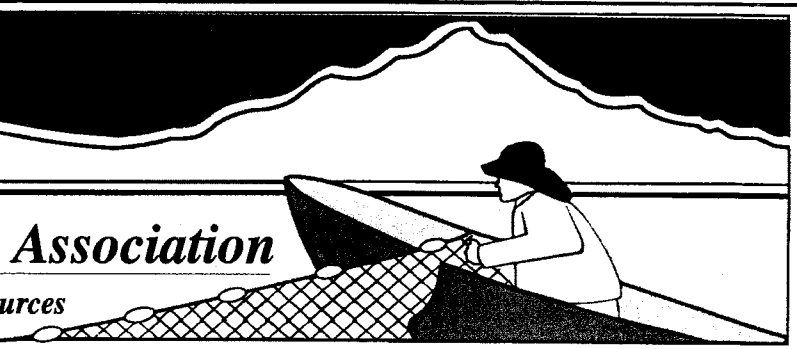


RC167

Kenai Peninsula Fishermen's Association

Ensuring the Sustainability of Our Fishery Resources



43961 Kalifornsky Beach Road • Suite F • Soldotna, Alaska 99669-8276
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March 03, 2013

Alaska Board of Fisheries
P.O. Box 115526
Juneau, Alaska 99811-5526

Re: Harvest opportunity for Cook Inlet setnet salmon permit holders

Chairman Johnstone,


The Kenai Peninsula Fishermen's Association (KPFA) is a commercial fishing representation organization representing primarily Cook Inlet (CI) setnet CFEC salmon permit holders from the furthest southern reaches of Nanwalek to the northern boundary of Point Mackenzie, from the west side beaches of CI to the predominate eastside setnet (ESSN) areas of the Kenai Peninsula. There are approximately 736 active permit holders in this area, KPFA has the largest membership of setnet fishing families but as a 501 (c) (6) we also include other gear types, seafood related industries and other interested entities in our quest for industry advocacy.

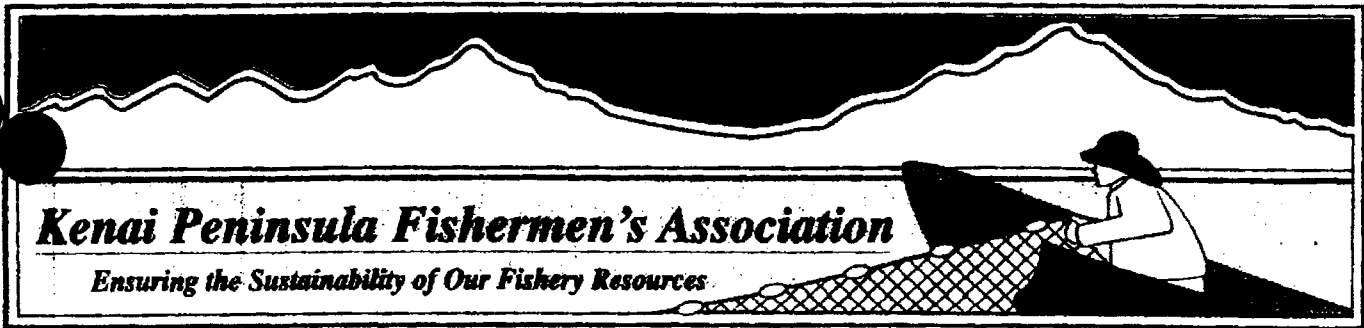
We have supported the legislature's effort in 2006 (AS 05.251) to clarify the authority of the Board of Fisheries (BOF) to have *flexibility* in implementing "additional fishing opportunity appropriate for that particular fishery."

Recent BOF decisions to sunset or reject this tool in other areas of the State has created a concern from our members that a blanket policy may be adopted that is clearly not in the best interest of the CI setnet fleet.

We have included with this *record copy (rc)* two documents; submitted at the January 2011 Kodiak regulatory meeting by the Department of Law and our KPFA comment relative to the use of dual permits.

Particular to this meeting was a discussion by BOF members of the *intent consideration of the use of this regulation* to be determined by deliberations unique to each individual regulatory area under consideration. KPFA would appreciate the BOF re-emphasizing that this one prescriptive tool does not fit all situations and that the BOF should have flexibility to tailor appropriate regulations for the highest degree of a *reasonable opportunity* to harvest within a respective stakeholder category.

