

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1204 SCOMM 36: HOUSE SPEC. COMMITTEE ON FISHERIES 1983-84

LIST OF PROPOSALS SUBMITTED
FOR ADDITION TO THE AGENDA

REQUESTS FOR AGENDA CHANGES - ISSUE SUMMARY

SOUTHEASTERN ALASKA - YAKUTAT AREA

Commercial Fisheries

Defeat
Herring

1. Allow a herring spawn-on-kelp fishery, both wild and in pounds, primarily in Tenakee Inlet and Lizianski Inlet. (1-11)
2. Convert the Tenakee Inlet food and bait fishery to a sac roe fishery. Make exclusive for gillnets or seines. (12-16)

defeat to Defeat
Salmon Troll Fishery

3. Change in-season coho fishery closures so that they are determined by CPUE. (22)
4. Allow single species, coho, fishery in the FCZ during king closures. (17)
5. Change the weekly fishing periods in the Yakutat area. (18)
6. Reopen the area from Ocean Cape to the East River. (23)
7. Change the surf line near Sitka Sound. (19)
8. Change the Soapstone-Column Point line. (20-21)
9. Allow all trollers to use four lines. (27)
10. Repeal the registration deadline. (25-26)

Salmon Gillnet Fishery

11. Reinstate the Monday openings. (28-29)
12. Close waters within one mile of the Chikoot River. (30-31)
13. Require that the gillnet be attached to the vessel. (32-33)

already covered
Salmon Seine Fishery

14. Allow a sockeye harvest in District 14. (34-36)
15. Allow more open areas in northern southeastern for harvest of surplus pinks. (37)
16. Allow seining in Icy Straits, District 12. (38-39)

All Salmon Fisheries

17. Divide southeastern into two separate exclusive registration areas. (42-43)

Subsistence Fisheries

- add to adj. sub*
18. Allow subsistence salmon fishing in the Taku River. (44-45)
 19. Set a subsistence salmon fishing season for parts of the Chilkat River. (50)

PRINCE WILLIAM SOUND AREA

Commercial Fisheries

no
Herring

20. Increase the guideline harvest level for herring spawn-on-kelp in pounds. (51-52)

- add* 21. Prohibit the use introduced kelp in the wild kelp-herring spawn areas. (53-54)
add 22. Allow sac roe gill netting in all districts. (55)

Salmon

- rev* 23. Reduce gear conflicts between set and drift gill netters in the Eshamy District and the Main Bay hatchery area. Primary recommendations are reduction in gear length, gear separation requirements, and the use of hooks for set nets. (56-91)
rev 24. Change some closed waters near streams. (92-93)
rev 25. Require identification of drift gillnet vessels. (94)

Subsistence Fisheries

- add* 26. Change Copper River plan and create a personal use fishery. (95)

Sport Fisheries

- add to design* 27. Allow a salmon fishery in the Robe River. (96-97)
rev 28. Make part of Gulkana River a hook and release area for rainbow trout. (98-99)

COOK INLET AREA

Commercial Fisheries

Herring

- rev* 29. Allow a limited sac roe fishery in Lower Cook Inlet. (100)
rev 30. Change the guideline harvest level for Chinitna Bay and Kamishak. (101)

Salmon

- manul* 31. Change the Upper Cook Inlet management plan, change the current allocations. (102-104, 140)
manul 32. Change the northern boundary of the Kasilof River. (105)
manul 33. Change the boundary between the Central and Northern districts. (106)
rev 34. Chinitna Bay, allocation between set and drift gill nets. (107-108)
manul 35. Create a Susitna subdistrict in the Northern District with its own fishing periods to coincide with the best tides. (109-111)
manul 36. Create a new subdistrict in the Central District to protect milling Northern District stocks and provide an additional 24-hour fishing period in the Northern District. (112-130)
rev 37. Allow set netting in the China Poot section of the Southern District. (131-133)

Sport Fisheries

- rev 134*
135-139 add 38. Make part of the Kasilof, Anchor, and Ninilchik Rivers and Deep Creek, single hook only areas, or catch and release areas. (134-139)
rev 39. Clarify the salmon stream closures for the Cook Inlet streams in reference to the taking of jacks. (143)

- add* 40. Reduce the limit for Arctic char and Dolly Varden. (141-142)
add 41. Clarify the closed area for Three-Mile Creek. (144)
add 42. Increase the grayling limit for Clarence Lake. (145)

BRISTOL BAY AREA

Commercial Fisheries

Herring

- add* 43. Change the allocation between gill netters and seiners. (146-153)
add 44. Define when seines have ceased fishing. (154)

Salmon

- rev* 45. Increase the escapement goals, particularly for the Kvichak. (155-158)
rev 46. Do not close Kvichak set netting during the peak of the run. (159-160)
rev 47. Require the permit holder to be aboard the drift gill net vessel. (161-162)
rev 48. Prohibit the use of spotter aircraft. (163-165)
rev 49. Reduce the minimum mesh size to five inches. (166-167)
rev 50. Reduce the vessel length requirement to 29 feet for Togiak District or repeal the limit area wide. (168-171, 200)
rev 51. Close the Togiak River section on Sundays. (172)
add 52. Reduce the district transfer waiting period to 24-hours and allow one to fish during the waiting period in the initial district. (173-177)

Sport Fisheries

- rev* 53. Change the limit for grayling and char over 16 inches in length. (233)
rev 54. Prohibit the use of salmon eggs for bait. (179)

All Fisheries

- add* 55. Change boundary lines to LORAN lines. (178)

KUSKOKWIM AREA

Commercial Fisheries

Herring

- add* 56. Create an exclusive use area. (180-181)

Salmon

- rev* 57. Change the boundaries for District 4 (Kuskokwim Bay) and District 5 (Goodnews Bay). (182-185)
rev 58. Allow only seines for ADF&G test fishing. (186)
rev 59. Relocate the ADF&G counting tower on the Goodnews River. (187)
rev 60. Create a commercial salmon fishery in the Hooper Bay area. (188-194)

no Cod
61. Close the cod fishery. 1054

YUKON AREA

Commercial Fisheries

Salmon

- no* 62. Restrict fishermen to either districts 1, 2, or 3. (196)
no 63. Change to subdistrict 4-A opening to June 20. (197)
no 64. Restrict fishermen to either subdistrict 4-A or 4-B and 4-C. (198)

Subsistence Fisheries

- no* { 64. Increase the drift season by four days. (199)
65. Increase the length of drift gill nets to 150 feet. (200-201)
66. Allow commercial fishermen to assist in the operation of subsistence nets. (202)
67. Allow people 60 years or older to fish during the commercial mid-week closures in District 4. (203)
68. Allow the use of live black cod fish for bait in subdistricts 4-B and 4-C. (204)

KOTZEBUE AREA

Commercial Fisheries

Salmon

- Yakim* *no* { 69. Increase the area open to fishing. (205-208)
70. Change subdistricts 4-B and 4-C to four consecutive days, Sunday to Thursday. (234)
no { 71. All subsistence drift netting. (235)
72. Require that a fisherman has to remain at his site to keep it. (209-210)
73. Include net anchoring devices in the gear separation requirement. (211)

KODIAK AREA

Commercial Fisheries

Herring

- no* { 74. Increase the length of the food and bait season. (212-213)
75. Set a length requirement for gill nets and seines used during the food and bait season. (214-215)
no { 76. Reduce the sac roe guideline harvest level and place a quota on the food and bait harvest. (216)

Salmon

- no* 77. Reduce the closed waters area in Uganik Bay. (217)

W-Chignik - Eyak

YAK -

Subsistence Fisheries

no 78. Close Akalura Creek and Lagoon. (218-219)

ALASKA PENINSULA AREA

Commercial Fisheries

Salmon

no 79. Allow drift gill netting in part of the Shumagin Islands. (220-221)

no 80. Require distance marking on gill net and seine cork lines to aid enforcement of length restrictions. (222-223)

no 81. Increase the harvest of Chignik bound sockeyes. (224)

STATEWIDE

Commercial Fisheries

Herring

yes 82. Prohibit the fishing of more than one type of gear. (225-226)

83. Define when seines have stopped fishing. (227)

Salmon

no 84. Open all or selected State waters to trolling. (24, 228-231)

no 85. Allow a vessel to fish in more than one area if two different permit holders use the boat. (40-41)

All fisheries

no 86. Allow the use of drum seines. (46-49)

no 87. Prohibit the possession of pre-imprinted fish tickets. (232)

PETITION

1. Southeast king crab seasons.

heart trip

TENTATIVE AGENDA
ALASKA BOARD OF FISHERIES MEETING

February 1- , 1984

Baranof Hotel, Juneau, Alaska

and

February - , 1984

Westward Hilton Hotel, Anchorage, Alaska

~~February 1~~ ^{Feb. 1 8:30 am} Intro. Bus. / SOUTHEASTERN & YAKUTAT / SALMON FISHERIES
February 1-2 Election of Officers Approval of agenda
Troll Salmon-Chinook OY and Seasons (Joint meeting with adoption
of minutes
the North Pacific Fishery Management Council)

February 3-4 Seine/Gill Net Salmon Allocation

February 5 Exec. Session
Yakutat Salmon Surf Fishery

February 6 RECESS AND MOVE MEETING TO ANCHORAGE

WESTWARD HERRING AND SALMON FISHERIES
February 7 & 8 Exec. Session
South Peninsula Sac Roe Herring Fishery
Unimak-Shumagins June Salmon Management Plan

BRISTOL BAY HERRING AND SALMON FISHERIES
February 9-11 Roe Herring Seine/Gill Net Allocation
Offshore Salmon Set Nets -- Nushagak District

LORAN Boundaries for Egegik & Ugashik Districts
District Transfers During Salmon Season
Sport Fish -- Bag & Possession Limits for Rainbow Trout

PRINCE WILLIAM SOUND HERRING AND SALMON FISHERIES

February 12-14 Copper River Subsistence Salmon Fishery
 Kayak Island Salmon Fishery
 Herring Gill Net Fishery
 Sport Fish--Robe River Salmon

COOK INLET NON-SALMON SPORT FISH FISHERIES

February 12 Steelhead, Rainbow Trout, Arctic Char, and Dolly Varden
 Sport Fish Fisheries
 Sport Fish Fishery Housekeeping

YUKON RIVER SALMON FISHERIES

February 15 Tanana River Subsistence Salmon Fishery Catch Reporting

STATEWIDE

February 15 Prohibit Use of Multiple Types of Herring Gear
 Define When Herring Seines Have Stopped Fishing
 Clarify Registration of Unlicensed Salmon Vessels

ATTACHMENT 4

CONTRACT BETWEEN
STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY

AND

NELS ANDERSON
CO-MAN SERVICES

CONTRACT AMOUNT \$4,000

The parties to this agreement are the Legislative Affairs Agency, on behalf of the House Special Committee on Fisheries, hereinafter referred to as the "Agency", and Nels Anderson, Co-Man Services, hereinafter referred to as the "Consultant".

THE PURPOSE OF THIS AGREEMENT is to provide the House Special Committee on Fisheries with assistance in obtaining information on fishery-related matters.

IT IS THEREFORE MUTUALLY AGREED THAT:

CLAUSE I - STATEMENT OF WORK

The Consultant shall provide the House Special Committee on Fisheries with assistance in obtaining information on fishery-related matters on a temporary basis. This will include issues relating to set net regulations, fish waste dumping, salmon mesh size, and other fishery-related matters. Consultant will report all findings to the project director.

CLAUSE II - PERIOD AND DATES OF PERFORMANCE

(A) The work under this contract shall be performed from November 20, 1983 to December 20, 1983.

(B) This contract may be terminated by either party upon written notice to the other.

CLAUSE III - PROJECT DIRECTOR

The Project Director shall be Representative Adelheid Herrmann, acting on behalf of the House Special Committee on Fisheries.

CLAUSE IV - COMPENSATION AND METHOD OF PAYMENT

(A) For the work specified in this contract, the Consultant shall be compensated at the rate of \$40 (Forty dollars) per hour, with total compensation for this work not to exceed \$4,000 (Four thousand dollars).

(B) The Consultant shall be reimbursed for travel and other expenses authorized in advance by the Project Director, except that per diem shall be paid at prevailing State rates, and all air travel shall be reimbursed on the basis of coach class fares.

(C) The Consultant shall receive \$2,000 (Two Thousand Dollars) as an advance payment and will receive the remainder of the billed amount upon receipt of the final report and approval from the Project Director.

(D) Total payments under this contract, including expenses shall not exceed \$4,000 (Four Thousand Dollars).

CLAUSE V - OFFICE SPACE, EQUIPMENT, CLERICAL SUPPORT

Office space, equipment and clerical support of the Consultant that will be necessary to carry out his obligations under this contract will be supplied by the Consultant at no cost to the Agency.

CLAUSE VI - RECORDS, DOCUMENTS, AUDIT

The Consultant shall maintain accurate records, including detailed time records, as may be required by the Project Director. The records are subject to inspection by the Agency or the Project Director at all reasonable times. All documents, reports and writings generated as a consequence of work done under this contract shall become the property of the State of Alaska and, on completion of the work or at the termination of this contract, shall be delivered to the Project Director for disposition under Rule 23 of the Uniform Rules of the Alaska State Legislature.

