

RC #: 17

John Delaquito

Lake Louise Lodge
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December 2, 2011, Valdez, Alaska

Testimony of John Delaquito for the Alaska Board of Fisheries Prince William Sound, Upper Copper, Susitna Finfish -- in support of Proposal #68 to close Lake Louise/Susitna Channel and the Susitna/Tyone Channel to all subsistence net fishing for whitefish.

Good morning Chairman Johnstone and Board of Fisheries members. For the record, my name is John Delaquito and my wife Yvette and I are the owners of Lake Louise Lodge and the authors of Proposal #68 to close the two narrow channels between Lake Louise/Susitna Lake and Susitna Lake/Tyone Lake to subsistence whitefish fishing with gill nets and change the opening date of the subsistence whitefish netting fishery. We are not here to support closure of any portions of the main lake bodies to subsistence fishing. Our focus is restricted to the Lake Louise/Susitna Lake and Susitna Lake/Tyone Lake channel areas.

We are in support to change the current whitefish subsistence fishery opening date of October 1st to November 15th to insure the completion of the lake trout spawning cycle. Data used from other model lakes does not coincide with the spawning periods of the Lake Louise/Susitna area. As noted with supporting letters, lake trout are still spawning mid-October.

I wish to identify for the record of the proceedings supporting comments for Proposal #68, as follows:

1. Lake Louise Lodge: The Delaquito's, cover letter with attached signatory lists of 295 Alaska resident supporters of the proposal from the greater Mat-Su Borough area and Anchorage, complete with names, addresses, and phone numbers of the supporters, ~~RC#:~~ PC-14
2. Mat-Su Borough Fish and Wildlife Commission, Palmer, Letter dated November 18, 2011, Alaska ~~RC#:~~ PC 76
3. Lake Louise Lodge, Letter dated November 17, 2011, supplemental comments, observations of spawning lake trout during the month of October, ~~RC#:~~ _____
4. Letter dated November 29, 2011, John Moosey, Borough Manager - Matanuska-Susitna Borough, ~~RC#:~~ _____
5. Unethical bycatch photographs, ~~RC#:~~ _____
6. Aerial photographs, ~~RC#:~~ _____
7. Affidavit from Tim Sundlov, dated November 30, 2011, RC #: 18
8. Affidavit from Jeremiah Black, dated December 1, 2011, RC #: 18
9. Affidavit from John Delaquito, dated December 1, 2011, RC #: 18

ADFG comments note "growth of lake trout is generally slow, in most Alaska lakes studied lake trout require an average of more than 10 years to reach 18 inches (Burr, 1997). Lake trout can reach maximum age of 40 years+ with the 30 year range being common (Burr, 2006).

"Overexploitation can result in population declines that take decades to recover. As a result the low reproductive potential and late age-at-maturity, impacts of regulatory actions may not be observed for 8-10 years after a regulation is in place." (ADFG comments, Fishery Objectives and Management, page 35)

There are three items I would like to clarify.

First, the Lake Louise/Susitna channel area is less than 3 feet deep at its' deepest point. The areas where nets have been observed (at each end) have totally blocked off any natural movement of fish due to the shallow edges along the channel area. (See aerial photographs.) The Susitna/Tyone channel is approximately 6-8 feet deep at this time but also shallow along the shorelines extending towards the center.

Secondly, the pictures shown are one small portion of the actual unethical waste that occurred mid-October 2010. It was reported by two full-time residents of Lake Louise that there was 70 yards of waste in the water and along the shoreline. I regret not personally videoing the complete scene at the time. I was only able to observe one 5 gallon bucket of fish remains which was brought to my location as evidence.

Lastly, as shown in supporting letters, lake trout are definitely still congregating in the spawning areas in early to mid October.

Thank you for the opportunity to testify, Mr. Chairman and members of the Board.



MATANUSKA-SUSITNA BOROUGH

Borough Manager's Office

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John.Moosey@matsugov.us

November 29, 2011

Alaska Board of Fisheries
ADF&G
Boards Support Section
PO Box 115526
Juneau, Alaska 99811-5526

Dear Chairman Johnstone and Board Members,

RE: Support for Proposal #68

The Matanuska-Susitna Borough Fish and Wildlife Commission (formerly the Mat-Su Mayor's Blue Ribbon Sportsmen's Committee) has already submitted a short letter showing our support for Proposal #68. That letter should be a part of the Public Comments (PC) section of your board book. We would like to take this opportunity to expand on why we support Proposal #68 in this letter and submit it for the Record Comments (RC) section of the permanent meeting records.

Proposal #68 asks the board to do three things: 1) close the Lake Louise/Susitna Lake and Susitna Lake/Tyone Lake channels completely to subsistence whitefish netting to allow the natural movement of all finfish between the systems; 2) Move the opening date of the whitefish subsistence fishery from October 1 to November 15 to protect lake trout spawning and to avoid boat/net entanglements during the open water period on the lakes; and 3) Mandatory release of all incidental bycatch, dead or alive, back into the lake system.

Because of conservation concerns involving overharvest of lake trout within lakes of the Tyone River drainage, ADF&G has introduced Proposal #129. This proposal would restrict sport fishing methods and means to address this overharvest issue. Including Proposal 68, fifteen (15) proposals have been submitted to either eliminate or further restrict the whitefish subsistence fishery on these three lakes because of the incidental bycatch of lake trout and burbot. ADF&G has recognized a problem with overharvest of lake trout and the local residents submitting the 15 whitefish proposals feel a major contributing effort to that overharvest involves, in some cases, the specific targeting of lake trout as incidental catch during the whitefish subsistence fishery.

