

Alaska Board of Fish and Game
Headquarters
P.O Box 115526
Juneau, AK. 99811-5526 Alaska Board of Fisheries

September 28, 2009

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BOARDS

Proposal # 13 -5AAC75.xxx. Establish a fish refuge in Bristol Bay as follows:

I would like to have the board support this proposal . Please take the time to read this letter that I had written to Ex-Governor Palin and fisheries advisor Cora Chrome. It will help explain my support for his proposal.

December 15, 2008

Honorable Governor Sarah Palin
Fisheries Advisor Cora Chrome

I would like to express my opposition to the proposed Pebble Partnership Mine. As the past experiences with open pit mines in other parts of the world and here in the lower 48 states have proven that leaching of heavy, toxic metals does occur. Having knowledge of this fact alone would indicate that it would be a high risk to The World's Greatest Fisheries, Bristol Bay! The geological area that this mine is being proposed in is between two river systems (Nugshagak and Kvichak) which could destroy both systems at once. This area is the Salmon's home; these fish are born in those water sheds and also die at their place of birth. Without a healthy and abundant freshwater habitat, wild salmon cannot grow, reproduce or thrive. Bristol Bay's abundant pristine freshwater habit and healthy, free flowing undeveloped rivers are what has allowed tens of millions of wild salmon each year to be produced. Bristol Bay water sheds must be protected at all costs.

I understand that the development application for the Pebble Partnership has not yet been received. However, upon being received, Alaska needs to know the true damage it may present to the state. Today's mining technology and science will try to persuade the great state of Alaska that this proposed pebble mine will do no harm. Time has shown us that industrial science and technology has fooled us many times, logging in watersheds, (added silt and uncontrollable water flows) dams (stop migration and created barriers and brought high levels of nitrogen), agriculture (diverted water flow and rising water temperatures), Fish Farms (have brought disease and sea lice infestation with current cause of the collapse of many coastal rivers, including the Frasier), they always say how Pebble mines won't hurt the environment!

The argument that the economic jobs that will be created by mineral development will contribute to the State of Alaska and that mining and fish can coexist is wrong. The fishing industry, which was started a generation ago with the Native subsistence users, still plays an immensely effective role in the economic status of the state. Subsistence is a way of life and tradition that has been and continues to be practiced today in the Bristol Bay region. Bristol Bay has been recognized not only as one of the world's finest commercial and sport fishing destinations, but also one of the most

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most of which began during Anglo American's ownership.

State and federal agencies repeatedly expressed concerns about pollution from Jerritt Canyon during Anglo American's tenure. Yet, the corporation failed to fix what has become an extensive and serious water pollution problem that will persist for many generations to come.

Anglo American's resistance to fixing water pollution problems, and the fact that it allowed them to continue for so long, does not bode well for Alaska. Pebble is different of course, but in ways that could actually magnify problems. Pebble would be a much bigger mine than Jerritt Canyon. Pebble would unearth billions of tons of the type of sulfur-bearing rock that creates acid drainage. But unlike Jerritt Canyon, there's not much limestone buffer, which means acid drainage is likely. Copper, zinc and other heavy metals are also likely get into surface water during operations. Over time, this pollution would threaten wild salmon and the Alaskans who depend on them to sustain their jobs and lifestyle.

If Anglo American's past performance is any indication, Alaskans should be wary. At Jerritt Canyon, a modern mine operating under well-established environmental laws, Anglo American's assurances that it would maintain high environmental standards clearly were not met.

It is understood that backers of this Pebble Partnership Mine project are spreading in the sums of 80 million dollars a year in to the state of Alaska to make their case. As we are finding out in today's politics that kind of money can lead to people's opinion's being swayed. This is the wrong spot for this mine .There is no place like Bristol Bay; it needs to be from this kind of industry. Our grandchildren need to experience this place in person or by some other means. Bristol Bay's salmon is not only a way of life, but it provides life as well. This is a life sustaining resource we are potentially destroying.

ONLY AFTER THE LAST TREE HAS BEEN CUT DOWN
ONLY AFTER THE LAST RIVER HAS BEEN POISONED
ONLY AFTER THE LAST FISH HAS BEEN CAUGHT
ONLY THEN WILL YOU FIND THAT MONEY CANNOT BE EATEN
CREE INDIAN PROPHECY

Thank you,
Darryl Pope
3106 Edwards St.
Bellingham WA. 98229
F/V Selma Ann 59351G



Resources:

Balash, Joe (Palin's office: Resource development) email

Bluemink, Elizabeth Magnitude of Pebble Prospect Unearthed, Dec. 5th, 2008

Miller, Glenn Anglo American's record doesn't bode well for Alaska, Nov. 24th, 2008

Trout Unlimited Alaska informational booklet

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Alaska Board of Fish and Game
Headquarters
P.O Box 115526
Juneau,AK.99811-5526

September 28, 2009

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Proposal # 15 – 5AAC 06.341. Vessel specifications and operations. Eliminate 32 foot limit on vessels in Bristol Bay drift gillnet fishery as follows:

I'm in favor of eliminating the 32 foot limit , but I believe there should be a limit set at 38 feet . This would give adequate capacity for RSW , or slush ice systems. Most of the fleet could be refitted this way , by adding length to their existing vessel. To impose no limit would bring chaos to already crazy fishery, it's time lengthen the limit to 38 feet.

Thank you,
Darryl Pope
3106 Edwards Street
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F/V Selma Ann 59351G



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Public Comment #

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Alaska Board of Fish and Game
Headquarters
P.O Box 115526
Juneau, AK. 99811-5526

September 28, 2009

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PROPOSAL # 24 -5AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay. Eliminate Permit Stacking as follows:

Yes the board of fisheries should support this proposal. Yes this is the biggest problem in Bristol Bay, it is unfair.

To make it fair the state would have to divide the total 1866 permits in half. This would leave 933 dual permits. Optimum number stated by the CFEC for total permits is 1000 to 1,100 permits. The state would then have to re-issue 134 to 334 single permits or 67 to 167 dual permits to make it an equal competitive fishery.

