

# On-Time Public Comment List

Alaska Board of Fisheries Statewide Dungeness Crab, Shrimp and Miscellaneous Shellfish  
Anchorage, March 6-9, 2018

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# On-Time Public Comment List

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Submitted By  
Adrian Smith  
Submitted On  
2/19/2018 2:04:39 PM  
Affiliation

Phone  
907 690 2284

Email  
[arcticstormseafoods@gmail.com](mailto:arcticstormseafoods@gmail.com)

Address  
po box 62  
Kasilof, Alaska 99610

We are commenting on proposal number 227

We disagree that closing the fall season is necessary to ensure the recruitment of sidestripe shrimp. We feel that the quotas in place are adequate safeguard. Having been involved in more than one shrimp trawl fisherie in the state we know the egg cycle is very similar across the state for sidestripe shrimp. The existing Jan 1st thru Apr 15th and Aug 15th thru Nov 31st closures that are already in place for this portion of the Prince William sound is twice the recruitment time given for other areas in the Sound . The Westward shrimp fisherie is also managed with 3.5 months for recruitment.

We shrimped the October-December season last year for the first time. We have been shrimping for five years, and have fished in the Shelicof primarily. We have come to realize that our 58 foot boat and beam trawl are not adequately fishable in the Kodiak winter weather for profitability. Being able to fish in the much more protected Prince William Sound was extremely beneficial for our family. It would definatly be economically detrimental to us to now close that fishery. We would like to add that we are considered a value added fishery, as we are a small family opepration that spends generated funds in our local economy.



Submitted By  
Alan Parks  
Submitted On  
2/23/2018 2:56:11 PM  
Affiliation  
self

Phone  
9073993096

Email  
[alan@homerphotofest.org](mailto:alan@homerphotofest.org)

Address  
1293 Beluga Ct.  
Homer, Alaska 99603

I support the creation of a permanent hatchery committee of the BOF. The task of the committee would be to take on all issues in an open forum relating to hatcheries utilizing all current scientific knowledge regarding the impacts of hatchery produced salmon on Alaska wild salmon, forage fish and the ecosystem. The hatchery committee should be tasked to review all direct economic impacts to the state of Alaska. The hatchery committee should be tasked to review the social and economic impacts of specific hatcheries on permit holders. The hatchery committee should be tasked to review the issue of the straying of PWS hatchery produced salmon into Cook Inlet wild salmon streams.



Dear Alaska Board of Fisheries Members,

The Alaska Bering Sea Crabbers (ABSC) is a membership group that represents the independent crab harvesters and holders of approximately 70% of the Bering Sea crab quota in Alaska. We are writing today to express our support for proposal 236 amending provisions for the Dutch Harbor food and bait herring fishery. This includes an increase to the fisheries' allocation, an elimination of allocation between gear types, and an earlier start date. These provisions will help to ensure that the value of this important resource can be efficiently and consistently captured by Alaskan fishermen, processors, coastal communities and the State.

We support an allocation increase to the Dutch Harbor food and bait herring fishery as a tool to better meet the optimum harvest level for this resource. Proposal 236's requested change in allocation is merely a redirection of a portion of the herring currently going unharvested in the Togiak gillnet fishery. Lack of effort and marketability has consistently stranded harvestable resource that could otherwise be harvested by Alaskan fishermen in the Dutch Harbor food and bait herring fishery.

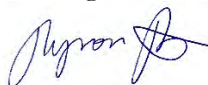
Removing the gear restrictions and increasing a small Dutch Harbor allocation increase will allow fishermen to effectively harvest a portion of these stranded allocated fish, without impacting the harvest levels of other user groups. Alaska has many viable options to allocate this unused quota to a fully utilized fishery that will bring value to the state, residents, and communities.

The Dutch Harbor food and bait fishery provides a high economic value to the region and a quality product to other local fisheries, as an important bait resource to fishermen using pot and longline gear in Western Alaska. When bait supplies run low, our members must often turn to foreign sources, such as sardine and sauri. Harvesting a local bait resource to supply other local fisheries has a compound positive effect on the regional and Alaskan economy, reducing costly imports and creating greater efficiencies and value between important seafood partners.

The Dutch Harbor food and bait herring fishery resources stay local and is purchased by local processors and fishermen. Halibut, pacific cod, black cod, and crabbers all use this local resource throughout the year for their fisheries - thereby not relying on imported bait products from other states or countries.

Thank you for considering our request and for supporting Proposal 236.

Best regards,



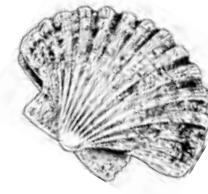
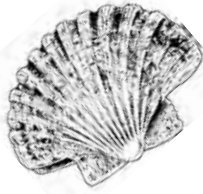
Tyson Fick  
Executive Director  
Alaska Bering Sea Crabbers

# Alaska Scallop Association

PO Box 8989  
Kodiak, AK 99615  
907-512-7018  
Jim@AlaskaScallop.net



PC04  
1 of 2



**February 17, 2018**

## **Proposal 211**

Our proposal had an error on one of the coordinates, the corrected version is below.

Also attached is a chart showing the additional area we wish to open for scallop fishing, and the beds we know to have existed from the 60's and 70's before these areas were closed.

5ACC 38.420(b) In Scallop Registration Area K (Kodiak), a person may take weathervane scallops only

(1) under the authority of a permit issued by the commissioner under 5 AAC [38.076\(e\)](#) ;  
and

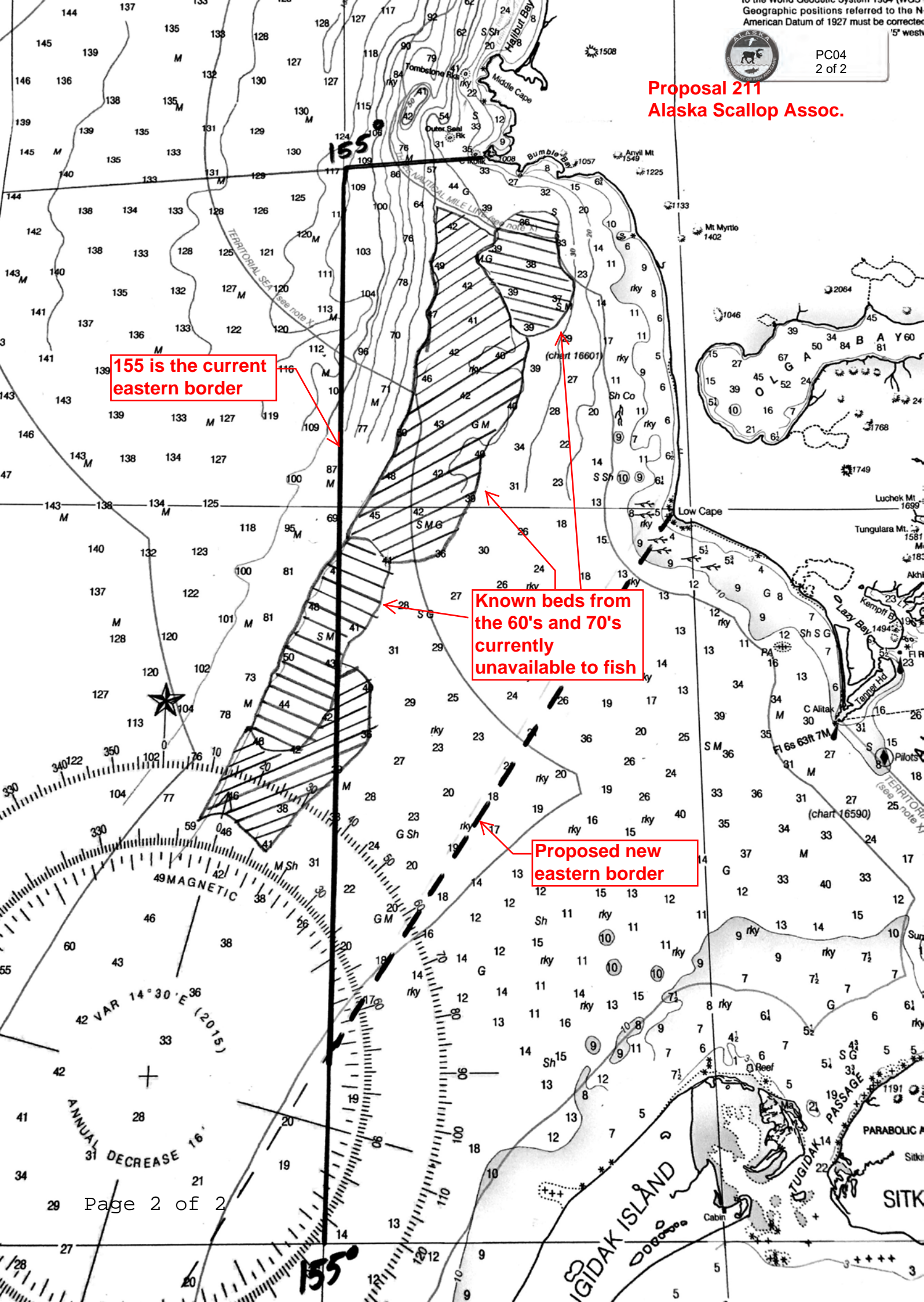
(2) in those waters of the Southwest District described in 5 AAC [34.405\(c\)](#) that are south of a line from Cape Ikolik at 57° 17.40' N. lat., 154° 47.40' W. long. to the Alaska Peninsula (near Kilokak Rocks) at 57° 10.34' N. lat., 156° 20.22' W. long., and ~~west of 155° 00.00' W. long.,~~ northwest of a line from 56° 07.00' N. lat., 155° 37.00' W. long. to Low Point at 57° 00' N. lat., 154° 31.50' W. long. and north of 56° 07.00' N. lat. and east of 156° 20.22' W. long.

Corrected from;  
northwest of a line from 56° 07.00' N. lat., 154° 37.00' W. long.  
To;  
northwest of a line from 56° 07.00' N. lat., 155° 37.00' W. long.





**Proposal 211  
Alaska Scallop Assoc.**



**155 is the current eastern border**

**Known beds from the 60's and 70's currently unavailable to fish**

**Proposed new eastern border**

February 8, 2018

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

Attn: Alaska Board of Fisheries

John Jensen, Chairman  
Orville Huntington  
Fritz Johnson  
Israel Payton

Robert Ruffner  
Alan Cain  
Reed Morisky

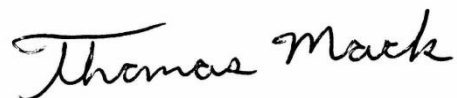
Proposal: 206  
Position: Opposed

To the Members of the Alaska Board of Fisheries,

The Aleut Corporation is opposed to proposal 206. The proponent states that this proposal would establish pot gear as a lawful gear type to harvest octopus under sports fishing regulations and that there are no regulations for fishing gear that specifically target octopus. Currently under general regulations 5 AAC 75.035 (7) it states that “*octopus may also be taken by the use of hook and line.*” Further there are no closed seasons and no bag or possession limits for octopus.

Based on the proposal it is unclear if the proponent is aware that there are regulations in place that allow the use of hook and line as a method of harvest and that it is a common method of harvest. Additionally, the proponent has no supporting information on why another method of harvest is needed and specifically a Puget Sound style of open end box that was cited in a 1988 Sea Grant Report. Therefore, we ask that you oppose proposal 206.

Sincerely,



Thomas Mack  
President  
Aleut Corporation

February 8, 2018

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

Attn: Alaska Board of Fisheries

John Jensen, Chairman  
Orivlle Huntington  
Fritz Johnson  
Israel Payton

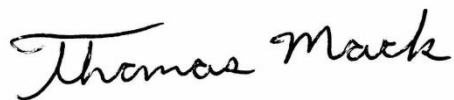
Robert Ruffner  
Alan Cain  
Reed Morisky

Proposal: 208  
Position: Opposed

To the Members of the Alaska Board of Fisheries,

The Aleut Corporation is opposed to proposal 208. This proposal would unnecessarily establish pot limits in the Alaska Peninsula District commercial Dungeness crab fishery based on vessel size. We believe that current management can respond in a timely manner if the fishery size were to increase substantially. We also believe that they should not limit the current fishery due to predictions of possible future harvest. Therefore, we ask that you oppose proposal 208, which would unnecessarily establish pot limits in the Alaska Peninsula District commercial Dungeness crab fishery,

Sincerely,



Thomas Mack  
President  
Aleut Corporation

February 8, 2018

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

Attn: Alaska Board of Fisheries

John Jensen, Chairman  
Orivlle Huntington  
Fritz Johnson  
Israel Payton

Robert Ruffner  
Alan Cain  
Reed Morisky

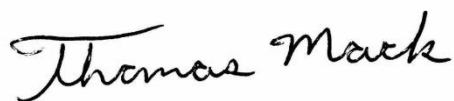
Proposal: 209  
Position: Support

To the Members of the Alaska Board of Fisheries,

The Aleut Corporation is in support of proposal 209. This proposal would put into regulations the legal operation of commercial Dungeness crab pot gear in Registration Area J. We believe the proposed regulations will promote responsible operation of Dungeness crab pot gear within Area J. Through requiring individuals to remove their pots at least once within a 14-day period, we believe it will decrease the probability of pots being lost or irretrievable; which could lead to increased mortality through ghost fishing. Additionally, when a pot will not be removed and inspected within 14-days, having regulations requiring all crab pots to have their bait and bait containers removed and have all doors secured fully open, will further promote responsible operation of pots.

We believe that these two measures will decrease unwanted mortality and increase responsible resource use. Therefore, we ask that you support proposal 209, which specifies the legal operation of commercial Dungeness crab pot gear in Registration Area J.

Sincerely,



Thomas Mack  
President  
Aleut Corporation



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

Board of Fisheries Members:

The Aleutian King Crab Research Foundation submitted Agenda Change Request (ACR) 02, which seeks to have the Board consider the Aleutian Islands golden king crab fishery harvest caps out of cycle. The Board is asked to schedule consideration of repealing the existing harvest caps and adopting a management strategy being developed by the Alaska Department of Fish and Game (ADF&G) using the outputs of a newly adopted golden king crab population model.

Briefly, these harvest caps, or Total Allowable Catch levels (TACs), were set in about 1996 based on fishery and stock conditions at that time. The Board subsequently made minor adjustments on two occasions, increasing the caps by 5% each time. The department is allowed to reduce the harvest below the caps, but may not increase the harvest over the caps. The harvest caps are a single number and do not take other characteristics of the stock, such as mature and legal male biomass, into consideration. The Board also specified that the caps would stay in place until the golden king crab population model was adopted and ADF&G developed a harvest strategy based on that model.

The North Pacific Fishery Management Council's (NPFMC) Crab Plan Team (CPT) and Scientific and Statistical Committee (SSC) have now adopted the golden king crab model developed by ADF&G and have used that model to set the Overfishing Limit (OFL) and the Allowable Biological Catch (ABC). The model was accepted at the September 2016 CPT and October 2016 SSC meetings for use in setting OFL and ABC at the May 2017 CPT and June 2017 SSC meetings. Unfortunately, this was too late to allow this issue to be considered at the regular King and Tanner crab meeting in March 2017.

ADF&G staff are now developing a harvest strategy, based on similar strategies for other Bering Sea Aleutian Island crab stocks, which uses the outputs of this model to set harvest levels and management triggers that better ensure conservation of Aleutian Islands golden king crab. This harvest strategy could be considered and implemented during the upcoming Board cycle. Waiting until the next regular Board meeting would mean two additional years of management under outdated harvest caps.

I encourage you to accept this ACR. It fits your criteria for acceptance under both criteria one and two. That, is the ACR serves a conservation purpose (criterion 1) and it deals with what is now essentially an error in regulation (criterion 2).

Criterion 1: The current harvest caps were set based on the best available information at the time they were implemented for the 1996/97 season. Since that time, the stock status and nature of the fishery have changed dramatically. Additionally, ADF&G, the CPT, and the SSC have put significant effort over many years into developing a useful model. With the acceptance of the golden king crab model and setting of OFL and ABC through the NPFMC process, the regulatory harvest caps no longer represent the best available information for managing the stock. Only through acceptance of the ADF&G developed harvest strategy based on model outputs can the board ensure management based on the best available



information. Waiting until the next regular King and Tanner Crab meeting will delay implementation of this improved management system by two years and delay the improvements in conservation that go with it.

Criterion 2: The harvest caps adopted in the mid-1990s and only modestly updated since then, worked surprisingly well for many years. But they are now so out of date as to be considered in error. Outputs of the model confirm that these caps no longer represent the best available information for management of the fishery. Additionally, they do not contain important management triggers that will help protect the stock. Continuing to use them for two additional years only delays improvement of management and potentially impacts the fishery and the industry.

The final issue to be considered is whether the proposed ACR is allocative and the answer is no. This fishery was rationalized in 2005. Therefore, each vessel operates under a quota share that will not change relative to other vessels if this ACR is accepted.

I appreciate your consideration of this issue and hope you will agree that this ACR meets your criteria and is worthy of acceptance.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Poulsen".

Edward Poulsen  
Vice President for Research  
Aleutian King Crab Research Foundation



To the Alaska Board of Fisheries:

F/V Aleutian Spirit Inc. (ASI) supports proposal 236 for the Dutch Harbor food and bait herring fishery. This will increase the fisheries' allocation, eliminate the allocation between gear types, and provide an earlier start date. These provisions help ensure the value of this important resource to be efficiently and consistently captured by Alaskan fishermen, processors, coastal communities and the State.

ASI owns and operates the F/V April Lane', a 58' vessel harvesting Pacific cod with pot gear in the Bering Sea and Aleutian Islands. Our vessel, crew and business maintain our Alaskan-owned company in Petersburg and represents a vital economic driver to Petersburg, Dutch Harbor, and Akutan. We utilize local bait supplied by the Dutch Harbor food and bait herring fishery for our Pacific cod fishing and use the local herring throughout the year - not relying on imported bait from other states or countries. Supporting Proposal 236 allows these fishery products to generate value in Alaska fisheries.

#### **Earlier Start Date**

ASI supports an earlier start date for the bait herring fishery. This is necessary to account for ecological changes we're experiencing in Western Alaska and along the entire Pacific coastline. Observations on the Dutch Harbor area fishing grounds show herring are arriving to fishing districts earlier. To harvest this fishery effectively, as an Industry we must be responsive to shifts in run timing.

#### **Eliminating Gear Distinction within Dutch Harbor Allocation**

ASI understands ADFG has recorded zero participation from the Dutch Harbor herring gillnet fleet since 2009. And the 5 years prior to 2009 the effort was small enough to trigger confidentiality requirements that precludes the State from reporting that effort. The purse seine fleet, has maintained a consistent harvest of this important resource. After a decade of no participation and a longer history of majorly reduced effort, it makes the most sense to remove the now inapplicable allocation split between the purse seine and gillnet fleets. This will streamline management and allow the current fishery participants to harvest the herring resource more effectively, rather than waiting for the July 20th benchmark to open the full quota to the seine fleet.

#### **Record of Underharvest**

ASI supports an allocation increase to the Dutch Harbor food and bait herring fishery as a tool to better meet the optimum harvest level for this resource. Proposal 236's requested change in allocation is a redirection of a portion of the herring currently going unharvested in the Togiak fishery overall, as lack of effort has consistently stranded fish that could be harvested by Alaskan fishermen in the Dutch Harbor food and bait herring fishery.



### **Specific Areas with Stranded Fish**

ASI supports removing the gear restrictions and increasing the Dutch Harbor allocation allows fishermen to effectively harvest a portion of these stranded fish, without impacting the harvest levels of other user groups. The 3% shift, we request, from 7% to 10%, correlates to an increase of approximately 805 tons. Using 2017 numbers this equates to a 740 ton increase. Using 2018's forecast numbers, 775 tons. This requested percentage increase lands well below the average level of unharvested herring within the directed Togiak fishery.

### **Economics**

The Dutch Harbor herring fishery provides a high economic value to the region and a quality product to other local fisheries, as an important bait resource to fishermen using pot and longline gear in Western Alaska. At an average of \$300-\$500/ton paid to herring fishermen, it brings in one of the highest ex-vessel values for herring harvesters in the State. When bait supplies run low, we fishermen and our processors turn to foreign sources, such as sauri. Harvesting a local bait resource to supply other local fisheries like Pcod has a compound positive effect on the regional and Alaskan economy, reducing costly imports and creating greater efficiencies and value between important seafood partners.

### **Alaska Constitution & Local Access**

ASI supports a shift in management that allow Alaska's fishing communities and fishermen to meet important mandates under Alaska's Constitutional requirements, namely Article 8, Section 8.4 for Sustained Yield. This section states that, "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

The Dutch Harbor food and bait herring fishery stays local and is purchased by local processors and fishermen. We ask that you consider the value this resource has to Alaska and support these measures to sustain its consistent harvest and availability.

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

Jason Miller  
F/V Aleutian Spirit Inc.





Submitted By  
Alissa Garcia  
Submitted On  
2/21/2018 2:40:15 PM  
Affiliation

I support proposal 207, as I believe it is a safety concern.

## Allakaket Village Council

P.O. Box 50

Allakaket, Alaska 99720

Main: (907) 968-2237 Fax: (907) 968-2233



PC09  
1 of 2

Gordon Bergman Sr. - 1<sup>st</sup> Chief Harold David Sr. - 2<sup>nd</sup> Chief VACANT - Secretary & Treasurer

Steven Bergman Sr. - Member VACANT - Member Elsie Bergman - Member Walter Bergman - Member

January 30, 2018

Louden Tribal Council  
P.O. Box 244  
Galena, Alaska 99741

RE: Letter of Support for Drift net use between Galena and Ruby, Alaska

Dear Loudon Tribal Leaders,

We, the Allakaket Village Council, is responding to your tribal members' and tribal councils' advocating efforts for **Proposal 230** with support for drift gillnet subsistence fishing purposes in your area of the Yukon River, which is currently prohibited by all locals, and has limited availability of fishing through the use of set nets and fishwheels.

We understand that fishermen in Sub-districts 4B and 4C have long documented the loss of adequate set net sites in the area, especially for the residents of Galena, and that the situation has accumulated more impacts after the 2013 Galena Flood. With this limitation it causes Loudon tribal members to travel away from home to other limited, and most often, unavailable fishing areas down the Yukon River near Koyukuk.

Therefore, we understand that the stiff fishing regulations that are currently in place negatively impacts, and limit the subsistence harvesting of fish for the residents of Loudon. The lesser food availability (fish) for Loudon locals causes hardships throughout the winter; in addition to, increased travel expenses (fuel) for traveling farther away from home to fish in other peoples fishing areas, down river.

Therefore, the Allakaket Village supports the villages of Loudon, Nulato, and Koyukuk with,

**Proposal 230, 5 AAC 01.220.(e) with amendments to include paragraphs (4) and (5) to read:**

- (4) in Subdistricts 4-B and 4-C to the mouth of the Yuki River,**  
**(A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;**



**(B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; and**

**(C) chum salmon may be taken by drift gillnets after August 2.**

**(5) a person may not operate a drift gillnet that is more than 150 feet in length and more than 35 meshes in depth during the seasons and areas described in (4) of this subsection.**

If you have questions, or have further information to provide our tribe with, please contact our Tribal Administrator at the above contact information. Thank you for the time and consideration to amend 5 AAC 01.220. Lawful gear and specifications.

Sincerely,

A handwritten signature in cursive script that reads "Gordon Bergman Sr.".

Gordon Bergman Sr.  
First Chief



Submitted By  
Birch Yuknis  
Submitted On  
2/21/2018 8:55:13 AM  
Affiliation

Phone  
9073179591  
Email  
[byuknis@aol.com](mailto:byuknis@aol.com)  
Address  
5035 N Flying Circus Circle  
Wasilla, Alaska 99654

~Thank you for allowing me this opportunity to share my thoughts with you today. My name is Birch Yuknis and am currently on the Matanuska Valley Advisory Committee but am not representing them with my comments here, these are my own personal comments. I have great respect for the BOF and the Alaska Department of Fish and Game. I have seen the hard work put in by the Department at the AC meetings. I am concerned though with the attack by the BOF and the Department on the Personal Use (PU) fisheries. The Departments proposal 213 is a prime example. These are not redundant fisheries. They are for Alaskan residents only. The PU fisheries are another tool the Department can use in managing the resource. Once a tool is removed from the books it is much harder to get put back in. Based upon this I am Opposed to Proposal 213.

Another PU fishery I am concerned with is the scallop fishery for Cook Inlet. The Department in an "exercise" removed this fishery. There was no public notice given and therefore no public comment. The Department decided to remove it based on some language that they felt did not allow for it. Shouldn't our Department be trying to keep these fisheries open for Alaska residents. They could have just as easily clarified the language to definitely allow for the fishery. The Department had issued permits for a few years recently. No one had fished this permit yet. Luckily the Matanuska Valley AC's proposal 206 is in the book. Hopefully this will allow for the BOF at this meeting to keep this fishery and allow for Alaska residents to participate in this fishery. Proposal 206 can act as a stepping stone to flesh this out. Therefore I Support proposal 206.

Proposals 216-225. I am Opposed to all of these proposals. Again I have seen the hard work that the Department puts in, yet the Departments history with any South Central pot fishery is dismal. Think of all the pot fishery's we used to have in South Central. Kachemak bay shrimp, dungeness, king and tanner(minimal season) crab. PWS shrimp (recently revived) and crab (currently minimal seasons). I like the conservative nature of the Department's approach to the PWS shrimp fishery and do not feel that any of the presented proposals need to be adopted.

I had to take my 3 year old daughter to Prince of Wales(POW) island this last summer for a self guided dungeness crab trip so she could see and feel what it was like to fish for them because I can not currently do so in South Central. Please keep the conservative nature of the PWS shrimp fishery so I won't have to take her back to POW for shrimp in the future.



Submitted By  
Birch Yuknis  
Submitted On  
2/21/2018 2:27:44 PM  
Affiliation

Phone  
9073179591

Email  
[byuknis@aol.com](mailto:byuknis@aol.com)

Address  
5035 N Flying Circus Circle  
Wasilla, Alaska 99654

In my prior comments I used proposal 206 when I meant 207. If that could please be changed. I beleive I have 206 stated 3 times and it should definately be 207.

Thank you ,

Birch Yuknis



Alaska Department of Fish and Game  
Boards Support Section  
Fax to (907) 465-6094

Supplemental material (PC) for Birch Yuknis for March 6-9th  
BOF meeting in Anchorage

16-1



ALASKA DEPARTMENT OF FISH AND GAME

2016 COOK INLET/NGC PERSONAL USE WEATHERVANE SCALLOP PERMIT  
GEAR: HAND-OPERATED DREDGE, TRAWL, OR DIVE GEAR



PC10  
4 of 5



\_\_\_\_\_  
\_\_\_\_\_  
Sport Fishing License No. \_\_\_\_\_  
Phone ( ) \_\_\_\_\_ Driver's Lic. No. \_\_\_\_\_ State \_\_\_\_\_

Permit holder signature: \_\_\_\_\_ Date \_\_\_\_\_

Issued at: ADF&G, 3298 Douglas Place Homer, AK 99603

Give this portion to customer

16-1



ALASKA DEPARTMENT OF FISH AND GAME

2016 COOK INLET/NGC PERSONAL USE WEATHERVANE SCALLOP PERMIT  
GEAR: HAND-OPERATED DREDGE, TRAWL, OR DIVE GEAR



Name \_\_\_\_\_

This permit is valid for the period January 1 through December 31, 2016.

- 1) This permit must be in your possession while taking or transporting weathervane scallops in the Cook Inlet – North Gulf Coast Areas.
- 2) Information must be recorded in ink in the spaces below after each set or dive for harvested weathervane scallops and discarded catch.
- 3) No species of crab, shrimp, or fish may be retained and must be returned to the water immediately.
- 4) Rings on scallop dredge must have an inside diameter of four inches or larger. Escape rings on trawl must measure at least 4" in diameter.
- 5) You must return your completed permit to the address below by January 15, 2017 even if you did not fish.

Record every day you fish, even if you don't catch anything.  Check here if you did not fish.

**Weathervane Scallop Harvest & Catch Log,**  
**Record in # of animals**

Date (mm/dd)	Location (Lat/ Long)	Scallops Retained	Scallops Released	Tanner Crab Released	Dungeness or King Crab Released (Note: D or K)	Halibut Released	Other Fish Released – Record Species if known	Other Shellfish Released – Record Species if known	Comments
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RETURN THIS PERMIT TO: ADF&G, 3298 Douglas Place, Homer, AK 99603 no later than January 15, 2017







Submitted By  
Brad Scudder  
Submitted On  
2/23/2018 5:32:17 AM  
Affiliation  
Northern southeast spawn on kelp opperator

Phone  
12088902624  
Email  
[scudder.brad@gmail.com](mailto:scudder.brad@gmail.com)  
Address  
266 S Mobley Lane  
Boise , Idaho 83712

I would like to request that you deny application for roe on kelp in the Sitka Sound Sac Roe Area.

It has already been determined by your Board that Hoonah Sound permit holders have the right to operate pound gear in the majority of this area.

It has also been determined by ADFG meetings in Juneau that individual kelp fishermen have unsuccessfully gone to every corner of this earth to sell excess production they are paying storage and re Fridigeration on over the last twenty years.

At these meetings that I attended by teleconference there was overwhelming testimony that additional ROK production would ruin the Craig and Hoonah ROK fisheries.

These fisheries are vital for coastal Alaska towns.

I am not sure how you would implement a plan such as this?

Would you just take all the Hoonah Sound Permits and give them to the Applicants and their four or five friends?

The Applicant has stated that there is absolutely not room for every Sitka stake holder in this program.

That was the corner stone of their proposal twenty some years ago.

I represent five additional permit holders in the Craig fishery,

Most are also Hoonah permit holders.

Lauchlin Leach

Amos Elias

Logan Brooker

Andrew Scudder

Matt Connolly

Thank you for the opportunity to address the Board on this very important matter,

Brad Scudder

F/V Andy Sea



Submitted By  
Brandolynn Collins  
Submitted On  
2/21/2018 2:44:07 PM  
Affiliation

I support proposal 207



Submitted By  
Brenda Demmert  
Submitted On  
2/23/2018 10:38:02 AM  
Affiliation

I am writing to state that I am against the board considering a roe on kelp fisheries as an alternative for the Sitka Sac Roe fisheries. Roe on kelp is a (shrinking) limited market and this would over flood the market and is unfair to all roe on kelp permit holders. The CFEC has already determined this area is a Northern Roe on Kelp area.

Brenda Demmert



Feb, 23<sup>rd</sup> 2018

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

Comments Submitted By:  
Brett Roth  
PWS Commercial and Noncommercial Shrimper  
7810 Casey Cir  
Anchorage, AK. 99507

I appreciate the opportunity to comment on several proposals concerning the Prince William Sound Shrimp fishery I so love. Truly these are amongst the most delicious and fun to fish for ocean creatures in the world.

Fundamentally, I am committed to three things: more research, erring on the side of conservation in management of the fishery and a longer commercial season for the benefit of customers desiring fresh product and fishers who are trying to develop a business in a tough open access fishery.

The shrimp fishery in PWS is unique both on the commercial and the sport side, there is no two ways about it. I began fishing as a sport fisher out of an 18' skiff, first pulling by hand and subsequently several additional contraptions always finding shrimp to be elusive and more than worth the trouble to try to find. When I came into an unexpected opportunity to buy a larger boat I decided to try commercial shrimping in part because I was curious and wanted to see firsthand how much impact the commercial seasons have on a population. I'm still curious and am happy to say that my limited experience as a commercial shrimp fisher has me optimistic that the shrimp population is growing currently even in areas that have seen considerable commercial pressure. I also sport shrimp after the commercial season closes, and do so in some areas that see a lot of pressure near Whittier and am similarly optimistic about those areas at the moment.

I got the "bug" for fishing as a kid with my parents and fishing commercially when working on a seiner out of Petersburg in Southeast during my college years. Many times I have contemplated "buying in" to fisheries such the Prince William Sound Salmon Gillnet Fishery or the Bristol Bay Gillnet Fishery. I'm sure many other Alaskans are just like me. I, and others like me, are too young to have earned limited entry permits of course and the shrimp fishery, while not lucrative, provides an opportunity for us to go and fish and build a business without having to purchase an expensive permit.

I'd like to briefly describe how I have built my shrimp business and some of my excitement and concerns for the future. I, and others like me, utilize the fishery in a way different from most fisheries in Alaska in that we are not only fishermen but also direct marketing operations (catcher-sellers) that provide the public with incredibly fresh, often same day, direct from the fishermen seafood that would be the envy of white-table cloth chefs worldwide. I mainly connect with people via word of mouth but also have used social media as can be seen at <https://www.facebook.com/SpotShrimp>. The direct sale of shrimp is critical to my success, limited as it is. An ideal shrimp fishery for me would sustain a steady flow of fresh product to the local market all summer long. Direct sellers of fresh prawns have a supply problem, not a demand problem. My catcher-seller license does not allow processing nor does it allow



freezing. When the season prosecutes quickly as it has over the last two years, something I fear to be a growing trend, Alaskans lose their fresh summer shrimp supply and the very business model that allow me to make this marginal open access fishery work is at a disadvantage. The season opens April 15<sup>th</sup>. In 2016 the season did not even make it into June as it closed May 19<sup>th</sup>. 2017 was similar and the season closed June 8<sup>th</sup> where this area had closed on August 14<sup>th</sup> the first year I fished it in 2014, and the quota size was nearly identical that year to what it was in 2017. I am an odd duck in that in all honesty I prefer Area 3 despite the fact that the shrimping in the area is decidedly not good, simply because the longer season gives me an opportunity to work the fishery and deliver fresh shrimp all summer to happy customers. I mention all of this to say that in my comments please reflect on my desire to provide the best quality shrimp in the world to Alaskans for as much of the summer as possible.

I respect my fellow fishers desire to diversify but I recognize the typical model is to catch as much fish as quickly as possible and that is not the optimal model for a spot prawn fishery. The premier spot prawn fishery in the world in terms of seafood lover excitement, production and fishery value is the British Columbia fishery which features spot prawn festivals, live shrimp sold directly to consumers and huge interest from top chefs. Different fishers will always have different priorities and I would prioritize this fishery as having the opportunity to develop in a way that allows more Alaskans to enjoy these incredible shrimp and for them to permeate more deeply into our culinary culture. We have one of the world's greatest foods here and to catch it quickly and freeze it is a missed opportunity. The shrimp fishery is already unique and somewhat fragile. At this point its future is uncertain and I'd like to see it have a change to develop into a fishery that focuses on fresh product direct to Alaskans over as much of the summer as is Biologically feasible as I think this will provide maximal benefit to Alaskans as well as us young fishers who are trying to develop business in a summertime open access fishery while other fishermen are salmon fishing. I write all of this so as to provide the board some additional awareness as to how some of us are developing this fishery in a unique and I think very cool manner.

Leaving the business side aside for a second, as I am aware that the board does not make decisions based on market factors and is rather more focused on access and sustainability, let me say that I think these shrimp need to be studied more. One of the main reasons I started fishing was because I wanted to see for myself if commercial shrimpers were harming localize populations of prawns. We just don't know enough about these shrimp. We can look to studies in areas that have larger fisheries and therefore more money for research such as British Columbia but since our fishery is on the northern commercial range of the species I'd like to see a more specific understanding of the shrimp in Prince William Sound waters

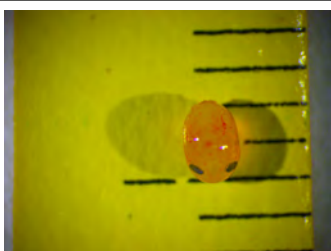
**Proposals 218 & 219.** I support these proposals and was involved in their submission. When the Whittier AC decided to not support the proposals I thought it wise for them to withdraw them and I believe they did so. The department has given careful consideration to the proposals and I am very appreciative of that. Allow me to add several comments as to why I would support them still, if they had not been withdrawn.

What is the downside to waiting until all of the shrimp have dropped their eggs to start the fishery if possible? The early season shrimp seem to have either recently dropped their eggs or are still holding them. You can see from the photos below which was taken by a friend in the UAA Biology Dept. using their microscope camera that the eggs from early season shrimp are nearly developed and the eyes are easily visible. While all of the larger shrimp caught in the fishery are female the risk of losing these shrimp to predation during the short wait for them to drop their eggs must be low and the additional larvae in the water could lead to additional to

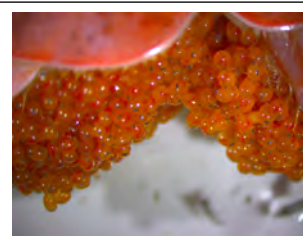
production. Moving the season start date back was one way to try to save these larvae but there are other ways that could work too.



Shrimp caught 1<sup>st</sup>  
opener, Area 2 during  
2017 Season



4.16.17. Eyes clearly  
visible and eggs well  
developed



4.16.17. By the first  
week of May I was  
seeing almost no egg  
bearing shrimp in 2017

In B.C. they do not start the fishery before May 1<sup>st</sup> specifically to avoid catching shrimp that haven't completed spawning. This was indicated to me in a personal communication on Jan 30<sup>th</sup> 2018 from Canadian Department of Fisheries and Oceans Resource Management Biologist Laurie Convey. Laurie is one of the managers of B.C.'s spot prawn fishery. I'd be glad to share Laurie's email to me with the board but I'd want to ask her about using it in written public comments first so I won't include it here. Since these proposals are likely a moot point for this cycle anyhow I'd just say that again I hope we can support the department in continuing to research the timing of the release of eggs so we have a better understanding of it and can determine if it is an important factor in fishery management. I know SE Alaska worked with Canadian scientists to evaluate their management systems including their spawner index model and I'd love to see our Biologists to be able to have a similar opportunity as well to see if there are collaborations that can give our department more management tools to consider. I hope the department has time and funding to pursue research into the specifics of our shrimp and their life cycle in Prince William Sound. Not to worry unnecessarily but what if one year the fishery opens and there are a large percentage of shrimp still carrying mostly developed eggs, could that disproportionately and unnecessarily harm recruitment?

### **Proposal 220**

I do not support this proposal because it would move the fishing to a time of the year where most of the shrimp are likely carrying eggs and I don't think that is a good idea.

### **Proposal 221**

This proposal seeks to even out the seasons so that each season approaches the GH. I do like area 3 simply because it tends to stay open all season and not close early as the other areas are closing earlier and earlier. For that reason, I'm hesitant on this proposal though I do think it makes good sense generally so long as the plan doesn't put undue pressure on particular stocks of shrimp and I don't think it would.

### **Proposal 222**

I think this proposal tries to get at a similar problem to proposal 221. I prefer proposal 221 of the two but the proposer makes an interesting point in saying that the current system could put undue pressure on rebuilding stocks in area 3. It doesn't seem to have been a problem as of yet



because harvest in area 3 has been low but if the entire GHL were taken there one year maybe that would be too much.

### **Proposal 223**

I do think noncommercial users should get an opportunity to harvest shrimp if at all possible but I like this proposal because it points out that it is very unfair to have the bulk of conservation fall to commercial fishers. To have the commercial fishery closed and have the sport fishery continue as if nothing was wrong doesn't make any sense to me. I hope it never happens. All user groups need to prioritize and take part in conservation as necessary.

### **Proposal 225**

This proposal has merit and I generally support it. Perhaps a 50/50 split would seem fair to all user groups because it is an even divide. Even if the allocation was reversed to 60/40 with commercial getting 60% I don't know that it would lengthen the season because the department could respond with higher gear limits or longer early openings. If it did result in a longer season I would be tickled. The impact on sport fishing could be felt if pot numbers had to go down but that's not a given to occur either. I do think that commercial and sport often focus the bulk of their efforts in different parts of the sound so the overlap between the two is not and large as some might think.

### **Proposal 227**

I support this proposal or at a minimum more research to better understand the lifecycle of sidestripe shrimp. It makes sense to me that this might be the time of year when many of those shrimp are carrying eggs and should be avoided. Additionally, any bycatch of Spot Shrimp and coonstripe shrimp, if that were to occur, could include shrimp carrying eggs and this would be more likely to occur in the winter fishery. It's hard to know the impact of this proposal without more research but it seems to err on the side of caution and I support it for that reason.

Thank you for the opportunity to comment

Sincerely

Brett W. Roth



February 22, 2018

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

Attn: Alaska Board of Fisheries; Statewide Dungeness Crab, Shrimp, & Miscellaneous Shellfish: March 6-9, 2018

**RE: Proposals 221, 222, 223, 224, 225 - SUPPORT**

These proposals attempt to address several issues with the Prince William Sound Pot Shrimp fishery. I started fishing commercially in PWS in 1975. Sport fishing has also been a large part of that history. I have since raised my children to know the same experiences and to show the same respect for our ocean resources. There has been, and continues to be, many resource opportunities for work, play and basic necessity in PWS. However, some changes are necessary in the PWS shrimp fishery to better balance all interests and improve consistency.

If adopted, proposal 225, allocation equity

- Will address the sport/commercial allocation imbalance
- Fulfill Board of Fisheries obligation to review statutory allocation criteria
- Will enable user groups to more equally share in conservation of the resource

If adopted, proposals 223 and 224, limit catch for all when low GHLL

- Will share the burden of conservation of the resource
- Help to stabilize a small and unique commercial fishery
- Bring accountability to non-commercial use of the resource

If adopted, proposals 221 and 222, allow access to harvestable surplus

- Will level out the opportunity to achieve commercial GHLL every third year
- Provide better consistency to the market
- Remove administrative boundaries preventing access to harvestable surplus

During the March 2009 Board of Fisheries meeting in Cordova, the PWS Draft Shrimp Management Plan was submitted by ADFG to the Board of Fisheries (Proposal #44, March 2009) and included a **penciled in reference** to 40% commercial allocation. The ADFG proposal also suggested the Board make adjustments, as was stated,

*"The department looks to the board process to refine a fishery management plan that addresses the above issues and provides the structure necessary for the redevelopment of the resource while maintaining the sustainability of all the shrimp fisheries."*

*- Proposal 44A. 5 AAC 31.260 Prince William Sound Pot Shrimp Fishery Management Plan*

Given the historical commercial harvest, this represents a significant allocative impact. This allocative matter was not challenged or evaluated in front of the Board at the time. The statutory allocation criteria does not appear to have been fully applied as outlined in AS 16.05.251(e),





(e) The Board of Fisheries may allocate fishery resources among personal use, sport, guided sport, and commercial fisheries. The board shall adopt criteria for the allocation of fishery resources and shall use the criteria as appropriate to particular allocation decisions. The criteria may include factors such as

- (1) the history of each personal use, sport, guided sport, and commercial fishery;
- (2) the number of residents and nonresidents who have participated in each fishery in the past and the number of residents and nonresidents who can reasonably be expected to participate in the future;
- (3) the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption;
- (4) the availability of alternative fisheries resources;
- (5) the importance of each fishery to the economy of the state;
- (6) the importance of each fishery to the economy of the region and local area in which the fishery is located;
- (7) the importance of each fishery in providing recreational opportunities for residents and nonresidents.

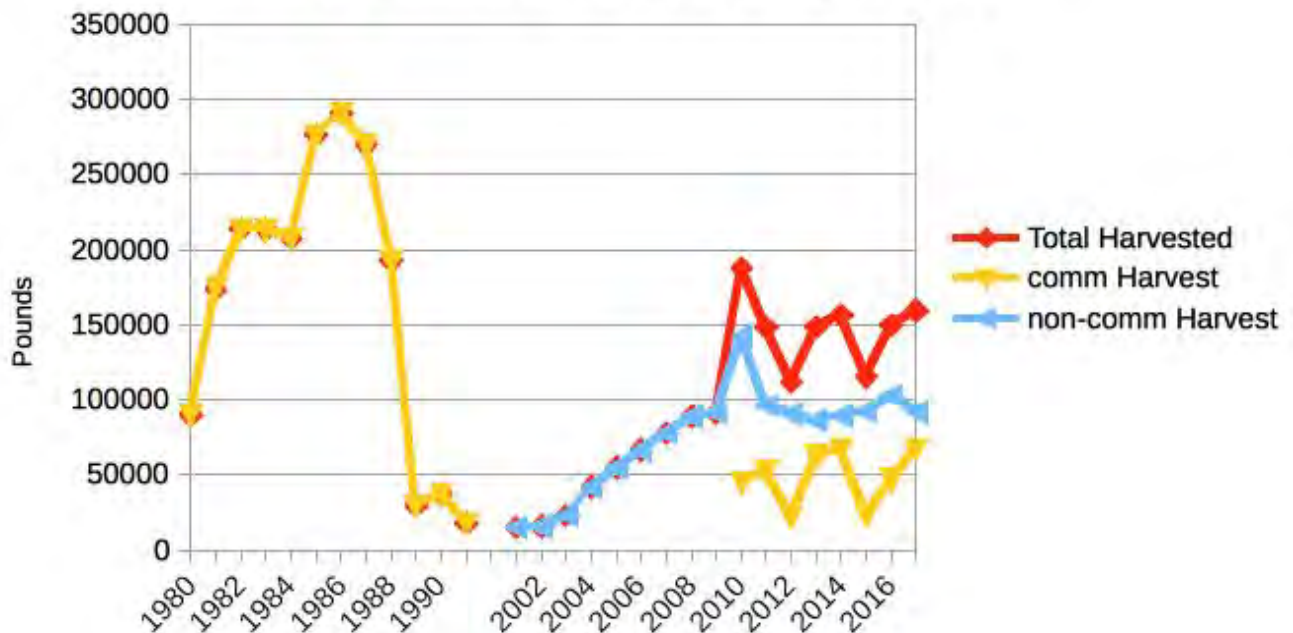
Public comments submitted during the 2009 board cycle addressing the PWS Shrimp management plan also suggest 50% or greater of the Total Allowable Harvest (TAH) be allocated to commercial fishing efforts. These comments are just as applicable today. Specifically, historical commercial use was well summarized by Cordova Fishermen United in their public comments at the time;

**Commercial GHL (Guideline Harvest Level)**

*We recommend that the commercial GHL be set at 75% of the total allowable harvest, after deducting the estimated level of C&T harvest. We urge the Board to consider the historical catch data for each user group when setting the commercial GHL, rather than base it just on the current level of harvest by the recreational sector as suggested in RC118. We think 40% seems far too low considering commercial harvesters historically caught 90%+ of the total harvest. The commercial fishery has born the complete burden of conservation with no catch since 1991. --CDFU, on-time comments, BOF, March 2009*

Since re-opening in 2010, the commercial PWS fishery has remained within heavily reduced harvest guidelines, provided local community economic opportunities, and provided access to this resource for those that can not access PWS on their own.

**Total Historical PWS Pot Shrimp Harvest**



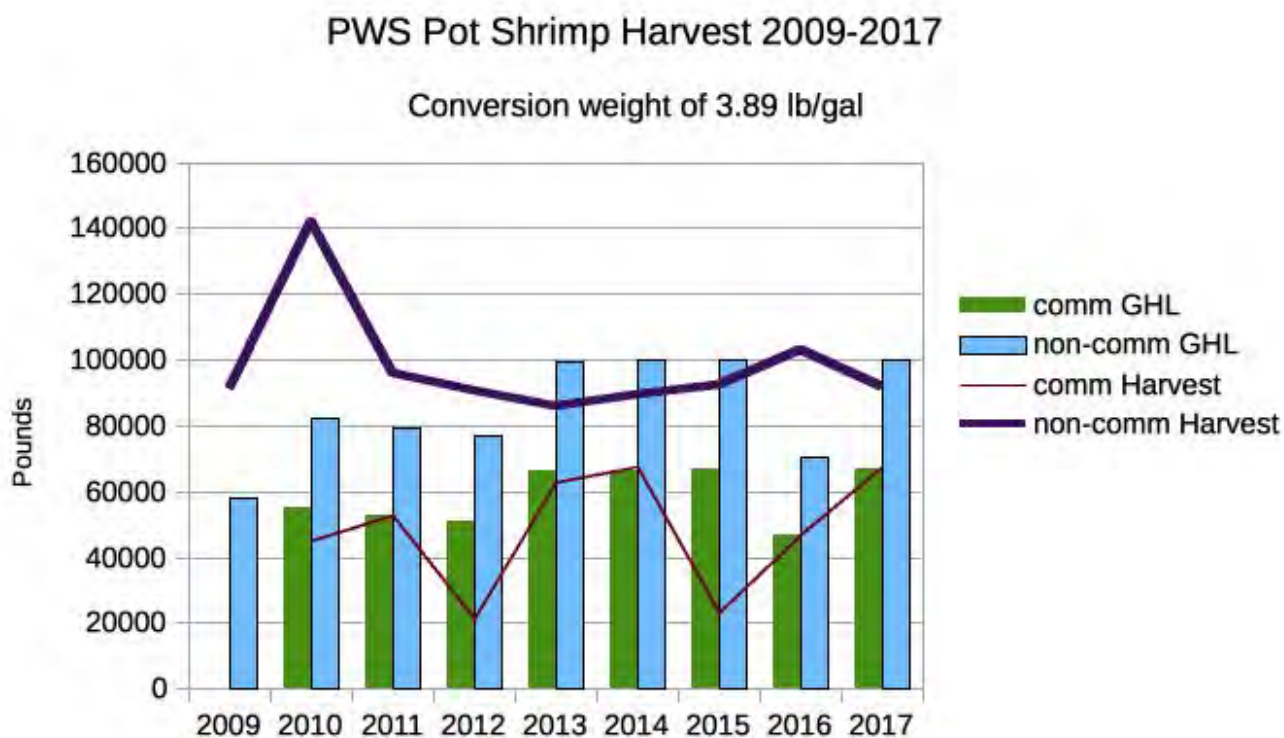


Non-commercial participants are required to report their harvest in gallons, not pounds. The Department then converts that estimation to pounds for management to the GHL, which is also stipulated in pounds. When evaluating the historical harvest of non-commercial users, it is currently accepted that a gallon of shrimp weighs approximately 3.89 pounds.

*"Shrimp harvest was then converted from gallons of whole shrimp to pounds of shrimp with the conversion factor of 3.89 lb/gal of whole shrimp (Maria Wessel, Division of Commercial Fisheries Biologist, Alaska Department of Fish and Game, Cordova; unpublished data). This conversion factor was determined in 2012 and is substantially higher than estimates previously used in pound-per-gallon estimates. **As a result, previously published harvests reported in pounds were underestimated.**"*

*-ADFG, Special Publication No. 18-01, Prince William Sound Shrimp Pot Fisheries, 2010-2017, February 2018; page 14*

The reported number of non-commercial gallons harvested remains the same, but the total pounds caught by non-commercial interests are more accurately described in the chart below, which shows the actual pounds of shrimp harvested by commercial and non-commercial participants. The old conversion factor was **underestimating non-commercial harvest by 37.5%**.





Year	2009	2010	2011	2012	2013	2014	2015	2016	2017
TAH		137500	131900	128100	165750	166500	167000	117653	167000
Harvested		187495	148618	111946	148665	156488	115209	149847	159248
comm GHJ		55000	52760	51240	66300	66600	67000	47061	67000
comm take		45349	52694	21561	62677	67333	23138	47061	67421
% of GHJ		82.5	99.9	42.1	94.5	101.1	34.5	100.0	100.6
non-comm GHJ	57900	82200	79140	76860	99450	99900	100000	70500	100000
non-comm take	90961	142146	95924	90385	85988	89155	92071	102786	91827
% of GHJ	157.1	172.9	121.2	117.6	86.5	89.2	92.1	145.8	91.8

There is no equity in the current allocation when looking at the fishery as a whole. The current non-commercial fishery in summary;

- **Over harvested GHJ 5 of the last 9 years**
- No in-season reporting requirements and unwillingness to implement
- No limit to number of participants or catch
- Inability to monitor in-season participation and no precedent for sport permit registration
- No ability to measure in-season effort or harvest
- No empirical way to justify adjustment of sport gear limits in-season
- No sport shutdown if Total Allowable Harvest below 110,000 = no conservation burden
- Maintains consistent participant numbers even while reducing number of allowed pots/person
- Approximately 2000 participants in total

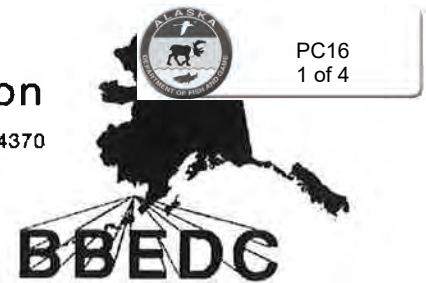
By adopting these proposals, or ones closely similar with modifications, several concerns and deficiencies can be mitigated without requiring any further action or effort from non-comm participants. Thanks to all board members for your consideration of these matters.

Respectfully,

Brett Wilbanks  
/s/

# Bristol Bay Economic Development Corporation

P.O. Box 1464 • Dillingham, Alaska 99576 • (907) 842-4370 • Fax (907) 842-4336 • 1-800-478-4370



February 23, 2018

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

Re: Proposal 236 Bering Sea Herring Fishery Management Plan; Fishing seasons and periods for Alaska Peninsula – Aleutian Islands Area; Dutch Harbor Food and Bait Herring Fishery Allocation Plan; and Bristol Bay Herring Management Plan.

Dear Alaska Board of Fisheries members,

Thank you for the opportunity to provide a comment on the Board of Fisheries generated proposal 236.

The Bristol Bay Economic Development Corporation (BBEDC) is a Community Development Quota (CDQ) entity that represents 17 communities in the Bristol Bay region. Through investments in the Bering Sea fisheries, we are able to provide meaningful benefits to roughly 6,000 residents of the region, which includes assistance to local small – boat fishers that may participate in the Togiak Herring Fishery.

Proposal 236 is a board-generated proposal based on a public comment (PC) 26, received during the BOF work session in October 2017. According to the Department, this proposal would open the Dutch Harbor food and bait herring fishery on July 1 rather than July 15; increase the Dutch Harbor allocation of the Togiak District available harvest from 7% to 10%; repeal the current allocation between gillnet and seine gear in the Dutch Harbor food and bait herring fishery; and repeal the allocation overage deduction provision for the Dutch Harbor food and bait herring fishery.

We believe that the BOF erred when it generated this proposal because it did not meet any of the four criteria for the development of a board-generated proposal, as outlined in the ALASKA JOINT BOARDS OF FISHERIES AND GAME, CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSALS, signed by Chairmen Spraker (BOG) and Johnstone (BOF), on October 16, 2013 (attached). The four criteria contained in this document are listed below along with the rationale why we believe that each criterion was not met.

1. ***Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?*** As stated in the Department's comments, *"This fishery is fully allocated and this proposal would reduce the Togiak sac roe allocation while increasing the Dutch Harbor food and bait allocation."* This reallocation of herring could impact the livelihoods of the Alaska residents that fish in Togiak. There are several Alaska residents that participate in the Togiak herring fishery. In 2016, only one Alaska resident vessel participated in the Dutch Harbor food and bait herring fishery, compared to sixteen Alaska resident vessels that fished in the Togiak herring fishery.



We believe that hearing this proposal out of cycle is not in the public's best interest primarily because it circumvents the public process. An allocative proposal should only be taken up during a regular cycle unless substantially new information becomes available that warrants discussion. There is no new information pertaining to this stock that warrants changes in allocation. Generating and hearing a primarily allocative proposal out of cycle when there is no new information that would warrant such a proposal is inconsistent with BOF policy. This proposal should be heard during the regular cycle when more stakeholders are aware of the proposal and can comment on the impacts of this proposal to their livelihood.

2. ***Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?*** No, there is no urgency in considering this issue. Under the *Bristol Bay Herring Management Plan* along with the Dutch Harbor Food and Bait Herring Fishery Allocation Plan, the Department manages the Togiak herring stock to achieve objectives and allocations, along with herring stock sustainability. These plans have been painstakingly crafted over many decades and provides allocations to the various users based on the sustained yield principal and historic use of the resource. These plans should only be changed during the regular BOF cycle when stakeholders can adequately address each facet of the proposal. Note that the Department currently has the flexibility to open the Dutch Harbor food and bait fishery through emergency order authority when the fish are present. So, we believe that changing the date of the opening of the fishery is not urgent. The article highlighted in public comment (PC) 26, the comment that prompted this proposal, states that the Dutch Harbor food and bait fishery was a bust in 2016 that led to an earlier opener in 2017. However, the fleet had no trouble catching the herring quota in 2017. A one-year event or anomaly should not justify the generation of a proposal that dramatically changes these plans.
3. ***Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?*** No. The current process is sufficient, especially when dealing with long-standing management plans. According to the meeting audio of the Alaska Board of Fisheries Work Session on October 17 – 19, 2017, the Department told the fishers to submit a proposal or an ACR or whatever vehicle they chose to get their issue before the BOF. But, for whatever reason, the fishers missed the ACR deadline and instead submitted PC 26. Therefore, we believe that the BOF should not have generated this proposal because a member of the public missed the ACR deadline. In addition, in our opinion, these issues if expressed in an ACR, would not have met the ACR criteria for acceptance: a) it does not address a fishery conservation purpose or reason; b) it does not correct an error in regulation; c) it does not correct an effect on a fishery that was unforeseen when a regulation was adopted and d) is primarily allocative in nature with no new substantive information which would prompt changes in the management plans.
4. ***Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?*** No, this proposal was created out of cycle and will be heard during the March 2018 Statewide meeting in Anchorage. This timeline created constraints for the users to respond. Additionally, we believe that there was no consideration for the impacted stakeholders to comment on or attend the BOF meeting in March in Anchorage. Many of these stakeholders live in the Bristol Bay Area, and would have to travel to Anchorage to publicly testify. This would cause an undue



hardship on these people, especially since there is a Bristol Bay Finfish meeting scheduled for the month of November, 2018 in Dillingham. This is another reason why major changes to these long established management plans should only be heard in cycle when affected stakeholders are attuned to the BOF cycle and know that proposals affecting their fisheries are heard.

