



United Cook Inlet Drift Association

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• info@ucida.org •

December 16, 2011

Mr. Eric C. Schwaab
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
1315 East West Highway
Room 14636
Silver Spring, MD 20910

Dear Mr. Schwaab:

Thank you, again, for our recent teleconference. We appreciated not only the opportunity to express our concerns to you, but also your clear interest in the issues related to salmon management in Alaska. We are writing this letter to follow up on a couple of issues raised during that call. Our comments here are directed at the part of the Salmon Fisheries Management Plan (FMP) Amendment 12 that excludes the three historic net fisheries in the West Area from Federal oversight. As you know, the North Pacific Fisheries Management Council (NPFMC) decided last week to adopt provisions to eliminate these areas from the FMP. The stakeholders in the East Area have expressed that the status quo is acceptable to them and we respect their opinion.

First, we wanted to elaborate on our concerns regarding the lack of stakeholder involvement. As we said during the teleconference, we have been mostly excluded from direct participation in the NPFMC's current salmon FMP review. What we mean is that at no point during this process has the fishing community of Cook Inlet – fishermen, fish processors or local community leaders – been allowed to *participate* in developing the amendments. One of the core building blocks of decision-making under the Magnuson-Stevens Act (MSA) is to directly involve stakeholders in crafting solutions to fishery related problems. This process has not been followed here, despite repeated requests by United Cook Inlet Drift Association (UCIDA) members. At every step, stakeholders were simply informed of the decisions that were being made – largely by the State of Alaska and by National Ocean and Atmospheric Administration (NOAA) staff – and were allowed to “comment.” The opportunity to comment, while appreciated, is not a substitute for the kind of stakeholder involvement required by the MSA. Instead, our efforts to engage in a collaborative process have been met with near hostility by some members of the Council, including representatives of the State of Alaska.

Second, we would like to reiterate the regional and national importance of the Cook Inlet salmon fishery. In 1990, when the salmon FMP was last revised, most of the salmon harvested in Cook Inlet were frozen and sold to the Japanese market. Today, over 75% of our salmon harvest is sold in this country. Our fishery puts millions of pounds of premium fresh and frozen salmon into the U.S. market every year to feed people and provide jobs. We believe our fishery is of National interest.

Third, we are deeply concerned about the sustainability of these salmon resources because current State of Alaska management practices no longer comply with the standards set forth in the MSA. At the time of the last FMP revision, the State of Alaska signed a memorandum of understanding (MOU) with the NPFMC to manage salmon in compliance with the MSA. State policies and practices have changed over the last twenty years. At the February 2011 Board of Fisheries meeting in Anchorage, an official representing the State publically stated that the State does not recognize nor has to comply with MSA in regulating salmon management plans. The State no longer complies with MSA and they no longer manage fisheries for maximum sustained yield (MSY) or optimum sustained yield (OSY) anywhere in the State, and certainly not in the three exclusive economic zone (EEZ) fisheries in the West Area. Moreover, as we explained on the conference call, there are a number of lake systems in Cook Inlet where sockeye salmon have been completely extirpated in recent years. Although the State does not want to talk about this problem to NPFMC, NOAA will not be able to avoid this issue under the Endangered Species Act (ESA). UCIDA would much rather have NOAA ensure that the fisheries are properly managed at the outset, than to have NOAA involved with regulating fishing through the ESA if other stocks reach the same fate.

Fourth, we continue to be dismayed that the NPFMC and NOAA (at least at the regional level) are content to abandon the three historic fisheries in the West Area. We perceive what's happening here as a defining moment for the future of Alaska fishery management. It is an unprecedented move by the NPFMC to recommend that National Marine Fisheries Service (NMFS) abdicate all oversight responsibility for three EEZ fisheries. Many critical policy measures, standards and goals are being sacrificed for expediency. At the recent Anchorage meeting of the Council, when NOAA staff was asked why this process to remove the three net fisheries in the West Area from Federal oversight was on such a tight timeline, the answer was: "So we don't have to comply with the annual catch limits (ACL) and accountability measure (AM) requirement." Notwithstanding the difficulty of implementing such requirements, it should go without saying that avoiding congressional mandates is not a valid reason to amend an FMP. We believe that Amendment 12, as it pertains to the West Area, has legitimate errors in science, data and logic.

This is even more troubling because adopting Amendment 12 as written will admittedly allow unregulated fishing to occur by out of state vessels in the EEZ, in the EEZ portions of the three historic net fisheries. In the rush to avoid complying with a congressional mandate, NPFMC has effectively deregulated that fishery completely, exposing it to serious overexploitation, and compromising the interests of existing permit holders. NPFMC's only response on this point is that it seems "unlikely" that anyone will exploit this obvious (and announced) loophole. But, these assurances ring hollow in light of history showing that an identical loophole was immediately exploited in Prince

William Sound several years ago, and in light of claims made by non-permit holders that they do indeed intend to exploit this loophole.

We would encourage you and your staff to read the transcript or listen to the public testimony and the Council's deliberation on the FMP, which was taken midday on December 8, 2011 and lasted less than two hours.