8.8 Legal Issues Affecting Restructuring (Bristol Bay Salmon Fishery Restructure Study)

In summary, while there are state constitutional or federal questions that govern the full reach of implementing these three options, such rules do not seem to cause any of these options to be unworkable if they are crafted in a reasoned way. Specifically, in order to reduce fishing capacity, it is likely that permit buybacks and other reduction and consolidation concepts can be undertaken consistent with Section 8.15 of the Alaska Constitution so long as administered by the Alaska Commercial Fisheries Entry Commission (CFEC) to ensure an "optimal number" of remaining permits is established. However, as pointed out earlier, an optimal number determination by CFEC may fall short of getting down to a level of 1,000 or 1,100 driftnet permits in the fishery and therefore to reach this level would require some sort of easily reversible stacking program that would allow management to increase the number of participants should economic conditions change significantly in the future (a new "optimal" number could emerge if the economics of the fishery were to change significantly).

Proposal #21 States: Illegal allocation, "within a single fishery" implemented by the board of fisheries. See Alaska Board of Fisheries v. Grunet (O4/21/2006). (Fundamentally at odds with Limited Entry Act). (that the limited entry act was enacted to protect economically dependent fishers).

Permit Stacking will take away opportunity for some young person to someday full fill their dream in life to be a fisher person. Fishers wanting to retire need to pass the torch to these people wanting to fullfill these dreams.

Proposal # 19 States: That one permit holder in their family is off to college and won't be able to join them for a few seasons, it sound to me that he isn't planning on being a fisher person, he just wants to be an permit owner (investor).

8.1.3.2.6 Social Implications (Bristol Bay Salmon Fishery Restructure Study)

There is the potential that a permit stacking could result in local residents of the Bristol Bay region and other parts of Alaska selling out to outside interests. It is possible that outside interests may have greater access to capital and may be savvier regarding the potential benefits they might gain by stacking permits. Local residents facing difficult economic times resulting from the fishery crisis may find the buyback appealing in the short term and may not be as economically diversified as outsiders. Local residents may not be able to hold out as long as outsiders and there is the potential that a disproportionate number of resident permits might be bought out.

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If resident permits were retired, local communities might suffer from reduced local income. This could also affect local crew who may have difficulty finding positions on the boats of non-residents. Since fishing income is an important element of the local economies of Bristol Bay communities, the potential for income erosion represents a serious long-term concern. In follow-up work to this study, we hope to quantify impacts on communities of preferred restructuring options.

Dual permits have been catching 30% more of the catch. When the fleet is put on catch limits Dual permits receive a bigger limit depending on the cannery. When settlement time comes there has been production bounces base on poundage. The single permit generally loses out!

There is a rumor that these Dual permit Vessels are transferring without waiting the 48 hour transfer time. There is also rumor that there are fishing Vessels that fish the extra gear that don't have a dual permit, they just put a D on their ADFG number on the side of your boat. Protection is not able to keep up with a lopsided fishery.

Reducing the number of boats, licenses. Means taxes and revenue will be lost for the state of Alaska, Not as many crew members will be hired, local business won't have as many patrons. Quality of the resource will also be lost, proposal # 21 is asking for 300 fathoms of gear. The purpose of these proposals is to catch more fish, not a better quality fish. There will always be a race for fish, its called greed.

Potential for Backslide to Pre-Buyback Conditions (Bristol Bay Salmon Fishery Restructure Study)

A permit buyback program (or any other restructuring option) implemented without eliminating the race for fish conditions in the fishery may create only short-term gains – within a decade or two, the net wealth in the fishery may be the same as pre-buyback conditions. As was seen in Bristol Bay in the 1980s, whenever there is new wealth in a derby-style fishery, it will pay for individuals to invest in their fishing operation to beat the competition to the fish. In the 1980s, fishers were rewarded handsomely by investing in boats and fishing operations that were larger, faster, and more sophisticated, largely at the expense of those who did not invest in their boats and fishing operations. Most of the additional expense of all the new boats and equipment was not really necessary as we know that up to 25 million fish had been harvested with fewer pre-1970s boats. A permit buyback program that create new wealth in the fishery will also create similar conditions to what existed in the 1980s when runs and fish prices climbed to create new wealth in the fishery.

Economists refer to the process of building faster, more sophisticated, and more efficient fishing gear as “capital stuffing.” Even though the overall length of the boat may be limited to 32 feet, capital improvements can be “stuffed” onto the boat that might be less efficient than just building a bigger boat. However, in the race for fish conditions, it still pays to stuff capital because it allows the operator to increase their share of the available harvest (relative to other permit holders).

There is good reason to believe that new wealth created by a permit buyback program in Bristol Bay would create conditions that would encourage new investment by some participants. Imagine the following scenarios: a pre-season forecasted harvest of 25 million fish, only 1,000 driftnet permits in the fishery, and an expected price of 70 cents a pound. The permit holders who had been considering upgrading to a faster, bigger, and more powerful boat will certainly see a strong incentive to upgrade –

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doing so would significantly increase their share of a valuable catch. Over 10 or 15 seasons, the cost of these new investments will tend to offset or cancel out the gains initially made by the permit buyback. Again, this “backslide” to the wealth similar to the pre-restructured state of the fishery will occur to some extent with all options that fall short of eliminating the race for fish and its incentive to win the race for fish. An example of the potential backsliding effect was presented in Figure 20 in Section 7.1.1.

Permit stacking is wrong. The Bristol Bay Salmon Fishery Restructure Study is out dated. This year’s price is already better than 70 cents (Backside). September 2009 Pacific Magazine article, page 6, the headline reads: Recession: So why are sockeye prices so good? Chile salmon farmers have an epidemic of infectious salmon anemia (ISA). British Columbia Salmon farmers have Sea lice Infestation. With the need to bring in new markets (harvest limits) take away the half of the permit holders and there would be nobody to fish for that new processor! We have had good strong runs. When we have exceptionally good runs, there won’t be enough fishers to harvest. (Foregone Harvest). In today’s economy this isn’t the time to cut opportunity and take away jobs. Limited Entry was enacted to protect economically dependent fishers, not to support the corporate structure. Capital stuffing is what has hurt the great State Of Alaska and our nation.

Thank you,
Darryl Pope
3106 Edwards Street
Bellingham , WA 98229
F/V Selma Ann 59351G



8/8

Public Comment # 16

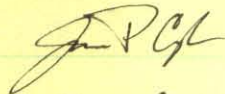
Board of Fish,

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proposal 16 through 20. I support these "permit stacking" proposals. I currently use only one permit (and I'm likely to use one permit in 2010) in the Bristol Bay Drift fishery. With Permit stacking less gear overall is in the water (100 fathoms per permit as opposed to 150 fathoms per permit) and the fishery is less congested and easier for me to operate in. Permit stacking has really made my single permit operation more profitable.

