

SCOMM

#36:15

IDENTIFICATION	BILL NAME <i>An act relating to the conversion of set net limited entry permits.</i>		BILL NUMBER <i>HB 481</i>
			DATE INTRODUCED <i>1/9/84</i>
			RELATED BILLS PENDING
	SPONSOR(S) <i>By ZHAROFF</i>		REFERRALS <i>Resources</i>
INITIAL RESEARCH	INITIAL SUMMARY COMPLETED	LEGAL DIVISION SUMMARY	
		DEPT OF LAW SUMMARY	
	SPONSOR CONTACTED FOR BACKUP MATERIALS	FISCAL NOTE	
	AGENCY RESPONSE	OTHER INTERESTED LEGISLATORS NOTIFIED	
BACKGROUND RESEARCH	SIMILAR BILLS INTRODUCED IN PREVIOUS LEGISLATURES		OTHER STATE OR FEDERAL PRECEDENTS, REGULATIONS, ETC
	RESPONSES FROM INTERESTED PERSONS AND/OR GROUPS		
HEARING PREPARATION	CHAIRMAN BRIEFED	DATE & PLACE SET	
	STAFF MEMO TO COMMITTEE	TELECONFERENCE	
	BACKGROUND MATERIAL DISTRIBUTED	PSA/PRESS RELEASE	
	LIST OF WITNESSES	SUGGESTED AMENDMENTS/CS DRAFTED	

COMMITTEE REPORT

HOUSE

RESOURCES

(7)

FURTHER:

1/9/84

Date: _____

Mr. Speaker:

HOUSE SPECIAL COMMITTEE ON FISHERIES

The Committee on _____ has had HB 481

"An Act relating to the conversion of set net limited entry permits."

under consideration and reports it back as follows:

- [] do pass [] do not pass
- [] do pass with attached amendments(s)
- [] replace with CS for _____ [] same title
[] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" [] New Fiscal Note
- [] reports it back without recommendation
- [] referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Introduced: 1/9/84
Referred: House Special Committee
on Fisheries and Resources

Heine
12-1571

IN THE HOUSE

BY ZHAROV

HOUSE BILL NO. 481

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the conversion of set net limited entry permits."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.43 is amended by adding a new section to read:

Sec. 16.43.185. CONVERSION OF SET NET PERMITS. The commission shall allow the conversion of a set net permit to a drift net permit within a single administrative area if the commercial fishing time available to a set net permit holder in that administrative area is reduced by 50 percent or more as a result of the adoption of a Board of Fisheries regulation that restricts the distance from shore in which set net gear may be used.

ALASKA STATE LEGISLATURE

13th... Legislature SECOND.. Session

HOUSE BILL..... NO. 481...

By ZHAROFF.....

"An Act relating to the conversion
of set net limited entry permits."

Set net permits

Introduced in the House 1/9....., 19....84

HISTORY IN THE HOUSE

19 84

Read first time and referred
to Committee on

House Special Committee
on Fisheries and Resources
Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused
Reported correctly engrossed	
Signed by Speaker	
Sent to Senate	

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Read first time and referred
to Committee on

Reported back with
recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused
Reported correctly engrossed	
Signed by President	
Returned to House	

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment
thus adopting:
VOTE

Failed to concur in Senate amend-
ment; asked Senate to recede
VOTE

Senate receded from amendment
VOTE

Senate failed to recede from
amendment
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House
VOTE

CC adopted by Senate
VOTE

To enrolling
Reported correctly enrolled
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 481
Title: related to the conversion of
set net limited entry permits
Sponsor: Zharoff
Requestor: H. Resources
Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Fish & Game
Program Category Affected: _____
Natural Resource Mat
BRU, Program or Subprogram(s) Affected: _____
Commercial Fisheries (Limited) Entry
Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0		
CAPITAL	0	0	0	0		
REVENUE	0	.5	.5	.5		

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NONE

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharman Haley
Division: Commercial Fisheries Entry Commission
Approved by Commissioner: [Signature]
Agency: Commercial Fisheries Entry Commission

Phone: 465-4081
Date: 1/18/84
Date: 1/19/84

Distribution (by Agency preparing fiscal note):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

FISCAL ANALYSIS OF HB 481

Assumptions: The Fiscal impact of HB 481 has been estimated only with respect to the Nushagak set net limitation proposal currently pending before the Board of Fish and Game. There are an estimated 30 set netters in the area. For purposes of these estimates, it is assumed that 15 of them would qualify for a drift permit, and 15 would request a hearing to determine their qualifications.

Program Summary: The most significant impact on the Commission of HB 481 is the administrative adjudications to determine whether the set netter qualifies under the legislation for a drift permit. Fifteen additional adjudications would to some degree slow the processing of the present adjudications caseload, but no additional positions or funding would be requested.