CLAUSE VII - TERMINATION

This contract may be terminated by the Agency upon delivery of written notice to the Consultant delivered to the following address: Co-Man Services, Box 234, Dillingham, Alaska 99576.

(B) If this contract is terminated, the Consultant shall be compensated for services provided under the terms of this contract to the date of termination if the Consultant provides the Agency with a written report containing a description of any research or analyses performed, a statement of the result or conclusions formed based upon the research or analyses and a copy of all data acquired by the Consultant or his agents in conjunction with this contract.

CLAUSE VIII - REPORTS

The Consultant shall provide a final report in a form approved by the Project Director as required by the Project Director with the final billing.

CLAUSE IX CERTIFICATION

Execution of this contract by the Executive Director or his designee, hereby constitutes a certification that funds have been appropriated and encumbered for the amount of this contract.

CLAUSE X - MODIFICATIONS AND PREVIOUS AGREEMENTS

This contract contains the entire agreement between the parties. A statement, promise or inducement made by a party or an agent of a party is not valid or binding unless the statement, promise or inducement is contained in this written contract. This contract may not be enlarged, modified, or altered except upon written agreement signed by all parties to the contract.

IN WITNESS WHEREOF, the parties have executed this agreement on the dates indicated below.

CONSULTANT

LEGISLATIVE AFFAIRS AGENCY

Nels D. Anderson Jr. 11-25-73
NELS ANDERSON Date
CO-MAN SERVICES
SS# 574-14-0390

H. R. Charney
H. R. CHARNEY
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

Adelheid Herrmann
REP. ADELHEID HERRMANN
CHAIRMAN,
HOUSE SPECIAL COMMITTEE ON FISHERIES

Billy G. Berrier
BILLY G. BERRIER
AGENCY LEGAL COUNCIL
Counsel

AMENDMENT NO. 1

CONTRACT BETWEEN

STATE OF ALASKA
LEGISLATIVE AFFAIRS AGENCY

AND

NELS ANDERSON
CO-MAN SERVICES

IT IS MUTUALLY AGREED THAT THE CONTRACT BETWEEN THE ABOVE PARTIES DATED NOVEMBER 28, 1983, IS HEREBY AMENDED AS FOLLOWS:

CLAUSE II, Page 1 is amended to read:

(A) The work under this contract shall be performed from December 27, 1983 to January 27, 1984.

IN WITNESS WHEREOF, the parties have executed this amendment to this agreement on the dates indicated below.

CONSULTANT

LEGISLATIVE AFFAIRS AGENCY

Nels A. Anderson J. 1-3-84
NELS ANDERSON Date
CO-MAN SERVICES
574-14-0890

M. R. Charney 1/10/84
M. R. CHARNEY Date
EXECUTIVE DIRECTOR

Accepted:

Approved as to form:

Adelheid Herrmann 1/10/84
REP. ADELHEID HERRMANN Date
CHAIRMAN,
HOUSE SPECIAL COMMITTEE ON FISHERIES

Billy G. Berrier 1/10/84
BILLY G. BERRIER Date
AGENCY LEGAL COUNSEL

ATTACHMENT 5

To: Representative Adelheid Herrmann
Chairman
State House Special Committee on Fisheries

Fm: Nels ~~Anderson~~ Anderson, Jr., Special Assistant

Date: January 26, 1984

Subject: FINAL REPORT AND RECOMMENDATION ON FISHERY ISSUES

M E M O

To: Representative Adelheid Herrmann

Fm: Nels A. Anderson, Jr., Special Assistant on Fisheries

Date: January 9, 1984

Subject: Bottomfish Policy Recommendations

1. Bottomfish

Re our phone conversation regarding the role of the State of Alaska in the bottomfish industry. Although we agreed that you would find another person to carry this, I have the following thoughts. I feel strongly that no more in-depth study needs to be spent in trying to assess how deeply the State of Alaska wants to involve itself in any industrial development especially bottomfishing. Our constitution provides that "The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and waters, for the maximum benefit of its people." I believe that this section of the constitution gives you and the legislature broad authority to find the proper role of the State in the bottomfishing industry.

In order to clarify the state's purpose in developing the bottomfishing industry, the question of how State funds can be used to develop the bottomfishing industry together with making the economic benefits from bottomfishing available to Alaskans needs to be answered.

There has to be a major shift in funds and emphasis to develop the bottomfishing industry. The bottomfishing industry off the shores of Alaska within the two hundred (200) mile limit is heavily foreign in nature with a gradual move toward joint-ventures which gives a minor economic benefit to American fishermen. A bottomfishing industrial complex has to be thought out in detail that gives more benefits to Alaskans.

A shore-based bottomfishing industry has to have the infrastructure to support the total effort. Docks, harbors, bottomfish industrial parks, longer airfields, low-cost power, good water at shore-based facilities have to be provided to capture the bottomfish value before it is exported, processed, packaged and sold elsewhere.

The Pribilof Islands need help in building the necessary support structures to assist in making the area more attractive for building a shore-base bottomfishing industry there. Atka needs similar help regardless of duplication of effort. The bottomfishing industry is so large that those two places could not handle the volume of business currently being generated by foreign interests on the high seas.

2. Loans

Your referral to the loans that are needed by the people requires a modification of our current boat loan programs that will allow the residents of the Pribilofs and the Aleutian Chain to qualify for State funds. There is no reason that can be given to prevent you from making the changes needed to qualify these people for loans to get them the needed equipment to permit them to get into the economic mainstream of the fishery in their area. To do less would be almost criminal.

Your question on how to decide the issue of assistance to the processors requires dialogue with them directly. You can also speak to Greg Baker in the Office of Commercial Fisheries Development to get his views on what the State should be doing in financial assistance programs. After this is done, you need to decide how much to push based on your perceived views of the needs of your constituency.

3. Kodiak Crab Fishing Decline

The question about the crab fishing fleet is an immediate problem that will not take too long to understand. The crab fleet has an organization that will let you and the entire legislature know what they want. Your job will be to judge what is right and do what has to be done.

4. BBNA Studies on Bottomfish

Your comments regarding the Bristol Bay work on bottomfish needs to be evaluated. Your office needs to contact BBNA and get their views on what it is they want to accomplish. Feasibility is a question that could be resolved by the work they did in late 1983. Perhaps they should be allowed to pursue further studies to make sure that the investigations they made were done at times when the various species were present in the areas studied. It would make sense to drag the area at all times during ice free conditions.

Feasibility won't be found until qualities of product, volume, locations and marketability of products are determined. Further study could be required to make definitive decisions.

SHORE FISHERY LEASING PROGRAM

THE SHORE FISHERY LEASING PROGRAM is a program like many State programs that is not very well publicized. This program is used as a defense mechanism to stop people from encroaching on their traditional set net sites. This is causing problems for people who have fished an area for 20 to 30 years because they are not aware of the leasing program. The leasing program can be invoked by someone without the long term user of the site being aware of a lease application. The result is that the applicant takes over and the person with the long term use is pushed out. This happens because many setnetters are not able to read and write the English language.

An equitable method of allocating leases must be devised to protect the people who have leases and those people who don't. The people who administer the program appear to have no sensitivity to the people that the Shore Fishery Leasing Program affects. A reading of the July 22, 1983, memo from Lance Key, Project Administrator of the Division of Land and Water Management, to the Director of Lands and Water Management suggests the administrators do not want the program. My interpretation of what I read is that the program is obsolete, generates too much work and should be dumped. I see too much of a bureaucratic negativism to really give serious thought to improving the program to make it work. To the Director's credit, he is taking a go slow attitude on abolishing the program.

State-wide hearings have to be held to properly explain the program and its intent. Any change in policy has to give the leaseholder a fair chance to be heard as well as those who have not applied for and received a lease. A great deal of time is going to be needed to get all the concerns voiced state-wide. The bills that are before the committee need to be aired in public hearings to see if they meet the test of advancing the public purpose. The committee will be better able to determine how quickly to move the bills once the public learns of their intent and purpose.

RECOMMENDATIONS

1. A performance audit needs to be initiated as soon as possible to see how the Shore Fishery Lease Program is working now.
2. The people who run the Shore Fishery Leasing Program should be given an

opportunity to give their views on the program. Further, the administrators should be asked to give the committee their best shot on how the Shore Fishery Leasing Program needs to be improved.

3. State-wide hearings need to be conducted to air the issue of Shore Fishery Leasing and its benefits to the public. No action should be taken on any changes in policy until the people affected are able to understand the issue and proposed changes. Interpreters are going to be needed in some areas to get the message across.



CO—MAN SERVICES

BOX 234
DILLINGHAM, ALASKA 99576

January 11, 1984

Mr. Harvey Samuelsen, President
Western Alaska Cooperative Marketing Association
Dillingham, Alaska 99576

Dear Harvey,

Would you please review the enclosed packet of material regarding the Share Fishery Lease Program? Your views of Representative Ward's bill (HB 419) and the Division of Land and Water Management memos on the program would be helpful in giving the legislature direction on what to do about the Share Fishery Lease Program.

Since your organization represents set netters as well as drift net fishermen, we are looking forward to your comments on whether or not the existing program needs to be changed, repealed or otherwise handled.

I don't feel as though I have spoken to enough set net fishermen to get a real picture of how the problem is viewed by them. Your organization could be valuable in broadening the range of viewpoints which will be useful in finding a solution. One, is the program obsolete and should it be repealed? Two, can the program be changed to help the set netters? Three, should we leave the program alone?

Thank you for your consideration.

Very Sincerely,

Nels A. Anderson, Special Assistant
Special Committee on Fisheries

cc: Representative Adelheid Herrmann

CO—MAN SERVICES

BOX 234
DILLINGHAM, ALASKA 99576

January 11, 1984

Mr. Mitch Kink, General Manager
Alaska Independent Fisherman's Marketing Association
700 14th Street
Bellingham, Washington 98225

Dear Mr. Kink,

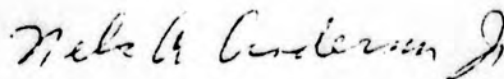
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Thank you for your consideration.

Very Sincerely,



Nels A. Anderson, Jr., Special Assistant
Special Committee on Fisheries

cc: Representative Adelheid Herrmann

To: Representative Herrmann

From: Nels A. Anderson, Jr.; Special Assistant, Special Committee on Fisheries

Date: January 12, 1984

Subject: Shore Fishery Lease Application ADL 202801 filed in 1979 by Lukelia Petla and
Shore Fishery Lease Application ADL 211001 filed in 1983 by Roseanne Savo.

After reviewing the Roseanne Savo case, I have decided to recommend the following action:

The entire case file needs to be reviewed by the Legal Affairs Division to review the complete file that has been presented to me by Roseanne Savo to make a determination of whether or not Commissioner Wunnicke's decision and that of the Thomas Hawkins, Director of the Division of Land and Water Management is correct according to law and regulations.

I believe that legal assistance is required to give you a better idea of how to resolve this issue since it is now in the court system. I believe that a thorough examination of all the relevant facts will lead to a decision opposite that held by the Department of Natural Resources.

If the examination of the case shows that the decision should be reversed, I would suggest you confer with Commissioner Wunnicke about the possible flaw and try to resolve this out of court.

The case is a good example of what is before us if the present system of leasing is not improved. I believe that repealing or otherwise revising the existing law is premature. I would recommend a thorough examination of how the present program is administered before any legislative action is taken. I believe a performance audit is required to determine the effectiveness of the program and its value to set net fishermen.

Some of the Roseanne Savo material is in chronological order. An early legal review of the administrative decisions is needed to see if some points of law were overlooked. Results of the review could lead in a number of directions. Once a final review is completed, consequent actions to take will be determined by the final review of the case file.

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES - Division of Land and Water Management

TO: Tom Hawkins
Director

DATE: July 22, 1983

FILE NO: 515.6

TELEPHONE NO: 4372

FROM: Lance E. Key
Project Administration

SUBJECT: Shore Fisheries
Meeting

On July 14, 1983, a meeting concerning the Shore Fisheries Program was held in the Director's Conference Room. The participants were:

Tom Hawkins	Leroy Latta
Meg Hayes	Lance Key
Dean Nation	Linda Medeiros
Dennis Daigger	David Creekman

The purpose of the meeting was to "hash-out" and scrutinize the current shore fishery program to see what approach should be taken with respect to the now closed program. It was hoped information and ideas from this meeting would provide needed guidance and direction for rewriting the regulations currently in effect.

Many problems and ideas were identified during the two hour discussion. This memo is to highlight the major parts of the discussion that took place and present the options and ideas that were formulated.

1. Abolish the program by repeal of AS 38.05.082.
 - a. Agreed to by everyone present with the exception of a skeptical Director. Also advocated by other state agencies such as ADF&G and the Alaska State Troopers.
 - b. Program has become obsolete since the inception of limited entry.
 - c. Leases issued by the state that later enter into site conflicts are resolved in civil court. The same process occurs with sites that are not leased. Based on this, what does the lease provide?
 - d. The Commissioner, in this instance, might be persuaded to back abolishment of the program. This was not the case during the last administration.
 - c. The majority present agreed that SFL's were not where they would like to see more adjudicators go.
 - d. Allocate more of SCDO's personnel to SFL's since 1/3 of the backlog is in SFL's. Not favorable with the majority of those present.
 - e. Lobby the legislature for new positions in SFLing. Most present felt new positions should not be utilized for SFL's.