Proposal 15. I support This proposal. To Allow Drift vessels to be longer, say 34 ft., would allow me to add another row of fish holds and still be maneuverable enough to operate in a crowded Bristol Bay fishery.

Thank you for your TIME.



James Coyle

Bristol Bay Drift fisherman.



Kachemak Bay Conservation Society

3734 Ben Walters Lane, Suite 202
Homer, AK 99603
Phone: (907)235-8214
Email: kbayconservation@gmail.com

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Alaska Department of Fish and Game
Boards Support Section
P.O. Box 11552
Juneau, AK 99811-5526

November 11, 2009

Dear Board of Fisheries:

Re: Proposal 13

The Kachemak Bay Conservation Society (KBCS) endorses Proposal 13 to create a state fish refuge for Bristol Bay watersheds. Although the Board of Fisheries does not itself have the authority to actually establish a fish refuge, it can get the ball rolling. As pointed out by Proposal 13, statutes do allow the Board to make recommendations to the Alaska State Legislature regarding the need for fish refuges. For a long time there has been need. But now, due to the possibility of large open-pit mines in the Bristol Bay area compounded by a permitting process (e.g. AS 46.15.080) that tends to rely on unproven mitigation measures rather than precaution or prevention, the need to protect fish habitat, and thereby assure sustainable fisheries, has become disparate. A fish refuge will raise the bar and prevent, not just mitigate, habitat loss.

The Board of Fisheries gave extensive review to a similar proposal (#121) at its Bristol Bay Finfish meeting in December, 2006. As a result of this review and in recognition of the importance of protecting fish habitat, the Board recommended to the Governor that the Division of Habitat be returned from ADNR to the AD&G. This got the ball rolling, momentum built, and it is now a done deal thanks to the initiative of the Board of Fisheries.

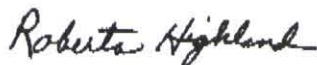
At the time the Board also assigned a more detailed review of Proposal #121 to its Habitat Committee. However, before the Committee meet a bill was introduced in the legislature to create a Jay Hammond Game Refuge. This bill would have provided a similar level of habitat protection and thereby obviated the need for a Board of Fisheries recommendation. But the bill got waylaid by special interests and died in committee. Now, the Board of Fisheries needs to step back up to the plate and complete its work.

Bristol Bay subsistence, commercial and sport fishing have been well established - and sustainable - long before the mining claims that are now causing so much controversy. It is only fair that fish and fish habitat be given first priority if there is even the possibility of conflict with

other resource uses, particularly nonrenewable mineral development that have potential of perpetual impact to fish habitat . But under current DNR permitting circumstances, it is not clear that protecting Bristol Bay wild fish stocks and its habitat comes first. To assure that there be "no net loss" of fish from any development that alters fish habitat, we urge the Board of Fisheries to recommend creating a Bristol Bay fish refuge. Despite the inevitable objections and false "takings" claims that can be expected from the mining industry, a fish refuge will not deprive the industry of developing mines on their claims providing it can be done in a way that is certain to be compatible with wild fish populations and habitat. If anything, any loss of fish due to mining would essentially be a "takings" by the mining industry. The bottom-line is that there must be "zero risk" of fish loss due mining impacts. In our view, this can only happen via a regulatory process that is based on managing these watersheds as a fish refuge.

We thank the Board of Fisheries for this opportunity to comment.

Sincerely,



Roberta Highland
President, KBCS

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November 11, 2009

Members of the Board of Fish
Alaska Boards Section: Board of Fish
PO Box 115526
Juneau, AK 99811-5526

RE: Proposal 15-Elimination of the vessel 32 ft rule

Dear Board Members,

I am not looking for any more than a 4 foot increase (36ft) , as this 4 foot would be very easy for all types of boats to add this small section on to the stern, without having to move the rudder and prop/prop shaft back, but still having good maneuverability , room for an RSW system, hold more ice by adding say 2 more fish bins or 2 totes of ice.

This would give boats who want to help improve their fish quality in the bay and get the extra money paid for RSW and Slush ice fish , which would in time pay for the 4 foot and RSW system.

The Bristol Bay Salmon fishery is one of the most productive commercial fisheries in the world. Unfortunately, Bristol Bay salmon are some of the worst in quality when compared to any other wild – produced salmon. Bristol Bay salmon fishermen receive some of the lowest prices for comparable salmon worldwide. In order to increase profitability for fishermen, quality must continue to improve within the fishery. Most boats regulated by the 32 ft rule are ill-equipped to provide necessary room for chilling of salmon. Increasing the limit by 4 feet (a 36ft boat) should be paramount when considering any board proposal with regards to quality or increasing quality. 75% of all Bristol Bay salmon are still not chilled.

I fish for Leader Creek Fisheries LLC, and for the last two seasons we have been on a program were we try and keep our fish brailers to a max. of 500 #s each ,plus bleeding the fish and trying to float the fish in the fish bins even more than before , and also trying to keep bled and non-bled fish separate and they have to be no more than 38degrees. This would all be so much easier to do with a little more space. No other drift gillnet fishery anywhere in Alaska is limited by the antiquated 32 ft rule. Bay boats don't have adequate deck space to accommodate modern practices utilized for quality, such as deck totes for bleeding

In 1950, when the 32 ft limit was instituted by the federal government, officials were concerned that newly developed power boats would eliminate all salmon thus killing the Bristol Bay salmon fishery. Under Alaska management, gear and time is restricted for all fishermen to allow for continued sustainability of the salmon resource. Eliminating the 32 Ft limit would have little if not a zero impact upon fishery managers to properly manage the commercial fishery in Bristol Bay. Allowing larger vessels would not harm the resource, but would provide fishermen with a safe alternative to enhance and increase the quality of their salmon catch by having ample room to properly chill and handle fish.

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Please find this proposal favorable as you consider enhancing the quality of Bristol Bay Salmon. Many of us fishermen are barely able to meet the high costs associated with our operations. The only way to increase the value of salmon is to increase quality. Increasing space on a vessel is the most importance if not the primary factor in increasing quality through whatever means available.

