

The following comments were submitted as on-time comments and record copies to the December 2015 Bristol Bay Finfish Meeting in regards to Proposals 59 and 63.

Lake Iliamna Fish and Game Advisory Committee Minutes November 26, 2015 – truncated to only include comments on Proposals 59 (formerly AC 4)

Nushagak Fish and Game Advisory Committee Minutes October 20 & 21, 2015– truncated to only include comments on Proposals 59 and 63 (formerly AC 7)

Curt Armstrong (formerly PC 05)

Janet Armstrong Schlagel (formerly PC 23)

BBEDC – truncated to only include comments on Proposals 59 and 63 (formerly PC 56)

Alannah Hurley (formerly PC 84)

Diane Wetter (formerly PC 92)

Tiel Smith (formerly RC 15)

Barbara Nunn (formerly RC 24)

Alannah Hurley (formerly RC 25)

Barbara Nunn (formerly RC 48)

Janet Schlagel (formerly RC 125)

ADFG (formerly RC 126)

Janet Schlagel (formerly RC 142)

Lake Iliamna Fish and Game Advisory Committee
November 26, 2015
Meeting Minutes

- I. Call to Order: Randy Alvarez - 11:40am, 10-26-15
- II. Roll Call:
Members Present: Joel Jacko, Elijah Eknaty, Tim Anelon, Tinny Hedlund, Randy Alvarez, George Alexie, Billy Trefon, Lyle Wilder
Members Absent: Jim Tilly, Greg Anelon
Number Needed For Quorum on AC: 6
- III. Approval of Agenda: Tinny moves, Lyle seconds
- IV. Approval of Previous Meeting Minutes: From meeting date:
- V. Fish and Game Staff Present: Travis Lons, Travis Elison
- VI. Guests Present: Several by teleconference - sorry spelling may be incorrect - Molly Dishner, Ian Fo, Jason Dye (sport Fish), Gean Sandon, Gala Hoseth, Courtney Carty, Nancy Marfly
- VII. Old Business: none
- VIII. New Business: Comments on Proposals to follow



BRISTOL BAY FINFISH
DECEMBER 2–9, 2015
ALASKA BOARD OF FISHERIES

Mandatory- Please Summarize Your Proposal Comments in this Form

BOG or BOF	Proposal Number	Proposal Description	
		Number Support	Number Oppose
Support Support as Amended Oppose No Action	0	8	the outer river boundaries do a good job of killing salmon when they are opened and letting different parts of the run through is important for the genetics up stream
BOF	58	Expand the boundaries of the Naknek Section of the Naknek-Kvichak District.	
Support Support as Amended Oppose No Action	4	4	moving the boundary out would provide for better fishing of the west line in the Naknek with current changes. some discussion on how the expansion of the boundary would increase interception effecting escapement and allocation
BOF	59	Revise boundaries of closed waters at Graveyard Point in the Naknek-Kvichak District.	
Support Support as Amended Oppose No Action	0	7	Discussion on how the boundaries have some variance from the Ioran days and now GPS has come and possibly moved the boundary. Didn't feel it was possible that it would have moved that much and erosion is more the culprit for the issue. Lyle abstained from voting
BOF	60	Create a special harvest area in the Graveyard Creek area.	
Support Support as Amended Oppose No Action	0	8	
BOF	78	Change the boundaries, methods of harvest, and seasons for subsistence harvests of sockeye salmon in the Naknek River drainage.	
Support Support as Amended Oppose No Action	8	0	need to align state and federal regs



Nushagak Advisory Committee
October 20 & 21, 2015
Dillingham City Council Chambers

I. Call to Order: 12:34 PM By Chairman Frank Woods.

II. Roll Call:

Members Present: Frank Woods, Chair, Gayla Hoseth, Joe Chythlook (vice Chair) , Lloyd (Tom) O'Connor, Dan Dunaway Secretary , Curt Armstrong, Dennis Andrew, Travis Ball, Glen Wysoki (arr 1:05 pm), Jonathan Forsling (by phone) , Mariano Floresta, Steve Perkins (alt), Jim Woolington (phone) .

Members Absent: Manokotak rep, Luki Akelkok (Ekwok), Chris Carr (Portage), Chris Strub (alt).

Number Needed For Quorum: 8

Full Member list: Attached at the back of these minutes is a list of all members, the seat they occupy, community of residence, and term expiration date.

List of User Groups Present: In the meeting on or the AC?

On the AC and in the public attending, most people identify with more than one of the following groups with nearly 100% being subsistence users as well as members other user groups. In no particular order:

- Subsistence fishing and hunting
- Commercial Drift
- Commercial Set
- Trapping
- Sport fishing
- Sport Fishing guide
- Big game guide
- Air Taxi
- BBEDC represented by Gene Sandone by phone

Alternate Steve Perkins was seated with the committed given absences. A quorum was declared.

III. Approval of Agenda:

Joe C. Moved to adopt, Travis B. 2nd.

There was a discussion on when to meet to prepare for the Board of Game - consensus was later by teleconference.

Dennis A. asked to add an item IV under new business to discuss CDQ Boundaries.

Gayla H. asked to add a line Public Comments to Agenda after Elections. AC agreed by consensus noting usually for these meetings, public members are encouraged and allowed to participated in discussions, especially proposals.

Tom O. expressed concern for several meetings without a Manokotak representative - consensus was to add Item V under New Business titled Vacancies on AC.



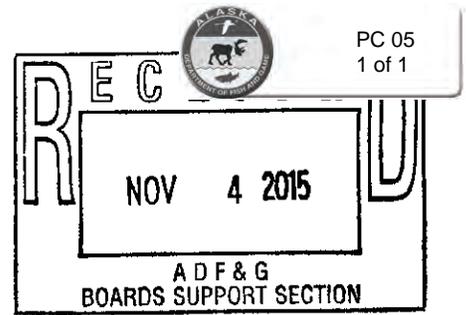
BOF	59	Revise boundaries of closed waters at Graveyard Point in the Naknek-Kvichak District.	
X - Support as Amended	Unanimous	0	<p>Tom Move, Joe 2nd</p> <p>Very long discussion. Not allocative. This "problem" is relatively recent for a site that has been fished 60+ years without problem. Just a marker or boundary location confusion. Nushagak AC set precedence in Igushik and we should support this. Big concern is GPS doesn't always come to the exact same spot it moves around from day to day. Old ADFG marker was moved in the 1980's -source of some dispute. Current marker is wrong place now - possibly by accident or erosion needs to be moved back to right place. ADFG's current GPS markers may have been set with minimal rigor - local fisherman should know best. "State should survey in the markers." Some disagreement from nearby set netters. Proposal maker Curt Armstrong was asked to provide exact position he thinks is right; he gave the point: 58 degrees, 52. 141 min North and 157 degrees, 00.774 min West for the Upper East Marker of the Kvichak. <i>NOTE coordinate appearing here is very slightly different from the one provided in the meeting - author provided correction after the meeting.</i> Per attached email (sister of author).</p> <p>Nushagak AC amends this proposal to recommend the BOF set the boundary to preserve the traditional fishing sites and allow continued fishing at the coordinates 58 deg, 52. 141 min North and 157 deg, 00.774 min West (as provided by the proposer) - supported unanimously</p> <p>Nush AC supported amended proposal: author and AC member Armstrong abstained.</p> <p>The intent of the Nushagak AC is to set the upper east boundary to preserve a traditional long used legal historical fishing site. We do not believe that changing the system of district boundaries from physical markers to LORAN and later GPS were intended or should reduce or eliminate a long used fishing site that has been in compliance. In addition, we recognize that adjustments have to be made for erosion and changing channels.</p>
BOF	60	Create a special harvest area in the Graveyard Creek area.	
X - Support	Unanimous	0	<p>Joe move, Tom 2nd.</p> <p>Erosion has nearly eliminated the original site. This is an attempt to provide a fishing site for a long time legal fishing operation. There is no spawning in the proposed location but fish mill in there. Don't want to disenfranchise a long time traditional use spot. Same intent as we supported in Igushik last cycle and prop 59 here - just adjusting to erosion changes. We are seeing erosion problems around the bay and we'll need to address other places too. Erosion caused DNR to eliminate a former lease site we need to support this.</p>
BOF	61	Increase the minimum distance drift gillnet operations must maintain from a set gillnet operation in the Nushagak District.	
X- Oppose	1	11	<p>Joe Move Travis 2nd</p> <p>Sympathize but only addresses a few "bad apples". One set netter has lost 6 buoys -very frustrating but realizes the limitations of the drift and location. Almost seems unenforceable. Could really displace drifters on traditional drift area, too divisive.</p>



