

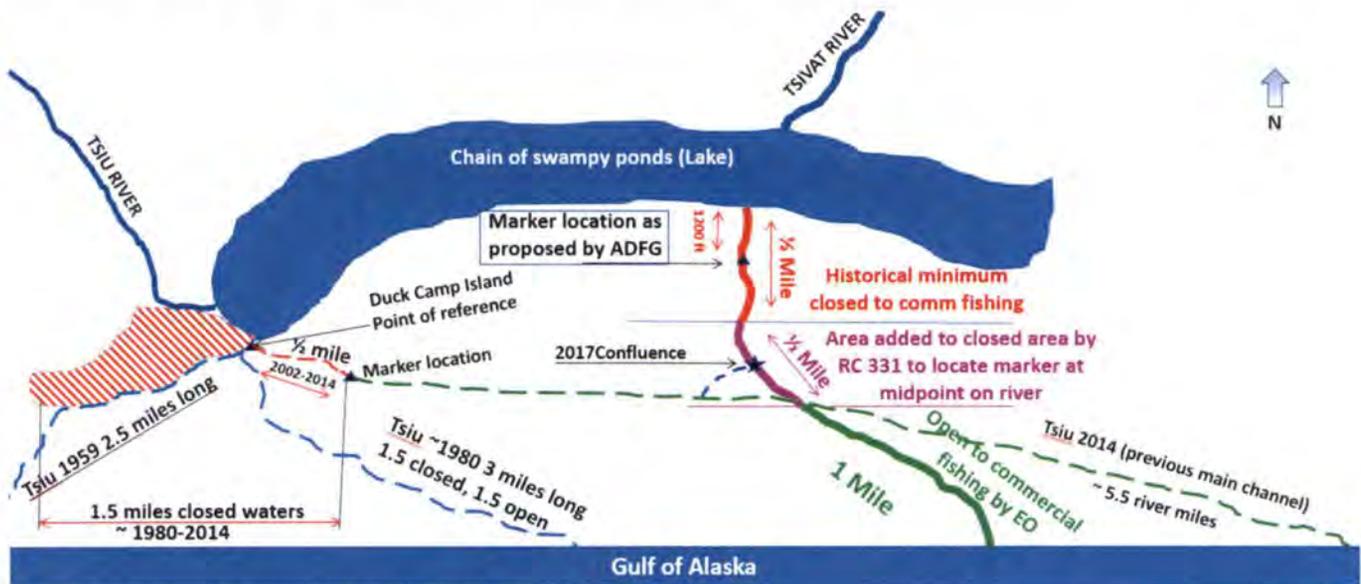
Board members,

There seems to be a lack of understanding and a lot of misinformation going around. Everyone benefits from this new regulation. If conditions warrant, the amount of area able to be opened is unlimited and the number of days the commercial fishery can open is unlimited as well. This is a no-lose situation for comm fish. There is absolutely no threat to the comm fishery. It is only a perception. With a little communication and patience to see how well this will work, will go a long way towards quelling those perceptions. This is a win-win for everyone! Especially the city of Yakutat who will see an increase in business.

Please let me clarify a few items brought up:

**\*That passing of the proposal is out of the scope of the original proposal.**

Historically, 40 years ago when the marker regulation took effect there was 1.5 miles of closed waters and 1.5 miles of open water. The managers took a 50/50 approach. The 1.5 miles of closed water was reduced over time by blowing sand to .5 miles while simultaneously increasing the open area to 5 miles. The original proposal 165, as written, would have reduced that closed area by more than half of the historical minimum to about 1200 feet. A monumental change in the wrong direction especially considering the other monumental change that has happened here in the last 40 years. The evolution of the sport fishery. By historical standards, the passed, new regulation, does not reduce the open area. Also, the 'Area added to the closed area' AND 'Historical minimum closed to comm fishing', (THE ENTIRE DRAINAGE), may be opened to commercial fishing if necessary.



- \*Between 1959-2014 river mouth moved ~.14 miles a year to the east.
- \*~1980 - 'Marker location' established. Resulting in 1.5 miles of closed waters.
- \* Red hash was sport fishing area but slowly filled in with sand between 1980-2002.

**IMPORTANT\*\***  
Entire drainage may be opened to commercial fishing by ADFG via EO at their discretion.

**\*Closing half the river essentially shuts the fishery down.**

As the map shows, 1/2 of the river was not closed by this regulation. Only a section of the river was added to the historical minimum closed area. This aligns with what historical use has been and keeps up with an orderly and evolving fishery.

