

Economic Significance of
Bristol Bay Commercial Salmon Fisheries:
Selected Measures

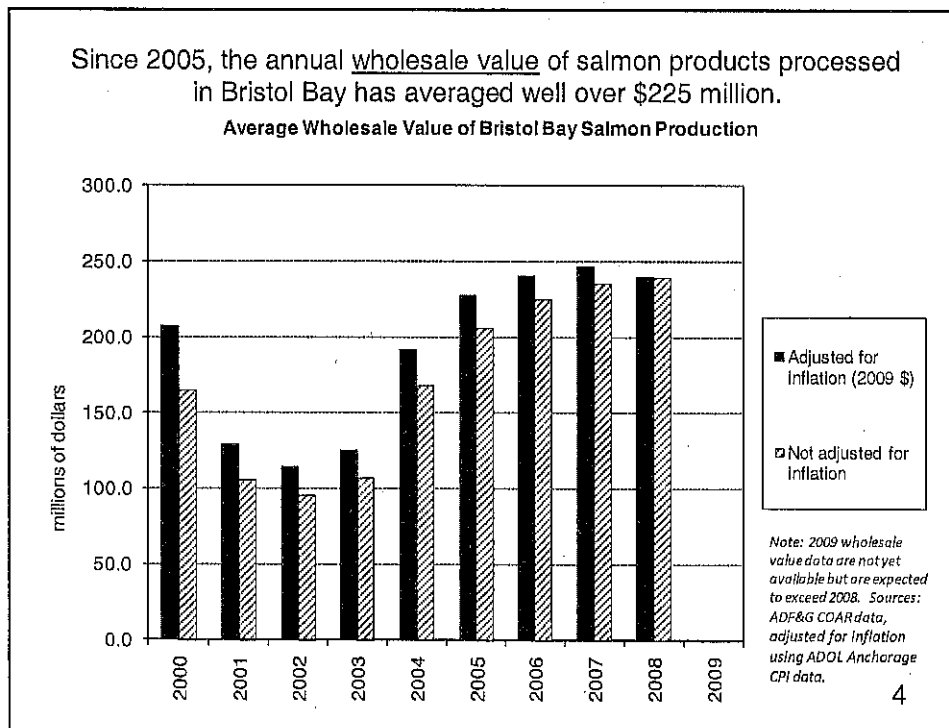
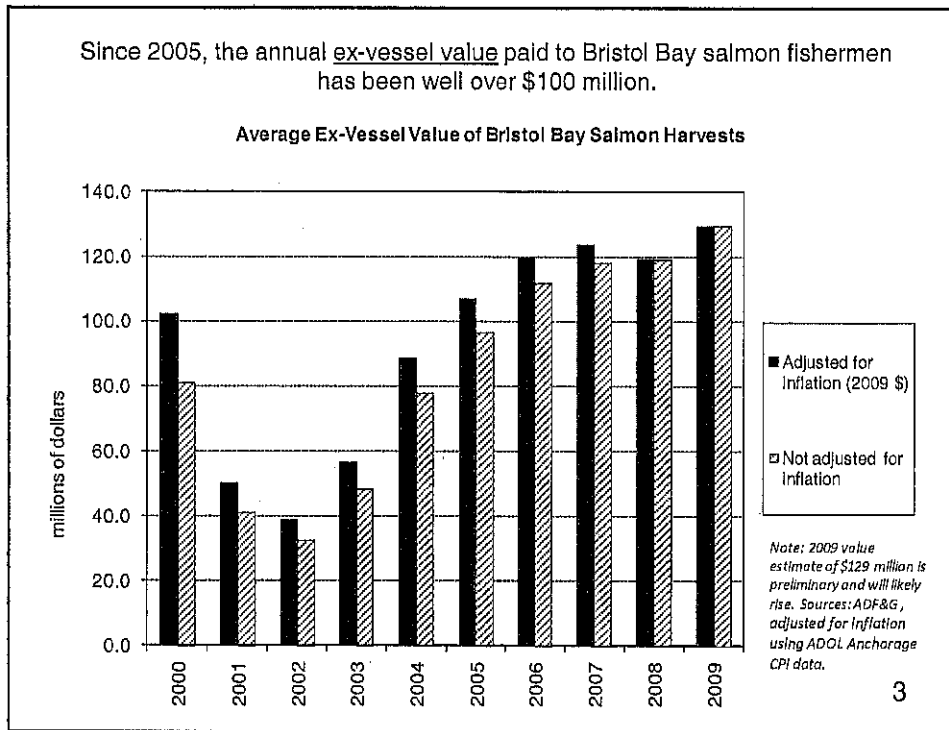
Gabe Dunham & Gunnar Knapp

Alaska Fisheries Economics Research Internship Program
Institute of Social and Economic Research
University of Alaska Anchorage

December 2009

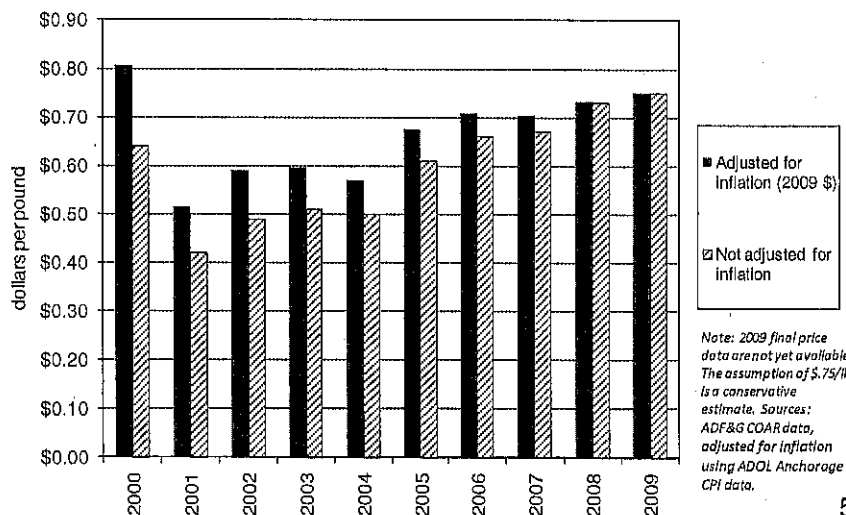
About this presentation . . .

- This presentation summarizes selected measures of the economic significance of Bristol Bay commercial salmon fisheries.
- We collected this information for a report we are writing on
An Overview of the Bristol Bay Salmon Industry.



Prices fell drastically in the Bristol Bay salmon fishery from 1988 to 2001 due to competition from farmed salmon and other factors. However, since 2001 prices have rebounded significantly as demand for wild salmon has grown and new markets and products have been developed.

Average Ex-Vessel Prices of Bristol Bay Salmon Production

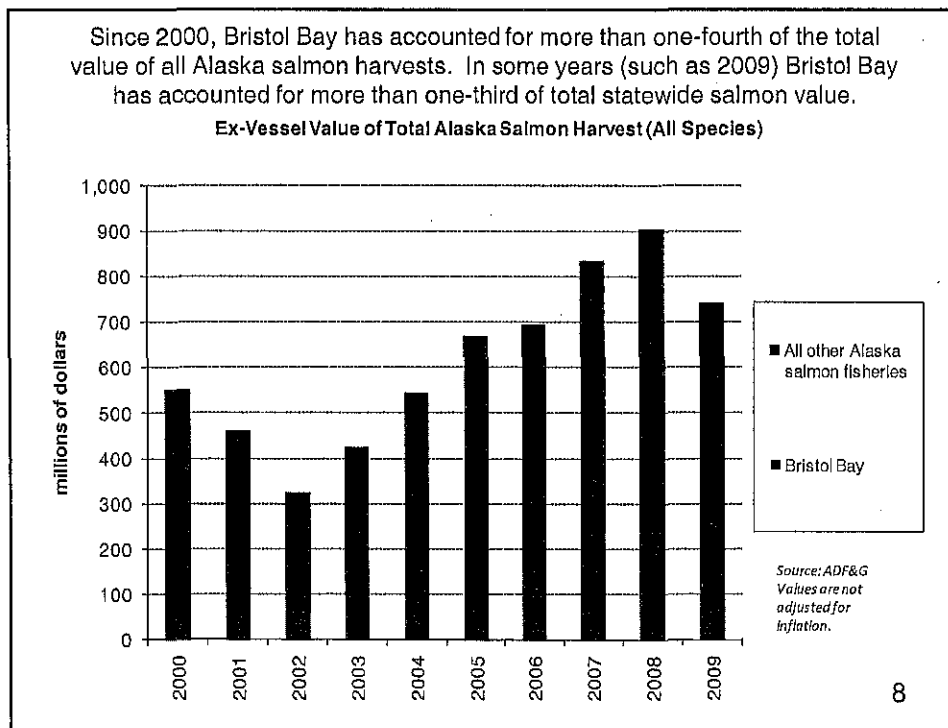
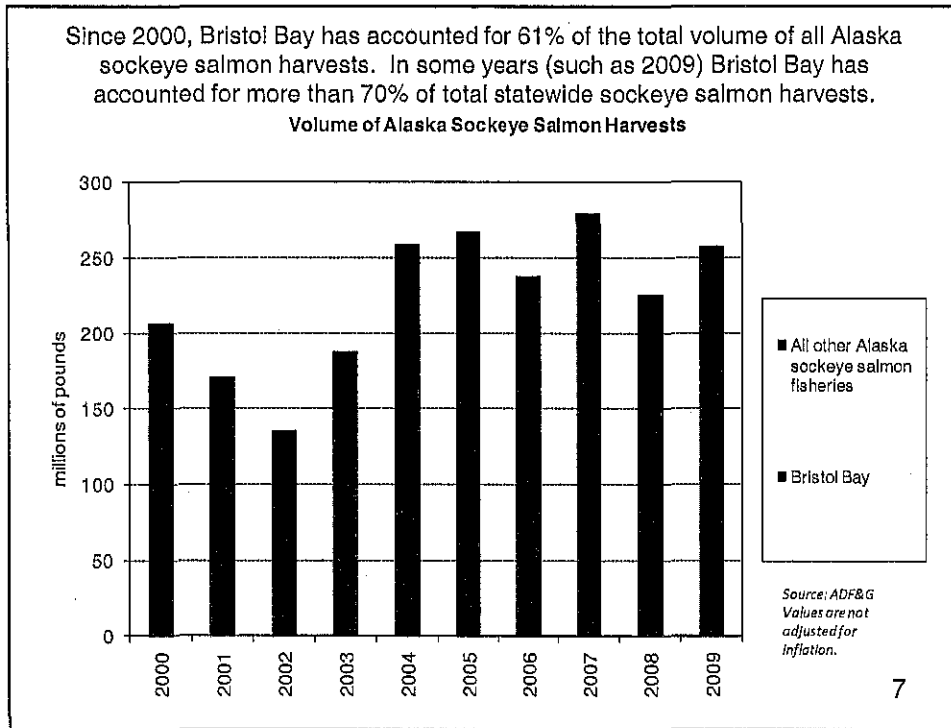


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The Bristol Bay drift gillnet fishery is Alaska's most valuable salmon fishery, by far. The Bristol Bay set gillnet fishery ranks eighth.

Salmon Fishery	Average ex-vessel value (\$), 2006-2008
Bristol Bay drift gillnet	94,884,153
Southeast purse seine	36,659,548
Prince William Sound purse seine	31,984,385
Statewide power troll	30,715,171
Prince William Sound drift gillnet	30,149,744
Kodiak purse seine	22,570,275
Southeast drift gillnet	19,384,099
Bristol Bay set gillnet	18,575,081
Alaska Peninsula drift gillnet	11,892,333
Alaska Peninsula purse seine	11,212,939
All other fisheries combined	46,762,222

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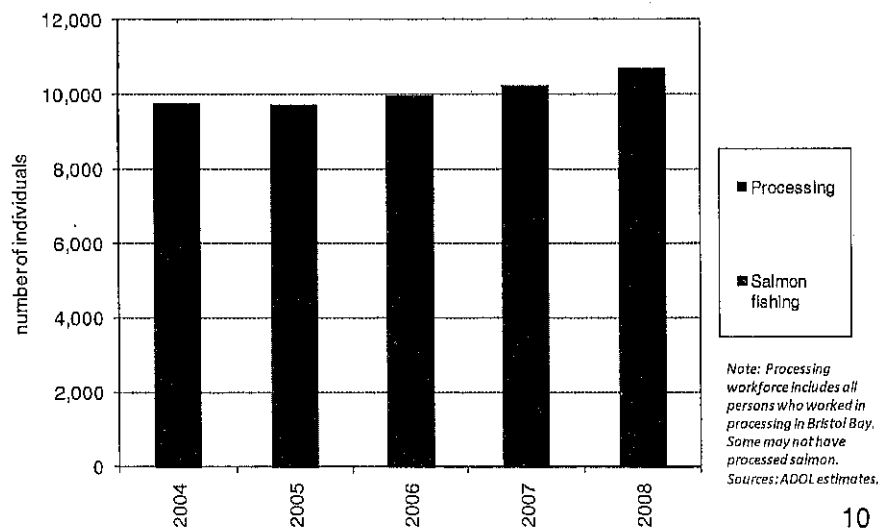
There is significant potential for the value of Bristol Bay salmon harvests and production to expand as quality increases.

- Sockeye salmon prices have been higher in most other fisheries:
- Lower quality has been a major cause of lower prices
- A significant and sustained effort is underway in Bristol Bay to improve quality.
- As quality improves, prices and value will improve.

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Every year, about ten thousand people work in salmon fishing or processing in Bristol Bay.

Estimated Salmon Fishing and Processing Workforce In Bristol Bay



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The preceding graphs significantly understate the total economic significance of Bristol Bay fisheries.

They don't include:

- The value of other commercial species, such as herring
- The economic impacts of transporting and distributing Bristol Bay salmon beyond Bristol Bay throughout the United States
- The “multiplier” economic impacts which result from spending by Bristol Bay fishermen and processors
- The large and valuable guided sport fishing industry in the Bristol Bay region
- Bristol Bay subsistence fisheries

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Sources

- Charts 1, 3, 4 and 5:
Sourced from Alaska Department of Fish and Game-Division of Commercial Fisheries: Alaska Commercial Salmon Harvests and Ex-Vessel Values.
<http://www.cf.adfg.state.ak.us/geninfo/finfish/salmon/salmcatch.php>
- Chart 2:
Sourced from ADF&G Commercial Operators Annual Report Data (COAR), Data file: Statewide_Salmon_Production_COAR_Data_091204a.xls
- Chart 6:
Harvesting and processing employment data sourced from Alaska Department of Labor and Workforce Development.
<http://laborstats.alaska.gov/?PAGEID=67&SUBID=295>

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RC 105

Sally Gumlickpuk
P.O. Box 71
New Stuyahok, AK 99636

December 5, 2009

Bristol Bay Finfish Meeting
December 1-8, 2009

Alaska Board of Fish
P.O. Box 115526
Juneau, AK 99811-5526

Mr. Chairman and Members of the Board,

I SUPPORT Proposal 13 to keep my subsistences alive for my future grandchildren. We have always known when the time came to put up fish, and we have been doing it for generations and I would like to see it for my great grandchildren participate in the future, instead of it being just a story to them. This is what keeps us alive as Yupik, it's in our culture and blood. If that subsistence lifestyle is gone then we will cease to exist as our generation.

That is why we need to protect our streams and rivers where the salmon spawn. When we use the fish to subsist, we only take what is needed for the winter. This keeps our culture alive with families working together, gathering and preserving food for the winter.

I have been to Nevada on mine tours and we had canned and smoked strips to bring and share with the locals. The younger generation of Nevada didn't know what we had brought. We had to leave recipes for canned salmon because they didn't know how to prepare it. I wouldn't want that for our future generations so that is why I am in support of Proposal 13. Thank you for taking the time to listen to my testimony.


Sally Gumlickpuk

Alaska Board of Fisheries
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811
fax: 907-465-6094

Re: Proposal 13

November 17, 2009

I am writing in support of Proposal 13 to establish a fish refuge in Bristol Bay consistent with the State of Alaska mandate that 'essential salmon habitat and access of salmon to these habitats should be protected' and 'salmon habitats should not be perturbed beyond natural boundaries of variation' (5 AAC 39.222 (c)).

Such a refuge would ensure that activities such as fishing, hunting, and trapping could co-exist with non-renewable resource development. The proponents of the Pebble prospect, the only mineral development in the region currently in advanced exploration stages, have repeatedly said that mining and fishing activities can co-exist, and that they will not go forward with a mine if fish habitat will be degraded. Therefore, the proponents of the Pebble prospect should not be opposed to maintaining salmon habitat and the water quality that sustains salmon and their prey. In the larger picture, there is potential for mineral development far exceeding the Pebble prospect, given the amount of State land currently leased for mineral exploration in the Bristol Bay region, and the amount of federal land that could be leased. Large-scale industrial activity in the region poses a very real threat to salmon habitat, from seemingly minor impacts such as installing roads and culverts that may block fish migrations¹ to filling in natural water bodies to potentially major impacts from acid mine drainage from mining that may require continual treatment for hundreds or thousands of years.

I have been an Alaskan resident since 1986, except 2003-2007 when I was in graduate school at the University of Nevada Reno. My PhD is in Environmental Sciences and Health, in the Environmental Chemistry track; my dissertation focused on field and lab scale bioremediation of acid mine drainage from a closed copper and sulfate mine. This year I conducted water quality sampling in the Nushagak, Kvichak, and Chulitna drainages. I have also reviewed all publically available data for that region on surface and groundwater chemistry from the Pebble Limited Partnership (PLP) and attended PLP "Technical Working Group" meetings on water quality and geochemistry.

All water quality sampling evidence the extraordinary purity of the waters in the region. My own data is currently being processed and thus far appears to confirm waters are generally pure: highly oxygenated with very low conductance and low metal content.

The headwaters of the South Fork Koktuli River is the region most likely to present with water quality outside chronic aquatic life standards in that it lies closest to the ore body. However, available data indicate water quality there is generally good. Regarding the overall water quality of a stream or reach, the median of a group of samples provides the best indication of long term water quality while the range provides the full extent of analyte concentrations. The Nushagak and Kvichak watersheds experience regular seasonal fluctuations in water chemistry, most important of which is a spike in metal concentrations with snowmelt. Although this spike will influence the range and mean of a data set, it has little influence on the median. When examining PLP's data for the

¹ Hauser, WJ. 2007. Potential impacts of the proposed Pebble mine on fish habitat and fishery resource of Bristol Bay. FishTalk Consulting, Anchorage, AK.

median concentrations of some of the most important water quality parameters (those expected to be present due to surface runoff or those potentially toxic to fish) at sites closest to the ore body, only total iron consistently exceeds the most stringent water quality standards (Table I). The median for total copper exceeds the presumed chronic aquatic life standard at two tributaries of the South Fork Koktuli River (one located on the ore body, one downstream of it) and at the main stem South Fork Koktuli water sampling site closest to the ore body.² The medians for dissolved copper and iron do not exceed water quality standards at any site near the ore body.

What these data tell us is that outside the immediate ore body, fish and their aquatic prey have adapted to natural waters with extraordinarily low concentrations of metals. It also tells us that the streams can expect to have occasional spikes in sediment-borne metals, but the dissolved concentrations of elements, even immediately atop the ore body, remain within very stringent water quality standards naturally.

Although the surface water is generally quite good (except when suspended sediment is high), the groundwater is not. For instance, there are ten springs on the ore body or just north of it with water chemistry indicating acidifying reactions are occurring under the surface. An explanation for the observed chemistry would be that oxygenated groundwater is moving through sulfide ore, initiating the reactions that generate acid and exponentially increase the dissolved metal content of the water. The indicators of sulfide oxidation include high sulfate, low pH and very positive redox potentials, and the result of acidity is dissolution of metals in surrounding rock.

These springs may be natural occurrences. However, should the sulfide ore body be opened up, these reactions will occur over a much wider geographical range - including the pit walls, the waste rock piles, and the tailings pond(s) - as something on the order of 9 billion tons of ore is processed at the Pebble prospect. Importantly, as sulfide rock is ground to fine material, the reactions increase with the increased surface area. Tailings material in particular will be finely ground and will contain substantial sulfide material. Tailings will need to be stored behind large dams, and will need to be conducted from the mill directly onto tundra material - the area required for tailings storage economically precludes installing liners in the impoundment(s). Table 2 illustrates that not only are metal concentrations often exponentially higher in groundwater seeps at the ore body than in surface water, but also that the metals are primarily in the dissolved form, not carried on sediment. This is a critical distinction. It is well-known from PLP's data and Working Group meetings that the soils are highly conductive and there are significant and numerous links between surface and groundwater. Tailings material that covers natural ponds, lakes, and streams will undoubtedly infiltrate groundwater beneath the impoundment and from there is almost certain to move to surface water. Because the reactions occurring in the groundwater seeps now is the same as to be expected in the tailings material, there is strong reason to believe dissolved metals will also infiltrate groundwater beneath the impoundment and move into surface water.

The mining company will need to accurately predict where acid is going to occur, and be prepared to mitigate for it. If more mines are opened around the Pebble prospect, this scenario will need to be repeated any number of times by companies that are likely to have extreme variations in experience developing mines and cash available to properly predict, monitor, and mitigate. While mining companies have spent a good deal of time developing methods for prediction and mitigation over the past ten years, there is not yet a track record of success in these areas. Indeed, even mines permitted under current Clean Water Act regulations and NEPA have regularly

² The standard for copper is hardness-dependent; the stated standard of 2.7 ug/L presumes a hardness of 25 mg/L and the data have not been reviewed for how actual hardness may change the standard.

developed acid mine drainage where it was not predicted.³ A clear intent to prevent and mitigate does not ensure that contaminant migration will not occur.

The baseline data provided by PLP indicate that the processed rock will generate acid, which will dissolve metals available in waste storage areas, and has potential transport pathways into natural waters. There is reasonable concern that the copper concentrations, generally below chronic aquatic life standards and often even below the detection limit of 0.2 ug/L beyond the immediate ore body,⁴ will increase in waters required by salmon. A small increase in copper above what salmon have adapted to is known to impact the salmon olfactory system.⁵ This is an insidious effect in that it may result in a decline in salmon populations that cannot be pinpointed on any one source, particularly if the copper release is diffuse. The synergistic or antagonistic impact of the dissolution of other metals in addition to copper is poorly understood, although the effects of copper and zinc are expected to be synergistic.

Although the State of Alaska has anti-degradation laws, there is currently no method for implementing them.⁶ This means that natural waters may be degraded from their present extraordinarily pure state and still stay within water quality standard regulations.

Given the risks as stated above, the lack of an effective anti-degradation regulation, and the lack of a preponderance of examples that mining companies can predict and mitigate for acid drainage, the creation of a Bristol Bay Fish Refuge that protects the watersheds of the Nushagak drainage is needed to help maintain the current populations of salmon and other aquatic species.

Respectfully,

Kendra Zamzow, PhD
Center for Science in Public Participation
PO Box 54, Sutton, AK 99674
907.745.3882

³ Kuipers, JR, AS Maest, KA MacHardy, and G Lawson. 2006. *Comparison of Predicted and Actual Water Quality at Hardrock Mines: the reliability of predictions in Environmental Impact Statements.*

⁴ Personal data

⁵ Sandahl, JF, DH Baldwin, JJ Jenkins, and NL Scholz. 2007. A sensory system at the interface between urban stormwater runoff and salmon survival. *Environ. Sci. Technol.* 41: 2998-3004.

