

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

RECEIVED
NOV 17 2009
BOARDS

TO FAX: 907-465- 6094

FROM FAX: 541-938-5757

Re: Proposal Comments for Bristol Bay Finfish Meeting 2009

These comments are submitted on behalf of our family setnet operation in the Nushagak district of Bristol Bay. We own and operate 4 permits

Proposal 14 - Removal of setnet gear during drift periods – OPPOSED

This proposal would create undue hardship upon setnetters by requiring them to remove setnet anchors, pegs, buoys, and running lines before and during any driftnet-only opening. Setnetters use these devices to mark their sites and in some cases permanently anchor and operate their nets. These permanent locations are also used to help resolve site conflicts between setnetters. Many setnetters spend several days or longer deploying these devices making it impossible to remove and reset them for each opening. There is a long established historical precedent involving the use of said devices. This proposal would effectively eliminate many setnetters from participation in the Bristol Bay fishery.

Proposal 15 - Elimination of 32ft rule – OPPOSED

This proposal would force many smaller, locally owned drift fishers out of the fishery. It highly favors existing "highliners" who can afford to build larger boats. It will make an already very effective drift fleet even more efficient by allowing boats to fish longer without delivering. Setnetters who most times find themselves behind on the allocation in their districts, will be further behind as the drifters catch more fish.

Proposals 17,18,19 - Setnet Permit stacking - SUPPORT.

This proposal helps family setnet operations that fish more than one permit. The Board should consider the same arguments that allowed a similar proposal to pass that involved Kodiak setnetters.

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Proposal 31 – General District - OPPOSED.

This proposal is highly allocative in that it favors the drift fleet and their ability to catch fish early in the season. Although these fish that are caught by the drift fleet early on are assessed to their allocation, it forces the setnet fleet to begin the season behind on their percentage. The only way we would consider supporting this proposal would be if setnetters be allowed to fish in the General District along with the drift fleet as well as concurrently fish in their normal locations.

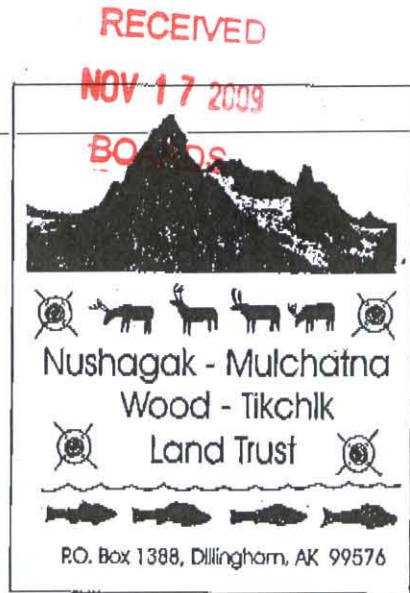
Richard R. Madson	Kathryn K. Madson
P.O. Box 485	P.O. Box 485
College Place, WA 99324	College Place, WA 99324
S04T60711P	S04T55946E
Nushagak setnetter- 50 years	Nushagak setnetter-50 years

Kristi K. Christofferson	Bryon J. Wilson
P.O.Box 1219	29215 W. 50th St.
Kodiak, AK 99615	Minneapolis, MN 55410
S04T607121	S04T60289V

PAGE 2 OF 2

Public Comment # 60

November 16, 2009
ATTN: BOF COMMENTS
Alaska Department of Fish and Game
Bristol Bay Finfish
Fax: (907) 465-6094



Testimony in favor of Proposal 13.

THE BOARD OF FISH SHOULD ENCOURAGE THE LEGISLATURE TO ESTABLISH A PROTECTED AREA FOR SALMON IN BRISTOL BAY IN WHICH ALL WATERS ARE PRESUMED ANADROMOUS AND INSTREAM WATER FLOW AND VOLUME ARE AUTOMATICALLY RESERVED FOR FISH

Members of the Board:

I would like to express the support of the Nushagak-Mulchatna / Wood-Tikchik Land Trust for Proposal 13 requesting the Board of Fish recommend the Legislature establish an area within Bristol Bay in which greater protections for salmon will be provided.

The Nushagak-Mulchatna / Wood-Tikchik Land Trust was formed in 2000 in Dillingham by representatives from the Nushagak River village corporations, local sport fishing lodges, and regional tribal organizations. The Land Trust was started primarily to create an organization that could address a shared concern that a large part of the land that provides freshwater habitat for the Nushagak watershed is in private ownership or unprotected public ownership. The mission of the Land Trust is to preserve habitat important for maintaining the salmon and other species that support subsistence and the local economies within the Nushagak and Togiak River watersheds.

In the last nine years the Land Trust has helped purchase fee title or conservation easements for nearly 22,000 acres of land from local individuals and village corporations organized under ANCSA. In addition, the Land Trust was a founding member of the Southwest Alaska Salmon Habitat Partnership. The partnership recently received formal recognition as the sixth National Fish Habitat Partnership under the National Fish Habitat Initiative sponsored by Federal and State fish and wildlife and conservation agencies, including the ADF&G. Since its formation in 2001, the Partnership has raised over \$14 million dollars to purchase and protect roughly 90,000 acres of important freshwater salmon habitat, most of it in Bristol Bay.

There are two primary reasons the Land Trust favors the establishment of greater protections for salmon habitat in Bristol Bay:

1. The Native village corporations with whom we work are more likely to continue to manage their lands in a manner consistent with protecting salmon habitat if there is some certainty that their effort will not be undermined by future developments on State lands or in State waters that may undermine their efforts;
2. Our ability to raise private funds to purchase conservation easements on habitat sensitive private lands surrounded by general use State lands will improve

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because private foundations and individual donors will more likely invest in the protection of private parcels surrounded by State land or waters that have a greater measure of protection for habitat.