**\*Public was not aware.**

This proposal has passed twice on its merits. The arguments for it are conclusive. To say the public was blindsided is not accurate. This same idea has been floating around for 12 years and in front of the board many times in one fashion or another. This time it was a major move of the marker from its original location to a whole other river. AND it was eliminating ½ of the historical minimum closed waters. This was a huge deal. There were 15 letters in opposition posted weeks in advance, giving a heads up. I spoke of my intentions on the record Wednesday morning and the vote was several days later on Saturday. Also, the placement of the marker on the new river has been a point of contention for 4 years. There was clearly time to raise arguments prior to the vote.

**\*This new regulation is not flexible and hurts commercial harvesters.**

I agree that everyone deserves a chance to make a living, and that there is the ability to move the marker by EO (Emergency Order), will keep those chances intact. This is not a hard line drawn in the sand but a flexible, movable point. Historically the marker has never been moved to reduce the closed area like it has the last 4 years. But, even though the marker can be moved if conditions warrant to open up more area to commercial harvesting, it should never be moved so the closed area is less than the historical area of .5 - 1.5 miles. Giving other users their chance to make a living as well.

**\*Safety**

All sport fishers are on foot. Most lodge guests are elderly. The only way they access the river is by wading in soft sand. It is very dangerous to be standing in a river where the channel is only 20-30 feet wide when these big powerful jet boats come by at high speeds. There is no time to react or get out of the way. The reason for the speed is to get over the sand bars in a river that is only 2-3 feet deep. The original proposal as written only leaves 1200 feet of closed to commercial fishing essentially forcing sport fishers into the dangerous commercial zone or left casting on top of each other causing lodge conflict.

**\*Ever Changing River**

History has shown this river will continue to change and grow from its current length. A comprehensive regulation needs to be adopted to address this unique situation.

**\*Working group**

As shown in Appendix A the lodge owners were very upset about the marker placement and it not being discussed at the meetings. The whole reason for the group.

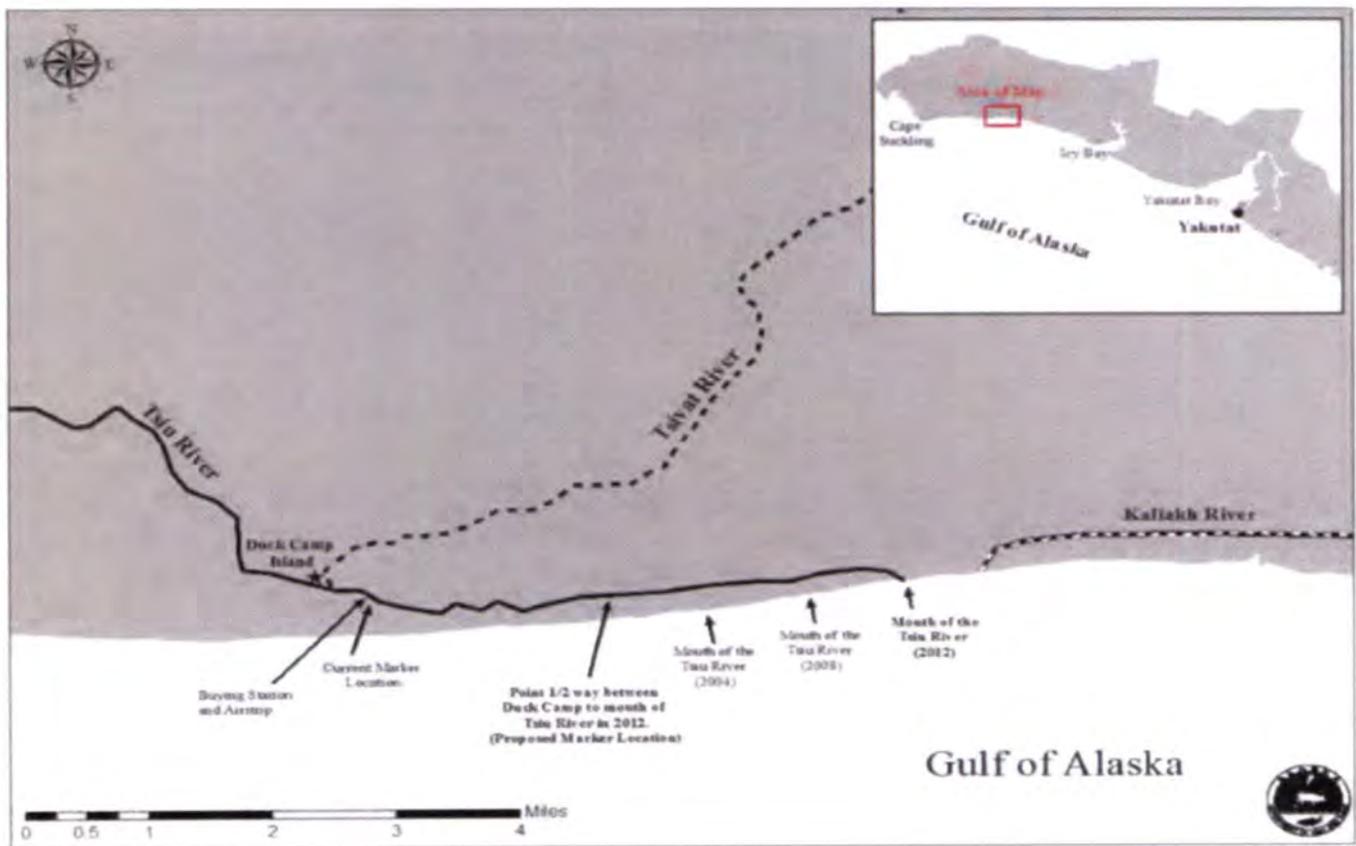
There is no new evidence is being put forward. The record was complete when you made your well-reasoned decision. These arguments are common sense, factual and reasonable to warrant a long overdue adjustment to the marker placement.

