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6541 SENATE RESOURCES

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

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

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

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

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

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

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

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

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

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

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

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

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

Ken Florey: "Yes, we can."

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

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

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

Ken Florey: "Obviously you could go in."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁵⁰ Note, the Borough's raw fish tax (Ordinance No. 32) was upheld as constitutional in Libertati v. Bristol Bay Borough, 584 P.2d 1115 (Alaska 1978). Here, the Alaska Supreme Court found that because the ordinance taxed only the sale of fish taken within the borough, the tax itself was found to be a "sales tax" rather than a "severance tax" which under the appellant's argument would have made the tax illegal. See eg. Const. art. 8, Section 1 et seq. Also, the taxation of the sale of the municipalities had not been precluded under A.S. 43.75.130, and A.S. 43.75.135.

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

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

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

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

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

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

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

⁵³ See attached proposed vessel tax schedule.

A. TERMINAL FISHING COMMUNITIES PASS RESOLUTIONS CONDEMNING SALMON INTERCEPTION.

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

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

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

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

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

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

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

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

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

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

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

Borough.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED THIS 21st DAY of November, 1988.

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

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

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

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

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

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

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

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

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

Passed Januray 22, 1989.

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

who own businesses in the Naknek community.⁶¹

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

XV. ALTERNATIVES FOR REMEDYING THE BRISTOL BAY INTERCEPT PROBLEM

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁶⁸ SALMON INTERCEPTION RESOLUTION

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

WHEREAS, such interception not only complicates management and

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

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

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

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

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

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

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

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

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

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

XIV. CONCLUSION

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

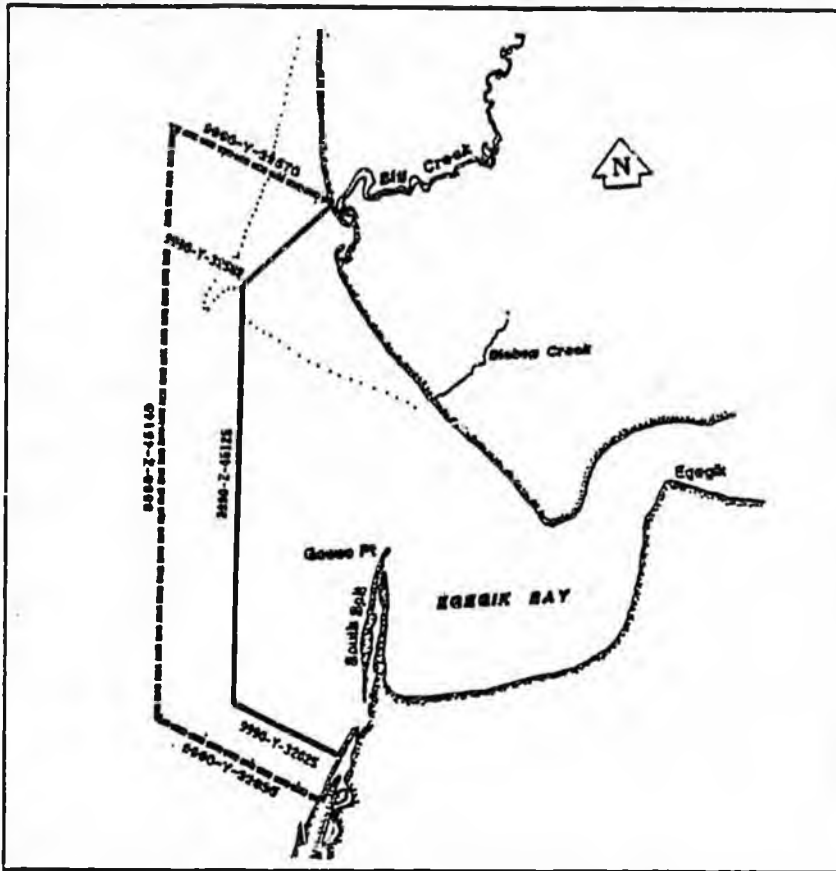
Because a management/conservation problem exists the Department has the requisite authority to reduce the size of the Egegik District to curtail the interception of mixed stocks which would conform to sound biological principles and follow the mandate of the Bristol Bay Comprehensive Salmon Plan. The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

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

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

BIBLIOGRAPHY

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



EGEGIK TASK FORCE REPORT (MARCH 1989)

Claudia Anderson
Claudia Anderson
Egegik Setnetters Assoc.

Richard K. Armstrong
Richard Armstrong
Nushagak Adv. Comm.

Randy Briggs
Randy Briggs
Lower Bristol Bay Adv. Comm.

Robert Heyano
Robert Heyano
Nushagak Adv. Comm.

Richard Deigh
Richard Deigh
Lower Bristol Bay Adv. Comm.

Griff Quenton
Griff Quenton
Setnetters' Assoc. of Bristol Bay

Stosh Anderson
Stosh Anderson
Naknek-Kvichak Adv. Comm.

Allen Aspelund
Allen Aspelund
Naknek-Kvichak Adv. Comm.

Doug Freeman
Doug Freeman
Ugashik Setnetters Assoc.

Mitch Kink
Mitch Kink
AIFMA

Dean Paddock
Dean Paddock
Bristol Bay Driftnetters Assoc.

Harvey Samuelson
Harvey Samuelson
WACMA

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

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

TASK FORCE OBJECTIVES:

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

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME DIVISION OF COMMERCIAL FISHERIES

STEVE COWPER, GOVERNOR

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

October 18, 1988

Dear :

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

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

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

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

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

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

Sincerely,



Charles P. Meacham
Regional Research Biologist

Distribution:

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

TASK FORCE PARTICIPANTS

Fishermen Organization Nominations

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

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

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

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

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

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

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

Rick Lauber, ex-officio member
Pacific Seafood Processors

Advisory Committee Nominations

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

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

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

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

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

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

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

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

TASK FORCE CONCENSUS

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

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

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

West Line= Loran C 9990-Z-45125
South Line= Loran C 9990-Y-32625
North Line= line extending from existing shore marker located at Loran C 9990-Y-32570 to Loran C intersect 9990-Z-45125 and 9990-Y-32582.

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

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

Claudia Anderson
Claudia Anderson
Egegik Setnetters Assoc.

Richard K. Armstrong
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Griff Quenton
Setnetters' Assoc. of Bristol Bay

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Naknek- Kvichak Adv. Comm.

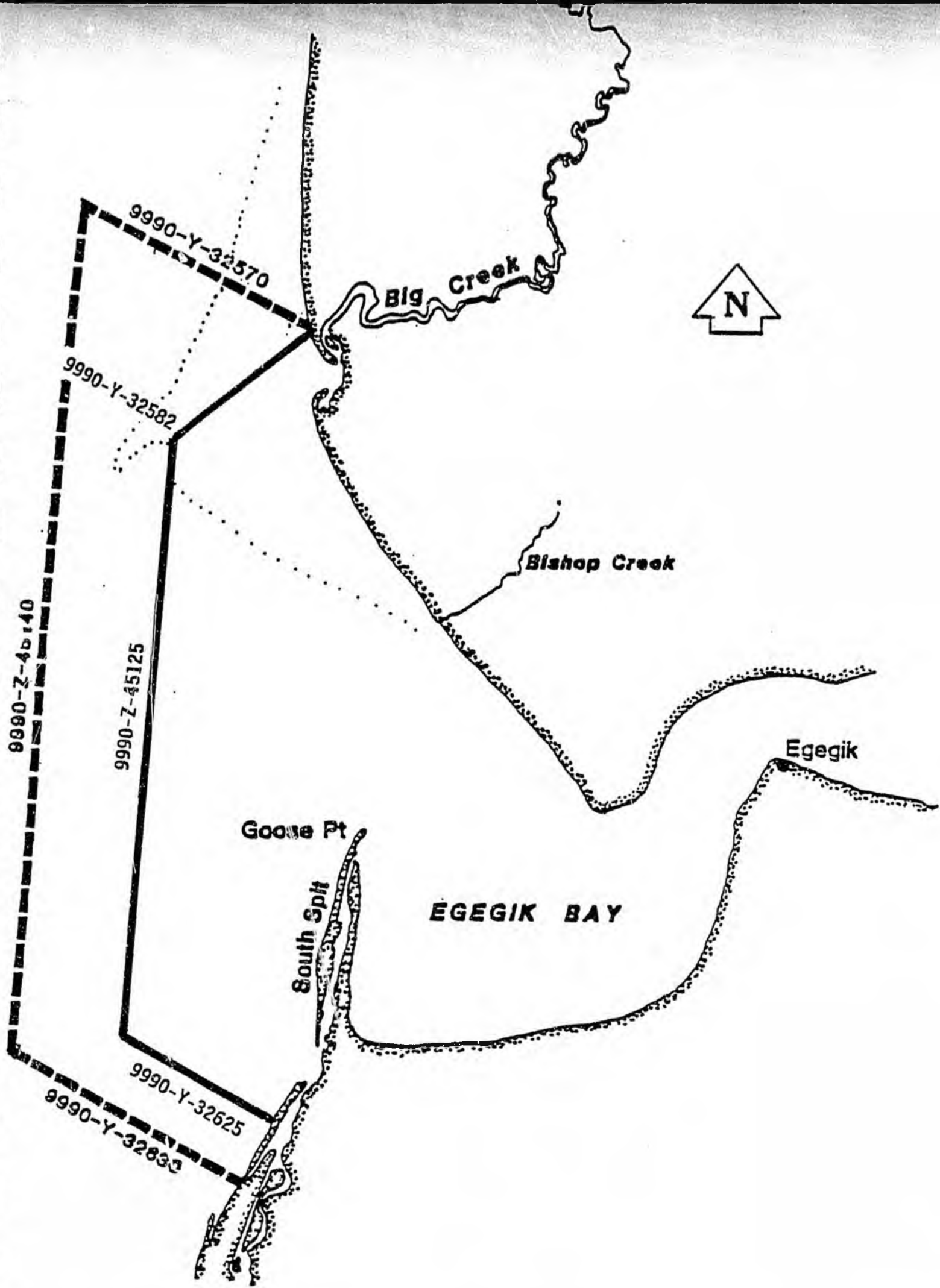
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Allen Aspelund
Naknek-Kvichak Adv. Comm.

Doug Freeman
Doug Freeman
Ugashik Setnetters Assoc.

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Mitch Kink
AIFMA

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Bristol Bay Driftnetters Assoc.

Harvey Samuelson
Harvey Samuelson
WACMA



9990-Y-32570

Big Creek

9990-Y-32582

Bishop Creek

9990-Z-46140

9990-Z-45125

Egegik

Goose Pt

EGEGIK BAY

South Spit

9990-Y-32625

9990-Y-32830

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

MARCH 2, 1989

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

DEAR CHUCK,

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

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

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

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

SINCERELY,



DOUG FREEMAN
UGASHIK SETNETTERS ASSOC.

cc: Richard Ruesell
Marv Ebnat

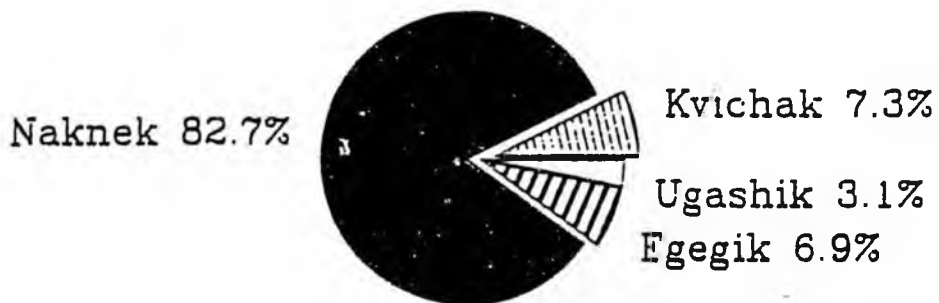
Table 2. Projected commercial harvests of sockeye salmon returning to Bristol Bay, Alaska, river systems in 1989, based on results of the modified ADF&G method.^a

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

^aTable revised 8 February 1989.

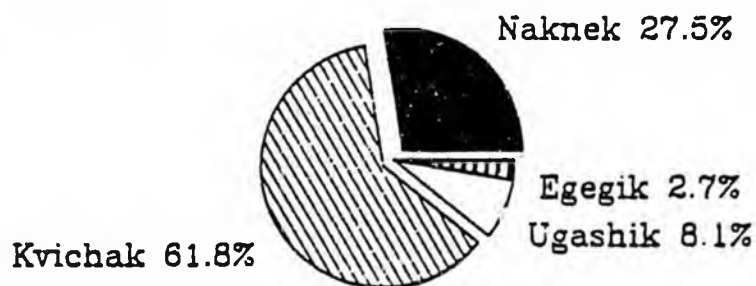
^bGuideline harvest calculated as 8.3% of projected Bristol Bay harvest. Numbers were apportioned among river systems based on proportions in the forecast of total production.