In closing, BBEDC opposes proposal 236 for the aforementioned reasons. We believe that the Alaska BOF should not have addressed this issue out of cycle, and that this may disrupt the integrity of the Alaska BOF public process that we hold in high regards. It is our recommendation that the Alaska BOF take no action on this proposal and encourage the public to submit on time proposals for the November 2018 BOF meeting in Dillingham.

Thank you for your time and consideration to hear our concerns with proposal 236.

Sincerely,

A handwritten signature in black ink, appearing to read "NVV", with a horizontal line extending to the right.

Norman Van Vactor  
Chief Executive Officer



2013-34-JB

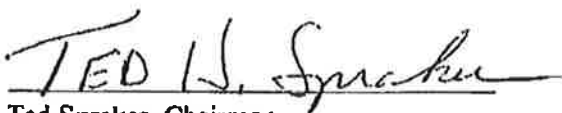
**ALASKA JOINT BOARDS OF FISHERIES AND GAME**

**CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL**

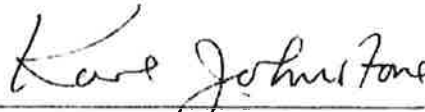
It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Findings adopted this 16<sup>th</sup> day of October 2013.



Ted Spraker, Chairman  
Alaska Board of Game  
Vote: 6-0



Karl Johnstone, Chairman  
Alaska Board of Fisheries  
Vote: 7-0



**From:** casey mapes  
**Date:** February 6, 2018 at 11:23:40 PM AKST  
**To:** John Jensen <  
**Cc:** Jon Erickson <  
**Subject:** Tsiu

Howdy Mr Jensen,

I'm curious if There might be opportunity to review the Tsiu decision. We had this very discussion, you and I,,,,, the very last time I saw you. Unfortunately, it is very much as real as I was afraid of. Yakutat folks are angry about this proposal. Angry that it morphed so substantially, angry that half of the river is designated to sport Fisheries , and ultimately angry that the afore planned wrong group was ignored after so much money was spent. I fear, sir, that you are pushing the borough of Yakutat into a corner with this proposal, where they will have no choice but to respond. From our perspective,,,, Tsiu River has been commercially gillnetted since 1930. Many many local families own private acres of land in the vicinity. It is very much a personal issue to us, along with a commercial dependence. Some years, a large portion of our Gillnet coho catch comes from there.

I have been contacted by other lodge owners in the region, and they have begged me to write this on their behalf. They do not desire to be be a part of this fight.

You must know sir, that the people whom I serve are very angry at the Boards actions with this proposal. First,,, it was totally inappropriate the way it was as completely morphed from what it use to be, no one had a fair chance to comment. Second, you have unfairly attributed half of the river that was once historically commercial over to sport. I have submitted all of this very information to CBY manager Jon Erikson. We have already had all this fight,,, you were a part of it, as was I. We had to go all the way to bringing tribal presidents up to the statewide meeting. Finally, at that time, an agreement was reached to quell the issue for good. A working group was formed. All the involved parties agreed to communicate with each other, and work out their differences. As part of the agreement, the City and Borough of Yakutat agreed to build a facility to house and keep a police officer at the Tsiu during conflict times. A lot of monies have been spent on the CBY's part. In pure and simple terms sir, you have forced this borough to accept something they had no say in. What I am afraid of is, a reaction in the form of a lease permit rate hike, or ,, worse , refusal of permit. That may seem extreme to some, but if you live in Yakutat, it feels like extreme is what has already been done. I implore you sir,,, in the strongest possible fashion, please

give this action a further review, and give all possible participants a fair chance to be heard. If you do not, this will undoubtedly go bad for all of our involved boards.

I do not speak on behalf of CBY, This is not an official action of Yakutat AC. It is just a simple letter to try to head off trouble, that will undoubtedly occur if you ignore this.

Thanks for your consideration, Casey Mapes





Submitted By  
chari reiter  
Submitted On  
2/21/2018 2:35:33 PM  
Affiliation

Phone  
907-795-3225

Email  
[chari.reiter@gmail.com](mailto:chari.reiter@gmail.com)

Address  
po box 1672  
palmer, Alaska 99577

thank you for allowing me this opportunity to express my opinion on proposal 207. i fully support proposal 207 because i feel that it is safer for the fisherman if we allow up to 5 horsepower hauler to pull up dredges. thank you for your time



Submitted By  
Charles Upicksoun  
Submitted On  
2/23/2018 12:30:09 PM  
Affiliation

206- I support this because octopus pots are not defined

213- I support this

214- I support this, broken clams and small clams will not be left behind.

216- I oppose this because there are no other deadlines like this and it is not needed

217- I oppose this because there are too many variables. I support the idea of octopus specific gear but this proposal leaves it unregulated. If octopus gear is allowed it should not be required to be on the same line as shrimp pots.

218- I oppose, current regulation is working good.

219- I oppose, current regulation is working good.

220- I oppose, let the shrimp reproduce so they do not get over harvested.

221- I oppose, the rotation allows the population to rebuild, areas should not be fished hard every year.

222- I oppose, this allows fishing the same area every year.

The boundaries of the 3 areas should be moved to balance the harvest. Rotating through the areas quicker still leaves the option for fishermen to not fish certain areas and only fish areas they want to.

223 and 224- I oppose both, the commercial fishery should not take place if the resource is in danger of over harvest

225- I oppose, the commercial fishery should never take resources away from the people who harvest the resource on their own. In my mind the commercial harvest is the left over from the subsistence/personal use/sport. Commercial harvest/sale should never take priority over any other use.

226- I oppose opening more trawling areas

227- I support reducing trawling season

238- I support the deep water release of rockfish. It should not be limited to only certain areas. In the proposal, the issue addressed refers to fish caught at depths greater than 60 ft. Maybe that should be part of the regulation if it is passed.



TO: John Jensen  
Chairman  
Alaska Board of Fisheries

FROM: Chris Every  
37033 Minke Dr.  
Kenai, AK 99611  
E-mail [cpevery58@hotmail.com](mailto:cpevery58@hotmail.com)  
907-394-0720

Date: February 05, 2018

SUBJECT: Petition for Emergency Regulation

I hereby request the Alaska Board of Fisheries to adopt an emergency regulation amending 5 AAC 21.310 **Fishing Seasons** as follows:

5 AAC 21.310(b)(2)(C)(ii) Fishing Seasons

(i) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11 through August 15, the fishery is open for regular periods only; **on or after July 8, including a date during a closed weekly fishing period under 5 AAC 21.320**, when the Kasilof Section is open to commercial fishing with set gillnets and the Kenai and East Forelands Sections are closed to commercial fishing with set gillnets, commercial fishing with set gillnets may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the latitude of the Blanchard Line at 60° 27.10' N. lat., and south of the latitude of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.;

**Background**

Two fishing days were lost in this 600' fishery

Day One;

EO-2S-10-17 allows 17 hours on July 8, 2017

The provision for fishing within 600 feet of shore in the Kenai Section north of the Blanchard Line was first adopted at the 2017 UCI board meeting. During the 2017 fishing season, the department interpreted the new provision to only apply after the Kenai Section had begun fishing regular periods, not specifically on or after July 8. For example, in 2017, the first regular fishing period on or after July 8 was Monday, July 10. However, the department opened the Kasilof Section set gillnet fishery, by emergency order, on Saturday, July 8, but they did not consider using the 600 foot fishery in the Kenai Section because they interpreted the new provision to mean they could not open this area until after the first regular period on or after July 8. I do not believe this is consistent with the proposal that was brought before the board and adopted at the 2017 UCI meeting (Proposal 136, RC 2, pages 40-42 and substitute language found in RC 96), nor is this interpretation consistent with the board's intent when they adopted this provision.



### **Justification for Emergency Action**

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

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

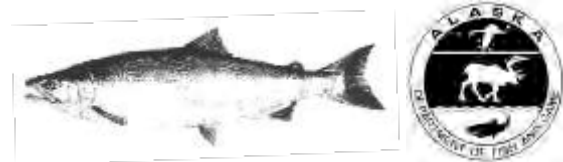
I believe that the requested emergency action is warranted because of the unexpected and unforeseen erroneous interpretation by ADF&G regarding the new provision to fish in the Kenai Section south of the Kenai River within 600' of shore. I believe that a delay in allowing additional fishing time would result in a biologically allowable resource harvest not being taken. If this petition is granted, ADF&G would retain the option to fish in this area anytime the Kasilof Section is open, while the Kenai Section is not, on or after July 8 thru and including August 15.



ALASKA DEPARTMENT OF FISH AND GAME DIVISION OF COMMERCIAL FISHERIES NEWS RELEASE

Sam Cotten, Commissioner Scott Kelley, Director

Contact: Pat Shields, Area Mgmt. Biologist; Alyssa Frothingham, Asst. Area Mgmt. Biologist



43961 Kalifornsky Beach Rd, Suite B Phone: (907) 262-9368<sup>11</sup><sub>SEP</sub> Date Issued: July 7, 2017

Soldotna, AK 99669 Fax: (907) 262-4709 Time: 3:00 p.m.

UPPER COOK INLET COMMERCIAL FISHING ANNOUNCEMENT No. 10 EMERGENCY ORDER NUMBER 2S-10-17

Upper Cook Inlet (UCI) Commercial Fishing Announcement No. 10 opens commercial salmon fishing with set and drift gillnets in the Kasilof Section of the Upper Subdistrict from 7:00 a.m. until 12:00 midnight on Saturday, July 8, 2017.

Fishing in the above described waters is warranted in order to harvest sockeye salmon returning to the Kasilof River.

5 AAC 21.365 Kasilof River Salmon Management Plan states that the Kasilof Section set gillnet fishery is restricted to no more than 48-hours of additional fishing time per week from the beginning of the season through July 7. With this fishing announcement, 28 hours of additional time will have been used for the week of July 2-8.

Fish harvested in the set gillnet fishery during this fishing period should be reported in statistical areas 244-21, 244-22, or 244-31. Please see UCI emergency order no. 3 for a description of set gillnet statistical areas in the Upper Subdistrict.

Fish harvested in the drift fishery during this fishing period should be reported in statistical area 244-61.



Day Two;

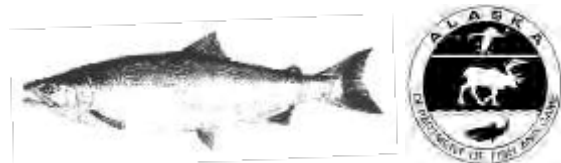
August 14&15, 2017

E0-23-30-17 allows 4 extra hours on Aug 14 and 13 hours on Aug.15.

ALASKA DEPARTMENT OF FISH AND GAME DIVISION OF COMMERCIAL FISHERIES NEWS RELEASE

Sam Cotten, Commissioner Scott Kelley, Director

Contact: Pat Shields, Area Mgmt. Biologist; Alyssa Frothingham, Asst. Area Mgmt. Biologist



43961 Kalifornsky Beach Rd, Suite B Phone: (907) 262-9368 Date Issued: August 14, 2017

Soldotna, AK 99669 Fax: (907) 262-4709 Time: 2:00 p.m.

UPPER COOK INLET COMMERCIAL FISHING ANNOUNCEMENT No. 30 EMERGENCY ORDER NUMBER 2S-30-17

Upper Cook Inlet Commercial Fishing Announcement No. 30 opens set gillnetting in the Kasilof Section of the Upper Subdistrict within one-half mile of the mean high tide mark from 7:00 p.m. until 11:00 p.m. on Monday, August 14, 2017 and from 6:00 a.m. until 7:00 p.m. on Tuesday, August 15, 2017.

Why was NO fishing permitted  
in the 600' fishery:  
EO # 28 states the escapement  
goals

The biological escapement goal (BEG) for Kasilof River sockeye salmon is 160,000–340,000 fish. The cumulative sockeye salmon passage estimate in the Kasilof River through Sunday, August 13, 2017, was 336,298 fish. Run timing of Kasilof River sockeye salmon is projected to be three or more days late. The BEG is projected to be exceeded based on this level of passage and late run timing.

5 AAC 21.310(b)(2)(C)(i) states in part that the Kasilof Section set gillnet fishery is open from June 25 through August 15, but that from August 11 through August 15, the fishery is open for regular periods only.

5 AAC 21.363(e) states that notwithstanding any other provision of this chapter, it is the intent of the board that, while in most circumstances the department will adhere to the management plans in this chapter, no provision within a specific management plan is intended to limit the commissioner's use of emergency order authority under AS 16.05.060 to achieve established escapement goals for the management plans as the primary management objective. For the purpose of this subsection, "escapement goals" includes inriver goal, biological escapement goal, sustainable escapement goal, and optimal escapement goal as defined in 5 AAC 39.222.

Therefore, the fishing time provided to the Kasilof Section set gillnet fishery in this announcement is intended to harvest Kasilof River sockeye salmon and keep sockeye salmon escapement within the BEG range.



ALASKA DEPARTMENT OF FISH AND GAME DIVISION OF COMMERCIAL FISHERIES NEWS  
RELEASE

Sam Cotten, Commissioner Scott Kelley, Director

Contact: Pat Shields, Area Mgmt. Biologist; Alyssa Frothingham, Asst. Area Mgmt. Biologist



43961 Kalifornsky Beach Rd, Suite B Phone: (907) 262-9368 Date Issued: August 11, 2017

Soldotna, AK 99669 Fax: (907) 262-4709 Time: 3:30 p.m.

UPPER COOK INLET COMMERCIAL FISHING ANNOUNCEMENT No. 28 EMERGENCY ORDER  
NUMBER 2S-28-17

Upper Cook Inlet Commercial Fishing Announcement No. 28 opens commercial salmon fishing with drift gillnets in the Expanded Kenai and Expanded Kasilof sections of the Upper Subdistrict and in the Anchor Point Section of the Lower Subdistrict from 7:00 a.m. until 7:00 p.m. on Saturday, August 12, 2017.

Fishermen are reminded that during this fishing period drift gillnetting may not occur within one mile of the mean high tide mark north of the Kenai River or within one and one-half miles of the mean high tide mark south of the Kenai River, including those waters of the Anchor Point Section.

On Thursday, August 10, the department has stated that the Kenai and Kasilof River goals will be achieved.

Kenai River 2017 escapement count will end with over 1.308,500 million sockeye.

Kasilof River 2017 escapement with over 358,800 sockeye

Kenai River Chinook 2017 escapement on August 14, was 20,452--With season ending count of 22,133

Sockeye salmon passage into the Kenai River through Thursday, August 10, was 992,000 fish. This level of passage projects the sockeye salmon inriver goal range of 1.0–1.3 million fish will be achieved. Sockeye salmon passage into the Kasilof River through Thursday, August 10, was 325,000 fish. This level of passage projects the biological escapement goal range of 160,000– 340,000 sockeye salmon will also be achieved. Sockeye salmon escapement objectives have already been achieved at Fish Creek, Larson Lake, and Judd Lake. Sockeye salmon escapement at Chelatna Lake though Thursday, August 10, was approximately 18,700 fish and the SEG of 20,000 –45,000 fish is projected to be achieved.

The fishing time provided for in this announcement is intended to harvest Kenai and Kasilof river sockeye salmon.



**PROPOSAL 136 – 5 AAC 21.310. Fishing Seasons.** Allow commercial fishing with set gillnets in the North Kalifonsky Beach (NKB), statistical area 244-32, within 660 feet of shore with shallow nets only, when the Kasilof Section is open, **on or after July 8**, as follows:

NKB, MAY have the opportunity to harvest with SELECT gear, ( 4 3/4 in maximum mesh size and can't be more than 29 meshes deep ), from July 8 on, when any portion of the Kasilof section is fishing. The set nets fished on NKB, cannot fish farther than 600 ft from the mean high tide mark.

Fishing within 600 ft, from mean high tide, using SELECT gear, with 29 mesh deep nets would make the king salmon harvest minimal. Additionally using, 4 3/4 in mesh or smaller, would be very efficient in harvesting Kasilof sockeye that are abundant on the beach, and those smaller size fish that make up 61% of the Kasilof River escapement. It is these two ocean and younger age classes that continually drive the Kasilof River over the top end of its BEG.

By fishing NKB, with SELECT gear, should cut down on the amount of time fished in the KRSHA.

The regulation would read something like this:

From July 8 on, when any portion of the Kasilof section is fishing; North Kalifonsky Beach, stat area 244-32, MAY open with set gill nets, restricted to fishing within 600 ft from the mean high tide mark. Nets cannot be more than 29 meshes deep and the mesh size cannot exceed 4 3/4 in.

**What is the issue you would like the board to address and why?** The issue here is lack of traditional and historic harvest of Kasilof sockeye on North Kalifonsky Beach (NKB), statistical area 244-32.

NKB since before Statehood was a traditional and historic harvester of Kasilof sockeye. With management changes that went into place in 1999, the opportunity to harvest Kasilof stocks were greatly diminished for NKB.

ADF&G staff has stated that Kasilof sockeye are predominately "beach orientated". The ESSN fishery catches 58% of the Kasilof harvest, while the Drift fleet harvests 27%.

A 2009 report from ADF&G- *Genetic Stock Identification of Upper Cook Inlet Sockeye Salmon Harvest*, showed that the harvest of Kenai and Kasilof sockeye on all NKB was close to a 50/50 split between the two stocks, ( page 52). This study was taken from samples of the entire NKB section. If samples were taken only from nets fishing 600 ft of mean high tide, Kasilof sockeye that are predominately " beach orientated", the Kasilof sockeye proportion would be undoubtedly higher.

From 1979 to 1999, the Kasilof River exceeded its BEG 12 out of 21 years, ( 57% of the time). During some of this time period the Kasilof River escapement goal was considerable less, 75,000 to 150,000 sockeye. During this time NKB was a traditional and historic harvester of Kasilof sockeye.





From 1999 the Kasilof River sockeye salmon escapement has exceeded its BEG, 15 out of the last 17 years, ( 88% of the time).

ADF&G harvest data, shows from 2008-2015, in the Kasilof section setnet fishery, two ocean and younger sockeye age classes (smaller fish) comprise 33% of the harvest.

ADF&G sockeye escapement data from 2008-2015, in the Kasilof River showed 61% of the sockeye escapement was made up of two ocean and younger age class sockeye.

In the Kasilof River Special Harvest Area (KRSHA), some years data, showed 73% of the harvest comprised of two ocean and younger age classes.

At BOF meetings since 2002, 2005, 2008, 2011, 2014, setnetters on NKB have been trying to get back fishing times on Kasilof stocks, that were a traditional and historic mainstay in out fishery for decades.

Kenai River sockeye salmon are the main stock harvested in the East - Forelands section ( which is a minimum 10 miles north of the Kenai River). Kenai River sockeye are harvested all the way to the Northern District. Common sense and genetic reports show that Kasilof sockeye are abundant on NKB, which is from 4 to 8 miles north of the Kasilof River.

**PROPOSED BY:** Gary L. Hollier (EF-F16-017)

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## RC 96

Ruffner

February 27, 2017

### Substitute Language for Proposal 136:

5 AAC 21.310. Fishing seasons

(C) Upper Subdistrict:

(i) Kasilof Section: from June 25 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however if the department estimates

that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner may immediately, by emergency order, open the fishery; from August 11 through August 15, the fishery is open for regular periods only;

(ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11

through August 15, the fishery is open for regular periods only; **notwithstanding the provisions of this subparagraph, on or after July 8, when the Kasilof Section is open to commercial fishing with set gillnet gear and the Kenai and East Foreland sections are closed to commercial fishing with set gillnet gear, commercial fishing with set gillnet gear may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the Blanchard Line located at 60° 27.10' N. lat. and south of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.;**

**PROPOSAL 136 – 5 AAC 21.310. Fishing Seasons.**



## Department comments;

### RC 2, pages 40-42

PROPOSED BY: Gary L. Hollier.

**WHAT WOULD THE PROPOSAL DO?** This would allow commercial fishing with set gillnets in the North Kalifonsky Beach (NKB), statistical area 244-32, within 600 ft of shore **on or after July 8** when the Kasilof Section is open, but the Kenai and East Foreland sections are not open. Set gillnets may not be more than 29 meshes deep and mesh size may not be more than four and three-quarters inches. Length of set gillnets is not specified in the proposal but is assumed to be equal to the amount of gear currently allowed in regulation, which is no longer than 35 fathoms per set gillnet.

**WHAT ARE THE CURRENT REGULATIONS?** Commercial fishing districts and subdistricts are defined for Cook Inlet in 5 AAC 21.200. Sections for the commercial set gillnet fishery in the Upper Subdistrict are also defined in 5 AAC 21.200(b)(2). The department identifies six statistical areas in the Upper Subdistrict that are not in regulation, but are defined and used by the department for discrete harvest data recording on fish tickets.

Opening dates for commercial fisheries are identified in 5 AAC 21.310. *Fishing seasons.* The Upper Subdistrict commercial set gillnet fishery is primarily managed under the guidance of two management plans: 5 AAC 21.365. *Kasilof River Salmon Management Plan* and 5 AAC 21.360. *Kenai River Late-Run Sockeye Salmon Management Plan.* The Kasilof Section fishery opens on or after June 25, with provisions for an opening as early as June 20 based on a 50,000 sockeye salmon escapement trigger. From the beginning of the season through July 7, the fishery must be closed for 36 hours each week (“Friday window”) and extra time beyond the two regular Monday/Thursday 12-hour periods is limited to no more than 48 hours per week. The Kenai and East Foreland sections do not open until on or after July 8, with mandatory closed periods (“windows”) and limits on extra time each week dependent upon which one of three sockeye salmon run sizes to the Kenai River the run falls within.

Provisions within the *Kasilof River Salmon Management Plan* state that beginning July 8, if the Kenai and East Foreland sections set gillnet fishery are not open, the fishery in the Kasilof Section may be restricted to within one-half mile of shore. If further restrictions are necessary to aid in achieving the Kenai River sockeye salmon escapement goal, the fishery in the Kasilof Section may be restricted to within 600 ft of the high tide mark.

5 AAC 21.331. *Gillnet Specifications and Operations* states that a set gillnet in Cook Inlet may not be longer than 35 fathoms in length and 45 meshes in depth. A person may not operate more than four set gillnets with more than 105 fathoms of set gillnet in the aggregate, except on Fire Island, a person may operate more than four set gillnets, but the aggregate length may not exceed 105 fathoms. The maximum mesh size for set gillnets is six inches.

In 5 AAC 21.354. *Cook Inlet Pink Salmon Management Plan* set gillnets are limited to a mesh size that may not be more than four and three-quarters inches. This restriction applies only to set



and drift gillnets in the Upper Subdistrict in August for a maximum of two fishing periods during even-years only. The purpose of the plan is to harvest surplus pink salmon.

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There are 29-mesh depth restriction options in 5 AAC 21.359. *Kenai River King Salmon Management Plan*. There are also 29-mesh depth restrictions as it relates to permit stacking. In Cook Inlet, a person may own two set gillnet permits and operate two full complements of gear. However, in the Upper Subdistrict only, if one person owns and operates two permits, 105 fathoms of the 210 fathoms of total gear must be fished with nets that are not more than 29 meshes in depth and marked with a blue buoy on either end of the net. The buoy must be at least 9.5 inches in diameter.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** This would increase the commercial harvest of sockeye and king salmon by an unknown amount, depending on abundance. If adopted, statistical areas would need to be defined and placed into regulation. There is also no mention of fishing within one-half mile of shore or within 600 ft of the high tide mark in the Kenai and East Foreland sections in any management plan.

**BACKGROUND:** The regulation for the length and depth of a set gillnet has been the same since statehood. The regulation restricting mesh size to six inches was adopted in 1964 to decrease the harvest of king salmon and directly target sockeye salmon.

Prior to 1999, the area of beach between the Kasilof and Kenai rivers was one statistical area, 244-30. In 1999, statistical area 244-30 was split into 244-31 and 244-32 and statistical area to more accurately track salmon harvest by area of beach.

While individual fishermen have always had the option of fishing set gillnets with fewer than 45 meshes, specific regulations restricting set gillnets to 29-meshes under certain circumstances were not adopted until 2014. At the 2014 UCI board meeting, regulations were passed that restricted 105 fathoms of set gillnet gear to no more than 29-meshes in depths for individuals who own and operate two Cook Inlet CFEC set gillnet permits in the Upper Subdistrict. Additionally, the department was given the authority to restrict the number of set gillnets or the depth of set gillnets during times of low Kenai River late-run king salmon abundance. The efficacy of restricting set gillnets depth to no more than 29-meshes in order to conserve king salmon were inconclusive.

A study on the migratory behavior and relative swimming depths of king and sockeye salmon near the ESSN fishery using acoustically tagged fish and an anchored array of acoustic receivers. A total of 25 king and 51 sockeye salmon were captured and fitted with acoustical tags. Of these, 13 king and 27 sockeye salmon were detected by the acoustical array. Two king and four sockeye salmon were determined to have migrated south after capture and tagging. The fate of 10 tagged king and 20 tagged sockeye salmon was not known. Using this information, a model was created to estimate changes in king and sockeye salmon harvests associated with potential regulatory changes affecting surface gillnet depths in this fishery. A response to this paper was published by department staff, and included the following:



“We are concerned that the modeling exercise paints an unrealistic picture of how simply changing gillnet dimensions would translate into a viable management approach to preserve or increase sockeye salmon harvests while minimizing catch of Chinook salmon. Much of this fishery occurs in very shallow water, and Cook Inlet tides range about 10 m with tidal

41

current speeds reaching about 9 km hr<sup>-1</sup>. Model assumptions that gillnets in this dynamic environment were hanging vertically and that gillnets did not reach the bottom are not valid. Gillnets in this fishery billow in strong currents causing the lead lines at the bottom of the nets to rise in the water column, and an unknown but high fraction of all gillnets reach the bottom for some portion of each tide cycle.”

Finally, available data are not sufficient to quantitatively estimate the effect of changing set gillnet depths on the relative harvests of king versus sockeye salmon.

**DEPARTMENT COMMENTS:** The department is **NEUTRAL** on this allocative proposal. There are inadequate data to predict the effects of a net depth restriction to 29 meshes. Further information and a more sophisticated analysis are needed to realistically model changes in king and sockeye salmon harvests in relation to gillnet depths. The department is concerned about unintended consequences that may arise from unrealistic solutions based on limited data proposed in the regulatory arena.

**COST ANALYSIS:** Approval of this proposal may result in additional direct costs of commercial set gillnet permit holders to participate in this fishery because they would have to reconfigure their nets to fish 29-mesh depth with mesh size no greater than four and three-quarters inches.



Submitted By  
Colt Foster  
Submitted On  
2/21/2018 2:51:33 PM  
Affiliation

Phone  
303-519-0718

Email  
[flashfoster@hotmail.com](mailto:flashfoster@hotmail.com)

Address  
20633 Philadelphia Way  
Eagle River, Alaska 99577

I would like to thank the BOF for allowing me this opportunity to express my opinion on the following proposals:

Proposal 207 Support Allow more opportunity for residents

Proposal 216 Oppose Don't limit when I can get a permit

Proposal 218 Oppose Start date is fine

Proposal 219 Oppose Start date is fine

Proposal 221 Oppose Keep the current conservative management strategy

Proposal 222 Oppose Keep the current conservative management strategy

Proposal 223 Oppose Keep the current conservative management strategy

Proposal 224 Oppose Keep the current conservative management strategy

Proposal 225 Oppose Keep the current conservative management strategy

Again thank you for this opportunity,

Colt Foster



February 19, 2018

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

Members of the Board of Fisheries:

Please find below written comments from Cordova District Fishermen United regarding the upcoming Statewide Board of Fisheries meeting proposals to be discussed in Anchorage, AK on March 6-9, 2018. Please don't hesitate to contact CDFU with any questions whatsoever. Thank you for your consideration.

**PROPOSAL 206**  
**OPPOSE**

CDFU opposes the establishment of a sport fishery without also establishing a commercial fishery. Because ADF&G believes there to be a harvestable surplus of octopus that has risen to a level in which an octopus sports fishery can be established, CDFU maintains that both sports and commercial fisheries should be established in order benefit both user groups. CDFU would support this proposal if it were amended to include both sport and commercial fisheries.

**PROPOSAL 216**  
**SUPPORT**

The Prince William Sound non-commercial spot prawn fishery often exceeds its GHL; therefore, CDFU supports the intent of any management mechanisms available to the Department in order to avoid exceeding the GHL of the spot prawn fishery in Prince William Sound. We ask that the Board of Fisheries implement the additional tools that management clearly needs in order to avoid repeated excess harvest above the GHL.



### **PROPOSAL 217 OPPOSE**

There is currently a surplus of octopus in Prince William Sound and the GHF has not been met in recent years. CDFU supports the implementation of both a sports and commercial octopus fishery. However, the gear modifications and allowances implied in this proposal are ambiguous and must be vetted. This proposal is attempting to include allowances for octopus gear within the shrimp fishery. CDFU maintains that the Board of Fisheries must establish a targeted sports and commercial octopus fishery with its own gear specifications rather than modifying the specifications of an existing shrimp fishery. Additionally, this proposal would complicate enforcement.

### **PROPOSAL 218 OPPOSE**

CDFU opposes Proposal 218 because it is allocative and preferential to a certain group of people and would restrict opportunity. This proposed start date modification would effectively preclude any commercial salmon fishermen from accessing the Prince William Sound commercial shrimp pot fishing season. Due to the traditional start of the Copper River salmon run in early May, this proposal excludes an entire user group and group of Alaskans from engaging in this harvest. Historically this fishery opened in January each year. CDFU requests that this fishery continues to begin in April, ideally by April 1, in order to decrease conflict between the sports and commercial user groups.

### **PROPOSAL 219 OPPOSE**

CDFU opposes Proposal 219 because it is allocative and preferential to a certain group of people and would restrict opportunity. This proposed start date modification would effectively preclude any commercial salmon fishermen from accessing the Prince William Sound commercial shrimp pot fishing season. Due to the traditional start of the Copper River salmon run in early May, this proposal excludes an entire user group and group of Alaskans from engaging in this harvest. Historically this fishery opened in January each year. CDFU requests that this fishery continues to begin in April, ideally by April 1, and continue to close in mid-September.





### **PROPOSAL 223 SUPPORT**

CDFU supports Proposal 223. The burden of conservation has long been placed upon the commercial shrimp fishery due to the fact that whenever the shrimp biomass is low, the commercial shrimp fishery is closed but the sports shrimp fishery remains open. The sport shrimp fishery harvests the majority of the shrimp each year; consequently, the burden should be shared equally amongst user groups in order to foster long-term sustainability.

### **PROPOSAL 224 SUPPORT**

CDFU supports Proposal 224, but specifically supports Option B within this proposal. In times of low abundance, both sports and commercial fisheries should be closed in order to share the burden of conservation and expedite the recovery of the stocks.

### **PROPOSAL 225 SUPPORT**

CDFU supports fair and equal access to the shrimp resource amongst user groups in Prince William Sound.

### **PROPOSAL 227 OPPOSE**

The GHL in this fishery has not been met in recent years. Therefore, there is no reason to limit opportunity for all fishermen, but specifically fishermen who engage in salmon fisheries during the summer trawl season.



Sincerely,

Jerry McCune  
President of the Board, CDFU  
Gillnet Fisherman, F/V Wudahad  
jmccune59@hotmail.com  
Mobile: 907.200.0240

CC: John Renner, Vice President & Herring Division Representative  
Seine, Herring & Gillnet Fisherman  
F/V Shadow Dawn & F/V Never Enough

Curt Herschleb, Director  
Gillnet & Groundfish Fisherman  
F/V Chilkat

Gus Linville, Groundfish Division Representative  
Seine, Tender & Groundfish Fisherman  
F/V Frisian Lady

Robert Eckley, Groundfish Division Representative  
Seine, Gillnet, Herring & Groundfish Fisherman  
F/V Ariel, F/V Coghill, F/V Alaganik & F/V Cape Fear

Trae Lohse, Gillnet Division Representative  
Gillnet & Groundfish Fisherman  
F/V Catalyst

Vic Jones, Herring Division Representative  
Seine, Gillnet & Herring Fisherman  
F/V Valkyrie & F/V Chelsea Dawn

Mike Mickelson, Director  
Gillnet & Seine Fisherman  
F/V Amy & F/V Mariah



Ezekiel Brown, Director  
Gillnet & Seine Fisherman  
F/V Viking Maid & F/V Meshed Up

Galen Meyer, Seine Division Representative  
Seine Fisherman  
F/V Tina

James Honkola, Gillnet Division Representative  
Gillnet Fisherman  
F/V Sportsman

Kal Kuzmin, Director  
Gillnet Fisherman  
F/V Sea Glider



John Jensen, Chair  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, Alaska 99801  
Re: Reconsideration of Proposal 165

Dear Chairman Jensen and Members of the Board:

CDFU is a non-profit membership organization representing over 900 commercial fishing families working in the Prince William Sound, the Copper River Delta, and the north central Gulf of Alaska. It is our mission to preserve, promote, and perpetuate the commercial fishing industry in Alaska's Area E.

CDFU is requesting that the Alaska Board of Fisheries review and reconsider their action on Proposal 165 as amended by (RC) 331 heard at the January 2018 Southeast Finfish meeting in Sitka. Failing reconsideration, we request the Board generate a publicly noticed proposal and hold a special meeting allowing stakeholder input regarding the language and intent of RC 331 and the resultant allocative shift.

The ADF&G submitted proposal 165 was intended to correct the closed waters area description for the Tsiu River, which had been rendered inapplicable by natural changes in the river's channeling. It was considered by it's authors as simple administrative housekeeping.

During subsequent deliberations, RC 331 was submitted and adopted as substitute language for proposal 165. The language in RC 331 went far astray from the intent of the original proposal and effectively shut down the commercial set-net fishery on the Tsiu.

It is our concern that the Board had insufficient information and input to responsibly deliberate RC 331. In our view this resulted in an unintended subversion of public process as a housekeeping proposal morphed into a major reallocation. Equally concerning is the displacement of a local commercial fishing fleet from a fishery heavily economically depended upon by the rural coastal community of Yakutat.

We thank you in advance for your consideration of our concerns,  
Sincerely,

Curt Herschleb  
Acting Chairman, Cordova District Fishermen United.



# Castle Cape Fisheries – F/V Taurus

## Homer, Alaska

### Dan, Jane & Brett Veerhusen

February 22, 2018

Dear Alaska Board of Fisheries Directors:

Please accept this letter of support for Proposal 236 on behalf of Castle Cape Fisheries, Inc. – Dan, Jane & Brett Veerhusen. Our family has participated in the Dutch Harbor food and bait herring fishery for over two decades, without ever missing a season. Over the past decade, our Alaska-based vessel and crew has been one of three vessels that harvest this premium bait product for the entire fishery. Yet, during this same period, we have witnessed drastic changes in the patterns of the herring as well as an increase demand for local, high-quality bait product. Dutch Harbor bait herring is used in local crab, halibut, pacific and black cod fisheries and decreases Alaska's dependence on imported bait products such as sardines and sauri. We ask you support proposal 236 amending provisions for the Dutch Harbor food and bait herring fishery. This includes an increase to the fisheries' allocation, an elimination of allocation between gear types, and an earlier start date. These provisions will help to ensure that Alaskan fishermen, processors, coastal communities and the State can efficiently and consistently capture the value of this important resource.

#### **Earlier Start Date**

We support an earlier start date for the Dutch Harbor food and bait herring fishery. This is an immediate necessary shift to account for the ecological changes we are experiencing in Western Alaska and all along the Pacific coastline. Due to warmer ocean conditions and related ecological shifts, the herring biomass has been starting its spawning migration path earlier. Since the late 70s, herring have generally been first observed in the Togiak district in early May, with arrival spanning late April through mid-to-late May. But observations of fish and spawn in the district in mid April are becoming more and more common, a significant shift from past patterns. In 2016, a local pilot reported fish and spawn in the Togiak district as early as April 14, and department staff made similar observations in the days following.

Our observations – along with local processors and fishermen - in the Dutch Harbor area fishing grounds also show herring are arriving to fishing districts earlier. This resulted in a drastic underharvest in 2016, when the Dutch Harbor fleet was able to capture only 208 tons of the 2,166 allocated. By the time the fleet could fish, the herring biomass had already continued on its migration off shore into deeper waters. The fleet's fishermen, tenders and spotter pilot spent nearly a month searching for catchable fish.

In 2017, reports from local fishermen and processors indicated herring had returned to the district in late June. We requested to the ADF&G Commissioner to issue an emergency order and open the fishery on July 13th, the soonest possible date the fleet could mobilize and be on the grounds. The Commissioner did open the fishery on the 13th and we had strong harvests between July 13th and the 15<sup>th</sup>, after which time we observed the biomass receding off shore and into deeper waters, moving North and again resulting in lost catching opportunity. We have time-stamped video footage showing large schools of herring in Unalaska Bay near Eider Point dated June 24, 2017.



To continue to harvest this fishery effectively, we need to be responsive to shifts in run timing and request the change the earliest start date for the fishery to July 1<sup>st</sup>.

### **Eliminating Gear Distinction within Dutch Harbor Allocation**

ADF&G records small amounts of gillnet participation in this fishery between 1987 and 1989, again in 1997, and between the years 2001 and 2004. We understand ADF&G has recorded zero participation from the Dutch Harbor herring gillnet fleet since 2009. A 2007 management report noted that the gillnet participation from 2004 on was “negligible.” Between 2004 and 2009 the effort was small enough to trigger confidentiality requirements that preclude the state from reporting that effort in its data tables.

Through these fishery changes, the purse seine fleet has maintained a consistent harvest of this important resource. After a decade of no participation and a longer history of majorly reduced effort, it makes the most sense to remove the now inapplicable allocation split between the purse seine and gillnet fleets. This will streamline management and allow the current fishery participants to harvest the herring resource more effectively, rather than waiting for the July 20th benchmark to open the full quota to the seine fleet.

### **Record of Underharvest**

We support an allocation increase to the Dutch Harbor food and bait herring fishery as a tool to better meet the optimum harvest level for this resource. Proposal 236’s requested change in allocation is merely a redirection of a portion of the herring currently going unharvested in the Togiak gillnet fishery, as lack of effort has consistently stranded harvestable allocated fish that could otherwise be harvested by Alaskan fishermen in the Dutch Harbor food and bait herring fishery.

According to the Bristol Bay Herring Management Plan, the Togiak District has a maximum allowable exploitation rate of 20% and allocates the harvestable surplus among all the fisheries harvesting the Togiak herring stock. 1,500 tons is set aside for Togiak spawn-on-kelp, seven percent goes to Dutch Harbor food and bait, and Togiak seine and gill net boats fish the rest.

While the exploitation rate for Togiak herring resource is set at 20% of the biomass, the 20-year average actual harvest has been 17.5%. This equates to an average of 2.5%, or approximately 3,350 tons, of stranded harvestable allocated fish in the water every year for the past two decades. That average exploitation falls to 16.5% when you’re looking between the years 2006 and 2015, or an average of 4,985 tons of stranded harvestable allocated fish. In 2015 overall harvest fell to 14.3%, leaving 7,484 tons stranded. We have now seen several decades of underharvest, and a recent trajectory of further decline, which warrants reconsideration of our current management measures.

### **Specific Areas with Stranded Harvestable Allocated Fish**

ADF&G records show the last Togiak spawn on kelp harvest taking place in 1999. However, that fishery has a fixed allocation of 1,500 tons.

Effort by the gillnet fleet has also declined steadily. According to ADFG, gillnet participation peaked at 461 boats in 1996, then declined to an all-time low of 6 in 2015.



This fleet has harvested at an average rate of 29% below allocated GHL between 2006 and 2015. That is an average of 2,180 tons below GHL per year. Those numbers are more pronounced in the last three years. In 2015 the gillnet fleet harvested 1,220 or just 14% of their allocated 8,704 tons, leaving 7,484 tons of stranded harvestable allocated fish. The fleet harvested 80 tons of 8,635 in 2016. In 2017 they harvested 1,428 of 6,883, leaving 5,455 tons of stranded harvestable allocated fish.

The 7% allocation to Dutch Harbor on the other hand, which is a considerably smaller allocation than that apportioned to the Togiak gillnet fleet, has been consistently utilized, especially by the seine fleet. From 2006 to 2016, the seine fleet's average harvest was 1,587 with an allocation of 1,597, with no allocation being stranded. The Dutch Harbor gillnet fleet has had a near zero average harvest, leaving 263 tonnes stranded during the same time period. Looking at the last ten years of harvests in just the Togiak gillnet fleet, comparing the GHL to actual harvest, a total of 32,636 tons of allocated harvestable fish has been left in the water. Even at the lower ex-vessel values for Togiak herring in the past 10 years that equates to millions in lost revenue to fishermen and tax dollars.

Removing the gear restrictions and increasing a small Dutch Harbor allocation increase will allow fishermen to effectively harvest a portion of these stranded allocated fish, without impacting the harvest levels of these other user groups. The 3% shift we are requesting, from 7% to 10%, when extrapolated using the 10-year averages between 2006 and 2015, would correlate to an increase of approximately 805 tons per year. Using 2017 numbers this equates to a 740-ton increase. Using 2018's forecast numbers, 775 tons. No matter how you look at it, this requested percentage increase lands well below the average level of unharvested herring within the directed Togiak gillnet fishery. The state has many viable options to allocate this unused quota to a fully utilized fishery that will bring value to the state, its residents and communities.

### **Economics**

As described above, there is a consistent record of unharvested herring in Togiak that warrants a small shift toward the fishery able to effectively harvest them and deliver their value into the Alaska economy. Not only is the Dutch Harbor fleet prepared to harvest that fish, but at an average of \$300-\$500/ton, it brings in one of the highest ex-vessel values for herring in the state.

The average ex-vessel value for herring in the Togiak sac-roe fishery has ranged from \$50 to \$250 per ton since the year 2000, and has only risen above \$200 per ton twice in that time frame.

The Dutch Harbor food and bait fishery provides a high economic value to the region and a quality product to other local fisheries, as an important bait resource to fishermen using pot and longline gear in Western Alaska. When bait supplies run low, these fishermen and their processors must often turn to foreign sources, such as sardine and sauri. Harvesting a local bait resource to supply other local fisheries has a compound positive effect on the regional and Alaskan economy, reducing costly imports and creating greater efficiencies and value between important seafood partners.

### **Alaska Constitution & Local Access**

We support a shift in management that allows Alaska's fishing communities and fishermen to meet important mandates under Alaska's Constitutional requirements, namely Article 8,



Section 8.4 for Sustained Yield. This section states that, "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

A redistribution of historically unharvested herring to an Alaskan fleet prepared to capture its value and distribute it as an important resource to other Alaskan fleets clearly meets the needs of Alaska Constitutional mandate. The current system of management and harvest does not.

The Dutch Harbor food and bait herring fishery resources stay local and is purchased by local processors and fishermen. Halibut, pacific cod, black cod, and crabbers all use this local resource throughout the year for their fisheries - thereby not relying on imported bait products from other states or countries.





October 1, 2017

Dear Alaska Department of Fish and Game Board –

Please accept this request on behalf of the F/V Taurus, Dan, Jane and Brett Veerhusen and Mark Recalma. Our family has participated in the Dutch Harbor food and bait herring fishery for over two decades. Over the past decade, our Alaska-based vessel and crew has been one of three vessels that harvest this premium bait product for the entire fishery. Yet, during this same period, we have witnessed drastic changes in the patterns of the herring, and during the 2017 season we requested the ADF&G Commissioner to issue an emergency order for our fishery. We write to the ADF&G Board to generate a proposal to task ADF&G staff to create a policy that, based on evidence provided below, changes the management of the Dutch Harbor food and bait herring fishery to account for the following:

- Change the soonest possible opening for the Dutch Harbor food and bait fishery to be July 1<sup>st</sup> – instead of the currently written regulation of July 15<sup>th</sup>
- Combine the 14% gillnet quota harvest within the 86% seine quota harvest. The current structure of rolling the gillnet quota over to the seine quota is inadequate for the current fishery and the lack of any effort from the gillnet fleet.
- Increase the GHF for the Dutch Harbor food and bait herring fishery from 7% to 10% of the allocation to the Togiak district sac roe fishery.

During the 2016 fishery, it was reported that the herring returned to the area earlier than ever before. Unbeknownst to our vessel and the two other vessels that harvest herring for various processors, we were too late to harvest much of the quota as the herring had already left the fishing grounds. This caused negative consequences not only to our fishing family's bottom-line, but greatly affected the availability of local, Alaska-caught bait that is widely used in Alaskan fisheries such as crab, cod, halibut and black cod. Fishermen throughout the state of Alaska depend on the Dutch Harbor herring fishery for premium, local, high-quality bait product. Last year, roughly 200 out of the 2,000 tonne quota was harvested, leaving fishermen and processors scrambling for other bait products, much imported from other states and countries. For example, the summer brown crab fishery was dramatically affected due to the unavailability of our Dutch Harbor herring. Moreover, we were not able to harvest additional quota purchased from the State that would have provided much needed income for the State of Alaska.

During the 2017 fishery, we received reports from Trident Seafoods in Akutan and local Dutch Harbor fishermen that the biomass of herring returned near-shore in the Dutch Harbor area. We requested (along with the Alaska Bering Sea Crabbers and Pacific Seafood Processors Association) to the ADF&G Commissioner to issue an emergency order and open the fishery on July 13<sup>th</sup>, the soonest possible date the fleet could mobilize and be on the grounds. We stopped fishing salmon in Chignik,



rushed down to Dutch Harbor and the fleet caught almost half of the herring quota in the two days early the fishery opened. In addition to these events, we've received time-stamped video footage of large schools of herring in Unalaska Bay dated June 26<sup>th</sup>, 2017. However, the current regulations state the initial purse seine herring fishing period may occur as early as noon July 15 (5 AAC 27.610(e)(2)(B)). For these reasons, we are compelled to request the regulations be changed so that the fishery can be opened as soon as July 1<sup>st</sup> of each calendar year. This is in the public's best interest to maintain a viable food and bait herring fishery for Dutch Harbor, the surrounding communities and the various fisheries who depend our bait.

As written, the *Dutch Harbor Food and Bait Herring Fishery Allocation Plan* (5 AAC 27.655) divides the allocation by gear type: 86% for the purse seine fishery and 14% for the gillnet fishery and that the gillnet quota to roll over to the seine quota should no gillnet quota be harvested by July 20<sup>th</sup>. There has been no harvest or effort by gillnetters for over a decade. The current regulations are inadequate and negatively affect the seine fishermen's efforts, as seiners must wait until this date to harvest additional quota. We request that there be no separation of gear types or quota allocations.

Because of how poor the 2016 harvest was, many of our markets relied on buying bait from other sources because of the lack of certainty the 2016 fishery created. The fleet did not harvest a couple hundred tonne of the 2017 quota because (prior to the season) many markets felt it was in their best interest to create certainty for their fishermen and sourced what would otherwise be Dutch Harbor herring from other species including saury, which is imported from Africa. These baits are not local and the State of Alaska and local communities have little to benefit from importing these bait products. The 2017 fishery allowed the fleet to rebuild our lost markets and generate continued and growing demand for the Dutch Harbor herring. Demand is also increasing for local herring from the newly created small-boat state-water Pacific Cod fishery. What better way to support a new and vibrant state-water fishery than to also support and grow a vibrant and local bait herring fishery. Moreover, a "rollover" provision was adopted during the 2001 BOF meeting (5 AAC 27.655(b)); during years when herring harvest exceeds the allocation, the amount of harvest over the allocation shall be deducted from the next year's allocation, by gear group. This provision is one-sided and there is no management structure that accounts for years of loss of harvest be available for future years, such as in 2016 and 2017. In order to grow the viability and meet market demands, we request the *Bristol Bay Herring Management Plan* (5 AAC 27.865) be adjusted from the current 7% allocation of the Togiak Districts sac roe herring harvest to the Dutch Harbor food and bait fishery to 10% allocation of the Togiak Districts sac roe herring harvest.

We are compelled to reiterate to the ADF&G Board that Article 08, Section 8.1 of the Alaska Constitution states "It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest," and Section 8.4 states "Fish,



forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses." Much of the Togiak herring fishery's harvest is shipped internationally, used for food product or fishmeal product. The Dutch Harbor food and bait herring fishery stays local and is purchased by local processors and fishermen. By moving our three requests forward, the ADF&G Board will strengthen the Board's commitment to maximizing the sustained yield and use of local bait products to be used throughout many Alaska federal and state water fisheries.

It is imperative that fishermen and processors who depend on the herring we harvest get earlier access to harvest, to combine the gillnet quota harvest within the seine quota harvest and increase the TAC of the fishery.

Thank you for your consideration.

Dan, Jane & Brett Veerhusen  
Mark Recalma

\*\*Below, please see an article published on July 21<sup>st</sup>, 2017 in the *Dutch Harbor Fisherman*. The author corrected the statement in paragraph three in a later article ([http://www.thedutchharborfisherman.com/article/1731seiners\\_leave\\_herring\\_to\\_chase\\_salmon](http://www.thedutchharborfisherman.com/article/1731seiners_leave_herring_to_chase_salmon)) noting that the earlier opening made a major difference since over 700 tonne was harvested.

[http://www.thebristolbaytimes.com/article/1729herring\\_return\\_much\\_to\\_delight\\_of\\_fishermen](http://www.thebristolbaytimes.com/article/1729herring_return_much_to_delight_of_fishermen)

**Herring return, much to delight of fishermen**  
July 21st | **Jim Paulin**

The herring have returned at a convenient time, after what seemed like a biomass boycott last year.

Last year's Dutch Harbor food and bait herring fishery was a bust, with a harvest of just 208 tons, out of a quota of 2,166 tons.

The fishermen worried that because the season opened on the same day as usual, July 1<sup>st</sup>, maybe that was too late, that the herring had come and gone. So this year, they won an earlier opener by two days, on July 13, although it probably didn't make much difference.

This year, they're catching the fish at a good pace, with just 200 tons left in the 1,485 ton purse seine quota after five days of fishing, said Area Management Biologist Lisa Fox of the Alaska Department of Fish and Game in Sand Point.



The 242-ton gillnet quota becomes available to the seiners on July 20, if the gillnetters don't take it, and as of Tuesday, no gillnet boats were registered, she said.

"All of us laugh because years ago, the fleet used to complain when we needed to travel to Cape Cheerful. Now, we're fishing six or seven hours away from Dutch Harbor in unprotected waters, often heavy swell and sketchy weather. It get's pretty dicey handling a couple hundred ton and a 100-foot tender alongside," said Brett Veerhusen, who fishes with his family on the F/V Taurus, a 58-foot purse seiner. He said the F/V Taurus was one of three boats rounding up the herring, which is sold for bait to crab fishermen.

The F/V Taurus was taking a "break in the middle" from fishing salmon in Chignik, and after then it will return to the south Alaska Peninsula fishing area for more salmon, and then return to Homer, he said.

"With the herring changing their patterns, we're extremely thankful for our cooperative relationship with ADF&G in Sand Point (which manages this fishery) and the commissioner's office. The department was quick to make sure the fleet capitalized on the early return of herring. We've been doing this fishery for decades and the fish are constantly changing their behavior and migratory patterns. It's very helpful to adapt alongside decision-makers. The 2017 season is off to an excellent start and so long as the herring stay local and near the surface, we'll be able to harvest bait herring for all the other fishermen who use this high-quality, local product," he said.

Unlike in 2015, the whales haven't gotten in the way of the fishing vessels, though there's the normal amount of humpbacks which are evenly spread out, he said. This year, it's the seabird numbers that are astounding, with what looks like "hundreds of thousands of murre everywhere," Veerhusen said.



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

Re; Dutch Harbor herring, Board generated Proposal number 236.

Dear Chairman Jensen and Board of Fisheries Members,

In 1980 I visited the University of Washington library. Discovered herring salt and gibing operations were going on in Dutch Harbor in the 1930s. Looking at the data I deduced the fishery took place in July, August and September. I had a boat built in 1981 and took delivery in July, 1981. When picking up the boat, I loaded three herring seines aboard in case we discovered herring at Dutch Harbor.

Seeing herring at Dutch Harbor, Dick Pace, president of Unisea, and I met with Arnie Shaw and others, from the Alaska Department of Fish & Game, aboard the Unisea ship Vita and opened the Dutch Harbor herring season. I was the only boat fishing herring and it was fun. Later in the season another boat, seeing what we were doing, got his herring seine shipped to Dutch and entered the fishery. As the years went by there were more boats and more restrictions.

Part of the restriction was Alaska forming the Bering Sea Herring Management Plan. I tried to enter into the planning with a paper from Vidar Westpestad and L. Barton, 1979. The study suggested there were two stocks of herring in the Bering Sea. They deduced this by studying the food intake and growth rates of the Bering Sea herring. They determined the Bering Sea has two herring stocks, the Togiak Stock and the Northern Stock (North of Nunivak Is.). The Northern Stock circulates in the North going toward North of the Pribilof Islands, South of St. Matthew Island. The Togiak stock goes down the Peninsula, past Port Moller, to the Dutch Harbor area then out to North of the Pribilof Islands and South of St. Matthew Island. The attached paper written by Fritz Funk in 1990 shows this migration pattern too.

These studies are important because the Alaska Bering Sea Management Plan does not consider two stocks. The Plan takes away the Dutch Harbor Fishery if the Northern stock goes below threshold in some areas. The Northern stock does not go past Dutch Harbor so it's wrong to think the herring fishery in Dutch has any effect on the northern stock. The parts of the Management Plan that shuts down the Dutch Harbor herring fishery because of the below threshold Northern areas (Arctic-Yukon-Kuskokwim, Norton Sound District, Cape Romonzof), should be eliminated from the plan.

The value of herring Caught at Dutch Harbor is greater than the value of the herring caught in Togiak for its roe. Indeed, gibed and salted herring from Dutch would be primo on the world market. Also, the food and bait market today is large and the value of summer Dutch Harbor herring with its high oil content would far surpass the value of the roe herring market. When we did send Dutch Harbor herring to Japan it was known for its large size and its high oil content.

Knowing the market and the values of the Togiak herring stocks through it range, the catch quota at Dutch Harbor should be increased substantially. Going from 7% to 10% isn't enough. It should be over 20%, 6,000 MT. With that volume of quota, interest will be generated and the stock will gain value for Alaska.

Best regards, Darrell Kapp



**MIGRATION OF EASTERN BERING SEA HERRING, AS INFERRED FROM 1983-1988  
JOINT VENTURE AND FOREIGN TRAWL BYCATCH RATES**

by

Fritz Funk

Regional Information Report<sup>1</sup> No. 5J90-04

Alaska Department of Fish and Game  
Division of Commercial Fisheries  
Juneau, Alaska

March 1990

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<sup>1</sup> The Regional Information Report Series was established in 1988 to provide an information access system for all unpublished divisional reports. These reports frequently serve diverse ad hoc informational purposes or archive basic uninterpreted data. To accommodate needs for up-to-date information, reports in this series may contain preliminary data.



## ACKNOWLEDGMENTS

The joint venture and foreign trawl catch data on which this paper is based were collected under the auspices of the National Marine Fisheries Service Observer Program. The assistance of Russ Nelson and Jerry Berger of the Observer Program at the Alaska Fishery Science Center in obtaining summarized observer information is gratefully acknowledged.

## INTRODUCTION

Migration of Pacific herring (*Clupea harengus pallasii*) in the eastern Bering Sea was first described during Soviet research in support of the Soviet directed herring fisheries in the early 1960's (Dudnik and Usol'tsev 1964, Rumyantsev and Darda 1970). Subsequent records of the location of Japanese directed herring fisheries summarized in NPFMC (1983) and by Weststad and Barton (1979) supported the two major migration patterns observed by the Soviets. During June and July, a southwestward movement of herring was observed in the northern Bering Sea, from Norton Sound to Nunivak Island (Figure 1). In Bristol Bay, Japanese vessels followed herring moving along the Alaska Peninsula during the summer months, heading offshore from Unimak Island along the continental shelf edge to the northwest in late summer. It was commonly hypothesized that stocks from both the northern and southern coasts of western Alaska shared a common wintering ground northwest of the Pribilof Islands (Weststad and Barton 1979). Soviet and Japanese commercial vessels exploited large concentrations of herring during the 1960's near the continental shelf edge between the Pribilof Islands and St. Matthew Island from October through March. Foreign directed fishing for herring ended in 1980. After that time herring became a prohibited species and foreign fleets no longer tracked the movements of herring in the Bering Sea.

Stock identification studies were conducted to determine the origins of herring captured in a food/bait fishery near Dutch Harbor in July and August. These studies established that most of the herring in this area were Togiak spawning stocks (Rowell 1986, Rogers and Schnepf 1985, Rogers et al. 1984, Walker and Schnepf 1982).

Spawning locations of herring in the eastern Bering Sea have been generally well-documented since the beginning of the Bering Sea herring sac roe herring fisheries in 1978. Other than the limited stock identification studies of the Dutch Harbor food/bait fishery, information about the herring migration at other times of the year has not been available since the cessation of foreign directed fishing for herring.

