

Victoria Briggs
Ugashik Village
King Salmon Alaska 99613
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March 6, 2014

Mr. Karl Johnstone, Chairman
Alaska Board of Fisheries
P.O. Box 115526
Juneau, AK 99811-5526

RE: Public Comment on Proposal 375

Dear Chairman Johnstone:

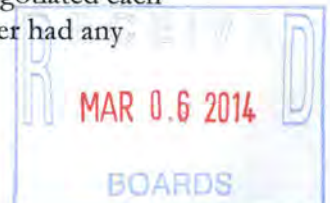
I am a set netter in the Ugashik River set gillnet salmon fishery and write in opposition to Proposal 375. The Board should never have considered proposal 375 as an Agenda Change Request (ACR) in the first place, and the basis that was given in support of the Board considering it out of cycle concerns me and that is why I write this comment. I went to great expense to transcribe the Board's deliberations in October 2013 on ACR 10 when it was presented to you by ADF&G staff, and a copy of that transcript is enclosed. I bring parts of the Board's meeting to your attention.

In 2012, the Board adopted the regulation that Proposal 375 would change. In 2013 (transcript page 3, lines 2-6), staff testified that there was a "navigational obstruction" to remedy, but there is no navigational obstruction to remedy. Boats are able to navigate either inside of 400 feet from the east bank, or outside of 600 feet measured from the east bank through set net sites. Contrary to what was stated to the Board by staff, boats on the river are able to navigate either inside of 400 feet or outside of 600 feet thought the setnet sites.

Staff said to the Board that the 2012 regulation that the Board adopted "did not identify which bank to specify." However, the 2012 regulation that the Board adopted very clearly says: "that portion of the east bank of the Ugashik River." 5 AAC 06.331(m)(8). On page 3, lines 22-23, staff again said to you that "the regulation did not identify clearly which bank of the river measurements were to be taken from." Again, the regulation clearly says "in that portion of the east bank of the Ugashik River ... no part of a set gillnet may be more than 600 feet from the 18-foot high tide mark." What part of this isn't clear to staff?

The Board asked staff about tenders that go up and down the river picking up fish. Staff said to you that the tender "never goes past the nets," Page 6, lines 11-12, and that the tender "doesn't try to navigate through where the nets are set." Page 6, lines 17-18. This is not correct because every opening a tender navigates through the set net sites to pick up fish.

During our February 24, 2014 LBBAC meeting, Paul Salamone said that he meant that the tender had to negotiate through some of the set net sites, and that the tender negotiated the river. At this LBBAC meeting, Joel, a captain of one of the tenders said that he negotiated each day up through these sites, including times of darkness, fog, and low tides and never had any issues. This was his first year on the Ugashik River.



On page 6, lines 22-24, staff told the Board that "one net in a particular set went dry on the west bank, which stretched gear across the entire width of the river." There is no physical way that a net on the west bank of the river could stretch all the way across the river. There was one running line 400 feet to 1,000 feet measured off the east bank. The other nets which were out side of 600 feet off the east bank were 25 fathom nets with anchors on each end. At no time was there a 1,000 foot running line this year, or at any stage of any tide does that part of the river go dry, let alone with a net on it. I am not sure if staff actually witnessed this, or if someone "told" staff this. I live in the area and have never seen what it is that staff told the Board.

The Board thought that the regulation at issue in Proposal 375 created a "loophole" and staff picked up on that to say "that might be a way to state it. It was interpreted different than we had intended." Page 8, lines 2-6. But the regulation did just what the Board intended, and allowed for navigation for boats inside of 400 feet or outside 600 feet, all measured from the east bank, as stated in the regulation.

Another point that staff mentioned that the configurations adopted by the 2012 Board "were the first time that those had been around." Page 9, line 6. Actually many sites in Pilot Point, at the mouth of the Ugashik River, do not use running lines at all, and they fish out to 1,000 feet from the east bank. So if staff is saying that you had to have a running line to the beach to fish in Ugashik, then where are all the tickets to the fisherman down at Pilot Point for not having a running line to the beach?