1986 Naknek/Kvichak District Catch



Total Catch = 2,879,894

1987 Naknek/Kvichak District Catch



Total Catch = 4,949,015

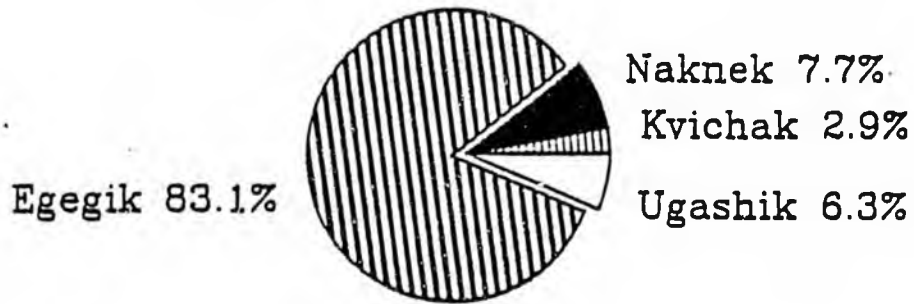
1988 Naknek/Kvichak District Catch



Total Catch = 3,549,422

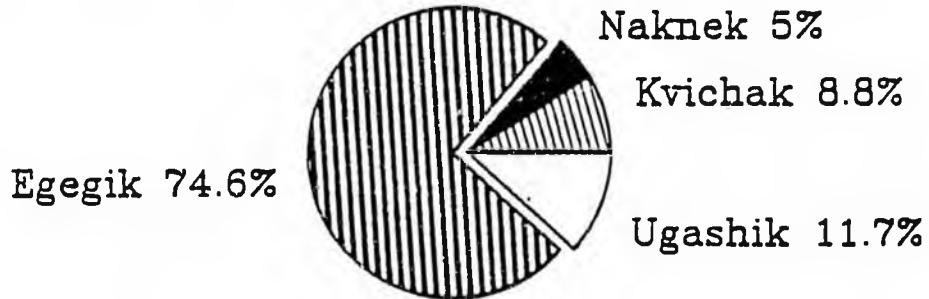
Figure 3. Estimates of stock composition for the total catch of sockeye salmon in the Naknek-Kvichak District from 1986-88.

1986 Egegik District Catch



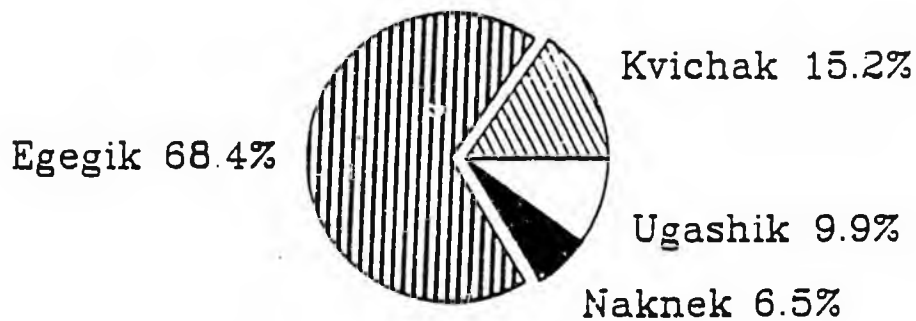
Total Catch = 5,008,779

1987 Egegik District Catch



Total Catch = 5,386,845

1988 Egegik District Catch



Total Catch = 6,400,126

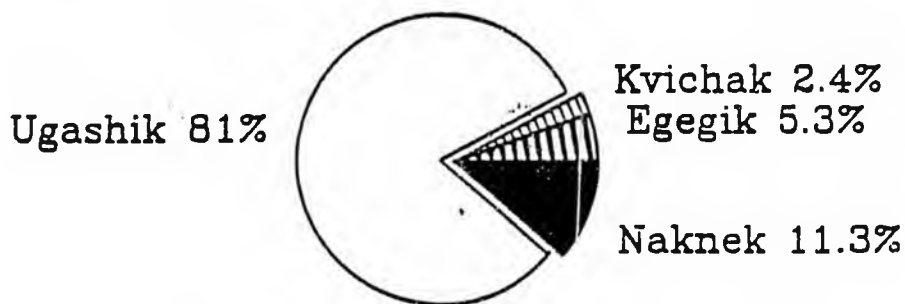
Figure 5. Estimates of stock composition for the total catch of sockeye salmon in the Egegik District from 1986-88.

1986 Ugashik District Catch



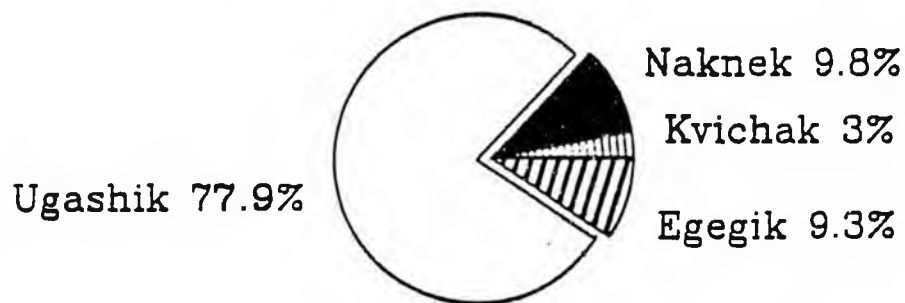
Total Catch = 4,928,502

1987 Ugashik District Catch



Total Catch = 2,119,188

1988 Ugashik District Catch



Total Catch = 1,531,615

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

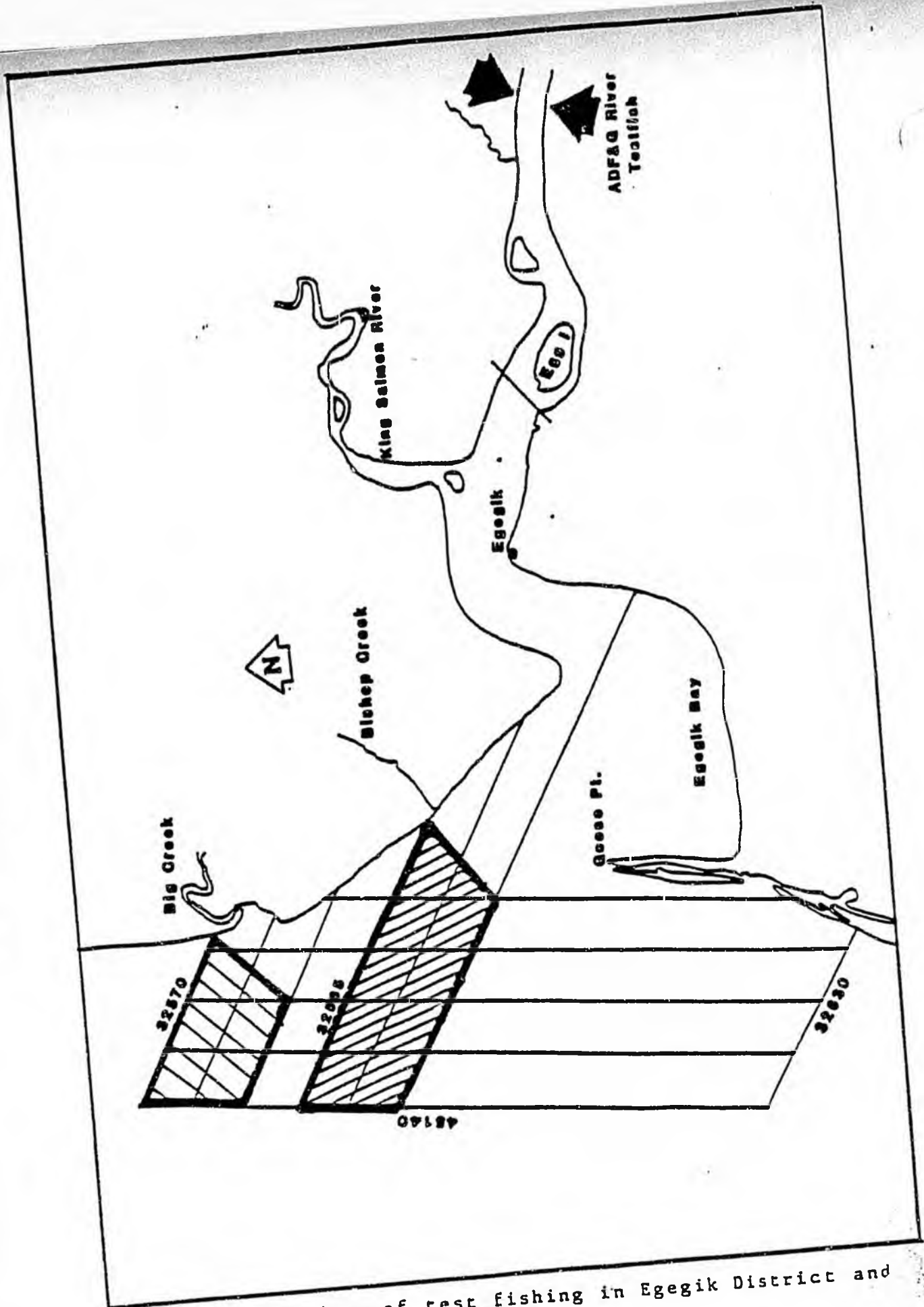


Figure 2. Locations of test fishing in Egegik District and Egegik River in 1988.

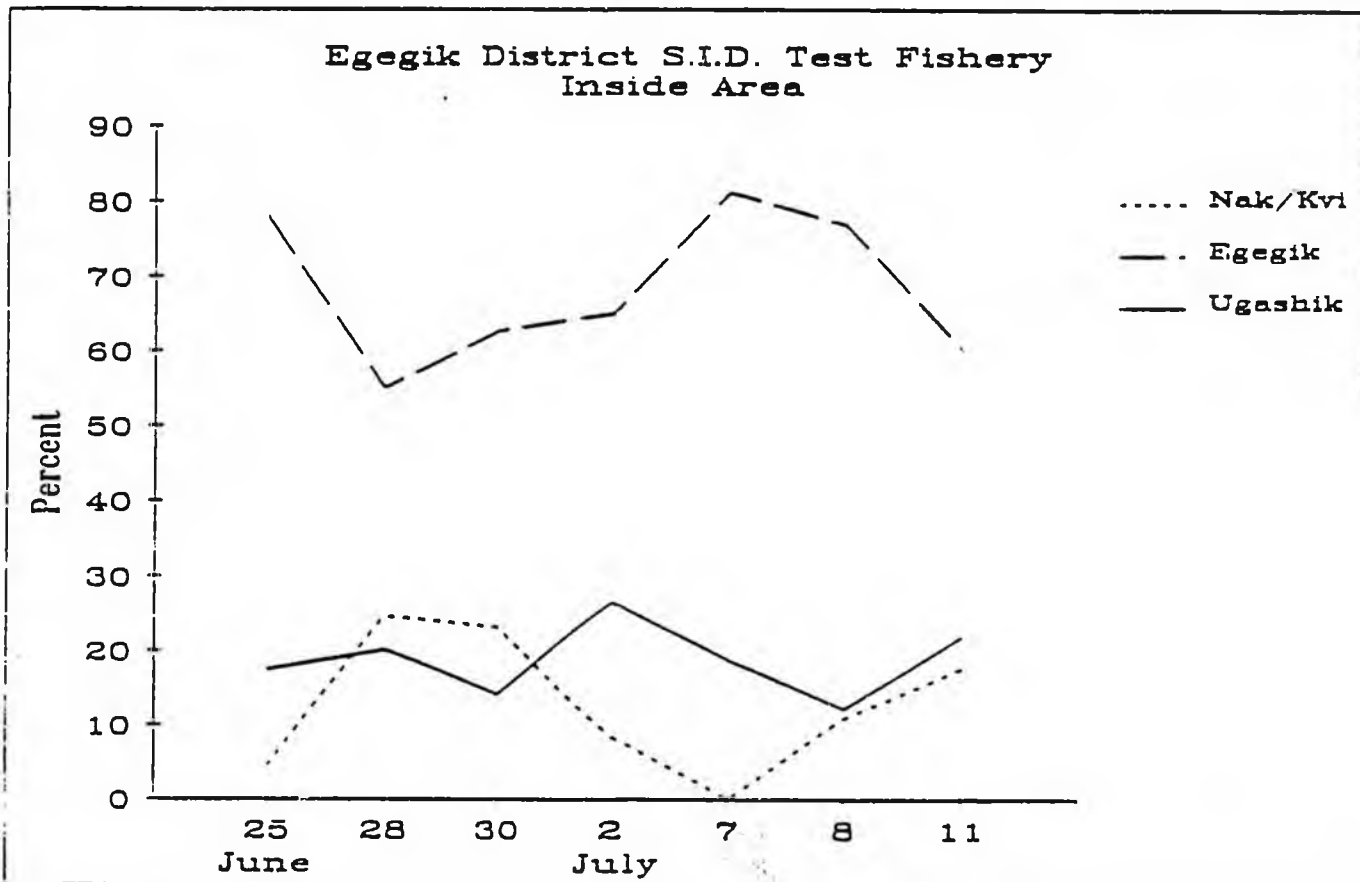
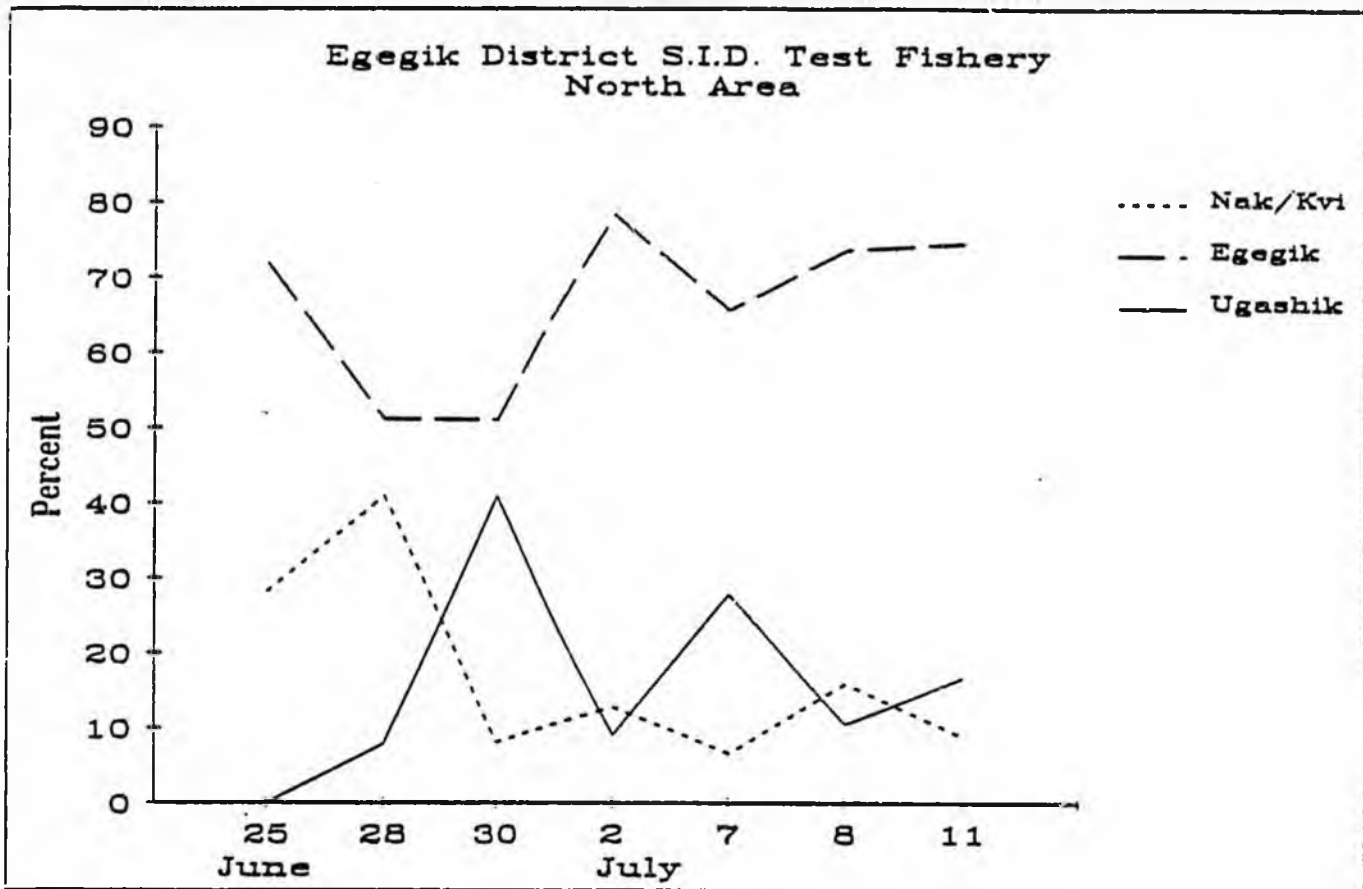


