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RE: ACR#4

HAINES BOROUGH
RESOLUTION No. 10-08-227

Adopted

A RESOLUTION OF THE HAINES BOROUGH ASSEMBLY SUPPORTING, ON BEHALF OF THE EXCURSION INLET COMMUNITY, A PROPOSAL TO THE ALASKA BOARD OF FISHERIES TO CREATE A PERSONAL USE/SUBSISTENCE ZONE FOR DUNGENESS CRAB.

WHEREAS, on December 28, 2007, the Haines Borough received a request from the residents and property owners of Excursion Inlet to consider submitting a petition on their behalf, to the Alaska Board of Fisheries to create a personal use/subsistence zone for Dungeness crab; and

WHEREAS, for many years, Excursion Inlet residents and property owners have fished an area near the mouth of South Excursion Inlet Creek for Dungeness crab for personal and subsistence use; and

WHEREAS, the State of Alaska recognizes that subsistence hunting and fishing are economically and culturally important for many Alaskan families and communities; and

WHEREAS, Excursion Inlet residents believe their ability to subsistence fish for Dungeness crab has been seriously impacted by the commercial crabbers; and

WHEREAS, creating a personal use/subsistence zone for Dungeness crab will enable the State of Alaska, Fish and Wildlife Enforcement Officer to effectively enforce regulations and address complaints,

NOW, THEREFORE, BE IT RESOLVED that the Haines Borough Assembly supports, on behalf of the Excursion Inlet community, a proposal to the Alaska Board of Fisheries, to create a personal use/subsistence zone for Dungeness crab.

Adopted by a duly-constituted quorum of the Haines Borough Assembly on this 24th day of August, 2010.

Janice Hill

Janice Hill, Borough Mayor

Attest:

Julie Cozzi
Julie Cozzi, Borough Clerk



Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370



Vince Webster, Chairman
Alaska Board of Fisheries

Frank Homan, Chairman
Commercial Fisheries Entry Commission
cc: Commissioners Bruce Twomley and Peter Froehlich

September 2, 2010

RE: Dual Set Net Operations in Bristol Bay: 5 AAC 06.331(u)

Gentlemen,

This letter is to address informational issues surrounding the amendment to Subsection (u) of 5 AAC 06.331(u), which allows an individual to own and operate two set gillnet permits in the Bristol Bay salmon fishery. The amendment, underlined below, was adopted by the Alaska Board of Fisheries at its December 2009 meeting on Bristol Bay regulatory issues.

(u) A CFEC permit holder who holds two Bristol Bay set gillnet permits may not operate more than four set gillnets, and the aggregate length of set gillnets operated by the CFEC permit holder may not exceed 100 fathoms. A single set gillnet may not exceed 50 fathoms in length. The buoys must be marked as specified in 5 AAC 06.334 and 5 AAC 39.280 with both of the CFEC permit holder's five digit permit numbers followed by the letter "D". In addition, at least one cork every 10 fathoms along the cork line must be plainly and legibly marked with both CFEC permit numbers. All identifiers must be displayed in a manner that is plainly visible, unobscured, and in a color that contrasts with the background. NOTE: The provisions of this subsection do not apply after December 31, 2012.

BBEDC is keenly interested in making sure that whatever information the Board needs to evaluate whether to continue the dual permit provision is available in a timely fashion. We hope you share our belief that the time to begin compiling that information is now, rather than waiting until just prior to the 2012 Board meeting.

Thus we are urging the Board and CFEC to begin discussions at their early convenience to determine what data ought to be gathered on dual set net operations in Bristol Bay, so that the CFEC can begin that process and the Board will be adequately informed for deliberations that are certain to be on the agenda for its 2012 meeting.

BBEDC would be happy to be a party to these discussions.

Thank you sincerely,

A handwritten signature in black ink, appearing to read 'Robin Samuelsen', written in a cursive style.

Robin Samuelsen, CEO

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September 17, 2010

Board of Fish
Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811
Fax: 907-465-6094

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Board Members:

Please accept Agenda Change Request #6 that asks for the closure of District 1 (the Ketchikan area) to Summer Commercial Dungeness Crab fishing.

After only two summers the Crab in district one are at all time lows and reasonable opportunity for all users is gone. Personal and subsistence users have looked and are not finding legal Dungeness crab in Helm Bay, Port Stewart, Spacious Bay, all around Bell Island, Traitors Cove, Marguerita bay, all of the eastern Behm canal and even down into Carol inlet and Shoal Cove.

As predicted – our Dungeness crab are disappearing. District one just can't take the effect of a summer fishery, as we do not have the numbers of crab or Habitat necessary for this fishery. We really don't care what they do around Wrangell or Petersburg where the crab and habitat are evidently endless, but to come down to district one and wipe our Dungeness crab is senseless.

It's a shame when one Alaska community takes advantage of another and the commercial interests takes advantage of all other resource users. What makes it even worse is when so many of the commercial interests are from out of State. As the resources disappear all Alaskans will continue to be made more aware of whom they need to hold responsible for our disappearing resources.

It was a mistake to stop the productive winter Dungeness crab fishery and start a wasteful summer fishery. This is not in compliance with maximum use requirements for our resources. It's becoming more obvious the Commercial interests are not held to the same requirements as all other users of the resources.

Evidence has shown that nearly 30,000 Dungeness crab have been wasted in District one during the last two summers because of this fishery. No one can ever say again how Alaska Commercial fisherman look out for our resources.

District One's Dungeness Crab are going the way of our long lost Abalone. They are being mismanaged to extinction. The Board of Fish was in the driver's seat on Abalone and is again on our Dungeness crab. Another thing, ADF & G was to gather Data from the summer Dungeness fishery – to this date they have not been funded to gather data, and no attempt is being made, that I am aware of, to find any funding.

Many of us think its already to late - - please stop the Summer Dungeness Crab Fishery in District One. Please accept ACR #6. Our crab population is being depleted.

Lloyd Gossman
40 year resident and personal use fisherman.

Public Comment #3

ALASKA STATE LEGISLATURE



REPRESENTATIVE KYLE JOHANSEN
MAJORITY LEADER

To: Board of Fish
From: Representative Kyle Johansen
Date: September 17, 2010
Re: Summer commercial Dungeness fishery

I'm writing in support of the Agenda Change Request submitted by Mr. Dave Kiffer regarding the summer commercial Dungeness crab fishery in District 1.

I understand that at the 2009 BOF Southeast shellfish meeting the board allowed for three summer Dungeness fisheries (2009, 2010, & 2011) and this issue will most likely be on the BOF's agenda in 2011 or 2012. I am very concerned about the disturbances this fishery has during sensitive periods of the species life cycle (molting and mating) and I urge the board to take up this issue now instead of postponing to a later date. The BOF has closed this fishery in the past for just these reasons.

Please expedite your review of this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Kyle Johansen".