BOF	62	Increase the minimum distance drift gillnet operations must maintain from a set gillnet operation in the Nushagak District.	
X- Oppose	0	Unanimous	Joe Move Travis 2nd Proponent - designed to prevent drifters from fishing at the INSIDE end of sent nets. Asking for drifters to respect the 100 feet rule INSIDE end. If drifters get inside it might prevent set net from being set. Sometimes a drifter gets inside, goes dry and interfere with a set net operation. This asks drifters to respect shore leases. Long discussion of the law it appears there is sufficient laws that generally favor the set netter already and liability mostly falls on the drifter. Current regs already accomplish what this tries to do - current regs makes drifter liable. Current regs are sufficient.
BOF	63	Change the seaward minimum distance between set gillnet gear in the Clark's Point area in the Nushagak District.	
X- Support as amended to: SUPPORT IN CONCEPT	10	2	<p>Joe Move, Gayla 2nd. Very, very long discussion to explain situation and to explore solutions. Several affected set-netters present and active in discussion - potential for conflicts. Erosion is changing the area and reducing the time some set nets can reach water to fish. Historically modest to low producing sites. Some solutions may encroach on other sites. This mainly involves a limited number of sites and they need to get together to work out a solution. Could affect drifters if the set nets get to move out too far. This is a small area and a very few sites. Let affected users work something out.</p> <p>Formed and authorized a stakeholder committee to seek consensus, and develop recommendations to bring before the Board.</p> <p>Nushagak AC amends proposal to: Nushagak AC Supports a solution to address the changing beach contours In Concept.: adjustments to regulations that would address the changing beach contours brought on by erosion. The AC s hopes a consensus can be reached by the concerned stakeholders. The concerned stakeholders are highly recommended by the Nushagak AC to provide a report of the details and their recommendations to the BOF meeting in December. Nushagak Committee's intent is to support the stakeholders' recommended solution.</p> <p>Potential stakeholders include affected set net site holders, Alannah Hurley (author of 63), Diane Wetter, Eddie Heyano, Nick Smeaton, Opie, a drift fisher, AC members Mariano Floresta (Clarks Pt.), Tom O'Connor, and other interested stake holders..</p>
BOF	64	Increase fishing time for drift gillnet gear during incoming tides in the Nushagak District.	



Alaska Board of Fisheries
November 3, 2015



My comments will be brief and specific with regards to proposal 59 which I submitted.

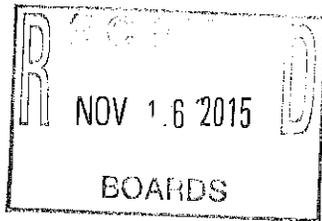
On June 26, 2015 I was extremely proud to witness my grandson Preston become a bona fide member of our fishing "Crew". He is the 4th (fourth) generation of Armstrong's to do so since his great-grandfather obtained this site in 1954.

We are here today because our set net sites that we have fished for 55 years and 35 years are outside the district. How can this be?

Thank you for listening,

A handwritten signature in black ink, appearing to read "Curt Armstrong".

Curt Armstrong



Janet Armstrong Schlagel
POB 714
Dillingham, AK 99576
bayair@hughes.net
H. 907-842-2570
C. 907-843-0585

Re: *Board of Fisheries' December 2015 agenda item, Proposal 59, to change the Northern Naknek-Kvichak boundary line (5 AAC 06.350)*

November 11, 2015

Dear Alaska Board of Fisheries' Member:

Five generations of the Armstrong Family have lived and worked in Alaska, starting in the early 1930's. Four generations of my family continue to live and work in Bristol Bay. We are blessed to be able to provide for our families with our natural resources through subsistence and commercial means. We pick berries, smoke and can fish and we hunt birds and big game. We also work very hard at and rely economically on commercial fishing.

The December agenda item that we initiated is Proposal 59, to change the East-side, Northern Naknek-Kvichak line to:

58.52.141 N
157.00.774 W

(See Shore Fishery Plat, Proposed ADF&G Closure Line, Red.)

My family and I would very much appreciate the Board of Fisheries' help with furtherance of our proposal that the latitude-longitude coordinates for the East-side Graveyard boundary line be amended so that our family can resume fishing all three of our set-net sites that we have fished since 1954 and 1981. (See SFP, Site 1/Tract C, Site 2/Tract B and Site 4/Tract A, Armstrong.)

The following history should aid the Board of Fisheries regarding Proposal 59:

- My father, Dick Armstrong, began fishing at Graveyard Point in 1954.
- In 1954 there were no sites between my father and Ray & Pomela O'Niel who fished sites 8 & 9. (See SFP, Site 8/Tract J, Grossi and Site 9/Tract K, Grossi.)



- In 1955 my father brought his friend Lyle Smith to Graveyard Point and together they "staked" four sites. (See SFP, Site 2 Armstrong, Site 3 Smith, Site 4 Armstrong and Site 5 Smith.)
- My brothers, Curt and Ross, started fishing with Dad at Graveyard in 1971.
- My brother, Ross, died in a plane crash in 1978.
- My mom and my sisters and I had always set-netted on South Naknek beach but we moved to Graveyard Point in 1979.
- We established Site 1 in 1981 and fished 50-fathoms of gear inside the ADF&G boundary line. Our latitude/longitude proposal will allow us to fish Site 1 and Site 2 as we have in the past, but will not create room for any site above Site 1. (See SFP Site 1/Tract C, Armstrong.)
- None of the topmost five East-side Graveyard sites has ever been fished by anyone other than an Armstrong or a Smith family member.
- Until 1992 there existed no coordinates for the East-side North Naknek-Kvichak boundary line, the Board of Fisheries' boundary regulation designating the boundary line merely as follows: "a line from Graveyard Point to a point on the opposite shore at 58° 53' 22" N lat., 157° 04' 16" long."
- Unlike the West side which had latitude/longitude coordinates, the East-side had no coordinates. There was a physical marker establishing the East-side boundary line which fell over the bank a long time ago.
- Fish & Game has acknowledged to the Board (1) that in 1992, upon changing from the West-side's Loran C coordinates to latitude/longitude coordinates and again in 2001 using GPS coordinates, about a 1000 foot-to-southward error was made and (2) that the Board of Fisheries should expand the fishing district Northward to rectify that error. (See ADF&G BOF Meeting (Excerpt), March 20, 2014, page 4.)
- Fish & Game's acknowledged West-bank error regarding the 2001 GPS regulation, a mistake that happened even though the West-bank had Loran C coordinates until the 1992 change to latitude/longitude coordinates, makes considerably more apparent the inadvertent mistake concerning the East-side latitude/longitude coordinates.
- A letter dated April 11, 1990 from F&W Protection's Richard Dykema and ADF&G's Don Bill states, "we have noted Mr. Armstrong's set-net sites, and they have always appeared to be in waters open to fishing, South of the ADF&G markers. (See April 11, 1990 Rendi Patterson.)



- Regarding our Armstrong petition to have the East-side Northern Naknek-Kvichak boundary line moved Northward, Fish & Game informed the Board at the Board's March 2015 meeting that "The department is NEUTRAL on considering shoreline erosion to establish new coordinates."

My family has been trying to resolve this issue by working within the State system. We have had discussions with DNR, with ADF&G and with the Troopers. We have attended the ADF&G Board of Fisheries meetings; first the ACR on October 16, 2014, then the March 2015 BOF meeting and we will be at the meeting in December 2015.

We believe that the significant erosion that has taken place at Graveyard Point causing buildings to fall completely over the bluff and graves to wash out to sea is a factor in our sites being lost; however, the lack of surveyed markers and the general confusion by the ADF&G regarding their historical markers is, in my opinion, a more relevant factor hindering a resolution for us. When asked at the October 16, 2014 BOF meeting, "how are the environmental variables out there, are those sites stable as far as environment goes, water, erosion, channel change? the ADF&G staff member responded, "that is also part of the comment is that that area has been eroding and the entire bank has been moving backwards and it further complicated the interpretation of it and, as we kept looking for additional clarity doing additional background research, it just got more confusing and that adds another layer of confusion." (See ADF&G BOF Meeting (Excerpt) October 16, 2014, page 7.)