The additional burden on the Commission's licensing function would be negligible. The additional revenue from the higher renewal fees on 15 resident permits converted from set to drift would be \$525 per year.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 481
Title: related to the conversion of
set net limited entry permits
Sponsor: Zharoff
Requestor: H. Resources
Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Fish & Game
Program Category Affected: _____
Natural Resource Mgt
BRU, Program or Subprogram(s) Affected: _____
Commercial Fisheries (Limited) Entry
Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0		
CAPITAL	0	0	0	0		
REVENUE	0	.5	.5	.5		

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0		

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

NONE

ANALYSIS: Attach a separate page for analysis

Prepared By: Sharman Haley
Division: Commercial Fisheries Entry Commission

Phone: 465-4081

Date: 1/18/84

Approved by Commissioner: [Signature]
Agency: Commercial Fisheries Entry Commission

Date: 1/19/84

Distribution (by Agency preparing fiscal note):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

12/1/83

FISCAL ANALYSIS OF HB 481

Assumptions: The Fiscal impact of HB 481 has been estimated only with respect to the Nushagak set net limitation proposal currently pending before the Board of Fish and Game. There are an estimated 30 set netters in the area. For purposes of these estimates, it is assumed that 15 of them would qualify for a drift permit, and 15 would request a hearing to determine their qualifications.

Program Summary: The most significant impact on the Commission of HB 481 is the administrative adjudications to determine whether the set netter qualifies under the legislation for a drift permit. Fifteen additional adjudications would to some degree slow the processing of the present adjudications caseload, but no additional positions or funding would be requested.

The additional burden on the Commission's licensing function would be negligible. The additional revenue from the higher renewal fees on 15 resident permits converted from set to drift would be \$525 per year.

Introduced: 1/9/84
Referred: House Special Committee
on Fisheries and Resources

1 IN THE HOUSE

BY ZHAROFF

2 HOUSE BILL NO. 481

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the conversion of set net limited
7 entry permits."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.43 is amended by adding a new section to read:

10 Sec. 16.43.185. CONVERSION OF SET NET PERMITS. The commission
11 shall allow the conversion of a set net permit to a drift net permit
12 within a single administrative area if the commercial fishing time
13 available to a set net permit holder in that administrative area is
14 reduced by 50 percent or more as a result of the adoption of a Board
15 of Fisheries regulation that restricts the distance from shore in
16 which set net gear may be used.
17
18
19
20
21
22
23
24
25
26
27
28
29

SOYT permit holders who fished the
Mukagak district stat. area in 1982.

268 total, including ✓

140 women

121 men

7 whose sex we were unable to determine
from name alone (our only way of
determining sex of permit holders)

A special subcommittee of the Nushagak Advisory Committee has proposed a substitute for the Harvey Samuelson proposal to the Board of Fish concerning the outside limit of set net operations in the Nushagak area. The substitute proposal and the minutes of meetings dealing with this subject are enclosed.

A xerox copy of a marine chart with Loran overprint shows the Loran line intersection mentioned in the substitute proposal.

NUSHAGAK SET NETTERS

Fishermen who fish sites on the upper Nushagak, along the Nushagak Point line and down the east shore to the intersection of Loran lines 32400 and 45510

1. Evon Zharoff
2. Clara Mae Wren Buck
3. Andy Benedetti
4. Douglas Cooper
5. Hazel Hall
6. Scott cooper
7. Anuska Petla
8. Wm. Wilson (new, will use site for 1st time in 1984)
9. Brent Baldwin
10. Stanley Baldwin
11. David Browne Jr.
12. David Browne Sr.
13. Larry Greer
14. William T. Schmidt
15. Gary Philpott
16. George Johnston
17. Bob Wade
18. Gerald Gladden
19. Phil McCrudden
20. Bill Eldridge
21. Mike Treech
22. Leon Braswell
23. Wayne Brost
24. Fred Zharoff Sr.
25. Fred Zharoff Jr.
26. Nancy Schmidt
27. Connie Eldridge
28. Ted Schmidt
29. Clarence Wren
30. Mae Wren
31. Wren grandchild, Susie ?
32. " " , name unknown
33. " " , name unknown

The total of 33 persons includes 8 women. This list was provided by two people who fish in the Nushagak area. It is not an official entry permit list.

Special Sub-Committee
Meeting on Set Net, Drift Net Conflicts
in Nushagak District
December 8, 1983

Meeting called to order 7:35 p.m.

Committee members present:

- | | |
|----------------------|---------------------------------------|
| 1. Clarence Wren | 5. Harold R. Samuelsen, Jr. ("Robin") |
| 2. Chris Oberholtzer | 6. Victor Sifsof |
| 3. Blanche Murphy | 7. Peter Heyano |
| 4. Lloyd F. O'Connor | 8. Amelia "Olson" Christensen |

Public present: 16 persons

Staff present: Jeff Skrade, Mike Nelson and Mac Minard, Div. of Comm. Fish.,
Ron Kmiecik, Public Safety, Fish and Wildlife Protection Div.

J. Skrade recorded the minutes and opened the meeting with a brief history of how the problem developed and how we got to this meeting.

Much open discussion followed by members of the committee and the audience.

