

**On Time Public Comment List**  
**Statewide Finfish and Supplemental Issues Meeting**  
**March 19- 24, 2013**

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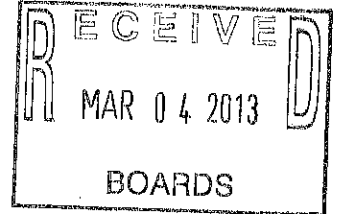
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**ALASKA SEINE BOAT OWNERS  
ALASKA FISHERMEN'S BUILDING  
410 CALHOUN AVENUE, SUITE 206  
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March 4, 2013

**Via Facsimile (907) 465-6094**

Alaska Dept. of Fish and Game  
Boards Support Section  
PO Box 115526  
Juneau, AK 99811

**Re: Oppose Proposal 243 – Inclusion of Herring in Forage Fish Management Plan**

Dear Chairman Johnstone and Board of Fish Members:

The Alaska Seine Boat Owners Association (ASBO) respectfully submits the following comments in opposition to Board generated Proposal 243 (formerly ACR 1) scheduled for consideration at your Statewide Finfish meetings on March 19 – 24, 2013 in Anchorage. ASBO represents over 400 purse seine vessel owners operating along the West Coast and Alaska, including all of the commercial sac roe herring fisheries.

Initially, we want to emphasize that ASBO does not take issue with the current Board practice of generating proposals to match the purpose of the ACR that fail to meet the Board's own criteria for consideration. ASBO acknowledges the Board's legal authority to generate its own proposals and the need for flexibility to take action out of cycle to address a conservation concern, correct an error, or address an unforeseen circumstance. Against that backdrop, ASBO fails to understand the logic for this particular Board generated proposal. From ASBO's perspective, Proposal 243 is either intellectually disingenuous or seeks a result that is purposefully left unstated.

The Board previously adopted Forage Fish Management Plan, 5 AAC 39.212 ("Plan") in 1998. The Board's reasoning in adopting the Plan was that many fish species are rare and difficult to sample with standard survey methods. Therefore, the exact number and types of species are not well known. Additionally, certain fish species had been identified as comprising a food source for many commercially important fish species and as having ecological importance as prey.



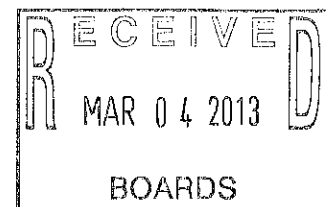
For these reasons, the Board established nine (9) marine fish families as forage fish which would not be available for commercial harvest. The only exception was incidental catch or a maximum retention allowance of two percent (2%) by weight of the retained target species.

As the Board well knows, there are far more than nine (9) marine fish families of forage fish. For example, the current forage fish category in the Gulf of Alaska Fishery Management Plan contains over sixty (60) species. With such an abundance of species, why did the Board in 1998 limit the Plan to only the nine listed species and specifically exclude many other dominant species such as shrimp, pollock and herring? The Board was most certainly fully cognizant of the importance of these species, particularly herring. The Board's decision in 1998 to omit herring from the Plan was not merely an oversight. Rather, the decision was based on the existence of scientifically sound, abundance based management plans for herring already in place. The Board's decision to expressly exclude herring from the Plan was not a reflection on herring's importance, or lack thereof, as a forage fish. Instead, the Board's decision was based on the fact that ADF&G management plans included provisions relating to forage.

For example, the 2013 Sitka sac roe herring fishery will be managed for an 11,000 harvest guideline. This translates to an extremely conservative fifteen percent (15%) harvest rate on an estimated total biomass of 74,700 tons, which is based on 2012 spawning surveys. Moreover, when estimating the biomass ADF&G did not consider an additional 10,000 tons of herring spawned in Slocum Arm. This very restrictive harvest guideline not only provides sufficient buffering against scientific uncertainty when defining the allowable biological harvest, but, by necessity, takes into account forage considerations.

This Board maintains that its generated proposal is necessary to provide clarity on the matter of whether it considers Pacific herring forage. This is inaccurate. No one can seriously dispute, including this Board, that herring, along with a multitude of other species not specifically enumerated in the Plan, are forage. The fundamental disconnect is that the Board seeks a discrete expansion of the Plan to include herring, and then rationalizes this limited expansion by providing herring may still be commercially taken. This is a reckless, piecemeal approach that is completely inconsistent with the existing Plan language. Is the Board now saying that with the inclusion of herring it has settled the question of what is considered forage? If the Board seeks clarity why not propose a wholesale re-evaluation of the Plan?

Beyond the proposal's fragmentary approach, it causes unnecessary anxiety in the fishing community by drawing directly from the playbook being utilized by Oceana and other environmental groups concerning the management of Pacific sardines—also a recognized forage species. The current federal management plan for Pacific sardines is precautionary and conservative in the extreme—and is preventing overfishing in accordance with the Magnuson-Stevens Act. Nevertheless, Oceana has initiated a lawsuit to challenge the management plan on various aspects including the need for a new direction for commercial fisheries on forage fish by considering how much sardine to leave in the ocean to support the ecological, economic and social values sardines provide beyond their value





in the fishing net and processing floor. This proposal has ASBO and Alaska's fishing industry asking whether the Board is considering a similar approach for herring.

ASBO representatives will attend the upcoming meeting and look forward to meet with Board members or serving on the committee.

Sincerely,

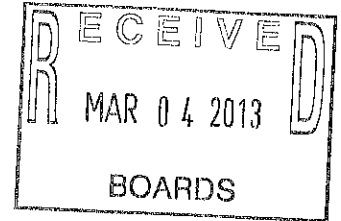
A handwritten signature in black ink, appearing to read "R. F. Kehoe".

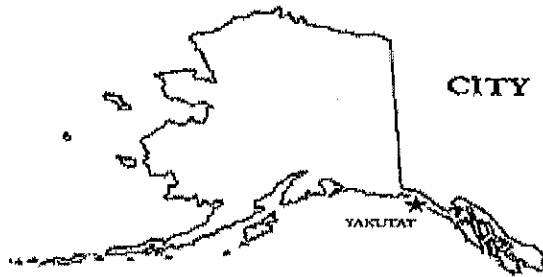
Robert F. Kehoe  
Executive Director

A handwritten signature in black ink, appearing to read "Rob Zuanich".

Rob Zuanich  
General Counsel

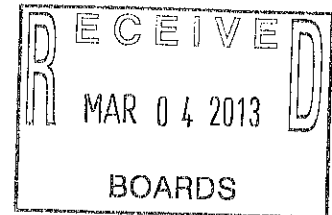
*for*





## CITY &amp; BOROUGH of YAKUTAT

P.O. Box 100  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3381



March 4, 2013

## VIA FACSIMILE:

Board of Fisheries  
State of Alaska, Department  
Of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Re: Board Generated Proposal 247, to be considered at March 19-24, 2013 BOF Meeting

Dear Board Members:

The City and Borough of Yakutat strongly opposes Board Generated Proposal (BGP) 247, by which the Board is to consider amending 5 AAC 30.350(a)(12) to close a significant portion of the Tsiu River to commercial salmon fishing, in order to create an exclusive zone for sport fishermen. This out-of-cycle proposal would fundamentally change how the fishing on the Tsiu River has been conducted and managed for decades, for reasons having absolutely nothing to do with conservation or biology, and will severely impact the viability of commercial fishing on the river, which in turn threatens the economy of the Borough.

BGP 247 is the third effort in the last 12 months by the same "coalition" to gain exclusive use of a portion of the Tsiu River. BGP 247 is identical in substance to Agenda Change Request (AGR) 9, which was identical in substance to Proposal 301. Proposal 301 would have closed a portion of the Tsiu River to commercial fishing for the benefit of sport fishermen. Proposal 301 was fully and extensively discussed and argued at the March, 2012 meeting in Ketchikan as part of the 2011/12 Southeast/Yakutat Areas (All Finfish) meeting cycle. The Board denied the proposal. Then, the same group submitted Agenda Change Request (AGR) 9, considered by the Board at its October 2012 Work Session. ACR 9 similarly asked for closure of a portion of the Tsiu to commercial fishing by movement of the regulatory marker and that "that space be set aside for the sport fishery." ACR 9 was found not to meet the regulatory criteria for such out-of-cycle requests, and denied. However, after that vote, the proponent of ACR 9 then submitted videography to the Board, which he had failed to submit for public review and comment prior to the work session,



claiming that it demonstrated harassment of sport fishermen. Apparently on that basis was adopted.

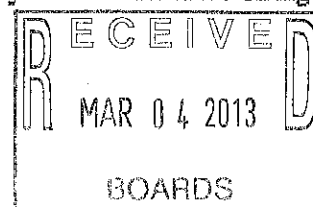
This regulatory amendment, if adopted, would substantially and negatively affect the commercial coho salmon harvest on the Tsiu River, a harvest which is critical to the continued operations of the sole seafood processing plant located within Yakutat. The Tsiu River is located wholly within the Borough, and its harvest of coho constitutes a significant proportion of the total coho harvest for the Yakutat area. The two main coho commercial fishing areas within the Yakutat area are the Tsiu and the Situk Rivers. In 2012, the commercial coho harvest on the Tsiu made up nearly one-half of the total commercial coho harvest in the Yakutat area, with the bulk of the remainder harvested from the Situk River. In 2010, the commercial coho harvest on the Tsiu actually exceeded that for the Situk. Historically, over the last several years, the commercial coho harvest has made up near 40% of the total commercial salmon caught (all species) for the area. For example, in 2012, there was a total salmon harvest of 253,255 fish within the Yakutat area, with 98,677 coho salmon and 124,780 sockeye salmon harvested (the bulk of the remaining salmon were pink salmon). The average weight of a Yakutat area coho (i.e., 8.5 lb. in 2012) is however appreciably greater than the average weight of a Yakutat area sockeye (5.7 lb. in 2012) and thus, from a poundage standpoint, the coho salmon harvest generally exceeds the sockeye salmon harvest.

The Tsiu River is located approximately 120 miles north of the population center of the Borough, where the fish are processed. There is a landing strip located adjacent to the river, and the fish caught on the Tsiu are flown out via DC-3 by Yakutat Seafoods, a partially locally-owned seafood processing company which has operated a buying station at the site since 2005. Yakutat Seafoods operates the sole processing plant within the Borough and, in order to remain viable, the plant must receive an average of 4.5 million pounds of seafood product annually, a goal which was not met in 2012. It is anticipated that there will be a growing dependence on the salmon harvest, due to recent reductions in halibut quota (which are expected to continue over the next several years) and anticipated future reductions in black cod quota. The coho harvest on the Tsiu River alone constituted almost 10% of the entire poundage that was delivered to the plant in 2012, and that harvest is critical to the plant's continued operations.

The plant itself plays an essential role in the Borough's economy. Yakutat, with 622 residents, is a fishing community. The plant employs 6 borough residents on a year round basis, and another 10-15+ seasonally, and has a 100% local hire policy. Even more importantly, it services the entire Yakutat area fishery. If the plant closes, it is doubtful that another company would come into Yakutat to open a plant, potentially leaving no buyer for the locally caught seafood. Without a buyer to serve those fisheries, the economy of the area would be devastated, along with the livelihoods of many of the Borough's residents.

Adoption of this proposal would have an obvious negative effect on commercial fishing on the Tsiu River. The waters of the river flow through shifting sands in the lower stretch, shifting course from side to side, and lengthening and shortening the river in a short period of time, sometimes even overnight. Currently, the portion of the river below Duck Camp Island is approximately four miles long, which is the longest it has been in decades, although not all of that is fishable as some stretches are as little as 6 inches deep. The river overall was approximately 4000 feet shorter in 2008 than it is now, and another 4000 feet shorter in 2004.

