



THE STATE
of **ALASKA**
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Reed Morisky
Alaska Board of Fish
P.O. Box 115526
Juneau Ak, 99811-5526

Dear Chairman Morisky:

At the October 2018 work session, the board generated Proposal 174 in response to questions that arose during the 2018 commercial fishing season in the special harvest areas (SHAs) of Bristol Bay.

As a review, it is currently unclear whether the SHAs are within the commercial fishing area, districts or sections of Bristol Bay. Currently, 5 AAC 06.100 and 5 AAC 06.200 define the Bristol Bay areas and districts for commercial fisheries. These definitions do not include drainages of Bristol Bay, and therefore do not include the SHAs in the Naknek, Alagnak, and Wood rivers. Other questions that require clarifications are whether a CFEC permit holder can operate a set gillnet seaward or off shore from another CFEC set gillnet permit holder. Also, which set gillnet anchoring device regulations apply to SHAs, and, must a set gillnet be set on an area of beach that at mean low tide is connected by exposed land? Finally specifying the language of 5 AAC 06.331 that does not apply within an SHA's will provide clear and enforceable regulations for commercial fishing operations.

After a thorough review of Proposal 174 and in close consultation with Alaska Department of Fish and Game staff the following language is submitted as possible amended language to the proposal. The intent of the amended language is to further clarify area descriptions and the methods by which set gillnets may be operated in Bristol Bay SHAs.

Proposed language:

5 AAC 06.100. Description of area. [THE BRISTOL BAY AREA INCLUDES ALL WATERS OF ALASKA IN BRISTOL BAY EAST OF A LINE FROM CAPE NEWENHAM AT 58° 38.88' N. LAT., 162° 10.51' W. LONG. TO CAPE MENSHIKOF AT 57° 28.34' N. LAT., 157° 55.84' W. LONG.] **The Bristol Bay Area consists of all waters of Alaska in Bristol Bay including drainages enclosed by a line from Cape Newenham at 58° 38.88' N. lat., 162° 10.51' W. long., to Cape Menshikof at 57° 28.34' N. lat., 157° 55.84' W. long.**

5 AAC 06.200. Fishing districts and sections. (a) Nushagak District: all waters of Nushagak Bay north of a line from a point at Nichols Hills at 58° 33.77' N. lat., 158° 46.57' W. long. to Etolin Point at 58° 39.37' N. lat., 158° 19.31' W. long., **including the Wood River Special Harvest Area.**

(1) Igushik Section: all waters of Nushagak Bay enclosed by a line from a point at Nichols Hills at 58° 33.77' N. lat., 158° 46.57' W. long., to a point at 58° 36.28' N. lat., 158° 34.40' W. long., to a point at 58° 44.80' N. lat., 158° 41.50' W. long., to a point at 58° 46.13' N. lat., 158° 46.65' W. long.;

(2) Snake River Section: all waters enclosed by a line from 58° 52.90' N. lat., 158° 43.30' W. long. to 58° 44.80' N. lat., 158° 41.50' W. long. to 58° 46.13' N. lat., 158° 46.65' W. long.;

(3) Nushagak Section: all waters of the Nushagak District not described in (1) and (2) of this subsection.

(b) Naknek-Kvichak District: all waters of Kvichak Bay north and east of a line from 58° 43.73' N. lat., 157° 42.71' W. long. to 58° 36.77' N. lat., 157° 15.82' W. long., **including the Naknek River Special Harvest Area and the Alagnak River Special Harvest Area.**

(1) Kvichak Section: all waters of Kvichak Bay enclosed by a line from 58° 43.73' N. lat., 157° 42.71' W. long. to 58° 38.50' N. lat., 157° 22.23' W. long. to the outer end of Libbyville Dock at 58° 46.76' N. lat., 157° 03.57' W. long., then along the dock to the shore **at 58° 46.76' N. lat., 157° 03.57' W. long., then along the dock to shore at 58° 46.61' N. lat., 157° 03.25' W. long.;**

(2) Naknek Section: all waters of Kvichak Bay enclosed by a line from 58° 36.77' N. lat., 157° 15.82' W. long. to 58° 38.50' N. lat., 157° 22.23' W. long. to the outer end of Libbyville Dock at 58° 46.76' N. lat., 157° 03.57' W. long., then along the dock to the shore **at 58° 46.76' N. lat., 157° 03.57' W. long., then along the dock to shore at 58° 46.61' N. lat., 157° 03.25' W. long.**

Note: The language added to 5AAC 06.350(a)(1) &(b)(1) mirrors language already present in (b)(2) and it clarifies the commissioner's intent to open the special harvest areas.

