Groundfish Trawl Fishery, Pacific Walrus, and Local Fishery Interactions in Northern Bristol Bay – A Discussion Paper

Prepared by:

Bill Wilson
Diana Evans

North Pacific Fishery Management Council
March 2009

1 Introduction

1.1 The Issues Brought to the Council

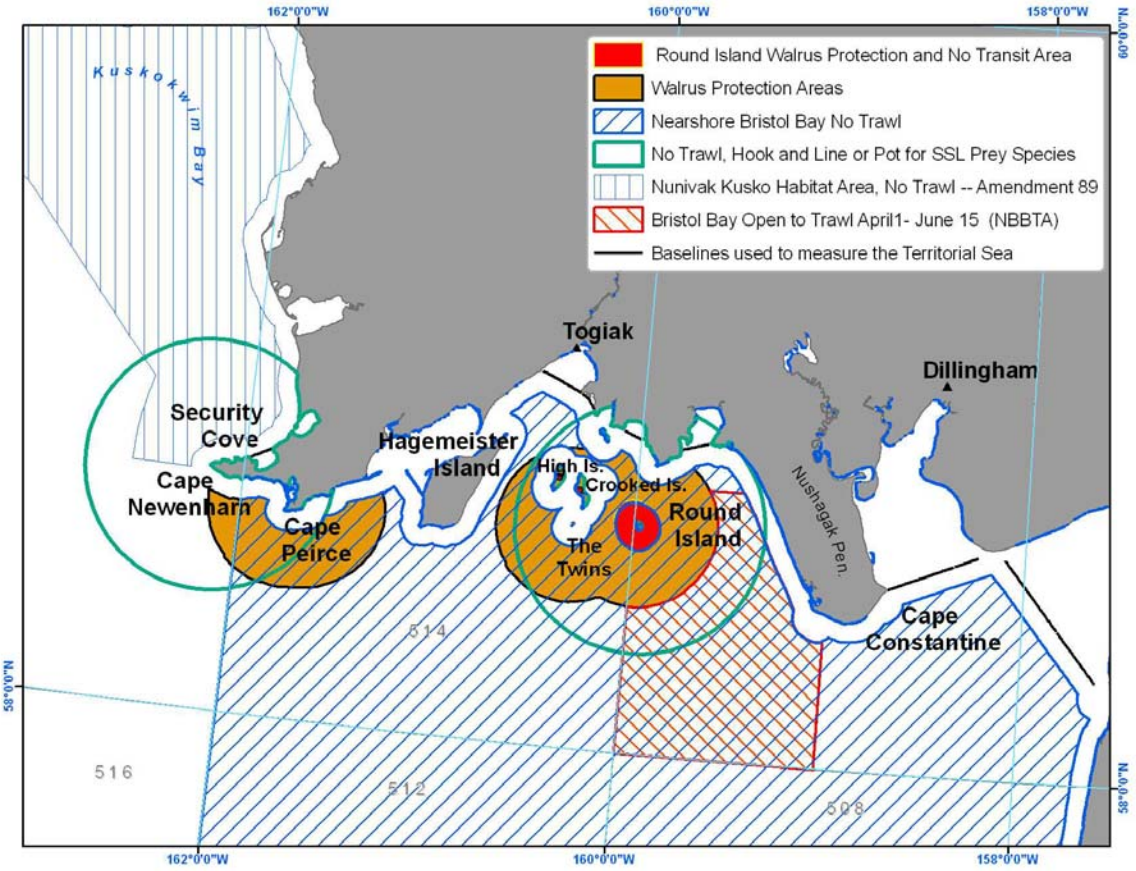
In February 2008, the Council received letters from the Qayassiq Walrus Commission and Bristol Bay residents outlining concerns over interactions between Pacific walrus and the groundfish trawl fishing activities in the Bristol Bay region (Figure 1). These letters are attached as Appendix A. The Qayassiq Walrus Commission requested regulatory changes to reduce trawling in the Nearshore Bristol Bay Trawl Area[1]. The Council acknowledged receiving this information, and responded in a letter dated February 25, 2008 noting that their concerns are largely addressed under the existing walrus protection areas adopted by the Council under Amendment 17 to the BSAI groundfish FMP and the larger Bristol Bay closed area adopted by the Council under Amendment 37. This letter is part of Appendix A.

In late August 2008, the Council received a request from the Qayassiq Walrus Commission to consider several proposals to increase protection for walrus habitat in the Nearshore Bristol Bay Trawl Area. The Council also received a similar letter of concern from the Traditional Council of Togiak. These letters are in Appendix B. And at the October 2008 meeting, the Council received public comment on concerns over interactions between trawl fishing activities and Pacific walrus and their habitat in Bristol Bay. Specifically, some residents of this region testified to the Council their concerns over potential disturbance to walrus and adverse impacts on walrus feeding areas in the vicinity of the Nearshore Bristol Bay Trawl Area. One person testified about adverse interactions between the trawl fleet and halibut gear and one instance of potential physical contact between a trawl vessel and a local vessel. Letters from the public provided to the Council in October 2008 are in Appendix B.

Based on the materials sent to the Council from the Qayassiq Walrus Commission and other individuals in the Bristol Bay region, and testimony presented to the Council at the October 2008 meeting, the Council requested a discussion paper on the characteristics of the fishery in the Nearshore Bristol Bay Trawl Area including groundfish harvests, bycatch amounts, vessel participation, and levels of observer coverage. The Council also requested a review of information on the Pacific walrus population, and a description of conflicts that have occurred between fishing activities and walrus or their habitat during trawling, offloading, and any information on walrus takes in commercial fishing activity.

[1] While all of Bristol Bay federal waters are generally closed to trawling east of 162˚ W longitude, an exception is the trawl area defined above where trawling primarily for yellowfin sole occurs during the open period April 1 to June 15.

Figure 1 Map of northern Bristol Bay, showing the Northern Bristol Bay Trawl Area (NBBTA), walrus protection areas, and other area restrictions



And more recently, on February 17, 2009 the Council received another request from the Qayassiq Walrus Commission for regulatory changes in the Bristol Bay region to establish a marine mammal habitat protection zone as defined in the attached Resolution from the Commission (Appendix C). The concerns expressed in this resolution relate to protection of walrus feeding habitat offshore from walrus haulouts in the Bristol Bay region.

Finally, Council staff has been informed of several voluntary industry initiatives to explore some of the concerns raised by the Qayassiq Walrus Commission and residents of the northern Bristol Bay region (Dorothy Lowman, BUC, pers. comm.). Industry has also contacted the U.S. Fish & Wildlife Service (USFWS) to present information on the groundfish fishery and to seek information on any USFWS concerns over groundfish fishery interactions with walrus in northern Bristol Bay (Jason Anderson, BUC, pers. comm.). The stated goal of these meetings as reported to Council staff by industry is to define the issues, identify problems, and seek solutions outside the Council or regulatory process (Jason Anderson, BUC, pers. comm.). Council staff has been advised that industry will report on these initiatives at the time when this discussion paper is presented to the Council.

1.2 Summary of Concerns

In the above listed communications with the Council, residents and other groups in the northern Bristol Bay region are concerned over potential adverse interactions between Federal groundfish fisheries and

Pacific walrus inhabiting this region, interactions with other local fisheries, and possible impacts of groundfish fisheries on walrus habitat including prey items.

Cited in correspondence from the Qayassiq Walrus Commission are concerns over disturbance of walrus haulouts and feeding habitat by the yellowfin sole (YFS) fishery in northern Bristol Bay, and transmission of noise from fishing activities to Round Island, a traditional Yupik Eskimo hunting site. Letters also cite concerns over bycatch of salmon, herring, and halibut in groundfish fisheries in this area, potential trawl disturbance of walrus prey items such as clams, and walrus catch in trawls. Other groups included in correspondence include the Bristol Bay Native Association, the Bristol Bay Marine Mammal Council, the Traditional Council of Togiak, and several other groups.

Other concerns voiced in correspondence or testimony to the Council include alleged incidents of groundfish fishing in closed waters, adverse interactions among groundfish fishing vessels and local salmon, herring, and halibut fishing activities, and noise from offshore groundfish fishing activities disturbing local residents on shore. Some have expressed concerns over disturbance of walrus from fishing activities or from product offloading at roadsteads (see Section 3.3).

Several remedies have been suggested by these groups. These include extension of the 3 n mi closed areas around the islands of the State's Walrus Islands State Game Sanctuary to 10 n mi, a Walrus and Marine Species Protection Zone out to 25 n mi from Cape Newenham to Cape Constantine (Figure 2), and more recently a 0 to 50 n mi closure to groundfish fishing from Security Cove and Cape Newenham eastward throughout Bristol Bay and south to Port Moller (Figure 3).

Figure 2 Proposal to create a Walrus and Marine Species Protection Zone from Cape Newenham to Cape Constantine, 0 to 25 nm.

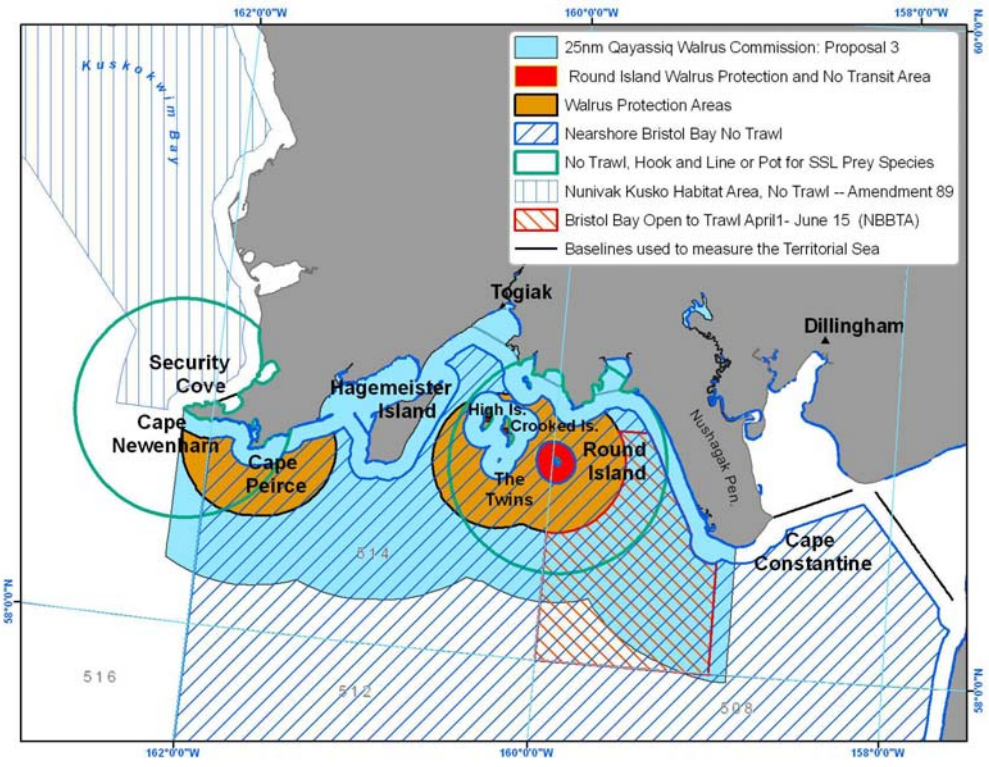
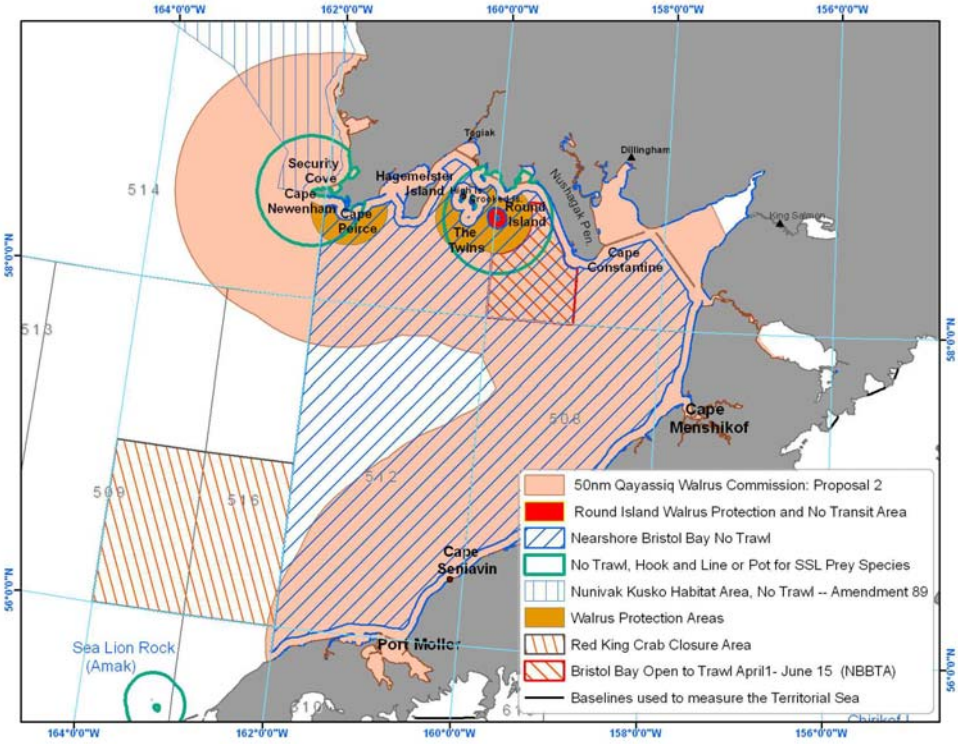


Figure 3 Proposal to prohibit groundfish fishing from Security Cove and Cape Newenham, throughout Bristol Bay, to Port Moller in the south, 0 to 50 nm.



The following provides background information on the State and Federal groundfish fisheries in the Bristol Bay area, the current trawl closures in Bristol Bay, a brief review of walrus life history and abundance in Alaskan waters, and information on fishery interactions with walrus in the Bristol Bay region.

2 Overview of Northern Bristol Bay Fishing Closures

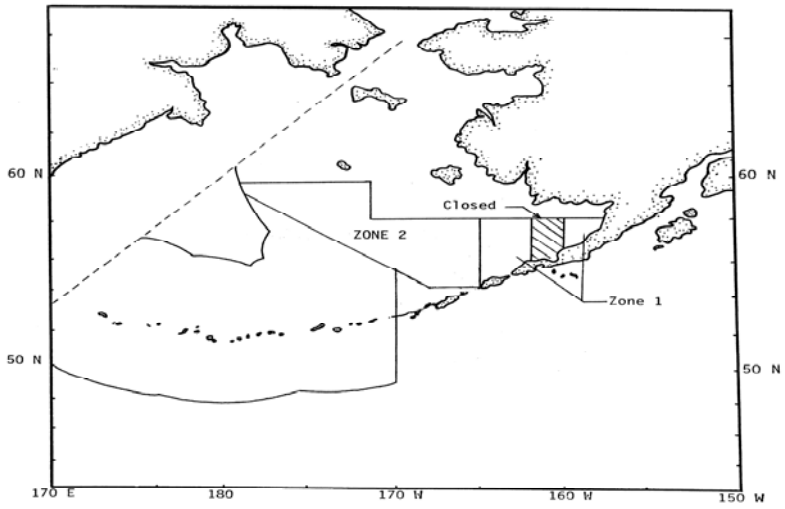
Concerned over bycatch of crab and halibut in the Bering Sea foreign fisheries of the 1960s and 1970s, the North Pacific Fishery Management Council adopted a series of regulatory changes under the new Magnuson Fishery Conservation and Management Act (now the MSA) to limit incidental mortality of these species in groundfish fisheries of offshore Alaska. Closed areas were a principal tool for regulating and limiting bycatch. Prior to U.S. management of offshore fisheries in the Bering Sea, foreign fleets often self-regulated to avoid bycatch or to reduce other fishery impacts. Japan instituted a no-trawl zone in Bristol Bay to limit interactions between trawl and pot fishing vessels (Witherell and Woodby 2005). With the passage of the MSA, regulations affecting foreign fisheries were initiated in 1976, and the Council increasingly limited bycatch in foreign and joint venture fisheries through the 1980s. Closed areas are also a tool for reducing fishery interactions with marine mammals. The following summarizes the regulatory changes implemented to reduce bycatch and fishery impacts on walrus in the Bristol Bay region.

2.1 Amendment 10 Crab and Halibut Protection Zone

Based on concerns over bycatch of red king crab, Tanner crab (*C. bairdi*), and halibut in foreign and domestic groundfish fisheries in the eastern Bering Sea, primarily the joint venture yellowfin sole fishery,

the Council approved Amendment 10 to the BSAI groundfish FMP in March 1987. This amendment closed a portion of the eastern Bering Sea to all trawling, set limits on incidental catch of *bairdi* Tanner crabs, red king crab, and halibut in BSAI foreign and domestic fisheries for YFS and other flatfish, and required these fisheries to close when PSC limits were reached. The closed area is cross-hatched on Figure 4.

Figure 4 Cross-hatched closed area for YFS and flatfish trawl under Amendment 10.



2.2 Amendment 12a Modify Bristol Bay Crab and Halibut Protection Zone

In September 1989, Amendment 12a replaced the bycatch controls of Amendment 10 and continued bycatch limits in BSAI trawl fisheries for *bairdi* Tanner crab, red king crab, and halibut. These provisions applied to the now nearly entirely domestic groundfish fishery. PSC limits were apportioned to four fisheries, each of which would close when a PSC limit was reached – DAP flatfish, DAP other (mostly pollock and cod), JVP flatfish, and JVP other[2]. Amendment 12a also retained the Amendment 10 trawl closed area, but extended its western boundary to 163˚ W. during March 15 to June 15 for additional red king crab protection (Figure 5). Many additional amendments to the BSAI groundfish FMP ensued to refine the bycatch controls initiated under Amendment 12a.

[2] DAP = Domestic Annual Processing; JVP = Joint Venture Processing

Figure 5 Bycatch protection zones established under Amendment 12a.

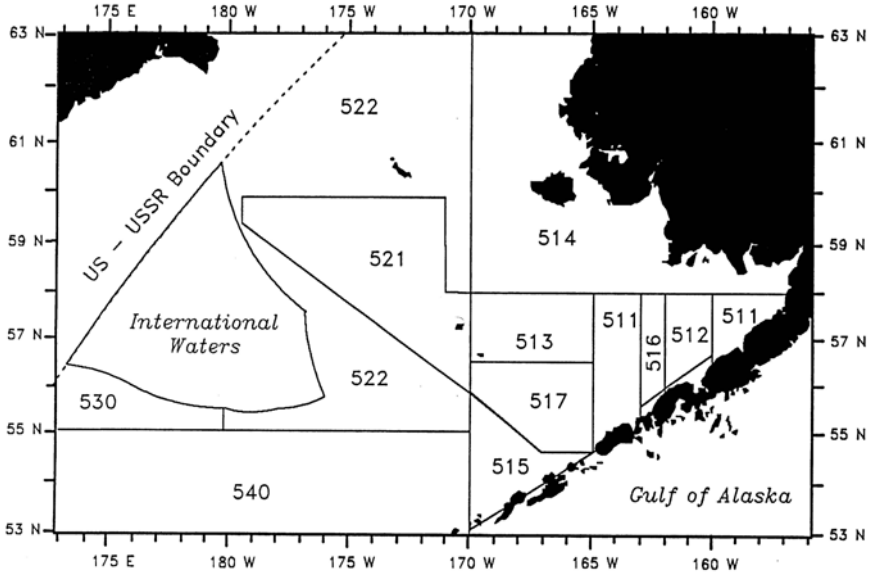
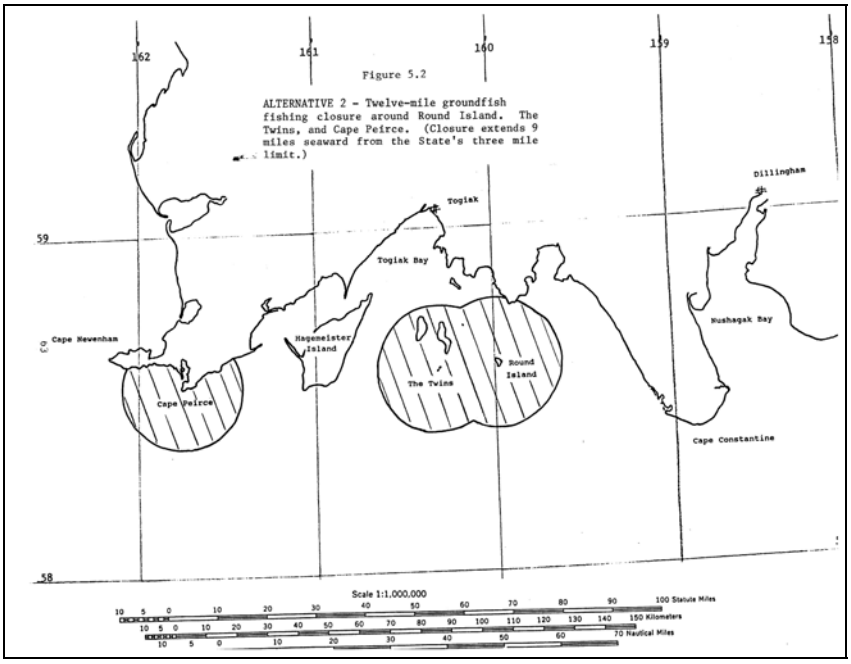


Figure 2. Statistical reporting areas in the BS/AI (Amendment 12A)
Bycatch protection zones: Zone 1 = 511 + 512 + 516
Zone 2 = 513 + 517 + 521
Zone 2H = 517

2.3 Amendment 13 Walrus Islands closure

In January 1990, Amendment 13 was implemented with measures to prohibit groundfish fishing activities within 3 to 12 n mi closed areas around the Walrus Islands (Round Island and The Twins) and Cape Peirce in northern Bristol Bay April 1-September 30. Specific concerns were expressed by the public and the USFWS over noise emitted by fishing activities of the JVP yellowfin sole fishery and apparent correlations between increased noise and observed declines in numbers of walrus using haulouts in northern Bristol Bay. This measure was put into place to reduce disturbance to walrus that inhabited these haulout areas. Figure 6 shows the Amendment 13 closed areas in this region.

Figure 6 Walrus protection zones established under Amendment 13



2.4 Amendment 17 Renew Walrus Islands Closure

Amendment 17 was adopted in April 1992 to permanently close from April 1-September 30 the 3-12 n mi zones around Round Island, The Twins, and Cape Peirce to reduce disturbance to walrus. This measure prohibits all Federally-permitted vessels from entering or transiting these closed areas during the closure period, including fishing support vessels. The Council indicated its intent that the State should match these closures around Round Island and The Twins in State waters (see Section 2.6). The specific regulation at 679.22(a)(4) is:

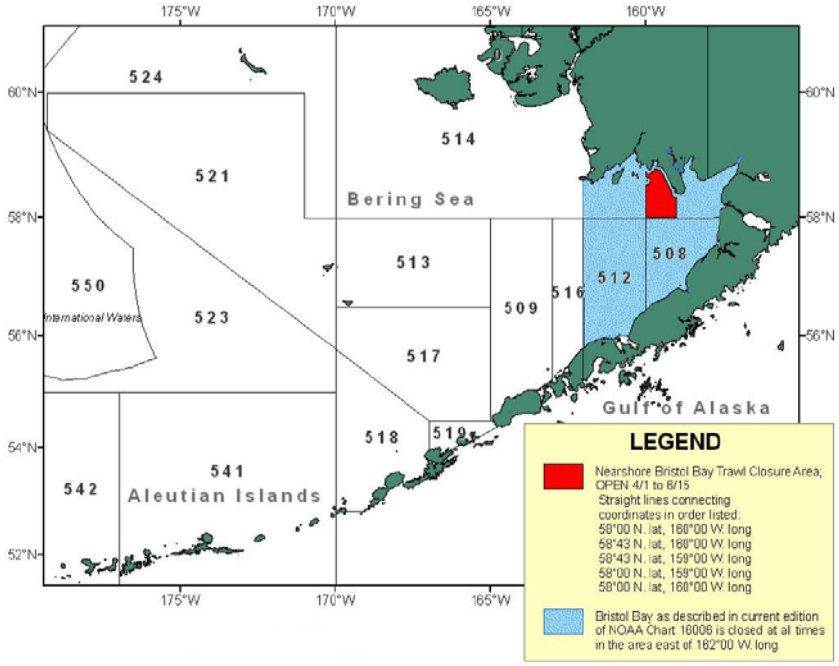
> (4) Walrus protection areas.
> From April 1 through September 30 of any fishing year, vessels with a Federal fisheries permit under § 679.4 are prohibited in that part of the Bering Sea subarea between 3 and 12 nm seaward of the baseline used to measure the territorial sea around islands named Round Island and The Twins, as shown on National Ocean Survey Chart 16315, and around Cape Peirce (58° 33' N. lat., 161° 43' W. long.).

2.5 Amendment 37 Nearshore Bristol Bay Trawl Closure Area

Implemented January 1, 1997, Amendment 37 prohibits all trawling year round in the Nearshore Bristol Bay Trawl Closure (NBBTC) area, specifically all waters east of 162 ˚ W, with the exception of an area bounded by 159 ˚ to 160 ˚ W and 58 ˚ to 58 ˚ 43’ N that remains open to trawling April 1 to June 15 (Nearshore Bristol Bay Trawl Area [NBBTA]). This closure is to protect juvenile red king crab habitat while at the same time allowing trawling in an area known to have high catches of flatfish and low bycatch of other species (Ackley and Witherell 1999). The area north of 58 ˚ 43’ N was closed to reduce bycatch of herring. The April 1 – June 15 period was chosen to avoid bycatch of halibut which move into the nearshore areas in June. Amendment 37 also requires that any catcher vessel or catcher processor used to fish for groundfish in the trawl closure area must carry an observer during 100% of its fishing days in which the vessel uses trawl gear. Figure 7 illustrates the NBBTC area and the NBBTA. The specific regulation at 679.22(a)(9) is:

(9) Nearshore Bristol Bay Trawl Closure.
Directed fishing for groundfish by vessels using trawl gear in Bristol Bay, as described in the current edition of NOAA chart 16006, is closed at all times in the area east of 162° 00' W. long., except that the Nearshore Bristol Bay Trawl Area defined in Figure 12 to this part is open to trawling from 1200 hours A.l.t., April 1 to 1200 hours A.l.t., June 15 of each year.

Figure 7 Nearshore Bristol Bay Trawl Closure Area, Figure 12 to Part 679 (679.22(a)(9))



2.6 State of Alaska Closures

All State waters in Bristol Bay east of Cape Newenham to Cape Menshikof are closed to trawl fishing year round (5 AAC 39.165). Historically, the State of Alaska has mirrored the NBBTA trawl opening in adjacent State waters as defined under Amendment 37, allowing non-pelagic trawling to occur during the open period. Some confusion over whether the Alaska Board of Fisheries' intent that these waters be closed or open during the April 1 – June 15 period was discovered by NOAA's Office of Law Enforcement (OLE) (see email and report in Appendix D). It was noted by NOAA OLE that while State waters were open during the time period and area defined in Amendment 37, ironically the opening was for non-pelagic trawl gear and not to pelagic trawl gear (all of Bristol Bay State waters are closed to all trawl gear under 5 AAC 39.165 and 5 AAC 06.100 – only non-pelagic gear were allowed in the Amendment 37 area under 5 AAC 39.164(b)(7)). This confusion was addressed by recent Board of Fisheries action. The Board repealed 5 AAC 39.164(b)(7) at their December 31, 2008 teleconference meeting (Proposal 369), thereby prohibiting non-pelagic trawling in State waters in the Amendment 37 area (Kerri Tonkin, ADF&G, pers. comm.). State waters in Bristol Bay (defined at 5 AAC 06.100) are closed to all trawling throughout the entire year – no exemption is allowed during the Amendment 37 time period and area. Note also that outside the Amendment 37 area, Federal walrus protection closures under Amendment 17 are NOT mirrored in State waters. Figure 1 illustrates the combined effect of the closures described in the above sections (including closed areas described below in Sections 2.7 and 2.8.

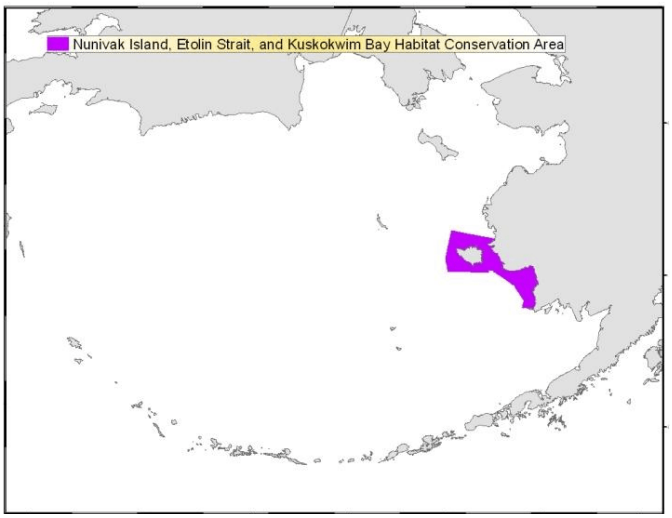
2.7 Steller Sea Lion Closures

Cape Newenham and Round Island are SSL haulouts, are designated SSL critical habitat, and have 20 n mi closures year round for pollock and Atka mackerel trawl and cod trawl and fixed gear fisheries. These closures overlap other closures in northern Bristol Bay (Figure 1). SSL closed areas are Federal groundfish fishery mitigation measures, and are mirrored in adjacent State waters through an annual Emergency Order issued by the State at the beginning of the calendar year (Appendix E). State waters within the 20 n mi SSL protection areas around Round Island and Cape Newenham are closed to fishing for SSL prey species.

2.8 Amendment 89 Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area

One of the proposed conservation measures submitted by the Qayassiq Walrus Commission included areas west of Cape Newenham and overlapping the Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area (Figure 8). In 2008, the Council adopted Amendment 89 to the BSAI groundfish FMP to establish Bering Sea habitat conservation measures. This amendment prohibits nonpelagic trawling in certain waters of the Bering Sea subarea to protect bottom habitat from the potential adverse effects of nonpelagic trawling. The amendment also established the Northern Bering Sea Research Area for studying the impacts of nonpelagic trawling on bottom habitat. The Council's action was deemed necessary to protect portions of the Bering Sea subarea bottom habitat from the potential adverse effects of nonpelagic trawling.

Figure 8 Nunivak Island, Etolin Strait, and Kuskokwim Bay Habitat Conservation Area (Figure 21 to Part 679)



3 Yellowfin sole trawl fishery in Bristol Bay

3.1 Harvest levels

Yellowfin sole is the only target fishery that is prosecuted in the Northern Bristol Bay Trawl Area (NBBTA). Table 1 illustrates the total amount of yellowfin sole that was harvested in the NBBTA, based on data from observed tows. The total includes catch attributable to both CDQ and non-CDQ operations. Table 1 compares observed catch from the NBBTA to the extrapolated catch of yellowfin sole for the

BSAI as a whole. From 2005 to 2008, the NBBTA yellowfin sole catch accounted for between 3% and 14% of the total BSAI yellowfin sole harvest. Fishing effort in the area varies on a periodic cycle (see also Section 3.6), and many factors influence whether the fleet will pursue the yellowfin sole fishery in the NBBTA. If there are opportunities in May and June for good yellowfin sole fishing in other areas that involve less travel time, but still yield high yellowfin sole catch rates and low halibut bycatch, these may be more desirable to the fleet. Additionally, the market for yellowfin sole varies on an annual basis, and may affect whether the fleet choose to fish for yellowfin sole in May and early June, or turn to different targets (for example, Pacific cod or other flatfish). The NBBTA fishery is generally considered by the fleet to be a good area for catching yellowfin sole with very low halibut bycatch (L. Swanson, Grndfsh. Forum, and J. Gauvin, BUC, pers. comm.). In 2006 to 2008, effort was notably higher in the NBBTA than it had been in the previous five years.

Table 1 Yellowfin sole catch, mt, in the Northern Bristol Bay Trawl Area (NBBTA) compared to catch in the BSAI as a whole

	2001	2002	2003	2004	2005	2006	2007	2008
NBBTA (observed catch)	**	**	0	**	2,906	9,345	16,946	10,434
BSAI (extrapolated catch)[1]	63,577	74,971	79,815	75,509	94,385	99,108	121,029	148,860
NBBTA as proportion of BSAI	**	**	0	**	3%	9%	14%	7%

** Catch amounts are confidential

[1] To give some idea of the degree of extrapolation, NMFS catch accounting has prepared data for the Council in the past about the proportion of observed catch in each target fishery, although note that the above data is for all yellowfin catch, not just catch in the yellowfin sole target. The yellowfin sole catcher processor target fishery was 95% observed in 2004, 94% in 2005, 92% in 2006, and 95% observed in 2007 (J Hogan, NMFS catch accounting). In 2008, the majority of the fishery was prosecuted by Amendment 80 vessels, which are required to have 200% observer coverage (see below). Data from the catcher vessel fishery for yellowfin sole in the BSAI for 2004-2007 are confidential.

Source: NMFS observer database, March 2009, for observed catch; NMFS year-end catch reports for BSAI extrapolated catch, http://www.fakr.noaa.gov/sustainablefisheries/catchstats.htm.

Observer coverage

Amendment 37, which implemented the NBBTA in 1997, also required that any trawl catcher vessel (CV) or catcher processor (CP) used to fish groundfish in the area must carry an observer during 100% of its fishing days. Note, although an observer is onboard the vessel at all times, this does not necessarily mean that all tows are sampled. Since the implementation in 2008 of Amendment 80 (see Section 3.2), all CPs fishing in the Amendment 80 sector must have two observers onboard during their fishing operations, so that every tow is observed.

3.2 Vessels fishing in the NBBTA

The majority of vessels harvesting yellowfin sole in the NBBTA are now part of the Amendment 80 sector in the BSAI, originally known as the head and gut sector, or the non-AFA (American Fisheries Act) CP sector. BSAI Amendment 80 was implemented in 2008, and vessels which qualify for the Amendment 80 sector (and apply for quota) are allocated a portion of the total allowable catch for BSAI yellowfin sole, rock sole, flathead sole, Atka mackerel, and Pacific ocean perch, along with an allocation of prohibited species catch quota for halibut and crab. All of the allocations are managed as a hard cap. Since the implementation of the program, one cooperative has been formed, the Best Use Cooperative, in

which 16 vessels[3] participate. Six of the seven remaining vessels that received initial quota share fish in the Amendment 80 limited access fishery[4].

Only two CPs fished in the NBBTA in 2001-2002 and 2005. Beginning in 2006, the number of CPs fishing in the NBBTA increased, with 8 vessels fishing there in 2006, and 14 in 2007. In 2008, there were also 14 vessels fishing in the area, five of which are part of the Amendment 80 limited access fishery, and 9 vessels that are affiliated with the Best Use Cooperative.

There are also five CVs which have fished in the NBBTA from 2004-2008, one regularly and the others each in a single year. Table 2 illustrates the relative proportion of CP versus CV catch in recent years.

Table 2 Relative proportion of trawl catch in the NBBTA that is attributable to the catcher processor and catcher vessel sectors

	2001	2002	2003	2004	2005	2006	2007	2008
CP catch as percentage of total	**	**	na	**	**	**	**	93%
Number of CP vessels	2	2	0	0	2	8	14	14
CV catch as percentage of total	**	**	na	**	**	**	**	7%
Number of CV vessels	0	0	0	1	1	1	1	3

Source: NMFS observer database, March 2009.

Note: Data for 2001, 2002, 2004, and 2005 are confidential (indicated by **). There was no trawl fishing in the NBBTA in 2003 (na = not applicable).

Some of the vessels harvesting yellowfin sole in the NBBTA from 2005 to 2008 have fished for CDQ groups, off the CDQ allocations. In 2005, the CDQ harvest represented 48% of the total yellowfin sole catch harvested in the NBBTA. Since that time, though, it has represented between 8 and 13% of the total yellowfin sole catch harvested in the NBBTA, and has been harvested by both CP and CV vessels.

3.3 Motherships and inshore floating processors

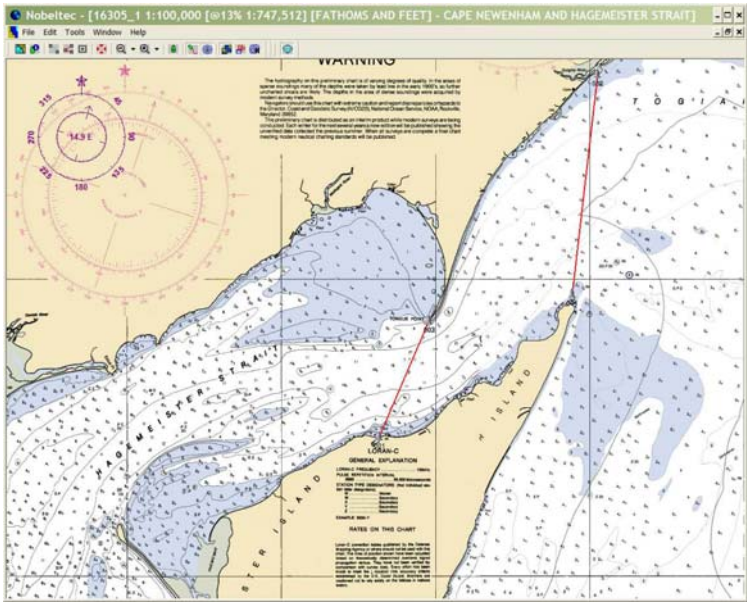
CV catch in the yellowfin sole fishery in the NBBTA from 2001 to 2008 was delivered either to a CP acting as a mothership, or to an inshore floating processor. Two floating processors have received catch offloads during the time series, but in the last three years, only one processor has participated each year. In addition, one CP has received delivery of offloads during the time series, occurring during the last four years.

The available data do not identify where a processor anchors to receive offloads from CVs fishing in the NBBTA. There are restrictions in place that require any offloads being delivered to foreign vessels to occur in designated locations or "roadsteads" which, in the NBBTA area, is a site located in Hagemeister Strait (Mike Adams, NOAA OLE, pers. comm.). These roadsteads must be used if offloading occurs onto a foreign vessel; offloading is considered "fishing" under the Magnuson-Stevens Act and thus must comply with Federal Law. Roadsteads are located in areas of historical usage, so it is likely that the area has good anchorage. Hagemeister Strait is also used by resident salmon, herring, and halibut fishermen.

[3] One additional vessel has sunk, and the quota share earned by its catch history is fished on another of the cooperative's vessels.

[4] One of the vessels that received initial quota share and fished in the limited access fishery has now sunk, and as noted above, its catch history is fished on another vessel in the limited access fishery.

Figure 9 **Hagemeister Island Roadstead.** Includes all waters within the maritime boundary of the State of Alaska in Hagemeister Strait which are west of a line extending from the northeast end of Hagemeister Island to the mouth of Quigmy River, and east of a line extending from the mouth of an unnamed river to the tip of Tongue Point (lines marked in red on map).



There do not appear to be any restrictions on where a domestic processor may receive delivery of CV offloads, however the walrus protection areas limit the opportunities for anchoring in many of the bays in the area. Anecdotal reports suggest that the floating processor has, in the past, received offloads just outside of Kulukuk Bay, which is directly north of the NBBTA, as well as at the mouth of Nushagak Bay and at Clarke's Point, in Nushagak Bay. The last two of these areas are outside of the NBBTA, and CVs must traverse around Cape Constantine to deliver product to the processor. It was noted that because yellowfin sole is a fish that bruises easily, lowering its market value, a processor will seek to minimize the distance travelled from the fishing grounds to the area of offload, particularly if the weather is rough and buffeting seas are likely to increase damage to the fish (R Hatton, pers. comm., 3/12/09). Nushagak Bay can sometimes be too rough for vessels to tie up and offload their catch.

3.4 Incidental catch in the yellowfin sole fishery

Groundfish incidental catch

Yellowfin sole comprised between 88 and 96% of the total groundfish catch in the NBBTA in the years 2005 to 2008, with the remaining groundfish consisting primarily of other flatfish species. The catch composition of groundfish harvested in the yellowfin sole fishery in the NBBTA is described in Table 3.

Table 3 Groundfish catch composition in the trawl fishery in the Northern Bristol Bay Trawl Area (NBBTA), in mt.

Species	2001	2002	2003	2004	2005	2006	2007	2008
Yellowfin sole			na		2,906	9,345	16,946	10,434
Starry flounder			na		66	242	1,458	774
Rock sole			na		70	72	389	112
Alaska plaice			na		34	52	206	156
Sculpins			na		1	40	261	345
Other groundfish			na		2	15	38	34
Yellowfin sole as a percentage of total groundfish catch			na		94%	96%	88%	88%

Source: NMFS observer database, March 2009.

Note: Data for 2001, 2002, and 2004 are confidential. There was no trawl fishing in the NBBTA in 2003.

Prohibited species bycatch

There is very little bycatch of prohibited species in the NBBTA. Table 4 provides the bycatch of halibut, herring, salmon, and crab species in the trawl fishery prosecuted in the area.

Table 4 Bycatch of halibut, herring, salmon, and crab in the trawl fishery in the Northern Bristol Bay Trawl Area (NBBTA).

Species		2001	2002	2003	2004	2005	2006	2007	2008
Halibut mortality	mt			na		3.4	12.5	15.9	7.3
	rate - mt halibut/mt yfs					0.001	0.001	0.001	0.001
Herring	mt			na		0.3	1.2	34.6	8.2
	rate - mt herring/ mt yfs					0.000	0.000	0.002	0.001
Chinook Salmon	number			na		-	-		-
Non-Chinook Salmon	number			na		-	-	-	-
Crab (all species)	number			na		-		520	165
	rate - #/mt yfs							0.03	0.02

Source: NMFS observer database, March 2009; halibut discard mortality rates, Williams 2008a,b.

Note: Shading = data are confidential. There was no trawl fishing in the NBBTA in 2003 (na = not applicable). yfs = yellowfin sole

It is generally considered by industry that the NBBTA has consistently lower halibut bycatch rates than other yellowfin sole fishing grounds in the BSAI. Table 5 compares the bycatch mortality rate of halibut in the NBBTA fishery to the halibut bycatch mortality rate in the BSAI yellowfin sole trawl fishery for the years 2005-2008. Additionally, the table looks at the proportion of the total BSAI yellowfin sole catch that comes out of the NBBTA, and compares it to the proportion of total halibut bycatch mortality in the yellowfin sole fishery that is attributable to the NBBTA. In both cases, the assertion is borne out that fishing in the NBBTA results in lower halibut bycatch mortality than yellowfin sole fishing in other areas of the BSAI.

Table 5 Halibut bycatch mortality in the Northern Bristol Bay Trawl Area (NBBTA) compared to the BSAI yellowfin sole trawl fishery, 2005-2008.

		2005	2006	2007	2008
NBBTA	mt halibut bycatch mortality in the trawl fishery	3.4	12.5	15.9	7.3
	rate - mt halibut mortality / mt yellowfin sole	0.001	0.001	0.001	0.001
BSAI	mt halibut bycatch mortality in the yellowfin sole target fishery	568	451	504	959
	rate - mt halibut mortality / mt yellowfin sole	0.006	0.005	0.004	0.006
yellowfin sole catch in the NBBTA as proportion of total yellowfin sole catch in the BSAI		3%	9%	14%	7%
halibut bycatch mortality in the NBBTA as proportion of total halibut bycatch mortality in the BSAI yellowfin sole fishery		1%	3%	3%	1%

Sources: NMFS observer database, March 2009 (NBBTA halibut catch); halibut discard mortality rates, Williams 2008a,b; NMFS PSC database (BSAI halibut mortality); NMFS catch accounting year-end reports (BSAI yellowfin sole catch).

Note: NBBTA halibut and yellowfin sole catch data derives from observer-sampled tows. While vessels fishing in the NBBTA are required to have 100% observer coverage, not all tows are sampled. BSAI catch data is based on observed tows which are extrapolated by NMFS catch accounting to represent all effort in the BSAI. See note in Table 1.

Walrus prey species bycatch

As discussed in Section 5.3, bivalves are the primary prey species of walrus. Using data from observer samples, Table 6 provides an estimate of the bycatch of walrus prey species in the trawl fishery in the NBBTA, including bivalves and other species. Unlike previous tables in this section, these values are presented in kilograms, not metric tons.

Table 6 Bycatch of walrus prey species in the trawl fishery in the Northern Bristol Bay Trawl Area (NBBTA).

Species		2001	2002	2003	2004	2005	2006	2007	2008
Mussels, Oysters, Scallops, Clams	kg			na		-		83	16
Ascidian, sea squirt, tunicate	kg			na		-		-	328
Polychaete, unidentified	kg			na					3
Sea cucumber, unidentified	kg			na		-	-	-	-
Snail, unidentified	kg			na		-	-		

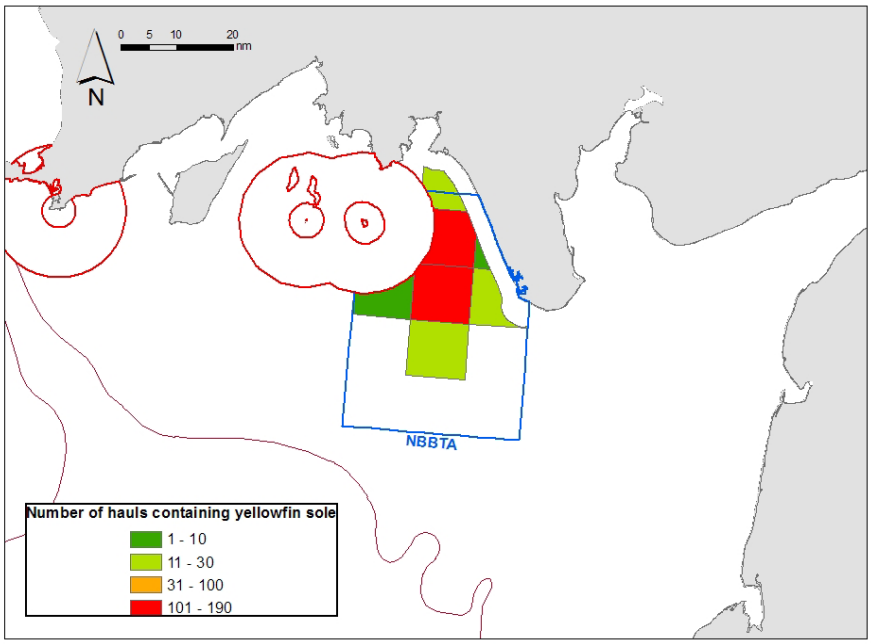
Source: NMFS observer database, March 2009.

Note: Shading = data are confidential. There was no trawl fishing in the NBBTA in 2003 (na = not applicable).