Staff also represented to the Board that "two stand-alone, separate, mid-river sets has never been permitted, to my knowledge, in the Ugashik area." Page 9, lines 21-23. For over 30 years we have fished two, 25-fathom nets on a running closer than 300 feet apart. It is also common in Bristol Bay, where the current is strong, to have two, 25-fathom nets and 4 anchors as long as you are inside of 1,000 feet.

When asked by the Board about the tender that operates on the river, the Board wondered about dimension of the tender, whether it was 60 or 70 feet and staff replied that "it could be that big." Page 14, lines 18-19. In fact, the tenders that service the sites every day were 50-foot with 6-foot draft loaded, or 80-feet, with an 8-foot draft loaded. These tenders leave the area through the sites every day, the last couple hours of the ebb tide in order to catch the current down river to the processor.

The Board asked if staff received complaints and was told that there were many complaints and that a trooper was "very busy with enforcement issues on the line ... and they did some enforcement actions." Page 15, line 19 to page 16, line 12. I asked staff multiple times for all these alleged complaints, but was not given information on the number of complaints, and no specifics on the incidents complained of, how many different people were involved, nothing. During the second Trooper visit, the only tickets that I am aware of to fishermen were for such things as not having numbers on the correct buoy, not having skiffs registered, and for life jackets. As far as I could find out from staff, there were no gear violations related to the regulation that is in place now.

Staff was asked to describe the character of the floats attached to the nets and whether the delineation between the end floats on these sets could be seen. Page 18, line 1. Staff replied

that "you could see, in daylight, where the hole was. At nighttime, I don't think so." Page 19, lines 11-12. The buoys on our nets have lights on them, as required by regulation, so they can be seen at night.

There are many more portions of this presentation by staff to the Board that are inaccurate, or based on faulty or old information. One of the problems that I, as a member of the public, have with this Proposal is that it was generated by staff and presented by staff to the Board as an ACR. However, the public was not given the opportunity to testify at the Board's work session when the Board adopts ACRs for a future meeting. Staff can say anything and everything they say is unchallenged by the public affected by the ACR. I must then come in to a Board meeting (out of the regular Ugashik River cycle) and go back in time to when the Board did obtain information from staff supporting its desire for the ACR that resulted in Proposal 375.

When staff pushes an ACR out of the Board's regular proposal cycle for the Ugashik River, that costs me time, money, and effort.

I again ask you to reject Proposal 375.

In the future, I invite staff to come out and talk with us in advance of going to the Board with concerns that it has that do not have a clear basis in fact. By working together, fishermen, staff, and the Board can deal with real problems that actually exist through the Board's regular proposal cycle.

Thank you for this opportunity to submit these comments.

Sincerely,



Victoria Briggs

Enclosure

Page 1

1
2 STATE OF ALASKA
3 ALASKA DEPARTMENT OF FISH AND GAME
4
5 BOARD OF FISHERIES
6
7 TRANSCRIPT OF 2013 WORK SESSION
8 (Excerpt)
9 OCTOBER 9-11, 2013
10 Alyeska Resort
11 Girdwood, Alaska
12
13 BOARD MEMBERS PRESENT:
14 Karl Johnstone, Chair
15 Tom Kluberton, Vice-Chair
16 Reed Morisky
17 John Jensen
18 Sue Jeffrey
19 Fritz Johnson
20
21 BOARD MEMBERS ABSENT:
22 Orville Huntington
23
24
25

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1 MR. LEWIS: Yes, Mr. Chairman.
2 Mr. Chairman, the present regulation --
3 present situation the regulation allows -- adopted
4 at the 2012 Bristol Bay board meeting did not remedy
5 the navigational obstruction as intended and proved
6 difficult to enforce.
7 Our assessment of the criteria is, it
8 does not meet the first one. The second one, we
9 feel that the regulation did not identify which bank
10 to specify --
11 CHAIR JOHNSTONE: Can we turn the volume up on
12 the speaker? We're having a little difficult time
13 up here hearing you.
14 MR. LEWIS: How is this?
15 MS. JEFFREY: That's better.
16 CHAIR JOHNSTONE: That's a little better, I
17 think.
18 MR. LEWIS: Okay.
19 UNIDENTIFIED SPEAKER: Start from staff
20 assessment.
21 MR. LEWIS: Yeah. The staff -- the regulation
22 did not identify clearly which bank of the river
23 measurements were to be taken from and did not
24 preclude setting nets seaward of a permit holder's
25 own gear.

