SOUTH K BEACH INDEPENDENT

RC 069

FISHERMEN'S ASSOCIATION

P.O. Box 1632 Kenai, Alaska 99611-1632 (907) 283-5098

Protecting and Preserving the Kasilof River Aquarian System

March 20, 2014

Alaska Board of Fisheries
Board Support Section
P.O. Box 115526
Juneau, Alaska 99811-5526

RE: Emergency Petition / Regulatory Petition, Petition #1

Amendments to 5 AAC 21.359 as adopted 02.05.14 through the passage of UCI proposal 209 as modified by RC 151

Chairman Karl Johnstone,

South K-Beach Independent Fishermen's Association (SOKI) is a fishing group established to inform and comment on specific effects of management and environmental actions on the area designated by stat area (244-31) adjacent to the mouth of the Kasilof River.

AS 44.62.220 Right to Petition, 5 AAC 96.625 Joint board petition policy, 85-16-JB Joint Board Petition Policy (BOF&G) and 2000-203-BOF Policy On Emergency Petition Process.

The BOF has the authority to accept a petition …for *the adoption, amendment, or repeal of a regulation.*

The Board has a definition for an emergency *…as an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.*

The Board has also recently adopted; **Operating Procedures Policy to not use Motion to Rescind** which states that *…several methods to take action to repeal or change regulations. These procedural tools include Agenda Change Requests, Motions to Reconsider, Board Generated Proposals, and Emergency Petitions.* This "new" policy declines to use the *Roberts Rules of Order* guidelines for a procedural motion to rescind a previous board action.

SOKI asks the board to modify the current adopted language in **5 AAC 21.359 Kenai River Late –Run King Salmon Management Plan** (b) (B) and add this section:

(iv) restrictions as described in (i) and (ii) will not apply to 35 fathom nets 45 meshes in depth or be required to use 35 fathom nets with 29 meshes in depth to fish a full compliment of gear as specified per opening until January 1, 2015.

SOKI members have been having difficulty in finding sufficient 29 mesh depth Cook Inlet setnet style gillnet to meet the requirements of this adopted regulation. Many are concerned that the Alaska Board of Fisheries did not consider the true *"cost to participate"* with the adoption of the mesh restricted gillnet.

We have been in contact with both Kachemak Gear shed and LFS Inc since the end of the February UCI regulatory meeting to purchase gear that will comply with the new regulation. We were told that it would take four months at the minimum to receive an order and that tentative date was around June 1st 2014.

Cook Inlet setnet fishermen use various types of gear and usually require heavier twine size to handle the increased currents and rapid pulling and setting unique to this area. Many fishermen hang a specialized knot and tie every web to handle the rough treatment. A considerable amount of time is necessary to hang this type of gear and with a June estimate of arrival it would be impossible to re-hang or re-tool the 1800 or so nets that are used by the 445 average eastside permit holders per year. Many of us have spares and as many as three per location to support a sudden destructive issue with your current net.

Many of us use a professional net hanger to make up our nets. We have asked Mr. Efta to calculate the cost to strip re-selvage and than re-hang a cut down 45 mesh deep net to 29 meshes deep. Considering the standard rate per knot tie and time to clean and salvage the current net this is a considerable cost and will be a burden on an already distressed fishery.

We have also are concerned that those individuals that are now fishing with four 25 fathom nets will not be able to participate in a equal manner due to the inability to acquire sufficient replacement gear in a reasonable time period to re-hang or to purchase new lines, corks and specialized lead lines or free leads.

An average net tailored for our industry after purchasing the web, lines, corks, leads and braided hanging twine plus the hiring of a net specialist to do the sewing and completing the breast line will cost this spokesperson over $1,500.00 per net. Considering the time and area restrictions forecasted for the UCI ESSN fishery for 2014, these costs and the available time would make it extremely difficult to comply in order to participate in the fishery in the historical or traditional manner.

