

# On-Time Public Comment List

Alaska Board of Fisheries: Bristol Bay Finfish  
Dillingham, AK, November 28–December 3, 2018

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Submitted By

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Submitted On

10/8/2018 4:29:26 PM

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I would like to share my concerns about the magnitude of hatchery salmon being released. Although I am a commercial fisherman in the lower cook inlet, I would like the Board of Fish to "support a precautionary approach that implements a temporary halt to additional hatchery pink salmon production" an opinion that is also expressed by the Kenai River Sportfishing Association. (I am rarely in concert with them!) I worry that there will be negative impacts on wild salmon due to increased competition for food. Also, they could pass on genes that might reduce the chance of survival for future generations of wild stocks. Finally, I would like to limit the likelihood that I will catch more and more pinks in my nets in Seldovia Bay. There were so many pinks this summer! I am not interested in picking these out of the gillnets for the price we are offered. Some of the pinks from the PW Sound do swing our direction (or so I understand from speaking with fellow fisherman). That's a shame. I would rather seiners catch them in the Sound.

-Some of the thoughts mentioned here are repeated from Alistair Gardiner's article in the Kodiak Daily Mirror.



Submitted By

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Submitted On

11/12/2018 11:48:11 AM

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As a lifelong Bristol Bay resident I find what is happening in our local sport fisheries to be a disgrace. As a young man I could go out with my father and enjoy the river that provided so much toward our way of life. Now a resident can't even go to the spots he did without there being 10-40 guide boats each with 1-6 anglers. Now I understand that there are people making a living guiding and also that this is a premier destination and that the economic stimulus it brings. Our small section of the Naknek river has around 15 mile of water way that is fishable. It is being molested to the point u can count the dead floating fish people have caught and released. I hope the board really looks into some of the proposals that have been submitted.

Sincerely Ben Stichler



Submitted By

Ben Thomas

Submitted On

11/13/2018 8:25:49 PM

Affiliation

Fisherman, Permit Holder

Dear Bristol Bay Board of Fish,

I have recently noticed that there is a proposal (35) to move the boundary markers placed at the entrance to Graveyard Creek. This would allow people to fish further up the creek which I am sure would be nice for them, but disastrous for the rest of the many fisherman that fish at Graveyard Point and stay there. I have been fishing at Graveyard point for the last 20 years and we have always had safe harbour in the creek in order to anchor our boats, and a place to go in the common rough weather. Graveyard Point especially in the last few years has become a place where fisherman have worked together and enjoyed the community that stays there. We work hard to bring the best fish to the market in Bristol Bay, and are proud of the product those waters produce. Inevitably when you have many people in such a close space it can create tension. It will be very difficult to navigate the creek and anchor up our boats safely if people are allowed to stretch their nets across the creek. This will bring tension and frustration that we do not need or want at Graveyard Point. I fish a site just a couple sites down from Graveyard Creek. It is hard enough to navigate past the nets at the front of the Creek let alone if they were allowed to fully take over the Creek farther up. A few years ago Graveyard Creek was not monitored very thoroughly, and people would fish up the creek in order to try and capitalize on fish away from the waves that we all have to face. It was a mess, and I do not want to go back to the fighting and bickering that happened when it was packed with nets. As far as I have observed the current site held by the proposer of this boundary already has the most productive site in the area. As hard as it is to drive by them with their nets plugged at the mouth of the Creek, it will be that much harder when I can't at least anchor up my boat and get some rest because they have the Creek corked off.

Thank you for considering denying this petition.



Department of Fish and Game  
BOARDS SUPPORT SECTION  
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Juneau, Alaska 99811-5526

Bristol Bay proposals, Board of Fish meeting Dillingham November 28

Re: Comments on Proposals 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61 and 62

Chair Reed Morisky,

I currently own and operate two lodges in the Bristol Bay region—Alaska Sportsman's Lodge on the Kvichak River near Igiugig and Bristol Bay Lodge on Lake Aleknagik near the Wood Tikchik State Park. I owned Alaska Sportsman's Bear Trail Lodge from 2008 through March of 2017. I have been in business since 1992 and am very familiar with the region, the sport fishing industry and in particular the NakNek River. Since many of these proposals have an element of entitlement to the people that live in King Salmon/Nak Nek, I will state that my family and I live in Alaska.

I will discuss the above reference proposals in general first and then in more specifics in this letter.

I am neither for government entities dictating the number of nor which user group can and cannot utilize a fishery resource. The proposals that suggest limited entry, permitting limits, time limits, restrictions to business, and limiting the number of clients all seem to have an overtone that the locals that live near the Nak Nek deserve special treatment. Additionally the proposals use perception of a loss quality of experience as their main justification. All sport anglers would certainly enjoy having a trophy quality river all to them selves to enjoy. However, the Nak Nek River has relatively very easy access with multiple flights daily between Anchorage and King Salmon. The fact is the river is going to get fished. The sport fishing segment continues to grow and more and more people will fish. It is somewhat ironic that these proposals come from individuals that have promoted and touted the great fishing on the NakNek and brought attention to the river. Now they want to privatize it to some degree.

The issue: There is a large operation that offers do it yourself trips from two locations on the NakNek. This operation will put 30+ anglers on the river at one time. Some of the locals find this objectionable. And while I also find it offensive and not a business model I would pursue, being a free enterprise person, I find it difficult to back any proposal that limits access because we do not approve of

Brian Kraft



someone else's business model. As long as the biological health of the fishery is not at risk, there should be no action against the sport fishing industry on the NakNek. I firmly believe that business will regulate itself and at the point where the market place no longer finds value in the entity that is offering the experience is when the business will eventually fail. This will happen without massive regulations.

#### Proposal 49 Specifics

Support this proposal

I would like to see it expanded to include the prohibition of retention of rainbow by any angler. There should be no retention of rainbow Trout in the Bristol Bay drainage.

#### Proposal 50 Specifics

I am against this proposal as written.

This is an infringement on private business. While I support a closure to the spring fishery by all anglers, I do not support singling out the guide industry. The local community puts a tremendous amount of pressure on the fishery as well so if the goal is to protect the spawning rainbows we should close the river all together through June 8.

#### Proposal 51 Specifics

I am against this proposal

The criteria to establish which lodges, guides, or entity receives one of the 14 permits is flawed and highly slanted towards the lodges that happen to be located on the river. What difference does it make where the guide operation is located? Why should a lodge located on the Nak Nek receive preferential scoring over a lodge that is not? One of the other criteria is to award the permits to an entity based upon logbook history. No lodge or guide will be able to establish historical use through logbooks after the monopoly of these 14 permits is originally issued, thus in essence creating a restrictive use for the original 14 permit holders. No guide or lodge other than the original 14 permit holders will be able to establish log book history on the NakNek since they are not allowed to guide on the river during the 5 years that the permits are in force, therefore after the initial 5 year period of the first permits expire, the only ones that will have logbook history will be the original operations awarded the permits.

The proposal also sites the constitution as ensuring "Quality of Experience" as criteria for establishing this proposal. The trouble with this argument is that who is saying the quality of the experience has diminished to a point of exhaustion and why are they the authority on the level of quality of experience? Have the lodges seen a decline in revenue? A lack of bookings?



### Proposal 52

I am against this proposal as written, but would support a larger number of anglers per entity if the Board deems something must be done.

The AC states that the pressure on the Trout fishery has “skyrocketed to the point of unsustainability.” What science is this based upon? I would like to remind the board that we used to have an Air Force Base in operations on the Nak Nek River in and at that time the river received a tremendous amount of pressure yet the rainbow Trout population and salmon runs remained strong. Additionally, King Salmon has seen a decrease in lodging options since the Quinant Landing hotel burned down and others have gone out of business. Again, as I stated above, we all want to have quiet waters for our clients and for our selves, but we should not limit business opportunities based on perception or if there is no scientific biological need to protect the fishery. I have been on the Kvichak since 1994 and have also seen a large influx of more anglers. So my barometer as to what a quality experience should be is different from the angler that has visited the river for the first time. The anglers that are new to Alaska will tell you that it is the best fishery and experience in the world. Moraine Creek has also seen a larger number of Anglers and bear viewers utilize the resource especially compared to when I started fishing the river. However, I do not want to limit business as the people that experience it find it an amazing fishing experience. How would this proposal be enforced? It would take constant monitoring of the river, everyday, all day. I think this is not practical nor realistic.

### Proposal 53

I am against this proposal

The proposal is written from a non-scientific base assessment of the health of the fishery and his perception that the quality of the experience is at a point that is no longer what it should be. Who is the judge of this? Why should this opinion of what the quality of the experience should needs to be at be the line we set? The writer states he has been fishing the NakNek for 17 years. Fortunately for him there were not limits to access put in place prior to those 17 years as I have been fishing the NakNek and other rivers in Bristol Bay since 1994 –thus the writer has invaded and changed my quality of experience I used to enjoy. What would the “ethics” be? What I think is ethical might not be what some other angler thinks is ethical. Who would establish what these ethics are? Who would enforce them? While I agree the river is big, swift, and has challenges, I am not aware of any accidents or fatalities caused by “inexperienced” angler through boat rentals. I agree that we all want to have quiet waters and as an angler I cherish the times when we get lucky and have a stretch of river to our own. And while I do not agree with a business model of putting many anglers on one river from one lodge/guide operation/boat rental company, I also do not agree that restricting business or access to a resource without a factual basis on the decline of the health of the fishery is the way to go.



The industry will regulate itself as far as how many anglers are willing to "pay" to experience the fishery. The writer also makes the assertion that most of the lodge or guide operations are from out of state. While this is inconsequential as to where a business owner lives and what rights to access that entitles the owner to, the fact is that many of us lodge owners that fish the NakNek for these Trout actually live in Alaska. I own Alaska Sportsman's Lodge and live in Alaska, Nanci Morris-Lyon owns Bear trail and lives in King Salmon, Dan Michaels of Crystal Creek Lodge lives in Wasilla, Jim Jansen of Lynden lives in Anchorage, Patricia Elg of Bly Fly lives in King Salmon, Joe Klutch lives in King Salmon. The reality is that King Salmon is very easy to get to from Anchorage, as there are multiple flights daily. There are many people that live in Anchorage that now have cabins and houses in King Salmon. Should we limit the number of people that they can bring to the river each day? The guides and lodge companies are the best stewards of the resource, as we need to ensure it remains healthy or our business will fail. Thus it is in our own interest to ensure the fishery is strong. However, limiting a business model is not the proper way to go about bringing back an "experience" to the day when relatively fewer people knew about the river. The point about local's not having a spot on the river is not something that needs to be taken into consideration. The locals are not entitled to an allocation of a resource over any other user simply because of their proximity of their residency to the fishery. The last paragraph of the proposal says we have the opportunity to "save" the river. What are we saving it from and whom are we saving it for? A select few or a limited number of people?

#### Proposal 54

I am against this proposal

This is simply targeting a user group in an effort to give some sort of entitlement and special treatment to another user group. Simply because a person chooses to live near the NakNek River does not give them the entitlement to special fishing times or regulations. What problem would this regulation solve? Nothing that has to do with the health or management of the fishery. The writer states the river is grossly overrun with guides and clients. The writer does not address the fact that many people that live in Anchorage or other parts of Alaska now have property on this easily accessible river and are also utilizing the resource. Will the department put a restriction on the total number of people that can utilize the fishery?

#### Proposal 55

I am against this proposal as written

As with other proposals I have commented on, this one seems to think that simply because a person lives in the region that they are entitled to special access of a

Brian Kraft



resource. The writer longs for the days when maybe he had the river to himself. The reality is that King Salmon is very easy to get to from Anchorage which means it is easy to get to from anywhere in the world now. There are going to be anglers that fish the river. Business will regulate itself, as business models that do not provide for the experience that the customer thinks is warranted will eventually implode. The argument that the writer puts forth is flawed in that he does not use a scientific base for protecting the resource but rather a selfish desire to keep the river to himself. If there was a true worry about the resource and health of it, then the proposal should be that we close the river to all fishing for 2 days out of the week rather than trying to enact regulation that allocates a resource to a special group. Enforcement issues: There are "locals" that are also guide or lodge owners. What would the regulation be on them fishing the river with their "friends"? What is a "local"? I live in Igiugig, which is 45 miles from the Naknek, which by Alaska standards is a neighbor. Am I a local?

I agree with that the practice of guides "holding" water is unethical and is not right. There is probably no real law you could enact since the guide could actually be fishing and we cannot create a law that prohibits a guide from fishing waters and then a client being brought to them. However, if an angler sees this practice I would simply move into a position that I want and let their guide deal with it.

#### Proposal 56

I agree with this proposal but this is already a law. Very difficult to enforce.

#### Proposal 57

I am against this proposal

The technique an angler chooses to use, as long as lawful, is up to them. The experience an angler wants to have is also up to them. If one enjoys swinging flies and catching less fish but likes the art of it then that is their choice. The department should not create regulations that make it harder to catch fish. The idea is for anglers to enjoy the resource and to CATCH FISH! There are kids, elderly, handicapped, less agile, and all kinds of anglers that would not be able to throw a heavy sinking tip fly line or spey line [refer to drift the river with a bead]. The bead is an effect and actually safer way of fishing on this river as it can be done from a boat rather than navigating the slippery rocks in a swift moving river. Furthermore, the beads are less harmful to the fish as they do not engulf the fly into their throat. There have been many proposals that are concerned with "crowding" on the Naknek. If the board takes away an effective method of angling and catching fish, then there will be even more competition for these wadable spots on the river.



### Proposal 58

I support proposal 58 and agree that we should be sensitive to fishing for Kings and other salmon on known spawning grounds. I would also mention that a contributing issue to the decline in the number of kings into the Nak Nek is the massive amount of intercept of these fish by the commercial fleet while targeting sockeye. Most of these Kings do not get reported and go into crew "home packs".

### Proposal 59

No Comment on this one. I am in favor of conserving the run and will count on the board and the department to make the right call on this one.

### Proposal 60

I am against this proposal

The non-resident sport angler brings in a significant amount of revenue to the region. The last study showed that the Bristol Bay Sport fishing industry was worth \$100,000 annually. Why would we need or want to limit business opportunity when the resource remains healthy. Escarpment numbers are being met. There is no biological need for this proposal.

### Proposal 61

I am in favor of this proposal in spirit but do not know how you will be able to enforce it. If I walked (or boated) to a location and there was an empty boat, buoy, cooler, etc., I would fish right there. If there were a guide that was obviously "holding" water, I would encroach to a location I wanted and begin fishing. I am not sure how ADF&G would enforce this regulation. It would be very subjective to interpolation if a guide were in fact fishing himself or "holding" water for his client.

### Proposal 62

I am supportive of this proposal. 100%.



Submitted By

Brian Parkinson

Submitted On

11/13/2018 6:32:01 AM

Affiliation

Local Sport fisherman

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Hello, my name is Brian Parkinson, I have lived in King salmon for the last 10 years. As you already know the upper naknek is one of Alaska's top rainbow fisheries but it is in trouble. In the short time I've lived here I have noticed a dramatic drop in numbers of these fish. As the number of unregulated lodges and overall anglers on the river continues to increase these fish numbers will only continue to fall. On any given day in September and October you will find upwards of 15 boats with 3-4 people in each. There are only 8 miles of trout waters, and not much more than a dozen fishable holes. As far as I know there are no limits on the amount of clients e lodge can put on the river and is a large part of the problem here. With this amount of pressure on these fish it's only a short matter of time before its all destroyed. All these proposals before you are a small step forward in turning this failing river around back to its glory days. It is my hope that all of these proposals will be taken seriously. Thank you for you time



**ALASKA BOARD OF FISHERIES  
BRISTOL BAY FINFISH  
November 28 - December 3, 2018**

**Alaska Board of Fisheries Proposals  
WRITTEN COMMENTS**

**BY**

**The Bristol Bay Economic Development Corporation**

**NOVEMBER 14, 2018**



**Board Meeting:** Bristol Bay Finfish: 11/28/2018

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**Do you consent to your contact information being included on printed copies of your comment? Yes**



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## **SUBSISTENCE SALMON**

**(5 proposals: Proposals 18-22)**

### **PROPOSAL 18 – 5 AAC 01.310. Fishing seasons and periods**

**Proposed by:** Nushagak Fish and Game Advisory Committee

**Recommendation: OPPOSE.**

**Purpose:** repeal 5 AAC 01.310 (d). This proposal would allow subsistence fishing in the extreme norther portion of Nushagak Bay and in the lower portions of the Wood and Nushagak Rivers (Figure 1) 7 days a week.

**BBEDC COMMENTS: BBEDC opposes Proposal 18.** Subsistence fishing time in the area described in this proposal, referred as the Nushagak subsistence area (Figure 1) is restricted to 3 days a week in regulation during the period, July 2 - 17. At all other times, this area is open to subsistence fishing 7 days a week. BBEDC believes that allowing subsistence fishing for 3 days a week within the area described in 5 AAC 01.310(d) (Figure 1) during the period, July 2 - July 17, along with the 7-day a week subsistence fishing schedule allowed prior to July 2 and after July 17, plus the 7-day a week subsistence fishing schedule throughout the entire season upstream of Red Bluff on the Wood River and upstream of Lewis Point on the Nushagak River (Figure 1) provides at least a reasonable opportunity to harvest an adequate number of subsistence fish. We also believe that subsistence fishermen fisherman within the Nushagak subsistence area, during the currently allowed 3 days a week, has a reasonable expectation of success of taking fish.

Alaska State Statue, AS 16.05.25(f) defines reasonable opportunity.

#### **AS 16.05.258**

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

If the Nushagak subsistence area is open 7 days a week during this time period, we believe that wastage of fish would occur because some fishermen will not tend their nets in a responsible manner when the abundant salmon are in this area. Some fishermen will also catch too many fish and may not be able to give them away.

#### **Current regulations**

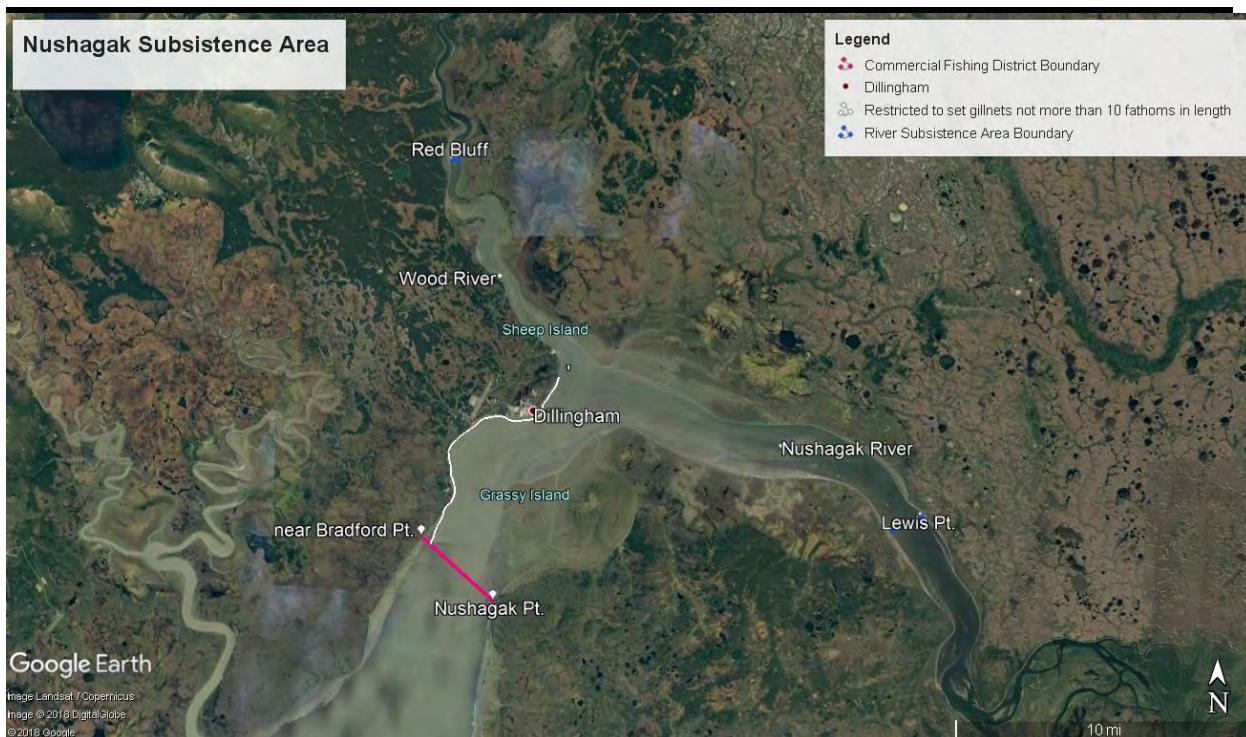
#### **5 AAC 01.310. Fishing seasons and periods**

(d) In the Nushagak District, in all waters upstream of a line from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long. to Nushagak Point at 58° 56.79' N. lat., 158° 29.53' W. long., to a point at Red Bluff on the west shore of the Wood River at 59° 09.58' N. lat., 158° 32.36' W. long., and to Lewis Point on the north shore on the Nushagak River at 58° 59.46' N. lat., 158° 05.57' W. long. , from 9:00 a.m. July 2 through 9:00 a.m. July 17, salmon may be taken only from:

- (1) 9:00 a.m. Monday to 9:00 a.m. Tuesday;
- (2) 9:00 a.m. Wednesday to 9:00 a.m. Thursday; and
- (3) 9:00 a.m. Saturday to 9:00 a.m. Sunday.

During the period, July 2 through July 17, within the area described in 5 AAC 01.310(d), from here forwarded known as Nushagak subsistence area, current regulations allow subsistence fishing with gillnets no longer than 25 fathoms in length. However, on the west side of Nushagak Bay subsistence fishing is restricted to gillnets no longer than 10 fathoms in length (Figure 1). Within all other areas within the Nushagak Subsistence Area, subsistence fishing with 25 fathoms gillnets is allowed. Further, upstream of Red Bluff on the Wood River and Lewis Point on the Nushagak River (Figure 1), subsistence fishing with 25 fathoms gillnets is allowed 7 days a week.

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**Figure 1. Google Earth map of the subsistence fishing area in Nushagak Bay, Nushagak River and the Wood Area in the vicinity of Dillingham, AK (2018 BB Proposals 18-20).**



## PROPOSAL 19 – 5 AAC 01.320. Lawful gear and gear specifications

**Proposed by:** Dan Dunaway

**Recommendation:** SUPPORT

**Purpose:** Allow subsistence harvest with dip nets in waters in the vicinity of Dillingham.

**BBEDC COMMENTS:** BBEDC supports Proposal 19. The proponent seeks to allow dip nets as legal subsistence gear for harvesting salmon near Dillingham and within the extreme lower portions of the Wood and Nushagak Rivers and within the Nushagak Bay north of the Commercial Fishing District boundary or the Nushagak subsistence area (Figure 1). Currently, the current use of dip nets for salmon in Bristol Bay Area has been limited by regulation to lakes and some rivers far upstream from any Commercial Fishing District. 5 AAC 01.320. Lawful gear and gear specifications. Set gillnet gear is the only allowable gear type in the Nushagak subsistence area.

Dip nets were probably a traditional gear type to harvest salmon within Bristol Bay.

Fishermen using dip net gear from boats are mobile, so that they should not interfere with other legal gear types. Fishermen can also deploy a dipnet from the beach. However, if Proposal 20 passes to allow drift gillnets as legal subsistence gear in the Nushagak subsistence area, the BOF should consider setting the distance a dipnet can operate from drift gillnets, as well as set gillnets, to prevent gear conflicts. The BOF may alternatively opt to have separate openings for set gillnets, dip nets and drift gillnets to prevent gear conflicts.

Although fishing with dip nets is extremely inefficient, it does have some advantages. The cost of a dipnet is much less than a gillnet; it requires less work to set up; it allows the fisher to take as few and as many fish as he wants, and it could be a family activity if the entire family can use multiple dip nets under one permit. Additionally, quality of fish harvested with a dip net would be an improvement over set gillnets because the fish could be bled and iced immediately after capture. Also, there would be no gillnet marks and bruising from the gillnet

If this proposal passes the BOF would need to specify the number of dip nets that can be operated under 1 permit. In the Yukon commercial fishery, a commercial fisherman can operate 4 dip nets at a time. In the subsistence fishery, there is no limit on the number of dipnets that can be operated in one boat or by one person. However, dipnets can only be used in the subsistence fishery when attempting to conserve king or chum salmon.

The Board should also specify who and how many people can operate a dip net under one permit. How many dip nets would be allowed under one permit if the subsistence fisher is dip netting from a boat. Can a family of four operate four dipnets under one permit?

### Current regulations

#### 5 AAC 01.320. Lawful gear and gear specifications

(b) Outside the boundaries of any district, salmon may only be taken by set gillnet, except that salmon may also be taken as follows:

(2) from August 30 through December 31, by spear, dip net, beach seine, and gillnet



- (A) along the west shore of Naknek Lake near the outlet to the Naknek River between a line from 58° 41.10' N. lat., 156° 25.84' W. long. to 58° 40.99' N. lat., 156° 25.46' W. long. upstream to a line from 58° 41.36' N. lat., 156° 25.81' W. long. to 58° 41.13' N. lat., 156° 25.85' W. long.;
- (B) at Johnny's Lake on the northwestern side of Naknek Lake; (C) at the outlet of Davian Creek on the north side of Naknek Lake;
- (3) from September 18 through December 31, by spear, dip net, beach seine, and gillnet at the mouth of Brooks River at Naknek Lake;
- (c) Except as specified in (b) of this section, the maximum lengths for gillnets and beach seines used to take salmon are as follows:
- (1) set gillnets may not exceed 10 fathoms in length in
    - (B) the Nushagak District during the emergency order subsistence openings described in [5 AAC 01.310\(b\)](#);
    - (C) all waters of Nushagak Bay upstream of a line from a point approximately two miles south of Bradford Point at 58° 58.63' N. lat., 158° 33.62' W. long. to Snag Point at 59° 03.18' N. lat., 158° 25.59' W. long.; (D) repealed 5/31/98;
  - (2) in the remaining waters of the Wood River and Nushagak River not described in (c)(1)(C) of this section, set gillnets may not exceed 25 fathoms in length;

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## **PROPOSAL 20 – 5 AAC 01.320. Lawful gear and gear specifications**

**Proposed by:** Nushagak Fish and Game Advisory Committee

**Recommendation:** **OPPOSE**

**Purpose:** Allow the use of drift nets of not more than 10 fathoms for subsistence salmon fishing in the Wood and Nushagak Rivers in the vicinity of Dillingham - but not in the commercial district, not upstream of a point in the Nushagak River and not upstream of Red Bluff in the Wood River (Figure 1) and reduce sport /subsistence conflicts, navigational issues with other boats and brush tangles.

### **BBEDC COMMENTS: BBEDC IS OPPOSED TO PROPOSAL 20.**

BBEDC believes that the current regulation provides at least a reasonable opportunity for subsistence fishers to harvest their salmon in the Nushagak subsistence area (Figure 1; see comments for Proposal 18) Currently, set gillnets are the only gear allowed to harvest subsistence salmon outside commercial fishing districts, except for the Togiak River. Within the Nushagak subsistence area, time is restricted only during the period July 2 and July 17 when regulations allow 3 days of subsistence fishing. At all other times, subsistence fishing in this area (Figure 1) is allowed 7 days a week. Additionally, the rivers above the boundary of this area, Red Bluff on the Wood River and Lewis Point on the Nushagak River (Figure 1), are open to subsistence fishing 7 days a week during the entire season. Set nets are limited to 25 fathoms, except for the northwest beach from the commercial fishing boundary to a point upriver from the village of Dillingham (Figure 1). Along this beach, setnet of no more than 10 fathoms are allowed.

BBEDC is also concerned that if this proposal passes, commercial fishing vessels may come into this section prior to the sockeye salmon run and harvest king salmon with drift gillnets or just test their nets. While we do not want to restrict subsistence fisherman from a reasonable opportunity to harvest salmon, we believe that a reasonable opportunity is provided with the current regulations. We believe that allowing drift nets to harvest salmon in this subsistence area could put additional pressure on the Nushagak and Mukluk king salmon stocks.



There are no data or evidence that drift gillnets have been traditionally used to harvest subsistence salmon.

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## **PROPOSAL 21-- 5 AAC 01.320. Lawful gear and gear specifications**

**Proposed by:** Nondalton Tribal Council

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Allow expanded subsistence fishing opportunity. Proponent states: *There isn't opportunity to harvest fish from the beach for subsistence with a fishing pole during periods of subsistence fishing.*

This proposal seeks to expand fishing with a hook and line attached to a rod or pole (hook and line) in Sixmile Lake and within ½ mile of the outlet of Sixmile lake in the Newhalen River (Figure 2). Currently, subsistence fishing with a hook and line is allowed only through the ice. When a person is subsistence fishing with a hook and line through the ice, it is unlikely that a salmon would be caught. So, this proposal would allow subsistence fishing with a hook and line for salmon and other fish, other than rainbow trout, in Six Mile Lake and within ½ mile of the outlet in the Newhalen River. The village of Nondalton is located on the shore of Six Mile Lake (Figure 2).

It appears under federal regulations that snagging salmon with a hook and line attached to a pole, or rod and reel, is legal in Sixmile Lake.

**BBEDC COMMENTS:** **BBEDC TOOK NO ACTION ON PROPOSAL 21.**



**Figure 2. Google Earth map of Sixmile Lake, Nondalton, AK, Lake Clark and the Newhalen River. (2018 BB Proposals 21).**

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## **PROPOSAL 22 – 5 AAC 01.310. Fishing seasons and periods**

**Proposed by:** Eddie Clark

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Allow subsistence fishing for salmon in the Egegik Commercial Fishing District at any time from May 1 through September 30.

