

# Public Comments from Southeast & Statewide meetings

Tsiu/Tsivat Rivers Closed Waters | April 24, 2018

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Submitted By  
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12/19/2017 11:39:53 AM  
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C. Allen Pool

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831-372-5564

December 17, 2017 I'm in opposition to proposal 165. For the reason(s) stated in this letter.

November 1, 2008

To Whom It May Concern:

With the exception of one year, I have, since 1998, had the pleasure of fishing on the Tsiu River as a guest at the camp of the Alaskan Wilderness Outfitters Company in either August or September. Each trip was unique. The setting is beautiful beyond words as has been the abundant supply of incoming Silver salmon.

Only one feature has prevented the experience from being perfect. That has been the bad manners, rudeness, and illegal activities of some of the commercial fishermen. Each time that I have fished on the river at the same time as the commercial fishermen, some of them, not all, have used their boats to interrupt me and others while we were fishing a school of fish. They would run and circle their boats between us and the school of fish so as to herd the school into their nets. Many times, they have done so without regard for our fishing and our safety.

At the times I and others have called out to them, they expressed their rudeness by saying such things as "I'm just making a living", "This is my income", or "F..... you". This past September a woman was fishing about 15 yards to my left. There was a school of fish between her and the opposite bank. A commercial fisherman raced between her and fish and commenced circling in front of her and herding the fish to his net. In doing so, he came dangerously close to her. When she called out to him, he respond holding up to her his middle finger.

I don't begrudge the commercial fishermen their right to fish or to make a living. However, they should do without infringing upon the rights of others and without violating the law. Greater enforcement of the fishing regulations is needed. Without vigors enforcement, those commercial fishermen who have behaved badly and have violated the law will continue to behave badly and violate the law.

Respectfully,

C. Allen Pool



Submitted By  
BoLars Matson  
Submitted On  
12/26/2017 8:33:02 PM  
Affiliation

Sport fishing and commercial fishing can coexist on the Tsiu river. But certain safe guards need to be maintained. It is extremely difficult to sport fish below the marker during an opener, which makes it essential that the historic 1/2 mile closed to commercial fishing be maintained. Given stream dynamics there may not be holding water to fish within the proposed, reduced area above the marker.

Thank you for your consideration.



Submitted By  
Curt Schlosser  
Submitted On  
12/28/2017 10:01:35 AM  
Affiliation

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Curtis c. Schlosser                      **Proposal 165**

8375 Gold Ray rd.  
Central Point, OR 97502

To ADF&G and To Whom It May Concern:

I am writing this letter to express my concerns and preferences on upcoming proposal for the TSIU fishery and other rivers on the coast. I have fished the Tsiu River about ten years out of the last twelve. I also can attest to the conflict and clash between the rod and reel sportfishers and the commercial fishers. I have witnessed and videoed the commercial takers spinning their boats upstream and downstream of their nets harassing and scarring the fish into their nets and saw many dead fish floating downstream afterwards.. Is that not the definition of "Wanton Waste".

I also vividly remember several years ago when we got out early and had staked a place to fish in a channel and after about an hour, here comes the roar of commercial jetboats and one landed right in front of me where I was fly fishing. A guy jumped out and started driving a stake to stretch their net on, I said to him "What are you doing", to my amazement he would not answer me but completely ignored me as if I did not exist. My background is 38 years military service from Vietnam to 2005, I retired US Army LTC (Lieutenant Colonel) out of Fort Richardson, I started enlisted and rose to that rank. I was not used to someone disrespecting me by not even acknowledging me or returning a response. I was not used to being treated that way. That young fellow does not realize how close he came to an extreme physical lesson in how to treat people and not disrespect them. I did not give 38 years of my life in the military to being disrespected that way. I have come to realize that seems to be a code among the commercial guys that they ignore us and treat us as someone who has no right to be there, they have all the license not us. We are no stakeholders to them. They get tons of fish, we get a few pounds.

My strong recommendation is that each year, the dynamic river channels be analyzed and new markers are set to keep these rude commercial fishermen away from the sportfishers to avoid confrontations. They seem to lack the common people skills to

interact with respect.

Curtis C. Schlosser

US Army LTC (Retired)





Submitted By  
greg dierick  
Submitted On  
12/27/2017 2:47:34 PM  
Affiliation  
commercial fisherman and lodge owner

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This is in opposition to proposal 165 on markers being moved on the Tsiu river, being a commercial fisherman and lodge owner on this river for over 40 years, i feel the commercial regulatory markers should be kept as is (1/2 mile from any part of the the lake the water flows out) as there is already a huge conflict between commercial and sport fishermen, i have other ideas to deal with this problem such as giving commercial fisherman more fishing time on the river or moving the markers up from the half mile to a 1/4 mile from 10pm to 4am on commercial fishing days, this gives the commercial fisherman plenty of time to clean out the few holes of fish in this area without conflict to the sportfishery,(since the sportfishermen usually show up around 5 am and leave the river at night around 9pm) trying to get everyone on the the river to get along has been a challenge on this river , i hope you give some of my recommendations some consideration as both groups want to work together but the river is so short now and just moving the markers up will do nothing but create more conflict. thank you



**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  
Jim Conrad  
Submitted On  
12/27/2017 9:29:20 AM  
Affiliation

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## Proposal 165

I oppose this proposal. The reasons stated in this letter are as relevant today as they were in 2012.

**RE: Tsiu River**                      March 15, 2012

Ladies & Gentlemen,

I was very disturbed to read a recent article in the Ketchikan newspaper regarding the reversal of a controversial board decision aimed at reducing sport-commercial conflicts on the remote Tsiu River near Yakutat. It appears to me that amended Proposal 30L, to close a portion of the river to commercial fishing to provide a sport-only zone, was a very reasonable and equitable solution.

When I originally learned of its 4-3 approval I was ecstatic. However, when I later learned that the Board of Fisheries had apparently later caved to commercial fishing interest pressure (disguised a new information but really wasn't) and reconsidered the proposal, subsequently voting 3-4 to overturn the original approval of amended Proposal 301, I was stunned. I thought that this type of exercise of raw political pressure was reserved to the lower 48 states and specifically to Chicago. To say that I'm disappointed would be a gross understatement.

I am from California I look forward to at least one or two annual trips to Alaska to fish, with my favorite destination being the Tsiu River. I typically spend around 55,000 on each of these trips and my half dozen fishing buddies do the same. I know that we're just the tip of the iceberg and if you extend that type sport fishing expenditure to multiple fishing lodges on the Tsiu River for an entire season, you're looking at several million dollars per year. It seems to me that sport fishing's economic contribution to the Tsiu River fishery shouldn't be trumped by commercial fishing. Sport fishermen don't appreciate being harassed by commercial harvesters, as they heard salmon into nets using boats. Let the commercial harvesters have their section of the river and let sport fishermen have theirs. That's the equitable solution and that's what amended Proposal 301 is all about.

In conclusion, I urge you to reconsider your actions and to approve amended Proposal 301.

Jim Conrad

3723 Brand Crest

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Submitted By  
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Submitted On  
12/26/2017 11:04:18 AM  
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Sirs, I oppose Proposal 165 currently before you. I am 77 years old and have been fly fishing the Tsiu river since my early 50's almost every September, first in tents and now at the Alaska Wilderness lodge. The Tsiu is one of the premier silver fishing rivers in the world and the several lodges that use it have protected the river and the fish. We kill some fish but rarely take our limit, so most fish are released. The financial benefit to Alaska from fishing there is great. With all the netting opportunities available in Alaska one wonders why netting in the river is permitted at all. I have been wading in the river with my wife when the young commercial fisherman have purposely come so close to us to almost hit us. This is a dangerous situation so that the two uses should be kept separate. The proposal leaving just 1/4 mile of fishable area commercial free is unhistoric and unacceptable.



Submitted By  
Lisa Honer  
Submitted On  
12/28/2017 4:47:26 AM  
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Tsiu

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RE: Tsiu River Proposal 165

To Whom It May Concern:

I am writing to express my extreme opposition to Proposal 165. Sportsman fishing is a backbone of the Alaskan culture and brings significant economic benefits to the area. Sportsmen are drawn by the taste of wilderness, to experience the untamed natural beauty and for the world class fishing. While I understand the purpose of commercial harvesting; you must at the same time, maintain the integrity of the Alaskan experience and safeguard a healthy salmon population. I have been a yearly visitor to the Tsiu River for the past 3 years. I have seen first hand the perils to nature and disregard to the sportsmen's experience from commercial harvesting; even with the 1/2 mile reservation for the sportman fishing. It is my firm belief that any further impingement on the sportsman's fishing will not only violate the integrity of the experience but also potentially jeopardize the health of the salmon population. The closed area to commercial fishermen should remain at a minimum of 1/2 mile.

Thank you for your consideration,

Lisa Honer



Submitted By  
Michael Thelander  
Submitted On  
12/27/2017 12:29:04 PM  
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To Whom It May Concern:

I have been fly fishing on the Tsiu for about the last fifteen years. With family and work, I don't make it every year, but I've been there about six times, spending up to a week each time that I come. Each trip brings in several thousand dollars to the local community, including hotel and meals in Cordova, as well as fees to stay at the lodge (Alaska Wilderness Outfitting Company)

The Tsiu is a treasure for anyone that loves sport fishing and a day spent on the river makes up for all the times I don't catch a fish when fishing somewhere else.

