ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6540 SENATE RESOURCES

944

Less Regional Cohesion

The West is unquestionably the most fractionalized region of the country. It is a land of contrasts, with the nation's most populous state, California, and several of the least populated states, such as Wyoming and Alaska. The citizens of the mountain West and the Pacific West hold widely different views on basic value issues such as abortion, religion and the role of government. The trends cited above tend to reinforce existing regional differences. Thus, the region will have to work more diligently on interstate issues and communication if it is to gain political cohesion and influence in national policy equal to its growing population.

Conclusion

The foregoing trends are most likely to have sustaining impact on the economic, social and political future of the western region to the year 2000. Together these trends present "good news - bad news" scenarios. Each brings positive values to the region, and each presents risks, or at least missed opportunities, if not appropriately addressed. The challenge for state leaders is to build upon an extraordinatory set of positive attributes embodied in the people and the land. With a comparatively youthful, well-educated and enterprising population, the West continues to be a land of opportunity and is strategically positioned to have an era of sustained prosperity as part of the Pacific Century ahead. Whether the region will in fact realize this bright promise will be determined largely by the extent to which state leaders are willing and able to tackle the tough allocation choices immediately ahead - educating the young, maintaining environmental quality, anticipating the capital needs of fast growth, providing for the elderly, and strengthening regional ties and cooperation with neighboring states.

PROPOSED AMENDMENT TO SENATE CONCURRENT RESOLUTION 30

BE IT FURTHER RESOLVED:

That the Alaska State Legislature respectfully request the Governor to direct the Science and Engineering Advisory Commission and the Alaska Science and Technology Foundation to explore ways of funding and establishing as soon as practicable, The Prince William Sound Science and Technology Institute, an integrated scientific research facility in Prince William Sound in Cordova, Alaska, to coordinate applied and basic research on sub-arctic coastal ecosystems, with special emphasis on research and development relating to oil spills in sub-arctic coastal waters, and to provide a central repository for research data, to provide logistical support for such research.

U. of A. should get a whole school of mar. research + 0.1 spill containment - PWSICE.

Marine Sci.

Law ← →

Patrick M. Rodey
Senator

Alaska State Legislature

3111 C. St., Suite 510
Anchorage, Alaska 99503
(907) 561-7618

During Session:
P.O. Box V
Juneau, Alaska 99811
(907) 465-3793

Senate

M E M O R A N D U M

April 24, 1989

TO : Senator Bettye Fahrenkamp, Chair
Senate Resources Committee

FROM: Senator Patrick M. Rodey

RE : SCR 30 - Urging coordinated research and development of technolody and programs for prevention and cleanup of oil discharges

Senate Concurrent Resolution 30 requests utilization of the research capabilities and programs of the Science and Engineering Advisory Commission and the Alaska Science and Technology Foundation to review and explore methods of coordinating their activities for development of improved response techniques and prevention of oil discharges.

The Alaska Science and Technology Foundation's technological expertise would make a valuable contribution to facilitating cooperation among the local, state, and federal coordination efforts.

The proposal also requests that the Governor consider hosting a future conference to focus on the prevention, and consequences of oil discharges disasters.

There is a zero fiscal note.

SCR

32

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

January 16, 1990 JAN 24 1990

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

Dear Senator Fahrenkamp:

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

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

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

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

Sincerely,

Don W. Collinsworth
Commissioner

Enclosure

cc: Ken Parker

11-K2LH

April 25, 1989

Senator Bettey[redacted] Fahrenkamp
Chair of Senate Resources Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99518

Dear Senator Fahrenkamp:

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

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

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

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

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

are economically devastated.

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

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

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

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

Sincerely,

Jay Hammond
Port Alsworth,
Alaska, 99653

SETNETTERS' ASSOCIATION OF BRISTOL BAY

A Non-Profit Corporation

P.O. BOX 129 NAKNEK, ALASKA 99633

April 26, 1989

Senator Bettye [redacted] Fahrenkamp
Alaska State Senate
Pouch V
Juneau, Alaska 99518

Dear Senator Zharoff:

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

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

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

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

Sincerely,

Bruce F. Stanford

Bruce F. Stanford

STATE OF ALASKA

OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT	DIVISION	BILL NUMBER	SPONSOR
Fish and Game	Commercial Fisheries	SCR 32	Senate Resources Committee

SHORT TITLE OF BILL
Policy on Mixed Salmon Stock Interception Fisheries

DEPARTMENT POSITION
Neutral

PREPARED BY	DATE	COMMISSIONER'S SIGNATURE	DATE
Robert C. Clasby	04/26/89	Ronald O. Skoog	4-26-89

SUMMARY

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

FISCAL IMPACT: ☒ NONE ☐ FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

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

ANALYSIS OF BILL PROGRAM EFFECTS

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

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SCR 32
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

Prepared by: RC Robert C. Clasby
Phone: 465-4210
Division: Commercial Fisheries
Date: 04/26/89

Approved by Commissioner: Don McCallum
Date: 4-26-89
Agency: Fish and Game

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

6-1232E
Utermohle
4/26/89

Original sponsor: Resources Committee

IN THE SENATE

CS FOR SENATE CONCURRENT RESOLUTION NO. 32 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Relating to a policy on mixed stock salmon fisheries.

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

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

WHEREAS the harvest of salmon stocks being intercepted in nonterminal districts within those stocks' terminal management area could have occurred, for the most part, in the stocks' districts of origin; and

WHEREAS the interception of a salmon stock outside of its terminal fishing district complicates management of that salmon stock within its terminal management area and causes economic dislocation to commercial fishermen and municipalities located in the stock's terminal fishing district; and

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

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

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

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

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

BE IT RESOLVED by the Alaska State Legislature that it is the policy of the State of Alaska that within a salmon management area, salmon stocks originating in that area should be harvested, to the maximum extent possible, in the fishing districts that encompass the stocks' rivers of origin; when implementing this policy, care should be exercised to ensure that full utilization of local stocks and the livelihood of commercial fishermen who cannot transfer the location of their operations are not severely jeopardized and that increases in interception rates in nonterminal fishing districts do not disrupt historical harvest distributions of salmon stocks among fishing districts; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the Governor to direct the Board of Fisheries and the Alaska Department of Fish and Game to implement this policy through appropriate regulations and management measures with the same care and diligence exercised to ensure adequate escapements of salmon stocks to their rivers of origin.

new language

6-1232H
Utermohle
4/29/89

Original sponsor: Resources Committee

IN THE SENATE BY THE RESOURCES COMMITTEE

CS FOR SENATE CONCURPENT RESOLUTION NO. 32 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Relating to a policy on mixed stock salmon fisheries.

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

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

WHEREAS the harvest of salmon stocks being intercepted in nonterminal districts within those stocks' terminal management area could have occurred, for the most part, in the stocks' districts of origin; and

WHEREAS the interception of a salmon stock outside of its terminal fishing district complicates management of that salmon stock within its terminal management area and causes economic dislocation to commercial fishermen and municipalities located in the stock's terminal fishing district; and

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

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

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

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

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

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

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the Governor to direct the Board of Fisheries and the Alaska Department of Fish and Game to implement this policy through appropriate regulations and management measures with the same care and diligence exercised to ensure adequate escapements of salmon stocks to their rivers of origin.

6-1232H
Utermohle
5/1/89

new draft

Original sponsor: Resources Committee

IN THE SENATE BY THE RESOURCES COMMITTEE

CS FOR SENATE CONCURRENT RESOLUTION NO. 32 (Resources)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - FIRST SESSION

Relating to a policy on mixed stock salmon fisheries.

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

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

WHEREAS the harvest of salmon stocks being intercepted in nonterminal districts within those stocks' terminal management area could have occurred, for the most part, in the stocks' districts of origin; and

WHEREAS the interception of a salmon stock outside of its terminal fishing district complicates management of that salmon stock within its terminal management area and causes economic dislocation to commercial fishermen and municipalities located in the stock's terminal fishing district; and

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

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

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

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

originating in the Bristol Bay area should be harvested, to the maximum extent possible, in the fishing districts that encompass the stocks' rivers of origin; when implementing this policy, care should be exercised to ensure that full utilization of local stocks and the livelihood of commercial fishermen who cannot transfer the location of their operations are not severely jeopardized ~~and that~~ increases in interception rates in nonterminal fishing districts do not disrupt historical harvest distributions of salmon stocks ~~among fishing districts;~~ and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests the Governor to direct the Board of Fisheries and the Alaska Department of Fish and Game to implement this policy through appropriate regulations and management measures with the same care and diligence exercised to ensure adequate escapements of salmon stocks to their rivers of origin.

SCR 32

UNITED FISHERME

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

April 27, 1989

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

Dear Senator Halford:

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

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

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

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

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

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

Sincerely,

Kate Graham

Kate Graham
Executive Director

cc: Senate Resources Committee members

SELECTED POLICIES OF THE BOARD OF FISHERIES

POLICY STATEMENT ON MANAGEMENT OF MIXED STOCK SALMON FISHERIES

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

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

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

1. In the case of long standing fisheries which fish mixed stocks and for which it may not be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, such fisheries may continue provided that fishing effort on the mixed stocks does not increase and that the harvest rate is not detrimental to the individual stocks.