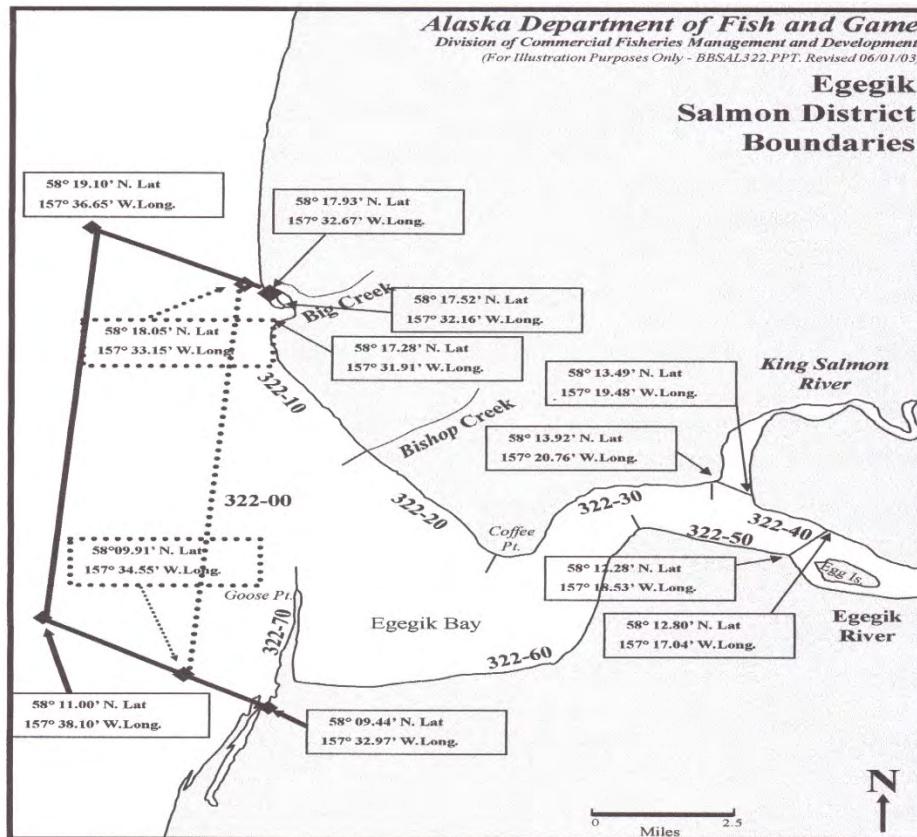
With few exceptions, current regulations allow subsistence fishing within a commercial fishing district only during commercial periods. This proposal seeks to allow subsistence fisheries at any time within the Egegik Commercial Fishing District (Figure 3). Proponent states that to subsistence fish when the commercial fishery is closed, the fisherman must travel long distances either up the King Salmon or the Egegik River beyond the Commercial Fishing District

boundary. Proponent states that travel is traveling by boat is hazardous, extremely time consuming, and the upriver fishing locations are not traditional locations for subsistence fishing.

The proponent notes that the subsistence harvest is extremely small in relation to the commercial harvest. The most recent 10-year average, 2008-2017, subsistence harvest within the Egegik District is 1,275 sockeye salmon, ranging from 366 in 2016 to 2,108 in 2013.

Subsistence is the priority consumptive use of the resource. The relatively extremely small number of salmon taken in the subsistence fishery relative to the commercial harvest should not substantially affect the inriver run size or the escapement in all years. The rationale for currently allowing subsistence fishing only during an open commercial fishing period should be discussed.

#### **BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 22.**



**Figure 3. Egegik Commercial Salmon Fishing District., Bristol Bay Area.**

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## **GEAR SPECIFICATIONS AND OPERATIONS**

### **6 Proposals: Proposals 23-28**

[View PDF of all proposals for Gear Specifications and Operations|](#)

**PROPOSAL 23-- 5 AAC 06.333.** Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

**Proposed by:** Katherine Carscallen, Susie Jenkins-Brito, Bronson Brito, Mark Schwantes, Robert Heyano, Patricia Treydte, Reba Temple

**Recommendation:** SUPPORT

**Purpose:** Clarify that the holder of two drift gillnet limited entry permits may operate up to 150 fathoms of drift gillnet gear.

**BBEDC Comments: BBEDC SUPPORTS PROPOSAL 23**

This proposal seeks to clarify the “D” configuration and put into regulation that one CFEC permit holder, who owns two Bristol Bay CFEC permits, may not operate both permits concurrently, on the same vessel, in a “D” configuration. It specifies that a single permit holder may operate up to 150 fathoms of drift gillnet gear regardless of his/her ownership of a second CFEC permit.

Note that **5 AAC 06.331. Gillnet specifications and operations:** states that *a person may not operate or assist in the operation of a drift gillnet exceeding 150 fathoms in length limits.*

Therefore, this proposed regulation appears to be redundant.

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**PROPOSALS 24, 25, 26, 27 -- 5 AAC 06.331.** Gillnet specifications and operations, and **5 AAC 06.333.** Requirement and specification for use of 200 fathoms of drift gillnet in Bristol Bay.

**Proposed by:** Bruce Skolnick (24); Abe Williams (25); Kurt Johnson (26); Eddie Clark (27).

**Recommendation:** OPPOSE

**Purpose:**

**Proposal 24:** The ability to stack and own 2 permits, fish together on one vessel for drift net fishermen and 2 permits for set net fishermen.

**Proposal 25:** Adopt and allow one person owning two permits the extra compliment of drift gillnet gear up the 50 fathoms, equaling a total of 200 fathoms per vessel.

**Proposal 26:** Allow the owner of two drift gillnet limited entry permits to operate 200 fathoms of drift gillnet gear from a single vessel

**Proposal 27:** Allow the holder of two set gillnet limited entry permits in the Naknek-Kvichak, Egegik, and Ugashik districts to operate 100 fathoms of set gillnet gear.



## **BBEDC Comments: BBEDC IS OPPOSED TO PROPOSAL 24, 25, 26, 27.**

### **BACKGROUND:**

Set Gillnet Gear: When the limited entry permit system was implemented for salmon in 1974, an individual could own only one permit. House Bill 286 was passed into law in 2002, allowing an individual to own two commercial salmon permits in the same fishery. In 2006, House Bill 251 was passed allowing the board to authorize additional gear with ownership of a second permit.

The board adopted a regulation in 2009, with a sunset clause of December 31, 2012, to allow an individual with two set gillnet permits to operate up to 100 fathoms of gear with no more than four nets and no single net longer than 50 fathoms. When set gillnet permit stacking was allowed each of the single permit operations effectively landed fewer fish because stacked permits increased their share of the landings. Eleven proposals were submitted in 2012 to repeal the sunset clause; however, the sunset clause was not repealed.

In 2015, five proposals were submitted to allow set net permit stacking with various amounts of gear. The department stated that these set net proposals have the potential to increase the amount of gear fished in specific areas where there are a limited number of set gillnet sites, possibly complicating management and enforcement. Set gillnet sites that are fishing 50 fathoms and that are adjacent to a site with 75 or 100 fathoms of gear may experience reduced catch rates. Additionally, the department noted that allowing additional gear at one site may disrupt some portions of the near shore drift gillnet fishery because the length of gear would no longer be uniform. Currently no part of a drift gillnet may be within 100 feet of the off shore end of a set gillnet, and must be at least 300 feet to side. In 2015, the Board rejected Proposals, proposals 45 and 47 unanimously and took no action on Proposals 46, 48 and 50, based on the action they took on Proposals 45 and 47. Proposal 49, which would have allowed dual operation of set net gear, also failed unanimously.

Drift Gillnet Gear: The legal gear limit for drift gillnet vessels was 150 fathoms until 2003, when a regulation was adopted that allowed use of 200 fathoms of gear when two permit holders are on the same vessel and the vessel is marked accordingly. In 2015, two proposals were submitted for permit stacking of drift gillnet gear, proposals 51 and 52. The board rejected proposal 51 and took no action on Proposal 52, based on the action they took on Proposal 51. The Board also rejected Proposal 53 which would have allowed the operation of 300 fathoms of drift gillnet gear under Dual or D configuration by two permit holders operating out of the same fishing vessel.

## **BBEDC Comments: BBEDC OPPOSES PROPOSAL 24, 25, 26, AND 27**

These proposals would allow permit stacking for set and/or drift gillnetting operations. Proposal 24 would allow for the operation of more gear, but an unspecified amount, than currently allowed for one permit holder who owns more than two set or drift gillnet CFEC permits. Proposal 25 and 26 would allow the operation of 200 fathoms of gear by one permit holder who owns two limited entry drift permits. Proposal 27 would allow one individual who owns two set net CFEC permits to operate 100 fathoms of set gillnet gear. Currently the operation of more than 150 fathoms of drift gillnet gear or more than 50 fathoms of set gillnet gear by one permit holder is not allowed.

BBEDC oppose all these proposals and believe that it is not in the best interest of the watershed fishermen nor the fishery to allow permit stacking. Specifically, we believe that allowing permit stacking will cause reallocation between different gear types and among districts. BBEDC also believes that permit stacking will increase the demand for permits, increase the price of a permit and will create an additional barrier for a new person to enter the fishery. BBEDC is committed to retaining permits within the watershed and facilitating watershed residents to enter the fishery as new permit holders. These proposals are contrary to these efforts.

These proposals may result in consolidation of drift and set gillnet permit ownership and there will likely be more permits fished because latent permits could be transferred to existing permit holders.  
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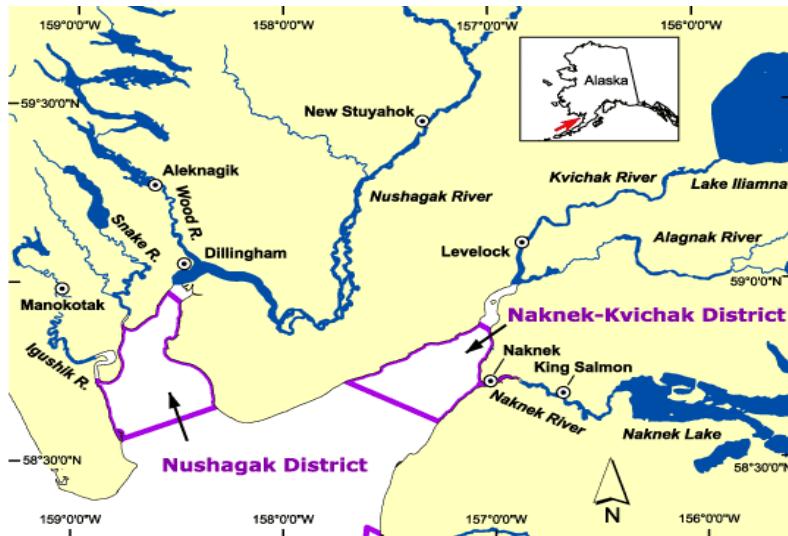
## **PROPOSAL 28-- 5 AAC 06.331. Gillnet specifications and operations**

**Proposed by:** Levelock Village Council

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Allow for the commercial harvest of salmon, with set net gear only, within the section of the Kvichak River that borders Levelock Village land (Figure 5 and Figure 6).

**BBEDC COMMENTS:** **BBEDC TOOK NO ACTION ON PROPOSAL 28.**



**Figure 4. Nushagak and Naknek-Kvichak Commercial Salmon Fishing Districts, Bristol Bay Area. This map shows the Levelock Village in relation to the Commercial Fishing District (Proposal 28).**



**Figure 5. Google Earth map of the boundaries of the proposed commercial fishing area location within the Kvichak River near Levelock Village. (Proposal 28). Also shown is the northeast boundary of the Naknek-Kvichak Commercial Salmon Fishing District, the Alagnak River, and the Alagnak River Special Harvest Area, Bristol Bay Area.**

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## **PROPOSAL 29--5 AAC 06.331. Gillnet specifications and operations.**

**Proposed by:** Alaska Department of Fish and Game

**Recommendation: OPPOSE**

**Purpose:** Establish mesh size restrictions for the conservation of king salmon in the Naknek-Kvichak and Ugashik Districts,

**BBEDC COMMENTS: BBEDC OPPOSES PROPOSAL 29.** On the surface, Proposal 29 appears to be an ADF&G-sponsored housekeeping proposal that puts into regulation a long-standing management practice that establishes mesh size restrictions for the conservation of king salmon, by Emergency Order, in the Naknek-Kvichak and Ugashik Districts. However, the passage of this proposal would effectively eliminate the possibility of any directed commercial king salmon fishery in these districts. Specifically, this proposal excludes commercial fishermen from participating in a directed king salmon fishery, while sport and subsistence fishermen fully participate. Accordingly, we urge the Board to reject this proposal and instead develop a king salmon management plan for these commercial fishing district and include the development of a king salmon management plan for the Togiak District. Additionally, BBEDC respectfully request that the Board establish a working group, which includes interested stakeholders, as well



as ADF&G, and task this working group to develop recommendations that will ultimately result in the Board passing king salmon management plans specific to above-mentioned fishing districts. The working group should be tasked to deliver these recommendations to the Board at a time certain prior to the next Bristol Bay Finfish Board of Fisheries meeting, so that proposals could be submitted on a timely basis.

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## **REGISTRATION AND REREGISTRATION; VESSEL SPECIFICATIONS AND OPERATIONS; FISHING PERIODS; AND CLOSED WATERS**

### **6 Proposals: Proposals 30-35**

[View PDF of all proposals for Registration and Reregistration, Vessel Specifications and Operations, Fishing Periods, and Closed Waters](#)

#### **PROPOSAL 30-- 5 AAC 06.341. Vessel specifications and operations.**

**Proposed by:** Mark Smith

**Recommendation:** **OPPOSE**

**Purpose:** This proposal seeks to increase the length of a Bristol Bay salmon net fishing vessel from 32 to 42 feet.

#### **BBEDC COMMENTS: BBEDC OPPOSES PROPOSAL 30.**

##### Background:

The legal vessel length has been 32 feet since 1949, though there have been some descriptive changes of that length throughout the years. The current regulation and description have been in effect since 1991. Justifications in favor of changing or removing the 32-foot limit include increased safety with larger vessels, greater economic efficiency because of larger hold capacity, and improved product quality, with increased size allowing installation of refrigeration or increased capacity for icing/cooling of fish. It should be noted that allowing vessel size to increase may establish a disparity between fishermen who can afford to acquire a larger vessel and those who cannot. Because larger vessels may have a competitive advantage, fishermen lacking monetary resources may be disadvantaged. Proposals to increase boat length limit have been before the Alaska Board of Fisheries every cycle since 1991, except for 2015.

The BOF has continually rejected similar proposals to increase vessel length. It may establish a disparity between fishermen who can afford to acquire a larger vessel and those who cannot. Because larger vessels may have a competitive advantage, fishermen lacking monetary resources may be disadvantaged. For those reasons, BBEDC opposes Proposal 30.

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#### **PROPOSAL 31-- 5 AAC 06.370. Registration and reregistration.**

**Proposed by:** Darryl Pope

**Recommendation:** **OPPOSE**

**Purpose:** Delay implementation of the 48-hour district transfer notification period until the third Saturday in June at 9:00 am.

#### **BBEDC COMMENTS: BBEDC OPPOSES PROPOSAL 31.**

##### Background



Prior to 2010 all commercial fishermen were required to register for a district before commercial fishing for salmon in any district in Bristol Bay regardless of date. In 2009, the regulation was modified to delay the drift gillnet registration requirement until June 25 in the Naknek-Kvichak, Egegik and Ugashik districts. A transfer between districts is permitted after notifying the department and waiting a 48-hour period during which time the permit holder cannot fish. The 48-hour waiting period may be waived by emergency order if escapement surpasses the midpoint of the escapement goal range for a district.

At the 2009 Board meeting, the benefits of not having a registration requirement prior to June 25 in these areas were identified as 1) encouraging permit holders to begin fishing early and be ready for an increase in abundance, and 2) processors get more early fish into processing plants. While more permits have recently been active during the early season, it is not clear if the no registration requirement was successful in getting more early fish into the processing plants. Since 2009, it has become apparent that without the registration and wait period requirement, significant numbers of boats move between districts. Travel between districts has become more common over time as boats have gotten faster and more efficient.

An early registration requirement may negatively impact fisherman that move freely between districts but may favor fishermen who prefer to remain in a single district or are less mobile. Furthermore, the lack of a registration requirement combined with increased travel between districts makes it more difficult to anticipate how many boats will fish in a specific district. This uncertainty complicates early season management because the duration of fishing periods is partially dependent on the number of boats. It has proven difficult to manage Egegik and Ugashik districts early in the season because of the potential for a large number of drift gillnet vessels to show up.

**Proposal 38 in 2015 lists the disadvantages of having a delayed registration which is similar to this proposal:**

- Fleet turns into a mob racing from one district to another; increases boat and fuel costs
  - Early registration eliminates mob; spreads out effort; and reduces costs for fishers
- Department area managers have to guess as to how many boats will be in a district because of no early registration and free roaming of boats between districts.
  - Early registration better allows the manager to know before an opening how many boats to expect.
- Fish is often sold illegally out of the district it is caught in as boats travel from district to district.
  - Early registration eliminates out of district selling.
- Early unregistered fishing in these districts, by a large fleet, is for the most part not managed by enforcement as they are not typically deployed at that time.
  - Early registration reduces a large fleet in one area and would cut down on line violations and instigating a line fishery right at the front end of the fishery.
- Not knowing where the majority of the fleet will be from opening to opening makes it difficult for a processor to guess where to position tenders and hard to manage.
  - Having boats register for a particular area early eliminates the need for guessing and provides better tender service for the fishermen.



- Not knowing where the majority of the fleet will be from opening to opening makes it difficult for a processor to guess where to position tenders and hard to manage.
  - Early area registration allows the processor to start tenders by area, as fish and fleet develop, lowering tender contract days and fuel cost.
- Polling of fleet indicates that the vast majority of fishermen would like to eliminate late area registration and go back to the previous method of having to drop the blue card and register before fishing any district.
  - Fishermen can still fish early, just register for a district and go fishing. However, with early registration they can start the season on their own schedule and not the mobs.

**BBEDC COMMENTS: BBEDC OPPOSES PROPOSAL 31.**

In 2015, the regulation was modified to eliminate the June 25 registration date requirement in the Naknek-Kvichak, Egegik and Ugashik districts. The current regulation now reads: *Before taking salmon in the Bristol Bay Area, a CFEC salmon drift gillnet permit holder shall register for a district described in 5 AAC 06.200.* Currently, after taking salmon in one district, a transfer between districts is permitted after notifying the department and waiting a 48-hour period during which time the permit holder cannot fish in any Bristol Bay District. Proposal 31 would essentially revert to the delay in the drift gillnet registration requirement for all Bristol Bay Districts. It would essentially reverse the BOF action taken in 2015 when they eliminated delayed registration.

BBEDC supported a 2015 proposal that eliminated delayed registration for certain fishing districts and regulated that all permit holders register the permit holder and the vessel used to fish “Before taking salmon”. The elimination of the 48-hour delay before taking salmon when transferring to a new fishing district before 9:00 am on the third Saturday in June is basically delaying registration.

\*\*\*\*\*

**PROPOSAL 32-- 5 AAC 06.320. Fishing Periods.**

**Proposed by:** Bill Hill

**Recommendation:** CONDITIONAL SUPPORT.

**Purpose:** Extend duration of late-season fishing periods in the Naknek-Kvichak, Egegik, and Ugashik Districts:

**BBEDC COMMENTS: BBEDC CONTIONALLY SUPPORTS PROPOSAL 32.**

This is a viable proposal dependent on the department’s ability to meet escapement goals for late running salmon. BBEDC Supports this proposal only if ADF&G can meet escapement goals of late-running salmon with the addition of 60 hours of scheduled fishing time.

\*\*\*\*\*



## **PROPOSAL 33-- 5 AAC 06.330. Gear, and XX.XXX. New section.**

**Proposed by:** Russell Phelps and Reid Ten Kley

**Recommendation:** OPPOSE

**Purpose:** Allow the use of beach weirs in commercial salmon fishing in Bristol Bay.

### **BBEDC COMMENTS: BBEDC OPPOSES PROPOSAL 32.**

The description of this gear sounds like a fish trap. If fish can go in the holding pen and cannot escape, it would probably be considered a fish trap which is illegal, according to the State Constitution. If fish can freely move in and out of the holding pen, then it would not be considered illegal, according to the state constitution. Currently, gillnets have been and are currently the only legal gear to harvest fish in Bristol Bay Area commercially. This proposal would allow an alternative gear type to commercially harvest salmon in Bristol Bay. BBEDC opposes the addition of this gear to the commercial fleet. This proposal would allow a new gear type to commercially harvest salmon in Bristol Bay. The allocative effects of allowing this new gear type are unknown. BBEDC opposes the addition of this gear to the commercial fleet.

\*\*\*\*\*

## **PROPOSAL 34-- 5 AAC 06.350. Closed waters**

**Proposed by:** Reid Ten Kley

**Recommendation:** BBEDC TOOK NO ACTION

**Purpose:** Reduce closed waters in the Naknek-Kvichak District. The proponent states that some set nets are less than 300 feet apart, as stipulated by regulation. He proposes to move the east side of the district boundary north by 35 feet.

### **BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 34.**

In 2015 BBEDC was Neutral on the 2015 Proposal 59 which was the proposal that prompted the BOF to make the change to the Graveyard Point boundary in March 2016. Based on Chairman's Kluberton's comments during deliberations, he anticipated other small changes to occur to this boundary in the future due to erosion. However, Chairman Kluberton also remarked that he hoped that the line stays where they put it "for a long, long time". The BOF knew about the concern that the set net leases may not allow the set nets to be 300 feet apart. However, they did not address it during the March 2016 deliberations on the proposal. There may be some question as to the distance between set net sites. AWT seems to believe that the distance between set nets may not be a problem.

\*\*\*\*\*

## **PROPOSAL 35-- 5 AAC 06.350. Closed Waters.**

**Proposed by:** Agostino Grossi

**Recommendation:** BBEDC TOOK NO ACTION

**Purpose:** Reduce closed waters in the Naknek-Kvichak District near Graveyard Creek. Open a section of Graveyard Creek to commercial fishing.

### **BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 35.**

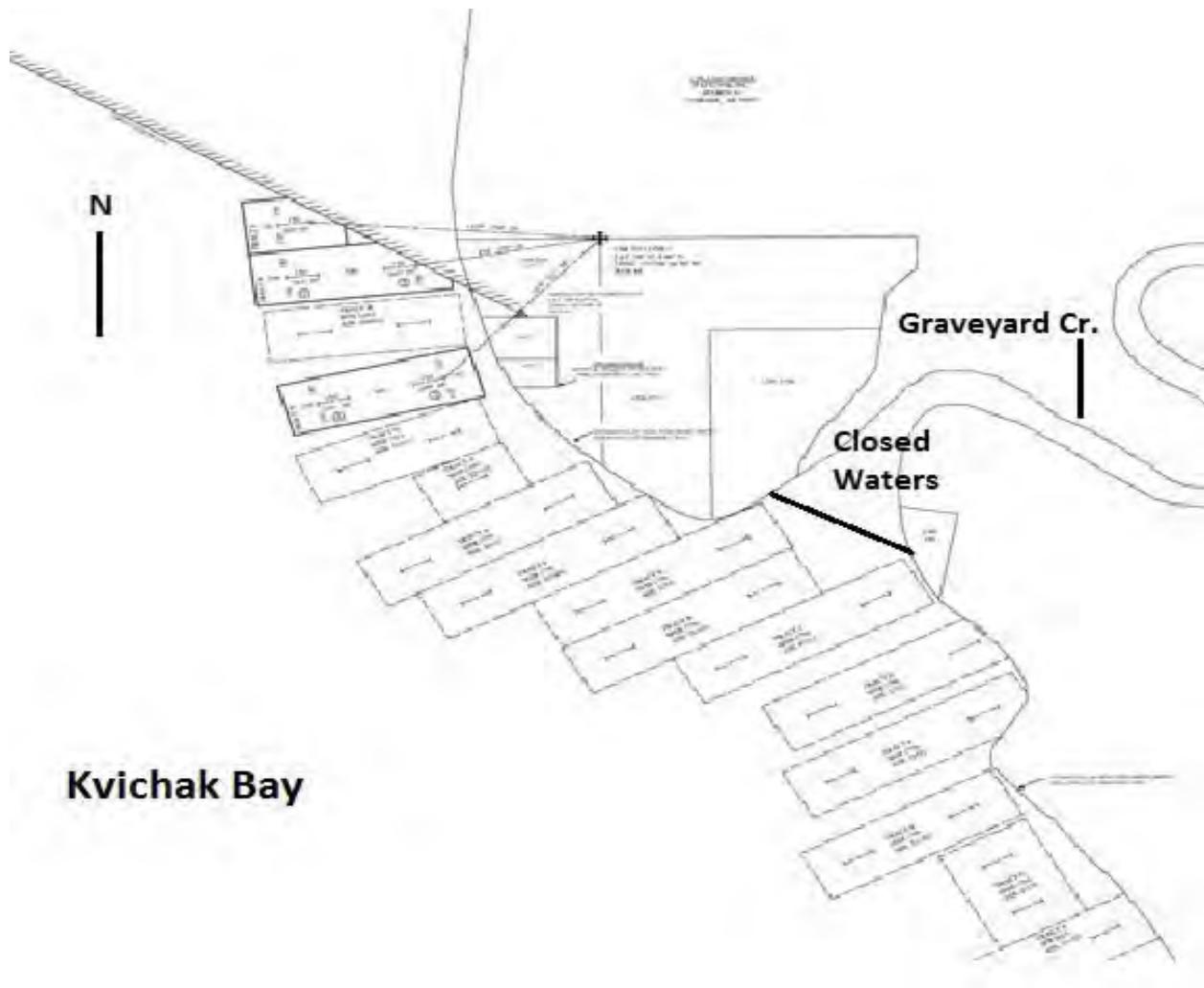
**Background:**

Several years ago, AWT observed multiple set gillnets being fished inside of Graveyard Creek that were operated in violation of several regulations, including fishing in closed waters, operating set gillnets seaward of other set gillnets, and nets that were not operated in a substantially straight line or perpendicular to shore. AWT issued warnings to the fishermen. AWT and the department posted closed waters signs at the mouth of the creek to mark closed waters. There are shore fishery leases at the mouth of Graveyard Creek (Figure 7 (Figure 60-1)). Although shore fishery leases have been established, conflicts remain among the set gillnet fishermen who operate near the creek. Issues that have been raised by fishermen include set gillnets that are fished outside of leased sites, set gillnets that obstruct navigation into the creek, and set gillnets that are not set in a substantially straight line. Special harvest areas are established to provide opportunity to harvest one stock while conserving another stock in a mixed stock fishery. In the Naknek-Kvichak District there are no stocks of concern and the opportunity to harvest surplus fish is not inhibited by the current regulations.

A similar proposal was submitted in 2015, Proposal 60, by the same proponent, that requested that a special harvest area be allowed within Graveyard Creek so that he could fish his site. The department opposed 2015 Proposal 60. This proposal failed 0-7.

**BBEDC Comments BBEDC TOOK NO ACTION ON PROPOSAL 35.**

This proposal is not related to erosion problem at Graveyard Point that prompted Proposal 59 in 2015 that was ultimately addressed by the BOF in March 2016. This proponent has been fishing in Graveyard Creek, which is within the described closed waters. This illegal fishing was observed several years ago. The proponent is correct to state that the boundary markers are established by ADF&G and are temporary. These boundary markers are not established by latitude and longitude in regulation but delineate the mouth of the creek, upstream of which are closed waters (Figure 7).



**Figure 6. Closed waters boundary of Grayeyard Creek. Figure 60-1 in ADF&G staff comments for the 2015 Bristol Bay Board of Fisheries Meeting, Naknek-Kvichak Commercial Salmon Fishing District, Bristol Bay Area.**



# ALAGANAK RIVER SOCKEYE SALMON SPECIAL HARVEST AREA MANAGEMENT PLAN; NAKNEK-KVICHAK DISTRICT COMMERCIAL SOCKEYE SALMON FISHERIES MANAGEMENT AND ALLOCATION PLAN

## 2 Proposals: Proposals 36, 37

— [View PDF of all proposals for Alagnak River Sockeye Salmon Special Harvest Area Management Plan and Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan](#)

### **PROPOSAL 36--5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan.**

**Proposed by:** Alaska Department of Fish and Game

**Recommendation:** **SUPPORT WITH MODIFICATIONS.**

#### **Suggested Language by ADF&G;**

##### 5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan

- (a) The goal of this management plan is to allow the harvest of surplus Alagnak River sockeye salmon stocks in the Alagnak River Special Harvest Area while conserving Kvichak River sockeye salmon.
  
- (c) Salmon may be taken in the ARSHA under this section only during fishing periods established by emergency order. [THE COMMISSIONER MAY OPEN, BY EMERGENCY ORDER, THE ARSHA ONLY AFTER THE ALAGNAK RIVER SOCKEYE SALMON SUSTAINABLE ESCAPEMENT GOAL HAS BEEN MET AND IF THE ALAGNAK RIVER KING SALMON SUSTAINABLE ESCAPEMENT GOAL WAS MET IN THE PREVIOUS YEAR.]

**Purpose:** Repeal conditions that must be met prior to allowing commercial fishing for salmon in the Alagnak River Special Harvest Area (ARSHA). Eliminates reference to both the king and sockeye salmon escapement goals. Severely restricts the opening of the ARSHA to commercial fishing solely based on conserving Kvichak River sockeye salmon.

**BBEDC COMMENTS:** **BBEDC SUPPORTS WITH MODIFICATIONS PROPOSAL 36.** **BBEDC OPPOSES this proposal as written.** Proposal 36, as submitted, will significantly alter the purpose of the plan. For BBEDC to support this proposal the reference to the Alagnak River sockeye salmon goal must remain in the regulation and the reference to conserving Kvichak River sockeye salmon be deleted.

ADF&G does not have a viable method of assessing king salmon escapements in the Alagnak River that is consistent with surveys conducted to establish the escapement goal. Accordingly,



ADF&G is recommending the deletion of the reference to king salmon escapement goal in the Management Plan. BBEDC agrees with the deletion of the specific language that relates to king salmon escapement.

ADF&G Commercial Fisheries and Sport Fish Divisions regional staff recommends that the lower-bound SEG of 320,000 Alagnak River sockeye salmon assessed using tower counts be changed to a lower-bound SEG of 210,000. The goal of the SRSHA is to “*allow the harvest of surplus Alagnak River salmon stocks...*” Accordingly, under current regulations, the ARSHA should open when this lower-bound SEG is attained. However, Proposal 36, submitted by ADF&G proposes to delete the language regarding the Alagnak River sockeye salmon escapement goal even though the Alagnak River sockeye salmon escapement goal persists. Additionally, ADF&G proposes to add specific language to 5 AAC 06.373 (a), while conserving Kvichak River sockeye salmon. The deletion of the section regarding the sockeye salmon escapement and the addition of the language, while conserving Kvichak River sockeye salmon, will severely restrict the conditions that would result in the opening of the ARSHA. If this proposal passes, the ARSHA will not be opened unless the Naknek-Kvichak Commercial Fishing District is closed to commercial fishing to conserve Kvichak River sockeye salmon and there is surplus Alagnak River sockeye available for commercial harvest. If the Naknek-Kvichak Commercial Fishing District remains open, the ARSHA will not open regardless of the sockeye salmon escapement to the Alagnak River.

BBEDC suggest a modification to this proposal that would eliminate the reference to the king salmon escapement but leaves the goal of the regulation and the condition of meeting the Alagnak River sockeye salmon escapement goal in, as follows.

