

PROPOSAL 56

5 AAC 06.331. Gillnet specifications and operations.

Remove the sunset date and permanently adopt current defined offshore locations in the Nushagak District set gillnet fishery, as follows:

Remove the words (and subject to (v) of this section) from section (n).

Make the introductory language of 5 AAC 06.331(n) is amended to read:

(n) in the Nushagak District, a CFEC salmon interim-use or entry permit holder may not set or operate a set gillnet seaward of set gillnets operate by another CFEC salmon interim-use or entry permit holder. In addition, not part of a set gillnet, anchor, peg, stake, buoy, or other device used to set the gillnet may be seaward of the following offshore locations:

What is the issue you would like the board to address and why? The existing seaward boundary for setnet operations on Ekuk Beach, defined in 5 AAC06.331(n), will not exist after May 31, 2026 due to the sunset language in 5 AAC 06.331 (v). This boundary, adopted in 2023, replaced the previous measurement methodology which was unreliable due to fluctuations of the beach caused by weather and tide. The current boundary has provided an enforceable limit to operation of setnets by giving fishermen and enforcement an easily identifiable boundary. The boundary established under 5 AAC 06.331(n) should be maintained and the sunset provision in 5 AAC 06.331(v) should be removed.

5 AAC 06.331(n) works very well for the set gill net fishery on Ekuk Beach. It gives set and drift net fishermen as well as law enforcement a stable, easily-defined seaward boundary for set gillnet gear. The current outer limit is a fixed boundary based on latitudes and longitudes that do not fluctuate. This is a huge improvement from the previous boundary which was keyed to high and low water marks which fluctuate continually. In this section of the Nushagak, the beach is gravel and changes daily. The mean high-water mark fluctuates shoreward and seaward many feet depending on tide size and wind conditions. When there is a strong storm during a high tide, the mean highwater level, approximately 19 feet above mean low water, moves significantly shoreward. Later, over a few days of calm weather and small tides the beach fills back in and may move seaward even more significantly. The minus 3-foot tide mark, which also previously defined the outer limit, is very difficult to measure. The minus 3-foot tide level occurs rarely, and even when it does, it varies with wind conditions.

Both the mean high water and mean low water levels are based on a tidal benchmark that is located in Clarks Point miles away from Ekuk Beach. This benchmark is not accessible for fishermen or enforcement, and requires specialized equipment and knowledge to locate, measure, and compare with individual sites. Without an accessible benchmark, and with a continually changing beach, it is extremely difficult for law enforcement and fishermen to accurately establish the mean high water or the minus 3-foot tide mark. Technically, a person could attempt to average the tide levels over many days and estimate boundaries, but because the beach is not stable, this method cannot give accurate, repeatable, or defensible results. In reality, to accurately establish either of these tide levels, one must hire a professional land surveyor to survey from the tidal benchmark in Clarks Point to the site, which may be up to 20 miles away.

The outer set gillnet boundary adopted by the Board in 2023 is effective and should be retained.

Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain. 5 AAC 06.331(n) was a collaborative effort between set and drift net users, enforcement and the Board of Fisheries in 2023. I have discussed with and have the support from many set gillnetters for this proposal.

PROPOSED BY: John O'Connor

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