Sincerely,

Bruce Whiting
PO box 13012,
Everett WA. 98206

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Public Comment # 19

11/11/09

Mr. Vince Webster - Chairman
Alaska Dept. of Fish & Game
Board of Fisheries
P.O. Box 115526
Juneau, Alaska 99811-5526

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Dear Chairman Webster,

A lot has changed since 2006 when the previous Board of Fish opted to place the 32ft issue into a restructuring committee. Certainly, many of the same old arguments exist, both pro & con, and many of the same old participants have weighed in as they did back then. However, while this restructuring proposal has been contemplated, we've seen the emergence of a new voice; one that has shed a totally different light on the topic and created some additional perspective - and restructuring - of its own: The marketplace:

1. **Fact: Since 2006, sockeye salmon has proven to be the "workhorse" of the wild salmon protein category in most retail venues across the world.** With its moderate price point and solid ability to perform at retail, sockeye salmon is being offered at practically every grocery retailer in America and Europe, as a wild alternative to farmed raised salmon (think, organic produce). Not the case three years ago. In fact - and in spite of the reality that we are in the midst of the worst global recession in generations, where the value of almost everything has eroded - the price of high-quality sockeye salmon has surged. Poor quality sockeye values have not changed.
2. **Fact: Since 2006, given the scarcity of sockeye salmon from other fisheries, the world has had no alternative but to turn to Bristol Bay to satisfy this demand** - regardless of its reputation as inferior to other "local" runs of sockeye, or its image of being only cannery grade...when Wal Mart calls, pick up the phone!!! As a result, value-adding of Bristol Bay sockeye erupts, almost overnight: **New, incremental** wealth creation and opportunities are everywhere.
3. **Fact: Since 2006, to meet these opportunities head-on since 2006, a flood of new investment is poured into Bristol Bay.** Aided by tax credits from the State of Alaska, private equity and debt, the Bristol Bay processing segment is revolutionized from a one-time cannery grade culture into a value-added economic engine that recognizes a "quality in, quality out" dynamic. Every processor in the region spends untold millions on upgrades.
4. **Fact: Since 2006, opportunities are so great, the future so bright, that the Bristol Bay Economic Development Corporation purchases 50% of Ocean Beauty Seafoods for a reported 70 million dollars!!**
5. **Fact: Since 2006, for the most part, harvest strategies stay the same.** With 1450 boats participating in the fishery, over 1000 vessels deliver dry, un-chilled fish. In 2009 alone this represents approximately 139 million pounds. **Two ice barges are brought on line**, however they only chill the combined total catch of approximately 80 boats or 8 million pounds, solving 5% of the problem. While millions are poured in to processing, relatively nothing is re-invested into modern-day boats and harvesting equipment.
6. **Fact: Since 2006 programs that incent fishermen to produce and deliver higher quality emerge.** Additional payments for chilling, bleeding, complete submersion in RSW or slush, and for smaller brailer bag weights, along with profit sharing in some cases, elevate ex-vessel prices upwards of 30% beyond those who simply deliver dry, un-chilled fish. Ex-vessel prices for dry,

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un-chilled fish remain static at approximately \$.70 per pound, while chilled, bled, properly handled product – however difficult it is to produce on a small vessel - receive upwards of \$1.05 per pound. The gap between those who innovate and those who don't widens.

7. **Fact: Since 2006, permit outmigration from watershed communities continues on.** With every permit sold out of the watershed, it speaks volumes that this fishery is potentially failing the individual personally, the local economy collectively, and that the status quo doesn't seem to be providing enough either. (Since 2006 the new status quo is \$10 for a gallon of milk and \$5-\$7 a gallon for gasoline and heating fuel. Villages like Pilot Point close their school due to lack of enrollment). Yet the price of fish doesn't advance for those who fail to innovate. Low prices for dry, un-chilled fish require an individual to produce large volumes to get past break-even. The only way low volumes will work, in this status quo, is for *value* to be built into them at the point of harvest by elevating quality – by responding to the realities of the marketplace.

So, a lot has happened since 2006 when the 32 foot limit was last considered, the world market has continued to restructure in a way that makes Bristol Bay sockeye an increasingly attractive option, but only if they can meet the quality criteria demanded for high value fish. The fact that Bristol Bay is still the only place, except for Russia, that can fill this demand; doesn't it stand to reason that there should be some expectation on the harvest side of the industry to restructure their practices too, and seize the wealth-creating opportunities? To simply trade existing wealth back and forth, between those that do, or don't, have a good fishing season seems a bit regressive. To put it bluntly: "it's not what we're making in Bristol Bay...it's what we're losing." And, that the status quo that some seem so intent on preserving, is not sustaining many watershed residents, who simultaneously rely on fishing income to offset the high cost of living in rural Alaska. Sixty year old laws like the 32ft. limit seem to get in the way of revolutions, like the one we're experiencing in Bristol Bay, and I respectfully request that the vessel length limitation be abolished or modified.

One does not have to look too far to see what happens when an industry doesn't change, or to think that it "can't happen to us," simply look to Detroit. (Talk about the realities of the marketplace...?)

While this fishery has a huge supply of salmon, harvesting and processing resources, it is in short supply of leadership; the type that will take it to another level of wealth; that will help to sustain the fishery's participants and the watershed communities; and that is contemporary. Having a billion dollar resource swimming in these rivers - while at the same time recognizing the intense poverty that exists in many areas along the same shorelines - should be motivation enough to not allow anyone, let alone this board, to sit idly by and consider it to be acceptable. The only thing that stands in the way of restructuring this fishery is our own fear of it. What did Franklin Roosevelt teach us about fear? Moreover, what would we do if we weren't afraid?

Thankfully & hopefully, this board, through its wisdom, will demonstrate the fearless type of leadership that will allow the Bristol Bay fishery to evolve, so that everyone can take advantage of the huge opportunities that lie before us.

Respectfully,

Warren Gibbons

11/16/09

Mr. Vince Webster
Alaska Dept. of Fish & Game
Board of Fisheries
PO Box 115526
Juneau, AK 99811-5526

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BOARDS

Dear Chairman Webster,

In recent testimony before your Board of Fisheries subcommittee in both Dillingham and Naknek the overriding sentiment was that a lack of processing capacity was to blame for the underperformance of the Bristol Bay drift fishery; that we didn't need to restructure the fishery or consider the restructuring proposals; that more processors would be the answer to our troubles and allow everyone would get back to profitability.