#### **5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan**

- (a) The goal of this management plan is to allow the harvest of surplus Alagnak River sockeye salmon stocks in the Alagnak River Special Harvest Area.
  - (b) The Alagnak River Special Harvest Area (ARSHA) consists of the waters of the Alagnak River between a line from 59° 00.33' N. lat., 156° 49.43' W. long. to 59° 00.00' N. lat., 156° 49.00' W. long. upstream to a line from 59° 01.17' N. lat., 156° 45.68' W. long. to 59° 00.90' N. lat., 156° 45.31' W. long.
  - (c) Salmon may be taken in the ARSHA under this section only during fishing periods established by emergency order. The commissioner may open, by emergency order, the ARSHA only after the Alagnak River sockeye salmon sustainable escapement goal has been met [AND IF THE ALAGNAK RIVER KING SALMON SUSTAINABLE ESCAPEMENT GOAL WAS MET IN THE PREVIOUS YEAR].
- \*\*\*\*\*

### **PROPOSAL 37-- 5 AAC 06.364. Naknek-Kvichak District Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan, and 5 AAC 06.355. Bristol Bay Commercial Set and Drift Gillnet Sockeye Salmon Fisheries Management and Allocation Plan.**

**Proposed by:** Mark Angasan

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Manage the Naknek and Kvichak sections independent of each other based on the harvestable surplus within each section and establish section-specific harvest allocation criteria so that 84% of each section’s harvest is allocated to the drift gillnet fleet and 16% of the section’s harvest is allocated to the set gillnet fleet.

## BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 37.

Proposal 37 is an allocative proposal that proposes to reallocate the district-wide harvestable surplus to each section, the Naknek and Kvichak Section, based on the productivity of the Naknek and Kvichak River system, respectively. Each section would be managed separately with the goal of harvesting the section's harvestable surplus.

With the drift fleet being mobile, to be effective this proposal may also require a 48-hour notification before a drift gillnet permit holder would be allowed to transfer to the other section in the Naknek-Kvichak District (Figure 8). This would benefit drift gillnet fishermen who fish within one section each year, while be a disadvantage for more mobile drift gillnet fishermen who tend to fish both sections. It may be beneficial for ADF&G management because managers would have a good idea of the size and fishing effort of the fleet in each section if accurate reporting of the harvest is accomplished. This proposal may allow more control by ADF&G of the management of both sections and for the district as a whole. An obvious disadvantage to ADF&G is that they will have to keep separate, inseason accounting systems for each section. Currently, drift fishermen may fish in both sections during a commercial opening. When they deliver, the number of fish harvested in each section is unknown. This may continue and be unenforceable since the line is down the length of the district (Figure 8). It may also hamper management because the sections may have to be opened separately. This may be somewhat difficult to do, considering the migration of fish through the district. It might be a management and a fisherman's nightmare. More feedback from ADF&G and the fishermen in this area is warranted

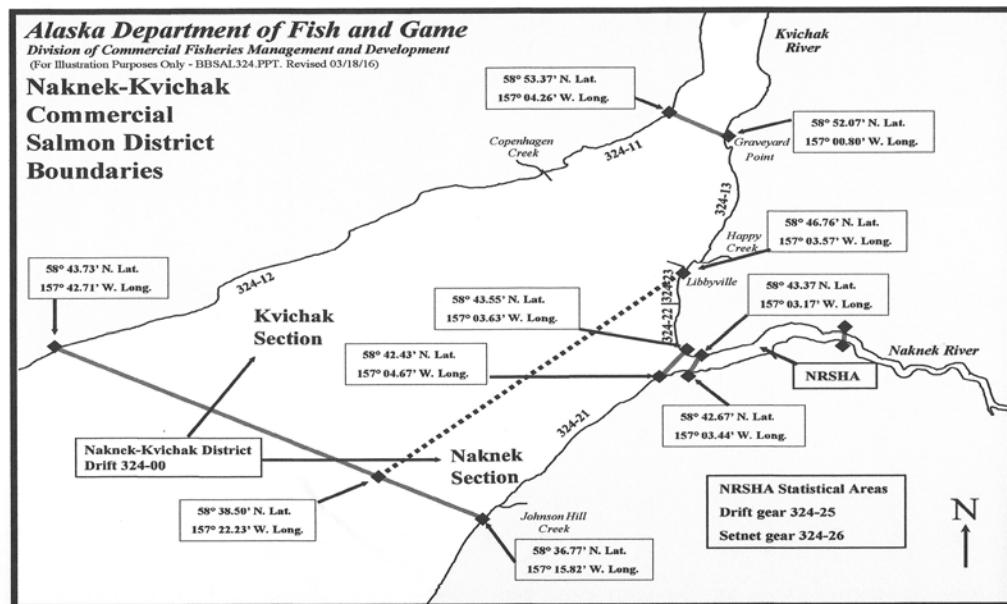


Figure 7. Naknek-Kvichak Commercial Salmon District showing the Kvichak and Naknek Sections, Bristol Bay Area.



# WOOD RIVER SOCKEYE SALMON SPECIAL HARVEST AREA MANAGEMENT PLAN; NUSHAGAK DISTRICT SET AND DRIFT GILLNET SOCKEYE SALMON FISHERIES MANAGEMENT PLAN; AND NUSHAGAK-MULCHATNA KING SALMON MANAGEMENT PLAN

## **6 Proposals: Proposals 38-43**

— [View PDF of all proposals for Wood River Sockeye Salmon Special Harvest Area Management Plan, Nushagak District Set and Drift Gillnet Sockeye Salmon Fisheries Management Plan, and Nushagak-Mulchatna King Salmon Management Plan](#)

**PROPOSAL 38-- 5 AAC 06.358.** Wood River Sockeye Salmon Special Harvest Area Management Plan.

**Proposed by:** Robert Heyano

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Repeal provisions to open the Wood River Special Harvest Area when the escapement of sockeye salmon into the Wood River exceeds 1,100,000 fish and the escapement is projected to exceed 1,400,000 fish.

### **BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 38.**

BBEDC is Neutral on the allocative aspects of this proposal. This proposal seeks to eliminate 5 AAC 06.358 (c)(3). The repeal of this section would eliminate the opening of the WRSWA to commercial harvest of sockeye salmon solely based on escapements to the Wood River. Under current regulations, all other openings of the WRSWA are dependent to either conserve Nushagak sockeye, 5 AAC 06.358(c)(1)(A, B, C, D) and 5 AAC 06.358 (c)(4), or coho salmon, 5 AAC 06.358 (2).

This proposal also seeks to eliminate 5 AAC 06.358 (d)(5). This section only applies to when the WRSWA is open under 5 AAC 06.358 (c)(3). Repeal of this section will remove the allocation criteria by gear type, as described in 5 AAC 06.367(b), when the WRSWA is open under 5 AAC 06.358 (c)(3). The allocation criteria under 5 AAC 06.358 (c)(3) will allow the fishing of the gear type that is behind in the district allocation scheme, as described in 5 AAC 06.367(b). The allocation criteria for all other WRSWA commercial openings is based on gear type, that is the ratio of 3 drift gillnet openings to 1 set net opening, 5 AAC 06.358 (d)(4).

The seasonal accounting period that ends on July 17, 5 AAC 06.367(c) for the Nushagak District does not apply to the WRSWA. If this proposal passes the only allocation criteria for when the WRSWA is open in the ratio of 3 drift gillnet openings to 1 set net opening, 5 AAC 06.358 (d)(4).



As a housekeeping measure, if this proposal passes, 5 AAC 06.358(d)(4) needs to be altered. The opening phrase "except as specified in (5) of this subsection," should also be removed.

## **PROPOSAL 39-- 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan (WRSHA MP).**

**Proposed by:** Nushagak Fish and Game Advisory Committee

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Open the Wood River Special Harvest Area to both set and drift gillnet gear after July 17 with no allocation between gear types.

### **Suggested Language:**

#### **5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan**

- (c) The commissioner may open, by emergency order, the Wood River Special Harvest Area
  - (3) when the escapement of sockeye salmon into the Wood River exceeds 1,100,000 fish and the escapement is projected to exceed 1,400,000 fish;
  - (d) When the Wood River Special Harvest Area is open under this section, the following apply within the open waters:
    - (d) When the Wood River Special Harvest Area is open under this section, the following apply within the open waters:
      - (5) when the Wood River Special Harvest Area is open under (c)(3) of this section, the Wood River Special Harvest Area will be [ONLY OPEN FOR THE GEAR GROUP THAT IS BEHIND IN THE ALLOCATION] **open to both gear groups regardless to allocation after July 17 when allocation goes away everywhere** as specified in 5 AAC 06.367(b) for the Nushagak District.

### **BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 39.**

BBEDC is Neutral on the allocative aspects of this proposal. The current allocation criteria for sockeye salmon fisheries in the WRSWA when opened under (c)(3) of the WRSWA MP, 5 AAC 06.358, allows the fishery to open for the gear group that is behind in the allocation. Allocation criteria for the Nushagak District are described in 5 AAC 06.367(b).

The accounting period for district allocation criteria, June 1 through July 17, 5 AAC 06.367(c), does not currently apply to the WRSWA commercial fishery under the WRSWA MP. After July 17, when the WRSWA is open under (c)(3) of the WRSWA MP, the fishery remains open to the gear group that is behind in the allocation. Under current regulations there is no change to this management after July 17.

This proposal seeks to eliminates the allocation criteria stipulated in the WRSWA MP, 5 AAC 06.358 (d)(5), when the WRSWA is specifically open under (c)(3) of the WRSWA MP after July 17. However, because the proposer eliminates the allocation criteria language in (d)(5) and does not suggest any substitute language, the WRSWA commercial fishery, opened under (c)(3), will be opened to both gear types at the same time the entire time the WRSWA is opened, whether before July 18 or after July 17.

This proposal does not address the allocation criteria under the WRSWA MP when the WRSWA is open to commercial fishing under other management scenario, (c)(1)(A, B, C, D), (c)(2) and (c)(4). The current allocation criteria in all other management scenarios, when the WRSWA is open to commercial fishing, is 3 drift gillnet openings to 1 set net gillnet openings. This



allocation criteria for all other management scenarios will persist after the July 17, when the district allocation criteria go away, 5 AAC 06.367(c).

Although BBEDC is Neutral for the allocative aspects of this proposal, BBEDC request that the BOF clarify the allocation criteria for all management scenarios under the WRSHA Management Plan after July 17. BBEDC also requests the BOF to stipulate that ADF&G should allow only one gear type at a time to commercial fish this area when open.

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## **PROPOSAL 40-- 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.**

**Proposed by:** Paula Cullenberg and Peter Crimp

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Establish a drawing system for use of the four furthest downriver set gillnet sites in the Wood River Special Harvest Area

### **BBEDC COMMENTS: **BBEDC TOOK NO ACTION ON PROPOSAL 40.****

This proposal seeks to distribute the set net harvest in the WRSHA set net fisheries in a more equitable fashion by allowing different set net fishermen access to the 4 most productive set net sites via a lottery. This may present a much fairer way to distribute the harvest to the set netters. However, the proposer doesn't state:

1. how the 4 different sites would be assigned to the lottery winners;
2. how many openings each lottery winner would fish at the specified site;
3. what agency or organization would run the lottery;
4. how would the lottery expenses be paid for;
5. if a permit holder wins a lottery, is he excluded from participating in future lotteries? And if so, for how many lotteries; and
6. IS IT LEGAL? There may be concern that it is not legal under State regulations.

The alternative solution of leasing sites would not address sharing the most productive sites in the WRSHA but would eliminate the race to set at these four sites.

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## **PROPOSALS 41, 42 and 43--5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.**

**Proposed by:** Brian Kraft (41 and 42) and Darryl Pope (43)

**Recommendation:** **OPPOSE**

**Recommendation to the Board:** **TAKE NO ACTION**

**Purpose:** Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for king salmon conservation.

### **BBEDC COMMENTS: **BBEDC IS OPPOSED TO PROPOSAL 41, 42,43.****



Proposals 41 and 42 similarly seek to restrict the directed commercial sockeye drift and set net fisheries by time in the Nushagak District when the sport fishery for king salmon is restricted in the Nushagak River. Restrictions would be lifted only when restrictions on the sport fishery for king salmon are lifted. The lifting of restrictions on the commercial fishery may occur long after king salmon have migrated through the district.

Proposal 43 suggests area limitations on the directed commercial sockeye fishery when “*In this case of lagging Chinooks and overabundance Sockeye run*”. Proposal 43 does not address restrictions by gear type, the specifics of when this area restriction would take place, and the method or conditions that would end these restrictions on the commercial fishery. This proposal would have the effect of concentrating the commercial drift fleet in the lower portion of the district and may not result in substantial king salmon savings. The proposal does not state the effect on the set net fishermen. Additionally, sockeye salmon excess to spawning requirements may escape to spawn.

BBEDC is recommending that the Board take no action on Proposals 41, 42 and 43 because the basis of the Nushagak-Mulchatna King Salmon Management Plan, is under review by ADF&G. Specifically, the inriver king salmon run assessment, as well as the escapement assessment depends on the Portage River sonar counts of king salmon. In their Bristol Bay Escapement Goal Memo, ADF&G state that,

*results from sonic-tagging (2011–2014) and capture-recapture (2014–2016) studies show that substantial numbers of king salmon are not enumerated by the existing sonar assessment. The escapement goal committee recommended no change be made to the existing goal and that a stock-recruit model be developed prior to the next Bristol Bay regulatory-cycle which incorporates the corrected harvest data and uncertainty in king salmon abundance estimated by the sonar.*

Substantial change to the sonar passage estimates of king salmon migrating within the Nushagak River drainage will change the historic inriver run assessment and escapement estimates. The resulting stock-recruit model from the corrected data set may alter the inriver run and escapement goals. This uncertainty combined with ADF&G acknowledgment that the current accounting of king salmon in the Nushagak River is biased low, has prompted BBEDC to recommend that the Board take **NO ACTION** of Proposals 41, 42 and 43 until the results of the spawner-recruit analysis with the new corrected data set is complete and the inriver goal and escapement goals are changed to reflect the new data set.

Additionally, we respectfully recommend, that the Board, in conjunction with the Department and stakeholders, conduct a Board-directed examination of the Nushagak-Mulchatna King Salmon Management Plan and the information and assessment programs that it is based on; and use results from this analysis to consider changes to the Plan (in 15 months) that will better provide for the conservation and sustainable use of Nushagak King Salmon by subsistence, sport,



## **BRISTOL BAY HERRING MANAGEMENT PLAN**

### **3 Proposals; Proposals 44-46**

[View PDF of all proposals for Bristol Bay Herring Management Plan](#)

#### **PROPOSAL 44--5 AAC 27.865. Bristol Bay Herring Management Plan.**

**Proposed by:** Charles Treinen

**Recommendation:** **BBEDC TOOK NO ACTION**

**Purpose:** Allow any remaining unharvested Togiak District herring spawn-on-kelp allocation to be reallocated to the Togiak District sac roe herring fishery

**BBEDC COMMENTS: BBEDC TOOK NO ACTION ON PROPOSAL 44.**

BBEDC is Neutral on the allocative aspects of this proposal and therefore took no action on this proposal. However, the Togiak spawn-on-kelp allocation of 150 tons has not been harvested since 2003 (Figure 8).

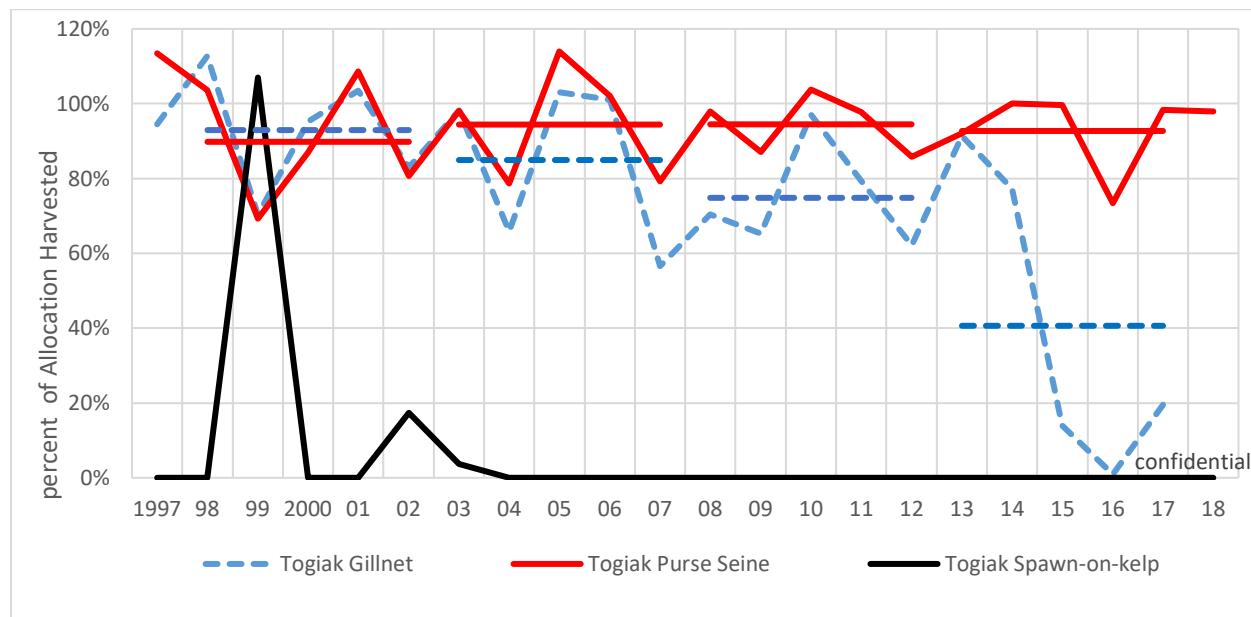
BBEDC firmly believes that any unharvested surplus herring that have been allocated to a gear type that has not been able to harvest that allocation should remain in the district. However, the Board should decide whether the spawn-on-kelp allocation should be reallocated to gear types that will be able to harvest the additional allocation or allow the spawn-on-kelp allocation or portion of the allocation to remain in this fishery in anticipation of a revitalization of this fishery.

During the period, 1997-2018, the gillnet allocation has ranged from 5,280 tons in 1998 to 9,017 in 2013. During this period, however, gillnet participation in the Togiak Herring fishery has decreased substantially, from 336 participants in 1997 to 1 participant in 2018. The reduced gillnet effort has resulted in additional large amounts of surplus Togiak herring not being harvested in the Togiak herring fishery. The average percent harvest of the gillnet allocation declined from 93% during the five-year period 1998-2002 to 41% during the most recent five-year period, 2013-2017 (Figure 8). Additionally, the percent of the gillnet allocation that was harvested for the last three years of record, 2015-2017, has been less than 20% (Figure 8). In 2016, the gillnet fleet harvested less than 1% of the gillnet allocation; in 2017 the gillnet fleet harvested 19% of the allocation (Figure 8). In 2018, the gillnet harvest was held confidential by ADF&G because only one fisherman participated in the gillnet fishery. The gillnet herring allocation in 2018 was over 7,200 tons.

During the period, 1997-2018, purse seine allocation has ranged from 13,224 tons in 2005 to 21,040 in 2013. During this time, the Togiak purse seine fleet has harvested at least 80% of their allocation in 18 years of the 22 years of record since 1997 (Figure 8). Additionally, the purse percent harvest of the allocation has remained relatively constant. The average five-year percent harvest of the purse seine allocation has ranged from 90% during the period 1998-2002 to 94% during the two five-year periods, 2003-2007 and 2008-2012 (Figure 8). In both 2017 and 2018,

the purse seine fleet harvested 98% of the purse seine allocation. The purse seine allocation in 2018 was 16,829 tons.

At this time, it is doubtful that the Togiak gillnet fleet could take any of unharvested portion of the herring allocated to the spawn-on-kelp fishery. Conversely, there is little doubt that the full allocation of 150 tons could be taken by the Togiak purse seine fleet.



**Figure 8. Percent harvested of the Togiak herring biomass allocation by gear type, Togiak herring, Bristol Bay Area, 1997-2018. Five-year averages are included. The 2018 Togiak gillnet harvest is held confidential because of only one participant in this fishery.**

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## PROPOSAL 45--5 AAC 27.865. Bristol Bay Herring Management Plan.

**PROPOSED BY:** Dan Veerhusen

**Recommendation:** OPPOSE

**Purpose:** Allow unharvested Togiak District sac roe gillnet allocation to be reallocated to the Dutch Harbor food and bait herring fishery.

### **BBEDC COMMENTS: BBEDC IS OPPOSED TO PROPOSAL 45.**

Changes to the Dutch Harbor Food and Bait Herring Fishery Allocation Plan (5 AAC 27.655) during the October 2017 Board meeting has increased the time the Dutch Harbor seine fleet can operate in this fishery and has also provided the seine fleet access to the underutilized gillnet allocation of the Dutch Harbor food and bait herring fishery much earlier than in the past. This has led to potential increased harvests of herring by the seine fleet. Specifically, the date the purse seine fishery may open was changed from July 15 to July 1. The date at which the herring seine fishery may harvest any remaining herring gillnet allocation was changed from after July



20 to after July 5. After July 5, if the gillnet fishery has not harvested its allocation, the remaining allocation may be taken by either group. Now, with this proposal, seiners who participate in the Dutch Harbor food and bait fishery are aiming their sights at the unharvested gillnet allocation in the Togiak herring fishery.

There has been no participation in the Dutch Harbor food and bait fishery by the gillnet fleet since the 2008 fishing season. Additionally, starting in 2003, the purse seine fleet has operated under a “*combine*” harvesting scenario. Under a “*combine*” harvest scenario, a very limited number of boats, usually two (n=9) or three (n=6), are selected or volunteer to harvest the quota. It is unclear if and how the rest of the fleet participate in the sharing of the value of the harvest.

BBEDC firmly believe that any unharvested allocation within the Togiak herring fishery should either remain as a Togiak gillnet allocation or only be allocated to gear types that can harvest this allocation within the Togiak fishing district. If the Board wishes to reallocate the unharvested Togiak District gillnet herring surplus, we strongly urge the Board that any unharvested surplus be allocated to gear types that can harvest this allocation within the Togiak fishing district, particularly the Togiak purse seine fleet. While the harvest of the Togiak gillnet allocation has dramatically declined since 2013, the Togiak purse seine allocation has been consistently taken (Figure 9). In the last two years, 2017 and 2018, the Togiak purse seine fleet harvested 16,080 and 16,829 tons, respectively. This harvest accounts for 98% of the herring allocated to this gear type for both years. There is little doubt that the Togiak herring fleet could harvest the unharvested portion of the Togiak gillnet allocation. We strongly encourage the Board to keep this unharvested gillnet allocation within the Togiak Fishing District. To do otherwise would set a bad precedent of reallocating the amount of herring beyond historical amounts from one area, where the herring spawn, to another area where they migrate.

---

## **PROPOSAL 46--5 AAC 27.865. Bristol Bay Herring Management Plan.**

**Proposed by:** Robert Heyano

**Recommendation:** **SUPPORT WITH MODIFICATIONS**

**Purpose:** Increase the amount of harvestable surplus Togiak herring allocated to the purse seine fleet from 70 percent to 88 percent

**MODIFICATIONS:** Increase the amount of harvestable surplus Togiak herring allocated to the purse seine fleet from 70 percent to 80 percent with a sunset of the regulation in three years.

**BBEDC COMMENTS: BBEDC SUPPORTS PROPOSAL 46 WITH MODIFICATIONS.**

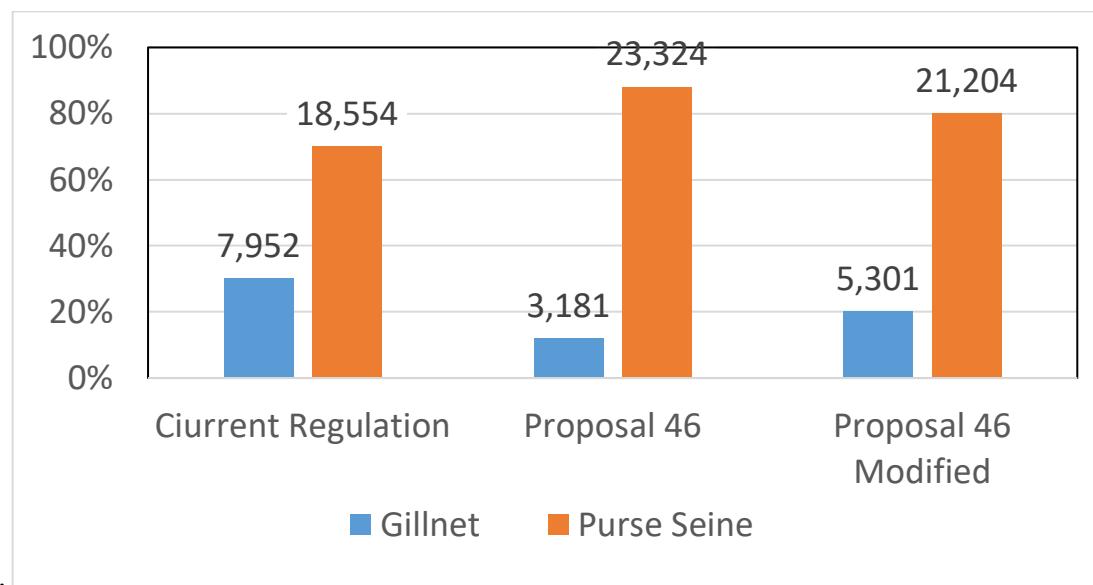
**BBEDC supports this proposal with the modifications that the Nushagak Advisory**

**Committee adopted unanimously, “*amended split from 70/30% to 80/20% and sunset in 3 years*”.**

This modification changes the harvest allocation between the purse seine and gillnet fleets from 70%/30%, currently in regulation, to a 80/20% allocation split that would expire after the 2021 season, or provides a sunset clause of 3 years. After the 2021 season, any alteration to the Togiak herring fishery allocation scheme will have to be approved by the Board, through the proposal process, during the Board meeting in the winter of 2021.

The Togiak herring biomass is managed under a 20% exploitation rate. After the spawn-on-kelp herring equivalent, 150 tons, is subtracted from the preseason forecasted herring surplus, the Dutch Harbor food and bait fishery is allocated 7% of the remaining observed surplus. The remaining herring surplus is allocated to the Togiak herring fishery, by gear type, with 30% allocated to gillnet and 70% allocated to purse seine. This proposal seeks to change the purse seine allocation of the remaining surplus from 70% to 88%. However, BBEDC supports the modified proposal that would increase the purse seine allocation of the remaining surplus from 70% to 80% with a sunset clause of three years. This modified proposal would obviously change the allocation of the gillnet fleet from 30% to 20%.

On an average year, with a herring biomass estimate of 150,000 tons and a harvestable surplus of 30,000 tons, which reflects the 20% exploitation rate, the effect of this modified proposal would translate into an increase in the purse seine allocation of approximately 2,650 tons of herring and an identical decrease in the gillnet allocation from the current allocation in regulation (Figure 9). The spawn-on-kelp fisher allocation of 1,500 tons would not change. The Dutch Harbor Food and Bait fishery would receive 7% of the remaining surplus, 1,995 tons.

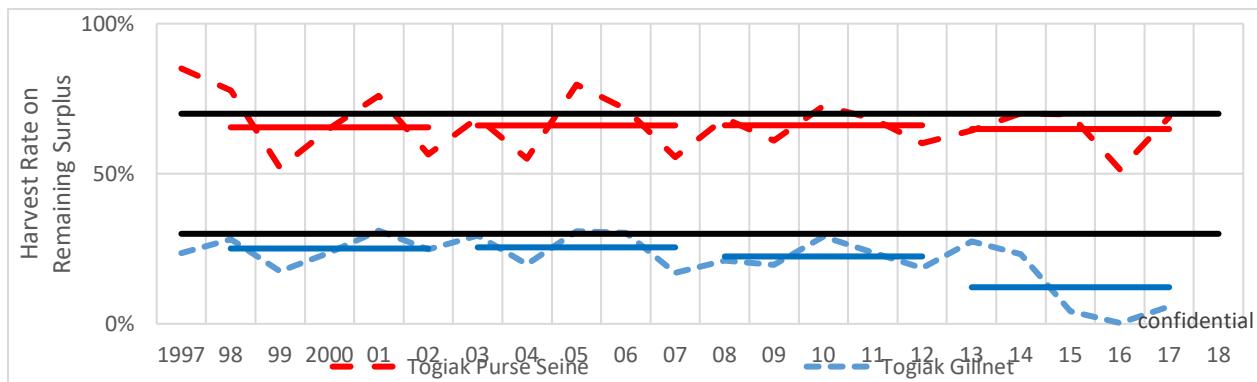


**Figure 9. Depiction of the allocation of the remaining herring harvestable surplus under current regulations, Proposal 46, and the modified Proposal 46 by the Nushagak Advisory Committee, Togiak Herring Management Plan. Numbers above bars are the Togiak gillnet and purse seine allocation based on a herring biomass of 150,000 tons with a harvestable surplus of 30,000 tons.**

The gillnet fleet has harvested an average of 25% of the 30% allocated for the two 5-year periods, 1998-2002 and 2003-2007, the most recent 5-year period, 2013-2017, average is 12% (Figure 10). The gillnet harvest for the 2018 season is held confidential by ADF&G because of only one participant in the gillnet fishery. In contrast, the purse seine fleet has been extremely stable, harvesting between 65% and 66% of the 70% allocation for the four 5-year average

harvest periods from 1998-2017 (Figure 9). During the 2018 season, the purse seine fleet harvested 69% of the 70% purse seine allocation (Figure 9). These data are also reflected in Figure 8 where percent of allocation is on the y-axis.

Regardless of the Board action on Proposal 46, BBDEC firmly believes that any unharvested allocation within the Togiak herring fishery should remain in the Togiak District. However, if the Board wishes to reallocate the unharvested Togiak District herring surplus, we strongly urge the Board to reallocate any unharvested surplus to the gear type(s) that can harvest this allocation within the Togiak fishing district. While the harvest of the Togiak gillnet allocation has dramatically declined since 2013 (Figure 8 and 10), the Togiak purse seine allocation has been consistently taken (Figure 8 and 10). In the last two years, 2017 and 2018, the Togiak purse seine fleet harvested 16,080 and 16,829 tons, respectively. This harvest accounts for 98% of the herring allocated to this gear type for both years (Figure 8). There is little doubt that the Togiak herring fleet could harvest the unharvested portion of the gillnet allocation. We strongly encourage the Board to keep this unharvested gillnet allocation within the Togiak Fishing District. To do otherwise would set a bad precedent of reallocating spawning fish from one area to another.



**Figure 10. Harvest rate on the remaining Togiak herring surplus, by gear type, after subtracting the allocations for the spawn-on-kelp and Dutch Harbor food and bait fishery from the harvestable surplus, Togiak herring fishery, 1997-2018.** Note the black solid horizontal lines indicate the allocation of the remaining surplus for gillnet, 30%, and for purse seine, 70%. The 2018 Togiak herring gillnet harvest is held confidential because of only one participant.