2. In the case of long standing fisheries which fish mixed stocks and for which it may be feasible for participating fishermen to relocate to fisheries taking more discrete stocks, preference should be given to the fishery that best serves the state's interests.

3. The development or expansion of mixed stock fisheries should be discouraged when the fish that comprise those stocks can be harvested after they have separated into more discrete stocks.

4. This policy does not prevent the board or the department from allowing mixed stock fisheries, particularly when large returns are expected and the allowance of such fisheries would result in a fuller utilization of the harvestable surplus.

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

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

THE BRISTOL BAY SALMON INTERCEPTION CRISIS

A Call For Legislative Action

16th Alaska Legislature
February 1989

Prepared For
Senator Rick Halford
Senate Majority Leader

Executive Summary

The Bristol Bay Salmon Interception Crisis

EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

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

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

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

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

TABLE OF CONTENTS

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

I. INTRODUCTION TO THE PROBLEM

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

---

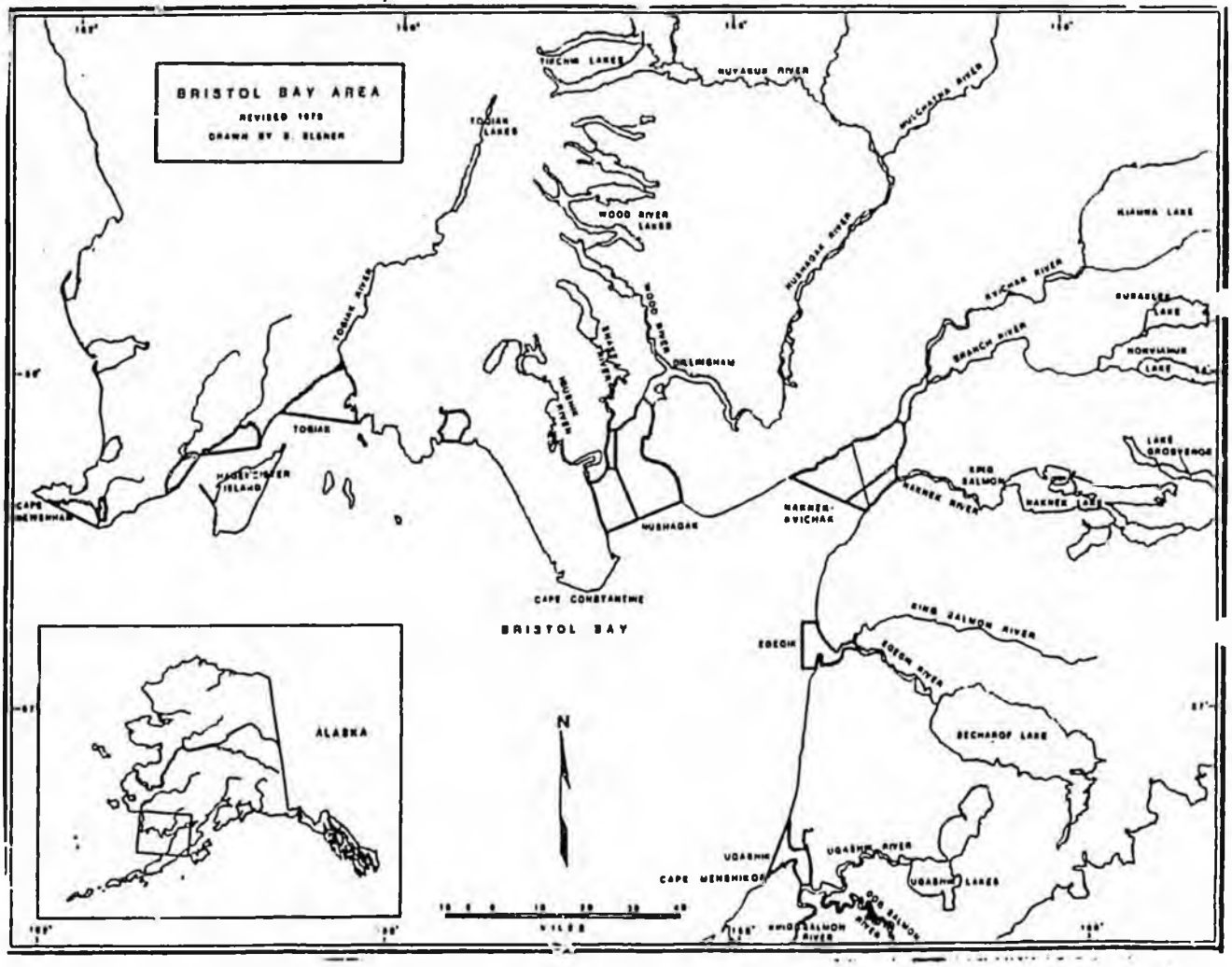
[1] Note, the Alaska State Senate has recently organized a committee within its own ranks to address the interception of Alaska salmon stocks by foreign fleets.

[2] See news articles attached in the appendix.

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

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

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



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

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

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

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

---

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

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

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

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

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

---

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

STATE OF ALASKA
COMMERCIAL FISHERIES ENTRY COMMISSION

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

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

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

Selection Criteria for this report is as follows:
1. S04T landings on S04T permits.
2. S03T landings on S03T permits.
3. Common Property catch.
4. Egegik area is defined as statistical area 032200.

[9] See user group newsletter in the appendix.

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

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

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

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

---

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

II. QUESTIONS TO BE ANSWERED

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

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

III. THE INTERCEPTION PROBLEM IN MORE DETAIL

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

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

---

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

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

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

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

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

---

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

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

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

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

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

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

---

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

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

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

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

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

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

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

Some ADF&G biologists agree that the interception of nondiscrete

---

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

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

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

"Salmon Interception:

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

1. The terminal fishery concept be enforced, i.e., stocks be harvested as close to their respective spawning grounds as possible;

2. Foreign offshore fishing be eliminated;

3. Optimum escapement goals for all segments of a return be achieved through harvest management; and

4. Management policies that will maintain genetic diversity and productivity of the individual stocks be followed."

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

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

compromised our ability to manage adjacent fishing districts."[15]

Chuck Meacham was also quoted as saying, "[i]t (the Egegik Intercept) really compromises our ability to manage some of the other eastside districts...we take the matter seriously and think something ought to be done." Bob King, "Fish Board Says Wait On Egegik Line Change," supra at 20. Chuck Meacham referring to the interception, "[i]t just confuses management." Id. More importantly Meacham said, "[i]t makes it difficult to assess the strength of individual runs to their river of origin, and that's what we need to do in order to attain our escapement goals and give fishermen all the harvestable surplus." Id.[16]

---

[15] See copy of attached memorandum.

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

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

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

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

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

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

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

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

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

---

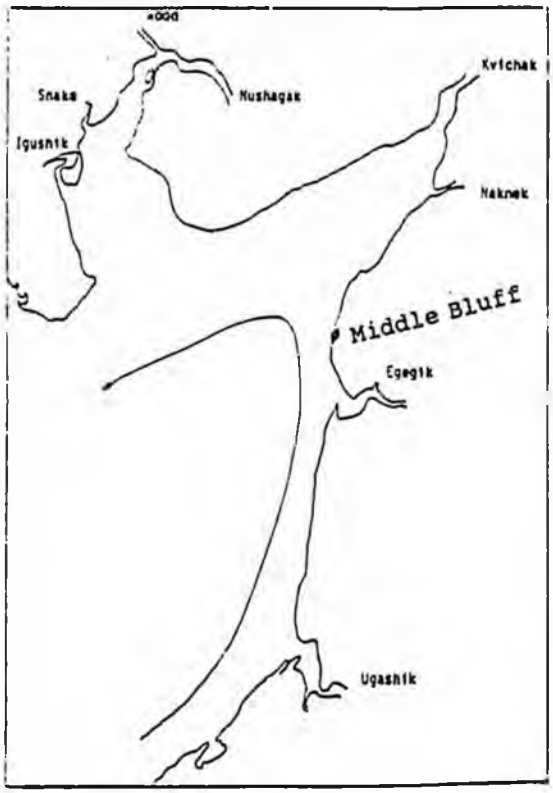
over escapement fish anyway.

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

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

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

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



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

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

and from various ADF&G studies.