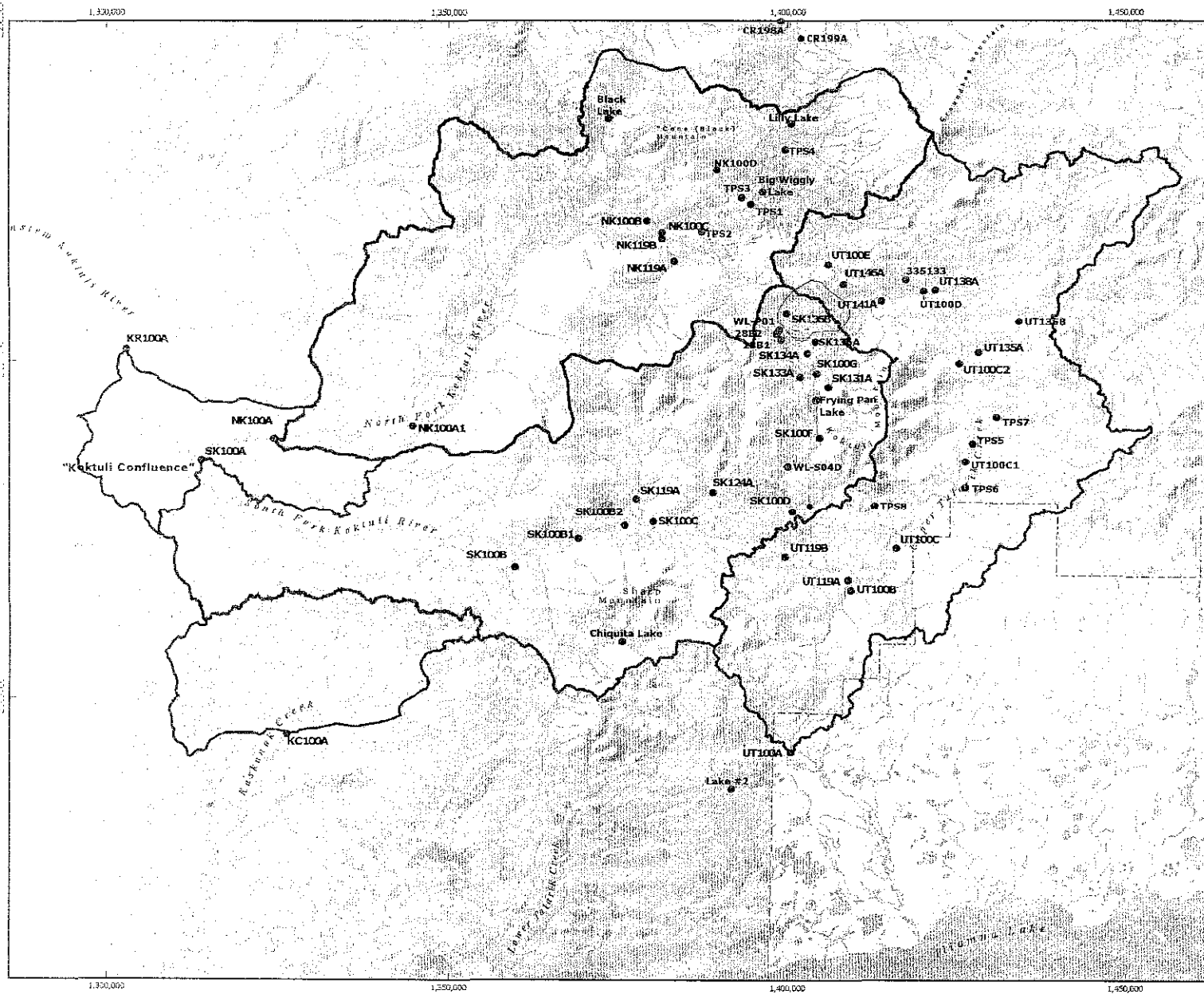
⁶ Chris Reese, DEC, personal communication

Table I: Surface water quality data near the ore body (PLP Pre-Permit Report F). pH not measured. Means and medians above benchmark criteria highlighted.

benchmark		87 ug/L	2.7 ug/L	300 ug/L	10 ug/L	36 ug/L							
	conductivity (uS/cm)	alkalinity (mg/L)	Aluminum (total) ug/L	Aluminum (dissolved) ug/L	Copper (total) ug/L	Copper (dissolved) ug/L	iron (total) ug/L	iron (dissolved) ug/L	Molybdenum (total) ug/L	Molybdenum (dissolved) ug/L	Zinc (total) ug/L	Zinc (dissolved) ug/L	
SK134A	mean	100	24	79	14	1.5	1.07	510	204	1	1	1.9	1.8
	median	100	23	34	12	1.4	1.04	427	200	0.9	1	1.5	1.5
	range	32-125	14-36	7-190	4-37	0.7-2.6	0.5-1.9	236-2640	62-445	0.4-1.7	0.4-1.7	0.5-5.1	0.5-4.4
	# samples over benchmark	na	3, with high TSS	none	One, with high TSS	none	33/36	4/36	none	none	none	none	
	notes	one conductivity sample 357 ug/L Dec 2007; one total aluminum 1100 mg/L with high TSS; 2 total iron concentrations over 1000 mg/L, both with high TSS											
SK136A	mean	80	19	116	16	4.9	2.8	581	218	2.7	2.6	2.4	1.9
	median	80	19	61	11	3.9	2.7	515	222	2.6	2.6	2	2
	range	11-40	9-29	13-346	3-49	2.6-14	1.1-6.9	293-1370	63-455	1.2-4.3	0.9-4.4	0.5-10.3	0.5-3.8
	# over benchmark	na	na	13/36	none	34/36	13/36	34/36	7/36	none	none	none	none
	notes	one total aluminum at 652 ug/L with high TSS; 2 total copper over 10 ug/L; 3 total iron over 1000 ug/L											
SK136B (in ore body)	mean	80	17	55	12	3.6	2.5	376	151	0.8	0.8	2.7	2.7
	median	80	16	23	9	2.9	2.2	295	121	0.7	0.7	1.9	1.9
	range	10-49	9-30	4-404	3-45	1.8-5.5	1.1-3.1	99-1540	10-403	0.3-2.2	0.3-2.2	0.5-19	0.5-20
	# over benchmark	na	na	4 samples; 2 with high TSS	none	18/34	3/34	17/34	4/34	none	none	none	none
	notes	one total copper with 20 ug/L and one dissolved copper with 15 ug/L January 2005; one total iron over 1000 ug/L and one dissolved iron at 673 ug/L both with high TSS											
SK100G	mean	65	19	47	13	4.1	2.4	740	320	0.8	0.7	3.6	3.2
	median	68	19	37	12	4.1	2.5	700	241	0.8	0.7	3	2.7
	range	31-100	2-31	4-195	3-28	0.3-7.8	0.3-4.9	330-1360	47-1000	0.1-1.3	0.2-1.1	0.8-9	0.8-7
	# over benchmark	na	na	3, with high TSS	none	33/36	11/35	36/36	15/35	none	none	none	none
	notes	total and dissolved zinc at 20 ug/L in July 2005											
SK100F	mean	54	18	62	13	2.2	1.7	560	220	0.5	0.5	4	4
	median	47	15	38	13	2.1	1.6	567	185	0.5	0.5	3	2
	range	24-110	6-40	3-163	3-31	0.2-4.3	1.1-2.9	10-1100	10-603	0.1-1.3	0.1-1.0	0.7-10	0.8-9
	# over benchmark	na	na	6/37	none	4/37 (3 with high TSS)	1/34, high TSS	34/37	7/36	none	none	none	none
	notes	2 total aluminum 300-353 ug/l with high TSS; 2 samples total iron over 1000 ug/L; total and dissolved zinc 20 ug/L in July 2006											

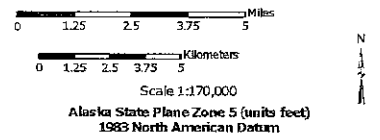
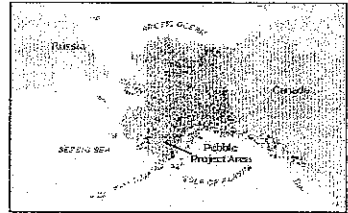
Table 2: Water quality of some groundwater seeps on or near the ore body (PLP Pre-Permit Report F). Alkalinity was not measured. Means and medians above benchmark criteria highlighted.

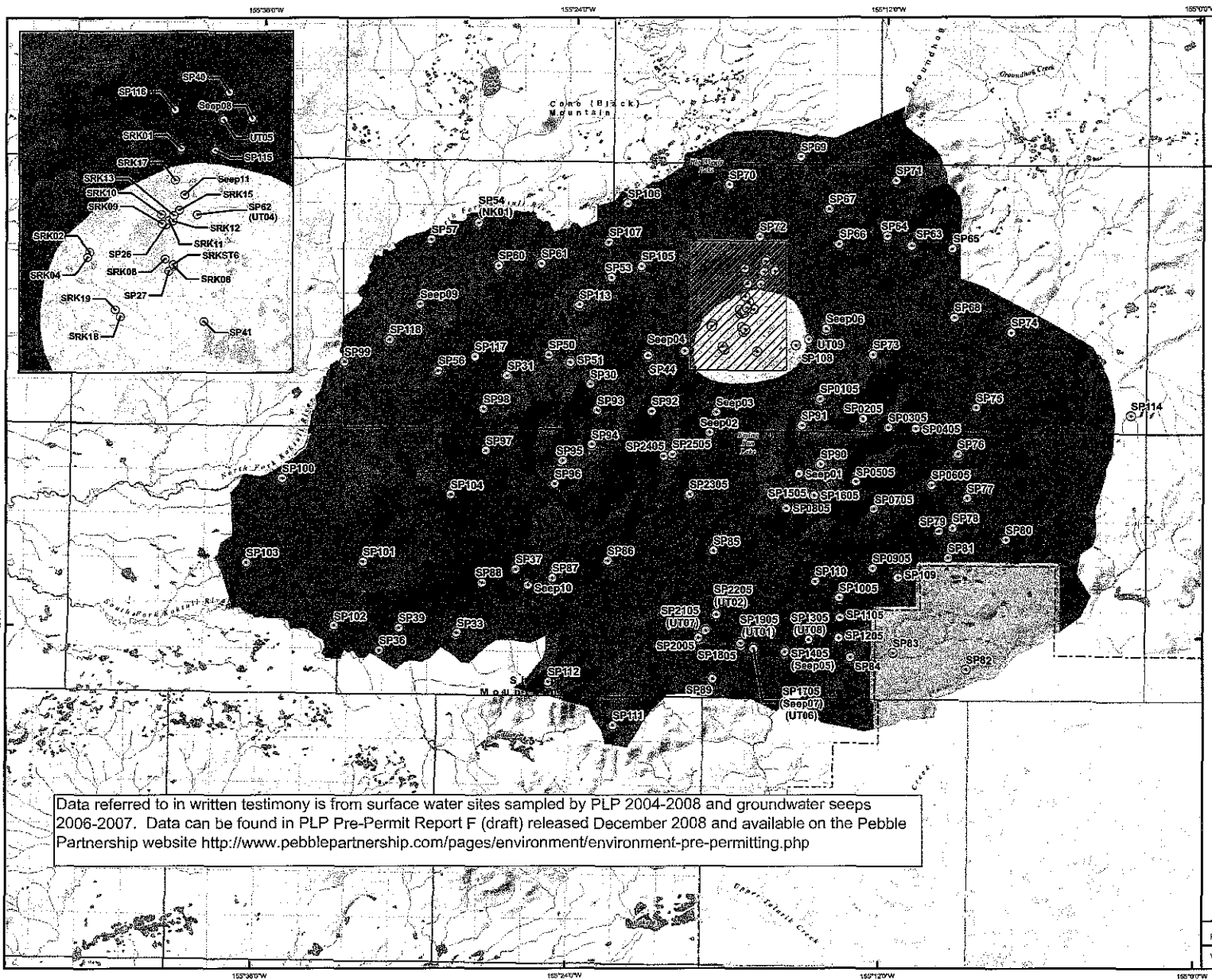
<i>benchmark</i>			87 ug/L		2.7 ug/L		300 ug/L		10 ug/L		36 ug/L	
	conductivity (uS/cm)	pH	Aluminum (total) ug/L	Aluminum (dissolved) ug/L	Copper (total) ug/L	Copper (dissolved) ug/L	Iron (total) ug/L	Iron (dissolved) ug/L	Molybdenum (total) ug/L	Molybdenum (dissolved) ug/L	Zinc (total) ug/L	Zinc (dissolved) ug/L
SP26												
mean	170	4.4	3690	3920	424	426	730	440			24	26
median	161	3.9	3750	3960	395	387	596	360			25	28
range	140-191	3.7-4.0	2360-4770	2780-5200	305-554	328-576	260-1340	183-880	non-detect	non-detect	18-28	22-29
# over benchmark	na		5/5	5/5	5/5	5/5	4/5	3/5			none	none
SRK08												
mean	46	3.3	10,000	9,800	4,090	3,990	490	359	0.1	0.1	101	99
median	44	3.3	6,700	6,640	2,990	2,990	490	314	0.03	0.03	74	74
range	35-60	3.3	5070-18,200	6,080-16,600	2,880-6,410	2,970-6,010	280-710	270-493	0.1-0.3	0.01-0.3	64-164	68-154
# over benchmark			3/3	3/3	3/3	3/3	2/3	2/3	none	none	3/3	3/3
SRK11												
mean	111	4.0	2,910	2,580	41	39	1,180	306			8	13
median	115	4.0	3,240	2,940	44	44	1,200	320			9	13
range	95-122	3.9-4.1	2,240-3,250	1,650-3,150	34-44	30-44	482-1,870	166-433	non-detect	non-detect	11-May	13
# over benchmark	na		3/3	3/3	3/3	3/3	3/3	2/3			none	none



2004-2007
Resource Deposit Area
Surface Water Sample Locations

- Legend**
- Drainage Boundary
 - Stream Sampling Station
 - Waterbody Sampling Station
 - Stream
 - Waterbody
 - General Deposit Location
 - Village Corporation Boundary (Private Land)

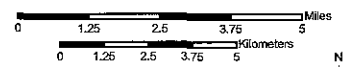
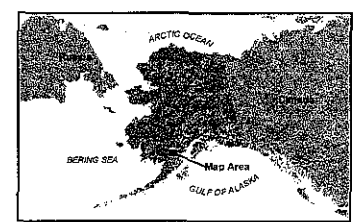




**2004-2007 Seep Program
Sampled Sites
Historic and Current Identifiers**

Legend

- ⊙ Seep Sample Site
- SP114 - Current Database Identifier
- (UT04) - Historic Database Identifier
- Inventory Area
- Stream
- Waterbody
- General Deposit Location
- Village Corporation Boundary (Private Land)

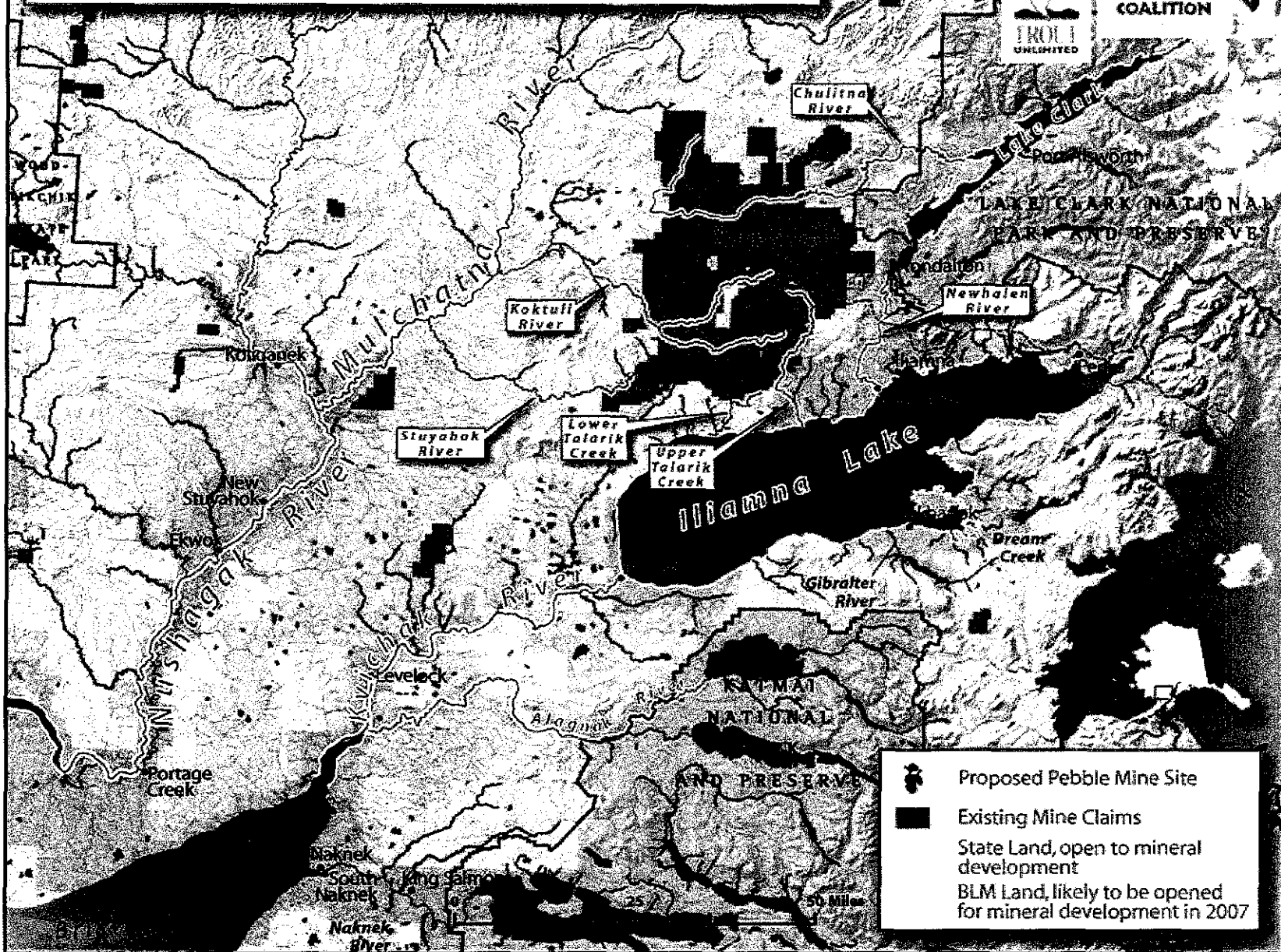
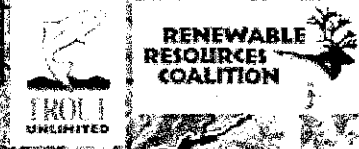


Scale 1:135,000
Alaska State Plane Zone 5 (units feet)
1983 North American Datum

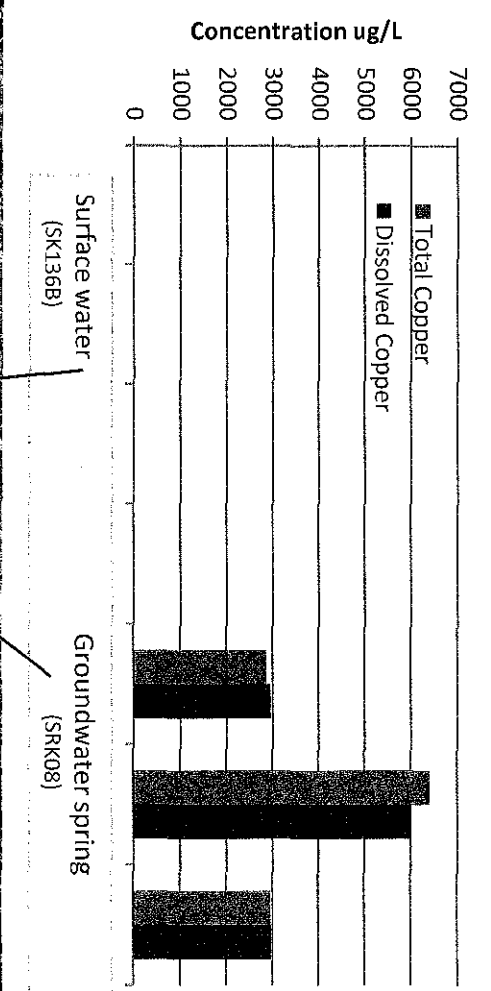
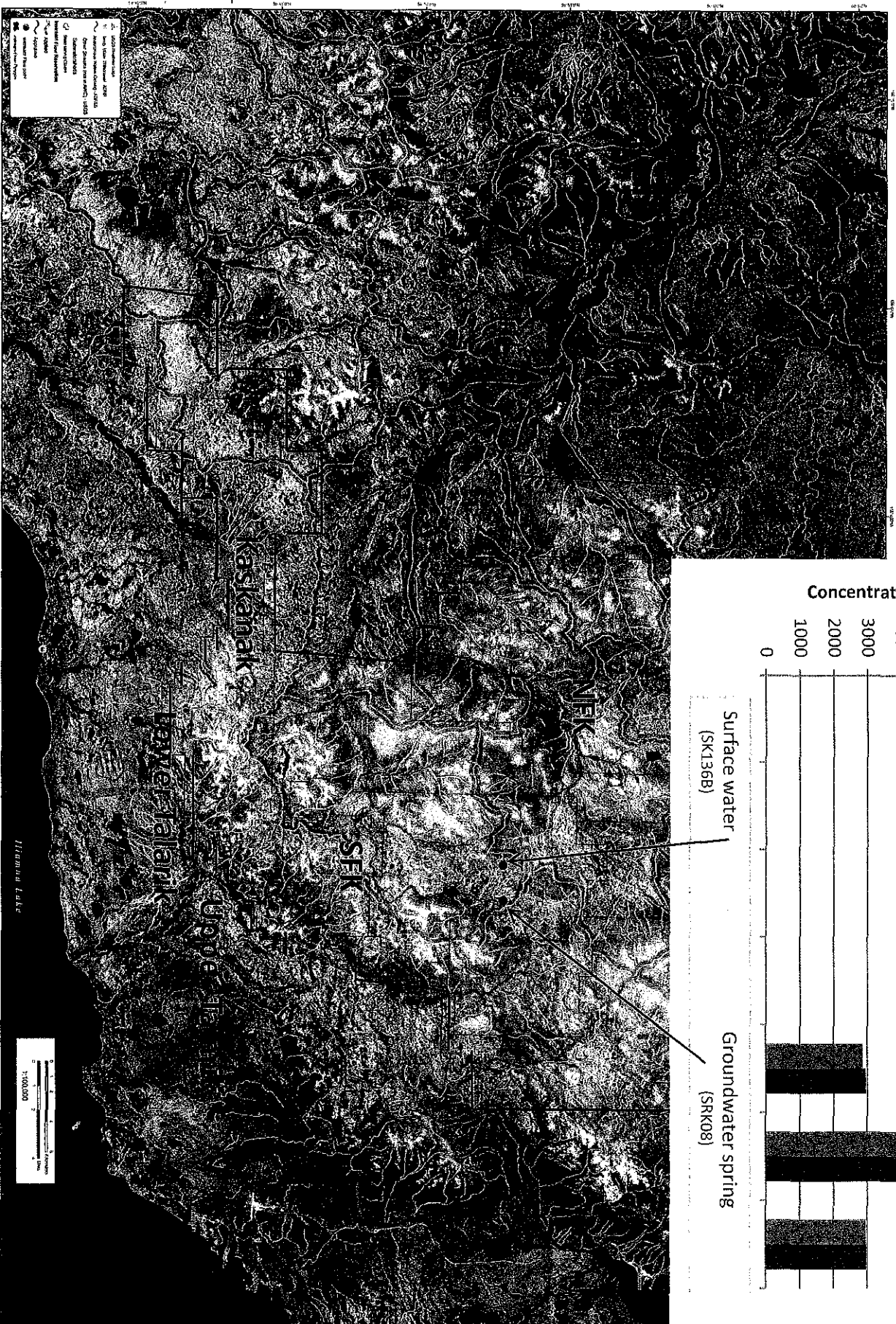
Data referred to in written testimony is from surface water sites sampled by PLP 2004-2008 and groundwater seeps 2006-2007. Data can be found in PLP Pre-Permit Report F (draft) released December 2008 and available on the Pebble Partnership website <http://www.pebblepartnership.com/pages/environment/environment-pre-permitting.php>

File: HDR_AllSeepSamples_V01.mxd	Date: 05 December 2008
Version: 1	Author: HDR - MC

Potential Mining Footprint on Bristol Bay's Wild Salmon and Trout Waters



- Proposed Pebble Mine Site
- Existing Mine Claims
- State Land, open to mineral development
- BLM Land, likely to be opened for mineral development in 2007





Comparison of Predicted and Actual Water Quality at Hardrock Mines

**The reliability of predictions in
Environmental Impact Statements**



Comparison of Predicted and Actual Water Quality at Hardrock Mines

***The reliability of predictions in
Environmental Impact Statements***

James R. Kuipers
Kuipers & Associates
Butte, Montana

Ann S. Maest
Buka Environmental
Boulder, Colorado

Contributing Authors:

Kimberley A. MacHardy
Kuipers & Associates
Butte, Montana

Gregory Lawson
Buka Environmental
Boulder, Colorado

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Copies of this publication may be obtained from:

Kuipers & Associates
PO Box 641, Butte, MT USA 59703
406.782.3441
jkuipers@kuipersassoc.com
www.kuipersassoc.com

Buka Environmental
729 Walnut Street, Suite D5, Boulder, CO, 80302 USA
303.449.0390
amaest@aol.com

EARTHWORKS
1612 K St., NW, Suite 808, Washington, DC, 20006 USA
202.887.1872
info@earthworksaction.org
www.mineralpolicy.org/earthworks_at_home.cfm

Photo credits

Front Cover: Left- Tailings impoundment at the Greens Creek Mine in Alaska USA (Courtesy of David Chambers). Center - Heap leach pad at Marigold Mine in Nevada (Ann Maest). Right - Waste rock dump and open pit at Beal Mountain Mine in Montana (Jim Kuipers). Back cover: Open pit at the Golden Sunlight Mine, Montana (Courtesy of Jeff Barber).

This publication was made possible by EARTHWORKS in Washington, DC, USA with the support of the Wilburforce Foundation of Seattle, Washington, USA. EARTHWORKS is a non-profit organization dedicated to protecting communities and the environment from the destructive impacts of mineral development in the U.S. and worldwide. The organization's mission is to work with communities and grassroots groups to reform government policies, improve corporate practices, influence investment decisions and encourage responsible materials sourcing and consumption.

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Comparison of Predicted and Actual Water Quality at Hardrock Mines

PREFACE

PREFACE

The overall purpose of this study is to examine the reliability of pre-mining water quality predictions of hard rock mining operations in the United States. To our knowledge, no effort has previously been made to systematically compare predicted and actual water quality for mines in the U.S. or elsewhere. Environmental Impact Statements (EISs) and similar documents under federal and state law are the single publicly available source of water quality predictions for hard rock mines, and thus they were chosen as the information foundation for conducting the research. In designing the project, we decided to look broadly at as many mines as possible rather than concentrate on an in-depth analysis of a few mines. This approach – which shows general trends and can more easily be extrapolated to the larger set of hard rock mines – will provide the most useful results for mine regulators, which are the principal intended audience for the study. More in-depth studies of individual mines would be a natural next step for continuing investigations.

As part of the study, requests were made to federal and state agencies to provide National Environmental Policy Act (NEPA) documents and information on operational water quality. The effort required to obtain the documents and information, although initially expected to be onerous, was more arduous and protracted than we imagined. We were surprised to find that no single repository exists for NEPA documents, although the Environmental Protection Agency does have most EISs on microfiche. Technical reports associated with EISs were extremely difficult to obtain. Similarly, the availability of operational water quality information was uneven, ranging from disorganized paper-only copies in some states to user-friendly electronic information in others. The authors are grateful to the many agencies that did provide documents and water quality data. One of the most important recommendations in the report is that operational water quality data should be made available to the public in a transparent and easily accessible manner.

The report finds that adverse impacts to water quality are common at mine sites, and they are most often caused by failed mitigation. We recommend that a more in-depth study of the effectiveness of common mitigation measures be undertaken. Another important cause of water quality impacts is errors in geochemical and hydrologic characterization of the mined materials and the mine site area. The companion report (*Predicting Water Quality at Hardrock Mines: Methods and Models, Uncertainties, and State-of-the-Art*) makes a number of concrete suggestions for improving characterization and predictions.

This report also identifies inherent risk factors that may lead to water quality impacts. Although all mines require carefully executed mitigation measures, mines close to water resources with high acid drainage or contaminant leaching potential need special attention in terms of mitigation and characterization. Adopting protective mitigation and characterization approaches, as recommended here and in the companion report, will help prevent unacceptable water quality impacts, decrease long-term costs, and help instill public trust in the industry. This report is ultimately intended to advance the practice of science, engineering and regulation related to water quality prediction, the recognition of risk, and the application of effective mitigation to hardrock mines. The authors encourage ongoing cooperative efforts with regulators, scientists and engineers, non-governmental organizations, and industry to further the work begun in this study.

