

**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

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

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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



Submitted By  
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Submitted On  
12/3/2014 1:47:09 PM  
Affiliation

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Dear Mr. Chairman;

I respectfully request that my name be added to the 58 foot vessel size limit definition committee that I understand will meet in Sitka. I have a fairly good understanding of this complicated issue. I own a vessel that could be affected by this confusing issue, and I have conferred with many vessel owners who are concerned about the outcome of these deliberations but who also would like to get to a sensible solution. I have been involved in the Board process for over 20 years and would come to Sitka for the meeting.

Thank you for your consideration.

Sincerely,

Buck Laukitis



Submitted By  
Thomas S. McAllister  
Submitted On  
1/17/2015 4:10:19 PM  
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Proposal 202 was written in response to a growing misunderstanding of Alaska's 58' maximum length limit for seine boats and concern that the law is unenforceable in the field by today's standards of measurement. It is the intention of this proposal's author to bring clarity to the regulation so that the law is enforceable and fishermen can plan with certainty their business going forward.

In recent years there has been an influx of foreign boats brought from Canada by US fisherman and employed in the SE Alaskan seine fisheries. There have been numerous complaints that these boats exceed Alaska's 58' length limit; also there are reportedly numerous boats of US construction that exceed 58', but to date enforcement officers have sighted none of the boats in question. This is due in part to the vagaries of the standard Alaska applies for measurement which is inconsistent with international and US Coast Guard's measurement standards. Mixing them up, we have a quagmire of confusing measurement rules that even few experts understand.

Further, there is a double standard in Alaska for licensing fishing boats and registering them to seine salmon. Under existing statute, the Commercial Fisheries Entry Commission (CFEC) assesses annual license fees based on the "Length Overall" (LOA) shown on a boat's Federal Papers and then issues a net area registration sticker for the area that boat is registering to seine salmon. However, area registration stickers are issued without predigest to length and it is up to The Department of Public Safety, Fish and Wild Life Officers to measure boats and enforce Alaska's 58' standard once the boat is fishing. The point is, CFEC is licensing boats based on the Federal LOA numbers and Fish and Wildlife is suppose to enforce Alaska's 58' limit once a boat is fishing by an entirely different standard.

Then there are the difficulties with measuring boats in the field which is not easily done with any degree of precision and, the vagaries of the state statute; "length overall" and "anchor roller" are not well defined making Alaska's law impracticable.

Alaska needs a measurement standard for its 58' seine boat limit that is consistent with USCG and international measurement standards and one that is enforceable at the time a boat registers to seine salmon in Alaska, not once it is fishing.

Proposal 202 proposes that each year, CFEC register boats to seine salmon using the "length overall" (LOA) as stated on the boat's federal papers. There should be no further need for enforcement once CFED has issued a boats license and registration for the year. This is consistent and simple for everyone to understand. The standards for length measurement exist in federal law and the measurements have already been done by certified marine surveyors in the business of measuring boats by enforceable standards.

In a way, this is exactly how Alaska does it now due to the fact that never has a citation been written and every boat seining salmon in Alaska shows 58' or less on it's Federal Papers (the only possible exception being boats that had seined salmon pre 1962 that were grandfathered into salmon seine fisheries).

Once the Board of Fisheries has thoroughly investigated the complexities of vessel measurement in State and Federal law, looked into the history of the existing laws and then ponders the future of Alaska's 58' limit, the fairest, most equitable and enforceable option is to use the numbers as stated for LOA on Federal papers.

Alaska should not be in the business of measuring fishing boats, especially our troopers; they have a much more important roll in serving and protecting the people and resources of Alaska than to do a job that has already been done by highly trained and federally certified marine surveyors. The CFEC is the proper gatekeeper for the length of Alaska's fishing fleets and it is there and in this way that I, the

author of proposal 202 propose Alaska's 58' limit be enforced.



Thank you for your consideration on this matter.

Thomas S. McAllister



February 9, 2015  
Alaska Department of Fish and Game  
Board of Fisheries  
PO Box 115526  
Juneau, AK 99811

Dear Board of Fisheries Members,

RE: Comments on February Southeast Finfish Proposals February 23-March 3, 2015

Petersburg Vessel Owners 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.

PVOA's mission statement is to:

"Promote the economic viability of the commercial fishing fleet in Petersburg, promote the conservation and rational management of North Pacific resources, and advocate the need for protection of fisheries habitat."

**Proposal 113: oppose**

There is no biological reason to create a conservation area here. There are no endangered species in these waters that would be protected by it. There are many commercial and sport fisheries in and around this area currently. We don't want the commercial, sport, and personal use fishermen for sea cucumber, bottom fish, crab, shrimp, and salmon to lose this opportunity.

**Proposal 114 and 115: oppose**

Herring stocks are cyclical and this could prevent the herring sac row fishery from opening on seasons with sufficient return to support a fishery because past stocks were low. Herring return to spawn for up to seven years. These proposals could decrease the amount of management the department has over this fishery. We would like them to have the maximum amount of flexibility so they can best manage the fishery.

**Proposal 116: support**

When the returning biomass of herring exceeds the minimum threshold there needs to be a fishery. There are a lot of fishermen with major investments in this fishery and the current wording of the regulation leaves the possibility that the fishery wouldn't be opened.

**Proposal 117: no position**

**Proposal 118: opposed**



statistical areas up to the department so that they can implement their management plans best.

**Proposal 201: oppose**

PVOA is opposed to closing Basket Bay. This area is not usually open to purse seiners; however, we don't want to permanently lose the opportunity to fish there someday.

**Proposal 202: oppose**

Our membership feels that these regulations are clearly defined and don't need to be rewritten.

