

November 20, 2014

Via fax: 907-465-6094

RE: Whittier Boat Owners Association's public comment regarding Proposal 5 – 5 ACC 55.023 to exclude sport fishers from fishing inside Alaska Fish and Game regulatory markers approximately 100 feet seaward of the Main Bay Hatchery barrier net.

Board of Fisheries:

The Whittier Boat Owners Association (WBOA) submits the following comments regarding the Prince William Sound Aquaculture Association's (PWSAC) proposal (Proposal 5 - 5 ACC 55.023) to restrict sport fishing to areas outside the Alaska Department of Fish and Game regulatory markers situated approximately 100 feet seaward of the Main Bay Hatchery (MBH) broodstock holding barrier net. The WBOA has serious issues with this proposal.

The Main Bay Hatchery is owned by the State of Alaska. Despite PWSAC's contention that the hatchery is operated at no cost to the state, each year, through legislative grants and other direct and indirect funding, the state pours hundreds of thousands of dollars of public funds in to the Main Bay Hatchery and other Prince William Sound hatcheries. The public directly contributes to the maintenance and operation of the MBH is entitled to equal participation in the hatchery production. PWSAC doesn't mention the regulatory and enforcement costs associated with the fishery that the state bears.

Many WBOA members have annually participated in the Main Bay red salmon sport fishery since the early eighties. They drove their boats to the extreme head of Main Bay, hundreds of yard inside of the present barrier net location and fished from the shoreline and from their boats in the furthest southwest corner of the bay. They know that this proposed regulation will destroy the Main Bay sport salmon fishery because it is nearly impossible to snag red salmon in saltwater unless they are yarded up in dense schools. That only occurs in front of the barrier net or at the head of the bay. PWSAC has improperly closed the head of the bay to sport fisher since they began placing the barrier net across the bay. Now the fish school up at the barrier net. Fishing anywhere other than at the absolute head of Main Bay or adjacent to the barrier seine is fruitless. Pushing sport and subsistence fishers away from the barrier net will destroy what remains of this fishery. PSWAC will have basically appropriated a large swath of public land and resources.

Prince William Sound Aquaculture Association concedes in its proposal that there is a "growing sport fishery" adjacent to the Main Bay barrier seine. However, it is not just a "growing" sport fishery. The recreational fishery they are proposing to basically eliminate is a well-established and very-popular sport fishery, one that is utilized by thousands of sport fishers. Many people depend on this fishery for their annual subsistence salmon harvest. The combined take by the sport and subsistence fisheries in Main Bay is less than 2% of the annual Main Bay harvest.

More salmon are killed and maimed each season by the barrier net itself than all of the fish taken by sport fishers. Each season, thousands of fish become entangled in the barrier net and die. See attached

photos. Others are seriously injured by the barrier net but eventually work free and join the broodstock. If PWSAC wants to prevent injured fish that “may” introduce disease from mingling with the broodstock, then they should eliminate the barrier net...not sport fishers. In fact, sport fisher catch and utilize countless fish that have been injured by seine and drift nets. What’s good for the goose.....

PWSAC claims it is necessary to eliminate sport fishing in this area to prevent the barrier seine from becoming fouled by hooks and anchors, and to prevent snagging injury to fish which then can no longer be used for brood stock. No doubt, hooks and occasional anchors foul the barrier seine, and some snagged salmon escape to mingle with brood stock, but that does not justify eliminating the sport fishery . Both of these concerns could be eliminated by allowing dipnetting adjacent to the barrier net rather than excluding non-commercial fishers. Furthermore, the stated biological concern is bogus given the enormous number of fish injured by nets that escape to mingle with broodstock. Furthermore, the huge number of salmon yarded up within the barrier net in the dozens of acres of public waters MBH has illegally closed far exceeds the number of broodstock needed for the hatchery. This proposal is really about money. PWSAC wants more fish for their members and particularly for the cost-recovery seiners. This proposal is disingenuous and deceptive.

MBH also suggests the proposed restriction is similar to that the Lake Bay hatchery. The area closed to fishing in Lake Bay is a small fraction (probably around 10%) of the area proposed for closing in Main Bay. Plus there is not much record of motorized vessel use in the small area closed in Lake Bay as there is in Main Bay.

By pursuing this regulation, PWSAC risks opening the door to lawsuits challenging the installation of the barrier net. The Army Corp of Engineers has no record that MBH ever applied for or received a necessary permit for the barrier net installation. Furthermore, the Corp states that the barrier net does not qualify as an aquaculture-farm installation that could be permitted under the state permitting program, because MBH is not an aquaculture farm and the barrier nets cause more than an insignificant barrier to navigable water. There is also no evidence that MBH obtained Marine Mammals Protection Act and the Endangered Species Act permits when they installed the barrier net. These permits are required because the net excludes endangered Steller sea lions and depleted harbor seals from their feeding areas and impedes their free travel. To compound these issues, for years MBH installed an illegal cork line in the general location of the boundary they now propose. They were forced to remove the cork line by ADF&G. They also posted illegal signs that stated that no fishing was allowed within 100 feet of the barrier net. The Board of Fisheries must not reinforce MBH’s habitually improper behavior by allowing them to improperly appropriate more public domain and resources.

Chris Pallister,

Vice President
Whittier Boat Owners Association