

***Registration and Re-registration; Time and Area; Area and District Descriptions (9 proposals)***

**PROPOSAL 48**

**5 AAC 06.370. Registration and reregistration.**

Delay the date at which fishermen may reregister to or from the Togiak District, as follows:

(k) Notwithstanding (b) of this section, a CFEC permit holder and fishing vessel registered before 9:00am July 27 to fish in the

(1) Togiak District may not take salmon or be used to take salmon in the Nushagak, Naknek-Kvichak, Egegik, or Ugashik District from 9:00am June 1 to 9:00am August 4. [JULY 27];

(2) Nushagak, Naknek-Kvichak, Egegik, or Ugashik District may not take salmon or be used to take salmon in the Togiak District from 9:00am June 1 to 9:00am August 4. [JULY 27].

**What is the issue you would like the board to address and why?** The BOF originally established a later date for vessels that fish in other districts within Bristol Bay to transfer to Togiak, mainly because the Togiak fishery is comprised of a local small boat fleet that is crucial to the economy of Togiak and its residents. However, the sockeye salmon run in Togiak has been running later than usual, and a large influx of bigger vessels have begun fishing in Togiak after 9:00am on July 27 when they can legally start to harvests salmon. This has caused economic hardships for the small boat local fleet that live in the rural coastal community of Togiak where more than 25% of the households are below the poverty line. Fishing is the main source of income for the majority of its residents. Due to the recent trends of the later salmon runs, the current regulations do not fit the original intent of why the Togiak District has a later transfer date and should be altered to accommodate the later salmon runs..

**PROPOSED BY:** Jimmy Coopchiak

(EF-F22-021)

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**PROPOSAL 49**

**5 AAC 06.XXX. New Section.**

Reestablish a General District Salmon Management Plan, as follows:

When upper escapement goals have been achieved in Eastside Districts (Naknek-Kvichak, Egegik, Ugashik). Alaska Dept. of Fish & Game may have the option to enact a General District. The General District would consist of the waters specified in the May 17th, 2004, Board of Fish-approved General District.

**What is the issue you would like the board to address and why?** Due to to the lack of funds and manpower of Alaska Public Safety Enforcement. The orderly fishery in the eastside districts (Naknek-Kvichak, Egegik, Ugashik) deteriorates for the late season, due to a lack of enforcement effort. Because of this situation, a fishery of line violations is created, and many permit holders are forced out of the fishery. Fish revenues only go to a few, under this situation.

To remedy this, ADF&G can and should expand fishing to a General District once the upper escapement goals have been met. And Public Safety Enforcement has departed the Bristol Bay Fishery.

General District was implemented prior, per Board of Fish approval dated May 17th, 2004 General District will increase opportunity for fishing fleet, which in turn creates more revenue for fleet, processors, local and state tax jurisdictions. Additionally, late in the season. Marine mammals are a big problem in harvesting. A General District could spread things out for this situation.

**PROPOSED BY:** Joel A Ludwig (EF-F22-010)

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**PROPOSAL 50**

**5 AAC 06.XXX. New Section.**

Reestablish a General District Salmon Management Plan, as follows:

(a) The purpose of this management plan is to provide for additional harvest opportunities in coordination with other management and allocation plans, maximize quality and harvest, and to provide management guidelines to the department for a commercial salmon fishery in the General District.

(c) **When escapement goals are met** [JUNE 1 THROUGH JUNE 30], **the General District will open to the Bristol Bay area.** [COMMISSIONER MAY OPEN AND CLOSE, BY EMERGENCY ORDER, THE GENERAL DISTRICT OR PORTIONS OF THE GENERAL DISTRICT AS NECESSARY TO HARVEST UP TO 20 PERCENT OF THE PRESEASON SOCKEYE SALMON FORECAST FOR THE BRISTOL BAY AREA.]

Open the General District when escapement goals are met.

**What is the issue you would like the board to address and why?** Reintroduce the repealed 5 AAC 06.356 General District Salmon Management Plan.

