

(2)(B)

The Kayak Island fishery waters will be reinstated to 1980 boundaries.
Strike section 2B of 5 AAC 24.50

What is the issue you would like the board to address and why? Commercial fishermen on the Copper River have over decades experienced large reductions in traditional fishing areas. At the same time that the AREA E fishing fleet has lost inside waters, the ocean fishing off of Kayak Island has also been eliminated. Based upon inconclusive evidence that the Kayak Island fishery was intercepting fish bound for the Situk River, the Kayak Island fishery was closed to Copper River fishermen in the mid 1980's'. As inside waters closures become lengthier year after year, and escapement goals are being exceeded consistently the fleet is left with smaller and smaller areas to fish.

PROPOSED BY: Warren Chappell (HQ-F17-083)

PROPOSAL 38

5 AAC 24.332. Seine specifications and operations.

Modify purse seine gear length in the Prince William Sound Area, as follows:

(a) Except for the first 5 fathoms in length of the purse seine, a purse seine may not be less than 200 meshes or more than 335 meshes in depth, or less than 125 fathoms or more than 225 fathoms [150 fathoms] in length, hung measure, or with mesh size greater than four inches stretch measure, except that the first 25 meshes immediately above or below the leadline may be a chafing strip with a mesh size no larger than seven and one-half inches stretch measure. Leads deeper than the seine or exceeding 75 fathoms in length, or leads with a mesh size less than six and one-quarter inches may not be used, except as specified in 5AAC 39.260 ***ADD*** The aggregate of seine and lead may not be more than 225 fathoms in length.

What is the issue you would like the board to address and why? The current regulation requiring the use of a lead to achieve the legal gear length is outdated. As it is, most fishermen fish with a sewn on lead, ultimately turning the net into a single piece of gear which can be fished with either end on the beach versus with a "loose lead" that is virtually always on the beach end. Fishing a lead requires two different types of netting, lead web can be difficult to get, sometimes taking several months to receive. It would be much more convenient to use standard seine web for the entirety of the net which means standard mending twine, carrying standard sized patch web. Simple as a drive to your local net supplier. Additionally the larger mesh size in the lead can be detrimental in late season clean up fisheries when salmon lose their fear of barriers, plungers etc. At this late stage in the return, pink salmon will often swim right through the large lead mesh hindering clean up of excess fish and contributing to the build up of dark fish. This proposal would not require the use of seine web for the full length of the net but would allow for the option. Some comparisons of seine specifications from other fisheries are as follows. This proposal if adopted would be the same as the Chignik specifications for length.

	PWS	Chignik	Area M	Kodiak	Southeast	LCI
Seine	150	225	250	200	250	250
lead	75	75	150	50	75	0
total	225	225	400	250	325	250

It should be noted some areas restrict the use of the lead to only be deployed on the bunt end of the seine. Since these areas already provide for an effective length of seine the additional lead allowance is often used sparingly

PROPOSED BY: Rob Nelson (EF-F17-009)

PROPOSAL 39

5 AAC 24.332. Seine specifications and operations.

Allow permit stacking and increase the amount of purse seine gear that may be operated from a vessel with two limited entry purse seine permit holders onboard in the Prince William Sound Area commercial salmon fishery, as follows:

In the seine specifications and operations section (a) " a purse seine can not be more than 150 fathoms in length, **leads deeper than the seine or exceeding 75 fathoms in length, or leads with mesh size less than six and one quarter inches may not be used,**

What is the issue you would like the board to address and why? I propose to allow the 75 fathom lead to be equal to the mesh size in the 150 fathom seine if a vessel has two PWS purse seine permits onboard and is registered with CFEC as a vessel with two seine permits on board.

Currently legal gear is 150 fathoms of salmon seine not more than 4 inches stretched measure and 75 fathoms of lead not less than 6 and one quarter stretched mesh size.

I would like the BOF to amend the regulation to allow permit stacking for the PWS purse seine fleet that would allow any vessel with two PWS purse seine permits onboard to use 225 fathoms of net with a mesh size of not more than 4 inches stretched measure. This would encourage less vessels to fish each year in PWS.

BB drift gillnet, Cook inlet drift gillnet and SE purse seine fishermen have all recognized the need to reduce their fleets. BB and Cook Inlet Drift fleets accomplished this through permit stacking and SE purse seine accomplished fleet reduction through a permit buy back program.

