

**On-Time Public Comment List**  
**Statewide Dungeness Crab, Shrimp, Misc. Shellfish (except**  
**Southeast and Yakutat) and Supplemental Issues**  
**March 17–20, 2015**

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Allen Tompkins.....	PC 01
Katherine Covey .....	PC 02
Birch Yuknis.....	PC 03
U.S. Fish and Wildlife Service.....	PC 04
Cordova District Fishermen United.....	PC 05
Debbie Cary.....	PC 06
Eric Schaetzle .....	PC 07
Jim St. Peter (1).....	PC 08
Jim St. Peter (2).....	PC 09
Joseph Simpson.....	PC 10
Keith Forsgren.....	PC 11
Elmer Schaetzle.....	PC 12
Michael Garcia .....	PC 13
Mike Sullivan.....	PC 14
Monica Lewis & Quinn H. Vaterlaus .....	PC 15
Nicky Szarzi.....	PC 16
Harlan Bailey.....	PC 17
Battle River Wilderness Retreat.....	PC 18
L. Tiel Smith, Benjamin Smith, Alec Smith, Erin Smith, Silke Smith, Lyle Smith, Niel Smith, Kaleb Smith, Reid Ten Kley, & Eike Ten Glkey.....	PC 19
George V. Hartley.....	PC 20
Douglas W. Chaney .....	PC 21
Robert Briscoe.....	PC 22
Ahtna, Incorporated.....	PC 23
Paul Degner.....	PC 24
Katmai Air, LLC Pete Raynor.....	PC 25
Kenneth Jones.....	PC 26
Ernie Kirby .....	PC 27
Jared H. Cockman.....	PC 28

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 Statewide Dungeness Crab, Shrimp, Misc. Shellfish (except  
 Southeast and Yakutat) and Supplemental Issues  
 March 17–20, 2015**

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Shawna Arend .....	PC 29
Stephen Jakab .....	PC 30
Tammy Bear (1).....	PC 31
Tammy Bear (2).....	PC 32
Chignik Lagoon Village Council .....	PC 33
Daniel M. Patterson .....	PC 34
Ryan Kaap.....	PC 35
Petersburg Vessel Owner’s Association.....	PC 36
Roger Nelson.....	PC 37
Darrell Kapp .....	PC 38

The following Public Comments and Record Copies were received 2013 Chignik Finfish, 2013 Lower Cook Inlet and 2014 Kodiak Finfish Meetings Regarding Proposal 44

Darius Kasprzak.....	PC 39
NOAA/NMFS Alaska Region .....	PC 40
Alaska Whitefish Trawlers Association .....	PC 41
Kenai River Sport Fishing Association .....	PC 42
Alaska Groundfish Data Bank.....	PC 43
Mike Shupe .....	PC 44
Alaska Whitefish Trawlers Association .....	PC 45
Matthew Graham.....	PC 46
Ron Naughton .....	PC 47
Alaska Groundfish Data Bank.....	PC 48
Matt Hegge .....	PC 49
Charlie Freeburg.....	PC 50
Matt Hegge .....	PC 51
John M. McCarthy.....	PC 52

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**March 17–20, 2015**

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The following Public Comments and Record Copies were received 2014 Work Session and Kuskokwim Subsistence Salmon Panel Meeting 2014 regarding Proposals 271 & 272

Grant Fairbanks.....	PC 53
Orutsararmiut Native Council .....	PC 54
Art Nelson .....	PC 55
Association of Village Council Presidents .....	PC 56
Bev Hoffman .....	PC 57
Kuskokwim Native Association .....	PC 58
Mike Rearden.....	PC 59
Mike Leary .....	PC 60

The following Public Comments and Record Copies were received 2015 Southeast and Yakutat Finfish Meeting regarding Proposal 202

Buck Laukitis.....	PC 61
Thomas (Scott) McAllister .....	PC 62
Petersburg Vessel Owner’s Association .....	PC 63
S.E. Alaska Seiners .....	PC 64
Ray Wadsworth .....	PC 65
Kenneth Jones .....	PC 66
Daniel Patterson .....	PC 67
Bruce B Weyhrauch .....	PC 68
Robert Briscoe .....	PC 69
Doug Chaney .....	PC 70
Purse Seine Vessel Owners’ Association .....	PC 71
Thomas (Scott) McAllister .....	PC 72
Petersburg Vessel Owner’s Association .....	PC 73
Bruce Wallace .....	PC 74
ADF&G Boards Support .....	PC 75
Thomas (Scott) McAllister .....	PC 76

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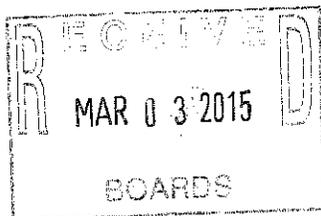
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The following Public Comments and Record Copies were received 2014 Work Session and the 2015 Southeast and Yakutat Finfish Meeting regarding Proposal 276

Beaver Nelson .....	PC 77
Timothy J. Moore .....	PC 78
Leroy L. Cabana .....	PC 79
Buck Laukitis .....	PC 80
Kenneth M. Jones .....	PC 81

**Public Comments from Advisory Committees**

Stony Holitna Fish and Game Advisory Committee (Minutes 2/27/15) .....	PC 82
Stony Holitna Fish and Game Advisory Committee (Phone Poll) .....	PC 83



Douglas W. Chaney  
F/V Pacific Rose  
11719 Madera DR SW  
Lakewood, WA 98499

March 3, 2015

Alaska Department of Fish and Game  
Boards Support Section  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

**RE: Proposal 276, Board of Fisheries Meeting, March 17–20, 2015**

Dear Board of Fisheries Members:

Please do not adopt Proposal 276.

As a long-time Southeast Alaska salmon purse seine fisherman, I respectfully request that the Board not adopt Proposal 276. I agree with and support Robert Briscoe's comments made to you on Proposal 276, which deals with vessel length and anchor rollers.

My boat, the Pacific Rose, has been measured by the Coast Guard's delegated classification authority, the American Bureau of Shipping (ABS), and it is less than 58 feet overall length and fully complies with federal and Alaska law. The ABS measured my boat and determined it is 57.5 feet. I attach my ABS Tonnage Certificate. In addition to the ABS measurement, my boat has been measured twice by State of Alaska troopers, twice by marine surveyors, and once by a naval architect. Each time my vessel's measurement was 57.5 feet.

My vessel has an anchor roller. My vessel's anchor roller is an assembly that is used solely for the deployment or retrieval of my vessel's anchor gear. My anchor roller assembly does not contain buoyant volume, does not add any structural support, usable deck surface, or planing surface. I have also constructed a bulbous bow below my vessel's water line knowing that bulbous bows are excluded from the vessel overall length measurement.

If the Board adopts Proposal 276, I would have to either cut off my vessel's bulbous bow, because the anchor would drop on it, or risk substantial damage to my vessel if I drop my anchor onto the bulbous bow. Furthermore, if the Board adopts Proposal 276, I would suddenly be violating the law because my anchor roller is



essentially integrated into my boat's bow. Such an action by the Board would be unjust and would be challenged in the courts.

I have relied on the Coast Guard's authority and determination of vessel length as fully adopted by the State of Alaska in AS 16.05.835. I have relied on this federal and state language in designing and constructing my boat by insuring that the "overall length" of the vessel is 58 feet as measured by the straight line length between the extremities of the vessel excluding anchor rollers. Again, I request that the Board of Fish reject Proposal 276.

Thank you for your time and consideration of my comments.

Sincerely yours,

A handwritten signature in cursive script that reads "Doug Chaney".

Douglas W. Chaney



Certificate Number:  
**A110089N**

# UNITED STATES OF AMERICA

AMERICAN BUREAU OF SHIPPING

## TONNAGE CERTIFICATE

### GENERAL INFORMATION

Vessel Name	<b>PACIFIC ROSE</b>	Vessel Number	<b>CG 1017413</b>	Vessel Type	<b>FISHING VESSEL</b>
Builder	<b>JOHN MANLY SHIPYARDS</b>	Hull Number	<b>549</b>	Propulsion	<input checked="" type="checkbox"/> Self-Propelled <input type="checkbox"/> Non-Self-Propelled
Where Built	<b>VANCOUVER, BC., CANADA</b>			Date Keel Laid / Altered	<b>1979</b>

### MAIN DIMENSIONS

Definition Used	Registered Dimension	Length		Breadth		Depth	
		m	ft	m	ft	m	ft
Convention	X	15.88	52.1	6.10	20.0	2.74	9.0
Overall		17.52	57.5	m	ft	m	ft
Pre - 1990		m	ft	m	ft	m	ft

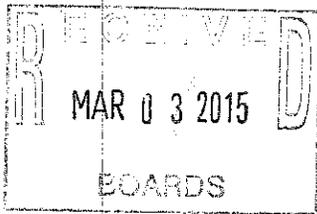
### TONNAGES

Measurement System	46 CFR 69 Subpart	Gross Tonnage	Net Tonnage
CONVENTION			
REGULATORY	C	60 GRT	4 NRT

I CERTIFY that I am duly authorized by the United States Government to issue this certificate:

Issuing Officer: **M. TREDER**  
Principal Engineer

Issued At: **Houston, TX**  
Date: **February 3, 2011**



Robert Briscoe  
F/V Royal Mariner  
1043 Peace Portal Drive  
Blaine WA 98230

March 3, 2015

Alaska Department of Fish and Game  
Boards Support Section  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

**Proposal 276, Board of Fisheries Meeting, March 17–20, 2015**

Dear Board of Fisheries Members:

Please do not adopt Proposal 276.

As a long-time Southeast Alaska salmon purse seine fisherman, I submit these comments to you on Proposal 276, which deals with vessel length and anchor rollers. Proposal 276 would amend 5 AAC 39.117 (vessel length; bulbous bow), which currently reads as follows:

- (a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.
- (b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, which is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel.



This regulation was adopted in 1990, after the Alaska Legislature adopted AS 16.05.835 (maximum length of salmon seine and certain hair crab vessels):

- (a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.
- (b) A vessel engaged in the Bering Sea hair crab fishery within five miles of the shore may not be longer than 58 feet overall length.
- (c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

The Legislature thus grandfathered in boats that were longer than 58 feet overall length that were operating before January 1, 1962, in AS 16.05.835.

Proposal 276 would add two sections to 5 AAC 39.117 as follows:

- (c) Anchor rollers extending beyond the forward extremity of the bow are not included in the determination of the overall length of a salmon seine vessel as specified in AS 16.05.835 or a regulation of the Board of Fisheries, however when anchor rollers are inset into the bow, or placed behind the bow, the determination of overall length is made using the forward extremity of the bow.
- (d) For the purposes of this section and as used in AS 16.05.835 (c), "anchor roller" means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional flotation, planing surface, deck surface, or structural support to the vessel. The anchor roller may not extend more than 12 inches beyond the overall length restriction for the vessel.

The Board of Fisheries held a meeting on Proposal 276 in Sitka in February 2015, and also took testimony on Proposal 202 (which also related to a vessel's



overall length. The Board decided not to take any action on Proposal 202, deferring further deliberation on it, and decided instead to consider the issue in conjunction with Proposal 276 during its March 2015 meeting.

I ask the Board not to take any action on Proposal 276, which, if adopted, would open up a Pandora's Box of problems. Those problems include at least the following (there may be more but these are the ones I have been able to identify within the time limit to submit comments):

1. Many vessels operating in Alaska have been constructed, or were modified, based on AS 16.05.835 and 5 AAC 39.117. AS 16.05.835 was enacted in 1990 (see attached RC submitted to you by Bruce B. Weyhrauch in Sitka related to Proposal 202 on the legislative history of AS 16.05.835). Twenty-five years of guidance to commercial fishermen by this statute has not resulted in problems with vessels.
2. However, in the past 4 years, the Board has accepted Agenda Change Requests based on an observation from a fisherman and someone from the state, who may be under the impression that some fishermen are "getting away" with something, or that somehow, creative fishermen are skirting the letter or spirit of the law. Though those perceptions appear to have had some pull with the Board, because the Board has accepted those ACRs, in reality there is not a problem to solve.
3. Refer to the attached PC 83 submitted by Ray Wadsworth, a boat builder in Kodiak, which was submitted to the Board on Proposal 202 last month. He and other vessel builders and owners have relied on AS 16.05.835 and 5 AAC 39.117 in building and modifying boats for 25 years.
4. Mr. Wadsworth indicates that he (and probably others) has relied on the practices and standards established by the Coast Guard and Naval Architect industry regarding vessel length.
5. Mr. Wadsworth suggested that the Board adopt the industry practice for all measurements and rely on the Coast Guard documentation papers for determining vessel length. That is what the state, through the Legislature, has done in AS 16.05.835. Other Alaska agencies also rely on, or defer to the Coast Guard's method of measuring vessel length.



6. Fishermen, boat builders, myself, and the Legislature (as reflected in AS 16.05.835) have all relied on the Coast Guard for determining the length of vessels.
7. CFEC has prepared an extensive analysis of vessel length statutes and regulations and has summarized state and federal statutes and regulations that refer to vessel length. I am including CFEC's six-page matrix with these comments. CFEC relies on Coast Guard standards of vessel length when determining the fees that would be paid by a vessel owner to operate in Alaska's fisheries.
8. Vessels have been constructed to be 58 feet overall length and have integrated the statutory language in AS 16.05.835 into the vessel's design and construction by insuring that the "overall length" of the vessel is 58 feet as measured by the straight line length between the extremities of the vessel, excluding anchor rollers.
9. This understanding of law, and the methods of vessel construction, have all recognized that only that portion of the vessel comprising the bulbous bow can exceed the "overall length" limitation as defined by Alaska's Legislature.
10. Fishermen have also constructed on their vessels' bulbous bows below the vessel's water line knowing that those bulbous bows are excluded from the vessel overall length measurement.
11. If the Board adopts Proposal 276, a large number of boats will have to either cut off their vessel's bulbous bow, because the anchor would drop on it, or risk substantial damage to a vessel when an anchor is dropped onto the bulbous bow.
12. If the Board adopts Proposal 276, it will be an extremely costly alternative, compared to not adopting the Proposal. Further, the Board would be acting without evaluating the fiscal and nonfiscal impact of Proposal 276 on the affected public. The burden and the economic impact of Proposal 276 on the public would be substantial. That would violate the letter and spirit of The Governor's Administrative Order Number 266 (Aug. 26, 2013).



13. The Coast Guard has statutory authority under 46 U.S.C. Part J (Measurement of Vessels) for measuring vessels required or eligible to be documented as vessels of the United States. The Coast Guard has delegated to the American Bureau of Shipping (ABS) as its agent for inspecting, length certification, and endorsements issued to documented vessels of the United States and in foreign countries. See attached 1995 Memorandum of Understanding between the United States Coast Guard and the American Bureau of Shipping Concerning Delegation of Vessel Inspections and Examinations, and Tonnage Measurement, and Acceptance of Plan Review and Approval. The ABS and the Coast Guard entered into this MOU under 46 C.F.R. § 69.27(a) of the Coast Guard's regulations which provides: "Under 46 U.S.C. 14103 and 49 C.F.R. § 1.46, the Coast Guard is authorized to delegate to a 'qualified person' the authority to measure vessels and to issue appropriate certificates of measurement for U.S. vessels that are required or eligible to be measured as vessels of the United States."
14. Federal law related to vessel length is found at 46 U.S.C. § 2101(20b):
  - 'overall in length' means —
  - (A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—
    - (i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or
    - (ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and
  - (B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.
15. 46 C.F.R. § 69.9 contains many definitions used by the Coast Guard, but the one that is most important in the context of Proposal 276 is the Coast Guard's definition of overall length: "Overall length means the horizontal distance between the foremost part of a vessel's stem to the aftermost part of its stern, excluding fittings and attachments."



