

Tom Kluberton, Chairman

Board of Fish and Game

Re: Proposal 202 and 276

The attachments provided are to outline the history and authorities surrounding the measures used by the State of Alaska overtime to identify vessel length, particularly the 58 foot seine vessels used in the State's salmon fisheries. There are numerous other fisheries and vessels impacted by the same measuring approach. Proposals 202 and 276 however only deal with the 58' salmon vessels. The additional fisheries included are to display the importance of access to many Alaska fisheries, using measured length as a tool. Exhibits 1 A&B, 2A&B are sourced from Kurt Iverson at the Commercial Fisheries Entry Commission.

Some relevant points, on 1A there are two Alaska Statues both identifying, but in different ways and with different statutes, the measure for a 58' Alaska purse seine vessel. The significant part of the measure is Overall length (OAL) the definition. The difference between the CFCE statute (AS 16.05.530), using the federal (US Coast Guard), and the other Alaska statue can be seen in example 1A (AS16.05.835). In both circumstances the anchor roller length has been excluded from the OAL. There is currently no specific language which defines the anchor roller, there is however consistent language which describes what can and cannot be done with the anchor roller, i.e. it cannot be part of the buoyant package of the vessel.

The history of the OAL exists in State statue since 1970 (Ex 1) and earlier in Federal authority (Ex1b), specifically in 46 USC 2101(20b) as used by the US Coast Guard. There are differences in language but State and Federal instructions both exempt attachments, specifically "anchor rollers". The USCG OAL, wich is a national standard, has been (by statute) used by CFCE for vessel licensing since 2005

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Overall Length

Alaska Statutes			
Application	Citation	Specific Language	Implemented
58-foot seine vessel limit	AS 16.05.835 Maximum length of salmon seine and certain hair crab vessels	<p>(a) Unless the Board of Fisheries has provided by regulation for the use of a longer vessel in a salmon seine fishery, a salmon seine vessel may not be longer than 58 feet overall length except vessels that have fished for salmon with seines in waters of the state before January 1, 1962, as 50-foot, official Coast Guard register length vessels.</p> <p>(b) A vessel engaged in the Bering Sea hair crab fishery within five miles of the shore may not be longer than 58 feet overall length.</p> <p>(c) In this section, "overall length" means the straight line length between the extremities of the vessel excluding anchor rollers</p> <p>[note: Since 1970, this section has consistently defined "overall length" as in (c) above]</p>	1970 (modified in 2005, 2004, 1996, and 1990)
Renewal of vessel license through CFEC	AS 16.05.530 Renewal of Vessel License	<p>(a) Upon payment of the vessel license fee and filing of the name and address of the owner of the vessel or the owner's authorized agent, the name and number of the vessel, a description of the vessel, the vessel license number, if any, the area to be fished, and other reasonable information required by the Alaska Commercial Fisheries Entry Commission, the commission shall issue a permanent number plate and a vessel license. If the vessel has a number plate, the commission shall issue a vessel license and tab designating the year the license is valid. The tab shall be placed in the space provided on the permanent number plate.</p> <p>(b) For calendar year 2006 and following years, the annual fee for a vessel license issued or renewed under this section is set according to the overall length, as defined by the United States Coast Guard, of the vessel under the following schedule:</p> <p>(1) 0 - 25 feet.....\$24 (2) over 25 feet - 50 feet.....\$60 (3) over 50 feet - 75 feet.....\$120 (4) over 75 feet - 100 feet.....\$225 (5) over 100 feet - 125 feet\$300 (6) over 125 feet - 150 feet.....\$375 (7) over 150 feet - 175 feet.....\$450 (8) over 175 feet - 200 feet.....\$525 (9) over 200 feet - 225 feet.....\$600 (10) over 225 feet - 250 feet.....\$675 (11) over 250 feet - 275 feet.....\$750 (12) over 275 feet - 300 feet..... \$825 (13) over 300 feet.....\$900</p> <p>[note: House Bill 297 was passed in 1995 and put into effect in 1996. It modified AS 16.05.530 to establish six (6) vessel fee categories of \$20 to \$750. The statute was amended in 2005 to establish the fee categories listed above]</p>	1996 (amended to current language in 2005)