Jim Kuipers
Butte, Montana
and
Ann Maest
Boulder, Colorado
September 2006

December 5, 2009

Alaska Board of Fisheries
Board Support Section
PO Box 115526

RC107
RC107

Mr. Chairman, Vince Webster

My name is Richard L. Clark, a native Eskimo from Clarks Point, Alaska located on the bottom of the Nushagak River watershed. I am here at this fishery meeting on behalf of the village of Clarks Point. I will represent myself on proposal #13, to Establish a Fish Refuge in Bristol Bay.

My family has been in the Bristol Bay region for over 100 years. I've lived in Clarks Point for the past 60 years. I believe this Pebble Mine would hurt us people (Natives) because: If you took a cup of water and poured it into another cup filled with holes you would see what I mean!

The mine (Pebble) will be up in the head waters of the Nushagak River and will in time leak out to the Nushagak River/Bristol Bay waters down past my village.

First and foremost we are Native people, we fall under the jurisdiction of the Bureau of Indian Affairs, we feed off the land that is surrounded by our watershed that in time will bleed down into the Bristol Bay. We fish for a living and this is our livelihood, and this Biggest Fishery in the World will be in jeopardy.

Second, I believe we, as a people need to look at Federal, Civil, and Criminal Jurisdiction to help us save our subsistence way of life. It is about the only thing we have left as a Native People.

Respectfully yours.



Richard L. Clark
PO Box 25
Clarks Point, Alaska 99569

Petla
Noden
12-509

Proposa#13

RC 108

I am writing in support of proposal 13 and in support of Bristol Bay. In Southwest Alaska we live off the land. We hunt, fish. We are not farmers, we don't raise cows, chickens and pigs. We are hunters, we are fishermen. I am the land and waters of Bristol Bay. I am the tundra that grew the berries. I am the salmon that made it passed all the nets to feed the bear who fertilize the tundra and the trees. I am the bear, who drags up salmon for the fox, wolves, coyotes, maggots and flies. I am the caribou who feeds on the tundra. I am the moose who feeds the trees, who feeds on trees. I am the tree by the riverside. I am the eagle that lives in the tree. I am the mouse that feeds the wolves. I am the mosquito that feeds the spider that feeds the birds that feeds the eagle who flies high and sees all. I am the dirt that feeds the worm that feeds the birds who sing for the entire world. I am the seed of the berry that passed through the stomach of the bear that has left me to feed more bears. I am the sun. I am my father. I am my mother. I am the moon that creates the largest tide on earth. I am the beaver that guards the lake. I am the goose that will always come back. I am the duck, who brings forth nutrients and well being. I am the stars that live and die. I am the water, and never stop moving. I am the strong and sturdy earth, that is grounded. I am the land and I am the water of Bristol Bay. I am created from my land. I am created from my rivers.

RC 109

RENE O'CONNOR
DILLINGHAM, ALASKA

December, 5, 2009

RE: Bristol Bay Finfish Meeting
December 1-8, 2009

Alaska Board of Fish
P.O. Box 115526
Juneau, Alaska 99811-5226

Mr. Chairman and members of the board,

I support proposal 13 -

As a resident of Bristol Bay, I urge you to please consider this proposal which would protect the waters and land of our region. As you have already heard the Fishing industry is not just very important to our ability to survive, it is absolutely necessary for the survival of our local people. We depend on Fishing for the commercial aspect to be able to make the money necessary to be able to purchase the heating oil to heat our houses. We depend on the subsistence to be to feed our families. The prices for food and oil are more than double the price of Anchorage prices and there is an even larger difference than the 'Lower 48'.

The same story is true in regards to big Game, we also depend on our Moose and Caribou, meat is just too expensive. Fish and Big Game is our traditional foods and the most preferred diet.

This proposed mine, if it goes through, can change the migration of the Moose and Caribou.

If you look at the history of other mines, you will quickly see that in every case the negative effect to the land has much out weighed the monetary gain to the local communities. The majority of the money leaves the area, leaving the locals with destruction to the land and very little money and a loss of natural resources.

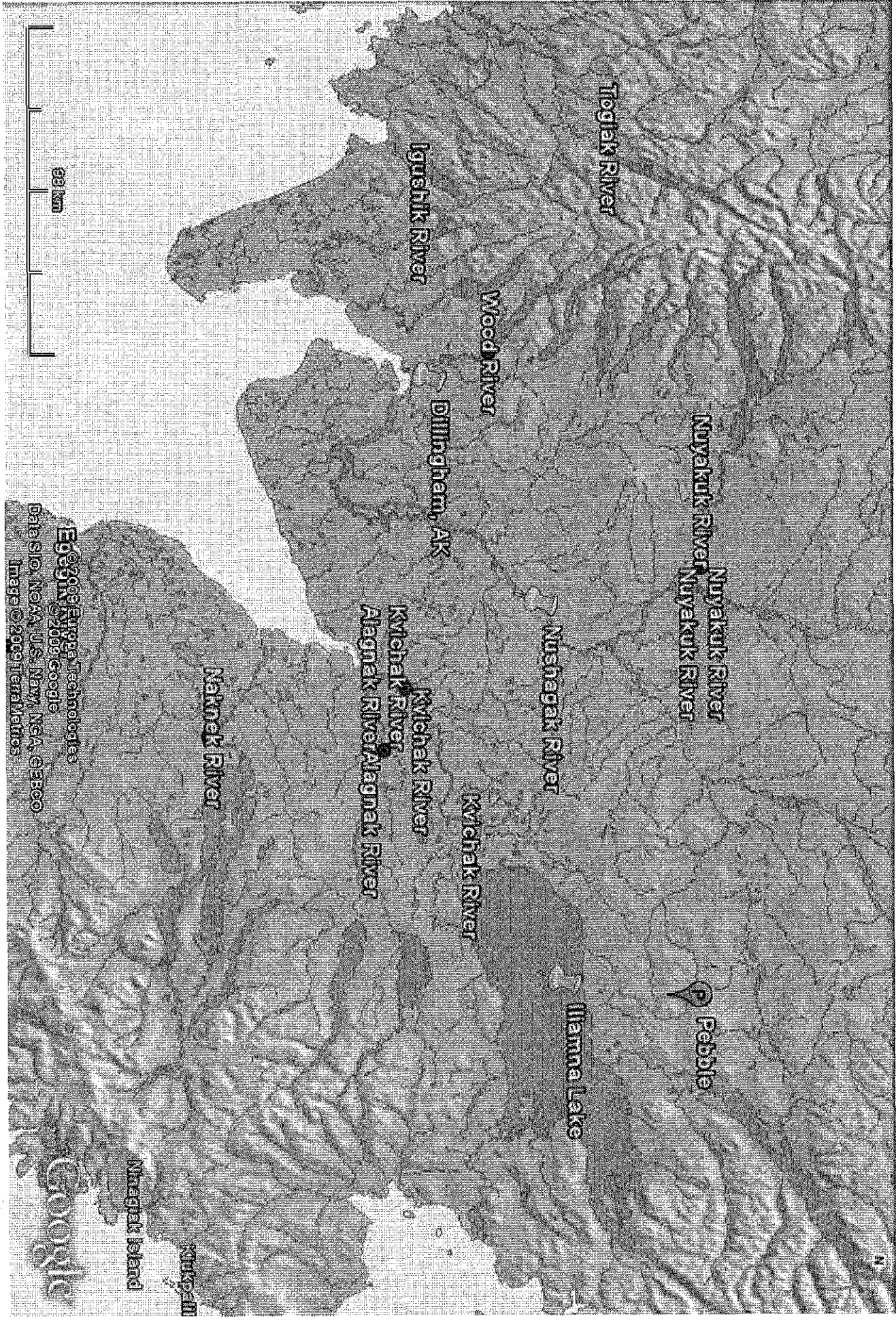
We have one of the wealthiest areas as far as those natural resources are concerned. Our fishery is one of the healthiest in the world. In other areas where mines were allowed, the fishing has been devastated, leaving very little resource if any for the local people to use as subsistence and the Commercial Fishing Industry has gone.

Please do not let this be our fate, please take the necessary steps to establish a fish refuge in Bristol Bay area watershed.

Rene O'Connor

A handwritten signature in black ink that reads "Rene O'Connor". The signature is written in a cursive style with a large, looped "O" in the middle.

RC110



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Google

RC111

Mr. Chairman and Members of the Board:

My name is Bill Horn and I am appearing on behalf of Trout Unlimited regarding Proposal 13. I appreciate the opportunity to appear and address the need to elevate the standards for conservation and protection of the fishery resources in Bristol Bay.

Trout Unlimited's position is quite simple: the extraordinary fishery resources of Bristol Bay merit extraordinary standards to ensure conservation of these resources. Furthermore, there is a long history of special actions to provide for special conservation of the resources of Bristol Bay. Proposal 13 is consistent with this well established precedent.

The extraordinary and irreplaceable fishery resources of the Bristol Bay river systems are well known and need so additional elaboration. Unfortunately, under present State law the dominantly subjective standards governing large mine permitting do not ensure that conservation of fisheries and habitat is accorded either primary consideration or substantive protection. Most of the presently applicable standards are subjective narrative standards such as "public interest", "economic benefit", "best interests of the State" or "necessary uses."

For example, water withdrawals or appropriations are to be approved if in the "public interest" and this subjective determination must take into account eight factors – only one of which is "effect on fish and game." The standard does not require conservation of fish and game – only some overt level of "consideration" is necessary. Since there are pending applications to withdraw the entire flow of Upper Talarik Creek for the prospective Pebble Mine, the existing legal standard would allow such a total diversion of stream flows with direct, serious, long term adverse impacts on the fisheries of that stream.

Similar problems afflict those provisions of law ostensibly designed to conserve fisheries. The statute regarding obstructions of fish migration provides only that a dam or other obstruction may be built and fish passage assured only if ADF&G determines such passage is "necessary." The anadromous fish statute provides only that cataloged fish streams are entitled to "proper protection" and if such subjective "protection" is provided, the impacting activity is to be approved.

These vague subjective standards governing State lands and waters do nothing to ensure that Bristol Bay's extraordinary fishery resources are conserved. TU and others are persuaded that this is untenable and ought to be corrected by the establishment of new standards for State lands that substantially mandate conservation of the fishery resources of the Bay drainages.

As the presentation by DNR demonstrated, there is ample precedent in the Bristol Bay region for elevation of standards on State lands via designation of a refuge or other special land use status or new narrative conservation standards. The Legislature has previously seen fit to impose special regional limitations on State lands and waters regarding oil and gas, set aside regional lands for conservation purposes, and impose other limits on the staking of mining claims. Proposal 13 is nothing more than an extension of these precedents designed to specifically ensure substantive conservation of the Bay's extraordinary resources.

The State, especially the Legislature, has broad authority and latitude to elevate fishery conservation standards on State lands and waters. Changing these standards, particularly before any complete and final mine application is filed, does not create any taking as well established in Alaska law. This discretion and feature of State law has been clearly spelled out in case law such as the Alaska Supreme Court ruling in the Beluga coal lease case.

Accordingly, Proposal 13 asks that the Board recommend to the Legislature such an elevation of standards. The proposal does not prescribe the specific approach that could take the form of some kind of fisheries refuge or reserve on State lands and waters or new narrative standards to expressly ensure conservation of the fisheries resources of the drainages into Bristol Bay. Either approach could achieve the goal of Proposal 13 – to establish new extraordinary conservation standards for the extraordinary fishery resources of Bristol Bay.

Re 112

Steven Angasan-Testimony to the Board of Fisheries

Proposal 13- Establishing a Fisheries Reserve in Bristol Bay

I would like to convey my Opposition to Proposal 13: to establish the Fisheries Reserve in the Nushagak and Kvichak Rivers of Bristol Bay. It is only two of the major fishing district rivers. Why only these rivers? Why not the Egegik, the Ugashik, the Wood River, the Igushik, and the Togiak. Because the proposed Pebble Mine is not there, that is why. They are attempting to make the Board of Fisheries the Sounding Board for Mining. That is not the purpose of the Board of Fish. You have enough to do.

To say that the state's mining process is inadequate is also not correct. This is an attempt to stop economic development. The fish are protected, and the mine will not proceed unless it can be shown that it will not harm fish. Established permitting will not allow harm to the environment anymore. Technology is changing the way things are done.

It is a mistake to ask the State to perform an "Extreme Make-Over," of the land designations in Bristol Bay. There are too many lands within Bristol Bay that are established under ANCSA that would be exempt.

According to the ISER report to AFN in 2004, Mining/Construction jobs overtook Fishing/Agriculture jobs during the 70's and 80's. In the 60's, fish was King of the Mountain, there were 2687 fishing/agriculture/ forestry 996 mining and construction jobs with a 17% Native participation.

By the year 2000, there were 6204 Mining and Construction jobs. Fishing Agriculture, Forestry Jobs were 2,842. But by then, only 4.7% Native Hire, a very low number. This is from the ISER report, not me, so please look at the ISER report of 2004, done by the Institute of Social and Economic Research, a part of the University of Alaska, Anchorage. These are report facts requested by the Alaska Federation of Natives on the status of Alaska Natives. That is the reason for Native decline in fisheries permits and jobs. Prosperity produces participation.

The economy of the Bristol Bay is in decline. When I was married way back in 1976, the price of fuel in the village where I resided in Bristol Bay was \$19 for a drum of oil, which was 40 cents per gallon. Today, we pay nearly \$5 a gallon for the fuel. This is over 10 times the price of fuel that we paid for heating fuel per gallon, while the price of salmon has not kept up. It is just a few cents more per pound than it was in 1976. That was 33 years ago, so the price has not kept up with inflation. I can say that we are not better off as a whole than we were at that time.

The populations of our villages in the Bristol Bay Borough area are in decline. For instance, I graduated in 1975, and the number of people graduating was over 25 people. Last year, there were 8 graduates at the school in Naknek. That is a nearly a roughly a 2/3 decline.

Thanks for allowing me to testify today.

Re 113

12-5-2009

King Salmon Tribe
PO Box 68
King Salmon, AK 99613
TEL: 907-246-3443, FAX: 907-246-3449, E-MAIL: kstvc@starband.net

State of Alaska, Board of Fish Testimony

Mr. Chair:

My name is Ralph Angasan, Jr. I am the Tribal Administrator for the King Salmon Tribe. I am also a Bristol Bay Drift Permit holder, and fisherman. My children and nephews are all involved in the fishery. Most of my family are Bristol Bay fishermen. Today I represent the King Salmon Tribe and its members; I speak for them.

The King Salmon Tribe is opposed to Proposal 13, or any proposal that creates more protected land or waters in Bristol Bay. We are users of the land and water, and its many resources. Some of us fish commercially, some of us work in the fishing industry, and most of us use the salmon resources available for its cultural value and health benefits.

Today, I would like you to think of how much protected land we already have in Bristol Bay. If you add up the lands of the Wood-Tikchick State Park, the largest state park in America, 1.6 million acres, the Katmai National Park and Preserve, 3,674,530 (tree million, six hundred seventy four thousand, five hundred thirty) million acres for the park, and 418,699 (four hundred eighteen thousand, six hundred ninety-nine) acres for the preserve, the Alaska Peninsula National Wildlife Refuge, of which the Ugashik unit is 1.40 million acres, the Becharof National Wildlife Refuge, down by Egegik, 1.2 million acres, and the Togiak National Wildlife Refuge, 4.7 million acres, for a total of almost 13 million acres. All of these areas include huge areas of pristine fish habitat.

Wood-Tikchick State Park	1,600,000
Katmai National Park	3,674,530
Katmai Preserve	418,699
Alaska Peninsula National Wildlife Refuge, Ugashik Section	1,400,000
Becharof National Wildlife Refuge	1,200,000
Togiak National Wildlife Refuge	4,700,000
Total	12,993,229

I am sure I did not get all of the protected watersheds and land. These areas, protected, are already set in place in Bristol Bay. How much more protected land and watershed can we have? As for us King Salmon Tribal members, we already cannot hunt in our traditional hunting grounds in and around Naknek Lake.

We live in a cash economy. We know that working for a living is better than someone, or some entity, giving us a living. You cannot argue that fact. It is a way of life that we have much experience with, as does many places in Bristol Bay. We have integrating work and culture to live a life that is accepting to our Tribal members.

Please, do not ruin, or attempt to ruin, any economic diversity for us. In fact, we invite you to come spend the winter with us, and spend \$10 for a gallon of milk, pay \$4.50 for a gallon of gasoline, \$4.18 a gallon for heating fuel, \$0.45 per kilowatt-hour, as we do, however, the list goes on and on.

Thank you for your time, and if you have any questions please ask.

Testimony of Dorena Angasan

RC 114

Against Proposal 13, Establishing a Fisheries Refuge in Bristol Bay

I am a commercial fisherman and have fished ever since I was old enough to go to Graveyard and help my Mother and Grandmother with a set net, and now crew a Bristol Bay fishing boat.

I am also a shareholder in the Alaska Peninsula Corporation, and also the Paug-Vik Corporation., which , according to the Alaska Claims Settlement Act of 1971, says the following:

14(f) : Provides for ownership by the Regional Corporations of all subsurface estates in lands issued to Village Corporations pursuant to subsec. (a) and (b), except lands located in the National Wildlife Refuge System and lands withdrawn or reserved for national defense purposes. The right to explore, develop, or remove minerals from lands within the boundaries of any native village is subject to the consent of the Village Corporation.

It is for that reason that I am opposed to Proposal 13, which attempts to do away with mining and development of many village corporation lands, without consent.

The state lacks the authority to deal with the Alaska Native Claims Settlement Act lands, so therefore, we will also bear the brunt of increased prejudice from outsiders, who will say that we will be given an unfair advantage in Bristol Bay because we will be exempt from the state laws if the Proposal is allowed to go forward.

Many thanks for hearing my testimony today.

Dorena Angasan

RC115

Nola Angasan/Kvichak Setnetter
Testimony to the Board of Fish
December 5th, 2009

I have been a Kvichak set-net fisherman since I was 10 years old, and received a set net permit when they were issued originally back in the 70's.

I oppose the Board of Fisheries Proposal 13, which seeks to start Fisheries Reserves in the Bristol Bay Region. The language of the Proposal is so vague that it opens the door to many issues that are beyond the scope of responsibility that the Board of Fisheries is responsible for.

Why is it that this proposal is introduced? Channel 2 news calls this the Pebble Refuge Bill. How appropriate that they call it as they see it. I saw that news announcement on TV.

The purpose of the Proposal is to stop the Pebble Mine. The proposers of Proposal 13 are trying to impose a State Refuge in Bristol Bay, where we have a large number of problems, including a huge unemployment problem.

There are many village corporations that own land alongside the rivers of the Proposal. The individual shareholders of the village corporations are supposed to make up their own mind up on their own land whether or not to mine minerals on their lands. Some of the village corporations have identified resources. They should be able to develop their lands, and decide for themselves whether to develop lands. A state refuge at this time is not necessary in Bristol Bay. The land grabs are over, there are enough National Parks, National Wildlife Refuges, and State Parks In Bristol Bay already.

The Proposal 13 should be called the Anti-Pebble Mine Proposal, which is what it really is, which is attempting to take away the right of a company to mine on state lands designated for mining. The toxic waste days are over in America, with the Love Canal and even with the "Erin Brokovich," movie. Anyone attempting to disturb lands should already know that Environmental Reviews are done for huge projects.

How would we as fisherman feel an agency of the Government was formed just to stop development of fisheries like Anchorage will feel with the beluga whale problems they have. It would seem that the state of Alaska was formed to develop the natural resources of Alaska. The proposers are trying to do something that goes against the Constitution of the State of Alaska, which says that the resources of the State of Alaska must be developed to benefit all Alaskans.

The Pebble Mine, if developed, would create over a 1000 jobs during construction, and 2000 during operation. It would also bring revenue to the State of Alaska, and the Lake and Pen Borough. That being the case, wouldn't this Proposal do harm to all of us? Proposal 13 is not in the best interest of landowners, village corporation shareholders, and residents of Bristol Bay, and residents of the State of Alaska.

December, 5, 2009

Stuyahok Natives, Limited
Peter Christopher, President
P.O. Box 50
New Stuyahok, AK 99636

Subject: Support for Bristol Bay Finfish Proposal 13

Alaska Board of Fish
P.O. Box 115526
Juneau, Alaska 99811-5226

RC116

Mr. Chairman and members of the Board,

My name is Peter Christopher, I am a subsistence man and have been fishing commercially since the early 60's. Today I am here representing our village corporation, as the President of Stuyahok Natives, Limited. We are in support of Proposal 13 that the Board of Fish should have high standards of preserving and protecting our renewable resources and fresh water fishes, game, and migratory birds.

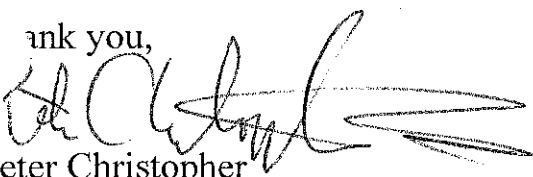
As a former Nushagak Advisory Committee member, there are reports from the Nushagak AC meetings stating survey data of one of the renewable resources; approximately 25% of Nushagak King Salmon spawn in the Kuktuli River. For example, if Nushagak king escapement was 160,000 then roughly 40,000 of them would use the Kuktuli for spawning.

Besides the report a lot of my shareholders know where other species of Salmon spawn on Nushagak and Mulchatna rivers. In the early 1980's Stu. Limited worked on the Bristol Bay Area Plan with DNR and help form BB Coastal Resource Service Area- to set a plan for upper Nushagak and Mulchatna area where specific site to state to keep certain areas primitive, natural and undeveloped except for sports hunting and fishing in designated areas.

We are already seeing impacts from Pebble's drilling exploration that causes the Mulchatna caribou to avoid their normal calving grounds; forcing the majority of them to move up into the habitat range of the Kilbuck caribou herd which is on the Kuskokwim side. Just a small percentage remain in the upper Nushagak and Mulchatna River areas. Only a fragment of the herd is in the normal hunting areas for our people, this makes it harder for us locals to successfully harvest during the fall season. This is happening NOW, during the exploration phases, before development - What will happen if we do not protect our fish and wildlife from further habitat disruption?

I SUPPORT PROPOSAL 13 as it is necessary to protect the renewable resources of Bristol Bay: the watershed of the Nushagak and Kvichak Rivers and the habitat of our wildlife, salmon and fresh water fishes.

Thank you,


Peter Christopher
Stuyahok Natives, Ltd.

ADFG Fish Board Hearing on Proposition 13
Dec. 5, 2009

RC 117

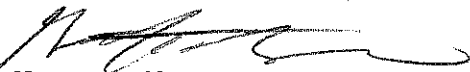
My name is Geoffery Stauffer. I support proposition 13. I am a former Bristol Bay commercial fisherman, and my family and I continue to rely on Bristol Bay fish for our subsistence and recreational needs. My wife's family has been utilizing Bristol Bay fish since time immemorial. Prior to World War II, my father in law would travel by dog sled to Bristol Bay to participate in the commercial fishery. He helped defend Alaska and Bristol Bay in as a member of the Alaska Territorial Guard. My wife and children are members of the Curyung Tribe in Dillingham. The proposal aims to add habitat protection to an area and for species important to my family. We eat king, red, chum and silver salmon that spawn in this area. I caught my first caribou not far from the proposed Pebble project. My wife's family continues to rely on income from Bristol Bay commercial fishing for their livelihood.

Proposal 13 advances important state interests, including protection of critical fish habitat, subsistence fishing and sports uses. I am concerned that without these protections the state will be unable to meet its obligations under the Alaska Constitution, Article 8, sec. 13, and sec. 4. Alaska is one of the few states that grant a reservation of water for fish under its constitution. Without further protections for fish habitat in Bristol Bay, large-scale mining projects approved by DNR could cause priorly-appropriated waters to be contaminated misappropriated to mines like the proposed Pebble Project.

In addition to the requirement that fish receive priority under sec. 13, Alaska Native Allotments carry with them a prior appropriation of water necessary to fulfill their primary and aboriginal purpose. That aboriginal purpose includes instream flows necessary to support subsistence activities including fishing and boating. The large amount of water necessary to run a large-scale mine like the proposed Pebble project would necessarily cause a diminishment of allotment appropriations. In addition, contamination from toxins and acidic run-off could cause Native water appropriations to be made useless and could constitute a taking under the 5th Amendment and the Ak. Const. Art.1 if approved by the Department of Natural resources.

I urge the committee to approve the proposal and forward this to the State Legislature so that it may increase habitat and species protection in Bristol Bay.

Thank You,



Geoffery Stauffer
8144 Country Woods Dr.
Anchorage, Ak 99502

Earling Krause
P.O. Box 85
Manokotak, Alaska 99680

RE 118

December 5, 2009

RE: Bristol Bay Finfish Meeting

December 1-8, 2009

Attached: SIKU news
published 08.08-09 reference
in this letter.

Alaska Board of Fish
P.O. Box 115526
Juneau, AK 99811-5526

Mr. Chairman and Members of the Board,

My name is Earling Krause. I am a set netter in the Igushik section of the Nushagak district. I am representing the Village of Manokotak. My travel and lodging is being provided by BBEDC, BBNA, BBAHC, BBNC, Lake and Pen Borough, Bristol Bay Borough and the City of Dillingham.

Manokotak is in favor of the approval of Proposal #13. It is felt there are going to be sufficient toxins released into the environment to affect wildlife and habitat. From chemicals used to process the gold to the fumes released from the heavy equipment. These toxins would likely spread beyond the mine via wind and water drainage. As evidenced by an article, and it lists mining runoff as one of the sources.

There should be a zero tolerance to anything that threatens the spawning grounds of salmon and the habitat.

It is felt this doesn't meet that standard. There is the potential of an irreversible negative impact. We don't want to end up with a "should have, could have and that in hindsight is 20/20". That cliché is too well worn out. Force of law rarely reaches to the very top and there is always someone lower down to take the heat.

Respectfully, *Earling Krause*

Earling Krause .