This proposal would close to commercial fishing the upper one-half of the portion of the river downstream from the island to the mouth. The great majority of commercial fishing takes place





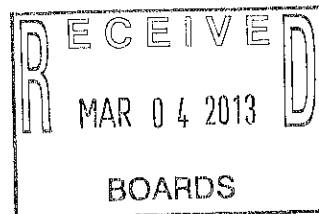
within that upper portion of the river, as the bottom half, to which the proposal would commercial fishermen, is in many places too shallow to effectively conduct commercial fishing operations. Since portions of that lower half are often commercially unfishable, and in addition nets must be a minimum of at least 75 yards apart, there will be insufficient room for permit holders to conduct commercial fishing operations, and boats will be eliminated from participation. Also, that shallower lower one-half of the river has fewer potholes for fish to pool in, and the salmon tend to quickly pass through the area, and pool in the upper half of the river. This could leave even the few commercial fishermen who could participate with little or no fish to harvest.

The current sale price of fish and the cost of fuel for transportation to and from the site have already put stress on the commercial fishery at the Tsiu River. This further measure would likely devastate commercial fishing operations at the river, and decrease the economy of scale necessary for a viable commercial fishery in that area, putting both the processing plant, and the economy of the Borough as a whole, unnecessarily at risk.

Furthermore, there is absolutely no need for adoption of this proposal. No new information has been presented from the ADF&G staff indicating any biologic resource problem or conservation purpose justifying adoption of this proposal. This is instead a proposal designed solely for the purpose of creating an exclusive use area for sport fishermen, a handful of whom are asserting that their experience at the river is being affected negatively by one or two of the commercial fishermen. It is important to note that the sport fishermen already have the river to themselves the great majority of the time. There are no time restrictions on sport fishing on the river, which is open 7 days a week and most lodges in the area operate from mid-August to at least the end of September. On the other hand, each year there are a limited number of commercial fishing days on the river. For example, in 2012, there were a total of only six days of commercial fishing on the Tsiu River.

The problem raised by the sport fishermen is, at best, an enforcement issue, and one which is already in the process of being addressed by the Borough and by the State. The Borough's Chief of Police visited the site in late August of 2012, to address rumors of conflicts. While at the site, the Chief spoke with a number of commercial fishermen, sport fishermen and lodge owners/managers, and provided his contact information to them to utilize in the event a problem arose. No one registered any complaint to him regarding illegal fishing activities, and no one ever contacted him thereafter regarding any activities at the river. At that time, Chief Baty met with Dan Ernhart, a guide at a lodge in the area and the main proponent of this current proposal. Mr. Ernhart stated that he had a problem with only one or two of the commercial fishermen, not with the commercial fishermen as a whole, and he acknowledged that the sport fishermen had probably gotten "a little spoiled" by having the river completely to themselves for several years in the early 2000's, when there had been no commercial fishing at the river. Chief Baty informed those he spoke with that the Borough Public Safety Department would be establishing a presence at the river, and all were in support of that plan.

The Borough has already begun the process of establishing a seasonal outpost at the Tsiu, which would be manned annually in the Fall during commercial fishing activities. The Chief recently contacted the Alaska State Troopers, who are considering taking similar action. These alleged conflict issues, to the extent that they existed or continue to exist, should be addressed through enforcement action, not by application of unnecessary restrictions which blatantly and inappropriately favor one select user group to the substantial detriment of another.







Notably, while this proposal is being advocated as necessary to reduce conflict between sport fishermen and the commercial fishermen, by separating them, it would not in fact prohibit the sport fishermen from fishing the lower one-half of the downstream portion of the river. Only the sport fishermen would be the beneficiaries of an exclusive use zone, while still having free use of the downstream portion of the river.

Tsiu River stakeholders themselves are not in favor of this proposal. A number of commercial fishermen, lodge owners (representing 4 of the 6 lodges on the river), the local owner of Yakutat Seafoods, the President of the Yakutat Tlingit Tribe, and representatives of the City and Borough of Yakutat, including the Borough Manager and the Chief of Police, have formed the Tsiu River Stakeholders Working Group. The Group is not in favor of BGP 247, and is submitting a separate statement to the Board, requesting that the interested parties be given the opportunity to resolve any existing issues. It is the Borough's understanding that a 5th lodge owner is filing a separate statement with the Board, opposing the proposal.

It is troubling that this proposal, which would significantly jeopardize commercial fishing operations on the Tsiu River for reasons unrelated to biology or science, is being considered out-of-cycle, denying opportunity for fair public participation, based upon a one-sided presentation of videography not previously submitted for public review. The importance of the regulatory cycle in the changing of fish and game regulations has been previously acknowledged by the Board. See, Joint Board Petition Policy, 5 AAC 96.625 (e):

The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. ...

The Borough respectfully submits that proposed changes of this magnitude, where no biological emergency is present, should be taken up by the Board in a manner which maximizes, rather than minimizes, public input. The Borough has previously requested that a hearing be held in Yakutat on this matter, so that the Board can hear from those directly affected, and would reiterate that request here.

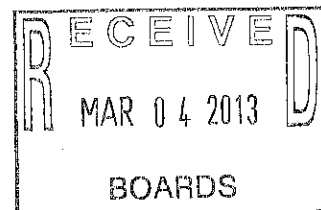
Sincerely,

A handwritten signature in cursive script that reads "C. Bremner".

Cindy L. Bremner

Mayor

cc: Sen. Gary Stevens  
Rep. Alan Austerman  
John Moller, Office of the Governor,  
Senior Rural Affairs Advisor





To: Alaska Department of Fish and Game Chairman Johnson  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526  
Fax (907) 465-6094



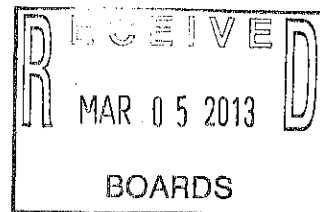
This letter is written on behalf of the Tongass Group of the Sierra Club and the Alaska Wildlife Alliance in support of the Board of Fisheries proposal 243 which would categorize Pacific Herring as a forage species. The Tongass Group of the Sierra Club (TGJC) is a SE AK regional group that is under the banner of the Alaska Chapter of the Sierra Club. The Alaska Wildlife Alliance (AWA) is a state wide non-profit organization focused on the protection of Alaska wildlife.

TGJC and AWA have been involved in Southeast Alaska herring issues for several years and Southeast Alaska's herring has recently been designated as a distinct population segment of the Pacific Herring (*clupea pallasii*), which ranges from Southern Californian to the Northern Gulf of Alaska. Pacific Herring is designated as a forage species through-out its range, except in Alaska because of its exclusion by the Alaska Board of Fish to their forage species list in 1999. We support the board's proposal to rectify this discrepancy.

Alaska Herring should be included in the BOF's forage species list because of their critical role as a keystone species in the marine food web. They prey on plankton and transfer energy up the eco-system to larger fish, seabirds, sea lions, whales, eagles and many more species. This role in the food web is the very definition of a forage species. It is critical that herring be managed as a forage species because it allows tighter management when and if necessary. If herring stocks in Alaska were over managed the effects would be wide spread and harmful to the marine eco-system, and also very important, harmful to commercial and subsistence uses.



Submitted in support of proposal 243, by Mark Rorick  
Board Member of the Tongass Group of the Sierra Club  
1055 Mendenhall Peninsula Rd. Juneau AK 99801  
[mprorick@alaska.net](mailto:mprorick@alaska.net) 907-789-5472



Submitted in support of proposal 243, by Tina Brown  
President of the Alaska Wildlife Alliance  
19400 Beardsley Way Juneau AK 99801  
[TMBrown3@aol.com](mailto:TMBrown3@aol.com) 907-523-5402

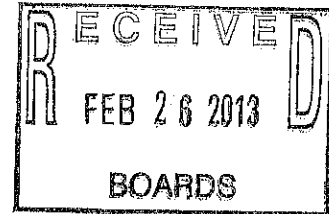


# Sitka Tribe of Alaska

Tribal Government for Sitka, Alaska

February 12, 2013

Dave Gordon, Area Management Biologist  
Alaska Department of Fish and Game  
304 Lake St., Rm. 103  
Sitka, AK 99835



**RE: Request for Reduction of the 2013 Sitka Sound Herring Sac Roe Fishery GHL**

Dear Mr. Gordon,

I write on behalf of Sitka Tribe of Alaska (STA), tribal government for over 4,500 tribal citizens located in Sitka, Alaska. As a tribal government, STA is responsible for health, welfare, safety and culture of its citizens. In light of the uncertainties surrounding status of the Sitka Sound herring stock biomass, STA respectfully requests that the State of Alaska lower the Sitka Sound Sac Roe Fishery's 2013 Guideline Harvest Level (GHL) currently set at 11,055 tons.

The Sitka Tribe of Alaska (STA) realized that the drastic reduction of the 2012 Sitka Sound herring biomass would result in a significantly lower 2013 GHL for the sac roe fishery. STA would like to commend the Alaska Department of Fish and Game for acknowledging the uncertainty of the forecasted 2013 biomass and reducing the GHL an additional 25 percent to 11,055 tons. Although this conservation measure is due to uncertainties over the accuracy of the projected spawning biomass, STA feels additional "unknowns" need to be considered when establishing the 2013 GHL.

The ASA model is inherently, albeit unintentionally, biased in that it is unable to incorporate the ocean survivals of juvenile herring (1, 2 and 3 year olds) into its spawning biomass projection. STA has stressed that a precipitous decline in the ocean survival of juvenile herring would go unnoticed and result in an overexploitation of the stock for 3 - 4 years before the model would begin to catch up with the actual stock status. It appears this shortfall of the model may have contributed to the overestimation of the 2012 spawning biomass.

In 2012 the majority of herring fisheries along the west coast of North America, from California to Alaska, fell short of meeting their harvest goals. A prevalence of small unmarketable herring, projected biomasses not being realized and thresholds not being met were the main causes of this shortfall and could be an indication of changing ocean conditions.

Biologists believe that predation by whales is one of the key factors inhibiting the recovery of herring stocks in Prince William Sound, which collapsed following the Exxon Valdez oil spill. It is believed that whales are consuming 20% of the herring population annually, which is equal to what the dormant herring fishery removed from the biomass. About 5,000 humpback whales



feed in Southeast Alaska and populations are increasing by 6-7% annually. Considering these whales consume up to 3,000 pounds of forage fish per day, the potential impacts on herring stocks throughout Southeast are significant.

Numerous studies have documented the direct impact of salmon on larval, juvenile and adult herring (Brodeur 1990). Annually, nearly 75,000,000 juvenile hatchery salmon are released into the waters of Sitka Sound shortly after the hatch out of herring eggs deposited in the spring. Over the years, increasing hatchery releases have coincided with an increase in the herring biomass but it is unknown what effect these elevated salmon releases will have on the declining Sitka Sound herring stock.

In April of 2012, the Lenfest Forage Fish Task Force, a group of 13 preeminent marine and fisheries scientists from around the world, released a report titled "*Little Fish, Big Impact*" which is a comprehensive study of science and management of forage fish populations throughout the world. The report acknowledges the economic importance of forage fisheries but it also states that forage fish are worth twice as much to supportive fisheries (as prey for salmon, ground fish, etc.). To minimize the risk of over exploitation, the report recommends a harvest rate of one-half the maximum sustained yield and not to exceed 10%.

In lieu of an established integrated ecosystem based management plan and in light of the uncertainties listed above, STA requests the State of Alaska follow the recommendations of the Lenfest report and reduce the 2013 GHF to 50% of the current maximum sustained yield or to 7,370 tons. This adjustment results in an overall harvest rate of 10%, which is allowable under 5 AAC 27.160(g) and will lower the risk of overexploitation that could cause irreparable harm to the Sitka Sound herring stock and the entire ecosystem.

If you have any questions regarding this request, please contact STA's Resource Protection Director Jeff Feldpausch at (907)747-7469 or email [j.feldpausch@alaska.gov](mailto:j.feldpausch@alaska.gov).

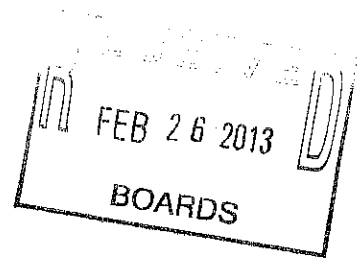
Sincerely,

A handwritten signature in cursive script that reads "Michael A. Baines".