**Proposal 204-205: oppose**

Only the FAA can ground a plane. Planes would still fly during seine openings under the pretense of delivering parts. It is also not possible to ban communications between boats and planes. This proposal does not seem enforceable to us. Furthermore, we would like to point out that this has been proposed to the fish board in the past and failed.

**Proposal 206: support**

The new wording of the regulation eliminates the confusion between the lines of 15-C and 15-B.

**Proposal 208: oppose**

Reducing the mesh size will not reduce the number of kings caught in this area during non-king openings. It will increase the number of smaller kings caught. These are primarily hatchery kings returning to Anita Bay and do not count against the Pacific Salmon Treaty fish.

**Proposal 209: no action**

**Proposal 210: support**

This may lead to an increased pink salmon catch in both clear and muddy water because the net would be less visible to the salmon. These nets are already legal in both Cook Inlet and Puget Sound. They may also be more cost effective to our fishermen.

**Proposal 224: no action**

**Proposal 227: oppose**

This is contrary to the proposal we supported coming from the Joint Regional Planning Team. We support proposal 225, and therefore oppose 227.

**Proposal 228: oppose**

The proposed closure is during the peak of the season and would result in a huge loss of revenue to our trollers. We don't want our fishermen to lose this opportunity when there is no



conservation issue. Our trollers are not creating a competition for fish with the subsistence users. The department only opens commercial fisheries when there is an excess of stocks, after subsistence use, to support a fishery.

**Proposal 230: oppose**

We don't want to see district 15-c closed to troll beginning July 1. There is room for both gear groups to work together.

Thank you for your time and considering our comments. Petersburg Vessel Owner's Association had several long meeting to discuss these proposals and what we feel is best for the industry. Our organization will have representatives present at the meetings and we are happy to answer any questions.

Respectfully,

A handwritten signature in blue ink that reads "Megan O'Neil".

Megan O'Neil  
Executive Director



February 9, 2015

SEAS – PO Box 23081  
Juneau, AK 99802  
907-463-5080

## **Board of Fisheries**

February 23 – March 3, 2015  
Sitka, Alaska

Dear Vice Chairman Kluberton and Board of Fisheries Members:

Southeast Alaska Seiners (SEAS) submit these comments on proposals you will be considering at the upcoming meeting concerning fisheries in southeast Alaska. SEAS is a 501 (c)(6) not for profit and represents the interests of seine fishermen, tender men, crew, and families associated with salmon seine fisheries throughout southeast Alaska. SEAS members participate in salmon seine fisheries from Ketchikan, Petersburg, Hoonah, Kake, Hydaburg, Craig, Klawock, Wrangell, Sitka and Juneau. Approximately 75% of the 300 boat fleet has had membership in SEAS members, with around 50% being consistent annual dues paying members.

Of these, approximately 30% of the Southeast seine fleet are SEALASKA members or married to a SEALASKA member. In other words SEAS represents 30% Native Alaskan fishermen and 70% non-Native Alaskan fishermen. These members hail from Ketchikan, Juneau, Kake, Hoonah, Sitka, Hydaburg, Craig and Klawock. There are also SEALASKA shareholders who live in Seattle, Stanwood, Bellingham, Mercer Island and Lake Forest Park. A few of our SEALASKA members will be here testifying but the vast majority are preparing for herring season, crabbing or doing vessel maintenance. SEAS looks forward to working with the board this year on proposals pertaining to our longstanding, sustainable, historical fishery here in Southeast Alaska.

**Re: Opposition to Proposals 173, 175, 176, 188, 191, 193, 194, 195, 196, 197, 199, 200, 202, 203, & 204; Support for Proposal 146, 183, 186, 187, 190, 198, 207**

**Oppose Proposal 193** – Prohibit commercial seine fishing in ADF&G district 12-sub 15 and district 14-sub. 21 & 23, **Oppose Proposal 199** – prohibit seine fishing within Angoon Possessory Boundary, and **Oppose Proposal 200** – close waters to seine fishing with Admiralty Monument Proclamation. The following comments apply to these three proposals 193, 199, & 200:

**These proposals seek to limit or eliminate the purse seine fishery** in most of District 12 to no more than 15 hours in any 7 day period in the best case and completely closing parts or all of District 12, Sub-district 15 and District 14, Sub-districts 21 and 23 asserting that the purse seine fishery in these areas interferes with the ability



**Final group of proposals that SEAS opposes:**

**Oppose 173** – This proposal would damage the state of Alaska’s ability to manage. We are opposed to the entire premise that subsistence needs are not being met. This issue has more to do with the 2,200 sockeye killed at Kanalku falls rather than the 236 harvested by the seine fleet in the years 2012-2014. Please see extensive comments on Kanalku harvest, escapement, genetic stock identification, and barrier falls mortality for opposition to proposals 193, 199, & 200.

**Oppose 202** – SEAS members are polled biannually and are opposed to changes, be they large or small, that allows vessels built larger than 58 feet to be brought to Southeast to fish salmon in the seine fishery.

**Oppose 203** – Oppose Jason Schull. Absurd proposal that begs the question, “when are we going to require a 2<sup>nd</sup> signature?” for future board of fish proposals.

**Oppose 204** – Unenforceable and negatively affects small family businesses. Small planes and fish spotting is a tradition in Alaska; adopting this would put people out of work.

**Oppose 228** – Record coho returns. 10 day closure is a conservation tool in the toolbox. Leave it there.

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Southeast Alaska Seine members and executive director will be at the Sitka meeting; we would welcome the opportunity to talk with board members about the fishery, these proposals and answer any questions. We would also like to serve on the board committee formed to address these proposals.