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

---

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

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

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

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

---

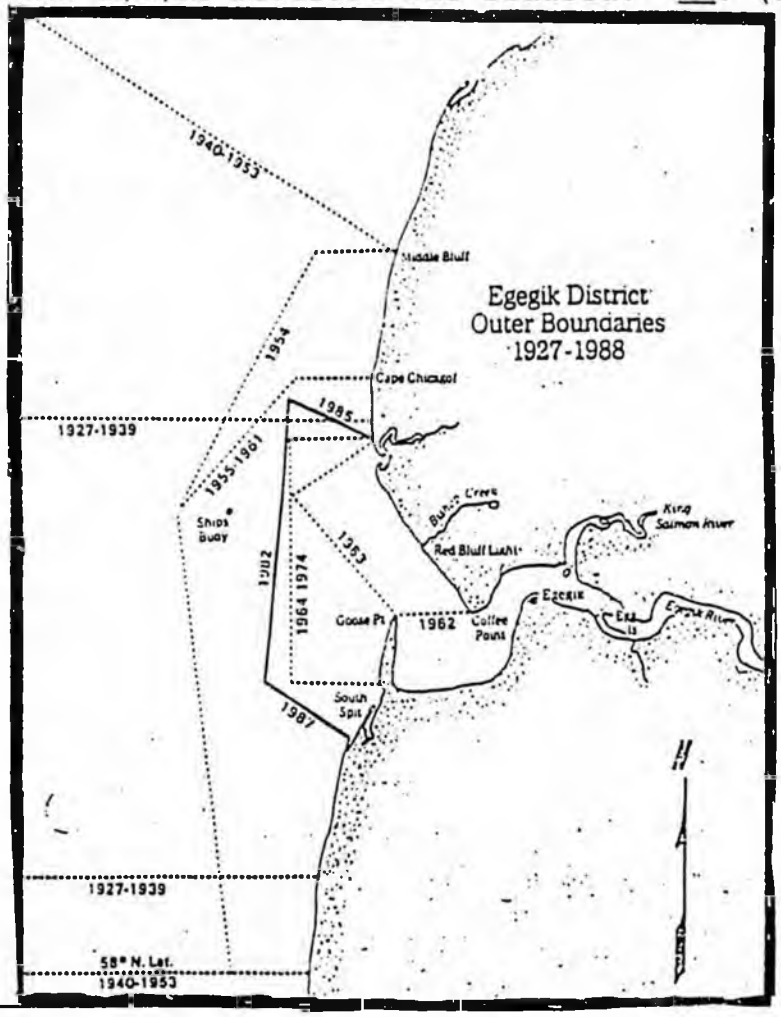
investment) plus the "efficiency" of the fleet and political allocations has caused massive problems with the fishery itself.

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

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

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

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



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

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

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

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

---

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

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

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

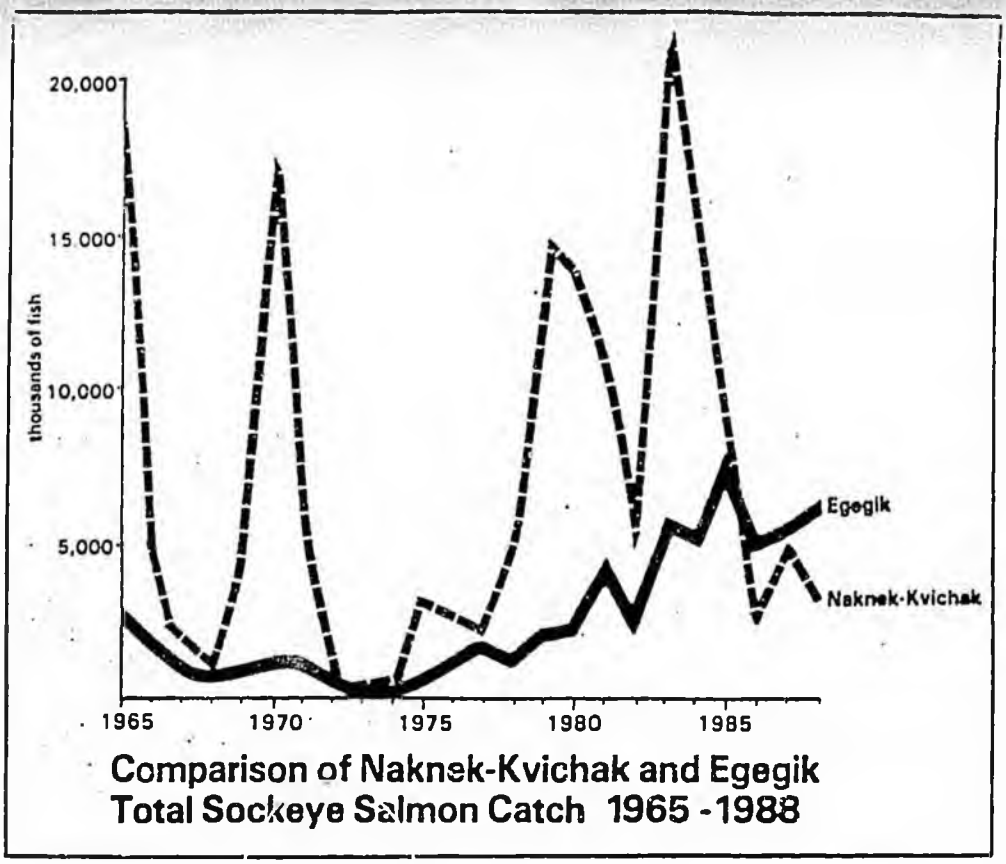
The forecast for the Bay in 1973 was a poor one and the total return to the Bay was 2.4 million sockeye. This was the worst run ever. Because of the forecast, the amount of gill-net fishermen could use was reduced. However, interestingly, the Egegik District was again enlarged seaward, "[p]rompted by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

D. EGEGIK CATCHES SOAR IN THE EARLY 1980s.

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

---

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



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

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

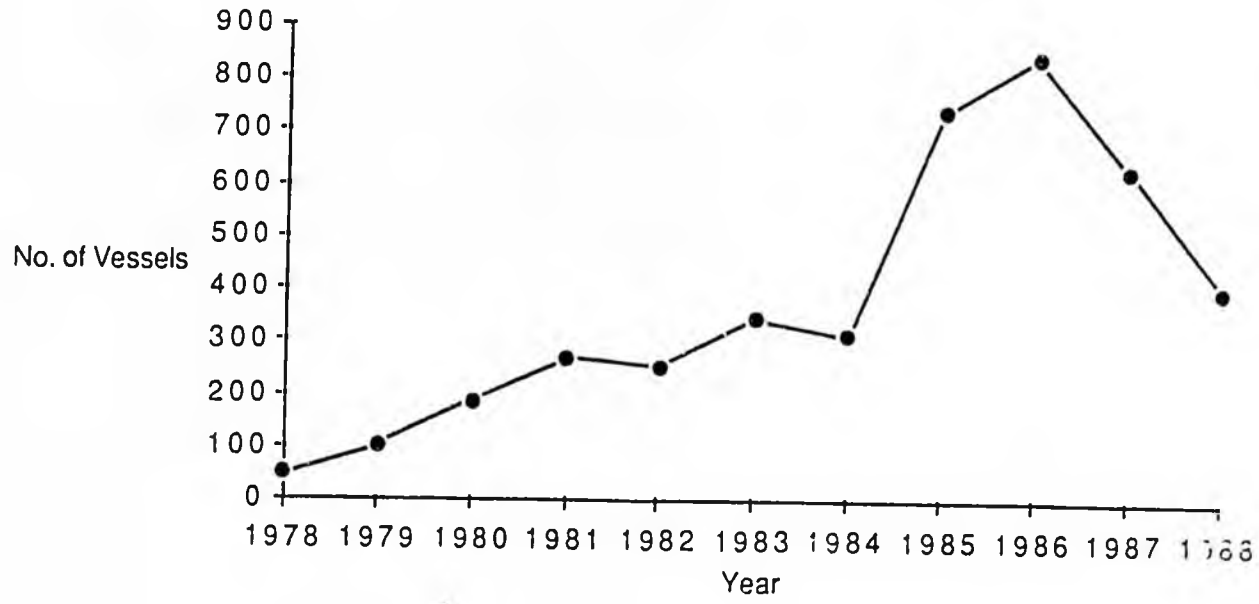
Hammond "Politics," supra.[22]

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

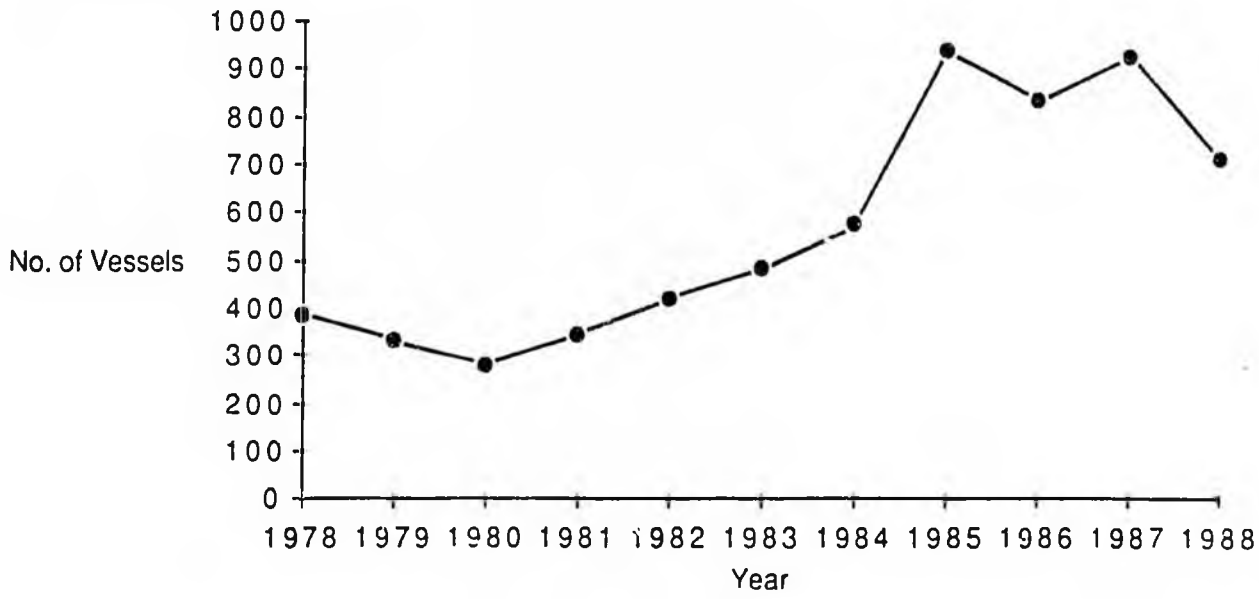
Note, in 1978, the number of vessels averaged 200-300 in Egegik. After 1980, the "Icicle Fleet" departed from the Naknek/Kvichak to avert fishermen strikes and set up shop directly in the path of the Naknek/Kvichak migration in Egegik and Ugashik. Here, Icicle and companies like them had floater processors.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

