

RC 023

December 1, 2017

Dear Alaska Board of Fisheries,

On November 14, 2017 we provided comment on Prince William Sound Finfish Proposals (40-49). These comments supplement our November 14, 2017 comments on Proposal 46. Our family has been involved in Alaska commercial fishing operations since the early 1980s. We currently hold two set net permits in the Prince William Sound, Eshamy District and have been fishing that area for more than a decade.

Proposal 46. OPPOSE. Our November 14, 2017 comments on Proposal 46 stated:

"Proposal 46 requests the Board to change the Main Bay Subdistrict closure line. Proposal 46 would adversely affect over 500 drift gillnet and set gillnet fisherman by reducing total fishing area when ADF&G limits fishing to the Main Bay Subdistrict only.

The same issues raised in Proposal 46 (about the location and history of Main Bay Subdistrict closure line) were thoroughly and professionally researched by the Alaska Department of Fish and Game (ADF&G), Alaska Department of Natural Resources (ADNR), and enforcement staff as part of a shore fishery leasing matter decided by the State of Alaska on March 18, 2016. Proposal 46 appears to be an attempt to re-adjudicate a matter already decided by the State of Alaska in 2015-2016.

It may be useful for the Board to obtain more information on the State of Alaska's decision on this matter in March 18, 2016 from Andrew Miller, Natural Resource Specialist, Alaska Department of Natural Resources (ADNR), Division of Mining, Land, and Water, Shore Fishery Leasing Program, 550 W 7th Ave Ste 900c, Anchorage, AK 99501-3577, Ph: (907) 269-8545.

We understand ADF&G will provide the Board with the Main Bay Subdistrict closure line history. That history will show the same information already adjudicated in 2015-2016, where the State of Alaska's review found the Main Bay Subdistrict Line has been in the same place for several decades, and not at the "rockpile" location described in Proposal 46."

We supplement our November 14, 2017 comments as follows:

Impact to Most Fisherman. Proposal 46 would adversely affect over 500 drift gillnet and set gillnet fishermen by reducing total fishing area when ADF&G limits fishing to the Main Bay Subdistrict only.

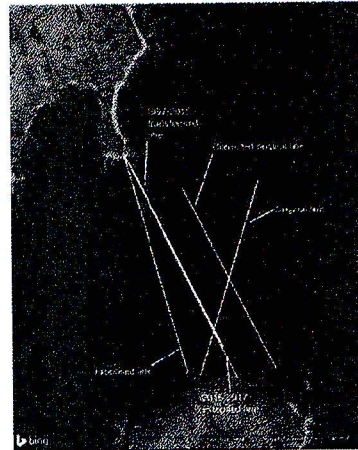
Cost. We differ in opinion on ADF&G's cost analysis. Set gillnet fishermen obtain leases on subdistrict lines. Leases located on subdistrict lines have more value. There is a substantial premium to purchase a set net permit and lease located on a line, and a substantial cost to hire professional mapping services required to obtain those leases. Our family holds the Main Bay Subdistrict Line leases on either side of the bay. According to ADF&G research, this line has been in place for decades. Moving subdistrict lines in an area fished by set netters causes a number of significant, and costly problems to set gillnet fishermen.

GPS Coordinates. ADF&G's comments explain there is no record of ADF&G installing or maintaining the sign Proposal 46 references. We agree with enforcement's comments that it is substantially easier to enforce GPS coordinates.

ADF&G Map showing history of the Main Bay Subdistrict Line is a very important factual piece of data for Board consideration. The map shown to the right is included in ADF&G's Regional Information Report 2A17-04, as Figure 46-1.—Main Bay Subdistrict line versions, 1985–2017.

This map shows the Main Bay Subdistrict Line was always further outside the bay than Proposal 46 contends, and the line has been in its current location for the last two decades.

Factual Clarifications. Proposal 46, and some comments submitted on Proposal 46, do not accurately reflect the Main Bay Subdistrict Line lease history.



- The Proposer does not currently hold a lease in the Main Bay Subdistrict, nor has in the past. The Proposer's set net leases are located near Falls Bay.
- In 2015 the Proposer submitted a competing application to ADNR to take the first place location on the southside of Main Bay Subdistrict Line. ADNR's March 18, 2016 decision determined that Susan Harvey was more qualified to hold that lease. The State offered an appeal opportunity; no appeal was filed. The state's decision was made final, and Susan was awarded the lease.
- As the Board is aware, the State of Alaska has a specific regulations and processes for adjudicating shore fishery lease applications. The Proposer's father's comments to the Board request lease priority for his family. The lease priority requested is not consistent with State regulation and State leasing processes. His son competed for the lease line, and the State thoroughly and professionally adjudicated that application.
- We believe Proposal 46 would not have been submitted by the Proposer if he was awarded the lease line. The Proposer attempted to jump to the front of the lease line, and was unsuccessful. The Proposer and Proposer's father appear to be attempting to re-adjudicate the same matter already thoroughly and professionally resolved by the state.
- Neither the Proposer or Proposer's father hold set net leases in Main Bay.
- We recommend the Board review the 2015-2016 lease decision and history. It will be important to understand that the Proposer made an application for a lease on the Main Bay Subdistrict Line Coordinates that currently existing in regulation. The Proposer's application did not request a lease at the rockpile location.

Thank you for the opportunity to comment.

Eric Harvey
PO Box 771026
Eagle River, Alaska 99577

Susan Harvey
PO Box 771026
Eagle River, Alaska 99577

Max Harvey
PO Box 771026
Eagle River, Alaska 99577