

Alaska Department of Fish & Game
Board Support Section-Board of Fish
PO Box 115526
Juneau, AK 99811-5526
(907) 465-4110

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NOV 16 2009
BOARDS

Dear Board-

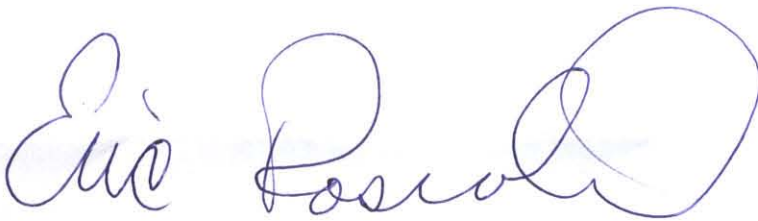
I am writing in favor of Bristol Bay Proposal 20, allowing a fisher to own two permits and receiving an additional allocation of fishing gear. I believe it an efficient way to help bring the fleet into better economic times for all of the reasons others will state.

I would, however, like to suggest that mechanics of owning two permits necessarily turn the two in to one "super" permit, indivisible for ever. This assures the stated benefit of reducing fishing activity by one vessel, and diminishes what might be permit speculation, over time, as the value of Bristol Bay permits increase.

I think it a given, as there are less vessels fishing, fleet income will increase, and permit values will follow. Currently there would be nothing to stop that dual permit holder from cashing in on one of the permits, thereby neutralizing any gain appreciated by the fleet as a whole.

Sincerely

Eric Rosvold
711 Rambler
Petersburg, Alaska
F/V Adversity



Bobby Larson
Box 5028
Koliganek AK 99576

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To: Board of Fisheries, I am writing in opposition to Proposal 15. My reason to oppose Proposal 15 is because all the local fishermen that now own a 32 ft boat & permit will eventually be phased out and our way of earning income for our families will disappear. The bigger boats will eventually be all there is in Bristol Bay. It would be too costly to buy a bigger boat and gear. I also oppose Proposal 20 because I think there is too much gear for 1 boat to handle.

Bobby Larson

Alaska Board of Fisheries
Bristol Bay Finfish

Proposal 13 – 5AAC 75.xxx. Establish a Fish Refuge in Bristol Bay.

Comments Written **IN SUPPORT** of the Proposal.

Name: Jack A. Smith. 23 Davis Tee, Sheridan, WY 82801. Phone: 307 673-4628

I would like to thank the Alaska Board of Fisheries for the opportunity to present comments on Bristol Bay Finfish Proposal 13 – Establishment of a fish refuge in Bristol Bay. The past 25 years of my professional life have been with the State of Wyoming dealing with mining and water quality. During this career I have been involved in large mine permitting, mine plan revision processing, compliance inspections, bond evaluations, enforcement actions, water quality and discharge permitting and inspections, and site reclamation evaluations and bond release. My current role with the state is with the Abandoned Mine Lands Division where public funds are used to mitigate human and environmental mine hazards existing due to historic neglect from the mining industry, mines permitted under inadequate environmental regulations or, in some instances, the inability of a mining company to fulfill commitments to the state and continue to remain solvent.

During the course of this hearing process the board will likely hear testimony from Alaska state regulatory agencies and the mining industry stating the existing permitting process is adequate to protect the fish and fisheries in the Bristol Bay watershed and the establishment of this proposed fish refuge is unnecessary. I would understand such a position by the State of Alaska. As a dedicated professional, I would publicly represent my department in a similar manner. However, as a private citizen with considerable experience with large mining operations I have to admit that the state regulatory process is not always adequate to protect all resources, especially in sensitive environments.

Many people believe their state mining regulatory program is meant to prevent mining related pollution and environmental degradation from occurring. This is not the case. These programs determined a level of pollution and environmental degradation that can occur in exchange for the economic and social benefits of the mine. In essence, state mine regulatory agencies legalize a level of pollution and environmental degradation through a permitting system. These levels of pollution and environmental degradation are directed by statute. These statutes are approved by state legislatures after lobbying from, and compromise with, a variety of special interests. Often times, political and financial considerations weigh as heavily in statute as resource protection considerations. These statutes and their ensuing regulations provide the sideboards the state permitting authority must work within during both the mine permitting and the compliance processes. In many cases these sideboards do not provide the environmental protection special resources deserve and many citizens expect. However, permitting and compliance/enforcement actions outside the framework of these sideboards are not options available to agency personnel.

Beyond regulatory completeness issues, state regulatory requirements commonly have a “one size fits all” tone. Generalized language may prove adequate in permitting acceptable levels of

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pollution and environmental degradation for non-complex mining operations in non-sensitive environments. However, the adequacy of such regulations for complex operations located in sensitive environments has historically and repeatedly been shown to be lacking. Generalized regulatory language commonly makes it difficult for the permit reviewer to push for tighter controls when he or she feels resource conditions warrant. Conflicting professional views between the permit reviewer and the applicant on how a proposed mining operation will comply with a generalized statute or regulation often becomes a situation of “my experts vs. your experts.” Differences in professional opinion are often politically resolved with the permitting authority relenting and taking a “benefit of the doubt” stance. The outcomes of a “benefit of the doubt” permitting mindset are often not determined until well into the operation of the mine. In sensitive environments this can be especially unfortunate because resource degradation may be excessive and mitigation may now be a long-term commitment. The resource may not be the only impacted entity. The mining company may suddenly inherit huge unanticipated expenses and long term commitments not originally factored into the mine’s pre-permitting feasibility efforts. In some cases these new burdens may prove to be too much for the financial solvency of the company and ultimately place the costs of final mitigation onto the public.

If mining statute and regulation are commonly inadequate for complex mining operations in sensitive environmental settings – where does potential mining in the Kvichak and Nushagak River drainages fit into the scheme of things? These drainages are readily acknowledged to be sensitive watersheds, even by the mining industry. These two watersheds are among the most productive wild salmon watersheds remaining on the North American continent and acknowledged to possess the largest sockeye salmon run in the world. These watersheds have historically supported commercial, subsistence, and sport fisheries for generations and with diligence, can sustain those uses for generations to come. In addition, the salmon resources provide the food and nutrient foundation for the entire aquatic and terrestrial environments in the watersheds. As much as we currently know about the function and importance of these watersheds to the salmon resource, there remains much more to be learned. As acknowledged by the Alaska Department of Fish and Game, the state’s Anadromous Waters Catalog likely contains less than 50% of the state’s waters that are utilized by anadromous fish for spawning, rearing, or migration. This acknowledgment is substantiated on a regular basis. Investigations in 2008 sampled 27 first and second order tributaries in the Nushagak and Kvichak watersheds where data were absent from the ADF&G Anadromous Waters Catalog. The streams investigated were all located within the general area of potential mineral development. The results revealed 20 of these 27 streams (75%) contained anadromous salmon species. This investigation’s single season of effort resulted in the nomination of an additional 28 miles of anadromous streams to the catalog. This single year’s findings demonstrate it will be very difficult to protect an important resource, such as salmon, when it is not completely clear as to what specific components are critical to that resource.

Secondly, the mineralization in these watersheds will result in a full suite of complex mining issues and potential problems. The mineralized zones have been documented to exhibit high sulfide composition, high acid forming potential, and low neutralization potential. Metals concentrations in the mineralized areas are generally low, but extensive. It is important to recognize that not all the sulfide material or metals will be removed through the milling process. Massive, low grade concentrations typically result in large quantities of mineralized waste rock needing placement in some type of repository. In addition, large quantities of fractured,

mineralized rock will be left in situ in mine pit walls and underground workings. Metals in the waste rock and in situ mineralized areas commonly will be subjected to oxidizing conditions and subsequently available for leaching into surface and groundwater. Metals leaching in the Bristol Bay deposits will likely contain both copper and zinc – metals commonly shown to have detrimental physiological effects on salmon and trout even at extremely low concentrations in the water column. Coupled with the rock geochemical characteristics of this area is the naturally low buffering capacity (total alkalinity) of the natural waters.

Investigations have shown that surface and shallow groundwater quantities in the mineralized areas are extensive and highly interconnected. Groundwater in the most prominent mineralized area has been characterized as very mobile and highly oxygenated. These conditions suggest the potential for unacceptable environmental degradation of groundwater and surface water from metal leaching is high. As such, the permitting scrutiny must be at the highest level possible to ensure protection and perpetuation of the Nushagak and Kvichak fisheries resources.

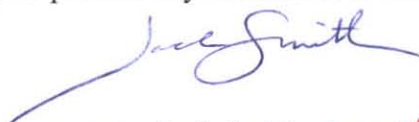
The designation of a fish refuge in the Nushagak and Kvichak River watersheds will provide the basis for a mine permitting process that goes beyond the generalized “one size fits all” approach inherently found in state statute and regulation. Such a designation will widen the state regulatory agencies’ permitting sideboards and enable the permitting process to be directed by sound science designed for maximum resource protection and not directed by political decisions built into an otherwise less-focused process. The extra tier of awareness will also make certain that the burden of proof for sustainable fisheries protection remains firmly where it belongs, on the shoulders of the permit applicant.

