

BOARD of FISH RC Proposal Comments: Bristol Bay  
Committee Of The Whole - Group 1 - Naknek River  
Specific - Proposals 47,48,49,50,51,52,53,54,55,56,  
57,58,59,60,61 and 62.

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Comments Made By:

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Preface; These comments are made as a follow up to my November 14 initial comments and are focused on specific proposal content along with response to ADF&G Staff comments and public comments.

Background; I have lived in King Salmon since 1974 operating a sport fishing business from a traditional fish camp beginning in 1976. My wife and I made this our home for many of those years. We raised our son in this location on the Naknek. I also work as a hunting guide on the Alaska Peninsula and Kodiak Island. I have served on the Naknek/Kvichack Fish & Game Advisory Committee continually for approaching 40 years and have attended many BOF and BOG meetings over those years shepherding many proposals through the process. Additionally, I worked twenty years as a hunting guide representative to the Alaska State Legislature and the Big Game Commercial Service Board. I am very familiar with constitutional, statutory and regulatory limitations as it relates to allocation of opportunity to utilize wildlife resources. Lastly, I am very familiar with the regulatory history, fish stock management and human utilization of the Naknek River. And I learn more every year.

The regulation package as submitted by the Naknek/Kvichack AC along with some of the other Naknek specific proposals reflect years of increasing concern not just by guides but by individual residents of the state. The AC proposals were crafted over a period years beginning prior to this cycle and done so with input from people who truly believe that we are at a critical juncture in the management of this fishery. THE SITUATION ON THE NAKNEK RIVER IS NOT OK - not for the fish stocks or the people who seek to utilize them.

I am compelled to express my frustration and disappointment with some ADF&G staff who have not been helpful in providing timely information, spending virtually no time on the Naknek or it's tributaries in the last fifteen years,

have not monitored King escapement at all in over ten years, have not attended or participated in extremely important AC meetings, and in their staff proposal comments are almost entirely dismissive of nearly all of the proposed regulations. In all my work in AC and Board process over the years I have never experienced anything like this...hardly a positive way to set the tone for what I hope will be better interaction at this meeting.

I must also offer a special Thanks to Tryran O'conner Brito and Glen Haight who have been very helpful in providing myself and others with timely information required for participation in this Board cycle.

#### Proposal Comments

- #47 Our AC voted to take no action on this proposal since the Plan criteria and policies are already included in statewide regulations. Adoption of the plan would create redundant regulations according to ADF&G. Please note that in my November 14 comments I stated that Policy I talks about maintaining the historic size and age composition of Rainbow Trout Populations. That's what we want to do on the Naknek. Policy II references Special Management (e.g. catch and release) so this should support rod limits and elimination of chumming. All those actions are "Special Management" to comply with Policy I. Policy III isn't a problem either. Any reference to maximum recreational opportunity are conditioned by Policy III language referencing "prudent use" of fishery resources as well as recognition of the "intrinsic value" of fisheries resources to Alaska residents. What is happening on the Naknek now is not "prudent use".
- #48 Our AC voted to adopt this proposal to add protection of stocks during the spawning season. I personally have no objection to this believing any relief to Rainbow stocks at this point would be helpful especially during spawning season. Many locals and guides suggested closing the spring season altogether. I do not believe this is necessary IF the AC package of proposals were adopted however. There can be opportunity for everyone if the level of effort is regulated.
- #49 This is an AC proposal which is simple. Nonresidents may not retain Rainbow Trout. How can this be detrimental? Staff's position in opposition stating that it would increase "complexity of regulations" and reduce opportunity is really weak. What?...the cost of

the ink to print it in the regs? Additionally, log book retention data has to be put into question...To the extent that any of the log book data can be believed how can you show a ten year catch average of over 22,000 annually most of which occurs in a six mile stretch of river and show less than 50 Rainbows harvested annually? Not reporting or under reporting in an essentially un-enforced fishery is endemic. Many individuals have admitted this to me. Fear of more restrictive regulation serves as an incentive for many people not to report or under report especially in an overcrowded fishery.