July 22, 1983

2. Amend 11 AAC 64.020 to require a shore fishery lease in order to fish.
 - a. This action could pertain to all SF areas or could be limited to specific areas.
 - b. DLWM could expect a heavy casefile increase due to new applications.
 - c. Conflicts would be identified quickly.
 - d. All sites/fisherman within such an area would be identified and located.
 - e. Some fisherman could be forced out where space did not exist.
 - f. Areas could fill so that new fishermen would be excluded in certain areas.
3. Amend 11 AAC 64.430 so assignments of SF leases are eliminated.
 - a. This may require statutory changes under AS 38.05.082(d).
 - b. Be prepared for pandemonium from the fishermen/brokers who buy and sell sites for the big bucks.
 - c. Lease applications could decrease.
 - d. Less work for contract administration.
 - e. Value of prior leases would skyrocket.
 - f. One less working problem the adjudicator would face (the old "who's got the site this year" trick).
4. Leave the program as is and reopen it to applications.
 - a. This approach was attacked vehemently by all present.
 - b. The program was determined to be unusable in its present condition by all present except one.
 - c. Fishermen can once again look forward to long waits when obtaining a lease.
 - d. The tarnished image DLWM will receive after sitting on the program for over a year and then making no change.
5. Add more casefile adjudicators to the program.
 - a. The workload/backlog would be reduced.
 - b. Fishermen would be happy since leases would probably be issued sooner.
6. The use of Set Net Associations to assist in program administration.

July 22, 1983

7. Raise the annual SFL rental.
 - a. Heavily supported by all present.
 - b. Would not be receptive with fishermen or set net groups.
 - c. Based on divisions past track record, there was skepticism that it would make it.
8. Amend 11 AAC 64.490-560. Dealing with survey plats and paper plats.
 - a. The group was distinctly divided (50/50) over the success of an action such as this.
 - b. Cost involved to fisherman might be less.
 - c. Administrative action concerning the plats would be lessened.
 - d. Used in conjunction with shorter lease terms could solve site location problems due to beach erosion and shift.
9. Shorten length of issued lease to 5 years.
 - a. Agreed to by the majority if used with other changes to the program.
 - b. Fishermen may not like going through a lease renewal every 5 years with probable plat update.
 - c. Beach erosion impact may be lessened since plats would be updated every 5 years instead of 10.

The topics in this memo do not identify every subject discussed, but do hopefully cover all the major points of discussion. Should the program be continued, several of the topics discussed were recommended as changes. They were:

- Require a SFL to fish.
- Repeal assignments.
- Raise the annual rental.
- Shorten the length of the lease.
- Change the surveying/platting requirements.

The overwhelming opinion of the meeting, however, was for total repeal of the program. It was felt the merits of the program did not justify continuation or prioritization. The meeting provided a consensus opinion while also providing alternatives to the present program.

LEK/tls

References: AS 38.05.082
11 AAC 64

9/17/82
MJH - Draft (First
Revision)

Problems with the shore fishery lease program

- A. The rights conveyed by the lease are limited to the right to be the only commercial fisherman on the beach while actually present and engaged in set net fishery.
- B. Alaska State Troopers (FWP) will not enforce the terms of the lease. The troopers will act on a court order resulting from a complaint of criminal trespass.
- C. The shore fishery lease does not supercede ADF&G regulations. That is, a lessee cannot fish within the distance set by ADF&G (usually 300 feet or 600 feet) of a set netter who has already set nets on unleased land.
- D. It is usually difficult to locate the leased land with any degree of certainty. Leases have been issued with vague locational sketches, paper plats, and surveys at different times in the past.
- E. There are very unstable coastlines in parts of Bristol Bay, notably near the mouths of rivers. Erosion rates at an average of 5 feet a year are not uncommon. The record we have heard of is 67 feet a year.
- F. The state encourages technical trespass on privately owned uplands. Trespass results from the survey or staking requirements and from the use of the uplands to store equipment and for staging areas.
- G. Because leases are not required to engage in set net fishery, there is little incentive to apply until a conflict exists. Almost every application that is received and that results in a dispute between two competing applicants results in appeal.

- H. The length of time needed to process applications is generally a year, or longer if conflict is identified.
- I. DNR is frequently requested to resolve disputes over leased land. This demand affects our ability to process applications.
- J. The program is complicated and difficult for anyone to fully understand, but even moreso for those who cannot read and write English or who are not familiar with statutes, regulations and legal processes.
- K. The program is expensive to administer. The benefits are realized only by a few of those directly involved in set net fishery.
- L. The administrative costs are not recaptured by the lease rental rates of \$60/year.

9/17/82

MJH - Draft (First
Revision)

Options for solving the problems of the set net lease program

- A. Abolish the program by repeal of AS 38.05.082
 - 1. Popular with everyone we talked to who administers the program, including Alaska State Troopers and ADF&G.
 - 2. Not popular with gill netters, especially those who do not understand the rights conveyed by the lease and those who have invested several thousand dollars in buying a lease site.
 - 3. The program preceded limited entry and it may no longer serve the state's purposes.
- B. Amend AS 38.05.082 to provide for a location method of establishing rights.
 - 1. Set netters would claim a site by erecting witness posts, stating the distance to a permanent landmark or survey monument and filing with the recorder's office.
 - 2. The set netter would file an affidavit each year in the recorder's office that he personally fished the site the previous season, and he would state the distance to the landmark or survey monument.
 - 3. Disputes would be resolved by court action.
 - 4. Cost of the program would be very low.
- C. Amend 11 AAC 64 to establish local set net associations.

1. An area would be open to set net leases when the commissioner was informed that a set netters association had been formed.
 2. The association would make recommendations on applications and on resolution of disputes. Decisions would continue to be made by the director.
 3. Running the association would take a lot of time and equipment (typewriters, photocopiers, etc.) not readily available on the beach.
 4. The system could be subject to human error as well as Machiavellian plots.
- D. Amend 11 AAC 64 to provide for establishing a maximum number of possible sites on beaches that are eroding.
1. DNR would determine the straight line distance between two points on a beach. Dividing this length by the minimum spacing requirements of ADF&G's regulations would yield the maximum number of possible lease sites on a straight line beach. Each year DNR would measure the actual length of the beach and determine where the lessee would fish.
 2. Set netters are not in favor of the state determining where they could fish.
 3. The cost to the state would be high because of survey work.
- E. Amend 11 AAC 64 to require surveys of all leases. Do not reopen the program where erosion is severe.
1. Sites near the mouths of rivers are the most prone to erosion and are also the most popular fishing sites.
 2. We do not have sufficient data to distinguish the beaches that are stable from those that are not.

F. Amend 11 AAC 64 to give the lessee a proprietary interest in the site during fishing season.

1. A lease would not be required but a set netter on non-leased land could not interfere with the lessee's activity on the lease.
2. The lessee would not have to be present to prohibit other commercial set netters from using his site.
3. This concept may or may not be in conflict with Article VIII Section 15 of the Alaska Constitution.
4. This provision can be combined with other options.

G. Initiate a DNR program of conducting "as built" surveys of the beaches and staking lease sites.

1. Application would be made for a particular site. The confusion over which site is under consideration during adjudication of the application would be reduced.
2. The stakes could be subject to vandalism and storms could destroy survey monuments.
3. The surveys and stakings could be expensive to perform.
4. This option is acceptable to Alaska State Troopers and ADF&G.
5. Set netters may object on the basis that once again the State would be telling them where to fish.

BACKGROUND ON FISH AND SOLID WASTE DISPOSAL IN BRISTOL BAY

Fish and Solid Waste Disposal in Bristol Bay during fishing seasons is a problem. 1983 was no exception. The amount of pollution caused by dumping untreated fish and solid waste into Bristol Bay is almost impossible to determine. 1983 found 29 land processors and 38 floating processors operating in Bristol Bay. Also included are the estimated 400 to 500 support vessels. Add to that approximately 1800 gill net vessels and support vessels for approximately 900 set net operations. 39.1 million salmon were harvested in Bristol Bay.

This information is presented to give you an idea of how much disposable waste can be generated by the fishing industry. Fish heads, viscera, solid waste dumped into the rivers of Bristol Bay can be a monumental problem if the State fails to prevent pollution.

FISH AND SOLID WASTE DISPOSAL RECOMMENDATIONS

1. A Fish and Solid Waste Disposal Program for the 1984 Fishing Season to be funded to accomplish the following goals:
 - a) Plan and implement a Bristol Bay Fish and Solid Waste Disposal Plan for the 1984 fishing season which would allow the Department of Environmental Conservation to station a permanent representative in Bristol Bay.
 - b) Send all processors, support vessels and fishermen information about bilge oil, sewage and fish waste regulations that will be in effect in 1984.
 - c) Increase the man days of actual on-site inspection and patrols of shore-based and floating processors. (ADEC presence is a must during the height of the season.)
 - d) Re-establish contact with enforcement and judicial officers regarding ADEC mission in Bristol Bay as it relates to fish and solid waste disposal.
 - e) Have ADEC establish a Fish and Solid Waste Disposal Task Force of concerned parties to address fish and solid waste disposal problems in Bristol Bay and make policy recommendations for legislative and administrative consideration.

MEMORANDUM

State of Alaska

TO: Bob Martin
Deputy Director, EQO

DATE: September 14, 1983

FILE NO:

TELEPHONE NO: 274-2533

JA
FROM: Jim Allen
Anchorage/Western
District Supervisor

SUBJECT: Bristol Bay

Norman Stadem visited this office on September 12, 1983 regarding the pollution of Bristol Bay during the 1983 Salmon Season. Mr. Stadem is a economist by profession, a professor at APU and a member of the board of the Alaska Independent Fisherman's Marketing Association Cooperative (AIFMAC) and a fisherman. Mr. Stadem is representing AIFMAC during his visit. The AIFMAC has a membership of 500 plus fishermen.

We reviewed my report to Keith Kelton dated August 18, 1983 on the same subject.

Mr. Stadem is still concerned with the type and volume of pollution to the bay and cited several examples where fishing boats had become disabled and were required to be towed to shore to untangle plastic binding material from the propellers. This material is used to bind fibers used for packing processed fish.

We both agreed that in-addition to reducing pollution that a greater distance between boats would tend to reduce incidental pollution from the ships and boats.

It is my recommendation that we expand beyond our regulatory role and into one where we can obtain cooperation from all departments, organizations, and individuals involved in Bristol Bay.

DEC should form a committee to form a task force on the problem and make recommendations for implementation of a program to further reduce pollution. Formation of the committee and members of the task force should include but not limited to the following:

1. The Departments of Fish and Game and Public Safety, Fish and Wildlife Protection
2. DEC, Seafood and Animal Health
3. Alaska Independent Fisherman's Marketing Association Cooperative

Bob Martin
Page 2
September 14, 1983

5. Local Native Associations
6. City of Dillingham
7. Western Alaska Commercial Fisherman's Association
8. North Pacific Processors Association
9. Alaska Fisherman's Journal

Grants are needed to establish local landfills and collection points located where waste oil and refuse can be stored. The committee should start work on plans for a task force in January or February 1984.

JCA/dsm

cc: Keith Kelton
Norman Stauen
Jeff Skrage
Joe Campbell

BIO ECONOMIC RESEARCH AND ANALYSIS

NORMAN STADEN
ECONOMIST

1826 EAST 26TH AVENUE
ANCHORAGE, ALASKA 99504

(907) 272-0908

September 13, 1983

Mr. James C. Allen
Anchorage/Western District Supervisor
Alaska Department of Environmental Conservation
437 E Street, Suite 200
Anchorage, AK. 99501

RECEIVED

SEP 15 1983

ENVIRONMENTAL CONSERVATION
REGION II

Dear Mr. Allen:

This is to affirm my impression of the positive results of our meeting yesterday in your office regarding the solid fish waste disposal problem in the Naknek/Kvichak Rivers during the Sockeye salmon fishing season. There has been a dramatic increase in the volume of unground viscera, heads, and whole fish and other processing waste during the past two years. In my capacity as a representative of the Alaska Independent Fishermen's Marketing Association, Coop I heard from a large number of the fishermen in respect to this problem. The concern was unanimous--the problem has gotten out of hand, and A.I.F.M.A.Coop must bring the problem to the attention of regulatory agencies for resolution. Obviously, of primary concern is the economic cost transferred to the fishermen by those processors who dump without grinding these fish wastes. Fishing productivity is adversely impacted since productive time is wasted in disentangling this material, especially viscera, from the nets. There is a concern also for the possible health hazard of infection, such as blood poisoning or fish poisoning, from constantly handling the decomposing fish wastes. Of no small significance is the detrimental impact on morale.

We realize that waste disposal is a fundamental problem in a primary processing industry such as salmon fishery. However, ADEC has essentially solved this problem in the case of shore-based processors by requiring that all fish wastes be ground before dumping it into the water-ways. The problem, with respect to the fishermen, is more acute in the case of floating processors because they dump directly in the prime fishing areas. Thus, there is no chance of some of the material washing ashore, where it decomposes or is eaten by birds and animals, rather than being caught in gill nets.