Robert Heyano made some measurements of Ekuk set net pegs and offered them to the group.

At the request of the Advisory Committee, J. Skrade, the Secretary, made a telephone survey of set net fishermen on Ekuk Beach. 14 contacts were made, 11 people estimated their distances from the beach. The average of those people was 464 ft. per net (attached).

Clarence Wren read a letter from Dave Bouker addressed to this meeting concerning the set net, drift net issue (attached).

*Motion by Clarence Wren, 2nd by Robin Samuelsen, nominating Pat O'Connor to chair the meeting.

More discussion by the folks present: Joe Clark, Carl Plier, Robert Heyano, Clarence Wren, Dr. Libby, Floyd Murphy, Don Sagmoen, Henry Strub, John Bennett, Chris Oberholtzer, and all members of the sub-committee.

*It was the concensus of the group that different distances are needed for the different beach areas in Nushagak.

*Again, much discussion and testimony was offered and the following areas were defined and the noted distances were approved, as the new regulation would read:

* (i)(3) in the Nushagak district; no part of a set gill net, anchor, peg, stake, *drag* or other device used to fasten the net at its outermost extremity may be more than:

or mean low water which ever is less

- (A) 500 feet from the 18 foot high tide mark from the Clarks Point cannery dock to an Alaska Department of Fish and Game regulatory marker at first creek;

or

- (B) 700 feet from the 18 foot high tide mark from an Alaska Department of Fish and Game regulatory marker at first creek to an Alaska Department of Fish and Game regulatory marker at third creek;
- (C) 1000 feet from the 18 foot high tide mark from an Alaska Department of Fish and Game regulatory marker at third creek to an Alaska Department of Fish and Game regulatory marker at Etolin Point.

The sub-committee discussed the West side of Nushagak district and after some debate and testimony, decided that a gear conflict did not exist there, and suggested that the current regulations remain in effect. This would include the Igushik section, and the entire West side of the district.

The sub-committee all felt that there is a considerable gear conflict on the Combine Flats area, but could not agree on the best course of action.

A series of 3 options were discussed describing the location of where set nets should be placed:

1. From the low water mark (in) 400 ft. and remain stationary in that area peg to peg.
2. Status Quo - as the present system now exists.
3. 1000 ft. from the 18 foot high tide mark.

Robin Samuelson made a proposal and then withdrew it.

*Because no agreement could be reached and because no fishermen representing the Combine set netters were present, the sub-committee decided to hold another meeting on 12/12/83 at 1:00 p.m. to discuss the set net - drift net issue in regard to the Combine Flats area only.

Several committee members agreed to call as many folks as they could reach who fish on Combine/Nushagak area and get their input and advise them of the 12/12 meeting.

*Sub-committee voted on the proposals agreed upon earlier in regard to the area from Clarks Point cannery dock to Etolin Point, and the West side of Nushagak district. Vote: 6 in favor, 1 opposed, 1 abstain. Passed!

Meeting adjourned: 11:25 p.m.

Minutes read and approved:


Lloyd F. O'Connor, Chairman, Special
Sub-Committee

Date: 12/14/83

EKUK BEACH SET NET TELEPHONE POLL 12/5/83

Questions:

1. Did you actively set net this season? (1983). How long on this site?
2. How far from the beach do you normally run your net out (outside end)?
3. Do you plant a similar operation in 1984?
4. Location of site.

Contacts:

1. Emma Aaberg/yes/1957-/? don't know/same as 1983. No changes planned.
2. Dave Bouker/yes/3rd year at this site-(600 ft.). Tempted to go out further! Upper end Flounder Flats.
3. Paul Brannon/yes/several years/ ? ft.-on gravel spit-at high water only/upper 2/3 Flounder Flats.
4. Russ Burkhardt/yes/many years - 1930's/-at Bluff 300 ft. only-going out further!
5. Raymond Heyano/yes/4 yrs./roughly 600-700 ft./yes. (Upper) Flounder Flats.
6. Margaret Schroeder/yes/long time/400 ft./yes - Bluff.
7. Dr. Libby/yes/1960/700-800 ft./yes - upper 1/3 of Flounder Flats (Rootvik).
8. Blance Murphy - Committee member!!
9. Pat O'Connor/yes/many years/450 ft./yes same as 1983/Lower Bluff 3-4 sets below D. Larson.
10. Dorothy Larson/yes/many years/400 ft./same as 1983 (on Bluff) 1 mile below Bluff start) 2 sites above Dowie.
11. Roseanne Savo/yes/1980/400 ft./same as 1983. (Below cannery) Bluff.
12. Helene Sagmoen/yes/1976-77/400 ft. - move part gear further out/7 miles from cannery/upper Flounder Flats, 4th creek.
13. Joe Hiratsuka/yes/2nd year/? est. 400+ - /same/above 1st creek (Bluff).
14. Mary Backford/yes/many years/350 ft./other site at cannery/yes (Bluff (3)).

Left message for Moses Toyakuk (Manokotak), call never returned.