By not reintroducing the repealed 5 AAC 06.356 General District Salmon Management Plan, it is very difficult for small fishermen to make a profit if they only fish in one small area of the Bristol Bay District. Most of the fishermen who get "tickets" from fishing past the borderline are only following where the fish are, which is past the borderline, not inside of the Bristol Bay Fishing District. The handful of small fishermen left are only trying to "make-ends-meet" from self-marketing their fish, because all the canaries are closed and the fish in the Bristol Bay District are all dispersed throughout the district, which makes it even more difficult to make a profit.

When the General District finally opens to the Bristol Bay area, it allows the small profiting/self-marketing fishermen to make a little more profit than they already are from fishing in the Bristol Bay area.

**PROPOSED BY:** Kiril Z Basargin (EF-F21-026)

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## **PROPOSAL 51**

### **5 AAC 06.XXX. New section.**

Reestablish a General District Salmon Management Plan, as follows:

Whenever the Eastside districts, Naknek, Alagnek, Kvichak, Egegik, Ugashik, have reached or surpassed the upper boundary of escapement goals, an Eastside "general district" shall take effect. The Northwestern boundary line shall be from a point at 58°41'50"N lat 157°47'51"W long extending due east 3 miles. The Southern boundary line shall extend due west 3 miles from the point 57°28'34"N lat 157°55'84"W long. All inner district boundary lines shall remain in effect. All fish buying operations shall take place inside Naknek/Kvichak, Egegik, and Ugashik districts. Duration and specific fishing times will be determined by ADF&G biologists and announced accordingly.

**What is the issue you would like the board to address and why?** I propose the board adopts a regulation that when all eastside rivers, Naknek, Alagnek, Kvichak, Egegik, and Ugashik have reached or surpassed the upper boundary of escapement, as per ADF&G pre season requirements, deeming the eastside systems a COMPLETE SUCCESS. When this occurs, regardless of the date, whether July 14 or August 7 (examples) an announcement be made stating the Eastside OUTER district boundary lines are no longer in effect. (General district) A new boundary line extending 3 miles east of a point 58°41'50"N lat 157°47'51"W long, thus designating an eastside/westside district line. As well as, the existing southern point of Ugashik district, 57°28'34"N lat 157°55'84"W long also on an east west axis line extending 3 miles out, designating the southern boundary line of eastside district. All inner district boundary lines remain in place.

Tenders/companies would then be restricted to buying fish INSIDE eastside river outer boundary lines (kvichak, egegik, ugashik) ensuring that fish tax, as well as catch data remains in appropriate districts. Fisherman, with today's fuel prices, will not go too far from their market.

Why? because at a certain point in the season, usually around July 18-22, fish and game enforcement is dramatically reduced, probably a budget issue, but results in extreme line violations taking place in all 3 eastside districts. This results in a two class system, those that are ok with committing offenses day after day for the reward it brings, and those that do not feel comfortable risking their boats, livelihoods or theirs and their crews freedom for getting those extra thousands of lbs. There are quite a large group of bristol bay fisherman that have other income sources which enable them to risk boat, gear, a night in jail, lawyers, buying their boat back, and all other costs associated with getting a ticket a MILE outside the district. That is not a misprint, boats are routinely fishing up to a mile OVER the line every season as of 2016, after enforcement is mostly gone.

This is an easily implemented solution to a serious issue. On larger runs, most of the aforementioned systems exceed their escapement goals so implementing this solution will in no way harm the biology of the fishery, on smaller runs the fish seem to dry up dramatically in late July which makes this an unused regulation. But the most important aspect of this proposal is that it LEVELS THE FIELD of opportunity for all drift fisherman, does not affect set net fisherman, (probably help them) and costs the state NOTHING. win-win-win for all parties. Thank you for consideration.

**PROPOSED BY:** Ken Dunsmore

(EF-F22-019)

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**PROPOSAL 52**

**5 AAC 06.XXX. New section.**

Reestablish a General District Salmon Management Plan, as follows:

General district Management Plan. General district when all East side river systems have met their midpoint escapement goal on or after 17 of July.

The General district is all waters within 3-mile on the East side. There will be 3 subsections Naknek-Kvichak, Egegik, and Ugashik to allocate where the harvest is caught and delivered. Boundaries between subsections are the latitude of middle bluff and 57 degrees and 57 minutes

( this is approximately half way between Egegik and Ugashik).

**What is the issue you would like the board to address and why?** After July 17 the EO management is over and enforcement is limited. A general district will provide equal opportunity to fish by all users. Previously a subset of harvesters has taken advantage of limited enforcement and fished in closed waters.