\*\*\*\*\*



## SPORT FISH PROPOSALS:

### 15 Proposals; Proposals 47-62

[View PDF of all proposals for Rainbow Trout| 47-49](#)

[View PDF of all proposals for Sport Fishing Guides| 50-55](#)

[View PDF of all proposals for Methods and Means| 56-57](#)

[View PDF of all proposals for Sport Salmon 58-61](#)

[View PDF of all proposals for Miscellaneous Sport 62](#)

## PROPOSAL 47-- 5 AAC XX.XXX. New section.

**Proposed by:** Nanci Morris Lyon

**Recommendation:** **SUPPORT**

**Purpose:** Adopt the Southwest Alaska Rainbow Trout Management Plan into regulation

**BBEDC COMMENTS:** **BBEDC SUPPORTS PROPOSAL 46.**

### Alaska Rainbow Trout Management Plan

#### Policy I

Native rainbow trout populations will be managed to maintain historic size and age compositions and at stock levels sufficient such that stocking is not needed to enhance or supplement the wild population.

#### Policy II

A diversity of sport fishing opportunities for wild rainbow trout should be provided through establishment of special management areas by regulation. Selection of areas for special management will be based on criteria to be adopted by the Board of Fisheries.

#### Policy III

Management strategies should be consistent with the prudent economic development of the state's recreational sport fishing industry while at the same time acknowledging the intrinsic value of this fishery resource to the people of Alaska.

Although the Southwest Alaska Rainbow Trout Management Plan is not specifically in regulation, it has been adopted, word for word in some cases, in the current regulations and policies. However, BBEDC supports adding this plan intact into regulation. BBEDC believes that having this policy in one place in regulation will facilitate the management of the wild trout population of the Bristol Bay Area.

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## **PROPOSALS 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62--**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

**Proposed by:** Jason Lazore (48, 50, 54, 55); Naknek/Kvichak Fish and Game Advisory Committee (49, 52, 56, 57, 58, 60, 61); Nanci Morris Lyon (51); Dan Kirsch (53, 59); Daniel Herrig (62)

**Recommendation:** BBEDC TOOK NO ACTION on Proposals 48-62.

### **Purpose:**

**Proposal 48:** Modify the sport fishing season in the Naknek River drainage to protect spawning rainbow trout.

**Proposal 49:** Prohibit retention of rainbow trout by nonresident sport anglers in a portion of the Naknek River drainage

**Proposal 50:** Prohibit guiding on the Naknek River drainage during spring from the marker at Lake Camp downstream to the marker at Rapids Camp.

**Proposal 51:** Establish a limited guide permit system between September 10 and October 20 in a portion of the Naknek River

**Proposal 52:** Limit the number of clients a sport fishing guide or sport fishing guide business may have while targeting trout in a portion of the Naknek River drainage.

**Proposal 53:** Establish guide permits in a section of the Naknek River drainage. Limits the number of clients fishing in the upper portion of the Naknek River to 4 fishermen at any one time per permit.

**Proposal 54:** Limit the hours guides or clients can fish on a section of the Naknek River from 8:00 am to 6:00 pm daily on a portion of the Naknek River

**Proposal 55:** Limit the days guides or clients can fish on a section of the Naknek River to Monday, Tuesday, Wednesday, Friday and Saturday in a portion of the Naknek River

**Proposal 56:** Prohibit chumming by guides and other commercial users in portions of the Naknek River drainage sport fishery

**Proposal 57:** Prohibit the use of certain sport fishing tackle in a section of the Naknek River drainage

**Proposal 58:** Close sport fishing for king salmon in a portion of the Naknek River drainage.



**Proposal 59:** Close waters to king salmon sport fishing in a section of the Naknek River drainage.

**Proposal 60:** Create a rod limit for nonresident anglers sport fishing for salmon on a portion of the Naknek River

**Proposal 61:** Prohibit blocking access to sport fishing locations in the Naknek River

**Proposal 62:** All sport-caught fish removed from the water in all freshwater drainages of the Bristol Bay Area must be retained.



Submitted By  
David Harsila  
Submitted On  
11/13/2018 10:04:33 AM  
Affiliation  
Bristol Bay Fishermen's Association

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### **Proposal 23: Oppose**

The current law is clear.

### **Proposal 25: Support**

The dual permit regulation adopted in 2003 has been used in Bristol Bay for fifteen seasons. It has proved to be a successful model to accomplish two important goals.

- 1) It allows for a permit holder to come aboard someone else's vessel and participate in the fishery thereby increasing access, and
- 2) It reduces the amount of gear in the water thereby increasing the bottom line for the fishermen.

This proposal has been discussed in past Board of Fish meetings. However, today there is new information that is relevant to the discussion.

Worldwide markets are demanding much higher quality standards and new product forms. Because of this Bristol Bay owner/operators are faced with processor-mandated chilling requirements for sockeye salmon. Bristol Bay fishermen are receiving higher values for their catch and the State of Alaska is receiving higher taxable revenues from its public resource.

The Herculean task of chilling the fish has fallen on the shoulders of the owner/operators. How can we ask these fishermen to shoulder the enormous financial burden of this worthy effort? The dual permit regulation has proven that reduced gear in the water and less boats competing in the fishery has **increased the share of the pie for every fisherman** to help with the financial burden.

This proposal, commonly referred to as permit stacking, was adopted by the BOF in Cook Inlet recently. If adopted, it will put in place a legal and stable platform for fishermen to invest in the Bristol Bay salmon fisheries. We suggest that the dual permit regulation remain in place and the permit stacking proposal be incorporated into it.

### **Proposal 28: Oppose**

This proposal would preclude driftnet permitholders from participating.

### **Proposal 30: Neutral**

This proposal asks to increase the drift gillnet vessel length. This proposal has been discussed in previous Board of Fish meetings. There is new information today that is relevant to this discussion.

The changes of the Bristol Bay fishery have put new demands on the vessels and equipment that fishermen own and operate. Today, many skippers employ four crewmembers, double what it used to be. Accommodating more crewmembers is nearly impossible on the majority of thirty-two-foot vessels. With the addition of insulated fish holds and chilled water the loss of fish capacity has reduced vessel production essentially penalizing the fishermen. The cubic space required to install refrigeration units has disenfranchised the aging fleet from accomplishing this necessary upgrade. Aging and smaller vessels, when adapted for chilled sea water, simply are not safe in a loaded state. All in all, the thirty-two-foot limit has become an impediment for fishermen.

The Board of Fish in the past has changed the vessel length regulation. The Board created an allowance of twenty-eight inches of additional equipment to extend beyond the thirty-two feet of buoyant hull. This seemingly small change moved our fleet forward and was utilized successfully.

We suggest that if the Board chooses to adopt a new length limit, to look back at what successfully was done in the past. If, for example thirty-four or thirty-six feet was put into the current regulation, instead of thirty-two, that would amount to an incremental change in length? similar to what was done in the past. Over time, this change in length would be phased in by the fleet.

#### **Proposal 31: Neutral**

This proposal, if adopted, would help the fleet become more productive at the beginning of the season particularly when large runs of sockeye could be processed over a longer time line.

#### **Proposal 32: Support**

If adopted, this proposal would provide for additional fishing opportunities after escapements have been met.

#### **Proposal 33: Oppose**

#### **Proposal 41: Oppose**

The current commercial fishing regulations conserve chinook salmon through gear restrictions and fishing time.

#### **Proposal 42: Oppose**

See comment on Proposal 41.

#### **Proposal 43: Oppose**

#### **Proposal 46: Oppose**

There is no biological reason to change allocation.



**Charles W. Treinen**  
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*E-mail: cwtreinen@aol.com*

November 14, 2018

Reed Morisky, Chairman  
Alaska Board of Fisheries  
Boards Support Section  
P.O. Box 115526  
Juneau, AK 99811-5526

***Re: Togiak Herring Proposal Comments***

Mr. Morisky and Members of the Board:

As a participant in the Togiak sac roe seine herring fishery, I am submitting the following comments. Unfortunately, I am unable to attend the meeting in person. Please accept these written comments in lieu of in-person testimony.

**Proposal 44—Support**

Current market conditions for the roe on kelp product available in Togiak Bay are extremely weak. The fishery has not taken place for many years and as per the management plan, 50% of the 1500-ton set-aside has been allocated to the seine and gillnet fleet. This proposal would allow the entire 1500-ton amount to be reallocated if there is no roe on kelp fishery taking place. While the option for roe on kelp would remain and could be exploited if markets become viable, the sac roe fleet—seine and gillnet--would be able to more fully utilize the available herring GHL under this proposal.

Please approve this proposal.

**Proposal 45—Oppose**

This proposal seeks to reallocate unutilized GHL from the Bristol Bay Area to the Dutch Harbor Area. The GHL could be more fully utilized by in-area modification of the management plan as suggested in Proposal 46 rather than making an out-of-area transfer.

While the proposer claims that the Dutch Harbor food and bait fishery is fully utilized, Table 1 of the Department's 2018 season summary for the Alaska Peninsula and Aleutian Islands herring fishery shows that the seine allocation has not been harvested



since 2015. There has been no gillnet participation in the fishery since 2010. Also, participation in the seine fishery is limited with no more than three vessels since 2006.

Although there may be valid reasons for reallocation of GHL from one area to another as markets evolve, the harvest information does not back up the proposer's justification.

Please reject this proposal.

#### **Proposal 46--Support**

This proposal would allow for fuller utilization of the available Togiak sac roe herring GHL. Under present and foreseeable market conditions, gillnet participation in the sac roe fishery can reasonably expected to be extremely weak. While the fishery may not be quite as lucrative as it once was, the seine fleet has been consistent in harvesting all or nearly all its GHL allocation. Consequently, this proposal would allow for better utilization of the resource.

While I am writing in support of this proposal, another option would be to allow for an in-season reallocation of the GHL from gillnet to seine that would maintain gillnet options if the market again became sufficiently strong. Proposed wording might be:

*"If the purse seine fleet reaches its targeted removal and a harvestable surplus remains, the commissioner may reallocate up to 70% of the remaining surplus to the purse seine fleet."* This wording would allow for some discretion on the part of the manager to evaluate fishery in progress and reallocate as seen fit while accommodating a more complete harvest of the overall GHL.

Again, I support the proposal as written, but realize that an alternative that maintains options may be more palatable.

Thank you for the opportunity to comment.

Sincerely,

Charles W. Treinen



Submitted By

Chris Drews

Submitted On

11/13/2018 9:00:35 PM

Affiliation

Phone

907-246-2203

Email

[chrisdrews3@hotmail.com](mailto:chrisdrews3@hotmail.com)

Address

PO Box 155

King Salmon, Alaska 99613

My name is Chris Drews. I have been a year round resident since 2005, before that I worked for a couple of fishing lodges in King Salmon as a guide from 1995 until 2005. I understand that there are several proposals related to sport fishing. I believe that the quality fishing experience has deteriorated in the last few years on the Naknek River. To be honest I don't fish as often as I used to. The major reason is because it is not enjoyable to spend time on a river with so many people and boats that even finding a place to wade and flyfish is a struggle. The number of people on the river is higher than I remember. In my opinion it hasn't been healthy for the resource as well. There is not as many 22' - 26' rainbows as there used to be. I know that some rivers go in cycles but I believe it has fair amount to do with the pressure that these fish are seeing. Especially during August and September when the salmon are spawning. I have seen both sides of the issue but the resource should not have to suffer because of it. Also the majority of clients that I knew wouldn't like a day spent fishing in remote Alaska basically combat fishing. Thank you for your time and effort into looking at these issues and the proposals that are on the table.

Sincerely,

Chris Drews

King Salmon, AK



Submitted By  
Chris Klosterman  
Submitted On  
11/14/2018 11:17:40 PM  
Affiliation  
Trygg Air Alaska, LLC

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Proposals 60,58,57,56,52,49,61 54 and 55.

All proposals that I am commenting on are proposals concerning sport fishing on the Naknek River. Currently there are several issues effecting the Naknek River that are all due to excessive pressure. Born in Anchorage, I have lived in Alaska my entire life and grew up in the air taxi business. Being an avid hunter and fisherman I have been fortunate to experience most regions of the state and have seen a lot of what this great state has to offer. I moved to King Salmon in 2002 and operate my own air taxi business based in King Salmon. Over the past 15 years the Naknek river has become more known and popular for obvious reasons. With new operators and larger operators the number of fisherman has continued to rise and has come to a point that is having a negative impact on the fishery. The majority of sport fishing on the Naknek is guided commercial operators and or rental boat operators / corporate retreats.

As you can see there are a 15 proposals regarding the Naknek river, which in itself is cause for concern and action needs to be taken. The quality of experience has suffered tremendously in addition to the quality of fish. I consider myself an experienced and ethical fisherman and guide. I have guided since the age of 14 in Southwest and Southcentral Alaska and learned from many others and from personal experience what works well and not so well. The amount of sport fishing pressure targeting rainbow trout on the Naknek and associated mortality is noticeable. Even with the most attention and care fish are killed as a consequence of being hooked and have personally accidentally killed rainbows of all sizes. I can only imagine how many fish are killed when you have 50 + people catching numerous fish every day.

Limiting the number of rods that a given business can have on the river is a good place to start (proposal 60). It shouldn't be a free for all. If an operator wants to run mass numbers there is nothing to prohibit this.

With limited locations in which to access and fish for rainbows on the river during peak season there is consistently no open locations to fish from shore. This has led to crowding and less ethical practices among guides competing, who are more and more encroaching on other fishermen and have personally witnessed this on several occasions fishing on my own.

Operators that take large numbers of clients 30-40 people a week have created a whole new environment on the river where they hold a location on the river and cycle their clients through over the course of the day to ensure that they don't lose their spot (proposal 61).

In the past it was possible to get out on the river in July for kings or September for rainbows in the early or late evening with the family or friends. With the increased guided efforts of lodges and various operators many have adjusted their schedules to eat dinner early and get back out on the river with the hopes of less competition. Now there are guides with clients out until dark. I do believe there should be an opportunity for individuals not guiding clients to have a small window to not compete with guided operations. There should be some time set aside for residents to use this resource. This should not restrict guides that are residents from unguided fishing. (proposal 54 & 55)

With this added competition for locations more guides are bead fishing throughout the main section of the Naknek, because they can fish from boats and fish deeper sections of water effectively. If you use beads that match the eggs from salmon spawning they are so effective trout cannot distinguish the difference, not matter how many times they have been hooked unless they stop feeding all together. The younger age groups of rainbows in the fall are practically nonexistent, which I believe is due to these smaller fish being hooked or (brained). Bead fishing (artificial eggs) are very effective and have taken their toll. A consequence of this technique these fish are often hooked in the eyes, sides of the head and belly. Larger fish become disfigured and smaller fish are often killed (proposal 57).

King Salmon fishing on the Naknek has also seen substantial increase in sportfishing pressure. There are portions of the Naknek where you can visibly see red kings staged and pairing to spawn where you can actively fish. Kings in the Naknek already have a hard time making their way through the commercial fishery to spawn. Their should not be any sport fishing allowed where king salmon are actively known to spawn and smaller tributaries that offer sanctuary from sportfish pressures (proposal 58). If I could take that even a step further king salmon on spawning beds should not be targeted in any drainage for sport fishing.

The Naknek is a special place. Effort needs to be taken to try and maintain its quality of experience for users and first and foremost the

*health of the fishery. Thank you for your consideration.*

*Chris Klosterman*



PC10  
2 of 2



Submitted By  
CHRISTOPHER A NICOLSON

Submitted On  
11/11/2018 11:16:30 AM

Affiliation  
Permit Holder & Graveyard fisherman

*Dear Board of Fish, good afternoon. Proposal 35 asks you to remove the temporary markers placed at the mouth of Graveyard Creek so that nets can be fished further up in the creek. During the fishing season there are at least 40 boats anchored in this area (several of my skiffs are part of this group). To allowfishing in Graveyard Creeks significantly impedes our ability to safely navigate these waters. I would ask that you please do not allowfishing in Graveyard Creek. Thank you for considering these comments.*



Submitted By  
Dan Michels  
Submitted On  
11/13/2018 2:09:36 AM  
Affiliation  
Crystal Creek Lodge

Dear Members of the Board:

I respectfully submit the below opinions to either **SUPPORT** or **DENY** various proposals through the lens of 30 years perspective gained as a guide and 23 years as the owner of a sport fishing/hospitality business in the Bristol Bay region, working in the Dillingham area 1998-2005 then the King Salmon area 2006-2018. My priorities are based upon the following levels of criteria:

- Resource protection
- Equitable allocation/ impacts to all resource users
- Minimum of favoritism
- Minimum of regulatory imposition if competition can achieve maximum results

There are a number of Proposals before you dealing with issues surrounding a substantial increase of use on the Naknek River recent years. I see many of these proposals as expressions of frustration regarding increased resource use by and a "backlash" against nonresident Guides by "local" residents. Many of these proposals would make poor public policy.

Most of the increased use on the Naknek can be traced to one commercial operator who has opened multiple venues since 2010 and flooded the River with persons purchasing discount and "do-it-yourself" packages. While I am frustrated with the conditions on the River, I have faith that the market, rather than regulation, will be the ultimate solution to what aggravates us. Economic times are extraordinarily good at the present time and when an economic downturn comes, and it will, the survival of marginally run operations becomes difficult. I ask you to be cautious while considering related Proposals and implementing excessive regulation, accordingly.

Thank you for your consideration.

Dan Michels

Wasilla, Alaska

Manager/ Member

Crystal Creek Lodge

King Salmon, Alaska

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#### PROPOSAL 42

5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan.

Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for king salmon conservation, as follows: Nush Chinook Option 2

#### **SUPPORT**

This proposal is about ensuring the flow of King Salmon upriver to meet escapement while NOT unduly penalizing any one resource user group. The Nushagak King Salmon run is proving to be the last consistent, abundant King Salmon run remaining in Alaska. Besides The King Salmon being an iconic symbol as the State fish, each Nushagak sport harvested King Salmon is worth several hundreds of dollars to the Alaskan economy. Sport fish bears the entire burden of Nushagak King Salmon conservation under the existing Nushagak King Salmon management plan, a plan designed 25 years ago. That plan was punitive to sport fish in its conception, caused a severe setback in the budding Nushagak sport fish industry several years ago during a period of marginal King runs that lasted several years and now that the Nushagak King run has again stabilized can now be recognized as unbalanced towards an increasing economic contributor to the western Alaska economy, sport fishing. While both "Options" are well considered and allow the State tools to implement conservation effort while not being punitive to the comfish interests, Option 2 (vs Option 1) is simpler to implement, understand and enforce.

---

#### PROPOSAL 47

5 AAC XX.XXX. New section.



Adopt the Southwest Alaska Rainbow Trout Management Plan into regulation.

## **SUPPORT**

The Southwest Alaska Rainbow Trout Management Plan is the effort of good science done during a time of stable abundance of Rainbow Trout in the Bristol Bay Area. Rainbow Trout are and have been a pillar resource attracting visitors to Bristol Bay for 60+ years. It's already been created and is being used. Give State resource managers another regulatory tool to effectively manage Rainbow Trout.

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### **PROPOSAL 48**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Modify the sport fishing season in the Naknek River drainage, as follows:

5 AAC 67.022(d)(4)(B)

Close the river to fishing April 1st instead of April 8th

## **SUPPORT**

The Naknek spring Rainbow Trout fishery targets fish at a critical and vulnerable point in their annual cycle: at exactly the time they are gathering in the upper reaches of the Naknek River and are preparing to spawn. The potential loss of vitality due to catch could make the difference towards the survival of a fish through the spawn cycle. The Naknek River spring population is well-documented as a upper-limit age class of spawning fish (Minard, ADG&G) and they should be protected from disturbance.

With the trend towards warmer winters and earlier springs I feel adding a week to their protection period is not enough.

RECOMMEND: closing the Naknek River within the proscribed boundaries to all sport fishing November 15-June 8.

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### **PROPOSAL 49**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Prohibit retention of rainbow trout by nonresident sport anglers in a portion of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Naknek River Drainage:

Rainbow Trout Limits:

-Upstream from ADF&G markers located 1/2 mile above Rapids Camp to ADF&G markers at Trefon's cabin at the outlet of Naknek Lake and to include Naknek Lake:

Closed to the harvest of rainbow trout year round for non-residents. Catch and release only.

## **DENY**

The Naknek River of contemporary times is not a consumptive trout fishery. The proposed distinction between residents and non-residents is pointless at best and punitive of intent at worst. The vitality of the fish population is the responsibility of all users.

I would support this proposal if it applied to residents and non residents for a complete closure of the Naknek River to the harvest of Rainbow Trout.

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### **PROPOSAL 50**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Prohibit guiding on the Naknek River drainage during spring from the marker at Lake Camp downstream to the marker at Rapids Camp, as follows:

Amend 5 AAC 67.022(d)

My solution to this issue would be to completely ban guiding on the Naknek during the Spring from the marker at lake camp to the marker



**DENY**

Too vague at best and self-serving to benefit a narrow user group at worst. If “Protecting these fish and their spawn should be of the utmost importance” then all fishing effort should be banned during “Spring”, which as a period is undefined in this proposal. If guiding were banned then pressure upon fish would simply shift to that applied by recreational anglers.

---

**PROPOSAL 51**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Establish a limited guide permit system between September 10 and October 20 in a portion of the Naknek River, as follows:

Limited permit fishery, from September 10 through October 20...

**DENY**

This Proposal is short-sighted and serves its author best due to the scope of the qualifying criteria and the size of the author's business in relation to what they can gain. While my business would be one of the few to potentially benefit greatest over other prospective guides, this proposal is short-sighted because while it seemingly addresses the resource it favors a limited number of participants: it closes the fishery to new entrants by having no defined way to qualify new entrants or remove poor quality participants. Competition serves business best and regulation must be applied carefully.

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**PROPOSAL 52**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Limit the number of clients a sport fishing guide or sport fishing guide business may have while targeting trout in a portion of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Commercial entities (Lodges, guide services, businesses including LLC's, rental boat operators, fishing clubs) are limited to four guests/anglers at any given time to fish for trout...

**DENY**

This Proposal is very short-sighted and serves its authors (the members of the Naknek/Kvichak Fish and Game Advisory Committee representing and participating in the sport fishing business) best due to the size of the author's business in relation to what they can gain. It is punitive towards other businesses using the resource. This Proposal would be expensive and extraordinary difficult for ADF&G to administer and enforce.

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**PROPOSAL 53**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Establish guide permits in a section of the Naknek River drainage, as follows:

Commercial operations that provide guides and/or boats to trout fishermen...

**DENY**

This proposal is more of a manifesto of frustration than an outline to equitably serve either the resource and/or all users in need of consideration. Similar to Proposal 52, this Proposal is very short-sighted and serves its author best due to the size of the author's business in relation to what they can gain. It is punitive towards other businesses using the resource. This Proposal would be expensive and extraordinary difficult for ADF&G to administer and enforce.

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**PROPOSAL 54**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Limit the hours guides or clients can fish on a section of the Naknek River, as follows:...

**DENY**



PC12  
4 of 6

This proposal is more of a manifesto of frustration than an outline to equitably serve either the resource and/or all users in need of consideration. This Proposal would be expensive and extraordinary difficult for ADF&G to administer and enforce.

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#### PROPOSAL 55

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Limit the days guides or clients can fish on a section of the Naknek River, as follows:

5 AAC 67.022(d)(4)

My proposed solution to this problem us as follows:

No guiding on Sundays or Thursdays...

**DENY**

This proposal is more of a manifesto of frustration than an outline to equitably serve either the resource and/or all users in need of consideration. This Proposal would be expensive and extraordinary difficult for ADF&G to administer and enforce.

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#### PROPOSAL 56

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Prohibit chumming by guides and other commercial users in portions of the Naknek River drainage sport fishery, as follows:

5 AAC 67.022 (d) (XXX).

Naknek River Drainage:

All waters of the Naknek River watershed closed to chumming including the Naknek River main stem, Pauls Creek, King Salmon Creek, Smelt Creek and Big Creek, and all of Naknek Lake and its tributaries. Applies to guided, self-guided, boat rentals, and those transported by commercial entities.

**DENY**

I was prepared to support this proposal before seeing this applies only to guides, clients, etc. The way I read this proposal local, recreational fishermen would be allowed to chum. Unacceptable. While I have never seen or heard of sport fishermen actively chumming on the Naknek River, I would support an area-wide ban on chumming by ALL sport fish participants on principle. This proposal is poorly written, favors a limited user group and punitive in intent.

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#### PROPOSAL 57

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Prohibit the use of certain sport fishing tackle in a section of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Naknek River Drainage:

Upstream from ADF&G markers located 1/2 mile above Rapids Camp to ADF&G markers at Trefon's cabin at the outlet of Naknek Lake:

Closed to the use of all salmon egg imitation patterns, including all hard and soft beads, glo bugs, spin and glows and any other stand alone egg imitation, unless the egg imitation is a fixed part of a fly or lure longer than 1 inch in length (for example egg sucking leeches).

**SUPPORT**

While I am a proponent of beads as an effective and low-mortality tackle and have not personally witnessed nor heard from my guides about "so many dead and injured trout that is directly impacting the behavior of our eagle population in the Rapids Camp area on the Naknek River" (nor at any other high-use fisheries we access in the Bristol Bay Area) I support this Proposal because it would benefit the Naknek Rainbow Trout resource by reducing impact upon them; by the increasing number of users both guided and recreational.



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**PROPOSAL 58**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Close sport fishing for king salmon in a portion of the Naknek River drainage, as follows:

5 AAC 67.022(d)(11).

King salmon fishing is closed on the Naknek River from "Painter Bob's Cabin" upstream to the ADF&G marker at "Trefon's Cabin" near the mouth of Naknek Lake and on all major creek tributaries draining into the Naknek River, including Big Creek, King Salmon Creek, and Pauls Creek. (These are all areas where king salmon actively spawn). In these closed areas, king salmon may not be targeted at all, and if they are accidentally hooked while targeting other species, must NOT be removed from the water and will be released immediately...

**SUPPORT**

It is inarguable that sport fishing pressure has increased dramatically in the Naknek River recent years and that pre-spawn King Salmon are being increasingly targeted in their holding pools, in those below the Rapids in the main River and in the tributaries. I support this proposal with the intention to increase in-River survival of spawning Kings and increase awareness of a sport fishing ethos to leave fish that are about to spawn and in a weakened, vulnerable condition, be.

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**PROPOSAL 59**

5 AAC 67.022 Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Close waters to king salmon sport fishing in a section of the Naknek River drainage, as follows:....

**DENY**

This proposal is essentially identical to Proposal 58, but not written as clearly.

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**PROPOSAL 60**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Create a rod limit for nonresident anglers sport fishing for salmon on a portion of the Naknek River, as follows:

Sockeye Salmon and Silver Salmon limits

In all waters upstream from ADF&G regulatory marker located 1/2 mile upstream of Rapids Camp, including all waters within 1/4 mile of all lake inlet and outlet streams:

8 rod limit per day at any one time for salmon (sockeye and silver salmon) for commercial business entity: Lodges, Transporters, Boat Rentals, and fishing clubs. LLC's are considered one business entity. Rod Limit allocations are non transferable or salable. Applies to non residents only

These restrictions apply upstream from ADF&G markers located 1/2 mile above Rapids Camp to ADF&G markers at Trefon's Cabin at the outlet of Naknek Lake including all waters within 1/4 mile of all lake inlet and outlet streams:

**DENY**

This Proposal is very short-sighted and serves its authors (the members of the Naknek/Kvichak Fish and Game Advisory Committee representing and participating in the sport fishing business) best due to the size of the author's business in relation to what they can gain. It is punitive towards other businesses using the resource. This Proposal would be expensive and extraordinary difficult for ADF&G to administer and enforce.

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**PROPOSAL 61**

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Prohibit blocking access to sport fishing locations in the Naknek River, as follows:

5 AAC 67.022 (d) (XXX).



The staking out or marking of areas along the Naknek River using boats, guides or lodge employees or other individuals, ice chests, buckets, fishing gear, etc for the purpose of holding a fishing hole or zone for fishermen not yet present is not allowed.

**DENY**

Another Manifesto of Frustration rather than sound regulatory consideration. This law would be difficult to enforce and I believe it is already covered by existing statutes that prohibit the harassment or interference of someone hunting or fishing. Tort law might be the most effective way to settle this issue to those concerned.

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**PROPOSAL 62**

5 AAC 67.020. General provisions for seasons and bag, possession, annual, and size limits for the Bristol Bay Area.

All sport-caught fish removed from the water in all freshwater drainages of the Bristol Bay Area must be retained, as follows:

5 AAC 72.XXX

It is illegal to completely remove sport caught fish in the freshwaters of Southwest Alaska from the water (stream, river, lake, slough etc.) unless the fish is TO BE HARVESTED.

**SUPPORT**

This proposal is glimpse into the future sport fishing ethos and I support it wholeheartedly. 40 years ago catch-and-release fishing was a strange idea yet now it is universally understood and practiced in sport fishing. This is next-level and it can solve many resource protection issues caused by constantly increasing angling pressure and frustratingly expressed in other sport proposals. The science behind it is undeniable: that the handling of fish removes their protective mucus coating and exposes them to infection, that removing them from water removes them from their source of oxygen (at a time of oxygen depletion) and introduces them to gravity and potential sources of bruising that harm their delicate physiology.



Submitted By

Daniel Farren

Submitted On

11/14/2018 5:01:42 PM

Affiliation

Dear board of fish members,

Regarding proposal #46 re allocating a resource (Herring). I am opposed to further "re" allocating the resource. There are generally unintended consequences. In this case, when the fish runs cycle down to lower levels, then one gear group (gillnetters) may not have enough harvest quota to attract buyers for a fishery. In summary, the Togiak Herring fishery has many challenges as evidenced by the limited markets and reduced fleet. I do not feel good about going in and re allocating the resource.

I will be the first to admit that the Togiak Herring Gillnet fleet has had a hard time catching the quota in recent years. One small change we can make is to allow a full compliment of gear. (150 fathoms.) The first year I fished in 1980, and for several years following, the length limit was set at 300 fathoms. Currently gill nets are restricted to 100 fathoms. Please allow the Herring gillnet fleet the same compliment of gear as the Salmon fleet (150 fathoms). To sunset in three years.

