

MEMORANDUM

STATE OF ALASKA

Department of Law

To: Monica Wellard
Executive Director
Alaska Board of Fisheries

Date: November 27, 2012

File No.:

Tel. No.: 269-5232

Fax: 278-4607

From: Lance B. Nelson
Senior Assistant Attorney General
Natural Resources Section
Department of Law

Subject: **Comments on Specific
Proposals for 2012 Board of
Fisheries Meeting on Bristol
Bay Finfish Fisheries**

The Department of Law has the following comments on the proposals to be considered by the Board of Fisheries at its December 4-12, 2012 meeting on regulations for finfish fisheries in Bristol Bay.

Proposal 20: This proposal would tighten the description of waters open to setnet fishing allowing only “historical” set gillnet sites on the outside beaches of the Ugashik District. While the Board has the authority to set the boundaries for setnet fishing, we would recommend language that describes the boundaries without reference to any particular class of fishing sites because of vagueness and enforcement concerns.

Proposal 24: This proposal would allow fishers who hold two drift gillnet permits to elect to operate a 75-fathom seine in lieu of drift gillnet net gear. This proposal raises issues about the Board’s authority to limit the operation of a new gear type to only those who hold drift permits. Some follow up from CFEC may be necessary to effectively authorize such a fishery limited to current permit holders.

Proposal 25: This proposal would open a new troll fishery for coho salmon outside commercial fishing districts in Bristol Bay. The Board has the authority to do this, but the Board could not limit participation in a new Bristol Bay salmon troll fishery to current Bristol Bay CFEC permit holders. Any troll fishery would be open to current statewide CFEC salmon troll permit holders, which currently fish only in the Southeastern part of the state. If the Board adopts this proposal, effectuation of its action would be contingent on CFEC action as explained in CFEC’s memo on this proposal.

Proposal 68: This proposal would open a setnet fishery in a new area near Levelock. That is within the Board’s authority, but to the extent the proposal might imply that it would be for the benefit of village fishers, the Board may not designate or limit the fishers who participate based on residency.