5 AAC 21.363 Upper Cook Inlet Salmon Management Plan (a) (5) *in the absence of a specific management plan, it is the intent of the board that salmon be harvested in the fisheries that have historically harvested them, according to the methods, means, times, and locations of those fisheries;*

We are requesting the Board to revisit the requirement and allow sufficient time to re-tool our gear in order to comply with the methods and means in an orderly reasonable manner.

Thank you,
Paul A. Shadura II
Spokesperson

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD
DIRECTORATE OF FISHERIES RESEARCH

LABORATORY LEAFLET
Number 69

Gill Netting

E. C. E. Potter and M. G. Pawson

LOWESTOFT

1991

Both drift nets and fixed gill nets are usually made up with a hanging coefficient (see above) of about two-thirds (E = 0.6-0.7), which approximately maximises the area of the netting by making each mesh roughly square. If the nets are set on the headrope with a large amount of slack netting (E = 0.3-0.4), fish are more likely to become entangled without being properly enmeshed. Such nets, often termed tangle nets, are particularly suitable for species such as rays, turbot and monkfish, although they are widely used for other fish because, for a given mesh size, they will catch a larger size range of fish than conventional gill nets. Drift nets are often made with hanging coefficients of 0.5-0.6, in order to increase the chance of the fish becoming entangled as well as enmeshed.

The trammel net is another type of gear which is classed as an enmeshing net. This is also based on a loosely hung gill net (the 'lint') but it has additional walls of very large meshed 'armouring' hung on one or both sides. Fish may still become enmeshed in the lint, the mesh size of which is chosen to catch particular 'target' species, but those too large to be properly held may be trapped in a pocket of netting forced through the armouring.

4. PHASES OF FISH CAPTURE BY FIXED AND DRIFTING NETS

4.1 Background

There are three distinct phases in the way in which a net operates, each of which may influence the numbers of fish caught. The first phase relates to the way in which the fish come or are brought into the vicinity of the gear. This depends on whether the gear is anchored or moving and whether the fish are swimming actively or drifting passively with the current. The second phase of capture relates to the way in which fish respond to the gear before they come into contact with it; fish may detect the gear by sight or smell or they may sense vibrations through the water, and they will behave accordingly. Finally, even if a fish comes into contact with the gear, it may still escape capture. The third phase relates to how fish are held and behave in the net. Most nets are selective because they are able to retain fish only in a limited range of sizes, but the construction of a net and the type of yarn will also influence its ability to catch fish.

4.2 Relative motions of fish, water and nets

4.2.1 Drift nets

In theory, drift nets remain virtually stationary relative to the water and fish must actively swim towards them to be vulnerable. In the simplest situation, a net can be pictured spread across the fishes' path (Figure 4). The time during which the net is fishing and the swimming speed and direction that the fish take through the water will determine how many fish encounter the net.
In fact, fish may approach the net from any direction and at different depths, and their behaviour may be influenced by the tidal streams. In addition, tidal currents are complex, particularly close to the shore, and large areas of water tend not to move uniformly. Although this means that the net rarely lies straight for any length of time, it also results in some fish being moved passively towards the net. This effect can be exploited by experienced netsmen to aid the capture of fish. Drifting nets are sometimes also used as 'ring nets' to encircle fish, such as, for example, shoals of bass or mullet, thereby increasing the chances that the fish will come into contact with the net.

Paul A. Shadura II

From: "John Efta" <jefta@alaska.net>
To: <sabaka@ptialaska.net>
Sent: Monday, March 17, 2014 4:08 PM
Subject: RE:MODIFYING 45 mesh to 29 mesh gear

Dear Board of Fish Members,

I am a net hanger who has been hanging and mending gear for fisherman for 30 years.

The new proposal to modify the set nets from 45 meshes to 29 mesh deep gear is very time intensive. Simply cutting the mesh off at the bottom of the net doesn't work well,beause the net needs to be resalvaged. Selvage is a stronger material of the net that the hangings are strung through. If you simply string through regular mesh with hanging twine, it will saw the mesh and the cork line or lead line will break loose from the net.

I will not reselvage nets for customers because of how labor intensive this process takes. First the net must be stripped from the lead or cork line. Then the net must be cut to the new depth of 28 1/2 meshs and then reselvaged. And finally, the net must be rehung. A rough estimation of doing the above work would be $750 per set net.