Thank you for your time and commitment to the board process and the opportunity to comment.

Sincerely,  
Robert M. Thorstenson, Jr.,

Executive Director,  
Southeast Alaska Seiners



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



Submitted By  
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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



Submitted By  
Daniel Patterson  
Submitted On  
2/9/2015 3:25:58 PM  
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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 seamaiden 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 myself, read the current Alaska regulations and provided pictures of what I intended, and with the guidance of an accredited surveyor I had 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 controled maner 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 if needed in the field.



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.

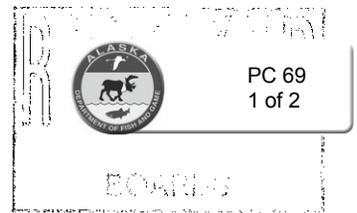
BOB CLASBY, Alaska Department of Fish and Game (ADF&G), Division of Commercial Fisheries, stated ADF&G supports HB 569 with recommended amendments to define overall length.

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



Robert Briscoe  
1043 Peace Portal Drive  
Blaine WA 98230

February 9, 2015

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

Dear Board of Fisheries Members:

As a long-time Southeast Alaska salmon purse seine fisherman, I submit these comments to you on Proposal 202.

Proposal 202 asks the Board of Fisheries to clarify measurement standards for the salmon purse seine vessels operating in Southeast Alaska. Proposal 202 asks the BOF to either amend current regulation so that where an anchor roller ends and the hull begins is defined, or to draft a regulation that establishes a CFEC registry that requires CFEC to have federal documentation that establishes a vessel's length overall, which must be submitted to CFEC each year before a vessel can be issued a CFEC permit to operate in the Southeast Alaska salmon purse seine fishery.

I write in support of the second option. My boat has federal documentation (documentation issued by the Coast Guard and the shipbuilder) that sets forth the Length Overall (LOA) of my salmon purse seine vessel. This documentation establishes that my boat has been conclusively measured so that it qualifies as a 58-foot purse seine vessel. This documentation can be readily submitted to CFEC in order to obtain a permit. CFEC's vessel permit registration or renewal form can easily be amended to ask for such documentation for any vessel operating in this fishery. Each year, if the same vessel is operating in the fishery, CFEC's annual renewal application can have a box that can be checked to indicate that LOA paperwork has been submitted for the vessel that will be participating. If a vessel operator changes vessels, then they would submit the length documentation to CFEC to prove compliance with the regulation.



The Alaska Legislature adopted (first in 1970) AS 16.05.835, which deals with the maximum length of salmon seine vessels. That statute provides:

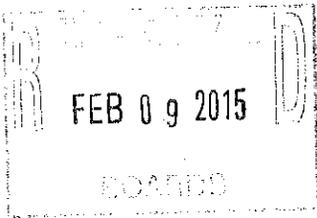
(a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels. ...

(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers.

CFEC statutes (AS 16.05.530(b) deals with vessel license renewals) reads that "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 ... ."

Thank you for considering these comments.

Yours  
  
Robert Briscoe



Doug Chaney  
11719 Madera Drive SW  
Lakewood, Washington 98499

February 9, 2015

Chairman Karl Johnstone  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

**Proposal 202**

Dear Chair Johnstone and Board Members:

I am writing you about Proposal 202. Proposal 202 has two options for you to consider.

I think before taking any action on this proposal, I would like the Board to take this up in its committee process to get as much information as possible. That exchange of information will help Board members understand or dispel some "dock talk" about this vessel length matter. It appears that the Board will be taking up this proposal in committee in the afternoon on February 28 as part of the Group 6 proposals, and deliberate on group 6 proposal during the Boards afternoon meeting on March 1.

I support the second option in Proposal 202. My salmon purse seine boat has Coast Guard documentation which establishes the length overall and allows me to participate in southeast seine fisheries. I can readily submit that document to the CFEC, and it can keep track of boats that are participating and registered, and so it can require the necessary fee from us boat owners.

Thanks,

  
Doug Chaney



# PSVOA

PURSE SEINE VESSEL OWNERS' ASSOCIATION

1900 W Nickerson St., Ste. 320 ■ Seattle, WA 98119 ■ Tel: (206) 283-7733 ■ Fax: (206) 283-7795 ■ [www.psvoa.org](http://www.psvoa.org)



PC 71  
1 of 2

February 9, 2015

**VIA FACSIMILE (907) 465 -6094**

Alaska Board of Fisheries  
c/o Alaska Department of Fish and Game, Boards Support Section  
P.O. Box 115826  
Juneau, AK 99811

**Re: Southeast and Yakutat Finfish Board of Fisheries Meeting**

Dear Board of Fisheries Members:

The Purse Seine Vessel Owners Association ("PSVOA") submits the following comments on certain proposals before Board at the upcoming Southeast and Yakutat Board of Fisheries meeting in Sitka. PSVOA represents purse seine vessel owners throughout Alaska and the Northwest, including Southeast Alaska.

**Oppose Proposal 193 – Restrict salmon purse seine fisheries in Chatham Strait to 15 hrs/week**

**Oppose Proposal 199 – Prohibit salmon purse seine fisheries within boundary of Angoon**

**Oppose Proposal 200 – Close Admiralty Island to salmon purse seines**

These proposals seek to severely limit or eliminate the purse seine fishery in most of District 12. The proponents of these proposals aver that broad time and area restrictions are necessary "to protect and maintain subsistence salmon and fisheries in the Chatham Straits Areas." However, as set forth in the Southeast Alaska Seiners Association's ("SEAS") comments in its February 9 letter to the Board of Fisheries, the commercial purse seine fishery's impacts on stocks that are important to subsistence fisheries in the area are *de minimis*. Conversely, these proposals would result in a large reduction in pink salmon harvest by the purse seine fleet. As SEAS points out, as recently as 2011 District 12 accounted for nearly 40% of the Southeast commercial salmon fishery.

