



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Central Peninsula Fish & Game Advisory Committee

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Chairman , John Jensen
Board of Fish members

As Chairman of the Central Peninsula AC we would like to request the Board correct an error in the final regulation that was drafted for Proposal 113 resulting from the 2017 Upper Cook Inlet BOF meeting. The final regulation is contrary to what the proposal was addressing, what the public and AC's where presented and contrary to the intent of the Board as was expressed during deliberation and action. Our AC submitted Proposal 113 to address a burdensome, unnecessary and impractical regulation that restricted the amount of gear onboard for fishing the Kasilof River Special Harvest Area (KRSHA).

We tried to make the proposal request and solution very simple, as presented in our solution and issue section in proposal 113. We also thoroughly explained to the Board during the AC recorded testimony and the Board committee process the problem and solution. The Board clearly agreed with us, made no amendments and approved the Proposal, as was presented. We thank the Board for the approval.

Unfortunately when the final regulation was written up it did nothing to address our issue. The final regulation drafted after the 2017 UCI, BOF meeting, addressed a different issue that was not even brought up before the public. The final regulation allows a D boat to fish in the KRSHA area. They previously were not allowed because they had more than 150 fathoms of gear on board. Proposal 113 did not specifically ask for this nor referenced anything about D boats. However passage of Proposal 113, as written, would allow a D-boat to fish one shackle in the KRSHA. Proposal 113 simply asked for an exemption to be able to have on board, in addition to the regular complement of gear, a different, specially designed KRSHA net. This would eliminate the unnecessary burden and time to un-sewing the special harvest area net, putting the regular shackle on the dock, go fishing in the KRSHA with the

KRSHA net , then repeat the process to fish the regular shackle outside the KRSHA, instead of just bagging the special harvest area net and have it onboard when fishing out of the KRSHA. The reason a special harvest area net is different than the regular salmon net is because the fish are smaller, the area is shallow and goes dry at minus tides, and has snags that tear the net up. Therefore the mesh is smaller, web heavier and shallower, less corks, etc. The special harvest net would be inefficient for fishing outside of the KRSHA. A standard net is tore up rapidly when fished in the KRSHA.

We would not support this current final regulation, had it been a proposal, nor do we support it now, because it does not solve the problem we stated in Proposal 113.

During deliberation, the Board addressed their intent that an extra shackle to the full compliment of gear be allowed on board and that a D boat would only be able to fish one shackle in the KRSHA, the same as a non-D boat. We supported that.

After deliberations and before the final BOF vote the Chairman always ask if there are any errors or omissions. ADF&G, the Department of Law and enforcement all said NO! Unfortunately the resulting final regulation is contrary to Proposal 113, stating that: "5AAC 39.240 (a) A salmon fishing vessel shall operate, assist in operation, or have aboard it or any boat towed by it, one legal limit of salmon fishing gear in the aggregate except as otherwise provided in this title." This was the justification for not allowing a KRSHA net to be on board. Again contrary to what Proposal 113 was asking for and the Board approved by their supportive vote. Had our AC known about the conflicting regulation of 5AAC39.240 or any other conflicting regulation we would have addressed those in Proposal 113, as we are sure the Board would have also have addressed in their deliberation.

We feel that the proper action would have been to recognize this error or omission during deliberation and inform the Board of the conflict with an existing regulation. The conflicting regulation could have been address at the meeting before the vote, instead of drafting a regulation contrary to Proposal 113 weeks after the meeting was over.

We see a simple and workable solution to correct this issue by putting into regulation, before this coming season, language that addresses conflicting regulation and complies with the intent of Proposal 113 and Board action that was taken at the UCI 2017 BOF meeting.

We would request that the Board, at their May meeting, reject the new current draft regulation as written and simply amend 5AAC 39.240 by adding:

(f) a Kasilof River Special Harvest Area net may be carried aboard fishing vessels.

It will also be necessary to repeal 5AAC21.333(f) and any other unforeseen

conflicting regulations.