I understand the need to balance the needs of sport fishermen and commercial fishermen, but after spending several weeks in total on the river over the last decade, I also know the two entities can't reasonably fish in close proximity to each other, let alone on the same stretch of water.

The motorboats used by the commercial fishermen to herd the fish into the nets represent a great hazard to anyone standing in the water. I've seen boats "buzz" fishermen, sometimes passing in between a group of men/women fishing. We (sport fishermen) want to fish where the fish are congregating and they (the commercial fishermen) want to draw out those fish and chase them into their nets. At a minimum, the commercial fishermen turn a tranquil day into a somewhat stressful day since I never know when a boat will keep moving closer and closer to me until I'm forced to go somewhere else.

Given the remote location of the Tsiu, it isn't reasonable to expect everyone to play fair and unfortunately us sport fishermen have a distinct disadvantage - we use fly rods instead of nets and we navigate the water in our waders instead of in a motorized boat.

The only viable option is to mandate fishing zones that are restricted to each party with a measurable distance in between each zone to protect both parties' interests. I understand there is a proposal to reduce the distance to only 1/4 mile instead of a 1/2 mile. The latter distance, if not larger, is much better to preserve the tranquility of fishing on the Tsiu without fearing life and limb or a busted rod and lost line. At the same time, the commercial fishermen will have ample stretches of the river to meet their quotas.

Sincerely,

Mike Thelander



Submitted By  
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Submitted On  
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## **Proposal 165**

To Whom It May Concern,

I have been coming to the Tsiu since 2014 and have fished all over the state. I believe that the Tsiu is the most pristine and premier Coho fishery in the state of Alaska. I had knee surgery a couple of years ago and have some difficulty maneuvering in the river. It is of great concern to my welfare when the boats are suddenly spiraling in the river disrupting the fish and my safety. When I learned there was a proposal to reduce the area available to avoid this disruption and danger associated with this type of commercial activity, I felt compelled to write this letter.

As a resident I urge you to allow as much area as possible for the sport fish users on the Tsiu River and to limit the unsafe boat activity of the commercial operators. If the proposal passes as written I will definitely rethink about ever coming back to the Tsiu and would discourage others as well as it just would not be a safe place to fish.

M. J. Westall



Submitted By  
Paul Reinsch  
Submitted On  
12/27/2017 4:43:59 PM  
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Four of us fished the Tsiu in 2013, 5 days in mid sept. We were told that the commerical fishermen

only fished 3 days out of the week, and the other days were for sport fishermen. There not being anyone there to inforce the rules, they ran thier nets every day we were there. They used jet boats to heard the fish into the gill nets. DC3 would land and take off most of the day. Not a good experience. Did we catch fish, Yes, did we have fun, Yes would it have been much better with out the commerical fishing the way it was. HELL YES. There needs to be more room for the sport fishermen, without having to put up with having a good spot spoiled when a jet boat goes thru hearing the fish. The nets at that time were set on each side of the river may be 50 yards or more aspart , not all the way across, but they might as well have been. Fish had to zig zag to get thru the nets. At that time it is a small wonder that enough fish made it to spawn, for future runs. Please do something to make it better. I have been incontact with the lodges, and when it is we will return. We are fly fishermen, catch and release unless the fish was caught in the gills, then we kept it. 4 fishermen 5 days, less that 15 fish we kept and brought home. barbless hooks.

Paul



Submitted By  
Ray Landgraf  
Submitted On  
12/27/2017 1:04:34 PM  
Affiliation

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I've fished the Tsiu for 18 years coming up every year in September. The closed area to commercial fisherman should be at least 1/2 mile. I understand the importance of commercial and sport fishing and the need to share the resource. It becomes problematic however when the commercial guys are herding fish into nets at high speed.



Submitted By  
Ronald Ott  
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12/28/2017 6:25:34 AM  
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sports fisherman

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. I have fished annually on the Tsiu since the year 2000 with Alaska Wilderness. I believe the area is a precious resource for Alaska and a prime destination for sports fisherman. Over the years I have experienced unpleasant times when netters are in the area creating some danger for shore fisherman. Current regulations separating commercial from sports fisherman should be maintained.

I have experienced amazing fishing which keeps me coming back.

In regard to netting. Netting/herding should not be allowed in areas where the river is narrow and there is narrow channel with a deep drop off effectively blocking the river to migrating fish. The recent natural shortening of the river channel there can only create more conflict between fishermen and netters, netting should not be expanded.

Thank you for your interest in protecting this resource.



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Website: <http://www.seafa.org>

December 27, 2017

Alaska Board of Fisheries

John Jensen, Chair

PO Box 115526

Juneau, AK 99801

**RE: 2018 Southeast Shellfish, Groundfish, and Finfish Proposals**

Dear Board of Fish Members,

Southeast Alaska Fishermen's Alliance (SEAFA) represents our 300 + members involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska. Prior to submitting our comments, we sent out an online survey to our members regarding several of the shellfish proposals and encouraged that they share the survey with non-members to help develop our positions on the proposals. Our comments on individual proposals are presented in numerical order by fishery for convenience.

**DUNGENESS CRAB**

**Proposal #53: No position at this time, additional information needed**

This is a proposal submitted by ADF&G to clarify regulations related to the sale of buoy tags for the commercial crab fisheries in Southeast Alaska. We have concerns about unintentional enforcement issues arising from these changes. We are in the process of setting up an evening meeting (hopefully the first night) during the Board of Fish meeting to discuss this proposal with the Department and enforcement issues regarding buoy tags. The Dungeness crab buoy tags were originally issued to the vessel because of the tiered permit system and the ability to stack several permits up to 300 pots maximum. *As the intent of this proposal is to try and align the regulation with current practices, we would suggest that 5 AAC 32.126(b) be additionally amended to read:*



### **Proposal #164 & 165 Support**

SEAFAs supports these two proposals to update the descriptions of closed waters of the Situk, Tsiu and Tsivat Rivers in the Yakutat area.

### **Proposal #166 Oppose**

SEAFAs opposes this proposal to substitute an index fishery in place of the test fishery in District 112-16 after listening to ADF&G at the 2017 salmon task force meeting. It was our understanding that it would be possible to end up with years of no data with an index fishery when they did not see enough pinks to open a competitive commercial fishery. The test fishery is what gives the Dept. the comparable data to determine that there is sufficient salmon along this shoreline to open a fishery and what species are present.

### **Proposal #168 no action**

This proposal is best addressed under the Chilkat and King Salmon River stock of concern action plans.

### **Proposal #171 Support**

SEAFAs supports providing ADF&G the additional management tool of a 6" maximum gillnet mesh size through the month of July to District 6 as exists for Districts 8, 11, & 15.

### **Proposal #175 Support**

SEAFAs supports the Dept.'s request to clarify that king salmon may not be on board vessels participating in the enhanced chum salmon troll fishery when the directed spring king salmon troll fishery is closed.

### **Proposal #176 Support**

SEAFAs supports this proposal to allow the ability of trollers to fish in the Crawfish Inlet THA during the troll coho closure. The troll fleet is behind on their allocation under the SE AK Enhanced Salmon Allocation plan and troller access to Crawfish Inlet is a priority for the NSRAA Board.

### **Proposal #185 Oppose**

SEAFAs opposes this proposal to allow personal use fishing additional gear types such as drift



forward to an opportunity to participate in the committee of the whole for the salmon, crab, shrimp and groundfish species for which we represent our membership.

Sincerely,

A handwritten signature in black ink that reads "Kathy Hansen" followed by a long horizontal line.

Kathy Hansen  
Executive Director



Excerpt

# Southeast Alaska Fishermen's



PC13  
4 of 5

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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**

SEAFSA 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**

SEAFSA 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



*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>



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Steve Lambert  
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12/26/2017 8:42:39 AM  
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### **Comment on Tsiu Commercial Fishery**

As a sport fisherman who has fished the Tsiu river since 1992, I would like to comment on the proposed area available to the commercial fishery. The course of the Tsiu river changes annually depending on winter weather conditions. In the last few years we have seen the length of fishable river shrink dramatically. The fishable area on the river is currently much shorter than it has been in the last 25 years I have been fishing it. I feel that both sport and commercial fisheries should have equal access to the river and I would request that board keep at least half of the fishable area on the river open and available for sport fishing as part of any new regulations. I feel that as a minimum there should be 1/2 mile above the commercial nets available to sports fishermen. Thank you for the opportunity to comment and I look forward to your decision to protect what I feel is the best Coho salmon fishing river in the state of Alaska.