The constituent asking for our support on this proposal presented us with photos of over 100 lake trout carcasses, as reported by local residents, left on a Lake Louise beach after a group exercised their subsistence rights for whitefish in these lake systems. The pictures were taken 36 hours after scavengers had removed and scattered remains and, as a result, only about 30 lake trout heads/remains are pictured. Anecdotally, we were told that some subsistence users specifically

target lake trout and that the photos shown to us were taken after one such known group had been subsistence fishing on the lake. This constituent also explained that the preferred proposal to address the issue of abuse of the whitefish subsistence fishery was Proposal #68. The intent is not to close the whitefish subsistence fishery, as many of the other proposals seek to do, but rather to manage and control it in a manner that whitefish are the target of the subsistence fishery, as originally intended, and that other species cannot be kept.

It is our understanding that the referenced photos have already been shown to ADF&G management staff in the area, so they are now aware of the bycatch overharvest of lake trout. A copy of the photo was attached to our PC letter.

We respectfully ask that you carefully evaluate Proposal 68 in light of growing public concern surrounding the overall sustainability/health of lake trout populations within the Tyone River drainage. In doing so please consider that according to ADF&G "Lake trout are slow to mature and have low reproductive potential. Overexploitation can result in population declines that take decades to recover. As a result of the low reproductive potential and late age-at-maturity, impacts of regulatory actions may not be observed for 8-10 years after a regulation is in place." We also encourage you to thoroughly review the rationale for Proposal 129, which as we previously noted, seeks bag limit and bait restrictions for lakes in the Tyone River drainage. ADF&G states in their proposal justification that, "the current size limit and use of bait during the open water period **must** be eliminated to reduce overall lake trout biomass removal." ADF&G further revealed "total fishing mortality of Lake Louise lake trout has exceeded estimated sustained yield in 12 of the past 15 years." The average annual Lake Louise harvest (including release mortality) was 732 lake trout during the period 2006-2010 compared to an estimated sustainable threshold of just 540 lake trout. The 2010 Lake Louise harvest of 1,266 was, according to ADF&G, **over twice** the lake's estimated sustainable yield! It is important to recognize that ADF&G considers their sustainable yield estimate as "a threshold that should **not** be exceeded rather than a target level of exploitation."

The present health of lake trout within the Tyone River drainage clearly suggests that the subsistence bycatch of this species must be evaluated carefully and, in our opinion, cautiously. At first glance the annual lake trout bycatch from the "entire" Upper Copper-Upper Susitna Management Area (UCUSMA) does not appear to be biologically significant----- only an average of 9 fish annually between 2000 and 2009 with a maximum harvest of 33 lake trout in 2010. It is important to recognize that these data are voluntarily reported and therefore may or may not have validity. Participants in virtually all fisheries having bycatch issues fully recognize that an elevated bycatch can bring unwanted change to their fishery. Photos as well as substantial stakeholder testimony all show that the lake trout bycatch in the Tyone River drainage is much larger than what has been voluntarily reported. How much larger can not be quantified but the Lake Louise photos (of lake trout remains) substantiate a catch from a single event at just one lake that exceeds the highest annual bycatch ever reported for the "entire" UCUSMA.

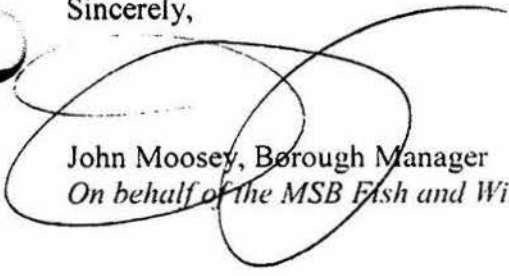
Closure of the two shallow channels that connect Louise, Susitna and Tyone Lakes is considered to be a responsible action given the uncertainty surrounding the subsistence bycatch of lake trout in the Tyone River drainage. Prohibiting fishing in these narrow passages would not be expected to have a negative impact on achievement of the amount of whitefish reasonable necessary for subsistence uses because the channels are a very small part of the vast area open to fishing. The Susitna/Lake Louise channel was closed in 2011 from October 1 thru November 15 by permit stipulation. The permits that are being issued this year have 11 stipulations placed on them by the

area management biologist in order to address various concerns. Our constituent tells us the biologist has stated the permit stipulations could be lifted at anytime and, until adopted into regulation, were not permanent.