Michael Baines  
Council Chairman

Cc: Cora Campbell, ADF&G Commissioner  
Alaska Board of Fish

Jessica Gill  
1321 Sawmill Creek Rd #K2  
Sitka, Alaska 99835



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

Subject: Support for Proposal 243, adding Pacific herring (*Clupea pallasii*) to Alaska's Forage Fish Management Plan

Dear Chairman Johnstone,

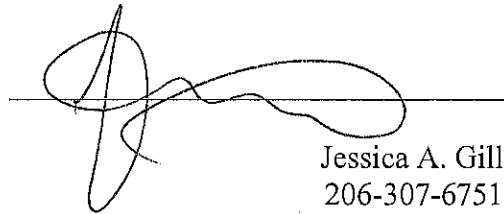
As a concerned citizen and fisheries biologist, I have to voice my support for the board-generated proposal to add Pacific herring, *Clupea pallasii*, to Alaska's Forage Fish Management Plan (Proposal 243). This proposal falls under Alaska Administrative Code 5 AAC 39.212. This proposal simply adds Pacific herring onto the State of Alaska's Forage Fish Management Plan. When this proposal is enacted, no other regulatory changes will be passed, thus not changing the way the Pacific herring fisheries are managed. I believe the current management system the State has in place for herring management is not working, and the Board of Fish should do everything in its power to change this fishery before it is too late.

Alaska touts itself as the best fisheries management in the world. I believed that. But after becoming involved in the Pacific herring issue, I can say that I no longer feel that the State has the best practices, particularly when it comes to herring.

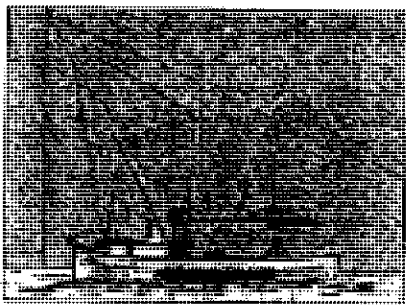
California, Oregon, Washington, and British Columbia all define Pacific herring as a forage fish, and manage the important species as such. The Lenfest Forage Fish Task Force classify herring as a forage fish, and define a forage fish as having small body size, rapid growth, schooling behavior, and strong population responses to environmental variability. Forage fish also provide the main pathway for energy to flow from lower trophic levels to higher trophic levels, and retain this role in the marine ecosystem throughout their life cycle. According to Alaska's Forage Fish Management Plan, "The board [of fish] finds that forage fish perform a critical role in the complex marine ecosystem by providing the transfer of energy from the primary and secondary producers to higher trophic levels. The higher trophic levels include many commercially important fish and shellfish species. Forage fish also serve as important prey species for marine mammals and seabirds." Even with this definition, which concurs with the Lenfest Task Force's definition, Pacific herring are not included in the Forage Fish Management Plan.

I urge the Board of Fish to add Pacific herring to the State of Alaska's Forage Fish Management Plan. Herring are recognized throughout the world as a forage fish species, but not in a state that purportedly has the best fishery management practices in the world. While adding herring the Forage Fish Management Plan will not solve all the problems associated with herring management, it is a crucial step in protecting this vital species.

Sincerely,



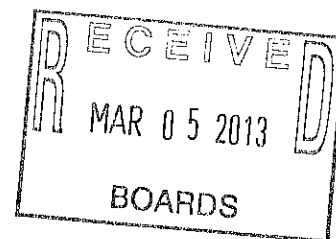
Jessica A. Gill  
206-307-6751  
jagill87@gmail.com



# Alaska Trollers Association

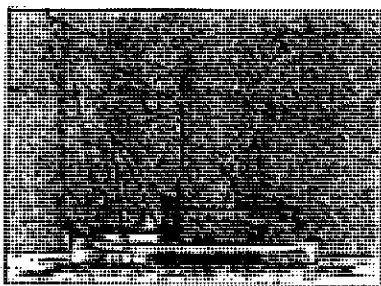
130 Seward St., No. 205  
Juneau, Alaska 99801  
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## ATA Positions Alaska Board of Fisheries Statewide Meeting Proposals March 2013



216	Require statewide adherence to salmon fishery management plans.	Oppose
217	Mandate statewide priority for management of king salmon.	Oppose
218	Establish a sustained escapement threshold (SET) for stocks listed as yield or management concern.	Oppose
219	Define terms, including "maximum sustained yield", "optimum sustained yield", sustained yield, and "mixed stock fishery".	Oppose
225	Develop and require use of a statewide policy during consideration of permit stacking proposals.	Oppose
236	Establish allocation criteria with assigned point values to a user group as part of a weighted system when making allocation decisions among user groups in salmon fisheries.	Oppose
247	Modify closed waters in the Tsiu River for the Yakutat salmon fishery.	Oppose



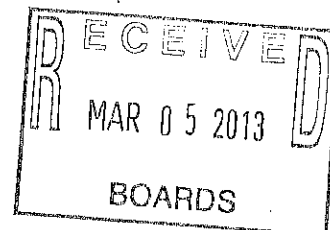


## Alaska Trollers Association

130 Seward St, No. 205  
Juneau, Alaska 99801  
(907) 586-9400  
(907) 586-4473 Fax

March 5, 2013

Alaska Dept. of Fish and Game  
Boards Support Section  
PO Box 115526  
Juneau, AK 99811  
Sent via email



Dear Chairman Johnstone and Board of Fish Members:

### **PROPOSAL 216    OPPOSE**

This proposal to require statewide adherence to salmon fishery management plans is unwarranted and unnecessary.

ADFG is bound by statute and regulation to manage Alaska's stocks in a sustainable fashion. Our managers have broad management authority to over-ride management plans through Emergency Order<sup>1</sup> when necessary to ensure escapement goals are met. To address a specific management concern in Cook Inlet, the Board of Fisheries generated a regulation to further clarify for the public their intention that managers prioritize escapement over allocation goals when data suggests additional conservation measures are necessary.<sup>2</sup>

The proposers are from Cook Inlet, yet suggest that their proposal be implemented for fisheries across the state. While the proposer's note that, *a complex multitude of codified management plans now govern the salmon fisheries in the State of Alaska*, the very nature of the proposal reveals a decided lack of understanding about how effectively ADFG couples its EO authority with targeted management plans to implement escapement goal management in other regions. It also disregards the array of circumstances that dictate the conduct of hundreds of fisheries that they are mostly unfamiliar with. We suggest that the proposers stick to making proposals aimed at the issues in their own backyards.

We emphatically reject the notion that without Proposal 216 ADFG may fail to achieve escapement goals. Here in Southeast, it's safe to say that the vast majority of fishermen are satisfied that ADFG managers put the needs of fish first, as witnessed by that fact that so few proposals are submitted to suggest otherwise.

<sup>1</sup> AS 16.05.060

<sup>2</sup> 5 AAC 21.363(c)



Hopefully the Board will see that, at best, this one size fits all proposal does nothing to improve management across the state; and at worst, could be used by those who would attempt to effectively tie the hands of ADFG managers for their own gain.

**PROPOSAL 217 OPPOSE**

This proposal seeks to adjust Chinook salmon escapements around the state, by arbitrarily increasing all goals upward by 2% per year over a 15 year period. This makes absolutely no biological sense and could be a recipe for disaster if the maker hopes to see an increase in production.

It is well known that Chinook are a density dependent species, so more fish in the river does not always mean greater yield to the state. The appropriate goal varies by system, making it crucial that each escapement goal be designed around the unique features of the river, the stock, and the management plan governing the system.

In Southeast, our Chinook escapement goals undergo rigorous review by both ADFG and the Chinook Technical Committee of the Pacific Salmon Treaty. Designing a new and illogical system of establishing escapement goals could damage a cooperative, science based program that has taken years to develop between two countries and five states.

**PROPOSAL 218 OPPOSE**

This proposal requests policies for the management of sustainable salmon fisheries and setting statewide salmon escapement goals.

ATA opposes the broad nature of this proposal and views it as yet another attempt to prevent ADFG from setting appropriate escapement and inseason management goals. In most cases, ADFG has been successful at addressing short term drops in abundance. The reduced abundance for some stocks around the state is a complicated and frustrating matter, but the state is applying additional study to the issue and modifying management strategies where appropriate. ADFG indicates that the current stock of concern list has only been in place for a couple of years and probably warrants some time and brood year analysis before determining if SET goals are appropriate.

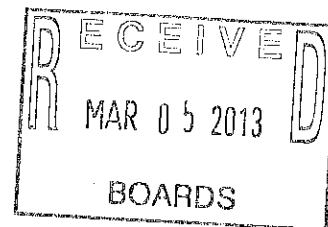
We also note that it is unnecessary for the Board to take new action to develop the policies requested, as the appropriate provisions to guide ADFG actions are already provided for by law.<sup>3</sup>

**PROPOSAL 219 OPPOSE**

The proposer is seeking to establish definitions for terms that are already defined. We strongly oppose the proposal as unnecessary and redundant.<sup>4</sup>

<sup>3</sup> 5 AAC 39.222(f)

<sup>4</sup> 5 AAC 39.222 , 5 AAC 39.975



**PROPOSAL 225    OPPOSE**

This proposal requests a statewide policy for the implementation of permit stacking. ATA opposes this, and any other, policy that attempts to implement uniform standards for fisheries that are uniquely different. The terms of permit stacking must account for the diversity of our regions and fisheries, and the policies that govern them.

**PROPOSAL 236    OPPOSE**

The proposers wish to change the method of allocating resources amongst the user groups. ATA opposes the use of the proposed point system because it does not appear to be a superior substitute for the existing Board allocation policy<sup>5</sup>, and we do not believe it will resolve any of the existing allocation concerns.

**PROPOSAL 247    OPPOSE Closed waters. Modify closed waters in the Tsiu River.**

A number of bad policy calls have been made regarding this issue, which was thoroughly vetted at February 2012 Board of Fisheries meeting in Ketchikan - twice. The matter was resurrected though an ACR, though it did not appear to meet any of the criteria for consideration. It is not a conservation issue, nor does it include unanticipated consequences. In fact, it is allocative in nature and the ACR should have been dismissed out of hand. Instead, the Board chose to generate a proposal that is totally inappropriate, particularly in light of its allocative nature.

Approval of this proposal could mean grave consequences for the commercial fleet and processor in Yakutat. Therefore, it is crucial that the matter be taken up during a regular Board meeting in the region in question, to allow local citizens and local businesses to weigh in.

We urge you to dismiss this proposal, which could easily be brought back to the Board of Fisheries arena - by the affected public - during the next, regularly scheduled meeting in Southeast.

**Criteria for Board Generated Proposals**

The Board through ADFG recently developed criteria for board-generated proposals, which was implemented during AYK meeting January 2013 (RC-101). ATA appreciates the Board's developing this new policy, and asks that it be used as a working draft for public discussion and future modification. This is a matter of significant importance to all fishermen around the state and should be treated accordingly.

ATA supports a recent letter from UFA on the matter and recommends the following revisions to the policy be made and implemented immediately:

1. In criteria #1, remove "allocation concerns" among the specific examples of considerations of the "public's best interest". We believe that a proposal that is mostly allocation is never appropriate for consideration out of cycle.

<sup>5</sup> 91-129-FB





2. We recommend additional criteria that a board-generated proposal cannot be generated as a substitute for an ACR proposal that was denied, or no action taken, or a late proposal identified by Department of Law during a work session.

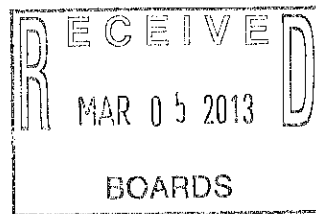
I will be attending the Anchorage meeting and would be happy to meet with board members or serve on committee.