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1 PROCEEDINGS
2 [Track 1.wma]
3 00:00
4 (Beginning of requested portion.)
5 CHAIR JOHNSTONE: Whenever you are ready.
6 MR. LEWIS: Good afternoon, Mr. Chairman,
7 members of the board. My name is Bert Lewis. I'm
8 with the Division of Commercial Fisheries. I'm the
9 management coordinator for Bristol Bay and Prince
10 William Sound. And on my left I have Paul Salomone,
11 who is the area management biologist for the Ugashik
12 District, which relates to the --
13 CHAIR JOHNSTONE: Excuse me. Would you mind
14 moving a little bit closer to the microphone?
15 MR. LEWIS: Yes. Sorry you couldn't hear me.
16 CHAIR JOHNSTONE: Thank you.
17 MR. LEWIS: ACR No. 10: Remedy a navigation
18 hazard in the Ugashik River set gillnet salmon
19 fishery, 5 AAC 06.331. This agenda change request
20 seeks to modify 5 AAC 06.331 to remedy the
21 navigation hazard.
22 Mr. Chairman.
23 MS. JEFFREY: Move to accept.
24 UNIDENTIFIED BOARD MEMBER: Second.
25 CHAIR JOHNSTONE: Staff comments?

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1 As far as C goes, the regulation also
2 unintendedly allowed gear deployment offshore of a
3 permit holder's own gear and serves to further
4 obstruct navigation, Mr. Chairman.
5 CHAIR JOHNSTONE: Does not the regulation talk
6 about setting from the east shore of the river? Is
7 that a yes? You nodded your head yes?
8 MR. LEWIS: Yeah, but it does illustrate
9 how -- a little bit of the confusion that entered
10 into it. Enforcement didn't really have a clear
11 picture of that reference, Mr. Chairman.
12 CHAIR JOHNSTONE: Well, if it says east --
13 from the east shore, where is the ambiguity when you
14 said they don't say which side it's supposed to be
15 set from? The regulation seems to clearly say it's
16 from the east shore.
17 MR. NELSON: Yeah. Mr. Chairman, I believe
18 later in the regulation it talks about the river
19 bank. And in that case, it does not reference which
20 shore.
21 CHAIR JOHNSTONE: All right.
22 MR. NELSON: Mr. Chairman.
23 CHAIR JOHNSTONE: Comments from the board.
24 Mr. Kluberton?
25 VICE-CHAIR KLUBERTON: Thank you,

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1 Mr. Chairman.
2 I'll ask a question of staff. Is it
3 accurate that you tend to open this fishery at high
4 tide?
5 **MR. LEWIS:** No. We open it from the bottom of
6 the tide. It's based off the Nushagak tables, so
7 tide stage throughout the district could vary,
8 depending on where you are in the district. We open
9 it an hour before the Nushagak/Clarks Point low
10 water. So it's meant to give everybody an
11 opportunity, because the tide stage is different at
12 various points on the beach. So we basically fish
13 the flood and a little bit past it.
14 **VICE-CHAIR KLUBERTON:** Okay. Thank you.
15 **CHAIR JOHNSTONE:** Can you give me kind of the
16 gravamen of this ACR? Was there an area biologist
17 or a manager down there that was having a hard time
18 navigating it, or was there an enforcement issue
19 that led to the department filing this ACR?
20 **MR. NELSON:** Yeah. Mr. Chairman, the two
21 issues -- the biggest two issues are setting your
22 gear offshore of one's own permit; and the other one
23 was, the way it was set up, there was a mid-river
24 set that was being fished.
25 And the department tried to strike a