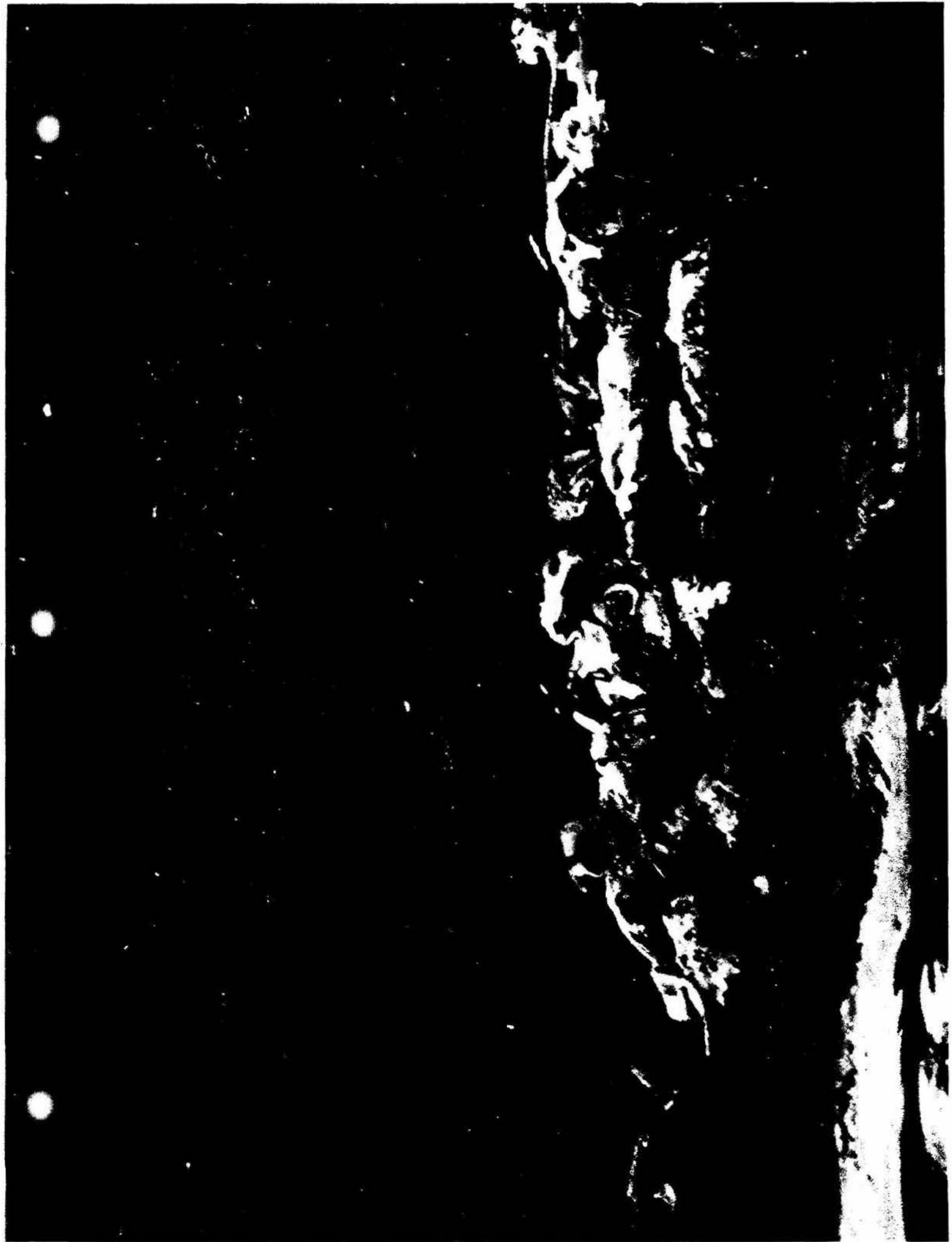
Changing the opening date of the whitefish fishery to November 15 to reduce the harvest of concentrated spawning lake trout is viewed as a precautionary action that takes into account the numerous bycatch uncertainties associated with this growing subsistence fishery. ADG&G acknowledges that the current opening of the subsistence fishery protects many but not all spawning lake trout. Closure of the open water period to subsistence would be expected to impact some users that do not have the means or abilities to fish thorough the ice. We recognize that over half of the subsistence harvest currently occurs during open water and that this harvest does not occur equally among the numerous lakes of the UCUSMA. We are further aware that several lakes within the management unit are being harvested well below their respective sustainable yield thresholds for lake trout (bycatch is therefore not an issue in all lakes). For these reasons, changing the opening date for the whitefish subsistence fishery (as the proposal calls for) may not be appropriate for the entire UCUSMA. Lake Louise, however, appears to be an excellent candidate for a more a restrictive subsistence season that enhances spawning protection for a lake trout population that is being harvest well above a scientifically developed sustainable threshold.

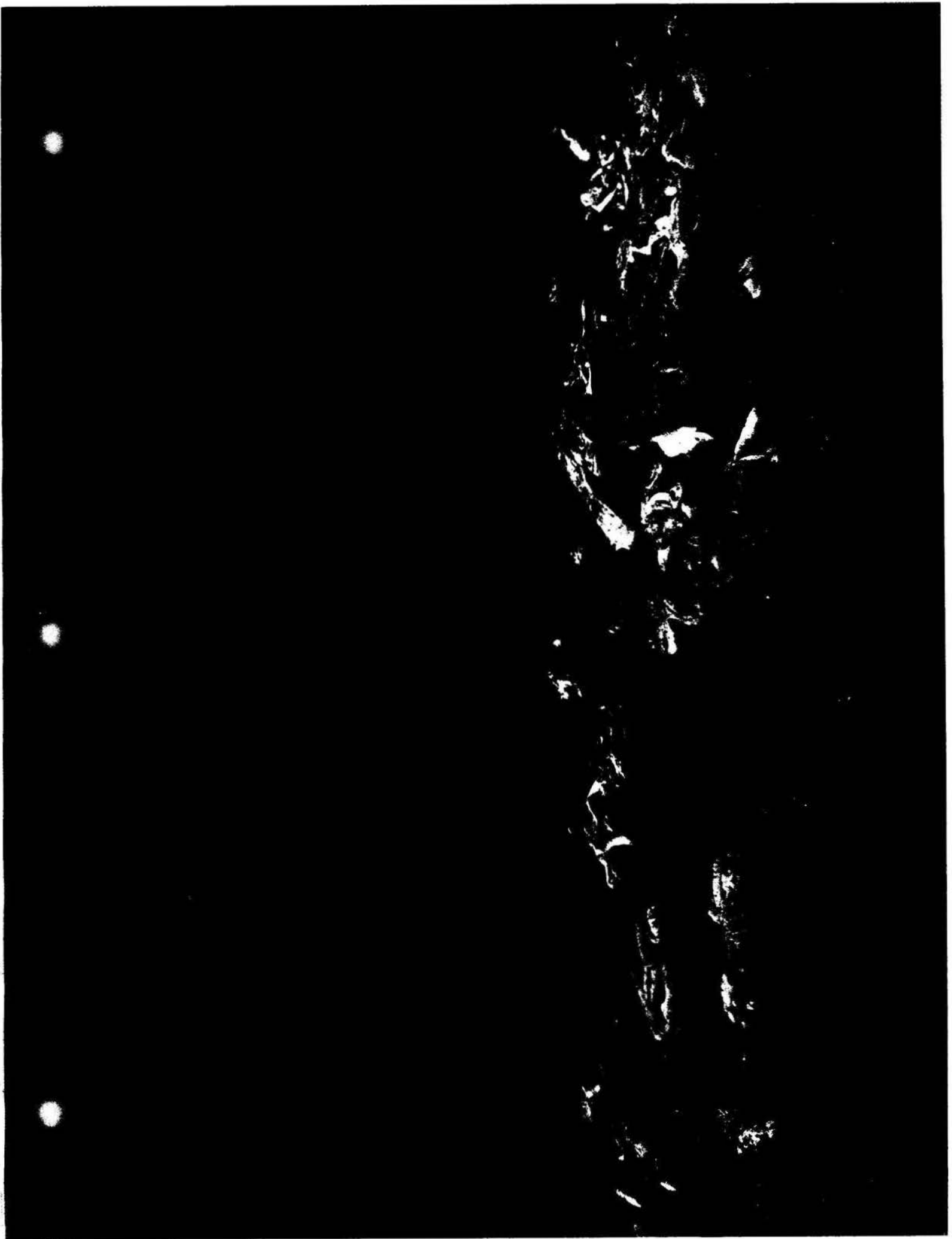
We hope the information and opinions that we have provided will help you address the bycatch of lake trout in the Tyone River drainage while still allowing the area's whitefish fishery to be prosecuted in a manner that provides reasonable opportunities and amounts necessary for subsistence users. Thank you for your time and consideration of this issue.