From what I can gather, there are many reasons why the new capacity has not evolved in the Bay, and the wait, for it to appear, could be a long one. Moreover, if we wait for new capacity to develop – meaning new processors to invest – without changing our approach to quality, it would probably require any new entrant to make a substantial investment into canning equipment, not value added machinery, since approximately 70% of the Bristol Bay sockeye harvest is not chilled at the point of harvest, and, is in large part, only suitable for canning.

It is an additional **fact** that the last two processors that have planted their flag in the region (Leader Creek and Copper River Seafoods) have done so only with the provision that the product they purchase be chilled at the point of harvest. This helps to insure that the product they are purchasing is not “cannery grade” and is suitable for the fresh / frozen fillet market. For that, they have recently paid \$1.00 - \$1.05 per pound for sockeye deliveries. Those that have delivered dry fish to other processors are paid approximately \$.70 per pound. That is a differential of over 43%, for simply chilling, bleeding and taking better care of the fish!

So, while it would be nice to have more processors in the Bay, the burden may be upon the fleet to take the personal responsibility to improve our quality and our approach to the fishery through some measure of restructuring, so as to attract these types of processors. After all, under the current status quo and overall poor quality, there seems to be few takers. Perhaps we should attempt to “lure” them with the commitment to improved quality that restructuring could achieve.

To produce poor quality collectively, to simply ask for more processing capacity to process *more* of our poor quality, misses the entire point of building incremental value in the fish that we *are currently* taking out of the water. Through restructuring, leadership, and the assumption of some personal will to change what we have been doing – which got us into this mess – we will be off and running towards a comprehensive form of profitability that will sustain all of the fisheries participants.

To do nothing, to ignore the thought of restructuring, basically is a de facto support of the status quo. According to the most recent economic study by the Commercial Fisheries Entry Commission (Nov. 19 memorandum to you and the Board of Fisheries, page 5) states that the bottom quartile of Bristol Bay's drift fleet is made up of 46% of the fishery permit holders, who in 2008 averaged only \$37,024 per year

in gross income. No one, with any remote association to the fishery should consider this to be acceptable, especially those of us who are in a position to do something about it.

But there is hope. If those who are in this quartile were able to elevate their income by 43%, as noted above, their average income would skyrocket to \$52,944; a differential of \$15,920 for simply taking better care of their fish. However, hope...is not a strategy. It will take new thinking, new investment and a new spirit to change. It's that simple.

Respectfully and most sincerely

Warren "Buck" Gibbons

November 11, 2009

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

Dear Board Members:

We, the following residents of Koliganek, would like to express the following comments on the Board of Fisheries proposals as follows:

Proposal 1

We support proposal one because we believe that resident subsistence users will take only what they need, further conserving the resource. There will be less waste, and subsistence fish will be better quality. There will also be less interaction with bears, thus ensuring safety of the subsistence users. Proposal one is good for the people and good for the resource.

Proposal 2

We also support Proposal 2 for the same reasons as above (see Proposal 1 comments).

Proposal 3

We support Proposal 3 because it would allow subsistence users to harvest their catch faster.

Proposal 13

We strongly support proposal 13, because it would better provide for conservation of the fishery resource. Additional protections are needed in this region for the sustainability of the fishery in perpetuity.

Proposal 14

This proposal, if enacted, would greatly disadvantage setnet fishermen, and would make it virtually impossible to adhere to State law for the lease of setnet sites. Currently, the setnet buoys are necessary to effectuate State law for keeping the net perpendicular to the beach and sets the minimum distance between setnet sites. The outside screw anchors, in particular, would be practically impossible to install, because they must be installed on the minus tide in order to reach the correct distance from the beach. Requiring removal of all setnet gear during each drift only opening would make it nearly impossible for a setnetter to operate in the Bristol Bay fishery.

Additionally, in terms of conservation of the resource, this proposal, if enacted, could result in wanton waste if loosely anchored setnets are allowed to drift out, and perhaps untie and drift out to sea or get tangled in other setnet gear or other drift gillnetters gear. A big tide can take out a setnet if not properly anchored by a screw anchor.

Proposal 15

We strongly oppose Proposal 15 for the following reasons:

Quality

- Studies prove that ice is better than RSW for optimum quality of fishery resources. This proposal is largely geared at making bigger holding tanks and holds for RSW systems, and would not make as good a quality as efforts to ensure that ice is adequately available and the fishermen have slush ice bags.
- Proposal 15 would allow fish to be held longer, thus decreasing quality
- Fish would bang against one another and bruise, as opposed to iced fish, that are suspended in brailer bags and slush ice bags.
- The quality of the fishery resource *has* been steadily improving; consequently, the price has been rising over the past several years.
- Incremental changes should be allowed to take effect before drastic changes to the fishery are implemented.

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Public Comment #

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Equity

- Proposal 15 would create two disparate classes of permit holders, which would effectively create a de facto allocation plan – bigger boats versus small boats
- Access to capital is not readily available to owners of trust land (a.k.a. native allotments) and native corporation shareholder parcels; this would seriously disadvantage local, and in particular, Alaska native resident permit holders.
- The cost of living is 40% higher for rural residents in the Bristol Bay region.
- This proposal, if enacted, would only continue the trend of local resident disenfranchisement from the Bristol Bay fishery.

Proposal 16, 17, 18, 19, 20

We strongly oppose any changes to the current permit stacking arrangements. We like the current regulations. We do not want one person to own two or more permits because it would only benefit those with access to capital, a small handful of non-watershed residents.

The commercial fishery limited entry commission was established for limited entry in the fishery. It was not intended for a consolidated effort of fishing permits owned by a handful of wealthy individuals. There are an increasing number of permits that are being sold to non-residents. Changes to the permit stacking regulations would only further disadvantage watershed residents.

Proposal 21

We strongly oppose Proposal 21. 300 fathoms of net is way too big. Bigger boats and longer nets will cork off the smaller vessels, and disadvantage those fishermen who can't afford dual permits or a larger boat. It would also contribute to wanton waste, as fish may overload the boat, and would decrease quality of the fishery resource. There is absolutely no conservation or quality argument for a longer net.

Proposal 26

We strongly oppose any changes to the Togiak super exclusive fishery. A lot of Togiak fishermen setnet for the fishery resource, and are therefore largely precluded from participation in other districts. There is only a small fishery there and Togiak residents should get the maximum benefit of the Togiak fishery.