Will such a designation totally prevent mining in Bristol Bay? The mining company currently looking at developing a major mining operation in the Nushagak and Kvichak watersheds has already made a number of non-binding commitments toward maintaining the fisheries resources in Bristol Bay. Among these are:

- The mine will co-exist with healthy fish, wildlife and other natural resources.
- There will be no net project-related loss to any fishery in the region. No fishery in the region will be reduced as a result of the project - be it a commercial, sport or subsistence harvest.
- The mine will help build sustainable communities.

These commitments are clearly in accordance with fisheries protections the state would insist upon if the area were designated a fish refuge. If the mining company sincerely stands behind their commitments, a fisheries refuge designation will have no impact on their decision to pursue a full-scale mining project. Arguments against the designation of a fish refuge will occur if these non-binding commitments are hollow and made primarily as a tool in securing a permit.

I thank the board for their time and sincerely request they put forward a recommendation to the Alaska State Legislature for the establishment of a fish refuge in the Nushagak and Kvichak River drainages as a tool to help insure all mining development in the watershed is permitted in a manner that will adequately protect the long-term sustainability of the region’s invaluable fisheries resources. Again, I appreciate the opportunity to provide my comments to the Alaska Board of Fisheries on this issue. Thank you.



November 16, 2009

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

Re: Bristol Bay Regulatory Finfish Proposal Comments (Opposition to Proposals 15, 16, 17, 18, 19, 20, 21, 27, 28, and 31)

State of Alaska Board of Fisheries:

I submit these comments for your consideration at your Anchorage meeting.

Bristol Bay is my home. I was born at the Kanakanak Hospital to the south of Dillingham almost 60 years ago, and grew up in Clark's Point. I graduated from college in 1972 and moved to Dillingham for work opportunities. I began fishing in a double ended sailboat conversion when I was six years old. Later I progressed to a commercial square sterned power boat, fishing with my father and brothers. I later got my own boats and currently own a 32' Rawson, as I was lucky enough to have the points to get a drift permit. I don't know if I would have been able to purchase one at the time since fishing was poor and prices were worse than they are today. They had come up to a decent price, then dropped back down to what we got today.

It used to be that we could live off our fishing with a little spring and fall work at the cannery. Those days are gone. We must have a year round job and fish during our summer "vacation." The cost of living here is more than double that of Anchorage, which is greater than prices for Seattle and other places "outside." Check out our prices for gasoline, heating fuel, electricity, food and a ticket between Anchorage and Bristol Bay communities. A dollar does not get far here, but it does circulate through several businesses several times, contrary to that same fishing dollar earned by many "outsiders" who have bought into our fishery. Through a series of unfortunate events many of our locals sold out just to survive, pay the bills, etc.

The socioeconomic impact in all of rural Alaska and Bristol Bay is no exception; one difficult for us, we who live here year round, spend way more of our limited dollars for basic necessities. Yet the resources come from the rural areas, where we have smaller populations, less competition, higher prices, few choices, higher energy costs, inadequate sized airports without lights in many villages, and inadequate infrastructure in many cases to make life out here more affordable and better able to compete. If the State invested in bigger and better airports in and near fishing communities, we could have a better opportunity to fly fresh fish to the lower 48 markets so that we can get better prices for our fish. This would provide more opportunities for more local businessmen and additional work for locals. This might help us stem the tide of folks moving to the bigger local villages and into Anchorage. This could be a win win. We do not have roads, so why not build better airports to support the planes that can fly fish loads to Seattle

and other locations, as well as to bring workers and fishermen up here directly. More 5/6000 foot airports can help in many ways. The State can help with energy costs (gas, oil, electricity) to allow for similar prices to those in Anchorage or Seattle so that businesses can more easily succeed and realize more pay for product as more ice is provided to help keep the quality of fish up. More freezers could be utilized for flash freezing our great product so it stays fresh all the way to our customers in and out of the country as folks get the wild salmon that they desire and enjoy.

Each year the quality of Bristol Bay fish has gotten better. And we can do more with the 32 foot boats we have under the rules we currently have if you agree with us to not drastically change our fishery as some of the proposals seek to do.

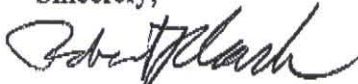
As a part of the State, your recommendations to the Governor, Legislature, Federal Government and Congress can go a long way toward improving our fishery as it is, without changing it so radically as proposed by several of the proposals brought before you. Seek funding to beef up our infrastructure; seek lower energy for those of us who live year round here; and for businesses to invest in our region; seek more grants or more favorable in-state loans for locals to keep their boats and gear up; get bigger airports for our rural villages (these are our roads to the urban areas and beyond and get us off our "island"/villages year round, versus being so isolated and keeping costs high). When the few canneries/processors can't or won't buy the fish our 32 foot boats bring in, allow for foreign processors to come in for limited periods of time so no over escapement takes place. Seek tax incentives for those who invest in rural Alaska and Bristol Bay to further stimulate the economy and provide for more local jobs, hopefully year round. Good fishing keeps our villages thriving; our people stay here; our schools stay open; our clinics stay open; the Post Office stays open; regularly scheduled travel (vs. charter only) is available; jobs are available; the funds we have are utilized; by everyone locally (vs. elsewhere).

Please do not make life more difficult that it already is. Make it better so we can live in our home country a little easier as we help supply the world with Bristol Bay wild salmon. Diversity has its place here as elsewhere, but you must strive to help us protect our fishery so that it continues to produce in a safely regulated way. Every effort must be given for proper escapement, fish reproduction, good water and predator protection as we do our part to provide a quality product to the producers and those seeking to purchase our fish.

That is your fiduciary duty to we the residents of this great State of Alaska.

Thank you for considering my comments.

Sincerely,



Robert J. Clark

P.O. Box 822

Dillingham, AK 99576

Tel. 907-842-5331 (H) and 5201 (W)

P.O. Box 32
Naknek, AK 99633
(907) 246-8559

October 30, 2009

Alaska Board of Fisheries
ATTN: BOF Comments
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

Dear Sirs,

I am writing in advance of your scheduled December meetings to consider proposals related to Bristol Bay Finfish. I would like to express my **support for proposal 13** and address Bristol Bay salmon restructuring issues.

I hope that the Board of Fish will take some action or make some recommendation to the legislature to ensure that development that threatens our salmon runs be held to the most stringent standards. There is overwhelming evidence to indicate that mining could pose a serious threat to our fisheries resources and numerous surveys that show that the residents of the region have serious concerns about potential impacts of mining and have serious doubts about the ability of existing regulations and permitting processes to protect their fisheries and their way of life. The salmon runs of Bristol Bay are truly exceptional and they deserve exceptional protections.

I would also request that the board **reject the permit stacking proposals** that would allow multiple permits to be fished by one person. I believe that this will result in a steady attrition of permits to fishermen who live outside of Bristol Bay and fleet reduction. These will have a negative impact on the local economies of Bristol Bay. That being said, perhaps there is a mechanism by which we can ensure that a significant number of permits are owned by Bristol Bay residents in order to counteract these economic impacts. I encourage the board to **approve proposal number 24**, to eliminate permit stacking. The worst option, however, is to leave the current situation as it stands today. The current state of affairs favors those willing to game the system and is not in accordance with the original intent of allowing two permit-holders to fish 200 fathoms. As small business-people in an inherently uncertain industry, fishermen are ill-served by the additional burden of uncertainty that the current status of the permit-stacking issue places on them. **The board should either allow one permit holder to fish two permits (by adopting proposal 16), or do away with the multiple permit idea altogether (by adopting proposal 24).**

Thank you,



John H. Wise
PO Box 32
Naknek, AK 99633

Dear Board of Fisheries members,

I would like to comment on allowing a person to hold, and fish, dual permits in BB.

I have fished BB since 1979, and so have seen the craziness of a fishery with too many vessels pursuing fish in too small of quarters. Most certainly the market downturn in the late 90's reduced this congestion, but I also believe that it has not returned full force because of the dual permit system being partially enacted. It is in risk of returning as more latent permit holders realize that we are on the rebound, and want to again get into the action.

The fact of the matter is that one vessel fishing 200 fathoms is far less effective at catching than two vessels each fishing 150, and so all vessels financially benefit every time two permits go on one vessel. I believe many of the latent permits would go on dual permit vessels instead of eventually finding a home on a single permit vessel.

Further, one vessel also takes up much less of a "footprint" than two. The negative impacts of "vessel footprint" can be observed in many different ways.

