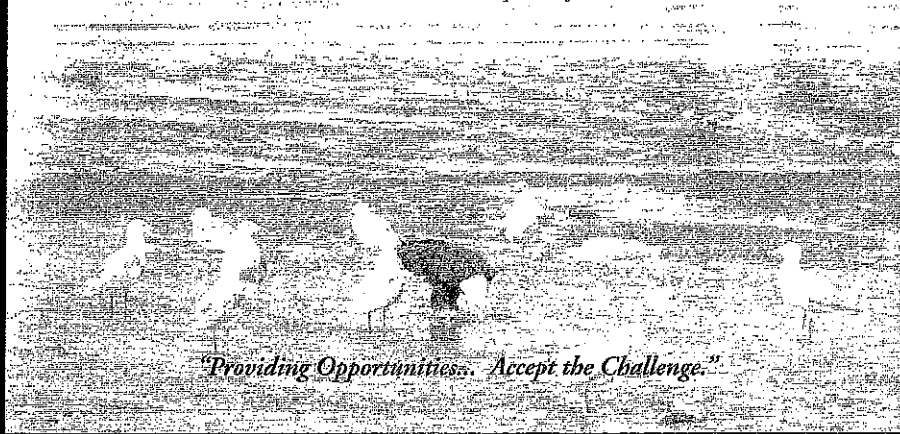
BBEDC Annual Report 2008
Consolidated Statements of Activity

**BRISTOL BAY ECONOMIC
 DEVELOPMENT CORPORATION AND SUBSIDIARIES**
 Consolidated Statements of Activities

Years Ended December 31, 2008 and 2007

Changes in unrestricted net assets:	2008	2007
Revenues and gains:		
Program revenue	\$ 12,611,347	14,768,161
Interest and dividend income	2,266,627	2,573,394
Net (loss) gain on investments	(9,478,004)	1,392,245
Loss on sale of unconsolidated affiliate	(40,762)	-
IFQ investment income	2,076,105	1,719,768
Grant revenue	250,043	244,525
Equity in income of unconsolidated affiliates	12,895,068	8,804,646
Other	325,548	277,770
Total unrestricted revenues and gains	<u>20,905,972</u>	<u>29,780,509</u>
Expenses:		
Program	9,562,386	7,555,260
Finance and administration	1,551,324	1,473,569
Total expenses	<u>11,113,710</u>	<u>9,028,829</u>
Increase in net assets before income taxes	9,792,262	20,751,680
Income tax expense	(1,157,457)	(267,668)
Increase in net assets	8,634,805	20,484,012
Net assets at beginning of year	131,768,657	111,284,645
Net assets at end of year	<u>\$ 140,403,462</u>	<u>131,768,657</u>

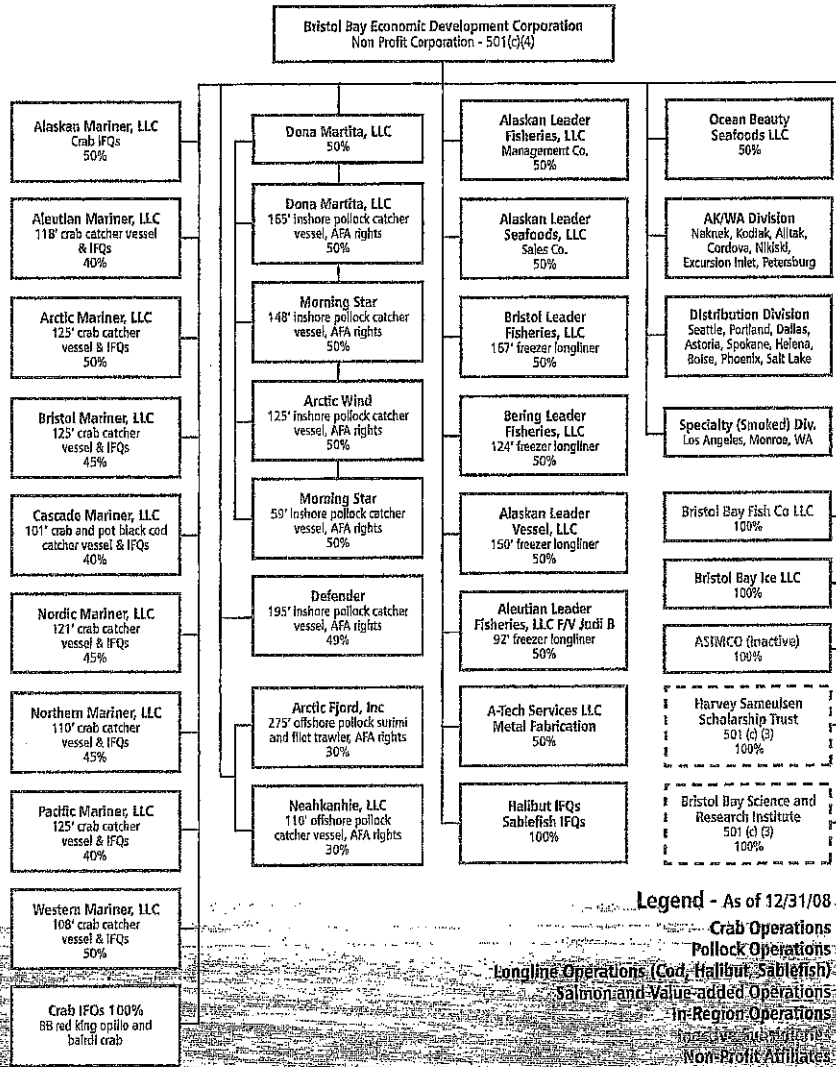
Audited Financial Statements Prepared by KPMG, LLP



"Providing Opportunities... Accept the Challenge."



BBEDC Annual Report 2008
Organizational Chart



Legend - As of 12/31/08

- Crab Operations
- Pollock Operations
- Longline Operations (Cod, Halibut, Sablefish)
- Salmon and Value-added Operations
- In-Region Operations
- Non-Profit Affiliates



Return of Organization Exempt From Income Tax

OMB No 1545-0047
2007
Open to Public Inspection

Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2007 calendar year, or tax year beginning 2007, and ending

B Check if applicable: Address change, Name change, Initial return, Termination, Amended return, Application pending. C Name of organization: BRISTOL BAY ECONOMIC DEVELOPMENT CORPORATION. D Employer identification number: 92-0142567. E Telephone number: (907) 842-4370. F Accounting method: Cash, Accrual, Other (specify).

Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations. H(a) Is this a group return for affiliates? Yes No. H(b) If "Yes," enter number of affiliates. H(c) Are all affiliates included? Yes No. H(d) Is this a separate return filed by an organization covered by a group ruling? Yes No.

G Website: N/A

J Organization type (check only one): X 501(c) (4) (insert no) 4947(a)(1) or 527

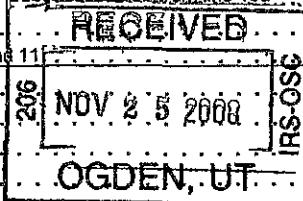
K Check here if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.

I Group Exemption Number. M Check if the organization is not required to attach Sch B (Form 990, 990-EZ, or 990-PF).

L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12 29,092,590.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions)

Table with 21 rows and 3 columns: Description, Amount, and Total. Rows include Contributions, Program service revenue, Membership dues, Interest on savings, Dividends, Gross rents, Other investment income, Gross amount from sales of assets, Special events, Gross sales of inventory, Other revenue, Total revenue, Program services, Management and general, Fundraising, Payments to affiliates, Total expenses, Excess or deficit, Net assets at beginning, Other changes, Net assets at end of year.



SCANNED DEC 31 2008

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2007)

Handwritten initials/signature

Return of Organization Exempt From Income Tax
Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

OMB No. 1545-0047
2006
Open to Public Inspection

Department of the Treasury
Internal Revenue Service

The organization may have to use a copy of this return to satisfy state reporting requirements

A For the 2006 calendar year, or tax year beginning 2006, and ending

B Check if applicable: Address change, Name change, Initial return, Final return, Amended return, Application pending.
C Name of organization: BRISTOL BAY ECONOMIC DEVELOPMENT CORPORATION
D Employer identification number: 92-0142567
E Telephone number: (907) 842-4370
F Accounting method: Cash, Accrual

Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

H and I are not applicable to section 527 organizations
H(a) Is this a group return for affiliates?
H(b) If "Yes," enter number of affiliates
H(c) Are all affiliates included?
H(d) Is this a separate return filed by an organization covered by a group ruling?

G Website: N/A

J Organization type (check only one): 501(c)(4)

K Check here if the organization is not a 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000

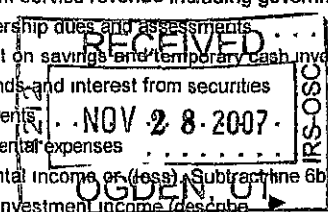
I Group Exemption Number

M Check if the organization is not required to attach Sch B (Form 990, 990-EZ, or 990-PF)

L Gross receipts Add lines 6b, 8b, 9b, and 10b to line 12: 23,418,663.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions)

Table with 21 rows and 4 columns: Description, Sub-rows, Revenue, Expenses, Net Assets. Includes lines 1-21 for revenue, 13-17 for expenses, and 18-21 for net assets.



SCANNED JAN 11 2008

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions.

Form 990 (2006)

Handwritten initials and date: 9/10/08

RC90

Comments on Bristol Bay Proposals for the Alaska board of Fisheries
December 2009

Claudia Anderson
PO Box 310
Kodiak, AK 99615
907-486-3673
claudiaa.ak@hotmail.com

Board Members:

I support Proposal 13.

All living creatures require habitat. Whole species die when for whatever reasons their habitat is gone. Whole rivers of fish have died off when their habitat was altered. No one meant for that to happen when dams were built or trees cleared or streams forded or fertilizer leached into the water. No one meant for the great salmon runs to die.

Numerous parables from the past address this current threat:

All that glitters is not gold,
A bird in the hand is worth 2 in the bush,
You can't have your cake and eat it too,
the story of the goose that laid the golden egg,
the King Midas story,
the Aesop dog who drops his meat to grab at its reflection in the water.

I do not know the traditional native stories but am sure that some of them also urge caution against greed.

The amount of money the rich mining interests can and have spread around is enormous. Their bait is tantalizing. Their voice is loud.

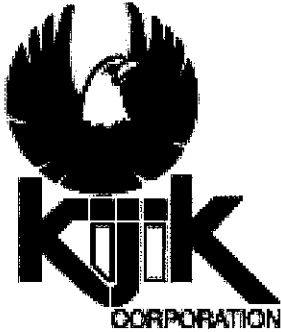
Please speak up for the habitat and support this proposal.

Sincerely,

Claudia Anderson

**Tentative list of agency reports for December 5, 2009 re Proposal 13
Alaska Board of Fisheries, Bristol Bay Finfish meeting, December 1-8, 2009**

- 1) Thomas Crafford (Department of Natural Resources) – Overview of the state's large mine permitting process
- 2) Allan Nakanishi (Department of Environmental Conservation) – Overview of water quality standards
- 3) Kerry Howard (Department of Fish and Game) – Overview of ADF&G role in permitting process
- 4) Richard Mylius (Department of Natural Resources) – Information on refuges



RC 92

December 3, 2009

Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811

Re: Proposal #13

Dear Board Members:

Please accept this letter as the written testimony of Kijik Corporation opposing Proposal #13 that we understand is now pending your consideration. Kijik Corporation, the ANCSA village corporation for the village of Nondalton, is opposed to Proposal #13, as we believe it to be ill defined, ill timed and ill advised.

It is *ill defined* insofar as lacking any defined boundaries that would allow the BOF to clearly understand the impacts of an action supporting the creation of a refuge. An uninformed decision of this nature could lead to significant collateral damage by way of adversely affecting market values of nearby or adjoining private land as well as precluding economic development potential unrelated to the proposal's target project.

It is *ill timed* recognizing that the project targeted by the proposal, Pebble, does not have a completed development plan by which to objectively assess project impacts much less judge the need for a refuge. There is no compelling evidence to support that existing regulations governing Pebble are in any way inadequate and should be augmented by the creation of a refuge. Moreover and to the understanding of Kijik, Pebble has yet to establish its own overall feasibility.

Lastly, it is *ill advised* inasmuch as the region of Alaska under consideration, Southwest Alaska, is already inundated with conservation related land use designations (>70%). A much stronger case than now afforded by Proposal #13 must be built to conclude that "more is better." Moreover and while Proposal #13 touts the protection of subsistence uses, refuge status does not always achieve this end. Refuge management tends to morph over time and subsistence use priorities erode in a manner marked by gradualism.



Your consideration of the concerns of Kijik Corporation is much appreciated.

Yours truly,

Ventura Samaniego
CEO
Kijik Corporation

Alaska Mine Permitting Process

Alaska Board of Fisheries
December 5, 2009

Tom Crafford
Mining Coordinator
Alaska Department of Natural Resources
Office of Project Management and Permitting

MAJOR POINTS

1. Multiple State & Federal agencies are involved – there is no single "Permit to Mine"
2. Regulations and Air/Water Quality Standards must be met – Monitoring is required
3. Mines must be reclaimed – Closure & Reclamation Plan is required
4. State requires financial assurance
5. The State has experienced regulators, involved during pre-permitting, permitting, operation, reclamation, and post-closure monitoring

PUBLIC is a BIG part of the process

State of Alaska Agencies
LARGE MINE PERMITTING TEAM (LMPT)

- ◆ Department of Natural Resources (ADNR)
(Lead State agency for mining projects – AS 27.05.010 & AS 38.05.020(b)(9))
 - Office of Project Management and Permitting
 - Division of Mining, Land & Water
- ◆ Department of Environmental Conservation (ADEC)
 - Division of Water
 - Division of Air Quality
 - Division of Environmental Health
- ◆ Department of Fish and Game (ADF&G)
 - Habitat Division
- ◆ Department of Health and Social Services (ADHSS)
- ◆ Department of Law (ADOL)
- ◆ Department of Commerce, Community and Economic Development (ADCED)
- ◆ Department of Transportation & Public Facilities (ADOTPF)

State of Alaska Regulatory Requirements

- ◆ Plan of Operations Approval (ADNR)
 - Reclamation and Closure Plan
- ◆ Solid Waste Permits and Bonding (ADNR)
- ◆ Certification of Clean Water Act NPDES and USACOE Permits
- ◆ Dam Safety Certification (ADNR)
- ◆ Fish Habitat and Fishway Permits (ADF&G)
- ◆ Reclamation and Bonding (ADNR)
- ◆ Air Quality Permits
- ◆ Water Rights (ADNR)
- ◆ Sewage Treatment System Approval
- ◆ Right of Way/Access (ADNR/ADOT)
- ◆ Cultural Resource Protection (ADNR)
- ◆ Monitoring Plan (Surface/Groundwater-Fish/Wildlife-Air) (ADF&G/ADNR)
- ◆ Coastal Zone Consistency Determination (ADNR)

Dam Safety Certification

Div. Of Mining, Land & Water,
Dam Safety Unit

- ◆ All dams (tailings and water storage) must be designed to State standards & Hazard classification
- ◆ Seismic standards
- ◆ Financial Assurance for long term care and maintenance

Technical Issues for Dams

- ◆ Site location and hazard potential
- ◆ Geology and seismicity
- ◆ Hydrology and hydraulics
- ◆ Structural integrity and slope stability
- ◆ Seepage control
- ◆ Operations and maintenance
- ◆ Emergency contingency planning

Mines Must be Reclaimed

RECLAMATION PLAN APPROVAL

- ◆ Reclamation and Closure Plan Approval required prior to start-up
- ◆ Minesite must be returned to a stable condition, compatible with the post-mining land use.
- ◆ Reclamation ≠ Restoration
- ◆ Financial Assurance (bond) must ensure State can do reclamation even if company cannot.