Proposal 27

We oppose proposal 27, as we feel that the 48 hour transfer period should be kept as is. There is not a justifiable conservation reason for removal of the 48-hour transfer period.

Respectfully,

The following undersigned Koliganek resident fishermen:

Permit holder
 Rick Johnson
 Printed Name:

Permit Holder BB Drift
 Herman F. Nelson Jr.
 Printed Name:

Permit holder
 Glen Skina Wysocki
 Printed Name:

Permit Holder BB Drift
 Jerry Luboff
 Printed Name:

Permit owner holder
 Edward Kapetch
 Printed Name:

FREN NELSON - Permit Holder BB Drift
 Printed Name: 503T 57257 E

2/2

George Matz
PO Box 15182
Fritz Creek, AK 99603
geomatz@alaska.net

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

November 10, 2009

Re: Proposal 13

Dear Board of Fisheries:

Proposal 13 represents unfinished business for the Board of Fisheries.

As you know, the Board of Fisheries gave serious consideration to a similar proposal (Proposal 121) three years ago at the Bristol Bay Finfish meeting in Dillingham. I was the author of that proposal and attended the meeting. There were many public comments on the proposal- the vast majority in support. I was impressed with how thoroughly the Board approached the idea of a fish refuge; a new concept that would protect state waters but not necessarily state land (as with a game refuge) thereby avoiding what could be irresolvable complications such as mining claims, access, privately owned lands etc. Given the newness, I thought the Board decision to refer the proposal to the Habitat Committee for more thorough review was a prudent decision.

Before the Habitat Committee completed its review, two bills were introduced in the Legislature; HB 134 Protection of Salmon Spawning and SB 67 Establishing the Jay Hammond State Game Refuge. These bills sought to accomplish essentially the same as Proposal 121 and then some, thus diminishing the need for a Board of Fisheries recommendation. But the bills got stalled in committee and died. Hence, it is time for the Board of Fisheries to revisit the idea of a Bristol Bay fish refuge and I hope Proposal 13 gets the same earnest consideration that Proposal 121 received. Furthermore, I urge the Board of Fisheries to recommend a fish refuge for the Kvichak and Nushagak Rivers. Its time has come and further delay could have serious consequences to Bristol Bay fisheries.

My word of advice during your deliberations is to be suspicious of information you receive from the Department of Natural Resources (DNR) regarding the consequences of Proposal 13. During both the BOF and Habitat Committee meetings on Proposal 121, I thought DNR's presentations were not only biased but eluded to questionable threats. Their subtle warnings had more of a tone of advocacy rather than an objective and informative review of the concept of establishing a fish refuge.

For example, DNR's written testimony to the BOF (November 17, 2006) suggests a "takings" issue and warns that existing mining claims "cannot be taken away by the refuge proposal."

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DNR's statement totally ignored that Proposal 121 was limited to state waters and that mining claims do not include water. With Proposal 121 and Proposal 13, all that is being done is setting a legitimate standard that puts priority on protecting preexisting rights to a resource (fish). If development of a mining claim is compatible with fish (i.e., has no impacts), then a fish refuge is inconsequential to mining. Where is the takings? Proposal 121 clearly recognized this and stated "if nonrenewable resource developers are able to internalize their costs and achieve 'no net loss' of the regions fisheries, not only would they be unaffected by this proposal, but they should support the proposal to demonstrate their level of confidence in achieving 'no net loss.'"

In another scare attempt, DNR said that Proposal 121 "creates a very long, thin refuge that will be difficult to manage." The fish refuge would protect the biological integrity of a river and rivers, unlike open-pit mines, tend to be long and thin. Management would not be that much different than managing a Wild and Scenic River which occur nationwide. In fact, there are a few in the Bristol Bay region.

Perhaps revealing that there might not be compatibility between wild fish and open-pit mining, DNR defends mining interests when stating "Northern Dynasty has asserted that there would be 'no net loss of the regions fisheries' which suggests that mitigation of some sort might be employed to compensate for habitat loss that might occur on-site. The creation of a Fish Refuge could preclude beneficial off-site mitigation as a means of addressing habitat impacts within the development area." Protection of habitat does not seem to be an option.

The first Habitat Committee meeting on January 11, 2007 included presentations by state agencies regarding their permitting authority with respect to Proposal 121. Although Proposal 121 clearly applied to only state-owned waters, a presentation by DNR ignored this limitation. Instead, it focused on SB67 which sought to create a game refuge that protected both land and water. Accordingly, emphasis was placed on several land-based issues (e.g., state and local government land selections) and DNR proceeded to expound on all the land management complications that would result because of a refuge.

Their apparent attempt to confuse the issue worked and some Committee members openly worried about consequences that might apply to SB 67, but not Proposal 121. Frankly, I thought this was a dishonest and misleading tactic by DNR which exposed their bias for aiding mine development even at the expense of fisheries. While I do think that DNR's permitting process will try to mitigate the impact that open-pit mines might have on fish habitat, given current permit requirements, I don't think their mitigation will be to the extent that it might jeopardize the feasibility of a mine - even if that's what it takes to achieve "no net loss" of Bristol Bay wild fish stocks. But creating a fish refuge will change that.

While resurrecting these issues from the recent past might seem superfluous, I think it does serve an important purpose with respect to Proposal 13. Although there have been changes, I think the objections that DNR had with Proposal 121 will be recycled with Proposal 13. I hope I am wrong, but it's up to DNR to demonstrate who they work. Is it mining industry clients who pay the salaries of numerous DNR employees or the public? While I don't have a problem with permit applicants paying for complicated and expensive staff review of projects, I do think it tends to lead to unacceptable coziness unless there are rigorous ethical standards that define the

relationship. But rigorous standards take away discretion, and that has not been the inclination of DNR for the past few years.

I appreciate the opportunity to submit this testimony. I firmly believe that a fish refuge for the Kvichak and Nushagak Rivers is the best balance between resource protection and resource development. A refuge compatibility test assures that costs are internalized so that the utilization of one natural resource does not "take" from another. If internalizing costs jeopardizes the economic viability of developing a resource, then it is not truly feasible.

Sincerely,



George Matz

November 6, 2009



Katmailand
Inc.

BOF Comments
Boards support Section
Alaska Dept. of fish and Game
Box 115526
Juneau AK 99811-5526

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Re: Proposal 8, Change regulations on Brooks River and American Creek to read the same as Savonoski River.