Figure 12. Percent by stock of sockeye salmon test fish catches from the North and Inside study areas in Egegik District for all dates except 5 July.

To: Fishermen, Processors and
Interested Persons

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

BRISTOL BAY
1989 OUTLOOK FOR COMMERCIAL
SALMON FISHING BY DISTRICT

INTRODUCTION

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

NAKNEK-KVICHAK DISTRICT

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

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

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

EGEGIK DISTRICT

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

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

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

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

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

C

9990-Z-45140

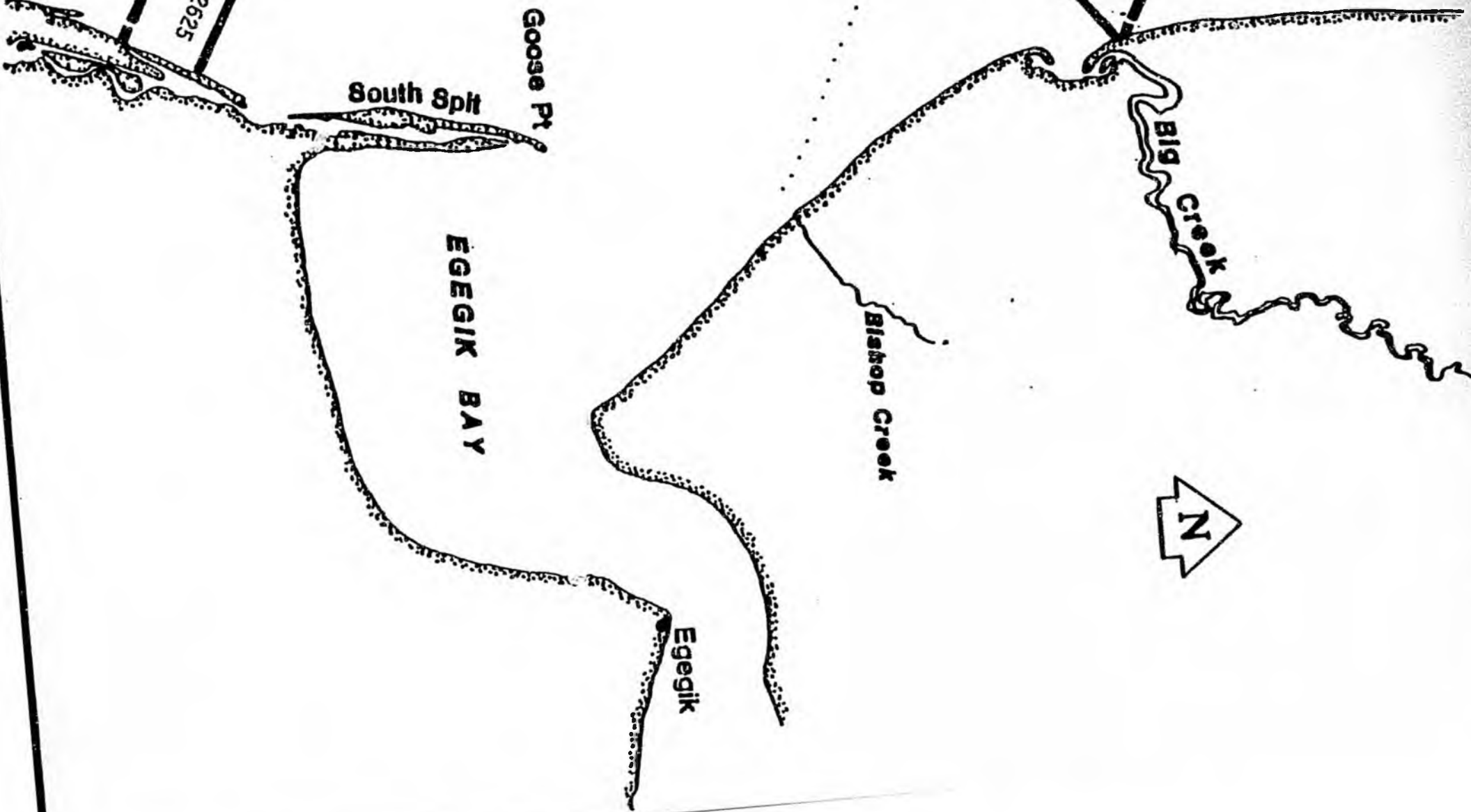
9990-Z-45125

9990-Y-32830

9990-Y-32625

9990-Y-32582

9990-Y-32570



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

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

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

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

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

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

UGASHIK DISTRICT

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

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

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

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

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

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

NUSHAGAK DISTRICT

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

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

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

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

TOGIAK DISTRICT

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

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

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

S C R

42

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Labor and Commerce Committee Substitute offered on page 3613 be adopted. Senator Fahrenkamp, Chair, and Senator Kerttula signed "no recommendation." Senators Sturgulewski, Eliason and Zharoff signed "do pass."

SENATE BILL NO. 536 was referred to the Finance Committee.

Selection=> B005-LAST PAGE
PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT
Bill/Resolution History 06:07 PM 05/16/90 Page 1
BILL: SCR 42
NAME:
TITLE: Urging the governor to work cooperative-
ly with the Province of British Columbia
and the United States Forest Service in
proposals for the development of a
network of marine parks along the Inside
Passage.

PRIME SPONSOR: DUNCAN
CO-SPONSOR: SZYMANSKI, FAHRENKAMP, KELLY, ELIASON, POURCHOT, ULMER

CURRENT STATUS: TRANSM TO GOVERNOR STATUS DATE: 05/16/90

Selection=>
PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP SUBJ EXIT MENU TEXT PRINT BWD FWD FIRST LAST QUIT
BASIS Journal Text

01/30/90 SENATE JOURNAL PAGE 2256
SCR 42

The Resources Committee considered SENATE CONCURRENT RESOLUTION NO. 42 (Urging the governor to work cooperatively with the Province of British Columbia and the United States Forest Service in proposals for the development of a network of marine parks along the Inside Passage) and a majority of the committee recommended do pass. The report was signed by Senator Fahrenkamp, Chair, and concurred in by Senators Frank, Zharoff and Sturgulewski.

Zero fiscal note published today from Department of Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 42 was referred to the Rules Committee.

Selection=>
PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

400 WILLOUGHBY AVE.
JUNEAU, ALASKA 99801-1798
PHONE: (907) 465-2400

January 29, 1990

The Honorable Bettye Fahrenkamp, Chair
Senate Resources Committee
P.O. Box V
Juneau, AK 99811

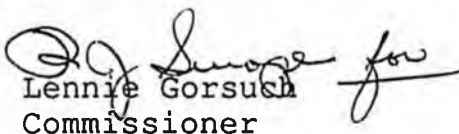
Dear Senator Fahrenkamp:

Subject: SCR 42, Urging cooperative development of a network of marine parks along the Inside Passage.

Position: The Department of Natural Resources is in support of SCR 42 and feels that this is a good start in developing the marine recreation opportunities on the protected waterways of Southeast Alaska.

It should be noted that at this time we do not have any operating or maintenance funding for the existing marine parks, and that this should be a consideration in working on the planning, development, and marketing of the opportunities within the marine parks. The existing marine park statutes call for a management plan for each marine park unit of the Alaska state park system to determine the specific purposes and uses for the unit. In the formation of this plan we are required to consult with the Department of Fish and Game, United States Forest Service, and other organizations concerned with conservation, recreation and tourism such as the Province of British Columbia (AS 41.21.302.c).

Sincerely,


Lennie Gorsuch
Commissioner

Enclosure

Senator Fahrenkamp

-2-

January 29, 1990

cc: Senate Resources Committee Members
Bob Evans, Legislative Liaison
Office of the Governor
Denby Lloyd, Special Staff Assistant
Office of the Governor
Neil Johannsen, Director
Division of Parks and Outdoor Recreation

FISCAL NOTE

REQUEST:

Revision Date: <u>19-Jan-90</u>	Agency Affected: <u>Natural Resources</u>
Title: <u>Urging Governor to work</u>	BRU: <u>Land and Water</u>
<u>Cooperatively with BC and USFS on Inside Passage</u>	<u>Parks Management</u>
Sponsor: <u>Duncan</u>	Components: <u>Land and Water</u>
Requestor: <u>House Resources</u>	<u>Parks Management</u>

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Larry Ostrovsky Phone: 465-2400
 Division: Commissioner's Office Date: 19-Jan-90
 Approved by Commissioner: Lennie Gorsuch Date: 19-Jan-90
 Agency: Department of Natural Resources

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



United States
Department of
Agriculture

Forest
Service

Alaska Region

P.O. Box 21628
Juneau, AK 99802-1628

DEPARTMENT OF
NATURAL RESOURCES

Reply to: 1560

Date: December 21, 1989

DEC 27 1989

COMMISSIONER'S OFFICE
JUNEAU

*Lennie
by Gus
Hess*

Honorable Steve Cowper
Governor of Alaska
P. O. Box A
Juneau, AK 99811

RECEIVED JAN 10 1990

Dear Governor Cowper:

The British Columbia Ministry of Forests is developing an Inside Passage Strategic Plan. This plan proposes to establish a system of Marine Parks along the protected waterway used by British Columbia Ferries that sail between Port Hardy on Vancouver Island and Prince Rupert on the mainland. A copy of the Ministry's draft plan summary is enclosed.

Alaska, of course, offers similar marine recreation opportunities. The system of State Marine Parks established over the past few years responds to this need. In addition, many marine recreation opportunities exist on the National Forests.

In combination, the marine recreation opportunities offered by British Columbia, the State of Alaska and the National Forests provide an unprecedented and exceptional opportunity for marine recreation. Use of the Inside Passage by marine recreationists has been increasing at a steady rate. However, I believe that there is significantly more growth potential in this area which can be fostered. One way of accomplishing this is through a more coordinated approach to the planning, development, and marketing of the respective British Columbia, State of Alaska, and Forest Service facilities as an international marine recreation system.

In this regard, I propose that representatives of the British Columbia Ministry of Forests, the State of Alaska, and the Forest Service meet in the near future in order to become more familiar with what each is doing in the area of marine recreation and to discuss opportunities for increased cooperation and coordination.



