

S C R

32

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802-2000
PHONE: (907) 465-4100

January 16, 1990

JAN 22 1990

The Honorable Bettye M. Fahrenkamp
Chairman
Senate Resources Committee
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

During the first session of the Sixteenth Legislature, the Senate Resources Committee requested that the Department of Fish and Game report on the commercial fishing activity within Bristol Bay. This report was to contain harvest results by fishery and descriptions of any actions affecting the fishery taken by the Board of Fisheries or the department.

Enclosed is a report that details the 1989 sockeye salmon fishery management and 1989 catches by fishing area, escapements by system and stock composition in specific fishing areas, and comparable information for past years. Sockeye make up the large majority of the salmon catch in the bay and are the focus of the interdistrict allocation issue within the fishery.

During the winter of 1988/89, the Board of Fisheries was not scheduled to consider regulatory proposals for the Bristol Bay Area. The board will be considering proposals for the area during a specific meeting for the Bristol Bay Area that will begin on February 5 in Anchorage. As one might expect, the Egegik sockeye interception issue will be in the forefront of the topics that will be considered.

If your committee requires any additional information on the Bristol Bay fishery, please contact me.

Sincerely,



Don W. Collinsworth
Commissioner

Enclosure

cc: Ken Parker

April 25, 1989

Senator Bottey Fahrenkamp
Chair of Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99518

Dear Senator Fahrenkamp:

I wish to convey my strong support for SCR 32 dealing with the interception of intermingled salmon stocks.

Until the state adopts a policy protecting historical terminal fisheries against expanding interception, many local fishermen as well as some municipalities, financially dependent upon those terminal fisheries in the past will be severely injured. This is particularly true of those fishermen primarily confined to the terminal fishing districts and for one reason or another incapable of moving elsewhere. Last season for example, I know of many fishermen in the Naknek/Kvichak and Nushagak who had their worst season ever despite record salmon prices. By contrast I talked to many who fished Egegik, where interception of salmon bound for elsewhere is now, at long last acknowledged by Fish & Game to be about one-third of the local harvest. Most of these were outside drift fishermen who had their best year ever.

It seems totally inconsistent that Alaskans should so uniformly decry high seas salmon interception, about which we can do little at state level, and yet turn our backs upon it when it occurs within state waters.

In the former instance we piously assert that our main concern is that high seas interception threatens our ability to manage the resource. Obviously, if indiscrete fishing on intermingled salmon stocks occurs, it is entirely possible to wipe out an entire river system's run.

The same problem of course is present whether interception occurs on the high seas or within state waters, yet in the latter case, we have no consistent policy. As a result, management appears to respond primarily to those who prosper from the interception. In the process, ignored seems to be the fact many fishermen and communities historically dependent upon terminal fishery harvest,

are economically devastated.

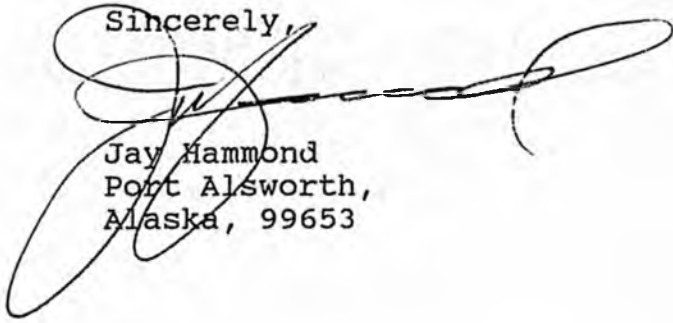
That those injured are mostly resident Alaskans, while those benefitting from interception are increasingly non-residents, doubles the distress of those locked into terminal fishing districts.

State inconsistency is particularly dramatized in cases like False Pass where intercepted Bristol Bay bound red salmon is, I am told, constitute about 8% of the harvest. Yet there stringent quotas are imposed despite the fact this is an historic fishery from which fishermen cannot transfer to Bristol Bay and in which local stocks cannot be harvested without some interception taking place.

By contrast, in Egegik, were the percentage of interception is about 400% greater, no such constraints have been imposed, even though the district could be so reduced as to assure almost 100% of local stock harvest with no interception whatsoever, moreover any fishermen who is squeezed out can freely transfer to the terminal fishing district. This makes no sense whatsoever.

Regrettably, neither the State Legislature nor the Board of Fish & Game has adopted a policy regarding the interception of intermingled salmon stocks. SCR 32 would supply the policy guidelines to the Board of Fish and the Department under which they then could orchestrate a fishery to assure compliance. Unless this policy vacuum is filled to provide such direction to those bodies the current situation is bound to degenerate and in the process the best interest of Alaskan's are sure to be eroded further.

Sincerely,



Jay Hammond
Port Alsworth,
Alaska, 99653

SETNETTERS' ASSOCIATION OF BRISTOL BAY

A Non-Profit Corporation

P.O. BOX 14 April 26, 1989

NAKNEK, ALASKA 99633

Senator Betty ~~...~~ Fahrenkamp
Alaska State Senate
Pouch V
Juneau, Alaska 99518

Dear Senator Zharoff:

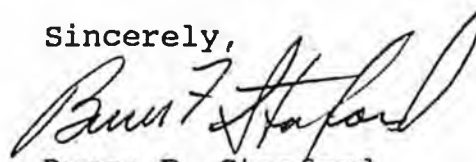
You may recall that I spoke to your staff concerning the Egegik Intercept situation on several occasions. We need to get SCR 32 passes this session. As you know there has been much outcry in the terminal fishing districts of the Naknek/Kvichak, Nushagak and to some extent the Ugashik because of the interdistrict interception of mixed salmon stocks within Bristol Bay (Area T).

We believe that once salmon arrive in their terminal area that they ought to be allowed to migrate to their respective "home ports" for proper management and to assure the historical fisheries that are located in these districts receive their fair share of the commercial harvest. You may have read The Bristol Bay Salmon Interception Crisis, A Call For Legislative Action, prepared for Senator Rick Halford, Senate Majority Leader, February 1989 which illustrates that the recently expanded Egegik Fishing District (expanded by Board action in 1982, 1985, 1987) together with liberal management and oversized fleet has essentially bankrupted the other terminal districts of the Bay. See for example page 27 of the report.

One of the reasons why the prejudicial management of the Egegik is allowed to occur is because there is no Board regulation or mandate from the Legislature on interception within a fishing area to ensure harvest of returning salmon in the district which encompasses their river of origin with the same care and diligence exercised to ensure adequate escapement to terminal rivers. We have nearly 250 members in our Association most 90% of which are Alaskan residents and the majority of those are villagers from the Bristol Bay watershed. We urge your support of SCR 32. Please note several hundred signatures to a petition that were collected within several hours during the "Naknek Fishtival."

Please support SCR 32. We thank you for your valuable time and attention to this matter. I will be in Juneau today to discuss this issue with you at your convenience.

Sincerely,



Bruce F. Stanford



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commercial Fisheries	BILL NUMBER SCR 32	SPONSOR Senate Resources Committee
SHORT TITLE OF BILL Policy on Mixed Salmon Stock Interception Fisheries			
DEPARTMENT POSITION Neutral			
PREPARED BY Robert C. Clasby	DATE 04/26/89	COMMISSIONER'S SIGNATURE <i>Bill Calumworth</i>	DATE 4.26.89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL None	CONSTITUENT GROUP(S) AFFECTED BY BILL Commercial Fisheries
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The intent of the resolution is to provide the Department of Fish and Game and the Board of Fisheries with policy guidelines to follow when adopting management systems affecting mixed stock salmon fisheries.

ANALYSIS OF BILL PROGRAM EFFECTS

Passage of the resolution would establish as legislative policy the preference for harvesting of salmon to take place in terminal fisheries. Implementation of this policy by the Board of Fisheries may require the department to increase the precession of its salmon management systems to decrease interception rates.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Policy on Mixed Salmon Stock
Interception Fisheries
Sponsor: Senate Resources Committee
Requestor: _____

Agency Affected: Fish and Game
BRU: Commercial Fisheries
Boards of Fish and Game
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Robert C. Clasby
Division: Commercial Fisheries

Phone: 465-4210
Date: 04/26/89

Approved by Commissioner: Omni Kalliniewski
Agency: Fish and Game

Date: 4-26-89

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

6-1232E
Utermohle
4/26/89

Original sponsor: Resources Committee

1 IN THE SENATE

2 CS FOR SENATE CONCURRENT RESOLUTION NO. 32 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to a policy on mixed stock
6 salmon fisheries.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS alteration of certain commercial fishing district boundaries
9 and changing fishing patterns in recent years have led to an increase in
10 the interceptions of salmon stocks; and

11 WHEREAS the harvest of salmon stocks being intercepted in nonterminal
12 districts within those stocks' terminal management area could have occur-
13 ed, for the most part, in the stocks' districts of origin; and

14 WHEREAS the interception of a salmon stock outside of its terminal
15 fishing district complicates management of that salmon stock within its
16 terminal management area and causes economic dislocation to commercial
17 fishermen and municipalities located in the stock's terminal fishing dis-
18 trict; and

19 WHEREAS studies by the Alaska Department of Fish and Game verify that
20 some salmon stocks are intercepted in mixed stock fisheries outside of the
21 stocks' terminal fishing districts; and

22 WHEREAS the Alaska Department of Fish and Game contends that, in the
23 absence of a state policy on mixed salmon stock fisheries established in
24 law, its only obligation is to ensure adequate spawning escapements of
25 salmon stocks; and

26 WHEREAS the Board of Fisheries should have legislative guidance when
27 considering proposed regulatory policies on mixed stock salmon fisheries;
28 and

29 WHEREAS the state's policy on mixed stock salmon fisheries should be

1 consistent with the state's position on the harvest of salmon stocks on the
2 high seas which emphasizes the harvest of segregated salmon stocks by the
3 country of origin;

4 BE IT RESOLVED by the Alaska State Legislature that it is the policy
5 of the State of Alaska that within a salmon management area, salmon stocks
6 originating in that area should be harvested, to the maximum extent possi-
7 ble, in the fishing districts that encompass the stocks' rivers of origin;
8 when implementing this policy, care should be exercised to ensure that full
9 utilization of local stocks and the livelihood of commercial fishermen who
10 cannot transfer the location of their operations are not severely jeopard-
11 ized and that increases in interception rates in nonterminal fishing dis-
12 tricts do not disrupt historical harvest distributions of salmon stocks
13 among fishing districts; and be it

14 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
15 quests the Governor to direct the Board of Fisheries and the Alaska Depart-
16 ment of Fish and Game to implement this policy through appropriate regu-
17 lations and management measures with the same care and diligence exercised
18 to ensure adequate escapements of salmon stocks to their rivers of origin.
19
20
21
22
23
24
25
26
27
28
29

new language

6-1232H
Utermohle
4/29/89

Original sponsor: Resources Committee

1 IN THE SENATE BY THE RESOURCES COMMITTEE

2 CS FOR SENATE CONCURPENT RESOLUTION NO. 32 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to a policy on mixed stock
6 salmon fisheries.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS alteration of certain commercial fishing district boundaries
9 and changing fishing patterns in recent years have led to an increase in
10 the interceptions of salmon stocks; and

11 WHEREAS the harvest of salmon stocks being intercepted in nonterminal
12 districts within those stocks' terminal management area could have occur-
13 ed, for the most part, in the stocks' districts of origin; and

14 WHEREAS the interception of a salmon stock outside of its terminal
15 fishing district complicates management of that salmon stock within its
16 terminal management area and causes economic dislocation to commercial
17 fishermen and municipalities located in the stock's terminal fishing dis-
18 trict; and

19 WHEREAS studies by the Alaska Department of Fish and Game verify that
20 some salmon stocks are intercepted in mixed stock fisheries outside of the
21 stocks' terminal fishing districts; and

22 WHEREAS the Alaska Department of Fish and Game contends that, in the
23 absence of a state policy on mixed salmon stock fisheries established in
24 law, its only obligation is to ensure adequate spawning escapements of
25 salmon stocks; and

26 WHEREAS the Board of Fisheries should have legislative guidance when
27 considering proposed regulatory policies on mixed stock salmon fisheries;
28 and

29 ~~WHEREAS the state's policy on mixed stock salmon fisheries should be~~

1 consistent with the state's position on the harvest of salmon stocks on the
2 high seas which emphasizes the harvest of segregated salmon stocks by the
3 country of origin;

4 BE IT RESOLVED by the Alaska State Legislature that it is the policy
5 of the State of Alaska that within Bristol Bay (Area T), salmon stocks
6 originating in the Bristol Bay area should be harvested, to the maximum
7 extent possible, in the fishing districts that encompass the stocks' rivers
8 of origin; when implementing this policy, care should be exercised to
9 ensure that full utilization of local stocks and the livelihood of commer-
10 cial fishermen who cannot transfer the location of their operations are not
11 severely jeopardized and that increases in interception rates in nontermi-
12 nal fishing districts do not disrupt historical harvest distributions of
13 salmon stocks among fishing districts; and be it

14 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
15 quests the Governor to direct the Board of Fisheries and the Alaska Depart-
16 ment of Fish and Game to implement this policy through appropriate regu-
17 lations and management measures with the same care and diligence exercised
18 to ensure adequate escapements of salmon stocks to their rivers of origin.
19
20
21
22
23
24
25
26
27
28
29

6-1232H
 Utermohle
 5/1/89

new draft

Original sponsor: Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE CONCURRENT RESOLUTION NO. 32 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to a policy on mixed stock
 6 salmon fisheries.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS alteration of certain commercial fishing district boundaries
 9 and changing fishing patterns in recent years have led to an increase in
 10 the interceptions of salmon stocks; and

11 WHEREAS the harvest of salmon stocks being intercepted in nonterminal
 12 districts within those stocks' terminal management area could have occur-
 13 ed, for the most part, in the stocks' districts of origin; and

14 WHEREAS the interception of a salmon stock outside of its terminal
 15 fishing district complicates management of that salmon stock within its
 16 terminal management area and causes economic dislocation to commercial
 17 fishermen and municipalities located in the stock's terminal fishing dis-
 18 trict; and

19 WHEREAS studies by the Alaska Department of Fish and Game verify that
 20 some salmon stocks are intercepted in mixed stock fisheries outside of the
 21 stocks' terminal fishing districts; and

22 WHEREAS the Alaska Department of Fish and Game contends that, in the
 23 absence of a state policy on mixed salmon stock fisheries established in
 24 law, its only obligation is to ensure adequate spawning escapements of
 25 salmon stocks; and

26 WHEREAS the Board of Fisheries should have legislative guidance when
 27 considering proposed regulatory policies on mixed stock salmon fisheries;

28 BE IT RESOLVED by the Alaska State Legislature that it is the policy
 29 of the State of Alaska that within Bristol Bay (Area T), salmon stocks

1 originating in the Bristol Bay area should be harvested, to the maximum
 2 extent possible, in the fishing districts that encompass the stocks' rivers
 3 of origin; when implementing this policy, care should be exercised to
 4 ensure that full utilization of local stocks ~~and~~ the livelihood of commer-
 5 cial fishermen who cannot transfer the location of their operations are not
 6 severely jeopardized ~~and that~~ ^{of the recent} increases in interception rates in nontermi-
 7 nal fishing districts do not disrupt historical harvest distributions of
 8 salmon stocks ~~among fishing districts;~~ and be it

9 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
 10 quests the Governor to direct the Board of Fisheries and the Alaska Depart-
 11 ment of Fish and Game to implement this policy through appropriate regu-
 12 lations and management measures with the same care and diligence exercised
 13 to ensure adequate escapements of salmon stocks to their rivers of origin.

Delet 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SCR 32



UNITED FISHERMEN

211 4th Street, Suite 106
Juneau, AK 99801
907-586-2820

April 27, 1989

Senator Rick Halford
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Halford:

I am enclosing for your information a copy of a policy of the Alaska Board of Fisheries on management of mixed stock salmon fisheries. This copy was made from the southeast Alaska commercial fisheries regulation book, but the policy applies statewide.

As I recall, you were considering rewording Senate Concurrent Resolution 32 to read that the Legislature requests the Board to adopt a policy on mixed stock fisheries. This was apparently based on a belief that Board members had such a policy before them but had not adopted it. This is not the case, as you can see.

The Board of Fisheries takes up proposals for changes to fisheries on a rotation basis, so that each fishery is examined every other year. The Bristol Bay fisheries will be before the Board at its regular fall meeting this year. It is my understanding that the reason a legislative solution is being sought to this issue is that the Board refused a request to consider the topic out of its normal cycle. Their policy is to interrupt their schedule only for resource conservation concerns, and they did not think this issue fell into that category. I feel certain there will be proposals presented to the Board on this topic, and that the Board will make a decision regarding it.

UFA members include people and groups ranged on both sides of the question. No matter what their stand is on it, they are agreed in preferring to work it out through the normal Board process. Whether or not they will ultimately agree with the Board's decision, they are still united in not desiring legislative action.

April 27, 1989

As a suggestion, if you will be discussing this further, I urge you to obtain a navigational chart of Bristol Bay. These are large enough to hang on the wall so everyone can more easily understand the situation.

If I can provide any further information, please don't hesitate to let me know.

Sincerely,

A handwritten signature in cursive script that reads "Kate Graham".

Kate Graham
Executive Director

cc: Senate Resources Committee members

SELECTED POLICIES OF THE BOARD OF FISHERIES

POLICY STATEMENT ON MANAGEMENT OF MIXED STOCK SALMON FISHERIES

A basic principle of salmon fishery management is that fishing of any salmon stock should not occur until the spawning escapement for that stock is ensured. Run strength and resultant optimum harvest and escapement levels cannot be estimated until discrete stocks have separated themselves from mixed stocks and have arrived in areas near their natal streams. This type of single stock management allows optimum harvest rates on all stocks based on the productivity of individual stocks.

When developing fisheries management policies, factors other than biological data must be considered. Alaska has historically allowed fishing on certain mixed salmon stocks with the result that fishing fleets and related support activities have developed to harvest those stocks. Thus management policies should also address social and economic factors and weigh them accordingly.

In view of the above stated principles, it is the policy of the Board of Fisheries that:

1. In the case of long standing fisheries which fish mixed stocks and for which it may not be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, such fisheries may continue provided that fishing effort on the mixed stocks does not increase and that the harvest rate is not detrimental to the individual stocks.
2. In the case of long standing fisheries which fish mixed stocks and for which it may be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, preference should be given to the fishery that best serves the state's interests.
3. The development or expansion of mixed stock fisheries should be discouraged when the fish that comprise those stocks can be harvested after they have separated into more discrete stocks.
4. This policy does not prevent the board or the department from allowing mixed stock fisheries, particularly when large returns are expected and the allowance of such fisheries would result in a fuller utilization of the harvestable surplus.

In all decisions relating to the regulation and management of mixed stock fisheries, it is the express intent of the board that the conservation of affected salmon stocks be given first priority over economic and social considerations.

**THE BRISTOL BAY SALMON
INTERCEPTION CRISIS**

**A Call For
Legislative Action**

**16th Alaska Legislature
February 1989**

**Prepared For
Senator Rick Halford
Senate Majority Leader**

Executive Summary

The Bristol Bay Salmon
Interception Crisis

EXECUTIVE SUMMARY

This study illustrates that the Egegik Fishing District, which is located in Bristol Bay, is a recently expanded intercept fishery which threatens to destroy a historical fishery - namely the Naknek/Kvichak. In 1982, 1985, and 1987, the Board of Fisheries ~~expanded the Egegik District by regulation into the path of the great Kvichak migration, and the Naknek, Ugashik and Nushagak runs.~~ The recipients of the benefits from this enlarged district are the drift fishermen. The Egegik has, according to the CFEC, the highest percentage of non-resident fishermen operating in Bristol Bay. By this management the ADF&G has allowed Egegik fishermen to harvest millions of sockeye salmon bound for other districts. Meanwhile terminal fishermen must await adequate escapement before they are allowed a fishing period. When commercial fishermen in the Naknek/Kvichak and Nushagak are given openings to fish the majority of their commercial catch has already been taken in Egegik.

The 1988 Egegik District harvest of 6,611,000 sockeyes was 388% over its 30 year average catch of 1,700,000 and 601% over its 20 year average catch of approximately 1,100,000 precedent to the expansion of the district beginning in 1982. While Egegik's catch was nearly two million fish above its inflated projected commercial forecast, other districts like the Naknek/Kvichak and Nushagak incurred poor returns. For example, the average catch for drift fishermen in the Naknek/Kvichak was 3,100 salmon with average set net catches alleged by the Department to be 1,500 fish for the same district. Many set net fishermen caught fewer than 250 sockeyes in the Naknek Section during the 1988 regulatory season! By comparison, drift boat average catches in Egegik for 1988 could be estimated in the \$102,000 range. The Egegik drift fleet has increased from 200 - 300 vessels in 1980 to, at times, 900 in recent seasons. The Egegik drift fleet was estimated by the ADF&G at 715 boats for the 1988 season.

The ADF&G recently released its scale sample analysis of 12,000 fish taken from Egegik during the 1988 season. The intercept rate average was 37% and ranged upwards to 80%. When the ADF&G's intercept figures of 37% for Egegik are multiplied by the catch, it indicates that 2,446,070 salmon were intercept fish bound for other fishing districts. The ADF&G's catch figures show there were openings given Egegik when the

The Bristol Bay Salmon Interception Crisis
Executive Summary
Page Two

daily catches were in the 1,000,000 fish range and the intercept rate was nearly 50%. It is estimated, based on the scale sample analysis and basic mathematics, that the terminal fisheries lost between \$33 and \$60 million. According to ADF&G catch and escapement figures for Egegik in 1988, over 650,000 fish were harvested without one fish up river as escapement. By June 22, 1988, Egegik fishermen landed 1,158,843 salmon with only 16,800 accounted for as escapement. This indicates that Egegik fish had not started to move upstream and that many of the fish taken were also mixed stocks heading for other Bristol Bay districts. This is unacceptable by any biological standards.

Accepted biological principles and the Bristol Bay Comprehensive Management Plan dictate salmon stocks should be managed as close to the river of origin as possible. The management for Egegik (and during certain years the Ugashik) is illustrated by comparing the catch to escapement ratios of the Egegik District with those of the Naqknek/Kvichak, Nushagak and, to a certain extent, the Ugashik District. For example, during peak fishing periods the Egegik caught eleven fish for every one in escapement while the Naknek/Kvichak and Nushagak caught approximately two fish for every one in escapement. Despite repeated demands by terminal fishermen, both drift and set net, the ADF&G allowed Egegik drift fishermen and the floater processors operating in that district to reap a bonanza while terminal fishermen, processors, and municipalities suffered irreparable harm.

Ken Parker, Director of Commercial Fisheries, and Chuck Meacham Jr., ADF&G biologist, have stated on the record that the present intercept level in Egegik not only poses a serious allocation and management problem, but also a conservation problem. The ADF&G has the authority to pull in the Egegik Boundaries pursuant to A.S. 16.05.060 and take other such remedial steps as necessary under its "emergency order" power to curb the interception of mixed stocks in Egegik. The major stumbling block may be whether the ADF&G can take the political heat from the drift fishermen and their processors who operate in Egegik. Additional measures to be taken would require that a rational catch-to-escapement ratio be obtained before any district in Bristol Bay is allowed an opening for commercial fishing. Also, the elimination of "free week" by advancing the regulatory period from June 23 to June 15 would reduce interception. The Egegik District caught over 1 million salmon with negligible escapement during this period.

The Board of Fisheries has formulated but never adopted a policy on mixed stock fishing. Because these policies are not

The Bristol Bay Salmon Interception Crisis
Executive Summary
Page Three

regulations the Board does not follow them. There has not been a set net fisherman on the Board since 1982, while drift interests have been adequately represented by Board members who own Bristol Bay drift permits. The expanded Egegik District only benefits drift fishermen because set net fishermen can only fish up to 1,000 feet from the mean high tide line. The cities of Dillingham, Naknek and Anchorage, the Bristol Bay Borough, the Southwest Municipal Conference, and various Local Advisory Committees have called for a "River of Origin/Terminal Fisheries Policy" and/or requested that the Board of Fisheries follow its own stated policies on salmon interception. The Anchorage Assembly and the Anchorage Chamber of Commerce have passed similar terminal harvest resolutions because the Susitna River has not met its escapement goals for sockeyes for the last four out of five seasons. A terminal fisheries policy would mandate that salmon stocks bound for their river systems arrive there as relatively unmolested as possible to ensure adequate escapement while allowing terminal fishermen to participate meaningfully in the harvest.

If it is asserted that the State of Alaska has a policy on reducing the high seas interception of Alaska salmon by foreign fleets, then that policy should follow through to the extent reasonably possible to the terminal river systems. The Alaska Legislature has always set the policy on the big allocative issues such as eliminating fish traps, establishing limited entry, and subsistence laws. Because the unit value for salmon remains high and the competition for the resource is rising, this problem will only get worse. The Legislature should adopt a basic terminal fisheries policy.

This policy should take into consideration the distinctions between historical fisheries where interception of mixed salmon stocks cannot be avoided in harvesting local stocks. In most such instances, interception occurs while fish are migrating from one area to another, as in False Pass. Since fishermen are confined to one area any curtailment of interception severely impacts their income. In the case of the Egegik, interception presents an entirely different situation. Here the interception occurs between various districts within a single area. There is nothing to prevent fishermen "squeezed out" of the Egegik District from harvesting fish elsewhere within Bristol Bay (Area T) as they have historically. This distinction should be made clear to avoid opposition from fishermen who are engaged in historical intercept fisheries such as False Pass.

Finally, this report indicates that Bristol Bay has been managed for the benefit of the Egegik drift fleet. This has caused many terminal fishermen, both drift and set net, to lose their only source of livelihood. Also, community businesses and municipalities have lost millions in much needed revenues. There is allegedly a dispute within Fish and

The Bristol Bay Salmon Interception Crisis
Executive Summary
Page Four

Game as to what to do about this problem. Some prefer the status quo which is illustrated by the 1989 ADF&G catch projections that have Egegik's commercial catch at 5,031,000 with 1,000,000 in escapement. The Kvichak, the dominant producing river, will have only 4,855,000 in commercial catch while being required to have 8,000,000 up river in escapement. The Naknek is projected to have a commercial catch of 2,344,000 with 1,000,000 in escapement. Why is it that the Egegik is so "productive"? Or is this a massive interception allocation? The ADF&G should rethink its position and allow these fish to disperse to their home ports especially in light of their own evidence of interception of mixed stocks in Egegik. A change in ADF&G management strategy of Bristol Bay is in order.

TABLE OF CONTENTS

I.	INTRODUCTION TO THE PROBLEM.....	1
II.	QUESTIONS TO BE ANSWERED.....	6
III.	THE INTERCEPTION PROBLEM IN MORE DETAIL.....	7
	A. THE STATE OF ALASKA HAS NO POLICY ON INTERCEPTION OF MIXED SALMON STOCKS WITHIN STATE WATERS.....	7
	B. TERMINAL FISHERMEN AGREE SALMON SHOULD BE HARVESTED AT THEIR RIVER OF ORIGIN.....	9
	C. SOME ADF&G BIOLOGISTS AGREE THE INTERCEPTION OF MIXED SALMON STOCKS IN EGEKIK PRESENTS A SERIOUS MANAGEMENT/CONSERVATION PROBLEM.....	10
IV.	HISTORY OF THE BRISTOL BAY FISHERY AND THE EGEKIK FISHING DISTRICT.....	12
	A. THE KVICHAK RIVER IS THE DOMINANT SOCKEYE PRODUCING RIVER IN THE WORLD.....	12
	B. MIDDLE BLUFF NEAR EGEKIK IS A MILLING AREA FOR BRISTOL BAY'S MIXED SALMON STOCKS.....	13
	C. LONG AGO BIOLOGISTS RECOGNIZED THE NEED FOR FISHING BOUNDARIES TO PROTECT MILLING SALMON STOCKS IN BRISTOL BAY FROM THE DRIFT FLEET.....	15
	D. EGEKIK CATCHES SOAR IN THE EARLY 1980s.....	19
	E. THE NUMBER OF DRIFT VESSELS OPERATING IN UGASHIK AND EGEKIK SKYROCKET BEGINNING IN THE EARLY 1980s.....	20
	F. USER GROUP AND TERMINAL FISHERMEN WARN THE THE COMMISSIONER OF FISH AND GAME AND BOARD OF FISHERIES OF A SIGNIFICANT SALMON INTERCEPTION PROBLEM IN EGEKIK, YET THE EGEKIK DISTRICT BOUNDARIES ARE AGAIN INCREASED BY BOARD REGULATION AND INTERCEPTION OF MIXED STOCKS RISE.....	22
V.	ACCEPTED BIOLOGICAL PRINCIPLES DICTATE SALMON STOCKS SHOULD BE MANAGED AS CLOSE TO THE RIVER TERMINUS AS POSSIBLE.....	24
VI.	THE ADF&G'S 1988 CATCH AND ESCAPEMENT RATIOS FOR THE FOR THE EGEKIK DISTRICT WHEN COMPARED TO OTHER BRISTOL BAY FISHING DISTRICTS INDICATE SKEWED MANAGEMENT AND INTERCEPTION.....	26

A.	FISHERMEN MIGRATE TO EGEGIK AND UGASHIK IS IN DIRECT RESPONSE TO MORE AGGRESSIVE ADF&G MANAGEMENT IN THESE DISTRICTS.....	26
B.	EGEGIK'S CUMULATIVE CATCHES VS CUMULATIVE ESCAPEMENT RATIOS ILLUSTRATE THIS DISTRICT IS GIVEN PREFERENTIAL TREATMENT OVER THE NAKNEK/KVICHAK, NUSHAGAK, AND TO SOME DEGREE THE UGASHIK IN 1988.....	26
C.	FURTHER COMPARISON OF INSEASON CUMULATIVE CATCH TO ESCAPEMENT RATIOS INDICATE MANAGEMENT BIAS AND INTERCEPTION.....	35
D.	EGEGIK'S 1988 CATCH IS SEVERAL TIMES GREATER THAN ITS HISTORICAL AVERAGE CATCH.....	35
VIII.	THE ADF&G'S 1988 SCALE SAMPLE ANALYSIS INDICATES THE EGEGIK FISHERY HAS TAKEN AN UNACCEPTABLE NUMBER OF SALMON BOUND FOR OTHER DISTRICTS IN BRISTOL BAY.....	37
A.	THE ADF&G KNEW PRIOR TO THE 1988 SALMON SEASON IN BRISTOL BAY THAT A SIGNIFICANT INTERCEPT PROBLEM WAS OCCURRING IN EGEGIK.....	37
B.	THE ADF&G'S SCALE SAMPLE STUDY INDICATES GREATER INTERCEPTION THAN WAS PREVIOUSLY ACKNOWLEDGED OR REALIZED BY THE DEPARTMENT IN EGEGIK.....	39
C.	THE DEPARTMENT HAS TROUBLE CLASSIFYING NON-EGEGIK SALMON BUT THE BOTTOM LINE IS THAT AN UNWARRANTED LEVEL OF INTERCEPTION OCCURS WITHIN THE EGEGIK DISTRICT.....	41
D.	FISHERMEN BELIEVE MILLIONS OF INTERCEPTED SALMON WERE TAKEN IN EGEGIK DURING 1988.....	43
E.	THE EGEGIK INTERCEPT GIVES BIOLOGISTS A MISLEADING IMPRESSION OF GREATER EGEGIK RUN STRENGTH.....	44
VIII.	THE OVERRIDING FACTOR FOR THE EGEGIK INTERCEPT IS PROFIT FOR PROCESSORS AND THE DRIFT FLEET.....	45
IX.	THE ADF&G HAS THE AUTHORITY TO PULL IN THE EGEGIK FISHING DISTRICT'S BOUNDARIES AND USE ADDITIONAL MANAGEMENT TOOLS AS NECESSARY UNDER ITS "EMERGENCY ORDER" POWER TO CURB THE INTERCEPTION OF MIXED SALMON STOCKS IN EGEGIK.....	47
A.	BRISTOL BAY'S REGIONAL MANAGER AND NAKNEK/KVICHAK BIOLOGIST ACKNOWLEDGE THAT THE DEPARTMENT HAS THE AUTHORITY TO PULL IN THE EGEGIK DISTRICT'S	

	BOUNDARIES DURING THE FISHING SEASON.....	50
B.	DID THE ADF&G PULL IN THE EGEGIK OUTERLINE BOUYS SHOREWARD AND THEN RESET THEM BACK TO THE L.C. 9990-Z-4510 LINE?.....	51
X.	THE INTER-BRISTOL BAY SALMON INTERCEPTION'S IMPACT ON MUNICIPALITIES: NAKNEK, DILLINGHAM, AND THE BRISTOL BAY BOROUGH.....	51
A.	TERMINAL FISHING COMMUNITIES PASS RESOLUTIONS CONDEMING SALMON INTERCEPTOIN.....	53
XI.	USER GROUPS AND CITIZENS CALL FOR A "RIVER OF ORIGIN/ TERMINAL HARVEST POLICY.....	56
XII.	LOCAL ADVISORY COMMITTEES AND USER GROUP PEITION THE BOARD OF FISHERIES FOR A SPECIAL HEARING CONCERNING THE INTERCEPT PROBLEM.....	58
XIII.	ARE TERE ANY STATE OR FEDERAL AGENCIES MONITORING ADF&G CLAIMS THAT RIVER SYSTEMS IN BRISTOL BAY ARE ACTUALLY RECEIVING ADEQUATE ESCAPEMENTS?.....	61
XIV.	ALTERNATIVES FOR REMEDYING THE BRISTOL BAY INTERCEPT PROBLEM.....	61
XV.	CONCLUSION.....	66

DOES RECENTLY EXPANDED INTERCEPTION OF INTERMINGLED SALMON STOCKS IN BRISTOL BAY ADVERSELY AFFECT THE STATE OF ALASKA'S ABILITY TO MANAGE THE FISHERY, RAISE REVENUES AND PROTECT ITS RESIDENTS WHO COMMERCIALY FISH FOR SALMON AT THE RIVER OF ORIGIN? IF INTERCEPTION DOES FRUSTRATE STATE INTERESTS, SHOULD THE ALASKA LEGISLATURE INTERVENE? IF SO WHAT APPROPRIATE MEASURES SHOULD BE TAKEN? SHOULD THE STATE ADOPT A RIVER OF ORIGIN/ TERMINAL FISHERIES POLICY?