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1 compromise and allow the mid-river set to be fished
2 as well as the bank-oriented set. And the way the
3 regulation was written, it was supposed to be
4 either/or; but it can be interpreted as both. And
5 it was, and that put more gear in the water and made
6 the ability to get by it in a boat much more
7 difficult.
8 **CHAIR JOHNSTONE:** How are -- is there a tender
9 that goes up and down the river there that picks up
10 the fish?
11 **MR. NELSON:** There is, but it never goes past
12 the nets.
13 **CHAIR JOHNSTONE:** Okay. And how large is that
14 tender?
15 **MR. NELSON:** Substantial. I don't know the
16 exact measurements, but it's probably 50-feet-plus.
17 But, again, it doesn't have to -- it doesn't try to
18 navigate through where the nets are set.
19 **CHAIR JOHNSTONE:** And are there any nets set
20 from the opposite shore, from the east shore?
21 **MR. NELSON:** No, Mr. Chairman. But during low
22 tide, one net in a particular set went dry on the
23 west bank, which stretched gear across the entire
24 width of the river.
25 **CHAIR JOHNSTONE:** But there are no anchored

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1 running lines from the west shore? They are all
2 from the east shore; is that correct?
3 **MR. NELSON:** Correct.
4 **CHAIR JOHNSTONE:** And so can I assume, then,
5 when you say that the regulation did not identify
6 from which bank of the river measurement would be
7 taken, that that is meaningless, because everybody
8 knows they are taken from the east bank, and there
9 is no sets on the west bank?
10 **MR. NELSON:** Yeah. Mr. Chairman, again, I
11 think this -- this is partially our confusion. The
12 west bank is really -- I mean, not really much of an
13 issue. Somehow that crept into the language of this
14 ACR. The bigger issues are setting permits
15 offshore -- setting offshore of one's permit and
16 using both types of configurations.
17 **CHAIR JOHNSTONE:** Well, it crept in in B and C
18 in a significant way. It's the first thing that was
19 identified in both of them, so that's what we
20 focused on, at least in part.
21 Other comments, please? Ms. Jeffrey?
22 **MS. JEFFREY:** Thank you, Mr. Chair.
23 I almost feel like I want you to get up
24 at a dry-erase board and show me exactly what's
25 going on, but that doesn't look like it's possible.

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1 But would you say that the way the
2 regulation is written, it created a loophole? Is
3 that what you're suggesting?
4 **MR. NELSON:** That might be a way to state it.
5 It was interpreted different than we had intended
6 when we put the language together.
7 **CHAIR JOHNSTONE:** Okay. Other comments?
8 Mr. Kluberton?
9 **VICE-CHAIR KLUBERTON:** Thank you,
10 Mr. Chairman.
11 Reviewing RC15, wherein the fisherman who
12 operates the set mentions that an interpretation by
13 previous Area Trooper Gary Folger to a previous
14 board member, Mr. Webster, determined that a permit
15 holder could fish two 25-fathom nets on one leased
16 site. "He could use two 25-fathom nets and four
17 anchors if he wanted to. This is done where
18 currents are strong and the permit holder does not
19 have an anchoring device which can hold a longer net
20 in the current."
21 Have you received word from troopers or
22 any other enforcement body that that's an untrue
23 statement?
24 **MR. LEWIS:** Actually, prior to the 2012
25 meeting, you had to have one -- you had to have a

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1 piece of line attached to the east bank, and you
2 were allowed 1,000 feet. And, really, the issue is,
3 the river is about 1,500 feet wide, and 1,000 feet
4 cuts off the navigable channel. So the
5 configurations that we adopted at the 2012 board
6 meeting were the first time that those had been
7 around.

8 **VICE-CHAIR KLUBERTON:** All right. So I'm
9 unclear. By having two 25-fathom sets or nets,
10 wasn't there a navigable gap in between the two?