Thank you,

Dan Ernhart

**\*The Following is Department Comments from the 2103 Statewide Meeting:**

The commercial harvest technique in the Yakutat area in river fisheries includes **boat herding of fish**. This technique involves rapidly circling jet boats and churning up pools in order to drive fish into nets. **This technique displaces anglers from prime fishing areas.** Historically, prior to the mid-1990s, when commercial nets were in the water, sport anglers had been able to access extensive fishable waters **upstream of commercial nets.** Conflicts between sport anglers and the commercial fisheries were limited by anglers moving up river. **Several large holding pools near Duck Camp Island provided productive fishable areas during times when the commercial fishery was opened.** Beginning in the mid-1990s, the geography of that area changed. Much of the upriver area has since filled in with sand and is no longer as productive for sport fishing. These changing conditions have contributed to a number of conflicts between the two user groups in waters below the regulatory markers.



## APPENDIX A

From: Charles Allen AEC <[ca@alaskaexpedition.com](mailto:ca@alaskaexpedition.com)>

Date: Monday, August 29, 2016 at 7:32 PM

To: "'Marston, Brian H (DFG)'" <[brian.marston@alaska.gov](mailto:brian.marston@alaska.gov)>, <[info@alaskawilderness.com](mailto:info@alaskawilderness.com)>, <[tsiuriver@gmail.com](mailto:tsiuriver@gmail.com)>

Subject: RE: Tsiu Markers 2016

Hello Brian:

We attended the annual "Tsiu Stakeholders" meeting last Friday. Topics of interest to all parties were discussed. Unfortunately, no one from F&G was in attendance, nor did any representative from the commercial fisheries mention the plan to move the marker north from its' previous position established two years ago. I placed a call to Nicole (area manager) on Sunday morning and left a message that I would like to discuss the rationale for moving the marker, but we have not connected.

The marker was moved further north by what appears to be somewhere between 300—400 yards. Sport fishermen were first of all not warned about this move, and secondly, this has succeeded in compressing sport fishermen even closer to each other. This area was part of the small remaining area, approximately 700 yards long on the north end of the new "Tsiuat cut" where sport fishermen could fish without having to dodge the jet boats or move when a net was dropped. Therefore, this action took about 1/2 of the already small area.

I visited with Nicole's assistant yesterday morning on the river about the move and his comment to me was that "the area that the marker was moved to did not assist the commercial fishermen at all as the new area was mainly too shallow". That being the case, I suggest that the marker be returned to where it was for the last two seasons.

I did visit with both Greg Derrick and Tom Prijatle and all three of us are opposed to the move, especially in light of the heavy-handed nature of not discussing the move with the lodges first (the purpose of the meeting??). We had made good headway in bridging the gap between the commercial and sport fishers in the last two seasons. This move was, we feel, a slap in the face to all the lodges, sport fishermen, and by F&G own admission, did not really do anything to increase the commercial catch. It did succeed in really upsetting lodge owners and their fishermen. It seems this move has really stirred up a hornet's nest and will likely surface at the next Board of Commercial Fisheries. All for what?

Charles Allen  
Owner, The Alaska Expedition Co.  
Master Big Game Guide