Reclamation Bond is based on a detailed cost estimate

Category	Quantity	Unit	Rate	Total Cost
Site Preparation	100	sq ft	1.00	100.00
Grading	500	cu yd	2.00	1000.00
Vegetation	1000	sq ft	0.50	500.00
Water Treatment	100	gpd	10.00	1000.00
Monitoring	100	hr	10.00	1000.00
Contingency	100	%	10.00	1000.00
Total				5000.00

Financial Assurance (Bond)

- ◆ Single Bond for combined ADNR & ADEC requirements
- ◆ Recalculated every 5 years
- ◆ How Much? Kensington is \$7.3 million, Red Dog calculated to be \$305 million
- ◆ What Mechanism? Most are Letters of Credit.
- ◆ Trust Fund allowed for long-term obligations
- ◆ Applies equally to US and non-US corporations

During Mine Operation

- ◆ Regular Inspections, Environmental Monitoring, Annual Reports and Annual Meetings
- ◆ Environmental Performance Audits by independent 3rd party, every 5 years
 - Permit modifications/renewals/reissuances
 - Financial Assurance adjustments
- ◆ Project webpage maintained with historical and current information

Public Notice
& Comment

Post Closure

- ◆ 30 years of post-closure monitoring

Federal Agencies

- ◆ US Environmental Protection Agency
- ◆ US Army Corps of Engineers
- ◆ US Fish and Wildlife Service
- ◆ NOAA-National Marine Fisheries Service
- ◆ Bureau of Land Management/U. S. Forest Service

MAJOR FEDERAL REGULATORY REQUIREMENTS

- ◆ US EPA CWA Section 402 NPDES Discharge Permit - NPDES → APDES Nov 2010 for mining
- ◆ US ACOE CWA Section 404 Dredge and Fill Permit
- ◆ US ACOE Section 106 Historical and Cultural Resources Protection
- ◆ NMFS Threatened and Endangered Species Act Consultation
- ◆ NMFS Essential Fish Habitat
- ◆ USFWS Threatened and Endangered Species Act Consultation
- ◆ USFWS Bald Eagle Protection Act Clearance
- ◆ USFWS Migratory Bird Protection

Federal National Environmental Policy Act (NEPA) Process

Environmental Impact Statement (EIS)

NEPA Process for EIS

A means for considering and evaluating alternatives
Not a permit

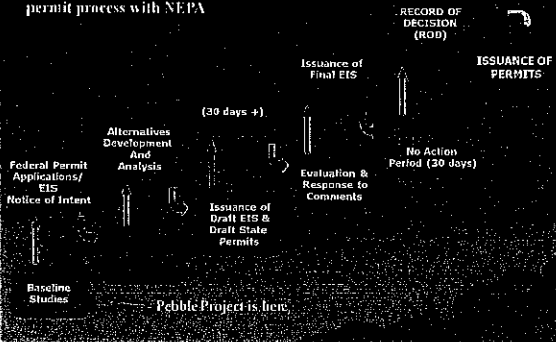
- Triggered by major federal action (Notice of Intent)
- Designation of Lead Federal Agency
 - Probably not EPA, but U.S. Army Corps of Engineers
- Selection of 3rd Party Contractor to manage the EIS

5 Components

- ◆ Scoping (delineation of issues)
- ◆ Draft EIS
- ◆ Public Comment
- ◆ Final EIS
- ◆ Record of Decision (ROD)

NEPA Process For EIS

State works to coordinate its
permit process with NEPA



Baseline Studies

- ◆ Surface Water Quality & Quantity
- ◆ Groundwater Quality & Quantity
- ◆ Aquatic Life (Includes Marine & Freshwater Fish, Invertebrates, etc.)
- ◆ Wildlife
- ◆ Wetlands
- ◆ Socioeconomics
- ◆ Subsistence
- ◆ Traditional Ecological Knowledge
- ◆ Cultural Resources
- ◆ Air Quality
- ◆ Meteorology
- ◆ Health Impact Assessment
- ◆ Visual Resources
- ◆ Noise

Pogo Example

- ◆ Agency Discussions and Baseline Studies Initiated in 1997
- ◆ Public input on Scoping 2000/2001
- ◆ Public Review of Draft EIS and Draft State Permits; Public Meetings, Spring 2003
- ◆ Final EIS Completed in October 2003
- ◆ State Permits Issued in December 2003

So, for Pogo, ~ 3 years of baseline studies followed by 3+ years of permitting

Public Participation

- ◆ Pre-Application meetings and outreach
- ◆ Environmental Impact Statement Process
 - Scoping (meetings, public notice) Required formal opportunities for public comment
 - Draft EIS (meetings, public notice)
 - Final EIS (public notice)
- ◆ Tribal Consultation (Government to Government)
- ◆ Open Communication (website, meetings, etc)

Summary

- ◆ Pre-application baseline studies consultation
- ◆ Understand what the issues are (Scoping) as early as possible - Public Process
- ◆ "DESIGN FOR CLOSURE"
- ◆ Technical review of mine plan and environmental data
- ◆ Coordination of public notice, hearings, public comments
- ◆ Determine and update financial requirements for reclamation and closure
- ◆ Ensure appropriate monitoring (air, water, fish, wildlife, reclamation success, etc)

Learn More At:

or

or contact

Tom Crafford, Mining Coordinator DNR/OPMP



Presentation to the Alaska Board of Fisheries

December 5, 2009

Allan S. Nakanishi, P.E.
Department of Environmental Conservation
Division of Water
Wastewater Discharge Program
Mining & Engineering Section

DEC Policy Statement

To conserve, improve, and protect its natural resources and environment and control water, land, and air pollution, in order to enhance the health, safety, and welfare of the people of the state and their overall economic and social well being

Regulatory Divisions of DEC

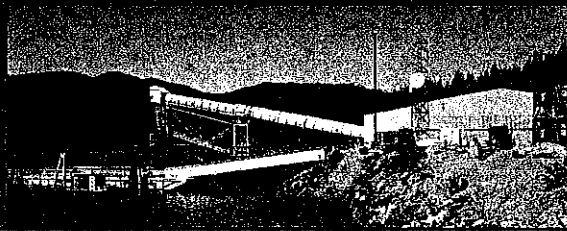
- ◆ Environmental Health
- ◆ Air Quality
- ◆ Spill Prevention and Response
- ◆ Water

Division of Environmental Health

- ◆ Solid Waste Program
 - Integrated Solid Waste Management Permit (e.g. tailings or waste rock)
- ◆ Drinking Water Program
 - Public Drinking Water Systems (e.g. domestic water)
- ◆ Food Safety Program
 - Regulates food preparation (e.g. camp dining facilities)

Division of Air Quality

- ◆ Air Permitting
 - Construction: New source permit.
 - Operation: Establishes monitoring and reporting terms after construction phase is completed.
- ◆ Permit typically covers:
 - ◆ Emission sources such as power plants
 - ◆ Fugitive dust from ore, tailings, and waste rock
 - ◆ Road dust within mine area and road corridors
 - ◆ Mill related emissions



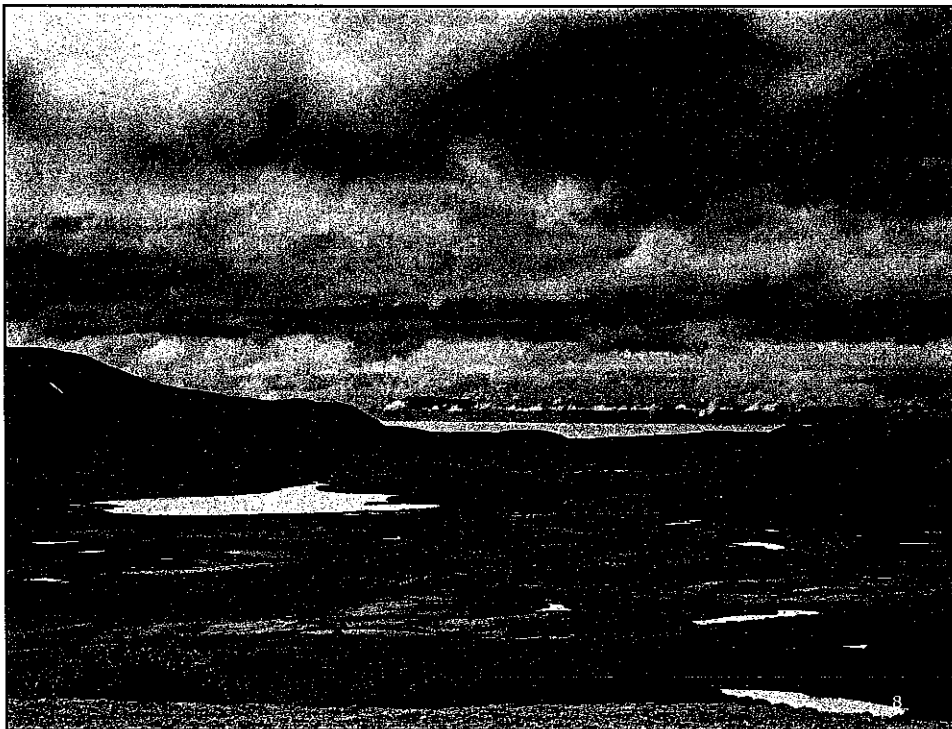
Division of Spill Prevention and Response

- ◆ Industry Preparedness Program
 - Oil Discharge Prevention and Contingency Plan
- ◆ Contaminated Sites Program
 - Oversight of cleanup activities
 - Risk Assessments (uncommon)



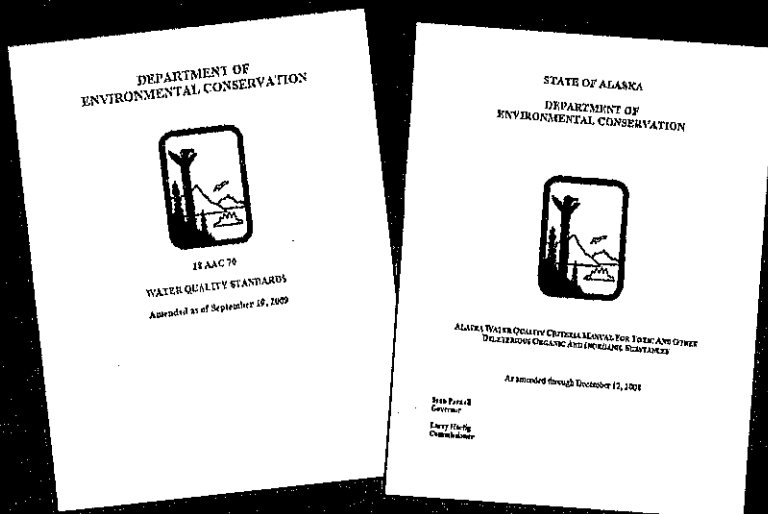
Division of Water

- ◆ Wastewater Discharge Authorization Program
 - CWA Section 401 Certification
 - Integrated Waste Management Permit
 - Storm Water Permit(s)
 - Domestic Wastewater Disposal System Approval
- ◆ Alaska Pollutant Discharge Elimination System (APDES) Program
 - Effective October 31, 2010.
 - State assumes NPDES permitting authority
 - Implementation
- ◆ Compliance Program
 - Inspections
 - Compliance Verification
 - Enforcement
- ◆ Water Quality Standards Program
 - Division WQ Standards Development
 - Guidance Development



Water Quality Standards

Recently Updated Water Quality Standards and "Toxics Manual"



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Classification of Waters (Protected Uses)

18 AAC 70.020.

- ◆ (1) **FRESH WATER**
 - (A) **water supply**
 - ◆ (i) drinking, culinary, and food processing;
 - ◆ (ii) agriculture, including irrigation and stock watering;
 - ◆ (iii) aquaculture;
 - ◆ (iv) industrial;
 - (B) **water recreation**
 - ◆ (i) contact recreation;
 - ◆ (ii) secondary recreation;
 - (C) **growth and propagation of fish, shellfish, other aquatic life, and wildlife;** and
- ◆ (2) **MARINE WATER**
 - (A) **water supply**
 - ◆ (i) aquaculture;
 - ◆ (ii) seafood processing;
 - ◆ (iii) industrial;
 - (B) **water recreation**
 - ◆ (i) contact recreation;
 - ◆ (ii) secondary recreation;
 - (C) **growth and propagation of fish, shellfish, other aquatic life, and wildlife;** and
 - (D) **harvesting for consumption of raw mollusks or other raw aquatic life.**

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Protected Uses and Water Quality Standards

- ◆ Most stringent water quality standard or criteria applies.
- ◆ All water in the State is protected for all uses of that water type (18 AAC 70.050), except:
 - Reclassified Waters listed in 18 AAC 70.230(e).
 - Site Specific Criteria – Department authorized reduction in water quality standard of a protected use category for a specific water body.
 - Waters with Site Specific Criteria are listed in 18 AAC 70.236(b).