Sincerely,



John Moosey, Borough Manager
On behalf of the MSB Fish and Wildlife Commission





RC18

Current Folder: **INBOX**[Sign Out](#)[Compose](#) [Addresses](#) [Folders](#) [Options](#) [Search](#) [Help](#)[ACS Customer Support](#)[Message List](#) | [Delete](#)[Previous](#) | [Next](#)[Forward](#) | [Forward as Attachment](#) | [Reply](#) | [Reply All](#)[Delete & Prev](#) | [Delete & Next](#)Move to: **INBOX****Subject:** Lake Louise/Susitna subsistence whitefish fishery**From:** "Tim Sundlov" <tsundlov@hotmail.com>**Date:** Wed, November 30, 2011 8:34 pm**To:** lll@alaska.net**Priority:** Normal**Options:** [View Full Header](#) | [View Printable Version](#) | [Download this as a file](#) | [View Message details](#) | [Report as Spam](#)

I participated in the Lake Louise/Susitna subsistence whitefish fishery in 2011. On 1 October, I set a gillnet in Lake Sustina in 6' to 15' of water. The net was set overnight and pulled early the following morning. The result (catch) was two lakers over 20 pounds and two between 10 and 13 pounds and four under 10 pounds. One of the largest lakers (20 plus pounds) suffered eye damage and two of smallest lakers (less than 24") were dead. Six lakers were released alive, but the trophy laker will most likely lose vision in one eye and this may cause delayed mortality. The lakers were apparently congregated in shallow water for spawning. It was not confirmed if lakers had yet spawned, but the congregation in shallow water makes me believe they were spawning or had just finished. I reported my findings with pictures of the trophy lakers to ADF&G in Glennallen. This lake trout fishery is most likely the best trophy lake trout fishery on the road system in state of Alaska. It has taken decades to get this quality lake trout population structure, which includes several lake trout over 20 pounds. This trophy lake trout fishery is one of most popular in the state with sport anglers.

Tim Sundlov

Attachments:[untitled-\[1\]](#)

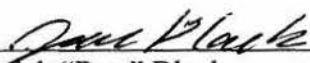
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December 1, 2011

I, Pete Black, in mid-October 2010 went with Wayne Simmons to Lake Louise "north shore" area and witnessed excessive fish waste. The waste was concentrated heavily within a 25-30 yard diameter area consistency of a variety of species but there were many fish remains including voluminous amount of egg sacs ranging in an average size of 12-14 inches that stretched at least 100 yards of the shoreline with sporadic remains continuing further. The amount of whitefish heads that I saw that day accounted for about 30%, the rest consisted of suckers, lake trout, and burbot. I helped Wayne rake a small area to fill a bucket and took pictures to provide evidence due to the lack of response by both Fish and Game Wildlife Troopers and the Alaska State Troopers. I accompanied Mr. Simmons at the request of him and John Delaquito at Lake Louise Lodge as an unbiased witness.



Jesseiah "Pete" Black
HC01 Box 1761
Glennallen, AK 99588
Ph #: (715) 523-3725


December 1, 2011

Chairman Johnston and Board Members:

By way of introduction, I have owned recreational property specifically at the Lake Louise/Susitna Lake channel area since 1982 and co-owned / operated Lake Louise Lodge since May 2007. I have walked, boated, and floated this area extensively over the last 29 years. Noting in no area of the channel it has a depth greater than 3 feet with the majority of it being less than 18 inches. (See aerial map.)

In speaking with Glennallen ADFG with regard to the lake trout population, there response in October 2010 they did not have any concerns over the lake trout population. Approximately one year later, ADFG proposal #129 is asking for a lake trout bag limit change because of fish mortality at Lake Louise has exceeded estimated sustained yield 12 of the past 15 years. The lake trout bycatch associated with the subsistence fishery is not a concern. Also, reporting of bycatch data on the permits is voluntary so it is only as accurate as the subsistence licensee chooses to reported. Lastly, the October 1st opening date is not allowing the conclusion of the lake trout spawning in this area as noted by witnessed spawning is still evident in the first two weeks of October. I would like to see any studies done that are possible on the lake trout to insure a healthy population for the future subsistence and sport fisheries.