Thank you for your consideration of ATA's point of view. Don't hesitate to contact me if I can provide additional information or answer any questions.

Best regards,

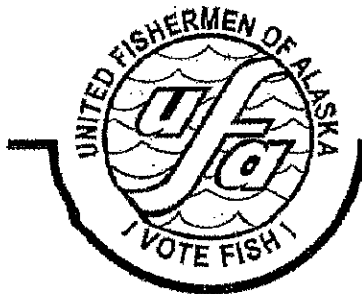
A handwritten signature in cursive script that reads "Dale Kelley".

Dale Kelley  
Executive Director





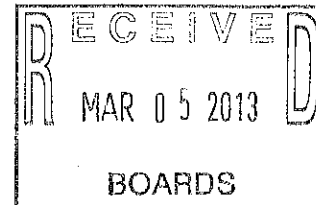
# UNITED FISHERMEN OF ALASKA



**Mailing Address:** PO Box 20229, Juneau AK 99802-0229  
**Physical Address:** 410 Calhoun Ave Ste 101, Juneau AK 99801  
**Phone:** (907)586-2820 **Fax:** (907) 463-2545  
**Email:** ufa@ufa-fish.org **Website:** www.ufa-fish.org

March 5, 2013

Karl Johnstone, Chair  
 Board of Fisheries  
 Boards Support Section  
 PO Box 115526  
 Juneau, AK 99811-5526



**RE: Board of Fisheries Statewide Proposals Comments**

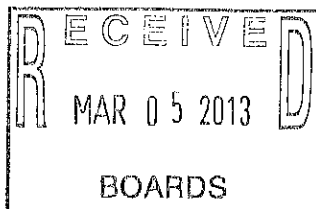
Dear Chairman Johnstone,

United Fishermen of Alaska is the largest statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. UFA appreciates the opportunity to comment on the following proposals:

**Proposal 215: Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries. OPPOSE** - This proposal places a long term statewide restriction on allocations to address a specific, localized and temporary situation. Although we support the stated intent that it would theoretically prevent the Board from eliminating commercial fisheries altogether in allocation decisions, we oppose the proposal because it would bring a statewide restriction that may have unforeseen effects in future deliberations. We also oppose the part of the proposal that would prohibit aquaculture associations from obtaining all of their coast recovery from one fishing area, as an undue restriction on the flexibility of the associations and regional planning teams to best address cost recovery needs in a manner most acceptable to local users of all categories.

**Proposal 216: Require statewide adherence to salmon fishery management plans. OPPOSE** - This proposal would clarify achieving escapement goals is the primary management objective and takes priority over provisions in any specific management plan. Escapement goals included in this proposal are biological escapement goals (BEGS), sustainable escapement goals (SEGS), and optimal escapement goals (OEGS), but not inriver goals. We oppose this proposal because it unnecessarily restricts the management authority by elevating the priority of escapement goals, when there may be many additional factors that may also be of overriding or primary priority in future unforeseen circumstances.

**Proposal 217: Mandate statewide priority for management of king salmon. OPPOSE** - This proposal would classify king salmon stocks as the department's management priority. In addition, the lower end of all king salmon goals statewide would be raised two percent annually for the next 15 years. We oppose this proposal because it unnecessarily restricts management flexibility by elevating the priority of king salmon, when there may be many additional species that may be of overriding or primary priority in different areas and specific circumstances. We also oppose the arbitrary raising of king salmon (escapement) goals, because it cannot be



expected to increase king salmon runs and would most likely arbitrarily cause future fishing closures for multiple user groups.

**Proposal 218: Establish a sustained escapement threshold (SET) for stocks listed as yield or management concern. OPPOSE** - This proposal would require that a sustained escapement threshold (SET) be established for any stock that is listed as a yield or management concern. The adoption of this proposal would create an immediate backlog of work by ADF&G to create SETs for all stocks that currently have yield or management concerns. In the current budget situation, such a requirement would be an unfunded mandate that would divert financial and manpower resources from other important functions of the department.

**Proposal 219: Define terms, including "maximum sustained yield", "optimum sustained yield", "sustained yield", and "mixed stock fishery". OPPOSE** - UFA Opposes this proposal to add redundant and potentially confusing definitions used in fishery management. We agree with ADF&G that definitions for technical fishery management terms, especially those used in salmon management, are currently found in regulation at 5 AAC 39.222(f) and therefore do not need to be repeated.

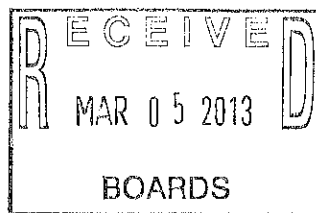
**Proposal 220: Allow groundfish registration by fax, telephone, or email. SUPPORT** - UFA supports this proposal would allow area registration in groundfish fisheries by fax, and we support the addition of email as suggested in the ADF&G comments. This would help affected fishermen by allowing currently accepted, verifiable forms of communication.

**Proposal 222: Require a CFEC permit holder to provide proof of identification when attempting to sell fish or at the request of a peace officer. SUPPORT** - UFA supports this proposal to align the regulation requiring a Commercial Fisheries Entry Commission (CFEC) permit holder to provide identification with similar regulations, with regard to penalties for an offense. We support the ability for the ID requirements to be treated as a strict liability offense rather than a misdemeanor, as is currently the only option.

**Proposal 223: Specify area registration requirements for salmon net fishing vessels. SUPPORT** - UFA supports this proposal to clarify that a salmon net fishing vessel may not have fished "during the current registration year" in a salmon net fishing area prior to re-registration in another area.

**Proposal 224: Revise EO announcement process to add email or fax as means of notification: SUPPORT** - supports this proposal to would allow emergency orders (EOs) and related announcements to be publicized on the department's website, add telephone message hotline, e-mail, and facsimile machine (fax) as a means of notification, and remove the obsolete reference to use of telegrams and commercial radio facilities. We appreciate this proposal to bring the E.O. announcements into alignment with current communications tools used by fishermen and the public.

**Proposal 225: Develop and require use of a statewide policy during consideration of permit stacking proposals. OPPOSE** - This proposal would require development of a framework for examining future proposals related to permit stacking. The Board already has the ability to request additional information on a permit stacking proposal through the restructuring process. We oppose this concept of pre-determined constraints on future Board of Fisheries' flexibility in addressing the future management needs in commercial fisheries.

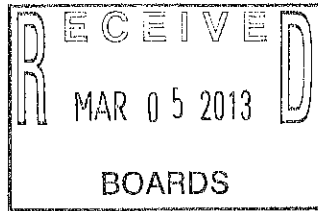


**Proposal 236: Establish allocation criteria with assigned point values to a user group as part of a weighted system when making allocation decisions among user groups in salmon fisheries. OPPOSE** - This proposal would require the Alaska Board of Fisheries (board) to assign a point value to allocation criteria to be awarded to user groups when considering allocation. We oppose this proposal as an arbitrary constraint on the Board's flexibility in allocation decisions. Such a point system would impose a numerical system on the fisheries decisions that are often subjective matters. The numeric modeling of the complicated and myriad factors involved in decisions on resource allocations can be expected to fall far short of the ability and judgment of well-qualified, fair-minded Board of Fisheries members who are open to the broad range of input from Alaskans on fishery matters.

**Proposal 243: Modify the addition of Pacific herring in the forage fish management plan. OPPOSE** - UFA opposes the addition of herring to the Forage Fish management Plan, because we feel this would create a conflict between the 1999 Forage Fish management plan's prohibition of the commercial taking of forage fish and the longstanding commercial fisheries on herring, which have been operating with prudent management while sustaining populations of herring in the areas fished. According to ADF&G comments, "...Pacific herring were intentionally omitted from the Forage Fish Management Plan when it was adopted because ongoing herring fisheries were already regulated to provide for sustainable and beneficial uses under the provisions of Chapter 27. The plan prohibits the commercial taking of forage fish, except as provided in regulatory chapters 5 AAC 03-5 AAC 39. The Forage Fish Management Plan was developed for the purpose of preventing development of new directed fisheries on the forage fishes listed..." Proposal 243 is inconsistent with the purpose of the plan, in its recognition of longstanding herring fisheries, and is an invitation for future attempts to eliminate these fisheries and the associated benefits to the participants, communities, and public consumers.

**Proposal 247: Modify closed waters in the Tsiu River for the Yakutat salmon fishery. OPPOSE** - This proposal is a board generated proposal created from an Agenda Change Request (ACR) that the Board itself voted down at its Fall 2012 worksession, and which was a re-hash of a proposal from the Southeast finfish meeting in 2012. We object first and foremost due to our desire for reasonable public process that respects the need by all users for an orderly system of allocation and management, with respect for the three-year Board of Fisheries process that should be expected in the absence of real and unforeseen resource-based emergencies. While some participants are able to attend multiple Board of Fisheries meetings in a short period of time to continuously rehash opportunities for allocations away from other users, this is an unnecessary and over-burdensome drain on the limited financial resources of this fishery's participants.

This proposal is strictly about re-allocation to take away opportunity from longtime participants, as the Tsiu has met the escapement goals for 37 out of 38 years and the request is for spatial separation between sport and commercial users. We opposed this as an ACR because we did not see a fishery conservation concern, there is not an error in regulation, and we do not feel there is an effect on a fishery that was unforeseen when current regulations were adopted. We opposed it in the 2012 regular Board of Fisheries cycle as an arbitrary closure of longstanding setnet fisheries. In the absence of a conservation concern and with the remote rural demographic, the affected commercial fishery participants should not be expected to bear the costs of participation of this re-hashing of this proposal in a year, and outside of the normal Board cycle.



UFA opposes the arbitrary displacement of longstanding fisheries to carve out exclusive areas for tourism fisheries. **We recommend that the Board of Fisheries embrace tourism growth under the premise that it should fit in with existing prior uses, rather than to seek to displace them, as a general development philosophy, in the best interest of all Alaskans.**

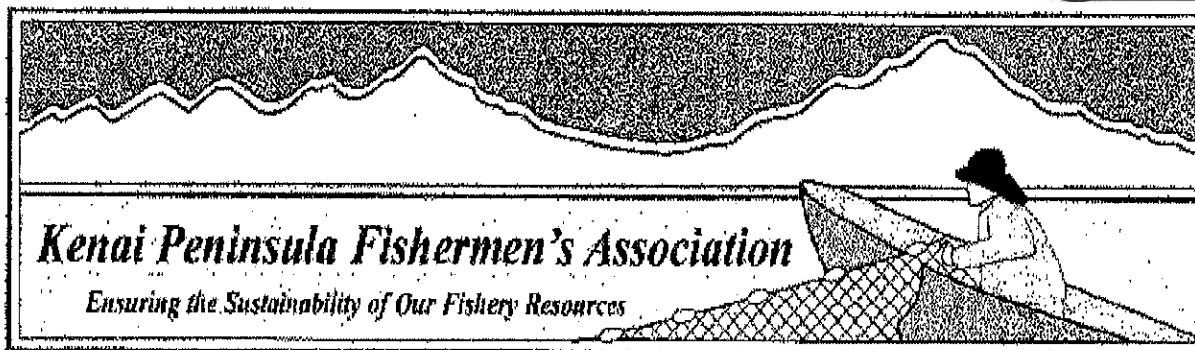
Thank you for your service to the public through your service on the Alaska Board of Fisheries, and for your consideration of our input on these proposals.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julianne Curry".

