

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DIVISION OF GOVERNMENTAL COORDINATION

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June 1, 1988

Mr. Michael Fagan
Tundra Drums
P.O. Box 868
Bethel, Alaska 99559

Dear Mr. Fagan:

At your request, this letter describes recent commitments by state agencies to address some of the growing tensions between resident and non-resident fishermen in the vicinity of the Togiak National Wildlife Refuge. This letter contains (1) a general policy statement which has recently been developed to provide the basic framework for state agency actions, and (2) specific follow-up actions that each agency plans to undertake. In addition, state agencies are also working on some of these tasks in conjunction with their participation in the U.S. Fish and Wildlife Service (FWS) Public Use Management Planning process.

GENERAL POLICY STATEMENT

In addressing public land and water resource conflicts, the state recognizes the following principles:

- The fishery resources of the state are common property resources and, under the Alaska Constitution, are to be managed under the sustained yield principle subject to preferences among beneficial uses;
- The state manages its fishery resources for use by subsistence, personal use, recreational, and commercial users, with a preference for subsistence use when the resource is inadequate to support all uses;
- To the extent that the rivers in question are navigable, ownership and management jurisdiction vests with the state and certain rights to the public's use of those waters and shorelands are thereby established;
- There are both public and private landowners in Alaska, (i.e., federal, state, municipal and private); each landowner has rights and responsibilities to manage and maintain those lands for purposes determined by the landowner, including the ability to enforce trespass restrictions.

And that within the framework of these rights and responsibilities, it is in the best interest of the state:

- that its agencies and subdivisions not take any action that may exacerbate the conflicts, and;
- to find an equitable solution to the conflicts before they cause social, political, or resource problems.

STATE AGENCY ACTIONS

State agencies with land and/or resource management responsibilities (including the Departments of Fish and Game, Natural Resources, Environmental Conservation, and Transportation and Public Facilities) have mutually agreed to the following:

- Send a small team of state officials with an understanding of the issues and a good rapport with local leaders to villages in the region to explain the rights of all river users and seek public input in resolving the conflicts.
- Insure that local legislators are aware of possible conflicts this summer and brief them on state efforts to address the problems.
- Set up a mechanism to coordinate and brief all resource agency field staff to (1) facilitate reporting of possible problems, (2) insure familiarity with potential problems, and (3) insure that all staff respond to events within an established policy framework.

In addition to these interagency efforts, the individual agencies have also made the following staff commitments:

Department of Fish and Game (DFG)

- 1) Through pre- and post-season meetings with the fishermen in the affected communities, as well as during the season, increase efforts to inform them of the management actions that the department intends to take for the subsistence, personal use, recreational, and commercial fisheries. Communicate this information to other state agencies and the FWS.
- 2) Ensure that an adequate field presence is maintained within the communities and on the fishing grounds in order to maintain close monitoring of the status of the fish runs, user information, and to increase the level of communication on a timely basis.
- 3) Manage (for the benefit of all fishery users) the Kanektok River summer chum and sockeye fisheries according to the

newly adopted commercial fishing management plan of the Alaska Board of Fisheries.

- 4) Attempt to inform fishing guides and other sport fishermen of Board of Fisheries regulations affecting the Kanektok, Goodnews, and Togiak Rivers. Specifically, contribute to an upcoming joint state/FWS public information brochure, and provide briefing at June 10 meeting of local guides.

Department of Natural Resources (DNR)

- 1) Maintain standard procedures for processing guide camp permit applications if received.
- 2) If other agencies with a field staff presence in the area notify DNR of apparent unauthorized uses of state-owned gravel bars and river banks, DNR will conduct field investigations (depending upon availability of funds.)
- 3) Review and/or contribute to an interagency brochure for public distribution addressing land status and river etiquette.

Department of Transportation and Public Facilities (DOT/PF)

Regarding the proposed road at the Quinhagak airstrip:

- 1) DOT/PF will be submitting comments through the state's project consistency review process expressing an interest in maintaining public access to the apron from the slough. This could be accomplished with stipulations regarding design of the culvert and/or location of the road on state-owned airport property to insure that the public will have continued access to the apron.
- 2) For safety reasons, DOT/PF will continue to post the northeast end of the strip to unauthorized parking of airplanes. In the meantime, if the public does not wish to use the slough, they can still get out of their boats at the northeast end and hand carry their gear to the apron (approx. 2,000 ft.) as long as they don't walk on the runway.
- 3) DOT/PF will continue to monitor use of the airstrip and work with the village to insure that public access is maintained.
- 4) If necessary in the long run, DOT/PF is willing to consider development of an additional apron, with required set-backs, at the northeast end of the strip to increase overall capacity of airplane parking and take advantage of the alternate river take-out. This improvement would require additional funds beyond current appropriations. Due to

capital requirements for other high priority projects, however, it is doubtful that general funds would be available in the near future. Another alternative is purchase of an easement across the 500-600 feet of private land which separates the existing apron from the Kanektok River at the northwest corner of airport property.