Caring for the Land and Serving People



I look forward to your reply and wish you the happiest of holiday seasons.

Sincerely,

Mike Barton

MICHAEL A. BARTON
Regional Forester

Enclosure

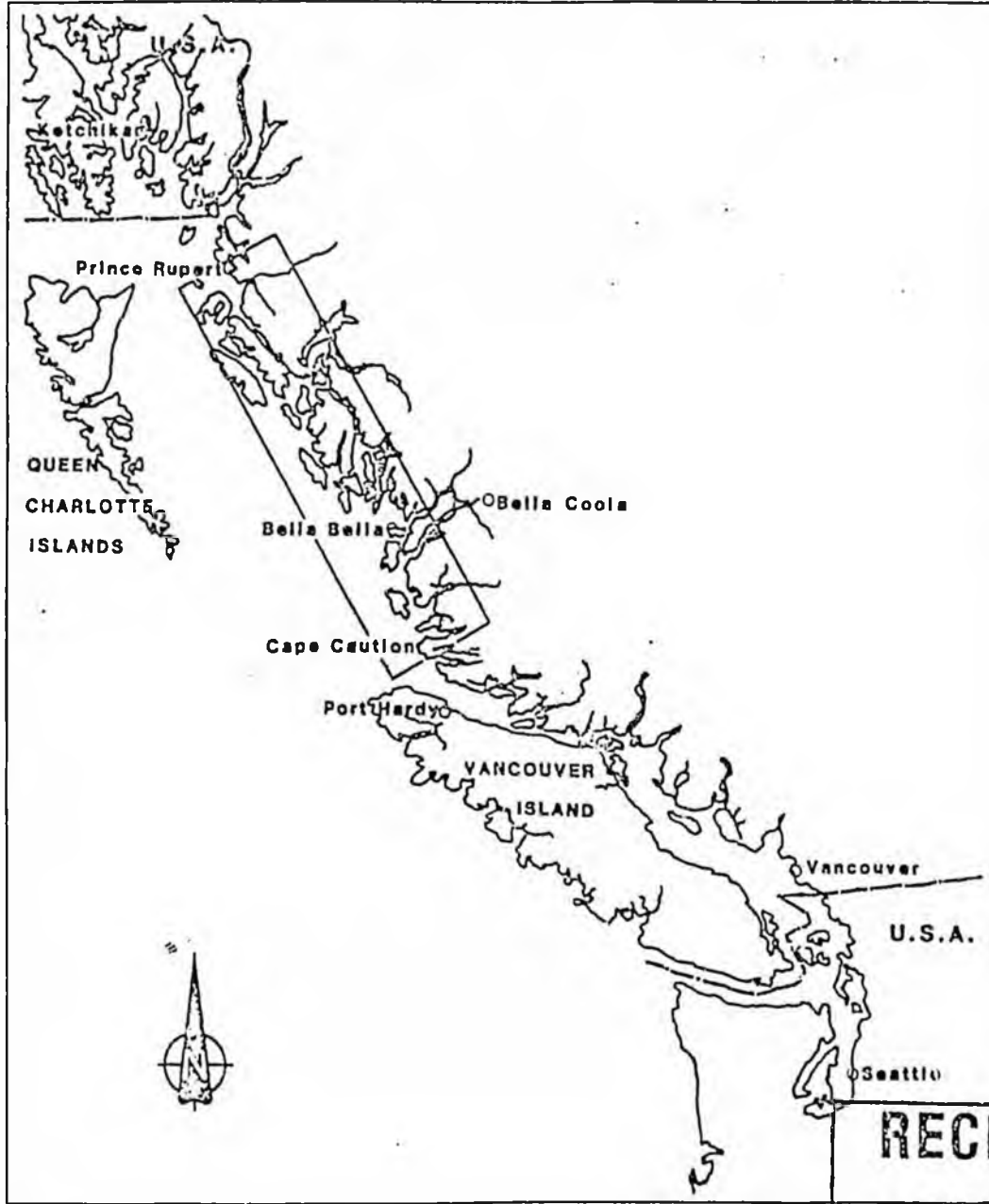
cc:

British Columbia Minister of Forests
Commissioner, DNR
Director, RS&CR
AC
Director, IF





Inside Passage Draft Strategic Plan A Summary



Province of
British Columbia
Ministry
of Forests

RECEIVED
OCT 03 1989
REGIONAL FORESTER
FOREST SERVICE
JUNEAU, ALASKA



The study area

The plan covers the visible area along the 400-kilometre, protected waterway used by the British Columbia Ferries that sail between Port Hardy on Vancouver Island and Prince Rupert on the mainland.

It includes 250 000 hectares of upland, primarily provincial forest land under the stewardship of the B.C. Forest Service (Forest Service).

This area has a mix of forest and marine environments.

The marine corridor is frequently intersected by other channels and inlets. Its southern portion has some open water, coastal lowlands, forested hills and distant mountain ranges. In its north, the landscape becomes more mountainous and the passage becomes narrower and fjord-like. The narrowest point is only 500 metres wide in Grenville Channel.

Key issues

The draft strategic plan addresses:

- the integration of timber harvesting activities with the management of recreation and tourism uses;
- the incorporation of B.C. Parks' proposed system of small marine parks — to provide a series of protected anchorages — into current and future uses in the Inside Passage;
- the appropriateness of the Inside Passage for registration under the provincial recreation corridor system plan;
- the use of the Inside Passage by recreational, commercial and industrial traffic without conflicts; and,
- the development of objectives and guidelines to provide direction for subsequent, more detailed plans for this large portion of coastal B.C.

Planning process

The Inside Passage's size and complexity has required a multi-phased planning approach:

- an overview assessment by Forest Service of scenic landscapes, recreation and timber resources;
- a recreation features inventory by B.C. Parks;
- a summary of the overview assessment by Forest Service and recreation features inventory by B.C. Parks in *Draft Inside Passage Options Report* made public in June, 1986;
- public discussion of *Draft Inside Passage Options Report*; and,
- the development of a draft strategic plan.

This publication is a summary of the draft strategic plan.

This plan has been developed co-operatively by the Forest Service, B.C. Parks, the Ministry of Tourism and Provincial Secretary, and the Ministry of Municipal Affairs, Recreation and Culture.

The current stage is a public review of the draft strategic plan.

After the public has reviewed this draft strategic plan and submitted comments, a final strategic plan will be prepared. It will be based on the comments received and on discussions with government agencies, forest tenure holders, and public groups or individuals who are affected.

The planning process will then continue as follows:

- development of draft local resource-use plans;
- public review and comment on draft local resource-use plans;
- finalizing of local resource-use plans; and,
- public review and comment on five-year development plans and pre-harvest silviculture prescriptions submitted by forest companies before timber harvesting is approved.

Primary resource values

The primary resource values in the Inside Passage planning area include:

- recreation and tourism — growing marine recreation activity, natural scenic landscapes, and route of ferries and cruise ships;
- timber — 12 million cubic metres of harvestable timber on about 25 000 hectares of forest land;
- fish and wildlife — important salmonid and other fisheries, traditional commercial fishing, great variety of terrestrial and marine wildlife species;
- heritage — primarily associated with significant native cultural heritage;
- aquaculture and other commercial foreshore developments;
- industrial transportation — important marine 'highway'; and.

The draft strategic plan

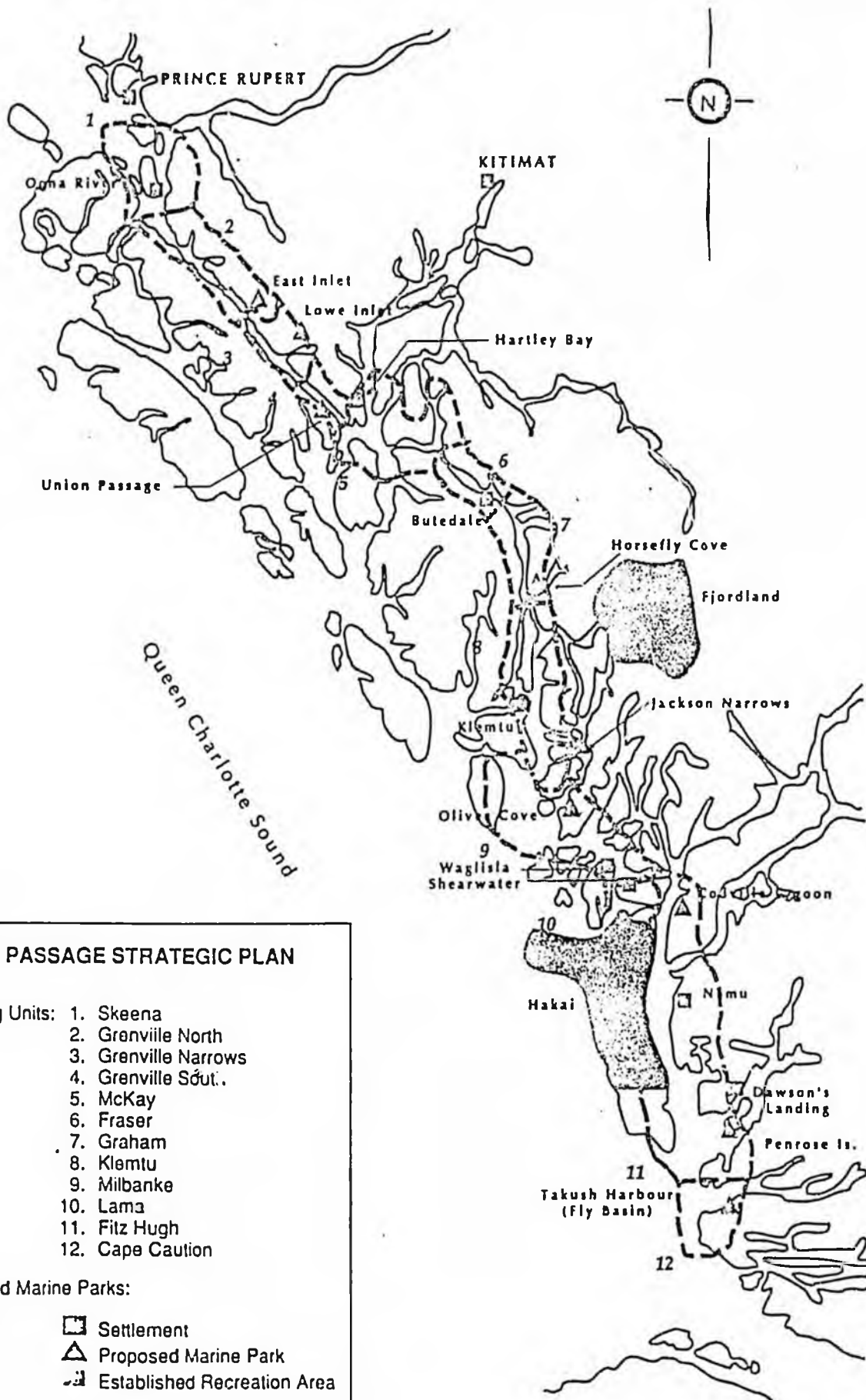
The draft is based on information currently available from government agencies, licensed resource users, interest groups and individuals familiar with the Inside Passage.

One major objective of the plan is to retain as many future options as possible for the use of the Inside Passage because the area's values and attributes will become much more important and focussed during the next decade.

To assist in compiling information and to help focus on specific land areas or unique features, the area was subdivided into 12 planning units. Unit boundaries were based on similarities in resource values, present use and possible future use. See map and table 1.

According to the draft, about 1.4 per cent of the land area will be required for tourism development in the form of scenic, sheltered anchorages designated as marine parks.

Timber harvesting will continue to be a legitimate activity and short-term alterations to the visual landscape will continue in specified areas in a planned way.



