

Good Afternoon Chairman and Board Members,

My name is Paul Owecke. I reside in Trempealeau, WI.

I have been an active permit holder in the PWS setnet fishery for thirty-four years.

I oppose proposals 41-45 and will speak to Proposal 42 which is allocative in the extreme and would increase conflict.

I started fishing as a permit holder in 1983, the same year as the first hatchery returns to MBH. In 1983 and 84, the Eshamy District was the only gillnet district in the state without distance separations between set and drift gear. As a result there was an intolerable level of conflict and we did not have a safe and orderly fishery.

I attended the 1984 BOF meetings to support my proposal of a 50 FM separation between set and drift gear, which was approved. I sat in committee with drift, ADFG, and BOF reps to work out the details of the MB Hatchery Salmon Harvest Plan 5 AAC 24.367. Most significantly in the Harvest Plan, the BOF approved doubling the setnet site access in the THA by reducing the distance between setnets from 100 FM to 50 FM.

This approval acknowledged the near shore areas of the THA as the area of expected use by the setnet group. In compromise, the setnetters consented to be limited to nearshore areas and were restricted from previously open offshore waters, losing access to over 80% of Eshamy district waters.

Also established in 1984, is the current 25 FM setback between Set and Drift gear in the THA. With the assumption that drift nets could not legally fish between setnets placed 50 FM apart. Drift nets were and are constantly fished illegally between setnets in the THA, especially when enforcement is not present.

Moving ahead to 1996, the conflict between Set and Drift had escalated to the point that ADFG Protection submitted a proposal to increase the distance between set and drift gear from 50 to 60 FM in the Crafton Island Subdistrict in order to keep drift gear being deployed between setnets. This was approved and conflict has been minimized.

In light of both these BOF actions and precedents of recognizing near shore areas of the THA as setnet areas and the previous Board approval of increasing distance between set and drift gear, WE request the Board approve increasing the distance between set and drift gear in the THA from 25 to 30 FM and return our fishery to a safe and orderly state.

This proposal also requests that setnets be reduced from 100 FM to 50 FM in the Main Bay Subdistrict. This is highly allocative and would only serve to increase the total number of setnet locations which the drift fleet has been intent on reducing. Thank-you.

Proposal 44

This proposal would like the board to require the setnet permit holder to be on the skiff anytime that skiff is operating a setnet. The problem with this proposal is that it contradicts Alaska State Statute Sec. 16.05.253 OPERATION OF STATIONARY FISHING GEAR which states that the permit holder must be present **except** when the permit holder is traveling, selling fish or at other stationary gear.

There is nothing in the language of the PWS regulation that shows intent to supersede the Alaska State Statute. It is clear that the statement "shall be performed or assisted" is defined by the state statute which does not require the permit holder to be present on the skiff during the operation of stationary gear.

Proposal 40

When I submitted this proposal, I was asked what was the issue I would like the board to address. Without a valid issue, there would be no justification for approving the proposal. Proposal 40 has a valid issue of drifters setting their nets the minimum distance from a setnet which results in the tides' current pushing the driftnet too close to the setnet to be legal. Forcing drifters 30 fathoms further away from the setnet before they fix their nets in shallow water would solve the issue. This proposal would not prevent drifters who are actually drifting from fishing any waters which they can currently legally fish.

Proposals 42, 43 and 45

On the other hand, Proposals 42, 43 and 45 have a common issue they would like the Board to address that has been fabricated to lend support for the proposals. I quote from the proposals:

...this has kept the drift fleet from historic access, ...lack of access to traditional beach drifts, ...keep the drift fleet from historic beach areas

An attempt is made to make it appear as if drifters were fishing at the head of Main Bay and setnetters later on moved into their traditional and historic fishery. The reality is setnetters were fishing the head of Main Bay at the beginning of the fishery. The first return to Main Bay was 1983. With my written comments, I've included a state shore lease map showing setnet sites registered 50 fathoms apart by 1986.

The traditional use of a fishery is important when considering a proposal. If drifters want to claim a traditional right to justify severe restrictions on setnetting, they need to give proof. Setnetters can show they were fishing the head of Main Bay since the start of the fishery,

The issue proposals 42, 43 and 45 want the board to address is bogus. Without a valid problem, there is no validity or need for these proposals so they should all three be rejected.

Thank You