Water Quality Standards for Designated Uses 18 AAC 70.020(b)

- ◆ Color
- ◆ Fecal Coliform bacteria
- ◆ Dissolved Gasses
- ◆ Dissolved Inorganics (TDS)
- ◆ Petroleum Hydrocarbons
- ◆ pH
- ◆ Radioactivity
- ◆ Residues (floating solids and sludge)
- ◆ Sediment (setttable solids)
- ◆ Toxics (manual adopted by reference)
- ◆ Turbidity

Register 191, October 2006 ENVIRONMENTAL CONSERVATION	
Water Quality Standards for Designated Uses	
(A) Water Supply (i) drinking, culinary, and food processing	May not exceed 5 nephelometric turbidity units (NTU) above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 25 NTU.
(A) Water Supply (ii) agriculture, including irrigation and stock watering	May not cause detrimental effects on indicated use.
(A) Water Supply (iii) aquaculture	May not exceed 25 NTU above natural conditions. For all lake waters, may not exceed 5 NTU above natural conditions.
(A) Water Supply (iv) industrial	May not cause detrimental effects on established water supply treatment levels.
(B) Water Recreation (i) contact recreation	May not exceed 5 NTU above natural conditions when the natural turbidity is 50 NTU or less, and may not have more than 10% increase in turbidity when the natural turbidity is more than 50 NTU, not to exceed a maximum increase of 15 NTU. May not exceed 5 NTU above natural turbidity for all lake waters.
(B) Water Recreation (ii) secondary recreation	May not exceed 10 NTU above natural conditions when natural turbidity is 50 NTU or less, and may not have more than 20% increase in turbidity when the natural turbidity is greater than 50 NTU, not to exceed a maximum increase of 15 NTU. For all lake waters, turbidity may not exceed 5 NTU above natural turbidity.
(C) Growth and Propagation of Fish, Shellfish, Other Aquatic Life, and Wildlife	Same as (12)(A)(ii).

Water Quality Standards for Toxics

Pollutant CAS Number	Type of Pollutant	Drinking Water?	Stock water?	Irrigation Water?	Aquatic Life for Fresh Water		Aquatic Life for Marine Water		Human Health for Consumption of Water: Aquatic Organisms Only		References*	
					Acute (CAC)	Chronic (CCC)	Acute (CAC)	Chronic (CCC)	Acute	Chronic		
Antimony 7440160		DRUG	6	—	—	—	—	—	11	1,310	Drinking Water: 5-AAC 32-5000 Human Health: 57 FR 63544 59 FR 11 082 EPA 406-5-34-023 EPA 322-2-59-001	
Arsenic 7440182		DRUG	10 ¹²	50	100	340 (1-hr exp) ¹¹ disclosed 4.16.11	380 (4-day exp) ¹² disclosed 4.16.11	69 See Appendix B (1-hr exp) ¹¹ disclosed 4.16.11	36 See Appendix D (4-day exp) ¹² disclosed 4.16.11	—	—	Drinking Water: 5-AAC 32-5000 Human Health: 57 FR 63544 59 FR 11 082 EPA 406-5-34-023 EPA 322-2-59-001 EPA 322-2-59-002 EPA 322-2-59-003 EPA 322-2-59-004 EPA 322-2-59-005 EPA 322-2-59-006 EPA 322-2-59-007 EPA 322-2-59-008 EPA 322-2-59-009 EPA 322-2-59-010 EPA 322-2-59-011 EPA 322-2-59-012 EPA 322-2-59-013 EPA 322-2-59-014 EPA 322-2-59-015 EPA 322-2-59-016 EPA 322-2-59-017 EPA 322-2-59-018 EPA 322-2-59-019 EPA 322-2-59-020 EPA 322-2-59-021 EPA 322-2-59-022 EPA 322-2-59-023 EPA 322-2-59-024 EPA 322-2-59-025 EPA 322-2-59-026 EPA 322-2-59-027 EPA 322-2-59-028 EPA 322-2-59-029 EPA 322-2-59-030 EPA 322-2-59-031 EPA 322-2-59-032 EPA 322-2-59-033 EPA 322-2-59-034 EPA 322-2-59-035 EPA 322-2-59-036 EPA 322-2-59-037 EPA 322-2-59-038 EPA 322-2-59-039 EPA 322-2-59-040 EPA 322-2-59-041 EPA 322-2-59-042 EPA 322-2-59-043 EPA 322-2-59-044 EPA 322-2-59-045 EPA 322-2-59-046 EPA 322-2-59-047 EPA 322-2-59-048 EPA 322-2-59-049 EPA 322-2-59-050 EPA 322-2-59-051 EPA 322-2-59-052 EPA 322-2-59-053 EPA 322-2-59-054 EPA 322-2-59-055 EPA 322-2-59-056 EPA 322-2-59-057 EPA 322-2-59-058 EPA 322-2-59-059 EPA 322-2-59-060 EPA 322-2-59-061 EPA 322-2-59-062 EPA 322-2-59-063 EPA 322-2-59-064 EPA 322-2-59-065 EPA 322-2-59-066 EPA 322-2-59-067 EPA 322-2-59-068 EPA 322-2-59-069 EPA 322-2-59-070 EPA 322-2-59-071 EPA 322-2-59-072 EPA 322-2-59-073 EPA 322-2-59-074 EPA 322-2-59-075 EPA 322-2-59-076 EPA 322-2-59-077 EPA 322-2-59-078 EPA 322-2-59-079 EPA 322-2-59-080 EPA 322-2-59-081 EPA 322-2-59-082 EPA 322-2-59-083 EPA 322-2-59-084 EPA 322-2-59-085 EPA 322-2-59-086 EPA 322-2-59-087 EPA 322-2-59-088 EPA 322-2-59-089 EPA 322-2-59-090 EPA 322-2-59-091 EPA 322-2-59-092 EPA 322-2-59-093 EPA 322-2-59-094 EPA 322-2-59-095 EPA 322-2-59-096 EPA 322-2-59-097 EPA 322-2-59-098 EPA 322-2-59-099 EPA 322-2-59-100
		7 million liters									Drinking Water:	

State Wastewater Discharge Permits



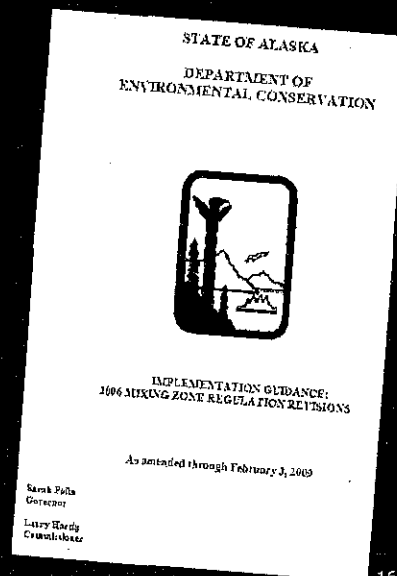
State vs. Federal Discharge Permits (Mine Facilities)

- ◆ Discharge to Surface Water -> Federal Permit (Before 10-31-2010)
 - Federal NPDES permit typically required by EPA
 - State certifies that the NPDES permit meets State WQS
 - Integrated Waste Management Permit
 - Designed to discharge to the environment
 - Direct hydraulic connection to surface water
 - Usually incorporates treatment prior to discharge
 - Mixing zone in receiving water typically necessary
- ◆ Discharge to Surface Water -> State Permit
 - Alaska Pollutant Discharge Elimination System (APDES) required by State in place of NPDES permit.
 - Integrated Waste Management Permit
- ◆ "Zero Discharge" to Surface Water -> State Permit
 - Integrated Waste Management Permit
 - Facility is designed to contain all water
 - No or "zero" discharge to environment
 - No direct hydraulic connection to surface water

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Mixing Zones

- ◆ Defined in Water Quality Standard Regs 18 AAC 70.990(38).
- ◆ Are part of most permitted discharges to surface water.
- ◆ Required to be as "small as Practicable" 70.240(k)
- ◆ Can apply to both domestic and industrial discharges.
- ◆ May not preclude or limit existing uses of the water body.
- ◆ Not authorized in a spawning area for anadromous salmon and other specified fish resources.



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Example Water Monitoring Required in ADEC Large Mine Permit

- ◆ Groundwater and surface water monitoring to ensure that facility is operating as no-discharge (chemical and physical)
- ◆ Process water monitoring
- ◆ Tailings solids monitoring
- ◆ Waste rock monitoring
- ◆ Biological monitoring
- ◆ Upstream and downstream water monitoring

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ADEC Integrated Waste Management Permit

- ◆ Integrates
 - 18 AAC 60 – Solid Waste Management
 - 18 AAC 70 – Water Quality Standards
 - 18 AAC 72 – Wastewater Disposal
- ◆ Typical Wastes Managed
 - Tailings
 - Waste Rock
 - Garbage/Sewage sludge
- ◆ Potential Contaminants Controlled
 - Acid Rock Drainage/Metals Leaching
 - Process Chemicals
- ◆ Primary Focus of Protection
 - Surface Water
 - Groundwater

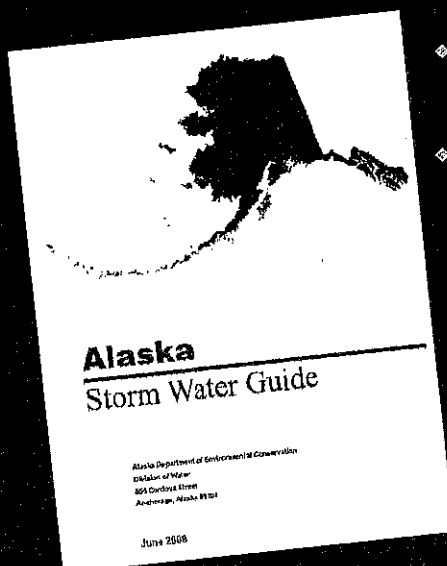
18

Integrated Waste Management Permit

- ◆ Reviews applications
 - Plan of Operations
 - Monitoring Plan
 - Baseline Data Collection Plan
 - Reclamation and Closure Plan
 - Financial Assurance (bonding)
 - Wastewater Plan Reviews
 - Storm Water Pollution Prevention Plan (SWPPP)
 - Waste Characterization and Handling Plan
 - Design and Construction Documents
 - Hydrology, Geochemistry Analysis, Mass Load Modeling, etc.

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Storm Water Discharge Permits



- ◆ Storm Water Pollution Prevention Plan (SWPPP) Reviews
- ◆ Storm Water General Permits
 - Construction General Permit (CGP): Construction General Permit for Discharges from Construction Activities
 - Multi-Sector General Permit (MSGP): Authorizes certain industrial discharges with specific requirements and limitations

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ADEC Role in the Large Mine Permitting

- ◆ National Environmental Policy Act (NEPA) process as applicable;
- ◆ Conducts public meetings and public hearings;
- ◆ Reviews baseline data collection plans;
- ◆ Inter-agency review of mine planning documents such as:
 - Monitoring Plan
 - Reclamation and Closure Plan
 - Plan of Operations
- ◆ Issues environmental permits for large mines;
- ◆ Approves in financial responsibility/financial assurance evaluations.

Contact Information

- ◆ Division of Water, Wastewater Discharge Program
 - Sharmon Stambaugh, Water Quality Programs, 907 269-7565
 - Sharon Morgan, APDES Program, 907 465-5530
 - Nancy Sonafrank, Water Quality Standards, 907 451-2726
 - William Ashton, P.E., Storm Water, 907 269-6283
 - Chris Foley, Compliance Program, 907 465-5257
 - Allan Nakanishi, P.E., Mining & Engineering, 907 269-4028
- ◆ Division of Environmental Health
 - Solid Waste – Bob Blankenburg, P.E., Program Manager, 907 269- 7581
 - Drinking Water – James Weise, Program Manager, 907 269-7647
 - Food Safety and Sanitation – Ron Klein, Program Manager, 907 269-7501
- ◆ Division of Air Quality
 - Air Permits Program - John Kuterbach, Program Manager, 907 465 5103





ADF&G's Role in Large Project Review

Kerry Howard, Director
Division of Habitat

ADF&G / Habitat Legal Authority

THE FISHWAY ACT - AS 16.05.841

Fish Habitat Permit required if Habitat determines that activities could represent an impediment to the efficient passage of fish.

ANADROMOUS FISH ACT - AS 16.05.871 and 5 AAC 95.011

All activities that could impact a specified anadromous waterbody, as identified in the Anadromous Waters Catalogue, require approval from Habitat.

SPECIAL AREAS - 5 AAC 95 and AS 16.20

Habitat permits land and water use activities (excluding hunting, trapping, and fishing) in Special Areas. Certain Special Areas also have management plans with established policies regarding allowable activities.

General Habitat Permitting Process



ADF&G's Role in Large Project Evaluation

Large projects have the potential to result in long-term or permanent change to fish and wildlife habitat.

ADF&G staff work with the applicant and other agencies to ensure the project is designed to avoid or minimize impacts to resources of the state.

This requires evaluation of all information available and identification of additional information needs to conduct a thorough analysis of the proposed project and project alternatives.

There are five phases to large projects:

- Pre-project scoping and fish and wildlife studies;
- Permitting;
- Project construction and monitoring;
- Project operation and monitoring; and
- Post-project site reclamation or restoration.

ADF&G's Role in the Pre-Project Phase

Large projects typically undergo review to define the scope of the project.

Scoping allows state and federal agencies the opportunity to become familiar with the project purpose/need, timelines, and potential impacts and alternatives.

By conducting pre-permitting review, the applicant becomes aware of specific information that regulatory agencies need to issue permits and apprises them of possible resource issues.

ADF&G's Role in Pre-Project Phase (cont.)

The Habitat Division acts as the liaison between the applicant and all potentially affected Divisions within ADF&G.

Applicant and Habitat coordinate and consult with the Wildlife Conservation, Subsistence, Commercial Fish, and Sport Fish Divisions to avoid and/or minimize impacts to fish, wildlife, and subsistence resources.

Mitigation means measures which must be undertaken by an applicant to avoid, minimize, rectify, reduce, or compensate for potential adverse impacts to fish or fish habitats resulting from a proposed use or activity.

ADF&G's Role - Pre-Project Phase (cont.) Baseline Studies

Typically large projects require considerable baseline data to characterize the existing conditions at the site.

Types of data collected specific to fish and game:

- Fish distribution and abundance;
- Wetland delineation;
- Wildlife distribution and migration patterns; and
- Water quality and quantity.



ADF&G's Role - Pre-Project Phase (cont.)