Department of Environmental Conservation (DEC)

- 1) Will work with DNR in processing permit applications for guide camps on state-owned gravel bars to insure that guides properly dispose of garbage and human waste.
- 2) DEC will send a representative to the June 10 meeting of local guides to informally discuss appropriate streamside sanitation.
- 3) Will review or contribute to a public information brochure that covers water quality issues and recommends techniques for streamside sanitation.
- 4) DEC staff have other assignments in the village of Togiak this summer and can participate in any field staff coordination efforts.

I hope this information helps in your analysis of the complex problems that have been developing in the Togiak refuge region. Thanks also for your patience! If you have any questions, please feel free to give me a call at 274-3528.

Sincerely,


Sally Gilbert
State CSU Coordinator

Not all inclusive.
Just a start from about a month ago.

Summary of Potential Problems

Background

Conflicts have been increasing over the past four or five years in the Togiak National Wildlife Refuge between local people of Togiak/Twin Hills, Goodnews/Platinum, and Quinhagak villages who depend on subsistence and commercial fishing and visitors engaged in both guided and unguided sport fishing. A Public Use Management Plan for Togiak Refuge is being prepared by the U.S. Fish and Wildlife Service (FWS) which will also address these conflicts. However, the plan will not be completed for at least a year. In the interim, the following conflicts may arise during the upcoming 1988 summer season.

IMMEDIATE PROBLEMS FACING THE 1988 SEASON

Emergency Commercial Fishing Closures - Last year, an emergency commercial salmon fishing closure at Kanektok caused a secondary reaction at the village of Quinhagak. Some villagers resented visitors who continued to legally engage in sport fishing for salmon while the local commercial fishing was shut down. Villagers wanted the sport fishing closed also.

Unauthorized Guide Camps - On the Togiak and Kanektok Rivers, several sport fishing guides have obtained or are currently seeking authorization to camp on lands owned by the village corporation. One or two other guides might trespass on the privately-owned river banks. Alternatively, the guides may use state-owned gravel bars for guide camps. If this occurs, vandalism and/or confrontations may result between the corporate shareholders and any guide(s) considered in trespass. Also, some guides who have leases to use village-owned land have complained about the accompanying high cost and erroneous implications that they are receiving exclusive use of the lower river. To help separate subsistence users who are uncomfortable fishing in the presence of visitors, the Togiak village corporation has stipulated that guides who hold leases not have guests on village lands adjacent to the river on weekends or overnight.

Sport Fishing Near Subsistence Nets - As a result of a new Board of Fisheries action last fall, no sport fishing will be allowed within 100 yards of a subsistence net in the Kanektok and Goodnews Rivers. Implementation and enforcement of this regulation could become a problem if enforcement is insufficient or if villagers set numerous nets in prime fishing locations that block sport fishing. (The latter problem is not necessarily anticipated, but could happen.)

Access from the Kanektok River to the Quinhagak Airstrip - Until recently, most sport fishing guides and other river floaters

More for Michael Fagan

would take out of the Kanektok River at the northeast end of the state-owned airstrip, while local residents reach the river via a slough near the apron at the opposite end of the strip. This situation was convenient, but numerous visitor planes parked at the northeast end of the airstrip created a safety hazard according to both DOT/PF and the village. Last season, DOT/PF posted signs directing planes to park at the apron. This year, the village is proposing to build a short road to a gravel pit that incorporates culverts across the slough on state-owned airport property. As currently designed, the culverts would block boat traffic, making it less convenient to get to the airstrip. Regardless, if the slough is determined to be non-navigable, there is a perception that the adjacent private landowner may post the slough, further restricting public access to the airstrip. Staff are continuing to research the possible ramifications of this issue in the context of a coastal consistency review of the proposed road.

Trespass By Non-Guided River Users - While of lesser concern, occasional disputes could result if local villagers confront visiting non-guided river users camping or otherwise using corporate uplands adjacent to the rivers. Adding to this is the difficulty of distinguishing between private uplands and state-owned gravel beds.

Sport Fishing Closures - A sport fishing closure intended to protect fish resources would not likely cause problems since such closures are generally respected. However, there could be secondary effects from resulting displacement of guided sport fishing use to other areas. For example, a sport fishing closure on the Togiak River late last year caused several guides to set up unauthorized alternative guide camps on the Goodnews River. Since this was a short-lived response, no major conflicts developed. If this situation repeats itself this year, however, problems could result.

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DISTRIBUTION LIST

June 1, 1988

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