

3-4-2016

Chairman Kluberton and Board Members,

I am Darrell Kapp, author of Proposal 126 which would allow current GO1A permit holders the alternative harvest method of Open Pounds. I cannot attend this Board meeting and ask that you recognize that my son Ryan Kapp speaks for me.

I started fishing Alaska in 1963, fishing in almost all the areas throughout the years. I do own a Sitka herring roe Seine Permit. I was a resident of Petersburg, Alaska and a member of the Alaska National Guard for 6 years. I paid State income taxes before the oil boom and suppose I could give you a good speech on the bigotries of the "insider, outsider argument", but not today.

I was obviously discouraged by the actions of the Entry Commission (CFEC). The Board of Fisheries requested CFEC move the Sitka seine area out of the Northern pound area so the Board could consider proposal 126. In doing this action the CFEC took it open themselves to act as the Board of Fish. They held a hearing in Juneau, received letters and arguments about Proposal 126 and came to the conclusion "Nothing in our research or the public comment we received on this latest proposal convinces us that a change is needed at this time in the administrative area definition for the fishery that has been in place since 1995." The purpose of the CFEC hearing, as I understood it, was to be about the Limited Entry Act's application to the proposed regulation, not the analysis of the proposal itself which is what the hearing shifted into. Had it been known it was a hearing on Proposal 126, CFEC would have been presented with the documents you have received to give them far more background on the subject than the horror stories they were being told at the hearing.

The CFEC did say the areas came from a decision suggested by Commissioner Carl Rosier. "The Commissioner made clear the department's preference for either two large administrative areas covering all of Southeast Alaska, or two smaller administrative areas that would encompass Hoonah Sound and Craig/Klawock." The CFEC made three large areas, Prince William Sound, Northern Southeast and Southern Southeast. Without any additional background into why the areas were divided this way it could be seen as arbitrary and capricious.

The CFEC also says they have the authority to decide "whether allowing the Southeast roe herring permit holders to participate as pound fishermen would be consistent with the Limited Entry Act." AS 16.43.950 Applications of Regulations of the Board of Fish, states "Nothing in this chapter limits the powers of the Board of Fisheries, including the power to determine legal types of gear and the power to establish size limitations or other uniform restrictions applying to a certain type of gear. Holders of interim-use permits or entry permits issued under this chapter are subject to all regulations adopted by the Board of Fisheries." This to me means, the Board makes the decision about alternative gear not the CFEC.

AS 16.43.100 Duties and General Powers. This allows the CFEC to establish administrative areas which they did in an arbitrary manner. Additionally, AS 16.43.200 Administrative Areas states in section (a): "The commission shall establish administrative areas suitable for regulating and controlling entry into the commercial fisheries. The commission shall make the administrative areas reasonably compatible with the geographic areas for which specific commercial fishing regulations are adopted by the Board of Fisheries." Currently the administrative areas are not reasonably compatible with the geographic areas for the fishery represented in Proposal 126 so CFEC shall make the changes so they are compatible with the proposed regulations supported by the Board.

In the CFEC annual report for 2015 it states: "that should the Board of Fisheries take positive action on its Proposal 126, the Commission would reconsider the matter." As a result of the Governor's Administrative Order No. 279 and the Legislative reorganization now taking place there could be some changes coming for both CFEC and the Board. For all of the procedural reasons I listed above and with all the background materials presented to you both at this meeting and last February in Sitka I would hope the Board will support and approve Proposal 126.

Thank you for your time in this important manner.

Best Regards, Darrell Kapp