UCIDA and others in the fishing communities in this area sincerely wish to continue working with NMFS to meet our common national interest for salmon management. We would welcome the opportunity to collaborate on a plan that would return science-based salmon management and the standards contained in the MSA to our fisheries. We have studied the MSA thoroughly in the last few years and believe there are relatively simple changes we could recommend to Amendment 12 that would make it acceptable to stakeholders and bring it into compliance. We are available at any time to work on these matters and believe we can contribute to an integrated plan that will keep our fisheries sustainable and promote our common goal of helping to feed the nation.

Sincerely,

Original Signed Document

Roland R. Maw, PhD
UCIDA Executive Director

cc: KPB Mayor Mike Navarre
Anchorage Mayor Dan Sullivan
Alaska Salmon Alliance
Kenai Peninsula Fishermen's Association
United Fishermen of Alaska
Cook Inlet Processors
UCIDA Membership Email List
Ray Toste

TO: Honorable Governor Parnell

November 12, 2011

STATE OF ALASKA

RE: Closure of fish processing plant / Kaltag Alaska

Dear Governor Parnell,

I know you are busy, and probably do not know much about this situation, but this is a humanitarian crisis which needs your attention now. We will have to make this decision to close this salmon processing plant in the next couple of weeks, and hoped that you would step in and solve this problem, and keep this plant open.

I never thought it possible that in the richest State, in the richest nation, the poorest citizens in our nation are having to beg for access to the only abundant local resources available for economic survival, and almost every other group in the State has access to harvest these resources except the local villages lining the river where these salmon return to spawn; All to save a specific Chinook salmon which we do catch, but return to the river alive unharmed and do not kill;

Bizarre as it seems, this is the exact situation we face, and I will layout the facts and history below to convince you this story is accurate. The fencing off of a river full of salmon from the local residents may in fact doom the very existence of these villages, which have survived for centuries, dependant upon this single resource. The Yukon suffers from high transportation costs and increased competition from state funded hatcheries as well.

We are going to have to make a decision shortly to close the Kaltag salmon processing plant permanently. This does not have to happen, nor should it happen, but to date discussions with senior people in your administration, leave us with no other reasonable alternatives. We are five years into this project and cannot make a profit, under the current harvest rules. Profitability is the key for this plant to be sustainable long term.

Although we have lost money, we have learned from these lessons, and one thing we have learned, is that *there is positively and absolutely a way to make this plant profitable*, reigniting the historically powerful economic engine of the middle Yukon salmon.

For centuries, the salmon resources of the Yukon have been used for both food and trading stock with the outside world. There are scant other local resources of value to the outside world. These villages have been located specifically because of their proximity to this valuable resource.

Kaltag and the other villages of the Middle Yukon are part of the Yukon-Koyukuk census district, which is the third lowest per capita income in the country. Adjusted for the cost of living in remote areas that are hundreds of miles from the nearest road, the residents of the Yukon-Koyukuk census district are statistically the poorest Americans in the country.

Until 1997 approximately 400 people were directly employed in this commercial fishery in the Middle Yukon River area. More indirect and induced jobs were created by these direct jobs. Today the 6 villages of the middle Yukon have a population of 1500.

In 1997 the summer chum salmon fishery collapsed. The resource had been mismanaged, and collapsed only producing enough escaping salmon to repopulate the resource; destroying the local economy in the process. Now chronic 20% unemployment is the norm.

SUMMARY OF ECONOMIC IMPACTS – (Three operating years.)

1. We employed approximately 90 fishermen, processors, and trades people.
In Kaltag itself, anyone who wanted to work had a job. These are direct jobs.
2. We employed people from an additional 8 villages and Fairbanks.
3. Approximately 60% of those employed are young people between 14 and 24.
4. Project was responsible for approximately \$2,260,000 in direct spending
5. Spending broken down:
 - \$1,700,000 invested in plant to date
 - \$ 300,000 local labor - processing and fishermen
 - \$ 100,000 Alaska regional shipping
 - \$ 100,000 Alaska purchased supplies (Fairbanks)
 - \$ 25,000 in local utilities
 - \$ 20,000 in local transportation, lodging, and meals
 - \$ 15,000 in Alaska taxes and licenses
6. We were internationally recognized as one of the top **10 Greenest Fisheries in the World** for our work on conserving Chinook salmon, and community involvement.¹
7. 100% local hire and virtually 100% Native Alaskans.
8. We established for the first time, whole container service into the village of Kaltag. This economically game changing cost effective container shipping dramatically lowers cost of goods coming into the villages, but is only possible with an actual product (ie. Salmon) to ship out of the village to the world marketplace. Cheaper than bypass mail.

Beginning thirty years ago, deep ocean salmon and trawl fishermen had moved their operations offshore and with modern fishing techniques and technology, had made small amounts of Yukon salmon vulnerable to capture in their 1,000 mile ocean migration, prior to their return to their native Yukon River and the river residents who had depended upon this resource for centuries. From Kodiak to the doorstep of the Yukon River, the Bering Sea; modest amounts of Yukon salmon are captured annually. While these small accidental harvests of Yukon salmon did not seem like much, they added up over time and contributed to the collapse of the Yukon salmon resource.