Submitted By  
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Alaskan Wilderness Outfitting Company operates a sport fishing lodge on the Tsiu River and is in opposition to Proposal 165. Moving the markers would limit the sport fishermen even more in finding a place to get away from the commercial fisherman which has historically been a 1/2 mile commercial free. The river has changed direction and is half the length and there is limited amount of areas to fish. The move would not benefit the commercial fishery due to shallow water in the area, but only take away more area from the sport fishermen. Sincerely yours, Tom Prijatel, Owner, Alaskan Wilderness Outfitting



We oppose this proposal for the following reasons:

Po Box 1403 Cordova, AK 99574

907-953-5030

1. Allocative –

**Existing regulation:**

**5 aac 30.350 Closes waters.** (a) Salmon may not be taken in the following waters:

(12)Tsiu River: upstream of ADF&G regulatory markers located approximately one-half mile downstream from Duck Camp Island.

Existing regulation that has been in place for over 30 years leaves approximately one-half mile of river closed to commercial harvesting. The proposed new regulation leaves approximately one-quarter mile of river closed to commercial harvesting.

2. Moving target-

The proposed regulation asks to use the confluence of two rivers as the starting point to measure from for these closed waters. A confluence that didn't exist 5 years ago. By the departments on submission this area is a highly volatile landscape and constantly changing. Using a landmark that may or may not be there, or its location changes from year to year, will only cause confusion and uncertainty.

\*\* See maps in **Appendix A**.

3. Demographics –

In the last 35 years the Tsiu has gone from a predominantly commercially fished river with few other users to a major sport fished river.

The conflict between the user groups has been well documented. Reducing the area available to sport fishers to get away from the boat rodeo during commercial openers will cause conflicts to arise.

\*\* Read Sheinberg Report in **Appendix E** for information on river dynamics, changes in user groups and direct city income from these user groups. Taxes and lease fees have gone up since this report and are now more than a 10 to 1 margin.

4. Change of guard –

**5 AAC 30.320. Fishing periods**

Salmon may be taken by set gillnets during the open fishing season only as follows:

(1) in the Yakataga District, from 9:00 a.m. Monday through 9:00 a.m. Thursday, except in the Tsiu River salmon may be taken only from 9:00 a.m. Monday to 9:00 a.m. Tuesday and from 9:00 a.m. Wednesday to 9:00 a.m. Thursday;

There is a new area manager that is changing the way the fishing periods are opened. In 2017, in each of the first two weeks the river was opened four days in a row. Had there been an average number of permits fishing, along with the 50% reduction of boat rodeo free area, things could have gotten ugly in a hurry.

See **Appendix B** for details on past openers.

5. Boat Rodeo and complaint letters -



Here are a couple examples of what a Boat Rodeo is:

<https://www.youtube.com/watch?v=52Ny8sFx-nU&index=7&list=PL2F710B6AE4B80ED4>

<https://www.youtube.com/watch?v=mW4oJlkCr7E&index=22&list=PL5DF6B289E0632DB6>

<https://www.youtube.com/watch?v=40gVmIpCDKY&list=PL35D70545E196B1DC&index=8>

Please see **Appendix C** for complaint letters. In light of brevity only 10 letters are attached. There are 50 on this subject alone. There are another 50 plus on the decision to reconsider Proposal 301 with amended language found in RC 102 in 2012.

6. Proposal 301 –

See **Appendix D** for Proposal 301 in its entirety.

This proposal passed 4-3. All users and the Area Manager agreed to the amended language to place the boundary marker at the midway point of the river. This was a perfect solution since most of the commercial harvesting is on the lower half and the fish start turning blush on the upper half.

3 days later new information emerged that historically there were lots of sites on the upper river that permit holders used on occasion and worked the nets by hand.

Now, because of the geophysical change to the river those sites no longer exist, thus the reasoning for this reconsideration is no longer relevant.

7. Harassment law –

See **Appendix F** for the law in its entirety.

SOLUTIONS –

Our recommendation is to take Proposal 301 with the amended language found in RC 102 and to insert it into Proposal 165 as amended language with one change, replace Duck Camp Island with a GPS coordinate.

**From 2012:**

**RC102**

Substitute Language for proposal 301:

**5 AAC 30.350. Closed Waters:**

5 AAC 30.350(a)(12) is amended to read:

(12) Upstream from ADF&G regulatory markers located one half the distance between [Duck Camp Island] **GPS coordinate 60 05' 29.60N 143 01' 44.00W** and the river terminus.





5

2014	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Aug																											9AM OPEN	9AM CLOSE			9AM OPEN	
Sep	9AM CLOSE	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE		9AM OPEN		9AM CLOSE	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE		9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE		9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE		9AM OPEN	9AM CLOSE		
Oct	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE		9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE	SEASON CLOSED																				
	20 DAYS TOTAL OPEN																															
2015	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Aug																																
Sep	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE				9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE			9AM OPEN		9AM CLOSE	9AM OPEN	9AM CLOSE	9AM OPEN	9AM CLOSE												
Oct																																
	33 DAYS TOTAL OPEN														SEASON CLOSED																	
2016	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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	31 DAYS TOTAL OPEN																															
2017	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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Sep			6AM OPEN	6PM CLOSE	6AM OPEN	6PM CLOSE																										
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	8 DAYS TOTAL OPEN																		SEASON CLOSED													
	** UNFORSEEN CIRCUMSTANCES HALTED HARESTING.																															
	** NOTE OPEN AND CLOSE TIMES. ESSENTIALLY 4 DAYS IN A ROW DURING DAYLIGHT HOURS.																															



## Appendix C –



PC16  
6 of 23

To Whom It May Concern:                      November 2, 2011

During my trip to the Tsiu River Lodge with you in September of this year, I experienced an unpleasant situation on the river with the commercial fishermen. I think it is important that I relate this to you since it will affect my decision to return in the future. This was discussed with the guides at the lodge, but I thought it would be appropriate to advise you in writing since it will influence my decision to return in the future. Unless something is done to improve their conduct, I will not be returning to fish with you.

I understand the commercial fishermen had the authority to fish the river during the time I was there from September 18 thru 23. However, their action of traversing the river in front of our fishing area, running within less than 30 feet of us, and forcing us to stop fishing for fear of injuring someone in the boat was arrogant and dangerous. They showed no respect for our presence on the river and allowed us very little peace and quiet to fish only a small part of the river. They also set their nets across the river from us and often ran in circles to drive the fish into their gill nets.

I personally watched one group of commercial fishermen load more than 53 fish into a cart for processing while our party of over 6 fishermen tried to harvest our limit of fish. I personally fail to understand the position that the Alaska Game and Fish Department has taken on commercial fishing versus sport fishing. The sport fishing industry clearly brings in more revenue to the state than the commercial fishing industry. A relatively small number of commercial fishermen are awarded the privilege of reaping the greatest amount of the available resource while the sport fishermen are left with less and less. Regrettably, it has affected my decision to return in the future.

Sincerely, Vernon Broussard

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To whom it may concern,                      Feb 10, 2009

Our group did not return to the Tsiu River this past fall to fish with AWOC. We fished on the Tsiu from 2001 – 2007 for 7 straight years.

On our last trip the river had a commercial fishing operation on it. The commercials were basically fishing where the sportsman had access. They were running boats at high speed up and down the river and caused an unsafe situation. As you know the river is not big. Sportsman need to be able to wade the river in order to have casting and catching opportunities. The commercial boats on a small river not only spook all the fish, but are obviously antagonistic towards sports fisherman, leading to close encounters that will ultimately result in incidents of personal injury or worse.

Frankly, I am dismayed that the State of Alaska allows this kind of situation to go unchecked or unsupervised.

Needless to say, our 2007 trip experience soured the Tsiu for us and we will not come back until this situation is resolved.

Thanks,

Tom Mike Anderson, CPA Geffen Mesher & Co., P.C. 888 SW Fifth Ave., Ste 800 Portland, OR 97204

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To Whom It May Concern,

I am a guide on the Tsiu River. I have seen years of commercial fishing and sports fishing going on side by side. The Tsiu is a short, shallow and narrow river. When the peak of fishing is underway the river becomes quite crowded. Every year the crowds seem to grow. With all the people standing in the river commercial and sports fishing the use of high-speed boats has become dangerous.

Because the Tsiu is a shallow river a flat bottom boat requires a lot of speed to keep from dragging the bottom. Boats running up and down the river weaving through people is asking for an accident. The boats must follow the channel, fisherman fish the channel, not much room for error. I have witnessed numerous close calls. Once an angler actually had to dive out of the way to avoid being run over by a boat sliding out of control around a corner!

There is very little respects given to the angler visiting Alaska's Tsiu River by the commercial fishing boats. It is bad enough that angles are run out of fishing holes by nets laid at their feet. It is just not safe or fair to run the angles off the river with a boat run in circle at high speeds in front of them. People come to Alaska for a special fishing experience, not to be run off the river by dangers that could be regulated. Let me know if I can assist in making the Tsiu a safer place to experience.

Captain Matt Williams

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Gentlemen:

September 28, 2008



PC16  
7 of 23

For the past 9 years, several of us fish the Tsiu River for Silver salmon during the month of September. The fishing is great and the lodging in Cordova and with the Alaska Wilderness Outfitting Company on the Tsiu are the top of any fishing and hunting areas we frequent.