Baseline data are compared with the proposed project purpose to identify possible avoidance and minimization measures and to see if further baseline collection is needed.

ADF&G works with the project proponent to incorporate these measures into the project design.



ADF&G's Role - Pre-Project Phase (cont.)

Avoidance and minimization measures can include:

- The use of bridges instead of culverts at fish stream crossings;
- Development of road corridor alignments that minimize stream crossings;
- The use of sediment controls to reduce sediment input into streams;
- The use of native plants to stabilize ground disturbances;
- Use of timing windows to avoid activities during sensitive life stages of fish and wildlife;
- Setbacks or buffers from streams or lakeshores;
- Avoidance of areas identified as being especially sensitive to disturbance; and
- The use of fish screens on water intakes.

ADF&G's Role - Pre-Project Phase (cont.)



Baseline studies can also identify mitigation opportunities to offset any project impacts that can not be avoided or minimized.

Examples of mitigation projects that may be appropriate for large projects include:

- Construction of wetland complexes;
- Construction of overwintering habitat;
- Construction of spawning channels in impacted streams;
- Construction of off-channel habitat such as backwater habitat and side channels;
- Riparian planting of native species;
- Clean-up of old abandoned sites in the area;
- Removal of stream blockages to enhance fish passage; and
- Bank stabilization.

Potential ADF&G Permits - Pre-Project Phase (cont.)

ADF&G may issue permits associated with baseline data collection, including:

- Division of Habitat Fish Habitat Permits for water withdrawals, stream crossings of equipment, stream gages, etc.; and
- Fish Resource Permits issued by the Divisions of Sport Fish and Commercial Fish for collection of freshwater and marine fish for development of baseline fisheries data.



ADF&G Project Permitting

- Activities associated with large project development that would typically require permits from the ADF&G include:
 - Fish Habitat Permits from the Division of Habitat addressing:
 - Construction of fish barriers (i.e., dams);
 - Flow reduction;
 - Stream crossings associated with road and pipeline construction (bridges, culverts, buried pipelines, etc.);
 - Water withdrawal and intake structures;
 - Stream re-alignment; and
 - Instream mitigation projects.
 - Fish Resource Permits from the Sport Fish and Commercial Fish Divisions associated with project monitoring.

ADF&G Project Permitting (cont.)

Habitat is notified of a project typically from the applicant, the ACMP, or OPMP.

Large Projects within the Coastal Zone require ACMP review. The Coastal Project Questionnaire submitted by the applicant identifies permits required for the project.

The Division of Habitat participates in an ACMP review by providing comments of whether the project is consistent with ACMP standards and policies.

ADF&G Project Permitting (cont.)

When evaluating large projects, Habitat must consider project site development, as well as infrastructure that supports site development such as:

- Roads, runways, power generation and transmission facilities, dock and port facilities, gravel or rock quarries, water sources, and overburden waste rock and solid waste disposal sites.

Depending on project elements and the affected resources, applicants will need Fish Habitat and/or Special Area Permits with appropriate stipulations to protect fish, wildlife, and their habitats.

ADF&G Involvement in Project Construction and Monitoring

Once all permits are in place, construction activities begin.

During construction, site inspections are scheduled, as needed, to ensure that permit stipulations are followed.

Changes to the project design are discussed to determine if amendments to Fish Habitat or Special Area Permits are necessary.

ADF&G role in Project Monitoring

Monitoring studies are conducted, as needed, to assess impacts from construction or operations.

Monitoring studies may also be adaptable as new information becomes available.

Monitoring studies also inform regulators about compliance with permit stipulations and may identify additional avoidance, minimization, or mitigation measures to integrate into the project.



ADF&G's Role in Reclamation / Restoration Activities

Reclamation efforts for large projects can begin while the project is still operational.

Reclamation/restoration may involve water management, erosion control, re-grading and re-vegetation, or site-specific mitigation or restoration projects.

ADF&G is typically involved in site inspections and monitoring studies to evaluate the effectiveness of the mitigation and restoration.



Conclusion

ADF&G's involvement in large projects is continuous from project inception through final closure.

Habitat's role in large project review is to ensure a proposed project is developed, operated, and maintained in such a manner as to avoid, minimize, or mitigate potential impacts to the fish and wildlife resources of the state.

Habitat monitors large projects during all phases of review to: gather fish and wildlife data; document results in technical reports; and apply lessons learned to new projects.



Board of Fish Proposal 13 Land Management Considerations

Presentation to Board of Fish, December 5, 2009
Dick Mylius, Director, DNR Division of Mining,
Land and Water

What Land Uses will be addressed in Proposal 13 ?

- › Proposal 13 specifically allows the following uses:
 - Fish Habitat Protection
 - Subsistence Uses
 - Sport Hunting and Fishing
 - Commercial Hunting and Fishing
- › Any proposal by the Legislature would need to also address other uses on state land
- › or give direction to DNR as to how to consider these other uses

Other Uses that may need to be considered

- › Municipal Entitlements
- › State Land Sales
- › Land Lease and Permits
- › Oil and Gas leasing
- › Geothermal Leasing
- › Mining Claims and Mineral Development
- › Valid Existing Rights
- › Alternative Energy Projects
- › Roads
- › Access by aircraft, orvs, snowmachines, etc.

How are these uses currently Managed

- ▶ State land currently managed for multiple use by Department of Natural Resources under Alaska Statutes Title 38, related regulations, and Bristol Bay Area Plan
- ▶ BBAP is very specific in some areas (such as land sales)
- ▶ Other uses must be consistent with BBAP's management intent and guidelines
- ▶ Other state agencies have significant authority regarding air and water quality, fish habitat, waste disposal, etc.

Land Disposals

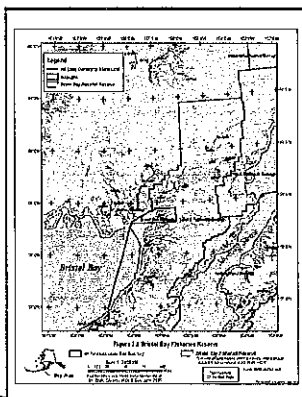
- ▶ Land Disposals – under BBAP are allowed in specific areas. They are prohibited within most legislatively designated areas such as a Game Refuge:
 - Municipal Entitlement for Lake and Peninsula and Bristol Bay Boroughs – existing obligations that need to be accommodated
 - Municipal Entitlements for a future Dillingham – Nushagak Borough – would be precluded under most legislative designations
 - Land sales to Alaskans – allowed under Bristol Bay Area Plan in designated settlement areas

- ▶ Land Leases – currently may be allowed if consistent with area plan and in state's best interest, uses include:
 - Commercial recreation facilities (such as lodges)
 - Alternative energy facilities – windfarms, hydroelectric projects (including instream hydro electric facilities)
- ▶ Land Use Permits and ROWs – currently may be allowed consistent with Bristol Bay Area Plan
 - Permits for commercial recreation, hunting
 - ROWs for roads, power lines, communications facilities
- ▶ Material (sand and gravel sales)
 - Must be consistent with BBAP designations and management intent

Oil and Gas Leasing

- ▶ Allowed after Best Interest Determination and if included on Five Year Oil and Gas leasing schedule
- ▶ Existing Bristol Bay Fisheries Reserve is a prohibition against "Surface Entry" for oil and gas development" within waters of drainages within Reserve
 - Areas can be leased
 - Directional drilling would be required for areas within the reserve

AS 38.05.140(f) The submerged and shoreland lying north of 57 degrees, 30 minutes, North latitude and east of 159 degrees, 49 minutes, West longitude within the Bristol Bay drainage are designated as the Bristol Bay Fisheries Reserve. Within the Bristol Bay Fisheries Reserve, a surface entry permit to develop an oil or gas lease or an exploration license under AS 38.05.131 - 38.05.134 may not be issued on state owned or controlled land until the legislature by appropriate resolution specifically finds that the entry will not constitute danger to the fishery.



Mining Issues

- ▶ State Constitution and Statutes allow for "Discovery and Appropriation" to gain mineral rights (staking of mining claims)
- ▶ Most State land in the Bristol Bay Area Open to Mineral Entry
- ▶ DNR's authority to close areas is limited to less than 640 contiguous acres
- ▶ DNR closed many anadromous streams and 100 feet either side to mineral entry in 1984
- ▶ Only Legislature can close more than 640 acres to mining and mineral entry
- ▶ Wood Tikchik State Park closed to mining

Valid Existing Rights

- ▶ By law, need to be recognized and protected in any legislation.
 - Existing mining claims
 - Existing Municipal Entitlements to Lake and Peninsula Borough
 - Native Allotment Reconveyances
- ▶ Existing Private Lands – does Proposal 13 intend to apply to these, or just state lands?
 - ANCSA Corporation lands
 - Borough owned lands
 - Native Allotments
 - Private lands

Existing Legislative Designations in the Bristol Bay Area

- ▶ Bristol Bay Fisheries Reserve – AS 38.065. – oil and gas leasing managed by DNR Division of Oil and Gas
- ▶ Wood Tikchik State Park – managed by DNR State Parks
- ▶ Numerous State Critical Habitat Areas and State Game Refuges – DNR still primary land manager but permit from ADFG required
- ▶ State Sanctuaries – Walrus Islands and McNeil River – restrictive management, primarily by ADFG

**Some thoughts on
recommendation to Legislature**

- ▶ Consider these other uses - what is the intent of the desired legislative action?
 - Prohibit certain uses (land sales, mining, etc.)?
 - Add additional protections for certain resources?
 - Retain land in public ownership (no land sales or transfer to municipalities)?
 - Alter decision making authorities (DNR currently primary land manager with consultation from other agencies)?



RC94

November 30, 2009
Re: Proposition 13

Alaska Board of Fisheries
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Dear Board Members,

My name is Mark Rowland, I live in Seldovia, and I understand you are considering whether to recommend to the Legislature that the area in which the Pebble Mine is going to be located be designated critical fish habitat. I write to encourage you to do so.

I am not a member of any conservation group – not the Sierra Club, the Friends of the Earth, or any other. I was a member of Trout Unlimited, Ducks Unlimited, and the Rough Grouse Society years ago, but I am no longer. I have taken no part in the disputes over the allocation of the fish resources between commercial and sport interests. That seems to me a fit subject for the political processes inherent in regulation so long as the resource is maintained intact for posterity. I am in favor of drilling in ANWR, and generally believe that any economic activity that imposes a reasonable burden on the environment should be allowed under conditions that do no permanent damage to a renewable resource, to other resources or to important things we value and which enhance the quality of our lives. So why am I, a generally uninvolved citizen writing this letter? As a judge said once, it's time to write a dissent when outrage finally overcomes inertia. It has.

I came to Alaska in 1965, moved to Anchorage in 1967 and bought a Super Cub. I spent a good portion of the next 40 years flying around Alaska, hunting and fishing, and being overwhelmed by the grandeur of the state in which I had chosen to live. A great part of that time was spent exploring and enjoying the area around Iliamna. Although not now an active pilot, I think I can still fly Lake Clark Pass in my head, having been through it so many times. I have stood in all the well known fishing streams and rivers running in and out of Iliamna, Lake Clark, Nonvianuk, Kukaklek, the Tikchiks and more. The impression of the whole region which remains with me, and I suppose would remain with anyone else who has spent any time there, is one of fish, wind and water. Vast quantities of gin clear water are always moving, never still, rushing, and tumbling in great rivers, streams, and rivulets, all on their way to Bristol Bay to furnish the highways necessary for the fish to return up the Nushagak and the Kvichak and the other rivers along the bay to the point of each fish's beginning. To walk down to the falls on the

Newhalen when the reds are resting for their ordeal to follow, or to fly down the shore of Iliamna and see that great ribbon of fish all along the shoreline extending all the way down the Kvichak to the sea, is a privilege and a transforming experience of religious dimension..

Hunting caribou in the fall on the north side of Lake Iliamna, I remember seeing red salmon who had somehow found their way back through water flowing under the tundra through the many passages and tunnels which must exist, but which are not visible for those walking above, into the small potholes where they began. Driven by ancient urges to keep their ancient race intact, they somehow returned in the face of continuous danger and phenomenal odds. Some of these fish were hundreds of yards from the lake in potholes no bigger than a yard across.

For me, observing all of this left an indelible impression of a mysterious and miraculous gift given each year by a benevolent and generous providence to humanity. Some, I have no doubt, see these events only in economic terms, but even so, it is still perceived by them as a treasure of substantial proportion, renewed yearly, which provides sustained sustenance and employment to many. It is also true, I think, if we are to believe the futurists, that before very long wars will be fought over clean water and food sources, and the destruction of this resource for a temporary gain for a few would be a tragedy for all..

I happen to believe, based on the track record of the mining industry and the planned footprint of their activity, that, if they are allowed to go ahead, this great fishery, one of the last on earth reasonably intact, will be lost, perhaps not immediately, but long before the promises of the mining company stop ringing in our ears. Take a stroll through Butte. Take a look at the mining industry's widely reported sad history in recent years. By your deeds you are known. I recognize that it is not your province to regulate the mining industry, but I understand it is your province to speak and act to protect the fishery for us and the generations to come.

My friend Ed Burke, a retired Alaskan judge who some of you may know and who witnessed with me many of the things about which I have written here, has a pessimistic view of our ability to control our short term appetites in order to preserve ourselves. He says mankind is a failed experiment. He believes the last of our species will dig a hole in some barren desolate landscape, pull in a color television and die covered with industrial waste and his own excrement watching some mindless sitcom. Because it's inevitable, he thinks, we can quit worrying about it.

I'm more sanguine about our future on this earth and think we have a chance at saving ourselves. When I see how far this mining venture has come, I must admit to passing pessimism. Even in this age, marked by shortsighted, unlimited, unprincipled greed, this venture promises an ecological sacrilege of unusual proportion. We can but hope that, through the work of this board and the processes that will follow, the long view will be considered.

If a hundred "bought and paid for" PhDs with credentials reaching to the horizon took the stand and swore that the area in which this mining activity is to be conducted was not critical fish habitat, no one familiar with the area, except perhaps some who wished to delude themselves in order to make their personal profit from the venture more morally palatable, would believe them.

If the permitting process is to go forward, it should at least go forward in the context of truth, and the truth is this is critical fish habitat. It is my understanding that it has become your responsibility to declare this truth to the Legislature for us all and for the generations of us which will hopefully follow. I urge you to perform this responsibility without fear or favor because it is right to do so.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Mark C. Rowland", with a stylized flourish at the end.