16. The ABS measures boats such as seine boats. My boat has been measured by the ABS and it is less than 58 feet overall length and fully complies with Alaska law: it is 57.2 feet overall length. I attach my ABS Tonnage Certificate. My vessel's anchor roller is an assembly that is used solely for the deployment or retrieval of my vessel's anchor gear. My anchor roller assembly does not contain buoyant volume, does not add any structural support, usable deck surface, or planing surface.
17. However, if the Board adopts Proposal 276, because my anchor roller is essentially integrated into my bow, all of a sudden, I would be violating the law. (See the attached picture of my boat, which has integrated the anchor roller into the bow.) The Board should not do that. It would be unfair and would be challenged in the courts.
18. If the Board does adopt Proposal 276, it will affect vessels that fish in Alaska and other places around the United States. That will negatively affect commerce among and between the states. The federal government has made a national determination of what vessel length is, and Proposal 276 would interfere with the Coast Guard's long-established definition of vessel length and the national understanding and longtime state understanding of vessel length and how it is measured.

Thank you for considering these comments.

Yours,

*Robert Briscoe*

Robert Briscoe





Mr. Tom Kluberton  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
1255 W. 8th Street  
Juneau, Alaska 99811-5526

February 26, 2015

**RE: Public Comment on Proposal 202 and 276**

Dear Mr. Chairman:

During the evening of February 24, 2015, the Board of Fisheries held a meeting in Sitka on the two referenced proposals related to vessel length and anchor rollers. I offered testimony before the Board. At the conclusion of my testimony, you asked me to submit a PC to the Board that contained the points I discussed during my testimony. This is the PC you requested.

AS 16.05.835 provides:

- (a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.
- (b) A vessel engaged in the Bering Sea hair crab fishery within five miles of the shore may not be longer than 58 feet overall length.
- (c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

This statute grandfathers in salmon seine vessels operating in state waters that were longer than 58 feet before 1962, and allows the Board to adopt regulations authorizing vessels that are longer than 58 feet.

In 1990, when this statute was amended in the House Resources Committee by HB 569 (to read as it does today), the following discussion took place:



CO-CHAIRMAN CLIFF DAVIDSON stated HB 569 is legislation to change measurements for changing times; it updates language currently in AS 16.05.835 which states commercial salmon seiners may not be longer than 50 feet, registered U.S. Coast Guard length, and 58 feet overall length. He advised members on September 12, 1989, the U.S. Coast Guard changed their method of measuring vessels. They are now measuring the overall length of a boat to be consistent with international law.

Co-Chairman Davidson said Alaska statute and regulation both refer to the 50 feet registered Coast Guard length language and pointed out that if the language is not changed in statute, newly built salmon seiners will be Coast Guard registered using the overall length rather than the keel length and would be over the allowable size limit.

He stated the language change proposed in HB 569 will correct this problem and simplify the measurement standard.

BOB CLASBY, Alaska Department of Fish and Game (ADF&G), Division of Commercial Fisheries, stated ADF&G supports HB 569 with recommended amendments to define overall length.

REPRESENTATIVE BILL HUDSON MOVED to AMEND HB 569 to include the definition of "overall length" to mean "the straight line length between the extremities of the vessel, but does not include anchor rollers." There being NO OBJECTION, it was so ordered.

Representative Hudson MOVED to report out of Committee CSHB 569 (RES) with INDIVIDUAL RECOMMENDATIONS. There being NO OBJECTION, it was so ordered.

Any future action the board might take to negatively affect fishing vessels now operating in the state could, as the legislature has done, grandfather in existing vessels operating in state waters. Thank you.

Bruce B. Weyhrauch  
114 South Franklin Street  
Suite 200  
Juneau, Alaska 99801  
(907) 463 5566



Submitted By  
Ray Wadsworth  
Submitted On  
2/9/2015 10:23:04 AM  
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Kodiak Marine  
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Comments on proposal # 202 to the Board of Fish

by Ray Wadsworth,  
Kodiak Marine Construction Co.

As a vessel designer and builder, I have relied on the practices and standards, established by the U.S. Coast Guard and the Naval Architect industry, regarding vessel length. I would like to make the BoF aware that the "design length" is the length and breadth to the "inside" of the Planking, plating or layup, which really does represent the "buoyant envelope" of the vessel. The thickness of the planking, plating or layup depends on the rake of the bow and stern ends. The greater the rake, the thicker the Planking material when the measurement is taken horizontally. For example, a plank 1" thick that is standing vertical is almost 1.5" thick on the horizontal measurement when laying forward at a 45 degree angle. Hence, a design length of 58', might have an overall length of 58.5', while the buoyant envelope is exactly 58'. (This would be really hard to measure in the field).

My concern over this issue before the BoF is that I have started construction of 3 vessels, and I need to make sure that the rules don't disrupt what I have already designed and built. My 58' design is 58' to the inside of the plating which constitutes the buoyant envelope of the vessel.

I propose that the BoF adopt the industry practices for all measurements and rely on the Coast Guard documentation papers for measurement references regarding any vessel. If the documentation papers are incorrect for some reason, say a vessel was lengthened or widened, then by existing laws, the vessel must be re-measured and new, or amended documentation papers drafted.

Sincerely, Ray Wadsworth



Alaska Statutes			
Application	Citation	Specific Language	Implemented
58-foot seine vessel limit	AS 16.05.835  Maximum length of salmon seine and certain hair crab vessels	<p>(a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.</p> <p>(b) A vessel engaged in the Bering Sea hair crab fishery within five miles of the shore may not be longer than 58 feet overall length.</p> <p>(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers</p> <p><b>[note: Since 1970, this section has consistently defined "overall length" as in (c) above]</b></p>	1970 (modified in 2005, 2004, 1996, and 1990)
Renewal of vessel license through CFEC	AS 16.05.530  Renewal of Vessel License	<p>(a) Upon payment of the vessel license fee and filing of the name and address of the owner of the vessel or the owner's authorized agent, the name and number of the vessel, a description of the vessel, the vessel license number, if any, the area to be fished, and other reasonable information required by the Alaska Commercial Fisheries Entry Commission, the commission shall issue a permanent number plate and a vessel license. If the vessel has a number plate, the commission shall issue a vessel license and tab designating the year the license is valid. The tab shall be placed in the space provided on the permanent number plate.</p> <p>(b) For calendar year 2006 and following years, the annual fee for a vessel license issued or renewed under this section is set according to the overall length, as defined by the United States Coast Guard, of the vessel under the following schedule:</p> <p>(1) 0 - 25 feet.....\$24                  (2) over 25 feet - 50 feet.....\$60                  (3) over 50 feet - 75 feet.....\$120                  (4) over 75 feet - 100 feet.....\$225                  (5) over 100 feet - 125 feet .....\$300                  (6) over 125 feet - 150 feet.....\$375                  (7) over 150 feet - 175 feet.....\$450                  (8) over 175 feet - 200 feet.....\$525                  (9) over 200 feet - 225 feet.....\$600                  (10) over 225 feet - 250 feet.....\$675                  (11) over 250 feet - 275 feet.....\$750                  (12) over 275 feet - 300 feet..... \$825                  (13) over 300 feet.....\$900</p> <p><b>[note: House Bill 297 was passed in 1995 and put into effect in 1996. It modified AS 16.05.530 to establish six (6) vessel fee categories of \$20 to \$750. The statute was amended in 2005 to establish the fee categories listed above]</b></p>	1996 (amended to current language in 2005)



United States Code			
Application	Citation	Specific Language	Implemented
Definition of overall length used by USCG	46 USC §2101(20b)	<p>“overall in length” means—</p> <p>(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—</p> <ul style="list-style-type: none"> <li>(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or</li> <li>(ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and</li> </ul> <p>(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.</p>	

Code of Federal Regulations			
Application	Citation	Specific Language	Implemented
NOAA/NMFS definition of overall length under the Magnuson- Stevens Act	50 CFR 679.2	<p>Length overall (LOA) of a vessel means the centerline longitudinal distance, rounded to the nearest foot, measured between:</p> <ul style="list-style-type: none"> <li>(1) The outside foremost part of the vessel visible above the waterline, including bulwarks, but excluding bowsprits and similar fittings or attachments, and</li> <li>(2) The outside aftermost part of the vessel visible above the waterline, including bulwarks, but excluding rudders, outboard motor brackets, and similar fittings or attachments (see Figure 6 to this part).</li> </ul>	2001 (amended Figure 6 in 2003)



<b>Board of Fisheries Regulations</b>			
<b>Application</b>	<b>Citation</b>	<b>Specific Language</b>	<b>Implemented</b>
Bulbous bow	<b>5 AAC 39.117</b>  <b>Vessel length; bulbous bow</b>	<p>(a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation.</p> <p>(b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel</p>	2008
Herring vessel specifications	<b>5 AAC 27.893</b>  <b>Herring vessel specifications for Kuskokwim area</b>	(a) In the Goodnews Bay, Nelson Island, and Cape Avinof Districts, a vessel used to take herring may not be more than 30 feet in overall length. For the purpose of this section, "overall length" means the straight-line measurement between the extremities of the vessel.	1987 (most recent amendment 1998)
Pacific cod vessel specifications	<b>5 AAC 28.081</b>  <b>State-waters Pacific cod Management Plans</b>	<p>(c) As used in this chapter, the term</p> <p>(9) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;</p>	1997 (most recent amendment 2012)
Tanner crab vessel specifications	<b>5 AAC 35.590</b>  <b>Area J Tanner crab management plan</b>	<p>(a) In the Eastern Aleutian District, in the waters of Unalaska Bay enclosed by a line from Cape Cheerful (54_ N. lat., 166_ 40.33' W. long.) to Priest Rock (54_ N. lat., 166_ 22.50' W. long.), Tanner crab may not be taken by vessels over 50 feet, United States Coast Guard registered length or 58 feet overall length. In the remainder of the Eastern Aleutian District, Tanner crab may not be taken by vessels over 58 feet in overall length when the guideline harvest level for Tanner crab in the Eastern Aleutian District is 1,000,000 pounds or less.</p> <p>(b) Tanner crab may not be taken in the Chignik and South Peninsula Districts by vessels over 58 feet in overall length.</p> <p>(c) In this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.</p>	1983 (most recent amendment 2005)

(cont'd)



Board of Fisheries Regulations			
Application	Citation	Specific Language	Implemented
King crab vessel specifications	5 AAC 34.590	(a) In the West Chignik District, a vessel engaged in the commercial king crab fishery may not be longer than 58 feet overall length.	2002
	Area M king crab management plan	(b) For the purposes of this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.	
King crab vessel specifications	5 AAC 34.925	(f) For the purposes of this section, "overall length" means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.	1982 (most recent amendment 2008)



Commercial Fisheries Entry Commission Regulations			
Application	Citation	Specific Language	Implemented
CFEC permit regulations with overall length definitions	20 5AAC 05.786 <b>Definitions: Prince William Sound Sablefish permits</b>	"overall length" means the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding rudders, outboard motor brackets, and other similar fittings and attachments.	1997
	20 5AAC 05.823 <b>Fishing capacity restrictions for Kodiak food and bait herring permits</b>	"overall length" means the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding fittings and attachments.	2001
	20 5AAC 05.831 <b>Fishing capacity restrictions for Kodiak bairdi Tanner crab pot permits</b>		2004
	20 5AAC 05.1420 <b>Definitions: Bering Sea hair crab vessel permits</b>		2014



Commercial Fisheries Entry Commission Vessel Licensing Forms			
Application	Citation		Implemented
CFEC Commercial Vessel License Application/Vessel License Fee	1996 Commercial Vessel License Application	<p><b>New Vessel License Fees</b></p> <p>Beginning in 1996, vessel license fees will be based on the overall length of the vessel. Overall length is defined as “the horizontal distance between the outboard side of the foremost part of the stem and the outboard side of the aftermost part of the stern, excluding rudders, outboard motor brackets, and other similar attachments.”</p> <p>In order to verify vessel length during 1996, we are asking each vessel owner to submit a copy of the USCG documentation or registration. If we are unable to verify the length and correct fee, issuance of the license will be delayed. The vessel owner or agent must certify under penalty of perjury, by signing the form, that all information provided is true and correct.</p>	1996
	2013 Commercial Vessel License Application	<p>The vessel license fee is based upon the United States Coast Guard definition of overall length of the vessel.</p> <p>“Overall length is defined as the horizontal distance between the outboard side of the foremost part (bow) of the hull and the outboard side of the aftermost part (stern) of the hull. It does not include bowsprits, rudders, outboard motor brackets, swim platforms that do not contain buoyant volume, and other similar fittings and attachments that are not part of the buoyant hull envelope”.</p>	2013
	2015 Commercial Vessel License Application	<p>The vessel license fee is based upon the United States Coast Guard definition of overall length of the vessel, 46USC2101(20b) “overall in length” means:</p> <p>(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or (ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and</p> <p>(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments</p>	2015



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES COAST GUARD  
AND THE  
AMERICAN BUREAU OF SHIPPING  
CONCERNING DELEGATION OF  
VESSEL INSPECTIONS AND EXAMINATIONS, AND  
TONNAGE MEASUREMENT, AND  
ACCEPTANCE OF PLAN REVIEW AND APPROVAL**

I. Purpose.

This Memorandum of Understanding (MOU) delegates authority and sets forth guidelines for cooperation between the United States Coast Guard and the American Bureau of Shipping (ABS) with respect to the initial and subsequent inspections for certification and periodic reinspections or examinations of vessels of the United States, as defined by 46 U.S.C. § 2101(46), both in the United States and in foreign countries, in the review and approval of plans, the tonnage measurement of vessels, and in associated activities. Nothing in this MOU alters in any way the statutory or regulatory authority of the Coast Guard or the rules, services and responsibilities of the ABS related to vessel classification.

II. Parties.

A. The Coast Guard is statutorily authorized to administer laws and promulgate and enforce regulations for the promotion of the safety of life and property at sea and the protection of the marine environment. In accordance with the authority granted by 46 U.S.C. § 2104 and § 3316, the Coast Guard is authorized to delegate to the ABS the inspection and examination of vessels of the United States. The Coast Guard also has statutory authority under 46 U.S.C. Part J - Measurement of Vessels, for the measurement and the certification of tonnages for vessels required or eligible to be documented as vessels of the United States. Under 46 U.S.C. § 14103, the Coast Guard may delegate the authority to measure certain vessels to qualified persons. Further, under 46 U.S.C. § 3316, the Coast Guard is authorized to accept the review and approval of vessel plans performed by the ABS.