ADF&G's management strategy currently in place for Chatham Straits provides ample protection for Kanalku sockeye and other local sockeye stocks. In most years, approximately 80% of the Kanalku sockeye run has migrated into, or near, the terminal area before the seine fishery commences in Chatham Straits. Recently completed genetic stock identification ("GSI") work, which was conducted in response to concerns raised by Angoon residents and the Federal Subsistence Board, provides further evidence that the seine fleet's incidental harvest of Kanalku sockeye is insignificant.



In sum, PSVOA respectfully requests that the Board reject Proposals 193, 199 and 200 based on the overwhelming empirical evidence that ADF&G's current management of the District 12 seine fishery does not adversely impact subsistence salmon fisheries in the Chatham Straits Areas.

**Oppose Proposal 202 – Clarification of measurement standard for determining seine vessel length.**

The rationale given for this proposal is "The 58 foot length limit for salmon seine boats needs clarification." In fact, the 58 foot limit is clearly defined in statute. AS § 16.05.835 provides in pertinent part: "[A] salmon seine vessel may not be longer than 58 feet overall length . . . ." The statute defines "overall length" as the straight line length between the extremities of the vessel excluding anchor rollers."

The proponent of this proposal requests this Board to adopt a regulation which incorporates the federal standards for determining vessel length, which are fundamentally different than the simple, straight forward method set forth in AS § 16.05.835. Under the federal measurement standards, a vessel can be technically classified as a 58 foot vessel even when the distance between the "extremities" of the vessel (bow to stern) is greater than 58 feet. Accordingly, this proposal which purports to "clarify" Alaska's 58 foot limit, would actually do away with the 58 foot limit as defined by statute and would allow seine vessels larger than 58 feet to participate in the Southeast salmon seine fishery.

Debating the continued rationale or validity of the 58 foot limitation cannot alter the fact it is the standard upon which permit holders have relied and the seine fleet has developed. Moreover, to allow vessels greater in length than 58 feet is inconsistent with the ongoing efforts to consolidate permits and reduce harvesting capacity in the Southeast salmon seine fishery.

Thank you for considering our comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert F. Kehoe".

Robert F. Kehoe, Executive Director  
Purse Seine Vessel Owner's Ass'n



To Alaska Board of Fisheries:

February 24, 2015

I am Scott McAllister, the author of proposal 202 and a 43-year veteran of Alaskan pure seine fisheries.

For the record: I am in favor of keeping the 58-foot seine boat limit. My intention for proposal 202 is to bring clarity to a rule that has become more difficult to understand and enforce over time. As we have all become aware that Alaska's definition of 58-feet, "a strait line to the extremities of the vessel", is not working in today's environment.

The 58 foot "stretch" as I call it has been happening for many years now and in a number of ways. This is due to the lack of clarity in Alaska's definition of 58-feet and contradictions between Alaska's and Federal measurement standards. This has set up confusing circumstances for fishermen and enforcers, leaving Alaska's 58-foot limit open for broad and individual interpretations.

The following are three criteria I would like the board to consider while resolving this problem.

**First:** All boats that have history in Alaska's seine fisheries must be able to keep fishing going forward.

**Second:** The regulations need to be fair. By that I mean, don't close the door on future opportunity for fishermen to upgrade using the same rules that people are using now. It is unfair to favor 'tonnage boats' (boats from Canada) that are fishing now and deny opportunities for guys considering the use of similar admeasurements in the future.

**Third:** The 58-foot limit needs to be enforceable with administrative oversight. By this I mean, enforcement of the limit needs to happen at the administrative level when boats are licensed and registered by CFEC to seine salmon, not while they are fishing.

Thank you for your consideration in this matter. Thomas McAllister.



In PC 75 Petersburg Vessel Owner's Association **OPPOSED** proposal 202. After attending the seine vessel length meeting on the evening of February 24, 2015, I would like to expand my comments.

**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.

Respectfully,  
Megan O'Neil

*Megan O'Neil*

Executive Director



Tom Kluberton, Chairman

Board of Fish and Game

Re: Proposal 202 and 276

The attachments provided are to outline the history and authorities surrounding the measures used by the State of Alaska overtime to identify vessel length, particularly the 58 foot seine vessels used in the State's salmon fisheries. There are numerous other fisheries and vessels impacted by the same measuring approach. Proposals 202 and 276 however only deal with the 58' salmon vessels. The additional fisheries included are to display the importance of access to many Alaska fisheries, using measured length as a tool. Exhibits 1 A&B, 2A&B are sourced from Kurt Iverson at the Commercial Fisheries Entry Commission.

Some relevant points, on 1A there are two Alaska Statues both identifying, but in different ways and with different statutes, the measure for a 58' Alaska purse seine vessel. The significant part of the measure is Overall length (OAL) the definition. The difference between the CFCE statute (AS 16.05.530), using the federal (US Coast Guard), and the other Alaska statue can be seen in example 1A (AS16.05.835). In both circumstances the anchor roller length has been excluded from the OAL. There is currently no specific language which defines the anchor roller, there is however consistent language which describes what can and cannot be done with the anchor roller, i.e. it cannot be part of the buoyant package of the vessel.