1. Line congestion: I have had two permit holders on board for all allowed years and after all these years I have come to realize that on the line, my dual permits really are of little help. I make three sets to single permit holders four, with the result of similar catches per hour. I would far prefer that every vessel fishes 200 fathoms, because the end result would be a significant reduction in total "vessel sets" per tide....and that is what causes the congestion and creates necessity to "push" the line out. Beyond the line it does help more but certainly not 33% more. The market rate for a 2nd permit is 10% which gives a good indication of how much extra fish a person feels it catches.
2. Carbon footprint is now a buzzword in the world of food production, and I would say this is good. We need to reduce our consumption of fossil fuels and of other resources, and we need to reduce our production of waste. Fewer vessels means less fuel burned and less waste oils/anti-freeze/discarded fish web, etc. produced.
3. Tender lines/dockage space is all related to # of vessels.

On the matter of increasing the 32 foot limit I am in favor, simply due to the fact that we cannot stay in the Stone Age with regulations that inhibit our ability to increase quality.

Thank you for considering my input,
Dave Hansen
F/V Eskimo Viking

11/14/09

Mr. Vincent Webster - Chariman
Alaska Dept. of Fish & Game
Board of Fisheries
P.O.Box 115526
Juneau, Alaska 99811-5526

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Dear Sir,

I am writing to add my support to important issues before the board: permit stacking and modifying or abolishing the 32 ft limit for gill net vessels in Bristol Bay.

I have been a commercial fisherman in Alaska since 1972. I have operated and was a part owner in a trawler on the Bering Sea for 27 years and started gillnet fishing in Bristol Bay in 1983. A lot has changed in since I started fishing and not just my hair color! In 2003 we sold our interest in the trawler and in 2007 the new owners did not extend another contract to me. At that point, Bristol Bay became my families primary source of income.

Diversification has been a key part of my fishing philosophy. There were poor seasons trawling that were offset by good salmon years and vice versa. Now that I have just one fishery to rely on I have extended my effort before and after the traditional peak and moved to a processor that has a high priority on quality fish. I have looked at value added processing on my modern aluminum ALFA gillnetter. I have a son who will be going to college next year and his participation during the summer has been both a big help and a way to save money for college expenses. My daughter also is crew on the F/V Marissa. I have paid for a 2nd permit with an experienced crew since the first year it was legal and I also own a second permit. The cost of having that second permit would go a long way towards paying for my son's education if we could keep that money in the family. It seems like a needless expense to us but one that has obvious advantages.

I assume you know that dealing in permits has been widespread in Bristol Bay since the first year permits were issued. Emergency transfers are common place and a frequent method of making some money from a second permit investment. This practice circumvents the intent of the permit process and puts more permits fishing than would ordinarily be the case if the law were or could be rigorously enforced. A very good alternative exists to remove a great deal of the incentive for leasing a permit; let an individual fisherman own two permits and gain the extra 50 fm in gear reward. That permit then accounts for a decrease of 100 fms of gear in the water at the least and perhaps a decrease of another vessel on the grounds at the most. This is a goal clearly outlined in many reports on conditions in the bay and how to improve profitability. It is the easiest way to partially achieve the goal of reducing the number of boats fishing. It is a true fleet reducing opportunity that will change very little of what is already going on in the bay except to reduce the number of permits illegally transferred or controlled and to take permits off the market and perhaps boats out of the fishery. Those of us who own two permits will have every incentive to keep that 2nd permit on board and I would expect that it would be essentially permanently retired as such. If the value of permits reaches a point where my purchase price is greatly exceeded, it will be hard to not put that permit on the market to gain that income.

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It would additionally eliminate a lot of the problems associated with fishing a second permit in another individual's name on the same boat. For example, only one person determines where and when to set and haul gear so in the event of an infraction, it is not really reasonable for both permits to receive tickets, as is presently the case. This is a great deterrent for many 2nd permit holders, particularly if they are only part time fisherman and have employment the rest of the year somewhere else. That reason also greatly may inflate the cost to the primary fisherman of having that second permit holder on board. If the second permit holder is only making a set percentage of the boat gross, as is common, then any liability for fines is a much bigger punishment if they are not compensated by agreement. They are not party to the decisions that lead up to the infraction but it is a very tricky situation. If that weren't the case then fisherman who do get a violation could simply use the 2nd permit in case there was another problem to avoid the penalties that go with 2 or even 3 tickets during a season. When fisherman choose to consistently fish outside the district boundaries, as happens a majority of the time near the line fisheries at Egegik and elsewhere, enforcement has no choice but to involve both permits. There are loans available for fisherman to buy 2nd permits at reasonable rates and effectively deal with this situation.

Market conditions have at times been the achilles hill of salmon from Bristol Bay, but not any more. The market for a natural, sustainable salmon has grown tremendously in recent years. Direct marketing is a very appealing avenue for an independent minded harvester but is severely hampered by the 32 foot limit. Contrary to many opinions I have heard about bigger "super" boats taking lots of fish, it is most probable that bigger boats will turn to producing a quality product which entails a high degree of care in handling each fish. Perhaps even cleaning and freezing directly on board. With this amount of individual attention catches will not be as big nor will they have to be to realize a meaningful gross income. Certainly on days when fishing is very good a boat processing fish will not catch as much as a boat simply tossing fish into a fish hold, whether dry or not. It doesn't take more than a few feet added onto a good modern gillnet boat to create enough room on deck to at least clean and ice fish, which is a big step. I have such a boat and immediately set plans in motion years ago to add 4 feet to my ALFA when this issue first came before the board. If the board chooses to relax this antiquated law and let the fishermen modernize the fleet and take advantage of the value added opportunities that exist, it will only mean increased value for the fishery as a whole; increased permit values and increased boat values.

Respectfully,

Michael Palmgren

Sally Gumlickpuk

Box 71

New Stuyahok, Ak 99636

November 13, 2009

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Dear Board of Fish,

My name is Sally Gumlickpuk, I lived in New Stuyahok my entire life. I am a subsistence user, mother of a fisherman, and wife/mother of 3 generations of Net hangers and a grandmother of a future Net hanger.

We have to protect the Bristol Bay Wild Salmon because they are the freshest and uncontaminated salmon in the world. We have to preserve the salmon or we will lose our culture and way of life as we have known it from our ancestors who learned it from their ancestors. We are Russian Orthodox Christians who rely heavily on fish for lent-what would we eat if the fish isn't there?

I realize having the higher standard of protections isn't going to affect the allocations of catch, harvesting or subsistence use but to make sure we have it around for our next 7 generations that is why I am in total support of Proposal 13.

I oppose Proposal 15 of the elimination of the 32 foot size boats. I have a son who is a permit holder and he just can't afford to buy a bigger boat, as most fishermen can't. This will only benefit the rich fishermen.

Thank you for hearing me out.

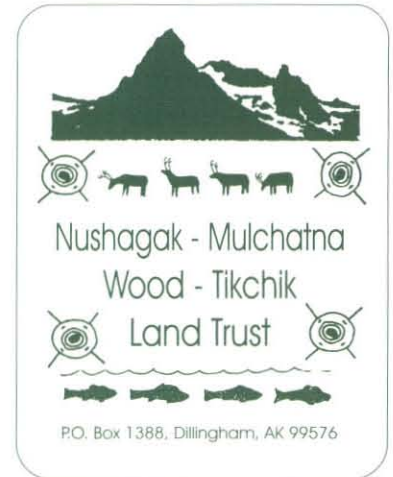
Sally Gumlickpuk

November 13, 2009

Testimony of Tim Troll, Executive Director
Nushagak-Mulchatna / Wood-Tikchik Land Trust

Re: Proposals 15 regarding boat length
Proposals 16 to 21 regarding permit stacking rules

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The Nushagak-Mulchatna / Wood-Tikchik Land Trust is a non-profit conservation organization established in Dillingham in the year 2000. The Land Trust was formed to address concerns about the potential habitat degradation and destruction that could occur if too much of the private land or public land in non-conservation status in the Nushagak and Togiak River watersheds is developed or converted to commercial use. History demonstrates the destruction of habitat often by those exercising their rights as landowners has severely crippled or destroyed subsistence, recreational and commercial salmon fisheries throughout the Pacific Northwest. The mission of the Land Trust is to help the residents of the watershed avoid that same fate.

During the last nine years the Land Trust has helped secure conservation protections for nearly 22,000 acres of land from local individuals and village corporations organized under ANCSA. In addition, the Land Trust was a founding member of the SW Alaska Salmon Habitat Partnership. The partnership recently received formal recognition as the sixth National Fish Habitat Partnership under the National Fish Habitat Initiative sponsored by Federal and State fish and wildlife and conservation agencies, including the ADF&G. Since its formation in 2001 the Partnership has raised over \$14 million dollars to purchase and protect roughly 90,000 acres of important freshwater salmon habitat, most of it in Bristol Bay.