Sincerely, Daniel Farren F/V Mukluk



Submitted By

David L Kopra

Submitted On

11/11/2018 8:11:41 PM

Affiliation

Dear Alaska Board of Fish; I would like to comment in-favor of Proposal #30 to increase the length of Bristol Bay drift boats from 32' to 42'. The 32' length originally was created so that the canneries could lift the boats onto the dock with the available cranes and hoists. Now we use trailers. I know the length limit evolved to restrict the competition so that the smaller boats felt competitive. Fishing in Bristol Bay has changed. The old small wooden and fiberglass boats are now obsolete. All drift boats in Bristol Bay must outfit with refrigeration to retain a market for their fish. It is crazy to spend \$40-50 thousand dollars to retrofit these old boats with refrigeration. The market wants the fish to be floated to maximize quality. This cannot be safely done on the small boats. The boats are driving around half sunk with water they intentionally pumped aboard. This is the perfect time to increase the length of the boats for the next generation. The boats don't catch the fish, the nets do. If a fisherman cannot afford a big new boat that is OK he still has the same net allowance and will catch a fair share. When he has the ability to upgrade he can buy one of the larger 32 footers and someday work up to a 42 footer. The larger boats keep the crew safe, handle the fish to maximize quality and make living aboard with a bunch of crew much more enjoyable. The standard for boats is 1/3 the width to length. Some 32' BB boats are 18' wide. That is totally inefficient and wastes tremendous amounts of fuel to get them moving. The mechanical systems are so stuffed in you can barely change oil. Now is the time to address this issue. I envision that Bristol Bay will evolve into the most envied fishery in the world. Lets rationalize the boat size now, for safety, efficiency and enjoyment. Forty two feet is a good number.

Thank you David L Kopra F/V Moby Duck.



Submitted By  
David Vardy  
Submitted On  
11/14/2018 3:54:30 PM  
Affiliation  
Permit Holder

This comment is in regards to Prop 23.

This proposal is clearly an attempt to censor anyone's idea that doesn't follow the opinions of the Nushagak advisory committee or status quo in Dillingham. The only people truly disenfranchised here are those who disagree with prop 23 should this proposal pass.

This is not about clarification it's simply about obstructing people from putting proposals such as drift and set-net permit stacking and length adjustments on BOF proposal lists.

It is one thing to vote against stacking, but it's quite another to vote in favor of a proposal such as prop 23 to suppress the message that the fleet is in favor of stacking but a group of a few are against it. The ball is in home court (Dillingham) and it's the boards job to strike this down without showing too much predisposition.

Furthermore, this fear tactic that has been used by your advisory boards in the past couple cycles demonizing stacking is absurd and wrong just like the claim that this isn't a watershed vs outsiders (which includes many out of watershed Alaskans).

I'm an out of stater but I pay borough taxes and reinvest nearly all of my money back into the fishery every year because I care about the fishery and the fleet—quite possibly more so than those who are actively trying to suppress positive change.

It's far too convenient that the BOF is held in Dillingham with unreasonable logistics and inadequate lodging opportunities for those outside of the watershed to participate in person.



**From:** Gary Cartwright  
**To:** [DFG, BOF Comments \(DFG sponsored\)](#)  
**Cc:** [Dye, Jason E \(DFG\)](#)  
**Subject:** Comments on Naknek River proposals  
**Date:** Friday, November 2, 2018 11:39:02 AM

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I would like to comment on several of the proposals for the Bristol Bay area specifically the Naknek River. I am a lifetime Alaskan, avid fisherman, and property owner on the Naknek River.

Proposal 57: I feel restricting bead fishing would actually make the overcrowding issues on this river WORSE and not better. Because there are only around 15 legitimate spots to bank fish on the upper section (above Rapids Camp) section of this river, and those are almost always taken by guides, it leaves very few areas for non-guided boats to fish. Bead fishing allows boats to fish in areas that are not bank fished, and opens up more of the river. Restricting bead fishing would be a very bad idea for the Naknek River.

Proposal 54 & 55: I agree with many of the points made in these proposals. I feel strongly that guides should not be able to hold spots in the morning until clients arrive after breakfast. I also agree guides should not be able to hold spots all day and ferry clients from spot to spot. I also like the idea of no guides on the river after 6pm which would allow private individuals and locals to fish the river. I also like the idea of 2 days per week being non guided days to allow locals to fish the river. The Kenai River has adopted several of these policies and they have seemed to work quite well.

Thank very much,

*Gary Cartwright*  
**President/CEO**  
**Pierce Cartwright Co, Inc.**  
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Submitted By

Gayla Hoseth

Submitted On

11/14/2018 4:54:36 PM

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Proposal 18 - I am in support of proposal 18. We have a subsistence priority in the State of Alaska and while the commercial fisherman and sport fisheries are open, we should not be regulated on Dillingham beaches to get our subsistence salmon with a three day a week schedule from July 2-17th. With the fishing times being from 9AM Monday-9AM Tuesday, 9AM Wednesday-9AM Thursday and 9AM Saturday to 9AM Sunday - the tides do not line up with this time schedule making it difficult for us to harvest our salmon.

These limitations on our subsistence fishing don't make any sense. I know these regulations were put in place due to wanton waste issues and realistically there is no difference on the amount of fish I will harvest on a Monday or a Tuesday. Also, if someone harvests a large amount of salmon on any given day, they will not put their net back out until all their fish is processed.

For people who have been harvesting on Dillingham beaches for generations, we were taught to stay with our net during the peak run, use larger gear so we don't catch too much fish, have a plan with your family and only catch what we need.

For people just moving to the area and those who haven't fished on Dillingham beaches should be required to go through some sort of education on subsistence fishing in Alaska so they are aware of how many fish they can catch. Also, what might be a good idea is to require people across the State of Alaska who recently moved to the state who don't know how to properly split fish to watch an educational video so there is no waste when people are filleting their salmon.

I am very respectful of our land and resources and salmon is what sustains our people, we should be given our subsistence priority so we can harvest our salmon all summer long as the salmon return to our waters.

Thank you,

Gayla Hoseth



**From:** geoffrey laird  
**To:** [DFG, BOF Comments \(DFG sponsored\)](#)  
**Subject:** A guide's perspective  
**Date:** Thursday, November 8, 2018 4:51:46 PM

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Dear Alaska Board of Fisheries,

Please accept my brief comments on proposed changes to current regulations in the Bristol Bay Region. I am a humble sport fishing guide who cares deeply for the future of our global fisheries and the subsistence of world's fisher-people.

Bristol Bay Proposal 31 - I oppose the increase of Bristol Bay (BB) commercial fishing vessels length from 32 to 42 feet. I grew up and still live in a commercial fishing community. I have witnessed the change in our fleets as owners and operators push to economize by scale and efficiency. The little fisher-people are pushed out and left by the wayside. Highliners will continue to invest, economize, and develop better techniques to drive their share of the derby higher but BB is also home to a different style of fishing. One that provides competitive entry to the fleet due to its "relatively" small entrance fee and the ability for skill and knowledge to overcome raw horsepower and processing speed. Keep the fleet "small" and reap the rewards.

BB Proposal 41 - I agree with the author of this proposal. I have extended anecdotal experience working in the sportfishing industry on the Nushagak River. When commercial (com) fleets have unlimited openers for sockeye in the Nushagak District, it is like someone kinked the supply hose of upriver king salmon. The occasional exceptions to this effect are when weather is too rough for coms to fish or there are so many kings and sockeyes coming in the river that coms can't keep their nets in the water. When sockeye fishing is good in the bay and king fishing is poor in the river we immediately go to emergency orders (eo)s while the coms soak their nets. Not only are we willingly participating in eos like catch and release, no bait, etc. the kings we do catch are horribly scarred, infected and mutilated by their journey through the gauntlet of nets. It's time for all of us: sportfishers, coms, Alaskans, tourists, international processors, and most importantly, F&G managers to invest our best efforts in the continued existence of healthy king salmon runs in the Nushagak River.

BB Proposal 42 - I support 42 for the same reasons that I support 41. I leave it up to the board as to how best implement appropriate measures to promote conservation of Alaska's King Salmon. I do know that it will take sacrifices by all groups.

BB 47 - I support 47 for the very simple reason that managers should have the opportunity and the obligation to use scientifically based research in the development of their management strategies.



BB 48-49 - I tentatively support these measures. Targeting wild trophy rainbow trout during the spawning stage of their life cycle for retention, or catch-and-release, is generally considered unethical by my peers. It goes as common sense that interrupting the spawning activity of these fish by catching them and releasing them is not advantageous to the propagation of the species. However, I admit insufficient personal knowledge to judge exactly when the "spawn" is occurring for these fish and having no anecdotal experience in the fishery I would urge the board to consider a study of spawn times or the impact of catch-and-release fishing on spawning success of these trophy fish before making any decision.

BB 50-51 - I tentatively support these measures. Lake Camp to Rapids Camp on the Naknek River is a busy time of year. It's popular with the most dedicated of trout fisher-people and as times have changed, so has the fishery. A conversation regarding the pros and cons of a limited entry system should begin immediately among the members of the board. Proposals should be considered and offered up for public comment. Other conservation measures and regulatory moves besides limiting access should also be considered for their potential effectiveness in preserving the "quality" of the experience on the upper Naknek. These might include but are not limited to the following measures that I am familiar with on other rivers I fish on: No fishing from a boat, Once a boat has begun it's downstream trip it cannot return to an upstream position for continued fishing, Days of the week that exclude the activity of guided sportfishing, Fly fishing only, No attractor beads, No additional weight on leader other than fly, No bobbers or indicators, etc. The problem that I see with these measures are the direct economic impact, whether negative or positive, that they would place on the outfitters of King Salmon. They would immediately create winners and losers based on arbitrary criteria or would limit activity of larger lodges if weather presented an obstacle to flying.....which might put an unsafe amount of pressure on lodges and pilots to fly despite horrible weather. Let the brainstorming begin! I hope to continue enjoying the Naknek far in to the future.

Thanks for considering my feedback. I greatly appreciate the work you do for Alaskas fisheries.

Geoff Laird

Sportfishing Guide

Sent from [Outlook](#)



Submitted By

George Wilson

Submitted On

11/1/2018 8:14:09 AM

Affiliation

Set net fisherman based at Graveyard

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Naknek, Alaska 99633

Dear Board of Fish,

I am making comment on proposal #35, 5AAC 06.350, Closed Waters.

This proposal asks the board to extend the fishing district in order to allow one individual to fish commercially inside the mouth of Graveyard Creek. This individual (Gus Grossi) already fishes inside the historical mouth of Graveyard Creek. Due to erosion that occurs annually, the physical mouth of the creek moves inland. I have used Graveyard as a base of operations for commercial fishing for the past 35 years. My wife did the same for 3 years prior to me, so I have longevity and historical knowledge about the area. There are approximately 40-50 skiffs that use Graveyard Creek for protection from storms and convenience of anchoring in close proximity of where the operators camp. Currently each year the Department of Fish and Game goes to the expense of placing markers where they deem is the mouth of Graveyard Creek. Each year the markers are pushed a little more inland due to erosion. Subsequently, Gus moves his net location inland also. Apparently his site lease moves along with it. You may be able to recognize that as things move inland, the mooring area gets diminished for all those skiffs. Conflict occurs between boat anchor lines and net lines. If the board decides to allow one individual to fish further inside the mouth of the Creek with even more gear, congestion will only get worse. In order to resolve this whole issue, I think consideration should be given to eliminating the markers at the "mouth" of the Creek and instead use GPS coordinates to delineate where open and closed waters are. Just like the rest of the Naknek Kvichak District. If the board sets the precedence for one individual to fish in what is now closed water, why wouldn't everyone be allowed the same opportunity?



Submitted By  
Graham Morrison  
Submitted On  
11/12/2018 10:53:15 AM  
Affiliation  
Naknek River Fishing Guide

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Hello my name is Graham Morrison and I am representing Morrison Guide Service which has been taking sports fisherman since the early 1980's. I was born and raised here and bristol bay and hold a sports fishing license, big game hunting license, commercial fishing operation, and trap in the winters. The sports fishing on the Naknek River was as good as it gets most of my life growing up here and having a father who has guided this river for more than 40 years i was lucky enough to see it in its prime and watch its steady downfall because of over pressure and greed due to new lodges and owners trying to push a maximum volume of guests to turn a quick profit and then leave the fishery worse off. For some reason we have no laws to limit volume of guests at lodges and no laws in place to stop the building of new lodges. In the last 8 years me and many local guides have watched the downfall of the naknek because of these money hungry greed run lodges and the lack of regulations in place to limit the damage they are causing. I highly suggest the board takes the proposals written by the naknek advisory commity seriously because if big changes are not made now to protect our king salmon runs on spawning beds in the main creeks and river anglers will continue to go catch these kings at there most fragile state after they have already made it past the nets in the bay, no fishing should be aloud for king salmon in any creek or spawning bed. The next major issue that our river has now become famous for because of magazines like "fish alaska" is our rainbow trout fishery. Having fishing rainbows on this river my entire life i can with out a doubt say there is a major problem in the stock and we are heading for a disaster if nothing is done. The pressure on our fall fishery is absolutely disgusting and unsustainable. During the two month fishery there is an average of 30-80 anglers per day in a 8 mile stretch of water with only 14 actual fishing holes. I have a hard time finding a fishing spot for my clients anymore if we give up our hole, and the proffesionalism among most guides from several of the larger lodges is a disgrace to the guides that our doing it right, lowholing people, throwing beeds into others fishing lanes, floating through poeple's fishing lanes with boats, its just turning into a kenia river fishery and thats not what we should be allowing this river to become. With that being said i highly recommend the board takes the proposals written seriously and take action now, our river cannot wait for these changes to take place. To put this simply there is to much unregulated pressure from larger lodges and private do it your self establishments, we need to limit the pressure on this river in any way we can, also i would recommend that there be no rental boats aloud for the fall rainbow fishery and if a non resident you need a guide to fish that fishery. We can not just limit one thing because it will only lead to people finding ways around it and the end result will be the further demise of our world class fishery. Having spent my whole life enjoying this area and fishery i hope the board takes what i have written seriously and takes immediate action on these proposals to fix the serious problems we have at hand. The only arguement you will find from anyone opposing the main problem of over pressure will come from large establishments that can only operate with a high volume of guests, and i dont think that is more important than protecting our fishery and the quality of experience for future anglers and locals who enjoy the naknek river and surrounding areas, i know me and many others would love to see the naknek return to what it once was.

Thank you for your time, Graham Morrison



Submitted By

Jerry Mucha

Submitted On

11/14/2018 8:07:41 PM

Affiliation

My name is Jerry Mucha fisherman and permit holder since 1994 first of all no on 23 yes on 30 31 32 34 36 37 most important is the stacking of permits so one man can own and fish two permits with 200 fathoms of gear it just makes too much sense Thanks Jerry Mucha

Submitted By

Jerry Mucha

Submitted On

11/14/2018 5:08:42 PM

Affiliation

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I have been a BB permit holder and fisherman since 1994 and am very much in favor of the permit stacking proposal so that one person can own and fish two permits and 200 fathoms of gear for all the obvious reasons of less gear in water and getting down to the recommended number of boats Thanks Jerry Mucha



Submitted By  
James Johnson  
Submitted On  
11/10/2018 1:34:28 PM

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Alaska Fisheries Board

Jim Johnson here. Owner of Johnson's Outdoors, which is the parent company that owns the only 2 fishing lodges actually located on the section of the Naknek River between the ADF@G signs that several of this years proposals are concerning.

Since we have the only fishing lodge operations actually located on this amazing stretch of water, it came as somewhat of a surprise that so many other businesses and individuals were concerned enough about the fishing on our home waters to formulate proposals to help us out.

I called one of the members of the advisory board. He stated that, based on what he had read from the various proposals, the Naknek River was as busy or busier than the Kenai. It sounded almost unsafe to operate a boat, with no spots open to fish. This is a ridiculous characterization. There are very few navigable rivers in Bristol Bay that are underutilized. If the fishing is good, there are fishermen there. The Naknek is no different. However, there is no day when it is difficult to find a place to fish. The suggestion that there are only 12 or 16 places to fish for rainbow trout is either purposefully misleading or written by someone that doesn't know the river well enough to be a guide. There are 30 runs we have named that we fish for rainbows and that isn't even including the many drifting areas utilized all season long by the guides from Sportsman's, Crystal Creek and Rapids Camp that rarely anchor or wade.

The truth is that 30 or 40 boats have no problem fishing trout at the same time on this river, and that has been true all the way back to the days when the King Salmon air force base was open and the town of King Salmon was far more populated than it is today.

For those that are new to the region, a little history lesson might be in order. In 1980, the State of Alaska operated a creel census survey on the upper few miles on this section of the Naknek. This survey was done only in the Lake Camp area, from Trefonts Cabin to just above Shawbacks cabin. This includes approximately 5 to 10% of the best trout water. During the months of February, March and the first 9 days of April. the report states that there were 61 open water days, during which 830 anglers fished 2706 hours, catching 1494 rainbows, killing 913 of them. This is how much pressure the river received during the dead of winter, in the supposed "good old days". This is more rainbow fishing pressure than this short section of river now receives in June, July or August and now all of those same rainbows are safely released.

In the fall of those years between 1980 and 1988, the creel censes shows that between 800 and 1,400 rainbows were harvested per year in this quality water. In 1988, the catch rate was .50 fish per hour of angler effort between August 15 and October 15, which comes out to 4 rainbows of any size per angler per 8 hour day. The current catch rates easily exceed these historic numbers, due largely to the catch and release culture and the single hook rules that have been in place for many years.

We have hosted fishermen from around the world on this stretch of water for 13 years, and so have seen the changes to the resource firsthand. Like everyone else that had input to your board, we would love to be the only people to have access to this great resource, but we have a realistic view of the world and the continuing demands being put on its resources due to increases in population and a steadily increasing amount of free time and ability to travel by air by the world's citizens.

Let's not forget that the majority of this section of river is located inside of Katmai National Park. We are talking about a resource that is owned by all of the citizens of the United States, not just the 300 or so residents that happen to live adjacent to it in King Salmon, the vast majority of whom do not even fish this stretch of river at all.

No fishery is immune to these extra demands. I have personally been a fly fisherman for 46 years. Back in those early days, I could fish places like the Snake in Idaho, the Yellowstone in Wyoming, the Missouri in Montana and the Pere Marquette in Michigan and have entire stretches to myself. The middle Keys in Florida had almost no guides working them. I fished the famous worm hatch at Bahia Honda Bridge in 1987 and was the only boat there with thousands of tarpon feeding around me on the surface. Last year, that same week on the worm hatch hosted 50 plus boats.

It should be mentioned that all of these great fisheries have survived and even thrived in the face of this increased pressure; creating a great financial boon to the regions they are located in, bringing lots of tourists and local seasonal jobs. Again, catch and release fishing has played a crucial role in allowing an increased number of anglers to experience these great fishing destinations while minimizing the adverse impact.

My first fishing trip to Alaska was in 1985. On that trip, my guide flew us into the Moraine River at Crosswind Lake. While we were fishing, another plane landed on the lake and disgorged 3 people. My guide began ranting about the rudeness of that group, stating "didn't they see that there was someone already here on the river fishing", as if being the second group to land on the Moraine in a day was a horrible breach of etiquette. Of course today, a mid-August trip to the Moraine will include interacting with 20 plus planes, rafters, bear viewers and dozens of other fishermen.

Of course, all of the major lodges in Bristol Bay still fly there to fish and the fishery is still world class. Is it the same kind of experience as it was back then? No, of course not. Would guests like me that had fished there in the "old days" find it changed today? Of course we do. But that is not an argument to go back to a time when only an elite few privileged people were able to experience southwest Alaska and Bristol Bay.

One example of why Bristol Bay is better off now than it was when very few people were able to visit it is the fight against the Pebble Mine. Everywhere I travel across the country, people ask me about how the fight is going to make sure that mining companies like Pebble and others aren't able to run wild destroying our valuable rivers in Bristol Bay. Bristol Bay has so many people fighting to protect it because it has so many visitors experiencing its wonders. If we limit the number of users, we will reduce the number of people that care whether it survives.

Many of the people that sent in rule change suggestions for the Naknek were well meaning, even if they were mostly self-serving. They are of the opinion that the only way to protect and preserve a quality fishing experience is to keep people from using the resource with draconian restrictions and invasive law enforcement presence monitoring arm bands, for example. Even if you ignore the costs of administering such a program, which would be high, the unintended consequences of these kinds of drastic limitations would be troubling.

We don't have to guess at the ramifications of such limits. We only need to look at places that have implemented these sort of drastic artificial controls. Here are a few examples, although I am sure that all of us can add a few more that we know of:

1. Bear hunting in Katmai Preserve. In order to limit the bear harvest, only a few permits are given out to guide in this area. The result? A guided bear hunt here is around \$25,000 per person.
2. Steelhead fishing on the Babine in British Columbia was drastically restricted to just a limited number. The result? Last year, a week on the Babine was \$20,000.
3. Atlantic Salmon fishing in Europe is strictly for the rich, with a day on a beat often costing in the thousands.

I could go on, but the point is that artificially restricting access well below the demand inevitably leads to a situation where only the rich elite can participate. I can envision lodges auctioning off the rainbow fishing permits to the highest bidders.

I don't know about you, but creating a situation where only the rich elite could experience the amazing fishing on the upper Naknek seems wrong and unnecessary. This would also have the added consequence of sending more pressure to the other rainbow waters in the area. If you are going to put these kinds of restrictions on the Naknek, be prepared to do the same to the Kvichak, Alagnak, Moraine, Copper, Tularic Creek and Kulik. The lodges that fish these rivers will not want to see an influx of Naknek anglers adding to their already busy waters. Some of these waters are already busier than the Naknek for much of the season.

Luckily, these kinds of drastic measures aren't needed to protect the resource. Like I said, we have fished the Naknek and Katmai National Park daily for the past 13 seasons, and we are happy to report that our daily catch rates have not seen any reduction. The resource is holding up to the increase in utilization extremely well.

Our client satisfaction is very high. Our rebooking rate is also very high. The Naknek remains the best trophy rainbow fishery in the state of Alaska by a wide margin, which is why lodges from all around Bristol Bay continue to fly to the Naknek daily to fish the river.

A great testament to the high quality of the rainbow fishery is Alaska Sportsman's Lodge on the Kvichak. Brian Kraft unarguably runs one of the best lodges in Bristol Bay, charging an average of \$12,500 per person per week to fish at his lodge. In September and early October, Brian keeps 2 to 3 boats busy every day on the Naknek, sending 4 – 6 guests to the river to sample this legendary trophy rainbow fishery. I spoke to one of his guides last week and was told that their guest satisfaction was very good, and that they continued to catch an inordinate amount of large rainbows on the Naknek.

If the fishery was as poor of a quality experience as many of your proposals pretend that it is, wouldn't Sportsmen's send their float planes to a different river? They can fly anywhere in Bristol Bay.

Crystal Creek Lodge is a little different. They are located within a few miles of this stretch of water. However, they own their own planes and can fly everywhere with minimal extra expense and yet they send several boats up the Naknek each day to fish the quality water of the upper river. Again, these guests are paying upwards of \$10,000 per week. Would they send them on the Naknek if the quality of the experience wasn't high? I know Dan very well, and I can say that the answer is no. Dan values his repeat clientele greatly.

You will know when the quality of the experience on the upper Naknek is not up to a high standard when top dollar lodges like Crystal Creek, Sportsman's Lodge and Rapids Camp quit sending their guests there daily.

Through the current CUA program, the National Park Service has all of the tools that it needs to limit commercial use inside the park, and the budget to enforce these limits if they decide that they are needed. There is no need for the State of Alaska to take on this controversial issue and its financial burden.

When it becomes biologically necessary to reduce the effects that increased pressure has on the fishery, we have other regulatory tools that we can go to first before crazy ideas like armbands and other drastic permit reductions are put in place.

I did want to mention a specific proposal that gave special consideration to how close a business was located to their location in the town of King Salmon, even though the section of river in question is well upstream from town. If closeness to the section in question is the criteria for a permit, the majority of the permits should go to the lodges that are located actually on this section of water. They are Naknek River Camp and Katmai Trophy Lodge. The next closest commercial operations are, in order, Fox Bay Lodge, Rapids Camp Lodge, Rainbow Bend Lodge and Crystal Creek Lodge. I noticed that none of the restrictive proposals were put forward by any of these operations, even though they would be the most affected by them.

I, obviously, would fully support any regulation that restricted the commercial use of these waters to existing lodges that are located on them, however I would never propose such a selfish idea. This resource belongs to everyone, regardless of where they are located and to try to create a monopoly is ludicrous. Competition drives everyone to be better at their jobs and forces companies to keep prices affordable. Of course all businesses wish they didn't have to compete with anyone else, but the American public has benefitted greatly from increased competition in all other areas. Why should fishing lodges be exempt?



Regulations that could have some benefit on the Naknek would include:

1. Fly Fishing only between the ADF@G signs.
2. Extending the single hook,  $\frac{1}{2}$  inch hook gap to the entire river, year 'round, including the feeder streams like Big Creek and King Salmon Creek.
3. Catch and Release year round for all rainbow, char and grayling. This would protect the smaller, more vulnerable members of the species from harvest.
4. Catch and Release for all species. This would be a drastic step, but it would certainly reduce the pressure on this section of river by pushing those anglers that want to harvest salmon to other areas. The truth is that all of the rainbow fishing gravel bars are also sockeye fishing gravel bars, and any fly that you would throw for rainbow will also catch sockeye. It would be impossible to limit rainbow fishing in July without limiting sockeye fishing as well. Virtually 100% of the sport harvest of sockeye salmon on the Naknek occurs in this quality area.
5. Closed to Commercial Use for a rest day for one day per week. I selfishly prefer Saturdays for this rest day, since we already use this as our change day, but Saturday or Sunday would both make sense, as well as giving what few locals that fish the river a chance to get on the water for the day without competition. The commercial lodges would prefer a year's delay on implementing something like this, since many of our guests are already booked for next season, and many have already purchased airline tickets.
6. Re-opening Big Creek to catch and release fishing for Kings a few years ago has been a boon for the river. It basically doubles the amount of fishable water in the system without increasing the harvest of salmon, resulting in spreading out the pressure and reducing the number of people on the upper Naknek. It could provide the same sort of sanctuary for silver salmon season as well, making Big Creek a catch and release stream for the entire season for all species.
7. No fishing from a boat that is under power. Fishing from a boat that has an outboard motor running disrupts the natural experience, creating a lot of unnecessary noise pollution as well as pollution from the outboard operation. Some of the native corporations in Alaska have gone so far as to allow the motor to only be operated twice per day. In the morning to drive to a spot upriver and at the end of the day to travel home. This might be going too far, but it is less disruptive than some of the rules that are proposed now.

I want to be clear. I am not suggesting these regulations be implemented currently. I do not think that any drastic changes are needed. I believe that the problems discussed are self-regulating. For example, if the fishing actually becomes poorer, or the fish populations actually do shrink, less people will choose to fish the river and the fishing would recover quickly in their absence.

In the last 3 years, the Naknek River has hosted near record runs of sockeye, kings and silvers. There are more chums. The grayling numbers were almost zero 13 years ago. Now you can catch one almost anytime you want to try. The rainbow population is solid and consistent, with most year classes in healthy numbers. We saw more trophy rainbows over 30 inches this fall than in any of the past 13 seasons. We caught and released several 33 inch plus rainbows and tied our camp record with a 35.5" fish, carefully netted in a cradle, measured and photographed, never brought into a boat and lovingly released. All in all, the quality of the fish populations in the Naknek system has never been better.

It is true that the mid-sized rainbows were slightly less abundant this past fall, but that was most likely because of the massive number of sockeye that entered the Naknek this summer. Many were very late and there were still tens of thousands spawning in October in and around Naknek Lake and its tributaries. My guess is that a lot of rainbows were still feeding amongst these sockeye and didn't need to migrate into the Naknek to forage around the gravel bars looking for food. They had all they could eat where they were.

Keep in mind that the Naknek system is massive. Naknek Lake is nearly 40 miles long, 400 plus feet deep and includes hundreds of miles of shoreline and dozens of small feeder streams that are all protected from development by virtue of being inside of Katmai National Park. The Bay of Islands alone is populated with an untold number of rainbows that see almost no pressure at all. Rainbows are migratory, moving wherever the food takes them. Whatever happens to a few miles of the Naknek River will have a very minimal effect on the population as a whole.

Here are a few predictions on the results of some of the specific misguided proposals that I saw listed on your website.

I can only imagine the uproar if the state of Wyoming or Montana decided to create restrictive regulations that favored their citizens fishing

I predict that many of these proposals, like attempting to ban do-it-yourself fishing in a National Park for example, would become a feature story on CNN and/or Fox News as an example of government pandering to a small special interest group.

Banning Beads on the river would lead to fishermen switching to egg flies. This would increase hooking mortality due to fish swallowing the hook, especially on smaller trout, char and grayling. (Bead fishing with the hook 2 inches from the bead causes fish to be hooked in the corner of the jaw as they swallow the bead, making de-hooking a simple process without damage to the fish). Bead fishing is a solution to a problem, not the other way around.

Reducing the number of boats that could legally fish the Naknek would put undue pressure on lodges to fly out to other rivers in dangerous weather conditions, since the choice would be to fly or play cards. Right now, on marginal weather days all of us on the Naknek can play it safe and keep our guests on the home water, and alive.

"Clubs" like King Salmon Sportsman's Lodge and Lynden's would thrive, falling outside of the commercial use rules. Fishermen that still want to fish the river would gravitate to these sorts of grey area operations and end up using unlicensed and less experienced guides.

Alaska State Troopers would be overwhelmed with reports of fishermen catching a rainbow without an armband "accidentally" while fishing for salmon. Since the same gravel bars are used for fishing for both species, this rule would be the completely unenforceable.

I could go on with a dozen other reasons why I feel that these suggestions are misguided, but I will leave the decision in the fishery boards capable hands, with the hope that you would not race to fix a supposed problem with half thought through solutions that would create more problems, unneeded regulations and controversy.

On a personal note, while my business name wasn't specifically mentioned in these proposals by the Naknek-Kvichak advisory board, no one familiar with the issues will be surprised to learn that they were targeting my business directly.

The actual truth is that, almost without exception, these proposals are designed to limit my ability to operate inside of Katmai National Park and on the Naknek River. They do take a shot at some other operations like Crystal Creek Lodge, Rapids Camp Lodge, Lyndens Lodge, King Salmon Sportsman's Lodge and the DIY operations like Rainbow Bend, but they are primarily targeted at my operation.

I am not familiar with everyone on this local advisory board, but the sort of bias that appears to be surfacing in these proposals should concern the full board.

There has long been resentment by a few of the local guides that have the misguided belief that only people that make their year-round home in the area should be able to profit from the resource. That residents that voluntarily choose to spend their winters separated from the rest of society should somehow have special consideration in a National Park. Even more remarkably, they slander my business, even to the point of making it libel by legal definition, by submitting in writing to your board the idea that I am unscrupulous and greedy because I charge too little for my fishing package. It might be the first time in history that providing a product or service for a lower price than the competition is called greedy. All that I am guilty of is purchasing 2 existing lodges on the Naknek that were failing, and making them a success.

I provide a good quality experience at a fair price that has been sustainable for 13 years. My very first clients 13 years ago still come every year to the Naknek. I have an extremely high rebooking rate and customer satisfaction. My guide staff expertise is second to none and are all USCG licensed. They are all professional, year-round fly fishing guides that work in other parts of the world the rest of the year. Many are regarded by their peers as some of the elite in their region. The majority of our guides have had more than 5 years of experience as guides in Alaska. The statement that we provide a lower quality experience for a cheap price is patently false. I can submit hundreds of references to the contrary, including from many guests that have stayed at the elite lodges in Bristol Bay for comparisons.



