

PROPOSAL 141

5 AAC 21.331. Gillnet specifications and operations; and 5 AAC 21.333. Requirements and specifications for use of 200 fathoms of drift gillnet in the Cook Inlet Area.

Allow a vessel to carry more than a legal complement of gillnet gear in the Cook Inlet Area, as follows:

Add (j) to 5 AAC 21.331. Therefore 5 AAC 21.331 (j) would read:

(j) Notwithstanding 5 AAC 39.240, a vessel can have more than a legal complement of gear on board, but at no time can fish more than a legal complement of gear.

Add (h) to 5 AAC 21.333. Therefore 5 AAC 21.333 (h) would read:

(h) Notwithstanding 5 AAC 39.240, a vessel can have more than a legal complement of gear on board, but at no time can fish more than a legal complement of gear.

What is the issue you would like the board to address and why? 5 AAC 39.240 is not pertinent of real situations that have and will happen in the Cook Inlet salmon fishery. The drift fishery encompasses a large water body that is comprised of numerous stick rips, large tides, rocks, sand bars and bad foul weather. There are times when a vessel is compromised and not able to retrieve their gear. In these situations, good Samaritan vessels will assist and retrieve the vessels gear and tow the vessel in or pick up survivors from sunken vessels. If this retrieval of gear did not occur it would become a preventable floating hazard in the ocean, which is not good for the environment or navigation. Under the current 5 AAC 39.240 provision a good Samaritan vessel retrieving a compromised vessels gear is being illegal and could be heavily fined subject to the court.

Some actual examples of past compromised vessels whose gear was retrieved by good Samaritan vessels are: 1. Vessels have sunk. 2. Vessels have been beached on shore or sand bars because of foul weather or mechanical failures. 3. Vessels have gotten sucked into stick rips and fouled their props preventing maneuverability to retrieve their gear. 4. Vessels hydraulics or other mechanical equipment has failed, rendering their net retrieval to be impossible, especially in foul weather.

These incidents are not numerous but they have and will happen again. Another example of the need to amend 5 AAC 39.240 is the fact that the current Upper Cook Inlet management plans allow different components of gear for different areas. Some of these areas are 70 mile round trip travel from the east shore. The east shore is the nearest area with harbors and docks to unload gear. A D-boat that has two permits on board, and is allowed to fish four shackles of gear, would be prevented from fishing Chinitna Bay if they fished area 3 or 4 with four shackles unless they traveled the 70 miles round trip to unload one shackle because Chinitna Bay only allows three shackle to be fished.

The Kasilof River terminal fishery vessels normally have a specially designed net which is shallower, smaller mesh size and stronger web for this shallow water fishery that tears up net. Many times this area will be open in conjunction with the expanded corridor. A vessel fishing the terminal area, who discovered the fishing wasn't any good, would have to go to the dock, unload the special terminal net, put on his regular net in order to efficiently fish the corridor. This is wasting valuable fishing time especially when most openers are only 12 hours. These amendments will not be an enforcement issue because only the legal component of gear would be in the water. There are hundreds of boats on the water that will turn in any violators. Violators will fish illegally

no matter what the law is, but that is no reason to not pass these amendments that protect the practice of the good Samaritan in helping fellow fishermen.

PROPOSED BY: Central Peninsula Fish and Game Advisory Committee (HQ-F19-100)