The commercial fishermen on the Tsiu River have become aggressive over the years to the point that they push the sport fishermen out of the way when placing their nets. This year they were so aggressive that they would run their boats at high speed between two of us that were 20 feet apart while we are standing in 3 feet of water. There was over 100 yards of water that was available for the boats. The wake of the boats made it difficult not to fall into the river. At the same time the men in the boat waved their index fingers at the sport fishermen.

The Tsiu is one of the few clear water rivers for fly fishing that I know of in Alaska. I ask that you consider the banning of commercial fishing on the Tsiu reserving the clear water fishing for the sport fishermen.

We have made reservations to Fish the Tsiu again in September of 2009. At the age of 81 I hope to make the trip for many more years.

Yours truly

Jim Miner 2871 Tam O'Shanter Drive El Dorado Hills, CA 95762

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James A. Perry 3385 Country Club Dr. S. Salem. OR 97302 November 1, 2009

To Whom It May Concern:

I am delighted to provide my comments regarding what I see is an almost total disregard by most of the gill net fishermen of the rights of sport fishermen who are sharing the river with them. First of all, I believe that there is a proper place for commercial fishing, but not in a small confined space such as the Tsiu given the manner in which such commercial fishing seems to be conducted.

I have been fishing the Tsiu for a number of years now and have been planning my trip as late in the year as I can in hopes of avoiding the gill net fishermen. The reason for this is the total disregard most of these guys have for the sports anglers.

Let me give you some examples. I have been fishing a stretch of water and have gill netters who apparently don't have boats wade through my fishing water hitting the water with oars herding the fish downstream into their net. I have had gill net fishermen in motorized dory's speed downstream through water I am fishing doing "donuts" through the hole and around their net to herd fish from the entire river into their net. I have been forced out of the area I am fishing for fear of being swamped by boats speeding in confined areas close to me.

I am responsible for bringing a number of anglers to Cordova and to the Tsiu. The economic impact which we have, not just to Alaskan Wilderness Outfitters but to the community and state is not insignificant.

If I had my preference, gill net fishing in the river should be outlawed, particularly given the shrinkage in the size of the river over the last several years. If it is not banned entirely, it should be more tightly regulated. Including the regulations which are already in effect currently, herding of fish should be banned entirely. A speed limit of 5 MPH maximum should be imposed on all motorized boats. Better yet, motors should be banned entirely.

The Tsiu is a precious resource. The economic benefit to the State of Alaska of this resource is not well served by its exploitation by a few commercial fishermen.

Frankly, if these conditions do not improve soon, I am no longer interested in coming to the area for my annual salmon fishing trip. I have discussed this with several of my companions who are in agreement. As a matter of fact, there are five individuals who have been with me on prior trips who are so turned off because of their confrontations with gill netters that they are unwilling to return.

Sincerely, James A. Perry

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Feb 12, 2009

I would like to add my comments hoping you will have a chance to pass them along to the appropriate parties. We did not return to the Tsiu River Lodge last fall due to the problems I experienced with a commercial fisherman running his boat next to shore where I was fishing. He ran down stream within 10 feet of shore even though the river was 100-150 feet wide at that point. In doing so he came within one foot of running me down and then turned as he passed by and started laughing. If I were to return to Alaska and the Tsiu it would only be if I was heavily armed in order to protect myself from another occurrence

like this. It is very unfortunate that there are very few fisheries left in Alaska that even come close to the Tsiu but the Tsiu is being ruined for the recreational fisherman by the commercial fisheries.

Bruce Bosch



PC16  
8 of 23

December 15, 2010

my wife and family have been fishing the Tsiu for the past 8 years. Some years have been better than others, but we always have had a good trip.

The past 2 years we have had to put up with the commercial fisherman, they have no respect for the sport fisherman. Two years ago they raced their boat out to the mouth of the river fouling up all the lines in the water.

and last year they took just about all the fishable water with their nets, so on those days the sport fisherman were froze out.

I would like to add that for us to come to Alaska to participate in your wonderful fishing, that we spend almost 5 thousand dollars per guest for air fare, lodging, license, etc.

In closing I can't see Alaska Fish and game making a small stream like the Tsiu a stream for the commercial fisherman.

Arthur and Donna Alger  
3937 Chaboya Road  
San Jose California 95147

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*Maxson-Box Stable 522 Last Chance Road Walla Walla, WA. 99362 509-529-971*

To whom it may concern;

Nov.3,2008

I would like to address the issue of the commercial fishermen and their total disregard for the rules and regulations of their occupation! Not to mention the downright rude and unethical treatment of the sport anglers!

I am afforded the luxury of taking a fishing trip with my father and husband once a year. The past 4years, we have chosen the Tsiu as our destination. (My dad has been there 7 years).

Scenario:

I am standing in the river, attempting to learn how to fly fish, it is quiet and serene, and then all hell breaks loose. Here comes these deafening boats, roaring up the river, (in an area I did not think boats could get) knocking me over in the water, and then literally dropping their nets at my feet! I was scared and in shock, to think that something like this could happen. My guide came to my rescue. She asked the boat operators what they were doing. They replied with obscenities told us to go @\*+\*#@# ourselves and threatened bodily harm. By this time my husband, father, and friend recovered from the shock and wanted to get involved. We wanted to get all the info on these bullies, so we could talk to their boss, but there was no way to identify these people. No id numbers on the boats, nets, or vehicles. Our guide told us they were commercial fishermen and suggested we report it to the warden. I did. I never received any reply.

It is my understanding that there are rules and regulations for the commercial fisherman. I do not believe they abide by any of them!

Nets were stretched completely across the river; boats were hazing the fish into the nets and dead fish being thrown back into the water. I was appalled to see this very disgusting behavior. I am sure the department of fish and wildlife will be interested to see exactly what is going on. We have video tape and pictures to verify this tragedy. These men are dangerous. We were harassed by these bullies, were blatantly threatened and do not feel safe to fish while they are on the river. I cannot believe this type of barbaric behavior is allowed.

We had a friend with us that was so traumatized by this, he refuses to ever come back. We will be giving it second thoughts also. We come to enjoy the wilderness and all it has to offer. We did not pay all that money to be in the middle of a war zone!



I know they need to make a living also, but do it honestly. There is no need for this type of utter disrespect to the sport angler. That river is big enough for everyone.

I am asking that you send someone out to watch exactly what happens.

At least make them follow the law!

Sincerely, Mickie Maxson-Box

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To whom it may concern:

January 16, 2010

I have fished for silvers on the Tsiu four times in the past twenty years. It is an expensive trip flying up to the Tsiu from San Diego, California for a week of fishing but it has always been worth the cost until my latest trip two years ago. On that trip the commercial fishermen placed nets to within a few feet of shore - while we were fly fishing along that exact shore. They then herded the salmon into the nets with their power boats to basically empty the river of silvers.

My friends and I truly enjoy everything about the Tsiu. Five of us fished in Alaska twelve years in a row but with deep regret we are no longer considering the Tsiu. We expect rain, wind, and sandstorms but not a barren river on two of our five fishing days.

Please pass on my comments to the Board of Fisheries along with your proposals for possible better means of managing this fishery.

I will look forward to hearing how this matter is resolved and hopefully being able to return to the Tsiu.

Hopefully, Donald Schoell San Diego Fly Fishers 4141 Stonebridge Lane Rancho Santa Fe, CA 9209

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To Whom It May Concern:

November 22, 2009

I am writing this letter in hopes that something can be done about the persistent and increasing problem of the commercial harvesters interfering/jeopardizing us sport fisherman in the Tsiu river.

My friends and I have been long time annual customers of the Alaskan Wilderness Outfitting Company on the Tsiu. We date back to the years when we lived in your "tent city" prior to the establishment of your present permanent cabins in your present location. I cannot recall one year when we did not experience unpleasant encounters with the commercial harvesters. Their nets usually (if not always) would stretch across at least 80 to 90% of the width of the river. They would run their noisy high-powered boats across our fishing lines and many times come dangerously close to many of us who were already standing in the river even though we were there first prior to their arrival. During this year's visit to the Tsiu (2008), our guide spoke to the commercial fisherman who seemed to be in charge of his group reminding him we had been fishing in this location prior to their arrival and that they were running their boat dangerously close to us, and the response our guide received was "I don't care"----as a result, we had to leave that spot and went elsewhere. I might add that the above described encounter this year was not an isolated experience but also repeated in prior years.

I find it increasingly difficult to enjoy my fishing in the Tsiu because of these repetitive unpleasant encounters with the commercial harvesters and would appreciate it if you can forward my comments and experiences to the proper authorities. It seems to me that we should be able to share the river with each other without conflict. It is my hope that I can continue to return to the Tsiu annually to fully enjoy what otherwise is a very fulfilling and enjoyable fishing experience. Anything you can do to help ensure this goal would be decisive in our returning to the Tsiu.

Sincerely, Gilbert J. Hum 1771 Longhill Drive Monterey Park, CA 91754



PROPOSAL 301 – 5 AAC 30.350. Closed Waters.

PROPOSED BY: Tsiu River Coalition.