PROPOSED BY: Leroy L Cabana (EF-F17-017)

PROPOSAL 40

5 AAC 24.335. Minimum distance between units of gear.

Establish minimum operation depth for drift gillnet gear fished within 90 fathoms of a set gillnet in the Crafton Island Subdistrict, as follows:

(a) No part of a set gillnet may be set or operated within 100 fathoms of any part of another set gillnet, except in the Main Bay Subdistrict as provided in 5 AAC 24.367(c)(4).

(b) In the Crafton Island Subdistrict,

(1) no part of a drift gillnet may be operated within 60 fathoms of a set gillnet, except in the zone outside of the offshore end of the set gillnet

(2) the shoreward end of a drift gillnet may not be operated in water less than four fathoms at any tide within 90 fathoms of the shoreward end of a set gillnet.

What is the issue you would like the board to address and why? Certain drifters are going in front of a setnet site the legal distance a driftnet must be from a setnet, 60 fathoms, and intentionally putting out a sufficient amount of gillnet in the shallow water to act as an anchor then extending the rest of their drift gillnet out from the shore. They will proceed to fish the driftnet for extended periods of time, even for the entire opener, in that fixed location. The issue is that when the net is placed that close to a setnet, the tide pushing the driftnet will cause the driftnet to be operated within 60 fathoms of the setnet resulting in conflicts between setnetters and drifters. It is difficult to prevent these conflicts because illegally operating drift gillnet fisherman have too much opportunity to pull their net away from the setnet before enforcement personnel can arrive, and photos taken from the air or enforcement vessels can be inconclusive. An updated regulation is needed in the Crafton Island Subdistrict to establish a setback from setnets that allows the natural movement of a driftnet by the tide to not result in the driftnet being pushed closer than 60 fathoms to the setnet.

The conflict that arises from drifters fishing in the manner describe above is that a setnetter's productivity is adversely impacted by a driftnet fished that close to a setnet as the setnetter is trying to fish a state-issued commercial setnet permit in a legal manner. Past attempts to stop drifters fixing nets in shallow water have failed. For example state regulation 5 AAC 39.105, (3) states a drift gillnet is a drifting gillnet that has not been **intentionally** staked, anchored, or otherwise fixed. The word “intentionally” left a loop-hole for drifters to say, “I didn't intend to fix my net”. At a past Board of Fish meeting, 5 AAC 24.331. (c) for the Prince William Sound area was modified to remove the ambiguous word **intentionally**. 5 AAC 24.331. (c) now states: Notwithstanding 5 AAC 39.105(d)(3), for the purpose of this section, a gillnet shall be considered to be a drift gillnet unless the gillnet has been set, staked, anchored or otherwise fixed. Yet the drifter's practice of fixing driftnets near setnets and the conflict it causes remains.

Myself and many other setnetters have had gear cut. In 2016 a setnetter lost an entire set resulting in a large financial lost. The natural conflict between different gears types will continue to intensify if the current situation is not changed.

Here is the logic behind the proposed regulation change.

State regulation 5 ACC 24.331(b)(G) states: *in the Crafton Island Subdistrict, the the shoreward end of a set gillnet or set gillnet lead may not be operated in water deeper than four fathoms at low tide.*

This regulation was enacted in response to setnetters making deep water sets in the 1980's. Therefore, there is a precedence for setnetters "owning" the water up to 4 fathoms deep, and drifters should be required to honor that precedence when close to setnets. The distance of 90 fathoms is used because it allows the natural movement of a driftnet by the tide to not result in the driftnet being closer than 60 fathoms to the setnet. This change in **5 ACC 24.335** would not hinder drifters who are actually drifting from being able to fish within 60 fathoms of a setnet since they need to be in deeper water. Neither would it effect those who are fixing their nets 91 fathoms or more from a setnet. Only those drifters currently fixing their nets so close to a setnet that the tide is pushing their net closer then 60 fathoms to a setnet would be required to move their net further away from the setnet.

PROPOSED BY: Michael Brown

(EF-F17-069)

PROPOSAL 41

5 AAC 24.335. Minimum distance between units of gear.

Prohibit operation of commercial salmon drift gillnet gear within 60 fathoms of the shoreward of a set gillnet in the Crafton Island Subdistrict, as follows:

In the Crafton Island Subdistrict, no part of a drift gillnet may be operated within 60 fathoms of a set gillnet, except in the zone outside of the offshore end Or shore end (as long as all other regulations are adhered) of the set gillnet.