This comment is in opposition to the proposed regulation change.

To Whom It May Concern,

My name is Raymond F. Petersen a.k.a. Sonny Petersen. I operate Katmailand Inc. and Katmai Air, LLC.

Katmailand is an Alaska company that operates Brooks Lodge, which is adjacent to the Brooks River and is one of the oldest National Park Service concession facilities in Alaska. Katmailand also operates the Grosvenor Lodge from which we access American Creek by Jet boat.

Katmai Air operates Kulik Lodge and provides lodging and recreational services to visitors within Katmai National Park. Katmai Air also provides air and jet-boat transportation to fishing areas in the Park and to surrounding areas as well as fly fishing instruction and professional fishing guide services to visitors.

First, let me say that we have been sport fishing on the subject creeks since the 1950's. My father, Ray Petersen, founded our lodges in 1950. Needless to say I am very familiar with the fisheries and the activities that occur there.

Here are a few facts:

1. The Savonoski River is a glacier fed stream. During the period during which fishing is open during the summer it is so turbid because of the glacial silt and from volcanic ash that you can't see more than three

Located in Katmai National Park

Public Comment #

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Websites: www.katmailand.com or www.bear-viewing.com • E-mail: info@katmailand.com

4125 Aircraft Drive • Anchorage, Alaska 99502 • 907-243-5448 • Toll-Free Reservations 800-544-0551 • Fax 907-243-0649
BROOKS LODGE • KULIK LODGE • GROSVENOR • KATMAI AIR • KATMAI-BRISTOL BAY FLOAT TRIPS

1/2

inches into the water. Virtually no sport fishing happens in the Savonoski. In fact, the only human traffic it gets is a few folks with canoes and/or kayaks. They may wet a line, but I would be shocked if they had any success.

2. As you probably know, Brooks River has become a popular spot for bear viewing and has become highly regulated and monitored by the National Park Service. The Park Service has identified many management issues on the River. Erosion below the bridge due to Sport-fishing activity has never been mentioned as a problem.
3. From June 9 when fishing opens until September 30 each year, we fish both the Brooks River and American Creek almost daily from our Lodges at Brooks Grosvenor and Kulik. Use of the American Creek by local fishers from King Salmon is nonexistent because from a practical standpoint, it is essentially not accessible from King Salmon by boat. Their sport fishing use of Brooks River is sporadic at best, probably because of the bear and visitor activity there. Again, no one fishes the Savonoski.

Harvesting of Rainbow Trout in almost all of the Bristol Bay drainages is currently prohibited during the summer for obvious reasons. Brooks and American Creek should not be exceptions. Furthermore, the regulations as currently written are, in my opinion, entirely appropriate. Any comparison to the Savonoski, where no fishing occurs, is entirely irrelevant.

Sincerely;



Raymond F. Petersen
Katmailand Inc and Katmai air LLC
President/Manager

Attention: Board Of Fish Comments

Board Support Section
Alaska Department Of Fish & Game
Box 115526
Juneau, Alaska 99811 - 5526

P O Box 82
Naknek, Alaska 99633

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In Reference to the Board Of Fish Proposal 13.....

Dear sirs,

My name is Marilyn A. Hansen, lifelong resident, born at the Kanakanak hospital in 1950. Currently a resident of Naknek since 1975.

We, as family have a stake in our commercial salmon fishing industry, with ownership of both a commercial salmon drift and set net fishing permit operations since inception. As a family we have commercial fished every salmon fishing district in our region including Ugashik, Egegik, Nushagak, Naknek - Kvichak, and Togiak as well.

Every year our family applies for subsistence use and sports fishing use permits which allows us to catch the different salmon species so abundant from our nearby lakes, rivers and streams. We then can, smoke and freeze our catches for winter use sharing with extended families including our elders, our children, our grandchildren and other extended family members and friends.

As local native families living here today, passed down from our ancestors, to us, to our children, to our grandchildren, salmon is our way of life. It is how we live. It sustains us. God willing, we will continue to live this lifestyle well into the future.

Therefore we are only asking that you continue to take huge steps to protect our lands, our lakes, our watershed of our Bristolbay Region for generations to come Thank you so much.

Sincerely,


Marilyn A Hansen


WOMEN'S FLYFISHING®

Instruction • Float Tubing • Fly Tying • Guided Trips • Personalized Gear & Equipment Consultation

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NOV 12 2009

BOARDS

November 12, 2009

ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

To the Members of the Alaska Board of Fish;

This letter is for the purpose of urging your support for Proposal #13, which will be on the Agenda at your up-coming Bristol Bay Finfish meeting.

As we all know, Bristol Bay is one of the world's most unique and productive salmon fishery, and it needs your protection. The health and productivity of both the Kvichak and Nushagak river environments are at significant risk from proposed mining in the area if actions are not taken to safeguard them.

The area's fisheries clearly sustain the region's economy, its subsistence use by local residents, and its commercial and sport fishing and hunting occupations and visitors industry. Their destruction will have a devastating effect on the area.

Proposal #13 recommends the establishment of a fish refuge and additional regulatory protections for the area. Those recommendations should be passed. Please vote in favor of it.

Thank you for your consideration.

Sincerely


Cecilia "Pudge" Kleinkauf
Owner, Women's Flyfishing®

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November 11, 2009

Alaska Department of Fish and Game
Boards support section
Juneau, Alaska 99811

Re: Proposal 13

Board members:

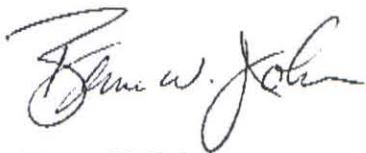
I am a 57 year old, fifth generation commercial salmon fisherman, I fish Columbia River and Bristol Bay, Alaska.

I have watched industrialization, urbanization, and habitat degradation destroy once mighty salmon producing rivers.

Bristol Bay is one of the last "great places" left for natural salmon production, due in part to you and your predecessors' fastidious management policies.

Bristol Bay deserves your continued unwavering support.

I urge you to support proposal 13.



Bruce W. Jolma
460 NE Alder St.
Clatskanie, OR 97016
SO3T 65597C

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BOARDS

November 12, 2009

Members of the Board of Fish
Alaska Boards Section: Board of Fish
PO Box 115526
Juneau, AK 99811-5526

RE: Proposal 20-Allow one person to own two permits and fish them.