Representative Kyle Johansen

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Session: State Capitol, Juneau, AK 99801-1182 • (907) 465-3424 • Fax (907) 465-3793

Interim: 50 Front Street, Suite 203, Ketchikan, AK 99901 • (907) 247-4672 • Fax (907) 225-8546

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

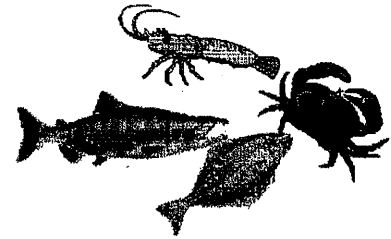
Juneau, AK 99801

Phone: 907-586-6652

Fax: 907-523-1168

Email: seafa@gci.net

Website: <http://www.seafa.org>



September 27, 2010

ATTN: Board of Fish Comments
Alaska Dept of Fish & Game: Board Support Section
PO Box 11526
Juneau, AK 99811

VIA Fax: 907-465-6094

Dear Vince Webster, Chair and Board of Fish Members,

Southeast Alaska Fishermen's Alliance (SEAFA) would like to comment on 6 of the 9 agenda change request proposals submitted for consideration by the Board at the October work-session.

SEAFA is opposed to the adoption of the following five ACR's for consideration during this regulatory cycle.

ACR 2- Adopt by regulation a policy for the management of mixed stock fisheries:
The basis of this ACR is that the Board of Fisheries is required by AS 16.251 (h) to (shall) adopt by regulation a policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stock fisheries in a manner that is consistent with sustained yield of wild fish stocks. The Board of Fish has adopted regulation 5 AAC 39.220 Policy for the management of mixed stock salmon fisheries and this policy does meet the statute requirement to be consistent with the sustained yield of wild fish stocks. The regulation suggests the use of specific fishery management plans using the application of the mixed stock policy and allocation criteria as appropriate. This ACR implies that there is a specific issue in the Prince William Sound salmon fishery that needs to be addressed but does not provide any specific details about his concerns. SEAFA is totally opposed to and has grave concerns about changing the statewide mixed stock policy that is working in Southeast Alaska when a more appropriate action is for the individual to submit a fishery management proposal for the Prince William Sound cycle that addresses the specific concern he has about the Prince William Sound salmon fishery and not change the statewide proposal. He could also use the local fish and game advisory

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committee as a sounding board.

In addition we would recommend that the Board of Fish bring to the attention of the Governor and the Legislature that AS 16.05.300(b) is no longer appropriate with the fiscal constraints in trying to hold a Board of Fish meeting EVERY YEAR in Upper Yukon - Kuskokwin - Arctic; Western Alaska (including Kodiak); Southcentral; and Prince William Sound (including Yakutat) and hold the scheduled regulatory meetings. The Board of Fish has developed a three year regulatory cycle.

ACR 4 - Create a personal use/subsistence designated area for Dungeness crab in Excursion Inlet within District 14: SEAFRA opposes this proposal as not fitting the criteria for an ACR. Closing commercial fishing in Excursion Inlet is strictly an allocative issue not a conservation issue. The Haines Borough was approached prior to the last SE regulatory cycle and at that time did not submit a proposal and therefore there is no reason why this proposal should be considered out of cycle. If this proposal was accepted, it would likely be heard during the March statewide crab meeting when many of the crabbers in southeast are busy in other fisheries. This is a proposal that there is no reason that it can not wait be heard during the regular Southeast Alaska regulatory cycle. Many of the Excursion residents are seasonal residents or Juneau residents with second homes. All of Glacier Bay is nearby and already closed to commercial fishing. The amount of commercial effort and the vessels fishing within the area requested for the closure are the pretty consistently the same individuals that have fished the area for a very long time (prior to 2002). If there is an increase in the number of pot fishing within the area requested to be closed or the development of enforcement issues then it is more likely from the lodges and increased seasonal residents within the area itself. While we do not believe this proposal meets the criteria for acceptance of an ACR, if the Board of Fish decides to accept this proposal, we would hope that the proposal developed would allow only personal use and subsistence dungeness crab fishing within the closed area as the proposal requests and not allow sport fishing within the area.

ACR 6 - Close the commercial Dungeness summer fishery in District 1 in Southeast Alaska: SEAFRA opposes the consideration of this proposal as an ACR. This is very much an allocation issue and not a conservation issue. As outlined in the criteria for ACR's we don't see where it meets the requirements for consideration. This proposal was considered twice during the Southeast Alaska regulatory cycle, rejected as an ACR last year and we do not see the presentation of any new information that would justify acceptance of ACR #6 this year.

This issue will be revisited next year during the Southeast Alaska regulatory cycle since it has a sunset date otherwise. The area was opened to allow for the collection of information in the District and we have not seen any reason to believe that District 1 is any different than any other district in Southeast Alaska. The

sport and subsistence users just got use to and liked having the district to themselves during the summer season. If the commercial harvest is detrimental to the health of the crab because of handling then the sport, personal use and subsistence fishermen are causing the same amount of harm.

District 1 was ninth in harvest out of the 14 Southeast districts and we have not heard of any soft-shell issues from the fishermen or processors from District 1 dungeness crab.

We would request that if you accept this proposal as a conservation issue that you redraft the proposal to close District 1 to all users, subsistence, personal use, sport and commercial during the summer season and allow an opening for all users October 1st to Feb. 28th.

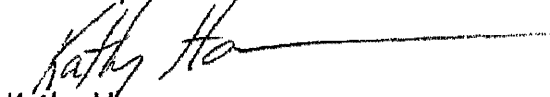
ACR 8 - Redefine closure areas in Anita Bay Terminal Harvest Area Management Plan: While we understand the frustration of salmon permit holders that generated this proposal, SEAFA believes that this proposal is best suited to the normal regulatory cycle when you will have Southeast salmon and crab fishermen in attendance at the regulatory meetings. This compromise regulatory language was developed during the 2003 regulatory meetings after being heard at both the January shellfish meeting with final adoption of Proposal #369 during the February finfish meeting. Wrangell fishermen who hold both gillnet and dungeness crab permits participated in the development of this regulation. The intent of the regulation was to allow a compromise to occur that would allow the historical harvest of dungeness crab to continue to exist in the area while acknowledging the need for the salmon fishermen to access the salmon returning to the THA.

SEAFA supports:

ACR 3 - Clarify restriction on the use of shellfish for commercial purposes: This proposal is submitted by the Public Safety. There currently is a proposal being considered for the Cook Inlet area (Proposal #315) tanner and king crab and this agenda change request would expand the proposal for statewide purposes and shellfish species. Southeast Alaska already has this regulation in place and has helped clarify the issue here. The public will be aware of the subject of Proposal #315 and the acceptance of this ACR should allow for the public the opportunity to understand the expansion of the request.

Thank you for your consideration of our comments.

Sincerely



Kathy Hansen
Executive Director

Jim Marcotte
Executive Director, Board of Fisheries
PO Box 15526
Juneau, AK 99811

Re: Proposals 119 & 120 Restructuring Proposals

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1. Regulatory Area - Area H
Gear Type - Drift Gillnet

2. Explanation:

- a. No new harvester qualifications other than owning a second drift permit, second permit will be necessary
- b. Can be developed within existing allocations
- c. An individual may hold two permits and actively fish them in the same season - the amount of gear to be determined, although 200 fathoms is suggested
- d. No vessel length issues
- e. None other than existing transferability processes
- f. Processor involvement is not anticipated
- g. Yes, permanent as any other regulation
- h. No
- i. None are anticipated or being relied upon
- j. The economics of the fishery will set the direction, use or non-use of owning two permits
- k. This is a self-financed fleet reduction
- l. Economics involved with purchasing and operating larger (length) fishing gear

3. There are economic objectives are to be achieved

4. Allows fishermen an alternative means of achieving economic goals

5. None anticipated - allocation aspects to be handled in other Board of Fish regulations

6. Fishermen will benefit

7. Current practices can continue

8. No comment

9. Don't know

10. Don't know

11. To be determined

Submitted By: Name Roland man (signature required)
Individual or Group UCIDA - United Cook Tulee Gill Association
Address 43961 K-beach Rd, Ste E Zip Code 99809 Phone 210-9436



September 28, 2010

Boards Support Section
ATTN: Jim Marcotte,
Board of Fisheries
PO Box 115526
Juneau, AK 99811

Dear Mr. Marcotte:

Ahtna Tene Nene' Customary and Traditional Use Committee is hereby submitting comments on Agenda Change Request #2 (ACR #2).