Should the Board decide to recommend to the Legislature that greater protections for salmon be implemented in Bristol Bay, we urge the following be among those protections:

1. Broader Application of the Anadromous Fish Act. Given the great likelihood that any given stream reach in Bristol Bay will have salmon or other anadromous fish in it, our recommendation is that a protected area in Bristol Bay provide salmon a measure of independent standing under the Anadromous Fish Act (AS 41.14.870-900) within the boundaries of that protected area. Standing could be achieved by establishing a legal presumption that all streams within the protected area are included in the Anadromous Waters Catalog and subject to the protections accorded to streams within the catalog. Such an automatic inclusion in the Anadromous Waters Catalog will not prevent development in Bristol Bay, merely shift the burden to a permit applicant who proposes to disturb a stream to prove the stream is not anadromous, rather than the current practice of placing the burden on the State or private individuals who wish to protect salmon in a stream to prove the stream is anadromous.
2. Broader Application of the Water Use Act. Salmon should also be granted a measure of independent standing under the Water Use Act (AS 46.15.145) within the boundaries of a protected area in Bristol Bay. Such standing could be created by establishing automatic priority instream flow reservations in all of the waters of Bristol Bay for salmon. Again such a modification to existing law would not prevent development. Rather it would merely shift the burden to the permit applicant who wishes to withdraw water from a stream to show that its withdrawal will not reduce water levels below that needed for fish, rather than the current practice of placing the burden on the State or private individuals to file reservations and spends hundreds of thousands of dollars on data collection to show how much water must remain in a stream for fish.

Alaskans through the enactment of the Anadromous Fish Act and the Water Use Act recognized that salmon and other fish needed some basic protections. However, the protections are not automatic. In order for salmon to have these protections someone must step forward to spend the money and time necessary to secure for the fish the protection these laws contemplate. A protected area in Bristol Bay should be an area in which we assume all waters support salmon and enough water volume and flow is automatically reserved for them. These simple modifications to existing laws would make it unnecessary for the State or others to spend decades if not more than a century and hundreds of thousands if not millions of dollars to prove the obvious – that salmon are virtually everywhere in Bristol Bay and they need water to survive.

Respectfully Submitted,
NUSHAGAK-MULCHATNA / WOOD-TIKCHIK LAND TRUST

Bud Hodson

Bud Hodson, Acting Chairman

I support proposals 16, 17, 18, 19 - only AS
Amended

A, Allow two set net permit owners to fish off of one set net site similar to current drift permit holders fishing two permits off of one boat

B. Allow additional 25 fathoms of set gillnet when permit stacking (2 permits / site)
owners

C, currently when fishing the NRSHA two permits are allowed on one site

D, unless amended I oppose these proposals

Donald Mad 11-16-09

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Donald Mack 11-16-09

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I support proposals

Support

Prop 32 - Allowing 35 fathoms of set gillnet gear when fishing the NRSHA

- A, It helps maintain the health of our river
- B, It helps maintain the economic health of our SETnetters.

Support

Prop 24 - Eliminate Permit stacking

- A, This would close the door to future lawsuits (Hinted by prop 21- use of 300fm of gear)
- B, Bigger nets (300fm) set the stage for larger vessels (Prop 15)
- C, Longer nets (prop 21) Larger vessels (prop 15) set the stage for larger fishing districts (Prop 31)
- D, The Bristol Bay Gillnet fishery is healthy and competitive at this time. I believe eliminating permit stacking will help maintain the health of our rivers and the level playing field of our fleet

I oppose proposals

oppose

Prop 14 - Removal of all setnet gear during drift gillnet openings

- A, unreasonable and in some cases undoable
- B, Impossible during "holdover tide" openings

oppose

prop 33 Removal of all setnet gear during drift Gillnet openings in the NRSHA

A, oppose for same reasons I oppose prop 14.

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Donald Mack 11-16-09

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BOARDS ANCHORAGE

I oppose Proposals 16, 17, 18, 19 AS they stand

I oppose these proposals for the following reasons

A, by allowing one setnetter to own and fish two setnet permits (100 fm) we must allow drift permit holders the same rights or lawsuits will follow as hinted in prop 21, this would be costly for our State

15 - I oppose larger vessels in Bristol Bay

A, Larger boats require larger areas, which I oppose

B, Larger boats want more gear

C, when a fleet becomes too efficient the resources suffer from unexpected and unrelieved over fishing

Prop 20 I oppose this proposal because one person owning two permits will demand a full complement of gear (300 fm)

Prop 21 I oppose this proposal because of the following

A, as stated more gear means bigger boats

B, as stated more gear means bigger boats which means larger fishing areas

C, more potential for cutting nets adrift when safety becomes an issue

D, more potential for unlawful giving away of gear full of fish to another vessel for safety reasons

Prop 31 I oppose this proposal for the following

A, Interception of fish stocks bound for other rivers

B, Bad management would result

C, excludes set net Participat

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Re: Proposal Comments for Bristol Bay Finfish Meeting 2009

Given the volume of comments the Board receives, these comments are submitted on behalf of 11 setnet permit holders affiliated with two "family setnet operations" that have operations in both the Nushagak and Igushik Districts.

**Proposal 13 - Bristol Bay Fish Refuge
SUPPORT.**

The Bristol Bay drainage is undergoing increasing mineral exploration that poses unacceptably large risks to the world-class wild salmon ecosystems of Bristol Bay. Given Bristol Bay's uniqueness, greater protections should be in place than those afforded under the existing permitting and regulatory scheme. Adoption of this proposal will contribute to the preservation of the livelihoods of subsistence, sport, and commercial fisherman who depend on an untrammelled watershed.

**Proposal 47 - Makes traveling through Snake River Section illegal if fish onboard.
STRONGLY OPPOSED.**

Adoption of this proposal will comprise navigability and thereby detrimentally impact the safety of setnet fishers. For safety reasons, skiff fishermen predominantly travel close to the shoreline. This proposal effectively eliminates a setnet fisherman's ability to safely travel on the Westside of the Nushagak District. This proposal impacts setnet operations that register permits in both Igushik and the greater Nushagak District. This proposal would increase the danger of transporting fish out of the Igushik District and Coffee Point subdistrict. During times of abundance, tenders get "plugged." Fishers who seek to maximize the available harvest and avoid wanton waste often travel to other subdistricts to sell their catch to tenders with available capacity. We support prohibition on illegal fishing within the Snake River Section, however this should be accomplished through more rigorous enforcement rather than restricting navigability.