B. The ABS is a not for profit corporation chartered under the laws of the State of New York. The ABS is chartered for the purpose of promoting the security of life and property on the seas, and protection of the marine environment. The ABS is



maintained as an organization having no capital stock and paying no dividends. The Secretary of Transportation appoints two active representatives, one of which is the Commandant of the Coast Guard, to represent the U.S. Government on the ABS Council



or Board of Directors. Affected American interests and members of the Coast Guard serve on technical and special committees of the ABS and have a voice in the development of Rules for classification published by the ABS. A standing committee of personnel from the Coast Guard and the ABS periodically reviews the relationships between the organizations.

III. Delegations of Vessel Inspections and Tonnage Measurements and Acceptance of Plan Reviews and Approvals

A. Delegation.

1. The Coast Guard delegates to the ABS, as its agent, the authority to conduct the initial inspection for certification, subsequent inspection for certification, periodic reinspection and examination, including drydock examinations, and the authority to issue and endorse certain certificates for vessels documented, or to be documented, as vessels of the United States, both in the United States and in foreign countries.

2. The ABS is a qualified person for the purposes of measuring vessels and issuing certificates in accordance with 46 U.S.C. Part J and is delegated the authority to conduct tonnage measurement services in accordance with federal regulations as part of the Coast Guard vessel certification process.

B. Acceptance of Plan Reviews and Approvals.

1. The Coast Guard will accept the review and approval of vessel plans by the ABS in the same manner as if approved by the Coast Guard.

C. Terms.

1. The Coast Guard and the ABS will meet periodically, at all levels, to promote cooperation and handle matters of interpretation and policy concerning the subjects of this agreement.

2. In carrying out this agreement, the ABS will,

(i) provide written confirmation, in a mutually agreed format and media, of the results of inspections, examinations, reviews and approvals conducted on behalf of the Coast Guard, and provide the Coast Guard access to information concerning deficiencies identified by the ABS, related to functions delegated under this MOU. Subject to agreement of the



vessel's owner, the ABS will provide the Coast Guard access to information concerning deficiencies related to classification by the ABS which have not been fully corrected;

(ii) in accordance with 46 U.S.C. §§ 3310 and 3316(c) (2), maintain in the United States records of all



inspections , examinations, measurements, reviews, and approvals done on behalf of the Coast Guard and make such records available to the Coast Guard upon request;

(iii) be subject to a mutually acceptable oversight program administered by the Coast Guard to determine that the functions delegated under this MOU are being carried out;

(iv) designate appropriate persons in the ABS to serve as points of contact with the appropriate Coast Guard personnel on matters of interpretation, policy, and the working relationship;

(v) submit proposed changes to the ABS Rules and the associated ABS quality system procedures and process instructions related to functions delegated under this MOU to the Coast Guard for review and comment to determine that these documents, read together with the U.S. Supplement to the ABS Rules, are consistent with U.S. law, regulation, and policy. Where the ABS adopts ABS Rule changes which are determined by the Coast Guard not to be consistent with Coast Guard regulation and policy, corrective provisions will be made in the U.S. Supplement to the ABS Rules;

(vi) submit for approval by the Coast Guard proposed changes to the U.S. Supplement to the ABS Rules; and

(vii) make available to the Coast Guard copies of the ABS guidelines, procedures, and work instructions which are related to the performance of the delegated functions.

3. In carrying out the delegated functions and services outlined in paragraph III.A.1, the ABS will also:

(i) ensure that its employees engaged in the performance of functions delegated under this MOU are familiar with and require compliance with applicable laws and regulations and Coast Guard policies, interpretations, and instructions, provided to the ABS by the Coast Guard, interpreting and applying those applicable laws and regulations including (1) the International Convention for the Safety of Life at Sea (SOLAS), and, where authorized, other applicable international conventions to which the United States is a party; (2) United States statutes; (3) federal regulations; (4) the ABS Rules; and (5) the U.S. Supplement to the ABS Rules;

(ii) promptly notify the Coast Guard at any time the ABS cannot fulfill its responsibilities under this MOU for any reason;



(iii) Unless otherwise specifically agreed in writing, conduct delegated inspections, examinations and plan review using only exclusive employees of the ABS;



(iv) ensure that, when an employee of the ABS is performing a function delegated under this MOU on board a vessel of the United States, the employee will promptly notify the cognizant Officer in Charge, Marine Inspection of any condition of the vessel or its equipment that does not correspond substantially with the particulars of the certificate of inspection or is such that the vessel is not fit to proceed to sea without danger to the vessel or persons on board to allow the Coast Guard the opportunity to conduct a timely investigation or examination as appropriate;

(v) ensure that, when an employee of the ABS attends a vessel to carry out delegated functions and finds that vessel is not in compliance with applicable requirements, the ABS employee will promptly notify the responsible vessel representative of the findings and that corrective action to rectify the deficiency must be taken. If the responsible vessel representative refuses to accept the findings and to undertake corrective action, the ABS employee is to advise the vessel representative of the appeals procedure and is to promptly notify the cognizant Officer in Charge, Marine Inspection, of the situation;

(vi) accept all requests to perform delegated services, on vessels classed by the ABS, without regard to the vessel's location, unless prohibited to do so under the laws of the United States or under the laws of the jurisdiction in which the vessel is located; and

(vii) provide the Coast Guard with current schedules of inspection, examination, survey and plan review fees and related charges and provide copies of changes when they occur.

4. In carrying out the delegated functions and services outlined in paragraph III.A.2., the ABS will also:

(i) ensure that its employees engaged in the performance of functions delegated under this MOU are familiar with and require compliance with applicable laws and regulations and Coast Guard policies, interpretations, and instructions, provided to the ABS by the Coast Guard, interpreting and applying those applicable laws and regulations pertaining to the vessel measurement function, including the International Convention on Tonnage Measurements of Ships, 1969, and all tonnage measurement interpretations and policies of the Coast Guard within the scope of the authority delegated that would normally be applied to U.S. flag vessels;



(ii) conduct tonnage measurement on behalf of the Coast Guard using exclusive employees of the ABS or part time employees or independent contractors specifically designated by the ABS to provide measurement services under the Convention, Standard, or Dual Measurement Systems;



(iii) not use an employee or contractor to measure and certify the tonnage of a vessel if that employee or contractor is acting or has acted as a tonnage consultant for the same vessel;

(iv) physically conduct a compliance inspection before issuing each tonnage certificate;

(v) accept all requests to perform delegated services without regard to the vessel's location, unless prohibited to do so under the laws of the United States or under the laws of the jurisdiction in which the vessel is located;

(vi) notify the Coast Guard of scheduled meetings that may take place between the ABS and other vessel tonnage measurement organizations pertaining to tonnage measurement of U.S. vessels or to the systems under which U.S. vessels are measured; and

(vii) provide the Coast Guard with current schedules of measurement fees and related charges.

5. In carrying out this agreement, the Coast Guard will:

(i) provide the ABS with policies, interpretations, and instructions necessary to perform the delegated functions;

(ii) review and comment on proposed changes to the ABS Rules and the associated ABS quality system procedures and process instructions related to functions delegated under this MOU to determine that these documents, read together with the U.S. Supplement to the ABS Rules, are consistent with U.S. law, regulation, and policy. Where the Coast Guard determines that an ABS Rule is not consistent with Coast Guard regulations and policy, the Coast Guard will define, together with the ABS, corrective provisions to be made in the U.S. Supplement to the ABS Rules;

(iii) approve proposed changes to the U.S. Supplement to the ABS Rules.

(iv) designate appropriate persons to serve as points of contact for periodic review, clarification, and reinforcement of the working relationship between the Coast Guard and the ABS; and

(v) process appeals resulting from the actions of the ABS in accordance with pertinent Coast Guard procedures.



IV. Non-exclusivity. Nothing in this MOU shall be construed to limit the delegation of any function to a classification society other than the ABS to the extent allowed by law.



V. Effective Date. This memorandum shall become effective upon authorized signature of both the Coast Guard and the ABS.

VI. Termination. As of the effective date of this MOU, the previous MOU between the Coast Guard and the ABS concerning plan review and inspection of vessels under construction certificated by the Coast Guard and the tonnage measurement of vessels is superseded and cancelled. This MOU may be terminated by one party upon written notice to the other party. Termination will occur sixty days after written notice is given from one party to the other party. This MOU should be reviewed annually by both parties.

Signed by  
Robert E. Kramek  
Commandant  
United States Coast Guard

Date: JAN 12 1995

Signed by  
Frank J. Iarossi  
Chairman and  
Chief Executive Officer  
American Bureau of Shipping  
Date: JAN 12 1995



Certificate Number:  
**A110336N**

# UNITED STATES OF AMERICA

AMERICAN BUREAU OF SHIPPING

## TONNAGE CERTIFICATE

### GENERAL INFORMATION

Vessel Name	<b>ROYAL MARINER 1</b>	Vessel Number	<b>CG 1121406</b>	Vessel Type	<b>FISHING VESSEL</b>
Builder	<b>WEST COAST MANLEY</b>	Hull Number	-	Propulsion	<input checked="" type="checkbox"/> Self-Propelled <input type="checkbox"/> Non-Self-Propelled
Where Built	<b>CANADA</b>	Date Keel Laid / Altered		<b>1988 / 2011</b>	

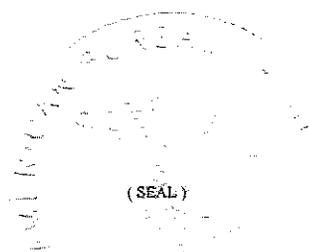
### MAIN DIMENSIONS

Definition Used	Registered Dimension	Length		Breadth		Depth	
Convention	<b>X</b>	<b>16.64 m</b>	<b>54.6 ft</b>	<b>6.40 m</b>	<b>21.0 ft</b>	<b>2.73 m</b>	<b>9.0 ft</b>
Overall		<b>17.43 m</b>	<b>57.2 ft</b>	<b>m</b>	<b>ft</b>	<b>m</b>	<b>ft</b>
Pre - 1990		<b>m</b>	<b>ft</b>	<b>m</b>	<b>ft</b>	<b>m</b>	<b>ft</b>

### TONNAGES

Measurement System	46 CFR 69 Subpart	Gross Tonnage	Net Tonnage
CONVENTION			
REGULATORY	<b>C</b>	<b>57 GRT</b>	<b>4 NRT</b>

I CERTIFY that I am duly authorized by the United States Government to issue this certificate:



Issuing Officer: **M. TREDER**  
Principal Engineer

Issued At: **Houston, TX**  
Date: **May 23, 2011**



CONVENTION MEASUREMENT SYSTEM INFORMATION					
ENCLOSED SPACES			CARGO SPACES		
Name of Space	Location	Length (m)	Name of Space	Location	Length (m)
			<b>NUMBER OF PASSENGERS</b>		
			Number of passengers in cabins with not more than 8 berths:		0
			Number of other passengers:		0
<b>EXCLUDED SPACES</b>			<b>MOLDED DRAFT</b>		
An asterisk (*) should be added to those spaces listed above which comprise both enclosed and excluded spaces.					
<b>MEASUREMENT HISTORY:</b>					
Date and place of original measurement:			May 23, 2011 - Houston, TX		
Date and place of last previous remeasurement:					
<b>REMARKS:</b>					



# Ahtna, Incorporated



PC 23  
1 of 6



November 12, 2014

Boards Support Section  
Alaska Department of Fish & Game  
P.O. Box 115526  
Juneau, AK 99811-5526

To the Board of Fisheries:

Attached are comments on the Upper Copper River/Upper Susitna River/PWS fisheries proposals.

Please review them and consider them during deliberations.

Sincerely,

*Sylvia Stieglitz*  
*for Roy S. Ewan*

Roy S. Ewan,  
Chair of  
Ahtna Tene Nene' C&T Committee

P.O. Box 649 – Glennallen, Alaska 99588  
Phone: (907) 822-3476 – Fax: (907) 822-3495





## **Prince William Sound (PWS)**

We support Proposal 2 with 24 hour reporting of subsistence fisheries harvest. We believe that subsistence opportunities should have a priority over commercial fisheries.

## **PWS & Copper River - Sport Proposals**

We oppose Proposal 49 to change the sport fishing season opening date for King Salmon on the Klutina River from July 1 to June 1 through August 10. Chinook Salmon have been on the decline for the past 5 years. Early and late runs of King Salmon should reach spawning grounds to spawn.

King Salmon in the Sports Fisheries (on June 14, 2014) was limited from a 4 to 1 King Salmon annual bag limit by emergency order. Any King Salmon harvested prior to June 14<sup>th</sup> were counted towards the 1 fish annual limit. The trend in the last 5 years has shown a decline in King Salmon and ADF&G because of this decline has taken action to protect the population of King Salmon in the Upper Copper drainage by reducing the annual bag limit.

Regulations for restriction/closure of King Salmon in the Klutina River should be kept in place to protect King Salmon from further decline and dwindling populations. The Board should do whatever it can do to protect further decline of King Salmon.

We support Proposal 50 to prohibit use of barbed hooks, multiple hooks and bait when fishing for king salmon in the Upper Copper/Upper Susitna Areas.

The catch and release of fish goes against our beliefs. Playing with our traditional foods is Engii. It is bad luck, fish will not return to us. It shows a lack of respect to the fish.

The fish studies done on Kenai River support our stance on the mortality rate of fish caught and released.

No comments on Proposal 51. See our comments on Proposal 50.

No comments on Proposal 52. See our comments on Proposal 50.

No comments on Proposal 53. This is a house keeping proposal.

We support Proposal 54 to increase Arctic grayling to 10 per day and 10 in possession and only 5 of which may be 14 inches or longer.

It is expensive to travel to streams and creeks to fish for Arctic grayling with an allowable catch of 5 per day and 5 in possession. Cost of fuel is expensive in the Copper Basin. Cost of living in the Copper Basin is high as well. Fishing for grayling should be a productive experience and an enjoyable one. Five Arctic Grayling isn't enough grayling to catch in one outdoor fishing excursion.

We support Proposal 55 to correct an unintended omission by adding Bridge Creek to the regulations to keep rainbow/steelhead trout at 10 fish, of which only one may be greater than 18 inches in length to keep this finfish at a stable population. Bridge Creek was not included in the regulations and should be



included in the regulations, because Bridge Creek drains from Summit Lake. Spawning of rainbow/steelhead trout will not occur if sport fisheries were allowed in Bridge Creek.

No comments on Proposal 56 on removing lakes from *Statewide Stocking Plan for Recreational Fisheries*.

No comments on Proposal 57 on removal of redundant regulations with statewide regulations.

### **PWS & Copper River - Commercial Salmon**

We oppose Proposal 38, drift gillnet regulations shouldn't be so detailed and regulated.

### **Copper River – Commercial Salmon**

We oppose Proposal 44 since the Dept. has the means and tools to manage through emergency orders and such. Sonar doesn't count kings, it counts all salmon.

We oppose Proposal 45 to "repeal mandatory inside commercial closures for any statistical week from regulation".

The decision by the Board to adopt this regulation has proven that it works. Data from National Park Service's fish weirs shows that salmon migrating up the Northern Copper River has more or less increased since 2009. NPS data show that first sockeye reaching Tanada Creek was June 17<sup>th</sup> and the total was 28,258 – median number.

We oppose Proposal 46 to propose a new regulation on homepack. Commercial fisheries allocation is set by the Board of Fisheries. If fish is taken home for personal use, it is taken from their commercial catch, which means that they will have less fish to sell. It would not affect commercial allocation.