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

DRIFT VESSELS OPERATING IN UGASHIK



DRIFT VESSELS OPERATING IN EGEGIK



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

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

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

---

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

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

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

In 1987, the Egegik District was again expanded. This time southward, over protest from many terminal fishermen including the Naknek Setnetter's Association. See for eg. Proposal to the Board of Fisheries No. 221.[26] It is certain that fish politics, rather than sound biological management played a part in expanding the district in the face of information which indicated interception.[27]

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

Nearly a year later the Department finally determined that in 1987

---

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

[25] See copy of the letter in the appendix.

[26] See proposal #221 attached.

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

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

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

Terminal fishermen who had argued that interception was significant in Egegik at the December, 1987 Board of Fisheries meetings had requested that the Egegik District be reduced as a reasonable step to curb interception. Naively, terminal fishermen believed this "new information" about the magnitude of the interception warranted special consideration by the Board of Fisheries. The Board was petitioned by one of the local user group associations, but the petition was rejected and will be discussed infra. (Again refer to the graph supra which dramatically illustrates the numbers of fish caught rising in Egegik in the early 1980s while the catches for the predominant producer the Naknek/Kvichak have gone down). (Caveat, this is also the time when Ken Florey began managing Bristol Bay, supra).[30]
In sum, the Egegik District sticks out into the Bay and provides an avenue for the drift fleet to intercept salmon bound for other districts, and impairs not only the set net and drift fishermen in the terminus, but also the communities situated there. Furthermore, the number of boats, sometimes totaling more than 900, screen off many of the set net sites in Egegik. So they consequently have poor catches. One set net fishermen, who fishes near Big Creek in the Egegik District, commented," If the fishing is so good in Egegik why is it we have had a terrible season?" The answer is that majority of the catches made by the drift fleet are made at the North Marker on the most seaward line where they catch non-Egegik

---

[29] See report in the appendix.

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

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

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

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

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

---

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

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

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

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

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

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

---

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

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

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

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

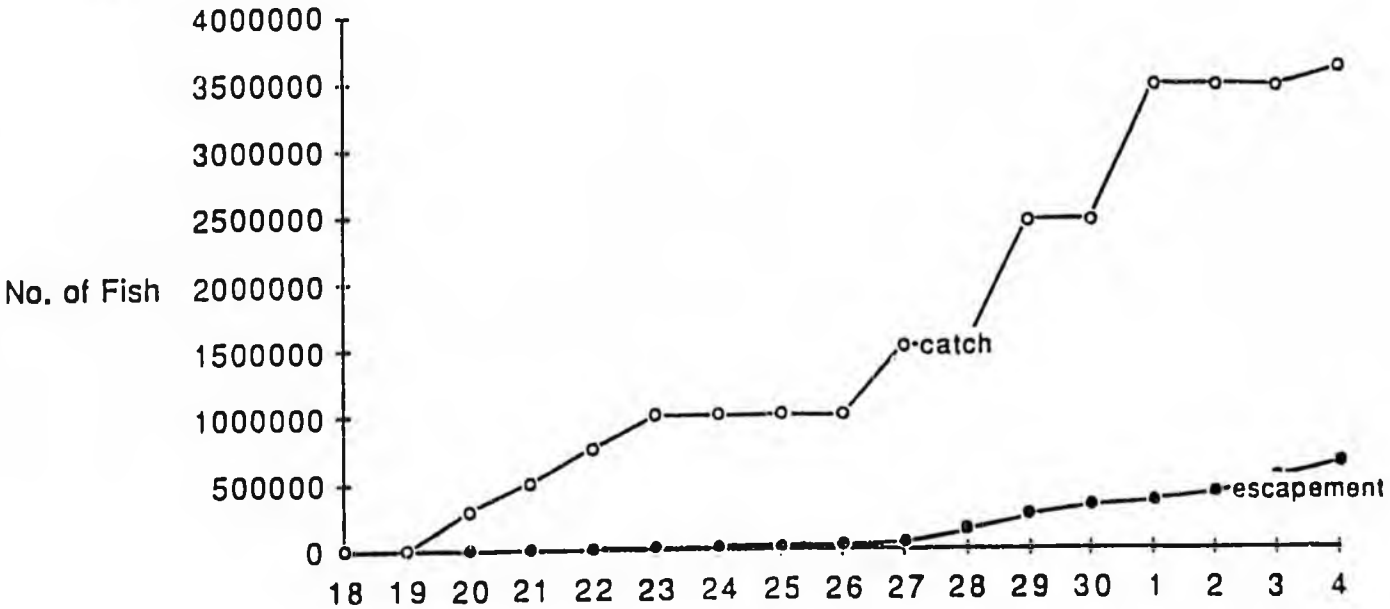
As a case in point carefully examine the graph of the catch to escapement ratios that the Egegik had for 1988 using the ADF&G's daily tally of catches and escapements and cumulatives of same. For example, the Egegik was given twelve openings during "free week" wherein the Egegik caught over 650,000 salmon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