I. INTRODUCTION TO THE PROBLEM

The issue of salmon interception, whether it be on the high seas or within state waters, is one of the more important issues facing the Alaska Legislature this session.¹ The more narrow issue of salmon interception within Bristol Bay has received much media attention lately, and has raised the question of whether or not the legislature should become involved by addressing the issue of interception of mixed salmon stocks by fishermen within Alaska waters.² According to the Department of Fish & Game, over \$179,000,000.00 was paid to Bristol Bay salmon fishermen for their catches during the 1988 regulatory season.³ It is asserted that between \$33,726,203.00 and \$60,000,000.00 of this figure was for fish that were intercepted by drift fishermen in the Egegik fishing district that should have been harvested in the terminal fisheries of the Naknek/Kvichak, Ugashik, and Nushagak Districts of Bristol Bay.⁴

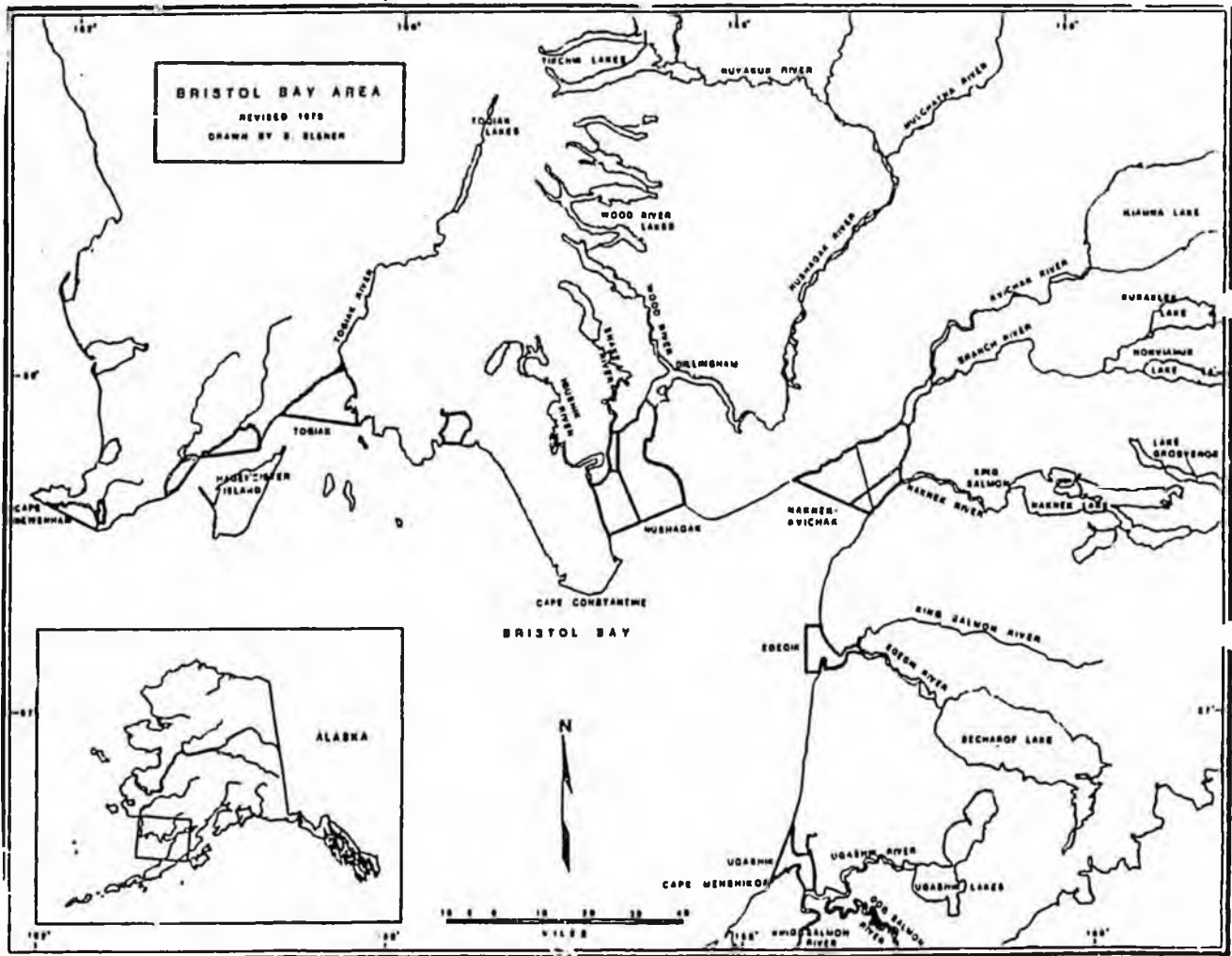
¹ Note, the Alaska State Senate has recently organized a committee within its own ranks to address the interception of Alaska salmon stocks by foreign fleets.

² See news articles attached in the appendix.

³ "Market Report," "Alaska Fishermen's Journal," Vol. 10, October, 1988 at page 6. The regulatory season currently runs from @ June 23 until @ July 20.

⁴ See letter from Commissioner Don Collinsworth of the ADF&G to U.S. Senator Ted Stevens, and a news letter from one of the commercial user group associations. According to recently released ADF&G data approximately 37% of the scale samples of fish taken in Egegik were fish bound for other districts. The Egegik District caught approximately 6,611,000 salmon and 37 % of that figure is 2,446,070 fish that were stocks bound for other districts. Each fish weighs approximately 6.13 (See Henry J. Yuen's Master's Thesis entitled Bioeconomic Analysis of a Mixed Stock Fishery: Tradeoff Between Kvichak Escapement and Naknek Harvests, (University of

There are three different varieties of salmon interception that negatively impact fishermen of Bristol Bay's terminal fisheries: 1) the high seas interception of salmon as practiced by the Japanese, Taiwanese, South Koreans etc., 2) The so called "cape fisheries," i.e., intermediate interception of Bristol Bay salmon that occurs within our domestic fishery from False Pass, to Sand Point along the Bering Sea side of the Alaska Peninsula in what has been designated by the Department as the Area M unit. 3) The interception of nondiscrete salmon stocks within Bristol Bay (Area T) itself. Bristol Bay is divided into five districts or subdistricts which are: Naknek/Kvichak, Egegik, Ugashik, Nushagak, and Togiak. It is this third variety of interception that this study is designed to address. (See chart of the Bristol Bay Region and Alaska Peninsula).



Alaska, Anchorage) November, 1986 at page 45) pounds and when multiplied by the \$2.25 grounds price, this equates to each red salmon being worth nearly \$13.79 to the fishermen. The price per fish multiplied by the number of intercept fish equals \$33,731,305.00. However, this figure is more likely to be in the \$60,000,000.00 range based on interpreting the ADF&G's own data infra. (Caveat, the dollar figures in this report will be more of an approximation or indicia of what could be the values involved).

There are two commercial fishing gear types in Bristol Bay: one is the drift gillnet where a limited entry drift permit holder fishes a 32 foot vessel with 150 fathoms of gill net (900 feet). The other gear type is the set net which use 50 fathoms of gear (300 feet) from a running line affixed to the shore running up to 1,000 feet out into the Bay. (See 5 AAC 06 330 Gear). In the past drifters and set net fishermen have been at odds with each other because they both compete for salmon. However, both gear types have agreed to work together in the terminal fisheries such as the Naknek/Kvichak and Nushagak to reduce interception of mixed salmon stocks within Bristol Bay.

The price paid to the fishermen in Bristol Bay during the 1988 season was the highest on record. The "settled price" paid by the major processors was \$2.25 per pound and \$2.40 per pound paid by the cash buyers for sockeye, or red salmon, (Oncorhyncus nerka.)⁵ The red salmon is the most prolific salmon species present in Bristol Bay and constitutes approximately 90 percent of the run.⁶

Despite the collective magnitude of the payday, most fishermen in the terminal fishing districts experienced one of the worst fishing paydays ever. By contrast many of those participating in the interception of intermingled salmon stocks in the Egegik District had their best pay day ever, further aggravating many Alaska resident fishermen in their perception that the major beneficiaries of this recently established salmon reallocation have been non-residents.^{7, 8}

⁵ Four other species of salmon are also found within Bristol Bay waters. They are the king, Oncorhyncus tshawytscha; chum, Oncorhynchus keta; silver, Oncorhyncus kisutch; and pink, Oncorhyncus gorbusha.

⁶ ADF&G, Alaska Fisheries Atlas, 1978 at pages 20-21.

⁷ See, for example Jay Hammond, "Politics Prevails in Salmon Interception Non-Action," "Bushrat'lings," "Anchorage Daily News," October 2, 1988. See also letter from Donald F. Nielson, Senior Vice President, Bristol Bay Native Corporation, to Senator Rick Halford, published in the "Borough Post," December 16, 1988 page 2; and letter addressed to Heather Flynn, from Richard E. Deigh, President Egegik Improvement Corporation, complaining: "If you want to know who is really stealing your profits, it is going to Seattle or California in Outside Fishermen's pockets." Id. In trying to ascertain just how much of the pay day out-of-state residents took out of Bristol Bay during 1988 Kurt Iverson of the CFEC reported that there is a two year time lag in organizing the fish ticket data into manageable information because there are literally thousands of fish tickets to analyze.

⁸ Review the table submitted by the CFEC which indicates that Egegik has a higher percentage of nonresident fishermen

In 1988 the Naknek/Kvichak experienced one of its poorest catches in recent history even though the ADF&G forecast for the Naknek/Kvichak and Nushagak fisheries was projected to be good. (See ADF&G 1988 Bristol Bay commercial salmon catch forecast which is attached in the appendix). Many set net fishermen operating in the Naknek/Kvichak District caught less than 250 sockeye salmon during the 1988 regulatory season!⁹ According to recently released ADF&G figures of the Naknek/Kvichak District, drift fishermen caught on average only 3,128 sockeye or 19,175 pounds while the average set net permit holder delivered 1,515 salmon or 9,287 pounds! A breakdown of the set net catches in Naknek/Kvichak indicated the North Naknek beach which is traditionally one of the

participating in that district than in other Bristol Bay fishing districts.

STATE OF ALASKA
COMMERCIAL FISHERIES ENVIY COMMISSION

Project Number : 88334.01
Service Req. # : 161518
Produced : December 12, 1988

1988 Bristol Bay/Egegik Salmon Set & Drift Gill Net Residency Report

A R E A S	Salmon Drift Gill Net		Salmon Set Gill Net		Both Fisheries Combined	
	Residents	Non-Residents	Residents	Non-Residents	Residents	Non-Residents
Egegik	542	481	109	90	650	571
	53 %	47 %	55 %	45 %	53 %	47 %
Bristol Bay Excluding Egegik	987	731	622	134	1,603	865
	57 %	43 %	82 %	18 %	65 %	35 %
All of Bristol Bay	1,061	818	717	222	1,772	1,040
	56 %	44 %	76 %	24 %	63 %	37 %

Selection Criteria for this report is as follows:

1. S04T landings on S04T permits.
2. S03T landings on S03T permits.
3. Common Property catch.
4. Egegik area is defined as statistical area 032200.

⁹ See user group newsletter in the appendix.

best areas to set net had an average catch of 849 fish per site or 5,204 pounds! The report indicated there was no set off for chum salmon and this would thereby reduce the average set net catch figures. Some fishermen believe the ADF&G may have added in "fall fishing" catches to the catch figure which inflates the averages. ("Fall fishing" is the term designated to fishing a later run of stocks (commencing on or about July 18) such as pinks, silvers, chum and occasional sockeyes and kings).

ADF&G catch breakdowns between the drift and set net gear types for the 1988 season in Nushagak, Egegik, and Ugashik are not out yet. Verbal communications with Nushagak fishermen indicate they, like those on the Naknek/Kvichak, had a grim season, and some fishermen from the Ugashik complain that they had poor catches as well. For example Marvin Ebnet, President of the Ugashik Setnetter's Assn. called the Governor's monthly radio talk show on July 5, 1988 to complain about decreasing harvests for Ugashik set net fishermen. Ebnet said the run at Ugashik peaks about a week after the traditional July 4 date for most Bristol Bay districts, and this gives drift net boats time to move in on Ugashik and other areas. Steve Levinson, "Setnetter Quizzes Governor," "Bristol Bay Times," Vol. I, Ed. 22 July 7, 1988 at page 1.

"The drifters move in and cork us off," Ebnet complained. Id. "We used to catch about 10 percent of the total. Now our share is down to three or four percent." Id.

Meanwhile, drift boat averages in the Egegik for 1988 could be estimated in the \$102,022.06 range.¹⁰

¹⁰ In 1988 Egegik reportedly caught 6,611,000 salmon multiplied by 6.13 the average weight of a red salmon equates to 40,525,430 pounds. The settled price between the major processors was \$2.25, but because a significant portion of the catch was made precedent to the price being settled \$2.00 per pound will be used to more accurately compute the value of the fish resulting in \$81,050,860.00 derived in Egegik. If the Egegik set net fishermen caught 9 % of the catch (which is down from the gear types 14% average from 1965 -1988) which is i.e., \$8,105,086.00, then the drift fleet caught \$72,945,774.00. According to ADF&G estimates there were 715 vessels participating in the district then boat average may well be in the \$102,022.06. range. This figure will be higher if some processors paid the settled grounds price of \$2.25 retroactively. Also, an increase or decrease of the number of vessels actually making deliveries because of vessel transfers in and out of the Egegik District, will alter the boat average. Some Egegik fishermen reportedly earned over \$250,000.00 during the 1988 season. One interesting calculation is if one takes the average Egegik catch for the past 30 years which is 1,702,000 salmon infra and multiply that by \$13.79 then the Egegik would have had a payday of @\$23,470,580.00 if the season had been average. If one subtracts this figure from the 1988 estimated value of the Egegik catch above, it results in a net increase of \$57,580,280.00.

II. QUESTIONS TO BE ANSWERED

Should the Egegik District which is a recently developed fishery be allowed to destroy a historical fishery such as the Naknek/Kvichak by intercepting massive amounts of fish heading for its tributaries? Do biologists generally agree that salmon should be managed to the greatest extent possible at their river terminus? Are present levels of interception significant enough to warrant curbing such interception by such measures as pulling in the Egegik District's boundaries? Does the ADF&G have the requisite authority to pull in the Egegik Boundaries and regulate openings to assure adequate escapement before openings are given to fishing districts in Bristol Bay? What are the criteria necessary to pull in the Egegik Boundary? Is the Board of Fisheries the only entity with the requisite authority to pull in the Egegik Boundary?

Why does the Board of Fisheries have "Selected Policies on Mixed Stock Salmon Fisheries" yet fails to implement same? Should these Board policies be adopted in regulation form by the Board at the Legislature's request? How have the Bristol Bay communities fared under the present situation? Should there be a policy established by the Alaska Legislature that mandates that interception be curbed as much as possible especially in cases where a newly developed fishery such as Egegik threatens to destroy a historical fishery such as the Naknek/Kvichak? Is it the province of the Alaska Legislature to adopt a river of origin harvest policy and then let the Board through regulation, and the ADF&G, through management tools, carry out such a policy?

III. THE INTERCEPTION PROBLEM IN MORE DETAIL

A. THE STATE OF ALASKA HAS NO POLICY ON INTERCEPTION OF MIXED SALMON STOCKS WITHIN STATE WATERS.

Many find it curious that on one hand the State of Alaska joins

Also, precedent to the expansion of the Egegik District by Board regulation (in 1982, 1985, and 1987) the 20 year average catch was in the 1,100,000 fish range which would have been a \$15,169,000.00 pay day and in actuality a approximate net increase of \$65,881,860.00 over an "average year."

the U.S. government in profusely condemning interception on the high seas, while on the other hand turning its back on interception of salmon within state waters. For example, through support of the Pelley Amendment of 1971, the State of Alaska continues to denounce the high seas "squid fishery" engaged in by foreign nationals because it preys on intermingled Alaska salmon stocks. The reasons for so doing are obvious. Not only does such interception deny U.S. citizens the opportunity to harvest U.S. spawned salmon stocks, but appropriate fisheries management programs are also compromised. Until salmon have segregated into individual terminal rivers of origin, it is utterly impossible to manage the harvest in such a way as to assure that adequate escapement is obtained and fishermen in the terminal fishery can continue to reap their historic "fair share" of the harvest.¹¹ But only recently, when pressed, has the ADF&G acknowledged that interception has occurred in the expanded fishing districts such as Egegik and Ugashik.

The Board of Fisheries has considered a policy on mixed salmon stock fisheries that essentially requires that the interception of mixed salmon stocks be curtailed within state waters. However, because the "Selected Policies" have not been formally adopted in regulation form by the Board, it does not follow these policies. One of the "stated principles" reads:

A basic principle of salmon fishery management is that fishing of any salmon stock should not occur until the spawning escapement for that stock is ensured. Run strength and resultant optimum harvests and escapements cannot be estimated until discrete stocks have separated themselves from mixed stocks and arrived in areas near their natal streams. This type of single stock management allows optimum harvest rates on all stocks based on the productivity of individual stocks.

For example, because the ADF&G pronounced in its 1988 forecast that there was going to be a significant run in Bristol Bay the Board determined that there was no problem with obtaining "adequate escapement" in various fishing districts. Therefore, when commercial fishermen and their user groups argue about allocation the Board simply states that escapements will be met and the

¹¹ See Jay Hammond's article "State's Fish Allocation Regulations A Tangled Knot of Lines," "Bushrat'lings," "Anchorage Daily News," May 1, 1989 at F2. See also, draft of a tape of Hammond's testimony concerning "fair share" allocation that the Board refused to play during their the Board of Fisheries, December 1987 hearings attached in the appendix, and additional article "Legislature Must Get Involved In Business of Game Allocation," "Bushrat'lings," "Anchorage Daily News," January 8, 1989 at G3.

terminal fishermen suffer. The amount of fish being harvested in the Egegik District is harmful to the management of the resource and necessitates careful examination.¹²

Unfortunately, Bristol Bay terminal fishermen many of whom are local villagers, suffer economic harm because of salmon interception. They have been ignored for political reasons by the management policy of the ADF&G to accommodate the drift fleet rather than the fish. (See for example, Jay Hammond's article, "Politics Prevails In Salmon Interception Non-Action," "Bushrat'lings," "Anchorage Daily News," October 2, 1988 this article is attached in the appendix and letter of December 16, 1988 from Donald F. Nielson, Senior Vice President of the Bristol Bay Native Corporation published in the "Borough Post").

The charge is that certain lower fishing districts on the Bering Sea side of the Alaska Peninsula (also commonly called the Eastside Fisheries, primarily the Egegik and Ugashik) are reaping enormous catches of salmon that are actually bound for upper river fishing districts (what some call the terminal fisheries or rivers of origin). It is asserted that recent expansion of the Egegik District's boundary seaward in 1982, 1985, and southward in 1987 has enhanced interception. (See history of 5 AAC 06.200(c)). (See also Bob King, "Looking Back at the Line, A History of the Egegik Boundary," "Alaska Fishermen's Journal," Vol. 10, 1988 page 18) (hereinafter referred to as King, "History").¹³ What we have here according to former Governor Jay S. Hammond is a situation where the "Egegik is a newly developed fishery which threatens to destroy a historical one" (referring to the Naknek/Kvichak Run). Hammond, *supra*.

ADF&G personnel who manage the fishery have claimed repeatedly that "we don't care where the fish are caught or who catches them, so long as we get our escapement." *Id.* Fishermen in Bristol Bay's terminal fisheries (Naknek/Kvichak, Nushagak) complain that most of these intercepted sockeye salmon should (as they have in the past) be harvested primarily in the river of origin and that current management practices are giving their fish away to the Egegik and Ugashik districts. Donald F. Nielsen, Senior Vice President, Bristol Bay Native Corporation, accurately described the situation:

We are very sympathetic to the desire of the Naknek-Kvichak

¹² See attached "Selected Policies Of The Board of Fisheries," in the appendix.

¹³ Note, Bob King also wrote a similar article entitled "From 'Yachting Regatta'...to 'Combat Fishing,'" "Bristol Bay Times," September 16, 1988 at page 1. Both articles are included in the appendix.

fishermen to get other fishermen off their stocks since they have to sit on the beach until adequate escapement passes their fishing district to perpetuate the species. You should realize that sitting on the beach while others are getting rich on the same resource is very disturbing.

Letter published in the "Borough Post" on December 16, 1988 at page 2.

B. TERMINAL FISHERMEN AGREE SALMON SHOULD BE HARVESTED AT THEIR RIVER OF ORIGIN.

Both set net and drift fishermen in the Naknek/Kvichak and Nushagak agree that salmon should be harvested to the extent reasonably possible, in the terminal fishery. Certainly when tremendous catches of nondiscrete/commingled stocks are made outside the terminal fisheries, fishermen lose income. For residents who live in Bristol Bay, the commercial salmon fishery is their major, if not only source of income.¹⁴ The members of the joint committee asserted in a public hearing held at the Bristol Bay Borough during July of 1988, that the magnitude of the Egegik and Ugashik Intercept has more importantly created a conservation problem. Thus, the issue is not solely one concerning allocation. Also, some fishing lodge owners on the Naknek, and Kvichak believe the intercept problem reduces the numbers of king salmon that their clients should have an opportunity to catch. Biologist Dick Russel said: "[w]e didn't need to hit them (the kings) as hard as we did this season." Bob King, "Fish Board Says Wait On Egegik Line Change," Alaska Fishermen's Journal" Vol., 11, November 1988 at page 20.

C. SOME ADF&G BIOLOGIST AGREE THE INTERCEPTION OF STOCKS IN EGEGIK PRESENTS A SERIOUS MANAGEMENT/CONSERVATION PROBLEM.

Some ADF&G biologists agree that the interception of nondiscrete

¹⁴ "In the southwest region (Aleutian Islands, Bethel, Bristol Bay Borough, Dillingham, and the Wade Hampton Census Area) commercial fishing generated 47% of the total regional income and 98% of the total personal income by the private basic sector activity." Senate Advisory Council, Alaska Legislature, October 1988 Draft, Community Fisheries Development, 1988 at page 2. Note, Commercial fishing was 7% of the total state income generated in 1984 and 27% for the personal sector. Kruse, Gordon H. 1987. An Overview of Alaska's Fisheries: Catch and Economic Importance of the Resources, Participants in the Fisheries, Revenues Generated, and Expenditures on Management, Alaska Dept. of Fish & Game, Juneau Alaska. Note, with the upsurge of the unit value on seafood such as salmon, during the downturn of other sectors of the Alaska economy would indicate that the overall importance of Alaska's fisheries has risen.

stocks in these lower districts presents a serious conservation problem. For example:

Ken Parker, Director of Commercial Fisheries was, quoted recently as saying: "[w]e estimate 25 percent of all the fish taken in Egegik were destined for other areas. It violates a Bristol Bay management policy that enables us to balance harvest and escapement. So, it's something the Department is going to have to look at this year because it's not only an allocative issue but a conservation issue, too." "Alaska Fishermen's Journal," Vol. 9, September 1988, page 35. The policy that is violated is outlined in the Bristol Bay Comprehensive Salmon Plan namely:

"Salmon Interception:

To maintain current levels of production, the team recommends that:

1. The terminal fishery concept be enforced, i.e., stocks be harvested as close to their respective spawning grounds as possible;
2. Foreign offshore fishing be eliminated;
3. Optimum escapement goals for all segments of a return be achieved through harvest management; and
4. Management policies that will maintain genetic diversity and productivity of the individual stocks be followed."

As quoted from the Bristol Bay Comprehensive Salmon Plan, developed by the Bristol Bay Regional Planning Team, for the ADF&G, November 1988, at page 89. Here, goals 1, 3, and 4 are frustrated or put at risk when levels of interception occur as in the present case. These will be set out by the facts infra. Again, "fish politics" rather than sound biological management appears to dictate where fish are harvested.

Chuck Meacham Jr. of the ADF&G stated publicly at the Bristol Bay Fall Fisheries Meeting (held in Naknek, September 22-23, 1988) that "the magnitude of the Egegik Intercept has compromised our ability to manage the Bristol Bay fishery." See also Mr. Meacham's memorandum to Ken Parker where he stated: "[a]t this meeting the Director formally went on record as feeling that the present management plan for Egegik District was unacceptable as it resulted in some degrees of excess escapement in the Egegik River and present interception rates of 25 percent within the Egegik District

compromised our ability to manage adjacent fishing districts."¹⁵

Chuck Meacham was also quoted as saying, "ilt (the Egegik Intercept) really compromises our ability to manage some of the other eastside districts...we take the matter seriously and think something ought to be done." Bob King, "Fish Board Says Wait On Egegik Line Change," supra at 20. Chuck Meacham referring to the interception, "ilt just confuses management." Id. More importantly Meacham said, "ilt makes it difficult to assess the strength of individual runs to their river of origin, and that's what we need to do in order to attain our escapement goals and give fishermen all the harvestable surplus." Id.¹⁶

¹⁵ See copy of attached memorandum.

¹⁶ One of the ADF&G's positions of late is to down play the intercept issue and put more emphasis on the over escapement problem in the Egegik. This season the Egegik was shut down after it had apparently intercepted almost all of the Naknek's commercial catch and much of the Kvichak. At this point the Egegik run came in and there was an over escapement of 600,000 fish! These fish were worth approximately \$13.79 apiece (\$2.25 x 6.13 (avg. wt. of a red salmon, supra)). This over escapement resulted in an economic waste of approximately \$8,275,500.00!

These fish, by regulation should have been harvested pursuant to 5 AAC 06.320(f) which states:

If the department determines that one gear type could be operated in a district without jeopardizing escapement goals for that district or for another district, but allowing both gear types to operate would jeopardize attainment of those escapement goals, the department shall allow the one gear type to operate." (In effect before 1985; am 5/11/85, Register 94; am 4/2/88, Register 105) Authority AS 16.05.060, and AS 16.05.251

Here, some sources indicate the Department felt it would be unpopular with the drift fleet to allow the set net fishermen to fish even though many of the latter had been screened off by the Egegik fleet for most of the season. Note the word "shall" in the regulation is mandatory and it is designed to apply throughout the Bay. This particular regulation was used successfully during 1987 in the Kvichak Section of the Naknek/Kvichak District. Note there are two different biologists that manage these areas. The ADF&G had (and still has) the authority to pull in the boundaries which will be discussed infra, but did not do so for reasons considered by many to be political. Had the Department complied with the above regulation, drift fishermen would have experienced no loss whatsoever to the set-netters since they did not catch any of those

IV. HISTORY OF THE BRISTOL BAY FISHERY AND THE EGEKIK FISHING DISTRICT

A. THE KVICHAK RIVER IS THE DOMINANT SOCKEYE PRODUCING RIVER IN THE WORLD.

"Historically Bristol Bay has prouced the largest sockeye samon runs in the world." Alaska Fisheries Atlas, supra, at 22. "The Kvichak River system is the largest producer of sockeye salmon in the Bristol Bay area." Id., at 23. The Kvichak is fed by Lake Illiamna and Lake Clark. Both the Kvichak and Naknek River flow into what is termed the Naknek/Kvichak District. Often only one section of this district will be open to allow escapement into the river system that is not opened.

As a general proposition, before 1980 it was extremely rare for any of the other river systems to produce as many fish as the Kvichak, both in terms of catch or escapement. The largest concentration of fishing vessels and set net sites have been historically located in the Naknek/Kvichak district. However, recent trends in fishing allocations attributable to interception have compelled many drift fishermen to move southward in recognition that much of the Kvichak run is now being intercepted in Egegik. In the process, of course, the less mobile Naknek/Kvichak and Nushagak set net fishermen have seen their historic percentage of the Bay's harvest plummet. This is borne out by the number of actual fish caught when compared with numbers of fish caught precedent to the expansion of the Egegik fishing district. Many drift fishermen and some disenfranchised set net fishermen from the Kvichak have relocated in Egegik because they realize that the Kvichak run is being trimmed in Egegik.

Note, for several seasons the Kvichak Fishing District has been closed and/or fishing time has been severely reduced because some assert the run was being harvested by Egegik and other fisheries down the peninsula. See eg., (Thiele et al., v. State of Alaska, Department of Fish & Game, 3KN-86-626 Civ.).¹⁷ (See chart which shows that the increased number of vessels registered in Egegik has increased from approximately 200 in 1980 to over 900 in the

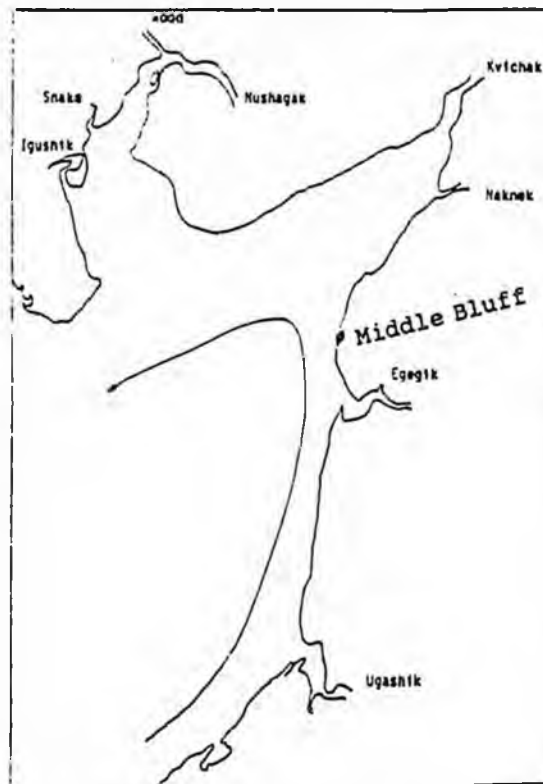
over escapement fish anyway.

¹⁷ In Thiele et. al., v. State of Alaska Department of Fish & Game, 3KN-86-626 Civ. In Thiele the plaintiffs (set net fishermen who fish the Kvichak) attempted to enjoin salmon interception in the lower fishing districts but after a review of the record it would appear not enough information proving an intercept problem was available in 1986 to warrant the Court's finding for the plaintiffs.

last several years! See also chart which shows the increase in Egegik "production" which comes with the increase in the size of the Egegik District, increased drift participation and liberal management).

B. MIDDLE BLUFF NEAR EGEGIK IS A MILLING AREA FOR BRISTOL BAY'S MIXED SALMON STOCKS.

In a recent conference with Henry Yuen, a biologist working for the ADF&G, he said that basically salmon swim against the currents and mill in and above the Egegik District near Middle Bluff precedent to their final push to their home ports. (See chart).



Direction of the net or non-tidal current in Kvichak Bay (from Strady, Richard R. 1969. The Migration Pattern of Adult Sockeye Salmon (*Oncorhynchus nerka*) in Bristol Bay as related to the distribution of their home-river waters. Ph. D. Thesis, Oregon State University).

This premise has been established by various tagging studies and also is a fact that early commercial fishermen and biologists knew and understood. For example, as long ago as 1919 C.H. Gilbert with the Federal Bureau of Fisheries noted it was "impossible to disentangle" returns to the Kvichak and Naknek Rivers, adding "this is equally true at both the Ugaguk (sic) and Ugashik Rivers, for the great Kvichak migration sweeps past the mouths of these rivers," as quoted in Bob King's article written in the "Bristol Bay Times," "From 'Yachting Regatta'...to 'Combat Fishing,'" September, 16, 1988 at page 1. (Also, a version of this article appeared in the Alaska Fishermen's Journal, Vol. 10, October 1988 at page 20). Mr. King's well recognized article on the Egegik Boundary was composed by careful review of Fish & Wildlife reports

and from various ADF&G studies.