**PROPOSED BY:** Alexis Kwachka

(EF-F22-083)

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**PROPOSAL 53**

**5 AAC 06.XXX. New section.**

Reestablish a General District Salmon Management Plan, as follows:

Annually, when all escapement goals have been reached in the Nushagak, Kvichak, Naknek, Egegik, and Ugashik districts, and the 24 Hour Transfer Period has been waived in all districts (excluding the super exclusive Togiak district): The boundaries should be extended at the time to the year 2004 'XYZ district' boundary lines or an alternative such as the following:

A late season Western Boundary Line extending from the South Western Johnston Hill boundary marker to the Egegik North Western corner boundary marker. This same Western Boundary Line will follow the course of the Egegik West line in it's entirety and extend the South Western Corner of the Egegik District in a straight line to the North Western boundary marker in the Ugashik District. The Walrus boundary in Ugashik would be built in at the discretion of the department (ADFG) to accommodate the safe passage of Walrus in their haul out.

Existing outer Naknek, Egegik, and Ugashik boundary lines would be amended to open up the waters south of the Naknek South Line to the waters of the Ugashik North Line to commercial fishing when escapement goals have been met and enforcement has withdrawn from the fishery.

Proposed boundary change (Late Season Boundary):

58' 43.73' N LAT  
157' 42.71' W LONG

TO

58' 38.50' N LAT  
157' 22.23' W LONG

TO

58' 19.10' N LAT  
157' 36.65' W LONG

TO

58' 11.00' N LAT  
157' 38.10' W LONG

TO

57' 43.54' N LAT  
157' 43.80' W LONG

TO

57' 28.34' N LAT  
157' 55.84' W LONG

Additionally, proposal can be approved on a trial basis or with a sunset clause.

**What is the issue you would like the board to address and why?** The Alaska State Troopers cease to police the Bristol Bay gill net fishery on or around July 15th every season. This leaves the fishery with largely un-monitored boundaries aside from an increasingly rare aerial patrol. Many fishermen feel forced to quit and go home due to the lawless state caused by the lack of trooper skiffs and their absence. ADFG extends fishing time to a wide-open schedule as long as escapement goals have been met almost concurrently with the withdrawal of the State Troopers. The annual Fall fishing schedule ensues shortly thereafter.

The BOF has an opportunity to take the line fishing focus away from the Bristol Bay East side fishery, but It has to take an approach that differs from the 'pre-season XYZ district' failures which occurred nearly twenty years ago. My proposal offers a simple solution to the troubles of late season fishing by removing the congestion of line fishing in its entirety. This proposal complements the withdrawal of enforcement, and the immediate need for a more logical and less congested and stressful fishery.

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**PROPOSAL 54**

**5 AAC 06.XXX. New section.**

Adopt an Eastside Bristol Bay late-season management plan, as follows:

**Late-Season Waiver of Lines:**

No lines on east side after escapements are met.

(h) Regarding the Eastern commercial fishing districts of Bristol Bay, pertaining to the drift gillnet fishery: When two adjacent river systems have reached their escapements goals such that ADF&G managers have waived the 48-hour transfer period into the districts, AND both districts' fishing schedules have no non-concurrent closures, then during the time of concurrent openings, the boundary lines between those two adjacent fishing districts shall be as follows:

(1) Ugashik to Egegik Late-Season Section: The western boundary line of the areas between the Ugashik and Egegik Districts shall be all waters east of a line from 57° 43.54' N. lat., 157° 43.80' W. long. then continuing to 58° 11.00' N. lat., 157° 38.10' W. long., exclusive of waters west of the Stat 3-mile Jurisdictional Limit, and except those waters within, and those waters draining into, the regular districts described in 5AAC 06.200.,

(2) Egegik to Naknek-Kvichak Late-Season Section: The western boundary line of the areas between the Egegik and Naknek-Kvichak Districts shall be all waters east of a line from 58° 11.00' N. lat., 157° 38.10' W. long., then continuing to 58° 43.73' N. lat., 157° 42.71' W. long., except those waters within, and those waters draining into, the regular districts described in 5AAC 06.200.

(3) The geographic location of where the fish were landed shall be indicated on the fish ticket.