**WHAT WOULD THE PROPOSAL DO?** This proposal would limit the commercial fishery to an area of one and one-half miles located between lower markers located 500 yards upstream from the terminus of the river to markers located one and one-half miles upstream from the lower markers.

**WHAT ARE THE CURRENT REGULATIONS?** Closed waters on the Tsiu River are currently upstream of ADF&G regulatory markers located approximately one-half mile downstream of Duck Camp Island. All waters below these markers are open to commercial harvest; all waters above these markers are closed to commercial harvest.

**WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?** If adopted, this proposal would eliminate the commercial set gillnet fishery from the lower 500 yards of the river, and allow the commercial fishery from 500 yards upstream from the terminus to a point one and one-half miles above the 500 yard regulatory markers. An area that traditionally has been part of the commercial fishery would no longer be available, creating congestion in the remaining fishing area and potentially, eliminating some boats from participation. In some years, commercial harvests could be reduced because the fishery is highly weather-dependent. Sport anglers could avoid commercial harvesting activities in the waters closed to commercial harvest.

**BACKGROUND:** From Duck Camp Island to the terminus of the river, the Tsiu River can be anywhere from two and one-half to four and one-half miles long. The river flows through shifting sand in this lower stretch, there is no vegetative cover, and the river shifts course from side to side and, depending on ocean currents, can lengthen or shorten itself in a short period of time. In recent years, the river portion has been getting longer, but at any given time, the mouth of the river can break through the sand spit to the west, which lops off as much as two to two and one-half miles in its length.

Both sport and commercial user groups fish the river below the current ADF&G regulatory markers located one-half mile below Duck Camp Island. Sport fishing is open by regulation; there are no time or area restrictions. Commercial openings are opened by emergency order and usually limited to two 24-hour openings per week; a third 24-hour opening may be given as escapement counts near the upper end of the biological escapement goal (BEG) range. The commercial fishing area opened is limited to downstream of the regulatory markers.

Prior to the mid-1990s, when the nets were in the water, sport fishermen were able to access fishable waters upstream of the regulatory markers, thus avoiding conflicts with net gear. Several large holding pools in the vicinity of Duck Camp Island could, and did, provide sport fishing opportunities when commercial gear was in the lower river. Beginning in the mid-1990s and continuing to the present day, the geography has changed; those holding pools in the vicinity of Duck Camp Island have filled with sand and sport fishing opportunities above the ADF&G regulatory markers are now severely limited. Now, when the commercial gear is in the water, both user groups are essentially limited to the same area of the river below the regulatory markers. This situation has led to a number of heated confrontations between the two user groups.



The current regulatory marker placement has been in effect for over 30 years. Prior to 2010, these markers had never been moved. 2010 proved to be an exceptionally dry year on the Tsiu River. The area of the river immediately above the regulatory markers is locally referred to as “The Flats” due to the shallow nature of the river there. The Flats became so shallow in 2010 that migrating Coho salmon could not make it upriver above the markers and they started to hold in the holes immediately below the markers. As the season progressed, upwards of 15,000 fish were seen holding below the markers, waiting for higher water levels. These fish had turned color and reached the point of not being fit for commercial sale and were of no value to the market. They did, however, have considerable value as potential escapement. Prior to the initial commercial opening, in order to protect those fish, the markers were moved approximately two and one-half miles downstream. This action allowed the commercial fishery to take place in the lower three-quarters of a mile of the river without allowing any harvest on the fish trapped below the markers. Late in September, the weather pattern changed and with the first rains, those fish moved to the spawning grounds. The marker movement was done out of biological necessity to protect those fish, but it had two outcomes. One, those fish were protected and eventually found their way upstream and, two, sport fishermen found room above the net fishery to pursue angling activity without interference from the nets.

**DEPARTMENT COMMENTS:** The department is NEUTRAL on this proposal. The proposed movement of the Tsiu River regulatory marker is allocative.

**COST ANALYSIS:** Approval of this proposal is not expected to result in an additional direct cost for a private person to participate in this fishery.

# TSIU RIVER: LAND AND FISHERIES MANAGEMENT

## EXECUTIVE SUMMARY

*Prepared for*

# City and Borough of Yakutat



*Prepared by*

**Sheinberg Associates**

*with assistance from*

**Alaska Map Company**

**FEBRUARY 2009**



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## ***Introduction***

In the early 2000s the City and Borough of Yakutat (CBY) acquired approximately 21,500 acres of land west of Icy Bay area from the State of Alaska as part of its municipal entitlement. This included the mouth and first mile or so of several salmon bearing streams and rivers including the (from east to west) Kiklukh, Tashlich, Seal, Tsiu, Tsiyat, Chiuki, Kaliakh and Duktoth Rivers. City and Borough of Yakutat land is colored light pink on Figure 1 and accounts for approximately 1.25% of the total land base from Icy Bay west to Cape Suckling. The Tsiu River has the most productive Coho salmon run in the area, but most of these rivers have Coho, chum, sockeye and pink salmon runs as well as cutthroat and rainbow trout, steelhead and dolly varden.

State leases on this new CBY land were transferred from the State to the borough in about 2005, including leases for four sport fishing lodges in the Tsiu area, a commercially used airstrip and fish buying station, and some personal use (setnet) cabin leases. In the last few years there have been several requests to lease CBY land in this area for sport fish lodges. At the same time sport and commercial fisherman and lodge owners are complaining that conditions are already overcrowded and that there is conflict among user groups.

The fishable portion of the popular Tsiu River is quite small. It is, depending on weather and sea conditions, only about 3-3.5 miles long, 20 to 60 feet wide(though it can be as wide as 150 feet depending on conditions sometimes), and 2 to 3 feet deep. Above the fishable part of the river is a “lake system” that is a braided swampy area approximately 5 to 7 miles wide with no clear channel to funnel fish in a concentrated way (so not good for fishing).

Both commercial and sport fishers target the deeper (3-4 feet) holes in the Tsiu River where fish congregate. Tension between these user groups has been escalating during the 6-8 week Coho



fishing season in August to early October with reports of deliberate acts of mischief and antagonistic actions between users. Lack of regular enforcement in the area has also resulted in allegations of illegal fishing acts.

In December 2007 the CBY Assembly declared a moratorium on issuing any borough land use or business permits in this area until the situation could be reviewed. The CBY hired Sheinberg Associates, a Juneau-based community planning firm, to assist them in defining the land use and fishery situation in the area so that the borough planning commission and Assembly could be better positioned to make decisions on land lease and use issues and requests.

To accomplish this work Sheinberg Associates, with team member Alaska Map Company:

1. Researched and gathered fishery data;
2. Researched and gathered plat, survey and lease ownership data from the State Recorders Office to construct lodge and infrastructure as-builts;
3. Acquired high resolution imagery compatible with the Borough GIS system;
4. Travelled to the Tsiu River in September 2008 to observe the situation, conduct interviews and accurately document and map infrastructure the area for entry into Borough GIS with precision GPS equipment (Figure 2)<sup>1</sup>; and
5. Conducted over 30 interviews with commercial setnetters; sports anglers; Yakutat Seafoods LLC managers; sport fishing guides, employees and lodge owners; Alaska Department of Fish and Game (ADF&G) sport and commercial fishery biologists; Alaska State Troopers; air carriers that provide fly-in fish services, etc.