Mark C. Rowland

RC 95



The Nature Conservancy in Alaska
715 L Street
Anchorage, Alaska 99501
nature.org/alaska

**Written Testimony of Randy Hagenstein, Director
The Nature Conservancy in Alaska
(with appendices)
Nov. 17, 2009
Oral testimony delivered by
Doug Wachob, Conservation Director**

**Alaska Board of Fisheries Hearing on Salmon Habitat Protections in Bristol Bay as
Discussed in Proposal 13**

Introduction and Background

The mission of The Nature Conservancy is to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Nature Conservancy has been working for more than a decade to protect salmon habitat in Southwest Alaska. For the first few years we worked primarily with Native communities along the Nushagak River and focused on conservation planning and purchasing habitat protections on private lands. As part of that effort, the Conservancy helped establish the Nushagak-Mulchatna Watershed Council and create the Southwest Alaska Salmon Habitat Partnership. Since 2001, through the leadership of The Conservation Fund, the Southwest Alaska Salmon Habitat Partnership has raised in excess of \$14 million and protected more than 94,000 acres of salmon habitat in Southwest Alaska, most of it in Bristol Bay. The Partnership recently received official recognition by the National Fish Habitat Board.

Over the past two years, our work has expanded even further. The Nature Conservancy has worked with a variety of partners to:

- document and map salmon distribution,
- nominate salmon-bearing waters to the Alaska Anadromous Waters Catalog,
- document water flows and apply for in-stream flow reservations, and
- improve understanding of water quality.

We have used two important statutory provisions – the Anadromous Fish Act (AS 41.14.870) and the Water Use Act (AS 46.15.145) – to implement these salmon conservation actions. The salmon habitat surveys have resulted in more than 90 stream-miles of new nominations in the Upper Nushagak-Upper Kvichak area and verification of more than 200 miles of streams currently listed in the catalog but without substantiating data.

The field research in the upper reaches of the Nushagak and Kvichak has demonstrated that virtually all water bodies in the area are important for salmon. In fact, salmon were documented in approximately 75 percent of the streams surveyed, many of them small streams less than 10 feet wide. These healthy watersheds are essential for migrating salmon, rearing salmon, and spawning salmon in Bristol Bay.

The Anadromous Fish Act

The Anadromous Fish Act (AS 41.14.870-900) is the key statutory protection for freshwater habitats of fish in Alaska. The act requires the Alaska Department of Fish and Game to “specify the various rivers, lakes and streams or parts of them” in the state that are important to the spawning, rearing or migration of anadromous fishes. The Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes (AWC) and its associated atlas are the media used to fulfill this directive, and are adopted as regulation under 11 AAC 195.010.

It is important that water bodies used by anadromous fish are listed in the AWC, because only listed water bodies are afforded protections under the Act. To be listed in the AWC, water bodies must have site-specific, direct, unambiguous observations of anadromous fish by a qualified observer. Speculation or professional judgment is not sufficient to list water bodies in the AWC.

Alaska's streams and rivers total approximately 1.2 million kilometers (km) in length and Alaska's lakes number in excess of 3 million. In the vastness of Alaska, only a fraction of extant anadromous fish freshwater habitats have been documented. The AWC currently lists approximately 16,000 streams, rivers or lakes around the state, which have been specified as being important for the spawning, rearing or migration of anadromous fish. However, based upon thorough surveys of a few drainages it is believed that this number represents less than 50 percent of the streams, rivers and lakes actually used by anadromous species (ADF&G 2007). Until these habitats are inventoried, they will not benefit from the protections of the Anadromous Fish Act (TNC 2008).

During 2008 and 2009, 91 miles of headwater streams in Bristol Bay were added to the AWC based on fieldwork sponsored by The Nature Conservancy. Partners in this work included Alaska Department of Fish and Game, Bristol Bay Native Association, Bristol Bay Regional Seafood Development Authority, Nushagak-Mulchatna Watershed Council, Pebble Partnership, and Trout Unlimited, among others. These surveys involved two helicopter-supported teams of three scientists each working to conduct electro-fish surveys of streams for salmon and other fish species. Seventy-five percent of the stream reaches surveyed contained salmon at the time of the survey.

The Water Use Act

Among those fundamentals necessary for a salmon's survival, none is as vital as water. Wild salmon need an abundance of clean, cool, well-oxygenated freshwater. These freshwater habitats need an abundant source of water that is sufficient to provide connectivity to other habitats such as ponds and tributaries. To ensure that wild salmon in the Nushagak and Kvichak drainages have the water essential for spawning, migration

and rearing, The Nature Conservancy and its partners are applying for water reservations on several stream systems.

Unlike the rest of the United States, less than 1 percent of Alaska's freshwater has out-of-stream appropriations. Also unlike most other states, Alaska law provides a water right for keeping water in a stream. AS 46.15.145 provides that "the state, an agency or a political subdivision of the state, an agency of the United States, or a person" can apply for a "reservation of water" which is defined by regulation as the appropriation of "water for maintaining a specified point on a stream or water body or in a specified part of a stream or water body for specified periods of time and for one or more permissible purposes." Reservations can be made for four identified beneficial uses: protection of fish and wildlife habitat, migration, and propagation; recreation and park purposes; navigation and transportation purposes; and sanitary and water quality purposes.

So, under the Water Use Act, quantities of water and flows needed for fish and wildlife and for different life stages and times of year can be protected by reserving an in-stream flow right.

Under the Alaska Water Use Act a reservation of water to protect salmon habitat is based on a claim of priority – first in time is first in right. Someone must step forward to file a claim of reservation of water or instream flow for salmon or other fish on a particular water body with the Alaska Department of Natural Resources (ADNR). Priority of use or reservation is established from the date of filing. A filing must include data or evidence to support the water reservation requested.

Generally the evidence supplied with an application is the best scientific guess as to how much water is needed in a stream at various times of the year. Once an application for reservation of water is filed it must be perfected or "proved-up." Perfecting an application is normally done by gauging and recording water levels for a period of 5 years. Often the U.S. Geological Survey is engaged to install and maintain the gauges and collect the data. Once the data is collected the instream flow application is updated with actual information. ADNR then adjudicates the application and decides whether to grant a "certificate of reservation" specifying the amount of water that must remain in a water body before any out-of-stream uses can be permitted. ADNR also issues a priority date for the reservation that relates back to the date of the original filing. It may take years for ADNR to adjudicate an application once it is perfected due to a backlog of water reservation applications.

The Nature Conservancy, along with various partners, including Alaska Department of Fish and Game, Bristol Bay Native Association, New Stuyahok Village Council, Trout Unlimited and Southwest Alaska Salmon Habitat Partnership, is assisting with instream flow applications to reserve water for salmon and other fish on several stream systems in Bristol Bay. These include Upper Talarik Creek, the Koktuli River, the Swan River, Kaskanak Creek, the Mulchatna River and the Stuyahok River. In 2007, The Nature Conservancy and Alaska Department of Fish and Game perfected an instream flow reservation filed in 2000 on Lower Talarik Creek. The application is awaiting adjudication by ADNR.

Conclusion

Surveys by The Nature Conservancy and our partners confirm that even remote tributaries in these river systems provide an abundance of habitat for wild salmon. The reservation of instream flow in the aforementioned waters is essential for spawning, migrating and rearing salmon.

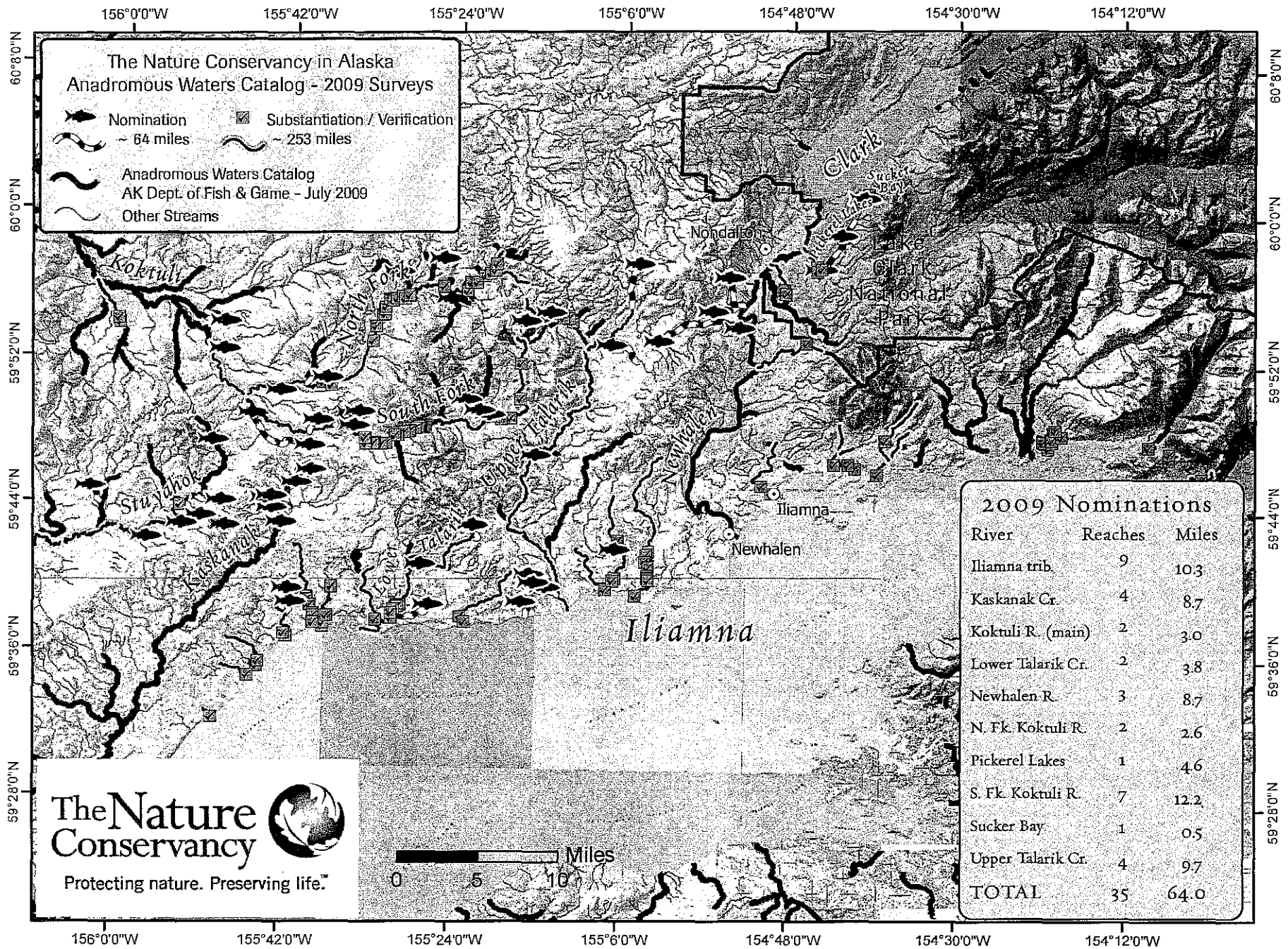
Thank you for the opportunity to share comments on the results of our research in Bristol Bay. Please note the attached documents.

Appendix A: The Nature Conservancy in Alaska: Anadromous Waters Catalog – 2009 Survey

Appendix B: The Nature Conservancy in Alaska: Anadromous Waters Catalog – 2008 Survey

Appendix C: The Nature Conservancy in Alaska: Instream Flow Reservations – 2009 Status

Appendix A: The Nature Conservancy in Alaska
Anadromous Waters Catalog – 2009 Survey



The Nature Conservancy in Alaska
 Anadromous Waters Catalog - 2009 Surveys

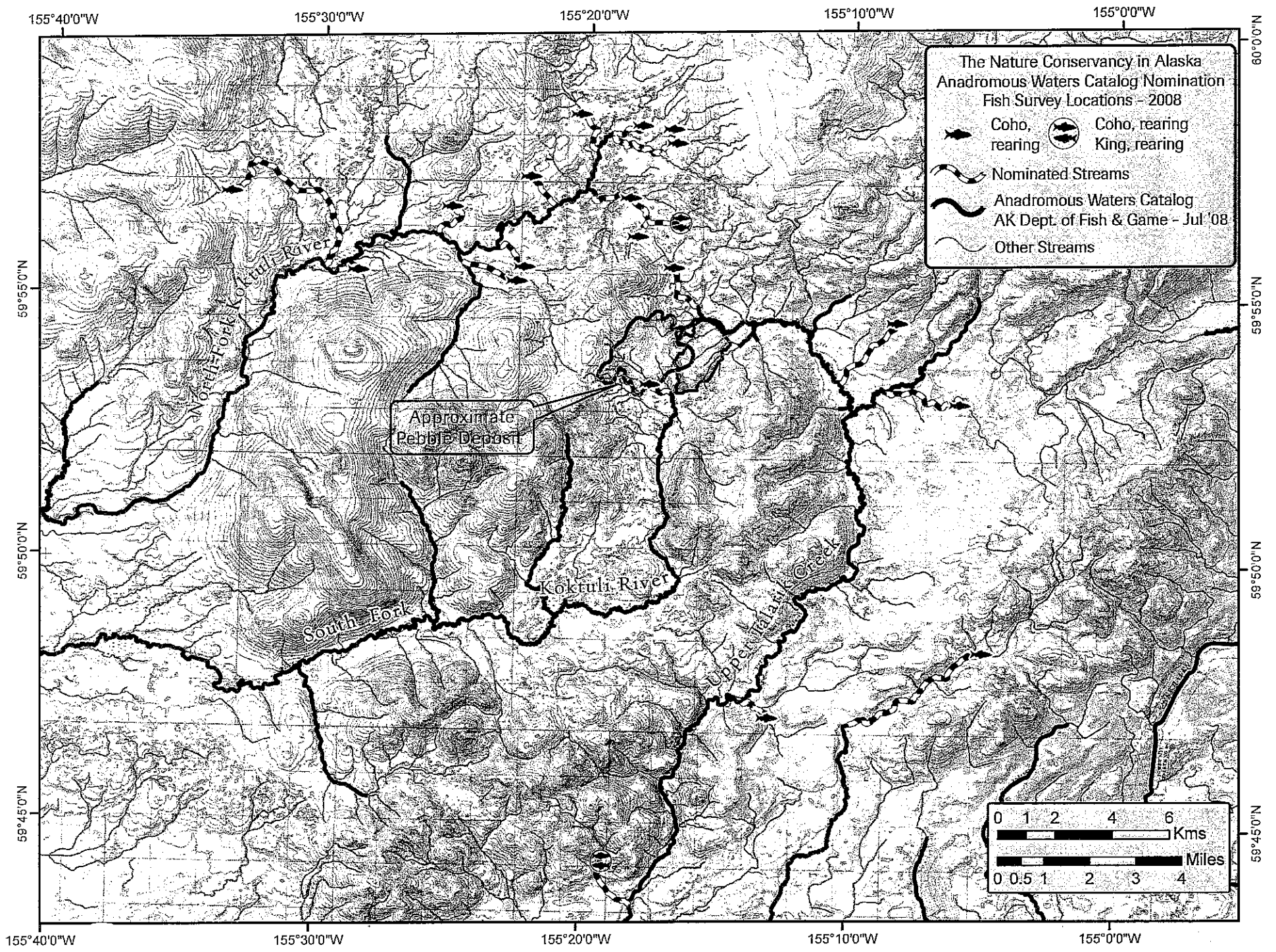
Nomination ~ 64 miles
 Substantiation / Verification ~ 253 miles
 Anadromous Waters Catalog AK Dept. of Fish & Game - July 2009
 Other Streams