Observer records of herring caught incidental to foreign and joint venture groundfish trawling provide another source of information about the timing and location of herring migration. The NPFMC has required a high level of observer sampling of foreign and joint venture groundfish harvests since 1983. This



paper examines the ratio of the weight of the herring catch to the total weight of the groundfish catch in observer records from Pacific cod (*Gadus macrocephalus*) and pollock (*Theragra chalcogramma*) bottom trawl tows, in order to define an index of herring abundance. The index is used to determine the timing and location of herring stocks during their annual migration. This index would be expected to fluctuate with groundfish density as well as with herring density. However, because the herring migration is a relatively distinct phenomenon, the index is sufficient to delineate the general movements of herring stocks during the annual migration. Also, over the 1983 through 1988 period, the abundance of both herring and groundfish stocks was relatively constant.

## METHODS

The weights of herring bycatch and total groundfish catches were recorded by observers aboard joint venture and foreign groundfish vessels from 1983 through 1988. These data were summarized by month,  $1/2^\circ$  latitude by  $1^\circ$  longitude area, and target fishery category. Target fishery categories were arbitrarily assigned in the observer records based on the species composition of the catch, using criteria established by the NMFS observer program. The observer records used for this study were primarily from pollock and cod bottom trawls, using the NMFS-designated categories "pollock bottom trawl" and "other bottom trawl". Trawl tows in these target categories were defined as consisting of less than 20% Atka mackerel, less than 20% flatfish, and less than 95% pollock. Tows with greater than 95% pollock are assigned to a midwater trawl category by the NMFS criteria. Because preliminary analyses showed that midwater trawl bycatch rates were substantially less than bottom trawls, trawl tows from the midwater trawl category were not used. Because little difference in herring bycatch rates was found between the "pollock bottom trawl" and "other bottom trawl" categories, tows from both of these categories were combined.

A herring bycatch rate index was computed by dividing the observed herring catch for each month and  $1/2^\circ$  latitude by  $1^\circ$  longitude area from 1983 through 1988 by the total observed groundfish catch for the same area and period. The resulting bycatch rates by latitude, longitude and month comprised a grid that covered much of the Bering Sea in most months.

The area of study was restricted to  $160^\circ$  W. to  $180^\circ$  longitude and  $51^\circ$  N. to  $61^\circ$  N. latitude. Although some flatfish trawling occurs east of  $160^\circ$  W., little pollock and cod bottom trawling occurs east of this longitude. Little groundfish trawling effort occurred north of  $61^\circ$  in the winter months, although herring did appear to occur in this area. For each month, the grid of herring bycatch rates was smoothed by distance weighted least squares<sup>1</sup> to aid in the interpretation of migratory patterns. These data were plotted as a 3-

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<sup>1</sup>The SYSTAT/SYGRAPH distance weighted least squares algorithm was used for smoothing, with a tension parameter (weighting) equal to the inverse of the number of  $1/2^\circ$  latitude by  $1^\circ$  longitude squares containing bycatch rates for a given month over the 1983-1988 period (SYSTAT 1988).





dimensional surface, with the vertical axis representing the bycatch rate. In order to better define the location of the herring migration with respect to the NPFMC's management areas (Fig. 2), the bycatch rate data were also plotted as a contour surface. Graphs of these surfaces for each month were used to delineate the average distribution of herring in the eastern Bering Sea over the 1983 through 1988 period.

In some months few tows were made in some  $1/2^\circ$  latitude by  $1^\circ$  longitude areas. Bycatch rates computed from areas and months with small sample size may not be representative of actual herring abundance. To depict the sample size on which the bycatch rates are based, the magnitude of the observed total groundfish catch in each square was indicated by shading.

## RESULTS AND DISCUSSION

The pattern of observed herring bycatch rates in the southeastern Bering Sea strongly supported the clockwise migratory pattern inferred from earlier stock identification studies and Soviet and Japanese research. During January, herring bycatch was almost nonexistent (Fig 3). However, almost no data were available for the month of January from the herring wintering grounds northwest of the Pribilof Islands, as indicated by the shading in the bottom panel of Figure 3. The occurrence of substantial trawling effort along the Alaska Peninsula coupled with no herring bycatch strongly suggests that no herring overwinter in the southern Bering Sea. In February (Fig. 4) the observed fishing effort shifted northward. A few vessels fished southwest of St. Matthew Island and recorded high herring bycatch rates, consistent with the earlier reports of the herring wintering location in this area. Substantial bottom trawling effort along the continental shelf edge from the Pribilof Islands south to Unimak Pass resulted in almost no herring bycatch. In March and April (Figs. 5, 6), almost no herring bycatch was reported, although there was very little effort in the area of the herring wintering grounds. During the May herring spawning period herring bycatch rates were again very low (Fig. 7), except for some moderate bycatch just north of the Pribilofs. This could be due to immature juvenile herring that remain on the wintering grounds year round as suggested by Romyantsev and Darda (1970). Peak herring spawning for the large Togiak stock occurred during early to mid-May. In June, high herring bycatch rates were reported along the Alaska Peninsula, southwest of Port Moller (Fig. 8). Fishing effort during June covered much of the Bering Sea, with little herring bycatch reported elsewhere. By July, most of the high herring bycatch rates shifted to the "horseshoe" area just north of Unimak Pass (Figure 9), where the 100 fathom contour creates a "horseshoe" shape. The distribution of bycatch rates indicates that offshore movement toward the Pribilofs has already begun in July, with moderate bycatch rates reported to the north of the Pribilof Islands. Again, the widespread distribution of fishing effort indicates that few herring are found in other areas. By August, herring bycatch was relatively high along the entire continental shelf edge (Fig. 10), with high bycatch rates continuing in the horseshoe area. By September, bycatch rates in the horseshoe area declined, and the area northwest of the Pribilofs became the dominant area of herring bycatch (Fig. 11). Sampling effort covers a wide area of the Bering



Sea, with good coverage along the entire continental shelf edge. In October, despite a large amount of effort in the horseshoe area, no herring bycatch was reported (Fig. 12). Herring bycatch was reported from the immediate vicinity of the Pribilof Islands and from the area southwest of St. Matthew Island. Sampling coverage is adequate along most of the continental shelf edge. In November, herring bycatch was low except for the area southwest of St. Matthew Island, with good sampling coverage over most of the continental shelf edge (Fig. 13). In December, some very high bycatch rates were reported southwest of St. Matthew Island (Fig. 14). Sample size was small however, so that the data are best interpreted as indicating the presence of herring. Further quantification of the herring bycatch rate may not be appropriate when sample sizes are small.

The herring migration in the southern Bering Sea appears to be a discrete phenomenon in time and space. The distribution of herring is unlike that of other prohibited species such as crab and halibut, which tend to have much broader distributions over a wider range of time. Because herring occupy areas along the migration route for only relatively short periods, herring should be easier for groundfish trawlers to avoid than other prohibited species.

The sporadic occurrence of high bycatch rates on the wintering grounds is consistent with the locations of the earlier Soviet and Japanese directed fisheries. Because sample sizes during the winter months in these areas were small, high herring bycatch rates only occur occasionally in the aggregated data.

These data provide little information on the migration of the northerly component of herring stocks which spawn from Norton Sound to Etolin Strait. Groundfish trawling effort in the area north and east of the herring wintering grounds that would intercept these stocks was very low from 1983 through 1988.

The movement of herring offshore from the horseshoe area occurred earlier than previously reported. It appears that this movement begins in July, and that substantial numbers of herring are in the area northwest of the Pribilof Islands by August.

### CONCLUSIONS

1. Herring bycatch rates from 1983-88 joint venture and foreign bottom trawling for Pacific cod and pollock strongly support the previous Soviet and Japanese hypothesis of a clockwise migration of herring around the southern Bering Sea, with a wintering ground northwest of the Pribilof Islands.
2. Herring stocks migrate along the Alaska Peninsula during the summer months, appearing in the Port Moller area in early to mid-June.
3. Offshore movement from the Unimak Pass "horseshoe" area to the Pribilofs begins as early as July, and is complete by mid-September.
4. Bycatch rates were extremely low along the Alaska Peninsula except for the summer months, indicating that all herring stocks winter offshore.



5. The herring migration is a relatively discrete phenomenon. At any one time, herring stocks occupy only a small proportion of the Bering Sea.

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TWO STOCKS IN BERING SEA

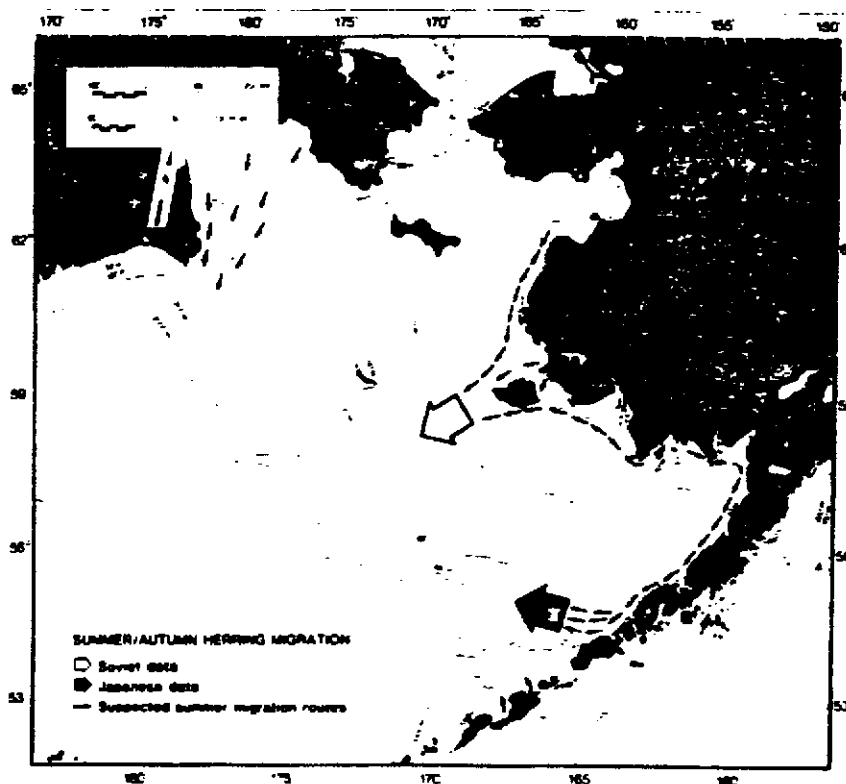


Figure 1. Summer and autumn migration routes to winter grounds. Large solid arrow: area of reappearance in offshore waters as determined by Soviet research and Japanese catches. Large open arrow: area of autumn reappearance in offshore waters reported from Soviet research. Small arrows: possible summer feeding routes and autumn migration routes (from Wespestad and Barton 1979).

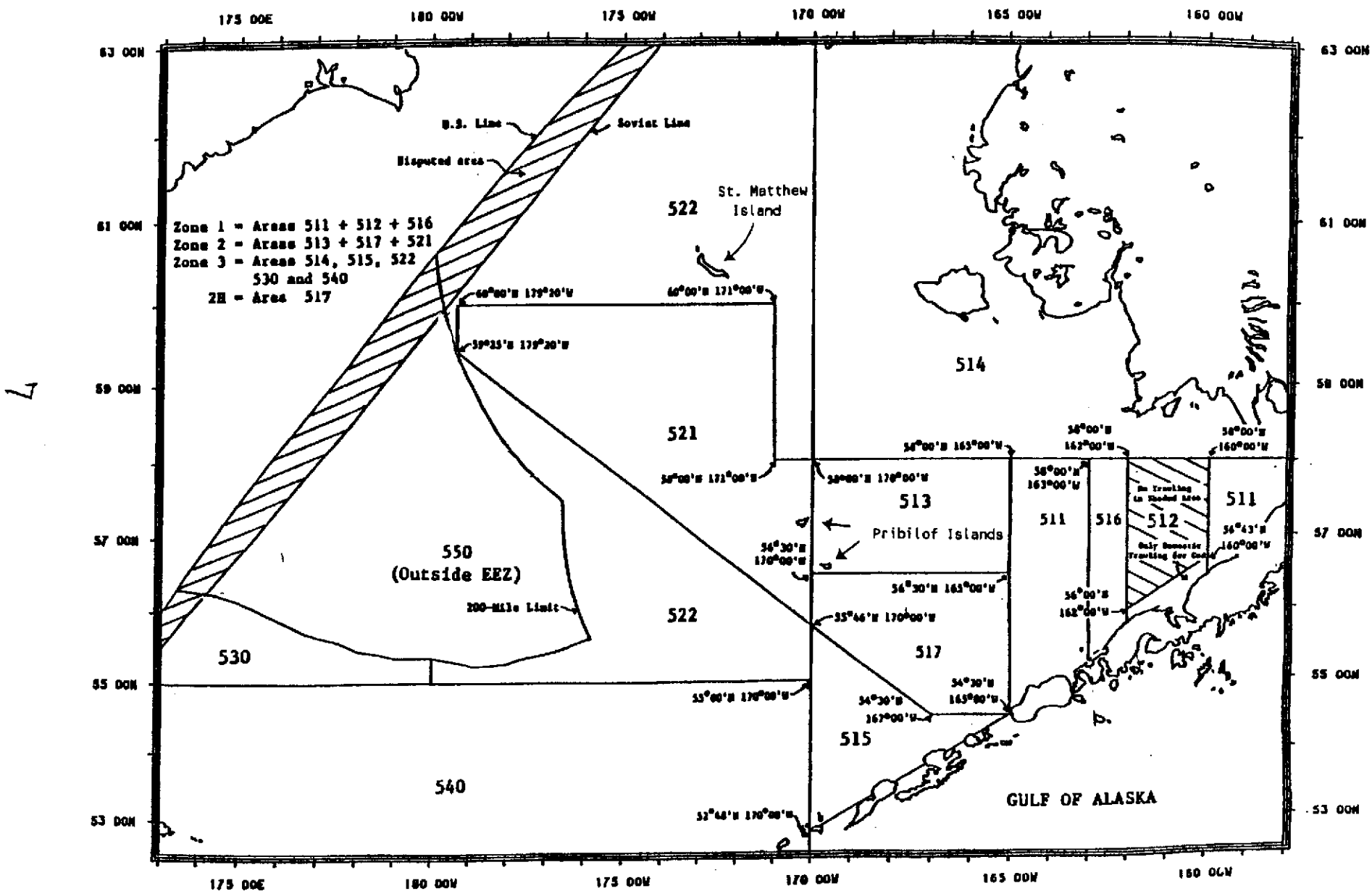


Figure 2. National Marine Fisheries Service regulatory reporting areas for the Bering Sea/Aleutians area.



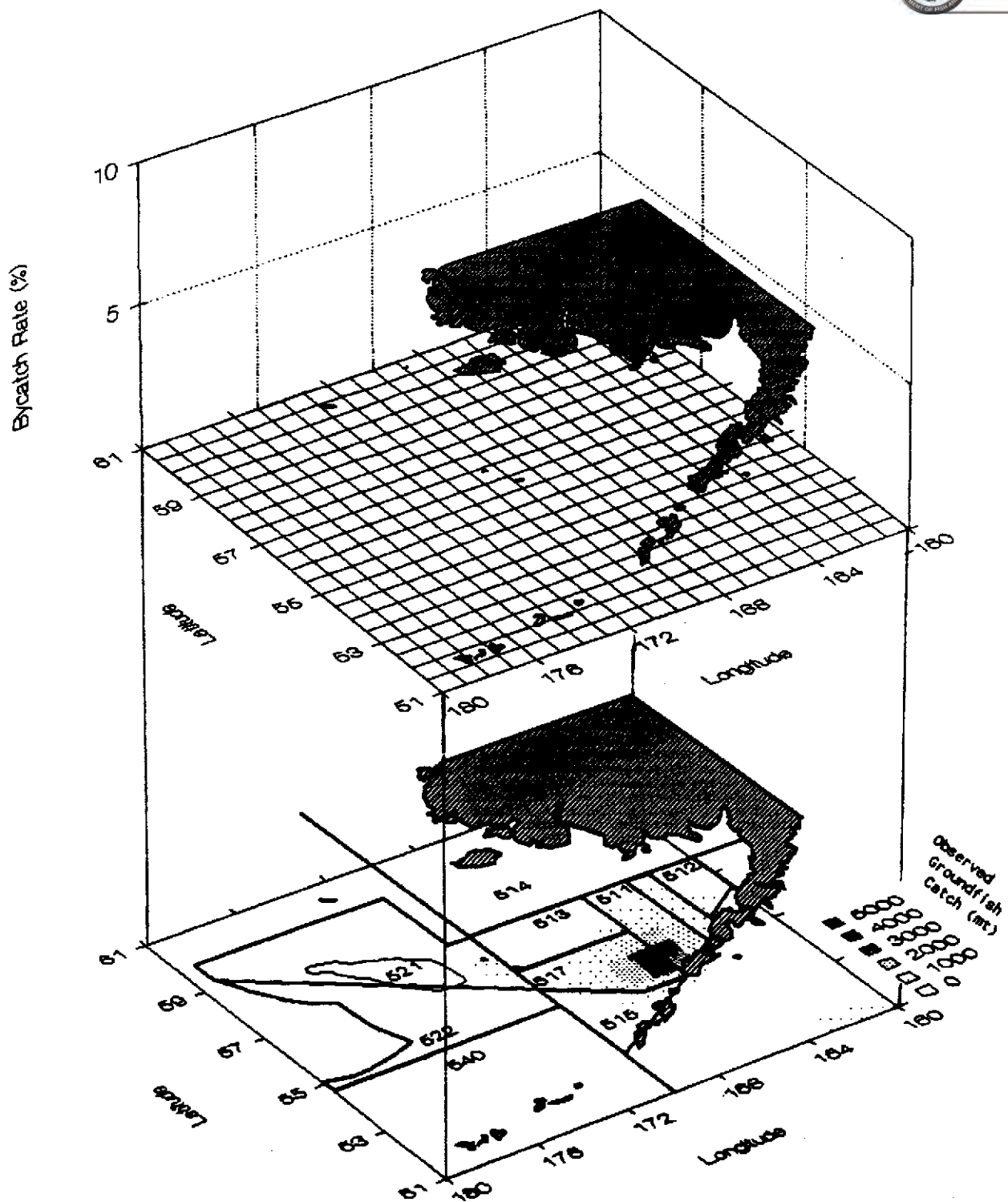


Figure 3. January herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

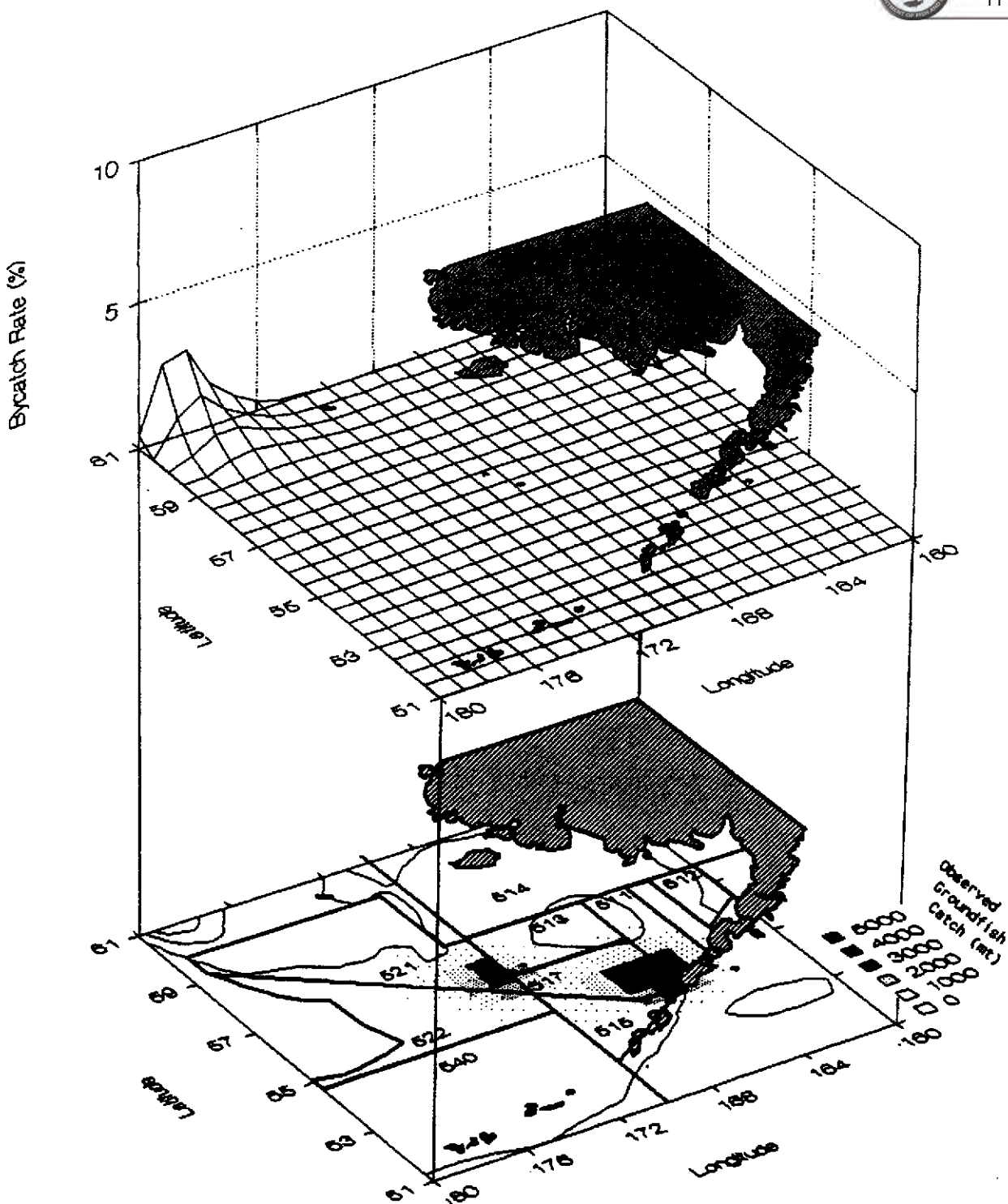


Figure 4. February herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

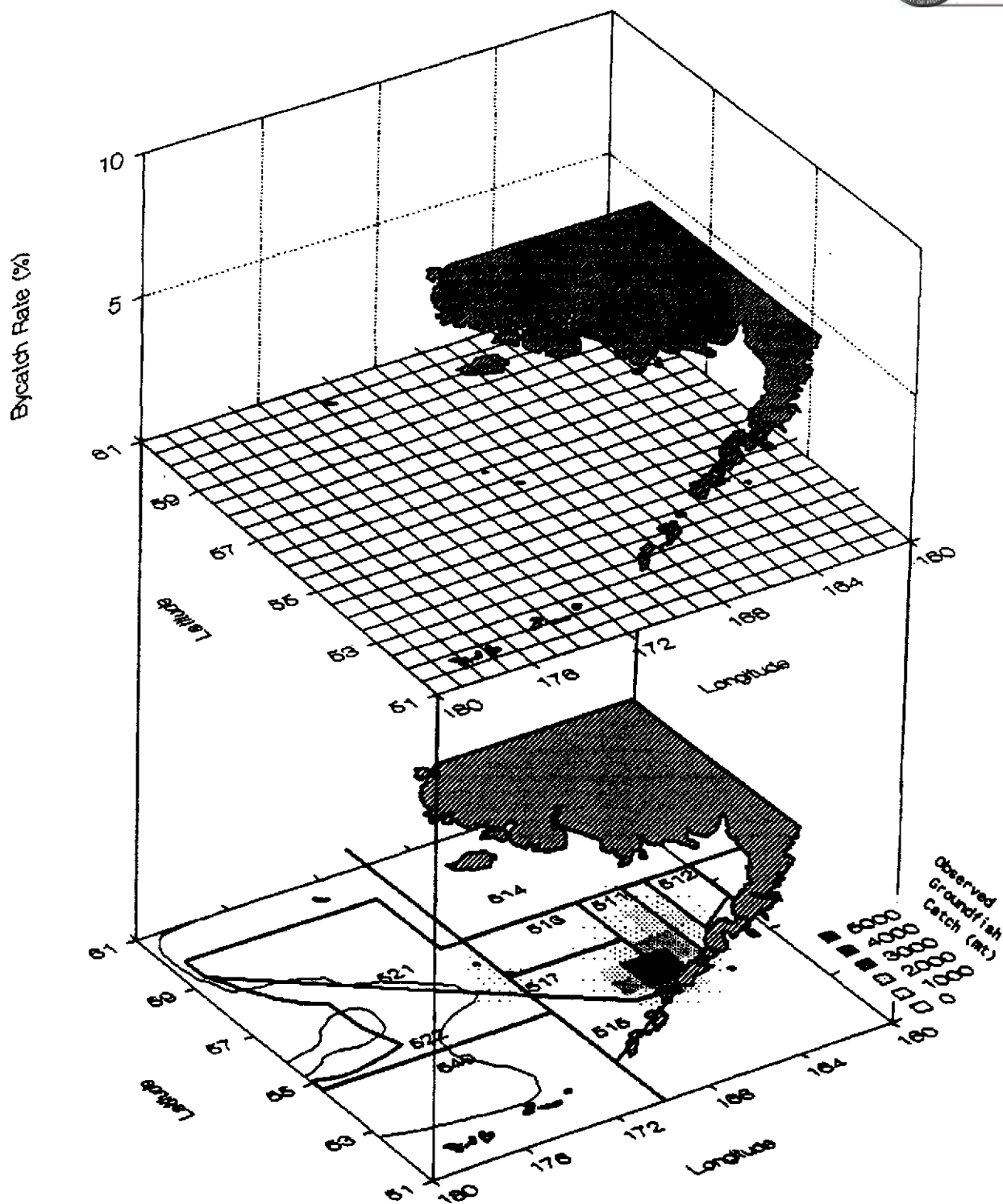


Figure 5. March herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).



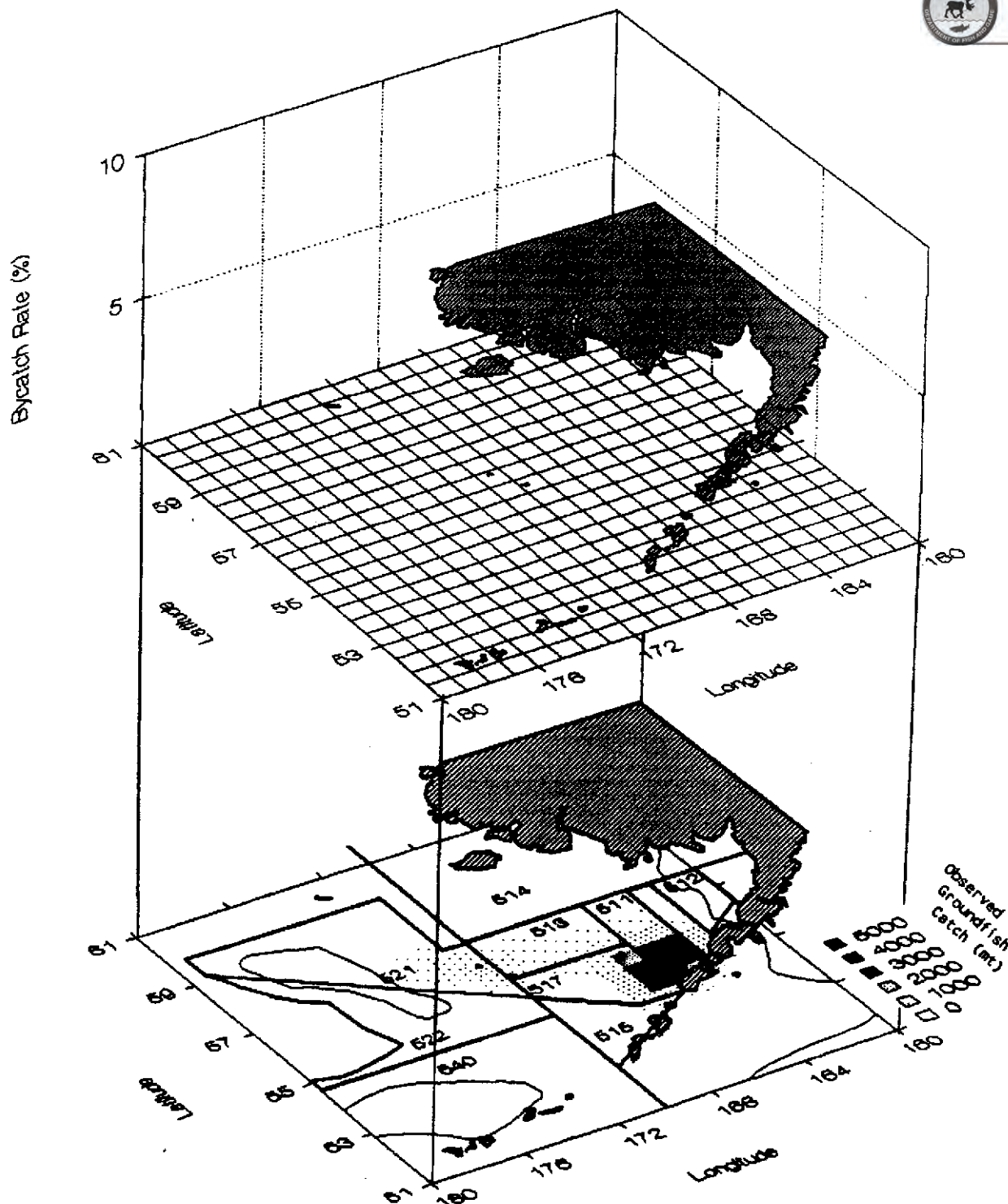


Figure 6. April herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

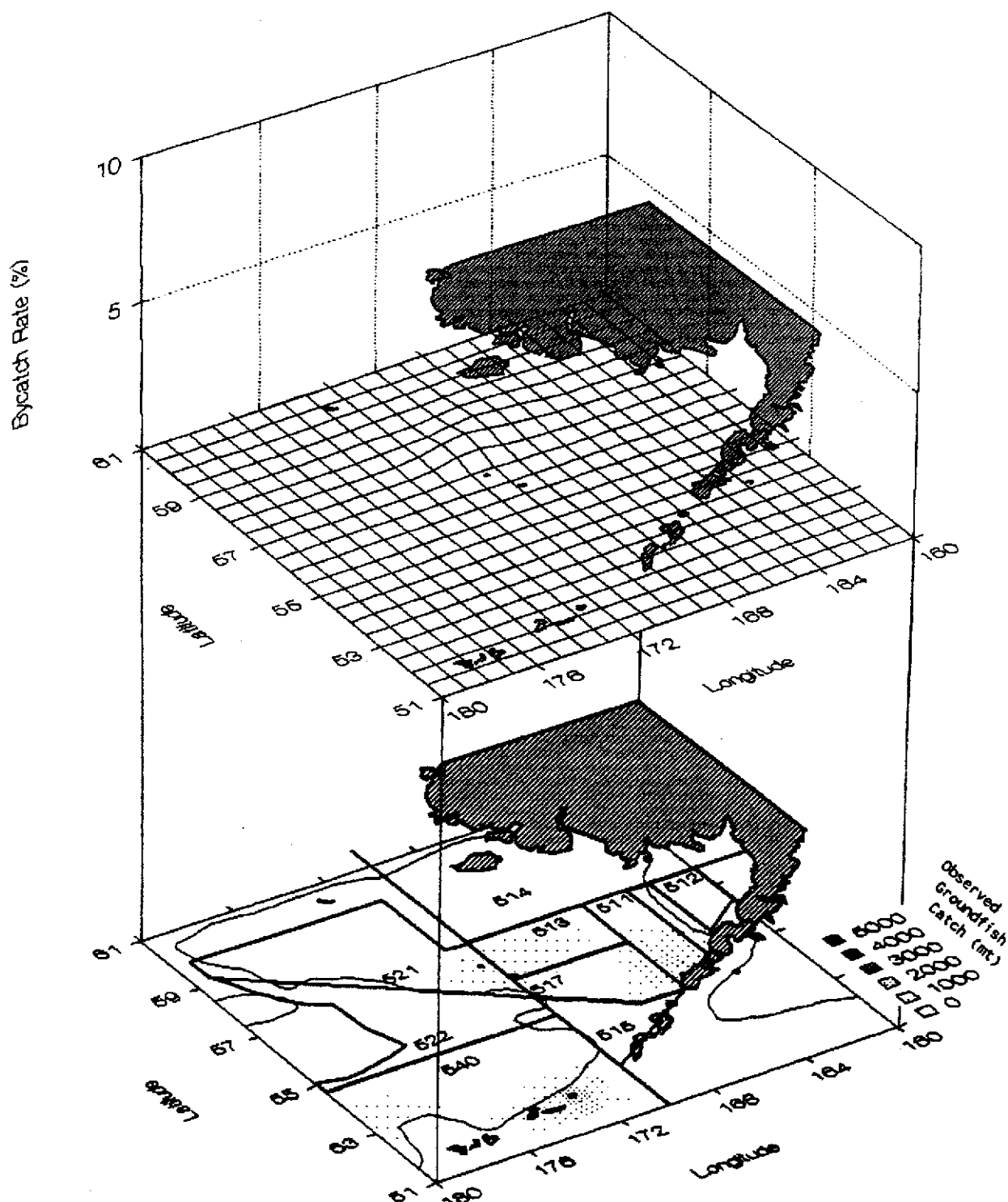


Figure 7. May herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

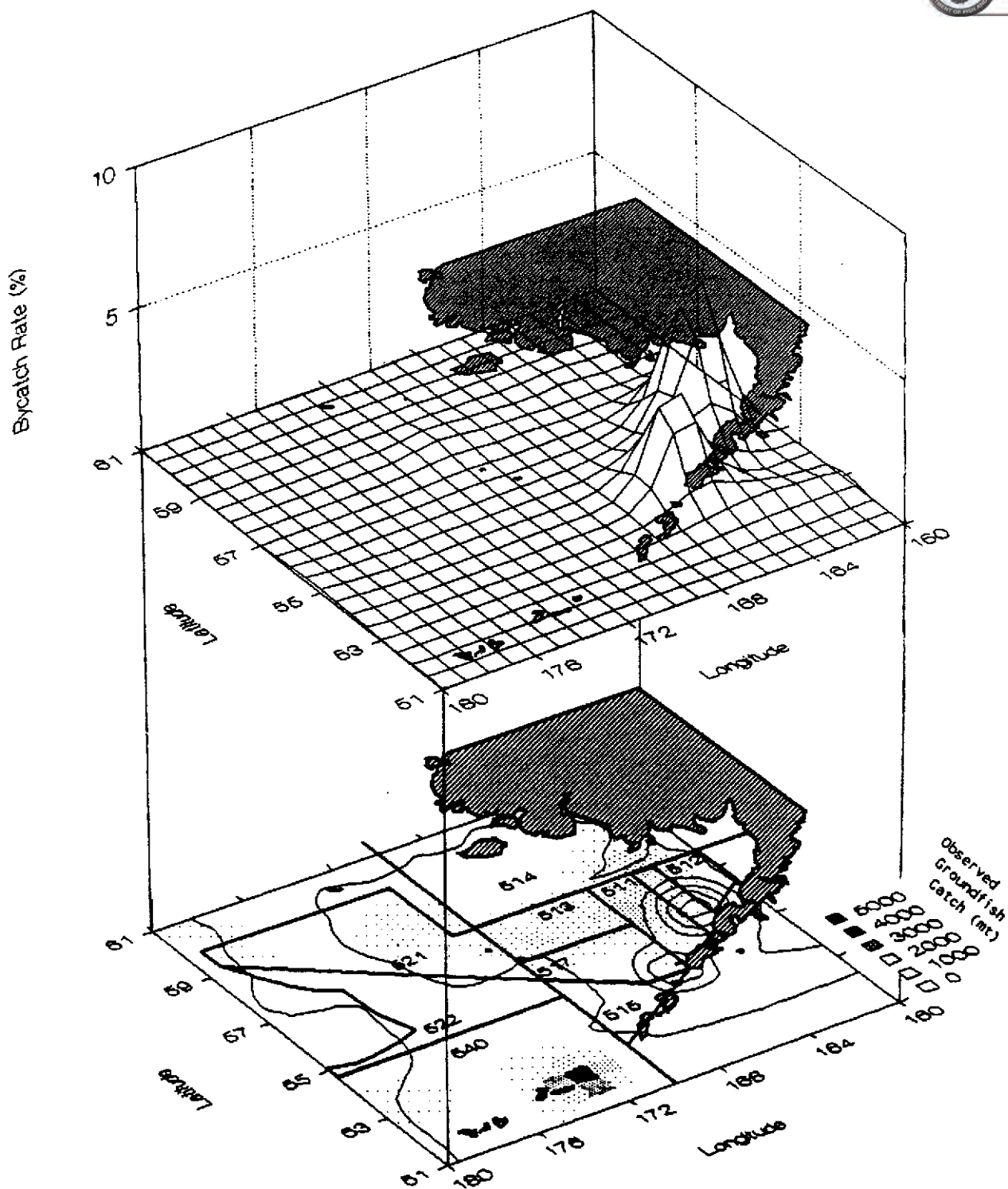


Figure 8. June herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

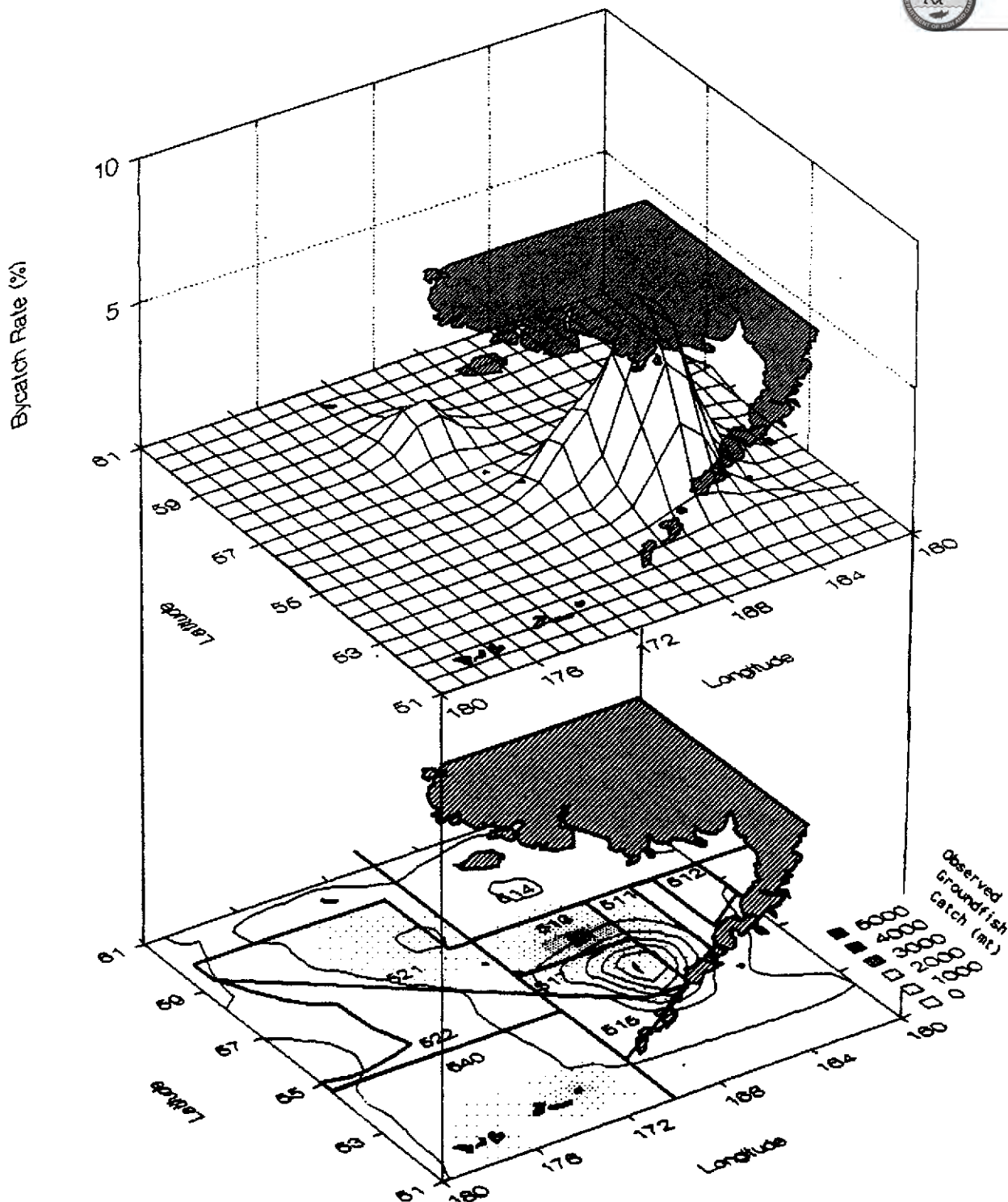


Figure 9. July herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

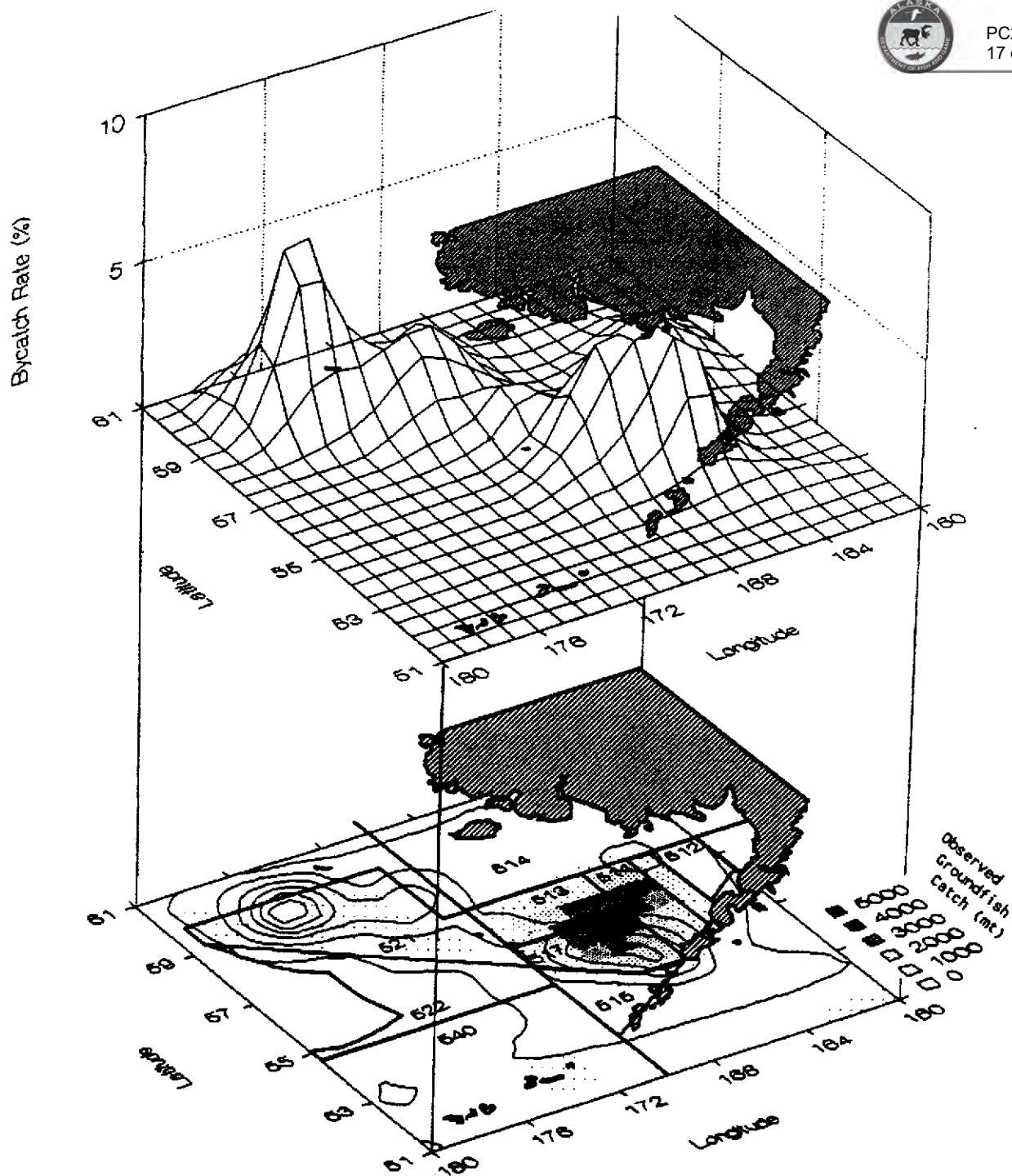


Figure 10 August herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

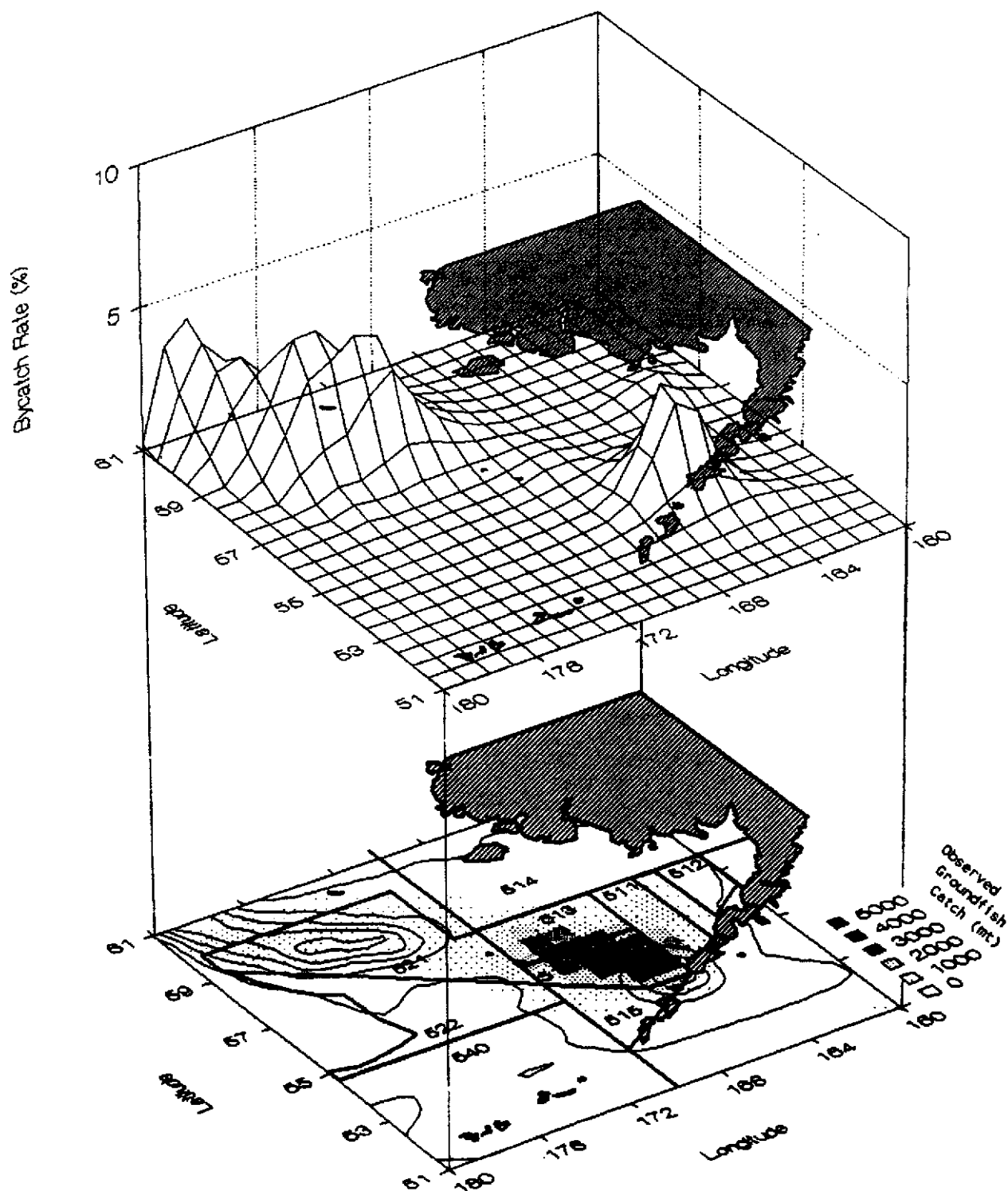


Figure 11. September herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

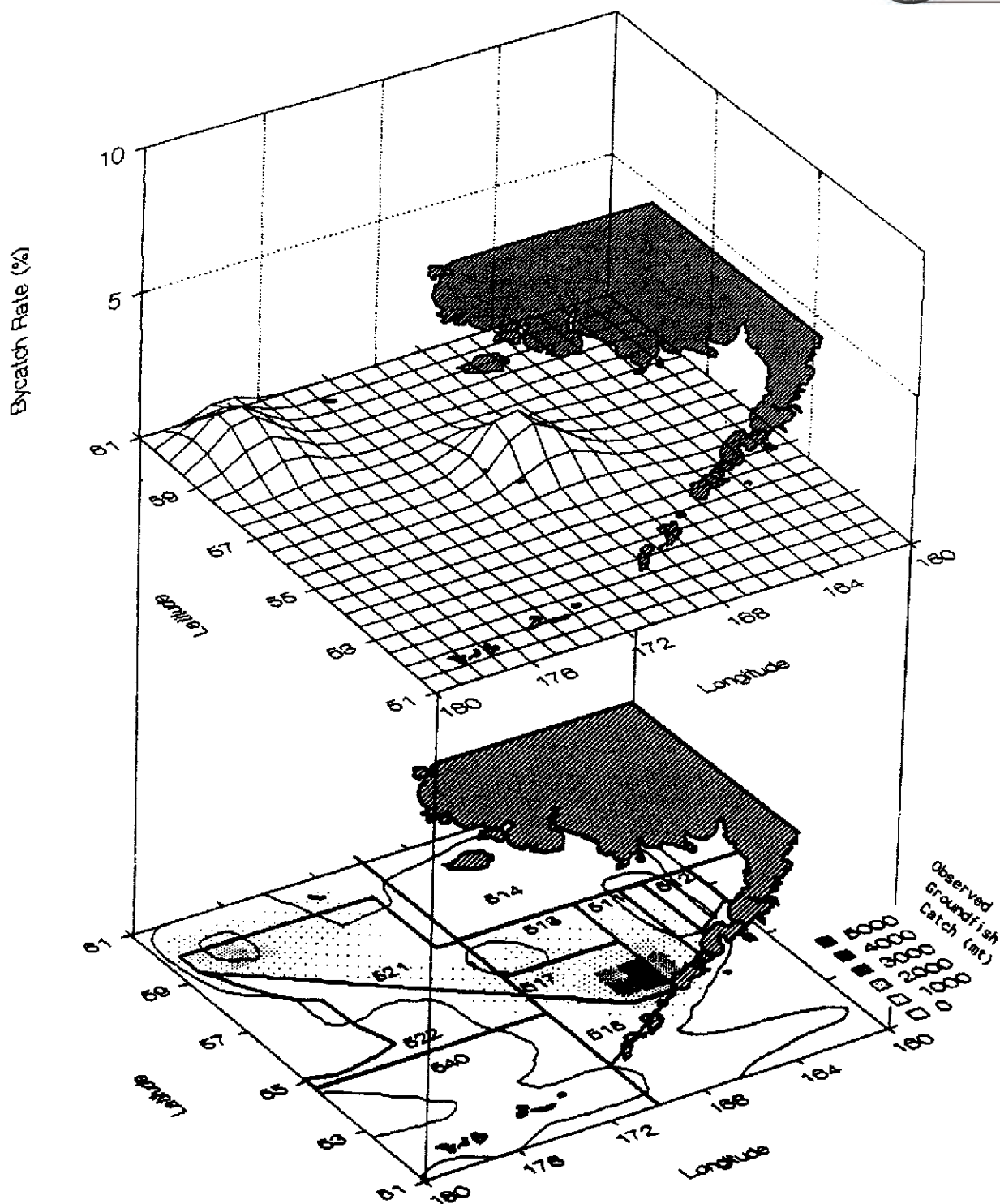


Figure 12. October herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).

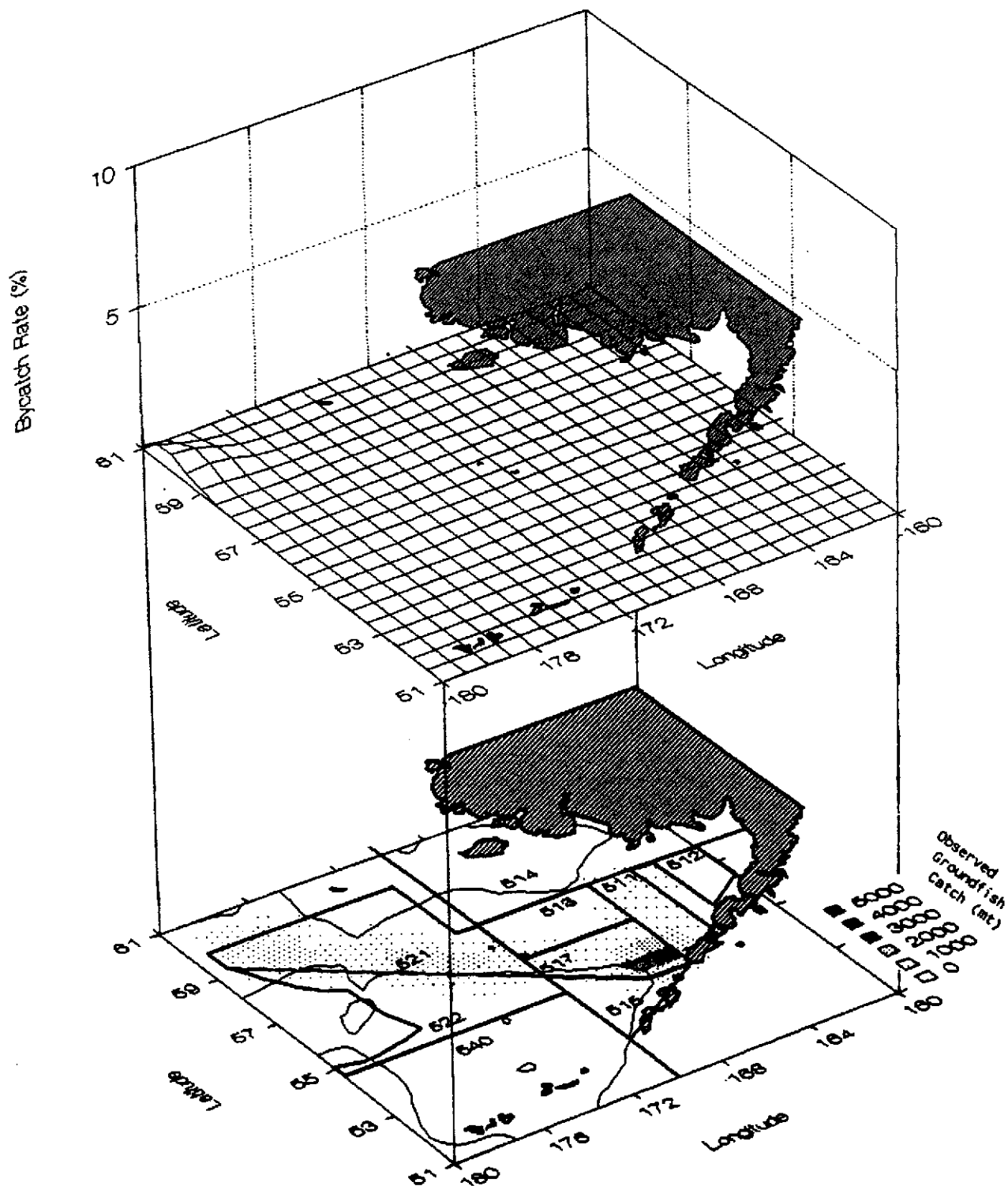


Figure 13. November herring and groundfish catch distributions. Upper panel: herring bycatch rate by foreign and joint venture pollock bottom trawl and "other" bottom trawl (primarily Pacific cod) gears, averaged from 1983 through 1988, by  $1/2^\circ$  latitude by  $1^\circ$  longitude area, smoothed by distance-weighted least squares. Lower panel: National Marine Fisheries Service regulatory reporting areas (511-540), contour lines of herring bycatch rates from the upper panel, and the distribution of observed foreign and joint venture observed catches for pollock and "other" bottom trawls from 1983-1988 (shaded areas).





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To Whom Concerned: I have read several of the proposals concerning shrimping in PWS. I do not see any need for changes at this time. The commercial fishery is still too new to determine the effects it has had on the fishery. I believe that many people will just stop documenting their catches in order to obtain what they feel they need for their families for the season. I shrimp for food for my family. Please leave things as they are unless you want to go back to 5 pots. That, I could agree on.



Submitted By  
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This shrimp fishery supports a large economical boost. It also provides an excellent food source. The commercial fishers should not use trawl and only be allowed the current pot fishery. We have already been reduced to 4 pots. Close monitoring of the harvest will support the numbers.



**Subject: Board of Fisheries and Pacific Salmon Commission Relationship**

Comment submitted by Deborah A. Lyons February 23, 201

Dear Chairman Jensen and Members of the Alaska State Board of Fisheries,

Thank you for your attention to an important question concerning the right of the State of Alaska to manage fisheries, within the context of the Pacific Salmon Treaty. We have a situation in Southeast Alaska where the Pacific Salmon Treaty Commissioner and the Panel members that advise him are interpreting their authority and responsibility in a manner that is not required by the Pacific Salmon Commission, and undermines the State regulatory process.

Although the Pacific Salmon Treaty is an International Agreement ratified by the Congress and constitutes the "Law of the Land" there are very clear procedures and guidelines within the Commission that acknowledge the domestic regulatory authority of the parties to the Treaty. I have attached RC 416, my original comment with all attachments as requested by Chair Jensen. I ask you again to review these examples in which the State's regulatory, conservation and allocation responsibilities are being usurped.