**Proposal 14 - Removal of setnet gear during drift periods.
OPPOSED**

Setnet screws, anchors, pegs, anchor lines, buoys, and running lines are permissibly used pursuant to existing regulations. The fishing methods employed by setnet fishers have a long established historical precedent. Practically, the only feasible times to install and remove these devices are during the spring and fall. This proposal would virtually eliminate setnet fishermen's ability to effectively participate in the harvest of Bristol Bay salmon.

**Proposal 15 - Elimination of 32ft rule.
OPPOSED**

This proposal would unnecessarily lead to further "capital stuffing" within an already overcapitalized fishery. Additionally, the adverse effects of this proposal on small boat fisherman and local communities would be profound. There is obviously an economic argument in favor of this proposal. However, the Board is vested to consider more than economic efficiency in its decision making process. Our position is the detrimental sociocultural and socioeconomic effects far outweigh the economic benefits of this proposal. There are better tools available to the Board to address the economic challenges facing the fishery.

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Proposals 17,18,19 - Setnet Permit stacking.

SUPPORT.

An in-depth restructuring proposal was submitted by Dylan Braund and Tom Rollman Jr. in addition to Proposal 17.

Proposal 31 – General District

OPPOSED.

This proposal is highly allocative in favor of larger drift vessels at the expense of smaller boat drift fisherman and setnet fisherman. A general district harvest sets up a situation where setnet fishers begin the season behind in the allocation. Given the Department's mandate for biology to take precedence over allocation, it is practically difficult for the Department to effectively balance the allocation percentages once a wide disparity in catches emerges between the respective gear types. We are opposed to adoption, but if the Board elects to adopt this proposal, we would advocate for two additional criteria be added:

1. Setnet fishers would be allowed to fish the general district: with no shore-side restrictions (to ensure adequate access for all the setnet permit holders given the finite beach sites in the proposed General District); and setnet openings would occur for greater durations than the drift fleet (to account for setnetters higher susceptibility to weather conditions on the open ocean rather than the locations where setnet fisherman have historically fished);
AND
2. Setnet fishing periods would mandatorily open in the historical districts concurrently within with General District openings to provide opportunity for setnet fisherman who fish with pickup trucks or who don't have access to seaworthy skiffs.

Proposals 40,41 – Dude Fishing

SUPPORT

This proposal provides increased economic opportunity for fishermen and only has de minimis effects on escapement and the harvestable surplus of salmon.

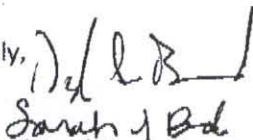
Proposal 42 – Wood River Management Plan

SUPPORT

This proposal provides the Department with greater management flexibility to meet allocation percentages and prevent overescapement into the Wood River.

Thank you for your time and consideration on these matters.

Sincerely,



Dylan and Sarah Braund
2409 Marilaine Dr.
Anchorage, AK 99517



Curtis Olson
Box 661
Broadus, MT 59317

Comments submitted on behalf of the following Setnet permits holders:

Sarah J. Braund - S04T 59970 N	Curtis Olson - S04T 59875 Q	Stephen Olson - S04T 58959 A
Dylan S. Braund - S04T 60084 Q	Brock Olson - S04T 60193 G	Tammy Olson - S04T 64849 C
Nicholas Shepherd - S04T 58444 W	Hans Reed - S04T 60856 C	John Williams - S04T 59580 B
Mathew Williams - S04T 60963 H	Joseph Phillips - S04T 57362 A	

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 Alaska Dept of Fish and Game
 P.O. Box 115526
 Juneau, AK 99811-5526
 Fax: 907-465-6094

RECEIVED
 NOV 16 2009
 BOARDS

November 15, 2009

Dear Board of Fisheries,
 Please accept my comments as follow regarding proposals 37 and 39:

Proposal 39 – 5AAC 06.365

I am writing to **oppose** Proposal 39 regarding the removal of Set Net gear during closed set net periods.

The Set gillnet fishery is a fixed gear fishery. Set net gear does not pose hazards to navigation if the sites are properly marked and the skippers navigating the waters of the Egegik district pay attention. The majority of set netters have leases from the Alaska Department of Natural Resources (DNR) for their sites. This lease gives the leaseholder first priority to use a shore fishery site for commercial salmon setnet fishing on state-owned tidelands. The fishery is not just a day to day event. It is a season. The proposal will disproportionately harm the setnet fishery because setup/removal of fishing gear can be time consuming and in most instances can only be done during certain tidal conditions. Removal of setnet gear would preclude the fisher from taking full advantage of their shore fishery lease. The pace of the Bristol Bay fishery makes this proposal physically impractical for the set netter.

Because set gillnet gear is fixed there is no "reckless disregard" for commercial fishing gear as is in the Alaska Statute 16.10.055 referenced in the proposal. Set netters are required to mark their sites with buoys (white and red and a light at night). This marking identifies to drift fishermen and other persons navigating the waters that there is fixed gear. The gear is not a hazard to navigation if the skipper uses the buoy markings for their intended purpose...to mark the end of a set net.

The only beneficiary of this proposal is the skipper who recklessly chooses to disregard the signs available to them regarding navigation requirements in the Egegik waters.

I urge you to vote against adoption of Proposal 39.

Thanks for your time.
 Christu Mast
 Egegik Setnetter
 7745 33rd Ave NW
 Sa Hu, WA 98117

999 N AK Dept of Fish + Game
Boards Support Section
907-465-6094

Alaska's Finest Fly Out Lodge Since 1970

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To Whom It May Concern,

As business owner of the Royal Coachman Lodge on the Nushagak drainage, **we would like you to support Prop 13**. As a fishing lodge that spends around \$700,000 a year we are an important part of the Southwest Alaskan economy. The health of the fisheries is of paramount importance to the success of our lodge.

Our clients come from around the world to fish with us. They have many choices. If the fisheries ever fall below the healthy fisheries we are used to, we would go out of business.

We are a sustainable business that only depends on the health of our fisheries for its success. We have fished the world around and the Kvichak and Nushagak drainage have some of the best fisheries resources we have ever seen.

Every year more and more fisheries around the world fail due to mismanagement. The fisheries that are well managed are only becoming more valuable every year.

We should take every precaution to protect this unique area. Please do not miss the opportunity protect this resource.