3.5 Distribution and timing of fishery

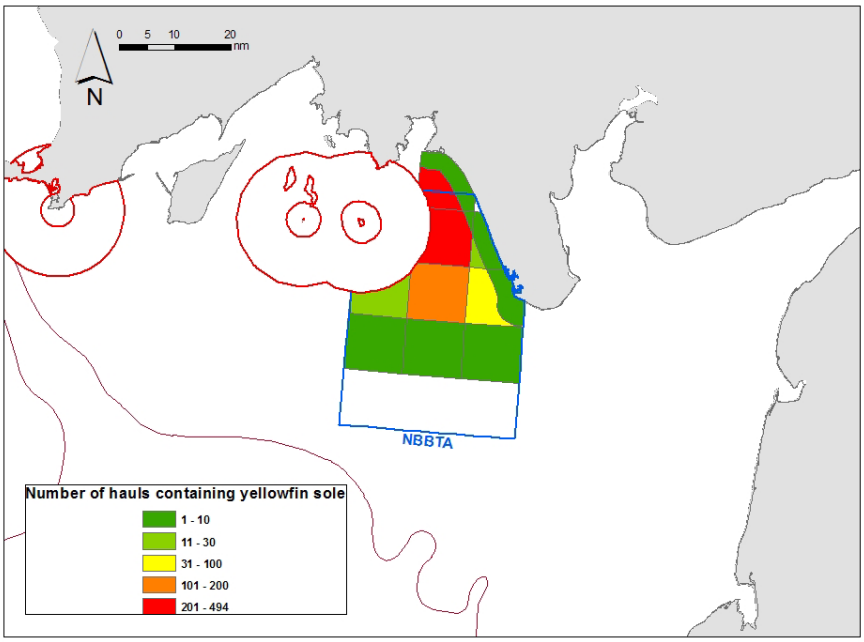
Fishing for yellowfin sole within the NBBTA tends to occur predominantly at the northern part of the open area. Figure 10 and Figure 11 show the distribution of fishing effort in the NBBTA. The figures show the number of hauls containing yellowfin sole that occur in each of the blocks of a 20 km^2 grid superimposed on the NBBTA. Note, although blocks in the grid may extend outside of the NBBTA, this does not necessarily mean that catch occurred outside of the area; it is an artifact of the mapping process. No observed hauls have occurred in the lower part of the NBBTA during the 2005 to 2008 time period.

Figure 10 Distribution of trawl hauls containing yellowfin sole in the Northern Bristol Bay Trawl Area (NBBTA), 2005-2006, number of hauls per 20 km^2 area. Note: although blocks of the grid may extend outside of the NBBTA, this does not necessarily mean that fishing occurred outside of the NBBTA. It is an artifact of the mapping process.



Source: NMFS observer database, March 2009

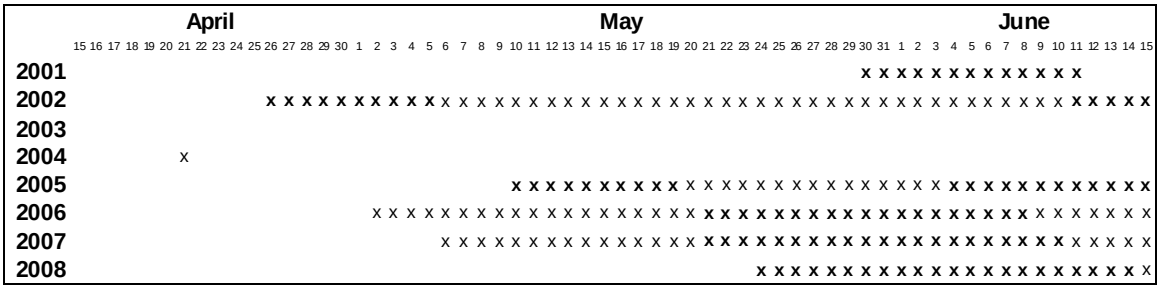
Figure 11 Distribution of trawl hauls containing yellowfin sole in the Northern Bristol Bay Trawl Area (NBBTA), 2007-2008, number of hauls per 20 km^2 area. Note: although blocks of the grid may extend outside of the NBBTA, this does not necessarily mean that fishing occurred outside of the NBBTA. It is an artifact of the mapping process.



Source: NMFS observer database, March 2009

The NBBTA is open to trawl fishing from April 1 to June 15, annually. In practice, the fishery occurs in the area in May or June. Figure 12 illustrates when the fishing took place in the area in the years 2001 to 2008.

Figure 12 Timing of the yellowfin sole fishery in the NBBTA, 2001-2008

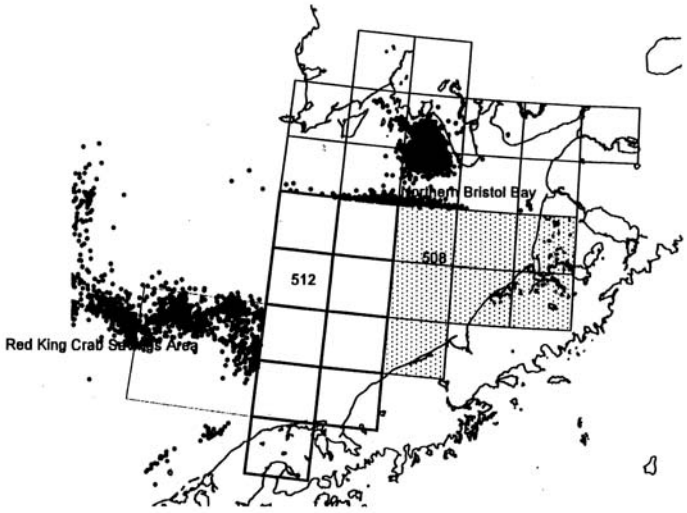


Source: NMFS observer database, March 2009

3.6 Historical importance of the NBBTA area for the yellowfin sole fishery

The analysis supporting BSAI Amendment 37, which implemented the Nearshore Bristol Bay Trawl Closure, contained some information about the importance of Bristol Bay to the yellowfin sole fishery. Figure 13 maps the distribution of effort in the joint venture yellowfin sole fishery, in 1988. Central and southern portions of Bristol Bay were closed to trawling at this time, but it is evident that the northern part of the Bay was an area of importance to the fishery in that year. The analysis notes that the area south of Kulukak Bay (where the NBBTA is now located) continued to be important to the domestic fishery from 1991 to 1994, in the months of May and June. In 1991, a high of 50% of the yellowfin sole observed catch was taken in Bristol Bay, but by 1994 this percentage had declined annually until only 2% of the directed catch was taken in the Bay. In 1993 and 1994, the highest CPUE was actually found to be near Nelson Island, to the west, but the area in question produced high halibut bycatch in some years. Consequently, the vicinity of Kulukak Bay and Cape Constantine had the greatest number of observed tows during the May-June periods.

Figure 13 Effort distribution in the 1988 joint venture yellowfin sole fishery.



4 Other fisheries occurring in the area

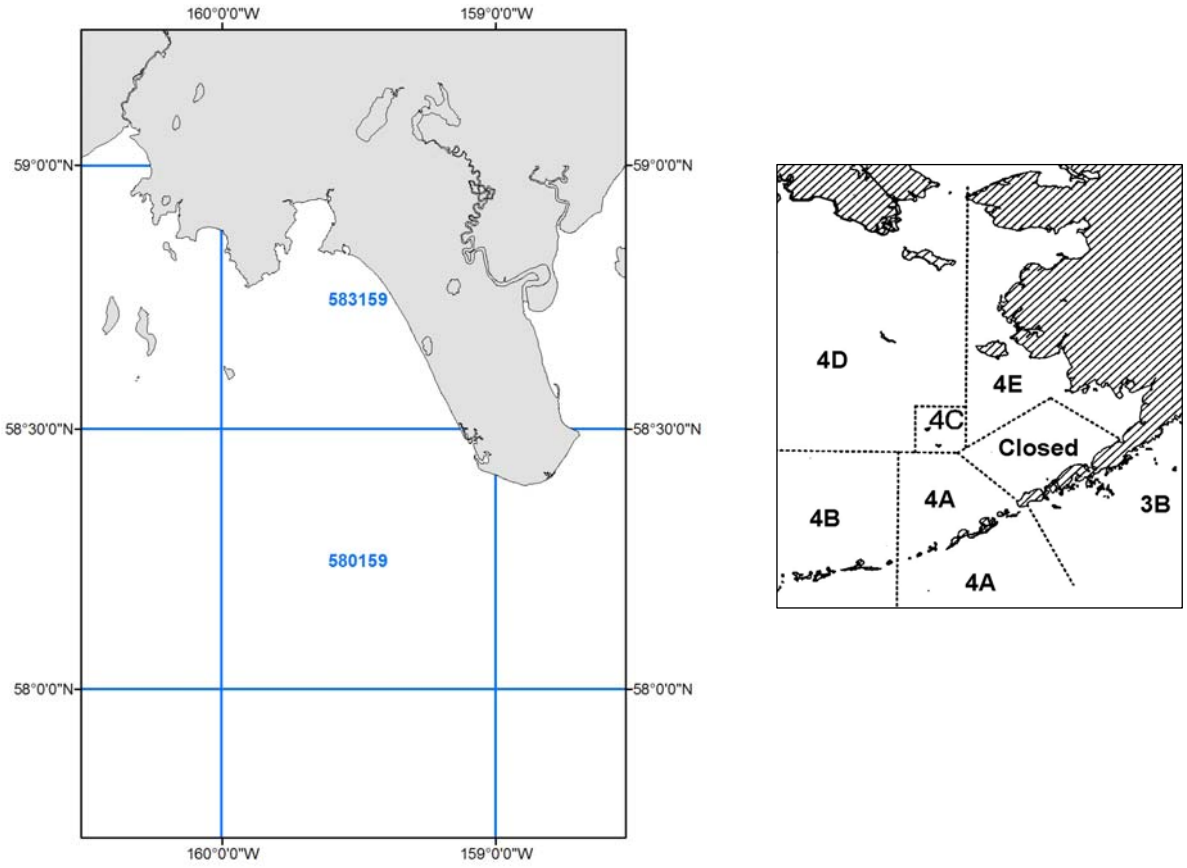
4.1 Halibut fishery

The International Pacific Halibut Commission (IPHC) areas that most closely coincide with the NBBTA are illustrated in Figure 14. According to the IPHC database, over a 10 year period (1998-2007), eight of the years had one to three vessels active in the area (580159 and 583159, combined). Landings by year ranged from less than 100 net lbs (head-off, dressed, ice and slime deducted) to 9,300 net lbs, or <1% to 4% of the Area 4E landings by weight (T. Kong, IPHC, pers. comm., 3/3/09).

Over the time period 1998 to 2007, eight distinct vessels fished in 580159/583159 and delivered 23,721 net pounds of halibut; 603 distinct vessels fished in Area 4E and delivered 3,877,011 net pounds. Much of the activity occurred in June, and all the vessels were local (T. Kong, IPHC, pers. comm., 3/3/09).

The trawl fishery's halibut bycatch mortality in the NBBTA is discussed in Section 3.4. By converting the weights to pounds, and deducting 12% for the weight of the head and for ice and slime (IPHC regulatory conversion factors), an approximation of comparable bycatch figures are as follows: 6,540 lbs in 2005, 24,203 lbs in 2006, 30,941 lbs in 2007, and 14,101 lbs in 2008.

Figure 14 IPHC statistical areas near the Northern Bristol Bay Trawl Area, and IPHC Area 4E.

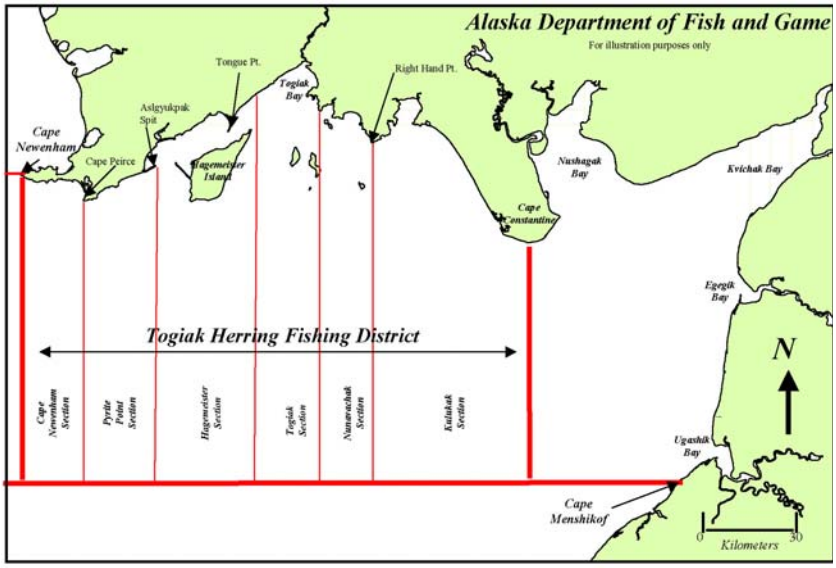


Source: T. Kong, IPHC

4.2 Herring fishery

Two herring fisheries occur in northern Bristol Bay: herring are harvested for sac roe using gillnets and purse seines, and herring spawn on wild kelp (*Fucus spp.*) is harvested by hand (Westing et al. 2005). A map of the management districts for Togiak herring is included as Figure 15.

Figure 15 Togiak Herring Fishing Districts



Source: Westing et al. 2005.

Effort levels in the Togiak sac roe fishery can vary substantially from year to year. The fishery occurs during the period from late-April through May, and lasts for a period varying from 8 to 16 days, based on the last ten years (Figure 16). Table 7 provides harvest information for the herring sac roe fishery for 2001 to 2008, compared with the amount of herring bycatch taken in the NBBTA by the groundfish trawl fishery. The herring fishery tends to be prosecuted close to shore, in State waters (T. Sands, ADF&G, pers. comm., 2/11/09). At least one of the floating processors that has been active in the yellowfin sole fishery will also process herring from the Togiak fishery (R. Hatton, pers. comm., 3/12/09).

Figure 16 Timing of the herring sac roe fishery in the Togiak District, Bristol Bay, 2001-2008

	April																					May																							
	20	21	22	23	24	25	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
2001																	X	X	X	X	X	X	X	X																					
2002															X	X	X	X	X	X	X	X	X	X																					
2003						X	X	X	X	X	X	X	X	X	X	X	X	X																												
2004										X	X	X	X	X	X	X	X	X	X	X																									
2005												X	X	X	X	X	X	X	X	X																									
2006																							X	X	X	X	X	X	X	X	X	X													
2007																					X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				
2008																										X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Source: Westing et al. 2005, ADFG in prep.

Table 7 Herring sac roe harvest in the Togiak District, Bristol Bay, and herring bycatch in the Northern Bristol Bay Trawl Area (NBBTA) yellowfin sole fishery, 2001-2008, in mt.

Year	Gillnet Harvest [a]	Purse Seine Harvest [a]	Total Harvest [a]	NBBTA bycatch [b]
2001	6,491	15,879	22,370	**
2002	5,216	11,833	17,049	**
2003	6,505	15,158	21,663	na
2004	4,980	13,888	18,868	**
2005	5,841	15,071	20,912	0.3
2006	7,132	16,821	23,953	1.2
2007	4,012	13,120	17,132	34.6
2008	4,832	15,533	20,365	8.2

Source: Westing et al. 2005, ADFG in prep.; NMFS observer database, March 2009.

[a] Harvest total includes dead loss and test fish.

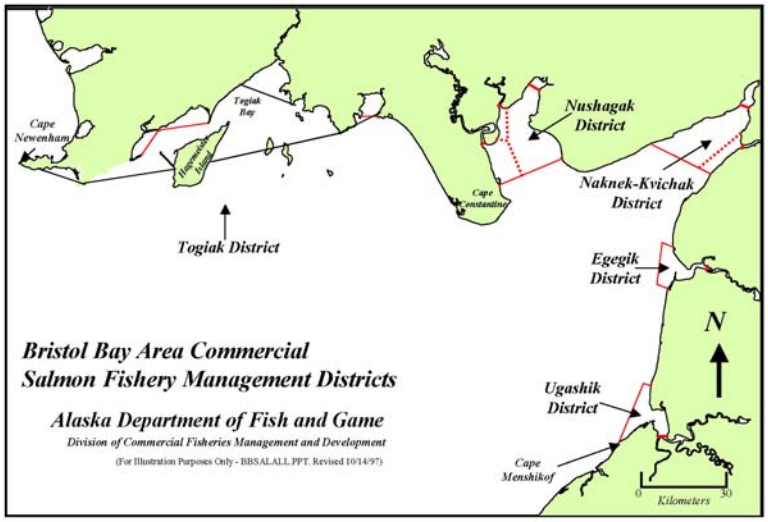
[b] From observed tows only. Data are confidential (**) for 2001, 2002, and 2004, and there was no trawl fishery in 2003 (na = not applicable).

The herring spawn-on-kelp fishery has only occurred twice in the last 8 years, in 2002 and 2003. In 2002 the fishery was open on May 14th and in 2003 on May 3-4th. Data for the 2003 fishery are confidential, but the 2002 fishery harvested 67,793 lbs or the equivalent of 260 tons of herring.

4.3 Salmon fishery

A map of the commercial salmon fishery management districts is provided in Figure 17. The Togiak district opens to commercial salmon fishing on June 1, but typically no fishing occurs until about June 20th. In 2008, the commercial salmon fishery in the Togiak district made deliveries from June 19th to August 6th. Approximately 45 vessels participate in the Togiak salmon fishery, and 70 set net permit holders participate (T. Sands, ADF&G, pers. comm., 2/9/09).

Figure 17 Bristol Bay Area Commercial Salmon Fishery Management Districts



Source: Westing et al. 2005.

Table 8 illustrates the Chinook salmon harvest in the Togiak district, and compares it to observed Chinook salmon bycatch in the NBBTA. It does not include harvest from the Kulukak section of the Togiak district, but the vast majority of harvest and effort occurs in the Togiak River section (T. Sands, ADF&G, pers. comm., 2/9/09). There has been no observed bycatch of non-Chinook salmon in the NBBTA.

Table 8 Chinook salmon harvest in the Togiak District, Bristol Bay, and Chinook salmon bycatch in the Northern Bristol Bay Trawl Area (NBBTA) yellowfin sole fishery, in numbers of fish, 2001-2008.

Year	Harvests by Fishery				NBBTA bycatch[b]
	Commercial	Sport[a]	Subsistence	Total	
2001	9,937	1,006	1,612	12,555	**
2002	2,801	76	703	3,580	**
2003	3,231	706	1,208	5,145	na
2004	9,310	1,388	1,094	11,792	**
2005	10,605	1,734	1,528	13,867	-
2006	16,225	1,064	1,630	18,919	-
2007	7,755	1,501	1,234	10,490	120
2008	3,094	1,279 [e]	1,339 [e]	5,712	-

Source: Westing et al. 2005, ADFG in prep.; NMFS observer database, March 2009.

[a] Sport fish harvest estimate only includes the Togiak River Section

[b] From observed tows only. Data are confidential (**) for 2001, 2002, and 2004, and there was no trawl fishery in 2003 (na = not applicable).

[e] Data not available at the time of publication. Five year average used.

4.4 Interactions between local vessels and the trawl fishery

The sac roe herring fishery occurs at the same time when trawl vessels are fishing in the NBBTA for yellowfin sole. In five of the last eight years there has been overlap of dates between the herring fishery and the yellowfin sole fishery, although the first half of June tends to be the time when the yellowfin sole fishery is most heavily prosecuted, at which point the herring fishery is over.

It is also possible that there is some overlap between the halibut fishery and the trawl fishery. In most years, one to three local vessels fish for halibut in the NBBTA. The commercial salmon fishery, although it opens on June 1st, is generally not prosecuted until after the NBBTA is closed to trawling.

The Council received a written complaint in early 2008 from the Qayassiq Walrus Commission (see explanation in Section 1.2). Additionally, the Council received public testimony in October 2008 reporting interactions between fishermen during the May/June period of 2008 (Appendices A, B, and C).

Staff contacted ADFG and NOAA Enforcement to see whether there were any additional reports of gear conflict or other conflicts reported in the area. NOAA Enforcement has been contacted about reports that trawl vessels have been fishing in closed waters, or have been involved in unlawful takes of marine mammals, but these claims have not been substantiated (K. Hansen, OLE, pers. comm., 2/9/09). In response to the concerns of the local community, a NOAA representative has made semi-annual visits to the communities of Dillingham, Togiak, and King Salmon over the last couple of years, as a form of outreach to the communities. ADF&G has not received any specific complaints other than the Qayassiq Walrus Commission letter from early 2008 (T. Sands, ADF&G, pers. comm., 2/11/09).

5 Pacific Walrus Life History and Other Information

The walrus family is represented by a single modern species *Odobenus rosmarus*. Two sub-species of walrus are generally recognized: the Atlantic walrus (*O. rosmarus rosmarus*) and the Pacific walrus (*O. rosmarus divergens*). These two sub-species occur in geographically isolated populations and have evolved into slightly different forms. Pacific walrus are somewhat larger in body size and skull dimensions than Atlantic walrus and have proportionally larger tusks.

Walruses have a discontinuous, although nearly circumpolar distribution around the perimeter of the Arctic Ocean and the contiguous sub-arctic seas. Their distribution appears to be constrained by water depth and by severe ice conditions. Walruses are usually found in waters of 100 m or less, probably because of the higher productivity of their benthic foods in these shallower regions. The Atlantic walrus ranges from the central Canadian arctic eastward to the Kara Sea. Several more or less discrete stocks of Atlantic walruses are recognized in Canada, Greenland, Norway and Russia. The Pacific subspecies is represented by a single stock of animals that inhabits the continental shelf waters of the Bering and Chukchi seas.

Walrus are managed by the U.S. Fish and Wildlife Service with scientific research support from the U.S. Geological Survey and the State of Alaska, and management cooperation from the Eskimo Walrus Commission (EWC). Created in 1978 by Kawerak, Inc., the EWC is the organization representing Alaska's coastal walrus hunting communities. Initially formed as a consortium of Native hunters, the EWC is a recognized statewide entity working on walrus co-management issues on behalf of Alaska Natives. Walrus are an important cultural and subsistence resource to the Alaskan coastal Yupik and Inupiaq communities. Walrus are a primary resource of food for Alaska Natives and are used to produce handicrafts and artwork from its ivory and bone (http://www.kawerak.org/servicedivisions/nrd/ewc/index.html).

The following review of information on walrus is abstracted primarily from USFWS (1994).

5.1 Seasonal Movements

In winter, virtually the entire population of Pacific walrus inhabits the Bering Sea using the pack ice for haulout habitat to facilitate foraging on the seafloor. Breeding occurs in January through March, and the fetus develops for about 15 months and calves are born in the following spring as the population moves northward from April to June. Wintering areas are primarily southwest of St. Lawrence Island and in outer Bristol Bay and Kuskokwim Bay. As the pack ice recedes, most walrus, and nearly all females and young, move northward and enter the Chukchi Sea in May and June, but also are distributed widely in the northern Bering Sea up to Bering Strait (Figure 18). Walrus migrate into the Chukchi Sea and follow the ice edge, using the ice as haulout habitat during their summer foraging throughout the Bering Strait area and eastern Siberia, around Wrangel Island, and the western Beaufort Sea near Point Barrow. Several thousand walrus, mostly adult males, remain in Alaskan waters in the Bristol Bay area throughout the summer. As winter encroaches, walrus in the Chukchi Sea follow the southward advancing ice edge back through Bering Strait, using haulouts on Big Diomede, St. Lawrence, and King Islands. They continue to move to the south and by December inhabit their wintering grounds of the northern Bering Sea and outer Bristol and Kuskokwim Bays (Figure 19).

Figure 18 Summer distribution of Pacific walrus – from USGS (Undated)

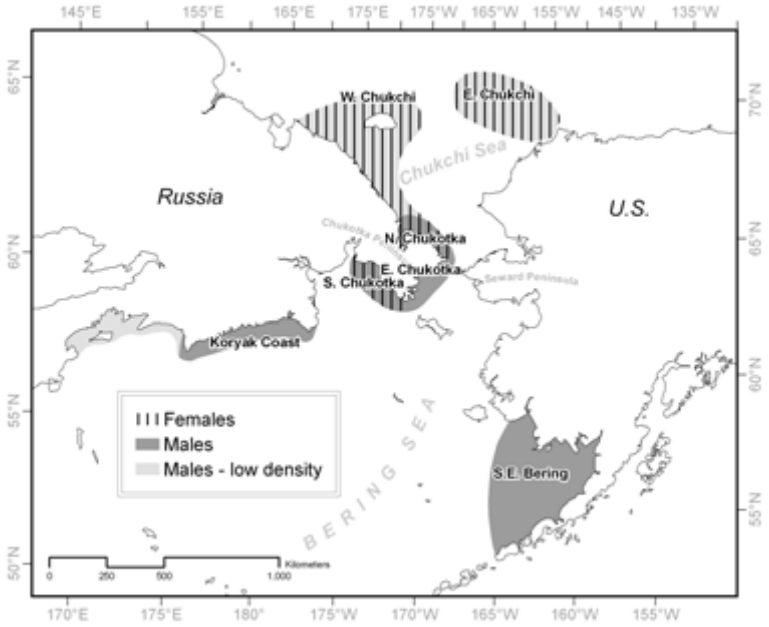
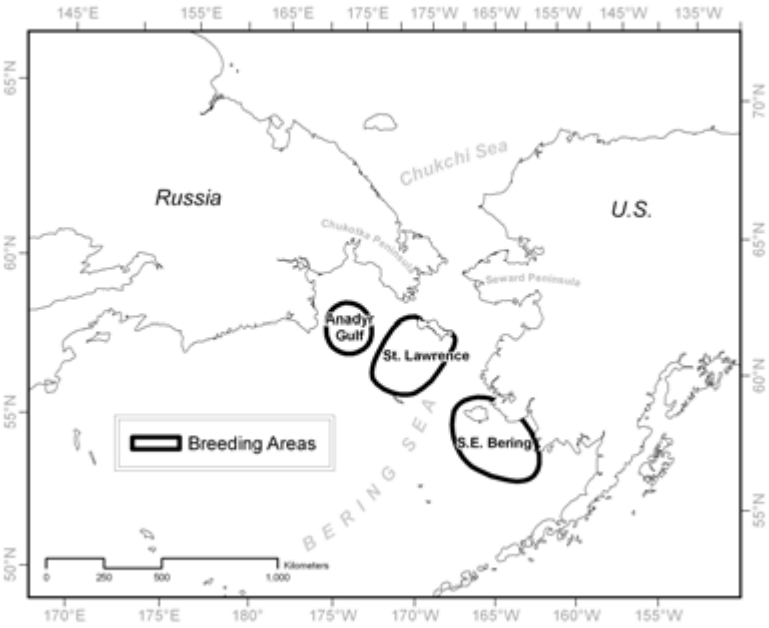


Figure 19 Winter distribution of Pacific walrus – from USGS (Undated)



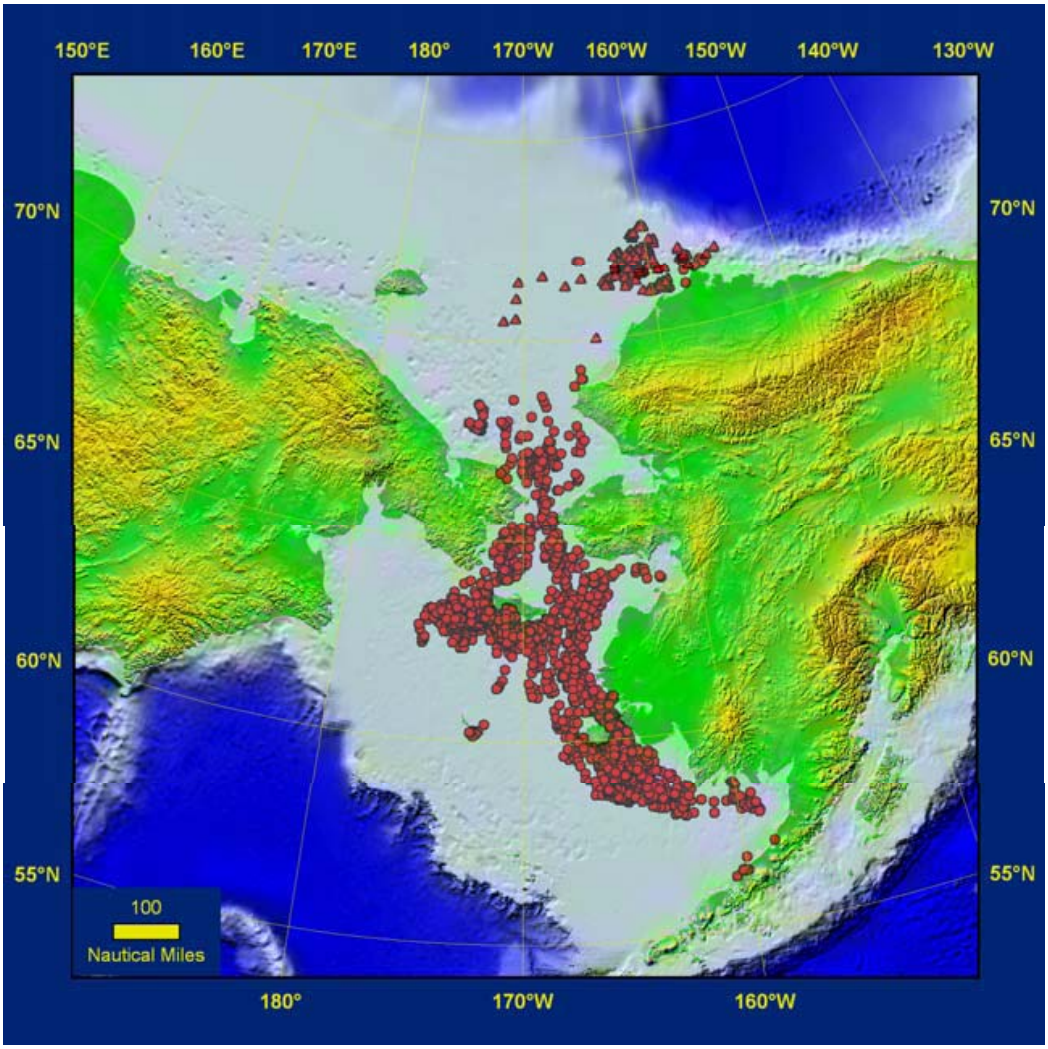
Major terrestrial haulout habitats in Alaska include Round Island, Cape Peirce, Cape Newenham, Cape Seniavin, and the Punuk Islands. Recently, Cape Seniavin and Hagemeister Island have become significant haulout areas (Joel Garlich-Miller, USFWS, pers. comm.).

Jay et al. (2001) studied movements and dive behavior of walruses in Bristol Bay. Using time-depth recorders attached to individual walrus, Jay et al. (2001) noted that walrus dived deep (41 m) and long

(7.2 min) about half of the time when swimming offshore and these were likely related to feeding episodes. Other behavior included shorter duration dives exploring the sea floor, or short dives while traveling. This study observed that when offshore, walrus spent about 60 % of that time diving. New satellite radio-tags are being developed to record when walrus are feeding or not feeding during forays offshore to compare energy budgets of walrus using land in ice-free conditions or sea ice as a resting platform (Jay and Fischbach 2008).

Other tagging studies conducted from 2004 to 2007 show the broad distribution of walrus from Bristol Bay throughout the Bering and Chukchi Seas as far north as the western Beaufort Sea (Figure 20). These data show locations of over 90 walruses tagged in the Bering and Chukchi Seas but may not give a complete picture of habitat use in this region because of the uneven distribution of tagging effort (USGS Undated). Information on more recent tagging studies can be found at http://alaska.usgs.gov/science/biology/walrus/tracking.html and at http://alaska.usgs.gov/science/biology/walrus/2008animation.html.

Figure 20 Daily locations of over 90 walruses tagged in the Bering (circles) and Chukchi (triangles) Seas, from 2004-2007. Note that the absence of walrus locations in some areas can be due to an uneven distribution of tagging effort, and therefore, the distribution of locations depicted here should not be construed as preferred habitat.



Source: USGS (Undated)

5.2 Population Size

The population size of Pacific walrus is unknown, but previous speculation based on review of 18th and 19th Century harvests suggested a pre-exploitation population size of possibly several hundred thousand individuals (Fay 1982). Large scale commercial harvests reduced the population to an estimated 50,000 to 100,000 animals in the mid 1950s, but since then the population has rebounded to higher numbers. Kenyon (1972) reported a range-wide population size of 123,640 in 1972. By 1980, the population was estimated to be about 250,000 (USFWS 1994). The cooperative U.S./Russia survey in 1985 estimated a population size of about 230,000 animals. Another survey was completed in 1990, but unusual ice conditions may have affected the results (population estimate of 201,039 animals)(USFWS 1994). No surveys were conducted from 1990 through the mid 2000s.

In 2006, a range-wide survey was conducted as a joint effort between the U.S. and Russia. This survey utilized new technology that was thought to provide improved accuracy and greater reliability than visual observation (Burn et al. 2006). The study involved aerial surveys of walrus during spring when the entire population was likely present in the Bering Sea study area. This survey employed thermal imaging to detect walruses on ice throughout its range along strip transects which sampled a series of survey blocks. An estimate of the total walrus population size will also require an estimate of the number of walrus not hauled out on ice. Results are still pending but should be available later in 2009 (Suzann Speckman, USFWS, pers. comm.). However, a progress report summarizing the best available information on the walrus population was recently completed; this report estimates only the on-ice walrus population during the 2006 survey. Additional analysis of data is underway to estimate the proportion of walrus in the water and not available for detection by thermal imaging. The range-wide estimate of walruses detected hauled out on the sea ice within the surveyed area in 2006 was about 22,000 animals (Speckman et al. 2009). The 95 % confidence interval around this mean is 8,453 to 45,439 individuals. These data are not corrected for areas not surveyed (about half the available walrus habitat)(Suzann Speckman, USFWS, pers. comm.). An estimate of the total population size will be available when estimates of the number of walrus in the water and in areas not represented by survey blocks are completed.

Other data on walrus abundance include surveys conducted by the USFWS at the Togiak National Wildlife Refuge, and annual counts by ADF&G on Round Island. Overall, walrus use of haulouts in the general Bristol Bay region seems to be shifting; in some years, walrus abundance fluctuates up and down depending on geographic location. Some groups, such as at Cape Peirce, are declining, yet in other areas such as Cape Seniavin, walrus abundance is increasing (Joel Garlich-Miller, USFWS, pers. comm.). Consistent walrus counts in this region are only conducted at Round Island and at haulout sites within the Togiak National Wildlife Refuge.

5.2.1 Round Island

Round Island is the largest of a group of seven islands that comprise the Walrus Islands State Game Sanctuary. Annually, the State permits visitors to the island for wildlife viewing or research, and counts of walrus are completed annually by refuge staff. Peak summer walrus counts have varied from around 1,700 to over 8,000 animals over the past ten years. In 2007, the peak count was 5,245 animals (Okonek et al. Undated). Counts at Round Island vary considerably; an aerial survey in 1978 counted 15,000 animals, and the lowest peak count of 1,746 animals was made in 1998 (Okonek et al. Undated; Raymond 1998).

5.2.2 Togiak NWR

According to the Togiak National Wildlife Refuge, Cape Peirce is one of the two largest regularly used terrestrial haulouts for Pacific walrus in the United States. Other terrestrial haulouts in southwest Alaska include Cape Newenham, Cape Seniavin and Round Island. The Refuge summarizes walrus use in these areas as follows (http://togiak.fws.gov/walrusmon.htm).

Cape Peirce

Walrus on haulouts at Cape Peirce have been counted from the ground from May to September since 1981. The annual peak number of walrus hauled out during a single day has ranged from 284 to 12,500 walrus, with the peak numbers occurring between June 10 and October 6. The timing of peaks may be related to males migrating north in the fall to join females at the edge of the ice pack.

The number of walrus using the Cape Peirce haulout increased during the years 1981 to 1985, when the high count of 12,500 walrus was recorded. Walrus numbers at the haulouts at Cape Peirce generally declined from 1986-1990 and have been rising, but variable, in the ensuing years. Beginning with 1989, a pattern appears of alternating higher and lower peak counts from year to year.

Within individual years, strong fluctuations in numbers of walrus onshore occur during the census period at Cape Peirce. Telemetry studies suggest that these variations may be synchronous with resting and feeding cycles. Such differences in numbers may also be related to severity of storms and to human disturbances. During storms with strong onshore winds and heavy surf, hauling grounds are usually abandoned.

Cape Newenham

Walrus on haulouts at Cape Newenham have been counted from the ground from April to December since 1986. The annual peak number of walrus hauled out during a single day has ranged from 4 to 5,444 walrus, and peak abundance has occurred between June 30 and July 21.

Walrus haulouts at Cape Newenham were monitored daily throughout the summer season in 1991-1993, 1996, and 1997. From 1998-2003, the walrus haulouts were monitored only from late June to late July as part of a cooperative Bristol Bay walrus monitoring program. Beginning in 2004, the haulouts were monitored by aerial survey on a weekly or bi-weekly schedule.

The beaches at Cape Newenham have been used sporadically by walrus during the last 10 years. From 1978 to 1984, when observations were very irregular, walrus numbers ranged from a few individuals to several thousand animals. Between 1988 and 1990 few walrus were seen at Cape Newenham. In the 4 years of regular censusing (1991-1993 and 1996), annual peaks ranged from 870 to 5,444.

5.3 Feeding Habits

Walrus feed in waters generally 80 to 100 m in depth or less (Fay 1985), and forage in areas of soft sand and mud. They prefer bivalve mollusks, but will feed on many other organisms if bivalves are not abundant. Food preferences are clams (of the genus *Mya, Serripes, Hiatella, Macoma*) and secondarily annelids, echiuroids, gastropods, and some crustaceans. Walrus infrequently consume fish, and are known to prey on phocid seals, but rarely (Fay 1985). Walrus can consume more than 50 clams in a single dive and consume 35-50 kg of food per day (Jay and Fischbach 2008).

Walrus require ice as a platform for birthing and resting during foraging activities, primarily using seasonal ice. Walrus generally reside within areas of moving ice where its constant motion creates an abundance of leads and polynyas (Fay 1985). Females and young walrus move northward in spring and summer to follow the receding ice pack, but in recent years, the annual ice pack has receded so far northward that walrus were forced to use shoreline habitat in northern Alaska and Siberia for hauling out, limiting their foraging areas and making them susceptible to human or other terrestrial-related disturbances.

In 1976-1978, industry-government surveys in the southeast Bering Sea reported the presence of potential commercially-exploitable clam (surf clams – *Spisula polynyma*) populations on the north side of the Alaska Peninsula (Hughes et al. 1977; Hughes and Nelson 1979) which they termed the clam zone. In the early 1980s, prompted by the results of these surveys, the NPFMC funded a survey of walrus feeding on clam resources of Bristol Bay (Fay and Lowry 1981) to determine if a commercial clam fishery could adversely affect the walrus' food supply. Results indicated walrus were present in the clam zone and fed almost exclusively on bivalve mollusks, and that surf clams were an important component of their diet. Fay and Lowry (1981) calculated that in 1980, walrus using the clam zone could have consumed 17-33 % of the total biomass of harvestable surf clams and in 1981 about 5-11%; the decline from 1980 to 1981 was speculated to be the result of heavy foraging in 1980.

5.4 Walrus Mortality

Human-caused disturbance, injury, or mortality to Pacific walrus is prohibited by the Marine Mammal Protection Act (MMPA) unless specifically authorized. Alaska Natives are allowed to hunt walrus for traditional subsistence purposes, and some "take" may be authorized under the MMPA for commercial fisheries or scientific research activities. The following briefly summarizes sources of mortality and disturbance take in the Pacific walrus population.

5.4.1 Natural

Information on natural causes of walrus mortality is scant, and generally the only evidence of natural mortality events is from carcasses washed ashore. Walrus suffer disease and parasite infestations (reviewed in USFWS 1994), and also may be killed as a result of territorial fighting and occasional predation from killer whales or polar bears. Some pups may be abandoned and pups and juveniles may be trampled by larger individuals, and some walrus have been killed as a result of scientific research activity. Anecdotal reports of frightened groups of walrus fleeing beaches in Russia and northern Alaska in recent years due to ice recession far to the north indicated some injury and mortality to some individuals (Jay and Fischbach 2008). Walrus have been reported entrapped in heavy ice, with possible starvation as a result but this has not been well documented (USFWS 1994).

5.4.2 Fisheries

Walrus occasionally interact with trawl and longline fishing gear of U.S. groundfish fisheries with injury or mortality as a result, but no data are available from Russian waters. Until recently, the USFWS has used the average annual fishery mortality rate over the period 1996-2000 as a representative estimate of the current mortality rate (the most recent published walrus Stock Assessment Report was in 2002). More detailed information can be reviewed in Angliss and Outlaw (2008); using these data, the mortality to walrus from commercial fisheries in Alaska was estimated to be approximately 1.2 walrus per year, which is considered insignificant relative to other sources of human-caused mortality affecting this stock. The USFWS has recently updated the Stock Assessment Report for walrus, but it is under review by the Alaska Scientific Review Group and will not be available for public review until later this year (Suzann

Speckman, USFWS, pers. comm.). Based on information in the draft revised stock assessment, NMFS observer data from 2002 – 2006 indicate that only the BSAI flatfish fishery has recorded interactions with walrus that resulted in injury or mortality; NMFS estimates that the mean annual mortality to walrus in this fishery is 2.66 animals per year (Robyn Angliss, NMML, pers. comm.; Perez, 2006; Perez, Undated). The table below is from the draft walrus Stock Assessment Report. This level of mortality is considered insignificant relative to other sources of human-caused mortality.

Table 9 Summary of incidental mortality of Pacific walrus due to commercial fisheries from 2002-2006 and estimated mean annual mortality. All mortalities occurred in the Bering Sea/Aleutian Islands flatfish trawl fishery.

Fishery	Year	Data type	Observer coverage (%)	Observed mortality (in given years)	Estimated mortality (in given years)	95% CI
Bering Sea/ Aleutian Islands flatfish trawl	2002	obs data	58.4	2	3.3	1.4 – 7.5
	2003		64.1	0	NE	NE
	2004		64.3	2	3.1	1.4 – 6.8
	2005		68.3	3	4.1	2.3 – 7.31
	2006		67.8	2	2.8	1.4 – 5.9
Mean	2002-2006	obs data	64.7	1.8	2.66	1.83 – 3.86 CV = 0.39

Fisheries observer data provided by NMFS. NE = no estimate made because no take was recorded.

5.4.3 Hunting

Commercial harvests occurred in the past, but have been prohibited in the U.S. and Russia since 1941 and 1957, respectively. Walrus were hunted throughout their range for tusks, skin, and oil (Fay et al. 1989). Large numbers of walrus were harvested commercially in the 1800s and early 1900s (10,000 to 20,000 animals per year); this level of harvest was thought to have caused major declines in the population (Fay et al. 1989). Fay et al. (1989) extensively review the history of population fluctuations from commercial exploitation of walrus. Sport and subsistence harvests in U.S. waters continued through Statehood and the 1960s (5,000 to 6,000 animals harvested per year), but under the MMPA in 1972, sport hunting was prohibited but subsistence harvests continued (see below).

Subsistence Harvest

Only Alaska Natives can participate in human harvests of walrus for subsistence and the creation and sale of authentic Native articles of handicraft and clothing, and similar subsistence harvests of walrus occur in Siberia (the Chukotka Region). Prior to the MMPA prohibition on hunting of marine mammals except by Alaska Natives, subsistence harvests were included in the overall harvest information presented above. In the mid 1980s, annual subsistence hunting harvest was estimated to be 10,000 to 15,000 animals (including those struck and lost) (Fay et al. 1989), but by the late 1980s harvests were considerably lower (USFWS 1994). In 1997, a Cooperative Agreement was developed between the USFWS and the Eskimo Walrus Commission to facilitate Native participation in walrus research and management and to develop local subsistence harvest regulations.

Limited hunting under a cooperative agreement between the USFWS, ADF&G, and the Qayassiq Walrus Commission with a set season and harvest quota occurs on Round Island. The only restrictions imposed on harvest outside the Round Island State Game Sanctuary are that the harvest not be wasteful, and that it be reported to the USFWS through the Marking, Tagging, and Reporting Program within 30 days of harvest. The bulk of the U.S. harvest occurs in the Bering Strait region, but some hunting occurs on Hagemeister Island and other locations throughout Bristol Bay (Jonathan Snyder, USFWS, pers. comm.).

Based on 1996-2000 harvest statistics, the USFWS estimated the combined U.S. and Russia subsistence harvest mortality level at 5,789 animals per year (Angliss and Outlaw 2008). These data are corrected using estimates for animals struck and lost (the USFWS estimates 42% of animals struck are not retrieved). In the period 2003 to 2007, the USFWS reports an average U.S. subsistence harvest of 1,638 to 1,926 walrus; combined with Russian data and corrected for animals struck and lost, the average total subsistence removals from the entire Pacific walrus population ranged from 4,974 – 5,470 animals in this period. A small portion of the subsistence walrus harvest occurs from hunting by residents of villages in the Bristol Bay region. In the last decade, annual hunter reported harvest data obtained through the USFWS Marking, Tagging, and Reporting Program indicate a harvest of 1 to 5 walrus/year in Dillingham, 1 to 2 walrus/year in Goodnews Bay, 1 to 10 walrus/year in Togiak, and very few animals, in some years none, from other villages (e.g. Manokotak, Egegik, Platinum, Twin Hills)(Jonathan Snyder, USFWS, pers. comm.). In 1995, the Qayassiq Walrus Commission was established to manage a small walrus hunt on Round Island; subsistence harvest limits have ranged from 10 to 20 animals annually during a fall hunt after the visitor season ends. This quota is often not filled, and in 2008 no walrus were harvested on Round Island (Jonathan Snyder, USFWS, pers. comm.).

5.5 Walrus Disturbance

In addition to hunting, walrus may be disturbed by other human activities. As noted above, some incidents of stampeding walrus have been reported, recently in relation to loss of seasonal ice in the northern Chukchi Sea area. When ice melts, and is not accessible to walrus, they may haul out on beaches, accessing nearby foraging habitat from land but without the refuge of offshore floating ice. In this situation, walrus are susceptible to disturbance from human activity, or predators, and may be induced to stampede into the water, possibly with injury and mortality to some individuals as a result. Jay and Fischbach (2008) note that as sea ice loss continues, more walruses may haul out on land, making them susceptible to increased predation and human disturbance and possibly changing their feeding behavior.