So it is that no one can say with any certainty, it was there and now it is here and it needs to go back to there.

We are asking you to restore us to fishing our historical sites.

My family and I thank you for adjusting the latitude/longitude coordinates so that four generations of our family can continue to provide for their families.

Sincerely,

A handwritten signature in black ink that reads "Janet Armstrong Schlagel". The signature is written in a cursive style with a large, sweeping initial "J".

Janet Armstrong Schlagel



STEVE COWPER, GOVERNOR

DEPARTMENT OF FISH AND GAME

P.O. BOX 37
KING SALMON, ALASKA 99613-0037

April 11, 1990

Rendi Patterson
Dept. Natural Resources
Div. of Land and Water Mngt.
3601 C Street
Box 107005
Anchorage, AK. 99510-7005

Dear Rendi:

In reference to your inquiring on placement of the regulatory markers near Graveyard on the North East side of the Kvichak River. Don Bill and I have discussed it thoroughly and to the best of our knowledge, this marker has not been moved in at least 10 years. We have noted Mr. Armstrongs set net sites, and they have always appeared to be in waters open to fishing, south of the A.D.F.& G. markers. It appears to us that the surveyors mistook the Coast Guard marker for the A.D.F.& G. marker.

Sincerely,

Richard Dykema
Fish & Wildlife Protection

Don Bill
Alaska Dept. Fish & Game

RECEIVED
APR 19 1990
Southcentral
Fish & Wildlife
Management



ALASKA DEPARTMENT OF FISH AND GAME
BOARD OF FISHERIES MEETING (EXCERPT)
OCTOBER 16, 2014



1 CHAIR: Staff have comments, please.

2 MR. LEWIS: Good morning, Mr. Chairman, members of the
3 Board. My name is Bert Lewis. I'm their regional management
4 coordinator for Bristol Bay and Prince William Sound. ACR
5 No. 11 changed the Naknek-Kvichak District boundary line at
6 Graveyard Point to include two historically-fished setnet
7 sites and this relates to regulation 5 A.A.C. 06.350.

8 Present situation, two historically-fished setnet sites
9 at Graveyard Point are outside of the Naknek-Kvichak district
10 boundary as established by GPS coordinates. The staff comment
11 on this propo -- ACR were based on the possibility that the
12 location of the boundary line may have changed when the
13 location identification method changed from Loran to GPS.

14 The Armstrong's have fished on the boundary line for
15 decades and claim that the change in the way it was defined
16 resulted in the boundary line moving shoreward. There was a
17 pending open citation case related to this ACR and, because of
18 that, the Department is going to defer to Department of Public
19 Safety, Alaska Wildlife Troopers, Mr. Chairman.

20 CHAIR: Defer what to them?

21 MR. LEWIS: Comment.

22 CHAIR: Sergeant, do you have any comments to make on
23 this? I hate to put you on the spot like this but they're not
24 going to give us any assistance at this point so maybe you
25 can.



1 SERGEANT: Mr. Chair, on -- far as the Department is
2 concerned, we know of no changes in this line. It switched in
3 2001 from Loran to GPS and that's what the line's been and
4 that's how we've been enforcing it since 2001 off the GPS
5 coordinates.

6 CHAIR: Can we assume from that comment that the
7 Department of Public Safety believes that these people have
8 been fishing in closed water all these years then?

9 SERGEANT: The Department won't say they have not been
10 fishing in closed, we just haven't observed them until
11 recently. 2012 was the first time. People have been observed
12 above the line and then, as the staff said, 2014, the citation
13 was issued.

14 CHAIR: Well, we'll have to flesh this out among ourselves
15 here I think. Any comments? Mr. -- now Mr. Johnson.

16 MR. JOHNSON: If I were to, by some error, find myself
17 fishing over the line, I think I would get a citation
18 immediately, not to say that that's never happened. The fact
19 that a number of years, at least since 2000 when the line was
20 redefined, no one discovered this supposed error baffles me.
21 That's just a comment. I, you know, haven't drawn any
22 conclusions from that but -- except to say that it would seem
23 that if someone were fishing in closed waters for all these
24 many years, there would have been some indication, you know,
25 prior to now.



1 CHAIR: Mr. Kluberton.

2 MR. KLUBERTON: Thank you, Mr. Chairman. I -- a question
3 for the Department. How long has this site been fished?
4 We're talking about a change from Loran to GPS in 2000
5 whatever but my understanding is that the families fished this
6 same site for some 60 years. Is that correct?

7 MR. LEWIS: There are two sites in question and one has
8 been fished, I believe, since 1954 is what was submitted in
9 part of the ACR documentation and a second site we know that
10 there was a DNR lease application submitted in the eighties.
11 So, yes, they have been fished for a considerable amount of
12 time.

13 MR. KLUBERTON: Okay. So when the Loran line -- there was
14 never a citation issued under the Loran line. Do we know for
15 certain that the GPS coordinates accurately reflect where the
16 Loran line was and that, under the Loran line, these sites
17 were never cited?

18 MR. LEWIS: I feel the need to be cautious here because,
19 as we were having these discussions and making a determination
20 which is actually an opinion about whether the line moved or
21 not, could influence or bias the case when this comes up and
22 in our comment -- for example, additional information -- we
23 state however, changes in how the boundary line is defined
24 unintentionally resulted in changing the location of the
25 boundary line and that is likely an error and something that



1 we cannot stand by because we do not know that and should read
2 how the boundary line is defined may have unintentionally
3 resulted in changing location. So by us taking a position on
4 if it changed during the translation could influence the case
5 and this is where we started being advised to back off of
6 commenting on this.

7 MR. KLUBERTON: So we have no idea what reality is here?

8 MR. LEWIS: That's a deep philosophical question and --

9 MR. KLUBERTON: The Department does not know whether the
10 line was accurately translated?

11 MR. LEWIS: We haven't made a determination on that,
12 correct.

13 CHAIR: I'm confused. You've made a statement and then
14 you say it was incorrect and you've corrected it?

15 MR. LEWIS: Well, it was published and then as we had
16 additional discussions about this ACR, it came to light it was
17 more complicated than we thought and, as we were looking for
18 clarity, it got more confusing and then when we also were
19 informed that we had this open pending case. We were advised
20 to step back from taking a firm stance on where the line is
21 and if it changed --

22 CHAIR: When you made the first statement, did you mean it
23 at the time? Was it an --

24 MR. LEWIS: I would assume --

25 CHAIR: In your opinion, it was an accurate statement or



1 MR. LEWIS: I believe it is under your authority, yes.

2 CHAIR: Okay. Any other comments? Mr. Huntington.

3 MR. HUNTINGTON: Yes, I'm not sure where we're going with
4 this but it seems to me the criteria of unforeseen, how are
5 the environmental variables out there, is -- are those sites
6 stable as far as environment goes, water, erosion, channel
7 change?

8 MR. LEWIS: Through the Chair, that is also part of the
9 comment is that that area has been eroding and the entire bank
10 has been moving backwards and it further complicated the
11 interpretation of it and, as we kept looking for additional
12 clarity doing additional background research, it just got more
13 confusing and that adds another layer of confusion, Mr.
14 Chairman.

15 CHAIR: Mr. Kluberton.

16 MR. KLUBERTON: Yeah, thank you, Mr. Chairman. When I
17 think about this issue moving to court and trying to imagine
18 how might the court resolve it, it occurs to me that I have
19 complete lack of faith that the court's going to dig back, fly
20 a helicopter out there and decide whether this was a mistake
21 or not. The court's going to look at the existing regulation
22 which is expressed in GPS coordinates. They're going to look
23 at the location that the wildlife troopers observed the
24 fishing taking place and render a decision based on those two
25 points. It's not, I believe, the responsibility of the court



**ALASKA BOARD OF FISHERIES
BRISTOL BAY FINFISH
DECEMBER 2-8, 2015**

**Alaska Board of Fisheries Proposals
WRITTEN COMMENTS**

BY

The Bristol Bay Economic Development Corporation

NOVEMBER 2015



PROPOSAL 59 – 5 AAC 06.350. Closed waters
RECOMMENDATION: NEUTRAL

Revise boundaries of closed waters at Graveyard Point in the Naknek-Kvichak District, as follows:

Change the GPS numbers on the east (Graveyard Point) side of the river.