The Land Trust as a conservation organization would not ordinarily comment on fisheries management proposals like boat length and permit stacking. However, we are concerned because so many watershed residents believe the enactment of these proposals will make it much more difficult for them to compete in the fishery and result in the out-migration of more local fishing permits. If the watershed residents are right and such an economic shift could occur with the enactment of these proposals then the Land Trust urges the Board to consider the likely impact such an economic shift could have on the salmon habitat that supports the fishery that both residents and non-residents currently enjoy.

Bristol Bay is virtually the same ecosystem it was when salmon first moved into its watersheds after the glaciers receded. The habitat that supports our salmon is still intact. In 1971 with the passage of ANCSA the legal landscape of Bristol Bay changed. Dozens of village corporations now own hundreds of thousands of acres of salmon habitat and thousands more acres were conveyed to local individuals in the form of 160 acre Native allotments. Although millions of acres were also put into conservation status in 1980 by

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ANILCA millions more were conveyed to the State of Alaska under the Statehood Act and remain general use public lands potentially available for development. Experience suggests that once legal fragmentation of a landscape occurs, habitat fragmentation is not far behind.

Our fear as a Land Trust is that what happened to local limited entry permits could also happen to local land. If the watershed residents who own Native allotments and are shareholders of village corporations continue to lose access to the commercial fishery it will be harder to convince them of the benefits of keeping their land or managing it in a manner that does not imperil salmon. The task becomes doubly difficult if those local residents move because they can't make a living in the region.

The loss of local concern for habitat protection could also affect decisions the Alaska Department of Natural Resources may make with respect to the disposition of general use public lands in Bristol Bay. Without a local constituency to provide input and occasional resistance salmon habitat on these lands is more likely to be privatized or fall victim to dozers and dump trucks. Regardless how the Board should decide Proposal 13 creating greater protections for salmon in Bristol Bay, the Board should take heart that so many local residents support it. Such concern would not likely exist in a future where watershed residents derived little economic benefit from protecting habitat.

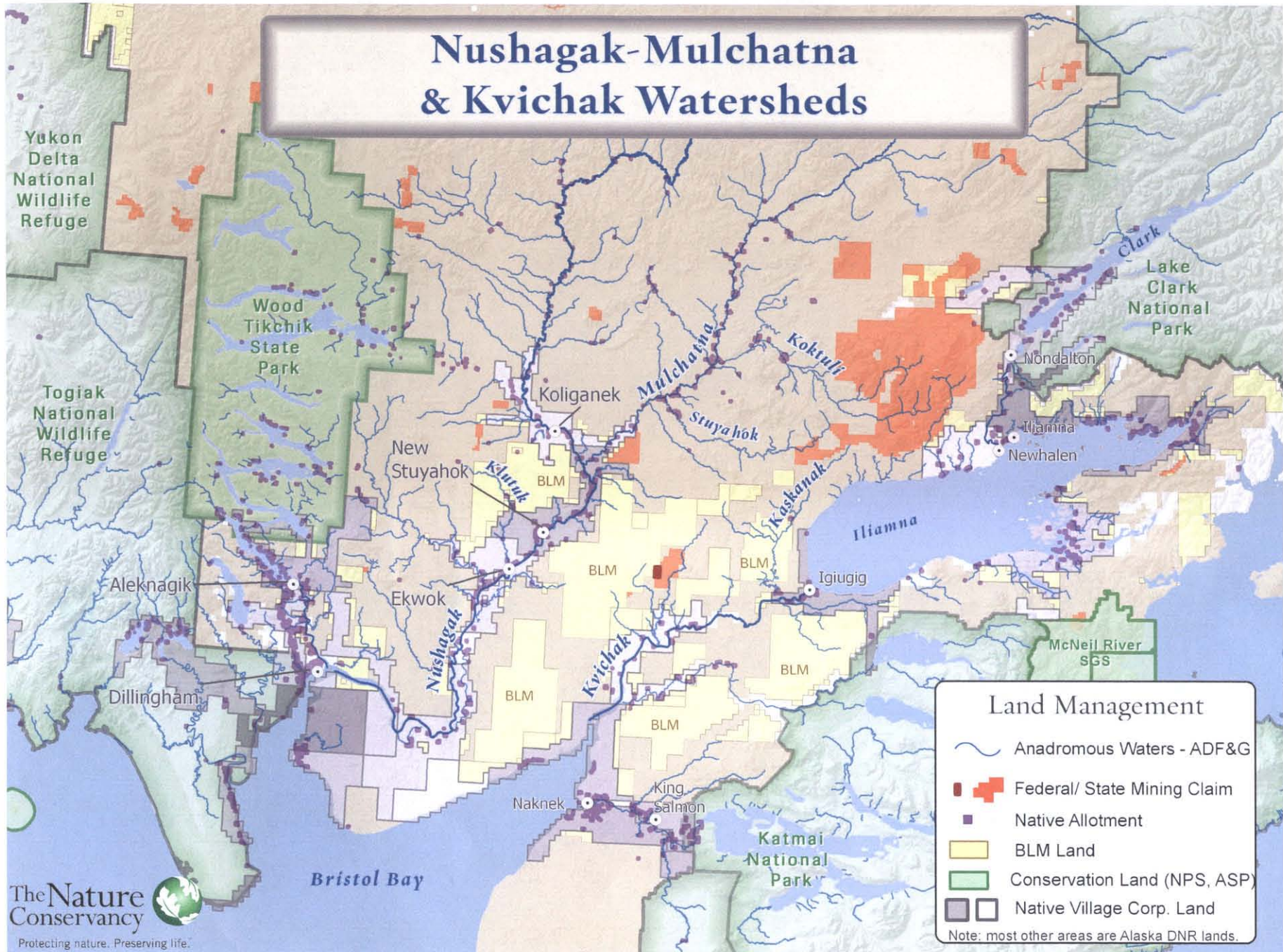
If the changes to boat length and permit stacking rules do result in the major economic shift that many locals fear, then the Board should be aware that degradation of salmon habitat could be an unintended consequence. The Land Trust and its conservation partners could not begin to raise enough money to preserve all of the salmon habitat potentially at risk if local residents no longer cared about protecting the lands they now own. Such a result would be disastrous for all commercial fishermen.

Respectfully submitted,



Tim Troll

Nushagak-Mulchatna & Kvichak Watersheds



Land Management

- Anadromous Waters - ADF&G
- Federal/ State Mining Claim
- Native Allotment
- BLM Land
- Conservation Land (NPS, ASP)
- Native Village Corp. Land

Note: most other areas are Alaska DNR lands.

The Nature Conservancy
Protecting nature. Preserving life.

3/3

Public Comment #

55

Comments regarding proposals to the Board of Fish
Bristol Bay meeting fall 2009

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NOV 16 2009

From Dan Dunaway
Dillingham, Alaska

BOARDS

While I sit on the Nushagak ADFG Advisory Committee and the Federal Bristol Bay Regional Advisory Council, the comments here are solely my own opinions. The majority of my fishing activity is subsistence, I do some sport fishing and have been considering buying a commercial fisheries permit.

Proposals 1, 2, 3. Opposed as written: At times I have wished to be able to drift net for my subsistence fish. One advantage I see of allowing drifting is that fishers would be present and tending their net. It could reduce the competition for beach sites that currently exists.

But these proposals are too broad and more thought needs to go into them before they are adopted. I think enforcement could become a problem and may lead to subsistence fish finding their way into the commercial catch. In the lower Nushagak River where there is heavy sport fishing from about June 15 to July 15 this regulation could create unneeded user group conflicts. I think for a part of the year and in most locations, 25 fathoms of net is too much and may lead to waste or excessive harvests.

I would support drifting with shorter nets (10 or 15 fathoms) in the Nushagak River upstream of where the river splits into the Keefer Cutoff (aka east channel) and west channel. This would allow residents of Ekwok, New Stuyahok and Koliganek to follow their more traditional practices and to reduce bear problems.

I oppose allowing drifting for subsistence in the east and west channels of the Nushagak R. and down stream to Black Point, especially during June and July. This is not to favor the sport fishery but to prevent unneeded gear conflicts between sport and subsistence users. To my knowledge this restriction would not substantially affect subsistence users.

One of the issues behind these proposals is that until 1998 or 2000 (or so?) subsistence fishing on the east side of Wood River near Dillingham and in the Nushagak River upstream from the Wood River was allowed with 25 fathom set nets and no weekly schedule. For many years the beaches near Dillingham from Red Bluff in Wood River downstream to Kakanak Beach (possibly Bradford Point) were limited to 10 fathoms and a fishing schedule of 3 days per week July 2-17. About 1998 or 2000, the Dillingham beach regulations with a set net length of 10 fathoms and June 2-17, 3 day per week fishing schedule was expanded to include the east side of Wood River and the Nushagak River upstream to a Fish and Game marker near Lewis Point and downstream to 2 mi S of Bradford Point and to Nushagak Point. This reduced fishing time and effective net size for a big area and for a number of people.