05.12.2009

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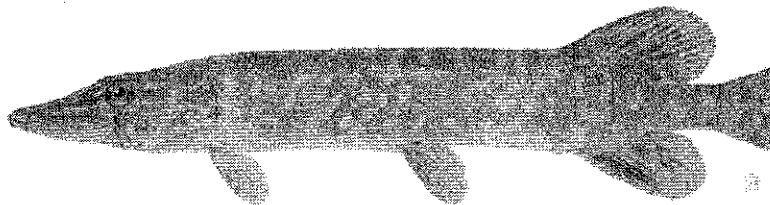
ALASKA

Mercury taints western Alaska's northern pike

Pregnant women and young children are advised to limit the amount of northern pike they eat.

Publisert: 08.08.09 12:41

Alaska state and federal officials are advising pregnant women and young children to limit the amount of northern pike they eat from the Kuskokwim and lower Yukon rivers because the fish contain a toxic form of mercury, reports the Anchorage Daily News.



The guidelines result from a study done in 2005 and 2006, when biologists sampled 163 pike from 11 sites in the Yukon Delta National Wildlife Refuge.

At high levels, methylmercury can hinder brain development in fetuses, babies and children. The Alaska Division of Public Health and the U.S. Fish and Wildlife Service said the levels of methylmercury are not particularly dangerous, but they've established guidelines for pregnant woman and children younger than 12.

People outside the at-risk groups can eat as much pike as they want.

The state has studied hair samples from more than 80 Alaska women, and none had dangerous levels of mercury, said Lori Verbrugge, the state's environmental public health program manager.

"These (guidelines) are just to give people an idea of what they can do without worrying at all," Verbrugge told The Dutch Harbor Fisherman newspaper.

Under the guidelines, published on the state's Web site, the agencies recommend:

- For Yukon pike of any size, or for Kuskokwim pike greater than 2 feet, eating no more than eight meals a month if fresh, or one meal a month if dried.

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- For Kuskokwim pike shorter than 2 feet, eating no more than 16 meals a month if fresh, or four meals a month if dried.

Pike plays a large role in western Alaska traditional diets, and many people catch it under the ice with hooks or nets each spring as the fish migrate. Mercury enters rivers from a variety of sources, such as mining runoff, forest fires and volcanoes.

Scientists think methylmercury levels were higher in Yukon pike because that drainage contains more wetlands.



Utskriftbar versjon

Tips en venn:

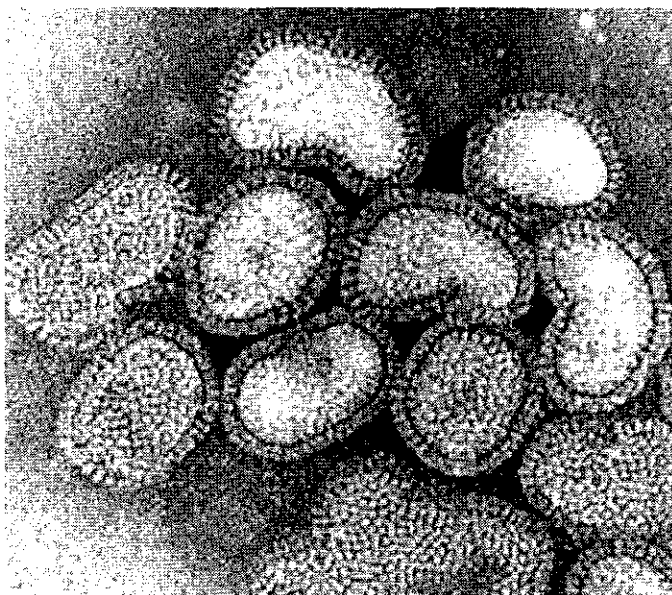
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Siste nytt fra alaska:

05.12.09 at 12:12

Alaska's Inuit regions hard hit by swine flu



The lack of running water in some areas may be a factor.

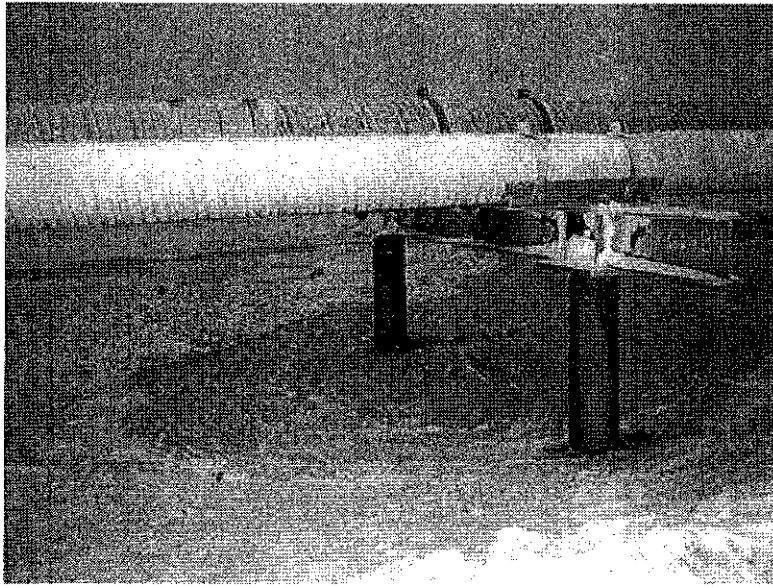
[Read more](#)

04.12.09 at 13:24

BP leak under scrutiny

03.12.09 at 13:23

Storm shakes Aleutian outpost

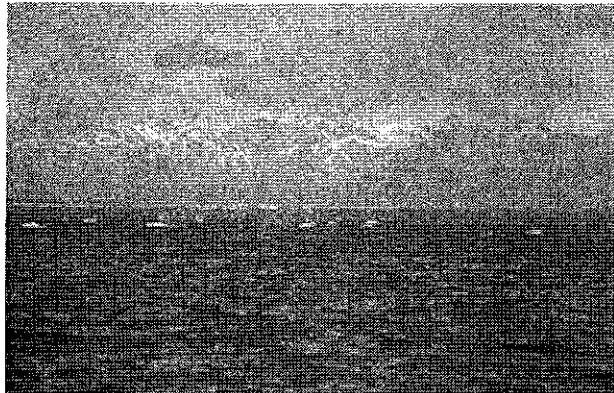


It's unclear why the leak on a line running across the North Slope of Alaska occurred.

Read more

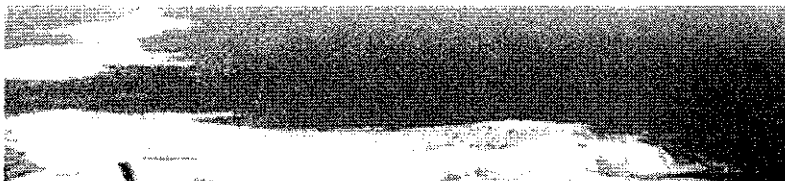
02.12.09 at 13:01

More protection for Cook Inlet belugas



Federal regulators have proposed designating more than 3,000 square miles (7,800 sq. metres) of Cook Inlet near Anchorage as critical habitat for the Inlet's beluga whales.

Read more



Read more

Board of Fisheries Bristol Bay Finfish meeting of December 1 - 8, 2009 at the Anchorage

Hilton Hotel

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RC 119

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Testimony of Ralph Angasan Sr. President of Alaska Peninsula Corporation

PC 120

Mr. Chair, Board Members, My name is Ralph Angasan Sr. I am president of Alaska Peninsula Corporation, the largest adjacent private land owner to the Pebble Deposit. We own approximately 90,000 Acres of land in the immediate vicinity of the deposit, from the Newhalen River to Upper Tularik Creek. We own an additional 90,000 acres of land along the Lake Iliamna near Kokhanok. Alaska Peninsula Corporation is a merged village corporation. Our villages include Kokhanok, Newhalen, South Naknek, Ugashik and Port Heiden. All together, my village corporation owns and manages over 400,000 acres of land. Our Shareholders have ties to the area dating back over 5,000 years. My father was a commercial fisherman, I am a commercial fisherman, as are my sons and daughter and my grandsons. My 9 brothers and sisters and their families are commercial fishers.

Alaska Peninsula Corporation is opposed to Prop. 13.

We have been at the forefront of land protection, instituting trespass programs, land management plans and resource management long before such activities became popular. We did so because our people depend on the resources of the region for their livelihood for their way of life and for the survival of our culture. Our shareholders are commercial fisherman in one of the richest sockeye runs in the world, and we rely upon subsistence to sustain us. We are concerned about what happens to the land adjacent to our lands, because we have relied upon the rich resources of Bristol Bay since the beginning of time. We expect our children's children to do likewise.

Because of our involvement and advocacy we are well aware of the existing laws that protect the Bristol Bay fisheries. That legal framework has worked well, and there is not one rational reason supporting Proposal 13.

In fact, the premises to support Proposal 13 demonstrate that it is based on fear mongering and speculation. It says so itself-sulfide mines might happen; sulfide mines might be bad. The existing laws might not work. But maybes and speculation and fear mongering are not the reasons to impose bad public policy on a region already impoverished. The fear mongering is strongest amongst certain well-heeled private interests who use Bristol Bay only as a playground. Our villages are dying because the salmon industry does provide a decent income. Many of our shareholders have sold their permits just to exist in a region where a single gallon of gas costs more than 16 lbs of fresh sockeye will sell for.

Mr. Chairman, the people advocating for Prop. 13 have not lent a hand to my people. Rather, they have engaged in exploitation, not for the general good, but for themselves and then, only for a few short weeks a year. They have created scarcities, taken trophies, and left nothing. There is no need for a fish refuge, and certainly not one based on irrational fear of the future.

RC121

Testimony to Board of Fish regarding Proposal 13

Daniel Schindler, PhD, Professor of Aquatic and Fishery Sciences, University of Washington
December 5, 2009

Mr. Chairman, Board Members, I am Daniel Schindler, Professor of Fisheries at the University of Washington. I am representing the University of Washington, Fisheries Research Institute which has worked in western Alaska on salmon fisheries and salmon habitat since the 1940s. We have a unique perspective to offer based on over 60 years of extensive scientific research on salmon and their habitat in this region.

My testimony is a reflection of what has made Bristol Bay fisheries so productive and sustainable for well over 120 years. First, the Alaska Department of Fish and Game has been very successful at implementing and executing an effective management plan. Second, and more importantly, the vast landscape of salmon habitat in Bristol Bay is still intact and operating as it has over the millennia during which salmon have evolved in this region.

Our long-term perspective of salmon habitat is focused on the concept of salmon landscapes. The Bristol Bay salmon landscape is composed of a diverse portfolio of salmon habitat and its associated diversity of individual salmon populations. It is this diverse portfolio of habitat that has made Bristol Bay fisheries so productive and reliable. Similar to financial portfolios where diversification enhances the stability and reliability of investments, habitat diversity stabilizes and increases the reliability of Bristol Bay fisheries. The Bristol Bay salmon landscape operates like such a diversified investment strategy because as certain components of habitat weaken in their contributions to salmon production, other components flourish to offset the unproductive areas. Thus, the habitat diversity across the Bristol Bay landscape is ultimately what makes the commercial and subsistence fisheries so reliable from year to year.

Alaska is in the luxurious position of still having the option to protect the habitat that supports flourishing aquatic renewable resources. The lower 48 states of the US have developed salmon landscapes with the arrogant attitude that our scientists and engineers are capable of protecting, restoring, and enhancing habitat where it has been compromised by development. In situations where habitat has been lost, we have become increasingly willing to rely on hatcheries to offset habitat losses.

The current status of salmon resources in the lower 48 is a testament to where this attitude has led us. Not only are salmon populations severely depressed and in many cases extinct, the year-to-year reliability of remaining populations has been eroded due the elimination of habitat diversity. Fisheries are a fraction of what they used to represent, but more importantly, salmon returns are far less reliable from year to year and fisheries closures are increasingly common due to frequent poor returns. Subsistence and commercial fisheries are barely viable now because of this loss in reliable fish returns. Proposal 13 would strengthen current protection of salmon habitat in Bristol Bay with the hopes of maintaining the habitat diversity that allows salmon resources to be counted on from year to year over the long term.

Thank you for your consideration.



Jaclyn Christensen
P.O. Box 49026
Port Heiden, AK 99549

RC122

December 5, 2009

Re: Bristol Bay Finfish
December 1-8, 2009

Board of Fisheries
P.O. Box 115526
Juneau, AK 99811-5526

Mr. Chairman and board members,

May this serve as my personal written testimony for the board. I am Jaclyn Christensen for the record, and I support **Proposal 13 -5 AAC 75.xxx** Establish a fish refuge in Bristol Bay as follows: In support of the necessary steps to establish a fish refuge in Bristol Bay area watersheds, consistent with AS 16.05.251(a)(1).

I encourage the people of the Kvichak and Nushagak River to advocate for a fish refuge beginning from the watershed of the river down to the drainages. I live in Port Heiden, AK one of the Alaska Peninsula villages that is not in direct contact with the proposed Pebble Mine, its located near the Illiamna area, but I believe that the affects of the mine will reach my area of Bristol Bay and harm our fishery.

I believe that the Fish Refuge if established will be an insurance measure for the fish stock be protected and constantly monitored by local, state, and federal government. It is necessary to establish an legislative order to protect fish to the Illiamna area because the fish stock to this area are a part of a larger fish stock belonging to Bristol Bay and Alaska Peninsula. All fish stocks school together in the ocean and when they return to their respective rivers, lakes, and streams it is our responsibility as people and more importantly native people to protect and respect this valuable resource.

I ask the board to review what regulatory protections are in place already to protect fish? The management plans are not direct protections to fish. The fish support forms of life such as wolves, bears, coyotes, and people and even bring essential nutrients to the soils and aid the vegetation and nitrogen fixation to make life possible in Alaska. I believe that the affects of the Pebble Mine will disrupt the cycle of life that salmon bring to our land.

I welcome you to all of Bristol Bay to see the practices we perform in respect to salmon the species that is a foundational element to our Alaskan native way of life.

Sincerely,


Jaclyn Christensen

SARAH EVANS
DILLINGHAM, ALASKA

RC 123

December 5, 2009

RE: Bristol Bay Finfish Meeting
December 1-8, 2009

Alaska Board of Fish
P.O. Box 115526
Juneau, Alaska 99811-5226

Mr. Chairman and members of the board,
My name is Sarah Evans, and I've been a resident of Dillingham, Alaska for most of my life.
Currently I am working towards my degree in fisheries biology for the sole reason to protect the
Bristol Bay waters, and fish.

I SUPPORT PROPOSAL 13

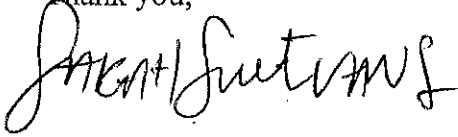
This Thanksgiving I was asked what I was most thankful for, and I thought about it, and responded, for our salmon runs, because they are so important to every aspect of our lives. Personally I have never commercial fished a summer in my life, however, every job I have ever had open to me was because of the salmon. I've worked a sport's lodges, fisheries research projects, even working as a waitress during the salmon season - these are all connected to our fish.

So far my entire college career has been paid for by the salmon. Whether it was my summer jobs, scholarships from my community, or simply because the town I come from shows an interest in me, and believes that I can come back and protect their livelihood, that they invest into my education.

Not only are Bristol Bay Salmon vital to my subsistence lifestyle, but they have been a main component of keeping my family so close, and teaching me very valuable life lessons.

If we don't take action now to protect our waters, and our fish, what will be left for us to survive from? I ask you the Board to please help to protect our fish, waters and habitat so that other generations to come can thrive from the resources.

Thank you,

A handwritten signature in black ink, appearing to read "Sarah Evans". The signature is written in a cursive, flowing style with some loops and flourishes.

Sarah Evans

Alaska Board of Fisheries
Bristol Bay Finfish
Anchorage, Alaska

Frank Woods III
PO Box 713
Dillingham, AK 99576

December 5, 2009

RC 124

Mr. Chairman and members of the Board,

My name is Frank G Woods III. I'm a Bristol Bay salmon drift fisherman, having fished for 35 years. I'm here to testify in behave of myself to proposals that will and are affecting my ability provide for my family.

I SUPPORT PROPOSAL 13 – For many reasons including the following article which was published by Wealth Daily:

“Alaska is one of the best states in the U.S. to mine for gold. It hosts an estimated gold resource of over 250 million ounces, and is one of the most mining-friendly states in the nation. In fact, former gold mine developers run the state's Department of Natural Resources, the organization that regulates mining. DNR Commissioner Tom Irwin is a gold mining veteran with more than 30 years of experience in the industry, overseeing operations such as Kinross Gold's (NYSE: KGC) Fort Knox mine — Alaska's largest gold producer. So it comes as no surprise. . . The state of Alaska has never turned down a gold mining permit. Mining legislation is even written right into the State constitution:

Article 8 - Natural Resources

§ 1. Statement of Policy

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

§ 2. General Authority

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

With rising gold prices, and support from the state to develop its abundant resources, capital investment in Alaska's precious metal industry has skyrocketed over the past few years. This investment has developed Alaska into the second-largest gold producer in the U.S. — contributing about 10% to total annual U.S. production. With investment money still pouring in, estimates suggest gold production in Alaska will continue to climb this year, nearing the peak of production during the Klondike gold rush. That means there's never been a better time to start investing in. . .

Northern Dynasty Minerals (AMEX: NAK)

Northern Dynasty Minerals is a smaller \$680 million exploration and development company that has a 50/50 joint venture with Anglo American (LON: AUUK). The two companies share the rights to the massive Pebble copper/gold deposit in southern Alaska. The Pebble deposit is estimated to contain 72 billion pounds of copper, 94 million ounces of gold, and 4.8 billion pounds molybdenum, as well as quantities of silver, palladium, and rhenium. Since the beginning of the year, shares of NAK have increased as much as 133%. Gold prices have had surprising strength over \$1,100 an ounce of the past few days. And it looks like these three growing Alaska gold stocks could continue to knife higher along with gold prices.

With considerable resources and a mine-welcoming government, Alaska is a good place to mine for gold. Investors can take advantage of both rising gold prices and the state's goodwill toward mining by buying shares of companies that have exposure to Alaskan gold projects. There are many other Alaska gold mining companies on the market other than the four I mention above. I found several mid- and large-cap firms and a handful of very small 20 cent stocks with exposure to Alaskan gold while doing research for this article. So there are plenty out there. As always, it's important for you to do your own due diligence to look for companies with talent, experience, and quality projects. Three weeks ago, I started to build a brand-new portfolio to seek high-yield gains from junior gold and mining stocks. I've made three recommendations, and all three have since returned a profit for an average 35% gain. You can find more information on how to get access to these three junior gold stocks in my latest research report. Good Investing, Luke Burgess”

Editor, Wealth Daily, Investment Director, Hard Money Millionaire Advertisement,

<http://www.wealthdaily.com/articles/alaska-gold-mining-stocks/2175>

Thank you,



Frank Woods III

RC 125

Mr. Chairman, Board members, thank you for this opportunity. I am Michael Wiedmer, a USGS Ecologist developing methods to predict fish distribution in Alaskan fresh waters. I am also a retired Alaska Department of Fish and Game biologist. From 1979 to 1987 I worked for Commercial Fisheries Research in Bristol Bay and from 2003 to 2006 I lead the most comprehensive field investigations ever conducted of fish habitats in the Nushagak drainage.

We studied this area to start filling vast gaps in our understanding of how the many native fish species use the extensive Nushagak stream network. We focused on improving the accuracy of Alaska's Anadromous Waters Catalog, commonly referred to as the AWC. The AWC is the authoritative reference that guides the regulatory track of many fish habitat conservation programs. Fish habitats listed in the AWC get extensive regulatory scrutiny; habitats not listed are largely ignored.

From the perspective of fish habitat, the AWC is an "opt-in" list; that is, fish habitat is not recorded in the AWC until someone provides detailed field evidence of a specific anadromous species occurring at a particular location on a particular date. To this end, our 3 years of field surveys doubled the number of Nushagak streams and lakes listed in the AWC, increasing the known extent of salmon habitat by 3000 km. To help meet the goal of making the AWC as accurate as possible, these surveys also resulted in the removal one lengthy stream system, after repeated sampling provided no evidence of anadromous fish use.

We are proud of collecting detailed fish community and habitat information in approximately 150 streams throughout those Nushagak sub-watersheds our studies showed produce salmon. That pride is tempered, however, by the recognition that this salmon producing region contains over 9200 streams, leaving us uninformed about fish use in over 9000 streams. The remoteness of Alaska's watersheds mean the field cost alone to add a stream to the AWC averages approximately \$3200. These realities drive our ongoing USGS fish distribution modeling efforts.

At least one Alaskan program offers a fish habitat "opt-out" plan. Alaska's Forest Practices Act recognizes anadromous fish habitat is inadequately mapped, and on state land requires "that for planning purposes... a stream is anadromous if it is connected to anadromous waters that are without...documentation of a physical blockage and has a stream gradient of 8 percent or less." My analysis of our survey data suggests this definition would include essentially all Nushagak drainage salmon habitats, and most, but not all, other anadromous fish habitats.

Thank you, Mr. Chairman and Board members. If you have any questions, I will be happy to address them.

RC126

12-5-09

My name is Charlie Johnson, Subsistence user and commercial fisherman, subsistence user first because regardless of how much money ~~we~~^{we} make the subsistence lifestyle will feed my family. I live here in Anchorage in the winter months for school, ^{we} back to Bristol Bay for the summer from May until September or ~~when~~ when school starts. I am for the protection of fish & game.

We have heard that a industrial business can work in a place where fish & game live and keep it safe.

We all know that it take alot of water to run a large mining company, ^{you can't} bring it up on the internet a picture can tell you how much water it takes to run the mining company, that water won't stay in one place it will travel to streams and lakes, the fish also need that water to be free of contaminants. The water has to be clean even humans like it that way.

Charlie Johnson

1331 W 82nd

Anchorage, AK 99518

phone: 907-240-8465 cell

522-1812 home

22 127

December 5, 2009

Moses Toyukak Sr
P.O. Box 30
Manokotak, AK 99628

RE: Bristol Bay Finfish Meeting – SUPPORT PROPOSAL 13

Alaska Board of Fish
P.O. Box 115526
Juneau, AK 99811-5226

My name is Moses Toyukak Sr. from Manokotak, and I am not only representing myself, but all my entire community. I'm a life long Fishermen, starting in the late 50's. I help my mother on a setnet site at Igushik beach, and as a young child I loved fishing, and I still do. I hope the fisheries keep going for many years to come. I've seen some very good years, and some not so good years in the fishing area I grew up at. Libby McNeill Libby was a company I remember, as well as Columbia Wards Fisherie, Wards Cove Packing all at Ekuk.

I SUPPORT PROPOSAL 13. .BECAUSE I LIKE TO USE MY
SUBSISTENCE WAY OF LIFE,AND I HOPE THIS WAY OF
LIFE CONTINUES WITH MY GRAND KIDS AS WELL.

RC128

Terry Hoeffler
P.O. Box 825, Dillingham, Alaska 99576
(907) 842-5847 (Cell) 907- 227-6369

Boards Support Section
2009

December 3,

Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811-5529

RE: RC Coments for Proposal 13

To the members of the Alaska Board of Fisheries;

Thank you for the opportunity to testify, I resident of Dillingham, a subsistence and sport fisher, and a retired fisherman.

- **Difference in what the Partnership tells potential investors and how regulation system is portrayed to public... Frank M. open for business**
- **Reg.. plays out, Report on Iliamna oil spill**
- **Jobs.. healthy fisheries, comm., spt., subsist, Tittle 12 ANILCA, environmentally based economy.**
- **Special place, mines are most toxic polluters in US. Even reputable companies ie. Pebble in first part of this decade.. in Nevada.**
- **Baija Mare**
- **BOF job to conserve resources of state, P13 a small step, to recommend higher standards of protection , DNR revoked "special" and "essential" habitat designations for BBay.. now vulnerable BLM , state AP,**
- **Ore body high in Sulfides..**
- **Existing industries oppose it..**

I support Proposal 13. This proposal is a small step. It asks the Board to recommend to the legislature that it take action to strengthen standard for protecting salmon habitat in Bristol Bay. Just as you have been told that there is no mine proposal yet, there is no Reserve legislation yet.

Bristol Bay is an exceptional place that demands exceptional protections, a fact we Alaskans do not always appreciate.

- The Alaska National Interest Lands Act did, establishing in Sec. 12 a Joint Fed State Land Use Planning Commission to address some of the unique land use issues integral to protecting salmon habitat. The Commission, unfortunately blew up before its work was completed.

- Last February, the Society of Salmon Scientists did, identifying Bristol Bay as one of the last, and best, intact salmon ecosystems remaining on the planet. We are addressing a globally significant resource, and as Alaskans have an obligation to protect it. Often mentioned is the exceptional Sockeye fishery; the Chinook run on the Nushagak is often the largest in the world as well.
- The resource in Bristol Bay is exceptional, and so are the threats to it. Seismic activity, water systems, a high content of sulfides in the discovered ore bodies (susceptibility to creating acid mine drainage) and size of potential mines (low grade ores require huge mines to be economic).

Some would have you believe that action on your part is not necessary. In recent years, long standing land use protections for Bristol Bay lands and resources have been dismantled. A process begun in the Murkowski administration, when he declared to mineral developers that Alaska was 'open for business'. Changes to the Coastal Resource Service Area legislation have limited local input into these decision, as has the State's takeover of EPA administration (limiting the input of Alaska Native tribes in the NEPA process from their former government to government relationship with the federal government. Two years ago the Bureau of Land Management reclassified 1.5 mil of Bristol Bay uplands; opening them to mining exploration and development for the first time. Four years ago the state reclassified 11 million acres of Bristol Bay lands open to mining. It neglected the prior habitat classification of these lands. You have been told that this proposal is directed against Pebble. Pebble is the tip of the iceberg. Liberty Star, Big Chunk, and other claims dwarf the size of the Pebble claims.

Some will tell you to trust our current processes. The people who say this have a vested interest in that process; state regulatory agencies and mining interests. It is instructive to note that Northern Dynasty, in its pitches to prospective investors, promote the regulatory climate in Alaska as very permissive, this is not how they portray the process to the Alaska public. Independent evaluations rank our processes in 37th place in terms of stringent process. Our current regulatory and permitting system is not specifically designed to protect resources, but to establish terms within which they can be degraded. The DNR's mission is to facilitate/expedite the permitting process. They do this well, and have never denied a permit.

