

United Cook Inlet Drift Association

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Date: June 17, 2008

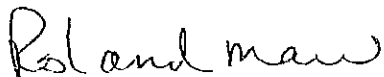
Addressee: Mel Morris
Chairman, Board of Fisheries

RE: Emergency Petition

Dear Mel,

Please accept this Emergency Petition concerning two unexpected outcomes when the 200 fathom, double permit proposal was passed at our last Board of Fish hearing.

Sincerely,



Roland Maw, PhD
UCIDA Executive Director

ams

RECEIVED TIME JUN. 17. 11:38AM

EMERGENCY PETITION

5 AAC 96.625. JOINT BOARD PETITION POLICY

- (a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action.

Regarding: 5 AAC 21.333 REQUIREMENTS AND SPECIFICATIONS FOR USE OF 200 FATHOMS OF DRIFT GILLNET IN THE COOK INLET AREA

and

PROPOSAL 107 – 5 AAC 21.331. Gillnet Specifications and Operations

When Proposal 107 (use of 200 fathoms with two permits) was prepared, presented and passed by the Board of Fish, there was an unintended legal outcome.

The unintended legal outcome involves the legal application and enforcement of (e) (1), the 200 fathoms in Kasilof and Kenai sections of the Central District.

The 200 fathoms of drift gillnet were intended to be used in the Kenai and Kasilof sections during normal Inlet-wide area openings that include these two sections.

The 200 fathoms of drift gillnet were not intended to be used when the drift fishery are restricted to the Kenai and Kasilof sections only.

The way the proposal and current regulations are formulated, it is always illegal to use 200 fathoms of drift gillnet gear in the Kenai and Kasilof sections, even during normal district-wide openings.

We ask the Board of Fish to adopt the following amendments to 5 AAC 21.333 (e) and add a new section (f)

(e) The joint operation of drift gillnet gear under this not allowed in any other area, or during any time, when a single CFEC permit holder is restricted to operating less than 150 fathoms of drift gillnet gear [AND IN THE] or when the drift gillnet area open is restricted to any of the following areas:

- 1) Kasilof and/or Kenai sections of the Central Districts;
- 2) Kasilof terminal fishery described in 5 AAC 21.365 (f);
- 3) Closed areas described in 5 AAC 21.350;
- 4) Chinitna Bay Subdistrict of the Central District.

(f) While fishing in any fishery when the gear is restricted to less than 200 fathoms of gear, the remaining gear may remain on the reel or vessel as long as this gear is physically separated from the gear being fished.

Rationale: The way Public Safety plans on enforcing this current regulation is to cite anyone that uses 200 fathoms of drift gillnet gear anytime these nets enter any portion of the Kasilof and Kenai sections regardless of the type of opening.

Public Safety also plans on citing anyone that has 200 fathoms of gear on the vessel while fishing during any of the or listed restricted gear fishing periods.

(h) Notwithstanding 5 AAC 39.250(c), in the Cook Inlet Area, a person may use single filament mesh web in a drift gillnet or in a set gillnet.

~~5 AAC 21.332. SEINE SPECIFICATIONS AND OPERATION. (a)~~

~~Purse seines, hand purse seines, and beach seines may not be less than 90 fathoms in length and 100 meshes in depth, nor more than 250 fathoms in length and 325 meshes in depth. Detachable or loose leads are not permitted.~~

~~(b) A seine vessel may tow another seine vessel as long as each vessel has no more than one legal limit of gear on board.~~

~~(c) A purse seine is considered to have ceased fishing when both ends of the seine are fast to the vessel.~~

~~5 AAC 21.333. REQUIREMENTS AND SPECIFICATIONS FOR USE OF 200 FATHOMS OF DRIFT GILLNET IN THE COOK~~

~~INLET AREA. (a) Except as specified in (e) of this section, two Cook Inlet drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear under this section.~~

~~(b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department office in Anchorage, Soldotna, or Homer.~~

~~(c) When two Cook Inlet drift gillnet CFEC permit holders fish from the same vessel and jointly operate a drift gillnet gear under this section, the vessel must display its ADF&G permanent license plate number followed by the letter "D" to identify the vessel as a dual permit vessel. The letter "D" must be removed or covered when the vessel is operating with only one drift gillnet CFEC permit holder on board the vessel. The identification number and letters must be displayed~~

~~(1) in letters and numerals 12 inches high with lines at least one inch wide;~~

~~(2) in a color that contrasts with the background;~~

(3) on both sides of the hull; and

(4) in a manner that is plainly visible at all times when the vessel is being operated.