We oppose Proposal 47; if there is an emergency order to close commercial drift gillnet fisheries, all commercial fisheries should stay closed. Closure to commercial fisheries has helped to increase salmon harvest in the Upper Copper River Areas.

Additionally, Incidental catch of King Salmon with dip nets may cause harm to them as they are lifted from the water and released.

The Board of Fisheries must take action to conserve King Salmon. King Salmon in the Copper River is and has been on the decline for 5 years. The Board should take action to curtail the decline of King Salmon.

We support proposal 48 to enhance enforcement.

### **Copper River Proposals**

We don't support Proposal 33 to establish a biological escapement goal of 28,000 King Salmon for the Copper River drainage. There isn't enough data to support the BEG (biological escapement goal).



## Subsistence/Personal Use Salmon

We oppose Proposal 34 to restrict King Salmon subsistence fisheries and modify method and means for fish wheels. Should be the last resort and **only after** all the other commercial, personal use and sport fishing have been closed.

There are concerns about cost, safety and the ability to safely remove a live king salmon from the wheel. In the past the board of fish has reviewed the use of live boxes and has consistently opposed them.

Federal fisheries data for Chinook harvest for the years from 2002 to 2013 shows that Glennallen Subdistrict Fisheries harvested (37,932) or only 11% of the total King Salmon harvested by all fisheries. Compare this federal data figure to King Salmon harvested by the Commercial fisheries (308,963), Copper River District Subsistence fisheries (5,956), Sport Fisheries (36,483), and Chitina Subdistrict Fisheries (19,321). Subsistence fisheries should not have restrictions for King Salmon, nor should fish wheels have to be modified. Federal fisheries harvested on 11% of total King Salmon harvested by all fisheries.

We support proposal 35 with modification to prohibit the use of monofilament mesh dip nets and landing nets that are deeper than 2.5 ft. depth with a 5 ft. (mouth) across the opening for subsistence and personal use fisheries. Fish are entangled in monofilament mesh or sport fishing land nets, if the depth of the net is deeper than ½ with a width of 5 foot open of the net. After lying on the banks of the Copper River for hours, King Salmon are then extracted from these nets, and harm, damage and death occurs to King Salmon. Chinook that are caught in monofilament dip nets and landing nets that are deeper than ½ feet, with a width of 5 feet opening are entangled, and are dead by the time they are taken out of these nets.

Monitoring of personal use fisheries is needed to check on the depth of landing nets and monofilament dip nets to prevent harm, damage and death to King Salmon. It is difficult to take King Salmon out of nets, that are longer than 1.2 ft. depth with a 5 ft. (mouth) opening, so fishermen leave them on the beach, until they can easily take them out of nets, when they are near death or dead.

Only 1 King Salmon is allowed per year, if there isn't an EO for Personal Use Fisheries. If more than one King Salmon are allowed to be harvested per year, there will be an inexcusable harm or death to King Salmon.

Anything the Board can do to promote more King Salmon migrating up the Copper River to spawning grounds will help in to increase the King Salmon back to sustainable biological escapement goals.

We support Proposal 36 to prohibit King salmon that is to be released may not be removed from the water prior to release. King salmon are difficult to handle. Leaving them on banks of the water will bring harm or death to them. If King salmon are to be released, it should not be removed from the water. Using dip nets to catch Kings can be easily managed to release them while they are still in the nets back into the water. Doing so will keep King salmon healthy, vibrant, and alive, so that it can migrate back to its spawning water areas.

The Board must do anything in its power to increase King salmon population, keep it at a sustainable level, keep King salmon safe from harm, damage and death. In the past 5 years, the population of Kings



in the Copper River has been on the decline, the Board must act now to protect spawning King salmon in the Copper River District.

We support Proposal 37 to ensure the ability to sustain the subsistence fishery. Install a 24-hour checkpoint manned by the Alaska Department of Fish & Game to check fish wheel permits and personal use permits, and to check on harvest of sockeye and Chinooks in the Chitina areas and **lower** Glennallen Subdistricts.

Local people in the upper Copper River areas, notice that fish wheels along the Copper River near the Chitina airport are being run 24 hours – day and night and are over-flowing with salmon. No one is checking to determine whether fish wheels are being checked and fish is being removed every 10 hours. No is checking on dip net fisheries to determine if harvest of salmon is legal.

With the decline of King Salmon in the past 5 years or so, the Board must take action to protect King salmon from further eradication. Installing check point station at the Chitina airport to check on fish wheel and dip net permits, fishermen, and dip netters will help to protect King salmon from illegal activities and devastation of Kings in the Upper Copper River.

We oppose Proposal 38. Chitina Subdistrict Personal Use Fisheries should not have early opening fisheries. Subsistence Use fisheries will be impacted, if this were allowed. As the Personal Use fisheries permits increase each year, it affects the number of salmon harvested in the Upper Copper District subsistence use fisheries.

Subsistence fisheries in the Upper Copper River and Batzulnetas fisheries have benefitted by the late Personal Use fisheries opening date. More Sockeye salmon have escaped upriver and have reached spawning grounds in the Northern Copper River. King Salmon escapement up the Copper River to spawning grounds without harm by being caught and released by dip nets, are needed to protect this species.

Without the extra week, Personal Use Fishermen were able to harvest record amounts in 2013.

We oppose Proposal 39, there is no reason to increase harvest levels for the Personal User Fisheries on the Copper River. There were a record number of fish harvested by personal use fishermen in 2013. This will have an effect the fish escapement and on the subsistence use fisheries.

We support Proposal 40 to require transporters to keep log books.

We oppose Proposal 41 to repeal reduction of the Chitina Subdistrict personal use allocation if the commercial salmon fishery is closed for 13 or more consecutive days. Personal Use Fisheries and Commercial fisheries both have to share the hardships if 13 consecutive day closures should ever occur. If closure occurs for 13 consecutive days, Personal Use Fisheries will be allowed to only have a maximum harvest level of 50,000 throughout the fishing season. This will ensure salmon reaches spawning grounds, should this ever happen.

We support Proposal 42 to reduce the maximum harvest level for the Chitina Subdistrict Personal Use Fisheries from 100,000-150,000 to a maximum of 100,000, not including any salmon in excess of the in-river goal or salmon taken after August 31.



The Board should reduce maximum harvest levels for Personal Use Fisheries, not increase allocation. As participation in Personal Use Fisheries increases, allocation will have to be adjusted to satisfy harvest levels. In 2013, there were 10,600 Personal Use permittees who fished for salmon in the Chitina Subdistrict. More salmon is harvested by Personal Use Fisheries, which affects Upper Copper River federally qualified subsistence use fisheries and subsistence fisheries under State management.

We oppose Proposal 43 to include an allocation of 3,000 King Salmon harvest level for Personal Use Fisheries. It removes the States, ability to manage the resource for sustainability. The State fisheries biologist has used emergency orders to protect the King Salmon stock.

The Board should take no action on this proposal.

### **Statewide Proposals**

We support Proposal 261 to modify prohibitions on importation and relative of amphibians in Alaska to protect wildlife, fish, lands and waters in Alaska from genetic alteration of species in Alaska, causing harm, disease or threat to health of indigenous species, and other reasons that are listed in this proposal.

We support Proposal 262 as written for the reasons listed in the proposal. Regulations should be in place to address collection, transport, and possession of amphibians in Alaska. Native amphibian species in Alaska could be harmed health wise by these non-invasive species.

### **Supplemental Issues**

We support Proposal 265 to add regulations to ban the use of live earthworms as bait in fresh water sport fishing. Using earthworms as bait may cause harm to indigenous fish in Alaska. It is not natural food source, is harmful to plants and wildlife too.

We oppose Proposal 267 to repeal the use of footgear with absorbent felt or other fiber material on the soles while sport fishing in fresh water. Non Indigenous species will invade native species of plants and cause disease to wild game in Alaska and cause harm to them.



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2/24/2015 2:09:48 PM  
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I would like to add my support for PROPOSAL 244 (5 AAC 77.518 personal use clam fishery), establishing personal use bag and possession limits for razor clams in West Cook Inlet. I have enjoyed this fishery for several years and would like to see the razor clam population maintained for the enjoyment of future generations. In recent years, I have noted a significant increase in harvest pressure, both private and charter. I have also noticed a reduction in clam size and population. With the February 24, 2015 emergency order closing East Cook Inlet clam harvest, it is imperative that a bag and possession limit be placed on West Cook Inlet to protect the resource. A bag limit even more aggressive than proposed, such as 25 clams per person, allows adequate harvest per family while also taking necessary steps to prevent radical population decline as seen in East Cook Inlet. Thank you for your consideration on this important issue.



Submitted By  
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Submitted On  
2/22/2015 12:01:17 PM  
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~~I have spent 24 summers along the sockeye salmon spawning waters of Bristol Bay off and on since 1982 and continuously since 2000. Most of this time was spent in the Alagnak and Naknek River drainage areas.

For approximately the past five years I have observed a dramatic decline in the numbers of spawning adult sockeyes particularly in the waters of the Alagnak drainage (Moraine, Funnel and Nanuktuk Creeks; Battle and Kulik Rivers). I would estimate that the spawning numbers in these waters, particularly the Kulik River, is down 40-50% from my observed historical levels.

An immediate result of a reduced number of spawning adults is the reduction of post-spawn salmon carcasses. Over the years to see river banks and gravel bars lined with salmon carcasses was the norm but this has not been the case for several years; there simply have been very few if ANY carcasses to be seen along these waters by the end of the spawning cycle. What carcasses there may be are quickly consumed by bears, seagulls, eagles etc.

I certainly understand how these carcasses could be viewed as "lost economic opportunity" for the commercial fishing industry (better to have these fish netted and sold rather than rotting along the spawning areas). But I think that it is imperative to realize that salmon carcasses provide a significant amount of nutrients to the entire ecosystem of the Bristol Bay region, affecting everything from the smallest bug to the largest bears and every living creature in between. Take away this source of nutrients and the possibility of a widespread negative impact to the ecosystem, including the survival of salmon fry and smolt, is very possible.

In conclusion, I hope that the Alaska Board of Fisheries will take my field observations into account when considering optimum escapement goals for Bristol Bay sockeye salmon. This world class salmon rearing area must be managed and preserved for future generations for both the commercial and sport fishing industries.



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2/9/2015 2:50:00 PM  
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Proposal #202 - Oppose

Proposal #275 - Favor

Board of Fisheries

Vice Chairman Phil Kluberton & Board of Fish Members

via fax: 907.465.6094

via web: [www.boards.adfg.state.ak.us/](http://www.boards.adfg.state.ak.us/)

There is no reason to have seine vessel lengths differ by regulatory area.

There is no reason to confuse the issue of boat length by involving the federal government or coast guard.

Keep this regulation as simple as possible. Follow the Bristol Bay example. Define what an anchor roller is (Proposal #275). and specify the allowable length that it can exceed beyond the 58" vessel length. 12 inches. Proposal #275 addresses this.

Require any boat that registers for salmon seining in Alaska to be available to be measured by troopers prior to and/or during the fishery.

Job Done!!

Sincerely,

Kenneth Jones  
PO Box 1044  
Homer, AK  
907.299.1562



PROPOSAL 244 – 5 AAC 77.518. Personal use clam fishery. I am in opposition to Proposal 244 for numerous reasons. I recommend not changing the current regulations.

First of all the proposal does not identify which specific areas of West Cook Inlet would be affected.

I have been clamming the west side of Cook Inlet on the Crescent River tidal flat north of Chisik Island since 2003.

Let's look at usage, East Side, sees diggers at a -1 ft tide with no worry about if the wind is blowing or not. This year between May 1 and August 31 there are 61 days at a -1 tide or better this summer. Number of days (61) x number of people (a lot) divided by area of clam habitat (narrow east side area) = over harvest. West Side, the vast majority of boats go across the inlet on tides that are -3.0 or greater which equates to 22-24 days per summer. Subtract 20% for weather days and you're at 17-19 trips per season. The most I have ever seen over there in one day is 10 aircraft and 9 boats. Let's use max numbers, 10 aircraft @ 4 people/9 boats @ 6 people for a total of 94 people per day x 19 days equals 1,786 people divided by area of clam habitat (square miles)= healthy population . The average number of 6 aircraft and 5 boats are observed for a average total of 1,050 people per season.

To the point of closing the east side may result in even more harvest on the west side. There are only x amount of seats per day going over to the west side. The number of operators launching out of Ninilchik willing to go across Cook Inlet to dig clams peaked two years ago. It's a 29 mile trip one way across and not a trip for just any boat to safely navigate there.

I have been parking my boat within .1 of a mile of the original location since 2003 with no change to the quality or quantity of razor clams. This in itself is a testimony to the sustainability of the healthy population there.

If this fishery is highly exploited, the commercial dig operation at Poly Creek wouldn't be spending 5-6 days a year on this tidal flat.

I concur that ADF&G should conduct regular monitoring of the West Cook Inlet razor clam population. However, regulations should not be implemented without data to justify them.

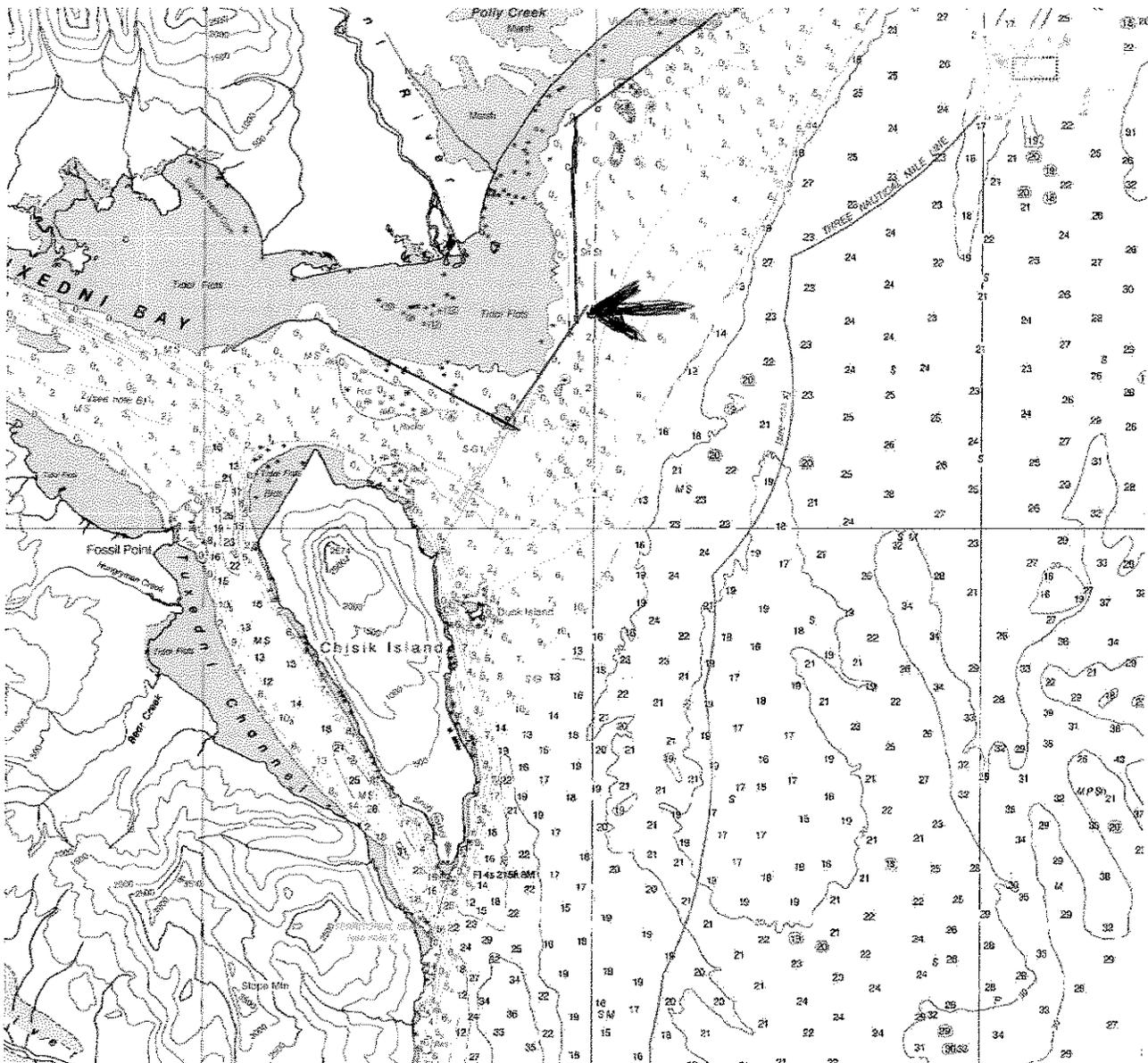
Thank you for your time.