Please call me if you have any questions.

Sincerely,

Pat Vermillion

Royal Coachman Lodge

Nushagak River, Alaska

pat@sweetwatertravel.com

Comment #

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ALASKA DEPARTMENT OF FISH AND GAME
Boards Support Section
P.O. Box 115526 Juneau, AK 99811-5526
(907) 465-4110 (907) 465-6094 FAX

To Whom It May Concern,

As business owner of the Copper River Lodge on Lake Iliamna/ Kvichak drainage, we would like you to support Prop 13. As a fishing lodge that spends around \$300,000 a year we are an important part of the Southwest Alaskan economy. The health of the fisheries is of paramount importance to the success of our lodge.

Our clients come from around the world to fish with us. They have many choices. If the fisheries ever fall below the healthy fisheries we are used to, we would go out of business.

We are a sustainable business that only depends on the health of our fisheries for its success. We have fished the world around and the Kvichak and Nushagak drainage have some of the best fisheries resources we have ever seen.

Every year more and more fisheries around the world fail due to mismanagement. The fisheries that are well managed are only becoming more valuable every year.

We should take every precaution to protect this unique area. Please do not miss the opportunity protect this resource.

Please call me if you have any questions.

Sincerely,

Jeff Verrillion

Copper River Lodge

Lake Iliamna/ Kvichak drainage, Alaska

jeff@sweetwatertravel.com

Public Comment #

66

Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811
FAX: (907) 465-6094

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Dear Board of Fish Members,

We are a group of set net fishermen in the Kvichak district. Many of us are third generation Bristol Bay fishermen. Please consider our views during your decision making process as written below. We sincerely wish we could attend in person, but are unable to take the 8 days necessary away from our off-season full time jobs. Our friends from the Kvichak Set Net Association will be present at the meeting to further our views in person.

Please see a list of permit holders and signatures at the end of this document. Thank you!

Proposal 14 which would require the removal of set net gear during any drift gear only opening.

Our Stance: We strongly oppose

Our Rational: This proposal is completely irrational. It would place significant burden on set net fishermen to remove their screw anchors, barrel kegs, and running lines on any given day. On our sites this takes an average of 4 hours work to remove, and 6 hours work to re-set the gear. We understand the proposal's desire to not get drift nets snagged up in set net gear, but as long as set net gear is properly marked with buoys and barrel kegs, this should not be an issue.

Proposal 15 which eliminate the 32 foot drift boat length requirement.

Our Stance: We strongly support with modification

Our Rational: Adding value to Bristol Bay salmon by refrigerating, processing on board, or even freezing on board is very difficult on a small work boat (we have done it and know the challenges). Current net length regulations for fishing gear groups are already sufficient to restrict harvest amounts and insure a distribution between permit holders. Allowing for a longer vessel would create opportunity for fishermen trying to pack a premium product, this would result in an increased ex-vessel value, and promise economic opportunity for permit holders. This type of proposal has been made in the past, but often the village councils have opposed it because it would create (in their minds) an unfair advantage to those who can afford to buy a bigger boat. Since the option to buy a bigger boat would be open to all, the advantage would be open to anyone. Bristol Bay salmon often have the lowest ex-vessel price of any salmon in the state, and we believe that this is primarily due to the fact of not having adequate space on board to better handle the fish once they are taken out of the water.

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Our Modification: Require that any boat longer than the 32 foot limit be allowed only for a permit holder who is either a licensed catcher-processor or direct marketer.

Proposal 16 which allows for the ownership of two permits, and allows said owner to fish those permits at the same time.

Our Stance: We strongly support

Our Rational: Currently a Bristol Bay fisherman is unlikely to earn a living wage from operating a single permit fishing operation. Allowing a single person to own two permits would increase the likelihood of earning a living wage. Please make this possible for set net fishermen too as stated in the proposal.

Proposal 17 which would also allow ownership of two permits and allow said owner to fish those permits legally at the same time.

Our Stance: We strongly support

Our Rational: For reasons explained in our rational for the above proposal 16. We strongly support this proposal because it would create more opportunity for earning a living wage in Bristol Bay.

Proposal 18 which would allow ownership of two set net permits by a single person, and allow said owner to fish both permits at the same time.

Our Stance: we strongly support

Our Rational: For reasons explained above regarding proposal 16 and 17.

Proposal 19 which would allow two drift permits to be owned by a single person

Our Stance: we support

Our Rational: It would create more opportunity for earning a living wage in Bristol Bay.

Proposal 32 which would increase the amount of net that set net permits may fish in the Naknek River Special Harvest Area.

Our Stance: we support

Our Rational: It will stop over escapement into the Naknek River.

Our Modification: Change from 35 fathoms to 37.5 fathoms so that existing nets can easily be modified to fish this new rule. Taking one 25 fathom net and splitting another 25 fathom net to create 37.5 fathoms is much more practical since the two 12.5 fathom nets can easily be re-joined for regular district fishing.

Proposal 33 which would require removal of all set net gear during Naknek River Special Harvest drift only openings beyond 25 fathoms from shore.

Our Stance: we oppose

Our Rational: Regulations already exist that require set net running lines to be removed during NRSHA drift only openings. Removing screw anchors would require extreme effort on the part of set net fishermen and provide limited benefit to drift fishermen.

Proposal 35 and 36 which would set an allocation limit within the Alagnak special harvest area.

Our Stance: we strongly oppose

Our Rational: It is our experience that few if any drift net fishermen ever go to the Alagnak area to fish since the river is so narrow and shallow. If an allocation plan were in place set net fishermen could potentially wait days for a single drift boat to catch their allocation. Also, the purpose of this fishery is to stop fish, and in the Alagnak river, set net fishing is more capable of stopping fish passage.

Proposal 38 which would suspend allocation percentages when the number of drift boats registered for the district falls below 400

Our Stance: we support

Our Rational: we experience the same problems in other districts because the number of drift boats changes, but the number of set net permits remains constant. One season in the NRSHA set net fishermen waited 9 tides before the drift fleet caught up their allocation. During this time there were very few drift boats in the district, and many of those boats were only fishing short portions of the tide.