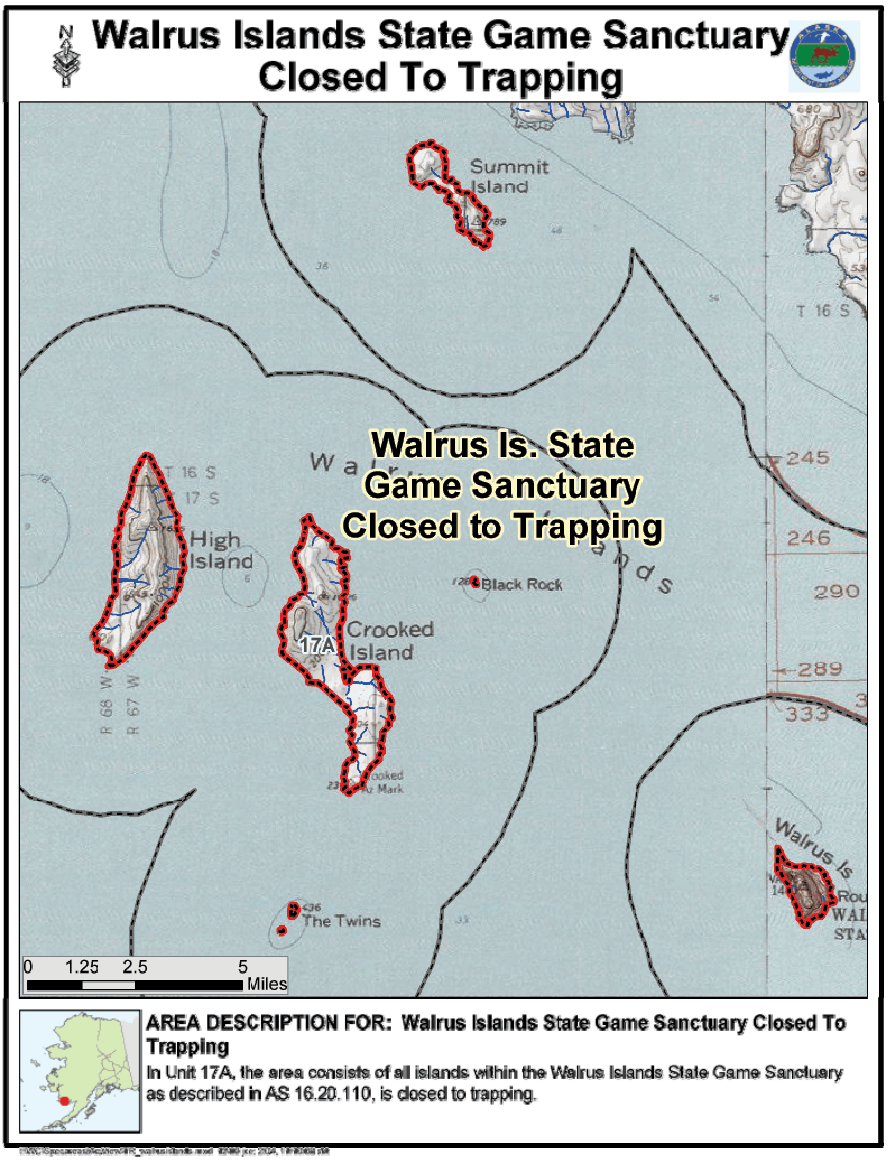
In the late 1980s, the Council responded to requests from Bristol Bay residents to limit fishing activities near some walrus haulouts. The Council was advised that noise from engines or propeller cavitation, net winches, other deck machinery, and other fishing activities disturbed walrus and made it more difficult to successfully hunt walrus for subsistence purposes. The Council adopted 3 to 12 n mi closures around the Walrus Islands (Round Island and The Twins) and Cape Peirce in northern Bristol Bay April 1-September 30 to reduce this disturbance.

And the State of Alaska established a 3 n mi year-round closure (vessel no transit zone) around Round Island within the Walrus Islands State Game Sanctuary[5] (Figure 21) partly to protect this haulout from human access and disturbance (AS 16.20-090). Permits may be granted for small groups of individuals to visit the island for wildlife viewing, generally during the period May-August under stringent conditions that limit disturbance.

Anecdotal reports indicate potential disturbance interactions between the yellowfin sole fleet and walrus that inhabit the areas around northern Bristol Bay (see materials provided from the public in Appendices A, B, and C), and some indicate potential disturbance of walrus that haul out on Hagemeister Island from seafood product offloading and onloading in the NOAA-permitted roadstead in this area.

[5] The Walrus Islands State Game Sanctuary was created in 1960 by the Alaska Legislature to provide opportunity for wildlife viewing, scientific research, and to conserve a large population of Pacific walrus that hauls out on Round Island and 6 other small adjacent islands in the Sanctuary. Access permits are required and restrictions have been imposed on visitors (5 AAC 92.066).

Figure 21 Walrus Islands State Game Sanctuary includes the land area and adjacent State waters of Round, Crooked, High, and Summit Islands and The Twins and Black Rock (AS 16.20.092).



5.6 Mitigation of Walrus/Fishery Interactions

The USFWS (1994) Pacific Walrus Conservation Plan notes that historically some incidental take in fisheries, disturbance, and competition for prey resources were concerns for the Pacific walrus in Alaska. However, the Conservation Plan states that fishery impacts on feeding habitat and prey resources has not been an issue and could only be of concern if a commercial fishery occurs on clams on a large scale. Disturbance issues have largely been mitigated through several regulatory actions that minimize fishery activities close to walrus haulouts in northern Bristol Bay when walrus are present during spring and summer months. And incidental take in fishing gear has largely been of decomposed walrus, indicating those animals were already dead when captured in nets. Recent data on fisheries-related mortality were summarized above; fisheries interactions result in an estimated annual mortality of 2.66 walrus in Alaska commercial fisheries.

5.7 Petition to List Walrus under the ESA

On February 7, 2008 the Center for Biological Diversity (CBD) petitioned the USFWS to list the Pacific walrus as threatened or endangered under the Endangered Species Act (ESA), and to concurrently designate critical habitat. The CBD petition indicated concerns over the loss of walrus habitat, primarily seasonal sea ice, caused by climate warming from causes that include greenhouse gas emissions. Due to funding limitations, the Agency was unable to consider the petition in Fiscal Year 2008. On December 3, 2008 the CBD filed a lawsuit against the USFWS for failing to act on the listing petition. As part of settlement of this court case, the USFWS proposed the completion of a 90-day finding by September 2009. If the results of this finding are that the petition contains substantial information, the USFWS will undertake a more detailed 12-month finding to determine if ESA listing is either: 1) not warranted, 2) warranted, or 3) warranted but precluded by other priorities. If undertaken, the results of this 12-month finding will be completed by September 2010 (Douglas Burn, USFWS, pers. comm.).

6 References

Ackley, D. and D. Witherell. 1999. Development of a marine habitat protection area in Bristol Bay, Alaska. Ecosystem Approaches for Fisheries Management, Alaska Sea Grant Report AK-SG-99-01, p. 511-526.

ADF&G (Alaska Department of Fish and Game). In prep. Annual Management Report, 2009 Bristol Bay Area, Alaska Department of Fish and Game.

Burn, D.M., M.A. Webber, and M.S. Udevitz. 2006. Application of airborne thermal imagery to surveys of Pacific walrus. Wildlife Society Bulletin 34(1):51-58.

Fay, F.H. 1982. Ecology and biology of the Pacific walrus, *Odobenus rosmarus divergens* Illiger. U.S. Fish & Wildlife Service, North American Fauna No. 74, Washington, D.C. 276 p.

Fay, F.H. and L.F. Lowry. 1981. Seasonal use and feeding habits of walruses in the proposed Bristol Bay clam fishery area. Report for North Pacific Fishery Management Council, Contract No. 80-3, Council Document #18. 61 p.

Fay, F.H., B.P. Kelly, and J.L. Sease. 1989. Managing the exploitation of Pacific walruses: a tragedy of delayed response and poor communication. Marine Mammal Science 5(1):1-16.

Hughes, S.E., R.W. Nelson, and R. Nelson. 1977. Initial assessments of the distribution, abundance, and quality of subtidal clams in the S.E. Bering Sea. Processed Report, NOAA/NMFS, Northwest and Alaska Fisheries Center, Seattle, WA. 43 p.

Hughes, S.E. and R.W. Nelson. 1979. Distribution, abundance, quality, and production fishing studies on the surf clam, *Spisula polynyma*, in the southeastern Bering Sea, 1978. Processed Report, NOAA/NMFS, Northwest and Alaska Fisheries Center, Seattle, WA. 31 p.

Jay, C.V. and A.S. Fischbach. 2008. Pacific walrus response to Arctic sea ice losses. Fact Sheet 2008-3041. 4 p.

Jay, C.V., S.D. Farley, and G.W. Garner. 2001. Summer diving behavior of male walruses in Bristol Bay, Alaska. Marine Mammal Science 17(3):617-631.

Kenyon, K.W. 1972. Aerial surveys of marine mammals in the Bering Sea, 6-16 April 1972. U.S. Bureau of Sport Fisheries and Wildlife, Seattle. 79 p.

NPFMC (North Pacific Fishery Management Council). 1981. Seasonal use and feeding habits of walruses in the proposed Bristol Bay clam fishery area. Prepared by University of Alaska and Alaska Department of Fish and Game. Council Document # 18. 61 p.

NPFMC and ADFG. 1996. Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Amendment 37: Measure 1, Establishment of a Bristol Bay Red King Crab Savings Area; Measure 2, Management of Red King Crab (*P. camtschaticus*) Bycatch Limits in Bering Sea Groundfish Trawl Fisheries; Measure 3, Establishment of a Trawl Closure Area in Nearshore Waters of Bristol Bay. NPFMC, Anchorage, AK. June 21, 1996.

Okonek, D.C., B. Okonek, and M. Snively. Undated. Walrus Islands State Game Sanctuary Annual Report 2007. Alaska Department of Fish and Game, Anchorage. 63 p.

Perez, M. A. 2006. Analysis of marine mammal bycatch data from the trawl, longline, and pot groundfish fisheries of Alaska, 1998-2004, defined by geographic area, gear type, and target groundfish catch species. U.S. Dep. Commer., NOAA Tech. Memo. NMFS-AFSC-167.

Perez, M. A. Undated. Unpubl. ms. Bycatch of marine mammals by the groundfish fisheries in the U.S. EEZ of Alaska, 2005. Available NMML-AFSC, 7600 Sand Point Way NE, Seattle, WA 98115 and Unpubl. ms. Bycatch of marine mammals by the groundfish fisheries in the U.S. EEZ of Alaska, 2006, 67 pp. Available NMML-AFSC, 7600 Sand Point Way NE, Seattle, WA 98115.

Raymond, R. 1998. Walrus Islands State Game Sanctuary Annual Report. Alaska Department of Fish and Game, Anchorage.

USFWS (U.S. Fish & Wildlife Service). 1994. Conservation plan for the Pacific walrus in Alaska. USFWS, Marine Mammals Management, Anchorage, AK. 82 p.

USGS (U.S. Geological Survey). Undated. Pacific walrus. Fact sheet. USGS, Anchorage.

Westing, C., S. Morstad, K. Weiland, T. Sands, L. Fair, F. West, and C. Brazil. 2005. Fishery Management Report No. 05-41: Annual Management Report 2004 Bristol Bay Area. Alaska Department of Fish and Game. June 2005.

Williams, G. 2008a. Incidental catch and mortality of Pacific Halibut, 1962-2008. IPHC Report of Assessment and Research Activities. IPHC. pp. 299-312. http://www.iphc.washington.edu/HALCOM/pubs/rara/2008rara/2k8rara07.pdf

Williams, G. 2008b. Pacific halibut discard mortality rates in the 2007 open access and CDQ groundfish fisheries, and recommendations for 2009. IPHC Report of Assessment and Research Activities. IPHC. pp.313-324. http://www.iphc.washington.edu/HALCOM/pubs/rara/2008rara/2k8rara07.pdf

Witherell, D. and D. Woodby. 2005. Application of marine protected areas for sustainable production and marine biodiversity off Alaska. Marine Fisheries Review 67(1):1-27.

BRISTOL BAY NATIVE ASSOCIATION

PO Box 310
Dillingham, Alaska 99576-0310
Tel: (907) 842-5257
Fax: (907) 842-5932

December 13, 2007

North Pacific Fisheries Management Council
605 West 4th, Suite 306
Anchorage, AK 99501-2252

Dear Sir or Madam:

At the December 13, 2007, Qayassiq Walrus Commission (QWC) Post Hunt Meeting, the QWC Commissioners would like to request the North Pacific Fisheries Management Council to support the Qayassiq Walrus Commission's concern that walrus haulout and feeding habitat areas are being disturbed by increase in the trawl fleet fishery. The Qayassiq Walrus Commission's main concern is their Yup'ik Eskimo traditional walrus hunting site in Round Island is being affected by the trawl fleet noise disturbing the walrus to haulout elsewhere. The noise of the trawl fleet fishery is affecting our traditional walrus hunt at Qayassiq. Also, the increase of trawl fishing for yellowfin sole fish is disturbing the walrus feeding habitats which is mainly the clam beds in the Walrus State Game Sanctuary area, including Togiak Bay, Kulukak Bay, from Cape Newenham down to the North Aleutian Basin area. The trawl fishery fleets are also catching by catch including king salmon, red salmon, and halibut which migrate into ocean waters to feed and return back to the Bristol Bay and Togiak waters. The trawl fisheries are also disturbing the salmon habitat areas and cleaning deep seabeds which walrus and the Bristol Bay residents harvest as their food resources. These fish species, along with our marine mammals are important year-round traditional Native food resources for the Bristol Bay residents extending from Cape Newenham down to the North Aleutian Basin.

The QWC Commission would like to work with NPFMC, the Eskimo Walrus Commission, the Alaska Department of Fish and Game, the Bering Sea Fisherman's Association, and the Bristol Bay Economic Development Council in developing a coastal zone boundary, or a no-trawl fishery exclusion zone so the walrus, fish, and other marine mammals we eat will not become depleted.

We will be looking forward in hearing from you and working with you in resolving this issue.

Sincerely,

QAYASSIQ WALRUS COMMISSION

s/s

Frank Logusak, Sr.,
Chairman

cc: Bristol Bay Economic Development Corporation
Representative Bryce Edgmon
Senator Lyman Hoffman
Bering Sea Fishermen's Association
Eskimo Walrus Commission
U.S. Fish & Wildlife Service
Alaska Department of Fish & Game

Qayassiq Walrus Commission-Background, History and Overview

Background and History

Members of the Alaska Native tribes in Bristol Bay, Alaska continue to practice a traditional way of life passed down from many past generations. The traditional walrus hunt at Round Island has customarily occurred in the early Spring and Fall seasons. Round Island, since time immemorial, has been a traditional hunting and camping area for walrus harvesting.

In 1960, the State of Alaska designated the cluster of islands outside of Togiak as a state game sanctuary. Included in the Walrus Islands Game Sanctuary was Round Island (or "Qayassiq" in Yupik). For over 30 years, Alaska Natives were unable to hunt walrus from this favored location. In the early 1990's hunters from Togiak and other Bristol Bay area villages successfully petitioned the Board of Game to reinstate subsistence access to hunt walrus on Round Island. After a long, four-year crusade Togiak and other Bristol Bay villages were successful in reinstating access to the Round Island traditional hunting grounds.

As a result, the Qayassiq Walrus Commission (QWC) was formed after the Board of Game gave permission for a limited subsistence walrus hunt on Round Island. The Board of Game set the harvest season and harvest limits, but all other regulations were developed through the cooperative agreement by the four signatories. The Eskimo Walrus Commission, the Alaska Department of Fish & Game, the U.S. Fish and Wildlife Service, and the QWC completed and signed a cooperative agreement in September 1995. The agreement outlines the hunt regulations and designates the responsibilities of each party involved.

In March 1995 the Qayassiq Walrus Commission (QWC) formed to oversee walrus harvest activities for the Bristol Bay area. The Qayassiq Walrus Commission has the authority to add new villages, determine walrus harvest allocation for each village and monitor harvest activities, and other factors related to the hunt. Originally, the QWC included seven area villages who were invited to co-manage the annual walrus hunt. Since that time, the membership has increased to nine villages. Currently, the QWC village representatives include nine villages of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clarks Point, Ekuk, Ekwok, and New Stuyahok.

The tribal councils select a QWC Commissioner and an Alternate Commissioner who represents the QWC villages at a Fall QWC Pre-Hunt Meeting, and a QWC Post Hunt Meeting. At the meetings, the Commissioners are granted one vote in issues up for debate or election. The QWC Hunt Captains also participate at the QWC Commissioners meetings.

Current Harvest Guidelines:

After two successful harvest seasons, the Round Island walrus hunters proposed a few changes to the original cooperative agreement. In 1997, the QWC proposed to change the harvest season from October 31 to September 20 – October 20 and to increase the walrus harvest limit. The original harvest season increased the risk of personal injury and loss to the hunters, since Bristol Bay weather is extremely unpredictable during the Fall and early Winter season. Fierce storms often threaten the hunting parties and prevent villages from approaching Round Island, because in the past, skiffs, outboard and other hunting equipment have been lost by the storms.

The current QWC Round Island walrus hunting harvest season opens on September 10 and closes on October 20. During the harvest season, **ADF&F Round Island Access Permits** and **QWC Hunt Permits** are issued to allow hunting parties from member villages access to Round Island beaches for the specific activity of walrus hunting. During the rest of the year, visitors to Round Island are prohibited beach access. **Both permits are required and must be issued before departure to Round Island**.

The QWC Commissioners know that the QWC villages have traditionally hunted walrus each year when they are able to, and sometimes, there is the flexibility that walrus will not always be hunted each year due to unforeseeable circumstances. Nevertheless, the Native tradition of walrus hunting will continue on for many generations at Round Island. Generally, the permits are issued at the QWC Pre-Hunt Meeting, but may be completed any time before travelling to Round Island. Jim Woolington (Dillingham ADF&G) issues the Round Island Access Permits and BBNA Natural Resources Department issues the QWC Hunt Permits. The QWC hunt captains are required to have both permits on-hand while hunting on Round Island.

A maximum of 20 walrus may be taken **including** any walrus "struck and lost." This means that any struck and lost will be subtracted from the total number allotted for the villages. During the QWC Pre-Hunt Meeting, the QWC Commissioners and hunters decide the allocation for each village.

In the 2001 QWC Pre-Hunt Meeting, the Qayassiq Walrus Commissioners drafted a proposal to the QWC Cooperators and the Board of Game for an earlier walrus hunt in the Eastside (Nushagak drainage villages) from September 10 –October 31 each year, but the Togiak and Twin Hills hunting dates would be unchanged.

The extreme weather conditions have prevented the Nushagak area villages and Togiak and Twin Hills from participating in the Round Island walrus hunt. BBNA presented the draft proposal to the QWC Cooperators for a Round Island walrus hunt extension in the event that bad weather prevents QWC communities from harvesting walrus.

At the March 2003 Board of Game meetings, the Board adopted an amended proposal revising the hunting period for walrus hunting on Round Island in the Walrus Islands State Game Sanctuary. The newly adopted hunting period for hunting begins September

10th and ends October 20th every year. Since the walrus hunt in the sanctuary is governed by a cooperative agreement and the changes adopted by the Board of Game required the cooperators to modity the Round Island Cooperative Agreement. In April 22, 2003, the four signatories to the cooperative agreement began updating this document. A final cooperative agreement was signed with the hunt date changes by September 3, 2003. Every time any walrus hunt issues need to be taken care of and proposals have to be drafted for the QWC Cooperators, they have to go through this process. The Qayassiq Walrus Commissioners are the primary one's responsible for drafting any proposals to change the annual Qayassiq (Round Island) subsistence walrus hunt date changes or take action on any walrus related issues. If the issue will make a signicant change to the QWC Round Island Cooperative Agreement, then the four Cooperators consisting of QWC, EWC, ADF&G, and USFWS met and come to a consensus prior to signing off on the agreement amendments.

Harvest Monitoring

In 1992, with the cooperation of the U.S. Fish & Wildlife Service, ADF&G, and BBNA, the QWC selected an Alaska Native to monitor the harvest for each village. The Monitor traveled to Round Island with each hunting party, documented the events, measured the length and girth of the walrus, tagged ivory tusks and prepared a summary report of the harvest season. For the past several years, BBNA upon approval of the QWC Commissioners have successfully employed a Round Island Harvest Monitor to monitor the walrus hunt.

From 2003 to 2005, the QWC approved to have Mary Cody, U.S. Fish & Wildlife Service of Anchorage, and Helen Chythlook, QWC Executive Director and BBNA Staff to monitor the annual Qayassiq (Round Island) subsistence walrus hunt from September 7th to 22st. After September 22nd until October 20th, the QWC Commissioners authorized BBNA Natural Resources Department staff to hire Round Island Monitor's as needed for the walrus hunts. The Togiak and Twin Hills hunt crew shared a Round Island Harvest Monitor to monitor their walrus hunts. Generally, if no QWC Hunt Monitor is hired, the QWC Hunt Captain can be designated as the monitor during the Round Island hunt.

The staff conduct daily walrus counts, record weather conditions, conduct seabird counts, and if time allows count the Steller sea lions at Eastcape side of the Island. Having a monitor on site has been helpful to the QWC Hunt Captains and crew. They call Round Island via VHF radio, the monitor lets the hunt captains know the number of walrus currently on Main Beach of Round Island, the weather conditions (wind direction, kilometers, wave conditions, visibility conditions, etc), and answer any walrus population and monitor related questions. During the hunt, the monitor(s) are picked up at Boat Cove by the hunt captain/crew via outboat motor skiffs to the Main Beach designated walrus hunting site. The monitors collect data as mentioned earlier. A hunt monitor report is prepared prior to the Qayassiq Walrus Commission's Post Hunt meeting. The QWC Commissioners and QWC Hunt Captains attend the meetings and give a hunt report from their community and present any concerns to the Commission.

The QWC is proud to take an active role in harvest monitoring and hope to continue this project in the future years. The progress and some struggles of recent years shows Alaska Natives can co-manage and successfully manage their own Natural Resources. This, itself is a testament to all the hard work and dedication of the original walrus hunters who petitioned for the Round Island harvest. We as Alaska Natives are moving forward and will continue to do so with our Ancestors guiding us along the way of positive changes around our world.

After eleven successful harvest seasons, the QWC is proud to demonstrate the positive result of cooperation between the USFWS, the ADF&G, and the Eskimo Walrus Commission. Now that the walrus hunt has been established, the villages look forward to hunting walrus where their ancestors hunted, and sharing fresh walrus every Fall. The QWC also strives to assume greater responsibility for each harvest.

BRISTOL BAY NATIVE ASSOCIATION

PO Box 310
Dillingham, Alaska 99576-0310
Tel: (907) 842-5257
Fax: (907) 842-5932

Overview: Bristol Bay Marine Mammal Council (BBMMC)

BBMMC History:
In 1995 the 31-member tribes of the Bristol Bay Native Association (BBNA) formed the Bristol Bay Marine Mammal Council (BBMMC). The membership of BBMMC consists of a representative selected by each Tribal/Village Council. A 7-member Executive Council conducts the business for the BBMMC members. The Council consists of one member from each of the 5 sub-regions of Bristol Bay and two at-large members, all of which are selected by a vote of villages within each sub-region. The Bristol Bay Subregions of the BBMMC consist of the following: Nushagak Subregion includes: Aleknagik, Clarks Point, Dillingham, Ekwok, Ekuk, Koliganek, New Stuyahok, and Portage Creek. Togiak Bay Subregion includes: Manokotak, Togiak, and Twin Hills. The Kvichak Bay/Peninsula Subregion includes: Egegik, King Salmon, Naknek, Pilot Point, Port Heiden, South Naknek, and Ugashik. The Iliamna Lake Subregion includes: Igiugig, Iliamna, Kokhanok, Levelock, Newhalen, Nondalton, and Pedro Bay. The Chigniks Subregion includes: Chignik Bay, Chignik Lagoon, Chignik Lake, Ivanof Bay, and Perryville. The general membership and the Council are an accurate representation of the people of each sub-region; as a result they can come together and discuss the marine mammal concerns of each sub-region and look for ways to resolve those concerns.

The purpose of the BBMMC is to promote the conservation of marine mammal populations in the Bristol Bay marine ecosystem for subsistence use by tribal members. The Bristol Bay marine ecosystem represents an area of rich and varied biodiversity. To properly address current and future marine mammal issues in the Bristol Bay area, the BBMMC provides council members with a forum to express their needs and draw attention to their specific concerns. The BBMMC also provides state and federal agencies with the means to effectively communicate with the many villages in the BBNA region.

The BBMMC's Marine Mammal Program receives it's funding from the National Marine Fisheries Service on an annual basis to monitor and manage the marine mammals in the Bristol Bay region. Marine Mammals are an integral part of the culture and economy in Native communities and have been for centuries. Bristol Bay houses a variety of marine mammals: Pacific walrus, harbor seal, beluga whale, Northern sea otter, Steller sea lions, spotted seal, bearded seal, and ringed seal. Native hunters have never looked to just one species for sustenance, they have depended on everything the ecosystem could provide them.

While numerous marine mammal organizations throughout the state are specific to one species,

the BBMMC was established to take an ecosystem approach to marine mammal issues. Rather than concentrating on one species -- its population and distribution, habitat, diet, use by humans, and other factors -- the BBMMC considers all marine mammal species in Bristol Bay. Its goal is to conserve marine mammal species and to promote healthy stocks to continue the traditional subsistence harvest of resources by tribal members. By considering all species as pieces of a bigger picture, BBMMC will be able to better inform tribal members of marine mammals and the overall health of the Bristol Bay ecosystem.

Projects-Examples of Completed Projects

The BBMMC would not only like to inform the tribal councils of marine mammal issues but involve them in establishing research priorities and carrying out the research as well. At each Fall meeting, the BBMMC establishes research priorities. Based upon these, research projects are developed and conducted. In order for BBMMC's research projects to be successfully implemented, and for cost effectiveness, BBMMC conducts research projects cooperatively and establishes a project team composed of experienced scientists and local village experts. Prior to the field season, the project team meet to review a draft project study plan, and delegate tasks or responsibilities that will be completed by each member. Some of the tasks or responsibilities include donations of staff time, equipment, and other projected-related items. The discussions focus on methods to successfully implement a project. For example, since 2002, BBMMC has cooperatively conducted a pilot project of tagging 5 beluga whales in the Kvichak River to study their movements. The project team consisted of the Alaska Beluga Whale Committee (ABWC), Bristol Bay Native Association (BBNA), Bristol Bay Marine Mammal Council (BBMMC), the Alaska Department of Fish & Game (ADF&G), the National Marine Fisheries Service (NMFS), the National Park Service (NPS), the U.S. Fish & Wildlife Service (USFWS), and members of the Village of Levelock on the Kvichak River. By working together, the project was successfully completed. In 2004, and 2005, the focus of the project shifted to DNA collection and analysis. In 2004, skin was collected from 30 belugas, and in 2005, 13 skin biopsies were collected. In 2006, the beluga biopsy research project was continued in the Kvichak River. The research team successfully collected 50 beluga biospies. The NMFS Southwest Fisheries Science Center will analyze with other Bristol Bay beluga skin samples collected by the hunters.

One of the Bristol Bay Marine Mammal Council's (BBMMC) 2006 research project priorities is to expand their beluga tagging into the Nushagak area. Since 2002, the BBMMC, the Alaska Beluga Whale Committee (ABWC), Alaska Department of Fish & Game (ADF&G), the National Marine Fisheries Service (NMFS), the Bristol Bay Native Association (BBNA), the U.S. Fish & Wildlife Service (USFWS) and the National Park Service (NPS) have cooperatively worked on a beluga satellite tagging project in the Kvichak River for two years. From 2004 to 2006, the BBMMC has worked with beluga project cooperators in conducting beluga biopsies (collecting beluga skin samples) in the Kvichak River for genetic marking recapture studies. This means, the skin samples are sent to the National Marine Mammal Laboratory who analyzes the samples and through genetics, they can estimate the population of beluga whales in the area they were sampled, as well as determine what beluga stock they came from, for example, Bristol Bay beluga stock. In 2007, the beluga biopsy project will continue at field site in Levelock and it will

be expanded to the Naknek River. Approximately 50 to 100 beluga biopsy samples are anticipated to be collected by the research field crew.

In the spring of 2006, BBMMC staff was contacted by the Alaska Beluga Whale Committee, BBMMC and the Alaska Department of Fish & Game that we will be conducting a beluga satellite tagging project in the Nushagak area and up to five beluga whales would be tagged to study their winter movements. The field site was in Dillingham. Two boat operators, who are beluga hunters from Aleknagik provided local expertise to the biologists and field crew. The beluga capturing sites ranged from the mouth of Wood River, Black Sleugh to the Snake River area in the Nushagak Bay. The Beluga Satellite Tagging was from September 5 to September 9, 2006. A report will be presented to the Bristol Bay Marine Mammal Council at their November 2007 meeting. The Bristol Bay Marine Mammal Council graciously thanks the Project cooperators for dedicating their time and research equipment in successfully completing the research projects. This is a prime co-management example of Native organizations and agencies cooperatively working together to get something done for the people of Bristol Bay.

Besides research projects, in 2003 the BBMMC Council developed the Bristol Bay Beluga Whale Management Plan. The Plan includes: goals, conservation measures, subsistence harvest guidelines, use of beluga whales, reporting and monitoring, education, information, and public involvement, research, and enforcement. Copies of the Plan were circulated to all 32 tribal villages for review, comment, and recommendations. The Plan is reviewed periodically by the BBMMC Council for amendments as needed.

Other Marine Mammal Program Projects

Steller Sea Lion TEK & Rookery Project

The Steller Sea Lion Research Initiative-Native Village of Perryville Project was successfully completed in 2004. This project was encouraged by the Native Village of Perryville due to the decline in Steller sea lions in their area and on the Alaska Peninsula region in general. Some of the Alaska Peninsula communities have not harvested Steller sea lions for subsistence use for more than ten years. Phase One of this Project was gathering important traditional ecological knowledge (TEK) information on subsistence uses of Steller sea lions from elders and subsistence users in the Perryville community.

Phase Two of the project was conducting a population assessment using accepted small boat survey techniques and the identification of Steller sea lion haulouts and rookeries. The underlying reasons for conducting this project were to document traditional knowledge regarding subsistence uses of Steller sea lions, to assess the Steller sea lion population in the area, to identify haulouts and rookeries, and to increase the local research capacity of Perryville residents through training and use of modern research techniques.

On April 22, 2004, the Bristol Bay Native Association Natural Resource Department staff met with the Native Village of Perryville Council to review the final Project Report to NMFS.

The Native Village of Perryville Council made comments and recommendations. The Council was concerned during the 2003 Steller sea lion population survey, no pups were counted at the sites. The Council recommended continuous population survey for three to five years to get an accurate population count with pups at the Steller sea lion rookery haulouts. A resolution from the Native Village of Perryville Council passed in December 2004 is attached and a program summary of the proposed continuation of the Native Village of Perryville's Steller Sea Lion Population Identification Project. BBNA will continue seeking additional funds to continue this Project as it is a community request from the Alaska Peninsula area. There needs to be up to date research data from the Bristol Bay region and the Alaska Peninsula region. We are willing to participate as Project Cooperators with any state or federal agencies, and non-profit organizations willing to provide funds or technical support in continuing this project on a long term basis.

Walrus TEK Project

The Walrus TEK Project was recently conducted in Togiak, Alaska and it's intent was to gather important traditional ecological knowlege on subsistence uses of walrus in Bristol Bay. Two local research assistants from Togiak interviewed 15 elders and experienced walrus hunters on walrus TEK information, and map documentation by hunters was completed. The topics covered in the walrus traditional ecological knowledge project included: walrus population trends from ten years back to the present as observed from experienced traditional walrus elders and hunters; subsistence activities involving walrus, which included identification of historical traditional walrus subsistence sites; identification of current walrus subsistence sites; traditional methods of walrus hunting used by the Togiak Native ancestors and present methods used; weather patterns; identification of walrus migrating routes; identification of walrus haul-out sites; identification of walrus feeding areas; traditional subsistence uses of walrus meat, walrus skin, and preservation methods; walrus ivory and skin uses; traditional walrus conservation uses in ensuring the continuity of walrus hunting, and old time walrus hunting stories. BBNA completed the final report to the Pacific Walrus Conservation Fund. We would like to seek additional funding to expand on this Project.

The BBMMC and the BBNA Marine Mammal Program works with all of the BBNA Tribally enrolled communities in other marine mammal related issues and work cooperatively with other state and federal agencies on research projects. If you have any questions, or have any marine mammel related questions, call us at (907)-842-5257, extension 340, or use our toll free number at 1-800-478-5257, extension 340. BBNA also has a web page of the Natural Resource Department Program at www.bbna.com.

Final Report on:

"Walrus Traditional Ecological Knowledge Regarding Walrus Project"

Photo: 2004 Togiak subsistence walrus hunt crew taken prior to leaving for Round Island.

By
Helen Chythlook, Principal Investigator
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576

August 2006

Funding by:
Pacific Walrus Conservation Fund
Grant Award # 1997-0290-009

Acknowledgements:

Quyana cakneq! Thank you very much to the Togiak Traditional Council for participating in this Project and making it a success! *Quyana!* to Local Research Assistants Esther O. Thompson and Anita R. Atakitleg of Togiak for conducting one-on-one interviews in the Yup'ik Eskimo and English language while gathering important traditional ecological knowledge on subsistence uses of walrus in Bristol Bay, Alaska.
Quyana! to the following Togiak elders and experienced walrus hunters who provided valuable local traditional ecological knowledge on walrus in the Bristol Bay, Alaska area primarily in the Togiak area: Jack Gosuk, Annie Blue, Natalia Tuday, Anna Alexie, Mary E. Bavilla, Robert Nicholai, Peter Tommy, Sr., Frank Logusak, Sr., Posen Alexie, Wassillie Whymn, Sr., Elena Whymn, Evan Kinikalk, Elena A. Andrew, and John J. Antone. To this day, we know the Alaska Native people of Bristol Bay and the residents of Togiak, Alaska continue to traditionally subsistence hunt walrus as their Yup'ik Eskimo ancestors did. This traditional practice has been on-going since time immemorial and will continue.

Quyana! to the Project Cooperator staff: Alaska Department of Fish & Game (ADF&G), Subsistence Division office, Dr. James Fall of Anchorage; ADF&G Subsistence Division staff of Dillingham: Molly B. Chythlook and Theodore M. Krieg. Currently, Molly Chythlook no longer works for ADF&G but is the Bristol Bay Native Association's Natural Resource Department Division Manager in Dillingham. Your technical support input concerning knowledge of the Alaska Native people's traditional way of life and Molly's Yup'ik language skills are greatly appreciated.

Quyana! to the Bristol Bay Native Association's (BBNA) Natural Resource Department for their technical support in making this project a success!

Quyana! to Sander Johnson IV, BBNA Records Management Specialist for his technical support in map documentation of Togiak elders and experienced walrus hunters.

Quyana! to Ms. Jeanne Schaaf, Chief, Cultural Resources, Lake Clark National Park & Preserve for her contribution to this report by providing archeological information on Qayassiq.

Quyana to those not mentioned, but who worked behind the scenes to make this Project a success! Your contributions to this Project are important.

Last but not least, *Quyana* to the Pacific Walrus Conservation Fund for funding this very important project documenting traditional ecological knowledge on the use of walrus in Bristol Bay, Alaska.

TABLE OF CONTENTS

ABSTRACT

For centuries, in the Alaska Native culture, the people have learned about their traditional ways of life through oral history. The Native ancestors passed this on to the existing generation. The tradition of passing Alaska Natives traditional way of life to their families will continue into the next millennium. Alaska Natives also learn about how various daily tasks are done through observation. For example, as young children, they learn from watching an experienced hunter or elder butcher marine mammals, and large land animals. The person butchering walrus may let the young child try to butcher a piece of walrus meat, and commend them on the great job they are doing. Positive reinforcement was part of the Alaska Native elders' way of teaching the children about the traditional way of life. This made the youth feel enthusiastic and encouraged them want to learn more about doing various traditional activities. The lessons learned are an important component for survival in remote communities and sometimes harsh environmental conditions encountered while gathering, hunting, and fishing their traditional foods.

The Alaska Native people in Bristol Bay have traditionally harvested walrus for their subsistence needs, along with other fish and game resources. In 2004, expanding on to 2005, important traditional ecological knowledge about walrus in Bristol Bay, was gathered by two local research assistants, they interviewed 15 Togiak participants to document conservation of walrus, traditional and present preservation methods, traditional and present hunting methods, traditional and present uses of walrus, weather patterns, population trends, as well as other valuable anthropological information. Some map documentation was provided by the participants, particularly from the elder men hunters, and the younger experienced walrus hunters. Some ladies experienced in the traditional care of walrus and who also were raised in a traditional Native way of life participated in this Project. Subsistence walrus hunting has been one of the traditional practices of the Native people of Togiak, therefore the gathering of traditional ecological knowledge of subsistence uses was concentrated in that community.

This report will primarily focus on subsistence uses of walrus as part of the traditional way of life of the Togiak Yup'ik Eskimo elders and experienced walrus hunters. Togiak residents still rely heavily on their subsistence way of life to harvest food resources from the land and sea year-round to survive. The Togiak community wants to continue the traditional harvest of walrus and recommends this report as a reference source. They do not want agency regulators to use their traditional knowledge against their traditional way of life including harvesting walrus at Round Island or in any of the other areas walrus are hunted in Bristol Bay. This report will provide important traditional ecological knowledge (TEK) on Alaska Native traditional subsistence uses of walrus, as well as provide important conservation information.

INTRODUCTION

This report describes gathering important TEK of subsistence uses of walrus in Bristol Bay from experienced elders and walrus hunters of Togiak Alaska.

From October 2004 through March 2005, the gathering of TEK on subsistence uses of walrus was successfully completed by two hired and trained Local Research Assistant's (LRA) from Togiak. One-on-one interviews of 15 elders and experienced walrus hunters were conducted. The interviews were conducted primarily in the Yup'ik Eskimo language and were recorded in both Yup'ik and the English language. The LRA's documented walrus locational information on U.S.G.S. topographical maps and transcribed the recorded interviews in both Yup'ik and English into manuscript format.

Traditional Ecological Knowledge

The Western terms used in documenting the Alaska Native traditional way of life is confusing to some of the Native people, words such as traditional ecological knowledge, subsistence, local traditional knowledge, native knowledge, and other related terms used were developed by the Western culture. In the Yup'ik culture, the traditional way of life or *piciryaraq* is the true meaning of simply, how they live their life. The Alaska Native people also do not have a word for subsistence in their language, but refer to 'our traditional way of life.' Although today, some Alaska Natives are combining the best of both worlds in their way of life. It is important to note each family has their unique ways of passing on the Native traditions they were taught by their Yup'ik elders and ancestors.

The closest definition relating to traditional ecological knowledge that best describes this term comes from Dr. Henry Huntington, of Anchorage, Alaska as follows:

"Traditional Ecological Knowledge (TEK) is a system of understanding one's environment. It is built over generations, as people depend on the land and the sea for their food, materials, and culture. TEK is based on observations and experience, evaluated in light of what one has learned from one's elders. People have relied on this detailed knowledge for their survival-they have literally staked their lives on its accuracy and repeatability. TEK is an important source of information and understanding for anyone who is interested in the natural processes at work in that area. While the scientific perspective is often different from the traditional perspective, both have a great deal to offer one another. Working together is the best way of helping us achieve a better common understanding of nature." (Huntington and Mymrin).

There is a common traditional understanding between Alaska Native communities. It was traditional for communities to come together and work on positive solutions to issues that caused disputes. Presently, Alaska Native people continue working with, for example, nonprofit organizations, and federal and state agencies to deal with issues and come to a cooperative consensus in decisions that affect their traditional way of life. The ongoing traditional conservation and preservation of the Alaska Native traditional way of life has been emphasized by the interviewed participants from Togiak. It is anticipated that the Western decision makers will respect the Togiak community and involve them in any future regulatory working meetings so they can provide local expertise and traditional knowledge in preserving their traditional way of life.

Community Background: Togiak, Alaska

Tuyuryaq, the Yup'ik Eskimo name for Togiak, is located approximately 67 air miles west of Dillingham. Dillingham is the hub of the Nushagak River, Nushagak Bay and Bristol Bay communities west to Togiak Bay The 2000 U.S. Census for Togiak's population was 809 with 86.3% Alaska Natives. The community of Togiak relies on a cash economy subsistence way of life to supplement their living expenses. This means traditional activities of hunting marine mammals, large land animals, waterfowl including seabirds, fishing for salmon, and gathering wild edible berries and plants is practiced by the Togiak residents. Their main livelihood is seasonal commercial salmon gillnet fishing. Jobs are scarce in most rural Alaska communities and basic employment includes: work in local government offices (city council, traditional council), village corporation, health clinic, community health services, educational instructor and teacher aide employment at the elementary school, some seasonal construction employment, postal service employment, and other related job opportunities that become available throughout the year. The Togiak traditional harvest activities are on a yearly cycle. For example, food resources are harvested year-round depending on the time the fish, game, edible berries and plants, waterfowl, shellfish, and marine mammals become available or the season of gathering wild edible plants occurs. Helen Gregorio of Togiak describes the traditional food resources:

"The [Togiak] Bay is a rich source of sea mammals, fish, clams and water fowl. Other subsistence sources are the tundra for berries, eggs and spring greens, the streams for smelt and black fish in their season and the beach grass for baskets. The hills are abundant with wild tea, traditional medicines and various berries. Various animals are seen different times of the year such as bear, caribou, wolves, foxes and wolverine."
(Helen Gregorio, Unpublished Community Profile: Togiak, 2005).

Background Information on Qayassiq (Round Island)

Since time immemorial, the Yup'ik Eskimo traditional activity that has customarily occurred in the spring and fall is the walrus hunt at *Qayassiq* (Round Island). Round Island is part of the State Game Sanctuary managed by the State of Alaska, Department of Fish & Game. The other Walrus Islands, and coastal shorelines along Togiak Bay, Kulukak Bay, Metervik Bay, Asviak Bay, and the Cape Pierce and Cape Newenham areas are also traditional hunting areas, for walrus and other marine mammals including various seal species. Marine mammals are hunted year-round until the Bay freezes. Hunters resume hunting in the sea ice in early spring. Although some ice seal hunting occurs during the winter season.

Oral traditional knowledge documents Qayassiq as being a traditional Yup'ik walrus hunting site. Western scientists using radiocarbon dating have documented that Yup'ik ancestors have occupied Qayassiq as far back as 6,000 years. In 2004, Jeanne Schaaf NPS Archeologist and her archeological team collected some archeological artifacts found at Qayassiq. Archeological excavation of traditional Yup'ik Eskimo *qasgiqs* or sod house type dwellings found various stone implements that were used as tools, probably for hunting, household uses, and for other survival uses. Ms. Schaaf mentioned about their archeological findings at Qayassiq:

"The findings significantly alter our understanding of the region's prehistory, with clear evidence of island-based walrus hunting occurring here nearly 6,000 years ago...With this initial glimpse of site significance comes an understanding of the imperative to initiate in depth research on the island...[Qayassiq] or Round Island remains significant to the descendants of the central Yup'ik speaking people who occupied this portion of Bristol Bay at the time of the contact. Any archeological research should be done in partnership with the people of Togiak for

whom walrus hunting on Round Island is still an important subsistence activity." (Unpublished preliminary report by Jeanne Schaaf, *et al*, April 2006).

In 1960, Qayassiq became part of the State Game Sanctuary. For over 30 years, Alaska Natives were prohibited from hunting walrus at their traditional hunting ground.. In the mid 1990's, traditional Yup'ik Eskimo hunters primarily from Togiak successfully petitioned the Board of Game to reinstate their traditional subsistence access to hunt walrus at Qayassiq (Round Island). Some of the Bristol Bay Native politicians also participated in this process, as well.

As a result, the Qayassiq Walrus Commission (QWC) was formed after the Board of Game gave QWC permission for a limited subsistence walrus hunt on Round Island. The Board of Game set the walrus harvest season as well as harvest limits, but all other regulations were developed through the cooperative agreement by the four signatories. The Eskimo Walrus Commission, the Alaska Department of Fish & Game, the U.S. Fish & Wildlife Service, and the QWC completed and signed a cooperative agreement in September 1995. The agreement outlines the hunt regulations and designates the responsibilities of each party involved.

In March 1995, the QWC formed to oversee walrus harvest activities on Round Island for the Bristol Bay area. The QWC has the authority to add new villages, determine walrus harvest allocation for each village and monitor harvest activities, and other factors related to the traditional hunt. Originally, the QWC included seven area villages that were invited to co-manage the annual Fall walrus hunt. Since that time, the membership has increased to nine villages. Currently, the QWC village representatives include nine villages including Togiak. (Overview of the Qayassiq Walrus Commission, Bristol Bay Native Association, Dillingham, Alaska, updated 2005).

Qayassiq was and still is a prime traditional walrus hunting area, the annual traditional walrus hunt is regulated by the Alaska Board of Game which allows the Togiak and other Bristol Bay walrus hunters to hunt walrus during the Fall from September 10 to October 20.

OBJECTIVES

The main goal of this project is to gather important traditional ecological knowledge of subsistence uses of walrus in Bristol Bay through oral interviews. The project occurred in the village of Togiak, Alaska, in the Bristol Bay area. The objectives are:

1. use one-on-one interviewing techniques in gathering traditional ecological information regarding walrus in Togiak. Fifteen (15) elders or experienced walrus hunters will be interviewed.
2. hire local research assistants to conduct the interviews and transcriptions of this Project.
3. upon completion of transcripts, review oral history questionnaires and transcript, and if necessary, conduct additional follow up interview(s) with participant on topics to clarify further on walrus conservation issues and other related issues.
4. hire an experienced person in the Yup'ik Eskimo language and culture to review the completed TEK transcripts for quality control.
5. to compile a final report of the traditional ecological knowledge regarding walrus in Bristol Bay.

STUDY AREA

Togiak, Alaska is located on Togiak Bay, about two miles west of the mouth of Togiak River in southwest Alaska. It is approximately 67 air miles west of Dillingham, the hub of the majority of rural communities in the Bristol Bay region.

METHODS

One on one interviews were conducted using a portable micro digital voice recorder. The maximum amount of time per interview session was limited to two hours. Some follow up interviews were also conducted to complete the topic being covered. The interviews were conducted mainly in Yup'ik, as well as in the English language.

The local research assistants interviewed 15 elders and experienced walrus hunters as identified and recommended by the Togiak Traditional Council. Before the interviews took place, the local research assistants explained the project. Consent forms to participate in the project were signed by the interviewees authorizing BBNA to use the information they provided. Three participants interviewed chose to have their names not be disclosed and their transcripts will be referred to as Transcript I, II, and III. The interview process covered topics relating to walrus traditional ecological knowledge which included: walrus population trends from ten years back to the present as observed from experienced traditional walrus elders and hunters; subsistence activities involving walrus, identification of historic traditional walrus subsistence sites; identification of current walrus subsistence sites; traditional methods of walrus hunting used by the Togiak Native ancestors and present methods used; walrus feeding areas; walrus calving/breeding sites; walrus calving time of year; walrus haul-out sites; walrus migration routes; traditional walrus hunting seasons/dates; traditional walrus conservation uses in ensuring the continuity of walrus hunting (i.e. traditional conservation customary laws; recommendations/suggestions in walrus conservation of Bristol Bay walrus); walrus behavior observations; seasonal changes in subsistence activities; walrus ivory uses; traditional subsistence uses of walrus meat and preservation methods.