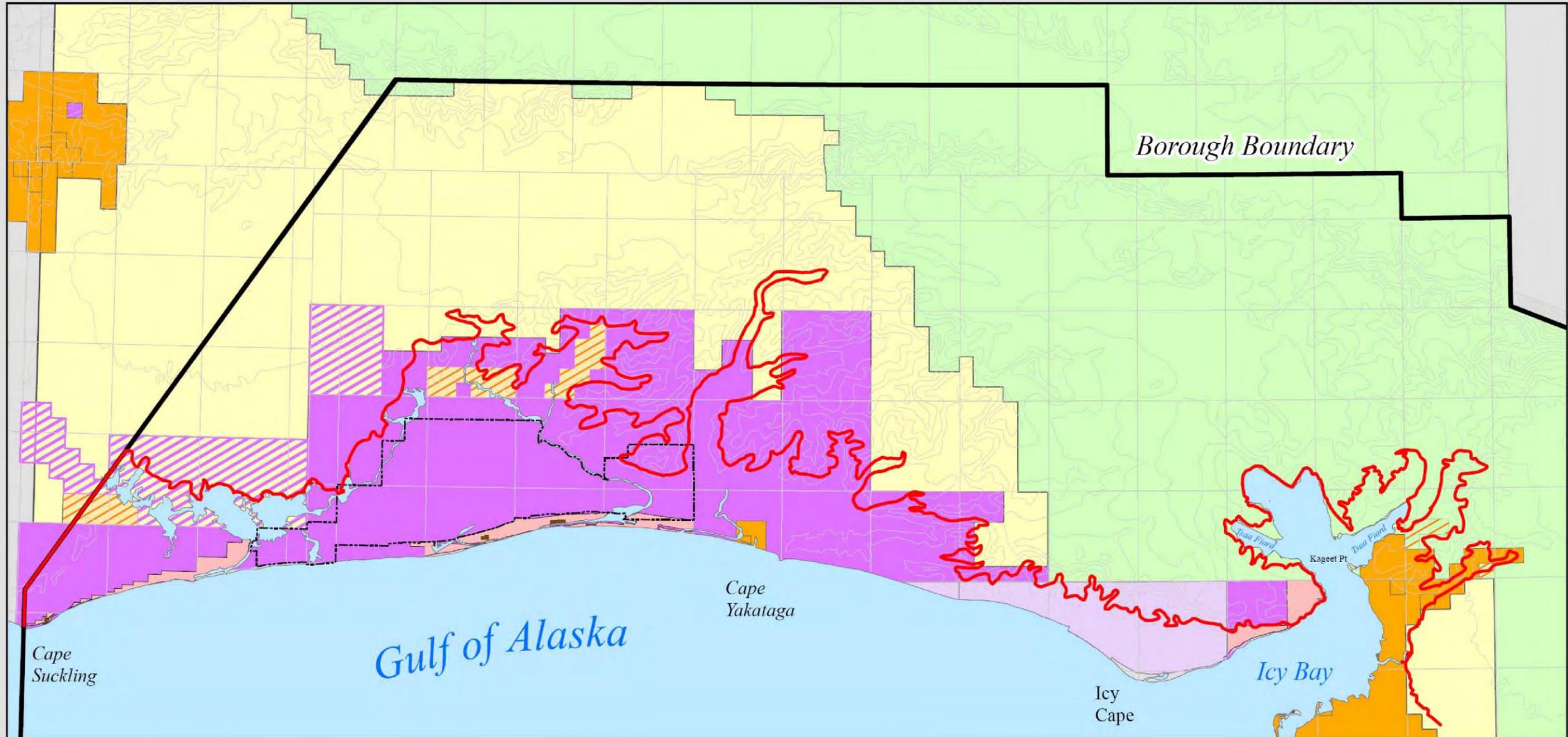
This investigation shows that conflicts on the Tsiu are not biological or sustainability issues; they are fishery, land and behavior management issues.

ADF&G area biologists believe there are adequate numbers of Coho to support both fisheries. The Tsiu River is home to a productive Coho run that has averaged 56,000 fish annually between 1960 and 2008, with a range from lows of 6,157 and 9,800 fish in 1969 and 2004 respectively, to highs of 119,160 and 118,813 fish in 1994 and 1992 respectively. Counting 10,000 Coho is the lower end for escapement; ADF&G biologists believe this level is virtually always achieved - even years when fewer fish were documented (when there is no commercial fishery ADF&G does not send an airplane the area to count). Coho salmon run during a 6-8 week window in August to early October. Much of the spawning and rearing habitat is protected in the Yakataga State Game Refuge, helping to ensure the run's long term sustainability. Subsistence, commercial and sport fishers all utilize Tsiu River Coho.

<sup>1</sup>

Thanks are due to ADF&G for use of its cabin and ATV, Greg Dierick for logistical support to enable this trip, Bill Lucey for logistical support and participating in the field trip along with Alaska Map Company's Gary Greenberg.

# Tsiu River Area - Land/Fisheries Uses and Management

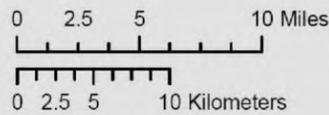


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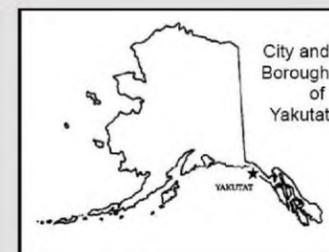
## Land Status Map

Source Data: State of Alaska Land Information System  
 Drawn By: GAG  
 Datum: Nad 83  
 Projection: Alaska State Plane Zone 2

Disclaimer: This map was compiled for the City and Borough of Yakutat by Sheinberg Associates and Alaska Map Company LLC using the best available sources. This map is for illustration purposes only, data may have errors and discrepancies.



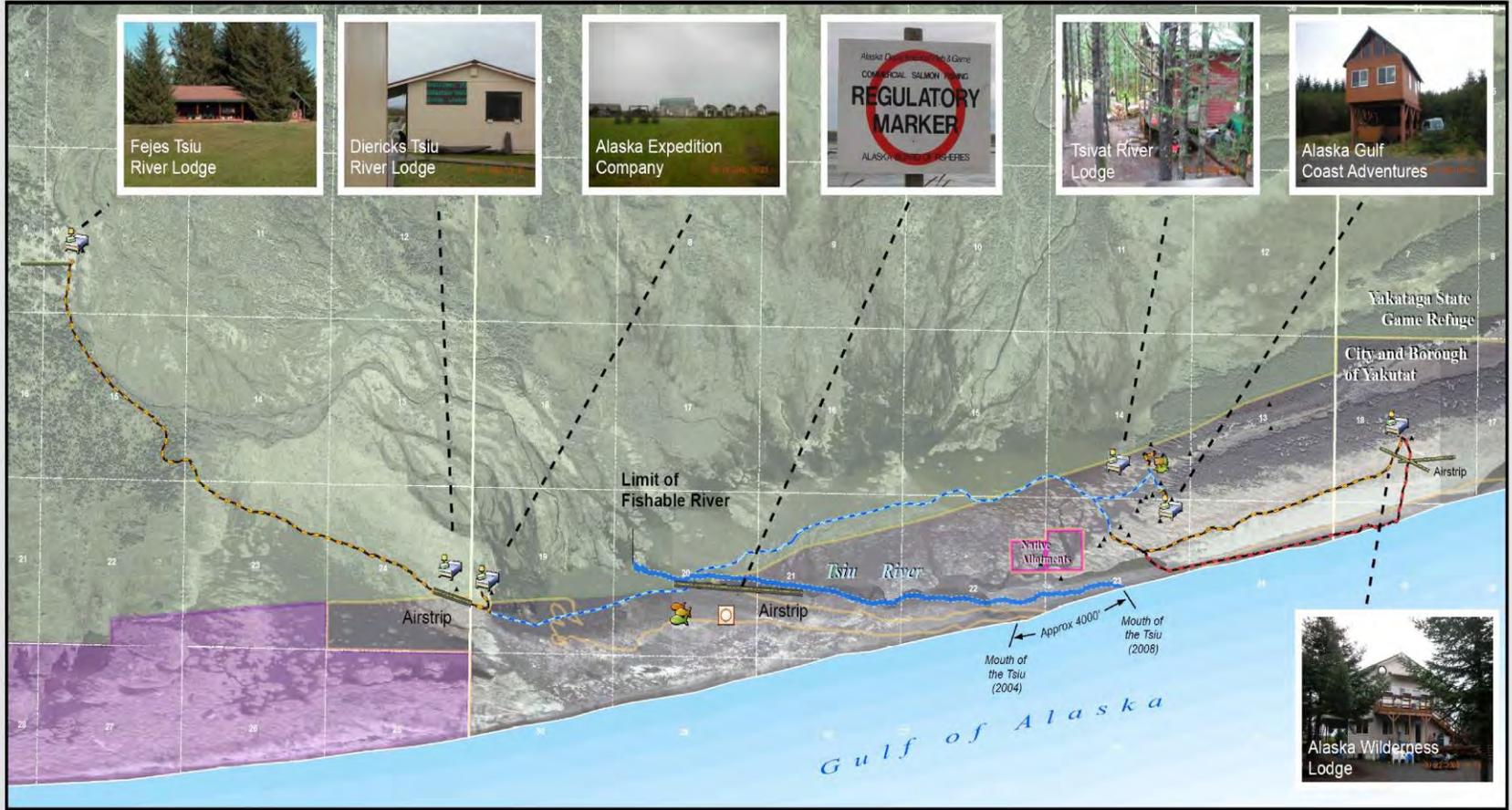
Land Status	
City and Borough of Yakutat	Federal
State	National Park Service
Private	Bureau of Land Management
Native Allotment	Yakataga State Game Refuge Boundary
Native Allotment Selections	Yakutat Coastal Zone Boundary
Chugach Alaska Corporation	
Chugach Alaska Corp Selections	
Other	
Alaska Mental Health Trust	
University of Alaska	



January 2009



# Tsiu River Area - Land/Fisheries Uses and Management

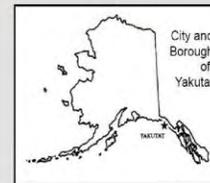
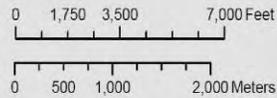


16

## Infrastructure Map

Source Data: Digital Globe Quickbird Imagery August 2004  
 Locations of trails, structures and river meander were collected using mapping grade trimble GPS equipment September 2008  
 Drawn By: GAG  
 Datum: Nad 83  
 Projection: Alaska State Plane Zone 2

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January 2009

City and Borough of Yakutat





Coho salmon from the Tsiu have a reputation for quality including their excellent roe byproduct. Fish are transported by airplane to market; Yakutat Seafoods (YS) out of Yakutat is currently the sole commercial buyer. YS flies DC-3s two-four times/day during the season, weather permitting, to a small buying station near the Tsiu River lagoon to transport these set gillnet caught fish to Yakutat. In a good year there are generally about 10-12, 24-hour openings during the season, each lasting approximately 24 hours. When this schedule is followed relations between sport and commercial fishers are less stressful; when weather interferes and openings become less predictable tension rises.