Over the last three decades, tens of millions of salmon have been accidentally captured by salmon fishermen and trawlers. The money from these accidental captures used to go in the pocketbooks of the villages lining the Bering Sea and Yukon River. These ocean fisheries get these fish for free, never having to reimburse those fishermen in the rivers who had depended upon these fish for their survival.

State managers for the Yukon failed to take these increasing ocean accidental captures of Yukon salmon into account, when setting harvest limits for the fishermen in the Yukon River, and as a consequence too much fish was caught, and the resource collapsed. Fishermen can only fish when government managers allow them to, and clearly managers made errors.

For the last fourteen years, the fishermen from these villages have sat on the beach watching these salmon return and not fished to ensure that the salmon runs rebuilt themselves. The miracle

of a renewable resource is that it can be rebuilt, and it has. Summer chum salmon runs are at extremely high abundance levels now, and there is plenty of surplus salmon to harvest.

It is worth noting that the villages did not fish for almost 15 years to rebuild these salmon runs, and all the fishermen who had begun accidentally capturing Yukon salmon, continued to increasingly capture Yukon salmon all during these rebuilding years. During the rebuilding years, neither the State nor the Federal government placed virtually any limits as to how many accidental Yukon salmon could be harvested by ocean fishermen. The conservation of Yukon salmon during the rebuilding years fell almost exclusively upon the backs of the villages lining the Yukon River.

Having said this though, the Bering Sea Pollock trawlers have finally taken this bycatch issue seriously and are making good faith efforts to reduce their catches of Chinook salmon. Likewise the Aleut salmon fishery in Area M voluntarily curtailed their chum salmon intercepts starting two decades ago, setting a fine example of what can be done to minimize intercepts of salmon destined for these village lining the salmon's natal streams.

We are grateful for their efforts, and hope that the trawl industry continues to expeditiously reduce accidental catches of salmon. Each fish accidentally caught, is a desperately needed resource removed from these coastal communities, which have no other resource to survive upon.

Why don't the ocean fishermen who accidentally capture Yukon salmon simply throw them back? Because whether the ocean fishermen capture the Yukon salmon with seines, gillnets, or trawls, the salmon do not survive well these methods of capture, and the salmon thrown back are usually dead or dying.

Now the Yukon summer chum salmon has rebounded, you would think that re-starting the middle Yukon salmon fishery would be a State priority, eliminating poverty and economic depression in an area that could use a boost to their traditional economy. To date, the State has not indicated this as a priority by taking any noticeable positive actions.

The small village of Kaltag lies central to this traditional middle Yukon salmon fishery, and has been preparing for the day when the salmon returned. Kaltag secured funds for a small salmon processing plant, to ensure that fishermen would have a place to sell their fish, when the resource rebuilt.

Kaltag went looking for processing partners to get this plant functional and a market for fishermen established. No partners could be found for almost 10 years. This is where I appeared. I was at least willing to *try* to re-establish a local economy, which had existed for decades prior to collapse, and put people back to work. To date, we have lost substantial money, but we have kept our commitment to hire locally. We have probably the only private for-profit seafood company that has 100% local Alaskan hire. We are proud of our efforts.

Unfortunately, this facility is not profitable, nor will it ever be under the current State of Alaska harvest policies. We have been bringing this problem to the attention of State officials now for over four years, and they have refused to enable us to harvest chum salmon over duration and in the numbers sufficient for this plant to be profitable.

We have operated this plant for three of the last five years. None of them profitable, but we have hired over 90 people from eight villages, and re-established the logistics of moving product to the outside world and actually gotten Yukon salmon into the marketplace.

The problem is not lack of salmon, on the contrary, there are getting to be too many chum salmon in the Yukon, resulting in over-escapement. Tragically, over-escapement can also cause the chum salmon runs to collapse once again. The problem is that the summer chum salmon swim together with the Canadian Yukon Chinook salmon, which there are too few of.

The State maintains that we cannot begin harvesting summer chum salmon until approximately July 10, which is long after the traditional beginning historical harvest date for beginning the harvest of summer chums. The traditional harvest date for harvesting summer chums has been approximately June 23. This essentially shortens the harvest season for summer chums from 37 days to 20 days.

Running a business for 20 days a year is impossible. We have had this plant looked at by at least a dozen experts and we are all in agreement that nobody can make this plant profitable in 20 days a year. Frankly, we have the scars to prove it. ~~We can make this plant profitable in 37 days of harvesting and processing. This is what worked historically, and it will certainly work again now.~~

On a 20 day season, 60% of the revenues have passed the plant by the time the season opens. No other salmon fishery in Alaska is run like this. Other major fisheries have Chinook salmon concerns, and they do not lose 60% of their season while waiting for every last single Chinook to pass through their fishery before opening. There are plenty of examples of other areas of the state that have Chinook salmon concerns, but are not managed like the Yukon.

We knew about this problem and we approached the State with what we thought was a reasonable solution, other than keeping these communities in poverty without an economy at all. We voluntarily agreed to only harvest with fish wheels and throw all Canadian Chinook salmon caught overboard alive and unharmed back into the Yukon River.