Ernie Kirby



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Submitted By  
Jared H. Cockman  
Submitted On  
2/26/2015 10:14:43 AM  
Affiliation

I would like to add my support for PROPOSAL 244 (5 AAC 77.518 personal use clam fishery), establishing personal use bag and possession limits for razor clams in West Cook Inlet. Increased pressure on the clams from both private and commercial charters has led to a reduction in both clam size and population. Personal use bag and possession limits would be a small step towards protecting this resource for future Alaskans. The February 24, 2015 emergency order closing the East Cook Inlet clam harvest makes it more imperative that a bag and possession limit be placed on West Cook Inlet clams. A bag limit even more aggressive than proposed (such as 25 per person) would allow a reasonable harvest per while also taking necessary steps to prevent the kind of dramatic population decline seen on the other side of the Inlet.

Thank you for your consideration on this important issue.



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2/5/2015 8:34:11 AM  
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I support proposal 243, submitted by Jim St. Peter. I am a resident of Alaska and grew up on the Kenai Peninsula and I am deeply concerned about the decline of the razor clam population in East Cook Inlet. I strongly encourage the Board of Fisheries to change all applicable regulations in the Alaska Administrative Code (AAC) to close the East Cook Inlet razor clam fishery to ALL harvest until such time that this resource can recover. The current harvest limit listed in the AAC is inappropriate and should be revised to protect this important resource. If at any time harvest becomes viable, the ADF&G may issue an emergency order to open the fishery."



Submitted By  
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2/24/2015 4:54:32 PM  
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I would like to add my support for PROPOSAL 244 (5 AAC 77.518 personal use clam fishery), establishing personal use bag and possession limits for razor clams in West Cook Inlet. I have enjoyed this fishery for several years and would like to see the razor clam population maintained for the enjoyment of future generations. In recent years, I have noted a significant increase in harvest pressure, both private and charter. I have also noticed a reduction in clam size and population. With the February 24, 2015 emergency order closing East Cook Inlet clam harvest, it is imperative that a bag and possession limit be placed on West Cook Inlet to protect the resource. A bag limit even more aggressive than proposed, such as 25 clams per person, allows adequate harvest per family while also taking necessary steps to prevent radical population decline as seen in East Cook Inlet. Thank you for your consideration on this important issue.

Tight lines!

Stephen Jakab



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2/21/2015 12:28:31 PM  
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**I support proposal 243, submitted by Jim St. Peter. I am a resident of the Kenai Peninsula and I am deeply concerned about the decline of the razor clam population in East Cook Inlet. I strongly encourage the Board of Fisheries to change all applicable regulations in the Alaska Administrative Code (AAC) to close the East Cook Inlet razor clam fishery to ALL harvest until such time that this resource can recover. The current harvest limit listed in the AAC is inappropriate and should be revised to protect this important resource. If at any time harvest becomes viable, the ADF&G may issue an emergency order to open the fishery.**



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**I support proposal 244, submitted by Ivan Encelewski. I am a resident of the Kenai Peninsula and I am deeply concerned about intense harvest pressure in West Cook Inlet. There are currently no harvest limits in West Cook Inlet. This area has become very popular for recreational razor clam digging, as more people are accessing the area by private/chartered boat/plane than in the past. Reduced harvest limits and an emergency order closing Ninilchik Beach in East Cook Inlet may result in even more harvest in West Cook Inlet. The ADF&G does not currently conduct regular monitoring of the West Cook Inlet razor clam population. Comprehensive data are lacking for growth, abundance, and fecundity. There is not enough information available to determine whether the West Cook Inlet razor clam population can sustain unlimited harvest. Implementing a baseline harvest limit for razor clams in West Cook Inlet will help to protect and preserve this highly exploited, unstudied population. In order to protect this resource until such time that more biological information can be collected, I strongly encourage the Board of Fisheries to implement a baseline harvest limit of 60 clams per day in West Cook Inlet.**



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Alaska Board of Fish Testimony:

In regards to proposal number 44:

We support seining of pollock only for 58ft vessels and under.

It is our recommendation that if approved the Chignik Pollock fishery should be super exclusive and a 58 foot vessel and under limit imposed.

We feel state monies are better spent on the current ongoing fisheries.

In addition we feel dragging even midway puts fisheries which we are waiting to rebound in jeopardy. These fisheries are: tanner crab, dungeness and king crab.

We know from local boats that halibut stocks are way down to the point where subsistence in these mentioned fisheries will be put in jeopardy.

We also would like to trip limit on whatever fishery is allowed.

This proposal has no support in our local fleet except the seine portions.

The local cod fleet is now working and will most likely will still be for the hearing of this proposal.

These are the comments gathered from them and the elder cod fleet skippers and the local elders.

Their feelings are that no pressure should be put on an already fragile area.

ADF&G reports on crab populations prove this also the fact tanner crab season is on hold for Chignik area proves this.

Thank you for your time and we hope any decision takes careful consideration of all these concerns.

Handwritten signature of Clemens D Grunert in black ink.

Clemens D Grunert

Chignik Lagoon Village Council President



Submitted By  
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3/3/2015 2:08:03 PM  
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March 3, 2015

Alaska Department of Fish and Game  
Boards Support Section  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Proposal 276 Opposed. **The text was lifted from another area regulation without proper consideration for how it would apply.**

Dear Board of Fisheries Members:

In 2013 I bought a boat that was registered with the CFEC as 58'. I now know after attending the Sitka board of fish meeting that the CFEC, while they issue fishing permits and their fee schedule is consistent with USCG length description it does not mean the State length descriptions are consistent.

The CFEC is not in the business of measuring boats, so they leave it to the **professionals who have an established operational definition for length that is appropriate for boats.**

I am aware that state definitions of length vary, but the regulations in my area book are brief and vague, so **in the absence of a definition I have been relying on the USCG and marine surveyors for appropriate detail.** If there was a definition, in my area regulation book that excluded the vessel I just bought, I would not have bought it, or I would have modified it as needed, if possible.

If AWT hadn't used USCG measurement language in the absence of a state definition I would have been issued tickets and not been aloud to continue to fish. Since the board of fish made a rule, without guidelines, I built, a steel anchor roller by the USCG definition.

To inject a length description for us to use that did not incorporate the intricacies of this topic is negligent error. It's created a huge grey area. Now people have spent hundreds of thousands of dollars in this grey area that didn't exist. We created it by stepping into the



arena of measurement standards, which we have no technical background in. We meddled in it before and had we had forgotten about. Luckily boat builders and the surveyor community continued to reference USCG standards we had something to go by in the interim. But now, there are hundreds of boats that do not consider their anchor rollers as part of length. Right now a vessel registered with the CFEC as 58' is 58' not including the anchor roller. So if we could search query "58" on the CFEC data base we will see all the vessels expecting to be 58' not including the anchor roller.

My initial interest in my boat was contingent that it was 58' or reasonably modifiable. I asked a surveyor delegated by the USCG to examine the vessel with me before the deal closed. He measured the vessel and showed that it needed to be shortened to meet 58'. I looked at the 58' mark and saw an existing bulkhead inboard of his mark. With a cutting wheel and three days I could make a 58' foot boat and go fishing. Once the old bow was cut off and the new end is welded water tight, the old v-shaped steel isn't usable space and doesn't add floatation; it functions only as an anchor roller.

In the absence of a usable definition of what a bow roller is, I used the USCG definition to construct my anchor roller out of the old metal I cut off of the boat.

The USCG has a defensible definition in writing that I can use. AWT and I, in the field when measuring a vessel have also used the language in the USCG simplified and Conventional set of measurements. I've been measured in the field. I could defend my self with written documents. If the BOF had adopted the USCG standards, or it was in State Statute then the AWT would be able to defend themselves as well as write tickets that will stand up in a court of Law. But instead, the BOF has thrown them out there with an unenforceable definition.

I looked. The Alaska department of Fish and game nor the AWT are listed as accredited marine surveyors and could not provide expert technical advise on my project. I am however aware that the AWT enforce the laws of fish and game, and their opinion would matter. In 2011 I was measured with an anchor roller that looks like a bow and allowed to continue to fish because the measurement definition, as it was, did not exclude me. While being measured, language from Title 46 code of shipping and USCG simplified form of measurement was used in conjunction with conventional form of measurement language. So I considered this as precedence again, that an anchor roller if it met the USCG definition, would not be considered in length.

We can speculate that previous Board of Fish meetings and State Law makers had access to Federal measurement guidelines, but chose not to use them. But we must acknowledge that the USCG and their globally recognized list of accredited marine surveyors have an established standard of measuring boats that incorporates naval history, architectural precedence, various vessel types and purposes, and they have hundreds if not thousands of employees that are charged with the task of staying current with modern vessel trends and depth of experience with historical examples.

We in fact are not a blimp on their radar, and the USCG doesn't even come to our meetings. We, despite our efforts are not in the group who have a recognized, enforceable, non subjective method for measuring boats. We have tried to be independent and create some exclusivity in Alaska fishing, and now we are not in coordination with the rest of the industry. Its not keeping participants out. **Limited entry permits keep participation consistent.** Buyback taxes, and cost of entry keep new fisherman out. USCG 50ft class requirements keep new boats out. Cost of entry, and new class requirements will curb new participation.

My vessel insurance policy refers to the data established by the USCG. My financial lender is also only concerned with the USCG accredited survey. All the steps I had to take before I got a boat and my net and no one asked what the BOF thought. No one asked "What is an Alaskan Wildlife trooper going to consider your vessel eligible for?" Is there going to be a new question on my borrowing application regarding the future cycle of BOF members and how long my boat will be eligible? Yes, now the BOF has a precedence of changing rules in a short time period that could effect the value of the vessel you have invested in. That is another variable to add to fishing when you pencil out a fishing venture.

I am not a realtor. I don't measure house square footage values. When I see a house listed and they separately list the unfinished garage space, in my mind I add it to the final number. For me, I look at a house and I notice the garage. The thousands of professionals who survey houses, sell houses, and build houses they don't include the garage. So who am I to include the garage, when they have an established apples to apples standard. Even though its there, the garage is not included in the size of a house. You cant live in the garage and to include it tampers with the square footage price. There is not running water, there are no furnishings etc, and if there is, the definition changes and its called finished space and it's included. But if it's just a shelter for a car and you don't have your in laws living in there, its not defined as finished space. **Its simply an operational definition, that generally works, that was established around the intricacies' of the industry, and creates a baseline that everyone can use.** It doesn't matter if you have a little house and a huge garage that a large RV can drive into, it doesn't count.



Now in my case, my anchor roller, that looks a lot like the pointed end of a boat, does not effect what the USCG v-shaped attachment. I can take it off and it will not affect my fishing ability. However, I cannot anchor without it. So removing it will just eliminate me anchoring. I can remove two bolts and store my anchor roller on deck. In fact I can attach my anchor roller when I need to anchor and remove it when I want to fish. That's a little silly, but I would do that before I'd spend \$25,000 on another anchor roller that would hang off to one side. In fact building another anchor roller would be solely for the purpose of not upsetting other people, because my anchor roller works perfectly now, except it looks like the hull of a boat.

**In 2011 I removed my cosmetic anchor roller and stored it on deck.** I built an intentionally ugly anchor roller and fished SE salmon with it. I heard all the comments on the radio about how me. People laughed and guys actually felt that there was some justice in it. They thought the AWT made me do it. But in fact, I did it voluntarily. Somehow in the field an ugly attachment allows a vessel to exceed 58'. But in State statue, nothing but a bulbous bow can cause a vessel to exceed 58'. No one called enforcement on me that year. **It is ridiculous that the cosmetic effect of an attachment is what is upsetting people.**

"Length over all" is not a relevant term for vessels of the 58' class. Vessels of this class fish multiple fisheries in all state water areas, year round. For commercial fishing vessels, that we are discussing today, the USCG uses the Conventional Standard of measurement. **It its erroneous to use those "Length over all" words together to try to categorize these boats. It doesn't create and apples to apples comparison. That's harbormaster fee lingo. It doesn't determine hold capacity, or gear ability. In recent days, width and depth are more correlated with vessel growth. Boat builders, designers, the USCG see it this way. "Length overall", throws in trim tabs, rigging, swim steps, anchor rollers, bulbous bows, bow sprits, bumkins, rub strakes, sea maiden bosoms and other attachments.** We then realized this and had to amend that term, because it didn't mean actual length overall as a layman would measure it, it meant length over all, but not including bulbous bows which we realized were a good idea. And then we further omitted anchor rollers.

Our regulation was recklessly deployed. In some areas when fishing certain species lets not include the anchor roller for a few years, and then comeback and define it even further. Eventually our definition is going to look a lot like the USCG definition. They came up with it because they have come across thousands of boats, and decades of creativity to try to circumvent their written parameters.

Lets keep the 58' idea but measure boats how boats in this class are normally measured. There is no reason to take a punt at the USCG code of federal regulations, nor is it appropriate to randomly lift text from an area regulation on length intended to regulate vessels nearly half the size, fishing inside rivers, during the summer with an entirely different gear type. **A 9"-12" anchor roller on the shelf at West Marine is rated for 35lbs. No one even thought about this before they submitted this proposal. That wont work for my 500lb anchor. The 32' box length rule didn't eliminate participants it just made a lot of ugly boats. Is it necessary here? Does the expense of further modification to make it ugly, yet function the same, add any benefit to the other fleet members? Would having an ugly boat deter participants? No.**

I would caution authoring a new definition of a bow roller. It could create an entirely new grey area. The Federal guidelines have already been in use whether intended or not. The Feds are not coming to Alaska to measure us. We are just adopting an established practice appropriate for boats. Vessel are currently measured this way. Vessels legal now would not be deemed illegal by coordinating our definition and AWT would have published documents to reference measurement guidelines and vessel documents could represent a vessel on the issue of length.