ACR #2 is unclear, ambiguous, and vague. ACR #2 does not specify the wild stock that is being referred to, whether it is Chum Salmon, Pink Salmon, Copper River Kings or Sockeye. If the ACR is referring to Chum or Pink Salmon, we do not have any comments on ACR #2.

However, if the ACR is referring to Copper River King Salmon and Sockeye, we support ACR #2 to "adopt [a] regulation policy for the management of mixed stock fisheries. The policy shall provide for the management of mixed stocked fisheries".

We agree that the "current practices are harming wild stocks". We do not wish to comment on the economic harm to Commercial harvesters in Prince William Sound.

The first run of wild stock, (salmon) in the Upper Copper River is slow and poor. During the month of May and June, not many salmon are harvested due to the meager run of salmon. The first salmon (wild stock) run up the Copper River to Tanada Creek is usually inadequate and poor.

Directors of the Board of Fisheries should adopt a policy for the management of mixed stock fishery to protect wild stocks in the Upper Copper River, and appoint a committee to address this issue.

Please take our comments into consideration.

Sincerely,

Glenn Stikwan
for
Eleanor Dementi

Eleanor Dementi,
Chair

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P.O. Box 649 – Glennallen, Alaska 99588
Phone: (907) 822-3476 – Fax: (907) 822-3495

Public Comment #7

Petersburg Vessel Owners Association

PO Box 232
Petersburg, AK 99833
Phone & Fax: 907.772.9323
pvoa@gci.net • www.pvoaonline.org

September 28th 2010

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

RE: AGENDA CHANGE REQUEST COMMENTS 2010

Dear Chairman Webster and members of Board of Fisheries,

PVOA is a diverse group of 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, cod, crab, and shrimp. Many PVOA members are also active sport, personal use, and subsistence fishermen who depend on sustainable and conservative management of Alaska's fishing resources to ensure healthy fisheries for the future. We appreciate the opportunity to comment on the ACRs up for consideration at the October 2010 worksession.

ACR 2- ADOPT BY REGULATION A POLICY FOR THE MANAGEMENT OF MIXED STOCK FISHERIES, OPPOSE. PVOA is opposed to actions that would change mixed stock management without a justifiable reason. PVOA was unable to understand from the ACR why stocks in Price William Sound were being harmed. Changing the management of mixed stock fisheries would inadvertently affect other areas of the state where mixed stock management is successful. It appears that this proposal would be better addressed during the appropriate BOF cycle for Price William Sound in a specific management plan.

ACR 3- CLARIFY RESTRICTION ON USE OF SHELLFISH FOR COMMERCIAL PURPOSES, SUPPORT. PVOA supports actions that justifiably clarify existing regulations. Given the Alaska Department of Public Safety submitted the proposal, it appears this issue is in need of immediate clarification. Providing lodge clients with sport caught shellfish is an important issue, and difficulties with enforcement can be reduced by adopting consistent regulations statewide.

ACR 4- CREATE A PERSONAL USE/SUBSISTENCE DESIGNATED AREA FOR DUNGENESS CRAB IN EXCURSION INLET, OPPOSE. PVOA continues to oppose actions that are based on anecdotal information. This proposal is allocative, and

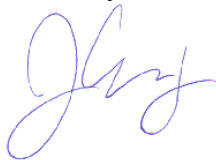
does not correct an error in regulation or promote conservation. **This proposal does not appear to meet the criteria for an ACR.**

ACR 6- CLOSE THE COMMERCIAL DUNGENESS SUMMER FISHERY IN DISTRICT 1 IN SOUTHEAST ALASKA, OPPOSE. PVOA continues to oppose action that restricts commercial fishing and allows the continuance of sport fishing which in some cases matches or exceeds commercial harvest. We are also opposed to actions that close areas to commercial fishing when there is no conservation concern for the overall stock of the area. Closing areas to commercial fishing forces further crowding in areas traditionally fished by commercial gear. Reports from fishermen indicate that the majority of fishing in this area is done by sport pots, not commercial as this proposal is attempting to prohibit. Although we are opposed to closing areas to commercial fishing and not sport fishing for the reasons stated above, we feel that more appropriate *requests* would close areas to commercial AND sport while still leaving opportunity for personal use fisheries. Many commercial harvesters have submitted comments the past two years regarding the Dungeness fishery in Districts 1 and 2, and I highly encourage the Board to read through them again. Claims that the Dungeness crab fishery in District 1 or 2 will be devastated if commercial activity is allowed to continue in the summer months are completely unfounded. If these claims had merit, then all other areas in southeast that have a summer Dungeness fishery would no longer be viable. **PVOA continues to oppose actions that are based on anecdotal information. This proposal is allocative, and does not correct an error in regulation or promote conservation. This proposal does not appear to meet the criteria for an ACR.**

ACR 8- REDEFINE THE CLOSURE AREAS IN ANITA BAY, OPPOSE. PVOA encourages this important issue to be heard at the Southeast BOF cycle in 2012. It is imperative that all stakeholders be available to work on this compromise position.

Thank you for your time and attention to these important matters. If we can provide further information or answer any questions as you make this important decision, please feel free to contact us.

Sincerely,



Julianne Curry
Director

Written Comments on Alaska Board of Fisheries **ACR 5**

Revise Chinook Salmon Management Plans on the Yukon River (5AAC05.360)

Alaska Board of Fisheries Work Session

October 13-14, 2010

Kenai, AK

By

Gene J. Sandone¹

For

Kwik'pak Fisheries

¹ Gene J. Sandone
G.Sandone Consulting, LLC
4950 W. Clayton Ave.
Wasilla, AK 99654

INTRODUCTION

The proponent of ACR 5 seeks the BOF to change all regulations that apply to Chinook salmon in the Yukon River.

During the January 2010 State of Alaska Board of Fisheries (BOF) meeting, less than 9 months ago, the BOF addressed 20 proposals that sought to change regulations for commercial and/or subsistence fishing on the Yukon River. Most of these proposals were aimed at changing Chinook salmon regulations. Of those proposals, some are being considered again in the Federal Subsistence Board (FSB) regulatory process and ACR 5 requests a BOF review of all regulations pertaining to Yukon River king salmon. The FSB is scheduled to hear proposals on limiting mesh depth of gillnet greater than 6 inches stretch mesh on January 19-21, 2011.

At the last AYK BOF meeting, proposal 90 was submitted by the Eastern Interior Regional Council requested a prohibition of gill nets greater than 6.0-inch stretch mesh for the Yukon River commercial and subsistence fisheries. Based on the available scientific information, the BOF amended the proposal and adopted regulations that limit the maximum gill net mesh size for Yukon River commercial and subsistence fisheries to 7.5-inch stretch mesh. The BOF enacted the maximum mesh size restriction with the intent to conserve the largest Chinook salmon, and more specifically the largest highly fecund female Chinook salmon. The apparent lack of these largest, highly fecund, female Chinook salmon on the spawning grounds raised concerns regarding the reduction of long term stock productivity, reduced genetic integrity, reduced size at age, and poor quality of escapement (low proportion of female salmon on the spawning grounds). This regulation becomes effective in 2011.

