

Drift Gillnet Fishing Periods, Closed Waters, and Gear (4 proposals)

**PROPOSAL 138**

**5 AAC 21.320. Weekly fishing periods.**

Establish drift gillnet weekly fishing periods in the Chinitna Bay Subdistrict, as follows:

(A) in the Chinitna Bay Subdistrict [ONLY DURING PERIODS ESTABLISHED BY EMERGENCY ORDER] **starting August 15 salmon may be taken from 7:00 a.m. Tuesday until 7:00 p.m. Tuesday and from 7:00 a.m. Friday until 7:00 p.m. Friday.**

**What is the issue you would like the board to address and why?** The Chinitna Bay is unique in the fact that it is managed by Upper Cook Inlet commercial fisheries management biologist yet the aerial surveys are conducted by Lower Cook Inlet commercial fisheries management biologist and funded in the lower Cook Inlet commercial fisheries budget. Aerial surveys for Chinitna Bay are conducted in conjunction with surveys in the Kamishak Bay district and are therefore dependent upon weather and budget. Weather in the Kamishak Bay district and Chinitna Bay are well known to be unfavorable starting in August and continuing unfavorable until May. Heavy rains this time of year muddy the water making salmon counts from aerial survey impossible. The Department's budget continually receives less money for aerial surveys. In some years Chinitna Bay never gets an aerial survey and the fishery occurring after August 15 is delayed until after the majority of the run is over, even though escapements have been met and there were abundant harvestable surpluses available. There is a precedent established from past years management practices that opened the fishery August 15 when weather or budget prevented aerial surveys of Clear Creek. August 15 is a date the chum salmon run into Clear Creek is considered over. In order to have a reliable fishery and allow the harvest of the surplus salmon, Chinitna Bay needs to be open starting August 15.

**PROPOSED BY:** Central Peninsula Fish and Game Advisory Committee (HQ-F19-104)

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**PROPOSAL 139**

**5 AAC 21.350. Closed waters.**

Close the drift gillnet salmon fishery in Chinitna Bay, as follows:

Close the commercial drift fishery in Chinitna Bay for up to 3 years.

**What is the issue you would like the board to address and why?** The Chum, Pink, & coho salmon runs in Chinitna bay have been very poor the last several years, the fish need time to rebound.

**PROPOSED BY:** Mel Erickson (EF-F19-025)

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**PROPOSAL 140**

**5 AAC 21.333. Requirements and specifications for use of 200 fathoms of drift gillnet in the Cook Inlet Area.**

Allow a dual-permit vessel to have 200 fathoms of gear on board while in Chinitna Bay subdistrict, but fish with no more than 150 fathoms of gear in the subdistrict at any time, as follows:

5 AAC 21.333(e)(1) is amended to read:

(e) The operation of additional drift gillnet gear is not allowed when drift gillnet gear is restricted to any of the following areas:

(1) Chinitna Bay Subdistrict;

**(i) Notwithstanding 5 AAC 39.240(a), in Chinitna Bay, up to 200 fathoms of drift gillnet gear may be aboard a vessel, but not more than 150 fathoms of drift gillnet gear may be operated at any time.**

**What is the issue you would like the board to address and why?** Dual-permit (D-boat) fishing for drift gillnet vessels in Upper Cook Inlet (UCI) was first authorized by the board in 2008. Currently, two Cook Inlet drift gillnet CFEC permit holders fishing from the same vessel, or one person holding two Cook Inlet drift gillnet CFEC permits, may operate 50 fathoms of additional drift gillnet gear, but no more than 200 fathoms total. Currently, the Chinitna Bay Subdistrict and the Kasilof River Special Harvest Area (KRSHA) are two regions where D-boat fishing is not allowed. At the 2017 board meeting, the provision limiting the amount of gear on board while in the KRSHA was repealed, however, the limit on the amount of gear that may be fished in the KRSHA was not changed. Because D-boat fishing is not allowed in Chinitna Bay, any dual-permit drift fisherman who wishes to fish there must remove one shackle of gear (50 fathoms) off the boat completely before fishing to comply with 5 AAC 39.240 (a), which states that a vessel shall have aboard only one legal limit of salmon fishing gear. The Chinitna Bay subdistrict is often opened by emergency order on Tuesdays and Fridays after the chum salmon SEG in Clearwater Creek has been met. The Chinitna Bay drift gillnet opener often occurs after August 16th when Drift Gillnet Areas 3 and 4 are open on Mondays and Thursdays by regulation. D-boat fishing is allowed in Drift Gillnet Areas 3 & 4. Thus if a D-boat fishes in Drift Gillnet Area 3 or 4 on Monday, the vessel permit holder(s) must completely remove 50 fathoms of gear off their boat in order to fish in Chinitna Bay on Tuesday. The Chinitna Bay gear restriction unnecessarily limits the amount of gear dual-permit fishermen may have aboard in Chinitna Bay when traveling to the west side of UCI to take advantage of back to back fishing periods.

This proposal seeks to allow a dual-permit vessel to have 200 fathoms of gear on board while in Chinitna Bay subdistrict, but fish with no more than 150 fathoms of gear in the subdistrict at anytime.

**PROPOSED BY:** Dan Anderson

(HQ-F19-004)

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**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)

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