There is a very clear process in the Pacific Salmon Treaty Act that provides for the Department of State in consultation with the Secretaries of Commerce and the Interior to determine if a party is in violation of the Treaty. A notice is made and a timeframe for correction is set. I have attached some of the authorizing legislation. I have also attached a section from Chapter 3 of the Treaty. While it is true the State of Alaska needs to meet it's Treaty obligations under the Treaty it my interpretation that the State has been doing just that since 1985 through the State regulatory authority. Catch limits are set for the fisheries and the State manages to achieve them. The State manages to achieve escapements within the Board of Fisheries process and the Constitutional mandate for MSY.

Clearly this is a large and somewhat complex subject. To protect the interest of the public and to provide for regulatory stability I hope the Board of Fisheries chooses to seek the advice of the Department of Law and to assert and protect the right of the State to manage, conserve and allocate fisheries and to minimize the interference of the Pacific Salmon Commission appointees.

Thank you again for your interest and attention.

Attachment: RC 416

Excerpts from the Pacific Salmon Treaty Act

Excerpts from Chapter 3 Pacific Salmon Treaty



## **Southeast and Yakutat Finfish and Shellfish Meeting**

**January 23, 2018**

### **MISCELLANEOUS BUSINESS**

#### **Topic: Clarification of the working relationship between the State of Alaska Board of Fisheries Process and Pacific Salmon Commission Process**

Comment submitted by Deborah A Lyons, former member of the Board of Fisheries and Pacific Salmon Commission Northern Panel.

**Issue:** The current Pacific Salmon Commission process may be pre-empting the Board of Fisheries process in areas of the Board's authority to allocate, manage and conserve the State's fisheries resources. The Pacific Salmon Commission develops catch limits and related provision to present to the governments of the United States and Canada. Each country's domestic management authorities then implement these recommendations, which become effective upon approval by both governments. However, the Commission does not assert a Treaty authority to manage, allocate and conserve Alaska fisheries subject to the Treaty.

The Board of Fisheries may wish to request an opinion of the Office of the Attorney General, or designate some other process, to research and clarify the working relationship between the Federal Pacific Salmon Commission process of recommending catch limits for Chinook and the State of Alaska's domestic management authority. Examples illustrate some of the grey areas.

In addition, a review of the expectations and history of the Pacific Salmon Chinook Rebuilding program could be requested by the Board.

#### **Management Authority**

##### **Implementation of Mass Marking (MM) and Mark Selective Fisheries (MSF)**

The concept of implementing Mass Marking of Chinook and Mark Select Fisheries in the Southeast Alaska has advanced to a degree that the Board of Fisheries may find concerning. The issue is that the Treaty Commissioner has been advancing the concept of MM and MSF, even to the point of lobbying for funding to implement the programs. Fishing groups have concerns about the MM and MSF programs. MSF was incorporated into the 2017 Summer Troll Management Plan but no ADFG generated proposal on MSF was submitted to be included in the Boardbook to allow the public and the Board the opportunity to evaluate these programs. What precedent is set when the Federal Treaty Commissioner advances and agrees to fisheries management proposals within the context of the Pacific Salmon Commission, outside of the Board of Fisheries process?

Attachments:

1. January 11, 2018 letter from ADFG Deputy Commissioner Swanton to the Northern Southeast Regional Aquaculture Association and the Alaska Trollers Association.
2. RC 137 NSRAA Board Resolution 2017-11 adopted November 16, 2017.



3. ATA Association letter to Commissioner Swanton November 20, 2017

**Allocative Authority**

**Elimination of the August Summer Troll fishery in 2018**

The Pacific Salmon Treaty presentation to the Board of Fisheries RC 3 Tab 23 page 35 "SEAK Fishery Performance 2009 Agreement" shows a cumulative overage of 137,928 Chinook harvested during the years 2009-2016. The Treaty Commissioner discussed the overage in conjunction with a discussion of conditions when the August Troll fishery might "not be allowed to occur" in order to reduce the overage. This conversation was concerning to Trailers present at the January 20<sup>th</sup> meeting with the Commissioner.

Would a decision by the Treaty Commissioner to cancel the August Summer Troll fishery to achieve a savings of fish to reduce the cumulative overage be appropriate? What aspects of the State Board's management authority is involved? Closure of the August fishery to repay an overage in the PST process is a management action, inconsistent with the Summer Troll Management Plan. If an overage were to be deducted shouldn't it be deducted from the All-Gear quota rather than one of the gear types within the allocation framework of the King Salmon Management plan? If model or management error had produced a cumulative **underage** of Chinook harvested, there is no carry over provision to restore those fish to Alaska within the PSC process.

**Conservation Authority**

The Board of Fisheries has just engaged in the implementation of the Policy for the Management of Sustainable Salmon Fisheries Stocks of Concern. This process balances the State's responsibility to manage to achieve escapements while taking into account the impacts to users and weighing which measures are more or less effective at contributing to the desired escapement goals. The SSFP is comprehensive in its evaluation of environmental influences and other factors that affect escapements, along with impacts of the harvesters. Could the Treaty Commissioner take actions in 2018 to require further reductions to fisheries in order to increase escapements, above and beyond the actions the Board has already taken? (By citing Alaska's obligation to manage for escapements of the Chinook stocks listed as indicator stocks within the Pacific Salmon Commission process.) Specifically could areas closed to retention of commercial or recreational fisheries harvesting Chinook be expanded, or fisheries closed?

The Board of Fisheries may wish to request that the language of Article IV-Fishing Regimes, Chapter 3-Chinook be reviewed with an eye towards clarification of the State's authority to manage fisheries through the Board process preserved.

**Historical Review of the Pacific Salmon Chinook Rebuilding program**



Alaska entered into the Treaty in 1985 and the State agreed to reduce Southeast Alaska historic harvest share of Chinook by about 20%. Early regulatory language of the Board of Fisheries anticipated the Chinook rebuilding program would be complete in 15 years or three salmon life cycles. Thirty-three years later the number of king salmon allocated to SE Alaska (209,700) represents a 49% reduction in harvest share of king salmon. Clearly the program is not performing as hoped

A review of the performance of the Pacific Salmon Chinook Rebuilding program and the development of recommendations to improve the State's success at securing harvest share may also be of benefit to the SEAK fisheries and the communities that rely on them.



THE STATE

01 **ALASKA**

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PC27

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January 11, 2018

Mr. Steve Reifentstahl  
NSRAA  
1308 Sawmill Creek Road  
Sitka, AK 99835

Ms. Dale Kelley  
Alaska Trollers Association  
130 Seward #205  
Juneau, AK 99801

Subject: Mark Select Fishing and Mass Marking of hatchery produced Chinook salmon.

Dear Mr. Reifentstahl and Ms. Kelley:

Initially, please accept my apology for this untimely response to the correspondence received from your respective organizations on November 17<sup>th</sup> and 20<sup>th</sup>, 2017. I am hopeful that the following information will address and perhaps quell some of the angst that has surfaced relative to this subject, specific to the commercial fishery user groups represented by your organizations.

Mass marking of hatchery-produced fish isn't a new trend. As you are aware and was noted in the Chinook Salmon Coalition's briefing prepared for Alaska's Senators Murkowski and Sullivan in early November, mass marking of federally funded Chinook hatchery production was congressionally mandated in 2003 to improve estimates of these stocks' contributions to coast-wide abundance. This was a part of the Department of Interior's appropriation bill to facilitate improved mark rates on hatchery produced fish. Many of these Chinook, and those produced within the Columbia River basin migrate far north and, within the Pacific Salmon Treaty context, are susceptible to fisheries prosecuted within Southeast and Canadian waters.

The practice of mass marking is likely to increase for these areas. As further insight and discussions progress within the treaty arena, it has become evident that in order to address ESA-listed Chinook salmon stocks within Puget Sound and Southern Resident Killer Whale foraging shortfalls, mitigation will be necessary. This will likely come in the form of millions of additional hatchery-produced Chinook. Preferably, these additional Chinook will be mass marked. My goal, which can be achieved through various means, is to secure access to these fish for Alaskans to harvest with one avenue being mark-selective fishing.

Securing access to these fish is essential as we look toward the future. The current horizon, given the pervasive problems in Puget Sound, West Coast of Vancouver Island, and Georgia Strait, does not offer an optimistic picture, but rather one steeped in additional harvest restrictions and reduced overall abundance of wild Chinook. Please keep in mind that large scale degradation of freshwater habitat in its many forms, even with a focused and concerted effort to address it, does not get fixed in the short term. It was an issue in 1999, again in 2008, and still pervades our current discussions. With this said, I am attempting to impart a level of certainty while trying to plan and anticipate a landscape that includes current levels of access for Alaskans to harvest Chinook.

Our data suggests that, including Alaska production, there are about 75 million hatchery-produced Chinook salmon smolts that are currently not mass marked. When combining these numbers with what is likely to be substantial mitigation production specific to ESA listed populations, the need for greatly improved marking coverage becomes imperative to the coast-wide Chinook salmon regime. This does not mean that a mark-selective fishery must occur, but that if one did, the marked encounter rates would be vastly improved and thus would substantially reduce the current concern regarding incidental mortality of both wild and hatchery fish. It is our present understanding that if monies were made available to the respective parties, coupled with timely and comprehensive marking programs, marked fractions could be substantially improved within 2-3 years of implementation. The conversations with Alaska's congressional delegation and appropriations staff in early November 2017 essentially outlined this information and the internal discussions that had transpired over the last year.

Additionally, in preparation for this eventual scenario, we have had three discussions with a large composite of the Pacific Coast states' congressmen, senators, and appropriations staff. The focus of these discussions has been on federal funding to respective states for treaty implementation for the next annex and most recently on the concept of a capital fund located at the secretariat. This fund would be made available to the parties, states, tribes, and organizations such as NSRAA, SSRAA, and DIPAC for equipment purchase, sampling, and mass marking implementation. It has been my observation that to be successful in securing federal funds, one needs to proffer the request early, often, and with an unflappable diligence; thus far we have experienced success (\$3.1 million increase over last two federal fiscal years) and have indications of additional progress moving forward.

I am hopeful that you and your respective organizations are mindful of both the timeliness of these conversations and the sensitivity that currently exists due to negotiations between the respective parties. The topic of mass marking and increased mark-selective fishing has not had substantial discussion thus far. I can assure you that, well in advance of any formalized decision on this subject, a full bilateral discussion and commitment will be sought.

As discussions continue, I will endeavor to keep your respective organizations informed of our progress. I will be in Sitka next week attending the Board of Fisheries Southeast Finfish meeting, and I look forward to meeting with you in person.

Respectfully,



Charles O. Swanton  
Deputy Commissioner

cc: The Honorable Byron Mallott, Lieutenant Governor  
The Honorable Sam Cotten, Commissioner  
Mr. David Landis, General Manager, SSRAA  
Mr. Eric Prestegard, Executive Director, DIPAC  
Ms. Frances Leach, Executive Director, UFA  
Ms. Samantha Weinstein, Executive Director, SEAGO





**NSRAA BOARD RESOLUTION 2017-11**  
**CONCERNING MASS MARKING OF CHINOOK AND MARK-SELECTIVE**  
**FISHERIES CONDUCTED IN SOUTHEAST ALASKA**

**Whereas**, the NSRAA Board first discussed the topic of mass marking of Chinook and mark-selective fisheries at the March 4, 2017 meeting and, at the request of the NSRAA Board, the NSRAA General Manager prepared a summary of costs and a brief statement of some of the difficulties involved in conducting mass marking at the NSRAA facilities. That document was submitted to the Pacific Salmon Treaty Coalition and the ADF&G<sup>1</sup>; and,

**Whereas**, mark-selective fisheries were conducted in the Southeast Alaska commercial Troll Fishery in 2017 for the second year; and,

**Whereas**, the NSRAA Board believes the public needs an analysis and public discussion of benefits that might be realized from the adoption of mark-selective fisheries. Currently the only apparent benefit to Chinook fishermen and the Aquaculture Associations; as recently expressed by the Pacific Salmon Commission Troll Panel member<sup>2</sup>, is that the reduction in the 2009 All-gear Chinook quota that has, or is being offered by the Treaty negotiators could be made up by Chinook harvested in a mark-selective fishery, rather than the traditional directed fisheries for Chinook; and,

**Whereas**, the NSRAA Board makes note of the fact that a similar period of low Chinook productivity occurred in the 1970's. If a mass marking of Chinook and mark-selective programs had been conducted at that time; How would it have been done? The Southeast Alaskans harvesting the Chinook would have realized what definitive benefits? How would Chinook salmon stocks have recovered differently than they did in the course of a normal fluctuation in abundance?; and,

**Whereas**, the NSRAA Board believes the public deserves a complete analysis and public discussion of costs of mark-selective fisheries. Not only the implementation and operational costs for mass marking programs to be borne by the Associations, but also costs to processors for wandling and retaining heads, ADF&G management costs and the cost of increasing mortalities to Chinook salmon; and,

**Whereas**, the NSRAA Board is concerned that mark-selective fisheries have been conducted in the waters of the State and have been developed without the approval of the Alaska's legislatively-mandated process for fishery regulation under the State Board

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<sup>1</sup> Attachment, "Mass Marking of Chinook at NSRAA" - NSRRA General Manager, Steve Reifenstuhl

<sup>2</sup> As conveyed in the report to the Alaska Troller's Association Board meeting 11-11-17 by Northern Panel Troll Representative Dennis Longstreth



of Fisheries process<sup>3</sup>; and,

**Whereas**, acceptance of mark-selective fisheries for implementation in Alaska outside of the Alaska State Board of Fisheries regulatory authority is inconsistent with the Pacific Salmon Treaty 2009 Agreement and the bilaterally negotiated understanding that, "The Pacific Salmon Commission develops catch limits and related provisions to present to the two governments. These recommendations, which become effective upon approval by both governments, are then implemented by each countries domestic management authority.<sup>4</sup>"; and,

**Whereas**, mass marking of Chinook and mark-selective fisheries in Washington State and British Columbia are within their purview, are independent of the Alaska regulatory process, and if adopted bilaterally by the Pacific Salmon Commission, funding should be provided by the United States Department of State in consultation with the Canadian government and US funding authorities; and,

**Whereas**, the NSRAA Board believes it is inappropriate to be lobbying for Federal funding from the Alaska Congressional delegation for a program that would have direct impacts on the Association operations and on fisheries without having engaged the Association in a dialogue and public process, and is concerned that Alaskan fishing industry acceptance and support for these programs are being misrepresented.

**Now therefore be it resolved**, the NSRAA Board of Directors is not in support of mass marking and mark-selective fisheries in southeast Alaska fisheries at this time, in light of the stated concerns and unanswered questions.

**Passed, Approved and Adopted** by the NSRAA Board of Directors on this 16<sup>th</sup> day of November 2017.

---

Kevin McDougall, President NSRAA Board of Directors

Attest:

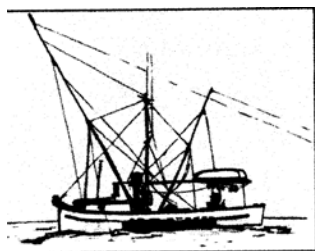
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Steve Reifentstahl, NSRAA General Manager

<sup>3</sup> "Alaska Salmon Hatchery and Enhancement Regulations (Title 5 of the Alaska Administrative Code) Chapter 40. Private Nonprofit Salmon Hatcheries 5 AAC 40.005. General.

(a) The harvest of salmon inhabiting the water of the state, regardless of whether the salmon are naturally or artificially propagated may be conducted only pursuant to regulations adopted by the Board of Fisheries."

<sup>4</sup> [www.nmfs.noaa.gov/ia/agreements/regional\\_agreements/pacific/psc.pdf](http://www.nmfs.noaa.gov/ia/agreements/regional_agreements/pacific/psc.pdf) Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, Basic Instrument for the Pacific Salmon Commission (PSC)



## Alaska Trollers Association

130 Seward #205  
Juneau, AK 99801  
(907) 586-9400 ph  
ata@g ci.net

November 20, 2017

Charles Swanton  
Deputy Commissioner/ PSC Commissioner  
ADFG  
Juneau, AK 99811

Dear Charlie:

I am writing to make you aware of ATA's position on Mark Select Fisheries (MSF) and a few other points relevant to the current Pacific Salmon Treaty negotiations.

### *Mark Select Fishery*

As you know, ATA is deeply concerned about the current status of Alaska's Chinook quota under the Pacific Salmon Treaty (treaty) and supports efforts to get the quota fisheries back to 1999 harvest levels as soon as possible. It was suggested by ADFG technical staff that use of MSF might be a viable option to attain at least a portion of that goal. When this was first broached with the ATA Board they had misgivings about utilizing MSF, but agreed to support an experimental MSF fishery and evaluate the results prior to taking a stance. After two years of testing MSF the board has reached the following conclusions.

**ATA does not at this time support Mark Select Fisheries as a tool for troll management in Alaska. Many in the fleet are quite concerned about the potential to increase incidental mortality, particularly during the lifecycle of the 2019 agreement since so few fish will be marked. ATA is also concerned about the costs associated with MSF and how that will impact hatchery and processing operations, as well as state management programs and budgets. Therefore, comprehensive and realistic analyses of the costs and benefits of MSF should be undertaken and discussed with ATA, hatchery operators and processors, prior to any decisions being made to implement a troll MSF.**

**ATA supports instead a treaty provision allowing Alaska to receive a non-Alaska hatchery add-on for some proportion of a fish. This could secure additional harvest opportunity without increasing mortality or shifting the fleet off its traditional harvest share of wild stocks.**

### **Discussion**

There has been much concern expressed about MFS fisheries by board members and individual permit holders in attendance at ATA's recent board meeting, in addition to the many trollers who contacted ATA and the state regarding the 2016-2017 MSF test fisheries. While everyone appreciates that the state is hoping to provide value to the industry by back-filling a portion of any treaty loss, most trollers see limited production opportunity through MSF - particularly over the next 5-10 years - and some level of risk due to the potential to increase incidental mortality. They are also concerned about any move towards policies that are weak stock oriented and/or push fishermen off traditional wild stock harvest. Finally, there are practical concerns regarding



management budgets and the US and Canadian government's long term commitment to finance programs that currently provide significant salmon production for Alaska and the other treaty jurisdictions.

Over the years, ATA has many times had to work alongside other fishing representatives to convince congress to maintain funding for Mitchell Act hatcheries. The Trump Administration recently zeroed out a number of West Coast salmon programs, so it would appear that we could once again be fighting to sustain mitigation hatchery production along the coast.

NSRAA staff and board members at the fall ATA meeting mentioned the potential for MSF to significantly increase both short and long-term operational and capital costs for fishermen owned hatchery facilities. SSRAA expressed similar concerns last spring. No cost: benefit analyses have been conducted or shared with the fleet to demonstrate the long-term value of an MSF program to the region. Providing this type of information, and involving the fleet, processors, and hatchery operators should occur before decisions are made to negotiate agreements that rely on implementation of MSF troll fisheries to obtain Alaska harvest share.

#### *Non-Alaska Hatchery Add-on*

ATA is interested in securing some form of non-Alaska hatchery add-on, particularly if Alaska agrees to take, or NMFS forces cuts simply to pay for Canadian and U.S. compliance. Such an add-on would also be helpful if southern Chinook stocks produce massive returns like those that severely disrupted Alaska fisheries in 2013-15.

#### **Other Issues**

1. Alaska should insist that all reports relative to the validity of such things as Puget Sound and WCV1 spawning estimates be approved by the relevant treaty committees and released by negotiators for review by the affected public prior to finalizing the commissioner's points of agreement on 2019 negotiations, not after. Given the many millions of dollars that have gone into producing these reports, this doesn't seem an unreasonable ask by Alaska, particularly since the information is pertinent to discussions related to treaty conservation and harvest sharing.
2. We encourage more in-depth and open discussion between the state and affected stakeholders regarding what direction Alaska will take should negotiations stall. Panel members and industry representatives should be privy to, and allowed to weigh in on, any new concepts that impact the fleets. This should occur at the earliest stages of discussion, not after the state has already decided on its position.
3. If the state anticipates a continuation of 2009 levels or below, then it is our hope that you will support a substantial level of mitigation money being made available to the affected fleets. You may recall that fishermen in Alaska were mitigated for the first half of the 2009 agreement, but not the second, because it was anticipated that a five-year review would be conducted and might have allowed the Alaska fleet to get back to fishing at 1999 levels. That review never happened, but obviously the stocks were robust enough for the state and industry to argue a roll back of the 15% harvest reduction Alaska took under the 2009 agreement, which did not occur.

Best regards,

A handwritten signature in black ink that reads "Dale Kelley".

Dale Kelley  
Executive Director

Cc: Sam Cotten, ADFG Commissioner  
Bill Auger, Alternate PSC Commissioner



## Excerpts from the Pacific Salmon Treaty Act

### PACIFIC SALMON TREATY ACT OF 1985

[Public Law 99-5, Approved Mar. 15, 1985, 99 Stat. 7] [As Amended Through P.L. 114-81, Enacted November 05, 2015] AN ACT To give effect to the Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, signed at Ottawa, January 28, 1985.

#### SEC. 3. ~~16~~ U.S.C. 3632; UNITED STATES SECTION.

(8) In any matter where the Secretary of State determines that the United States is in jeopardy of not fulfilling its international obligations under the Treaty, the Secretary of State shall so certify to the United States Section. Such certification shall include the reasons for such determination and shall specify the date by which a decision by the United States Section is desired. If the United States Section has not reached a decision by the date specified, the Secretary of State, after consultation with the Secretary and the Secretary of the Interior, shall report on the matter to the President.

(i) CONSULTATION. —In carrying out their functions under the Treaty, the Commissioners and Panel members may consult with such other interested parties, as they consider appropriate. The Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) shall not apply.

#### SEC. 4. ~~16~~ U.S.C. 3633; AUTHORITY AND RESPONSIBILITY.

(a) The Secretary of State is authorized to—

(1) Receive and transmit, on behalf of the United States, reports, requests, recommendations, proposals, and other communications of and to the Commission and Panels;

(2) in consultation with the Secretary and the Secretary of the Interior, approve, disapprove, object to, or withdraw objections to fishery regimes, including enhancement programs and Fraser River Panel regulations proposed in accordance with the Treaty, on the condition that the United States shall be obligated to carry out such regimes or regulations only to the extent that funds are made available for such purposes in appropriation Acts; and

(3) act upon, or refer to other appropriate authority, any communication referred to in paragraph (1) of this subsection other than a proposed fishery regime or Fraser River Panel regulation.

(b) Recommendations of the Commission on fishery regimes or Fraser River Panel regulations approved by the Secretary of State pursuant to subsection (a)(2) **shall be forwarded immediately to the States of Alaska, Oregon, Washington, and Idaho and to the Treaty Indian tribes, as appropriate. In the exercise of their general fishery management authority, the States and treaty Indian tribes may adopt corresponding laws, regulations, or orders within their respective jurisdictions.**

(c) In cooperation with the appropriate Regional Fishery Management Councils, States and treaty Indian tribes, the Secretary shall prepare, as appropriate, all statements, reports, and information required by the Treaty and submit such documents to the Secretary of State, who shall transmit them to the Commission.



**SEC. 6. 16 U.S.C. 3635; PREEMPTION.**

If any State or treaty Indian tribe has taken any action, or omitted to take any action, the results of which place the United States in jeopardy of not fulfilling its international obligations under the Treaty, or any fishery regime or Fraser River Panel regulation adopted thereunder, the Secretary shall inform the State or tribe of the manner in which the action or inaction places the United States in jeopardy of not fulfilling its international obligations under the Treaty, of any remedial action which would relieve this concern, and of the intention to promulgate Federal regulations if such remedial actions are not undertaken within fifteen days unless an earlier action is required to avoid violation of United States Treaty obligations. Should United States action be required to meet Treaty obligations to Canada in respect to Treaty Indian fisheries conducted in terminal areas subject to the continuing jurisdiction of a United States district court, such action shall be taken within the framework of such court jurisdiction. Otherwise, regulations may be promulgated by the Secretary pursuant to section 7(a) of this title which shall supersede any State or treaty Indian tribal law, regulation or order determined by the Secretary to place the United States in jeopardy of not fulfilling its international obligations under the Treaty. Timely notice of all such determinations shall be disseminated by electronic media and shall be published in local newspapers in the major fishing ports affected and in the Federal Register. In order to enable the United States to fulfill its obligations under article IV(7) of the Treaty, the States of Alaska, Idaho, Oregon and Washington and the treaty Indian tribes shall advise the Secretary of all pertinent laws or regulations pertaining to the harvest of Pacific salmon, together with such amendments thereto as may be adopted from time to time.

**SEC. 9. 16 U.S.C. 3638; GENERAL STANDARD.**

All actions taken under sections 3(g), 4, 6, and 7 shall—

- (a) take into account the best scientific information available;
- (b) result in measures necessary and appropriate for the conservation, management, utilization and development of the Pacific salmon resource, with due consideration of social and economic concerns; and
- (c) be consistent with United States obligations under the Treaty, domestic Indian treaties and other applicable law.

**Excerpt from the Pacific Salmon Treaty**

**Chapter 3: Chinook Salmon**

The provisions of this Chapter shall apply for the period 2009 through 2018.

13. The Parties agree:

- (h) in the event of extraordinary circumstances, either Party may recommend, for conservation purposes, that the Commission consider developing additional management actions in the relevant fisheries to respond to such circumstances. Such a recommendation must be based on circumstances when the continued viability of a stock or stock group would be seriously threatened in the absence of such actions. This recommendation must be part of a coordinated management plan that will include actions taken in all marine and freshwater fisheries that significantly affect the stock or stock group;



February 22, 2018

Alaska Board of Fisheries  
Chair John Jensen

Chair Jensen and Board Members,

My name is Denise Hawks. I am from Seward, Alaska and am co-owner of Puffin Fishing Charters.

I am writing in support of Proposal 238, which would require all anglers to employ deep water release mechanisms when releasing rockfish in Prince William Sound waters. I spoke in support of this board-generated proposal at the December meeting in Valdez and wanted to reiterate my support, especially in light of the Board's decision to repeal the requirement for mandatory retention of the first rockfish caught.

Our company strongly supports conservation efforts to help maintain our fishery resources. We have been in business since 1994 and have witnessed the decline in fish stocks over the years. I authored the successful proposal to limit the daily and in-possession bag limits for lingcod in PWS, and spoke in support of not opening commercial rockfish fishing in western PWS until more data could be gathered on the ocean's ability to support such a fishery. With the demand on these species by multiple user groups, efforts to not "waste" these fish are imperative.

We already employ release devices on all four of our charter fishing vessels. Although there was some discussion at the meeting regarding limiting this requirement to charter vessels, it should be mandatory for all user groups, especially in light of the number of non-charter recreational anglers harvesting fish in PWS. The use of release devices is simple, and, from ADF&G research data, highly effective in reducing mortality of released rockfish. The devices are not cost-prohibitive – and could be considered "cheap" relative to the value of the resource they serve to protect.

I strongly urge the Board to adopt Proposal 238 as a mechanism to reduce unnecessary rockfish mortality in Prince William Sound, and encourage the Board to consider this for statewide implementation in the future.

Thank you for your time and consideration.

Sincerely,

Denise M. Hawks

Puffin Fishing Charters  
PO Box 606  
Seward, Alaska 99664  
907-278-3346

POB 584  
SEWARD AK 99664



PC29  
1 of 1

907-224-7254

ALASKA SALTWATER CHARTERS  
KING  
**SALMON**  
Troll with the pros!  
*F/V Florette C.*

FEBRUARY 20, 2018

ALASKA BOARD OF FISHERIES  
CHAIR JOHN JENSEN

MR. CHAIR AND BOARD MEMBERS,

MY NAME IS DIANNE DUBUC. I AM VICE CHAIR OF THE SEWARD FISH & GAME ADVISORY COMMITTEE.

I AM COMMENTING TODAY IN SUPPORT OF PROPOSAL 238 THE BOARD GENERATED PROPOSAL WHICH SEEKS TO REQUIRE ALL ANGLERS TO USE DEEP WATER RELEASE MECHANISMS WHEN RELEASING ROCKFISH IN PRINCE WILLIAM SOUND.

WE SUPPORTED PROPOSAL 1 IN THE PRINCE WILLIAM SOUND CYCLE WHICH REDUCED THE BAG LIMIT OF NONPELAGIC ROCKFISH TO ONE FISH AND REPEALED THE MANDATORY RETENTION REQUIREMENT OF ANGLERS TO RETAIN THE FIRST ROCKFISH CAUGHT AS PART OF THE BAG LIMIT OF THE PERSON ORIGINALLY HOOKING THE FISH.

THE SEWARD FISH & GAME ADVISORY COMMITTEE HAS A LONG HISTORY OF SUPPORT FOR CONSERVATION OF THE NONPELAGIC ROCKFISH RESOURCE. WE WROTE PROPOSAL #19 IN THE 2007 LCI MEETING CYCLE WHICH REDUCED THE LIMIT OF NONPELAGIC ROCKFISH. THE BOARD ADOPTED THIS PROPOSAL.

WE DID NOT DISCUSS THE DEEP WATER RELEASE MECHANISM AT OUR MOST RECENT MEETING ON 10-12-17. HOWEVER, I WOULD LIKE TO CLARIFY PREVIOUS DISCUSSIONS OUR AC HAS HAD ON THIS TOPIC AND STATE THAT WE HAVE BEEN SUPPORTIVE OF THE DEPARTMENT'S ATTEMPT TO REDUCE MORTALITY THROUGH THE USE OF THIS DEVICE. WE HAVE FOLLOWED THE DEVELOPMENT OF THE MECHANISM SINCE ITS INCEPTION IN 2008. WE HAVE SPOKEN IN THE PAST IN SUPPORT OF THIS TOOL TO REDUCE ROCKFISH MORTALITY.

THE POSSIBILITY EXISTS THAT ROCKFISH RELEASES WILL INCREASE WITH THE ADOPTION OF PROPOSAL 1 DUE TO THE REDUCED THE BAG LIMIT OF NONPELAGIC ROCKFISH TO ONE FISH AND THE REPEAL OF THE MANDATORY RETENTION REQUIREMENT OF ANGLERS TO RETAIN THE FIRST ROCKFISH CAUGHT.

I STRONGLY URGE THE BOARD TO ADOPT PROPOSAL 238 IN AN ATTEMPT TO REDUCE ROCKFISH MORTALITY IN PRINCE WILLIAM SOUND.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THIS MATTER.

SINCERELY,

DIANNE M. DUBUC





November 17, 2017

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

RE: Proposal 230 Letter of Support

Dear Alaska Board of Fisheries,

This letter is submitted on behalf of Doyon, Limited in support for *Proposal 230 – Allow use of drift gillnets to harvest salmon for subsistence purposes in Yukon River Districts 4-B and 4-C (5 AAC 01.220)* sponsored by Louden Tribal Council, Nulato Tribal Council, and Koyukuk Tribal Council.

Doyon is one of the thirteen Native regional corporations established by Congress under the terms of the Alaska Native Claims Settlement Act (ANCS) of 1971. Doyon's mission is to promote the economic and social well-being of our present and future shareholders, to strengthen their Native way of life, and to protect and enhance our land and resources. Doyon is the regional corporation for Interior Alaska, and is the largest private landowner in Alaska, with a land entitlement under ANCSA of more than 12.5 million acres.

The Louden, Nulato, and Koyukuk tribes are proposing to allow use of drift gillnet gear to be used in Yukon River Districts 4-B and 4-C for subsistence fishing to address the loss of adequate set net and fish wheel sites caused by long-term changes in the river, improve harvesting method to reduce waste, and reduce growing costs associated with lengthy travel for subsistence fishing per current regulation.

In addition, the proposed change would reduce increased competition in available drift sites and improve safety.

With these benefits in mind, Doyon offers this letter of support for Proposal 230. Please contact our office with any questions or comments.

Sincerely,

Aaron Schutt, President and CEO  
Doyon, Limited



Submitted By  
Garrett  
Submitted On  
2/10/2018 10:52:14 AM  
Affiliation

Phone  
907-382-9089

Email  
[907mclean@gmail.com](mailto:907mclean@gmail.com)

Address  
122 Green Valley Street  
Soldotna, Alaska 99669

I whole heartedly believe the crab and shrimp fisheries in Southcentral Alaska should be managed with the personal sport fisherman taking precedence over any commercial fishery. The south central shrimp and crab fisheries are tiny in comparison to others around the state, but the economic benefit of letting sport fisherman utilize these resources far outweighs the economic benefit of letting a few commercial fishermen target these species. As a sport fisherman who utilizes these fisheries, the money I spend to take part in these fisheries is spread far and wide. I own a boat, which requires maintenace, gear, tackle, insurance, fuel, etc. etc. Money money money. Then I have to have a truck big enough to pull it. Then I stop at the grocery store to buy food and drinks, and more tackle. Then boat launch fees, permit fees, tunnel fees. On and on and on. If there are cuts to seasons and/or limits for southcentral shelfish, there will be a serious downturn in people getting out on the water. Don't get me wrong, I love the scenery, but most of the reason I get out on the water is to enjoy the resource. At the very least there should be an equal sharing of the resource between the two sectors. It is a resource owned by ALL the people of Alaska, not just the commercial industry.



**2/19/2018**

**Chairman Jenson and Members of the Alaska Board of Fish,**

**As someone who has attended every UCI BOF since 1986, I fully support Board Members Cain recommendation to rotate the tri-annual meeting every three years between the Kenai Peninsula, Valley, and Anchorage.**

**BOF meetings are very expensive and this would balance out of the costs every nine years.**

**Thanks,**

**Gary L. Hollier**

**Kenai Ak**



2/17/2018

Chairman Jenson and Members of the Alaska Board of Fish,

I am sending in this information to the BOF to fully support Mr. Every's Petition for Emergency Regulation amending 5 AAC 21.310

I have included in my PC to the BOF e-mails to ADF&G concerning North Kalifonsky Beach (NKB) fishermen disgust with management policies that continually negatively impact NKB, specifically amended proposal 136 that was passed by the BOF in 2017.

In my Proposal 136, it always stated ON or AFTER July 8..... Never in the discussion, at Public Comments, Dept of Public Safety comments, Dept of Law comments, BOF deliberations was any other date brought up or mentioned. The intent of Proposal 136, in all discussions was ON or AFTER July 8, period.

We would not be talking about this issue if the Area Manager did not backdoor the BOF, at the last minute, and get an interpretation by the Dept of Law, months after the regulation was in the Management Plan.

ADF&G needs to know the intent of BOF action on proposal 136.

I believe that an emergency does exist, not in the regulatory action adopted by the BOF at the 2017 Upper Cook Inlet meeting concerning amended proposal 136, but an emergency does exist because an Area Manager does not want to use the new regulation that was passed by the BOF.

As NKB fishermen, we have felt the financial burden of Area Manager(s) who have continually used regulations at NKB fishermen's expense.

I believe an economic emergency has existed on NKB for 20 years, but 2017 was over the top in my 46 years in fishing there.

In 2017, the Kenai and Kasilof Rivers exceeded their in-river goals and BEG, respectively for each system.

There are 29 beach nets that could have participated in this fishery.

If each net caught 100 sockeye at 5 lbs a piece, that would be 2900 sockeye X 5 lbs = 14,500 lbs.

14,500 lbs X \$1.60/lb = \$23,200.

\$23,000 X two openers = \$46,000 lost in harvest opportunity. These numbers I use are all subjective, they could be higher or lower, but I believe are a fair representation of what the loss might look like. This economic loss can NEVER be recouped.

Additional there is lost harvest potential due to reduced yield from exceeding MSY.

This economic loss to NKB has been going on for decades. Proposal 136 gave NKB fishermen a small sliver of fishing time back, to once was a mainstay and historical part of our fishery.



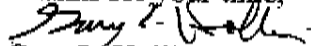
ADF&G and the Area Manager went out of their way to diminish the effects of this, allocative and biologically sound regulation, passed by the 2017 BOF. Why I ask?

So in the Justification for Emergency Action: .....biological allowable resource would be precluded by delayed regulatory action....YES!

If some action is not taken up by the BOF, to clarify the intent of proposal 136, ADF&G will continually preclude harvest on NKB. The loss of harvest opportunity will continue on NKB.

Fishermen wait on the beach to ensure that escapement goals are met, to be excluded from harvest when goals are met or exceeded is criminal.

Thanks for your time,

  
Gary L. Hollier

**From:** Gary <glh@alaska.net>

**Date:** August 18, 2017 at 12:48:47 PM AKDT

**To:** <scott.kelley@alaska.gov>

**Cc:** <sam.cotten@alaska.gov>, <pat.shields@alaska.gov>

Dear Director Kelley,

I was going to stay out of this, as the Dept. ( Dept. being any one from the local area manager to any State employee up the chain of command) is well aware of my position on this issue. After hearing the August 17 sonar count of 30,000 sockeye, which were abundant on North K-Beach on August 15, I find myself replying.

At one time the ESSN fishery was all one fishery from Niniilichik to the Northern District. The Blanchard line went into regulation in 1985, I believe. In 1997 the Kenai/East Forelands sections opening date changed to on or after July 8. This new opening date had a tremendous impact on our harvesting ability of Kasilof stocks that are abundant on our beach specifically late in June and continuing thru out the season. There is data to support this from the Dept., i.e. in the 2009 genetics report, by the Dept, it showed that half of the harvest of N K Beach was Kasilof stocks.

Yes Mr. Kelley as you stated the Dept makes a "decision...and moves on". Fishers on N K Beach have seen the consequences of the Dept's decisions many times over the last 20 years.

The Kasilof sections opens up to 2 ½ weeks sooner, fishes all allowable EO hours, way before minimum in-river goals are achieved, they harvest 56% of the reds and 65% of the king salmon in the ESSN fishery. All this on a run to the Kasilof River that is at best 30% of the Kenai River. We on N K Beach in a ten year period have seen the Kasilof section fish 50% of the Wednesday in July ahead of our regular scheduled period on Thursday. There were times when this fishery was extended



thru the night and into the regular period on Thursday. These decisions by the Dept, were brutal to say the least, on N K Beach fishers.

The Dept does not use regulations to help N K Beach, i.e. in 2013 the minimum king salmon goal of 15,000 was achieved, but the fishery was closed on the final day of the season.

Specifically this 2017 season once the minimum Kenai River goal was met on August 8 the ESSN fishery is allowed 51 EO hours. Why did not the Dept let the ESSN fishery fish all the hours they could thru the midnight on August 10, knowing full well that the only time left was a regular period on August 14?

As stated in the previous paragraph the Dept uses regulations that continually negatively impact N K Beach, yet when the Dept has an opportunity to help N K Beach sometimes that opportunity is not always given.

N K Beach fishers have for 20 years been trying to get fishing times on Kasilof stocks back at the BOF level. The Dept. sits at these meetings numbingly silent, has never done anything to help in this issue. The Dept's standard reply is "this is an allocation issues and the Dept is neutral". Fishers from N K Beach have been to at least 6 BOF meetings, spending thousands of dollars at each meeting, trying to get back some fishing time which was historically ours.

At the 2017 BOF a proposal was passed to may give N K Beach fishers the ability to harvest Kasilof stocks with nets out to 600 ft from shore, yes this was allocative, but with supportive data, the BOF passed this regulation. Basically when all in-river goals were projected or achieved N K Beach was to fish with limited gear.

In my opinion N K Beach should have fished on July 8, the Dept made a decision and moved on. The Dept checked with the Dept of Law to see what the intent of the BOF was, N K Beach could have fished.

Since the 2008 BOF meeting the ESSN fishery gets to fish only regular periods from August 11-15, in fact this was stated on the HOTLINE recording on August 11.

Since 2008 I believe that the Dept never used the Commissioners authority to fish extra hours from August 11-15, yet during this time frame there were plenty of times when the Kenai/ Kasilof rivers exceeded their in-river goal or BEG or SEG or OEG. Did the Dept need a Dept of Law interpretation on this issue?

I do not begrudge the Kasilof section fishing on August 15, yet when they did, the fishers on N K Beach out to 600 ft should have been given the same opportunity. The action by the Dept further inflames N K Beach fishers, and I believe is another example how we have not been treated fairly by the Dept.

Mr. Kelley, now that precedent is set, will the Dept use the Commissioner's EO authority when an in-river, BEG, SEG, or OEG goal has been meet to the Kenai/Kasilof river's to extend fishing opportunity in the ESSN fishery during August 11-15, in the future?

Or was this a parting EO by the Dept to close out the 2017 season for the beloved Kasilof section?

Gary Hollier



Mr. Kelley,

Agreeing [REDACTED] in this case is going against what the board intended. The discussion was that NKB can and should be allowed to harvest kasilof Sockeye based on scientific data showing NKB has always been a historical harvester of kasilof bound Sockeye.

The kasilof section used all of its available EO hours prior to July 10 without the use of the 600 foot fishery during the one single period where we "may" have fished. So the Dept was able to exclude us then. Now the Dept went completely outside of the plan to open the kasilof section while continuing to exclude us.

[REDACTED] He continues to treat the "may fish" in the kasilof plan as a "shall" and a may fish in this new plan as "I don't have to use it."

All the while, the kasilof section gets twice the hours on a run 1/4 of the size. Why? Because they do not target 2 ocean fish which make up 60% of the run! They get more hours by hiding under the cover that they need more time to harvest kasilof fish, so I will be anxiously awaiting the genetics of this season that I am sure will show that the kasilof section continues to NOT harvest 2 ocean fish efficiently.

Dan

Sent from my iPhone

On Aug 15, 2017, at 11:43 AM, Kelley, Scott (DFG) <[scott.kelley@alaska.gov](mailto:scott.kelley@alaska.gov)> wrote:

Hello,

Thank you for including me in this email discussion. I have found most of the input thought provoking and worthy of consideration. For the record, I support [REDACTED]'s decision here. I do not say that blindly (that is, I agree just because [REDACTED] says so, even though if I did that with anyone he would be at the top of the list). I spoke at length with [REDACTED] other Central Region staff and listened to, read, and considered the input those of you with contrary opinions provided. I can see the logic of some, if not many, of the counterpoints from an industry perspective. In the end we make a decision agree, or as with many of you, disagree and move on. I can also say that I spoke with Commissioner Cotton about this at length. He understands the issues and is also supportive of the decision.

Thank you for your time.

Scott Kelley  
Director  
Division of Commercial Fisheries



Juneau, AK

**Sent:** Tuesday, August 15, 2017 12:22 PM  
**To:** Shields, Patrick A (DFG)

Pat,

Thank you for your email to try to clarify what in the world you could be thinking not to fish us 600 ft today. Now I am going to take a minute to try to explain our position. As you know many years ago a backdoor plan was made at the BOF to create this Blanchard line. This magic line in no way shape or form has ANY impact on how the salmon move into the river systems. This line was purely a political backdoor move at the board of fish. So after years and years of watching our neighbors fish more than double the amount of hours we fished, we decided in 2017 to head to the BOF with the intent to try to get some of this time back. We had our scale sample data that shows some years we harvest 50/50 Kenai/Kasilof sockeye. Since we are less than 4-8 miles from this river system that made sense to the BOF members and they passed our proposal. Although [REDACTED] with your immediate comment of "just because it is in regulation doesn't mean I have to use it", it is now in regulation. You are correct you don't have to use it and in EVERY instance this year when you could of used it, you DIDN'T. BUT you have given the Kasilof EVERY opportunity to fish this season. The Kasilof BEG is 160,000-340,00 and your counts yesterday were 340,192. The Kasilof OEG was created for when there are large sockeye runs to Kasilof and small runs to the Kenai. JUST LIKE THIS YEAR!! The OEG for Kasilof is 160,000-390,000. So a count of 340,192 warrants coming out of the plan to only fish the Kasilof section? The Kasilof section has had 23 openers this season compared to the 13 openers in the Kenai district. Do you see the disparity at all? This happens year after year and we are sick and tired of it. ADF&G will continue to hear from North K-Beach fisherman because what is happening here is NOT right.

Thank you for your time,

Emailed to Pat Shields by another North Kalifonsky Beach fisherperson.

On Tue, Aug 15, 2017 at 8:47 AM, Shields, Patrick A (DFG) <[pat.shields@alaska.gov](mailto:pat.shields@alaska.gov)> wrote:

While I expect 100% disagreement with the following explanation for why the N. KBeach stat area out to 600' was not fished today, I find it will be easier to send a group email rather than making a dozen phone calls.

If you really don't feel like reading what is written below, I'll summarize it in one sentence. Today's fishing period in the Kasilof Section was not an "extra" period, it was an extension to the fishing season requiring commissioner's authority to fish "outside" of a management plan (or regulation), and we felt that extending the fishing season in the N.KBch stat area to 600' was not justified based on the expected very small harvest of Kasilof River sockeye salmon in this area on an August 15 opener.





The board of fisheries extended the ESSN fishing season in 2008 from a season closing date of on or before August 10 to August 15 with the caveat that from Aug 11-15 only regular fishing periods were allowed. The reason for the extension was based on data from the department showing a small harvest rate of Kenai and Kasilof river coho salmon in the ESSN fishery, especially in the first 10 days of August. The five day extension to the season meant either one or two additional days of fishing depending upon the calendar. The limitation to fishing regular periods only was for coho salmon conservation.

Thus the ESSN season closed at 7:00 p.m. on Monday, August 14, 2017 unless the department enacted 5 AAC 21.363(e).

*5 AAC 21.363(e) Notwithstanding any other provision of this chapter, it is the intent of the board that, while in most circumstances the department will adhere to the management plans in this chapter, no provision within a specific management plan is intended to limit the commissioner's use of emergency order authority under AS 16.05.060 to achieve established escapement goals for the management plans as the primary management objective. For the purpose of this subsection, "escapement goals" includes inriver goal, biological escapement goal, sustainable escapement goal, and optimal escapement goal as defined in 5 AAC 39.222.*

Based on the fact that the Kasilof River sockeye salmon BEG would be exceeded, but the Kenai River inriver goal was not projected to be exceeded, the fishing season was extended in the Kasilof Section ½ mile fishery to harvest surplus Kasilof sockeye salmon. The 600' fishery in the North K.Beach stat area was not opened beyond the 7:00 p.m. season closure on August 14 because we felt the expected very small harvest of Kasilof River sockeye salmon in this area on an August 15 opening did not warrant using 363(e) to extend a season. Stepping outside of management plans (regulations) is not often done and when it is the harvest opportunity by doing so should be as targeted as possible. That said, we also realize that some Kenai River sockeye salmon will be harvested today in the Kasilof Section ½ mile fishery.

*5 AAC 21.310(b)(2)(C)(ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11 through August 15, the fishery is open for regular periods only; on or after July 8, when the Kasilof Section is open to commercial fishing with set gillnets and the Kenai and East Forelands Sections are closed to commercial fishing with set gillnets, commercial fishing with set gillnets may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the latitude of the Blanchard Line at 60° 27.10' N. lat., and south of the latitude of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.;*



**As always, you all know how to contact me with any questions you have,**

**Pat**



### **Justification for Emergency Action**

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

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

I believe that the requested emergency action is warranted because of the unexpected and unforeseen erroneous interpretation by ADF&G regarding the new provision to fish in the Kenai Section south of the Kenai River within 600' of shore. I believe that a delay in allowing additional fishing time would result in a biologically allowable resource harvest not being taken. If this petition is granted, ADF&G would retain the option to fish in this area anytime the Kasiloof Section is open, while the Kenai Section is not, on or after July 8 thru and including August 15.



TO: John Jensen  
Chairman  
Alaska Board of Fisheries

FROM: Chris Every  
37033 Minke Dr.  
Kenai, AK 99611  
E-mail [cpevery58@hotmail.com](mailto:cpevery58@hotmail.com)  
907-394-0720

Date: February 05, 2018

SUBJECT: Petition for Emergency Regulation

I hereby request the Alaska Board of Fisheries to adopt an emergency regulation amending 5 AAC 21.310 **Fishing Seasons** as follows:

5 AAC 21.310(b)(2)(C)(ii) Fishing Seasons

(i) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 1 through August 15, the fishery is open for regular periods only; on or after July 8, including a date during a closed weekly fishing period under 5 AAC 21.320, when the Kasilof Section is open to commercial fishing with set gillnets and the Kenai and East Forelands Sections are closed to commercial fishing with set gillnets, commercial fishing with set gillnets may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the latitude of the Blanchard Line at 60° 27.10' N. lat., and south of the latitude of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.;

**Background**

Two fishing days were lost in this 600' fishery

Day One;

EO-2S-10-17 allows 17 hours on July 8, 2017

The provision for fishing within 600 feet of shore in the Kenai Section north of the Blanchard Line was first adopted at the 2017 UCI board meeting. During the 2017 fishing season, the department interpreted the new provision to only apply after the Kenai Section had begun fishing regular periods, not specifically on or after July 8. For example, in 2017, the first regular fishing period on or after July 8 was Monday, July 10. However, the department opened the Kasilof Section set gillnet fishery, by emergency order, on Saturday, July 8, but they did not consider using the 600 foot fishery in the Kenai Section because they interpreted the new provision to mean they could not open this area until after the first regular period on or after July 8. I do not believe this is consistent with the proposal that was brought before the board and adopted at the 2017 UCI meeting (Proposal 136, RC 2, pages 40-42 and substitute language found in RC 96), nor is this interpretation consistent with the board's intent when they adopted this provision.



salmon.

**PROPOSAL 136 – 5 AAC 21.310. Fishing Seasons.** Allow commercial fishing with set gillnets in the North Kalifonsky Beach (NKB), statistical area 244-32, within 660 feet of shore with shallow nets only, when the Kasilof Section is open, on or after July 8, as follows:

NKB, MAY have the opportunity to harvest with SELECT gear, ( 4 3/4 in maximum mesh size and can't be more than 29 meshes deep ), from July 8 on, when any portion of the Kasilof section is fishing. The set nets fished on NKB, cannot fish farther than 600 ft from the mean high tide mark.

Fishing within 600 ft, from mean high tide, using SELECT gear, with 29 mesh deep nets would make the king salmon harvest minimal. Additionally using, 4 3/4 in mesh or smaller, would be very efficient in harvesting Kasilof sockeye that are abundant on the beach, and those smaller size fish that make up 61% of the Kasilof River escapement. It is these two ocean and younger age classes that continually drive the Kasilof River over the top end of its BEG.

By fishing NKB, with SELECT gear, should cut down on the amount of time fished in the KRSHA.

The regulation would read something like this:

From July 8 on, when any portion of the Kasilof section is fishing; North Kalifonsky Beach, stat area 244-32, MAY open with set gill nets, restricted to fishing within 600 ft from the mean high tide mark. Nets cannot be more than 29 meshes deep and the mesh size cannot exceed 4 3/4 in.

**What is the issue you would like the board to address and why?** The issue here is lack of traditional and historic harvest of Kasilof sockeye on North Kalifonsky Beach (NKB), statistical area 244-32.

NKB since before Statehood was a traditional and historic harvester of Kasilof sockeye. With management changes that went into place in 1999, the opportunity to harvest Kasilof stocks were greatly diminished for NKB.

ADF&G staff has stated that Kasilof sockeye are predominately "beach orientated". The ESSN fishery catches 58% of the Kasilof harvest, while the Drift fleet harvests 27%.

A 2009 report from ADF&G- *Genetic Stock Identification of Upper Cook Inlet Sockeye Salmon Harvest*, showed that the harvest of Kenai and Kasilof sockeye on all NKB was close to a 50/50 split between the two stocks, ( page 52). This study was taken from samples of the entire NKB section. If samples were taken only from nets fishing 600 ft of mean high tide, Kasilof sockeye that are predominately " beach orientated", the Kasilof sockeye proportion would be undoubtedly higher.

From 1979 to 1999, the Kasilof River exceeded its BEG 12 out of 21 years, ( 57% of the time). During some of this time period the Kasilof River escapement goal was considerable less, 75,000



to 150,000 sockeye. During this time NKB was a traditional and historic harvester of Kasilof sockeye.

From 1999 the Kasilof River sockeye salmon escapement has exceeded its BEG, 15 out of the last 17 years, ( 88% of the time).

ADF&G harvest data, shows from 2008-2015, in the Kasilof section setnetfishery, two ocean and younger sockeye age classes (smaller fish) comprise 33% of the harvest.

ADF&G sockeye escapement data from 2008-2015, in the Kasilof River showed 61% of the sockeye escapement was made up of two ocean and younger age class sockeye.

In the Kasilof River Special Harvest Area (KRSHA), some years data, showed 73% of the harvest comprised of two ocean and younger age classes.

At BOF meetings since 2002, 2005, 2008, 2011, 2014, setnetters on NKB have been trying to get back fishing times on Kasilof stocks, that were a traditional and historic mainstay in out fishery for decades.

Kenai River sockeye salmon are the main stock harvested in the East - Forelands section ( which is a minimum 10 miles north of the Kenai River). Kenai River sockeye are harvested all the way to the Northern District. Common sense and genetic reports show that Kasilof sockeye are abundant on NKB, which is from 4 to 8 miles north of the Kasilof River.

**PROPOSED BY: Gary L. Hollier (EF-F16-017)**

\*\*\*\*\*



## RC 96

Ruffner

February 27, 2017

### Substitute Language for Proposal 136:

5 AAC 21.310. Fishing seasons

(C) Upper Subdistrict:

(i) Kasilof Section: from June 25 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; however if the department estimates

that 50,000 sockeye salmon are in the Kasilof River before June 25, but on or after June 20, the commissioner may immediately, by emergency order, open the fishery; from August 11 through August 15, the fishery is open for regular periods only;

(ii) Kenai and East Forelands Sections: from July 8 through August 15, unless closed earlier by emergency order under (iii) of this subparagraph; from August 11

through August 15, the fishery is open for regular periods only; **notwithstanding the provisions of this subparagraph, on or after July 8, when the Kasilof Section is open to commercial fishing with set gillnet gear and the Kenai and East Foreland sections are closed to commercial fishing with set gillnet gear, commercial fishing with set gillnet gear may be allowed within 600 feet of the mean high tide mark in that portion of the Kenai Section north of the Blanchard Line located at 60° 27.10' N. lat. and south of the ADF&G regulatory marker located south of the Kenai River mouth at 60° 30.49' N. lat.;**



Submitted By

Gene McDonell

Submitted On

2/21/2018 2:37:26 PM

Affiliation

I fully support proposal 207 as I believe it is a safty issue





## **GOLDEN KING CRAB COALITION**

**Linda Kozak – Consultant**

**P. O. Box 2684 – Kodiak, Alaska 99615**

**907-539-5585**

Date: February 23, 2018  
To: Alaska Board of Fisheries  
From: Golden King Crab Coalition  
Subject: Proposal #236

We would like to express our support for Proposal #236, regarding the Dutch Harbor Food and Bait Herring Fishery Allocation plan.

This proposal would accomplish the following objectives:

1. Allow for the fishery to open as early as July 1<sup>st</sup>.
2. Remove the allocation between gillnet and seine.
3. Increase the Dutch Harbor allocation of the Togiak biomass from 7% to 10%

We believe the earlier possible start date would provide the department the needed flexibility to open the fishery when herring are present. Within the last few years, the herring biomass has returned to the Dutch Harbor area earlier and with a start date set for July 15<sup>th</sup>, the fleet has not been able to catch the quota before the herring moved north and into deeper water. The earlier date would be of great benefit to the fleet if herring arrive early as they have in recent years.

By eliminating the gear restriction, the fleet would have a better chance of harvesting the entire available resource. In recent years the gillnet effort has been low to no participation, according to the proposer.

The last part of the proposal would allow for an increase of the Dutch Harbor allocation of the Togiak herring biomass. This would allow for the stranded Togiak herring biomass which has been left unharvested over the years to be more fully harvested.

By modifying the Dutch Harbor Food and Bait Herring Fishery Allocation plan as outlined above, there will be a better opportunity to have full utilization of the resource and provide needed bait for other gear groups in Alaska's fisheries that depend on this resource as part of their fishing plans.



## **GOLDEN KING CRAB COALITION**

**Linda Kozak – Consultant**

**P. O. Box 2684 – Kodiak, Alaska 99615**

**Office 907-486-8824 – Cell 907-539-5585**

Date: October 2, 2017

To: Mr. John Jensen, Chairman  
Alaska Board of Fisheries

From: Linda Kozak

Subject: Agenda Change Request #2

The members of the Golden King Crab Coalition would like to support Agenda Change Request #2, which was submitted by the Aleutian King Crab Research Foundation.

This ACR requests the Board to consider an issue out of cycle which pertains to the development and adoption of a fishery management strategy for the Aleutian Islands golden king crab fishery. This management strategy is only possible now that a stock assessment model has been adopted for use in setting overfishing limits and allowable biological catch rates for this fishery.

The brief history of this issue is that a total allowable catch (TAC) was set by the Department in 1996 and was adjusted twice by Board action in previous years. These harvest limits are not based on a stock assessment model, as one had not been accepted for use in the fishery until this year. The model has been under development for many years and, unfortunately, was not adopted in time for a harvest strategy to be considered by the Board during the regular cycle.

We believe the ACR meets the criteria. Only by having a harvest strategy based on the stock assessment model and other considerations, will the department have the ability to truly manage the fishery based on conservation. This will allow the best available information to be used in setting the TAC, rather than a Board adopted catch limit. This issue should be addressed as soon as possible, rather than waiting for the normal cycle for this fishery.

Thank you for reviewing our comments.



