

Comments to the Alaska Board of Fisheries  
Proposal 202 and ACR 26, Regarding the 58- Foot Limit  
Feb. 29, 2015

For some years now this issue has been simmering without resolution. For whatever reasons, the 58-foot limit has been difficult to impossible to enforce. Through the recent process of discovery, it is has become apparent that essential elements of the 58-foot limit law are flawed and the board may not have the authority to fix them.

The overriding law is statute (**Sec.16.05.835.**) and such as that is, the board has very specific and limited authority to change the 58-foot limit; only what the legislature gave them a few years ago which is to change the length limit in a fishery. Anchor rollers and bulbous bows are exempted from the length measurement in sub paragraph (**c**) of the same statute but there is no mention of the board's authority to define "anchor rollers" or add other appendage language such as 'supporting structures' to the statute.

Also, recent findings in the commerce clause of federal law may render **Sec.16.05.835** moot. Alaska's authority to measure boats has come into question once a boat has been measured by federal standards and is conducting commerce between states.

Given all the above circumstances, Alaska statute **Sec.16.05.835** is flawed and must be changed. If this is true, it is unadvisable for the Board of Fisheries to further complicate and confuse these existing circumstances by defining anchor rollers or their structures as they apply to **Sec.16.05.835** without the proper a statue to do so.

I respectfully ask that the Board of Fisheries, request the commissioner of Fish and Game and the commissioner CFEC, undertake the necessary measures to clean up the governing statutes so that the regulations are clear, fair and enforceable for fishermen to plan their futures with clarity and certainty going forward.

Sincerely, Thomas S McAllister.