A compromise might be to restore the old Dillingham Beach regulations to the original smaller area. And again allow larger 25 f SET nets and no weekly schedule on the east side of Wood River, the Nushagak River from Lewis Point downstream to the confluence with Wood River and the southern / eastern beaches of the Nushagak River down to Nushagak Point.

If drifting is to be allowed near Dillingham I suggest limiting the nets to 10 or 15 f to prevent waste, especially during the sockeye run. I think the areas where drifting would be allowed should be smaller, maybe within 2 miles of Lewis Point on the north shore of the Nushagak River and maybe from Snag Point to the south end of Kakanak Beach near Dillingham.

I oppose drifting in the Wood River especially near the Muklung River and in July, as I think the small king run to the Muklung could be jeopardized. I think there is a very high chance of excessive harvests in the Wood River if drifting is allowed with 25 f nets during the peak sockeye run.

If drift fishing is allowed I fully support a skiff size limit of 22, or 24 feet.

If the Board chooses to allow drift subsistence fishing in the Nushagak Drainage, I ask them to keep in mind the existing sport fishing closure at the outlet of the Kokwok River and proposed closures of the outlets of the Klutuk R, Koggiling Cr. and Iowithla [Proposal 9]. If those areas are closed to sport fishing, they should not be open to drift subsistence fishing.

Further, if the Board chooses to allow drift subsistence fishing in the Nushagak Drainage, I encourage them to consider potential conflicts, enforcement problems that might occur if Proposals 40 and 41 (Dude Fishing) are adopted.

Proposal 9 Opposed as written: I support the amendment suggested by the Nushagak AC. I support closure of the Nushagak near the outlet of the Klutuk River, as amended. I have reconsidered and I do not believe a closure is warranted for the outlet of the Koggiling or Iowithla. Note there was a lot of confusion among the Nushagak AC member as to where the Koggiling is. If a closure must be made around the Iowithla outlet I think a 100 or 200 yard radius would be sufficient.

I question if any of these waters should be closed to all sport fishing all year. Closures from June thru August would protect king and coho salmon yet allow anglers to fish for other, especially nonsalmon species at other times of the year when the water is open. If sport fisheries pose such threats to the fish in these waters, then they should also be closed to any drifting of subsistence nets as proposed in Proposals 1, 2, 3. One or two drifts of a subsistence net in these waters as well as the waters already closed around the Kokwok River outlet could undo any savings made by closing the sport fishery. Closure to subsistence drift fishing would enhance a sense of shared conservation by both users groups and reduce potential for conflicts.

Proposal 13 Support fully. I think this area and fish habitat needs more protection than current state laws provide. I hope the BOF agrees and is willing to send a resolution to the Legislature.

Proposal 31 Oppose: This general district proposal flies in the face of good management. It moves away from fishing on single stocks, with our well developed escapement based management to a mixed stock intercept fishery based on notoriously uncertain forecasts. It is common for one or another of the districts to perform below preseason expectations. A general district fishery could inadvertently impact a poor return before biologists could know a run is in trouble. While this proposal is probably directed to sockeye salmon harvest it could negatively impact the carefully balanced Chinook Salmon Management Plan as well as increase harvest on other smaller king salmon systems. Unexpected, possibly excessive big harvests that might occur in the general district could set off a cascade of inshore triggers on various management plans. Often those triggers force closures, force special inriver harvest area plans, line changes and so on.

Proposal 40 Support. My family was one of the few customers to take advantage of this opportunity. As carefully managed as it is, I think fishermen should be allowed to develop this opportunity. I think it could provide other spin-off economic opportunities to local economies and should be continued. If drift subsistence fishing is allowed (per Proposals 1,2,3), some mechanism should be created to assure conflicts don't arise and banditry is discouraged.

Proposal 41 Support with some reservations. If these dates are adopted I think the area management biologist should be directed to assure June "dude fishing" will not interfere with subsistence activities. Dude harvest levels of king salmon should be kept at very low levels. If drift subsistence fishing is allowed (per Proposals 1,2,3), some mechanism should be created to assure conflicts don't arise and banditry is discouraged.

Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811
FAX: (907) 465-6094

RECEIVED
NOV 16 2009
BOARDS

Dear Board of Fish Members,

I'm a set net permit holder in the Kvichak district (Graveyard Point respectively). The following letter states my views of the proposals directed to the board this year. I've teamed up with several other Kvichak set netters to come up with the following arguments below. I'm unable to attend the meeting due to a conflicting off-season job. Our friends from the Kvichak Set Net Association will be present at the meeting to further my views in person.

Thank you for listening,

Corey Arnold

Permit# 60907

Proposal 14 which would require the removal of set net gear during any drift gear only opening.

My Stance: I strongly oppose

My Rational: This proposal is completely irrational. It would place significant burden on set net fishermen to remove their screw anchors, barrel kegs, and running lines on any given day. On our sites this takes an average of 4 hours work to remove, and 6 hours work to re-set the gear. I understand the proposal's desire to not get drift nets snagged up in set net gear, but as long as set net gear is properly marked with buoys and barrel kegs, this should not be an issue.

Proposal 15 which eliminate the 32 foot drift boat length requirement.

My Stance: I strongly support with modification

My Rational: Adding value to Bristol Bay salmon by refrigerating, processing on board, or even freezing on board is very difficult on a small work boat. Current net length regulations for fishing gear groups are already sufficient to restrict harvest amounts and insure a distribution between permit holders. Allowing for a longer vessel would create opportunity for fishermen trying to pack a premium product, this would result in an increased ex-vessel value, and promise economic opportunity for permit holders. This type of proposal has been made in the past, but often the village councils have opposed it because it would create (in their minds) an unfair advantage to those who can afford to buy a bigger boat. Since the option to buy a bigger boat would be open to all, the advantage would be open to anyone. Bristol Bay salmon often have the lowest ex-vessel price of any salmon in the state, and I believe that this is primarily due to the fact of not having adequate space on board to better handle the fish once they are taken out of the water.

My Modification: Require that any boat longer than the 32 foot limit be allowed only for a permit holder who is either a licensed catcher-processor or direct marketer.

Proposal 16 which allows for the ownership of two permits, and allows said owner to fish those permits at the same time.

My Stance: I strongly support

My Rational: Currently a Bristol Bay fisherman is unlikely to earn a living wage from operating a single permit fishing operation. Allowing a single person to own two permits would increase the likelihood of earning a living wage. Please make this possible for set net fishermen too as stated in the proposal.

Proposal 17 which would also allow ownership of two permits and allow said owner to fish those permits legally at the same time.

My Stance: I strongly support

My Rational: For reasons explained in My Rational for the above proposal 16. I strongly support this proposal because it would create more opportunity for earning a living wage in Bristol Bay.

Proposal 18 which would allow ownership of two set net permits by a single person, and allow said owner to fish both permits at the same time.

My Stance: I strongly support

My Rational: For reasons explained above regarding proposal 16 and 17.

Proposal 19 which would allow two drift permits to be owned by a single person

My Stance: I support

My Rational: It would create more opportunity for earning a living wage in Bristol Bay.

Proposal 32 which would increase the amount of net that set net permits may fish in the Naknek River Special Harvest Area.

My Stance: I support

My Rational: It will stop over escapement into the Naknek River.

My Modification: Change from 35 fathoms to 37.5 fathoms so that existing nets can easily be modified to fish this new rule. Taking one 25 fathom net and splitting another 25 fathom net to create 37.5 fathoms is much more practical

since the two 12.5 fathom nets can easily be re-joined for regular district fishing.

Proposal 33 which would require removal of all set net gear during Naknek River Special Harvest drift only openings beyond 25 fathoms from shore.

My Stance: Oppose

My Rational: Regulations already exist that require set net running lines to be removed during NRSHA drift only openings. Removing screw anchors would require extreme effort on the part of set net fishermen and provide limited benefit to drift fishermen.

Proposal 35 and 36 which would set an allocation limit within the Alagnak special harvest area.

My Stance: I strongly oppose

My Rational: It is my experience that few if any drift net fishermen ever go to the Alagnak area to fish since the river is so narrow and shallow. If an allocation plan were in place set net fishermen could potentially wait days for a single drift boat to catch their allocation. Also, the purpose of this fishery is to stop fish, and in the Alagnak river, set net fishing is more capable of stopping fish passage.