In summary, these changes will hopefully save a declining lake trout fishery for future generations. I fully support ADFG to restrict the sport fishery as needed if the goal is met to maintain a healthy sustainable fishery.



John Delequito
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Glennallen, AK 99588
Cell #: (907) 830-2410



December 2, 2011

Karl Johnstone, Chairman
Alaska Board of Fisheries
PO Box 115526
Juneau, Alaska 99811-5526

RC19

RE: Record Comment on Proposals 114 & 115

Dear Mr. Johnstone,

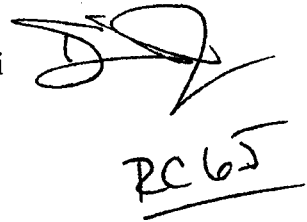
Proposals 114 and 115 represent perennial proposals submitted to the Board of Fisheries over the past 14 years. Attached is a copy of RC65 submitted by PWSAC during the 2008 meeting which provides an opinion regarding the legal authority of the Board of Fisheries to substantially reduce hatchery production in Prince William Sound. As you will see, it is consistent with the Department of Law's November 22, 2011 memorandum to the Board, entitled Comments on Specific Proposals for December 2011 Board of Fisheries Meeting; Prince William Sound, Upper Copper River, and Upper Susitna River Finfish Fisheries.

Additionally, attached is a copy of RC60 also submitted by PWSAC during the 2008 meeting addressing a question from the Committee Chair, Bonnie Williams during the public panel portion of the committee work.

Comment Submitted By:

David Reggiani
General Manager

Submitted by: Prince William Sound Aquaculture Corporation, Dave Reggiani



Handwritten signature and initials, possibly "DR" and "RC 65".

ASHBURN & MASON P.C.

LAWYERS

DANI CROSBY • MATTHEW T. FINDLEY • DONALD W. McCLINTOCK III
ROBERT A. ROYCE • A. WILLIAM SAUPE • JACOB A. SONNEBORN
OF COUNSEL MARK E. ASHBURN • JULIAN L. MASON III

December 4, 2008

David Reggiani
Prince William Sound Aquaculture Corporation
500 First Street
P.O. Box 1110
Cordova, Alaska 99574-1110

Re: Board of Fish Proposal 81
Our File No.: 10031.160

Dear Dave:

You have asked us to provide PWSAC with our opinion regarding the legal authority of the Board of Fisheries to substantially reduce hatchery production in Prince William Sound, as contemplated by Proposal 81, currently under consideration by the Board. You have given us a copy of the Department of Law's November 28, 2008 memorandum to the Board, entitled Comments on Specific Proposals for December 2008 Board of Fisheries Meeting; Prince William Sound, which also addresses Proposal 81.

We analyzed a very similar proposal in 1997 in our Memorandum to Bud Perrine, dated December 30, 1997, attached for your reference. None of the basic legal and constitutional considerations nor our conclusions and recommendations expressed in that memorandum have changed materially during the intervening years. We stand by our basic opinion that primary responsibility for regulation of hatchery production rests with the Department of Fish & Game, which is supported by 30 years of consistent practice by both the Department and the Board.

We also reaffirm our belief that

... in the absence of a strong factual showing that hatchery production posed a serious genetic or disease threat to wild salmon stocks or was proven to cause severe economic distress, neither the Department nor the Board could legally restrict PWSAC's output below a level necessary to sustain its current contribution to the common property fishery, to 'efficiently develop aquaculture,' to repay state loans, and to recover its costs.

David Reggiani
Page 2
December 4, 2008

Similar reasoning would apply to any attempt to use the regulatory process to restrict significantly hatchery harvest activities. The legislature has expressly and repeatedly stated its intention that Alaska's salmon resources should be enhanced and extended, and that hatcheries should promote those goals through cost recovery and broodstock harvests. Regulations that seriously curtailed those activities would be inconsistent with numerous statutes and would be invalid.

This conclusion is not overridden by the general grant of authority to the Board in AS 16.05.251(a)(9), referenced in the Department of Law's November 28, 2008 memorandum. In our view, that single statutory reference to the Board's authority over "release of native or exotic fish or their eggs" would be a very slender reed on which to support any Board of Fish regulation that would materially restrict hatchery production in the Sound. The extensive regulatory, statutory and constitutional framework discussed in the attached memorandum all evinces a strong and consistent state policy to promote the responsible enhancement of Alaska's salmon resources by state-chartered aquaculture associations like PWSAC.

To our knowledge, there is no evidence whatsoever that hatchery production in Prince William Sound poses a serious genetic or disease threat to wild salmon stocks. And it certainly is not causing economic distress; on the contrary, it is providing a substantial economic benefit. Consequently, the Board of Fisheries does not appear to have the legal authority to adopt any regulation that would directly or indirectly curtail hatchery production.

Please let us know if you have further questions.

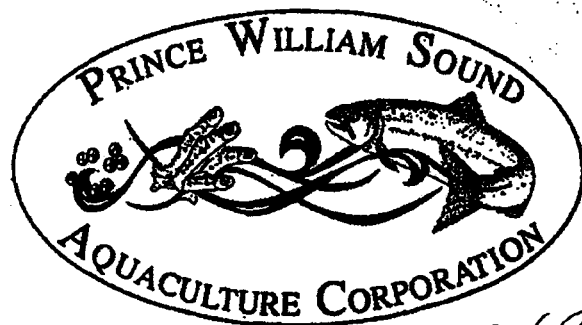
Very truly yours,

ASHBURN & MASON, P.C.

A. William Saupe

Attachment

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RC60

Bonnie Williams, Chair of Committee C, asked the following question of PWSAC during the public panel portion of Committee C's work:

- What would be the cost of reducing chum salmon production in PWS by 24 percent?