Please see signatures on the next page:

SIGNATURES:

Permit Holder

T 55823

Rian Ten Kley x Rian Ten Kley

T 60872

Krystal Ten Kley x Krystal Ten Kley

T 65025

Reid Ten Kley x Reid Ten Kley

T 60928c

Eike Ten Kley x Eike Ten Kley

Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811
FAX: (907) 465-6094

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Dear Board of Fish Members,

We meant to include this comment in our previous letter to you. Please accept this additional comment.

Proposal 34 which seeks to change the NRSHA allocation to 84% drift and 16% set gillnet.

Our Stance: we are strongly oppose

Our Rational: Previous regulations set the allocation in the NRSHA at 84% drift and 16% set gillnet. However, this resulted in set net fishermen not having an equal opportunity to harvest the resource. During seasons where the NRSHA is open the number of drift boats declines, and those boats that are there fish very little. Currently in 5 AAC 06.360, by saying that no gear group may fish more than 3 tides without providing a fishing opportunity to the other group this helps to prevent situations from happening where one gear group sits out for days on end waiting for the other group to catch their allocation. During the 2005 season set net fishermen in the NRSHA waited as many as 9 tides without fishing while what was left of the drift fleet tried to catch their allocation. In the years before 2005 it was not uncommon for set net fishermen to have to sit out 5 tides or more.

Permit Holder
T 55823

Rian Ten Kley x Rian Ten Kley

T 60872

Krystal Ten Kley x Krystal Ten Kley

T 65025

Reid Ten Kley x Reid Ten Kley

T 60928c

Eike Ten Kley x Eike Ten Kley

Public Comment # 67

Boards Support Section
Alaska Department of Fish and Game
PO Box 115526
Juneau, AK 99811
FAX: (907) 465-6094

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BOARDS

Dear Board of Fish Members,

My name is John Herrity, I have been a set net fisherman in the Kvichak district for the past 20 years. Permit # S04T59814. Please consider my input during your decision making process. Your time and hard work is much appreciated. Thank you!

Proposal 14 which would require the removal of set net gear during any drift gear only opening.

My Stance: I oppose

Why? This proposal is unrealistic and would be nearly impossible to achieve. It would place significant burden on set net fishermen to remove their screw anchors and running lines. It takes several tides to set up our sites each year.

Proposal 15 which eliminate the 32 foot drift boat length requirement.

My Stance: I strongly support with modification

Why? Adding value to Bristol Bay salmon by refrigerating, processing on board, or even freezing on board is very difficult on a small work boat. Current net length regulations for fishing gear groups are already sufficient to restrict harvest amounts and insure a distribution between permit holders. Allowing for a longer vessel would create opportunity for fishermen trying to pack a premium product, this would result in an increased ex-vessel value, and promise economic opportunity for permit holders and crewmembers. This would also allow more entrepreneurship among young fishermen and direct marketers who may be able to use a smaller catcher/freezer/processor in other fisheries.

My Modification: Require that any boat longer than the 32 foot limit be allowed only for a permit holder who is either a licensed catcher-processor or direct marketer.

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Proposal 17 which would also allow ownership of two permits and allow said owner to fish those permits legally at the same time.

My Stance: I support

Why? I support this proposal because it would create more opportunity for earning a living wage in Bristol Bay. Waiting several tides to fish is lost fishing time and lost income.

Proposal 27: Eliminate 48 hour transfer between gear types in same district.

My Stance: I support

Why? Would give individuals the ability to utilize time better and increase income. No more waiting several tides for allocation to catch up. No unfair advantage to anyone as everyone would have the same opportunity to fish both gear types.

Proposal 28 which would eliminate the 48 hour transfer period for gear type in the same SHA

My Stance: I support

Why? Would give additional opportunity for fishermen waiting several tides to fish. Give an opportunity to earn a better living on years where we are restricted to SHA.

Proposal 32 which would increase the amount of net that set net permits may fish in the Naknek River Special Harvest Area.

My Stance: I support

Why?: It will stop over escapement into the Naknek River.

Thank You,

John Herrity

Fisherman/ Direct Marketer

Bristol Bay Salmon Company

Permit # S04T59814

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Public Comment # 68

BEFORE THE ALASKA BOARD OF FISHERIES
FOR THE DECEMBER 2009 MEETING AT ANCHORAGE

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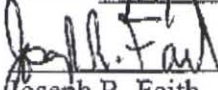
COMMENT

Opposition to Proposal 31 for a General District

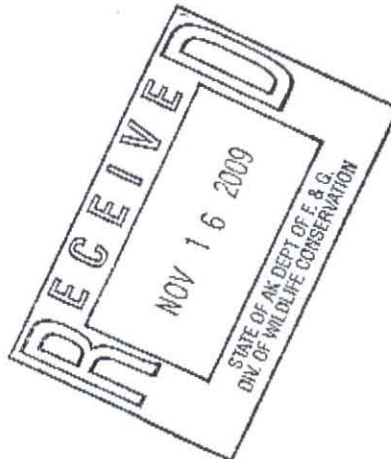
1. The General District Will Create An Unacceptable Mixed Stock Fishery

The Board should adopt rules that promote fishing as close to the home stream of a fish stock as possible. A general district will allow fishing in an area where stocks mix, creating an unacceptable mixed stock, intercept fishery. Small return fisheries such as the Igushik and Togiak are especially at risk of being negatively impacted or even decimated. It will create great difficulties for Fish and Game to manage fish for conservation, escapement, allocation between drift and set netters, and sustained yield.

Dated: 11/16/09



Joseph R. Faith
PO Box 1316
Dillingham, AK 99576
Bristol Bay Drift (S03T) Permit Holder
F/V Margo, and F/V Ketok



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Public Comment #

69

BEFORE THE ALASKA BOARD OF FISHERIES
FOR THE DECEMBER 2009 MEETING AT ANCHORAGE

RECEIVED
NOV 16 2009
BOARDS

COMMENT

Opposition to Proposals 27 and 28 to Eliminate the 48-Hour Transfer Rule

1. Eliminating 48 Hour Rule Will Promote A Disorderly Fishery

Eliminating the 48 hour rule will promote a disorderly fishery. Hot reports and high expectations will have fisherman going from one district to another. The race for fish will truly be on in classic derby style. To compete, fishermen could be traveling at high speeds long distances and under bad conditions such as bad weather, high waves, showing sand bars, and at night. I would expect more accidents and maybe even deaths.