<b>YEARS</b>	<b>Average No. Permits</b>	<b>Average Commercial Catch (No. Fish)</b>
1960-1977	9	14,090
1978-2001	24	47,354
2002-2004	0	0
2005-2008	11	30,671
<i>Source: ADF&amp;G Commercial Fisheries Division</i>		

The number of commercial set gillnetters fishing the Tsiu has decreased over time (Table 1). The heyday of the commercial effort was from 1978 through 2001. The fishery was not utilized commercially in 2002-2004 due to low salmon prices. Since 2005 there have been fewer commercial fishers on the river, who collectively are harvesting an average of two-thirds the number of fish caught in the big years prior to 2002. Almost all the commercial setnetters are Yakutat residents or those with family in Yakutat. This activity is considered traditional; commercial and subsistence catch of Tsiu River fish has been occurring for generations. At one time there were about 40 setnet camps and cabins in the area used by local families. About half are now dilapidated and no longer usable; most are on borough land with a few on the Bremner Native Allotment (Figure 2).

Commercially harvested Tsiu cohosh generate both local 1% salmon tax revenue to the borough and also state raw fish tax revenue to the borough. The relative amount of fish tax that can be attributed to Tsiu River cohosh varies year to year based on the relative strength of this run versus other Yakutat area salmon fisheries and the price. YS estimates that recently approximately 5-8% of Yakutat’s 1% local fish tax can be attributed to Tsiu cohosh. In FY 2008 the 1% Yakutat salmon sales and use tax generated just under \$33,700, thus Tsiu cohosh would account for approximately \$2,000-\$3,000 in local tax revenue. Half of the State raw fish tax collected from YS is shared by the State with the CBY. In Fiscal Year 2008 this was just over \$200,000. If the same ratio of value is true for State fish tax as the Yakutat 1% fish tax this would attribute \$10-\$16,000 to Tsiu cohosh. In addition, YS employs approximately 60 during the height of the season at its Yakutat processing plant (7 were reported to be local residents in 2008) as well as generating local sales at grocery and other stores. In addition, one Yakutat based air carrier generates significant revenue transporting fish for Yakutat Seafoods.



## Sport Fishing

Sport fishing at the Tsiu has been occurring since the early 1980s. Alaska Wilderness Outfitting started as a tent camp on Duck Camp Island at the northwest end of the lake. Data from ADF&G sport fish license surveys shows that since 1996 the number of angler’s sport fishing the Tsiu River has ranged from a low of 187 in 1998 to a high of 910 in 2003 (Table 2). The second highest number of sport fishers was in 2007, with 877 anglers who fished an average of 3.5 days on the river, catching 12,000 Coho and harvesting 2,750 fish.

Sport fishers either stay at one of six lodges in the Tsiu River area when they fish the area or fly-in and out on the same day with small air carriers out of Cordova, Yakutat or Anchorage. Several estimated that when the weather is good about 15% of those fishing the river are fly-in day-fishers. The six lodges (from east to west) are:

1. Sam Fejes Tsiu River Lodge
2. Greg Dierick’s Tsiu River Lodge
3. Charles Allen, Alaska Expedition Company Driftwood Lodge on the Tsiu River
4. Harold Perantie, Tsvat River Lodge
5. Dennis Meyer, Alaska Gulf Coast Adventures (this used to be George Davis’s Three Rivers Camp in the Kiklukh and Tsiu areas, but now George Davis is in Icy Bay only)
6. Tom Prijatel, Alaska Wilderness Outfitting Company’s Adventure Lodge.

Aerial photos with surveys for all lodges can be found in Appendix A of the full report.

The six lodges have about a 100-bed capacity. In 2007, all lodges reported operating revenue subject to borough tax. In 2008, five lodges were open (Tsvat River apparently operated the first half of the year only, Alaska Gulf Coast Adventures did not operate).

In 2007, tax revenue generated from sport fishing related activity in the Tsiu area was just over \$65,500, just under 4% of all CBY tax revenue. Sport fishing lodge leases also brought in \$36,000 in revenue to the Borough in 2007. In addition, two Yakutat-based air carriers generate sales from Tsiu-bound sport fishing customers, and one local resident is a lodge owner.

## Conflicts

Conflicts on the Tsiu are not biological or sustainability issues; they are fishery, land and behavior management issues.

TABLE 2 Sport Fishing Effort, Tsiu River		
Year	No. Anglers	No. Days Fished
1996	328	773
1997	506	1366
1998	187	788
1999	494	1418
2000	529	1576
2001	397	1307
2002	519	1883
2003	910	2891
2004	683	2060
2005	610	1771
2006	514	1904
2007	877	3090
12 year average	546	1736
<i>Source: ADF&amp;G Sport Fish Division</i>		



Interviews with 29 individuals who either sport or commercial fish or guide along the Tsiu River were conducted in September- December 2008; most interviews occurred at the Tsiu. Of the 24 who offered a rating of their experience, over half (58 percent) call it good, 9 say poor (33 percent) and 2 rate it as excellent. However, 22 (91 percent) say the experience has changed and there is now more conflict. Differences and perceived conflicts are described as follows: “More aggressive commercial fisherman”

“Too many commercial fishermen now”

“There are a lot more sport fisherman now”

“Fishing area has shrunk by 70 percent due to river and mouth changes and rain”

“River is much shorter now”

“River is more crowded with commercial fisherman”

“More nets in the river”

“More sport fisherman now”

“Too many sport fisherman”

“Commercial and sport fishers are antagonizing each other”

“Don’t like the fish herding”

“Don’t like clearing the whole river of fish at once as is done now”

“Too many motors and noise, spent a lot of money to get here to get away from this” “Some guides have poor attitude”

“Guide is telling us to get out”

Other factors contributing to rising tension are that: ⑤ When there was no commercial fishing from 2002-2004 sport fishers got used to having the river to themselves.

- ⑤ The high rainfall the last few years has enlarged the lake and shortened the already small river.
- ⑤ The lack of an enforcement presence in the area during the season contributes to problems and ‘attitudes’ brew unchecked and tension rises - deliberate acts of antagonism are now occurring.
- ⑤ There were more anglers than average in 2007 and the run was less than average, that for the last 5-6 years the Coho run strength was below average.

Lodge owners say that business has been declining since 2005; that they are now running at 60-80% capacity. The high number of anglers fishing the river in 2007 likely reflects increased fly in fisher numbers. Some suggest that 50-60 sport fishers on the river feels acceptable but when there are 100 anglers it feels like combat.

Problems center on competition for the river’s relatively few fishing spots; the manner in which commercial fishing is occurring; certain sport fish guides fostering antagonist behavior to commercial fisherman who then retaliate causing ever-escalating tension; and the lack of an enforcement presence in the area during the short but intense harvest.

Sport clients are looking for a remote experience and do not want to be fishing in the middle of a commercial fishery. Commercial fishermen want to protect their access to the fish and it is difficult to accommodate fast paced commercial operations around individual sport fishermen. There is little enforcement of regulations in either fishery since there is no Alaska State Trooper, police, or Village Public Safety Officer presence and only one ADF&G employee on the ground, whose purpose is to monitor the run and escapement not enforce regulations or mediate user group conflicts.



## ***Optional Solutions***

Many individuals interviewed for this report noted that sport, commercial and subsistence users did not have a problem sharing harvest of the Tsiu River Coho resource in the past. Tension and conflict heightened in 2007 and 2008 and virtually everyone interviewed expressed an interest in finding ways to de-escalate tension.

Many different solutions to reduce conflict were offered during interviews conducted as part of this project.

One of this report's primary recommendations is to assemble a group of Tsiu River users and a skilled facilitator to help users reach agreement on a package of solutions to reduce tension and conflict. The Alaska Board of Game, Federal Subsistence Board, Yukon River Panel and other regulatory boards have used facilitated group meetings to empower users to solve conflicts and report back to the regulatory body with a package of solutions.

In this case the City and Borough of Yakutat, the Alaska Board of Fisheries, Yakutat Seafoods, lodges owners, sport and commercial fishers and guides, air transporters, and ADF&G fishery managers all have a stake in resolving conflict in the Tsiu River.

Suggested solutions take many different forms; they are presented below organized in four categories: land management, permitting and tax policy (CBY purview), behavior management (all users responsible), fishery management (ADF&G and Alaska Board of Fisheries purview) and other.

## **Land Management, Permitting and Tax Policy Options**

1. When there are over 70 or so anglers the river is too congested and feels like combat. Protect the experience that sport fishers are paying top dollar for and protect the investment that current lodge owners have made by prohibiting issuance of leases or sale of land for new lodges in the Tsiu River area.
2. Encourage sport fishing and related lodges to spread-out and use the area from Cape Suckling to the Seal River, and from the east side of the Kaliakh River to Icy Bay by making land available to lease in these areas and approving development permits. (Others have suggested not leasing land anywhere in the western borough until a land use, mapping and management intent has been updated.)