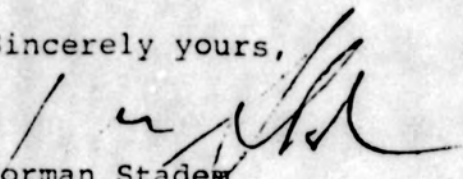
Your suggestion that ADEC take the initiative in organizing a meeting of concerned parties to discuss the general problem of waste disposal into the Bay, is taken as a positive step in seeking a solution to this increasing problem. We look forward to hearing more on this in the near future.

Mr. James C. Allen

-2-

September 13, 1983

Sincerely yours,



Norman Stadem
Assemblyman, AIFMA Coop

cc: State Rep. Adelheid Herrmann
Mr. Mitch Kink, Gen. Mgr., AIFMA Coop

MEMORANDUM

437 E. Street, Suite 200

State of Alaska

Anchorage, Alaska 99501

TO: Keith Kelton
Director, EQO

DATE: August 18, 1983

FILE NO:

TELEPHONE NO: 274-2533

FROM: James C. Allen
Anchorage/Western
District Supervisor

SUBJECT: Disposal of Salmon and
Solid Waste in Bristol
Bay 1983

Based on my 1982 observations, the following plan was initiated for the 1983 season:

1. Five-thousand, six-hundred fisherman and two-hundred and eighty-eight processors applied to fish and process herring in Bristol Bay for the 1983 season. Our main concern and that of Fish and Game was oil pollution from the fishing and processing vessels. Herring roe is very susceptible to the effects of petroleum products. Letters were sent to all processors and made available to processors when they reregistered locally with the Department of Fish and Game. Ten man days was spent on the Fish and Wildlife vessel Vigilant for enforcement purposes. No oil pollution was observed. I feel this was due to the fact that we sent out the letters, we were there and excellent weather conditions. Last year ten fishing boats were sunk or driven on shore by bad weather.

2. Bristol Bay Salmon Processors are located at:

<u>Location</u>	<u>Land</u>	<u>Floating</u>	<u>Tenders</u>	<u>Freighters</u>
Dillingham	6	-	-	-
Queen Slough	1	-	-	-
Clarks Point	-	8	-	-
Ekuik	1	1	-	-
Naknek	5	21	48	17
South Naknek	3	-	-	-
Egeqik	1	2	-	-
Pederson Point	1	-	-	-
Togiak	1	-	-	-
TOTAL	19	32	48	17

This represents the majority of the plants and processors in the immediate area. Tenders and freighters were only counted in the area off of the Naknek River. It is difficult to estimate the amount of fish waste produced from the 36 million red salmon that were processed. Kings, silvers and other salmon are not included in this figure. It is also difficult to estimate the amount of solid waste generated from the processing and the crew.

5227

Again, letters were sent to all processors and copies were provided to Fish and Game offices in Dillingham and King Salmon for distribution.

Ten man days were spent during the last two weeks in June to primarily inspect land based plants for water, sewage and fish waste discharge systems. Ten man days were spent the first two weeks in July to board floating processors for sanitary, solid and fish waste discharge.

On two occasions, The Bristol Bay Borough made available their fire boat. Within three hours we were able to check the sterns of seventy-eight vessels. Fish and Wildlife Protection provided a boat ride to Queen Fisheries which eliminated an air charter cost.

Meetings were held with the Magistrates in Naknek and Dillingham and letters were sent to reconfirm our conversation and included regulations, waste discharge requirements for land and floating processors and types of misdemeanors. This information was also provided to Fish and Wildlife personnel in Dillingham and Naknek.

Observations:

1. Everyone contacted regarding our 1983 activities to reduce pollution in Bristol Bay were very favorable. Other than the improved esthetic effects to the water and beaches, there were other positive benefits, i.e, fish-heads no longer effected set nets; fish intestines no longer effected drift nets; plastic bands on fiber etc., no longer fouled propellers. *Question -*
2. Everyone contacted that had been in the Bay had noted a decrease in the amounts and types of solid and fish waste which was also our own observations.
3. Sixteen HOVs were issued in the four week period and essentially dealt with improper fish waste discharge.
4. Nine of the twenty-one floating salmon processors in the Naknek area had installed incinerators to reduce the volume of combustible waste.
5. As the results of our letter and activities, the refuse collector contractor for the Bristol Bay Borough instituted a refuse collection service by boat for salmon processors off of the Naknek River. *?
S. J. 12*

Recommendation:

To continue the present program for the 1984 season however, this is in conflict with the Regional and District work plan and the approximately 40% decrease in travel budget for the Anchorage/Western District.

JCA/nsm

274-2533
SCRO
437 E Street
Suite 200
Anchorage, AK
99501

June 6, 1983

Dear Seafood Processors:

This is further to our April 18, 1983 letter of information regarding oil, sewage and solid waste pollution of Bristol Bay.

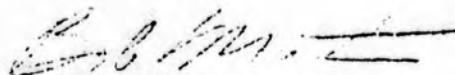
All processing plants have Seafood Processing Wastewater Permits. These permits require grinding Seafood wastes to a size that is capable of passing through a 0.5 inch mesh screen. The effluent seafood wastewater is to be discharged at a depth equal or greater than mean lower low water for shore based plants. Floating Seafood processors wastewater effluent shall be discharged at a depth equal to or greater than 42 feet below mean lower low water.

Acceptable methods of solid waste disposal are to incinerate combustibles and compact and store non-combustibles for transportation to an approved landfill site in Alaska or outside. The Department will have personnel in the Bristol Bay area for the Salmon processing season to assist operators in meeting these requirements and to enforce state regulations. Violations of provisions of the oil, wastewater and solid waste regulations will be subject to appropriate enforcement action.

Your cooperation will assist us to protect the environment of Bristol Bay.

If you have any questions regarding this letter please contact this office at 274-2533.

Sincerely,



Bob Martin
Regional Supervisor

BH/JCA/msm

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

SOUTHCENTRAL REGIONAL OFFICE

BILL SHEFFIELD, GOVERNOR

☒ 437 E. STREET
SECOND FLOOR
ANCHORAGE, ALASKA 99501
(907) 274-2533

☐ P.O. BOX 615
KODIAK, ALASKA 99615
(907) 486-3350

☐ P.O. BOX 1207
SOLDOTNA, ALASKA 99669
(907) 262-5210

☐ P.O. BOX 1709
VALDEZ, ALASKA 99686
(907) 835-4698

☐ P.O. BOX 1064
WASILLA, ALASKA 99687
(907) 376-5038

April 18, 1983

Dear Fishermen and Seafood Processors:

Marine intertidal and nearshore areas require special attention as they are very productive and supply habitat essential to the life cycles of many important species. Herring and salmon are among the many species where the intertidal and nearshore regions play an important role in their productivity. This habitat is extremely sensitive and easily damaged by oil spills and improper waste disposal, particularly in areas where spawning takes place. The State of Alaska has implemented regulations to protect these resources from various forms of pollution.

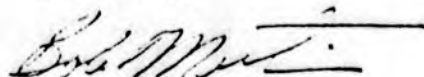
The most common pollution incidents in the fishing grounds have been the discharging of bilge oils and fuel spills, the dumping of solid waste overboard and on beaches, and the discharging of untreated sewage and processing wastes. These incidents can significantly impact the future fisheries of the area.

This fishing season, the Alaska Department of Environmental Conservation will be in the field working with other agencies in an effort to reduce the pollution incidents associated with the harvest of fishery resources. This work will entail routine patrols amongst the fishing fleet, boarding vessels to alert the vessel master to pollution prevention, and responding to pollution incidents as they are reported.

State law requires prompt reporting of oil spills and other serious pollution incidents. This reporting helps to facilitate quick cleanups thereby reducing environmental impacts and damage to fishing equipment. During the upcoming fishing seasons you should be able to contact this Department in the field through the Alaska Fish and Wildlife Protection Service or the Alaska State Troopers or in Anchorage dial 274-2533. If you cannot contact this Department, contact the U.S. Coast Guard, the Alaska Department of Fish and Game, or the local police.

We enlist your support in our efforts to prevent pollution which may affect fishing resources.

Sincerely,



Bob Martin
Regional Supervisor

BM/SZ/msm

MEMORANDUM

State of Alaska

TO: Peter Ashman, Charley Shawback
Magistrates

DATE: June 7, 1983

FILE NO:

TELEPHONE NO: 274-2533

FROM: *James C. Allen*
James C. Allen
Anchorage/Western
District Supervisor

SUBJECT: The Pollution of
Bristol Bay

This is to confirm our recent conversations regarding seafood and solid wastes that are discharged from land based and floating processors.

Attachments #1 and #2 are letters sent to all Bristol Bay Processors by mail and were forwarded to Fish and Game Offices in Dillingham, and King Salmon for distribution to processors who must also re-apply locally for processing.

Attachment #3 is my memo of January 24, 1983 to Joe Campbell regarding fish and solid waste regulations and policies.

The wastewater and solid waste regulations are attached as are formats #21 and #23 which are the examples of the permits for land and floating processors and are marked attachments #4, #5, #6 and #7 respectively.

Foreign processors must also comply with the Department's regulations.

There are three types of misdemeanors that could result from improper discharge of seafood or other solid waste. (AS 46.03.790):

(1) A violation of a statute or regulation which has been committed wilfully may be considered a Class A misdemeanor. Class A misdemeanors under AS 12.55.035(b)(3) carry a maximum fine of \$5,000. Under AS 12.55.135(a) such persons can also be sentenced for up to one year in jail.

(2) A violation which has been unintentionally committed may be considered a Class B misdemeanor, and under AS 12.55.035(b)(5) carries a maximum fine of \$300.

(3) Failure to provide or falsely state information with respect to unlawful discharge is a misdemeanor punishable by a fine of not more than \$25,000 as set out in AS 46.03.790(d).

Peter Ashman, Charley Shawback
Magistrates
Page 2
June 7, 1983

Furthermore, each day on which the violation occurs is considered a separate violation (AS 46.03.790(c)).

The penalties assessed depend on the severity of the violation. A description of the type and severity of the violation will be provided to the proper authority by a representative of this Department.

Please contact this office at 274-2533 if you have any questions regarding the above information.

JCA/JFH/msm
Attachments

MEMORANDUM

State of Alaska

TO: Joseph W. Campbell
Division of Fish & Wildlife
Protection
Department of Public Safety

DATE: January 24, 1983

FILE NO:

TELEPHONE NO: 274-2533

JCR
FROM: James C. Allen
Anchorage/Western
District Supervisor

SUBJECT: Nondomestic Wastewater
and Solid Waste Regulations

Joe, I waited until the attached revised regulations became law, December 30, 1982, to forward them to you with the following comments.

AS 46.03.020.(10)(A) allows for department to develop AAC to "control, prevent and abatement of air, or land or subsurface land pollution." And (D) the "collection and disposal of sewage and industrial waste."

Title 18, Chapter 72, Articles 1 and 2 pertain to domestic and nondomestic wastewater. The definition for nondomestic wastewater, 18 AAC 72.990(29) includes food processing.

Section .210 requires a permit issued by the Department before a person can discharge nondomestic wastewater into or onto the water or land in Alaska.

The Department and EPA both issue nondomestic wastewater permits. EPA at one time issued all discharge permits which were co-signed by DEC so the Department could also enforce the provisions. Since Reaganomics, the EPA staff has been reduced so they placed priority on only the large discharges whereas we do all the rest.

Enclosed are examples of our permit requirements used in the Bristol Bay area. These types of permits would not be issued in Kodiak or Dutch Harbor. Format 21 would be used for a land based operation and 23 for a floating processor and the letter form is only for those floating processors which process less than five tons of raw product per day.

The permit requirements are more alike than different. Wastewater is separated from domestic sewage. Some methods (grinders) is required to reduce solids to a size small enough to pass through a 0.5 inch mesh screen. The requirements A,1,d says what can't be included in the wastewater or allowed to accumulate on the beach. A,1,c for land processors says that the waste discharge line has to be at least below mean low water.

Domestic wastewater (sewage) for floaters is more specific than land based processors as noted in 2, a, I, II, III and IV.

Mr. Joseph W. Campbell
Page 2
January 24, 1983

The rest of the requirements should not be of interest for enforcement purposes.

We may summarize as:

1. Wastewater is to be separated from sewage and oil.
2. All must grind fish waste.
3. Land based processors must discharge below low tide.
4. Depending on the location of the float various domestic wastewater discharge requirements apply.

Solid wastes are covered in Title 18, 60.130.(15), Chapter 60. The definition for solid waste includes everything. 18 AAC 60.101 prevents solid waste from pollution of the air, water, land and subsurface land of the state.

Solid waste disposal sites must have a permit except as excluded in 18 AAC 60.020(1), (2) and (3) which are single family or duplex where the solid waste are disposed of on the premises, a farm or an incinerator rated at less than 200 pounds per hour.