We not only proposed solutions, but in fact the fishermen delivering to the Kaltag processing plant have been voluntarily returning the Chinooks salmon to the river for the last five years. *Kaltag has not had a single commercial Chinook landing in the last fifteen years!* Kaltag has done this in good faith to prove to the State that we are good stewards, and our reward was not even been a simple "Thank You".

The State was not impressed.

For the past two operating seasons fishermen have been voluntarily throwing their Chinook salmon overboard alive and unharmed. We even received an award as one of the ten greenest fisheries in the whole world.

Oddly, our efforts to preserve Chinook salmon and our internationally recognized "Greenest Fishery Award" have never once been acknowledged by local State fisheries officials. In fact the senior State fisheries officials have never even visited this fishery since re-opening five years ago.

Earlier I mentioned accidental harvests of Yukon salmon by ocean fishermen. All fishermen have some level of accidental harvests, including recreational fishermen, and fishermen in the Yukon River. What is becoming critically noticed today is that some methods of capture can return fish accidentally captured back to the water alive, while others kill the fish dead before bringing it onboard preventing its' survival upon return to the water.

One of the finest harvesting methods that is able to return accidentally caught fish alive and unharmed is the fish wheel, which we utilize exclusively. In its simplest form it is a set of revolving dipnets which brings the salmon out of the river in seconds completely alive. While an ocean trawler captures salmon that come onboard 100% *dead*, a fish wheel brings onboard salmon which are 100% *alive*. (Trawlers recently, have made serious progress reducing accidental catches of salmon)

What does the best available science prove about the success of survival of Chinook salmon released from fish wheels. The best available science shows that at least 99.7% of all Chinook salmon released from a fish wheel immediately, survive to spawn. Although scientifically improvable, the actual number is probably 100% survive. Hence my beginning claim that the State is making this middle Yukon fishery commercially impossible because we capture but don't kill a single Chinook.

~~Let me take you through the science. Fisheries science has a lot of unproven theories, but one technology is beginning to really put some of these unproven theories to test. This technology is the radio tag, which is inserted into a Chinook salmon after being caught on a fish wheel, and then the salmon is released and continues to swim upstream. The best study of this was done by some Canadian scientists, which are widely recognized as some of the best in the world with this technology. (Even Alaska contracts with them)~~

They tagged 350 Chinook salmon caught with fish wheels, and then followed these salmon to the spawning ground. They found these 350 Chinook salmon over 1,000,000 times during their two month journey to their spawning grounds. Only .3% of these salmon died early after being caught in the fish wheels and having the radio tags inserted into them.

I have spoken to these scientists and they tell me that even this .3% deaths of Chinooks is likely attributable to the insertion of the radio tags and NOT the fish wheel itself. Insertion of radio tags include holding the Chinook down while it gasps for oxygen and inserting a device that is 1/2" by 2" long through its pried open mouth, through its esophagus, and into the stomach of the fish.

Direct quotes from the study:

"The 1992 study confirmed that they are {fish wheels} an ideal method of obtaining fish for tagging studies because fish are rarely injured during capture"

"During our study, ... only one radio tagged fish (0.3 %) died within a few days of being tagged. It was assumed to have died as a result of capture and handling"

"During this study we obtained more than one million individual records of Chinook salmon locations"

Fish wheels are as perfect a harvesting device as ever invented. Catch fish, and throw back alive what you do not wish to kill. If only other methods were so environmentally sensitive.

Could it be that in order to re-establish a historical economy in the Middle Yukon, that we would not kill a single Chinook bound for Canada.

The answer is yes, that may in fact be the case.

Even for the sake of argument, the worst case scenario is that in order to keep this plant operating, we would only have to kill 25 Chinooks. Considering what is at stake, who could possibly object?

All the salmon fisheries from Kodiak, to Chignik, to False Pass kill a few Yukon bound salmon. Trawl fisheries from Kodiak to the Bering Sea doorstep of the Yukon, kill a few of these Yukon Chinook and many chums salmon too!

The Bering Sea trawl quota alone is 60,000 Chinooks.

All these ocean fisheries which accidentally kill some Yukon salmon want, is to have a small Yukon salmon bycatch in order to continue the harvests of their target species, which is not Yukon salmon. Major salmon fisheries, trawl cod fisheries, and the huge Pollock trawl fisheries all depend upon an allowable bycatch of Yukon Chinook for their fisheries to survive. If the bycatch for Yukon Chinook in any of them was zero, their fisheries would be closed immediately, which would decimate their local economies.

Isn't this all the consideration the middle Yukon fishing communities are also looking for from the State? In fact we might be able to get to the point of not killing a single protected Canadian Chinook, and that still is not good enough for the State, for us to go fishing.

This is neither fair, nor equitable.

As Governor, the Alaska Department of Fish and Game works for you. The State's Board of Fisheries are all appointed by your office. Even the Federal government regulations which are produced by the 11 members of the North Pacific Management Council are controlled by the 6 member majority appointed by your office. If anyone has the power to find a solution which will bring back the economy of the Middle Yukon, *it is your office.*

I cannot help but wonder if the decimation of a community's economy and this level of youth suicide had happened in a major Alaskan city, whether this situation would be handled as a humanitarian crisis. I believe so. Because these communities are so remote, does not mean there is not a humanitarian crisis.