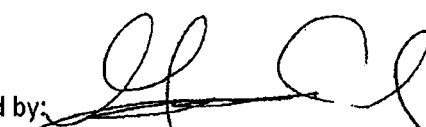
According to the ADF&G report to the Alaska Board of Fisheries (Special Publication No. 08-13), the ex-vessel value of the 2008 PWS chum salmon return was approximately \$19,000,000.

- Assuming current survivals and 2008 prices, a 24 percent reduction in hatchery origin chum salmon production in PWS would represent approximately \$4,380,000 of lost ex-vessel value.

Determination of economic impact of Alaskan fisheries begins with ex-vessel value and expands rapidly as costs of employment, materials and transportation associated with processing and marketing of the products accrue. Taxes assessed at each of these transactional nodes as the product moves to market also represent significant economic activity and important in understanding economic impact.

A mid-point economic multiplier, often used by both the McDowell Group and University of Alaska ISER in describing the benefits of Alaskan fisheries, is approximately seven times the ex-vessel value.

- This then would approximate the total impact of a 24 percent reduction in PWS chum salmon production at \$30,640,000.

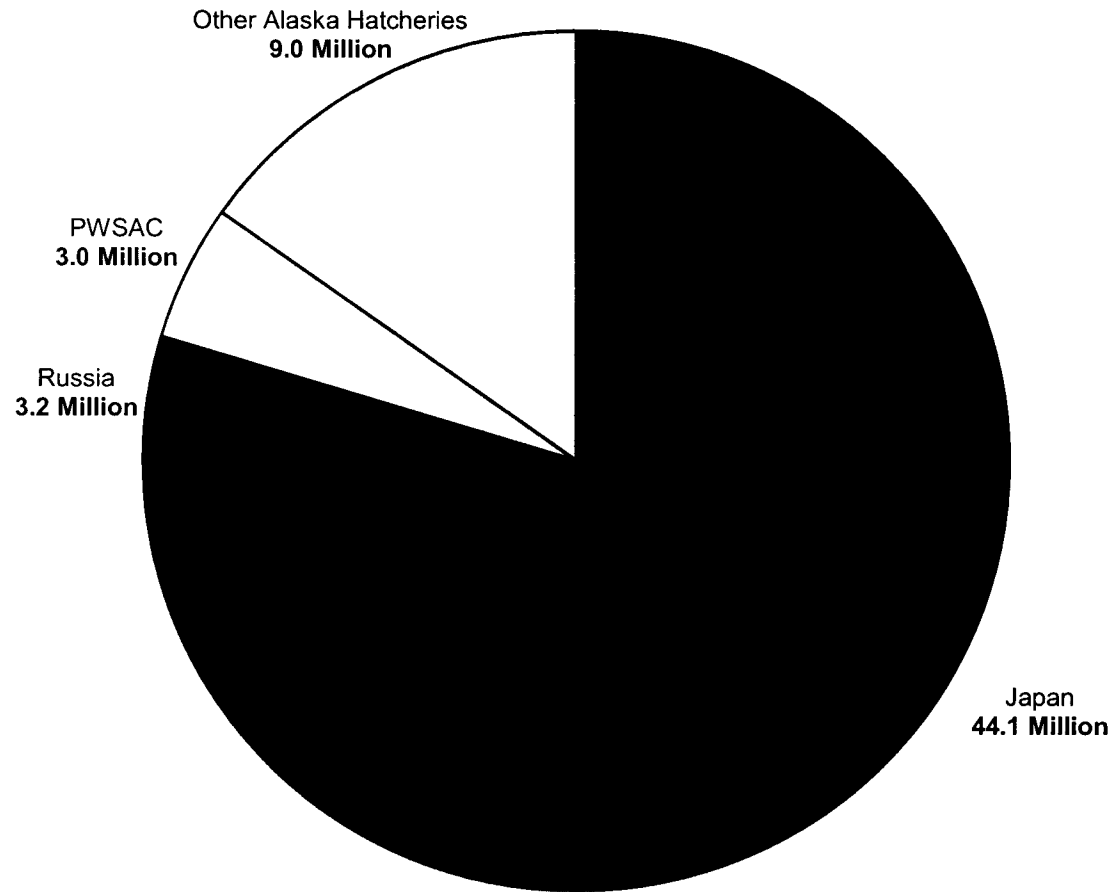
Submitted by: 
Prince William Sound Aquaculture Corporation
George Covell, Chairman

NOTE: CHUM PRICES
HAVE MORE THAN
DOUBLED SINCE THIS
2008 ANALYSIS.

6-

PRINCE WILLIAM SOUND AQUACULTURE CORPORATION
Corporate Office • P.O. Box 1110, Cordova, AK 99574
Office: 907/424-7511 • Fax: 907/424-7514
Website: www.pwsac.com • Email: pwsac@ak.net

**Approximate Annual Hatchery Chum Salmon North Pacific Harvest
(in numbers of fish)**



Anthony Matveev
P.O. Box 877197
Wasilla, AK 99687

RC 20

Proposal 90 – SUPPORT with amendments

I support the author's intent, but request the Board amend the proposal by adding additional latitude and longitude points. The proposed line should be more consistent with the current Eshamy District as identified in the grey area in Figure 90-1 of ADF&G's Staff Comments for Committee A – Commercial Fisheries. This year most of the boats fishing the Eshamy district were concentrated in the northern most portion of the district. The grey area outside of the proposed northern boundary represents a loss of key fishing area where fish enter the district. It is much more important to retain historical fishing area in the northern part of the district than to gain fishing area next to the arrow citing the proposed Eshamy district boundary in Figure 90.