3. Tax policy, permitting and enforcement should be equitable among types of landowners and users. Sport fish lodges are paying property taxes whereas many commercial fishing cabin owners are not (it appears that four are on the CBY property tax roll).
4. Enforce CBY Code Title 11 provisions regarding nuisances and litter in order to clean up the appearance of the area, reduce erosion and decay of material into fish bearing waters.
5. Levy financial penalties for rule violations.

## Behavior Management Options

6. Provide either a CBY police or VPSO officer or a State Trooper on site for periodic inspections and visits, or for the 6-8 week season. An enforcement presence would curtail illegal fishing activity and defuse bad behavior. Levy financial penalties for rule violations.
7. Create a behavior/ etiquette guide that lodge owners, guides, all fishers, and air transporters must read and sign. Managing people's expectations about what they will encounter on the fishing grounds will go a long way to reduce conflict. For example, one fishing lodge owner and his guides tells clients that they will encounter commercial fisherman out on the river and asks them to understand that this is how these 10 individuals make their living, and that it may interfere with sport fishing for a few hours but to be respectful and find ways to share the river. Another example is one commercial fisher interviewed always makes a point of talking to the sport fishers in the area before he begins his operation to let them know what he will be doing and that it will be noisy and he'll be running his boat for the next hour and herding fish, but to please understand that he too is trying to feed his family and make a living. Both the sport fishing lodge owner and guides and the commercial fisherman say that just talking to each other has by and large eliminated their conflicts.
8. Promote a day of bird and wildlife photography, trout fishing in clear water streams feeding the Chiuki, and other activities to diversify and spread out fishing trips to Tsiu.
9. Manage expectations through marketing. Market a premier fishing, but not a complete wilderness, experience. Let clients know commercial fishing may occur during part of their visit.

## Fisheries Management Options

Different users favor and oppose various fishery management options. All options listed here were suggested by various parties interviewed; there are surely others as well. Inclusion of any of these options in a solution package would depend upon consensus of all user groups and must be within the management authority given to local ADF&G managers by the Alaska Board of Fisheries.

10. Move the ADF&G Regulatory Marker (above which no commercial fishing is allowed) a  $\frac{1}{4}$  to  $\frac{1}{2}$  mile farther downstream to give sport fishers more room and allow access to fishing holes.



11. Prohibit sport fishing below the marker when commercial fishing is going on.
12. When weather changes the 24 on/off openings, allow sport fishing only from 5-10am, both to fish from 10 am to 5:00 pm, then commercial fishing only from 5 pm to 5 am.
13. Divide fishing times to make sport only and commercial only fishing periods.
14. Allow sport fishing only from the mouth to a ¼ mile up river, from 7am to 7 pm.
15. Eliminate use of motors for commercial fishing, make it a net-only fishery. The same amount of fish (and dollar value) would still be caught it would just take a longer.
16. Allow fishing boats to herd fish only 500 feet from net rather than 1/8 to 1/4 mile from net as they sometimes do now.

## **Other Options**

17. Limit the number of fly-in fishers that can fish the Tsiu River per day. (Implementing this would involve work with transporter licensing and regulations.)

## ***Recommendations***

1. Assemble a group of Tsiu River users and a skilled facilitator to discuss concerns and help users reach agreement on a package of solutions to reduce tension and conflict. The Alaska Board of Game, Federal Subsistence Board, Yukon River Panel and other regulatory boards have used facilitated groups such as this to address conflict among user groups. When parties impacted help craft solutions the likelihood of a successful outcome is much higher.
2. No new sport fish lodge leases for Tsiu River; practically/ geographically defined as area between Seal River and Kaliakh River. (Leases for other uses may be permissible; better marketing of lodges in other parts of the western borough could help relieve pressure in the area).



**Sec. 16.05.790. Obstruction or hindrance of lawful hunting, fishing, trapping, or viewing of fish or game.**

(a) Except as provided in (e) of this section, a person may not intentionally obstruct or hinder another person's lawful hunting, fishing, trapping, or viewing of fish or game by

(1) placing one's self in a location in which human presence may alter the

(A) behavior of the fish or game that another person is attempting to take or view; or

(B) feasibility of taking or viewing fish or game by another person; or

(2) creating a visual, aural, olfactory, or physical stimulus in order to alter the behavior of the fish or game that another person is attempting to take or view.

(b) For purposes of (a) of this section, "lawful" means

(1) in compliance with

(A) this title, regulations adopted under this title, or applicable federal statutes and regulations;

(B) the Marine Mammal Protection Act (P.L. 92-522) or the Endangered Species Act (P.L. 93-205); or

(C) federal regulations adopted under 16 U.S.C. 3111 - 3126 relating to subsistence hunting, fishing, or trapping on federal land; and

(2) with the permission of the private landowner if the hunting, fishing, trapping, or viewing of fish or game occurs on private land.

(c) Notwithstanding AS 12.25, only a peace officer may arrest a person for violating this section. A peace officer who has probable cause to believe that a person has violated this section may arrest or cite the person or order the person to desist.

(d) In a prosecution under this section, it is an affirmative defense that the person was lawfully entitled to obstruct or hinder the hunting, fishing, trapping, or viewing of fish or game.

(e) This section does not apply to

(1) lawful competitive practices among persons engaged in lawful hunting, fishing, or trapping;

(2) actions taken on private property with the consent of the owner; or

(3) the obstruction or hindrance of the viewing of fish or game by a person actively engaged in lawful fishing, hunting, or trapping.

(f) A person who violates this section is guilty of a misdemeanor and is punishable by a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

Sec. 16.05.791. Civil remedies for violation of [AS 16.05.790](#) .

(a) A person aggrieved by conduct or threatened conduct in violation of [AS 16.05.790](#) may petition a superior court to enjoin the respondent from engaging in the conduct.

(b) A person aggrieved by a violation of [AS 16.05.790](#) is entitled to recover general damages and special damages, including license and permit fees, travel costs, guide-outfitting fees, costs for special equipment and supplies, and other related expenses.

(c) A court may award punitive damages in addition to the damages set out in (b) of this section.



RU 555

THE YAKUTAT A.C. RC ON PROPOSAL 165  
WE FEEL 50/50 SEPERATION OF CONFLICTED  
USERS ON THE TSIU SHOULD BE HANDLED IN THIS  
MANNER; NO USE OF THE OTHER'S AREA. TO BE FAIR,  
IF THERES NO COMMERCIAL IN SPORT AREA, THEN  
THERE SHOULD BE NO SPORT IN THE COMMERCIAL  
AREA. ADDITIONALLY THE LAKE SHOULD BE INCLUDED  
IN THE MEASUREMENT.

YAKUTAT A.C.

CASEY MAPES



From Greg Inderland

Hi Mr. Jensen,

I am ccing the Borough Manager Jon Erickson and Representative Louise Stutes on this email. I was informed today that the Board of Fish took action today regarding the Tsiu River confining the commercial fishery to only half of the river when open. [REDACTED]

[REDACTED] Several years ago this same issue was trying to be pushed through at the BOF meeting in Ketchikan and we had it brought back for reconsideration. Part of the agreement was that the City and Borough of Yakutat would create a coalition of all user groups at the Tsiu to be managed by the Borough and deal with issues at the Tsiu. I spearheaded the Tsiu River Stakeholders Coalition which was created at the City and Borough of Yakutat's attorneys office in Anchorage and included all of the lodge owners at the Tsiu [REDACTED], the City and Borough of Yakutat, ADFG, Commercial fisherman, processors and the Yakutat Tlingit Tribe. This was all cleared through the Board of Fish with the understanding that the Borough would provide a police presence at the Tsiu to alleviate user conflict and concerns of all user groups and that there would be a yearly meeting at the Tsiu of all stakeholders. The BOF stipulations have been complied with every year since. The Borough has been the governing body to make sure this has all happened and it has. [REDACTED]

[REDACTED] There was no notification to the City and Borough of Yakutat, the Tsiu River Stakeholders committee or anybody in Yakutat other than the people who happened to be in Sitka. As the person who spearheaded this group to give all stakeholders an opportunity to discuss and resolve conflicts on a local level, I find this very concerning. I am sure if any of us in the group who have worked very hard and the City & Borough of Yakutat that has invested upwards of \$100K over the last few years to establish a police presence and facilitate user group conflict resolution had known this type of decision would be made out of cycles we could have made arrangements to be in Sitka to testify to the Board of Fish. The proposal in front of the Board of Fish was a house keeping proposal not a allocation of fishing area proposal and contradicts the agreement between the Tsiu Stakeholders, CBY and BOF. We are all looking forward to a explanation and a resolution to this issue which should have never been a issue. Thank you for your time.

Greg Indreland  
Manager  
Yakutat Seafoods



**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



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 its 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.



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.



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



**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  
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. 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:

A handwritten signature in blue ink, appearing to read "Ralph Wolfe".

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



Submitted By  
Tracy Thack  
Submitted On  
2/20/2018 1:12:48 PM  
Affiliation

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9072232909

Email  
[Tracy.thack@gmail.com](mailto:Tracy.thack@gmail.com)

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



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

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