Information used by the BOF to craft this regulation was taken from the results of a 3-year gillnet mesh size study conducted by ADF&G in the lower portion of the Yukon River. This study showed that unrestricted mesh size gillnets catch significant and substantial more of the largest salmon, those over 900 mm, than 7.5 inch mesh size gillnets. ADF&G reported that the harvest of these very large Chinook was reduced from nearly 16% in the harvest in unrestricted mesh size to less than 6% in the catch from the 7.5 in mesh gillnets, a 63% reduction in the catch of the very large Chinook salmon. Additionally, the female component of the catch in the 7.5 inch maximum mesh size nets was significantly less than the female Chinook salmon component observed in the unrestricted mesh size harvests. This passage of this regulation was a major change to the commercial and subsistence fishery in the Yukon. Most fishers and scientists expect this regulation to positively affect the composition of the Chinook salmon on the spawning grounds, thereby addressing the concerns stated above.

Prior to the 2011 fishing season, unrestricted mesh size could and was used in both the subsistence and Chinook salmon-directed commercial fisheries, unless restricted by emergency order authority. Although the BOF limited the stretch mesh of gillnets used in the Yukon Area to 7.5 inch stretch mesh, the BOF did not alter the depth in number of meshes. The maximum depth of a commercial gillnet in Districts 1,2, and 3 remained 45 meshed deep; the depth of the nets in Districts 4, 5, and 6 remained 60 meshes deep. However, the restriction on the mesh size to a maximum of 7.5 inch effectively reduced the depth of the nets. Most fishers that targeted Chinook salmon in the Lower Yukon Area used 8.5 inch stretch mesh gillnets to harvest Chinook salmon in subsistence and directed Chinook salmon fisheries. The reduction in the maximum size of the stretch mesh without changing the maximum depth of 45 meshes, effectively reduced the depth of the gillnets by 45 inches (3.75 feet) or by approximately 12%. It is unclear whether the BOF intended to reduce the depth of the nets. Proposal 89, which would have restricted gill net depth to 35 meshes for nets greater than 6.0-inch stretch mesh, was also proposed by the Federal Subsistence Eastern Interior Regional Advisory Council. The BOF did not adopt the proposal because of the lack of direct evidence linking mesh depth to quality (size and sex ratios) of Chinook salmon harvests. However, the FSB will consider a similar proposal in January of next year. Reducing

the nets to 35 meshes deep, as proposed by the federal proposal, would effectively reduce the depth of the net an additional 6.25 ft, or an overall reduction of 10.0 feet, or over 30% over the 8.5 inch net depth used up until last fishing season (2010). In recent published analysis both the Federal Office of Subsistence Management (FOSM) and ADF&G oppose this proposal (<http://alaska.fws.gov/asm/pdf/meetingbooks/ykfall10/FP11-01-06.pdf>).

During that same AYK BOF meeting, the BOF adopted a regulation that gives ADF&G managers emergency order authority to sequentially close fisheries to allow pulses of Chinook salmon to migrate upstream with little or no exploitation through all fisheries to their spawning grounds. This regulation will be also used to bolster escapement to a particular section of the river when those runs are very poor.

The following section presents the proponent's statements contained within ACR 5, along with our or response to those statements. It is the intention of this written comment to aid the BOF in determining if this ACR has merit.

ACR 5: Revise Chinook Salmon Management Plans on the Yukon River (5AAC05.360)

STATE IN DETAIL THE NATURE OF THE PROBLEM:

Loss of productivity, genetic integrity, older age classes of Chinook salmon in the Yukon River which has resulted in not meeting the treaty obligations to Canada for three of the past four years. The Tanana River which is the largest producer in the drainage has not had a Chinook commercial fishery for the past five years.

The above reasoning is misleading and contains half truths and errors. Chinook salmon stocks in general throughout the state have been experiencing lower production rates. During 2010, many Alaskan Chinook salmon stocks did not achieve their escapement goals, such as, the Nusagak River and the Copper River. Many Chinook salmon fisheries were closed or restricted in order to bolster poor escapements. Although escapements to the Canadian mainstem Yukon River were not been achieved in three of the last four years, escapements to that section of river drainage beginning in 2001 have been very good. In the 10 years of record from 2001-2010, Chinook salmon escapement goals have been achieved 7 times. A record escapement was also documented in 2003. Additionally, escapements in 2005, and 2009 rank in the top four highest escapements on record (Figure 1). Additionally, during the last 10 years, escapements have exceeded the upper bound of the recently established escapement goal range in 4 of the 10 years of record. Note that during the previous 19-year period, 1982-2000, that upper escapement bound has only been exceeded four times in nearly two times the length of time (Figure 1).

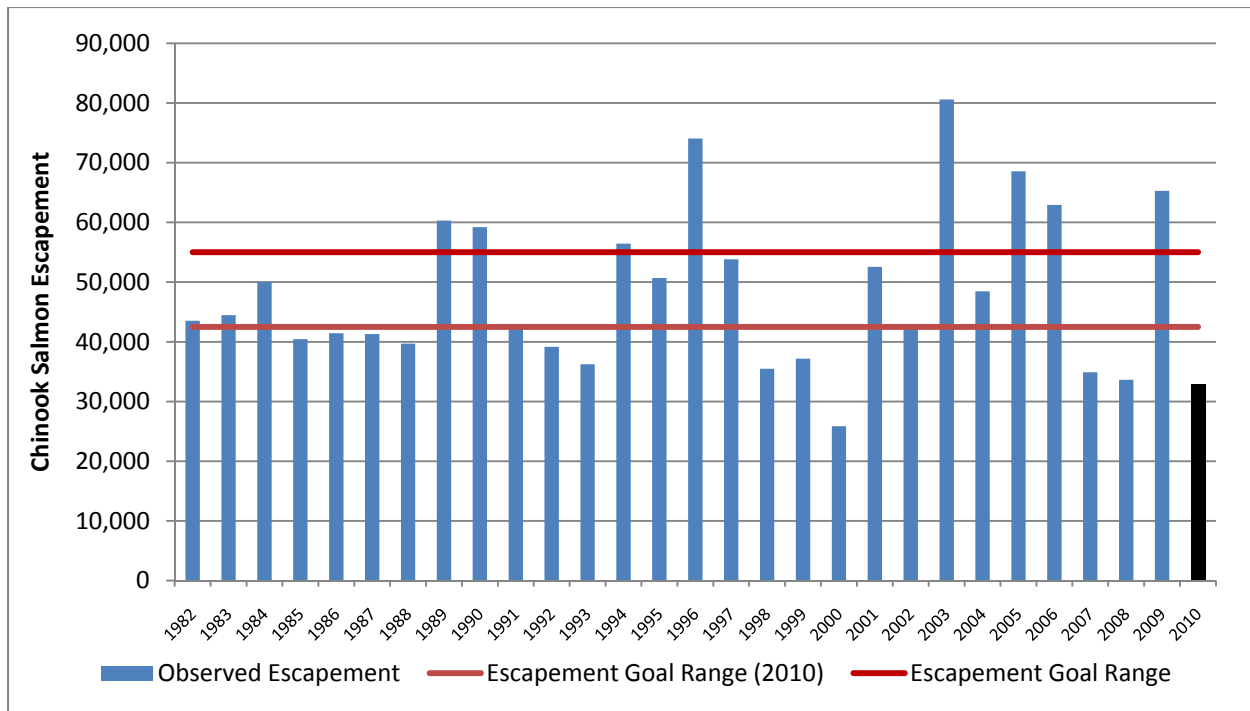


Figure 1. Estimated Chinook salmon escapements to the mainstem Yukon River in Canada, 1982-2010. These data taken from JTC 2010. Escapement data for 2010 is preliminary and is subject to change. Escapement goal range is based on the 2010 Yukon Panel decision based on recommendations by the JTC (2010).