Proposal 38 which would suspend allocation percentages when the number of drift boats registered for the district falls below 400

My Stance: I support

My Rational: I experience the same problems in other districts because the number of drift boats changes, but the number of set net permits remains constant. One season in the NRSHA set net fishermen waited 9 tides before the drift fleet caught up their allocation. During this time there were very few drift boats in the district, and many of those boats were only fishing short portions of the tide.

11/13/09

Harlan P. Bailey
Director Kvichak Setnetters Association
1061 Palm Ave
Martinez CA 94553
koggiung@hotmail.com

ATTN: BOF COMMENT
Boards Support Section
Alaska Dept of Fish and Game
PO Box 115526
Juneau, AK 99811-5526

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

Set net fishers are all adamantly opposed to this proposal. Removal of gear, given enough time, is not impossible; however, it is a time consuming job requiring a fair amount of labor.

The hardest pre season job in a set net operation is laying out and setting up a set net site. This involves placement of gear on a line extending seaward in the inter tidal zone: screw anchors, running lines, large buoys and all of the hardware that makes it work. The gear must be installed to survive extreme Bristol Bay tide cycles. Boats and nets with fish in them must remain anchored.

The condition of the bottom would make some gear very difficult to remove after every fishing period: some sites have scoured hard bottoms, most are soft mud. Hard bottoms usually have rocks which makes anchor gear harder to drive in or pull out. With soft bottoms, it can be difficult just to reach your anchor location. I have fished on sites where I had to get a boat to the anchoring point and wait until it went nearly dry because of the difficulty of working in the soft mud.

Many locations would be submerged after a fishing period. Shoreward setnet gear near the 18 foot tide mark has a long time window for installation. As fishers work seaward on their setnet line, time windows for installation of anchoring gear become shorter and more specific. Installation of the seaward anchor gear which holds the outer buoy is the most difficult. This is the area where the bottom is exposed for the shortest period of time. At the seaward anchor where the net is fishing for the longest period of time, where the currents are hardest, the fisher has the least amount of time to place anchoring gear.

On my own sites, as I look at the tide book, I see that in the month of July 2010, out of 44 low water events, the bottom where my seaward anchor is deployed will be submerged

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during 14 of these events. When the fishing period ends two or four hours after high water, and I must pick up my gear, not only do I have to stay on the skiff and work in the mud as many hours as it takes to complete the job, but during some tides I will not be able to pick up the gear which will still be submerged at low water. If it is the law that the gear must be removed for drift to go fishing, will I be ticketed or will I be allowed time to comply? If I am allowed this extra time, will that mean a fishing tide allowed to pass and more time needed to meet allocation?

In the exercise of our privilege of the harvest in Bristol Bay, all commercial permit holders, set and drift, have the same constitutional and legal rights. As the BOF regulates this commerce so that disparate groups and gear can exist in the same place at the same time, they must allow the exercise of constitutional rights by all. One group cannot burden the other with requirements that will essentially hobble their ability to engage in their rightful commerce. Requiring all set net gear removed, as often as once every 24 hours in a possible scenario, is like ordering all light aircraft out of the sky during certain time periods or all automobiles off the highway to make way for truckers.

Harlan Bailey

RE: PROPOSAL 31- 5AAC 06.356. General District Management Plan. Allow fishing in the General District as follows:

We are opposed to this plan.

This is a fish grab designed to allow one gear type an exclusive harvest of 20% of the surplus biomass. Furthermore, they propose to have their own private area to do this in, an area that is the milling area of all mixed stocks before they arrive at the terminal fisheries. The gear type with the most access to alternative fisheries resources wants to take 20% of the fish outside of and in addition to any allocations to any gear type.

1. A management plan incorporates conservation burden and allocation of harvest opportunities. This plan denies harvest opportunity and shifts the conservation burden over to other gear types and users.
2. There are known conservation problems with other Naknek/Kvichak stocks.

This proposal seems to be stepping so far out of the paradigm that it is a sort of restructuring.

Harlan Bailey

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

We are opposed to this proposal. There are possible scenarios when it will not be possible to remove all of the gear as required.

Harlan Bailey

11/12/09

Harlan P. Bailey
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ATTN: BOF COMMENTS
Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau AK 99811-5526

RE: PROPOSAL 34-5AAC 06.360. Naknek River Sockeye Salmon Opecial Harvest Area Management Plan. Change NRSHA allocation to 84% drift and 16% set gillnet as follows: Reinstate 84/16 harvest to the driftnet gear group.

Setnet fishers are opposed to this proposal.

A brief history of Naknek/Kvichak allocation: I was present at the 97 BOF session when allocations were assigned in the districts. At no time were allocations in the NNRSHA or the ARSHA discussed or implied in any context. Allocation percentages were calculated using catch records and agreed to by consensus of individuals sitting on committees. The historical catch records used were from the mixed stock fishery outside of the rivers. During the 2000 BOF session, the drift fleet proposed that they should have the same 84/16 allocation in the NRSHA that they enjoy in the Naknek/Kvichak. This was granted without historical record or consensus. During the next three years, setnet fishers in the NNRSHA endured the economic distress of spending most fishing periods on the beach. At times a setnet operation could be idle four to six days while waiting for the drift fleet to take its big bite. So great was the response, particularly from local Alaska residents, that the BOF revisited the issue during the 2003 BOF BB session to make the situation equitable for all. No allocation was assigned. Instead a ratio of 3 drift fishing periods to one setnet period was agreed on by a consensus of all sitting in committee. I was a

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participant also in 2003.

It is my assertion that NRSHA is not the same as the Naknek/Kvichak district:

1. NRSHA is a special harvest area created outside the district to address a hardship situation caused by the closure of the fishing district. This was done to keep the fleet from decimating the mixed stocks outside the river.
2. Because of the special nature of these harvest areas, they have their own regulations which are different from the district
3. NRSHA has a different history from any outside district with its own catch records. We are creating a false standard by assigning an allocation based on statistics generated on mixed stocks in a different fishing district with different regulations.

It is my belief that imposing an 84/16 allocation in the NRSHA is a particular hardship for Alaska residents:

1. According to the Bristol Bay Salmon Restructuring Study, the distribution of resident to non resident in the drift fleet in 2001 was 48.9% resident to 51.1% nonresident (see attachment 1, Table 2). Furthermore, in 2001 the drift permits fishing the Naknek/Kvichak comprised 25.5% local residents (see attachment 2, Table 1). In the setnet group, 28% of the permits were fished by nonresidents, while 72% of setnet operators were residents in 2001.
2. According to the BB Salmon Restructuring Study final report, in the Naknek/Kvichak district, between 41 and 46 percent of all setnet permits are fished by local residents. In the Naknek River, local people were fishing in their own backyards with skiffs in small operations.
3. According to Dr. Elizabeth Moore of Applied Inference, the percentage of fishing revenue which stays in Alaska is shrinking. Her graphs (attachment 3, table 4) show that the Naknek/Kvichak setnet per shackle harvest as a percentage of the Naknek/Kivchak per shackle drift harvest drops with allocation, and plummets with in-river allocation. Attachment 3, table 8 shows a precipitous drop of income remaining the Naknek/Kvichak district in 2004 and 2005 when NRSHA 84/16 allocation was in effect.

The 3/1 fishing period ratio adopted during the 2003 session more closely reflects catches made in the NRSHA before allocation was enacted in 2006.

Harlan Bailey

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attachment 1

Appendix Table 2. Salmon entry permit registration by gear and residency, Bristol Bay, 1981-2001.^{a,b}

Year	Drift Net ^c			Set Net ^c			Total
	Resident	Non-Resident	Drift Total	Resident	Non-Resident	Set Total	
1981	1,056 (98)	770 (18)	1,826	751 (37)	204 (5)	955	2,781
1982	1,048 (84)	776 (16)	1,824	741 (36)	216 (5)	957	2,781
1983	1,072 (79)	750 (16)	1,822	741 (33)	219 (3)	960	2,782
1984	1,049 (73)	771 (16)	1,820	743 (28)	219 (3)	962	2,782
1985	1,062 (83)	772 (13)	1,834	741 (24)	218 (4)	959	2,793
1986	1,060 (78)	778 (17)	1,838	739 (18)	223 (4)	962	2,800
1987	1,044 (75)	793 (16)	1,837	736 (14)	224 (4)	960	2,797
1988	1,033 (78)	806 (12)	1,839	731 (14)	227 (3)	958	2,797
1989	1,036 (77)	831 (14)	1,867	785 (14)	240 (4)	1,025	2,892
1990	1,039 (78)	839 (15)	1,878	783 (11)	243 (5)	1,026	2,904
1991	1,020 (74)	861 (14)	1,881	771 (8)	253 (4)	1,024	2,905
1992	998 (72)	885 (15)	1,883	774 (8)	251 (0)	1,025	2,908
1993	984 (65)	902 (16)	1,886	763 (8)	259 (0)	1,022	2,908
1994	972 (63)	915 (14)	1,887	760 (7)	259 (0)	1,019	2,906
1995	969 (62)	919 (13)	1,888	762 (8)	257 (0)	1,019	2,907
1996	966 (56)	925 (14)	1,891	760 (6)	257 (0)	1,017	2,908
1997	959 (56)	940 (14)	1,899	757 (6)	262 (0)	1,019	2,918
1998	955 (43)	944 (12)	1,899	756 (6)	259 (0)	1,015	2,914
1999	937 (37)	961 (11)	1,898	750 (5)	264 (1)	1,014	2,912
2000	944 (25)	946 (7)	1,890	736 (5)	276 (0)	1,012	2,902
20-Year Ave.	1,010	854	1,864	754	242	996	2,860
1981-90 Ave.	1,050	789	1,839	749	223	972	2,811
1991-00 Ave.	970	920	1,890	759	260	1,019	2,909
2001	960	923	1,883	731	279	1,010	2,893

^a Total license/permit registration with CFEC, however, not all permit's fished.

