



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

DIVISION OF ALASKA WILDLIFE TROOPERS
Office of the Director

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Chairman Jensen
Alaska Board of Fish
P.O. Box 115526
Juneau Ak, 99811-5526

Dear Chairman Jensen:

The following comments give a brief description of the positions that the Department of Public Safety, Division of Alaska Wildlife Troopers have on some of the proposals that are up for consideration at the December 2017 regulations meeting in Valdez.

In general, when the board considers changes, especially when those changes involve seasons, bag limits and areas, the Alaska Wildlife Troopers request that every effort possible be made to align the season dates and bag limits with adjacent districts and sections. This is mainly for the benefit of the public but also helps greatly with enforceability of regulations over wide areas. When the board considers proposals having to do with allocation or biological concerns, AWT is generally neutral in position.

AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Further, all management plans rely upon public compliance with regulations to achieve success. Enforcement is a crucial element needed to ensure long-term compliance with regulations by the public. We ask that the board recognize that the division has limited resources and man power and any new regulation scheme or area restrictions may place an additional burden on AWT.

Comments on specific proposals are included in this letter.

Thank you for you for your consideration,

Captain Scott Quist
Southern Region Commander &
Board of Fish Liaison
Alaska Wildlife Troopers

Proposals 1 and 3

Proposals 1 and 3 seek, in part, to reduce and align bag and possession limits and/or seasons for lingcod and rockfish in Prince William Sound (PWS).

The Alaska Wildlife Troopers (AWT) is neutral on the biological aspects of these proposals but **supports** the alignment and simplification that these proposals suggest. Maintaining and/or establishing consistency in bag and possession limits as well as season dates, throughout PWS and the North Gulf Coast is simple for fishermen and makes enforcement more effective, less intrusive and less time consuming. Resource users access fishing areas from many different locations and travel great distances to access lingcod and rockfish, having different bag and possession limits and seasons can be confusing and can lead to unintentional violations.

Proposal 7

Proposal 7 seeks to clarify lawful gear for Prince William Sound groundfish fisheries.

If accepted this proposal would add (k) to 5 AAC 28.230, as proposed (k) reads, “In a groundfish fishery, mechanical jigging machines and hand troll gear may be used at the same time and either or both constitute jig gear. If mechanical jigging machines and hand troll gear are being used under this subsection, only that gear may be on board.” The terms “mechanical jigging machine” and “hand troll” are defined in 5 AAC 39.105. The board should consider the confusion that may arise by combining two separate and defined types of gear (mechanical jigging machine and hand troll) into an undefined term “jigging gear”. Language similar to the language found in 5 AAC 28.330(f), lawful gear for Cook Inlet, should be considered.

Proposal 19 and 20

These proposals seek to expand subsistence fishing opportunities in the Copper River District.

During deliberations the board should consider that current regulation language discourages the unlawful sale and reporting of subsistence-taken fish as part of a commercial catch; current language closes subsistence fishing two days before and until two days after a commercial fishery in the Copper River District. If this proposal passes it will be more difficult for AWT to enforce commercial fisheries closures because any commercial fisherman with a subsistence permit will have a defense for possessing fresh salmon. Subsistence-taken salmon must be marked and marked salmon cannot be legally sold in a commercial sale. But, the penalty for unmarked subsistence-taken salmon is a maximum fine of \$100.00 unlike commercial fishing penalties that can be much higher and can include sanctions against a CFEC permit.

Proposal 23

This proposal seeks to prohibit catch and release sport fishing in the Upper Copper River and Upper Susitna Area.

If this proposal passes sport fishers will be in violation of the law regardless of what they do should they catch a fish species in excess of their bag limit or, during a closed season, or in closed waters for that species. The proverbial “damned if you do damned if you don’t” scenario would exist. If a fisherman unintentionally catches and then releases a fish that cannot retain the fisherman will be in violation and if they retain the fish they will be in violation. It is likely that well intentioned sport fishers will be in jeopardy of being cited if this proposal is passed. AWT is **opposed** to this proposal.

It would be difficult to enforce the proposed regulation, in part, because the evidence is fleeting. If a fisherman releases a fish the evidence of the crime is gone. Even if a Trooper watched the violation occur the Trooper would have to prove in a court of law and beyond a reasonable doubt that the fisherman intentionally released a fish and that the fish did not “slip” out of his/her hands and back into the water.

Proposal 24 and 25

Proposals 24 and 25 seek to simplify sport fish regulations in the Upper Copper River and Upper Susitna River Areas. AWT **supports** simplifying sport fishing regulations.

Proposal 29

This proposal seeks to, “extend inside closure area to ¼ mile off the southern shores of all barrier island in the Copper River commercial drift gillnet salmon fishery.”

Enforcing a ¼ mile closure in a marine environment such as the “barrier islands” would be very difficult. Commercial fishery boundaries in Alaska have been the topic of a great deal of litigation starting shortly after statehood. Because of litigation and with experience from the fishing industry, AWT and the public, a few things are clear: Fishery boundaries must be practical, well defined and defensible in the court of law. For very short distances closure signs can work, for longer distances latitude and longitude (aka GPS coordinates) are often the best option and have become the standard.

In almost all cases, in order to accurately and defensibly measure any distance in a manner useable in a court proceeding, a consistent, well defined baseline is needed and a reliable, defensible measuring tool must be used. An undulating shoreline, especially one with tidal action, has no consistent base from which to measure when trying to measure a distance ¼ mile off shore.

If it is the board’s desire to define boundaries near the barrier islands, the board should consider establishing boundaries using GPS waypoints that define closed areas. GPS technology has been

vetted in the Alaska State Court System and is recognized by the court as being accurate. GPS technology is defensible, it is reliable and it is used in the commercial the fishing industry all over the state. If boundaries using latitude and longitude cannot be established then AWT **opposes** this proposal.

Proposal 40

This proposal seeks to establish minimum operation depth for drift gillnet gear fished within 90 fathoms of a set gillnet in the Crafton Island Subdistrict.

It is unlikely that AWT will would be able to effectively enforce the depth requirement in this proposal.

Proposal 44

This proposal seeks to ensure that the holder of a CFEC permit card for a specific unit of gillnet gear.

From the perspective of AWT the current regulation requires that the fisherman who holds a CFEC permit for a respective unit of gear must perform or assist in the operation of the gear. The addition of the words, “set or drift” would not change the ability to enforce this regulation.

Proposal 45

This proposal seeks to limit the number of set net sites deployed with lines and buoys to four by each CFEC permit holder.

The identification of stationary fishing gear in the Prince William Sound area is regulated by 5 AAC 39.280, a statewide regulation. This regulation does not address the marking of set net sites or lines and buoys, it does regulate set gillnets in operation. If the board enacts this proposal, in order to be enforceable, the board will need to include provisions requiring the identification of “set net sites deployed with lines and buoys” when there is no set gillnet in operation.

Proposal 50, 51 and 52

These proposals seek to redefine fishery boundaries in Prince William Sound.

Alaska Wildlife Troopers **supports** these proposals. The use of latitude and longitude, (aka GPS coordinates) to define fishery boundaries provides fishermen and enforcement with lines that are reliable and defensible. Further, GPS technology has been vetted in the Alaska State Court System, is recognized by the court as being accurate and GPS is used in fisheries throughout the State. The board should confirm that all waypoints are within waters of Alaska as defined in 5 AAC 39.975(13)(B).