Gordon Scott           Box 847, Girdwood AK, 99587  
March 23, 2018

Comments for March 6-9, 2018 Board of Fisheries Meeting

Chairman Jensen and Fish Board Members

Here is a Summary of my positions about various PWS Shrimp Proposals

Proposal 216	<u>Support</u>	
EF-F17-120 (In Workbook)		<u>Support</u>
Proposal 217	<u>Oppose</u>	
Proposal 218	<u>Oppose</u>	
Proposal 219	<u>Oppose</u>	
Proposal 220	<u>Oppose</u>	
Proposal 221	<u>Support</u>	
Proposal 222	<u>Support</u>	
Proposal 223	<u>Support</u>	
Proposal 224	<u>Support</u>	
Proposal 225	<u>Support</u>	

Discussion relating to PWS SHRIMP Proposals:

**NON COMMERCIAL PROPOSALS**

Proposal 216                           SUPPORT  
& EF-F17-120 (In BOF Workbook)    SUPPORT  
(EF-F17-120 is a Proposal that did not make it in the book, due to Board Support process problems, but is included in the Board's Workbook as EF-F17-120, along with correspondence relating to the failed process).

For the last 8 years the Noncommercial Shrimp fishery in PWS has been not managed well to not exceed the established GHL. They have been allowed to overharvest 4 of the last 8 years, most recently by 46% in 2016. Over the 8 years, the average catch has been 112% of the GHL.

During the last Board cycle in 2015, the Department said that they had a handle on this fishery, that everything is fine.

The fact is that the Department has very few tools to manage this fishery to the GHL. The only tool they have is to set the amount of pots in February. Then the only way they have of monitoring the harvest is by the Statewide Harvest Survey,



which they do not receive the results until the next February. That is when they find out what happened. That is too late to manage it. It comes 5 months after the fishery closed. The only management option at that time when the GHL is exceeded is to make excuses if it went over. And figure out why, and hopefully learn....

Meanwhile harm has been done to the resource. And that harm is preventable with proper management.

Proposals 216 and EF-F17-120 will give them tools to know the number of participants and the ensuing harvest in season. This information should then be used to manage the fishery within the GHL.

## **COMMERCIAL PROPOSALS**

Proposal 225            SUPPORT  
Allocation

In December of 2008 when the regulations for the current commercial fishery were first drafted (put together overnight) by the Department, the 40% commercial and 60% non commercial allocation mysteriously appeared in pencil on the management plan the following morning before the Board convened without any rational process or Board led decisions. Any future mention about changing it was met with "well that is what is on the plan" type of response. This was NOT PUT ON THE PLAN DURING A PUBLIC PROCESS OF THE BOARD. This was ignoring previous history when the catch was about 95% commercial, and rewarding the non commercial interests which blossomed during a period of years when the Department refused to create a management plan and the non commercial fishery was booming without a management plan.

It is time that the Allocation percentages should have a close look at the Board, and set to a percentage that is fair to the Alaskans who are the owners of the resource

Since 2010, the allocation of 40% commercial / 60% non commercial has been used to set GHL's for the respective user groups. And resultant to poor management - mainly of the non commercial fishery, the actual catches have been 33% commercial and 67% non commercial. Thus the poor management (mentioned above under proposal 216) by the department has skewed the fishery even more in favor of the non commercial fishery.

If the Department's current management of the resource continues, this resultant allocative bias will continue. Changing the allocation as Proposal 225 asks will then bring the effective GHL back closer to the original intent.

The current smaller commercial allocation provides shrimp to many Alaskans who otherwise have no access to the resource. The resource is owned by all Alaskans. With the current small allocation for most Alaskans via the commercial sector, the 40%/60% allocation is not balanced appropriately for access to the resource, which is mandated by Alaska law.

Proposals 223 & 224            SUPPORT

My Support preference order: 223, then 224 B, then 224 A  
Burden of Conservation



The Board has stated previously on the record that it is the intent of the Board to have all users of a resource share in the burden of conservation more or less proportionately to their allocations.

The commercial and non commercial fisheries do share some burden together in that the GHL's are set using a 90% confidence factor on the Departments assessment of the Harvestable Surplus. This is a CONSERVATIVE measure.

With current management regulations and practices, almost all of the burden of conservation of the PWS Shrimp resource is shared by the commercial sector, and very little is shared by the non commercial sector. The TAH Threshold for a commercial fishery is the biggest example of this. If the resource is determined to be weak, the commercial fishery gets shut down, while the non commercial fishery is allowed to proceed. Current management practices of the non commercial fishery (discussed above) also tend to negat any burden which might be said at that time to be on the non commercial sector, as they have allowed that sector to overharvest their GHL by an average of almost 12% over the last 8 years, which is NOT A CONSERVATIVE MANAGEMENT PRACTICE.

The burden of conservation should be shared amongst all users. These proposals will enable that.

Proposals 221 & 222            SUPPORT  
   I Prefer Proposal 221

Modify Rotating Area Boundaries

Under the current regulated area rotation system for the commercial fishery management, the commercial sector has not been able to catch anywhere near their GHL (42% and 35% so far) due mainly to a lack of abundance in Area 3, which is due to be fished this year (2018).

I have been looking at realignment and have found a likely better solution where the areas are actually contiguous. The changes from the current scheme would be as follows:

Stat Areas 476031, 476032, 486031, 486003, 486032, and 486004 would move from Area 2 to Area 3.

Stat Area 476033 would move from Area 1 to Area 2.

I will be looking at this further between now and the Board Meeting, and will provide a Map at that time. I am also looking at other potential combinations.

RE Proposal 222 (Support, but prefer the solution offered in Proposal 221)

This proposal provides another way to achieve the objective of catching the GHL. In ways it is better, as it provides a more permanent solution, in case the distribution of the resource changes in a large way. In that case each year would still allow a reasonable chance to catch the GHL

Thank you for your consideration of these points  
Gordon Scott



**From:** greg dierick  
**Date:** February 7, 2018 at 4:55:45 PM AKST  
**To:**  
**Subject: TSIU RIVER Opposition to the boards proposal to close half the river to commercial fishing**

Hi John

My name is Greg Dierick, I am a lodge owner on the Tsiu river who has operated for 21 years now and have also commercially fished it for 19 years before building my lodge there,

I am writing this letter to try to get the board to reconsider its decision to close half the river to commercial fishing as this would make it very hard, and almost impossible for them to make a living there and would take much needed revenue away for the city and borough of yakutat, along with wiping out the traditional commercial fishery,

my clients have always gotten along with the commercial fishermen and respect there way of making a living, and the commercial fishermen have always been respectful of my clients, working with them and letting them know where they will put there nets, a lot of my clients are excited to see the commercial fishery as not many places they can sport fish and get to see it.

my guides and clients have had more problems with another lodge putting there clients right on top of us than we ever have had with the commercial fishery so you see the conflict is not with the commercial fishery as some would make you believe but more so with other lodges!

We formed a board of both commercial and sport along with CBY members a few years back to address any Tsiu river concerns, i would respectfully ask that the board let us come up with a solution to the problem there, then report back to you before any marker change is made.

I am always available to talk on this matter by email or phone (907-231-5969)

Thanks for your consideration on this matter.

Greg Dierick



Submitted By  
Harold Perantie  
Submitted On  
2/17/2018 11:25:28 AM  
Affiliation  
Tsiu River Outfitters

Phone  
9074245607  
Email  
[tsivat@ctcak.net](mailto:tsivat@ctcak.net)  
Address  
P.O.Box 2562  
Cordova, Alaska 99574

Dear Chairman Jensen and the members of the Board of Fisheries,

I am contacting you on Proposal 165 on the recent Board meeting in Sitka on the Commercial fishing on the Tsiu River.

The Tsiu needs to be Commercial fished to keep healthy runs which being a Lodge owner on the Tsiu it is very important to my business.

I think you need to reconsider this Proposal and put it up for public notice.

Moving the markers way down the river is going to greatly reduce the Commercial catch because they will only be able to fish a couple hours at high tide.

All's you would have to do is move the markers down around a 100 yards from where they were in 2017 and everyone would be happy, Commercial and Sport fishermen.

Commercial fishing should have priority over Sport fishing.

Please reconsider Proposal 165.

**Holy Cross Tribe**  
PO Box 89  
Holy Cross, Alaska 99602  
Phone: (907) 476-7124 Fax: (907) 476-7132



PC38  
1 of 1



February 9, 2018

To whom it may concern:

Holy Cross Tribe is in full support of Proposal 230 submitted by Loudon, Nulato and Koyukuk Tribes that will allow local residents the use of drift gillnets to harvest salmon for subsistence purposes in the Yukon River sub-districts 4-B and 4-C.

Local subsistence users in the area are very familiar with their environment. They see the changing climate and how it is affecting their ability to harvest salmon in known traditional fishing sites. Locals should not have to leave their traditional sites to harvest salmon while the resource is in their territory.

I highly encourage you to consider this proposal that will benefit the people in Sub-districts 4-A, 4-B, and 4-C.

Thank you.

Respectfully,

A handwritten signature in blue ink that reads "Eugene J. Paul".

Eugene J. Paul,  
Chief





Submitted By  
James Dettling  
Submitted On  
2/18/2018 4:39:02 PM  
Affiliation  
sport fisherman

Phone  
702 375 8175

Email  
[jrddiver@yahoo.com](mailto:jrddiver@yahoo.com)

Address  
6048 W Tidewater Circle  
Wasilla, Alaska 99623

This letter is being generated in response to proposal 221 through 225. I am writing you to respectfully voice my opposition to these proposals. Advancing the commercial interests over the private/sport fishing interests will do nothing to support/increase the shrimp population in PWS. Furthermore, proposals to disband or change the regulations effecting the TAH in PWS does nothing to support the shrimp population. Please accept this letter as I am unable to attend your scheduled meetings during the work week. Thank you.....  
James Dettling



September 19, 2017

Members of the Alaska Board of Fisheries,

In regards to Proposal #209 concerning maintaining Dungeness gear by requiring it to be pulled at least once in a 14-day period, I support the idea, but I feel that a 21-day period is a much better time frame to establish. I fish Dungeness almost exclusively in the Kodiak region and occasionally do not get to all of my gear in a 14-day period, for a variety of reasons. Thus, I feel that 21 days is a more realistic time frame to deal with.

Thanks,

Jeff Allen, F/V Chiniak



Jeff Lee

RE: SUPPORT HATCHERY COMMITTEE

Dear Chairman Jensen and Board Members

There are huge gaps in management oversight associated with salmon hatchery production. A Hatchery Committee is the first step to fill these wide gaps to maintain the public trust and prevent .

After seeing the tens of thousands of unharvested straying fish from PWS and LCI Hatcheries choking all wild salmon streams in Cook Inlet and the Gulf and heavily impacting crab and shrimp habitat In the Fox River CHA. After watching a collaboration of CIAA and ADF&G pushing pink salmon production and causing 10's of thousands of dollars in lawyers fees against Kachemak Bay state parks to turn a pristine fjord into a private pink ranch, supposedly to make money to help wild salmon habitat. it is evident that hatchery production has gotten out of control. This needs oversight using Board of Fisheries authority for balance. What does this mean for SEG's?

A Hatchery Committee, set in regulation, will ensure a perpetual transparent public forum, that cannot, be switched on and off by whim by hatchery production people who assume government positions. This committee can provide what we do not have now, open communication and coordination between ADFG biologist's and Board of Fisheries to provide consistency on salmon hatchery policy and regulation and the mandated wild fish priority in escapements.

I attended a Cook Inlet Aquaculture meeting, then a few weeks later a Cook Inlet Regional Planning Team meeting. I had thought the RPT would be a reasonable forum that would address comprehensive salmon subjects. I was wrong.

I was dismayed to find the very same people sitting in the same chairs stating no other subject but hatchery production in a wild salmon region. The subject of the massive straying was not even on the agenda. When this straying issue was brought up by a member of the public (there were only two present) it was met with a defensive posturing. The head Hatchery Section employee, who I had thought was overseeing problems of this kind, simply stated that pinks salmon do stray, as if he did not understand the difference between hatchery fish and wild fish and the impacts associated with this. He also stated that this has probably been going on since the hatcheries were built in PWS! When other issues of invasive species were brought up such as pike with CIAA's board, this was simply ridiculed then deemed more of a problem that can be dealt with. Immediately afterwards the topic moved on back to their real focus, artificial pink production.

This palpable lack of concern showed clearly that the line of authority between ADFG and the PNP's has become blurred to nonexistent. The ADFG manager when talking about the hatchery fish, repeatedly called them "our fish". This was very disconcerting as it is obvious this relationship has no balance of power or authority from ADFG as overseer for the public trust. Voicing concerns at this RPT meeting fell on deaf ears with a deep conflict of interest making it a very uncomfortable situation putting our wild stocks of fish including crab and shrimp even more at risk.

Because the Regional Planning Team process is broken, A BOF Hatchery Committee will provide public opportunity and open communication to participate in what has become an exclusive closed RPT process.

It appears as though the voting RPT's consist of two ADFG managers, three PNP members and a Hatchery Section employee who designs the Permit Alteration



Requests (PAR) then evaluates and signs these PAR's for the PNP's. Where is the balance of power? These entities have grown into each other so are now one and the same so oversight is omitted.

The public trust of wild fish resources warrants the open and transparent public forum of a BOF Hatchery Committee.. There is no other opportunity to voice concerns and openly deliberate the impacts of hatcheries to statewide and regional wild fish, the ecosystem, quality, processing capacity and the fisherman that fish on wild fish.



Submitted By  
Jeremiah Erickson  
Submitted On  
12/15/2017 9:36:55 AM  
Affiliation

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9072502292

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Eagle River, Alaska 99577

Although I fully support the proposal to require the use of deep water release devices on all vessels potentially targeting rockfish, why not take it a step further? Set specific rockfish protection zones. I enjoy catching and retaining rockfish as much as the next person, but their current population cannot support the harvest levels we are now at. The PNW has had closure zones in the past and are now enjoying greater numbers of available fish in certain areas. Although it now looks like they are enacting tighter regulations once again.

Additionally, the current 35 inch minimum for retention of lingcod is not sustainable. Are not fish over 35 inches the predominant spawners? Why not enact a slot limit of (for example) 25-35 inch retainable, all others immediate release? Or, a one over 35 inches one under similar to the current halibut regulations?

One more proposal to consider...potentially offer people in private vessels the opportunity to purchase a second rod stamp for say, \$20 per year when targeting salmon in saltwater and perhaps for lake fishing. This would increase revenue for ADF&G and allow sportsmen with limited access, such as those utilizing non-powered watercraft greater potential of harvest.

Thank you for your time and consideration.



Submitted By  
Joan Nininger  
Submitted On  
2/20/2018 2:54:02 PM  
Affiliation  
  
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Address  
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Wasilla, Alaska 99687

February 20, 2018

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

RE: BOF Location for 2020 UCI Finfish Meeting

After recently reviewing the Board of Fisheries website I noted that at the Southeast Shellfish and Finfish meeting this past January 11-23, 2018, which was held in Sitka there was a new item to discuss with possible action on the schedule for the March 6-9, 2018 meeting.

The topic under discussion will be the **2020 Upper Cook Inlet Finfish Meeting Location**. I can't believe that the Board is even considering this rotating of location proposal again! It was my understanding at the last Board of Fisheries work session in October of 2017, that a FINAL vote was taken and Anchorage was to remain the most sensible place to hold the 2020 UCI Finfish meeting. Disappointment, mistrust and questions of ethics regarding this Board come to mind.

The general public is not afforded the luxury of having their expenses covered and as we all know, Anchorage is centrally located, with easy access by air and road as well as ample lodging.

Among other significant issues on the BOF agenda, the Board should take into consideration the upcoming ruling of the Northwest Pacific Fisheries Management Council on the 2012 Salmon Federal Management Plan. Holding the Board of Fisheries meeting in Anchorage allows more of the southcentral population in outlying areas to participate in voicing their concerns on the NPFMC issue which will impact ALL user groups.

The Board was nominated and given the opportunity to serve by the Governor of Alaska and it is your responsibility to be the voice of all the people of Alaska.

In closing, I reiterate that a FINAL vote regarding the location of the 2020 UCI Finfish Meeting has taken place and further discussion to overturn that vote is neither warranted or justified.



Respectfully,

Joan C. Nininger

Resident of Wasilla, Alaska



Alaska Board of Fish  
Proposal 236, comment  
attn: Glenn Haight

Dear Chairman and Members of the Board,

My name is Jody Cook. I own and operate a 32' Togiak Herring seiner, FV Tigara.. I have fished herring in Togiak since 1979,.. missing only one year..

I am writing in regards to proposal # 236, addressing the Dutch Harbor Food and Bait fishery. More to the point, I am apposed to the subsequent take away and reallocation from the Togiak herring fishery.

I see no reason to suddenly re-allocate fish from the region. More value can be created just by adjusting the allocation of seine and gill net quota within the Togiak area. The only reason any fish are left on the table, is because gillnet effort has not been adequate to harvest the current percentage levels.

The Togiak fishery supports a much greater number of players than the Dutch Harbor food and bait fishery.. It should remain that way. Dutch Harbor and these huge Super 58' vessels already have many opportunities in their hands. There is no fair reason for them to take more from the Bristol Bay area and communities that are limited in fishing opportunities..

Thank you.

Sincerely,

Jody R Cook





Submitted By  
Joel Randrup  
Submitted On  
2/23/2018 9:49:09 AM  
Affiliation  
Fisherman and Permit Holder

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Email  
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POBox 1231  
Petersburg, Alaska 99833

Joel Randrup

F/V Leann

February 23, 2018

Proposal EF-F17-067

To The Board of Fish,

**PROPOSAL XXX – 5 AAC 27.XXX. New Section.** Establish a commercial open pound herring spawn on kelp fishery in Sitka Sound as follows:

I own both Northern and Southern Southeast herring spawn on kelp permits and I **oppose** proposal EF-F17-067 to establish a commercial open pound herring spawn on kelp fishery in Sitka Sound. I don't believe the proposal has acknowledged the current administrative area designation from the CFEC.

In April 2017, a proposal similar to this one was submitted to the board of fish for consideration at the 2018 Southeast and Yakutat finfish meeting held in Sitka, Alaska. I believe that proposal 112, and the one before you now are incorrect in their assumptions.

1). This proposal does not acknowledge the current CFEC ruling on administrative area. In November of 2015, the CFEC held a hearing to look at the administrative area for the Northern Southeast spawn on kelp fishery. They also took public comments and the result of this hearing was that the Sitka Sound area was appropriately designated in the Northern Southeast pound permit. In other words, the CFEC determined the area designation was correct. It is my opinion if the proposer wants to have an open pound fishery in Sitka Sound, a Northern Southeast spawn on kelp permit must to be used.

2). The supporting comments are inflammatory with regard to the claim another fishery should be closed to benefit their cause using unverified data. The authors of the proposal claims that closed pounds should not be used as a method to harvest spawn on kelp, (PC 040, pp.9.). Proposal 112 from the Southeast and Yakutat meeting is using an unverified multiplication factor of .273 to determine the amount of herring used in an open pound and uses that number as a tool to show open pounds use less herring than closed pounds. This multiplication factor is estimated by the authors Paul Gronholdt and Associates (not the Alaska Department of Fish and Game (ADFG)), from the 1998 open pound experimental fishery conducted in Sitka Sound, and appears to not include the entire biomass used to produce 1 ton of spawn on kelp (SOK) product (Sitka Sound Herring Spawn on Kelp, Open Harvest Platform, Experimental Fishery Report, Spring 1998, executive summary, pp. 1). The result of this metric back calculates to 3.7 tons of herring used to produce 1 ton of SOK product. This calculation seems too low to be used for any relevant comparison. For the closed pound fishery the ADFG is using 2 different metrics for management. One is a multiplier of 12.5 tons herring to produce 1 ton of SOK product and the second multiplier is 20 tons (20T) of herring used by each individual pound structure. Both metrics are estimates of the amount of herring used in the closed pound fishery and at times do not align with the anecdotal knowledge on the fishing grounds. The ADFG does not use a multiplication factor for the open pound fishery. It is problematic to assume how anyone could quantify the amount of herring used when the fish aren't weighed, the packing salt and kelp used aren't weighed, and the water taken up in the eggs is also not factored.



Estimates of herring use have been completed in Prince William Sound (PWS) by measuring egg deposition on kelp and pound weeping, egg retention within herring, and herring fecundity to back calculate the number of herring (Morstad and Baker 1995; Morstad et al. 1992). These studies found that approximately 12.5 tons of herring are used for each 1 ton of spawn-on-kelp product. However, because mean pound size in PWS fisheries is substantially larger than those used in Southeast Alaskan fisheries, this ratio may not be directly comparable. Nevertheless, because no studies have been conducted in Southeast Alaska, this conversion is used to approximate herring usage for Southeast Alaska pound fisheries, particularly when reporting estimates over time, to ensure consistency. Other estimates of the amount of herring in pounds have also been used, which are based on observations of fishery managers during fisheries. These estimates have ranged from 10 to 20 tons of herring per closed pound structure and have been used as inputs to stock assessment models. To estimate herring dead loss from pounds, a mortality rate of 75% of herring that are placed into pounds is assumed. (Southeast Alaska 2017 Herring Stock Assessment, Kyle Hebert), pp15.

3). The effect of this proposal will have an enormous negative economic impact by flooding the market with spawn on kelp product which will affect both the Northern and Southern Southeast spawn on kelp fisheries. The spawn on kelp market is small and is affected by the volume of SOK product produced in a season. The unknown amount of permits that could enter the Northern Southeast spawn on kelp fishery if this proposal were adopted would adversely impact the spawn on kelp market. If, for example, all of the Sitka sac roe permit holders chose to switch to open pound in a season this oversupply flooding the small market would devastate both the Northern and Southern Southeast spawn on kelp fisheries.

4). This proposal if adopted exceeds the number of permits allowed to fish in the spawn on kelp fisheries. One item I don't believe has been addressed is the number of existing permits and the impact this proposal would have on both the Northern and Southern Southeast spawn on kelp permits. This seems to be precedent setting in several ways with regard to the ability to switch both a permit and a gear type as well as trying to manage a moving target with respect to the number of permits participating in the proposed fishery. The allocation of the GHL within the fishery with respect to permit and gear type is also questionable.

5). The proposal does not acknowledge there is an existing Northern Southeast spawn on kelp permit and fishery. The negative impact on the permit value would be overwhelming and result in an economic loss to those current and participating fishermen. This would also affect the Southern Southeast spawn on kelp permits by lowering the overall value of the entire Southeast spawn on kelp fisheries. I purchased my permit with the expectation to try and make a living using it for all Northern Southeast spawn on kelp fisheries in all northern districts.

To conclude, I hope that this information will result in opposing this proposal and the concept of further correspondence with the CFEC. I believe the current administrative area is clearly defined and if the Sitka sac roe fleet wants an open pound fishery they would allocate a portion of their GHL and use a Northern Southeast spawn on kelp permit. I am not advocating for that position and only stating what I believe to be clear with regard to the administrative area for the Northern Southeast spawn on kelp permit.

Thank you,

Joel Randrup



Submitted By  
John Krieg  
Submitted On  
2/9/2018 8:48:19 AM  
Affiliation

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Address  
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North Pole , Alaska 99705

Dear Members of the Board,

Please consider Proposal 237 for approval. Currently there are only two commercial fish wheels operating between Fairbanks and Nenana and I am one of them. The fish are mainly used for dog food as the egg market is very hit and miss. The dog mushers generally don't have refrigeration and want the fish after the weather has cooled down. Since there are only two wheels on the river, most of the time escapement goals have been met but we are forced to shut down because of the Oct. 1 cut off date. There is always a market for more fish at this time and the fish are running good but we are shut down limiting the resource for us and the dog mushers.

Thank you for your consideration on this matter.

John Krieg



The undersigned below disagree with the intended purpose of "Proposal 208, which restricts the number of Dungeness pots fished in relations to vessel length in the Alaska Peninsula District.

A brief history of the Alaska Peninsula District (APD) Dungeness fishery:

Interest and participation in the APD has fluctuated since its conception in 1968 when 1.3 million pounds were harvested. In 1971 the harvest fell to 11,000 pounds due to poor market conditions and better fishing for other species of crab. In the early 80's the Dungeness market recovered and at the same time the King Crab stocks declined. By 1983 the increase in fishing pressure for Dungeness crab in the Alaska Peninsula District resulted in the Board of Fisheries designating APD as a super exclusive fishing district. This particular designation helps to reduce fleet size and reduces fishing pressure on APD Dungeness biomass.

In 2003 a noted increase of the by catch of Dungeness crab in Tanner Crab surveys caught the interest of a local Sand Point fisherman. This discovery set off a new period of fishing interest for Dungeness crab.

The participation since 2003 has fluctuated between six to four vessels. The majority of the vessels range in size from 42 feet to 58 feet. Participation in APD fell to two boats in 2017 due to the interest of some vessels to participate in the record pink salmon return to Area M.

If in fact the APD Dungeness fishery was a "derby style" fishery, with many participants saturating the bays with massive numbers of crab pots, then there might be a reason for placing limits on the number of pots a particular sized vessel can use. However, in recent history, from 2003 to 2017, the APD has never come close to being an intense derby style fishery.

Economics of the APD Dungeness fishery:

The biomass of Dungeness crab in the APD is spread out over an area that reaches from Kupreonof Point to Scotch Cape on the south end of Unimak Island. As the crow flies this is roughly 200 nautical miles. Over this distance there are multiple bays and outside beaches where Dungeness gather and the extensive area allows fishermen to spread out the targeted areas for crab thus spreading out the fishing pressure.

If in fact a fisherman were limited to a small number of pots it would mean every fisherman participating would target the most productive Dungeness "hot spot" in an attempt to maximize their catch. This sort of "derby fishing" would put substantial pressure on the stocks in the "hot spots" and potentially over fish those particular crab stocks. The time and expense required to prospect and fish for crab with only 100 pots, spread over 200 nautical miles of fishing grounds where Dungeness crab are known to gather results in a fishery that is not viable as a commercial endeavor.



**In conclusion:**

Since 2003 most fishermen, that are serious participants in the APD, use 500 to 700 Dungeness pots. Having an adequate number of pots to fish with has enabled the participants to spread out their effort and not saturate certain "hot spots". This diversification of fishing pressure, enabled by adequate pot numbers, is a management tool in of itself. To restrict pot numbers allowed on fishing vessels in the APD will not only increase pressure on Dungeness "hot spots" but will also make the fishery an unprofitable venture thus putting Dungeness fishing vessels with captain and crew members out of business.

**Point of interest:**

Oddly enough this particular proposal was submitted by an individual who has never even been involved in the Alaska Peninsula District Dungeness fishery. Not knowing why an individual would take the time to try and change a fishery, that he knows nothing about, leaves one to question his motive.

We, the undersigned, thank you for your time and understanding. We strongly suggest that proposal 208 be sent to the trash bin so that the BOF can focus their attention on more pressing issues.

Sign	Date
<i>Ben A</i>	11-17-17
<i>Jim R Smith</i>	11-17-17
<i>Don E Eberhard</i>	11/17/17
<i>John Mitchell</i>	12/21/17



Concerning proposal 209 presented by the ADF&G to the Board of Fisheries:

All of the undersigned below ask that the BOF does not recommend making the changes to the Alaska Peninsula District (APD) Dungeness fishery presented in proposal 209.

We have been told by the biologists that manage both the APD Dungeness fishery and the Kodiak Dungeness fishery that proposal 209 is being presented to the BOF in order to avoid the management problem that exists in the Kodiak Dungeness fishery in regards to large numbers of abandoned Dungeness crab pots. In 2017 the ADF&G was forced to contract a fishing vessel to remove the abandoned pots from the fishing grounds of Kodiak.

The Department has led us to understand that the issue of abandoned pots in the Kodiak Dungeness fishery may occur because of the following reasons:

- 1). Some Kodiak Fishermen are hired to run particular vessels. Not being the owner of the vessel or the fishing gear has resulted in a lack of commitment to the operation and sloppy fishing habits have caused pot loss and gear conflicts.
- 2.) Some Kodiak fishermen are distributing pots on the fishing grounds to simply "lay claim" to a particular fishing area and then leave the pots unattended for long periods of time; thus making no effort to avoid pot loss and conflict with other gear types fishing the same area.

The Alaska Peninsula District has never had a problem with abandoned crab pots nor the lack of accountability that has caused the problems in the Kodiak Dungeness fishery and these are the reasons why:

- 1). During the last fifteen years in the APD fishery there have been as few as two vessels fishing and as many as six fishing vessels fishing for Dungeness crab. There has never been a situation when one particular fisherman or another intentionally abandoned fishing gear.
- 2). On occasion a fishing vessel may miss a pot during the last pick of the season. Due to the cooperation among the APD fishermen the custom is to pull the missed pot and return it to the owner.
- 3). The small size of the fleet has the advantage of allowing fishermen to not crowd each other in such a way as to cause damage or loss to their own gear or to another fisherman's gear.
- 4). The lack of new entries into the APD Dungeness fishery has resulted in a fine tuned crab fleet. Each of the APD fishermen have developed a fishing strategy to avoid pot loss or damage to gear. For example, techniques like moving pots to fish deep water and/or into protected bays during extended periods of bad weather has enabled these experienced fishermen to avoid pot loss. Another example is, during some months of the Alaska Peninsula District Dungeness fishery there are also salmon seine and set net fisheries taking place. To avoid gear conflict, resulting in damage to either gear type, the APD Dungeness fishermen relocate their crab strings to areas not fished by the local salmon seine and set net fleet. Once the majority of the salmon fishery is shut down for



the year, usually by mid- September, the Dungeness fishermen will return their pots to those salmon areas now empty of seine vessels and set net gear..

5). Since there is only one market buying Dungeness crab the APD fishermen coordinate with each other and the buyer to deliver their crab on the same day. This practice helps the crab buyer to better serve the crab fishermen and at the same time operate more efficiently. Once again the crab fishermen demonstrate their professionalism by their willingness to work together to the benefit of all parties involved.

6). Due to November and December weather it can be difficult for even experienced Dungeness fishermen to retrieve or move their pots to safety. To avoid this problem in 2015 and 2016 ADF&G changed the closing of the Alaska Peninsula District Dungeness fishery to October 31<sup>st</sup>. Removing two months of fishing time equates to lost opportunity for the Dungeness fishermen nevertheless the fishermen did not buck the department and fell in line with their recommendation, again demonstrating their accountability.

In conclusion:

Proposal 209 does not need to be implemented in the Alaska Peninsula District Dungeness fishery. Length of time between pot lifts does not create pot loss, dead loss or gear conflict among the APD Dungeness fishermen. APD fishermen have proven over the years that they have perfected their fishing methods in a manner that is accountable and professional. Most seasons a few of the Dungeness fishermen combine crab pot fishing in conjunction with their purse seine and set net operations. Placing a time limit on "soaking time" can be a hardship on APD fishermen who wish to maximize their fishing opportunities during the summer months. A few bad actors in the Kodiak Dungeness fishery should not result in Alaska Peninsula District Dungeness fishermen to lose the opportunities they have worked hard to develop and perfect.

Sign	Date
<i>Jim R Smith</i>	11-17-17
<i>Don E Eichel</i>	11-17-17
<i>John Mitchell</i>	11/17/17
	12/21/17

Governor Walker



Comments to Board of Fisheries

BOF and Pacific Salmon Commission relationship/clarification

I believe the BOF needs to thoroughly discuss and clarify the working relationship with the Pacific Salmon Commission. I see the two important agencies/boards as having different powers. BOF under Sec.16.05.221 and the PSC "a treaty-based international organization". Different missions and different work where both work toward their respective goals.

A glaring example of the blurring of their mission has taken place at the Sitka BOF meeting Jan 11-23 2018. The ADFG staff worked to come up with the Action Plans for Stocks of Concern. RC 266 which was changed to RC 422. All additions/changes from ADFG were presented to public and Board members in a timely manner. With the exception of language added in the 9<sup>th</sup> inning with two outs and a 3/2 pitch by Mr. Swanton (deputy commissioner ADFG) who is also a Pacific Salmon Treaty commissioner.

Please read RC 422 under ( Guiding principles in implementing these action plans) . The last minute addition which I contend wasn't presented in a timely manner so the public or the Board could review and comment on. States "and be balanced with requirements and provisions of the Pacific Salmon Treaty and allowable harvests"

Where's the rub??

- 1) this added language was not part of the BOF typically methodical process.
- 2) no public involvement be it input or knowledge of the added language.
- 3) no constructive discussion by the Board. Because of time constraints and the Boards being very tired after 13 days of meetings.
- 4) the PSC is a separate in its mission from the BOF.
- 5) there needs to be a defined boundary between the two important policy and regulatory Boards and Commission.

6) finally .What is the intent of added language ? What is reason for it being in the Action Plans at all?

7) SEE SAAK 40.005 (General)

I implore the Board to fully explore the strengths and weaknesses of having the Pacific Salmon Commission enter into the territory of the Board of Fish process.

Sincerely John Murray F/V Sea Bear 224 Observatory St. Sitka Ak. 907 738 6212

Cc: Mr. Swanton, Governor Walker, Mr. Cotten

John Murray  
cc Governor Walker  
Charles Swanton  
BOF



BOARDS



Submitted by the Alaska Department of Fish and Game at the request of Alaska Board of Fisheries.

January 23, 2018

Alaska Board of Fisheries recommendations on Unuk, Chilkat, and King Salmon rivers king salmon action plans.

### **Guiding principles in implementing these action plans**

Notwithstanding auxiliary preseason information, elements of these king salmon action plans and selection of the various inseason management measures will be formulated based upon preseason run forecasts for the Chilkat, Unuk, Taku, Stikine, Situk rivers and will be evaluated relative to the established escapement goals for these king salmon stocks. Further changes to management measures will be based on inseason run assessment information as it becomes available **and be balanced with requirements and provisions of the Pacific Salmon Treaty and allowable harvests.**

#### Chilkat and King Salmon rivers

#### **Purse seine and drift gillnet fisheries**

#### **Option B**

#### **Specific Action to Implement the Objective:**

- Using emergency order authority, reduce the open area in northern Chilkat Inlet during the first 5 weeks of the season by implementing and exceeding conservation measures of the *Lynn Canal and Chilkat River King Salmon Fishery Management Plan* by closing the area north of Eldred Rock Lighthouse.
- Using emergency order authority, impose 6-inch maximum mesh restriction in first through third weeks of the season in Section 15-A (**Proposal 171**).
- Using emergency order authority, close western half of Section 15-A in first through fifth week of the season in Section 15-A.
- Using emergency order authority, impose night closures between 10:00 p.m. and 4:00 a.m. in first through fourth week of the season in Section 15-A and Section 15-C.
- Using emergency order authority, impose 6-inch maximum mesh restriction in first and second weeks of the season in Section 15-C (**Proposal 171**).
- Using emergency order authority, limit time and area open to 2 days/week in the “postage stamp” area only in the first week of the season in Section 15-C.
- By regulation, the inside area of Boat Harbor THA (west of marker) is open 7 days/week in first through fourth week of the season.



Submitted By  
John Rathert  
Submitted On  
2/11/2018 12:08:22 AM  
Affiliation

Phone  
9076945995

Email  
[rathert@gci.net](mailto:rathert@gci.net)

Address  
12041 Lugene Ln  
Eagle River, Alaska 99577

I am opposed to proposals 221-225 concerning PWS shrimping. There is no reason to change the way the shrimp are currently managed. The shrimp can not withstand the pressure of doing away with the rotating area system. There is no reason to swap the harvest sharing percentage in favor of the commercial fishermen.



Submitted By  
Dr Jon Erickson  
Submitted On  
1/22/2018 8:07:14 PM  
Affiliation  
City And Borough of yanutat

Phone  
9077843324x193  
Email  
[manager@yakutatak.us](mailto:manager@yakutatak.us)  
Address  
Po Box 160  
Yakutat , Alaska 99689

The City and Borough of Yakutat has held annual Tsiu Take Holded meetings at the Yakutat owned police sud-station at Tsiu. The police substation is/has been manned during the commercial fishing season for the last 6 years. All of the lodges attend the annual meeting along with Nicole from F&G. Yakutat spent 100 K on the sub-station because the Board of Fish ask Cby to make all the partners play nice. The only one who does not attend is the lodge operator behind this change.

Dr. Erickson Cby manager

i have pictures attendance sheet from the past years. Producing them so quickly is difficult.

i have talked to representative Stutes to see is she can talk some sense in to the board

...On January 22, 2018 at 11:07 PM 19074107347 <19074107347@mms.gci.net> wrote: Message: Kathy says Robert Ruffner, one of the board of fish members, is interested in hearing the Borough's position on the proposal. If there is an agreement, and supporting documents oils help. If we get it to her, she...

Back



Submitted By  
Josh Wisniewski  
Submitted On  
2/23/2018 4:07:04 PM  
Affiliation  
Self/Salmon Fisherman

Phone  
907-623-7144  
Email  
[merranseranthro@gmail.com](mailto:merranseranthro@gmail.com)  
Address  
PO Box 474  
Sitka, Alaska 99835

**RE: Nancy Hillstrand Emergency Petition Hatchery Oversight PWS Pink salmon straying wild salmon impacts**

To honorable Chair and Members of the Alaska Board of Fish,

My name is Josh Wisniewski, I have been a commercial fisherman in Alaska since I was 17, and I have fished throughout Alaska. I am also a cultural anthropologist, I put myself through school, and completed all of my education in Alaska by commercial fishing. I have done research on subsistence and commercial fishing from Alaska to Washington State. I currently live in Sitka Alaska and run a small troller. I started my commercial fishing life in Lower Cook Inlet, set netting in the Barabra Subdistrict, fishing for wild sockeye salmon. Due to declines in king salmon abundance in Southeast Alaska, and over reliance on hatchery produced chum salmon trolling is not a sustainable fishery for me, and I am returning to set netting in Lower Cook Inlet, which is a fishery and way of life that I hold sacred.

Having grown up fishing for wild salmon on the south side of Kachemak Bay I am terrified at the high quantity of hatchery produced pink salmon that have been straying into the Cook Inlet/ Kachemak Bay watersheds and the impact this is having on local marine ecology and wild salmon populations. This is unacceptable, dangerous and cannot be dismissed by the BOF.

We are currently experiencing a period of unprecedented change in our marine ecosystem. The collapse of our Pacific cod stocks, declines in halibut abundance, downward king salmon returns in Southeast Alaska and local observations of declines in the health of Sitka Sound herring all illustrate this. Yet we are concurrently in the cycle of unprecedented production of hatchery salmon to support commercial salmon fisheries. This demands that we consider and evaluate the role and impact that hatcheries are having on our wild stocks, and on marine ecology more generally. The north Pacific and the Gulf of Alaska is not a giant fish farm rearing pen, and we cannot treat it as such.

As the members of the BOF well know, a driving force behind Statehood for Alaska was based on local concern, and lack of control, in Alaska over the impact commercial fish traps were having on Alaska salmon. The majority interests in the fish trap industry was held by fish processors head quartered outside of Alaska. Today I fear that the hatchery system has become akin to the fish trap monopoly, and that State regulation, oversight and management of hatcheries grounded in maintaining healthy ecosystems and the protection of wild stocks has been lost. This has been replaced by industry lead expanded production model that is now causing significant ecosystem disruptions and endangering the wild stocks that hatcheries were developed to support, protect and enhance. This is a critical issue and can no longer remain unaddressed. The straying of thousands of hatchery produced pink salmon into an area (such as the Cook Inlet watershed) with strong wild sockeye salmon stocks is unacceptable, and the antithesis of what hatcheries were developed for.

I support the creation of a permanent scientific hatchery committee whose task would be to keep the Board of Fish informed about issues associated with hatcheries and hatchery-produced fish. There is a growing body of peer-reviewed scientific literature pointing to the effects that hatchery fish, particularly pink salmon, are having on wild stocks of salmon. Throughout Southeast Alaska and other regions hatcheries are now disrupting humpback whale migration patterns which live in Alaska year round now feeding on hatchery produced fish instead of migrating to Hawaii. The capital costs of salmon hatcheries are heavily subsidized by public monies through loans and grants, and transparency as to benefit and impact of hatcheries on wild salmon is mandated. I am strongly concerned that a diversity of voices beyond those of hatchery proponents and industry are not being heard, and therefore the negative impacts of hatchery over-production are not being recognized or evaluated to the detriment of wild salmon stocks.

I love wild Alaska salmon and have ever since I moved to Alaska. They are part of who I am, the food I eat, the culture I participate in, my economy and my way of life. I know I am not alone in that.

As an Alaskan who loves and relies upon commercial salmon fishing I do not want to see greed, and lack of transparent oversight and scientific data over hatchery production lead by our industry be the culprit for the decline or collapse of our wild salmon stocks which has happened in the past.

Please do not dismiss this issue and the smaller voices raising concern, for those will be the persons and families most heavily impacted by a human created decline in healthy salmon stocks. Thank you for taking the time to read my comments, for your thoughtful consideration, and for your service to protect, the genetic diversity and habitat of *wild* Alaska salmon for future generations of *all* Alaskans.

Sincerely

Josh Wisniewski

PO Box 474,

Sitka Alaska, 99835

907-623-7144

Merganseranthro@gmail.com





Submitted By  
Justin D Harris  
Submitted On  
2/9/2018 7:43:09 PM  
Affiliation

I take part in the PWS personal use shrimp fishery and I have many friends and family members who enjoy taking part in this fishery. The food that we gather in this fishery is an important part of our diet. There are a number of proposals before the board that would reduce our ability to catch our own food, some go beyond any reasonable measure. I would like to see this resource be available for years to come and opening the entire Sound to widespread commercial fishing will destroy any chance of that happening, trawl fishing will also quickly destroy any chance of further developing this resource. I am by no means against commercial fishing, I used to be a commercial fisherman, I respect how commercial fishermen make their living and the product they provide, however I also believe that all Alaskans should be allowed to harvest their own food.



February 23, 2018



**Kachemak Bay Conservation Society**  
3734 Ben Wallers Ln, Homer, AK 99603  
907 235.8214  
kbayconservation@gmail.com

Alaska Department of Fish and Game  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526  
[dfg.bof.comments@alaska.gov](mailto:dfg.bof.comments@alaska.gov)

**RE: March 6-9, Statewide Dungeness Crab, Shrimp, Misc. Shellfish Standing Hatchery Committee**

To Whom It May Concern:

Kachemak Bay Conservation Society (KBCS) is a thirty-five year old nonprofit based in Homer, Alaska. Our mission is to protect the environment of the Kachemak Bay region and greater Alaska by encouraging sustainable use and stewardship of natural resources through advocacy, education, information, and collaboration.

We strongly urge the Board of Fisheries (the Board) to establish a standing Hatchery Committee. A standing committee is badly needed to increase public knowledge about hatcheries and confidence that wild populations of fish and are responsibly managed, to maintain the highest standards of scientific integrity in fishery management, to ensure sustainability, and to assist the Department of Fish and Game (the Department) in fulfilling its legal obligation to protect wild stocks. No member of the Board with a conflict of interest can be permitted to serve on this committee if it is to perform the above functions.

The Department of Fish and Game is obligated by numerous laws to protect wild stocks from hatchery stocks. The Department needs to restore public confidence that it is operating within the parameters of those laws. We list here a few examples: according to the 1974 Act *Authorizing the Operation of Private Nonprofit Salmon Hatcheries*, salmon hatcheries “shall be operated without adversely affecting natural stocks of fish in the state.” There are alarming signs that salmon hatcheries are adversely affecting natural stocks via substantial and wide-spread straying. The *Alaska Department of Fish and Game Alaska Hatchery Research Project Synopsis* of May 2017 estimates that the proportion of hatchery-origin pink salmon spawners in streams in the Prince William sound was 4% in 2013, 15% in 2014 and 10% in 2015. Estimates of the proportion of hatchery-origin chum salmon spawners in streams in Southeast are 7% in 2013, 5% in 2014 and 9% in 2015. Those are the percentages of hatchery strays in wild streams in one year: If streams have an average stray rate of 10%, you have replaced 100% of the wild stocks over the course of



10 years.<sup>1</sup> Not only are hatchery fish straying at outrageous rates, they are straying outrageous distances, across districts, and into systems that do not traditionally harbor many pink salmon. Many residents of Homer were disturbed to see streams that do not support pink runs overloaded with pink salmon in 2017; as it turns out a great many of these were hatchery strays from Prince William Sound Aquaculture Corporation. The *Alaska Department of Fish and Game Lower Cook Inlet Pink Salmon Otolith Sampling Summary, 2017* reports that Prince William Sound hatchery-produced pink salmon are generally found at levels ranging **2%–70%** in the Lower Cook Inlet, a substantial number of which are found in the Critical Habitat Area of Kachemak Bay. This is not acceptable. It is extremely likely a great many of our wild stocks are either fully destroyed or profoundly harmed. These stray rates and distances represent a profound diversion from the letter and spirit of the laws governing the Department or the Board. We hope a standing Hatchery Committee can provide a forum for a discussion of this and other alarming evidence; we hope it can also help bring the Department into compliance with its foundational mandate.

The *Alaska Policy for the Management of Sustainable Salmon Fisheries* requires that the “effects and interactions of introduced or enhanced salmon stocks on wild salmon stocks should be assessed; wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts...” Effects of introduced stocks on wild salmon are only just beginning to be assessed; we’ve missed nearly 50 years of important research: how does competition of 1,479.7 million hatchery salmon fry affect wild fry? How does competition of millions and millions of hatchery stocks out in the ocean affect wild stocks? How does competition of straying fish affect wild fish in streams? How many predators do hatchery fish bring to wild-stocks at the release sites, out in the ocean, and up rivers and streams? There are many more questions. The Department must invest in more research. We hope a standing Hatchery Committee can help facilitate some of that research.

*Alaska Department of Fish and Game Genetic Policy* states that “gene flow from hatchery fish straying and intermingling with wild stocks may have significant detrimental effects on wild stocks. First priority will be given to protection of wild stocks from possible harmful interactions with introduced stocks...” In light of its neglect of the above, the Department cannot be said to be prioritizing the protection of wild stocks. The Board must help the Department prioritize wild stocks.

In conclusion, according to AS 16.10.440(b), the Board of Fisheries may

“amend by regulation adopted in accordance with AS 44.62 (Administrative Procedure Act), the terms of the permit relating to the source and number of salmon eggs, the harvest of fish by hatchery operators, and the specific locations designated by the department for harvest.”

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<sup>1</sup> In contrast, *ADF&G Division of Commercial Fisheries Special Publication No. 23 Prince William Sound–Copper River Phase 3 Comprehensive Salmon Plan* wrote in 1994 that “the proportion of hatchery salmon straying into wild-stock streams must remain below 2% of the wild-stock escapement over the long term.” The Department has clearly changed paradigms in what it is willing to interpret as sustainable.





We strongly urge the Board to invoke this power. We recognize that the scale of this challenge is formidable; however, we cannot turn a blind eye to the loss of our wild stocks: it is a tragedy, and will ultimately mean the death of the fishery as well as the industry. The Board of Fish was established for the purposes of conservation and development of the fishery resources. The formation of a standing Hatchery Committee is a necessary first step to to satisfying these basic obligations.

Sincerely,

Roberta Highland  
President, Kachemak Bay Conservation Society



Submitted By  
Karsten Wood  
Submitted On  
2/20/2018 9:16:38 PM  
Affiliation

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9075180758

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[karstenwood@hotmail.com](mailto:karstenwood@hotmail.com)

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PO Box 2195  
Petersburg, Alaska 99833

I would like to state my opposition to proposal 126 regarding the proposed sitka roe on kelp fishery. I have been involved in herring roe on kelp fisheries for the last 18 years in Southeast Alaska and currently own a northern and southern permit. The person proposing this change states in his original proposal that the reason the board should address the issue is to increase the value of the fishery (because that's what managers should strive for he says) and protect the biomass from overharvest. I have not seen any evidence this would increase the value of the fishery, just a lot of assumptions about sushi restaurants and expanding markets. Fisheries are supply and demand based, we all know that, all this change would do is drive the price into the ground and ruin the market for the permit holders of the northern and southern pound permits. In my experience, every time we produce a large quantity of roe on kelp, the price takes a significant drop the following year. It seems to be a tight market which is what we have always been told by our processor representatives. I bought these permits with certain expectations of a return and this proposal threatens this. I'm sorry the Sitka seiners can't make their herring fishery work but that's a business decision they made. Please don't penalize me for that. As to his second argument for this change, removing less biomass, well I don't really have to explain the alternatives right. If that is a concern harvest less. More fish live. Supply and demand. Maybe the price will go up. I learned that one my freshman year of college, economics 101. Simple stuff. If you want to produce roe on kelp, there are permits available currently you can buy that will give you that opportunity. Thank you for your attention.



**From:** Ken Larson  
**To:** [DFG, BOF Comments \(DFG sponsored\)](#)  
**Subject:** BOF Bottom Fish Release Tool Proposal  
**Date:** Friday, December 15, 2017 1:23:42 PM

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Gentlemen:

With regard to this proposal for Prince William Sound, I support the requirement. Many of us Halibut Charter Boat operators in PWS voluntarily started using this tool that was invented by Ace Calloway around 2010. It has worked well for us. The only concerns that I have is that this required tool use apply equally to ALL COMFish and Sport Fisherman as well. Please be specific on whether the tool has to be on board even if bottom fish are not targeted. Thanks,

Capt Ken Larson  
Sanity Charters  
PO Box 445  
Valdez, AK 99686  
907-251-7522



Submitted By  
Dwight Kramer  
Submitted On  
2/12/2018 12:35:50 PM  
Affiliation  
Kenai Area Fisherman's Coalition  
  
Phone  
907-395-7558  
Email  
[dwimar@gci.net](mailto:dwimar@gci.net)  
Address  
PO Box 375  
Kenai, Alaska 99611

~~Dear BOF Board Members,

Kenai Area Fisherman's Coalition (KAFC) would like to take this opportunity to provide comment and support for Board member Al Cain's proposal to rotate future UCI Finfish meetings between Kenai / Soldotna, Palmer / Wasilla, and Anchorage. It should be noted that the past two Governors, Parnell and Walker, have requested the Board to make similar concessions towards a fairer system of selecting UCI meeting locations.

Throughout the 2014 and 2017 UCI BOF meetings we continually requested various board members to evaluate the attending audience to get a sense of where the attending participants were from. It was very obvious that after the public testimony portion of the meeting almost all in attendance were from the Kenai Peninsula area. This only makes sense because 85% of the nearly 300 proposals are for the Kenai and Kasilof rivers or immediate offshore waters. These are the people that have the most involvement in the issues at hand in UCI fishery decisions.

What doesn't make any sense is that none of these meetings have been held in the Kenai / Soldotna area for nearly 20 years. Please ask yourself how you would like it if meetings for Kodiak, Bristol Bay, Fairbanks or the AYK were always held in Anchorage because a minority of power players want it that way so that they can have a better chance at controlling the outcome if local participation is minimized by time and travel expenses necessary to attend.

The BOF has a mandate to try to hold their meetings closest to the fisheries involved in these critical meetings. By the sheer volume of proposals related to the Kenai Peninsula waters it would infer that the Kenai / Soldotna area should be an obvious location for this meeting.

Our organization represents private, mom and pop, anglers. Private anglers do not have any commercial interest or concerns in the outcome of these meetings so the financial burdens to attend an Anchorage meeting makes it financially impossible to attend. At the 2014 meeting, Chairman Johnstone, eluded to the fact that people who filed proposals should be present to defend them. That is financially impractical for most from the Kenai area when the meetings are always held in Anchorage.

I hope all of you will understand that a private angler is different from a guide or a commercial fisherman in that they do not have any financial gain in the outcome of their proposals, so for them to come to Anchorage to give 3 minutes of testimony and stay around for 4-5 days to serve in the committee process would cost them between 500 – 1,000 dollars. I hope you can see by this example why private anglers from the Kenai area are largely excluded from the process when the meeting is held in Anchorage.

Last year it cost our organization about \$3,600 for representatives to attend the meeting in its entirety. Roughly 95% of the attending audience on any given day after public testimony was from the Kenai area so you can imagine the total financial burden on Kenai area individuals and organizations. It has been mentioned in the past that Anchorage is a good central location but central for who? It's a simple fact that Anchorage and MATSU folks simply don't attend these meetings very much.

KAFC has continually offered this solution of rotating meetings for Board consideration but it has always been voted down. We think this is a fair and equitable solution for all concerned with UCI Fishery issues and one that should be adopted by the board. We hope you will give this careful consideration and adopt Mr. Cain's proposal in fairness to all UCI users.

Thank you for your time and consideration in this matter.

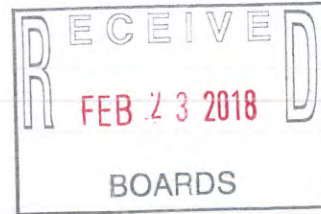
Respectfully Submitted,

Ed Schmitt  
KAFC Chairman



*"Village with a Past, City with a Future"*

210 Fidalgo Avenue, Kenai, Alaska 99611-7794  
Telephone: 907-283-7535 / Fax: 907-283-3014  
www.kenai.city



February 21, 2018

Executive Director Glenn Haight  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Re: Joint Resolution No. 2018-001

Dear Mr. Haight,

Enclosed is Joint Resolution No. 2018-001 of the Assembly of the Kenai Peninsula Borough and Councils of the City of Kenai and the City of Soldotna, requesting the Alaska Board of Fisheries to adopt a policy to rotate the regular Upper Cook Inlet Finfish meetings between the three principal communities of Kenai/Soldotna, Palmer/Wasilla, and Anchorage.

Thank you in advance for your support.

Sincerely,

Jamie Heinz  
City Clerk, CMC

Enclosure





**KENAI PENINSULA BOROUGH  
CITY OF KENAI  
CITY OF SOLDOTNA**

**JOINT RESOLUTION NO. 2018-001**

**A JOINT RESOLUTION OF THE ASSEMBLY OF THE KENAI PENINSULA  
BOROUGH AND COUNCILS OF THE CITY OF KENAI AND THE CITY OF SOLDOTNA,  
REQUESTING THE ALASKA BOARD OF FISHERIES TO ADOPT A POLICY TO ROTATE  
THE REGULAR UPPER COOK INLET FINFISH MEETINGS BETWEEN THE THREE  
PRINCIPAL COMMUNITIES OF KENAI/SOLDOTNA, PALMER/WASILLA, AND  
ANCHORAGE**

- WHEREAS,** Upper Cook Inlet finfish issues are vitally important to, and directly impact residents, municipal governments and communities on the Kenai Peninsula; and
- WHEREAS,** many local residents and businesses of the Kenai Peninsula depend on, participate in, and are otherwise affected by decisions made by the Board of Fisheries with regard to subsistence fisheries, sport fisheries, commercial fisheries, personal use fisheries and conservation measures in Upper Cook Inlet; and
- WHEREAS,** when making informed decisions regarding finfish issues in Upper Cook Inlet, the Board of Fisheries should consider the comments and interests from residents of the Kenai Peninsula; and
- WHEREAS,** the costs and travel time to attend meetings outside the Kenai Peninsula pose a significant burden to local residents, limiting participation and the Board of Fisheries' ability to benefit from local knowledge; and
- WHEREAS,** the Alaska Board of Fisheries has not held a regular Upper Cook Inlet Finfish meeting on the Kenai Peninsula since 1999 despite numerous requests that it do so; and
- WHEREAS,** holding the meeting on the Kenai Peninsula would show local residents, businesses and communities that the Alaska Board of Fisheries listens, cares about, and understands the local impacts of its decisions; and
- WHEREAS,** there are local quality venues of sufficient size with advanced technologic capabilities to host public meetings, as well as exceptional lodging and dining opportunities on the Kenai Peninsula.

**NOW, THEREFORE, BE IT RESOLVED BY THE KENAI PENINSULA BOROUGH  
ASSEMBLY AND THE COUNCILS FOR THE CITY OF KENAI AND CITY OF  
SOLDOTNA:**

- SECTION 1.** That the Alaska Board of Fisheries is respectfully and strongly urged by the Kenai Peninsula municipal governments representing their constituents to adopt a policy to rotate the Upper Cook Inlet Finfish meetings between the three principal communities of Kenai/Soldotna, Palmer/Wasilla, and Anchorage.
- SECTION 2.** That this Joint Resolution be forwarded to Governor Bill Walker, Senator Peter Micciche, Representative Gary Knopp, Representative Paul Seaton, Representative Mike Chenault, Governor's Chief of Staff Scott Kendall, Alaska Department of Fish and Game Commissioner Sam Cotton, Alaska Board of Fisheries members John Jensen, Reed Morisky, Orville Huntington, Alan Cain, Israel Payton, Robert Ruffner, Fritz Johnson, Alaska Board of Fisheries Executive Director Glenn Haight.



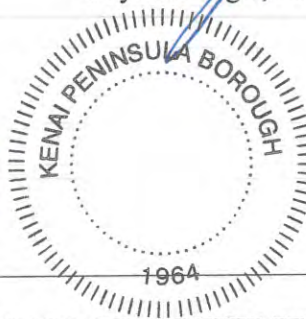
**SECTION 3.** That this resolution takes effect immediately upon approval by the Kenai Peninsula Borough Assembly and the participating city councils.

**APPROVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF FEBRUARY, 2018.**

  
Wayne H. Ogle, Assembly President

ATTEST:

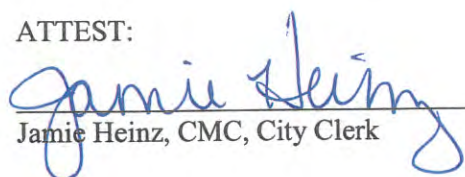
  
John Blankenship, MMC, Borough Clerk



**APPROVED BY THE COUNCIL OF THE CITY OF KENAI THIS 7TH DAY OF FEBRUARY, 2018.**

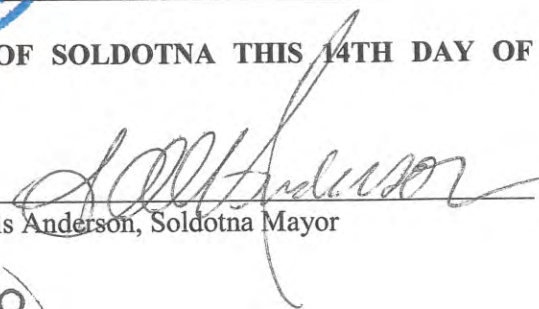
  
Brian Gabriel, Sr., Kenai Mayor

ATTEST:

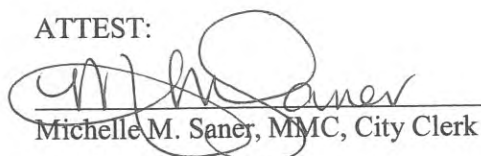
  
Jamie Heinz, CMC, City Clerk



**APPROVED BY THE COUNCIL OF THE CITY OF SOLDOTNA THIS 14TH DAY OF FEBRUARY, 2018.**

  
Nels Anderson, Soldotna Mayor

ATTEST:

  
Michelle M. Saner, MMC, City Clerk





February 23, 2018

Alaska Department of Fish and Game  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526  
[dfg.bof.comments@alaska.gov](mailto:dfg.bof.comments@alaska.gov)

**RE: KRSA Public Comments for BOF Statewide Dungeness Crab, Shrimp, & Miscellaneous Shellfish: March 6-9, 2018.**

Dear Chair Jensen and Members of the Alaska Board of Fisheries,

Kenai River Sportfishing Association (KRSA) is a 501 c 3 charitable non-profit in Alaska, dedicated to the sustainability of one of the world's great sportfishing rivers, the Kenai. Over the years, through our fundraising efforts, KRSA has raised millions to support projects in habitat protection, angler access, fisheries management, research and education. KRSA works closely with federal, state, local and private entities to ensure the Kenai River and the greater Cook Inlet area remain healthy for fisheries, habitat and the generated social, cultural and economic values from this resource.

KRSA has the following public comments on issues to be heard at the Alaska Board of Fisheries (BOF) Statewide Dungeness Crab, Shrimp, & Miscellaneous Shellfish: March 6-9, 2018.

**A. Nancy Hillstrand's emergency petition of December 30, 2017, on the reformation of the BOF Hatchery Committee.**

KRSA agrees with the Alaska Department of Fish and Game (ADFG) assessment that the issue is not suited specifically to the emergency petition process. Nonetheless, we strongly support the reformation of the Hatchery Committee as one of the standing committees of the BOF.

KRSA strong support is based upon:

- a. The fact that the massive releases by Alaskan hatcheries of pink and chum salmon fry across the North Gulf Coast of Alaska undoubtedly has effects upon survival of wild stocks of salmon and other marine species.





- b. The fact that the massive returns of hatchery of pink and chum salmon undoubtedly effect the management of mixed stock, mixed species salmon fisheries across the North Gulf Coast of Alaska.
- c. The fact that many if not most of the decisions that govern the management of Alaska's private non-profit hatcheries happen without adequate representation and input from affected interests.
- d. The fact that the overall economic effects of private non-profit hatchery activities are not clear to the public yet public funds are used to subsidize these entities.
- e. The fact that genetic data suggests straying of PWS hatchery pinks into the Lower Cook Inlet / Kachemak Bay region is a much larger issue than previously thought.
- f. ADFG's indication that there will be a lot of new research and assessment data on hatchery fish becoming publicly available soon.

## **B. Emergency Petition by Chris Every for Upper Cook Inlet set net regulation**

KRSA strongly recommends the BOF fail to make a finding of emergency and deny the petition submitted by Chris Every.

In accordance with 5 AAC 96.625 Joint Board Petition Policy, it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist.

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

### *The Chris Every Emergency Petition*

The regulatory issues in the Chris Every emergency petition are twofold:

- what time period can ADFG authorize commercial fishing with set nets 600 feet of shore in the North K Beach Stat Area; and,
- whether the use of this management tool by ADFG is mandatory (shall) or discretionary (may).

The BOF passed a proposal at the March 2017 BOF meeting for Upper Cook Inlet that authorized ADFG the discretionary ability (may) to use a harvest management tool, to open the stat area to commercial fishing with set nets only within 600 feet of shore. The fishing season for this stat area is defined in regulation (5 AAC 21.310).

The question becomes: did passage of this proposal in any manner supersede the existing open / closed season regulation for the North K Beach Stat Area? The emergency petition argues that ADFG can use this management tool anytime from July 8 through August 15, whereas the existing season regulation defines the opening date for the Kenai and East Forelands sections are open to fishing.



The author also argues that Department managers must view the use of tool as more mandatory (shall), than discretionary (may).

*Arguments for failure to make a finding of emergency:*

- a. Emergencies will be held to a minimum and rarely found to exist

For the 2017 commercial fishing season, the author claims that there were three days when North K Beach could be fishing that they were not. When limited to fishing within 600 feet of shore the total number of set nets that can be legally fished in the North K Beach Stat Area is less than 30 all belonging to about ten fishing operations. In contrast, when the Kasilof Section is open there are an average of 675 fished each opening. Surely the BOF does not want to set the precedent of basing a finding of emergency on such a minor issue.

- b. The implementation of the regulation was not unforeseen

According to the author of the petition, ADFG acted in an unforeseen manner by failing to allow fishing on North K Beach within 600 feet of shore on July 9 and August 14 and 15. This is not the case.

With regard to July 9, ADFG interpreted the regulation correctly. According to 5 AAC 21.310. Fishing Seasons. (a) and (b)(2)(ii) and (iii) the Kenai and East Forelands Sections open beginning on the first open period on or after July 8. According to 5 AAC 21.320. Weekly Fishing Periods. (2) fishing periods in the Central District are defined as 7:00 am to 7:00 pm on Monday and Thursday. Therefore in 2017 the opening date for the Kenai and East Forelands Section was July 10.

With regard to the extended regular period on August 14 and the Emergency Order that allowed fishing in the Kasilof Section on August 15, since ADFG is instructed that they “may” (discretionary) allow fishing, not “shall” (mandatory) allow fishing in the North K Beach Stat Area only with nets fished within 600 feet of shore it is, by definition, not unforeseen that ADFG may choose not to use this tool. In accordance with 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan ADFG is instructed to manage the commercial fisheries to minimize the harvest of Northern District coho, late-run Kenai River king and Kenai River coho salmon stock. Projecting that the sonar goal for Kasilof River sockeye will be achieved or exceeded is not alone justification for putting additional set net gear into the water. As an example, in 2017 there was much uncertainty over the size and timing of the run of coho salmon to Upper Cook Inlet.

Notes on the merits of additional fishing in the North K Beach Stat Area when the Kenai and East Forelands Sections are otherwise closed.

Commercial harvest of Kenai River late-run king salmon will increase by an unknown amount. This is not consistent with minimize language found in 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan.



Commercial harvest of Kenai River coho salmon will increase by an unknown amount. This is not consistent with minimize language found in 5 AAC 21.360. Kenai River Late-Run Sockeye Salmon Management Plan.

The addition of less than 30 set nets fishing only within 600 feet of shore in the North K Beach Stat Area is not an effective tool for controlling escapement of sockeye salmon into the Kasilof River.

The addition of less than 30 set nets fishing only within 600 feet of shore in the North K-Beach Stat Area is not an effective tool for precluding the use of the Kasilof River Terminal Harvest Area.

### **C. PROPOSAL 213 - 5 AAC 77.518. Personal use clam fishery.**

Proposed by ADFG, the proposal seek to repeal the regulation that provides for personal use fishery for clams in the non-subsistence area of Cook Inlet Area. Currently, only Alaska residents may participate in personal use fisheries; each participant 18 years or older must possess a valid resident Alaska sport fishing license. Cook Inlet Area personal use clam fishery regulations governing season, area, bag and possession limits mirror sport fishing regulations. The justification stated by the Department is that repealing the personal use clam fishery regulations would reduce redundancy, simplify the codified regulations, and accurately reflect the management of these fisheries. We disagree.

In areas outside the Cook Inlet Non-Subsistence Area within the Cook Inlet – Resurrection Bay Area for shellfish, there are subsistence regulations in addition to sport fish regulations for non-commercial clam fisheries. This allows for the management option of implementing a resident only harvest strategy for clams in the subsistence areas of the region. As a portion of the Cook Inlet Area is designated as a non-subsistence region, subsistence regulations are not available as a resident-only option for a harvest strategy – only the personal use fishery regulations can justify a resident-only fishery in a non-subsistence area.

While it is important to reduce complexity and redundancy in fishery regulations, KRSA believes that in this instance the personal use fishery regulation for the non-commercial clam fishery is necessary in the non-subsistence area of Cook Inlet to afford the management option of a resident-only clam fishery. A resident-only option can provide an important step-up or step-down option during times of low abundance. We do not support removal of this management tool. If removed now, it would require a new proposal during the annual three-year cycle or an emergency petition to be able to use the resident only option for the non-commercial clam fishery in the non-subsistence area of Cook Inlet.

**D. North Pacific Fishery Management Council (Council) Gulf of Alaska King Salmon Prohibited Species Catch Limit Setting.** *The board observed the Council's upcoming plans to review its prohibited species catch limits, including those for king salmon, for the Gulf of Alaska non-pollock catcher vessels. A Council discussion paper may be available by February. If available, the board will review the discussion paper and provide feedback to the Council as necessary.*



King salmon populations across Alaska are at low levels of abundance. State managed fisheries for king salmon have been severely restricted. Most recently, the Alaska Board of Fisheries, at their meeting last month in Sitka, significantly reduced fishing opportunity for king harvest by all user groups. KRSA strongly supports adequate scientific assessment of the origin of the harvest of king salmon in mixed stock, mixed species fisheries particularly those managed by the NPFMC that take place on the high seas. KRSA does not believe that enough is known about the origin of king salmon harvested in the non-pollock catcher vessel fishery. KRSA is opposed to any increase in the harvest limits for king salmon taken in the non-pollock catcher vessel fishery that is not supported by comprehensive stock assessment analysis.



Submitted By  
Kier Wilson  
Submitted On  
2/21/2018 2:47:55 PM  
Affiliation

I fully support proposal 207. Thank you for your time.



My name is Kory Blake and I was born raised in Cordova Alaska. I've been commercial fishing for 48 years. I've owned and fished my own operation for 46 of those years. I would like to thank the board for your time and commitment. I cannot be at the meeting in person, as I've had some medical issues to tend to and will be out of State. I would like to submit comments regarding the proposals before you.

Proposal 216: I support the non-commercial fishery requirement to register before May 1<sup>st</sup>.

Proposal 217: I support.

Proposal 218: I strongly oppose this proposal. I only commercially shrimp from April 15<sup>th</sup> to April 30<sup>th</sup> each year. I, along with many others that participate in the shrimp fishery, have to prepare for commercial fishing on the Copper River Flats for salmon in mid-May. The current timing gives us time to participate in shrimping and salmon. Pushing the start date to May 1<sup>st</sup> will not allow for us to commercial shrimp. I have been participating in the shrimp fishery since the first opener, and have never lost a pot due to ice. If you are mindful of your gear and the area, this is a non-issue. I participate in the sport shrimp fishery every August with 4 pots. I have never noticed a difference in the number of females in April vs in August.

Proposal 219: I oppose this for the same reason as Proposal 218. This proposal intentionally excludes commercial salmon fishermen from participating. 2 weeks will make no difference in the ice flows. My female count on April 15<sup>th</sup> is the same as August 1<sup>st</sup>.

Proposal 221: I do not support.

Proposal 222: I do not support. This proposal would exclude ¼ of the fleet.

Proposal 223: I support this proposal.

Proposal 224: I support this proposal.

Proposal 225: I support this proposal.

Proposal 227: I oppose this proposal. This proposal contradicts the concerns put forward in prior proposals from the Whittier AC regarding the ice flows and egg bearing females. Why let the trawlers go April 15<sup>th</sup> and hold back the pot fishermen to May 1<sup>st</sup>?

I appreciate the opportunity to comment on these proposals and thank you for your time.

*Kory Blake*



**Board meeting:** Statewide Dungeness Crab and Misc. Shellfish

**Name:** Gene Sandone for Jack Schultheis

**Affiliation:** Kwik'pak Fisheries

**Contact phone;** 907-631-6033;

**Email:** gjsandone@gci.net

**Address:** 4950 W. Clayton St., Wasilla, AK 99623

**Do you consent to your contact information being included on printed copies of your comment?** Yes.

**PROPOSAL 231** – Repeal the prohibition on subsistence fishing in Yukon River Dist. 1 & 2 during first pulse of king salmon.

**We Agree with ADF&G's comments.** However, we firmly believe that the current regulation is an unnecessary restriction on subsistence fishing and is a threat to the food security of the residents of District 1 and 2. We also would request the BOF to direct the Department to manage the king salmon fishery, to the extent possible, to achieve escapements within the defined goals and not to consistently exceed or fall short of the respective ranges. We strongly suggest that when the run is low, the department should manage the run to at least achieve the minimum level of escapement; when the run is large, the Department should manage the run toward the upper end of escapement goal; and when the run size is average, the Department should manage toward the midpoint of the escapement goal. Therefore, we suggest that the BOF direct the Department to manage the Yukon River king salmon stocks in a similar manner and also strongly suggest the Department to manage the run to achieve escapements within the Canadian Chinook salmon IMEG of 42,500 to 55,000 salmon.

**1) CITE THE REGULATION THAT WILL BE CHANGED IF PROPOSAL 231 IS ADOPTED**

Alaska Administrative Code Number 5 AAC: **5 AAC 05.360. Yukon River King Salmon Management Plan (J)(1) and 5 AAC 05.360 (j)(1)(A)**

**2) WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

We believe that this regulation is an unnecessary restriction on subsistence fishing. It is a threat to the food security of the residents of District 1 and 2. The complete prohibition of all subsistence fishing with salmon gillnets of any mesh size, even 6-in or less gillnets, during the first pulse of the Yukon River king salmon run is counterproductive to sound fishery management and causes a hardship to the subsistence fishers within District 1 and 2 of the Yukon Area. Additionally, we believe that this regulation unnecessarily restricts the Department, or does not allow the Department the flexibility, to manage the Yukon River king salmon run in *...the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle...* Further, we believe that the restrictive nature of this regulation does not allow the Department to meet the objective of the Yukon River King Salmon



Management Plan. Yield, salmon in excess of spawning requirements, from salmon originating within the Yukon River drainage is not being harvested but being allowed to escape to spawn at the expense of people who rely on subsistence for sustenance.. Escapements into Canada have far exceeded the upper end of the Interim Management Escapement Goal (IMEG) of 42,500 to 55,000 salmon. Although a harvest-sharing agreement with Canada exists, the U.S. is to receive the vast majority, 74%-80% of the available total allowable catch (TAC)

3) **WHAT SOLUTION DO YOU PREFER?** Or, if the board adopted your solution, what would the new or amended regulation say?

Repeal 5 AAC 05.360 (j) (1) and modify 5 AAC 05.360 (j) (1) (A) to include Districts 1 and 2 in the drainage-wide management of the first pulse of king salmon entering the Yukon River.

### **5 AAC 05.360. Yukon River King Salmon Management Plan**

(a) The objective of this management plan is to provide the department with guidelines to manage for the sustained yield of Yukon River king salmon. The department shall use the best available data, including preseason run projections, test fishing indices, age and sex composition, subsistence and commercial harvest reports, and passage estimates from escapement monitoring projects to assess the run size for the purpose of implementing this plan.

(j) Notwithstanding the provisions of this section, the department shall manage the king salmon subsistence fishery in Districts 1 - 6 during the first pulse of the historical three distinctive pulses of king salmon that enter the Yukon River drainage, as follows:

[(1) IN DISTRICTS 1 AND 2, TO ACCOUNT FOR THE UNCERTAINTY IN THE PRESEASON KING SALMON RUN PROJECTIONS, THE DEPARTMENT SHALL MANAGE THE KING SALMON SUBSISTENCE FISHERY CONSERVATIVELY AND NOT OPEN ANY SUBSISTENCE FISHING PERIODS DURING THE FIRST PULSE OF KING SALMON ENTERING THE DISTRICTS;]

[(2) IN DISTRICTS 3-6.]

**(1)** [(A)] if inseason run assessment information indicates insufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvest needs, the department will not open any subsistence fishing periods during the first pulse implemented chronologically in the applicable district, consistent with migratory -timing as the king salmon run progresses upstream;

(B) if inseason run assessment information indicates sufficient abundance of king salmon to meet escapement objectives on specific components of the run and subsistence harvests needs, subsistence fishing will revert to the fishing periods as specified in (d) of this section.





4) **STATE IN DETAIL HOW THIS PROPOSAL 231 MEETS THE ACR CRITERIA.** If one or more of the three criteria set forth above is not applicable, state that it is not.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:**

The regulation, **5 AAC 05.360. Yukon River King Salmon Management Plan (j) (1)** was enacted in 2013 by the BOF during decreasing king salmon run sizes, poor escapement, reduced subsistence harvests, and extreme public concern regarding the future of the king salmon run. During this time, preseason and inseason projections of king salmon run size were inaccurate. Accordingly, to assure adequate king salmon escapements into Canada, the BOF passed this regulation. Note that the size of the first pulse is usually the largest of at least three pulses that enter the river and that the first pulse is primarily composed of king salmon destined to the Canadian portion of the drainage. However, recent research, using Canadian-origin juvenile abundance to predict adult run, has been very accurate. This advancement in the preseason projection methodology was unforeseen when this first pulse protection regulation was adopted by the BOF in 2013. Additionally, advances in indexing the king salmon run at the mainstem sonar project near Pilot Station has also advanced in accuracy. Further, recent escapements into Canada, starting in 2014, have exceeded the upper end of the Interim Management Escapement Goal (IMEG) of 55,000 salmon, with a record of 82,674 king salmon escaping in 2015. The IMEG is 42,500 to 55,000 king salmon. King salmon escapement in 2017 has already exceeded the upper end of the IMEG and is expected to be similar to the record escapement of 2015. Therefore, mainly because of advancements in the accuracy of the preseason projection, along with the advancements in the indexing of the king salmon run at the Yukon Sonar project near Pilot Station, the continued arbitrary closure of all subsistence fishing on the first pulse of king salmon in Districts 1 and 2 is unwarranted. Additionally, this regulation dramatically reduces the management flexibility of the Department to manage the entire Yukon River king salmon run *...in the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle...* Under this regulation, District 1 and 2 subsistence fishers primarily target Alaskan king salmon stocks. This targeting Alaskan stocks probably contributes to unequal harvests over the entire run and the various salmon stocks that originate within the Yukon River drainage.

5) **WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

If all gillnet subsistence fishing in Districts 1 and 2 is continued to be prohibited by regulation on the first pulse of king salmon entering the river and because the first pulse of king salmon entering the Yukon River is primarily Canadian-origin salmon, escapement into the Canadian Yukon River will probably continue to exceed the high end of the Interim Management Escapement Goal (IMEG) of 42,500 to 55,000 salmon. Additionally, king salmon harvests will be mainly concentrated on Alaskan stocks and not spread out over the entire run and over all stocks returning to the Yukon River. Further, harvested king salmon may spoil because of inclement weather later in the season. The prime drying period for fishers in the Lower Yukon Area is in early in the fishing season, when the weather is good. Spoiled king salmon will have to be replaced and actual harvests may increase due to this spoilage. We believe that the Department is currently unable to manage the Yukon River king salmon fisheries *...in the interest of the economy and general well being of the citizens of the state, consistent with the sustained yield principle...* because of this needless and counterproductive regulation which limits management flexibility.

During the last BOF meeting for Bristol Bay, the BOF adopted a proposal that allows for escapement to be proportional with the run size, **5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan(d) (1)**. In other words, when the run is low, the



department should manage the run, to the extent possible, to at least achieve the minimum level of escapement; when the run is large, the Department should manage the run toward the upper end of escapement goal; and when the run size is average, the Department should manage toward the midpoint of the escapement goal. Therefore, we suggest that the BOF direct the Department to manage the Yukon River king salmon stock in a similar manner and also strongly suggest the Department to manage the run to achieve escapements within the IMEG of 42,500 to 55,000 salmon. Although recent king salmon runs have been below average, associated king salmon escapements into Canada have exceeded the high end of the IMEG: 63,331 in 2014; 82,674 in 2015; and 68,798 in 2016. Note that yield on these runs are more than double the difference between the actual escapement and the targeted escapement. The 2017 king salmon escapement into Canada will most likely approach the record escapement documented in 2015. Salmon in excess of spawning requirements, or yield, should benefit the users of the resource through harvests. Exceeding the high end of the escapement goal is counterproductive, especially for below average runs. It not only reduces the productivity of the stock, it also deprives the subsistence fisher of their sustenance. Management that consistently allows escapements to exceed the escapement goal is not in the *interest of the economy and general well being of the citizens of the state...* It does not subscribe to the sustained yield principal. Further, because of this first pulse restriction regulation is designed to reduce harvest on the Canadian-origin salmon, king salmon harvests now are concentrated on Alaska stocks and not spread out over all the stocks that are destined to the Yukon River drainage. Finally, it degrades the food security for the resource users. This is not sound fishery management. If this regulation is not repealed, the Department will continue to be restricted in the management of the entire Yukon River resulting in continued loss of opportunity for subsistence fishers, along with an uneven harvest strategy among the king salmon stocks returning to the Yukon River.

**6) STATE WHY PROPOSAL 231 IS NOT PREDOMINANTLY ALLOCATIVE.**

Subsistence is the priority consumptive use. We believe that this regulation is a restriction on subsistence fishing and is unnecessary. Although the repeal of this restrictive regulation may allow opportunity for District 1 and 2 subsistence fishers to fish on the first pulse of king salmon entering the Yukon River, it is not predominantly allocative. The increase in management flexibility will allow the Department to manage the subsistence fishery over the entire run throughout the Alaska portion of the drainage. We believe that this increased flexibility will result in a more easily attained equitable distribution of subsistence fishing opportunity throughout the Alaskan portion of the drainage.

**7) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF PROPOSAL 231.**

Kwik'pak is a fish buyer in Districts 1 and 2 of the Yukon River Area



**Board meeting:** Statewide Dungeness Crab and Misc. Shellfish

**Name:** Gene Sandone for Jack Schultheis

**Affiliation:** Kwik'pak Fisheries

**Contact phone;** 907-631-6033;

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**Address:** 4950 W. Clayton St., Wasilla, AK 99623

**Do you consent to your contact information being included on printed copies of your comment?** YES.

**PROPOSAL 232** – Allow sale of Yukon River king salmon caught incidentally during open commercial fishing periods for other salmon species.

**We AGREE with ADF&G comments. However,** we believe that a more surgical approach to king salmon fishery management is currently available to the Department with the onset of recent advances in research applicable to this regulation. Much better preseason projection and inseason assessment of the run in conjunction with Genetic Stock Identification (GSI) information provides the Department the necessary tools to ascertain the stock composition of the run moving through the fishery at different times. It makes no sense to try and protect the Upper River King salmon stock in the lower Yukon when there are very few salmon that originate from the Upper River stock present and susceptible to harvest during the tail end of the summer chum salmon fishery. We believe that the decision to restrict or allow the sale of incidentally-caught king salmon in these summer chum salmon directed fisheries should be based on the stock composition of the king salmon present in the district and the need to protect those king salmon stocks present at the time of the fishery. Because of the few king salmon present during the fall fishing season, we believe that the sale of incidentally-caught king salmon should be allowed because of the extremely small and unmeasurable impact that the harvest would have on the escapement and subsistence needs.

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| <p>1) <b>CITE THE REGULATION THAT WILL BE CHANGED IF THIS PROPOSAL 232 IS ADOPTED.</b> If possible, enter the series of letters and numbers that identify the regulation to be changed. If it will be a new section, enter “5 AAC NEW”.</p> <p>Alaska Administrative Code Number 5 AAC: <b><u>5 AAC 05.360. Yukon River King Salmon Management Plan (i) AND (NEW)</u></b></p> |
|---|



**2) WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

First, the sale of incidentally-caught king salmon in the **directed summer chum salmon gillnet fishery** has been recently needlessly prohibited. The current king salmon run sizes for at least the past three years (2015, 2016, and 2017) have provided for adequate escapements and would have possibly provided for a nearly full, if not full, subsistence fishery, if restrictions were not in place. There are few indications that subsistence restrictions are currently necessary or that the Department projections indicate that the Yukon River king salmon escapements goals would not be achieved. King salmon escapement into Canada, which is considered an index of the total king salmon escapement to the Yukon River drainage, has been consistently above the high end of the Interim Management Escapement Goal (IMEG) of 42,500 to 55,000 salmon during the years 2014-2017. The Upper river king salmon stock, or the Canadian component is believed to contribute approximately 50% of the total Yukon River run. Accordingly, estimates of total yield for the Yukon River king salmon stock can be estimated by simply doubling the estimated Canadian origin run size and subtracting the minimum escapement bound of the IMEG, 42,500 doubled. Estimates of yield based on this methodology totaled approximately 45,000 in 2014; 89,000 in 2015; and 81,000 in 2016. The estimated number of king salmon in excess of minimum drainage-wide escapements, or foregone yield, in 2017 is expected to be similar to 2015. The conservative management of the Yukon River king salmon run is causing hardship to both the subsistence and commercial fishers of the Yukon River drainage in Alaska. Much of the yield, or those fish in excess of spawning requirements, is not being harvested but allowed to pass onto the spawning grounds. We fail to understand this management strategy. In conclusion, based on estimates of drainage-wide possible yields, the incidental harvest of king salmon could be retained and sold in commercial summer chum salmon directed fisheries throughout the Yukon Area.

Secondly, the conditions in the present regulation that dictate whether the Department allows the sale of incidentally-caught king salmon in 5 AAC 05.360 (j) are too broad and sweeping and does not take into account recent advances in research applicable to this regulation. For example, if the department projects that king salmon escapements for the Upper River stock grouping are below the escapement goals or king salmon subsistence fishing is restricted in Yukon Area districts or portion of a district because of the low run size for the Upper river stock grouping, the commissioner shall, by emergency order, close a fishery and immediately reopen a fishery during which king salmon may be retained, but not sold. This retention but no-sale rule remains in effect even if the king salmon stock that necessitated the fishery closure has passed through the district or portion of a district and is not present in the district or portion of the district at the time of the directed commercial summer chum salmon gillnet fishery. Usually, the directed summer chum salmon commercial fishery with gillnets occurs in District 1 or 2 late in the season, when the vast majority of the king salmon susceptible to harvest are destined to spawn in lower Yukon River tributaries. Advances in genetics and run timing knowledge allows the department to manage the fisheries that could incidentally harvest king salmon more surgically, with regard to stock. Specifically, the department can project with good accuracy the composition of an incidental harvest with regard to regional stock composition using stock-specific information from samples collected at the mainriver Yukon sonar project near Pilot Station.

We believe that the decision to restrict or allow the sale of incidentally-caught king salmon in these summer chum salmon directed fisheries should be based on the stock composition of the king salmon present in the district and the need to protect those king salmon stocks present at the time of the fishery. The decision regarding the sale of incidentally-caught king salmon should not be based on the run size and harvest protection strategies of king salmon stocks that have passed through those districts and are currently not



present in the district or portion of the district. The status of the escapement into the lower River tributaries, along with an assessment of subsistence opportunity on the lower king salmon stock should be paramount in the decision to restrict or allow the sale of incidentally-caught king salmon in Districts 1 and 2. Likewise, subsistence restrictions to bolster the Lower king salmon stock by restricting subsistence in those districts that harvest the Lower king salmon stock, Districts 1, 2, 3 and 4, should not impact the harvest and incidental sale of king salmon in District 5 and/or District 6. These decisions to allow the sale of incidentally caught king salmon should be reflective of the anticipated stock composition of the harvest and the need to protect from harvest the king salmon stocks present in the fishery. Additionally, current management strategies employed in District 1 and 2 allows a directed summer chum salmon fishery with gillnets late in the run when the department assesses that king salmon numbers within portions of the district or district are very low, such that the chances of harvesting king salmon incidental to the summer chum salmon are also very low. Further, as mentioned above, the vast majority of fish that remain susceptible to harvest are destined to spawn in Lower river tributaries and are considered to be Lower river stock. Escapements to lower river tributaries have been good. Since 2002, of the 15 weir based escapement estimates to the East Fork Adreafsky, 14 of the 15 recorded king salmon escapements have either been above the SEG (9 years) or within the SEG (5 years). Only one year fell slightly below the low end of the SEG. Of the combined 36 aerial surveys, assessed as good, conducted on the West Fork Adreafsky River, Anvik River, and Nulato River, a total of 8 surveys fell below the established aerial survey SEGs since 2002. No surveys were conducted in 2016. In the Chena River (tower), which is indicative of the middle River stock, escapements fell below the low end of the SEG only 2 years of the 12 years of record since 2002. Likewise, in the Salcha River (tower), which also is an indicator of the middle River stock, escapements fell below the established BEG only 1 year. In conclusion, escapements to the lower and middle river king salmon stocks appear very good since 2002, indicating that these stocks are large enough to provide for subsistence harvests along with sale of incidentally caught king salmon in directed commercial summer chum salmon fisheries. Management should strive to meet escapement goals, however, allowing fish excess to spawning requirements is not wise fishery management. The management strategy that does not allows fish excess to spawning requirements to be harvested does not follow the Commercial Fisheries Division Mission statement and does not contribute to achieving the objective of the Yukon River King Salmon Management Plan.

Finally, the sale of incidentally-caught king salmon in the **directed fall chum salmon gillnet fishery** has been recently needlessly prohibited. The fall fishing season starts on July 16 in district 1. Accordingly, considering the travel time necessary for a king salmon to travel between the lower portions of District 1 to Pilot station is approximately 3 days, so the fall season starts at the mainstem Yukon sonar project at Pilot Station starts counting chum salmon as fall chum salmon on July 19. The average proportion of king salmon passing the mainstem sonar project at Pilot Station after July 18, for years, 1995 and 1997-2017, during the fall fishing season, is 0.017. In other words, 98.3% of the Yukon River king salmon run has passed before the fall season starts. The proportion of king salmon passing the sonar project at Pilot Station in 2017 was 0.015, In other words, 98.5% of the Yukon River king salmon run had passed before the fall fishing season started in 2017. Additionally, nearly all, or possibly all, of the king salmon present in the Yukon River drainage during the fall season are destined to spawn in lower Yukon tributaries. The harvest and sale of the relatively very few incidentally-caught king salmon during the fall season will have no measurable impact on escapement and subsistence harvests.



**3) WHAT SOLUTION DO YOU PREFER? Or, if the board adopted your solution, what would the new or amended regulation say?**

**(i) Although there is variable timing overlap among regional stock groupings, the department recognizes that three different regional king salmon stock groupings, representing Upper, Middle and Lower portions of the Yukon River drainage, mainly enter and move through the Yukon River districts at different times.** If the department projects that the Yukon River king salmon escapements **to a specific regional king salmon stock or stocks** are below the escapement goals or king salmon subsistence fishing is restricted in more than one district or portion of a district **that would harvest substantial numbers of king salmon from this specific king salmon stock or stocks,** the commissioner shall, by emergency order, close **those fisheries** and immediately reopen a fishery during which king salmon may be retained, but not sold.

**(NEW) If the commissioner, by emergency order, closes a fishery and immediately reopen a fishery which king salmon may be retained but not sold, that emergency order shall be reversed when the specific king salmon stock or stock that necessitated the initial closure of the fishery are no longer present in substantial numbers within that district or portion of a district where the fishery was closed or a reevaluation of the run size indicates that sufficient numbers are present in the regional stock grouping to allow for a full subsistence fishery. At that time, the commissioner shall, by emergency order, close the fishery during which king salmon may be retained, but not sold and immediately reopen a fishery during which king salmon may be retained and sold.**

**4) STATE IN DETAIL HOW PROPOSAL 232 MEETS THE ACR CRITERIA**

**To correct an error in regulation:**

Regulation 5 AAC 05.360 (i) is currently too broad and sweeping and does not take into account recent advances in research that are directly applicable to this regulation. Recent research, using Canadian-origin juvenile abundance to predict adult run size, has provided more accurate preseason projections of Canadian or Upper river king salmon stock run size. This advancement in the preseason projection methodology was unforeseen when this regulation was adopted by the BOF and can be used to manage the initial fisheries during the beginning of the fishing season. Further, advances in indexing the king salmon run at the mainstem sonar project near Pilot Station has also advanced in accuracy. Further, and most important, advances in genetic research and run timing knowledge allows the department to manage fisheries that incidentally harvests king salmon more surgically, with respect to king salmon stocks. Specifically, using these research tool, the department can project with very good accuracy, the king salmon regional stock composition of the king salmon present in a district or portion of a subdistrict at any time during the run. Currently, one management strategy associated with the directed commercial summer chum salmon fishery with gillnets in Districts 1 and 2 is to minimize all incidental king salmon harvests, regardless of the king salmon stock composition present, the regional stock run size(s), or whether subsistence restrictions were necessitated for the stock(s) present. Based on the recent timing of this fishery, nearly all the fish susceptible to harvest in these fisheries were destined to spawn in the lower river tributaries or are of the Lower River stock. Note that escapements to all regional stocks have been very good in recent



years, but because the department persists in restricting subsistence fishing to protect the Canadian or Upper River component, the sale of incidentally caught king salmon is prohibited by the current broad and sweeping regulation. We believe that the management of the incidental king salmon harvest in the directed commercial summer chum salmon fishery with gillnets should be more surgically based. We believe that the regional stock composition present in the district or portion of the district and the need to protect those stocks present from harvest should be the driving force in the decision regarding the sale of incidentally-caught king salmon. It doesn't make sense to restrict the sale of incidentally caught king salmon from the Lower River stock when that stock does not need harvest protection to achieve escapement goals or provide for subsistence needs. If there is stock-specific surplus king salmon in excess of escapement goals and subsistence needs, then commercial fishers should be able to sell these incidentally-caught king salmon from that stock.

This regulation also does not take into account that during the fall season, nearly all of the king salmon, 98.3% (average passage at the sonar project site near Pilot Station prior to the fall fishing season, years: 1995, 1997-2017) have passed through the district. The very few fish incidentally harvested during the fall season will have no measurable impact on escapement requirements or subsistence needs. Further, there is a multitude of evidence that the vast majority, if not all, of these king salmon are destined to spawn in Lower Yukon River tributaries.

**to correct an effect on a fishery that was unforeseen when a regulation was adopted:**

Unforeseen recent advancements in genetic research, which can provide inseason estimates of the stock composition of the king salmon passing by the sonar project near Pilot Station, along with a much better understanding of king salmon travel time through the districts, makes this regulation obsolete because it is too broad and sweeping. Future harvest strategies for incidentally-caught king salmon and associated regulations should consider the origin of the regional king salmon stocks susceptible to harvest in these fisheries and whether these stocks need harvest protection. Currently, when the department employs subsistence restrictions throughout the drainage to bolster escapements to a certain regional stock of king salmon, that restriction force the retention but no sale rule into effect. Once in place, this rule will stay in effect throughout the fishing season, regardless of stocks present in the district or portion of the district or updated or changes in the assessment of stock-specific harvest protection. For example, if the department deems that Upper River stock needs protection from harvest because of low run size and that this protection results in subsistence restrictions in several, if not all districts, then according to the current regulation, all incidentally-caught king salmon in all summer chum salmon directed gillnet fisheries may be retained but not sold. This regulation trigger prohibits the sale of incidentally-caught king salmon even when there are no Upper River king salmon susceptible to harvest in any directed summer chum salmon fishery. Usually the Lower River king salmon stock run size is more than adequate to provide for escapement goals and subsistence needs in the districts that they occur. Accordingly, we believe that District 1 and 2 fisheries that incidentally-harvests king salmon should only be affected while there is a substantial risk of harvesting the king salmon stocks that need protection from harvest. Likewise, directed summer chum salmon fisheries in Districts 3, 4 and 6, should not be impacted by harvest protection afforded to the Upper River stock when the Upper River stock is not present in the district, if the Lower and/or Middle River king salmon stocks do not need harvest protection.



**5) WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Commercial fishers in the Alaskan portion of the Yukon River drainage will needlessly suffer economically by not being allowed to harvest and sell king salmon that are in excess of escapement goals and subsistence needs. Because king salmon can be identified inseason to specific regional stocks and travel time of salmon through the districts is estimated with very good accuracy, the department can accurately estimate the timing of specific regional stocks through each district. Although there may be some overlap between the timing of the Upper and Middle king salmon stocks, the general timing rule is that the Upper stock dominates the early portion of the run, followed by the Middle stock, and then, finally, the Lower stock. In order to protect king salmon, the current management strategy employed by the department allows a directed summer chum salmon fishery with gillnets only after the department deems that there are few king salmon susceptible to harvest in a portion of a district or the district. Currently, this fishery occurs late in the run so that there are few king salmon present and available for harvest in the district or portion of the district and the vast majority of those few king salmon are of Lower River stock origin. Additionally, because the gillnets used in a directed summer chum salmon fishery are 6 inches or less mesh size, the incidental king salmon catch in these fisheries are small, young, primarily age-4 king salmon, male king salmon. The incidental harvest of these fish provides little loss, if any, of the reproductive potential to the stock.

Finally, there are very few king salmon present and available for harvest during the fall season in the district or portion of the district and the vast majority, if not all, of those few king salmon are of Lower River stock origin. The incidental harvest of these fish provides little, if any, to escapement requirements and subsistence needs.

**6) STATE WHY PROPOSAL 232 IS NOT PREDOMINANTLY ALLOCATIVE.**

Proposal 232 seeks to allow the retention and sale of incidentally-caught king salmon when the run size of stocks present in the district or portion of a district do not need harvest protection to achieve escapement requirements and subsistence needs. Proposal 232 applies to all districts and portion of districts within the Alaskan portion of the drainage, where directed summer chum salmon commercial fisheries occur. Proposal 232 also applies to all districts and portion of districts within the Alaskan portion of the drainage, where directed fall chum salmon commercial fisheries occur. Additionally, because there are so few king salmon present during the fall season fishery in any district, the incidental harvest would not affect any allocative issues. Proposal 232 is not predominantly allocative in nature.

**7) STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF PROPOSAL 232**

Kwik'pak is a fish buyer in Districts 1 and 2.





**Board meeting:** Statewide Dungeness Crab and Misc. Shellfish

**Name:** Gene Sandone for Jack Schultheis

**Affiliation:** Kwik'pak Fisheries

**Contact phone;** 907-631-6033;

**Email:** gjsandone@gci.net

**Address:** 4950 W. Clayton St., Wasilla, AK 99623

**Do you consent to your contact information being included on printed copies of your comment? YES.**

**PROPOSAL 233** – Clarify the Dist. 1 boundary and allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in Dist. 1 after July 15.

**We agree with ADF&G Department Comments** regarding this proposal **but** we support the use of set gill nets only after July 15 in the described area in **5 AAC 05.330. Gear (a) (8)**.

<p>1) <b>CITE THE REGULATION THAT WILL BE CHANGED BY PROPOSAL 233</b></p> <p>Alaska Administrative Code Number 5 AAC: <b><u>05.200. Fishing districts and subdistricts (a); 5 AAC 05.330. Gear (a) (8)</u></b> ; and <b><u>5 AAC 05.350. Closed waters (2)</u></b></p>
<p>2) <b>WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.</b></p> <p>To correct an error in the regulation that: 1. Defines the District 1 boundaries of the Yukon Area; and 2. Defines the set net only area within District 1 of the Yukon Area.</p>
<p>3) <b>WHAT SOLUTION DO YOU PREFER?</b> Or, if the board adopted your solution, what would the new or amended regulation say?</p> <p><b><u>5 AAC 05.200. Fishing districts and subdistricts</u></b></p>



District 1 consists of that portion of the Yukon [RIVER DRAINAGE] **Area** from the latitude of Point Romanof extending south and west, **including the coastal waters within three miles seaward from any grassland bank,** along the coast of the delta to **the ADF&G regulatory marker located on the beach approximately one nautical mile south from the mouth** [THE TERMINUS] of Black River upstream to the northern edge of the mouth of the Anuk River and all waters of the Black River

**5 AAC 05.330. Gear**

(a) In Districts 1 - 3, set gillnets and drift gillnets only may be operated, except that in District 1 after July 15 set gillnets only may be operated in the following locations:

(8) waters within [ONE] **three** nautical miles seaward from any grassland bank in District 1.

**5 AAC 05.350. Closed waters**

Salmon may not be taken in the following waters:

(2) waters farther than three nautical miles seaward from any grassland bank in District 1 from [APOON PASS] **Romanof Point** extending west and south to a line extending seaward from an ADF&G regulatory marker located on the beach approximately one nautical mile south from the mouth of Black River;

OR repeal **5 AAC 05.350. Closed waters (2)**

**6** **PORPOSAL 233 CORRECTS AN ERROR IN REGULATION;**

During the 2016 BOF meeting, the BOF passed a proposal that expanded the Yukon Area to three nautical miles seaward from any grassland bank and also allowed fishing in certain areas within District 1 that were previously closed to fishing. See **5 AAC 05.100. Description of Yukon Area** . It was the intent of the proposers and, we believe, the intent of the BOF to 1. allow commercial fishing in previous closed areas of District 1 and 2. to expand District 1 seaward boundary from one nautical mile to three nautical miles. The suggested language above in **5 AAC 05.200. Fishing districts and subdistricts** clarifies this regulation. It is essentially a housekeeping PROPOSAL.

Currently, there is confusion regarding the fishing gear allowed within District 1 from one nautical mile to the three nautical miles seaward boundary after July 15 because of an omission in regulation. District 1 waters, previously and currently described in **5 AAC 05.330. Gear (a)**, established and maintained a traditional set gillnet only fishing area within the coastal areas of District 1 after July 15. The intent of the 2016 proposal was to maintain and expand seaward the traditional set gillnet fishing only area out to the three-nautical-mile boundary. The intent was not to create a new drift gillnet fishery within the coastal waters of District 1. The suggested



language in **5 AAC 05.330. Gear (a) (8)** clarifies this regulation and establishes a set gillnet fishery in the expanded coastal waters. We believe that it was an oversight not to change **5 AAC 05.330. Gear (a) (8)** to reflect the change in the traditional coastal Yukon Area set gillnet fishery boundary.

The suggested language in **5 AAC 05.350. Closed waters (2)** above, simply corrects the regulation based on the passage of a 2016 proposal that expanded the District 1 northern boundary. See **AAC 05.200. Fishing districts and subdistricts.** However, because waters farther than the three-nautical-mile boundary of District 1 are not included in the Yukon Area and are not state waters, **5 AAC 05.350. Closed waters (2)** could also be repealed without any ramifications to the Yukon Area fisheries. This is essentially a housekeeping PROPOSAL 233.

**7 PORPOSAL 233 CORRECTS AN EFFECT ON A FISHERY THAT WAS UNFORESEEN WHEN THE REGULATION WAS ADOPTED.**

The effect of **5 AAC 05.330. Gear (a)**, as in current regulations, is to create a new drift gillnet fishery within the coastal waters of District 1 after July 15 between one and three nautical miles seaward from any grassland bank. However, the proposer's intent was to maintain the traditional set gillnet fishery in the coastal waters of District 1 and not to create a new drift gillnet fishery in the expanded coastal waters. We also believe that the BOF's intent was similar when they passed this proposal.

**8 WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED?**

If the regulations are not clarified, there will be: 1. confusion regarding the boundaries of District 1; 2. creation of a new drift gillnet fishery within the coastal waters of District 1 after July 15; and 3. possible gear conflicts between the drift and the set net fleet between one and three nautical miles seaward of any grassland bank within District 1. Currently, we believe that the drift gillnet fleet does not fish in any of the coastal waters of District 1.

**9 STATE WHY PROPOSAL 233 IS NOT PREDOMINANTLY ALLOCATIVE.**

PROPOSAL 233 is not predominantly allocative because the coastal waters of District 1 have been a traditional set gillnet only fishery after July 15, for decades. Proposal 233 corrects an omission in a regulation that defines the set gillnet area only, after the coastal waters of District 1 were expanded. Additionally, the drift gillnet fleet does not currently fish in any of the coastal waters of District 1 after July 15. Therefore, we believe that Proposal 233 is not predominantly allocative in nature.

**10 STATE YOUR INVOLVEMENT IN THE FISHERY THAT IS THE SUBJECT OF PROPOSAL 233**

Fish buyer in District 1



Submitted By  
Lawrence Demmert  
Submitted On  
2/22/2018 8:03:22 PM  
Affiliation

I am against the board considering Roe on Kelp as an alternative for the Sitka Sac Roe fisheries. The CFEC already determined this area is a *Northern Roe on kelp area*. I am a *northern permit holder*. This would decimate every Roe on Kelp fishery in Southeast Alaska. There isn't the market for extra product, the market is shrinking.

I support Proposal 230. This will allow the use of drift gear to harvest salmon for subsistence purposes in Yukon River sub-district 4-B and 4-C.



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Printed Name	Signature
1 James Strong	James Strong
2 Curtis Ambrose	Curtis Ambrose
3 Shane Edwin	SHANE EDWIN
4 Chris Kiska	Chris Kiska
5 Stacey Demientieff	Stacey Demientieff
6 Nicole R. Gregory	Nicole R. Gregory
7 Katrina Huntington	Katrina Huntington
8 Norman Cook	Norman Cook
9 Deedee Stickman	Deedee Stickman
10 Kathleen Ekoh	Kathleen Ekoh
11 Larry Wholecheese Jr.	Larry Wholecheese Jr.
12 <del>Wanda Lumb</del>	<del>Wanda Lumb</del>
13 Susan Esmailta	Susan Esmailta
14 Dillon Pitka	Dillon Pitka
15 Justin Murrell	Justin Murrell
16 JENNIFER HILDEBRAND	Jennifer Hildebrand
17 LEONARD BENSON	Leonard Benson
18 Chris Kiska	Chris Kiska
19 Chris Bryant	Chris Bryant
20 ALFRED C. EVANS	Alfred C. Evans
21 Craig Abel	Craig Abel
22 Jared Carlson	Jared Carlson
23 CHRIS POMEROY	Chris Pomero
24 SHARILYN KISKA	Sharilyn Kiska
25 <del>Samuel Thompson</del>	<del>Samuel Thompson</del>
26 Ronald Burgett II	Ronald Burgett
27 Ruth Ross	Ruth Ross
28 TWILA BYERS	Twila Byers
29 Brandon Byers	Brandon Byers
30 Paula Sommer	Paula Sommer
31 Yvonne Carlo	Yvonne Carlo
32 Marcin Thurmond	Marcin Thurmond
33 Evelyn Burgett	Evelyn Burgett
34 Edward Walton	Edward Walton
35 Sheila Walton	Sheila Walton
36 William Rilot	William Rilot
37 <del>Wesley Williams</del>	<del>Wesley Williams</del>
38 Len Stickman-Son	Len Stickman-Son
39 Wesley Thurmond	Wesley Thurmond
40 Andrew Ledford	Andrew Ledford

I support Proposal 230. This will allow the use of drift  
harvest salmon for subsistence purposes in Yukon Riv  
district 4-B and 4-C.



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Printed Name	Signature
41 CROSSLIN, SHANE	
42 George Demoski	
43 Charles Burgett	
44 Damon Huntington	
45 Clayton Benson	
46 Jacqueline Morgan	
47 Claudia Demoski	
48 Peter Alexis	
49 Archie Wholesale Sr.	
50 Brian Lundberg	
51 Becca Huntington	
52 Matt Billings	
53 Lucille Silas	
54 April Williams	
55 Adriana Hevezi	
56 Jacob Miller	
57 Colin Richter	
58 Freda D. Beasley	
59 SCOTT BETTERTON	
60 Shanda Huntington	
61 Nancy Riker	
62 ALVIN WILLIAMS	
63 Carlee Malenute	
64 Richard Ramage	
65 Delbert Mitchell	
66 Paul Apfelbeck	
67 Isabella Apfelbeck	
68 Elena Jacobs	
69 Lee Dewilde	
70 Ronald Burgett	
71 Kelly Ruchti	
72 Harold Ruchti	
73 KAREN EVANS	
74 Hilary Evans	
75 Jody Lumbas	
76 Tamara Nalner	
77 John Miller	
78 Jerry Nalner Sr.	
79 Ron E-mailka	
80	

I support Proposal 230. This will allow the use of drift gear to harvest salmon for subsistence purposes in Yukon River Sub-district 4-B and 4-C.



Printed Name	Signature
81 Shawn Gregory	<i>Shawn Gregory</i>
82 Jeff Dixon	<i>Jeff Dixon</i>
83 David P. Miller	<i>David P. Miller</i>
84 Doug [unclear]	<i>Doug [unclear]</i>
85 <del>Edmund</del> Mary Demoski	<i>Mary Demoski</i>
86 Edmund Sommer	<i>Edmund Sommer</i>
87 Cony Fry	
88 Cecelia Burgett	<i>Cecelia Burgett</i>
89 Mane Cleaver	<i>Mane Cleaver</i>
90 CARRIE GIVEN	<i>Carrie Given</i>
91 Ben [unclear]	<i>Ben [unclear]</i>
92 ERIC WANSER	<i>Eric Wanser</i>
93 ERICA L. FRANKSON	<i>Erica Frankson</i>
94 Bernard Nollner	<i>Bernard Nollner</i>
95 Angela L. Patsenberger	<i>Angela Patsenberger</i>
96 JOSH PITTSBURGER	<i>Josh Pittsburger</i>
97 Theresa Marks	<i>Theresa Marks</i>
98 Arnold Marks Jr.	<i>Arnold Marks Jr.</i>
99 Margie ATTLA	<i>Margie Attila</i>
100 Nichole Hibel	<i>Nichole Hibel</i>
101 Gloria Jean Keogh	<i>Gloria Jean Keogh</i>
102 Claude Keogh	<i>Claude Keogh</i>
103 Kevin Evans	<i>Kevin Evans</i>
104 ALFRED NOLLNER	<i>Alfred Nollner</i>
105 James Lagatuta	<i>James Lagatuta</i>
106 <del>Edmund</del> EDDIE VENT	<i>Eddie Vent</i>
107 Maudray Vent	<i>Maudray Vent</i>
108 Edmund C. Sommer	<i>Edmund C. Sommer</i>
109 Mary Benson	<i>Mary Benson</i>
110 Sharon Nelson	<i>Sharon Nelson</i>
111 Sharon Nelson	<i>Sharon Nelson</i>
112 <del>Sharon Nelson</del> Sharon NAWLACHESN	<i>Sharon NAWLACHESN</i>
113 Ray Whitecheese	<i>Ray Whitecheese</i>
114 <del>Albert Nickoli III</del> Albert Nickoli III	<i>Albert Nickoli III</i>
115 Jared Burgett	<i>Jared Burgett</i>
116	
117	
118	
119	
120	

I support Proposal 230. This will allow the use of drift g  
harvest salmon for subsistence purposes in Yukon River Sub-  
district 4-B and 4-C.



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	Printed Name	Signature
1	Nolan Aloysius	Nolan Aloysius
2	Howard C. Brasley	Howard C. Brasley
3	Mollissa Wightman	Mollissa Wightman
4	Mark Huntington	Mark Huntington
5	Carrie Fennimore	Carrie Fennimore
6	Alfred R. Evans	Alfred R. Evans
7	Rebecca E. Huhndorf	Rebecca E. Huhndorf
8	Edward Sommer Sr.	Edward Sommer Sr.
9	Edward Sommer Jr.	Edward Sommer Jr.
10	Justis Laube	Justis Laube
11	Mary Ortega	Mary Ortega
12	Harriet C. Carlo	Harriet C. Carlo
13	Felicia Kayotuk	Felicia Kayotuk
14	Lavern Demoski	Lavern Demoski
15	Cassandra Sweetsir	Cassandra Sweetsir
16	Claudette Green	Claudette Green
17	ALYSON ESMAILKA	Alyson Esmailka
18	TIM KALKE	Tim Kalke
19	Mae Wied	Mae Wied
20	David Pelkola	David Pelkola
21	Wane Cleaver	Wane Cleaver
22	Joyce Huntington	Joyce Huntington
23	TERRY PITKA	Terry Pitka
24	Fred Huntington Sr	Fred Huntington Sr
25	Ross L. SWEETSIR	Ross L. Sweetsir
26	Ed Thurmond Sr	Ed Thurmond Sr
27	Paddy Naeman	Paddy Naeman
28	Cecelia Grant	Cecelia Grant
29	Randy Pitka	Randy Pitka
30	FATIMIS VASIKKA	Fatimis Vasikka
31	Agnes M. Sweetser	Agnes M. Sweetser
32	Shirley A. Notti	Shirley A. Notti
33	Bob Rebarchik	Bob Rebarchik
34	Jaylein Kuska	Jaylein Kuska
35	Ashley Williams	Ashley Williams
36	Barbara Demoski	Barbara Demoski
37	Morgan Demoski	Morgan Demoski
38	Susie J Sam	Susie J Sam
39		
40		





THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department



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OFFICE OF THE COMMISSIONER  
Headquarters Office

1255 West 8th Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4100  
Fax: 907.465.2332

February 13, 2018

Ms. Susie Sam  
Louden Tribal Council  
PO Box 244  
Galena, AK 99741

Dear Ms. Sam,

Thank you for your email request received February 11, 2018, requesting my support for Proposal 230 to the Alaska Board of Fisheries in time for the February 20 comment deadline.

Although the Alaska Department of Fish and Game (ADF&G) sometimes receives requests for support of proposals, the comments we provide to the Alaska Board of Fisheries are restricted to support of meeting subsistence needs as a priority, conservation concerns, or other regulatory concerns that would justify the department's agreement with proposals that go to the Board from any public entity. Basically, we support regulatory or statutory requirements that are already recognized.

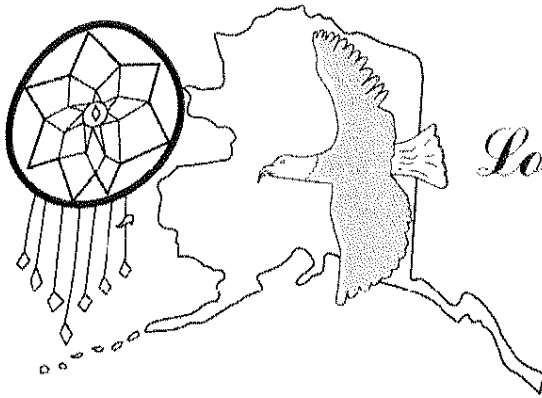
Our role in providing management direction to the Alaska Board of Fisheries is to remain neutral on proposals that have allocative aspects because the Alaska Board of Fisheries members are appointed to decide these allocative proposals. However, I'm pleased to express that my staff and I at ADF&G do support providing additional salmon subsistence harvest opportunity when salmon returns are adequate.

King salmon conservation continues to be a concern in the Yukon River requiring time, gear, and area restrictions to ensure escapement goals are met since 2011.

Alaska Dept of Fish and Game comments on each proposal will be publicly available on the ADF&G website on February 20<sup>th</sup>. I hope this information is helpful in describing how the process works and I hope to meet you and other tribal members at the upcoming statewide Alaska Board of Fisheries meeting in Anchorage.

Best regards,

Sam Cotten  
Commissioner



## *Louden Tribal Council*

P.O. Box 244  
Galena, Alaska 99741  
Phone (907) 656-1711  
Fax (907) 656-2441

Alaska Department of Fish and Game  
Board of Fisheries  
PO Box 115526  
Juneau, AK 99811

October 3, 2017

RE: Agenda Change Request

Good afternoon,

Louden Tribal Council, Nulato Tribal Council and Koyukuk Tribal Council all sponsored ACR to the Board of Fisheries. This is an urgent issue for our communities. As you all know the drifting or seining for salmon is prohibited between Galena and Ruby. The reasons of its urgency are many. This includes safety, conservation of salmon, and not competing for the same resource as two other villages at the same time and place.

One is the safety of our residents. Right now in order to drift/sein our residents must go 30 miles downriver to be legal. When fishing period is open many residents make this drive whether in rough or calm waters. In order to make the drive worthwhile many residents will fish until early in the morning. At this spot at least three people from Galena who had to cut their rope before their boats took on water.

If we are allowed to fish in between Galena and Ruby we are more likely to conserve more fish. Many residents would not need to fish for so long. Our residents would only take what we "need" and bring that home to process. We have always been conservative in our management of our natural resources. We all want our children and grandchildren and generations to come the opportunity to provide for their own families by fishing.

In this opening period there could be Koyukuk, Nulato and Galena residents in this one area. Each boat takes their turn to put their nets in all in one spot right across the river from Koyukuk or across from Last Chance.

Right now in Galena there are four families who have a designated fish net spot. One family who uses fish wheel and the rest of the community uses drift/sein. The argument that drift/sein is not traditional use is true. We must adapt and change with our environment, economy and weather. The Yukon River continues to get warmer and this have eliminated many of the set net spots. Climate change has affected our community tremendously from the 2013 flood, changing of the Yukon River eliminating the fish net spots, and the warming of the waters and environment.



Again we are asking for your time to allow this Agenda Change Request to be heard this winter.

We do not want to make criminals out of our people; we just want the ability to put food on the table. We are not asking for anything more for our communities that other communities have had for years. This being the ability to drift/sein in this section of waters.

If you have any questions please contact me at the number above.