Mr. Gilbert pointed out the need to protect the salmon runs to the Bay, and that district boundaries were necessary over sixty years ago. The first district boundaries in Bristol Bay were implemented in 1927, and the commercial effort in Egegik consisted of between 80 to 100 sailboats with most of the fishing being performed close to the river mouths. The capacity of the salmon holds in the sailboats was only about 1,500 to 2,000 fish and each had to be pewed into a tally scow.¹⁸

¹⁸ Incidentally, today modern drift boats have significantly increased their "fishing power." For example, many of today's vessels can hold over 3,500 fish or more than 25,000 pounds in their sterns alone, and the use of brailers has allowed them to unload their catch in less than 20 minutes and swiftly return to fishing. Along with increased fish holding capacity is their ability to withstand rougher weather because of the use of aluminum and fiberglass hulls. Many also, have twin screws to increase speed, radar, radios, fish finders, lorans, hydraulic reels to aid in pulling the nets in, four man crews, and the implementation of fish spotting aircraft by some even though outlawed. Unfortunately, with Bristol Bay Drift permits selling for over \$275,000.00 and new vessels costing from \$100,000.00 to \$200,000.00, insurance, crew shares, the cost of fuel and repairs, the fact is that the fishery is no longer friendly. It is the most competitive and dangerous salmon fishery in the world today. The danger in the fishery, besides rough weather, is fighting for positions as close to the district boundary lines as possible.

For example, the Egegik line battles at the North Marker for Naknek/Kvichak fish coming in on the ebb has resulted in deliberate rammings, shots being fired, injuries to crew and allegedly one death during 1988. Ironically, if one were to look objectively at the Bristol Bay fishery, it is apparent that the whole fishery could have been fished by skiffs which would fish near the river mouths on discrete stocks and which pollute far less than the drift fleet. Also, the quality of the sockeye produced in the Bay would be better. For example, set net fish taken by skiff on the North Naknek Beach are greater than 90% number ones, according to one of the Nelbro plant managers, because the majority reach the processing plants within an hour of delivery. The majority of the drift fleet makes deliveries to tenders many hours after being picked out of the net. Also, many fishermen complain during the latter part of the season that they catch tons of garbage left by the drift fleet. Also, a fleet of skiffs would have employed more residents. For example, look at the fishery on the Yukon. But because of existing regulations, political pressure, and competition for fish, the fleet has "modernized" at the expense of costing more to catch a pound of salmon when compared to the set net fishing or fishing operations on the Yukon (because of the

C. LONG AGO BIOLOGISTS RECOGNIZED THE NEED FOR FISHING BOUNDARIES TO PROTECT MILLING SALMON STOCKS IN BRISTOL BAY FROM THE DRIFT FLEET.

With the advent of power boats biologists recognized the problems that a more mobile fleet would bring. Id. According to Fish & Wildlife in 1952 "it is generally conceded that Middle Bluff is a schooling ground for migrating salmon." Id. For that reason in 1952 the Fish & Wildlife Service declared that an area between Egegik and the Naknek/Kvichak became a "no man's land" and would be exempt from fishing. Id. at 8. "To close a portion of this area to commercial fishing would provide a section where they could school unmolested and, when ready, proceed to their respective rivers."¹⁹ In addition it would provide a distinct line of demarcation between Naknek/Kvichak and Egegik fish and would act, to a lesser degree, as a deterrent to fishing effort from moving from one district to another." Id. Note, today there is what is called the "48 Hour Transfer Rule" which prohibits a drift or set net (primarily drift vessels transfer) from traveling from one district to another without formally registering their move with the ADF&G. This rule is designed to prevent the drift fleet from descending on one district and taking the majority of the salmon that would be harvested by the drifters and set net fishermen already present in the district. This regulation 5 AAC 06.370 was upheld as constitutional in Meier v. State, Board of Fisheries, 739 P.2d 172 (Alaska 1987).²⁰

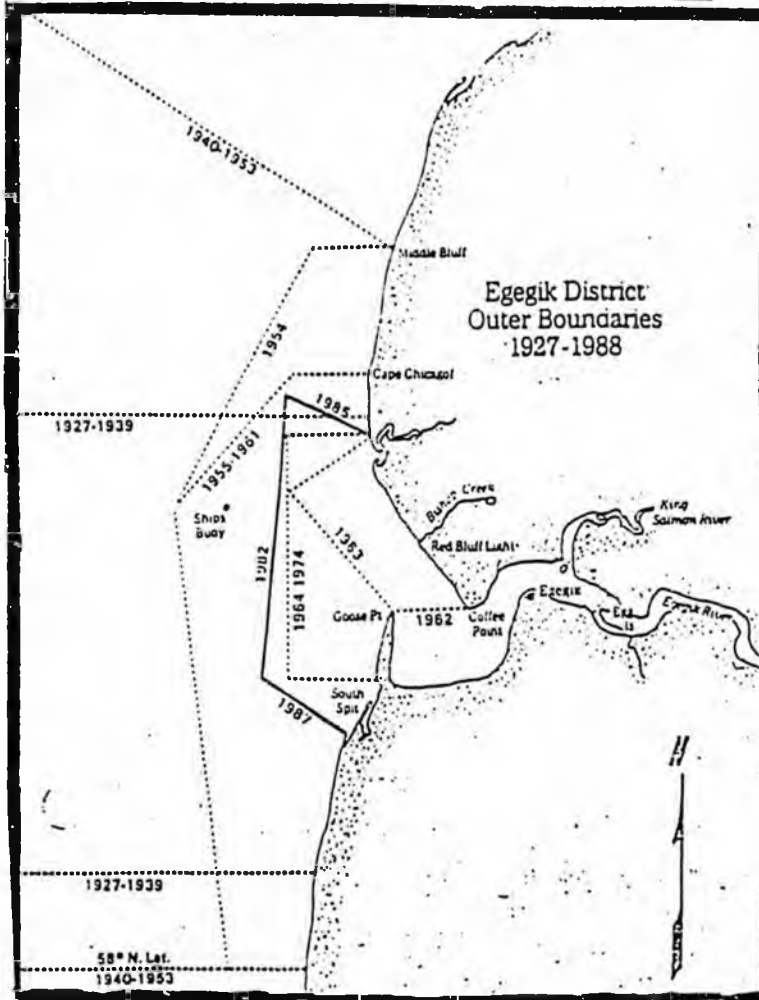
investment) plus the "efficiency" of the fleet and political allocations has caused massive problems with the fishery itself.

¹⁹ This view point or management strategy is carried over into today's management of Bristol Bay under the Management Plan but is not followed for political purposes, supra.

²⁰ One interesting question to pose to the ADF&G is to ask why the Department "waived" the "48 Hour Transfer Rule" in 1987 when they allowed several hundred drift vessels to descend on the drift and set net fishermen in the Kvichak when a significant portion of the run arrived (due to nearly 100 mile winds that kept the Egegik Drift fleet in port and off Naknek/Kvichak fish for a day or so). What could have been a productive period for the already present fishermen was wiped out or rather severely diluted by the hundreds of vessels that descended on the district. Who authorized the waiver? Can the tapes of this ADF&G announcement be obtained via KLDG radio archives? Was there a written order made by the Department? The Department says that it does not get into allocation and that it's the Board's prerogative but here this action is purely allocative.

Caveat, 5 AAC 06.370 (f) states: "The commissioner shall waive or reduce the 48-hour transfer notification period

Apparently, as far back as 1953, "the mobility of the fleet was an immediate concern with the advent of power boats." Id. During 1953 the Egegik fleet swelled to 274 vessels. At Ugashik, 174 boats took part in the season. It was enough to cause biologists to fear the worst: "To move over 1,000 vessels into these areas might jeopardize escapements as well as intercept a goodly portion of the Naknek/Kvichak run even before they entered the district." Id. at 9. The following season the Egegik line was pulled back in and the next year the Egegik District was reduced. Id. (See chart).



required by this section when continuous commercial fishing is being allowed in that district. The commissioner may reimpose the 48-hour notification period at any time when needed for management purposes."

While this regulation perhaps makes the waiver "legal," the net result was that terminal fishermen were deprived of a decent payday when the "Egegik Fleet" was allowed to travel directly from their district to the Naknek/Kvichak and commence fishing.

With statehood the ADF&G took over management of Bristol Bay and the Egegik line was an immediate concern. Id. The ADF&G, out of concern for interception, stated that increased Egegik catches included a "significant proportion of non-Egegik fish." Managers in 1961 believed the "number of fish might be so great as to seriously affect management in other districts." Id. Compare this statement with that of Chuck Meacham of the ADF&G and other biologists infra. (All are in accord).

Based on tagging studies consummated in 1961 the Egegik line was drastically reduced and "Egegik was opened to set nets only and fishing was restricted to beaches inside the river." Id. ²¹

²¹ The action taken in 1961 is similar to the "Naknek Salmon Special Harvest Area Management Plan" that was implemented in 1986 by essentially moving all drift vessels and set net fishermen from the Kvichak and Westside into the Naknek River while leaving the South and North Naknek set net sites in place for a several fishing periods. However, all set net fishermen who could find site locations were moved into the Naknek River when only 8% of their total catch had been comprised of Kvichak fish. (See 5 AAC 06.360) (The Department's taped announcement is in the possession of the KLDG archives according to Bob King, wherein Don Bill states 8% interception of Kvichak fish by the set net fishermen is "intolerable.") By contrast, the ADF&G allowed the Egegik and Ugashik Districts to fish relatively unrestricted and intercept Naknek/Kvichak fish. During 1986 according to ADF&G figures Egegik caught 5,141,611 salmon while Ugashik caught 5,055,924 fish, the total being 10,197,535! How many of these fish belonged to the Kvichak?

Numerically, approximately 3,190,313 salmon were harvested in the Naknek/Kvichak for 1986. Set net fishermen took 30% i.e., 957,093 of the catch that season because of reduced drift effort. If the intercept level of the set net fishermen was 8% then they took approximately 76,567 Kvichak salmon. By contrast it is believed by some that the Ugashik and Egegik Drift fleet took perhaps over 5,000,000 Naknek/Kvichak Fish! Politics prevailed then, and still

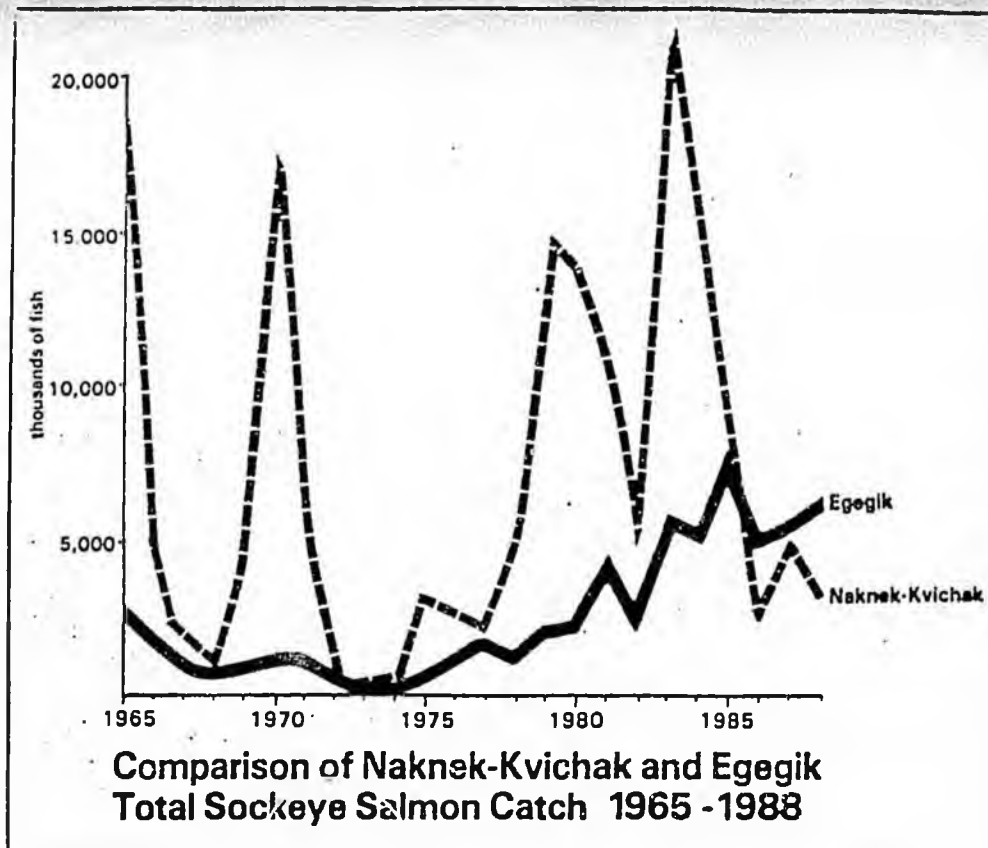
In 1963, projections for the Egegik District were good and a triangular line was drawn increasing the size of the district with the point extending out to three miles and back to Big Creek." Id. In 1964, the district was reformulated to its present rectangular shape around the river mouth and was a third larger than the previous boundary. The drift fleet also increased by a third. (Note, every time the Egegik District has been increased seaward as in 1982, 1985 and 1987, more drift vessels depart the Nushagak, and Naknek/Kvichak to fish there).

The forecast for the Bay in 1973 was a poor one and the total return to the Bay was 2.4 million sockeye. This was the worst run ever. Because of the forecast, the amount of gill-net fishermen could use was reduced. However, interestingly, the Egegik District was again enlarged seaward, "[p]rompted by numerous complaints from drift fishermen." Id. "The northern boundary was extended one half mile due west (seaward) to provide additional area in the northwest section of the district to fish around existing sandbars at low water." Id. It is evident that the farther out to sea the Egegik boundary is extended, the greater the propensity for interception of Naknek/Kvichak bound salmon. This is a basic fact that all fishermen realize. The current ADF&G management recently admitted a major intercept problem exists and are deliberating where to place the Egegik District line based on the scale samples taken in 1988. Many pray the ADF&G will at long last stop managing the Egegik for the "fleet" and start managing for the fish.

D. EGEGIK CATCHES SOAR IN THE EARLY 1980s.

During the 1970s and early 1980s, the salmon runs increased overall and Egegik catches soared. (See chart taken from the Alaska Fishermen's Journal).

does. (See ADF&G catch figures attached in the appendix).



Harvests in Egegik increased from an average of 1.1 million sockeyes to over 5 million in this decade. Id. As Jay Hammond indicated in his article:

Most fishermen have long acknowledged massive interception in the alarmingly expanded Egegik fishery. Until last year, however, the Department of Fish & Game disputed this, preferring to believe the dramatically increased Egegik harvest was a product of wish management and enhanced productivity. Accordingly, the Board of Fish ignored fishermen's pleas that Egegik interception be curtailed.

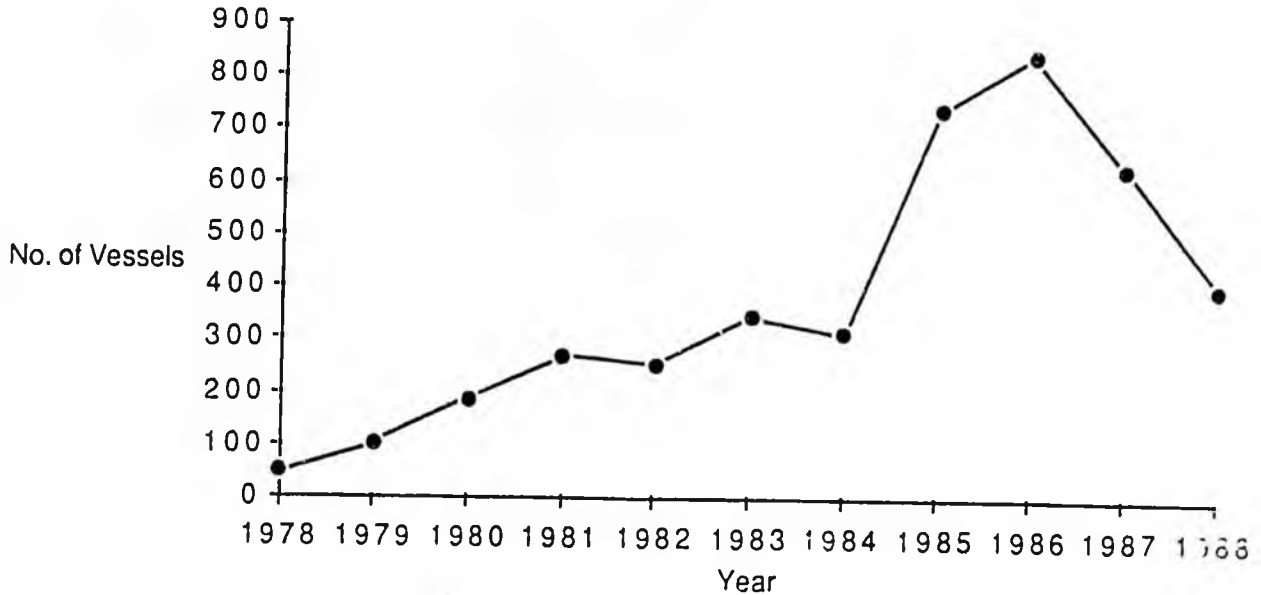
Hammond "Politics," supra.²²

E. THE NUMBER OF DRIFT VESSELS OPERATING IN UGASHIK AND EGEGIK SKYROCKET BEGINNING IN THE EARLY 1980s.

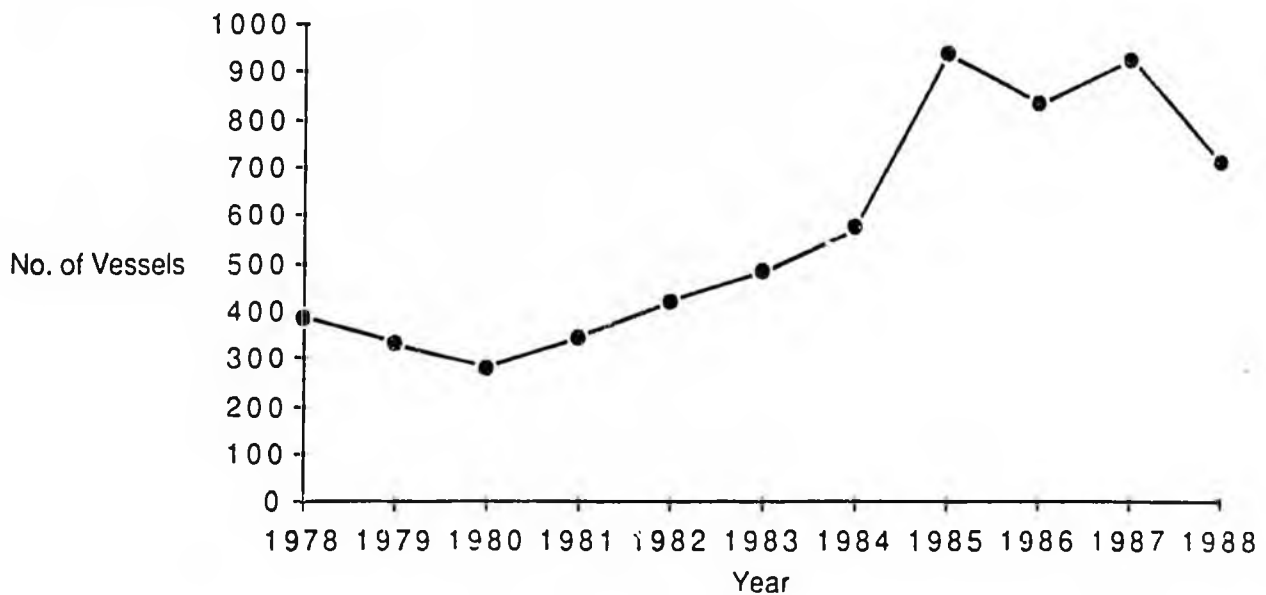
Note, in 1978, the number of vessels averaged 200-300 in Egegik. After 1980, the "Icicle Fleet" departed from the Naknek/Kvichak to avert fishermen strikes and set up shop directly in the path of the Naknek/Kvichak migration in Egegik and Ugashik. Here, Icicle and companies like them had floater processors. They had in a sense, a competitive advantage over shore based entities because they were able to move with their fleet to the Egegik and Ugashik while other shore based entities had to send their tender vessels south to pick up and brine chill fish while transporting them back to be processed in Naknek and Dillingham. Since 1980, there has been a

build-up of vessels to over 900! While at the same time, catches have increased nearly 500% over the previous ten year average (approximately 1,100,000 fish) precedent to the Egegik District line expansion of 1982, 1985 and 1987. Since 1982 the Egegik average yearly catch has ballooned too about 5.5 million fish. Id. (See charts using ADF&G data which shows the influx of vessels to Ugashik and Egegik).

DRIFT VESSELS OPERATING IN UGASHIK



DRIFT VESSELS OPERATING IN EGEGIK



The Egegik Boundary was increased in 1982 to allegedly aid enforcement of the growing fishery. King, "History of Egegik Line," supra, at 20. ²³ It is most debateable that enlarging the district would "aid enforcement." It would seem to be more of an allocative device. In 1985, the Egegik District was again enlarged to loran coordinates. Despite the potentiality of increasing interception, the lines were moved to outward loran coordinates rather than inward to the next set. (The Board's deliberations need to reviewed on this particular aspect). The seaward loran coordinate selected was 9990-Z-45140.

F. USER GROUP AND TERMINAL FISHERMEN WARN THE COMMISSIONER OF FISH AND GAME AND BOARD OF FISHERIES OF A SIGNIFICANT SALMON INTERCEPTION PROBLEM IN EGEGIK, YET THE EGEGIK DISTRICT BOUNDARIES ARE AGAIN INCREASED BY BOARD REGULATION AND INTERCEPTION OF MIXED STOCKS RISE.

On June 23, 1987, (the Naknek Setnetters' Assoc.) sent Commissioner Don Collinsworth a letter requesting that the ADF&G perform scale sample analysis of Ugashik and Egegik because the Association believed that significant numbers of Naknek/Kvichak stock were being taken in the lower fisheries. Later on July 6, 1987, the same group sent the Commissioner a letter with supporting documentation that indicated an intercept problem of some magnitude

²³ Tapes from the Board of Fisheries hearings in 1982, 1985 and 1987 need to be obtained and reviewed by the legislative audit team as to why the Board increase? the Egegik District. Tapes of the 1987 deliberations should be carefully scrutinized in the face of testimony and other information indicating massive salmon interception was taking place.

in Egegik and Ugashik based on the ADF&G's own catch figures and requested him to take "remedial action."²⁴

No remedial action was taken. The 1987 season was below average in terms of catch for the set net fishermen in the Naknek. The user group did however receive a reply back from the Commissioner after the fishing season was over on July 16 of 1987, which stated: "[w]e have been monitoring the catch and escapement at Egegik and the age class distributions in both are identical, thus indicating that there is little to no interception of Kvichak sockeye salmon occurring in that district."²⁵

In 1987, the Egegik District was again expanded. This time southward, over protest from many terminal fishermen including the Naknek Setnetter's Association. See for eg. Proposal to the Board of Fisheries No. 221.²⁶ It is certain that fish politics, rather than sound biological management played a part in expanding the district in the face of information which indicated interception.²⁷

Note, present at the December 1987 Board of Fisheries Hearings were two drift limited entry permit holders from Bristol Bay (Val Angasan, and Jessie Foster) and also a drift fishermen who fishes Cook Inlet (Mike Hagren) who was later fired from the Board by Governor Cowper. The set net fishermen believed Mr. Hagren's vote was not needed because they had a quorum, nor were Angasan nor Foster's vote, yet these individuals failed to recuse themselves when there was an obvious conflict of interest (because they owned a commercial interest in the fishery they were regulating and there was an ongoing conflict between the other commercial user group i.e. the set net fishermen) and one was not qualified because of his criminal fishing conviction i.e., fishing too close to a set net site. (Criminal Case. No. 3KNS871184). (See A.S. 16.05.315)²⁸

Nearly a year later the Department finally determined that in 1987

²⁴ See letter to Commissioner Collinsworth and figures cited within the letter.

²⁵ See copy of the letter in the appendix.

²⁶ See proposal #221 attached.

²⁷ See eg. report from former Board of Fisheries Member Harry Shawback Sr., and also from one of the user groups in this appendix.

²⁸ See for example news article wherein Cowper is demanding Hagren's resignation but in spite of his criminal fishing violation he remained on the Board during the December 1987 deliberations.

there were over 1,400,000 salmon intercepted in Egegik that were bound for other districts! Ugashik reportedly took over 400,000 fish bound for other districts.²⁹ This report was released several weeks precedent to the 1988 season and after the December 1987 Board of Fishery deliberations, and was the subject of much heated debate over ADF&G's management practices.

Terminal fishermen who had argued that interception was significant in Egegik at the December, 1987 Board of Fisheries meetings had requested that the Egegik District be reduced as a reasonable step to curb interception. Naively, terminal fishermen believed this "new information" about the magnitude of the interception warranted special consideration by the Board of Fisheries. The Board was petitioned by one of the local user group associations, but the petition was rejected and will be discussed infra. (Again refer to the graph supra which dramatically illustrates the numbers of fish caught rising in Egegik in the early 1980s while the catches for the predominant producer the Naknek/Kvichak have gone down). (Caveat, this is also the time when Ken Florey began managing Bristol Bay, supra).³⁰

In sum, the Egegik District sticks out into the Bay and provides an avenue for the drift fleet to intercept salmon bound for other districts, and impairs not only the set net and drift fishermen in the terminus, but also the communities situated there. Furthermore, the number of boats, sometimes totaling more than 900, screen off many of the set net sites in Egegik. So they consequently have poor catches. One set net fishermen, who fishes near Big Creek in the Egegik District, commented, "If the fishing is so good in Egegik why is it we have had a terrible season?" The answer is that majority of the catches made by the drift fleet are made at the North Marker on the most seaward line where they catch non-Egegik

²⁹ See report in the appendix.

³⁰ For purposes of the legislative audit of Fish & Game with regards to Ken Florey, who is Regional Manager for Bristol Bay (and also Cook Inlet), members of the Legislative Audit should question him as to why the lower fishing districts were managed more aggressively than the Naknek/Kvichak and Nushagak? Whose allocation policy was he following? Just why was the Egegik District was enlarged in 1982, 1985 and 1987? Also, key as mentioned before, is that there were openings in these lower districts where there were not enough fish to warrant an opening. It is extremely obvious that the fleet that operated in Egegik and Ugashik were not catching fish that were truly destined for those districts. Reports on the newly increased "productivity" of these districts should be reviewed. Perhaps the Legislative Audit team should consult with Dean O. A. Mathisen, University of Alaska, School of Fisheries, Juneau and find out what his perceptions of the productivity of the Egegik and Ugashik are.

fish, meanwhile screening off Egegik fish to many of the set net fishermen. Caveat, some Egegik set net fishermen had good seasons in 1988, but the majority of those fish further up the Egegik River near Coffee Point. Some of these set net fishermen report they catch most of their fish in the first hour or two of an opening. By that time the 900 odd drift vessels have sopped up all the fish in the district and then race to the Egegik most seaward lines to commence "fishing the line." Also, the processors enjoy a competitive advantage by the intercept and this may be the overriding reason for many aspiring to keep the status quo.

V. ACCEPTED BIOLOGICAL PRINCIPLES DICTATE SALMON STOCKS SHOULD BE MANAGED AS CLOSE TO THE RIVER TERMINUS AS POSSIBLE

What do the biologists say about a terminal fisheries policy in terms of management of salmon? Donald E. Bevan, Professor Emeritus, School of Fisheries, University of Washington discussing the objectives of managing a mixed stock fishery "The primary objective should be to control fishing effort to provide sufficient escapement for each of the stocks so that return for the sum of stocks is optimized. Clearly, the optimum cannot be the maximum yield for each stock, unless each stock is fished separately."³¹ Perhaps more important than Professor Bevan's position is that ADF&G Biologists R. Eric Minard and Charles P. Meacham, Jr. stated in a recent article referring to management goals and objectives for Bristol Bay:

The primary management strategy is to regulate commercial fishing by openings and closures in five fishing districts to obtain optimal numbers of spawners in each of eight major river systems. Concurrent with this strategy, management is directed by essentially three goals: manage for maximum sustained yield (MSY), provide for an orderly harvest of stock surpluses, and ensure product quality. Managing stocks for MSY, of foremost importance to the fishery manager, is realized through terminal fisheries establishment of river specific escapement goals, and preserving genetic diversity by distributing catches and escapements over the entire run.

Fundamental to the basic strategy is the concept of terminal or discrete stock fisheries management. Each of the river specific stocks returning to Bristol Bay is managed, to the extent possible, as an individual entity. Commercial fishing

³¹ Donald E. Bevan, "Problems of Managing Mixed Stock Fisheries," Salmon Production, Management, and Allocation, Biological, Economic, and Policy Issues, Edited by William J. McNeil, Oregon State University Press, Corvallis, Oregon, 1988 at page 104.

openings and closures are predicated on attainment of escapement goals and are implemented by flexible rather than fixed fishing schedules. Authority to open and close fishing districts by emergency order has been delegated to biologists located near the fishing grounds, allowing rapid management response time. Each of the five districts is managed independently to conform to the individual stock characteristics of run timing and strength.³²

In research performed thus far there has been no scientific authority unearthed which denies that terminal fisheries management for salmon is the incorrect game plan for managing the Bristol Bay Salmon fishery. A prevalent theme in the management of the Bristol Bay fishery that will be borne out by this study is that the Bay's fishery is managed more on "politics" than on the biology of the fish or the needs of the terminal fishing communities. As a consequence so far as Alaska state interests are concerned, Alaskans are being short changed in deriving benefits from their fishery resources. Additional data will be provided to support that assertion.

VI. THE ADF&G'S 1988 CATCH AND ESCAPEMENT RATIOS FOR THE EGEGIK DISTRICT WHEN COMPARED TO OTHER BRISTOL BAY FISHING DISTRICTS INDICATE SKEWED MANAGEMENT AND INTERCEPTION.

A. FISHERMEN MIGRATE TO EGEGIK AND UGASHIK AS A DIRECT RESPONSE TO MORE AGGRESSIVE ADF&G MANAGEMENT IN THESE DISTRICTS.

The migration of fishermen of both gear types moving southward to Egegik and Ugashik is in direct response to the more aggressive ADF&G management of these lower districts at the expense of the upriver districts.³³ The catch to escapement ratio tells how many

³² Eric Minard and Charles P. Meacham, "Sockeye Salmon (Oncorhynchus nerka) Management in Bristol Bay, Alaska," Reprinted from Canadian Special Publication of Fisheries and Aquatic Sciences 96, Sockeye Salmon (Oncorhynchus nerka) Population Biology and Future Management, 1987, page 338.

³³ Ken Florey became the Regional Supervisor for both Cook Inlet and Bristol Bay in 1982 or 1983. It is at this time that the Egegik and Ugashik intercept problem manifested itself. See for example, the ADF&G catch and escapement figures for that period of time. Biologist Dick Russel began managing the Egegik and Ugashik

fish are allowed to return to spawn versus the number of fish allowed to be commercially harvested. Perhaps the most striking example of misallocation is when the ADF&G allows a district like Egegik to catch fish when there is little or no escapement allowed up the rivers.

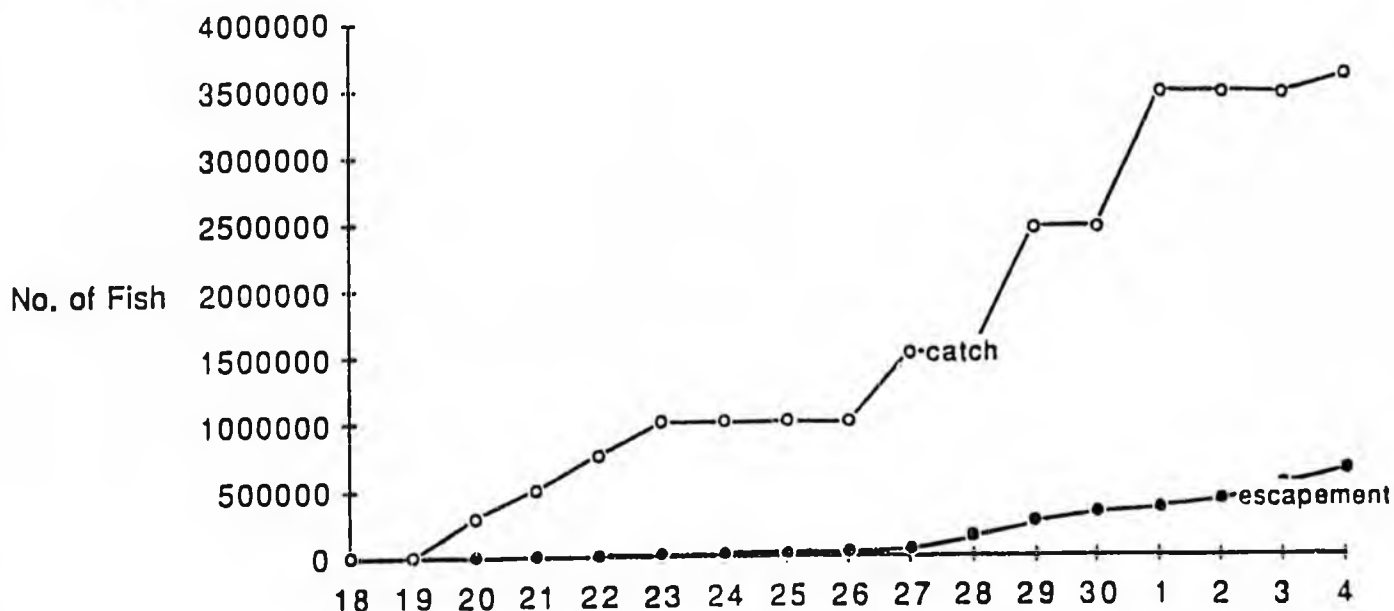
B. EGEGIK'S CUMMULATIVE CATCHES VS CUMMULATIVE ESCAPEMENT RATIOS ILLUSTRATE THIS DISTRICT IS GIVEN PREFERENTIAL TREATMENT OVER THE NAKNEK/KVICHAK, NUSHAGAK, AND TO SOME DEGREE THE UGASHIK IN 1988.