Efta Net Hanging and Repair
283-5899

Sincerely.
John Efta

LFS DONALSON'S
MARINE SUPPLIES

LFS Donalson's Marine Supplies
5740 B Street
Anchorage, AK 99518
Phone: 907-279-3025
Fax: 907-278-6952

3/18/2014

Paul A. Shadura II
sabaka@ptialaska.net
907-252-4290

Dear Paul,

Regarding your inquiry about web, it now takes approximately 4 months from the day of order to receive web.

As of March 7th ex-factory for Momoi is June 30th which would bring it into Bellingham, WA early to mid July. Add a week to that for barge service from Seattle, WA to Anchorage, AK. If we flew it via Alaska Airlines GoldStreak from Bellingham, WA to Anchorage, AK it would take a day compared to a week on barge but at a significantly higher price. But even so, would not be worth the cost as you would still be looking mid July for delivery.

Please remember that these times may or have already changed since our last order.

All orders that were processed in late February for the new Cook Inlet regulation changes are being considered orders for 2015 season and not to expect to fish it for 2014 season.

I did not order any 29 mesh web to stock in our Kenai store as it would have been pointless as it would have not arrived in time for the 2014 season. Only thing that is available in 29 mesh is Bristol Bay gear but it is too light to fish in Cook Inlet (7-strand compared to 16-18 strand).

I have attached an estimate of what a shackle of web would cost as of today.

Sincerely,

A. Ross Donalson

Ross Donalson,
Manager

DONALSONS
5740 B STREET
ANCHORAGE AK 99518
PH 907-279-3025 FX 907-278-6952
PHONE: (907) 279-3025

Please remit payments to: LFS Inc
851 Coho Way Bellingham WA 98225

CU	JOB NO:	PURCHASE ORDER:	REFERENCE:	TERMS:	CLERK:	DATE / TIME:
*3478	000		907-252-4290	CASH	ROSS	3/19/14 9:45

TERMINAL: 207

SOLD TO:
**** CASH ****

SHIP TO:
PAUL SHADURA

EXP. DATE: 7/1/14

SALESPERSON: 83 R DONALSON-ANCHORAGE
TAX: 067 ANCHORAGE NON-TAXABLE

ESTIMATE: 834 /B

LINE	SHIPPED	ORDERED	UM	SKU	DESCRIPTION	SUGG	UNITS	PRICED PER	EXTENSION
1		13	EA	SO100	85FTM X 5 X 29MD MT73		13	14.54 /EA	189.02 N
2		15	EA	SO100	85FTM X 5 X 29MD MT83		15	14.54 /EA	218.10 N
3					ESTIMATED ETA: MID-JULY				
4					FOB: BELLINGHAM, WA				

TAXABLE	0.00
NON-TAXABLE	407.12
SUBTOTAL	407.12
TAX AMOUNT	0.00
TOTAL	**407.12**

: 0.00

X _____
Received By

RC: 287

Submitted by Joseph Person

I have a serious concern about an unintended consequence of a very minor wording error in proposal 209 as amended by RC 151. In RC 151 3.B.(i) it reads:

> "the number of set gillnets may be restricted to either three set gillnets that are each not more than 35 fathoms in length and 29 meshes in depth or two set gillnets that are not more than 35 fathoms in length and 45 meshes in depth."

It appears that the intention of the board was that should this clause be enacted by the department fisherman who choose to fish 29 mesh deep gear be able to fish a full complement of gear. (Hence 3 35 fathom or "long" nets.) However, legal gear restrictions in the UCI regulations allow a fisherman to break their 105 fathoms of gear up into 4 "short" nets if they choose. This is under 5 AAC 21.331.d:

> "A set gillnet may not be longer than 35 fathoms in length and 45 meshes in depth... ...A person may not operate more than 4 set gillnets with more than 105 fathoms of set gillnet in the aggregate"