For the Boards information, here is the current draft regulation for the KRSHA, as printed in the Department's UCI 2017 Salmon Outlook, 2017 Regulatory Changes that states:

“Kasilof River Special Harvest Area (KRSHA): When this area is open to commercial fishing, dual set gillnet permit holders may now fish with one net per permit, or two nets total. The provision limiting how much gear vessels may have on board while fishing in the KRSHA was repealed: however, the limit on the amount of gear that may be fished in the KRSHA was not changed, which is one 35-fathom set gillnet per permit holder and no more than 50 fathoms per drift gillnet vessel. Drifters are reminded that 5 AAC 21.331 and 5AAC 39.240 are still in effect, limiting the amount of drift gillnet gear that may be aboard to no more than 150 fathoms for single permit vessels or no more than 200 fathoms for dual permit vessels. “

Proposal 113, as submitted by our AC, states:

5AAC 21.365. Kasilof River Salmon Management Plan. (c)(5)(f) allows for the Kasilof River Special Harvest Area (KRSHA). This is a somewhat controversial fishery but none-the-less it is a valuable last chance management tool utilized by the biologist to help control the sockeye escapement into the Kasilof River and to allow a harvest of the surplus salmon. It is important to the fishermen who participate and it generates revenue and jobs along with utilizing a valuable and healthy food source. The issue we would like to address is under (iii) (8) a vessel may not have more than 150 fathoms of drift gillnet or 105 fathoms of set gillnet on board. In the KRSHA only one shackle, 50 fathoms for drift gillnet and 35 fathom for set gillnets may be used to take salmon. 5AAC 21.365 (c)(5)(f)(iii)(2) a set gillnet may not exceed 35 fathoms in length; and in (c)(5)(f)(iii)(4) no more than 50 fathoms of drift gillnet may be used to take salmon: The fishery is conducted basically within the mile and a half radius of the mouth on the river. The area is shallow and actually goes completely dry on a large minus tide. The fish tend to be smaller than salmon outside of the KRSHA. The net is always dragging on the bottom, which chafes the lead line and hangings plus there are some snags and rocks that will tear the web and strip the lead line from the web. For these reasons most everyone uses a separate net specifically design for the KRSHA so they don't tear up their good regular gear. The KRSHA net is usually smaller mesh size, sometimes shallower, heavier web and lead line hangings, so it won't tear and chafe as easily as regular gear. The problem exist that under the current regulation a vessel may not have more than 150 fathoms of drift gillnet or 105 fathoms of set gillnet on board. This regulation places an unnecessary burden on especially the drift fisherman because they have to un-sow one shackle from the other two shackles on the reel, go to the dock and have a crane unload that shackle, then lower the specially designed KRSHA shackle and put it on the reel. This can sometimes take several hours and the process is reversed when the KRSHA shackle is replaced by the regular shackle. The KRSHA is commonly opened on very short notice, so time is critical. Also there are

times when the KRSHA is open the same time an expanded corridor is open. If there are not any fish in the KRSHA and you want to try in the expanded corridor then having the KRSHA net on the reel instead of the regular net is not practical. The reverse is also a problem. If the expanded corridor doesn't have any fish and you want to try the KRSHA you would have to run into the river to change gear or risk tearing up the regular shackle, which will happen. Also if the tide is out it might be several hours before there is enough water to get to the dock to change gear. The simple and practical solution would be to modify the regulation by eliminating 5AAC 21.365.(c)(5)(f)(iii)(8). This modification has no allocative effects and does not create any unique advantage. It simply puts a common sense solution to an unforeseen problem. There should be no enforcement issue because under current regulations a vessel already is allowed more shackles on board than they are allowed to operate in the KRSHA.

5AAC 21.365 (c)(5)(f)(iii) [(8) A VESSEL MAY NOT HAVE MORE THAN 150 FATHOMS OF DRIFT GILLNET OR 105 FATHOMS OF SET GILLNET ON BOARD.]

We wish to thank the Board for addressing and rectifying this issue.

David Martin, Chairman