As a case in point carefully examine the graph of the catch to escapement ratios that the Egegik had for 1988 using the ADF&G's daily tally of catches and escapements and cumulatives of same. For example, the Egegik was given twelve openings during "free week" wherein the Egegik caught over 650,000 salmon without one fish accounted for as escapement up the Egegik River! It is a known fact that the Naknek Run comes in earlier than the Egegik. It is alleged by terminal fishermen that Naknek's escapement is being allocated to the drift fleet in Egegik. This assertion is proved by the fact the set net fishermen in the Naknek Section had one of the poorest catches in recent history.

The graph for the catch and escapements for Egegik based on ADF&G figures show that in 1988, there was 1,158,843 fish taken in that district with 16,800 as escapement up the Egegik River!. The fact there is alarmingly small amounts of fish counted as escapement up the Egegik would indicate that the fish caught in the Egegik district are not Egegik stock. These fish never make it to the Naknek/Kvichak. Some "authorities" claim that fish "hold" in the Egegik River before traveling past the counting tower. If that is the case, why is this not true in the Naknek River? Here, biologists are allowing significant catches of Naknek/Kvichak and Nushagak bound fish to occur in Egegik, especially early in the season. (To illustrate this problem, please review the Egegik Cumulative Catch & Escapement from June 18 to July 4, 1988 which illustrates gross mismanagement of the district).

fishery at about the same time Mr. Florey came on the scene. Don Bill, the biologist for the Naknek/Kvichak who along with Russel, is based out of King Salmon, began managing the Naknek/Kvichak in the 70s. Mr. Bill's position on the Egegik intercept problem is that his only concern with his district is that it receive its escapement. Commercial fishermen in the Naknek/Kvichak have found Mr. Bill's stance extremely frustrating. Here, Mr. Bill should have reason to know or suspect that the drift fleets operating in the lower Bay districts are targeting on fish heading for his district. Yet he has apparently done nothing to ensure that Naknek/Kvichak stocks return as unmolested as possible to their rivers of origin.

**Egegik District Cumulative Catch & Escapement
June 18-July 4, 1988**



An examination of the above graph illustrates the catch grossly is disproportionate to escapement. The liberal management of Egegik indicates the Egegik is bankrupting the Naknek/Kvichak and other districts.

Compare the catch and escapement figures for the Egegik, Naknek/Kvichak, Ugashik, and Nushagak Districts which are displayed by graphs for the 1988 season. (It is recommended that the Legislative Budget and Audit Team review catch and escapements going back to 1978 for the Ugashik, Egegik, Naknek/Kvichak and Nushagak. It is believed that a pattern of systematic allocation to the Ugashik and primarily Egegik will be found beginning during the early 1980s while the other districts are managed more conservatively. The Egegik District's catch dwarfs its escapement while the Naknek/Kvichak has more escapement than catch! Note also the more conservatively managed Nushagak District where catch and escapements occur at a harmonious level. The problem is of course the Egegik catches above its forecast while all other systems come

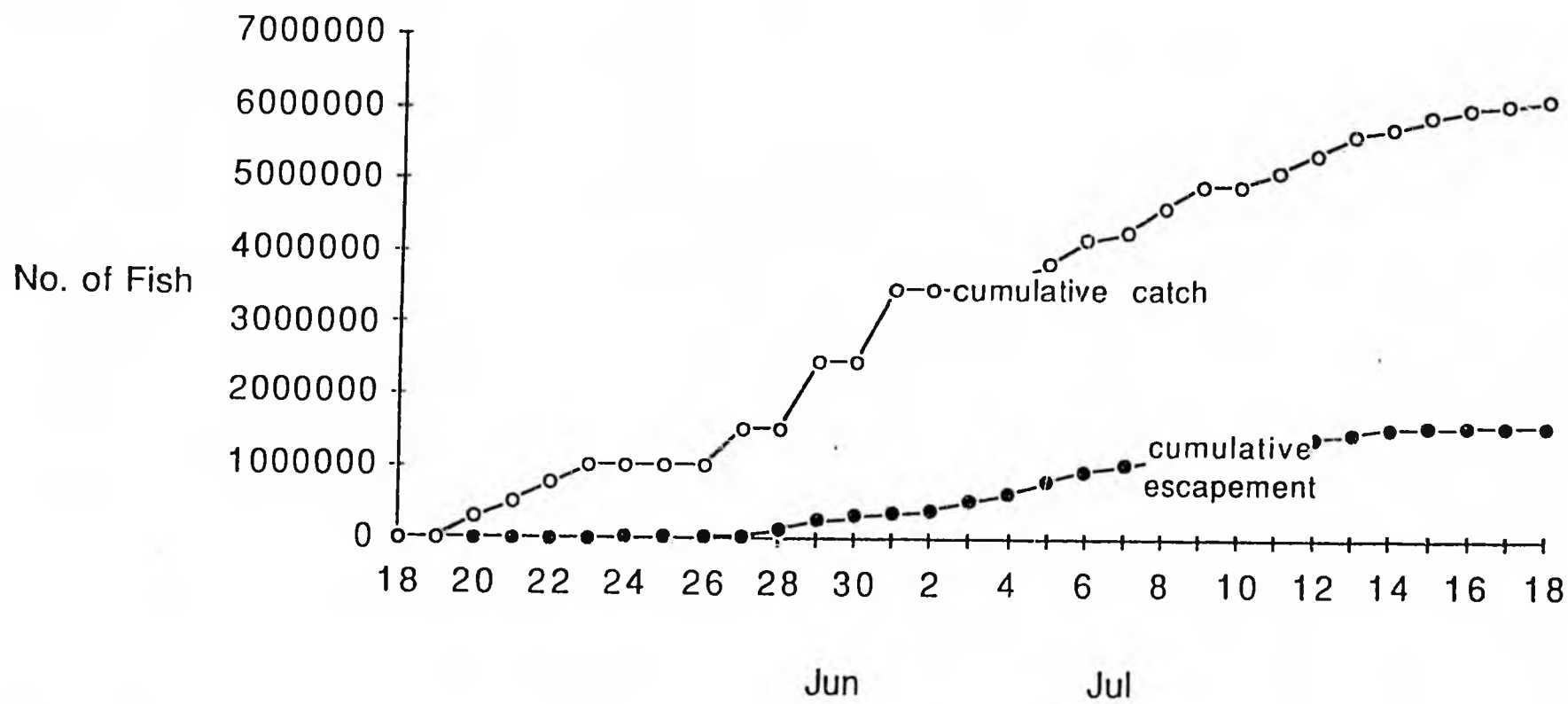
in below forecast. (Please review catch to escapement ratios for the Eastside Fisheries, and following catch and escapements for the four districts).

NOV 18 '98 14:51 2-CORRAL 10TH FISH

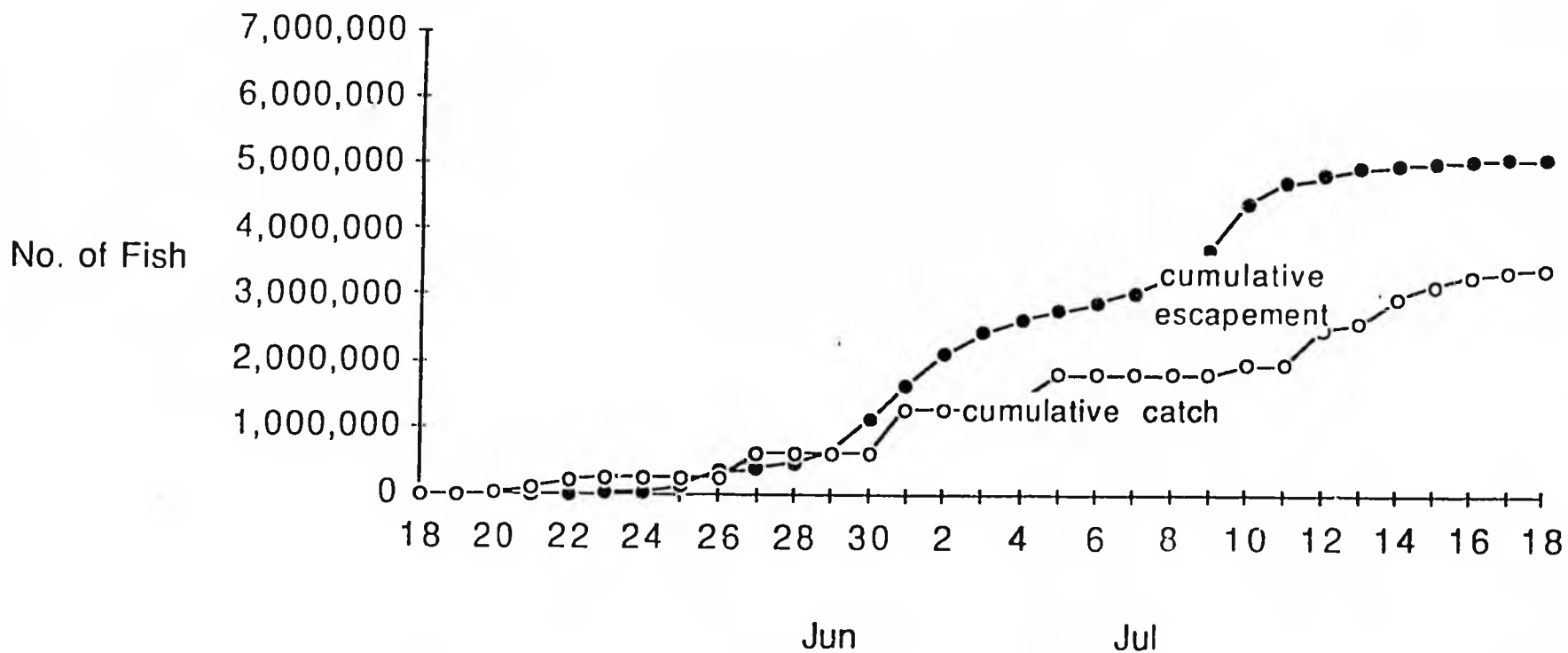
NOV 13 '98 14:50 4-CORRAL 10TH FISH

Cumulative Nos. 1988			Egeqik			Qqashik			Cumulative Nos. 1988			Naknek-RVichak			Naknek			
Date	Catch	Esc	C/E	Catch	Esc	C/E	Date	Catch	Esc	C/E	Date	Catch	Esc	C/E	Date	Catch	Esc	C/E
06/11	1424	0	1424	12	0	12	06/11	43	0	43	06/11	43	0	43	06/11	43	0	43
06/12	1426	0	1426	12	0	12	06/12	43	0	43	06/12	43	0	43	06/12	43	0	43
06/13	14257	0	14257	81	0	81	06/13	292	0	292	06/13	292	0	292	06/13	292	0	292
06/14	40941	0	40941	294	0	294	06/14	2080	0	2080	06/14	2080	0	2080	06/14	2080	0	2080
06/15	71499	0	71499	559	0	559	06/15	4134	0	4134	06/15	4134	0	4134	06/15	4134	0	4134
06/16	114348	0	114348	1729	0	1729	06/16	10935	0	10935	06/16	10935	0	10935	06/16	10935	0	10935
06/17	147403	0	147403	4796	0	4796	06/17	18824	0	18824	06/17	18824	0	18824	06/17	18824	0	18824
06/18	147403	0	147403	4796	0	4796	06/18	22794	0	22794	06/18	22794	0	22794	06/18	22794	0	22794
06/19	147403	0	147403	4796	0	4796	06/19	22794	0	22794	06/19	22794	0	22794	06/19	22794	0	22794
06/20	439753	0	439753	11024	0	11024	06/20	57483	0	57483	06/20	57483	0	57483	06/20	57483	0	57483
06/21	655344	0	655344	28144	0	28144	06/21	111823	0	111823	06/21	111823	0	111823	06/21	111823	0	111823
06/22	914816	10032	91.2	50722	0	50722	06/22	221301	0	221301	06/22	221301	0	221301	06/22	221301	0	221301
06/23	1159032	26800	69.0	64394	0	64394	06/23	165008	0	165008	06/23	165008	0	165008	06/23	165008	0	165008
06/24	1159032	22764	50.9	64394	0	64394	06/24	265008	0	265008	06/24	265008	0	265008	06/24	265008	0	265008
06/25	1159032	25020	46.3	64394	0	64394	06/25	265008	1048	266056	06/25	265008	1048	266056	06/25	265008	1048	266056
06/26	1159032	11656	36.6	64394	0	64394	06/26	265008	4446	269454	06/26	265008	4446	269454	06/26	265008	4446	269454
06/27	1678257	48756	34.4	64541	0	64541	06/27	624069	76404	640713	06/27	624069	76404	640713	06/27	624069	76404	640713
06/28	1678257	144864	11.6	64541	0	64541	06/28	624069	264474	752543	06/28	624069	264474	752543	06/28	624069	264474	752543
06/29	2616578	258308	10.2	64865	0	64865	06/29	624069	112870	84774	06/29	624069	112870	84774	06/29	624069	112870	84774
06/30	2616578	122594	8.1	64865	0	64865	06/30	624069	127600	152046	06/30	624069	127600	152046	06/30	624069	127600	152046
07/01	1624307	161944	10.0	65150	0	65150	07/01	1101291	163804	292402	07/01	1101291	163804	292402	07/01	1101291	163804	292402
07/02	1624307	420108	4.1	65150	0	65150	07/02	1301291	778008	340188	07/02	1301291	778008	340188	07/02	1301291	778008	340188
07/03	1624324	529692	6.8	101939	0	101939	07/03	1378237	1192512	460788	07/03	1378237	1192512	460788	07/03	1378237	1192512	460788
07/04	3770074	658860	5.7	101939	3792	101939	07/04	1655183	1997770	517236	07/04	1655183	1997770	517236	07/04	1655183	1997770	517236
07/05	3999967	814800	4.9	101939	5780	101939	07/05	1831183	1901208	542142	07/05	1831183	1901208	542142	07/05	1831183	1901208	542142
07/06	4227323	950016	4.6	101939	7056	101939	07/06	1831183	2079270	557130	07/06	1831183	2079270	557130	07/06	1831183	2079270	557130
07/07	4632010	1031682	4.3	101939	7368	101939	07/07	1831183	2189112	588936	07/07	1831183	2189112	588936	07/07	1831183	2189112	588936
07/08	4784911	1147578	4.2	102984	7728	102984	07/08	1831183	2231640	660198	07/08	1831183	2231640	660198	07/08	1831183	2231640	660198
07/09	5093187	1212084	4.2	102984	10968	102984	07/09	1831183	2271864	771810	07/09	1831183	2271864	771810	07/09	1831183	2271864	771810
07/10	5093187	1291002	3.9	118203	11718	118203	07/10	1980841	2388948	905856	07/10	1980841	2388948	905856	07/10	1980841	2388948	905856
07/11	5276185	1395150	3.8	755370	12360	61.1	07/11	2252923	2774550	329136	07/11	2252923	2774550	329136	07/11	2252923	2774550	329136
07/12	5522842	1437198	3.8	755370	12864	58.7	07/12	2525004	1472830	950802	07/12	2525004	1472830	950802	07/12	2525004	1472830	950802
07/13	5787567	1490994	3.9	1180111	24588	48.1	07/13	2607254	1752592	978972	07/13	2607254	1752592	978972	07/13	2607254	1752592	978972
07/14	5787567	1570572	3.7	1376243	90924	15.1	07/14	2982142	1840078	1000692	07/14	2982142	1840078	1000692	07/14	2982142	1840078	1000692
07/15	6044195	1580378	3.8	1405218	187614	7.5	07/15	3273062	1947934	1007588	07/15	3273062	1947934	1007588	07/15	3273062	1947934	1007588
07/16	6163758	1588842	3.9	1504728	127622	4.7	07/16	3331534	1989640	1027620	07/16	3331534	1989640	1027620	07/16	3331534	1989640	1027620
07/17	6216076	1594170	3.9	1504728	152962	4.3	07/17	3401082	4020276	1032822	07/17	3401082	4020276	1032822	07/17	3401082	4020276	1032822
07/18	6286086	1608106	3.9	1504728	403966	3.7	07/18	3443403	4045500	1035108	07/18	3443403	4045500	1035108	07/18	3443403	4045500	1035108
07/19	6327588	1608770	3.9	1504728	460722	3.3	07/19	3474599	4057242	1036872	07/19	3474599	4057242	1036872	07/19	3474599	4057242	1036872
07/20	6346745	1611756	3.9	1504728	497148	3.0	07/20	3489782	4061538	1037862	07/20	3489782	4061538	1037862	07/20	3489782	4061538	1037862
07/21	6368016	1612580	3.9	1504728	526974	2.9	07/21	3505798	4064616	1037862	07/21	3505798	4064616	1037862	07/21	3505798	4064616	1037862
07/22				1504728	552780	2.7	07/22	3519237	4065216	1037862	07/22	3519237	4065216	1037862	07/22	3519237	4065216	1037862
07/23				1504728	573978	2.6												
07/24				1504728	584994	2.6												
07/25				1517191	599772	2.5												
07/26				1524119	625752	2.4												
07/27				1527082	631878	2.4												
07/28				1528694	634212	2.4												
07/29				1529137	636412	2.4												
07/30				1529137	639150	2.4												
07/31				1529137	641220	2.4												
08/01				1529196	642276	2.4												
08/02				1529448	642972	2.4												

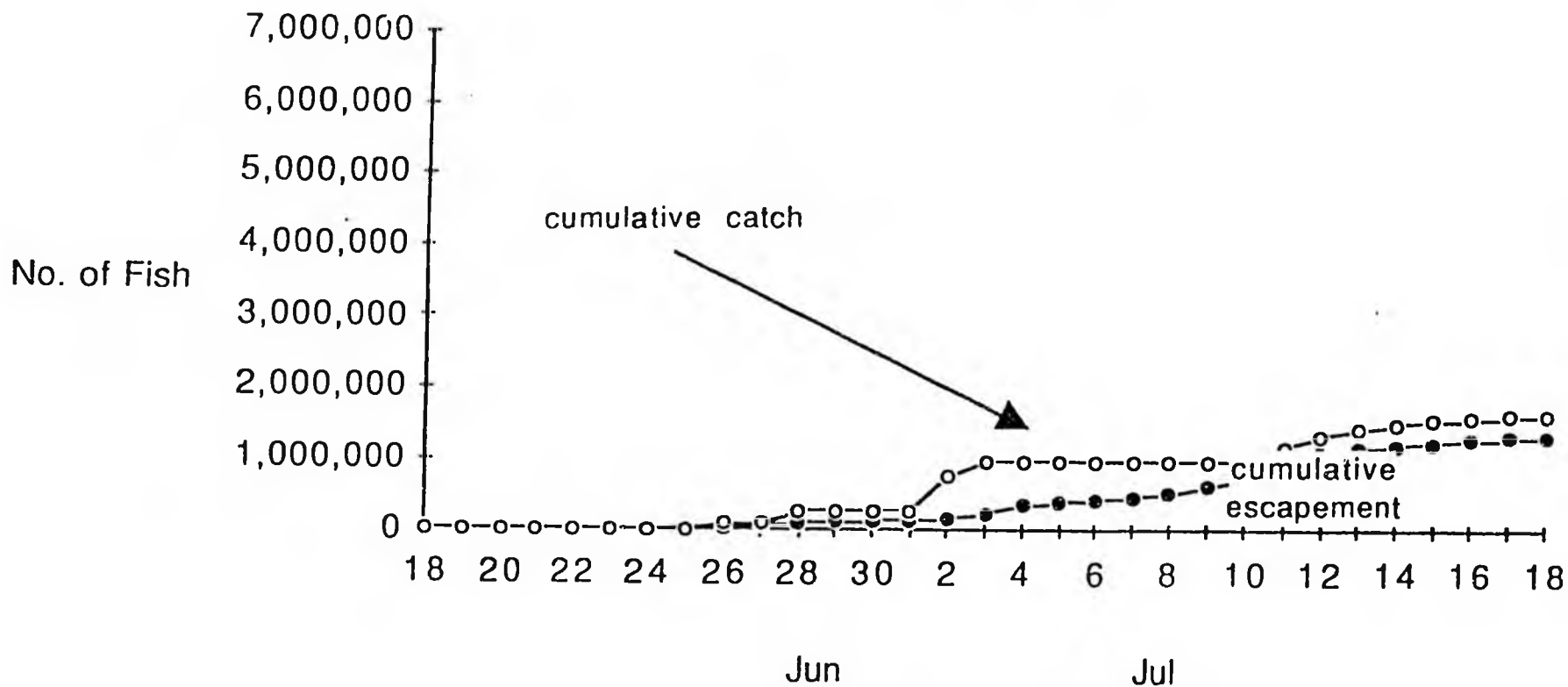
Egegik District Cumulative Sockeye Salmon Catch & Escapement
June 18-July 18, 1988



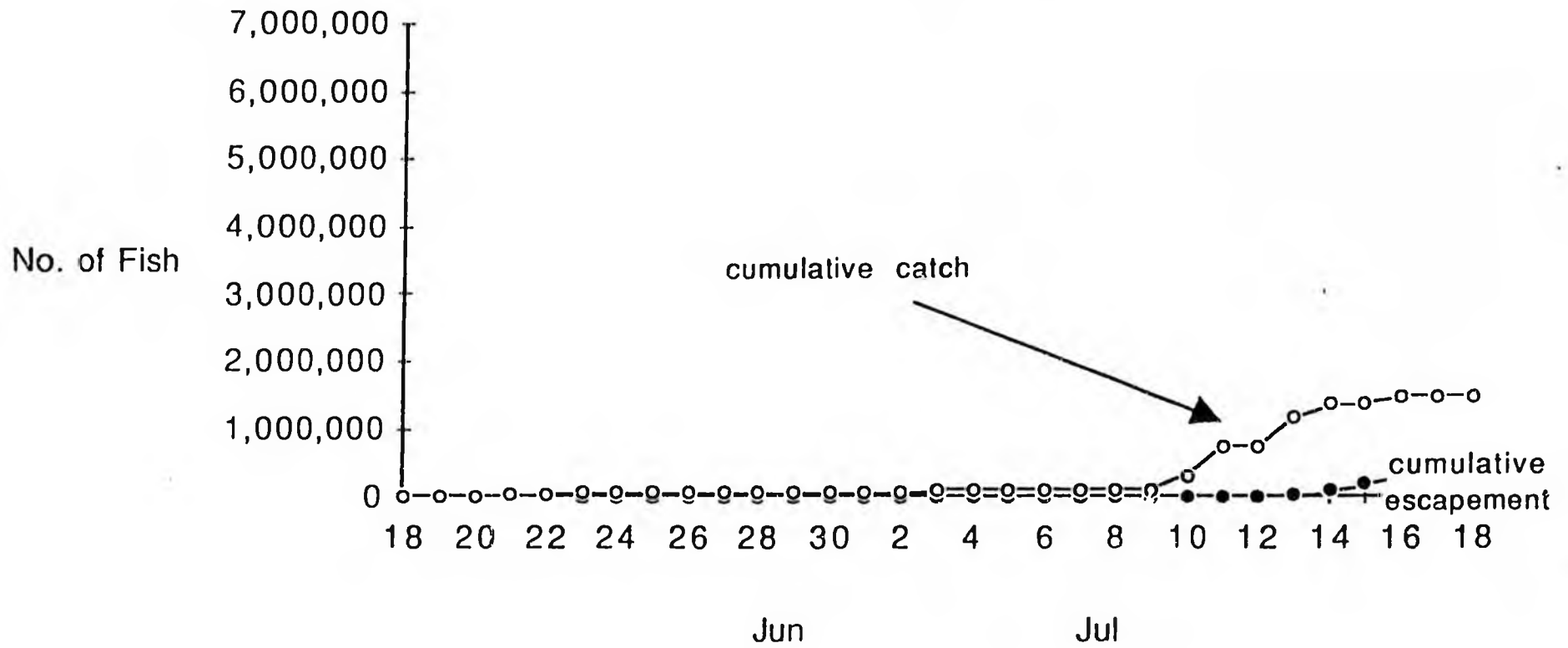
Naknek-Kvichak District Cumulative Sockeye Salmon
 Catch & Escapement
 June 18-July 18, 1988



Nushagak District Cumulative Sockeye Salmon Catch & Escapement June 18-July 18, 1988



Ugashik District Cumulative Sockeye Salmon Catch & Escapement June 18-July 18, 1988



Egegik District 1988 Sockeye Salmon Catch and Escapement

DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun			189	
7-Jun			363	363
8-Jun			345	708
9-Jun			496	1,204
10-Jun			233	1,437
11-Jun			0	1,437
12-Jun			0	1,437
13-Jun			12,631	14,068
14-Jun			26,684	40,752
15-Jun			30,758	71,510
16-Jun			42,649	114,159
17-Jun			33,055	147,214
18-Jun			0	147,214
19-Jun			0	147,214
20-Jun			292,350	439,564
21-Jun			215,591	655,155
22-Jun	10,032	10,032	259,472	914,627
23-Jun	6,768	16,800	244,216	1,158,843
24-Jun	5,964	22,764	0	1,158,843
25-Jun	2,256	25,020	0	1,158,843
26-Jun	6,636	31,656	0	1,158,843
27-Jun	17,100	48,756	519,225	1,678,068
28-Jun	96,108	144,864	0	1,678,068
29-Jun	111,444	256,308	938,322	2,616,390
30-Jun	66,288	322,596	0	2,616,390
1-Jul	39,348	361,944	1,007,728	3,624,118
2-Jul	58,164	420,108	0	3,624,118
3-Jul	109,584	529,692	2,017	3,626,135
4-Jul	126,168	655,860	143,750	3,769,885
5-Jul	158,940	814,800	229,893	3,999,778
6-Jul	135,216	950,016	327,356	4,327,134
7-Jul	81,666	1,031,682	104,687	4,431,821
8-Jul	115,896	1,147,578	354,901	4,786,722
9-Jul	64,506	1,212,084	306,276	5,092,998
10-Jul	78,918	1,291,002	462	5,093,460
11-Jul	104,148	1,395,150	182,536	5,275,996
12-Jul	42,048	1,437,198	246,657	5,522,653
13-Jul	53,796	1,490,994	264,725	5,787,378
14-Jul	79,578	1,570,572	92,229	5,879,607
15-Jul	9,804	1,580,376	164,399	6,044,006
16-Jul	5,466	1,585,842	119,563	6,163,569
17-Jul	8,328	1,594,170	52,318	6,215,887
18-Jul	10,938	1,605,108	69,980	6,285,867
19-Jul	4,662	1,609,770	41,532	6,327,399
20-Jul	1,986	1,611,756	19,157	6,346,556
21-Jul	924	1,612,680	21,271	6,367,827
22-Jul		1,612,680	14,536	6,382,363
23-Jul		1,612,680	0	6,382,363
24-Jul		1,612,680	0	6,382,363
25-Jul		1,612,680	4,724	6,387,087
26-Jul		1,612,680	6,430	6,393,517
27-Jul		1,612,680	1,873	6,395,390
28-Jul		1,612,680	871	6,396,261
29-Jul		1,612,680	339	6,396,600
30-Jul		1,612,680	0	6,396,600
31-Jul		1,612,680	0	6,396,600
1-Aug		1,612,680	323	6,396,923
2-Aug		1,612,680	642	6,397,565

SENATOR RICK HALFORD-SENATE FINANCE COMMITTEE

Naknek-Kvichak District 1988 Sockeye Salmon Catch and Escapement

DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun			0	0
7-Jun			0	0
8-Jun			0	0
9-Jun			0	0
10-Jun			0	0
11-Jun			43	43
12-Jun			0	43
13-Jun			249	292
14-Jun			1,788	2,080
15-Jun			2,054	4,134
16-Jun			6,801	10,935
17-Jun			7,889	18,824
18-Jun			3,970	22,794
19-Jun		0	0	22,794
20-Jun		0	34,609	57,483
21-Jun		0	64,340	121,823
22-Jun		0	98,478	220,301
23-Jun	16,560	16,560	43,707	264,008
24-Jun	12,942	29,502	0	264,008
25-Jun	111,498	141,000	0	264,008
26-Jun	196,788	337,788	0	264,008
27-Jun	57,924	395,712	361,061	625,069
28-Jun	82,002	477,714	0	625,069
29-Jun	176,760	654,474	0	625,069
30-Jun	461,790	1,116,264	0	625,069
1-Jul	535,104	1,651,368	675,222	1,300,291
2-Jul	461,706	2,113,074	0	1,300,291
3-Jul	328,344	2,441,418	0	1,300,291
4-Jul	193,050	2,634,468	153,892	1,454,183
5-Jul	141,648	2,776,116	376,000	1,830,183
6-Jul	113,790	2,889,906	0	1,830,183
7-Jul	151,836	3,041,742	0	1,830,183
8-Jul	251,130	3,292,872	0	1,830,183
9-Jul	408,882	3,701,754	0	1,830,183
10-Jul	719,946	4,421,700	149,658	1,979,841
11-Jul	307,932	4,729,632	0	1,979,841
12-Jul	109,206	4,838,838	544,163	2,524,004
13-Jul	114,552	4,953,390	82,250	2,606,254
14-Jul	61,938	5,015,328	374,888	2,981,142
15-Jul	35,838	5,051,166	190,920	3,172,062
16-Jul	27,510	5,078,676	158,472	3,330,534
17-Jul	13,506	5,092,182	69,548	3,400,082
18-Jul	5,286	5,097,468	42,321	3,442,403
19-Jul	3,078	5,100,546	31,196	3,473,599
20-Jul	600	5,101,146	15,184	3,488,783
21-Jul	0	5,101,146	16,015	3,504,798
22-Jul	0	5,101,146	13,439	3,518,237
23-Jul	0	5,101,146	7,545	3,525,782
24-Jul	0	5,101,146		3,525,782
25-Jul	0	5,101,146		3,525,782
26-Jul	0	5,101,146		3,525,782
27-Jul	0	5,101,146		3,525,782
28-Jul	0	5,101,146		3,525,782
29-Jul	0	5,101,146		3,525,782
30-Jul	0	5,101,146		3,525,782
31-Jul	0	5,101,146	18,709	3,544,491
1-Aug	0	5,101,146		3,544,491
2-Aug	0	5,101,146		3,544,491

Ugashik District 1988 Sockeye Salmon Catch and Escapement

DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun				
7-Jun			2	2
8-Jun			2	4
9-Jun			3	7
10-Jun			5	12
11-Jun				12
12-Jun				12
13-Jun			69	81
14-Jun			113	194
15-Jun			461	655
16-Jun			1,074	1,729
17-Jun			3,067	4,796
18-Jun				4,796
19-Jun		0		4,796
20-Jun		0	5,288	11,084
21-Jun		0	17,120	28,204
22-Jun		0	22,578	50,782
23-Jun		0	13,672	64,454
24-Jun		0	0	64,454
25-Jun		0	0	64,454
26-Jun		0	144	64,598
27-Jun		0	3	64,601
28-Jun		0	0	64,601
29-Jun		0	324	64,925
30-Jun		0	0	64,925
1-Jul		0	285	65,210
2-Jul		0	0	65,210
3-Jul		0	36,769	101,999
4-Jul	3,792	3,792	0	101,999
5-Jul	1,968	5,760	0	101,999
6-Jul	1,296	7,056	0	101,999
7-Jul	312	7,368	0	101,999
8-Jul	360	7,728	1,045	103,044
9-Jul	3,240	10,968	0	103,044
10-Jul	750	11,718	215,221	318,265
11-Jul	642	12,360	437,165	755,430
12-Jul	504	12,864	0	755,430
13-Jul	11,694	24,558	424,741	1,180,171
14-Jul	66,366	90,924	196,132	1,376,303
15-Jul	96,690	187,614	28,975	1,405,278
16-Jul	130,008	317,622	99,510	1,504,788
17-Jul	35,340	352,962	0	1,504,788
18-Jul	53,004	405,966	0	1,504,788
19-Jul	54,756	460,722	0	1,504,788
20-Jul	36,426	497,148	0	1,504,788
21-Jul	29,826	526,974	0	1,504,788
22-Jul	25,806	552,780	0	1,504,788
23-Jul	21,198	573,978	0	1,504,788
24-Jul	11,016	584,994	0	1,504,788
25-Jul	14,778	599,772	12,463	1,517,251
26-Jul	25,980	625,752	6,927	1,524,178
27-Jul	6,126	631,878	2,964	1,527,142
28-Jul	2,334	634,212	1,512	1,528,754
29-Jul	2,220	636,432	443	1,529,197
30-Jul	2,718	639,150	0	1,529,197
31-Jul	2,070	641,220	0	1,529,197
1-Aug	1,056	642,276	259	1,529,456
2-Aug	696	642,972	52	1,529,508