Specific examples that you might check with would be George Krumm, author and staff writer for Fish Alaska Magazine. He has fished at dozens of lodges in Alaska and has fished with us during the last 2 years. Another would be Curtis Fleming, the host of Fly Rod Chronicles; the highest rated fly fishing show on television. Other high profile visitors that have been repeat guests include Senators, writers, fly shop owners and business owners. Our groups have a very high rebooking rate – hardly the symptom of a poor fishery.

We have been successful because we provide a quality fishing experience at a fair price, opening up the opportunity for the middle class of this world to experience a world class fishery without having to mortgage their home to visit. At \$3,500 to \$4,000 for a guided week per person, plus airfare and license, it is still a substantial investment and not affordable for everyone. But it is a price that most American's can at least dream about being able to afford. They might just fight to protect a resource that they dream about visiting in the future.

If you would like to discuss further, please feel free to call me at 616-745-6066. I will be in Michigan until Thanksgiving. December through May, I will be operating my fly fishing lodge in Belize.

Johnson's Outdoors, outfitting affordable fly-fishing adventures since 1985.



Submitted By  
Jim Young  
Submitted On  
11/14/2018 3:37:19 PM

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ADF&G Board,

My name is Jim Young, I've been a year round resident of King Salmon for the past 32 years. I own and operate a guide service on the Naknek River, when I have spare time I enjoy the opportunity to fly fish for our beautiful pristine rainbow trout. Unfortunately over the last 10 years this type of quality experience has diminished due to overcrowding and an excessive number of illegal unregistered guides operating out of a few lodges on the Naknek River. I would like to submit a few comments on some of our pending proposals for the upcoming 2018/2019 Alaska Board of Fisheries.

Proposal 48,50: I don't support these proposals, this fishery is really only impacted by a few locals and a couple of guides who strictly fly fish, due to the extremely cold water the mortality rate is really low on the trout released.

Proposal 51: I'm in favor of this proposal.

Proposal 52 I'm in favor of this proposal. I believe this to be a viable plan to reduce the overcrowding and pressure on the rainbow trout population. In addition I think it's also a fair and equitable means of allocation for the various lodges and other businesses that this applies to.

Proposal 54: I'm not in support of this proposal.

Proposal 55: I'm not in favor of this proposal. Guides do get a lot of clients from in state and nobody wants to pay that much to only be able to fish one day on their weekends Plus the monetary impact on a guides season would be about a 25-30% reduction in annual salary.

Proposal 56: I'm in favor of this proposal. Chumming has no place on this river, it's an unethical practice that alters the behavior of our fish. These are game fish here and this is not a fair means to treat them this way.

Proposal 57: I'm in support of this proposal. Besides our overcrowding I think this is a technique that's having the most impact on our rainbow fishery. This is a method that kills, and injures so many smaller trout, eventually we will have a population of rainbow trout that will be forever scarred and missing eyes, mandibles, etc. This is a popular technique because it's easy to master and doesn't require much skill, this is why so many anglers fish this way. But if this is allowed to continue we will see our age compositions of rainbows continue to decline.

Proposal 58: I'm in support of this proposal. We need to close Big Creek to king fishing, this tributary is crucial to the future of our kings on the Naknek River. Our biologists say 40% of the Naknek River kings spawn in Big Creek. By jeopardizing this resource with a catch & release fishery is unwise, mortality on these kings is very high after released. In order to keep our spawning number of kings consistent closing this tributary is our only recourse to a viable and healthy fishery in the future.

In closing I would like to thank the board for your time and to thank you in advance.

Sincerely, Jim Young



PC23  
2 of 2

Jim Young

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Submitted By

Joe Echo-Hawk

Submitted On

11/14/2018 8:52:00 PM

Affiliation

Dear Board of Fish,

Proposal 35 asks you to remove the temporary markers placed at the mouth of Graveyard Creek so that nets can be fished further up in the creek. This creek serves as the only location for skiffs to anchor safely during any inclement weather. With any significant amount of wind, other anchoring locations available outside of the creek can be very difficult and dangerous to attempt kayaking out to a skiff. The creek also serves as the location for loading and unloading skiffs throughout the season. It has been proven in the past that it does not work out well for either the Grossi crew, or other fishermen, when creek fishing coincides in close proximity to where folks would like to anchor skiffs. As the tide waters recede, it is increasingly difficult to navigate around any nets in the creek and allowing fishing in the creek would effectively shutdown this area for much of the tide. If other permit holders are forced to anchor elsewhere, I believe it would cause a considerable safety hazard and conflict. Please consider assessing further what is feasible before allowing creek fishing. If one permit wishes to fish this creek and is granted access, others would surely follow. Any consideration that would allow creek fishing should also factor in space available for safe anchorage for the fishermen of Graveyard Point.

Thank you,

Joe Echo-Hawk

59064 - Graveyard Setnetter since 2004.



## Board of Fish Proposal comments: Bristol Bay

### Finfish, November 28 – December 4

Comments Made By:

Joe Klutsch

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*Preface; I request that my comments be considered with the following points in mind;*

- I am a 46 year resident of King Salmon living on the Naknek River and operating a sport fishing business from a traditional fish camp located exactly in the immediate vicinity of the river which will be affected by the proposals you are considering.
- When I began living at this location in 1974, there were no lodges or hotels located on the river although there were two Airforce “recreation” camps located in the area in question where approximately two dozen boats were available to Airforce personnel. The camps were closed down in the late



1970's. During the 1980's, hotels offering guided sport fishing and boat rental services began to quickly proliferate. The impact on King and Rainbow stocks was unsustainable resulting in hard fought regulation changes which were strongly resisted by most of the commercial entities responsible for jeopardizing the fishery resource. They were far more interested in "occupancy" capacity than conservation of the resource or quality of experience. Regrettably, that is exactly what is currently occurring on the Naknek River only to a much greater extent.

The regulations adopted at the time include;

- Reducing King Salmon Bag limits from 5 of any size to 3 only/ over 28"
- Shortened King season to close August 1<sup>st</sup> protecting spawning stocks
- Eliminate the use of bait
- Reduce bag limits on Rainbow Trout from 10 to 1 under 18"
- Establish single hook size restricting to reduce hook mortality
- Establish closed areas to protect Kings

These regulations were sponsored by a handful of conservation-oriented sport fishermen and prevented the decline of Naknek stocks to remnant status.



Since that time, the level of effort has exploded on the Naknek, primarily due to ever increasing commercial exploitation. Most of the perpetrators are either unaware of conservation concerns or simply don't care. They certainly ignore the quality of experience and engage in "combat" fishing. What has happened is disgraceful, destructive and utterly detrimental to the conditions that have historically made the Naknek River famous.

Concerned residents of King Salmon and Naknek have been talking about the urgency for regulatory relief for many years. Locally based sport fishing guides are also desperate for change. These people worked over the past regulatory cycle to produce what are now listed as Naknek, Kvichak Advisory Committee Proposals 49, 52, 56, 57, 58 and 60. If adopted as a package, these regulations would rectify the current mess on the Naknek. Proposals 52 and 60 (rod limits) will require additional or amended language specifying who can do what and include some definitions.



I will be working with the BOF Assistant AG along with the Regulation Specialist to provide added language for Proposals 52 and 60 prior to the board meeting.

The rationale for this group of AC Proposals is carefully and succinctly stated in the Proposal booklet.

Proposal 61 is clearly conservation oriented and compliments the AC proposals. I recommend its adoption.

Some of the other proposals related to Naknek sportfishing have some merit and certainly underscore the pressing necessity to take proper regulatory action. If the AC proposals were adopted as a package, I believe the goals of attaining conservation and quality of experience will be achieved.

The BOF allocation criteria appear relatively open ended. I have outlined much of the history of sport and guided sport fishing earlier. Residents of Naknek and King Salmon have historically enjoyed and used the fishery, but now have difficulties finding a place to fish. Alternative fisheries are out there but are more difficult to access. The Naknek fishery is important to the economy locally, regionally and to the state however



the level of effort has reached the point that the economic value is in jeopardy. Too much commerce is impeding rational commerce and threatening the long-term health of the resource. The fishery is important to both residents and non-residents and needs to be regulated differently if that is to continue.

Regarding the Southwest Rainbow Trout Management policies, I offer the following:

Policy I talks about maintaining the historic size and age composition of Rainbow Trout populations. That's what we want to do on the Naknek. Policy II references Special Management (e.g. catch and release) so this should support rod limits and elimination of chumming. All those actions are "Special Management" to comply with Policy I. Policy III isn't a problem either. Any references to maximum recreational opportunity are conditional by Policy III language referencing "prudent use" of fishery resources as well as recognition of the "intrinsic value" of fisheries to Alaska residents.



Because of the preliminary proposal comment dead line, I must conclude my current comments now. I will submit additional comments before the board meeting and welcome your questions following my brief oral testimony.

Respectfully,

Joe Klutsch



Submitted By

John & Christine O'Connor

Submitted On

11/12/2018 3:19:43 PM

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Proposal 24 5AAC 06.331 Gillnet specifications and operations, and 5 AAC 06.333. Requirement and specification for use of 200 fathoms of drift gillnet in Bristol Bay.

We oppose Proposal 24. We are concerned that allowing one person to fish two permits would reduce the opportunities for young fishermen to get into the industry and reduce participation, allowing less opportunity for people to get into the fishery. People with more resources would buy multiple permits for themselves and their family. Ultimately many permits would be in control of few people. We believe this is detrimental to the fishery. More participants with a region-wide influence is much healthier for the region and the fishery.

John OConnor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder



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11/12/2018 3:20:40 PM

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Proposal 30 5AAC 06.341 Vessel specifications and operations. Increase the maximum length for drift gillnet vessels from 32 feet in overall length to 42 feet in overall length, as fallows.

We oppose Proposal 30. We are concerned that allowing 42-foot vessels to participate would create a situation where the much more aggressive fishermen, with financial means to build much larger boats, could choke out the smaller vessels in a very competitive fishery. The line fishery would be much more dangerous with some vessels much larger than others, increasing the chances of one vessel sinking another. The cost of a new vessel of that size is out of reach of many of the current participants in the fishery, and we believe it would create a situation where it would be more difficult for many to compete. Also, our current infrastructure, particularly the Dillingham boat harbor, could not support the fishery if it composed of vessels of that size.

John OConnor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder

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11/12/2018 3:21:51 PM

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Proposal 31 5 AAC 06.370 Registration and reregistration

Delay implementation of 48-hour transfer notification period until third week in June.

We oppose Proposal 31. We believe delaying the implementation of the 48-hour transfer period until the third week in June would enable large groups of fishermen to quickly move from one district to another and harvest large percentages of early returning fish. In the small districts on early run timing years, this could have a very adverse effect, leaving the district with little or no escapement because a large percentage of its run was already harvested. The potential for over harvest is greatly increased by a much faster fleet able to freely move and target the early returning fish. During the last Board meeting it was decided that this was not the right way to utilize our fishery. We do not think it is a good idea to return to the situation we just remedied. We believe it is necessary to register in the district where you plan to fish. We do not feel the current system is too restrictive to allow one to train a crew or work the bugs out of a boat. There is sufficient opportunity to do these activities in most if not all of the districts in Bristol Bay.

John OConnor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder



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Proposal 41 5 AAC 06.361 Nushagak-Mulchatna King Salmon Management Plan.

Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for King salmon conservation.

We oppose Proposal 41. We believe that limiting the Commercial Fisheries Managers to scheduling commercial fishing openings to no more than 12 hours in a 24-hour period would make the effective management of the sockeye fishery difficult. We could lose the opportunity to harvest much of our sockeye run if these closures happened during the peak of the return. Many seasons we have seen millions of sockeye go past the fishing district in a 12-hour period. We believe if this proposal were enacted millions of sockeye would go unharvested.

There is currently a limited number of commercial fishermen that are allowed to harvest the resource and as we understand it, there is no limit on the number of guides or sport fishermen allowed to harvest the resource. In our lifetime the number of commercial fishermen in the Nushagak system has stayed constant, while the number of guides and sport fishermen has increased exponentially. We need to be very careful regulating one user group, which is fixed in number, for the benefit of an ever increasing, unlimited-size user group.

John O'Connor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder

Submitted By  
John & Christine O'Connor  
Submitted On  
11/12/2018 3:23:33 PM  
Affiliation

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Proposal 42 5 AAC 06.361 Nushagak-Mulchatna King Salmon Management Plan.

Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for King salmon conservation.

We oppose Proposal 42, we believe that limiting the Commercial Fisheries Management to having commercial fishing openings for a mandatory 8-hour period would make the effective management of the sockeye fishery difficult. We could lose the opportunity to harvest much of our sockeye run if these closures happened during the peak of the return. Many seasons we have seen millions of sockeye transit a majority of the fishing district in an 8-hour period. We believe if this proposal was enacted millions of sockeye would go unharvested.

There is currently a limited number of commercial fishermen that are allowed to harvest the resource and as we understand it there is no limit on the number of guides or sport fishermen allowed to harvest the resource. In our lifetimes the number of commercial fishermen in the Nushagak system has stayed constant, while the number of guides and sport fishermen has increased exponentially. We need to be very careful regulating one user group, which is fixed in number, for the benefit of an ever increasing, unlimited number user group.

John O'Connor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder



Submitted By  
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11/12/2018 3:24:25 PM  
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Proposal 43 5 AAC 06.361 Nushagak-Mulchatna King Salmon Management Plan.

Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for King salmon conservation.

We oppose Proposal 43, we feel that separating the Nushagak commercial fishing district into an upper and lower district would be ineffective. The drift fleet would be able to utilize either district but the setnetters in the closed district would not. This would reallocate the resource from one group to another putting the drift set allocation drastically out of balance. The drift fleet would have to be closed down for extended periods so that the setnet allocation could be balanced. We believe the net effect of this proposal would be very negative to the fishery. One half of the setnet fleet would benefit while the other half would suffer. The drift fleet would suffer waiting for the allocation to be balanced.

John O'Connor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder

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11/12/2018 3:18:19 PM  
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Proposal 19 5AAC 01.320 Lawful gear and gear specifications

We oppose Proposal 19. We are concerned that with the lack of harvest opportunity for dip netters in the central region of Alaska, that resource pressure would transfer to the Nushagak area. This has the potential to create many gear conflicts with the existing subsistence users in the watershed. Most areas where dipnetting is proposed to be allowed are already being utilized by gillnets.

John OConnor, Bristol Bay Setnet Permit Holder

Christine O'Connor, Bristol Bay Setnet Permit Holder



Submitted By

John Carper

Submitted On

11/2/2018 7:23:44 AM

Affiliation

In regards to Proposal 33's sub rule

(f) The seaward end of the weir must be not more than 600 feet from the 18 foot mean high waterline.

I feel this rule set is not fair to all setnet (SO4T) permit holders. If Proposal 33 was amended so that beach weirs were allowed to be fished anywhere that is currently legal to fish a setnet, I would be more willing to support the proposal. Limiting the distance to 600 feet from the 18 foot mean high waterline for the seaward end of the net makes this an infeasible endeavor for many site lease holders who meet all other criteria to trade for a "weir permit".

As it is currently written I can not support the passing of Proposal 33.

Please take this into consideration when voting.



Submitted By  
John Herrity  
Submitted On  
11/14/2018 8:11:28 PM  
Affiliation

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Windsor, Colorado 80550

Dear Board of Fish,

I am writing to appose Proposal #35 regarding fishing in Graveyard Creek.

My name is John Herrity (SN59814), I have been a Kichak setnet fisherman, fishing out of Graveyard since 1991. I started as a crewman fishing the Kichak and have been an owner/permit holder since 1993, I have not missing a season since 1991. Although we fish on sites closer to Libbyville we have spent the past 28 summers living at Graveyard and mooring our skiffs in the creek, like many other families fishing here. Its a great fishing community and Graveyard Creek is the only choice for a protective moorage that we have. I have counted as many as 56 setnet skiffs moored in the channel of Graveyard Creek at times over the years. 40-50 is normal during the peak of the season.

I am writing to strongly appose proposal #35 and ask that you do not move the markers and allow fishing inside the current markers of Graveyard Creek. I have had more than one encounter over the years with my skiffs on anchor and nets fishing in the anchorage portions of the creek. This was not pleasant and there simply is not enough room for skiffs and nets. Additionally there is no safe place for skiffs to anchor outside of the creek. We dingy from the shore, and at times in strong currents, nets create a safety hazard and limits our ability to safely navigate these waters.

This is a navigitable channel that becomes extermely hard to manage with boats on anchor and literally impossible with nets fishing. Please consider leaving Graveyard Creek a safe haven for skiff moorage and deny fishing inside the current markers of the creek.

Sincerely,

John Herrity



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

November 7, 2018

Dear Sirs,

I am writing in advance of your meetings to consider proposals for Bristol Bay Finfish. I am particularly concerned about proposals 41 and 42 which I urge you to reject. The author states that "the burden of conservation of the Nushagak Chinook Salmon run is 100% on the shoulders of the Sport Fishing Industry." This statement is patently false. It disregards the 130 year history of commercial fishing in Nushagak Bay, the fact that we have not had a directed king fishery in several years, and the constraints on early fishing to allow king salmon escapement that are in place every year. It also ignores the Department's competing concerns about sockeye over escapement. In recent years the Nushagak River has been a shining star statewide in terms of consistent king returns. Bristol Bay is recognized around the world as a model of good fisheries management. Subsistence, commercial and sport fishermen here in Bristol Bay should be proud of that and willing to sacrifice to ensure the fishery remains healthy. I hope we can all continue to work together in order that our salmon runs remain among the greatest in the world.

Thank you,

John Wise  
Naknek, AK 99633



Submitted By

Kaleb Westfall

Submitted On

11/14/2018 11:57:33 PM

Affiliation

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Po Box 993

Dillingham , Alaska 99576

Hello, my name is Kaleb Westfall, I currently live in Dillingham, And stent in the Nushagak district. Below I will list comments per proposal; thank you for your time!

Proposal 24,26: I support this proposal because I think the intent to allow permits to be stacked would allow this scenario to be accomplished. One could operate two permits set net or drift net and be allowed to fish both and or have the ability to have a permit holder in addition to a single CFEC permit.

Proposal 33: The proposal to add fish weirs to one of the most affected tidal region does not make sense; all the effort to keep caught fish alive in holding pens, in addition to the safety hazard they would bring to navigating boats. Most likely this would expedite the erosion of local banks and current waterway estuaries. I feel this would bring a lot of unintended consequences to an area or region that does not traditionally use these methods of fishing.

Proposal 38: The author of this proposal is asking to remove a tool from the area biologist to manage the salmon run. The idea behind this tool currently used by the biologist is strictly science-based with evidence and with long term evidence that it is working. The authors justification to reduce pressure on the Mukluk river and Wood River substance users has no evidence, no study and no factual basis. Closing the wood River special harvest area could possibly devastate fish and games ability to properly manage the salmon run. This year the allocated gear type removed one million salmon from over-escaping. Those are pretty substantial numbers that have profound affects on the viability of future salmon runs. I don't feel it should be left to someone's opinion instead of actual science to try to remove an amazing tool from our diligent biologists.

Proposal 39: allowing both gear types in the wood River I feel would be a mistake. The reasons why are; currently drift net boats can only fish high-water and not low water because there is not enough water to float most drift boats let alone navigate throughout the river. Most drift tenders will not come to the wood river for the same reasons; there is not enough water to move in and out. Moreover, if a drift boat stayed in the river too long and went dry or became stuck in the channel (there is only one at low water) they would cut off all setnet ability to navigate the water. In case of emergency, there may be no other way to get any person, commercial, sport, or subsistence fisher to lifesaving care. I'm not against drift fishing by any means but I've seen countless drift boats become immobile in the Wood River in the past( when drift and set net fished together) in which the creation of countless river blocks whether it was drift boats stuck in the channel or multiple boats stuck with their nets out and not able to pull them. I almost lost my life and three other soles on a boat I jumped into on the river because of countless negligent acts of multiple drift boats in succession.

Proposal 40: Proposing to have a lottery for the first four sights in the Wood river is a dangerous idea and here is why. Many who have not fished those sights do not know how strong the current is there. This year the first sight on the town side used a 230lbs anchor and it dragged every tide change. There are not many people that setnet who have this type of anchor let alone the ability to pull it around with their boat and then think of the incredible feat to physically move it about. Furthermore, many fishers would not give up the opportunity to fish these sights, this would put those in jeopardy if they are ill prepared to maneuver such anchoring gear.

Best regards,

Kaleb Westfall



Submitted By

Kelly Stier

Submitted On

11/14/2018 12:14:48 PM

Affiliation

Bristol Bay fisherman

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I am in strong support of proposals #24 and #25. The benefits to the whole fishery, including sport fishermen and set netters, of allowing one person to hold two permits, and fish them from one vessel are very clear. This is the best way to both reduce the number of vessels and gear participating without additional cost to the members. Each "D" boat removes a vessel and 100 fathoms of gear from the water. This has a dramatic effect for all the fishers, regardless if they choose to operate with dual permits. Allowing two permit holders aboard one vessel to fish 200 fathoms of gear has proven very effective in reducing the fleet and making the Bay more economically viable. Taking this next step is an additional step in the right direction. Cook inlet has benefited from this same set, it would be a shame if Bristol Bay did not also make this needed change. I urge you to look at the facts and do what is right for this fishery.

Kelly Stier



Submitted By

Kevin Schrier

Submitted On

11/14/2018 7:51:00 AM

Affiliation

Dear Board of Fish,

Proposal 35 asks you to remove the temporary markers placed at the mouth of Graveyard Creek so that nets can be fished further up in the creek.

During the fishing season there is a minimum of 35 boats anchored in this area. It would be dangerous to allow fishing in this zone and impede our ability to safely navigate these waters.

In addition, I personally do not think it is advisable to allow fishing within any creek that may have a fresh water influx in its headwaters.

For these reasons, I ask that you please do not allow fishing in Graveyard Creek.

Thank you,

Kevin Schrier (Bristol Bay setnet permit holder)



Submitted By

Kiril Z Basargin

Submitted On

11/14/2018 8:31:24 AM

Affiliation

Bristol Bay Permit Holder vessel owner and fisherman

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Homer, Alaska 99603

Good Morning Board of fish, I'm writing regarding the proposals for Bristol Bay. I have concerns and needed attention to the Bristol Bay Area Salmon districts. I'm a third generation fisherman in Bristol Bay have been loving the fishery for a while now. Until the recent changes in Bristol bay and the quality in Bristol bay that we have seen get substantially better with prices finally stable and making sense of. I have a few concerns that need to be addressed.

First and foremost the one big and first issue needs to be fixed and addressed is the fishery of district openers. The board needs to look to openings of the general district when the escapement goal is reached. As all fisherman leave at the end of July leaving a few of us that want to make ends meet to catch a few more fish to make a living for our families so we don't have too suffer in the harsh winters. I don't see why wouldn't the board of fish be interested or even discuss this issue. Area M intercepts and catches Bristol Bay fish and fish 3 miles off shore almost to Ugashik district and we as Bristol bay fisherman are enforced to stay within the boundary lines even after the escapement goal is reached than fish & game flies around on his airplane writing citations to the last fisherman left trying too make a living. Citing the fisherman 3000-10000 dollars when a fisherman can't even afford to. Please make sense of the situation most fisherman stay till end of September to fish cause not all fisherman are wealthy and just want too make a living and stay till the end so as too make ends meet too catch some pounds to make a little money so as too make his family not suffer through the harsh winters.

Second. Don't forget about fisherman whom can't catch as much as the more aggressive fisherman. Yes Bristol Bay is the worlds biggest salmon fishery in the world but it is the most aggressive also. One guy next too some one can catch 200,000 pounds and the fisherman next too him is as aggressive only get 50000. Board of fish needs to look at this situation very closely with an open mind and be ethical. Why wouldn't the board of fish open the general district to the fisherman when the escapement goal is reached ? what is the issue board of fish has that it won't even consider this option ?

Third. The length of vessel restrictions I don't agree with the board that the fisherman can't have a longer vessel 42 feet might be a little too much but why not consider making the vessel lenght upto 36 feet it's very hard to keep quality fish and install an RSW unit in the 32 foot vessels. The extra 4 feet for the vessel will help with the area too install RSW and too make better fish holds for the fish too be a better quality. Or even put a freezer unit in to self market fish. Not all fisherman have markets making it very difficult to fish in Bristol Bay that own permits. The markets are very aggressive and are in control of the fisherman. The major markets keep whom they want and regect or kick out fisherman they don't want. Please look into this as a top priority. Major Markets are controlling fisherman it's not a good thing for Bristol bay fisherman. Especially the local fisherman whom fish in Alaska and sustain ALASKA leaving most all funds in Alaska keeping our state alive. Out of state fisherman order there , supplies out of state too save money and some out of state fisherman leave without leaving any funding or very minimal funding in Alaska. Please look at this situation closely with respect to our local economy in Alaska too support the Alaskan fishermen in need.

Fourth. Please not only look at the drift fleet when enforcement is considered why is the drift fisherman looked at as a criminal when leaving a bouy in the water. Setnetters need there gear out of water as fishery Closes also when fishery is closed the setnetters leave there Gear in the water even though the fishery is closed even end of season. Look at it from a driftnetters position if Gear is left the enforcement is called out and is cited and issued a citation. But if setnetters leave Gear in the water no action is taken if though it is illegal too do so. The board of fish issues the laws that they don't follow themselves . So why issue the laws ? Both sections of the Fisherman need to be fairly enforced or if one section is given leancy than give it to the other sector.



Dear Fisheries Board,

I have read through the proposals and understand why people are wanting change. The isolation factor really does not exist anymore in the upper Naknek during peak trout season. Most of the ideas in these proposals seem un-American; restricting a national park to be a playground for the rich elite is the opposite of what benefits the river. The Naknek river could benefit from many regulation changes some of which are already in place like hook gap regulations, artificial lures only, and bag limits on certain species. Looking at the current regulations they could be reformed and improved further. The entire upper river of the Naknek that is under discussion could be a catch and release only area. There could be a restriction on removing fish from the water. As for the artificial only regulation it could be regulated by fishing with flies only, these changes would only help the fish. This would also keep the waterways open to use of all in the Katmai National Park. This would include the tax payers who equally deserve the right to use the river, not just restricted to the fraction who would be able to afford it post regulations.

Proposal 51 is asking for a very small amount of permits to be shared between all of the lodges and guides on the Naknek system. Asking for 14 tags to be shared between about that same amount of lodges, (more than 14 if you included lodges and guides) also restricts the private users. Most anglers would like to go fishing and not see other anglers, but it doesn't seem valid to legally block people out of using the resources that are supposed to be for the public. The reason Europeans are paying so much to come and fish America's public waterways is because of the restrictions and paywall just to use a small amount of water the fish in Europe. Their waterway restrictions are not an example of restrictions we should take after.

Proposal 52 is another restriction change that wants to limit outfitters to only have a maximum of 4 people trout fishing by the use of armbands. This proposal has been implemented in other States and did not resolve the problems this proposal states. For instance it states that boat operators for lodges do not know the rules of the road, but it is required for all of these guides to have USCG issued captains license. To earn a USCG captains license they have to pass a series of tests, which has a separate test set aside for "Rules of the Road". The state of Alaska has almost no requirements to gain the state guide license, I do believe that if there were some sort of testing there would be less rule breaking. Telling people they are incompetent and then legally cutting them out if the chance to do better is not going to help benefit the river besides the few who are "competent." This proposal's limit of 4 anglers trout fishing the Naknek and having the rest of the anglers fly to different locations is extremely limited for those who cannot afford the flight rates for multiple days. This is another example of turning the Naknek system into a playground for the rich elite which is the opposite of what the fishing board should be promoting. Public lands and water is what makes America the greatest country on earth and regulation is necessary to keep the lands and waterways clean and safe. Taking the lands and waterways away from everyone that cannot afford to spend over ten thousand dollars for only a week of fishing is unjust.

I do understand that the amount of lodges on the Naknek system can be overwhelming for local individuals and their families the proposal of restricting the times seems like a fair thing to do. The lodges not only bring out of town anglers in to experience this great place, but they also stimulate the local economy. There is no doubt that between all the lodges and guides on the river that the local economy benefits from the excess of clients in the summer months.



Giving the local families the 2 days a week or after 6pm fishing (mentioned in proposals 54 and 55) seems like a great thing to do. I know I would not love fishing as much as I do now if I was unable to get to do it as much as I did when I was younger, so giving the families of King Salmon and Naknek a little more space on the river a couple more hours a day or a few days a week sounds like a great idea. It Would make sense if they decided to restrict guided trips to only weekdays and leaving the weekends to locals, instead of thursday and sunday, this rule should not block guides from fishing on their days off. For many of us guides our days off are our day to truly appreciate the river and learn more about it, and just because someone has a guide license should not mean they cannot enjoy fishing in their own time.

There are steps that should be taken to protect this amazing fishery, but most of these bills do not look like they want to protect the fishery, they seem to favor the few lodge owners that live closest to town in both King Salmon and Naknek. There are many steps that could be useful to protect the fishery and rivers spread across all of these proposals. Protecting the trout by treating them right, not holding them out of the water for more than a couple second, and never bringing them into the boats is a great way. I think that all non-harvested fish should be kept in the water and respected by more people making a change to help the fishery grow. If the fishing lodges switched from only artificial to only full on flies, (at least for the commercial entities) it could help lessen the amount of fish that unintentionally get hooked in a sore spot and might suffer from a fatal wound. I have been a fly fishing guide on the Naknek river for almost a decade and I have not seen a drop in population or size in the last couple years like some of these proposals state, in fact the last 2 years I have seen and personally caught more fish over 30 inches than ever before. If more people tried to treat these fish right we could only benefit from this increase of fish in the system there would be more fish for everyone to catch. The Naknek River is *Fish Alaska Magazine's* #1 place to catch a 30 inch rainbow trout. There should be a chance for all people to experience catching a huge trout, not just the people who live near or who can afford to pay an extreme amount to do so.



Submitted By

Krystal Foote

Submitted On

11/11/2018 7:54:51 PM

Affiliation

Permit Holder - Kvichak fisherman

Dear Board of Fish,

Proposal 35 asks you to remove the temporary markers placed at the mouth of Graveyard Creek so that nets can be fished further up in the creek. During the fishing season there are at least 40 boats anchored in this area. It is the only creek in the area suitable for safe harbor and within close proximity to fishermen housing and on-shore gear storage. It would be dangerous to allow fishing in this area and would severely impede our ability to safely navigate these waters. If fishing is permitted to the Grossi family, we should expect that others will follow suit and fight for prime net locations inside Graveyard Creek only further exasperating the dilemma. Respectfully, I would ask you to not allow fishing in the currently closed waters of Graveyard Creek.