(11 contacts gave distances=average 464 ft. of those 11).

KOLG NEWS RELEASE

DATE: December 9, 1983

TO: KOLG Radio

From: Special Sub Committee on Salmon Gear Conflicts in the Hushagak District.

THERE WILL BE A PUBLIC MEETING AT 1:00 p.m. MONDAY, DECEMBER 12th, AT THE DILLINGHAM COURT BUILDING TO FURTHER DISCUSS SET NET AND DRIFT NET GEAR CONFLICTS IN THE COMBINE FLATS AREA. THE RESULTS OF THIS MEETING WILL BE PRESENTED TO THE DISTRICT BOARD OF FISHERIES PUBLIC HEARING AT THE SEEDER HOUSES BUILDING ON MONDAY, DECEMBER 13th, ALONG WITH OTHER PROPOSALS CONCERNING SET NET DISTANCES IN THIS DISTRICT.

THE MEETING ON MONDAY AFTERNOON AT THE COURT BUILDING IS AN ATTEMPT BY BOTH GEAR TYPES TO REACH A CONSENSUS OF OPINION ON HOW TO SOLVE THE CONFLICTS THAT NOW EXIST. THIS IS YOUR CHANCE AS FISHERMEN TO HELP SHAPE THE DIRECTION OF YOUR FISHERY. ALL RESIDENTS WHO FISH THE COMBINE AREA ARE INVITED TO ATTEND AND PARTICIPATE.

Please air until 1:00 p.m. Monday, December 12th.

Thank you.

Special Sub-Committee Meeting #2
on Set Net, Drift Net Conflicts in
Nushagak District

December 12, 1983

1:10 p.m. Meeting called to order by Chairman Pat O'Connor.

Committee Members Present:

Blanche Murphy
Pat O'Connor
Amelia "Olson" Christensen
Victor Sifsof

Peter Heyano
Harold R. Samuelsen, Jr.
Henry Strub
Chris Oberholtzer

Doug Cooper (for Clarence
Wren)

Open discussion on minutes of last meeting of 12/8/83:

Vote 7 in favor, 2 abstain to amend last meeting minutes to add (or mean ^{low} ~~high~~ water whichever is less) on section (A) page one under (1)(3).

Open discussion regarding Combine/Nushagak area conflicts:

Pat O'Connor got 13 phone calls to the effect that if they (set net) in the mid-Combine got restricted as to movement up and down the beach, they would be out of business.

Doug Cooper - Replacement for Clarence Wren - represents 7 set net sites officially and 30 unofficially. Bluff nets up to Nushagak-no real problem. 80% of the income is derived beyond 1,000 ft. beach is over 1 mile wide in some places.

Ted Schmidt-Eagle River-2nd creek (Pile Driver) to Queen Slough-effects very few. Suggested special S/N area or Department buoys to mark special area. Pile Driver Creek south could be 1,000 ft. and have little, if any, effect on permanent set nets.

*Robin Samuelsen-proposed that all set net skiffs be marked accordingly with S04 and CFEC permit number in contrasting color to back 6" high and 1" wide. 2nd B. Murphy. Vote unanimous in favor, 9-0. Passed.

Pat O'Connor-proposed set nets # be marked with 12" high, 1" wide in contrasting colors. (No 2nd, no action taken).

*Doug Cooper ^{the latter} moved to amend first proposal, 2nd by P. O'Connor to change skiff marking to ~~set nets~~ only on all set net vessels, 1 ft. high, 1" wide on each side of the vessel and in contrasting colors, in Nushagak district only. Vote 7 in favor, 2 against. Passed!

Doug Cooper proposed that the creek $\frac{1}{2}$ way down Combine to Clarks Pt. S/N may operate 1,000 ft. from 18 ft. high tide mark. (No action taken).

Val Angasan - stated that the State Board of Fisheries will have less input and info. than local committee if they (the locals) can't decide what to do, they they surely won't be happy with the Boards decision.

Special Sub-Committee Meeting #2 (continued)

Robin Samuelsen motion: That area from the inside marker on East shore of Mushagak district south to the T14S line that creek immediately north of the S/N may be fished to mean low water in the traditional method.

Then he reworded-

From that creek immediately north of the T14S line, to the Clarks Point cannery dock no part of any anchor, etc. S/N may be fished more than 1,000 ft. from the 18 ft. high tide mark. (No 2nd-motion died, no action taken).

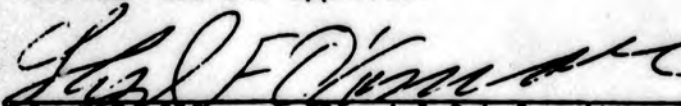
*Motion by Victor Sifsof - From that point where Loran line 32440 x 45510 intersects the beach, south to the cannery dock at Clarks Point no part of a set gill net, anchor, peg, stake, buoy or other device used to fasten the net at its outermost extremity may be more than 1,000 ft. from the 18 ft. high tide mark. 2nd Doug Cooper. Vote 6 in favor, 1 opposed, 2 abstain.