11 **MR. LEWIS:** The way it was adopted -- the way
12 it was deployed in 2013, yes. But prior to 2013,
13 that was not a legal configuration.

14 The way it has been deployed before with
15 two 25-fathom nets on the same running line, with
16 1,000 feet of running line, there is theoretically
17 enough space to put a net and then have the required
18 separation between a second net and still be within
19 your 1,000 feet. So that would be two nets on one
20 running line.

21 Two stand-alone, separate, mid-river sets
22 has never been permitted, to my knowledge, in the
23 Ugashik area. And that's what we're talking about,
24 is two sets that are standing mid-river with anchor
25 lines and a running line between two fixed points

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1 and not attached to the bank.

2 **VICE-CHAIR KLUBERTON:** Okay. And you think
3 that's out of compliance with the regulation as it
4 stands now? It sounds like somebody is reading
5 between the lines, that we've now -- we've changed
6 the regulation, speaking to the east bank, and we've
7 reduced things. We no longer have the 1,000-foot
8 line all the way across, creating a navigation -- so
9 we don't have the navigational hazard now that we've
10 got the gap between the nets, but you're trying to
11 say that the two nets you don't feel is within the
12 regulation, is allowable within the regulation as it
13 sits?

14 **MR. LEWIS:** That would be setting a net
15 offshore of one's own permit. And, right now,
16 that's allowed. We tried to deal -- or there was a
17 proposal to deal with that at the 2012 meeting, but
18 it was more in relation to dual setnet ownership.
19 And because the dual setnets went away, that
20 proposal got tabled. It was not -- it was picked up
21 and used to an advantage during the 2013 season, but
22 never before that.

23 **VICE-CHAIR KLUBERTON:** Okay. So you're saying
24 that the two nets, one seaward of the other,
25 anticipated separate permits for each net?

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1 **MR. LEWIS:** Historically, if you had a setnet
2 site with 1,000 feet of running line, you could not
3 set outside that. We -- at the 2012 meeting, we
4 provided for a stand-alone mid-river set with a
5 600-foot limit to install the gear.

6 This was within the 600 feet, but it was
7 two separate nets that were both stand-alone; and
8 there was a gap through there. And it is
9 technically legal, but it's putting a permit seaward
10 of one's self.

11 **VICE-CHAIR KLUBERTON:** All right. So you said
12 it's "legal, but." So how is it "legal, but," and
13 why are we talking about it if it's legal?

14 **MR. LEWIS:** That's one of the unanticipated
15 things that came out of this regulation. We did not
16 anticipate somebody putting something seaward of
17 themselves.

18 And the way it ends up, with the
19 configuration that resulted, it actually puts more
20 gear in the water. And, yes, there is a gap through
21 them, but it's also spaced out over a longer
22 distance.

23 **VICE-CHAIR KLUBERTON:** Wait. Now, how is it
24 more gear than if it were one 50-fathom set?

25 **MR. LEWIS:** Well, because it's got two -- the

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1 two anchor lines, which are allowed 100 feet within
2 each side. So you've got a 25-fathom, which is
3 whatever distance that is, 150 feet. And then you
4 have the anchor lines associated with both of those.

5 So you have to navigate both the anchor
6 lines and trying to find out where the gap between
7 those two anchor lines is. So it's actually got
8 more gear in the water than a single set on a single
9 running line. There's four times the anchors, twice
10 the buoys; so there is more gear in the water
11 because of that.

12 **VICE-CHAIR KLUBERTON:** Okay. More gear, but
13 none of that gear is catching fish except the nets
14 themselves?

15 **MR. LEWIS:** Yes. That's correct.

16 **VICE-CHAIR KLUBERTON:** Okay.

17 **UNIDENTIFIED SPEAKER:** Mr. Chairman, if I
18 might, I assisted in the drafting of the language
19 with Mr. Salomone and others, trying to come up with
20 a compromise to the original proposal that would
21 have pulled all fishing closer to the bank and not
22 allowed any mid-stream net to be operated. That was
23 the original proposal.

