

December 3, 2017

Dear Alaska Board of Fisheries,

We oppose Proposal 44 and the proposed amendment to Proposal 44.

On November 14, 2017 we provided comment on Prince William Sound Finfish Proposal 44. These comments supplement our prior comments.

On December 3, 2017, the Proposer (CDFU) provided additional comment on Proposal 44. The Proposer requested 5 AAC § 39.107(e) be amended to read:

“In the Prince William Sound 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.”

This proposed revision is even more gravely flawed than the original proposal.

First the Prince William Sound areas is not described in 5 AAC § 05.100. 5 AAC § 05.100 is a description of the Yukon – Northern Area.

Second, 5 AAC § 39.107(e) is a statewide regulation. Amendments to the statewide finfish regulations were addressed March 8-11, 2016. It is our understanding that the next opportunity to submit a proposed amendment to Section 39 would be year 2019, not this forum, because a change to this regulation would affect fishermen statewide, not just Prince William Sound.

Third, the proposed amendment to 5 AAC § 39.107(e) would directly and substantially conflict with other portions of 5 AAC § 39.107 and other state law and regulation.

Fourth, the term “reasonable distance” is already defined in statewide regulation at 5 AAC § 39.107(e). 5 AAC § 39.107(e) states: “A ‘reasonable distance’ means a distance that ensures that the CFEC permit holder retains competent supervision of the gear.”

Thank you for the opportunity to comment.

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