I) The district closest to the point of landing shall receive tax revenues generated by the landing.

II) The district closest to the point of landing shall have those fish counted towards the drift gillnet tally for purposes of tracking allocation.

**What is the issue you would like the board to address and why?**

**Late-Season Waiver of Lines for East-Side Districts:** No lines on east side after escapements are met.

The presence of fishery enforcement is a very necessary component of fishery management. Imagine how many boats would brazenly set illegally during the emergency order if there were no adverse consequence; imagine the difficulty of managing the runs if the fish poached by these "pirates" were not counted in early-season run assessments. Now please consider the inverse of this situation, when at the end of the season if someone were to set a mile or two (or ten) over the line... the fish caught then would have zero impact on fishery management, at a time when all

rivers had their escapement, every district is open on a 24-hour schedule and ADF&G is no longer keeping track of the districts in which the vessels are fishing.

**The situation as it currently exists:** Presently at the end of the season, after most boats have gone home and enforcement efforts have basically disappeared, fishing continues much like it has all season long. Fishermen throughout the district give each other as much room as practicable, but toward the boundary lines there's less room to be given when the fish are moving across the line, *but there's always more room over the line.*

A subtle late-season "line show" plays out where the most brazen fishermen, who are willing to risk a ticket for the reward, get a disproportionately larger paycheck because their net (which is way over the line) is the first in front of the small trickle of fish entering the district. It's pretty much the same cast of characters all the time, who are greatly rewarded for their risk.

The above scenario does not have to exist. When the runs are biologically secure, and the fishery is wide-open, what is the purpose of boundary lines? Their mere existence rewards illegal activity, lowers the value of the catch (through competitive, rather than sensible harvesting practices), and diminishes everyone's paycheck except those fishing illegally).

**Situation if this proposal were enacted:** If there were more liberal boundary lines between districts in the late-season, fishermen would go to the place where there is the most consistent fishing, as far as practicable from other fishermen. They'd work their gear with the already significant challenges of tidal fluctuations, weather, and SEALS ("Ort! Ort! Ort!").

The revenues earned by the fishermen would be more evenly distributed, and no one would be rewarded for illegal fishing activity.

The public safety and fleet-monitoring aspect of this expanded fishing area would be very manageable. The entry-pattern of the fish in the late season would create a very predictable fishing vessel placement scenario; boats will be working the beach/flats/bars at low water, spaced out .25 to .5 miles apart (or more if practicable), and never would you find a concentration of boats fishing "on top" of each other. There will also be effort on the regular tide streaks where fish come across in deeper and swifter-moving waters.

Taxes would still be properly accounted: Taxes for fish landed outside of a district's boundary would be placed under the district to which the landing was closest when the fish were landed.

Enforcement efforts would remain unchanged, since there is presently almost no enforcement in the late season.

Public Safety (SAR) would be increased to a degree with the expanded area. .

**PROPOSED BY:** Matt Marinkovich (HQ-F22-008)

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**PROPOSAL 55**

## **5 AAC 06.200. Fishing districts and sections.**

Align Naknek Section southern boundary line with Naknek-Kvichak District southern boundary line, as follows:

Change the definition of the Naknek Section south-western waypoint (ADF&G “south marker” coordinates) as follows:

(1) Kvichak Section: all waters of the Naknek-Kvichak District north and west of a line from the shore, along the dock, and to the outer end of Libbyville Dock at 58° 46.76' N. lat., 157° 03.57' W. long., to 58° 38.50' N. lat., 157° 22.23' W. long., continuing on this line to the point of intersection of the line described in 5 AAC 06.200(b); [58° 38.50' N. LAT., 157° 22.23' W. LONG. TO THE OUTER END OF LIBBYVILLE DOCK AT 58° 46.76' N. LAT., 157° 03.57' W. LONG., THEN ALONG THE DOCK TO THE SHORE]

**What is the issue you would like the board to address and why?**

### **Modification of Naknek Section south-western boundary definition**

Clarifies Naknek Section fishing boundary line.

There is an obvious point of confusion surrounding the southern boundary line of the Naknek Section, compared to the Naknek/Kvichak district southern boundary line. These lines differ from each other ranging from just a few feet, to close to 300 feet. The difference occurs because the “straight” line “drawn” from the N/K southern boundary is actually curved, a result of drawing geographic lines on our curved earth.