JCA/msm
Enclosures

MEMORANDUM

437 "E" Street, Suite 200

Nov. 1982
~~State of Alaska~~
State of Alaska

Anchorage, Alaska 99501

TO: Bill Lamoreaux
District Office
Supervisor

DATE: August 2, 1982

FILE NO:

TELEPHONE NO: 274-2533

gch
FROM: James C. Allen
Anchorage/Western
District Supervisor

SUBJECT: Bristol Bay Solid
Waste Disposal Problems

For a number of years complaints have been made to the Department regarding solid waste in Bristol Bay. This can be divided into two different problems. These are fish heads and intestines from shore and floating salmon processors and solid waste generated by the floating processors. The fish heads and intestines are more of a problem along the beaches where they foul the set nets and prevent netting of salmon. A considerable amount of time and frustration is spent in removing the waste. Intestines are more of a problem from the floating processors as the heads, having weight, generally sink to the bottom. Floating processors near the shore are a greater problem than those in the center of the bay.

Many of the processors burn combustible solid waste on the stern and they will tell you that the non-combustibles are taken to a shore dump, but this is highly questioned as being accurate, which was confirmed by informal conversation with crew members. Ships that don't burn refuse and those with non-combustibles dump them over the side causing accumulation of waste on the bottom and the beach.

Fish and Game requires all operators to file an intent to operate for the next year. The form can be used to determine who is going to process what seafood and where. I have requested a copy of this report be mailed to me in December 1982.

Contact was made on my Dillingham trip of July 26-29, 1982 with John Campbell and Ron Kiniecik, Fish & Wildlife Protection. Both express their concern for the solid waste problems of the region both on land and at sea. They have requested a memo from our Department stating section of the statutes and AAC to cite in issuing a citation.

Observation of waste discharge pipes in Kodiak and Dillingham revealed a discrepancy on our part on not requiring design and construction requirements on the outfalls. Processors use plastic that is too fragile for either an anchor or wave action. We should require Class 50 ductile iron, with joints which will take a 5° deflection without leaking. To protect this pipe, it should be required to be buried to a depth of 5 feet until it can be exposed at a depth 10 feet below minimum low low tide. A diffuser would be ideal, but not necessary.

8111 Lanoreaux
Page 2
August 2, 1982

The discharge pipe should be required to be anchored with 9 foot spacing were exposed on the bottom.

Recommendations:

1. We notify all land processors that:
 - a. Grind to less than 0.5 inch square and discharge as described above.
 - b. To discontinue processing when grinder or discharge pipe is broken. This should motivate back-up grinder in parallel. This should also apply to floating processors however, no discharge line would be required.
2. Combustible solid waste on floating processors should be required to be burned or compacted with non-combustibles and transported to local dumps. Boats from the processor are running back and forth all day. Any processor or boat observed to discharge solid wastes into the waters of the State will be cited.
3. A specification for the discharge outfall should be a part of the permit.

In summary, we should inform all processors of our 1983 season requirements and plan to have DEC personnel in Bristol Bay in 1983 for at least the first three weeks of July.

JCA/ccs

Box 234
Dillingham, AK
99576
November 30, 1983

Officer Ron Kmiecik
Box 223
Dillingham, Alaska 99576

Dear Officer Kmiecik:

Representative Adelheid Herrmann would like to get your views on several fishery related issues that affect our fishermen in Bristol Bay. The first issue is fish waste dumping by fish processors in Bristol Bay, particularly the Nushagak River. The second issue is gill net mesh size. Finally, the issue of fish processors anchoring in desirable drift areas seems to be a problem to drift gill netters.

Does your office have any information that would give Rep. Herrmann any facts which would help define the magnitude of the problems mentioned? Also does your office have any suggestions for solutions to the issues previously mentioned?

Would a joint meeting with processors, fishermen, fishermen's organizations, the Coast Guard and your office be helpful before the 1984 fishing season starts?

Thank you for your consideration.

Very sincerely,

Nels A. Anderson Jr.

Nels A. Anderson, Jr.
Special Assistant
House Special Committee on
Fisheries

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF FISH & WILDLIFE PROTECTION
P.O. Box 1005
Kodiak, Alaska 99615

P.O. BOX 6188 ANNEX
ANCHORAGE, ALASKA 99502
PHONE:

December 21, 1983

Nels A. Anderson, Jr., Special Assistant
House Special Committee on Fisheries
P.O. Box 234
Dillingham, Alaska 99576

Dear Mr. Anderson,

In response to your request to Trp. Kmiecik in Dillingham for his views on the three problems relating to the Nushagak Bay, I am enclosing his answers.

Additionally, a meeting was held in Naknek in November with the United States Coast Guard, processors and fishermen in attendance, to discuss the interruption of the drift gill net fleet by anchored vessels. There were a number of recommendations presented and I'm sure they could be applied to the Nushagak area as well. Lt. Matt Cronnin is stationed in Anchorage and is in the Marine Safety Office in the Federal Building. He would be able to provide a clear overview of that particular problem and the maritime laws that effect it.

The fish waste that is dumped before being properly ground is not restricted to the Nushagak area and from personal observations, I would say that is most likely to occur when there is a malfunction of equipment. Mr. Everett Stone, sanitarian for the Dept. of Environmental Conservation is usually present in Bristol Bay during peak periods. He would be more able to respond to the magnitude of the fish waste problem and measures taken to correct it.

Hopefully the information provided will be of assistance to your committee and if we can be of help further, please don't hesitate to ask.

Sincerely,



Lt. Phil Gilson
Commander, "E" Detachment
Fish & Wildlife Protection
Kodiak

Enclosure (1)

cc: Lt. Col. Tetzlaff
Sgt. Youngren

First Issue: Fish Dumping in the Nushagak River

During the 1982 season complaints were received from both subsistence and commercial fishermen about whole fish, heads and entrails not being ground up or ground enough. These complaints were received from subsistence fishermen fishing Kanakanak and City beaches, set netters from Clarks Slough, Combine Flats, Clarks Point and Coffee Point areas, and drifters who were fishing from Nushagak Point south. Complaints, when received, are usually from all users during the same time frame. The waste is coming from Dillingham docks, floating processors near Clarks Point and from the processor up Clarks Slough.

Complaints indicate that the problem caused by one or more of the processors occur approximately once per week.

I believe the solution to this on-going problem is to permanently station a representative of the Dept. of Environmental Conservation office in Dillingham. During the 1983 season we had D.E.C. personnel TDY here and it substantially reduced the complaints and visual observations compared to the 1982 season. I believe the D.E.C. representative presently in Dutch Harbor is being transferred to Dillingham in the near future.

Second Issue: Gill Net Mesh Size

Gill Net Mesh Size is a management issue. I agree with the Dillingham ADF&G managers that the current mesh size of 5-3/8 inches during the red salmon season is most advantageous. The current 5-3/8 inches mesh size is allowing favorable proportions of male and female (nearly 50%) in the spawning areas. A change in mesh size would affect this balance and would require a larger escapement to offset the imbalance. Further information can be obtained from the Dillingham office of the ADF&G.

Third Issue: Processors Anchoring in Desirable Drift Areas

On the final issue of processors anchoring in desirable drift areas, several complaints were received during the 1983 season. As our fishery continues to grow, it will have to handle the larger volume of processors/transport ships on the bay. The complaints received were reference to a few of the processor ships, not the majority. The problem was processor ships anchoring just off Ekuk. The majority of the processors anchor off Clarks Point and no complaints have been received reference their anchorage location.

I feel a meeting with all parties involved would be beneficial. I contacted Matt Cronnin from the U.S.C.G. Anchorage office today reference this meeting. Mr. Cronnin is in concurrence that a meeting with all interested parties would be helpful, since the meeting will be addressing problems discussed in Naknek this past October. Mr. Cronnin stated December or January in Dillingham would be possible and he would confirm and get back with Trooper Kmiecik.

MEMO

To: Representative Adelheid Herrmann

From: Co-Man Services, Special Assistant on Fisheries

Date: January 5, 1984

Subject: Tasks that need immediate attention on a Fish Waste Dumping Plan in Bristol Bay for 1984

1. Request a 1984 Fish Waste Disposal Plan for Bristol Bay which addresses budget commitment, man days on sites in Naknek and Dillingham, as soon as possible.
2. Request Representative Adams to allocate a specific amount of funds for a 1984 Fish Waste Disposal Program for Bristol Bay in the DEC Budget so that we are not short-changed or under budgeted. You will need to have Joyce R. find out how much was spent on the 1983 Fish Waste Disposal effort.

Box 234
Dillingham, AK
99576
November 30, 1983

Mr. Harvey Samuelson
President
WACMA
Dillingham, AK 99576

Dear Harvey:

Representative Adelheid Herrmann has asked me to help resolve several issues that are of concern to fishermen throughout Bristol Bay. The issues are fish waste dumping in the Bay, salmon net mesh size, set net regulations and anchoring of processors in drift areas.

I would like to discuss these matters with you to give Rep. Herrmann direction on how the issues can be solved. Your assistance on these issues would be very helpful.

Please let me know when it would be convenient for us to get together. I plan on contacting fishermen on a one to one basis to get their views as well as yours in your capacity as president of WACMA.

Thank you for your consideration.

Very sincerely,

Nels A. Anderson Jr.

Nels A. Anderson, Jr.
Special Assistant
House Special Committee on
Fisheries

WESTERN ALASKA COOPERATIVE MARKETING ASSOCIATION

1

BOX 213 . . . DILLINGHAM, ALASKA

January 12, 1984

Nels A. Anderson Jr.
Special Assistant
House Special Commission on Fisheries
Box 234
Dillingham, Alaska 99576

As pertaining to our conversation over the telephone.

No. 1 We definitely need the Coast Guard to come in and hold hearings here at Dillingham about the floating processors anchoring in our prime fishing areas. The way they anchor is a real hazard to all navigation, not only to the fisherman but to any boat or other craft. The Coast Guard will probably say they have no jurisdiction over this problem.

If we can't get cooperation from them, this matter should be turned over to the Congressional Delegation in Washington D.C.

From previous phone calls last summer with the Governor's Staff the state people told me they had no control over it, it was pointed out to me by them its all up to the Coast Guard.

No. 2 Fish Waste Dumping should not be allowed in any Fisheries in the State & Federal Waters off Alaska Coasts.

Every processor should have a grinding machine on board also at shore based plants.

A very strict law should be enacted during the session in Juneau this year.

Also no garbage should be thrown overboard, such as plastic strapping, ropes, palette boards, plastic bags, tires and other items.

The State of Alaska should have a garbage scow and charge for the service, or contract it out to someone to do it. I do believe its long overdue.

No. 3 I firmly believe that all salmon net mesh size and set net regulations should be left up to the Fish Board and not our legislative body.

Signed By: M. Samuelson
Harold H. Samuelson

MEMO

To: Mike Nelson, Area Biologist Alaska Department of Fish and Game
From: Nels A. Anderson, Jr., Special Assistant, Special Committee on Fisheries
Date: January 5, 1984 *Nels A. Anderson, Jr.*
Subject: Location and Number of Land and Floating Processors Operating in
Bristol Bay in 1983.

Would your office please give us the location of and the total number of salmon processors operating on and offshore in the 1983 fishing season in Bristol Bay? One source placed the total of land processors at nineteen (19) and thirty-two (32) floating operations. We would appreciate your numbers on this matter.

Also, would your office be able to enumerate the number of tenders and freighters operating in Bristol Bay in 1983? This inquiry is not as important as the preceding one.

Thank you for your consideration.

cc: Representative Adelheid Herrmann

DEPARTMENT OF FISH AND GAME

BOX 189 - DILLINGHAM 99576

DIVISION OF COMMERCIAL FISHERIES

January 5, 1984

Mr. Nels A. Anderson, Jr.
Special Assistant
Special Committee on Fisheries
P.O. Box 234
Dillingham, Alaska 99576

Dear Nels:

In regards to your questions posed in your memo to me dated Jan. 5, 1984, I have the following to offer:

1. Location and number of salmon processors operating on and offshore in Bristol Bay in 1983:

(A) Land Processors	- 17 major
	12 minor
	<u>29 total</u>

(B) Floating Processors	- 38 Total
-------------------------	------------

Comments: Major/minor land processors split roughly by total production over 1.0 million lbs. = major; and under 1.0 million lbs. = minor. Floating processors not split due to wide range of production.

2. Number of Tenders/Freighters operating in Bristol Bay:

We do not have information regarding total sea-going vessels. I would estimate that between 400 and 500 vessels of all types would be present in Bristol Bay during the sockeye season. My estimate based on number of processor by product-type and estimate of average number of support vessels. The U.S. Coast Guard may be able to provide a better estimate.

3. I'm also providing a "Fishery Operator Summary" below, which may be of assistance. Please remember that the number of operators will not total (in most cases) to the district totals as processors may operate

(continued)

in all production modes or in just one, and in one or all districts:

FISHERY OPERATOR SUMMARY, 1983

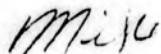
District	(Total)	Number of Operators ^{1/}					Number of Canning Lines ^{2/}		
		Processing Method			Export				
		Canned	Frozen	Cured	Fresh	Brine	1-lb.	½-lb.	¼-lb.
Naknek-Kvichak	(43)	5	31	5	13	9	9	10	1
Egegik	(35)	1	24	3	8	2	1	2	
Ugashik	(24)	1	19	2	4	4			1
East Side	(52)	(7)	(38)	(5)	(17)	(13)	10	12	2
Nushagak	(28)	3	20	1	11	2	6	5	1
Togiak	(12)	1	10	1	2		1	1	
West Side	(31)	(4)	(22)	(1)	(12)	(2)	7	6	1
TOTAL BAY	62	11	46	5	23	13	17	18	3

^{1/} Indicates operators with either a physical plant or processing facility in a district or those operators from other areas buying fish and/or providing tender and support service for fishermen in districts away from the facility.