*Motion by Pat O'Conner-to add the word buoy to section (i)(3) in 12/8/83 minutes. 2nd by Amelia Christensen. Vote 9-0, passed.

*Motion by Robin Samuelsen. 2nd Victor Sifsof. That 5 AAC 06.335. Minimum Distance Between Units of Gear. (last sentence) to add (and the inshore end) of a set gill net. In regard to the legal area to drift near a set net. Vote 8 in favor, 1 abstain.

Meeting adjourned 4:45 p.m.

Minutes read and approved:



Lloyd P. O'Connor, Special Sub-Committee Chairman

Date: 12/16/83

**Nushagak Advisory Committee,
Board of Fisheries Public Hearing**

December 13, 1983

Board of Fisheries Members Present: Jesse Foster, Wayne Kvasnikoff, William "Doc" Nicholson, Bix Bonney.

Roughly 85 persons from the public, but the audience varied throughout the session.

9:15 a.m. meeting called to order by Nushagak Advisory Committee Chairman, Leon C. Braswell.

Nushagak Advisory Committee Present: Leon C. Braswell, Robert Heyano, Jerry Liboff, Joe Chythlook, Don Sagmoen, Moses Toyukuk, Richard Armstrong and Joe Clark.

Staff Present: Jeffrey R. Skrade, Michael L. Nelson, Wesley A. Bucher, R. E. Minard of Commercial Fisheries and Lt. Phil Gilson, Sgt. Curt Youngren, and Officer Joe Campbell, Fish and Wildlife Protection.

Public Testimony:

Ted Schmidt - Set netter from Combine Flats - came for sub-committee meeting to compromise on set net - drift net problems in Nushagak district. Supports the decisions of that sub-committee group. Wants a final decision so they can plan their operations now and in the future.

Verbal summary of sub-committee meetings by Jeffrey R. Skrade. (Minutes attached)

Doug Cooper, set netter - testified re set net distances from shore in Nushagak district - favor sub-committee proposal.

Bix Bonney (Boards) - will this be submitted in final form?

Gary Philpott - this proposal sub-committee limits expansion of the set net area on Combine.

Jerry Liboff - we may possibly want to light set nets to avoid conflicts with boats.

Joe McGill/Val Angasan, Bristol Bay Herring Management Coop. - request the Boards support an amendment of the herring management plan. Gill nets average 20 ton/vessel (1983) - under present plan after 2 years. They want to lessen the disadvantage of gill nets. Emergency order openings are shorter and shorter. 4 periods/year maximum. 5 AAC 39.200 states: to protect, sustained yield, and equitable distribution of resources. Request 6 times the time of purse seines. Consider in the future exclusive registration and limited entry. There was a Bristol Bay Native Convention/Resolution to Board of Fisheries and Nushagak Advisory Committee re equitable distribution. They distributed a written history of Togiak herring since the 1977 expansion (copy included).

12/13/83 (continued)

They estimate the number of gill net participants at 170 boats x 3 persons aboard. Japanese Joint Venture Co. paid out over \$1.47 million to fishermen. 3rd year Joint Venture. A "shotgun fishery" is what Togiak has become.

Larry Fayko - New Stuyahok - need more gill net time for them to survive in this herring fishery.

Jim Ingram - local purse seiner - suggests gill net efficiency is improving and could be further improved to increase their take of the harvest with tender support. Local economy-not benefitted by Japanese domestic industry. Roe fishery-no control on quality. Spotters for gill netters. Estimated 25 local purse seiners, including Dillingham/Naknek, etc.

Wayne Kvasnikoff (Boards) - black cod allocation - decreased to the Japanese longliners - they used it (the herring/Joint Venture) as a lever tool to protect their cod allocation with the North Pacific Council.

Limited Entry question re - Togiak herring, people need to explore this with the Alaska Department of Fish and Game staff.

Chuck Mayer - Bristol Bay Herring Marketing Coop - some inefficiency (delivery) problems - but pumps reduce the quality greatly. In their operation, 5% and below went for food fish.

11:30 a.m. - Broke for lunch.

1:05 p.m. - Back to order:

Chuck Mayer - questions continue. 4 gill net deliveries in 12 hr. period with his boat maximum during the 1st period, 3 deliveries in 12 hr. rest of periods. 15 ships planned in 1984, 10-12 fishermen/ship. Use brailers to offload. Some have tried chutes to utilize their forward holds.

Peter Christopher - from New Stuyahok, a herring gill netter - coop member. Gear conflict problems in 1983 - tenders fouled in gill nets. Advocated a later purse seine opening time to avoid conflicts.

William "Doc" Nicholson (Boards) - saw conflicts himself and plans to take a stand on this at Board of Fisheries meeting in February. Suggested purse seine locals organize into a group as the gill netters have done.

Gust Wahl - herring purse seiner - delivered only 20 tons since 1979. Conflicts between gear should not exist. High seas fishery pushing to take and surplus if we don't and we shouldn't fight among ourselves.