(d) When two permit holders jointly operate gear under this section, each permit holder is responsible for ensuring that the entire unit of gear is operated in a lawful manner.

(c) The joint operation of drift gillnet gear under this section is not allowed in any other area, or during any time when, a single CFEC permit holder is restricted to operating less than 150 fathoms of drift gillnet gear and in the

(1) Chinitna Bay Subdistrict;

(2) Kenai Section;

(3) Kaslof Section;

(4) Kaslof River Special Harvest Area as described in 5 AAC 21.365.

Editor's note: The department office in Anchorage is located at 333 Raspberry Road, Anchorage, Alaska. The department office in Soldotna is located at 45961 Kalifornsky Beach Road, Suite B, Soldotna, Alaska. The department office in Homer is located at 3298 Douglas Place, Homer, Alaska.

~~**5 AAC 21.334. IDENTIFICATION OF GEAR. (a)** Each drift gillnet in operation must have a bright red keg or buoy at one end plainly and legibly marked with the permanent vessel license plate (ADF&G) number of the vessel operating the gear and the initials of the operator.~~

~~(b) Markers described in 5 AAC 39.280(a) are not required for set gillnets.~~

~~(c) Buoy identification requirements for set gillnets in the Upper Subdistrict of the Central District are as follows:~~

~~(1) each set gillnet must have an identification tag issued by the department; the tag must be placed on a "trailer" buoy attached to the set gillnet; the tags will be issued before each fishing season and will be sequentially numbered and colored for each year;~~

PROPOSAL 107 - 5 AAC 21.331. Gillnet specifications and operations. Allow up to 200 fathoms of drift gillnet gear and allow joint ventures with concurrent fishing from one vessel by permit as follows:

Add new Regulatory Section 5 AAC 21.331. Requirements and Specifications for Use of 200 Fathoms of Drift Gillnet in Cook Inlet.

- (a) Except if the special harvest areas specified in (e) of this section, two Cook Inlet drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear under this section.
- (b) Before operating drift gillnet gear jointly under this section, both permit holders shall register with the department.
- (c) When two Cook Inlet drift gillnet CFEC permit holders fish from the same vessel and jointly operate a drift gillnet gear under this section, the vessel must display its ADF&G permanent license plat number followed by the letter "D" to identify the vessel as a dual permit vessel. The letter "D" must be removed or covered when the vessel is operating with only one drift gillnet CFEC permit holder on board the vessel. The identification number and the letters must be displayed.
- (1) in letters and numerals 12 inches high with lines at least one inch wide;
 - (2) in a color that contrasts with the background
 - (3) on both sides of the hull; and
 - (4) in a manner that is plainly visible at all times when the vessel is being operated.
- (d) When two permit holders jointly operate gear under this section, each permit holder is responsible for ensuring that the entire unit of gear is operated in a lawful manner.
- (e) The joint operation of drift gillnet gear under this not allowed in any other area, or during any time, when a single CFEC permit holder is restricted to operating less than 150 fathoms of drift gillnet gear and in the
- (1) Kasilof and Kenai sections of the Central Districts;
 - (2) Kasilof terminal fishery described in 5 AAC 21.365 (f);
 - (3) Closed areas described in 5 AAC 21.350
 - (4) Chinitna Bay Subdistrict of the Central District.

ISSUE: The limit of 150 fathoms of drift gillnet gear on drift gillnet vessels during times of low salmon runs and low salmon prices. The difficulty of hiring qualified crew during times of low salmon returns and prices. The percent of gross revenue that is required to operate a drift gillnet vessel. The continued decline of local ownership of drift gillnet permits.

WHAT WILL HAPPEN IF NOTHING IS DONE? The continued difficulty of hiring qualified crew resulting in a higher chance of accidents and insurance premiums. Continued difficulty of achieving a reasonable profit from drift gillnetting in Cook Inlet. Continued losses of local ownership and use of drift gillnet permits.

WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED? Yes. Reducing operational costs will provide profits that could be used to improve the quality of harvesting salmon. Reducing the total amount of gear and vessels used in harvesting will reduce crowding and provide harvesters the option to harvest salmon in a more quality-conscience method.

WHO IS LIKELY TO BENEFIT? Those drift gillnet fishermen who wish to remain in the fishery as an active participant and still realize a profit.