^{2/} Number of canning lines available for operation.

Hope this information fulfills your needs.

Sincerely yours,



Michael L. Nelson
Senior Area Mgmt. Biologist
(907) 842-5227

MLN/hes



CO—MAN SERVICES

BOX 234
DILLINGHAM, ALASKA 99576

January 6, 1984

Patterson Sanitation & Refuse Service Inc.
King Salmon, Alaska 99613

Dear Mr. Patterson,

Representative Adelheid Herrmann has asked me to contact you regarding solid waste disposal by floating and land processors in the Naknek/ King Salmon area. We have reports that floating processors burn their combustible waste and that they bring their non-combustible waste to shore for disposal at your waste disposal site in the Naknek/ King Salmon Dump Site.

Can you confirm this for us? Your help in this matter would be very helpful in planning a solid and fish waste disposal program to prevent dumping into the river systems of Bristol Bay.

Thank you for your consideration.

Very Sincerely,

Nels A. Anderson, Jr., Special Assistant
Special Committee on Fisheries

cc: Representative Adelheid Herrmann

CO—MAN SERVICES

BOX 234
DILLINGHAM, ALASKA 99576

January 6, 1984

Mr. Don Penner
Bristol Bay Borough
Naknek, Alaska 99633

Dear Mr. Penner,

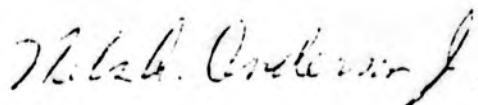
Representative Herrmann has asked me to contact you regarding the solid and fish waste disposal program you have with the Alaska Department of Environmental Conservation. Our office is interested in this program because other coastal communities could benefit by using what you have worked out as a model.

As you know, many people complained about fish processors dumping unground fish waste and solid waste into the Naknek/Kvichak and Nushagak river systems. ADEC was present during the 1983 season, but many complaints of finding fish entrails in drift and set nets still persisted throughout the 1983 fishing season.

Any information you have would be helpful in preparing for the 1984 season. We are especially interested in whether or not all processors brought their waste for disposal on land. We want to avoid any problems that will cause unnecessary environmental damage to our waters that we depend on for a living.

Thank you for your consideration.

Very Sincerely,



Nels A. Anderson, Jr., Special Assistant
Special Committee on Fisheries

cc: Representative Adelheid Herrmann

CO—MAN SERVICES

BOX 234
DILLINGHAM, ALASKA 99576

January 6, 1984

Mr. James C. Allen
Alaska Department of Environmental Conservation
437 E. Street, Suite 200
Anchorage, Alaska 99501

Dear Mr. Allen,

On behalf of Representative Herrmann, I would like to commend you on the amount of work that your office accomplished in helping to reduce fish waste and solid waste disposal in Bristol Bay in 1983. The effort to notify processors, the judiciary and others about what your mission was is outstanding and should be repeated in 1984.

There are some questions however, about your August 18, 1983 report to Mr. Keith Kelton regarding your observations on what the effect of your effort accomplished.

OBSERVATION # 1

I can find very few people who would state that the fish waste problem even left the bay. I am personally able to tell you that I recieved complaints about fish waste in nets and on beaches throughout the summer fishing season. It has come to my attention that this is true in Nushagak and Naknek/Kvichak River systems. Many fishermen also complained about plastic garbage bags being caught in props and that there were large numbers of garbage bags sighted on our beaches in both river systems.

OBSERVATION # 2

There is little evidence that can substantiate this observation. People who live on the river and fish all summer found that 1983 was worse in terms of fish waste and garbage disposal. This has to be the case when you see the large number of floating fish processors and commercial fishing boats operating in Bristol Bay. Garbage is being dumped somewhere and we are not sure how much combustible waste on board floating processors and how much non-combustible waste is being hauled to shore for disposal at municipal dump sites. Your help in determining the extent of disposal practices would be appreciated so that the final destination of waste generated by fishing activities can be accounted for.

You referred to issues I raised in Observation #2 in your memo to Mr. Bill Lamoreaux on August 2, 1982. You questioned the accuracy of fish processors who stated that they "burn combustible solid waste on the stern and they will tell you that the non-combustibles are taken to a shore dump, but this is highly questioned as being accurate." Have you determined that the fish processors now

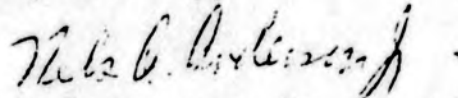
have this capacity and if so how many actually do it? If they do not then what accounts for such an improvement in waste disposal in 1983?

Furthermore your memo of August 2, 1982 in reference to a discrepancy on your part regarding discharge pipe design and construction. Has your recommendation been implemented by regulation and is it in effect at this time?

Finally, have your recommendations in the August 2, 1982 letter been translated into regulations? Can you tell us how much grinding equipment costs and how much of an investment is required to have a back-up grinder in parallel?

Recommendation #1 (b) seems to be rather harsh especially if the processor has fish on board that may spoil if held too long before processing. The economic interests of fishermen are at risk if they have no place to deliver their fish if a processor is shut down during grinder breakdown. In your view, is this a good suggestion?

Very Sincerely,



Nels A. Anderson, Jr., Special Assistant
Special Committee on Fisheries

cc: Representative Adelheid Herrmann

cc: Commissioner, Department of Environmental Conservation

P R E S S R E L E A S E

January 10, 1984

From: Representative Adelheid Herrmann

Fish Waste Disposal

Representative Adelheid Herrmann, D-District 26, is not satisfied with the fish waste situation in Bristol Bay. 1983 had twenty-nine (29) land processors and thirty-eight (38) floating processors in Bristol Bay. In addition, an estimated four hundred (400) to five hundred (500) support vessels of all types were operating in Bristol Bay.

The large number of processors and their support vessels presents a problem of fish waste and solid waste disposal. If fish waste is not ground up it will eventually get onto the beaches and get caught in gill nets. Solid waste dumped into the water will get fouled in propellers, anchors and set net tackle.

The Alaska Department of Environmental Conservation is charged with the responsibility of providing programs that prevent environmental degradation of the air, water and land resources of Alaska. In 1983, DEC developed a plan for the disposal of salmon and solid waste in Bristol Bay. The department sent letters to processors regarding discharge of bilge oil, fuel spills, dumping solid waste overboard and on beaches, and discharge of untreated sewage and processing wastes. They also notified processors that they would be making routine patrols to prevent pollution and respond to reported pollution incidents. DEC did spend time inspecting land based plants for water, sewage and fish waste discharge systems as well as boarding floating processors for sanitary, solid and fish waste discharge.

"Although, I recognize the effort made by DEC, I am still concerned that more needs to be done in 1984. I am asking fishermen and others to send me letters or public opinion messages via the Legislative Information Offices regarding their experience regarding fish and solid waste disposal problems in the Bay in 1983. I need this information to help me get funds to put more emphasis on a fish and solid waste disposal program for the 1984 fishing season.

Representative Herrmann received an unusually high number of complaints from her constituency in Bristol Bay regarding fish waste getting caught in nets. There were complaints of garbage bags floating to the beaches and plastic bags fouling props and set net tackle.

"It is my intent to work with DEC to increase the effort of preventing fish and solid waste pollution in 1984 and I will do all I can to see that there is enough money in the DEC budget to get the job done. I again ask for letters and public opinion messages to be sent to me on any fish waste or solid waste problems that you observed in 1983.", Herrmann concluded.

PROCESSOR AND CARGO VESSEL ANCHORING PROBLEM

Each year the fishery occurs in Bristol Bay, complaints about floating processors and cargo vessels anchoring on the fishing grounds in favored drift areas begin to emerge. The number of floating processors and cargo vessels has increased each year which makes it necessary to find an anchoring area that will not interfere with fishing and provide timely deliveries.

The solution to this problem in the Naknek/Kvichak River system was a meeting conducted in Naknek in October 1983 by the U.S. Coast Guard. The purpose of the meeting was to find an area to anchor the processors that was agreeable to all interested parties.

A letter from Rep. Herrmann has been sent to the U.S. Coast Guard to hold a similar meeting in Dillingham to address the problem in the Nushagak River. I recommend that the full committee keep abreast of this issue and push for a meeting of the Coast Guard in Dillingham well in advance of the season.

CO—MAN SERVICES

BOX 234
DILLINGHAM, ALASKA 99576

January 9, 1984

Captain Haines USCG
Commanding Officer
Marine Safety Office
701 C Street
Box 17
Anchorage, Alaska 99513

Dear Sir,

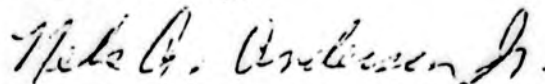
Representative Adelheid Herrmann who represents Bristol Bay would like your office to conduct a meeting regarding interference of drift fishermen by processing and cargo vessels anchored in the fishing grounds on the Nushagak River system. The meeting would be in Dillingham far enough in advance of the 1984 fishing season to prevent conflicts between the several interests.

The purpose of the meeting would be to resolve the problem of locating the growing number of processors and cargo vessels in an area that would have the least possible risk of collision and fouling drift net gear in their anchor lines. The other consideration is a location that would be desirable for delivery time considerations for the fishermen and the storage capacity of cargo vessels.

We are hoping that your office will set up a meeting that would include the Western Alaska Cooperative Marketing Association, the processors and tenders and cargo operators and other interested fishermen who have an interest in finding a solution to the anchoring problem.

Your early response to this request would be appreciated. Thank you for your consideration.

Very Sincerely,



Nels A. Anderson, Jr., Special Assistant
State House Special Committee on Fisheries

cc: Senator Mulcahy
Representative Herrmann
WACMA

SENATOR
BOB MULCAHY
SENATE DISTRICT N
ALASKA PENINSULA
ALEUTIAN CHAIN
BRISTOL BAY
KODIAK/PRIIBILOF &
SHUMAGIN ISLANDS
LAKE ILIAMNA/LAKE CLARK

Alaska State Legislature



State Senate

HOME ADDRESS
P.O. BOX 246
KODIAK, ALASKA 99615
(907) 486-3561

DURING SESSION
POUCH V
JUNEAU, ALASKA 99811

January 16, 1984

Captain Haines USCG
Commanding Officer
Marine Safety Office
701 C Street
Box 17
Anchorage, Alaska 99513

Dear Captain Haines:

With the rapidly growing number of floating processors operating in the Bristol Bay area during the June and July salmon season, the anchorages used by these vessels are causing a growing concern among the fishermen of the area as far as safety and/or damage to drift gear.

I have been informed that your office is the one that would be addressing such safety problems, and I would respectfully request some public hearings in the Naknek/King Salmon and Dillingham areas in this regard, with the idea of designated, and indicated anchorage areas, as a solution to the problem.

Many thanks for your attention and consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bob Mulcahy".
Senator Bob Mulcahy

BM/hp

cc: Representative Adelheid Hermann, Chairperson
State House Special Committee on Fisheries

TO: United States Coast Guard

MARINE SAFETY OFFICE
701 C ST., BOX 17
ANCHORAGE, ALASKA 99513

271-5137
271-3520

PREAMBLE

I. INTRODUCTION - CAPT HAINES, COTP Western Alaska, Based at MSO Anchorage; LTJG CRONIN, PSS Branch Chief.

II. STATEMENT OF THE PROBLEM:

During June and July the Annual Salmon Fishery occurs in the Naknek/Kvichak District. Complaints have been made to the Coast Guard, and the State of Alaska by the Alaska Independent Fishermen's Marketing Association (AIFMA) and others regarding interference of drift fishermen by processing and cargo vessels anchored in the fishing grounds. There are many opinions to the extent of the problem and possible solutions which we will discuss today. Other problems encountered are refuse dumping, oil discharges, and lack of proper navigational lights or use of floodlights which blind vessel operators.

III. REASONS FOR COAST GUARD INVOLVEMENT:

The Coast Guard's responsibilities include insuring the safety of life and property at sea and the protection and safe use of ports and waterways that support commerce. Our knowledge of this fishery reveals the chance of significant marine casualties and possible interference of commerce.

It is not our intent to strictly regulate vessel movements or anchorages in this fishery. Rather, our purpose today is to serve as an intermediary between involved parties with differing points of view. Hopefully we can help the people who work this fishery come up with a mutually acceptable, self-enforced system of vessel anchorages. This meeting will provide an opportunity for direct communication between involved parties in an attempt to find a solution. The State of Alaska patrols the fishery yearly. We plan to accompany them to enforce refuse and oil discharge, and navigation regulations as well as observing the anchorage area.

IV. MEETING FORMAT:

A. We will outline the problems encountered in the Naknek/Kvichak Fishery, as explained to us by various involved groups and individuals.

B. We will then present a proposed solution to the problems as a starting point for your discussion.

C. Next, you will have an opportunity to voice your comments one at a time from the microphone in front.

D. Finally, we will then summarize the meeting.

V. PRESENTATION OF THE PROBLEM AND OPINIONS:

A. The basic problem is that processors and cargo vessels anchor on the fishing grounds and take up potential fishing space and present obstacles for the drift fishermen who run the risk of fouling gear in the larger vessels' anchor gear or colliding with them.