The history of the OAL exists in State statue since 1970 (Ex 1) and earlier in Federal authority (Ex1b), specifically in 46 USC 2101(20b) as used by the US Coast Guard. There are differences in language but State and Federal instructions both exempt attachments, specifically "anchor rollers". The USCG OAL, wich is a national standard, has been (by statute) used by CFCE for vessel licensing since 2005

*Bruce H. Wallace*

BRUCE H. WALLACE  
410 CALHOUN ST.  
JUNEAU ALASKA  
99801



Overall Length

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)

Exh. 1A



Overall Length

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)

Ex 1B



Overall Length

Board of Fisheries Regulations			
Application	Citation	Specific Language	Implemented
Bulbous bow	<b>5 AAC 39.117</b>  <b>Vessel length; bulbous bow</b>	(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, 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	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>	(c) As used in this chapter, the term (9) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;	1997 (most recent amendment 2012)
Tanner crab vessel specifications	<b>5 AAC 35.590</b>  <b>Area J Tanner crab management plan</b>	(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.  (b) Tanner crab may not be taken in the Chignik and South Peninsula Districts by vessels over 58 feet in overall length.  (c) In this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.	1983 (most recent amendment 2005)

(cont'd)

EX 2A



Overall Length

<b>Board of Fisheries Regulations</b>			
<b>Application</b>	<b>Citation</b>	<b>Specific Language</b>	<b>Implemented</b>
King crab vessel specifications	<b>5 AAC 34.590</b> <b>Area M king crab management plan</b>	(a) In the West Chignik District, a vessel engaged in the commercial king crab fishery may not be longer than 58 feet overall length.  (b) For the purposes of this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.	2002
King crab vessel specifications	<b>5 AAC 34.925</b> <b>Area Q king crab management plan</b>	(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)

Ex 213



## **58' Seine Vessel Definition - Compilation of Information from Southeast and Yakutat Finfish Meeting**

Discussion on Tuesday evening March 24th surrounded the various methods of vessel measurement presently in:

- Alaska Statute(s)
- US Coast Guard
- NOAA/NMFS under the Magnuson/Stevens Act
- Various Board of Fisheries Regulations

(Applicable language in RC 101)

### **Points mentioned that evening included:**

- Most states use USCG documented LOA (vessel length overall) as the definitive measure of vessel length.
- Skippers of vessels entering Alaskan fisheries from other states and carrying USCG documentation of LOA less than 58' would consider themselves eligible to participate.
- Since 1996 CFEC has determined registration fees under AS 16.05.530, which uses the current USCG measurement standard.
- Discussion by legislators regarding HB569 (which updated Alaska's statutory definition of seine vessel length in 1990) anticipated the updating of USCG LOA definition as the USCG transitioned from its keel length based definition to the present USCG measurement standard. The USCG was updating its LOA definition to better conform to international LOA definition. (see RC090)
- The operative difference between USCG and AS16.05.835 definition is: "excluding fittings and attachments" vs. "excluding anchor rollers".
- It is unknown how many seine vessels would be affected by this clarification statewide, and there is no readily available way to learn this from CFEC or other databases as their records reflect USCG documented measurements.
- It was clarified by the Dept. of Law that it is not within the ability of the Board of Fisheries to adopt by reference that USCG definition of measurement since the statute



## 58' Seine Vessel Definition - Compilation of Information from Southeast and Yakutat Finfish Meeting

explicitly states, “overall length’ means the straight line length between the extremities of the vessel excluding anchor rollers.”

Various approaches to resolving the matter brought to the Board include:

- **Proposal 380** presented in 2012, but not adopted, would have defined an anchor roller statewide as,

*“Anchor roller means a device used solely in aid of deploying and retrieving anchor gear, and does not provide any additional flotation, planning surface, sea keeping ability, buoyancy, deck space, or structural support to the vessel”*

[Editor’s note: The Oxford Dictionary defines “Seakeeping” as, “The ability of a vessel to withstand rough conditions at sea.”]

**Proposal 276** accepted as an ACR in October of 2014 asks the Board to define anchor rollers in a similar fashion to the definition applied to Bristol Bay 32 foot vessels by amending 5 AAC 39.117 (which defines Bulbous Bows ) 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, planning 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.

**Proposal 202** postponed to the 2015 Statewide meeting asks the Board to either:

“amend the current regulation so that where an anchor roller ends and the hull begins is defensively defined. . . or,

“Scrap the current regulation and write a new one that sets up a registry at CFEC which requires that the federal document showing the length overall of each vessel must be



## **58' Seine Vessel Definition - Compilation of Information from Southeast and Yakutat Finfish Meeting**

submitted before a boat can renew its license” [Editor’s note: This alternative appears to be beyond the Board’s authority as length is defined in statute and provision is only made for the Board to provide by regulation for the use of a longer vessel.]

Another option is to create a regulation that defines a “longer vessel” as authorized by the AS 16.05.835 in terms of the USCG standard to the effect of:

“A salmon seine boat may not be longer than 58’ overall length, as measured by the straight line between the extremities of the vessel excluding the anchor roller, or according to the USCG documentation for the vessel.

It might be wise to add language limiting maximum length of any additional fitting or attachment - perhaps providing a reasonable distance to clear a bulbous bow such as the 7% figure provided in RC 93 which results in an approximately 4 foot attachment.

This definition would most likely accommodate vessels that were built or reconstructed to USCG 58’ standards and hold the length of vessels entering Alaska’s Seine fisheries in the future to a similar standard. It would over time produce a fleet of larger vessels but they would be able to be consistent with the USCG definition making for more consistent interstate registration.



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

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

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

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

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

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

Sincerely, Thomas S McAllister.