SENATOR RICK HALFORD-SENATE FINANCE COMMITTEE

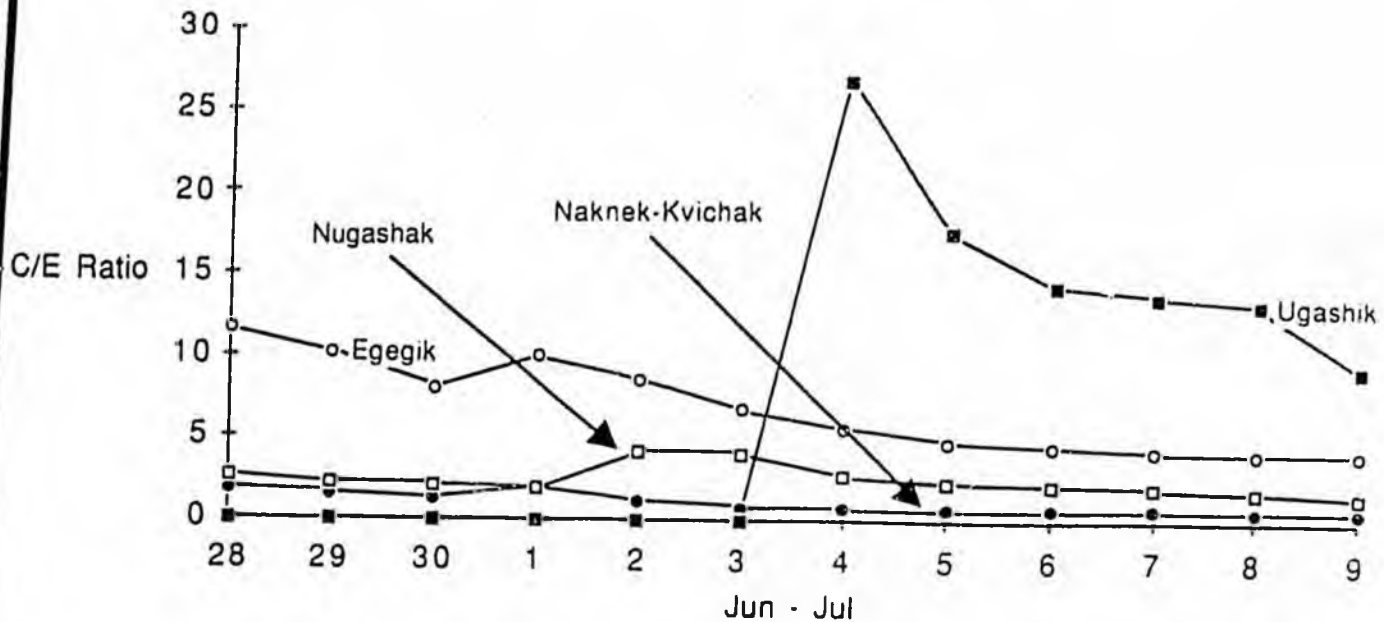
Nushagak District 1988 Sockeye Salmon Catch and Escapement

DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun	0	0		0
7-Jun	0	0		0
8-Jun	0	0		0
9-Jun	0	0		0
10-Jun	0	0		0
11-Jun	0	0		0
12-Jun	0	0		0
13-Jun	0	0		0
14-Jun	0	0		0
15-Jun	0	0		0
16-Jun	0	0		0
17-Jun	0	0		0
18-Jun	0	0		0
19-Jun	0	0		0
20-Jun	0	0		0
21-Jun	0	0		0
22-Jun	0	0		0
23-Jun	618	618		0
24-Jun	2,550	3,168		0
25-Jun	12,576	15,744		0
26-Jun	32,562	48,306	93,923	93,923
27-Jun	25,680	73,986	0	93,923
28-Jun	30,570	104,556	178,947	272,870
29-Jun	20,214	124,770	0	272,870
30-Jun	6,834	131,604	0	272,870
1-Jul	13,482	145,086	0	272,870
2-Jul	34,068	179,154	489,278	762,148
3-Jul	58,524	237,678	219,001	981,149
4-Jul	125,784	363,462	0	981,149
5-Jul	58,404	421,866	0	981,149
6-Jul	27,834	449,700	0	981,149
7-Jul	31,464	481,164	0	981,149
8-Jul	49,578	530,742	0	981,149
9-Jul	103,872	634,614	0	981,149
10-Jul	118,488	753,102	0	981,149
11-Jul	183,828	936,930	206,453	1,187,602
12-Jul	179,760	1,116,690	162,609	1,350,211
13-Jul	56,466	1,173,156	92,887	1,443,098
14-Jul	45,930	1,219,086	74,456	1,517,554
15-Jul	44,664	1,263,750	60,611	1,578,165
16-Jul	47,724	1,311,474	30,608	1,608,773
17-Jul	26,694	1,338,168	32,792	1,641,565
18-Jul	9,996	1,348,164	21,971	1,663,536
19-Jul	4,374	1,352,538	13,112	1,676,648
20-Jul	3,894	1,356,432	5,325	1,681,973
21-Jul	792	1,357,224	5,442	1,687,415
22-Jul	0	1,357,224	2,560	1,689,975
23-Jul	0	1,357,224	2,291	1,692,266
24-Jul	0	1,357,224	0	1,692,266
25-Jul	0	1,357,224	1,637	1,693,903
26-Jul	0	1,357,224	785	1,694,688
27-Jul	0	1,357,224	553	1,695,241
28-Jul	0	1,357,224	374	1,695,615
29-Jul	0	1,357,224	0	1,695,615
30-Jul	0	1,357,224	0	1,695,615
31-Jul	0	1,357,224	0	1,695,615
1-Aug	0	1,357,224	0	1,695,615
2-Aug	0	1,357,224	173	1,695,788

C. FURTHER COMPARRISON OF INSEASON CUMULATIVE CATCH TO ESCAPEMENT RATIOS INDICATE MANAGEMENT BIAS AND INTERCEPTION.

Now review the catch to escapement ratios and a blow up of the comparison of ratios as the season progresses indicating bias towards the Egegik district and interception of mixed stocks. The Egegik ratio ranged from over 11 fish caught to one fish up river on June 28, while on that date the Naknek/Kvichak caught 2 fish with one accounted for as escapement. Note, on the next opening for Egegik on June 29, the district caught 938,322 fish while the Naknek/Kvichak is shut down waiting for escapement to allow the next commercial opening. By July 9, 1988, the Naknek/Kvichak is 0.6 fish caught with one up the river as escapement while the Egegik on that same date was catching 4.2 fish with one counted up river as escapement.

Bristol Bay Catch/Escapement Ratios
June 28 - July 9, 1988



D. EGEGIK'S 1988 CATCH IS SEVERAL TIMES GREATER THAN ITS HISTORICAL AVERAGE CATCH.

Another set of facts that point towards interception was gleaned after reviewing the ADF&G's compilation of commercial catch figures for the Bay in 1988. (All other catches combined equated to approximately 7,681,000 fish being taken in all other districts except Egegik.³⁴ Egegik's catch was approximately 6,611,000 which brought the total baywide commercial harvest to 14,292,000 salmon). Egegik fishermen caught over 46% of the Bay's 1988 catch. By comparison, this was 388% over its 30 year average catch of 1,702,835 as computed by Henry J. Yuen of the ADF&G.³⁵ This average catch is artificially high because Yuen indicated verbally there was no set-off for interception. Therefore, if one computes the "historic" Egegik average catch going back to the pre-1982 Egegik line expansion and skewed management practices, the average catch was approximately 1,100,000. Bob King, "History," *supra*. This would indicate the 1988 season's catch was 601% more productive than its twenty year average precedent to the line move.

³⁴ As per ADF&G figures the Naknek/Kvichak caught 3,669,000 fish, Egegik 6,611,000, Ugashik 1,575,000 and the Nushagak 2,008,000 totalling 13,863,000. (Egegik caught 47% of the run if one only looks at the eastside fisheries (the ADF&G for example only took scale samples for east side fisheries) Egegik accounted for 55% of the commercial catch.

³⁵ See attached average catch sheet that was computed by Henry J. Yuen of the ADF&G which is attached to the appendix.

This allocation by the ADF&G's action has to be done knowingly because the Naknek run comes in before those of Egegik and Ugashik and the fish that are being caught in these lower districts are northbound fish. In looking at the raw ADF&G figures, it appears obvious that they are allocating other district's fish to the drift fleet and their processors in Egegik. Various user groups such, as Alaska Independent Fishermen's Marketing Association and the Setnetter's Association of Bristol Bay, have suggested beginning the regulatory period one week earlier to help curtail the pre-season interception of salmon during what the industry calls "free week." "Free week" is the term given to the week prior to the beginning of the regulatory period when salmon stocks are especially mixed before their push towards their natal rivers. Caveat, "free week" is a time when many processors and cash buyers purchase fish under the preceding years price (if it is fairly low) and in essence obtain cheaper fish. As a consequence some of the processors may well attempt to flex their political muscle to keep "free week" in place. At least one of the drift organizations, whose majority of members fish in Egegik and Ugashik, also want to keep "free week" intact because they are the ones catching these commingled stocks.

The bottom line from ADF&G's own figures is that the fishery is being mismanaged because Egegik is catching stocks bound for other districts. Egegik is given unwarranted openings when no fish are up the river as escapement. Management is skewed in preference towards Egegik.

VII. THE ADF&G'S 1988 SCALE SAMPLE ANALYSIS INDICATES THE EGEGIK FISHERY HAS TAKEN AN UNACCEPTABLE NUMBER OF SALMON BOUND FOR OTHER DISTRICTS IN BRISTOL BAY.

A. THE ADF&G KNEW PRIOR TO THE 1988 SALMON SEASON IN BRISTOL BAY THAT A SIGNIFICANT INTERCEPT PROBLEM WAS OCCURRING IN EGEGIK.

The ADF&G announced several weeks prior to the 1988 season that the Egegik District caught approximately 1,400,000 non-Egegik fish and over 400,000 non-Ugashik fish were taken in the Ugashik District in 1987.³⁶ Also, there was a claim that the Naknek/Kvichak intercepted some Ugashik and Egegik fish. Some in the Department and drift fishermen participating in the Egegik Fishery used this information to set-off or counterbalance the findings of the Department's 1987 Scale Sample Analysis. According to these individuals there was a loss to the Naknek/Kvichak of only 500,000 fish. However, there were a few biologist that indicated the

³⁶ See ADF&G graphs in the appendix.

Department could not adequately differentiate between scale samples taken from Naknek and Ugashik fish in many cases. Notwithstanding, heated conversation between terminal fishermen and the ADF&G, they still gave preference to the Egegik District rather than take remedial action to curb interception during the 1988 season. (Again refer back to the ADF&G openings for Egegik in preceding cited material).

After the 1988 season was over, many terminal fishermen faced economic ruin. The ADF&G admitted an interception of at least 1,600,000 non-Egegik salmon during the 1988 salmon season in Egegik, i.e., 26% of the 6,610,000 catch (which is the most recently released figure by the Department). The intercept rate was based on "in season" scale samples taken by the Department in Egegik where they compared eastside fisheries scale samples with those of Egegik. Incidentally, the ADF&G did not perform scale sample analysis of the Nushagak fish and many fishermen from that district believe Egegik intercepted fish bound for their waters as well.

Precedent to the recently released findings of December 21, 1988 U.S. Senator Ted Stevens sent a letter of inquiry to Commissioner Don Collinsworth. Commissioner Collinsworth replied in part in a letter back to Senator Stevens dated October 14, 1988:

Of greatest concern this year for both commercial fishermen and the Department of Fish and Game was the interception of sockeye salmon in the Egegik District. Our best estimate at this time is that as high as 25-35 percent of the 6.4 million sockeye harvested in Egegik were bound for other districts in Bristol Bay. The majority were Naknek-Kvichak District fish.³⁷

³⁷. See letter from Commissioner Don Collinsworth to U.S. Senator Ted Stevens dated October 14, 1988 in the appendix. See also letter of October 24, 1988 to Senate President Jan Faiks from Collinsworth on page 2 which states:

All existing terminal harvest fisheries occur to varying degrees on mixtures of stocks. The Egegik District is a prime example of such a terminal harvest fishery. The vast majority of the catches (80 percent) in the district are bound to the Egegik River. Although some fish bound for other river systems are intercepted in the district, management measures to reduce these interceptions must be evaluated with respect to displacement of an historical fishery and ability to fully harvest the Egegik stock.

Here, the Commissioner's letter to Senate President Faiks may be misleading because he already mentioned to Senator Stevens that the intercept level was actually greater (in the 25 to 35% range)

During the 1988 season, the Department conducted a test fishery taking scale samples of salmon caught within the Egegik District at various locations during various stages of the tide. The samples taken were compared with those of fish from the Naknek, Kvichak and Ugashik Districts. The Department then attempted to ascribe an overall percentage of fish taken during those samples to their respective river districts. At least one caveat is in order because not only are the samples taken subject to various interpretation as to which river system they belong to but there are several other variables that come into play. One variable is that the apparent intercept rate varies during periods of the Bristol Bay season as different river specific runs migrate through Egegik. Another variable to take into consideration is where the samples were collected and at what stage of the tide.

For example, the basic premise is that if the scale samples were taken on the most seaward boundary, such as the "North Marker" (an area of high intensity fishing where many drifters prey on Naknek/Kvichak salmon as they enter the Egegik District on the ebb tide from Middle Bluff, a known schooling ground above the North Marker), the intercept rate would be higher than if the scale sample was taken from a salmon close to the mouth of the Egegik River. The ADF&G assumes that a salmon taken close to the mouth of the Egegik River is more likely to be an Egegik fish.

B. THE ADF&G'S 1988 SCALE SAMPLE STUDY INDICATES GREATER INTERCEPTION THAN WAS PREVIOUSLY ACKNOWLEDGED OR REALIZED BY THE DEPARTMENT IN EGEGIK.

On December 21, the ADF&G in a letter to the task force released part of its Egegik scale sample study that analyzed approximately 12,000 scale samples taken during the 1988 program.³⁸ Terminal fishermen were not surprised that the study indicates a more significant level of interception than was previously acknowledged by the Department during the season. Caveat, because the ADF&G used commercial boats while test fishing, many samples were taken when there was a closure to commercial fishing. So, one cannot precisely say what the intercept rate was for a particular commercial

and "some fish" is in actuality nearly 3,000,000 salmon. Here, it is the newly developed Egegik Fishery which threatens to destroy Naknek/Kvichak District which is historically the world's greatest sockeye producing fishery. Also, a rational "mangement measure" such as reducing the Egegik District's boundaries, would not impair the harvest of Egegik stocks and would obviously aid in minimizing interception of mixed stocks.

³⁸ Note a copy of the letter to the task force and intercept figures and charts of where the samples were taken are attached.

opening. One can however, interpret the data as an approximation of the intercept level of the fishing period precedent and after the sampling was taken. See a copy of the ADF&G table below:

Table 1. Run composition of anadromous salmon caught in the Egegik Test Fishery, 1988. (North=LORAN 22570 and Inside=LORAN 22585).

DATE	AREA	LORAN	Percent Classification				TOTAL
			KVICMAK	MAKNEK	ELEGIK	UGAMIK	
6/25	North	22570	14.2	14.0	71.8	0.0	100.0
	Inside	22585	3.3	1.2	78.0	17.5	100.0
6/28	North	22570	28.8	12.2	51.1	7.9	100.0
	Inside	22585	14.2	10.5	59.1	20.2	100.0
6/30	North	22570	6.0	2.1	51.0	40.9	100.0
	Inside	22585	19.5	3.7	62.7	14.1	100.0
7/02	North	22570	2.8	10.1	78.3	9.0	100.0
	Inside	22585	5.5	2.9	65.1	26.5	100.0
7/05	North	22570	3.0	7.4	42.9	46.7	100.0
	Inside	22585	33.4	8.7	14.9	43.0	100.0
7/07	North	22570	6.3	0.1	65.6	27.8	100.0
	Inside	22585	0.0	0.0	81.2	18.8	100.0
7/08	North	22570	7.4	8.5	71.6	10.5	100.0
	Inside	22585	2.3	6.6	78.9	12.2	100.0
7/11	North	22570	4.2	4.8	74.5	16.7	100.0
	Inside	22585	11.1	4.7	60.2	22.0	100.0

For example, there were periods when the intercept rate was 48.9 and 44.9 % during June 28, 1988; on July 7, 1988 the intercept rate was 57.1 to 85.1%! If one looks to the fishing periods close in time to when the sampling was taken one will note that the Egegik took substantial amounts of fish bound for other rivers. It would definitely appear that the findings of the study indicate a management/conservation problem existed during the 1988 season that was not adequately dealt with. (Please review the statistical chart which aids in interpreting the intercept figures).³⁹

³⁹ Former Board of Fisheries Member Griff Quinton and member of the Bristol Bay Interception Task Force has submitted the following five recommendations to minimize interception:

1. To establish a mirimum area necessary to effectively harvest the Egegik run, I would suggest that the North boundary to be 9990-Y-32570; the West boundary to be 9990-Z-45110; the South boundary to be 9990-Y-32625. The stock I.D. test fishing indicated a substantial interception throughout the district. Without a considerable reduction of district size, any opening will be subject to substantial interception. Fishing on the Flood or the Ebb does not appear to make much difference. (See attached chart of Egegik and Loran Coordinates Mr. Quinton is referring to).

2. Advance the E.O. period 7 to 10 days. By June 25th, There were

Test Date	Tide	Date Daily Catch	Avg. % Interc.	Interc.	Daily Escapement	Cum. Esc.	Cum. Catch
6/27	Ebb	519,225 12 hrs	25%	129,806	17,100	48,756 3%	1,777,772
6/29	Ebb	938,322 12 hrs	47%	441,011	111,444	256,308 16%	2,731,620
7/1	Ebb	1,007,728 11 hrs	43%	433,323	59,348	361,944 22.5%	3,758,434
7/2	Flood	373,643 11 hrs	28%	104,620	126,168	655,860 41%	4,140,740
7/5	Flood	327,356 10 hrs	71%	232,423	135,216	950,016 59%	4,475,252
7/7	Flood	459,588 10 hrs	27%	124,089	115,896	1,147,579 71%	4,944,341
7/8	High Tide	306,738 11 hrs	25%	76,685	78,918	1,291,002 80%	5,257,735
7/11	Ebb	429,193 16 hrs	33%	141,634	42,048	1,437,199 89%	5,702,201

Avg
37.3% 1,683,591

3 day average = 37.3% of 5,702,201 = 2,145,947 potential salmon interception

8 day average = 37.3% x total catch of 6,701,738 = 2,499,748 fish interception

Kvichak rate of interception 11% x 6,701,738 = 737,191 interception

Naknek rate of interception 8% x 6,701,738 = 536,139 fish interception

Ugashik rate of interception 22% x 6,701,738 = 1,474,382 fish interception
2,747,712

These interception amounts represent the potential of interceptions using the % of individual stocks taken during the stock I.D. study.

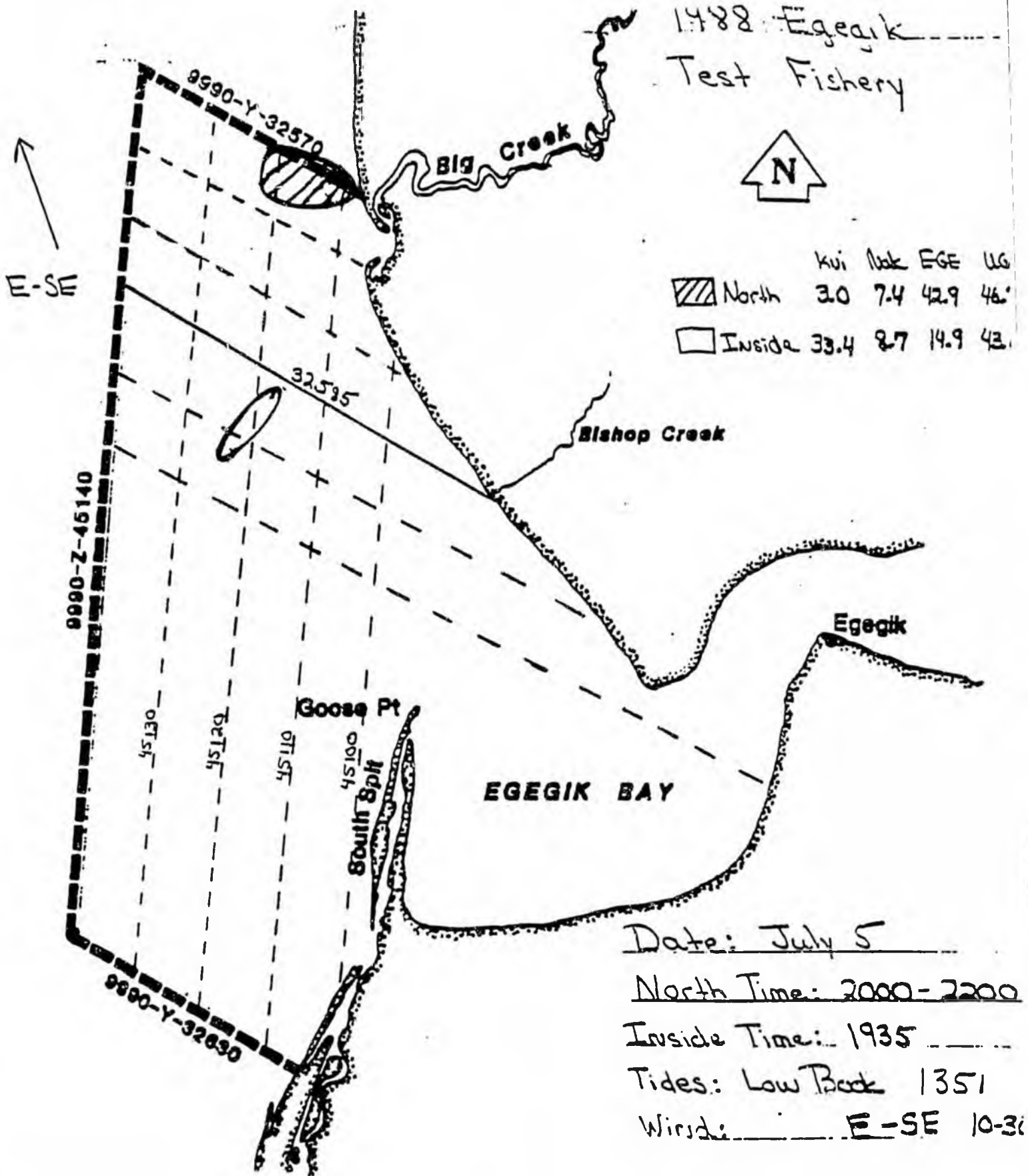
only 25,020 past the tower with a catch of 1.25 million. This would indicate Egegik fish had not started to move upriver.

3. Establish a more conservative catch-escapement ratio to ensure the fish were committed to the river instead of allowing the fish effort on mixed stocks. See recommendation #2.

4. Reduce the fishing effort in Egegik.

5. Return gillnet specifications to those prior to 1985. This would help reduce the "Blue Water" efficiency of the fleet. It was not a necessary change.

Note also the following chart which shows where some of the scale samples were taken in Egegik. Also, review the report in the appendix. Samplings indicated that interception of 85.1% occurred near the 45120 line and that interception occurred during the flood and ebb.



C. THE DEPARTMENT HAS TROUBLE CLASSIFYING NON-EGEGIK SALMON BUT THE BOTTOM LINE IS THAT AN UNWARRANTED LEVEL OF INTERCEPTION OCCURS WITHIN THE EGEGIK DISTRICT.

One noteworthy finding of the study is that Ugashik fish appear to be intercepted at a greater level than the Naknek or Kvichak. It is curious that the Department labels "unknown" fish as Ugashik rather than the more likely Naknek/Kvichak contribution. It is more likely that the misclassified fish caught in Egegik are Naknek/Kvichak when the averages for drift and especially set net fishermen in the Naknek/Kvichak were so low and this is supposed to be the dominant producing fishery. However, this factor may be attributable to the fact that according to Beverly Cross of the ADF&G, the Department has had trouble classifying Ugashik and Naknek fish. Cross stated in her report:

As in past years, scales of Egegik sockeye salmon were the most distinct due to large freshwater growth zones. Consequently, estimates of Egegik versus non-Egegik River sockeye salmon are very accurate. However stock specific estimates of non-Egegik portion are less accurate because of misclassification of Naknek sockeye salmon. Of all stocks, we have the least confidence in estimates of Naknek's

contribution since Naknek scales show a wide variation in growth and tend to misclassify to Kvichak and Ugashik Rivers.

(Beverly Cross, ADF&G letter to Interception Task Force Dated December 21, 1988 at pages 1-2.)⁴⁰

⁴⁰ One interesting bit of information perhaps relevant to the Legislative Audit, was that Jay Hammond and Griff Quinton asked Biologist Beverly Cross on or about December 12, 1988 why the Department's scale sample analysis had not been released. Cross informed them that the Egegik/Ugashik biologist Dick Russel wanted to delay or retard the output of the Egegik Intercept Study so that other intercept information from other districts (to allegedly counterbalance the significance of the Egegik findings) within Area T could be compiled. There was a task force set up with various user groups and local advisory committee members that had a December 30, 1988, deadline to hand in recommendations on how to curb the intercept problem. If the preliminary study findings were not released, they would not have had the proper opportunity to send in their recommendations to task force chairman Chuck Meacham after reading the Department's findings. It seems odd that a biologist would want to control the information in this way because the earlier more information could be disseminated, the better off everyone would be. Note, one critic of present ADF&G management style said that "if there is indeed some interception of Egegik and Ugashik fish in the Naknek/Kvichak as Russel contends and the Department is predisposed to managing the fishery for the fleet...the fleet could still catch Egegik and Ugashik fish there" (referring to the Naknek/Kvichak District).

One viewpoint in the industry is that the Department has taken Naknek fish in Ugashik and used them for their model which may account for the mix up in the classification of Naknek vs. Ugashik fish. The premise that Ugashik fish were taken in Naknek has been often argued by fishermen who intercept fish in Egegik and Ugashik and also by some in the Department to keep the status quo on doing something about curbing interception in Egegik and Ugashik.⁴¹ It is also probable that some of the "misclassified" fish are Nushagak salmon which, as mentioned earlier in this report, were not compared in this particular study. Some believe that at least 10% of the fish (660,000) taken in Egegik were Nushagak fish. While the science of classifying scales taken in Egegik is not exact, it gives one the impression that a significant intercept problem exists in Egegik because it is taking unjustifiable amounts of mixed stocks.

For example, Ken Saddler wrote "they [the ADF&G] have been reluctant to heed some fishermen's requests that they take steps to curtail interception at Egegik." "Fish Biologists Ponder Slapping Emergency Restriction on Egegik," "Anchorage Times," July 8 at C-6. The article recited some ADF&G released intercept figures:

⁴¹ See for example letter from Deputy Director Norm Cohen to the Bristol Bay Borough in response to their resolution condemning the Egegik Intercept and also the letter from an out-of-state drift fisherman who wants to keep making a payday in Egegik.

" Sampling at Egegik during this season's openings show there is an interception, Meacham said. On June 27, 16 percent of the Egegik catch was bound for other districts. On June 29, 29 percent; on July 1, 30 percent; and on July 4, 17 percent." Id.

The aid of newly released scale sample data indicates that the inseason intercept estimates for fish taken in Egegik were conservative if not somewhat misleading or erroneous. Here, the average intercept rate for June 27 was not listed in the report from Beverly Cross but the June 28 sampling was comprised of 47% intercept fish, June 30 was 43%, July 2 was 28% and July 5, 71%. According to another article "in 12 hours, the [ADF&G] staffers can determine rivers of origin of the predominant age classes of fish with up to 95% accuracy, said Barry Straton, a stock identification lab technician." Ken Saddler, "Bristol Bay Biologists Roll With The Flow," "Anchorage Daily News," July 9, 1988 C-5 at page C-8. The real question would appear to be just what did the ADF&G know with the inseason data? Did the Department suspect or have reason to believe the Egegik Intercept rate was actually higher than what was released to the press? ADF&G management should have managed the Egegik District more conservatively, but they did not.

D. FISHERMEN BELIEVE MILLIONS OF INTERCEPTED SALMON WERE TAKEN IN EGEGIK DURING 1988.

Some fishing organizations believe the Egegik District intercepted at least 3,000,000 to 4,000,000 salmon which would equate to \$41,370,000.00 to \$55,160,000.00 in losses to the terminal fishermen. If one takes into consideration fish taken in Ugashik that were bound for the Naknek/Kvichak and Nushagak, the loss to these communities would be close to \$60,000,000.00! ⁴² The Egegik caught nearly 2,000,000 more fish than its projected commercial catch as predicted by the ADF&G for 1988. ⁴³ Some fishing organizations, such as the Alaska Independent Marketing Association, indicated that they believe the commercial catch forecast for the intercept fisheries, such as Egegik, are in a sense "padded" because Fish & Game has not recognized the intercept in the past. Accordingly, the Department has not taken intercept into account in its commercial catch projections and as a consequence has attributed artificially high commercial catch forecasts that are throwing the whole Bay out of "sync." This statement was made by AIFMA Manager Mitch Kink at the Interception

⁴² See for example a news letter from one of the user group associations and recent article from the Bristol Bay Times attached in the appendix.

⁴³ See, ADF&G 1988 commercial catch forecast for Bristol Bay attached to the appendix.

Workshop sponsored by the Bristol Bay Borough on September 23, 1988, in Naknek. Ironically, the ADF&G predicted commercial catch for Egegik in 1989, is 5,031,000 salmon, and is forecasted to be greater than that of the Naknek/Kvichak.⁴⁴

E. THE EGEGIK INTERCEPT GIVES BIOLOGISTS A MISLEADING IMPRESSION OF GREATER EGEGIK RUN STRENGTH.

This belief is also supported by Chuck Meacham who said the Egegik interception not only cuts into returns to the Naknek/Kvichak and Ugashik Districts, but "it gives you a misleading opinion of Egegik strength and may cause you to fish stronger than you really should for the number of fish that are really there." Furthermore, Mr. Meacham stated "it (the Egegik Intercept) just confuses management. ... It makes it difficult to assess strength of individual runs to their river of origin, and that is what we need to do in order to attain our escapement goals and give the fishermen all the harvestable surplus." "Board Says Wait On Egegik Line Change," Bob King, "Alaska Fishermen's Journal," Vol. 11, November, 1988 at page 20.

On this same line of reasoning, noted biologist Dr. Douglas M. Eggers of the ADF&G and Dr. Donald E. Rodgers of the Fisheries Research Institute, School of Fisheries, University of Washington recently wrote:

Of more concern was the potential interception of sockeye bound for the Kvichak in the Egegik and Ugashik fishing districts, since Kvichak fish caught in these river systems would be allocated to the respective river systems and would not be included in the Kvichak production. . . There was a much poorer correlation in return per spawner between the Naknek-Kvichak and the Egegik-Ugashik River systems. This reduced synchrony in production was presumably due, in part, to incorrect catch allocation. The return per spawner in the Egegik-Ugashik River systems has been much higher than in the Naknek-Kvichak River systems for recent brood years. There has been an increase in fishing effort, beginning in 1980, in the Egegik and Ugashik districts, in response to recent large returns to both Egegik and Ugashik River systems. Increased interception of Kvichak fish resulting from these changes in fishing patterns may have contributed to the recent divergence in apparent production between the Egegik-Ugashik and the Naknek-Kvichak River systems.

Douglas M. Eggers, and Donald E. Rodgers, "The Cycle of Runs of Sockeye Salmon (Oncorhynchus nerka) to the Kvichak River, Bristol Bay, Alaska: Cyclic Dominance or Depensatory Fishing?" taken from

⁴⁴ See copy of the 1989 ADF&G commercial catch projections for Bristol Bay attached in the appendix.

Sockeye Salmon (Oncorhynchus nerka) Population Biology and Future Management, Edited by H.D. Smith and L. Margolis, and C.C. Wood, Department of Fisheries and Oceans, Ottawa, 1987, at pages 351-352.

The Ugashik District caught 1,613,000 salmon in 1988 (more than the Nushagak) and a certain percentage of those salmon may well also be intercept fish. The ADF&G released a report (see same included in the appendix) indicating that in 1987 Ugashik intercepted over 400,000 non-Ugashik salmon. The exact percentage of the fish taken in Ugashik has not been established by the Department. Also, the intercept rate for Ugashik seems to have been forgotten or overshadowed by the turmoil caused by the Egegik Intercept. As of yet, no figures indicating the level of last years intercept in Ugashik has been ascribed by the ADF&G.