- #50 The proposed regulation would close the spring fishery to guiding. Our AC recommended no action. Many people including some guides support this. Once again, If the AC package of Proposals were adopted, this would not be necessary. The AC proposals would among other things, regulate the level of effort reducing net biological effects on the resource, allow for measured participation by commercial entities and greatly improve the quality of experience for everyone. If the AC proposals are not adopted, then this proposal would have some merit but not enough to address the major over crowding during the summer and fall seasons.
- #51 This proposal would regulate guided effort which underscores the recognition that there is a very real problem especially as regards quality of experience. The formula outlined here appears to be a "closed" system relying on a series of evaluation criteria to measure out the number of permits available to each participant. This enters the realm of a "limited entry" program which is likely outside constitutional bounds. It would also be complicated to implement and administer. The idea of regulating access in the interest of protecting the resource and enhancing the quality of experience is a good one however. The AC rod limit proposals in conjunction with the other AC proposals will address this problem.
- #52 This is an AC proposal which would allocate access among commercial service providers - not just guides - by setting rod limits. Several years of thought and discussion went into crafting this proposal. The regulation is designed to protect the fish stocks and recover the quality of experience in the fishery which has been lost due to the intense level of effort on this portion of the river. As mentioned earlier, this is entirely consistent with the policies of the Rainbow

Management Plan especially as it relates to "prudent use" and preserving the "intrinsic value" of the fishery"

Contrary to the assertion of a few people, This is not in any way a "limited entry system". There are no limitations on the number of business entities who may participate. Instead, it would allocate opportunity or, regulate the level of effort. The proposal sets a 4 rod limit per commercial entity at any one time. Any existing commercial entity along with new entrants would be eligible to participate. Currently there is a disproportionate level of effort with a handfull of operators glutting the river with guided and unguided (transported) clients and who do so without any regard for other users. Courtesy and ethics are not considered important resulting in conflicts in the field and no spacial distribution of effort. The quality of experience has been reduced to "combat" fishing and this is extremely detrimental to the future economic viability of providing a quality experience and constricts local resident participation. Time and area closures for commerecial service providers may be a partial solution but they will inevitably compound the problem when they are allowed (more on this later).

Staff opposes the proposal primarily on the grounds that log book data does not support the need for change. As I have stated, the log book data is incomplete due to under reporting and no reporting. Futhermore, it does not account for "self guided" effort at all which now constitutes a major portion of the effort on the Naknek in both the Rainbow and Salmon fisheries. Lodge operations are "transporting" anglers to specific locations to let them fish on their own often times while they sit in the skiff and are presumably not guiding. This must be addressed!

I am submitting some suggested language to amend proposals 52 and 60 (rod limits) which is necessary to susinctly define all commercial service providers and stipulate who can do what. I requested help with this from Board Support and was told to bring my suggestions to the meeting where they could be properly written. This has been done in the hunting guide regulations which includes transporters and other commercial service providers. They are as follows:

DRAFT Regulatory Language for 5 AAC 67.022 (d):To limit the number of Commercially guided or Outfitted sportfishers pursuing Rainbow Trout, Dolly Varden, Arctic Char, or Grayling on portions of the Naknek River (Proposal 52) and to limit the number of Commercially Guided or Outfitted sportfishers pursuing Salmon on portions of the Naknek River (Proposal 60) - these have been refered to as the rod limit proposals - .... the objective is to clearly define who can do what as a commercial entity.

(5)(A) Commercial entities, including but not limited to, fishing lodges, fishing guide services, sportfishing outfitting services and rental boat providers may provide their services to only four clients or guests at any specific time (Proposal 52) or eight clients or guests at any specific time (Proposal 60) on that portion of the Naknek River up stream from the ADF&G regulatory marker located at Rapids Camp (River Mile 24.25) to ADF&G regulatory marker located at Trefon's Cabin (oulet of Naknek Lake). Suggested dates for the 8 rod limit are June 8 through August 31 and the 4 rod limit would be in effect during the September 1 to October 31 period.

(B) A Commercial entity may apply annually to ADF&G for and may be issued a permit stipulating the rod limits respectively. Any subsidiary of that entity is ineligible to apply for or be issued additional permits for that year. (Arm badges would not be required under this amendment and permits would be carried by the respective service provider at all times while clients or guests are in the field).

(C) These limitations on angling shall be in effect from June 8 through August 31 - 8 rod limit (Proposal 52) and from September 1 through October 31 - 4 rod limit (Proposal 60) each year.

(D) Failure to comply with these requirements may result in citations or fines to both the commercial entity holding the permit or an angler or both.

As an additional request; There are several individuals - entities - who accomodate guests at no costs but provide boat and boat driver (really a guide who is being compensated by the facility owner) to fish the river. These people are "comping" their guests the trip generally for business purposes or as "friends". The boat drivers have no Coast Guard Licenses or associated training or complete safety equipment as required by Coast Guard regs. They also

do not have state required sportfish guide licenses or comply with log book requirements. If they are being compensated for providing these services, they should be included as a commercial service provider. Can a provision be crafted to address this problem?