September 27, 2014

To: Alaska Board of Fish Chairman Karl Johnston and Board Members:

RE: ACR 26

I would like to weigh in on Leroy Cabana's ACR 26 requesting the BOF put into regulation a sensible and enforceable definition for the 58 foot limit for Alaskan seine boats. At present the 58 foot limit is not being enforced because the bow roller exemption muddies up the definition of "length overall". As more and more seine vessels are being modified to increase packing capacity, the "bow roller" exemption is increasingly being used as an excuse to lengthen them beyond the 58 foot limit. An extra 2 feet or more added to a fish hold in a boat 18 to 24 feet wide represents a significant addition to the boats payload capacity. If the BOF doesn't clean up the language defining length overall, then we all might as well start gaming the system and lengthen our boats beyond what we all know is an actual 58 foot LOA. ACR 26 is long over due and I hope the BOF enacts a 58 ft definition that is enforceable. The Bristol Bay 32 foot limit is enforced, why not the 58 ft seiner limit?

Respectfully,

Beaver Nelson  
F.V. Nuka Point  
Homer, AK 99603



Timothy J. Moore

PO Box 1646

Homer, AK 99603

Dear Alaska Board of Fish Chairman Johnstone and other members:

I am submitting comments in regard to ACR 26 which addresses (AAC 39.117) and attempts to clarify anchor rollers in regard to the 58 foot limit on purse seine vessels.

I am a salmon seiner in Prince William Sound and have fished there for 24 years.

I believe that the 58 foot limit helps to stabilize the fishing fleet and believe it should be continued. The law protects the present fishermen with legal vessels that everyone will be playing by the same rules.

It became apparent this year that the method of measuring vessels was somewhat confusing. Without defining anchor rollers enforcement officers do not have definitive measuring methods to ensure compliance with the law.

I believe it would be not only in the best interest of the fishing fleet but also the State of Alaska to clarify measuring vessels so that this law can be clear to not only fishermen but the officers who are attempting to enforce it.

Anchor rollers should not be defined so unclear that fishermen can make extensions to their hull length over legal limits. I respectfully ask the Board to add definitions for anchor rollers to clarify this regulation.

Respectfully,

Timothy J Moore

A handwritten signature in black ink that reads "Timothy J Moore". The signature is written in a cursive style with a large, stylized initial "T".



September 24 2014

Leroy L Cabana

3698 Sitka Rose Circle, Homer Alaska 99603

Alaska Board of Fish Chairman Karl Johnstone and Members

I am submitting written comment for my ARC 26,

Currently the overall length of all Alaska purse seine vessels are limited to 58 feet, there are two exceptions to this regulation, one is a "Bulbous Bow" and the other is the vessels "Anchor Roller"

The exception to the Bulbous Bow is straight forward and includes a BOF adopted definition. (b) "For the purposes of this section, <bulbous bow> means a bulbous extension of the bow. Below or predominately below the waterline of a vessel that is designed to increase stability or fuel efficiency and does not contain storage or equipment that can be accessed from within the vessel"

A definition of an anchor roller does not exist in the regulation book. There are BOF definitions for abalone iron, shovel, anchor and on and on but no definition of an anchor roller. One could conclude a definition of an anchor roller is not necessary as pretty much any person that's been around a fishing boat long enough to drop an anchor would likely know the anchor roller is a small 3-6 inch diameter roller held in place by two ears 4 inches to 12 inches in size designed to guide the cable or chain while dropping or pulling the anchor. Well it turns out some vessel owners whom want their vessels to exceed the 58 foot overall limit for salmon purse seine vessels in Alaska have confused an anchor roller for a bolt on bow section. These are two completely different items. Like I stated above an anchor rollers purpose is to guide the cable or chain for tending the anchor. The bolt on bow has a completely different purpose, it is for slipping around the 58 foot limit regulation and thus be fishing with an over length purse seiner while the rest of the salmon fleet fishes with a legal length vessel.

The 58 foot limit has been around since federal days starting in 1928, Alaska adopted the regulation at statehood. In 1962 the state of Alaska had to react to an earlier attempt by fishermen to circumvent the 58 foot limit by redefining the overall length to 58 feet "except for vessels with a history of purse seining before Jan 1 1962" In those days Alaska accepted the US Coast Guard documented length. Back then the US Coast Guard used {keel length} to determine a vessels length, so several fishermen had purse seine vessels built that were 60 to 75 feet long built but just had them built with a 58 foot keel. Thus they were documented as 58 feet. Alaska has a strong history of trying to keep the salmon fisheries tilted towards small owner/operator fleets which is reflected in the Bristol Bay drift gillnet fishery which has a 32 foot limit and all purse seine vessels fishing for salmon in Alaska which are restricted to 58 feet.

The realization there is a small number of vessel owners whom are building and or extending existing vessels to longer than 58 feet occurred to me in Homer Alaska this spring. I was walking from my vessel on the Homer floating dock to my truck when I almost hit my head on the hanging anchor on a salmon purse seine vessel that was parked in a 60 foot slip. As I was walking by the boat I looked to see if the captain was aboard as I was thinking why did he not park back in the slip farther so his anchor was not



over the walk way. This is where I got confused, the vessel I was looking at was too long to fit in the 60 foot slip, the stern extended past the end of the float by a foot and a half and the anchor was hanging over the float. Now I knew this vessel was built by Little Hoquiam as a 54 foot seiner. And I knew the slip was 60 feet. The next day I walked down and measured the slip with my 100 foot survey tape, yup the slip was 60 feet long and the boat was still hanging out a foot and a half. Standing there I was wondering if other boats were longer than 58 feet, I measured several and found five salmon purse seine vessels at least 60 feet and even longer. I called the State Troopers and filed a complaint, I wanted them to come down and measure the vessels and notify the owners they were too long to fish salmon. The trooper assured me they would but it never happened. On May 15 2014, I sent a written complaint to the Troopers and they informed me the vessels were not breaking the law until they engaged in salmon purse seining. Ok we wait until the salmon season in PWS and then again I call the Troopers and am told they will check it out. This is where the anchor roller vs a bolt on bow section caused confusion, when the troopers attempt to measure the vessels the owners tell them they have to measure from where the bow bolts on, which in several cases is a section three feet long or longer. I guess everyone simply loses the part in the regulation where it says "vessels will be measured from the centerline of the extremities stern to Bow excluding anchor roller."