Julianne Curry  
Executive Director

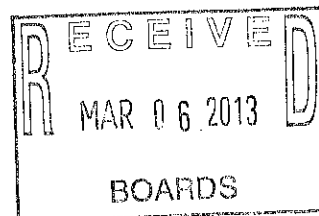




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March 4, 2013

State of Alaska  
Department of Fish & Game  
Boards Support  
PO Box 115526  
Juneau, AK 99811-5526



Re. Detailed Comments

ATTN: Board of Fisheries

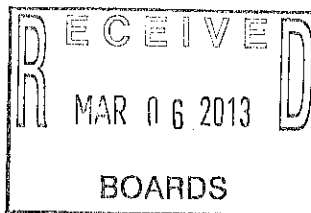
Chairman Johnstone,

The Kenai Peninsula Fishermen's Association (KPFA) is a commercial fishing representation organization representing primarily Cook Inlet setnet CFEC salmon permit holders from the furthest southern reaches of Nanwalek to the northern boundary of Point Mackenzie, from the side beaches of CI to the predominate eastside setnet (ESSN) areas of the Kenai Peninsula. There are approximately 736 active permit holders in this area, KPFA has the largest membership of setnet fishing families but as a 501 (c) (6) we also include other gear types, seafood related industries and other interested entities in our quest for industry advocacy.

Our Board of Directors (BOD) and membership are planning to attend the BOF Statewide Finfish meeting schedules for March 19<sup>th</sup> through the 24<sup>th</sup>. Our Association would like to offer our advisements for the following proposals;

***Comments on selected proposals;***

Proposals 215- **oppose** - This proposal is directed towards cost recovery goals for the Cook Inlet Regional Aquaculture Association (CIAA). This is not a statewide issue as each regional association has a user representative board of directors who advise the group on the best way to manage the business of aquaculture. Current restructuring of the CIAA has resulted in establishing the financial security of the Association while developing future facilities to enhance the opportunity of resource users in the future.



Proposal 216 – **oppose** – The Commissioner of fish and game has authority to; open and close seasons and modify methods and means to maintain returns to within “*escapement goals*”. Deleting “*in river*” goals will create more ambiguity within inseason management as it will require and inseason “*guess*” on exploitation above a given enumeration point. Requiring foreseeing all the intricate scenarios in a given fishery; To state in a fisheries management plan the only “*tools*” to be utilized in season before the Commissioner can exercise “*emergency order*” authority will violate tenants of “*adaptive management*” and place “*at risk*” in-river harvest opportunities. Further restrictions to the Commissioners authority will hinder the Departments ability to manage under real time assessments. Static management rules is how our State’s fisheries were managed under Federal rules prior to statehood (1959). Too many, this was not successful and we have faired much better under current reactive strategies.

Proposal 217 – **oppose** – The Department does not have the current expertise to evaluate and enumerate every system within Alaska. This would be impossible to implement and the results may not be quantified. All users could be burdened with a loss of harvest opportunity.

Proposal 218 – **support** – In 5AAC 39.222 (f) (39) in the definition of a “*sustained escapement threshold*” (SET) ... is established by the Department in consultation with the Board, as needed, for salmon stocks of *management* or *conservation* concerns. We agree with the need to establish an acceptable formula to define an SET as a definition of a *conservation* concern as defined in 5AAC 39.222 (f) (6). We also agree that a discussion of how management plans and escapement goals are related to a *management concern* requires the “*best available science*” and an established process to determine an SET. In some instances where incomplete knowledge of the variables the use of the *precautionary approach* is applied. It should be noted that in 5AAC 39.223 (b) (4) The Department has the responsibility to establish an SET.

*As an example, the Kenai River Late Run King Salmon (KRLRKS) current recommended escapement goal lower bound SEG of (15,000) incorporates an increase of the lower range point of the historical MSY goal. This disregards the MSY range of 13,000 to 28,000 (Fishery Manuscript Series Number 13 – 02) which provides expected yields of at least 90%. Establishing an SET for this escapement goal would better clarify to the public, BOF and managers of the need to implement management tools at escapement near the range of an SET.*

Proposal 219 – **oppose** – Definitions are found in various Alaskan Statutes and regulations. Policies are implemented by the Board to clarify certain intentions of a particular rule. This proposal is redundant as presented and would require an extensive review of the entire fishery management policies. If there is a particular question or application the author needs to be more specific.

Proposal 220 – **support** – We agree with flexibility and upgrading new registration technologies.

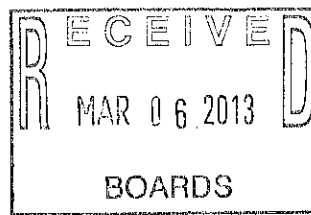
Proposal 221 – **support** - Correction

Proposal 222 – **support** – We agree with Public Safety in allowing a reasonable penalty in the form of a violation rather than a mandatory criminal offense.

Proposal 223 – **support** – Enforcement issue.

Proposal 224 – **support** – We agree with upgrading technologies to better inform the user groups of “in season” management directives. This will enhance the opportunity of various stakeholders for accessing the resource and to provide “immediate” conservation actions if necessary. We are interested to know if the Department can include texting and twitter type notification systems.

Proposal 225 – **oppose** – We have included RC 167 from the Aleutian Islands finfish meeting (02.26.13 – 03.04.13) The Department has defined a new term in “*stacking*”. KPFA does not see any statute or regulation that defines “*stacking*” terminology and would prefer that the Department stay within the defined term “*dual permit*”. We see this as an allocation question from a non effected user group. Setnet fishing permits are just one requirement for conducting a salmon operation.



The original numbers of CFEC permit holders were established around the time of implementation of the Limited Entry provision in our Alaska Constitution in 1973. The term "latent" is dependant on definitions that normally do not apply to setnet fishers. The main component of a successful setnet operation is "site location" which has an established market value and has been in place for many decades. Lesser value legal locations to fish are available and transient in nature but produce much less than the high production "netlocked" locations in current practice. Most dual permit holders are part of a family operation that allows a continued social order and a long term historical practice. We are managed as a unit and this proposal is an attempt at disrupting traditional families and furthering allocation discontent (social management).

Proposal 227 – **tabled** – The board agreed with tightening up loopholes in the proxy system but was very concerned at the negative affects on; seniors, disabled, veterans and others in dire need.

Proposal 228 – **support** – We support the Department's clarification of "high grading". This current practice has a high potential of killing fish needlessly. We also would request the Department to clarify what "immediate release" means in real time.

Proposal 229 – **support** – We highly support the improved recording requirements on duplicate and additional sport fish licensing and harvest records. This practice abuses the privilege and is difficult to enforce without these changes. We would support electronic licenses in the future to support enforcement and management needs.

Proposal 230 – **no action** – Based on recommendation of proposal 229.

Proposal 231 – **support** – We support the redefinition of "remuneration" and consider this as a better tool to enforce restrictions on illegal guiding activities.

Proposal 232, 233, 234 – **no action** – We do not believe that these issues are relevant enough to require exemptions or changes in Statewide regulation.

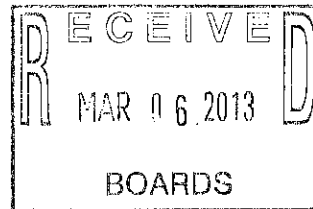
Proposal 235 – **support** – Commercial fishermen are reliant on accurate data. Other users should be required to maintain accurate records and for a timely submission of data. An electronic system with certain safeguards in place would surely increase the data gathering and the utilization of "real time" management tools.

Proposal 236 – **oppose** – We agree with the Department that in AS 16.05.251 (e) allocation criteria has already been established by the Alaska legislature and is used by the BOF on decisions that require allocations among resource users. There are several legal decisions that give guidance to BOF members on allocation. We are concerned that user groups will continue a confusing battle for social management rather than for offering a reasonable opportunity for all users based on abundance (MSY). The author requests a system that will based on arbitrary evaluations by Board members and stakeholders.

Proposal 243 – **oppose** – We are opposed to including herring with the classification of "forage fish". We are concerned that some future Federal actions might include forage fish in a restrictive plan that will force State management practices away from abundance based management on individual herring stocks. Herring fisheries are a mainstay of several local and rural economies throughout Alaska and are already managed conservatively. This requested change will not improve access or conservation for Herring stocks.

Proposal 244, 245, 246 – **no action** – This is not in our area of expertise and we would refer these proposals to those who are participating or affected by these fisheries.

Proposal 247 – **oppose** – This would further restrict the open area for commercial fishing by approximately one-half of the current allowable harvest area. Currently there is four miles available to conduct their two weekly twenty four hour periods. Sport fishing opportunity is available to individuals twenty-four hours per day, seven days per week, four Coho's per day with eight in possession.

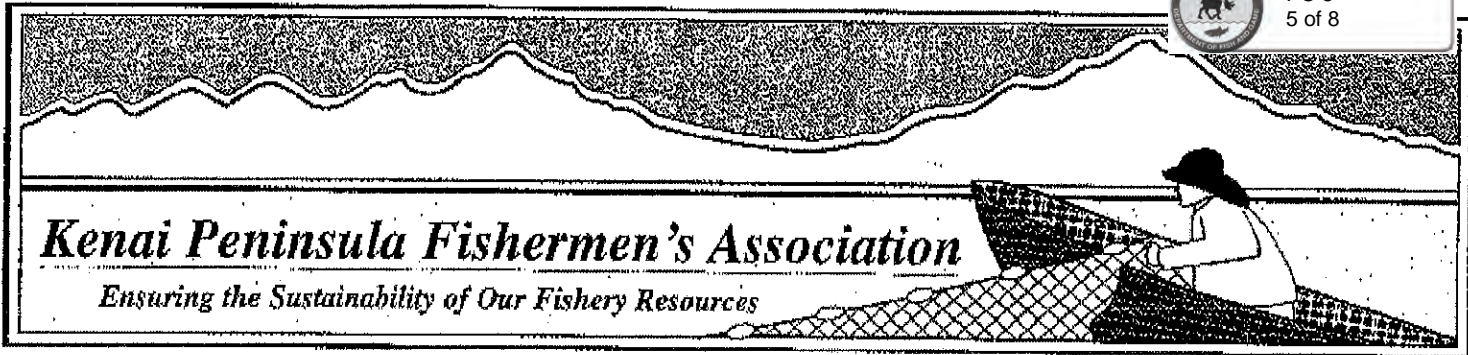


Sportfishing can be conducted upstream from the half mile marker below the Duck Island. This is not a high commercial fishing participation fishery with fourteen setnet permit holders and should be considered a "managed" fishery as currently conducted. In the event of returns exceeding the minimal escapement goal, a lost opportunity to harvest abundant returns will create hardships among the current setnet fleet. Emergency openings may have to be increased to allow harvesting of excess coho stocks. We question the use of a Board Generated Proposal (BGP) after the BOF voting this down as an Agenda Change Request (ACR). Criteria adopted for the BGP's; *Is this in the public's best interest? No, Is there urgency in considering the issue? No, Are the current processes not sufficient to bring the subject to the board's attention? No, Will there be reasonable and adequate opportunity for public comment? Yes* The ACR policy for criteria were not met in October of 2012. The new criteria policy for BGP's are similar to the ACR requirements but may add more subjective influence by individual members of the Board which circumnavigate the intent of the legislature in their directions of conducting the peoples business. Proposal 248 – **no action** -Without specific applications or examples we are unable to determine what if any negative ramifications of this regulation. We would prefer the Department identifying in GPS terms or latitude and longitude what exactly would be the new boundaries for a given stream or river outlet. Proposal 249 – **no action** - We are concerned that the language for this BGP cannot be incorporated into this proposal as the notice to the public is dated 02.20.13 and the Statewide Finfish meeting is noticed to begin 03.19.13 through 03.24.13. The first day after thirty days would be 03.22.13. Does the BGP process allow restructuring the Administrative Procedures Act (APA)? In RC 24 ... *it is anticipated that the Task Force's work product will be moved forward as a Board Generated proposal replacing ACR 4 & 17.* Does this mean that at present the language in ACR 4 & 17 is the current language in proposal 249? From the October 9-10 2012 worksession held in Anchorage we see that ... *a place holder proposal will be generated for the management plan to identify action addressed by the task force...* ACR 17 simply states that ... *no action based on ACR # 4.* We are confused as to which language will apply and to what extent a BGP has authorization over the criteria for ACR's. We are further confused at the adoption of a BGP before an accepted criteria was adopted (January 15-20 2013 AYK meeting). More problematic is the structure of the proposal that is now recommended language with no consistent course of action and a no consensus on the finished product or even individual points. We find this vague as written, not a proposal, not in a proper format with two many variables.