The Local Research Assistants transcribed the recorded interviews into manuscript format documents in both Yup'ik and English. After reviewing each participant's completed transcripts, the LRA, and the BBNA Project Coordinator reviewed the transcripts, and conducted some follow-up questions for further clarification of a topic previously discussed by the participants. The Local Research Assistants also plotted identified locations on USGS topographical maps. Some of the project participants were photographed for inclusion in the final report. A Traditional Yup'ik knowledge person and Yup'ik linguist reviewed the completed TEK transcripts for quality control.

RESULTS

Various topics were covered by the 15Yup'ik Eskimo Togiak elders and experienced hunters during the interviews conducted by the two Local Research Assistants who were from different households. Some women were interviewed to get a woman's perspective on the traditional ways of taking care of the walrus and for their advice on other walrus traditional knowledge. The TEK contributed by the Togiak participants is a minute sample of the Yup'ik knowledge of walrus. In the Yup'ik Eskimo culture, part of their tradition is for the elders or parents are to teach through observation to pass the traditional way of life on to children, extended family, others who are willing to listen. Each family has their own distinct way of passing on their

traditional way of life to their children, and extended family. Some of the Yup'ik elders know people will continue to pass on their traditional way of life either through mentoring or giving traditional advice to others. The participants are taught by experiencing, for example, how to hunt walrus by observing experienced hunters at their traditional harvest sites. The responses vary on various topics, but are summarized for your information. The more detailed interview transcripts completed in both Yup'ik and English are attached in the appendices.

Traditional Walrus Conservation Uses in Ensuring the Continuity of Walrus Hunting

Conservation in the Alaska Native culture has many meanings or facets of making sure walrus will be harvestable for the present hunters, and for the future generations to come. There are many ways to conserve or *aninqe or qaunqe* (Yup'ik word to take care of or to protect) the walrus or any other traditionally harvested foods. One of the traditional *alerqurtaq* or traditional advice given by my father, the late Thomas Chythlook of Aleknagik was the following: When a person goes out to hunt animals from the land, or the sea, or to gather edible plants, they need to be respectful of their surroundings in the environment they are planning to harvest the food resource. The land a person is walking on needs to be treated respectfully similar to a church. Because the land the person hunts on is similar to treading on holy or sacred ground. The land will provide to those who abide by this traditional advice, meaning there will always be food resources given to them when they are out hunting animals or harvesting waterfowl, edible plants and fish.

The other traditional advice was not to leave, for example, unused animal parts, such as bone, or inedible inside organs scattered on the ground. Instead, they were taught to properly dispose of the unused or inedible animal parts either to the sea or bury them underground. The animals harvested will know that the person they gave their life to will know traditional advice was adhered to, and the needs of the hunter or gatherer will continue to be provided for. Another traditional advice was to harvest only what is needed so there will not be any waste.

Today, the Togiak walrus hunters continue passing on the traditional ways of hunting walrus to ensure the continuity of population for their future food resource needs. Togiak has traditional elder advisor's who give them guidance and direction in planning a tradition walrus hunt each year at Qayassiq (Round Island). For example, Jack Gosuk, an elder goes with the annual Fall walrus hunt at Qayassiq with the Togiak walrus hunt crew as a traditional advisor. Although some of the hunt captains have several years of walrus hunting experience, they adhere to their traditional advisor's directives during the walrus hunt. Frank Logusak, Sr. of Togiak mentioned:

"*Back when I became aware, our ancestors didn't conserve but focused on having that animal continue being available by not taking more than they needed and not to overkill. It was against their rules/law not to kill too many, not to kill one to leave on the ground. Also, [another traditional advice was] not to kill what one will not eat and will not use. That is how they made sure that the resources of the people will not be over hunted. This is how they took care of them and followed even though the rules/laws were not written down.*"

Other conservation measures practiced by the Yup'ik Eskimos of Togiak include not killing walrus during calving season; treat the walrus carefully and respectfully; hunt only the walrus needed by their village; hunt walrus once a year; take only what is needed; keep the walrus hunting site clean after butchering, properly dispose of the inedible animal parts; continue passing traditional way of hunting walrus to the inexperienced younger hunters to ensure the continuity of the walrus population; and properly store the walrus so there will not be any waste.

Traditional and Present Walrus Hunting and Methods

Since time immemorial, the community of Togiak has traditionally hunted walrus at Qayassiq (Round Island), the other Walrus Islands (Hagemeister, Crooked Island, High Island, Summit Island, The Twins) as well as to the Cape Peirce and Cape Newenham area when the walrus were scarce in the Togiak Bay area. The traditional advice passed on orally by Yup'ik ancestors and elders is still practiced by Togiak Natives relating to walrus and other animals harvested for food. The traditional way of life or *picigyaraq* in the Yup'ik Eskimo language continues today and will continue into the future because Togiak elders and experienced walrus hunters orally pass on their knowledge about walrus. Presently, Togiak elders and experienced walrus hunters include younger Alaska Natives in their traditional Fall walrus hunt at Qayassiq. This way, the youth that participate in the walrus hunt can learn from observation. For example: where to shoot the walrus, how walrus is butchered after it is shot, and listen to traditional advice from the elder that goes with the hunt crew. Moreover, today, some women participate in the annual Fall Qayassiq walrus hunt and some of their contributions are included in this section.

Traditional Walrus Hunting Methods and Traditional Advice

Back then, the original way to hunt walrus was by *qayaq*, similar to a canoe, framed with birch or willow, but covered with walrus or seal skins. There is a round wood frame opening for the person to sit while paddling. Two types of *qayaq* paddles were used, an *anguarun,* a single bladed paddle or a *paangrun,* a *qayaq* paddle with a blade at each end. *A* person had to know how to maneuver the *qayaq* and keep it upright from unexpected high seawares. A sudden wrong movement would result in the *qayaq* tipping over. If the *qayaq* wasn't overloaded, the person could roll it back to the upright position. Back then, the Yup'ik Eskimo ancestors made use of everything the land and the sea provided for them. Traditional hunting tools or implements were made from wood, animal parts including sinew, bone, ivory, and stone. For example, *panaq*, a large lance or spear was made from wood, sinew and a stone spear point. Similar to the spear was a *nuusaarpak* [three-pronged harpoon] or *cavek.* One hunter mentioned he had a harpoon made with braided tanned walrus hide. He attached a knife to spear the walrus on the rib sides. To make the spear or harpoon float, seal stomach pokes were used similar to the buoys used to make the walrus float after spearing it. Whatever resources were available for use, if the Yup'ik ancestors were out in the wilderness and didn't have a particular hunting tool, they improvised with other items found in their hunting environment.

Prior to the actual walrus hunt, the elders and walrus hunters gathered in a *qasgiq* a men's community house where Yup'ik men resided and worked, to plan the walrus hunt. Topics discussed were: person(s) designated to be main hunt leaders (instructors), similar to a hunt captain, designated shooters, designated walrus butcherers, designated walrus meat and blubber boat loaders, type of walrus to catch, type of hunting tools, hunter safety, how to behave during the walrus hunt, how to approach the walrus, observed weather patterns, the tides, boat observer to keep walrus off shore during loading of catch, and other related traditional knowledge. For example, in choosing shooters, traditional advice was to not have hunters who have recently lost a family member, have a relative that is sick, have a family female member reaching puberty or starting menstruation, and choose a shooter who is not living their life according to the traditions. If these traditional laws weren't adhered to, for example, if a shooter who recently lost a family member, shot a walrus, it would not die but would become stronger.

Jack Gosuk, elder from Togiak mentioned what occurred in the *qasgiq* during the pre-hunt walrus planning: *"They would enter the qasgiq and held their meetings about what they should*

know about walrus hunting. They were told to always help and provide for those that didn't have hunters." Some of the hunting advice included the type of walrus to harvest as indicated by Peter Tommy, Sr.: *"*[T]*he leaders chose the fattest walrus after observing* [the] *one's which had rough outer skins. The ones with smooth skin were skinnier and the fatter ones had rough* [or] *bulging skin."*

Some of the hunt preparation is discussed by Frank Logusak, Sr.: *"They would gather the tools they would need out there in the ocean, like their harpoons and seal pokes made from spotted seals. They skinned spotted seals starting from the mouth and skinning it from the inside until it was complete. They would work it and* [turn] *the skin inside out* [un]*til it was complete...*[That] *is how they made their seal pokes for floats or buoys before they go hunting out in the ocean."* Other tools such as axes, knives and some other hunting equipment were put away. Back then, the walrus hunters thoroughly planned their trip in an unrushed manner. Because the walrus harvested was not only fed to the community but the sled dogs as well.

Other hunt preparation advice included how to approach the walrus. Frank Logusak, Sr. mentioned the following: *"*[T]*hey didn't approach the walrus from below them but would idle past them, far from them. After they anchored out, they would go up onto the shore with a small qayaq. They would approach the walrus on foot and then after looking at them, they would kill the fattest ones."*

The main location to shoot the walrus is in the neck area behind the head where the skin is thinner. If walrus is shot in the head, the bullet will not penetrate; it will bounce off instead. The walrus can also be shot behind the tusks and ears on the neck area. Back then another part of the walrus to shoot was by the walrus heart. With a harpoon the walrus was also stabbed on the side. Then the internal organs would be taken out from the walrus. The hunt captain reinforced this traditional advice during the walrus hunt to the designated shooters.

The main hunt leader observes to make sure the traditional advice and the appointed hunt crew is abiding by their designated tasks for a successful walrus hunt. Some young men were allowed to go on a hunt to learn as observers. The number of walrus harvested depended on the number of *qayaqs* and sailboats that went on the hunt. Elders gave out traditional advice which was reiterated during the trip to the walrus hunting areas, during the hunt, as well as while the walrus was being butchered.

Current Walrus Hunting Methods

Presently, Togiak along with eight other QWC communities continue the tradition of hunting walrus at Qayassiq (Round Island) every Fall from September 10th through October 20th. Alaska Natives living along the coast are allowed to hunt walrus and marine mammals year round for their traditional use as long as no waste is involved. Since Qayassiq is part of the Alaska State Game Sanctuary, the hunting regulations are managed by the Alaska Department of Fish & Game. Access to Round Island is restricted and no Alaska Natives are allowed to hunt walrus there until the annual Fall hunt. Although, the traditional walrus hunters have reiterated in past Qayassiq Walrus Commission meetings, that Qayassiq is their traditional walrus and other marine mammal hunting site, they should not be restricted to the number of walrus caught. Back then, the hunt leaders measured the amount of walrus they were going to harvest based on the size of their village, or the number of *qayaqs* that went on the hunt.

Today, there is a walrus allocation of four for the community of Togiak, but originally the walrus allocation was five. Last January 2006, Togiak gave one walrus allocation to the newly joined QWC Commission community of Ekwok. Some of the respondent's noted that the current QWC walrus allocation for Togiak is not enough to distribute to every household.

The Togiak Traditional Council selects a QWC Commissioner and a QWC Hunt Captain who attends annual QWC Pre-Hunt and QWC Post-Hunt meetings. During the QWC Pre-Hunt Meeting, QWC Hunt Permits and the Alaska Department of Fish & Game's Round Island Hunt Access Permits are issued to each hunt captain. The U.S. Fish & Wildlife Service also provides Round Island Hunt Data forms to be completed by the hunt captain.
For the past several years, Peter Lockuk, Sr. has been the lead QWC Hunt Captain for Togiak. The QWC Hunt Captain follows the traditional knowledge that was passed on to him by the Yup'ik ancestors and elders who taught him. For example, he mentioned the following: *"Before they go hunting they choose who the hunt captains are going to be. Most importantly, they choose who will be the designated shooters. The designated shooters are the ones that will do the shooting are the one's who had not lost a close relative to death, or one's whose relatives are not really sick. The reason is that if a walrus is shot by those men, it will not be able to die even though it is shot several times."*

The Togiak hunt crew usually has up to five different hunt captains, but they still are allowed to harvest only four walrus from Round Island. Besides the hunt captains, one or more elders from Togiak participate in the walrus hunt as traditional advisors. The lead QWC Hunt Captain plans the traditional annual Fall Qayassiq walrus hunt. For example, in 2003 Togiak hunters with five hunt captains and one traditional advisor participated in the annual Qayassiq Fall hunt, totaling eighteen people. Four walrus were harvested and butchered at the Main Beach side of Qayassiq. Jack Gosuk, traditional advisor had observed the weather conditions by looking at the sky and ocean, as well as the wind directions. He told the hunt captains, that although there was a slight easterly wind, the weather would calm down towards the end of the day. There were two designated shooters, a majority of the hunt crew assisted in butchering of the walrus, some were assigned to keep watch on the boats while walrus pieces were being loaded by others, and other related tasks were done to make the hunt a success. The only remains of the walrus were the unedible parts of some of the internal organs that were disposed of into the ocean. The high tide washed and cleansed the Main Beach area which looked like no one had hunted there. The Togiak hunters abide by the traditional way of life and advice which was evident by how they treated the land, the sea, and the animal they harvested with respect. The animals in turn gave themselves to the walrus hunters to feed their families. This is the Yup'ik way of life that has continued to this day.

Walrus Distribution

Back then, when the walrus hunters returned, the community greeted the hunters and everyone that was able to help work on the walrus, if it wasn't already completely butchered. For example, walrus meat, blubber, and delicacies, such as walrus flippers were evenly cut and shared equally to the community. Ivory tusks were given to elders who sometimes gave some to young hunters. These were also given to community members who had the skill of traditional carving for household wares, hunting tools, and other survival uses.

Traditional Walrus Uses and Preservation Methods

Back then, the community welcomed the walrus hunters and everyone worked together in preparing the walrus meat, blubber, and delicacies like the flippers, liver, and other organs. The stomach was opened and if there were clams, they would be taken out to be eaten. When the hunters arrived home the butchered walrus meat was put in elevated storage caches or on top of rack type structures where animals could not steal them. The community storage cache of walrus and other traditional foods were available for households to use. For example, they could get some walrus meat to cook without asking permission. The only time food was rationed in the community was during long term scarcity of walrus. Otherwise, if walrus was scarce, other traditional foods were harvested by the community until the walrus population was replenished.

The women assisted the hunters by preparing the walrus for preservation and for their meals. The meat was cooked and put in inflated seal poke containers and immersed in water to be eaten right away. The meat that is not cooked was buried underground in hard clay soil in the permafrost area where the raw foods stayed cool. The traditional foods stored underground were lined and covered with braided grass which was frequently changed. If the meat and other wild edible resources started to smell and spoil, they were put in seashore grass woven containers or seal pokes, and buried underground. The discarded items were never scattered to mess up the natural environment. It was part of the traditional law to keep the land, and the sea clean where traditional foods were harvested to never leaving any traces of food.

Natalia Tuday discusses the traditional ways that walrus were taken care of: *"They cooked the walrus and when it was done cooking, the walrus was stored in sealskin pokes. The cooked walrus meat was stored in sealskin pokes with the blubber. Thoroughly cooked walrus meat is very delicious... I saw more than one container [made of sealskin pokes]. The sealskin pokes were filled with many different things, with oil [or blubber rendering to become oil], and whatever they had caught. When all [the walrus meat had been put in seal pokes for later use, when it was time to go upriver after spending the summer here, they would have containers where they made oil and load the boat with the walrus. When they reach that place to make oil they would bring them up, dragging them with a rope."* During the summer season, the Togiak residents traveled up the Togiak River to harvest their traditional foods, they took the cooked walrus meat soaked in oil to their traditional summer camps. Also, the seal and walrus blubber were taken to the summer camps in the inflated seal poke containers turned inside out to eat with other traditional foods that were harvested.

Anna Alexie mentions how the traditional foods were stored in the water. *"At the end of the pond a hole was dug underwater to store the oil in seal poke containers. When it started getting cold and freezing outside, the heavy drift wood which covered the seal poke storage containers would be removed, and the containers were put in elevated food caches. They would gently stomp on them in the winter to pack the meat storage containers down. The oil was very good, kind of thickened. Back then, oil was used for oil lamp lights. Our ancestors didn't make a mess nor wasted any walrus. The unedible animal parts not eaten such as bones were discarded in the water. When they were going to move to a different site, the whole area down to the beach was left clean. The seal spine bones and other unedible animal parts were collected and thrown away in a pond."*

After the hunter's hunted walrus, the walrus skin would be scraped until it was very thin. The walrus skin and hide would continue being *uulutvviit* or scraped, flushed and stretched out to dry.

Then using your hands, the hide would be softened in circular motions. Back then, the thinned walrus hide was used for qayaq covers and *makllak* soles for the traditional footwear.

Traditional and Current Walrus Hunting Sites

The traditional walrus hunting sites were *Qayassiq*, a primary walrus hunting area (Round Island); *Nanvaq* Bay (Nanvak Bay also *Kongirnaar (*capes or points) in Cape Peirce area; North side of *Ingriqvak* (High Island); *Nunaakaq* (Twin Islands); *Qikirtarpak (*Hagemeister Island); west side of *Qilkiq* (Summit Island); Back then, the Togiak, Kulukak and Asviak residents hunted at Qayassiq and the other Walrus Islands mainly in the Fall. They also harvested a few walrus in the Spring. If there wasn't any walrus at Qayassiq, they hunted at Cape Peirce in the Nanvaq Bay area. Walrus was hunted at Cape Peirce primarily by the Goodnews and Asviak residents.

The current walrus hunting sites are: mainly at Qayassiq, in the Cape Peirce area, Nanvaq Bay, the Twin Islands, Hagemeister Island, High Island, Summit Island, and in the coastal areas where walrus can be hunted year-round.

Weather Patterns

The weather patterns are not like they used to be back then as told by the Togiak elders and experienced walrus hunters. Back then, the land, the sea, and the environment the Togiak Yup'ik Eskimos resided in was sunny and calm most of the time. But, once in a while the weather would become bad for a short time. The seasonal weather changes occurred about the same time each year. When it rained, the bad weather lasted for a couple of days. Enough rain, similar to a light morning mist would fall to feed the edible plants, the fish, waterfowl, and marine habitats, as well as to provide drinking and cleansing water for the people. The winters were longer with snow covering near the housetop windows. The snow didn't begin melting until late March. The snow cover protected the fish habitats, seasonal edible and medicinal plant foliage, allowing them to replenish themselves for new Spring growth.

Back then, the weather patterns were more consistent and easier to predict from observing the cloud formations, sky color, wind directions, color of the ocean and wave conditions. Peter Tommy, Sr. mentioned observing the ocean conditions: *"They were able to know if it is going to be windy by observing the ocean water. I don't know those, but they would watch the water to see how it looked on the surface. If it is going to be calm for a while the surface is shining, you know, smooth and looks like a mirror. Also, when the tide is coming in and they are to go hunting for sure, they would go check the beach and tide in the evening prior to hunting. They would observe how the waves are coming in from the bottom. They knew by those things."* Another way a person could tell if the weather was going to become windy, if the ocean water color started getting dark, almost black on the surface. Then a person could tell there was going to be a storm probably with strong gusty winds from the East.

Back then, the Yup'ik ancestors had some strict taboos or traditions called *yaaggyaraq*, this meant certain traditional practices had to be abided by related to birth, death, illness and puberty. For example, some foods cannot be eaten certain times of the year during the Russian Orthodox lent. In terms of the traditions back then, when a young girl was just starting her menstruation cycle, she had to follow strict rules and had to stay in her own place for one year. If the strict traditions were not followed, certain consequences, such as unexpected bad weather occurred. Annie Blue further mentioned the following:

"If they are going to be traveling out to the wilderness or yuillquq, when [the young girl] goes outside, she stands toward the wind. This is what they made me do. [Annie stood up and faced the south first, made a motion of bringing it towards herself and motioned with her hands by putting it over her body down to the feet and then step on the wind. Then she continued the same to all the four directions, south, west, north and finally east]. *That is what the young women, who just started their period, were instructed to do. This tradition regarding girls that just started their menstrual periods were instructed to follow strict traditions and not to be too exposed to traditional outdoor activities for a whole year. If they needed to be outside, they had certain traditional requirements to follow to keep the weather from changing. If the girl has just started her menstrual period, travels without "gathering the winds" with hand motions of throwing the bad winds out, the winds will attack or chase the girl with fury if she travels without doing the motions follow the traditional teachings."*

Today, the weather patterns have changed. Although the weather is forecasted to be a certain way, the actual weather may end with heavy storms, instead of a calm and sunny day. Even if trained weather observers have the traditional knowledge of predicting the weather, the weather conditions change in the same day. Jack Gosuk, elder and traditional advisor to the present Togiak walrus hunters mentions the following: *"[You] have to look at the clouds first and see which way they are moving... [W]hen the clouds are stretched out and dark they won't hunt. But if they are standing straight then they can hunt because it might calm down later. Just this last time they almost returned from their hunt. When I looked up the clouds were standing straight and I told them to a go hunting [at Qayassiq] because it might calm down later. When we arrived at Qayassiq, little tornados like wind gusts would come up. As the walrus hunters were heading towards shore, I told the hunters, the wind direction was good to shoot the walrus right away [because the walrus can't smell the hunters]. I told them not to eat lunch but to unload their packed lunch for later. I advised the hunters to go ashore to butcher the walrus, which they did. After the weather calmed down just as I had mentioned earlier, the boats were able to return ashore to Togiak. Back then, they used to watch the skies and observed how fast the wind was blowing. Although the wind blows fast, it calms down. We have to listen to the sounds of the weather to see which way the winds are blowing. If the winds are blowing from the East, there will be bad waves on the beach. I advised the walrus hunters to listen to the weather forecast on the radio to see which way the wind will be blowing from, how many knots before traveling to hunt walrus."*

Some of the warmer weather patterns known as global warming, have affected not only the walrus hunting environment, but changes in the weather conditions as well. For example, nowadays, there are unexpected strong gusty winds that can last for several days, and there is more heavy rain. There are some changes in the environment that have been observed in the Kulukak Bay and Qayassiq area by the hunters. In the Kulukak Bay area, a whitish sheen has been observed in the water, since the herring fishery first opened up. The year after the herring fishery opened, there was hardly any herring fish for traditional harvest. On Qayassiq, since the walrus monitoring program and visitor's program has started, some of the walrus are moving elsewhere due to the smoke from the cooking and heating fumes..

It is hard to predict why some of the changes in the weather patterns and the warmer weather have an effect on the walrus, but these observations have been documented by the elders and walrus hunters.

Walrus Distribution

The walrus migrate to feed, to breed, and to haul out with the seasonal changes. In the Walrus Islands, the walrus primarily feed on clams, mussels, shrimp, and other shellfish. Sometimes, if their feeding beds or habitats have become depleted, they migrate elsewhere to feed. They return after their feeding habitats have had a chance to replenish themselves, and this may take up to a couple of years or more. The walrus know when to return.

Back then the walrus hunters didn't count the number of walrus in their traditional walrus hunting areas. The Yup'ik Eskimo walrus hunters abided by their traditional way of life, they harvested enough walrus to feed their families throughout the long, cold winter months, as well as hunted fresh walrus in the Spring. Occasionally, there were times when the walrus population was scarce, the Yup'ik ancestors accepted the time of scarcity knowing the walrus would return when it was their time to be in their area.

The concept of the walrus population being in a decline status has never been the terminology used in the Yup'ik Eskimo culture. Although there are times, as previously mentioned when for some unknown reason the walrus disappear for a time. For example, in the summer months, when there are people at the walrus monitor sites, the walrus move elsewhere to feed where they will not be disturbed by human activity. Another reason why the walrus population decrease may occur is from the seasonal commercial herring activity in the Walrus Island area. In the Fall, when the constant rain and heavy storms cause their haul out sites to become slippery and difficult to climb, the walrus move out to a sheltered area until the storm subsides. In the Walrus Islands, if ice conditions start creating barriers to their feeding and haul out sites, the walrus will haul out on the icebergs and migrate to the Northern Bering Sea including to the Russian walrus haul out areas.

Other reasons why the walrus population decreases is when they die of natural causes. For example, during the Fall of 2005, some walrus hauling out at Cape Peirce died by falling off the cliffs they climbed.

In the early Spring, the walrus population increases when walrus give birth sometimes to one or two calves. Around June, the walrus population increases when they return to Qayassiq, other Walrus Islands, and the Cape Peirce area after wintering up north. The animals live in the environment where they can survive. For the past few winters the walrus have been increasing in the Cape Peirce area. Perhaps, the walrus are feeding on clams elsewhere until the Qayassiq habitats are replenished.

Discussion

Again, *quyana caqnek* (Thank you very much) to the Togiak Traditional Council for your willingness to participate in this very important traditional ecological knowledge of walrus in Bristol Bay! I also thank the Pacific Walrus Conservation Fund (PWCF) for their patience in getting this Project completed. In any project, when bilingual languages are involved, it takes up to two years or more to get a fine quality product completed.

This report is only a glimpse of the Togiak Yup'ik Eskimo people's traditional way of life in terms of the information on walrus. The traditional ecological knowledge gathered and compiled took a lot longer than anticipated. In most rural Alaska Native homes, the Yupik Eskimos do not like to be rushed when they are talking about Native traditional knowledge. Also, for an

interview transcript, if it is mainly in the Alaska Native language, several follow up meetings are involved, especially if some of the Yup'ik Eskimo language being presented is extinct and no longer being used. Sometimes, to get a complete English translation of a Yup'ik Eskimo interview, it may take up to one month to make sure the information provided is as accurate as possible. In future Alaska Native Traditional Ecological Knowledge Projects, I would like to recommend the duration of the project be for up to three years.

This Project was under funded, although the Bristol Bay Native Association (BBNA) had requested more funds, and BBNA has paid for the additional expenses incurred to complete this Project. Some of the Project work time and specialized mapping technology has been donated because this project is an important one to the Togiak Traditional Council and to the Bristol Bay Native Association.

On behalf of the Togiak Traditional Council and the Bristol Bay Native Association, we ask that any nonprofit organizations, federal or state agencies work cooperatively with us in proposing any regulations that pertain to our traditional way of life including walrus harvests that are strongly practiced today.

I would like to expand this Project further to be utilized for Togiak Schools with the permission of the Togiak Traditional Council in the future. Since the Bristol Bay Native Association works directly with federally recognized tribal entities including Togiak, part of the protocol is to inform them of any proposed research projects. If the tribal entity wishes to participate in any projects, they usually notify the Bristol Bay Native Association.

Again, *quyana!* to the community of Togiak for letting us come to your homes and for sharing with us the local Yup'ik Eskimo tradition Native knowledge on walrus information in Bristol Bay. Without your local expertise and support, this project would not be a success.

Literature Cited

Chythlook, H., and M. Cody, Fall Monitoring and Walrus Hunt Report Round (Qayassiq) Island, 2005. Unpubl. Rept. Marine Mammals Management, USFWS, Anchorage, AK. 9pp.

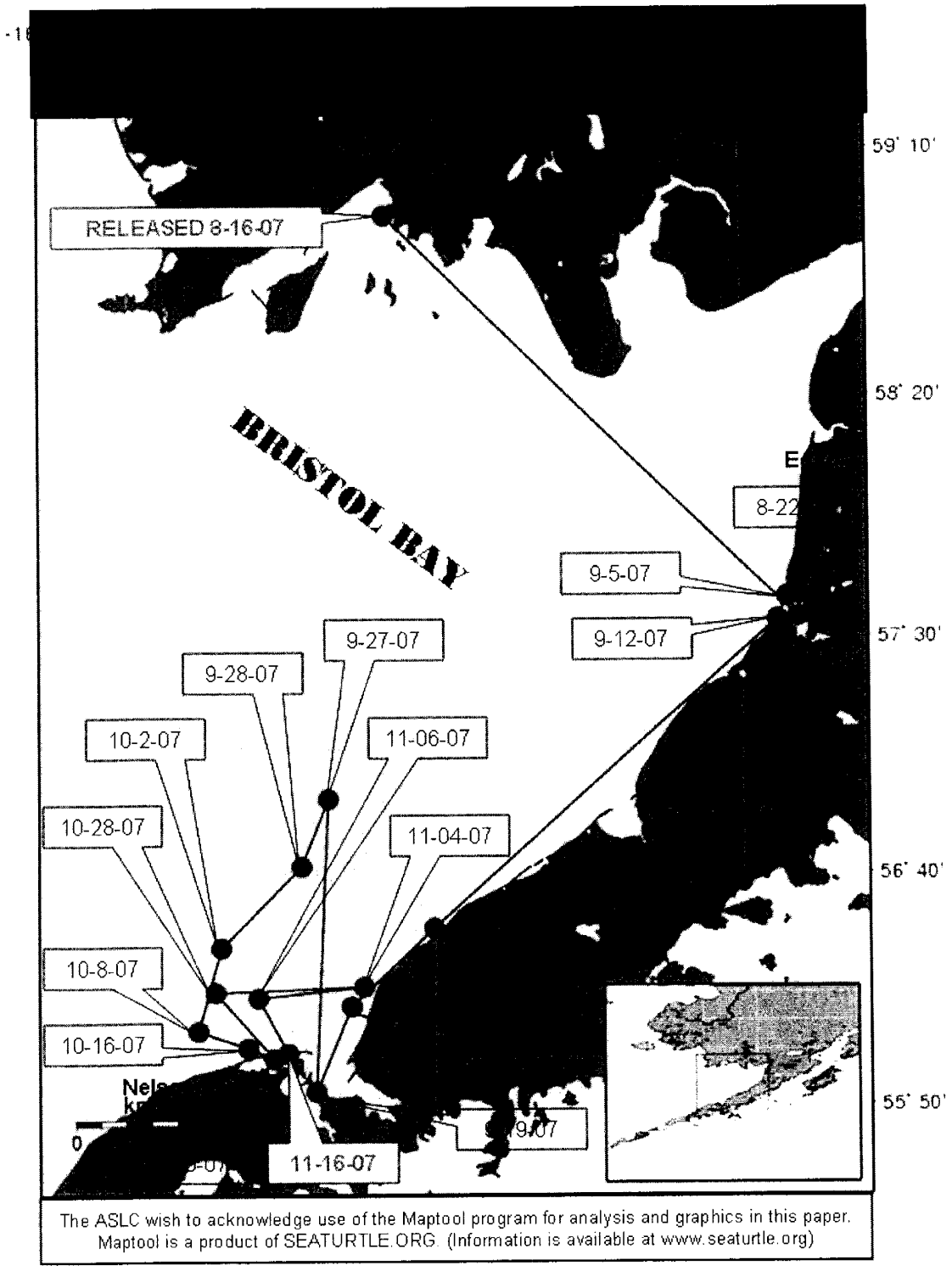
Gregorio, Helen, Togiak Community Profile, December 2004. Unpubl. Togiak, AK 6pp.

North Pacific Research Board, North Pacific Research Board Science Plan, 2005. Anchorage, AK: North Pacific Research Board. 198pp.

Qayassiq Walrus Commission, Overview of the Qayassiq Walrus Commission, 2004. Unpubl. Qayassiq Walrus Commission, BBNA, Dillingham, AK 4pp.

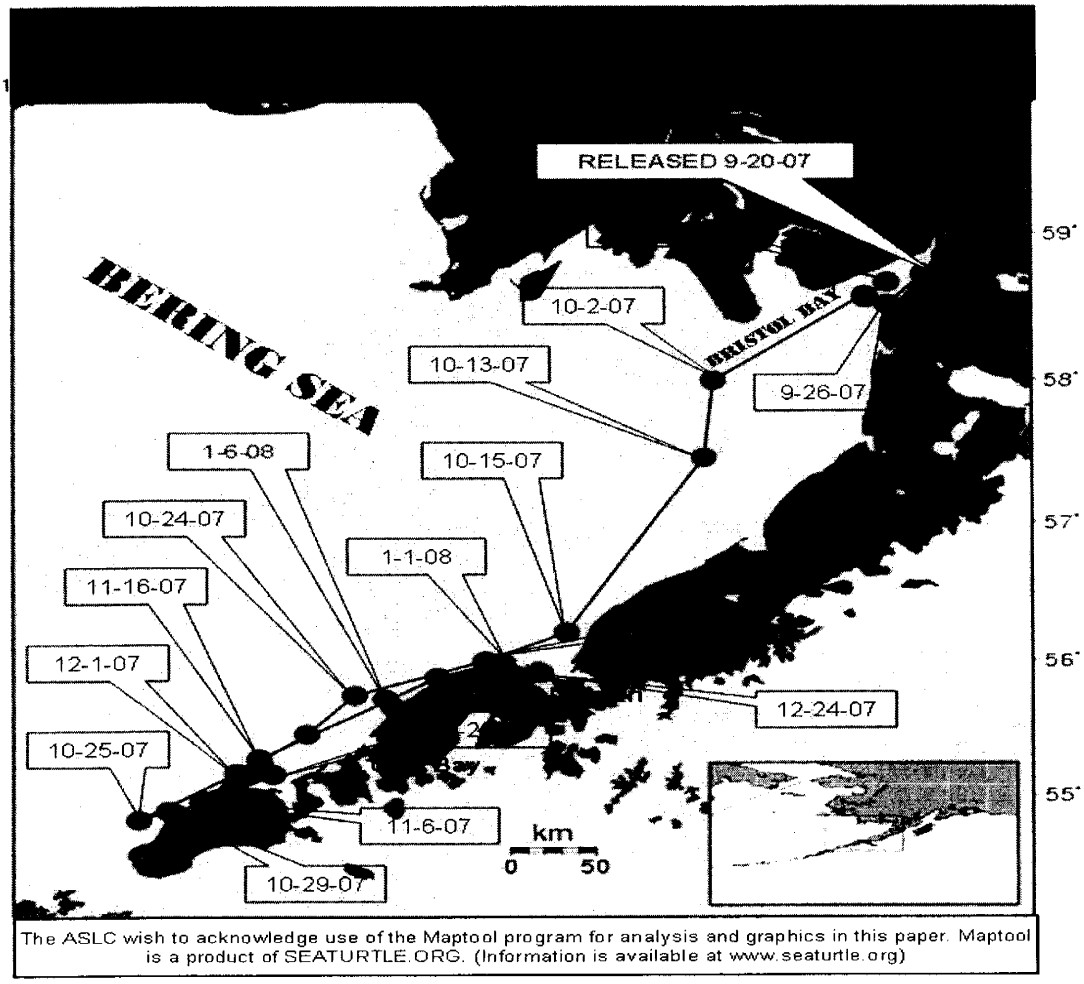
Schaaf, J., Alderson, J., and J. Cusik, 2006. The Archeology of Qayassiq "Place To Go in a Kayak"-Round Island Site XNB-043, Bristol Bay, Alaska. Walrus Island State Game Sanctuary, National Natural Landmark. Unpubl. Draft Preliminary Rept. National Park Service, Anchorage, AK. *iv*pp.

This is a collaborative project between the Alaska SeaLife Center, the Bristol Bay Native Association Marine Mammal Program, Togiak Traditional Council, Naknek Village Council, and the Bristol Bay Marine Mammal Council.



The ASLC wish to acknowledge use of the Maptool program for analysis and graphics in this paper. Maptool is a product of SEATURTLE.ORG. (Information is available at www.seaturtle.org)

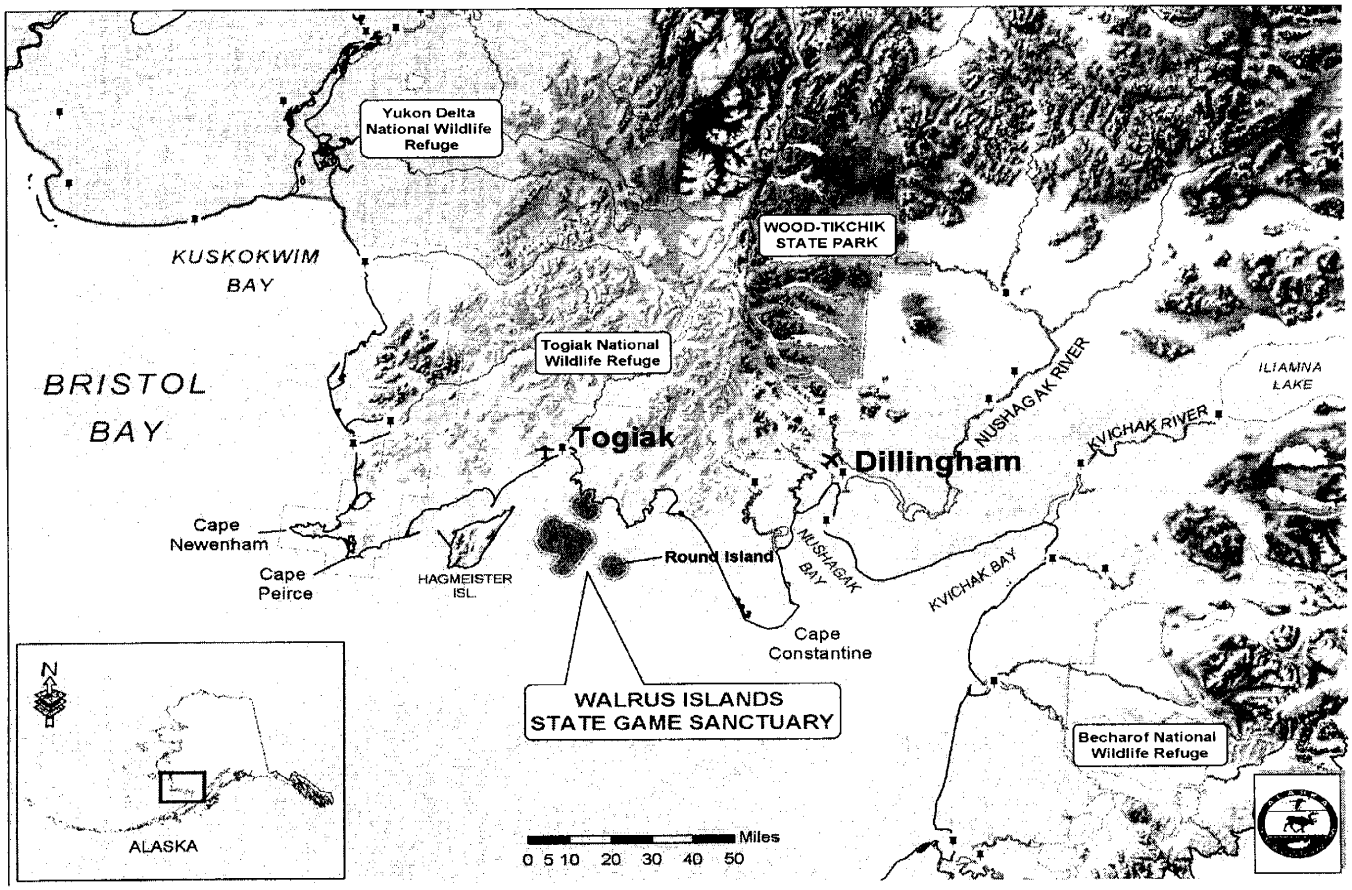
This spotted seal and harbor seal release is in collaboration with the Alaska Sea Life Center, Togiak Traditional Council, Naknek Village Council, Bristol Bay Native Association Marine Mammal Program, Togiak National Wildlife Refuge, and Bristol Bay Marine Mammal Council



The ASLC wish to acknowledge use of the Maptool program for analysis and graphics in this paper. Maptool is a product of SEATURTLE.ORG. (Information is available at www.seaturtle.org)

Qayassiq Walrus Commission 2008
Walrus Islands-Qayassiq (Round Island)
Hagemeister Island, and Islands Traditional Hunting Grounds

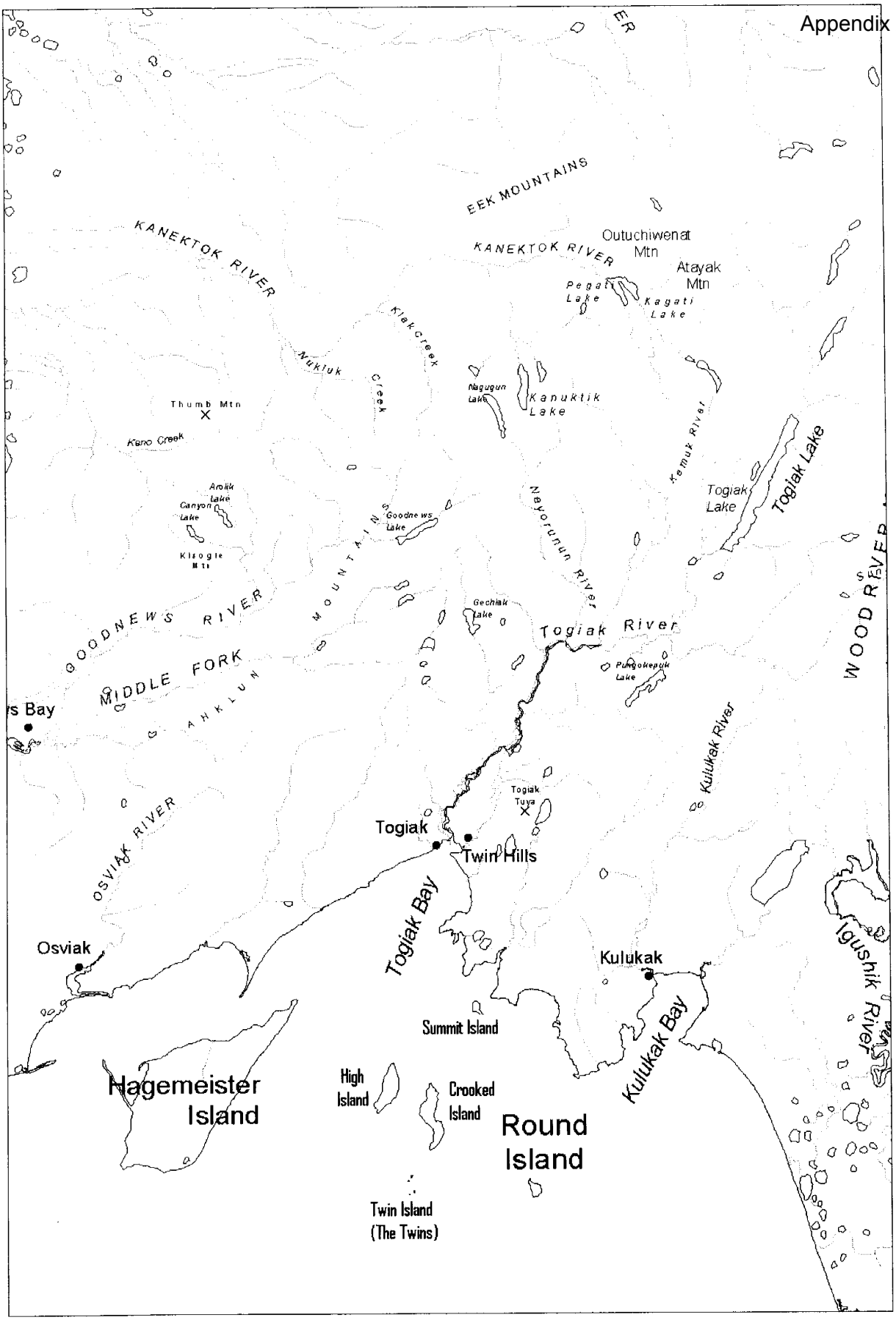
Appendix A



Map Source: ADF&G Round Island Report 2005

Walrus migrate and feed around Round Island, Hagemeister Island, Summit Island, Crooked Island, the Twins and extend beyond the three mile boundary managed by the State. Qayassiq Walrus Commission (QWC) recommends the North Pacific Fisheries Management Council extend walrus boundaries up to ten miles from the walrus haulout site areas to protect the walrus, seals, salmon, halibut, clams, and other marine mammal habitat and feeding areas. The recommended boundary to prevent trawl fisheries from depleting the marine mammals is ten mile boundary zone not open to trawl fishery from Cape Newenham, Togiak, Walrus Islands, Cape Constantine down to the North Aleutian Basin. The Togiak and other Yup'ik Eskimo elders traditional knowledge is the marine mammals migrating and feeding routes are the same as feeding. The animals follow their marine food resources in the Bristol Bay.

