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of **ALASKA**
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Commercial Fisheries Entry Commission

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To: Glenn Haight, Executive Director
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From: Bruce Twomley, Chairman
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Commercial Fisheries Entry Commission

Subject: Comments on Proposals 39, 44, and 45
for the 2017/2018 PWS meeting

This memorandum provides comments on proposals the Alaska Board of Fisheries (Board) will consider at the December 2017 meeting for Prince William Sound in Valdez.

Proposal 39

In general, CFEC has helped disseminate the idea of dual permit operations as an option for restructuring Alaska's salmon fisheries¹. In typical dual permit operations, two permit holders fish concurrently on one vessel. The vessel is then allowed to deploy more gear than a single-permit operation, but less than two full complements of gear.

Under some conditions, dual permit regulations may serve as an important means of fleet consolidation and reducing fishing effort. The dual permit option also provides a means for an entry-level person to participate in the fishery without incurring the costs of obtaining a boat and other gear. Achieving such results may help sustain the long-term economic viability and conservation of the fishery resource, and CFEC supports that.

Proposal 39 seeks to allow a dual permit operation in which two Prince William Sound purse seine permit holders concurrently fish from the same vessel and jointly operate up to 225 fm of seine gear.

In the Prince William Sound purse seine fishery, a significant percentage of permits remain unfished each year – close to 20% since 2012². Additionally, many of the seiners hold and also fish PWS gillnet permits³ - approximately 25% in 2016. Further, some have been opting to fish their gillnet permit for

¹ For example, see *Outline of Options for Fleet Consolidation in Alaska's Salmon Fisheries*. A special report prepared for the Governor's Salmon Forum. Commercial Fisheries Entry Commission; December, 1998.

² CFEC Report 17-4N. CFEC Permit holdings and estimates of gross earnings in the Prince William Sound commercial salmon fisheries, 1975 – 2016.

³ *Ibid.*

the entire season, leaving their S01E permit unfished. If dual permit purse seine operations were to be allowed, latent (unfished) purse seine permits could be enabled to come back into the fishery. To that extent, Prop 39 may not contribute to fleet reduction, nor reduce the whole of fishing effort. On the other hand, if allowed, dual-permit purse seine operations could provide a means for entry-level persons to buy into the fishery without expensive investments in purse seine vessels and gear.

It is unknown to what extent dual-permit purse seine operations would be utilized if allowed. If it were to be allowed for a limited duration (sunset clause), then new participants could become stranded without an operation upon a sunset. In general, CFEC would not be in favor of introducing new unknowns - such as a new regulation with a sunset - into the fishery.

Proposals 44 and 45

Proposals 44 and 45 are regarding the sites used for set gillnet fishing.

Proposal 44 seeks to alter 5 AAC 24.331(b)(3) to specify that operation of each set or drift gillnet in the Eshamy, Coghill, or Unakwik Districts must be performed or assisted by the CFEC permit holder, so that three setnet sites cannot be fished at once [by the same CFEC permit holder]. CFEC statute AS 16.43.140(b) states, 'A permit is not required of a crewmember or other person assisting in the operation of a unit of gear engaged in the commercial taking of fishery resources as long as the holder of the entry permit or the interim-use permit for that particular unit of gear is at all times present and actively engaged in the operation of the gear'. While 5 AAC 24.331(b)(1)(D) allows up to three separate units of set gillnet, AS 16.43.140(b) makes it clear that crew cannot work the gear without a permit holder present to perform or assist fishing the gear. Thus, three setnet sites cannot be fished at once by a set gillnet permit holder.

Proposal 45 seeks to limit each Prince William Sound salmon set gillnet permit holder to no more than four set gillnet sites deployed with lines and buoys. As above, AS 16.43.140(b) makes it clear that crew cannot work the gear without a permit holder present to perform or assist fishing the gear, making it so that four setnet sites cannot be fished at once by a set gillnet permit holder. However, AS 16.43.140(b) does not appear to restrict the number of sites 'deployed with lines and buoys'.

Some activities allowed or not allowed in State tidelands may be under the authority of the Alaska Department of Natural Resources (DNR), especially in regards to Shore Fishery Lease sites. DNR administers the Shore Fishery Program which leases state owned tidelands to Prince William Sound set gillnet permit holders, and most (82.8% in 2016) use a Shore Fishery Lease⁴. A Shore Fishery Lease is not a requirement to be able to fish, but does grant permit holders the first right of priority to commercially fish a tract of tidelands. DNR regulations for a Shore Fishery Lease provide that the maximum number of net sites is that number established under 5 AAC 24.331(b)(1)(D), i.e. three per person. DNR regulations also provide that a lease shall reserve to the public a right-of-way for access to navigable waters and other tide and submerged lands.

⁴ CFEC Report 17-02N. CFEC salmon set gillnet permits and DNR shore fishery leases in Prince William Sound, Cook Inlet, Kodiak, Alaska Peninsula, and Bristol Bay, 1975 – 2016.

CFEC suggests that AS 16.43.140(b) already supports the intent of Proposal 44 and so no additional regulation or change is needed. While CFEC suggests that AS 16.43.140(b) does prohibit simultaneous fishing of sites, it may not prohibit deploying multiple setnet sites with lines and buoys. However, Proposal 45 may be activity that is under authority of DNR.

Thank you for accepting these comments. We are interested in other comments submitted to these and other proposals, and will monitor the information presented at the meeting.