

**Westside Cook Inlet Commercial (5 proposals)**

**Big River Sockeye Salmon Management Plan (2 proposals)**

**PROPOSAL 208**

**5 AAC 21.368. Big River Sockeye Salmon Management Plan.**

Modify description of waters open to fishing, as follows:

**5 AAC 21.368 (b) Big River Sockeye Salmon Manageme...**

The regulation can be made more clear without excluding one long-established fishing location that is fished primarily by one fisherman in this way:

"Salmon may be taken in the waters of the Kustatan Subdistrict along the mainland shore from the terminus of the Kustutan River, southwest to the southern boundary of the subdistrict, and in the Kalgin Island Subdistrict from a point on the SW of Kalgin Island (Lat. Long. fix point), and outward from there perpendicularly, and northward along the west side of Kalgin Island, then continuing along Kalgin Island's NE coast line until (60 .29.00 N lat. and 151 50.50 W. long), and out ward from there perpendicularly, from the near beach."

I did not include the fix point for the SW because I understand that the errors and omissions department is looking at that fix point, however, when the errors and omissions department looked at the fix point in question here, they did not conclude error.

The effect of this proposal is to leave open waters for this fishery the same as they have been practiced and enforced for 15 years, while removing the tension of unclear language.

**What is the issue you would like the board to address and why?** I am given to understand that the Department intends to clarify the wording of this provision by changing the long-established (Lat. Long.) fix points for this district. The Department's proposed change would have the effect of excluding one fisherman who is currently fishing in open waters. This fisherman lives in an area of Kalgin Island that is not open for the early fishery, and he would have no other place to fish on Kalgin Island in the early season. It is possible to clarify the language of the regulation without changing district boundaries as they have been practiced and enforced for 15 years.

Laches: Is a concept of law of equity, wherein a party needs to bring their cause of action in a reasonable amount of time, before others come to rely on the status quo. In this case the fix point on the NE of Kalgin Island has been in regulation for 15 years, and fishermen have come to rely on the regulation as stated. Now ADFG might be asserting that the fix point was an error. Well, that is a matter that they should have brought up 14 years ago and the remedy that the Department is suggesting now hurts people who reasonably relied on fix points as stated in regulation.

ADFG's proposal on this matter is not a conservation necessity, instead it is put forward as a regulation clarification, however, the regulation can be clarified can be clarified in a way that does not exclude one location that is fished primarily by one fisherman in the early season.

**PROPOSED BY:** David Chessik (EF-F19-106)

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**PROPOSAL 209**

**5 AAC 21.368. Big River Sockeye Salmon Management Plan.**

Amend the waypoint location for Light Point on Kalgin Island, as follows:

5 AAC 21.368 is amended to read:

...

(b) Salmon may be taken in waters of the Kustatan Subdistrict along the mainland shore from the terminus of the Kustatan River, southwest to the southern boundary of the subdistrict, and in the Kalgin Island Subdistrict along the western shore from Light Point at **60° 28.96' N; 151° 50.10' W long** [60° 29.00' N. LAT., 151° 50.50' W. LONG.] to the Kalgin Island Light on the southern end of Kalgin Island at 60° 20.80' N. lat., 152° 05.09' W. long.

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

This proposal seeks to amend the waypoint location of Light Point on Kalgin Island for boundary clarification and remove confusion associated with old regulatory waypoints. For example, the location for “Light Point” that is referenced in this regulation puts the waypoint up in the trees hundreds of feet from any beach. This appears to be an error when old waypoint datums were converted to new standards. The department recommends changing Light Point to a location just east of the waypoint listed in the United States Coast Guard Light List.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F19-174)

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*Closed Waters and Gear (2 proposals)*

**PROPOSAL 210**

**5 AAC 21.350. Closed waters.**

Close waters to drift gillnetting on the west side of Cook Inlet within one mile of shore from the West Forelands to Sea Otter Point, as follows:

Commercial drift boats must stay 1 nautical mile offshore of the beach & the mean high tide line, on the west side of Cook Inlet from the west forelands, to sea otter point.

**What is the issue you would like the board to address and why?** Commercial drift boats deploying their nets right on the beach, and in front of stream mouths, choking off the mouths of streams preventing salmon from entering the streams on the west side of cook inlet. the drift fleet is fishing so close to the beach that brown bears at silver salmon creek are taking fish directly out of the nets as the boats are fishing.

**PROPOSED BY:** Mel Erickson (EF-F19-026)

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**PROPOSAL 211**

**5 AAC 21.331. Gillnet specifications and operations.**

Eliminate the four set gillnet per person limit, as follows:

5 AAC 21.331. Gillnet specifications and operations

Amend gillnet specifications and operations as follows:

(d) A set gillnet may not be more than 35 fathoms in length and 45 meshes in depth. South of the latitude of Anchor Point, 30 fathoms of seine webbing may be used on the shore between high and low water levels. A person may not operate [MORE THAN FOUR SET GILLNETS WITH] more than 105 fathoms of set gillnet in the aggregate per permit. [EXCEPT THAT]

(1) ON FIRE ISLAND A PERSON MAY OPERATE MORE THAN FOUR SET GILLNETS, BUT THE AGGREGATE LENGTH OF THE NETS MAY NOT EXCEED 105 FATHOMS;]

**What is the issue you would like the board to address and why?** Eliminate the four set gillnet per person restriction, or change the restriction to six set gillnets per person/permit holder. There is no reasonable grounds for limiting the number of nets a person can operate to four when there is a maximum length of a gillnet, as well as maximum gillnet in the aggregate. Many circumstances arise in which it is safer and reasonable to fish smaller sets of gear, including inclement weather, swift tides, rock hazards, and fishing from the beach using a running line pulley system.

The current regulation is contradictory, in that it states that a person may not operate more than four set gillnets, yet (i) states that “A CFEC permit holder who holds two Cook Inlet set gillnet CFEC permits may operate an aggregate length of set gillnets not to exceed 210 fathoms in length...” If a set gillnet may not be more than 35 fathoms, and a person may not fish more than four set gillnets, it is impossible for a CFEC permit holder with two permits to fish a length of set gillnets of 210 fathoms.

Other solutions considered: The main other solution considered to remedy this problem would be to amend 5 AAC 21.331 in a way that a person may not operate more than 6 set gillnets, instead of 4. We do not reject this solution, and would support it amended to this if it was seen by the board as a better solution.

**PROPOSED BY:** Tyonek Fish and Game Advisory Committee (HQ-F19-132)

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Cook Inlet Smelt Fishery Management Plan (1 proposal)

**PROPOSAL 212**

**5 AAC 21.505. Cook Inlet Smelt Fishery Management Plan.**

Eliminate the requirement to obtain a commissioner's permit for the Cook Inlet Smelt fishery, as follows:

Eliminate the requirement to obtain a commissioner's permit for this fishery. I think that it would mean the fishery would be an interim use permit. Change the requirement to carry a permit to only those participants making a landing. All other participants would only need a crew license. All other rules and regulations for this fishery would remain the same.

**What is the issue you would like the board to address and why?** The UCI smelt fishery has been in place for over 15 years with participation for nearly as long. There has been an extensive stock assessment study done. We have a pretty good handle on this fishery and should not be

characterized as "experimental" any longer. We shouldn't be required to obtain a special commissioner's permit. Also, the requirement that every participant have a permit card is onerous. It should be enough that the people that actually have a landing and make a fish ticket need to have a permit card. Everyone else involved should only need a crew license as with other fisheries.

**PROPOSED BY:** Teague Vanek

(EF-F19-057)

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