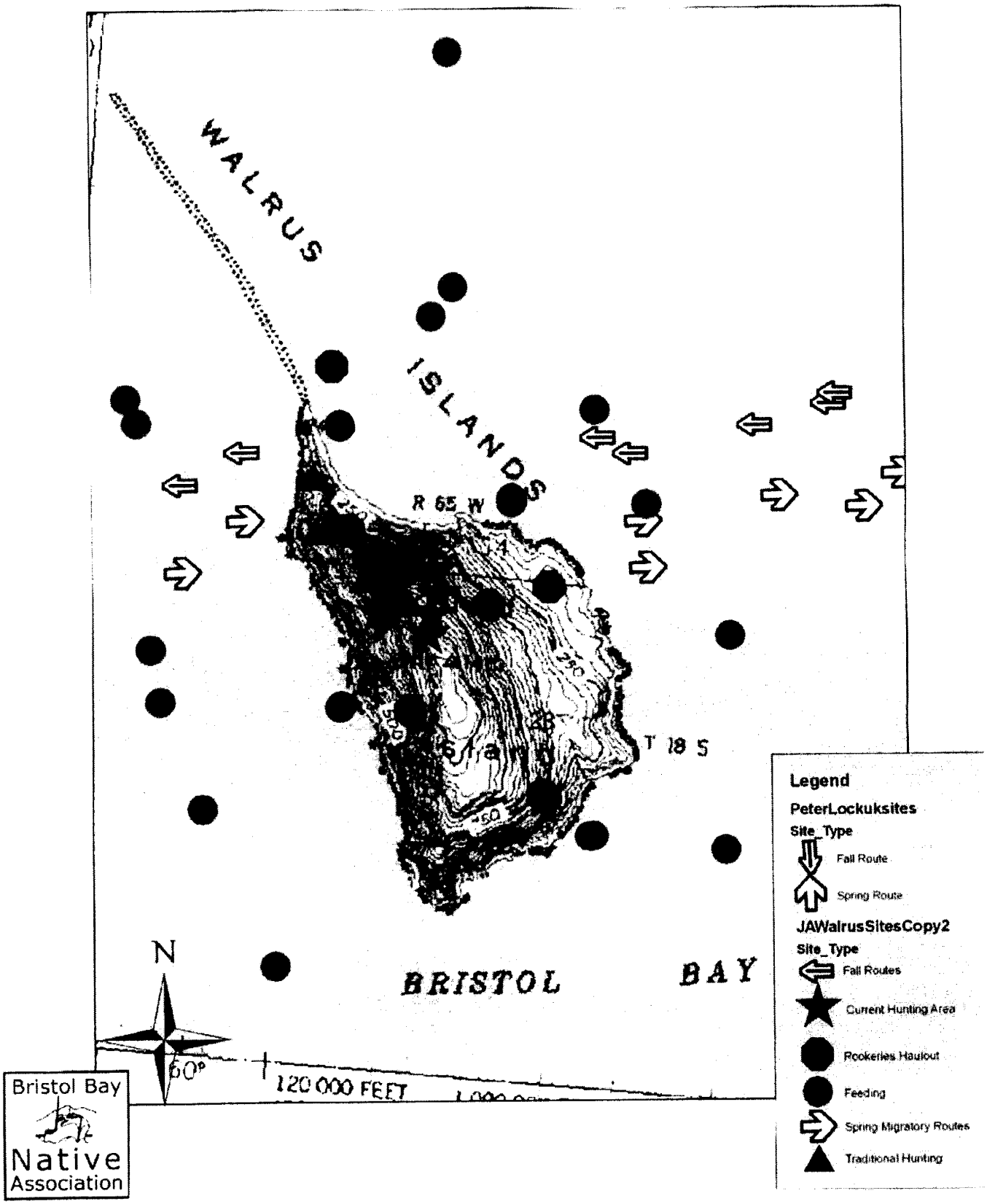
Appendix A


EEK MOUNTAINS
KANEKTOK RIVER
KANEKTOK RIVER
Outuchiwenat Mtn
Atayak Mtn
Pegati Lake
Kagati Lake
Klak creek
Nukluk Creek
Nagugun Lake
Kanuktik Lake
Kemuk River
Thumb Mtn
Kano Creek
Arolik Lake
Canyon Lake
Kisogle Mts
Goodnews Lake
MOUNTAINS
Nayorununun River
Togiak Lake
Togiak Lake
WOOD RIVER
GOODNEWS RIVER
MIDDLE FORK
AHKLUN
Gechiak Lake
Togiak River
Pungokepuk Lake
s Bay
Kulukak River
Togiak Tuya
Togiak
Twin Hills
OSVIAK RIVER
Togiak Bay
Osviak
Kulukak
Summit Island
Igushik River
Kulukak Bay
Hagemeister Island
High Island
Crooked Island
Round Island
Twin Island (The Twins)

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

Appendix A

WALRUS TEK Project in collaboration with
Togiak Traditional Council and the Bristol Bay Native Associaton

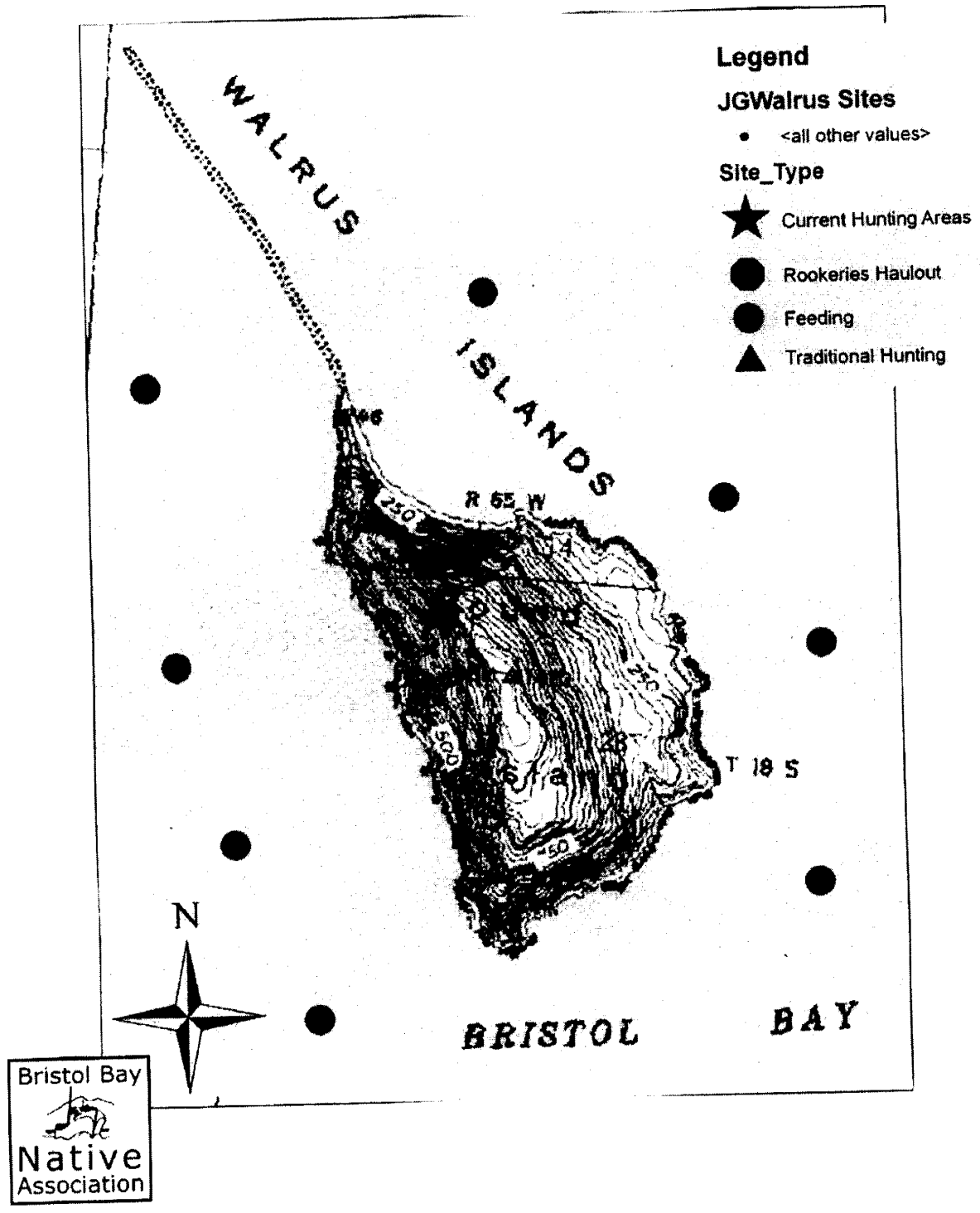


Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

Appendix A

WALRUS TEK Project in collaboration with
Togiak Traditional Council and the Bristol Bay Native Associaton



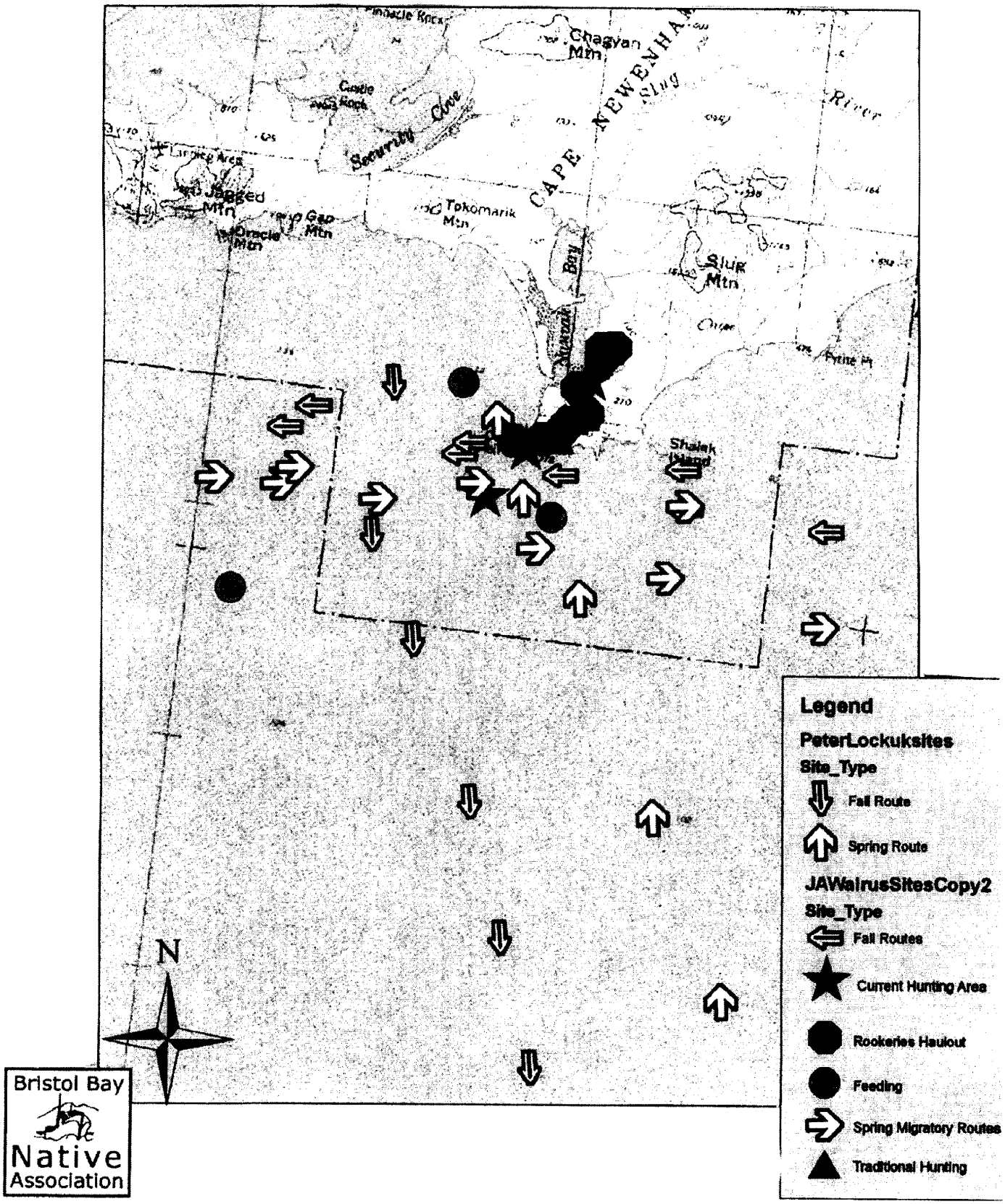
Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

WALRUS TEK Project in collaboration with

Togiak Traditional Council and the Bristol Bay Native Associaton

Appendix A



Bristol Bay Native Association

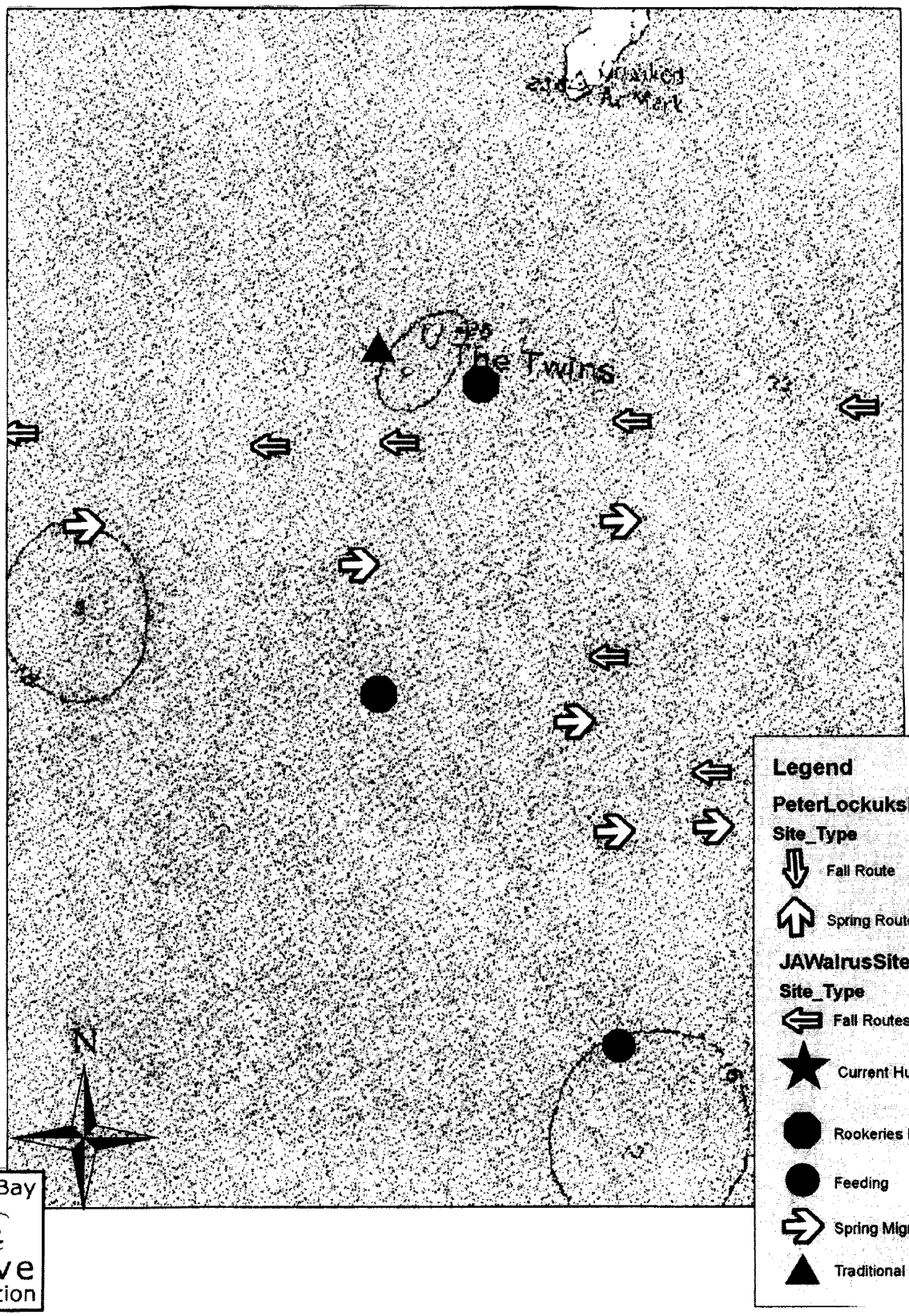
Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

WALRUS TEK Project in collaboration with

Togiak Traditional Council and the Bristol Bay Native Associaton

Appendix A



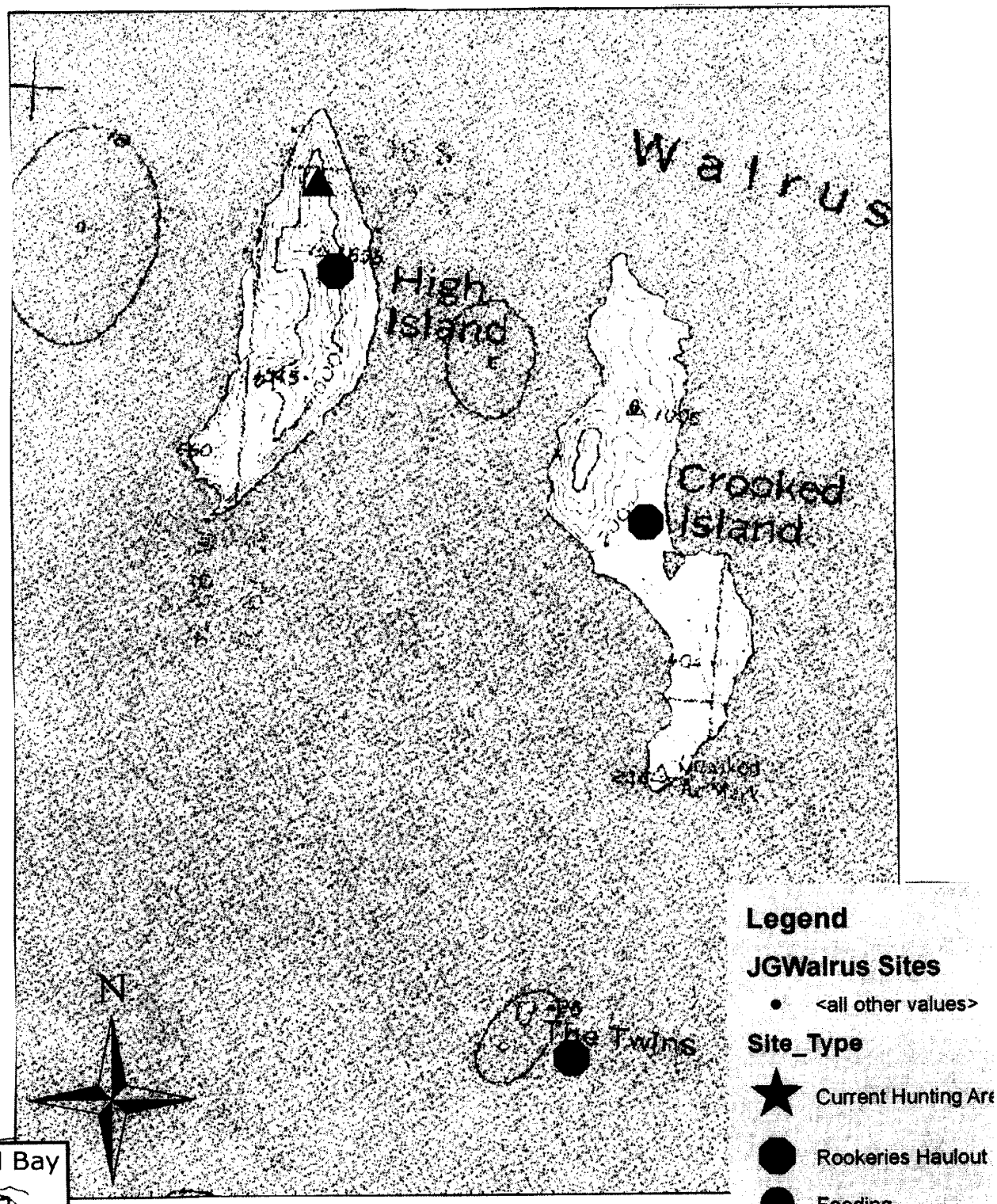
Bristol Bay Native Association

Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

Appendix A

WALRUS TEK Project in collaboration with
Togiak Traditional Council and the Bristol Bay Native Associaton

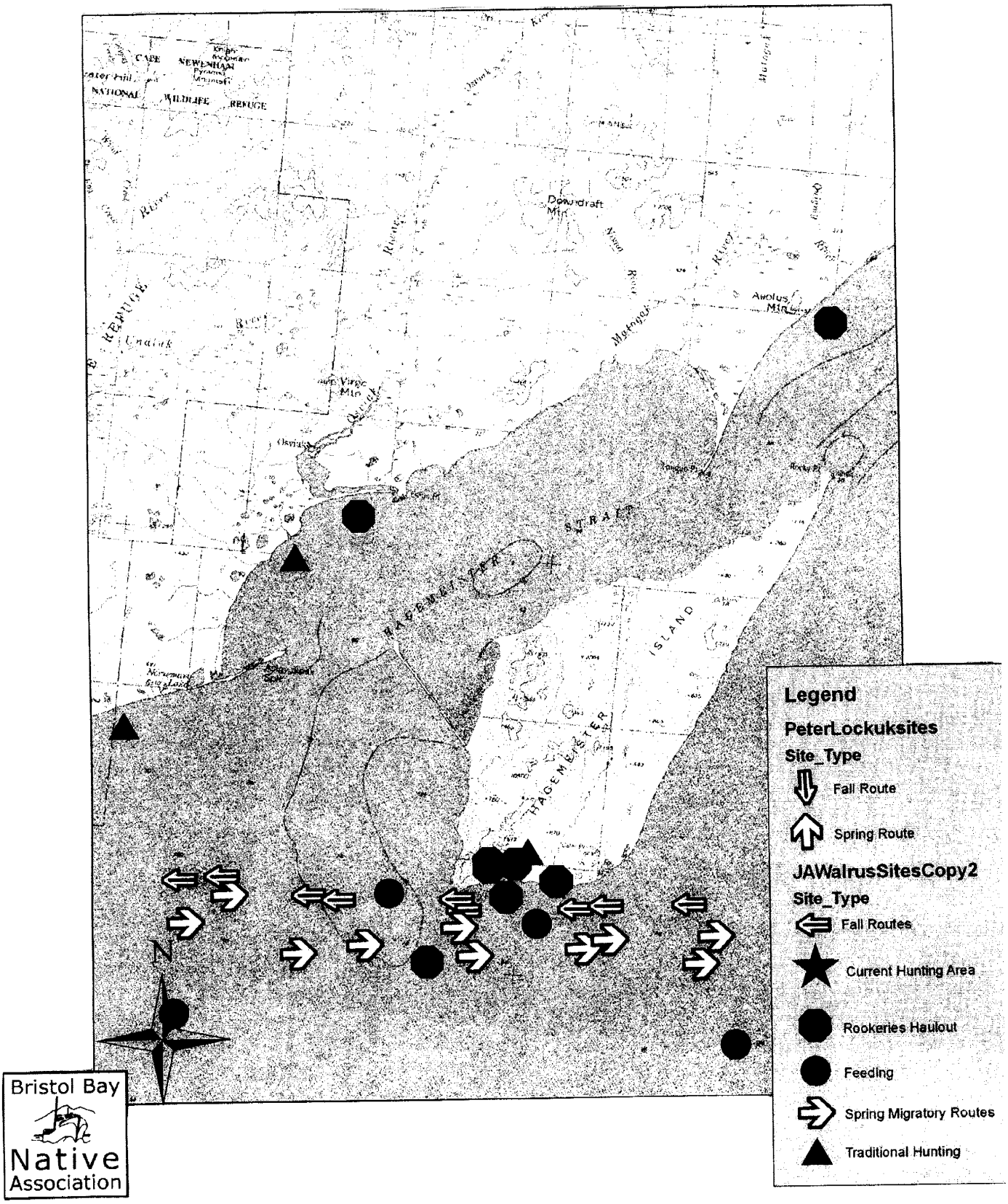


Bristol Bay Native Association

Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

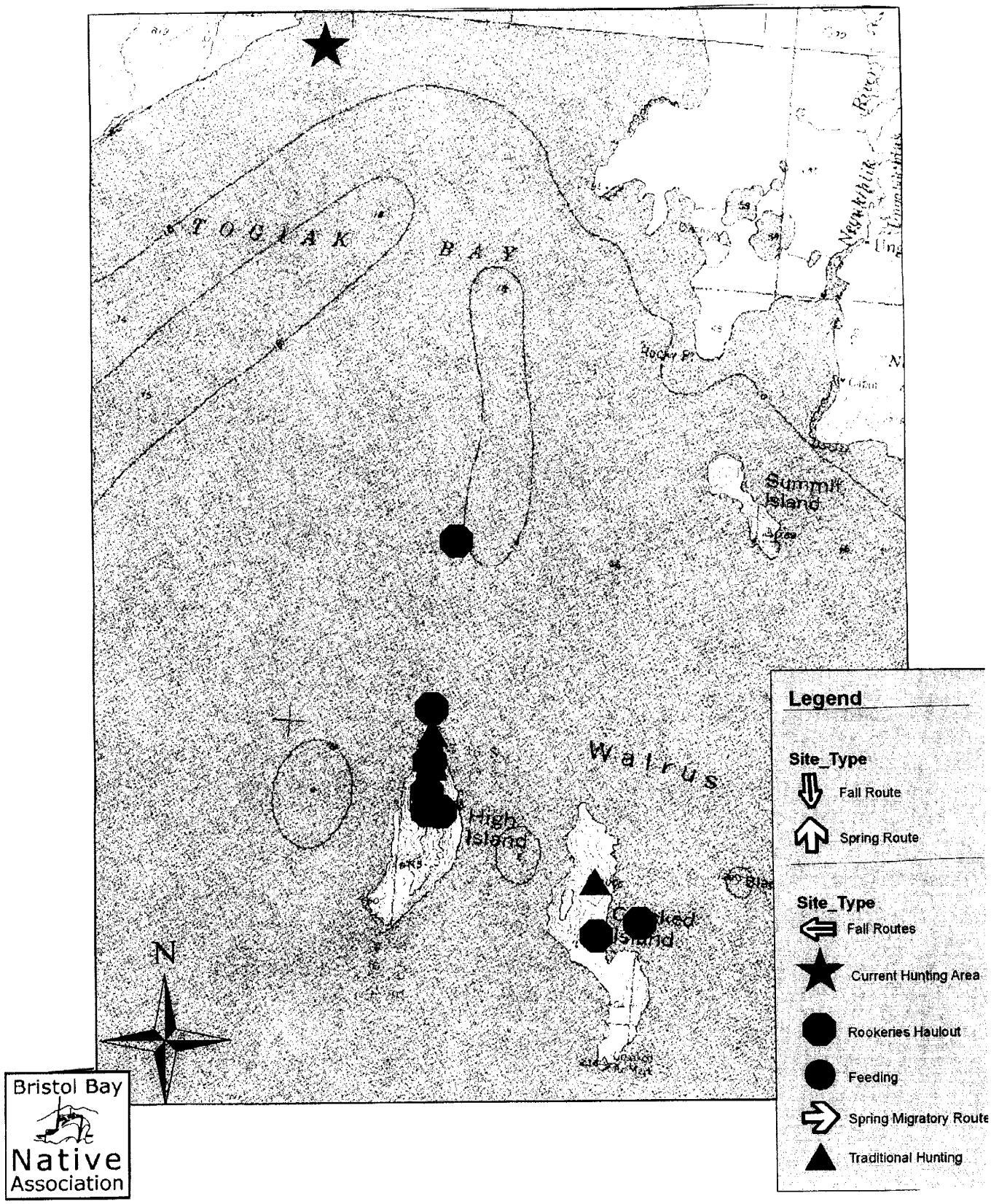
WALRUS TEK Project in collaboration with
Togiak Traditional Council and the Bristol Bay Native Associaton



Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

"Subsistence Use of Walrus in Bristol Bay" Map Documentation 2006

WALRUS TEK Project in collaboration with
Togiak Traditional Council and the Bristol Bay Native Associaton



Map Source: "Subsistence Use of Walrus in Bristol Bay" 2006- Walrus TEK Project BBNA and Togiak Traditional Council report submitted to the Pacific Walrus Conservation Fund.

Appendix A

Subject: RE: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008
From: Helen Chythlook <hchythlook@bbna.com>
Date: Thu, 31 Jan 2008 15:48:06 -0900
To: 'Chris Oliver' <chris.oliver@noaa.gov>
CC: Jonathan Snyder <Jonathan_Snyder@fws.gov>

January 31, 2008

Hi Chris:

Frank Logusak, Sr., Chairman of the Qayassiq Walrus Commission (QWC) attended the recent Eskimo Walrus Commission up in Nome (Jan. 16,17, 2008). Frank is also the Eskimo Walrus Commission Representative for Bristol Bay. I believe Jonathan Snyder, Wildlife Biologist was in attendance and the person from NPFMC named Bill Wilson also attended the meeting. I don't know if Bill got to talk with Frank Logusak, Sr. while he was attending the Eskimo Walrus Commission meeting in Nome. I guess the Qayassiq Walrus Commission's main concern is that the trawl fishery in the Togiak Bay (Metervik/Kulukak Bay) is disturbing the Round Island walrus haulouts, walrus feeding habitat areas (clam beds), salmon smolt habitat areas, and other marine food sources ranging from Cape Newenham/Cape Peirce (walrus haulout and traditional hunting site), the Walrus Islands, main focus Round Island (main traditional Fall walrus hunting site and feeding/migrating area), Cape Seniavin (walrus haulout, feeding/migration area), Cape Constantine (walrus migrate to feed on clams) and migrate by Cape Constantine on their way to the Alaska Peninsula walrus haulout areas.

The Qayassiq Walrus Commission recommended the North Pacific Fishery Management Council to extend the current 3-mile boundary to ten miles out from Round Island. The elders and experienced walrus hunters, QWC Commissioners from nine QWC walrus hunting communities have expressed their concern that since trawl fishery opened in the area (Cape Newenham, Walrus Islands, Cape Constantine, Cape Seniavin all the way down to the North Aleutian Basin), the walrus are being disturbed from their existing haulout sites, and their feeding clam beds, and salmon smolts, as well as other marine mammals are being disturbed. That is what the QWC would like the NPFMC to help them with. That is why I send the copies of the Togiak Traditional Council and the Bristol Bay Native Association's Walrus TEK Map Documentation Project and brief walrus TEK summary to the NPFMC for their information.

I will be looking forward in hearing from you. On behalf of the Qayassiq Walrus Commission, I am willing to assist you in any way I can. I do travel a lot in my job as well. I will be in the office Jan. 31 (this afternoon) until the afternoon of February 5. Returning to BBNA offices Feb. 11th. Then I will be out of the BBNA offices Feb. 17-21, 2008, returning February 22nd (weather permitting).

Helen M. Chythlook
Marine Mammal Coordinator
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Direct Phone: 907-842-6240
Main Office Phone: 907-842-5257, ext. 340
Fax: 907-842-5932
Toll Free: 1-800-478-5257, ext. 340
Work e-mail: hchythlook@bbna.com

-----Original Message-----
From: Chris Oliver [mailto:chris.oliver@noaa.gov]
Sent: Tuesday, January 29, 2008 3:09 PM
To: Helen Chythlook
Cc: Bill Wilson; Jonathan Snyder

Appendix A

Subject: Re: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008

Helen - sorry for the late reply. I have been traveling also. We have received all the materials you sent and have distributed them to the Council. I am not quite sure what specific action you are requesting of the Council at this time. At our upcoming February Council meeting I will make again raise your letter with the Council and see what initial thoughts they have.

-Chris

Helen Chythlook wrote:

> January 14, 2008
>
> Hello:
>
> My name is Helen Chythlook, I am the Marine Mammal Coordinator for the Bristol Bay Native Association located in Dillingham, Alaska. I am also the Executive Director for the Qayassiq Walrus Commission and the Bristol Bay Marine Mammal Council. At the December 13, 2007, Qayassiq Walrus Commission meeting, the Commissioners directed me to write a letter to the North Pacific Fisheries Management Council. I was waiting for some maps, because the QWC Commissioners wanted to show the walrus haulout areas, walrus feeding, and migrating areas at Round Island (Qayassiq) and the Walrus Islands. So the letter is dated December 13, 2007. I Pen Paked the letter with map documentation attachments late Friday, January 11, 2008 addressed to the NPFMC. I wanted Bill Wilson to review the Qayassiq Walrus Commission correspondence dated Dec. 13, 2007. The QWC would like to request the North Pacific Fisheries Management Council to support the Qayassiq Walrus Commission's concern that walrus haulout and feeding habitat areas are being disturbed by increase in the trawl fleet fishery. The Qayassiq Walrus Commission's main concern is their Yup'ik Eskimo traditional walrus hunting site in Round Island is being affected by the trawl fleet noise disturbing the walrus to haulout elsewhere. Also, the increase of trawl fishing for yellowfin sole fish is disturbing the walrus feeding habitats which is mainly the clam beds in the Walrus State Game Sanctuary area, including Togiak Bay, Kulukak Bay, from Cape Newenham down to the North Aleutian Basin area. The trawl fishery fleets are also catching by catch including king salmon, red salmon, and halibut which migrate into ocean waters to feed and return back to the Bristol Bay and Togiak waters. The trawl fisheries are also disturbing the salmon habitat areas and cleaning deep seabeds which walrus and the Bristol Bay residents harvest as their food resources. These fish species, along with our marine mammals are important year-rouind traditional Native food resources for the Bristol Bay residents extending from Cape Newenham down to the North Aleutian Basin. I hope someone from the North Pacific Fisheries Management Council pick up the Pen Pak from the Qayassiq Walrus Commission c/o: Bristol Bay Native Association. If Bill Wilson has already left for Nome to attend the Eskimo Walrus Commission meeting, would your staff please pick up the Pen Pak envelope for NPFMC and see if Jonathan Snyder from the U.S. Fish & Wildlife Service can hand deliver it to him. I will e-mail both you and Bill Wilson electonic copies, although I did fax the letter and map documentation attachments on Friday, January 11, 2008 to the NPFMC Office. I am attaching an Overview of the Qayassiq Walrus Commission, as well as the Bristol Bay Marine Mammal Council for your information. I will send separate electronic e-mails of the NPFMC letter sent by the Qayassiq Walrus Commission to you Chris and to Bill Wilson.
>
> If you have any questions, please call me at (907)-842-6240 at the Bristol Bay Native Association's Marine Mammal Program office in Dillingham.
>
> Helen M. Chythlook

Appendix A

Marine Mammal Coordinator
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Direct Phone: 907-842-6240
Main Office Phone: 907-842-5257, ext. 340
Fax: 907-842-5932
Toll Free: 1-800-478-5257, ext. 340
Work e-mail: hchythlook@bbna.com <mailto:hchythlook@bbna.com>

Appendix A

Subject: RE: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008
From: Helen Chythlook <hchythlook@bbna.com>
Date: Fri, 01 Feb 2008 08:22:47 -0900
To: "'Jonathan_Snyder@fws.gov'" <Jonathan_Snyder@fws.gov>
CC: Molly Chythlook <mchythlook@bbna.com>, Ralph Andersen <randersen@bbna.com>, Frank Woods III <fwoods@bbna.com>, Chris Oliver <chris.oliver@noaa.gov>

February 1, 2008

Hi Jonathan:
Thank you very much for the information. I what the Qayassiq Walrus Commission wants is to extend the walrus habitat, walrus foraging, all salmon species habitat areas, seal foraging and seal haulout areas. The proposed walrus, seal, and all salmon species habitat and foraging areas would be extended ten miles out beginning at Cape Newenham/Cape Peirce, extending down to the Walrus Islands (Round Island, The Twins, Hagemeister Islands, and nearby Islands, Cape Contantine, Cape Seniavin area all the way down to the North Aleutian Basin. They want to get this in the NPFMC regulations. I know there was concern about the herring roe becoming depleted from the trawl fishery sweeping the herring roe habitat areas.

Helen M. Chythlook
Marine Mammal Coordinator
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Direct Phone: 907-842-6240
Main Office Phone: 907-842-5257, ext. 340
Fax: 907-842-5932
Toll Free: 1-800-478-5257, ext. 340
Work e-mail: hchythlook@bbna.com

-----Original Message-----
From: Jonathan_Snyder@fws.gov [mailto:Jonathan_Snyder@fws.gov]
Sent: Thursday, January 31, 2008 4:58 PM
To: Helen Chythlook
Subject: RE: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008

Hi Helen,

I just did a quick Google search. It look like the seasonal trawl closure already extends out to 12 miles from Round Island.
(See attached file: 679b22.pdf)

****
Jonathan A. Snyder
Wildlife Biologist
U.S. Fish & Wildlife Service
Marine Mammals Management MS 341
1011 East Tudor Road
Anchorage, AK 99503
907-786-3819 Voice
1-800-362-5148 Toll Free
907-786-3816 FAX

Appendix A

Subject: FW: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008
From: Helen Chythlook <hchythlook@bbna.com>
Date: Fri, 01 Feb 2008 08:38:05 -0900
To: Molly Chythlook <mchythlook@bbna.com>, Frank Woods III <fwoods@bbna.com>, Walter Kanulie <tradcounciltogiak@starband.net>, Ralph Andersen <randersen@bbna.com>, Chris Oliver <chris.oliver@noaa.gov>

Hi:
When I copied the attached Trawl Fishery e-mail from Jonathan Snyder, I thought his attachment was also attached in the e-mail. Here it is.

-----Original Message-----
From: Helen Chythlook
Sent: Friday, February 01, 2008 8:23 AM
To: 'Jonathan_Snyder@fws.gov'
Cc: Molly Chythlook; Ralph Andersen; Frank Woods III; Chris Oliver
Subject: RE: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008

February 1, 2008

Hi Jonathan:
Thank you very much for the information. What the Qayassiq Walrus Commission wants is to extend the walrus habitat, walrus foraging, all salmon species habitat areas, seal foraging and seal haulout areas. The proposed walrus, seal, and all salmon species habitat and foraging areas would be extended ten miles out beginning at Cape Newenham/Cape Peirce, extending down to the Walrus Islands (Round Island, The Twins, Hagemeister Islands, and nearby Islands, Cape Contantine, Cape Seniavin area all the way down to the North Aleutian Basin. They want to get this in the NPFMC regulations. I know there was concern about the herring roe becoming depleted from the trawl fishery sweeping the herring roe habitat areas.

Helen M. Chythlook
Marine Mammal Coordinator
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Direct Phone: 907-842-6240
Main Office Phone: 907-842-5257, ext. 340
Fax: 907-842-5932
Toll Free: 1-800-478-5257, ext. 340
Work e-mail: hchythlook@bbna.com

-----Original Message-----
From: Jonathan_Snyder@fws.gov [mailto:Jonathan_Snyder@fws.gov]
Sent: Thursday, January 31, 2008 4:58 PM
To: Helen Chythlook
Subject: RE: Qayassiq Walrus Commission Concerns to present to the Eskimo Walrus Commission Meeting in Nome Jan 15,16, 2008

Hi Helen,

I just did a quick Google search. It look like the seasonal trawl closure already extends out to 12 miles from Round Island.
(See attached file: 679b22.pdf)

****
Jonathan A. Snyder
Wildlife Biologist
U.S. Fish & Wildlife Service

Appendix A

Marine Mammals Management MS 341
1011 East Tudor Road
Anchorage, AK 99503
907-786-3819 Voice
1-800-362-5148 Toll Free
907-786-3816 FAX

November 2007 Bering Sea Tral Fishery Boundaries (walrus).doc

§ 679.22 Closures 50 CFR 679-B22.doc § 679.22 Closures Page 1 of 5 **Updated November 28, 2007 § 679.22 *Closures.***

(a) BSAI

(1) Zone 1 (512) closure to trawl gear.

No fishing with trawl gear is allowed at any time in reporting Area 512 of Zone 1 in the Bering Sea subarea.

(2) Zone 1 (516) closure to trawl gear.

No fishing with trawl gear is allowed at any time in reporting Area 516 of Zone 1 in the Bering Sea Subarea during the period March 15 through June 15.

(3) Red King Crab Savings Area (RKCSA).

Directed fishing for groundfish by vessels using trawl gear other than pelagic trawl gear is prohibited at all times, except as provided at § 679.21(e)(3)(ii)(B), in that part of the Bering Sea subarea defined as RKCSA in Figure 11 to this part.

(4) Walrus protection areas.

From April 1 through September 30 of any fishing year, vessels with a Federal fisheries permit under § 679.4 are prohibited in that part of the Bering Sea subarea between 3 and 12 nm seaward of the baseline used to measure the territorial sea around islands named Round Island and The Twins, as shown on National Ocean Survey Chart 16315, and around Cape Peirce (58° 33' N. lat., 161° 43' W. long.).

(5) Catcher Vessel Operational Area (CVOA)

(i) Definition. The CVOA is defined as that part of the BSAI that is south of 56° 00' N lat. and between 163° 00' W long. and 167° 30' W long., and north of the Aleutian Islands (Figure 2 to part 679).

(ii) Catcher/processor restrictions. A catcher/ processor vessel authorized to fish for BSAI pollock under § 679.4 is prohibited from conducting directed fishing for pollock in the CVOA during the B pollock season defined at § 679.23(e)(2)(ii), unless it is directed fishing for pollock CDQ.

(6) Pribilof Island Area Habitat Conservation Zone. Trawling is prohibited at all times in the area defined in Figure 10 to this part as the Pribilof Island Area Habitat Conservation Zone.

(7) Steller sea lion protection areas, Bering Sea subarea

(i) Bogoslof area

(A) Boundaries. The Bogoslof area consists of all waters of area 518 as described in Figure 1 of this part south of a straight line connecting 55° 00' N lat./170° 00' W long., and 55° 00' N lat./168° 11'4.75" W long.;

(B) Fishing prohibition. All waters within the Bogoslof area are closed to directed fishing for pollock, Pacific cod, and Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b), except as provided in paragraph (a)(7)(i)(C) of this section.

(C) Bogoslof Pacific cod exemption area.

(1) All catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear for directed fishing for Pacific cod are exempt from the Pacific cod fishing prohibition as described in paragraph (a)(7)(i)(B) of this section in the portion of the Bogoslof area south of a line connecting a point 3 nm north of Bishop Point (54°01'25" N lat./166° 57'00" W long.) to Cape Tanak (53°33'50" N lat./168° 00'00" W long.), not including waters of the Bishop Point Pacific cod fishing closures as described in Table 5 of this part.

(2) If the Regional Administrator determines that 113 mt of Pacific cod have been caught by catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear in the exemption area described in paragraph (a)(7)(i)(C)(1) of this section, the Regional Administrator will prohibit directed fishing for Pacific cod by catcher vessels less than 60 ft (18.3 m) LOA using jig or hook-and-line gear in the exemption area by notification published in the ***Federal Register***.

(ii) Bering Sea Pollock Restriction Area.

(A) Boundaries. The Bering Sea Pollock Restriction Area consists of all waters of the Bering Sea subarea south of a line connecting the points

163° 0'00" W long./55° 46'30" N lat.,
165° 08'00" W long./54° 42'9" N lat.,
165° 40'00" W long./54° 26'30" N lat.,
166° 12'00" W long./54° 18'40" N lat., and
167° 0'00" W long./54° 8'50" N lat.

(B) Fishing prohibition. All waters within the Bering Sea Pollock Restriction Area are closed during

the A season, as defined at § 679.23(e)(2), to directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b).

(iii) Groundfish closures. Directed fishing for groundfish by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within 3 nm of selected sites. These sites are listed in Table 12 of this part and are identified by "Bering Sea" in column 2.
(iv) Pollock closures. Directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within pollock no-fishing zones around selected sites. These sites are listed in Table 4 of this part and are identified by "Bering Sea" in column 2.
(v) Pacific cod closures. Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl, hook-and-line, or pot gear is prohibited within the Pacific cod no-fishing zones around selected sites. These sites and gear types are listed in Table 5 of this part and are identified by "BS" in column 2.
(vi) Atka mackerel closures. Directed fishing for Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear is prohibited within Atka mackerel no-fishing zones around selected sites. These sites are listed in Table 6 to this part and are identified by "Bering Sea" in column 2.
(vii) Steller sea lion conservation area (SCA)
(A) General. Directed fishing for pollock by vessels catching pollock for processing by the inshore component, catcher/processors in the offshore component, motherships in the offshore component, or directed fishing for CDQ pollock, is prohibited within the SCA until April 1 when the Regional Administrator announces, by notification in the ***Federal Register***, that the criteria set out in paragraph (a)(7)(vii)(C) of this section have been met by that industry component.
(B) Boundaries. The SCA consists of the area of the Bering Sea subarea between 170° 00' W long. and 163° 00' W long., south of straight lines connecting the following points in the order listed:
55° 00' N lat. 170° 00' W long.;
55° 00' N lat. 168° 00' W long.;
55° 30' N lat. 168° 00' W long.;
55° 30' N lat. 166° 00' W long.;
56° 00' N lat. 166° 00' W long.; and,
56° 00' N lat. 163° 00' W long.
(C) Criteria for closure
(1) General. The directed fishing closures identified in paragraph (a)(7)(vii)(A) of this section will take effect when the Regional Administrator determines that the harvest limit for pollock within the SCA, as specified in § 679.20(a)(5)(i)(C) is reached before April 1. The Regional Administrator shall prohibit directed fishing for pollock in the SCA by notification published in the ***Federal Register***.
(2) Inshore catcher vessels greater than 99 ft (30.2 m) LOA. The Regional Administrator will prohibit directed fishing for pollock by vessels greater than 99 ft (30.2 m) LOA, catching pollock for processing by the inshore component before reaching the inshore SCA harvest limit before April 1 to accommodate fishing by vessels less than or equal to 99 ft (30.2 m) inside the SCA until April 1. The Regional Administrator will estimate how much of the inshore seasonal allowance is likely to be harvested by catcher vessels less than or equal to 99 ft (30.2 m) LOA and reserve a sufficient amount of the inshore SCA allowance to accommodate fishing by such vessels after the closure of the SCA to inshore vessels greater than 99 ft (30.2 m) LOA. The Regional Administrator will prohibit directed fishing for all inshore catcher vessels within the SCA when the harvest limit specified in § 679.20(a)(5)(i)(C) has been met before April 1.
(8) Steller sea lion protection areas, Aleutian Islands subarea
(i) Seguam Foraging area.
(A) The Seguam foraging area is all waters within the area between 52° N lat. and 53° N lat. and between 173° 30' W long. and 172° 30' W long.
(B) Directed fishing for pollock, Pacific cod, and Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited in the Seguam Foraging area as described in paragraph (a)(8)(i)(A) of this section.

(ii) Pollock Closure. Directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within the pollock no-fishing zones around selected sites. These sites are listed in Table 4 of this part and are identified by "Aleutian I."
in column 2.
(iii) Groundfish closures. Directed fishing for groundfish by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within 3 nm of selected sites. These sites are listed in Table 12 of

this part and are identified by "Aleutian Islands" in column 2.
(iv) Pacific cod closures
(A) HLA Closure. Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear is prohibited in the HLA in area 542 or area 543, as defined in § 679.2 when the Atka mackerel HLA directed fishery in area 542 or area 543 is open.
(B) Gear specific closures. Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl, hook-and-line, or pot gear is prohibited within the Pacific cod no-fishing zones around selected sites. These sites and gear types are listed in Table 5 of this part and are identified by "AI" in column 2.
(v) Atka mackerel closures. Directed fishing for Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl gear is prohibited within Atka mackerel no-fishing zones around selected sites. These sites are listed in Table 6 of this part and are identified by "Aleutian Islands" in column 2.
(9) Nearshore Bristol Bay Trawl Closure.
Directed fishing for groundfish by vessels using trawl gear in Bristol Bay, as described in the current edition of NOAA chart 16006, is closed at all times in the area east of 162° 00' W. long., except that the Nearshore Bristol Bay Trawl Area defined in Figure 12 to this part is open to trawling from 1200 hours A.l.t., April 1 to 1200 hours A.l.t., June 15 of each year.
(10) Chum Salmon Savings Area.
Directed fishing for pollock by vessels using **trawl gear** is prohibited from August 1 through August 31 in the Chum Salmon Savings Area defined at
Figure 9 to this part (see also § 679.21(e)(7)(vii)). **Vessels using trawl gear participating in directed fishing for pollock, including pollock CDQ, and operating under a salmon bycatch reduction ICA are exempt from closures in the Chum Salmon Savings Area. See also §679.21(e)(7)(vii).**
(11) *[Reserved]*
(12) Alaska Seamount Habitat Protection Areas. No federally permitted vessel may fish with bottom contact gear in the Alaska Seamount Habitat Protection Areas, as described in Table 22 to this part.
(13) Aleutian Islands Coral Habitat Protection Areas. No federally permitted vessel may fish with bottom contact gear in the Aleutian Islands Coral Habitat Protection Areas, as described in Table 23 to this part.
(14) Aleutian Islands Habitat Conservation Area. Except within those areas identified as opened to nonpelagic trawl gear fishing in Table 24 to this part, no federally permitted vessel may fish with nonpelagic trawl gear in the Aleutian Islands Habitat Conservation Area, as described in Table 24 to this part.
(15) Bowers Ridge Habitat Conservation Zone. No federally permitted vessel may fish with mobile bottom contact gear in the Bowers Ridge Habitat Conservation Zone, as described in Table 25 to this part.
(b) GOA
(1) Kodiak Island, trawls other than pelagic trawls
(i) Type I closures. No person may trawl in waters of the EEZ within the vicinity of Kodiak Island, as shown in Figure 5 to this part as Type I areas, from a vessel having any trawl other than a pelagic trawl either attached or on board.
(ii) Type II closures. From February 15 to June 15, no person may trawl in waters of the EEZ within the vicinity of Kodiak Island, as shown in Figure 5 to this part as Type II areas, from a vessel having any trawl other than a pelagic trawl either attached or on board.
(iii) Type III closures. Type III areas are open to any trawl other than a pelagic trawl gear year round.