On a more personal note, when I got off the plane in Kaltag five years ago, I was stunned. I have spent much of my adult life in Native American communities. Never had I been in one that had lost its sole economy though. These communities are going through tough times. Miraculously they still had hope though for their plant to operate, so we all gave it a good try in the true Alaska spirit.

It was inspiring to work with these people. Let me share three stories. When I first arrived an elder arrived in my office every morning with his electric coffee pot. I finally asked him why he came every morning. He told me he was there to make sure the kids worked hard. I had one young man, who was not working hard, and so I sent him home. The next day he showed up with his mother and she explained that if I gave him another chance, that she guaranteed he would have a better attitude. Mom was correct. Last, I had the kids come in for their paychecks at the end of the season. One 14 year old young lady sat across my desk waiting for her check. She was shaking, as this was her first paycheck ever, and it was for quite a bit of money.

These communities have been hit hard with youth suicides. I was not prepared for this epidemic. The thought of losing one of my own children is gut wrenching. Our dreams are wrapped up in our children. These folks have lost far too many children, and their dreams that are lost with them.

While re-establishing a summer economy is important, the issue which is brought up time and again is getting the kids to work. Only fifteen years ago, children had work ethic drilled into them every summer working in fisheries along side their parents and grandparents. Parents want this work ethic back.

Unbelievable that these people had waited patiently on the beach for 14 years to rebuild this run of chum salmon back to its' historical abundance, and they still cannot go fishing .. and everyone else fishes their salmon unabated. Fourteen years waiting to fish!

~~In your recent address to the Alaska Federation of Natives you said "it's going to take economic development to create jobs for people ... so they can have hope, and a future".~~

We would appreciate your putting these words into action, and help us keep the dream alive of fishing again in the Middle Yukon.

Warmest personal regards,

Ph. 360.961.2618

Cc: Cora Campbell – Alaska Commissioner of Fisheries
~~Jeff Regnart – Alaska Director of Commercial Fisheries~~
John Moller - Alaska Executive Department Rural Affairs Coordinator
Susan K. Bell - Department of Commerce, Community, and Economic Development
Mr. Steve Smith – Canada Department of Fisheries and Oceans
Abby Smith – Alaska
Geron Bruce – Alaska
Bristol Bay Economic Development Corporation
Central Bering Sea Fishermen's Association
Coastal Villages Region Fund
Norton Sound Economic Development Corporation
Yukon Delta Fisheries Development Association
Trident Seafoods
American Seafoods
At-Sea Processors Assn.
Aleutians East Bourough
Alaska Whitefish Trawlers Association
United Catcher Boats
Concerned Area "M" Fishermen
Groundfish Forum
United Fishermen of Alaska
Arctic Storm Management Group, LLC
Glacier Fish Co., LLC
Starbound LLC

Tundra DRUMS

Kaltag wins award for 'green fishery'

A commercial fishing venture in Kaltag, a village of less than 200 people on the Yukon River, was named one of the world's greenest fisheries by an international fishing magazine.

"It's exciting to be honored, not just in the state but internationally," said local fisherman Richard Burnham. "It's a fishery we've done as part of our everyday life, it was something developed by people who don't have a lot of capital to put into elaborate fishing effort."

Kaltag was one of 11 "green" fisheries highlighted in the magazine Seafood International this January. It was one of just two U.S. operations singled out, and the only one from Alaska.

The article profiled operations that "not only take seafood . . . in a sustainable manner but also give back to the environment and local communities in a tangible way."

The Kaltag chum fishery was selected for its use of fish wheels - large wheels equipped with dip-net baskets that rotate in and out of the river with the current, catching salmon traveling upstream and depositing them through a chute into a holding tank.

The five fish wheels operating out of Kaltag are manned to eliminate bycatch of rare king salmon - someone has to stand by and divert the kings back in the river (often, Burnham said, by sticking a plastic toboggan under the chute to slide the salmon into the water).

International Fishing notes the fish wheels require "no outside power, produce no greenhouse gases, eliminate bycatch by returning non-targeted species to the river unharmed, and allow targeted species to be live-bled, providing the absolute best quality fish."

The fish are processed in Kaltag and sold through Yukon River Gold, which signed a distribution deal with Ocean Beauty Seafoods in 2010.

Kaltag's small operation is itself a story of village resilience. Burnham said there used to be almost 90 fishermen plying his district of the Yukon River for salmon, but in the 90s the fish stock crashed and fishing was halted.

Burnham said that in the decade of no-fishing he saw his town dwindle. Aside from a little trapping, fishing is the only cash resource in the community.

"They moved to jobs in town. We lost a lot of younger people, who since found better work," Burnham said.

But the locals, led by the City of Kaltag, forged ahead to procure funding (including state and federal grants) to complete a steel and concrete fish processing plant, figuring "it's the like the field of dreams - you build it and people come. If you don't have any facility you won't have fishermen," Burnham said.

Burnham said Kaltag is poised to regain that lost industry. Three years ago Yukon River Gold worked with the City to set up the basic slime-line equipment the processing plant needed, which has been up and running for a couple years. The fish are headed, gutted, frozen and packaged in Kaltag, shipped in freezer vans on a barge to Nenana and taken by train to Anchorage, then barged to Seattle.