Thank you,

Paul A. Shadura II
Representing the Board of Directors of KPFA



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January 12, 2011

Boards Support Section
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK. 99811-5526

ATTN: Alaska Board of Fisheries

Chairman: Webster

PROPOSAL 70 – OPPOSE

AS sec 16.05.253 The Board of Fisheries may require a person who holds a limited entry permit or an interim-use permit under AS 16.43 to be physically present at a beach or riparian fishing site during the operation of net gear or other stationary fishing gear at the site, except when traveling to or from the location of...

5 AAC 39.107 (d) (e) offers definition and clarification, (f) (g) allow certain unique area specific exceptions and definitions.

We agree that the State protection officers should have discretion in enforcing these rules due to the unique situation each of the states approximately 4500 salmon set net permits operate within.

Clearly, it is the responsibility of the individual permit holder to maintain *competent supervision* of the gear *while in operation*.

PROPOSAL 71 – SUPPORT

AS 16.05.251 Regulations for the Board of Fisheries

(i) ...a regulation to allow a person who holds two entry permits for that salmon fishery an additional fishing opportunity appropriate for that particular fishery.

AS 16.43.140 (c) (5) *relates to a "consolidation of a fishery.*

RC 50

We do not believe that the purpose of this proposal is to accomplish this task. Rather it is a simple request to continue to further provide a reasonable opportunity to harvest resources without the additional burden of unnecessary regulation.

The Departments comments are clear, *...does not believe that there are biological concerns with salmon stocks due to dual permits.*

The legislature has provided the Board with the ability to assist those individuals who make the investment to continue to operate in a manner they feel appropriate to benefit their families and their communities.

Many setnet operations are just a continuation of historical family and extended family businesses. These family cooperatives are not unlike the farming communities of the past of which many are no longer in existence.

Our points:

Does not affect any current allocation plan
Does not adversely affect any conservation necessity
Does not open any new areas
Does not add any additional gear then is not already allowed (CFEC)

It does improve economic viability
It does improve the cohesiveness of an extended family operation
It does allow flexibility to elderly permit and site owners
It does reduce unnecessary expenses and paper work
It does enhance a reasonable opportunity to harvest a resource under current State law.

Thank you,

Paul A. Shadura II
Executive Director

RC 42

BACKGROUND & LEGISLATIVE HISTORY
ON AS 16.05.251(i), HB 251 (2006)
Lance Nelson, Sr. AAG, Dep't of Law, January 11, 2011

The Board's authority to allow permit-stacking is set out in AS 16.05.251(i), which was enacted in 2006 as House Bill 251 (HB 251):

Notwithstanding AS 16.43.140(c)(5), the board may adopt, at a regularly scheduled meet at which the board considers regulatory proposals for management of a specific salmon fishery, a regulation to allow a person who holds two entry permits for that salmon fishery an additional opportunity appropriate for that particular fishery.

Earlier, CFEC statutes had in 2002 provided that a person could own two salmon permits, but could not fish under the second permit:

(c) A person may hold more than one interim-use or entry permit issued or transferred under this chapter only for the following purposes:

...

(5) consolidation of the fishing fleet for a salmon fishery; however, a person may hold not more than two entry permits for a salmon fishery under this paragraph, but the person who holds two entry permits for a salmon fishery may not engage in fishing under the second entry permit.

AS 16.05.140(c)(5). The gist of HB 251 was that the Board, on a fishery-by-fishery basis, could authorize a holder of two salmon permits to operate both permits with an opportunity to harvest greater than the holder of a single permit.

The board has used this authority to allow dual set gillnet permit holders to fish with double the amount of gear available to single permit holders in the Bristol Bay and Kodiak set gillnet fisheries. 5 AAC 06.331(u); 5 AAC 18.332(j)

As stated in legislative committee meetings below by the bill's sponsor and others, it gives the Board an extra tool to

- reduce the amount of gear in the water and therefore reduce competition,
- consolidate the fishery,
- reduce the large number of latent permits caused by low prices,
- make fisheries more efficient,
- make the fisheries more economically viable,
- avoid permit buybacks, which would make it harder for new entrants to come into the fishery,
- avoid surges of latent permits coming back into the fishery when things look better,