This attempt to create the definition of an anchor roller as something that is several feet long and then you find the anchor roller at the end of it is wrong. It is no different than building a 70 foot vessel with a 58 foot keel and calling it a 58 foot purse seiner. Bristol Bay went through this back door attempt to use over 32 foot long vessels about 15 years ago, quite a number of the "32" footers were in fact 33 to 37 feet long, some had bolt on bows and many just were long and hoping no one would know. Well enforcement decided to enforce the regulation and today you do not see any over 32 foot drift vessels in Bristol Bay.

I have read the public comment #6 from the Law Office of Bruce D Weyhrough dated March 6 2013 and would like to give my take on several of the points made in the comment.

On page 4 point 2 it states "the bolt on bow does not create any additional carrying capacity" This simply ignores the reason to have a bolt on bow, it is to increase the stern of the vessels length, people do not add on to the bow of a boat, they extend the stern so they have added floatation and carrying capacity of the vessel. The vessel owner has to remove several feet of bow so they can add to the stern so in fact allowing a bolt on bow does add to the floatation and carrying capacity.

On page 5 point 9 it states "proposal 380 repeats the inaccurate statements that were in ACR #3 that fishing vessels longer than the allowable length were being used to take salmon. This is inaccurate because if there were vessels operating illegally, their owners could have been cited (and still could be cited) and taken to court."

Well it turns out I measured 5 salmon purse seine vessels in the Homer harbor in April of 2014 and they were in fact over 58 feet long and they could not be cited by the troopers this summer simply because there is no definition for an anchor roller and the vessel owners are relying on the argument the several feet of bolt on bow are in fact simply an anchor roller. Just like everybody knew the 70 foot vessel with a 58 foot keel was circumventing the 58 foot regulation everybody knows bolting on a several foot section of bow and calling it an anchor roller is wrong. What is the "bolt on the bow limit" 2 feet, 5 feet heck somebody would likely have a 15 foot "bolt on bow" the pre 1962 58 foot keel vessels were commonly built to over 70 feet long.



On page 5 point 10 it states " proposal 380 indicates that vessels have been modified by removing a bow section and in one case several feet of vessel hull was added, and then the bow section was bolted back on. Nothing in the record supports such a statement.

In fact two of the vessels I measured in the Homer harbor were exactly that. One the 54 foot Hoquiam was built in aprox 1989 and measured 54 feet overall, it was modified in 2010 or 2011 and is now over sixty feet overall length, another aluminum seiner built about 1988 was aprox 52 feet over all length and was modified in the last couple of years to be more than 60 feet by my tape measure.

Public comment #6 goes on for pages about how the negative effect from adopting a simple definition for an anchor roller will disrupt the Alaska fisheries," hundreds of boats and thousands of fishermen" good grief how many bolt on bow vessels" does Mr Weyhruch believe are fishing in Alaska. No there are a few, the majority of purse seine vessels fishing for salmon in Alaska are not even 58 foot by any measure. These few knew what they were doing was, lets say playing in the very grey zone. They know 58 foot plus a bow roller equals maybe an additional foot of vessel length. This is likely why Mr Weyhruch insists "vessels that have been purse seining salmon in Alaska since January 1 2012 be "grandfathered in" if the Alaska BOF accepts argument there should be a definition for a bow roller.

It is suggested the BOF adopt the US Coast Guards method of measure for overall length, remember the 70 plus feet pre 1962 58 foot keel length US Coast Guard measured vessels.

There are adopted measurement standards for all of the limited gear and vessels except for the definition of an anchor roller. mesh measurement for seines are clearly spelled out, "hang a mesh on a nail or peg count down 10 stretched meshes and attach a 10 pound weight, measure the 10 meshes to determine the average stretched mesh size. Seines are measured by the fathom with traction on one end.

There is an old saying, "how do you eat and elephant?" one spoonful at a time. This is what is happening to the very foundation of the 58 foot limit for Alaska purse seine vessels. There is a constant effort by a few fishermen to repeal the 58 foot limit, it has failed at least 3 times it was voted on by the BOF, this back door attempt to slide by the meaning and intent of the 58 foot limit by building or modifying vessels to be grossly over length by adding several feet of "bolt on bow" endangers the regulation.

I can see the day when someone will propose to eliminate the 58 foot limit and make the argument the regulation is meaningless any way as there is no way for enforcement to measure a purse seine vessel. There are hundreds of large vessels capable of purse seining salmon in Alaska if there is no meaningful measurement of the vessels, crab vessels, squid vessels from California, sardine seiners from Washington and on and on. Most of us Alaska purse seiners fishing for salmon have invested a lifetime of effort to operate our own salmon seiner, most of us do not even have boats that are 58 feet long. What happens to us as more and more vessel owners build or modify their boats by having the "bolt on bow" oversize seiner.

Please consider ARC 26 so there is a chance to establish a definition for an anchor roller and create a meaningful method to measure Alaskan salmon purse seine vessels.

Leroy L Cabana

A handwritten signature in black ink, appearing to read "Leroy L Cabana".