24 Our goal in drafting the language -- and
25 as we explained it, I think, at the time of the

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1 meeting -- was to allow the mid-river net to occur,
2 but then not to have a running line in to shore.
3 And we anticipated that there would be nothing
4 between the mid-river net and the shore to allow
5 navigation and movement back and forth between.
6 That's why we allowed -- we relieved an
7 operator who wanted to operate under this of their
8 requirement for having a running line running to
9 shore and instead allowed them to anchor in the
10 middle of the river.
11 And it seemed to satisfy a lot of the
12 concerns of both sides of the issue because it
13 allowed a mid-river operation but then anticipated
14 having, you know, at least 400 feet of passage
15 shoreward of the net.
16 What wasn't anticipated, I believe,
17 wasn't discussed or contemplated at the time, was
18 having another net shoreward of that mid-river net
19 operating, which would arguably defeat the purpose
20 of the exception that we were allowing for mid-river
21 fishing.
22 That was my understanding at the time and
23 I think Mr. Salomone's as well, that we were -- and
24 the board's too, I believe, on the record. We were
25 going to allow, you know, a mid-river net to be set

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1 out there with the understanding, in exchange, that
2 there would be nothing in between that net and the
3 shoreward side to allow for navigation.
4 I heard about this issue coming up this
5 summer and the way it was being operated, and I
6 think it was a surprise to most of us who were --
7 who, you know, had been involved in drafting the
8 language. And my first thought was, you know, we
9 should have thought of that, because it defeats the
10 purpose for the regulation, at the time.
11 **CHAIR JOHNSTONE:** -- if there was two
12 components of it. Now there is only one component.
13 But my concern is that this large tender -- I've
14 heard the tender is more than 50 feet. I've heard
15 the tender is like 60 or 70 feet. Could that be
16 possible?
17 **MR. LEWIS:** Yes, Mr. Chairman. It could be
18 that big. I don't have an exact dimension of it.
19 **CHAIR JOHNSTONE:** Okay.
20 **MR. LEWIS:** I do know that it does not travel
21 past the fishery, so to say that it can navigate I
22 don't think is an accurate statement.
23 **CHAIR JOHNSTONE:** But it sounds to me like
24 there is no violation. You say here that
25 "obstructing navigation caused by set gillnet gear

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1 would persist, and the regulation will remain
2 difficult to enforce."
3 Why do you say "difficult to enforce"?
4 Has there been an enforcement effort?
5 **MR. NELSON:** Mr. Chairman, I think it was
6 these -- the confusion over the RC that you're
7 seeing and what Lance is pointing out, and that
8 there -- it's not clear how this regulation is
9 designed to allow for navigation; and that when it
10 was implemented this year, unforeseen
11 interpretations of it allowed for gear deployments
12 that we hadn't anticipated. And that has made the
13 navigation hazard worse rather than better.
14 And it's not necessarily for the tender;
15 it's other river users who are the primary
16 complainants about the navigation hazard,
17 Mr. Chairman.
18 **CHAIR JOHNSTONE:** You have received
19 complaints?
20 **MR. NELSON:** The troopers received many phone
21 calls.
22 **CHAIR JOHNSTONE:** Are they documented? Are
23 they available?
24 **MR. NELSON:** Yes. The trooper, Scott Quist,
25 has tape recordings and documentations of all the

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1 complaints that we got, because they were very busy
2 with enforcement issues on the line, the district
3 line of the Ugashik District, and received a series
4 a series of phone calls from the in-river fishery,
5 which weren't responded to as a priority
6 immediately.
7 And then eventually the volume of those
8 complaints resulted in them going out, visiting the
9 site, contacting all the users of the group, and
10 then subsequently a second visit where they did some
11 enforcement actions.
12 **CHAIR JOHNSTONE:** Okay. I think that there's
13 a question in my mind of whether or not this was
14 something that could have been or should have been
15 foreseen. Some people may feel that they foresaw
16 that, and they took advantage of an opportunity; so
17 I think it's arguable in that case.
18 Other board comments? Ms. Jeffrey?
19 **MS. JEFFREY:** Hearing this discussion and
20 input from Mr. Nelson, I -- it seems clear to me
21 that this regulation, the way we wrote it, allowed
22 for something that was unforeseen. And, yes, what
23 I'm imagining is that maybe stair-stepping nets is
24 interfering with navigation. I can imagine extra
25 buoys and anchor lines and all of that interfering.

