

RC 045

RC
Regarding Proposal 44
Submitted by CDFU Gillnet Division

In the general provision states 5 AAC 39.107(e) a person must be within a reasonable distance of the gear when at a point of sale or at the location of another stationary gear owned by the permit holder. The term of "reasonable distance" is very unclear and should be specified.

Subsection (f) makes it necessary for permit holders to be present for initial and final deployment of gear. In Prince William Sound local regulation differs stating that a permit holder must be present during operation of a set each time.

We ask that there be a clarification as to whether general regulation superseded local regulation when it comes to enforcement in a local area. There is documented confusion over this topic if you reference ADF&G staff comments, CFEC public comments and law enforcement comments.

We request that 5 AAC 39.107(e) read as follows (which is the same language as section (f) in the Yukon Area):

"In the Prince William Sound Area [replacing Yukon Area], as described in 5 AAC 05.100, a person who holds a CFEC permit for stationary fishing gear must be physically present for the initial deployment of the gear at the beginning of the commercial fishing period and at the end of the commercial fishing period to terminate operation of the gear."