5 AAC 06.350. Closed waters. (a) The following locations in the Nushagak District are closed to the taking of salmon:

(1) those waters north of a line from 58° 58.63' N. lat., 158° 33.62' W. long. to 58° 56.79' N. lat., 158° 29.53' W. long.; **however, the commissioner may open, by emergency order, waters of the Wood River Special Harvest Area as provided in 5 AAC 06.358;**

(2) repealed 4/2/88;

(3) the Snake River Section;

(4) those waters of the Snake River upstream from a line across the river at 58° 52.80' N. lat.;

(5) those waters of the Igushik River upstream of a line from 58° 43.82' N. lat., 158° 52.77' W. long. to 58° 43.60' N. lat., 158° 54.06' W. long.

(b) The following locations in the Naknek-Kvichak District are closed to the taking of salmon:

(1) those waters northeast of a line from a point near Graveyard Point at 58° 52.07' N. lat., 157° 00.80' W. long. to a point on the northwest shore of Kvichak Bay at 58° 53.37' N. lat., 157° 04.26' W. long.; **however, the commissioner may open, by emergency order, waters of the Alagnak River Special Harvest Area as provided in 5 AAC 06.373;**

(2) those waters of the Naknek River upstream of a line from an ADF&G regulatory marker located at 58° 43.55' N. lat., 157° 03.63' W. long. to an ADF&G regulatory marker located at 58° 42.43' N. lat., 157° 04.67' W. long.; however, the commissioner may open, by emergency order, waters of the Naknek River as provided in 5 AAC 06.360;

(3) by set gillnets along the southeast shore of the Naknek Section from the Naknek-Kvichak District boundary north to 58° 37.15' N. lat., 157° 15.30' W. long.

Note: No language in (f) is proposed to be changed, but because the way (f) is written, we need to change 06.200 so that the SHA's are excluded from closed waters.

(f) Salmon may not be taken in any locations that are not described in 5 AAC 06.200, except as allowed in 5 AAC 06.330.

5 AAC 06.358. Wood River Sockeye Salmon Special Harvest Area Management Plan.

(d) When the Wood River Special Harvest Area is open under this section, the following apply within the open waters:

(1) set gillnets may be operated only as follows:

(A) a set gillnet may not exceed 25 fathoms in length;

(B) **a set gillnet may be set or operated seaward of another set gillnet** **however** a set gillnet may not be set or operated within 150 feet of another set gillnet;

(C) all gear associated with set gillnet fishing must be removed when it is not being used to fish in the Wood River Special Harvest Area;

(D) set gillnet running lines may not be in the water during a drift gillnet fishing period;

(E) the following provisions do not apply: 5AAC 06.331(i)(n)(o) and (p), except that the anchoring device may not be more than 50 feet from the web of the net.

5 AAC 06.360. Naknek River Sockeye Salmon Special Harvest Area Management Plan.

(d) The following provisions apply to set gillnet fishing in the NRSHA:

(1) no more than 37.5 fathoms of set gillnet may be used to take salmon;

(2) **a set gillnet may be set or operated seaward of another set gillnet** **however,** a set gillnet may not be set or operated within 150 feet of another set gillnet;

(3) beyond 500 feet from shore, all gear associated with set gillnet fishing must be removed when it is not being used to fish in the NRSHA;

(4) repealed 4/4/2013;

(5) set gillnet running lines may not be in the water during a drift gillnet fishing period;

(6) repealed 8/14/2006.

(7) the following provisions do not apply: 5AAC 06.331(i)(m)(o) and (p) except that the anchoring device may not be more than 50 feet from the web of the net.

5 AAC 06.373. Alagnak River Sockeye Salmon Special Harvest Area Management Plan.

(e) when the ARSHA is open under this section, a gillnet may only be operated as follows:

(1) a set gillnet may not exceed 25 fathoms in length;

(2) **a set gillnet may be set or operated seaward of another set gillnet** **however,** a set gillnet may not be set or operated within 150 feet of another set gillnet;

(3) repealed 5/26/2006;

(4) a set gillnet must be operated in a substantially straight line perpendicular to the nearest bank of the Alagnak River;

(5) repealed 4/4/2013;

(6) all gear and equipment associated with set gillnet fishing in the ARSHA must be removed from the water when it is not being used to fish in the ARSHA.

...

(10) the following provisions do not apply: 5AAC 06.331(i)(m)(o) and (p), except that the anchoring device may not be more than 50 feet from the web of the net.

Thank you for you for your consideration,

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