Those fish are already generating jobs. Each of the five people fishing last year had to hire a couple people to watch the fish wheels for bycatch, and the plant employed about 35 people.

"We're trying to slowly get people back in to fishing," Burnham said. Already a few people from Galena and Nulato may join the fishery in upcoming season. Burnham said this year Kaltag is looking to increase the volume of product and add full processing of roe.

Gary Nelson, from Yukon River Gold, said they have applied for fisheries assistance from the National Oceanic and Atmospheric Administration (NOAA) with the goal of double employment this year.

"The idea is we have to get this fishery off the ground, so it's a money-making deal," Burnham said. He's hoping this will be the year they turn out enough product for the processor to turn a profit so that the fishery can survive - this is the "make it or break it year."

"We're putting everything in to the new season," Burnham said.

A bit of good, global publicity certainly can't hurt.

Victoria Barber can be reached at vbarber@alaskanewspapers.com, or by phone at (800) 770-9830

Submitted by ADF&G at the request of Board Member Kluberton
January 19, 2012

SUBSTITUTE LANGUAGE – option 1

Proposal 166

5 AAC 32.110 FISHING SEASONS FOR REGISTRATION AREA A. In registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in **the waters of District 2 excluding Skowl Arm and Karta Bay described in (2) of this section** and Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), [~~AND BEGINNING FEBRUARY 29, 2012 IN DISTRICT 1,~~] from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150 (10), and in the waters of Whale Passage north and west of a line extending from 56° 05.65' N. lat., 133° 07.30' W. long. To 56° 05.85' N lat., 133° 06.40' W. long., **and in the contiguous waters of Skowl Arm west of Kasaan Point located at 132° 16.89' W. long., and in the waters of Karta Bay west of a line that begins at Mound Point at 55° 34.52 'N. lat., 132°33.95' W. long. to a point at 55° 34.08' N. lat., 132°33.98' W. long.** from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

5 AAC 47.021. Special Provisions for seasons, bag, possession, and size limits, and methods and means for the salt waters of Southeast Alaska Area

(i) Prince of Wales Island Vicinity

(3) Dungeness crab may not be taken in the waters of Skowl Arm west of Kasaan Point located at 132° 16.89' W. long., and in the waters of Karta Bay west of a line that begins at Mound Point at 55° 34.52 'N. lat., 132°33.95' W. long. to a point at 55° 34.08' N. lat., 132°33.98' W. long.;

RC 51

Laird A. Jones
9171 Skywood Lane
Juneau, AK 99801

January 17, 2012

Alaska Board of Fisheries
Meeting at Sons of Norway
23 Sing Lee Alley
Petersburg, Alaska

RE: Abalone Proposals #195 & #196; support as amended

Thank you for considering my brief comments.

I am and have been concerned with the pinto abalone stock. When the commercial diver fishery was expanded to include abalone, I was concerned when in discussions with ADF&G staff how little they knew about their life cycle (eg. how long it took to reach maturation).

Growing up in Ketchikan, I Commercial Power Trolled for salmon in Southeast Alaska for over eight years, purse seined for over 12 years, subsistence fished all my life on my paternal uncles boat. I was born and raised in Ketchikan. My Dad and I fished extensively in southeast Alaska commercial districts 1, 2, 3, & 4.

In the early years (early 1970s) in the spring when school was out, I would power with my paternal uncle in District 4. Between deliveries when the tides were low we would harvest abalone by hand picking from the exposed rocks. These subsistence abalone were shared with four families on my Dad's side and two families on my Mom's side.

When we shipped the shucked abalone to town, the families would get together to share in the feast and put up the rest of for later use.

I would like to add to the brief staff report by Jan Rumble and Kyle Herbert (Southeast Alaska Dive Fisheries, Geoduck Clams, Sea Cucumbers, Red Sea Urchins, and Abalone)

I will be referencing the following ADF&G document: "*The Procurement and Use of Abalone in Southeast Alaska*" by David Mills, dated March 1992 (An Interim Report to the Alaska Board of Fisheries).

- Abalone use by Tlingit & Haida cultures has been documented during the 18th and 19th centuries.

Submitted by ADF&G at the request of Board Member Kluberton

January 19, 2012

Substitute Language submitted for proposal 174

~~5-AAC 31.124(e)(5)~~

(5) shrimp pot gear may only be deployed or retrieved once [ONLY] from 8:00 a.m. until 4:00 p.m. each day; the commissioner may close, by emergency order, the fishing season in a district or a portion of a district and immediately reopen the season during which the time period allowed to deploy and retrieve shrimp pot gear may be increased or decreased to achieve the guideline harvest range;

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

Division of Commercial Fisheries

MEMORANDUM

TO: Karl Johnstone, Chair
Alaska Board of Fisheries

DATE: January 19, 2012

THRU: Jeff Regnart, Director
Division of Commercial Fisheries

SUBJECT: 2012 Emergency
Y-4A Summer Chum
Petition

FROM: John Linderman, Regional Supervisor
Region III - Anchorage
Division of Commercial Fisheries

This memo provides staff assessment of the petition from Douglas Karlberg and Karlberg & Associates PLLC, submitted to the Alaska Board of Fisheries (board) on January 12, 2012, to consider emergency action, out of cycle.