2. Eliminating 48 Hour Rule Will Waste Capital Resources

Eliminating the 48 hours rule will also increase expenses of operation. Fuel and boat wear and tear costs will increase because fishermen will be traveling at high speeds great distances to get to another fishing grounds. We should be figuring out ways to reduce operating expenses, not increase them.

3. Eliminating 48 Hour Rule Will Cause Management Problems for ADF&G

The 48-hour transfer rule allows ADF&G to manage the conservation of the fishery through escapement, and the development of the fishery through allocation between drift and set netters. Elimination of the 48-hour rule will allow the fleet to travel anywhere, anytime. Fish biologists and managers will not be able to anticipate where and when the volume of boats will be. Currently, local stocks are protected for two days and there is control over escapement.

Dated: 11/16/09



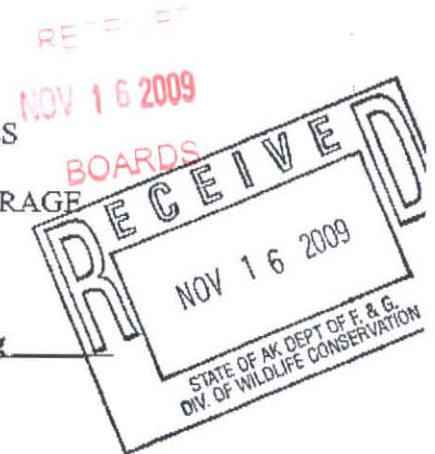
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2/7

Public Comment # 69

BEFORE THE ALASKA BOARD OF FISHERIES
FOR THE DECEMBER 2009 MEETING AT ANCHORAGE



COMMENT

Opposition to Proposals 16, 17, 18, 19, 20, and 21 for Permit Stacking

A. Other Alternatives For Profitable Fishing

There are comparatively better alternatives to improving the financial bottom line for fishermen than giving an "additional opportunity" to dual permit holders. In 2002, United States Senator Ted Stevens said, "We have a price problem, and the price comes from competition overseas."¹ The Bristol Bay Economic Development Corporation (BBEDC), and Bristol Bay Regional Seafood Development Association (BBRSDA)² are focusing on quality and increasing the price for fishermen.

Substantial progress is being made in the fishery in these areas. Ice barges, ice machines, and other equipment exist where they did not before. The vigorous, focused effort has been making a difference. From 2002 to 2008, average gross earnings for Bristol Bay drift netters and set netters increased steadily each year: driftnetters, \$21,480 (2002) to \$68,169 (2008), and b) setnetters, \$11,167 (2002) to \$24,654 (2008).³ Permit prices show the same upward movement: a) driftnetters, \$19,700 (2002) to \$89,800 (2008), and b) setnetters, \$11,900 (2002) to \$27,400 (2008). In 2009, Ocean Beauty paid fishermen \$1.05/lb. for chilled sockeye, Copper River Seafoods in Togiak paid \$1.05/lb. for chilled sockeye, and Sno Pac paid \$.91/lb for chilled/bled sockeye.

These efforts are positive for all fishermen and lift all boats. They avoid negativity and arguments among fishermen.

B. Permit Stacking

1. Eliminate Present Permit Stacking.

I ask that the Board eliminate the present permit stacking in which two permit holders can fish 200 fathom of gear. It creates two classes of fishermen. Further, it allows those with 200 fathom to cork those with 150 fathoms, creating an unfair advantage for those with 200 fathoms. It is significantly more difficult fishing against someone with a longer net. Also, when processors impose limits, those with 200 fathoms are allowed higher limits. When processors give price adjustments, those with 200 fathoms appear to be the producers and obtain the price adjustments while those with 150 fathoms may have been the better fishermen in terms of fish caught/fathom fished but do not get the adjustment.

¹ Anchorage Daily News, February 24, 2002, E-1, "Salmon Solution."

² www.bbrsda.com, Projects and Strategies, Improving Quality and Value.

³ Commercial Fisheries Entry Commission website, Fishery Statistics, Fishery Participation and Earnings, SO3T and SO4T Salmon, Bristol Bay.

2. If Don't Eliminate Present Permit Stacking, Retain Current Permit Stacking Without Modification.

If the Board is going to allow permit stacking, I ask that it retain the present permit stacking without modification. The intent of the present permit stacking was to allow a fisherman with insufficient capital to join with another fisherman to fish for their mutual benefit. The Board should limit permit stacking to this original intent.

3. Do Not Expand Permit Stacking.

The Board should not expand permit stacking to allow one fisherman to own and fish more than one permit. This creates two classes of fishermen. It favors the well-to-do over the less affluent. It will have a disparate impact on watershed residents who have fewer job opportunities than those who live in urban areas. I ask that the Board give substantial weight to the goal of AS 16.43.290(3) by considering:

the number of entry permits sufficient to avoid serious economic hardship to those currently engaged in the fishery, considering other economic opportunities reasonably available to them.

Additionally, every fisherman historically has fished the same length of net (150 fathoms) in the drift fishery. Allowing one fisherman to fish more net than another fisherman allocates fish within the drift fishery. The fisherman with more net will almost certainly catch more fish than one with less net. The Board will be dividing fish within a group that has historically fished on equal footing in terms of net.

A huge flaw with the proposals is that the real determining factor is how "rich" you are. Most fishermen I know cannot afford "\$75,000.00-\$90,000.00", or more, to buy a second permit.⁴ Only the wealthy can actually afford a second permit unless someone inherits one. The proposals do not consider time fished, investment made, a reasonable average rate of return to the fishermen participating in the fishery, avoidance of serious economic hardship to those engaged in the fishery, and other economic opportunities reasonably available to those fishermen engaged in the fishery. See AS 16.43.300, AS 16.43.290, and AS 16.43.250.

As stated above, the average gross earnings for driftnetters was \$68,169 in 2008. Substantial progress has been made. We have other alternatives that are much better than permit stacking to increase the financial bottom line for fishermen. BBEDC, a watershed organization, deserves credit for its substantial financial effort and contribution in raising the tide for all boats.