What is the issue you would like the board to address and why? "In the Crafton Island Subdistrict, no part of a drift gillnet may be operated within 60 fathoms of a set gillnet, except in the zone outside of the offshore end of the set gillnet." In the Eshamy District there are many set gillnets affixed to pinnacles. This regulation only allows for a drift gillnet to fish the offshore end and does not allow for a drift gillnet to fish the shore end, even if there are viable waters to fish directly off the opposite end (shore end).

PROPOSED BY: Shawna Williams

(EF-F17-117)

PROPOSAL 42

5 AAC 24.367. Main Bay Salmon Hatchery Harvest Management Plan.

Repeal maximum length for set gillnet gear in the *Main Bay Salmon Hatchery Harvest Management Plan* and prohibit operation of a drift gillnet within 20 fathoms of a set gillnet, as follows:

(c)

(1) No portion of a drift gillnet may be operated within 20 fathoms of a set gillnet. [NO SET GILLNET MAY EXCEED 50 FATHOMS IN LENGTH]

What is the issue you would like the board to address and why? Lack of access to traditional beach drifts for the gillnet fleet inside Main Bay. The board changed the regulation for set net separation inside the Main Bay Subdistrict to allow set net operations additional sites. This has

been compounded by the inundation of the shoreline with lines and buoys throughout recent seasons. This reduction in legal distance is one method to make room for all participants.

PROPOSED BY: Cordova District Fishermen United, Gillnet Division (HQ-F17-035)

PROPOSAL 43

5 AAC 24.367. Main Bay Salmon Hatchery Harvest Management Plan.

Clarify provisions for operation of drift gillnet and set gillnet gear in the Main Bay Subdistrict, as follows:

(c)

(6) Notwithstanding pre-existing regulations, a drift operation cannot be deemed illegal upon deployment of a set net. The drift operation must have time to retrieve its gear and/or navigate to legal waters.

What is the issue you would like the board to address and why? Lack of clarification on access to sockeye build ups in Main Bay. The Board of Fisheries intentions to maintain access for the drift fleet has slowly been eroded as enforcement does not focus efforts to keep set net crews from operating and deploying gear during openers. A drift operation needs to be able to retrieve its gear if it is deployed before a set net is deployed. This has kept the drift fleet from historic and allocated access to these buildups. The failure to recognize that a drift operation cannot be made illegal immediately by deployment of a set gillnet causes grief for all participants as well as ADFG enforcement personnel.

PROPOSED BY: Cordova District Fishermen United, Gillnet Division (HQ-F17-036)

PROPOSAL 44

5 AAC 24.331. Gillnet specifications and operations.

Specify that operation of each set gillnet or drift gillnet must be performed or assisted by a Commercial Fisheries Entry Commission permit holder in the Prince William Sound Area commercial salmon fishery, as follows:

(b)(3) The operation of each **set or drift** gillnet shall be performed or assisted by the fishermen who holds the valid interim use or entry permit card for that respective gear;

What is the issue you would like the board to address and why? Lack of enforcement of Section G that requires a permit holder to be present to perform or assist. This has allowed the set net fleet to set all three sites at once and have crew work the gear illegally without a permit holder performing or assisting.

PROPOSED BY: Cordova District Fishermen United, Gillnet Division (HQ-F17-037)

PROPOSAL 45

5 AAC 24.331 Gillnet specifications and operations.

Limit each Commercial Fisheries Entry Commission permit holder to no more than four set gillnet sites deployed with lines and buoys in the Prince William Sound Area commercial set gillnet fishery, as follows:

(E) No set gillnet permit holder shall have more than four set net sites deployed with lines and buoys during an announced opener.

What is the issue you would like the board to address and why? The marked increase in unused set net sites throughout the Crafton Island Subdistrict and Main Bay Subdistrict. The buoys and lines deployed at these sites occupy legal fishing area and preclude the drift fleet from historic beach area. By limiting sites that are ready to set to four total sites, this issue would be alleviated while not precluding a set net operations ability to have additional sites with anchors and sunken lines set up. This would allow the area to be used by the drift fleet in a historic and efficient fashion.