INSIDE PASSAGE STRATEGIC PLAN

- Planning Units:
1. Skeena
 2. Grenville North
 3. Grenville Narrows
 4. Grenville Sout.
 5. McKay
 6. Fraser
 7. Graham
 8. Klemtu
 9. Milbanke
 10. Lama
 11. Fitz Hugh
 12. Cape Caution

Proposed Marine Parks:

- Legend:
- Settlement
 - Proposed Marine Park
 - Established Recreation Area



Table 1

Unit	Key Resource Values			Strategic Management Directions		
	Timber	Landscape	Recreation Facilities	Current Condition	Within 5 Years	Beyond 5 Years
1. Skeena	Extensive high value areas, substantial historic and recent logging.	Moderate value, moderate to low sensitivity, some high sensitivity foreground.	High use due to proximity to Prince Rupert, extensive sport fishing, several moderate value anchorages.	Substantial modification with some remaining natural areas	No further visually apparent logging	Logging planned to occur at some point subject to prescriptions defined in LRUP.
2. Grenville North	High value areas limited to a few locations, some recent logging.	Moderate to high value and sensitivity.	Park proposal in Klewnuggit Inlet, other anchorages in adjacent inlets.	Largely natural appearing, some localized modification	Some further visually apparent logging proposed. Submit Klewnuggit Park proposal to Government.	Review direction in next plan update to determine the extent to which logging will continue.
3. Grenville Narrows	Extensive High value areas, very limited recent hand logging.	Very high value and sensitivity, narrow channel is a unique feature.	Park proposal in Lowe Inlet, very narrow channel attracts interest.	Natural appearing	Retain natural appearance. Submit Lowe Inlet Park proposal to Government.	Retain natural appearance.
4. Grenville South	Considerable high value timber on east shore, some recent hand logging.	Moderate to high value and sensitivity.	Park proposal in Union Passage	Natural appearing.	No visually apparent logging. Submit Union Park proposal to Government.	Logging planned to occur at some point subject to prescriptions defined in LRUP.
5. McKay	Extensive high value areas, substantial recent and some historic logging.	Moderate to high value and sensitivity.	Hot Springs in Goat Harbour & Bishop Bay, Home Bay anchorage, Douglas Channel joins Inside Passage.	Recent logging has led to extensive modification.	Further visually apparent logging is proposed. Potential for development of hot spring site at Goat Harbour.	Review direction in next plan update to determine the extent to which logging will continue.
6. Fraser	Extensive high value areas, substantial historic and some recent logging.	High value and sensitivity, Butedale is a visual focal point.	Butedale is a scenic and historic feature, Hot Springs in Klekane Inlet.	Extensive historic and minor recent logging, regrowth has softened impact of older logging.	No further visually apparent logging.	Logging planned to occur at some point subject to directions defined in future Strategic Plan updates. High scenic quality around Butedale will be retained. Potential for Klekane recreation site development.
7. Graham	Some high value areas, considerable historic logging in northern portion of unit.	High value and sensitivity.	Park proposal in Horsefly Cove, (Green Inlet); other anchorages in adjacent inlets.	Extensive historic and minor recent logging, regrowth has softened impact of older logging.	No further visually apparent logging. Submit Green Inlet park proposal to Government.	Logging planned to occur at some point subject to directions defined in future Strategic Plan updates.
8. Klemtu	Scattered valuable stands, minor historic logging.	Moderate to high values and sensitivity. Boat Bluff light house is a scenic feature.	Park proposal in Jackson Passage, other anchorages in adjacent inlets.	Mainly natural appearing minor	A-frame or hand logging proposed in background areas. Submit Jackson Passage Park proposal to government.	Logging planned to occur at some point subject to directions defined in LRUP.
9. Milbanke	Scattered valuable stands, some recent logging.	Low to moderate values and sensitivity, Bella Bella is prominent feature.	Higher use due to proximity to Bella Bella, Park proposal in Oliver Cove.	Some recent logging, modification in some areas.	Limited visually apparent logging proposed. Submit Oliver Cove Park proposal to government.	Limited on-going logging proposed.
10. Luma	Scattered valuable stands.	Moderate to high value and sensitivity. Important as the first narrow channel on a northward trip.	Important transit route to Hakai Rec. Area, Fancy Cove anchorage	Natural appearing.	Retain natural appearance	Retain natural appearance. Assess potential for recreation site development.
11. Fitz Hugh	High value stands in some areas.	Low to moderate value and sensitivity.	Hakai Rec. Area dominates west shore, park proposals in Codville Lagoon and Penrose Island.	Natural appearing	Limited visually apparent logging proposed. Submit Codville Lagoon and Penrose Island Park proposals to government.	Limited on-going logging proposed. Hakai Rec. Area will preserve west shore.
12. Cape Caution	Timber values are negligible.	Low value and sensitivity.	Use is limited by exposure to the open Pacific, Anchorages in Millbrook Cove and Takush Harbour (Fly Basin).	Natural appearing.	Retain natural appearance. Submit Takush Harbour park proposal to government.	Natural appearance will be retained. Limited logging using appropriate techniques may occur but not currently economically feasible. Assess potential for recreation site development.



Scheduling harvest over time and landscape design techniques will be used to plan and regulate the distribution and scale of visual impacts. Small scale or selective harvesting methods — such as hand and helicopter logging — can be used successfully to limit visual impacts.

Key resource values and strategic management directions are summarized in Table 1 for each of the 12 management units.

Local resource-use plans will specify 'visual quality objectives' for all harvesting operations in each of the 12 management units.

The five-year development plans and applications for cutting permits from the forest industry must be consistent with the strategic plan's management directions and the local resource-use plans.

The intent of the strategic plan will also become an integral part of the objectives for the resource management plans for the timber supply areas and management and working plans for the area.

Before approval for harvest is given, tree farm licence and forest licence holders will be required to request public comment on their five-year development plans every year.

These plans will be monitored by the Forest Service to ensure compliance during implementation and with the terms of the local resource-use plans.

Marine park system proposal

The draft strategic plan endorses a proposal for nine marine parks along the Inside Passage totalling 6 100 hectares (3 430 hectares are land).

The primary goal is to secure undisturbed, scenic anchorages for the existing small boat traffic and to encourage marine tourism along the province's north coast.

These marine parks, along with existing settlements, will provide suitable anchorage for small, self-contained boats at approximately one day's travel apart.

The proposed areas possess inherent natural features and protection from wind and waves.

They have also been chosen to avoid conflicts with traditional commercial marine traffic, such as barges, booms and fish boats, which also require suitable safe anchorages.

Facilities and development in these proposed marine parks will be minimal.

The designation of final park locations will be requested after the strategic plan is approved. In the interim, no timber harvesting or new commitments will occur in any of these areas.

Other anchorages may be considered as forest recreation sites. Most bays and channels will, however, remain undesignated and will continue to be used by commercial and recreational traffic.

The nine proposed marine parks are:

1. Takush Harbour:

- approximately 300 hectares (land: 150 hectares);
- on Smith Sound's south shore;
- closest to Cape Caution;
- outer basin, not included in park, is used by commercial fishing fleet; and,
- trail to Ahclakerho Channel.

2. Penrose Island:

- approximately 1 900 hectares (land: 900 hectares); and,
- at north entrance to Rivers Inlet;

3. Codville Lagoon:

- approximately 580 hectares (land: 200 hectares);
- a proposed expansion to Sagar Lake Park, which is noted for its fine, red, sand beach; and,
- lagoon is protected by a narrow entrance off Fisher Channel.

4. Oliver Cove:

- approximately 75 hectares (land: 50 hectares);
- small anchorage northwest of Waglisla on the sheltered inside route used by small boats; and,
- on southern access route to Fjordland Recreation Area.

5. Jackson Narrows:

- approximately 75 hectares (land: 50 hectares);
- small bay at east end is strategically located for:
 - small boats travelling the narrow, sheltered channel; and
 - boats enroute to Fjordland Recreation Area; and,
- within tree farm licence #25.

6. Green Inlet:

- approximately 72 hectares (land: 40 hectares);
- Horsefly Cove is just off the Inside Passage near the entrance to this inlet;
- good fishing in the inlet and in Green Lagoon; and,
- within tree farm licence #25.

7. Union Pass:

- approximately 1 075 hectares (land: 700 hectares);
- a narrow entrance off Grenville Channel opens into a sheltered inlet, which also provides a protected route to the outer coast; and,
- bare hills on east side provide opportunities for hiking and views of the Inside Passage.

8. Lowe Inlet:

- approximately 700 hectares (land: 500 hectares);
- popular anchorage at south end of Grenville Narrows;
- at head of the inlet, Verney Falls drains a series of large lakes noted for sand beaches and good fishing;
- remains of an old cannery; and,
- excludes Indian reserve and a privately owned lot that is scheduled for timber harvesting.

9. Klewnuggit Inlet (East Inlet):

- approximately 1340 hectares (land: 840 hectares);
- scenic area at the north end of Grenville Narrows characterized by four radiating arms, one of which contains Brodie and Freda Lakes;
- includes only East Inlet and the two lakes.



Recreation corridor proposal

Recreational interests have suggested that the high-value scenic landscapes and coastal recreation resources make the Inside Passage a candidate for recreation corridor status. They fear the loss of high-value areas to indiscriminate commercial development and suggest that recreation corridor status is one way to protect those values for the future.

On the other hand, industrial interests have argued that the historic forestry, fishing and commercial transportation uses must continue. They feel a recreation corridor is inappropriate because it would create a situation where traditional uses would be affected through unnecessary restrictions on current and continuing activities.

After receiving feedback on this draft strategic plan, the Forest Service, in co-operation with B.C. Parks, will develop a recommendation for government on whether or not recreation corridor registration is appropriate.

This recommendation will be discussed with licensed resource users and the Outdoor Recreation Council before it is submitted.

Please direct specific questions and comments on the recreation corridor status to the appropriate regional manager, B.C. Forest Service, as part of the review of this draft strategic plan.

Local resource-use planning

After this strategic plan is completed, the B.C. Forest Service in Bella Coola and Prince Rupert will develop a local resource use plan (LRUP) for each of the two forest districts within the Inside Passage planning area.

Within the strategic plan framework, the LRUPs will define specific management prescriptions for integrating recreation and timber resources in each of the 12 management units.

The LRUPs will be based on and linked to the strategic plan by these general objectives:

1. Important scenic values must be recognized and protected. The forest industry will incorporate this recognition and protection into management and working plans and five-year development plans for tree farm licenses and forest licenses.
2. Specific operational timber harvesting guidelines will be developed for each management unit. They will be used by the B.C. Forest Service and the forest industry when preparing timber development plans.
3. Visual quality objectives will be prescribed for proposed operations within each management unit.
4. The LRUPs will identify specific measures to manage and protect significant recreational features.
5. The LRUPs will ensure that sufficient recognition and management of other resource values — commercial and sport fisheries, marine and terrestrial wildlife, the aquaculture industry, cultural and heritage resources and mineral resources — are integrated into specific guidelines for each unit.

Implementation

Following public review, and revision as necessary, the final plan will be submitted for approval to the Environment and Land Use Committee (ELUC) of Cabinet.

All developments falling under provincial jurisdiction will be expected to adhere to the guidelines in the approved strategic plan.

The B.C. Forest Service will continue to play the lead role in preparing LRUPs. One plan will be done in each of the two forest districts and will provide the specific forest management prescriptions required to implement the guidelines contained in the strategic plan.

The LRUPs will, in turn, guide the preparation of five-year development plans and cutting permits through which "on the ground" timber harvesting operations will occur.

Resource management plans for timber supply areas and forest industry management and working plans for the Inside Passage area will be revised to reflect the content of the approved strategic plan and LRUPs.

An annual update will be used to monitor the plans' implementation. Forest companies will submit five-year development plan updates and annual reports of their commitments and accomplishments under pre-harvest silviculture prescriptions (PHSPs).

The Forest Service will prepare a brief summary of this information including information for the Small Business Forest Enterprise Program. Recreation developments and proposals will also be summarized.

Other agencies with jurisdiction over activities in the Inside Passage will be asked to provide annual summaries of developments and proposals. The annual update will be made available for public review.

Both the strategic plan and LRUPs will require formal periodic review. Revision may also become necessary as new information becomes available. An opportunity for public review will be included in an, formal review or revision process.

After the strategic plan is approved, the proposed marine parks will be requested through existing Order-in-Council procedures.

As they are designed with self-contained boats in mind, developments will be limited to mooring buoys in a few locations and to some minor trailwork. The parks will be advertised via park maps and marine charts.

To comment

Resource users and the public are encouraged to review this draft strategic plan and submit their comments and suggestions by September 30, 1989, to these addresses:

Regional Planning Officer
Prince Rupert Forest Region
Bag 500
Smithers, B.C.
VOJ 2N0
Phone: 847-7505

Regional Planning Officer
Vancouver Forest Region
4595 Canada Way
Burnaby B.C.
V5G 4L9
Phone: 684-7695

SJR

6

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 1/19/89
IN ACCORDANCE WITH UNIFORM RULE 23

1/19/89

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 1/25/89

Mr. President:

RESOURCES Committee considered SJR 6

interception of Alaska salmon on the high seas

and recommended:

- replace with CS SJR 6 (Resources.) same title
- attached amendment(s) and new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

FISCAL NOTE(S) attached zero
 appropriation no FN attached

fiscal impact
 Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Richard Stangor

Richard Stangor

Richard Stangor

George F. ...

 Chairman signature and recommendation

Committee backup attached



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Commissioner's Ofc.	BILL NUMBER SJR 6	SPONSOR Binkley, et al
SHORT TITLE OF BILL High seas salmon interception			
DEPARTMENT POSITION Support			
PREPARED BY Roland Shanks	DATE 1/23/89	COMMISSIONER'S SIGNATURE <i>Don W. Williams</i>	DATE 1-23-89

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Commerce	CONSTITUENT GROUP(S) AFFECTED BY BILL Fishermen
ORGANIZATIONAL SUPPORT FOR BILL N/A	ORGANIZATIONAL OPPOSITION TO BILL N/A

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT
To support and strengthen the negotiating posture of the state in high seas interception negotiations. To urge the federal government to strengthen their negotiation with other nations involved in the high seas issue.

ANALYSIS OF BILL/PROGRAM EFFECTS
Supports the state's current position.

AMENDMENTS PROPOSED
None.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Relating to the interception
 of Alaska salmon on the high seas
 Sponsor: Binkley, et al
 Requestor: Senator Binkley

Agency Affected: Fish and Game
 BRU: Commercial Fisheries
 Components: Commercial Fisheries
Special Projects

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						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks
 Division: Commissioner's Office
 Approved by Commissioner: *Donnell Belenewich*
 Agency: Fish and Game

Phone: 465-4100
 Date: 1/23/89
 Date: 1-23-89

Distribution (by preparer):

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

6-0440E
Utermohle
1/23/89

Original sponsors: Binkley, Jones,
Sturgulewski, et al.