**With this being said, KPFA is weighing all the options the Cook Inlet Task Force (CITF) developed in the last few hours of the last CITF meeting February 14, 2013. We appreciate all the efforts by individual board members, Department attendees and the committee members. We are working with others to develop a reasonable approach to manage our distressed setnet fishery (2012) in 2013. We will submit other documentation prior to March 19<sup>th</sup>, 2013 and will continue to converse with the Commissioner and Department personnel to work on a mutual workable solution.**

Thank you,

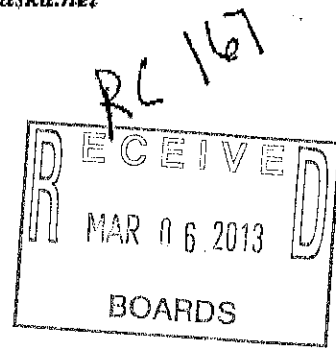
Christine Brandt  
Office Manager



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669-8276  
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

March 03, 2013

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



Re: Harvest opportunity for Cook Inlet setnet salmon permit holders

Chairman Johnstone,

The Kenai Peninsula Fishermen's Association (KPFA) is a commercial fishing representation organization representing primarily Cook Inlet (CI) setnet CFEC salmon permit holders from the furthest southern reaches of Nanwalek to the northern boundary of Point Mackenzie, from the west side beaches of CI to the predominate eastside setnet (ESSN) areas of the Kenai Peninsula. There are approximately 736 active permit holders in this area, KPFA has the largest membership of setnet fishing families but as a 501 (c) (6) we also include other gear types, seafood related industries and other interested entities in our quest for industry advocacy.

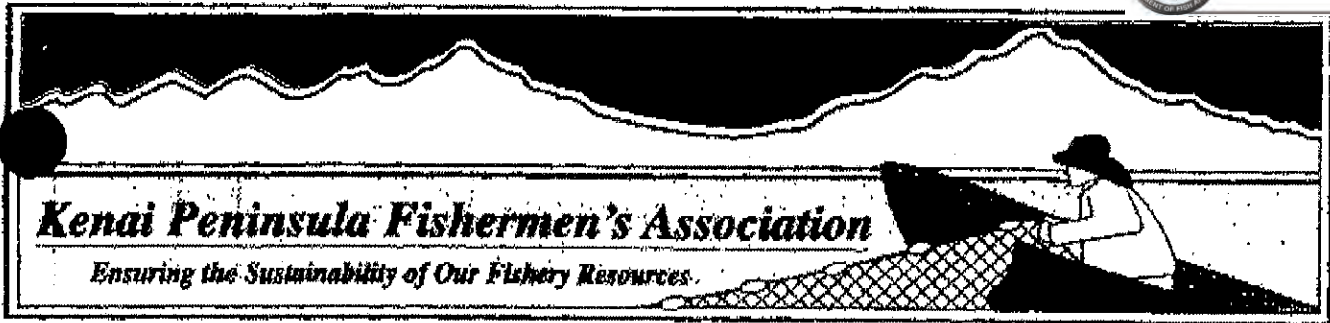
We have supported the legislature's effort in 2006 (AS 05.251) to clarify the authority of the Board of Fisheries (BOF) to have flexibility in implementing "additional fishing opportunity appropriate for that particular fishery."

Recent BOF decisions to sunset or reject this tool in other areas of the State has created a concern from our members that a blanket policy may be adopted that is clearly not in the best interest of the CI setnet fleet.

We have included with this record copy (rc) two documents; submitted at the January 2011 Kodiak regulatory meeting by the Department of Law and our KPFA comment relative to the use of dual permits.

Particular to this meeting was a discussion by BOF members of the intent consideration of the use of this regulation to be determined by deliberations unique to each individual regulatory area under consideration. KPFA would appreciate the BOF re-emphasizing that this one prescriptive tool does not fit all situations and that the BOF should have flexibility to tailor appropriate regulations for the highest degree of a reasonable opportunity to harvest within a respective stakeholder category.

Thank you,  
*Paul A. Shadura II*  
Paul A. Shadura II  
Representing the Board of Directors of KPFA



43961 Kalifornsky Beach Road - Suite F - Soldotna, Alaska 99669-8276  
(907) 262-2492 • Fax: (907) 262-2898 • E Mail: kpfa@alaska.net

January 12, 2011

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

ATTN: Alaska Board of Fisheries

Chairman: Webster

PROPOSAL 70 – OPPOSE

AS sec 16.05.253 The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when traveling to or from the location of...

5 AAC 39.107 (d) (e) offers definition and clarification, (f) (g) allow certain unique area specific exceptions and definitions.

We agree that the State protection officers should have discretion in enforcing these rules due to the unique situation each of the states approximately 4500 salmon set net permits operate within.

Clearly, it is the responsibility of the individual permit holder to maintain *competent supervision* of the gear *while in operation*.

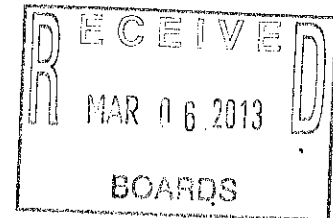
PROPOSAL 71 – SUPPORT

AS 16.05.251 Regulations for the Board of Fisheries

(i) ...a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

AS 16.43.140 (c) (5) *relates to a "consolidation of a fishery.*

RC 50





We do not believe that the purpose of this proposal is to accomplish this task. Rather it is a simple request to continue to further provide a reasonable opportunity to harvest resources without the additional burden of unnecessary regulation.

The Departments comments are clear, ...*does not believe that there are biological concerns with salmon stocks due to dual permits.*

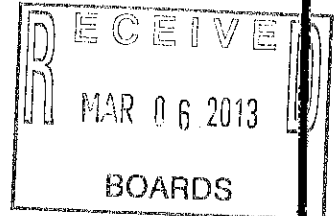
The legislature has provided the Board with the ability to assist those individuals who make the investment to continue to operate in a manner they feel appropriate to benefit their families and their communities.

Many setnet operations are just a continuation of historical family and extended family businesses. These family cooperatives are not unlike the farming communities of the past of which many are no longer in existence.

***Our points:***

- Does not affect any current allocation plan***
- Does not adversely affect any conservation necessity***
- Does not open any new areas***
- Does not add any additional gear then is not already allowed (CFEC)***

- It does improve economic viability***
- It does improve the cohesiveness of an extended family operation***
- It does allow flexibility to elderly permit and site owners***
- It does reduce unnecessary expenses and paper work***
- It does enhance a reasonable opportunity to harvest a resource under current State law.***



Thank you,

Paul A. Shadura II  
Executive Director



**BACKGROUND & LEGISLATIVE HISTORY**  
**ON AS 16.05.251(i), HB 251 (2006)**  
**Lance Nelson, Sr. AAG, Dep't of Law, January 11, 2011**

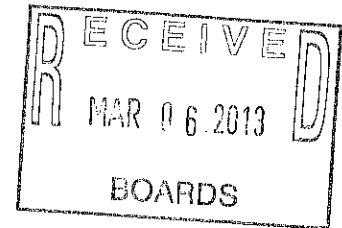
The Board's authority to allow permit-stacking is set out in AS 16.05.251(i), which was enacted in 2006 as House Bill 251 (HB 251):

Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meet at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional opportunity appropriate for that particular fishery.

Earlier, CFEC statutes had in 2002 provided that a person could own two salmon permits, but could not fish under the second permit:

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

...  
 (5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.



AS 16.05.140(c)(5). The gist of HB 251 was that the Board, on a fishery-by-fishery basis, could authorize a holder of two salmon permits to operate both permits with an opportunity to harvest greater than the holder of a single permit.

The board has used this authority to allow dual set gillnet permit holders to fish with double the amount of gear available to single permit holders in the Bristol Bay and Kodiak set gillnet fisheries. 5 AAC 06.331(u); 5 AAC 18.332(j)

As stated in legislative committee meetings below by the bill's sponsor and others, it gives the Board an extra tool to

- reduce the amount of gear in the water and therefore reduce competition,
- consolidate the fishery,
- reduce the large number of latent permits caused by low prices,
- make fisheries more efficient,
- make the fisheries more economically viable,
- avoid permit buybacks, which would make it harder for new entrants to come into the fishery,
- avoid surges of latent permits coming back into the fishery when things look better,





## Board of Fish "Public Comment"

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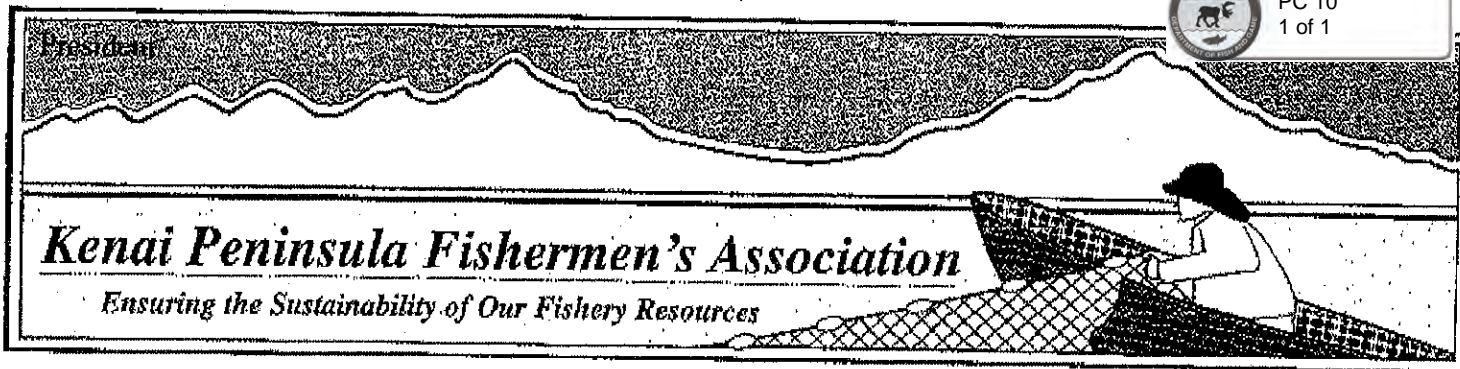
Response to ADF &G King Salmon restrictions proposal #249.

We respectfully propose a King Salmon Safety Corridor to be created within 600', ¼ mile or ½ mile of the beach. This would allow Kings to pass in years when numbers are looking low. When numbers are achieved, it would again be open to fishing as usual. The corridor would be used as a tool to increase Kings yet let a large percentage of set-netters harvest the abundant Sockeye. Please note the ½ mile has already been used historically as an E.O. management tool. We believe this would work wonderful in years of low King numbers as King Salmon naturally migrate along the beach. We are Eastside Set-netters SO4H61011 and 57879.

Thank you for your time and consideration,

Andi Taylor & Randal Vasko Mystic Adventures (907) 589-1909

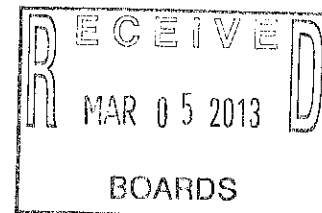




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March 4, 2013

State of Alaska  
Department of Fish & Game  
Boards Support  
PO Box 115526  
Juneau, AK 99811-5526



ATTN: Board of Fish Members

Chairman Johnstone,

The Kenai Peninsula Fishermen's Association (KPFA) is a commercial fishing representation organization representing primarily Cook Inlet setnet CFEC salmon permit holders from the furthest southern reaches of Nanwalek to the northern boundary of Point Mackenzie, from the side beaches of CI to the predominate eastside setnet (ESSN) areas of the Kenai Peninsula. There are approximately 736 active permit holders in this area, KPFA has the largest membership of setnet fishing families but as a 501 (c) (6) we also include other gear types, seafood related industries and other interested entities in our quest for industry advocacy.