PROPOSED BY: Cordova District Fishermen United, Gillnet Division (HQ-F17-038)

PROPOSAL 46

5 AAC 24.200. Fishing districts and subdistricts.

Change boundary description of the Main Bay Subdistrict, as follows:

5 AAC 24.200. Fishing districts and subdistricts

(h) Eshamy District: waters east of...

(1) Main Bay Subdistrict: waters of Main Bay west of a line from 60_ 33.36' N. lat., 148_ 02.35' W. long. to **60_ 32.81' N. lat., 148_ 2.118' W. long.;**

What is the issue you would like the board to address and why? The Main Bay Subdistrict recently changed coordinates and this has affected mine and my families set-net operation. We have been second on the line since the fisheries inception and have fished every single year in PWS since the 1960's. With the recent coordinate changes, the new family in front of us has squeezed in another net and registers the shore fishery lease so that we are now third on the line as well as many more drift gil-netters setting in front of us.

Historically, this Main Bay Subdistrict has always been fished with the same traditional markers and everyone respecting those (setnet and drift alike). With the current change the other family has now registered this "new" line and squeezed another net in front of us permanently. I believe the line should respect where it stood historically for over 30 years; at the mouth of bay coming off the rockpile on the southside (the northside comes off of a rockpile and always has).

It should be converted back to the historical line, using the rockpile on the southside of the bay as the natural marker and line. You can view this natural rockpile easiest using the BING HYBRID map on the state's map assisting tool.

PROPOSED BY: David Fleming

(EF-F17-116)

PROPOSAL 47

5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

Include the value of all enhanced salmon produced in the Prince William Sound Area in the *Prince William Sound Management and Salmon Enhancement Allocation Plan*, as follows:

Remove the language under [(J) IN THIS SECTION, “ENHANCED SALMON STOCKS” MEANS SALMON PRODUCED BY THE PRINCE WILLIAM SOUND AQUACULTURE CORPORATION].

What is the issue you would like the board to address and why? 5 AAC 24.370 Prince William Sound Management and Salmon Enhancement Allocation Plan. The plan should include the value of all enhanced salmon produced in the Prince William Sound (PWS) region. The value of enhanced salmon production from Valdez Fisheries Development Association’s (VFDA) Solomon Gulch Hatchery is not included in the management plan. The construction of the Solomon Gulch Hatchery is financed by funds from the State of Alaska and continues to use state financing. The original hatchery operation permit included chum production intended for the drift gillnet fleet which never was accomplished.

5 AAC 33.364 *Southeastern Alaska Area Enhanced Salmon Allocation Management Plan* includes the value of all enhanced salmon produced in the Southeastern Alaska region. Both 5 AAC 24.370 and 5 AAC 33.364 stated goals are to provide a fair and reasonable allocation of the harvest of enhanced salmon among the commercial fisheries.

How can there be a fair and reasonable enhanced salmon allocation when a large percentage of the enhanced salmon resource is not included in the plan? What is the difference between a hatchery built by the State of Alaska, Prince William Sound Aquaculture Corporation (PWSAC) or VFDA? They all used public funds for their construction and startup operations. Both PWSAC and VFDA continue to use public funds for improvements and increased production. But VFDA increases in production only benefit one commercial fishery. Why is the PWS seine fleet allowed exclusive benefit to VFDA’s publicly financed enhanced salmon production? The best solution is to include the value of Solomon Gulch Hatchery production into 5 AAC 24.370.

If all of the enhanced salmon value produced in PWS is not included in the PWS Enhanced Salmon Allocation Plan, then seine fishery will continue to receive a disproportionate and increasing share of the enhanced salmon value.

This proposal does not propose to reallocate VFDA enhanced salmon to the other commercial users, but to only include the value of all enhanced salmon into the regional plan so all PWS common property fisheries can benefit from the value of VFDA enhanced salmon production.

PROPOSED BY: Michael Bowen

(HQ-F17-031)

PROPOSAL 48

5 AAC 24.370. Prince William Sound Management and Salmon Enhancement Allocation Plan.

Allow commercial fishing for salmon in the Armin F. Koernig Hatchery Terminal and Special Harvest Areas prior to July 18, as follows:

I propose the regulation should be changed to say " **except in the AFK THA and SHA**" in the SW district, the district is closed to salmon fishing before July 18.