Submitted By  
Buck Laukitis  
Submitted On  
10/1/2014 10:10:55 AM  
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ACR 26

Dear Mr. Chairman;

I support the board taking up a review of 58 foot vessel length regulations. Although I do not support the proposer's conclusions in ACR 26, I believe there is enough confusion about regulations regarding vessel length, that they should be examined. I believe the problem is that there is no definition of "anchor roller" in regulation. If "anchor roller" as pertaining to 58 foot regulations was defined it would clear up a lot of confusion.

In a September 2014 McDowell Group report on the Alaska Maritime Industry there are approximately 892 vessels in the 50-60 foot length range. I estimate over 100 "58 footers" are 58 feet plus an anchor roller. Some of these vessels built by reputable boat builders have fished in Alaska salmon fisheries every year since 1981. Some are new construction built in the last few years by reputable boat builders. What extends beyond 58 feet is cosmetic, has no buoyancy, can be easily removed by bolts, and does not provide any competitive advantage as fish hold or water tank, etc. There are USCG, federal, American Bureau of Shipping, etc LOA (length overall) definitions that could all be used. The state has a definition in regulation about length – specifically in Bristol Bay for the 32 foot limit (which excludes anchor roller, but doesn't address "swim steps") and for the 58 foot limit which allows anchor rollers to exceed the 58 foot extremities but does not define what an anchor roller is. Bulbous bow is somewhat defined and does not count for length.

In some ways this is an established practice and should be left alone, but the proposer of ACR 26 is filing complaints against fishermen for length, and there is no clear definition. "The natural pointed end of the bow" is the proposer's interpretation of the definition. I think we need more clarity in regulation that provides for existing practices.

Sincerely,

Buck Laukitis

RC

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PC 81  
1 of 1

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October 10, 2014

Board of Fisheries  
via fax 907.465.4110  
attn: Frances

Dear Board of Fish Members,

I urge you to support Agenda Change Request #26 at you next meeting on Oct. 15, 2014.

There are a persistent and growing number of boats knowingly ignoring the 58 foot limit while the troopers are shackled by a lack of clarity in the regulations. Vessel creep is occurring in the seine fishery giving significant advantage to boats longer than 58 feet. One vessel fishing Prince William Sound was 63 feet long! Don't think of the bow being longer - the extra length is in the fish hold giving the boat a huge competitive advantage.

The regulations currently limit seine vessels to 58 feet plus an anchor roller. Any attempt to enforce the limit is fruitless until anchor rollers are defined. Anchor rollers are defined in the Bristol Bay Regulations in 5ACC06.341(b)(1). "Anchor roller" means a device used solely in aid of deploying and retrieving anchor gear and does not provide any additional floatation, planing surface or structural support to the vessel." Further in 5AAC06.341(a) the regs state that "an anchor roller may not extend more than 8 inches beyond the 32 foot overall length."

The language is there and should be applied to salmon seine vessels. Just because seiners are bigger does not change what an anchor roller is.

I think Fish and Wildlife Troopers would welcome this clarity. It is not an accident that boats are breaking the 58 foot limit. It is intentional, unfair, and illegal. Please approve ACR #26 so we can bring clarity and order to seine vessels in Alaska.

Regards,

Kenneth M. Jones



ADVISORY COMMITTEE MINUTES

Date: 2-27-15

Page 1 of 2

ADVISORY COMMITTEE NAME: Stony Holiness Advisory Committee

Location (City, town, village): Sleetmute - via email & phone

Members Present: Doug Carney, Barbarn Carlson, Terence Morgan, John Zeller, Rick Breckheimer

Members Absent: Charlie Gusty, David Bobby, Fred Bobby

Members Excused \_\_\_\_\_

QUORUM PRESENT: YES  NO

ADF&G Staff Present: none

Time meeting called to order NA AM  / PM

Old Business and New Business: -- Use additional pages

Time Meeting Adjourned NA AM  / PM

Signature: Barbarn Carlson  
Committee Secretary



Our AC wanted to address Proposal 278 that the BOF had recently generated. Since we had just had a meeting in December 2014 the chair decided to contact each member individually to get their comments and vote concerning BOF Proposal 278. Each AC member was sent a copy of the proposal and then contacted individually for comments & vote. We attempted contact by both phone & email, however 3 members provided no response, so they were considered absent.

BOF 278 Add means to use fishwheel without a live box,  
 support 4 oppose 1

Support

Support was expressed that this proposal provides ADFG another way to provide fishermen a means to catch salmon during times of Chinook restrictions. It also allows fishermen who don't have a live box on their fishwheel a way to use their present fishwheel by just modifying how they monitor & release the Chinook.

Opposition by one member was expressed because of increased regulation and the additional scrutiny it would bring. There was also concern that this proposal might lead to justification to eliminate all use of nets of any size during times of Chinook restrictions.



Submitted By  
Stony Holitna Advisory Committee -Barbara Carlson  
Submitted On  
3/2/2015 10:29:45 AM  
Affiliation

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This is regarding proposal 278 concerning additional ways of using a fishwheel on the Kuskokwim during times of Chinook conservation. Since our AC had just met in Dec. 2014 to discuss 2 other proposals coming up at this meeting we did not hold a formal meeting to consider this new board generated proposal. Instead we disseminated a copy of the proposal to all AC members and then contacted them by phone or email to find out if they supported it or not and why.

The vote was: 4 support, 1 oppose

Reasons for support:

1. This proposal gives ADFG another way to allow people to fish for salmon during times of Chinook restrictions.
2. For those who have a fishwheel without a live box, this proposal would give those people an opportunity to use their wheel without having to modify the wheel, only the manner they monitor the wheel would need to be adjusted.

Reasons for opposition:

1. Object to additional regulation and the scrutiny it may bring.
2. Fear that this might be the beginning of not allowing any size of net to be used during times of Chinook salmon restrictions.