Henry Pavian - Togiak - testimony in Yupik re permit system and Alaska Department of Fish and Game number for kelping and was confused. Concerned about economics of the kelpers and disturbance of the fish by the fleet.

Robert Drew - wants salmon set netters to fish 6 hours prior to drifters. Presented a petition re this issue (enclosed).

12/13/83 (continued)

Paul Hansen - Bristol Bay Herring Marketing Coop. - cited user group problems. Management Plan favors purse seines and causes fishermen against fishermen. Plans Board intent to manage Togiak as a sac roe fishery-doesn't apply to gill nets.

Robin Samuelson - supports exclusive registration. Gill netters go first on openings option used one time in the fishery. Don't know why we don't do it more often? Try a test fishery and see how they do?

Victor Sifsof - has problem finding markets with "present" system of allocation. Gill netters use only the sterns of boats and need faster delivery (pumps), etc. Gill netters only fish 60% of the area (grounds) at this time. Need to meet and discuss the issue with gill netters/purse seiners present. Gill netter gains include 3 x time, 2 x the price for same fish, local advisory committee are pressured by Bristol Bay Herring Marketing Coop.

Andy Golia - Bristol Bay Herring Marketing Coop - present management system (allocation) is not working. Purse seines more efficient and gill nets need extra help.

Bix Bonney (Boards) - what would result if you had more time and 150 fathoms/boat?

Andy Golia (cont.) - with 2-5/8" mesh he got 2-4% better recovery than 2 1/2" mesh in 1983 season.

Ray O'Neil - wants a quota system for gill netters and purse seiners. Cited San Francisco example.

Stan Small - Bristol Bay Herring Marketing Coop - good cooperation with Fish and Wildlife Protection re nets recovered. Estimated in heavy fishing he got 10,000 lbs./shackle in his gear.

Gust Wahl - opposed to Bristol Bay Herring Marketing Coop. proposal. 20% time lost to seiners now due to patching and rips. Stated 'pumps aren't bad on fish as indicated earlier.'

Chuck Mayer - Togiak set up as a sac roe fishery. Most fish at optimum stage to be at top value.

Val Angasan - Staff comments - very negative on quota management-reason why Bristol Bay Herring Marketing Coop. asked for a time allocation.

Hjalmar Olson - wants to comment on proposal to double False Pass allocation and reduce 48 hr. period. Felt 48 hr. period working well now and shouldn't change. 32 ft. vessel limit - already decided 2 years ago - don't waste time on it. 5-3/8" mesh - is fine and should stay the same.

**Nushagak Advisory Committee,
Alaska Board of Fisheries Public Hearing
(Second Day)**

December 14, 1983

Advisory Committee Present: Don Sagmoen, Joe Chythlook, Moses Toyukuk, Robert Hayano, Dick Armstrong, Leon C. Braswell, Roland Moody, Joe Clark.

Board of Fisheries Present: Bix Bonney, Wayne Kvasnikoff, William "Doc" Nicholson, and Jesse Foster.

Public Testimony:

Mitch Kink, General Manager, Carl Helberg, President, and Ralph Angasan, Vice-President, testified as a group: Carl H: We (AIFMA) sent in proposals that weren't put on the February agenda. 3 years since open, mesh regulation-archaic-requested historically by packers to get a uniform size fish. AIFMA proposed 5" mesh and feels it is a sufficient emergency to put it on the February agenda. Opposed any increase in False Pass quota. M. Kink-emergency re mesh size. Staff has the "ultimate weapon" Emergency Order authority. Permittee must be aboard - spotting with an aircraft is illegal or should be.

Ralph A. - chagrined that AIFMA proposals weren't included, False Pass request is unrealistic.

Fish and Wildlife Protection Sgt. Youngren - stated that Fish and Wildlife Protection gave 1/2 inch to fishermen in addition to 5 lb. wt. when they measured nets in 1983.

Michael L. Nelson - mesh size data considerable (1967-1971 mesh testimony to the Board. Reduction of mesh size reduces the number of females on spawning ground-could be offset by an increase in escapement goals. (1962 it went to 5-3/8" in regs.). Net loss mortality, genetic selectivity, etc. Several studies were made at Port Moller, Kvichak, etc. 1. The smaller the gear the larger number females in catch. 2. 1 male can fertilize up to 15 females with 95% fertilization. 8 females with 1 male with 100% fertilization. A 1971 paper-summarizes the staff position on studies done to date re mesh size. Approximately 1968 prices went from per fish to per pound basis. We (Alaska Department of Fish and Game) need to re-analyze the data since 1970 especially in N/K district on peak years.

Jesse Foster (Boards) - consideration/action on this issue may require an emergency regulation to accomplish-Board needs a petition to the Board so they can discuss this on 12/28 teleconference.

Harvey Samuelson - against False Pass addition, for 48 hr. period, wants to withdraw his set net proposal in favor of sub-committee compromise. Mesh size should remain the same. More dollars needed for Fish and Wildlife Protection effort.