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1 And just listening to this discussion
2 leads me to believe that this was unforeseen. It is
3 causing problems. If we thought it was going to
4 result in this, we probably would have worded it
5 differently. I think that this rises to the
6 occasion of being held out -- being heard out of --
7 being taken up out of cycle. So I would support
8 passing this. Thank you.

9 **CHAIR JOHNSTONE:** Mr. Johnson?

10 **MR. JOHNSON:** Mr. Chairman, I'm having a hard
11 time envisioning just physically how this is all
12 laid out. And for the purposes of getting a better
13 understanding of that for all of us, I'd be willing
14 to discuss it under the terms of C here, an
15 unforeseen development; but, again, I'm familiar
16 with the situation but not that familiar so that I
17 can actually understand how it's laid out. It would
18 be great to have some pictures and arrows and
19 circles and -- like that. So . . .

20 **CHAIR JOHNSTONE:** Mr. Kluberton?

21 **VICE-CHAIR KLUBERTON:** Thank you,
22 Mr. Chairman.

23 Question for staff: When you visited the
24 site, were these nets floating with only standard
25 setnet cork lines? Can you describe the character

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1 of the floats that were attached? Were they more
2 visible, larger than the standard setnet cork line?
3 And could you see the gap between the two nets
4 delineated between the end floats on these sets?

5 **MR. LEWIS:** Mr. Kluberton and Mr. Chairman,
6 the arrangement that was there basically amounted to
7 a spreader pole. And I'm not sure of the exact
8 technical setup of it. I'm envisioning how it was,
9 because most of it was underwater.

10 There was a pole that the net was mounted
11 to to allow it to maintain its shape, fixed so that
12 it was -- it wouldn't contract or it wouldn't flag.
13 And then associated with that, there was an anchor
14 line and then two rather large buoys on each end of
15 the mid-river sets. We basically have a near-shore
16 set and a mid-river set.

17 In the mid-river set, there was actually
18 five of them. In one case, there was another
19 inshore kind of a standardized setnet with a running
20 line that was probably outside 600 feet. And then
21 the rest of the fishery, basically, had that
22 600 feet in a standard configuration.

23 So the six nets originally -- the
24 original issue revolved around two nets that were
25 set on a 1,000-foot running line and stuck out in

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1 the middle of the river, the mid-river set that
2 Mr. Johnson -- or Mr. Nelson alluded to. It went
3 from two of those to four -- actually five, with one
4 really long setnet stuck on the last setup. So
5 that's where the more gear results came from.

6 But each of those mid-river sets had two
7 poles stuck in the river with the nets attached,
8 buoys on top of the poles or close to them, and then
9 anchor lines that ran out laterally from those
10 buoys. You could see, in daylight, where the hole
11 was. At nighttime, I don't think so.

12 Does that get to where you're -- what
13 you're after?

14 **VICE-CHAIR KLUBERTON:** Yeah. It sounds like
15 the account I heard on this was that there were
16 large seine floats used to delineate where the nets
17 stood, making the gap between them quite clear; and
18 that there were a number of those large buoys across
19 throughout the mid-river set, probably, as you're
20 speaking, on the spreader poles or whatever. So it
21 sounds like there is some ingenious gear going on.

22 Is it common practice for folks that
23 drive on the river at night without lights?

24 **MR. LEWIS:** There is some traffic, but I can't
25 speak to what volume is there. I know that folks do

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1 move up and down during all stages of the day. It's
2 predominantly daylight or twilight during most of
3 that chunk of the year, but I can't speak to the
4 volume.

