



Alaska Department of Fish and Game

RC 121

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Thank you for submitting a proposal to Alaska Department of Fish and Game, Boards Division.

Please save the Log Number below for future reference.

LOG NUMBER: EF-C15-136

DETAILS:

Management Unit or Area (if applicable):

Topic (if applicable): Commercial

Additional Topics (if applicable):

Meeting Name: Bristol Bay Finfish

AAC:

Issue:

Bristol Bay

The issue pertains to the permitted use of Set Net Fishing inside of Graveyard Creek located in the NakNek, Kvichak River section which we are no longer allowed to fish. This event occurred over an extended period of days prior to the start of our season, after hiring and spending thousands of dollars to land ready to fish. After much agonizing and delay we accepted our fate and this was the end result made final by Alaska State Troopers. The threat of a criminal violation being issued by Troopers or the seizure of our boat(s) and equipment left us devastated causing our entire family a extreme hardship. That hardship has been ongoing and continues still. Our Family has been negatively impacted and our right(s) affected. This area has been aggressively fished for decades by our entire family each an every period for years in the same historical places. Any data or science would have always included this area being fished. It has always been fished. The unique circumstances involve a complex variety of issues to consider so it is unlikely this issue will be easily resolved by the Board. However, we are optimistic. Our Family's primary concern now pertains to our right(s) as fisherman and those rights should be protected. This should be reasonably acknowledged by anyone after being presented the facts surrounding our Family's history with Graveyard Creek. The unforeseen actions taken by Troopers without explanation or just cause has been damaging. Where did this decisive action begin and why? We have no answers and our rights to fish should be grandfathered or restored. We have fished this area specifically uncontested and free of any violations for our entire life now 3 generations later.

Solution:

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

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Emergency Petition
Joint Board Petition Policy
5 AAC 96 625

Date: April 28, 2012
To: Board of Fishery
From: Agostino Grossi, et.al.
Subject: Emergency Petition to Grant Fishing of GraveYard Creek
Kvichak River, Bristol Bay

Dear Board,

After 35+ years of uncontested fishing of GraveYard Creek we were forced to abandon our fishing activities last year by Alaskan Troopers Quist and Wittkop under threats of seizure of our boats, equipment, catch and fines per violation of Code Section 5 ACC 39.290. Closed Waters.

First and foremost, and with the greatest respect to the Board, we feel personally and under our rights under the law that we have earned the uncontested and uninterrupted rights via "grandfathering" to fish the subject area.

Secondly, we have earned an impeccably clean, no violation, record of fishing that area for over 3 decades.

Thirdly, we have endured the test of time of fishing that area with Alaskan Governing Authorities via land, sea and air not only observing us fish the area but also guiding us on how to fish the area.

Fourthly, in the event, in your interpretation of the law and the specific code section in question that we were violating 5 ACC 390.290. Closed Waters,.. what are the specific fines and penalties associated with said violation ?

As a family of Alaskan Fishermen for more than a half of century we honor Alaska for its' beauty, grandeur, people, natural resources and government. We appreciate the need for laws, governance of those laws and dutiful adherence of those laws as responsible custodians of its' resources.

We have proved by our impeccable record of fishing in Alaska and particularly at GraveYard Creek that we govern our work and activities as prescribed by the law and we request that the Board take our record into consideration when rendering your

decision as to granting or denying us fishing at GraveYard Creek.

Fishing commences on June 1, 2012. If points of law are gray regarding the subject law as it relates to our situation and petition we ask the Board to grant us approval to fish the area this season with future findings to be considered and deliberation to follow.

Numerous families and businesses who have been associated with fishing at GraveYard Creek will be significantly adversely affected if we are not allowed fishing in that area. Last year when the Troopers advised us of the law that they claimed we were violating we ceased operations immediately. The monetary losses that were incurred by our family and business associates resulted in devastating situations for them.

As to two possible solutions which would, in effect, give us the legal right to fish GraveYard Creek would be to amend paragraph (d) thereby adding the subject area as an exception and / or putting into law a new provision which categorizes the location as a special area approved for commercial fishing.

In summary, we request the board under the provisions of "Emergency Petition" to grant us access and continued fishing rights to GraveYard Creek as we have done for decades. We also request that specifically you grant us the right to fish said area this year. We request that you confirm the Trooper's presentation of fines and penalties under the law for violating 5 ACC 390.29. And lastly, that you review independently of this case other cases with similar facts so that fishermen like us who respect the law and the land are treated fairly and equitably.

Thank you very much for your consideration and we look forward to your decision.

With Warmest Regards,

Agostino Grossi
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