Staff comments to this proposal are again dismissive and reflect a lack of understanding of how this proposed regulation is designed to work. Relying on incompleated and most likely eroneous log book data to imply that things are OK and then to suggest that limitations on guided effort "would likely be offset by unguided effort" reveals once agains a lack of understanding of how things work on the Naknek. First off, nearly all "unguided" effort excepting area residents depend on a commercial service provider to get them up and down this section of the river. It is swift, rocky and dangerous to wade unless you know what your doing or have been shown what to do. Staff biologists have no idea what unguided effort is in the Naknek because it is not included in log book data (to the minimal extent it is reliable) and, the proposed amended laguage to this proposal addresses commercially provided "unguided" activities by including them in the regulatory envelope. The primary perpitrators of over crowding know unguided effort is not being accounted for and in fact solicit clients to take advantage of "affordable" sport fishing services. Just look at the advertisments or web sites! Most of the "unguided" effort on the Naknek is now in fact guided.

#53 This proposal like others for the Naknek reveals the genuine concern for pressure on the resource and the loss of quality of experience. It is interesting to note that the maker of this proposal crafted this on his own and was to my knowledge unaware that similar proposals to allocate opportunity and level of effort were in the making. There is a very real problem and it cannot be ignored.

AC proposal 52 and 60 are designed to do what the author of this proposal wants done. Taken as a package, the AC proposals would be the prefered option because they are more complete in included all commercial service activities.

Please take note of the rationale for this proposal. It rymes exactly with that of our AC proposals. People are not making this up!

ADF&G Staff oppose the proposal on the gounds of complexity of implementation. That is to some extent true but the same objectives can be reached without the complexity if the AC proposals are adopted which

are not anymore complex than the current log book guide license system.

- #54 This is another proposal made independantly by a very concerned King Salmon resident who has had enough of the mess on the Naknek. He gave public comment at our April 2018 AC meeting asking for something to be done in this cycle. He was just one of many residents at that meeting who wanted something done and they were not at all opposed to manageable levels of guided effort

Some time and area limitations for commercial activites seem warranted at this juncunture. AC members and locals are in favor of that due to the intense pressure on the river and lack of ethics and courtesy on the part of a number of the commercial operators. The proposed closure times make it clumsey for anyone guiding clients however. I believe alternative closure time periods should be discussed and determined at the Board meeting. Perhaps Saturday or Sunday or both days could be one option.

- #55 This is an alternative time and area proposal made by the author of proposal 54. My comments on this proposal are the same as that for #54. In my mind, Saturday - and or Sunday would be less disruptive. I will also note that these closures if adopted without including other measures to regulate the level of effort by commercial entities will result in even more intensified effort during the times that are open for commercial activities. The AC Proposals should be viewed as a package of regulations that compliment each other in addressing the very real problems on the Naknek.

- #56 This AC proposal was crafted to address the real problem of some people (among them commercial operations) disposing of fish roe and guts in locations for the specific purpose of attracting particularly Rainbow Trout. They then take their clients to these locations and fish with egg simulating baits (most often beads). It is very effective and has become a regular practice for some commercial operators. We are not making this up!

While current regulations prohibit this practice, it is not being enforced. Having it restated in Naknek specific regs will most likely help in curtailing the problem.

It is the view of the AC that this proposal in conjunction with proposal #57 (elimination of the

use of egg simulators i.e. beads) will reduce hook mortality and injury to fish.

ADF&G again opposes this proposal on the grounds that would not have any biological effect (how is reducing hook injury and mortality not a positive biological effect?) and that it would "increase regulatory complexity" (is it really that complex to state in regulation that this practice is not allowed in the Naknek?) Suggested Draft language defining commercial entities is provided in comments on proposal 52 and I was told by Board Staff to bring our suggestions to the meeting where it could be properly crafted. It's been done for hunting commercial service providers and it can be done for sportfishing commercial service providers. Lastley, the contention that this would "revive concerns regarding subsistence uses possibly being cited" again reveals a lack of knowledge of the Naknek. In nearly 50 years on the river I have witnessed only minimal subsistence processing in the upper section of the river. The exception would be processing of fall red fish. So, draft simple language specify subsistence uses are exempted from the chumming provisions. No one on the AC or the general resident population wants to interfere with legitimate subsistence activities. It's some of the commercial service providers that are the problem. Once again, it's as if the Department is going out of it's way to dismiss the fact that there are major problems on the Naknek and produce any argument to support opposition to our proposals. They certainly never expressed these concerns when they were being drafted or discussed at the AC meetings.