Dated: 11/16/09

Joseph R. Faith

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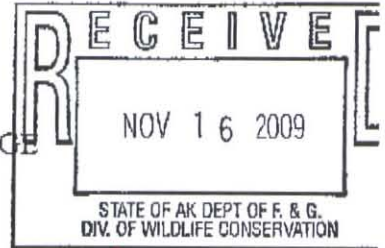
Dillingham, AK 99576

Bristol Bay Drift (S03T) Permit Holder

F/V Margo, and F/V Ketok

⁴ Commercial Fisheries Entry Commission website, Permit Value Report (SO3T) 2008-2009.

BEFORE THE ALASKA BOARD OF FISHERIES
FOR THE DECEMBER 2009 MEETING AT ANCHORAGE



COMMENT

Opposition to Proposal 15 to Eliminate 32-Footer Vessel Rule

1. 32-Footer Very Effective

The Board should make rules for the general situation, not the exception. 32-foot boats adequately handle every fishing period for almost every fisherman every year. 32-footers are more boat than is needed for the amount of fish caught almost always. One period, maybe two, a year a handful of fishermen catch a boatload. But the Board should not change the policy to accommodate such a limited circumstance. The rest of the year, these fishermen, as well as all other fishermen, have extra space on a 32-footer.

2. Proposal Promotes Race To Overcapitalize Boats And Waste Capital Resources

Allowing bigger boats into the fishery will cause overcapitalization of the fishery. Practically everything that has to be replaced or repaired on a bigger boat will cost more (i.e. engine replacement, shafts, props, RSW, etc.). Bigger boats will result in more expenses and waste of resources. We should not be figuring out ways to increase expenses for fishing operations. We should be figuring out ways to increase profits, so fishermen have more take-home pay.

Allowing bigger boats would likely set off a race to own bigger boats. To keep up, fishermen will necessarily take out loans for substantial amounts for bigger boats and create more debt load, causing more economic distress to the fishery.

On a related subject bigger boats will likely set the wheels in motion for future Board meetings at which the Board will be asked to reduce the number of permits to another optimum level. Bigger boats will have higher expenses. To justify the higher expenses, those fishermen will want more fish to pay those expenses and will want to get those fish from other fishermen.

3. Proposal Promotes Race for Fish

With bigger boats, fishermen will want to fill their boats with fish. There won't be enough fish to fill the increased capacity of the fleet. The present fleet of 32-footers can already catch more than 100% of the run. The race for fish will be on. There will be increased competition on the fishing grounds. There will be increased demands on Fish and Game from frustrated fishermen who aren't catching enough fish during the season. As mentioned above, there will more Board of Fish meetings to figure out how to accommodate the increased capacity of the fishing fleet.

On a related note, while 32 footers have the capacity to catch the entire run, processors lack the capacity to process the entire run. In 2009, processors placed

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fishermen on limit (i.e. as low as 3,500 lbs/period). I caught my 3,500 lbs. in 14 minutes and had to pull my net away from fish. It was frustrating to pull my net away from fish when I knew that I could have paid a lot of expenses and could have given my son (my crewmember) a good pay day to support his family if I had been allowed to fish. We need to increase processor capacity, not fleet capacity.

4. Quality Can Already Be Achieved With 32-Footers

Quality can already be achieved with 32-foot boats. The quality problem is not due to the length of a 32-footer. The quality problem for drift netters is due to long sets, round hauling, improper fish handling, compressing fish, holding fish too long, not cooling fish, fish pumps on tenders, and canning fish.

Increasingly more 32-foot boats have RSW and slush systems and achieve quality with both systems. The obstacle to an RSW system has little to do with the capacity of a 32-footer, but rather everything to do with the cost of installation and maintenance. Show an RSW company the money, and the RSW company will show anybody a unit (i.e. 7 ½ tons) that will work on any 32-footer.

5. Quality Is Being Addressed By Private Industry and Fishermen

Quality is being addressed by the Bristol Bay Economic Development Corporation, Bristol Bay Regional Seafood Development Association, processors, and fishermen.

In recent years, substantial progress has been made with respect to quality:

- an ice barge in the Nushagak district;
- an ice barge in the Naknek/Kvichak district;
- an ice barge in the Egegik district;
- an ice machine at the processing plant in Ekuk;
- an ice machine at the boat harbor in Dillingham.
- an ice machine at the Sno Pac plant in Dillingham;
- an ice machine at the Togiak Fisheries plant in the Togiak district.
- an ice machine used by Cooper River Seafoods in the Togiak district.

Market prices are doing an effective job of pushing every fisherman to focus on quality. In 2009, Sno Pac paid \$.91/pound for chilled/bled sockeye; Copper River Seafoods paid \$1.05/pound for chilled sockeye in Togiak, and Ocean Beauty paid \$1.05/pound for chilled sockeye.

6. Quality Depends On Individual Fishermen, Not Bigger Boats

As stated above, quality is a function of many factors such as long sets, handling fish properly, compressing fish in the holds, chilling, and so forth. A bigger boat does not mean that any of these factors will be addressed. It still comes down to how these factors are addressed by individual fishermen.

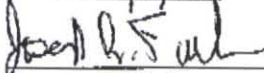
7. Claim that Fishermen Will Use Bigger Boat For Processing Is Speculation

There is also a claim that bigger boats will allow for more on-board processing. How many fishermen is this? Without actual numbers, the Board will simply be speculating and could be making a decision based on something that won't happen much, if at all. Further, nothing is stopping anybody from bringing in a bigger boat now and processing off it. That's what processors do. The opportunity to process off a bigger boat already exists.

8. Infrastructure Changes in Bay Communities Will Require Time and Money

Bigger boats will require changes for boat hauling, harboring, and storage in Bay communities. Boat haulers will need bigger trailers. Boat storage spaces will have to be enlarged. Boat harbors will have to create special areas for bigger boats, and likely are too small now to accommodate a lot of bigger boats and likely will require expensive expansion projects.