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

---

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

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



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

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

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

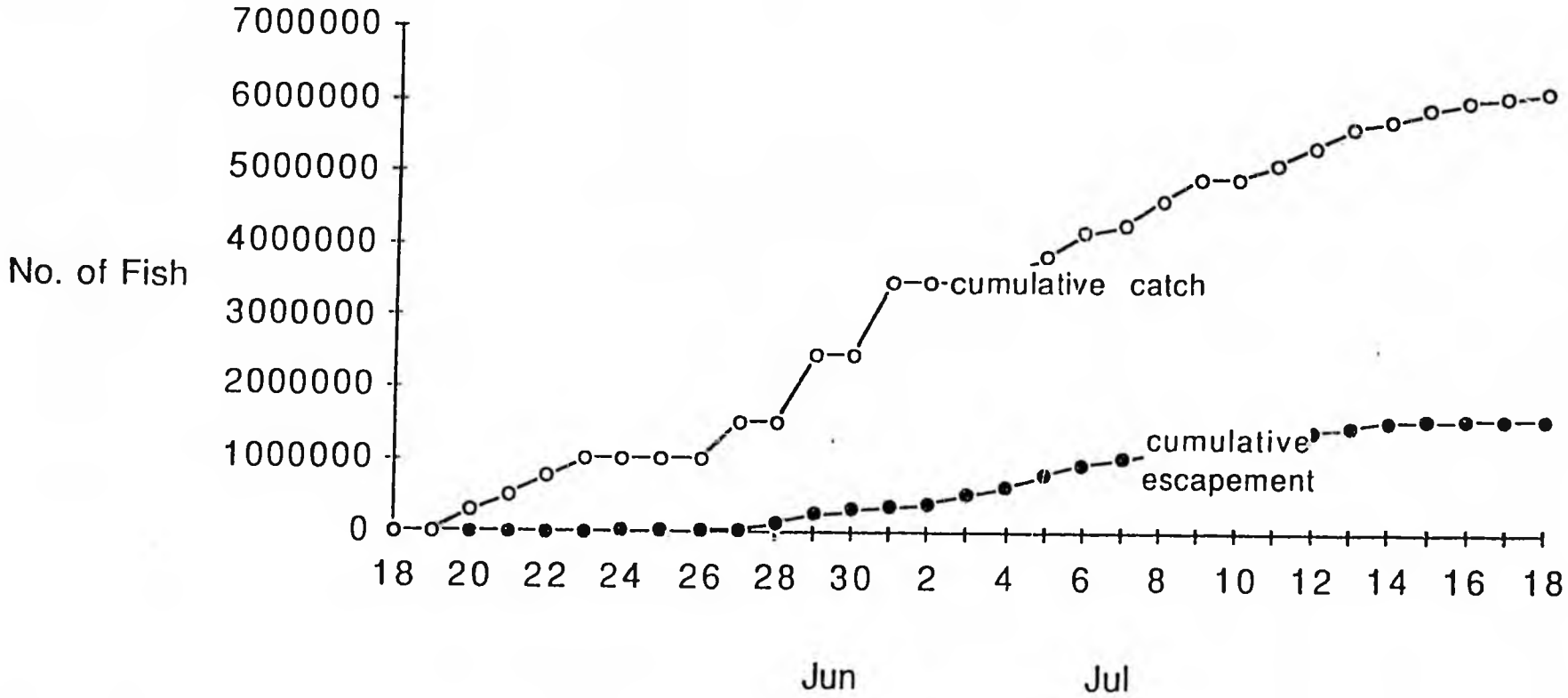
NOV 18 '98 14:51 ANCHORAGE ICPH FISH

Cumulative Nos. 1988 Date	Eqegik Catch	Eqegik Esc	Eqegik C/E	Tqaahik Catch	Tqaahik Esc	Tqaahik C/E
06/11	1626	0	1626	12	0	12
06/12	1626	0	1626	12	0	12
06/13	14257	0	14257	81	0	81
06/14	40941	0	40941	194	0	194
06/15	71699	0	71699	555	0	555
06/16	114348	0	114348	1729	0	1729
06/17	147403	0	147403	4796	0	4796
06/18	147403	0	147403	4796	0	4796
06/19	147403	0	147403	4796	0	4796
06/20	439793	0	439793	11024	0	11024
06/21	655344	0	655344	28144	0	28144
06/22	914816	10032	91.2	50722	0	50722
06/23	1159032	16800	69.0	64394	0	64394
06/24	1159032	22764	50.9	64394	0	64394
06/25	1159032	25020	46.3	64394	0	64394
06/26	1159032	31656	36.6	64538	0	64538
06/27	1678257	48756	34.4	64541	0	64541
06/28	1678257	144864	11.6	64541	0	64541
06/29	2616579	256308	10.2	64865	0	64865
06/30	2616579	322596	8.1	64865	0	64865
07/01	1624307	361944	10.0	65150	0	65150
07/02	1624307	420108	8.1	65150	0	65150
07/03	1626324	529692	6.8	101939	0	101939
07/04	1770074	655860	5.7	101939	3792	26.9
07/05	1998567	814800	4.9	101939	5760	17.7
07/06	43277323	950016	4.6	101939	7056	14.4
07/07	4432010	1031682	4.3	101939	7368	13.8
07/08	4786911	1147578	4.2	102984	7728	13.3
07/09	5093187	1212084	4.2	102984	10968	9.4
07/10	5093648	1291002	3.9	318305	11718	27.2
07/11	5276185	1355130	3.8	755370	12360	61.1
07/12	5522842	1437198	3.8	755370	12864	58.7
07/13	5787567	1490994	3.9	1180111	24588	48.1
07/14	5879796	1570572	3.7	1376243	90924	15.1
07/15	6044195	1580376	3.8	1405218	187614	7.5
07/16	6163758	1585842	3.9	1504728	317622	4.7
07/17	6216076	1594170	3.9	1504728	352962	4.3
07/18	6286086	1605106	3.9	1504728	405966	3.7
07/19	6327588	1609770	3.9	1504728	440722	3.3
07/20	6346745	1611756	3.9	1504728	497148	3.0
07/21	6368016	1612580	3.9	1504728	526974	2.9
07/22				1504728	552780	2.7
07/23				1504728	573978	2.6
07/24				1504728	584994	2.6
07/25				1517191	599772	2.5
07/26				1524118	625752	2.4
07/27				1527082	631878	2.4
07/28				1528694	634212	2.4
07/29				1529137	636412	2.4
07/30				1529137	639150	2.4
07/31				1529137	641220	2.4
08/01				1529396	642276	2.4
08/02				1529448	642972	2.4

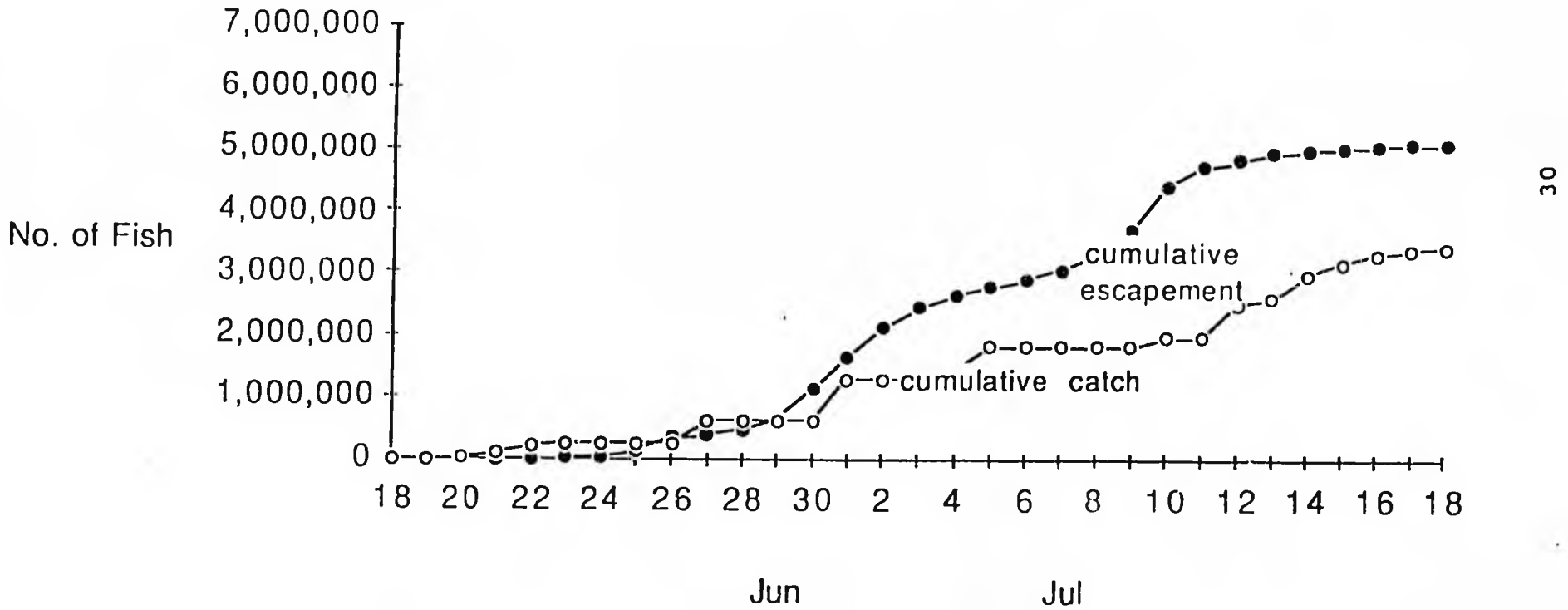
NOV 18 '98 14:52 ANCHORAGE ICPH FISH

Cumulative Nos. 1988 Date	Nk-Kvi Catch	Naknek-Kvichak Kvichak Esc	Naknek-Kvichak Naknek Esc	Nk-Kvi Esc	Nk-Kvi C/E
06/11	43	0	0	0	43
06/12	43	0	0	0	43
06/13	292	0	0	0	292
06/14	2080	0	0	0	2080
06/15	4134	0	0	0	4134
06/16	10935	0	0	0	10935
06/17	18824	0	0	0	18824
06/18	22794	0	0	0	22794
06/19	22794	0	0	0	22794
06/20	57483	0	0	0	57483
06/21	121823	0	0	0	121823
06/22	221301	0	618	618	358.1
06/23	265008	0	870	870	304.6
06/24	265008	0	1932	1932	137.2
06/25	265008	1068	17424	18492	14.3
06/26	265008	4446	26988	31434	8.4
06/27	626069	76404	66528	142932	4.4
06/28	626069	264474	75246	339720	1.8
06/29	626069	312870	84774	397644	1.6
06/30	626069	327600	152046	479646	1.3
07/01	1301291	363804	292602	656406	2.0
07/02	1301291	778008	340188	1118196	1.2
07/03	1378237	1192512	460788	1653300	0.8
07/04	1455183	1597770	517236	2115006	0.7
07/05	1831183	1901208	542142	2443350	0.7
07/06	1831183	2079270	557130	2636400	0.7
07/07	1831183	2189112	588936	2778048	0.7
07/08	1831183	2231640	660198	2891838	0.6
07/09	1831183	2271864	771810	3043674	0.6
07/10	1980841	2388948	905856	3294804	0.6
07/11	2252923	2774550	929136	3703686	0.6
07/12	2525004	3472830	950802	4423632	0.6
07/13	2607254	3752592	978972	4731564	0.6
07/14	2982142	3840078	1000692	4840770	0.6
07/15	3173062	3947934	1007388	4955322	0.6
07/16	3331534	3989640	1027620	5017260	0.7
07/17	3401082	4020276	1032822	5053098	0.7
07/18	3443403	4045500	1035108	5080608	0.7
07/19	3474599	4057242	1036872	5094114	0.7
07/20	3489783	4061538	1037862	5099400	0.7
07/21	3505798	4064616	1037862	5102478	0.7
07/22	3519237	4065216	1037862	5103078	0.7