My family has also fished in the Kvichak at Graveyard Point for three (now four) generations. Personally, I have spent every summer since 1985 at Graveyard Point. We lease several sites right outside the mouth of the creek, and directly next to the Grossi family's sites. I can tell you, with sincerity, that no true economic hardship has been experienced by the Grossi family since the ADF&G boundary (or closed waters) has been in place and that can be directly tied back to that decision. In fact, if Mr. Agostino (Gus) Grossi actually fished directly on his leased site line, it seems that he would not incur any trouble from the boundary line or the bank erosion that has occurred over the years. When Mr. Grossi references a time in his proposal when he and his family fished inside Graveyard Creek and free of any legal issues regarding regulatory laws, perhaps he was recalling a substantial period of time when MANY permit holders attempted all sorts of outrageous, nontraditional methods of set netting at Graveyard Point, including fishing off of sand bars, drifting with nets between two skiffs, fishing in Graveyard Creek, fishing in Coffee Creek, etc. At that time, ADF&G was not closely managing the area. If my research is accurate, at one point in time Enrico Grossi did lease a site at the mouth of Graveyard Creek, but it was then found to be inside of another leased site and therefore no longer permissible. From my experience, Agostino Grossi has consistently demonstrated volatile and aggressive behavior with other fishermen in the Graveyard community. In my experienced opinion, providing him with a "green light," or free access, to fish inside of Graveyard Creek where all other Graveyard Point fishermen navigate to find safe harbor would be highly detrimental.

And yet, if access to fish inside Graveyard Creek is granted to this family, you should be prepared that many other permit holders and their crews will be vying for net locations in the creek as well.

Thank you for your thoughtful consideration,

Krystal Foote

Permit Holder: S04T 60872E



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

November 13, 2018

**Subject:** BOF Record Comments - Kvichak Setnetters' Association

**Dear Board Member:**

The Kvichak Setnetters' Association (KSA) is an organization that was developed to represent set net fishermen in the Kvichak sub-district of the Naknek/Kvichak District. Our mission is to present a unified voice for our members, especially at Board of Fisheries meetings. We work to ensure that set net fishers in the Kvichak section are given fair access to sockeye bound for the Kvichak River. Due to the nature of our district and our location at the end of Bristol Bay, we have unique needs and perspectives on the effective management of our salmon.

Our specific comments on the proposals before you are listed in the table below for your convenience. Please consider our opinions as you consider making regulatory changes that govern our fishery.

Proposal	KSA Opinion	Comments/Notes
23-27	Split Board	The topic of permit stacking has been a complicated one through the last few Board of Fisheries cycles and this year is no different. The KSA Board is split on whether or not permit stacking is in the best interest for Bristol Bay as a whole. However, our Board is unanimous in agreeing that if one gear type or district is allowed to "stack", then all districts and gear types should be allowed to "stack".
28	Opposed "as written"	The KSA is opposed to this proposal "as written". We support whole heartedly the development of socio-economic opportunity for residents of Levelock BUT not at the cost of taking allocation from the Kvichak section setnetters.
29	Support	Unanimous approval to restrict mesh size to 5 ½" for conservation of King Salmon.
32	Support	The Kvichak River traditionally has the latest run timing within the Bay, extending the late-season fishing periods will provide additional fishing opportunity for fishermen in our district. It would encourage fishermen to fish later in the season, as well as canneries remaining open longer, if there were more opportunity. If the Board of Fisheries does not support this proposal as written, we propose two alternatives. 1) extend the Emergency Order period to July 24 rather than the 17 <sup>th</sup> . 2) reduce the current 72 hour break period to 24 or 48 hours
33	No Action	We do not support a major change in the fishery such as creating a new gear type, even though fish weirs have been used historically in the Bay. We do understand and support the need to improve quality standards to compete in with products of a superior quality. The KSA Board would encourage discussion on how else this goal might be achieved.



34	Support	The KSA supports this proposal IF all "5 neighbors to the North" whom are mentioned and are effected by this proposal give their consent.
35	Opposed "as written"	The KSA Board has expressed concern that any changes to this DNR lease location could create a navigational obstruction and potentially have negative effect on the safety of individuals who use Graveyard Point as a summer fishing camp. The historical moorage for these individuals is up Graveyard Creek. In order to get to their moorage, fishermen must travel past this lease location in a creek that is already very tight and moving the lease location in any direction could create unsafe conditions.
36	Support	We support the Alaska Department of Fish and Game in their proposal to improve the language used in the Alagnak River Special Harvest Area (ARSNA). By amending the language to improve Fish and Game's ability to open the Alagnak to commercial fishing, it creates fishing opportunity for during times of Kvichak sockeye conservation as well as opportunity to fishermen of Levelock who live several miles to the North. It was the decision of the Board of Fisheries in the last cycle to expand opportunity in the Alagnak and not create new sites or fishing areas up the Kvichak River, we would hope to see the same this cycle.
37	Oppose	The Kvichak Setnetter's Association unanimously opposes any changes to the current allocation or the means by which ADF&G manages the allocation within the Naknek/Kvichak District. The system in place was fought long and hard to achieve and has been working effectively since its conception in the 1990's. Our Board feels strongly that by changing the current management system, the effectiveness of the successful management of our District would be compromised.

Thank you for your time and consideration of our comments.

Eric Meyer  
President  
Kvichak Setnetter's Association  
(805) 235-8776



Submitted By

Louie Flora

Submitted On

11/13/2018 5:43:14 PM

Affiliation

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I oppose proposals 24, 25, and 26 - allowing an individual to own and fish two permits. The current prohibition on an individual owning and fishing two permits is fine, and is not driving anyone out of business. The status quo creates economic opportunity for those who own a permit and wish to participate in Bristol Bay finfish fishing but do not have a boat. Proposals 24, 25, and 26 have nothing to do with creating additional economic opportunity in the fishery. These proposals are about allowing wealthy permit holders to accrue more wealth. While de facto permit stacking obviously occurs already occurs in Bristol Bay - proposals 24, 25, and 26 seek to legitimize and increase this practice, which will ultimately mean that those with financial wherewithall will buy up permits (and hand them down to their families) decreasing permits available to new entrants.

Thank you for your hard work on the Board of Fish.

Louie Flora



Submitted By  
Mark Lisac

Submitted On  
11/14/2018 8:24:50 PM

Affiliation  
Resident

#### Proposals 18, 19 & 20 - Support

As a 35-year resident, subsistence and sport fisher of Bristol Bay I support repealing the three-day subsistence fishery schedule and allowing drift, set or dip net as long as you are attending your gear. The purpose of the July 3-day a week restrictions was to prevent, discourage or educate fishers on the potential for waste of subsistence caught salmon - especially on the Dillingham beaches. I agree that if nets are unattended that there is a great potential for excessive harvest. I have seen nets choked with fish and fishers who are ill-prepared to handle that catch. I have also seen fish half eaten by birds or bears in a net set on one tide and not checked until the next accessible tide. I suggest the following considerations for efficiency and quality:

You are allowed to subsistence fish with set, drift or dip net gear 24 hours a day, 7 days a week if you are constantly attending your gear (critical).

#### Justification:

Generally we go out with a specific number of fish that we can handle that day based on several considerations: how many people are involved; whether the smoker is full and frying well; how is the weather. If it is too sunny then the fish need to be handled quickly. If it is raining then the fish need to be prepared for the freezer or canner, and more can be processed in a day; and will the timing of the high tide allow us to launch the skiff or set the net on the beach - safely.

We pick fish as they hit the net, bleed them and count them until we reach the target number. Then we go home and process.

Tides generally dictate when it is time to fish. Tides do not revolve around the 9am to 9am time frame. There are many Mondays, Wednesdays & Saturdays when the tides or weather are not conducive for subsistence fishing.

I believe that as long as you are tending your net you should be allowed to fish for subsistence 24-7, depending on the tides and your own discretion. If you choose to drift your net rather than anchor it to the shore because the tide is too small or too late - that is a risk you choose to take - but you should be on top of your gear at all times it is in the water.

I support changing the subsistence regulations to allow subsistence fishing with set, drift or dip net gear 24 hours a day, 7 days a week as long as you do not leave your gear unattended.

Thank You

Mark Lisac

Dillingham Resident



Submitted By

Mikal Mathisen

Submitted On

11/13/2018 9:08:19 AM

Affiliation

Bristol Bay Drift Fisherman/Permit Holder

Phone

907-469-0371

Email

[mjmathisen@msn.com](mailto:mjmathisen@msn.com)

Address

11753 Sunrise Dr NE  
Bainbridge Island, Washington 98110

Prop 23 - Oppose. This is already the law and there is no reason for this proposal.

Prop 24/25/26 - Support. Permit stacking is a self funded fleet buyback. It is the best way to get excess gear out of the water. State law allows it and Cook Inlet has set the precedence for Bristol Bay to follow suit. History says our strong runs of recent years will be balanced out with some small runs. The benefits of less gear on the water will be magnified at that time. The idea of one person stacking two permits has been consistently favored in polling of Bristol Bay Fishermen.

Prop 28 - Oppose. Set netters should not get exclusive area rights.

Prop 30 - Support. This proposal makes financial sense. As the benefits to chilling become apparent people are putting RSW units in boats that are in reality too small. New boats are now in the \$500,000 and up range. An existing boat can be made longer for much less.

Prop 31 - Support. This gives a person the option to test out his boat and crew without committing to a river. This seems like a compromise between what we have now and had for a few years when we didn't have to drop blue cards until June 25.

Prop 32 - Support. If the river systems have reached their escapement the district should be open.

Prop 41/42 - Oppose. Commercial fishing for Kings has gone away. The fleet is already restricted by mesh size.



IN REPLY REFER TO:

## United States Department of the Interior

Office of Subsistence Management  
1011 East Tudor Road MS 121  
Anchorage, Alaska 99503-6199

OSM 180151.GP

OCT 25 2018

Mr. John Jensen, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Mr. Ted Spraker, Chair  
Alaska Board of Game  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Chairmen Jensen and Spraker:

In response to your March 21, 2018 correspondence regarding the inability of our State Subsistence Liaison to attend all of your scheduled Board meetings based on funding restrictions, I acknowledge and concur with your statements on the importance of this process and joint participation in both your and our Board meetings.

As currently planned, the Office of Subsistence Management's budget will likely allow the State Subsistence Liaison to attend the scheduled Board of Fisheries and Game meetings this winter.

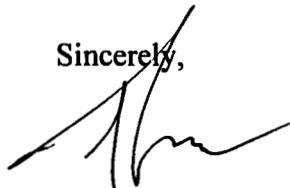
As you are aware, a funding cap for travel was placed on the U.S. Fish and Wildlife Service last fiscal year. As a result, the Office of Subsistence Management prioritized travel funding to ensure the core functions required by Title VIII of Alaska National Interest Lands Conservation Act were maintained. The travel funding cap required sacrifice across divisions and programs statewide. Reduced funding also impacted the Regional Subsistence Advisory Council meetings which were not fully staffed resulting in increased reliance on teleconferencing. Please note that these shifts in the allocations of our travel budget are not policy. They are simply a reflection of the annual budget adjustments and temporary directions from higher management.



Chairmen Jensen and Spraker

2

We are committed to providing Liaison support at the Alaska Board of Fisheries and Game meetings that address issues potentially impacting Federally qualified subsistence users and fish and wildlife resources within Federal public lands in Alaska.

Sincerely,  


Thomas Doolittle  
Acting Assistant Regional Director

cc: Federal Subsistence Board

Chris McKee, Acting Deputy Assistant Regional Director  
Office of Subsistence Management

Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management

George Pappas, State Subsistence Liaison, Office of Subsistence Management

Carl Johnson, Supervisory Program Analyst, Office of Subsistence Management

Gregory Risdahl, Fisheries Division Supervisor, Office of Subsistence Management

Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management

Pippa Kenner, Acting Anthropology Division Supervisor  
Office of Subsistence Management.

Kristi Tibbles, Executive Director, Alaska Board of Game

Glenn Haight, Executive Director, Alaska Board of Fisheries

Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game

Interagency Staff Committee

Administrative Record



Submitted By  
Patricia Edel  
Submitted On  
11/14/2018 8:59:29 PM  
Affiliation

Phone  
907-469-0899

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

Address  
PO Box 81  
King Salmon, Alaska 99613

Comments regarding Proposals 47 – 62...

My name is Patricia Edel, I'm a twenty year resident of King Salmon and like so many others, I wear many hats in this tiny town. Drawn by rumors of the world's largest wild rainbow trout, I left a job at the Colorado Division of Wildlife in Fisheries Education to guide on the Naknek in 1998. The rumors were true. Twenty years ago the Naknek became my home and I began building Blue Fly Bed and Breakfast and Guide Service from the ground up. Thankfully, people enjoyed fishing with me. Success from Blue Fly afforded me the opportunity to finish my masters and pursue an additional passion – education. I'm grateful for the opportunity to give back to this community and teach math at science at the school here in Naknek. Concern for the health of the fishery that gives this town so much, and the need for stewardship to protect it, prompted me to get involved as a local Naknek / Kichak Advisory Committee Member two years ago. I've listened to many community members concerns about the effort level and conservation on this river and have had a hand in writing some of the proposals to express these concerns. I recognize I am part of the problem and want to be part of the solution. Thank you for allowing me the opportunity to make the following comments.

I firmly believe that the increased effort level we are experiencing on the Naknek is a first and foremost a conservation issue. Allocation is a secondary issue. I support Proposals 49, 52, 56, 58, 60, 61 written by the Naknek / Kichak advisory committee as they were written with a conservation purpose. Limiting effort on the river for the purpose of conserving the resource is the first priority. Once the effort level is controlled, then focus on the allocation issues, such as letting residents enjoy a day on the river without guides. Without controlling the effort these secondary proposals (such Proposal 54 and 55) will not be effective, in fact I believe it could make the river more crowded, creating a niche for rental boats and unguided operations. If conserving the resource is the goal, effort level needs to be reduced immediately.

## Proposal 55

I do not support this proposal. The overall idea is admirable and easy to jump behind as all residents agree with the idea of having the river to themselves to enjoy a day of fishing. So do I. However, I believe this proposal has too many loopholes and would INCREASE effort rather than relieve it. The current language leaves the door wide open for unguided operations or other opportunistic users. I caution that the guides account for only about half of the river pressure on the Naknek. I think this proposal would penalize law abiding guides making their living on the river, and incentivize the growth of the low budget high volume unguided operations and rental boat operations that are wrecking havoc on the resource. **If the effort level is controlled with rod limits, Alaska residents will be able to enjoy the river any day of the week, not just one or two.**

## Proposal 56

I do not support this proposal at all as it severely restricts guides from operating during the most successful times to fish. We fish for sockeye and silvers in the upper river on a regular basis. The best times to fish for these species are in the early morning and in the evening when light is low. It is not uncommon to head upriver for silvers at first light, before direct sunlight hits the clear water of the Naknek. After that the bite often turns off. Sockeye runs are directly determined by when the commercial fleet is fishing in the bay. You need to be able to pursue these fish whenever the nets are out of the water and that is often at odd times of the day and most frequently in the early morning. Restricting guiding from 8 am to 6 pm would limit guides ability to pursue salmon successfully and would limit our ability to provide positive experiences for guests. Salmon fishing is a huge part of my business and a huge draw for tourists to the area and restricting when to pursue these fish would be devastating to business. Again, from the perspective of effort, I feel we are looking at these issues from the wrong angle. **If we control effort by limiting rods to ALL user groups, not just legal guides, we will not have to restrict fishing times. We will be able to let all user groups fish when they would like and how they would like.**



I'd like to make one additional note about Proposal 55 and 56. I know similar regulations already appear on the Kenai, and I fear that because this is already a traveled path, we might lean towards using similar policies as solutions on the Naknek. The Naknek and the Kenai are completely different resources and should be managed in a way that is specific to that resource. The upper Naknek is finite. There is a short 5 miles stretch of river where you can catch the largest trout in the world. This is unique and worth preserving. Residents fish the Naknek because they want to get away from the Kenai. Residents and non residents will not continue to fly those extra miles out to King Salmon, if it becomes so crowded they feel like they are fishing the Kenai, or any other crowded river in their hometown. This is happening. Not preserving its uniqueness is a huge biological and economic loss. It will take a bolder move to limit the effort to protect, but it is worth it.

## Proposal 52

When we wrote this proposal we referenced ADF&G data for registered guides operating on the Naknek River from 2005 to 2016. At the time 2017 data was not available, but we estimated that the number of guides would show a 100% growth increase from 2005 to 2017. It turns out we estimated low. 98 guides guided the Naknek River in 2017. That is a 118% increase in guides operating on the river over a twelve year period. That growth is extremely high and yet it does not account for all of the other commercial and non-commercial user groups on the river.

However, the Statewide harvest survey data **does take in to account all user groups**. In the previous guide data there was a significant spike from registered 80 guides in 2016 to 98 in 2017. This spike is also consistent with Statewide Harvest Survey Table 4, regarding Sport catch of rainbow trout from the Naknek River, 1991 – 2016. From 2015 to 2016 there was a huge jump in catch from 21,311 to 36,501. Does this reflect tremendous growth in the trout population in one year? (That's 71% growth in the population in one year!) Or more realistically, because a trout can be caught and released multiple times, the number of trout caught and released increased due to the increased pressure. If trout are being caught multiple times, how does that effect aggregate mortality?

Most if not all salmonoid studies agree that there is 3% - 7% mortality rate in catch and release fisheries. Even with the best practices it is unavoidable. I'm afraid that the Naknek trout are experiencing far from the best catch and release practices, but for the purposes of running numbers, lets settle in the middle at 5%. At a 5% mortality rate, in 2016, eighteen hundred and twenty five fish died. I'm not sure how the mortality rates changes after the fish has been caught multiple times and I'd be curious to get more data on that, but it only makes sense that that number is going to increase fairly significantly, much higher than 5%. Therefore, I believe this mortality number is a low estimate and a very slippery slope for the health of our fishery. We are incredibly concerned about the cumulative mortality that has come from such an explosion of effort over the last few years.

At the most recent AC meeting in Naknek, we discussed how although Fish and Game has not officially "adopted" the SW Rainbow Trout Policy, it a policy that they currently use to manage the resource. The policy states that Native Trout Populations will be managed to maintain historic size and age compositions. Myself as well as many of the guides who have boots on the ground, so to speak, are concerned the **effort level is changing both the population and size structure of this fishery**. We are seeing less of the large fish over 30 inches, and few if any 34 inch fish (genetic stock that make this river unique). This year the most prevalent catch was the 27 – 29 inch age class. Many of the guides have noticed an absence of the 20 – 26 inch range and monumental drop in the smaller fish. This is not a natural cycle playing out. This is a natural cycle seriously interrupted by man made angling pressure. How could we think that such a huge increases in effort levels does not affect the fishery? We have had huge salmon returns these last few years on the Naknek, if we are not seeing these fish when there is plenty of bioresource in the river, when are we going to see them? When the 27 – 30 inch age class die, what fish are going to replace them? I am specifically concerned about how one style of fishing, beading, is targeting the younger age classes of fish. Using beads is incredibly effective and devastating for small fish as the hook ultimately get lodged in their eyes, gills, head as referenced in Proposal 57. The conservative mortality rate of 5% goes way up as there is a huge margin of error for this type of fishing. More and more anglers cannot find a spot on the river and are therefore drifting beads from their boats. A boat running back again and again to drift through a short run can put 8 times the pressure on a run than two anglers wading through it. It is a very successful way to fish for the angler and the guides, but again in reference to the catch and release mortality rates, it is does not promote the health of the fishery. Ideally, Proposal 52, will dramatically decrease the effort on the fishery to a level that is sustainable for all user groups. **If you control the effort you do not have to control how people fish or when they fish.** However, if rod limits restrictions do not pass, the next best thing for restricting effort level on trout population is to eliminate the use of beads. I would argue that it should be done anyway.

Lastly, in regards to this proposal 52 we are crafting language, that would eliminate the loophole for commercial operators to have subsidiary operations so that may acquire an additional 4 rods. It will be provided at the meeting in Dillingham.

PC41  
3 of 3

As this is getting fairly long winded, I'll wrap up by saying I sincerely appreciate your time and energy put into considering these proposal and comments. Please don't hesitate to contact me regarding any questions you may have. I look forward to meeting you all in Dillingham. Thank you so much,

Patricia Edel



Submitted By

Reid Ten Kley

Submitted On

11/13/2018 8:26:36 PM

Affiliation

permit holder

I support proposal #32

It would give more economic opportunity especially to area residents and fishermen willing to stay late.

Submitted By

Reid Ten Kley

Submitted On

11/13/2018 8:23:23 PM

Affiliation

permit holder

I oppose proposal #37

The set net fleet gets a very small percentage of the overall harvest. The current management strategy has worked much more equitably since it was implemented and the current area biologists have taken a much more fair approach to helping all the fishermen get an equal opportunity at fishing time.

Back in the 80's and 90's we would often spend until after most of the run had already gone up the river before we even had a chance to get an opening in the Kvichak. At least now we have an equal opportunity along with our Naknek neighbors. Also, biological studies have shown that the harvest from the drift fleet fishing in the Naknek section of the Naknek/Kvichak district has a catch comprised of over 60% Kvichak stock. So clearly, drifting in the Naknek section cannot be done without catching significant stock destined for the Kvichak river it is just that we don't measure genetics at the tender so they don't realize they are catching Kvichak fish until the post-season genetic study has been completed.

Since fishing in the Naknek means catching a significant amount of Kvichak fish it makes sense to continue to manage them jointly. The only way around this would be to pull the Naknek section line for the drift fleet way in to the mouth of the river. If that were done I would support this proposal fully, but as written I cannot support it, and I doubt any Naknek drift fisherman would want to move the boundary into the mouth of the river.



### I support Proposal 34

Please find the attached map as **EXHIBIT C** which will help you to see the issue in question. I drew a red arrow pointing to the place where ADL 224517 was issued over lapping my site ADL 225933. I don't know why it was issued too close to mine or how I failed to notice this in the past.

Since ADL 225933 was issued first I could ask DNR to rectify the situation, but that might mean dissolving all the leases to the north of my site which is not my intention.

The Armstrong and Smith families who fish north of me have said that if the Board will move the boundary line enough to accommodate this problem then they will all modify their leases and move slightly north to fix this problem. That would be my preference. Then we can all keep our fishing sites.

I would NOT however support moving the line any further than necessary. In my proposal I say 35' because that is what is necessary. I would be open to moving it as much as 75' but not more. Some people have said, "let's move it extra so that we can account for erosion which continues to happen." My response has been that we should come back to the Board if and when that happens to ask for additional movement. This way it preserves the historical sites and their relationships to each other and does not create new fishing grounds where additional nets could be fished north of us.

I will bring a 4' by 5' poster of Exhibit C to the board meeting so you can actually see the details along with large format copies of SFD 1756 and SFD 1333 (both included below).

Reid Ten Kley permit holder

(ADL 225933)





## Legend/Explanation of Layers

This map was made by starting with Google Earth Pro's satellite image, which for this area was taken 7/10/2004. Next was overlaid a 7/21/2018 photo map made using Dronedeploy's advanced mapping software at an altitude of 800'. This 2018 imagery was taken just for the area along the beach and the creek where the sites are. You can still see the 2004 imagery through it so you can see the erosion that has taken place between 2004 and 2018

Using Shore Fishery Diagram 1333 (dated 8/19/1988) and SFD 1756 (dated 11/20/1996) we can see the surveyors' calculations for each site line and net location. For example from SFD 1756 lower left corner the first net for tract A can be found by traveling 1,510' from the bearing point (this is the iron monument in the tundra) going in the direction of S 05° 06' 08" W. We can convert this to a 360° value by taking  $5+6/60+8/3600 = 5.1^\circ$  west of south (south being 180°) so that means if we travel from the iron pipe 1,510' going 185.1° we get to tract A's inner net for ADL 25113. This can easily be done using Google Earth Pro, which according to numerous studies (most recently by SAE International in 2017) has been found to be materially accurate compared to on-the-ground land surveying tools.



The inner net locations as documented in both of these SFDs have been put onto the map using a YELLOW push pin icon, and a red line has been draw to show the surveyed net angle based on the survey notes on each SFD.

Next, both SFDs have been super imposed over the photo imagery so that you can see how the net locations on the surveys line up with the GPS calculated coordinates for each net. This demonstrates that the photo imagery and SFDs are of equal scale and properly lined up with respect to each other.

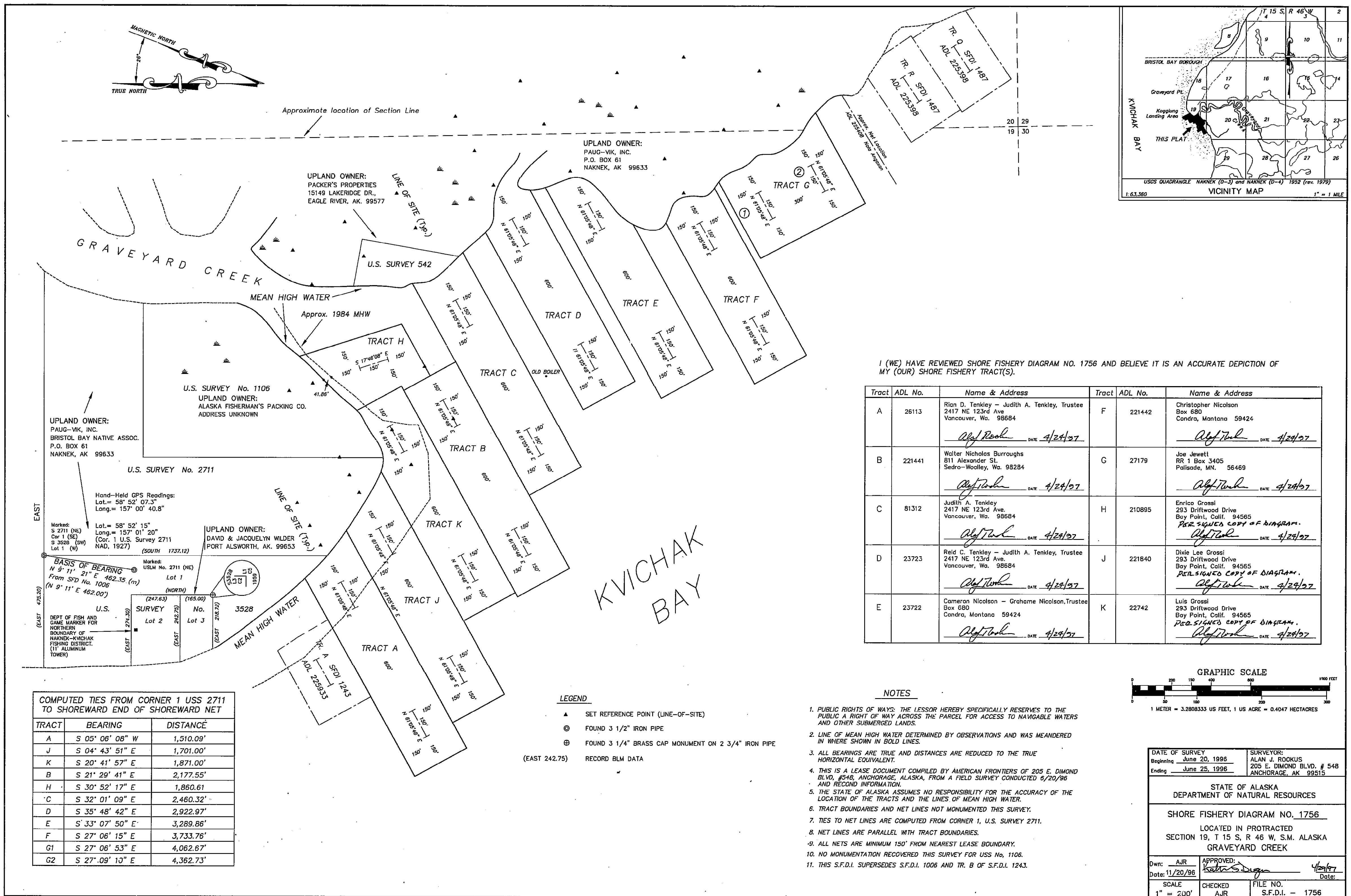


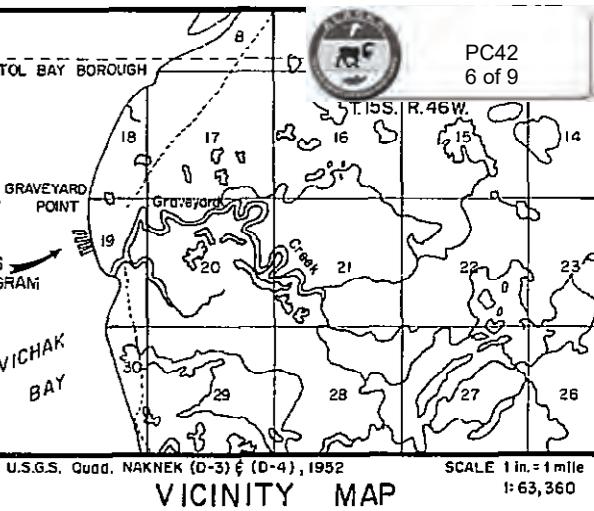
Lastly, you can view the ACTUAL net locations for several of the sites if you look closely. You can see the buoys and running lines and nets. Most of these have been pointed out with a BLUE icon on the map. I have provided a digital copy of this map so you can zoom in and truly see them.

It will be of additional value that the map is to scale so you are able to use a ruler in order to approximate the size of various images on the map. For example, Graveyard Creek is less than 300' across before you reach the first bend.

I have GPS coordinates for any point on this map and can provide it to the Board upon request.

-Reid Ten Kley ADL 225933 S04T 65887i





WE UNDERSIGNED, DO HEREBY CERTIFY THAT WE HAVE RE-  
D SHORE FISHERY DIAGRAM NO. 1333 AND HAVE FOUND  
BE AN ACCURATE DEPICTION OF OUR SHORE FISHERY  
S.

A Richard K. Armstrong 6/21/10  
24515 RICHARD K. ARMSTRONG DATE  
PO BOX 204

B LYLE J. SMITH 6/20/84  
24516 LYLE J. SMITH DATE  
P.O. BOX 172

1990-01-01 00:00:00

4314 NEIL CURTIS ARMSTRONG  
P.O. BOX 898  
DILLINGHAM, ALASKA 99576

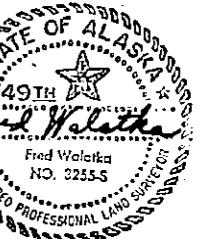
D LYLE TIEL SMITH (67) 10/10/11  
24517 LYLE TIEL SMITH DATE  
P.O. BOX 178  
DALLAS, TEXAS 75201

TES:

- THIS IS A LEASE DOCUMENT COMPILED FROM DATA GATHERED FROM AN AS-BUILT SURVEY BY FRED WALATKA, REGISTERED LAND SURVEYOR, AND DATA FROM THE LESSEES.