BBEDC COMMENTS: BBEDC is neutral on Proposal 59. This issue was fully addressed at the Statewide meeting in March. We believe that this is an issue between set netters near Graveyard Point. Therefore, BBEDC is neutral on this proposal.

PROPOSAL 60 – 5 AAC 06.XXX. Graveyard Creek Special Harvest Area Management Plan.

RECOMMENDATION: NEUTRAL

Create a special harvest area in the Graveyard Creek area, as follows:

We request the Board of Fisheries to create a special harvest area or something similar to allow certain right(s) to be protected and preserved or simply restore our right to fish. We request this be done via grandfathered rights or creating special provisions created for cases similar in nature.

COMMENT: BBEDC is neutral on Proposal 60. Fishermen fishing in Graveyard Creek have been informed that they are fishing illegally. They would like to create a special harvest area within the creek to allow them to fish their set net sites. The stream is non anadromous stream and has no spawning stock of salmon.



entire District or within a specific area encroaches on the drifter’s fishing area. Note, however, if a drift gillnetter entangles a set net he may receive a citation from Public Safety. BBEDC opposes this proposal.

PROPOSAL 63 – 5 AAC 06.331. Gillnet specifications and operations.

RECOMMENDATION: NEUTRAL

Change the seaward minimum distance between set gillnet gear in the Clark’s Point area in the Nushagak District from, 500 feet to 750 feet to compensate for a mud bar that is filling in.

BBEDC COMMENTS: BBEDC is neutral on Proposal 63. This proposal is allocative in nature in that it reduces the area that the drift gillnets can fish and gives it to the set netters. It reallocates resources. However, we understand that environmental changes have caused these sites to have insufficient water for adequate fishing time. Therefore, BBEDC is neutral on this proposal. We urge the BOF to consider the possible allocative aspects of this proposal between gear types and within the set net gear types when deliberating on this proposal.

PROPOSAL 64 – 5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

RECOMMENDATION: SUPPORT

Increase fishing time for drift gillnet gear during incoming tides in the Nushagak District. Drift gillnet openings will begin at least one hour before book high water.

BBEDC COMMENTS: BBEDC supports Proposal 64. This proposal seeks to schedule the drift gill net opening at least one hour before the high tide. Fishers would rather fish on the flood rather the high tide or the ebb. There is more productive and more efficient fishing on the flood. BBEDC supports this proposal.

PROPOSAL 65 – 5 AAC 06.367. Nushagak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.

RECOMMENDATION: OPPOSE

In the Nushagak District repeal emergency order authority to limit gillnet mesh to not exceed four and three-quarters inches, as follows:

BBEDC COMMENTS: BBEDC Opposes Proposal 65. The regulation, 5 AAC 06.367(e), was adopted during the previous Bristol Bay finfish BOF meeting. The main purpose of the original proposal and subsequent regulation was to be able to harvest one stock of sockeye salmon over another (Nushagak River vs. Wood River sockeye salmon stocks). Fishermen presented it and lobbied for it. However, some fishermen believe that stock specific harvests of



November 19, 2015

Alannah Hurley
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(907) 843-1633
girlasue@gmail.com

RE: Support for Bristol Bay Proposal #63

Attachments:

- 1) Clark's Point Village Council Letter of Support
- 2) Clark's Point Set Net Fleet Support Statement
- 4) Visual Aid Photos of Clark's Point Beach and Proposal Area
- 5) Shore Fishery Lease Map of Proposal Amendment Area

Dear Board of Fish Members,

Quyana (thank you) for your service and reviewing Bristol Bay Proposal #63. I look forward to meeting and discussing this important proposal with you at the upcoming Board of Fish meeting but am happy to submit additional comments, the attached support documents, and visual aids for your review. First, I'd like to highlight that this proposal has the full support of the Clark's Point set netters (I'm only awaiting response from one permit holder) and also from the local tribal government, the Clark's Point Village Council who represents 99% of Clark's Point residents.

Another important highlight not included in the proposal is all of Clark's Point set net fleet are Bristol Bay watershed residents and or have generational roots in Clark's Point and the commercial fishery. The vast majority of the sites in the proposed area of change are "single-site" fishermen who rely primarily on the income from their single set net operation. The sites in the area that that will be impacted by this proposal make up just under half of the entire Clark's point set net fleet and therefore would directly positively impact the vast majority of the beach. These highlights and the reasons outlined in the proposal/letter from the Village Council explain the broad and enthusiastic support of proposal #63.

The Nushagak Advisory Council is in full support of the concept (an extension of seaward distance to accommodate mud flat fishermen) and reasoning supporting proposal #63. But due to concerns raised at the meeting, the AC encouraged stakeholders in the area to meet to address the challenges and concerns raised. We convened the suggested stakeholder meeting this month and while we weren't able to agree on all points, we were able to find a solution to one of the challenges that arose.

That solution is proposal #63's impacted area must exclude the most southern set net site on Clark's Point beach because if it's extended to 750 ft. its shore fishery lease would intersect with Diane Wetter's shore fishery lease across the creek on the Ekuk side of the beach. Diane Wetter's sites on the Ekuk spit fish parallel (not seaward) to the Clark's Point beach and so to accommodate for this challenge we must exclude the most southern (last) site on Clark's point beach. This exclusion is supported by the last site's Captain (Christina Jeffery) as she accepts there is no way for her to extend her fishing distance without



intersecting with Diane's shore fishery lease. Please see the attachment with shore fishery lease maps that illustrate this challenge and the necessity of an exclusion of the last site from this proposal area. Therefore the amended GPS coordinate is (included in the amendment below) at the 2nd to last site on Clark's Point beach. An extension of the 2nd to last site (Captained by Robert Heavener) will not interfere with Diane Wetter's sites and therefore makes sense to be the new southern boundary of the proposal area.

As author of Proposal #63 I'm amending this proposal to the new GPS coordinate in bold below as a solution to the challenge stated above. The new proposed regulation would read:

Gillnet specifications and operations. Change the seaward minimum distance between set gillnet gear in the Clark's Point area in the Nushagak District, as follows:

5 AAC 06.331(n)(2) is amended to read:

From the cannery dock at Clark's Point to an ADF&G regulatory marker at First Creek, 500 feet from the mean high tide mark, or to the minus 3 foot low tide mark whichever location is closer to the mean high tide mark. Except between 50° 49.945' N lat., 158° 33.456' W long., and **50° 49' 18.3" N lat., 158° 33' 05.8" W long** (at Clark's Point Bluff mudflat) 750 feet from the mean high tide mark, or to the minus three foot low tide mark whichever location is closer to the mean high tide mark.

Best wishes,

A handwritten signature in cursive script that reads "Alannah Hurley".

Alannah Hurley

Lifelong Bristol Bay Resident, Subsistence fishermen, and 3rd Generation Set Netter on Clark's Point beach.



September 24, 2015

Alaska Board of Fish
PO BOX 115526
Juneau, AK 99811

Clark's Point Village Council
PO BOX
Clark's Point, AK 99569

RE: 2015 Board of Fish Proposal # 63 (attached)

To Whom It May Concern:

I am writing on behalf of the Clark's Point Village Council in support of Board of Fish Proposal #63 submitted by Alannah Hurley for consideration at the 2015 Board of Fish meeting. Clark's Point is one of Bristol Bay's smallest communities and the vast majority of the set net fishermen on our beach are Bristol Bay watershed residents with generational roots in Clark's Point. While Clark's Point strives to create and diversify year-round employment options for our residents, the vast majority of our population relies primarily on income from commercial fishing to support our families and community throughout the year. We support this proposal as it will positively impact our fishermen's season and therefore our community.

We are in agreement with the reasons and need for an extension of distance outlined in the proposal. If passed it would not only exhibit regulatory consistency with other similar areas in the Nushagak district but would accommodate for a changing mudflat that has lengthened and filled in over time. The extension of the seaward distance for the bluff set netters from 500 to 750 ft. will ensure our set netters in the specified area will have adequate fishing time and water to have an equitable chance at a successful season.