Dated: 11/16/09



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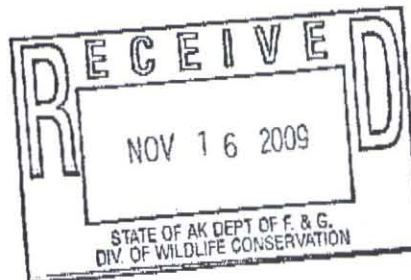
Bristol Bay Drift (S03T) Permit Holder

F/V Margo, and F/V Ketok

Diane Wetter
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November 13, 2009

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



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RE: Comments for the Bristol Bay Finfish Proposals in 2009

I am lifelong Alaska Native commercial fisherman and subsistence user. I setnet on Ekuk beach.

Proposal 13: I SUPPORT

This proposal does nothing to hinder fishing as we know it and may add additional protection to ensure fishing into the future.

Proposal 14: I am strongly OPPOSED

This proposal will make it impossible for me to fish my setnet site on Ekuk beach. I can only pull or set my anchors on minus tides. Minus tides are not frequent. All who fish such sites would be eliminated from the fishery.

Proposal 15: I am AGAINST

By removing the 32' boat limit, this proposal favors non-resident fisherman with access to more economic opportunities. It does not support local participation in an area already hard hit economically.

The less local participation there is, the less local interest there will be in managing local resources in a sustainable manner.

Proposal 16: I am AGAINST

I am against any proposal that will increase the amount of gear that can be fished by individual permit holders.

If passed, Proposal 16 will increase the fishing effort. The result could be the processor putting each permit on limit and the limit per permit will be lower. This will disproportionately reduce the opportunity for permit holders with only one permit. The single permit holder will now have more competition and due to lower limits, even less economic opportunity.

Given the economic realities of rural Alaska, this proposal favors non-resident fisherman with access to more economic opportunities. Most of the additional permits will be bought by those with money to invest.

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Public Comment #

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Proposal 19: I am AGAINST

Proposal 19 will increase the fishing effort if it is passed. The result could be the processor putting each permit on limit and the limit per permit will be lower. This will disproportionately reduce the opportunity for permit holders with only one permit. The single permit holder will now have more competition and due to lower limits, even less economic opportunity.

Proposal 20 and 21: I am AGAINST

If passed Proposal 20 would be a step towards making the fishery more exclusive as it supports concentrating permits in the hands of a few who are wealthy. Given the economic realities of rural Alaska, those few are also more likely to be non-local.

Proposal 24: I AGREE


Having more than one permit is unfair. It concentrates wealth for a few.

Proposal 31: I am AGAINST

It creates an intercept fishery. Intercept fisheries are difficult to manage. When less fish return than has been predicted, it is the terminal fishery that suffers while the intercept fishery benefits.

Taking away local participation will always be detrimental to the local economy, the habitat, and eventually the fisheries. I urge the Board to consider whether each proposal will enhance or reduce local participation.

Respectfully Submitted,



Diane Wetter

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526 Juneau, AK 99811-5526

RECEIVED
NOV 17 2009
BOARDS

Re: Support of Proposition 13

As a commercial fisher and long time Alaska resident I am concerned about the future of the Bristol Bay watershed. Plans currently being developed for hard-rock mining in the Nushagak and Kvichak River drainages, threaten the most productive sockeye salmon and rainbow trout runs in North America. Sulfide mines produce acid mine drainage, which is toxic to fish. The Alaska Board of Fisheries should recommend to the Alaska Legislature adoption of higher standards of protection for the Nushagak and Kvichak drainages so that the pristine and highly productive habitat of the region remains intact forever. The BOF should stand up for Bristol Bay before it is too late.

The Bristol Bay watershed produces more wild sockeye salmon than any other place on earth. The extraordinary abundance and stability stems from pristine habitat and genetic diversity.

Bristol Bay is now vulnerable to the threat of intense industrialization via hard-rock mining, massive toxic tailings storage lakes, roads, pipelines, power lines, and urbanization. State decision-makers have a responsibility to take action to protect the region's fishery resources. It makes sense that the most productive habitat should be afforded the highest standard of protection.

Passage of a resolution from the Board of Fisheries will send a clear message to lawmakers that they can no longer stand back, wait and see, and let the permitting process run its course. Bristol Bay is unique and irreplaceable. There is too much at risk, and too many livelihoods at stake to rely on a permitting process that was developed and designed for less productive state lands.

Arthur Bloom PO Box 42, Tenakee Springs, AK 99841



Public Comment #

71

Roseleen Moore
5140 Kachemak Dr
Homer AK 99603

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NOV 17 2009
BOARD

Attn. BOF Comments
Board Support Section
AK Dept. of Fish & Game
P.O. Box 115526
Juneau AK 99811-5526

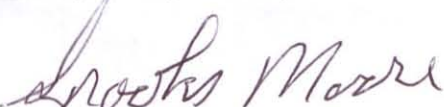
I have fished Bristol Bay for the past twenty five years and just finished my thirty-eight year of running a gillnetter in Alaska. Since I will not be in the fisheries for that many years the proposals for changes will not really help me.

But they will help the industry and bring about the changes that will increase the quality of the product and increase the price of the product. This will increase the x-vessel profits and increase the tax base paid to the Boroughs.

I support proposal Number 15-5-AAC 06.341 which would eliminate the 32 foot limit. Larger fish holds will reduce pressure on the fish and decrease bruising. Larger deck space will make it were we can handle and bleed the fish to increase value. The way we are tanking our vessels is a ticket to a disaster sooner a later. Too many of us are filling our hold with too much water and someone is going to roll over in bad wither. The larger hold will make it so this will not happen.

I support proposal Number 20-2 AAC 06.333 and any other proposal that will reduce the number of boats in the fishery. This proposal will increase vessels net income regardless if they have two permits or not.

I support proposal Number 31-5AAC 06.356 we have been on limits the past few summers because we are harvesting the run in a very short time frame. If the season was to start in early June in the general district area we could increase profits, quality and help reduce the number days we are on limit. Processors, fisherman and the government well gain by the early openings. The past few years we have allowed a large portion of the run to go on harvested. These fish are just being wasted and they are just lost profits to every one.
Thank you for your time,


Roseleen (Snooks) Moore
M/V Razors Edge
907 235 6864