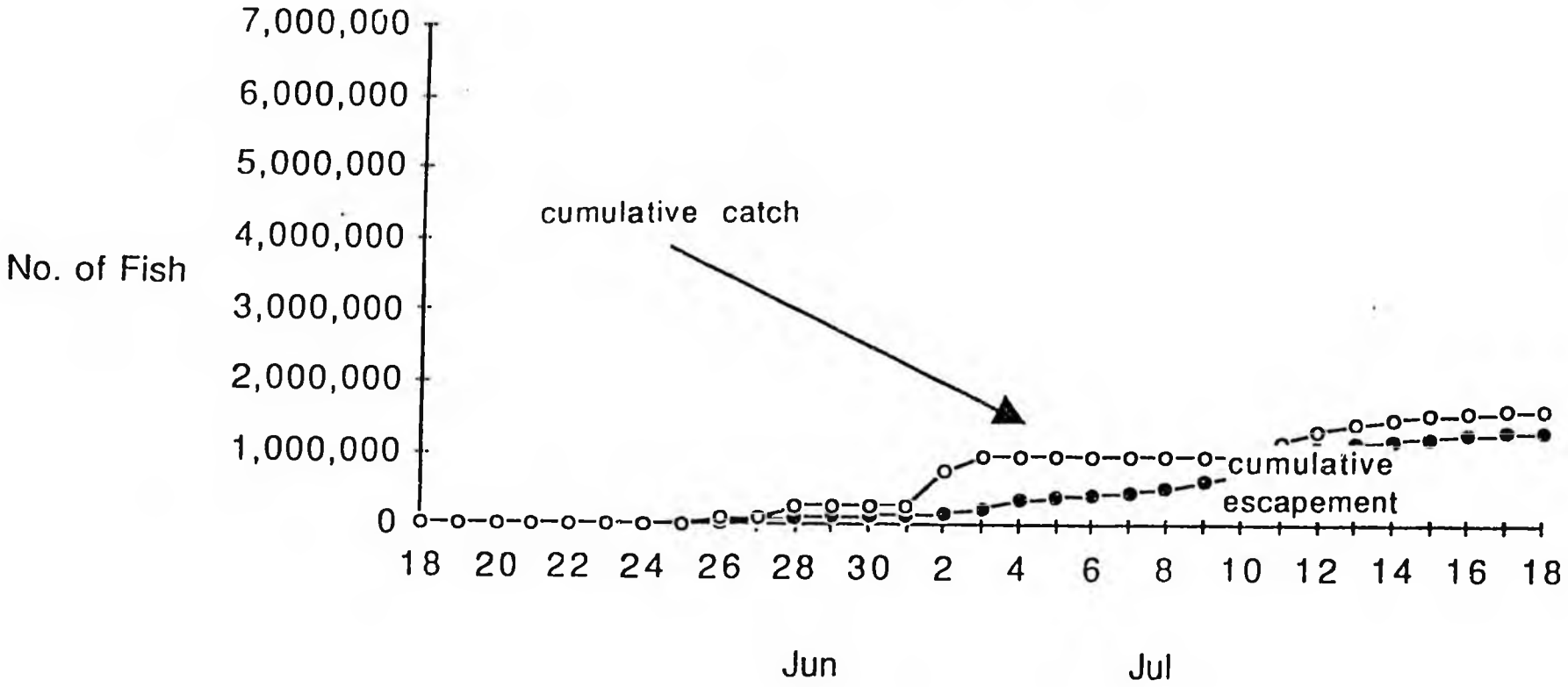
Egegik District Cumulative Sockeye Salmon Catch & Escapement
June 18-July 18, 1988



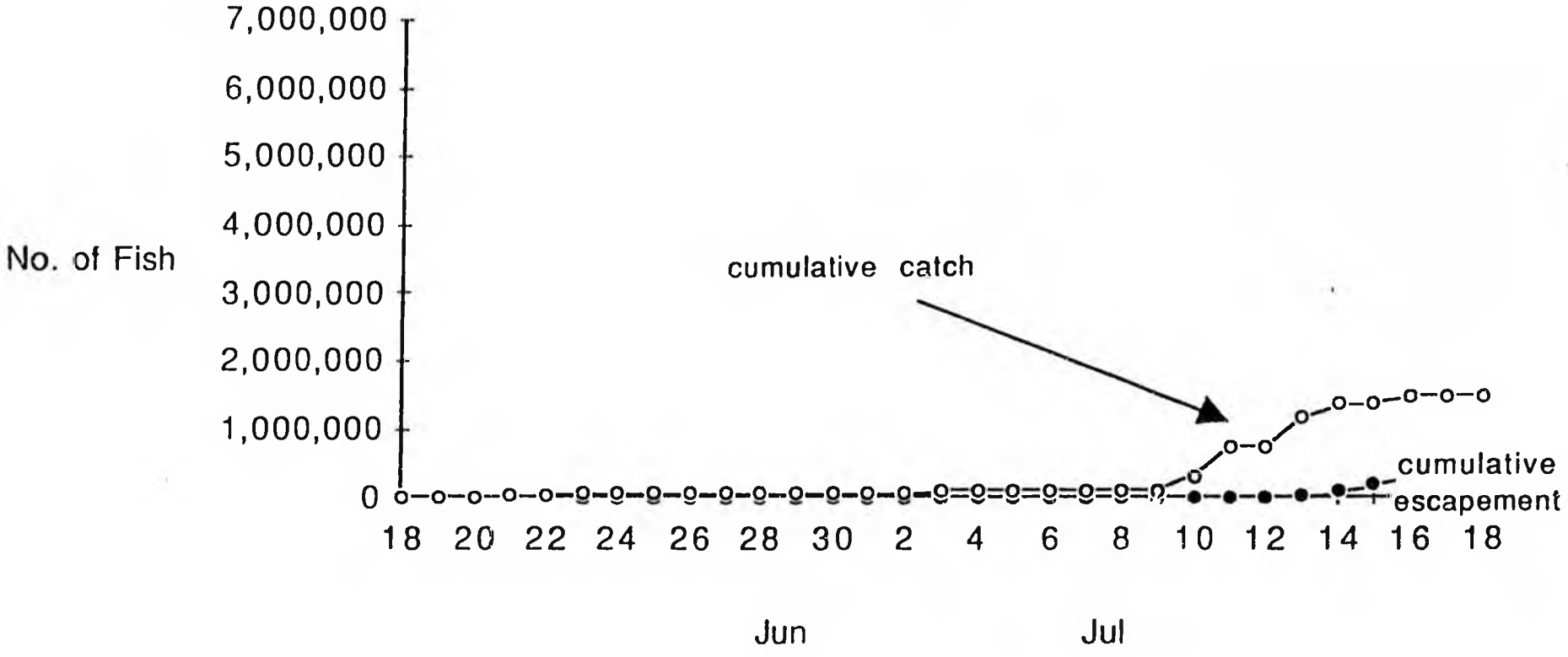
Naknek-Kvichak District Cumulative Sockeye Salmon
Catch & Escapement
June 18-July 18, 1988



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



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



Egegik District 1988 Sockeye Salmon Catch and Escapement

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

SENATOR RICK HALFORD-SENATE FINANCE COMMITTEE

Naknek-Kvichak District 1988 Sockeye Salmon Catch and Escapement

DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun			0	0
7-Jun			0	0
8-Jun			0	0
9-Jun			0	0
10-Jun			0	0
11-Jun			43	43
12-Jun			0	43
13-Jun			249	292
14-Jun			1,788	2,080
15-Jun			2,054	4,134
16-Jun			6,801	10,935
17-Jun			7,889	18,824
18-Jun			3,970	22,794
19-Jun		0	0	22,794
20-Jun		0	34,689	57,483
21-Jun		0	64,340	121,823
22-Jun		0	98,478	220,301
23-Jun	16,560	16,560	43,707	264,008
24-Jun	12,942	29,502	0	264,008
25-Jun	111,498	141,000	0	264,008
26-Jun	196,788	337,788	0	264,008
27-Jun	57,924	395,712	361,061	625,069
28-Jun	82,002	477,714	0	625,069
29-Jun	176,760	654,474	0	625,069
30-Jun	461,790	1,116,264	0	625,069
1-Jul	535,104	1,651,368	675,222	1,300,291
2-Jul	461,706	2,113,074	0	1,300,291
3-Jul	328,344	2,441,418	0	1,300,291
4-Jul	193,050	2,634,468	153,892	1,454,183
5-Jul	141,648	2,776,116	376,000	1,830,183
6-Jul	113,790	2,889,906	0	1,830,183
7-Jul	151,836	3,041,742	0	1,830,183
8-Jul	251,130	3,292,872	0	1,830,183
9-Jul	408,882	3,701,754	0	1,830,183
10-Jul	719,946	4,421,700	149,658	1,979,841
11-Jul	307,932	4,729,632	0	1,979,841
12-Jul	109,206	4,838,838	544,163	2,524,004
13-Jul	114,552	4,953,390	82,250	2,606,254
14-Jul	61,938	5,015,328	374,888	2,981,142
15-Jul	35,838	5,051,166	190,920	3,172,062
16-Jul	27,510	5,078,676	158,472	3,330,534
17-Jul	13,506	5,092,182	69,548	3,400,082
18-Jul	5,286	5,097,468	42,321	3,442,403
19-Jul	3,078	5,100,546	31,196	3,473,599
20-Jul	600	5,101,146	15,184	3,488,783
21-Jul	0	5,101,146	16,015	3,504,798
22-Jul	0	5,101,146	13,439	3,518,237
23-Jul	0	5,101,146	7,545	3,525,782
24-Jul	0	5,101,146		3,525,782
25-Jul	0	5,101,146		3,525,782
26-Jul	0	5,101,146		3,525,782
27-Jul	0	5,101,146		3,525,782
28-Jul	0	5,101,146		3,525,782
29-Jul	0	5,101,146		3,525,782
30-Jul	0	5,101,146		3,525,782
31-Jul	0	5,101,146	18,709	3,544,491
1-Aug	0	5,101,146		3,544,491
2-Aug	0	5,101,146		3,544,491