^b Limited Entry went into effect in 1974. Figure in parenthesis are interim-use permits, and are included in the totals.

^c Allowable gear per license/permit is measured in fathoms, 150 for drift and 50 for set with the following exceptions: 1968 and 1975 drift was 75 and setnet 25; 1969 drift was 125, no change for setnet; 1973 drift 25 and 12.5 for set.

956 50.98%

731 72%

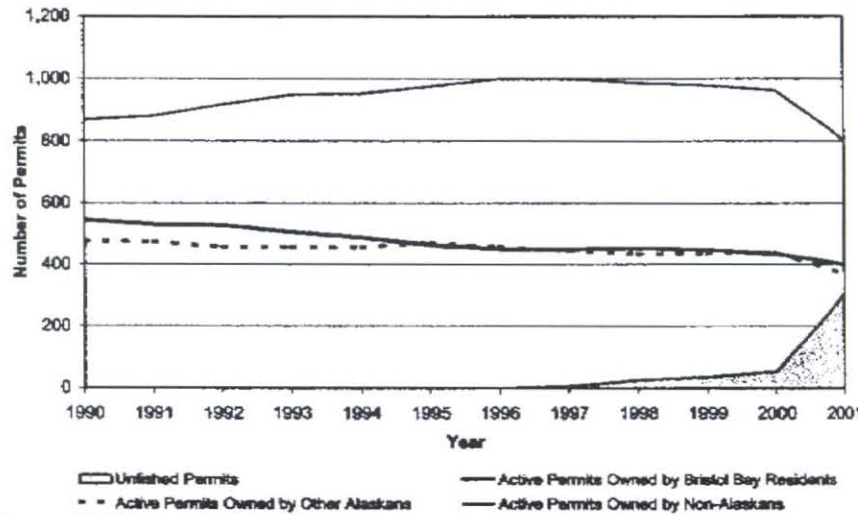
923 49.01

279 28%

Harlan Bailey 5/8

AN ANALYSIS OF OPTIONS TO RESTRUCTURE THE BRISTOL BAY SALMON FISHERY

Figure 9. Drift Gillnet Permits Fished in Bristol Bay by Residence, 1990-2001



Source: CFEC Census Area Reports.

Table 1. Permits Fished in the Bristol Bay Drift Gill Net Fisheries by Residence Status, 1990-2001

Years	Number of Permits				Total	Percent of Total			
	Local Residents	Other Alaska	Alaska Total	Non-Alaska		Local Residents	Other Alaska	Alaska Total	Non-Alaska
1990	545	475	1,020	868	1,888	28.8	25.2	54.0	46.0
1991	531	474	1,005	881	1,886	28.2	25.1	53.3	46.7
1992	528	456	984	917	1,901	27.8	23.6	51.8	48.2
1993	506	455	961	949	1,910	26.8	23.9	50.3	49.7
1994	487	455	942	952	1,894	25.7	24.0	49.7	50.3
1995	463	471	934	975	1,909	24.3	24.7	48.9	51.1
1996	450	457	907	999	1,906	23.6	24.0	47.6	52.4
1997	448	445	893	999	1,892	23.7	23.5	47.2	52.8
1998	451	433	884	987	1,871	24.1	23.1	47.2	52.8
1999	447	435	882	978	1,860	24.0	23.4	47.4	52.6
2000	433	438	871	963	1,834	23.6	23.9	47.5	52.5
2001	400	367	767	802	1,569	25.5	23.4	48.9	51.1

Source: CFEC Census Area Reports.

25.5% drift fleet local residents

attachment 2

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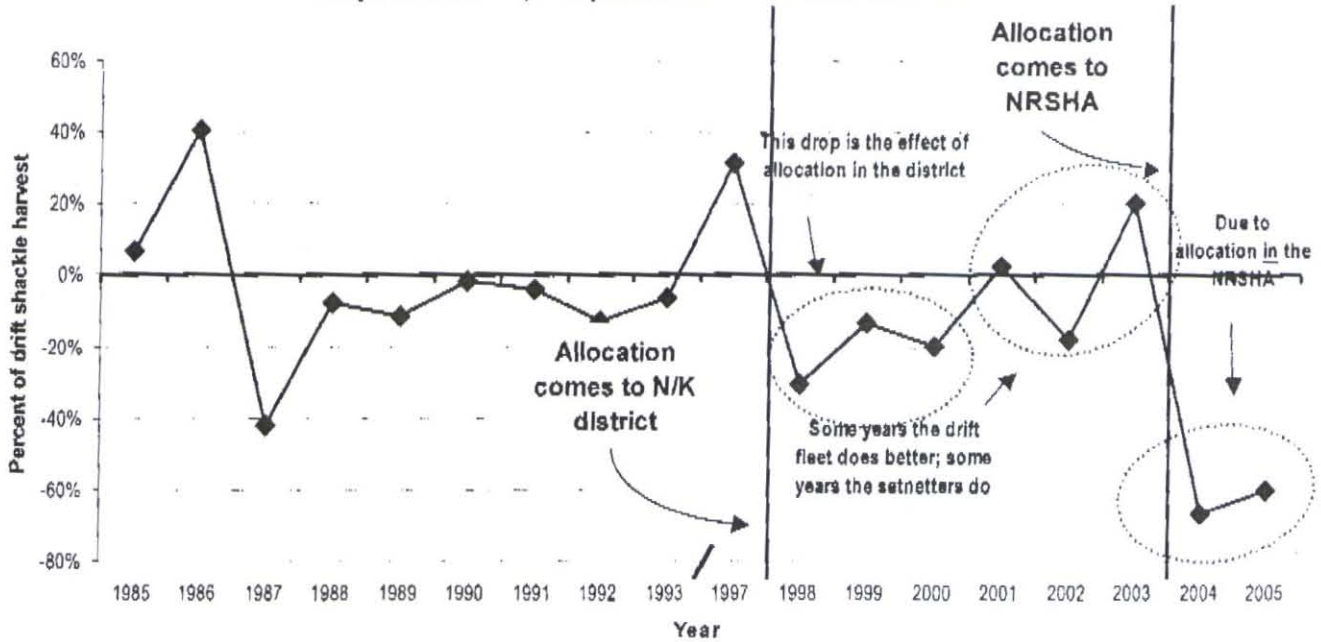
Public Comment #

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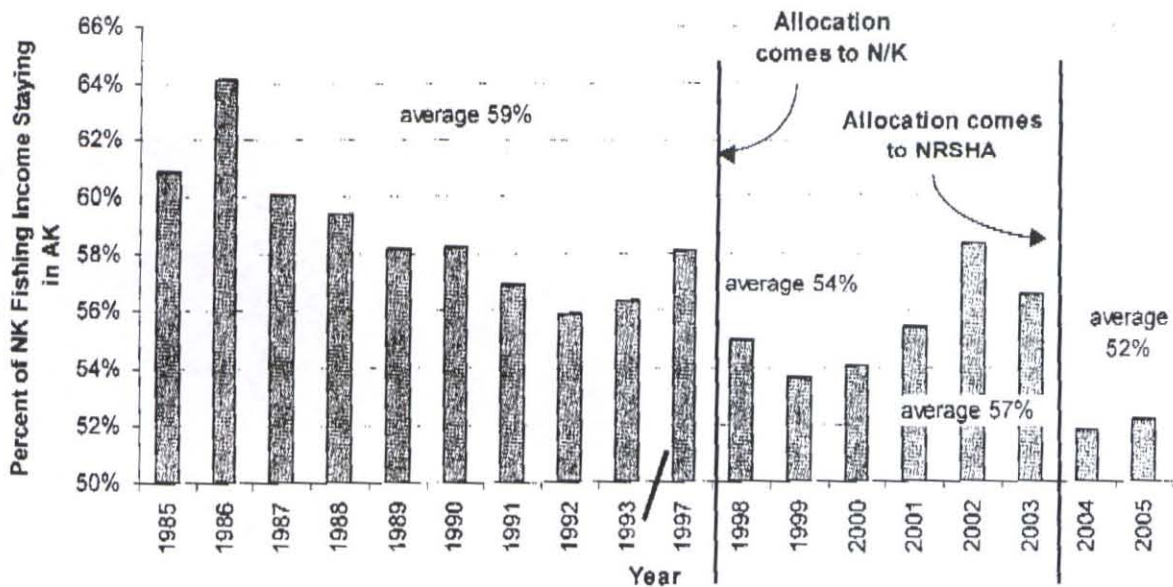
Harlan Bailey

attachment 3

4. Naknek/Kvichak setnet per-shackle harvest as a percent of Naknek/Kvichak per-shackle drift harvest drops with allocation, drops in the river, and plummets with in-river allocation.