Action Requested

The petition asks the Alaska Board of Fisheries (board) to change 5 AAC 05.362, *Yukon River Summer Chum Salmon Management Plan*, to provide for commercial summer chum salmon harvesting during times of king salmon conservation in Yukon River Subdistrict Y-4A by:

- a) Granting ADF&G emergency order (EO) authority to restrict commercial chum salmon harvesting to fish wheels only in Subdistrict Y-4A.
- b) Granting ADF&G EO authority to require fish wheels in Subdistrict Y-4A to have a live box or chute and require all king salmon must be returned to the water alive.
- c) Granting ADF&G EO authority to require fish wheels in Subdistrict Y-4A to be manned at all times to ensure that king salmon are promptly returned to the water alive.

The stated intents for the requests are to manage the summer chum salmon fishery based upon chum abundance only; harvest during king salmon conservation concerns is conditioned upon full compliance with subparts (a-c) above; and commercial harvesting of chum salmon under subparts (a-c) above shall be managed independently of subsistence fishing for king salmon.

Background

In existing subsistence regulations, under 5 AAC 01.220, *Lawful gear and gear specifications* (n)(2), the Alaska Department of Fish and Game (department) has EO authority during times of conservation to require fish wheels to have a live box or chute and that all king salmon must be returned to the water alive. There are no regulations allowing the department to do likewise for commercial fisheries under EO authority. Hence, actions typically taken to provide for king

RC 53

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salmon conservation in the commercial fishery are to delay onset of commercial fishing activity until the majority of king salmon have passed through the district.

Adoption by the board of similar regulatory language in commercial regulations would allow the department, during times of conservation for king salmon, to restrict fish wheels to have a live box or chute and require all king salmon be returned to the water alive. Additionally, the department would need EO authority to open commercial fishing periods to fish wheels only during times of king salmon conservation. Because this is a set gillnet and fish wheel permit fishery, it would be necessary to legally allow only fish wheel gear during commercial openings when necessary for conservation of king salmon. Subsistence fishing opportunity for summer chum salmon would be provided using existing EO authority to restrict subsistence gear to gillnets of up to 4-inch mesh and fish wheels, and require live release of subsistence-caught king salmon as a continuing conservation measure. This would provide more commercial fishing opportunity directed at surplus summer chum salmon and maintain king salmon conservation measures in both subsistence and commercial fisheries.

The 2012 Yukon River summer chum salmon run is forecast for a 500,000 to 1,000,000 fish surplus available for commercial harvest. However, the overlapping king salmon run is forecast to be weak, necessitating subsistence fishing restrictions in order to meet escapement goals for Alaska and Canadian-origin king salmon. Under the *Summer Chum Salmon Management Plan*, a directed commercial fishery on summer chum salmon could be allowed based on the summer chum projection. However, king salmon will be caught incidentally in this fishery. If commercial fishing is delayed until a majority of the king salmon run passes, a majority of the summer chum salmon run will also pass and be unavailable for harvest. Thus, there would be a foregone harvestable surplus of summer chum salmon. Because of the need to provide for escapement of king salmon and provide for a subsistence priority, reducing incidental harvest of king salmon is required.

Discussion

If the petition is granted, commercial fishing may be opened earlier in the summer chum salmon run and additional fishing hours may be allowed by EO while still providing for king salmon conservation in the subsistence and commercial fisheries. Based on the 2012 forecast, the normal District 4 subsistence fishing schedule of two 48-hour periods per week could be in place, except one of the two periods would have gear restricted to gillnets up to 4-inch mesh and fish wheels, and require live release of all king salmon as specified in 5 AAC 01.220, *Lawful gear and gear specifications* (n)(2), in order to provide for king salmon conservation. This would increase subsistence opportunity on species other than king salmon, in contrast to recent years when subsistence periods were reduced in number or duration to provide for king salmon conservation. Initiation of summer chum commercial fishing in Subdistrict 4-A would be determined based on inseason run timing and run strength indicators of the chum run. Given current commercial effort and participation expectations, commercial gear would be restricted to closely attended and frequently checked fish wheels only; all king salmon harvested would be released alive and commercial periods could be scheduled up to one per day of approximately 6–8 hours in duration. However, a more cautious approach would likely be taken until staff is able to assess the subsistence and commercial fisheries and determine king salmon conservation is being provided for. After the majority of king salmon have passed upstream, subsistence fishing

would revert to the normal schedule with all legal gear types and gillnets may be allowed in the commercial fishery to provide economic benefits to more fishermen.