**This solution provisions for our AWT in the field, it makes their task streamlined and practical. BOF can copy and paste the existing definitions as they exist in the USCG measurement guidelines. CFEC is already in position and has posted this definition for 2015. The fleet is already compliant, no one needs to haul out, get measured or modify their boats, they already have.**



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3/3/2015 2:23:32 PM  
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March 3, 2015

Alaska Department of Fish and Game  
Boards Support Section  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Proposal 276 Opposed. **Vessel length definition, if it is not consistent with the maritime industry is not practical to determine in the field and the text in the proposal was lifted from another area regulation without proper consideration for how it would apply.**

Dear Board of Fisheries Members:

This was originally submitted for Proposal 202 at the Sitka BOF meeting and has been re-submitted for the 276 proposal.

Proposal 276 Vessel Length = Is as stated on a vessels official documents.

I am a purse seine vessel owner and operator and have had the exciting privilege of measuring a vessel at the dock to satisfy an anonymous citizen the day before I was leaving for the summer season. At the time I was a hired skipper on a tender charter. The wind was blowing, the boat was surging on its lines back and forth, and with two of my crew members and a Fish and Wild Life enforcement officer we did our best to unload all the tender cargo onto the dock, and established a normal operating trim. Now, save all your comments, we were just doing our best, and I know, I've heard it a millions times since that day, "that's not how you measure a boat".

The concerned citizen had reported that our vessel was "definitely over 58 feet" It wasn't a great time for yellow tape and a delayed departure. We were heading out to gillnet tender and in fact there was no 58' limit for tendering. Despite the timing, it seemed better to

be available at the dock then later during a fishing season.



The vessel owner was engaged in another fishery and not available by phone.

The vessel had a CFEC/ADF&G triangle and current CFEC area tag, and a current AK registration sticker for the year. In the vessel documents, I produced the CFEC registration that stated the length, as well as an Alaska State registration receipt that stated length. There was a recent marine survey that stated the vessel length, as well as a United States tonnage document that stated its length.

To satisfy the concerned citizen we set out to measure the boat. It took three days and we came up with various vessel lengths with a range of nearly 2 feet. Our field measurements did not match our documents.

“Dock measured length” was not on any of my documents, but it was what we came up with. The boats trim had the most significant impact on the measured length. The painted water line was not parallel with the deck or the keel as far as we could tell and the bulkheads were not at 90 degrees with the deck. The boat could be loaded in the front and the plumb bob hung out past the end of the bulbous bow. But empty holds and a seine on the stern the plumb bob swung aft and the rake of the bow became more vertical and the vessel measured shorter. Our “dock measured length” had a range that was affected by wind blowing the plumb bob, vessel trim options, and numerous definitions for where we started measuring and ended, that made the whole process subjective.

The officer and I conferred that bulbous bows were not included in the measurement, but the current Area M 2009 salmon regulations book that I had on board did not comment on bulbous bows or anchor rollers. I had nothing in writing. Questions continued to arise during the process. The offensive over length part, from the dock, was the bulbous bow.

A marine architect had decided the bulb length for efficiency through the water and a professional marine surveyor had measured the rest of the boat out of the water. The vessel documents and current decals should have represented us in this matter.

Typically the USCG is the governing body in this matter and they delegate vessel measurement to a short list of qualified organizations. Its not practical to measure a boat in the water and its not industry standard. “Vessel Length” is an operational word that incorporates the hundreds of intricacies of vessel design, purposes, function and capacity. Maritime tradition and precedence are also factors, that influence measurement guidelines that accredited agencies refer to when measuring boats.

This example is a pretty familiar one. For the purpose of Alaskan fisheries we have decided that bulbous bows are not included in a vessels length description. We are conscious of our environmental impact because we live off it and it makes an existing piece of equipment more efficient. The USCG omits swim steps, trim tabs, motor brackets, bumpkins, other attachments and anchor rollers in fishing vessel length. Buoyant envelope is the defining figure they are after. Our Alaskan length limit is an effort to manage the catch capacity of our fleet, to aid the fisherman and biologist management partnership.

Stabilizer poles and divers change the performance character of a narrow boat to that of a wider boat. A bulbous bow makes a short waterline more like a longer waterline. A purse seiner can have a main boom that extends aft beyond its stern and side rollers that extend beyond its beam. These extremities allow the machinery to operate outside of the buoyant envelope. An anchor roller extends beyond the hull and if you measure an anchor roller you are measuring a piece of rigging that does not affect the buoyant envelope. Innovations in rigging have increased our vessel efficiency and ability. The above are elements of rigging that operate outside a vessels buoyant envelope that are common, appropriate and not a part of a length definition we are trying to manage.

There is an open description of an attachment. This allows for innovation and a wide range of water craft. No limit to the length or style of an attachment, it can be a thirty foot long catwalk for spearing sleeping sword fish or a wooden carving of a topless maiden, or an inflatable duck. With these established trends in mind an attachment or rigging can have any shape it needs to. If someone is afraid of sea monsters they can have a topless a sea-maiden under their bow sprit. If you take a WWII amphibious landing craft and perch an inflatable duck on its roof you can parade it around town. If someone cuts off their bow, and repurposes the old material as an attachment for the anchor, it can look just like a bow.

Boat builders, accredited surveyors and boat owners have been using these standards. I seine Salmon for a living. The vessel I own now was purchased because it could Seine Salmon in Alaska. I bought a seine permit for my boat and a net. I called the Coast Guard my

self, read the current Alaska regulations and provided pictures of what I intended, and with the guidance of an expert, my boat rebuilt to the published standards.



The CFEC references the USCG measurement description for its fees. What the USCG determines for length is a workable definition for our purposes. The Alaska department of Wild life enforcement office is not authorized by the USCG to measure boats. Length has been traditionally determined by surveyors who can approach the task on land in a controlled manor with the luxury of time.

Then there is the case that I do not use my boat for recreation, I use it for work. When it's in the field I am working, its just like being in a conversation on the phone. No one really likes the interruption. I would like to do the administrative and legal compliance aspects of this business when I'm not in my raingear engaged in a fishery, or loading the boat on a charter. Year after year the enforcement officers are patiently waiting in their zodiac for a moment in between a salmon set for an appropriate moment to board. Lets continue to make that transaction as streamlined as possible.

The coast guard does complimentary safety exams in the off-season to stream line its marine safety compliance program. You get a sticker. They see the sticker at sea they know you are in compliance. This is done prior to the fishing season.

Our Fish and Wildlife enforcement officers can scan the marina or bay and see your triangle with a current area and year tag and know that you are compliant. I am comfortable that a sticker means you have paid your fees for participation for the year and that your vessel is compliant with the current set of rules. This way, fisherman who are not naval architects can concentrate on fishing and our enforcement officers are free to enforce the numerous other possible violations as they relate to management of the resource.

Lets continue to have accredited surveyors measure boats for the USCG with all the critical factors in mind. The CFEC does a great job regulating participation before the season. Lets support their efforts by recognizing the documents they produce and allow enforcement to reference those documents.



## Ryan Kapp

955 Colony Ct. Bellingham, WA 98229  
(360)714-0882 (360)961-6722 kappjr@comcast.net

To: Alaska Board of Fisheries  
Mr. Tom Kluberton, Chair  
Mr. Glenn Haight, Executive Director  
PO Box 115526  
Juneau, AK 99811-5526

Re: Proposal 202 and 276 Anchor Rollers and Seine Vessel Length

Dear Chairman Kluberton and Board Members,

I have fished salmon and herring in Alaska as well as many other species up and down the west coast for over 25 years. As some of the Board is aware, I have been an advocate for eliminating the length limit and have spent many long hours doing research and gathering information on the 58' limit.

The Seine Vessel Length Informational Meeting on February 24, 2015 presented good discussion in the search for a consistent and enforceable measurement system for salmon seine vessels in Alaska. There were many good ideas presented at the meeting but it seems the actual system of measurement is enshrined in statute and the ability to define an anchor roller may be limited by statute as well. I know both Proposal 202 and 276 were looking for clarity on vessel measurement and neither mentioned repeal of the limit but if the Board is unable to legally change measurement standards or anchor roller definitions then repealing the limit would be a solution within the Board's range of options.

It is important to remember the 58 foot limit was never intended to move the seine industry forward; it was intended to hold it back. Time spent debating what an anchor roller is or isn't does not change the 58' limit from being an unnecessary regulation. Maybe time would be better spent doing away with the limit instead of attempting to better enforce something that is no longer necessary.

The following is a brief history of the 58 foot regulation and the legislative steps which were taken to allow the Board to make this decision. Another document shows some of the benefits removing the limit would give to the existing fleet. Much more information is available on the Board's website from the 2009 and 2012 meeting cycles. Thank you for your time spent considering all solutions for these proposals.

Regards,  
Ryan Kapp



## **Alaska Board of Fisheries 5AAC39.117 Vessel Length**

Repeal the 58 foot limit for salmon seine vessels in Alaska. This regulation has been in effect for a long time and debate should be promoted to determine if it still necessary today.

- What was the intention when this regulation was enacted?
- Did the regulation accomplish the intended purpose?
- Is the rule still serving the needs of the salmon seine fishery in Alaska?
- If the rule no longer serves a purpose, why is it still part of Alaska's regulation?

### **The History of Alaska's "58 foot law"**

Alaska fisheries, before statehood, were controlled and regulated by the federal government through the Department of Interior, Fish and Wildlife Office. The Federal Government got control of Alaska Fisheries through legislation called "The White Act of 1924". The regulations were promulgated from Washington DC, released in brief form, and issued in March to May for that year's fishery. Reviewing the years from 1923 through 1960, a year after Statehood, several references to limiting salmon fishing vessels to length were located.

The Department of Interior established a length limit of 50 feet for salmon seine boats in Alaska. This may have begun in 1939 because older generation fishermen remember boats were cut down in length (10ft off the bow or stern and/or rudders slanted forward) in 1939.

The following paragraph was taken from the regulations of March 9, 1959, Department of The Interior, Office of the Secretary: "The regulations retain the "status quo" in regard to several issues debated at length by the various segments of the industry. No change is provided in the 50-foot limit on salmon purse seine vessels long in effect in most areas of Alaska."

The regulation was a 50 ft. length limit because a standard measurement was needed. Federal measurement of vessels was not overall length. The 50 feet was measured by the distance on the tonnage deck, from the forward part of the rudder post, intersecting with the deck tonnage line to the rabbit line of the planking at the stem. This measurement system is in effect today and still used.

Before statehood salmon fish traps were prevalent in most areas of Alaska (traps were not north of the Alaska Peninsula). These traps, although said to be owned individually at first, were controlled by "lower 48" companies. Two companies, Alaska Packers Association (APA) and Pacific American Fisheries (PAF), were the largest trap owners. These companies were a major influence to the fishery regulations proposed each year in Washington DC and used regulation to protect their trap operations. Washington State had two very powerful Senators, Warren G. Magnusson and Henry M. Jackson, who looked out for their constituents.



Salmon seiners produced fish during this time but were not as efficient as traps. In reality the companies did not want seine boats to be successful and diminish the production of the fish traps they controlled. Keeping a length limit on the seine vessel kept the traps importance.

“Both federal officials and industry spokesmen referred to another piece of discriminatory legislation, the White Act of 1924, as the “Magna Carta of fishery conservation”. In fact, the White Act favored the big companies' fish traps and worked against the development of small operators in Alaska”.

Alaska, upon statehood in 1959, adopted the 50 foot measurement from the Department of Interior, Fish and Wildlife Office. Alaska later added 58 foot overall measurement and then clarified that description excluding the anchor roller extension. These regulations were legislative as well as Board regulations. The State Legislators in 2003 said the Board of Fisheries can regulate the length of vessels in salmon fisheries. The Board of Fisheries in 2008, made length limits below the water line not part of the measurement of a Salmon seine vessel.

The original purpose of the regulation was to keep the power of salmon production in the hands of the “outside” Companies who had control of the traps in Alaska. Did the rule serve the intended purpose and does the rule today serve an intended purpose? The answer is yes it served its intended purpose but the purpose faded through time and ended when salmon traps were abolished at Statehood in 1959.

### **Is the 58 foot law relevant today?**

Understanding the history of the Alaska 58 foot law is necessary when evaluating if the 58 foot law is helpful in the present day salmon seine fishery. Today it is known “outside” fish Companies no longer control traps and influence Interior Department Regulations. The real question: Is this restriction on the length of a salmon seine vessel needed 53 years after statehood? Are the tools of present day management sufficient to deal with salmon harvest by seine boats of a length over 58 feet if there were no restriction on the length of salmon seine boats?

The present day 58ft. regulation is the out-growth and leftovers of past regulation. It was never a limitation of fishery capacity. If it were, the regulation would have applied to the width and depth of the vessel. Over time the salmon seine vessel length has been held to 58 feet but vessels grew considerably in both width and depth. Today's vessels are being constructed with widths of 25-29ft and depths of 11-13ft. This is a far cry from the vessels of fifty years ago. Even if this was unforeseen at the time it is good there were no restrictions placed on width and depth because it still allowed for some growth in the fishery. It could have possibly been unforeseen as well; the restriction on length in the salmon seine fishery also influenced regulation in other fisheries and caused other problems.



## Some outgrowth regulation and other problems

### Alaska's sablefish and halibut fisheries

An outgrowth of the 58 foot restriction is the Federal 35, 60, and 125foot rules. (Vessel categories) National Marine Fisheries Service wanted a way to determine when observers needed to be aboard in Federal fisheries and to forestall a full scale reorganization of the fleet which might result from NMFS actions of rationalizing the sablefish and halibut fisheries. The 58 foot limit influenced this and thus a 60 and 125 foot limit for regulation of observer coverage came about. Again, this is not a capacity issue because if it were there would be restrictions on width and depth of the vessel. It's an observer issue. But observer coverage is changing to electronic. With electronic observer coverage there is no need of a physical observer to be on board. With electronic coverage, coverage is 24-7 and if the hydraulics go on the cameras are on. The choice of having all observed when fishing is coming and the expense will be one time with monthly fees for the designated service provider. It's cheaper and it gives 24-7 full time coverage. Once electronic observer coverage is instated the 60ft regulation is no longer needed.

### Fuel conservation and costs

Hull efficiency is an important thing today. Fuel prices are soaring and a boat 58ft x 26ft, even with a bulbous bow is not efficient. The following are facts of design from the Navy concerning hull efficiencies and length to width ratios.

#### 2.1 Displacement Ships

##### 2.1.1 Hydrostatic Displacement: Ships

###### 2.1.1.1 Historical Origin

It is impossible and unnecessary to present here a history of the development of the displacement hull form. Let it suffice to point out that this hull concept dates to prehistoric times.

###### 2.1.1.2 Dominant Physics

The lift/drag performance of displacement ships at high speeds is dominated by wave making drag. A displacement form moving through the water pushes the water aside as it moves. This disturbance of the water requires energy, specifically propulsive energy from the ship.

Two major parameters affect the wavemaking resistance of the ship: Speed and Slenderness.

Ship wavemaking drag increases rapidly with increasing speed. It is not possible to state a specific law

for this increase - a law that holds true for all ships - but it is common to refer to a cubic increase in drag

with speed. Specifically, it is commonly understood that ship propulsive power will increase as the cube

of ship speed. Thus a doubling of ship speed will require an octupling ( $8=2^3$ ) of installed power.

