



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

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Board of Fish Members
Alaska Board of Fish
P.O. Box 115526
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Dear Board of Fish Members:

The following comments give a brief description of the positions that the Department of Public Safety, Division of Alaska Wildlife Troopers have on some of the proposals that are up for consideration at the November/December 2018 regulations meeting in Dillingham.

In general, when the board considers changes, especially when those changes involve seasons, bag limits and areas, the Alaska Wildlife Troopers request that every effort possible be made to align the season dates and bag limits with adjacent districts and sections. This is mainly for the benefit of the public but also helps greatly with enforceability of regulations over wide areas. When the board considers proposals having to do with allocation or biological concerns, AWT is generally neutral in position.

AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Further, all management plans rely upon public compliance with regulations to achieve success. Enforcement is a crucial element needed to ensure long-term compliance with regulations by the public. We ask that the board recognize that the division has limited resources and man power and any new regulation scheme or area restrictions may place an additional burden on AWT.

Comments on specific proposals:

PROPOSAL 21

5 AAC 01.320. Lawful gear and gear specifications.

Allow subsistence fishing with hook and line attached to rod or pole in Six Mile Lake, as follows:

5 AAC 01.320. Lawful gear and gear specifications.

(b) (8) by hook and line attached to a rod or a pole in Six Mile Lake and within ½ mile of the outlet, as specified in (l) of this section

(1) Subsistence fishing by the use of a hook and line attached to a rod or pole is prohibited, except

(1) when fishing through the ice

(2) when fishing by hook and line attached to a rod or a pole in Six Mile Lake and within ½ mile of the outlet, the following provisions apply:

(a) limits as specified in 5 AAC 67.020

(b) permits as specified in 5 AAC 01.330

(c) a person may not sport fish for salmon and take salmon under a subsistence permit on the same day.

COMMENT: AWT is **OPPOSED** to this proposal. Maintaining a distinction in gear types between subsistence and sport fisheries simplifies regulations and simplifies enforcement. Current sport fish regulations provide the same opportunity as this proposal. Anglers under 18 years of age do not need a sport fishing license, they would however need a subsistence permit. Income restricted license are available for \$5.00 and permanent identification cards are available free for residents 60 years of age or older.

Bristol Bay is an area with intense sport fishing activity, the comingling of gear types for subsistence and sport fishing in this area should be approached with great caution and attention to the possibility of unintended consequences.

(2)(c) of the proposal is for all practical purposes not enforceable. In addition, conflict with the Kvichak River Sockeye Salmon Management Plan may exist during years of low sockeye abundance.

PROPOSAL 23

5 AAC 06.333. Requirements and specifications for use of 200 fathoms of drift gillnet in Bristol Bay.

Clarify that the holder of two drift gillnet limited entry permits may operate up to 150 fathoms of drift gillnet gear, as follows:

New language:

(h) A person who holds two Bristol Bay drift gillnet CFEC permits may not operate both permits concurrently, on the same vessel, in a “D” configuration. A permit holder may only operate up to 150 fathoms of drift gillnet gear using a single CFEC permit and may not employ a second CFEC permit held by the same individual to operate additional drift gillnet gear.

COMMENT: Per 5AAC 06.331(c), except as provided in 5 AAC 06.333, a person may not operate or assist in the operation of a drift gillnet exceeding 150 fathoms in length. 5 AAC 06.333(a) says in part that, “Two Bristol Bay drift gillnet CFEC permit holders may concurrently fish from the same vessel and jointly operate up to 200 fathoms of drift gillnet gear...”.

Current regulations are sufficient for enforcement purposes. As it is, if a single CFEC permit holder is operating more than 150 fathoms of drift gillnet in Bristol Bay and the offense is sufficiently documented there is no reason such an offense could not be charged. From an enforcement perspective, nothing in 5 AAC 06.333 suggests that a single CFEC permit holder may operate more than 150 fathoms of gillnet.

PROPOSAL 28

5 AAC 06.331. Gillnet specifications and operations.

Allow commercial fishing for salmon, with set net gear only, within the section of the Kvichak River that borders Levelock Village land, as follows:

5 AAC 06.331. Gillnet specifications and operations

(new) **within the Kvichak Section, along the west bank of the Kvichak River adjacent to the land of the village of Levelock, from the southern point, 59.10321 N, 156.8661 W to the northern point, 59.11478 N, 156.85106 W, near Levelock Creek.**

(A) set gillnet gear may be operated only as follows:

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

(2) a set gillnet may not be set or operated within 300 feet of another set gillnet;

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

(5) all gear and equipment associated with set gillnet fishing in this area must be removed from the water when it is not being used to fish in the this area;

(B) Sockeye salmon harvested within this area shall be tallied against the 8% set net allocation for the Kvichak Section.

(2) a CFEC permit holder may not use more than one gillnet to take salmon at any one time.

What is the issue you would like the board to address and why? Allow for the commercial harvest of salmon, with set net gear only, within the section of the Kvichak River that borders Levelock Village land.