- #57 This is an AC proposal which is designed to prohibit the use of a highly injurious and often times lethal type of lure in waters that are very heavily fished. Beads are a virtual reality egg simulator that will often damage fish just as trebble hooks do. Other "egg simulation" patterns such as the egg sucking leach are far less injurious or fatal. To allay concerns about "complexity" I will suggest specifying in language that the use of pegged plastic, rubber or neoprene egg simulating lures be prohibited. These are the baits that are scaring and killing Rainbows in unacceptable numbers. This is occurring in a relatively short section of river that despite very questionable catch data is being over exploited. Yes, catch rates will go down and that is precisely the objective; but so will injury and mortality rates. Very experienced guides have been



complaining about all the dead fish on the bottom of the river for years.

One individual told me that if you can credit ADF&G Staff with anything it's consistency....They Oppose the proposal. If people did not honestly believe these type of baits are injuring and killing too many fish, why would they propose eliminating their use? If they weren't damaging the Rainbows, they would be using these type lures themselves.

#58 This AC proposal is designed to protect King Salmon stocks on their spawning grounds. One portion is literally in "my front yard". I've watched it every day from June through August for approaching 50 years. Where there were once hundreds of pairs of spawning Kings there are only scattered groups of fish. Historically, Kings were targeted in this area especially in the 70's and 80's when bait was allowed and the bag limit was 5 a day. It was a group of sportfisherman, myself included, that submitted the proposals and were responsible for convincing the BOF to eliminate the use of bait and reduce the bag limit to 3 fish possession one over 28" among a number of other regulations which I cited to you in my November 14 comment letter. We were also responsible for sponsoring the regulation which reduced the Rainbow bag limit from 10 a day to 1 under 18". Bait was also eliminated. Interestingly enough, the Department area biologist at the time was strongly opposed to these changes contending there was no "evidence of a problem and this would only result in "loss of opportunity".

As mentioned before, there has not been an annual King escapement survey in over 10 years in the Naknek drainage. Given the level of commercial, subsistence, and sport effort in this portion of the Bay, This is totally unacceptable. As regards Kings, things are not OK. Many of us who knew the river in the 70's and 80's consider this a remnant King fishery for a combination of reasons. And this is why most of the larger scale lodges fly their clients to the Nushagak where they can at least catch some fish. Other lodge operators have been targeting Kings up the tributaries of the Naknek larger numbers than I have ever seen primarily because they can't catch what Kings there are in the main stem. Even though this is catch and release water, I do not buy into for one second that based on log book data and estimated release mortality rates,

that the closure would only reduce moratity by 17 fish.

Based on what I personaly have witnessed in the last 10 years, this area closures can only have (hopefully) a positive effect. The loss of opportunity argument is meaningless.....zero from zero = zero. Never the less, some hyper aggressive lodge operators are targeting the "last of the Buffalo" in the waters described in this proposal. I would like to reccommend that the described spawning ground closure boundary be adjusted up river from the Painter Bob's cabin approximately 1/2 mile to a location on Big Bend or what in recent years is refered to as Rainbow Bend. This would leave open the Painter Bobs short section open where some people contend Kings do not spawn.

When considering this proposal, please ask yourselves: Why would most guides on this river favor these closure areas which exculdes them too, if they did not honestly believe there was a genuine biological threat to the stocks? These fish get attritted throughout their entire life cylce and now that the survivors reach home plate, in confined water and need everybit of their energy to spawn, we are talking about pounding on them one last time for the sake of sportfishing opportunity.

ADF&G Staff opposes citing loss of opportunity as a justification. In their defense, I don't think they know much at all about this draingage.

- #59 The intent of this proposal is included in the #58 AC proposal. The merits are the same. I recommend taking no action in favor of AC proposal 58. The current bag limit is acceptable especially if #58 is adopted.
- #60 This is an AC proposal addressing crowding, conflicts in the field and unacceptibly poor quality of experience particularly in the summer Sockeye and Silver Salmon fisheries. Most of the rationale supporting this proposal is outlined in the comments for the #52 proposal. The important difference is that for the time being, there does not appear to be a biological issue with these particular salmon stocks. There are however, very serious allocation issues.

The first and probably the most prominent is that of overcrowding due to the number of people using primarily commercial guided and "unguided" services. The area between the ADF&G boundaries as described in the proposal

has quickly evolved into a "combat" fishing zone where courtesy, ethics and respect no longer apply. It has become confrontational to say the least. The quality of experience is virtually gone by any standard. Nearly all the locally based service providers acknowledge this. If this were not the case, you would not be looking at all the Naknek specific proposals. As one person told me when asking about regulatory relief, "There is just too much wattage - the wires are melting and the breaker switch is tripped."