The conclusion based on the ADF&G's scale sample analysis is that the magnitude of the interception of mixed stocks by the Egegik during the season was underestimated by the ADF&G. Current levels of interception in Egegik are unacceptable under any criteria.

VIII. THE OVERRIDING FACTOR FOR THE EGEGIK INTERCEPT APPEARS TO PROFIT FOR PROCESSORS AND THE DRIFT FLEET.

The basic reason why the Egegik and Ugashik Fishery has risen in importance to processors is that in 1988 they were able to purchase much of their pack at below the settled grounds price of \$2.25 (the price per pound for sockeyes paid by the major processors) and \$2.40 per pound as the cash buyer grounds price. The price was settled mid-way through the season and processors who did not pay retroactively to their fishermen realized higher profits.⁴⁵

For example, if the price paid was \$1.75 per pound they made or saved \$.50 per pound. Also, important: floater processors forced their shore based competition (such as Farwest Fisheries, Nelbro, Red Salmon Co., Ocean Beauty, and others) to send their fleet and tenders from Naknek and Dillingham to participate in Egegik and Ugashik. The tendering cost of transporting salmon from the lower districts to facilities in Naknek and Dillingham is believed to be between \$.25 to \$.35 per pound. This gives floater processors an extra advantage over shore based facilities in the terminal districts. Processors in Egegik and Ugashik enjoy less governmental regulation. One of the spinoffs is that some processors apparently dump unprocessed salmon, i.e., "in the round," off onto their Japanese business partners where they are illegally processed by

⁴⁵ See a copy of what one Naknek shore based fishing company's price schedule that did not pay retroactively in the appendix.

foreigners circumventing "Alaska Hire," state and federal law.⁴⁶ For example, John Durkin wrote:

I noticed that Japanese-owned processors were picking up salmon in the round from tenders and ashore at Egegik and transporting them to the Japanese freezer ships where processing is done by Japanese crewmen. I asked the local biologist Don Bill, today if what we are looking at is a clear violation of U.S. law? Naturally, none of the owners of these U.S. flagged tenders are about to upset the apple cart so this practice continues year after year.

"Politics In Salmon Fisheries," "Bering Sea Fishermen," July 1988 at page 6.

One of the illegal practices in the industry is that some American processors deliver unprocessed salmon to Japanese floaters who then receive grounds price plus a set margin and are also paid a percentage for the roe content. Some of the violators allegedly make such deliveries when they are swamped with salmon and cannot process it themselves.

Bob Brophy, President of Icicle Seafoods, (one of the entities rocked by the bust of 1979 and a major processor that initially located their floater processor program in Egegik in 1981), says that there are flagrant violations by competing processors who systematically under report fish that are purchased in order to cheat the state out of processing taxes and the IRS out of taxes. Mr. Brophy said: "We've been concerned in general that the Department of Revenue doesn't do a great job of enforcing their own laws, whether its onshore (processors) or offshore." Hal Bernton, "Illegal Fish Sales Cost State: Investigators Find Lively Black Market," "Anchorage Daily News," August 6, 1988, A1 at page A-10.

"There are a couple of people who are in business who blatantly don't pay their back taxes, file Chapter 11, put their boat in somebody's else's name, and go right back in business. They are major enough to have an influence on what is going on." Id.

Dave Woodruff Vice President of Alaska Fresh Seafoods, believes the black market on tax-free fish "has been going on for years." "People are buying fish, paying cash for it, and never making a fish ticket off of it." Id.

One of the common practices in the Bay (and elsewhere) is to keep a second set of fish tickets or under report a set percentage of a catch delivered by the fishermen all the way through the season.

⁴⁶ Violation of State Law A.S. 43.75.100 Fisheries Business Tax, Federal Violation of the Maganason and Lacey Act.

John Hanson of the Department of Revenue has suspected that some processors in Bristol Bay have developed a "50-50 Plan." "Under this scheme fishermen are paid one price for 50 percent of their catch, which is ticketed and properly reported to state officials. Then they get a higher price for the second half of the catch, which is not reported. Id. Thus, at the end of the season the calculation for the "under-the-table" payment to the fishermen is easier (if payment is made by check) for settlement purposes. If the purchase is on a cash basis the unreported amount is paid upon delivery.

Another problem is that some processors doctor fish tickets so their fishermen can circumvent the 48 hour transfer rule. This enables a boat to make an opening in Egegik, then travel to Ugashik, or Naknek/Kvichak without suffering a time penalty. Also, an inducement for the fishermen to fish in Egegik or Ugashik, in addition to intercepting fish is that they do not have to pay the 3% raw fish tax levied in the Naknek/Kvichak by the Bristol Bay Borough supra.

IX. THE ADF&G HAS THE AUTHORITY TO PULL IN THE EGEGIK FISHING DISTRICT'S BOUNDARIES AND USE ADDITIONAL MANAGEMENT TOOLS AS NECESSARY UNDER ITS "EMERGENCY ORDER" POWER TO CURB THE INTERCEPTION OF MIXED SALMON STOCKS IN EGEGIK.

Because a conservation/management situation has been created by the Egegik Intercept problem, the ADF&G has the authority to pull in the Egegik Boundaries, and also restrict openings until there is adequate escapement to warrant an opening and/or begin the regulatory season a week earlier. Note, the Department's ability to make in-season boundary adjustments for example, is derived from AS 16.05.060. This statute grants authority to the commissioner or his authorized designee (a biologist in the field) to open or close areas by emergency order when circumstances require. The references to areas has always been interpreted to allow the department to set these boundaries.⁴⁷

⁴⁷ The Board of Fisheries has been vested with the authority to set the fishing boundaries of Bristol Bay by regulation. For example various Bay fishing coordinates in 5 AAC 06.200 pursuant to A.S. 16.05.251. Caveat, Board's authority to regulate does not preempt action to be taken by the Department pursuant to a management situation such as in the present case during the season or afterwards based on newly discovered evidence of a problem.

In other words, the Department can create new areas or adjust the boundaries of areas described in the regulations.⁴⁸ The phrase "when circumstances require" has been interpreted by the Department of Law and the Alaska Supreme Court as set out in Kenai Peninsula Fishermen's Coop. v. State, 628 P.2d 897 (Alaska 1981) to mean that an emergency order must be in accord with the purpose of the Fish and Game Code under Title 16 of the Alaska Statutes. Here, because the regulatory action is based on a conservation and development need (i.e., "a newly developed fishery which threatens to destroy a historical fishery." A quote from Jay Hammond's article supra), the Department had then and has now (especially in light of the new evidence obtained from the 1988 Egegik Scale Sample Analysis) the authority to pull in the Egegik Boundary and take other such remedial measures to ensure the harvest of discrete salmon stocks.

Furthermore, because the interception of non-Egegik fish in Egegik poses at the bare minimum a management problem, the ADF&G has the requisite authority to deal with the issue. This situation satisfies the needs of the Board Policy found at paragraph 3, page 8, of the Emergency Order Standards of General Applicability adopted on June 1, 1983 by Commissioner Collinsworth. The bottom line here is that reducing the Egegik District and eliminating "free week," and employing more conservative catch-to-escapement ratios for all districts will not deprive the Egegik District of fish actually bound for its river for escapement or commercial catches, and should be therefore considered nonallocative.

A. BRISTOL BAY'S REGIONAL MANAGER AND NAKNEK/KVICHAK BIOLOGIST ACKNOWLEDGE THAT THE DEPARTMENT HAS THE AUTHORITY TO PULL IN THE EGEGIK DISTRICT'S BOUNDARIES DURING THE FISHING SEASON.

Ken Florey, the current Regional Manager, stated under sworn oath before Judge Madsen in the Thiele case that he knows he has the requisite authority to change fishing boundaries pursuant to A.S. 16.05.060:

Attorney Chuck Robinson: "Now, isn't it also true, Ken Florey, that the Department of Fish and Game can change areas open to commercial fishing by emergency order?"

Ken Florey: "That's part of our EO power, yes."

⁴⁸ For example, in Cook Inlet the ADF&G biologist John Hilsinger pulled in "the Peninsula fleet of 600 drift boats to a narrow three-mile coastal strip..." Hal Bernton, "New Salmon Plan Riles Sport Fishermen," "Anchorage Daily News," May 10, 1988 at A-1. This management strategy "would force the drift fishermen to concentrate on the Kenai-run sockeyes that form the bulk of their fishery, and perhaps allow more Susitna drainage-bound salmon to swim freely up the center of the Inlet, Hilsinger said." Id.

...
Attorney Chuck Robinson: "Now by emergency order you could, if circumstances warranted it, change this line, couldn't you?"
(Referring to the Egegik and Ugashik Boundaries)

Ken Florey: "Yes, we can."

Attorney Chuck Robinson: "And you could either extend it outward or bring it in, depending on the circumstances, for fishing?"

Ken Florey: "I'm not sure about extending it out."

Attorney Chuck Robinson: "But you could..."

Ken Florey: "Obviously you could go in."

Transcript of Hearing on Plaintiff's Motion for Preliminary Injunction (Excerpt) (Testimony of Kenneth Florey, ADF&G) Thiele et. al., v. State of Alaska Department of Fish and Game, No. 3KN-86-626 Civ. at page 27 a copy of same is attached.

Also on point, more recently Don Bill, biologist for the Naknek/Kvichak Fishing District, testified before the Bristol Bay Borough Assembly (regarding the Borough's adoption of a University of Alaska, School of Fisheries Proposal to perform an independent interception study to "supplement" ADF&G figures, and funded by raw fish taxes to the Bristol Bay Borough) stated the following:

Mr. Bill: "Well, it's very possible if you're looking at the Borough's point of -- of interception, because some years if there is interception and we can show there's interception maybe on the outside line with in-season data, we can move back the district, sure." (See transcript at page 11).

Mr. Bill: "Well, I think if -- if -- it is showed every year that no matter what wind direction or -- whatever, there was a significant interception, say, on the outside Egegik line, you know -- might be able to move it in, you know, try that for a couple of years, and then we'll look at it some more on that outside line, and then maybe move it in again. I think in the long run if you -- you have to have some -- some data to back you up, but if you can show it every year I think there's no problem in moving it in." (See transcript at page 17).

Transcript of Regular Meeting of Bristol Bay Borough Assembly (Excerpt) October 5, 1987. Present Mayor Pike, Manager Clark, Steve Angasan, Joan Shawback, George Tibbits, Gary Bradford, and Ed King.

- B. DID THE ADF&G ACTUALLY PULL IN THE EGEGIK OUTER LINE Buoys SHOREWARD AND THEN RESET THEM BACK ON THE L.C. 9990-Z-45140 LINE DURING THE 1988 SEASON?

On or about July 4, 1988, the ADF&G made an announcement via a public service message on Dillingham's KLDG Radio that the Department may well pull in the Egegik Boundaries based on scale sample data that was taken.

Mr. Bill: " Fish & Game in King Salmon with an announcement for fishermen in the Egegik District. Fishing will be permitted in the Egegik district from three p.m. Monday, July 4th until two a.m. Tuesday, July 5th. This is an 11-hour period in the Egegik District from three p.m. Monday, July 4th, until two a.m. Tuesday, July 5th. The district lines will remain unchanged. However, it was apparent during the last fishing period that the catch of non-Egegik fish in the district has increased. We very seriously considered moving some lines in today, but have decided not to. Should a biological problem with the sockeye run occur in any of the other river systems, moving the Egegik lines inward is a possible solution. If we decide to do so, we will give as much lead time as possible."

A certified copy of this transcript is in the appendix along with a copy of the recording as well.

Apparently, the facts are sketchy but the Egegik marker buoys were moved shoreward on or about July 5, 1988 but then moved back to the loran coordinates at 9990-Z-45140 based on management in "Juneau," according to a one source. One curious aspect of this above radio message is why does Department have to wait for a "biological problem" before some remedial action is taken? It would appear the more conservative move would have been to prevent a biological problem before it occurred. Here, if one looks at the intercept tables supplied earlier in this report the intercept problem actually became worse as the season progressed and near in time to this radio message there were substantial mixed stock catches. One source who spoke on the condition of anonymity, said that the Department was being leaned on heavily by certain processors operating in Egegik to keep the line where it was because their drift fleet would have to suffer a loss of fishing time due to the 48 hour transfer rule. In essence, if the line was pulled in, the chances of intercepting mixed stocks would be reduced and the Egegik fleet would depart primarily to the Naknek/Kvichak and have to suffer a time penalty under the regulation.

Here again, the ADF&G had the authority to move the line, but did not do so because of politics. Perhaps, the Legislative Audit of

ADF&G management ought to look into this situation.⁴⁹

X. THE INTER-BRISTOL BAY SALMON INTERCEPTION'S IMPACT ON MUNICIPALITIES: NAKNEK, DILLINGHAM, AND THE BRISTOL BAY BOROUGH

It is asserted by the Bristol Bay Borough and the Municipality of Dillingham that they have lost considerable amounts of revenue because of the Egegik Intercept. This is due to the loss of the Borough's share of the state tax levied on the processors, as well as the 3 percent raw fish tax (use tax) imposed by the Borough on the fishermen for all fish caught within the Borough's jurisdiction.⁵⁰ The Borough's jurisdictional boundaries encompass the Naknek/Kvichak fishing district. On the other hand currently there is no raw fish tax levied on the fishermen who catch fish in the Ugashik or Egegik District. This makes intercepting fish in these districts all the more popular for the drift fleet.⁵¹

Jay Hammond, speaking before the Bristol Bay Assembly July 18, 1988 stated that "the intercept has done great violence to the finances of the Borough." It appears the Borough has lost hundreds of

⁴⁹ See memorandum from the ADF&G/DOL to Governor Cowper which is styled to politically protect ADF&G nonaction. Who drafted this memorandum?

⁵⁰ Note, the Borough's raw fish tax (Ordinance No. 32) was upheld as constitutional in Libertati v. Bristol Bay Borough, 584 P.2d 1115 (Alaska 1978). Here, the Alaska Supreme Court found that because the ordinance taxed only the sale of fish taken within the borough, the tax itself was found to be a "sales tax" rather than a "severance tax" which under the appellant's argument would have made the tax illegal. See eg. Const. art. 8, Section 1 et seq. Also, the taxation of the sale of the municipalities had not been precluded under A.S. 43.75i30, and A.S. 43.75.135.

⁵¹ According to Chuck Meacham Jr. fishermen caught approximately \$1,500,000,000.00 worth of fish within state waters during 1989. John Hanson of the Department of Revenue believes this figure to be closer to \$2,100,000,000.00. There is currently no raw fish tax imposed by the state on the fishermen. Another fact is that much of this income goes out of state in nonresident fishermen's hands without them contributing anything other than licensing fees for the privilege of harvesting Alaska resources. In tough economic times the Legislature ought to contemplate imposing a 3 percent raw fish tax on all fish caught within state waters and sever a portion of these funds from the general fund to promote Fish & Game research, enhancement, and protection.

thousands, if not millions of dollars, in the past few seasons due to the interception of Naknek/Kvichak salmon in the Egegik and Ugashik fishing districts when one reviews the ADF&G catch data for Bristol Bay in recent years. Additionally, Hammond said:

... the Borough is the prime injured party, because even if you cut in half what is acknowledged by the Department as intercepted (indiscernible) going to these two river systems, you're talking about three to \$400,000 in lost revenues to the Borough (in 1988).

See transcript of Regular Meeting of the Bristol Bay Borough Assembly (Excerpt) July 18, 1988 at page 12 located in the appendix and letter addressed to the Borough by the Setnetters' Association of Bristol Bay).

The City of Dillingham does not implement a 3 percent raw fish tax, but according to City Manager Lyle Larson, there is currently a movement afoot to create a Borough encompassing the Nushagak District in the near future and impose a fish tax similar to that of the Bristol Bay Borough's. "A regional borough stretching from Togiak to Levelock could reap nearly \$1 million annually in fish tax, according to a recently published borough feasibility study." Andrew de Valpine, "Borough Study Contains Funding Contradictions," "Bristol Bay Times," September 23, 1988 at page 1. The City however, does lose its portion of the processor's taxes levied on fish processed within Dillingham's city limits when fish are instead taken in Egegik and processed there. The City of Dillingham does implement a sales tax and according to the City Manager Lyle Larson the poor salmon season in the Nushagak has meant a decline in tax revenues for the City because people have less disposable income to purchase goods and services.

While the price paid for red salmon and other species of salmon has risen in the last few seasons (which is primarily due to the rise in the buying power of the Yen) the loss of needed revenue to the municipalities is still felt. (See letter from Bristol Bay Borough Manager Jim Clark listing revenues from raw fish taxes levied for the last several years).⁵² The bottom line is that the Municipality of Dillingham and the Bristol Bay Borough are now considering various forms of increased property taxes, (such as a new vessel tax), much of which will ironically fall on the same local residents that are harmed by the intercept in the first place.⁵³

⁵² See letter from Bristol Bay Borough Manager Jim Clark attached in the appendix.

⁵³. See attached proposed vessel tax schedule.

A. TERMINAL FISHING COMMUNITIES PASS RESOLUTIONS CONDEMNING SALMON INTERCEPTION.

With local citizens losing their only real source of income and the municipalities reduced tax revenues, they may well seek to make up the short fall from the State and federal governments. The Bristol Bay Borough adopted a resolution precedent the 1988 salmon season: No. 88-10 "A Resolution Requesting Action to Reduce Interception of Salmon" on June 20, 1988 condemning the Egegik Intercept. The Borough sent their resolution to Governor Steve Cowper, Board of Fisheries, and ADF&G who apparently gave it little attention or credence.^{54, 55} The City of Dillingham also adopted a

54. Bristol Bay Resolution No. 88-10, A RESOLUTION REQUESTING ACTION TO REDUCE INTERCEPTION OF SALMON.

WHEREAS, Interception of salmon stocks bound for the Naknek/Kvichak River systems is substantially higher than first believed, and

WHEREAS, data indicated that as much as 25% of the Egegik fish harvest may be compromised by such interception, and

WHEREAS, many of these fish may be harvested long before escapement in their rivers of origin has been assured, and

WHEREAS, the stated policy of the Alaska Fish Board is, "fishing of any salmon stock should not occur until spawning escapement for that stock is insured," and

WHEREAS, interception permitted before escapement is insured, violates the board policy, isn't sound biologically, and takes from the livelihood of those fishermen in the Naknek/Kvichak district, and

WHEREAS, such interception denies Bristol Bay Borough revenues which would accrue to it should the harvest be in the rivers of origin which lie within the borough boundaries.

NOW THEREFORE BE IT RESOLVED, that the Bristol Bay Borough Assembly requests the governor, the Fish Board of Alaska and the Alaska Dept. and Game to take whatever action required to reduce interceptions, and bring management practices more nearly in line with the aforementioned board policy designed to assure spawning escapement.

Passed this 20th day of June, 1988 by the Assembly of Bristol Bay

resolution condemning the intercept after the 1988 season.^{56, 57, 58.}

Borough.

55. See letter in response written by Norm Cohen Deputy Commissioner of the ADF&G.

56 CITY OF DILLINGHAM, Dillingham, Alaska RESOLUTION 88-44
A RESOLUTION OF THE COUNCIL OF THE CITY OF DILLINGHAM, ALASKA
PETITIONING THE GOVERNOR, THE BOARD OF FISHERIES AND THE ALASKA
DEPARTMENT OF FISH AND GAME TO TAKE ACTION TO REDUCE THE INTERCEPT
FISHERIES

WHEREAS, newly acquired data compelled the Department of Fish & Game to acknowledge that premature interception of salmon stocks bound for the various river systems is substantially higher than they first believed and

WHEREAS, many fish are harvested long before escapement in their rivers of origin has been assured, and

WHEREAS, the stated policy of the Alaska Fisheries Board "... is that fishing of any salmon stock should not occur until spawning escapement for that stock is ensured," and

WHEREAS, for the past few seasons, such interception of salmon stocks has not only been permitted but expanded upon long before escapement into the rivers, "has been ensured," thereby not only flying in the face of the Board policy, but as well doing violence to sound biological precepts, to say nothing of the livelihood of fishermen confined to a particular district, and

WHEREAS, such interception as well denies the City of Dillingham revenues which it generates by its sales tax which would accrue to it were these salmon properly harvested near their rivers of origin, and necessitates the imposition of new forms of taxation to make up the shortfall in revenue such as a vessel tax, and fetters the City's ability to collect property taxes because fishermen and businesses have fared poorly, and now

THEREFORE, BE IT RESOLVED that the City Council of the City of Dillingham petitions the governor, the Board of Fisheries and the Alaska Department of Fish and Game to take whatever action required to reduce such interception and bring management practices more nearly into line with the aforementioned Board policy designed to assure spawning escapement by preventing the interception of nondiscrete stocks its thrust being: "In districts where interception of salmon can be curbed without unduly inhibiting the

More recently, the Southwest Alaska Municipal Conference passed a resolution on interception.⁵⁹ Also, attached are some resolutions

harvest of local stocks, it shall be the policy to place as much emphasis on assuring salmon stocks be harvested in their terminal fisheries as is now accorded concern for adequate escapement" and

FURTHER BE IT RESOLVED that the Alaska Municipal League has requested to present this resolution to its general membership for consideration during its upcoming meeting being held in Fairbanks, Alaska on November 16-18, 1988.

APPROVED AND ADOPTED this 11th day of November, 1988.

⁵⁷ See article entitled "Terminal Fisheries Is Goal of Council Resolution," November 18, 1988 "Bristol Bay Times/Dutch Harbor Fisherman," page 3.

⁵⁸ RESOLUTION OF THE BRISTOL BAY BOROUGH, RESOLUTION NO. 88-19
A RESOLUTION SUPPORTING SELECTED POLICIES OF THE BOARD OF FISHERIES ON THE MANAGEMENT OF MIXED STOCK FISHERIES.

WHEREAS, the value of Alaska's salmon is at an all time high;
and

WHEREAS, careful management of Alaska's salmon is necessary to insure a continued return of this renewable resource;
and

WHEREAS, the State of Alaska has established mixed stock management policies concerning salmon fisheries.

NOW THEREFORE, BE IT RESOLVED, that the Governor of Alaska and the Alaska State Legislature urge the Alaska Board of Fisheries to follow these selected policies.

PASSED THIS 21st DAY of November, 1988.

⁵⁹ Southwest Alaska Municipal Conference Resolution No. 89-02 states: A RESOLUTION SUPPORTING SELECTED POLICIES OF THE BOARD OF FISHERIES ON THE MANAGEMENT OF MIXED STOCK FISHERIES.

WHEREAS, the value of Alaska's salmon is at an all time high;
and

WHEREAS, careful management of Alaska's salmon is necessary to insure a continued return of this renewable resource;
and

passed on a similar intercept situation that is occurring in Cook Inlet where the Susitna River has not received its sockeye escapement goal for four out of the last five seasons and the resolution No. AR. 88-323 passed by the Anchorage Municipal Assembly on December 6, 1988 states "the Alaska Constitution grants the legislature the responsibility and authority to establish allocation standards and criteria..."

The Anchorage Chamber of Commerce also passed a resolution complaining of escapement failures in the Northern Cook Inlet District is also attached to the appendix.

XI. USER GROUPS AND CITIZENS CALL FOR A "RIVER OF ORIGIN/TERMINAL HARVEST POLICY."

A variety of user groups and local citizens believe in addition to losing significant income to themselves, that the terminal river systems are not obtaining adequate escapement because of the magnitude of the intercept.⁶⁰ During an annual community celebration called the "Bristol Bay Fall Fishtival" held in Naknek, several hundred signatures were collected in a single afternoon petitioning the Alaska Legislature to adopt a "River of Origin Harvest Policy for Bristol Bay." Signatures on this petition included drift and set net fishermen and various community members

WHEREAS, the State of Alaska has established mixed stock management policies concerning salmon fisheries.

NOW, THEREFORE, BE IT RESOLVED THAT the Governor of Alaska and Alaska State Legislature urge the Alaska Board of Fisheries to follow these selected policies.

Passed Januray 22, 1989.

⁶⁰ Apparently some subsistence users claim that their subsistence needs are not being met or at least a lack of fish in some areas are impairing their subsistence lifestyles. Apparently, there were some complaints from villagers in Kokanok, and Igigug on Lake Illiamna but the researcher has not had the opportunity to check out such allegations at this time.

who own businesses in the Naknek community.⁶¹

Also several community meetings were held at the Bristol Bay Borough Building during the season. The consensus made by both drift and set net fishermen was that the legislature ought to adopt a "River of Origin Harvest Policy," with the thrust of its mandate being:

In districts where interception can be curbed without unduly inhibiting harvest of local stocks, it shall be state policy to place as much emphasis on assuring salmon stocks be harvested in their terminal fisheries as is now accorded concern for adequate escapement. See Hammond, "Politics," supra.

61 PETITION TO THE ALASKA LEGISLATURE CALLING FOR A RIVER OF ORIGIN HARVEST POLICY

WHEREAS, the Board of Fisheries has promulgated, but not adopted, "Selected Policies of the Board of Fisheries, Policy Statement on Management of Mixed Stock Salmon Fisheries," and

WHEREAS, existence of and dissemination of this unadopted policy creates a void for standards of conduct and performance for the Board and the Department of Fish & Game, and

WHEREAS, the Board and the Department have deviated from widely held principles and standards for escapement, interception, and allocation of the fisheries resources in direct and intentional violation of their own "Promulgated Policies," and

WHEREAS, these departures have resulted in widespread interception, misallocation and jeopardy of the resource, and

WHEREAS, this deviation has also resulted in extreme jeopardy to the Kvichak River escapement as well as, economic and subsistence deprivation to the fishermen and residents of the Kvichak and Naknek River Districts,

NOW THEREFORE BE IT, RESOLVED: that the Legislature is petitioned and beseeched to promptly and expeditiously enact legislation embodying essentially the principles and declaring as set forth in the "mislabeled" "Selected Policies of the Board."

(A copy of this petition with several hundred signatures is attached to the appendix).

Representative members of the drift and set net gear types and two members of the Bristol Bay Borough Assembly formed a joint committee to formulate a "River of Origin Harvest Policy" with proposed legislative findings.⁶²

XII. LOCAL ADVISORY COMMITTEES AND USER GROUP PETITION THE BOARD OF FISHERIES FOR A SPECIAL HEARING CONCERNING THE INTERCEPT PROBLEM

The Naknek/Kvichak Advisory Committee (established pursuant to 5 AAC 96.010 see also AS 16.05.260 as authority) petitioned the Board of Fish on August 18, 1988 "for special consideration to meet in response to an important interception issue in the Bristol Bay area." The Advisory Committee stated in its request that:

"WHEREAS, the 1987 salmon scale sample data, and preliminary scale sample data from the 1988 season, shows a crisis condition exists, which warrants special action by the board:

BE IT THEREFORE RESOLVED, that the Naknek/Kvichak Fish & Game Advisory Committee request a hearing on this issue during your midwinter, December meeting to consider changes to the Egegik District Boundary lines, or give direction to the Alaska Department of Fish & Game to reduce the interception by whatever means necessary to remedy this crisis.⁶³

The Naknek/Kvichak Advisory Committee and the Lower Bristol Bay Advisory Committee are two of five advisory committees (Nushagak, Illiamna, and Togaik are the others) that have been established in the Bristol Bay Region. The Naknek/Kvichak Advisory Committee's petition was rejected by the Board. A copy of the Board's response is not presently at hand nor is the Lower Bristol Bay's petition or Board response. But in the Board's rejection to the Setnetters' Association of Bristol Bay's petition, they recite that they reviewed petitions by the Lower Advisory Committee and the Naknek Advisory Committee stating that:

"Since escapements fell within acceptable ranges in all systems, the board cannot find there is a conservation emergency. Therefore, under the terms of the Joint Board Petition Policy, the board is bound to reject the petition

⁶² See "Tentative Draft of "River of Origin Harvest Policy," Suggested Management Practices, and Proposed Legislative Findings.

⁶³ See Naknek/Kvichak Advisory Committee Petition in the appendix to this report.

just as it rejected the earlier requests from the Lower Bristol Bay and Naknek/Kvichak Advisory Committees." ⁶⁴

Apparently, because the Board is politicized and interpreted its way out of conducting a hearing, it has not allowed a special meeting to be scheduled. Instead of meeting the issue head on, they may well be relying on the ADF&G to develop a plan to deal with interception. Note, if it is solely the Board's prerogative to change the lines as some assert (albeit perhaps incorrectly) then the terminal fisheries will be stuck with the same Egegik Boundary lines and perhaps a similar management style as has been practiced upon these communities in the past several years until the fall of 1989 when the next slated hearing on Bristol Bay are slated. Note, the issue of whether the ADF&G can change boundaries has been characterized by opponents against an Egegik District boundary changes as one that can only be made by the Board. They, according to Dean Paddock of the Bristol Bay Drifters Assn. "like the status quo." Bob King, "Board Says Wait..." supra at 20. See however, article by Jay Hammond where he states that many drifters who intercept other districts fish in Egegik don't want to give up their advantage over the fishery. "Politics," supra.

Opponents of reducing interception (more particularly reducing the size of the Egegik District and reducing early season openings to allow for a more conservative catch-to-harvest ratio) say the ADF&G should not get into an allocation issue which is allegedly the sole province of the Board. The people who signed the legislative petition, and voted unanimously for a River of Origin Harvest policy at a public meeting at the Bristol Bay Borough Building, believe that the state i.e., legislature ought to set out the basic River of Origin Harvest Policy and then let the Board of Fish pass such a regulation and the ADF&G implement management practices that will further that policy. (See also Hammond's article "Legislature Must Get Involved In Business Of Game Allocation" supra.

According to Hammond and others the Alaska Legislature has clearly dealt with all the major allocation policies such as the elimination of fish traps, subsistence, and limited entry. More than one writer has said that every time the ADF&G has a fish opening they are in a sense allocating the resource. (See former Board member Harry Shawback's letter to Senator Fred Zharoff published in the "Alaska Fishermen Journal" Vol., 11 November, 1988 at page 24). Jay Hammond stated:

"Meanwhile, politics prevails: The Department asserts that allocation is strictly a matter for the board so they do nothing Yet by permitting misallocation they are, of course,

⁶⁴ The user groups petition and response are attached to appendix.

up to their hips in allocation policies, but failed to adopt them and thereby subject themselves to the politics of those offended." Hammond, "Politics," supra.

XIII. ARE THERE ANY STATE OR FEDERAL AGENCIES MONITORING ADF&G'S CLAIMS THAT THE RIVER SYSTEMS IN BRISTOL BAY ARE ACTUALLY RECEIVING ADEQUATE ESCAPEMENTS?

Many worried fishermen have asked the question, "Are there any state or federal agencies monitoring the ADF&G's assertions that all Bristol Bay river systems are receiving adequate escapements?" For example, a commercial pilot for King's Flying Service based out of Naknek questioned Biologist Dick Russel about whether the ADF&G was in fact monitoring the fish counting towers as they are supposed to. Here, the pilot said that he flew no less than six times over the Kvichak counting tower and there was no one manning the tower. Apparently, according to Russel, the ADF&G only counts fish for short periods of time and then travels to another counting site. Still there are perhaps legitimate questions here because one unsubstantiated rumor was that one of the ADF&G personnel in charge of counting fish was at a local "watering hole" during part of the peak of the run when that person should have been out in the field. Biologist Russel stated before the public that he would look into the matter at the Bristol Bay Fall Fisheries Meeting held on September 22, 1988.

Jay Hammond wrote; "Having for over 20 years flown official stream surveys, I realize my current limited observations are not conclusive. But, in most key streams I find far fewer salmon than announced escapement figures would seemingly supply." "Politics Prevails In Salmon Interception Nonaction," supra. Many people believe that there were not the fish up the Kvichak for example, as the ADF&G held out to the public.

Another noted fishermen of Bristol Bay, Sam Liberati, indicated that on his visit to Brooks Camp, situated in Katmai National Park, he inquired of the head park service ranger whether Naknek Lake received its escapement. The reply from the park ranger was that the run appeared to be below ADF&G pronouncements.

In investigating whether there is in fact anyone checking the Department's figures ("paper fish" as one critic calls it) the Fish & Wildlife service stated that they do perform stream surveys in the national parks, monuments, and preserves in the Bristol Bay watershed. But these investigations are made only at the request of Fish & Wildlife managers for federal enclaves. At present, Fish & Wildlife is installing a sonar fish counter in the Togiak River and they have not investigated any allegations of inadequate escapement of rivers such as the Naknek, Ugashik, or Kvichak. Officer Finn of Fish & Wildlife based out of King Salmon said that

as far as the Iliamna and Lake Clark Region only the ADF&G monitor those salmon runs in those watersheds.