- The **Kuipers and Mast** monograph "Predicting Water Quality Problems at Hardrock Mines – A Failure of Science, Oversight, and Good Practices" looked at 125 modern mines of the 25 mines studied in depth, 93% of those near groundwater that had a potential for acid mine drainage exceeded permitted standards. All of these mines had been permitted.
- **One size fits all.** Regulations in general terms that may be applicable for an underground mine in Delta are not applicable, nor did they anticipate permitting

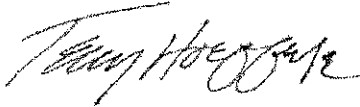
the largest mines in our hemisphere or the world; neither a hard rock mine of low grade in a sulfide ore body in the most productive salmon habitat on the planet; or relying on tailings dams (the largest dams in the world) designed to protect **in perpetuity** our resources in a seismically active area.

Laws to protect salmon have been enacted since the 1500's in England, the East Coast of the United States, and the west coast of this continent from California to Metlakatla. Salmon runs in Puget Sound were phenomenal 160 years ago. Even the famed Fraser River runs are down to fewer than a million fish this year. It is not overfishing, but failure to protect habitat that have caused these salmon fisheries across the world to collapse. **None of these have sustainable runs today.**

I submit that **we must enact standards more adequately suited to protect this habitat.**

I ask that you correct this situation while we still have a chance to do so.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Terry Hoeffler".

Terry Hoeffler

RC129

Mr Chairman Board members:

Below is new language for proposal 48

Reference Proposal 48

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

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

Roland Briggs

Hans Petersen

Ake Wel

My name is Greg Beischer. I am a resident of Anchorage and President of Millrock Resources, a public company that raises venture capital financing throughout the world for the exploration and development of mineral resources in Alaska. Companies like the one I run bring many millions of dollars to invest in the state. I am a geologist and mining engineering technologist with some background in environmental science and engineering. I am the recent Past President of the Alaska Miners Association. Member of the BLM Resource Advisory Commission, and I sit on the Alaska Minerals Commission. I am a former employee and adviser to the Bristol Bay Native Corporation and served in that capacity from 2000 to 2007. I have travelled extensively in the Bristol Bay region and know a little about the land the water, the people and the politics of the region. I am an avid sports fisherman. I have had the privilege of fishing in the great rivers of the Bristol Bay region.

Given my background I feel I am well qualified to testify in this matter and ask that the board consider my comments carefully. The crux of my testimony is three-fold 1) The Refuge is Unnecessary – Bristol Bay waters and habitat are already the most protected of anywhere in the state, and 2) Creating the refuge would have unintended economic consequences in the entire state, not just in the boundaries of the proposed refuge, and 3) assignment of refuge status would subvert the very established, prescribed public process for mine permitting and the very stringent regulation that exists for mines.

The Bristol Bay Area Plan of 1984 and further codified in 2005 contains Mineral Closing Orders. These were special provisions that provide extreme protection of habitat and fish. Mineral Closing Order #393 covers virtually all anadromous waters in the upper Mulchatna drainage and the drainages around Iliamna Lake, a huge part of the Bristol Bay watershed. MINING IS FORBIDDEN WITHIN 100 FEET OF THESE CLOSED RIVERS. Bristol Bay waters already have protections that far exceed protections elsewhere in the state. Adding more protection is completely unnecessary.

The process for permitting mines in Alaska is extremely arduous and thorough. As you have seen from presentations made by regulators earlier today, any mining project that is submitted for consideration must be permitted by DNR, ADEC and ADF&G and Habitat Division. Additionally, Major mining projects must be scrutinized by the federal EPA and are subject to the NEPA process. Contrary to what opponents of mining would have you believe, the environmental standards that a mining operation must demonstrate in order to get permits to operate are EXCEPTIONALLY STRINGENT. Adding more protection is completely unnecessary.

Adopting a fish refuge would not just make mining regulation even more stringent; it would preclude mining. Adopting a fish refuge after a mineral deposit has been discovered on state lands open and available for mineral entry changes the rules in the middle of the game. Such regulatory changes are viewed very dimly by those outside

the state that would invest in the state. Arbitrary changes that override statewide regulations deter investment in the state and harm its economic future. The consequences of capriciously making an unnecessary fisheries reserve will have devastating impacts on the mineral exploration industry across the state. I urge the Board of Fisheries to reject the idea of this fisheries reserve.

W. J. ...
Dec 5, 2009

RC 131

Alaska Board of Fisheries
December 5, 2009

Dear Chairman Webster and Board Members,

My name is Ralph Zimin, a third generation Bristol Bay resident, representing myself and my family. **I support Proposal 13.** Adding to earlier testimony, I would point out that with a refuge, my subsistence harvesting would be effected. Nevertheless, with airborne pollution or a spill I will have nothing. Example? Prince William Sound and the Exxon Valdez.

As Shannon Ford and I agree, with a spill from Pebble or airborne pollution our commercial fish market would be adversely affected, if not totally destroyed by bad publicity. A trust fund should be billions, not millions.

I hope 30 years from now my grandchildren will yet take photos of a vibrant fishery, their hands full of fish, moose, caribou and waterfowl, and not pointing to what was once the world's largest salmon run.

I would like a sticker like the airlines on the proposal: Fragile! Handle With Care!

Ralph Zimin
Box 242
King Salmon, AK 99613

RC 132

December 5, 2009

Alaska Board of Fisheries
Board Support Section
PO Box 115526
Juneau, Alaska 99811-5526

RE: SUBSISTENCE DRIFTING ON PROPOSALS #1,2

Subsistence drifting for salmon will be allowed:

Area 1) In the Wood River, the upper boundary will be the current lower commercial fishing line of the Wood River Special Harvest Commercial Fishing Area. The lower boundary line of the Wood/Nushagak River is a straight line from the point at SnowPac's Dock east to Picnic Point. The upper marker in the Nushagak River is identified as Tulie Point and south to the southern shore. Allowable gear in this area is not to exceed 10 fathoms drift gillnet gear with no mesh size restrictions. Subsistence drifting with gillnet gear will be closed in this specific area from July 1 to July 20.

Area 2) In that area from Lewis Point straight across to the south shore, upstream to Cross Point and straight across to the north side, allowable drift gillnet gear is not to exceed 25 fathoms drift gillnet gear with no mesh size restriction.

Area 3) In that area of the Nushagak River from Klutuk Creek (located 1 mile below Ekwok) and extending 6 miles upriver, allowable drift gillnet gear is not to exceed 25 fathoms and a minimum mesh size of 5 3/8 inches.

Area 4) In that area of the Nushagak River called Tunravik (approximately 5 miles above New Stuyahok) and extending upriver approximately 3 miles to the lower end of the bluff called Inakpuk, allowable gear is not to exceed 25 fathoms drift gillnet gear and a minimum mesh size of 5 3/8 inches.

Area 5) In that area of the Nushagak River from Koliganek downriver to the confluence of the Nushagak/Mulchatna Rivers. Allowable gear is not to exceed 25 fathoms drift gillnet gear and a minimum mesh size of 5 3/8 inches.

Separation of gear types.:

No subsistence drift gillnet may be operated in a manner that allows it to come in physical contact with any subsistence or commercial set net.

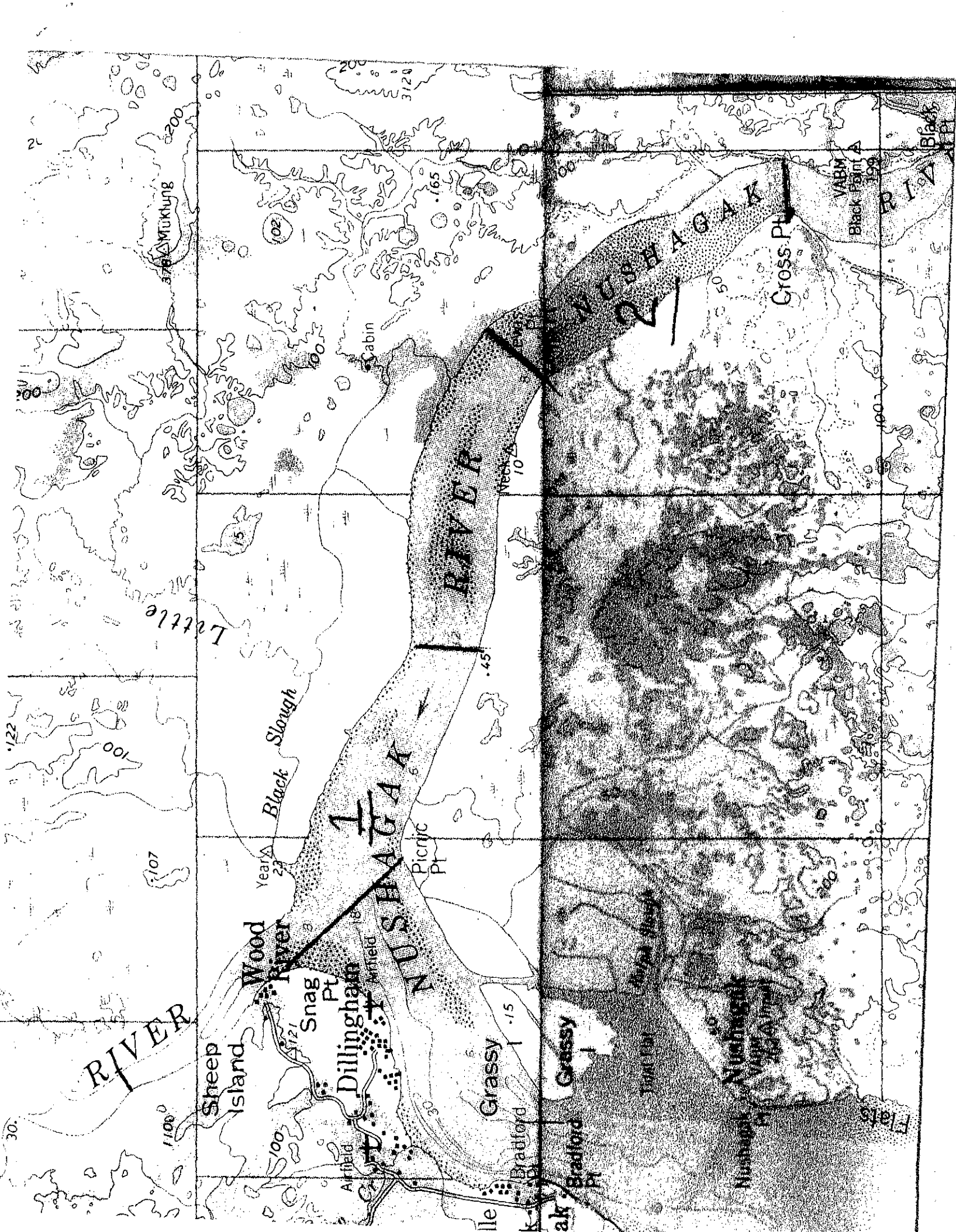
Vessel Length:

No vessel used to operate a subsistence drift gillnet may be more than 29 feet in overall length.

Use of Gear:

Only one gear type (set/drift) may be operated at a time.

Nushagak River Subsistence Drifting Task Force on Proposal 1,2



RIVER

Sheep Island

Wood River

Dillingham Pt

Snag Pt

Year 23

Black Slough

NUSHAGATA RIVER

Picnic Pt

Grassy Pt

Grassy Pt

Cross Pt

Nushagata Pt

VABM Black Point A

199

Black Pt

Mukhung

Little

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R.C. - Submitted to Board of Fisheries, 2009
by Shannon Ford

RC133

Proposals #14, 33 - Removal of set net gear during drift periods

These proposals have apparently been submitted in an attempt to eliminate a gear group. Mr. Granger authored similar proposals during the previous cycle. The language (particularly that of #14) is insulting not only to setnet fishers, but also manages to get in jabs at the Board of Fisheries, the Legislature, + its judicial advisors. My comments regarding the difficulty if not outright impossibility of removing anchors + lines may be found in my written testimony + heard in my opportunity to speak as an individual + on the We (the setnets) are historically justified ^{committees (B+D)} in keeping our gear in the water throughout the season for the way we fish, the challenges we face, + the safety of ourselves + our crews.

Proposals 15 - 32' boat limit

I oppose allowing boats longer than 32' to drift in Bristol Bay. Issues of quality may be better addressed by improving production + handling choices. Stacking more trailers on a large boat is not the ^{crews}

Prop. 31 - Allow fishing in the General District

I am opposed^{to} the idea of fishing there. It interferes with the returning movement of salmon bound for →

R.C. - Shannon Ford, ps. 2

Prop. 31, cont'd

their natal streams in established districts. Beside disturbing those fisheries, processing would also be affected. Our more accessible districts already have trouble dealing with even a marginal salmon run. Imagine, then, these canneries getting plugged from the General District, thus negatively impacting local + family fishers around the Bay.

Prop. 13 - Establish fish refuge in Bristol Bay

This proposal is one of the major reasons I made it a priority (under difficult circumstances) to attend these meetings. Imagine my extreme disappointment, then, when my ride was delayed this morning (I am staying over an hour out of town to conserve funds). I arrived two minutes after 10 am + was told that I could not testify. I am especially glad to have this alternative.

I operate a small business selling my salmon in the states during the winter. I can tell you that the customer base is becoming more + more educated, selective, aware of issues, + deliberate in their purchasing choices. My customers are concerned when they hear about a large ruhe going in near the salmon fishery. Perception is so crucial.

Prop. 13, cont'd

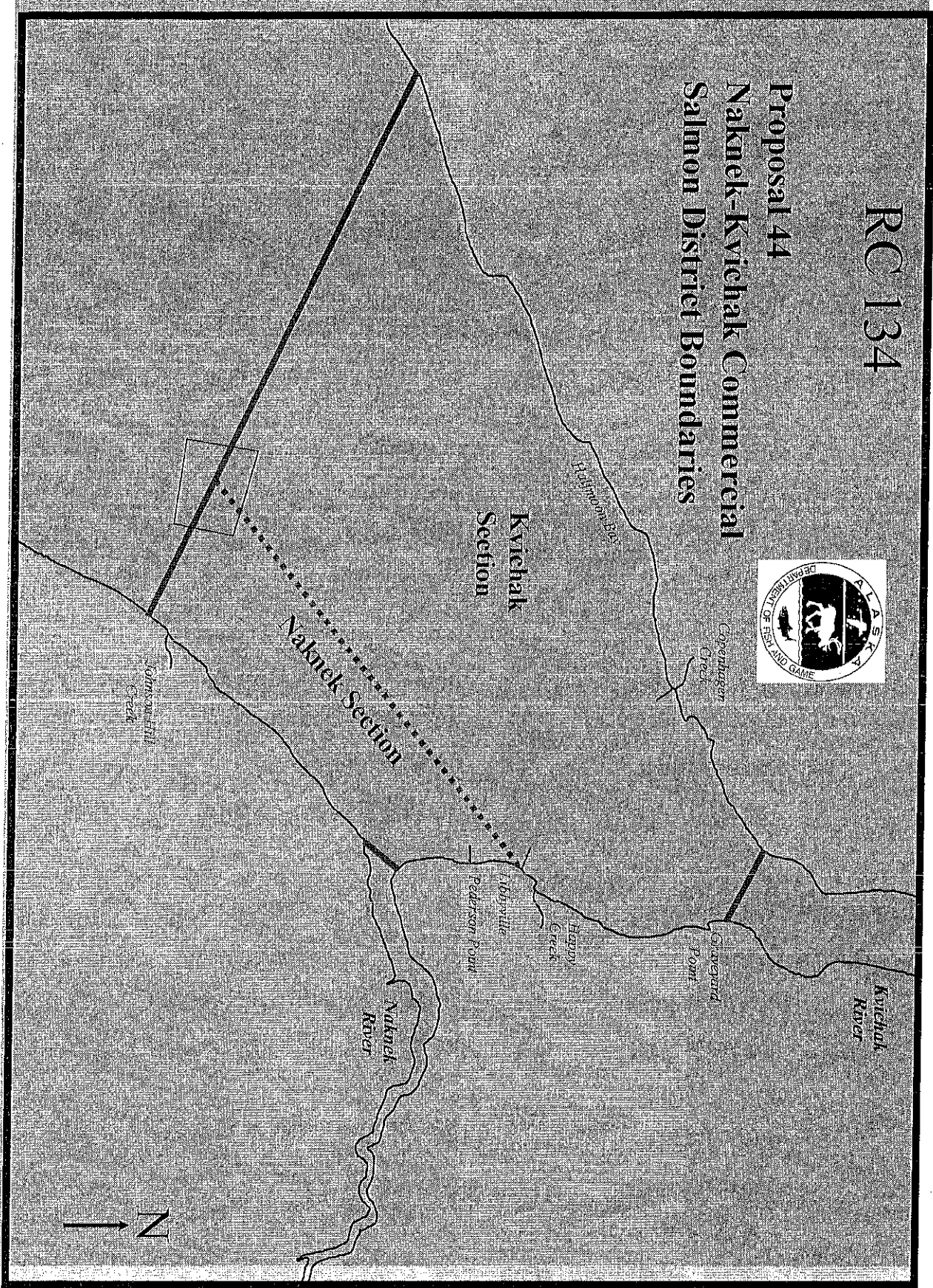
Even if the Pebble Mine never has a spill, never pollutes the water table, + never disrupts the natural ecosystem (and that's a big IF)... we can never again promote our pristine waters and untouched wilderness habitat. We have seen this occur before in the Exxon disaster, Bristol Bay wasn't anywhere near the spill, yet prices plummeted. I urge you to recommend protecting this amazing, unique, plentiful, + renewable resource. With continued good management, the salmon runs will be returning for generations to come, bringing livelihood, food, + a way of life that can be shared with the world.

I had the ^{recent} privilege of working with one of Seattle's top sushi chefs. His favorite choice? Bristol Bay sockeyes. Hands down. I promised this man, my customers, + many like-minded fans of our fish that I would attend the B of F meetings + let you know. We want our fishery to be protected and guarded to assure future success as well as present enjoyment.

Thank you!

RC 134

Proposal 44
Naknek-Kvichak Commercial
Salmon District Boundaries



Kvichak Section

Libbyville Line

Naknek Section

datum 84

datum 72

Naknek-Kvichak District
South line

E

0.7 mi
GPS Map Detail

Kuichak
Section

216h7u11<L

Post 1997

datum 84

58° 38' 50" N 157° 22' 23"

Naknek Section

Pre 1997

datum 72

58° 38' 30" N lat
157° 22' 14" W long

Naknek - Kuichak District
South line

300 ft
overzoom

RC 135

December 5, 2009

Alaska Department of Fish and Game
Board Support Section
PO Box 115526
Juneau, Alaska 99811-5526

RE: COMMITTEE A REPORT ON PROPOSAL #9

Mr. Vince Webster, *Chair

I would like to call attention to what I believe is an error in the Committee A:
Subsistence, Herring, and Sport Committee Report.

- The error is on page 19 under Positions and Recommendations; The error is in the:
AC Positions: Support: **None**.
- The correction should be:
AC Positions: Support: **Nushagak AC**.

Justification: Proposal 9 was authored and submitted by the Nushagak AC. During Committee A discussion, my comments should have been recorded in the **AC Positions** from the Nushagak AC, to **Support**.

Whether or not it could make a difference in your final decision, I felt compelled to point out the error in reporting. I thank you for the opportunity to participate during the testimony and committee process.

Thank you,



Hans Nicholson
Nushagak Advisory Committee, Chair

RC 136

Subsistence Materials

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AS 16.05.258. SUBSISTENCE USE AND ALLOCATION. 1
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AS 16.05.940. DEFINITIONS..... 6

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5 AAC 99.010. SUBSISTENCE PROCEDURES 7
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Subsistence Uses 19

Alaska Statues

AS 16.05.258. SUBSISTENCE USE AND ALLOCATION.

- a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.
- b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and
 - (1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board
 - (A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;
 - (B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and
 - (C) may adopt regulations to differentiate among uses;
 - (2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board
 - (A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;
 - (B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and
 - (C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;
 - (3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall
 - (A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and
 - (B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and
 - (4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall
 - (A) adopt regulations eliminating consumptive uses, other than subsistence uses;
 - (B) distinguish among subsistence users, through limitations based on
 - (i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;
 - (ii) the proximity of the domicile of the subsistence user to the stock or population; and
 - (iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

- c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:
- (1) the social and economic structure;
 - (2) the stability of the economy;
 - (3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;
 - (4) the amount and distribution of cash income among those domiciled in the area or community;
 - (5) the cost and availability of goods and services to those domiciled in the area or community;
 - (6) the variety of fish and game species used by those domiciled in the area or community;
 - (7) the seasonal cycle of economic activity;
 - (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
 - (9) the harvest levels of fish and game by those domiciled in the area or community;
 - (10) the cultural, social, and economic values associated with the taking and use of fish and game;
 - (11) the geographic locations where those domiciled in the area or community hunt and fish;
 - (12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;
 - (13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.
- d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.
- e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.
- f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game. (§§ 6 ch 52 SLA 1986; am § 2 ch 1 SSSLA 1992)

Delayed amendment of section.- Under §§ 3 and 12, ch 1 SSSLA 1992, as amended by sec. 3, ch. 68, SLA 1995, § 3, ch. 130 SLA 1996, and § 1, ch. 109, SLA 1997, effective October 1, 1998, this section is amended to read: "**Sec. 16.05.258. Subsistence use and allocation of fish and game.** (a) The Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks and populations, that are customarily and traditionally used for subsistence in each rural area identified by the boards.

“(b) The boards shall determine

“(1) what portion, if any, of the stocks and populations identified under (a) of this section can be harvested consistent with sustained yield; and

“(2) how much of the harvestable portion is needed to provide a reasonable opportunity to satisfy the subsistence uses of those stocks and populations.

"(c) The boards shall adopt subsistence fishing and subsistence hunting regulations for each stock and population for which a harvestable portion is determined to exist under (b)(1) of this section. If the harvestable portion is not sufficient to accommodate all consumptive uses of the stock or population, but is sufficient to accommodate subsistence uses of the stock or population, then nonwasteful subsistence uses shall be accorded a preference over other consumptive uses, and the regulations shall provide a reasonable opportunity to satisfy the subsistence uses. If the harvestable portion is sufficient to accommodate the subsistence uses of the stock or population, then the boards may provide for other consumptive uses of the remainder of the harvestable portion . If it is necessary to restrict subsistence fishing or subsistence hunting in order to assure sustained yield or continue subsistence uses, then the preference shall be limited, and the boards shall distinguish among subsistence users, by applying the following criteria:

"(1) customary and direct dependence on the fish stock or game population as the mainstay of livelihood;

"(2) local residency; and

"(3) availability of alternative resources.

"(d) The boards may adopt regulations consistent with this section that authorize taking for nonsubsistence uses a stock or population identified under (a) of this section.

"(e) Fish stocks and game populations, including bison, or portions of fish stocks and game populations, not identified under (a) of this section may be taken only under nonsubsistence regulations.

"(f) Taking authorized under this section are subject to reasonable regulation of seasons, catch or bag limits, and methods and means. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30."

Cross references. - For legislative findings, purpose, and intent in connection with the 1992 amendment of this section, see § 1, ch. 1, SSSLA 1992 in the Temporary and Special Acts; for requirement that the boards expeditiously adopt regulations to implement this section, see § § 6 and 7, ch. 1, SSSLA 1992 in the Temporary and Special Acts; for transitional provisions and for review by the governor and report to the legislature, see §§ 7-9, ch 1, SSSLA 1992, as amended by §§ 1 and 2, ch. 68, SLA 1995 and §§ 1 and 2, ch. 130, SLA 1996 in the Temporary and Special Acts.

Effect of Amendments.- The 1992 amendment rewrote this section.

Effective date of 1992 amendment. — Under § 11, ch. 1, SSSLA 1992, the amendment to this section made by § 2, ch. 1, SSSLA 1992 takes effect "on the effective date of regulations first adopted under sec. 6 of this Act by the Board of Fisheries and the Board of Game."

Opinions of attorney general. — Under this section, for a given fish stock or game population, if there is a harvestable surplus and if the relevant board has found a customary and traditional use of that stock, then subsistence uses must be authorized. Jan. 1, 1991 Op. Att'y Gen.

Under this section, the Board of Fisheries and Game may not provide less than reasonable opportunity for subsistence uses unless nonsubsistence uses are closed. However, assuming that guideline is met, the board may go to a two tier analysis under the statute (which is necessary if less than reasonable opportunity can be provided) in two cases: (1) to assure sustained yield, or (2) to continue subsistence uses. The latter situation may be presented when a population is being managed for overall growth, in order that eventually more opportunity can be provided. Jan. 1, 1991 OB Att'y Gen.

Notes To Decisions

Rural residency requirement unconstitutional. – The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Prohibition of subsistence permits for residents in nonsubsistence areas invalid. – The requirements of the equal access clauses apply to both tiers of subsistence users. Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependent on whether one lives in an urban or rural area, eligibility to participate in Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game population. Subsection (b)(4)(B)(ii), which uses the proximity of the domicile of the Tier II subsistence permit applicant to the fish and game population which the applicant wishes to harvest as a basis for the applicant's eligibility, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Creation of nonsubsistence area not unconstitutional. - The statutory provision in subsection (c) mandating the creation of nonsubsistence areas does not violate sections 3, 15, and 17 of article VIII of the Alaska Constitution because the provision by itself without the proximity of domicile provisions does absolutely bar subsistence uses for certain residents. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Regulations adopted under former AS 16.05.257 had to be in accordance with the Administrative Procedure Act (AS 44.62). *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

While former AS 16.05.257, which authorized the Board of Game to adopt regulations providing for subsistence hunting, did not specifically refer to the Administrative Procedure Act (AS 44.62), it appeared clear that it merely set forth an additional purpose for which regulations might be promulgated. *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

Considerations in adopting regulations. — The boards of fisheries and game have the discretion to adopt regulations that recognize the needs, customs, and traditions of Alaska residents, but they are not mandated to do so when formulating their subsistence regulations. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

"Sustained yield". — The term "sustained yield" in subsection (b) is potentially broad enough to include authority in the game board to restrict even subsistence hunting in order to rebuild a damaged game population. However, the board does not have absolute discretion in this area. There must be a balance of minimum adverse impact upon rural residents who depend upon subsistence use of resources and recognized scientific principles of game management. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

Familial relationship not required. - In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with subsection (a) and the definition of "customary and traditional" in AS 16.05.940. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Invalid regulations severable. – Invalid portions of regulations established pursuant to the mandate of this section are severable from the remaining regulations if, standing alone, the regulation can be given legal effect and the legislature intended the provision to stand. *State v. Palmer*, 882 P.2d 386 (Alaska 1994).