1 IN THE SENATE

2 CS FOR SENATE JOINT RESOLUTION NO. 6 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the interception of Alaska
6 salmon and steelhead on the high seas.

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

8 WHEREAS salmon and steelhead are among Alaska's most important natural
9 resources and are a vital part of the commercial and sport fishing indus-
10 tries of the entire western coast of the United States that contribute
11 billions of dollars to the national economy each year; and

12 WHEREAS Alaska salmon and steelhead are fully utilized in domestic
13 fisheries, constitute the primary economic base of many coastal and river
14 communities in the state, are a principal component of the subsistence
15 economy of most villages in the state, and play a key role in the state's
16 developing tourist industry; and

17 WHEREAS high seas harvests of Alaska salmon defeat the state's careful
18 management program for salmon and the rebuilding program for wild stocks
19 and deprive the state of an economic return on its investment in the fish-
20 ing industry; and

21 WHEREAS some western Alaska salmon stocks are so severely depressed
22 that special conservation measures have been required, including the elim-
23 ination or severe reduction of certain directed commercial salmon fisheries
24 on the Yukon, Kuskokwim, and Tanana Rivers and possible additional restric-
25 tions on subsistence fisheries; and

26 WHEREAS the Yukon-Kuskokwim region in western Alaska is one of the
27 most economically disadvantaged areas in the United States, where commer-
28 cial fishing is the single most important source of cash income, yet pro-
29 duces an average of less than \$7,000 per fisherman per year; and

1 WHEREAS poor salmon runs in southeast Alaska in 1988, the increased
2 incidence of net marked salmon and steelhead, and recent reports of large
3 quantities of illegally harvested salmon being sold in Europe and Asia have
4 heightened public concern over high seas interceptions of salmon and steel-
5 head; and

6 WHEREAS the illegal harvest and sale of American salmon by foreign
7 fishing fleets are undercutting international sales of salmon harvested by
8 American fishermen and are having significant adverse economic and social
9 effects on the residents of Alaska, Washington, Oregon, Idaho, and Cali-
10 fornia; and

11 WHEREAS it is estimated that the Japanese land-based and mothership
12 fisheries alone could still be intercepting as many as 2,000,000 Alaska
13 salmon each year; and

14 WHEREAS the Japanese, Taiwanese, and South Korean squid fleets now
15 total more than 700 vessels, trail more than 10,000 miles of gillnet that
16 is just the right size to capture immature salmon on the high seas, and are
17 virtually unregulated and unmonitored; and

18 WHEREAS tens of thousands of marine mammals and hundreds of thousands
19 of seabirds die in these gillnets each year; and

20 WHEREAS Japan has asked the International North Pacific Fisheries
21 Commission to expand Japan's legal salmon fishing areas in the North
22 Pacific Ocean, to convert Japan's mothership fleet on the high seas to a
23 land-based fleet, and to extend the fishing areas of the Japanese squid
24 fleet farther north; and

25 WHEREAS Japan has asked the United States for permission to fish
26 within the United States Exclusive Economic Zone without having to obtain a
27 marine mammal permit, the issuance of which has been denied by the United
28 States Supreme Court and would otherwise require Congressional action; and

29 WHEREAS the United States and the Soviet Union have recently signed a
CSSJR 6()

1 comprehensive fisheries agreement that calls for joint cooperation in
2 conserving the salmon resources of both countries; and

3 WHEREAS the Soviet Union has said that elimination of the interception
4 of its salmon by foreign fishermen is one of its top priorities; and

5 WHEREAS the Magnuson Fisheries Conservation and Management Act, that
6 established the United States' authority over the 200-mile fishery conser-
7 vation zone, is due for reauthorization by the Congress in 1989; and

8 WHEREAS the Congress will be holding oversight hearings on the Drift-
9 net Impact Monitoring, Assessment, and Control Act of 1987 that required
10 negotiations with the governments of South Korea, Taiwan, and Japan for the
11 purpose of curbing illegal and unregulated squid fishing operations; and

12 WHEREAS current United States enforcement activities and observer
13 coverage in both the salmon and squid fisheries are minimal due to serious
14 budget cuts by the Congress;

15 BE IT RESOLVED that the Alaska State Legislature respectfully requests
16 the American section of the International North Pacific Fisheries Commis-
17 sion to hold firm in negotiating with the Japanese and to oppose expansion
18 of the Japanese salmon and squid fishing areas, as well as Japan's proposal
19 to convert its mothership fleet on the high seas to a land-based fleet; and
20 be it

21 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
22 quests the Congress to continue the current prohibition against the Japan-
23 ese fishing within the United States Exclusive Economic Zone; and be it

24 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
25 quests the United States Department of State to immediately begin negotiat-
26 ing a joint enforcement agreement with the Soviet Union in order to prevent
27 illegal fishing in the North Pacific Ocean; and be it

28 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
29 quests the United States Department of State to begin negotiating with all

1 the salmon producing countries for an international treaty that would ban
2 all high seas salmon fishing; and be it

3 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
4 quests the Congress to amend the Magnuson Fisheries Conservation and Man-
5 agement Act (16 U.S.C. 1801 - 1882) to ensure that United States jurisdic-
6 tion over American anadromous species on the high seas will be effectively
7 asserted to stop interception of salmon and steelhead on the high seas; and
8 be it

9 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
10 quests the United States Department of State and the Congress to take
11 whatever actions are necessary to control the illegal and unregulated
12 fishing activities of the South Korean, Taiwanese, and Japanese squid
13 fleets; and be it

14 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
15 quests the Congress to expand the Pelly Amendment to

16 (1) provide for sanctions against foreign nations whose fisher-
17 men intercept anadromous species on the high seas or who refuse to cooper-
18 ate with the United States in developing and enforcing international fish-
19 ing regulations to prevent interception of anadromous species on the high
20 seas; and

21 (2) include in the sanctions against those nations embargoes on
22 fisheries and other products imported from those nations; and be it

23 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
24 quests the Congress to provide continued funding for the United States high
25 seas observer program and other salmon research programs and to provide
26 funding for increased enforcement activity by the United States Coast
27 Guard.

28 COPIES of this resolution shall be sent to the Honorable George Bush,
29 President of the United States; the Honorable Dan Quayle, Vice-President of

1 the United States and President of the U.S. Senate; the Honorable James A.
2 Baker, III, U. S. Secretary of State; the Honorable Edward E. Wolfe, Amba-
3 sador for Fisheries and the Ocean, U. S. Department of State; the Honorable
4 Robert A. Mosbacher, U. S. Secretary of Commerce; William E. Evans, Admin-
5 istrator, National Oceanic and Atmospheric Administration, U.S. Department
6 of Commerce; the Honorable George J. Mitchell, U. S. Senate Majority Lead-
7 er; the Honorable Jim Wright, Speaker of the U. S. House of Representa-
8 tives; the Honorable George Deukmejian, Governor of the State of Califor-
9 nia; the Honorable Leo T. McCarthy, President of the Senate of the State of
10 California; the Honorable Willie Lewis Brown, Jr., Speaker of the Assembly
11 of the State of California; the Honorable Cecil D. Andrus, Governor of the
12 State of Idaho; the Honorable C.L. Otter, President of the Senate of the
13 State of Idaho; the Honorable Tom Boyd, Speaker of the House of Representa-
14 tives of the State of Idaho; the Honorable Neil Goldschmidt, Governor of
15 the State of Oregon; the Honorable John Kitzhaber, President of the Senate
16 of the State of Oregon; the Honorable Vera Katz, Speaker of the House of
17 Representatives of the State of Oregon; the Honorable Booth Gardner, Gover-
18 nor of the State of Washington; the Honorable Joel Pritchard, President of
19 the Senate of the State of Washington; the Honorable Joseph E. King, Speak-
20 er of the House of Representative of the State of Washington; and to the
21 Honorable Ted Stevens and the Honorable Frank Murkcwski, U.S. Senators, and
22 the Honorable Don Young, U.S. Representative, members of the Alaska delega-
23 tion in Congress.

see P. 3
l. 5-15

Danny

WORK DRAFT

WORK DRAFT

WORK DRAFT

6-0440H ✓
Utermohle
1/23/89

Original Sponsors: Binkley, Jones,
Sturgulewski, et al.

1 IN THE SENATE

2 CS FOR SENATE JOINT RESOLUTION NO. 6 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the interception of Alaska
6 salmon and steelhead on the high seas.

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

8 WHEREAS salmon and steelhead are among Alaska's most important natural
9 resources and are a vital part of the commercial and sport fishing indus-
10 tries of the entire western coast of the United States that contribute
11 billions of dollars to the national economy each year; and

12 WHEREAS Alaska salmon and steelhead are fully utilized in domestic
13 fisheries, constitute the primary economic base of many coastal and river
14 communities in the state, are a principal component of the subsistence
15 economy of most villages in the state, and play a key role in the state's
16 developing tourist industry; and

17 WHEREAS high seas harvests of Alaska salmon defeat the state's careful
18 management program for salmon and the rebuilding program for wild stocks
19 and deprive the state of an economic return on its investment in the fish-
20 ing industry; and

21 WHEREAS some western Alaska salmon stocks are so severely depressed
22 that special conservation measures have been required, including the elim-
23 ination or severe reduction of certain directed commercial salmon fisheries
24 on the Yukon, Kuskokwim, and Tanana Rivers, and ~~possible~~ additional restric-
25 tions on subsistence fisheries; and
maybe required.

26 WHEREAS the Yukon-Kuskokwim region in western Alaska is one of the
27 most economically disadvantaged areas in the United States, where commer-
28 cial fishing is the single most important source of cash income, yet pro-
29 duces an average of less than \$7,000 per fisherman per year; and

1 WHEREAS poor salmon runs in southeast Alaska in 1988, the increased
 2 incidence of net marked salmon and steelhead, and recent reports of large
 3 quantities of illegally harvested salmon being sold in Europe and Asia have
 4 heightened public concern over high seas interception of salmon and steel-
 5 head; and

6 WHEREAS the illegal harvest and sale of American salmon by foreign
 7 fishing fleets are undercutting international sales of salmon harvested by
 8 American fishermen and are having significant adverse economic and social
 9 effects on the residents of Alaska, Washington, Oregon, Idaho, and Cali-
 10 fornia; and

11 WHEREAS it is estimated that the Japanese land-based and mothership
 12 fisheries alone could still be intercepting as many as 2,000,000 Alaska
 13 salmon each year; and

14 WHEREAS the Japanese, Taiwanese, and South Korean squid fleets now
 15 total more than 700 vessels, trail more than 10,000 miles of gillnet that
 16 is just the right size to capture immature salmon on the high seas, and are
 17 virtually unregulated and unmonitored; and

18 WHEREAS tens of thousands of marine mammals and hundreds of thousands
 19 of seabirds die in these gillnets each year; and

20 WHEREAS Japan has asked the International North Pacific Fisheries
 21 Commission to expand Japan's legal salmon fishing areas in the North
 22 Pacific Ocean, to convert Japan's mothership fleet on the high seas to a
 23 land-based fleet, (and to extend the fishing areas of the Japanese squid
 24 fleet farther north); and

*was informed the U.S. that Japan intends to
 do - not correct. Japan has informed*

25 WHEREAS Japan has asked the United States for permission to fish
 26 within the United States Exclusive Economic Zone without having to obtain a
 27 marine mammal permit, ~~the issuance of which has been denied by the United~~
 28 States Supreme Court ~~and would otherwise require Congressional action~~, and

29 WHEREAS the United States and the Soviet Union have recently signed a
 CSSJR 6 () *for 2 that Re-Commerce Dept did not have
 the authority to issue marine mammal permit to*

allow for the accidental take of
Maurice mammals

whereas
the court
held that

Whereas Japan has been
denied permission to fish
within the U.S. ~~and~~ Exclusive
Economic Zone as a result of
a federal court decision; ~~and~~
~~it is held~~ that the Department of
Commerce ~~did~~ ^{did} not have the
authority to issue permits
allowing for the incidental take
of depleted marine mammals,
~~and that a congressional grant~~
~~of authority is necessary to~~
~~allow for it;~~

House Resources

1 comprehensive fisheries agreement that calls for joint cooperation in
2 conserving the salmon resources of both countries; and

3 WHEREAS the Soviet Union has said that elimination of the interception
4 of its salmon by foreign fishermen is one of its top priorities; and

5 WHEREAS customary international law ^{generally} prohibits nations from harvesting
6 anadromous species on the high seas [unless economic dislocation would
7 result]; and

8 WHEREAS the harvest of nonanadromous species can be accomplished
9 without the harvest of anadromous species, and the cessation of high seas
10 interception of salmon and steelhead stocks can be accomplished without
11 causing economic dislocation; and

12 WHEREAS customary international law recognizes that all nations have a
13 duty to cooperate in conserving fish stocks on the high seas, including
14 salmon and steelhead stocks; and

15 WHEREAS the Magnuson Fisheries Conservation and Management Act, that
16 established the United States' authority over the 200-mile fishery conser-
17 vation zone, is due for reauthorization by the Congress in 1989; and

18 WHEREAS the Congress will be holding oversight hearings on the Drift-
19 net Impact Monitoring, Assessment, and Control Act of 1987 that required
20 negotiations with the governments of South Korea, Taiwan, and Japan for the
21 purpose of curbing illegal and unregulated squid fishing operations; and