The real problem is the waypoint initially used for the south-western corner of the Naknek Section, which was originally established by locating the intersection of the Naknek sideline and the N/K southern boundary. This worked well initially, when it was drawn on a flat paper chart, since the N/K line was established from the old Loran-C signal and that “synched” up with the drawing. When GPS technology entered the picture, it gave a more accurate location of both the N/K line, and the placement of the Naknek Section SW ADF&G waypoint. A decent estimate of this difference is that the SE waypoint is approximately 250 feet north of the N/K line.

### **The situation as it currently exists:**

The problem exists when the open fishing area switches from the entire N/K district to the Naknek Section only, at which time it is necessary for every fisherman AND fisheries enforcement to switch their plotters to match the proper district for the opening at hand (it is still necessary to switch when the openings switch the other way, but there is no consequence of a fishing violation). Since we’re all human, sometimes people forget to do this switch, and because of the difference between the two lines, the result become an undisputable fishing violation (if fishing with the N/K line on your plotter during a Naknek Section opening, you could be up to 250-feet over the line when your plotter says you’re legal, which is no excuse for fisheries enforcement); there are several tickets each year attributed to this error.

### **Situation if this proposal were enacted:**



If this proposal were to become regulation, there would exist a 100% accurate definition of the Naknek Section and the entire N/K district, using the already-existing waypoints that are currently used for this purpose. There would be no confusion as to which lines to use, because it would always be the same line; neither fishermen nor enforcement would have to switch their plotters when the openings switch from N/K to Naknek Section, or visa-versa.

This is a simple geometry problem. A point with two defined lines going away from it holds the same definition as a point on a defined line which is intersected by another defined line. So instead of trying to pinpoint a waypoint upon the N/K southern boundary line (which has proven infeasible from the limitations of the GPS plotters), the SW “corner” of the Naknek Section can be determined by using the existing waypoints for the already-existing two lines used to determine the (1) N/K southern line, and (2) the Naknek Section sideline.

With this regulation in place, during Naknek Section openings ONLY, it would be necessary for fishery enforcement, and any fishermen seeking the accurate location of the Naknek Section southern boundary “corner” location, and the Naknek Section “sideline,” to either operate two plotters simultaneously to display the two intersecting lines (one for the southern boundary and another for the “sideline” boundary), or have a plotter that is capable of showing two independently programmed lines at once (some plotters can do this). The cost of a modest GPS that can show the distance from the line is about \$100.

The effective use of locating the “corner” (point of Naknek Section SW boundary intersection) with this method is to observe the cross-track error, or “off-course” distance, from the two-waypoint line programmed into a GPS plotter, which is either the N-K southern boundary, or the Naknek Section “sideline” boundary (the sideline incorporates the existing “corner” waypoint, which will no longer represent the corner, but rather constitutes the second point of an infinite line). The cross-track information will display the distance from its designated line in the form of nautical miles or fractions thereof, and then will switch to readings in feet at 600-foot or 1,000-foot from the designated line. The fishermen (or enforcement officer) will know they are on “on the corner” when both cross-track errors read zero feet; finding the “corner” isn’t important; what is important is to recognize the geographic distance from the line.

This is the exact same technology currently used by fishery enforcement when determining if a fisher is set over the line, so Enforcement will have no problem using the technology. Since Enforcement has two plotters already placed on their enforcement assets, there will be absolutely NO DIFFERENCE in determining whether fishers are in legal waters (they won’t even have to re-program the equipment).

The adoption of this regulation will relieve stress and confusion to a great degree when fishing the Naknek Section only openings.