COMMENT: AWT is **NEUTRAL** as to the allocative aspects of this proposal. The addition of a new fishing area in the Bristol Bay salmon fishery would be a burden to an enforcement staff that is always task saturated during the Bristol Bay commercial salmon fishery. In addition, it is very likely that having a fishery adjacent to lands owned by only one entity would produce trespass complaints and other conflicts requiring law enforcement action.

Should the board accept this proposal the new fishing area may need to be added to the definition of the Naknek-Kvichak District in 5 AAC 06.200 and the list of closed waters in 5 AAC 06.350 should be amended.

PROPOSAL 31

5 AAC 06.370. Registration and reregistration.

Delay implementation of the 48-hour district transfer notification period until the third Saturday in June.

COMMENT: AWT is **OPPOSED** to this proposal. The third Saturday in June can be as late as the 21st of June. There have been several seasons during which fishing is very competitive by the 21st of June. If area registration is delayed until this late in the season intensive boundary line fishing and an increase in closed waters violations will occur. This is especially true if only one district in the area is getting fish. In this scenario vessels from other districts are motivated to travel to the district with fish, resulting high concentrations of vessels, a disorderly fishery and a

heavy burden on enforcement. AWT strongly supports the current regulation that requires all CFEC drift gillnet permit holders to register for a specific district before fishing in Bristol Bay. The current regulation promotes an orderly fishery; it simplifies regulations and reduces the burden on enforcement.

PROPOSAL 35

5 AAC 06.350. Closed Waters.

Reduce closed waters in the Naknek-Kvichak District near Graveyard Creek, as follows: My solution is to move the temporary markers which are still temporary and place them further up at the actual mouth of Graveyard Creek taking in account for much erosion and continued erosion where I will continue to move my sight further back in my line each year as necessary. The last Board proceedings claimed that if this location could have been determined they would have been able to restore my fishing rights. I plea to all members of the Board to end my hardship and vote for a solution or remedy to avoid any further hardship to be endured. I plan to provide measurements, photographs of Graveyard Creek.

COMMENT: AWT is **OPPOSED** to this proposal. Graveyard Creek is a salmon stream, for the past several years Fish and Game, with logistical assistance from AWT, has placed markers at the salmon stream terminus [Ref. (5 AAC 39.975(10&14))] to clearly define the stream terminus and help eliminate commercial fishing in the closed waters of Graveyard Creek.

The entire shoreline near the mouth of Graveyard Creek has set net leases issued by the Department of Natural Resources. Historically all the leased sites are operated throughout the fishing season. If a net is operated in the mouth of Graveyard Creek as proposed, the sites “seaward”, which are the leased sites, would become illegal because one CFEC permit holder cannot operate seaward of another CFEC permit holder.

Should the board pass this proposal Graveyard Creek will need to be added to the definition of the Naknek-Kvichak District in 5 AAC 06.200. The board will also need to define an up-river boundary in Graveyard Creek. And the board will need to amend regulatory language to allow one CFEC permit holder to operate seaward of another CFEC permit holder in this part of Bristol Bay and will need to define boundaries for this exception.

PROPOSAL 57

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Prohibit the use of certain sport fishing tackle in a section of the Naknek River drainage, as follows:

5 AAC 67.022 (d) (XXX).

Naknek River Drainage:

Upstream from ADF&G markers located ½ mile above Rapids Camp to ADF&G markers at Trefon’s cabin at the outlet of Naknek Lake:

Closed to the use of all salmon egg imitation patterns, including all hard and soft beads, glo bugs, spin and glows and any other stand alone egg imitation, unless the egg imitation is a fixed part of a fly or lure longer than 1 inch in length (for example egg sucking leeches).

COMMENT: AWT is **OPPOSED** to this proposal. If passed, to be enforceable, the board would have to define several terms in regulation and the definitions would have to be extremely detailed. In the past, defining and enforcing terms as general as “artificial fly” have proven difficult. It is unlikely that defining a term such as “salmon egg imitation pattern” could be done with enough precision to be enforceable but clear enough for all parties to understand and comply with. It is very likely that unintentional violations would increase as would the number of citations.

PROPOSAL 60

5 AAC 67.022. Special provisions for seasons, bag, possession, and size limits, and methods and means in the Bristol Bay Area.

Create a rod limit for nonresident anglers sport fishing for salmon on a portion of the Naknek River, as follows:

Sockeye Salmon and Silver Salmon limits

In all waters upstream from ADF&G regulatory marker located ½ mile upstream of Rapids Camp, including all waters within ¼ mile of all lake inlet and outlet streams:

8 rod limit per day at any one time for salmon (sockeye and silver salmon) for commercial business entity: Lodges, Transporters, Boat Rentals, and fishing clubs. LLC's are considered one business entity. Rod Limit allocations are non transferable or salable. Applies to non residents only.

COMMENT: AWT is **OPPOSED** to this proposal. If passed this proposal would be very difficult to enforce even with unlimited staff, especially considering the dynamic environment of the Naknek River. Most businesses operate several boats at one time, and do so over large stretches of the river. Trying to document the number of “rods” being operated at a given time for a specific business and doing so for specific species is not feasible. Further, it is very likely that any type of “rod limit” could be easily circumvented by dividing business and other schemes.

Thank you for your consideration,

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