Transport Factor is a measure of merit developed by Dr. Colen G. Kennell of the David Taylor Model basin. Dr. Kennell's paper "Design Trends in High Speed Transport" was distributed to workshop attendees. Transport Factor is defined as:

$TF = 1.6878 / 550 * 2240 * (\text{Full Load Displ. in Long Tons}) * (\text{Speed in knots}) / (\text{Total Installed SHP})$

This cubic relationship is close to true for "normal" speeds. But at very high displacement speeds the curve becomes even more steep. It is common for naval architects to limit their investigation



of displacement ships to a speed length ratio of about 1.30. (Speed length ratio is the ratio of ship speed in knots divided by the square root of the ship's length in feet. This is also known as the Taylor quotient  $T_q$ , after ADM David W. Taylor.) Above a speed-length ratio of 1.3 the increase in drag with increasing speed becomes greater-than-cubic.

Speeds greater than 1.3 are present in some displacement hull designs. The dominant question is "how important is wavemaking?" for the particular design. If one can make the wavemaking problem of lesser importance overall, then one may more readily consider speeds higher than  $T_q=1.3$ . The tool (or "one tool") for this is ship slenderness. A slender ship disturbs the water less, and thus has less wavemaking drag. It also has more surface area and thus more frictional drag, but this does not suffer the same steep growth with speed as does the wavemaking drag.

Slenderness is measured as the Length over Displacement ratio ( $L/\nabla^{1/3}$ ).

Present regulation contributes to inefficient boats and increases the fuel needed to push the vessel through the water.

### **At Sea processing of Alaska Salmon on an Alaska seine boat**

Processing aboard a salmon seiner is almost impossible today because of the physical area needed and the footprint of the equipment for a safe and efficient operation. Innovative ideas are hard to do because small does not lend itself to the space needs of at sea processing. The State of Alaska Department of Commerce Office of Fisheries Development website says fishermen processing fish is the fastest growing segment of the processing sector. The website goes on to say that processing is limited on an Alaska salmon seiner because of the 58 foot restriction.

### **Conclusion**

Alaska inherited from the Department of Interior a length limit on salmon seine vessels. This regulation is no longer needed. It does not assist in conservation of the resource; it promotes inefficiency in hull design, and stifles innovation in the market place. The length limit was instigated by "The White Act" in 1924 and 88 years later Alaska still has it. Why is this restriction still here? Sig Jeager saw this coming years ago when he said, "When you start to limit vessels by size, you distort what is usually a natural process and you create a resistance to further change when later on it becomes necessary."

The Alaska Board of Fisheries has the ability to repeal the 58 foot limit on salmon seine vessels and should do so now.



### **Positives of Eliminating the 58' Rule for Existing Vessels**

Much of the debate regarding removal of the 58 foot limit is focused on new vessels entering the fishery but there would be many benefits to existing vessels.

Adding length is less expensive than widening and far less expensive than acquiring a new or used boat of greater size. To build a new vessel will cost in the millions of dollars. Upgrading to a used vessel could cost hundreds of thousands of dollars. A shipyard owner indicated the following: Widening an existing vessel could cost around \$250,000 – \$300,000. However, just adding some length to the stern could cost around \$50,000 or \$60,000 or maybe less depending on how it was done. There are many benefits that could be had by just adding more space to the stern of a vessel. The following are some of the positives additional length would provide:

Extending the stern helps the vessel float better when loaded. It allows safer packing of fish in the aft holds of many boats that would otherwise not be safely utilized which improves the economic efficiency of the boat. Loaded or overloaded boats typically “squat” or sit lower in the stern compared to their trim when empty. Some vessels in the fleet are currently “overtanked” and adding length may make it so they are able to safely use all the available space for packing fish. Some processors have indicated that quality issues sometimes arise from vessels that don’t have adequate flotation to use their aft tanks to ensure proper quality of the catch. This discrepancy also causes the front tanks to be over packed which jeopardizes the quality of those fish as well because not enough refrigerated water remains for proper circulation. Adding length and thus buoyancy to the stern of the vessel improves this condition.

Commercial fishing is a notoriously dangerous occupation and anything that could provide increased safety would be a huge benefit. There are many insurance pools with seiners who participate in Alaskan salmon fisheries. These pools would realize tremendous benefit in allowing fishermen in their pools to do anything that would increase safety in their operations. Some injury claims are unavoidable, accidents happen, but there are many more which could have been avoided with an increase in the working area available on lots of these vessels. The deck space available on many 58 foot and smaller seiners is cramped at best. Additional length to the stern would create more working deck space. There is a lot going on when gear is being worked and the ability to increase space in the working area would help eliminate many unsafe situations that happen. The net could be stacked further back from the house allowing more room to walk around open hatch covers so nobody falls in. There would be more room to repair rips and fouls in the net in a much less time consuming and cumbersome manner. Added length reduces crew having to stand on the stern



rail or side rail to stack the net, spread and clear the bunt, or hook up the skiff for the next set. There is more room for the skiffman to get in and out of the skiff.

Adding length would provide more pot storage if the vessel is involved in any fisheries where hauling more gear may improve efficiency. Also, pots could be stacked further back on deck creating more working space forward for baiting, hauling, sorting, etc.

The stern extension, depending on the design, would decrease fuel consumption if it was designed to reduce drag. Longer boats move through the water more efficiently. It improves the boats ride in a following sea or bucking into the swell. The extension piece could also be used as additional ballast depending on its configuration. Vessels could pack additional fuel for long voyages taking better advantage of buying more fuel when it is cheaper or receive quantity discounts. Adding additional length even benefits shallow draft hulls because there is more "lift" to get the vessel on a plane in a shorter period of time. Also, at day's end, the skiff could be put on deck instead of towing it without overloading or trim concerns.

Fishermen today are being forced to do more with less. The ability to enhance value is an important part of this idea. Fishermen who choose to could use the new space created to explore various means of pre-processing or value adding their products. There would be more room available on deck to sort, bleed, cut, or whatever the chosen method might be to further enhance value. It difficult to tell the extent of value adding that will take place if the length limit is removed but the important thing is the option to explore possibilities will be there. There have been no significant advances in product quality since RSW was introduced to the fleet. It is important that fishermen are allowed and encouraged to continue to discover ways to increase the value of what they produce.



February 25, 2015  
Alaska Department of Fish and Game  
Board of Fisheries  
PO Box 115526  
Juneau, AK 99811

Dear Board of Fisheries Members,

RE: Comments on March Statewide Dungeness Crab, Shrimp, and Misc. Shellfish  
Proposals March 17-20, 2015

Petersburg Vessel Owner's Association is composed of almost 100 members participating in a wide variety of species and gear type fisheries. An additional thirty businesses supportive to our industry are members. Our members fish throughout Alaska from Southeast to the Bering Sea. Targeted species include crab, herring, salmon, shrimp, halibut, sablefish, and cod.

At the Southeast and Yakutat Finfish Board of Fish meeting in Sitka I attended the seine vessel length meeting on the evening of February 24, 2015. This meeting prompted our organization to submit comments for the Statewide meeting. PVOA agrees with the fish board's decision that this should be a statewide decision, and not solely Southeast.

**Proposal 202: OPPOSE**

Petersburg Vessel Owner's Association opposes this proposal that would require boat documentation to be submitted to CFEC. We have many Southeast seiners in our organization. None of them have bolt on bows or are of questionable length. Many of our seine vessels have participated in the fishery for decades. None of them want to pay to be hauled out and re-surveyed to submit their length to CFEC. They are legal limit seiners and this is an unnecessary expense.

This is also a poorly written proposal. Option 2 "requires that the federal document showing the overall length of each vessel must be submitted each year before a boat can renew its license." In some cases the USCG federal document uses keel length to designate the length of a vessel. Many vessels are longer than their keel. This proposal could allow the opposite of the proposers intentions and allow for more vessels longer than 58' overall to participate in the fishery.

**Proposal 276: SUPPORT**

PVOA supports defining an anchor roller for the purpose of maintaining the 58' seine vessel length limit. There is a premium on the price of boats 58' and under because of the current regulations. Many seine vessels sell for a million dollars or more while many much longer tender vessels sell for well under a million dollars.

Sometimes fishermen purchase boats over 58' at a discounted price compared to limit seiners and then cut the bow off and reattach it. These bolt on bows are considered anchor rollers, which are not included in the length measurement of seiners. Because there is no definition of an anchor roller, some are quite large and allow the vessel to significantly exceed 58'. We saw pictures in the meeting on February 24, 2015 and listened to someone testify that he bought a 61' vessel, cut off the bow, and bolted it on. His vessel still over 58' and he has been seining it in Southeast Alaska for several years. He told us it is cheaper to do this than to shorten the stern of a vessel over 58'. Meanwhile our members paid a premium for their boats under 58'.

Bulbous bows are another exemption from the 58' measurement of seine vessels. Most shipyards hang a plumb bob from the end of the anchor roller when fitting a boat with a bulbous bow to prevent the anchor from hitting when being deployed. Bulbous bows are built very strong. Most vessel owners with one can tell you that at one point or another their boat had enough weight on the stern to raise the bow enough to allow the anchor to hit it. This doesn't cause any damage.

Owners of vessels of questionable length often argue that anchor rollers need to be long enough to get the anchor past the bulb so it is not damaged by impact from the anchor being set. This is not a valid argument. It is a loophole in the regulations allowing for the bolt on bows and defies the intent of the law. PVOA supports establishing a definition of an anchor roller in order to prevent vessel over 58' from participating in the seine fishery. The 58' limit should be the same for every vessel.

Thank you for the opportunity to comment.

Respectfully,



Megan O'Neil  
Executive Director



Submitted By  
Robert Nelson  
Submitted On  
3/3/2015 7:43:09 PM  
Affiliation

Board of Fish members,

I would like to comment in support of prop 44. I received a commissioner permit to seine pollock in Kachemak Bay. It was a learning experience to be sure but I think we showed that pollock can be harvested with seine gear and largely avoid by catch mortality. There were more King Salmon in Kachemak Bay this year than anyone can remember, we were able to safely release all but two small 2-3 lb fish. We found in the dead of winter the pollock retreat into the deeper waters of the bay. To catch pollock in the trenches would take deeper gear than we had, much larger sets could be made with a net that fished another 50-60 feet deep. It would be interesting to fish earlier in the fall when the pollock are in the shallower water and even schooled on the surface like salmon. Markets were a challenge for us, primarily because of the last minute timing in getting the go ahead to fish. There is actually good bait potential in the auto longline systems but the size is very specific. Being able to pursue markets with more lead time would greatly enhance our effectiveness. I would like to see the state manage near shore pollock for the small boat, primarily local fleet. I feel it would benefit the local communities as well as the resource. Without action there won't ever be any meaningful harvest of pollock in Kachemak Bay on this ever expanding resource. Thank you for your consideration. Robert Nelson



Tom Kluberton, Chairman  
Alaska Board of Fisheries

Re: Proposal 202 & 276, support as amended

### **Alaska Board of Fisheries Proposals : Vessel Length**

Proposal #202 seeks to define the measurement of the 58 foot limit for salmon seine vessels in Alaska. This regulation has been in effect for a long time and a debate should be promoted to determine if it still necessary today.

- What was the intention when this regulation was enacted?
- Did the regulation accomplish the intended purpose?
- Is the rule still serving the needs of the salmon seine fishery in Alaska?
- If the rule no longer serves a purpose, why is it still part of Alaska's regulation?

In order to answer these questions the history of the law was examined and yielded some very interesting things.

#### **The History of Alaska's "58 foot law"**

Alaska fisheries, before statehood, were controlled and regulated by the Federal Government through the Department of Interior, Fish and Wildlife Office. The Federal Government controlled Alaska Fisheries through legislation called "The White Act of 1924". The regulations were promulgated from Washington DC, released in brief form, and issued in March to May for that year's fishery. Reviewing the years from 1923 through 1960, a year after Statehood, several references to limiting salmon fishing vessels to length were located.

The Department of Interior established a length limit of 50 feet for salmon seine boats in Alaska. This may have began in 1939 because older generation fishermen remember boats were cut down in length (10ft off the bow or stern and/or rudders slanted forward) in 1939.

The following paragraph was taken from the regulations of March 9, 1959, Department of The Interior, Office of the Secretary: "The regulations retain the "status quo" in regard to several issues debated at length by the various segments of the industry. No change is provided in the 50-foot limit on salmon purse seine vessels long in effect in most areas of Alaska."

The regulation was a 50 ft length limit because a standard measurement was needed. Federal measurement of vessels was not overall length. The 50 feet was measured by the distance on the tonnage deck, from the forward part of the rudder post, intersecting with the deck tonnage line to the rabbit line of the planking at the stem. This measurement system is in effect today and still used.

Before statehood salmon fish traps were prevalent in most areas of Alaska (traps were not north of the Alaska Peninsula). These traps, although said to be owned individually at first, were controlled by "lower 48" companies. Two companies,



Alaska Packers Association (APA) and Pacific American Fisheries (PAF), were the largest trap owners. These companies were a major influence to the fishery regulations proposed each year in Washington DC and used regulation to protect their trap operations. Washington State had powerful Senators who looked out for their constituents.

Salmon seiners produced fish during this time but were not as efficient as traps. In reality the companies did not want seine boats to be successful and diminish the production of the fish traps they controlled. Keeping a length limit on the seine vessel kept the traps importance.

“Both federal officials and industry spokesmen referred to another piece of discriminatory legislation, the White Act of 1924, as the “Magna Carta of fishery conservation”. In fact, the White Act favored the big companies' fish traps and worked against the development of small operators in Alaska”.

Alaska, upon statehood in 1959, adopted the 50 foot measurement from the Department of Interior, Fish and Wildlife Office. Alaska later added 58 foot overall measurement and then clarified that description excluding the anchor roller extension. These regulations were legislative as well as Board regulations. The State Legislators in 2003 said the Board of Fisheries can regulate the length of vessels in fisheries. The Board of Fisheries in 2008, made length limits below the water line not part of the measurement of a Salmon seine vessel.

The original purpose of the regulation was to keep the power of salmon production in the hands of the “outside” Companies who had control of the traps in Alaska. Did the rule serve the intended purpose and does the rule today serve an intended purpose? The answer is yes it served its intended purpose but the purpose faded through time and ended when salmon traps were abolished at Statehood in 1959.

### **Is the 58 foot law relevant today?**

Understanding the history of the Alaska 58 foot law is necessary when evaluating if the 58 foot law is helpful in the present day salmon seine fishery. Today it is known “outside” fish Companies no longer control traps and influence Interior Department Regulations. The real question: Is this restriction on the length of a salmon seine vessel needed 56 years after statehood? Are the tools of present day management sufficient to deal with salmon harvest by seine boats of a length over 58 feet if there were no restriction on the length of salmon seine boats?

### **Not a Capacity Issue**

The present day 58ft. regulation is the out-growth and leftovers of past regulation. It was never a limitation of fishery capacity. If it were, the regulation would have applied to the width and depth of the vessel. Over time the salmon seine vessel length has been held to 58 feet but vessels grew considerably in both width and depth. Today's vessels are being constructed with widths of 25-



29ft and depths of 11-13ft. This is a far cry from the vessels of fifty years ago. Even if this was unforeseen at the time it is good there were no restrictions placed on width and depth because it still allowed for some growth in the fishery. It could have possibly been unforeseen as well; the restriction on length in the salmon seine fishery also influenced regulation in other fisheries and caused other problems.