The harvest of AFK chums has occurred from 1999 through 2016 at AFK inside the THA and SHA

The current fishery targeting AFK chums begins aprox June 1 each year inside the THA and SHA at the AFK hatchery and continues until the pink returns are large enough to begin cost recovery which is usually in the last week of July.

What is the issue you would like the board to address and why? According to the PWS Management and Allocation Plan (2) South Western District: (A) "The district is closed to salmon fishing before July 18".

At the AFK hatchery, PWSAC has been releasing chum salmon fry since 1997 for the seine fleet to target. This fishery takes place inside the THA and SHA. The purpose of the chum program was to provide the seine fleet with some species diversity and early fishing opportunity. The restriction of not fishing before July 18 in the SW district was overlooked during the permitting process. In the last few years a few folks have pointed out the restriction to ADF&G and complained the chum fishery was out of regulation.

PROPOSED BY: Leroy L Cabana (EF-F17-016)

PROPOSAL 49

5 AAC 24.370. Prince William Sound Management and Enhancement Allocation Plan.

Reduce harvest of sockeye salmon in the directed chum salmon fishery prior to July 18 in the Armin F. Koernig Hatchery Terminal and Special Harvest Areas, as follows:

(e)(2)(A)(B)

Even if Prince William Sound Aquaculture Corporation (PWSAC) chooses to change the production back to late time pink salmon there will be early chum salmon returning for several years.

Option 1: Instruct Alaska Department of Fish & Game (ADFG) and PWSAC to follow the regulation and eliminate the common property seine fishery prior to July 18 and have the fishery return to a cost recover fishery like it was prior to 2004.

Option 2: Develop a management plan for this fishery that meaningfully addresses sockeye interception using the management tools available of time and area. This is a terminal harvest enhanced salmon fishery and at no time should it be open 144 hours a week. Three short openers per week would be adequate to harvest the small chum salmon return at this site. The Armin F. Koernig (AFK) Hatchery Terminal Harvest Area (THA) district is too large an area. The AFK Special Harvest Area (SHA) district is more than adequate to conduct this fishery. Moving the fishery inside the SHA should help the residents of Chenega Bay at the same time as well.

What is the issue you would like the board to address and why? Interception of fully allocated sockeye salmon in the early chum salmon remote release fishery at AFK Hatchery in Southwest District, and the problems associated with the interception including: low sockeye escapement at Coghill River; reallocation of fully allocated stocks; and reduced time and area by the net and drift fleet due to weak wild stock escapement.

5 AAC 24.370 Prince William Sound Management and Salmon Enhancement Allocation Plan

(e) The department shall manage the PWS commercial salmon fisheries as follows

(2) Southwestern District:

(A) the district is closed to salmon fishing before July 18;

(B) on or after July 18, based on the strength of pink salmon stocks, purse seine fishing periods may be opened by emergency order;

When the regulation clearly states that the PWS Southwest District is closed before July 18, why is there a fishery that is in obvious violation of that regulation? This has been in effect since 1991(?). The regulation was developed to protect early run timed enhanced and wild salmon stocks that are intended for the drift and set net fleets in the Northwest Districts. So far, ADFG and PWSAC have only offered excuses as to why the fishery is not in violation of the regulation. They have not offered a plan to correct the error or a meaningful plan to reduce interception of salmon bound for other districts.

PWSAC Board Administrative Policies – Allocation Policy states that “enhanced salmon allocations will be based upon the “PWS Management and Salmon Enhancement Allocation Plan (5AAC 24.370).

ADFG went so far to blame the Board of Fisheries (board) for the fishery being in violation of the management plan.

“The board’s adoption of the management plan closing salmon fishing in the district prior to July 18 predated ADFG’s approval of the release of enhanced chum salmon that return to the AFHSHA. The commissioner has emergency order authority under AS 16.05.060 to open or close seasons or areas “when circumstances require”, which includes authority to open or close seasons or areas notwithstanding a management plan when ADFG has new information, that was not considered by the board, showing that action by emergency order is required. In this instance, ADFG has new information not considered by the board that requires the opening of the SHA. Namely, when the board adopted the management plan, the board did not consider the release of enhanced salmon returning to the SHA that will not be harvested unless the SHA is opened prior to July 18.”