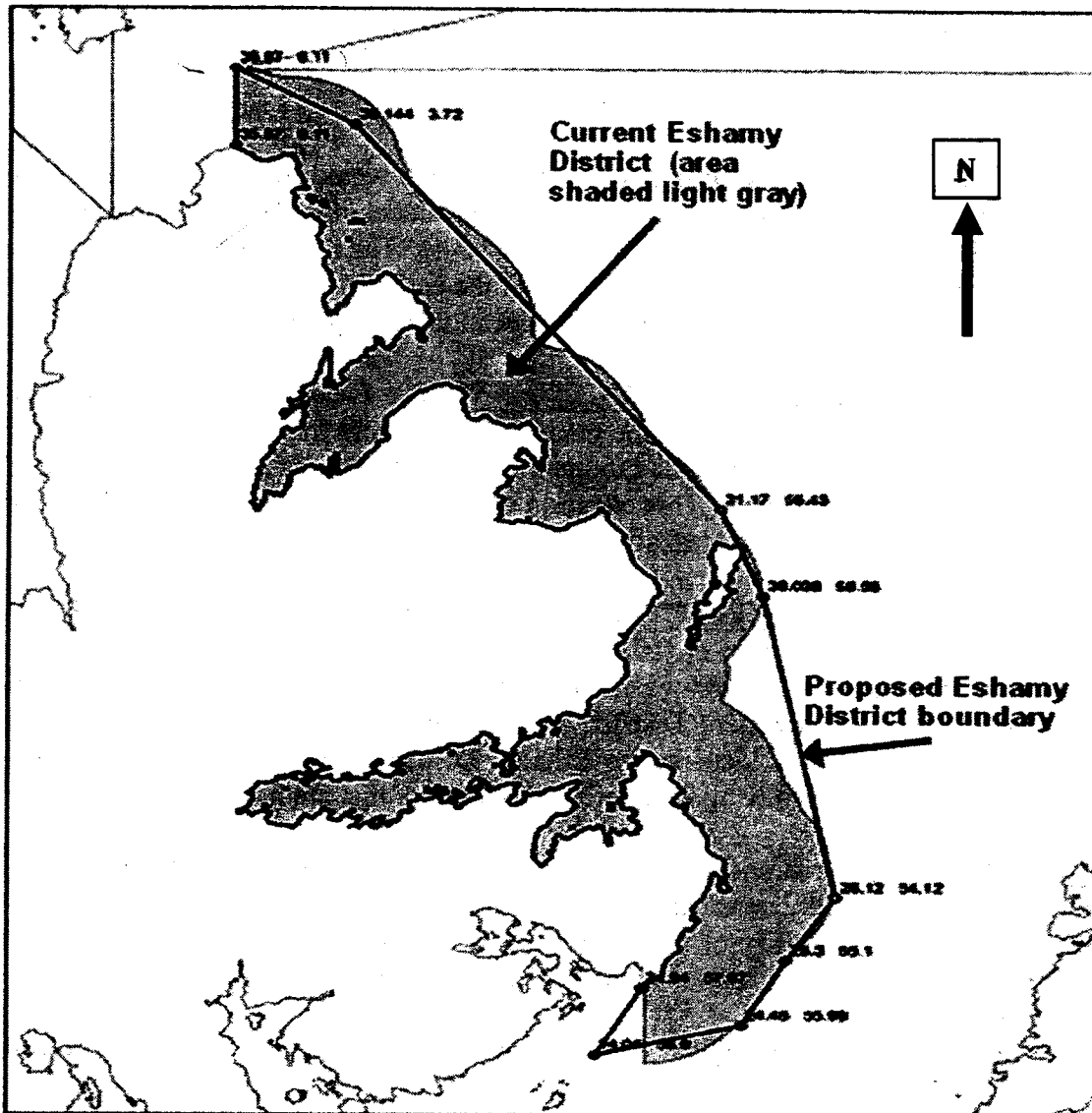


Figure 90-1.—Current and proposed Eshamy District boundary (numbers associated with the points are decimal minutes from the proposed coordinates).

NASA, Inc. Comments on Proposal 101

At this time, NASA, Inc. submits the following public comment on Proposal 101. Proposal 101 was submitted by NASA, Inc., with the intent of removing ex-vessel valuation from the seine/gillnet allocation. The reasoning behind the proposal was to determine a fair and equitable method of allocating the salmon resources in PWS between the gear types. As currently written, the gillnet fleet is behind in their allocation percentage as the result of the increasing value ratio of pink salmon in relation to sockeye and chum salmon. However, when considering aggregate ex-vessel value, the gillnet fleet has actually realized a net gain of \$40 million over the seine fleet the past ten years, excluding 2011. In 2011, drift gillnetters harvested \$47 million in ex-vessel value to the seine fleet's \$35 million, a difference of \$12 million. See J. Botz, T. Sheridan, *Prince William Sound Area Commercial Salmon Fisheries, 2011: a Report to the Alaska Board of Fisheries*, Special Publication No. 11-12, Table 3.

NASA, Inc. reserved comment on Proposal 101 pending feedback from the seine fleet. NASA, Inc. sought feedback from members and non-members, seiners and gillnetters on the efficacy of removing the ex-vessel value method of determining allocation. Comments from gillnetters, though not of a statistically significant number, ranged from "we have the seiners over a barrel" and "gillnetters are way behind" to support for returning Port Chalmers to the seine fleet "I hate fishing there", and giving seiners exclusive access to pink salmon at Esther, because they "don't want to pick pinks". Several gillnetters commented that the original intent of the allocation plan was to include both wild and enhanced salmon in the ex-vessel value, and then to use enhanced production to maintain historic catch percentages.