22 WHEREAS current United States enforcement activities and observer
23 coverage in both the salmon and squid fisheries are minimal due to serious
24 budget cuts by the Congress;

25 BE IT RESOLVED that the Alaska State Legislature respectfully requests
26 the American section of the International North Pacific Fisheries Commis-
27 sion to hold firm in negotiating with the Japanese and to oppose expansion
28 of the Japanese salmon and squid fishing areas, as well as Japan's proposal
29 to convert its mothership fleet on the high seas to a land-based fleet; and

not to allow

Violate Int. Whaling Convention

1 be it

2 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
3 quests the Congress to continue the current prohibition against the Japan-
4 ese fishing within the United States Exclusive Economic Zone; and be it

5 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
6 quests the United States Department of State to immediately begin negotiat-
7 ing a joint enforcement agreement with the Soviet Union, *and other cooperating countries* in order to prevent
8 illegal fishing in the North Pacific Ocean; and be it

9 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
10 quests the United States Department of State to begin negotiating with all
11 the salmon producing countries for an international treaty that would ban
12 all high seas salmon fishing; and be it

13 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
14 quests the Congress to amend the Magnuson Fisheries Conservation and Man-
15 agement Act (16 U.S.C. 1801 - 1882) to ensure that United States jurisdic-
16 tion over American anadromous species on the high seas will be effectively
17 *asserted* to stop interception of salmon and steelhead on the high seas; and
18 be it

19 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
20 quests the United States Department of State and the Congress to take
21 whatever actions are necessary to control the illegal and unregulated
22 fishing activities of the South Korean, Taiwanese, and Japanese squid
23 fleets; and be it

24 FURTHER RESOLVED that the Alaska State Legislature respectfully
25 requests the Congress to expand the Pelly Amendment to

26 (1) provide for sanctions against foreign nations whose fisher-
27 men intercept anadromous species on the high seas or who refuse to cooper-
28 ate with the United States in developing and enforcing international fish-
29 ing regulations to prevent interception of anadromous species on the high

1 seas; and

2 (2) include in the sanctions against those nations embargoes on
3 fisheries and other products imported from those nations; and be it

4 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
5 quests the Congress to provide continued funding for the United States high
6 seas observer program and other salmon research programs and to provide
7 funding for increased enforcement ^{of high seas conservation agreements} ~~activity~~ by the United States Coast
8 Guard.

9 COPIES of this resolution shall be sent to the Honorable George Bush,
10 President of the United States; the Honorable Dan Quayle, Vice-President of
11 the United States and President of the U.S. Senate; the Honorable James A.
12 Baker, III, U. S. Secretary of State; the Honorable Edward E. Wolfe, Amba-
13 sador for Fisheries and the Ocean, U. S. Department of State; the Honorable
14 Robert A. Mosbacher, U. S. Secretary of Commerce; William E. Evans, Admin-
15 istrator, National Oceanic and Atmospheric Administration, U.S. Department
16 of Commerce; the Honorable George J. Mitchell, U. S. Senate Majority Lead-
17 er; the Honorable Jim Wright, Speaker of the U. S. House of Representa-
18 tives; the Honorable George Deukmejian, Governor of the State of Califor-
19 nia; the Honorable Leo T. McCarthy, President of the Senate of the State of
20 California; the Honorable Willie Lewis Brown, Jr., Speaker of the Assembly
21 of the State of California; the Honorable Cecil D. Andrus, Governor of the
22 State of Idaho; the Honorable C.L. Otter, President of the Senate of the
23 State of Idaho; the Honorable Tom Boyd, Speaker of the House of Representa-
24 tives of the State of Idaho; the Honorable Neil Goldschmidt, Governor of
25 the State of Oregon; the Honorable John Kitzhaber, President of the Senate
26 of the State of Oregon; the Honorable Vera Katz, Speaker of the House of
27 Representatives of the State of Oregon; the Honorable Booth Gardner, Gover-
28 nor of the State of Washington; the Honorable Joel Pritchard, President of
29 the Senate of the State of Washington; the Honorable Joseph E. King,

1 Speaker of the House of Representative of the State of Washington; and to
2 the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators,
3 and the Honorable Don Young, U.S. Representative, members of the Alaska
4 delegation in Congress.

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Utermohle
1/24/89

Original sponsors: Binkley, Jones,
Sturgulewski, et al.

1 IN THE SENATE BY THE RESOURCES COMMITTEE
 2 CS FOR SENATE JOINT RESOLUTION NO. 6 (Resources)
 3 IN THE LEGISLATURE OF THE STATE OF ALASKA
 4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 Relating to the interception of Alaska
6 salmon and steelhead on the high seas.

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

8 WHEREAS salmon and steelhead are among Alaska's most important natural
9 resources and are a vital part of the commercial and sport fishing indus-
10 tries of the entire western coast of the United States that contribute
11 billions of dollars to the national economy each year; and

12 WHEREAS Alaska salmon and steelhead are fully utilized in domestic
13 fisheries, constitute the primary economic base of many coastal and river
14 communities in the state, are a principal component of the subsistence
15 economy of most villages in the state, and play a key role in the state's
16 developing tourist industry; and

17 WHEREAS high seas harvests of Alaska salmon defeat the state's careful
18 management program for salmon and the rebuilding program for wild stocks
19 and deprive the state of an economic return on its investment in the fish-
20 ing industry; and

21 WHEREAS some western Alaska salmon stocks are so severely depressed
22 that special conservation measures have been required, including the elim-
23 ination or severe reduction of certain directed commercial salmon fisheries
24 on the Yukon, Kuskokwim, and Tanana Rivers, and possible additional restric-
25 tions on subsistence fisheries; ^{may be required} and

26 WHEREAS the Yukon-Kuskokwim region in western Alaska is one of the
27 most economically disadvantaged areas in the United States, where commer-
28 cial fishing is the single most important source of cash income, yet pro-
29 duces an average of less than \$7,000 per fisherman per year; and

1 Speaker of the House of Representative of the State of Washington; and to
2 the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators,
3 and the Honorable Don Young, U.S. Representative, members of the Alaska
4 delegation in Congress.
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1 seas; and

2 (2) include in the sanctions against those nations embargoes on
3 fisheries and other products imported from those nations; and be it

4 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
5 quests the Congress to provide continued funding for the United States high
6 seas observer program and other salmon research programs and to provide
7 funding for increased enforcement of high seas conservation agreements by
8 the United States Coast Guard.

9 COPIES of this resolution shall be sent to the Honorable George Bush,
10 President of the United States; the Honorable Dan Quayle, Vice-President of
11 the United States and President of the U.S. Senate; the Honorable James A.
12 Baker, III, U. S. Secretary of State; the Honorable Edward E. Wolfe, Amba-
13 sador for Fisheries and the Ocean, U. S. Department of State; the Honorable
14 Robert A. Mosbacher, U. S. Secretary of Commerce; William E. Evans, Admin-
15 istrator, National Oceanic and Atmospheric Administration, U.S. Department
16 of Commerce; the Honorable George J. Mitchell, U. S. Senate Majority Lead-
17 er; the Honorable Jim Wright, Speaker of the U. S. House of Representa-
18 tives; the Honorable George Deukmejian, Governor of the State of Califor-
19 nia; the Honorable Leo T. McCarthy, President of the Senate of the State of
20 California; the Honorable Willie Lewis Brown, Jr., Speaker of the Assembly
21 of the State of California; the Honorable Cecil D. Andrus, Governor of the
22 State of Idaho; the Honorable C.L. Otter, President of the Senate of the
23 State of Idaho; the Honorable Tom Boyd, Speaker of the House of Representa-
24 tives of the State of Idaho; the Honorable Neil Goldschmidt, Governor of
25 the State of Oregon; the Honorable John Kitzhaber, President of the Senate
26 of the State of Oregon; the Honorable Vera Katz, Speaker of the House of
27 Representatives of the State of Oregon; the Honorable Booth Gardner, Gover-
28 nor of the State of Washington; the Honorable Joel Pritchard, President of
29 the Senate of the State of Washington; the Honorable Joseph E. King,

1 be it

2 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
3 quests the Congress not to allow the Japanese to fish for salmon and steel-
4 head within the United States Exclusive Economic Zone; and be it

5 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
6 quests the United States Department of State to ~~immediately begin negotiat-~~
7 ~~ing a joint enforcement agreement with the Soviet Union and other cooperating countries~~ in order to prevent
8 illegal fishing in the North Pacific Ocean; and be it

9 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
10 quests the United States Department of State to begin negotiating with all
11 the salmon producing countries for an international treaty that would ban
12 all high seas salmon fishing; and be it

13 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
14 quests the Congress to amend the Magnuson Fisheries Conservation and Man-
15 agement Act (16 U.S.C. 1801 - 1882) to ensure that United States jurisdic-
16 tion over American anadromous species on the high seas will be effectively
17 enforced to stop interception of salmon and steelhead on the high seas; and
18 be it

19 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
20 quests the United States Department of State and the Congress to take
21 whatever actions are necessary to control the illegal and unregulated
22 fishing activities of the South Korean, Taiwanese, and Japanese squid
23 fleets; and be it

24 FURTHER RESOLVED that the Alaska State Legislature respectfully re-
25 quests the Congress to expand the Pelly Amendment to

26 (1) provide for sanctions against foreign nations whose fisher-
27 men intercept anadromous species on the high seas or who refuse to cooper-
28 ate with the United States in developing and enforcing international fish-
29 ing regulations to prevent interception of anadromous species on the high

1 WHEREAS the United States and the Soviet Union have recently signed a
2 comprehensive fisheries agreement that calls for joint cooperation in
3 conserving the salmon resources of both countries; and

4 WHEREAS the Soviet Union has said that elimination of the interception
5 of its salmon by foreign fishermen is one of its top priorities; and

6 WHEREAS customary international law generally prohibits nations from
7 harvesting anadromous species on the high seas; and

8 WHEREAS the harvest of nonanadromous species can be accomplished
9 without the harvest of anadromous species, and the cessation of high seas
10 interception of salmon and steelhead stocks can be accomplished without
11 causing economic dislocation; and

12 WHEREAS customary international law recognizes that all nations have a
13 duty to cooperate in conserving fish stocks on the high seas, including
14 salmon and steelhead stocks; and

15 WHEREAS the Magnuson Fisheries Conservation and Management Act, that
16 established the United States' authority over the 200-mile fishery conser-
17 vation zone, is due for reauthorization by the Congress in 1989; and

18 WHEREAS the Congress will be holding oversight hearings on the Drift-
19 net Impact Monitoring, Assessment, and Control Act of 1987 that required
20 negotiations with the governments of South Korea, Taiwan, and Japan for the
21 purpose of curbing illegal and unregulated squid fishing operations; and

22 WHEREAS current United States enforcement activities and observer
23 coverage in both the salmon and squid fisheries are minimal due to serious
24 budget cuts by the Congress;

25 BE IT RESOLVED that the Alaska State Legislature respectfully requests
26 the American section of the International North Pacific Fisheries Commis-
27 sion to hold firm in negotiating with the Japanese and to oppose expansion
28 of the Japanese salmon and squid fishing areas, as well as Japan's proposal
29 to convert its mothership fleet on the high seas to a land-based fleet; and

1 WHEREAS poor salmon runs in southeast Alaska in 1988, the increased
2 incidence of net marked salmon and steelhead, and recent reports of large
3 quantities of illegally harvested salmon being sold in Europe and Asia have
4 heightened public concern over high seas interception of salmon and steel-
5 head; and

6 WHEREAS the illegal harvest and sale of American salmon by foreign
7 fishing fleets are undercutting international sales of salmon harvested by
8 American fishermen and are having significant adverse economic and social
9 effects on the residents of Alaska, Washington, Oregon, Idaho, and Cali-
10 fornia; and

11 WHEREAS it is estimated that the Japanese land-based and mothership
12 fisheries alone could still be intercepting as many as 2,000,000 Alaska
13 salmon each year; and

14 WHEREAS the Japanese, Taiwanese, and South Korean squid fleets now
15 total more than 700 vessels, trail more than 10,000 miles of gillnet that
16 is just the right size to capture immature salmon on the high seas, and are
17 virtually unregulated and unmonitored; and

18 WHEREAS tens of thousands of marine mammals and hundreds of thousands
19 of seabirds die in these gillnets each year; and

20 WHEREAS Japan has asked the International North Pacific Fisheries
21 Commission to expand Japan's legal salmon fishing areas in the North
22 Pacific Ocean and convert Japan's mothership fleet on the high seas to a
23 land-based fleet and has informed the United States that Japan intends to
24 extend the fishing areas of the Japanese squid fleet farther north; and

25 WHEREAS Japan has been denied permission to fish within the United
26 States Exclusive Economic Zone as a result of a federal court decision that
27 held that the United States Department of Commerce did not have the author-
28 ity to issue permits allowing the incidental take of depleted marine
29 mammals; and

Text
of
Proposed Amendment
to the
Magnuson Fishery Conservation and Management Act

The following proposed amendment was unanimously adopted by the North Pacific Fishery Management Council on Wednesday, January 18, 1989. The proposal will be submitted to the Council Chairmen's Meeting late this week. It is hoped the Council Chairmen will unanimously support the proposal.