2009 Nominations		
River	Reaches	Miles
Iliamna trib.	9	10.3
Kaskanak Cr.	4	8.7
Koktuli R. (main)	2	3.0
Lower Talarik Cr.	2	3.8
Newhalen R.	3	8.7
N. Fk. Koktuli R.	2	2.6
Pickeral Lakes	1	4.6
S. Fk. Koktuli R.	7	12.2
Sucker Bay	1	0.5
Upper Talarik Cr.	4	9.7
TOTAL	35	64.0

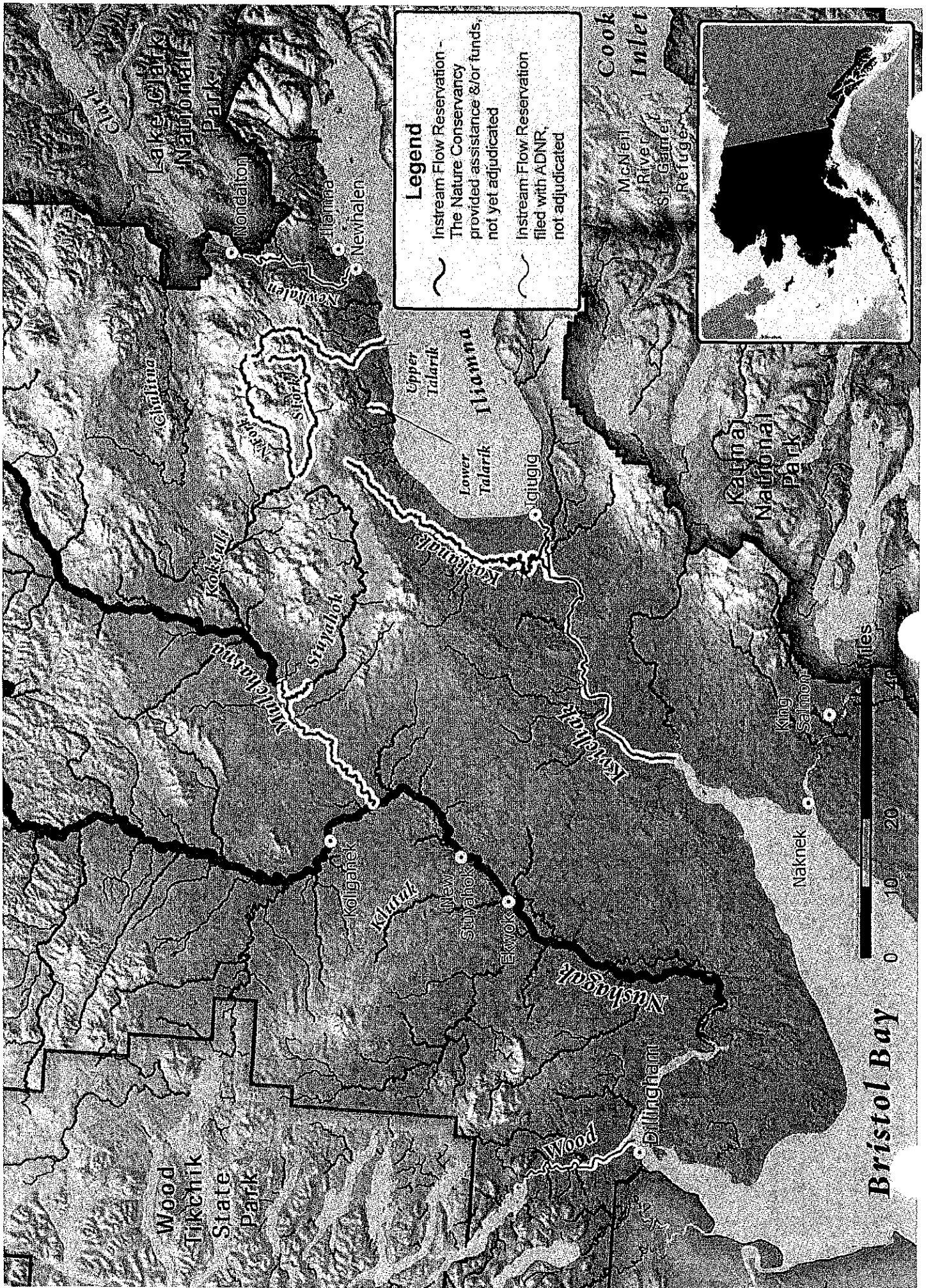
The Nature Conservancy Protecting nature. Preserving life.™

0 5 10 Miles

Appendix B: The Nature Conservancy in Alaska
Anadromous Waters Catalog – 2008 Survey



Appendix C: The Nature Conservancy in Alaska
Instream Flow Reservations in Bristol Bay – 2009 Status



Legend

~ Instream Flow Reservation - The Nature Conservancy provided assistance &/or funds, not yet adjudicated

~ Instream Flow Reservation filed with ADNR, not adjudicated



0 10 20 Miles

Hello my name is Gregory Anelon, Jr. and I am from Newhalen the community that is along Lake Iliamna and at the mouth the Newhalen River which flows into Lake Clark. I would like to thank the Chair and the members of the Board of Fish for this opportunity to present my testimony against the proposed State Refuge in the Lake Iliamna, Kvichak and Nushagak drainages.

I was raised in Newhalen and I have BA degree in Rural Development and a current Teaching certificate. I am also a commercial drift fisherman in Bristol Bay and I have been owner and operator since 1979 but more importantly I am a Subsistence user and gatherer.

We, the people of the Lake Iliamna and Lake Clark area, have been good stewards of the of the world's largest sockeye spawning grounds for thousands of years and the people and fishermen in Bristol Bay have prospered from us being good stewards. Our people have had Bristol Bay permits, but due to attrition we now have low numbers of permit holder who can fish Bristol Bay to make money.

The people use to be able to commercial fish in Bristol Bay when the price per pound was \$2.35 in 1983 and most years it was a dollar a pound, but now at 70 cents a pound for sockeye we must find additional work to offset the cost of living in the Lake Iliamna region. We had caribou in our back yard for many years but they have since moved on and we must travel over 100 miles to get caribou when we have the right conditions. Thus, the cost of subsistence has since risen and the price per pound for salmon went down. To subsist we need a cash economy so that we can partake of this cultural identity. Without an economy we cannot subsist, and I will have to bring to back to the Yukon villages not many years ago when they watched as the king salmon swam past their villages because they did not have the money to purchase gas for their boats to catch the salmon.

We had numerous lodges catering to the fishermen and the hunters but now we had one fishing lodge open last year and it was at 2/3's capacity and may not open next season. The sports fishermen use to catch 5 salmon a day and now the catch is 2 a day but we are always listening to hear if we have an emergency closure for sports fishing due to the lack of run for the Kvichak River. The establishment of a Sports Refuge will not increase the number of salmon in the Kvichak but you as the Board of Fish should look at the increased catch rate of the Egegik River. Back in the

1970's Egegik use to be an in-river fishery and Kvichak River always reached it 6 million escapement goal and at times 15 million escapement goal. Since the Egegik River fish boundaries was pushed out and up and down the Kvichak River has barely made its "new" established escapement goals of 2 million. The low return of sockeye should not be the reason to impose a state refuge in the Kvichak and Lake Iliamna and Lake Clark region but you should look at the 1970's catch records and the return of the Kvichak River drainages.

Also, the Lake Iliamna communities are not included in the CDQ program, the Community Development Quota program because we are not within the 50 nautical mile of the Bering Sea. But the people and fishermen of Bristol Bay are asking us to be good steward of the world largest sockeye spawning grounds without having a vibrant economy. The Bering Sea coastal villages economies are prospering from this federal legislation which the Lake Iliamna villages are excluded and we now must fight the people of Bristol Bay and the State so that we can provide an economy for our people. THIS IS NOT RIGHT.

In conclusion, the cost of living has increased and the people need jobs to live and stay in the Lake Iliamna area. The old economic tools that once made Lake Iliamna prosperous have since dwindled and now the area needs to develop new economy that will sustain the people of the Bristol Bay region and the people of the Lake Iliamna region. We need to find ways to bring down the cost of living and most importantly find an economy that will provide job opportunities and careers to the people to the Lake Iliamna region. I hope that the Board of Fish find in their hearts and from historical records that the establishment of a State Refuge is not needed. Thank you for your time and the opportunity to testify before you.

Alan Auelon

RC97

My name is Lisa Reimers and I am the CEO of Iliamna Development Corporation, which is a subsidiary of Iliamna Natives Limited. We would like to thank you for giving us the opportunity to testify before the committee. Iliamna Natives Limited is our Native Corporation which owns 77,000 acres in the Lake Iliamna area. As Stakeholders, our voices must be heard.

We oppose Proposal 13 to propose a fish refuge in Bristol Bay. As Stakeholders, we oppose an arbitrary designation of our lands as refuge. We believe this would foreclose future use of our lands and eliminate economic opportunities for our community.

For over 10 years now, tourism, commercial & sport fishing have not sustained our economy. We are in a constant struggle to find an economic driver for our Lake Iliamna communities. The answer for us is not commercial fishing or tourism as many suggest.

Proposal 13 is yet another tactic of special interest groups to stop the proposed Pebble project. This is not the appropriate venue to determine the fate of the Pebble mine or any other resource development project. There is a well established permitting process that must be allowed to be completed. We already have 70 percent of the land base in Southwest Alaska in

a protected classification, approximately 53 million acres of a total of 76 million acres.

We have always supported the need to protect our salmon and water resources in Bristol Bay and this will continue. We believe this move to establish a refuge is a thinly disguised effort to stop the Pebble project.

As Stakeholders we contend and assert that the creation of a refuge is unwarranted and we are opposed.

Thank you.

A handwritten signature in black ink, reading "Lisa Raines". The signature is written in a cursive style with a large initial "L" and "R".

RC98

Summary Report

Bristol Bay Residents Views on Development

September 18, 2009



Embargoed for Release, Sept. 22, 2009, at 12:01 AM
Study Commissioned by Nunamta Aulukestai

Copyright © 2009, Craciun Research All rights reserved.
1334 K. Street, Suite B, Anchorage Alaska 99501
t: 907.279.3982 f: 907.279.0321

EXECUTIVE SUMMARY

Nunamta Aulukestai (Caretakers of Our Lands) is an association of eight Village Corporations from the Bristol Bay region who are committed to protecting the Bristol Bay region from destructive mining, and to protecting their renewable resources and subsistence lifestyle. The Board of Directors of Nunamta Aulukestai requested Craciun Research conduct a market research study exploring future desires for resource development. Craciun Research has been conducting market research and public opinion polls in Alaska, nationally and internationally for over twenty years.

Company founder Jean Craciun, a Sociologist, has pioneered innovative research with Alaska's Native Peoples and has extended that knowledge to national work with Native Americans. Her belief that researchers are required to adapt techniques in a way that is sensitive to cultural requirements has proven highly effective. As a result, Craciun Research has been successful in conducting both quantitative and qualitative research studies that have explored the experience and perceptions of unique target populations such as those found here in this study.

The study was conducted by Craciun Research in May-June, 2009. In a sample of four hundred and eleven (N=411) adult residents of the Bristol Bay area that was very carefully drawn to obtain an accurate cross-section of six different areas of Bristol Bay. In this study, Craciun Research discovered strong opposition to the Pebble Mine: 73% strongly oppose, and 6% somewhat oppose, while 6% strongly favor it and 2% somewhat favor it. The remaining 10% are keeping an open mind. This opposition extends across all six areas surveyed. In the Lake Iliamna, Lake Clark area 63% strongly oppose the mine and 10% somewhat oppose it.

In related questions it was found that large percentages agree that *Pebble Mine would seriously damage commercial, guided or subsistence fishing* (78% strongly or somewhat agree) and that *any local jobs provided by Pebble would not be worth the damage*, (73% agree), while 10% agree that they *would give up some subsistence opportunities in return for the jobs that Pebble would provide* (73% strongly disagree).

Other questions related to Pebble mine showed a general doubt about the operation.

- Seventy-one percent agree, at least somewhat, that *most of the jobs created by Pebble Mine would be taken by people from outside the area.*
- Sixty percent agree strongly or somewhat, that *an influx of mine workers into the Bristol Bay area would increase competition for subsistence.*

In spite of their attitude toward the Pebble Mine, 55% of those interviewed strongly or somewhat agree that *the lack of good-paying jobs is the most important problem in the Bristol Bay area.*

Finally, 48% of those surveyed get most of their diet from subsistence and another 24% get at least half from that source. Fifty-seven percent of the households contain a commercial fisher.