Findings of Emergency

Under the criteria listed in the Joint Board Petition Policy to be used by the board in determining whether or not an emergency exists, paragraph (f) of 5 AAC 96.625 reads in pertinent part:

...In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

~~In this situation there is an unforeseen or unexpected event that precludes a biologically allowable harvest. Delayed regulatory action would be significantly burdensome to the petitioner, although there is no immediate threat to the resource. Under the Yukon River king salmon management plan, fish are managed under time and area closures, and restrictions on subsistence harvests are likely in 2012. Therefore, action is required prior to the 2012 fishing season. The regular board cycle for the AYK Region will be in January 2013.~~

Summary

It is the department's conclusion that a finding of an emergency under 5 AAC 96.625(f) has been satisfied by this petition.

cc: Cora Campbell, Commissioner
Sue Aspelund, Deputy Director, Division of Commercial Fisheries
Monica Wellard, Executive Director, Board Support Section
Dan Bergstrom, Region III Regional Management Coordinator, Division of Commercial Fisheries
Jan Conitz, Region III Regional Research Coordinator, Division of Commercial Fisheries
Steve Hayes, Yukon Summer Season Management Biologist, Division of Commercial Fisheries
Stephanie Schmidt, Yukon Summer Season Research Biologist, Division of Commercial Fisheries

Submitted by ADF&G at the request of Board Member Kluberton
January 19, 2012

SUBSTITUTE LANGUAGE - option 2

5 AAC 32.110. Fishing seasons for Registration Area A. In Registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in District 2 and Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), [AND BEGINNING FEBRUARY 29, 2012, IN DISTRICT 1,] from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150(10), and in the waters of Whale Passage north and west of a line extending from 56° 05.65' N. lat., 133° 07.30' W. long. to 56° 05.85' N. lat., 133° 06.40' W. long., from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

Submitted by ADF&G at the request of Board Member Johnstone
January 19, 2012

SUBSTITUTE LANGUAGE - option 3

Proposal 166

5 AAC 32.110 FISHING SEASONS FOR REGISTRATION AREA A. In registration Area A, male Dungeness crab may be taken or possessed only as follows:

(1) in **the waters of District 2 excluding Skowl Arm and Karta Bay described in (2) of this section** and Section 13-B, except the waters of the Sitka Sound Special Use Area described in 5 AAC 32.150(10), ~~[AND BEGINNING FEBRUARY 29, 2012 IN DISTRICT 1,]~~ from 12:00 noon October 1 through 11:59 p.m. February 28;

(2) in the waters of Section 13-B that are in the Sitka Sound Special Use Area described in 5 AAC 32.150 (10), and in the waters of Whale Passage north and west of a line extending from 56° 05.65' N. lat., 133° 07.30' W. long. To 56° 05.85' N lat., 133° 06.40' W. long., **and in the waters of contiguous Skowl Arm west of Kasaan Point located at 132° 16.89' W. long, and in the waters of Karta Bay west of a line that begins at Mound Point at 55° 34.52 'N. lat, 132°33.95' W. long. to a point at 55° 34.08' N. lat., 132°33.98' W. long.** from 12:00 noon October 1 through 11:59 p.m. November 30;

(3) **in Districts 1 and 2 from 12:00 noon July 1 through 11:59 p.m. August 15** and in all other waters of Registration Area A, from 12:00 noon June 15 through 11:59 p.m. August 15 and from 12:00 noon October 1 through 11:59 p.m. November 30.

5 AAC 47.021. Special Provisions for seasons, bag, possession, and size limits, and methods and means for the salt waters of Southeast Alaska Area

(i) Prince of Wales Island Vicinity

(3) Dungeness crab may not be taken in the waters of Skowl Arm west of Kasaan Point located at 132° 16.89' W. long., and in the waters of Karta Bay west of a line that begins at Mound Point at 55° 34.52 'N. lat., 132°33.95' W. long. to a point at 55° 34.08' N. lat., 132°33.98' W. long.;

State of Alaska

Board of Fisheries

Re: Proposal # 166 and RC 46

Upon reviewing RC 46 we feel no way that neither proposal 166 or RC 46 address our immediate concerns', in that because of the Summer Commercial Dungeness which were allowed to be opened in district #2, it has damaged our ability to obtain no more than 20% of our customary and traditional catch limits. RC 46 does not address our needs but only the needs of the commercial fishery. But in the same RC 46 it further hampers our ability to enable us to obtain our catch and needed levels.

What is meant by this is, as we mentioned all along, we only harvest crab for the most part in the summer and we do not fish amongst commercial boats as we cannot compete and our gear tends to disappear. By this RC 46 recommending that non commercial harvest areas be set aside to help subsistence gatherers it really will further hamper our ability to spread out and find or try to find pockets of Dungeness crabs. By setting aside areas it does not address our needs and until our needs are fully addressed and mitigated than a commercial opening cannot occur.

The Organized Village of Kasaan is aggressively seeking funds to conduct a study which will cover the soft shell issues. That we are requesting consultation of the various state agencies and possibly the Board of Fish to fully discuss this present ongoing subsistence deficiency and what measures it may take to solve it. During consultation we can gather information and possibly obtain newer data on our CT and a more understandable harvest need which takes into account our ability to perform our traditional barter ability.

Given the present situation and given the fact that by not opening this Summer Dungeness crab fishery, it does not affect the commercial guideline harvest levels and that it will only further hamper our ability and our expectation to obtain our customary and traditional catch levels, we request no action be taken by the Board of Fish.

Sincerely,


Ronald Leighton

Vice-President Organized Village of Kasaan