

PROPOSAL 35

5 AAC 06.335 - Minimum distance between units of gear.

Increase minimum distance between units set and drift gillnet gear, as follows:

- (a) In the Naknek-Kvichak, Egegik, Ugashik, and Togiak Districts, no part of a set gillnet may be set or operated within 300 feet of any part of another set gillnet. In the Nushagak District, no part of a set gillnet may be set or operated within 450 feet of any part of another set gillnet. The provisions of this subsection do not prohibit a CFEC permit holder from operating a set gillnet seaward of another set gillnet operated under the authority of the same CFEC permit.
- (b) No part of a drift gillnet may be operated within 300 feet of the side of a set gillnet and within **300** [100] feet of the offshore end of a set gillnet. The **300-foot** [100-foot] restriction does not apply seaward of the offshore setnet distance restrictions set out in 5 AAC 06.331(m) and (n).
- (c) In the Nushagak District, no part of a drift gillnet may be operated within 100 feet of the inshore end of a set gillnet, except that in the locations described in 5 AAC 06.331(n), no part of a drift gillnet may be operated inshore of a set gillnet.

What is the issue you would like the board to address and why? The current regulation: “No part of a drift gillnet may be operated within 100 feet of the offshore end of a set gillnet...” is no longer adequate. With the advent of D permits and a higher percentage of shallow draft drift boats this distance is too small.

Drift nets repeatedly come into contact with the outside of set gillnets resulting in consequences listed below. Increasing the distance to 300 feet is a more realistic regulation for the drift fleet to adhere to and more realistic for enforcement to gain the documentation they need and for attaining the goal of keeping nets and gear from colliding.

- a) Safety.

When a drift gillnet drifts onto set gillnet gear / nets, the drift boat skipper often tows on their net attempting to separate the gear. This creates a great amount of tension on the set net lines. Many times, set net skiffs are under the net lines picking fish or attached to lines at the time of this high-power tow creating a dangerous situation which can be compounded by strong current, darkness and wind. There is no communication between the drift boat and set net skiffs when this happens. Many driftnet skippers have never set net and may not be thinking about the danger they are putting the skiff fishermen in.

This situation has become worse with more D permits fishing the Bay because D-permit boats have 33% more net to handle, and a third more pull from current. A D-permit drift skipper may be over 1200' away from the entangled end of their net with little visual awareness or understanding of people working the setnet site.

The Bristol Bay fishery now has more high-horsepower jet boats than in the past who are working the shallows and maneuvering in and amongst set net sites increasing this problem.

Having a 300' buffer instead of 100' will give everyone more time to rectify the situation of getting too close. Drift boat won't have to determine so closely if they are legal, and from the set net side of things it allows skiff workers more time to determine if they will indeed get wrapped.

b) Changing fishery.

Fisheries are constantly changing. The Board of Fish helps us keep our fishery orderly and productive by allowing changes in regulations to meet these changes to technology and other areas. The current trend in boats is more power, jets, and a greater ability to fish in the shallows. This has increased the number of gear interferences as well as the severity of consequences from these interferences with set nets. This is a particularly unsafe and serious situation in our fishery. It is time to address this situation and make changes before the changes are forced to be made by injuries or death.

c) Enforcement

In order to enforce the "100' minimum distance off the seaward end of a set net" regulation, enforcement officers have to see it themselves (odds aren't good they will be there), or Enforcement officers advise set netters to gather very specific photos or videos to document these violations. Oftentimes the only chance to document an interaction is after the fact as the whole incident may last only 10 min. Without these specific proofs set netters are advised that prosecution is extremely unlikely.

It is more difficult to document these occurrences than you might think. Set net skiffs are open boats where everything gets wet and keeping a phone/video camera dry and constantly at the ready is a challenge. To provide the documentation that the Troopers ask for means the set netter needs to quit picking fish, get out from under the net and get multiple angles of photographs with boat numbers, both nets, show distance, buoy numbers at just the right angle all in the same photo. This is an unrealistic burden to put on the setnetter. To prove this point...In the last 5 years only 8 incidents have been documented well enough to result in a citation in the entire Bristol Bay. Adding 200' onto this regulation, will give everyone a bit more breathing room and time to avoid problems. And if interference occurs, a better chance to document it.

d) Economic loss

Interference and damage to fishing gear often results when drift nets come into contact with stationary / anchored set net. The cost of damage to gear is one thing....but loss of fishing time can be a large economic loss to the set netter. If critical anchoring devices are drug or broken off in an interference incident, many times a set netter may have to wait for a certain low tide to fix it. There is so little recourse to be reimbursed due to the hardship of documenting the incidents. We are all out there fishing hard for a productive fishery. We need to minimize situations where negligence with no consequences results in economic loss.

If this regulation is not adopted this gear interference situation will continue to grow in our fishery resulting in more dangerous situations, fishermen injuries, more burden on Enforcement with

continued conflicts between the set and drift gear groups, and more financial burden landing mainly on the set gillnetter..

PROPOSED BY: Lower Bristol Bay Advisory Committee

(HQ-F22-022)