Exh. 1A

Overall Length

United States Code			
Application	Citation	Specific Language	Implemented
Definition of overall length used by USCG	46 USC §2101(20b)	<p>“overall in length” means—</p> <p>(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of—</p> <ul style="list-style-type: none"> (i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or (ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and <p>(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.</p>	

Code of Federal Regulations			
Application	Citation	Specific Language	Implemented
NOAA/NMFS definition of overall length under the Magnuson- Stevens Act	50 CFR 679.2	<p>Length overall (LOA) of a vessel means the centerline longitudinal distance, rounded to the nearest foot, measured between:</p> <ul style="list-style-type: none"> (1) The outside foremost part of the vessel visible above the waterline, including bulwarks, but excluding bowsprits and similar fittings or attachments, and (2) The outside aftermost part of the vessel visible above the waterline, including bulwarks, but excluding rudders, outboard motor brackets, and similar fittings or attachments (see Figure 6 to this part). 	2001 (amended Figure 6 in 2003)

Overall Length

Board of Fisheries Regulations			
Application	Citation	Specific Language	Implemented
Bulbous bow	5 AAC 39.117 Vessel length; bulbous bow	(a) Notwithstanding any other provision in 5 AAC 01 - 5 AAC 39, the addition of a bulbous bow may cause a vessel, other than a vessel engaged in the Bering Sea hair crab fishery, to exceed an established vessel overall length limitation. Only that portion of the vessel comprising the bulbous bow may cause the vessel to exceed a vessel overall length limitation. (b) For the purposes of this section, "bulbous bow" means a bulbous extension of the bow, below or predominately below the water line of a vessel, that is designed to increase stability or fuel efficiency and does not contain storage space or equipment that can be accessed from within the vessel	2008
Herring vessel specifications	5 AAC 27.893 Herring vessel specifications for Kuskokwim area	(a) In the Goodnews Bay, Nelson Island, and Cape Avinof Districts, a vessel used to take herring may not be more than 30 feet in overall length. For the purpose of this section, "overall length" means the straight-line measurement between the extremities of the vessel.	1987 (most recent amendment 1998)
Pacific cod vessel specifications	5 AAC 28.081 State-waters Pacific cod Management Plans	(c) As used in this chapter, the term (9) "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers;	1997 (most recent amendment 2012)
Tanner crab vessel specifications	5 AAC 35.590 Area J Tanner crab management plan	(a) In the Eastern Aleutian District, in the waters of Unalaska Bay enclosed by a line from Cape Cheerful (54_ N. lat., 166_ 40.33' W. long.) to Priest Rock (54_ N. lat., 166_ 22.50' W. long.), Tanner crab may not be taken by vessels over 50 feet, United States Coast Guard registered length or 58 feet overall length. In the remainder of the Eastern Aleutian District, Tanner crab may not be taken by vessels over 58 feet in overall length when the guideline harvest level for Tanner crab in the Eastern Aleutian District is 1,000,000 pounds or less. (b) Tanner crab may not be taken in the Chignik and South Peninsula Districts by vessels over 58 feet in overall length. (c) In this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.	1983 (most recent amendment 2005)

(cont'd)

EX 2A

Overall Length

Board of Fisheries Regulations			
Application	Citation	Specific Language	Implemented
King crab vessel specifications	5 AAC 34.590 Area M king crab management plan	(a) In the West Chignik District, a vessel engaged in the commercial king crab fishery may not be longer than 58 feet overall length. (b) For the purposes of this section, "overall length" means the straight line length between the extremities of the vessel, excluding anchor rollers.	2002
King crab vessel specifications	5 AAC 34.925 Area Q king crab management plan	(f) For the purposes of this section, "overall length" means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern, excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments.	1982 (most recent amendment 2008)

Ex 213