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Ugashik Village
King Salmon, AK 99613

RC-15

October 8, 2013

Re: ACR_10 –Rebuttal to Staff Comment

Dear Board,

In reference to staff comments, 5 AAC 06.331(m)(8) clearly states the reference measurement for the setnets is made from the east bank of the Ugashik River, see below. This issue, which ADF&G "Staff" alludes to is incorrect and clearly points to an incorrect reading of the regulation.

(8) in the Ugashik District. in that portion of the east bank of the Ugashik River from a point at 57° 30.74' N. lat., 157° 24.10' W. long. to 57° 32.27' N. lat., 157° 24.36' W. long., no part of a set gillnet may be more than 600 feet from the 18-foot high tide mark, except that a set gillnet may extend to 1,000 feet from the 18-foot high tide mark if

(A) notwithstanding the provisions of (i) of this section, the shoreward end of the set gillnet is at least 400 feet from the 18-foot high tide mark:

(B) the anchoring devices for the set gillnet are not more than 100 feet from the set gillnet: and

(C) the set gillnet is not attached to a running line connected to the beach.

In reference to staff comments on ACR_10 on set net's seaward of the permit holder's net, a permit holder may operate two set gillnets as long as the length does not exceed 50 fm. 5 AAC 06.331-(o)-(1) specifically prohibits a permit holder from operating a setnet seaward of *another* permit holder. A single permit holder may operate a 25 fm net seaward of his first 25 fm net. This is a common practice in Bristol Bay, a permit holder using two 25fm nets. An interpretation by previous area trooper(s) (Gary Folger) to a previous board member (Vince Webster) determined that a permit holder could fish two 25fm nets on one leased site. You could use two 25fm nets and four anchors if you wanted to. This is done where currents are strong and the permit holder does not have an anchoring device which can hold a longer net in the current. To change this practice in just Ugashik stat area 321-50 and not all of Bristol Bay is discriminatory and *unfairly targets only one* group of fishermen.

(f) A person may not operate more than two set gillnets, and the aggregate length of set gillnets operated by that person may not exceed 50 fathoms in length. Notwithstanding 5 AAC 39.240(a), in the Bristol Bay Area, a

(o) No salmon CFEC permit holder may set or operate a set gillnet seaward of set gillnets operated by another salmon CFEC permit holder in the following locations:

- (1) Togiak, Nushagak, Ugashik, and Egegik Districts:
- (2) the west side of the Kvichak Section:
- (3) repealed 7/14/85:
- (4) the east side of the Kvichak Section north of Happy Creek:
- (5) the Naknek Section south of the terminus of the Naknek River.

At all times during the fish and non-fishing season, boats could travel just outside of the anchors at 600ft or inside of 400ft. IF there were any navigations, given all the skiff travel, tender travel, and occasional freight travel, it had to have happened when no one saw it. There have been numerous conversations with my crew, others in the village, and suppliers and absolutely no one has even mentioned a navigational issue.

It appears the comment by staff on measuring from the west bank is uninformed and raises questions why biologists are involved in enforcement, unless it is just to confuse the issue. Given the fact that the area biologist and the area Trooper both came down, and borrowed the original proposer's skiff to come out and look at the site, raises a number of questions. One question is why not use skiff available to staff?

The department then submits ACR10 which is *identical to the original proposal to limit the sites to 600 ft!* One wonders the neutrality of the comments that were then submitted by the department.

I question why an area management biologist needs to accompany a Trooper to inspect setnet sites. In talking to other setnetters, - and in my 40-plus years of fishing experience, I have never seen an area management biologist come with a trooper to just a specific permit holder's site. To single out specific permit holders' site(s) and motor around your net when you are picking it seems very unusual.

It is standard practice, in our area, for them to fly the district to look at how fishing is going in the larger area. Troopers, when they see you picking, ask you to swing by and see them when you are done. Instead I was approached when I was still on my nets. The biologist was heavily involved in telling the Trooper the intent of the regulation was to limit fishing. I had to remind him the original proposal was citing navigation issues, which clearly 'stumped' him. This entire visit, submitting of the ACR and staff comments raise a number of questions, none of which are emergency in nature.

Submitted respectfully,

Roland Briggs