(2) Steller sea lion protection areas
(i) Groundfish closures. Directed fishing for groundfish by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within 3 nm of selected sites. These sites are listed in Table 12 of this part and are identified by "Gulf of Alaska" in
column 2.
(ii) Pollock closures. Directed fishing for pollock by vessels named on a Federal Fisheries Permit under § 679.4(b) is prohibited within pollock no-fishing zones around selected sites. These sites are listed in Table 4 of this part and are identified by "Gulf of Alaska" in column 2.
(iii) Pacific cod closures. Directed fishing for Pacific cod by vessels named on a Federal Fisheries Permit under § 679.4(b) and using trawl, hook-and-line, or pot gear in the federally managed Pacific cod or State of Alaska parallel groundfish fisheries, as defined in Alaska Administrative Code (5 AAC 28.087(c),

January 3, 2002), is prohibited within Pacific cod no-fishing zones around selected sites. These sites and gear types are listed in Table 5 of this part and are identified by "GOA" in column 2.
(iv) Atka mackerel closure. Directed fishing for Atka mackerel by vessels named on a Federal Fisheries Permit under § 679.4(b) within the Gulf of Alaska subarea is prohibited at all times.
(3) *[Reserved]*
(4) Southeast Outside District, gear other than nontrawl.
Use of any gear other than nontrawl gear is prohibited at all times in Southeast Outside District defined at Figure 3 to this part.
(5) Sitka Pinnacles Marine Reserve.
(i) No vessel required to have a Federal fisheries permit under § 679.4(b) may fish for groundfish or anchor in the Sitka Pinnacles Marine Reserve, as described in Figure 18 to this part.
(ii) No vessel required to have on board an IFQ halibut permit under § 679.4(d) may fish for halibut or anchor in the Sitka Pinnacles Marine Reserve, as described in Figure 18 to this part.
(6) Chiniak Gully Research Area (**applicable through December 31, 2010**).
(i) Description of Chiniak Gully Research Area. The Chiniak Gully Research Area, as shown in Figure 22 to this part, is defined as the waters bounded by straight lines connecting the coordinates in the order listed:
57°48.60 N lat., 152°22.20 W long.;
57°48.60 N lat., 151°51.00 W long.;
57°13.20 N lat., 150°38.40 W long.;
56°58.80 N lat., 151°16.20 W long.;
57°37.20 N lat., 152°09.60 W long.;
and hence counterclockwise along the shoreline of Kodiak Island to 57°48.60 N lat., 152°22.20 W long.
(ii) Closure.
(A) No vessel named on a Federal fisheries permit issued pursuant to § 679.4(b) shall deploy trawl gear for purposes of either fishing, or of testing gear under § 679.24(d)(2), within the Chiniak Gully Research Area at any time from August 1 through September 20.
(B) If the Regional Administrator makes a determination that the relevant research activities have been completed for a particular year or will not be conducted that year, the Regional Administrator shall publish notification in the Federal Register rescinding the Chiniak Gully Research Area trawl closure, described in paragraph (b)(6)(i) of this section, for
that year.
(7) Cook Inlet. No person may use a non-pelagic trawl in waters of the EEZ of Cook Inlet north of a line from Cape Douglas (58° 51.10'N. lat.) to Point Adam (59° 15.27'N. lat.).
(8) Alaska Seamount Habitat Protection Areas.
No federally permitted vessel may fish with bottom contact gear in the Alaska Seamount Habitat Protection Areas, as described in Table 22 to this part.
(9) Gulf of Alaska Coral Habitat Protection Areas. No federally permitted vessel may fish with bottom contact gear in the Gulf of Alaska Coral Habitat Protection Areas, as described in Table 26 to this part.
§ 679.22 Closures 50 CFR 679-B22.doc § 679.22 Closures Page 5 of 5 **Updated November 28, 2007**
(10) Gulf of Alaska Slope Habitat Conservation Areas.
No federally permitted vessel may fish with nonpelagic trawl gear in the Gulf of Alaska Slope Habitat Conservation Areas, as described in Table 27 to this part.
(c) Directed fishing closures.
See § 679.20(d) and § 679.20(i).
(d) Groundfish as prohibited species closures.
See § 679.20(d).
(e) Overfishing closures.
See § 679.20(d).
(f) Prohibited species closures.
See § 679.21.
(g) [Reserved]
(h) CDQ fisheries closures.
See § 679.7(d)(6) through (10) for time and area closures that apply to the CDQ fisheries once salmon and crab PSQ amounts have been reached.
(i) Forage fish closures. See § 679.20(i)(3).

North Pacific Fishery Management Council

Eric A. Olson, Chairman
Chris Oliver, Executive Director

Telephone (907) 271-2809

605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Fax (907) 271-2817

Visit our website: http://www.fakr.noaa.gov/npfmc

February 25, 2008

Helen M. Chythlook
Marine Mammal Coordinator
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576

Dear Ms. Chythlook:

The North Pacific Fishery Management Council has received your letter and package of information on concerns over the effects of fishing activities on walrus in the Bristol Bay area. In your letter, you informed the Council of a request by the Qayassiq Walrus Commission for larger closed areas around walrus haulouts in Bristol Bay, including Round Island, the Twins, and Cape Peirce, and you also mention requested closures around Cape Seniaven, Hagemeister Island, and Cape Constantine. The basis of these concerns appears to be, primarily, potential fishing disturbance of walrus and their feeding areas. The Council appreciates the concerns listed by the Qayassiq Walrus Commission and wishes to provide you with information on the status of fishery closures in this area.

In the early 1990s, the Council imposed trawl closure areas around Round Island, The Twins and Cape Peirce. The closures are from 3 to 12 nautical miles between April 1 and September 30. In these areas, no Federally-permitted fishing vessel may be present during this period, even if not fishing. The State of Alaska also closes State waters (0 to 3 nautical miles) to trawling around these sites. The State of Alaska also has closed Round Island Game Refuge to all vessels out to 3 nautical miles. In addition, all of the Bristol Bay area (all Federal waters and all State waters east of 162° W longitude) is closed to trawling, with the exception of an exemption area between 159° and 160° W longitude and north of 58° N latitude which is open to fishing between April 1-June 15 only. In this exemption area, the trawl fishery is primarily for yellowfin sole. A map is attached that shows the status of no-fishing areas in this region. Additional information on State water closures can be obtained from the Alaska Dept. of Fish & Game.

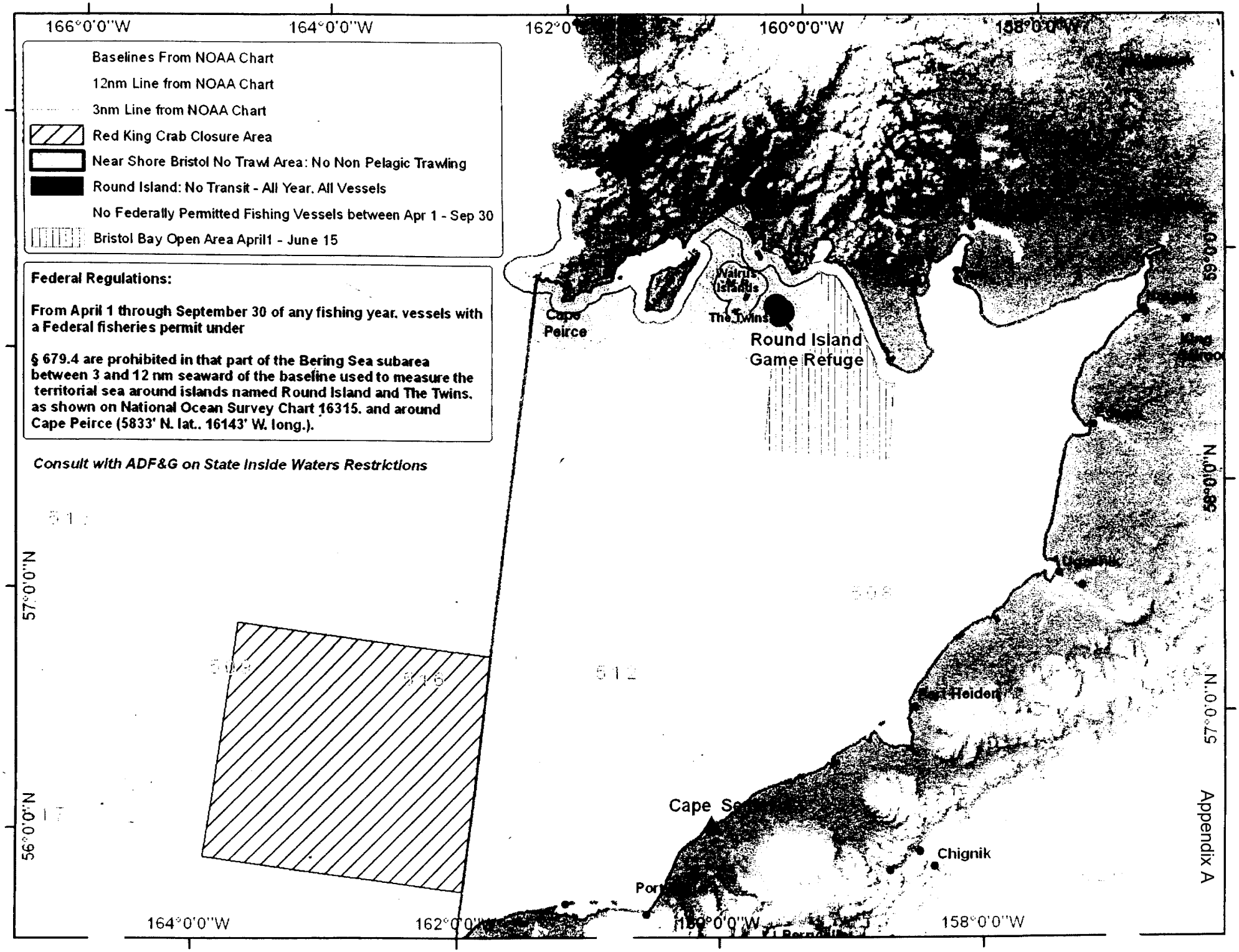
As you can see, the requests from the Qayassiq Walrus Commission for larger closed areas at these sites have largely already been adopted by the Council and/or the State of Alaska. Therefore, we are interested in additional information from you regarding the nature of your concerns, for example, the specific fishing activities cited in your previous correspondence, where specifically these are occurring, and how they relate to the closed areas depicted on the enclosed maps. If you would like to provide more details, the Council would appreciate hearing from you. Please do not hesitate to contact me at the Council offices, or Mr. Bill Wilson, the Council's Protected Resources Coordinator. Thank you for your expressing your concerns to the Council.

Sincerely,

Chris Oliver

Chris Oliver, Executive Director

CC: Council members


166°0'0"W
164°0'0"W
162°0'0"W
160°0'0"W
158°0'0"W
Baselines From NOAA Chart
12nm Line from NOAA Chart
3nm Line from NOAA Chart
Red King Crab Closure Area
Near Shore Bristol No Trawl Area: No Non Pelagic Trawling
Round Island: No Transit - All Year. All Vessels
No Federally Permitted Fishing Vessels between Apr 1 - Sep 30
Bristol Bay Open Area April1 - June 15
Federal Regulations:
From April 1 through September 30 of any fishing year. vessels with a Federal fisheries permit under
§ 679.4 are prohibited in that part of the Bering Sea subarea between 3 and 12 nm seaward of the baseline used to measure the territorial sea around islands named Round Island and The Twins. as shown on National Ocean Survey Chart 16315. and around Cape Peirce (5833' N. lat.. 16143' W. long.).
Consult with ADF&G on State Inside Waters Restrictions
Cape Peirce
Walrus Islands
The Twins
Round Island
Game Refuge
Togiak
Twin Hills
Manokotak
Aleknagik
Dillingham
Clarks Point
Ekwok
New Stuyahok
Koliganek
Ivanof Bay
Port Heiden
Cape Seniavin
Chignik
Perryville
57°0'0"N
56°0'0"N
N.0.0.69
N.0.0.86
N.0.0.57
Appendix A

October 7, 2008

North Pacific Fsheries Management Council
605 W 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Mr Chairman and Board,
My name is Frank Woods I am 43 years old and this is my first North Pacific Fisheries Management Council meeting. I am speaking on behalf of the Bristol Bay Native Association. The Bristol Bay Native Association is a Tribal Consortium, made up of 31 Tribes and is organized as a non-profit corporation to provide a variety of educational, social, economic and related services to the Native People of Bristol Bay.

I carry with me BBNA's resolution addressing the Nearshore Bristol Bay Trawl Closer Area the trawling that is taking place for yellow fin sole. Five main Village Councils from the area have also followed with similar resolutions. Listed are the Villages of Togiak, Twin Hills, Clarks Point, Aleknagik, Curyung Tribe (Dillingham), and a support letter from our chairman of the Nushagak Advisory Board. And here are their resolutions.

Healthy Eco-systems is what kept our people alive for hundreds of generations. This Nearshore Bristol Bay Trawl Closer as listed in 50CFR 679-B22 doc section (9) is listed backwords for this fishery. It is open from April 1st till June 15th (1200 hrs). This fishery threatens this eco-system. Our main livelihood in small rural communities has been and still is seasonal commercial fishing for halibut, salmon (kings, sockeyes, silvers, chums, pinks), herring and now extinct herring roe-on-kelp fishery. We also live a subsistence and traditional way of life. We would like to continue this way lifestyle and preserve our culture.

Since the seasonal trawl fishery opened in the Bristol Bay area, we have experienced a decrease of halibut, walrus, seals, clams, herring and herring roe-on-kelp we traditionally harvest. We have observed illegal trawl fishing when we are herring, halibut, and salmon fishing in the Togiak Bay Area. This fishery has displaced the CDQ halibut fisherman.This yellow fin trawl fishery takes all of the CDQ quota and more in the by catch of halibut. Over 100,000 lbs of bycatch halibut. CDQ fisherman on the other hand were only able to harvet 11,000 lbs when in years past they were able to catch over 100,000 lbs annually.

My traditional way of life includes harvesting year-round food resources from the land, water and air. They are all connected that is why I am here and you are here listening to me today. As a traditional hunter I have a concern for walrus, sealion and seal haulout disturbance as well as their bottom feeding areas in Bristol Bay. Primarily in the walrus haulout areas around Round Island, Hagemeister Island, Cape Peirce, Cape Newenham, and Cape Senavian. These areas should closed to any type of trawl fishing.
The federal law for subsistence priority shall forced here to protect the Pacific Walrus (may be listed a threatened species or species of concern) and stellar sea lion that is a threatened species already and we have to protect these at all costs.

Local Bristol Bay residents are concerned that their traditional marine mammals and marine food species are becoming depleted due to the by catch and interception of this trawl fishery sweeping the bottom of the bay. The villages we would love to see this area closed year around.

If that can't be done back the opening up with science that this fishery isn't hurting our resources If at all possible this year. Starting now establish a 25-mile boundary beginning at the shoreline of Cape Newenham, Cape Pierce, Togiak Bay, 25 miles out from the tip of Hagemeister Island, 25 miles out from the farthest tip of Round Island, including shorelines of Kulukak Bay, Metervik Bay, Cape Constantine, Nushagak Bay, all along the Kvichak Bay, Naknek Bay, Egegik Bay, Cape Senivian walrus haulout down to the North Aleutian Basin. These are some of the concerns, and there is many more. I myself would like to continue my seasonal livelihood in and around Togiak, Kulukak, Metervik and Nushagak Bays.

In closing me and Frank Logusak were walking in the Stevens International Airport. Our Ancestors clothing are on display in glass cases. My 84 grandmother would have been proud to wear the clothing and tools of that time and era from them display cases. I would hate to see the subsistence foods in such display cases for my grand kids to look at though a glass case. And wish they could have them to live off of 20- 50 years from now.

Thank you for your time;.

Frank Woods
Subsistence Co-coordinator
Natural Resources Department
Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576

Phone: 907-842-5257 ext. 342
Fax: 907-842-5932

10-7-08

BRISTOL BAY NATIVE ASSOCIATION
P.O. BOX 310
DILLINGHAM, ALASKA 99576
(907) 842-5257
by Full Board of Directors

Resolution 2008- 25

A RESOLUTION URGING THE NORTH PACFIC FISHERY MANAGEMENT COUNCIL TO ELIMINATE THE NEARSHORE BRISTOL BAY TRAWL AREA

WHEREAS: The NPFMC and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery and have closed most waters of Bristol Bay to trawl fishing; and

WHEREAS: An exception to the general ban is the Nearshore Bristol Bay Trawl Area (NBBTA), which is a seasonal yellow fin sole trawl fishery open from April 1 to June 15 in a rectangular area off the Nushagak Peninsula, and including both state and federal waters; and

WHEREAS: The Bristol Bay Native Association is very concerned with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place; in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Local residents have reported conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area; and

WHEREAS: BBNA tribal members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The NBBTA is also along the migratory route of herring and of caplin, which is an important forage fish species for Stellar Sea lions.

NOW, THEREFORE, BE IT RESOLVED that the Bristol Bay Native Association Full Board of Directors urges the North Pacific Fishery Management Council to close the Nearshore Bristol Bay Trawl Area.

Signed: Fred I Angasan
President

CERTIFICATION:
I, the undersigned Recording Secretary of the Bristol Bay Native Association, hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution on this 19th day of September, 2008, at a duly called and noticed meeting, and that a quorum was present.

Signed: _____
Secretary

Appendix B

CURYUNG TRIBAL COUNCIL
RESOLUTION 2008 – 20

A resolution to stop all trawling in the waters of Bristol Bay to trawling for Yellow Fin Sole

WHEREAS: The Curyung Tribe is a federally recognized Alaska Native Tribe serving its tribal members, 2500 strong and the community of Dillingham; and

WHEREAS: The Curyung Tribal Council is the federally recognized and duly elected governing body of the Curyung Tribe; and

WHEREAS: The Curyung Tribe is very concern with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place, in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Curyung Tribal members are reporting conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area. In 2007 and 2008 these were reported to the National Marine Fisheries Service (NMFS); and

WHEREAS: The Curyung Tribe and its members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The Curyung Tribe, its members, the North Pacific Fishery Management Council (NPFMC) and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery for these juvenile species and have closed all other waters of Bristol Bay to trawling; and

WHEREAS: The Curyung Tribe has known the waters that are being fished by the yellow fin sole fishermen in Bristol Bay, is also along the migratory path of caplin. The NPFMC has listed caplin as an important forage fish species for Stellar Sea lions. Caplin spawns in the Togiak district of Bristol Bay and migrates along the same path as our herring stocks, the Nushagak Peninsula.

NOW THEREFORE BE IT RESOLVED the Curyung Tribal Council formally requests the State of Alaska close all State waters within Bristol Bay to trawling. We also request the North Pacific Fisheries Management Council close adjacent Federal waters within Bristol Bay to trawling by May 2009.

Appendix B

CERTIFICATION:

The foregoing resolution was passed by the Curyung Tribal Council on the 10th day of September, 2008 and that a quorum was present.

Thomas Tilden, 1st Chief

ATTEST:

Kimberly Williams, 3rd Chief

Appendix B

TRADITIONAL COUNCIL OF TOGIAK
P. O. BOX 310 • TOGIAK, ALASKA 99678
Phn: (907) 493-5003 • Fax: (907) 493 5005
Email <tradcouncilTogiak@starband.net>

Resolution 2008 - 21

A RESOLUTION URGING THE NORTH PACFIC FISHERY MANAGEMENT COUNCIL TO ELIMINATE THE NEARSHORE BRISTOL BAY TRAWL AREA

WHEREAS: The NPFMC and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery and have closed most waters of Bristol Bay to trawl fishing; and

WHEREAS: An exception to the general ban is the Nearshore Bristol Bay Trawl Area (NBBTA), which is a seasonal yellow fin sole trawl fishery open from April 1 to June 15 in a rectangular area off the Nushagak Peninsula, and including both state and federal waters; and

WHEREAS: The Traditional Council of Togiak is very concerned with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place; in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Local residents have reported conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area; and

WHEREAS: The Traditional Council of Togiak members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The NBBTA is also along the migratory route of herring and of caplin, which is an important forage fish species for Stellar Sea lions.

NOW, THEREFORE, BE IT RESOLVED that the Traditional Council of Togiak urges the North Pacific Fishery Management Council to close the Nearshore Bristol Bay Trawl Area.

Signed: _____
President

CERTIFICATION:
I, the undersigned Recording Secretary of the Traditional Council of Togiak, hereby certify that the Council Members of the Traditional Council of Togiak passed the foregoing resolution on this 3rd day of October, 2008, at a duly called and noticed meeting, and that a quorum was present.

Signed: _____
Secretary

Twin Hills Village Council

Resolution 2008- 08

A RESOLUTION URGING THE NORTH PACFIC FISHERY MANAGEMENT COUNCIL TO ELIMINATE THE NEARSHORE BRISTOL BAY TRAWL AREA

WHEREAS: The NPFMC and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery and have closed most waters of Bristol Bay to trawl fishing; and

WHEREAS: An exception to the general ban is the Nearshore Bristol Bay Trawl Area (NBBTA), which is a seasonal yellow fin sole trawl fishery open from April 1 to June 15 in a rectangular area off the Nushagak Peninsula, and including both state and federal waters; and

WHEREAS: The Twin Hills Village Council is very concerned with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place; in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Local residents have reported conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area; and

WHEREAS: Twin Hills tribal members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The NBBTA is also along the migratory route of herring and of capelin, which is an important forage fish species for Stellar Sea lions.

NOW, THEREFORE, BE IT RESOLVED that the Twin Hills Village Council urges the North Pacific Fishery Management Council to close the Nearshore Bristol Bay Trawl Area.

Signed: _____
John W. Sharp, President

CERTIFICATION:
I, the undersigned Recording Secretary of the Twin Hills Village Council, hereby certify that the Twin Hills Village Council passed the foregoing resolution on this 3rd day of October, 2008, at a duly called and noticed meeting, and that a quorum was present.

Signed: _____
Debbie Hoseth, Secretary

Aleknagik Traditional Council
P.O. Box 115
Aleknagik, AK 99555

Resolution 2008- 17

A RESOLUTION URGING THE NORTH PACFIC FISHERY MANAGEMENT COUNCIL TO ELIMINATE THE NEARSHORE BRISTOL BAY TRAWL AREA

WHEREAS: The NPFMC and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery and have closed most waters of Bristol Bay to trawl fishing; and

WHEREAS: An exception to the general ban is the Nearshore Bristol Bay Trawl Area (NBBTA), which is a seasonal yellow fin sole trawl fishery open from April 1 to June 15 in a rectangular area off the Nushagak Peninsula, and including both state and federal waters; and

WHEREAS: The Aleknagik Traditional Council is very concerned with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place; in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Local residents have reported conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area; and

WHEREAS: Aleknagik Traditional Council tribal members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The NBBTA is also along the migratory route of herring and of caplin, which is an important forage fish species for Stellar Sea lions.

NOW, THEREFORE, BE IT RESOLVED that the Aleknagik Traditional Council urges the North Pacific Fishery Management Council to close the Nearshore Bristol Bay Trawl Area.

CERTIFICATION:

Passed and approved on this 1st day of October 2008.

SIGNED:

Daniel Chythlook, Vice-President — 10-1-08 Date

ATTEST:

Fredrick Bartman, Council Member — 10-1-08 Date

Appendix B

CLARKS POINT VILLAGE COUNCIL
P.O. BOX 90
CLARKS POINT, ALASKA 99576
(907) 236-1427

Resolution 2008- 10

A RESOLUTION URGING THE NORTH PACFIC FISHERY MANAGEMENT COUNCIL TO ELIMINATE THE NEARSHORE BRISTOL BAY TRAWL AREA

WHEREAS: The NPFMC and the State of Alaska have long recognized the waters of Bristol Bay as a crab and halibut nursery and have closed most waters of Bristol Bay to trawl fishing; and

WHEREAS: An exception to the general ban is the Nearshore Bristol Bay Trawl Area (NBBTA), which is a seasonal yellow fin sole trawl fishery open from April 1 to June 15 in a rectangular area off the Nushagak Peninsula, and including both state and federal waters; and

WHEREAS: The Clarks Point Village Council is very concerned with the bycatch of halibut, herring and salmon along the Nushagak Peninsula where the yellow fin sole fishery takes place; in some years the halibut bycatch is more than the directed CDQ halibut fishery; and

WHEREAS: Local residents have reported conflicts between the CDQ longline halibut fishermen and the yellow fin sole fishermen who operate in the area; and

WHEREAS: Clarks Point Village Council tribal members have a heavy dependence of all near-shore marine mammals such as seals and walrus and the yellow fin sole trawl fishery takes place along the migratory path of these species; and

WHEREAS: The NBBTA is also along the migratory route of herring and of caplin, which is an important forage fish species for Stellar Sea lions.

NOW, THEREFORE, BE IT RESOLVED that the Clarks Point Village Council urges the North Pacific Fishery Management Council to close the Nearshore Bristol Bay Trawl Area.

Signed: _____
President

CERTIFICATION:
I, the undersigned Recording Secretary of the Clarks Point Village Council, hereby certify that the Village Council passed the foregoing resolution on this 30th day of September, 2008, at a duly called and special meeting, and that a quorum was present.

Signed: _____
Secretary

Appendix B

CLARKS POINT VILLAGE COUNCIL

BOX 90

CLARKS POINT, ALASKA 99569

WAIVER OF NOTICE SPECIAL MEETING SEPTEMBER 30, 2008

We the undersigned waive notice for special meeting to act on Resolution urging the North Pacific Fishery Management Council to elliminate the nearshore Bristol Bay Trawl Area.

By It Members on September 30, 2008.

Harvey W. Wassily SR.

Logan Walker

Aurora George

Judy Ann George

Joseph Wassily

September 29, 2008

Mr. Eric Olson
Chairman, North Pacific Fisheries Management Council
605 W 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

Dear Mr. Olson,

Would you see to it that these concerns are expressed during the next NPFMC meeting in October.

I am the chairman of the Nushagak Advisory Committee (NAC) in Dillingham, Alaska. The local advisory committees in the state operate under the auspices of the Alaska Board of Game and Board of Fisheries. We are an advisory group that continues to pursue regulatory changes in Alaska Statute for the benefit of our representative area.

We not only represent Dillingham, but also Aleknagik, Portage Creek, Ekwok, New Stuyahok, Koliganek, Clarks Point, Manakotak, and also have a Togiak representative seated on our AC.

This letter is addressing a concern that has been somewhat of a thorn in our side for a few years, but not addressed. The Yellow fin Sole Fishery which operates seasonally from April 1- June 15 in the Near shore Bristol Bay Trawl Area (NBBTA) in the ground fish regulations at 50 CFR 679.

We acknowledge that this fishery has occurred annually for quite a few years. Participants say that it is a relatively clean fishery, but we think otherwise based on personal observations, testimony, and because we are concerned about by-catch of King salmon, halibut, herring and the impacts on walrus, sea lion, and other sea mammals found along the Nushagak Peninsula and near the Walrus Island sanctuary.

The last two years of our King salmon fishery has been an economic failure. The large forecasted runs of 2007 and 2008 did not materialize. Subsistence gathering was affected as well as commercial closures for the fishermen. After nearly a decade of closure and after only a few years of productive fishing, our King salmon run is in serious decline. Economic opportunity has been lost. What once was a thriving fishery is shut down. We believe by-catch could be the primary reason.

Our halibut fishermen used to fish successfully and do quite well after herring and before the salmon seasons. Especially within the last three years, our fishermen cannot harvest enough to even make expenses much less make a profit. Dozens of fishermen used to participate in the CDQ fishery but now very few even attempt the fishery because of catch failures. These fishermen have been economically disenfranchised. We firmly believe that by-catch "IS" the reason. Bristol Bay is a rearing place for immature halibut.

The proximity of the trawl fishery has impacted stocks that migrate through traditional fishing grounds.

We are concerned about our herring stocks. The trawl fleet operating in the NBBTA fishes very heavily during the out-migration of Togiak Herring stocks along the Nushagak Peninsula during latter April, May and until closure in June. This is when the Togiak Herring comes near-shore to spawn and then leave along the Nushagak Peninsula. Although ADF&G indicates that this stock is healthy, we think that this stock is in decline based on personal testimony of fishermen who participate in the fishery.

Herring fishermen have testified that the trawl fleet is targeting herring instead of yellow fin as they tow their nets right through the out-migrating herring.

One of our herring fishermen observing these activities up close and checking to see if they were fishing legally had his life threatened and sinking of his personal fishing vessel by one of the trawling captains while on his way home from the herring grounds postseason. This fisherman filed a complaint, but to date no enforcement action has been taken by any federal, state, or regulatory agency. This was witnessed by another friend accompanying him on another boat while traveling to Dillingham. Apparently there is some mix-up in regulatory language in the description of federal and state waters that needs to be cleaned up.

We are very concerned about the effects that this trawl fishery has on our resource. Our fishermen and communities are reeling from the extremely high cost of living, outrageous fuel prices, and facing economic hardship. Local businesses are impacted when fishermen do not do well. Local population is in decline as people are moving elsewhere to find jobs or where it is cheaper to get by.

The trawl fishery benefits mainly those who do not reside in the State of Alaska. This fishery is hampering our ability to make a living, raising our families, and living here in Bush Alaska.

We ask for the elimination of this fishery! Secondary would be a reduction of time and area. Another recommendation and one that makes more sense would be to move the fishery further offshore where it would have less impact on local fish stocks that our fishermen depend on.

Thank you for your consideration.

Hans Nicholson

Hans Nicholson
Chairman-Nushagak AC
PO Box 163
Dillingham, Alaska 99576

Cc: Bristol Bay Native Association
ADF&G Board Support - Dillingham

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

IN REPLY REFER TO:

AFES/MMM

SEP 18 2008

Mr. Frank Logusak, Sr.
Chairman, Qayassiq Walrus Commission
P.O. Box 278
Togiak, Alaska 99678

Dear Mr. Logusak:

I received a copy of your August 28, 2008, letter to Mr. Chris Oliver, Executive Director of the North Pacific Fisheries Management Council (NPFMC), concerning the Bristol Bay trawl fishery. I understand Qayassiq Walrus Commission's (QWC) concerns as they relate to walrus conservation and management, and I have shared a copy of your letter with our representative to NPFMC. I will ask my staff to fully brief him on this important issue prior to the September 29 meeting of the council. In the meantime, I will also look for ways in which the U.S. Fish and Wildlife Service (Service) can support the QWC on this issue. We will work directly with Helen Chythlook.

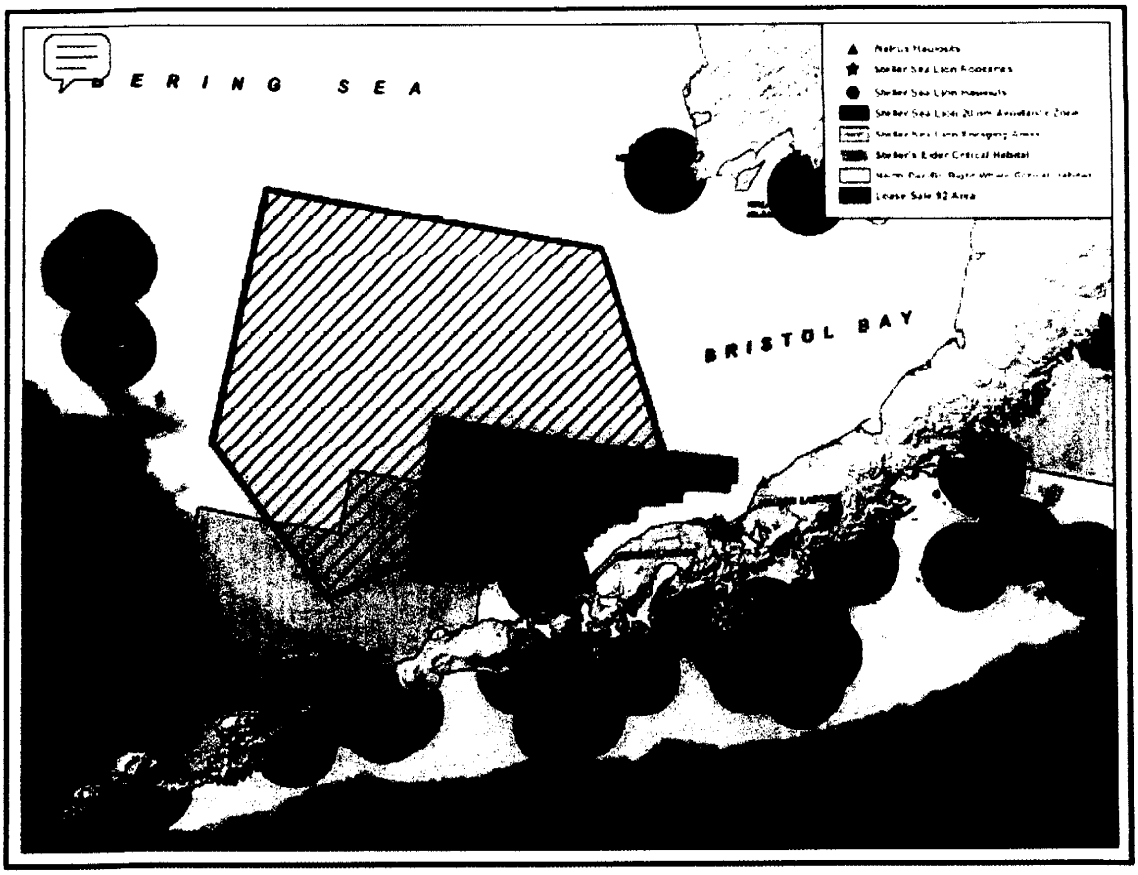
I regret that I was unable to attend your most recent QWC meeting, but Jonathan Snyder has briefed me on the issues which were discussed. I trust that he has adequately represented the Service at your recent meetings, and he is always available to assist the QWC, so please do not hesitate to contact him. I hope to attend the next Eskimo Walrus Commission meeting, and I look forward to seeing you there. I hope that you folks have a safe hunting season at Qayassiq this fall. You may contact me or Jonathan, at 1-800-362-5148 if you would like to discuss this further.

Sincerely,

Rosa Meehan
Chief, Marine Mammals Management

cc: Helen Chythlook, Director QWC
Vera Metcalf, Director EWC

2008 Qayassiq Walrus Commission supporting documents: walrus and Steller sea lion haulouts.



Bristol Bay Walrus Haulout sites also include Cape Seniavin located above Port Moller area. Source: Pacific Environment-used with permission 2008 for QWC Public Testimony supporting documents.

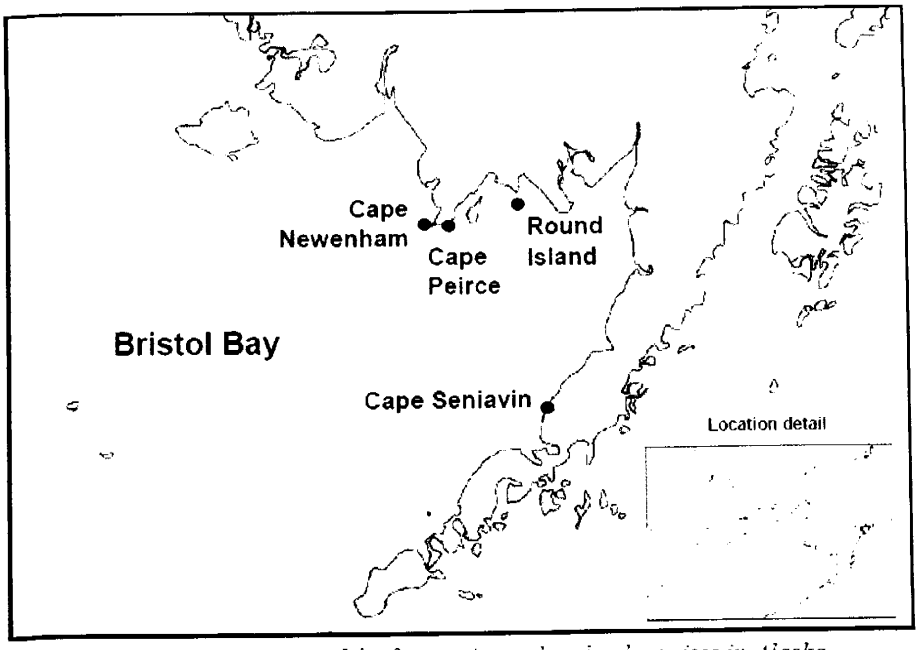
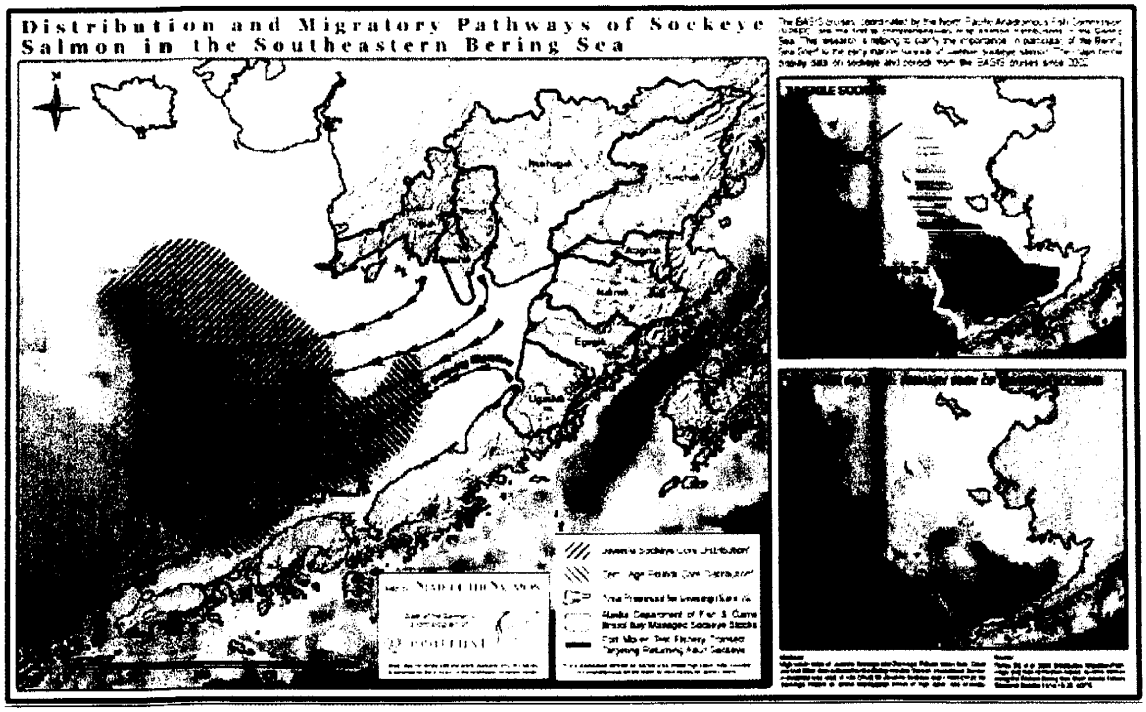
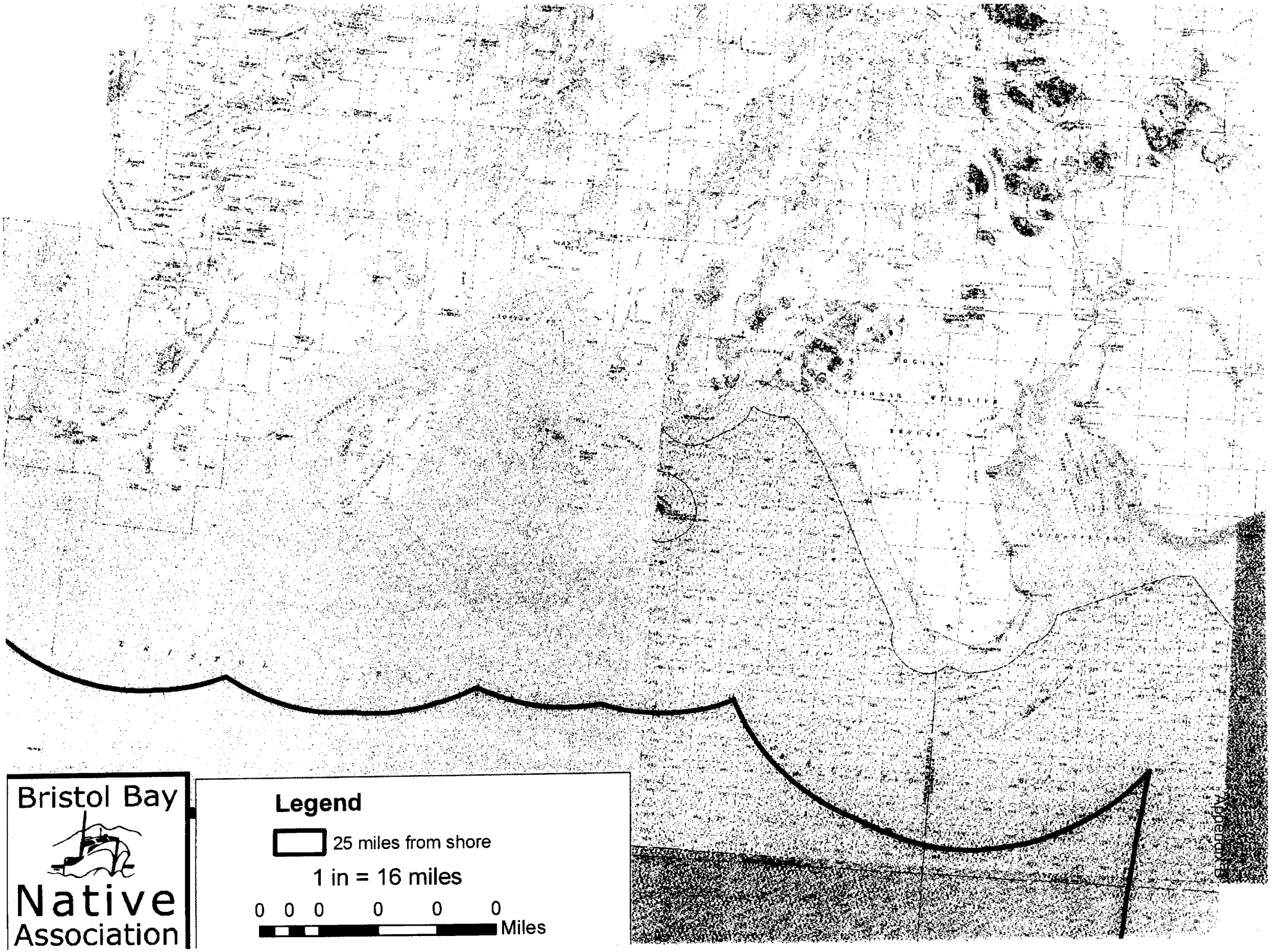


Figure 1. Locations of the four major walrus haulout sites in Alaska

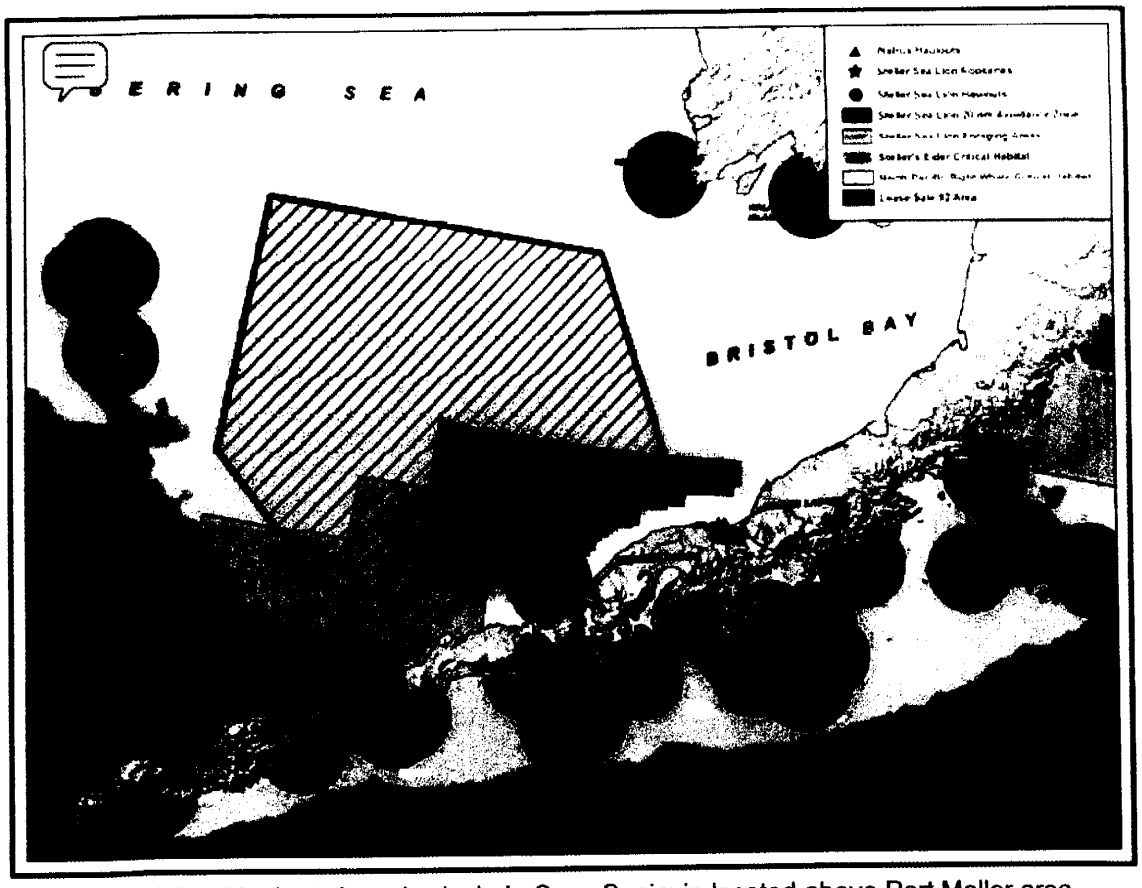
Qayassiq Walrus Commission supporting documents (Fish migrations). 2008



Bristol Bay and Alaska Peninsula Fish migration routes. Also at tip of Cape Constantine halibut migrate along the shorelines towards the Togiak Bay area and outward beyond Hagemeister Island. Source: Pacific Environment -QWC Testimony documentation. 2008.


Bristol Bay
Native
Association
Legend
25 miles from shore
1 in = 16 miles
0 0 0 0 0 0
Miles
Appendix B

2008 Qayassiq Walrus Commission supporting documents: walrus and Steller sea lion haulouts.



Bristol Bay Walrus Haulout sites also include Cape Seniavin located above Port Moller area. Source: Pacific Environment-used with permission 2008 for QWC Public Testimony supporting documents.