### **Not a Management Issue**

Management of Alaska salmon fisheries uses time, area and gear as control. The length of a salmon seine vessel has no consideration in management. Other Alaska salmon fisheries, gill net, troll and set net have no length limits. (Bristol Bay salmon drift gill net being the exception.). Alaska Herring seine fisheries have no length limits. Purse seine boats of all sizes compete in the herring fisheries. Those fisheries that do not have length limits are managed without incident.

### **Some outgrowth regulation and other problems**

#### **Alaska's sablefish and halibut fisheries**

An outgrowth of the 58 foot restriction is the Federal 60, and 125foot rules. (Vessel categories) National Marine Fisheries Service wanted a way to determine when observers needed to be aboard in Federal fisheries and to forestall a full scale reorganization of the fleet which might result from NMFS actions of rationalizing the sablefish and halibut fisheries. The 58 foot limit influenced this and thus a 60 and 125 foot limit for regulation of observer coverage came about. Again, this is not a capacity issue because if it were there would be restrictions on width and depth of the vessel. It's an observer issue.

#### **Fuel conservation and costs**

Hull efficiency is an important thing today. Fuel prices are soaring and a boat 58ft x 26ft, even with a bulbous bow is not efficient. The following are facts of design from the Navy concerning hull efficiencies and length to width ratios.

##### 2.1 Displacement Ships

##### 2.1.1 Hydrostatic Displacement: Ships

##### 2.1.1.1 Historical Origin

It is impossible and unnecessary to present here a history of the development of the displacement hull form. Let it suffice to point out that this hull concept dates to prehistoric times.

##### 2.1.1.2 Dominant Physics

The lift/drag performance of displacement ships at high speeds is dominated by wave making drag. A displacement form moving through the water pushes the water aside as it moves. This disturbance of the water requires energy, specifically propulsive energy from the ship.

Two major parameters affect the wavemaking resistance of the ship: Speed and Slenderness.

Ship wavemaking drag increases rapidly with increasing speed. It is not possible to state a specific law

for this increase - a law that holds true for all ships - but it is common to refer to a cubic increase in drag



with speed. Specifically, it is commonly understood that ship propulsive power will increase as the cube

of ship speed. Thus a doubling of ship speed will require an octupling ( $8=2^3$ ) of installed power.

Transport Factor is a measure of merit developed by Dr. Colen G. Kennell of the David Taylor Model basin. Dr. Kennell's paper "Design Trends in High Speed Transport" was distributed to workshop attendees. Transport Factor is defined as:

$TF = 1.6878 / 550 * 2240 * (\text{Full Load Displ. in Long Tons}) * (\text{Speed in knots}) / (\text{Total Installed SHP})$

This cubic relationship is close to true for "normal" speeds. But at very high displacement speeds the curve becomes even more steep. It is common for naval architects to limit their investigation of displacement ships to a speed length ratio of about 1.30. (Speed length ratio is the ratio of ship speed in knots divided by the square root of the ship's length in feet. This is also known as the Taylor quotient  $T_q$ , after ADM David W. Taylor.) Above a speed-length ratio of 1.3 the increase in drag with increasing speed becomes greater-than-cubic.

Speeds greater than 1.3 are present in some displacement hull designs. The dominant question is "how important is wavemaking?" for the particular design. If one can make the wavemaking problem of lesser importance overall, then one may more readily consider speeds higher than  $T_q=1.3$ . The tool (or "one tool") for this is ship slenderness. A slender ship disturbs the water less, and thus has less wavemaking drag. It also has more surface area and thus more frictional drag, but this does not suffer the same steep growth with speed as does the wavemaking drag.

Slenderness is measured as the Length over Displacement ratio ( $L/\nabla^{1/3}$ ).

Present regulation contributes to inefficient boats and increases the fuel needed to push the vessel through the water.

### Conclusion

Alaska inherited from the Department of Interior a length limit on salmon seine vessels. This regulation is no longer needed. It does not assist in conservation of the resource; it promotes inefficiency in hull design and bad vessel builds. The length limit was instigated by "The White Act" in 1924 and 91 years later Alaska still has it. Why is this restriction still here? Sig Jeager saw this coming years ago when he said, "When you start to limit vessels by size, you distort what is usually a natural process and you create a resistance to further change when later on it becomes necessary."

The United States Coast Guard has regulation that makes any new build commercial vessel over 50ft to be compliant with classification regulation. This regulation adds about 40% to the cost of construction. Others have asked the Alaska Congressional Delegation to change the 50ft length to 79ft thus making new builds under 79ft less expensive. The Alaska Board of Fisheries has the ability to chose any length limit on salmon seine vessels. They should chose 79ft.

Best regards, Darrell Kapp



Submitted By Darius Kasprzak  
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Alaska Board of Fish members,

The Alaska Jig Association (AJA) supports the BOF advisory committee's recommendations and amendment to Proposal 44. This amendment requests the BOF to remove the Maximum Retainable Allowance (MRA) walleye pollock restraints from the State Pacific cod jig fishery, and thus establish a management plan for a State jig directed pollock fishery.

The jig fisheries provide entry level opportunity into Gulf of Alaska (GOA) fisheries, which is an integral component of maintaining working waterfronts. Jig fisheries sustain a dedicated jig gear only vessel contingent, and in addition contribute to a diversified fishing portfolio for other combination gear fishing vessels ported throughout coastal Alaskan communities. Increased jig participation is most likely to benefit coastal Alaskan residents and the local economies they rely upon. Increased jig deliveries promote local hire, encourage niche processing activity and foster onshore fleet services that are found throughout coastal communities.

Currently our Kodiak jig fleet has extremely minimal opportunities to harvest pollock. The brief Federal pollock openings that occur in waters relatively close to processing infrastructure, are essentially high volume and trawl gear dominated derbys, that leave no time for the far more selective and slower paced jig vessels to prosecute a viable fishery.

Currently, the only remaining recourse to jig harvest pollock is by attaining a MRA in other targeted jig fisheries such as cod. In 2013 the jig fleet has had great difficulty harvesting the State jig cod guideline harvest level (GHL) due to a lack of cod available inshore. Most of the jig harvest occurs after all other sectors have prosecuted the Federal A cod season, and in times of low cod abundance inshore the fleet has reduced opportunity.

Vessels have been encountering increased catches of pollock and have had to move away from pollock (as well as the cod associated with, and often mixed with schooling pollock biomass) as they are not able to retain more than 20% under a MRA. Without the cod to provide the allowance for the pollock, there is a loss of opportunity.

The GOA jig fleet has been recognized by Federal and State management authorities, and provided for in the context of directed harvest allocations and set asides for both cod and rockfish. Yet, abundant pollock remains among the last jig gear accessible species to be denied in practical terms to our sector as a target fishery.

Considerations:

- 1) The beleaguered Kodiak jig fleet is reeling from a double whammy of abnormally low inshore cod biomasses, coinciding with abnormally low ex-vessel cod prices. Meanwhile, inshore pollock biomasses and ex-vessel prices are up. Establishing a State jig pollock fishery could provide a substantial measure of emergency relief to the Kodiak jig fleet. Hopefully, such a measure could be accomplished in 2014, allowing the jig fleet to harvest pollock as soon as possible.
- 2) Value of Alaskan waters pollock harvest would most likely increase by allowing jig sector participation. Jig gear of the type normally used for cod typically harvests a large, superior grade of pollock. The hand tended fishing technique allows the potential for individual bleeding of fish, as well as gutting/gilling onboard and careful hand icing and layering. These quality improvements may encourage niche processing and artisan marketing. The debut of exceptionally high quality jig harvested Alaskan walleye pollock on the market may increase awareness and appreciation of this product, leading to improved overall market conditions for all pollock harvesting sectors.
- 3) Jig fishers need a structure to provide maximum flexibility to the jig fleet under the current overall MRA allowance. We are not asking for more of an initial allocation than is already set aside and accounted for under the current overall MRA allowance.
- 4) Consider a portion of the overall MRA to be available as a directed pollock GHL jig fishery, and a portion to remain as an MRA for the directed cod and rockfish jig fisheries.
- 5) Consider a stairstep increase to a following year's jig pollock GHL available, if harvested to within 90% on a given year. Likewise, GHL could stairstep back down if not harvested within 90% in two consecutive years. GHL would not stairstep down below parameters of initial allocation.
- 6) Considering mirroring legal gear requirements of the current GOA jig fisheries- specifically, a maximum of 5 jig machines limited to a maximum of 30 hooks each.

Thank you for your consideration, and I look forward to meeting with you during Jan.7-10 in Kodiak.

Sincerely,

Darius Kasprzak  
President, Alaska Jig Association



**NMFS Alaska Region discussion of fishery impacts from**

**2013 BOF proposals**

**Proposal 43: All groundfish GHL set at 25% of Central GOA ABC for non-pelagic trawl vessels <= 58 ft combined for areas: Prince William Sound outside, Cook Inlet, Kodiak, Chignik. The proposal includes 100% observer coverage.**

The proposal would allocate 25% of the CGOA ABC for all groundfish species. It is not clear what impact this proposal would have on species that are allocated on a GOA-wide basis without a specific allocation in the Central GOA. These include Atka mackerel, octopuses, sculpins, sharks, other skates, and squids. We assume that these species would not be allocated.

The proposal refers to closing these trawl fisheries on a bycatch limit, but there is no bycatch limit specified in the proposal.

1. Proposal 43 would require decreases in the TACs since the Council and NMFS set TACs less than the ABCs to account for GHLS. NMFS would need to monitor the GHL catch to monitor the annual catch limits for federal ABCs and overfishing levels. This proposal for non-pelagic trawl gear would decrease TACs for species harvested by vessels using hook-and-line gear including IFQ sablefish and incidental catch of species in the IFQ sablefish targets. Some groundfish species are not open for directed fishing because the ABCs/TACs are not large enough for the potential effort and may only support incidental catch amounts in other fisheries. Reducing the TACs by 25% may result in TACs being exceeded earlier in the year which may result in NMFS prohibiting retention of these species with low ABCs/TACs.
  1. In 2013, these species were set equal to the ABC in the Western and Central GOA: pollock, sablefish, deep-water flatfish, rex sole, Pacific ocean perch, northern rockfish, shortraker rockfish, rougheye rockfish, dusky rockfish, thornyhead rockfish, other rockfish, big skate, longnose skate.
  2. In 2013, these species were set equal to ABC Gulf-wide: other skates, sharks, squids, octopus.
2. Reduces allocations for the Central Rockfish and IFQ sablefish catch share programs..
3. Reduces sideboard limits for AFA catcher vessels, Crab sideboarded vessels, and Amendment 80 and Central GOA catcher/processors.
4. It may require re-consultation on Steller sea lion (SSL) protection measures to assess the impact of any increase in harvest in SSL areas closed by Federal regulation that would be allowed under this proposal. The Federal Steller sea lion measures close directed fishing for pollock and Pacific cod trawl fisheries on November 1. This proposal closes the fisheries on December 31 unless the TAC or bycatch limit is reached prior to December 31.
5. From 2003 through 2013 the main targeted trawl groundfish fisheries in state waters are for pollock and Pacific cod. There is some catch in shallow-water flatfish and arrowtooth flounder targets in State waters; however, the catch in each of these targets averages less than 150 mt per year from 2003 through 2013. Except for a seasonal opening on the west side of Kodiak and Afognak Islands, all other State waters in these areas currently are closed to non-pelagic trawl gear.

**Proposal 44: Pollock GHL set at 25% of Central GOA ABC for vessels <58 ft using pelagic trawl, non-pelagic trawl, seine, or jig gear, in combined areas of Cook Inlet, Kodiak, and Chignik. The proposal includes 100% observer coverage.**

1. Would require a decrease in the TACs and seasonal apportionments. See the Tables 1 and 2 below.
2. It may require re-consultation on Steller sea lion (SSL) protection measures to assess the impact of any increase in harvest in SSL areas closed by Federal regulation that would be allowed under this proposal. Existing SSL protection measures allocate the pollock fishery by four seasons to distribute the directed fishery over time. Another SSL protection measure closes pollock directed fishing on November 1. It appears that this proposal would not establish seasonal allocations and would close the fishery on December 31 unless the GHL has been reached.
3. Chinook salmon bycatch (PSC) limits apply in the Western and Central GOA pollock fisheries. The federal limits would not apply to the state GHL fisheries for pollock, and the proposal does not address whether Chinook salmon PSC limits would be part of the new GHL fisheries. Chinook salmon PSC may increase unless the state establishes Chinook salmon PSC limits.
4. Halibut bycatch (PSC) limits also apply to all trawl fisheries (including pollock). These federal limits would not apply to the state GHL fishery for pollock, and the proposal does not address whether halibut PSC limits would be part of the new GHL fisheries. Halibut PSC may increase unless the State establishes halibut PSC limits.
5. Reduces pollock sideboard limits for AFA catcher vessels.

**Tables for Proposal 44 - Pollock GHLS set at 25% of Central GOA ABC**

Table 1 - 2013 Status Quo Pollock OFLs, ABCs, and TACs					GHL = 25% of ABC	
Species	Area/District1	OFL	ABC	TAC	GHL	TAC minus GHL



Pollock2	Shumagin (610)	n/a	28,072	28,072	N/A	
	Chirikof (620)	n/a	51,443	51,443	12,861	38,582
	Kodiak (630)	n/a	27,372	27,372	6,843	20,529
	WYK (640)	n/a	3,385	3,385	846	2,539
Subtotal	W/C/WYK	150,817	110,272	110,272	27,568	89,722
	SEO (650)	14,366	10,774	10,774	N/A	10,774
Total		165,183	121,046	121,046	27,568	100,496

WYK – West Yakutat District, W/C/WYK – Western, Central, and West Yakutat District

Blue highlighted cells are the revised TACs and GHs under proposal 44.

**Proposal 45: Require 100% observer coverage in all trawl groundfish fisheries inside state waters in the Central GOA. The primary trawl fisheries in state waters are the parallel fisheries for pollock and Pacific cod.**

1. Trawl catcher/processors are required to have 100% observer coverage, so this proposal does not apply to trawl catcher/processors.
2. The federal observer program applies to federally-permitted vessels in the federal or parallel fisheries. The current deployment of observers does not differ whether a vessel is fishing in federal or state waters in that fishery. Under the current deployment, if the State requires 100% observer coverage in state waters then a vessel could only fish in state waters if they were selected for observer coverage.
3. If 100% observer coverage was required in state waters then either this coverage would need to be incorporated into the current federal observer program or the State would need to establish its own program to provide observer for non-federally permitted vessels and for federally-permitted vessels not selected for observer coverage that fish in state waters. Each option has benefits and concerns related to many aspects including enforceability, funding, deployment, and data management. A combined state and federal observer program makes sense when reviewing the benefits of a collaborative state, federal, and IPHC electronic fish ticket program: improved data quality, more timely data for managers, and reduction of duplicative reporting of similar information to multiple agencies. Separate state and federal observer programs would need to be carefully developed to prevent one program from negatively influencing the other program.
4. Because NMFS provides stock assessment for most groundfish, any new state waters observer program would need to collect data compatible with data collected by the federal program to be used for both catch accounting and stock assessment.