There are two parts to the proponent’s next statement; *The Tanana River which is the largest producer in the drainage has not had a Chinook commercial fishery for the past five years.* The first part of the statement that states the Tanana River is the largest producer in the drainage is false. Although total escapement for the Middle Run and Lower Run Chinook salmon components are not known, the composition of the harvest can be substituted as a surrogate for total run contribution. Note that the Tanana River Chinook salmon stock comprises the major portion of the Middle River Yukon Chinook salmon stock. During the period, 1982-2008, the Middle River component of the three stocks that comprises the total Yukon River Chinook salmon harvest has ranged from 6% in 1999 to 40% in 1984 and has averaged 23% of the total Yukon River harvest during that period (JTC 2010). This is little more than the Lower Run stock, which has averaged 21% over the same time period (JTC 2010). The difference between the two harvests averages is probably not significant. The Canadian component, however, is the largest producer of Chinook salmon in the drainage. Harvests from that stock have ranged from a low of 35% in 1984 to 71% in 1986. The contribution of the Canadian component to the total Yukon River Chinook salmon harvest has been approximately 56% for the years 1982-2008 (JTC 2010). Therefore, the proponent’s statement regarding the relative production of the Tanana River drainage is false.

Although the second part of the statement that states that the Tanana River has not had a Chinook commercial fisher for the past five year is technically true, we believe that it is misleading. The statement insinuates that the Chinook salmon run into the Tanana River and the resulting escapements were so poor that a commercial fishery could not be prosecuted. Chinook salmon harvests within the Tanana River have ranged from 0 in 2000 and 2001, when commercial fisheries were not prosecuted within the entire Alaskan portion of the drainage, to 3,338 in 1987. Even before the downward production shift in the

Yukon River Chinook salmon stock started with the 1998 run, harvests within the Tanana River (District 6) were relatively small and rarely exceeded 2,000 fish (Hayes and Newland 2009). Because of the relatively small Chinook salmon harvest in District 6, there is no doubt that the Chinook salmon runs into the Tanana River in 2006, 2007 and 2009, as evidenced by the Chena and Salcha Rivers escapements (Figure 2 and 3, respectively), could have supported a directed commercial Chinook salmon. Note that the Chena and Salcha Rivers are the major index spawning tributaries within the Tanana River drainage. Therefore, we sincerely believe that the proponent's statement regarding the lack of a directed commercial fishery in the Tanana River is misleading.

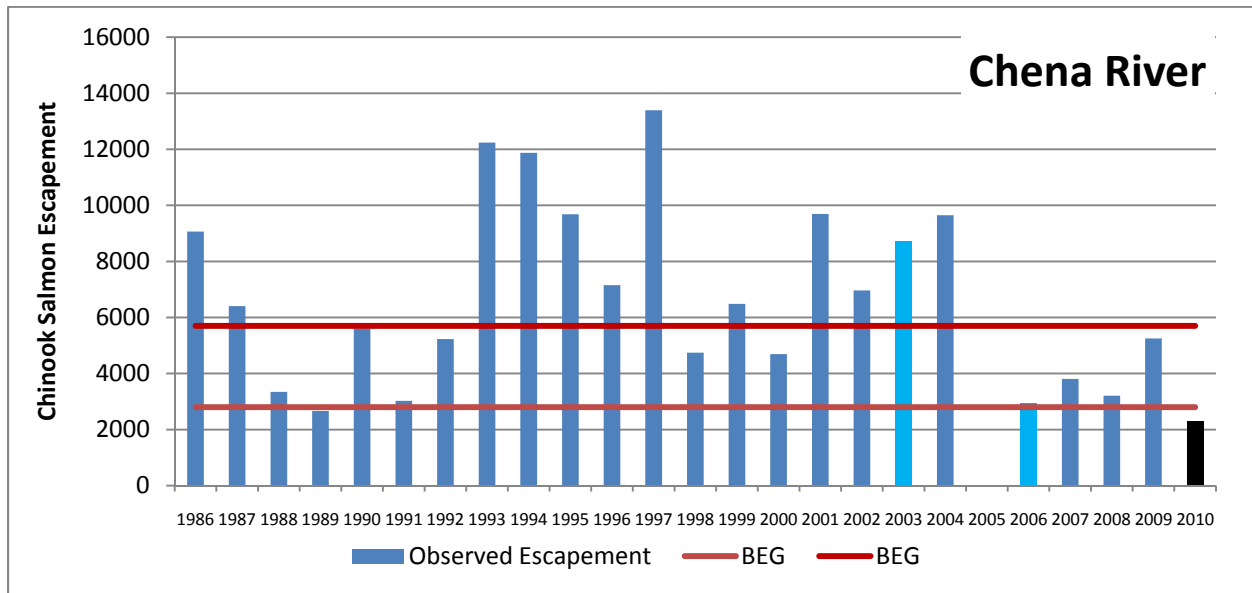


Figure 2. Estimated Chinook salmon escapements to the Chena River within the Tanana River drainage, 1986-2010. These data taken from JTC 2010. Escapement data for 2010 is preliminary and is subject to change. Light colored bars indicate incomplete counts for that year.