Our Board of Directors (BOD) and membership are planning to attend the BOF Statewide Finfish meeting schedules for March 19<sup>th</sup> through the 24<sup>th</sup>. Our Association would like to offer our advisements for the following proposals:

*In Summary;*

*We would support* 218, 220, 221, 222, 223, 224, 228, 229, 230, 231 and 235.

KPFA opposes the following: 215, 216, 217, 219, 225, 236, 243 and 247.

KPFA took no action on the following: 226, 227, 232, 233, 234, 244, 245, 246, 248 and 249.

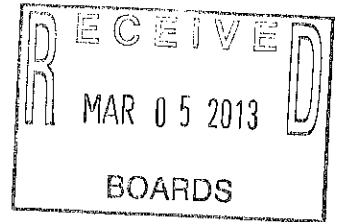
*We will be sending our comments on each of these proposals on an additional document.*

*We would like to comment on the "late" finalized document of the "Run Reconstruction, Spawners-Recruit Analysis, and Escapement Goal Recommendation four Late-Run Chinook Salmon in the Kenai River (Fishery Manuscript Series Number 13 - 02).*

*This document was not available to us until March 4, 2013.*

Thank you,

Rob Williams / President



To: Chairman Karl Johnstone and fellow Board of Fish Members

FROM: Greg Indreland, Managing Owner Yakutat Seafoods

RE: Board of Fish Proposal 247

I am writing this letter to address the Board Generated Proposal 247, the quick and dirty of 247 is that it would cut the Tsiu River in half, giving the entire length of the river to the sport fishery 24/7 and giving the commercial fishery when it is opened the lower half of the river. Some relative points to consider if you will bear with me:

1. The average number of commercial openers over the last 5 years is 10 24 hour periods(9am-9am)
2. Average number days the sport fishery has been open over the last 5 years is 45 days.
3. Average commercial catch in pounds of gillnet coho(45,572 fish @ 9 pounds =410,148)


From the data above the sport fishery and the commercial fishery are taking place together 22% of the time or 1.54 days per week. From a financial standpoint the value of the gillnet coho to the continued existence of Yakutat Seafoods cannot be overstated. With the huge halibut cuts that have happened over the last 6 years in the Gulf of Alaska(down 58%) Yakutat Seafoods is reliant more than ever on the Tsiu River Coho, we must run 4.5 million pounds to break even and we are right at that threshold. Any further loss of fish like the Tsiu Coho would be financially devastating for Yakutat Seafoods. Yakutat Seafoods is the only seafood operation in Yakutat and if we go down so goes down the entire economy of Yakutat. We are Alaska Airlines 3<sup>rd</sup> largest customer for fresh fish and the Tsiu Coho is over 40% of all of the gillnet coho that we ship out. Our goal is to have the fish caught on the Tsiu River Sunday at 9am being delivered to the customer Monday evening for Tuesday am sales. We have established market for brite, blush and redskin coho out of the Tsiu, each grade working into different segments of the market.

One of the things to consider about Proposal 247 is that the escapement goal for the Tsiu is 10,000-29,000 fish. If half of the river is taken away from commercial fisherman this will equate to a lower catch which in turn leads to a higher number of coho escaping which will force ADFG to have more openers to keep from over escapement. The application of Proposal 247 as written will lead to more openers



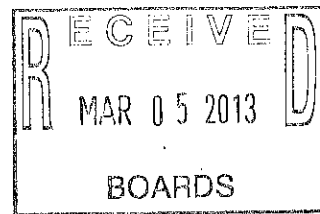
and more conflict as the biological equation must be solved (ie to many fish on the spawning grounds)

I help to form a meeting between myself, the Yakutat Tlingit Tribe, City and Borough Manager, Chief of Police, Yakutat ADFG, 3 of the Tsiu River Lodge Owners, 2 commercial fisherman who fish the Tsiu and one of the Assembly members from Yakutat. My goal was to develop a working group that can meet as much as needed to work out our differences at the Tsiu River so that all groups can prosper and that all groups needs are met. We were joined by the two other Lodge Owners at the Tsiu who were not at the meeting in agreeing that none of us are in favor of Proposal 247. Instead we plan on working out a solution that involves all of the parties involved sitting down together and working with each other. I find this forward thinking by the Tsiu River Stakeholders Working Group a accomplishment that needs to be given time to work. I am hoping that the Board of Fish will agree with us and not support Proposal 247. Thank you for your time and consideration.

 3/5/2013

Greg Indreland

Managing Owner, Yakutat Seafoods





## THE WILDLIFE SOCIETY ALASKA CHAPTER

2627 Ingra Street  
Anchorage, AK 99508

*The Alaska Chapter of The Wildlife Society is a professional society founded in 1971. With over 200 members, the Alaska Chapter is one of the largest chapters of The Wildlife Society, an International organization representing wildlife biologists and managers employed by state, federal, and borough resource agencies, academic institutions, non-governmental conservation organizations, and private industry. Our mission is to enhance the ability of wildlife professionals to conserve biological diversity, sustain productivity, and ensure responsible use of wildlife resources in Alaska for the benefit of society.*

4 March 2013

Mr. Karl Johnstone, Chairman  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811



Dear Chairman Johnstone:

The Alaska Chapter of The Wildlife Society supports Proposal 234 which bans lead weights weighing 1 ounce or less, and lead jigs less than 1 inch for use in sport fishing.

Lost lead tackle can remain intact in aquatic environments for decades, resulting in an accumulation of sinkers and jigheads in popular fishing areas. Ingestion of lead tackle can poison loons, swans, and other waterbird species when they mistake sinkers and jigheads for small stones they pick up from the bottom of lakes and rivers to help digest food. Ingestion of one sinker can be sufficient to result in mortality. In a nationwide study by the U.S. Geological Survey, 3.5% of common loons examined were found to have ingested lead sinkers (Waterbirds, 2003, 26:345-352). In some regions of the United States, ingestion of lead tackle is the cause of approximately 50% of mortality among common loons during the breeding season. Lead toxicity can be magnified in eagles and scavengers that feed on waterbirds that have been weakened or died from lead ingestion.

The Wildlife Society has adopted a position that advocates for the replacement of lead-based fishing tackle with nontoxic products<sup>1</sup>. The American Fisheries Society also encourages the use of nontoxic alternatives to lead fishing tackle<sup>2</sup>. The recommendations of these professional societies are based on a large body of published research that documents the adverse effects of lead in the environment.

<sup>1</sup> [http://joomla.wildlife.org/documents/positionstatements/Lead\\_final\\_2009.pdf](http://joomla.wildlife.org/documents/positionstatements/Lead_final_2009.pdf)

<sup>2</sup> [http://fisheries.org/docs/policy\\_statements/policy\\_35f.pdf](http://fisheries.org/docs/policy_statements/policy_35f.pdf)



Mr. Karl Johnstone

4 March 2013

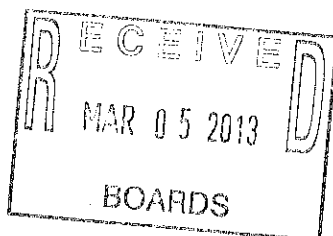
Nontoxic alternatives such as bismuth, steel, and tin are available as replacements for lead fishing tackle. These are especially suitable as replacements for the small-sized lead tackle that poses the greatest hazard to waterbirds and that is the focus of Proposal 234. These nontoxic substitutes for small lead tackle are increasingly available in Alaskan sporting goods stores, and will become more so with passage of this proposal.

We believe adoption of this proposal will not pose a significant burden to sport fisherman, will demonstrate the willingness of the sport fishing community to reduce lead in the environment, and will benefit Alaska's wildlife. We hope you and others on the Board will support this proposal.

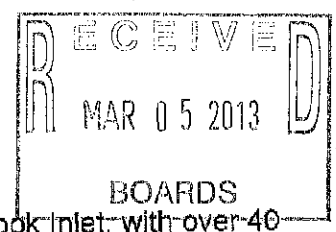
Sincerely,

A handwritten signature in black ink, appearing to read "J. Hupp".

Jerry Hupp, Ph.D.  
President



Mar 1, 2013  
Alaska Department of Fish and Game,  
Boards Support Section,  
P.O. Box 115526,  
Juneau, AK 99811-5526



Dear Board of Fish Members,

My name is Marie Hermansen. I am a lifelong eastside setnetter in upper Cook Inlet, with over 40 seasons spent on Coho beach. My family has been setnetting this area since the Territorial days of Alaska. We have seen good years and bad, but 2012 was the first time I remember having a devastating season, not due to a poor run, but due to restrictions placed in spite of an abundance of sockeyes. It is was very difficult watching the run swim by yet losing money on the season.

I hear a lot of talk about step down measures for setnetters. The reality is, we have undergone numerous step down measures over the years. We used to target kings. And silvers. These species were reallocated to the sports fishermen.

We were pared down to a primarily sockeye fishery. Not that the other species are bycatch, though they are often erroneously referred to as such. But sockeyes were our main allowance and we were usually opened round the clock for two to three weeks straight once the run arrived.

Windows of closure became a new reality recently. No matter the strength of the run, biologists are required to close us a certain number of hours during each week, and are limited to the number of extra hours of fishing time that can be allotted. During the 2011 season, we closed Saturday night, the 16th in spite of an unusually strong surge of reds. We were not allowed back in the water until Monday the 18th. With the number of salmon running at that time, it would have been unthinkable to close us in years past.

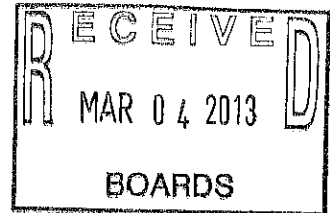
In 2012, we were shut down before our season could even get underway due to projected concerns for the chinook run. This was outside of the management plan, but occurred regardless. During the entire season, the term "conservation concern" was inappropriately used to label what was in reality, a public perception concern. The king run had not been under the escapement goals for multiple years. The defining criteria for a conservation concern was not met. Yet that term was repeatedly thrown about, shaping the public debate.

Another concern is that the effect the Eastside Setnet fishery has on the Kenai chinook run is overstated. All kings caught are counted as Kenai kings regardless of where they are headed. A percentage of them are Kasilof fish. And a large percentage are jacks. But no adjustment to the number is made to reflect these facts.

Although the Eastside Setnetters have the longest history in the area, we are not the only group dependent on a healthy sockeye run. New user groups have appeared and benefited from the strength of the runs, runs which are now endangered by the multiple years of overescapement. There are both economic and biological reasons to avoid a repeat of the 2012 season.

The fisheries in Alaska are special. Cook Inlet has provided a sustainable fishery for over one hundred years. I implore you to help keep that a reality, and I sincerely thank you for your time spent on a resource we all love.

Marie Hermansen  
*Marie Hermansen*



Alaska Board of Fisheries  
Statewide Finfish and Supplemental Issues  
March 19-24, 2013

Subject: Written Comments Regarding the Recommendations of the  
Upper Cook Inlet Task Force

Dear Board of Fisheries Members:

I want to offer my support for the effort put forth by the Task Force and for their final recommendations for Proposal 249.

This gives ADF&G the flexibility to manage the Cook Inlet mixed stock fishery. Instead of totally closing a fishery, ADF&G can manage by emergency order when large amounts of sockeye are present.

Both Chinook and Sockeyes are important, however, many more Alaskan residents rely on a healthy Sockeye run. This should not be jeopardized. We must not repeat what happened in 2012.