Bix Bonney (Boards) - Fish and Wildlife Protection has gone on record and there is no excuse for breaking the law re mesh size.

December 14, 1983 (continued)

Public Testimony: (continued)

Thomas Tilden - 48 hr. transfer-against reduction. We have a policy now re transfers. When escapement goals are reached, then waive the 48 hr. transfer. Against boundaries changes in Egegik and Ugashik. Against quota changes in False Pass area.

Victor Sifsof - against False Pass increase, and use of aircraft for spotting salmon (pointed out the % of total run is in the False Pass allocation rather than catch as is used now.) Would result in a huge increase.

Stan Small - against False Pass increase and removal of 48 hr. waiting (transfer period).

Joe Chythlook - long wait in 1983 for escapement - how about a few short periods in between in the future?

Michael L. Nelson - responded for the Staff.

Glenn Suydam - Chignik - F/V El Gusto - Herring allocation is a problem, time short for product at top value. Weather could inhibit the harvest if you were in quota management. When a purse seine has ceased fishing - no longer fishing when the ends are closed and when fish can no longer get in.

Public Testimony closed 2:00 p.m.

Open discussion - by Committee, public and Board members.

Drift net - set net problem sub-committee results were discussed in detail.

Victor Sifsof reported on sub-committee findings and answered questions for that group.

Leon Braswell - felt it should be researched further and no action taken at this time.

Joe Chythlook - felt the set net/gill net conflict needed to be aired further and resolved.

Tenders/Processors anchoring in drift areas and dangers involved-Nushagak Advisory Committee asked the Board to use their influence to help with this problem.

2:45 p.m. Nushagak Advisory Committee reconvened after a break.

2 nominations for Nushagak Advisory Committee on the floor. Joe McGill and Victor Sifsof.

Brief talk by Leon C. Braswell re status of Committee membership and procedures we must follow.

December 14, 1983 (continued)

Massillie Gumlickpuk - New Stuyahok - is an alternate for Dwayne Johnson-will vote on him as a permanent member at 12/19/83 meeting.

Luki Akelkok - Ekwok - nominated, Tom Hurley, as his alternate. Committee will vote on 12/19.

Eva Kapotak will be an alternate for Portage Creek.

Several terms are up this year-12/31 - Leon C. Braswell, Joe Clark and Jerry Liboff.

Joe Clark was renominated by a resident of Clarks Point.

Open for nominations for Leon C. Braswell's seat-? none offered immediately.

Koliganek seat open for renomination of Jerry or another-letter sent to village, but no reply yet. Jerry Liboff was nominated by Leon Braswell, pending receipt of letter.

Open discussion re membership status:

J. Liboff move, seconded by R. Moody to accept V. Sifsof and Joe McGill. Unanimous consent from public and Committee present to seat the above as alternates. Passed!

J. Liboff requested the Secretary to determine from State Boards office a clarification that the Nushagak Advisory Committee are allowed to fill vacant village seats that have been advertised and not filled. How a "village" is defined?

Don Sagmoen nominated Leon Braswell to the Nushagak Advisory Committee.

J. Liboff moved, 2nd by Richard Armstrong to approve minutes of last meeting. 10-0 in favor. Unanimous. Passed.

Proposal Discussion:

J. Liboff moved, 2nd by Joe Chythlook to reject proposal 13. I. A & B. Vote 13-0 to reject! Passed.

Justification: Concern for biological (detrimental) impact on other areas stocks if the harvest was allowed to increase.

Proposal #13 II Gear at South Unimak/Shumagin fisheries-Motion by Joe Chythlook, 2nd R. Armstrong to accept #13 II. Vote 12 in favor, 1 opposed - passed!

Justification: High catch at False Pass/Shumagin area corresponds with low catches in Western Alaska streams and may be a correlation or contributing factor to the decline of those stocks.

Proposal #13 III A, B, C, D and E. Motion by J. Chythlook, 2nd by R. Armstrong to reject 13 III sections A, B, C and E. Vote: 13 in favor. Passed to reject.

Justification: This would allow a huge increase in the harvest of Bristol Bay bound salmon. Approximately 4 times the previous. Previous method has been in effect and is workable.

December 14, 1983 (continued)

Proposal Discussion (continued)

Proposal #13 IV A and B. Motion by D. Sagmoen to reject, 2nd J. Chythlook. Vote: 12 in favor, 1 opposed. Passed.

Justification: Management plan problem and more information needed. Indication that Western Alaska chum stocks are affected and a workable plan needs to be resolved.

Motion J. Liboff, 2nd by R. Moody to table herring allocation discussion until 12/19 meeting. Vote: 13 in favor. Passed.

Proposal #15 (1) A and B. Motion J. Liboff, 2nd J. Chythlook to reject. Vote: 11 in favor, 1 against, 1 abstain. Passed.

Justification: Could cause potential management problems (impair the ability of managers).

Proposal #15. (2). Motion by R. Moody, 2nd Victor Sifsof. No action be taken. Vote: 12 in favor. Passed!