RC 151 as written would force what I believe is an unintended 25% gear reduction on someone who fishes short nets even after they made the sacrifice to 29 meshes in depth since it explicitly states "3 nets" rather than referencing the aggregate length. A relatively small percentage of permits fish these short nets so it is obviously not seen as a significant advantage by the fishery. I believe it is primarily used by smaller operations with limited amounts of permits. It seems unnecessary to punish these few permit holders even further beyond the significant reduction in opportunity that proposal 209 represents. It is worth noting here that any further restrictions to lesser numbers of nets per permit is a significantly greater burden to a fisherman who fishes short nets. A simple change of the language from RC 151.3.b.(i) to the following would be sufficient:

> **"set gillnet gear may be restricted to either a full complement of gear as defined by regulation but restricted to 29 meshes in depth, or two set gillnets that are not more than 35 fathoms in length and 45 meshes in depth."**

The department could be consulted on the best language to preserve this intent of incentivizing fishing of 29 mesh nets by allowing those fisherman to fish a "normal" number of nets. While this is merely a minor alteration in language, the consequences to those fisherman who fish short nets is very significant in these already difficult times.

Special Publication No. 98-3 www.sf.adfg.state.ak.us/fedaidpdfs/Sp98-03.pdf

Investigations of Methods and Means to Minimize Chinook Salmon Harvest in the East Side Set Net Fishery of Upper Cook Inlet, 1996

by

Michael L. Bethe

and

Patricia Hansen

August 1998

Alaska Department of Fish and Game

Division of Sport Fish

In the study, the vertical location of catches was determined without use of a mark to clearly delineate the boundary between the upper 2/3 and lower 1/3 of nets. Errors associated with incorrectly assigning the vertical location of catches were likely to have been the same for both species and distributed fairly closely around the desired boundary. The practical implications of such errors are believed to be insufficient to materially affect the outcome of the analysis. However, additional studies, which employ clearly marked vertical boundaries, are necessary to verify and more accurately quantify apparent trends.

The relative abundance of chinook and sockeye salmon was crucial during the study. Observed catch rates of chinook salmon were low enough that it was difficult to detect differences in all cases. Of the 1,981 sets observed, 1,552, or 78.3% caught no chinook salmon. Consequently, future studies designed to quantify relative catch rates in the fishery will require intensive onsite sampling, higher levels of support and cooperation from fishermen and expanded levels of funding.

As conceived, the study was to have been a multiyear study. Results from this study were to provide the basis for recommending and designing future studies. It was not designed to directly suggest potential management or regulatory actions. The vertical distribution of catches of chinook and sockeye salmon appears to offer the best opportunity for minimizing chinook harvests while providing for smaller, proportional reductions in sockeye salmon harvests. It is the authors recommendation that any future allocative research focus on this aspect of the fishery and that such studies incorporate design considerations that address the limitations of the current study.

The study successfully demonstrated the potential for cooperation between the Alaska Department of Fish and Game and commercial fishermen for conducting research to help resolve divisive fisheries issues. Without the assistance and cooperation of participating fishermen, this study would not have been economically feasible. Both the level of participation within the fishing community and the degree of cooperation provided by participating fishermen demonstrates a willingness to assist the department in conducting research to identify ways to minimize chinook salmon harvests in the ESSN fishery.

Although the analytic models and results of this study were complex and somewhat problematic to present, the actual complexity of the ESSN fishery likely exceeds our present scientific modeling capability. Clear establishment of cause and effect relationships for the multitude of variables that influence harvest rates in the ESSN fishery would require both a long-term research commitment and unrealistic levels of annual funding. While additional allocation research designed to quantify vertical distributions of chinook and sockeye salmon in the ESSN fishery may help to resolve existing allocation differences, ultimately, a complete resolution may not be possible within the structure of existing management plans.

ACKNOWLEDGMENTS

We would like to particularly thank the many eastside set net fishermen who contributed their valuable time, efforts, assistance and cooperation during the course of the study. Without their assistance, this study would not have been possible. Many thanks to Messrs. Karl Kircher and Loren Flagg, of the Kenai Peninsula Fishermen's Association, for their valuable suggestions and assistance during early design stages of the project. I would like to thank Charlie Stock and Dora