Thank you,

A handwritten signature in cursive script that reads "Susie J. Sam".

Susie J. Sam  
Tribal Administrator



Submitted By  
Martin svenson  
Submitted On  
2/23/2018 8:12:00 AM  
Affiliation

I am writing this in opposition to proposal 126

As a holder of a north roe on kelp permit I would expect to have the opportunity to fish any roe on kelp fisheries within the northern area. I do not support this attempt to change the rules especially by attempting to avoid southeast Alaskans chance to comment by doing this at a shellfish meeting.

Thank you for your time

Martin svenson



# Matanuska-Susitna Borough



February 23, 2018

AK Dept. of Fish & Game *(Letter submitted via email)*  
Boards Support Section-BOF  
PO Box 115526  
Juneau, AK 99811-5526

**RE: 2020 UCI Meeting Location**

Chair John Jensen      Reed Morisky      Orville Huntington  
Alan Cain                Israel Payton      Robert Ruffner                Fritz Johnson

Dear Alaska Board of Fisheries Members,

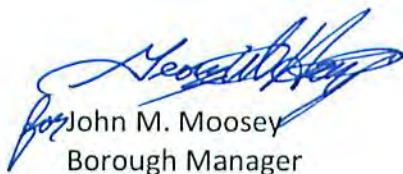
The Matanuska-Susitna Borough feels continued lobbying by Kenai/Soldotna, to have a BOF regulatory meeting held in the Kenai/Soldotna area, after a decision was made previously by the BOF, goes against the BOF decision, and is not in the public's best interest. The fact that this topic was once again raised at the Sitka Finfish meeting, with no public notice beforehand, is not in line with the normal meeting location process and should not be approved.

At last October's BOF work session, a lengthy, and at times spirited discussion occurred among board members about where to hold the 2020 UCI meeting. The final vote was for the meeting to be held in Anchorage. The Mat-Su Borough understands the frustration of not achieving the hoped-for results and reminds the BOF that, while the Kenai/Soldotna area has not hosted an UCI regulatory meeting since 1999, the Mat-Su area has NEVER hosted a regulatory meeting.

The October work session in Anchorage was presented as the opportunity for the BOF to discuss the 2020 UCI meeting, with public input, and a decision was made. That decision should not be re-considered.

Our Fish & Wildlife Commission support staff, Brianne Blackburn, can be reached at [Brianne.Blackburn@matsugov.us](mailto:Brianne.Blackburn@matsugov.us) with any questions.

Sincerely,

  
John M. Moosey  
Borough Manager



**Submitter by:** Matt Donohoe and Ceri Malein  
PO Box 3114  
Sitka, Ak 99835  
**Phone No:** 907 747 6255  
**Email:** [matthew\\_donohoe@yahoo.com](mailto:matthew_donohoe@yahoo.com)

**Submitted On:** 23 February 2018

**Subject:** **BOF and Pacific Salmon Commission relationship**

Dear Members of the Alaska Board of Fisheries

It is our understanding that every ten years Alaska's Pacific Salmon Treaty (PST) team negotiates a US position with the effected US Pacific Northwest States or SUS to arrive at a US position. The US then negotiates a Salmon Treaty with Canada. The allowed number of Chinook SEAK is negotiated and adjusted annually based on projected abundance (AI) of fish. Once an annual AI is agreed to it is the Alaska BOF's mandated allocation of king salmon, described in 5AAC 29.060 (b)<sup>a</sup>, that allocates the king salmon to the different gear groups. ADFG manages the different fisheries based on this pre-season AI.

In 2017 **all commercial fisheries** in southeast Alaska were under their pre-season allocation<sup>b</sup>. Toll was under by 20%. Nets were below their allocation by 53%. **Sports were over by 23%**. The total preseason quota for SEAK treaty kings was 209,700.

On 8/7/17, citing the need for conservation<sup>c</sup>, the ADFG Deputy Commissioner (who is also Alaska's Pacific Salmon Treaty Commissioner) issued an EO announcing that beginning on 8/10/17 there would be no retention of Chinook in the commercial and recreation fisheries in Southeast Alaska. After the 2017 commercial king season closed ADFG reopened sport king fishing on Oct 1, 2017 even though sport harvest was already over their 2017 quota<sup>d</sup>.

---

<sup>a</sup> The department shall manage the sports and commercial net and trollers in accordance with the annual harvest ceiling established by the Pacific Salmon Commission. The annual harvest allocation of the annual harvest ceiling for each fishery is as follows:

Seine:	4.3% of the annual harvest ceiling
Drift gillnet:	2.9% of the annual harvest ceiling
Set gillnet:	1000 king salmon

The remaining annual harvest ceiling will be split 20% for the sports fishery and 80% for the troll fishery

<sup>b</sup> Annual Management Report for the 2017 Southeast Alaska/Yakutat Salmon Troll Fisheries. Report No 18-02, Table 11, pg 35.

<sup>c</sup> BASIS FOR THE SOUTHEAST ALASKA CLOSURE TO CHINOOK SALMON RETENTION, Aug 18 2017. Issued by ADFG to the public explaining this closure was based on genetic data and trawl surveys

<sup>d</sup> Count of the sport catch begins on Jan 1. Count of the commercial troll catch begins on Oct 11.



RC 007 or the Origins Memo posted on the BOF website<sup>e</sup> examines genetic data to determine point of origins of harvested Alaskan wild kings in southeast Alaska. In the memo commercial troll catch is analyzed by harvest openings. Sports harvest is analyzed by 4 areas or quadrants<sup>f</sup>. This document states that, on average, in the second summer or August troll opening 8% of the troll king harvest are Alaska wild stocks<sup>g</sup>. Compare this to the sports catch which overall averages 19% SEAK wilds<sup>h</sup>. Using data from RC 007<sup>i</sup> it's clear that the SEAK wilds are mostly harvested in June<sup>j</sup> in inside waters. The 13 year sports average percentage of Southern Alaska wild stocks in the Ketchikan area is 29%<sup>k</sup>. In the Wrangell Petersburg area it's 44%<sup>l</sup>. In the Juneau/Haines area the average wild percentage is 42%<sup>m</sup>. As an old troller said, "You catch 'em' where they are".

On 7/7/17 the Treaty Commissioner cited genetic studies as evidence supporting the cancelation of the 2017 August troll opening yet this data was not considered good enough to discuss at the board of fish in Sitka. Most participants at the BOF (including BOF board members) by the time of the Sitka meeting had not read, or even looked at, RC007<sup>n</sup>.

To explain the August closure the Deputy Commissioner met with trollers in Sitka during the 2018 BOF meeting. If trollers had fished in August, he explained, Alaska would have exceeded their Post Season treaty quota. How did the Commissioner know in early August information that doesn't exist till after the Columbia River fall runs are counted in October? Yet this was the reason he gave (this time) for the closure<sup>o</sup>. In 2017 trollers forwent 31,000 treaty kings. Using a normal multiplier of 3 that's over \$10,000,000 lost to the SEAK economy.

In the 2015 Sitka BOF meeting (during the Committee of the Whole) the Chair, (Tom Kluberton) twice gently reminded the public that discussing the PST does not belong at the BOF and should not be discussed there. We were surprised, therefore, when treaty was

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<sup>e</sup> ADFG publically released the genetic studies report "RC 007 ADF&G origins memo" on December 29<sup>th</sup> 2018, the day after public comments were due for the Sitka 2018 BOF.

<sup>f</sup> There is no available genetic data for commercial net harvest.

<sup>g</sup> RC 007, table 8, pg 14

<sup>h</sup> RC 007, table 3 page 9

<sup>i</sup> RC 007, Tables 2 pg 8 and table 2 page15, also table 1,3,4,6,7,8,10,11 and 12

<sup>j</sup> Special publication No. 17-15, **Overview of the Sports Fisheries for King Salmon in Southeast Alaska through 2017**: A report to the Alaska Board of Fisheries. On Pg 31 is this statement; "Peak HPUE for king salmon generally occurs in June. HPUE generally declines through the month of July and by early August HPUE is generally very low in Juneau and Ketchikan."

<sup>k</sup> RC 007, table 9 page 15

<sup>l</sup> RC 007, table 11 page 17

<sup>m</sup> RC 007, table 10 page 16

<sup>n</sup> In Matt's 11/27/17 letter (attached) to the ADFG Commissioner he asked for this data but it was not supplied to the public until 12/29/17 which was the day after the On Time Comment period to the BOF closed.

<sup>o</sup> In the ADFG 7/7/17 press release the Deputy Commissioner says: "The inseason data and stock specific information cannot be ignored when conservation of wild stocks is the foundation of the Alaska Sustainable Salmon Fisheries Policy and the Pacific Salmon Treaty. Therefore, it is imperative that Alaska offer relief now for these stocks, with a focus on protecting future production." When the data didn't support this argument the argument changed.



included in the 2018 Sitka BOF meeting and references to Treaty were inserted Action Plan (AP).

In the future will the PST folks again reallocate fish using the BOF AP language, “**and be balanced with requirements and provisions of the Pacific Salmon Treaty and allowable harvest**”? This language was inserted in the AP during the final hours of the 2018 Sitka BOF meeting and on which there was no opportunity for the public to comment.

In 2017 trollers were really closed because the Department estimated that if 31,000 more treaty kings were caught SEAK total treaty harvest would go over the pre-season quota. This troll closure not only reallocated king salmon away from the commercial industry in 2017 but if nothing changes it will continue reallocating fish away from commercial harvest in years of low abundance (low AI). Reallocating king salmon to sport also increases harvest of stocks of concern (SOC) because SOC are more available in the spring when trollers are already severely restricted. In May and June trollers fish small areas designed to target hatchery fish and not wild fish while sport harvest, so far, occurs in areas that are pretty much unrestricted.

There are many issues regarding referencing the PST in an Alaska BOF document. One not yet discussed is because the BOF is the state wide management body for Alaska fisheries **it is possible that introducing language in a BOF document suggesting BOF subservience to the PST is opening a questionable door to a dark period in Alaska’s future. A future that invites the PST into the rest of Alaska.**

Please revisit the Action Plan and eliminate the above underlined language and replace it with 5 AAC 29.060. With the underlined language Alaska seems to be abdicating its sovereign authority to manage Alaska’s salmon resources. Removing this language will protect SEAK’s right to catch the internationally and Alaska agreed upon quota and will also allow all harvesters to catch their BOF allocated share. It will also contribute to the conservation of SEAK wilds by allowing harvest later in the year when Columbia River fish are still available and Alaska Wild spawners are in the rivers.

Thank You

Matt Donohoe and Ceri Malein

Cc: Governor Walker  
Commissioner Cotten  
Deputy Commissioner Swanton





**Subject:** Why not Troll on July 1

**From:** matthew donohoe (matthew\_donohoe@yahoo.com)

**To:**

**Cc:** Monday, November 27, 2017 4:00 PM

**Date:**

11/27/17

To: Sam Cotton, Commissioner of the Alaska Department of Fish and Game

Dear Commissioner Cotten,

The Department of Fish and Game has proposed to delay the July commercial king salmon troll opening until July 10. WHY?

ATA has responded to the Department's proposed late opening with a counter proposal of a July 6th opening date. The Department's stated purpose is to reduce any possible commercial harvest of king stocks from Southeast Alaska's systems that had weak returns in 2017. In lobbying for an early date ATA is attempting to claw back some portion of lost harvest opportunity. The proposed late opening does not seem to be supported by data. In addition the Department appears unconcerned that in most places sport harvest will be normally ongoing while trollers are closed. Again, a conservation double standard.

According to ADF&G's genetic studies 6% of the commercial king harvest in July are from weak local systems. This data also suggests that in August 9% of the commercial king harvest consists of these stocks. The Department makes the claim that the commercial harvest of these systems declines after July 10<sup>th</sup>. The problem with this theory is that (in modern times) commercial trollers don't (usually) fish kings in July after the 10<sup>th</sup>. Is ADF&G saying that commercial harvest of these stocks go down after the 10<sup>th</sup> because trollers aren't fishing kings in July after the 10th? The proposed late opening raises another question. If harvest of these stocks increases to 9% (3% higher) in August why open closer to August?



It is important that, in light of 2017's heroic and questionable management, trollers ask the Department before the Board of Fish meeting in January to:

- 1) Reexamine the argument for a delayed July king season. Provide the public a chance to examine the data on which the Department is basing a proposed later July opening as well as a credible explanation (backed by all available data) of any other management change that deviates from the Board of Fish management plan.
- 2) Explain what the Department's goals are in this and how the Department will measure success.
- 3) Credibly explain (with data) why, if there is risk to the concerned stocks in allowing a normal July 1<sup>st</sup> opening and a normal winter and spring season for commercial harvest, there isn't similar risk in allowing a normal (and continuing) January 1<sup>st</sup> opening for sport harvest.
- 4) Provide data to determine when and where the highest encounters of these stocks occur in the sport harvest as well as for other gear groups.

Yours  
Matt Donohoe



Submitted By  
Mike Frank  
Submitted On  
2/22/2018 8:34:13 AM  
Affiliation

Phone  
907 248 5078

Email  
[mdfrank@gci.net](mailto:mdfrank@gci.net)

Address  
2224 Turnagain Pkwy  
Anchorage, Alaska 99517

I support the creation of a permanent hatchery commission or committee whose task would be to keep the BOF informed about the problems associated with hatcheries and hatchery-produced fish. In the last two decades there has developed a growing body of peer-reviewed scientific literature pointing to the deleterious effects that hatchery fish, particularly pink salmon, are having on wild stocks of salmon. Large runs of hatchery produced pink salmon may also be causing cascading adverse impacts on threatened species of marine mammals which may depend on the availability healthy stocks of other salmon species. The capital costs of Alaskan hatcheries also have been heavily subsidized by public monies through loans and grants. Whether these costs and other costs are outweighed by the benefits of hatcheries deserve much closer examination.

Thank you for considering these comments.



Submitted By  
Mike Svenson  
Submitted On  
2/22/2018 9:43:06 AM  
Affiliation  
Fisherman  
  
Phone  
9077477429  
Email  
[svens@gci.net](mailto:svens@gci.net)  
Address  
104 Sharon Dr  
Sitka, Alaska 99835

~~I am writing this in opposition to Proposal 126

I understand that you have a request asking you to support Darrell Knapps request for CFEC to change the rules on letting Roe on Kelp happen in Sitka using just the Sitka Sound Sac Roe permit. If we are going to change the rules, then I would also like to see those of us that have Roe on Kelp permits be able to also use our herring for a Sac Roe fishery or bait fishing. If we want to open up the fishery to new rules concerning CFEC, then everybody should be treated equally. But I would think it will not a good idea to open up all the rules.

With all due respect, the Board of Fish is looked at to be the group that fixes gear conflicts, but now you are being asked to start a gear conflict. It makes no sense.

Thank you for your time,  
Mike Svenson  
104 Sharon Dr  
Sitka, AK 99835  
907-747-7429



Submitted By

Nickolas lee

Submitted On

2/11/2018 10:01:57 AM

Affiliation

After fishing Kachemak bay, I found that there is a high concentration of Dungeness crab, and request that we open to subsistence fishing. While beach combing we found a bunch of striped shrimp I request that you open shrimp short term to subsistence fishing in Kachemak and Cookinlet and study what kind numbers are found. When fishing tanner crab in Kachemak we found many places that limits where easily obtained and request that this fishery not be closed by traditional politically driven emergency orders.

Thanks



Submitted By  
Norman Hiler  
Submitted On  
2/10/2018 10:06:36 AM  
Affiliation

Phone  
907-260-5965

Email  
[stormanman8@yahoo.com](mailto:stormanman8@yahoo.com)

Address  
Box 313  
Sterling, Alaska 99672

Proposal # 216 I am not infavor of this proposal. April 15th is a great time to be out shrimping and returning shrimp with eggs is no problem!

Proposal # 218 I am not infavor of this proposal ether.

Proposal # 224 I am not infavor of this proposal. Changing the allocation is all about the comercial interests.

Proposal # 225, Also not infavor of this change.

Thanks



# United States Department of the Interior

Office of Subsistence Management  
1011 East Tudor Road MS 121  
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:  
OSM 180002.GP

**FEB 23 2018**

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

Dear Chair Jensen:

The Alaska Board of Fisheries will consider approximately 27 proposals, among other issues, at its Statewide Dungeness Crab, Shrimp, and other Miscellaneous Shellfish meeting, March 6-9, 2018 in Anchorage, Alaska.

The Office of Subsistence Management, in cooperation with other Federal agencies, have reviewed these proposals and included the enclosed Federal staff comments addressing two accepted Agenda Change Requests, which were added to this meeting's agenda as proposals 230 and 231. Adoption of these proposals may result in impacts to Federal subsistence users or fisheries. During the meeting, we may wish to comment on other agenda items, if issues arise, that may have an impact on Federal subsistence users or fisheries.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues.

Sincerely,

Eugene R. Peltola Jr.  
Assistant Regional Director

Enclosure

cc: Sam Cotten, Commissioner, ADF&G  
Anthony Christianson, Chair, FSB  
Tom Brookover, ADF&G, Anchorage  
Hazel Nelson, ADF&G, Anchorage  
Scott Kelly, ADF&G, Juneau  
Interagency Staff Committee

Glenn Haight, ADF&G, Juneau  
Jill Klein, ADF&G, Anchorage  
Tom Taube, ADF&G, Juneau  
Lisa Olson, ADF&G, Anchorage  
Forrest Bowers, ADF&G, Juneau  
Administrative Record



**FEDERAL STAFF COMMENTS ON  
ALASKA BOARD OF FISHERIES PROPOSALS  
FOR THE  
STATEWIDE DUNGENESS CRAB,  
SHRIMP, AND MISCELANENOUS SHELLFISH**

**State of Alaska  
Board of Fisheries Meeting  
Anchorage, Alaska**

**March 6-9, 2018**





## **Federal Comments**

The following comments address these proposals only as they affect Federally-qualified subsistence users and resource conservation.

**PROPOSAL 230** seeks to allow the use of drift gillnets to harvest salmon for subsistence purposes in Yukon River Subdistricts 4-B and 4-C.

### **Current Federal Regulations**

#### *§100.27 Subsistence Taking of Fish*

*(e)(3)(xv) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:*

- (A) In Subdistrict 4A upstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;*
- (B) In Subdistrict 4A downstream from the mouth of Stink Creek, you may take Chinook salmon by drift gillnets less than 150 feet in length from June 10 through July 14;*
- (C) In the Yukon River mainstem, Subdistricts 4B and 4C you may take Chinook salmon during the weekly subsistence fishing opening(s) by drift gillnets no more than 150 feet long and no more than 35 meshes deep, from June 10 through July 14.*

### **Current State Regulations**

#### *5 AAC 01.220. Lawful gear and gear specifications*

*(e) In Districts 4, 5, and 6, salmon may not be taken for subsistence purposes by drift gillnets, except as follows:*

- (1) in Subdistrict 4-A upstream from the mouth of Stink Creek,
  - (A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;*
  - (B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets; and*
  - (C) chum salmon may be taken by drift gillnets after August 2;**
- (2) in Subdistrict 4-A downstream from the mouth of Stink Creek,
  - (A) king salmon may be taken by drift gillnets from June 10 through July 14, unless closed by emergency order;*
  - (B) from June 10 through August 2, the commissioner may open, by emergency order, fishing periods during which chum salmon may be taken by drift gillnets;**
- (3) a person may not operate a drift gillnet that is more than 150 feet in length*



*during the seasons as described in (1) and (2) of this subsection.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No. The Federal Subsistence Board will be accepting fisheries proposals in the spring of 2018 for deliberations during the winter of 2018-2019.

**Impacts to Federal subsistence users/fisheries:** Yes. If this proposal is adopted, Federally qualified subsistence users will be able to use the additional gear type of drift gillnet for salmon in most of Yukon River Subdistricts 4-B and 4-C in both Federal public and State managed waters. Since 2005, Federally qualified subsistence users are authorized to fish for salmon with drift gillnets in portions of Subdistricts 4B and 4C, which are within or adjacent to the external boundaries of the Nowitna National Wildlife Refuge (74 river miles) and the northern unit of the Innoko National Wildlife Refuge (16 river miles).

If this proposal is adopted, Federally qualified subsistence users using drift nets in this area may experience reduced cost due to traveling shorter distances to productive fishing locations. Set net and fishwheel users may experience increased competition by drift net fishermen who may fish near their established fishing sites. Adoption of this proposal is expected to result in some reallocation of salmon harvests within and upriver from Subdistricts 4B and C as drift gillnet use can be a more efficient gear type to target migrating Chinook Salmon in deeper mid channel portions of the Yukon River where Chinook Salmon typically migrate. This potential harvest may result in reallocation of salmon harvest depending upon harvest location and which stock(s) are passing through the subdistricts.

**Federal Position/Recommended Action: Support with Modification.** The Office of Subsistence Management supports providing opportunity and efficient gear types to harvest salmon when a harvestable surplus is available. Adoption of this proposal will expand the subsistence opportunity to fish for salmon with a drift gillnet in the area identified.

Both State and Federal fisheries managers maintain the authority to restrict the fishery by Emergency Order or Special Action if necessary for the conservation of Chinook Salmon or other species when required. Adoption of this proposal may increase subsistence users' efficiency and potentially result in some unknown increased level of salmon harvest with this gear type within Yukon River Subdistricts 4B and 4C.

The Office of Subsistence Management recommends modifying this proposal to include all of Subdistricts 4B and 4C instead of restricting the fishery area boundary to the Yuki River mouth. Additionally, the Office of Subsistence Management recommends modifying the season dates to allow drift gillnet usage in Subdistricts 4B and 4C to start June 10 and continue throughout the salmon season based upon abundance of the returns. Current federal regulations only allow drift gill nets to target Chinook Salmon from June 10 through July 14 in Subdistricts 4B and 4C.

This proposal seeks to allow using this gear for Chum Salmon from June 10 through August 2 by Emergency Order. Consequently, the upper portions of Subdistricts 4-B and 4-C would not be allowed to target Chum Salmon until after August 2 if an opportunity became available without this modification. Allowing subsistence users to fish with drift nets in the proposed additional area and season should not result in a significant increase in the harvest of Chinook or Chum Salmon. Both State and Federal managers have the inseason management authority to restrict the proposed fishery gear type liberation and usage when necessary.



The Office of Subsistence Management is neutral on the potential allocative impacts of adopting this proposal but supports additional harvest opportunity when a surplus is available.

**PROPOSAL 231** seeks to repeal the prohibition on subsistence fishing in Yukon River Districts 1 and 2 during the first pulse of Chinook Salmon.

### **Current Federal Regulations**

#### *§100.27 Subsistence Taking of Fish*

*(e)(3)(ii) For the Yukon River drainage, Federal subsistence fishing schedules, openings, closings, and fishing methods are the same as those issued for the subsistence taking of fish under Alaska Statutes (AS 16.05.060), unless superseded by a Federal Special Action.*

### **Current State Regulations**

#### *5 ACC 05.360. Yukon River King Salmon Management Plan.*

*(j) Notwithstanding the provisions of this section, the department shall manage the king salmon subsistence fishery in Districts 1 - 6 during the first pulse of the historical three distinctive pulses of king salmon that enter the Yukon River drainage, as follows:*

*(1) in Districts 1 and 2, to account for the uncertainty in the preseason king salmon run projection, the department shall manage the king salmon subsistence fishery conservatively and not open any subsistence fishing periods during the first pulse of king salmon entering the districts;*

**Is a similar issue being addressed by the Federal Subsistence Board?** No. The Federal Subsistence Board will be accepting fisheries proposals in the spring of 2018 for deliberations during the winter of 2018-2019.

**Impacts to Federal subsistence users/fisheries:** Yes. Adoption of this proposal may lead to additional opportunity to fish for Chinook Salmon in the Yukon River by Federally qualified subsistence users in the near term. Confidence in early in-season run assessment during passage of the first pulse through the lower river districts is low, but substantially improves later in the season and as fish migrate further upriver. Adoption of this proposal may lead to over exploitation during years of low abundance potentially leading to restrictions and pulse protections to achieve escapement goals, Treaty obligations, and disproportionate subsistence fishing opportunities in the various districts of the Yukon River. Adoption of this proposal may lead to over exploitation of early and weak Chinook Salmon returns during years when management tools may not provide high resolution of early season abundance and timing.

**Federal Position/Recommended Action: Oppose.** The Office of Subsistence Management will oppose elimination of pulse protection management practices until Chinook Salmon are no longer designated a “stock of yield concern”. Pulse protection of Chinook Salmon in the Yukon River has been a successfully utilized management practice through regulation in recent years of below average abundance. Current fisheries management regulations were established and founded upon requiring a precautionary approach. The proposed elimination of pulse protection



management in the Yukon River may lead to modification of inriver harvest allocations between different portions of the watershed. Adoption of this proposal may lead to unintentional or unintended excessive harvest rates due to uncertain assessment of early Chinook Salmon pulses in the lower Yukon River which may lead to upriver fisheries restrictions and may increase the possibilities of not meeting established goals and the various spawning needs for these Yukon River Chinook Salmon Stocks.

The Office of Subsistence Management is neutral on the potential allocative impacts of adopting this proposal but supports additional harvest opportunity when a surplus is available.



October 4, 2017

Alaska Department of fish and game

Board of Fisheries

PO Box 115526

Juneau, AK 99811

Re: Agenda Change request

I am a subsistence fisherwoman for the past 30 years here in galena, and my husband has to go 30 miles below galena to go fishing for our family which is a real hardship for our family, because we have to pay \$6.00 a gallon for gas and it takes 20 gallons or more to go on one fishing trip to get our fish and somedays when he goes all the way to Koyukuk and he will come home with one fish after fishing all nite, and being so tired from drifting and having to drive 30 miles on the river to get home is so dangerous, hes so tired he tries to fall asleep driving, and for only one fish is so costly for us, So I am asking you to please put this on the agenda in the spring for us to be able to drift/sein closer to our village,

Thank you,

A handwritten signature in cursive script that reads "Paula Sommer".

Paula Sommer

Po BOX 93

Galena, Ak 99741

February 23, 2018

Alaska Department of Fish and Game  
Board of Fisheries  
PO Box 115526  
Juneau, AK 99811  
Via email: [dfg.bof.comments@alaska.gov](mailto:dfg.bof.comments@alaska.gov)

RE: Comments on Statewide meeting Miscellaneous Agenda March 6-9, 2018

Dear Chairman Jensen and Board of Fisheries Members,

Petersburg Vessel Owner's Association (PVOA) is composed of over 100 members participating in a wide variety of species and gear type fisheries in state and federally managed waters. An additional thirty businesses supportive to our industry are members. PVOA members fish throughout Alaska from Southeast to the Bering Sea. Targeted species include salmon, herring, halibut, sablefish, crab, shrimp, sea cucumbers, and geoducks.

PVOA has the following concerns and suggestions regarding the following Miscellaneous Agenda items.

***North Pacific Fishery Management Council Gulf of Alaska Chinook salmon Prohibited Species Catch Limit Alteration***

In February, the North Pacific Fishery Management Council asked for an additional Initial Review of the proposed increase of Chinook salmon Prohibited Species Catch (PSC) in non-pollock trawl fisheries for further analysis. The next analysis, among other requests, includes the following requests pertaining to Southeast Chinook stocks: a discussion of Chinook stocks throughout the West Coast including stocks outside of Alaska, a descriptions of Stock-of-Concern, trends in management and escapement goals, recent management actions in directed Chinook fisheries, and an analysis of the likelihood by catch Chinook are wild-origin or hatchery-origin.

As the Board of Fisheries is responsible for the management of Chinook salmon in the directed fisheries in Alaska and took many conservative measures to protect Chinook salmon at the recent Southeast meeting, we ask the board write NPFMC to help guide them in their discussion of this matter.

A letter from the Board of Fisheries should help explain to the NPFMC recent action plans taken regarding the directed Chinook subsistence, personal use, and commercial fisheries, and the designation of the Chilkat River, Unuk River, and King Salmon River as 'Stocks of Concern.'

It would also be relevant to note several rivers in Southeast have pre-season forecasts for 2018 below escapement goals including the Situk River, Chilkat River, Taku River, Stikine River, and Unuk River (December 22, 2017 Southeast Chinook Forecasts).

According to the staff analysis and the most recent available data on GOA PSC caught Chinook stock genetics, *'roughly 15% come from Southeast Alaska (C3 GOA Chinook PSC February 2018 page 14).'* While Chinook stocks are being rebuilt, we ask the board consider the need for PSC fisheries to help share in our conservation measures.

There have been recent NPFMC efforts to aid the non-pollock trawl sector in assuring they have the PSC available to prosecute their fisheries. In 2017, Amendment 103 was implemented and gave NMFS the authority to reapportion Chinook salmon PSC inseason, between trawl sectors, on their own discretion. This action was passed as a management tool to prevent a situation where a sector could not meet an unexpected need for Chinook PSC. There has not yet been sufficient time to identify if this is an adequate program or not.

### ***Sea Otter Depredation***

As you know, sea otter predation has been an increasing problem and recurring theme at Board of Fisheries meetings in Southeast. We request the board write a letter to Secretary Zinke, Alaska's Congressional Delegation, and Governor Walker expressing the need for a sea otter management plan and the impacts of the expanding biomass on shellfish resources managed by the board.

Between 1965 and 1969 ADF&G released 400 sea otters in six locations in Southeast, in the absence of a management plan, the biomass has grown to an estimated 25,712 according to the most recent data from the United States Fish and Wildlife Service from 2012.

USFWS further estimates the growth rate of Northern sea otters in Southeast is 12-14% per year and that the stock in Southeast Alaska in 2012 had doubled since 2003.

At the time of the last report, estimated potential biological removals in Southeast are 2,147 per year, while human removals only account for 447.

The Southcentral and Southeast Alaska stocks are neither listed as "depleted" under the Marine Mammal Protection Act or listed as "threatened" or "endangered" under the Endangered Species Act, nor are they likely to be listed as such in the foreseeable future according to USFWS<sup>1</sup>.

The growing sea otter population has created an ecosystem imbalance resulting in declining subsistence and commercial harvests of shellfish.

The Marine Mammal Protection Act governs the harvest and use of sea otters. We

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<sup>1</sup> *U.S. Fish and Wildlife Service* (Rep.). (2014, April). Retrieved February 23, 2018, from Stock Assessment Report: Sea Otter, Southeast Alaska Stock website: [https://www.fws.gov/alaska/fisheries/mmm/stock/Revised\\_April\\_2014\\_Southeast\\_Alaska\\_Sea\\_Otter\\_SAR.pdf](https://www.fws.gov/alaska/fisheries/mmm/stock/Revised_April_2014_Southeast_Alaska_Sea_Otter_SAR.pdf)

recommend the following possible amendments to the MMPA to increase the profitability of harvest of sea otters and shellfish resources for coastal communities:

-Request ADF&G be given authority to establish a plan for sea otter management that will maintain a sustainable ecosystem-based harvest of sea otters and shellfish resources.

-Allow the sale and foreign export of sea otter pelts.

-Allow Non-Native Alaskans to assist in the harvest of sea otters through transportation or other guide like services.

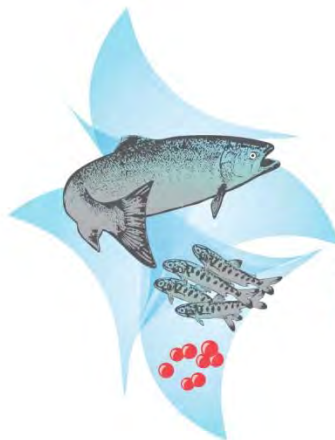
Thank you for your time and dedication in considering our concerns for Chinook salmon and the need for a sea otter management plan. As always, we are happy to answer any question.

Respectfully,



Megan O'Neil  
Executive Director





Prince William Sound  
Aquaculture Corporation  
DEVELOPING SUSTAINABLE SALMON FISHERIES  
FOR ALASKA AND THE WORLD

February 16, 2018

Chairman John Jensen  
Alaska Board of Fisheries  
Boards Support Section  
PO Box 115526  
Juneau, AK 99811

**RE: Comments on an emergency petition regarding Prince William Sound hatchery pink salmon straying into Lower Cook Inlet streams**

Dear Chairman Jensen and Alaska Board of Fisheries Members:

The Prince William Sound Aquaculture Corporation (PWSAC) would like to submit the following comments to the Alaska Board of Fisheries for consideration with respect to recent results of Alaska Department of Fish and Game (ADF&G) pink salmon stock composition sampling in Lower Cook Inlet (LCI), and the December 30 emergency petition requesting the Alaska Board of Fisheries to conduct a review to assess the interaction between wild and hatchery-produced pink salmon in LCI.

At this time, we would like the board to consider the totality of work previously completed and currently underway to address the public's concerns. ADF&G, in partnership with Alaska's hatchery operators and the state's salmon processors, has designed and implemented a 10-year study on the interaction of hatchery fish and wild salmon stocks which is commonly referred to as "The Hatchery-Wild Interaction (HWI) Study." The field work for this project has been conducted under contract by the Prince William Sound Science Center and the Sitka Sound Science Center beginning in 2012. The goal of this work is to better understand the exact issues raised by the emergency petition submitted as RC027 at the board's Southeast Alaska Shellfish and Finfish meeting, held in Sitka from January 11–23. PWSAC believes that it is premature to take any action on this request until the work currently underway is completed.

The modern Alaska salmon hatchery system was established in the early 1970's, at which point the potential for detrimental effects of hatchery production on wild stocks was identified. To avoid some of the negative impacts associated with hatchery production elsewhere in the Pacific Northwest, Alaska established policies and practices in the 1980s to ameliorate risks. Further, ADF&G conducts ongoing research to look into many aspects of the state's salmon hatchery system, and makes policy modifications as necessary. PWSAC believes that this history of research, review, and modification should be recognized when considering this emergency petition request, as the sustainable management of Alaska's resources has always been the state's priority.

**DEVELOPING SUSTAINABLE SALMON FISHERIES  
FOR ALASKA AND THE WORLD**

P.O. Box 1110 · Cordova, Alaska 99574  
P. 907 424 7511 · F. 907 424 7514

[www.pwsac.com](http://www.pwsac.com)



The emergency petition as submitted references the following Alaskan statutes and regulation

- AS 16.05.730. Management of Wild and Enhanced Stocks of Fish
- AS 16.05.831. Waste of Salmon
- 5 AAC 39.220. Policy for the Management of Mixed Stock Salmon Fisheries
- 5 AAC 39.222. Policy for the Management of Sustainable Salmon Fisheries
- 5 AAC 39.223. Policy for Statewide Salmon Escapement Goals

We note that these policies all reference the priority of wild salmon stock management in Alaska, and believe that the department strictly adheres to these regulations when managing the state's salmon fisheries. Current and previous research has been utilized to ensure that fishery managers are meeting the objectives as set out in policy, and can be seen in the success of wild salmon runs across the State of Alaska since the hatchery program's inception.

The Alaska Salmon hatchery program has a significant economic impact on the Alaska economy. While PWSAC only serves the Prince William Sound area, the contribution to the regional, state and national economy is significant. The last formal economic impact analysis conducted by the McDowell group on behalf of PWSAC was completed in 2012; the average annual total economic impact between 2007 and 2011 was \$51.3 million. Since this study, PWSAC raised fish have generated \$272.3 million in ex-vessel value to area fishermen, and roughly \$544.6 million in first wholesale value between 2012 and 2017.

PWSAC serves all salmon stakeholders in Area E, and is responsible for developing sustainable fisheries for Alaska and the world. This mission is completed by responsibly enhancing salmon fisheries while considering the sustainability of wild salmon in PWS. This role is taken seriously, and while we understand the genesis for the emergency petition currently under consideration, we feel that the recommendations put forth by the petition are premature and ask that the Board of Fisheries allows the scientific process as laid out in the HWI Study to be completed before taking or recommending any action.

Thank you for your consideration.

Sincerely,

Casey Campbell  
*General Manager/CEO*  
*Prince William Sound Aquaculture Corporation*

**DEVELOPING SUSTAINABLE SALMON FISHERIES  
FOR ALASKA AND THE WORLD**

P.O. Box 1110 · Cordova, Alaska 99574  
P. 907 424 7511 · F. 907 424 7514

[www.pwsac.com](http://www.pwsac.com)

To: Board of Fish

On behalf of the Rampart Village Council we are in full support of Proposal 230 submitted by Louden, Nulato and Koyukuk Tribes. This will allow the local residents the use of drift gillnets to harvest salmon for subsistence purposes in the Yukon River sub-districts 4-B and 4-C.

Local subsistence users understand that the environment is changing. This was demonstrated by the flood of 2013. This flood changed the river and demolished major areas that were used as set net sites. Locals should not have to leave their traditional sites to fish in another village's traditional use area.

Thank you.

Sincerely



Floyd Green, 1<sup>st</sup> Chief/Executive Director



Submitted By  
Randy Moseman  
Submitted On  
2/20/2018 6:49:53 PM  
Affiliation  
n/a

Phone  
9076024002  
Email  
[rmoseman@hotmail.com](mailto:rmoseman@hotmail.com)  
Address  
12821 Huffman Circle  
Anchorage, Alaska 99516

Hello,

I would like to provide the following comments to the 2018 BOF proposals for the March 6-9, 2018 meetings:

**Prop 216:** I strongly disagree with this proposal. Every year I have family and friends that come to visit and they want to watch and help with Shrimping in PWS. They register and print out their shrimp permits and then they help with the process. Making users register prior to May 1 would eliminate the opportunity for friends and family who live out of town and out of state to get a permit without months of prior planning. These people usually shrimp with me for 1 day. These types of applications (after May 1) do NOT have much of an impact on the non-commercial PWS shrimp numbers (I would be shrimping anyway and the numbers would go on my permit anyway).

**Prop 217:** Neutral position on adding octopus specific gear to the non-commercial shrimp pot lines.

**Prop 218:** I disagree with proposition 218 changing the non-commercial shrimp opening date from April 15 to May 1st. The argument stating that more egg laden females are harvested early does NOT reflect my shrimping results in PWS. We catch far more eggers later in the current season than in the first month of the season. We catch more "eggers" in July than we do in April – and we have approximately the same amount of soak time in both months. I also disagree that more pots are lost early in the season. If shrimpers are setting near ice flows it doesn't matter if it is April or July because the ice still exists in glacial bays. If I had to vote on any opportunity loss of our non-commercial shrimping season it would need to occur in the last two weeks of the season (ie. Sept 1-15).

**Prop 219:** See Prop 218 comments above.

**Prop 220:** I totally disagree with prop 220 in its totality. Summer shrimping is part of a family tradition for us. Taking away our summer opportunity to shrimp and enjoy our Alaskan resource is NOT acceptable. There is a winter crab personal use fishery that takes place from October – March and that fishery would get in the way of shrimping. Accessing PWS in the winter is more difficult for most sport fisherman. Safety is of more concern during the cold winter months in PWS.

**Prop 221:** I disagree with prop 221. The current commercial zone rotation has contributed to the sustainability of the Shrimp resource in PWS. Change the issues that need changed and not the issues that do not. This is not a sustainability issue at this point in time. Leave it alone. I do not believe that any of the commercial shrimping vessels in PWS have difficulty accessing the rotating zones where they are allowed to fish for shrimp. The harvest numbers for the commercial shrimp fishery for the last several years do NOT reflect that the opportunity to harvest the GHF has been a problem. Again – it works. Leave it alone.

**Prop 222:** I disagree with prop 222. The current zone rotation is effective as currently regulated. Leave it alone. It allows the non-commercial shrimpers to stay out of the way of the commercial fleet.

**Prop 223:** I strongly disagree with elimination of the TAH for PWS shrimp. The TAH has proved to be a successful tool in historical management of the PWS shrimp fishery. Furthermore, the economic benefit that the sportfishing shrimpers in PWS bring to the Southcentral Alaska region is much more significant than any increase to the commercial shrimpery could ever be. The resources of Alaska are for Alaskans. Don't let the commercial industry kill off this viable sustainable resource for the sportfisherman of SC.

**Prop 224:** I disagree with prop 224. The current regulation has proven to be sustainable over the last several years in PWS. It works. Leave it alone. Reducing the non-commercial split and increasing the commercial split of the TAH would severely reduce opportunity for sport shrimpers in PWS. The amount of shrimpers in PWS in pure numbers far outweighs the commercial's needs to bring in more dollars. The existing regulation is working – leave it alone. If the TAH drops below 110K lbs it makes sense to eliminate the dollar hungry commercial entity in order to keep the group that utilizes the resource on an individual basis the most. I personally have purchased the amazing commercial product that this proposal mentions and it is not as high of quality as what we harvest personally. I don't believe that the commercial boats/crew take the time necessary to bring this excellent resource to market with the same high quality that we do personally/recreationally – that argument doesn't hold water. We personally take what we know we will eat and no more. We have no waste of this resource. We are able to enjoy a small amount of PWS throughout the winter until the next season – even when the

commercial, lesser quality, resource is not available for purchase. I would support a lower TAH goal for all users of the resource in PWS. I do believe that the current TAH is set too high.



**Prop 225:** I completely disagree with proposal 225. The first reference of the proposal is “unbalanced allocation which favors a small minority of resource users.” Is FALSE. What are the real numbers of users that are commercial shrimpers (and those that they sell the shrimp to) and recreational shrimpers? I do not believe that the recreational shrimpers in PWS are a “small minority”. There were over 2500 registered shrimp permits in PWS that soaked pots. How many users were there commercially? This is a greedy proposal to take away from the average PWS sportfisherman. The economic benefit to SC Alaska provided by the recreational shrimping users in PWS is much higher than the few commercial boat owners put in their personal bank accounts. The current 40/60 split is working and is sustainable. There are more recreational shrimpers in PWS than in the past (from personal on the water experience over the last 10 years) and the numbers will increase in the future. Taking away from recreational allocation to line the pockets of a few commercial boat owners is not acceptable. The final statement of the proposal appears to be make believe. Does the recreational shrimping fleet represent 1% of the users of this resource when the rec fleet harvested 60% of the resource? There are a LOT of recreational shrimpers in PWS – approximately 2500 of them that are active users – and that doesn’t include the other people on the boats – you can triple or even quadruple that number of people that enjoy recreationally the resource. Does all of the 67,000lb commercial product get sold (no it does not).

**Prop 226:** I completely disagree with Jon Van Hying’s proposal 226 to reduce the closed waters in PWS for the commercial trawl shrimp fishery. I don’t believe that the Trawl fishery harvest numbers are included in the PWS TAH...? So now the commercial shrimp trawl fishery wants to drag the bottom around Montegue and Knowles Head (as identified within the proposal). I disagree with all wasteful methods of Trawling and I definitely cannot agree to opening up more water (around Seal rocks....- imagine the bycatch). There have been no studies performed by ADFG Biologists on tanner and king crab in this area – how is it possible that Mr. Hying knows that there are no tanner crab in this area? Leave it closed – the only thing it may be hurting is the silver lining in some bank accounts.

**Proposal 227:** I am in agreement to reducing the PWS shrimp trawl fishery.

Thank You for the opportunity to provide comments on these proposals.

Randy



Submitted By  
Richard Person  
Submitted On  
2/23/2018 5:09:27 PM  
Affiliation

Phone  
907-240-3678

Email  
[rpc@gci.net](mailto:rpc@gci.net)

Address  
24120 Rambler road  
Chugiak, Alaska 99567

#### Proposal 216 **Support**

I am the author of this proposal. It is not intended to be an encumbrance or avenue to hinder participation in the non-commercial PWS shrimp fishery. It is, an attempt to bring some form of **in-season** management for the non-commercial portion of the harvest. Non-commercial harvesters are allocated 60% of the TAH, which they have exceeded some years, and so can have a significant impact on shrimp stocks.

Currently the only management strategy in place is to adjust the number of pots per permit pre-season. This has not always achieved the desired results.

Proposal 218 Oppose

Proposal 219 Oppose

Proposal 220 Oppose

Proposal 221 Support

Proposal 224 Support

This proposal seeks to include the non-commercial harvest in **sharing the burden of conservation** which currently it does not.

Proposal 225 Support

Thank you for taking the time to read and consider my thoughts. I look forward to discussing them in person soon. Richard Person



Alaska Department of Fish and Game  
Boards Support Section  
[Dfg.bof.comments@alaska.gov](mailto:Dfg.bof.comments@alaska.gov)

February 23, 2018

RE. Support for Standing Hatchery Committee

Dear Chairman Jensen and Board Members,

It is apparent that there is a gap in management oversight of salmon hatchery operation with a total lack of data and concern as to the total effect to "The People's" Wild Stocks of Salmon.

This has come to the attention of the citizens of the Cook Inlet Region, especially during the summer of 2017 when there were vast quantities of stray pink salmon in areas where their population was not intended to impact wild salmon. The amount of pink salmon carcasses in the anadromous water bodies and beaches of Kachemak Bay & Lower Cook Inlet and the Gulf of Alaska was unparalleled.

It is very apparent that the Alaska Board of Fish needs to establish under statute, a Standing Hatchery Committee. This committee, to be effective, must be comprised of members with no agenda in the industry but leaders in the fields of species science so as to provide unbiased information on the issues. Numerous laws obligate the Alaska Dept. of Fish and Game to protect wild salmon stocks from hatchery stocks. The existing Regional Planning Team system appears to be inhabited by a majority of members with interest in hatchery success at the expense to Alaska's Wild Salmon Stocks.

Alaska Department of Fish and Game Genetic Policy states that "gene flow from hatchery fish straying and intermingling with wild stocks may have significant detrimental effects on Wild Stocks. First priority will be given to protection of wild stocks from possible harmful interactions with introduced stocks..." In light of its neglect of the above, the Department cannot be said to be prioritizing the protection of wild stocks. The Board must help the Department prioritize wild stocks.

In closing we ask the Alaska Board of Fish regain the public trust by establishing a Standing Hatchery Committee to provide an unbiased management plan for hatchery salmon before wild stocks are eradicated.

Respectfully

Robert E. Archibald

PO Box 2460  
Homer, Alaska 99603



# ALASKA STATE LEGISLATURE



Senator Donald C. Olson  
Room 510  
(907) 465-3707

Alaska State Capitol  
Juneau, Alaska 99801-1182

Representative Neal Foster  
Room 410  
(907) 465-3789

February 12, 2018

To whom it may concern:

Re: Support of Proposal 230

We are writing this in support of drift net use between Galena and Ruby. Currently, residents are prohibited from using drift nets for subsistence purposes between those cities on the Yukon River.

Most of Galena fishers travel down to Sub-district 4-A and fish with drift nets in front of Koyukuk because there are not enough fish set net and/or fishwheel spots in their area. Local people believe that fishing in their own area would allow a bigger escapement because fishers do not have to catch as much fish to make the long trip worth it. Fishers only take what is needed for their own use. Commercial fishing in Galena has not been present for many years. Having to travel to fish costs them several hundred dollars in gas, and they also report that water temperatures in recent years has negatively impacted the quality of fish harvested. The fish spoils much faster in warmer waters. Thus, the current regulation is causing an economic burden to Galena's subsistence users.

We fully support and respectfully request favorable consideration of the request to allow drift net use on the Yukon River between Galena and Ruby.

Sincerely,

Senator Donald Olson  
Senate District T

Representative Neal Foster  
House District 39

Cc: Chris Reitan, Superintendent, Galena City Schools  
Shanda Huntington, City Manager, City of Galena





**SENATOR GARY STEVENS**  
305 Center Ave, STE 1  
Kodiak, AK 99615  
(907) 486-4925  
Fax (907) 486-5264

**REPRESENTATIVE LOUISE STUTES**  
305 Center Ave, STE 1  
Kodiak, AK 99615  
(907) 486-8872  
Fax (907) 486-5264

## **SENATE DISTRICT P HOUSE DISTRICT 32**

February 21<sup>st</sup>, 2018

To: John Jensen, Chairman, Alaska Board of Fisheries  
RE: Reconsideration of Proposal 165

Chairman Jensen and Members of the Board of Fisheries,

We are writing on behalf of our constituents in Yakutat regarding action taken by the Board of Fisheries on Proposal 165 at the recent meeting in Sitka. Specifically, we are respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please formulate a board-generated proposal that mirrors the original language in Proposal 165, put it out for public notice, and hold a special meeting in April to take up the proposal.

Proposal 165, as noticed, was viewed by user groups as a housekeeping measure, but what was ultimately voted on after it was amended was a very substantive shift in allocation that will effectively cripple commercial fishing activities on the river. In our opinion, the public notice did not align with the intent of the Alaska Administrative Procedures Act. The result was that there was a lack of representation at the meeting from the community of Yakutat.

This effort to segregate commercial and sports fishermen on the river through the Board process is nothing new. It has been attempted multiple times and has been fully discussed, considered, and defeated or overturned under reconsideration every time. Please note Proposal 301, which failed 3-4 upon reconsideration, as well as ACR 9 from the 2012 October work session that also failed 3-4. Proposal 247, which failed 1-6, in March of 2013 was much of the same. Because of this ongoing effort, a group of local entities and individuals approached the Board and set in place a process to form the Tsiu River stakeholders working group.



This group was formed with the expressed purpose of engaging in a collaborative process with all stakeholders on the river to address concerns of user groups. Participants include lodge owners, Yakutat Seafoods, guide businesses, subsistence users, commercial and sports fishermen, Yakutat Coastal Airlines, the City and Borough of Yakutat (CBY), and the Alaska Department of Fish and Game. Since the formation of the working group, annual meetings have been held in accordance with the agreement with the Board and conflicts have not been evident. All stakeholders were invited to participate, and it has been very successful in resolving any conflicts that have arisen between user groups.

Aside from that, CBY has expended \$118,000 on operations and infrastructure development to establish a policing presence on the grounds and charter flights for working group attendees. Proposal 165, as amended by RC 331, subverts an agreement with the Board of Fisheries, as well as a collaborative public process that has been effective in keeping user groups happy with access to their respective fisheries.

Moreover, this will have a large negative impact on Yakutat's economy. CBY depends on fishing revenue. Currently, Yakutat faces a financial crisis with the loss of USFS Rural School funds and Federal payments in lieu of taxes, with an expected loss in 2018/19 of \$600,000 out of an annual budget of \$3,000,000. The 1% Raw Fish Tax from commercial operations is now even more critical to CBY. Local fishermen and their families, Yakutat Seafoods, and other local businesses also depend on this commercial fishery. Simply put, it is vital to the local economy.

We believe the amount of goodwill, hard work, and financial investment put in to making the Tsiu River fishery one which is equitable and transparent to all users is a testament to how well a fishery can be managed when stakeholders come together to preserve a resource on which they all depend.

Reconsideration of the amended proposal and allowing stakeholders the opportunity to weigh in on their precious resource will send a signal that the Board of Fisheries recognizes that the public process is not only encouraged, but essential to fisheries management.

Again, we urge a swift resolution of this matter prior to the upcoming fishing season and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Stevens", with a long horizontal flourish extending to the right.

Senator Gary Stevens

A handwritten signature in black ink, appearing to read "Louise Stutes", written in a cursive style.

Representative Louise Stutes



## CITY & BOROUGH of YAKUTAT

P.O. Box 160  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3281



Board of Fisheries  
State of Alaska  
Department of Fish and Game  
PO Box 115526  
Juneau, Alaska 99811-5526

February 20, 2018

Dear Board Members,

The City and Borough of Yakutat strongly opposes action taken on Proposal 165, as amended by RC 331 at the recent meeting in Sitka. This proposal was not properly noticed, which did not allow for Borough, Community, and Tsiu Stakeholder comment and involvement in this public process. Please take up reconsideration of this proposal, or make a board proposal to readdress the situation on the Tsiu River. If this is not possible, please generate a proposal, properly notice it, and hold a special meeting in April to take up that proposal. It is urgent that this be addressed prior to the 2018 commercial set-gillnet fishing season on the Tsiu River.

The Tsiu River fishery is crucial to the financial health of the community and the continued operations of the sole seafood processing plant located in Yakutat. The Tsiu is located wholly within the Yakutat Borough, and its coho salmon harvest makes up a significant proportion of the total coho harvest for the Yakutat area. The two main coho commercial fishing areas in Yakutat are the Situk and the Tsiu. In some years the Tsiu River can make up greater than 50% of the total harvest for the entire area. That harvest is critical to the plant's continued operations.

The seafood plant itself plays an essential role in the Borough's economy. Yakutat with approximately 550 residents, is a fishing community. The plant employs several borough residents year round, and 10 – 15 residents annually, with a local hire policy. It services the entire Yakutat area fishery. If this plant closes, the chance of another plant coming into Yakutat to open a plant, particularly in the absence of the Tsiu fish to make up the needed annual poundage of fish purchased, is slim. This potentially would leave no buyer for the locally caught seafood. Without a buyer, the economy of the area would be devastated, and would severely impact the livelihoods of many of the Borough's residents.

This City and Borough of Yakutat has invested significant time and funding in an effort to resolve the conflicts that used to occur on the Tsiu. In an agreement with the Board, Yakutat has provided administrative and enforcement presence during commercial fishing operations to monitor and encourage cooperation between user groups. I have personally spent several weeks since 2014 on the grounds at Tsiu, working with Stakeholder's to move forward in the area in clean-up of old camps, management of operator leases, and conflict resolution. There has been very minimal conflict between user groups, although I did see some conflict within user groups over several summer seasons.



Primarily, conflicts have arisen when sport fishing groups compete for use in small areas. My impression I have had with the interactions with commercial fishing operations is one of curiosity and interest amongst the sports fishermen. The operations of the set-gillnet fishery fascinate them, and they have interacted primarily in a friendly manner. I have spent significant time communicating with lodge owners and operators on the ground, listening to their concerns, suggestions and ideas, and have brought those back to the Borough management, Borough Assembly, and Planning and Zoning Commission. The enforcement officers who have spent several weeks each year on the Tsiu, operating out of a Borough built and owned facility, has been the same. We have a very comprehensive report on the operations of the busy 2016 season, written by a retired Alaska State Trooper, which gives a very clear picture of the present situation on the Tsiu. This report is available if there is an interest in investigating how the operations have been conducted.

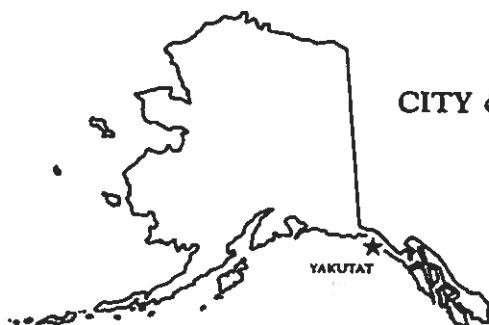
The continued attempt to sabotage the Tsiu Stakeholder efforts by a single individual, and create continued conflict amongst the user groups is disappointing. A majority of sport fishing lodge owners and operators, commercial fishermen, agency staff, and Borough representatives have attended the Stakeholder meeting each year, held in the third week of August just prior to the start of commercial fishing. Questions have been asked and answered, suggestions made and received, and conflict has been held to a minimum since the Stakeholder's group was formed. The individual who continues to push this agenda of separating user groups has not been an involved participant, and has been indirectly through lodge staff, involved in conflicts amongst his own user group. This does not indicate a cooperative effort as required by the Board of Fish, in dealing with this problem in the past. Giving credence to his complaints, with no opportunity to respond by other Stakeholders is a frustration after all of the effort put forth on the part of almost every single other Stakeholder over the last 5 years.

Please reconsider Proposal 165 as amended by RC 331, and let us show you the real picture of ongoing operations on the Tsiu River.

Respectfully,

A handwritten signature in black ink, appearing to read "Rhonda R. Coston".

Rhonda R. Coston  
Borough Planner  
Yakutat, Alaska



## CITY & BOROUGH of YAKUTAT

P.O. Box 160  
Yakutat, Alaska 99689  
Phone (907) 784-3323  
Fax (907) 784-3281

February 21, 2018

Chairman Jensen and members of the Alaska Board of Fisheries,

I am writing today regarding action taken by the Alaska Board of Fish on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal.

The City and Borough of Yakutat depends on fishing revenue for our financial survival. CBY values the contribution to our economy of both sport and commercial fishing equally. Currently, Yakutat faces a financial crisis with the loss of USFS Rural School funds and Federal Payments in Lieu of Taxes (PILT) with an expected loss in 2018/19 of six hundred thousand dollars out of an annual budget of three million. The 1% fish tax from commercial operations is now even more critical to help CBY weather this financial storm. CBY took action five years ago by build a Tsiu River police sub-station, manning it during the commercial season, holding annual Tsiu River Stakeholders meetings, spending one hundred and eighteen thousand dollars on Tsiu River infrastructure and hours of Borough personnel time to make the commercial and sport fishing thrive in the Tsiu River area. It is unfortunate that at the time of financial crisis the actions of the BOF essential shut down commercial fishing on the Tsiu River.

The Borough of Yakutat is respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River as soon as possible. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal.

Yours Truly;

A handwritten signature in black ink, appearing to read "Jon Erickson".

Jon Erickson EdD  
City and Borough Manager  
PO Box 160  
Yakutat, AK 99689  
Office (907) 784-3323 x.103



## CITY & BOROUGH of YAKUTAT

P.O. Box 160  
Yakutat, Alaska 99689  
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February 21, 2018

Chairman Jensen and members of the Alaska Board of Fisheries,

I am writing today regarding action taken by the Alaska Board of Fish on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the location of the marker. However, what ultimately passed by a vote of 5-2 was a shift in allocation that will have disastrous effects on Yakutat's economy.

PROPOSAL 165 is the same effort made repeatedly over the last several years, by the same interested parties, to gain exclusive use of a portion of the Tsiu River.