Seine comments were equally as diverse; however, the vast majority of the seiners supported a change to the allocation plan that returned to the original intent of the plan which was to maintain the historic catch ratios for each fleet. Several seiners commented that they did not participate in the 2005 amendment to the allocation plan, and that there was not a group or association representing seine interests. Other seiners commented that gaining the piggy-bank and triggers were hard won and the seiners made a deal, so we should live with it. Some seiners seem to be waiting to see which way the wind blows before commenting.

By a substantial majority, seiners agreed that the current allocation plan is flawed in the sense that it no longer considers all wild and enhanced salmon as the basis for maintaining historic harvest ratios. By considering only enhanced PWSAC salmon stocks, the seine fleet is now in a position to lose more time and area to even out the allocation percentage with the gillnet fleet, even though the gillnet fleet is actually ahead by tens of millions of dollars over the past ten years.

When it comes to simply discarding the ex-vessel valuation and dividing up Esther production, many seiners commented that the only way to equitably allocate salmon between the gear types was on an ex-vessel basis. Others were concerned that PWSAC would simply shift cost recovery in a manner that always benefited the gillnet fleet and the seiners would lose again. Other seiners were concerned that the gillnet fleet would realize a net loss of \$5 million if Esther production were equally divided.

Both gear groups voiced aversion to the other gear type fishing in an area that historically belonged to them, and felt that all piggy-banks should involve Esther production. Seiners especially seemed to have heartburn over gillnetters fishing at Port Chalmers.

Ultimately, at the meeting in Seattle on November 19, 2011, the members of NASA in attendance voted unanimously to seek changes to the Prince William Sound Allocation Plan. The NASA Board of directors then went to work on the specifics and decided on an alternate proposal. The NASA, Inc. Board determined that it was unworkable to simply discard the ex-vessel valuation, and reviewed the allocation plan as originally written.

The intent of the original plan was to maintain the historic catch ratios of each fleet, by including all salmon stocks in PWS, then making adjustments in enhanced production to maintain those ratios. Two unknown variables came to light in subsequent years that revealed flaws in the plan. The first was the impact pink salmon value ratio to sockeye and chum salmon has on fleet parity. The second was that shifting production occurs over too long a time period to be an effective tool for maintaining parity.

The Board of Fisheries made adjustments to the allocation plan which included the piggy-bank concept. The trigger point was originally set at 20% - a value that was too low to be meaningful. When it became apparent that the 20% value was too low, the seine fleet sought to have the trigger raised. This met fierce opposition from the gillnet fleet, who did not

want to make concessions to achieve fleet parity, and who promoted increased production as the tool to even out the fleets over the long term. Finally, the trigger points were raised, but the ex-vessel valuation was changed to include only PWSAC enhanced salmon. Now, the gillnet fleet is behind on the allocation percentage, yet ahead in aggregate value, demonstrating a third flaw in the allocation plan – removal of wild stocks and VFDA enhanced stocks from the matrix shifted harvest away from historical catch ratios.

In light of all the input, NASA, Inc. hereby withdraws Proposal 101 as currently written, and submits this RC for an alternate proposal to amend the PWS Allocation Plan to include all wild and enhanced stocks in the ex-vessel valuation for allocation purposes as was originally written. All other aspects of the allocation plan should remain the same, with the exception of seine access to a new Coghill district, if one is created, to permit seine access to underutilized Coghill sockeye stocks (*See Proposals #88, 106*). NASA, Inc. further supports Board of Fisheries review of the plan at the next board cycle to examine whether historic catch ratios are being met, and whether a different trigger point should be implemented to benefit the gillnet fleet, for example substituting exclusive access to Esther pinks instead of using Port Chalmers as the piggy-bank.

NASA, Inc. feels strongly that this substitute is the least disruptive to the current plan, and incorporates the original intent of the allocation plan to keep parity among the different gear types by maintaining the historic catch ratios and using enhanced production to meet imbalances over the long term. We now have 20 years of empirical evidence to demonstrate the flaws in the original allocation plan. With the benefit of hindsight, we can now return to the goals of the original allocation plan, and implement meaningful trigger mechanisms to achieve those goals.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration**

National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
December 2, 2011

RC22

Karl Johnstone, Chairman
Alaska Board of Fisheries
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526

Dear Mr. Johnstone:

I understand that Proposal 43 may be considered by the Alaska Board of Fisheries (Board) at your upcoming December meeting in Valdez, Alaska. As I understand it, Proposal 43 would prohibit commercial bottom gear inside three miles in the Prince William Sound Area. On November 22, 2011, the State of Alaska (State) Department of Law sent you a memorandum addressing the applicable State and Federal laws that the Board may wish to consider during its review and deliberations of this proposal. Based on a brief review of this proposal, the comments provided by the Department of Law are consistent with past guidance that NMFS has provided on the authority of the State to manage commercial fishing generally, and Pacific halibut fishing more specifically.

We only recently became aware of this proposal. Unfortunately, we are unable to provide a detailed review of the potential effect of Proposal 43 on commercial Pacific halibut fishing. Given the interface between Federal and State management implicit in this proposal, it may be appropriate for the North Pacific Fishery Management Council (Council) and the Board to review this issue at a Joint Protocol Committee meeting.

It is my understanding that the Council and Board Executive Directors have tentatively scheduled a meeting of the Joint Protocol Committee for March 19, 2012. It may be appropriate to add Proposal 43 to that agenda for discussion, unless the Board determines in December to not advance the proposal for further consideration.

Thank you for your consideration of this request. Please contact me or Glenn Merrill, Assistant Regional Administrator for Sustainable Fisheries (907-586-7775 or glenn.merrill@noaa.gov), if you have any questions or concerns with this request.

Sincerely,

for Robert D. Meenan
James W. Balsiger, Ph.D.
Administrator, Alaska Region

cc: Ms. Monica Wellard, Alaska Boards of Fish and Game
Mr. Chris Oliver, NPFMC