8. Percentage of Naknek/Kvichak Fishing Income That Stays in AK is Shrinking



Correction 12/3/06
Moore: Naknek setnetter, drifter, researcher
BOF 2006 Presentation: based on new data from ADFG

7/8 Harlan Bailey Public Comment # 50

RE: PROPOSAL 35- 5AAC 06.373. Alagnak River Special Harvest Area Management Plan. Change ARSHA allocation to 84% drift and 16% gillnet as follows:

The ARSHA is a very small area geographically separated from the Naknek/Kvichak district. It has been utilized three times in recent years. Nobody knows when it will be fished again. It is located 36 miles from the Yardarm Knot dock. To reach it, one must travel the last 15 miles into the Kvichak River through shallow waters and a series of sandbars. Skiffs arrive on the flood and depart on the ebb after discharging the catch from their four hour period. Plenty of skiffs have gone dry on the return trip. It is another special harvest area with its own regulations and statistics.

My first question is, how long will the setnet operators have to wait for their turn to fish while four drift boats scrape their 84%? Setnet operators in the Alagnak will be sleeping in their skiffs or up on shore with the bears. If I don't really have a good chance of making a reasonable catch, I won't go to the Branch. Drifters can maybe wait while four setnets scrape up their 16%.

Let the biologist manage this one. It will be easier for everybody.

Harlan Bailey

8/9



United States Department of the Interior
NATIONAL PARK SERVICE

Alaska Region
 240 West 5th Avenue, Room 114
 Anchorage, Alaska 99501

IN REPLY REFER TO:
 L30(AKRO-SUBS)

NOV 16 2009

ATTN: BOF COMMENTS
 Mr. John Jensen, Chairman
 Alaska Board of Fisheries
 Boards Support Section
 Alaska Department of Fish and Game
 PO Box 115526
 Juneau, Alaska 99811-5526

Dear Chairman Jensen:

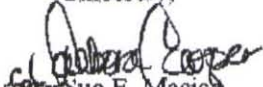
During your December 2009 meeting in Anchorage, you will be addressing proposed regulatory changes affecting the Bristol Bay Area. The National Park Service is the land managing agency for Lake Clark National Park and Preserve and Katmai National Park and Preserve. These Conservation Units are within the State's Bristol Bay Management Area.

We share with you the desire to implement a sound management strategy for the fishery resources of this management area. The enclosed comments address Proposal 8. This proposal affects fishery resources in Brooks River that is within Katmai National Park.

Conservation of the fishery resource is the primary objective of both State and Federal regulators and managers. We therefore offer our comment on Proposal 8 in the spirit of cooperation with the State regulatory process. We believe that through a cooperative State/Federal regulatory and management process that emphasizes fishery conservation, that the fishery resources will be perpetuated for the use and enjoyment of all user groups for this and future generations.

Thank you for considering our comments. If you or your staff has questions, please contact Nancy Swanton, Fishery Program Manager, at 644-3597 or Dave Nelson, Fishery Biologist, at 644-3529.

Sincerely,


 Sue E. Masica
 Regional Director

Enclosures

cc:

Denby Lloyd, Commissioner, ADF&G
 Debora Cooper, Associate Regional Director, NPS
 David Mills, Subsistence Team Leader, NPS
 Ralph Moore, Superintendent, Katmai National Park and Preserve
 Nancy Swanton, Subsistence Program Manager, NPS
 Dave Nelson, Fishery Biologist, NPS
 Rod Campbell, Fisheries Liaison to ADF&G, Office of Subsistence Management

Public Comment # 59

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**NATIONAL PARK SERVICE
COMMENTS ON
ALASKA BOARD OF FISHERIES PROPOSALS**

For The

Bristol Bay Management Area

**State of Alaska
Board of Fisheries Meeting
December 1-8, 2009
Anchorage, Alaska**



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

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Public Comment #

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National Park Service (NPS) Comment for the Alaska Board of Fisheries for the Bristol Bay Area

Proposal 8 appears to request that sport fishing below the bridge on the Brooks River in the Naknek Lake drainage be prohibited. A closer reading of the proposal, however, indicates that it is actually requesting three regulatory actions:

- 1) Close the Brooks river below the bridge to all fishing;
- 2) Open the Brooks River above the bridge to the retention of rainbow trout with the regulations to mirror Savonoski River drainage.
- 3) Change the regulations on American Creek to mirror the trout regulations for Savonoski River.

Current State Regulations:

5 AAC 67.022 Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area:

(d) In the Naknek River drainage, the following special provisions apply:

(5) in the Brooks River drainage, unless otherwise specified in this subsection.

(A) From June 8 through October 31, rainbow trout may not be possessed or retained; all rainbow trout caught must be immediately released;

(B) From November 1 through June 7, bag and possession for rainbow trout is five fish less than 18 inches in length; any rainbow trout caught that are 18 inches or greater in length must be immediately released;

(C) in all flowing waters of the Brooks River drainage, including all lake waters within a one-quarter mile radius of all inlet and outlet streams,

i) from April 10 through June 7, sport fishing is closed;

ii) from June 8 through October 31, rainbow trout may not be possessed or retained; all rainbow trout caught must be immediately released;

iii) from November 1 through April 9, the bag and possession limit for rainbow trout is five fish, less than 18 inches in length; any rainbow trout caught that are 18 inches or greater in length must be immediately released;

(6) in the Brooks River from the outlet of Brooks Lake downstream to the bridge at Brooks Camp,

(A) from April 10 through June 7, all sport fishing is closed;

(B) from June 8 through October 31, only unbaited, single-hook, flies may be used

(7) in the Savonoski River drainage, including the waters of Naknek Lake within a one quarter mile radius of the mouth of the Savonoski River excluding American Creek,

(A) from June 8 through October 31, the bag and possession limit for rainbow trout is one fish, with no size limit;

(B) from November 1 through June 7, the bag and possession limit for rainbow trout is five fish, of which only one fish may be over 20 inches in length;

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(8) in the American Creek drainage,

(A) from June 8 through October 31, rainbow trout may not be possessed or retained; all rainbow trout caught must be immediately released;

(B) from November 1 through June 7, the bag and possession limit for rainbow trout is five fish, of which only one fish may be over 20 inches in length

Current Federal Regulations: None

Is a similar issue being addressed by the Federal Subsistence Board (FSB)? No.
The Brooks River is closed to subsistence fishing under Federal regulation.

Impact to National Park Service Resources/Visitors: Yes. The fishery resources of Brooks River are managed under State sport fishing regulations. This proposal requests more conservative management (total closure) to sport fishing below the bridge on the Brooks River. Above the bridge, the proposal requests the fishery be liberalized to mirror the harvest limits and seasons for rainbow trout currently in affect for the Savonoski River. The proposal further requests a liberalization of trout regulations in American Creek.

NPS position/recommended action: Oppose. Brooks River rainbow trout are conservatively managed under current State sport fishing regulation. From April 10 – June 7 all fishing is prohibited in the flowing waters of the river to protect spawning trout. From June 8 through October 31, only catch-and-release fishing is permitted for trout and only unbaited artificial lures may be used. From November 1 through April 9 five trout less than 18" may be retained. These regulations also apply to American Creek. Current management strategy is effectively providing for the sustainability and conservation of the trout resource. Liberalizing the regulations in the Brooks River and American Creek to mirror the Savonoski River trout regulations is not warranted. The Savonoski River is highly turbid and more remote than Brooks River resulting in lower sport fishing pressure there than in the Brooks River and American Creek. Regulations in this remote, turbid River can therefore be less restrictive without adversely impacting fish populations.

This proposal also requests a closure to fishing downstream from the bridge on Brooks River. The fishery here primarily targets sockeye salmon. These salmon stocks are at sustainable levels. A closure to sport fishing or other change to current regulation is not warranted. The proponent notes that habitat degradation below the bridge is an issue. However, we do not believe that it is severe enough to warrant closure of the sport fishery.

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