XV. ALTERNATIVES FOR REMEDYING THE BRISTOL BAY INTERCEPT PROBLEM

Should the legislature fail to do anything about the intercept situation, the net result will be a repeat of last season's performance and a real blow to the fishery will occur yet again. Notwithstanding, what the bureaucrats in the Department will attempt to sell the legislature is "that all escapement goals are being met and everything is just fine." To illustrate the Department's thinking in spite of all the newly acquired information about the Egegik Intercept just review their catch projections for 1989.

Forecasted production by major age class of sockeye salmon returning to BRISTOL BAY in 1989 based on results of the modified ADF&G method. (Data from 1974-85 used for East-side and Togiak forecasts and data from 1956-85 used for Nushagak forecast.)

District: River	Thousands of Sockeye Salmon By Age Class						Total	Spawning	
	1.2 4(2)	2.2 5(3)	2.0	1.3 5(2)	2.3 6(3)	3.0		Goal	Catch
Naknek-Kvichak									
Kvichak	3,282	7,575	10,857	1,493	505	1,998	12,855	8,000	4,855
Branch	179	24	203	153	11	164	367	185	182
Naknek	680	792	1,472	1,261	611	1,872	3,344	1,000	2,344
subtotal	4,141	8,391	12,532	2,907	1,127	4,034	16,566	9,185	7,381
Egegik	514	3,292	3,806	1,071	1,154	2,225	6,031	1,000	5,031
Ugashik	848	1,659	2,507	890	431	1,321	3,828	700	3,128
Nushagak									
Wood	894	92	986	949	52	1,001	1,987	1,000	987
Igushik	87	28	115	316	21	337	452	200	252
Nuyakuk	118	18	136	659	10	669	805	500	305
subtotal	1,099	138	1,237	1,924	83	2,007	3,244	1,700	1,544
Togiak	166	26	192	483	19	502	694	150	544
TOTAL BRISTOL BAY	6,768	13,506	20,274	7,275	2,814	10,089	30,363	12,735	17,628

Why is it that the Egegik and Naknek are required to have the same escapement of 1,000,000 in 1989, yet the Egegik has a forecasted catch of 5,031,000 while the Naknek's commercial harvest is determined to be only 2,344,000? Interception is the answer or rather direct allocation by the Department to the Egegik drift fleet. Why is it that Ugashik is slated to have a 3,128,000 catch with only 700,000 as escapement? Because Ugashik will be also intercepting mixed stocks. The dominant producing Kvichak is supposed to obtain 8,000,000 in escapement while its projected catch of 4,855,000 is less than Egegik's. Egegik is not a super producer. It is a fishery that until skewed ADF&G management that began in the early 1980s only produced a one million fish catch. It is obvious that the managers of the Department have learned nothing at all from the information gleaned in their own scale sample analysis and proves that even in light of this new information of interception they will yet again drain the communities of Naknek and Dillingham of their only cash crop.

If no action is taken, it will mean that fewer Alaskans will benefit from the state's fishery resources and more money will flow out of the state as usual because fewer share equally in the pie when fish are intercepted before they reach the terminus.

One of many alternatives is to pursue a review of the ADF&G management practices and investigate the activities of various Department personnel. While they may object to being scrutinized, if they have nothing to hide or fear they should participate with the inquiry and be helpful.

Another alternative is to review the past practices of the Board of Fisheries. There was a commission that reviewed the Board's practices last year and published a report. The majority's findings were that they wanted to keep the present Board system or adopt a "semi-professional board" if necessary. The majority wanted to keep intact a lay Board composed of members of the sport and commercial fishing industry. There was also a minority view written by AFN attorney Don Mitchell. Mitchell's recommendations were that a full time professional Board should be established. Mitchell concluded that "a part-time Board composed of persons who participate in fisheries they regulate is unlawful." Board of Fisheries Review

Committee's Report To The Governor On the Board of Fisheries, February 23, 1988 at 32. A review of the case law cited by Mr. Mitchell's viewpoint while the minority view appears to be legally correct. There is a basic undercurrent of unfairness or rather the appearance of impropriety at the very least when Board Members who are subject to "fish politics" in addition to regulating fisheries that they have a commercial/financial interest in.⁶⁵

Note, there is a case presently pending before the Alaska Supreme Court, Carney et al., v. State of Alaska, Board of Fisheries S.Ct. No. 2022. In Carney four of seven of the Board members were Bristol Bay drift fishermen who effectively "zoned out" a portion of the Nushagak Beach from set net fishing by regulation. Here, the Board under the guise of reducing conflicts between set net and drift fishermen reduced the distance from shore set net fishermen could fish. The rule in the Bay was that a set net fisherman could fish out to 1,000 from the mean high tide mark. 5 AAC 06.333 (n)(3) Basically, under the regulation in question set net fishermen could only fish out to 500 or in other cases 700 feet from shore. The obvious conclusion was that drift fishermen wanted the best access to a productive place to fish. Note, there were no set net fishermen on the Board when it met and deliberated and adopted the regulation.

The Court may not come down with an adequate decision because in this case a "quorum" of four was needed and under the facts four out of seven were Bristol Bay drift fishermen. However, one of the set net user group associations petitioned the Court to advise them that this conflict of interest situation is an "ongoing phenomenon."⁶⁶ In the case of the Naknek Setnetter's Association's situation as mentioned previously, there were two Bristol Bay Drift fishermen who failed to recuse themselves and a third drift fisherman from Cook Inlet who was found guilty of a criminal fishing violation who refused to step down off the Board during the December 1987 Board Hearings on Bristol Bay.

Under A.S. 16.05.320 a quorum would have been achieved because all seven Board members were present. If the three had recused themselves then there still would have been a quorum of four. But the drift fishermen did not. The terminal fishermen testified before the Board that an intercept problem was present and still they enlarged the Egegik District Boundary. The only gear type to benefit by the intercept is the drift because the outer/seaward boundaries are in fact several miles out to sea. Board Member Val

⁶⁵ Obtain a copy of the review of the Board of Fisheries report that was submitted to the Governor.

⁶⁶ See motion by the Naknek Setnetter's Association which is attached to the appendix.

Angasan voted to increase the district size and did in fact fish in Egegik this season. Jessie Foster owned a Bristol Bay limited entry permit at the time of the December 1987 Board Hearings on Bristol Bay voted to also expand the Egegik District.⁶⁷ One critic of Hagren's presence during the 1987 hearings believed his only presence was to establish the use of monofilament gill net that would increase the "blue water efficiency" of drift fishermen which would give them a competitive advantage over seiners, trollers and set net fishermen. Many drift fishermen in the Naknek/Kvichak oppose monofilament net because of its propensity to intercept fish long before they reach that district.

In light of the Court's attitude toward "exclusive guide districts" Owsichuk v. State, 673 P.2d 488 (Alaska 1988) and questions asked in oral argument in Carney it is likely that the court is going to strike down the present structure of the Board of Fisheries because of its ongoing history of conflicts of interest. However, if the Court does not render a decision that dissolves the present makeup of the Board of biased members, perhaps the legislature ought to draft a statute which states something to the effect that "a Board member cannot vote on a measure which would affect a commercial fishery he or a family member has a commercial interest in." This may well not occur because the dominant political forces in the Alaska fishing community have lobbied to put members onto the Board and they would more likely than not kill such legislation.

Another alternative the legislature should look into is to review the various resolutions drafted by the Bristol Bay Borough, City of Dillingham, and Anchorage that condemn intercept fisheries. Also, a review of a proposed law or joint resolution and proposed legislative findings made by a committee of Bristol Bay Drift, Set Net and Bristol Bay Borough Assembly would be in order. Lastly, a review of Jay Hammond's proposed joint resolution which incorporates essentially all of the aforementioned resolutions into a simple policy may also be warranted because of the current policy vacuum.⁶⁸ Hammond's terminal harvest policy would not be a

⁶⁷ According to the CFEC Jessie Foster transferred his drift permit on January 2, 1987 to Terry Hartnell of Bellingham, Washington.

⁶⁸ SALMON INTERCEPTION RESOLUTION

WHEREAS, in recent years alteration of some fishing district boundaries and management practices have led to an alarming increase in interception of salmon stocks which could, and for the most part have been traditionally harvested in their districts of origin; and

WHEREAS, such interception not only complicates management and

threat to False Pass or other traditional mixed stock fisheries. It is simply drafted to curb the rise of newly established intercept fisheries.

It is admirable that Governor Cowper has recently written a "Compass Article" in the "Anchorage Daily News"⁶⁹ condemning high seas interception and hired Attorney Doug Baily to help organize a task force to reduce high seas interception. However, interception of salmon within state waters such as the Egegik Intercept would appear to be an issue the Governor will have to address because it is a crisis problem. In the wake of last year's season in Bristol Bay where the Board refused to implement selected policies on "Mixed Stock Fisheries," and the fact that the ADF&G allocated away the life blood of the terminal fisheries to Egegik, it appears to be imminent that the Alaska State Legislature ought to debate such a terminal fisheries bill and/or joint resolution on the floor during the upcoming session.

drastically increases enforcement problems, but as well has caused severe economic dislocation to fishermen and communities located within the terminal fishery districts; and,

WHEREAS, recent ADF&G studies verify that such interception is far greater than previously believed; and

WHEREAS, ADF&G contends that absent state policy their only obligation is to assure adequate escapement, and,

WHEREAS, the Board of Fish has adopted no policy on allocation absent guidelines from the state legislature, and,

WHEREAS, such policy should be in conformance with our international posture on intermingled fishery interception which emphasizes harvest in districts of origin;

NOW THEREFORE BE IT RESOLVED those districts where it is possible to severely constrain interception of salmon bound for other districts without jeopardizing full utilization of local stocks within the district where such interception now occurs, it shall be the policy of the State of Alaska to ensure harvest of returning salmon in the district which encompasses their river's of origin with the same diligence exercised to ensure adequate escapement to those terminal rivers; and,

Be it further resolved that this policy shall be implemented through appropriate regulations by the Board of Fish and management practices of the ADF&G.

⁶⁹ See Governor Cowper's "Compass Article" attacking high seas interception in the appendix.

XIV. CONCLUSION

The Egegik Fishing District as it is currently configured and managed threatens to destroy the great Kvichak Migration which has been the dominant producer of sockeye salmon for over 100 years. The present management of the ADF&G is in error in allowing the Egegik District to intercept millions of fish prior to their arrival to their river terminus. The Department has stated on record that this has created a management and conservation problem. Statistical catch figures and the ADF&G's scale sample analysis indicate intolerable interceptions of mixed stock are occurring in Egegik. Both drift and set net fishermen in the terminal fisheries believe the magnitude of the Egegik Intercept has created both a management and allocation problem because their commercial harvest of salmon are being severely impacted by the drift fleet operating in the Egegik District and ADF&G catch figure bear this out. The municipalities and the residents of the Bristol Bay watershed are left in poverty while the cash is being taken out of not only the local communities but the state as well and quite often tax free.

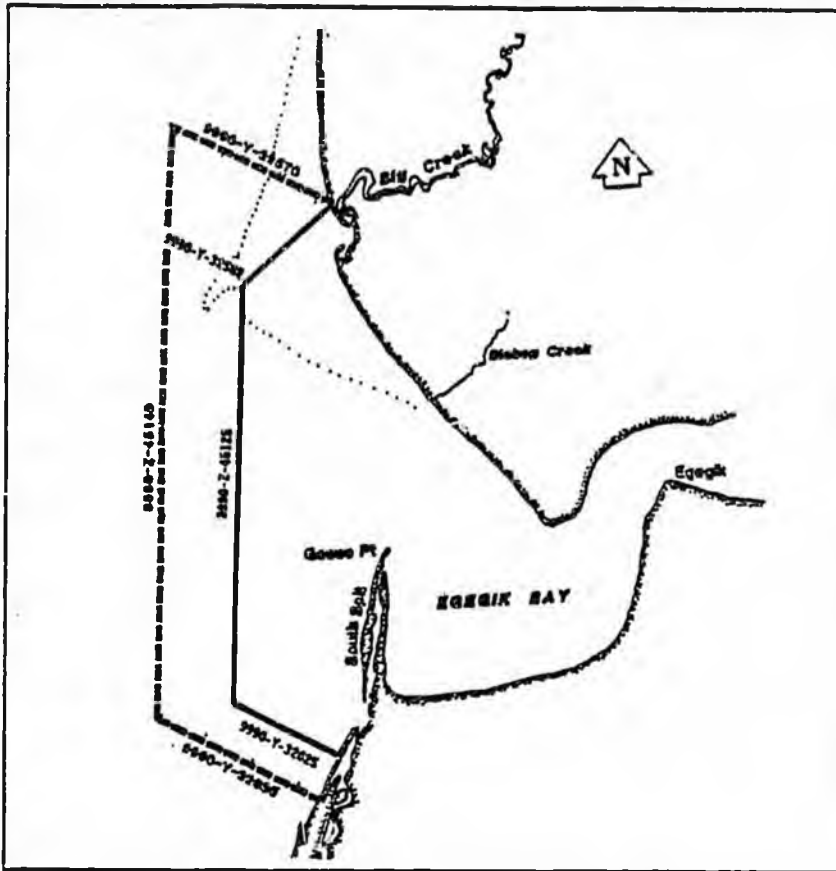
Because a management/conservation problem exists the Department has the requisite authority to reduce the size of the Egegik District to curtail the interception of mixed stocks which would conform to sound biological principles and follow the mandate of the Bristol Bay Comprehensive Salmon Plan. The ADF&G can in addition to reducing the Egegik District, eliminate "free week" by beginning the regulatory season on June 15. Also, the ADF&G should implement rational catch-to-escapement ratio before any district has an opportunity to have a commercial opening. Unfortunately, for the terminal fishermen and their communities present ADF&G management has been skewed towards the drift fleet participating in the Egegik and Ugashik districts because some in the Department allege they "do not care where the fish are caught as long as escapement goals are met."

Because the Board has not adopted a regulation on curbing salmon interception and refuses to follow its "mixed stock policies" the bottom line is that outsiders leave with the payday. As briefly mentioned the processing spectrum needs to be policed and taxes be enforced. Because of the complexity of Bristol Bay and other fisheries such as herring becoming more important it may well be that Bristol Bay deserves new management separate from Cook Inlet. The Legislature ought to consider levying a 3% raw fish tax on all fish caught within state waters because we can no longer afford to give

our resources away to nonresidents for free. Why not make nonresidents pay something back for what they take out of Alaska waters? Serious decisions on interception of mixed salmon stocks within state waters need to be made and the entity to make the basic policy decisions is the legislature because neither the Board nor the Department wants to take the political heat. Serious management questions concerning Bristol Bay have been illustrated and need to be dealt with prior to the 1989 season or more Alaskans will suffer economic dislocation.

BIBLIOGRAPHY

1. ADF&G, An Overview of Alaska's Fisheries: Catch and Economic Importance of the Resources, Participants in the Fisheries, Revenues Generated, and Expenditures on Management, Juneau, Alaska, 1987.
2. Donald E. Bevan, "Problems of Managing Mixed Stock Fisheries," Salmon Production, Management, and Allocation, Biological Economic, and Policy Issues, Edited by William J. McNeil, Oregon State University Press, Corvallis, Oregon, 1988.
3. Bristol Bay Regional Planning Team, Bristol Bay Comprehensive Salmon Plan, ADF&G, November 1988.
4. Douglas M. Eggers, and Donald E. Rodgers, "The Cycle of Runs of Sockeye Salmon (Onchorhynchus nerka) to the Kvichak River, Bristol Bay, Alaska: Cyclic Dominance or Depesatory Fishing?" Reprinted from: Sockeye Salmon (Onchorhynchus nerka) Population Biology and Future Management, Edited by H.D. Smith and L. Margolis, and C.C. Wood, Department of Fisheries and Oceans, Ottawa, 1987.
5. Robert F. McLean and Kevin J. Delaney, Alaska Fisheries Atlas, Vol 1., Print Northwest, Tacoma, Washington, 1978.
6. Eric Minard and Charles P. Meacham, Jr., "Sockeye Salmon (Oncorhynchus nerka) Management in Bristol Bay, Alaska," Reprinted from: Canadian Special Publication of Fisheries and Aquatic Sciences 96, Sockeye Salmon (Onchorhynchus nerka) Population and Future Management, Edited by H.D. Smith and L. Margolis, and C.C. Wood, Department of Fisheries and Oceans, Ottawa, 1987.
7. Senate Advisory Council, Draft, Community Fisheries Development, Alaska Legislature, 1988.
8. Richard R. Strady, Ph. D. Thesis The Migration Pattern of Adult Sockeye Salmon (Onchorhynchus nerka) In Bristol Bay as Related to the Distribution of their Home-Waters, Oregon State University, 1969.
9. Henry J. Yuen, Masters Thesis: Bioeconomic Analysis of a Mixed Stock Fishery: Tradeoff Between Kvichak Escapement and Naknek Harvests, University of Alaska, Anchorage, Alaska, 1986.



EGEGIK TASK FORCE REPORT (MARCH 1989)

Claudia Anderson
 Claudia Anderson
 Egegik Setnetters Assoc.

Richard K. Armstrong
 Richard Armstrong
 Nushagak Adv. Comm.

Randy Briggs
 Randy Briggs
 Lower Bristol Bay Adv. Comm.

Robert Heyano
 Robert Heyano
 Nushagak Adv. Comm.

Richard Deigh
 Richard Deigh
 Lower Bristol Bay Adv. Comm.

Griff Quenton
 Griff Quenton
 Setnetters' Assoc. of Bristol Bay

Stosh Anderson
 Stosh Anderson
 Naknek-Kvichak Adv. Comm.

Allen Aspelund
 Allen Aspelund
 Naknek-Kvichak Adv. Comm.

Doug Freeman
 Doug Freeman
 Ugashik Setnetters Assoc.

Mitch Kink
 Mitch Kink
 AIFMA

Dean Paddock
 Dean Paddock
 Bristol Bay Driftnetters Assoc.

Harvey Samuelson
 Harvey Samuelson
 WACMA

CHARLES P. MEACHAM, Chairman
 ALASKA DEPARTMENT OF FISH AND GAME
 COMMERCIAL FISHERIES DIVISION
 333 RASPBERRY ROAD, ANCHORAGE, ALASKA

RICHARD RUSSELL
 EGEGIK/UGASHIK MANAGEMENT BIOLOGIST
 COMMERCIAL FISHERIES DIVISION
 P.O. BOX 37, KING SALMON, ALASKA

TASK FORCE OBJECTIVES:

TO SUGGEST MANAGEMENT OPTIONS TO THE DEPARTMENT AND BOARD OF FISH DIRECTED AT MORE FULLY HARVESTING SURPLUS SOCKEYE SALMON FROM THE EGEGIK RIVER WHILE MINIMIZING INTERCEPTION OF SALMON BOUND FOR OTHER RIVERS.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME DIVISION OF COMMERCIAL FISHERIES

STEVE COWPER, GOVERNOR

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1599
PHONE: (907) 344-0541

October 18, 1988

Dear :

The purpose of this letter is to ask for your assistance in forming a task force to help the Department identify options for management of the Egegik District. Preliminary data indicates that during the 1988 season (1) approximately 25% of the Egegik District sockeye salmon catch was composed of fish bound for river systems located in other fishing districts, and (2) that 600,000 sockeye salmon in excess of our point escapement goal went up the Egegik River.

We feel that a 25% interception level within the Egegik District can compromise our management of adjacent fishing districts. Additionally, we would have preferred to see an additional 600,000 fish from the Egegik River go into the commercial catch. While it will never be possible to eliminate all interception or to entirely eliminate over or under escapement, we do have a desire to reduce interceptions and to do a better job in extracting the full harvestable surplus of sockeye salmon bound for the Egegik River.

I am proposing a task force consisting of one set-net and one drift-net representative from each Bristol Bay advisory committee. If an advisory committee feels that one person can satisfactorily represent both gear types, one representative would be fine. Additionally, I am asking for one representative from each of the existing fishermen's organizations. Dick Russell, manager of the Egegik District, will also be on the task force.

Task force business will need to be conducted on a voluntary basis. I anticipate that activities will largely be conducted through correspondence and by telephone. However, I also feel that one meeting of the task force at the conclusion of our work is a necessity and propose that this be accomplished by a local regional council meeting in Bristol Bay in mid February.

In my professional opinion, the Bristol Bay sockeye salmon fishery is the best managed salmon fishery in the World. And, I personally believe that your area management biologists and research staff are some of the very best and most dedicated in the fisheries business. The reason we are initiating this task force is to extend our on going efforts do an even better job in managing your salmon resource during these times of changing biological patterns and technological changes to both the fishing fleet and the science of fishery management.

Attached is a form to identify your representative(s) and to provide your nomination for chairman. Please return this form to me by October 28. Feel free to give me a telephone call if you have any questions what-so-ever.

Sincerely,



Charles P. Meacham
Regional Research Biologist

Distribution:

Bristol Bay Advisory Committee Chairmen
Alaska Independent Fishermen's Marketing Association
Western Alaska Cooperative Marketing Association
Bristol Bay Driftnetters' Association
Setnetters' Association of Bristol Bay
Egegik Setnetters Association
Beth Stewart-Board of Fish
Ken Parker
Ken Florey
Dennis Haanpaa
Bristol Bay staff

TASK FORCE PARTICIPANTS

Fishermen Organization Nominations

Claudia Anderson
Egegik Setnetters' Association
General Delivery
Levelock, Ak 99625
(907) 287-3015

Marvin Ebnet/Doug Freeman
Ugashik Setnetters Association
P.O. Box 795
Sterling, Ak
(907) 262-6398

Mitch Kink
AIFMA
700 14th Street
Bellingham, Wa 98225
(206) 734-1876

Dean Paddock
Bristol Bay Driftnetter's Assoc.
3605 Arctic Blvd, Suite 742
Anchorage, Ak 99503
(907) 463-4970

Griff Quinton
Setnetters' Assoc. of Bristol Bay
1514 Primrose
Anchorage, Ak 99504
(907) 279-4137

Harvey Samuelson
WACMA
P.O. Box 18
Dillingham, Ak 99576
(907) 842-5625

Richard Russell
Egegik-Ugashik Area Biologist
Alaska Dept. Fish and Game
P.O. Box 37
King Salmon, Ak 99613
(907) 246-3341

Rick Lauber, ex-officio member
Pacific Seafood Processors

Advisory Committee Nominations

Stosh Anderson
Naknek-Kvichak Adv. Comm.
General Delivery
Levelock, Ak 99625
(907) 287-3015

Richard Armstrong
Nushagak Advisory Comm.
P.O. Box 204
Dillingham, Ak 99576
(907) 842-5361

Allan Aspelund
Naknek-Kvichak Adv. Comm.
P.O. Box 84
Naknek, Ak 99633
(907) 246-4270

Randy Briggs
Lower Bristol Bay Adv. Comm.
General Delivery
Ugashik, Ak 99613
(907) 797-2237

Richard Deigh
Lower Bristol Bay Adv. Comm.
General Delivery
Egegik, Ak
(907) 233-2262

Robert Heyano
Nushagak Advisory Committee
P.O. Box 1409
Dillingham, Ak 99576
(907) 842-1053

* Chuck Meacham, Chairman
Regional Research Biologist
Alaska Dept. Fish and Game
333 Raspberry Road
Anchorage, Ak 99518
(907) 344-0541

Dick Dykema, ex-officio member
Dept. Public Safety, F.W.P.

TASK FORCE CONCENSUS

We, the members of the Egegik Task Force, during our meeting in Naknek, Alaska, on 27 and 28 February 1989 recommend to the Alaska Department of Fish and Game and the Alaska Board of Fish that the following interim measures be adopted for management of the sockeye salmon resource in 1989:

- 1) The Department of Fish and Game should begin E.O. management on 16 June for Egegik District (four day per week fishing by regulation to be maintained 1-15 June). It is recognized that conservation concerns for chinook salmon may require additional conservation measures.
- 2) The Department of Fish and Game should closely monitor and consider catch to escapement ratios in conjunction with other available information when deciding fishery openings and closures in Egegik District.
- 3) The Department of Public Safety should continue to improve their enforcement of 48 hour waiting period.

We also reached consensus on modification to Egegik District boundaries as follows:

West Line= Loran C 9990-Z-45125

South Line= Loran C 9990-Y-32625

North Line= line extending from existing shore marker located at Loran C 9990-Y-32570 to Loran C intersect 9990-Z-45125 and 9990-Y-32582.

The intent of this description is not to disenfranchise any existing set net sites.

We could not reach a consensus as to the method and means by which the boundary change would take place. An informal poll showed a willingness to move to this reduced district when certain trigger mechanisms were reached by 7 of 12 task force members. There was an even split on implementation of this reduced district at the beginning of the season.

Claudia Anderson
Claudia Anderson
Egegik Setnetters Assoc.

Richard K. Armstrong
Richard Armstrong
Nushagak Adv. Comm.

Randy Briggs
Randy Briggs
Lower Bristol Bay Adv. Comm.

Robert Heyano
Robert Heyano
Nushagak Adv. Comm.

Richard Deigh
Richard Deigh
Lower Bristol Bay Adv. Comm.

Griff Quenton
Griff Quenton
Setnetters' Assoc. of Bristol Bay

Stosh Anderson
Stosh Anderson
Naknek- Kvichak Adv. Comm.

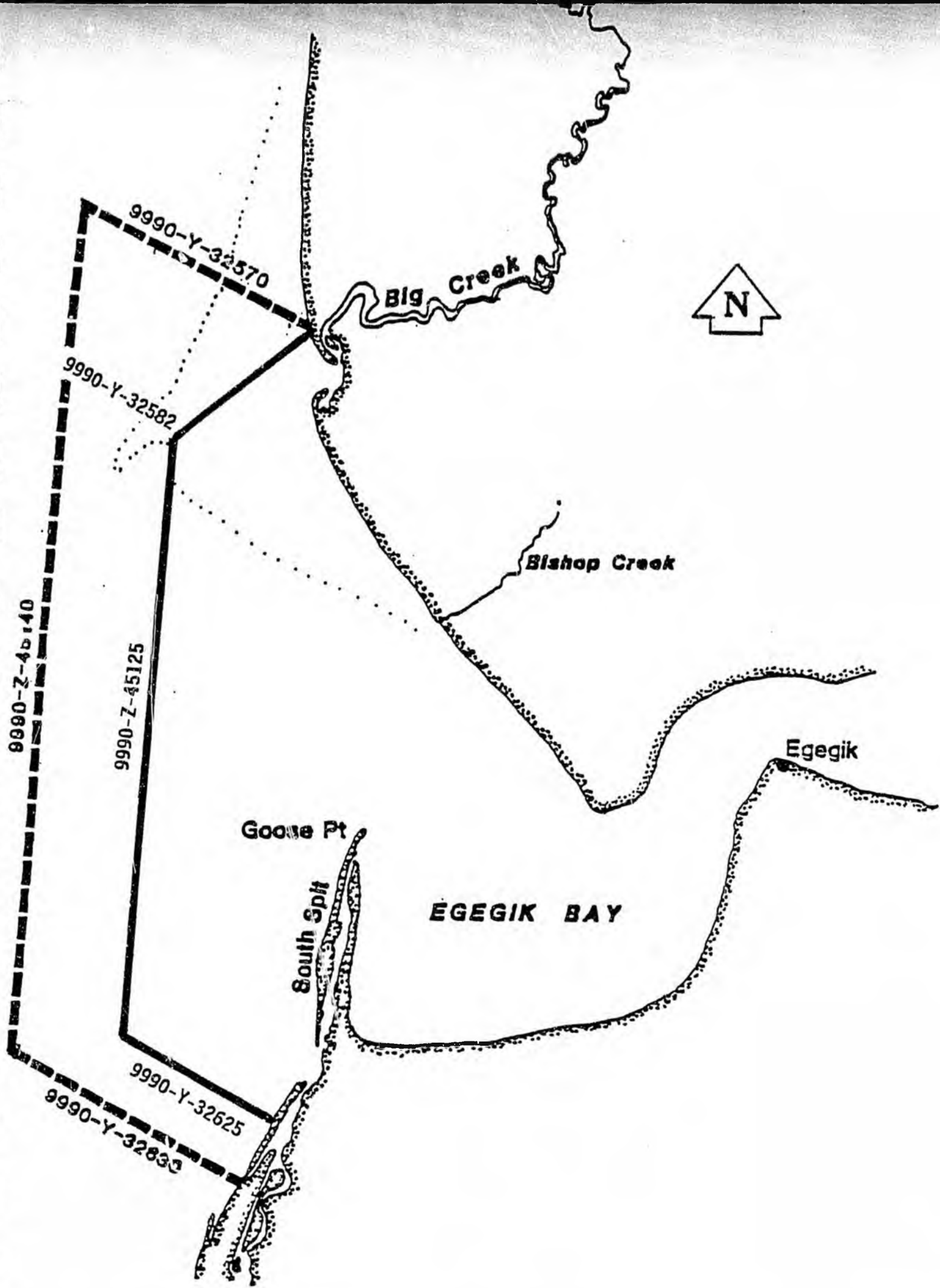
Allen Aspelund
Allen Aspelund
Naknek-Kvichak Adv. Comm.

Doug Freeman
Doug Freeman
Ugashik Setnetters Assoc.

Mitch Kink
Mitch Kink
AIFMA

Dean Paddock
Dean Paddock
Bristol Bay Driftnetters Assoc.

Harvey Samuelson
Harvey Samuelson
WACMA



UGASHIK SETNETTERS ASSOCIATION
P.O. BOX 795
STERLING, ALASKA 99672
907/262-6398

MARCH 2, 1989

CHARLES MEACHAM
REGIONAL RESEARCH BIOLOGIST
ALASKA DEPT. FISH AND GAME
333 RASPBERRY ROAD
ANCHORAGE, AK 99518

DEAR CHUCK,

ON BEHALF OF MYSELF AND THE UGASHIK SETNETTERS ASSOC., THANKS TO YOU AND YOUR RESEARCH TEAM; BEV, STEVE AND BERRY, FOR A JOB VERY WELL DONE.

I AM HOWEVER SORRY WE AS A TASK FORCE COULD NOT AGREE ON SOME WORDING OR HOW TO EXACTLY IMPLEMENT WHAT WE DID AGREE UPON. BUT IN NO WAY WAS THIS BECAUSE YOU OR YOUR RESEARCH TEAM DIDN'T DO YOUR JOBS. I HOPE THAT THIS DOES NOT DISCOURAGE THIS TYPE OF PROGRAM, FOR MUCH INFORMATION AND DATA HAS BEEN GAINED, WHICH WILL HELP YOU AS BIOLOGIST, PARTICULARLY DICK RUSSELL (OUR AREA BIOLOGIST), AND WE AS FISHERMAN. SOMETHING WILL HAVE TO BE DONE AND MUST BE DONE. WE AS FISHERMAN MUST GET OFF OUR WALLETS AND LOOK AHEAD, NOT JUST THE SEASON AHEAD, BEFORE IT BECOMES A MORE SERIOUS CONSERVATION PROBLEM THAN IT ALREADY IS. IF THIS HAPPENS WE'LL ALL LOOSE, WHETHER WE ARE SETNETTERS OR DRIFTER.

IF WE AS AN ORGANIZATION OR AS INDIVIDUALS CAN BE OF SERVICE TO YOU OR YOUR RESEARCH TEAM PLEASE LET US KNOW.

THANKS AGAIN TO YOU AND YOUR TEAM FOR TRYING TO KEEP OUR 'BAY PROSPEROUS.

SINCERELY,



DOUG FREEMAN
UGASHIK SETNETTERS ASSOC.

cc: Richard Russel
Marv Ebnat

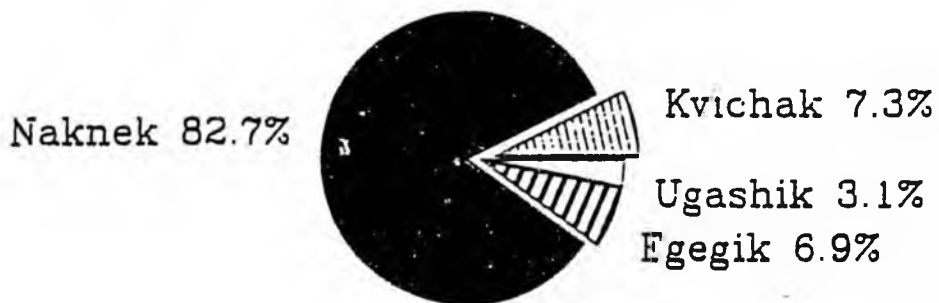
Table 2. Projected commercial harvests of sockeye salmon returning to Bristol Bay, Alaska, river systems in 1989, based on results of the modified ADF&G method.^a

District: System	Numbers of sockeye salmon (thousands)				
	Forecasted Total Production	Shumagin Islands- S. Unimak Harvest ^b	Bristol Bay		
			Harvest	Spawning Goal	Total Return
NAKNEK-KVICHAK:					
Kvichak	12,855	619	4,236	8,000	12,236
Branch	367	18	164	185	349
Naknek	3,344	161	2,183	1,000	3,183
	-----	-----	-----	-----	-----
Total	16,566	798	6,583	9,185	15,768
EGEGIK	6,031	291	4,740	1,000	5,740
UGASHIK	3,828	184	2,944	700	3,644
NUSHAGAK:					
Wood	1,987	96	891	1,000	1,891
Igushik	452	22	230	200	430
Nuyakuk	805	39	266	500	766
	-----	-----	-----	-----	-----
Total	3,244	157	1,387	1,700	3,087
TOGIAK	694	33	511	150	661
	-----	-----	-----	-----	-----
TOTAL BRISTOL BAY	30,363	1,463	16,165	12,735	28,900

^aTable revised 8 February 1989.