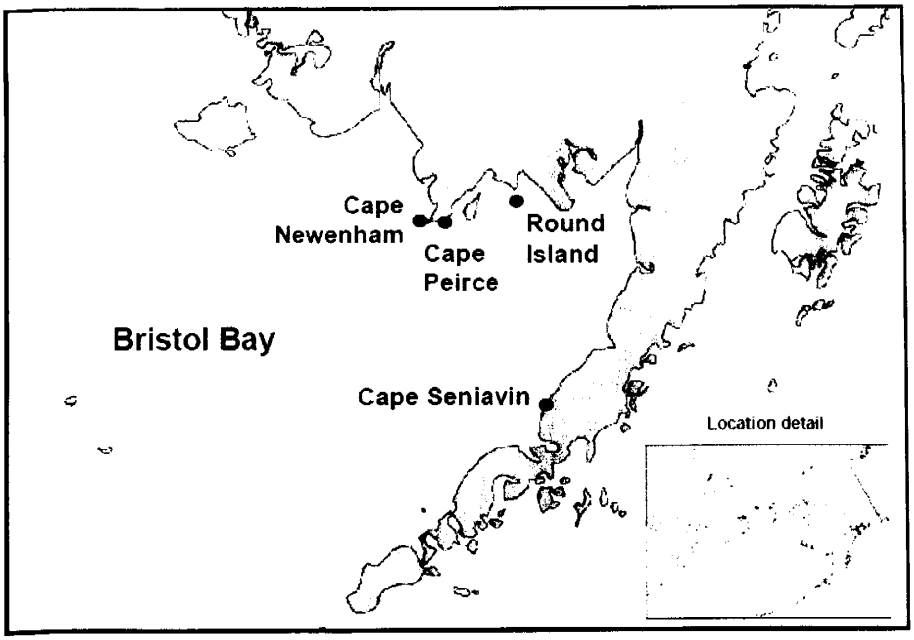
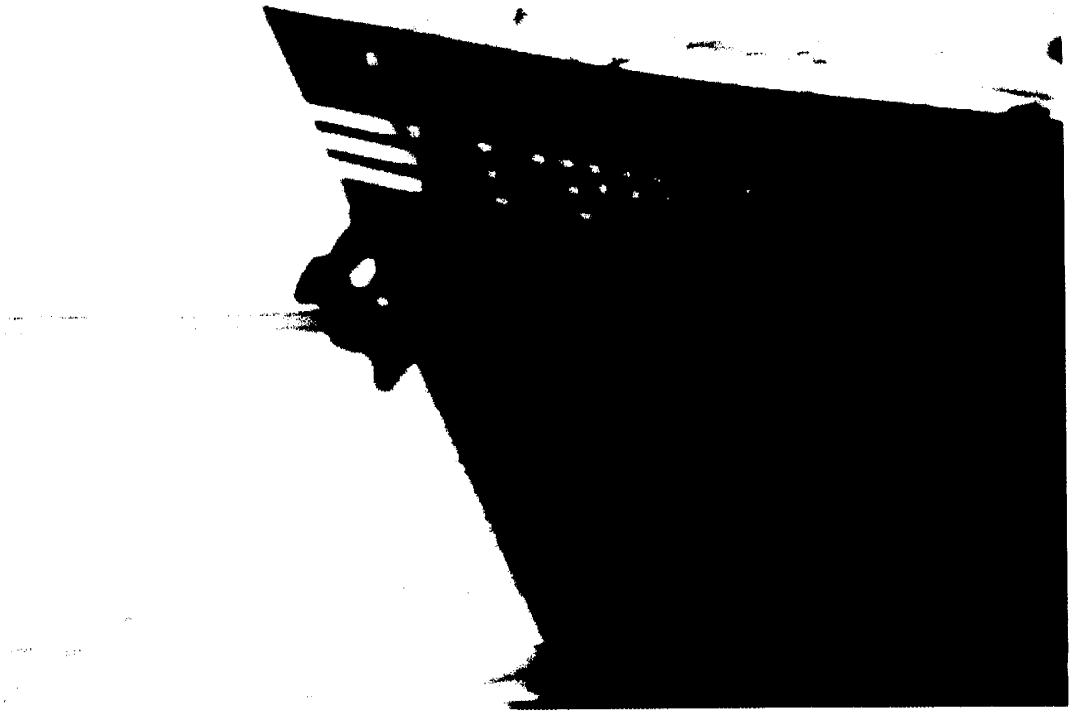


Figure 1. Locations of the four major walrus haulout sites in Alaska

May 26, 2008 Digital Photos
Taken by Bristol Bay herring fisherman
Of Trawl Fishing Boats

Here are digital photos, boat names and coordinates of trawlers operating west of Cape Constantine. The first photo is of the Enterprise pictured with it's net coming up the ramp.



The skipper of the gillnetter estimates he was within 60 yards of the vessel when the photo was taken.

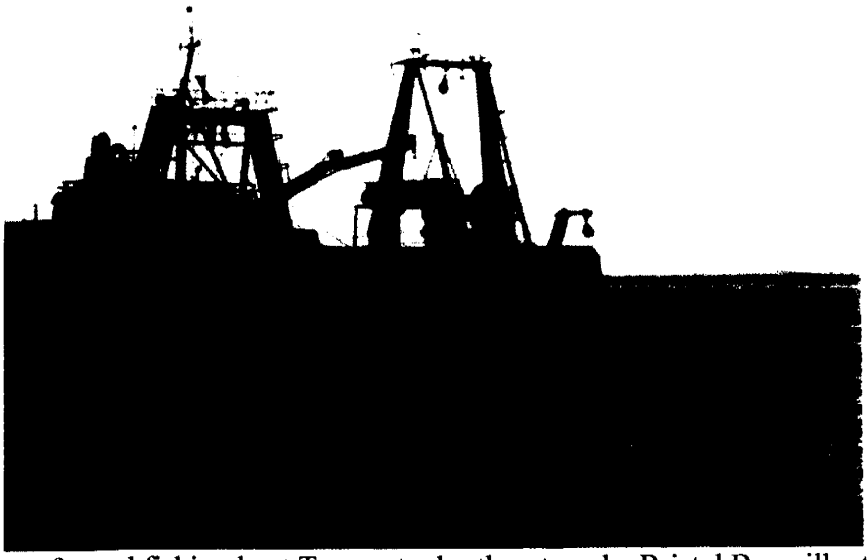
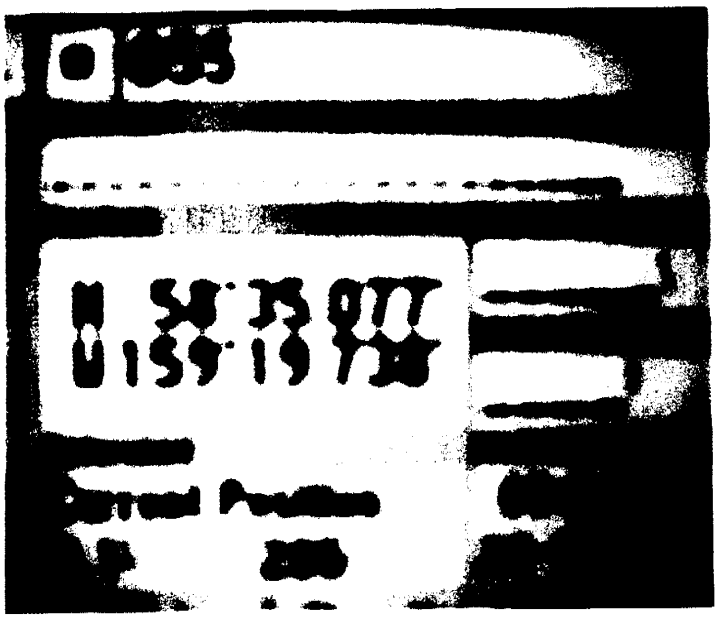
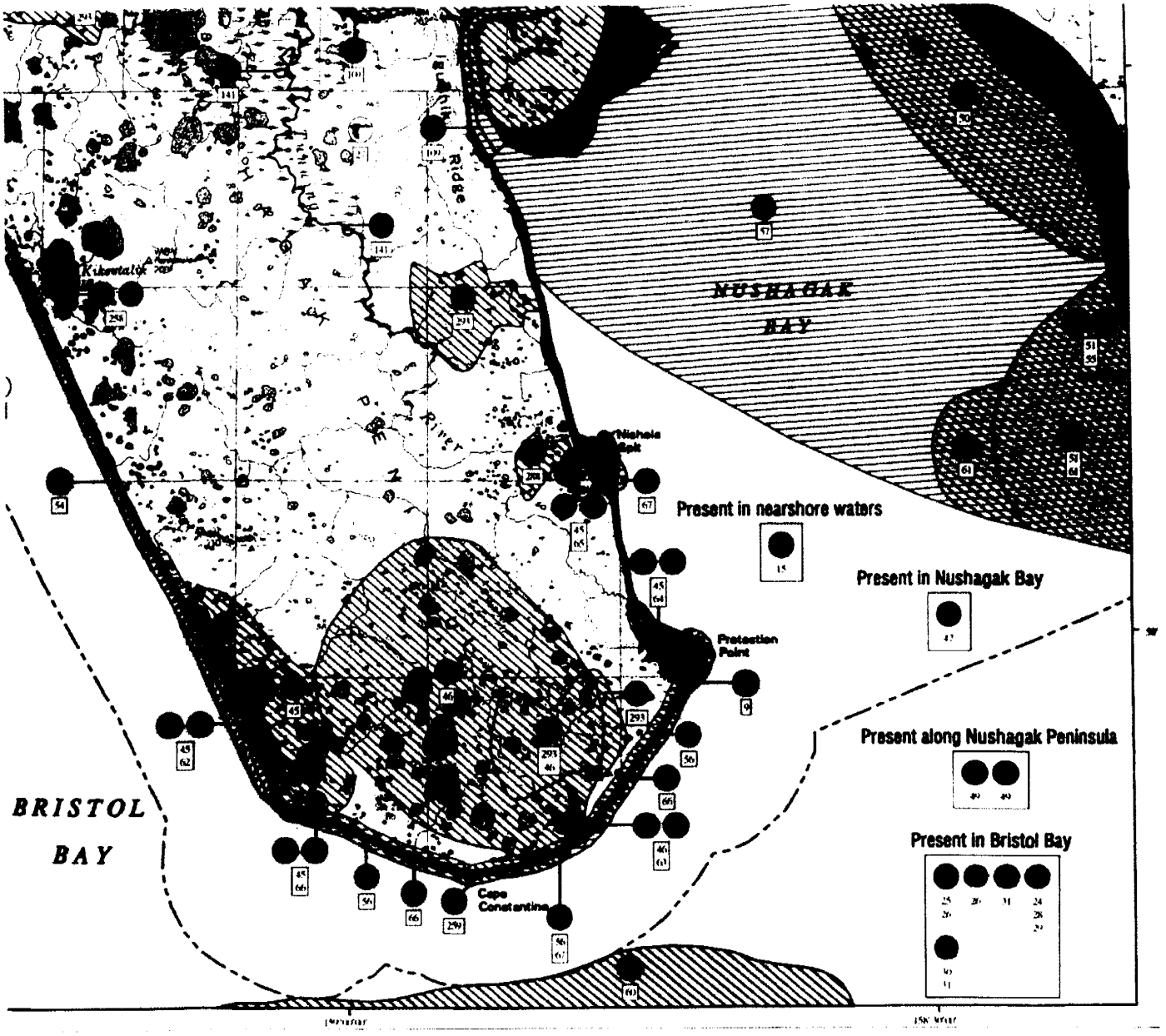


Photo of trawl fishing boat Tremont who threatened a Bristol Bay gillnet fisherman and crew.

Photo of threatened trawl fish boat GPS coordinates.



Tip of Cape Constantine Marine Food Resources extend beyond the point. This is also where clam beds are located, halibut also migrate along the shorelines of Cape Constantine. Source: Bristol Bay Coastal Resource Area Sub-Area Atlas Maps. 2004. (QWC Documentation for NPFMC October 2008 public testimony).



SHORELINE HABITATS (ESI)

- SED ROCKY SHORES
- SED WAVE-CUT PLATFORMS IN BEDROCK, MUD OR CLAY
- TO MEDIUM-GRAINED SAND BEACHES
- E GRAINED SAND BEACHES
- SAND AND GRAVEL BEACHES
- EL BEACHES
- D TIDAL FLATS
- ERED ROCKY SHORES AND SHELTERED SCARPS IN MUD AND CLAY
- SHORELINES
- ERED TIDAL FLATS
- AND BRACKISH-WATER MARSHES

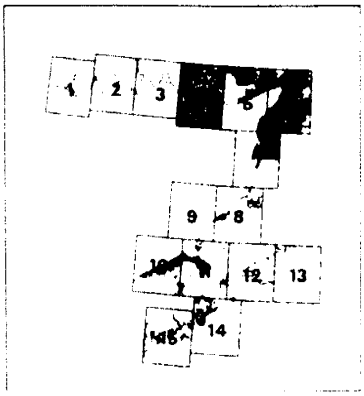
SCALE 1:265000

4 KILOMETERS

4 MILES

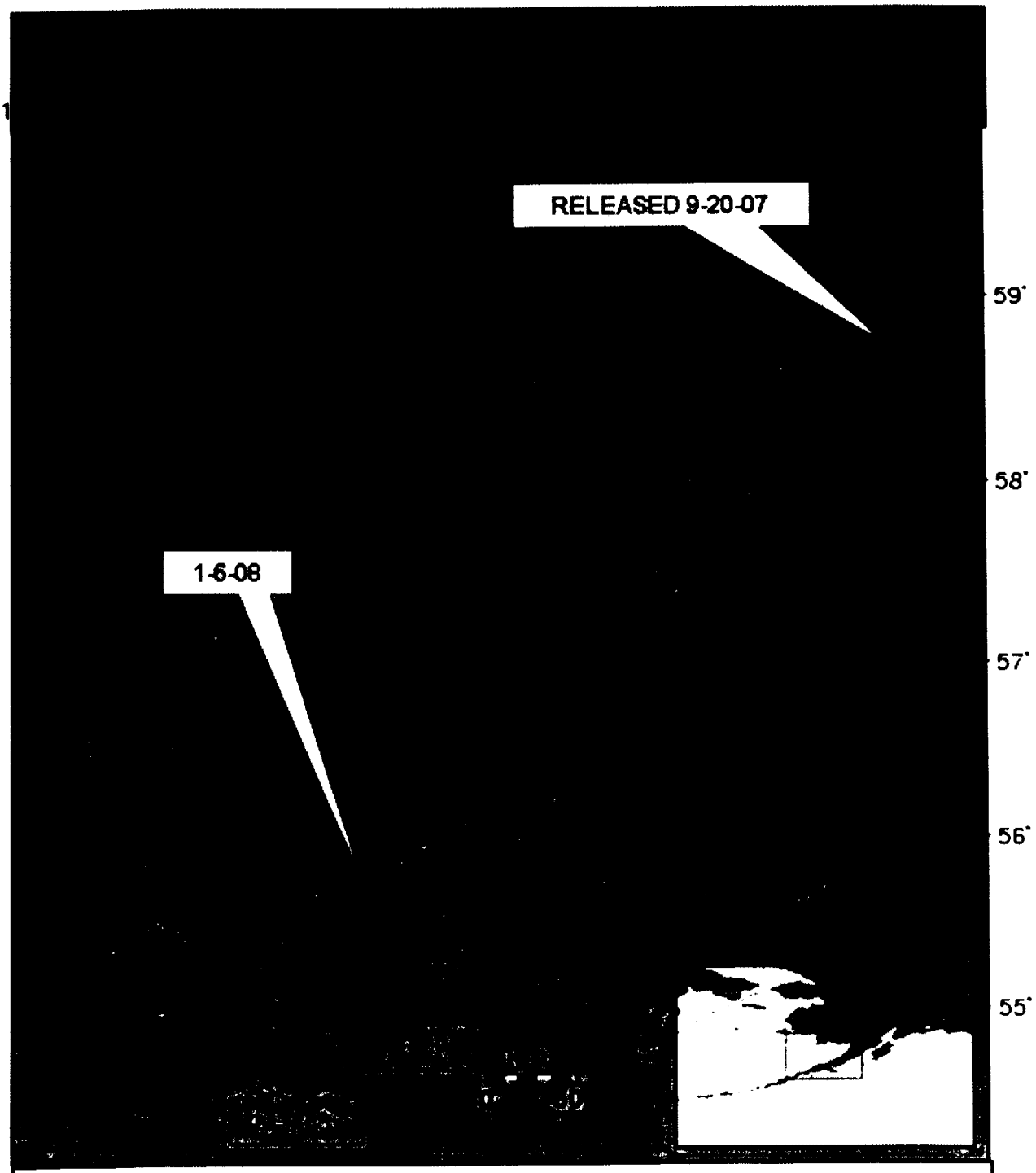
Not For Navigation
Published: January 2004

Published at Seattle, Washington
National Oceanic and Atmospheric Administration
National Ocean Service
Office of Response and Restoration
Hazardous Materials Response Division



Bristol Bay, AK ESI-4

2007 collaboration of Bristol Bay Marine Mammal Council, SeaLife Center, Naknek Village Council of harbor seal release. Movements same as feeding per local Alaska Native knowledge.



The ASLC wish to acknowledge use of the Maptool program for analysis and graphics in this paper. Maptool is a product of SEATURTLE.ORG. (Information is available at www.seaturtle.org)

September 30, 2008
North Pacific Council Members
Alaska

For the record my name is Kenneth Wilson from Dillingham. I hold a Bristol Bay Salmon Drift Permit, Herring Permit and have participated in the local Halibut fishery.

I hold a seat on our board local Nushagak Advisory Committee. I have been on this committee for 13 years and seen many changes.
I would like to address my concerns here in Bristol Bay and the Togiak area's where we have seen " Draggers " fishing for yellow fin sole near the shore Bristol Bay Trawal Area in the ground fish regulation at 50 CFR 679. This is happening during our Local BBEDC " Halibut fishery and during our Togiak herring fishery and is intercepting the migration of King Salmon into the Nushagak Bay. The King Salmon normal enter the Western part of Nushagak Bay by Cape Constanine. Not alone enter the Togiak district.

Marvin Kroener of Chugiak and I spotted herring from his airplane together for my boat and 2 others. He flew the airplane and I set all the boats. We both learned a lot during Togiak and Security Cove herring fishery. We covered Cape Constantine to Cape Newenham this is a huge area, we burned 30 drums of Aviation fuel each year during the Togiak herring fishery. We flew a average of 70 to 80 hours a week during the herring fishery. We knew what schools were yellow fin because yellow fin would disappear in once they sounded in shallow water. Herring didn't disappear in the shallows. We seen many schools of yellow fin sole along the Lower Nushagak Peninsula all the way to Kulukuk Bay which is the eastside of the Togiak District.

The herring are entering the Togiak area along the Cape Constantine anywhere from ¼ mile to 7 to 8 miles off shore. I have seen that pattern during my 8 years of Herring spotting during the Togiak herring Seine and gillnet fishery.

The migration pattern is from the Eastern of Cape Constantine and the Western part toward the Hagemister Strait and Cape Peirce. The herring also enter the Togiak Area in the middle between Cape Newenham and Cape Constantine.

Once the Togiak fishery is almost complete the herring leave the district with the same migration pattern as they came into Togiak.

My concerning is bycatch of Halibut and Salmon and Walrus and destroying the clam beds that the Walrus feed on.

- Nick Christensen local halibut fishermen have lost all his halibut lines to one of the Yellow Fin draggers. Nick had to come back to Dillingham and buy new halibut gear.
- This halibut fishery is now a failure you cannot make expenses and very few fishermen halibut fish since the 14 Draggers have been fishing for Yellow Fin fishery.
- We only had 6 openings here in the Nushagak in 2007 and 2100 King Salmon were caught far below are average since this fishery start. The 2008 King salmon fishery was a disaster here in the Nushagak River. I would say it will take a number of years to rebuild if this continues we may not see this re-build in our life time if nothing is done.
- The Draggers are now only using 30% observers in smaller vessels.
- This spring 2008 the coast guard came into Togiak, all the draggers were out of site. Once the coast guard left they came back in. We were winding down with our herring fishery when the coast guard helicopters flew over us and we seen the big coast guard ship off shore.
- This past spring I was threaten by one of the draggers fishing vessel "Tremont" this spring after I went in to see if they were legal. The captain of the "Tremont" threaten me over the radio that my boat would be scrape metal. My crew was very upset and I then speeded up my boat and got out of range to protect my crew and vessel. This happened in Federal Waters.
- I took pictures that I have given to Special Agent Amanda Crook from noaa. She said she could not do anything. I was surprised by her conclusion by I kept her email and made a copy for you. I also contacted the Governor's office word got around the State of Alaska shortly after. Yet nothing has been done.

- I still could bring the fishing vessel "Tremont" to court but all they would do is try and pay me off out of court. I feel that the Bristol Bay fishermen and subsistence users would gain more if we close the "small box" between Cape Newenham and Cape Constantine.
- This Yellow Fin fishery will destroy the ecosystem if not has already destroyed it. Everything follows the herring this is one of there main source of feed.

I feel that this yellow fin fishery is taking a big chance on our ecosystem and destroying the bottom.if not has already destroyed the bottom. It is only common sense to close this small box that these 14 Draggers are now destroying in Bristol Bay. Don't wait until it is to late act now and close this fishery.

Thank you.

Kenneth Wilson
Dillingham

Appendix B
AGENDA D-3(a)(6)
OCTOBER 2008

Qayassiq Walrus Commission
c/o: Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Phone: 907-842-5257
Fax: 907-842-5932
QWC Chair Phone: 907-493-5003

August 28, 2008

Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 West Fourth, Suite 306
Anchorage, AK 99501

Re: Proposals Regarding Bristol Bay Trawl Fishery

Dear Mr. Oliver:

The Qayassiq Walrus Commission (QWC) wishes to make the following proposals to the NPFMC related to the yellowfin sole fishery that operates seasonally in the Nearshore Bristol Bay Trawl Area (BBBTA), defined at Figure 12 in the groundfish regulations at 50 CFR 679.

There have been recent incidents of vessels trawling within state waters, specifically adjacent to the west shore of Cape Constantine. We believe that walrus habitat needs additional protection, beyond the existing 12 mile exclusionary zone around the Walrus Islands, and more generally that the trawl fishery disrupts clam habitat, which an essential food source for walrus, and herring, halibut and salmon fisheries that are relied upon by coastal residents.

Our first two proposals are intended as alternatives.

1. Create a 25-mile marine and fish habitat exclusionary zone, extending from the shoreline beginning at Cape Newenham and extending eastward through the Togiak Bay area, the Walrus Islands, the Kulukuk and Metervik Bay areas, and including Cape Constatine and the western shore of the Nushagak Peninsula.

2. Eliminate the NBBTA, in other words close all of Bristol Bay to the trawl fishery.

3. Close state waters within the NBBTA to non-pelagic trawl gear.

In regard to #3, it has long been the belief among local residents and fishermen that state waters were closed to bottom trawling by state regulation. However, it has recently come to our attention that there is a conflict in state regulations such that state waters within the NBBTA are not closed. While 5 AAC 39.165 provides that trawl gear is unlawful within the state waters of Bristol Bay, 5 AAC 39.164 (b), at subparagraph (7) creates an exception for state waters within the NBBTA. This has the effect of allowing bottom trawling very close to the shore off Cape Constantine.

We intend to pursue a regulatory change at the Alaska Board of Fisheries, but believe it would be prudent to exclude state waters from the NBBTA as a matter of federal regulation as well.

We intend to provide additional information in support of these proposals.

Sincerely,

Frank Logusak, Sr.
Chairman, Qayassiq Walrus Commission

cc: Senator Ted Stevens
Senator Lisa Murkowski
Representative Don Young
Eskimo Walrus Commission
Director of Committee on Indian Affairs
Bristol Bay Economic Development Corporation
Village Councils
Bristol Bay Native Association
ADF&G Local Advisory Committees
Alaska Department of Fish & Game
U.S. Fish & Wildlife Service
Muriel Morse, Alaska Marine Conservation Council
Amanda Crook, Special Agent, NMFS Enforcement

Qayassiq Walrus Commission
c/o: Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Phone: 907-842-5257
Fax: 907-842-5932
QWC Chair Phone: 907-493-5003

My name is Frank Logusak, Sr., Chairman of the Qayassiq Walrus Commission (QWC). I am an Alaska Native of Yup'ik Eskimo lineage. I was born in Togiak, Alaska and part of our traditional way of life includes harvesting year-round food resources from the land (large land animals-moose, caribou, bear), marine food resources: harbor, spotted, bearded seals, walrus, clams, ice seals, other marine mammals if they migrate to our area, beluga whales. We also harvest all salmon species (chinook, sockeye, silver, chums, pinks), herring and herring roe, seabirds, migratory waterfowl, gather eggs, clams, shellfish, halibut, and other edible marine food resources in the Togiak Bay, Cape Newenham, Cape Peirce, Walrus Islands including our traditional prime walrus hunting site, Round Island, Metervik Bay, Kulukak Bay, down to the Nushagak Bay area. I have been involved in reviving the traditional Alaska Native walrus hunt at Qayassiq (Round Island). Since time immemorial, Alaska Natives have traditionally harvested walrus at Qayassiq in the Spring and Fall season. As a result of Togiak Traditional Council working with the Bristol Bay Native Association, nine QWC communities are able to harvest up to 20 walrus. The traditional Round Island harvest is co-managed by the Qayassiq Walrus Commission, the Eskimo Walrus Commission, the Alaska Department of Fish & Game, and the U.S. Fish & Wildlife Service. For several years, I have been involved in co-managing our traditional food resources with federal and state agencies through participation in local fish and game board meetings, testifying at various fish, marine mammal, and related meetings.

Our main livelihood in small rural communities is seasonal commercial fishing for halibut, salmon (kings, sockeyes, silvers, chums, pinks), herring and herring roe. We

live a subsistence cash economy traditional way of life. We would like to continue this way of life and preserve our culture of traditionally harvesting all marine food resources in the Bristol Bay area.

Since the seasonal trawl fishery opened in the Bristol Bay area, primarily near my village of Togiak, and neighbor village of Twin Hills, we have noticed a decrease of halibut, walrus, seals, clams, herring and herring roe we traditionally harvest. We have observed illegal trawl fishing when we are herring, halibut, and salmon fishing in the Togiak Bay area in our 32-foot commercial fishing boats or commercial set gillnet boats or skiffs.

As traditional hunters, there is concern of walrus, and seal haulout disturbance in the Bristol Bay area, primarily in the walrus haulout areas of Round Island, Hagemeister Island, Cape Peirce, Cape Newenham, and Cape Senavian sites due to big trawl fishing boat interference. Trawl fishing boats have been observed travelling west of Hagemeister Islands, to Crooked Islands, by Round Island, and going out towards Cape Constantine shorelines, as well as fishing in the Nushagak Bay areas. These areas are closed to trawl fishing. Local Bristol Bay residents are concerned that their traditional marine mammals and marine food species are becoming depleted due to the bycatch interception of trawl fishermen sweeping the bay.

As a result of continued illegal trawl fishing in the Togiak Bay, Walrus Islands, Nushagak Bay, Cape Constantine areas, the Qayassiq Walrus Commission would like to establish a 25-mile walrus, and all marine species traditional harvest protection boundaries beginning at the shoreline of Cape Newenham, Cape Pierce, Togiak Bay, 25 miles out from the tip of Hagemeister Island, 25 miles out from the farthest tip of Round Island, including shorelines of Kulukak Bay, Metervik Bay, Cape Constantine, Nushagak Bay, all along the Kvichak Bay, Naknek Bay, Egegik Bay, Cape Senivian walrus haulout down to the North Aleutian Basin.

We still would like to continue our seasonal livelihood of commercial fishing for halibut, salmon, herring, and herring roe in the Cape Peirce, Cape Newenham, Togiak Bay,

Kulukak Bay, Metervik Bay, Nushagak Bay, and all other Bristol Bay salmon gillnet commercial fishing districts down to Ugashik District. We use 32-foot gillnet commercial fishing boats, as well as commercial set net boats or skiffs to harvest fish during the seasonal fishing season.

These are some of our concerns, and if there is any more, I will verbally testify at the North Pacific Fishery Management Council meeting on the Bristol Bay Salmon By Catch section on the meeting agenda item.

Thank you.

Appendix B

Subject: Reg status involving Bristol Bay waters closed to NPT trawling
From: "kenneth.hansen@noaa.gov" <Kenneth.Hansen@noaa.gov>
Date: Thu, 24 Jul 2008 10:05:12 -0800
To: Robin Samuelsen <sockeye1@nushtel.net>, Roy & Holly Hyder <hyderrh@madras.net>, Chris Oliver <chris.oliver@noaa.gov>, tim_sands@fishgame.state.ak.us, "Eric A. Olson" <eolson@gci.net>, Jason Anderson <jasonanderson@seanet.com>, Lori Swanson <loriswanson@seanet.com>, tradcouncilTogiak@starband.net, bbaltar@bbna.com, paul.bbedc@alaska.com, Roy & Holly Hyder <hyderrh@madras.net>, Lori Swanson <loriswanson@seanet.com>, John Gauvin <gauvin@seanet.com>, Fritz Johnson <fritz@bbedc.com>
CC: Mathew Brown <Matthew.Brown@noaa.gov>, Mike Adams <Mike.Adams@noaa.gov>, Jeff Passer <Jeff.Passer@noaa.gov>

Over the past couple years, NOAA OLE was been collaborating with the Bristol Bay fishing community regarding alleged closed waters trawling in Bristol Bay. During the 2008 trawl season, investigations were opened regarding two alleged closed waters fishing incidents. The attached brief describes the findings of a review of regulations enforcing waters closed to trawling in Bristol Bay.
NOAA OLE will continue to keep the Bristol Bay fishing community updated of developments with the issues described in the brief.

Bristol Bay closed waters regs.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Update on status of regulations regarding waters closed to fishing
with non-pelagic trawl gear within Bristol Bay

NOAA Office of Law Enforcement

Under both state and federal fisheries regulations, the waters of Bristol Bay east of 162-00W are closed to trawling for groundfish. At 50 CFR 679.22(a)(9), an exception to this trawl ban exists for a groundfish trawl fishery in the Nearshore Bristol Bay Trawl Area (NBBTA), defined at Figure 12 in the groundfish regulations at 50 CR 679. This area is open to trawling April 1 to June 15 annually, and occurs within a "box" defined by 58-00N, 58-43N, 159-00W and 160-00W. This lawful trawl fishing area includes both federal and state waters.

During 2007, several reports alleging trawl vessels fishing in closed waters of Bristol Bay were forwarded to the NOAA Office of Law Enforcement (OLE). These allegations involved vessels fishing outside of the lawful NBBTA "box", as well as within the state waters of the NBBTA. During this period, it was the common understanding by the fishing community at large that the state waters within the "box" were closed to fishing with non-pelagic trawl gear. Prior to the 2008 trawl fishery, OLE staff collaborated with the Bristol Bay area fishing community to educate the community on the specifics of this lawful fishery, as well as focus attention on these allegations of closed area fishing. Assistance was solicited from the local fishing community in forwarding information involving alleged closed waters fishing to OLE.

During the 2008 trawl fishery, information was received alleging two vessels were trawling in state waters of the NBBTA, specifically adjacent to the west shore of Cape Constantine. Fishing in these state waters was regarded to be a violation of state law, and was being investigated by NOAA OLE as potential Lacey Act offenses. While researching the statutory basis of the alleged violations, a defect was discovered in the underlying state regulations.

State regulations at 5 AAC 39.165 read:

> 5 AAC 39.165 TRAWL GEAR UNLAWFUL. A person may not use any type of trawl gear for any commercial fishing purpose in the following areas:
>
> (3) the state waters of Bristol Bay, described in 5 AAC 06.100.

State regulations at 5 AAC 06.100 read:

> 5 AAC 06.100. Description of area
>
> The Bristol Bay area includes all waters of Alaska in Bristol Bay east of a line from Cape Newenham at 58-38.88 N. lat, 162-10.51 W long. To Cape Menshikof at 57-28.34 N lat., 157-55.84 W. long.

However, a conflicting regulation exists at 5 AAC 39.164, which reads:

> 5 AAC 39.164. (b), Non-pelagic trawl gear may not be operated in waters of Alaska as follows:
>
> (7) the waters of Alaska of the Bering Sea east of 162 degrees W. long, except that the waters bounded by 159 degrees W. long to 160 degrees W. long and 58 degrees N lat. to 58-43 degrees N. lat are open to fishing with non-pelagic trawl gear from April 1 through June 15.

Notwithstanding the language at 5 AAC 39.165, a reading of 5 AAC 39.164 (b) would seem to indicate the state waters inside the "box" were not closed to non-pelagic trawl gear between April 1 and June 15 (although, interestingly, remaining closed to pelagic trawl gear).

In June 2008, this perceived conflict in regulations was discussed with ADFG officials, who concurred with this position. The State of Alaska Dept. of Law was asked to research and comment on this issue. In July, attorneys with the State Dept. of Law, Natural Resources section concluded that while the intent may have been to prohibit trawling in the state waters encompassed in the "box", these conflicts in the regulations effectively invalidated the regulation, and precluded taking any enforcement action in this instance.

ADFG and Dept. of Law personnel have advised that this issue has been brought to the attention of the Board of Fisheries, with a request to expedite review and clarification of this regulatory confusion. It is anticipated that this issue will be resolved prior to the 2009 fishing season, with the expectation that the state waters contained within the "box" will be closed to non-pelagic trawling. NOAA OLE wants to reiterate there is no regulatory confusion regarding the year-round prohibition of any trawling within all of Bristol Bay with the exception of the period trawling is allowed in the NBBTA.

NOAA OLE will insure the Bristol Bay fishing community is informed regarding the status of this issue prior to the beginning of lawful trawl fishing in the NBBTA in April 2009. NOAA OLE appreciates the collaborative efforts of the Bristol Bay fishing community in enforcing applicable fishing and marine mammal regulations, and we remain keenly interested in hearing about and responding to any enforcement concerns of the Bristol Bay fishing community.

Ken Hansen
Assistant Special Agent in Charge
(907) 486 3298

Qayassiq Walrus Commission-Background, History and Overview

Background and History

Members of the Alaska Native tribes in Bristol Bay, Alaska continue to practice a traditional way of life passed down from many past generations. The traditional walrus hunt at Round Island has customarily occurred in the early Spring and Fall seasons. Round Island, since time immemorial, has been a traditional hunting and camping area for walrus harvesting.

In 1960, the State of Alaska designated the cluster of islands outside of Togiak as a state game sanctuary. Included in the Walrus Islands Game Sanctuary was Round Island (or "Qayassiq" in Yupik). For over 30 years, Alaska Natives were unable to hunt walrus from this favored location. In the early 1990's hunters from Togiak and other Bristol Bay area villages successfully petitioned the Board of Game to reinstate subsistence access to hunt walrus on Round Island. After a long, four-year crusade Togiak and other Bristol Bay villages were successful in reinstating access to the Round Island traditional hunting grounds.

As a result, the Qayassiq Walrus Commission (QWC) was formed after the Board of Game gave permission for a limited subsistence walrus hunt on Round Island. The Qayassiq Walrus Commission with the cooperation of the Round Island Cooperators set the harvest season and harvest limits for the traditional annual Fall walrus hunt to Qayassiq. The Board of Game only has authority for access to Round Island, and authorizes access during set dates for the traditional walrus hunt. All other regulations are developed through the cooperative agreement by the four signatories. The Eskimo Walrus Commission, the Alaska Department of Fish & Game, the U.S. Fish and Wildlife Service, and the QWC completed and signed a cooperative agreement in September 1995. The agreement outlines the hunt regulations and designates the responsibilities of each party involved.

In March 1995 the Qayassiq Walrus Commission (QWC) formed to oversee walrus harvest activities for the Bristol Bay area. The Qayassiq Walrus Commission has the authority to add new villages, determine walrus harvest allocation for each village and monitor harvest activities, and other factors related to the hunt. Originally, the QWC included seven area villages who were invited to co-manage the annual walrus hunt. Since that time, the membership has increased to nine villages. Currently, the QWC village representatives include nine villages of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clarks Point, Ekuk, Ekwok, and New Stuyahok.

The tribal councils select a QWC Commissioner and an Alternate Commissioner who represents the QWC villages at a Fall QWC Pre-Hunt Meeting, and a QWC Post Hunt Meeting. At the meetings, the Commissioners are granted one vote in issues up for debate or election. The QWC Hunt Captains also participate at the QWC Commissioners meetings.

Current Harvest Guidelines:

After two successful harvest seasons, the Round Island walrus hunters proposed a few changes to the original cooperative agreement. In 1997, the QWC proposed to change the harvest season from October 31 to September 20 – October 20 and to increase the walrus harvest limit. The original harvest season increased the risk of personal injury and loss to the hunters, since Bristol Bay weather is extremely unpredictable during the Fall and early Winter season. Fierce storms often threaten the hunting parties and prevent villages from approaching Round Island, because in the past, skiffs, outboard and other hunting equipment have been lost by the storms.

The current QWC Round Island walrus hunting harvest season opens on September 10 and closes on October 20. During the harvest season, **ADF&F Round Island Access Permits** and **QWC Hunt Permits** are issued to allow hunting parties from member villages access to Round Island waters and beaches for the specific activity of walrus hunting. All access to Round Island and waters within three (3) miles of Round Island requires an Access Permit from the State of Alaska, Department of Fish & Game. Round Island is part of the Walrus Islands State Game Sanctuary managed by the State. During the rest of the year, visitors to Round Island are prohibited from accessing beach except when arriving or leaving the Island. **Both permits are required and must be issued before departure to Round Island**.

The QWC Commissioners know that the QWC villages have traditionally hunted walrus each year when they are able to, and sometimes, there is the flexibility that walrus will not always be hunted each year due to unforeseeable circumstances. Nevertheless, the Native tradition of walrus hunting will continue on for many generations at Round Island. Generally, the permits are issued at the QWC Pre-Hunt Meeting, but may be completed any time before travelling to Round Island. Jim Woolington (Dillingham ADF&G) issues the Round Island Access Permits and BBNA Natural Resources Department issues the QWC Hunt Permits. The QWC hunt captains are required to have both permits on-hand while hunting on Round Island.

A maximum of 20 walrus may be taken **including** any walrus "struck and lost." This means that any struck and lost will be subtracted from the total number allotted for the villages. During the QWC Pre-Hunt Meeting, the QWC Commissioners and hunters decide the allocation for each village.

In the 2001 QWC Pre-Hunt Meeting, the Qayassiq Walrus Commissioners drafted a proposal to the QWC Cooperators and the Board of Game for an earlier walrus hunt in the Eastside (Nushagak drainage villages) from September 10 –October 31 each year, but the Togiak and Twin Hills hunting dates would be unchanged.

The extreme weather conditions have prevented the Nushagak area villages and Togiak and Twin Hills from participating in the Round Island walrus hunt. BBNA presented the draft proposal to the QWC Cooperators for a Round Island walrus hunt extension in the event that bad weather prevents QWC communities from harvesting walrus.

At the March 2003 Board of Game meetings, the Board adopted an amended proposal revising the hunting period for walrus hunting on Round Island in the Walrus Islands State Game Sanctuary. The newly adopted hunting period for hunting begins September 10th and ends October 20th every year. Since the walrus hunt in the sanctuary is governed by a cooperative agreement and the changes adopted by the Board of Game required the cooperators to modity the Round Island Cooperative Agreement. In April 22, 2003, the four signatories to the cooperative agreement began updating this document. A final cooperative agreement was signed with the hunt date changes by September 3, 2003. Every time any walrus hunt issues need to be taken care of and proposals have to be drafted for the QWC Cooperators, they have to go through this process. The Qayassiq Walrus Commissioners are the primary one's responsible for drafting any proposals to change the annual Qayassiq (Round Island) subsistence walrus hunt date changes or take action on any walrus related issues. If the issue will make a signicant change to the QWC Round Island Cooperative Agreement, then the four Cooperators consisting of QWC, EWC, ADF&G, and USFWS met and come to a consensus prior to signing off on the agreement amendments.

Harvest Monitoring

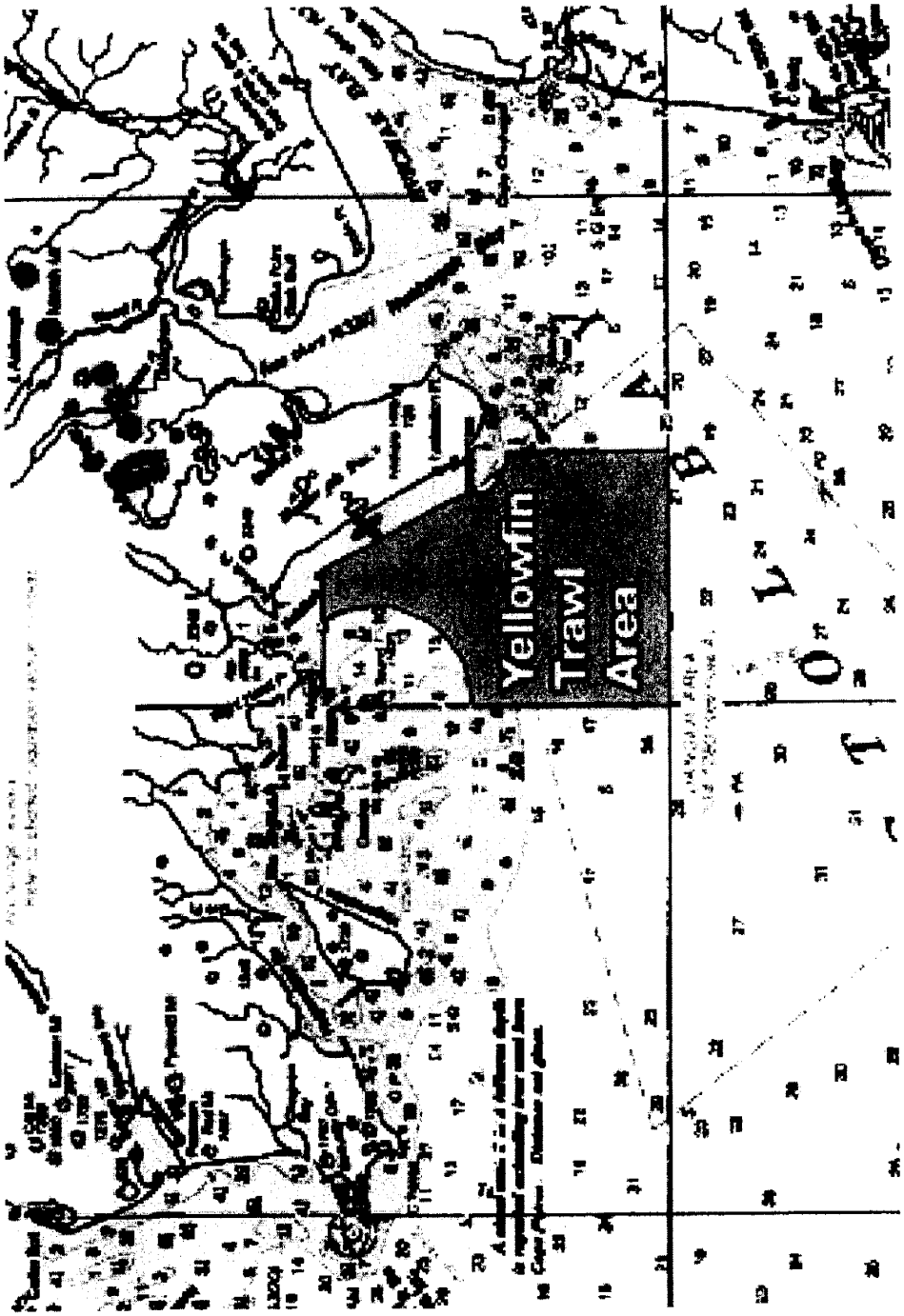
In 1992, with the cooperation of the U.S. Fish & Wildlife Service, ADF&G, and BBNA, the QWC selected an Alaska Native to monitor the harvest for each village. The Monitor traveled to Round Island with each hunting party, documented the events, measured the length and girth of the walrus, tagged ivory tusks and prepared a summary report of the harvest season. For the past several years, BBNA upon approval of the QWC Commissioners have successfully employed a Round Island Harvest Monitor to monitor the walrus hunt.

From 2003 to 2005, the QWC approved to have Mary Cody, U.S. Fish & Wildlife Service of Anchorage, and Helen Chythlook, QWC Executive Director and BBNA Staff to monitor the annual Qayassiq (Round Island) subsistence walrus hunt from September 7th to 22st. Other hunt monitor participants have included ADF&G biologist staff Marian Snively who mentored Michelle Snyder, Fall Monitor intern of Dillingham. They monitored the walrus hunt in 2006. After September 22nd until October 20th, the QWC Commissioners authorized BBNA Natural Resources Department staff to hire Round Island Monitor's as needed for the walrus hunts. The Togiak and Twin Hills hunt crew shared a Round Island Harvest Monitor to monitor their walrus hunts. Generally, if no QWC Hunt Monitor is hired, the QWC Hunt Captain can be designated as the monitor during the Round Island hunt.