SENATOR RICK HALFORD-SENATE FINANCE COMMITTEE

Uqashik District 1988 Sockeye Salmon Catch and Escapement

DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun				
7-Jun			2	2
8-Jun			2	4
9-Jun			3	7
10-Jun			5	12
11-Jun				12
12-Jun				12
13-Jun			69	81
14-Jun			113	194
15-Jun			461	655
16-Jun			1,074	1,729
17-Jun			3,067	4,796
18-Jun				4,796
19-Jun		0		4,796
20-Jun		0	6,288	11,084
21-Jun		0	17,120	28,204
22-Jun		0	22,578	50,782
23-Jun		0	13,672	64,454
24-Jun		0	0	64,454
25-Jun		0	0	64,454
26-Jun		0	144	64,598
27-Jun		0	3	64,601
28-Jun		0	0	64,601
29-Jun		0	324	64,925
30-Jun		0	0	64,925
1-Jul		0	285	65,210
2-Jul		0	0	65,210
3-Jul		0	36,789	101,999
4-Jul	3,792	3,792	0	101,999
5-Jul	1,968	5,760	0	101,999
6-Jul	1,296	7,056	0	101,999
7-Jul	312	7,368	0	101,999
8-Jul	360	7,728	1,045	103,044
9-Jul	3,240	10,968	0	103,044
10-Jul	750	11,718	215,221	318,265
11-Jul	642	12,360	437,165	755,430
12-Jul	504	12,864	0	755,430
13-Jul	11,694	24,558	424,741	1,180,171
14-Jul	66,366	90,924	196,132	1,376,303
15-Jul	96,690	187,614	28,975	1,405,278
16-Jul	130,008	317,622	99,510	1,504,788
17-Jul	35,340	352,962	0	1,504,788
18-Jul	53,004	405,966	0	1,504,788
19-Jul	54,756	460,722	0	1,504,788
20-Jul	36,426	497,148	0	1,504,788
21-Jul	29,826	526,974	0	1,504,788
22-Jul	25,806	552,780	0	1,504,788
23-Jul	21,198	573,978	0	1,504,788
24-Jul	11,016	584,994	0	1,504,788
25-Jul	14,778	599,772	12,463	1,517,251
26-Jul	25,980	625,752	6,927	1,524,178
27-Jul	6,126	631,878	2,964	1,527,142
28-Jul	2,334	634,212	1,612	1,528,754
29-Jul	2,220	636,432	443	1,529,197
30-Jul	2,718	639,150	0	1,529,197
31-Jul	2,070	641,220	0	1,529,197
1-Aug	1,056	642,276	259	1,529,456
2-Aug	696	642,972	52	1,529,508

SENATOR RICK HALFORD-SENATE FINANCE COMMITTEE

Nushagak District 1988 Sockeye Salmon Catch and Escapement

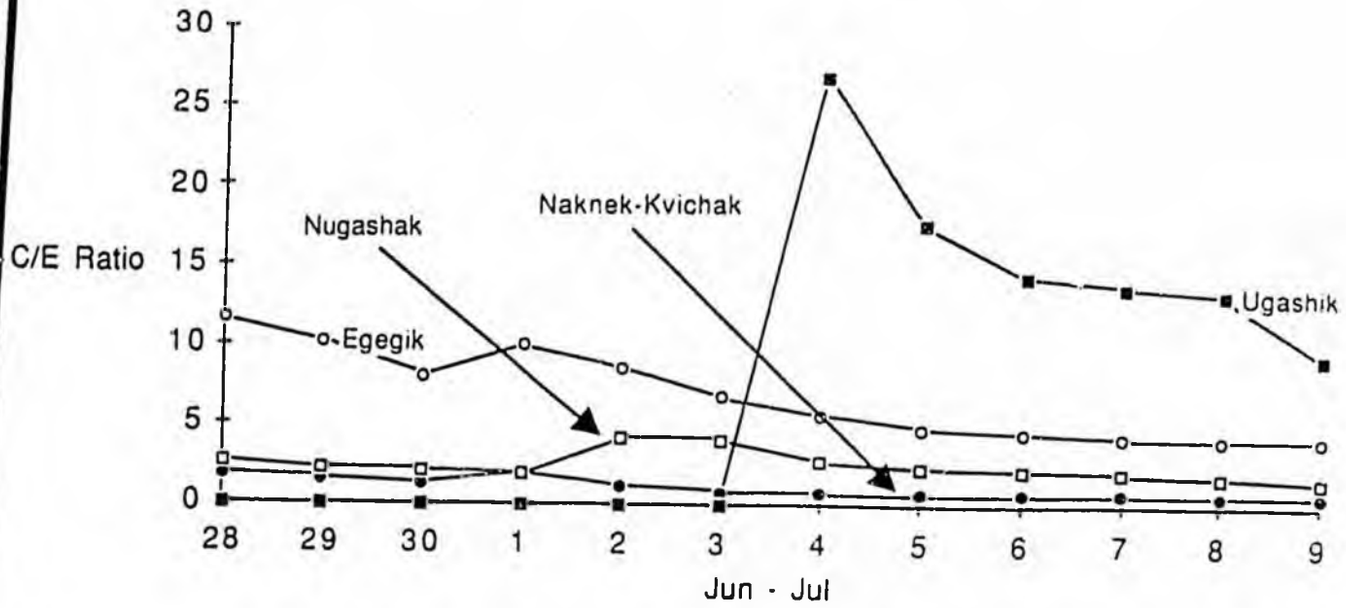
DAY	DAILY ESCAPEMENT	CUMULATIVE ESCAPEMENT	DAILY CATCH	CUMULATIVE CATCH
6-Jun	0	0		0
7-Jun	0	0		0
8-Jun	0	0		0
9-Jun	0	0		0
10-Jun	0	0		0
11-Jun	0	0		0
12-Jun	0	0		0
13-Jun	0	0		0
14-Jun	0	0		0
15-Jun	0	0		0
16-Jun	0	0		0
17-Jun	0	0		0
18-Jun	0	0		0
19-Jun	0	0		0
20-Jun	0	0		0
21-Jun	0	0		0
22-Jun	0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

SENATOR RICK HALFORD-SENATE FINANCE COMMITTEE

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

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

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



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

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

---

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

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

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

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

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

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

The ADF&G announced several weeks prior to the 1988 season that the Egegik District caught approximately 1,400,000 non-Egegik fish and over 400,000 non-Ugashik fish were taken in the Ugashik District in 1987.[36] Also, there was a claim that the Naknek/Kvichak intercepted some Ugashik and Egegik fish. Some in the Department and drift fishermen participating in the Egegik Fishery used this information to set-off or counterbalance the findings of the Department's 1987 Scale Sample Analysis. According to these individuals there was a loss to the Naknek/Kvichak of only 500,000 fish. However, there were a few biologist that indicated the

---

[36] See ADF&G graphs in the appendix.

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

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

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

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

---

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

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

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

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

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

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

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

---

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

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

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

Table 1. Run composition of sockeye salmon caught in the Egegik Test Fishery, 1988. (North=LORAN 32570 and Inside=LORAN 32585).

			Percent Classification				
DATE	AREA	LORAN	KVICHAK	NAKNEK	EGEGIK	OGASHIK	TOTAL
6/25	North	32570	14.2	14.0	71.8	0.0	100.0
	Inside	32585	3.3	1.2	78.0	17.5	100.0
6/28	North	32570	28.8	12.2	51.1	7.9	100.0
	Inside	32585	14.2	10.5	55.1	20.2	100.0
6/30	North	32570	6.0	2.1	51.0	40.9	100.0
	Inside	32585	19.5	5.7	62.7	14.1	100.0
7/02	North	32570	2.8	10.1	78.2	9.0	100.0
	Inside	32585	5.5	2.9	63.1	28.5	100.0
7/05	North	32570	3.0	7.4	42.9	46.7	100.0
	Inside	32585	33.4	8.7	14.9	43.0	100.0
7/07	North	32570	6.3	0.1	65.6	27.8	100.0
	Inside	32585	0.0	0.0	81.2	18.8	100.0
7/08	North	32570	7.4	4.5	77.6	10.5	100.0
	Inside	32585	2.3	6.6	78.9	12.2	100.0
7/11	North	32570	4.2	4.8	74.3	16.7	100.0
	Inside	32585	11.1	4.7	60.2	22.0	100.0

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

---

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

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

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

Test Date	Tide	Date Daily Catch	Avg. % Interc	Interc	Daily Escape	Cum Esc	Cum Catch
[illegible]	Ebb	6/27 519,225 12 hrs	25%	129,806	17,100	48,756 3%	[illegible]
[illegible]	Ebb	6/29 938,322 12 hrs	47%	441,011	111,444	256,308 16%	2,731,620
[illegible]	Ebb	7/1 1,007,728 11 hrs	43%	433,323	39,348	361,944 22.5%	3,758,434
7/2	Flood	7/4-5 373,643 11 hrs	28%	104,620	126,168	655,860 41%	4,140,742
7/5	Flood	7/6 327,356 10 hrs	71%	232,423	135,216	950,016 59%	4,475,252
7/7	Flood	7/7-8 459,588 10 hrs	27%	124,089	115,896	1,147,578 71%	4,944,341
7/8	High Tide	7/9-10 306,738 11 hrs	25%	76,685	78,918	1,291,002 80%	5,257,735
7/11	Ebb	7/11-12 429,193 16 hrs	33%	141,634	42,048	1,437,198 89%	5,702,205