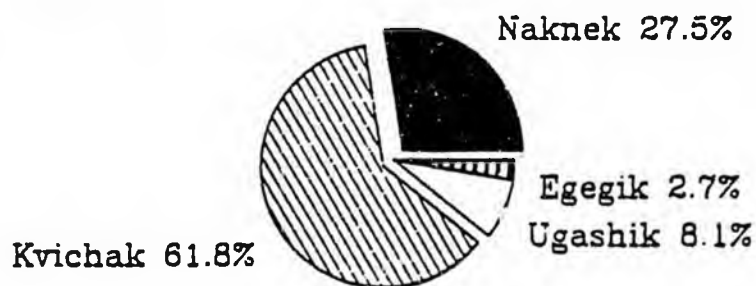
^bGuideline harvest calculated as 8.3% of projected Bristol Bay harvest. Numbers were apportioned among river systems based on proportions in the forecast of total production.

1986 Naknek/Kvichak District Catch



Total Catch = 2,879,894

1987 Naknek/Kvichak District Catch



Total Catch = 4,949,015

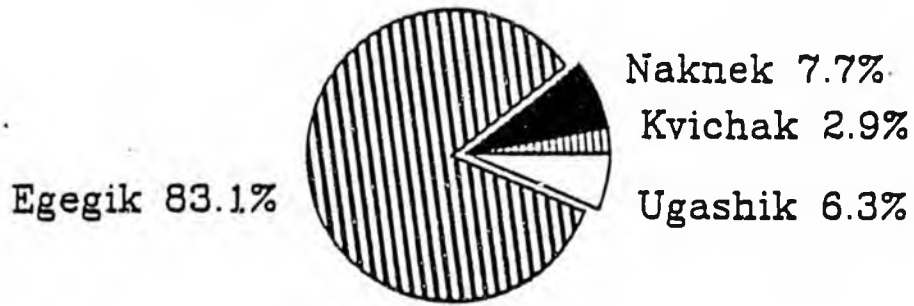
1988 Naknek/Kvichak District Catch



Total Catch = 3,549,422

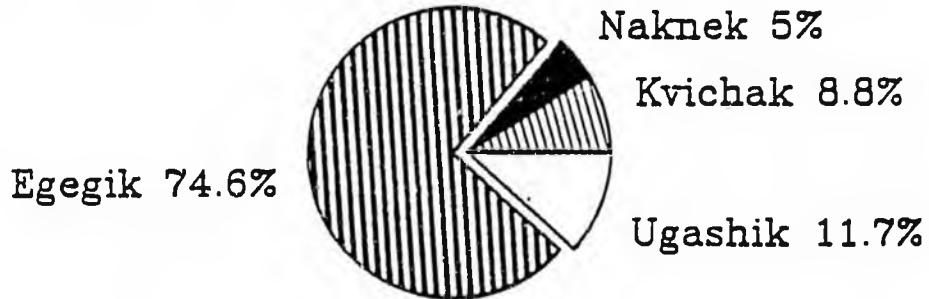
Figure 3. Estimates of stock composition for the total catch of sockeye salmon in the Naknek-Kvichak District from 1986-88.

1986 Egegik District Catch



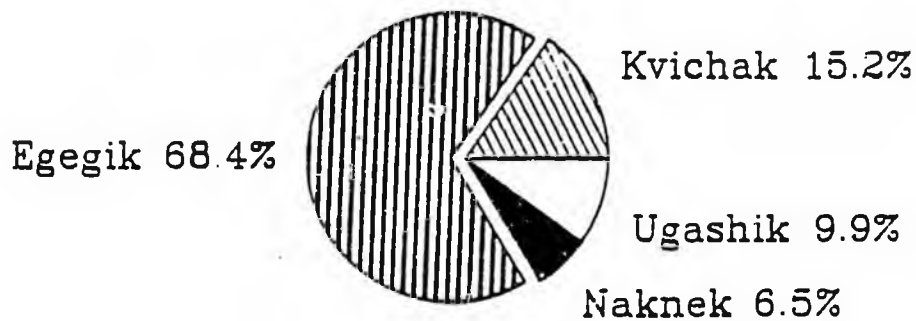
Total Catch = 5,008,779

1987 Egegik District Catch



Total Catch = 5,386,845

1988 Egegik District Catch



Total Catch = 6,400,126

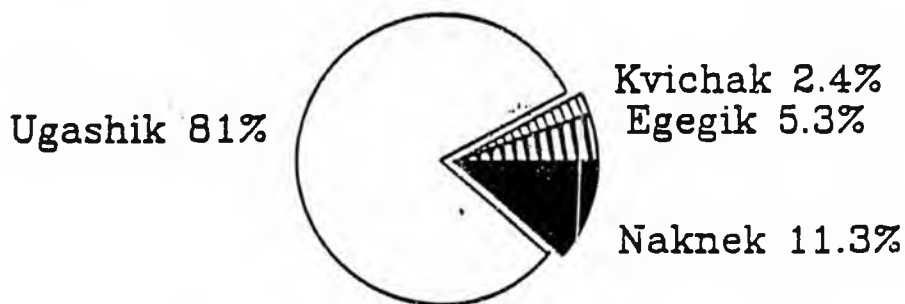
Figure 5. Estimates of stock composition for the total catch of sockeye salmon in the Egegik District from 1986-88.

1986 Ugashik District Catch



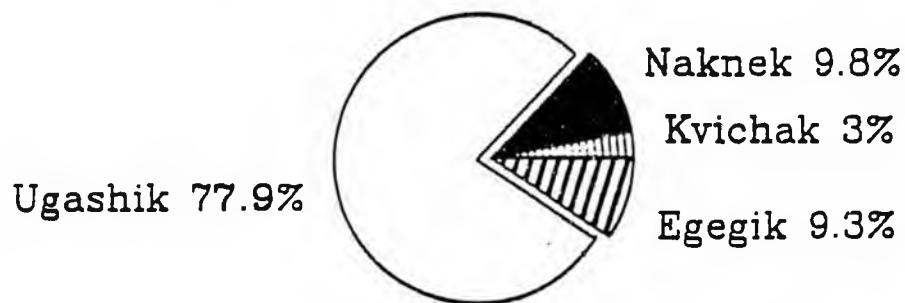
Total Catch = 4,928,502

1987 Ugashik District Catch



Total Catch = 2,119,188

1988 Ugashik District Catch



Total Catch = 1,531,615

Figure 7. Estimates of stock composition for the total catch of sockeye salmon in the Ugashik District from 1986-88.

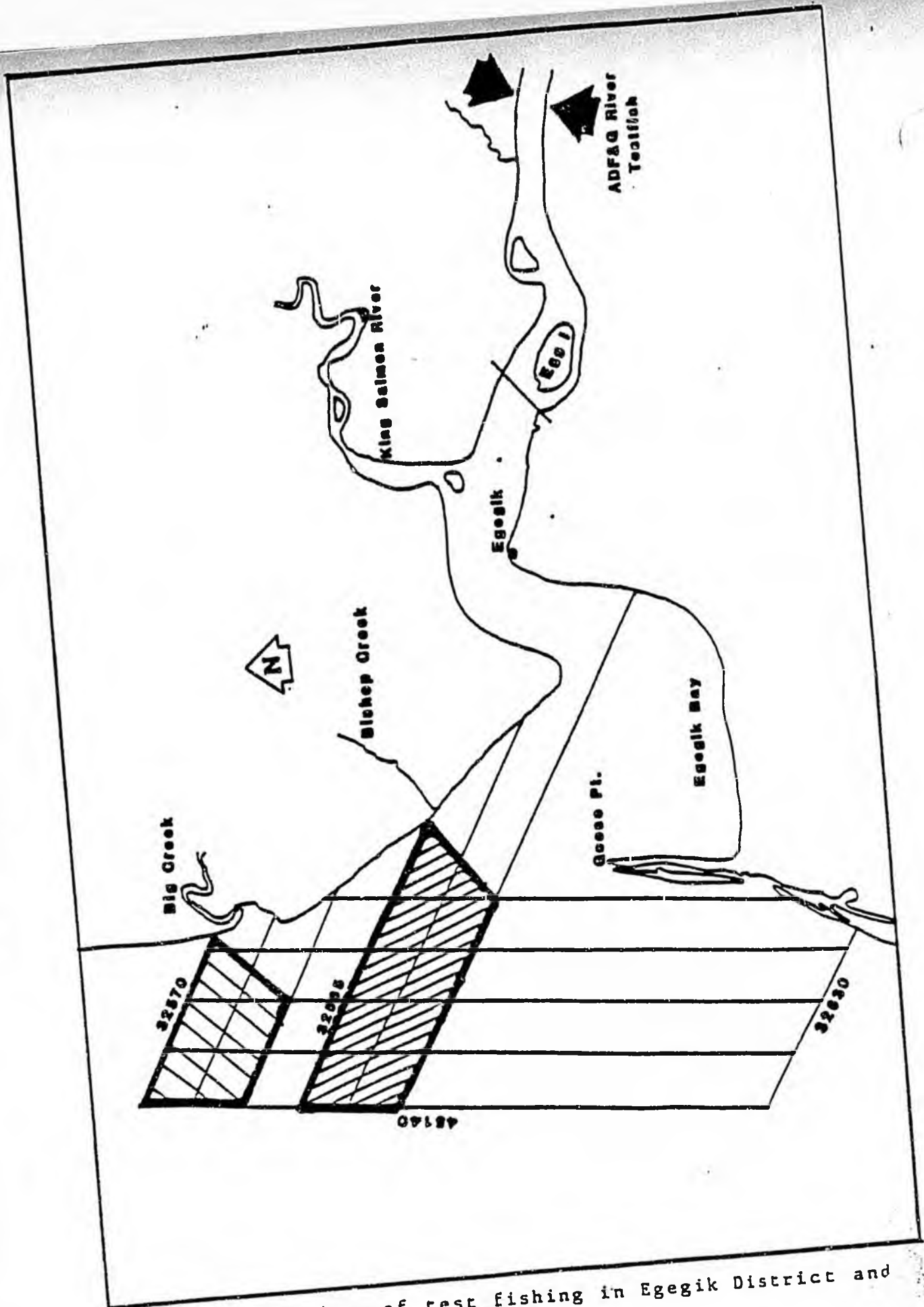


Figure 2. Locations of test fishing in Egegik District and Egegik River in 1988.

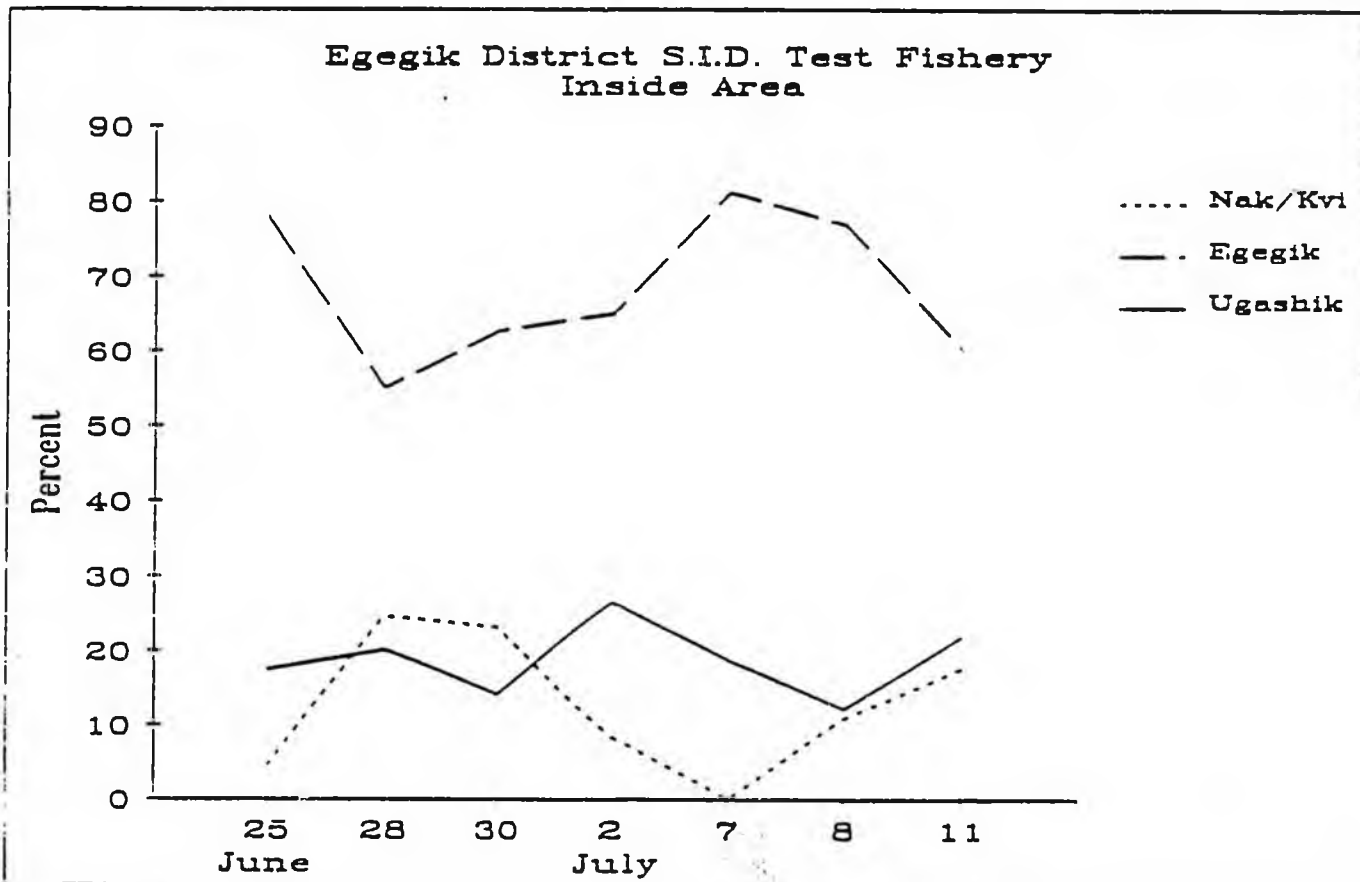
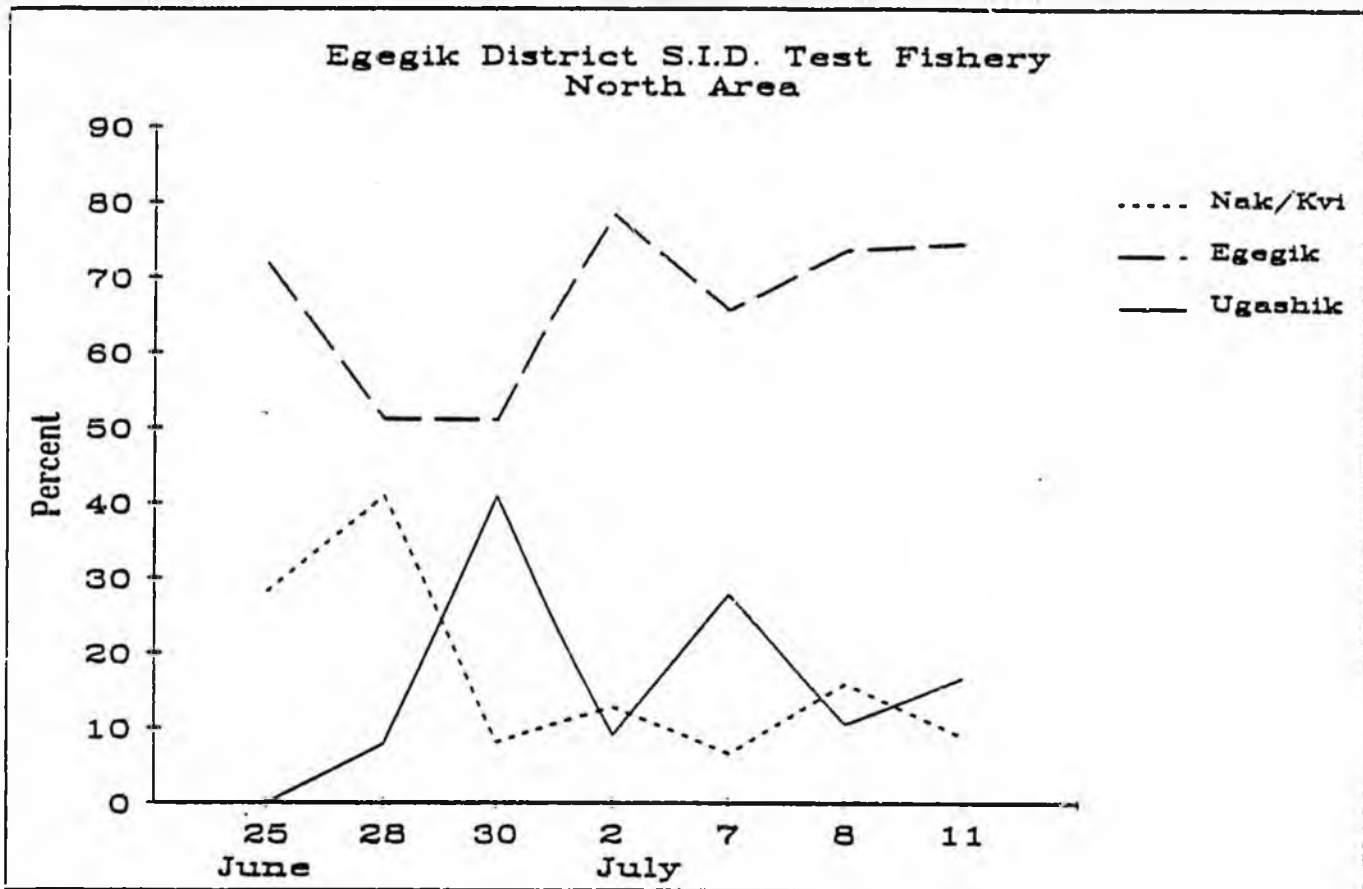


Figure 12. Percent by stock of sockeye salmon test fish catches from the North and Inside study areas in Egegik District for all dates except 5 July.

To: Fishermen, Processors and
Interested Persons

From: Commercial Fisheries
ADF&G
Dillingham/King Salmon
March 31, 1989

BRISTOL BAY
1989 OUTLOOK FOR COMMERCIAL
SALMON FISHING BY DISTRICT

INTRODUCTION

This document is provided as a guide to fishermen, processors and the public as an informational letter describing the management outlook for each salmon district in Bristol Bay for the 1989 season. Included is a short narrative concerning the season's outlook, the general approach to management for each of the five major districts, and the most recent forecast. District transfer regulations for 1989 remain the same as in 1988. Fishermen are reminded that a completed "Blue Card" must be submitted to the King Salmon or Dillingham office by each drift permit holder prior to fishing. After the initial registration, a 48-hour waiting period is required to change districts. For more detailed information, contact the Commercial Fisheries area offices in Dillingham or King Salmon. These offices will be open to record District Transfers between 8:00 a.m. and 9:00 p.m., seven days per week during the peak of the run. The evening scheduled announcements for fishing periods and updates will be made at 8:00 p.m. to allow adequate time for transfers prior to the 9:00 p.m. office closing. Fishing announcements will be broadcast on VHF Channel 7A and .2509 on single sideband. (NOTE CHANGES)

NAKNEK-KVICHAK DISTRICT

The 1989 Naknek-Kvichak District forecasted sockeye salmon harvest is nearly 6.6 million, of which 4.2 million is expected from the Kvichak River system. The total projected Kvichak River run of 12.2 million should contain a majority of four-year old, two-ocean fish. The Naknek River run of 3.2 million should be well distributed amongst all four major age classes. The escapement goal for the Kvichak River will be 8 million with a range of 6-10 million while the Naknek River escapement goal is 1.0 million with a range of 0.8-1.4 million. If the run develops as forecast, there will be early fishing periods in the entire district. As the runs progress in each system, openings and closures by section are likely. The 1987 smolt out-migration from the Kvichak River was over 340 million, which are expected to return in 1989 as five-year old (two ocean fish). Because this is larger than any other outmigration recorded, there is a good possibility that this system will come in stronger than forecast. In the event of a run much larger than forecast, the upper end of the escapement range (6.0-10.0) will be targeted.

The fishing schedule prior to and after the emergency order period will remain the same as in past years - 9:00 a.m. Monday through 9:00 a.m.

Saturday. The emergency order period in the Naknek/Kvichak District also remains the same - 9:00 a.m., June 23, until 9:00 a.m., July 17. Chinook, chum, and coho salmon runs will be monitored throughout the season and if any species appears to be weak, additional closures may be anticipated to achieve desired escapements. No pink salmon are expected in 1989.

EGEGIK DISTRICT

The Egegik District sockeye salmon forecast indicates 5.7 million fish will return and 4.7 million of these will be available for harvest. The remaining 1.0 million are necessary for escapement. No forecasts are made for other salmon species in the Egegik District.

The 4.7 million sockeye harvest projection for the Egegik District is the second largest expected in Bristol Bay this season. Due to the potential harvest and fleet distribution patterns observed in recent years, substantial fishing effort is anticipated in the Egegik District.

Management of the district will be slightly different from last season. The season will begin Thursday, June 1 on a four-day-per-week fishing schedule (9:00 a.m. Monday through 9:00 a.m. Friday). This schedule will be in effect until 9:00 a.m., Friday, June 16 unless conservation concerns for chinook salmon in the Egegik District require further adjustments. Beginning at 9:00 a.m., Friday, June 16, the Egegik District will be put under "Emergency Order" management (district will be closed unless opened for specific time periods by Emergency Order). The "Emergency Order" period will extend through 9:00 a.m., July 17. It is not possible at this time to establish the fishing schedule during the period from June 16 to June 23 but some fishing is anticipated during this interval, possibly 2-3 short fishing periods (10-12 hours each). Such openings would be timed to conform to tide stage parameters normally used during the Emergency Order period. Other factors such as catch and escapement indicators, enforcement presence, and weather forecasts will influence scheduling. This management philosophy will ensure that early arriving fish will have more opportunity to enter the Egegik escapement and those destined for adjacent districts will have more "windows" to pass by. Early season catch/escapement ratios should also return to more modest levels in Egegik than those of 1988.

Management during the remainder of the Emergency Order period in the Egegik District will stress "window" closures, attainment of escapement from each major segment of the run, monitoring of stock composition of the harvest, awareness of current run performance characteristics in adjacent districts, and utilization of the harvestable portion of the Egegik District run.

In the event that a "conservation problem" becomes apparent in an adjacent district sockeye run, and stock separation analyses indicate Egegik District harvests are significantly contributing to that problem, fishermen and support personnel should be aware that district boundaries at Egegik will be moved inward in an attempt to lessen the Egegik fishery's impact on the problem. A smaller district configuration suggested by the Egegik Task Force at their February, 1989 meeting will be used if boundaries need to be moved. Under circumstances requiring a boundary move, the Egegik Task Force recommended a Western boundary of 9990-Z-45125, a Southern boundary of 9990-

C

9990-Z-45140

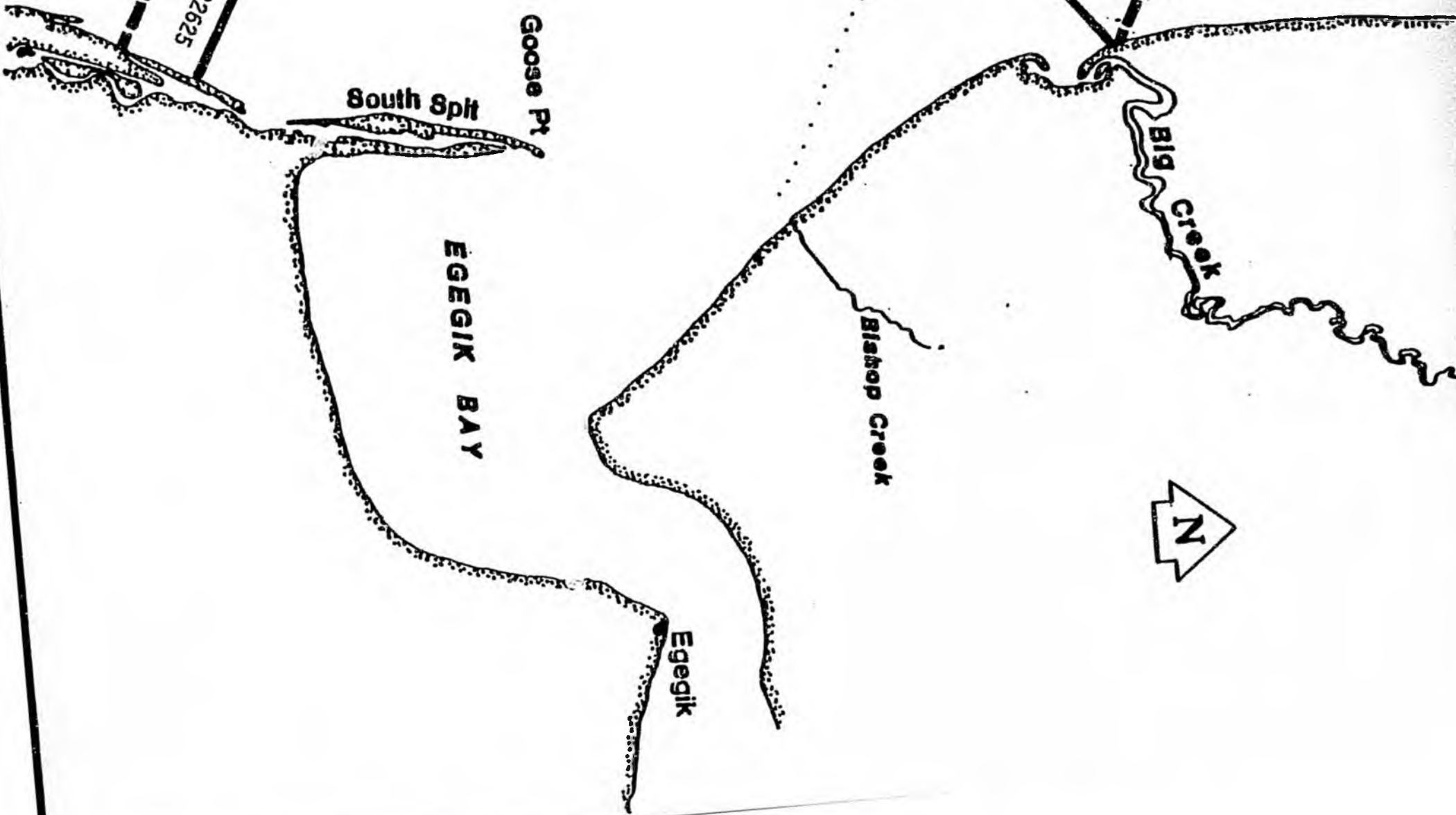
9990-Z-45125

9990-Y-32830

9990-Y-32625

9990-Y-32582

9990-Y-32570



Y-32625, and a Northern boundary that runs from the existing Northern shore marker (at 9990-Y-32570) to the Loran C coordinates 45125 x 32582.

When the Egegik District sockeye escapement goal is reached, harvest measures will be taken to utilize fish excess to biological requirements. Such measures may include continuous fishing or alternating fishing periods 12 hours on - 12 hours off, etc.

Research activities will be continued in the district during 1989. Stock separation work will address sockeye harvests and attempt to classify them by district of origin. Test transect sampling will be increased and include areas in the southern half of the Egegik District as well as areas sampled in 1988.

Compliance with regulations will again be a concern to all involved in the Egegik fishery. Those who violate district boundaries and harvest fish from mixing areas outside the district jeopardize district management and harvest opportunities for everyone. Any help in apprehending such individuals would be greatly appreciated.

After 9:00 a.m., July 17, the Egegik District fishery will revert to its normal four-day-per-week fishing schedule.

The Alaska Department of Fish and Game, Division of Commercial Fisheries will be soliciting bids from fishermen to participate in the test fish program in Egegik District. The purpose of this program is to collect sockeye salmon scales for stock identification. Contracted fishermen will have to provide the following: drift boat, skipper and two-person crew, Loran C, fuel, and 150 fathoms of drift gill net (5"-5-1/4"). An ADF&G employee will be on board to record data and take scale samples. Test fishing will occur during commercial fishing closures from 17 June through 15 July. Anyone interested in test fishing for the Stock Identification Project should contact Beverly Cross, ADF&G, Division of Commercial Fisheries, 333 Raspberry Road, Anchorage, Alaska 99518, phone (907) 267-2381.

UGASHIK DISTRICT

The Ugashik District forecast indicates 3.6 million sockeye salmon are expected to return and 2.9 million would be available for harvest. The district escapement goal is 700,000 sockeye. No forecasts of other salmon species are made for the district.

Based on the sockeye forecast and recent fleet distribution trends, a small to moderate fishing effort is expected in the Ugashik District early in the season. Prior to the beginning of the "Emergency Order" period (June 23) the four-day-per-week fishing schedule will be in effect (9:00 a.m. Monday through 9:00 a.m. Friday). If it becomes apparent that effort is concentrating in the Ugashik District prior to June 23 and is harvesting sockeye salmon at above average rates, fishing will likely be reduced in the district.

During the "Emergency Order" period the Ugashik District fishery will be managed much like it has been the past two years. The main element of this

approach is to minimize fishing time until the main Ugashik sockeye run begins to enter the lower portions of Ugashik River. If that movement occurs early in the season, it will lead to some early fishing. If timing is more normal (around July 7-12), early fishing will be fairly minimal. Once fishing begins, openings and closures will be alternated to obtain catch and escapement from each major portion of the run. District test fishing will again be extensively used to monitor fish abundance and distribution patterns in and near the Ugashik District.

After the Emergency Order period terminates, the fishing schedule will revert to the standard four days per week.

Some people were confused during the 1988 season regarding the status of fishing in the lower end of Dago Creek. It has been and will remain closed to commercial fishing.

NUSHAGAK DISTRICT

The 1989 chinook salmon forecast for the Nushagak District is 128,600. An escapement goal of 75,000 leaves only 53,600 fish for the projected harvest. With an expected removal of approximately 10,000 by the subsistence fishery and a normal incidental catch of chinook during sockeye season, very few fish may be available for a directed fishery. With little chance of a commercial harvest in the early part of June, an emergency order will be issued in late May allowing for a subsistence fishery in the commercial district. The actual times and dates of this fishery will be announced on public radio station KDLG.

Most of the chum salmon that return to the Nushagak District are four year old fish. The indicated optimum chum salmon escapement in the Nushagak River is 350,000, but only 288,000 passed the sonar site at Portage Creek in 1985, therefore, it is unlikely that a large number will return in 1989.

The forecasted sockeye return for the Nushagak District is approximately 3.1 million in 1989, very similar to the 3.3 million that returned in 1988. The projected harvest of 1.4 million is 18% less than the 1.7 million landed in 1988. All three major river systems in this district have an indicated harvestable surplus. However, projected returns to both Nuyakuk and Igushik are relatively low, which will necessitate a cautious approach to management. Fishing periods of short duration on relatively short notice are likely. A considerable amount of test fishing is anticipated to help managers gauge fish movement and run strength in the district and fishermen may anticipate daily status reports on KDLG, VHF Channel 7A, and on the Dillingham Fish and Game hotline 842-5226.

Coho salmon are predominantly four years old as returning adults in the Nushagak District. The 1985 escapement of 89,500 was only 60% of the goal of 150,000, therefore, a large return of that species is unlikely in 1989. With the probability of a small coho run this season, fishermen should anticipate an emergency order in late July reducing the five-day-per-week fishing schedule.

TOGIAK DISTRICT

The 1989 sockeye salmon forecast for the Togiak River is 661,000. Subtracting the spawning escapement goal of 150,000 leaves a projected harvest of 511,000. This harvest would be 13% greater than the most recent 10-year average and about 75% of last year's record harvest (675,000) in the Togiak River Section. In addition, the Kulukak, Osviak, and Matogak River systems can be expected to contribute another 109,000 sockeye salmon to the total Togiak District return. With the sockeye run expected to be above average, a liberal fishing schedule during the peak of the run is again anticipated this season.

Management strategy will focus on simultaneously attempting to harvest surplus sockeye salmon while offering as much protection as possible for the weaker chinook stocks during the early part of the season. Fishermen are reminded that the fishing schedule in the Kulukak Section was reduced to three days per week (Monday - Thursday) by the Board of Fisheries last year to help reduce interceptions of western-bound sockeye in that section.

No formal run projections are made for other salmon species in Togiak District. However, chinook returns are expected to be below average (following a recent declining trend) while brood year escapements of chum and coho salmon indicate above average returns given typical survival conditions.