The staff conduct daily walrus counts, record weather conditions, conduct seabird counts, and if time allows count the Steller sea lions at Eastcape side of the Island. Having a

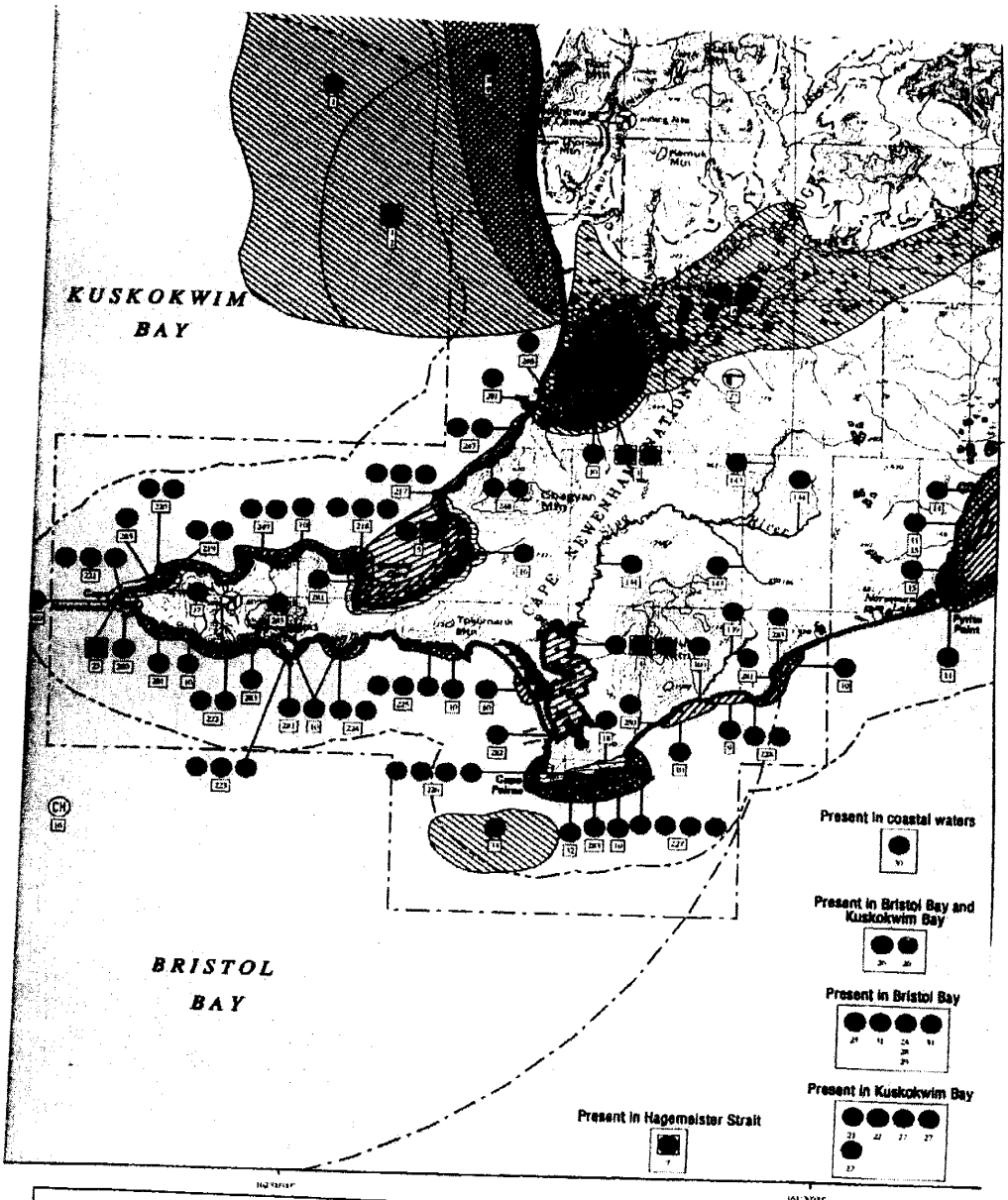
monitor on site has been helpful to the QWC Hunt Captains and crew. They call Round Island via VHF radio, the monitor lets the hunt captains know the number of walrus currently on Main Beach of Round Island, the weather conditions (wind direction, kilometers, wave conditions, visibility conditions, etc), and answer any walrus population and monitor related questions. During the hunt, the monitor(s) are picked up at Boat Cove by the hunt captain/crew via outboat motor skiffs to the Main Beach designated walrus hunting site. The monitors collect data as mentioned earlier. A hunt monitor report is prepared prior to the Qayassiq Walrus Commission's Post Hunt meeting. The QWC Commissioners and QWC Hunt Captains attend the meetings and give a hunt report from their community and present any concerns to the Commission.
The QWC is proud to take an active role in harvest monitoring and hope to continue this project in the future years. The progress and some struggles of recent years shows Alaska Natives can co-manage and successfully manage their own Natural Resources. This, itself is a testament to all the hard work and dedication of the original walrus hunters who petitioned for the Round Island harvest. We as Alaska Natives are moving forward and will continue to do so with our Ancestors guiding us along the way of positive changes around our world.

After eleven successful harvest seasons, the QWC is proud to demonstrate the positive result of cooperation between the USFWS, the ADF&G, and the Eskimo Walrus Commission. Now that the walrus hunt has been established, the villages look forward to hunting walrus where their ancestors hunted, and sharing fresh walrus every Fall. The QWC also strives to assume greater responsibility for each harvest.



May 2008 QWC Bristol Bay Illegal Trawl Fishery Observation near Cape Constantine Area.

2008 Qayassiq Walrus Commission Map Depicting Marine Food Resources Harvested in the Bristol Bay, Alaska Area-Cape Newenham Area-Source Bristol Bay Coastal Resource Area Maps 2004



LEGENDS: MARINE FOOD RESOURCES IN BRISTOL BAY

BIRDS

- Diving Birds
- Gulls and Terns
- Raptors
- Seabirds
- Shorebirds
- Waterfowl

MARINE MAMMALS

- Dolphins
- Pinnipeds
- Sea Otters
- Whales

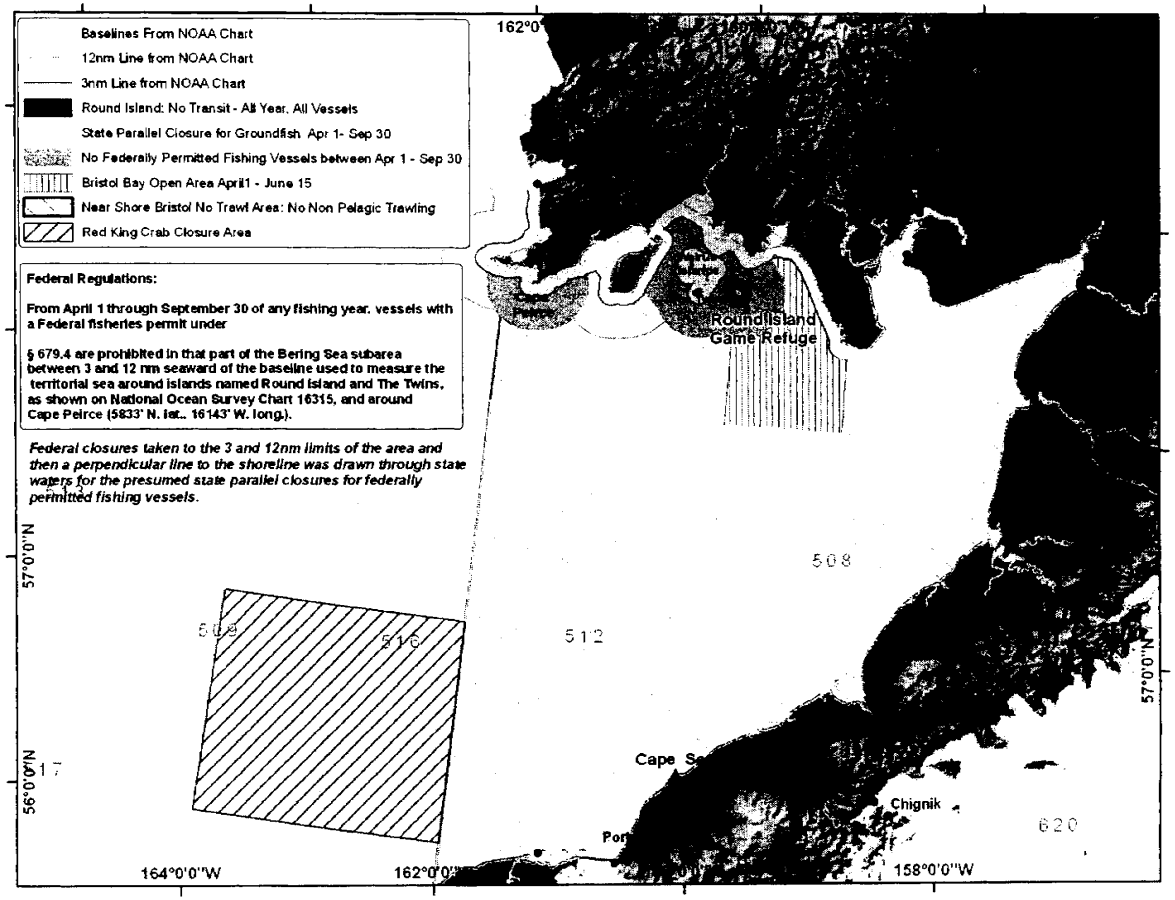
FISH

- Fish

INVERTEBRATES

- Bivalves

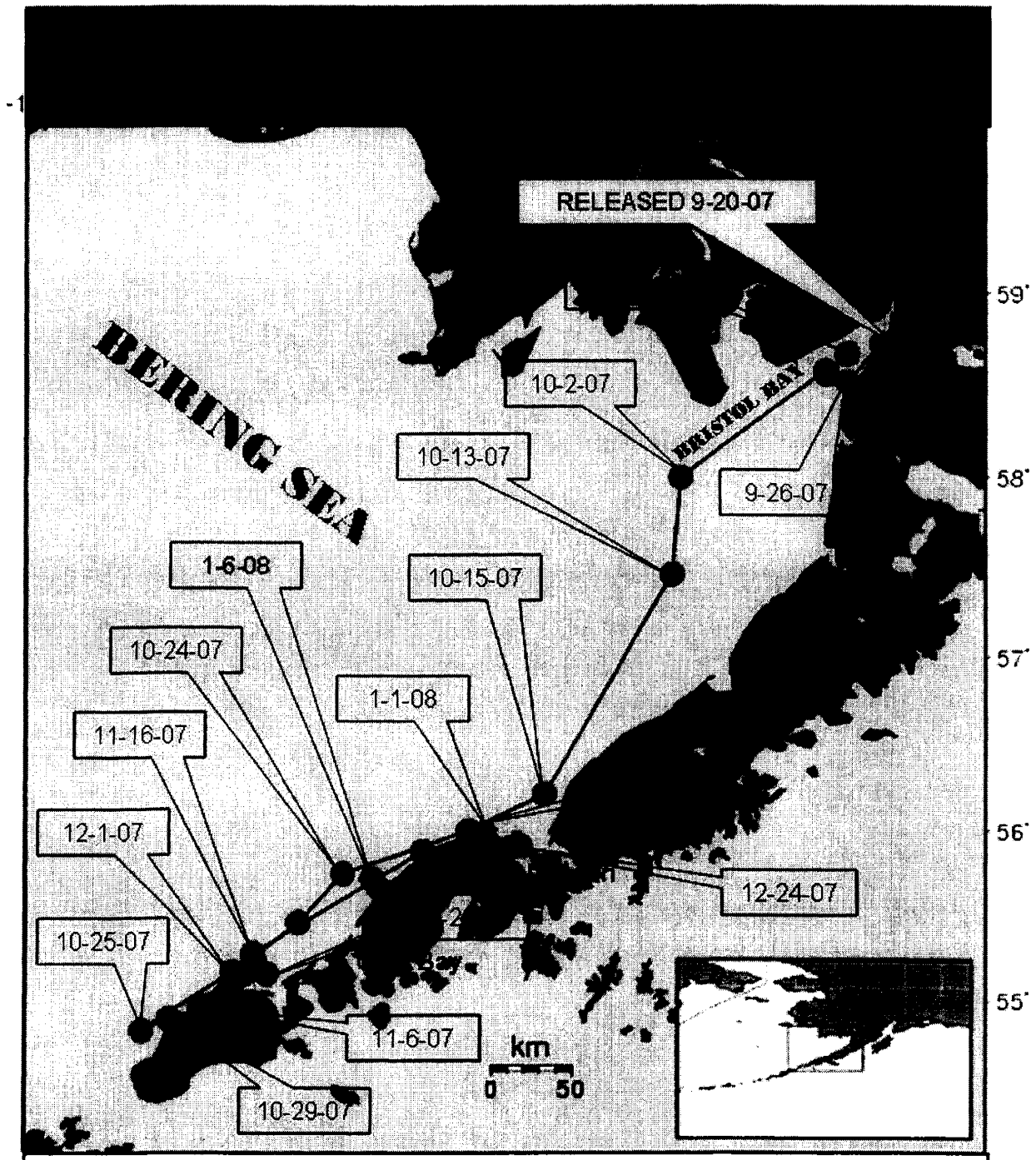
2008 QWC Request NPFMC to develop a 25-mile Walrus and all Marine species protection boundary zone from trawl fishery. QWC Boundaries Request 25 miles marine mammals and marine resource protection zone start 25 miles from shoreline of Cape Newenham, Cape Peirce, all Togiak Bay shorelines, 25 miles out from the SW tip end of Hagemeister Island, and 25 miles out from outer tip of Round Island, 25 miles out from the shorelines of Cape Constantine Point, Nushagak Bay, 25 miles protection zone all the way to Port Moller. Protection of walrus, seals, halibut, herring, all salmon species, shellfish including clambeds, habitats of waterfowl is requested for future traditional subsistence harvest. QWC requests local seasonal commercial fishery and harvest of seasonal salmon, herring, halibut fishery continue with 32-foot commercial fishing boats or commercial set net skiffs.



Frank Logusak, Sr., Chairman of the Qayassiq Walrus Commission may be testifying in person, but BBNA Marine Mammal Program is submitting written electronic copies for the NPFMC board on the Bristol Bay Salmon By Catch agenda item re: Illegal Trawl fishery issues in Bristol Bay. If you have any questions, call Helen Chythlook, BBNA Marine Mammal Coordinator at (907)-842-6240.

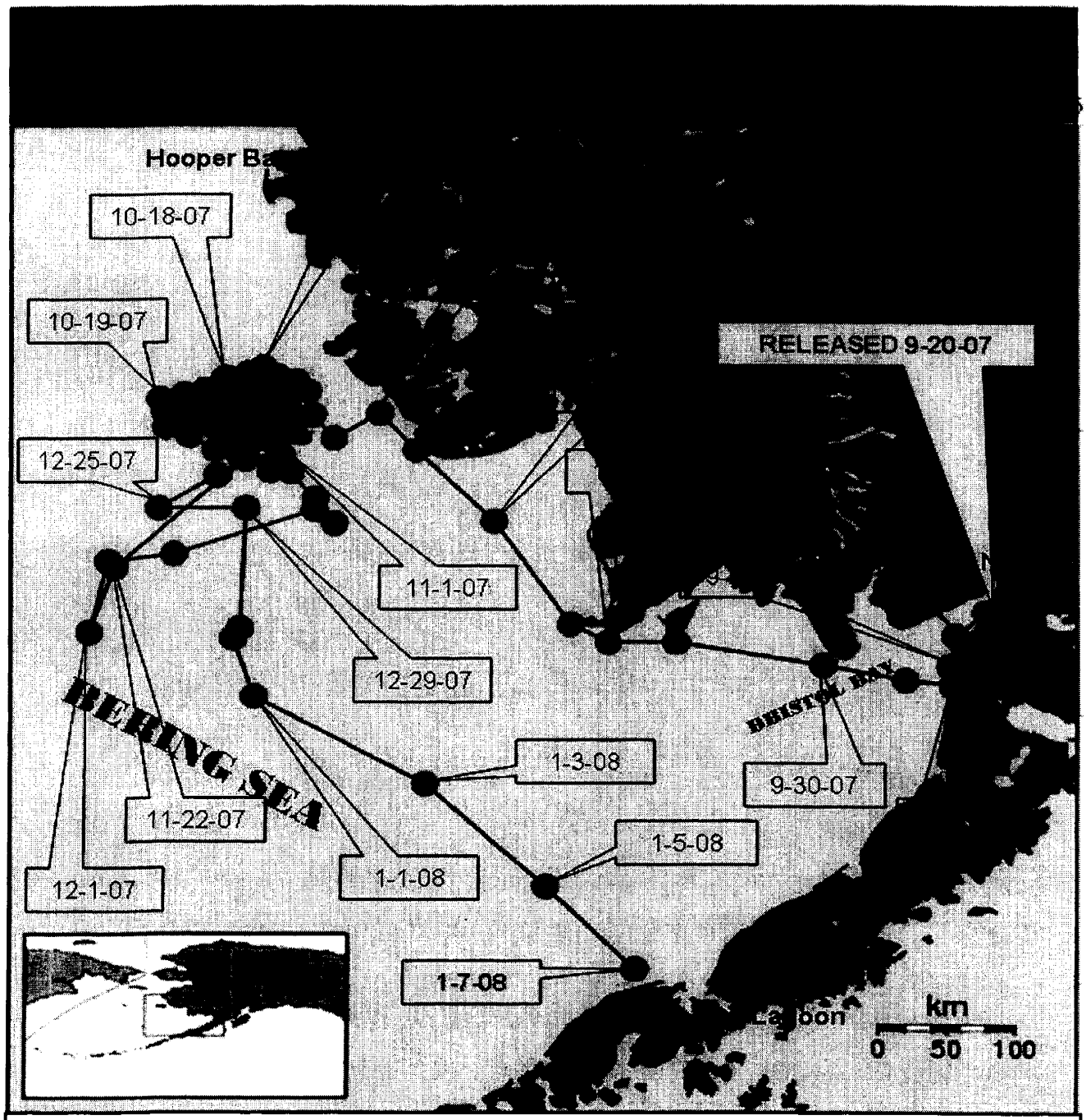
Appendix B

2007 collaboration of Bristol Bay Marine Mammal Council, SeaLife Center, Naknek Village Council of harbor seal release. Movements same as feeding per local Alaska Native knowledge.



The ASLC wish to acknowledge use of the Maptool program for analysis and graphics in this paper. Maptool is a product of SEATURTLE.ORG. (Information is available at www.seaturtle.org)

2007 collaborative effort of Bristol Bay Marine Mammal Council, Alaska Sealife Center, Naknek Village Council. Seal movements same as feeding in Alaska Native knowledge.



The ASLC wish to acknowledge use of the Maptool program for analysis and graphics in this paper. Maptool is a product of SEATURTLE.ORG. (Information is available at www.seaturtle.org)

TRADITIONAL COUNCIL OF TOGIAK
P. O. BOX 310 ◆ TOGIAK, ALASKA 99678
Phn: (907) 493-5003 ◆ Fax: (907) 493 5005
Email <tradcouncilto giak@starband.net>

September 24, 2008

Bill Wilson
NPFMC
605 W 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Mr. Wilson:

I would like to comment on what I have been hearing on the bycatch of salmon and other fish around Togiak Bay.

Apparently the yellow fin trawlers have been observed by some local halibut fishermen trawling in closed areas. I don't have all the details of who saw what and where but it will be or has been told in your current meeting already. I did witness a lot of trawlers between Cape Constantine and Round Island when I was going home from Dillingham to Togiak in 2007. I had some boat work done by a local company in Dillingham boat harbor. I didn't think anything of it then but that was a lot of big boats congregated in one small area.

Anyway, I remember before the 200 mile limit act when we were hardly getting anymore fish in Togiak during the 1970s because of foreign fleets and their long nets and if these trawlers and their bycatch are not kept in check, I am afraid that they may catch too much of what they are not suppose to be catching.

If the law departments keep a close eye on the little guy (like within minutes of open and close periods and clicks in open and closed areas) they should do the same for the big boats.

Thank you,

Walter Kanulie

Walter Kanulie

Qayassiq Walrus Commission
c/o: Bristol Bay Native Association
P.O. Box 310
Dillingham, AK 99576
Phone: 907-842-5257
Fax: 907-842-5932
QWC Chair Phone: 907-493-5003

Resolution 09-01

A RESOLUTION URGING THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL TO CREAT A PROTECTION ZONE FOR WALRUS HABITAT IN BRISTOL BAY

WHEREAS: The Qayassiq Walrus Commission ("QWC') manages the annual Native walrus hunt on Round Island, within the Walrus Islands Game Sanctuary, and is composed of representatives of each of the Native villages participating in the hunt; and

WHEREAS: As an established Native marine mammal commission functioning continuously since 1995, the QWC is a principle advocacy body in Bristol Bay regarding marine mammal subsistence use and the preservation of marine mammal habitat; and

WHEREAS: The QWC is increasingly concerned about disturbance to walrus feeding habitat caused by the trawl fishery in the seasonal Nearshore Bristol Bay Trawl Area, and also of threats to the habitat from global warming and scheduled offshore oil leasing; and

WHEREAS: Local anecdotal evidence as well as tagging studies by the U.S. Geological Service in 2004-2007 show that walrus forage from 30 to 55 miles offshore, and that environmental changes are forcing walrus further offshore as far as 75 miles; and

WHEREAS: The QWC believes that in order to mitigate against a potential collapse of walrus use of the Round Island haulout and other walrus haulouts in the Bristol Bay region, a special 50-mile protection zone should be established to protect walrus feeding areas starting 50 miles offshore from Security Cove and Cape Newenham, east to 50 miles offshore of Cape Constantine, across to Cape Menshikof and down the Alaska Peninsula to Port Moller;

NOW, THEREFORE BE IT RESOLVED by the Qayassiq Walrus Commission that it urges the North Pacific Fishery Management Council, in coordination with other federal agencies, to establish a marine mammal habitat protection zone in Bristol Bay with boundaries extending 50 miles offshore from Security Cove and Cape Newenham, east 50 miles offshore of Cape Pierce, Hagemeister Island, Twin Islands, Round Island, to Cape Constantine, and 50 miles offshore the Alaska Peninsula from Cape Menshikof to Port Moller, such protection zone to include all federal waters within the 50 mile boundaries.

Frank Logusak, Chairman
Qayassiq Walrus Commission

Certification

This certifies that the foregoing resolution was adopted at a duly called and noticed meeting of the Qayassiq Walrus Commission on January 30, 2009, and that a quorum was present.

Daniel Aghtuuk
Secretary

Appendix D

Subject: Reg status involving Bristol Bay waters closed to NPT trawling
From: "kenneth.hansen@noaa.gov" <Kenneth.Hansen@noaa.gov>
Date: Thu, 24 Jul 2008 10:05:12 -0800
To: Robin Samuelsen <sockeye1@nushtel.net>, Roy & Holly Hyder <hyderrh@madras.net>, Chris Oliver <chris.oliver@noaa.gov>, tim_sands@fishgame.state.ak.us, "Eric A. Olson" <eolson@gci.net>, Jason Anderson <jasonanderson@seanet.com>, Lori Swanson <loriswanson@seanet.com>, tradcouncilTogiak@starband.net, bbaltar@bbna.com, paul.bbedc@alaska.com, Roy & Holly Hyder <hyderrh@madras.net>, Lori Swanson <loriswanson@seanet.com>, John Gauvin <gauvin@seanet.com>, Fritz Johnson <fritz@bbedc.com>
CC: Mathew Brown <Matthew.Brown@noaa.gov>, Mike Adams <Mike.Adams@noaa.gov>, Jeff Passer <Jeff.Passer@noaa.gov>

Over the past couple years, NOAA OLE was been collaborating with the Bristol Bay fishing community regarding alleged closed waters trawling in Bristol Bay. During the 2008 trawl season, investigations were opened regarding two alleged closed waters fishing incidents. The attached brief describes the findings of a review of regulations enforcing waters closed to trawling in Bristol Bay.
NOAA OLE will continue to keep the Bristol Bay fishing community updated of developments with the issues described in the brief.

Bristol Bay closed waters regs.doc	**Content-Type:** application/msword **Content-Encoding:** base64

Update on status of regulations regarding waters closed to fishing
with non-pelagic trawl gear within Bristol Bay

NOAA Office of Law Enforcement

Under both state and federal fisheries regulations, the waters of Bristol Bay east of 162-00W are closed to trawling for groundfish. At 50 CFR 679.22(a)(9), an exception to this trawl ban exists for a groundfish trawl fishery in the Nearshore Bristol Bay Trawl Area (NBBTA), defined at Figure 12 in the groundfish regulations at 50 CR 679. This area is open to trawling April 1 to June 15 annually, and occurs within a "box" defined by 58-00N, 58-43N, 159-00W and 160-00W. This lawful trawl fishing area includes both federal and state waters.

During 2007, several reports alleging trawl vessels fishing in closed waters of Bristol Bay were forwarded to the NOAA Office of Law Enforcement (OLE). These allegations involved vessels fishing outside of the lawful NBBTA "box", as well as within the state waters of the NBBTA. During this period, it was the common understanding by the fishing community at large that the state waters within the "box" were closed to fishing with non-pelagic trawl gear. Prior to the 2008 trawl fishery, OLE staff collaborated with the Bristol Bay area fishing community to educate the community on the specifics of this lawful fishery, as well as focus attention on these allegations of closed area fishing. Assistance was solicited from the local fishing community in forwarding information involving alleged closed waters fishing to OLE.

During the 2008 trawl fishery, information was received alleging two vessels were trawling in state waters of the NBBTA, specifically adjacent to the west shore of Cape Constantine. Fishing in these state waters was regarded to be a violation of state law, and was being investigated by NOAA OLE as potential Lacey Act offenses. While researching the statutory basis of the alleged violations, a defect was discovered in the underlying state regulations.

State regulations at 5 AAC 39.165 read:

> 5 AAC 39.165 TRAWL GEAR UNLAWFUL. A person may not use any type of trawl gear for any commercial fishing purpose in the following areas:
>
> (3) the state waters of Bristol Bay, described in 5 AAC 06.100.

State regulations at 5 AAC 06.100 read:

> 5 AAC 06.100. Description of area
>
> The Bristol Bay area includes all waters of Alaska in Bristol Bay east of a line from Cape Newenham at 58-38.88 N. lat, 162-10.51 W long. To Cape Menshikof at 57-28.34 N lat., 157-55.84 W. long.

However, a conflicting regulation exists at 5 AAC 39.164, which reads:

> 5 AAC 39.164. (b), Non-pelagic trawl gear may not be operated in waters of Alaska as follows:
>
> (7) the waters of Alaska of the Bering Sea east of 162 degrees W. long, except that the waters bounded by 159 degrees W. long to 160 degrees W. long and 58 degrees N lat. to 58-43 degrees N. lat are open to fishing with non-pelagic trawl gear from April 1 through June 15.

Notwithstanding the language at 5 AAC 39.165, a reading of 5 AAC 39.164 (b) would seem to indicate the state waters inside the "box" were not closed to non-pelagic trawl gear between April 1 and June 15 (although, interestingly, remaining closed to pelagic trawl gear).

In June 2008, this perceived conflict in regulations was discussed with ADFG officials, who concurred with this position. The State of Alaska Dept. of Law was asked to research and comment on this issue. In July, attorneys with the State Dept. of Law, Natural Resources section concluded that while the intent may have been to prohibit trawling in the state waters encompassed in the "box", these conflicts in the regulations effectively invalidated the regulation, and precluded taking any enforcement action in this instance.

ADFG and Dept. of Law personnel have advised that this issue has been brought to the attention of the Board of Fisheries, with a request to expedite review and clarification of this regulatory confusion. It is anticipated that this issue will be resolved prior to the 2009 fishing season, with the expectation that the state waters contained within the "box" will be closed to non-pelagic trawling. NOAA OLE wants to reiterate there is no regulatory confusion regarding the year-round prohibition of any trawling within all of Bristol Bay with the exception of the period trawling is allowed in the NBBTA.

NOAA OLE will insure the Bristol Bay fishing community is informed regarding the status of this issue prior to the beginning of lawful trawl fishing in the NBBTA in April 2009. NOAA OLE appreciates the collaborative efforts of the Bristol Bay fishing community in enforcing applicable fishing and marine mammal regulations, and we remain keenly interested in hearing about and responding to any enforcement concerns of the Bristol Bay fishing community.

Ken Hansen
Assistant Special Agent in Charge
(907) 486 3298

COMMERCIAL FISHERIES

Emergency Order

ALASKA DEPARTMENT OF FISH & GAME

Under Authority of AS 16.05.060

EMERGENCY ORDER No. 4-GF-01-09

Issued at: Kodiak, Alaska
December 31, 2008

EFFECTIVE DATE: 12:01 a.m.
Thursday, January 1, 2009

Expiration Date: December 31, 2009
unless superseded by subsequent
emergency order

EXPLANATION: This emergency order opens commercial parallel groundfish fishing seasons in the Kodiak, Chignik, South Alaska Peninsula, Bering Sea-Aleutian Islands and Chukchi-Beaufort Areas. For those areas, except for the fisheries listed in 1-5 below, this emergency order adopts the groundfish seasons, bycatch limits, and allowable gear types that apply in the adjacent exclusive economic zone (EEZ).

Sector allocations in the EEZ based on processing activity will not be recognized in state waters. Adjacent federal waters opened to a gear type, whether to both catcher processor vessels and catcher vessels, or only one of those, will be considered open in state waters to both catcher vessels and catcher processor vessels until closed to any vessel using the designated gear type.

Inseason adjustments to federal seasons, bycatch limits, and allowable gear types will also apply in the parallel fisheries. Fishing seasons or bycatch limits may be modified from those published in the federal register by subsequent emergency order to ensure resource conservation or resource management consistent with the interest of the economy and general well being of the state.

Fishermen should take note of Steller sea lion protection areas in the parallel fisheries, including areas around sea lion haulouts and rookeries. Sea lion protection areas are set forth in federal regulations and are adopted for state waters as set forth in this emergency order. As a result, waters of Alaska that are described in the federal regulations implementing the Steller sea lion protection measures as closed to fishing or closed to gear types are so closed to all vessels, regardless of whether the vessel has a federal fishery permit.

The federal regulations implementing Steller sea lion protection measures for 2009 are posted on the National Marine Fisheries Service (NMFS) web site at

http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecssl.htm or available from NMFS offices in Alaska.

Fishermen should take note of vessel monitoring system requirements set forth in 5 AAC 28.087 Management Plan For Parallel Groundfish Fisheries (c).

Commercial fishing gear is prohibited in certain areas to protect essential fish habitat (EFH). State-waters surrounded by EFH areas are closed by 5 AAC 39.167 Commercial Fishing Gear Prohibited In Waters of Alaska Surrounding Essential Fish Habitat Areas. EFH areas are described in federal regulation at 50 C.F.R. 679.22, revised as of March 20, 2008.

Fishermen should also take note of seabird avoidance requirements set forth in 5 AAC 28.055 Seabird Avoidance Measures In Groundfish Fisheries. The state has adopted the federal seabird avoidance regulations, 50 C.F.R. 679.24 revised as of January 17, 2008, into state waters for longline vessels greater than 26 feet in length. The federal regulations are posted on the NMFS web site at http://www.fakr.noaa.gov/protectedresources/seabirds/guide.htm

Except as expressly stated, this emergency order does not supersede other groundfish provisions in Chapter 28 of the Alaska Administrative Code.

The following groundfish fisheries are not managed under parallel regulations. For the fisheries listed in 1 – 5 below, no parallel season is adopted because seasons and bycatch limits are established in this emergency order or will be established in a later emergency order.

1. The lingcod fishery;
2. The black and blue rockfish fishery in the Kodiak, Chignik, South Alaska Peninsula areas, and state waters of the Bering Sea-Aleutian Islands Area;
3. The dark rockfish fishery;
4. The state-waters season Pacific cod fishery in the Kodiak, Chignik, and South Alaska Peninsula areas, and the Aleutian Islands District of the Bering Sea-Aleutian Islands Area;
5. The state-waters sablefish fishery.

REGULATORY TEXT: Regulations 5 AAC 28.410, 5 AAC 28.510, 5 AAC 28.560, 5 AAC 28.610, 5 AAC 28.650 and 5 AAC 28.710 are superseded as follows, and 5 AAC 28 is amended by adding new sections and subsections, 5 AAC 28.450(e), 5 AAC 28.550, 5 AAC 28.590, and 5 AAC 28.750 to read as follows:

> 5 AAC 28.410. FISHING SEASONS FOR KODIAK AREA. (a) In 2009, except as otherwise provided in this section, groundfish may be taken in waters of the Kodiak Area only during federal fishing seasons applicable to waters of the Exclusive Economic Zone (EEZ) adjacent to the waters of the Kodiak Area. All federally allowed gear types, bycatch limits and inseason adjustments of allowable gear types, bycatch limits and seasons as announced by the Regional Administrator, National Marine Fisheries Service, and published in the Federal Register, that are applicable to fishing in the adjacent EEZ also apply to fishing in the waters of the Kodiak Area, except that sector allocations in the EEZ based on processing activity will not be recognized in state waters. Adjacent federal waters opened

to a gear type, whether to both catcher processor vessels and catcher vessels, or only one of those, will be considered open in state waters to both catcher vessels and catcher processor vessels until closed to any vessel using the designated gear type. This section does not supersede the nonpelagic trawl gear restrictions in 5 AAC 39.164.

(b) Lingcod may be taken, in a directed fishery or as bycatch, only from July 1 through December 31.
(c) Black and blue rockfish may be taken, in a directed fishery or as bycatch from January 1 through December 31.
(d) Black and blue rockfish taken as bycatch may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel, unless the vessel operator is operating in accordance with 5 AAC 28.406 (e) and 5 AAC 28.472 (b) .
(e) Dark rockfish may only be taken as bycatch. Bycatch of dark rockfish may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(f) Sablefish may only be taken as bycatch, not to exceed 1% by weight of the directed groundfish species and directed halibut on board the vessel.
(g) Unless otherwise specified, the maximum bycatch limit for any species of groundfish is 20% by weight of the directed groundfish species and directed halibut on board the vessel. This subsection does not supercede the mandatory retention rules for walleye pollock and Pacific cod as provided in 5 AAC 28.070 (e).
(h) Pacific cod may be taken during a state-waters season as provided in 5 AAC 28.467.
(i) Groundfish may be taken with non-pelagic trawl gear in the waters of king crab registration area K, described in 5 AAC 34.400, that are not closed under 5 AAC 39.164 (b) only from
(1) January 20 through April 30; and
(2) October 1 through November 30.

5 AAC 28.450 CLOSED WATERS IN THE KODIAK AREA (e) Waters of the Kodiak Area that are described in the federal regulations implementing the Steller sea lion protection measures as closed to fishing or closed to gear types are so closed to all vessels, regardless of whether the vessel has a federal fishing permit. In this section, "the federal regulations" means 50 CFR 679.22 and Tables 4,5,6 and 12 in 50 CFR, Part 679, as amended through December 31, 2006. The federal regulations are posted on the National Marine Fisheries Service web site at http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecssl.htm or available from NMFS offices in Alaska.

5 AAC 28.510. FISHING SEASONS FOR CHIGNIK AREA (a) In 2009, except as otherwise provided in this section, groundfish may be taken in waters of the Chignik Area only during federal fishing seasons applicable to waters of the Exclusive Economic Zone (EEZ) adjacent to the waters of the Chignik Area. All federally allowed gear types, bycatch limits, and inseason adjustments of allowable gear types, bycatch limits, and seasons as announced by the Regional Administrator, National Marine Fisheries Service, and published in the Federal Register, that are applicable to fishing in the adjacent EEZ also apply to fishing in the waters of the Chignik Area, except that sector allocations in the EEZ based on processing activity will not be recognized in state waters. Adjacent federal waters opened to a gear type, whether to both catcher processor vessels and

catcher vessels, or only one of those, will be considered open in state waters to both catcher vessels and catcher processor vessels until closed to any vessel using the designated gear type. This section does not supersede the nonpelagic trawl gear restrictions in 5 AAC 39.164.

(b) Lingcod may be taken in a directed fishery or as bycatch, only from July 1 through December 31.
(c) Black and blue rockfish may be taken, in a directed fishery or as bycatch, from January 1 through December 31.
(d) Black and blue rockfish taken as bycatch may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(e) Dark rockfish may only be taken as bycatch. Bycatch of dark rockfish may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(f) Sablefish may only be taken as bycatch, not to exceed 1% by weight of the directed groundfish species and directed halibut on board the vessel.
(g) Unless otherwise specified, the maximum bycatch limit for any species of groundfish is 20% by weight of the directed groundfish species and directed halibut on board the vessel. This subsection does not supercede the mandatory retention rules for walleye pollock and Pacific cod as provided in 5 AAC 28.070 (e).
(h) Pacific cod may be taken during a state waters season as provided in 5 AAC 28.537.

Chapter 28 is amended by adding a new section: 5 AAC 28.550 CLOSED WATERS IN THE CHIGNIK AREA (a) Waters of the Chignik Area that are described in the federal regulations implementing the Steller sea lion protection measures as closed to fishing or closed to gear types are so closed to all vessels, regardless of whether the vessel has a federal fishing permit. In this section, "the federal regulations" means 50 CFR 679.22 and Tables 4,5,6 and 12 in 50 CFR, Part 679, as amended through December 31, 2006. The federal regulations are posted on the National Marine Fisheries Service web site at http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecssl.htm or available from NMFS offices in Alaska.

5 AAC 28.560. FISHING SEASONS FOR SOUTH ALASKA PENINSULA AREA. (a) In 2009, except as otherwise provided in this section, groundfish may be taken in waters of the South Alaska Peninsula Area only during federal fishing seasons applicable to waters of the Exclusive Economic Zone (EEZ) adjacent to the waters of the South Alaska Peninsula Area. All federally allowed gear types, bycatch limits, and inseason adjustments of allowable gear types, bycatch limits, and seasons as announced by the Regional Administrator, National Marine Fisheries Service, and published in the Federal Register, that are applicable to fishing in the adjacent EEZ also apply to fishing in the waters of the South Alaska Peninsula Area, except that sector allocations in the EEZ based on processing activity will not be recognized in state waters. Adjacent federal waters opened to a gear type, whether to both catcher processor vessels and catcher vessels, or only one of those, will be considered open in state waters to both catcher vessels and catcher processor vessels until closed to any vessel using the designated gear type. This section does not supercede the nonpelagic trawl restrictions in 5 AAC 39.164.

(b) Lingcod may be taken in a directed fishery or as bycatch, only from January 1 through December 31.

(c) Black and blue rockfish may be taken, in a directed fishery or as bycatch, from January 1 through December 31.
(d) Black and blue rockfish taken as bycatch may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(e) Dark rockfish may only be taken as bycatch. Bycatch of dark rockfish may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(f) Sablefish may be taken in state-waters of the Western District of the South Alaska Peninsula Area, from 12:00 noon May 15 through November 15, unless closed earlier by emergency order. Sablefish bycatch is not allowed prior to or after the directed fishery.
(g) Sablefish may only be taken as bycatch, in state-waters of the Eastern District of the South Alaska Peninsula Area, not to exceed 1% by weight of the directed groundfish species and directed halibut on board the vessel.
(h) Unless otherwise specified, the maximum bycatch limit for any species of groundfish is 20% by weight of the directed groundfish species and directed halibut on board the vessel. This subsection does not supercede the mandatory retention rules for walleye pollock and Pacific cod as provided in 5 AAC 28.070 (e).
(i) Pacific cod may be taken during a state-waters season as provided in 5 AAC 28.577.

Chapter 28 is amended by adding a new section: 5 AAC 28.590 CLOSED WATERS IN THE SOUTH ALASKA PENINSULA AREA (a) Waters of the South Alaska Peninsula Area that are described in the federal regulations implementing the Steller sea lion protection measures as closed to fishing or closed to gear types are so closed to all vessels, regardless of whether the vessel has a federal fishing permit. In this section, "the federal regulations" means 50 CFR 679.22 and Tables 4,5,6 and 12 in 50 CFR, Part 679, as amended through December 31, 2006. The federal regulations are posted on the National Marine Fisheries Service web site at http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecssl.htm or available from NMFS offices in Alaska.

5 AAC 28.610. FISHING SEASONS FOR BERING SEA-ALEUTIAN ISLANDS AREA. (a) In 2009, except as otherwise provided in this section, groundfish may be taken in waters of the Bering Sea-Aleutian Islands Area only during federal fishing seasons applicable to waters of the Exclusive Economic Zone (EEZ) adjacent to the waters of the Bering Sea-Aleutian Islands Area. All federally allowed gear types, bycatch limits, and inseason adjustments of allowable gear types, bycatch limits and fishing seasons as announced by the Regional Administrator, National Marine Fisheries Service, and published in the Federal Register, that are applicable to fishing in the adjacent EEZ also apply to fishing in the waters of the Bering Sea-Aleutian Islands Area, except that sector allocations in the EEZ based on processing activity will not be recognized in state waters. Adjacent federal waters opened to a gear type, whether to both catcher processor vessels and catcher vessels, or only one of those, will be considered open in state waters to both catcher vessels and catcher processor vessels until closed to any vessel using the designated gear type. This section does not supercede the non-pelagic trawl gear restrictions in 5 AAC 39.164.

(b) Lingcod may be taken in a directed fishery or as bycatch, only from January 1 through December 31.
(c) Black and blue rockfish may be taken in state-waters of the Aleutian Islands District of the Bering Sea–Aleutian Islands Area in a directed fishery or as bycatch, from January 1 through December 31.
(d) Black and blue rockfish taken as bycatch may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(e) Dark rockfish may only be taken as bycatch. Bycatch of dark rockfish may not exceed 5% by weight of the directed groundfish species and directed halibut on board the vessel.
(f) Sablefish in state-waters of the Aleutian Islands District of the Bering Sea–Aleutian Islands Area may be taken from 12:00 noon May 15 through November 15, unless closed earlier by emergency order. Sablefish bycatch is not allowed prior to or after the directed fishery. In the Bering Sea District of the Bering Sea–Aleutian Islands Area there is no open season for directed sablefish fishing.
(g) Pacific cod may be taken during a state-waters season as provided in 5 AAC 28.647.
(h) Pacific cod and rockfish may be taken during the parallel fishery season in state-waters of Sitkin Sound of Adak Island as described in 5 AAC 28.690 (a) only as specified in 5 AAC 28.629 (d).
(i) Pacific cod and rockfish may be taken during the parallel fishery season from May 1 until September 15 in state-waters of Adak Island as described in 5 AAC 28.690 (b) only as specified in 5 AAC 28.629 (e).
(j) Unless otherwise specified, the maximum bycatch limit for any species of groundfish is 20% by weight of the directed groundfish species and directed halibut on board the vessel. This subsection does not supercede the mandatory retention rules for walleye pollock and Pacific cod as provided in 5 AAC 28.070 (e).

5 AAC 28.650 CLOSED WATERS IN THE BERING SEA-ALEUTIAN ISLANDS AREA (b) Waters of Bering Sea-Aleutian Islands Area that are described in the federal regulations implementing the Steller sea lion protection measures as closed to fishing or closed to gear types are so closed to all vessels, regardless of whether the vessel has a federal fishing permit. In this section, "the federal regulations" means 50 CFR 679.22 and Tables 4,5,6 and 12 in 50 CFR, Part 679, as amended through December 31, 2006. The federal regulations are posted on the National Marine Fisheries Service web site at http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecssl.htm or available from NMFS offices in Alaska.

5 AAC 28.710. FISHING SEASONS FOR CHUKCKI-BEAUFORT AREA. (a) In 2009, except as otherwise provided in this section, groundfish may be taken in waters of the Chukchi-Beaufort Area only during federal fishing seasons applicable to waters of the Exclusive Economic Zone (EEZ) adjacent to the waters of the Chukchi-Beaufort Area. All federally allowed gear types, bycatch limits and inseason adjustments of allowable gear types, bycatch limits and seasons as announced by the Regional Administrator, National Marine Fisheries Service, and published in the Federal Register that are applicable to fishing in the adjacent EEZe also apply to fishing in the waters of the Chukchi-Beaufort Area, except that sector allocations in the EEZ based on processing activity will not be recognized in state waters. Adjacent federal waters opened to a gear type, whether to both catcher processor vessels and catcher vessels, or only one of those,

will be considered open in state waters to both catcher vessels and catcher processor vessels until closed to any vessel using the designated gear type.

(b) Unless otherwise specified, the maximum bycatch limit for any species of groundfish is 20% by weight of the directed groundfish species and directed halibut on board the vessel. This subsection does not supercede the mandatory retention rules for walleye pollock and Pacific cod as provided in 5 AAC 28.070 (e).

Chapter 28 is amended by adding a new section: 5 AAC 28.750 CLOSED WATERS IN THE CHUKCHI-BEAUFORT AREA (a) Waters of the Chukchi-Beaufort Area that are described in the federal regulations implementing the Steller sea lion protection measures as closed to fishing or closed to gear types are so closed to all vessels, regardless of whether the vessel has a federal fishing permit. In this section, "the federal regulations" means 50 CFR 679.22 and Tables 4,5,6 and 12 in 50 CFR, Part 679, as amended through December 31, 2006. The federal regulations are posted on the National Marine Fisheries Service web site at http://www.fakr.noaa.gov/sustainablefisheries/2003hrvstspecssl.htm or available from NMFS offices in Alaska.

Denby Lloyd, Commissioner
Alaska Department of Fish and Game

by Delegation to: _____
Wayne Donaldson
Regional Groundfish Management Biologist

JUSTIFICATION: The Alaska Board of Fisheries has established fisheries for a limited number of groundfish species, and has authorized the commissioner of the Alaska Department of Fish and Game (ADF&G) to open seasons by emergency order, during which bycatch limits, area closures, and gear restrictions may be specified; see, *e.g.*, 5 AAC 28.070, .087, .467. The ADF&G does not have independent programs currently in place to ensure sustained-yield management for all groundfish species in Alaska's territorial waters of the Kodiak, Chignik, South Alaska Peninsula, Bering Sea-Aleutian Islands and Chukchi-Beaufort areas. Groundfish fisheries in these areas often target the same stocks harvested under federal regulations in adjacent waters of the Exclusive Economic Zone (EEZ).

To ensure conservation of the groundfish resources located in territorial waters, the ADF&G generally depends on the fishing season regulations established for the adjacent waters of the EEZ and administered by the National Marine Fisheries Service. The federal regulations allow for inseason adjustments of fishing seasons, closed waters, bycatch and gear to conserve the affected stocks.

To ensure compatible management of the stocks not independently managed by the state, ADF&G would need to issue emergency orders to correspond to all changes made by the federal managers. It

is not practical for the department to issue corresponding emergency orders, in a timely manner, to ensure that compatible management is maintained. This would lead to confusion within the fishing industry.

To ensure sustained yield management of groundfish stocks, promote an orderly fishery, and facilitate enforcement of regulations, this emergency order modifies fishing seasons, allowable gear types, closed waters and bycatch limits in the territorial waters of the Kodiak, Chignik, South Alaska Peninsula, Bering Sea-Aleutian Islands and Chukchi-Beaufort Areas to correspond with federal fishery seasons, allowable gear types, closed waters and bycatch limits or inseason adjustments set for the adjacent waters of the EEZ, except for those fisheries independently managed by the state. However, based on the Alaska Supreme Court's decision in Grunert the Alaska Board of Fisheries and the ADF&G may not recognize federal sectors in state waters during parallel groundfish fisheries based on processing type.

The state has adopted the vessel monitoring system implemented in adjacent federal waters for parallel Pacific cod, Atka mackerel and walleye pollock fisheries.

Through subsequent emergency orders the department may still specify different seasons for groundfish species within these areas to ensure resource conservation or management consistent with the economy and general well being of the state.

Existing federal regulations do not include management measures for lingcod and dark rockfish *(Sebastes ciliatus)* or black and blue rockfish in the Gulf of Alaska and territorial waters of the Aleutian Islands and Bering Sea. State regulations will apply for these species in all waters of Alaska's territorial sea and the specified adjacent waters of the EEZ, as provided in 5 AAC 28.010 Application of groundfish regulations.

Maximum bycatch limits are established for lingcod. The rockfish and sablefish bycatch limit will coincide with the bycatch limit allowed by the Regional Administrator, National Marine Fisheries Service, except for the Aleutian Islands state-waters sablefish fishery.

DISTRIBUTION: This emergency order was distributed to those individuals and organizations maintained on a list in the Westward Region shellfish office, 211 Mission Road, Kodiak, Alaska.

-end-