Motion by R. Heyano to accept the special sub-committee recommendation re set net/drift net issue. 2nd by J. Liboff.

Motion by J. Liboff, 2nd R. Heyano, to add (amend) part (1)(e) defining the West side Nushagak Beaches and the upper East side to indicate that status quo will continue as far as set net operation. Vote: 11 for, 2 abstain. Passed! Vote 10 in favor, 3 opposed as amended proposal re set net distances from shore in Nushagak district (Attached). Passed.

Justification: This compromise proposal was the result of much discussion by the Advisory Committee and (2) special meetings of a sub-committee on this issue. Minutes of which are attached.

4:58 p.m. Meeting adjourned.

Summary of Proposals by Special Sub-Committee on
Set Net - Drift Net Conflicts in Nushagak District
as Amended and Approved by the Nushagak Advisory
Committee at 12/14/83 Meeting

- (1) (i)(3) in the Nushagak district, no part of a set gill net, anchor, peg, stake, buoy or other device used to fasten the net at its outermost extremity may be more than:
- (a) 1,000 feet from the 18 foot high tide mark, from that point where Loran line 32440 x 45510 intersects the Combine Beach, to the cannery dock at Clarks Point;
 - (b) 500 feet from the 18 foot high tide mark or (-3) low water, whichever is less, from the Clarks Point cannery dock to an Alaska Department of Fish and Game regulatory marker at first creek;
 - (c) 700 feet from the 18 foot high tide mark, from an Alaska Department of Fish and Game regulatory marker at first creek, to an Alaska Department of Fish and Game regulatory marker at third creek;
 - (d) 1,000 feet from the 18 foot high tide mark, from an Alaska Department of Fish and Game regulatory marker at third creek, to an Alaska Department of Fish and Game regulatory marker at Etolin Point;
 - (e) In those beach areas of Nushagak district not mentioned in (i)(3)(a) (b)(c) or (d) commercial fishing with set gill nets is restricted to beach areas that, at mean low water, are connected by exposed land to the shore or to places not covered at high tide.
- (2) 5 AAC 06.342 Vessel Identification:
- (B) In the Nushagak district each set net fishing vessel must be marked with the letters SN:
- (3) 5 AAC 06.335 Minimum Distance Between Units of Gear.

(Amend last sentence to read): No part of a drift gill net may be operated within 300 feet of a set gill net except in the zone outside of the offshore end (and the inshore end) of a set gill net.

Read and approved by:

Leon C. Braswell
Leon C. Braswell, Chairman
Nushagak Advisory Committee

Date: Dec 16, 1983

(Third day of meeting)

December 15, 1983 Nushagak Advisory Committee. 12 members present.

Sport Fish Seasons and Bag Limits:

Jeffrey R. Skrade, Secretary-read a letter from Lou Gwartney, Sport Fish Division in King Salmon, to the committee.

Joe Chythlook motion, 2nd Robert Heyano, to reject proposal #16 in its entirety. Vote: 12 in favor. Passed - proposal was rejected!

Justification: Committee didn't feel it was justified at this time and would make lots of local residents illegal.

Proposal #18 - Joe Clark moved, 2nd Joe McGill to pass as written. Vote: 10 in favor, 2 abstain. Passed!

Justification: Adds additional gear and could result in potential waste of the resource. If present situation was allowed to continue.

Proposal #19 - When a purse seine has ceased fishing: motion by R. Heyano to adopt proposal 18 (1). 2nd by J. Chythlook and suggested the Nushagak Advisory Committee to amend 19 (1) to change from Statewide to Togiak area. Vote: 12 in favor 1 abstain. Passed as amended.

Henry Pavian - suggested a user fee to collect trash, etc., on fishing grounds.

Joe Campbell, Fish and Wildlife Protection - In conversations with Department of Environmental Conservation and his agency, a land fill has been suggested near the Togiak herring fishery. Area? Funding?

Glen Suydam - Suggested the State lease a scow to haul garbage and oil away.

Proposal #20 - Salmon Statewide (housekeeping) motion Joe McGill to adopt, 2nd R. Heyano. Vote: 13 in favor. Passed!

Justification: A housekeeping proposal.

Proposal #21 - Sport Fishing Statewide (housekeeping) Motion by R. Heyano to adopt 2nd Joe McGill. Vote: Unanimous in favor. Passed!

Motion by J. Liboff to have a special Advisory Committee meeting on herring allocations issue in mid-January, 2nd R. Heyano. Vote: 13 to 0 in favor. Passed!

Joe Clark suggested a resolution from Nushagak Advisory Committee re trash problems in the fisheries, especially Togiak herring. Motion Joe Clark, 2nd R. Heyano, to send a resolution. Vote: 13 - 0 in favor. Passed! (Resolution attached).

Adjourned 10:50 a.m.

Minutes read and approved:

Leon C. Braswell
Leon C. Braswell, Chairman
Nushagak Advisory Committee

Date: Dec 16, 1983