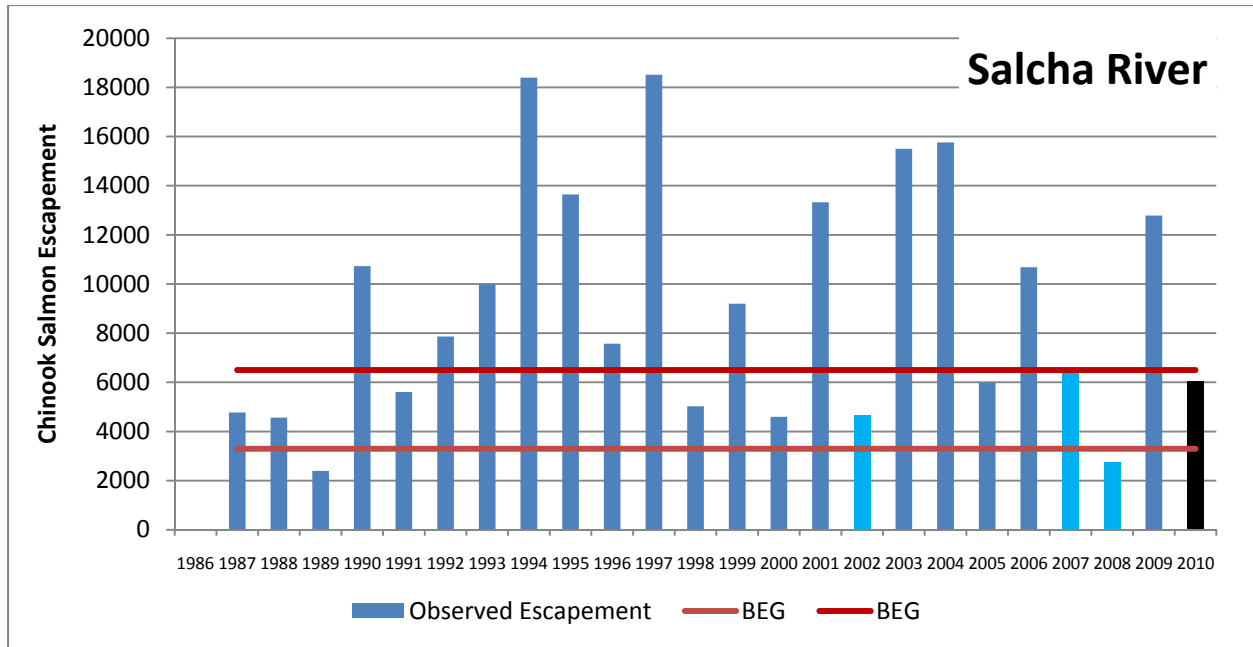


Figure 3. Estimated Chinook salmon escapements to the Salcha River within the Tanana River drainage, 1986-2010. These data taken from JTC 2010. Escapement data for 2010 is preliminary and is subject to change. Light colored bars indicate incomplete counts for that year.

Because of variations in the ocean and freshwater environment, it is not possible to definitely state that size-selective harvests are causing the decrease of the age-7 salmon. Note that, historically, the vast majority of age-8 salmon spend 2 years in freshwater before out migrating to the ocean environment. Like the age-7 fish, they spend 5 years in the ocean. The loss of the age-8 salmon are probably most likely tied to environmental changes that allow salmon fry to grow faster and leave the freshwater nursery area after one year, similar to the vast majority of Chinook salmon that originate in the Yukon River drainage. It has been noted that the fastest growing fish in freshwater are the fastest growing fish in the ocean and have a tendency to mature at an earlier age. Changes in ocean environment that cause fish to grow faster also cause them to mature at an earlier age, thus tending to produce younger fish overall. However, the recent mesh size restrictions enacted by the BOF should provide older and larger Chinook salmon to reach the spawning grounds, thereby providing better future production potential.

STATE IN DETAIL HOW YOUR AGENDA CHANGE REQUEST MEETS THE CRITERIA STATED BELOW.

1) Fishery conservation purpose or reason: *The average weight of 1,002 chinook salmon sampled this year at the rapids was 10.9 lbs. and only 12.9% were female.*

This statement is half true but extremely misleading. First the data are from sampled Chinook salmon that were caught in Stan Zuray test fishwheel. Fishwheels are notorious for catching the smallest Chinook salmon in the run, which are predominately male fish. Large mesh-gillnets are known to catch the larger Chinook salmon, which tend to consist of a majority of females. However, as gillnet mesh size is reduced, smaller and smaller Chinook salmon are caught. Bromaghin (2005) utilized net selectivity models to demonstrate that gillnets of varying mesh size catch different fish sizes. He also observed that the catch from the 7.5 mesh gillnet harvested sizes (lengths) of Chinook salmon that were most

proportional to the size distribution of the Yukon River Chinook salmon run. In other words, the 7.5 inch gillnets tended to harvest Chinook salmon in proportion to their presence in the Yukon River run, relative to size. Therefore, Chinook salmon harvested from the 7.5 inch gillnets are more representative of the size classes in the run than fishwheel catches and other mesh size gillnet catches. In a personal communication, Bromaghin, stated that the Chinook salmon that had the highest probability of capture based on length for the 7.5 inch gillnet was identical to the peak of the length distribution of the male Chinook salmon in the Yukon River run. This indicates that not only does the 7.5 inch gillnet harvest the sizes of Chinook salmon in close proportion to their presence in the run, the majority of the catch would be male Chinook salmon.

Figure 4 presents length data from the 2010 from the Mountain Village 7.5 inch gillnet test fish catch, Stan Zuray’s fishwheel sample, and sampled Chinook salmon harvested in 8.0 and 8.25 inch subsistence gillnets in the vicinity of the rapids.

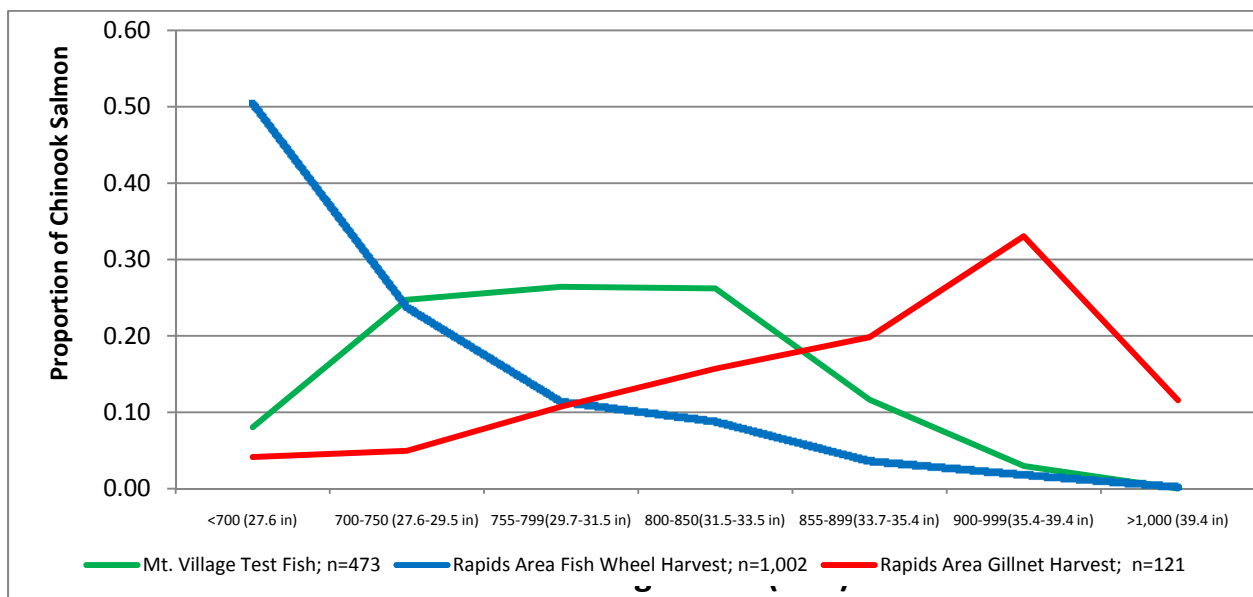


Figure 4. Length frequency of sampled Chinook salmon captured in the Mountain Village 7.5 inch gillnet test fishery, the Rapids test fish wheel project, and from gillnets fished in the Rapids area in District 5.