Sincerely,

A handwritten signature in cursive script that reads "Betty Gardiner".

Betty Gardiner, President

Clarks Point Village Council



Clark's Point Set Net Fleet Support Statement:

I am a Clark's Point set netter and support Proposal #63 to extend the set net distance from 500ft. to 750 feet on the Clark's Point bluff mudflat area specified in the proposal.

Clark's Point Captain's Name:

Christina Jeffery – Site in area of proposed change

Robert Heavener Jr. – Site in area of proposed change

Nina Heavener- Site in area of proposed change

Joseph Wassily – Site in area of proposed change

Barbara Nunn – Site in area of proposed change

Lawrence Olson – Site in area of proposed change

Renetta Haggard – Site in area of proposed change

Fred John Jr. – Site in area of proposed change *(awaiting support response)*

Nicole Jeffery

Gloria Thorson

Sophie Bullard

Christina Edenshaw

Desmond Hurley

Alannah Hurley

Theron Heavener

Malcom Wright

Mariano Floresta

Terry Steben



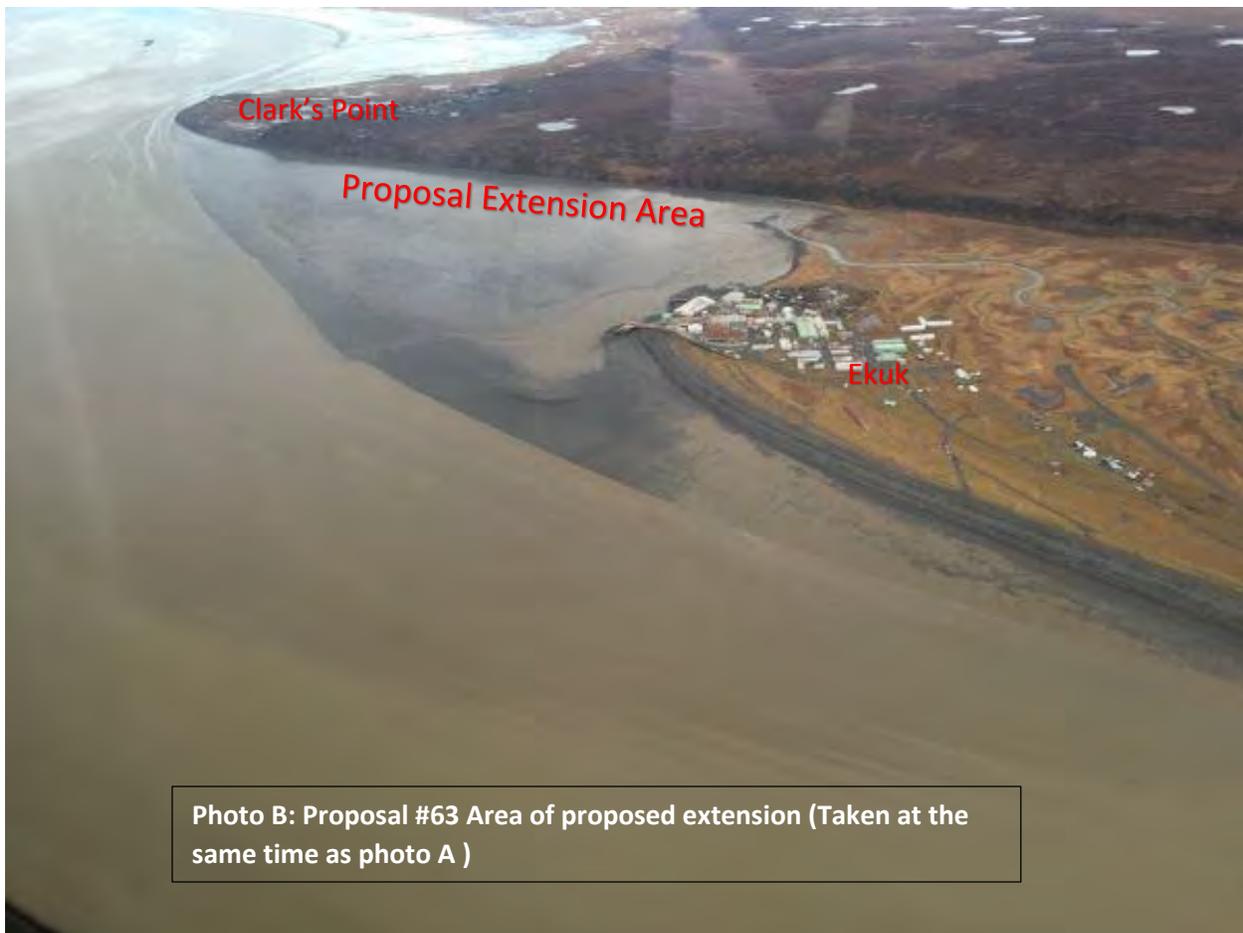


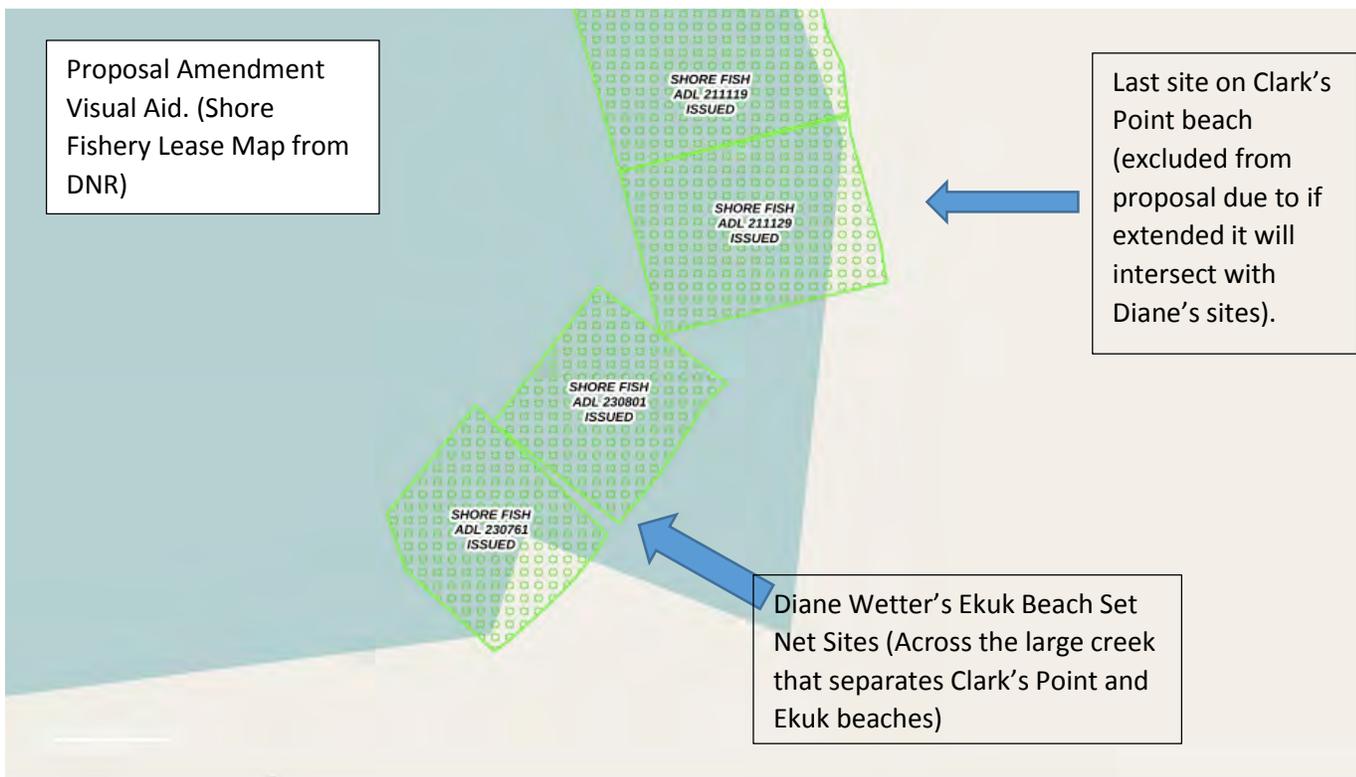
Photo B: Proposal #63 Area of proposed extension (Taken at the same time as photo A)



Photo C : Taken on the top and in the middle of Clark's Point bluff at 0 low tide.