This problem cannot be viewed simply as an us verses them issue as some have done. Because of the number of lodges now on the river, the level of effort has sky rocketed. Additionally, the scale of operation by some commercial entities is threatening the viability of all of the other service providers. To much irresponsible commerce is impeding the future of commerce altogether. This is why fairly regulating the level of effort through rod limits was designed. Simply designating time and area closures allowing for non-commercial effort is not enough. That will benefit particularly local resident anglers but it will also condense commercial effort into short periods of time in which the problem will be intensified even more. But, if we choose to fairly regulate the level of effort as these proposed rod limits would do, we can re-establish the quality of experience which benefits all users and better insures longer term economic viability. Time and area closures that benefit non guided anglers can be an important compliment to this regulation package.

Because an individual commercial entity can service or accomodate 36 to 48 people a week does not entitle them over half of the spacial opportunity and at the expense of all the other service providers. Seven miles of river cannot sustain factory trawler levels of effort if you want to maintain a quality fishery. These kinds of business models cannot be allowed to over exploit a public resource and that includes the space required for other service providers to offer a quality experience. The hard fact is that nearly all of the perpitrators really live in Michigan, Texas, Utah, South Carolina, Missouri etc.. They are looting our state without regard to the future of the resource or the people who live here. I am for interstate commerce and sure as hell am not a socialist but we need to take responsible action now.

The members of our AC along with members of the represented communities believe that the reason there are local AC's is to make recommendations and submit proposals that reflect the views of the people they are elected to represent. In this AC's package of proposals you are looking at just that. They cannot simply be dismissed as unfounded or unnecessary.

The BOF clearly has the authority to set regulations to resolve allocation issues. This is one of those proposed regulations and is a key component of the AC regulation package. We need your Help.

ADF&G is Neutral on allocative aspects of this proposal and the rod limit if applied to guides only. Could this proposal be modified to state that the rod limit applies to non-residents utilizing commercial services and use a refined definition of commercial services as mentioned in the proposal 52 comments?

- #61 This is the last of the AC proposals and was crafted with the intent of reducing conflicts in the field and providing for a spacial distribution of effort. The same above mentioned operators are aggressively "corking off" key sections of the river especially where Sockeye Salmon may be fished for and that's not a lot of the total water withing the key six miles within the ADF&G markers. Staking off these areas with skiffs, ice chests, 5 gal. buckets is now a common practice used by the aggressive unethical operators. Several individuals will arrive at a location and claim a zone waiting for the rest of the guided or "unguided" clients to occupy the area. They will confront you and run you off if you attempt to fish between their markers.

I have on a number of occations actually had lodge staff confront me and my clients while fishing a zone before they arrived and inform me that they have other lodge boats on the way and they will be fishing that area! The notion that prohibiting "reserving" areas of the river may have an effect on other user groups such as hunters, nature viewers and local residents that use the rivers edge for activities other than fishing" implies that these users might need to reserve sections of the river bank to conduct their activities. In all my years on the river I have never seen or heard of anyone needing to reserve a section to

conduct these activities with the exception of the counting tower ADF&G staff. They have always been great people to visit with and I often fish right there without any problem. Whoever wrote this comment went to the well to find a reason not to adopt the proposal.

Not unsurprisingly the Department opposes this proposal arguing that current regulations protect anglers against obstructing or hinderance of lawful fishing. I need to find out where that regulation is printed but "reserving" an area may not constitute obstructing or hinderance since they can claim that they are lawfully fishing. However ever you choose to look at it, the practice is an established method of operation for the large number of unethical operators on the river.

We need enforcement alright but what harm can it do to state this in regulation? Because it s in the book most often you will get higher levels of compliance. I believe if adopted that this reg can compell better behavior and reduce conflicts.

#62 This is not an AC proposal but it fits nicely into our package. Fish caught on sport tackle are usually exhausted and to the extent we can speculate - traumatized. Think about it. sport fishing is not the benign activity most people think it is. To be extracted from the water for the purpose of a photo and then be "returned" to the water often times by people who have no idea how to go about it properly does result in higher mortality. That's not conjecture it is fact. I'm no PETA guy but how can this not be beneficial for the released fish?

ADF&G staff Oppose the reg on the grounds it would increase complexity and unnecessarily impact sport fishing opportunity....Please! .

I reccommend you adopt this proposal as a conservation measure.

On behalf of our AC and members of the effected communities, I thank you for the opportunity to review these comments and look forward to working with you at the BOF meeting to solve the very critical problems we now have on the Naknek River.

Respectfully,

Joe Klutsch