Avg
37.3% 1,683,591

8 day average = 37.3% of 5,702,208 = 2,145,947 potential salmon interception

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

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

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

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

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

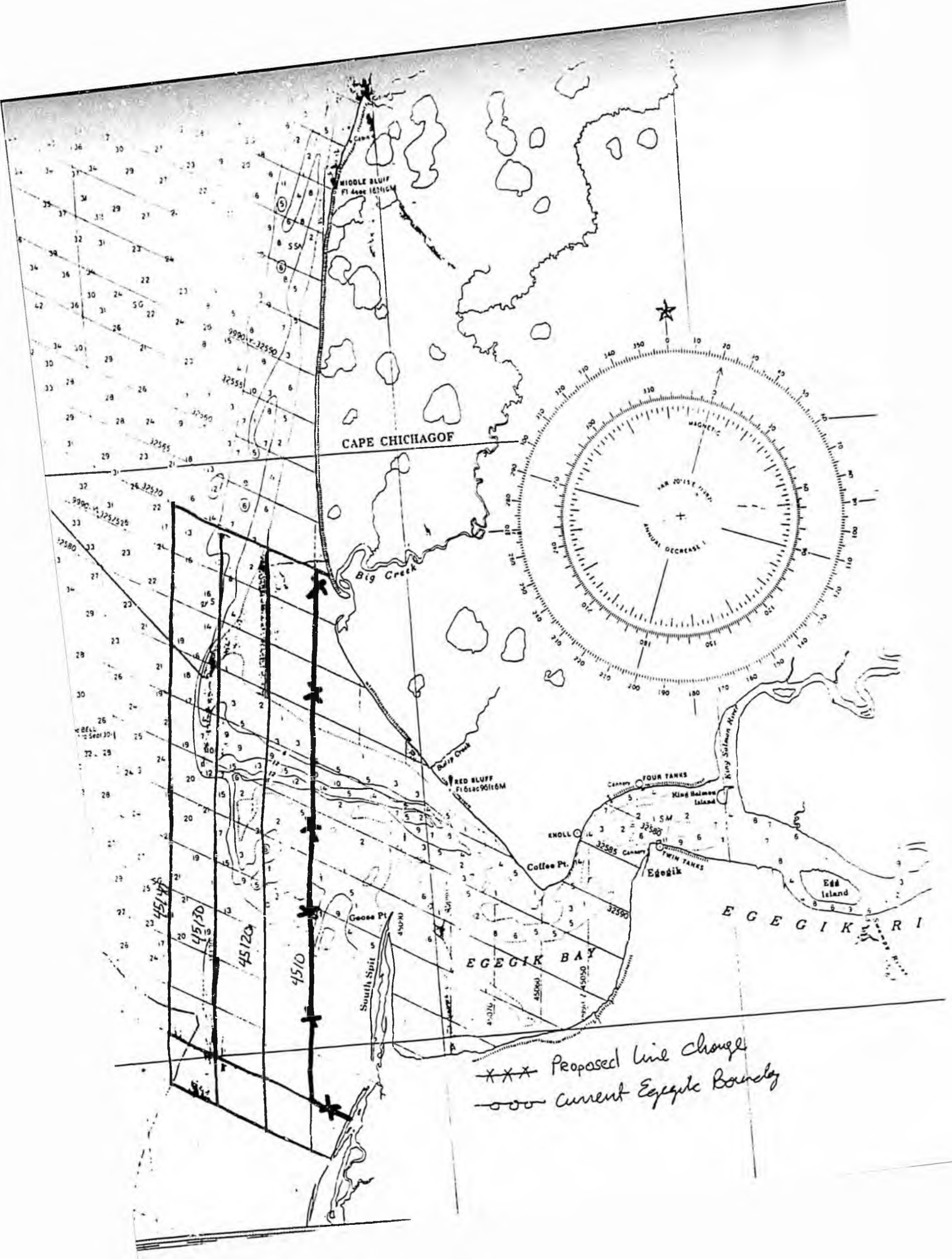
---

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

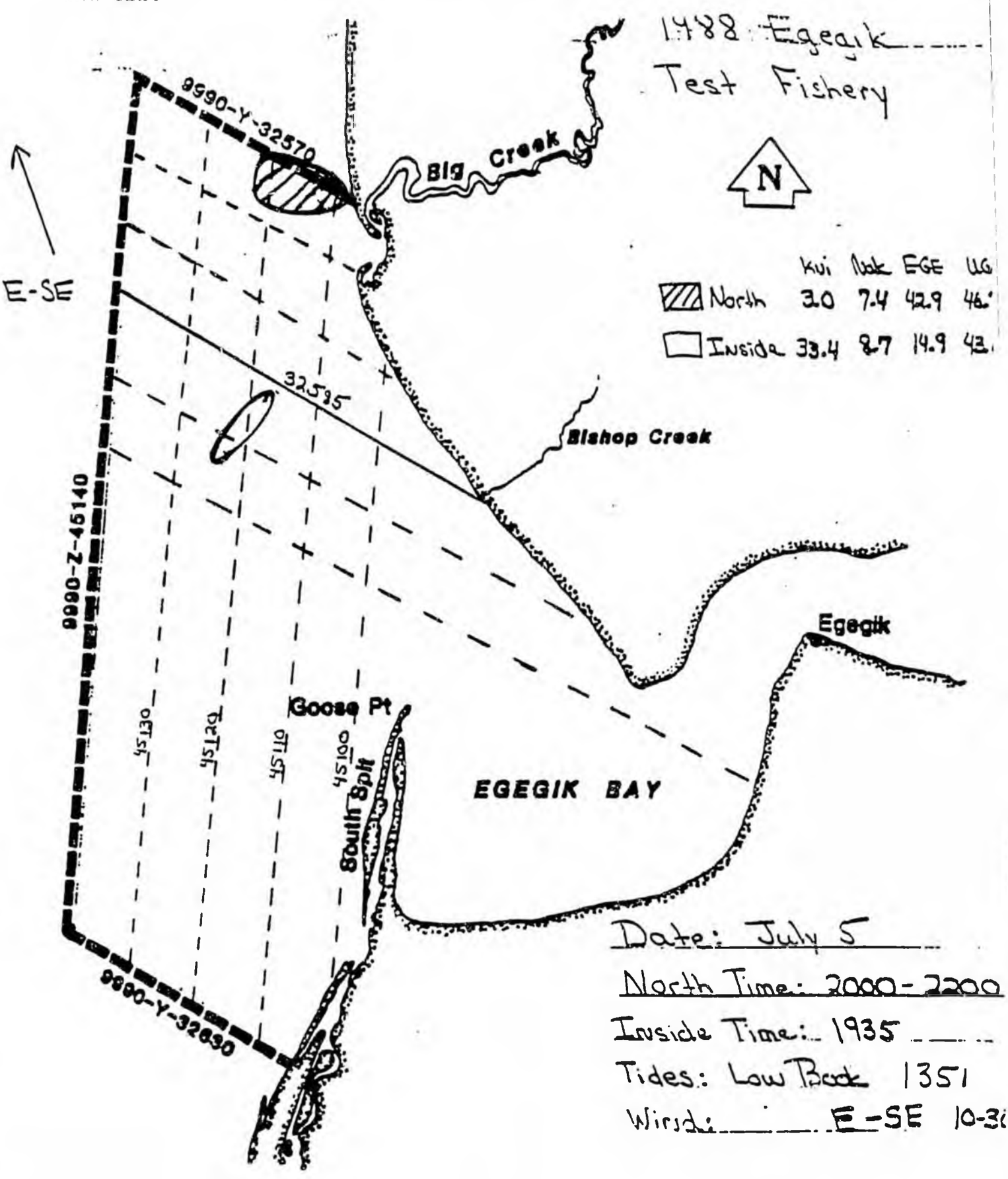
3. Establish a more conservative catch-escapement ratio to ensure the fish were committed to the river instead of allowing the fish effort on mixed stocks. See recommendation #2.

4. Reduce the fishing effort in Egegik.

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


CAPE CHICHAGOF
MIDDLE BLUFF
Fl 4sec 161ft6M
Big Creek
Bluff Creek
RED BLUFF
Fl 6sec 96ft6M
FOUR TANKS
Cannery
King Salmon River
King Salmon Island
KNOLL
Coffee Pt.
32585
Cannery
TWIN TANKS
Egegik
Edd Island
Goose Pt
South Spit
EGEGIK BAY
EGEGIK RI
45140
45130
45120
4510
MAGNETIC
VAR 20°15'E (1984)
ANNUAL DECREASE 1'
Proposed line change
current Egegik Boundary

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



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

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

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

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

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

---

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

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

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

---

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

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

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

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

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

---

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

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

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

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

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

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

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

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

---

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

CORRECTION

THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY

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

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

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

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

---

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

---

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