The majority, 51%, of Chinook salmon sampled from Stan Zuray’s test fishwheel are very small fish, less than 700mm (27.6 inches). Chinook salmon greater than 800mm (31.5 inches) accounted for only 14% of the total sample. Additionally, Chinook salmon greater than 900mm (35.4 inches) accounted for approximately 2% of the sample. Females accounted for approximately 14% of the sample. Average length of the sampled salmon was 681 mm (SD=113mm) (26.8 inches; SD= 4.4 inches) (Figure 5). Average weight was 4.9 kg, (SD 2.4kg) (10.8 lbs; SD=5.3 lbs)

Although the sample taken from the subsistence gillnet harvest was small, 121 Chinook salmon, there are marked differences between the fishwheel sample and the gillnet sample from the same area. The vast majority, (119) of the gillnet-caught fish sample were taken from 8.0 inch gillnets. Two sampled gillnet caught Chinook salmon were taken from 8.25 inch gillnets. Note that the bin that contained the most Chinook salmon was the 900mm to 999mm (35.4 inches to 39.4 inches) length bin. The sample of

Chinook salmon from the gillnet harvest in the rapids area were much larger fish than the fishwheel sample and contained a higher proportion of female salmon. Chinook salmon over 800mm (31.5 inches) accounted for 80% of the sample and fish greater than 900mm (35.4 inches) accounting for 45% of the sample. Approximately 41% of the total number of Chinook salmon sampled from the gillnet harvest were female. Average length of the salmon sampled was 889 mm (SD=107mm) (35.0 inches; SD=4.2 inches) (Figure 5). Average weight was 8.4 kg (SD 2.9kg) (18.4 lbs; SD-6.4 lbs)

The Mountain Village Drift test fish sample from 7.5 inch mesh gillnets consisted mainly of fish between 700mm and 850mm (27.6 inches and 33.5 inches), 77% of the sample. Approximately 41% of the Chinook salmon captured were greater than 800mm (31.5 inches) but only 3% were greater than 900mm (35.4 inches). Approximately 40% of the Chinook salmon sampled from the Mountain Village test fishery were female. Average length was 782 mm (SD=73mm) (30.8 inches; SD= 2.9 inches) (Figure 5). Chinook salmon sampled from this test fishery were not weighed.

Although not strictly comparable to the data collected at the rapids because of stock specific differences and removals between the two locations, it appears that the mean length of fish captured in 7.5 inch gillnets at Mountain Village was larger than the fishwheel sample but smaller than sample from the rapids gillnet sample (Figure 5). Note however, that the proportion of fish greater than 900mm was very similar in the Mountain Village test fish sample and the rapids fishwheel sample, 3% and 2%, respectively. The proportion of females in both gillnet samples was very similar, 41% and 40%, but much greater than the fishwheel sample, 14%. Similar to the mean length differences between the fishwheel and gillnet samples taken from rapids vicinity harvests, fish weights were markedly different, 4.9 kg and 8.4kg, respectively.

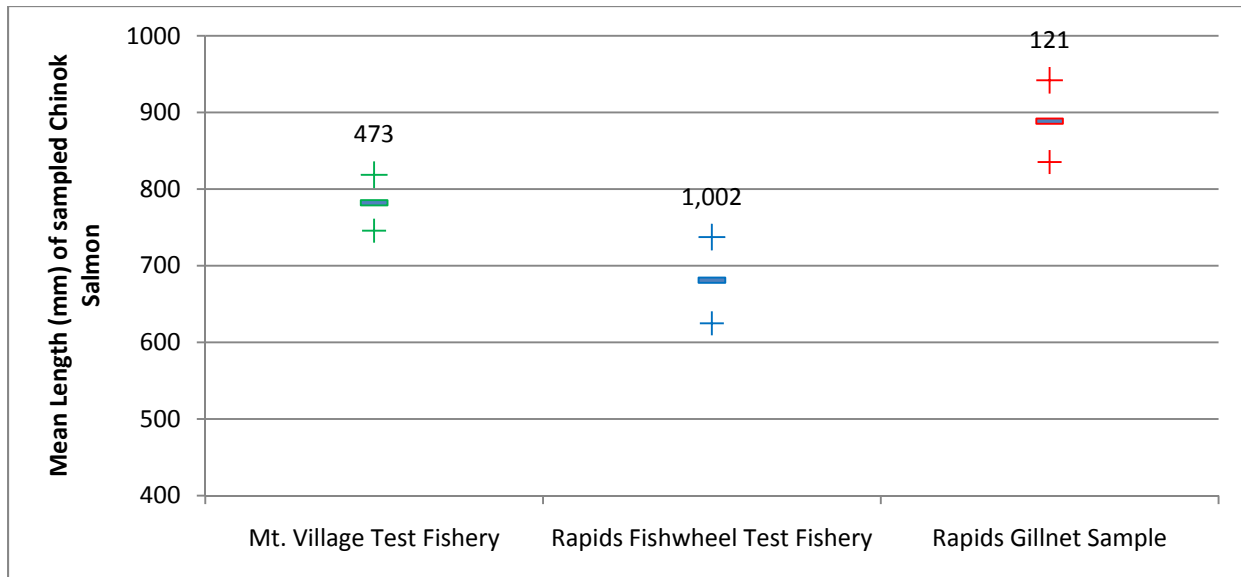


Figure 5. Mean length (-) and standard deviation (+) bounds of Chinook salmon sampled in the Mountain Village 7.5 inch gillnet test fishery, the Rapids Fishwheel test fishery and gillnet harvest in the Rapids vicinity, Yukon River, 2010. Number above the upper SD limit indicates sample size.

Based on these data, we believe that the rapids fishwheel sample does not represent the size and weight of the Chinook salmon passing the rapids. We also believe that comparisons of fish weights across years is probably not valid because this fishwheel catch does not index the overall size of the run, based on border passage estimates (p=0.2628; Figure 6). Fishwheel catches are affected by river stage or discharge and probably the varying strength of the age class in the run across years. Therefore, we believe that fishwheels do not consistently index the Chinook salmon run as it passes through the rapids.

Therefore, we believe that the data presented by the proponent on the size of the fish caught in the rapids is misleading.

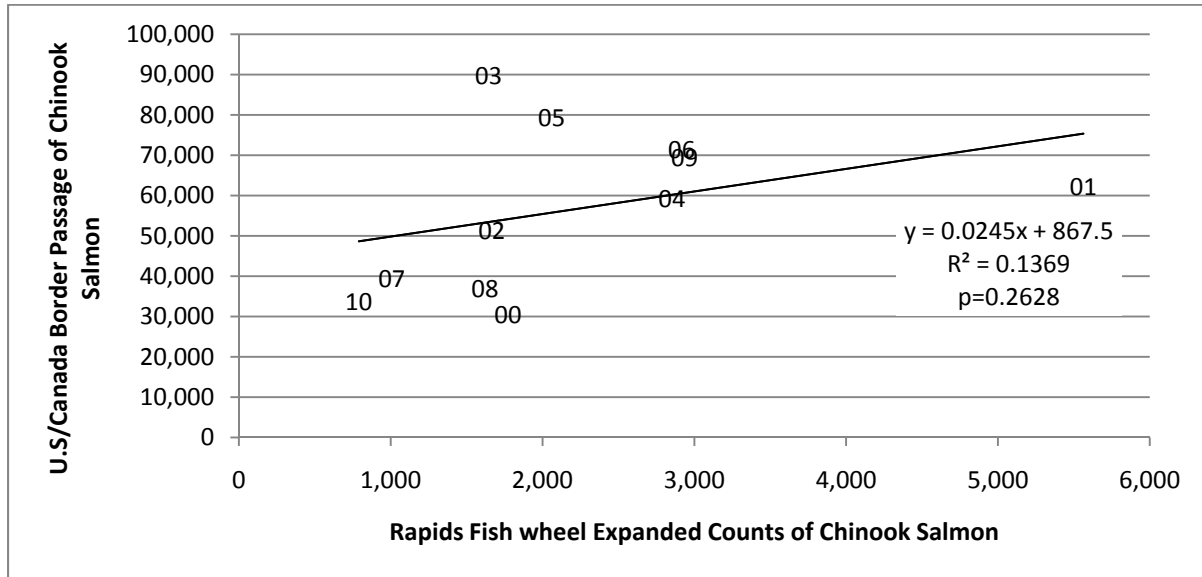


Figure 6. Comparison between the Rapids test fishwheel expanded counts of Chinook salmon and the border passage estimate of Chinook salmon. Note that the 2010 border passage is preliminary.