Issuance of permits based on verbal instructions to agents held improper. – Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions

to regulations involving requirements of substance are unauthorized and unenforceable. *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

Adoption of eligibility criteria. – All Alaskans are eligible to participate in subsistence hunting and fishing, and the board of game lacks the authority to adopt eligibility criteria when the resource is sufficiently abundant to satisfy all subsistence users. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

The least intrusive standard applied by the superior court to board of game regulations for subsistence uses is not explicitly mentioned in the text of the subsistence preference laws nor can such a standard be reasonably implied from the fact that the subsistence law in this section accords a “preference” to subsistence users. The subsistence law provides a preference only by giving subsistence users “reasonable opportunity” to harvest the resource, and the superior court erred in its decision that the least intrusive standard was implied as a rule of construction for the term “reasonable opportunity.” *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Reasonable basis for Board of Game's quota of caribou to be killed under former AS 16.05.257 – See *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

Emergency caribou hunt allowed. – Native Alaskan villagers were granted injunctive relief permitting an emergency caribou hunt allowing the taking of 50 to 70 animals where the hunt was justified by economic conditions and would not adversely affect the herd. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

Regulations held invalid. – Board of game regulations establishing seasons and bag limits on the taking of moose and caribou were arbitrary and invalid, where the board did not follow or articulate its use of the statutory analytical process for adopting bag limits as to subsistence hunting, and the regulations imposed seasons not consistent with the board's findings as to established village customs and thereby unacceptably restricted the statutory preference for subsistence uses. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Trophy hunting regulations adopted by the board of game do not constitute compliance with the requirement of subsection (c) that the board adopt subsistence hunting regulations for game. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Where no hearing was ever held regarding whether regulations of the board of game were consistent with the subsistence law prior to their adoption as subsistence regulations, the challenged tag/fee and sealing regulations, as subsistence regulations applicable to the taking and use of brown/grizzly bears in the affected game management units, were invalid. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Remand. – Where defendant was erroneously barred from challenging regulations prohibiting hunting with the aid of an artificial light and applying the prohibition against subsistence hunters, the case was remanded to allow defendant to demonstrate that the regulations were adopted without compliance with the Administrative Procedure Act, AS 44.62. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, --U.S.--, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

Cited in *Krohn v. State, Dep't of Fish & Game*, 938 P.2d 1019 (Alaska 1997).

AS 16.05.259. NO SUBSISTENCE DEFENSE.

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses.(§ 7 ch 52 SLA 1986)

Revisor's notes.- Formerly AS 16.05.261. Renumbered in 1987.

Notes To Decisions

Power to challenge regulation. – A person charged with a subsistence hunting violation is not precluded by this section or by the federal Alaska National Interest Lands Conservation Act from challenging the regulation he is alleged to have violated. Bobby v. Alaska, 718 F. Supp. 764 (D. Alaska 1989).

Since State v. Eluska, 724 P.2d 514 (Alaska 1986) and this section prevent hunters who took game in the absence of any regulation authorizing them to do so from claiming a subsistence defense; a defendant was not prohibited from contesting the validity of a regulation which prohibits hunting with the aid of an artificial light. Totemoff v. State, 905 P.2d 954 (Alaska 1995), cert. denied, --U.S.--, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

AS 16.05.940. DEFINITIONS.

(7) "customary and traditional" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;

(8) "customary trade" means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;

(27) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(30) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(31) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(32) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

Alaska Administrative Code

SUBSISTENCE USES.

Sections

- 10. Boards of fisheries and game subsistence procedures
- 12. (Repealed)
- 14. (Repealed)
- 15. Joint Board nonsubsistence areas
- 16. Activities permitted in a nonsubsistence area
- 20. (Repealed)
- 21. Definition
- 25. Customary and traditional uses of game populations
- 30. Eligibility for subsistence and general hunts

5 AAC 99.010. SUBSISTENCE PROCEDURES

- a) In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles.
- b) Each board will identify fish stocks or game populations, or portions of stocks or populations, that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria:
 - (1) a long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns;
 - (2) a pattern of taking or use recurring in specific seasons of each year;
 - (3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost;
 - (4) the area in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established;
 - (5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate;
 - (6) a pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation;
 - (7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving; and
 - (8) a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.
- c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of graduated steps under AS 16.05.258 (b)(4)(B) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on

- (1) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;
- (2) the proximity of the user's domicile to the stock or population; and
- (3) the ability of the subsistence user to obtain food if subsistence use of the stock or population is restricted or eliminated. (Eff. 5/30/82, Register 82; am 1/17/91, Register 117; am 5/15/93, Register 126)

Authority: AS 16.05.251 AS 16.05.258
 AS 16.05.255

5 AAC 99.012. RURAL CRITERIA

Repealed 1/17/91.

5 AAC 99.014. JOINT BOARD FINDINGS RELATING TO RURAL AND NON-RURAL AREAS

Repealed 1/17/91.

5 AAC 99.015. JOINT BOARD NONSUBSISTENCE AREAS.

a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas:

- (1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.
- (2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC 92.450(1) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC 92.450(4), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC 33.200(k) (1) and (k)(2), Section 12-B, as defined in 5 AAC 33.200(l) (2), and that portion of Section 12-A, as defined in 5 AAC 33.200(l) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC 33.200 (o), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.
- (3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC 92.450(14), 15, as defined by 5 AAC 92.450(15) (except that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).
- (4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.
- (5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.

- b) The provisions of this section do not apply during the period from April 28, 1994 until a final decision by the Alaska Supreme Court in State v. Kenaitze, No. S-6162, concerning the constitutionality of AS 16.05.258 (c). (Eff. 5/15/93, Register 126; am 4/28/94, Register 130)

Authority: AS 16.05.251, AS 16.05.258, AS 16.05.255

5 AAC 99.016. ACTIVITIES PERMITTED IN A NONSUBSISTENCE AREA.

- a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area of community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:
 - (1) general hunting, including drawing and registration permit hunts;
 - (2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.
- b) (b) Subsistence hunting and fishing regulations will not be adopted for these areas and the subsistence priority does not apply. (Eff. 5/15/93, Register 126)

Authority: AS 16.05.251, AS 16.05.258, AS 16.05.255

5 AAC 99.020. DEFINITIONS.

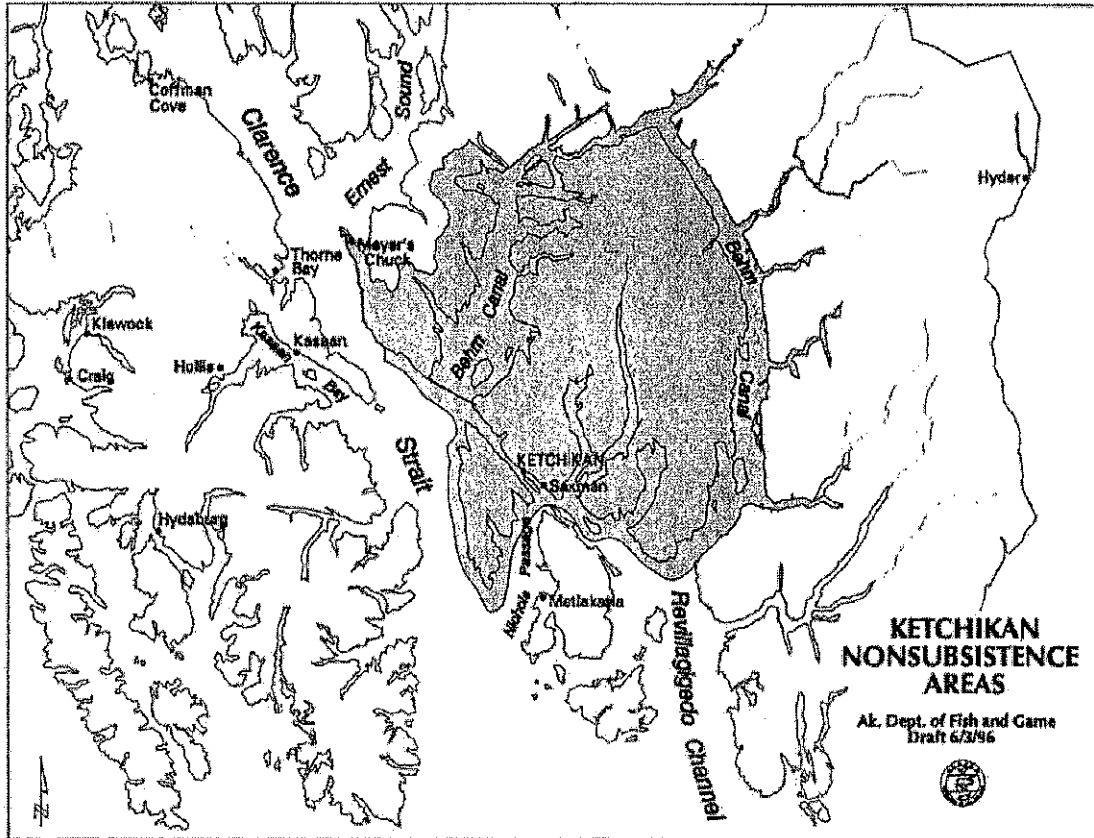
Repealed 10/9/83.

5 AAC 99.021. DEFINITION.

In addition to the definitions in AS 16.05.940 , in this chapter "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during all portions of the year; in this section, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles.

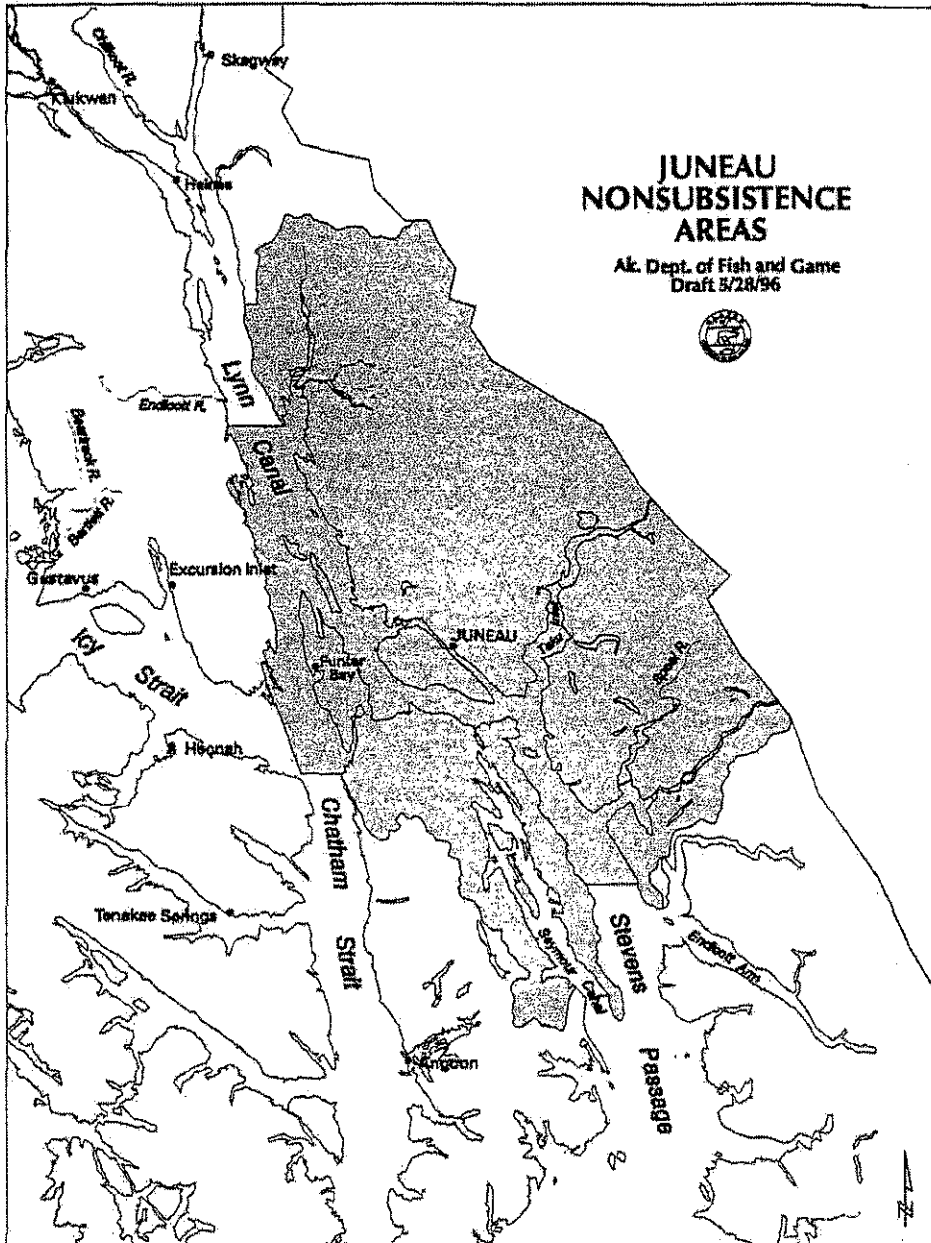
Maps of Nonsubsistence Areas

Map 1, Ketchikan Nonsubsistence Area



- (1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

Map 2



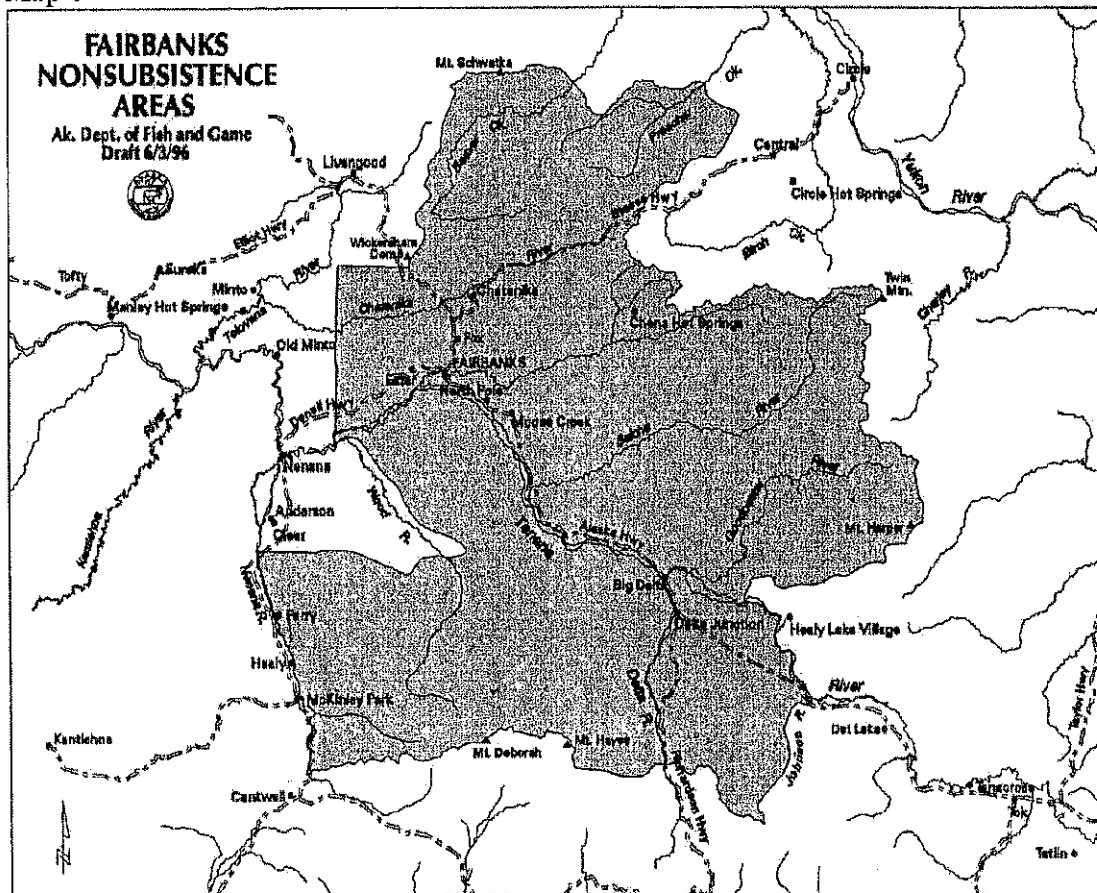
- (2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC 92.450(1) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC 92.450(4), that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC 33.200(k) (1) and (k)(2), Section 12-B, as defined in 5 AAC 33.200(l) (2), and that portion of Section 12-A, as defined in 5 AAC 33.200(l) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC 33.200 (o), south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.

Map 3



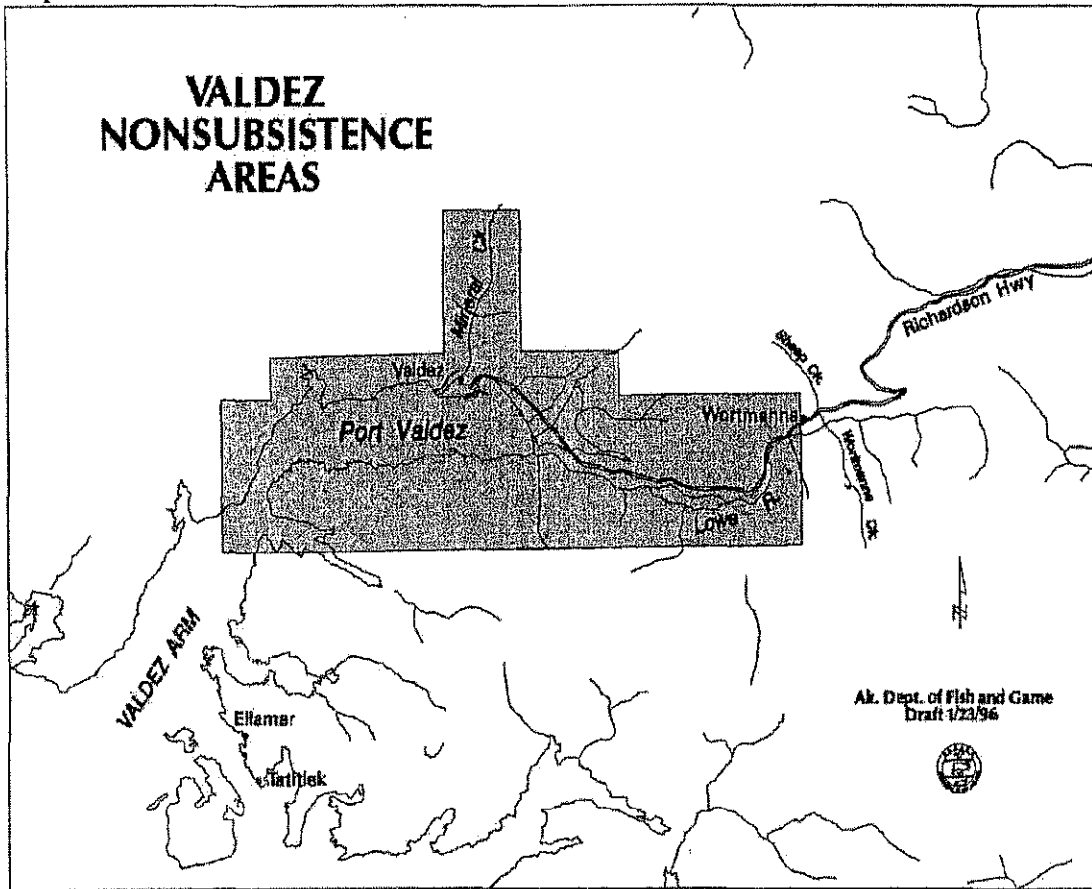
- (3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC 92.450(14), 15, as defined by 5 AAC 92.450(15) (except that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).

Map 4



(4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.

Map 5



(5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.

Steps When Considering Subsistence Uses and Proposals that Affect Subsistence Uses

1. Nonsubsistence Area Filter

Is the fish stock in the proposal in a nonsubsistence area? If all of the fish stock is in a nonsubsistence area, there is no need for the board to address subsistence uses—subsistence harvests are not allowed in a nonsubsistence area. If any portion of the fish stock is outside a nonsubsistence area, then the board goes to step 2.

2. Customary and Traditional Use Determination

The board determines if there is a customary and traditional use of the fish stock by applying the eight criteria (5 AAC 99.010), considering information about the use pattern. If there has been a previous positive finding, then this step is unnecessary, and the board goes to step 3. If there has been a previous negative finding, there is no need to address subsistence use further, unless the proposal is for reconsidering a negative finding. Also, the board may periodically reconsider previous customary and traditional use findings.

3. Harvestable Surplus Filter

Can a portion of the fish stock be harvested consistent with sustained yield, considering biological information? If there is no harvestable surplus, then the board authorizes no fishery on the stock, and there is no need to address subsistence uses further. If there is a harvestable surplus, then the board goes to step 4.

4. Amount Reasonably Necessary for Subsistence

The board determines the amount reasonably necessary for subsistence uses, considering information about the subsistence use pattern. If there has been a previous determination on the amount, then the board goes to step 5. The board may periodically reconsider and update these determinations.

5. Sufficient Surplus for All or Some Uses

If the harvestable portion of the fish stock is sufficient for all consumptive uses, the board shall adopt regulations that provide a reasonable opportunity for subsistence uses and for other (nonsubsistence) uses.

If the harvestable portion of the fish stock is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the board shall adopt regulations that provide a reasonable opportunity for subsistence uses and may adopt regulations that provide for other uses.

6. Sufficient Surplus Only for Subsistence

If the harvestable portion of the fish stock is sufficient to provide for subsistence uses, but no other consumptive uses, the board shall adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses.

7. Subsistence Regulations and Reasonable Opportunity Finding

The board shall adopt subsistence regulations that provide a reasonable opportunity for subsistence uses. When the board adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, then adjustments to regulations governing nonsubsistence uses are not necessary. The board may adopt regulations providing for other uses as long as subsistence regulations are adopted that provide a reasonable opportunity for subsistence. If there is a proposal to reduce subsistence opportunity, regulations must still provide a priority for

subsistence uses. If subsistence regulations do not provide a reasonable opportunity for subsistence uses after eliminating all other uses, then the board goes to step 8.

8. Tier II Subsistence Regulations

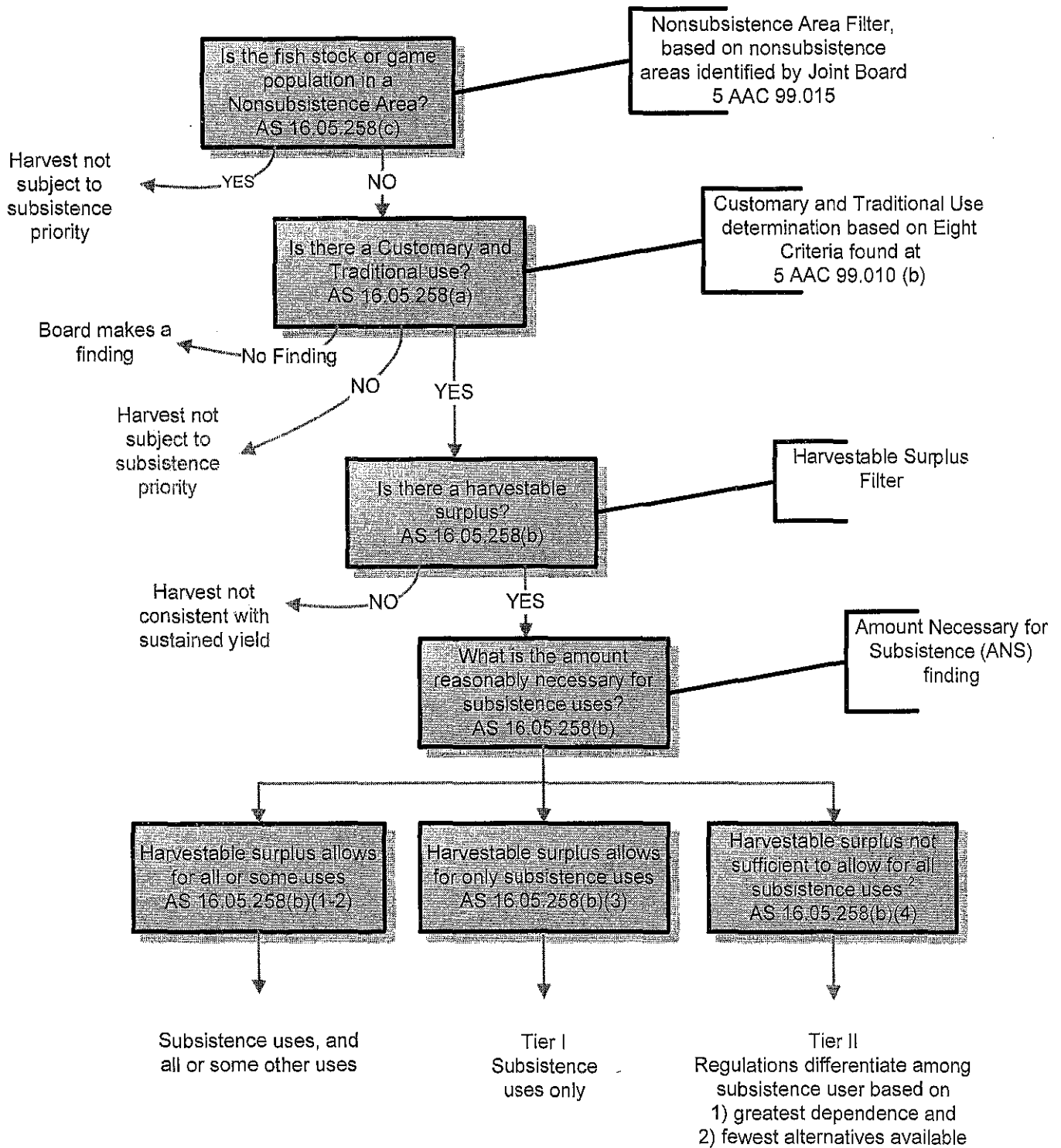
If the harvestable surplus is not sufficient to provide a reasonable opportunity for all subsistence uses, the board adopts Tier II subsistence fishery regulations on the fish stock (cf., 5 AAC 92.062 for the procedures for game). Tier II regulations differentiate among subsistence users in order to provide opportunity to those most dependent on the resource and having the fewest alternatives other than that resource.