The processors actively receive fish during open periods and their presence on the grounds is important to prevent time consuming trips off the grounds for delivery by the fishermen. The processors are restricted in where they can anchor by draft and their storage capacity of product determines how often they must transfer product to cargo vessels. Cargo vessels will often anchor or tie up alongside processors to facilitate cargo transfer and minimize trips into and out of the congested fishing grounds.

It has been proposed by A.I.F.M.A. that all ships stay south of the Johnston Hill Boundary Line except for tenders actively engaged in taking fish or those receiving fish within 24 hours. Various processors, non-affiliated fishermen, pilots, Borough and State officials have voiced opposition to this plan. Briefly summarized this plan would substantially increase the time for fishing vessels to get to the processors, it would place a number of fishing vessels outside of the fishery which increases the possibility of illegal fishing, and the issue of taxation would be raised if the processors are required to be south of the Johnson Hill Line.

ADF&G, and others have felt that concentrating the anchored processors and cargo ships in a small, known area would allow fishermen to plan their drifts to avoid the ships and obstruct less of the fishing area.

In summary:

1. Processors and cargo ships get in the way of fishing vessels and take up fishing space.
2. Processors are desireable on the grounds for timely delivery by fishermen.
3. Cargo vessels are desireable on the grounds for the processors with limited storage capability and to reduce vessel traffic on the grounds by these large vessels.

IV. PROPOSAL:

Many people felt that the fishery has worked well for years as is. Others obviously see a need for change. The following is hopefully a first try at a workable compromise:

We propose that all processors and cargo vessels, or other vessels desiring to anchor on the fishing grounds, do so only in the area outlined below:

The anchorage is along the line dividing the Naknek Section from the Kvichak Section (this line runs from $58^{\circ}-38'-30''$ N LAT., $157^{\circ}-22'-14''$ W LONG. to the outer end of the Libbyville Dock). Anchored vessels will remain within 1/4 mile on either side of this line allowing for swing on the anchor. The area will be bordered on the southwest by LORAN line 9990-Y-32430 and on the northeast by LORAN line 9990-Y-32385 (see chart).

This proposal will provide a more defined area for anchored vessels within the fishing area, which will in turn assist the drift fishermen in determining where they will encounter anchored vessels. It also provides a clear channel into Naknek for vessels underway.

P R E S S R E L E A S E

January 10, 1984

From: Representative Adelheid Herrmann

Fish Processor and Cargo Vessel Anchoring
Meeting Proposed

Representative Adelheid Herrmann, D-District 26, is working on several fishery related issues that are important to the people of her district. Processor and Cargo Vessels anchoring in drift gill net areas of the Bristol Bay river systems has caused problems of conflict in the past fishing season. "In order to avoid such problems in 1984, a meeting was held in Naknek to address the anchoring issue in the Naknek/Kvichak River system. Coast Guard sent two people because they are responsible for the safety of life and property at sea and the protection and safe use of ports and waterways that support commerce.", Herrmann stated.

In summary, the problem was identified and a proposed anchoring area was discussed for anchoring vessels that would meet the needs of the fishermen and processors. A similar meeting has been proposed for the Nushagak District by Representative Herrmann. "Hopefully, the Coast Guard will set up a meeting well in advance of the 1984 fishing season so that the conflicts of vessels anchoring in favorite fishing areas will be worked out. Fishermen should be thinking of proposed anchoring areas that will keep the processors away from favored drift areas and still be close enough to allow timely deliveries. "As soon as a meeting date has been set for Dillingham, I'll be notifying Nushagak fishermen through WACMA, KDLG, and the Bay Times.", Herrmann concluded.

GILL NET MESH SIZE - RECOMMENDATION

Gill net mesh size is an issue that should be left in the hands of management. The Alaska Department of Fish and Game has the subject under control and should not require any legislative action at this time.

The Western Alaska Cooperative Marketing Association, fishermen and enforcement officials believe that the fish mesh size issue can be worked out to protect the fish and prevent the use of illegal fish mesh on gill nets.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

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Alaska State Legislature
House of Representatives

Special Committee on Fisheries

Pouch V
 Juneau, Alaska 99811
 (907) 465-4924

CHAIRMAN
 ADELHEID HERRMANN
 VICE-CHAIRMAN
 JACK FULLER
 MEMBERS
 CHARLIE BUSSELL
 BEN GRUBENDORF
 PETER GOLL
 JACK MCBRIDE
 FRED ZHAROFF

HOUSE SPECIAL COMMITTEE ON FISHERIES

Interim Report

November 15, 1983

The following is a weekly break down of the activities of the House Special Committee on Fisheries for the time period beginning September 17, 1983 and ending November 15, 1983.

- Sept. 17-24 The Special Committee on Fisheries was on a trip to Unalaska, Atka, Adak, Cold Bay, St. George, and St. Paul. This trip is described in Appendix I.
- Sept. 26-30 Staff talked with Norm Statem about the procedure to get a Bristol Bay proposal before the Board of Fisheries for the February meeting. Staff also talked to Chuck Meachem of the Alaska Department of Fish and Game about the possibility of abolishing the mesh size restriction in Bristol Bay and what the biological implications would be. Staff attended the North Pacific Fishery Management Council meeting and got up to date on herring problems, halibut problems, and crab disappearance. Contacts were made with the Coast Guard about the Western Pioneer and its freight activities in Cold Bay. Found out why Western Pioneer had been restricted to only fishing cargo and wrote a letter requesting confirmation of the telephone conversation which was copied to the Cold Bay city council and mayor. Staff went to ADF&G and picked up a report which will enable an analysis the impact of removing the mesh size restriction in Bristol Bay. Reports were prepared on the Committee's travel and sent to Karla in accounting so there would be no mix ups over TRs and such. A meeting was held with Norm Statem and Mitch Kink

of the Alaska Independent Fishermen's Marketing Association which covered their concerns in Bristol Bay; fish and garbage waste disposal, mesh size restrictions, and spotter plane use.

Oct. 3-7 Staff attended the Alaska Power Authority meeting on the Newhalen Diversion project, which covered the methods for minimizing the impacts on salmon for the hydroelectric project. Staff looked into the effects of mesh size of gillnets on selectivity for males or females in sockeye salmon to help AIFMA in their preparation for the Board of Fisheries meeting. A letter was sent to the Coast Guard asking what their plans are for Cold Bay. Rumors had been circulating that they were trying to get in a search and rescue helicopter base to aide the fishing industry.

Oct. 10-14 Staff talked with Ed Hein of legal services about the status of work on the Bristol Bay anchoring problem and the processor tax credit legislation. His research into anchoring problems has resulted in preliminary findings that it is under federal authority, apparently there is an AG's opinion on this that he has yet to get a copy of. The processor tax credit bill is still waiting for comment from the processors. Staff phoned the local fish biologist in Soldotna about the problems the Robert Haeg family expressed in their recent letter. The Haeg's had a valid claim about chum salmon and it appears that it has now been taken care of, but their claims about coho salmon are not as fully supported by the Dept. as coho run through the end of Sept. and the commercial effort ends in early Sept. The Dept. feels that commercial activities will not severely impact coho runs. Staff talked to Phil Tuteakoff about the plans to set up a private non-profit search and rescue service in Unalaska with surplus helicopters, as opposed to getting the Coast Guard in. This would take state funds to operate. Staff met with the Alaska Fisheries Development Foundation pollock project (Chris Riley). The project will supply surimi at no cost to firms interested in using it in test products, a sort of product or consumer driven development project. Staff went to the Alaska Dept. of Fish and Game and discussed the mesh size restrictions and the applicability of the available research data.

Fisheries Committee Interim Report
November 15, 1983
Page Three

Staff stopped by the North Pacific Fishery Management Council's office to learn the latest on halibut moratorium and limited entry actions.

- Oct. 17 - 21 A short report on the status of the halibut fishery in the North Pacific was prepared for the Committee (see Appendix II). This report covered the points of issue that are significant to the moratorium and limited entry issues that the committee and the legislature took up during the last legislative session. The material for the report was gathered from the NPFMC meetings in Homer and Anchorage, along with the halibut work-group meetings held in Anchorage. A letter commenting on the Bristol Bay Cooperative Management Plan was prepared and submitted to the Alaska Land Use Council. Also, staff attended the fisheries sections of a Marine Mammal Conference put on by the Marine Advisory Program at the Captain Cook Hotel. Staff monitored the status of the Board of Fisheries agenda changes and the status of the OMB audit of state fish loan programs.
- Oct. 24 - 28 Staff began to make contacts with Fisheries Committee members for the upcoming Southeast and Prince William Sound hatchery facilities tour. Talks began with Stan Moberly and Dave Daisy of Fisheries Rehabilitation, Enhancement and Development Division of the ADF&G about the planned committee trip. Staff attended the Coast Guard meeting in Naknek at which anchoring problems in the salmon fishery were discussed. Staff met with Lonnie Sullivan about the development of a search and rescue service in Unalaska run by their Dept. of Public Safety. Met with Rep. McBride to discuss the stops on the committee hatchery trip.
- Oct. 31 -
Nov. 4 Staff prepared a report on the Naknek Coast Guard meeting covering anchoring problems in the Naknek/Kvichak district of Bristol Bay (see appendix III). Staff attended a NPFMC meeting on Bering Sea herring. The meeting covered designing a research project on high seas herring sampling. Staff phoned the International Pacific Halibut Commission about their research plans for the Bering Sea area. They don't have anything planned which will address the local halibut fisheries as of now. Staff spent considerable time preparing for the Committee's hatchery facility tour.

Fisheries Committee Interim Report
November 15, 1983
Page Four

- Nov. 7 - 11 Staff met with Paul Grounholt of the Peninsula Marketing Association. Discussions covered the Russell Creek Hatchery, the Peninsula sockeye fishery, and the Peninsula chum fishery. Staff met with John Doyle of MAP and Brian Everett about spot shrimp in PWS and the research possibilities. A draft contract for Co-Man Services to do some fish research for the Committee was put together. A memo to Rep. Ramona Barnes asking for an amendment to the Committee budget to fit in the Co-Man contract was prepared after a review of surplus funds from previous Committee Activities. A packet of information for Co-Man on things the Committee needed covered was drafted. Staff prepared hatchery information for Rep. Herrmann for upcoming trip. Final preparations for the Committee trip were made.
- Nov. 14 - 15 Staff checked on the status of the Dillingham loan office with the Dept. of Commerce and Economic Development, contacted OMB for a copy of the loan program audit, and prepared the materials and cover letter for the Committee's contract with Co-Man Services. The Committee began its hatchery facilities tour through Prince William Sound and Southeast Alaska on the afternoon of the 14th and spent the 15th in Cordova meeting with representatives of the Prince William Sound Aquaculture Corporation and Fish and Game. The plan had been to fly to the three hatcheries in the Sound (Cannery Creek, San Juan, and Main Bay) but the weather precluded this and on the afternoon of the 15th the Committee flew to Juneau to continue the hatchery facilities tour. A full report of the tour will be contained in the Committee's final interim report.

APPENDIX I

Alaska State Legislature
House of Representatives

Special Committee on Fisheries

Pouch V
Juneau, Alaska 99811
(907) 465-4924

CHAIRMAN
ADELHEID HERRMANN
VICE-CHAIRMAN
JACK FULLER
MEMBERS
CHARLIE BUSSELL
BEN GRUSENDORF
PETER GOLL
JACK MCBRIDE
FRED ZHAROFF

MEMORANDUM

TO: House Special Committee on Fisheries
FROM: *Mel Monsen*, Professional Assistant
DATE: November 9, 1983
SUBJECT: Aleutian/Peninsula/Pribilof Committee Trip Report

This report covers the September 17-24th Committee trip which made stops in; Unalaska, Atka, Cold Bay, St. George, and St. Paul.

1. Public Hearing: Unalaska, City Council Chambers
September 18, 1983
1pm - 4pm

Members Present: Representative Adelheid Herrmann, Chairman
Representative Ben Grussendorf
Representative Jack McBride
Staff - Mel Monsen

Public Present:	Michael Palmgren	David Stanchfield
	Verne Robinson	Michael Sokoloski
	Dave Pahnke	Suz Dengler
	Benjamin Golodoff	L. Mishefski
	Jurate Mazeika	Jeff Harrison
	Emil Berikoff	Ronald Anderson
	Frank Kelty	R. M. Tappi, Jr.
	Glenn Boledovich	Don Malcolm
	Dan Dunaway	Ken Griffin
	Marilyn Rasmussen	Paul Fuhs
	John Lincoln	

Testimony:

Verne Robinson-

Covered the history of cod fishery in relation to the abundance of crab stocks. In 1941 there were lots of cod and very few

A/P/P Report
November 9, 1983
Page Two

crab, but when cod stocks went down crab stocks went up. Pressing need to harvest pollock and cod in order to continue fishing industry. The government should set up subsidies on these fish so that domestic fishermen can compete with subsidized foreign fleets which now have markets to themselves.