Please vote YES on this proposal

In the past few years, it is becoming increasingly difficult for my fishing operation to be profitable. Reducing the total number of vessels on the water has been paramount for the long-term economic viability of the Bristol Bay fishery. Each year my expenses continue to increase, particularly with regards to fuel and insurance. Allowing for me to invest in a second permit would allow me the additional opportunity of fishing an additional shackle of gear. This could help make an unprofitable season profitable.

Bristol Bay salmon are often considered the starting point or the low point within the salmon marketplace. Increasing value of salmon for all fishermen should be worth considering as the board considers each of these proposals.

Cost of entry may increase for new entrants, but the slurry of loans and grants available from the state, the federal government, the Bristol Bay Economic Development Corp and from regional marketing groups, should bridge any gaps for state residents living in the region or elsewhere in Alaska. The Marine Advisory Council provides training and education on how to run a commercial fishing business.

ADF&G and the CFEC recommended an optimum number of permits to be between 800 & 1200 vessels with one permit holder and the same report also recommended for optimal number for the BB fishery to be Economically Healthy to be between 600-1200 vessels.

Two permits on one boat, takes one boat and 600 feet of net out of the fishery.

Our Best Regards,

Bruce Whiting



Colleen Whiting



Box 13012
Everett WA 98206-3012

Attn: BOF COMMENTS
Boards Supports Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526
FAX: 907-465-6094

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From: Eli Kriegh, Kvichak Setnetter
Bristol Bay Proposals

PROPOSALS 17,18 and 19

I favor these proposals. They help family operations and allow more income in these hard economic times.

PROPOSAL 34

I oppose this proposal. We have tried the 84/16 (percent) ratio and it was a disaster for the setnet group. We sat on the beach for days at a time waiting for our turn. I personally knew several drift boats that would only fish for an hour or two and get the "cream," because they knew that they would have 5 or 6 openers in a row.

PROPOSALS 35 and 36

I oppose these proposals. The drift fleet hardly showed during the previous Alagnak openers, and the river is not suited for the average drift boat. Skiffs are ideal, as are our short, 25 fathom nets.

TESTIMONY

November 10th 2009

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Dear Alaska Board of Fish members :

My name is ERIC HESSELROTH. I have fished Bristol Bay for 27 years. I urge you to please decide in favor of Proposal 13. The Bristol Bay watershed supports the largest wild sockeye salmon run in the world. It is the corner stone to the cultural heritage of its people. Please put into law these additional protections before industrial development begins in Bristol Bay. PLEASE enact Proposal 13. It is vital for the protection of all future generations, in order to insure that subsistence, sport and commercial fishing can continue long after I'm gone.....

Thankyou.....ERIC HESSLROTH F/V HEIDI II



November 5, 2009

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Dear Sirs;

I would like to comment on Proposal #27, (Bristol Bay salmon) 5AAC 06.370(d)

Eliminate the 48 hour transfer period between gear types. I support this proposal.

There re not many fisherman with both set and drift permits in their name----individuals who own more than one permit will usually transfer one into another family members name so that both can be fished concurrently. However, there are a few fisherman in the Bay who have non-transferable permits, so must keep the permit in their own name, or have a no available family members to help with fishing. In these rare instances it would be beneficial to be able to transfer gear types, either to meet changing conditions or to counter act an equipment failure. As it stands, if I am drifting and my boat has major mechanical difficulties, I am down for at least 48 hours, even though I own a setnet site and permit. Over the past several seasons, there are only a couple of permit holders who transfer back and forth from set to drift.

This proposal seems a reasonable one as it puts no more gear in the water and it is likely to help local residents more than any others---in many instances.

Thank you,

John Schandelmeier

Danny M. Togiak
P.O. Box 192
Aleknagik, AK 99555

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NOV 16 2009

BOARDS

November 16, 2009

Memorandum For: Board of Fish

Reference to: Comments on Proposals

1. I am in support of all the subsistence proposals that were submitted for the safety of locals and whatnot.
2. I am against proposal #6, the spawn on kelp needs to be left alone for all of the subsistence gatherers in Bristol Bay and second it will slowly diminish the herring stock if it is being tinkered with. I remember when the herring used to be in great abundance (during my teens) and we could not wait to get out of high school to go fishing for herring (not nowadays). That is when it used to be just a Gillnetting fishery, after the institution of the seiners, slowly but surely the stock diminished and so did the value of price per ton. The herring fishery used to last till near the salmon fishing season (mid to late June), the spawn on kelp used to be in very good quality, nowadays it is not comparable to when it used to be. I strongly support # 13 for the sake of our fishing industry and wildlife.
3. I am against the proposals 14-21, leave the fishery as is, let the setnetter's leave their gear in the water for safety of their crew, drifters can fish below their marker's, at required distance and also makes the fish swim upriver for escapement goals. Leave the vessel limit as is and make it stay that way for good. Double stacking of permits should just go away, it never should have been allowed in the first place.
4. As for the Togiak district fishing, it is a small fishing district and like I said, no double permits or 200 fathoms of gear are to allowed in the district whatsoever. As for the Elimination of the super exclusive status of the Togiak district, it needs to be either left alone as is or adjust it to the end of July (extend the Super Exclusive status). The fishermen of Togiak, see the outsiders (32' x 16' wide boats) and it is time to move into shallower waters and quit before getting rammed by the outsiders. For the past 2 to 3 years, since the input of more fishing time for drifters at the Igushik section of the Nushagak district, we have seen low fish numbers going into the Togiak district and our catch rates have gone down drastically, especially for the drifters. The district is in need of more enforcement presence, there is too much piracy going on when there is no presence of ADF&G. Especially when the outsiders show up, the setnetters are being corked off big time, especially at the anchor point area.
5. The 48 hour transfer should be left alone as is and for the General district, we do not need it, will wipe district after district, when instituted, like the herring fishery, slowly but surely.
6. Leave the fishery as is, except that the super exclusive status in the Togiak district be extended till the end of July, for the fishermen in Togiak do not see good fishing till mid or late July, why let others that have had a productive season elsewhere come in and take away the only income for the residents of Togiak. This is basically their income, for there are hardly any other jobs during the winter months, it is subsistence gathering time after the fishing season is over.

Danny M. Togiak

Public Comment #

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