Photo D: Buoy at 500 ft. limit at a 0 outgoing tide in the middle of Clark's Point Bluff Mudflat.





Diane Wetter
PO Box 336
Dillingham, AK 99576

November 19, 2015

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

RE: Comments for Bristol Bay Finfish Proposals 2015

Dear Directors of the Board,

I have several comments on the proposals before the Board regarding the Bristol Bay Finfish fishery.

Proposal 63 - I strongly oppose.

This proposal will adversely affect my family's shore lease. The location of our lease has a very unique land configuration. The lease is located on a spit that runs perpendicular to Clark's Point beach. It has the same issue as the proposal writer's issue: "short fishing time due to the lack of water." Short fishing due to lack of water is not a new issue.

Proposal 63 will create the following complications.

1. It will intersect Jordan Jeffery's shore lease with my family's (Brent Wetter) shore lease.
2. If this proposal passes and Robert Weavener is allowed to extend out 250 feet, it will prevent us from applying to extend our lease seaward 250 feet because it will completely isolate Jordan Jeffery's shore lease. See the attached map.

Proposal 63 gives an advantage to six (6) sites and creates a disadvantage for three (3) sites.

The solution is to leave the situation as it is. Vote no on Proposal 63.

Proposal 42 & 43 – I strongly oppose.

We are a setnet fishery with set sites. The Nushagak is a big district; we need district registrations. Passing proposal 42 and 43 will benefit those who do not follow the rules.

Proposal 45-53 – I oppose.

Gear stacking has been proven to put local participants at a disadvantage. We need as many local participants as possible, and gear stacking reduces local involvement.



Proposal 61 & 62 – I oppose.

Even though I am an Ekuk setnet fisher, I respect the fishing areas negotiated in year's past. Drift fishers gave up fishing areas in upper districts to create new setnet areas. Increasing the distance drift fishers must maintain off the end of a setnet reduces fishing areas for drift fishers. This is not right, and not in the spirit of the long hard negotiating sessions that took place between setnet and drift fishers in the past.

In my opinion, these proposals will not prevent gear entanglement.

When considering these proposals, I ask the Board to respect the history of past agreements and negotiations between set and drift fishers. I ask you to consider how your decisions will affect local participation in the fishery.

Thank you for taking the time to participate on the Board and working on behalf of all of us who fish in Bristol Bay.

Sincerely,

A handwritten signature in blue ink that reads "Diane Wetter".

Diane Wetter

907 843-1432



State of Alaska

User Guide Support Recorders Office ASGDC Visiting Alaska SDMI

Natural Resources > IRM GPU > Alaska Mapper > Map Selection > Land Estate Map (public)

Switch to Lite Mapper

Logout (Logged in as: public)

Tools Layers Legend

Base Map
OpenStreetMap

Map Functions

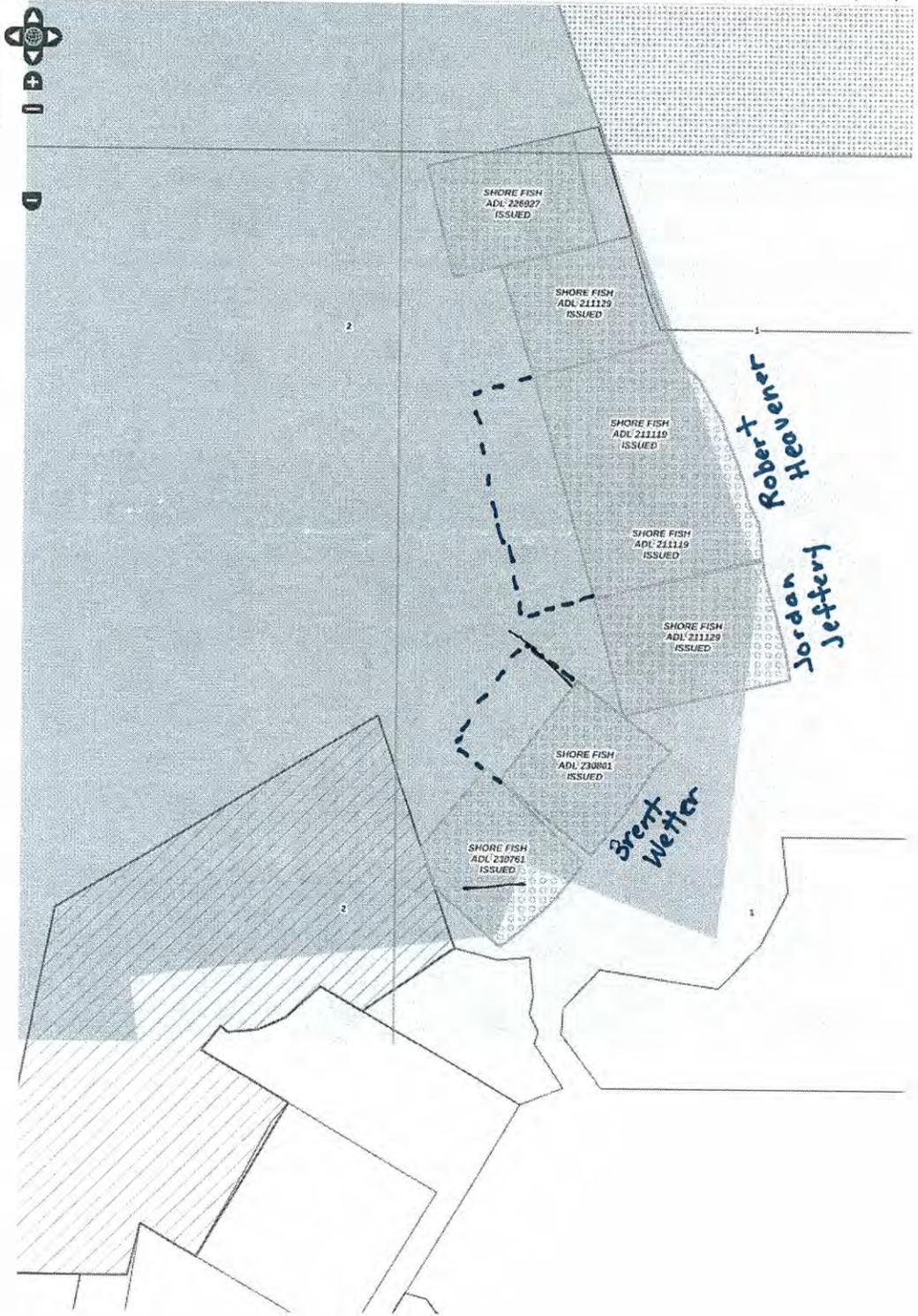
Navigation Tools

Query by Feature (none)

Feature Modify / Other

Run Query Partial

Map Info
Mouse position (DD):
Lat: 58.82245N
Long: 158.54587W
Map Center Township
TWP Links (S016S056W)



100 m
300 ft

Response to Suggested Proposal 59

Smith/Ten Kley

RC 015

Date: 1 December 2015

To: Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Fax: (907) 465-6094
Email: dfg.bof.comments@alaska.gov

From: L. Tiel Smith, Benjamin Smith, Alec Smith, Erin Smith
Silke Smith, Lyle Smith, Niel Smith, Kaleb Smith
Reid Ten Kley, Eike Ten Kley

We are responding to Proposal 59 regarding the change to the Naknek-Kvichak north-eastern boundary line at Graveyard Point, which includes two set-net locations. We are the owners of the neighboring net locations.

Background

Family history as shared by the Armstrong and Smith families is that back in the mid-1950's, Dick Armstrong obtained his net location on the east side of the Kvichack River from the watchman of the Graveyard Point Cannery. It was the first net location south of the north-eastern boundary line. Lyle Smith took ownership of the second net location down from the boundary line. The two men fished independently but from time-to-time partnered. They had grown up together since childhood and were close friends. Off season, they spent time together, and their families continued to be intertwined, with the children growing up side-by-side.

As time progressed, more net locations were added below the boundary line. The Vantrease family (later to become the Ten Kleys) began to gain some net locations. Then both the Armstrong and Smith families each gained an additional net location further down from the boundary line so that the net locations finally laid out Armstrong, Smith, Armstrong, Smith, Vantrease, Vantrease, and so on.