**PROPOSED BY:** Matt Marinkovich

(HQ-F22-009)

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**PROPOSAL 56**

**5 AAC 06.370. Registration and reregistration.**

Allow drift gillnet fishermen to make ‘test sets’ under certain circumstances, as follows:

Permit holders participating in the SO3T fishery shall be allowed to lawfully set their gear (hereinafter called a “test set”), whether or not they had dropped their “blue or green card,” under the following circumstances:

- From June 1 through June 16 in Egegik; and from June 1 through June 23 in all other areas.
- Between the hours of 8:00am – 8:00pm.
- For a duration of not more than two-hours total, set between one hour before and after high water on a tide table designated by the local ADF&G office. This time will be agreed to and under permission from ADF&G enforcement, and determined with advance notice of at least sixteen-hours.
- A test set area shall be designated in each regulatory area in which this fishing shall be allowed. This area shall be in deep, open water, away from obstructions, and considerate of the distance which may be traveled while the gear is in the water drifting (which will be near slack tide so the gear will not travel too far).
- A vessel shall not utilize this test set opportunity more than three times total in a season.
- Any and all SO3T permits associated with the vessel must be renewed for the current season, registered to the vessel which will be making the test set, and be in possession of the permit holder on the vessel when test set activities are commenced.
- Any and all fish caught shall be delivered on an ADFG fish ticket; it is the responsibility of the permit holder to assure they have a processor who is willing to make the landing of fish caught.
- Any and all revenues earned from fish sales shall be directed to ADF&G; revenues paid shall be fair market value.
- If the fisher’s permit has been registered in a different regulatory area, or if they are waiting through a transfer period, they shall be allowed to make their test set in a different regulatory area (i.e. if registered in Ugashik they can test-set in the prescribed test area in Naknek).

**What is the issue you would like the board to address and why? “Test Set” Proposal:**

Permit holders shall be allowed to test-set fishing gear without dropping registration card. This proposal addresses a safety concern for all fishermen, especially those with boats that have any amount of deferred maintenance.

The situation as it currently exists:

The first fishing opening of the season produces a list of repairs that weren’t seen, noticed, or existed before the equipment and gear had been tested. Often this list becomes apparent after the fisherman has left their home port, or at the start of regular and frequent fishing openings. Due to this timing, bigger things like more efficient or safer deck modifications never get completed, nor do smaller things like float-switches on bilge pumps, or “non-critical” electrical issues. It is the combination of problems stemming from these smaller issues that combine into creating larger problems, that can lead to a catastrophic incident (this is how boats are lost).

Vessel modifications also beg for a full-stress, full-situation trial run, to assure everything will work when it is go-time. Examples are:

- New net reel installed

- New refrigeration system installed
- New steering, engine controls, hydraulic pump or any modification to these systems
- New crew member(s) working on deck
- New structural components to the vessel (like a tow bit moved to higher up in mast)
- Old operator with a new boat (like a jet boat) and needs to learn how to “drive” it.

The time for all of the above to be tested is when there is no pressure from boundary lines, piles of fish, or nasty weather.

Currently, the only way to test-run a boat is for a permit holder to drop their card and start fishing for the season, but many fishermen value “holding their card” so they can position themselves on good fish abundance when they start fishing. So they forgo the safety and sensibility of dropping their card to give their boat a “shakedown, which frequently puts their first fishing/learning/test-running opportunity right in the middle of precarious situations.

Situation if this proposal were enacted:

This proposal allows fisherman time to field test their boat and “break in” their crew before the fishing season. It will reduce the risk of injury or catastrophic incident, by allowing “first opening” problems to be encountered and addressed in a stress-free state of mind, with no dramatic variables causing extra mental and physical pressure on the situation.

Each fishing district would have an area, perhaps two square miles, that is the designated location of this “test-set” area. The allowed time would be one-hour before and after the high-water as indicated in the NOAA tide predictions, making easy accessibility for the fishermen, and easy predictability for ADF&G enforcement. The 16-hours advance notice would allow fisherman to contact the ADF&G office before closing time in the evening, then be able to make the test set if the start time is around 8:00 a.m. the next morning. Fishermen could fill out their test-set request online, which would require very little man-hours.

The cost of this proposal includes time involved in fielding fishermen’s request for test-set authorization, which will likely peak in Naknek and Nushigak in the week prior to the initiation of the emergency order, after which time the option is no longer available. There will be proportionately fewer test-sets in Egegik, and very few requests for test-sets in Ugashik because of the fewer number of boats stored in those areas in comparison to Naknek and Nushagak. I do not have the means to quantify a dollar amount on the cost of implementing this proposal, but I know it will be cost-effective to the value gained in reducing incidents on the fishing grounds in the early season..

**PROPOSED BY:** Matt Marinkovich

(HQ-F22-007)

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