The proposal would add a new subparagraph (7) to subsection (b), entitled "PURPOSES", of Section 2, "FINDINGS, PURPOSES AND POLICY". The proposal reads:

"(7) To eliminate the interception of United States anadromous salmon and steelhead species in the waters beyond the Exclusive Economic Zone in order to effectively protect and enhance the social, economic and conservation needs and benefits of United States origin salmon and steelhead."

Magnuson Act. June

HIGH SEAS SALMON INTERCEPTION
Background Summary

ISSUE

Interception of Alaskan salmon stocks by high seas foreign fishing fleets is having major political and economic impacts on the Alaskan fishing industry. The state can play an important role in resolving this ongoing problem.

BACKGROUND-HISTORY

General

- A. Alaskan salmon migrations-general life history
 - 1. 0-3 years freshwater
 - 2. 1-5 years ocean
 - a. Far ranging ocean migrations
 - b. Susceptible to high seas harvest within and outside U.S. and USSR 200 mile zones
 - c. Order of susceptibility generally: chinook, sockeye, coho, steelhead, chum, pink
- B. Earliest record of interceptions: 1930s Japanese incursions into entrance of Bristol Bay
- C. Development of Japanese high seas salmon fisheries
 - 1. Early Fisheries onshore in Siberia, Kurile Islands
 - 2. Forced offshore in 1920s
 - 3. Cessation of fishing in WWII
 - 4. 1950s strong offshore movement/development
 - a. Total catches as high as 100 million salmon in early 1950s
 - b. Mothership fishery - Northern North Pacific and Bering Seas. 16 motherships, 400 catcher boats peak effort in 1959
 - c. Landbased fishery - North Pacific. 371 independent offshore vessels at peak in 1975
 - d. Vessels fish about ten miles of net per boat

INPFC

- A. International North Pacific Fisheries Convention signed in 1952 - US/Canada/Japan
 - 1. Abstention line (eastern boundary) at 175°W to protect North American salmon (Map A)
 - 2. Consensus required for change

B. 1952 to 1978 minimal change without Japanese concurrence

1. Scientific studies established North American stocks to west of 175°W
2. High seas gillnets dropout rate of 50 percent not reported as catch
3. Harvest of many immature salmon and even matures well short of growth potential
4. Impacts on Alaskan runs may have been as high as 10,000,000 fish per year
5. Primary known impacts on western Alaska coho and chinook, Bristol Bay sockeye and central Alaska chinook
6. In the case of western Alaska coho high seas catch may have exceeded inshore catch in some years

C. 1978 renegotiation

1. Moved Japanese fleets west over 400 miles (Map B)
2. 200 mile limit impetus
3. May have reduced interceptions as much as 70-80 percent. Some inshore runs showed dramatic increases even beyond what would be explained by better survival picture experienced throughout Alaska
4. Continuing impacts - maybe 2,000,000 fish per year
 - a. Western and central Alaska chinook
 - b. Central and western Alaska coho - reduced from prior years
 - c. Bristol Bay sockeye - although greatly reduced from prior years
 - d. Steelhead
 - e. Illegal fishing - landbased, mothership

D. 1986 renegotiation (Map B)

1. Bering Seas (donut) phaseout by 1994
2. Freeze on effort in U.S. EEZ
3. Landbased 1° line movement and enforcement
4. Research and monitoring provisions - mothership observers
5. Provisions for renegotiation
6. Would have reduced remaining interceptions by about 20 percent by 1994 if enforced, but chinook interceptions would be cut by one-half. Actually Soviet quota reductions and current ban on fishing in U.S. EEZ if INPFC guidelines are retained will have reduced remaining interceptions by 80 percent or to about 5 percent of what was occurring pre-1978.

E. Current and future status

1. Marine mammal suit - ban on EEZ fishery
 - a. Japanese threats - INPFC withdrawal (?)
 - b. Alternate fishing areas request
2. MMPA reauthorization
 - a. Request for foreign exemption
 - b. Quid pro quos
 - c. Environmentalist interests - cooperative opportunities
3. Mothership - landbased economic/political situation. Mothership; fishery may be economically defunct but landbased still viable and a strong political force on Japan.

USSR - GOJ Salmon

A. Treaty since 1956, annual negotiations

1. Initially regulated areas, times, gear
2. Evolved to quotas by species by fishery in mid-1970s
3. Banned fishing in USSR 200 mile zone in 1977
4. Bans fishing in some areas outside USSR 200 mile
5. Total quota reduced to only 14.5 million salmon in 1988 compared to longer term historical catches in the 40-to-65-million range
6. Charged Japan for fishing privileges (\$26.8 million in 1988)

B. Current Impacts

1. Quotas are for all salmon - North American and Asian not differentiated
2. Quotas dramatically reduced 1985-1988 to about 20 percent in mothership, 70 percent in landbased
3. Mothership fleet reduced from a high of 16 motherships and 400 catcherboats in 1959 to one mothership and 43 catcherboats in 1988
4. Landbased fleet reduced from 371 offshore vessels in 1975 to 157 in 1988
5. New Joint venture strategies
 - a. Processing for USSR catcherboats
 - b. Hatchery joint construction and harvesting

US/USSR GIFA

- A. Negotiated spring 1988, will be ratified in November

- B. Provides for consultative committee member and alternate each side. Meet at least annually
- C. Article VII deals with salmon
 - 1. Cooperation in management of high seas fisheries
 - 2. Agree on undesirability of high seas fisheries
- D. Reciprocal fishing agreements
 - 1. Paves the way for industry ventures in each others zones
 - 2. Crab ventures in USSR EEZ being planned
- E. Provides for management cooperation in other high seas fisheries management
 - 1. Donut
 - 2. Squid fisheries

Donut Fisheries

- A. Trawl harvests have expanded from nothing to nearly 1,300,000 mt (reported) in last four years
- B. Observed illegal fishing in U.S. EEZ from vessels supposedly operating in international waters of donut. Total catch may be underestimated - little or no monitoring
- C. Observer data on donut trawl very fragmentary
 - 1. No herring observed
 - 2. Salmon bycatch rates quite variable. Mainly chinook
 - a. Number of observations minimal
 - b. Expansion of samples to total chinook catch results in 2,000- 0,000/year total in five of six years and 200,000 in 1988 (small sample)
 - c. Impacts could be significant
- D. Sitka multilateral pollock science conference
 - 1. Inconclusive on donut stock composition as far as any consensus between nations
 - 2. In our view, data sufficient for management conclusions
 - a. Most probably major stock interactions between U.S. EEZ and donut

- b. Present level of harvests will probably have a negative effect on U.S. fisheries and EEZ pollock stocks
- c. There is a need for more research to better define pollock biomass and stock migrations

Squid Fisheries

- A. Japanese jig fisheries in western North Pacific are longstanding with little interaction with U.S. EEZ resources. Jig fisheries moved offshore in 1974
- B. Japanese gillnet vessels proliferated to around 500 in last ten years largely based on transfers from mothership and landbased fleets as Soviet quotas decreased
 - 1. Korea and Taiwan later entries - 1980 and 1982 respectively
 - 2. Over 700 vessels total with over 10,000 miles of gillnet of a size which will capture salmon
 - 3. Know fishing area larger than the continental U.S. (Map C)
 - 4. Squid catches with drift gillnets average 180,000-260,000 metric tons per year
- C. Japanese management - domestic regulation
 - 1. Area fishing restrictions with western boundary at 145°W and northern boundary movable by month to keep vessels out of colder salmon waters. 46°N is upper boundary
 - 2. Ban on retention or sale of salmon
 - 3. No evidence of significant salmon bycatch or retention
 - a. Little observer data. Plans for expanded coverage cancelled when Japan denied mothership MMPA permit for 1988
 - b. Only fragmentary observations of landings in Japan. No salmon observed
 - c. Many observations of illegal fishing north of boundary even with minimal U.S. observation capability
 - d. Domestic enforcement minimal
- D. Taiwanese management - domestic regulation
 - 1. Under U.S. pressure adopted generally same regulations as Japan
 - 2. No enforcement we are aware of
 - 3. Many indications of illegal salmon catch and sale

- a. Same fleet mounted a directed salmon fishery in Asian waters three and four years ago. Three to four million catch per year. Japanese banned Taiwanese salmon imports
- b. Major Hong Kong/Singapore illegal transshipment through Tacoma to Japan of salmon probably caught by Taiwanese fleets uncovered three years ago, about 4,000,000 pounds were involved, mostly chums
- c. Unspecified origin coho on European market
- d. Very few observations of Taiwanese fishing - fleet operation an unknown

E. Korean management

1. No known regulations
2. Are cooperating to some degree on observers
3. One observer trip recently - no salmon, but significant catches of albacore and billfish

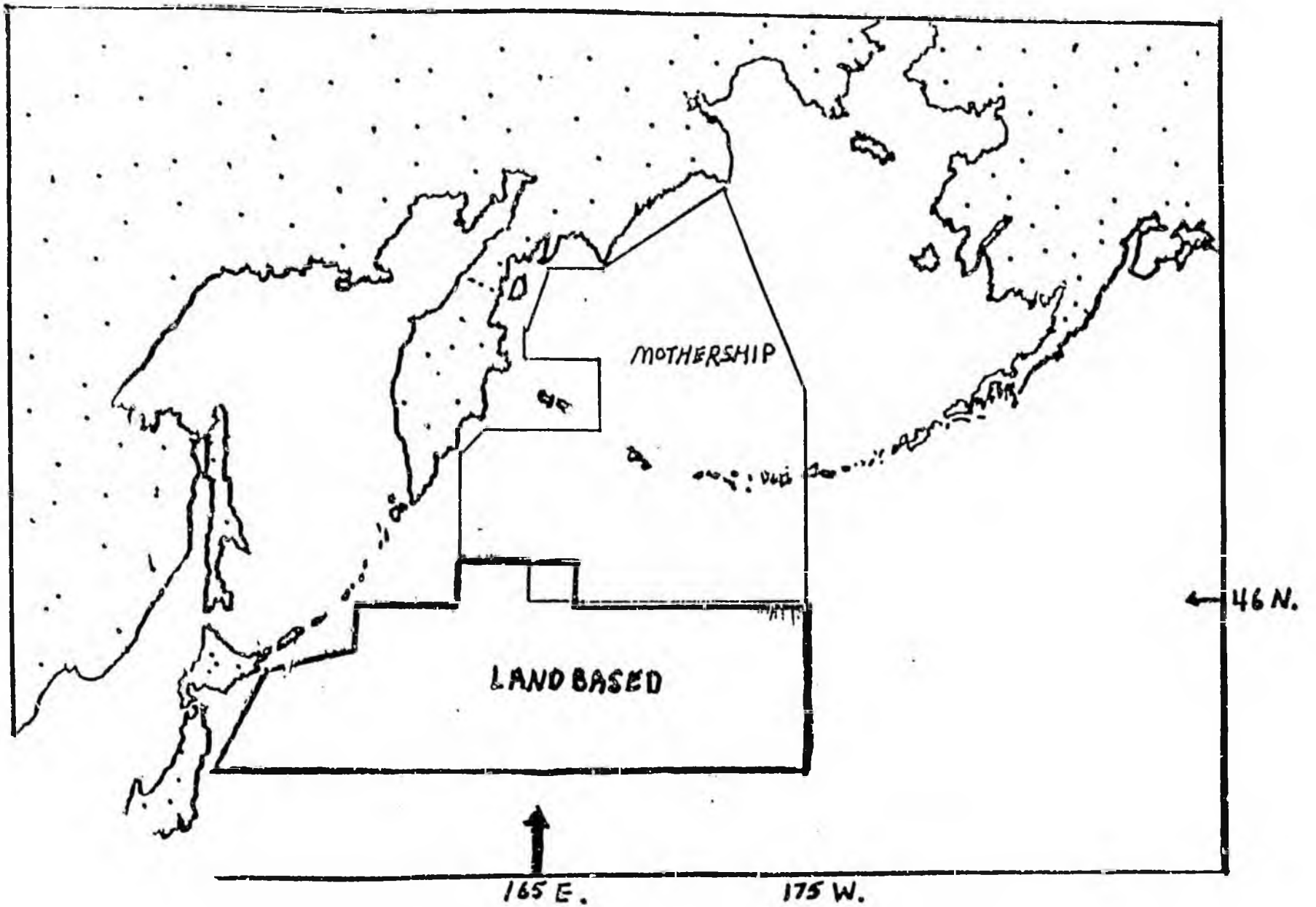
F. Squid - salmon overlaps

1. Definitely area of overlap on northern boundary
2. Generally Japanese regulations would be acceptable if enforced
3. 1988 salmon run problems in some areas of Alaska have heightened interest in interceptions
 - a. Reports of net marked fish in Bristol Bay
 - b. Southeast coho run shortfall
 - c. USCG budget cuts, minimal patrol - feeling that squid fleets could be fishing anywhere

G. Driftnet legislation

1. Passed by Congress last spring. Stevens a prime sponsor
2. Requires Secretary of Commerce to negotiate observers, monitoring and research programs by 1989 or foreign nations can be sanctioned under Pelly Amendment
3. Talks with Korean and Taiwan scheduled for this fall
4. Japanese not indicating interest

Map A Japanese High Seas Salmon Fisheries 1952-1977



Map B
Japanese High Seas Salmon Fisheries

----- 200 mile zone
——— 1959-1976 Japanese high seas salmon fisheries
..... 1978-85 Japanese high seas salmon fisheries