STATE WHY YOUR AGENDA CHANGE REQUEST IS NOT PREDOMINANTLY

ALLOCATIVE: *My request is for the board to evaluate the king salmon management plans. The plans need to ensure that more king salmon reach the spawning grounds and that the quality of escapement represents all age classes. As one of the BOF members that participated in the development of 5 AAC 39.222 Sustainable Salmon Fisheries, I feel strongly that this stock should be classified as a management concern. I repeat, the drainage that produces the most king salmon has not had a king salmon directed fishery for the past 5 years.*

We believe that escapement goals should be reached nearly every year and that the quality of the escapement should reflect the long term brood year age and sex composition. However, recent major changes to regulations governing the management of the Yukon Chinook salmon stock, maximum gillnet mesh size restrictions, have not yet been implemented. The results of these changes will not be known until at least the next scheduled AYK BOF meeting. The implementation of the maximum mesh size regulation is anticipated to allow more of the larger and older salmon, particularly large female Chinook salmon, to escape the fisheries and arrive on the spawning grounds. If successful, most of the concerns

expressed by the proponent in the problem statement of ACR 5 should be addressed. Therefore, we believe that it is premature to make additional changes to the Yukon River king salmon management plan at this time without examining the results of the changes recently made by the BOF to regulations that govern the management of the Yukon River Chinook salmon stock..

The *Policy for The Management of Sustainable Salmon Fisheries* (SSFP; 5 AAC 39.222) directs the Alaska Department of Fish and Game to report to the Alaska Board of Fisheries (BOF) on the status of salmon stocks and identify any stocks that present a concern related to yield, management or conservation during regular board meetings (Hilsinger and Swanton 2009). Procedurally, it appears that the department is tasked with recognizing the stock concern status, not the public, and presenting that concern to the BOF. Additionally, we believe that, by definition, the Yukon Chinook salmon stock does not meet the threshold for being classified as a management concern. A Management concern is defined as a concern arising from a chronic inability, despite use of specific management measures, to maintain escapements for a stock within the bounds of the SEG, BEG, OEG, or other specific management objectives for the fishery. "Chronic inability" means the continuing or anticipated inability to meet escapement objectives over A management concern is not as severe as a conservation concern, which refers to a stock that fails to consistently meet its sustained escapement threshold (SET) (5 AAC 39.222(f)(21). Based on that definition, the performance of the Yukon River Chinook salmon stock and the escapements throughout the drainage, we believe that the information in support of the yield concern, presented by Hilsinger and Swanton (2009) for the BOF work session in October 2009 in preparation of the AYK BOF meeting in January 2010, also applies at this time. We recommend that the department make no recommendation to the BOF regarding a change in stock of concern status.

CITE THE REGULATIONS(S) THAT WILL BE CHANGED IF THIS REQUEST IS HEARD.

All regulations that apply to Chinook salmon in the Yukon River.

We believe that the review of all regulations that apply to Chinook salmon is a monumental task and is inappropriate to be submitted as an ACR at this time. Such a broad request should be delayed to a regularly scheduled AYK BOF meeting. Additionally, we believe that it is also inappropriate to ask the BOF to consider reviewing all regulations that apply to Chinook salmon in the Yukon River without citing the regulations and providing some specific rational. We believe specific proposals in the BOF proposal format should be submitted to address these issues during the regularly scheduled AYK BOF meeting.

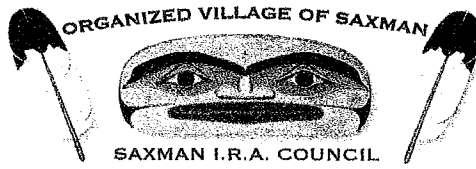
This ACR appears not to be well thought out and is not specific to individual regulations. It seeks to bring up the problems and issues that the BOF recently considered.

STATE WHETHER THIS AGENDA CHANGE REQUEST HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AN AGENDA CHANGE REQUEST, AND, IF SO, DURING WHICH BOARD OF FISHERIES MEETING. *At the AYK meetings for the past 20 years this problem has been considered and the actions taken have not worked.*

We believe that proper management of the Yukon River Chinook salmon is a very difficult task. We note that recent significant changes to the regulations governing the Yukon River Chinook salmon management have yet to be implemented. We recommend that effects of these changes be critically reviewed at the next regularly scheduled AYK BOF. We believe that it is premature to make any other significant changes to the Yukon River King Salmon Management Plan at this time. Therefore, we recommend that the BOF reject ACR 5 at this time. .

References Cited

- Bromaghin, J.F.2005. A versatile net selectivity model, with application to Pacific salmon and freshwater species of the Yukon River, Alaska. Fisheries Research 74: 157-168.
- Hayes, S. and E. Newland. 2009. 2009 Preliminary Yukon River Summer Season Summary. Alaska Department of Fish and Game Commercial Fisheries Division, October 15, 2009. Anchorage.
- Hilsinger, J. and C. Swanton. 2009. Alaska Department of Fish and Game Memorandum to the Alaska Board of Fisheries Members on the AYK Stocks of Concern Recommendation. Alaska Department of Fish and Game. September 22,2009. Anchorage and Juneau.
- JTC (Joint Technical Committee of the Yukon River US/Canada Panel). 2010. Yukon River salmon 2009 season summary and 2010 season outlook. ADF&G, Division of Commercial Fisheries, Regional Information Report No. 3A10-01, Anchorage, AK.



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September 17, 2010

Board of Fish
Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811
Fax: 907-465-6094

Board Members:

The Organized Village of Saxman supports the Agenda Change Request #6 which asks to close the Summer Dungeness Crab fishery in district one of Management Area A.

The Organized Village of Saxman is a State and Federal Subsistence Qualified Community with rural status located in district one. We are also a federally recognized Tribe. It is our position the Board of Fish has over looked that Saxman's subsistence Customary and Traditional Dungeness catch levels were never established prior to the board considering opening the Summer Dungeness Commercial crab fisheries at the 2009 board meeting. State law says that the Board and state should have gathered information establishing the subsistence catch levels prior to opening the Summer fishery.

The Organized Village of Saxman hereby requests "Government-to-Government consultation prior to any commercial fisheries openings within our customary and traditional use areas.

Since the summer Dungeness crab fishery has opened, the levels of Dungeness Crab available are well below what would allow "reasonable opportunity" for our Customary and Traditional use. Additionally the viability of the Dungeness crab to exist in district one is being threatened.

The Organized Village of Saxman supports ACR #6 and asks that you immediately close this non-sustainable fishery in district one as you have in district two. We must remind you that the Alaska Department of Fish and Game was against opening this fishery due to biological concerns. This experimental fishery has totally failed.

Sincerely,

Lee Wallace, President

Cc: Saxman I.R.A. Council

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BOARDS

Public Comment #10