Response to Suggested Proposal 59

Smith/Ten Kley

Issue

Instead of 1980 as stated in Proposal 59, it was during the early-1990's, based on a journal entry and several personal recollections, that the Armstrongs added an additional net location above their first on the north-eastern boundary line. They initially referred to it as a half-site net location.

Earlier however, the State of Alaska had initiated the Department of Natural Resources Shore Fishery Leasing Program for Commercial Set Net. The Armstrong's two net locations referenced in Proposal 59—the original mid-1950's net location and the newer early-1990's net location—as well as their prior net location further down from the boundary line, were not established within the shore fisheries lease program, while all the other adjacent net locations were surveyed, recorded, and leased from the State of Alaska by their owners.

Statement

The Armstrongs are our dear friends and so this is a difficult action for us to provide comment.

We acknowledge the mid-1950's net location on the north-eastern boundary line as it has been historically established. However, we do not endorse moving the boundary line to include the newer early-1990's net location located above what was widely known to be the north-eastern boundary line.

The inclusion of the newer early-1990's net location has had an economic impact on a number of the adjacent net locations over the years. It has limited the amount of fish caught for several of the net locations south of the north-eastern boundary line.

Final Recommendation: We would support a north-eastern boundary line change that accommodated the Armstrong's initial mid-1950's net location. We would not support moving the north-eastern boundary line to include the newer early-1990's net location.

Evidence

- *Attachment:* DNR Shore Fishery Diagram SFP-1333 (SFDI-1333) which includes the signatures of Dick Armstrong, Lyle Smith, Curt Armstrong, and L. Tiel Smith. Dated August 19, 1988. All four original net locations of the Armstrongs and Smiths, with the Armstrong's mid-1950's track on the farthest eastern boundary line, are included in the survey. The Armstrong's newer early-1990's net location is not included in the survey.
- *Survey Plat Link:* <http://dnr.alaska.gov/gis/raster/dnr/surveys/20000731/00020487.pdf>

Response to Suggested Proposal 59

Smith/Ten Kley

Notary and Signature

I submit these statements and affirmations as if given under oath.

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss:

THIS IS TO CERTIFY that on this _____ day of March 2015, before me, the undersigned Notary Public in and for Alaska, personally appeared L. Tiel Smith, known to me and to me known to be the signatory described herein and who executed the foregoing document and he acknowledged to me that he signed the same as his free and voluntary act and deed, for the uses and purposes therein stated.

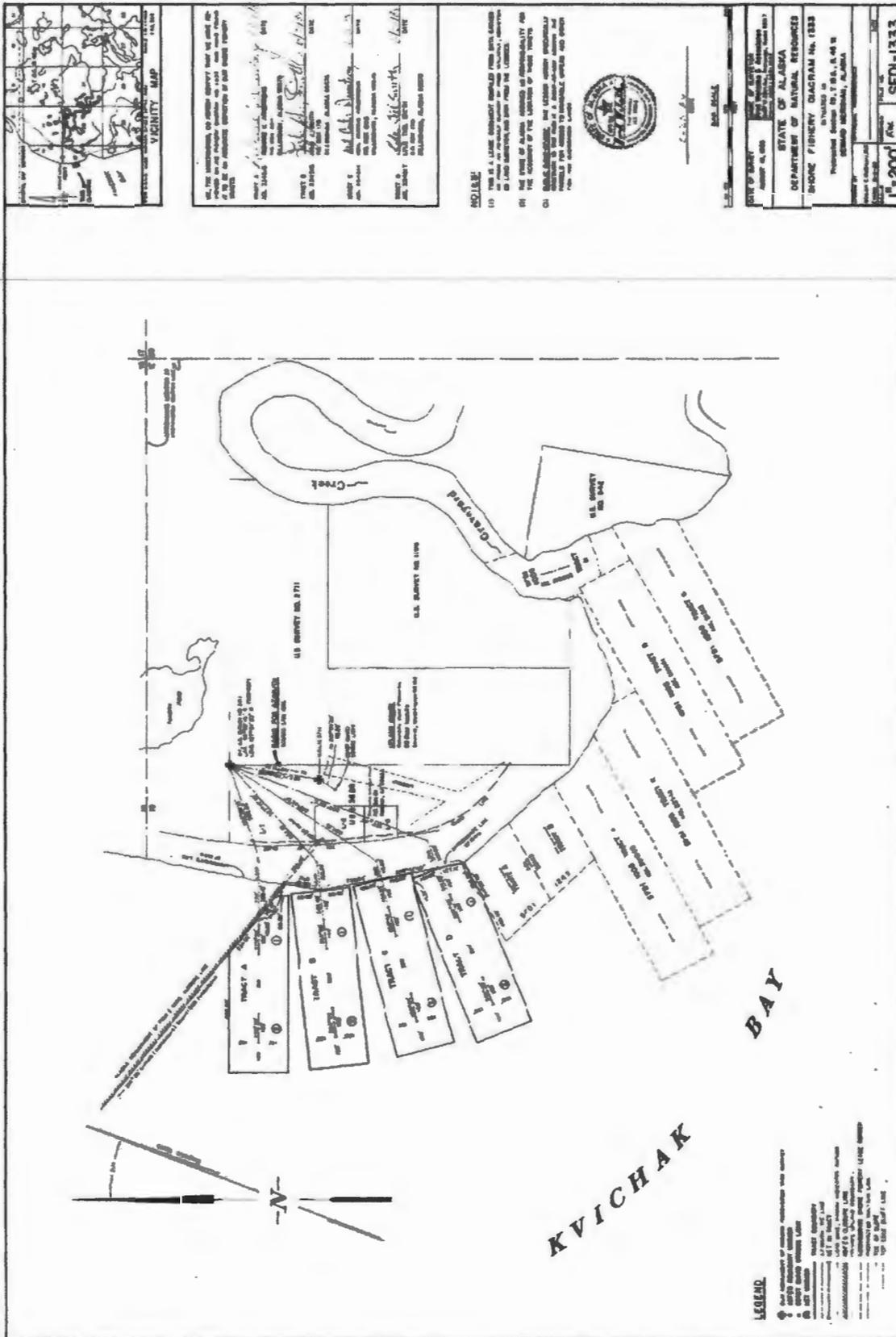
IN WITNESS WHEREOF, I hereunto set my hand and official seal on the day and year first hereinabove written.

Notary Public in and for Alaska

Seal:

My commission expires: _____

Response to Suggested Proposal 59
Smith/Ten Kley



1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

RC 024

Alaska Board of Fisheries
In regards to Proposal 63
December 2, 2015

Barbara Nunn
Dillingham, AK
Clarks Point/Igushik Setnet Fisherman/Permit Holder

Chairman Kluberton and Members of the Board:

I am a Dillingham resident and Bristol Bay setnet fisherman and permit holder. I currently fish at Clarks Point and am in **Support of Proposal 63**. My site is one that would be affected by this proposal if it were to pass. The mudflats over the years have changed and on the smaller tides there isn't enough water to fish. By extending the limit out to 750 ft this would allow for myself and others in this area to have enough fishing time for a productive setnet season.

Proposal #63

Extension of Clark's Point Bluff
Mudflat Set Net
Seaward Distance from 500ft. To
750 ft.