THE STATE OF ALASKA ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE LOCATION OF THESE TRACTS.

PUBLIC RIGHT-OF-WAY: THE LESSOR HEREBY SPECIFICALLY RESERVES TO THE PUBLIC A RIGHT-OF-WAY ACROSS THE PARCELS FOR ACCESS TO NAVIGABLE WATERS AND OTHER TIDE AND SUBMERGED LANDS.



- 20 - 89

BAR SCALE

DATE OF SURVEY	NAME OF SURVEYOR
AUGUST 19, 1988	Fred Walatka & Associates 3107 W. 29th Ave., Anchorage, Alaska 99517

STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES

ORE FISHERY DIAGRAM No. 13  
SITUATED IN  
Protracted Section 19, T. 15 S., R. 46 W.  
SEWARD MERIDIAN, ALASKA

AWN BY APPROVAL RECOMMENDED

ing 12-2-90 DATE  
ALE CHECKED FILE NO.  
" -200" F.W. SEDI-1333

**200** | **0.01** **1000**

## LEGEND

- BLM MONUMENT OF RECORD RECOVERED THIS SURVEY  
 ADF&G BOUNDARY MARKER  
 \* COAST GUARD STROBE LIGHT  
 ② NET NUMBER

---

TRACT BOUNDARY  
 AZIMUTH TIE LINE  
 NET IN TRACT  
 LEAD LINE, X-MARK INDICATES ANCHOR  
 ADF&G CLOSURE LINE  
 PRIVATE UPLAND BOUNDARY  
 NEIGHBORING SHORE FISHERY LEASE BO  
 PROTRACTED SECTION LINE  
 TOE OF SLOPE  
 TOP EDGE BLUFF LINE



## I oppose proposal #35

There are four problems with this proposal

- 1) Mr. Grossi claims that his only site has been refused him. I refer the board to EXHIBIT A below which is an aerial map and survey overlay of the Graveyard Point. Mr. Grossi currently has ADL 22742. That site is still in his name and no one has denied him his ability to fish that.
- 2) Mr. Grossi claims that the temporary ADF&G boundary had caused him financial hardship. I will state that his site, ADL 22742, is a very productive site if fished as leased.
- 3) Mr. Grossi claims erosion is to blame for his hardship. I would refer you to SFD 1756 (which is the most recent for ADL 22742) at the time of this survey there was no land at the shoreward end of this site and no complaint was made at that time about erosion causing any problems. In fact, the site has only become more productive over time as the creek channel has moved to favor ADL 22742.
- 4) Mr. Grossi claims that he has only ever fished in one spot since he was young. I have also fished in this area consistently since the 1980's and have seen Mr. Grossi put up signs and fish all over the place trying to squeeze in between other sites, or any number of other bizarre attempts. I have never heard of him buying another site in the area when it came up for sale which would have been a legitimate way of expanding his fishing opportunity.

I would ask that the board not approve this proposal because there are as many as 56 boats that have been anchored in that creek at any one time. The creek is only about 300' wide at the highest tide, and by mid tide the channel is about 50' wide at best. When people have tried fishing inside the creek before it leads to navigational hazards and volatile confrontations.

EXHIBIT A is to scale so you can use a ruler to estimate distances and see for yourself how problematic it would be for people to fish upstream any further than is already occurring. I am also including EXHIBIT B which is an explanation or legend for the map on EXHIBIT A.

Thank you for considering my opinion.

Reid C. Ten Kley, permit holder Kvichak district

PC42  
8 of 9



# Legend/Explanation of Layers

This map was made by starting with Google Earth Pro's satellite image, which for this area was taken 7/10/2004. Next was overlaid a 7/21/2018 photo map made using Dronedeploy's advanced mapping software at an altitude of 800'. This 2018 imagery was taken just for the area along the beach and the creek where the sites are. You can still see the 2004 imagery through it so you can see the erosion that has taken place between 2004 and 2018

Using Shore Fishery Diagram 1333 (dated 8/19/1988) and SFD 1756 (dated 11/20/1996) we can see the surveyors' calculations for each site line and net location. For example from SFD 1756 lower left corner the first net for tract A can be found by traveling 1,510' from the bearing point (this is the iron monument in the tundra) going in the direction of S 05° 06' 08" W. We can convert this to a 360° value by taking  $5+6/60+8/3600 = 5.1^\circ$  west of south (south being 180°) so that means if we travel from the iron pipe 1,510' going 185.1° we get to tract A's inner net for ADL 25113. This can easily be done using Google Earth Pro, which according to numerous studies (most recently by SAE International in 2017) has been found to be materially accurate compared to on-the-ground land surveying tools.



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I have GPS coordinates for any point on this map and can provide it to the Board upon request.

-Reid Ten Kley ADL 225933 S04T 65887i



Submitted By

Rian Ten Kley

Submitted On

11/14/2018 9:03:20 PM

Affiliation

My name is Rian Ten Kley setnet permit # 55823 in regards to:

**PROPOSAL 35 5 AAC 06.350. Closed Waters**

Graveyard Creek has long been a safety harbor for boats of the local community. With 120 or so fisherman in this community there are around 50 boats that regularly come in and out of this natural harbor. This creek is a highway of activity and it would be to the detriment of this community of fishermen to allow for such proposed fishing within the creek. Since I've been there, which is about 35 years, there has never been leased sites by the state of Alaska within this passageway, why start now? Doing so in this creek, that almost entirely empties out, would cause a grave hardship to the fellow fishermen of the region. I stand in firm opposition of this proposal and respectfully ask the council to vote against this measure for the sake of the Graveyard Point community.

Included is a picture of our brave little community! Thank you for your time.



**WE'RE UNITED FOR THE PROTECTION OF THE BRISTOL BAY FISHERIES RESERVE**

The men and women who fish Graveyard Point on the Kvichak River understand taking risks. But there is a risk that no fisherman wants to take, the destruction of Bristol Bay by allowing foreign mining companies to destroy salmon spawning habitat. Fishing is a way of life for thousands of families here in Alaska.

Stand with us and help protect the Bristol Bay Fisheries Reserve.

Join today. [www.RenewableResourcesFoundation.org](http://www.RenewableResourcesFoundation.org)



Renewable Resources  
Foundation

Paid for by Renewable Resources Foundation • 605 West 2nd Avenue, Anchorage AK 99501 • 807-743-1900



Submitted By

Ron R Bochsler

Submitted On

11/12/2018 4:11:17 PM

Affiliation

Phone

5037693436

Email

[ronb@nspor.com](mailto:ronb@nspor.com)

Address

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Stayton, Oregon 97383

I am from Stayton Oregon have been fishing the Naknek River 8-12 days per year for the past 10 years. Each time up I stay in the town of King Salmon, rent a room at The Antlers Inn, I hire a local guide, shop at the local stores and eat at the local bars. I have made a few summer trips fishing Kings and Sockeye but my target goal each year is to be on the Naknek early October for its *absolutely special Rainbow Trout*. When I first fished the Naknek pressure was very low and probably 90% of the fisherman were wade fishing. The past 5 years I have witnessed a huge increase in fishing pressure and this past October I bet 90% of the fishing was done from the boat, **not wade fishing**. Bead fishing was a method used on other rivers but seldom seen on the Naknek, it is now the prevailing method to side drift beads and a bobber from the boat and never get your feet wet. The mass volume of boats with 1 to 6 people per boat pound the runs and holding areas these very special Rainbows reside. I am told these special fish come into the river system in the fall to fatten up before retreating back to the lake systems.

What is going on with more lodges from outside the area flying people in, lodges booking more clients pounding the same river runs over and over and over again. Last October we counted 75 fisherman in a 8 mile stretch!!! I think it is conclusive....if something is not put in place now to change the fishing pressure from Rapids Camp to the lake outlet these ***fantastic huge rainbow trout species will be destroyed and forever gone***. Please do not wait until it is gone and then jump overboard to write rules, simply look at the lower 48 ie the Lower Deschutes River in Oregon.

***Here are my suggestions for change. Any true fisherman would be delighted to see this limited protection, you are not talking very many days yielding a result which could be huge.***

*I propose the following:*

- ***September 15 - Dec 31 no angling allowed from a boat for rainbow trout between Rapids Camp and Travons Cabin. (exceptions are handicap, elderly, special needs etc)***
- ***Limit number of boats/fisherman per lodge/guides.***
- ***Sept 15- Dec 31 limit to fly angling only. No angling allowed from a boat for rainbow trout between Rapids Camp and Travons Cabin. (exceptions are handicap, elderly special needs etc)***



Submitted By

Shayan J Rohani

Submitted On

11/14/2018 6:12:38 PM

Affiliation

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As a Graveyard based Kvichak fisherman for only 8 seasons I have limited understanding of the historical context of this claim. I will say however that graveyard creek is my only safe anchorage in our local area. Also I would like to point out that Gus has been fishing inside of his surveyed line with 37.5 fathoms of net. I appreciate that he has not extended his net the 12.5 fathoms in order to stay on the legal side but also he is only being deprived of 12.5 fathoms. In his statement to the board it sounds like he hasn't been able to fish his site at all. That is not the case. Please do not open graveyard creek to fishing. It will greatly complicate an already congested and difficult to regulate area.

Thanks for your consideration.

Shayan Rohani



Submitted By  
Susie Jenkins-Brito  
Submitted On  
11/14/2018 4:18:53 PM  
Affiliation  
Subsistence User

### **Proposal 18 - Support**

Proposal 18 would lift the subsistence restrictions on Dillingham Beaches that are currently in place from July 2 - July 17th, what is typically the "peak" of the sockeye salmon season in Bristol Bay. The restriction was originally put in place not as a conservation issue, but as a waste reduction issue. There was concern on nets becoming swamped, salmon being wasted, and irresponsible fishing occurring. However, no restriction is placed on waters in other subsistence areas at this time. Regardless of the day of the week, the risk for waste is always present if the fisher is acting irresponsibly. However I feel this is more a personal issue to be a careful and cognizant fisher or ultimately an enforcement issue if one is not adhering to the expectations set forth when harvesting salmon by the state of Alaska and by anyone who upholds salmon as a primary food source. In this instance it is not a regulatory issue. In fact, under Alaska Statute - Subsistence has priority over all other user groups which I know the Board is well aware of. Subsistence access should not be restricted ever when other gear types are allowed to fish and there is no conservation concern. I am certain there will be passionate testimony during the Board meeting in regards to this proposal and in-line with my sentiments.



Submitted By

Susie Jenkins-Brito & Bronson Brito

Submitted On

11/14/2018 4:21:09 PM

Affiliation

Commercial, Subsistence & Sport Users

Dear Chairman and Members of the Board,

We are writing in regards to the upcoming Bristol Bay Board of Fisheries meeting and some of the proposals set to be addressed.

### **Proposal 19 – Oppose**

Proposal 19 suggests the use of dipnets for subsistence harvest in Bristol Bay waters. We believe we have adequate opportunity for salmon harvest with the allowable gear types that currently exist in Bristol Bay and fear creating a fishery much like what is currently seen on the Kenai Peninsula where combat fishing takes over traditional fishing areas and competes directly with historical user's gear types.

### **Proposal 20 – Oppose**

Proposal 20 suggests allowing users to drift out of a vessel in the Wood River drainage with a 10ft net for subsistence. The current opportunity for fishing within these waters is more than adequate with up to 25fts allowable off the shore and keeps nets clear of boats navigating in the river. Allowing drifting with subsistence nets could pose dangers to other boaters that may not be aware of the gear in the water. While commercial drift fishing is allowed in the WRSNA subsistence is closed and navigators are well aware of the potential for nets in their passageway at specific times, whereas open access for drifting for subsistence fish would not be as recognizable of a hazard. The current regulation is sufficient for allowing subsistence activity.

### **Proposal 23 – Support**

Proposal 23 was written and submitted by a group of commercial fishermen including ourselves that strongly feel the current "D" configuration is a regulation that's intent and opportunity should be protected and strengthened by the regulatory language we supplied. Drift fishers wishing to fish 200fts by utilizing a second permit aboard their vessels should have to have a second individual onboard holding the second permit. In no instance do we support "stacking" or the ability for any fisher drift or set to own and operate two permits in one individual's name and will speak further to this during the meeting.

### **Proposals 24, 25, 25, 26, 27 - OPPOSE**

For reasons stated in my support of proposal 23, I am opposed to these "stacking" proposals and will address the issue further in comment at the meeting. In short "stacking" eliminates/restricts fisher opportunity to enter the fishery, learn to captain with an experienced captain, reduces deckhand positions. It increases permit costs, reduces number of permits on the market for sale, and directly impacts family operations in the Bay in a negative manner.

### **Proposal 33 – OPPOSE**

Proposal 33 seeks to allow a new gear type called a "beach weir" which is described to sound very much like a fish trap - which is illegal under Alaska Statute. With that consideration aside the addition of a new gear type to the Bay in direct competition with Set and Drift users is not needed or warranted and would cause undue conflict among users and allocation plans.

### **Proposal 38 & 39 – OPPOSE**

Both of these proposals address changes within the WRSNA and as written are not ideas we can support we would be in favor of the Board discussing these proposals in an open format during committee of the whole to address issues users feel are occurring after July 17th when the allocation plan is no longer applied to the salmon fishery in the Nushagak District.

### **Proposal 41, 42, 43 – OPPOSE**

These proposals all offer changes to the Nushagak-Mulchatna King Salmon Management plan. We are opposed to all of these proposed changes but do feel a working group should be created by the Board, ADF&G staff, users from all groups and interested parties to explore and amend the plan in a more reasonable timeframe and careful fashion.

Thank you,

Susie Jenkins-Brito & Bronson Brito

F/V Sea Breeze



Submitted By  
Tom Herring  
Submitted On  
11/12/2018 6:31:40 PM  
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I'm a year round resident of King Salmon and have been fishing the Bristol Bay watershed since 1974. Within the last 10 years (2008 - 2018), the pressure has increased three fold. People are getting more and more aggressive and rude. Larger boats drive by at a high rate of speed rocking the smaller boats with a smirk on their face. It not only spooks the fish but it is dangerous behavior that jeopardizes everyones safety.

There are just to many people on the river period. Lodges, rental boats operations and all other business entities using this river for profit, are getting larger and larger and booking way too many people. Pressure on the fish needs to be reduced. The number of rods should be limited per business entity as indicated in proposal 52. Additinally, I support proposal 57 regarding the use of beads. I have caught countless trout with hooks in the top of their head and a bead hanging off - a common result of beading. This style of fishing is horrible on the smaller trout, they have ripped up gill plates, distorted mouths and the mortality is very high. Fish and game does not seem to be present on the river and I don't know of any trout studies confirming this high mortality rate, but its been my observation over the last 10 years and its getting worse each year. I support proposal 50 and am opposed to guiding in the spring, as it puts tremendous pressure on spawning trout. I would also like to see guiding end after October 15th for the same reasons. We need to give these fish a break after five months of getting totally beat up. I would like to see all business entities limited to 8 am - 6pm hours on the river. I'd like to note that proposals say "guides" but it needs to be changed to all business entities that operate commercially on the river as rental boats are an equal if not greater source of pressure. I support the idea of closing fishing one day a week to all such commercial entities so that local year round residents can enjoy the resources and get out with the family and relax.

As far as King salmon fishing regulations, I support proposal 58 so that all tributaries of the Naknek, King Salmon Creek, Big Creek and Paul's creek are completely closed to king fishing.

An additional concern is that we are seeing more and more fly in operations on the Naknek. I'd like to see this pressure controlled with a boat or rod limit as well. My final thought is that none of these regulations mean anything without enforcement.



Submitted By  
Tom Rollman Jr.  
Submitted On  
11/14/2018 9:14:16 AM  
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Upper Nushagak Setnetters' Association

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I support or do not support the following proposals for the stated reasons: I am neutral or have no comment on all other proposals.

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**PROPOSALS 24,25, 26 &27** - 5 AAC 06.331. Gillnet specifications and operations. Allow the owner of two drift gillnet limited entry permits to operate 200 fathoms of drift gillnet gear, and the owner of two setnet limited entry permits to operate 100 fathoms of set gillnet gear.

**SUPPORT** – Proposal 27 is the only one that mentions setnet permits, but omits the Nushagak District. All setnet districts in Bristol Bay should be included in this proposed change. I am not opposed to drifters owning two permits and being allowed to fish 200 fathoms in their "D" boats. Setnetters should be allowed the same privilege and the ability to own and operate two permits as well. This will allow family, multigenerational operations to continue to operate without the risk of transferring permits into non-family crewmembers' names.

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**PROPOSAL 30** - 5 AAC 06.341. Vessel specifications and operations. Increase the maximum length for drift gillnet vessels from 32 feet in overall length to 42 feet in overall length

**OPPOSED** – This will only further the advantage that drifters already have over setnetters and could in effect put people out of business, both setnetters and other drifters. The 32' limit was put in place for a reason, continues to work, and should be left that way.

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**PROPOSAL 33** - 5 AAC 06.330. Gear, and XX.XXX. New section. Allow the use of beach weirs in commercial salmon fishing in Bristol Bay

**OPPOSED** – This would create an additional gear type that could and probably would catch every fish in its path. Call these what they are, fish traps. The State outlawed them in 1959 for a reason. Let's keep it that way.

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**PROPOSAL 38** - 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan. Repeal provisions to open the Wood River Special Harvest Area when the escapement of sockeye salmon into the Wood River exceeds 1,100,000 fish and the escapement is projected to exceed 1,400,000 fish.

**OPPOSED** – There is no good reason for this to be repealed. There is no evidence that this puts any additional pressure on different fish stocks in the river, and there is no reason that subsistence fishers could not concurrently fish while the Wood is open. Allowing the gear type that is behind on allocation to fish in the Wood River when escapement is guaranteed is a win/win for all involved. It allows excess fish to be more effectively harvested and it opens up space and opportunity for others when those fishers leave to fish the WRSNA. Nushagak setnetters are consistently behind on allocation, and were again this past summer. This is one way to try and even up that inequity with the drifters.

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**PROPOSAL 39** - 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan. Open the Wood River Special Harvest Area to both set and drift gillnet gear after July 17.

**OPPOSED** – Nushagak setnetters are consistently behind on allocation. Even though allocation may go away after July 17, setnetters should still be allowed as the only gear type to fish there if they are behind. The current rules say only one gear type is allowed in the river at a time. If this proposal were adopted, would both types be allowed to fish concurrently? Many small, local setnet operations stay and fish late in the season in the WRSNA when it is open. Allowing drifters in there would reduce their opportunity.

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**PROPOSAL 40** - 5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan. Establish a drawing system for use of the four furthest downriver set gillnet sites in the Wood River Special Harvest Area.

**OPPOSED** – A lottery system to distribute sites in the Wood River Special Harvest Area was proposed years ago. It was not approved and for good reason. Who is going to administer it? Who is going to enforce it? Could a person "winning" a site lease or sell the rights to



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**PROPOSALS 41 & 42** - 5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan. Reduce fishing time in the Nushagak District commercial salmon fishery when the Nushagak River sport fishery is restricted for king salmon conservation.

**OPPOSED** – Restricting the commercial fishery unnecessarily for the conservation of kings could negatively affect the management of sockeye in both the Wood and Nushagak rivers. King escapement continues to be strong year after year and early season restrictions to both the sport and commercial fisheries have been sufficient to ensure strong king salmon returns.

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**PROPOSAL 43** - 5 AAC 06.361. Nushagak-Mulchatna King Salmon Management Plan Establish subdistricts in the Nushagak District.

**OPPOSED** – There is no mention made as to whether this would affect setnetters as well as drifters. Splitting the Nushagak District into north and south subdistricts and allowing the southern sites early fishing time would be highly allocative. This would favor setnet fishers who have sites south of the proposed line near Ekuk. If this proposal only affected drifters then I would be in favor of it if ADF&G thought it would be an effective tool to avoid catching early kings.



Submitted By  
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Submitted On  
11/12/2018 6:29:38 PM  
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My wife and I have fished and I have guided on the Naknek for 35 years.

#### Prop 48 and 50

I stopped fishing early and late in the season many years ago. My personal opinions are similar to several of the proposals. That is that the early season trout are already under tremendous stress and though catch and release of a few by locals is fine, a determined program to catch our much needed spawners when they are on the spawning grounds, in a fishery that is not fed by hatchery trout (which of course we don't want) is nothing I want to be involved in.

#### Prop 49

I am also not for the retention of trout, many of our new rental boats and other fishermen are nearly impossible to monitor particularly during commercial fishing season when the bulk of our local law enforcement is nearly completely involved in the bay. I have been filming on the Naknek since 1989 and have steadily seen the declines. While filming underwater for National Geographic Television, The BBC, PBS and The Discovery Channel there has been a noticeable loss of trout numbers and many damaged fish (eyes blinded, maxillaries missing) my guess is from the use of beads. I usually film trout elsewhere now. I have also seen on several occasions what looks to be the result of very poor catch and release or the result of bait fishing. In two separate occasions my clients and I counted 18 and 22 dead rainbow trout on the first bend below Lake Camp.

52

If it can be enforced, limiting rods for lodges may work to induce lodge owners to spread out effort by fishing flyout locations or just reducing the overall number of rods.

61

Staking out shoreline locations is likely unlawful already, this is public water and if I want to fish where a guide for another lodge is staked out, waiting for his clients, I will simply fish there anyway. This new habit could do with a bit of treatment by law enforcement, maybe explaining the law to these characters would be enough.

As for the different king fishing regs I am one of the few who have spent time underwater on the stretches of river that are being described. While techniques and timing in the tide do have a lot to do with what we catch, respectful guides would be trying to catch their clients fresh kings. Just a quick reminder all of the Kings in the river are spawners.

The habitat at Painter Bob's is a holding place for sure and kings are vulnerable there to bottom bouncing etc. If you dive there, you will find little or no spawning habitat, in fact it looks like a patio down there of smooth, light colored rock. You could make an argument that spawning in limited fashion occurs in front of Joe Klutch's cabin and it could be closed. The majority of the King Salmon spawning still occurs in my opinion from the present marker at the base of the rapids on up and they should be protected there completely. Red or spawning phase King Salmon have been caught on nearly every fishing hole during the summer but if there is a strong need to limit catch, closing all the creeks and upstream from Painter Bob's would surely reduce sport catch. It will also crowd more folks into the remaining holes.

Submitted By  
Todd Granger  
Submitted On  
11/14/2018 10:54:01 PM  
Affiliation

Board of Fish, I'm writing in support of the voluntary dual permit ownership proposal, and as such, against the proposal 23, as defined by the Criminal, and his Daughters arrested in Bristol Bay for fishing illegally, in a case well known to any State Trooper, and defined by the Alaska Supreme Court. In *State v. Ostroski* 667 P.2d 1184 (1983) I. FACTS When Harold Ostrosky and his two daughters, Lori and Julianne, operated salmon drift net gear in Bristol Bay without entry permits they were cited for illegal possession of commercially caught fish,[1] and illegal commercial fishing.[2] The three went to trial and were convicted. Mr. Ostrosky was fined \$10,000, with \$9,000 suspended, and Lori and Julianne were each fined \$5,000, with \$4,500 suspended. In addition, the boat on which they were fishing, the Lori K.O., was ordered forfeited to the state, with the forfeiture suspended for two years. A. Article VIII, Section 3. Article VIII, section 3 of the Alaska Constitution provides: Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.Until it was amended in 1972, article VIII, section 15 provided: No exclusive right or special privilege of fishery shall be created or authorized in the natural waters of the State.In 1972 an additional sentence was added to section 15: This section does not restrict the power of the State to limit entry into any fishery for purposes of resource conservation, to prevent economic distress among fishermen and those dependent upon them for a livelihood and to promote the efficient development of aquaculture in the State...In his testimony to the committee the Attorney General, Mr. Havelock, suggested that an amendment of this nature is essential if Alaska is to ever have an economically healthy fishing industry. For more than a decade fisheries economists have been calling for such an institutional change, and over the past few years the fishermen themselves have come to recognize that this amendment, though no panacea, is an essential first step to revitalization of the fishing industry in Alaska....Lori and Julianne Ostrosky do not attack the entry restriction aspect of limited entry. Instead, they contend the above transferability provisions are unconstitutional. Their argument is that these provisions exclude those who do not have sufficient assets to purchase an entry permit and who have not inherited one. This, they contend, amounts to an unconstitutional classification based on wealth and lineage. They also argue that the transferability provisions themselves create an exclusive right or special privilege of fishery barred by the first sentence of article VIII, section 15 and by the common use clause, article VIII, section 3. They suggest that a transfer system meeting the requirements of the constitution would be one in which a permit would revert to the state when the permit holder dies or is no longer using it. Reissuance could be accomplished either under a type of apprenticeship system, emphasizing past participation in commercial fishing as a crewmember, or a lottery, or a combination of both. For convenience we will refer to the existing system as "free transferability" and to the type of system proposed by Lori and Julianne Ostrosky as a "reversion reissuance" system.... B. Equal Protection. Three standards of review are commonly utilized in cases involving the equal protection clause of the fourteenth amendment to the United States Constitution. First, where suspect classifications (i.e., those based on race, national origin, or alienage) or fundamental rights (e.g., voting, litigating, or the exercise of intimate personal choices)[10] are involved, differential treatment will be upheld only when the purpose of the enactment furthers a "compelling state interest" and the enactment itself is "necessary" to the achievement of that interest. This is often called the strict scrutiny standard.[11] Second, where classifications are based on gender or illegitimacy, the purpose of the enactment must be "important," and the means used to accomplish that purpose must be "fairly and substantially" related to its accomplishment. *Craig v. Boren*, 429 U.S. 190, 197-98, 97 S. Ct. 451, 456-57, 50 L. Ed. 2d 397, 407 (1976), reh'g denied, 429 U.S. 1124, 97 S. Ct. 1161, 51 L. Ed. 2d 574 (1977); see also *Lalli v. Lalli*, 439 U.S. 259, 265, 99 S. Ct. 518, 523, 58 L. Ed. 2d 503, 509 (1978). This is regarded as an intermediate level of review. Third, in cases not involving suspect classifications, the infringement of fundamental rights, or classifications based on gender or illegitimacy, differential treatment must be based on a governmental interest which is "legitimate," and the enactment must be "rationally" related to its achievement.[12] In our discussion of federal equal protection we have called this the rational basis test. *Isakson v. Rickey*, 550 P.2d 359, 362 (Alaska 1976). The individual interest asserted in Ostroskys' challenge to the transferability provisions of the Act is not of a high order. The interest is that of obtaining the right to fish as a gear license holder by lottery or apprenticeship rather than by purchase or inheritance. The system advocated by the Ostroskys would exclude on the basis of one's ability to be hired as a crewman, a matter on which age and strength are often determinative factors, or on the basis of \*1194 pure chance, while the present system excludes those who are unable to afford a permit and those who do not inherit one. While the current system may thus discriminate on the basis of wealth, it does so only in the manner that any price does. As Professor Tribe has observed: "Judicial intervention to redress poverty on the basis of equal protection is therefore in constant danger of becoming either wholesale or unprincipled...."[15] This may be the reason why cases striking down fees for government supplied services or privileges as discriminating against the poor have been limited to instances where fundamental rights such as access to the courts,[16] and ballots[17] have been burdened. An entry permit is a government license having value issued to a limited number of people. As such it resembles a liquor license, or a permit to operate a trucking firm over a given route, or a utility franchise, or a broadcast license. While these privileges are both purchasable and inheritable, the fact that the poor cannot buy them is wealth discrimination only in the general sense that all prices discriminate in a society where wealth is distributed unequally. Further, the fact that the poor seldom inherit such privileges is lineage discrimination only in the sense that laws permitting inheritance of anything of value are discriminatory. Since the wealth and lineage classifications presented here are not different from those which pervade our system of private property, we do not place the interest asserted by the Ostroskys redistribution of entry permits based on a system free of these classifications in an elevated position on the Erickson sliding scale. It follows, of course, that the rational basis test is the appropriate standard for this federal constitutional claim.

The state argues that free transferability serves the following objectives:

By making permits inheritable and transferable among family members, the Act ensures that a fishing family will be able to continue to fish if the permit holder dies or is disabled, thus protecting the family's source of income and its investment in vessel and gear.

This prevents economic distress among fishermen and those dependent upon them for a livelihood. By making it possible for a person who has fished one permit to purchase a different one, the Act allows fishermen to move to more profitable gear types (from hand troll to purse seine, for instance) and to fish a different area when their usual area has bad runs. This prevents economic distress among fishermen, and retains the traditional mobility.... By making permits salable, the Act creates a market for them. Price depends largely on the state of the fishery.... . Thus, in order to keep the fisheries healthy, fishermen will obey conservation laws, assist in the apprehension of violators of those laws, and willingly contribute to aquaculture programs. By giving permit holders an incentive money to transfer their permits, the Act prevents the creation of a closed class of fishermen.... . [T]he number of transfers to date has been very large. By making the acquisition of a permit certain by payment of the purchase price, the Act allows fishermen to plan where they will fish, what type of gear they will use and what investments in vessels and gear they can prudently make. By not setting up any complex eligibility formulas for new entrants, the Act makes the transfer system readily understandable to those it will affect. By not requiring the Commission to get involved in transfers to an extent beyond the simple processing of transfer applications and the certification that the proposed transferee has the present ability \*1195 to fish, the Act eases the Commission's administrative burden, and allows it to focus its attention on other necessary duties, such as the setting of optimum numbers for limited fisheries and the decision whether presently open fisheries should be limited. Free transferability, in other words, is meant to prevent hardship when a permit holder dies or becomes disabled; allow gear license holders to move from one fishery or type of gear to another; advance the causes of conservation, aquaculture, and adherence to fish and game laws by giving gear license holders a stake in the resource; increase the number of permits that are transferred; and ease administrative burdens on the state..."

The Commercial Fisheries Entry Commission designated Bristol Bay as "Distressed" and adopted the "Optimum Number" of 900 to 1400 permits. If action was taken to equalize the allocation under Grunert v. State, 1 & 2, and move every permit to an equal allocation of gear, the harvest costs would drop in half, along with this fleets carbon footprint, and permit stacking would happen in a more natural way, shown best in the West Coast State's, Crab, Herring, and other fisheries, who can read Wiliam H. Seward's Fourteenth Amendment on Equal protection, spelled out even better in Article 8, Sec. 17 of Alaska's Constitution.

The local watershed Advisory Committee, is against the idea of equal protection. Rural Alaskans need permit stacking more than "Any Person," Check out the cost of Living, at your beautiful visit in Dillingham, excluding over 1500 drift permit holders who live across the planet, since the BBEDC rented every room in town last summer. Don't save a nickle for the State, that blew a Trillion dollars of oil money [REDACTED]