Prepared by: Alaska Department of Fish and Game, Division of Subsistence 01/03.

Draft 10/01/06

Alaska Board of Fisheries and Game Steps When Considering Regulations that Affect Subsistence Uses

Alaska Statute 16.05.258 Subsistence Use and Allocation of Fish and Game



² Harvestable surplus below lower end of ANS range

**5 AAC 06.360. NAKNEK RIVER SOCKEYE SALMON SPECIAL HARVEST AREA
MANAGEMENT PLAN.** (d)(1), (d)(4) and (e)(3) are amended to read:

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

...

(4) a vessel may not have more than 75 [50] fathoms of set gillnet on board the vessel;

...

(e)(3) a vessel may not have more than 150 fathoms of a drift gillnet or 75 [50] fathoms set gillnet on board the vessel;

RC138

**ADDITIONAL COMMENTS TO THE ALASKA
BOARD OF FISH ON SUBSISTENCE PROPOSALS**

DECEMBER 6, 2009

BY

MOLLY B. CHYTHLOOK

Mr. Chairman and Board Members, My name is Molly Chythlook, originally from village of Aleknagik:

- **250 population**
- **about 45 households**
- **about 6 active chinook fishers using open skiffs (18' lunds). Others either have no transportation and or can't afford the gas**

No Chinooks are available for harvest in the first lake (Aleknagik) therefore the Chinook harvester's travel the 20-23 miles (OW) down to the lower end of the Wood River and or the Black Slough in open skiffs rain or shine for about an hour in order to harvest their Chinooks. If there are no Chinooks in these locations, they are forced to travel another 5 miles east and up the Nushagak River to Toole Point and sometimes beyond.

All the harvesting attempts for Chinook are governed by:

- **tide**
- **storms/weather**

- **timing (fish are unpredictable possibly due to climate change)**
- **time (3-5 hours spent in open skiffs during every attempt to harvest).**

These Aleknagik fishers have additional hours of travel time back to their village after their Chinook harvest attempts.

Proposal #3 would make the traditional harvesters' lives easier by adding back the 15 fathoms to the original traditional 25 fathoms that was used and regulated away by:

- **non-harvesters/traditional users of the area/sites and resources from these sites.**
- **others that had no traditional and or personal knowledge of how much work and expense it is for this Chinook subsistence fishery.**
- **those that had no in-depth knowledge of the importance this resource to this particular user group and others from the local area that have no access to Kanakanak or Dillingham area beach set net sites.**
- **others who had no knowledge of the traditional laws and cultural limits that are in place and practiced by each user.**
- **those that may not have realized the short window of opportunity to get this very important resource before these same people get busy with the rest of their busy summer**

activities.(ie: Commercial fishing and other subsistence activites,)

- **I can go on but these are from my personal knowledge and observations.**

So when you deliberate and make the decisions, please consider to make them to benefit these users that DO NOT have political clout and are not vocal but are quietly making an effort to comply with regulation changes that sometimes make their lives harder as they struggle already to feed themselves and their families.

The Chinook fish users of this resource are fully aware and totally respect this resource. All the parts of the fish are used except for the entrails (eggs, stomach, and heart are used). This is the first fresh salmon that is harvested in the spring and the first harvests of the fish are locally shared especially to elders who are no longer able to take an active role in harvesting this resource.

Thank-you for your time and your attempts to understand our subsistence way of life and why we want your help in making our lives a bet easier by giving back what had worked better for us in the past.

Quyana (Thank-you),

112C139

**Additional Comment to the Alaska Board of Fisheries Board Members
Regarding Subsistence Proposal # 3**

By

Joe Chythlook

12/06/09

Mr. Chairman and Board of Fisheries members:

I was on Committee A and helped to work on substitute language which you will have regarding drifting for subsistence fishing in the areas described. However, we were not able to agree on doing anything with Proposal 3 as written. Therefore, I would suggest you consider the following substitute language for Proposal 3:

“During the Chinook subsistence season as described by the existing regulations, use of 25 fathoms of set gill net gear can be used in the drift area established from Hansen’s Point in the Woodriver and to Toole Point up the Nushagak River, on the Northeast shores of this area only. The set gill nets must be pulled up whenever the subsistence user gets done fishing during each tide.”

Mr. Chairman and the Board, this would allow subsistence users who choose not to drift within this area an opportunity to continue to practice set netting in the most effective way as it had been traditionally done with the 25 fathoms of gear before the regulation was changed several cycles ago.

RC140

Alaska Board of Fisheries
Dec. 4, 2009

RE: Proposal 15 & Boat Devaluation

Dear Chairman Webster and Board Members,

Some of the testimony regarding lifting the 32-foot boat limit is so melodramatic that it clouds important issues. One passionate speaker Friday painted a moving picture of a future where bigger boats contribute to a prosperous future for all. But he conveniently ignored the massive devaluation of the existing 32-foot fleet that will occur if the boat limit is lifted.

Sadly that loss would be greatest for those who have already invested in quality improvements for their 32-footers. To urge these fishers and others to invest in quality while campaigning to make 32-foot vessels obsolete by regulation seems cynical and manipulative, suggesting a vision for the future quite different than what the speaker's glowing words described.

For commercial fishermen the value of their fishing boat is often more than that of their home, the asset that for many Americans is typically their most important investment. For fishermen it is most likely their boat. At a modest \$50,000 per boat, the 1400 existing boats represent roughly \$70 million in stranded capital, the value of which could plummet with the stroke of a pen.

I'd urge the Board to weigh the potential consequences very carefully before scuttling Bristol Bay's boat length limit. Changes will be far reaching and irreversible. Fishermen now making quality improvements and realizing better prices ought not have the rug pulled out from under them and see the value of their 32-foot boats collapse while a very few reap the benefits.

Fritz Johnson
F/V Jazz
Dillingham

RC 141

ADDITIONAL COMMENTS TO THE ALASKA BOARD OF FISH
ON COMMITTEE C

EDDIE CLARK-NAKNEK RESIDENT-SETNET 57 YEARS IN EGEGIK
PO BOX 167
NAKNEK, AK 99633

PROP. 32- I SUPPORT THE 37.5 FA.

PROP.33- I OPPOSE- REMOVING SETNET GEAR-ANOTHER HARDSHIP ON
THE SETNETTERS

PROP.34-- I OPPOSE- THEY ARE IN THE NRSHA FOR CONSERVATION
OF THE KVICHAK RIVER—NOT ALLOCATION

PROP.38- I SUPPORT THIS- THE NUMBER OF DRIFT PERMITS NOT
BEING USED IS APPROX. 535 OF THE 1860-THE 250 DOUBLE STACKING ALSO
TAKES GEAR OUT AND CATCHING POWER-FURTHER HURTING OUR
ALLOCATION NUMBERS

POSSIBLE SOLUTION:

- SOME SET NUMBER OF BOATS-THE TRIGGER ALLOCATION
- END ALLOCATION ON JULY 10 (THE DATE MOST DRIFT FISHERMAN
START GOING HOME) INSTEAD OF JULY 16 TH.

PROP. 39- I OPPOSE-THIS WILL REALLY HINDER AND END MANY
SETNETTERS, MANY WILL NOT BE ABLE TO DO THIS.

- IF MANY OF THE SETNETTERS COULDN'T GET THEIR GEAR OUT-THE
ALLOCATION NUMBERS WOULD BE HARD TO ACHIEVE-AND THE
DRIFT FLEET WILL BE SITTING WAITING LIKE WE DO FOR THEM.
- MY FATHER IS 87 YEARS OLD-HE COULD NOT COMPLY WITH THE
THIS.
- WE UNDERSTOOD THAT THIS PROP. WAS LINKED TO THE BAY-WIDE
ONE-PROP. 14

Eddie Clark - Bristol Bay Bn - EGK SETNETTER
 Blind Bay
 Kim Rice Egegik S. Net
 Eddie Clark - Decker
 Don Mark - S. NAK

RC142

12-06-09

Alaska Independent Fishermens Marketing Associaton

RE: Proposal # 32 and substitute language.

This proposal if adopted would allow the set net gear group to increase their complement of gear from 25 fathoms to 37.5 fathoms in the NRSHA. Currently by regulation the drift net fleet reduces gear by 50% and the set net reduces by 50% when fishing in the NRSHA. This is a proportional and equal reduction for both gear groups. Currently this regulation has resulted in a 20% set net and 80% drift net catch distribution which represents an increase of 4% from the Naknek Kvichak allocation plan for the set net fleet. This falls within a reasonable parameter of catch distribution for the two gear groups.

If adopted this proposal would allow a 50% increase of set net gear only, which is a significant change in harvest opportunity from the current regulation. It is reasonable to project that the associated catch result from a 50% increase in gear in the water will result in a 50% increase in the set net harvest. This projection would be 30% set net and 70% drift net. This would be unacceptable to our drift fleet and outside a reasonable parameter of catch distribution. In the absence of using fair criteria to arrive at a catch distribution, this proposal arbitrarily redistributes the catch between the set net and drift net gear groups. In the future should an allocation ever be agreed upon, the base line for such an agreement would be arbitrarily skewed as well. For the said reasons we object to this proposal.

AIFMA committee member

Fred Marinkovich



Prop 39

12-6-09

RC143

Substitute Language

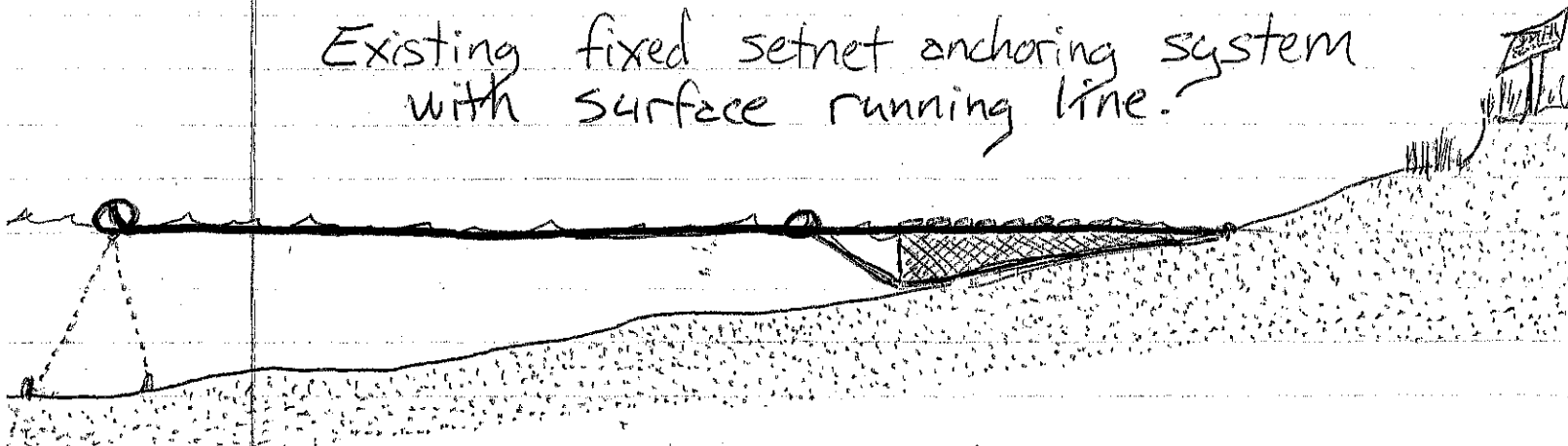
Require removal^{of} of all set gillnet running lines and anchor buoys when closed to set gillnet fishing.

Anchors may remain but are to be configured to avoid interference with drift gillnet gear per SEC 16.10.055

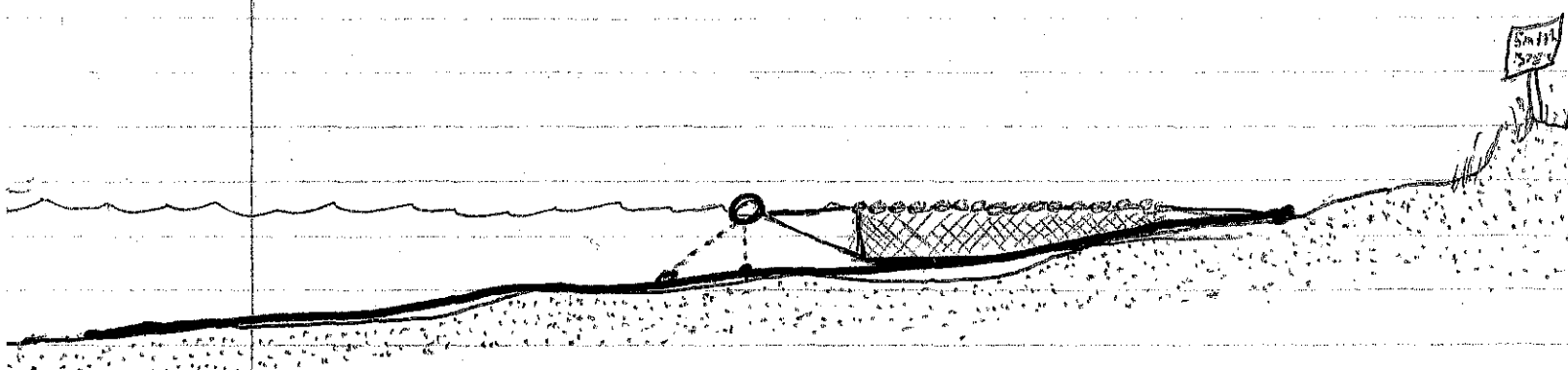
submitted by Larry Christensen
Author, prop 39

12-6-09

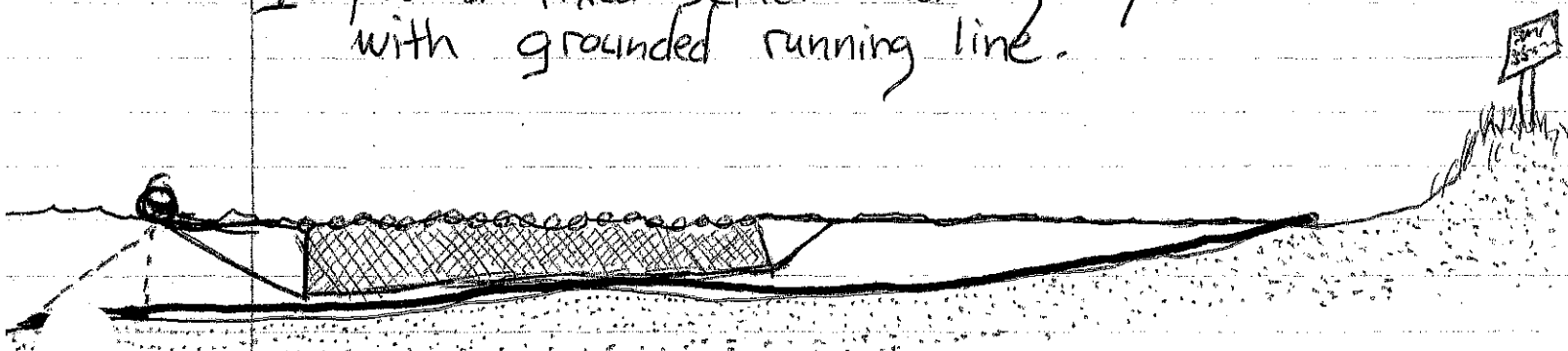
Existing fixed setnet anchoring system
with surface running line.



Disadvantage - anchor buoy and running line
always hindering transit and fishing opportunity.



Improved fixed setnet anchoring system
with grounded running line.



Advantage - anchor buoy and running line
deployed only when needed to operate
setnet.

RC144

December 6, 2009

Alaska Department of Fish and Game
Board Support Section
PO Box 115526
Juneau, Alaska 99811-5526

Re: Proposal 43 ~~RC to Committee Report~~

Mr. Vince Webster, *Chair

I would like to offer substitute language in lieu of existing language in Proposal 43.

Amend 5AAC 06.358 Wood River Sockeye Salmon Special Harvest Area Management Plan:

“To allow drift and setnet periods in the WRSOA whenever escapement is projected to be over 1.4 million fish, but after the escapement has reached 1.1 million fish.”

- This would establish in-season triggers that would enable our fishery manager to open up the WRSOA.
- Fishing in the WRSOA addresses: over-escapement, foregone harvest.
- Provides additional management tools.

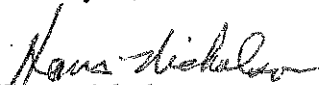
Issue: The Wood River has exceeded annual escapement goals on a regular basis. During years of abnormal escapement into the Wood River, the fishery manager does not have existing methods and means to effectively control “over-escapement”.

The Wood River usually exceeds its escapement goal. In 2006, surplus escapement into the Wood River exceeded 3 million sockeye with an estimated value of 9.9 million dollars.

Justification: This would give the ADF&G manager of the Nushagak District more management tools to more effectively control escapement into the Wood River. Controlling “surplus” escapement is advantageous to both the set and drift gear types as they will be offered additional economic opportunity.

The intent here is to control escapement. Allocation ratio's between set/drift in the Wood River will not apply.

Thank you,


Hans Nicholson

Alaska Board of Fisheries

Finfish Bristol Bay

Anchorage, AK

Opposition of Subsistence Proposal #2

December 6, 2009

Mr. Chairman and Members of the Board,

It would only be a natural thing to do is go Federal Civil and Criminal Jurisdiction for our Native Subsistence way of life, to protect our Native fishing. In response to what was said "to stop people from Anchorage and outlying areas that would come and utilize this fishery". We could choose to do what Washington State did in the Judge Bolt decision which would discourage this and save our subsistence way of our Native People.

Attached: Signatures from Clarks Point

We the Gillnet Permit Holders, The set net Permit holders, and Subsistence People of Clarks Point, AK give Lawerence Olson, Harry Wassily and Richard Clark permission to Report on these Fishery Proposals on their Behalf as follows:

GILLNETTERS	NAME	SIGNATURE
	1.) Morris George	<u>Morris George</u>
	2.) Logan Walker	<u>Logan Walker</u>
	3.) Henry Wassily	<u>Henry Wassily</u>
	4.) Jimmy Wassily	<u>Jimmy Wassily</u>
	5.) Harry Wassily	<u>Harry Wassily</u>

SETNETTERS	NAME	SIGNATURE
	1.) Joseph Wassily	<u>Joseph Wassily</u>
	2.) Louis Gardiner	<u>Louis Gardiner</u>
	3.) Emily Olson	<u>Emily Olson</u>

SUBSISTANCE FISHERMAN	NAME	SIGNATURE
	1.) Morris George	<u>Morris George</u>
	2.) Logan Walker	<u>Logan Walker</u>
	3.) Betty Wassily	<u>Betty Wassily</u>
	4.) Joel Clark	<u>Joel Clark</u>
	5.) Sandra Johansen	<u>Sandra Johansen</u>
	6.) Gustly Wassily	<u>Gustly Wassily SR</u>
	7.) Betty Wassily Gardiner	<u>Betty Gardiner</u>
	8.) Louis Gardiner	<u>Louis Gardiner</u>
	9.) Robert Wassily	<u>Robert Wassily</u>
	10.) Judy George	<u>Judy George</u>
	11.) Paul George	<u>Paul George</u>
	12.) Edward Anderson	<u>Edward Anderson</u>
	13.) Margaret Gardiner	<u>Margaret Gardiner</u>
	14.) Jacinto George	<u>Jacinto George</u>
	15.) Mary Wassily	<u>Mary Wassily</u>
	16.) Jimmy Wassily	<u>Jimmy Wassily</u>
	17.) Joseph Wassily	<u>Joseph Wassily</u>
	18.) Harry Wassily	<u>Harry Wassily</u>
	19.) Pauline Wassily	<u>Pauline Wassily</u>
	20.) Henry Wassily	<u>Henry Wassily</u>

- | | |
|----------------------|-------------------------|
| 21.) Karen Wassily | <u>Karen Wassily</u> |
| 22.) Tom Egbert | <u>Tom Egbert</u> |
| 23.) Diane Anderson | <u>Diane Anderson</u> |
| 24.) Emily Olson | <u>Emily Olson</u> |
| 25.) Lawerance Olson | <u>Law Olson</u> |
| 26.) Anthony Clark | <u>Anthony Clark</u> |
| 27.) Sharon Clark | <u>Sharon Clark</u> |
| 28.) Marino Floresta | |
| 29.) Aureon George | <u>Aureon George</u> |
| 30.) Justin Gardner | <u>Justin Gardner</u> |
| 31) Brittany Wassily | <u>Brittany Wassily</u> |
| 32) Justine Wassily | <u>Justine Wassily</u> |
| 33) Gusty Wassily Jr | <u>Gusty Wassily Jr</u> |
| 34) Richard L. Clark | <u>Richard L. Clark</u> |

Clarks Point High School Students that are *fishing partners & subsistence users:

- 1) *Sam Clark
- 2) Ladoyna George
- 3) Chelsea Wassily
- 4) *Michael Wassily
- 5) *Susie Wassily
- 6) *Nadine Wassily
- 7) *Kathleen Wassily

(Children) Clarks Point Village subsistence users:

- 1) Jon T. Egbert
- 2) Kayla Walker
- 3) Kaylee Walker
- 4) Joseph Walker
- 5) Amaya Walker
- 6) Ciciyak Walker
- 7) Logan Walker
- 8) Alaskiss Walker
- 9) Tiffany Melovidov
- 10) Jacinto George
- 11) Mayla Golia
- 12) Samantha Clark
- 13) Ryland Clark
- 14) Devynn Wassily
- 15) Samuel Slattengren
- 16) Trevallian Lundgren II

CLARKS POINT

5 PERMITS for Gillnetters

3 PERMITS for Setnetters

56 Subsistence Grown up and Kids

RC 146

Robin Samuelsen's Comments on Committee B

Proposal 15-Fishermen are not at a disadvantage fishing 32 foot boats. In 1988 we received \$2.35 a pound for our red salmon. Our fish price dropped down to \$.40 cent five years ago. Since that time BBEDC developed a quality program for our resident fishermen that had spill over affects to non-water shed fishermen, and that was ice. Two ice barges, six ice machines in communities, totes, slush bags over 6 million dollars have been invested in quality. Quality is now the name of the game and we need to focus on quality that would assure our markets that Bristol Bay can and would produce quality salmon products. We are in the process of doing that, Bristol Bay has five major fishing districts, one of the biggest fisheries in the world and we are making changes that would benefit all fishermen of Bristol Bay, bigger boats are not needed for quality. The 32 foot boats are used for salmon as well as harvesting cod and halibut out of Dutch Harbor and gillnetting and seining in the Togiak herring fishery. Today, some fishermen received \$1.15 a pound for sockeye salmon. This is a long way from \$.40 cents a pound and we are heading in the right direction now. Please do not make us race towards capital stuffing, that is the last thing we need to do at this time. Capital stuffing will only benefit non-water shed residents because the watershed residents to not have the capital to lengthen their boats. For the last four years we have been on limits as well as complete shut downs by all processors in Bristol Bay. Why do we need bigger boats when we cannot fill our current 32 foot boats? The testimony that you the Board heard, favored keeping the 32 foot limit and I would hope that you keep the vessel size at 32 foot.

RC147

Alaska Board of Fisheries
December 6, 2009

Re: Proposal 2 - 5 AAC 01.310 – Fishing seasons and periods

Dear Chairman Webster and Board Members,

Based on the Board's prior discussion, I recommend amending Proposal 2 as follows: Allow subsistence drift gillnetting in the Nushagak River from five miles below the village of New Stuyahok to the village of Koliganek from June 1 – September 30, with king salmon nets of 7 ½-inch mesh or greater, not to exceed 10 fathoms in length.

These amendments would allow for important benefits to local subsistence fishermen as outlined in the existing proposal, but would also avoid conflict with sports fishing interests and mitigate concerns about excessive harvest. Mesh specification would guard against the bycatch of nontargeted fish species. The amended harvest area would discourage participation from non-watershed residents, since the region is approximately 120 river miles from Dillingham.

This amended proposal for subsistence drift gillnetting would ensure that fewer salmon are consumed by predators like otters and bears. In addition, it would also eliminate the bycatch of other fish and bird species, which are not infrequently found in subsistence salmon set nets. Given that most residents of Nushagak River villages fish from 18-foot skiffs, a variety of concerns, such as those about the disruption to river banks from skiff fishing, are unwarranted.

The people of Koliganek depend on the Board of Fish to guarantee their access to subsistence resources, and we strongly support the adoption this proposal.

Glen Wysocki
Koliganek Village Council

RC 148

Mr. Chairman Board Members:
RC-25

Enforcement Concern

Allowing the fleet to wait until June 25 to register for a district may result in a lot of illegal fishing in the Ugashik and Egegik districts.

In the past, when registration did not start until June 23, there was significant illegal fishing in the Ugashik district. Captain Cain can verify this illegal fishing during this time frame. By June 25 there is a lot fish outside the line at Ugashik, not all of them Ugashik fish.

When the fleet had to register for a district, before they fished, illegal fishing in Ugashik was greatly reduced.

Conservation Concern

Illegal fishing over the line can impact Kvichak fish. Through its management plans the department recognizes that outside line fishing before June 28, at Ugashik, could impact Kvichak fish. Illegal fishing in Ugashik could impact early escapement into the Kvichak system and possible put Egegik and Naknek into special harvest areas.

This early in the Bristol Bay season the enforcement is just getting starting in the bay, they do not have many resources at there disposal yet to control illegal fishing.

The King run into the Ugashik system is recovering from a natural environmental disaster and is still is vary week. A large early fleet could have devastating effects on this run.

Allocation Concern

During the Allocation free week was discussed extensively and one of the main agreements for allocation to go forward was not to have a free week. I was in the negotiations and was representing local Ugashik drifters we only went along with allocation because everyone had to register before they fished. It was felt that a free week would artificially inflate drift catch in a district and was needed to give protection to local drift fleet. Removing the registration before fish would be like removing Togiaks super exclusive and keeping allocation.