Thank you for considering my comments,  
Karen Mc Gahan  
54025 Kenai Spur Hwy.  
Kenai, Alaska 99611





# Petersburg Vessel Owners Association

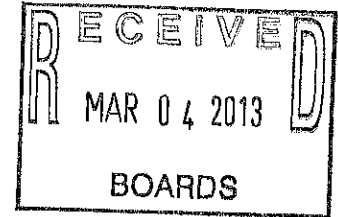
PO Box 232

Petersburg, AK 99833

Phone & Fax: 907.772.9323

pvoa@gci.net • www.pvoaonline.org

March 5, 2013



Alaska Dept. of Fish and Game  
Boards Support Section  
PO Box 115526  
Juneau, AK 99811  
Sent via fax (907) 465-6094

Dear Chairman Johnstone and Board of Fish Members:

Petersburg Vessel Owners Association (PVOA) is a diverse group of over 100 commercial fishermen and businesses operating primarily in Southeast Alaska. Our members provide millions of meals to the public annually by participating in a variety of fisheries statewide including salmon, herring, halibut, cod, crab, black cod, shrimp, and dive fisheries. Many PVOA members are also active sport, personal use, and subsistence fishermen who depend on sustainable and conservative management of Alaska's fishing resources to ensure healthy fisheries for the future. We appreciate the opportunity to comment proposals that are being considered for the 2013 Statewide Finfish and Supplemental Issues Board of Fisheries (BOF) meeting.

**PROPOSAL 215 – OPPOSE. Criteria for the allocation of fishery resources among personal use, sport and commercial fisheries.** This proposal would seek to apply the allocation criteria under AS 16.05.251 to all areas of the state, including hatchery terminal harvest areas established in SE Alaska for cost recovery and egg take requirements for hatcheries that were established and paid for by commercial fishermen. Applying wild stock allocation criteria to fishery resources that have been paid for by commercial fishermen is inappropriate and could potentially result in elimination of the hatchery production altogether.

This proposal is also addressing a problem in Cook Inlet and should not be taken up in Statewide Regulations. The provisions of individual Terminal Area Management Plans have been and are vetted by the BOF at regional board meetings and that is where this proposal should be taken up during the Cook Inlet meeting.



**PROPOSAL 216—OPPOSE. Require statewide adherence to salmon fishery management plans.** This proposal appears to be using a statewide regulation to solve a local Cook Inlet issue as is identified in the proposal. This proposal needs to be taken up and vetted at the Cook Inlet BOF meeting, not at the statewide meeting via a statewide proposal.

There are a number of management plans that have been developed around the state to address specific fisheries or species harvest. There are a number of management plans applicable to the Southeastern-Yakutat Area that have been in place for several years and rarely are there any conflicts between those plans. If conflicts do arise, they have been dealt with at the Southeast-Yakutat BOF meetings, not at statewide meetings. We also question the proposer's contention that the achievement of established escapement goals could be compromised if nothing is done. We have no idea what is meant by this as it applies to all salmon management plans. If the proposer perceives a problem that does actually need statewide correction, they should provide examples from areas of the state other than Cook Inlet.

**PROPOSAL 217—OPPOSE. Policy for statewide salmon escapement goals.** This proposal also appears to be using a statewide regulation to solve local area problems associated with incidental Chinook salmon harvest during directed commercial sockeye net fisheries. The proposal seeks to improve Chinook salmon returns by arbitrarily raising lower the bounds of escapement goals by 2 percent for the next 15 years (we're also not clear if the proposer means raise the goal by 2 percent each year for 15 years or 2 percent over the next 15 years). Establishing BEG/MSY escapement goals is a long, difficult process that takes into account harvest, escapements by age and sex, maturation rates over a number of years and requires a high degree of management precision and scientific information regarding the relationship between salmon escapement and subsequent returns. BEGs are set based on levels to obtain the highest production. Arbitrarily adjusting escapement goals either up or down could have the opposite effect from what is intended.

The proposer's contention that over the past 25 years, Alaska's Chinook salmon have failed to maintain established escapement goals is demonstrably false. Data presented in *Pacific Salmon Commission Joint Chinook Technical Committee, Annual Report of Catch and Escapement for 2011. Report TCCHINOOK (12)-3* shows quite the opposite <http://www.psc.org/pubs/TCCHINOOK12-3.pdf>. This report demonstrates that Chinook escapements have fluctuated significantly back to the late 70s and current escapements are not necessarily at the lowest levels they have been in that time period. All salmon species are cyclical animals, with the cycles highly correlated with ocean conditions, and while we are in a low ebb in that cycle, picking out escapements in arbitrary or short time periods or could support any specific trend in escapements that you may want to establish.



**PROPOSAL 218—OPPOSE. Policy for the management of sustainable salmon fisheries and Policy for statewide salmon escapement goals.** This proposal does not appear to be necessary and actually is asking for something that already exists. 5 AAC 39.22(f)(39) already requires that a SET will be established by the Department in consultation with the board as needed for stocks of concern. In the proposers statement of other solutions considered actually concedes this point, and as such, negates the need for this proposal.

**PROPOSAL 219—OPPOSE. Definitions.** The proposer is seeking to establish definitions for terms that are already defined in 5 AAC 39.222. **POLICY FOR THE MANAGEMENT OF SUSTAINABLE SALMON FISHERIES.** To also included these terms in 5 AAC 39.975. **Definitions** is unnecessary and would be redundant.

**PROPOSAL 220—SUPPORT. Groundfish area registration.** PVOA supports any proposals that streamline registration and regulatory processes. This Department proposal will make it easier for fishermen to register for the groundfish fisheries and will streamline the registration process for both fishermen and the Department.

**PROPOSAL 222—SUPPORT. Personal ID required.** PVOA supports any proposals that give the Alaska Department of Public Safety and the judicial system additional options to reduce to non-criminal fishing violations when circumstances indicate a lesser penalty is appropriate. This proposal would seem to accomplish that.

**PROPOSAL 223—SUPPORT. Registration of commercial fishing vessels.** PVOA supports any proposal that clarifies existing regulations. This Department proposal seeks to do that.

**PROPOSAL 224—SUPPORT. Announcement of Emergency Orders.** PVOA supports any proposal that will improve or streamline the dissemination of time sensitive announcements. This Department proposal adding e-mail or facsimile as a means of Emergency Order notification seeks to do that.

**PROPOSAL 225—OPPOSE. Policy for the implementation of permit stacking.**

PVOA is opposed to this proposal because provisions and policies for permit stacking should be developed on a fishery by fishery basis. All fisheries are unique in their structure and operation and as such, a statewide policy may not be beneficial or useful in deliberation on the merits of a permit stacking proposal for a specific fishery. Should a statewide policy be implemented, it is likely policies would also need to be developed that are unique to individual regions, areas and fisheries. Implementation of both statewide and fishery specific



policies could result in confusion for the public if there are conflicting provisions between the policies.

**PROPOSAL 236—OPPOSE. Criteria for the allocation of fishery resources among personal use, sport, and commercial fisheries.** PVOA opposes this proposal because it is simplistic and likely would be no less confusing to the public on how the allocation criteria are implemented than is currently the case. Assigning a point value may even conflict with the Board of Fisheries finding 91-129-FB on Allocation Criteria adopted November 23, 1991. In that finding it was noted "...that all seven (7) criteria do not necessarily apply in all allocation situations, and any particular criterion will be applied only where the BOF determines it is applicable." While it is not clear exactly how the proposer envisions the point system to be structured, a specific point system would be no more applicable in determining a specific allocation plan nor would it provide any clarification to the allocation process than what currently exists. As long as the BOF provides sufficient finding of facts in allocation determinations, public confusion will be minimized.

**PROPOSAL 243 – OPPOSE, Designate Pacific herring as a forage fish under the provisions of the Forage Fish Management Plan.** PVOA is opposed to this proposal for two reasons:

1. This proposal was originally presented as an Agenda Change Request (ACR-1) at the October 2012 board meeting. ACR-1 was not accepted because it did not meet any of the criteria for acceptance as laid out **5AAC 39.999. POLICY FOR CHANGING BOARD AGENDA**, as verified in RC-2, Staff Comments, *Regional Information Report 5/12-18*. Although ACR-1 was not accepted, the BOF subsequently took the highly unusual, questionable and unwarranted step of developing its own Board Generated Proposal to designate herring as a forage fish. The board can call this anything they want, but it is simply a backdoor way of approving an ACR, that did not meet its own criteria that implicitly seeks to shut down commercial herring fisheries in Alaska.
2. This proposal is unnecessary because fully developed management plans are currently in place for all commercial herring fisheries under provisions contained in Chapter 27 of the Alaska Administrative Code (AAC). In 1998, the board of fish adopted **5 AAC 39.212. FORAGE FISH MANAGEMENT PLAN**, that established nine marine fish families, described and defined as forage fish, which would be excluded from commercial fisheries. At the same time, the BOF intentionally did not include several species, such as herring, shrimp, and Pollack, among many other species, in the Forage Fish Management Plan. ADF&G had already developed biologically driven, abundance based management plans for those species, so adding them to the forage fish plan would be superfluous. This position was fully explained in the staff assessment of the agenda change requests in RC2, *ALASKA DEPARTMENT OF FISH*



**AND GAME, STAFF COMMENTS, Agenda Change Requests. Regional Information Report 5J12-18.:**

*Herring were not included in the Forage Fish Management Plan since herring management plans and fisheries had already been developed at the time the forage fish plan was adopted in 1998. In the original proposal, the department stated: "For the purposes of this management plan, herring are not considered as a forage fish," and "Because of the presence of historical commercial fisheries, herring are not considered forage fish in the federal management plan". The purpose of the plan was not to dismantle existing fisheries; it was to prevent the development of new forage fish fisheries.*

Designation of a family in the Forage Fish Management Plan decreed it would not be developed for commercial harvest. This designation was not based on the role or ecological niche of a species or family, but rather the goal was and should be based on sustainable management and scientifically based harvest guidelines. Arbitrarily changing one species within Clupeidae to forage fish designation as Proposal 243 would, adds considerable confusion and overturns prior consistent and logical board action. Proposal #243 appears to be more than semantics, otherwise there is no reason to modify the entire Forage Fish Plan.

In conclusion, what this proposal seems to be is a thinly veiled action to close commercial herring fisheries in Alaska and should be rejected.

**PROPOSAL 247—OPPOSE. Closed waters. Modify closed waters in the Tsiu River.** PVOA is opposed to this proposal for three reasons:

1. This proposal was presented as an Agenda Change Request (ACR-9) at the October 2012 BOF workshop although the same proposal was fully vetted, and not approved, at the February, 2012 BOF finfish meeting in Ketchikan, where it was not approved. ACR-9 was not accepted for an agenda change at the October meeting because it met none of the criteria for acceptance as laid out **5AAC 39.999. POLICY FOR CHANGING BOARD AGENDA**, and verified in RC-2, Staff Comments, *Regional Information Report 5J12-18*. Although ACR-9 was not accepted, the BOF subsequently took the highly unusual and questionable step and generated its own Board Generated Proposal based on a video presented, without an RC designation, by the ACR proposer, which was in violation of the BOF parameters for the October meeting that clearly stated that only written testimony on properly submitted proposals would be accepted. Although ACR-9 was not technically approved, the Boards action in generating its own proposal was tantamount to approval of that ACR and, as such this proposal should be rejected.
2. There does not seem to be an actual pressing need for this action. According to comments submitted by the Yakutat AC, "BOF has received official letters from other lodge owners who operate at the Tsiu that state that their clients have no problems operating in proximity to active commercial fishers." and "So, for 25 years, through some of the years



when the Tsiu was the very shortest in length it has ever been, and had the highest number of active commercial fishers, there was not one documented case of confrontation between the user groups." The Yakutat AC should be considered as the most reliable source of accurate information about any conflicts and their comments indicate that conflicts are, at most rare. Based on the Yakutat AC comments, this proposal should be rejected.

3. Any reduction in commercial coho catch resulting from approval of this proposal could result in considerable harm to the economic wellbeing of the community of Yakutat by placing the continued operation of the Yakutat Fisheries plant in jeopardy. PVOA members often deliver their GOA halibut and black cod catch to Yakutat. The loss of that plant would increase costs to our members and the loss of that plant would economically devastate the community of Yakutat itself. According to the Yakutat Seafoods plant manager, the continued reduction in halibut quotas has reduced their ability to continue as a commercially viable operation and that any reduction in salmon processed at the plant could result in the closure of that plant.

I will be attending the Anchorage meeting and would be happy to meet with board members or serve on committee.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Brian Lynch".

Brian Lynch  
Executive Director