RESEARCH FINDINGS

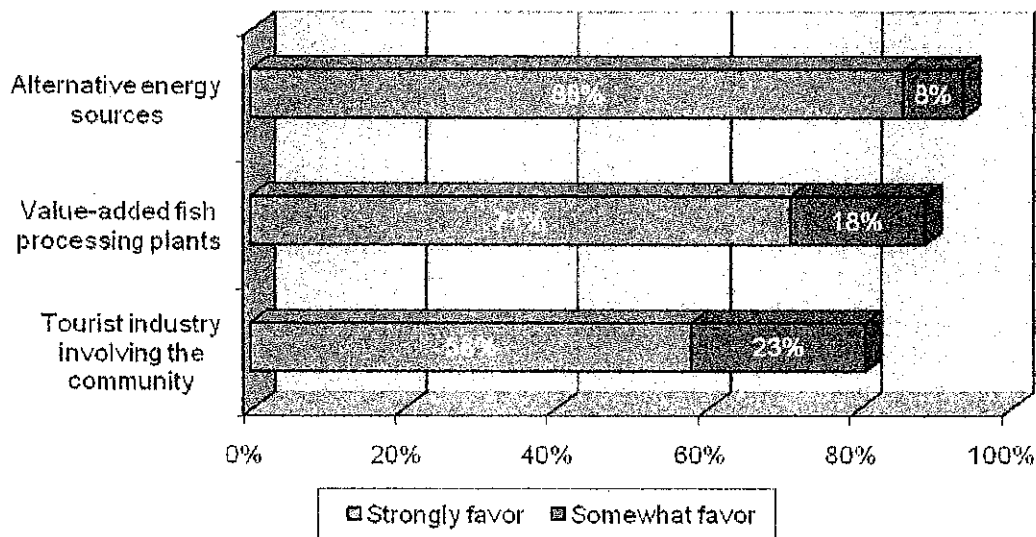
Question: I will read you a list of industries that may become more important in Bristol Bay. For each, please tell me whether you strongly favor, somewhat favor, somewhat oppose or strongly oppose. *[First six questions on the list asked at random]*

- A tourist industry that the community could be more involved in
- Value-added fish processing plants for the commercial fisheries; plants where they would cut the fish up and prepackage to sell for easy cooking.
- Development and maintenance of alternative energy sources, like wind, solar or geothermal energy.
- Mining for other minerals
- The oil and gas industry

Using the same scale, do you favor or oppose the Pebble Mine, near Iliamna?
How about the proposed Shell Oil exploration and possible development offshore near Port Moller on the Alaska Peninsula?

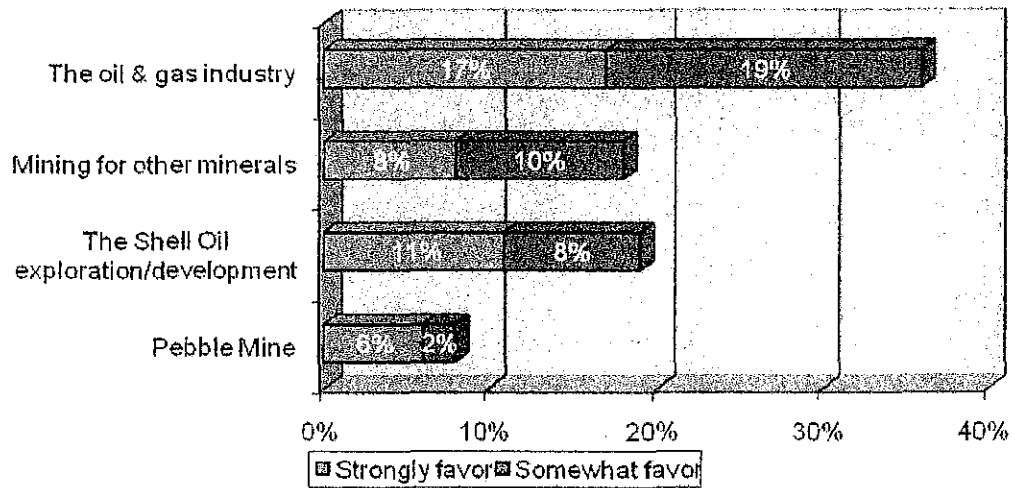
Ninety-four percent of all respondents strongly or somewhat favor *the development and maintenance of alternative energy resources*, 89% strongly or somewhat favor *value-added fish processing plants*, and 82% strongly or somewhat favor *a tourist industry that the community could be more involved in*.

CHART B.1: ATTITUDES TOWARD LOCAL INDUSTRY



As for the extraction industries, support is very low, only 8% strongly or somewhat favor the Pebble Mine.

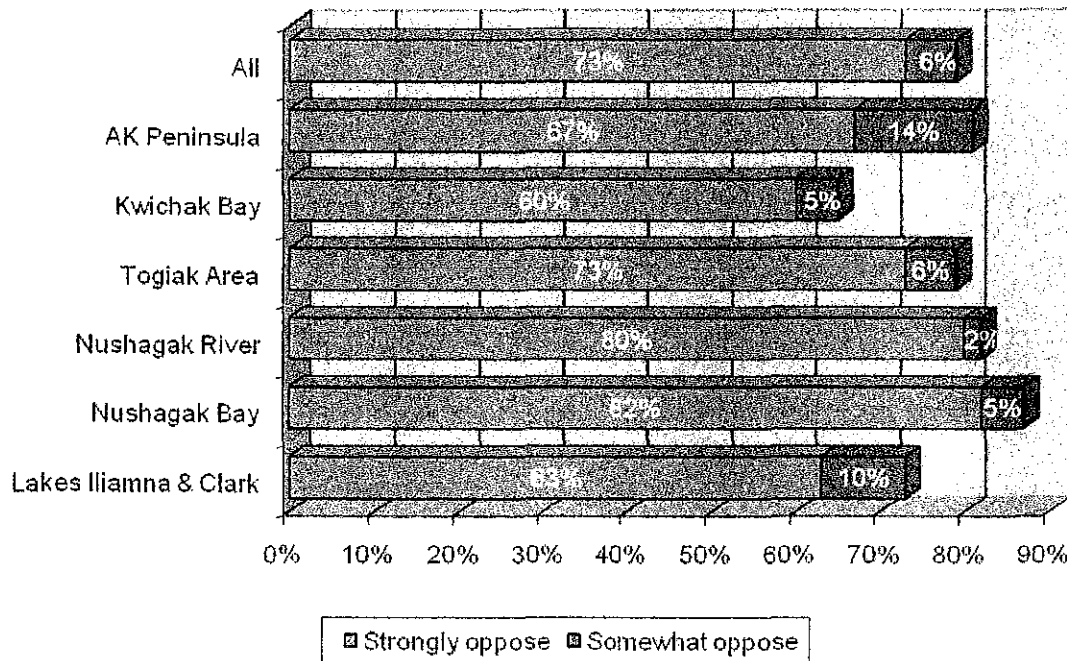
CHART B.2: ATTITUDES TOWARD EXTRACTIVE INDUSTRIES



This chart shows opposition (rather than support) to Pebble mine as it is distributed among the various areas.

Overall, 79% strongly or somewhat oppose Pebble Mine, with opposition lowest in Kwichak Bay (64% strongly or somewhat oppose) and highest in Nushagak River (82%). The total opposition in the Lakes District is 73%.

CHART B.3: ATTITUDES TOWARD PEBBLE MINE BY AREA



Question: Now I am going to read you a list of statements people have made about Bristol Bay. Please tell me whether you strongly agree with the statement, somewhat agree, somewhat disagree or strongly disagree. *[Questions asked at random]*

The Pebble Mine would seriously damage commercial, guided, or subsistence fishing.

Other businesses can be started in the Bristol Bay area that could provide as many jobs as Pebble and/or offshore oil and gas production.

Any local jobs provided by Pebble are not worth the damage it would do to the land, water or natural environment.

Many people are working on getting more jobs for the Bristol Bay Area.

The lack of good-paying jobs is the most important problem in the Bristol Bay area.

Offshore oil production would be a serious threat to commercial, guided or subsistence fishing.

I would be willing to give up some subsistence opportunities in return for the jobs that Pebble would provide.

There are some ways of mining that can be done without much damage to the environment.

An influx of mine workers into the Bristol Bay area would increase competition for subsistence.

Most of the jobs created by Pebble Mine would be taken by people from outside the area.

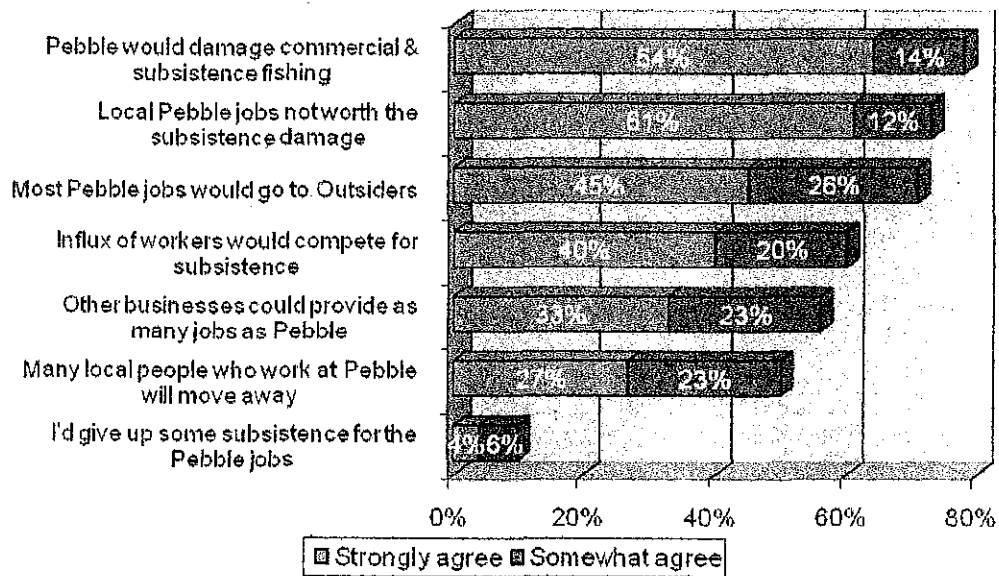
Many of the people from Bristol Bay who go to work in Pebble Mine would eventually move away as their jobs or income changed.

Large percentages agree that *Pebble Mine would seriously damage commercial, guided or subsistence fishing* (78% strongly or somewhat agree) and that *any local jobs provided by Pebble would not be worth the damage*, (73% agree), while 10% agree that they would give up some subsistence opportunities in return for the jobs that Pebble would provide.

- Most of the respondents (71%) agree, at least somewhat, that *most of the jobs created by Pebble Mine would be taken by people from outside the area*.
- Nearly as many, 60% agree strongly or somewhat, that *an influx of mine workers into the Bristol Bay area would increase competition for subsistence*.
- Fewer (50%) fear that *many of the people from Bristol Bay who go to work in Pebble Mine would eventually move away as their jobs or income changed*.

The chart may be found on the next page.

CHART C.1: AGREE/DISAGREE STATEMENTS ABOUT PEBBLE MINE

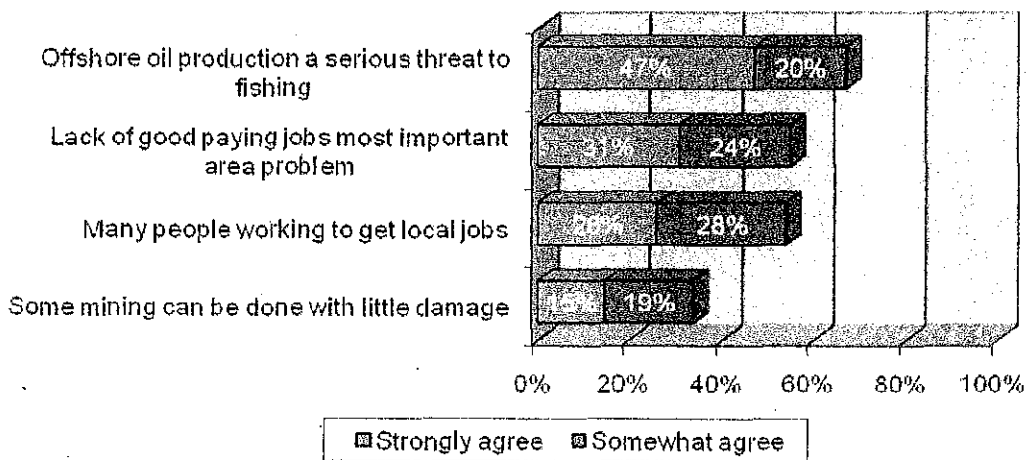


In spite of their attitude toward the Pebble Mine, 55% of those interviewed strongly or somewhat agree that *the lack of good-paying jobs is the most important problem in the Bristol Bay area*. And about the same percentage (54%), agree that *many people are working on getting more jobs for the Bristol Bay Area*.

However, only 24% agree that *there are some ways of mining that can be done without much damage to the environment*.

Two-thirds (67%) at least somewhat agree that *offshore oil production would be a serious threat to commercial, guided or subsistence fishing*.

CHART C.2: AGREE/DISAGREE STATEMENTS ABOUT THE ECONOMY



Question: Whether or not you get a chance to do it yourself, how important is maintaining the subsistence lifestyle to you - very important, somewhat important, somewhat unimportant, or not at all unimportant??

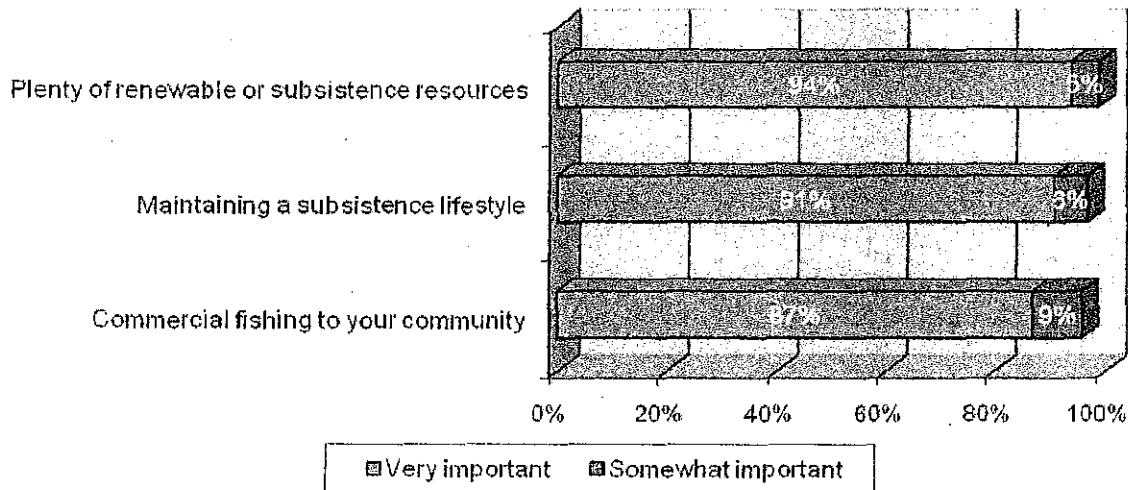
Question: How important is it to you to make sure there are plenty of renewable or subsistence resources, like fish, game and berries for the next generations?