A large early fleet in Ugashik would inflate drift catch above normal levels and Ugashik set-net fleet may have a hard time catching up on the allocation. The local drift fleet which does not transfer may have to sit on the beach while the set-net fleet tries to catch up. This was set up as a protection measure.

Cost Concern

The cost to local drift fisherman could be significant. If they have to sit on the beach while the other gear group tries to catch up.

Through the Port Mollor genetics one can tell which districts will have a possible large run. So there is no need for a free week for the fisherman to figure out which districts will produce a large run. If the processors need more early fish form there fleets all they have to do is tell the fisherman that if they don't start fishing by a certain time they will be on a separate list when they go on limit.

Should the Board of Fish be involved with solving issues between processors and there fishing fleet.

Thank you for your dedicated work
Roland Briggs



RC149

Eddie Angasan's Amendment

Proposal 25- We the King Salmon Village Council who fish the Naknek/Kvichak fishing district and stay in that river system all season are being impacted by roving fishermen who fish one district to another. This is having a profound affect on our fishermen. Amend Proposal 25 that would stop this process of roving vessels and protect us fishermen who stay in one river system for the year. The only thing we would need is the regulation to read "No one would be allowed to transfer until the escapement goal in the district they are transferring to is met". This would protect us Naknek fishermen.

Early fish are at a premium price and this would benefit us greatly. Thank You for your consideration on this important matter.

A handwritten signature in cursive script that reads "Eddie Angasan". The signature is written in black ink and is positioned below the main body of text.

RCISU

December 6, 2009

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

Mr. Vince Webster, *Chair

RE: Board of Fisheries Criteria for Review of Restructuring Proposals

It is our opinion that the Board has not fully taken in to consideration the full consequence of what Proposals 15, 16, 17, 18, 19, and 20 will have on our watershed resident fishermen.

- Criteria 1) Promote an increased net economic benefit to the participants remaining in the fishery.

Passage of proposals 15-20 will not provide economic benefit to our watershed residents as the vast majority are not financially able to take advantage of any liberalization of regulation that these proposals will do. Passage of these proposals will instead, be detrimental to the continuance and participation in our fishery for those fishermen who reside in our communities. In a nutshell, our fishermen will not be able to compete with those who have the resources to financially advance themselves.

- Criteria 6) Promote a healthy fishing economy in Alaska that provides social and economic benefit to communities dependent upon the fishery and contributes to the overall benefit of the resource and the economy of the state.

Passage of these proposals eventually will have a negative impact on our local economy, we believe that it will expedite migration of local permits out of Bristol Bay. Whenever locals cannot afford to purchase a permit, someone outside our local fishery usually buys that permit.

Efforts and programs to encourage more local involvement in our fishery are currently being implemented by BBEDC and passage of these proposals will derail further encouragements as permit prices will rise and the value our 32 foot vessels will be devalued.

Our communities have experienced population migration out of the Bay because of the high cost of living, seeking of jobs elsewhere, and other reasons. We believe that it is

directly correlates to the health of the local economy. Moving out of the watershed to seek financial security only adds to the frustration that people are experiencing. Surviving economic crisis is a necessity and passage of restructuring proposals only adds fuel to those who seek security elsewhere.

* During the committee B discussion on these proposals, discussion referencing the Northern Economics Study and the Boards criteria for reviewing restructuring Restructuring Proposals is not mentioned in the committee report.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Hans Nicholson".

Hans Nicholson
Nushagak Advisory Committee

Suggested Amendment to Proposal 15

This amendment has three parts:

1. Length: Replace 32 foot length limit with 38 foot limit.
2. Width: Boats longer than 32 feet can a maximum beam of 14 feet. Boats 32 feet and shorter in length can have any width.
3. Effective Date: These new boat regulations take effect on January 1, 2011.

Rationale:

- The current 32 foot limit has resulted in the “Bristol Bay Boat,” a short, fat boat that is fuel inefficient and next to worthless in other fisheries. Longer boats are more fuel efficient and capable of fishing areas outside Bristol Bay.
- Restricting the beam of boats longer than 32 feet will reduce the “intimidation effect” of large boats.
- Longer boats allow better fish handling, a higher portion of Number 1’s, and increase the value of the Bristol Bay fishery.
- No boats currently fishing in Bristol Bay will be prevented from fishing under the new regulations.
- Participation is voluntary. No one is required to modify their boat.

Bill Brown, BoF
12/7/09

December 7, 2007

Ron Hoffman
3418 Upland Dr.
Anchorage Ak, 99504

Alaska Department of Fish and Game
Board Support Section.

Re: Proposal 43

Mr. Vince Webster, * Chair

Due to the passage of proposal 43 I am requesting that the board consider allowing drift and set net fishing in the Alagnak Special Harvest Area which would be triggered in a similar fashion as to what was allowed in the Wood River.

This would need to be a board generated proposal and would address the following:

To allow drift and set net periods in the ASHA whenever escapement is projected to be over 1 million fish, but after the escapement has reached 700,000 fish.

* This would establish in-season triggers that would enable our fishery manager to open up the ARSHA

* Fishing in the ARSHA addresses: over escapement, forgone harvest.

* Provides additional management tools to limit over escapement.

Issue: The Alagnak River exceeds the annual escapement goals on a regular basis. During abnormal escapement years in the Alagnak River the fishery manager does not have the existing methods and means to effectively control over escapement.

The intent of this proposal is to control over escapement. Allocation ratio's between set/drift in the Alagnak River would not apply due to the minimal participation in this fishery.

Thank You,



Ron Hoffman

**Submitted by: ADF&G
Date: December 7, 2009**

Factors Related to Committee A Report

- **Both local and nonlocal participation in the current subsistence fishery could increase if drift net gear is allowed. This could have the affect of increasing the harvest of king salmon within the drainage.**
- **The current management scheme for all users in light of the recent realized runs of king salmon to this drainage could be affected if overall harvest is increased.**

The current fishery is considered fully allocated an increase in the king salmon harvest with modified subsistence regulations would directly affect other uses.

- **Fishing time and mesh size have not yet been addressed.**

RE: SUBSISTENCE DRIFTING ON PROPOSALS #1,2

Subsistence drifting for salmon will be allowed:

Area 1) In the Wood River, the upper boundary will be the current lower commercial fishing line of the Wood River Special Harvest Commercial Fishing Area. The lower boundary line of the Wood/Nushagak River is a straight line from the point at SnowPac's Dock east to Picnic Point. The upper marker in the Nushagak River is identified as Tulie Point and south to the southern shore. Allowable gear in this area is not to exceed 10 fathoms drift gillnet gear with no mesh size restrictions. Subsistence drifting with gillnet gear will be open in these specific areas from June 1 to June 25.

Area 2) In that area from Lewis Point straight across to the south shore, upstream to Cross Point and straight across to the north side, allowable drift gillnet gear is not to exceed 10 fathoms drift gillnet gear with no mesh size restriction.

Area 3) In that area of the Nushagak River from Klutuk Creek (located 1 mile below Ekwok) and extending 6 miles upriver, allowable drift gillnet gear is not to exceed 10 fathoms and a minimum mesh size of 6 inches.

Area 4) In that area of the Nushagak River called Tunravik (approximately 5 miles above New Stuyahok) and extending upriver approximately 3 miles to the lower end of the bluff called Inakpuk, allowable gear is not to exceed 10 fathoms drift gillnet gear and a minimum mesh size of 6 inches.

Area 5) In that area of the Nushagak River from Koliganek downriver to the confluence of the Nushagak/Mulchatna Rivers. Allowable gear is not to exceed 10 fathoms drift gillnet gear and a minimum mesh size of 6 inches.

Separation of gear types

No subsistence drift gillnet may be operated in a manner that allows it to come in physical contact with any subsistence or commercial set net.

Vessel Length:

No vessel used to operate a subsistence drift gillnet may be more than 29 feet in overall length. No commercially registered drift gillnet vessel may be used.

Use of Gear:

Only one gear type (set/drift) may be operated at a time.

The provisions of this section will not apply after December 31, 2012.
Nushagak River Subsistence Drifting Task Force on Proposal 1,2

Proposals 1 and 2
Choggiung Limited Land Use

New information: To addresses user group conflicts and for the sports in the country not to use their vessals to compete against the subsistence users. The Chinook management plan for commercial use addresses this. The simple plan to offset the already allocated stock. Regulation for the vessels in the sports fishery are required to be registered with a green guide sticker and registered for the sports commercial fishery. So no commercially registered vessels. Limit to ten fathoms and area to the lower river in RC comments. With a sunset clause to be revisited in one year to flush out issues of concern

Nushagak River Land Use Program



In a spectacular display of nature, the worlds largest run of King Salmon return yearly to the Nushagak River, attracting anglers from around the world. The Nushagak also hosts runs of chum, sockeye, pink, silver salmon and native populations of rainbow, grayling, char, pike and white fish. The relatively uncrowded river and its abundance of fish is what makes the Nushagak a unique destination for avid anglers.

Through its Nushagak River Land Use Program, Choggiung allows private and a limited amount of commercial permits to utilize its land along the Nushagak River. Choggiung monitors its land and land owned by Bristol Bay Native Corporation, Ekwok, Stuyahok and Koliganek village corporations along the Nushagak River. This provides consistent monitoring for trespassing from Dillingham to Harris Creek on the Nuyakuk River and up

the Mulchatna River to the confluence of the New Stuyahok River. Individual Land Use Permits can be obtained at Choggiung's office in Dillingham and Nushagak River Headquarters just below Portage Creek.



ong time operator on the Nushagak River Bob Toman describes the Nushagak in this manor: Nushagak River mon fishing is far beyond "World-Class" and is appropriately described as, "the class of the world."

LINKS TO COMMERCIAL OPERATORS ON THE NUSHAGAK

River Camps

Alaska King Fishers LLC	http://www.alaskakingfishers.com/
Alaska King Salmon Adventures	http://www.alaskakingsalmon.com/main.html
Alaska Legend Lodge	
Bowers Fishing Adventures	http://www.bowersfishingadventures.com/
Bear Bay Salmon Camp	http://www.nushsalmoncamp.com/
Fins, Feathers & Furs	http://www.ifish.net/finsfeathersfurs.html
HRM Sports, LTD	http://www.hrmsports.com/
Jakes Nushagak Salmon Camp	http://www.jakesnushagaksalmoncamp.com/index.htm
King Salmon Outfitters	http://www.kingsalmonlodge.com/
Nushagak King Camp	http://www.kingcamp.com/home.php
Toman's King Camp	http://www.bobtoman.com/kingcamp.html

Fly in Lodges

Alaska Rainbow Lodge/Wilderness North/Shaska	http://www.alaskarainbowlodge.com/
Alaska Safari Inc/Valhalla Lodge	http://www.valhallalodge.com/home.htm
Alaska's Fishing Unlimited Inc.	http://www.alaskalodge.com/
Alaska's Lake Clark Inn	http://www.lakeclark.com/
Alaska Sportsman Lodge	http://www.fishasl.com/index.htm
Alaska's Wilderness Lodge, Inc.	
Aleknagik Island Lodge LLC	http://www.islandlodgefishing.com/
Bear Bay Lodge	http://www.bearbaylodge.com/
Branch River Air Service, Hartley Inc.	http://www.branchriverair.com/
Katmai Air, LLC	http://www.katmailand.com/
King Salmon Lodge LLC	http://www.kingsalmonlodge.com/
Mission Lodge@ Aleknagik	http://www.missionlodge.com/
Newhalen Lodge Inc.	http://www.newhalenlodge.com/
NoSeeUm Lodge	http://www.noseeumlodge.com/index.htm
Rainbow Bay Resort, Jerry Phippen	http://www.rainbowbayresort.com/home.asp
Rainbow King Lodge, Inc.	http://rainbowking.com/

Rainbow River Lodge/Cnao <http://www.rainbowriverlodge.com/>
Hewitt
Rapids Camp Lodge <http://www.rapidscamlodge.com/>
Tikchik Narrows Lodge <http://www.tikchiklodge.com/>

Lands

In December 1971, Congress enacted the Alaska Native Claims Settlement Act (ANCSA). Under ANCSA, Choggiung, a native village corporation, received 161,280 acres of land encompassing the greater Dillingham area and extending to Lake Nunavaugaluk, Silver Salmon Creek on the Dillingham Aleknagik Road, Muklung Hills, and land along the banks of the Nushagak River to Black Point.

After merging with Ekuk and Ohgsenakle (Portage Creek) villages, Choggiung's land base was increased by an additional 138,240 acres in the area from Black Point to the confluence of the Iowithla and Nushagak River, encompassing land surrounding the village of Ekuk to Etolin Point and the mouths of the Snake and Igushik River to Nichols Hills.

Choggiung allows the use of its lands by shareholders and non shareholders for subsistence and recreational activities such as berry picking, hunting, hiking and camping. Wood cutting is also permitted, limiting harvest to dead or fallen spruce. We ask those that use our land to use it with consideration and respect.

Depending on your activity and location, a permit may be needed. Contact us for more information.



Contact Us

Choggiung Limited Offices

Physical:
104 Main Street, Suite 201
Dillingham, AK 99576

Mailing:
P.O. Box 330
Dillingham, AK 99576-0330

(907) 842-5218 phone
(907) 842-5462 fax
(888) 377-2464 toll-free in Alaska (for shareholders)

If you would like to email us with any comments or questions, please [click here](#).

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME ALASKA BOARD OF FISHERIES

SEAN PARNELL, GOVERNOR

RC 156

ADF&G
P.O. BOX 115526
JUNEAU, AK 99811-5526
PHONE: (907) 465-4110
FAX: (907) 465-6094

(DRAFT 12/7/09)

Representative Mike Chenault
Speaker of the House, Alaska State Legislature
State Capitol, Room 208
Juneau, Alaska 99801-1182

Senator Gary Stevens
Senate President, Alaska State Legislature
State Capitol, Room 111
Juneau, Alaska 99801-1182

December __, 2009

Dear Representative Mike Chenault and Senator Gary Stevens,

The Alaska Board of Fisheries has spent several days and countless hours throughout the last three years discussing proposals seeking to establish a fish refuge in Southwest Alaska. At the heart of these discussions is the subject of the adequacy of Alaska's existing laws and regulations to protect salmon habitat and water resources in Bristol Bay. The issue has been brought forward by individuals who have expressed concerns about how potential resource development activities in the region, such as the proposed Pebble Mine, could impact this habitat.

The consensus opinion that has been shared with the Board is that we should ensure the viability of the fish resources in the area for commercial, sport, and subsistence harvests. All sides of this issue agree with this point.

We heard testimony from the Alaska Department of Fish and Game, Department of Environmental Conservation, and Department of Natural Resources regarding their statutory roles in the stewardship of our resources.

We heard testimony from the Lake and Peninsula Borough and the Bristol Bay Borough governments in support of adequate protections for our fisheries resources but in opposition to the establishment of a fish refuge. Similar positions were expressed from private land owners, including village corporations directly impacted by the proposal's boundaries.

Testimony was also heard from commercial fishermen who were worried about the potential effects of resource activities on the fish habitat in the area. Similar testimony was expressed by individuals in the region. It is worth noting that there were individuals from the region speaking against the proposed refuge for a variety of reasons.

Due to the absence of compelling evidence that our laws, statutes, and regulations regarding the protection of our fish resources, fish habitat and aquatic life standards for our water are insufficient, we have determined the best course of action for the Board of Fisheries is to present legislators with a summary of the testimony received. We also request that the Legislature ensure that our agencies have the resources needed to uphold and enforce their responsibilities. This includes the technical resources to evaluate any resource development proposals that may be brought forward, and also includes ensuring the financial resources to uphold our laws. Due to public concerns over the permitting process and the importance of the natural resources to the area, the Board recommends that the legislature conducts a review of the current permitting process. If the legislature finds additional statutory protections to ensure the continued health and viability of fish habitat are warranted, that changes be made to the process as needed.

It is clear that Alaska, from its constitution to its statutes, places a premium on our fish and water resources. We look forward to working with the Legislature in ensuring the protections that have been put in place have the resources to accomplish this mission.

Sincerely,

Vince Webster
Chairman, Alaska Board of Fisheries

cc: Governor Sean Parnell
Denby Lloyd, Commissioner, Department of Fish and Game
Tom Irwin, Commissioner, Department of Natural Resources
Larry Hartig, Commissioner, Department of Environmental Conservation

RC157

RC LOG

Board of Fisheries Bristol Bay Finfish, December 1-8, 2009

Log #	Source	Description	Pgs.
RC1	ADF&G Boards Support	BOF Workbook	
RC2	ADF&G	Department Comments	
RC3	ADF&G	Dept. Reports	
RC4	Togiak Seafoods	Comments - Props 23, 15 & 26	3
RC5	Matt O'Connell	Proposal 13	1
RC6	Dennis Albert	Permit stacking comments	2
RC7	Larry Christensen	Proposal 39	1
RC8	NUSNAK-AC	AC Minutes & Comments	19
RC9	LOWER BRISTOL BAY AC	AC Minutes & Comments	12
RC10	CITY OF KENAI	REQUEST TO CHANGE MEETING VENUE	3
RC11	HOWARD DELO	SUMMARY FROM BRISTOL BAY HEARINGS	7
RC12	MICHAEL FRICCERO	COMMENT ON # 20, # 15	2
RC13	FRED BALL	COMMENT ON REMOVAL OF GEAR	2
RC14	Albert Ball Sr	Removal of setnet gear	1
RC15	G. Teen Ball	Eluk beach setnet gear removal	1
RC16	^{NICHOLSON} Hans Koban Carl Plesberg	Comments on proposals	8
RC17	Richard Clark	Petition of Support - Comments on props	5
RC18	Robin Samuelson	Prop 1 Comments on proposals	3
RC19	Virgene Hanna	Comments on restructuring proposals	13
RC20	Mark Palmer	32' limit opposition	2
RC21	TOGIK AC	TOGIK AC minutes	4
22	John Webb	Public Testimony	2
23	Peter Christopher	Proposal Comments	2
24	Marcus Hartley	BB EDC Report	10
25	LAWRENCE OLSON	CLARKS POST COMMENT on PROPOSALS.	5
26	Dan Veerhuse	Prop 6 Support	1
27	Steve Shade	Prop Comments	1

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28	Nancy Morris Lyon for Brian Kraft	Prop 13 amended lang.	4
29	Fritz Johnson	Prop 40-41	2
30	Fritz Johnson	Public Testimony	2
31	Tim Troll	1950 BOF annual report	2
32	CFEC <small>COMMERCIAL FISHERIES ENTRY COMMISSION</small>	HARVEST BY HORSEPOWER	1
33	CFEC <small>COMMERCIAL FISHERIES ENTRY COMMISSION</small>	REPORT ON TWO-PERMIT USE	30
34	Warren Johnson	BBDA	1
35	Douglas Shade	Proposal Comments	2
36	Myra Olsen	Public Testimony	1
37	Noshagak AC	Summary of Comments	1
38	Jonathan Forsling	Ugashik Seaford / Ugashik TC testimony	2
39	Koaliganek Fishermen	Proposal Comments	2
40	Warren Gibbons	NY Times article	4
41	Sid Nelson	BB spawn on kelp	4
42	Richard Alto	Testimony	1
43	Ralph Zimin	oppose Prop 15-18, 20, 21, 24	2
44	David Harsila	Testimony	1
45	Fred Marankovich	Testimony	1
46	Daniel Kingsley	Testimony	2
47	Robert Heppard	Testimony	3
48	Joe Chathlook	Testimony	2
49	Val Angasau	Testimony	3
50	Rene O'Connor	Testimony	4
51	Earling Krause	Testimony	1
52	Ebbie Clark	Eggek Stats	10
53	Howard Knutsen	BBDA	3
54	Roland Briggs	Ugashik Fish Dist.	5

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Log #	Source	Description	Pgs.
55	ADFG Boards	RC Index	2
56	CAROLYN CARLO	PROPOSAL 26	2
57	Frank Woods	Public testimony	2
58	R. ALVARO - ISLEMANA AC	AC Testimony	5
59	Peter Thompson	PROP. 20 TESTIMONY	2
60	Desmond Hurley	Public testimony	1
61	MOSES KREIZ	PROPOSALS / TO BREAK	5
62	JACLYN CHRISTENSEN	PROPOSALS 14, 15, 16, 20	1
63	ADFG - Substantive	Prop 1-3 Supplemental	14
64	KREIZ JOHNSON	Foto - BOARDS	1
65	Chris Knight	Expressed Salmon prices	6
66	August Knutson	Written testimony	1
67	MICHAEL FRECCERO	PROP. 20 - ADFG ; PROP 15	2
68	GEROLD GUGEL	PROP 15	9
69	Anchorage AC	Prop 13 comments	6
70	HOWARD DELO	ATTENDANCE LIST FROM BAY AREA HEARINGS	5
71	ADFG - BOARDS	SUBSTITUTE LANGUAGE - RE PROP. 32	1
72	JERRY MUCHA	PUBLIC COMMENT / PROPOSALS	1
73	CITY OF HOMER	RESOLUTION RE LOCATION BOF MEETINGS	1
74	ROLAND BRIGGS	NEW LANGUAGE PROP 48	1
75	SEIKA AC	PROP 13 VOTE / COMMENTS	1
76	ADFG - BOARDS	B.O.F. RESTRUCTURING REPORT	12
77	PETER THOMPSON	PERMIT STATION 6 / GEAR REDUCTION	1
78	BUCK GIBBONS	ICE BARGE COMMENTS	1
79	ADFG	Drift Drift Permit Reg.	1
80	ADFG	COMMITTEE REPORT A	
81	ADFG	COMMITTEE REPORT B	

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82	ADF&G	COMMITTEE REPORT C	
83	Doug Freeman	PROPS 14, 18	1
84	PEDRO GAY	PROP. 13	2
85	DAN VEERHAUSEN	ARTICLE 8, AK Constitution/PROP 6	1
86	DAN VEERHAUSEN	PROP 6 - AK Constitution REVISED	1
87	KUNAMTA AULUKESTAI	PROP 13, AND OTHERS	2
88	STATE DNR	PROPOSALS - SETNET	3
89	JASON KOHLHASE	BBFC ANNUAL REPORT	5
90	CLAUDIA ANDERSON	PROP 13	1
91	ADF&G BOARDS	LIST OF STAFF REPORTS/12/05	1
92	KIJIK CORP.	COMMENTS RE PROPS 13	1
93	AGENCY REPORTS : DNR ADF&G DFC	AGENCY REPORTS	18
94	MARK ROWLAND	PROP 13	3
95	NATURE CONSERVANCY	PROP 13	5
96	GREG ANELON JR	"	2
97	LISARESMERS-ILLAMNA LTD	"	2
98	R BOBBY ANDREW	CRACIUM RESEARCH	10
99	DAVID CHAMBERS	REPORT ON RISK OF MONE IN BB	3
100	HARVEY ANELON	PROP. 13	2
101	ADF&G / TOM SANDS	PROCESSOR CONFIDENTIALITY	1
102	EVA KING	PROP 13	2
103	MYRA OLSEN	PROP 13	1
104	KNAPP/DUNHAM	ECONOMIC DATA/BB Comm. FES LT	6
105	SALLY GUMLECK PAK	PROP 13	1
106	KENDRA ZANZOW	PROP 13	9
107	RICHARD CLARK	PROP 13	1
108	PETLA NODEN	PROP 13	1

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Log #	Source	Description	Pgs.
109	RENFE O'CONNOR	PROP 13	2
110	John Hilsinger	Map of Area	1
111	BELL HORN/TROUT U.	PROP 13	2
112	STEVEN ANGASAN	PROP 13	1
113	RALPH ANGASAN JR	PROP 13	1
114	DORENA ANGASAN	PROP 13	1
115	NOLA ANGASAN	PROP 13	1
116	PETER CHRISTOPHER	PROP 13	1
117	GEOFF STAUFFER	PROP 13	1
118	EARL W. KRAUSE	PROP 13	6
119	ADF&G Boards	RC Index Updated	3
120	Ralph Angasan Sr	Public Test - Prop 13	1
121	Daniel Schindler	Public Testimony Prop 13	1
122	Jaclyn Christensen	Public Testimony	1
123	Sarah Evans	Public Testimony	2
124	Frank Woods	Public Testimony	1
125	Michael Wiedmer	Testimony	1
126	CHARLIE JOHNSON	PROP 13	1
127	MOSES TOYUKAK	PROP 13	1
128	TERRY HOFFERLE	PROP 13	3
129	ROLAND BRIGGS	PROP 48 - NEW LANGUAGE	1
130	GREG BEISCHER	PROP 13	2
131	RALPH ZEMEN	PROP 13	1
132	NIGHT RIVER SUBSIST. TASK FORCE	PROPS 1, 2: ADDITIONAL LANGUAGE	4
133	SHANON FORD	PROPOSAL COMMENT	3
134	ADF & G	PROPOSAL 44	3
135	HANS NICHOLSEN	PROP. 9	1

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136	ADF&G-BOARDS	SUBSISTENCE GUIDELINES	22
137	Howard DeLo	Amended Language Prop 32	1
138	MOLLY CHYTHLOK	PROP-3	3
139	JOE CHYTHLOK	PROP 3	2
140	FREZZ JOHNSON	PROP 15	1
141	EDDIE CLARKE	COMMENTS Committee C	1
142	FRED MARINKOVICH	PROPOSAL 32	1
143	LARRY CHRISTENSEN	PROPOSAL 39	2
144	HANS NICHOLSON	PROPOSAL 42 42	1
145	RICHARD CLARK	PROP 2	4
146	ROBIN SAMUELSEN	COMMITTEE B Comments	1
147	GLEN WYSOCKT	PROP 2 - AMENDED LANGUAGE	1
148	ROLAND BREGG	RC 25	1
149	EDDIE ANGELO	PROP 25	1
150	HANS NICHOLSON	PROPS 15, 16, 17, 18, 19	2
151	BILL BROWN	SUGGESTED AMENDMENT # 15	1
152	RON HOFFMAN	ALAGNAK REVER PROPOSAL	1
153	ADF&G	NUSH. SUBSIS. BULLETS	1
154	Kemi Tonkin/J. Jensen	LANGUAGE FOR Prop 1, 2 & 3	1
155	CHOGGILUNG LTD	PROPS 1 8 2	3
156	BOARD OF FISHERIES	LETTER RE HABITAT PROTECTION	2
157	RC LOG	INDEX	