Also, concerned with local pink salmon fishery. The salmon fishery is managed too far away (Cold Bay) and violations are not caught. Several systems no longer support runs because they have been swept clear of fish by outside based seiners. Need to control foreign interception of our salmon. Has cruised up to seven miles of monofilament nets.

Frank Kelty-

Need more money for research into our fisheries, especially the new and developing ones. Need to know more about crab. Several regulations are giving shore-based processors problems. An example of this was the St. Mathew's crab opening which forced fishermen to deliver to floaters or to lose fishing time. Urged strong support of the Alaska Seafood Marketing Institute.

Jeff Harrison-

Need more crab surveys. The last crab survey at Adak was in 1976-77. Research and enforcement vessels are based in Kodiak but they need to be based in Unalaska to do the most good. Have to improve marketing of fish products.

Paul Fuhs-

The longshoremen jobs depend on the fisheries and because of that times are rough. Crab related jobs are down 75% but jobs have become available in oil industry. Some problems in crab fishery are too high of a dead loss and the seasonal flooding of markets. Need for more long term planning in fisheries. Escape panels in crab pots are not enforced and this may impact crab and other stocks.

Dave Stanchfield-

Crab can escape from pots without an escape panel. Whenever a lost pot is recovered you never see a fish or crab in one. Need for better communication between National Marine Fisheries Service and Alaska Dept. of Fish and Game on crab data. Catcher processors can easily get away with processing sub-legal size crab, this needs to be enforced. The joint ventures are incidentally catching a lot of crab, incidental catches need to be stopped. Regulations are making it hard to manage a vessel.

A/P/P Report
November 9, 1983
Page Three

A fisherman needs to know ahead of time so he can plan, last minute closures can bankrupt a fisherman who has just moved all his pots. Had problems with gear conflicts between crabbers and trawlers. Support ASMI. Need more enforcement as it is frustrating to see illegal vessels. Crab fishery is at the point where it is worthwhile to take a chance on being caught because the vessel will be lost to creditors anyway. Need more search and rescue capability, although it has come a long ways recently.

Emil Berikoff-

Need more money for crab research, especially surveys. Should research to determine if halibut and crab are also eating salmon smolt. The 200 mile limit has helped salmon. Local herring harvest needs more research. Salmon fishery at South Unimak is starting to have problems. We need more enforcement as it is hard to get people to turn violators in with the small towns in the area. Need greater penalties for violators. Had no pink salmon returns this year in Unalaska area. Need more observers on foreign vessels.

Don Malcolm-

Noted that floating processors which are not shore based are as bad as catcher/processors when it comes to using sub-legal males. A pot limit would be an improvement in some areas. Need better crab regulations to take out loopholes which are taken advantage of to increase harvests. Trawlers are taking a lot of halibut. Need more enforcement.

Ron Anderson-

Every processing facility, including floating, should bear the cost of a state observer. Need more enforcement. Coast Guard should be present in area because of the size and value of the fleet.

Glen Boledovich-

Joint ventures are not giving local people any benefits. Need some sort of subsidy in order to get into the bottom fish industry. Should cut off foreigners who cheat in the FCZ.

Summary Of Other Committee Activities While In Unalaska-

The Committee toured Unisea processing facilities. This included both the Vita and the Unisea which are shorebased floating processors.

A/P/P Report
November 9, 1983
Page Four

Neither of the facilities was operating, although the Vita was being converted to process cod.

Members also got a tour of the hatchery facility at the local high school and a explanation of the hatchery education program.

Paul Saunders, public works director for Unalaska, showed the committee all the services the city provided the processing industry including; water and power.

Committee members also met informally with many fishermen on the docks and in town.

The Committee also was treated to a tour of the recently discovered geothermal well site which the Alaska Power Authority has been working on. This site has the potential to provide power for the entire community of Unalaska.

2. Public Hearing: Atka, Carpenter Hall
September 20, 1983
4:00pm - 5:15pm

Members Present: Representative Adelheid Herrmann, Chairman
Representative Ben Grussendorf
Representative Jack McBride
Staff - Mel Monsen

Public Present:	George Kudrin	Vincent Golodoff
	George Dirks	Louis Nevzoroff
	Larry Dirks, Jr.	John Nevzoroff
	Greg Golodoff	Raymond Golodoff
	Moses Dirks	Lawrence Prokopeuff
	Teresa Dirks	Ralph Prokopeuff
	Mike Snigaroff	Alex Kudrin
	Spiridon Zaachney	Fitiana Zaachney
	John Nevzoroff	Sally Swetsof
	Victor Golodoff	Betsy Golodoff
	Julie Dirks	
	Richard Wilson (fisheries consultant for the Atkam Corporation)	

Testimony:

Richard Wilson-

Had been looking into the fisheries development potential for Atka for four weeks.

A/P/P Report
November 9, 1983
Page Five

So far, the available small boat fisheries which have a potential for local success are cod, halibut, sablefish, squid, and pink salmon. Markets are available for all of these and the stumbling block is getting the product to the market from Atka. The airport is excellent, but the harbor needs to be developed with at least a break water and a dock. Some problems are the potential for limited entry in the halibut fishery and the current limited entry program in the salmon fisheries.

George Kudrin-

No local economic base, only subsistence. Commercial fisheries never have existed other than a cod saltery in the 1920's. The community has grown in the last few years because of the construction of the new school, housing, airport, firehall, carpenter hall, and the new phone and electricity systems. The only source of real employment is the fisheries. Would like to get started with commercial fisheries because the resource is there and we are fishermen.

Larry Dirks-

Big crabbers are out catching cod and making money while we sit here. Crab fleet and halibut fleet do the same thing; we would like to get involved. Would rather keep it to the village, concerned about a lot of fishermen coming in.

Richard Wilson-

Three major fish processors have expressed interest in Atka, mainly because they do not have access to the Adak Naval Base.

Larry Dirks-

Army Corp. has been studying Atka for a harbor facility and Atka is one of their top priorities for Alaska. We could look into shore support facilities for crabbers, but don not want all the stuff like bars and liquor that go with it.

Summary Of Other Committee Activities While In Atka-

The committee was able to view the water front, the small boat fleet of 12-18 footers, and the cold storage facilities while in Atka.

A/P/P Report
November 9, 1983
Page Six

3. Site Tour: Russell Creek Hatchery, Cold Bay
September 21, 1983
9am - 1pm

Members Present: Representative Adelheid Herrmann, Chairman
Representative Ben Grussendorf
Representative Jack McBride
Staff - Mel Monsen

The Committee took a tour of the Russell Creek Hatchery facilities including the grounds and the hatchery itself. Special areas of attention were the systems which have been limiting the productivity of the hatchery and which were the basis of the recently settled law suit.

The creek that supplies the hatchery water has presented some expensive to solve problems. First, the stream has a tendency to wander, this leaves the water intake system for the hatchery dry at certain times of the year. Second, the stream can undergo temperature changes of twenty degrees (F) in a matter of hours during special weather conditions, this causes a lack of oxygen in the water supply. Finally, the stream floods at levels which not only present a problem for the water intake system, the chum salmon's gills and the adult spawner collection but also jeopardizes the entire facility.

The State of Alaska recently won a \$2.5 million settlement because of these deficiencies. To solve these problems will take even more capital dollars, but until they are solved the hatchery not only cannot operate at design capacity but risks the loss of the small amount of chum production it currently has. The Department has several different scenarios under which the facility can be reconstructed to correct the current situation, I will cover only two here (the attached FRED report to the Fisheries Committee briefly covers all the different options).

The first plan (case two in attachment) I will cover is the \$7.5 million plan, this would require \$5 million in capital construction funds to go along with the \$2.5 million already received by the State of Alaska. In this plan are three major changes directed to correcting the stream problems at the facility. First, a sheet pile wall would be built between the facility and the stream and, at a lower height, across the stream to far a small diversion dam upstream from the hatchery. This wall would protect the existing buildings during periods of high water and also chanelize the stream so that a stable water supply is available. Second, a settling pond will be constructed. This pond would allow the hatchery to settle out the large particle load of the stream which occurs during floods.

Finally, a new adult collection weir would be constructed. This would enable the hatchery crew to keep the weir clear of debris during periods of high water and would enable much more control in the handling of returning adults. This plan, along with all the others, also includes some funds for increasing the egg, fry, and adult capacities of the hatchery; these would bring the hatchery up to its designed capacity.

The above plan permanently corrects the design problems at the present facility. The next plan (case three in attachment) I will cover attempts an interim/temporary solution to the design problems and although not permanent will usually allow the facility to operate at capacity. The cost of this plan is \$2.5 million which would require no additional funds beyond the settlement amount. This plan includes in house construction of rock gabions which will control the flow of Russell Creek. The sheet pile wall, settling pond and new adult collection weir would not be built. This plan would be very labor intensive and would also result in a higher operating cost than the \$7.5 million plan. Under this less expensive plan it is expected that floods and other natural variations in stream flow would cause a loss of fish and/or eggs on a regular basis.

The hatchery building and facilities are all in excellent shape and cost about \$3.5 million in 1977 dollars. The facility appears to be capable of being very productive with cost/benefit ratios around 1.44:1 if adequate reconstruction (\$7.5 million) is under taken.

The Committee and FRED staff went over the options for the facility after the tour of the grounds. I will have a copy of all the reconstruction plans available for review in Juneau.

4. Site Tour: St. George

Members Present: Representative Adelheid Herrmann, Chairman
Representative Ben Grussendorf
Representative Jack McBride
Staff- Mel Monsen

The charter to St. Paul stopped off for an hour at St. George Island where Committee members had a chance to see the current dock and the future site of the state funded boat harbor. The Committee also was able to talk with some members of the community about this years halibut fishery. Local residents harvested some 90,000 lbs. of halibut and are preparing to approach regulatory bodies to increase the fishing time for the local fishery.

A/P/P Report
November 9, 1983
Page Eight

5. Site Tour: St. Paul

Members Present: Representative Adelheid Herrmann, Chairman
Representative Ben Grussendorf
Representative Jack McBride
Staff- Mel Monsen

The Committee met with the Central Bering Sea Fishermen's Association, a group of local fishermen who have just begun to commercially exploit local fish stocks. Their harvest is primarily halibut at this time but they have plans to branch out into hair crab and anything else they can reach with their small vessels. Their biggest concerns were with the management of the halibut fishery by the International Pacific Halibut Commission, especially the lack of a long enough season for the small boats to make a profit.

The small boat fleet in St. Paul until recent years consisted of small aluminum skiffs, but now includes many larger vessels. The largest is a 32 foot aluminum halibut longliner which has a small raised cabin and is fairly expensive. There are also aluminum, fiberglass, and fiberglass covered plywood vessels in the mid-20 foot size class in the local fleet.

The fishermen of St. Paul, as with St. George, have teamed up with the Japanese to increase the probability of success in the new industry. With training and gear from the Japanese, local fishermen hope to be able to replace the former federal jobs with a commercial fishing industry.

The Committee also was able to view a film on the state funded breakwater which will soon be constructed. Unfortunately, the Committee was not able to view the operation of the boats because of weather conditions.

Summary Information for Special Committee on Fisheries

ISSUE: Russell Creek Hatchery Upgrade

The Russell Creek Hatchery, located near Cold Bay on the Alaska Peninsula, was designed to incubate 50 million chum salmon eggs, rear 39 million fingerlings, and return 750,000 adult salmon for harvest annually. The Alaska Peninsula seine and gillnet permit holders (403 permits) fishing in the vicinities of King Cove and False Pass are the benefactors of this hatchery production.

Design errors have limited Russell Creek Hatchery production to a program of brood-stock maintenance (14 million eggs). The question of responsibility for hatchery design was litigated, the State prevailed, and was awarded \$2.5 million. This sum of money is currently in a trust account.

In questioning the "availability" of the \$2.5 million, it was learned that HB 105:Sec. 7 (1983) provides for appropriations from the general fund to agencies for that amount of money received by the State in insurance claims on lost property. It is our understanding that we may apply for the \$2.5 million via a letter from Commissioner Collinsworth to Mr. Ronald Lorensen, Department of Law. Once received, these funds would not be expended until direction was agreed upon.

As part of the State's case in the court proceedings, the redesign of the hatchery was contracted for. The engineering design firm of Kramer, Chin and Mayo (KCM) developed the redesign and acted as the State's expert during the litigation.

A team of FRED Division engineers and fish culturists reviewed the preliminary design(s) and cost estimates developed by KCM. Several options were developed (enclosed) by KCM. These options range from nearly \$10 million to \$12.7 million. Case #1 offers the most control over the fish with as little risk as possible and lowest annual operating cost. At the other end of the spectrum is the case that would cost the least for capital construction, but would have the least control and, therefore, the highest operational costs.

The FRED review team was asked to develop an option that included only those items essential to raise fish. Items necessary to increase control and reduce risk were excluded. This option is presented as Case #2.

The FRED team was also asked to develop an option using only available monies, i.e., \$2.5 million. This option assumes less control over the fish, higher risk, and higher annual operational cost. This option is given as Case #3. Proceeding with this option will require authorization by DUTPF to allow the FRED Division to "force account" the repair work.

Case #4 tables the decision for one more year. This case has high operational cost and high risk for the small amount of fish produced.

Case #5 tables the decision until some future date, but costs 40% of the cost of Case #4 with no fish produced.