Question: How important is commercial fishing to your community?

Making sure there are *plenty of renewable or subsistence resources such as fish, game and berries for the next generations* is very or somewhat important to 99% of the respondents in our study, and 97% feel *maintaining the subsistence lifestyle* is important as well.

Ninety-six percent (96%) think *commercial fishing* is very or somewhat important to their community.

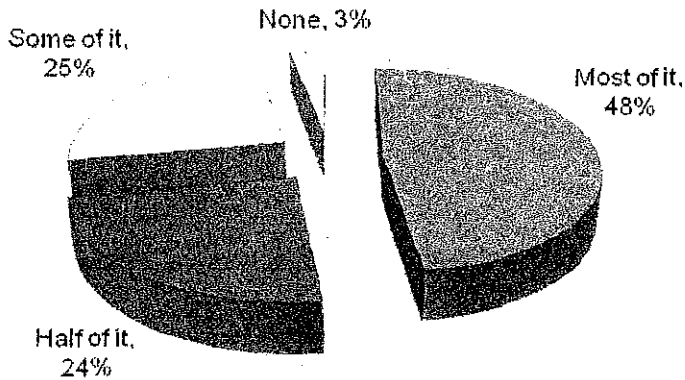
CHART D.1 IMPORTANCE OF THE SUBSISTENCE LIFESTYLE



Question: How much of your family's diet comes from subsistence foods such as salmon, caribou, moose, seal, wild berries? -- Most of it, about half of it, some of it or none of it

Forty-eight percent of those surveyed get most of their diet from subsistence and another 24% get at least half from that source.

CHART D.2: USE OF SUBSISTENCE FOODS

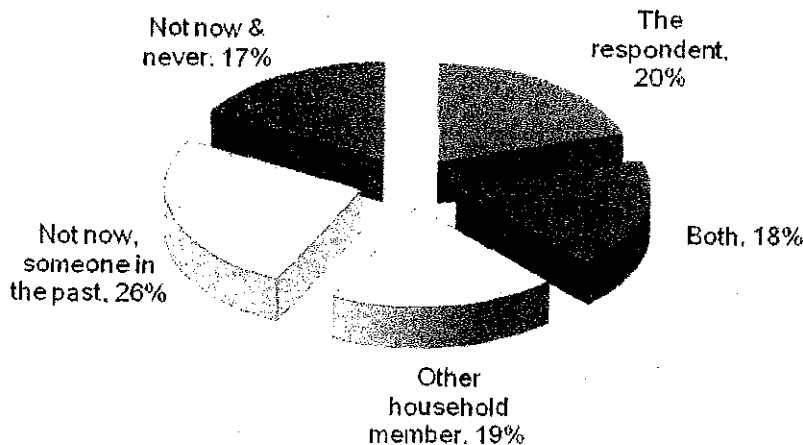


Question: Do you or someone in your household fish commercially, or serve as a fishing guide?

Question: [IF NO] Have you or someone in your household ever been involved in commercial fishing?

In 57% of these Bristol Bay households, someone fishes commercially. Another 26% have had personal contact with commercial fishing.

CHART E.1: USE OF SUBSISTENCE FOODS



Why is a Copper Mine (e.g. Pebble) an Environmental Risk for Bristol Bay?

David M. Chambers, Ph.D.
Center for Science in Public Participation

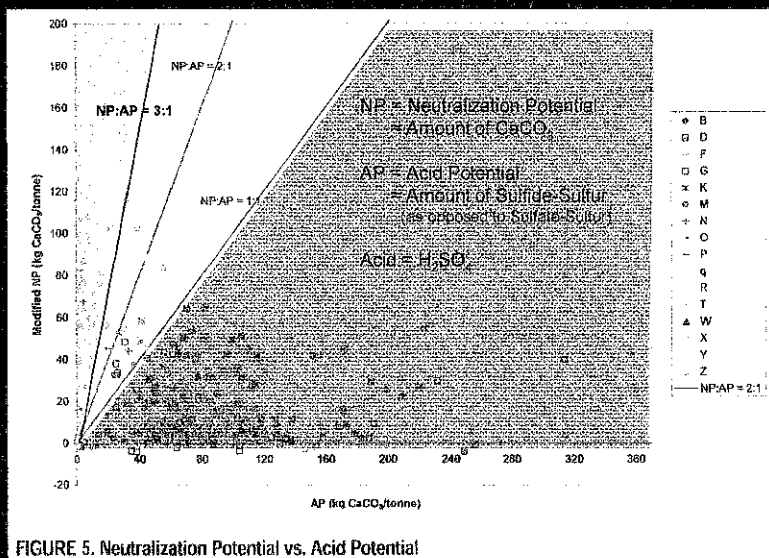


FIGURE 5. Neutralization Potential vs. Acid Potential

399 samples from 65 different drill holes were collected,
all from holes drilled in the period 1988 – 2003 (from Pebble West)

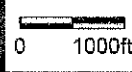
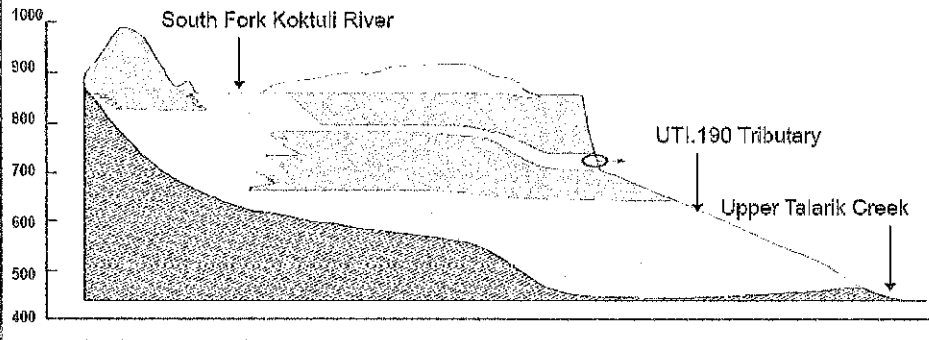
South Fork Holcomb
elev. 909 ft



Upper Talank
elev. 407 ft

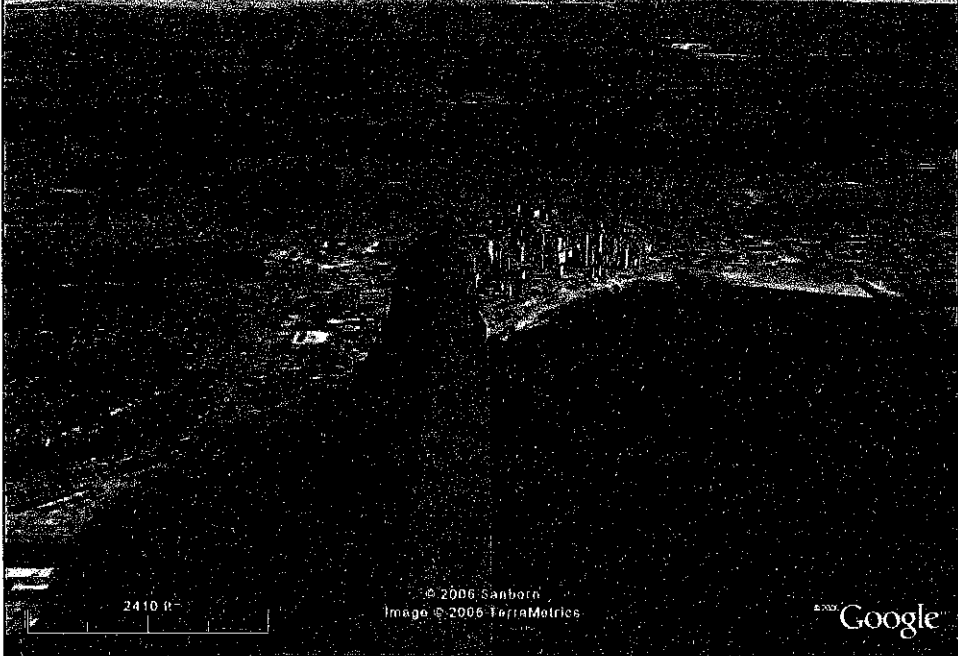


Hydrogeologic Setting



- Legend**
- Sand and Gravel
 - Silty Sand and Gravel
 - Bedrock
 - Spring

One Proposed Pebble Dam Superimposed on Seattle



My name is Harvey Anelon. I was born and raised in Iliamna, Alaska. I am the President of the Iliamna Village Council and Vice President of the Iliamna Natives Limited. We as leaders are concerned about these groups that are trying to impose initiatives like this refuge when it impacts us directly. For example, this proposed refuge happens it would need commissioner's approval to do any development on our lands. When Congress gave INL its lands, it was given fee simple. If rules are now put in place to restrict INL from use of its own lands, that is a violation of the 5th Amendment to the US Constitution on taking without just compensation. We already struggle without an economy in Iliamna and my family lives off the land so of course we want to protect the fish, animals and environment too but we also don't want to hinder our ability by putting stricter rules and regulations on ourselves in the Village. Iliamna Natives Limited is one of the largest land owners in the area and we are a for profit corporation, this proposed refuge would be another bureaucracy putting more rules and regulation on us. We do not want these groups that say they represent the Bristol Bay to speak for us and unfortunately they already are doing it, they need to stop and let our voices be heard, the people that will be directly impacted by their tactics. We want an economy and we also want to protect our environment. We think

we should be deciding for ourselves what rules and regulations should be in place not a group that has their own agenda.

Thank you.

Harvey Arola



RC 101

Submitted by Alaska Department Fish and Game

5 AAC 06.377(a) is amended to read:

(a) The operator of a floating salmon processing vessel or tender, or a shore based processing operation, and a company employing aircraft used for transporting salmon, shall report in person or through an authorized agent to the local representative of the department

If requested by the department, the operator or authorized agent of the operator must provide information to the department regarding the operator's processing or buying activities, including processing or buying capacity.

December 5, 2009

Eva King
P.O. Box 70087
South Naknek, AK 99670

RE: Proposal #13

A Board of Fish
P.O. Box 115526
Juneau, AK 99811-5526

RC 102

Chairman Webster and members of the Board of Fish,

My name is Eva King. I am a year round resident of South Naknek and have been commercial fishermen since 1976, when I was 10 years old. My four sons are also commercial fishermen. I ask that my statement be entered into the record.

It seems have been down this trail before; where certain outside interests are engineering many of our Natives to support their point of view – this is Proposal 13. Outside interests do their best to fly below the radar by having us Natives do their bidding. We are oftentimes quite gullible and these outside interest know it.

This proposal creates the same legal problems the passed failed legislation had. Outside interest's conservation and sports organizations are merely taking another stab at locking up our lands for their benefit at our expense. These groups don't care about regional local resident's economic, social and financial welfare. There are a number of state reports that tell of our financial bleakness, please read them. This proposal does more for sports hunters, fishing lodges and commercial guides than it does for anyone else.

The recent survey mentioned in television ads should be suspect and questioned. I have not seen a copy of the survey report nor do I know how scientific the survey was. From what I understand, 172 individuals from 5 villages participated in the survey. I stand to be corrected. Depending on the answers you wish to receive is based on how you ask the questions. Additionally, no one is sure how informed the participants of the survey are. Or if they understand the issue they are being questioned about. Who knows?

Proposal 13 doesn't remedy the illegal taking of property rights, should you adopt this proposal. You may not be taking our property however you will be restricting the full use of our property and therefore you might as well as be taking it away altogether. You know as well as anyone that any government cannot take property rights without providing consideration and compensation. Government must pay for taking anyone's property rights.

The lands contained in this proposal are owned by thousands of private individuals and shareholder owned corporations. There are approximately 200 privately owned Native allotments, each containing approximately 160 acres, which is approximately 320,000 acres of private lands. There are numerous privately owned home sites, homesteads, headquarter sites and related in-holdings. Bristol Bay village corporations, collectively own approximately 3 million acres of surface and subsurface estate. Lands will be negatively impacted by Proposal 13. All Native allotments are held in trust by the Federal Government, as are village Federal Town sites, of which there are many.

As an active Bristol Bay commercial fisherman I can only advise you as the Board of Fish, not to pass Proposal 13 as it will be a costly mistake should you chose to adopt it. Remember these days are not the days of the 1800's – where government can run roughshod and do what they please on our land.

I am opposed to Proposal 13.

Th
Eva King

RC103

Good day Mr. Chairman and members of the Board of Fisheries. My name is Myra Olsen. I am a resident of Egegik. I am on the Lake and Peninsula Borough Assembly and have over thirty years of commercial fishing experience. I am here testifying on my own behalf.

I strongly encourage you to carefully read RC 80 which is the letter from the Lake and Peninsula Borough in response to Proposal 13. I feel that this letter very well expresses the position of the Assembly of the Lake and Peninsula Borough and raises important issues of why a fish refuge is not a good idea.

Protection of the resources is key to all of our communities. However, a refuge would just add another level of bureaucracy and not achieve any additional protection. Already more than two thirds of the State is set aside in parks, monuments and wildlife refuges, etc. Creating another one serves no purpose other than to restrict alternative opportunities for income for Borough residents struggling to make it in the region. Not all residents have the opportunity to fish commercially. With the outmigration of permits, more residents are faced with finding other ways of making a living in the region.

There is a lot of concern among our residents regarding the unintended consequences of a fish refuge. Non residents have nothing to lose if a refuge is established but we, who would have to live inside the refuge have a different view point. We do have a lot to lose. Assurances that our interests in will be protected are not guaranteed. Viable communities need to be able to develop diverse economic opportunities to survive. A fish refuge will restrict more than mine development – it will restrict many kinds of development opportunities. And again – assurances that this won't happen are not and cannot be guarantees. If we don't offer economic opportunities to our children then they will not be able to remain here and our communities will further deteriorate.

I hope that as you weigh these options, you will keep our communities futures in mind. I don't want to live within a fish refuge and I don't want those opposed to a mine to use a fish refuge as their tool. Elimination of potential economic opportunities other than fishing is not the way to encourage our communities to develop a more diversified economic base to survive.