5 **VICE-CHAIR KLUBERTON:** It seems it wouldn't
6 get very dark, but -- and were these buoys red or
7 white?

8 **MR. LEWIS:** They were rusty.

9 **VICE-CHAIR KLUBERTON:** Okay. They were
10 unpainted?

11 **MR. LEWIS:** Yes.

12 **VICE-CHAIR KLUBERTON:** All right. Thank you.

13 **CHAIR JOHNSTONE:** Were there any incidents of
14 a vessel colliding with the running lines or with
15 the nets?

16 **MR. LEWIS:** I did hear of one this year. And
17 the year before last, one of our crews almost hit
18 one of the older style running lines; and it almost
19 took his forehead off.

20 **CHAIR JOHNSTONE:** So the year before last,
21 before this regulation was implemented --


22 **MR. LEWIS:** Correct.

23 **CHAIR JOHNSTONE:** -- you had the issue?

24 **MR. LEWIS:** And I believe last year somebody
25 struck one. I heard that he got tossed from his

1 skiff, but I can't confirm that. I did hear that
 2 somebody struck one, though.
 3 **CHAIR JOHNSTONE:** So you heard this. This is
 4 something you heard but you don't have any
 5 documentation of it at this time?
 6 **MR. LEWIS:** Yes.
 7 **CHAIR JOHNSTONE:** Okay. Other comments? Any
 8 other questions?
 9 Mr. Jensen?
 10 **MR. JENSEN:** Yeah. Thank you, Mr. Chair.
 11 After listening to the conversation, I am
 12 seeing that there was an unforeseen effect; and I
 13 think we probably should take a look at it, based on
 14 that one, Mr. Chair.
 15 **CHAIR JOHNSTONE:** Thank you. Anything
 16 further?
 17 The question has been called. Errors and
 18 omissions. Director Regnart?
 19 **DIRECTOR REGNART:** No, Mr. Chairman.
 20 **CHAIR JOHNSTONE:** Mr. Nelson?
 21 **MR. NELSON:** No, Mr. Chair.
 22 **CHAIR JOHNSTONE:** Captain King?
 23 **CAPTAIN KING:** No, Mr. Chair.
 24 **CHAIR JOHNSTONE:** Roll call vote.
 25 **UNIDENTIFIED SPEAKER:** Mr. Johnstone?

1 **CHAIR JOHNSTONE:** No.
 2 **UNIDENTIFIED SPEAKER:** Ms. Jeffrey?
 3 **MS. JEFFREY:** Yes.
 4 **UNIDENTIFIED SPEAKER:** Mr. Kluberton?
 5 **VICE-CHAIR KLUBERTON:** No.
 6 **UNIDENTIFIED SPEAKER:** Mr. Johnson?
 7 **MR. JOHNSON:** Yes.
 8 **UNIDENTIFIED SPEAKER:** Mr. Jensen?
 9 **MR. JENSEN:** Yes.
 10 **UNIDENTIFIED SPEAKER:** Mr. Morisky?
 11 **MR. MORISKY:** Yes.
 12 **UNIDENTIFIED SPEAKER:** The motion carries four
 13 to two.
 14 23:29
 15 **END OF RECORDING**
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1 **C E R T I F I C A T E**
 2
 3 SUPERIOR COURT }
 4 STATE OF ALASKA } ss.
 5
 6 I, LYNDA BATCHELOR BARKER, Registered
 7 Diplomate Reporter and certified for transcript
 8 services by the United States Courts and the Alaska
 9 State Courts, hereby certify:
 10
 11 That the foregoing pages contain a full,
 12 true and correct transcript of proceedings in the
 13 above-referenced matter, transcribed by me to the
 14 best of my knowledge and ability, or at my
 15 direction, from the electronic sound recording.
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 17 DATED at Juneau, Alaska, this 3rd day of
 18 December, 2013.
 19 SIGNED AND CERTIFIED TO BY:
 20
 21 
 22
 23 LYNDA BATCHELOR BARKER, RDR
 24 Notary Public for Alaska
 25 My commission expires: 5/6/2016