This proposal would close to commercial fishing the upper one-half of the portion of the river. The great majority of commercial fishing takes place within that upper portion of the river, as the bottom half, to which the proposal would relegate the 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. 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 problem raised by the sport fishermen is a user conflict, and one which is already being addressed by the actions of the Borough and Tsiu Stakeholders. The Yakutat Borough has spent over \$118,000.00 in stake holder meetings, on-site law enforcement presence when commercial fishing is open, and a Tsiu cabin for administration and enforcement presence. Further, CBY has held an annual Tsiu Stake Holders Meeting at the Tsiu River for the last 5 years, and provided transport




for management agency staff, Borough representation by staff and Assembly members, and enforcement officers to meet on the grounds with lodge owners, fishermen, and any interested parties.

Notably, while this proposal is being advocated as necessary to reduce conflict between the 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. The sport fishermen would be the only beneficiaries of an exclusive use zone, while still having free use of the downstream portion of the river. Additionally, conflicts have been mitigated by stakeholder communication and cooperation, with no notable conflicts occurring since the Tsiu Stakeholder agreement was created.

Tsiu River stakeholders overall themselves are not in favor of this proposal. A number of commercial fishermen, sport fishing 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. It is troubling that this proposal, which would significantly jeopardize commercial fishing operations on the Tsiu River for reasons unrelated to biology or science, was even considered, denying opportunity for fair public participation.

The Borough of Yakutat is respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River as soon as possible. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal.

Respectfully:



Mayor Ralph Wolfe  
PO Box 160  
Yakutat, AK 99689  
Office (907) 784-3323



# Yakutat Tlingit Tribe

606 Forest Hwy. 10 \* P.O. Box 418 \* Yakutat, Alaska 99689  
Phone (907) 784-3238 \* Fax (907) 784-3595 \* [www.yttribe.org](http://www.yttribe.org)



February 16, 2018

John Jensen, Chairman  
Board of Fisheries  
Alaska Department of Fish and Game

RE: Proposal 165

Chairman Jensen and members of the Board of Fisheries,

I am writing today regarding action taken by the Board on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the marker. However, what ultimately passed by a vote of 5-2 was a shift in allocation that will have disastrous effects on Yakutat's economy.

Residents of Yakutat and the Tsiu stakeholders group have a long history of cooperation between end users on the Tsiu and we believe that these types of issues should follow due process before rules are put in place that will undoubtedly have a very large negative impact on commercial fisherman, their families, and the community in general.

I look forward to hearing from the Board of Fisheries on this issue to begin dialogue on how we proceed in a fair and just manner.

Sincerely,

Nathan J Moulton  
Executive Director

To preserve, maintain and protect the unique culture, land & resources of Yakutat Tlingit people;  
to maximize our social, health & well being while creating economic development benefits to all tribal members







John Jensen, Chair  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, Alaska 99801

Re: Reconsideration of Proposal 165

Dear Chairman Jensen and Members of the Board:

CDFU is a non-profit membership organization representing over 900 commercial fishing families working in the Prince William Sound, the Copper River Delta, and the north central Gulf of Alaska. It is our mission to preserve, promote, and perpetuate the commercial fishing industry in Alaska's Area E.

CDFU is requesting that the Alaska Board of Fisheries review and reconsider their action on Proposal 165 as amended by (RC) 331 heard at the January 2018 Southeast Finfish meeting in Sitka. Failing reconsideration, we request the Board generate a publicly noticed proposal and hold a special meeting allowing stakeholder input regarding the language and intent of RC 331 and the resultant allocative shift.

The ADF&G submitted proposal 165 intended to correct the closed waters area description for the Tsiu River, which had been rendered inapplicable by natural changes in the river's channeling. It was considered by it's authors as simple administrative housekeeping.

During subsequent deliberations, RC 331 was submitted and adopted as substitute language for proposal 165. The language in RC 331 went far astray from the intent of the original proposal and effectively shut down the commercial set-net fishery on the Tsiu.

It is our concern that the Board had insufficient information and input to responsibly deliberate RC 331. In our view this resulted in an unintended subversion of public process as a housekeeping proposal morphed into a major reallocation. Equally concerning is the displacement a local commercial fishing fleet from a fishery heavily economically depended upon by the rural coastal community of Yakutat.

We thank you in advance for your consideration of our concerns,

Sincerely, Curt Herschleb  
Acting Chairman, Cordova District Fishermen United.



## Email from Tsiu River Lodge Owner

From: **greg dierick** <[tsiuriver@gmail.com](mailto:tsiuriver@gmail.com)>

Date: Wed, Feb 7, 2018 at 4:55 PM

Subject: TSIU RIVER Opposition to the boards proposal to close half the river to commercial fishing

To: [jensenboat@gmail.com](mailto:jensenboat@gmail.com)

Hi John,

My name is Greg Dierick, I am a lodge owner on the Tsiu river who has operated for 21 years now and have also commercially fished it for 19 years before building my lodge there,

I am writing this letter to try to get the board to reconsider its decision to close half the river to commercial fishing as this would make it very hard, and almost impossible for them to make a living there and would take much needed revenue away for the city and borough of yakutat, along with wiping out the traditional commercial fishery,

my clients have always gotten along with the commercial fishermen and respect there way of making a living, and the commercial fishermen have always been respectful of my clients, working with them and letting them know where they will put there nets, a lot of my clients are excited to see the commercial fishery as not many places they can sport fish and get to see it.

my guides and clients have had more problems with another lodge putting there clients right on top of us than we ever have had with the commercial fishery so you see the conflict is not with the commercial fishery as some would make you believe but more so with other lodges!

We formed a board of both commercial and sport along with CBY members a few years back to address any Tsiu river concerns, i would respectfully ask that the board let us come up with a solution to the problem there, then report back to you before any marker change is made.

I am always available to talk on this matter by email or phone ([907-231-5969](tel:907-231-5969))

Thanks for your consideration on this matter.

Greg Dierick



February 21, 2018

John Jensen, Chairman  
Board of Fisheries  
Alaska Department of Fish and Game

RE: Proposal 165

Chairman Jensen and members of the Board of Fisheries,

I am writing today regarding action taken by the Board on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu River. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the marker. However, what ultimately passed by a vote of 5-2 was a major shift in allocation that will have disastrous effects on Yakutat's economy.

My name is Jeremiah Pavlik and like my brother Jonathon, I live in Yakutat, and have lived here my entire life. I'm a third generation commercial fisherman. I started commercial fishing at a very young age working for my father and uncles. I have a large family in Yakutat and we all commercial setnet to earn a living. The Tsiu River especially has been a very large part of my annual earnings, and also for several other close friends and family members. The salmon setnet fishery is pretty much the backbone of the community. It's why the town exists, and why the Tsiu area is a part of the Yakutat Borough. We have a supporting cast of smaller commercial fisheries and some tourism money that adds to the town's economy. But without the commercial setnet fishery we really wouldn't have a town.

Normally the commercial fishery is given two 24 hrs openers a week, and within those openers there is only about 12-15 hrs of actual fishing happening. Most seasons we will get 6-10 openers in total. The fish get flown back to Yakutat for processing on our local air taxi service. With the fall weather being an issue for both effective fishing and flying we need to catch the fish fast. We can't catch any more than we have time to fly out in a day. The quicker we can catch them the quicker we get off the river. And we can only catch what we can fly out.

This amended proposal virtually eliminates the fishery on the Tsiu River, which is devastating to me personally and to the community of Yakutat.

Sincerely,

  
Jeremiah Pavlik



February 21, 2018

John Jensen, Chairman  
Board of Fisheries  
Alaska Department of Fish and Game

RE: Proposal 165

Chairman Jensen and members of the Board of Fisheries,

I am writing today regarding action taken by the Board on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu River. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the marker. However, what ultimately passed by a vote of 5-2 was a major shift in allocation that will have disastrous effects on Yakutat's economy.

My name is Jonathan Pavlik, I live in Yakutat, and I've lived here my entire life. I'm a third generation commercial fisherman. I started commercial fishing at a very young age working for my father and uncles. I purchased my Yakutat setnet permit from my grandfather who began fishing in the Yakutat area in the 1940s shortly after World War Two ended. I have a large family in Yakutat and we all commercial setnet to earn a living. The Tsiu river especially has been a very large part of my annual earnings, and also for several other close friends and family members. With the exception of the Alaska Permanent Fund Dividend there is not a single penny that comes through my house that isn't from commercial fishing. My wife is the office manager at our local fish processor, Yakutat Seafoods, and has been for the past 12 years. The salmon setnet fishery is pretty much the backbone of the community. It's why the town even exists, and why the Tsiu area is a part of the Yakutat Borough. We have a supporting cast of smaller commercial fisheries and some tourism money that adds to the town's economy. But without the commercial setnet fishery we really wouldn't have a town.

We have daily jet service that hauls out the fish to purchasers all over the world. There has been a lucrative side effect to the daily jet service in that now we have tourism money coming into our small town. But at the end of the day, without fish being processed and flown out, there would be no reason for daily AK Air jet service. The Tsiu river has produced a very large portion of our salmon catch but as a result of the last BOF meeting that has all ended. Yakutat fisherman and the community absolutely need the Tsiu for our small town to survive. We all assumed that the proposal submitted by ADFG was going to pass as it made sense to us because it was a simple house-keeping proposal.

The Tsiu river is a small shallow river and is made up of two parts and two different rivers. The Tsiu river and the Tsivat river. The lower end which is downstream from the confluence of the two rivers is very swift and shallow and fish don't school up in this lower end. The upper part is made up of several holes primarily in the Tsivat channel, which is where the current slows and



fish begin to school up. This is really the only commercially fishable part of the river. Normally the commercial fishery is given two 24 hrs openers a week, and within those openers there is really only about 12-15 hrs of actual fishing happening. Most seasons we will get 6-10 openers in total. The fish get flown back to Yakutat for processing with our local air taxi service. With the fall weather always being an issue for both effective fishing and flying we need to catch the fish fast. We can't catch any more than we have time to fly out in a day. Really it would be better for everyone if we had larger area to commercial fish especially in the part of the river that matters. The quicker we can catch them the quicker we get off the river. And we can only catch what we can fly out. My suggestion would be to let the commercial fishery fish the entire river and if that isn't an option my second choice would've been to pass the proposal as it was originally written. With the limited fishing opportunities because of fall weather we absolutely have to catch as much as possible in a very short amount of time. So the faster we can catch the fish we need the faster we can get off the river.

Please reconsider proposal 165 or generate a new proposal and give the town of Yakutat a chance at surviving.

Sincerely;

A handwritten signature in black ink, appearing to read "Jonathan Pavlik", written over a light blue horizontal line.

Jonathan Pavlik



Harold Perantie  
Tsiu River Outfitters  
9074245607  
[tsivat@ctcak.net](mailto:tsivat@ctcak.net)  
P.O.Box 2562  
Cordova, Alaska 99574

## Your Comment

Dear Chairman Jensen and the members of the Board of Fisheries,

I am contacting you on Proposal 165 on the recent Board meeting in Sitka on the Commercial fishing on the Tsiu River.

The Tsiu needs to be Commercial fished to keep healthy runs which being a Lodge owner on the Tsiu it is very important to my business.

I think you need to reconsider this Proposal and put it up for public notice.

Moving the markers way down the river is going to greatly reduce the Commercial catch because they will only be able to fish a couple hours at high tide.

All's you would have to do is move the markers down around a 100 yards from where they were in 2017 and everyone would be happy, Commercial and Sport fishermen.

Commercial fishing should have priority over Sport fishing.

Please reconsider Proposal 165.



2/21/2018  
John Jensen, Chairman  
Board of Fisheries  
Alaska Department of Fish and Game


RE: Proposal 165

Chairman Jensen and members of the Board of Fisheries,

I am writing today in regards to action taken, at the recent meeting in Sitka, by the Board on Proposal 165. Specifically, I am respectfully requesting the Board of Fish reconsider Proposal 165 as amended by RC 33, or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a specific meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu River. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the marker. However, what ultimately passed by a vote of 5-2 was a major shift in allocation that will have disastrous effects on Yakutat's economy.

The last time the Tsiu River was brought in front of the Board of Fisheries, 6 years ago in Ketchikan this same process occurred. The passed proposal, at that time, was brought up for reconsideration by Mike Smith and the passed Proposal was overturned. That same proposal, 6 years ago, was exactly what Proposal 165 accomplishes. It divides the river, making it impossible to commercial fish. Since this reconsideration has again occurred, we as users of the Tsiu River, formed a working group called the Tsiu River Stakeholders Committee.

I am a second-generation fisherman in the Yakutat area. My children have fished the Tsiu River. My grandchildren are now helping fish for salmon in the Yakutat Area. We operate a small commercial processor, Alsek Fish, as a family. We also have a family run sport fish guide camp in the Yakutat area, Italio River Adventures. Through our various stakes in the fisheries among Yakutat and the surrounding areas, I believe we know how important each aspect is to our small community of Yakutat. Like many small communities in Alaska, it is important for us not to have one of our abundant resources of silver salmon fishing limited in a way that eliminates the possibilities of others in our district to make a living. It is to my best knowledge, that due to the extremes in weather and availability of aircraft to move the salmon from the area, the Tsiu River only allows for several short commercial openers per season. I believe this does not show stock of concern for the resource. I believe that there I has always been more than adequate escapement in this system. Thank you for your time on addressing this issue.

Regards,  
Patrick Robbins   
S04D 60801  
Alsek Fish  
Italio River Adventures  
960 airport way, Yakutat, Ak. 99689



**Email from Sean Brownell Se Net Fisherman on Tsiu River since 1999.**

**From:** S Diggity [mailto:heliskialaska@gmail.com]

**Sent:** Monday, February 19, 2018 12:33 PM

**To:** gregyak@yahoo.com

**Subject:** Tsiu letter

Tsiu

Greetings Board of Fish

My name is Sean Brownell and I began set net fishing the Tsiu River in 1999. Since that time I have fished many seasons on the Tsiu and Kalakh rivers. I have purchased a camp on the Tsiu and a camp on the Kalakh River and have transported a lot of gear and equipment to the area at a great cost to myself. I have made a substantial investment of time and money in the Yakutat district.

The Tsiu River is a unique and rich resource that provides a much needed boost to Yakutat's economy.

The Tsiu is unique in the fact that as many as 10,000 fish or more can enter the river every day during the peak of the run. It is a spectacle to see and the Tsiu River is the most productive commercial fishing river for its size in Alaska. The incredible amount of fish in this system has supported many commercial fishermen and a growing number of sports fishermen from all around the world. Sports fishers can catch as many salmon as their arms can handle even while commercial fishing operations are in progress. I've witnessed sports fishers catch up to 100 salmon a day right beside my net.

Now most of these sport fishers are quite enjoyable to be around and easily get along with the commercial guys and we share beers and cigars riverside and sometimes help each other pull each other's stuck wheelers out of the river. Commercial fishers end up with many different lures that are in the fish we catch and we give them away freely to sports fishers. I have assisted with a few medical situations and given elderly sports fishers a ride in my wheeler to a better fishing hole. There's is a sense of comradely amongst many of us especially with the clients from Derik's Tsiu river lodge. Derik's guides are mostly from Yakutat and understand the importance of commercial fishing and are very good at explaining to guests what's happening and do their best to make commercial fishing seem like a cool thing. They are able to mitigate any unwanted bad juju between users by simply communicating goodwill. All other operations with lodges on the Tsiu River also do an exemplary job of making sure their guests understand that commercial fishing is necessary and acceptable and strive to get along. I imagine that is because the lodges on the banks of Tsiu River have been around for a longtime and are accustomed to the commercial fishing activity and have accepted it.

The Alaska wilderness lodge is on the Kalakh River and in my mind they are the newcomers onto the Tsiu scene. They've been around for a while now but for most of us that have spent a lifetime fishing the Tsiu they are considered the newcomers. The only true conflict that has ever





existed is with this operation and with 1 person in particular. His name is Dan, and he has relentlessly tried to eliminate commercial fishing in the Tsiu since he arrived on scene. It's should be noted that when Dan first arrived it was at a time when the price of salmon was very low and for some years commercial fishing at the Tsiu was not viable due to the price and the river was not fished during Dan's initial introduction to the system. I'm sure he was blown away by the river as we have all been and during his first few years he did not have to contend with commercial competition. His wildest dreams had come true and he couldn't even begin to imagine what was to come. He was very lucky and fortunate to have had that time at the river.

When the price of commercially caught salmon rebounded and commercial fishers returned to the Tsiu I can imagine how frustrating that must have been for Dan because his experience at that point was an entire wild river completely loaded with fish at his disposal with no commercial pressure. I can sympathize with Dan's feelings and I can understand why he's so jaded now but his arrival on scene at a prime time for sport fishing should not be the ultimate demise of an entire fleet of commercial fisherman. I feel like I've done my best to accommodate Dan and his groups in particular because I am aware of how sensitive he is and put my best foot forward to keep him happy when he and his groups were fishing near me. But there's a completely different feel when you're around him and his people and it's plainly obvious to see that these particular groups of people with Alaska wilderness lodge have preconceived notions about commercial fishermen that challenge the ability to create a harmonious riverside relationship. AWL guests are skeptical before they make their first cast. It's apparent that they were briefed back at the Alaska Wilderness lodge about commercial fisherman and some AWL guides and guests are disgruntled and not approachable for friendly conversation I've personally been quite cordial and never engaged in any sort argument with the groups from the Alaska Wilderness Lodge but they're certainly different from ALL the other sports fishers on the river. All conflict begins with AWL and despite the commercial fisherman's efforts to be friendly it's not possible to develop that sense of comradely with AWL groups. I've never had a riverside confrontation with Dan and I keep my distance from him and his group.

The Tsiu is a traditional and legendary commercial fishing river like no other. Fish charge through the lower half of the river in the tidal zone where the river is swift and shallow and shifting sands can bury set net gear quickly and the gear can be lost if you try fishing down there. The lower river is generally impossible to fish unless the water is very low and even then there is a very short window of opportunity of a couple hours a day when fishing could occur during low water. It is possible on an unusually stormy season that no opportunity will exist to fish the Swift and shallow lower river and it's very unlikely any fisherman will risk his entire Coho season on a trip to the Tsiu the way the regulations read now.

Once the fish jam through the swift lower half of the Tsiu and get upriver they rest in deeper holes where the current is much more reasonable. It's possible to hold a set and fish the upper river during the commercial fishing opener. Commercial fisherman must have access to deeper fishing holes in the river in order to make the fishery worth engaging in. The fishing holes fill up and a couple Boride's with the skiff or a foot drive in chest waders push the fish downstream and into the nets. This routine is repeated over and over again and there's always been plenty of fish around for all users. In fact the nets create fences where the fish build up and actually create



more fishing opportunities for sportiest. The nets slow the run down and keep the fish spread out and create more sport fishing opportunity.

From approximately [August 20 through Sept. 31](#) there are anywhere from 6-12 fishing periods for commercial fisherman. In reality the inconvenience to sport fishing is very minimal and the negative effects of commercial fishing activity portrayed by Dan and AWL have been blown out of proportion by for selfish and personal reasons. To take this resource away from its traditional users and re-allocate the resource to sports fisherman is a tragedy.

Amendment RC 331 to Proposal 165 that was introduced and passed at the meetings in Sitka creates many problems for a commercial fisherman that will effectively eliminate commercial fishing on the Tsiu River and create a hardship for myself and my family. My 20 year investment in the yakataga district will essentially be lost because the fishery is no longer viable with the new regulation. Now I'm faced with the retrieval of my equipment if I wish to continue fishing elsewhere and I simply cannot afford to fly all my stuff to a new location and the financial burden of RC 331 may cause me to abandon my belongings at the Tsiu.

I urge you to reconsider your decision to adopt the amendment RC 331 and simply pass proposal 165 as it was originally introduced by Yakutat Fish and Game representative Nicole Zeiser. She has intimate knowledge of the situation at the Tsiu River and made an honest effort to propose a fair and workable agreement between commercial fishers and sport fishers that was working fine and without conflict.

Commercial Fisherman and sport fishers alike were in support of proposal 165 and worked together to come up with [the proposal](#) as directed by the Board of Fish and assumed that it would pass as written and business would go on. Having a hasty last minute amendment introduced by Dan who is well known throughout Yakutat as an anti-commercial fishing activist was not only underhanded; it also goes against the direction the Board of Fish. BOF ordered Yakutat to resolve its differences between user groups and it did just that. The Yakutat Borough spent over \$125,000 on resolving all conflicts and in a few short minutes at the board of fish meetings in Sitka the board of fish negated all of the boroughs efforts and wasted Yakutat's time and money. The Board of Fish owes it to Yakutat and its set net fleet to treat us with respect in regards to our livelihood. The Board of Fish did not proceed with due diligence and did not take the time at the meeting to really consider what your decision meant and now your haste has given you a fight on your hands and a lot of upset people. A decision this grave for an industry should have postponed and a notice should have been posted calling for public comment. This fight will continue forever if it is not resolved. Your attempt to resolve conflict has only intensified and perpetuated it, and again I urge you to take immediate action towards resolution. It's in your best interest to revisit this issue now because it is not going to go away until the damage is repaired.

There is more fallout from RC 331 that will greatly affect every commercial fisherman who has made an investment at the Tsiu and that includes some set net fisherman with Cordova set net permits. At this moment our camps are worth nothing and our Tsiu River investment is totally lost and not sellable to upcoming commercial fisherman so this decision represents a real and immediate loss to us that really hurts.



Furthermore, the Tsiu River represents up to 40% of the entire Coho set net catch for the Yakutat set net fishery. Eliminating this opportunity from Yakutat's economy will have many disastrous effects to an already financially challenged village in Alaska. Less money equals fewer jobs. Fewer jobs equal more people relying on public assistance and less money being spent around town in local businesses. Less overall revenue for the Yakutat set net fishery will devalue every single Yakutat set net permit. RC 331 will cost every single permit holder money and could even make a Yakutat set net permit an undesirable asset that will be difficult to sell even at a much lower price than it was purchased for. The lost revenue from the fishery as well as the lost sales tax in Yakutat caused by a lower average income is great enough to warrant your action. Please take this seriously and fix the problem before it costs a lot of people a lot of money.

I know you are all busy and have a lot of issues in many fisheries so I appreciate you taking the time to read my letter. We all know things are not always as they seem and the wisest people know that they are capable of making honest mistakes and that these mistakes can be fixed. May we set our ego's and agendas aside and take another close look at proposal 165 the way it was written and remove the additional language that was added by RC 331.

Thank you for your time and good luck!

Sean Brownell



## **Email from Casey Mapes, chairman-Yakutat Fish and Game Advisory Committee.**

*Chairman Jensen and members of the Board of Fisheries,*

*I am writing today regarding action taken by the Board on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a special meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu River. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the marker. However, what ultimately passed by a vote of 5-2 was a major shift in allocation that will have disastrous effects on Yakutat's economy.*

The Yakutat AC has met and discussed this issue, it was unanimously felt that this should be our response.

We feel that proposal booklets are sent out a year in advance for a very good reason, which is to allow everyone affected a chance to comment on potential changes. Minor changes are one thing, but this change totally changed the scope of the proposal, and virtually none of those affected had a chance to speak to the changes. It was most unfair. The potential impacts for the immediate commercial setnet fishermen who use the Tsiu, will be disastrous, and the long range impacts on all of the setnet permit holders in the region could very well be affected. The processor is heavily dependent on the Tsiu product to make a living, without it, and all could be jeopardized. The highly unorthodox manner in which The changes were conducted, was in all reality unnecessary. A Tsiu working group has been formulated in years and conflicts long past, the borough of Yakutat spent a large amount of money to help mitigate the issue, and as a result, there has been several years without incident.

We ask you to do a board generated proposal, resend what has been done, and simply allow the ADFG field manager to place the commercial markers where they need to be based on biological, and not political needs.

Thank you for considering our concerns;  
Casey Mapes, chairman-Yakutat Fish and Game Advisory Committee.



2/21/2018

John Jensen, Chairman  
Board of Fisheries  
Alaska Department of Fish and Game

RE: Proposal 165

Chairman Jensen and members of the Board of Fisheries

I am writing today regarding action taken by the Board on Proposal 165 at the recent meeting in Sitka. Specifically, I am respectfully requesting that the Board take up reconsideration of Proposal 165 as amended by RC 331 or make a board-generated proposal to readdress the situation on the Tsiu River. If reconsideration is no longer possible, please generate a proposal, put it out for public notice, and hold a specific meeting in April to take up the proposal. This needs to be addressed before the upcoming fishing season as it effectively eliminates commercial fishing on the Tsiu River. Proposal 165, as publicly noticed, was a housekeeping measure to adjust the marker. However, what ultimately passed by a vote of 5-2 was a major shift in allocation that will have disastrous effects on Yakutat's economy.

The last time the Tsiu River was brought in front of the Board of Fisheries 6 years ago in Ketchikan this same process happened. The then passed proposal was brought up for reconsideration by Mike Smith and the passed Proposal was overturned. That same proposal 6 years ago was exactly what Proposal 165 accomplishes. It divides the river and makes it impossible to commercial fish. Since this reconsideration we as users of the Tsiu River formed a working group called the Tsiu River Stakeholders committee. I was the lead person in getting the working group put together. It includes lodges, ADFG, commercial fisherman, subsistence users and sport fisherman along with the City and Borough of Yakutat. We all meet in Anchorage at CBY of Yakutat's attorney's office and worked out a plan to alleviate what has happened in Proposal 165. We all meet at the Tsiu each fall and talk about issues that are happening on the river and solve them. The CBY also built a structure so that they could house enforcement at the Tsiu to eliminate any concerns that may happen in season at the Tsiu. IF Proposal 165 would have had any indication that it would have been changed to what was passed the Stakeholders group would have been in Sitka in force and would have generated many comments opposing what came out of Proposal 165. It is impossible to prepare for something like this if you have no idea it is coming because the Proposal as written was completely different than the original Proposal 165.

I am the Managing Owner of Yakutat Seafoods and I can tell you that realistically without the Tsiu Coho production the plant cannot exist. Some years the Tsiu will produce 20% of our total production thru the facility. No business can function without 20% of its production. I cannot



tell you how important it is the community of Yakutat as well as the continued operation of the processing plant to have this Proposal 165 revisited before the upcoming season.

Thank you for your time and consideration.

A handwritten signature in blue ink, appearing to read "Greg Indreland".

**Greg Indreland**  
Managing Owner, Yakutat Seafoods



# Southeast Alaska Fishermen's



PC81  
1 of 3

9369 North Douglas Highway

Juneau, AK 99801

Phone: 907-586-6652

Email: [seafa@gci.net](mailto:seafa@gci.net)

Fax: 907-523-1168

Website: <http://www.seafa.org>

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February 23, 2018

Board of Fisheries  
John Jensen, Chair  
PO Box 115526  
Juneau, AK 99811

**RE: Misc. Business Agenda Topics- Statewide March 2018 Meeting:**

## **SEA OTTER DEPREDATION**

SEAFA strongly supports and encourages the Board of Fish to draft a letter regarding sea otter depredation. As we submitted at the Southeast Finfish meeting [RC 055](#) the main point necessary in a letter to the Secretary of Interior Zinke, Governor Walker and the Alaska Congressional Delegation is that sea otter predation on the shellfish stocks the Board of Fish are responsible for is effecting management and the ability to maintain sustainable fishery resources. The Board of Fish and ADF&G cannot manage and maintain healthy sustainable shellfish stocks with unchecked growth of sea otters and no management plan in place by the federal government.

A letter approved at this meeting would be very timely as there will be a congressional hearing on the Marine Mammal Protection Act in Mid-March.

This letter could also be submitted as testimony for the two legislative resolutions that have been introduced ([SJR 13](#) & [HJR 35](#)) asking for active management of sea otters.

## **NPFMC Gulf of Alaska King Salmon Prohibited Species Catch (PSC) Limit**

SEAFA supports the Board of Fish being involved in and commenting on the NPFMC Gulf of Alaska King Salmon PSC. We reviewed the documents on the BOF website as of 2/22/18 and would like to point out that the NPFMC at their February meeting sent the analysis back for a second initial review in April and expecting to take final action in October. The NPFMC adopted a revised purpose and need statement and modified the alternatives being considered that can be viewed at



[file:///C:/Users/Kathy%20&%20Ed/Downloads/MOTION%20C3%20\(3\).pdf](file:///C:/Users/Kathy%20&%20Ed/Downloads/MOTION%20C3%20(3).pdf) . The [NPFMC newsletter](#) went on to explain the actions taken, *“The Council requested a second initial review draft so that it could receive additional information about the status of Chinook salmon stocks and commercial/non-commercial salmon fisheries that might be affected by PSC in the groundfish trawl fishery. The Council noted that multiple Chinook stocks from regions whose presence has been detected in trawl PSC samples are experiencing poor returns. Among other items, the next iteration of this analysis will include additional information on Chinook stock status throughout the Pacific coast (US and Canada), conservation management measures enacted in directed salmon fisheries, Chinook abundance in the GOA, hatchery releases, and the best available estimates of natural mortality rates for the immature Chinook that are taken as PSC in trawl fisheries.”*

For a look at the makeup of the origin of chinook salmon, the [initial analysis](#) reviewed in February stated on page 14, *“Taking fewer Chinook in the trawl fishery represents a benefit to other users of the resource in aggregate, but the direct effect of a marginal “saved” Chinook salmon cannot be quantified; it is not possible to draw any correlation between patterns of PSC and the status of individual salmon stocks. The most recent available data from genetic stock of origin analyses indicates that roughly 80% of the sampled GOA trawl Chinook PSC come from British Columbia and the U.S. west coast; roughly 15% come from Southeast Alaska, and 3% come from Northwest GOA stocks. These proportions only describe the fish that were sampled, and not the entire population of Chinook taken as trawl bycatch.”*

### **Request for BOF Support for Sitka Sound Pound Fishery**

SEAFSA commented on this proposal in our PC 149 for the SE meeting in January which was brought forward to this meeting. Again, we don’t believe that with a limited entry permit for open or closed pounds already authorized for the Sitka Sound area that this idea is possible. CFEC held a hearing and determined that the area was appropriately determined at the time. If for some reason a majority of the Board wishes to continue to pursue this idea, a fully formed plan would be necessary and submitted to CFEC for reconsideration. We do not believe that this idea can be made into a set of regulations that would be defensible against lawsuits based on limited entry law and the State of Alaska Board of Fisheries vs Grunert<sup>1</sup> legal decision. This idea asks to allow some seine sac roe permit holders to be able to fish a different gear type, open pound. Since the Sitka Sound sac roe fishery is a guideline harvest level based management fishery, in order to allow some permit holders to fish with a pound you would have to allocate between the two gear types which hold the same permit. This in turn treats individual fishermen differently based on the allocation you give the different gear types even though they hold the same permit. In Grunert it states, *“We note that the board’s allocation of the harvestable salmon between the cooperative and the open fishers was potentially arbitrary and capricious. Allowing some, but not all, Chignik salmon purse seine permit holders to operate different types and amounts of fishing equipment potentially raises questions of*

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<sup>1</sup> State of Alaska Board of Fisheries vs Grunert <http://caselaw.findlaw.com/ak-supreme-court/1119517.html>





*efficiency, arbitrary decision making, and equal protection. The allocation may be vulnerable to attack on the theory that under a two-sub-fishery system, the open fishers only have access to a small percentage of the allocation for the whole Chignik fishery. Grunert contends that allowing open and cooperative fishers to use different amounts and types of equipment may violate subsection .150 (a) of the Limited Entry Act<sup>2</sup>*

For the reasons we have stated, we oppose this idea moving forward for consideration.

### **TSUI RIVER Proposal # 165 amended by language in RC 331**

Some of our SEAFSA members own setnet permits in Yakutat. We supported Proposal #165 submitted by ADF&G as a simple correction (i.e. housekeeping proposal) addressing a line marker. RC 331 significantly changed this into a very allocative proposal where you didn't have the affected parties at the meeting to respond to the change. **This is one of those few appropriate instances where this decision needs to be put back on the table, either as a reconsideration or a board generated proposal that is deliberated on at a special meeting with 30 days public notice.**

This proposal has shown up several times in the last six years. In 2012, it was proposal #301 that after being passed was noticed for reconsideration and failed when the community of Yakutat was able to present additional information. At the October 2012 work-session, agenda change request 9 was introduced, failed 3-4 because it didn't meet the criteria for an agenda change request, but the board on a vote of 5-2 generated an out of cycle board generated proposal where it was considered at the Statewide meeting in March of 2013 and failed 1-6.

The history of this proposal is pretty consistent, one lodge is interested in shutting out the commercial fishery or providing for more separation between commercial and sport fishery but when publicized and all participants including the other lodge owners are involved, an entirely different picture becomes apparent.

Sincerely,

Kathy Hansen  
Executive Director

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<sup>2</sup> State of Alaska Board of Fisheries vs Grunert <http://caselaw.findlaw.com/ak-supreme-court/1119517.html>



Submitted By  
Terry Nininger  
Submitted On  
2/23/2018 12:05:15 PM  
Affiliation

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Wasilla, Alaska 99687

February 22, 2018

Alaska Board of Fisheries  
AK Dept. Of Fish & Game  
P.O. Box 115526  
Juneau, AK 99811

Re: 2020 Upper Cook Inlet Finfish Meeting Location

Dear Alaska Board of Fisheries Members,

The Board of Fisheries committed at the October, 2017 Work Session to hold the meeting location for the 2020 UCI Finfish Meeting in Anchorage. This determination was done after a broad base of input and the Board should not wavier from this decision.

By locating the 2020 meeting in Anchorage you would be providing access for a great many residents and be reducing the economic impact on stakeholder travel that otherwise would occur if the meeting were located elsewhere. In the BOF Memorandum "*Criteria for Consideration on Reviewing Meeting Locations*", (John Marcotte, 2010) one of the criteria listed was "Economic impact on stakeholder travel".

Frequently financial interest is a determining factor in whether an Alaskan will participate in this lengthy, complex meeting typical of the BOF. It is often more likely that a greater number of Alaskans with a commercial interest will attend a distant meeting than the recreational or personal use fisherman who do not necessarily have the financial means or the liberty to miss work. There are more than 150,000 sports anglers and 35,000 personal use households that reside in Upper Cook Inlet and they need to be afforded the opportunity to participate in the BOF process.

Finally, as the NPFMC moves ahead in determining amendments to the 2012 Salmon Fisheries Management Plan, that could likely have a profound effect on Cook Inlet Fisheries, this issue will likely take center stage on the 2020 BOF meetings. It is only appropriate to allow the greatest number of folks affected by this process to participate.

I urge you not to revisit the 2020 meeting location.

Respectfully,

Terry Nininger  
P.O. Box 877944  
Wasilla, AK 99687



Submitted By  
Todd Fitzgerald  
Submitted On  
2/20/2018 8:19:09 PM  
Affiliation

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Fairbanks, Alaska 99712

I strongly disagree with any proposals aimed at giving the few commercial fisherman higher priority for the PWS shrimp fishery over the many sport fisherman. The PWS shrimp fishery needs to be protected from a greedy few who want to make a quick buck and move on when the resource is depleted. Shrimping with my family and grilling them up on the the boat, as well as bringing a few gallons of shrimp home to enjoy during the long winter makes great, priceless memories. Do what you need to do to protect the shrimp but do not increase the commercial harvest at the expense of sportsman. The shrimp have great value to me way beyond money and belong to ALL alaskans equally.



Submitted By  
Tonya Kish  
Submitted On  
2/21/2018 2:41:45 PM  
Affiliation  
I support proposal 207



Submitted By  
Tracy Thack  
Submitted On  
2/20/2018 1:12:48 PM  
Affiliation

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9072232909

Email  
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Address  
Po box 283  
Yakutat, Alaska 99689

I am writing in response to the recent amendment RC331 to proposal 165 regarding Tsiu River management. I strongly urge the board to reconsider your support of these amendments.

I am a Yakutat resident and set netter. I commercial fish the Tsiu River, as recently as 2016. I have a substantial investment in my Tsiu River commercial fishing operation. Hopefully by today you realize how devastating these changes to the future of my career, and lifestyle will be. I have read many letters from my set net brothers and sisters that describe the perceived conflict between user groups, I don't feel like I need to reiterate the obvious derision caused by Alaska Wilderness Lodge and his elite group of lobbyist. As Alaskans I believe the Tsiu River is a commercial fishing river first and recreational river second.

Thank you

Tracy Ann Thack

Set net permit S04D57709J



Submitted By  
Under Sixty Cod Harvesters  
Submitted On  
2/23/2018 12:43:51 PM  
Affiliation

To the Alaska Board of Fisheries:

Please support proposal 236 amending provisions for the Dutch Harbor food and bait herring fishery. This includes an increase to the fisheries' allocation, an elimination of allocation between gear types, and an earlier start date. These provisions will help to ensure that the value of this important resource can be efficiently and consistently captured by Alaskan fishermen, processors, coastal communities and the State.

The Under Sixty Cod Harvesters (USCH) represents vessels less than 60 feet harvesting Pacific cod with pot gear in the Bering Sea and Aleutian Islands. Our vessels, crews and the businesses that maintain our vessels are Alaska-based and represent vital economic resources to Alaskan coastal communities. Our fishermen utilize the excellent local bait resource supplied by the Dutch Harbor food and bait herring fishery. Halibut, pacific cod, black cod, and crab harvesters all use this local resource throughout the year for their fisheries - thereby not relying on imported bait products from other states or countries. Supporting Proposal 236 allows more of these important fishery products to generate value in Alaska fisheries, by making them available to local processors and fishermen.

### **Earlier Start Date**

USCH supports an earlier start date for the Dutch Harbor food and bait herring fishery. This is an necessary shift to account for the ecological changes we are experiencing in Western Alaska and all along the Pacific coastline. Observations on the Dutch Harbor area fishing grounds show herring are arriving to fishing districts earlier.

In 2017, fishermen requested the ADF&G Commissioner issue an emergency order to open the fishery on July 13th, the soonest possible date the fleet could mobilize and be on the grounds. The Commissioner did open the fishery on the 13th and the fleet reported strong harvests between July 13th and the 15th, after which time the fishermen once again observed the biomass receding off shore and into deeper waters, moving North and again resulting in lost catching opportunity.

To harvest this fishery effectively, as an Industry we must be responsive to shifts in run timing.

### **Eliminating Gear Distinction within Dutch Harbor Allocation**

USCH understands ADFG has recorded zero participation from the Dutch Harbor herring gillnet fleet since 2009. And for five years prior to 2009 the effort was small enough to trigger confidentiality requirements that precludes the state from reporting that effort. The purse seine fleet, on the other hand, has maintained a consistent harvest of this important resource. After a decade of no participation and a longer history of majorly reduced effort, it makes the most sense to remove the now inapplicable allocation split between the purse seine and gillnet fleets. This will streamline management and allow the current fishery participants to harvest the herring resource more effectively, rather than waiting for the July 20th benchmark to open the full quota to the seine fleet.

### **Record of Underharvest**

USCH supports an allocation increase to the Dutch Harbor food and bait herring fishery as a tool to better meet the optimum harvest level for this resource. Proposal 236's requested change in allocation is merely a redirection of a portion of the herring currently going unharvested in the Togiak fishery overall, as lack of effort has consistently stranded fish that could otherwise be harvested by Alaskan fishermen in the Dutch Harbor food and bait herring fishery.

According to the Bristol Bay Herring Management Plan, the Togiak District has a maximum allowable exploitation rate of 20% and allocates the harvestable surplus among all the fisheries harvesting the Togiak herring stock. 1,500 tons is set aside for Togiak spawn-on-kelp, seven percent goes to Dutch Harbor food and bait, and Togiak seine and gill net boats fish the rest.

While the exploitation rate for the Togiak herring resource is set at 20% of the biomass, the 20-year average actual harvest has been 17.5%. This equates to an average of 2.5%, or approximately 3,350 tons, of stranded fish in the water every year for the past two decades. That average exploitation falls to 16.5% when you're looking between the years 2006 and 2015, or an average of 4,985 tons of stranded fish. In 2015 overall harvest fell to 14.3%, leaving 7,484 tons stranded. We have now seen several decades of underharvest, and a recent trajectory of further decline, which warrants reconsideration of our current management measures.

### **Specific Areas with Stranded Fish**

ADF&G records show the last Togiak spawn on kelp harvest taking place in 1999. However, that fishery has a fixed allocation of 1,500 tons. While the department does have the option of rolling half of that fixed allocation over to Togiak's herring sac roe fishery, those fleets have also been harvesting below their guideline levels.

The Togiak gillnet fleet harvested at an average rate of 29% below GHF between 2006 and 2015. That is an average of 2,180 tons below GHF. Those numbers are more pronounced in the last three years. In 2015 the gillnet fleet harvested 1,220 or just 14% of their allocated 8,704 tons, leaving 7,484 tons of stranded fish. The fleet harvested 80 tons of 8,635 in 2016. In 2017 they harvested 1,428 of

6,883, leaving 5,455 tons of stranded fish.



The Togiak seine fleet harvested at an average rate of 6% below GHL in the years between 2006 and 2015, equatable to 941 tons under average GHL.

The 7% allocation to Dutch Harbor on the other hand has been consistently utilized, especially by the seine fleet. From 2006 to 2016, the seine fleet's average harvest was 1,587 with an allocation of 1,597, with no allocation being stranded. The Dutch Harbor gillnet fleet has had a near zero average harvest, leaving 263 tonnes stranded during the same time period.

Removing the gear restrictions and increasing a small Dutch Harbor allocation increase will allow fishermen to effectively harvest a portion of these stranded fish, without impacting the harvest levels of these other user groups. The 3% shift we are requesting, from 7% to 10%, when extrapolated using the 10-year averages between 2006 and 2015, would correlate to an increase of approximately 805 tons. Using 2017 numbers this equates to a 740 ton increase. Using 2018's forecast numbers, 775 tons. No matter how you look at it, this requested percentage increase lands well below the average level of unharvested herring within the directed Togiak fishery.

## **Economics**

As described above, there is a consistent record of unharvested fish here that warrants a small shift toward the fishery able to effectively harvest them and deliver their value into the Alaska economy. Not only is the Dutch Harbor fleet prepared to harvest that fish, but at an average of \$300-\$500/ton, it brings in one of the highest ex-vessel values for herring in the state.

The average ex-vessel value for herring in the Togiak sac-roe fishery has ranged from \$50 to \$250 per ton since the year 2000, and has only risen above \$200 per ton twice in that time frame.

The Dutch Harbor food and bait fishery provides a high economic value to the region and a quality product to other local fisheries, as an important bait resource to fishermen using pot and longline gear in Western Alaska. When bait supplies run low, these fishermen and their processors must often turn to foreign sources, such as sardine and sauri. Harvesting a local bait resource to supply other local fisheries has a compound positive effect on the regional and Alaskan economy, reducing costly imports and creating greater efficiencies and value between important seafood partners.

## **Alaska Constitution & Local Access**

USCH supports a shift in management that allow Alaska's fishing communities and fishermen to meet important mandates under Alaska's Constitutional requirements, namely Article 8, Section 8.4 for Sustained Yield. This section states that, "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

A redistribution of historically unharvested herring to an Alaskan fleet prepared to capture its value and distribute it as an important resource to other Alaskan fleets clearly meets the needs of this mandate. The current system of management and harvest does not.

The Dutch Harbor food and bait herring fishery resources stay local and is purchased by local processors and fishermen. We ask that you consider the great value this resource has to Alaska and support these reasonable measures to sustain its consistent harvest and availability.



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February 21, 2018,

John Jensen, Chair  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, Alaska 99801

## **Re: Reconsideration of Proposal 165**

Dear Board Member Jensen and Board Members:

United Fishermen of Alaska (UFA) is the statewide commercial fishing trade association, representing 35 commercial fishing organizations participating in fisheries throughout the state, and the federal fisheries off Alaska's coast.

UFA is requesting that the Alaska Board of Fisheries review their action on Proposal 165 as amended by Record Copy (RC) 331 which was heard at the Southeast Finfish meeting January 2018 in Sitka.

Proposed by the Alaska Department of Fish and Game, Proposal 165 was written to correct the area description for the closed waters on the Tsiu River, due to the volatility and geographic changes of the intersection of the Tsiu and Tsiwat Rivers. The proposal simply provided a more accurate description of closed waters than what was currently in regulation.

However, during deliberations, RC 331 was put forth and adopted as substitute language for Proposal 165. RC 331 went far off track from the intent of the original proposal changing the open area and essentially shutting down the commercial set net fishery on the Tsiu River.

What the department proposed was intended to better define closed waters — not change the amount of open area. Deliberations that occurred quickly became allocative in nature, which was not the intent of the proposal. We are concerned the board may not fully have understood whether or not the traditional fishery could still occur in the amount of open area.

Proposal 165 as written was given the chance of a public notice and public input. RC 331, which changed the proposal completely, was given no public notice and eliminated a commercial fishery which helps drive the economy for the community of Yakutat.

This is not the first time the board has addressed this issue as it has come up numerous times in past meetings.

- At the 2012 Southeast and Yakutat Finfish Meeting, Proposal 301 was introduced to “Relocate boundary for commercial set net fishing on Tsiu River to provide a separate sport fishing area.” Proposal 301 passed and then was later reconsidered





based on new information reflected in RCs #128, #133 #135, 137, 139, 140, 141,142, and 143.

- At the October 2012 Work Session, ACR 9 was introduced to “Modify the waters in the Tsiu River in the Yukon Area that are closed to commercial salmon fishing to facilitate an orderly fishery for the commercial and sport fisheries.” ACR 9 failed 3-4, but the board voted 5-2 to create an out of cycle BGP (Proposal 247) to consider the issue at their Statewide Meeting in March 2013 where it failed 1-6.

Our concern is not limited to a commercial fishery being shut down. We are also very concerned that the public process the BOF is required to follow was not duly served.

At this point, a reconsideration of the proposal may no longer be viable, but we ask the board consider possible actions to give the public time to weigh-in on the new language and intent in RC 331.

Sincerely,

Jerry McCune  
President

Frances H. Leach  
Executive Director

MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association • Alaska Scallop Association  
 Alaska Trollers Association • Alaska Whitefish Trawlers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Fishermen's Association  
 Bristol Bay Reserve • Cape Barnabas, Inc. • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United  
 Douglas Island Pink and Chum • Freezer Longline Coalition • Golden King Crab Coalition • Groundfish Forum • Kenai Peninsula Fishermen's Association  
 Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association  
 Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association  
 Seafood Producers Cooperative • Southeast Alaska Herring Conservation Alliance • Southeast Alaska Fisherman's Alliance  
 Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association  
 United Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association



Submitted By  
Wayne Jenkins  
Submitted On  
2/23/2018 2:35:54 PM  
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**Summary of YRDFA decisions on Board of Fish proposals at their 2018 Annual Board meeting Anchorage Alaska, Feb. 14, 2018.** (note: YRDFA positions are decided by a full concensus vote. We wish to share with the Board of Fish our positions on failed proposals with the voting numbers so they have a sense of which way the YRDFA Board may have been leaning.)

**Proposal 230-** Allow use of drift gillnets to harvest salmon for subsistence purposes in Yukon River subdistricts 4-B and 4-C (5 AAC 01.220).

- Support of full YRDFA board with one abstain

**Proposal 231-** Repeal the prohibition on subsistence fishing in Yukon River districts 1 and 2 during the first pulse of king salmon (5 AAC 05.360).

- Fail – 9 yes, 2 abstain, 1 no

**Proposal 232 -** Consider criteria to allow sale of Yukon River king salmon caught incidentally during open commercial fishing periods for other salmon species.

- Support/ passes unanimously
- YRDFA Board expects, as stated in the proposal and shared by ADFG manager, that confidence in meeting subsistence harvest needs plus escapement goals within Alaska and meeting the agreed upon Canadian goals will guide this decision, in-season.

**Proposal 233 -** Clarify Yukon Area District 1 boundary, allow set gillnets to be operated up to three nautical miles seaward from any grassland bank in District 1, and reduce waters closed to commercial fishing for salmon in District 1 (5 AAC 05.200, 5 AAC 05.330, and 5 AAC 05.350).

- Passes/support unanimously

**Proposal 237 -** District 6 commercial fishing closure date

- Passes / support unanimously

Thank you very much for the difficult and complex work that you do for the fisheries and people of Alaska.

YRDFA Board and staff.

## **Yukon River Inter-Tribal Fish Commission Decisions on Board of Fisheries Proposals, Statewide Meeting, March 2018**

### **Background**

The Yukon River Inter-Tribal Fish Commission (Commission) was founded on tribal unity for the health and well-being of Tribal members, future generations, and all who rely upon the health of the Yukon River fisheries. The Commission recognizes the responsibility and authority of Tribes and First Nations to exercise their tribal rights as stewards to their traditional territories and resources. The Commission is committed to conserving, restoring, and providing for tribal use of fisheries based on indigenous knowledge systems, scientific principles, and sound management. To date, over 30 federally recognized Tribes along the Yukon River have joined the Commission and ratified the Commission's constitution, from Alakanuk at the mouth to Eagle at the Canadian border.

### **Proposal Decisions**

The Yukon River Inter-Tribal Fish Commission met February 2, 2018 to vote on the Yukon River-specific Board of Fisheries proposals being considered at the March 2018 BOF meeting. Quorum was established with 16 Fish Commissioners present, with at least one Fish Commissioner from each of the six sub-regions (based on ADFG management district boundaries: Coastal/Y1, Y2 and Y2, Y3 and Y4, Y5, Y6, and Koyukuk and Innoko R). The Fish Commission passes resolutions and votes based on unanimous consent.

### **Proposal 230 – Allow the use of drift gillnets to harvest salmon for subsistence purposes in Yukon River subdistricts 4-B and 4-C**

#### ***Fish Commission vote: Unanimously support***

Why the Fish Commission supports:

- Currently, fishermen in Districts 4-B and 4-C are only allowed to use stationary gear, such as set nets and fish wheels, in this area. Local fishermen report that the river has changed near Galena from climate change and the big flood in 2013. They report that there are no more good fishing sites for stationary gear and that the sites that do exist, are not effective fishing locations as the salmon are not using these eddies in the same way they have previously.
- Due to climate change, changing river conditions and salmon migration patterns, and current legal gear types, a normally diligent participant does not have a reasonable expectation of success of taking fish. The local people just want to be able to harvest salmon in front of their own community like everyone else. Current regulations and changing river conditions make this difficult.
- Due to the lack of adequate fishing sites with the legal gear type, fishermen are going down to Koyukuk to fish there with drift gillnets, because it is legal there for drift nets. This is causing combat fishing with the people of Koyukuk.

- Boating down to Koyukuk to fish means they are spending a lot of money on gas. This is placing an economic burden on fishermen in the area.
- For people who can't afford the gas money, they are fishing with drift gillnets in front of Galena and are at risk of getting arrested by the Wildlife Troopers for trying to provide food to their families.
- The net specifications proposed in this proposal shallower nets, so it will let big kings go by that are swimming near the bottom of the river.
- By allowing them to fish near Galena with drift gillnets, this will spread the harvest out. Right now, there is a wall of nets in front of Koyukuk with Galena residents also fishing there.
- Spreading the harvest out is a good thing for the stocks. People living on the Koyukuk River noted that not many kings came back this year and numbers from the few escapement projects on the Koyukuk River corroborate this. Based on the total run size of the Yukon River king salmon in 2017, there should have been higher numbers of kings noted in Alaska tributaries. Many local fishermen believe that all the nets in front of Koyukuk may have impacted the Koyukuk River kings.
- One argument used in the past is that people will catch more kings if drift gillnets are allowed in Districts 4-B and 4-C. We firmly believe that fishermen won't catch more kings if they use drift nets in front of Galena. They are already catching kings with drift nets in front of Koyukuk. They won't catch more because they only harvest what they need.
- The local people fishing in Districts 4-B and 4-C should not be penalized for the very small possibility that people outside the region would fly in to Galena and start fishing there if drift gillnets were allowed. We believe the Board and ADFG can address this issue, specifically, if it were to actually come up.

**Proposal 231 – Repeal the prohibition on subsistence fishing in Yukon River Districts 1 and 2 during the first pulse of king salmon (also known as the mandatory first pulse protection)**

***Fish Commission vote: Unanimously support with amended language***

Suggested amendment: If the ADFG preseason run size forecast is for a run size where both escapement and subsistence needs may not be fully met, or if data uncertainty in the pre-season run size forecast suggests both escapement and subsistence needs may not be full met, then mandatory first pulse protection will remain in place.

- Intent: If the pre-season run size range is too low and there is a conservation concern or subsistence fishing restrictions are necessary to meet escapement goals, then should start season out with first pulse protection. Additionally, if the pre-season run size range is wide (high data variability or uncertainty) and includes a low end of the range that would result in not meeting escapement goals and subsistence needs, then should start season out with first pulse protection.

Why the Fish Commission supports with amended language:

- When first pulse protection was introduced in the BOF 2013 meeting by YRDFA, it was meant to be equal for the whole river. Then ADFG changed the proposal so that it would always happen in Districts 1 and 2 no matter what to start the season, but would have the flexibility to open it up in Districts 3-6 if the run came in with good numbers. We understand this was done to provide flexibility to the department in case the run came back better than expected. Unfortunately, this has been unfair for Districts 1 and 2 and will continue to be if run sizes continue to improve as they have in recent years.
- When the 1<sup>st</sup> pulse is passing through Districts 1 and 2, local fishermen report that this is the best drying weather for king salmon in those areas. With mandatory first pulse protection, they have to wait and by the time the 2<sup>nd</sup> pulse comes in, the rains start and they have to worry about fish spoilage. Letting them fish for subsistence on the 1<sup>st</sup> pulse would allow them to go back to fishing in their traditional way.
- They will not overharvest just because they can fish on the 1<sup>st</sup> pulse. They are subsistence fishermen and have the same values as everyone else on the river: they only take what they need. Many of them harvest other species of fish, pick blueberries, harvest moose – they only have so much room in their freezer for king salmon. They need to leave space for their other subsistence foods, which limits how many king salmon they can reasonably harvest.
- The first pulse protection was also meant to protect “more Canadian kings”. But because the 2<sup>nd</sup> pulse is a much larger pulse, there are actually more Canadian kings, by numbers, in the 2<sup>nd</sup> pulse than the first pulse. And right now, we are closed on 1<sup>st</sup> pulse and then everyone starts fishing on the 2<sup>nd</sup> pulse. This is a lot of fishing pressure on the 2<sup>nd</sup> pulse, where there are potentially many more Canadian kings. By allowing fishing on the 1<sup>st</sup> pulse, we would be spreading out the harvest more.
- With the amendment language, we will make sure we aren’t fishing on the first pulse when we think the king run is not going to come back in good enough numbers or there is uncertainty in the run size predicted to return.
- This is for subsistence. We want to support subsistence rights up and down the river, equally.

**Proposal 232 – Allow the sale of Yukon River king salmon caught incidentally during open commercial fishing periods for other salmon species**

***Fish Commission vote: Support unanimously with amended language***

Suggested amendment: Allowable only when the ADFG inseason run size projection is for a total run size where both escapement and subsistence needs are highly likely to be met.

- Intent: As the season progresses and more data are collected on the total run size, the department’s end-of-season total run size projections become more stable. The trigger – or end-of-season total run size projection – would be based on run size estimates produced at the sonar near Pilot Station and run timing estimates (early, average, or late run).

Stephanie Quinn-Davidson, Director  
Brooke Wright, Executive Council Chair

Why the Fish Commission supports with amended language:

- By waiting until the inseason run size projection shows that escapement and subsistence needs will be met (amendment language), we will make sure subsistence and conservation take priority. Also, this means the sale of incidental kings would happen later in the season when it is at the very end of the king salmon run and the majority of king salmon have already moved through the commercial fishing area.
- Since this is not a directed king salmon fishery, it would only happen when people are fishing for chum salmon and they incidentally catch some king salmon. They would be fishing with smaller mesh gear (6" or smaller), which is chum gear. When chum salmon are coming in the river in large numbers, they can plug up a net of this size and few king salmon would be incidentally caught.
- As an example, in 2017, when they did this, 270 fishermen went fishing and caught 60,000 chum salmon and only 112 king salmon.
- Because it would happen late in the king salmon run, it would happen when most of the Canadian kings have already gone past. The kings caught late in the run are kings that are headed to the Andreafsky River. They are local stocks. They are not stocks that upriver fishermen even get to see or fish on. So it would not be "stealing" fish from upriver subsistence fishermen. We would need to be cautious about meeting the Andreafsky weir goal, however, if too many king salmon are being harvested incidentally.
- At this point in the subsistence season, the local fishermen have already met their king salmon needs in Y1 and Y2, so they don't need more king salmon (i.e. they don't need to keep the king salmon caught incidentally in their commercial chum salmon nets). Also, Kwikpak informed us that they will take kings people don't need and will give to the Tribal Councils throughout the area to give to elders. But once people have already received the kings they need, then it would be good to be able to sell the few kings they are catching while fishing for chum salmon.
- The commercial fishing in the lower river is intricately linked to local people's ability to go and do subsistence activities. They need to make money to be able to buy gas for moose hunting, berry picking, etc.
- This proposal would also apply to the Kaltag commercial chum fishery and the Tanana R commercial chum fishery, so it would be equal in other parts of the river.
- The proposal passing does not mean that sale of king salmon WILL happen – it would give the discretion to ADFG for it to happen after subsistence and escapement needs will be met. ADFG can use the data at their Lower Yukon Test Fishery to make sure not too many kings would be harvested, if there were ever a concern.

#### CERTIFICATION

I hereby certify that all Commissioners present unanimously supported these proposals, February 2, 2018 in Fairbanks, Alaska.



Yukon River Inter-Tribal Fish Commission Chair