Combine Flats 1000ft.Limit



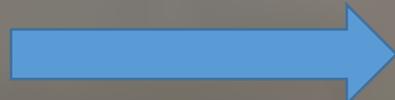
Clark's Point Dock 500ft. Limit Begins



Clark's Point

Proposal Extension Area

Clark's Point Bluff Mudflat 500ft. Limit



Ekuk



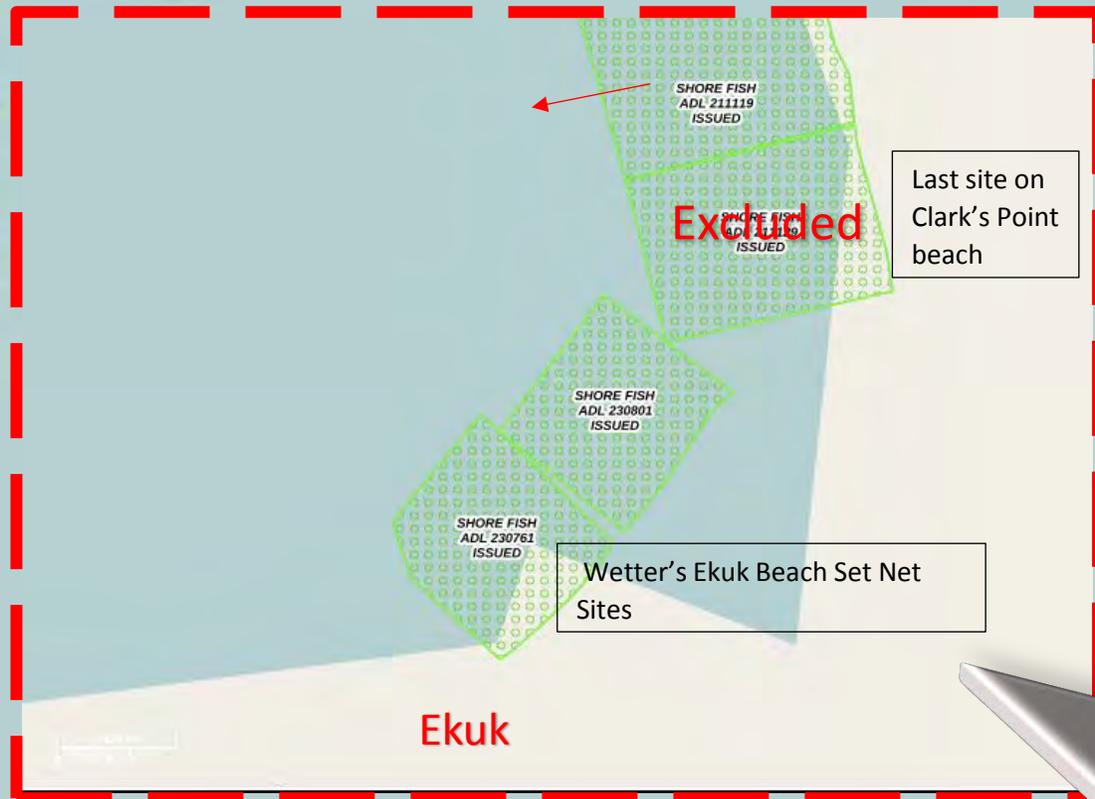
Ekuk Beach 500ft.

Photo A: Taken at 1/2 tide on the incoming (coming in from a -2 low tide to a 18 foot high tide)



Photo C:

**Buoy at 500 ft. limit
at a 0 outgoing tide
in the middle of
Clark's Point Bluff
Mudflat.**



Ekuk

Wetter's Ekuk Beach Set Net Sites

Last site on Clark's Point beach

Excluded

200 m / 1000 ft

Clark's Point

SHORE FISH
ADL 211013
ISSUED

SHORE FISH
ADL 224841
ISSUED

SHORE FISH
ADL 211130
ISSUED

SHORE FISH
ADL 226719
ISSUED

SHORE FISH
ADL 230758
ISSUED

SHORE FISH
ADL 211129
ISSUED

SHORE FISH
ADL 211119
ISSUED

SHORE FISH
ADL 211129
ISSUED

SHORE FISH
ADL 230761
ISSUED

Last site on Clark's Point beach (excluded from proposal due to if extended it will intersect with Diane's sites).

Wetter's Ekuk Beach Set Net Sites (Across the large creek that separates Clark's Point and Ekuk beaches)



★ Ekuk Spit 2 Sites

Ekuk

2nd to Last Clark's Point Site
(southern extension
border)

Ekuk Spit 2 Sites

RC 048

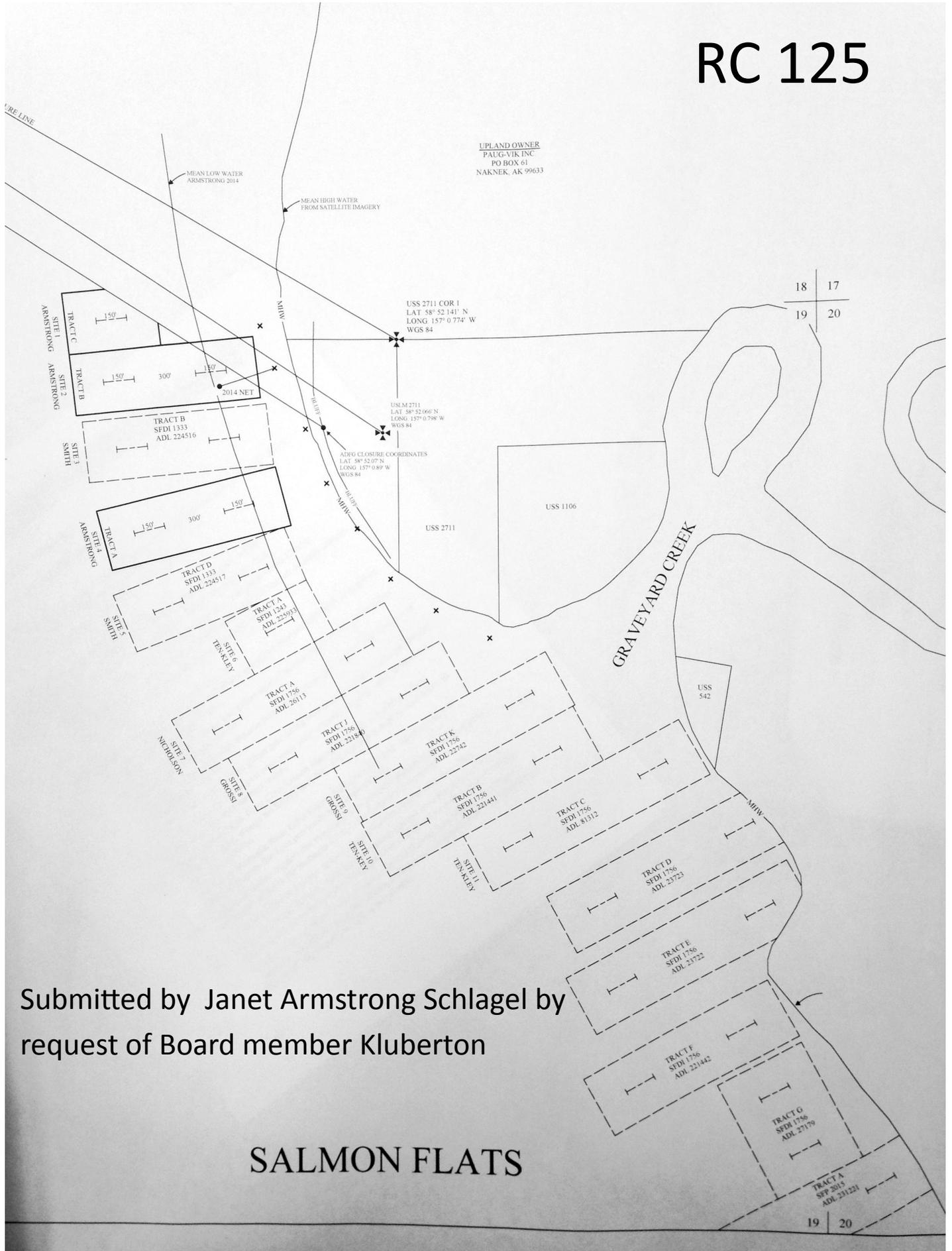
Alaska Board of Fisheries
In regards to Proposal 63
December 2, 2015

Barbara Nunn
Dillingham, AK
Clarks Point/Igushik Setnet Fisherman/Permit Holder

Chairman Kluberton and Members of the Board:

I am a Dillingham resident and Bristol Bay setnet fisherman and permit holder. I currently fish at Clarks Point and am in **Support of Proposal 63**. My site is one that would be affected by this proposal if it were to pass. The mudflats over the years have changed and on a 15ft tide there is not enough water to fish. By extending the limit out to 750 ft this would allow for myself and others in this area to have enough fishing time for a productive setnet season.

RC 125



Submitted by Janet Armstrong Schlagel by request of Board member Kluberton

SALMON FLATS

Submitted by the Alaska Department of Fish and Game at the request of Board Chairman Kluberton

December 5, 2015



Submitted by the Alaska Department of Fish and Game at the request of Board Chairman Kluberton

December 5, 2015

